

FRANK D. QUINN, and
FANNIE QUINN,
Petitioners
and
IN THE CIRCUIT COURT
RAYMOND F. CUSHING, and
KATHRYNE R. CUSHING
Contract Purchasers
vs
FOR BALTIMORE COUNTY
CHARLES H. QUINN
DANIEL W. HUBERS and
CARL F. VOIGT
Being and Constituting
the Zoning Board of
Baltimore County

ORDER

Upon the foregoing Petition, Appeal and Affidavit
it is this 30th day of January, 1954, by the Circuit
Court for Baltimore County, ORDERED that a Writ of Certiorari be
issued, directed to the Board of Zoning Appeals of Baltimore
County, to review the decision and Order of said Board of Zoning
Appeals dated December 31, 1953, and that a return thereof must
be made and served upon relators' attorneys within ten (10) days
from the date of this Order and it is further

ORDERED that the Board of Zoning Appeals of
Baltimore County be and it is hereby required to return to
this Court the original papers acted upon by it, or certified
or sworn copies thereof, together with a transcript of testimony
taken at the hearing before the said Board, exhibits filed
before it, and concisely setting forth such other facts as may
be pertinent and material to show the grounds of the decision
and Order appealed from.

John B. Hartman
JUDGE

True Copy Test

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FILED OCT 24 1953

5702-

IN THE MATTER OF PETITION
FOR MEMORIAL GARDEN TYPE
CEMETERY, west side Philadelphia
Road, approximately 1320 feet
south of its intersection with
Red Line Road, 11th Election
District, Frank D. Quinn and
Fannie Quinn, Petitioners,
Raymond F. Cushing and
Kathryne R. Cushing, contract
purchasers.

BEFORE THE ZONING
COMMISSIONER OF
BALTIMORE COUNTY

APPEAL

Mr. Commissioner:

Please enter an appeal to the Board of Zoning
Appeals of Baltimore County, from the decision of the Zoning
Commissioner, dated October 5th, 1953, in the above entitled
matter, on behalf of the Petitioners and the contract purchasers,
and transmit all papers to the Board of Zoning Appeals of
Baltimore County.

THOMAS H. BROWSTER
JOHN BRADEN HATHILL
24 W. PATTERSON AVENUE
TOWSON 4, MD.
Attorney for Petitioners

RE: PETITION FOR SPECIAL PERMIT FOR CEMETERY,
GRAVEYARD OR BURIAL GROUND - W. S. 014
Philadelphia Road 1320 ft. S. Red Line
Road, 11th District, Frank D. and Fannie
Quinn, Petitioners - Raymond F. and
Kathryne R. Cushing, Contract Purchasers

The appeal in the above entitled matter coming on
for hearing on the 12th day of November, 1953, before the Board
of Zoning Appeals of Baltimore County from an Order of the
Zoning Commissioner of Baltimore County dated October 5, 1953,
denying a petition for a special permit for a cemetery,
graveyard, or burial ground in regard to the property described
therein; and it appearing from the facts and evidence adduced
at the appeal that the granting of said special permit would
be detrimental to the general welfare of the community and
for reasons set forth in said opinion; therefore,

It is this 31st day of December, 1953. Ordered
by the Board of Zoning Appeals of Baltimore County that a special
permit for a cemetery, graveyard, or burial ground in regard
to said property be denied.

Handwritten signatures
H. B. Hartman
Carl F. Voigt
John B. Hartman
Board of Zoning Appeals of
Baltimore County

ORDERED by the Zoning Commissioner of Baltimore
County this 31st day of December, 1953,
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Act of Assembly aforesaid, and that
a public hearing thereon be had in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 31st
day of September, 1954, at 2:00 o'clock
P.M.

Handwritten signature
Zoning Commissioner
of Baltimore County

When hearing on petition for a Special Permit to use the
property described therein for Cemetery, Graveyard or Burial
Ground and it appearing that by reason of location the granting
of same would depreciate adjacent and neighboring properties;
retard residential growth and be detrimental to the general
welfare of the community, the said petition should be denied.

