April 25, 1986 Petition of Jawrence B. Jos 64 Vanto and drew of land that favorence to for In the Matter of Fawrence of Johnston be committed to the spring Grove that Hospital St. 1599 Case #3682-RX Upin 37, 19 4 6 Protestant's Outstin for every, or Vaul 4. Harris J. Fe Smith Entiraid and Appeal from the such the the vardof zoning expeals and are lound writing that the world be were y 00 5 : 5 % upp. of Burnary . Wildain, or for it Citationer same way with source 1600 April 30,1946 Served Staff in med. Jal. & Charles H. Doing Transcript of Ofecord fl. July 17, 1906 For Daniel It Truvers Cimino, Samuel Cimino, fr. and Thomas & bung and complete trythe are hereby authorized to intevene and ado Sustave S. amino Jr. V of Zoning appeals affermed. Berry 6 Hest M. Courcean April 27, 1906 Orotestant " Chilon for I I Contiducia and lypeal grow the in of Winant . Mr. Sonard, Onice Much Cartherine but and known with that the Want in said fet. They Vilhoner in Croper (Treon) dame in usued lyn sent May 2, 1950 heroids nd. fd. June 18, 1902 ander of Court that judgment and sentence oftenial Magisto William to Me donald referred it in Petition are hereby serobed and and or 4 que exterior copie

hickers. — Mension of 400 southers the house hickers of the house of t

(2) pro A. Cherry Bours Bour 67) (2) (2) proposed by State of by S

## ORDE

Upon the foregoing Pétition and affidavit it is, this day of April, 1956, by the Circuit Court for Saltimore County;

DERREC that a virte of Cortional to instead to Charles M. Noing, Carl J. Tobdem and Lemial M. Habers, constituting the Asset of Coming Appeals of Bulliance County, to review the decision and order of said heard of Coming Appeals of april 6, 1956, and requiring east loant to Beturn to this Court, all papers, records and proceedings, in said matter and transcript of all testimany presented before the Pourt in commention with said proceedings and a copy of may and all pulses and repulsations payment to which said Order was account on the court account of the fourt account of the Pourt in the Pourt in review said Order and decision of the Journal and that a return to this Publish shall be sade and served and appen the Lefandant's alterney within ten skys from the date of this

It is further occoming that said leard of Loning appeals of Baltimore County shall return to this Court all the original papers, or centified or sworm copies Started and the return shall condessly set forth such other facts as may be pertiagned to show the grounds or the decision and the Ories appealed from, together with a transcript of all tertimory taken at the bearing and copies of the exhibits filed thereth.

True Copy Test
DORGE L. BYERLY, Clerk



THE TITION FOR WELT OF CERTIORARI

TO THE HONORAPLE, THE JUDGE OF SAID COURT:

The Petition and appeal of Paul F. Harris and J. Loe Saith, in their own behalf and in the behalf of other interested parties, Petitioners, respectfully represents unto your Honor, visa

1. That your Petitioners and Protestants are properly owners and taxpayers in Baltimore County, Sixts of Haryland, residing and embag real estate althate near and directly affected by the tract of Insol located at the Southeast course of Edunation Armen and Inglesde Armen in Catomylle, having a frontage on the East side of Inglesde Armen of 281,15 feet and 157,60 feet on Edunation Armen in the First Election Exrict of Baltimore County, Haryland; this teligible sees pured of land for which as hereinsfer rectind, a petition for reclassification from an in-6 East to instruces Local and for a Special Exception to use a parties of the property for a los Service Station, was granted by the Board of Ennis Appeals for Baltimore County dated April 6, 1996; and that your Publishers are aggrized by the aforementsced decision.

