

CHARLES GOLDBERG and  
LEON GOLDBERG  
vs  
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. Sapp, 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 of original papers on file in the office of the Zoning Department of Baltimore County:

No. 964-5 ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

July 1, 1947, Petition of Charles Goldberg, for special permit to use property at southeast corner of York and Cider Roads, 8th District of Balto. Co., for gasoline service station, filed.  
" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for July 28, 1947, at 10:00 a.m.  
" 10, " Certificate of posting of property on July 10, 1947, filed.  
" 10, " Certificate of Publication of same timent in newspaper, filed.

July 20, 1947, At 10:00 o'clock a.m. hearing held on petition by Zoning Commissioner.  
Aug. 8, 1947, Order of Zoning Commissioner denying petition for special permit.  
Aug. 13, " Order of appeal to Board of Zoning Appeals from Order of Zoning Commissioner, filed.  
Sept. 10, " Hearing on appeal before the Board of Zoning Appeals.  
Nov. 3, 1947, Order of Board of Zoning Appeals affirming the decision in denying the petition for special permit, filed.  
Dec. 5, " Writ of certiorari and appeal to Circuit Court for Baltimore County served on Board of Zoning Appeals.  
" 23, " Transcript of testimony taken at hearing on appeal before the Board of Zoning Appeals by the stenographer who took and transcribed same, filed.  
Plat No. 1 and Plat No. 2 filed at hearing before Zoning Commissioner and Board of Zoning Appeals.  
Jan. 29, 1948, 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 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,

Counsel to Board of  
Zoning Appeals of  
Baltimore County.

CHARLES GOLDBERG and  
LEON GOLDBERG  
vs  
IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition and appeal of Charles Goldberg and Leon Goldberg respectfully represents:

FIRST, \* That they are property owners and taxpayers in Baltimore County, State of Maryland, and are the owners of the property located at the southeast corner of York and Cider Roads, said property fronting 113.1 feet on the west side of York Road and 155.2 feet on the south side of Cider Road, and that they were the Petitioners in this case before the Zoning Commissioner for Baltimore County, which petition prayed for a SPECIAL PERMIT to use said property for a Gasoline Service Station, the said property having been classified "X" Commercial on Jan. 24, 1945, and therefore subject to such commercial use upon the granting of said permit.

SECOND.- That under date of Aug. 8th, 1947 Charles H. Doing, Zoning Commissioner for Baltimore County, passed an order denying said petition for said Special Permit for the following reasons,-

"That the area in which the proposed station is to be erected is now amply supplied with gasoline stations and there was no need shown for an additional station."

THIRD.- That subsequent to the decision of the

Zoning Commissioner for Baltimore County passed as aforesaid on August 13th, 1947, and was entered by your petitioner on Aug. 13th, 1947, said appeal being directed to the Board of Zoning Appeals for Baltimore County, upon which appeal the said Board of Zoning Appeals for Baltimore County on November 3d, 1947 passed the following order:-

"The appeal in the above entitled petition for special permit for gasoline service station coming on for hearing on the 20th day of September 1947, from the Order of the Zoning Commissioner for Baltimore County, passed on the 5th day of August 1947, denying the petition and it appearing from the facts and evidence adduced at the hearing that the petition should be denied since the granting of the same would adversely affect the health, safety and morals of the community and would tend to create congestion in the roads, streets and highways and interfere with the safety and transportation of children to schools and churches and would interfere with other public requirements and conveniences, therefore it is this 3d day of November 1947, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner in denying the petition for the reasons above set forth in hereby affirmed."

FOURTH.- That the aforesaid order of the Board of Zoning Appeals for Baltimore County dated November 3d, 1947, should be reversed in whole, set aside and annulled by this Honorable Court for the following reasons:

(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 such Order, and to the contrary Your Petitioner avers that the only testimony produced at the hearing before the Board of Zoning Appeals was to the effect that the granting of said Special Permit was proper and justified.

(3) That the granting of this Special Permit will not adversely affect the health, safety, morals and

general welfare of the community.

FIFTH.- That this petition and appeal is filed pursuant to Chapter 502 of the General Laws of the State of Maryland of 1945.

THEREFORE 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 prescribing the time within which a return thereto must be made and served upon the Relator's Attorney.

(b) That this Honorable Court reverse, set aside and declare void and of no effect the Order of the Board of Zoning Appeals for Baltimore County dated November 3d, 1947.

(c) That this case be remanded to the Zoning Commissioner for Baltimore County with a direction from this Honorable Court that said SPECIAL PERMIT be granted to your Petitioners.

(d) That the Board of Zoning Appeals for Baltimore County be required to return to this Honorable 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.

(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.

Claude A. Hanley

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT.

I HEREBY CERTIFY, That on this day of December 1947, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Charles Goldberg, one of the Petitioners, and made oath in due form of Law on his own behalf, and on behalf of the other petitioner, Leon Goldberg, that the matters and facts set forth in the foregoing Petition and Appeal are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public.

