

MURIEL M. MAYNARD, CATHERINE G. BAYLIS, and WILLIAM E. BAUSCHER, Petitioners,

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

vs. SAMUEL H. HOOVER, EARLE L. DINGLE AND CALVIN J. CARTER, constituting the Board of Zoning Appeals for Baltimore County

PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Muriel M. Maynard, Catherine G. Baylis and William E. Bauscher, Petitioners, by Dorothy T. Jackson, their solicitor, respectfully represents unto your Honor:

1. That Scott and Ellis, Inc. are the owners of a parcel of land situate on the southwest side of Joppa Road, in the Ninth District of Baltimore County beginning 455 feet east of Sater Hill Road and running approximately 49 feet by 206 feet more or less irregularly.

2. That on or about May 15, 1950, application was filed by Scott and Ellis, Inc. with the Zoning Commissioner of Baltimore County for the rezoning and reclassification of the aforementioned tract or parcel of land from an "E" Commercial Zone to an "F" Light Industrial Zone in order to establish a manufacturing plant on said premises. That a hearing on said Petition was held by the Zoning Commissioner of Baltimore County on June 9, 1950 and on that same day said Zoning Commissioner passed an order in said cause denying the Petition for reclassification.

3. That subsequent to the passage of said Order on June 9, 1950 by said Zoning Commissioner of Baltimore County, one Philip V. Micelli, purchaser of said tract of land described in the aforesaid Order for Appeal on June 16, 1950 to the Board of Zoning Appeals of Baltimore County from said decision and Order of said Zoning Com-

MICROFILMED

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN "E" COMMERCIAL ZONE TO AN "F" LIGHT INDUSTRIAL ZONE - South side of Joppa Road, 455 ft. Southeast of Sater Hill Road, 9th District of Baltimore County, Ellis & Scott, Incorporated, Petitioners.

The appeal in the above entitled matter coming on for hearing on October 5, 1950 before the Board of Zoning Appeals of Baltimore County from the order of the Zoning Commissioner of Baltimore County dated June 9, 1950, denying the petition for reclassification from an "E" Commercial Zone to an "F" Light Industrial Zone, and it appearing from the evidence and facts adduced at the appeal hearing that the granting of the petition would not be detrimental to the health, safety, morals and the general welfare of the community:

It is this 20th day of October, 1950, ORDERED by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner denying the petition for reclassification by and the same is hereby reversed and the Board directs the Zoning Commissioner to grant the petition for reclassification from an "E" Commercial Zone to an "F" Light Industrial Zone, subject, however, to the screening with shrubbery and ample off-street parking provision for the employees of the petitioner and the customers.

Earle L. Dingle, Calvin J. Carter

Approved: Board of Zoning Appeals of Baltimore County

Date: Nov 31, 1951

MICROFILMED

missioner; that said appeal was heard before said Board of Zoning Appeals for Baltimore County on October 5, 1950 and said Board by its Order passed on October 26, 1950, reversed the Order of the Zoning Commissioner of Baltimore County of June 9, 1950.

4. That the aforementioned Decision and Order of the Board of Zoning Appeals for Baltimore County dated October 26, 1950, whereby your Petitioners are 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:

(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 for any of the findings and conclusions set forth in the Opinion and Decision of the Board of Zoning Appeals for Baltimore County, and

(d) 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.

WHEREIN YOUR PETITIONERS PRAY:

(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 pa-

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Scott & Ellis, Incorporated, owners, and Philip V. Micelli, contract purchaser, of the property described in the petition from the Order and decision of the Zoning Commissioner of Baltimore County, dated June 9, 1950, by which Order the petition for reclassification, from an "E" Commercial Zone to an "F" Light Industrial Zone was denied.

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

The property which is the subject of the petition is located on the southwest side of Joppa Road 455 feet southeast of Sater Hill Road, in the 9th District of Baltimore County.

