

Notice: Do not fill in any part of this petition, simply sign to take on back on lines changed at bottom.

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

To the Zoning Commissioner of Baltimore County:

Larry Samino, et al

Legal Counsel

of the property situated at the northeast corner of Eastern Boulevard and 54th St., near Colgate, in the 15th Election District of Baltimore Co., fronting easterly, on the north side of said Boulevard, 100' with a rectangular depth northerly of 150' and binding on east side of 54th St.,

herby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law for Baltimore County, from an "A" Residence Zone, to an "R" 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 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.

Larry Samino
Legal Counsel
Baltimore County

Address:

FILED JUN 7 1947

LARRY SAMINO and
TERESA SAMINO, his wife
VS.
SAMUEL H. HOWER,
MARIE L. HOWER and
WILLIAM A. GAPP,
CONSTITUTING THE BOARD OF
ZONING APPEALS FOR BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition and Appeal of Larry Samino and Teresa Samino, his wife, by Richard A. Neillister, their Attorney, respectfully represents:

FIRST: That they are property owners and have been in Baltimore County, State of Maryland, and are owners of the property sought to be reclassified in this Appeal; that they are the Petitioners in this case before the Zoning Commissioner for Baltimore County, which Petition prayed for a reclassification from "A" Residence Zone to "R" Commercial Zone of said property, and further petitioned for a special permit for the use of the property for a gasoline service station.

SECOND: That under date of March 6, 1947, Charles H. Deitz, Esq., Zoning Commissioner for Baltimore County, passed an Order granting the petition for the reclassification from an "A" Residence Zone to "R" Commercial Zone of said property, but denied the petition for the special permit for the use of the property described in the Petition for a gasoline service station.

THIRD: That subsequent to the decision of the Zoning Commissioner for Baltimore County passed as aforesaid on March 6, 1947, an appeal was entered on March 15, 1947 on behalf of certain protestants, said appeal being directed to said Board of Zoning Appeals for Baltimore County against the Order of the Commissioner reclassifying the said property from "A" Residence Zone to "R" Commercial Zone; and on the same day an appeal was entered by your Petitioners to that Board of the Order of the Zoning Commissioner which denied the special permit for the gasoline service station.

Upon which Appeal the said Board of Zoning Appeals for Baltimore County on May 8, 1947 passed the following Order:

"The above matter coming up for hearing before the Board of Zoning Appeals for Baltimore County from the Order of the Zoning Commissioner passed on March 6, 1947, in which the reclassification of the entire area as described therein, from an "A" Residence Zone to an "R" Commercial Zone, was granted by the Zoning Commissioner and the petition for special permit to use said property for gasoline service station was denied:

It is this 8th day of May, 1947, ORDERED by the Board of Zoning Appeals of Baltimore County that the aforesaid Order of the Zoning Commissioner in granting the reclassification of the entire area described in the petition from an "A" Residence Zone to an "R" Commercial Zone is hereby reversed and that the Order of the Zoning Commissioner in denying the petition for special permit is hereby sustained.

(a) Samuel H. Hower
(a) Marie L. Hower
(a) Earle L. Dingle."

FOURTH: That the aforesaid Order of the Board of Zoning Appeals for Baltimore County dated May 8, 1947 should be reversed in whole, set aside and annulled by this Honorable Court for the following reasons:

1. As to the reclassification from "A" Residence Zone to "R" Commercial Zone of said property:

(1) 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.

(2) That there was no evidence produced before the Board of Zoning Appeals for Baltimore County legally sufficient to justify said Order, and to the contrary, your Petitioners aver that the Order of the Zoning Commissioner for Baltimore County was legal, proper and justified and that the reversal thereof by the Board of Zoning Appeals for Baltimore County was illegal, improper and unjustified.

(3) That the reclassification of said property will not adversely affect the health, safety and general welfare of the community and there is need for said reclassification.

