

#1078
MAP
#1-B

THE TITLE GUARANTEE COMPANY, a body corporate, in its behalf and for and on behalf of EDWARDS, ROYALSON COMPANY, a body corporate, both corporations of the State of Maryland,

The appeal in the above entitled petition for reclassification coming on for hearing from the Order of the Zoning Commission of Baltimore County, passed on the 2nd day of December, 1947, and it appearing from the data submitted that the petition for reclassification of the first described parcel in said petition, from an "A" Residence Zone to a "C" Residence Zone, should be granted by reason of the fact that the said property is not adjacent to existing cottages and is not in fact being now used as residential property; and

It appearing further from the facts and evidence adduced at the hearing that the petition for reclassification from an "A" Residence Zone to an "C" Commercial Zone 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; would interfere with the safety and transportation of children to schools and churches and would interfere with other public requirements and conveniences and since various kind of stores may attract rats, vermin and other pests and may lead to unhealthful and insanitary conditions affecting the health of the community.

It is this 1st day of March, 1948, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner of Baltimore County in granting the petition for reclassification from an "A" Residence Zone to a "C" Residence Zone be a firm and that the Order of said Zoning Commissioner in granting the petition for reclassification from an "A" Residence Zone to an "C" Commercial Zone be reversed.

Samuel H. Hoover
William A. Sapp
Earl P. Smith
Board of Zoning Appeals of Baltimore County

Approved: County Commissioners of Baltimore County

By *Christina Hill*
President

Date: *March 4, 1948*

THE TITLE GUARANTEE COMPANY, a body corporate, in its behalf and for and on behalf of EDWARDS, ROYALSON COMPANY, a body corporate, both corporations of the State of Maryland,

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

SAMUEL H. HOOVER, MARION L. DINGLE and WILLIAM A. SAPP, being and constituting the Board of Zoning Appeals for Baltimore County.

ORDER TO WRIT OF CERTIORARI AND ORIGINAL AND CERTIFIED COPIES OF PROCEEDINGS BEFORE ZONING COMMISSIONER AND BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Mr. Clerk: Please file, do.

Original to Board of Zoning Appeals of Baltimore County.

THE TITLE GUARANTEE COMPANY, a body corporate, in its behalf and for and on behalf of EDWARDS, ROYALSON COMPANY, a body corporate, both corporations of the State of Maryland,

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

SAMUEL H. HOOVER, MARION L. DINGLE and WILLIAM A. SAPP, being and constituting the Board of Zoning Appeals for Baltimore County.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Samuel H. Hoover, Marion 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 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:

No. 1078

Oct. 30, 1947, Petitioner of Title Guarantees a Trust Co., for reclassification of two parcels of land on north and south sides of Edmondson Ave., the first for Garden Type Apartments and the second for Community Shopping Center, filed.

Nov. 7, " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for November 18, 1947 at 11:00 a. m.

Nov. 10, " Certificate of posting of property on November 7, 1947, filed.

Nov. 10, " Certificate of publication of advertisement in newspaper, filed.

Nov. 18, 1947, At 11:00 a.m. held on petition for Zoning Commission and case held on appeal.

Dec. 2, " Order of Zoning Commissioner granting petition for reclassification from "A" Residence Zone to "C" Residence Zone of the first described parcel and from an "A" Residence Zone to an "C" Commercial Zone of the second described parcel.

" 8, " Order of appeal to the Board of Zoning Appeals of Baltimore County from Order of Zoning Commissioner, filed.

" 8, 1948, First hearing on appeal before the Board of Zoning Appeals, case continued to Jan. 24, 1948.

" 28, " Hearing on appeal continued before Board of Zoning Appeals.

March 1, " Order of Board of Zoning Appeals of Baltimore County sustaining the Order of the Zoning Commissioner in granting the petition for reclassification from "A" Residence Zone to "C" Residence Zone of the first described parcel and reversing the Order of the Zoning Commissioner in granting the reclassification from an "A" Residence Zone to "C" Commercial Zone of the second described parcel, filed.

