

Handwritten notes: 65-145, 471-8, 471-2

C. BERTMAN ESQ.,
EMERSON E. PATTEN,
ROY S. DUNCAN and
STONELEIGH COMMUNITY ASSOCIATION, INC.,
Petitioners,
vs.
WILLIAM H. MAHONEY,
EDWARD E. MARTIN and
J. KEAP BARTLETT, JR.,
constituting the Board of Zoning Appeals
of Baltimore County.
Respondents.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of C. Bertman Esq., Emerson E. Patten, Roy S. Duncan and Stoneleigh Community Association, Inc., respectfully submits:

- (1) That C. Bertman Esq., Emerson E. Patten and Roy S. Duncan are property owners and taxpayers in Baltimore County and reside, respectively, at 7201 York Road, 7111 York Road and 500 Hatherleigh Road; and your petitioners, Stoneleigh Community Association, Inc., came and gave notice on certain property located in the development known as "Stoneleigh" in said County and was organized, and now exists, for the purpose of protecting the interests and rights of the residents of the development and the surrounding community.
- (2) That on February 28, 1946, John J. Tinsman, Zoning Commissioner of Baltimore County, passed an order denying the petition and application of Mary E. Rodgers for the issuance of a special permit for the erection of a gasoline service station on a parcel of land fronting one hundred fifty (150) feet on York Road and extending easterly from said road and fronting one hundred fifty (150) feet on Stevenson Lane; and said Mary E. Rodgers appealed from said order to the Board of Zoning Appeals of Baltimore County, and, after her appeal was heard, said Board of Zoning Appeals made its decision that said special permit should be issued and, accordingly, on the same day, entered an order reversing the action of said Zoning Commissioner on February 28, 1946, in denying said special permit and directing said Zoning Commissioner to issue the same for the erection of said gasoline service station on said parcel of land.

COPY

State of Maryland, Baltimore County, Md:

William H. Mahoney, Edward E. Martin and J. Keap Bartlett, Jr.,
To: constituting the Board of Zoning Appeals of Baltimore County.

YOU ARE COMMANDED, that the record and proceedings in a certain case of the application of Mary E. Rodgers for the issuance of a special permit

with all things touching the same, as fully and perfectly as they remain before you, by whatever name or names the parties aforesaid, or other of them, are called in the same, you send 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.

C. Gus Groom
WITNESS, the Honorable J. Howard Murray, Chief Judge of the Circuit Court for Baltimore County, this 20th day of May, 1946.

Issued this 4th day of June, 1946 XX

SEAL

True Copy Test
Robert J. Spittell
Clerk

(3) Your petitioners are agreed by said decision and said order of said Board of Zoning Appeals and the issuance of said special permit for the erection of said gasoline service station will be detrimental to the health, safety and general welfare of the community in which said parcel of land is located.

(4) That said order of said Board of Zoning Appeals is void, unlawful and without legal force and effect and should be reversed in whole, not as to the whole but as to the following reasons:

- (a) The issuance of said special permit and the erection of said gasoline service station will be detrimental to the health, safety and general welfare of the community in which said parcel of land is located;
- (b) That the action of said Board of Zoning Appeals in reversing said order of the Zoning Commissioner was arbitrary, capricious and unreasonable for the reason that there was no substantial or sufficient evidence produced before said Board to justify said order;
- (c) That the said Mary E. Rodgers, the applicant in this proceeding, failed to meet the burden of proof imposed upon her;
- (d) That said order of the Board of Zoning Appeals, entered May 7, 1946, was against the weight of evidence before said Board; and
- (e) For other reasons to be shown at the hearing of this appeal.

WHEREFORE your petitioners pray this Honorable Court

- (a) To issue a Writ of Certiorari directed to the Board of Zoning Appeals of Baltimore County to review said decision and order entered May 7, 1946, and prescribe therein the time within which a return thereto must be made and served upon the relators' attorney;
- (b) To reverse, set aside, annul and declare void and of no effect said order entered May 7, 1946;
- (c) To require said Board of Zoning Appeals to return to said Honorable Court the original papers acted upon by it or certified or sworn copies thereof and to set forth distinctly such other facts as may be pertinent and material to show the grounds of the decision and order appealed from; and
- (d) To grant your petitioners such other and further relief

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as the nature of their case may require,
AND AS IN DUTY BOUND, ETC.

