

RECD NOV 25 1950

RAYMOND H. HOOVER, INC.,
a body corporate of
the State of Maryland,
Petitioner
vs
SAMUEL H. HOOVER,
DAVID L. DINGLE and
CALVIN J. CARTER,
constituting the Board of
Zoning Appeals for Balti-
more County,
AT LAW

PETITION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

THE Petition of Haven Realty, Inc., a body corporate of the State of Maryland, Petitioner, by Samuel H. Hoover, David L. Dingle, and Calvin J. Carter, its Solicitors, respectfully represents unto your Honor:

1. THAT Haven Realty, Inc., is the title owner of a tract of land containing 27-00 Acres of land, more or less, situate on the south side of Old Harford Road in the Ninth Election District of Baltimore County, State of Maryland.

2. THAT on or about May 4, 1950, application was filed by the Petitioner, Haven Realty, Inc., with the Zoning Commissioner of Baltimore County for the rezoning and reclassification of the aforementioned tract or parcel of land from an "A" Residence or Cottage Zone to a "D" Residence or Group Zone, in order to enable said Petitioner to erect group homes on said tract of land. That a hearing on said Petition was held by the Zoning Commissioner of Baltimore County on May 26, 1950, and thereafter on June 27, 1950, said Zoning Commissioner passed an Order in said cause denying said Petition for reclassification.

3. THAT subsequent to the passage of the aforementioned Order on June 27, 1950, by said Zoning Commissioner of Baltimore County, your Petitioner, on July 5, 1950, filed an Order for Appeal to the Board of Zoning Appeals of Baltimore County from said decision and Order of said Zoning Commissioner; that said Appeal came on for hearing before said Board of Zoning Appeals for Baltimore County on October 19, 1950, and said Board, by its Order passed on October 26, 1950, sustained the Order of the Zoning Commissioner of Baltimore County of June 27, 1950, in denying said Petition for reclassification, as aforementioned.

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RAYMOND H. HOOVER, INC.,
a body corporate of
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AT LAW

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Samuel H. Hoover, David L. Dingle and Calvin J. Carter, constituting the Board of Zoning Appeals of Baltimore County of 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 on file in the office of the Zoning Department of Baltimore County:

Ms. 1713
May 4, 1950 Petition of Haven Realty, Inc. for reclassification of property on the south side of Old Harford Road, 27-00 Acres north of Satyr Hill Road, 9th District, from an "A" Residence Zone to a "D" Residence Zone, filed.
" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for May 26, 1950 at 10:00 a.m.
" 12, " Certificate of posting of property on May 19, 1950, filed.
" 16, " Certificate of publication in newspaper, filed.

4. THAT the aforementioned decision and Order of the Board of Zoning Appeals for Baltimore County, dated October 26, 1950, whereby your Petitioner is aggrieved and injured, is void, illegal, unlawful, without legal force and effect, and should be reversed, set aside and annulled by this Honorable Court for the following reasons, viz:

(a) That said decision and Order of the Board of Zoning Appeals for Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion;

(b) That there was no substantial or sufficient evidence produced before the Board of Zoning Appeals for Baltimore County, in the proceedings conducted before it, to justify or support its Order of October 26, 1950;

(c) That no evidence was submitted before said Board of Zoning Appeals that a group home development on the tract of land involved in these proceedings would "create a traffic hazard";

(d) That no evidence was submitted before said Board of Zoning Appeals for any of the findings and conclusions set forth in the Opinion and Decision of the Board of Zoning Appeals for Baltimore County; and

(e) For such other and further reasons as may be shown at the hearing thereof.

5. THAT this Petition is filed pursuant to the provisions of Chapter 502 of the Acts of 1945 of the General Assembly of Maryland.

WHEREFORE your Petitioner prays:

(a) That a Writ of Certiorari be granted by this Honorable Court directed against the Defendants, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and Order of said Board of Zoning Appeals of October 26, 1950, in the within proceedings, and prescribing therein the time within which a return thereto shall be made and served upon the Relator's Attorneys;

(b) That said Board of Zoning Appeals for Baltimore County may be required to return to this Honorable Court the original papers noted upon by it or certified or sworn copies thereof, together with a copy of all records in said proceedings and a transcript of all testimony presented before said Board in connection with said proceedings, as well as copies of the Orders entered by said