The purpose for which the petitioners desire to use this property is the manufacture of small tools for industrial purposes. Directly across the road from this property is a dog kennel which enjoys a nonconforming commercial use and while there are some very attractive homes near this property the Board feels that the purpose for which the petitioners desire to use this property is not an objectionable as the purposes for which the property could be used under its present classification. The manufacture of small precision instruments should not be objectionable to the neighbors from the standpoint of noise, dust and odors or its safety or health. The testimony before the Board was uncontradicted as to these particular objections.

pers acted 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 Board and a copy of any and all rules and regulations pursuant to which said Order was entered and said Board purported to act.

(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, 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 their case may require.

Dorothy T. Jackson, Solicitor for Petitioners.

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 24th day of November, 1950, before me, the subscriber, a Notary Public of the State of Maryland in and for the place aforesaid, personally appeared Muriel M. Maynard, one of the within Petitioners and she made oath of the matters and facts in the foregoing Petition are true and bona fide to the best of her information, knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public.

MURIEL M. MAYNARD, CATHERINE G. BAYLIS, and WILLIAM E. BAUSCHER, Petitioners, vs. SAMUEL H. HOOVER, EARLE L. DINGLE and CALVIN J. CARTER, constituting the Board of Zoning Appeals for Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

AFFIDAVIT

Upon the foregoing Petition and Affidavit, it is this 27th 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, Earle 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 said Petition shall be made and served upon Relator's attorneys within ten 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 hearing and copies of the exhibits filed therewith.

The Copy Test to: John B. Barton, Clerk

John B. Barton, Judge

The Board also feels that this property should be properly screened with shrubbery and that ample off-street parking space should be provided for the employees and the customers of the petitioners in accordance with the petitioners' suggestion before the Board.

The Board will, therefore, sign an Order reversing the Order of the Zoning Commissioner and directing the Zoning Commissioner to grant the reclassification from an "E" Commercial Zone to an "F" Light Industrial Zone with the proviso that the property should be properly screened with shrubbery and ample off-street parking be provided for employees and customers.

Earle L. Dingle, Calvin J. Carter, Board of Zoning Appeals of Baltimore County

MICROFILMED

MICROFILMED

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Scott & Ellis, Incorporated, owners, and Phillip V. McCall, contract purchaser, of the property described in the petition from the order and decision of the Zoning Commissioner of Baltimore County, dated June 9, 1950, by which order the petition for reclassification, from an "E" Commercial Zone to an "F" Light Industrial Zone was denied.

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

The property which is the subject of the petition is located on the southwest side of Joppa Road 455 feet southeast of Setyr Hill Road, in the 9th District of Baltimore County.

The purpose for which the petitioners desire to use this property is the manufacture of small tools for industrial purposes. Directly across the road from this property is a dog kennel which enjoys a nonconforming commercial use and while there are some very attractive homes near this property the Board feels that the purpose for which the petitioners desire to use this property is not as objectionable as the purposes for which the property could be used under its present classification.

The Board also feels that this property should be properly screened with shrubbery and that ample off-street parking space should be provided for the employees and the customers of the petitioners in accordance with the petitioners' suggest before the Board.

The Board will, therefore, sign an order reversing the order of the Zoning Commissioner and directing the Zoning Commissioner to grant the reclassification from an "E" Commercial Zone to an "F" Light Industrial Zone with the proviso that the property be properly screened with shrubbery and ample off-street parking be provided for employees and customers.

Carl A. Dringh
Calvin J. Carter

Board of Zoning Appeals of Baltimore County

HON. CHARLES H. DOING
ZONING COMMISSIONER
BALTIMORE COUNTY

RE: Petition of SCOTT & ELLIS, INC. for reclassification from "E" commercial zone to "F" Light Industrial zone of property located on S.W. Joppa Road E. of Setyr Hill Road, 9th Election District.

RE: PETITION FOR RECLASSIFICATION FROM AN "E" COMMERCIAL ZONE TO AN "F" LIGHT INDUSTRIAL ZONE - SOUTH SIDE OF JOPPA ROAD, 455 FEET Southeast of Setyr Hill Road, Ellis & Scott, Incorporated, Petitioners

Dear Sir: Please enter an appeal to the Board of Zoning Appeals from your order denying the petition for reclassification in the above captioned case.

