

Petition for Zoning Re-Classification

To The Zoning Commission of Baltimore County:

I, Irvin P. Trail & Margaret D. Trail, legal owner, of the property situated in the Second Election District, Baltimore County, Maryland and described as follows: Beginning for the same on the southeast side of Euler Lane, at a point distant 200 feet north of the intersection of Euler Lane and Milford Hill Road, and running thence on a line parallel to Liberty Road and running thence on a line parallel to Milford Hill Road north 30 degrees 05 minutes east 319.33 feet to the northwest side of Milford Hill Road and binding on the northwest side of Milford Hill Road north 30 degrees 05 minutes east 319.33 feet to the outline of Irvin P. Trail and Margaret D. Trail, thence north 42 degrees 22 minutes west 446.64 feet to the southeast side of Euler Lane, thence binding thence south 21 degrees 29 minutes west 460.57 feet to the place of beginning.

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from "R-1" to "C-1" Commercial Zone.

Reasons for Re-Classification: Stores and parking area.

Size and height of buildings: 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 of Baltimore County.

Margaret D. Trail
Irvin P. Trail
Legal Owner
Address: Bolling Road
Catonsville 28, Md.

ORDERED By The Zoning Commission of Baltimore County, this 19th day of July, 1955, 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 Commission of Baltimore County, in the Second District, in Towson, Maryland, on the 21st day of August, 1955, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

(seal)

(2 - SIGNS)

NOTICE OF ZONING PETITION FOR RECLASSIFICATION - 2nd Dist.

Pursuant to petition filed with the Zoning Commission of Baltimore County for change or reclassification, from an "R-1" Residence Zone to an "C-1" Commercial Zone of the property herein after described, the Zoning Commission 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 Board Building, Towson, Maryland:

On Monday, August 15, 1955,

at 11:00 a.m.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for approved Commercial Use, to wit:

All that parcel of land in the Second District of Baltimore County, beginning for the same on the southeast side of Euler Lane at a point distant 200 feet north of the intersection of Euler Lane and Milford Hill Road, and running thence on a line parallel to Liberty Road and south 62 degrees 05 minutes east 319.33 feet to the northwest side of Milford Hill Road and binding on the northwest side of Milford Hill Road north 30 degrees 05 minutes east 319.33 feet to the outline of Irvin P. Trail and Margaret D. Trail, thence north 42 degrees 22 minutes west 446.64 feet to the southeast side of Euler Lane, thence binding thence south 21 degrees 29 minutes west 460.57 feet to the place of beginning.

By Order of
Zoning Commissioner
of Baltimore County

Hearing:
Monday, August 16, 1955
at 11:00 a.m.
Second Building
Towson, Md.

PAID
JUL 19 1955
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above reclassification should be had it is Ordered by the Zoning Commission of Baltimore County this 19th day of July, 1955, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from "R-1" to "C-1" Commercial Zone.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above reclassification should be had it is Ordered by the Zoning Commission of Baltimore County, this 19th day of July, 1955, 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 to remain an "R-1" Residence Zone.

It is Ordered by the Zoning Commission of Baltimore County, this 19th day of July, 1955, that the above petition be and the same is hereby continued as and to remain an "R-1" Residence Zone.

Margaret D. Trail
Zoning Commissioner of Baltimore County

Approved:
County Commissioners of Baltimore County
its day of , 1955.
By President

RECEIVED
OCT 25 1955
COUNTY COMMISSIONERS
JONES
#3109
MAP
243-A

Re: PETITION FOR RECLASSIFICATION FROM AN "R-1" RESIDENCE ZONE TO AN "C-1" COMMERCIAL ZONE
S. E. Side Euler Lane, 200 feet N. of Euler Lane, 2nd District - Trail & Trail and Margaret D. Trail, Petitioners

The petition in the above entitled case is for reclassification, from an "R-1" Residence Zone to an "C-1" Commercial Zone of a lot of ground adjoining a commercial area at the northeast corner of Liberty and Milford Hill Roads. The reclassification when granted will be an extension of an existing commercial zone and according to the testimony is for the purpose of providing ample off-street parking for the existing commercially zoned land. The provision of ample off-street parking area is a policy of zoning authorities everywhere since it relieves congestion on the public streets and highways in the vicinity of commercial areas.