C. Bertman Esq.

Emerson E. Patten

Roy S. Duncan
STONELEIGH COMMUNITY ASSOCIATION, INC.,

By
T. Medford Taylor, President

Attorney for Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this day of June, 1946, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared C. BERTMAN ESQ., EMERSON E. PATTEN and ROY S. DUNCAN, three of the petitioners named in the foregoing petition, and severally acknowledged the same to be their respective deed and act.

AS WITNESS my hand and Notarial seal.

My commission expires

Notary Public

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this day of June, 1946, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared T. MEDFORD TAYLOR, President of Stoneleigh Community Association, Inc., one of the petitioners named in the foregoing petition, and acknowledged the same to be true and correct to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial seal.

My commission expires

Notary Public

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REC'D MAR 8 1946
REC'D MAR 8 1946

March 7th, 1946.

Mr. John J. Tinsman,
Zoning Commissioner,
Baltimore County,
Towson, Maryland.

Dear Mr. Tinsman:

Please enter an appeal on behalf of Miss Mary E. Rodgers to the Board of Zoning Appeals from your decision refusing the petition of the said Mary E. Rodgers for re-classification of the property located at the Southwest corner of the York Road and Stevenson Lane, in the Ninth Election District of Baltimore County, the petition for re-classification being for the use of said property as filling station.

Yours very truly,

Attorney for Mary E. Rodgers

Judge Backs
Zoning Board
Ruling

Judge John B. Groom, acting as the Circuit Court of Baltimore County in Equity, ruled that the Board of Zoning Appeals was justified in granting the Board of Zoning Appeals the right to issue a special permit to erect a filling station on York Road and Stevenson Lane, one of the old Rodgers property.

The company originally filed the petition to erect the filling station with John J. Tinsman, Zoning Commissioner for Baltimore County. Tinsman ruled against the application, but he did not reverse the order when the case was reversed. The appeal on the case was taken to the Board of Zoning Appeals. The appeal on which Judge Groom ruled was made by residents of the area who had protested against the use of the land.

The old landowners, who which will use the way in a modern fashion as a landmark. The new house was built in 1911 by James Rodgers, who gave the Rodgers property to the Board of Zoning Appeals. The Board of Zoning Appeals ruled that the property was to be used as a filling station. The Board of Zoning Appeals ruled that the property was to be used as a filling station. The Board of Zoning Appeals ruled that the property was to be used as a filling station.

NOTATION FOR SPECIAL PERMIT

IN THE MATTER OF
PETITION OF
MARY E. RODGERS,
Legal Owner
For a Special Permit

To the Zoning Commissioner of Baltimore County:
Mary E. Rodgers, Legal Owner hereby petitions for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain special permit and use, as provided under said Regulation and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for a Gasoline Service Station:
All that parcel of land situate at the Southeast corner of York Road and Stevenson Lane, near Towson, in the Ninth Election District of Baltimore County, Southerly and fronting 150 feet on York Road with a right angle depth Easterly of 150 feet and binding on the South side of Stevenson Lane.

Mary E. Rodgers
Legal Owner

ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of September, 1945, that the subject matter of this petition be advertised and property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, in the Beckard Building, Towson, Baltimore County, Maryland, on the 15th day of October, 1945, at 10:00 o'clock a.m.

J. H. [Signature]
Zoning Commissioner of
Baltimore County.

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

It is this 28th day of February, 1946, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition for Special Permit is hereby denied.

J. H. [Signature]
Zoning Commissioner of
Baltimore County.

Upon hearing on appeal from the Order of the Zoning Commissioner of Baltimore County, dated February 28, 1946, denying the petition for Special Permit to permit the use of the property for filling station purposes and the parties being before the Board and represented by counsel and testimony having been heard and it appearing to the Board of Zoning Appeals that careful consideration should be given to the granting of a permit for any filling stations for the dispensing of gasoline and oil in this neighborhood and that such special permit should only be granted where there are convincing and controlling reasons therefor but that with respect to this particular property, its long continuous use for commercial purposes and the present traffic hazard which exists requires no improvement to be made, therefore, the Board of Zoning Appeals is of the opinion that the Order of the Zoning Commissioner, dated the 28th day of February, 1946, denying a Special Permit should be overruled and that a Special Permit should be granted on the condition that the building should be erected in accordance with the plot plan of the Standard Oil Company of New Jersey, dated May 9, 1941, File No. 41188, Drawing No. 1 as submitted in evidence at the hearing before the Board of Zoning Appeals. The rear of the filling station building to be erected shall be painted a neutral color and that the sides and rear of said building shall

be shielded, wherever possible, by the planting of evergreens and that the lighting facilities shall be adjusted so as not to shine directly in the windows of the neighboring houses.