March 30, " Writ of certiorari and appeal to Circuit for Baltimore County served on Board of Zoning Appeals.

" 31, " Transcript of testimony taken at hearing on appeal before the Board of Zoning Appeals by the stenographer who took and transcribed the case, filed.

March 31, " Miscellaneous papers, maps, etc., filed as follows:

No. 1, Plot showing layout of property for proposed garden type apartments and Shopping Center.

" 2, Plot plan showing proposed Shopping Center.

" 3, Zoning Map of Baltimore City.

" 4, Use District Map - First District Zoning Map of Baltimore County.

" 5, Maps and pictures of Edmondson Village.

" 6, Pictures showing property in the adjacent area.

" 7, Letters of protest, telegram, signed petitions of protest and other papers filed at appeal hearing.

The rules and regulations pursuant to which said Order was entered said Board acted are herewith attached to the

THE TITLE GUARANTEE COMPANY, a body corporate, VS SAMUEL H. HOOVER, et al.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY IN EQUITY

This is an appeal from the refusal of the Board of Zoning Appeals to approve a change from residential to commercial use of a sixteen acre tract of land on Edmondson Avenue extended, in the first district.

Actually two tracts are involved, both owned by Butzler Brothers, the sixteen acre tract lying to the south of Edmondson Avenue and the forty acre tract to the north. Both are unimproved and were zoned as "A" residential under the comprehensive zoning plan of 1945. The application to change the zoning of the forty acre tract from "A" residential to "C" residential was granted and is unopposed, but the application to re-zone the sixteen acre tract to commercial is the subject of this appeal. The two tracts, however, are involved in the undertaking. It is the Butzler intention to sell the larger tract for development as a garden type apartment project, but only if the re-zoning to commercial use of the sixteen acre tract is approved.

If that occurs then Butzler proposes to erect a regional shopping center in gradual stages. First, a neighborhood center will be erected, second, a Butzler Department Store and third, additional stores and other commercial ventures.

The re-zoning is protested by a large number of residents of the area and is favored by others.

It is conceded that the only question before the Court is whether or not the evidence produced before the Board of Zoning Appeals and contained in the record, substantially supports the Board's refusal of the changing in classification.

-2-

The Board has given the Court little assistance in determining this question.

It merely passed a blanket order asserting (but failing to point out in what manner,) that the granting of the application would (a) adversely affect the health, safety and morals of the community; (b) would tend to create congestion in the roads, streets and highways; (c) would interfere with the safety and transportation of children to schools and churches; (d) would interfere with other public requirements and conveniences and (e) the proposed stores may attract rats, vermin and other pests and may lead to unhealthful and unsanitary conditions affecting the health of the community.

It should be noted that this enumeration of the Board's view on the result which would occur if the re-classification is granted, merely copies the language of the Act upon which zoning is based. It affords the Court no help whatever in determining how the public health, safety, morals and welfare would be adversely affected. The Board does not attempt in its order or in any memorandum supporting it, to indicate the manner in which the testimony, in its judgment, shows those elements of zoning requirements are violated in this application.

The Court is therefore left without the benefit of any finding of fact by the Board supporting its conclusion.

No citation of authority is needed for the proposition that the finding of an administrative board is presumptively correct, that if there are reasonable grounds to support such a finding it must be sustained, even though the Court on appeal might view the testimony in a different light from that given to it by the administrative board. However, when the board itself fails to show, even indirectly, the relationship of the testimony to the principles upon which zoning is based, it becomes difficult to determine whether or not the board acted reasonably in reaching its conclusion. Zoning is a difficult, complicated and technical proceeding. It is

