

FREDERICK J. HANAUER
MARGUS M. BERNSTEIN, JR. and
ALBERT HUTTEN, JR.
VS.
SAMUEL H. BOYER
EABLE A. PIGGLE and
WILLIAM A. SAFF
Constituting the
BOARD OF ZONING APPEALS
FOR BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition and appeal of Frederick J. Hanauer et al respectfully
shew unto your Honor:

FINDS: That on January 24, 1949, the Board of Zoning Appeals for
Baltimore County passed an order reversing the Zoning Commissioner and re-
classifying property owned by Charles H. Williams and Margaret V. Williams,
his wife, from an "A" Residence Zone to an "B" Commercial Zone.

SHOVS: That the property described in said order is situate at the
southwest corner of Reisterstown Road and Maylors Lane binding on the north-
west side of Reisterstown Road 163.66 feet with an even depth southeasterly
binding on the south side of Maylors Lane 150 feet, in the 3rd Election Dis-
trict of Baltimore County. Your petitioners are the owners of property ad-
jacent to or in the immediate vicinity of said property and, therefore, aver
that they would be adversely affected by commercial use of the Williams prop-
erty and are therefore aggrieved by the said action of the Board of Zoning
Appeals.

PRAYS: That the aforesaid order of the Board of Zoning Appeals should
be reversed, set aside and annulled by this Honorable Court on the ground that
the said order is illegal, and is arbitrary and constitutes an abuse of ad-
ministrative discretion in that the evidence offered before the Board of Zoning
Appeals shew conclusively that the reclassification of the property in ques-
tion would constitute "spot zoning", would tend to create a serious traffic
hazard and would otherwise adversely affect the health, safety and general

welfare of the community and of your petitioners.

WHEREFORE YOUR PETITIONERS PRAY:

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 relator's
attorney.

2. That this Honorable Court reverse, set aside and annul and de-
clare void and of no effect the order of the Board of Zoning Appeals for Bal-
timore County dated January 24, 1949.

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 cer-
tified or sworn copies thereof and that such return shall conclusively set forth
such other facts as may be pertinent or material to show the grounds of the
order appealed from, together with a transcript of the testimony taken at the
hearing in this matter before said Board.

4. And for such other and further relief as your petitioners may re-
quire.

And as in duty bound, etc.

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this day of February, 1949, before me,
the subscriber, a Notary Public of the State of Maryland in and for Baltimore
County, aforesaid, personally appeared FREDERICK J. HANAUER, one of the pe-
titioners in the foregoing petition, and made oath in due form of law that
the matters and facts set forth therein are true and correct to the best of
his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

FREDERICK J. HANAUER
MARGUS M. BERNSTEIN, JR. and
ALBERT HUTTEN, JR.
VS.
SAMUEL H. BOYER
EABLE A. PIGGLE and
WILLIAM A. SAFF
Constituting the
BOARD OF ZONING APPEALS
FOR BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

ORDER

Upon the foregoing petition and appeal and affidavit it is the
day of February, 1949, 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 January 24, 1949, and that
a return thereto must be made and served upon relator's attorney within ten
days from the date of this order.

FURTHER ORDERED that the Board of Zoning Appeals for Baltimore County
be and it hereby is required to return to this Court the original papers set-
ted upon by 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 trans-
cript of testimony taken at the hearing in this matter before said Board and
copies of exhibits filed therewith.

True Copy Test
J. Broderick
Notary

J. Howard Murray
JUL 19 1949

September 23, 1948
\$242.00
RECEIVED of Chas. H. Williams and Margaret V.
Williams, the sum of Twenty Two (\$22.00) Dollars, being
cost of appeal from the decision of the Zoning Com-
missioner of Baltimore County denying the petition
for reclassification of property at the southwest corner
of Reisterstown Road and Maylors Lane, 3rd District of
Baltimore County.

Zoning Commissioner

PAID
SEP 21 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
By [Signature]

RECB SEP 14 1948

Mr. Charles H. Doing
Zoning Commissioner
Towson, Maryland

September 11, 1948

Re: Petition for Reclassification
from "A" Residence Zone to "B"
Commercial Zone - S. W. corner
Reisterstown Road and Maylors Lane,
Third District.
Charles H. Williams and
Margaret V. Williams,
Petitioners

Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals of
Baltimore County from your decision of September 7th, 1948
denying the petition filed by Charles H. and Margaret V. Williams
in the above case and forward the papers to the Board of Zoning
Appeals of Baltimore County.

Charles H. Williams
Margaret V. Williams

#1253
MAP
#213-A
RE: PETITION FOR RECLASSIFICATION FROM
AN "A" RESIDENCE ZONE TO AN "B"
COMMERCIAL ZONE - SOUTHWEST CORNER
OF REISTERSTOWN ROAD AND MAYLORS LANE,
THIRD DISTRICT OF BALTIMORE COUNTY -
CHARLES H. AND MARGARET V. WILLIAMS,
PETITIONERS

The appeal in the above case having come on for
hearing, testimony having been taken, counsel for the
respective parties having been heard and the entire matter
fully considered:

It is this 24th day of January, 1949, by the
Board of Zoning Appeals of Baltimore County ORDERED that the
portion of the property petitioned for fronting and binding
on the northwest side of Reisterstown Road 163.66 feet and
thence southeasterly with an even depth of 150 feet binding
on the south side of Maylors Lane 150 feet, be and the same
is hereby reclassified effective with and from the date of
this Order from an "A" Residence Zone to an "B" Commercial
Zone.

William A. Saff
Saff & Saff

Board of Zoning Appeals
of Baltimore County.