The testimony further shows that the land sought to be reclassified will not be used for additional commercial structures but will be used solely for parking and landscaping in connection with the buildings to be erected on the commercially zoned property.

The Board does not believe that this use will place any additional burden upon the community but will have the effect of enabling the applicants to build better shopping facilities for the community and relieve the streets and highways from traffic congestion.

It is this 17th day of March, 1955, ORDERED by the Board of Zoning Appeals of Baltimore County, that the aforesaid Order of the Zoning Commission of Baltimore County denying the reclassification is hereby reversed and the reclassification granted, from an "R-1" Residence Zone to an "C-1" Commercial Zone.

Approved:
County Commissioners of Baltimore County
Date: Oct 21 1955

Board of Zoning Appeals
of Baltimore County

NOTICE OF ZONING PETITION FOR RECLASSIFICATION - 2nd Dist.

Pursuant to petition filed with the Zoning Commission of Baltimore County for change or reclassification, from an "R-1" Residence Zone to an "C-1" Commercial Zone of the property herein after described, the Zoning Commission 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 Board Building, Towson, Maryland:

On Monday, August 15, 1955,
at 11:00 a.m.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for approved Commercial Use, to wit:

All that parcel of land in the Second District of Baltimore County, beginning for the same on the southeast side of Euler Lane at a point distant 200 feet north of the intersection of Euler Lane and Milford Hill Road, and running thence on a line parallel to Liberty Road and south 62 degrees 05 minutes east 319.33 feet to the northwest side of Milford Hill Road and binding on the northwest side of Milford Hill Road north 30 degrees 05 minutes east 319.33 feet to the outline of Irvin P. Trail and Margaret D. Trail, thence north 42 degrees 22 minutes west 446.64 feet to the southeast side of Euler Lane, thence binding thence south 21 degrees 29 minutes west 460.57 feet to the place of beginning.

By Order of
Zoning Commissioner
of Baltimore County

Action of Board Affirmed by Circuit Court
for Baltimore County July 7, 1955
No appeal to the Court of Appeals

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 8-4-55
Filed for: Irvin P. Trail & Margaret D. Trail
Petitioner: Irvin P. Trail & Margaret D. Trail
Location of property: SE corner of Euler Lane and Milford Hill Road
Location of Sign: on SE corner of Euler Lane and Milford Hill Road
Borough: Date of return: 8-5-55
Posted by:

October 30, 1955

George W. White, Jr., Sec.,
30 Light Street,
Baltimore 2, Maryland

Re: Petition for Reclassification from an "R-1" Residence Zone to an "C-1" Commercial Zone, S. E. Side Euler Lane 200 feet N. of Euler Lane, 2nd District, Irvin P. Trail and Margaret D. Trail, Petitioners

Dear Mr. White:
I have today passed my Order denying the reclassification in the above matter.
Very truly yours,
Zoning Commissioner

Received of George W. White, Jr., Attorney for Petitioner the sum of \$7.00, being cost of certified copy of petition and other papers filed in the matter of reclassification of property of Irvin P. Trail, and wife, southeast side of Euler Lane 200 feet south of Liberty Road, 2nd District.

Zoning Commissioner

RECEIVED
MAY 10 1955

October 20, 1954

Messrs. Downes & Diets,
712 Washington Avenue,
Towson 4, Maryland

Attn: Ralph E. Diets, Esq.

Re: Petition for Reclassification from an "A" Residence Zone to an "C" Commercial Zone - 3 1/2 x 5 1/2 Sider Lane 200 feet N.E. Liberty Road, 2nd Dist., Irwin P. Trull and Margaret D. Trull, Petitioners

Dear Mr. Diets:

I have today passed my Order denying the reclassification, in the above matter, as there is a depth of 200 feet presumably zoned commercially and this petition requests an additional depth of 300 feet on Milford Hill Road and in view of the absence of a plan for the development of the tract in question, it is the opinion of the writer that the petition is premature.

