

Atty. for Petitioner
Francis Monahan
809 Park Car 28

J. H. Keane
1 So. Belle Grove Rd. 28

J. Patrick advised.

Bldg. Per. 10606
7/15/54

Shantel exception.

[Signature]

John Lee
Protestant - Mr. Chapman
2 S. Bellegrove Rd. 28

11/14 - Full Board

Louis H Owen Rep.
Petitioner before
Board & not
Mr Monahan

3175-X

JOHN M. KEANE
Bldg. Per. 10606
7/15/54

PETITION FOR EXCEPTION
TO
ZONING REGULATIONS AND RESTRICTIONS

IN THE MATTER OF :
JOHN M. KEANE :
: BEFORE THE
: ZONING COMMISSIONER
: OF
: BALTIMORE COUNTY

For an Exception to the Zoning Regulations and Restrictions
To the Zoning Commissioner of Baltimore County

John M. Keane Legal Owner
of the property hereinafter described hereby petition for an
exception to the Zoning Regulations and Restrictions for Baltimore
County.

The Regulation to be excepted is as follows:

Sec. III - "1" Residence Zone, Par. A, No. 13, Sub. Par (a) -
Accessory Building - In case of a corner lot where rear lot line abuts
on side line of 100' adjoining on rear, no accessory building shall be
less than 10 feet from the rear lot line or less than 25 feet from
the side street line.

The reason for Exception:

To permit a rear yard set back of 2 feet instead of the
required 10 feet and to permit a side yard set back from the street,
of 15 feet instead of the required 25 feet.

Property situated at that parcel of land in the First District of
Baltimore County, on the southeast corner of Hillview Drive and Belle
Grove Road thence easterly and binding on the south side of Hillview
Drive 10.25 feet with a rectangular depth westerly of 100 feet and
binding on the east side of Belle Grove Road as shown on the plat plan
filed with the Zoning Department. Being lot #15 plat of Hillview.

[Signature]

Address: 1 So. Belle Grove Road.
- 28 -

Oct. 4
at 10:00

ORDERED by the Zoning Commissioner of Baltimore
County this 3rd day of September, 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 4th
day of October, 1954, at 10:00 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special exception to the
Zoning Regulations and Restrictions for Baltimore County as set forth
in the within petition and it appearing that said Regulations and
Restrictions would result in practical difficulty and unnecessary
hardship upon the petitioner and an exception to said Regulations
and Restrictions would grant relief without substantial injury to
the public health, safety, morals and the general welfare of the
community, the said petition should be granted, therefore:

It is this 3rd day of October, 1954, ORDERED
BY THE Zoning Commissioner of Baltimore County, that the aforesaid
petition for an exception to the Regulations and Restrictions be
and the same is hereby granted, which permits a rear yard setback of
two (2) feet instead of the required ten (10') and a side yard setback
from the side street of fifteen (15') feet instead of the required
twenty five (25) feet.

[Signature]
Zoning Commissioner
of Baltimore County

RE: PETITION FOR AN EXCEPTION TO THE ZONING
REGULATIONS AND RESTRICTIONS - S. S. Cor.
Hillview Drive and Belle Grove Road,
First District of Baltimore County -
John M. Keane, Petitioner

This is an appeal by John L. Chapman from the decision of
the Zoning Commissioner of Baltimore County granting an Exception
to the Zoning Regulations and Restrictions for Baltimore County.
The case came on for hearing before the Board and testimony
was taken.

The property which is the subject of this petition is
located at the southeast corner of Hillview Drive and Belle Grove
Road, in the First District of Baltimore County. The Exception
requested is to permit a rear yard setback for an accessory
building of two (2') feet instead of the required ten (10') feet.

Due to the shallowness of the lot and the location of
the dwelling erected upon said lot, it is the opinion of the
Board that to require the petitioner to comply with the Regulations
and Restrictions would be an unnecessary and unreasonable hardship
upon the petitioner. However, to grant the Exception would grant
relief to the petitioner without substantial injury to the health,
safety and the general welfare of the community.

