



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 2, 1997

John W. Arminger, Jr., President
Dulaney Valley Memorial Gardens & Mausoleum
200 East Padonia Road
Timonium, MD 21093

RE: Use Certification for Maryland State
Board of Morticians
Dulaney Valley Memorial Gardens
200 East Padonia Road
Zoning Case #3826X
8th Election District

Dear Mr. Arminger:

This office is in receipt of your request for a use certification for the above referenced property for the Maryland State Board of Morticians. As you have stated in your request, this office can confirm that a special exception for a cemetery was granted by the Zoning Commissioner in 1956, later affirmed by the Board of Appeals, and finally Judge Raine of the Circuit Court on May 21, 1957.

As you have stated and also according to our records, a full service cemetery would be permitted inclusive of the sale of burial caskets, vaults or chambers, and assisting lot owners with funeral arrangements for cremations, disinterments and reinterments. There would be no principal funeral activities such as facilities for the preparation of the dead for burial or cremations.

This office can confirm that the above referenced cemetery operated by the Arminger family, as described above, would be consistent with the zoning records.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3301.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

c: zoning case #3826X



November 6, 1997

Mr. Arnold Jablon, Director
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21094

RE: Dulaney Valley Memorial Gardens
200 East Padonia Rd.
Timonium, Maryland 21093

Dear Mr. Jablon:

Please be advised that I am the owner of the above referenced property. Recently, an application seeking a license was submitted to the Maryland State Board of Morticians.

We are seeking the license to facilitate the sale of caskets and to allow us to assist our lot owners in making funeral arrangements, arrangements for cremations and disinterments and reinterments. We will not do any cremations at the above referenced location nor will there be any preparation of human remains on site.

As part of the Board's review process, Dulaney Valley has been asked to secure a ruling from Baltimore County that a full-service cemetery is a permitted use under the current provisions outlined in the County's Zoning Regulations.

Subsequent to the granting of our Special Exception (Case No. 3826X) by Zoning Commissioner Wilson Adams on October 21, 1956, a cemetery operated by the Arminger family has been in existence continuously under that Special Exception.

Further, please be advised that, as a result of the filing of the application with the State Board of Morticians, we plan no exterior changes to the existing buildings nor do we anticipate any changes in our operation.

I hereby respectfully request that you confirm that our operation is consistent with the spirit and intent of the Zoning Order in Case No. 3826X.

Please contact me if further clarification is needed. In advance, I would like to thank you for your attention to this matter.

Sincerely,

John W. Arminger, Jr.
John W. Arminger, Jr.
President

200 E. PADONIA ROAD / TIMONIUM, MARYLAND 21093 / 410.888.0493

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		No. 044512
DATE 11/7/97	ACCOUNT 001-6150	
AMOUNT \$ 40.00 (FPP)		
RECEIVED FROM Dulaney Valley Memorial Gardens, Inc.		
FOR #710 - VERIFICATION		
200 E. Padonia Road		
897-5162		
DESCRIPTION	PRG. AGENCY	YELLOW - CUSTOMER
001-6150		
CASHIER'S VALIDATION		

November 6, 1997

Mr. Arnold Jablon, Director
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21094

RE: Dulaney Valley Memorial Gardens
200 East Padonia Rd.
Timonium, Maryland 21093

Dear Mr. Jablon:

Please be advised that I am the owner of the above referenced property. Recently, an application seeking a license was submitted to the Maryland State Board of Morticians.

We are seeking the license to facilitate the sale of caskets and to allow us to assist our lot owners in making funeral arrangements, arrangements for cremations and disinterments and reinterments. We will not do any cremations at the above referenced location nor will there be any preparation of human remains on site. In short, there will be no practice of mortuary science at our location.

As part of the Board's review process, Dulaney Valley has been asked to secure a ruling from Baltimore County that a full-service cemetery is a permitted use under the current provisions outlined in the County's Zoning Regulations.

