Some false statements in form below

ARTHUR E. MORMANN 3604 Cedar Drive Baltimore County, Maryland

Petitioner

SAMUEL H. HOOVER, RARLE L. DINGLE and WILLIAM A. SAPP, seing and constituting the Board of Moning Appeals for Reltinore County, Rockord Building Towson, Maryland

THE THE

CIRCUIT COURT

308

BAITTMORE COUNTY

APPRAL FROM A DECISION OF THE BOARD OF HONING

TO THE HONORABLE, THE JUDGE OF SAID COURT

The Petition of Arthur E. Mormann, by Julius G. Haurer, his attorney, and any other person or parsons sperieved by the decision of the Board of Zoning Appeals and who may care to join in these proceedings, respectfully represents unto your

- That Arthur E. Mormonn is a resident and a taxpayer of Baltimore County, and is the owner of the property located at 3604 Cedar Drive in Bultimore County.
- II. That on or about January 29, 1946, Clara A. Stewart and Mary G. Botterell, as Trustees for "level owners," filed a Petition with the Coming Commissioners of Saltimore County for a Zoning Re-Classification, from an "A" Residence zone to an "E" Conserved zone, of the property described in said Pe-

That subsequent to the filing of the said Petition, the Zoning Commissioner of Baltimore County passed the following

"Pursuant to the advertisement, posting of property and public hearing on the governation and it appear

"A lewful mon-conforming use existing on the effects date of the shoption of these regulations may continue, conforming use to a different mon-conforming use or any discontinuance of much mon-conforming use for a period of one year, or in case a mon-conforming use for a period of one year, or in case a mon-conforming use for a period of one year, or in case a mon-conforming use for a period of one year, or in case a mon-conforming structure shall be family by fire or non-contourning structure shall be dranged by fire or otherwise to extent of serent-fire (75%) per cent or its value, the right to continue to resume such non-conforming use shall termines, provided, however, that any such iserul non-conforming use may be stended or enlarged to an extent, but nore than one gain the area of the land used in the original non-conforming use. Tunker over the land used in the original non-conforming use.

(f) The said Order of the Board of Zoning Appeals, dated June 16, 1947, does not indicate a compliance with the requirements of Paragraph III (a) of Section TITY, entitled "Powers Palative to Special Exceptions and Special Permits" of the Zoning Regulations and Restrictions for Baltimore County approved by the County Commissioners of Beltimore County on Jeauary 2, 1945, reading as

In the granting of any special under this Section (Settion XIII) the Zoaling Commis it, and the Board controlled by the following principles, stendards, rules, conditions and safeguards; rules, conditions and safeguards; Bafore any such special permit shall be granted it must appear that the use, for which special permit is requested, will not:

- (a) Be detrimental to the early, smalth, norals and general welfare of the community involved.
 (b) Tend to create congestion in roads, structs and alleys in the erse involved.
 (c) Greate a hearn't from fire, punic or other demages.
 (d) Tend to overgroud land and cause undue concentration of the contentration of the contentration.

- population.

 (a) Interest her severage, transported on and other public requirements, severage, transported on and other public requirements, conveniences and improvements.

 (f) Interest with adequate light and air."
- (g) The said Order of the sourd of Zoning Appeals dated June 16, 1947 contains no statements or findings of fact in support thereof which thus preclides this Headrable Court from determining whather or not the said loard, in reaching its said decision. ed to and complied with the provisions and requirements of Article 66 B of the Amotated Code of Maryland, 1939 Edition, and the eforesaid Regulations promulgated thereunder by the County Commissioners of Baltinors County.

"It is ordered by the Soning Commissioner of Malti-more Gunly, this 18th day of Pabruary, 1946, that the above petition be and the assat is hereby danied and that the chown desiration projectly on meaning that the mone Thebrethy continued was and to rebut in a "2" heatdene zone."

That on February 25, 1946, the said Clara A. Stewart and Mary G. Botterell, by Jenifer and Jenifer, their attorneys, entered an appeal from the said decision of the said Zoning Commissioner, deted February 18, 1946, as aforesaid, to the Board of Zoning appenis of Beltimore County; that on or about February 27, 1947, the said Clara A. Stewart and Mary C. Sotterell, wrote to the said Moning Commissioner of Baltimore County, requesting that the said Commissioner "withdraw the appeal on the property located at 6605 liberty Road", which is the same property as that described in Paragraph II hereof; that on March 5, 1947, the then Zoning Commissioner of Beltimore County scknowledged the said request of withdrawel on d

"On Pabruary 27, 1947, we received your letter withyour appeal to the Board of Joning appeals of re County, filed February 28, 1946 in the aboveentitled metter.

