

Rest. Apts. Ref. 100
 filed with Board of Appeals
 in filing case

LARRY ZANNINO and
 TERESA ZANNINO, his wife
 VS
 WILLIAM H. MAHANEY,
 EDWARD L. MARTIN, and
 J. KENN BARTLETT, JR.
 Constituting the Board of Zoning
 Appeals for Baltimore County

IN THE CIRCUIT COURT
 FOR
 BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition and Appeal of Larry Zannino and Teresa Zannino respectfully represent:

FIRST. That they are property owners and tax payers in Baltimore County, State of Maryland, and that they now reside at 8170 Gough Street, Baltimore County, Maryland.

SECOND. That they are the legal owners of a certain property situate at the northeast corner of Eastern Boulevard and 54th Street near Colgate in the Fifteenth Election District of Baltimore County, which property fronts easterly on the north side of said boulevard 150 feet and binds with an even rectangular depth northerly on the east side of 54th Street for a distance of 150 feet, under and by virtue of a deed dated June 27, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.F. No. 1236 Folio 376 from The Canton Company of Baltimore.

THIRD. That under the date of September 1, 1945, a Combination Petition was filed with John J. Timanus, Zoning Commissioner of Baltimore County, requesting first, that the zoning status of the above described property be reclassified pursuant to the Zoning Law of Baltimore County from an "A" Residential Zone to an "E" Commercial Zone, and, second, for a Special Permit, under said Zoning Law and Zoning Regulations of Baltimore, to permit the use of said land, and the improvements to be erected thereon, for a gasoline service station. Full plans and specifications for the proposed filling station being filed with the said Petition.

FOURTH. That following proper advertisement and posting of the property,

as required by the "Zoning Act of Baltimore County", the Zoning Commissioner of Baltimore County, by his Order dated December 14, 1945, stated:

1. "That the Petition for zoning reclassification from an "A" Residential Zone to an "E" Commercial Zone be and the same is hereby denied and that the property described on said Petition remain as an "A" Residential Zone," and

2. "That the Petition for Special Permit to use said property for a gasoline service station is also denied," and stated only, "That by reason of location, the said two Petitions should not be granted."

FIFTH. That your Petitioners, the said Larry Zannino and Teresa Zannino, his wife, feeling aggrieved by the said Order of said Zoning Commissioner dated December 14, 1945, filed an appeal to the Board of Zoning Appeals of Baltimore County on December 20, 1945

SIXTH. That a hearing was held before the said Board of Zoning Appeals of Baltimore County on February 6, 1946, following which the Board, by its Order dated March 8, 1946, sustained the said Order of the Zoning Commissioner and refused the reclassification of the property from a Class "A" Residential Zone to a Class "E" Commercial Zone, and stated that the property is to remain as a Class "A" Residential Zone, without assigning any reason for its said decision.

SEVENTH. That your Petitioners are aggrieved by the decision of the Board of Zoning Appeals of Baltimore County as aforesaid stated, by reason of the fact

(a) That all properties immediately abutting and to the north of the rear of the property in question, are now zoned and were zoned prior to the above hearing, as a heavy industrial zone, and that the property on which this Petition is based, is not a proper Class "A" Residential Zone, by reason of this existing zoning classification.

(b) That in the same block eastward of this property, there is now an existing Class "E" Commercial Zone set up which refutes the statement of the Board that the property, the subject of this Petition, is a proper Class "A" Residential Zone.

(c) That the reclassification of the subject property from a Class "A" Residential Zone to a Class "E" Commercial Zone, will in no way affect the existing use of any other properties in the neighborhood.

(d) That the erection and use of the said property as a filling station

will in no way affect the health, safety, morals or general welfare of the community in which said property is located.

(e) That by reason of the existing zoning classifications of the properties immediately abutting and adjoining this property makes a commercial use of this property the only practical use of the property, the subject of this Petition, a commercial use.