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May 26, 1950. At 10:00 a.m. hearing held on petition by Zoning Commissioner.
June 9, 1950 Order of Zoning Commissioner denying the petition for reclassification.
July 5, " Order of appeal to the Board of Zoning Appeals of Baltimore County from Order of Zoning Commissioner, filed.
October 19, " Hearing on appeal before the Board of Zoning Appeals.
" 26, " Order of Board of Zoning Appeals affirming Order of Zoning Commissioner.
Nov. 23, " Writ of certiorari and appeal to the Circuit Court for Baltimore County served on the Board of Zoning Appeals.
Dec. 15, " Transcript of testimony taken at the appeal hearing before the Board of Zoning Appeals, filed.
Jan 22 1951 Map filed at hearing before Zoning Commissioner.
Record of proceedings filed in the Circuit Court for Baltimore County.

Record of proceedings 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 the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted,

COUNSEL TO THE
Board of Zoning Appeals
of Baltimore County

(c) That this Honorable Court may permit your Petitioner to take such other and further testimony as may be necessary for the proper disposition of the matter;
(d) That this Honorable Court may reverse, set aside, annul, and declare void and of no effect the decision and Order of the Board of Zoning Appeals for Baltimore County dated October 26, 1950;
(e) And for such other and further relief as the nature of its case may require.

Solicitors for Petitioner

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this day of November, 1950, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Adam H. Weber, Vice President of Haven Realty, Inc., Petitioner herein, and made oath in due form of law that the nature and facts as set forth in the foregoing Petition are true to the best of his information, knowledge and belief.

Notary Public

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the State of Maryland,
Petitioner
vs
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constituting the Board of
Zoning Appeals for Balti-
more County,
AT LAW

OPINION

UPON the foregoing Petition and Affidavit, it is this 24th day of November, 1950, by the Circuit Court for Baltimore County, at Law.

ORDERED that a Writ of Certiorari issue directed to Dr. Samuel H. Hoover, David L. Dingle and Calvin J. Carter, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and Order of said Board of Zoning Appeals, dated October 26, 1950, and requiring it to return to this Court all papers, records and proceedings in said matter and a transcript of all testimony presented before said Board in connection with said proceedings, and a copy of any and all rules and regulations pursuant to which said Order was entered and said Board acted, to enable this Court to review said Order and decision of the Board, and that a return to this Petition shall be made and served upon Relator's Attorneys within 10 days from the date of this Order; and

IT IS FURTHER ORDERED that the Board of Zoning Appeals for Baltimore County shall return to this Court all the original papers or certified or sworn copies thereof, and the return shall concisely set forth such other facts as may be pertinent to show the grounds of the decision and Order appealed from, together with a transcript of all the testimony taken at the hearings and copies of the Exhibits filed therewith.

John B. Heston
Judge

True Copy Test
Tested and certified
Clerk

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OPINION OF THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

This is an appeal by the Haven Realty, Incorporated, owner of the property described in petition from the order and decision of the Zoning Commissioner of Baltimore County dated June 28, 1950 by which order the petition for reclassification, from an "A" Residence Zone to a "D" Residence Zone was denied. The case came on for hearing before the Board, testimony was taken on behalf of the petitioner and counsel for the petitioner heard and there were no protests.

The property which is the subject of the petition contains 56 acres of land on the east side of Old Harford Road opposite Satyr Hill Road. The petitioner desires to build group houses on this property.

After hearing the testimony the Board feels that there is no need or demand for the granting of this reclassification. The property has a very limited frontage on Old Harford Road and is very irregular in shape and in the opinion of the Board is not adaptable for this type of development. There are cottages in this neighborhood now and some of the land is used for farm purposes. There are no sewers available and it is difficult to tell when they will be and certainly this type of development could not be started without the necessary sewers. The roads adjacent to this property are narrow and dangerous and not of sufficient width to justify the additional traffic that group houses would subject them to. In the opinion of the Board this development would, therefore, create a traffic hazard.

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The Board is also advised that there is not sufficient school facilities in this neighborhood to take care of the additional children that would be brought into a group housing development. The Board also feels that the granting of this reclassification would be "spot zoning". The Board will, therefore, sign an order affirming the order of the Zoning Commissioner in denying the petition for this reclassification.

Carla F. [Signature]
John J. [Signature]

Board of Zoning Appeals
of Baltimore County.

