

BRUNSWICK, INCORPORATED,
Petitioner
vs.
IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY
SAMUEL H. HOOVER,
MARIE L. SINGLE and
WILLIAM A. SEPP,
Constituting the
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY,
Respondents

TO THE HONORABLE, THE JUDGES OF SAID COURT:
And now come Samuel H. Hoover, Marie L. Single 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:

- RE: 820 ZONING MATTER FROM BOARD OF ZONING
COMMISSIONERS OF BALTIMORE COUNTY
- Jan. 29, 1947, Petition of Brunswick, Inc., for reclassification of property, 2 1/2 York Road, 680' N. City line - from "A" Residence Zone to "M" Commercial Zone - Shopping Center, filed.
- " 29, " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for Feb. 20, 1947 at 9:30 o'clock a.m.
- Feb. 3, " Certificate of posting of property on Feb. 3, 1947, filed.
- Feb. 8, " Certificate of publication of advertisement in newspaper, filed.
- Feb. 20, 1947, At 9:30 o'clock a.m. hearing held on petition by Zoning Commissioner and case held sub curia.
- April 8, " Order of Zoning Commissioner granting petition for reclassification from "M" Commercial Zone to "M" Commercial Zone.

- April 11, 1947, Order of appeal to Board of Zoning Appeals from Order of Zoning Commissioner, filed.
- MAY 9, 1947, Hearing on appeal before the Board of Zoning Appeals - case held sub curia by the Board.
- June 5, 1947, Order of Board of Zoning Appeals reversing the Order of the Zoning Commissioner in granting the reclassification from "A" Residence Zone to "M" Commercial Zone, filed.
- June 16, 1947, Writ of certiorari and appeal to Circuit Court for Baltimore County served on Board of Zoning Appeals.
- July 11, 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.
- Plot and picture, filed.

The rules and regulations pursuant to which said Order was entered and said Board acted 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 or whenever directed to do so by this Court.

Respectfully submitted,

Attorney for Board of
Zoning Appeals of
Baltimore County.

May 1, 1947

Brunswick, Incorporated,
Hutton Road,
Baltimore 16, Md.
Atty. Wm. Talbot H. Walker,
Firm.

Dear Mr. Walker:

This is to certify that the property described below was nullified by an order of the Circuit Court for Baltimore County (dated May 6, 1947) from an "M" Residence Zone to an "M" Commercial Zone:

East side of York Road near Avenue, in the North District of Baltimore County, containing 1/2 acre, more or less, of land, situated at the northern boundary line of Baltimore City, at the intersection of York Road and York Road, 680' N. City line, on said site of York Road, 680' N. City line, with a parcel depth of 125 feet. Parking facilities to be provided approximately as shown on plot plan filed with the Zoning Department.

Very truly yours,

Zoning Commissioner

BRUNSWICK, INCORPORATED,
Petitioner,
vs.
FIRM
SAMUEL H. HOOVER,
MARIE L. SINGLE and
WILLIAM A. SEPP, Constituting
the BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY,
Respondents.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Brunswick, Incorporated, a body corporate, respectfully submits:

1. That Brunswick, Incorporated, a body corporate, owns and pays taxes on certain property located on the East side of the York Road, Parcel immediately North of and adjacent to the City of Baltimore.
2. That heretofore a petition was filed with Charles H. Deing, Zoning Commissioner of Baltimore County, requesting that the property owned by the petitioner be reclassified from an "A" Residence Zone to an "M" Commercial Zone, said petition for reclassification setting forth in detail the grounds of the lot proposed to be reclassified and the purposes for which it was to be used.
3. That on April 8th, 1947, the said Charles H. Deing, Zoning Commissioner of Baltimore County, passed an order granting the petition for reclassification as prayed in said petition.
4. That thereafter Charles H. Deing, Zoning Commissioner, (the only protestant against said reclassification), the owner of the land adjacent to the property sought to be reclassified to the North, entered an appeal from the decision of the said Zoning Commissioner to the Board of Zoning Appeals of Baltimore County, and by its order of June 5th, 1947, the Board of Zoning Appeals of Baltimore County reversed the order of the Zoning Commissioner as aforesaid on April 8th, 1947, and denied the reclassification sought in the original petition.

5. Your petitioner is aggrieved by said decision and said order of said Board of Zoning Appeals and the denial of the petition for reclassification.
6. That said order of said Board of Zoning Appeals should be reversed in whole and annulled by this Honorable Court, for the following reasons:
 - (a) 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.
 - (b) That the said Charles H. Deing, Zoning Commissioner, the only protestant, failed to offer any substantial proof or protest to substantiate the action of the Board.
 - (c) That said order of the Board of Zoning Appeals dated June 5th, 1947, was against the weight of the evidence before said Board and
 - (d) 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 June 5th, 1947, and prescribe therein the time within which a return thereto must be made and served upon the Petitioners' Attorney.
 - (b) To reverse, set aside, annul and declare void and of no effect, said order entered June 5th, 1947.
 - (c) To request said Board of Zoning Appeals to return to this Honorable Court the original papers served upon it or certified or sworn copies thereof, all evidence taken before said Board of Zoning Appeals at the hearing on this application and to set forth seriously 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 as

the nature of its case may require.
AND as is duly bound to.