UPON the foregoing Petition and Appeal and Affidavit, it is this 27th day of December, 1947, 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 November 3d, 1947, and that a return thereto must be made and served upon the Relator's 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 acted upon by it or certified or sworn copies thereof, and the 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, together with a transcript of the testimony taken at the hearing on said protest and copies of exhibits filed therewith.

True Copy Test

James B. Constance

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

RE: PETITION FOR SPECIAL PERMIT -  
For Gasoline Service Station,  
Southeast Corner York & Cider  
Roads, Tenthing, 8th District  
of Baltimore County,  
Charles Goldberg, Petitioner

The appeal in the above entitled petition for special permit for gasoline service station coming on for hearing on the 18th day of September, 1947, from the Order of the Zoning Commissioner of Baltimore County, passed on the 5th day of August, 1947, denying the petition and it appearing from the facts and evidence adduced at the hearing that the petition should be denied since the granting of the same would adversely affect the health, safety and morals of the community and would tend to create congestion in the roads, streets and highways and interfere with the safety and transportation of children to schools and churches and would interfere with other public requirements and conveniences, therefore:

It is this 3d day of November, 1947, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner in denying the petition for the reasons above set forth in hereby affirmed.

Samuel H. Hoover  
Earle L. Dingle  
William A. Sapp  
Board of Zoning Appeals  
of Baltimore County

Approved: County Commissioners of  
Baltimore County

By President

Date: \_\_\_\_\_

FILED AUG 13 1947

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF  
petition of  
Charles Goldberg

BEFORE THE  
ZONING COMMISSIONERS  
OF BALTIMORE COUNTY

0964-5

For a Special Permit

To the Zoning Commissioner of Baltimore County

Charles Goldberg Legal Owner  
and Kevin Latta Contract purchaser

herby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for resale  
Kevin Latta

Situate on southeast corner of York and Cinder Roads, Timonium, 8th District of Balto. Co., fronting southerly on east side of York Road 113.1' with a right angle depth easterly of 150' and binding on south side Cinder Road.

Kevin Goldberg  
Charles Goldberg Legal Owner  
Contract Purchaser  
Address \_\_\_\_\_

ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of July 1947, 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 28th day of July 1947, at 1:00 o'clock a.m.

William P. Bolton  
Zoning Commissioner of  
Baltimore County.

Upon hearing on petition for special permit to use the property described in the within petition and it appearing that the area in which said petition is proposed to be erected is now amply supplied with gasoline service stations, there being no need shown for an additional one, the said petition should be denied, therefore:

It is this 1st day of August, 1947, ORDERED by the Buildings & Zoning Commissioner that the aforesaid petition for special permit be and the same is hereby denied.

William P. Bolton  
Buildings & Zoning Commissioner  
of Baltimore County.

January 19, 1948.

\$8.20

RECEIVED of William P. Bolton, Attorney for Petitioners, Charles Goldberg, et al, the sum of \$8.20 being cost of making certified papers filed in answer to writ of certiorari. Property at southeast corner of York and Timonium Roads, 8th District of Baltimore County.

Zoning Commissioner.

PAID  
JAN 15 1948  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY

August 13, 1947/

RECEIVED of Claude A. Hanley, Attorney for Charles Goldberg, Petitioner, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals from the decision of the Zoning Commissioner denying the petition for special permit to use the property at southeast corner of York and Cinder Roads, for gasoline service station.

Buildings & Zoning Commissioner.

PAID  
AUG 13 1947  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY

June 24, 1947

\$18.00

RECEIVED of Claude A. Hanley, Counsel for Charles Goldberg, petitioner, Eighteen (\$18.00) Dollars being cost of petition for ~~an~~ special permit, advertising and posting property, southeast corner of York and Cinder Roads, 8th District.

Zoning Commissioner.

PAID  
JUN 26 1947  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY

Hon. William P. Bolton,  
Attorney for  
Charles Goldberg, et al,  
Dunbar Building,  
Towson - 4, Md.

to Dec. 26, 1947

Joanette C. Harris,  
Reckord Building,  
Towson - 4, Md.

Transcript of testimony taken before Board of Zoning Appeals in the matter of petition of Charles Goldberg for special permit to erect gasoline service station at southeast corner of York and Cinder Roads, Timonium, 8th District

\$10.00

Hon. William P. Bolton,  
Attorney for  
Charles Goldberg, et al,  
Dunbar Building,  
Towson - 4, Md.

Dec. 26, 1947

to  
County Commissioners of  
Baltimore County,  
2 Zoning Department  
Reckord Bldg.,  
Towson - 4, Md.

Certified copies of papers in the matter of petition of Charles Goldberg for special permit to erect gasoline service station at L. N. Cor. York and Cinder Roads, 8th District of Baltimore County

\$5.20



# NO PLAT IN THIS FOLDER

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

964-S

District: 6 Date of Posting: July 10/47  
Posted for: Gasoline Service Station  
Petitioner: Chas. Goldberg  
Location of property: Southeast corner of York Road and  
Bunder Road  
Location of signs: Southeast corner of York Road and  
Bunder Road  
Remarks: \_\_\_\_\_  
Posted by: Harry G. Gantick Date of return: July 10/47  
Signature