-3-

antagonistic to the generally accepted view that a person may use his property for all lawful purposes, freely and without restriction. It required much litigation before zoning laws were upheld as legal and valid legislative enactments. While zoning is today recognized everywhere as a public necessity, because of the large concentration of population in small areas and the realization that the public welfare transcended the right of an individual to use his property without regard to the effect which that use might have on the property of his neighbors and the community as a whole, nevertheless restricting the use of a particular property, can still be justified only when it is found that such use does violence to the legal principles which justify the restriction. It would therefore seem desirable, if not necessary, that a Zoning Board when refusing an application to permit a person to use his property for legal purposes, should point out the facts presented to it which it finds proves the proposed use is violative of the zoning principles. The failure of the Board to do so imposes on the Court the task of making those findings frequently itself, without any aid from the expert body established by the law for that purpose. Here the Board has stated its conclusions only. It is conceded that if those conclusions are supported by substantial evidence the Board must be affirmed. It is likewise submitted, however, that when the Board fails to state the reasons for its conclusion, the Court's review of the case is less likely to be correct than if it had the benefits of the Board's views of the facts. It thus occurs the Board itself is responsible.

In spite of rather voluminous testimony the case is rather simple.

As has been pointed out, the district involved was zoned residential when the comprehensive zoning plan now in effect was adopted in 1945. There is a school and church adjoining this tract to the west and there is also a substantial residential

MICROFILMED

MICROFILMED

MICROFILMED

community in the vicinity. To the east there is a shopping center known as Edmondson Village.

While zoning is not static, but must retain some degree of fluidity, in order to prevent a complete stagnation of property use, nevertheless it is true that there is a presumption that zones are well planned and arranged and are to be more or less permanent, subject to a change only to meet genuine change in conditions.

(N.W. MERCHANTS TERMINAL INC. v. O'BROUKE 60 A.2d 743)

It is equally true that a change from one classification to another cannot be granted merely as a favor or convenience or because the proposed use would be more profitable to the owner than the existing permitted use.

(ELICOTT v. BALTIMORE, 380 Md., 182.)

Likewise even though the Board's refusal to grant a given application is based on a reason (as noted, the Board here gave no reason) deemed insufficient on appeal, nevertheless if its conclusion is correct, it will not be set aside even if the reason given therefor is wrong.

(HOFFMAN v. MAYOR & CITY COUNCIL OF BALTIMORE 51 A.2d 273.)

It is certainly fair to say that while there is evidence in this record to superficially show that the granting of this permit might affect or cause depreciation to adjoining property, cause congestion in the roads and streets and the creation of a traffic hazard, such testimony is at best highly speculative, nebulous and unconvincing, and by no reasonable analysis meets the test of substantiality.

Most residents of a community in which it is proposed to erect a shopping center or commercial enterprise, would naturally initially fear a depreciation in the value of their property. There is such testimony in this record. Understandably also, they probably prefer no change in their neighborhood. However, before a given property can be denied the use sought for, testimony of this

character certainly should be based on a tangible showing or likely depreciation, based on other similar situations, rather than a showing of fear and apprehension that such would be the result. On the contrary this record shows that Edmondson Village caused no such property depreciation as is suggested this project might cause. In fact this record discloses that new residences are being built in the Edmondson Village territory and the only substantial testimony as to the effect which that center had on property values was that it probably would not increase the value of such properties. That is not the test. A person need not show his use of property will enhance the value of his neighbor's. The testimony on this phase cannot in any aspect from which it is viewed, be regarded as substantial.

The same may be said of the contention that a traffic hazard may be created. Edmondson Avenue is a dual highway of substantial width. While it is a high-speed boulevard, it is straight and broad, and while of course this shopping center and the proposed apartment development would increase the flow of traffic and persons of from one side of the road to the other, nevertheless this testimony falls far short of showing that a traffic hazard and congestion will occur if this application is granted. Edmondson Avenue now carries far less traffic than it was designed to handle. All developments, to say nothing of commercial establishments, necessarily increase traffic. It is not the increase in traffic which zoning was designed to safe-guard, it is the hazard and congestion which the proposed development creates, that zoning is intended to protect against. The record here shows conclusively that no traffic hazard will be created by the proposed improvements on the tracts of land involved. Even if the sixteen acre tract were residentially developed, traffic would be increased and perhaps even to a greater degree than would be caused by the proposed commercial development. In any event, the development of the forty acre tract as garden-type apartments and any residential development of the sixteen acre tract would involve a shopping center of some size and the necessity of

crossing Edmondson Avenue from one development to the other. The argument that there is substantial testimony in this record to show that the proposed improvement of this lot will create a traffic hazard and cause congestion in the roads and streets is not supported by the facts. Such testimony as there is to this effect is highly speculative and without probative force.

