

JUL 28 1954

APPEAL FROM THE ZONING
COMMISSIONER FOR A
PETITION FOR SPECIAL PERMIT

IN THE MATTER OF:

Petition for a Special
Permit for erection of Two
Advertising Signs South
side of Annapolis Road-50
Feet East of Loch Haven
Boulevard, 9th Dist.
The Morton Company, Lessee : BALTIMORE COUNTY

To The Board of Zoning Appeals of Baltimore County:

The Morton Company, Inc., on behalf of the
petitioner hereby petitions 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.

It would be appreciated if all affidavits, records,
papers, etc., pertaining to the above matter be forwarded to
the Board of Zoning Appeals of Baltimore County and a date be
scheduled for a hearing thereon.

THE MORTON COMPANY, INC.

BY: *J. Charles May Jr.*
J. Charles May Jr.
Lessee Dept.

Filed this 28th day of July, 1954. BY: *J. Thomas Elliott, Atty.*
J. Thomas Elliott, Atty.

MICROFILMED

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PETITION FOR SPECIAL PERMIT

IN THE MATTER OF

BEFORE THE
ZONING COMMISSIONERS
OF BALTIMORE COUNTY

For a Special Permit

To The Zoning Commissioner of Baltimore County

THE FOUR STAR CO.

Legal Owner

THE MORTON COMPANY

Contract
Purchaser

her-by 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 THE ERECTION OF
100
DOUBLE ENDING 17' x 22' DOUBLE FACED POSTER

All that parcel of land on the south side of Annapolis Road, beginning
60 feet east of Loch Haven Boulevard; thence easterly and binding on the
south side of Annapolis Road 100 feet with a rectangular depth easterly of
50 feet.

THE MORTON COMPANY

H. R. Munk
Contract Purchaser

3001 REMINGTON AVE

Baltimore

The Four Star Co.

W. J. H. H. V.P.
Legal Owner

OLD TOWN BANK BLDG.

BALTO. - 2, MD.

Baltimore

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ORDERED by the Zoning Commissioner of Baltimore

County this 28th day of June, 1954.
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 1st
day of July, 1954, at 11:00 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special permit to use
the property described therein for erection of Two Advertising
Signs and it appearing that there are numerous signs erected
adjacent to the subject property, there is no need for additional
signs or bill-boards, the petition should be denied, therefore:

It is this 28th day of July, 1954, ORDERED by the
Zoning Commissioner of Baltimore County, that the aforesaid petition
for a special permit, be and the same is hereby denied.

William H. Adams
Zoning Commissioner
of Baltimore County

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RE: PETITION FOR A SPECIAL PERMIT FOR ERECTION
OF TWO ADVERTISING SIGNS - South side Annapolis
Road, 60 Feet East of Loch Haven Boulevard,
9th Dist., The Morton Co., Lessee.

The appeal in the above entitled matter coming on
for hearing on the 7th day of October, 1954, before the
Board of Zoning Appeals of Baltimore County from an Order of
the Zoning Commissioner of Baltimore County dated July 26,
1954, denying the special permit for the erection of two
advertising signs in regard to the property described therein;
and it appearing from the facts and evidence adduced at the
appeal and for reasons set forth in the opinion attached
hereto, the granting of the special permit would be improper
and detrimental to the general welfare of the community;
therefore,

It is this 3rd day of December, 1954, Ordered by
the Board of Zoning Appeals of Baltimore County that the
petition for special permit be denied.

William H. Adams
Chairman

Carl H. Hilde
Board of Zoning Appeals of
Baltimore County

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ZONING DEPARTMENT OF BALTIMORE COUNTY
RE: PETITION FOR SPECIAL PERMIT
9th District

Pursuant to petition filed with the Zoning Commissioner
of Baltimore County, for SPECIAL PERMIT to use the property here-
after described for the erection of two advertising signs, the Zoning Commissioner
of Baltimore County, by authority of the Zoning Act and Regulations of
Baltimore County, will hold a public hearing in the Board Room
in the basement of the Redford Building, Towson, Maryland:

On Wednesday, July 21, 1954

at 11:00 a.m.

to determine whether or not the SPECIAL PERMIT petitioned for
as aforesaid, should be granted, the property in said petition
being particularly described as follows, to wit:

All that parcel of land in the Ninth District of Baltimore
County, on the south side of Annapolis Road, beginning 60 feet east of
Loch Haven Boulevard; thence easterly and binding on the south side
of Annapolis Road 100 feet with a rectangular depth easterly of 50
feet, being property of The Four Star Co., as shown on the plat
also filed with the Zoning Department.