Subsequent to the granting of our Special Exception (Case No. 3826X) by Zoning Commissioner Wilson Adams on October 21, 1956, a cemetery operated by the Arminger family has been in existence continuously under that Special Exception.

Further, please be advised that, as a result of the filing of the application with the State Board of Morticians, we plan no exterior changes to the existing buildings nor do we anticipate any changes in our operation.

I hereby respectfully request that you confirm that our operation is consistent with the spirit and intent of the Zoning Order in Case No. 3826X.

Please contact me if further clarification is needed. In advance, I would like to thank you for your attention to this matter.

Sincerely,

John W. Arminger, Jr.
John W. Arminger, Jr.
President

Speed
Letter

November 7, 1997
Based upon the information you have provided in this letter, the Department of Permits & Development Management, Zoning Review, has determined that the aforementioned uses are within the spirit and intent of the last referenced zoning hearing (3826X).

MEMBER AVIS

WATCH • MARYLAND FREE STATE CEMETERY ASSOCIATION

DULANEY VALLEY
MEMORIAL GARDENS
AND MAUSOLEUM

200 PADONIA ROAD EAST
TIMONIUM, MD 21093
(410) 888-0493

To: Jim
at work
- 11/14/97
See Mr. A. Carlin



John W. Arminger, Jr.
John W. Arminger, Jr.
President

PETITION FOR SPECIAL EXCEPTION FOR (2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:
I, or we, Leon J. Panitz & C. Gordon Gilbert Legal Owner

All that parcel of land in the Eighth District of Baltimore County, beginning at the East end of Gibbons Boulevard, thence the following courses and distances viz: North 13 degrees 30 minutes East 340 feet, North 76 degrees 30 minutes East 1061.21 feet, North 15 degrees 31 minutes East 1055.77 feet, South 71 degrees 03 minutes East 990 feet, South 53 degrees 56 minutes West 1071.04 feet, South 13 degrees 30 minutes West 1174.50 feet, South 76 degrees 15 minutes West 1051.22 feet, North 13 degrees 30 minutes East 575 feet to the place of beginning.

RESOURCES for the same at a stone heretofore set at the beginning of that parcel of land which by a deed dated May 17, 1894 and recorded among the Land Records of Baltimore County in Liber L.H.B. No. 205 folio 35, etc., was conveyed by Mary Jane Parks to John R. Parks, and running thence with and binding on a part of the first line of said parcel of land north 76° 45' west 1061.22 feet to the end of the fourth line of a parcel of land which by a deed dated April 19, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 537 folio 347, was conveyed by William G. Parks and wife to the Mutual Cooperative Realty Company, thence binding reversely on said line north 13° 30' east 1115 feet to intersect the third line of said parcel of land which was conveyed by Mary Jane Parks to John R. Parks, thence running with and binding on a part of said third line, south 76° 30' east 1061.21 feet to the beginning of the last line of a parcel of land which by a deed dated September 12, 1871 and recorded among the Land Records of Baltimore County in Liber L.H.B. No. 72 folio 171 etc., was conveyed by Dr. John Gallimore to the County Commissioners of Baltimore County, thence running with and binding on said last line north 15° 31' east 1055.77 feet to a stone heretofore set in the fourth line of a parcel of land which by a deed dated May 29, 1943 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 540 folio 334 etc., which was conveyed by Mary L. Seidler, et al. to Goss L. Stryker and wife, thence running with and binding on the outlines of said parcel of land the two following courses and distances, viz: first South 24° 36' west 1037.04 feet and second, south 13° 36'-1/2' West 1174.5 feet to the place of beginning.