It goes without saying that this application should not be approved because of the size of the contemplated project or the admitted responsibility of its sponsors. However, it is equally true that size alone does not justify its rejection. In this connection it should be observed that the Zoning Commissioner, who deals daily with the many problems incident to proper and lawful zoning and who by experience alone, eliminating in this discussion his known ability and integrity, is an expert in these matters, approved the application under consideration.

The other grounds stated in the Board's order denying the application are completely fanciful, lacking not only substantial evidence to support them, but actually lacking any evidence at all. It is neither unfair nor improper to dispose of them in that summary manner. There is absolutely no testimony that the proposed project by attracting rats, vermin and other pests will lead to unsanitary and unsanitary conditions. The same may be said of the finding by the Board that the proposed re-zoning will adversely affect the health, safety and the morals of the community or that there will be any impairment or interference with other public requirements and conveniences. These findings, to the extent that they may be so described, are phrases taken from the statute itself, unsupported by even a suggestion in the testimony, and may properly be described as a "catch-all" to be used only when all else fails.

Without intending any reflection upon the good faith of those protestants who are concerned with the effect this re-zoning may have on their attractive and substantial residences, it is

nevertheless apparent that the real agitation against the re-zoning stems from the ownership of Edmondson Village, with which the proposed shopping center will directly compete. Of course this fact does not itself prevent those persons from presenting their views, but it is a factor to be considered in weighing the value of their testimony.

It is suggested that this record fails to show any need in the community for the proposed change. It can hardly be asserted that an immediate pressing need is shown, in fact it is not. Need undoubtedly is an element to be considered and there is authority for holding that there must be a need to justify an exception to a general zoning plan.

However, proper zoning is in my judgment broader than the narrow statement just referred to would indicate.

We have here a situation which the testimony conclusively demonstrates will not violate any other zoning principles and in fact shows that zoning will be subserved by the proposed re-classification. While an immediate need does not exist for the services which this project will provide it is abundantly clear that such a need will presently arise. In what manner then will the public welfare, safety, health and morals be best served? By permitting the perhaps disorderly growth of a large residential and apartment development on these tracts, inadequately served by the necessary public facilities such as stores, to be later erected without regard to the original residential planning, or planned in advance of such developments, as is here contemplated? The answer is obvious. This application furnishes almost the first type of intelligent future planning and zoning which has been proposed in this county. Generally dozens and even hundreds of homes and apartments are constructed, to be followed by haphazard, improperly located and inadequate stores and other service establishments. Now the normal procedure is reversed. The population increase is assured. The use of the forty acre tract whether

or not this application is approved is certain for some type of residential development. The plan here submitted takes all of these elements into consideration. So far as possible, nothing is left to chance, the planning is for the future, but based on logical and intelligent considerations. The normal haphazard scheme of flooding a particular territory with all the homes and apartments which can be crowded into it and then wildly searching for locations for the services they will need is avoided.

Zoning, unaccompanied by prior planning, is at best only a substitute, and frequently is a subterfuge. Generally this is unavoidable, because zoning was adopted only after, and because of, concentration of population due to the full and complete development of communities. Zoning was imposed only after the conditions it was intended to avoid had already arisen and in existing areas does little more than preserve the status quo. In such communities it was not possible to plan and zone simultaneously, in fact no planning as such was feasible. The plan, good or bad, was made and zoning merely confirmed it. Here is an opportunity to plan and then zone, both within the framework of legal standards. To deny approval to such a project when there is no evidence of any kind to show it will have a detrimental effect in any manner, (but will in fact promote the general welfare and aid the purposes for which zoning was created) on either the community directly involved or the county as a whole, would be a backward step.

This case is unusual for, as has been stated, it is the first to proceed in this manner. It is however, more desirable, not less so for this reason alone, provided it is not shown to be within any of the prohibitions contained in the zoning act.

