THE CIRCUIT COURT

DWARD L. MARTIN,

BALTIMORE COUNTY

... ORDER

Hearing having been held on September 16, 1940 on the Petition and Appeal filed by the Appellants in the above sovitled matter and on the Writ of Certiorari issued by this Court, and the Court having heard argument by counsel for both sides and having examined the record in the above matter, it is this 22 day of September, 1948, ORDERED and ADJUPTED by the Circuit Court for Baltimore County that the decision of the Board of Zoning Appeals for Baltimore County be and the same is

ORDER OF COURT

449

(c) That the Board of Zoning Appeals for Baltimore County be required to return to this Court the original papers acted upon by it, or certified or sworn copies thereof, and that such return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision and Order appealed from.

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(d) And for such other and further relief as the nature of the cause of your Petitioners may require.

AND AS IN DUTY BOUND, etc.

Jenifer and Jenifer Attorneys for Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 27th day of December, 1945, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared JOHN F. HILLER, JR., one of the within Potitioners, and made oath in due form of law on his own behalf and on behalf of the remaining Petitioner, ROBERTA H. MILLER, his wife, that the matters and facts set forth in the aforegoing Petition and Appeal are true to the best of his knowledge, information

AS WITHESS my hand and notarial seal.

Margaret M. Hele

Upon the aforegoing Petition and Appeal and Affidavit, it is this 27th day of December, 1845, ORDERED by the Circuit Court for Baltimore County that a writ of certiorari issue directed to the Board of Zoning Appeals for Baltimore County to review the decision and Order of said Board of Zoning Appeals dated November 28, 1945, and that a return thereto must be made and served upon the rentor's attorney within Fuffernesses from the date of this Order; and

It is further ORDERED that the Board of Zoning Appeals for Baltimore County be and it is hereby required to return to this Court the original papers acted upon by it, or certified or sworn copies thereof and the return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision and Order appealed from,

True Gopy Test

JUDGE

JUHN F. BILLER, JR. and HUBERTA H. MILLER, his wife THE THE OTROUTT DOURT VB. WILLIAM H. MARANEY

EDWARD L. MARTIN, and J. RESP BARTLETT, JR., Constituting the Board of Soning Appeals for Foltimore

FOR BALTIMORE COUNTY

. TO THE HONORABLE, THE JUDGES OF SAID COURT!

The Petition and Appeal of John F. Miller, Jr. and Roberta E. Miller, his wife, remectfully represents:

FIRST: That they are property owners and taxpayers in Baltimore County, State of Maryland, and that they now reside at 515 Academy Road, Catonsville, Baltimore County, Maryland.

SYCOLD: That under date of October 83, 1945, John J. Timanus, Enq., Zoning Commissioner for Bultimore County, passed an Order granting the Potition of The Cardenas Councily for reclassification of pertain property situate near the property of your Petitioners from an "A" Residence Sone to a "D" Residence Some: that your Petitioners along with other property owners in the First Election District of Baltimore County filed an Appeal from anid Order of the Zonine Commissioner for Baltimore County and after said Appeal was heard by the Board of Soning Appeals for Baltimore County, said Order was affirmed by said Board of Boning Appeals for Baltimore County under date of November

THIRD: That your Petitioners are aggrieved by the decision of the Board of Zoning Appeals for Baltimore County as aforesaid: that the result of said reclassification will be detrimental to the safety, morals and general welfare of the community in which said property is located.

FOURTH: That the aforementioned Order of the Board of Zoning Appeals for Baltimore County dated November 36, 1945, is void, unlawful and without legal force and effect and should be reversed in whole, set aside and annulled by this Homorable Court for the following reasons:

- 3 -

(1) That the Board of Zoning Appeals for Baltimore County was without jurisdiction or statutory authority to enter said Order since such Order was not entered pursuant to a comprenensive plan of soning or in accord with/regulations made and adopted pursuant to any comprehensive plan as required by Chapter 502 of the Laws of Maryland of 1945; that the County Commissioners of Paltimore County had not provided any comprehensive plan of roning pursuant to said Act or any regulations as provided therein at the time of the passage of the said Order of the Board of Zoning Appeals or at the time of the passage of the Order of the Zoning Commissioner for Baltimore County which was affirmed by the Board of Zoning Appeale.