THE PETITION FOR A SPECIAL EXCEPTION FOR
DISTRICT - Property beginning at and
Gibbons Boulevard - 8th District -
Leon J. Panitz and C. Gordon Gilbert
Petitioners

Pursuant to advertisement, posting of property and public hearing on the above petition from the testimony and facts presented at the hearing it is hereby that the use for which the Special Exception is requested will not:

- be detrimental to the health, safety, or general welfare of the locality involved;
- tend to create congestion in roads, streets or alleys thereon;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewers, transportation and other public requirements, convenience or improvement;
- Interfere with adequate light and air.

In accordance with the recommendation of the petitioners and in accordance with agreement entered into between the petitioners and the County Commissioners of Baltimore County, the petitioners have agreed that the property as shown on the plat attached hereto and designated as "Proposed 'Gibbons Road'" shall be exempted from the effect of this Order and that it shall be conveyed without cost to the County Commissioners in accordance with said agreement, and plat which plat and agreement are made a part of this Order.

It is this 21st day of September, 1956, by the
Zoning Commissioner of Baltimore County, ORDERED that the aforesaid
petition for a special exception for a cemetery, be and the same is
hereby granted in accordance with plat plan submitted and agreement
entered into, which plan and agreement are made a part of this Order.

Wileis H. Adams
Zoning Commissioner
of Baltimore County

True copy-test:

Wileis H. Adams
Zoning Commissioner
of Baltimore County

ORDERED BY the Zoning Commissioner of Baltimore
County this 21st day of September, 1956,
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 be held in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 21st
day of September, 1956, at 10 o'clock
A.M.

Wileis H. Adams
Zoning Commissioner
of Baltimore County

True copy-test:

Wileis H. Adams
Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#3826-X

Date of Posting, May 23, 1956

Location of property, beginning at the east end of Gibbons Boulevard, etc. see plat
Location of signs, posted at the end of Gibbons Boulevard

Remarks:
Posted by George A. Hamel
True copy-test:
Wileis H. Adams
Date of return, May 24, 1956

Filed Oct. 1, 1956

LEON J. PANITZ, and
C. GORDON GILBERT
1606 Kelly Avenue
Baltimore 9, Maryland
Petitioners
FOR SPECIAL EXCEPTION FOR
Cemetery Purposes
Eighth District
Baltimore County

ORDER FOR APPEAL

Please enter an appeal this 28th day of September, 1956, from an Order dated the 21st day of September, 1956, granting a special exception in the above entitled case to the Board of Zoning Appeals for Baltimore County, to be filed.

Claude A. Hanley
Attorney for Petitioners

True copy-test:

Wileis H. Adams
Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 23, 1956

THIS IS TO CERTIFY, That the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., between May 23, 1956 and May 29, 1956, the first publication appearing on the 10th day of May, 1956.

THE JEFFERSONIAN,
Wileis H. Adams
Manager

Cost of Advertisement, \$

True copy-test:

Wileis H. Adams
Zoning Commissioner
of Baltimore County

hereby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an Zone to an Zone; and
(2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Cemetery

Property to be posted as prescribed by Zoning Regulations.

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

Leon J. Panitz
C. Gordon Gilbert
Legal Owner
1606 Kelly Ave. 9
Address

ARIETTA KEARSEY BAKER
WILLIAM HENRY BAKER
22 Gibbons Boulevard
Texas, Maryland

IN THE CIRCUIT COURT

FOR *June 6/48*

CHARLES H. DOING,
CARL F. VOHDEN and
DANIEL W. HUBERS,
being and constituting the
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

BALTIMORE COUNTY

PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition and appeal of Arietta Kearsay Baker and William Henry Baker, in their own behalf and in the behalf of other interested parties, Petitioners, respectfully represents unto your Honor:

1. That your Petitioners and Protestants are property owners and taxpayers in Baltimore County, State of Maryland, residing and owning real estate situate near and directly affected by the tract of land consisting of 70.315 acres and located about 1,500 feet east of the York Road at the end of Gibbons Boulevard, at Texas, in the Eighth Election District of Baltimore County, Maryland; this being the same parcel of land for which, as hereinafter recited, a Petition for a Special Exception for a cemetery was granted by the Board of Zoning Appeals for Baltimore County, dated the 24th day of January, 1957; and that your Petitioners are aggrieved by the aforementioned decision.