It is this 15th day of December, 1954, ORDERED by
the Board of Zoning Appeals of Baltimore County, that the aforesaid
Order of the Zoning Commissioner granting the Exception is hereby
affirmed.

[Signature]
Chairman
[Signature]
Board of Zoning Appeals
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 9-22-54
Posted for: Exception to the Zoning Regulations of Baltimore County
Petitioner: John M. Keane
Location of property: S.E. Cor. of Hillview Street & Belle Grove Road, 1st District
in 1st District of Baltimore County
Location of sign: Southeast corner of Hillview Street & Belle Grove
Road
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 9-23-54

3175-X

October 25, 1954

\$30.00
RECEIVED of J. Lee Chapman 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 Com-
missioner granting an exception to the Zoning Regulations
and Restrictions for Baltimore County, property at the
southeast corner of Hillview Drive and Belle Grove Road,
1st District, John M. Keane, petitioner.

PAID
OCT 29 1954
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*

February 8, 1955

\$5.20
RECEIVED of John L. Chapman the sum of \$5.20
being cost of copies of petition and other papers filed
in the matter of an Exception to the Zoning Regulations
and Restrictions - John M. Keane, Petitioner, property
at Southeast corner of Hillview Drive and Belle Grove
Road, 1st District

Zoning Commissioner

PAID
FEB 21 1955
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *[Signature]*

JAN 19 1954

JOHN L. CHAPMAN
2 South Belle Grove Road
Cotonsville, Baltimore County, Maryland

VS.
CHAS. H. DOING
DANIEL W. ROBERS
CARL F. VOBSEN
being and constituting
the Board of Zoning Appeals
for Baltimore County,
Richard Building
Towson, Maryland,
Defendants.

APPEAL FROM A DECISION OF THE BOARD OF ZONING
APPEALS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of John L. Chapman, proper person respectfully shews unto your Honor:

I That John L. Chapman is the owner of the property located at 2 South Belle Grove Road in Baltimore County.

II That on or about September 3, 1954, John V. Keen, as legal owner, filed his petition with the Zoning Commissioner of Baltimore County to obtain an exception to the Zoning Regulations of Baltimore County in connection with a garage located on the premises known as No. 2 Hillview Drive, Cotonsville, Baltimore County, Maryland.

III That on or about October 8, 1954 the said Zoning Commissioner passed an order wherein he granted to the said John V. Keen an exception which authorized the said John V. Keen to build a garage within 15 feet of a side street instead of 25 feet and also within 2 feet of the back lot line instead of 10 feet as required by the existing Zoning Regulations and Restrictions.

IV That your Petitioner took an appeal to the Board of Zoning Appeals of Baltimore County from the said order and that, after a hearing before the said board, the following order was passed:

"RE: PETITION FOR AN EXCEPTION TO THE ZONING
REGULATIONS AND RESTRICTIONS - S.E. Cor.
Hillview Drive and Belle Grove Road,
First District of Baltimore County -
John V. Keen, Petitioner

This is an appeal by John L. Chapman from the decision of the Zoning Commissioner of Baltimore County granting an exception to the Zoning Regulations and Restrictions for Baltimore County.

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

The property which is the subject of this petition is located at the southeast corner of Hillview Drive and Belle Grove Road, in the First District of Baltimore County. The exception requested is to permit a rear yard setback for an accessory building of two (2') feet instead of the required ten (10') feet.

Due to the shallowness of the lot and the location of the dwelling erected upon said lot, it is the opinion of the Board that to require the petitioner to comply with the Regulations and Restrictions would be an unnecessary and unreasonable hardship upon the petitioner. However, to grant the exception would grant relief to the petitioner without substantial injury to the health, safety and the general welfare of the community.

It is this 15th day of December, 1954, ORDERED by the Board of Zoning Appeals of Baltimore County, that the aforesaid Order of the Zoning Commissioner granting the exception is hereby affirmed.