That your Petitioners aver that the decision of the Seart
of Koming appeals of maintener County dated April 6, 1906, is vaid, without
legal force and effect insofar as 1º grants the petition of bustave 8. Cimine,
st.a., for the reglassification of part of the Adressmethood property with

PRITTION FOR NOTICESHIFTCATION AND : DEFORE THE SPECIAL EXCEPTION FOR ACCURATE ACCUR

I HERBOY CERTIFY that a copy of the aforegoing was mailed this 2nd day of December, 1955, to Bernard J. Kediary, Jr., Sequire, 22 Washington Avense, Towar, I., Haryland, Attorney for Protestant Schonen Sorde

DEC 2 55 AM

the special exception for a Gas Service Station and should be medified and reversed for the following reasons;

- a. That the said brear of the mand of Louing appeals of April 6, 1956, in the particulars hersinbefore set forth constitutes an errossous, arbitrary and capricious set and a gross shape of administrative di crytion.
- by that does not only interest the found of founds opposed in this three countries only in these proceedings controlled begins it to certainly that there was any every in the original classification of said properly or that there was any substantial change in the community to warrent such reclassification; and the lack of such shorting, therefore, does not writing the reclassification of the countries of the lack of the lack of the countries of the lack of t
- c. That there was no evi-once produced before the Board of Zening Appeals at these proceedings conducted before it that there was any need for a das Service Station in the community and that further there was no evidence to show that the premises were appropriately situated for a Gas Service Station; and that to the contrary there was substantial evidence to show that the precise were unswitched for a Gas Service Station; and that therefore the Board of Johnna Appeals should not have granted the special exception for mach was.

AND POSSUCH other and sufficient reasons as will be shown at the hearing thereof.

TO THE END THE REPORT

S.E.

12

- A. That a writ of certiorark be gravied by this Homorable Court to the said Defendance constituting the Homand of Zening Appeals of Haltmore County to review the decision and order of said Homen of April & 1956, in the within proceedings and prescribing therein the time in which a return shall be made and served upon counted for the parties to this proceeding.
- B. That the said courd of Zoning Appeals may be required to return to this Homorable Court the original papers acted upon by it or certified copies thereof, together with copies of all records in said proceedings and

transcript of all testimon takes before said loand in connection with said proceedings as well as a copy of the order universely said loans, and also copies of any and all rules and repulations pursuent to which said order was entoned and said purposed to act.

- C. That this Homorable Court may permit your Patitioners to take such further testinony as may be necessary for the proper disposition of this
- b. that this isomethic fourt may as in the above patition met forth, correct, motify or reverse the decision and order of the beard of coming appeals of appellog 1056, by which is graphed the adoptemationed reclassification and secular account.
- E. That this Court may grant such other and further relief at the nature of your Petitioners' cause may require.

AND AS IN SUTT BOUND, etc.

bernard John Medairy, Jr. Attorney for Petitioners 212 Mashington Avenue Towson 4, Maryland

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I MURRET CHAPTY that on this day of April, 1956, before us, the subscriber, a lotary Public of the State of Maryland, in and for mattheway County aforesaid, personally appeared hall re liarries and s. Ince matth, and they made each in don form of less that the matters and Cante met forth in the Jumpsing potition are igno and bone files to the best of their information, bunchinger and belief.

as witness my hand and notarial seal.

NUMBER PRESERVE

HS: PATITION FOR RECLASSIFICATION FROM AN "R-6" Zone to a "B.L." Zone and Special Emeption for Geoline Service Station - S. E. Germor Ethendson and Ingleside Aves., lat District -Gustave S. Claino, and others, Feititoner

After hearing the testimony and having given much thought to the above described polition for a Zening Mcclassification and Special Exception for a Garoline Sorvio: Station, it is the opinion of the Dejuty Zening Commission: that this request be demind because

- That the application is premature at this time because the office of the Flamming of Baltimore County is making a land use study of the entire First District.
- 2. That in view of the recent decision of the Court of Appeals of Maryland in the matter of Naitaan Zinn, et al, we the Fourd of Zoning Appeals of Baltimore County, it is felt that this orfices could not sincerely or homestly endores such a request.
- That the petitioner failed to produce any plans for the development of this percel in question.
- i. That the only change shown was one of increased residential use and not any of commercial use.
- 5. That within the past year other applications were doubted in the general area and even one diagonally across Ingleside America from this property. There has not been <u>AIT MEED</u> should any of these cases for additional conserval uses <u>inside</u> of this substantial residential area.
- 6. That with the growth of this residential area the growth of commortial areas has iven timely and in the logical and proper places, closurable, and also the downlopment of three large shopping conters on the Haltimore National Pike. It is to in moted that a fourth conter is to be built must to the now Inglessic hopping Center-Titis makes (for large shopping areas within one size of the proposed

commercial area on Edmonison Avenue at Ingleside Avenue; three will be less than a half mile away.