EIGHTH. That the aforementioned Order of the Board of Zoning Appeals of Baltimore County dated March 8, 1946, is void, unlawful and without legal force and effect, and should be reversed in whole, set aside and annulled by this Honorable Court for the following reasons:

(a) That the Board of Zoning Appeals of Baltimore County was without jurisdiction or statutory authority to enter said Order since such Order was not entered pursuant to a comprehensive plan of zoning or in accord with any regulations made or adopted pursuant to any comprehensive plan as required by Chapter 502 of the Laws of Maryland of 1945.

(b) That the said Order of the Board of Zoning Appeals of Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion.

(c) That there was no substantial or sufficient evidence produced before the Board of Zoning Appeals of Baltimore County to justify said Order, and your Petitioners in the proceedings have fully met the burden of proof sustaining their position in the original Petition and in all subsequent proceedings before the said Board.

(d) And for other good and valid reasons to be assigned at the trial of this case.

WHEREFORE, YOUR PETITIONERS PRAY:

(a) That a Writ of Certiorari be issued by this Court directed to the Board of Zoning Appeals of Baltimore County to review the decision of the Board of Zoning Appeals of 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 of Baltimore County dated March 8, 1946.

(c) That this Honorable Court remain said case for the entering of a proper Order in this matter.

(d) That the Board of Zoning Appeals of 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.

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

AND AS IN DUTY BOUND, etc.

Richard A. McElwaine
 Attorney for the Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 6th day of April, 1946, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Larry Zannino, one of the Petitioners, and made oath in due form of law on his own behalf, and on behalf of the remaining Petitioner, Teresa Zannino, that the matters and facts set forth in the foregoing Petition and Appeal are true to the best of his knowledge, information and belief.

AS WITNESSED by hand and Notarial Seal.

Doris E. Pennington - Notary Public

ORDER OF COURT

Upon the foregoing Petition and Appeal and Affidavit, it is this 6th day of April, 1946, 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 March 8, 1946, and that a return thereto must be made and served upon the relators' attorney within fifteen days 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 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 Copy Test
 [Signature]
 Clerk

J. Howard Murray
 JUDGE

REC'D APR 10 1946

SEAL

State of Maryland, Baltimore County, Wt:

William H. Mahaney, Edward L. Martin and J. Kenn Bartlett, Jr.
 Vs. Constituting the Board of Zoning Appeals for Baltimore County

YOU ARE COMMANDED that the record and proceedings in a certain case of
 Larry Zannino and wife. vs. The Board of Zoning Appeals for Baltimore County

with all things touching the same, as fully and perfectly as they remain before you, by whatsoever name or names the parties aforesaid, or either of them, are called in the same, you read and certify to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable J. Howard Murray Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immediately after receipt of the same.

WITNESS, the Honorable C. O. SWEETSER, Chief Judge of the Circuit Court for Baltimore County, this 4th day of March, 1946

Subsd. this 8th day of April, 1946

Robert J. [Signature]
 Clerk

True Copy Test
 [Signature]
 Clerk

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

15th District Date of Return Sept. 11, 1946
 Date of Posting Property September 10, 1946 feet from front Street or Road.
 Location of Sign on Property 10 feet from front Street or Road.
 Location of Sign on Property 10 feet from front Street or Road.
 Location of property N.E. Cor. Eastern Ave. & 54th St.
 Re-Classification of Special Permit Petitioned for Gasoline Service Station
 Petitioner Larry Zannino and Teresa Zannino
 Remarks: True Copy Filed
 Inspector making return Henry C. Bartlett
 Zoning Commission

Upon hearing on appeal from the Order of the Zoning Commissioner of Baltimore County, dated December 14, 1945, in denying the petition for reclassification as petitioned for and it appearing that said Order should be ratified and confirmed, therefore:

It is this 20th day of March, 1946, ORDERED by the Board of Zoning Appeals of Baltimore County, that that aforesaid Order of the Zoning Commission be and the same is hereby sustained and the reclassification of said property from an "A" Residence Zone to an "2" Commercial Zone is hereby denied, and the said property remains as an "A" Residence Zone.