Very truly yours,

Zoning Commissioner

OCT 27 1954

2/69

WILSIE R. ADAMS, Zoning Commissioner
of Baltimore County
Towson 4, Maryland

Re: Petition for Reclassification from an "A" Residence Zone to an "C" Commercial Zone - S.E. Side Sider Lane 200 feet N.E. Liberty Road, 2nd Dist., Irwin P. Trull and Margaret D. Trull, Petitioners

Mr. Commissioner:

Please enter an appeal from your Order passed on October 20, 1954 in the above entitled matter to the Board of Zoning Commissioners of Baltimore County.

Attorneys for Petitioners
Attorneys for Petitioners

I hereby certify that I have sent a copy of the foregoing Order of Appeal to George W. White, Jr., Attorney for Protestants.

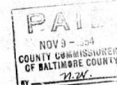
Attorneys for Petitioners
Attorneys for Petitioners

November 4, 1954

430.00

RECEIVED of Messrs. Downes & Diets, Attorneys, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the Board of Zoning Appeals from the decision of the Zoning Commissioner denying reclassification of property, southeast side of Sider Lane 200 feet northeast of Liberty Road, 2nd District, Irwin P. Trull, and others, petitioners.

Zoning Commissioner



November 18, 1954

The following notified of appeal hearing set for Friday Dec. 3, 1954 at 10:00 a.m.

Board of Zoning Appeals
Counsel to Board

James D. C. Downes counsel for petitioners
Geo. W. White, Jr. " " protestants

K.C. Proctor - for Petitioners

Hearing Civil at
request of counsel
for Petitioners

January 5, 1955

Notified of appeal hearing on Thursday, Jan. 20, 1955 at 10:00 a.m.

Board of Zoning Appeals

Counsel to Board

James D. C. Downes counsel for petitioners

K.C. Proctor " " " " " "

Geo. W. White, Jr. " " " " " " protestants

November 18, 1954

Mr. Charles H. Deing
207 E. Holling Road,
Baltimore 25, Md.

Dear Mr. Deing:

I have scheduled hearings on the two following appeals for Friday, December 3, 1954 at 10:00 a.m. and 1:00 p.m. respectively:

Petition of Irwin P. Trull and wife for reclassification of property on the southeast side of Sider Lane 200 feet northeast of Liberty, from an "A" Residence Zone to an "C" Commercial Zone for approved commercial use.

Petition of Vincente Pacheco and wife for a special permit for public outdoor pool, west side of Sage Road 400 feet north of Joyce Road, 9th District.

Very truly yours,

Zoning Commissioner

cc: Mr. Daniel W. Roberts
Mr. Carl F. Johnson
Chas. W. White, Jr., Esq.

March 17, 1955

George W. White, Jr., Esq.,
10 Light Street
Baltimore 2, Maryland

Re: Petition for Reclassification from an "A" Residence Zone to an "C" Commercial Zone - 3 1/2 x 5 1/2 Sider Lane 200 feet N.E. Liberty Road, 2nd Dist., Irwin P. Trull and Margaret D. Trull, Petitioners

Dear Mr. White:

The Board of Zoning Appeals of Baltimore County passed its Order reversing the Order of the Zoning Commissioner rendered in the above matter for reasons stated in the attached copy of said Order.

Very truly yours,

Zoning Commissioner

March 17, 1955

Kenneth G. Proctor, Esq.,
103 West Chesapeake Avenue,
Towson 4, Maryland

Re: Petition for Reclassification from an "A" Residence Zone to an "C" Commercial Zone - 3 1/2 x 5 1/2 Sider Lane 200 feet N.E. Liberty Road, 2nd Dist., Irwin P. Trull and Margaret D. Trull, Petitioners

Dear Mr. Proctor:

The Board of Zoning Appeals of Baltimore County passed its Order today reversing the Order of the Zoning Commissioner rendered in the above matter. You will find a copy of said Order enclosed.

