

CORNELIUS V. ROE,
ELIZABETH R. ROE, his wife,
WILLIAM F. BRANNAN and
MARJORIE C. BRANNAN, his wife
VS
SAMUEL H. HOOVER,
EARLE L. DINGLE and
WILLIAM A. SEPP
Constituting the Board of
Zoning Appeals of Baltimore
County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGES OF SAID COURT:

And now come Samuel H. Hoover, Earle L. Dingle and William A. Sepp, 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:

No. 653 DOCKET ENTRIES FROM DOCKET OF ZONING
COMMISSION OF BALTIMORE COUNTY

May 1, 1946, Petition of Cornelius V. Roe, et al, for reclassification of property, East side Ballona Ave., Buxton, 9th Dist. beginning at southeast corner Ballona Ave. and Buxton Road, thence southerly, 371' on Ballona Ave., to north side of Halvern Ave., with parallel depth easterly of 200', filed.
" Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for May 21, 1946, at 9:30 o'clock a.m.
" 21, 1946, At 9:30 o'clock a.m. hearing held on petition by Zoning Commissioner and case held sub curia.
Jan. 2, 1947, Order of Zoning Commissioner granting petition for reclassification from "A" Residence Zone to "B" Commercial Zone.

Jan. 2, 1947, Order of Appeal to the Board of Zoning Appeals of Baltimore County from Order of Zoning Commissioner of January 2, 1947, filed.

Feb. 6, 1947, Hearing on appeal before Board of Zoning Appeals of Baltimore County -- case held sub curia by Board.

Feb. 18, 1947, Order of Board of Zoning Appeals of Baltimore County reversing the Order of Zoning Commissioner for reclassification from an "A" Residence Zone to "B" Commercial Zone, filed.

March 11, 1947, Writ of certiorari and appeal to Circuit Court for Baltimore County served on Board of Zoning Appeals for Baltimore County.

March 24, 1947, Transcript of testimony taken at hearing on appeal before the Board of Zoning Appeals by the stenographer who took and transcribed the same, filed.

Original plat plan of area petitioned to be reclassified, photographs, letter and written protests, filed.

March 27, 1947, Transcript of docket entries and all papers filed in Circuit Court for Baltimore County.

The rules and regulations pursuant to which said Order was entered and said Board set d are permanent records of the Zoning Department of Baltimore 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 on this petition whenever directed to do so by this Court.

Respectfully submitted,

Attorney for Board of
Zoning Appeals of
Baltimore County.

RE: PETITION FOR RECLASSIFICATION
FROM "A" RESIDENCE ZONE TO "B"
COMMERCIAL ZONE - A. S. BALLONA
AVE., BEGINNING AT SOUTHEAST
CORNER OF BALLONA AVENUE AND
BUXTON ROAD - 9th District -
CORNELIUS V. ROE, ET AL.
PETITIONERS

Upon hearing on appeal from the order of the Zoning Commissioner of Baltimore County granting the petition for reclassification from an "A" Residence Zone to an "B" Commercial Zone, in the above entitled matter, and it appearing from the evidence that to grant a reclassification of said property will adversely affect the health, safety and general welfare of the community and, further, that there is no immediate need for such reclassification:

It is this 18th day of February, 1947, ORDERED by the Board of Zoning Appeals of Baltimore County, that the aforesaid order of the Zoning Commissioner, of January 2, 1947, granting the reclassification petitioned for, be and the same is hereby reversed, said property to remain in an "A" Residence Zone.

Earle L. Dingle

William A. Sepp

Samuel H. Hoover

Board of Zoning Appeals
of Baltimore County.

True Copy, Test:

Zoning Commissioner
of Baltimore County.

March 27, 1947.

\$22.00

RECEIVED OF C. Walter Cole, One of the Attorneys for Appellants, the sum of \$22.00, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner in granting the petition for reclassification, from "A" Residence Zone to "B" Commercial Zone of the property on northeast corner of Joppa and Dulany Valley Roads, 9th District of Baltimore County.

Zoning Commission.

PAID
MAR 20 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

REC'D
REC'D MAR 11 1947

State of Maryland, Baltimore County, Et c:

To Samuel H. Hoover, Earle L. Dingle and William A. Sepp, constituting the Board of Zoning Appeals for Baltimore County

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

Cornelius V. Roe, Elizabeth R. Roe, his wife

William F. Brannan and Marjorie C. Brannan, his wife

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 seal 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 J. Howard Murray Chief Judge of the Circuit Court for Baltimore County, this..... day of March, 1947

Issued this..... day of March, 1947, 1947.

JOHN W. BISHOP

Clerk

True Copy Test

James H. Bishop

SEAL

AFFIDAVIT

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this day of October, 1947, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared CHARLES H. DOING and did depose and say as follows:

That he is the Zoning Commissioner for Baltimore County having been appointed to said position on or about January 6th, 1947 and has continued to act in said capacity since the date of his appointment; that he was instructed by the Board of Zoning Appeals for Baltimore County to prepare the Order dated February 18, 1947, and his instructions were to prepare an Order reversing the Order dated January 2, 1947, passed by John J. Tinsman, the then Zoning Commissioner for Baltimore County, on the basis that there was no "immediate need" for re-classification of the property mentioned and described in these proceedings; that the language as set forth in said Order dated February 18, 1947, of the Board of Zoning Appeals for Baltimore County to the effect "that to grant a re-classification of said property will adversely affect the health, safety and general welfare of the community" was included in said Order on his own volition, without any authorization from the Board of Zoning Appeals for Baltimore County, and was not contained in the instructions given to him by the Board of Zoning Appeals for Baltimore County; that the sole basis upon which the Board of Zoning Appeals for Baltimore County passed its Order dated February 18, 1947, reversing

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the Order of January 2, 1947, passed by the Zoning Commissioner for Baltimore County, as communicated to this affiant by the Board of Zoning Appeals for Baltimore County, was the lack of "immediate need" for a re-classification of the property mentioned and described in these proceedings from "A" Residence Zone to "B" Commercial Zone.

Charles H. Doing
deponent

SUBSCRIBED AND SWORN to before me
this day of October, 1947.

NOTARY PUBLIC

TOWSON, MD. May 10/1919

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each ~~day~~ Monday 21st of May 1919, for the first publication appearing on the 21st day of May 1919.

THE JEFFERSONIAN,
Manager.