It is this 31st day of October, 1953, ORDERED by the
Zoning Commissioner of Baltimore County, that the aforesaid
petition for a special permit be and the same is hereby denied.

Handwritten signature
Zoning Commissioner
of Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Frank D. Quinn and Fannie Quinn,
Raymond F. Cushing and Kathryne R. Cushing from an Order of
the Zoning Commissioner of Baltimore County dated October 5,
1953, denying a petition for a special permit for a cemetery,
graveyard, or burial ground in regard to the property described
in the said petition.

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

The property which is the subject of this petition
is a tract of land containing 75 acres, more or less, on the
west side of the Old Philadelphia Road, located approximately
1320 feet south of the intersection of Red Line Road and the
Old Philadelphia Road, being approximately 973 feet on the
Old Philadelphia Road and extending to the rear in an irregular
shape 321 1/2 feet.

The Zoning Regulations and Restrictions for Baltimore
County in regard to special permits provide in part that "the
inherent character of the hereinafter mentioned uses require
that they be carried on in districts or areas to which they do
not conform, or such uses have a peculiar tendency to impair
the health, safety, and morals of the public, and such uses may
be permitted only upon a special permit granted by the Zoning
Commissioner, subject to appeal to the Board of Zoning Appeals."
Under this section a cemetery, graveyard, or burial ground is
included. It is apparent, therefore, that the petitioners must
show a need in the neighborhood, district, or area, and that
such use will not impair the health, safety, and morals of the
public.

There was no testimony that would show that the same
would be impaired, but neither was there sufficient testimony

IN THE MATTER OF
FRANK D. QUINN
AND
FANNIE QUINN, his wife
For a Special Permit
To The Zoning Commissioner of Baltimore
County
Raymond F. Cushing and Kathryne R. Cushing, his wife, Contract
Purchasers

For a Special Permit, under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 877 of the Acts of the General Assem-
bly of Maryland of 1943, for a part in permit and use, as provided
under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now
or to be erected thereon) hereinafter described for
Cemetery, Graveyard or Burial Ground

All that parcel of land in the Eleventh Election District of Baltimore
County, hereafter for the same on the west side of the Old Philadelphia Road at a corner
approximately 1320 feet south of the intersection of Red Line Road with the said Old Phila-
delphia Road and running thence for the following courses and distances: South 53 degrees
West 284 feet North 53 degrees West 171 1/2 feet South 36 degrees West 156 feet
South 75 degrees East 1356 feet South 60 degrees East 284 feet South 61 degrees East
1993 feet to the west side of the said Old Philadelphia Road and thence running on the west side
of said road 950 feet to the place of beginning.

Contract Purchasers
John Quinn
Address
Address

In the opinion of the Board to show a need for such use other
than that the contract purchasers desire to establish a cemetery
at this location and that the owners joined in the petition for
the purpose of complying with the prerequisites of zoning, to
the end that a transfer of the title of the property might be
made, no doubt, at the time subsequent to the granting of the
special permit. There was testimony by one witness, an
officer of a labor union, that there was a need for such a
cemetery; but the locations of said union and the industrial
plant employing the workers were far removed from the neigh-
borhood of the subject tract of land, and it is quite possible that
numerous cemeteries are located between the petitioners' property
and said industrial plants; and there was no showing on the
part of this witness or others that other burial grounds were
inadequate, insufficient, or that the subject property was
needed for a burial ground to such an extent as to justify
this Board granting a special permit.

Public welfare reasonably demands that there be
proper regulation as to the establishment of cemeteries; and,
therefore, where there is no sufficient showing of an inadequate
provision in a given district for a cemetery, but rather that
there is a strong indication that the establishment of such
would be detrimental to the neighborhood (and there was no showing
that the particular property was or is the only one available
or suitable for cemetery use) the Board is compelled to deny
the special permit.