Very truly yours,

Zoning Commissioner

APR 14 1955

JAMES E. WHEATLEY
3621 Milford Hill Road
Baltimore 7, Maryland
TYLER C. WEBB
3603 Milford Hill Road
Baltimore 7, Maryland
WILMER A. REHMEYER
3603 Milford Hill Road
Baltimore 7, Maryland
GEORGE W. FULBRIGHT
3603 Milford Hill Road
Baltimore 7, Maryland
FREDERICK A. KIRK
3615 Elmendorf Road
Baltimore 7, Maryland
JOHN D. FITZ
3612 Longacre Road
Baltimore 7, Maryland

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

and
ROCKDALE CIVIC AND IMPROVEMENT
ASSOCIATION, INC.,
a body corporate
3612 Longacre Road
Baltimore 7, Maryland
Petitioners
vs.
CHARLES H. DOING,
DANIEL V. HUBERS and
CARL H. VOHDEN,
CONSTITUTING THE BOARD
OF ZONING APPEALS OF
BALTIMORE COUNTY
Townson 4, Maryland
Respondents

AS LAM

PETITION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of James E. Wheatley, Tyler C. Webb, Wilmer A. Rehmyer, George W. Fulbright, Frederick A. Kirk, John D. Fitz and Rockdale Civic and Improvement Association, Inc., a body corporate, by George W. White, Jr. and Buckmaster, White, Mindel & Clarke, their attorneys, respectfully shows:

f. That the order of the Zoning Commissioner of Baltimore County dated October 20, 1954, denying the reclassification of the property herein involved was clearly correct and should have been affirmed by the Respondents constituting the Board of Zoning Appeals of Baltimore County.

g. And for other and further reasons as may be shown at the hearing on this Petition.

TO THE END, THEREFORE:

1. That a writ of Certiorari be granted by this Honorable Court directed to the Respondents, Charles H. Doing, Daniel V. Hubers and Carl H. Vohden, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and order of said Board dated March 17, 1955, in the within proceedings and prescribing therein the time within which a return thereto shall be made and served upon the attorneys for the Petitioners.

2. That the Respondents constituting the 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 or sworn copies thereof, together with a copy of all records and exhibits in said proceedings, a transcript of all testimony taken before the said Board in connection with the said proceedings, a copy of the order entered by said Board, a copy of any and all rules and regulations pursuant to which the said order was entered, and by which the said Board purported to act, and a statement of such other facts as may be pertinent and material to show the grounds of the decision and order of said Board, review of which is sought herein.

3. That this Honorable Court may permit your Petitioners to take such other and further testimony as may be necessary for the proper disposition of this matter.

-5-

1. That the individual Petitioners named herein are taxpayers of Baltimore County, Maryland, and residents and owners of property in the area around and nearby the property involved in these proceedings, and the Petitioner, Rockdale Civic and Improvement Association, Inc., a body corporate, is a neighborhood improvement association, the members of which are taxpayers of Baltimore County, Maryland, and residents and owners of property in the area around and nearby the property involved in these proceedings.

2. That on or about July 19, 1954, Irvin P. Trail and Margaret D. Trail filed a petition for zoning reclassification from "A" Residential to "E" Commercial of a lot of ground in Baltimore County more particularly described as follows:

"All the parcel of land in the Second District of Baltimore County, beginning at the same on the southeast side of Liberty Road at a point distant 200 feet northeast of Liberty Road and running thence and thence on a line parallel to Liberty Road and south 62 degrees 05 minutes east 319.33 feet to the northeast side of Milford Hill Road north 30 degrees 58 minutes east 334 feet to the outline of Irvin P. Trail and wife property, thence north 43 degrees 23 minutes east 446.44 feet to the southeast side of Joyce Lane, thence thence thence south 21 degrees 29 minutes west 480.57 feet to the place of beginning."

3. That subsequent to the filing of said petition for reclassification and after a public hearing held on August 16, 1954, at which hearing your Petitioners protested the reclassification, the Zoning Commissioner of Baltimore County passed an order under date of October 20, 1954, denying the requested zoning reclassification of this property.

4. That Irvin P. Trail and Margaret D. Trail, Petitioners in the original petition for zoning reclassification of this property, then on October 27, 1954, appealed to the Respondents constituting the Board of Zoning Appeals of Baltimore County from the order of the Zoning Commissioner of Baltimore County.

