

COPIES OF THIS CASE
TO BE FILED IN THE
COURT OF ZONING APPEALS
AND IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

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752

GEORGE CAMPION and
LOTTIE PEARL CAMPION,
his wife,
vs.
WILLIAM H. MANNERY,
EDWARD L. MARTIN and
J. KEMP PARTLETT, JR.,
constituting the
Board of Zoning Appeals
for Baltimore County.

TO THE HONORABLE THE JUDGES OF SAID COURT:
The petition of George Campion and Lottie Pearl Campion, his wife, respectfully represents:
1. That they are property owners and taxpayers in Baltimore County, State of Maryland, and they now reside at 1670 Sulphur Spring Road in the Thirteenth Election District of said County.
2. That on the 23rd day of October 1946 your petitioners did file petitions with John J. Timanus, Zoning Commissioner, for a zoning reclassification and special permit for a gasoline service station on certain property situate at the northwest corner of Sulphur Spring Road and Old Georgetown Road, fronting on Sulphur Spring Road one hundred feet with a depth of one hundred fifty feet and that the said John J. Timanus Zoning Commissioner, at a hearing held on November 12th 1946 did deny said petitions for the fact that the property was in an exclusive "A" Residence Zone, no public or community need was shown or required and that the granting of the same would be "spot zoning".
3. That your petitioners did appeal from said ruling of the Zoning Commissioner to the Board of Zoning Appeals for Baltimore County and said Board by its order passed on November 29, 1946 did ratify the ruling of the Zoning Commissioners passed on November 12, 1946.

4. That your petitioners are aggrieved by the decision of the Board of Zoning Appeals for Baltimore County as aforesaid stated, for the following reasons:-
(a) That the granting of said petition would not constitute spot zoning.
(b) That the land abutting and in the general locality of the property above mentioned is not exclusively residential.
(c) That the granting of said petition would not affect the existing use of other property in this locality.
(d) That undisputed evidence was submitted as to the community need for such a gasoline filling station.
(e) That the granting of said petition will not affect the health, safety, morals or general welfare of the community.
5. That the aforementioned order of the Board of Zoning Appeals for Baltimore County dated November 29, 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 accordance 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 for Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion.

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(a) That there was no substantial or sufficient evidence produced before the Board of Zoning Appeals for Baltimore County to justify said order and your petitioners in these proceedings have fully met the burden of proof in the original petition and all subsequent proceedings before the board.
6. That this petition and appeal is filed pursuant to Chapter 502 of the laws of 1945 of the General Assembly of Maryland.
Therefore 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 for Baltimore County and prescribe the time within which a return thereto must be made upon the returners attorney.
(b) That this Honorable Court reverse, set aside, annul and declare void and of no effect the order of the Board of Zoning Appeals for Baltimore County dated November 29, 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 for Baltimore County be required to return to this Court the original papers acted upon by it, or exemplified 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 your petitioners may require.
And as in duty bound, etc.
James H. Kern
Edward Howard Jones
Attorneys for Petitioners

STATE OF MARYLAND:
BALTIMORE CITY to wit:
I hereby Certify that on this 26 day of December 1946, before me, the subscriber, a Notary Public of the State of Maryland in and for the City aforesaid, personally appeared George Campion and made oath in the form of law on his own behalf and on behalf of Lottie Pearl Campion that the matters and facts herein set forth are true as therein stated.
As Witness my Hand and Notarial Seal.
Epifanio P. Bracken
Notary Public

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RECD DEC 30 1946

State of Maryland, Baltimore County, Et c:

To William H. Mannery, Edward L. Martin and J. Kemp Partlett, Jr. constituting the Board of Zoning Appeals for Baltimore County.

YOU ARE COMMANDED that the record and proceedings in a certain case of.....
George Campion and Lottie Pearl Campion, his wife
vs. John J. Timanus, Zoning Commissioner

with all things touching the same, as fully and perfectly as they remain before you, by whatever 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 Honorable..... John B. CONTRUM Associate Judge of the Circuit Court for Baltimore County; pending, together with this writ, humbly after receipt of the same.

WITNESS, the Honorable..... C. Gus Owsen Chief Judge of the Circuit Court for Baltimore County, this..... and..... day of..... December, 1946
Issued this..... 30th..... day of..... December, 1946:xx
SEAL
JOHN W. DISBROW
Clerk

True Copy Test
James H. Kern

GERALD KERN
ATTORNEY AND COUNSELLOR AT LAW
CENTRAL STONES BANK BUILDING
CORNER AND LEXINGTON STS.
BALTIMORE 4, MD.
TELEPHONE WILMA 8082

November 18, 1946

Mr. John J. Timanus,
Zoning Commissioner,
Record Building,
Towson & Maryland.