(3) That said Order of the Board of Soning Appeals for Baltimore County constitutes an arbitrary and caprichus and a gross abuse of administrative discretion.

(3) That there was no substantial or sufficient syidence produced before the Board of Zoning Appenls for Bultimore County to justify said Order and the applicant in the proceeding failed to meet the burden of proof imposed upon it.

FIFTH: That this Petition and Appeal is filed pursuant to Chapter 502 of the Laws of Maryland of 1945.

WHEREFORE your Patitioners pray:

(a) That a Writ of Certiorari be issued by this Court directed to the Board of Zoning Appeals for Egitimore County to review the decision of the Board of Zoning Appeals for Baltimore County and prescribe the time within which a return thereto must be made and served upon the relators' attorney.

(b) That this Honorable Court reverse, set aside, annul, declare void and of no effect the Order of the Board of Zoning Appeals for Baltimore County dated November 26, 1945.

BOPT

State of Maryland, Baltimore County, Set:

Willism H. Mahaney, Edward L. Martin and J. Kemp Bartlatt, Jr. Constituting the Board of Zoning Appeals for Baltimore County

YOU ARE COMMANDED, that the record and proceedings in a certain case of

John F. Miller and Roberts H. Miller, his wife

with all things touching the same, as fully and perfectly as they remain before you, by wh name or names the parties aforesaid, or either of them, are called in the same, you send and certify to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Henorable .John B. Contrus

Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immedia

ately after receipt of the same.

C. Que Orason
WITNESS, the Honorable **Style Orbert*, Chief Judge of the Circuit Court for Baltimore

County, this. 3rd 27th

day of December, 1945 day of December 194 5

THE CARDENAS COMPANY IN THE CIRCUIT COURT FOR J. KEMP BARTLETT, JR., WILLIAM H. MAHANEY and EDWARD L. MARTIN Constituting the BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

..........

TO THE HONORABLE, THE JUDGES OF SAID COURF :

And now come J. Kemp Bartlett, Jr., William H. Mahaney and Edward L. Martin, constituting the Board of Zoning Appeals of Baltimore County, and in answer to the writ of certiorari directed against them in this case, herewith submit the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

DOCKET ENTRIES PHOM DOCKET OF ZONING COMMISSIONER OF BALTIMORE GOUNTY

Date of Return. Aug., 22 191 5

ZONING DEPARTMENT-BALTIMORE COUNTY, MD. Certificate of Posting of Re-Classification of Special Permit Notice

north side of Edmondson Ave. 665 ft. west of

l sign on 100 ft. from turn in rd. on Harlen Lane and so l sign on Nunnery Lane ... ft. south of Johnny Cake Md.

Sarry C. Garteide

Date of Posting Property ... Aug. 21/45

north side Edmondson Ave.

Hetitioner The Cardenas Company

Sunnary Lane e. Classification of Special Permit Petitioned for ... group houses

Aug. 14, 1945. Fetition of The Gardenas Company for Zoning realessification from "A" Residence Zone to "D" Residence Zone - property north side of Edmondson Ave., 665 ", of Edmondson Ave., 665 ", of Edmondson Ave., fleet.

Order of Acting Zoning Commissioner directing advertisement and posting of property - date of hearing act for Sept. 5, 1945, at 2:30 o'clock p. m.

Certificate of posting of property Aug. 21, 1945, filed. 22.

Certificate of publication of advertisemen newspaper, filed.

Sept. 5, 1945, At 2:30 o'clock p. m. hearing held on petition by Zoning Commissioner and case held sub curie.

Oct. 22.

* 30. *

Order of Board of Zoning Appeals sustaining Order of Zoning Commissioner in granting reclassification, filed.

Dec. 27, "

Oct. 3, 1946

The rules and regulations pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Beltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations together with its zoning use district maps at the hearing

Letter and agreement from petitioner as to location and number of group dwelling units, setback distances, from abutting streets and lines, width of interior streets, etc., (iled. Constituting the

Order of Zoning Commissioner filed granting petition from "Residence Zone to "p" Residence Zone and directing compliance with letter of Sept. 19, 1945 from petitioner.

Order of appeal to the Board of Zoning Appeals from Order of Zoning Commissioner of Oct. 22 1945, filed.