-2-

4. That this Honorable Court may correct and reverse the decision and order of the Respondents, Charles H. Doing, Daniel V. Hubers and Carl H. Vohden, constituting the Board of Zoning Appeals of Baltimore County passed March 17, 1955, granting the reclassification referred to herein.

5. That this Honorable Court may rescind this proceeding to the Respondents, constituting the Board of Zoning Appeals of Baltimore County, with the instruction to reinstate the order of the Zoning Commissioner of Baltimore County in these proceedings passed October 20, 1954, denying the requested zoning reclassification.

6. And for such other and further relief as the nature of this case may require.

AID, AS IN DUTY BOUND, ETC.

George W. White, Jr.
George W. White, Jr.
2610 Matheson Building
Baltimore 2, Maryland

Buckmaster, White, Mindel & Clarke
Buckmaster, White, Mindel & Clarke
2610 Matheson Building
Baltimore 2, Maryland
Attorneys for Petitioners

John B. Fitz
John B. Fitz
1111 Broadway
Baltimore 2, Maryland
Attorney for Respondents

SWEEN OF MARYLAND:
BALTIMORE COUNTY: ss.

Before me this day of April, 1955, personally appeared, individually and on behalf of all the Petitioners named herein and made oath in due form of law that the matters and facts set forth in the foregoing Petition are true to the best of his knowledge and belief.

Notary Public

-6-

County of October 20, 1954, denying the requested zoning reclassification.

5. That the Respondents constituting the Board of Zoning Appeals of Baltimore County on January 20, 1955, heard this appeal and on March 17, 1955, passed a decision and order reversing the said order of the Zoning Commissioner of Baltimore County and granting the reclassification of said property from "A" Residential to "E" Commercial.

6. That your Petitioners, as taxpayers of Baltimore County, Maryland, and residents and owners of property in the area around and nearby the property involved in these proceedings, are aggrieved and injured by this decision and order passed by the Respondents constituting the Board of Zoning Appeals of Baltimore County on March 17, 1955, and that this decision and order of said Board of Zoning Appeals of Baltimore County reversing the order of the Zoning Commissioner of Baltimore County and granting reclassification of said property from "A" Residential to "E" Commercial is illegal and invalid and should be reversed and corrected by this Honorable Court on the following grounds and for the following reasons:

a. That the said decision and order of the Respondents constituting the Board of Zoning Appeals of Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion.

b. That there was no substantial evidence before the Respondents constituting the Board of Zoning Appeals of Baltimore County in the proceedings conducted before it in this matter to justify and support the decision and order of said Board of March 17, 1955, and more particularly that there was no substantial evidence to establish:

(1) That there was some mistake in the original zoning of this property as "A" Residential.

-3-

(2) That the character of the neighborhood had so changed from the time of this original zoning as to warrant and justify rezoning the land "E" Commercial.

(3) That the reclassification was required for the public good and to fulfill a public need.

(4) That the property in question was not adapted for use in its present zoning classification.

(5) That other land already zoned "E" Commercial was not available nearby for the type of use for which the reclassification of this property was sought.

(6) That the shopping centers nearby on the Liberty Road could not reasonably accommodate the residents in the vicinity of the property in question.

c. That the testimony before said Board clearly established that the proposed reclassification would result in:

(1) Depreciation of other property in the vicinity of the property involved herein.

(2) Creation of a traffic hazard along the public streets on which this property abuts.

(3) The further trend of "E" Commercial property in an area originally zoned "A" Residential without a substantial change in the character of the neighborhood sufficient to warrant and justify such rezoning.

d. That the said decision and order of the Respondents constituting the Board of Zoning Appeals of Baltimore County constituted an attempted unlawful and unconstitutional exercise of authority.

e. That the Respondents constituting the Board of Zoning Appeals of Baltimore County mistakenly interpreted and applied the law applicable to the facts involved in this matter.