By Order of
Zoning Commissioner
of Baltimore County.

\$30.00

RECEIVED of The Morton Company, the sum of Twenty (\$20.00)
Dollars, being cost of petition for Special Permit, advertising and
posting property, south side of Annapolis Road and beginning 60 feet
east of Loch Haven Boulevard, 9th District, Baltimore County, Md.

7 Zoning Commissioners

Hearings

Wednesday, July 21, 1954

at 11:00 a.m.

Redford Building

Towson, Md.

CC: The Four Star Co.

PAID
JUN 30 - 4
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *J. H. H.*

5104-S

MICROFILMED

July 30, 1954

\$30.00

RECEIVED of J. Thomas Elliott, Attorney for the Morton Company
the sum of Thirty (\$30.00) 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 a special permit to erect Adver-
tising Signs, south side of Annapolis Road, 60 feet east of Loch Haven
Boulevard, 9th District.

Zoning Commissioner

PAID
AUG 2 - 4
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *J. H. H.*

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September 23, 1954

The following notices of appeal hearing scheduled for
Thursday, Oct. 7, 1954 at 10:00 a.m.

Board of Zoning Appeals

Counsel to Board

J. Thomas Elliott, Counsel for petitioner

Ernest E. Trimble, " " protestants

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by The Morton Company, Inc., from an Order of the Zoning Commissioner of Baltimore County dated July 26, 1954, denying petition for a special permit for the erection of two illuminated signs in regard to the property described therein.

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

The property which is the subject of this appeal is a tract of land on the south side of Amuski Road, beginning 60 feet east of Loch Raven Boulevard, and being 100 feet on said road with a depth of 50 feet.

The petitioner proposed to erect two illuminated 12 by 25 feet double-faced poster panels on the south side of Amuski Avenue or Road between the entrance to the parking area of Loch Ridge Shopping Center and the Gulf Station.

There is no evidence in this case that the erection of these signs is necessary or indeed would be used for the furtherance of the business of the property described therein or adjacent thereto; and because there are numerous and sufficient other signs in the area, the Board is of the opinion that the granting of the special permit would be detrimental to the general welfare of the community, therefore, should be denied, and it will pass its Order accordingly.

James M. Sullivan
Chairman
Carl F. Hilde
Board of Zoning Appeals of
Baltimore County

MICROFILMED

July 29, 1954

Ernest C. Trimble, Esquire,
212 Washington Avenue,
Towson 4, Maryland

Re: Petition for a Special Permit to
erect two Advertising Signs - G. S. Amuski Road 60 Feet E. Loch Raven
Boulevard, 9th Dist. The Morton Co.,
Lessee

Dear Mr. Trimble:

I have today passed my Order denying the special permit in the above matter.

Very truly yours,

Zoning Commissioner

December 8, 1954

J. Thomas Elliott, Esquire,
212 Washington Avenue,
Towson 4, Maryland

Dear Mr. Elliott:

The Board of Zoning Appeals of Baltimore County passed Orders on December 3, 1954, affirming the Order of the Zoning Commissioner denying special permits for advertising signs at the following locations:

1. W. Cor. Karmel and Hamilton Aves., 11th District - Misses S. Brubaker, petitioners.

2. S. Harford Road, and North Boundary of Baltimore City, 9th District - Joseph Dumas, petitioner.

3. S. York Road, 550 Feet and 750 Feet south of Church Lane, 9th District - G. Elmer Kierhardt, petitioner.

4. S. Amuski Road, 60 feet east of Loch Raven Boulevard, 9th District - The Four Star Company, petitioners.

You will find enclosed copies of the Orders of the Board enclosed.

Very truly yours,

Zoning Commissioner

MICROFILMED

December 8, 1954

Ernest C. Trimble, Esquire,
212 Washington Avenue,
Towson 4, Maryland

Re: Petition for a Special Permit
for Advertising Sign - G. S. Amuski
Road 60 feet east of Loch Raven
Boulevard, 9th District -
The Morton Co., Lessee

Dear Mr. Trimble:

The Board of Zoning Appeals of Baltimore County passed its Order affirming the Order of the Zoning Commissioner denying the petition for a special permit in the above matter.