Handwritten signatures
H. B. Hartman
Carl F. Voigt
John B. Hartman
Board of Zoning Appeals of
Baltimore County

PETITION FOR SPECIAL PERMIT
IN THE MATTER OF
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Permit
To The Zoning Commissioner of Baltimore County
Frank D. Quinn and Fannie Quinn, his wife, Legal Owners, and Raymond F.
Cushing and Kathryne R. Cushing, his wife, Contract Purchasers, hereby
petition for a Special Permit, Under the Zoning Regulations and Restrictions
passed by the County Commissioners of Baltimore County, agreeable to Chapter
877 of the Acts of the General Assembly of Maryland of 1943, for a certain
permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or to be erected
thereon) hereinafter described for a memorial garden type cemetery without
regard to race, color or creed.

The property for which the special permit is sought is all that lot
or parcel of ground situate in the Eleventh Election District of Baltimore
County, State of Maryland, situate on the west side of the Old Philadelphia
Road, containing 75 acres of land, more or less, and described as follows:

(BEGINNING for the same on the west side of the Old Philadelphia Road
at a point approximately 1320 feet south of the intersection of Red Line
Road with the said Old Philadelphia Road and running thence for the following
courses and distances: South 53 degrees West 284 feet; North 58-1/2
degrees West 321 1/2 feet; South 36 degrees West 156 feet; South 75-1/2
degrees East 1356 feet; North 60 degrees East 284 feet; South 61-1/4
degrees East 1993 feet to the west side of the Old Philadelphia Road and
thence running on the west side of said road 950 feet to the place of
beginning.

BEING all and the same lot or parcel of ground which by deed dated
October 7, 1949 and recorded among the Land Records of Baltimore County
in Liber T.B.S. No. 1780 folio 540 was granted and conveyed by Leo Gross
and Magdalena Gross, his wife, unto Frank D. Quinn and Fannie Quinn,
his wife.

Handwritten notes and signatures
9/30 m
3-516N1
Handwritten signature

Raymond F. Cushing
Raymond F. Cushing
Katharine B. Cushing
CONTRACT PURCHASERS
Rock Spring Road
Bel Air, Maryland

Frank B. Quinn
Frank B. Quinn
Fannie Quinn
Fannie Quinn
LEGAL OWNERS
Old Philadelphia Road
R.F.D. No. 7
Fullerton, Maryland

March 16, 1954

\$7.20

RECEIVED of John Gerson Turnbull, Attorney for Raymond F. Cushing, and others, appellants, the sum of \$7.20 being cost of certified copies and other papers filed in the matter of a petition for a special permit for cemetery, Old Philadelphia Road.

Zoning Commission



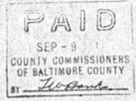
September 8, 1953

\$26.00

RECEIVED of Raymond F. Cushing, Contract Purchaser, the sum of Twenty Six (\$26.00) Dollars, being cost of petition for Special Permit for Quinn property, advertising and posting, on west side of Old Philadelphia Road, 11th District.

Zoning Commissioner

Hearing:
Wednesday, September 23, 1953
at 2:00 p.m.
Redwood Building,
Towson 4, Md.



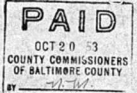
2702-2

October 19, 1953

\$30.00

RECEIVED of John Gerson Turnbull, Attorney for Frank B. Quinn et al, petitioners and Raymond F. Cushing, et al, Contract Purchasers, the sum of Thirty Dollars (\$30.00), being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the special permit for a cemetery on the west side of Philadelphia Road, 1320 feet south of Red Line Road, 11th District.

Zoning Commission



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 9-5-53
Posted for: Special Permit for Cemetery, Burial, or Burial Ground
Petitioner: Frank B. Quinn & Fannie Quinn
Location of property: on the west side of Old Philadelphia Rd. at a point 1320 ft. S. of the intersection of Red Line Rd. with Old Philadelphia Rd. among three adjoining lots of 2.1174, 2.5174, and 3.0174 from Red Line Rd. on the west side of Philadelphia Rd.
Remarks: Land owned by Quinn & Quinn, 1320 ft. S. of Red Line Rd.
Posted by: George R. Hammond Date of return: 9-10-53