John J. Caslin
Attorney for Petitioner

Mr. Commissioner: Please enter an appeal from your decision in the above matter and forward all papers to the Board of Zoning Appeals of Baltimore County.
Philip V. McCall
Ellis & Scott, Incorporated
Petitioners

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County -

I, or we, Scott & Ellis, Inc., legal owners of the property situated in Baltimore County, State of Maryland and known as all that lot of ground now owned by Scott & Ellis, Inc. as shown by the Land Records of Baltimore County lying on the south side of the Joppa Road containing 49 feet fronting on the Joppa Road; 150 feet in depth on the west side; 200 feet in depth on the east side and approximately 65 feet in the rear being a part of the property described in deed from Marko Harrington and wife to Scott & Ellis, Inc. recorded in the Land Records of Baltimore County in Liber 7143, 269 - Folio 31.

Southeast side of Joppa Road, 9th District of Balto. Co. bearing 485 feet southeast of Setyr Hill Road, thence southeasterly, on the southw side of Joppa Road, 49 feet, thence S 35° 30' west 526.43 feet, thence N 16° 54' west 69.48 feet, thence N 40° 22' east 154.88 feet to beginning.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "E" Commercial zone to an "F" Light Industrial zone for Re-Classification. PROPERTY TO BE USED FOR THE MANUFACTURE OF small tools for light industrial purposes.

Size and height of building: front 30 feet; depth 70 feet; height 16 feet. Front and side set backs of building from street lines: front 60 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.

Witness my hand and seal this 15th day of June 1950 at Baltimore, Maryland.
Scott & Ellis, Inc.
James B. Scott, President
Legal Owner
Address South East Ind.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of June 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 Becker Building, in Towson, Baltimore County, on the 19th day of June 1950, at 10 o'clock A. M.
Charles H. Doing
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 location, the granting of which would be "spot zoning"

It is Ordered by the Zoning Commissioner of Baltimore County this 15th day of June 1950, that the above described property or area be and the same is hereby reclassified, from and after the date of this Order, from a Commercial zone to a Light Industrial zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, the granting of which would be "spot zoning"

It is Ordered by the Zoning Commissioner of Baltimore County, this 15th 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 remain an "E" Commercial zone.

Charles H. Doing
Zoning Commissioner of Baltimore County

Approved _____
Date _____
County Commissioners of Baltimore County
President

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Light Industrial Date of Posting May 25/50
Posted by Scott & Ellis
Petitioner: Scott & Ellis
Location of property S.W. side of Joppa Road 455' southeast of Setyr Hill Road
Location of sign S.W. side of Joppa Road 475' southeast of Setyr Hill Road
Remarks:
Posted by Harry C. Bartland Date of return May 25/50

May 23, 1950

\$20.00 ✓
RECEIVED of John J. Caslin, Attorney for Scott & Ellis, Inc. petitioners, the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting of property, southwest side of Joppa Road, 9th District of Baltimore County.

Zoning Commissioner

Hearings:
Friday, June 9, 1950
at 10:00 a.m.

PAID
MAY 23 1950
COUNTY COMMISSIONERS OF BALTIMORE COUNTY
By [Signature]

1728

June 15, 1950

\$22.00 ✓

RECEIVED of Phillip V Miceli 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 Commissioner denying the petition for reclassification of property, on southwest side of Joppa Road, 756 feet southeast of Satyr Hill Road, 9th District of Baltimore County, Scott & Mills, Incorporated, Petitioners.