Very truly yours,

Zoning Commissioner

MICROFILMED

July 29, 1954

The Four Star Company,
Old Town Bank Building
Baltimore 2, Maryland

Re: Petition for a Special Permit for
erection of Two Advertising Signs -
South side Amuski Road 60 feet
East of Loch Raven Boulevard
9th Dist. The Morton Co., Lessee

Gentlemen:

I have today passed my Order denying the special permit in the above matter, as there are numerous other signs or bill-boards adjacent to the subject property and there is no need for additional signs or bill-boards.

You may take an appeal from this decision to the Board of Zoning Appeals of Baltimore County within ten days from the above date. The cost of appeal is \$30.00.

Very truly yours,

Zoning Commissioner

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Re: The Morton Co.,
3002 Hamilton Ave.,
Baltimore 12, Md.

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*SS Amuski Rd. beg 60'
E of Loch Raven Blvd. then
Ely & ending on the SS of
Amuski Rd. 100' with a
irregular depth S of 50'
as etc.*

9th

(SIGN)

MICROFILMED

RE: PETITION FOR A SPECIAL PERMIT FOR ERECTION
OF TWO ADVERTISING SIGNS - South side Amuski
Road, 60 feet east of Loch Raven Boulevard,
9th Dist., The Morton Co., Lessee.

The appeal in the above entitled matter coming on for hearing on the 7th day of October, 1954, before the Board of Zoning Appeals of Baltimore County from an Order of the Zoning Commissioner of Baltimore County dated July 26, 1954, denying the special permit for the erection of two advertising signs in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal and for reasons set forth in the opinion attached hereto, the granting of the special permit would be improper and detrimental to the general welfare of the community; therefore,

It is this 8th day of December, 1954, ordered by the Board of Zoning Appeals of Baltimore County that the petition for special permit be denied.

James M. Sullivan
Chairman

Carl F. Hilde
Board of Zoning Appeals of
Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by The Morton Company, Inc., from an Order of the Zoning Commissioner of Baltimore County dated July 26, 1954, denying petition for a special permit for the erection of two illuminated signs in regard to the property described therein.

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

The property which is the subject of this appeal is a tract of land on the south side of Amuski Road, beginning 60 feet east of Loch Raven Boulevard, and being 100 feet on said road with a depth of 50 feet.

The petitioner proposed to erect two illuminated 12 by 25 feet double-faced poster panels on the south side of Amuski Avenue or Road between the entrance to the parking area of Loch Ridge Shopping Center and the Gulf Station.

There is no evidence in this case that the erection of these signs is necessary or indeed would be used for the furtherance of the business of the property described therein or adjacent thereto; and because there are numerous and sufficient other signs in the area, the Board is of the opinion that the granting of the special permit would be detrimental to the general welfare of the community, therefore, should be denied, and it will pass its Order accordingly.

James M. Sullivan
Chairman

Carl F. Hilde
Board of Zoning Appeals of
Baltimore County

J. Thomas Elliott, Esq.,
212 Washington Avenue,
Towson 4, Maryland

to
Jeanette G. Harris
303 Washington Avenue,
Towson 4, Md.

Jan. 31, 1955

Cost of certified copies of petition and other papers filed
in the matter of special permit for Mgm. Amusement Road,
9th District, Four Star Corporation, petitioners 06.20

Pa

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J. Thomas Elliott
Attorney at Law
212 Washington Avenue
Towson 4, Maryland

Dear Tom,

We are enclosing a check made out to your order
in the amount of Twenty Eight Dollars and Seventy Cents
(\$28.70), due Mrs. Harris for the transcript testimony
and certified copies of the petition filed in the matter
of The Four Star Corporation.

Will you be good enough to remit this amount to
Mrs. Harris for me.

Thank you for your attention in the above matter.

Very truly yours,
THE MORTON COMPANY, INC.

E. G. Strong
E. G. Strong,
Lease Department

ESG:rl
encl:

McKinnis

I have enclosed this check to your order

Thank you.

Tom Elliott

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February 18, 1955

\$6.20

RECEIVED of J. Thomas Elliott, attorney for The
Morton Company, the sum of \$6.20, being cost of certified
copy of petition and papers filed in the matter of a
special permit for advertising sign, Amusement Road,
9th Dist.