III. That on March 10, 1947, Clara A. Stewart and Mary n. Thursby, "legel owners", filed a Petition for Woning Re-Classification, from an "A" Hasidence zone to an "E" Comnercial zone, of the property described in said Petition, as

"on northwest side of liberty Road, at 'Lochesrn', in the End District of Beltimore County, beginning 500 feet northwest of Jul Hill Road, thence morthwest, on said side of liberty Road, 100 Feet with a rectangular depth southwest of 130 Feet,"

and that the said property is a part of the same property as that described in Paragraph II hereof.

(h) That the action of the Board of Zoning Appeals by

ricious, unreasonable and illegal, as aforesaid, for the reason

(a) That this Honorable Court may bass an Order allowing

(b) That the Order of this Honorable Court may direct that

(1) All papers, minoranda, correspondence, orders, and

(2) All papers, memoranda, correspondence, orders and

the following original papers or certified or sworn copies thereof

may be transmitted and forwarded to it by the Board of Zoning Ap-

any and all other records relating to the application filed by

Clere A. Stewart, et al on January 29, 1948; the Order of the

appeal dated February 28, 1946 from said Order to the Board of

Zoning appeals and the record of all proceedings subsequent to

any and all other resords relating to the application of Clara

Zoning Commissioner thereon dated April 16, 1947 and the appeal from said Order to the Board of Zoning Appeals, (including a trenscript of the testimony taken at the hearing on May 22, 1947)

and the Order of the Board of Zoning Appeals dated June 16, 1947. (3) A certified copy of the "Zoning Regulations and Restrictions for Beltimore County", approved by the County Com-

missioners of Baltimore County on January 22, 1945 and all sub-

to herein may be reversed and the application of the seid Mary D.

(a) That the action of the Board of Zoning Appeals referred

sequent amendments, if any, thereof or thereto.

A. Stewart, et al filed on Merch 10, 1947; the Order of the

Zoning Commissioner thereon dated Pebruary 18, 1946, and the

said appeal and setting this cause down for hearing at some early

wirtue of its said Order of June 16, 1947 was arbitrary, cap-

that it was not predicated on substantial evidence adduced at

the said public hearing held on May 22, 1947.

TO THE END THEREFORE:

peals of Baltimore County:

the filing of said appeal.

Thursby, et al, denied;

(s) John J. Timenus Voning Commissioner of Baltimore County."

(a) That following the filing of said Petition of Merch

10, 1947, and after a public hearing, the following order was

passed by the Zoning Commissioner of Baltim re County:

"Pursuant to the edvertisement, posting of property, and public hearing on the above petition and it excepting that by reason of location, being a summunity had the above re-classification should be had.

"It is Ordered by the Moning Commissioner of Beltimore county this 18th day of April, 1947, that the above County this 15th day of April, 1847, that the above hearly relabelling from an after the date of this order, from 'n'" Hesidemee none to en 'N' Conservis, coc, sui jed, however, to the astheoic ob buildings parking area to be as shown by glot plan filed and made a part of this order."

"(s) Chas. H. Doing

(b) That your Petitioner, being aggrisved at the passuge of the Zoning Commissioner's soid Order of April 26, 1947, entered an appeal therefrom on April 23, 1947 to the Board of Zoning Appeals of Reltimore County.

(o) That following a public hearing before the Board of Zoning Appeals of Baltimore County, and upon the said appeal the following Order, dated June 16, 1947, was passed by the

"Upon hearing on appeal from the Order of the Zoning Commissioner of Boltinger County passed on the 18th day of april, 18th granting the reclassification of the formal appearance of the Port of the Author of the International County of the South County of the South County of the South County of the South County, the the Gorden County, that the Germesia Order of Zoning Countsidence the end the same

hereby approved and sustained.

(s) Samuel H. Hoover

(s) William A. Sapp (s) Earls L. Dingle

IV. That your Petitioner believes and therefore alleges and avers that the action, as aforesaid, of the Board of

(a) It is not in conformity with the requirements of Art. 66 B. Section 5. of the Annotated Code of Maryland, 1939 Edition. in that owners of "20 percent or more" of the area of the lots "directly apposite" to the "proposed change" signed a "protest

- 3 -

against such change" and it does not appear from the records, of the Zoning Commissioner in this case that there was a compliance with the provisions of the sold statute which required a "favorable rote of three-fourths of all the members of the legislative body of such municipality" in a case of the kind in question.

(b) The avid action of the said Board of Zoning Appeals, and for the reason given in the preceding paregraph (a) hereof, does not conform to or comply with the requirements of Chapter 502 of the Acts of 1945 passed by the General Assembly of Marylend and reading, in part, as rellows:

The nuch emendment, supplement or change, however, he all beam effective and binding until it shall have been served by the fourty dominicationers, but no notice and by the fourty dominicationers, but no notice and by the fourty dominicationers shall be necessary before such approval.

