

Petition for Zoning Re-Classification

To The Zoning Commission of Baltimore County—

XXXXX, V. Ralph and Rollin P. Paddy

All that parcel of land in the Fifteenth District of Baltimore County, beginning for the same at the intersection formed by the Northwest side of Bay Drive and the Southwest side of Miami Beach Road, thence running and bounding on the Southwest side of Miami Beach Road the two following courses and distances, viz: North 13 degrees 55 minutes West 391.55 feet, North 28 degrees 12 minutes East 79.13 feet, thence South 16 degrees 50 minutes West 77.00 feet, thence South 29 degrees 12 minutes East 390.46 feet to the water of Chesapeake Bay thence Northeasterly bounding on the waters of said water to the Northeast outline of Lot No. 305 as shown on a plat "Addition to Bay to the Northeast outline of Lot No. 305" thence North 13 degrees 10 minutes West binding on said line 270.00 feet to the Southeast side of Bay Drive; thence binding on the Southeast side of said road, South 16 degrees 50 minutes West 300 feet to the Northeast corner of Lot No. 300; thence North 13 degrees 10 minutes West 30.00 feet to the Northwest side of Bay Drive; thence binding on the Northwest side of Bay Drive, North 16 degrees 50 minutes East 276.02 feet to the place of beginning.

"Miami Beach"

Size and height of building: 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 for Baltimore County.

*W. Ralph Paddy
Rollin P. Paddy*
Legal Owners
Address 912 Southerly Road, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this.....day of.....1957, 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 Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, on the.....day of.....March.....1957, at 10 o'clock A.M.

Zoning Commissioner of Baltimore County
(over)

State of Maryland, Baltimore County, Md:

To Board of Zoning Appeals of Baltimore County

YOU ARE COMMANDED, that the record and proceedings in a certain case of.....

W. Ralph Paddy and Rollin P. Paddy, his wife

with all things touching the same, as fully and perfectly as they remain before by whatsoever

name or names the parties aforesaid, or either of them, are called in the same, you send and certi

fy to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable Michael Paul Smith

Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, im

mediately after receipt of the same.

WITNESS, the Honorable John B. Gortus Chief Judge of the Circuit Court for

Baltimore County, this 8th day of April, 1957.

Issued this 3 day of June 1957

GEORGE L. BYERLY
Clerk.

True Copy Test

G. L. Byerly

WE, W. Ralph Paddy and Rollin P. Paddy, his wife, legal owners of the property situate in the Fifteenth Election District of Baltimore County, and more particularly described as follows:

(See Attached Sheet)

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an.....R. 5.....zone to an.....R. 1.....zone.

Reasons for Re-Classification.....So as to be able to extend the beach facilities of.....
"Miami Beach".

Size and height of building: 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 for Baltimore County.

*W. Ralph Paddy
Rollin P. Paddy*
Legal Owners
Address 912 Southerly Road, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this.....day of.....January.....1957, 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 Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, on the.....day of.....March.....1957, at 10 o'clock A.M.

Zoning Commissioner of Baltimore County
(over)

THU

CERTIFICATE

NOTICE OF ZONING APPEALS OF BALTIMORE COUNTY

W. Ralph Paddy and Rollin P. Paddy, his wife

City State of Maryland

1957
21
copy

June 26, 1957

\$5.00

RECEIVED of M. Anthony Mueller, attorney for petitioners, W. Ralph Paddy, and wife, the sum of Five (\$5.00) dollars, to cover cost of additional advertising of the property located on the Northwest side of Bay Drive & the Southwest side of Miami Beach Road - 15th District of Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

RECEIVED
JUN 26 1957
BALTIMORE CITY

W. RALPH PADDY and ROLLIN P. PADDY, his wife

CIRCUIT COURT

CHARLES C. THOMAS, CHAIRMAN, SPENCER T. AGNEW and RICHARD T. TAYLOR, Constituting the Board of Appeals for Baltimore County, Maryland, a Municipal Corporation, and their successors.