Zoning Commissioner

PAID
FEB 21 1955
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *127*

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

3104

District *9th* Date of Posting *7-7-54*
Posted for *Special Permit Two Advertising Signs*
Petitioner: *The Four Star Co.*
Location of property *55-4 Gwyneth Rd. by left of Loch Raven Blvd. there*
6-4 building on the S.E. of Gwyneth Rd. 100 ft. etc. see plat
Location of Sign *on the S.E. of Gwyneth Rd. 110 ft. East of Loch Raven*
Blvd.
Remarks: *George R. Hummel*
Posted by *George R. Hummel* Date of return *7-8-54*

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THE FOUR-STAR CORPORATION
and
THE MORTON COMPANY, INC.,
LESSORS,
Petitioner
vs
CHARLES H. DOING,
DANIEL W. HUBERS, and
CARL F. WHEEN, being
and constituting the
Board of Zoning Appeals
of Baltimore County,
Defendant

ANSWER TO WRIT OF CERTIORARI AND ORIGINAL AND
CERTIFIED COPIES OF RECORDS BEFORE THE
BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Mr. Clark

Please file, etc.

Comml to the
Board of Zoning Appeals
of Baltimore County

MICROFILMED

THE FOUR-STAR CORPORATION
and
THE MORTON COMPANY, INC.,
Lessors
Petitioner
vs
CHARLES H. DOING,
DANIEL W. HUBERS, and
CARL F. WHEEN, being
and constituting the Board of
Zoning Appeals of Baltimore
County,
Defendants

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Charles H. Doing, Daniel W. Hubers and Carl
F. Wheen, 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. 3031-C
Zoning Matters from Doctet of Zoning Commission
of Baltimore County
June 24, 1954
Petition of The Four Star Corporation, Petitioner,
and The Morton Company, Lessee, for a special permit
to erect the advertising signs on property on south
side of Amstel Road, beginning 60 feet east of
Loch Raven Boulevard, Ninth District, filed.
Order of Zoning Commissioner directing advertisement
and posting of property - date of hearing set for
July 21, 1954 at 11:00 o'clock a.m.
July 7, " Certificate of posting of property on July 7, 1954,
filed.
" 10, " Certificate of publication in newspaper, filed.

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July 21, 1954, At 11:00 o'clock a.m. hearing held on petition by
Zoning Commissioner.
" 26, " Order of Zoning Commissioner denying the petition
for reclassification.
" 26, " Order of appeal to the Board of Zoning Appeals of
Baltimore County from Order of Zoning Commissioner,
filed.
Oct. 7, " Hearing on appeal before the Board of Zoning Appeals.
Dec. 3, " Order of Board of Zoning Appeals affirming the Order
of the Zoning Commissioner, filed.
Jan. 11, 1955 Writ of certiorari and appeal to the Circuit Court for
Baltimore County served on the Board of Zoning Appeals.
" 31, " Transcript of testimony taken at the appeal hearing
before the Board of Zoning Appeals, filed.
" Photographs filed as Petitioner's Exhibits "A", "B",
"C" and "D".
Letters and petitions of protest filed at hearings
before the Zoning Commissioner and Board of Zoning
Appeals of Baltimore County.
Feb. 21, " 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 Respondent 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
working use district map at the hearing on this petition or whenever
directed to do so by this Court.
Respectfully submitted
Comml to the
Board of Zoning Appeals
of Baltimore County

JAN 11 1955

THE FOUR-STAR CORPORATION
and
THE NORTON COMPANY, INC.,
Lessees
Petitioner

vs
H. GUY CAMPBELL,
DANIEL W. HUBERS, and
CARL F. VOHSEN,
Being and constituting the
Board of Zoning Appeals of
Baltimore County
Defendant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

PETITION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of The Four Star Corporation and The Norton Company, Inc., Lessees, by J. Thomas Elliott, their attorney, respectfully represents unto four Honors:

(1) That the Petitioners are property owners and tax payers of Baltimore County, State of Maryland.