(c) It was not in conformity with Rule 15, approved by the County Commissioners of Baltimore County on January 2, 1945, entitled "Powers of Zoning Commissioner and Board of Zoning Appeals Procedure and Changes", resding as follows:

"No new petition for reclassification, or special policy of the property use, shall be entertained by considered and the property use, shall be entertained by considered and exted upon by him at the him of a size months from the date of his final order thereon. Where an appeal is taken from any decision thereon. Where an expenditude has been decided by the size of the period of Zoning Appeals, the Zoning Commission the Board of Zoning Appeals, and the private of the Soning Commission of the

(4) The reclassification of the applicants' lot as ordered by the said Board of Zoning Appeals is repugnant to and in violation of the provisions of Article 65 B, Section 5 of the Annotated Code of Maryland, 1939 Edition, in that the said Order does not authorize the change of any "boundaries" in the Residentially somed area in which the property of the applicants is located.

(e) It is not in conformity with Section XI of the Moning Regulations and Restrictions for Baltimore County approved by the Com Commissioners of Beltimore County on January 2, 1945, readfollows:

Zoning Appeals was illegal because:

(d) And for such other relief as your Petitioner's cause may require.

AND AS IN DUTY BOUND, etq.

Selicitor for Petitioner Arthu E. Morme

STATE OF MARYLAND) CITY OF BALTIMORE) 55

I HEREBY CERTIFY, That on this Atteay of July , 1947. before me, the subscriber, a Motary Public of the State of Maryland, in and for Baltimore County, personally appeared ARTHUR E. MORMANN, and after being duly sworn according to law, declared that the matters and facts set forth in the sforegoing Petition are true and correct to the best of his information, knowledge and belief.

WITNESS my hand and Notarial seal.

Ella Thorwaton

My Commission expires 2404 2, 1949.

Fidelity Officer Skin

ORDER Upon the sforegoing Petition and affidavit, it is this 15 day of July, 1947.

ORDERED by the Circuit Court for Baltimore Courty, that a writ of certioreri be issued directed to Semuel H. Hoover, Earle L. Dingle, and William A. Sapp, scattituting the Board of Zoning Appeals of Baltimore County, to reverse the Order of said Board, dated June 16, 1967 and that the return thereof be made and served upon the relator's attorney within the days from the date of this order.

IT IS FURTHER ORDERED That said Board of Monling Appeals shall return to this morning Court either the original papers seted upon by it or sworm copies thereof and perticularly the followings

1- All pepers, mesorands, correspondence, orders and any and all other records relating to the application rised preferred. Beauty, et al on Famery 18, 1946; the preferred in the Commissions thereon detect February 18, 1943; and the Commissions thereon detect February 18, 1943; and of the Commissions of the Commissi

and the state of t

Judge.

Service of copy of the aforegoing Petition and Order admitted this day of July, 1947.

Relator's Attorney

FILED AUG 22 1947

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Defendents

And now come Samuel H. Hoover, Earle L. Dingle and William A. Sapp, constituting the Board of Zoning Appeals of Baltimore County, and in enswer to the writ of certiorari directed against thom in this case, herewith submit the record the following verified copies or original papers on file in the office of the Zoning Department of Baltimore County; No. 864

March 10, 1847, Petition of Mary Dr. Thursby, at al. for reclassification from A. Section of the control of the type of the control of the type of the control of the type of

Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 31, 1947 at 10:00 o'clock a.m.

March 18, 1947 Certificate of posting of property on March 17, 1947, filed.

RECO APR 23 1947

END DISTRICT OF BLAIROR CO., BECKNEING 500' N.W. OF OLD MILL: ROAD, TRENCE N.W. 100' with a RECTANGULAR DEPTH S.W. OF 150';

reclassification in the above entitled matter, passed April 16.

Very truly yours, Outin & Man

March 24, 1947, Certificate of publication of advertisement in newspaper, filed.

April 16.

Order of appeal to the Board of Zoning Appeal April 23, 1947 May 22 1947.

Order of Board of Zoning Appeals sustaining the Order of the Zoning Commissioner in granting the reclassification from an "A" Residence Zone to an "A" Commercial Zone.

July 15, 1947,

Transcript of testimony taken at hearing on appeal before the Board of Zoning Appeals by the stemographer sho took and transcribed the same, filed.

Letter from Talbott Building Company filed as Exhibit No. 1

Petition in fever of reclassification filed as Exhibit No. 2.