PETITION FOR WRIT OF HABEAS CORPUS

To the Honorable, the Judge of said Court:

The Petition of W. Ralph Paddy and Rollin P. Paddy, his wife, by W. Lee Thomas and R. Scott Moore, their attorneys, respectfully represents:

1. That your Petitioners are property owners and taxpayers of Baltimore County, Maryland.

2. That on February 2, 1957, your Petitioners filed a Petition with the Zoning Commissioner for Baltimore County for a reclassification of thirteen acres of their property located in the Fifteenth Election District of Baltimore County on the south west side of Miami Beach Road near Bay Drive, from an R-5 residential zone to a BL business zone. The property mentioned being more particularly described in the Petition above referred to. That subsequent to the filing of said Petition and after a public hearing, the Zoning Commissioner for Baltimore County passed an Order dated March 7, 1957 denying the Petition for reclassification.

3. That your Petitioners entered an appeal therefrom and a hearing was had on said appeal before the Board of Appeals for Baltimore County, and at that time the Petitioners reduced

their original acreage request from thirteen to approximately four acres; all of the four acre tract being contained within the original thirteen acre tract as will more particularly appear from an examination of the documents introduced and the record of that hearing, and that on May 9, 1957, subsequent to said hearing, the Board of Appeals for Baltimore County passed an Order denying the reclassification from an R-5 residential zone to a BL business zone for the above described property; consisting of approximately four acres.

1. That your Petitioners are aggrieved and injured by the above mentioned decision and Order of the Board of Appeals for Baltimore County passed on May 9, 1957 and that the decision and Order should be annulled by this Honorable Court for the following reasons:

(a) That the Order of the Board of Appeals for Baltimore County constitutes an arbitrary and capricious act and a gross abuse of their discretion.

(b) That there was no substantial evidence before the Board of Appeals for Baltimore County to justify and support its Order of May 9, 1957, in that among other things the Board ignored the fact that an error in original zoning had occurred.

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

TO THE END THEREFORE:

(a) That a Writ of Habeas Corpus be granted by this Honorable Court directed against said Defendants constituting the Board of Appeals for Baltimore County to reject the decision and Order of said Board dated May 9, 1957 in the within proceedings and prescribing therein the time within which a return

PROCTOR ROBERTSON
HALL
CHAMBERS, Towson
Towson 4, Md.
VALLEY 9-1800

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 Commissioner of Baltimore County this day of 1957, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a zone to a zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that ~~because~~ the petitioner failed to produce evidence that there was an error in the original zoning of the subject property or that the character of the neighborhood had changed, and, further, there is some question as to the availability of proper sewage facilities for the protection of the health of the community, and to increase the facilities would definitely increase the traffic hazard which presently exists, the

the above reclassification should NOT be had. It is Ordered by the Zoning Commissioner of Baltimore County this day of March 1957, 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 remain as "R-6" (residence).

Wilkie H. Adams
Zoning Commissioner of Baltimore County

Approved
County Commissioners of Baltimore County
Date By President

RE: PETITION FOR RECLASSIFICATION OF PROPERTY, SW. side of Miami Beach Rd. nr. Bay Dr. - 15th Dist. - W. Ralph Paddy, Petitioner

REPORT
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 4071

This is a petition for a reclassification from an R.6 Zone to a B.L. Zone of approximately 13 acres, Southwest of Miami Beach Road near Bay Drive. At the hearing the petitioner offered an amended description, wherein he requested only four (4) of the original thirteen (13) acres sought, stating that the purpose of acreage requested would be to provide parking for his existing facilities. He presently operates a public beach under a non-conforming use.

The testimony produced at the hearing did not indicate that there has been any change in the character of the neighborhood, nor does it indicate that the original zoning of R.6 was in error. We must therefore deny the reclassification.

ORDER

For the reasons set forth in the foregoing opinion, it is this 9th day of May, 1957 by the County Board of Appeals ORDERED that the reclassification from an R.6 Zone to a B.L. Zone be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Adams
Zoning Commissioner of Baltimore County

PETITION for reclassification from an "R-6" zoning to a "B.L." zoning of property located in the Fifteenth Election District of Baltimore County

REPORT

W. Ralph Paddy and wife - Petitioners, : WILKIE H. ADAMS, ZONING COMMISSIONER

NOTICE OF APPEAL

MR. CLERK:

Please note an Appeal to the County Board of Appeals in the above entitled case from the Order of Wilkie H. Adams, Zoning Commissioner, dated March 7, 1957.