It is therefore, this 7th day of May, 1946, ORDERED by the Board of Zoning Appeals of Baltimore County that said Order of said Zoning Commissioner be and the same is hereby overruled and reversed and that the Special Permit petitioned for be and the same is hereby granted, subject, to the aforementioned conditions.

Paul Mahoney
E. [Signature]
[Signature]
Board of Zoning Appeals of Baltimore County.

REC'D OCT 8 1945

CERTIFICATE OF PUBLICATION

TOWSON, MD.

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each week, for the purpose of publishing the same, on the day of October, 1945, at 10:00 a.m. first publication appearing on the 2nd day of October, 1945.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$.....

ZONING DEPARTMENT OF BALTIMORE COUNTY.
Re: Petition for Special Permit.
[Text regarding the petition and the Zoning Department's role in the process.]

September 27, 1945

RECEIVED of Mary E. Rodgers, the sum of Eighteen (\$18.00) Dollars, being cost of petition for Special Permit, advertising and posting of property, Southeast Corner of York Road and Stevenson Lane, 9th Election District of Baltimore County.

Zoning Commissioner.

Hearings:
Monday, Oct. 15, 1945
at 10:00 o'clock a.m.

PAID
SEP 27 1945
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

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

District: Date of Return: Sept. 29, 1945

Date of Posting Property: Sept. 29, 1945

Location of Sign on Property: 4 feet from front Street or Road.

Location of property: York Rd. and Stevenson Lane.

Re-Classification of Special Permit Petitioned for: Gasoline Sta.

Petitioner: Mary E. Rodgers

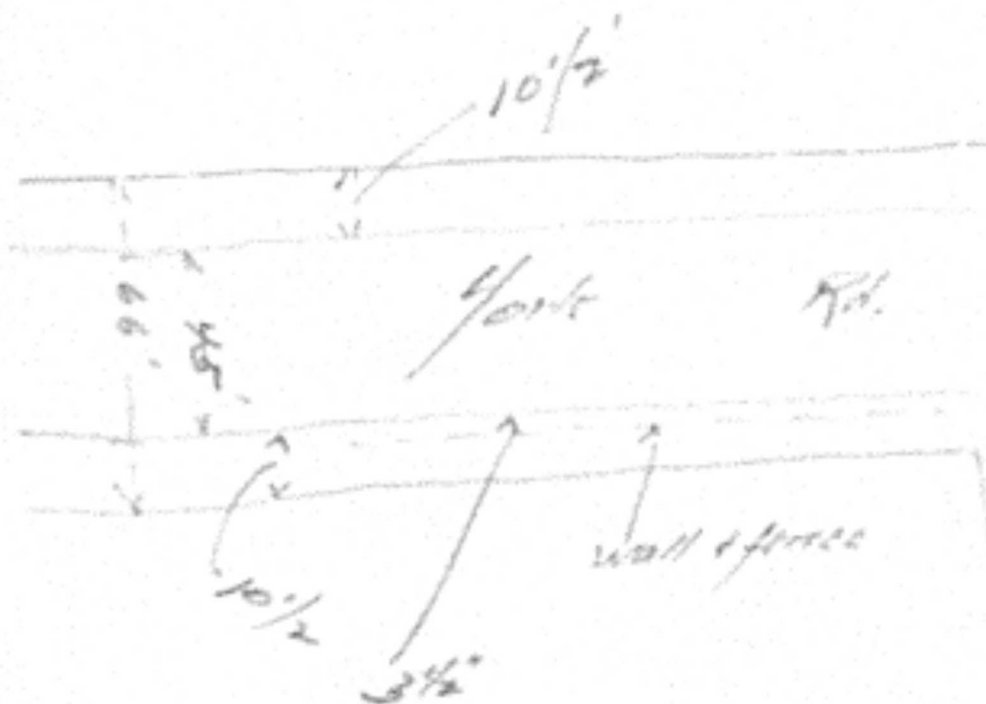
Remarks:

Inspector making return: Harry C. Gortels

~~4/2/0~~

66' 45'

10 1/2' ←



Shirley Lane