

RUSSELL J. MATTHEWS and
 MILDRED L. MATTHEWS, his wife
 2900 Harford Road,
 Baltimore County, Maryland
 Plaintiffs
 vs.
 R. GUY CAMPBELL,
 DANIEL V. HUBERS
 CARL F. VOLKMAN
 constituting the
 BOARD OF ZONING APPEALS
 FOR BALTIMORE COUNTY
 TOWSON, MARYLAND
 Defendants

PETITION FOR RECLASSIFICATION TO THE HONORABLE THE JUDGE OF SAID COURT

THE Petition of Russell J. Matthews and Mildred L. Matthews, his wife, Petitioners, by Paulina A. Reisman, their Attorney, respectfully represents unto your Honor:

1. THAT the Petitioners, Russell J. Matthews and Mildred L. Matthews, his wife, are the title holders of a lot or parcel of land situate on the Northwest corner of Harford Road and Summit Avenue, in the Ninth Election District of Baltimore County, in the State of Maryland.

2. THAT on or about the 12th day of May, 1952, your Petitioners filed an application with the Zoning Commissioner of Baltimore County for the zoning reclassification of the aforementioned lot or parcel of land from an "A" Residence Zone to an "E" Commercial Zone. In order to enable your Petitioners to erect stores on said parcel of land. That a hearing on said Petition was held by the Zoning Commissioner of Baltimore County on the 13th day of May, 1952, and thereafter, on the 9th day of June, 1952, said Zoning Commissioner passed an Order in said case denying said Petition for reclassification.

3. THAT subsequent to the passage of said Order on June 9, 1952, your Petitioners, on June 16, 1952 filed an Order for Appeal to the Board of Zoning Appeals of Baltimore County from the aforesaid decision and Order of the Zoning Commissioner of Baltimore County; that said appeal came on for hearing before said Board of Zoning Appeals of Baltimore County on July 17, 1952, and said Board, by the Order passed on August 22, 1952, sustained the Order of the Zoning Commissioner.

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Zoning Commissioner on June 9, 1952, denying said Petition for reclassification, as aforesaid.

4. THAT the aforesaid decision and Order of the Board of Zoning Appeals for Baltimore County dated August 22, 1952, whereby your Petitioners 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 presented before the Board of Zoning Appeals for Baltimore County, in the proceedings conducted before it, to justify or support its Order of August 22, 1952;

(c) That no evidence was submitted before said Board of Zoning Appeals for Baltimore County supporting the finding of said Board that "to change the reclassification in accordance with the Petition would be spot zoning".

(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) That there is a need for commercial stores on the land involved in these proceedings; and

(f) For such other and further reasons as may be shown at the hearing on this Petition.

WHEREFORE, your Petitioners pray:

(a) That a writ of Certiorari be granted by this Honorable Court directed against the Defendant, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and Order of said Board of Zoning Appeals of August 22, 1952, in the within proceedings, and prescribing therein the time within which a return thereto shall be made and served upon the Relator's Attorney;

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Russell J. Matthews and Mildred L. Matthews, his wife, from an Order of the Zoning Commissioner of Baltimore County dated June 9, 1952, denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described in the petition.

The case came on for hearing before the Board, testimony was taken for and against said petition, and counsel heard.

The property which is the subject of this petition is located on the Northwest corner of Harford Road and Summit Avenue, being a part of a larger lot which is improved with a substantial frame dwelling. The properties on both the East and West sides of Harford Road in this immediate area bear a residential classification, with the exception of a very small vacant store on the Southeast corner of Harford Road and Summit Avenue, which is a non-conforming use.

No real need was shown by the petitioners, in the opinion of the Board, to justify reclassification of this property for commercial use. To change the classification in accordance with the petition would be spot zoning.

This general neighborhood has sufficient commercial area available already, and the Board is of the opinion that it would be detrimental to the health, safety, and general welfare of the community to make any change at this time; therefore, it will pass an Order denying an application for reclassification.

H. Guy Campbell
 Daniel V. Hubers
 Carl F. Volkman
 Board of Zoning Appeals of
 Baltimore County

(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 Zoning Commissioner of Baltimore County and Board of Zoning Appeals for Baltimore County;

(c) That this Honorable Court may permit your Petitioners to take with 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 August 22, 1952.

(e) And for such other and further relief as the nature of the case may require.

Paulina A. Reisman
 Attorney for Petitioners

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
 I, HELEN SCHEFFEL, Clerk of said County, do hereby certify that on this 18th day of June, 1952, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Russell J. Matthews and Mildred L. Matthews, his wife, Petitioners herein, and with each in due form of law that the contents and facts set forth in the foregoing Petition are true to the best of their information, knowledge and belief.

AT TEST: by said Notary and Notarial Seal.

Notary Public

RUSSELL J. MATTHEWS and
 MILDRED L. MATTHEWS, his wife
 2900 Harford Road,
 Baltimore County, Maryland
 Plaintiffs
 vs.
 R. GUY CAMPBELL,
 DANIEL V. HUBERS
 CARL F. VOLKMAN
 constituting the
 BOARD OF ZONING APPEALS
 FOR BALTIMORE COUNTY
 TOWSON, MARYLAND
 Defendants

ORDER

UPON the foregoing Petition and Affidavit, it is this 18th day of September, 1952, by the Circuit Court for Baltimore County, at Law,

ORDERED that a Writ of Certiorari issue directed to R. Guy Campbell, Daniel V. Hubers and Carl F. Volkman, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and Order of said Board of Zoning Appeals, dated August 22, 1952, 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 Attorney within 60 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 containly 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.