2. That your Petitioners aver that the decision of the Board of Zoning Appeals of Baltimore County dated January 24, 1957, is void, without legal force and effect insofar as it

grants the petition of Leon J. Panitz and C. Gordon Gilbert for the reclassification of the aforementioned property with the special exception for a cemetery and should be modified and reversed for the following reasons:

a. That the said Order of the Board of Zoning Appeals of January 24, 1957, in the particulars hereinbefore set forth constitutes an erroneous, arbitrary and capricious act and a gross abuse of administrative discretion.

b. That there was no substantial evidence before the Board of Zoning Appeals of Baltimore County in these proceedings conducted before it to establish that there was any error in the original classification of said property or that there was any substantial change in the community to warrant such reclassification; and the lack of such showing, therefore, does not justify the Board in granting the reclassification of the property previously described.

c. That there was no evidence produced before the Board of Zoning Appeals at these proceedings conducted before it that there was any need for a cemetery in the community and that further there was no evidence to show that the premises were appropriately situated for a cemetery, and that to the contrary, there was substantial evidence to show that the premises were unsuitable for a cemetery; and that, therefore, the Board of Zoning Appeals should not have granted the special exception for such use.

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

TO THE END, THEREFORE:

a. That a writ of certiorari be granted by this Honorable Court to the said Defendants, constituting the Board of Zoning Appeals of Baltimore County to review the decision and order of said Board of January 24, 1957, in the within proceed-

ings and prescribing therein the time in which a return shall be made and served upon counsel for the parties to this proceeding.

b. That the said Board of Zoning Appeals may be required to return to this Honorable 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 testimony taken before said Board in connection with said proceedings as well as a copy of the order entered by said Board, and also copies 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 further testimony as may be necessary for the proper disposition of this matter.

d. That this Honorable Court may, as in the above petition set forth, correct, modify or reverse the decision and order of the Board of Zoning Appeals of January 24, 1957, by which it granted the aforementioned reclassification and special exception.

e. That this Court may grant such other and further relief as the nature of your Petitioners' cause may require.

And, as in duty bound, etc:

Charles A. Hanley
Charles A. Hanley
Second National Bank Building
Towson 4, Maryland - Va. 3-1174
Attorney for Petitioners

STATE OF MARYLAND,
BALTIMORE COUNTY, to wit:

I Hereby Certify, that on this 21st day of February, 1957, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Arietta Kearsay Baker and William Henry Baker, and they made oath in due form of law that the matters and facts set forth in the foregoing petition are true and bona fide to the best of their information, knowledge and belief.

As Witness my hand and notarial seal.