As has been demonstrated, this record not only fails to show that it does so but on the contrary shows, not only debatably, but conclusively, that it promotes, rather than detracts from the very purpose of the act itself.

As the Board's finding to the contrary is unsupported by any substantial evidence, and basically by any evidence at all, its action in refusing approval to the application was arbitrary in the legal sense and will be reversed.

J. Howard Murray, Judge.

In accordance with the foregoing, it is this.... day of June, 1949, ORDERED that the action of the Board of Zoning Appeals refusing the application for re-classification of the property herein involved, be hereby reversed.

J. Howard Murray, Judge

THE TITLE GUARANTEE COMPANY, a body corporate, in its own behalf and for and on behalf of HUTZLER BROTHERS COMPANY, a body corporate, both corporations of the State of Maryland,

vs.

SAMUEL H. HOOVER, EARLE L. DINGLE and WILLIAM A. BOWY, being and constituting the Board of Zoning Appeals for Baltimore County.

IN THE

CIRCUIT COURT

FOR BALTIMORE COUNTY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition and appeal of The Title Guarantee Company (its name, until recently changed, being Title Guarantee & Trust Company), a body corporate, in its own behalf and for and on behalf of Hutzler Brothers Company, a body corporate, respectfully represents unto your Honor:

FIRST: That The Title Guarantee Company, petitioner, in the title owner of certain property sought to be rezoned in this appeal; that Hutzler Brothers Company, a body corporate, is the equitable owner of the property sought to be rezoned in this appeal. That the said Title Guarantee Company, a body corporate, in its former name, Title Guarantee & Trust Company, was the petitioner in this matter before the Buildings and Zoning Commissioner for Baltimore County, which petition prayed for a re-classification of certain property lying on the north side of Edmondson Avenue extended from "A" Residence Zone to "C" Residence Zone, and of certain property lying on the south side of Edmondson Avenue extended from "A" Residence Zone to "R" Commercial Zone.

said Zone.

SECOND: That under date of December 8, 1947, the Buildings and Zoning Commissioner for Baltimore County passed an order in which he granted the aforesaid reclassifications requested in said petition filed with said Buildings and Zoning Commissioner.

THIRD: That subsequent to said decision of the Buildings and Zoning Commissioner for Baltimore County, passed as aforesaid, an appeal was entered by certain protestants to the Board of Zoning Appeals for Baltimore County; that upon said appeal said Board of Zoning Appeals for Baltimore County on the 1st day of March, 1948, passed an order sustaining the decision of said Buildings and Zoning Commissioner for Baltimore County in so far as the decision of said Commissioner related to the change of classification of the property located on the north side of Edmondson Avenue from "A" Residence Zone to "C" Residence Zone; and said order sustained the appeal and reversed the decision of said Commissioner in so far as said decision effected a reclassification of the property lying on the south side of Edmondson Avenue extended from an "A" Residence Zone to an "R" Commercial Zone, the grounds of said latter portion of said decision of said Board of Zoning Appeals being stated in said order as follows:

"It appearing further from the facts and evidence adduced at the hearing that the petition for reclassification, from an 'A' Residence Zone to an 'R' Commercial Zone 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; would interfere with the safety and transportation of children to schools and churches and would interfere with other public requirements and conveniences and since various kinds of stores may attract rats, vermin and other pests and may lead to unsanitary and insanitary conditions affecting the health of the community."

FOURTH: That the petitioner is aggrieved by said decision

FIFTH That the aforesaid order of the Board of Zoning Appeals for Baltimore County dated the 1st day of March, 1948, should be reversed, set aside and annulled by this Honorable Court on the ground that said order is illegal, in that:

- (1) Said order of the Board of Zoning Appeals for Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion in that there was a total lack of evidence before said Board of Zoning Appeals upon which the said Board could base its finding as hereinabove set forth in Paragraph Three hereof; and
- (2) That evidence adduced by your petitioner at said hearing before said Board of Zoning Appeals for Baltimore County showed, without substantial contradiction, that if said property were reclassified from an "A" Residence Zone to "B" Commercial Zone there would be no adverse effect upon the health, safety and morals of the community, that it would not tend to create congestion in the roads, streets and highways, would not interfere with the safety and transportation of children to schools and churches, would not interfere with other public requirements and conveniences, and would not attract rats, vermin and other pests and lead to unhealthful and insanitary conditions affecting the health of the community.
- (3) That the order of said Board was based on protests, by way of telephone, letters and telegrams not contained in the testimony or record of the proceeding; that as to such matters considered by said Board in reaching its decision, your petitioner was deprived of

its right to be confronted by the witnesses and the opportunity to cross-examine such witnesses.

(4) That the said decision of said Board of Zoning Appeals and the order passed by said Board is arbitrary and capricious and a gross abuse of administrative discretion in that it deprives your petitioner of its constitutional rights to use its property in any lawful manner, subject to the zoning laws of Baltimore County and the act of said Board in passing said order without evidence, or substantial evidence, to support its findings, is unconstitutional, null and void.

(5) That this petition and appeal is filed pursuant to the provisions of Chapter 508 of the Laws of Maryland, 1945.

WHEREFORE YOUR PETITIONER PRAYS:

1. That a writ of certiorari be issued by this Honorable 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 petitioner's attorney.
2. That this Honorable Court reverse, set aside and annul and declare void and of no effect the order of the Board of Zoning Appeals for Baltimore County dated the 1st day of March, 1948, in so far as said order reverses the order of the Zoning Commissioner of Baltimore County dated the 2nd day of December, 1947, and refuses to grant reclassification of the property located on the south side of Edmondson Avenue extended from an "A" Residence Zone to "B" Commercial Zone.
3. 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 and the order appealed from, together with a transcript of the testimony at the hearing in this matter before said Board, and copies of exhibits filed therewith.

4. And for such other and further relief as your petitioner's cause may require.

THE TITLE GUARANTEE COMPANY

By J. Milton Brandt
Vice-President
HUTZLER BROTHERS COMPANY

By Albert B. Hutzler
Albert B. Hutzler, President

G. Ralph Werken
G. Ralph Werken

John Gerson Turnbull,
Attorneys for Petitioners.

STATE OF MARYLAND
CITY OF BALTIMORE

I HEREBY CERTIFY that on this 24th day of March, 1948, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared J. Milton Brandt, Vice-President of The Title Guarantee Company, a body corporate, and made oath in due form of law that the matters and facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

AS WITNESS my hand and notarial seal.

[SEAL] Alex. Kincaid
Notary Public.

STATE OF MARYLAND
CITY OF BALTIMORE

I HEREBY CERTIFY that on this 24th day of March, 1948, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared ALBERT B. HUTZLER, President of Hutzler Brothers Company, and made oath in due form of law that the matters and facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

AS WITNESS my hand and notarial seal.

Louie Gershen [SEAL]
Notary Public.

THE TITLE GUARANTEE COMPANY,
a body corporate, in its own behalf
and for and on behalf of HUTZLER
BROTHERS COMPANY, a body corporate,
both corporations of the State of
Maryland.

vs.

SAMUEL H. HOOVER,
EARLE L. DINGLE and
WILLIAM A. GAPP, being and con-
stituting the Board of Zoning
Appeals for Baltimore County.

IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY.

ORDER

Upon the foregoing petition and appeal and affidavits,
it is this 27th day of March, 1948, by the Circuit Court for
Baltimore County:

ORDERED that a writ of certiorari be issued, directed
to the Board of Zoning Appeals for Baltimore County to reverse
the decision and order of said Board of Zoning Appeals for Baltimore
County dated March 1, 1948, and that a return thereto must
be made and served upon relator's attorney within 15 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
facts as may be pertinent and material to show the grounds of the
decision and order appealed from, together with a transcript of
testimony taken at the hearing in this matter before said Board
and copies of exhibits filed therewith.

True Copy Test
T. P. Braden, Clerk
Clerk.

John B. Spentner
Judge

484.6