BRUNSWICK, INCORPORATED, a body
corporate,
By _____
President
Petitioner.

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY, that on this _____ day of June, 1947, before me, the subscriber, a Notary Public of the State of Maryland, and for Baltimore County aforesaid, personally appeared _____ President of Brunswick, Incorporated, a body corporate, and he made oath in due form of law that the matters and facts set forth in the foregoing petition are true and correct as therein set forth, to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

Upon the foregoing petition and affidavit it is this _____ day of June, 1947, ORDERED by the Circuit Court for Baltimore County, that a writ of certiorari be issued directed to Samuel H. Hoover, Marie L. Single and William A. Sepp, Constituting the Board of Zoning Appeals of Baltimore County to reverse the decision and order of said Board dated June 5th, 1947, and that the return thereof be made and served upon the Petitioners' Attorney within _____ days from the date of this order.

AND it is further ORDERED that said Board of Zoning Appeals shall return to this Honorable Court either the original papers served upon it in said proceeding, or certified or sworn copies thereof; that such return shall include the petition and application of Brunswick, Incorporated, for reclassification of its property; all formal or informal protests against the granting thereof; the order of Charles H. Deing, Zoning Commissioner of Baltimore County dated April 8th, 1947, the appeal of Charles H. Deing, Incorporated, to said Board of Zoning Appeals; all exhibits, plans and blue prints filed at the hearing before said Board of Zoning Appeals; the transcripts of all testimony produced at said hearing; the order of said Board of Zoning Appeals dated June 5th, 1947.

True Copy Test
John H. Roach, Clerk

BRUNSWICK, INC.,
a body corporate,
Petitioner
vs.
SAMUEL H. HOOVER, MARIE L. SINGLE
and WILLIAM A. SEPP, Constituting
the BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY,
Respondents

PETITION TO INTERVIEW AND TO RE-STATE A DEPOSITION

Your petitioners, CHAS. H. STEFFY, INC., a body corporate, by Maloy and Brady and Michael Paul Oshib, its attorneys, respectfully represents unto this Honorable Court:

1. Brunswick, Inc. has heretofore petitioned this Court that a writ of certiorari be directed to the Respondents for the purpose of reviewing the alleged illegality of certain proceedings between it and the Respondents.
2. These proceedings between Brunswick, Inc. and the Respondents constituted an appeal taken by Chas. H. Steffy, Inc. from an Order of the Zoning Commissioner of Baltimore County, passed on April 8, 1947, reclassifying certain property owned by Brunswick, Inc.
3. On June 5, 1947 the Respondents reversed the aforesaid Order of the Zoning Commissioner, thereby denying the application for reclassification of Brunswick, Inc.
4. An Order has been passed by this Court that the writ of certiorari issue and further directing the Respondents to answer the second petition of Brunswick, Inc.
5. Chas. H. Steffy, Inc. is the owner of land immediately adjacent to the land within Brunswick, Inc., at the corner thereof, unsuccessfully sought to have reclassified.
6. The reclassification, if made, of this land directly affects and concerns the adjacent land owned by Chas. H. Steffy, Inc.
7. It is only right and proper that Chas. H. Steffy, Inc. be permitted to intervene in this proceeding as a party Respondent.

TO THE ZONING COMMISSIONER
That an Order be passed permitting, allowing and authorizing
Chas. H. Steffey, Inc. to intervene as a party respondent in this pro-
ceeding and to file within a reasonable time a notice, demurrer, answer,
or any other form of pleading which it may deem necessary or appropriate,
AND AN IN DUTY BIND, ETC.

CHAS. H. STEFFEY, INC.

Chas. H. Steffey, President
Petitioner

Maloy & Brady

Michael Paul Smith
Attorneys for Petitioner

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this day of June
1947, before me, the undersigned, a Notary Public of the State
of Maryland, in and for the City of Baltimore, aforesaid, per-
sonally appeared CHAS. H. STEFFEY, PRESIDENT OF CHAS. H. STEFFEY,
INC., and made oath in due form of law that the matters and facts
set forth and contained in the foregoing petition are true to the
best of his information, knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

By the foregoing petition and affidavit, it is this day of June, 1947, by the Circuit Court for Baltimore County,
ORDERED that Chas. H. Steffey, Inc., be and it is hereby
authorized to intervene in the above-captioned proceeding as a party
respondent and to file a notice, demurrer, answer, or any other
appropriate pleading within 15 days from the date hereof.

11 Judge Thomas

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

1820
0820
MHP
#9
As we, DRUMCASTLE, INC., legal owner...of the property situated
on east side of York Road, near Anneslie, in the 5th District of
Baltimore, Co., beginning at the northern boundary line of Baltimore
City, thence north, on said side of York Road, 600' with a parallel
north easterly of 470'. Parking facilities to be provided approx-
imately as shown on plot plan filed with A. Z. Zoning Department,

herby petition that the zoning status of the above described property be re-classified, pursuant to the
Zoning Law of Baltimore County, from an "A-1" Residence...zone to an "A-2" Commercial zone.

