

Petition for Zoning Re-Classification

1138

To The Zoning Commissioner of Baltimore County—

Anthony J. Muffoletto and Cora Muffoletto

Legal owner of the property situate

on east side of Hanover Road, near Woodensburg, in the 4th District of Baltimore County, beginning 250' north of the center line of Mt. Olived Road, if extended southward, thence north, on said side of Hanover Road, 254' with a rectangular depth east of 300'.

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

Reasons for Re-Classification:

Character of use for which above property is to be used: Existing buildings to be used for restaurant.

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.

I, we, agree to pay for the 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.

Anthony J. Muffoletto
Cora Muffoletto
Legal Owner

Address

ORDERED by The Zoning Commissioner of Baltimore County, this 27th day of January, 1948, 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 Richard Bldg., in Towson, Baltimore County, on the 16th day of February, 1948, at 11:00 a.m.

Zoning Commissioner of Baltimore County

(over)

- Feb. 17, 1948. Order of Zoning Commissioner denying petition for reclassification from "A" Residence Zone to "A" Commercial Zone.
- Feb. 20, " Order of appeal to the Board of Zoning Appeals of Baltimore County from Order of Zoning Commissioner, filed.
- March 11, " Hearing on appeal before the Board of Zoning Appeals.
- April 20, " Order of Board of Zoning Appeals reversing Order of Zoning Commissioner and granting the petition for reclassification, from an "A" Residence Zone to an "A" Commercial Zone.
- May 4, " Writ of Certiorari and appeal to Circuit Court for Baltimore County served on Board of Zoning Appeals.
- May 17, " Transcript of testimony taken at hearing on appeal before the Board of Zoning Appeals by the photographer who took and transcribed the same, filed.

Letter of protest, written protests and petitions in favor of and plat.

Record of proceedings filed in the 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 and 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 same and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted
Acting Counsel for Board of Zoning Appeals 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 be had.

It is Ordered by the Zoning Commissioner of Baltimore County this 27th day of January, 1948, that the above described property or area should be and the same is hereby re-classified, from and after the date of this Order, from an "A" Residence Zone to an "A" Commercial Zone.

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 Location, being in a residential area, no need being shown, the granting of the petition would not be in the public interest, and the above re-classification should NOT be had.

It is Ordered by the Zoning Commissioner of Baltimore County, this 17th day of February, 1948, that the above petition be and the same is hereby denied and that the above described property or area be and the same is to remain an "A" Residence Zone.

Zoning Commissioner of Baltimore County

Approved: County Commissioners of Baltimore County

Date By President

IN RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "A" COMMERCIAL ZONE - R. S. HANOVER ROAD, near Woodensburg, 4th District of Baltimore County, BEG. 250' N. OF MT. OLIVED ROAD, ANTHONY J. MUFFOLETTO and CORA MUFFOLETTO, Petitioners

Upon hearing on appeal on March 11, 1948 from the Order of the Zoning Commissioner of Baltimore County, passed on the 17th day of February, 1948, denying the petition for reclassification from an "A" Residence Zone to an "A" Commercial Zone, from the facts and evidence adduced at the appeal hearing that the petition should have been granted, due to the fact that the granting of same would not adversely affect adjoining or adjacent property, there being no valid reason for the refusal of such petition, nor any evidence that it would cause congestion in the roads or streets or would create a traffic hazard, therefore:

It is this 20th day of April, 1948, ORDERED that the above Order of the Zoning Commissioner in denying the petition in this matter should be reversed; and it is further ORDERED by this Board that the property mentioned in the aforesaid petition be and the same is hereby reclassified, from and after the date of this Order, from an "A" Residence Zone to an "A" Commercial Zone.

Samuel H. Hoover
William A. Sepp
Board of Zoning Appeals of Baltimore County.

Approved: County Commissioners of Baltimore County

By President

Date: Apr. 20, 1948

ROBERT WOODEN and MARGARET WOODEN, his wife vs SAMUEL H. HOOVER, EARLE L. DINGLE and WILLIAM A. SEPP, being and constituting the Board of Zoning Appeals for Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

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ANSWER 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.

Coming Original to Board of Zoning Appeals of Baltimore County.

ROBERT WOODEN and MARGARET WOODEN, his wife vs SAMUEL H. HOOVER, EARLE L. DINGLE and WILLIAM A. SEPP, 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:

And now come Samuel H. Hoover, Earle L. Dingle and William A. Sepp, constituting the Board of Zoning Appeals for Baltimore County, and in answer to the writ of certiorari directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers to file in the office of the Zoning Department of Baltimore County:

No. 1138 ZONING ENTRIES FROM LOCKET OF EDWIN COMPTON OF BALTIMORE COUNTY

- Jan. 27, 1948 Petition of Anthony J. Muffoletto and Cora Muffoletto for reclassification of property on east side of Hanover Road, from Residence Zone to "A" Commercial Zone, filed.
- " 27, " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 16, 1948, at 11:00 a.m.
- Feb. 3, " Certificate of posting of property on February 3, 1948, filed.
- Feb. 7, " Certificate of publication of advertisement in newspaper, filed.
- Feb. 10, " At 11:00 a.m. hearing held on petition by Zoning Commissioner.