Hearing on appeal before Board of Zoning Appeals, case held sub curia. Nov. 15, "

Brit of certiorari and appeal to Circuit Court for Beltimore County, served on Board of Zoning Appeals on January 3, 1946.

Transcript of testimony taken at the hearing on appeal before the Board of Zoaing Appeals of Battimore County by the stenographer who took and transcribed the same, filed.

Original plot plan of area petitioned to be reclassified, photographs of typical houses to be built and written protest against the pro-posed reclassification, filed.

Transcript of docket entries and all papers filed in Circuit Court for Baltimore County.

on this petition or whenever directed to do so by this Court. Respectfully submitted,

Attorney for Board of Zoning Appeals of Baltimore County.

0449 MAP

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

To The Zoning Commissioner of Balliners Consty—

The Theorem. The Galeston Consty—

Head owner... of the property share on the north side of Blacosians, var, at Catacourille, in its like time in the property share on the north side of Blacosians, when the same share in the beginning should be shared to the constraint of the constraint

Zoning Law of Raltimore County, from an ... "A" Registeree .. zone to an a "L" Registance ... zone.

Reasons for Re-Classification: Adjacent to existing group house area.

Character of use for which above property is to be used: Group houses.

tion, and further agree to and are to be bound by the zoning regulations and restrictions of County adopted pursuant to the Zoning Law for Baltimore County.

> THE CLEON COMPANY SEE STATE OF THE CASE OF THE SEE STATE OF THE SEC STATE Vice-Pres. Legal Owner

ORDERED by The Zoning Commissioner of Baltimore County, this ...

1945 at Jo'clock Pall

IN THE CIRCUIT COURT FOR

BALTIMORE COUNTY J. KEMO BARTLETT, JR., WILLIAM H. MAHANEY and EDWARD L. MARTIN

...............

TO THE HOMOBARLE. THE JUDGES OF SAID COURT:

THE CARDENAS COMPANY

BOARD OF ZONING APPEALS OF BALTIMORS COUNTY

and no vome J. Kemp Bartlett, Jr., William H. Mahaney and Edward L. Martin, constituting the Board of Zoning Appeals of Beltimore County, and in snawer to the writ of certiorari directed against them in this case, herewith submit the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of

1. Petition for reclassification and Order of Zoning Commissioner and Board of Zoning Appeals thereon.

2. Certificate of posting of property for hearing on

3. Certificate of publication of public notice of hearing on reclassification.

4. Letter and agreement from Petitioner.

5. Order of Appeal to the Board of Zoning Appeals.

6. Photographs of different houses.

and it appearing that by reason of location

7. Transcript of testimony taken before Board of Zoning Appeals.

It Is Ordered by the Zoning Commissioner of Baltimore County, this

above described property or area be and the same is hereby continued as and to remain a _____zone

Upon hearing on appeal from the Order of the Zoning Commissioner of Baltimore County dated October 22, 1945 in granting the reclassification as petitioned for and it appearing that said Order shouldbe ratified and confirmed, therefore:

8. Decket entries showing proceedings in Zoning Department of Baltimore County. Respectfully submitted,

Attorney for Zoning Department of Baltimore County.

IN THE MATTER OF THE BEFORE THE APPLICATION OF THE CARDENAS : COMPANY FOR RECLASSIFICATION : ZONING COMMISSIONER OF PROPERTY IN THE FIRST DISTRICT OF BALTIMORE COUNTY : BOUNDED BY EDMONDSON AVENUE : AND NUNNERY LANE

.....

Mr. Commissioner:

Please enter an appeal herein to the Board of Zoning Appeals for Baltimore County.

John E. Raine Ja

BALTIMORE COUNTY

August 14, 1945.

RECRIVED OF The Cardones Company the sum of Thirty Two (\$32.00) Dollars, being cost of petition for reclassification, advertising and posting of property, North side of Edmondson Ave., lat district of Baltimore County, pursuant to petition being filed for reclassification.

Acting Zoning Commissioner.

Hearing. Wednesday, Sept. S, 1948, at 2:30 o'clock p. m.



Approved both the Orders of Zoning Commissioner and Board of Zoning Appeals granting reclassification as petitioned for.

Alax. 30, 1945

14 Christian NNahl

Edwar I martin

November 23, 1945.

449-

\$22.00

Zoning Commissioner.