-4-

ORDER

Upon the foregoing Petition and Affidavit, it is this day of April, 1955, by the Circuit Court for Baltimore County, at law,

ORDERED that a writ of Certiorari be issued to Charles H. Doing, Daniel V. Hubers and Carl H. Vohden, constituting the Board of Zoning Appeals of Baltimore County to review the decision and order of said Board dated March 17, 1955, granting the zoning reclassification of the property referred to in the foregoing Petition from "A" Residential to "E" Commercial, requiring that said Board return to this Court all papers, exhibits, records and proceedings in said matter including a transcript of all testimony presented before the Board in connection with these proceedings, a copy of the decision and order of the Board, a copy of any and all rules and regulations pursuant to which the said order was entered and pursuant to which the Board purported to act and a statement of such other facts as may be pertinent and material to show the grounds of the decision and order of said Board, review of which is sought herein, to enable this Court to review the said decision and order of the Board, and that a return to this Petition and Order shall be made and served upon the attorneys for the Petitioners herein within 20 days from the date of this Order and

FURTHER ORDERED that the said Respondents, constituting the Board of Zoning Appeals of Baltimore County shall return to this Court the originals or sworn and certified copies of all papers, exhibits, records and proceedings in this matter, including those more specifically set out above in this Order, and that the return shall conspicuously set forth such other facts as may be pertinent and material to show the grounds of the decision and order of the Respondents, constituting the Board of Zoning Appeals of Baltimore County, review of which is sought herein.

The Copy Test
John B. Fitz
John B. Fitz
1111 Broadway
Baltimore 2, Maryland
Attorney for Respondents

Mr. Owen G. Smith
137 N. Rolling Rd. Catonsville.
Gund 1950
William Danner - Real Estate Broker.
TOWSON

Mr. George Frankel
3603 Milford Hill Rd. 7 yrs.

Mr. Robinson
3603 Milford Hill Rd. 4 yrs.

Mr. John B. Fitz
2 Blaine from property.

Mr. Thomas Kirk
Elmendorf Rd. 7 yrs.

No need for additional shipping for it

JAMES E. WHEATLEY
3611 Milford Hill Road,
Baltimore 7, Maryland

TIMOTHY C. WHEATLEY
3610 Milford Hill Road,
Baltimore 7, Maryland

WILMER A. WHEATLEY
3609 Milford Hill Road,
Baltimore 7, Maryland

GEORGE W. WHEATLEY
3605 Milford Hill Road,
Baltimore 7, Maryland

FREDERICK A. KIRK
3612 Stoddard Road,
Baltimore 7, Maryland

JOHN B. FITZ
3612 Langshaw Road,
Baltimore 7, Maryland

and

ROCKHILL CITY AND
IMPROVEMENT ASSOCIATION, INC.,
a body corporate
3612 Langshaw Road,
Baltimore 7, Maryland

Petitioners

vs

CHARLES H. DOING
DANIEL M. RUBENS, and
CARL F. VOHLEN,
constituting the
Board of Zoning Appeals
of Baltimore County,
Township 4, Maryland

Respondents

ANDERSON TO WIT OF CERTIFICATION AND ORIGINAL AND CERTIFIED
COPIES OF PROCEEDINGS BEFORE THE BOARD OF ZONING APPEALS AND
BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, to.

Original to
Board of Zoning Appeals
of Baltimore County

JAMES E. WHEATLEY
3611 Milford Hill Road,
Baltimore 7, Maryland

TIMOTHY C. WHEATLEY
3610 Milford Hill Road,
Baltimore 7, Maryland

WILMER A. WHEATLEY
3609 Milford Hill Road,
Baltimore 7, Maryland

GEORGE W. WHEATLEY
3605 Milford Hill Road,
Baltimore 7, Maryland

FREDERICK A. KIRK
3612 Stoddard Road,
Baltimore 7, Maryland

JOHN B. FITZ
3612 Langshaw Road,
Baltimore 7, Maryland

and

ROCKHILL CITY AND
IMPROVEMENT ASSOCIATION, INC.,
a body corporate
3612 Langshaw Road,
Baltimore 7, Maryland

Petitioners

vs

CHARLES H. DOING
DANIEL M. RUBENS, and
CARL F. VOHLEN, constituting
the Board of Zoning Appeals
of Baltimore County,
Township 4, Maryland

Respondents

TO THE HONORABLE, THE JUDGE OF SAID COUNTY:

And now come Charles H. Doing, Daniel M. Rubens and
Carl F. Vohlen, 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. 1109 ZONING ENTRIES FROM LOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

July 19, 1954 Petition of Irvin P. Trail and Margaret B. Trail, his
wife, for reclassification of property on the southeast
side of Blair Lane 200 feet northeast of Liberty Road,
Second District, from an "A" Residence Zone to an "B"
Commercial Zone, filed.