Dear Sir:-

On behalf of my clients Geo. Campion et al., I am hereby filing an appeal from your order of November 12th 1946, to the Board of Zoning Appeals, denying the petitions filed in the above entitled matter.
By check for \$22.00 to the order of the Commissioners of Baltimore County is herewith enclosed.

Very truly yours,
James H. Kern

GK:BN

Re Petitions (1) for Zoning Reclassification and (2) for Special Permit for Gasoline Service Station N.W. corner Sulphur Spring and Old Georgetown Roads, Geo. Campion et al, petitioners.

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

#157-8
0757

To the Zoning Commissioner of Baltimore County:
George Campion and
I, or we, Lottie P. Campion

Legal Owner.....

of the property situate at the Northwest Corner of Sulphur Spring and Old Georgetown Roads, near "Arbutus", in the 13th District of Baltimore County, fronting northwesterly, on northeast side of Sulphur Road, 100' with a rectangular depth northwesterly of 150' and binding on northwest side of Old Georgetown Road,

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

Property to be posted as prescribed by the Zoning Regulations. XXXX we, agree to pay expenses of above reclassification and Special Permit, advertising and posting, etc., upon filing of this petition, and further agree to and are to be bound by the Zoning Regulations and Restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

George Campion
Lottie P. Campion
Legal Owner

Address: 1670 Sulphur Spring Road,
Baltimore - 27, Md.

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ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of October 1946, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the 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, Maryland, on the 18th day of November 1946, at 1:30 o'clock P.M.

John C. [Signature]
Zoning Commissioner of Baltimore County

Upon hearing had on the within petitions (1) for zoning reclassification from an "A" Residence Zone to an "A" Commercial Zone and (2) for special permit to use the property for gasoline service station and it appearing that by reason of location, being in an exclusively "A" Residence zone and no public or community need shown or required and the granting of which would be "spot zoning", therefore:

It is this 24 day of November, 1946, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petitions for zoning reclassification and special permit be and the same are hereby denied.

John C. [Signature]
Zoning Commissioner of Baltimore County

Upon hearing had on appeal from the Order of the Zoning Commissioner on November 15, 1946 on the within petitions for zoning reclassification and special permit for gasoline service station and it appearing by reason of location, being in an exclusive "A" Residence zone, that the decision of the Zoning Commissioner should be sustained, therefore:

It is this 27 day of November, 1946, ORDERED by the Board of Zoning Appeals of Baltimore County that the decision of the Zoning Commissioner be and the same is hereby sustained.

Edward [Signature]
Board of Zoning Appeals of Baltimore County

November 19, 1946.

\$25.00 ✓

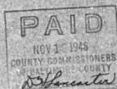
RECEIVED of Gerald Kerr, Attorney for Appellant, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from decision of Zoning Commissioner in refusing petition for special permit to George Campton, et al, Petitioners, to use property at Northwest Corner of Sulphur Spring Road and Old Georgetown Road, 15th District of Baltimore County, for gasoline service station.

Zoning Commissioner

Hearings:

Friday, Nov. 29, 1946

at 10:30 o'clock a.m.



October 23, 1946.

\$18.00 ✓

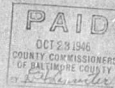
RECEIVED of George Campton, and wife, the sum of Eighteen (\$18.00) Dollars, being cost of petition for reclassification and special permit, advertising and posting of property, Northwest corner of Sulphur Spring and Old Georgetown Roads, 15th District of Baltimore County.

Zoning Commissioner

Hearings:

Tuesday, November 12, 1946

at 1:30 o'clock p. m.



CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 1/46 1946

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 2 weeks, successively, week before the 15th day of November, 1946, the first publication appearing on the 15th day of October.

1946

[Signature] THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$

MICROFILMED

NO PLAT
IN
THIS FOLDER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

757

District 13 Date of Posting Oct 29/46
Posted for: Josephine Service Station
Petitioner: George Campton and Katherine Campton
Location of property: Northwest corner of Sulphur Spring Rd. and Georgetown Rd.
Location of sign: Northwest corner of Sulphur Spring Rd. and Georgetown Rd.
Remarks: [Signature]
Posted by: Harry E. Gant Date of return: Oct 30/46