Proctor, Royston & Muller
Proctor, Royston & Muller

W. Lee Thomas
W. Lee Thomas,
Attorneys for Petitioners



PROCTOR ROYSTON
AND
MULLER
CHIEF OF BUILDING
TOWNSHIP & MARSHES

March 6, 1957

\$50.00

RECEIVED of Proctor, Royston & Muller, Attorneys for W. Ralph Paddy, and wife, petitioners, the sum of Fifty (\$50.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying reclassification of property on Bay Drive and Miami Beach Road, 15th District.

Zoning Commissioner

February 13, 1957

\$35.00

RECEIVED of Kenneth C. Proctor, attorney for petitioners, W. Ralph Paddy, the sum of Thirty-five (\$35.00) dollars, being cost of petition for Zoning Reclassification, advertising and posting property located on the Northwest side of Bay Drive and the Southwest side of Miami Beach Road, Fifteenth District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

REMARKS:

Wednesday, March 6, 1957
at 10:00 A. M.
Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

01032-435-00

February 25, 1957

\$14.00

RECEIVED of Kenneth C. Proctor, attorney for petitioner, W. Ralph Paddy, the sum of Fourteen (\$14.00) dollars to cover cost of additional signs and advertising the property on the Northwest side of Bay Drive and the Southwest side of Miami Beach Road, Fifteenth District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

trd

01032-435-00

RECEIVED
FEB 25 1957
COUNTY CLERK'S OFFICE

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#4071

District 15
Posted for: *Con. R-6 zone to gov B-L zone*
Petitioner: *W. Ralph Paddy & wife*
Location of property: *W. S. of Bay Drive and S. W. S. of Miami Beach Road*
Location of Signs: *Consistent with the gov. Miami Beach Road, with signs*
posting on the right side of Bay Drive on the south side of Miami Beach
Remarks: *None*
Posted by: *George A. Harwood* Date of return: 2-22-57

W. RALPH PEDDY and
ROLIN P. PEDDY, his wife

IN THE

CIRCUIT COURT

for

BALTIMORE COUNTY

CHARLES G. IRISH, CHAIRMAN,
SPIRO T. AGNEW and
NATHAN H. KAUFMAN
Constituting the Board of
Appeals for Baltimore County,
Maryland, a Municipal
Corporation, and their
successors.

ORDER

Upon the foregoing Petition and Affidavit, it is
this 3rd day of June, 1957, by the Circuit Court for Baltimore
County,

ORDERED that a Writ of Certiorari be issued to
Charles G. Irish, Chairman, Spiro T. Agnew and Nathan H. Kaufman,
constituting the Board of Appeals for Baltimore County, to review
the decision and Order of the Board of Appeals for Baltimore
County dated May 9, 1957, and requiring that Board to return
to the Court all papers, records and proceedings, in said matter
and a transcript of all testimony and exhibits presented before
the Board in connection with said proceedings 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 Appeals
for 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

thereto shall be made.

(b) That the Board of Appeals for Baltimore County
may be required to return to this Honorable Court the original
papers acted on by it or a certified copy thereof, together with
a copy of all records in said proceedings and a transcript of all
testimony taken before that Board in connection with the proceed-
ings, as well as a copy of the Order entered by the Board.

(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 Appeals for Baltimore County dated May 9,
1957 denying reclassification from an R-6 residential zone to
a BL business zone of the property described in paragraph 3
herein.

(e) That this Honorable Court may direct the
Zoning Commissioner for Baltimore County to issue an Order re-
classifying the subject property to a BL business zone.

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

AND as in duty bound, etc.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 1957.

Notary Public

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.

True Copy Test
GEORGE L. BYERLY, Clerk

For W. E. Allen
Deputy Clerk

Michael Paul Smith

JUDGE