REC'D FEB 20 1948

Mr. Charles H. Doing Zoning Commissioner Town & Maryland

Re: Petition for Reclassification from "A" Residence Zone to "A" Commercial Zone - R. S. HANOVER ROAD, near Woodensburg, 4th District of Baltimore County, BEG. 250' N. OF MT. OLIVED ROAD, ANTHONY J. MUFFOLETTO and CORA MUFFOLETTO, Petitioners

Mr. Commissioners:

You will please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision of February 17th, 1948 denying the petition filed by Anthony J. Muffoletto and Cora Muffoletto, his wife, in the above case and forward the papers to the Board of Zoning Appeals of Baltimore County.

Michael R. Hewitt
Attorney for Petitioner

Dated this 20th day of February, 1948.

PETITION FOR ZONING RECLASSIFICATION - East side of Hanover Road, 250' north of Mt. Olived Road, Woodensburg, 4th Dist. - Anthony J. Muffoletto and Cora Muffoletto

APPEAL ZONING - "A" Residence DATE RECEIVED - January 27, 1948

PROPOSED ZONING - "A" Commercial DATE OF REPLY - February 3, 1948

FACTORS INVOLVED It is understood that this is an instance in which the property owners have reclassified a residential structure for use as a restaurant, prior to securing a building permit for what constitutes a non-conforming use. The structural changes up to this time are reported to have been entirely of an internal nature, there being no evidence of commercial use so far as the exterior is concerned. This seems to be the type of restaurant which is often found in the rural hinterland in a case of this kind provided it is well managed and well maintained, so as not to involve anything in the way of a nuisance. There is no reason to expect that future suburban development with any degree of concentration can be expected to go this far out. For that reason, it seems rather likely that this location will or should have any concentrated commercial development. If the zoning regulations were changed outright to commercial, if the zoning regulations included an agricultural district, this type of this, might well be one of the uses allowed by special permit.

CONCLUSION - All things considered, I think the most desirable answer would be to work out some such arrangement as I understand was done in the case of the Dramatic Farm shopping center, whereby the zoning reclassification would be granted for a minimum area in the immediate vicinity of the building, subject to a deed-restriction agreement entered into by the owners of this and adjacent property.

Edwin H. Hill, Director Baltimore County Planning Commission

cc: Charles H. Doing Nathan L. Smith Christian H. Paul William W. Masterson

John E. Reine, Esquire,
Resonic Building,
Towson - 4, Md.

to
County Commissioners of
Baltimore County,
2 Zoning Department of
Baltimore County,
Record Bldg., Towson, Md.

May 24, 1948

To making certified copies of papers in the
matter of appeal to the Board of Zoning
Appeals of Baltimore County - petition
of Anthony J. Muffoletto, et al, for
reclassification of property on E. S.
Hanover Road, 4th Dist.

\$ 5.00

PAID
6/5/48

June 3, 1948

\$0.20 ✓

RECEIVED of John E. Reine, Jr., attorney for
Robert Wooley, and wife, the sum of Five Dollars and
Twenty cents being cost of certified copies of
papers filed in the matter of the petition of Anthony
J. Muffoletto, et al, for reclassification of prop-
erty on east side of Hanover Road, 4th District.

Zoning Commissioner



February 24, 1948

\$22.00 ✓

RECEIVED of Michael Paul Smith, Attorney for
Anthony J. Muffoletto, petitioner, 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 Commission, passed on February 17, 1948
denying the petition for reclassification of property
on east side of Hanover Road, beginning 250' north
of Mt. Gilead Road, 4th district of Baltimore County.

Zoning Commissioner
of Baltimore County.



January 27, 1948

\$18.00 ✓

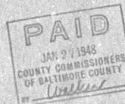
RECEIVED of Michael Paul Smith, attorney for
Anthony J. Muffoletto, and wife, the sum of Eighteen
(\$18.00) Dollars, being cost of petition for reclassification,
advertising and posting of property, east side of Hanover
Road, near Woodensburg, 4th District of Baltimore County.

Zoning Commissioner

Hearings:

Monday, Feb. 16, 1948

at 11:00 o'clock a.m.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson Maryland

1138

District: 4 Date of Posting: Feb 3/48
Posted for: Commercial
Petitioner: Anthony J. Muffoletto
Location of property: East side of Hanover Road 250 feet
north of Gilead Road
Location of Sign: East side of Hanover Road
377 feet north of Gilead Road
Remarks:
Posted by: Henry C. Garbade Date of return: Feb 3/48

NO PLAT
IN
THIS FOLDER