

MICROFILMED

State of Maryland, Baltimore County, Md.

SEAL

To: H. Guy Campbell, Carl F. Vohden, Daniel W. Rubens, Constituting the Board of Zoning Appeals of Baltimore County certain case of

Donald H. Tydeman and Margaret H. Tydeman, his wife

with all things touching the same, as fully and perfectly as they remain before you, by whatsoever name or names the parties aforesaid, or either of them, are called in the same, you send and certify to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable John H. Dentum, Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immediately after receipt of the same.

WITNESS, the Honorable FREDERICK LEE COBURN, Chief Judge of the Circuit Court for Baltimore County, this 13th day of April, 1953

Issued this 8th day of June, 1953

True Copy Test

John H. Dentum
Clerk

GEORGE L. BYERLY
Clerk

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. E. Cor. Edmondson Ave. Ext'd. and Gaither Ave., 1st District, Donald H. and Margaret H. Tydeman, Petitioners.

The appeal in the above entitled matter coming on for hearing on the 19th day of March 1953, before the Board of Zoning Appeals of Baltimore County from an Order of the Acting Zoning Commissioner of Baltimore County dated March 4, 1953, 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 the reclassification from an "A" Residence Zone to an "E" Commercial Zone would not be detrimental to the general welfare of the community and for reasons set forth in said opinion; therefore,

It is this 7th day of May, 1953, Ordered by the Board of Zoning Appeals of Baltimore County that this property be reclassified from an "A" Residence Zone to an "E" Commercial Zone.

Approved:
County Commissioners
of Baltimore County

By *John H. Dentum*
Clerk
Date: APR 1 1954

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

MICROFILMED

This is an appeal by Donald H. Tydeman and Margaret H. Tydeman, his wife, from an Order of the Acting Zoning Commissioner of Baltimore County dated March 4, 1953, denying the reclassification from an "A" Residence Zone to an "E" Commercial Zone in regard to the property described in said petition.

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

The property which is the subject of this petition is located on the southeast corner of Edmondson Avenue Extended and Gaither Avenue, First District of Baltimore County. One of the Petitioners testified that he wants to use this property to erect a commercial building containing offices, show-room, and storage facilities.

From the examination of the Zoning Maps of Baltimore County and from the testimony in the case and from examination by the Board of Zoning Appeals of the property in question and the surrounding neighborhood, it is apparent that there have been numerous changes in zoning in this area since 1945 and of a marked degree so that this particular area could not be designated as strictly a residential community. There are several gasoline service stations and other commercial enterprises operating along this fast, heavily traveled Edmondson Avenue Extended. Recently there has been a reclassification of a large piece of land for an out-door movie theatre.

The Board is of the opinion that this property should be reclassified; and it will, therefore, pass its Order granting the reclassification from an "A" Residence Zone to an "E" Commercial Zone.

MICROFILMED

-2-

John H. Dentum
Clerk
John H. Dentum
Board of Zoning Appeals of
Baltimore County

MICROFILMED

Feb. 4, 1953 At 11:00 a.m. hearing held on petition by Zoning Commissioner, case held sub curia.

March 4, " Order of Zoning Commissioner granting reclassification in part.

" 11, " order of appeal to the Board of Zoning Appeals of Baltimore County from Order of Zoning Commissioner, filed.

March 19, " Hearing on appeal before the Board of Zoning Appeals.

May 7, " Order of Board of Zoning Appeals filed reversing Order of Zoning Commissioner.

June 17, " Writ of certiorari and appeal to the Circuit Court for Baltimore County served on the Board of Zoning Appeals.

" 10, " Transcripts of testimony taken at the appeal hearing before the Board of Zoning Appeals, filed.

Photographs, Petitioner's exhibits Nos. 1 and 2, showing Exhibit No. 3, Zoning Map of Baltimore County, Exhibits Nos. 4, 5, 6, 7, 8 and 9 and plat, filed at hearings before Zoning Commissioner and Board of Zoning Appeals.