It is, therefore, this <u>/5</u><sup>26</sup> day of December, 1955 OMERIAD by the Deputy Zending Commissioner of Baltimers County that the aforesaid potition be and the same is bareby denied and the property is hereby continued as "B-6" Zone.

Deputy Zening Compissioner of Baltimo we County TO THE ZONTHE CONDITISSIONER OF BALTIMORE COUNTY:

We, CUSTAVE S. CIMINO, SAP KL CIMINO, Jr., and THOMAS D. CIMINO, Legal Owners of that tract of land situate in the First Election District of Baltimore County, State of Maryland, and described as follows:

BEOINTY, State on Anythin, and operation as contrast corner of Edemotion Avenue and Inches and Part of the Seas of Edemotion Avenue cut Inches to the southermost stde Edemotion Avenue cut Inches to the Seas of the Seas of

hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "R-6" Zone to an "BL" Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the following described property for a filling station:

BEGINNING for the same at the intersection of the southeast corner of menument for the same at the intersection of the Southeast corner of Edenomicon Avenue and Inglestic Avenue, and running themes binding on the southermost side of Edenomicon Avenue North 57 Degrees 32 Minutes East 157.69 feet, thence leaving Schondson Avenue South 11 Degrees 30 Minutes East 166.79 feet, thence South 75 Degrees 30 Minutes West 120 feet to the castermost side of Ingleside Avenue, and thence North 14 Degrees 30 Minutes West 118-15 feet to the place of beginning.

Property to be posted as prescribed by Zoning Regulations.

County, adopted pursuant to the Zoning Law for Baltimore County.

We agree to pay expenses of the above reclassification and Special Exception. 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

Jona Burnell

Samuel ma

12/14/7-2-IIAM

Samme Thomas D. Cimino- Legal Owners 565 South Rolling Road Catonsville 28, Maryland

#3682 KX

#1-A B.L.X 12/12/55

Eovember 22, 1955

\$38.00

RECEIVED of Johns on Bowie, attorney for Custave S. Cimino, et al, petitioners, the sum of Thirty Eight (\$38,00) Bollars, being cost of petition for Reclassification. Special Exception, advertising and posting property, southeast corner of Edmondson Avenue and Ingleside Avenue let District. Reltinore Counts, Maryland.

Zoning Commissioner of Beltinore County

at 11:00 a.m.

men Bowle, Attorney for petitioners. (Oustave S. Cistino, et al) the sum of Fifty (250,00) Bollare being cost of appeal to the Scard of Zoning Appeals of Baltimore County from the decision of the Zoning Counts dom't denying reclassification and special exception - property at southeast corner of Bracedson Avenue and Ingleside Avenue, let District.

Zonine Constantener

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

39.00

petitioners

01.623 Zoning Service Charge

#3682

June 14, 1956

Zoning Commissioner

JUN 1 5 1956 COMPTROLLER'S DIFFIGE

By\_\_\_\_ AN

MECETYED of Bernard J. Medairy, Jr., Attorney for

protestants, the sum of Mins (\$9.00) Dollars being on t of

matter of Reclassification and special exception for gusoline

certified copy of petition and other papers filed in the

service station, southeast corner of Edmondson Avenue and

Ingleside Avenue, 1st District, Gustave S. Cimino, et al,

Date of Posting 11-30-55 remon for an Ref geneto and set gene and duches levere blacker. the stort damme and thought annual Convert & Sunder ave good Jonghand avenue Date of return: 12-1-53

RECLASSIFICATION - Beginnouthernmost side of Edmondser Avenue North & degrees 32 min utes East 157,09 feet, thence leav-ling Edmondson Avenue rad run ning South 14 degrees 30 minute East 164,79 feet, thence North 7 degrees 30 minutes East 70 fee