(2) That the property which is the subject of the application for a special permit is located on the South Side of Annapolis Road, beginning 60' East of Loch Raven Boulevard and is situated between the entrance to the parking area of the Loch Ridge Shopping Center and a Gulf Service Station there situated to the East and distant therefrom approximately 1 1/2 feet. The proposed tract as above mentioned is 1 1/4 feet 10 inches in length beginning as above mentioned 60 feet East of Loch Raven Boulevard. Upon the above mentioned property your Petitioners did make application before the Zoning Commissioners of Baltimore County for the granting of a special permit to allow for the erection of two double faced illuminated advertising poster panels, the size of which would be 12 feet x 25 feet, to be situated equi-distant from either end of the above mentioned 1 1/4 feet 10 inches strip of land adjacent and included within the commercial shopping center known as Loch Ridge

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Shopping Center. The property is more specifically described in the application for special permit as above referred to.

(3) That the Zoning Commissioners passed an order dated July 26, 1954, denying your Petitioners the special permit for the erection of the two advertising signs as above mentioned. From this decision your Petitioners, feeling aggrieved, entered an appeal and the matter coming on for a hearing before the Board of Zoning Appeals of Baltimore County, after hearing and testimony taken, said Board, by its order dated the 8th day of December, 1954, denied the petition for special permit for the erection of said signs and/or either of them.

(4) That the aforementioned decision and Order of the Board of Zoning Appeals of Baltimore County on the 8th day of December, 1954, whereby your Petitioners are aggrieved and injured, is void, without legal force and effect, and should be reversed, set aside and annulled by this Honorable Court for the following reasons:

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

(b) That there was no substantial evidence before the aforesaid Board of Zoning Appeals for Baltimore County in these proceedings conducted before it to justify it and support its Order of December 8, 1954;

(c) That the Order of the Board of Zoning Appeals constitutes an attempted unlawful and unconstitutional exercise of authority;

(d) That your Petitioners are entitled to the granting of the petition for special permit as applied for;

(e) And for such other and further reasons as may be shown at the hearing hereof.

LAW OFFICES
J. THOMAS ELLIOTT
TOWSON, MARYLAND

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TO THE END, THEREFORE:

(a) That a writ of certiorari be granted by this Honorable Court directed against said Defendants, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and Order of said Board of December 8, 1954, in the within proceeding and prescribing therein the time within which a return thereto shall be made and served upon the attorney for the Defendants.

(b) That said Board of Zoning Appeals of Baltimore County may be required to return to this Honorable Court the original papers acted upon by it, or certified copies thereof, together with a copy of all records in said proceeding and a transcript of all testimony taken before said Board in connection with said proceedings, as well as a copy of the Order 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 Petitioners 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 of December 8, 1954, denying the petition for special permit as described in said original petition.

(e) That this Honorable Court may direct the Zoning Commissioner for Baltimore County to grant the petition for special permit as originally prayed by your Petitioners.

(f) For such other and further relief as the nature of their case may require.

And, as in duty bound, etc.

LAW OFFICES
J. THOMAS ELLIOTT
TOWSON, MARYLAND

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J. Thomas Elliott
J. Thomas Elliott
Attorney for Petitioner

ORDER

Upon the foregoing petition and Affidavit, it is this day of January, 1955, by the Circuit Court for Baltimore County,

ORDERED that a writ of Certiorari be issued to H. Guy Campbell, Daniel W. Hubers and Carl F. Vohsen, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and Order of said Board of Zoning Appeals dated December 8, 1954, and requiring said Board to return to this Court all papers, records, and proceedings, in said matter and a transcript of all testimony presented before the 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 the Defendants' attorney within ten days from the date of this Order; and

It is further Ordered that the said Board of Zoning Appeals of Baltimore County shall return to this Court all the original papers, or certified or sworn copies thereof and the return shall concisely set forth the such other facts as may be pertinent to show the grounds of the decision and Order appealed from, together with a transcript of all testimony taken at the hearing and copies of the exhibits filed therewith.

Judge

True Copy Test

LAW OFFICES
J. THOMAS ELLIOTT
TOWSON, MARYLAND

Chanc

STATE OF MARYLAND } To Wit:
COUNTY OF BALTIMORE }

I hereby certify that on this 7th day of January, 1955, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore, personally appeared J. Charles Mayo, Jr., Agent in Fact for the Petitioners above, and he made oath in due form of law that the matters and facts contained in the foregoing petition are true to the best of his knowledge, information and belief.

J. Thomas Elliott
Notary Public

LAW OFFICES
J. THOMAS ELLIOTT
TOWSON, MARYLAND

NO PLAT

IN

THIS FOLDER