William T. Whitely
Chairman

George L. Farnia

W. Scott Runkle, Jr.
Member of Zoning Appeals
of Baltimore County.

True Copy-test:

Zoning Commission
of Baltimore County.

Re: Reclassification from an "A" Residence Zone to "2" Commercial Zone and Special Permit for Gasoline Service Station.
N.E.C. Eastern Aves. & 84th St.
Larry Zannino & wife,
Petitioners.

Before:
John L. Timanus,
Zoning Commissioner.

Dear Commissioner:

Please enter an appeal from your Order of December 14, 1945, to the Board of Zoning Appeals of Baltimore County in the above entitled matter.

December 20, 1945.

Larry Zannino
Petitioner.

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL PERMIT

To the Zoning Commissioner of Baltimore County:

Know we, Larry Zannino and Theresa Zannino, legal owners of the property situate at the northeast corner of Eastern Boulevard and 84th St., near Colgate, in the 15th Election District of Balto. Co., fronting easterly on the north side of said Boulevard, 180' with a rectangular depth northerly of 160' and binding on east side of 84th St.,

hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residential Zone to an "2" Commercial Zone, and (2) for a Special Permit, under said Zoning Law and Zoning Regulations of Baltimore County, to permit the use of said land (and improvements now or to be erected thereon) for Gasoline Service Station.

Character of use for which above property is to be used:
Gasoline Service Station.
Size and height of building, front _____ ft; side _____ ft.
Front and side setbacks of buildings: front _____ ft. side _____ ft.

Property to be posted as prescribed by Zoning Regulations.

Know we, agree to pay expenses of above reclassification, and Special Permit, advertising, posting, etc., upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Larry Zannino
L. Z.
Theresa Zannino
T. Z. Legal Owners.

Ordered by the Zoning Commissioner of Baltimore County, this 20th day of September 1945, that the subject matter of this petition be advertised, as required by the "Zoning Act of Baltimore County", in a newspaper of general circulation throughout Baltimore County, that the property be posted, and that the public hearing thereon be had in the office of the Zoning Department of Baltimore County, in the Heckard Building, in Towson, Baltimore County, Maryland, on the 24th day of September, 1945, at 2:00 o'clock P. M.

John L. Timanus
Zoning Commissioner.

Upon hearing had on petition for Special Permit and after the required advertisement and posting of property, and it appearing that by reason of location the said two petitions should not be granted, therefore:

It is this 20th day of December, 1945, ORDERED by the Zoning Commissioner of Baltimore County:

- 1st. That the petition for zoning reclassification from an "A" Residence Zone to an "2" Commercial Zone be and the same is hereby denied and that the property described on said petition remain as an "A" Residence Zone, and
- 2nd. That the petition for Special Permit to use said property for Gasoline Service Station is also denied.

John L. Timanus
Zoning Commissioner
of Baltimore County

December 20, 1945.

\$25.00

RECEIVED of Larry Zannino, the sum of Twenty-two (\$22.00) Dollars, covering cost of appeal from decision of Zoning Commissioner of Baltimore County to Board of Zoning Appeals. Petitioner Larry Zannino, et al, property at N.E.C. Eastern Blvd. and 84th St., Colgate, 15th Election District of Baltimore County.

WILLIAM T. WHITELY
Chairman



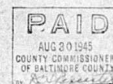
Aug. 30, 1945

\$18.00

RECEIVED of Larry Zannino, and wife, the sum of Eighteen (\$18.00) Dollars, being cost of petition for Zoning reclassification and petition for special permit, advertising and posting of property, Northeast corner of Eastern Boulevard and Gough Street, 15th Election District of Baltimore County.

John L. Timanus
Zoning Commissioner.

Hearing:
Monday, Sept. 24, 1945,
at 2:00 o'clock P. M.



CERTIFICATE OF PUBLICATION

TOWSON, MD. _____ P. _____

THIS IS TO CERTIFY, that the attached advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. _____ day of _____ 1945, in the _____ issue of said publication appearing on the _____ page of said publication.

THE JEFFERSONIAN.

Cost of Advertisement, \$ _____