Thomas S. Hillier
Notary Public

ORDER

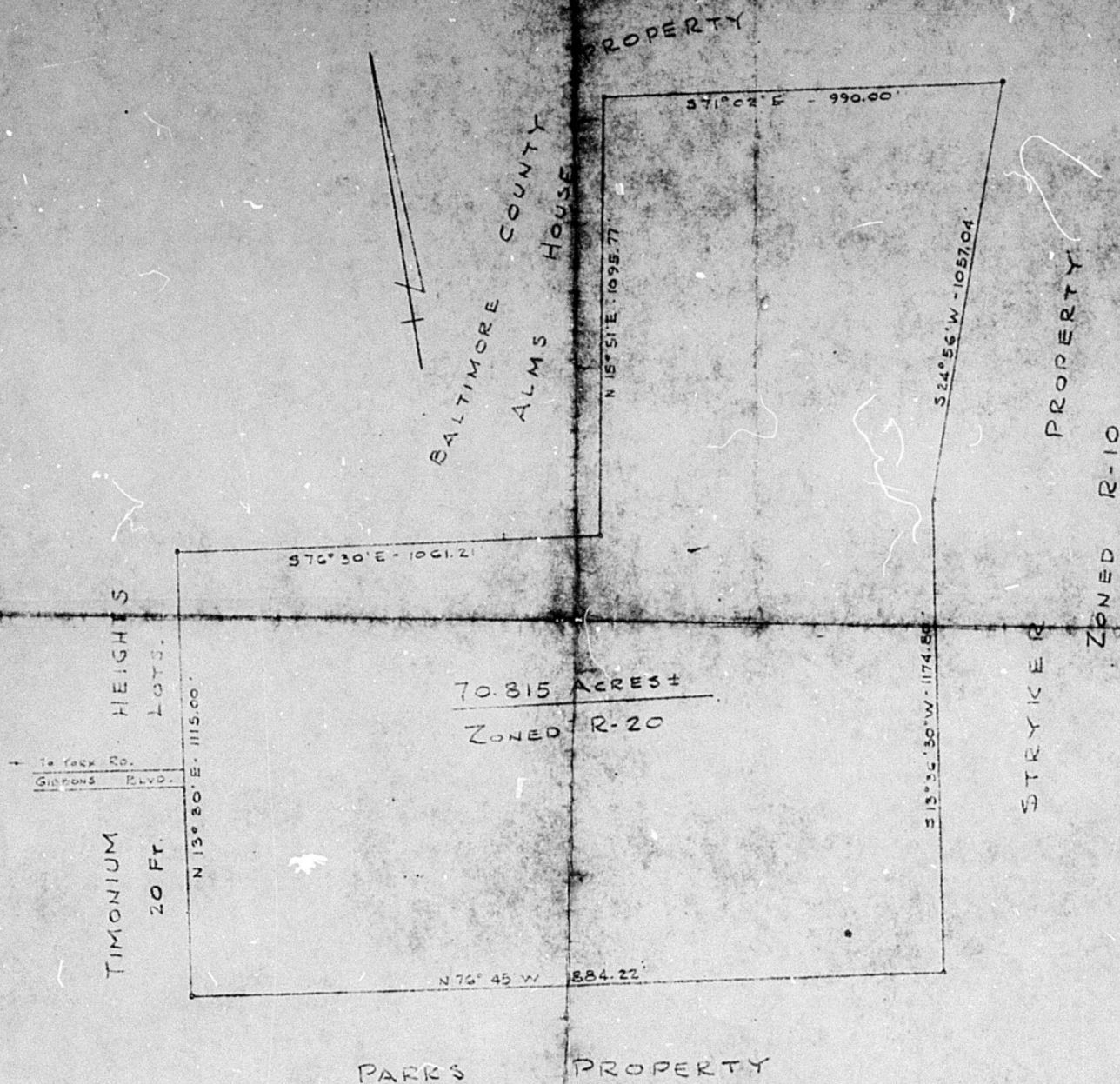
Upon the foregoing Petition and Affidavit, it is this 25th day of February, 1957, by the Circuit Court for Baltimore County:

ORDERED that a Writ of Certiorari be issued to Charles H. Doing, Carl F. Vohden and Daniel W. Hubers, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and order of said Board of Zoning Appeals of January 24, 1957, and requiring said Board to return to this Court, all papers, records and proceedings, in said matter, and 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 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 such other facts as may be pertinent to show the grounds of the decision and the order appealed therefrom, together with a transcript of all testimony taken at the hearing and copies of the exhibits filed therewith.

John E. Ramey
Judge

RUL FEB 21 1957 3



PLAT SHOWING
 PROPERTY OF
 L. J. PANITZ & C. G. GILBERT
 TO ACCOMPANY
 APPLICATION FOR
 SPECIAL EXCEPTION
 TO ZONING

8TH ELECT. DIST. BALTO. CO. MD.
 SCALE: 1" = 200' FEB. 21, 1956