President, Board of County
Commissioners of Baltimore
County.
Date: January 25, 1949

\$19.00
RECEIVED of Margaret V. Williams, the sum of
Nineteen (\$19.00) Dollars, being cost of petition for
reclassification, advertising and posting of property,
southwest corner of Maylors Lane and Reisterstown Road
3rd District of Baltimore County.

Zoning Commissioner

Hearings
Monday, August 2, 1948
3:00 p. m.

PAID
JUL 13 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
By [Signature]

JOHN H. HAINE, JR.,
Resident Building
Towson - 4, Maryland
to
County Commissioners
of Baltimore County,
Zoning Department
of Baltimore County,
Records Building,
Towson - 4, Maryland

Feb. 23, 1949

Certified copies of papers filed in the matter
of appeal for reclassification of property
at the southwest corner of Reisterstown Road
and Maylors Lane, 3rd District, Dr. Chas. H.
Williams and wife, petitioners

\$7.50

PAID
3/1/49

OPINION OF THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

This is an appeal by Charles H. Williams and Margaret Lee Williams, his wife, owners of the property described in the petition from the Order and decision of the Zoning Commissioner of Baltimore County dated September 7, 1948 by which Order the petition for reclassification of the property described in the petition from an "A" Residence zone to an "B" Commercial Zone was denied.

The case came on for hearing before the Board, the testimony was taken, petitions for and against the petition for reclassification were filed with and considered by the Board and counsel for both sides heard.

The property which is the subject of the petition is located at the southwest corner of Reisterstown Road and Naylors Lane in and near Pikesville, in the 3rd District of Baltimore County.

The purpose which the petitioners have in mind is for professional offices. Adjoining this property on the south is the Boxwood Lodge and adjoining that property on the south is a commercial tomb-stone dealer business. Directly across the Reisterstown Road on the opposite side from this property is the Druid Ridge Cemetery. Both the Boxwood Lodge and the tomb-stone business are under nonconforming use, having been in existence for a long time.

The present Pikesville business area is congested and crowded and it is evident that it will have to be extended to the north towards this location with the logical stopping point at the intersection of Naylors Lane and Reisterstown Road. There is a community need for such additional commercial area,

and there is no substantial showing that any of the elements which it is this Board's understanding are to be considered in exercising the right given it under the law to determine what property owners may do with their own property, would be adversely affected by the rezoning petitioned for.

The Board, therefore, finds that the lowering of the classification to an "B" Commercial Zone would not create congestion in the roads, streets and alleys, would not lessen safety, from fire, panic, traffic and other dangers, would not adversely affect health, morals and/or the general welfare, would not cause overcrowding of land, or cause undue concentration of population, would not interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements. The Board further finds that there is a community need for this commercial reclassification to the extent at least of the frontage on Reisterstown Road petitioned for with an even depth, however, of at least 100 feet and has decided that it will reclassify a portion of the said property as follows, viz:

That portion of the property petitioned for located at the southwest corner of Reisterstown Road and Naylors Lane, binding on the northwest side of Reisterstown Road, 163.68 feet with an even depth southwesterly, binding on the south side of Naylors Lane 100 feet, being the property of Charles H. Williams and Margaret V. Williams, his wife, as shown on the plot plan filed in this proceeding; and will sign an Order to that effect.

William B. Suter
June 17/49

Board of Zoning Appeals
of Baltimore County

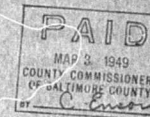
Charles H. Williams
President, Board of County Commissioners
of Baltimore County

March 1, 1949

\$7.20

RECEIVED of Frank, Skeen & Oppenheimer, the sum of Seven Dollars (\$7.20) and Twenty Cents, being cost of certified copies in the matter of appeal for reclassification of property at the southwest corner of Reisterstown Road and Naylors Lane, 3rd District, Dr. Charles H. Williams, and wife, petitioners.

Zoning Commissioner



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1253

District: 3
Posted for: Commercial
Petitioner: Charles H. Williams
Location of property: southwest corner of Reisterstown Rd and Naylors Lane
Location of Signs: Northwest side of Reisterstown Road 82 feet southeast of Naylors Lane
Remarks:
Posted by: Harry C. Gortside Signature
Date of return: July 21/48

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—

I, or we, Charles H. Williams legal owner... of the property situate
Margaret C. Williams

at the southwest corner of Reisterstown Road and Naylors Lane, Pikesville, in the 3rd District of Balto. Co., thence southeasterly, on the northwest side of Reisterstown Road, 165.09' and thence southeasterly, binding on the south side of Naylors Lane, 346'. Being property of Chas. H. Williams, and wife, as shown on plot plan filed with the Zoning Department,

herely petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an apartmental zone to an apartmental zone.

Reasons for Re-Classification: A. Extension of business office

Character of use for which above property is to be used approved commercial use

Size and height of building: front 40 feet; depth 52 feet; height 15 feet.
Front and side set backs of building from street lines: front 10 feet; side 10 feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of 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.

Charles H. Williams M.D.
Margaret C. Williams
Legal Owner

Address 1331 Reisterstown Road
Pikesville, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of July 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 Record Bldg., in Towson, Baltimore County, on the 2nd day of August 1948, at 5:00 o'clock P.M.

Charles H. Williams
Zoning Commissioner of Baltimore County

(over)

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.....day of.....19....., that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a.....zone to a.....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, the existing of which would be "spot zoning".....the above re-classification should NOT be had:

It Is Ordered by the Zoning Commissioner of Baltimore County, this 7th day of September 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 hereby continued as and to remain an "A".....Residence.....zone.

Charles H. Williams
Zoning Commissioner of Baltimore County

Approved.....County Commissioners of Baltimore County

Date.....By.....President

NO PLAT
IN
THIS FOLDER