(Signed) Chas. H. Doing
Chairman

(Signed) Daniel W. Robergs

(Signed) Carl F. Vobsen
Board of Zoning Appeals
of Baltimore County"

V The said order constitutes arbitrary, unreasonable and capricious action on the part of the said Board in that it is a gross abuse of any discretion with which it is vested under the Zoning Regulations of Baltimore County.

(a) There was no evidence adduced at the hearing before the said Board that the granting of the said exception was necessary because of any peculiar hardship upon the part of the applicant, John V. Keen, as contrasted with other property owners in the same neighborhood.

(b) The Zoning Commissioner and the Board of Zoning Appeals discriminated in this case in favor of the applicant by valuing the fee

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required in connection with the filing of an application for a special exception.

(c) The Order of the Board of Zoning Appeals of Baltimore County was against the weight of the evidence adduced at the hearing with reference to the fact that clothes could be mechanically dried indoors and the exception therefore not required.

(d) The said Order of the Board of Zoning Appeals was in defiance of the ruling of the Court of Appeals of Maryland as cited in No. 140, October Term, 1947, Heath vs. Mayor and City Council of Baltimore City et al.

(e) That the said Order of the Board of Zoning Appeals was contrary to the expressed opinion of this Honorable Court that too many mistakes were taking place in Baltimore County.

(f) That the said Order of the Board of Zoning Appeals overlooked that the Defendants deliberately constructed the building after knowing the location was in error.

(g) That the action of the Board of Zoning Appeals by virtue of its said Order of December 15, 1954 was arbitrary, capricious, unreasonable and illegal, as aforesaid, for the reason that it was not predicated on substantial evidence adduced at the said public hearing held on December 2, 1954.

TO THE END WHEREFORE:

(a) That this Honorable Court may pass an Order allowing said appeal and setting this cause down for hearing at some early date;

(b) That the Order of this Honorable Court may direct that the following original papers or certified or sworn copies thereof may be transmitted and forwarded to it by the Board of Zoning Appeals of Baltimore County:

(1) All papers, memoranda, correspondence, orders, plats and any and all other records relating to the application of John V. Keen filed on September 3, 1954; the Order of the Zoning Commissioner thereon

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ORDER

Upon the foregoing Petition and affidavit, it is this 15th day of January, 1955,

ORDERED by the Circuit Court for Baltimore County, that a writ of certiorari be issued and directed to Chas. H. Doing, Daniel W. Robergs, and Carl F. Vobsen, constituting the Board of Zoning Appeals of Baltimore County, to reverse the Order of said Board, dated December 15, 1954 and that the return thereof be made and served upon the relator's attorney within 15 days from the date of this Order.

IT IS FURTHER ORDERED that said Board of Zoning Appeals shall return to this Honorable Court either the original papers acted upon by it or sworn copies thereof and particularly the following:

- 1- All papers, memoranda, correspondence, orders, plats and any and all other records relating to the application filed by John V. Keen, on September 3, 1954; the Order of the Zoning Commissioner thereon dated October 8, 1954 and the appeal, dated October 15, 1954, from said Order to the Board of Zoning Appeals (including a transcript of the testimony taken at the hearing on December 2, 1954) and the Order of the Board of Zoning Appeals dated December 15, 1954.
- 2- A Certified copy of the "Zoning Regulations and Restrictions for Baltimore County", approved by the County Commissioners of Baltimore County on January 22, 1945 and all subsequent amendments, if any, thereof or thereto.

True Copy Test
George T. Ryals
Clerk

Service of copy of the foregoing Petition and Order admitted this day of January, 1955.

Judge

Relator's Attorney

dated October 8, 1954 and the appeal from said Order to the Board of Zoning Appeals, (including a transcript of the testimony taken at the hearing on December 2, 1954) and the Order of the Board of Zoning Appeals dated December 15, 1954.

(2) A certified copy of the "Zoning Regulations and Restrictions for Baltimore County", approved by the County Commissioners of Baltimore County on January 22, 1945 and all subsequent amendments, if any, thereof or thereto.