" " Order of Zoning Commissioner directing advertisement
and posting of property - date of hearing set for
August 30, 1954 at 11:00 a.m.

Aug. 8, " Certificate of posting of property on August 5, 1954,
filed.

" 8, " Certificate of publication in newspaper, filed.

" 16, " At 11:00 a.m. hearing held on petition by Zoning
Commissioner, case held sub curia.

Oct. 20, " Order of Zoning Commissioner, denying the petition
for reclassification.

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

Jan. 20, 1955, Hearing on appeal before the Board of Zoning Appeals.

March 17, " Order of Board of Zoning Appeals reversing the Order of the
Zoning Commissioner and granting the reclassification of
the property from an "A" Residence Zone to an "B" Commer-
cial Zone.

April 14, " Writ of certiorari and appeal to the Circuit Court for
Baltimore County served on the Board of Zoning Appeals.

" 25, " Transcript of testimony taken at the appeal hearing
before the Board of Zoning Appeals, filed.
Photographs filed as Petitioners' Exhibits Nos. 1,
2, 3, 4 and 5.
Petitioners' Exhibit No. 6, plat of proposed
Shopping Center.
Petitioners' Exhibit No. 7 - rendering of
proposed shopping center.
Plat filed by petitioner with petition.

Photographs filed as Protestants' Exhibits Nos. 1, 2
and 3.

Protestants Exhibit No. 4, Photostatic copy of
letter to George W. Wheatley, Sr., Rep., from Willis H.
Adams, Zoning Commissioner.

Petitioners of protest.

May 10, 1955 Report of proceedings filed in the Circuit Court for
Baltimore County.

Record of proceedings pursuant to which said order was
entered and said record acted as permanent records of the Zoning
Department of Baltimore County as are also the use district maps
and your respondents respectfully suggest that it would be incon-
venient and inappropriate to file the same in this proceeding,
but your respondents will produce any and all such rules and regula-
tions together with the zoning use district maps at the hearing on
this petition or whenever directed to do so by this Court.

Respectfully submitted,

Original to Writ
Board of Zoning Appeals
of Baltimore County

Baltimore County Metropolitan District
COURT HOUSE, TOWSON 4, MD.
OFFICE OF THE CHIEF ENGINEER

August 16, 1954

Zoning Commissioners, Baltimore County
Township 4
Maryland

Dear Sirs:

Water facilities are available at the intersec-
tion of Liberty Road and Milford Hill Road.

Sanitary sewer is available in Kerban Road at
this site and plans are now being prepared for Milford
Hill Road from Liberty Road East.

Very truly yours,

Charles H. Doing
Chief Engineer

Board of Zoning Appeals of
Baltimore County

CERTIORARI

John B. Wheatley, et al

APR 14 1955

State of Maryland, Baltimore County, Et c:

To Charles H. Doing, Daniel M. Rubens and Carl F. Vohlen,
Constituting the Board of Zoning Appeals of Baltimore County
YOU ARE COMMANDED, that the record and proceedings in a certain case of

James B. Wheatley, et al

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 in
the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable John B. Contrum....
Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immedi-
ately after receipt of the same.

WITNESS, the Honorable JOHN B. CONTRUM, Chief Judge of the Circuit Court for
Baltimore County, this 11th day of April, 1955

Issued this 23th day of April 1955

True Copy Test
George L. Swenley

GEORGE L. SWENLEY

Clerk

RE PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO AN "B" COMMERCIAL ZONE -
S. E. HAY BAKER LANE, 200 FEET N. W.
LIBERTY ROAD, 2nd District - Irvin P. Trail
and Margaret B. Trail, Petitioners

The petition in the above entitled case is for reclassi-
fication, from an "A" Residence Zone to an "B" Commercial Zone of a
lot of ground adjoining a commercial area at the northwest corner
of Liberty and Milford Hill Roads. The reclassification when
granted will be an extension of an existing commercial zone and
according to the testimony is for the purpose of providing ample
off-street parking for the existing commercially zoned land.
The provision of ample off-street parking area is a policy of
zoning authorities everywhere since it relieves congestion on the
public streets and highways in the vicinity of commercial areas.