9/8/53 Record of proceedings filed in 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 respectfully request 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

MICROFILMED

JOHN H. MURPHY, III,
6030 Baltimore National Pike
Catonville 28, Maryland

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

H. GUY CAMPBELL,
CARL F. VOHDEN and
DANIEL W. RUBENS
constituting the Board
of Zoning Appeals of
Baltimore County

Mr. Clerk:

Please file, do.

Counsel to Board of Zoning Appeals
of Baltimore County

MICROFILMED

JOHN H. MURPHY, III,
6030 Baltimore National Pike
Catonville 28, Maryland

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

H. GUY CAMPBELL, CARL F.
VOHDEN and DANIEL W.
RUBENS, constituting the
Board of Zoning Appeals
for Baltimore County

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now does H. Guy Campbell, Daniel W. Rubens and Carl F. Vohden, constituting the Board of Zoning Appeals 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:

No. 2469 COUNTY RECORDS FROM DEPT. OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

Jan. 13, 1953 Petition of Donald H. Tydeman and Margaret H. Tydeman, his wife, for reclassification from an "A" Residence Zone to an "E" Commercial Zone, S. E. Cor. Edmondson Ave. Ext'd. and Gaither Ave., First District of Baltimore County, filed.

- " 21, " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for Feb. 4, 1953 at 11:00 a.m.
- " 21, " Certificate of posting property on July 21, 1953, filed.
- " 19, " Certificate of publication in newspaper, filed.

FILED MAR 11 1953

2469-

H. Charles Hutchinson, Esq.
Acting Zoning Commissioner
Towson, Maryland

Re: Petition for Re-Classification from
an "A" residence zone to an "B"
commercial zone - i.e. 605,
Edmondson Avenue Ext'd and
Gaither Ave., 1st District
Donald H. and Margaret H. Tydeman,
Petitioners

Mr. Commissioners:

Please enter an appeal to the Board of Zoning Appeals of Baltimore
County from the Order of the Acting Zoning Commissioner dated March 4, 1953
in the above application for reclassification, and forward transcript of
record to the Board of Zoning Appeals of Baltimore County.

Michael Paul Smith
Michael Paul Smith,
Attorney for Petitioners

Dated March 8, 1953.

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "B" COMMERCIAL
ZONE - S. E. COV. Edmondson Ave. Ext'd.
and Gaither Ave., 1st District
Donald H. and Margaret H. Tydeman,
Petitioners

The property which is the subject of this petition is located
at the southeast corner of Edmondson Avenue, Ext'd. and Gaither Avenue,
First District. The intended use of the property is for a business
establishment of a commercial nature.

The property covered by this petition is with the same
area as property in an Order of the Zoning Commissioner of Baltimore
County dated March 11, 1953, in which he stated in part as follows:

"Due to the fact that there is sparse residential
development on this section of the Baltimore National
Pike at the present time with a large residential
development planned at the northeast corner of the
Pike and Ingleside Avenue, and the prospect of another
development to the west of this property, it is the
opinion of the Zoning Commissioner of Baltimore County
that, that portion of the Baltimore National Pike,
between the commercially zoned areas at Ingleside
Avenue and the commercially zoned areas at Rolling
Road, should be reserved for residential use for the
reason that the setting of commercial areas could
not but be detrimental to the general welfare of the
residential properties existing and planned in this
area, and the reclassification should be denied."

It is the opinion of the Acting Zoning Commissioner of
Baltimore County that for the reason set forth in the excerpt of the
aforesaid Order the pending petition for reclassification should be
denied. It is contemplated that certain changes are planned which
will affect this portion of Edmondson Avenue, Extended, lying
between Ingleside Avenue and Rolling Road. The major change in
this area at the present time is the proposed location of the
proposed highway which will cross Edmondson Avenue, Extended,
immediately to the east of the property in question. It is,
however, at this time difficult to foresee whether or not the
construction of the proposed highway would adversely affect the

-2-

properties in the immediate area and make them unsuitable for
residential use. It is the opinion of the Acting Zoning
Commissioner that the policy of protecting this portion of
the highway for residential use should be continued until
such time as the changes, which are planned, prove that the
area is impractical for residential use.