(c) That the action of the Board of Zoning Appeals referred to herein may be reversed and the application of the said John V. Keen, denied;

(d) And for such other relief as your Petitioners' cause may require.

AND AS IN DUTY BOUND, etc.

John L. Chapman
Petitioner

STATE OF MARYLAND)
CITY OF BALTIMORE) SS

I HEREBY CERTIFY, That on this 14th day of January, 1955, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared JOHN L. CHAPMAN, and after being duly sworn according to law, declared that the matters and facts set forth in the foregoing Petition are true and correct to the best of his information, knowledge and belief.

WITNESS my hand and Notarial seal.

Margaret E. May
Notary Public

My Commission expires May 3, 1955

In the present case, the obligation to pay the taxes on the leased premises is, by law, the obligation of the lessor. The shifting of this financial burden from the lessor to the lessee by an express provision in the lease is, in substance, additional rental paid by the lessee to the lessor. Since it is impossible at this time to define accurately the total amount of taxes (and, therefore, rent) which will be

under the terms of the agreement, we hold that the average annual rental required to be paid under the lease cannot now be determined. Accordingly, it is our opinion that the tax in this case should be based upon the assessed value of the property covered by the lease.

HALL HAMMOND,
Attorney General.

JOHN C. RICHARDSON,
Richard W. Carr,
Assistant Attorney General.

White House Conferences

In Rail Dispute Break Up

Washington, June 2 (AP)—White House conferences in the rail labor dispute broke up today and the three railroad unions said there will be no more bargaining conferences as far as they are concerned.

Representatives of the three brotherhoods met for three hours with Presidential Labor Adviser John R. Steelman in another effort to settle the dispute over wages and working condi-

A railroad strike was averted three weeks ago when the Government seized the carriers.

The union leaders left the White House saying that the conference had come to an end without settlement.

"Mr. Steelman's efforts to bring about a settlement have failed," said D. B. Robertson, president of the Firemen's Union.

"We reached no agreement, made no progress and we will not be back," Steelman also conferred with representatives of the operators.

U. S. Treasury Balance

Washington, June 2 (AP)—Government expenses and receipts for the current fiscal year, through May 28, compared with a year ago:

	This Year	Last Year
Expenses	\$37,044,700,345.57	\$36,965,025,019.39

Receipts...	25,843	27,279	37,780	504,800
Barrow...	7,476	213,342	839	806,087
Cash bal...	4,946	29,814	4,099	338,541
Pay. deb...	25,311	677,884	758,773	698,471
Gold res...	33,990	161,153	20,932	67,308

PROPERTY SALES.

Leola Mitech, Solicitor,
506 American Building.

**TRUSTEES' SALE OF
LEASEHOLD PROPERTY**
1304 RETREAT STREET

By virtue of a decree of the Circuit Court

Trustee will sell at public auction on the premises,
WEDNESDAY, JUNE 16, 1948.
AT 4 O'CLOCK P. M.

Lot of ground in Baltimore City beginning on the northwest side of Natrust Street 96 feet southwest of the intersection of Natrust Street with Natrust Street, running south on Natrust Street 16 feet 8 inches, thence northwest 30 feet 3 inches, north-
 west 22 feet 8 inches, southwest 22 feet 8 inches to the intersection of Natrust Street with alley 30 feet 8 inches and southeasterly 18 feet 5 inches, 27 feet 10 inches and 30 feet to beginning of Natrust Street by a brick fence, known as 1204 Natrust; subject to an annual ground rent of \$200, redeemable at 6 per cent, after February 10, 1948. Said ground is owned by the Baltimore Trust Company.

TERMS: Cash on deal realization of sale.
 Taxes, ground rent and water rent ad-
 justed to sale. Cash deposit, \$250, required
 of purchaser at sale; balance to bear in-
 terest from sale.

LOUIS MITNICK,
 Trustee.

T. C. W. HOBBS & CO., INC., Auctioneers.
 my24239, 37.7.34

PHOTOSTATS AND BLUEPRINTS
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BLUEPRINTS

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