COPY

LARRY SAMINO and
TERESA SAMINO, his wife
VS.
SAMUEL H. HOWER,
MARIE L. HOWER and
WILLIAM A. GAPP,
CONSTITUTING THE BOARD
OF ZONING APPEALS FOR
BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

The Court has reviewed the proceedings and the testimony in the above-entitled matter and has heard the arguments of counsel.

This case involves an appeal of Larry Samino and Teresa Samino, his wife, from the order of the Board of Zoning Appeals dated May 8, 1947 reversing and setting aside the order of the Zoning Commissioner dated May 6, 1947, and seeking to have the order of the Zoning Commissioner affirmed. The property involved is situated at the N.W. corner of Eastern Boulevard and 54th Street, near Colgate, 15th District of Baltimore County, fronting easterly on the north side of Eastern Boulevard, 150' with a rectangular depth northerly of 150' and binding on the east side of 54th Street. The Zoning Commissioner reclassified the property from an "A" residential zone to an "R" commercial zone and denied the special permit to use the property for a gasoline service station.

The Court on reading the testimony and reviewing the proceedings is impressed by the fact that a large part of the neighboring property is zoned for industrial and commercial purposes and the lot in question is part of a small island zoned as "A" residential. It seems to the Court that the decision of the Zoning Commissioner was reasonable and that his order granting the petition for the reclassification of the property from an "A" residential zone to an "R" commercial zone and denying the petition for the special permit for the use of the property for a gasoline station was sound.

On the other hand, the Court cannot see from reading the testimony in this case and reviewing the proceedings upon what reason the Board of Zoning Appeals reversed the finding of the Commissioner. There was no

II. As to the Special Permit for the use of the property for a gasoline service station:

(1) 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.

(2) That there was no evidence produced before the Board of Zoning Appeals for Baltimore County nor before the Zoning Commissioner for Baltimore County legally sufficient to justify such said Order, and to the contrary, your Petitioners aver that the Order of the Zoning Commissioner and the Order of the Board of Zoning Appeals for Baltimore County was illegal, improper and unjustified.

(3) That the granting of a special permit for the use of the property for a gasoline service station will not adversely affect the health, safety and general welfare of the community and there is need for said reclassification.

FIFTH: That this Petition and Appeal is filed pursuant to Chapter 502 of the General Laws of the State of Maryland, of 1945.

WHEREFORE your Petitioners pray:

(a) That a writ of Certiorari be issued by this Court directed to the Board of Zoning Appeals for Baltimore County and requiring the time within which a return thereto must be made and served upon the Petitioners' attorney.

(b) That this Honorable Court reverse, set aside, annul, declare void and of no effect the Order of the Board of Zoning Appeals for Baltimore County dated May 8, 1947.

(c) That the Order of the Zoning Commissioner dated March 6, 1947, as far as it affects the reclassification from "A" Residence Zone to "R" Commercial Zone be affirmed.

(d) That the Board of Zoning Appeals and the Zoning Commissioner be directed to issue a special permit for the use of the premises described in this Petition for a gasoline service station.

legally sufficient evidence to justify the order of the Board, in the Court's opinion.

The action of the Board will be reversed and the classification of the Zoning Commissioner related with the permit to use this property for a gasoline service station denied.

May 3, 1948

John B. Gentry, Judge

COPY

Esbeck

(e) That the Board of Zoning Appeals for 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 of the Order appealed from, together with a transcript of the testimony taken at the hearing on said protest and copies of exhibits filed therewith.

(f) And for such other and further relief as the nature of the cause of your Petitioners may require.
AND AS IN DUTY BOUND, etc.

Larry Samino

Attorney for Petitioners

Teresa Samino

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this day of June in the year nineteen hundred forty-seven, before me, the undersigned, a Notary Public of the State of Maryland in and for the County aforesaid personally appeared LARRY SAMINO, one of the Petitioners, and made oath on his own behalf and on behalf of TERESA SAMINO, the remaining Petitioner, that the matters and facts as set forth in the aforesaid Petition are true to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

COURT OF COURTS

Upon the foregoing Petition and Appeal and Affidavit, it is this 6th day of June 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 for Baltimore County dated May 8, 1947, and that a return thereto be made and served upon the Baltimore County 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 submitted upon it or certified or sworn copies thereof, and the return shall conclusively set forth such other facts as may be pertinent and material to show the grounds of the decision and Order appealed from, together with a transcript of the testimony taken at the hearing on said protest and copies of exhibits filed therein.