Zoning Commissioner

PAID
JUN 2 0 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*

1729

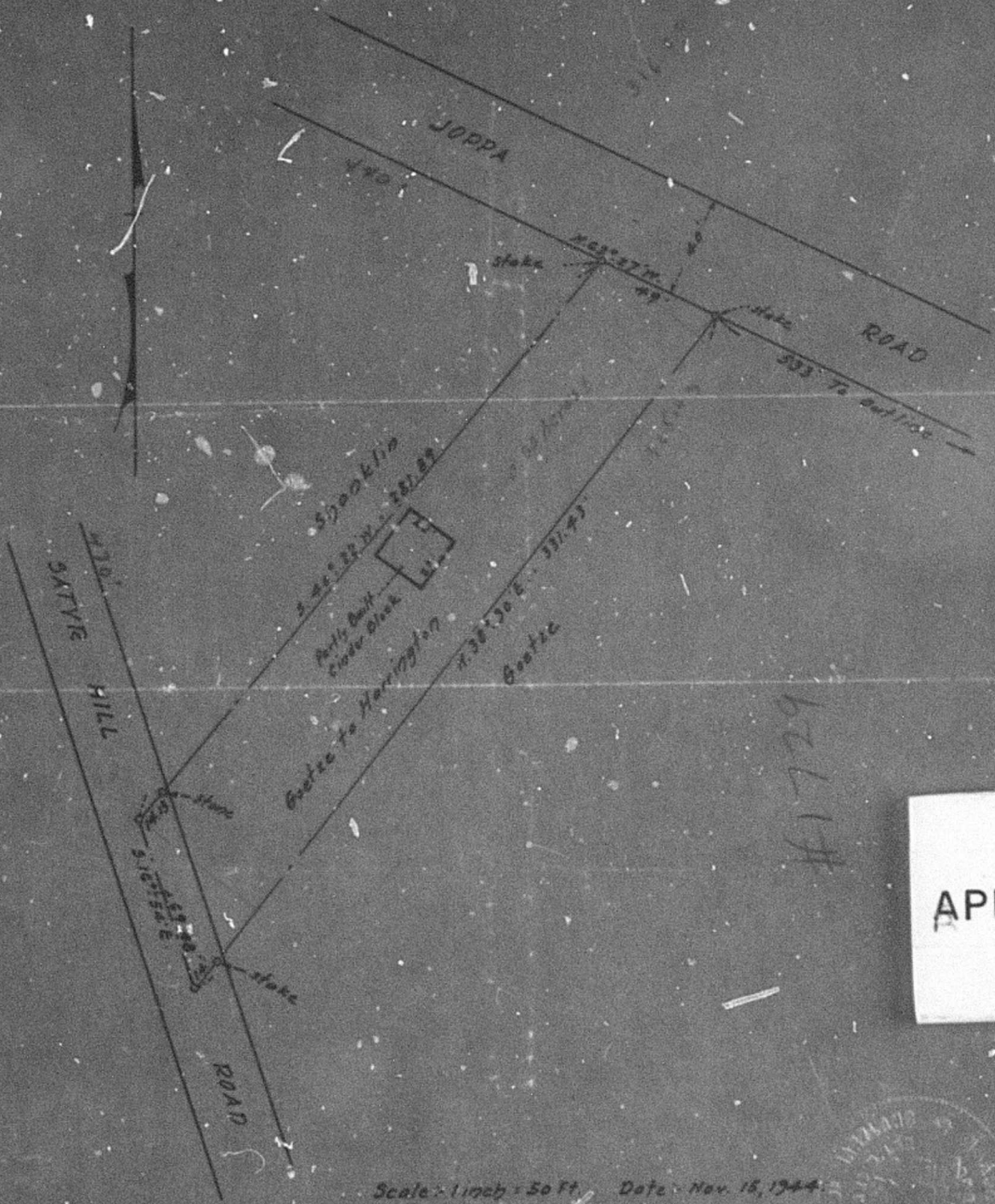
January 8, 1951

\$7.20

RECEIVED of Miss Dorothy T. Jackson, Attorney, for protestants, the sum of 7.20 being cost of certified copies of petition and other papers filed in the matter of petition of for reclassification of property on south side of Joppa Road, east of Satyr Hill Road, 9th District, Phillip V. Miceli, petitioner.

Zoning Commissioner

PAID
JAN 1 8 1951
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*



APPROVED PLAN

Scale: 1 inch = 50 Ft. Date: Nov. 18, 1944.



Thomas M. Lee
 REG. CIVIL ENGINEER