Reasons for Re-Classification—

Character of use for which above property is to be used: Shopping Center

Size and height of building: front...feet; depth...feet; height...feet.
Front and side set-backs of building from street lines: front...feet; side...feet.
Property to be posted as prescribed by Zoning Regulations.

DRUMCASTLE agree to pay expenses of above re-classification, advertising, 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.

DRUMCASTLE, INC.

John A. Driscoll, Pres.

Legal Owner

Address: E. EXETER RD., EUMETRY, MD.

ORDERED by The Zoning Commissioner of Baltimore County, this 20th day of
January, 1947, that the subject matter of this petition be advertised, as required
by the "Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore
County, that property be posted, and that the public hearing herein be had in the office of the Zoning
Commissioner of Baltimore County, in the Record Bldg., in Towson, Baltimore County, on the
20th day of February, 1947, at 9:00 o'clock A.M.

John A. Driscoll
Zoning Commissioner of Baltimore County

(over)

Pursuant to the advertisement, posting of property and public hearing on the above petition
and its appearing that by reason of said zone...plot plan to be attached to avoiding
upside conversion in adjoining yards and adjacent, and not adversely affect-
ing adjacent residential neighborhoods...the above re-classification should be had.
It is Ordered by the Zoning Commissioner of Baltimore County this...day of
April, 1947, that the above described property or area should be and the same is
hereby re-classified, from and after the date of the Order, from an "A-1" Residence...Commercial
zone to an "A-2" Commercial zone.
This re-classification is granted on the strict compliance with the pro-
visions and covenants of an agreement entered into by petitioner and
Anneslie Community, Inc., at all dated Feb. 10, 1947, which said agree-
ment is hereby adopted and made a part of this Order and, further, that
development and use of the land described herein shall, in the main,
comply with the plot plan filed and likewise made a part of this Order.

John A. Driscoll
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and
it appearing that by reason of...the above re-classification should NOT be had.
It is Ordered by the Zoning Commissioner of Baltimore County, this...day of
June, 1947, that the above petition be and the same is hereby denied and that the
above described property or area be and the same is hereby continued as and to remain...zone.

John A. Driscoll
Zoning Commissioner of Baltimore County

FILED JUN 5 1947

Upon hearing on appeal from the Order of the Zoning
Commissioner of Baltimore County issued on the 20th day of April
1947, granting the petition for reclassification of property
described in and for the purpose as set forth in the within
petition:

It is this 11th day of June, 1947, ORDERED by the
Board of Zoning Appeals of Baltimore County, that the aforesaid
Order of said Zoning Commissioner be and the same is hereby
reversed and the property remains as an "A-1" Residence Zone.

William J. Gapp
Cass L. Gough

Approved _____
County Commissioners of Baltimore County
Date _____ By _____ President

July 28, 1947

\$5.00

RECEIVED of James C. L. Anderson, Attorney
for Drumcastle, Incorporated, the sum of Five Dollars
(\$5.00) and Twenty Cents, being cost of certified co-
pies of papers made in connection with appeal to the Circuit
Court for Baltimore County/

Zoning Commissioner

PAID
JUL 29 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

H. Doing
XXXX

April 11, 1947

\$22.00

RECEIVED of George Moore Brady, Attorney for
Petitioner, (Charles H. Steffey, Inc.), the sum of Twenty
Two (\$22.00) Dollars, being cost of appeal to the Board
of Zoning Appeals from the decision of the Zoning Com-
missioner in granting petition of Drumcastle, Inc., for
reclassification of property, on east side of York Road,
5th District, from an "A-1" Residence Zone to an "A-2"
Commercial Zone.

Zoning Commissioner

PAID
APR 14 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

January 25, 1947

\$21.00

RECEIVED of Drumcastle, Inc., the sum of Twenty
One (\$21.00) Dollars, being cost of petition for reclassification,
advertising and posting of property, East side York Road,
North of Walker Avenue, 5th District.

Zoning Commissioner

Hearing:
Thursday, Feb. 23, 1947
at 9:30 o'clock a.m.

PAID
JAN 27 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

May 19, 1949

\$3.00

Received of Cooper Walker the sum of Three (\$3.00)
Dollars, being cost of copies of letters filed in
the Drumcastle, Inc. petition.

Zoning Commissioner

PAID
MAY 19 1949
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

820

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting Feb 3/47
Posted for: Shopping Center
Petitioner: Brunswick Inc
Location of property: east side of York Road and
Baltimore City Line
Location of signs: ³ east side of York Road
100 - 200 - 300 north of Baltimore City Line
Remarks: _____
Posted by Harry E. Garbade Date of return: Feb 3/47
signature

SIGN SIGN SIGN

300

200

100

YORK ROAD

N

Only