True Copy Test
 J. Howard Murray
 Clerk

RE: PETITION FOR RECLASSIFICATION FROM AN
 "A" RESIDENCE ZONE TO AN "E" COMMERCIAL
 ZONE - R. J. Matthews, et al.,
 Petitioners.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on July 17, 1952, denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal that there is no need for the reclassification, and to do so would be spot zoning, and the Board is also of the opinion that it would be detrimental to the health, safety, and general welfare of the community to make any change at this time; therefore,

It is this 22nd day of August, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the Order of the Zoning Commissioner of Baltimore County denying the petition for reclassification be and the same is hereby ratified and affirmed.

H. Guy Campbell
 Daniel V. Hubers
 Carl F. Volkman
 Board of Zoning Appeals of
 Baltimore County

IN THE MATTER OF:
 PETITION OF RUSSELL J. MATTHEWS,
 and MILDRED L. MATTHEWS,
 FOR RECLASSIFICATION FROM
 "A" RESIDENCE ZONE TO
 "E" COMMERCIAL ZONE OF PROPERTY
 SITUATE ON NORTHWEST CORNER OF
 HARFORD ROAD AND SUMMIT AVENUE,
 NINTH ELECTION DISTRICT OF
 BALTIMORE COUNTY, MARYLAND.

ORDER FOR APPEAL

He, Commissioner:
 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 case on June 9, 1952, and transmit all papers and records incident thereto to said Board of Zoning Appeals.

Paulina A. Reisman
 Attorney for Petitioners

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "A-1" COMMERCIAL ZONE.
N. W. Cor. Harford Road and Summit Ave.,
9th District - Russell J. and Mildred L. Matthews, Petitioners.

The property which is the subject of this petition is located on the northeast corner of Harford Road and Summit Avenue, in the Ninth District. The lot is a part of a larger lot which is improved with a large frame dwelling. The property at the southwest corner of Harford and Summit Avenue is improved with a very substantial masonry dwelling, which sets back in excess of 100 feet from Harford Road as does the dwelling on the Matthews' lot. The property both north and south of Summit Avenue on the east side of Harford Road is residential property; the properties on the east side of Harford Road, to the north and south of Summit Avenue, are residential with the exception of the vacant store property at the southeast corner of Harford Road and Summit Avenue.

It is felt that the construction of a store building at the location planned by the petitioner would be detrimental to the proper enjoyment of the properties in this area for residential use. In addition no road was demonstrated for a commercial undertaking at this location. A general store is located approximately 1500 feet north of Summit Avenue and there are also stores at Oak Hill a distance of three thousand feet to the north. There is also a considerable commercial area located at the intersection of Joyce and Harford Roads, thirty five hundred feet to the south.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that the reclassification of this property to allow the construction of a store as outlined in the petition, will be detrimental to the health, safety and general welfare of the community and the reclassification should not be had.

It is this 27th day of June, 1952, ORDERED by the Zoning Commissioner of Baltimore County, 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 confirmed as and to remain an "A" Residence Zone.

Charles W. Smith
Zoning Commissioner
Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, *Russell J. Matthews* owner... of the property situate
N. W. corner Harford Rd. & Summit Ave. known
as 9900 Harford Rd. Approximately 75 ft. front.
part of Lot 5, Linden Heights.

All that parcel of land at the northeast corner of Harford Road and Summit Avenue, thence northerly and westerly to the west side of Harford Road 75 feet with a rectangular depth westerly of 125 feet and bounding on the north side of Summit Avenue. Being part of Lot 5 of the Linden Heights as filed with the buildings and zoning departments, known as 9900 Harford Road

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-1 Res.* zone to an *A-2 Comm.* zone.

Reason for Re-Classification *A-2 Comm. Zone.*
(Grocery & Retail Store)

Size and height of building: front *24* feet; depth *50* feet; height *24* feet.
Front and side set backs of building from street lines: front *according to building code* 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.

Russell J. Matthews
Mildred L. Matthews
Legal Owner
Address *9900 Harford Rd.*
Baltimore 34 Md.

ORDERED BY The Zoning Commissioner of Baltimore County, this *27th* day of *June*, 1952, 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 hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reckard Bldg., in Towson, Baltimore County, on the *29th* day of *June*, 1952, at *1:30* o'clock *P.M.*

Zoning Commissioner of Baltimore County

(over)

June 24th
9 P.M.
1952

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

2267
District *9th* Date of Posting *5-22-52*
Posted to *Carl Stephens to an "A-2 Commercial Zone"*
Petitioner *Russell J. Matthews*
Location of property *N. W. corner Harford Rd. & Summit Ave. known as 9900 Harford Rd. Approximately 75 ft. front. part of Lot 5 of the Linden Heights as filed with the buildings and zoning departments, known as 9900 Harford Road*
Remarks: *Berge R. Hummel*
Posted by *Berge R. Hummel* Date of return *5-22-52*

October 21, 1952

\$20.00

RECEIVED of Russell J. Matthews the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting of property Harford Rd. & Summit Avenue, 9th District of Baltimore County.

Zoning Commissioner

Hearings:

Monday, June 9, 1952
at 1:30 P. M.

PAID
OCT 24 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *Charles W. Smith*

PAID
MAY 13 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *C.W.*

June 10, 1952

\$22.00

RECEIVED of Messrs. Smalkin & Heskins, Attorneys for Russ J. J. Matthews, et al., petitioners, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal from the decision of the Zoning Commissioner denying reclassification of property at the northeast corner of Harford Road and Summit Avenue.

Zoning Commissioner

PAID
JUN 17 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *Charles W. Smith*

NO PLAT
IN
THIS FOLDER