It is this 4th day of March, 1953, ORDERED by the
Acting Zoning Commissioner of Baltimore County that the aforesaid
petition for reclassification, from an "A" Residence Zone to an "B"
Commercial Zone, 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.

H. Charles Hutchinson
Acting Zoning Commissioner
of Baltimore County

Petition for Zoning Re-Classification

To the Zoning Commissioner of Baltimore County -

I, or we, Donald H. & Margaret H. Tydeman legal owner(s) of the property situate

All that parcel of land in the 1st District of Baltimore County at the Southeast
Corner Gaither Avenue and Edmondson Avenue Extended, thence easterly and abutting
on the South side of Edmondson Avenue Extended 225 feet to the west side of
Edwin Avenue, thence southerly and abutting on the West side of Edwin Avenue
100 feet, thence westerly 100 feet, thence southerly 40 feet, thence westerly
100 feet to the back side of Gaither Avenue, thence southerly and abutting on the
East side of Gaither Avenue 90 feet to place of beginning, being Lots 24 to 27
and part of Lots 28 to 31 and 60 to 62 and all of Lots 63 to 67 on plat of
16 Borough Heights, as shown on plat plan filed with the Building and Zoning Department.

hereby petition that the zoning status of the above described property be reclassified, pursuant to the
Zoning Law of Baltimore County, from an "A" Residence zone to an "B" Commercial zone.
Reasons for Re-Classification: Approved Commercial Use

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, or we, agree to pay expenses of above reclassification, 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.

Donald H. Tydeman
Margaret H. Tydeman
Legal Owner

Address 2412 N. CHARLES ST.
BALTIMORE, MARYLAND 12

ORDERED By the Zoning Commissioner of Baltimore County, this 14th day of
January, 1953, 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 thereon be had in the office of the Zoning
Commissioner of Baltimore County, in the Reckard Bldg., in Towson, Baltimore County, on the
14th day of February, 1953, at 11:00 o'clock, A.M.

(over)
Zoning Commissioner of Baltimore County

Sept. 5, 1953

\$8.00

RECEIVED of J. Lee Smith, the sum of \$8.00 being cost of
certified copy of petition and other papers filed in the matter of
reclassification of property on the southeast corner of Baltimore
National Pike and Gaither Ave., 1st District, Donald H. and Margaret H.
Tydeman, petitioners.

Zoning Commissioner

PAID
SEP-9-53
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *H. Charles Hutchinson*

March 12, 1953

\$22.00

RECEIVED of Michael Paul Smith, Esquire, the sum of
Twenty Two (\$22.00) Dollars, being cost of appeal to the
Board of Zoning Appeals of Baltimore County from the action
of the Zoning Commissioner in the matter of reclassification
of property at the southeast corner of Edmondson Avenue, Extended,
and Gaither Ave., 1st District, Donald H. and Margaret H.
Tydeman, petitioners.

Zoning Commissioner

PAID
MAR 13 1953
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *W. J. Beckman*

January 16, 1953

\$21.00

RECEIVED of Messrs. Smith & Smith, Attorneys for
Donald H. Tydeman, petitioners, the sum of Twenty Three (\$23.00)
Dollars, being cost of petition for reclassification, adver-
tising and posting property, southeast corner of Edmondson
Avenue and Gaither Avenue, 1st District of Baltimore County.

Zoning Commissioner

Hearings:
Wednesday, Feb. 12, 1953
at 11:00 a.m.
basement of Reckard Bldg.,
Towson, Md.

PAID
JAN 19 1953
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *W. J. Beckman*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District, 1st Date of Posting, 1-22-53
Posted for, Act. H. Tydeman, South & E. Commercial Zone
Petitioner, Donald H. & Margaret H. Tydeman
Location of property, S. E. COV. Edmondson Ave. Ext'd. & Gaither Ave., 1st Dist.
Remarks, As per zoning law, the property is to be used for commercial purposes only. The property is to be used for commercial purposes only. The property is to be used for commercial purposes only.
Posted by, George B. Hammond Date of return, 1-22-53

**NO PLAT
IN
THIS FOLDER**