True Copy Test

John M. McCallister
Clerk

Richard M. Murray
JUDGE

IN THE MATTER OF *
PETITION FOR RECLASSIFICATION *
FROM "A" RESIDENCE ZONE TO *
"B" COMMERCIAL ZONE, N. E. *
COR. FIFTY-FOURTH STREET AND *
EASTERN AVENUE, COLONIAL *
BALTIMORE COUNTY, MARYLAND *

BEFORE:
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter an appeal on behalf of Luke Schmucker, Ethel M. Spencer and Henry Koss and other Protestants from the Order on the above Petition for reclassification from "A" Residence Zone to "B" Commercial Zone, dated March 5, 1947.

John M. McCallister
Attorney for Appellants
and Protestants.

John M. McCallister

Henry Koss

Luke Schmucker
Appellants and Protestants

IN THE MATTER OF *
THE PETITION FOR RECLASSIFICATION *
FROM "A" RESIDENCE ZONE TO "B" *
COMMERCIAL ZONE, N. E. CORNER *
FIFTY-FOURTH STREET AND EASTERN *
AVENUE, COLONIAL, BALTIMORE COUNTY, *
MARYLAND *

BEFORE:
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter an appeal on behalf of Larry Zanningo et al from the order of the Zoning Commissioner denying the special permit for the use of the said property for a gasoline service station, dated March 5, 1947.

Richard M. Murray
Attorney for Larry Zanningo et al.

February 12, 1947

RECEIVED of Larry Zanningo, et al, the sum of Eighteen (\$18.00) Dollars, being cost of petition for reclassification and special permit, advertising and posting of property, northeast corner of Eastern Boulevard and 54th St., 15th District of Baltimore County.

Hearings:
Wednesday, March 5, 1947
at 9:30 o'clock a.m.

PAID
BALTIMORE COUNTY
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *John M. McCallister*

March 17, 1947

RECEIVED of Richard A. McCallister, Attorney for appellants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Commissioner denying the petition for special permit to use the property, northeast corner of Eastern Avenue and 54th Street, Larry Zanningo, et al, petitioners.

Hearings:
Thursday, April 3, 1947
at 3:00 o'clock p.m.

Zoning Commissioner.

PAID
MAY 14 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *John M. McCallister*

March 17, 1947.

RECEIVED of C. Walter Cole, Esq., Attorney for Appellants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner granting the petition for reclassification of property, Eastern Avenue and 54th St., 15th District, Larry Zanningo, et al, petitioners.

Zoning Commissioner.

Hearings:
Thursday, April 3, 1947
at 3:00 o'clock p.m.

PAID
MAY 14 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *John M. McCallister*

August 11, 1947

RECEIVED of Richard A. McCallister, (Attorney for Larry Zanningo, et al) the sum of Five Dollars and Twenty Cents (\$5.20) cost of making certified copies of papers in the matter of appeal to Circuit Court for Baltimore County.

Building & Zoning Commissioner.

PAID
AUG 11 1947
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *John M. McCallister*

RECEIVED of Richard A. McCallister, Attorney for appellants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Commissioner denying the petition for special permit to use the property, northeast corner of Eastern Avenue and 54th Street, Larry Zanningo, et al, petitioners.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: Feb. 20/47
Posted for: *Franklin Brown Station*
Petitioner: *Larry Zanningo*
Location of property: *Northeast corner of Eastern Ave. and 54th St.*
Location of signs: *Northeast corner of Eastern Ave. and 54th St.*
Remarks: *Henry C. Enckish*
Posted by: *Henry C. Enckish* Date of return: Feb. 21/47

MICROFILMED

**NO PLAT
IN
THIS FOLDER**