The testimony further shows that the land sought to be
reclassified will not be used for additional commercial structures
but will be used solely for parking and landscaping in connection
with the buildings to be erected on the commercially zoned property.

The Board does not believe that this use will place any
additional burden upon the community but will have the effect of
enabling the applicants to build better shopping facilities for the
community and relieve the streets and highways from traffic congestion.

It is this day of March, 1955, ORDERED by the
Board of Zoning Appeals of Baltimore County, that the aforesaid
Order of the Zoning Commissioner of Baltimore County denying the
reclassification is hereby reversed and the reclassification
granted, from an "A" Residence Zone to an "B" Commercial Zone.

Chairman

George W. White, Jr., Esq.,
10 Light Street,
Baltimore 2, Maryland

to

April 25, 1955

County Commissioners of
Baltimore County
c/o Zoning Department
303 Washington Avenue,
Towson 4, Maryland

Cost of certified copy of petition and other papers filed
in the matter of reclassification of property of Irvin F.
Trail, and wife, southeast side of Euler Lane, 200 feet S.E.
Liberty Road, 2nd District

87.20

3909 EDGEWOOD ROAD
BALTIMORE 15, MD.

August 26, 1954

Mr. Willie H. Adams
Baltimore County Zoning Commission
Baltimore County, Md.

Dear Mr. Adams:

I am in the process of
purchasing a new home in the
Rockdale (Liberty Road) area and
expect to move in October. I
read in this morning's paper, and
thoroughly agreed about, for the first
time, the application for rezoning
and further commercializing of Liberty
Road - at Milford Mill Rd.

I want to urge you Mr.
Adams, to please approve this
and any other subsequent petition

(over)

George W. White, Jr., Esq.,
10 Light Street,
Baltimore 2, Maryland

to

May 6, 1955

County Commissioners of
Baltimore County
c/o Zoning Department
303 Washington Avenue,
Towson 4, Md.

Cost of certified copy of petition and other papers filed in
the matter of reclassification of property of Irvin F. Trail,
and wife, southeast side of Euler Lane, 200 feet S.E. Liberty
Road, 2nd District

87.20

Pl.

for the rezoning and commercialization
of the Rockdale area. As you
know, this area is more than
adequately serviced commercially
by Woodmore, Pikeville and
Rockdale. Why start a
new commercial area just a few
miles or less from already established
areas and thereby contribute toward
making the Liberty Road area
"congested - traffic" in appearance? Good
zoning, it appears to me, should
provide shopping areas well spaced
and properly established. Furthermore
to commercialize Liberty Road in
areas other than Woodmore and Rockdale
with Pikeville is clearly, only contribute
toward making what still can be
maintained as a pretty thoroughfare
with nice homes into a congested
passage way.
Please, Mr. Adams, refuse this Rockdale
request and keep within this as a desirable
residential area.
Sincerely,
Willie H. Adams



Mrs. Jeannette C. Harris
Ed. of Zoning Appeals
Rockford Bldg.
Towson 4, Md.

13K-7-54

#3109

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

James E. Wheatley et al. vs. Bd. of Zoning Appeals

Case No. Misc. 1476

July 7, 1955
Court's Action of Board affirmed, Opinion fd.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

GEORGE L. BYERLY, Clerk.

FILED JUL 7 - 1955

Handwritten signature/initials

Rolling Rd

Receipt
fruit stand



Amoco Service St.



Atlantic S.S.



elect



Trans -

Cuba Ave
Second St.



Ellen Rd.

Shuwood S.S.



Texaco S.S.

Midford Mill

Cherry Rd

Bakery
Drug Store



roofing
plumbers



Parking

Store

Marmoth Lane



Doctor



Shell & Gas



Wash Repair



Restaurant



Veterinarian



Moment Shop



House



Shoe Repair