Plats, pictures, protest, letter and Trader's licence, filed. licen's, filed.
Trans_ript of docket entries and all papers file
in Circuit Count for Baltimore County.
The rules and regulations pursuant to which said Order

was entered and said Board seted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Responsents 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 soning use district maps at the hearing on this petition or whenever directed to do so by

Respectfully aubmitted,

Attorney for Board of Zoning Appeals of Baltimore County.

Petition for Zoning Re-Classification

www - Mary D. Thurshy, et al.

on northwest side of Liberty Road, at "Lochearn", in the 2nd District of Belto. Co., beginning 500' northwest of Old Mill Road, thence northwest, on said side of Liberty Road, 100' with a rectangular depth southness of 100',

0864

Zoring Law of Baltimore County, from an "affice sidence, some to an "B"Commarcial some

Character of use for which above property is to be used. Retail Stores to be erected

To be approved by Buildings Dept. feet, height feet. Size and height of building: front feet; depth feet; height feet.

To be approved by Zoning Dept.

Front and side ast backs of building from street lines; front feet, side feet.

of this petition, and further agree to and are to be bound by the zonion regulations and restrictions of

Mary & Thursby Elara a Stewart

Address 3609 Marriott Lane Butto 7

OPDEPED By The Zoning Commissioner of Bultimore County this 10th 19.47 that the subject matter of this petition be advertised, as required 31at day of Merch

blen H& Dong

Zoning Commissioner of Paltimetre County

and it appearing that by reason of ... location, being a commity need

FILED JUN 16 1947

Board of Zoning Appeals of Matthree Gounty, that the aforessid Order of said Joning Commissioner be and the same is hereby approved and untained.

opers of Baltimore Count

HERM BOY

NEW BITT DING COUNTY COMMISSIONERS OF BALTIMORE COUNTY APPLICATION DEPARTMENT OF PUBLIC WORKS Office of the Buildings Engineer

*hother interior instruct

Number of Let, Black and Section on Plats
Owner Maril Section of Plats
Owner Maril Section of Section of Land of Land

Character of Construction Drick and and Character of Construction Drick and Character of Construction of Const

Is this an Addition. Red ... Estimated Completed Value of Improvements 8 15,000,00 Water Supply Little Steen Sengan Disposal Settle Sengan Disposal Disp

Signed Mary Lymphy 35/4 Milher are 1"
Commercia in mating
B. Care Steward 3602 Mary of

Date Permit Issued Fee Paid \$ Highways Department

Julius G. Maurer, Esq. Attorney for Mr. Arthur E. Mormenn, 763 Calbert Building, Baltimore - 2, Md.

July 31. 1947

County Commissioners of Baltimore County, % Zoning Department of Baltimore County, Reckord Ballding Towson - 4, Md.

To making certified copies of papers filed in the matter of appeal Mary D. Thursby, et al., petitioners, property on N. W. Side Liberty Road, 500° N. W. Old Mill Road, Smd Dist.

\$ 4.20



March 10, 1947

RECEIVED of Clara and Hary Stewart, the sum of Bighteen (\$18,00) Dollars, being cost of petition for reclassification, asvertising and posting of property, South side Liberty Road, 500 feet west of Old Eill Road, 1st District of Baltimore County.

Zening Comissioner

Hearings Monday, Mar h 51, 1947, et 10:00 o'clock c.m.



AMMERIVED of Julaus G. Maurer, Attorney for Arthur E. Horman, being the cost of appeal to the Board of Zoning Appeals of Beltheore County from the de islon of the Loning Commissioner, property situate on northwest side of Liberty Road, at "Loches an", 2nd Matriot of Ball imore County, Mary D. Thursby, et el, petitioners.

Zoning Comissioner.

\$4.20

RECEIVED of Liberty Patterson Improvement Asa'n. Inc., the sum of Four (\$4.20) Dollars and Twenty cente being cost of preparing certified copies in the appeal to the Circuit Court mf Baltimore County in the matter of petition of Mary D. Thursby, et al, for reclassification of property on northwest side of Liberty Road, "Lochearn",

Buildings & Zoning Commissioner.



AUG 2 1947 COUNTY COMMISSIONERS OF BALTIMORE COUNTY or tokancester

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for Day 6	Date of Posting Mar 17/4
Posted for: Dang and Grover Petitioner: Many to Thurst	of others
Location of property: He thereof of Soo fail Northwest 4 Co. Location of signs: Worthwest 2	They Leter Red
Location of signs: Horthand	ed mill Du
Location of signs: Worthwart y	ded mile Rd
Posted by Johnson Section	
Signature	Date of return: Tuan 18/4

Towson, Maryland

864

SIGN LIBERTY IRD