REC'D JUL 5 1950

IN THE MATTER OF: RAVEN REALTY INC.
PETITION OF: CHARLES H. DOING
FOR RECLASSIFICATION FROM: ZONING COMMISSIONER OF
"A" RESIDENCE ZONE TO: BALTIMORE COUNTY, MARYLAND.
"R" RESIDENCE ZONE OF PROPERTY
SITUATE ON EAST SIDE
OLD HARFORD ROAD, OPPOSITE
SATYR HILL ROAD, FIFTH
ZONING DISTRICT OF
BALTIMORE COUNTY, MARYLAND

—6000—

ORDER FOR APPEAL

Mr. Commissioners:

Please enter an Appeal to the Board of Zoning Appeals for Baltimore County in the matter of the Order of the Zoning Commissioner of Baltimore County, State of Maryland, passed in the above captioned cause on June 27, 1950, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

John C. Schwartz
Attorneys for Petitioner

LOW OFFICE
VIN & HESSIAN
IN MARYLAND

977

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—
I, or we, RAVEN REALTY INC., legal owner, of the property situated on the East side of Old Harford Road opposite the intersection of the Satyr Hill Road, Baltimore County Maryland, beginning 63 feet northeast of Satyr Hill Road, thence southwesterly on the southeast side of Old Harford Road, 422 feet, thence binding on the following lots in Harford Gardens, easterly on the division line of lots Nos. 6 and 7, 187 feet northerly 25 feet on the division line of lots Nos. 6 and 32 easterly along rear of lot 32 75 feet, southerly on division line of lots 33 and 35, 135 feet, thence easterly on the north side of Midl Ave. 50', thence southerly across Midl Avenue and on division line of lots 17 and 18, 175 feet, thence easterly on rear of lot 40, 50 ft. thence southerly on division line of lots 40 and 41 and across Cromer Ave. 175' thence westerly, 1) the south side of Cromer Ave., 25 ft. thence southerly on division line of lots 13 and 14, 135 feet, thence the following courses and distances: S 70° 55' east 1105.0 feet, N 18° 00' east 503 feet, N 87° 50' east 1541 feet; N 10° 40' west 726.3 feet and S 88° 10' west 2554.7 feet, thence the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an A-1 zone to an R-1 zone.
Reasons for Re-Classification: we believe that this would be an excellent location for group houses.

Size and height of building: front 30 feet, depth 40 feet, height 20 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, 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.

John C. Schwartz
President Raven Realty Inc.
Legal Owner
Address 17 N. Saratoga Street.

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of MAY, 1950, 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 26th day of MAY, 1950, at 10:00 o'clock A.M.
Charles H. Doing
Zoning Commissioner of Baltimore County

2 - 51 Gals
10 Add

1716

#1716

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.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, the grading of which would cause congestion in the roads and streets and create a traffic hazard and be "spot zoning"

the above re-classification should NOT be had.
It is Ordered by the Zoning Commissioner of Baltimore County, this 28th day of JUNE, 1950, 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" zone.
Charles H. Doing
Zoning Commissioner of Baltimore County

Approved _____
Date _____
County Commissioners of Baltimore County
By _____ President

April 27, 1950

\$25.00
RECEIVED of John A. Schwartz of Raven Realty, Inc. the sum of Twenty Eight (\$28.00) Dollars, being cost of petition for reclassification, advertising and posting of property on the Old Harford Road, opposite Satyr Hill Road, 9th District of Baltimore County.

Zoning Commissioner

Hearing:
May 25, 1950
at 10:00 A. M.

PAID
APR 27 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

January 22, 1951

\$7.20
RECEIVED of H. Richard Swalkin, Attorney for Raven Realty Company the sum of \$7.20 being cost of certified copy of petition and other papers filed in the matter of Reclassification of property on Old Harford Road, 9th District of Baltimore County.

Zoning Commissioner

PAID
JAN 23 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

August 23, 1950

\$28.00
RECEIVED of H. Richard Swalkin, the sum of Twenty Eight (\$28.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the petition for reclassification of property on the east side of Old Harford Road, opposite Satyr Hill Road, 9th District of Baltimore County, Raven Realty, Incorporated, petitioner.

Zoning Commissioner

PAID
AUG 24 1950

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1716

District 9 Date of Posting May 12/50
Posted for Group house
Petitioner Raven Realty
Location of property S.E. side of Old Harford Road 43' N.E. of Satyr Hill Road
Location of Signs S.E. side of Old Harford Road 100 - 200' S.E. of Satyr Hill Road
Remarks
Posted by Harry C. Swalkin Date of return May 12/50

NO PLAT
IN
THIS FOLDER