

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, _____ legal owner _____ of the property situate All that parcel of land in the Eleventh District of Baltimore County on the northwest side of Manor Road, beginning 1700 feet southwest of Long Green Road; thence southeasterly and binding on the northwest side of Manor Road 425 feet; thence North 27 degrees 21 minutes west 470 feet; thence North 67 degrees 12 minutes east 51.40 feet; thence North 27 degrees 43 minutes east 298.50 feet; thence North 66 degrees 58 minutes east 172 feet; thence South 29 degrees 27 minutes east 361 feet; thence North 67 degrees 15 minutes east 60 feet; thence South 60 degrees 24 minutes east 80 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 an _____ R-6 _____ zone to an _____ M-1a _____ zone.

Reasons for Re-Classification:

Size and height of building: front _____ 60 _____ feet, depth _____ 140 _____ feet, height _____ 12 _____ feet. Front and side set backs of building from street lines: front _____ 50 _____ feet; side _____ 75 & 270 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.

Address: Long Green P.O. Md.

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ 28th _____ day of October _____, 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 Beeked Bldg., in Towson, Baltimore County, on the _____ 30th _____ day of November _____, 1957, at 11 o'clock, A.M.

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 _____

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.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that _____ the present operation of a nonconforming use on the _____ subject property allows the petitioner the necessary and proper use of his _____ property, the reclassification to "M-1" (Manufacturing restricted) should _____ be denied.

County

It is Ordered by the Zoning Commissioner of Baltimore County, this _____ 17th _____ day of March _____, 1958, 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 to remain a _____ "M-1" (residence) _____ zone.

Deputy Zoning Commissioner of Baltimore County

Approved _____ County Commissioners of Baltimore County

Date _____ By _____ President

RE: PETITION FOR REHEARING IN THE MATTER OF RECLASSIFICATION FROM M-1a Zone to an M-1b Zone - N. W. Side Manor Road 1700' E. of Long Green Road, 11th District - Manor Mfg. Co., Petitioner

The County Board of Appeals has received and reviewed a petition of the Manor Manufacturing Company asking for a re-hearing for the reclassification of its property to a Manufacturing Restricted classification. The question raised is purely one of law and is not covered in the Zoning Regulations of Baltimore County. It is the unanimous decision of this Board that as laymen they are not in position to make a legal ruling on any question other than that covered by the Baltimore County Zoning Regulations; rather, it seems that any such decision should be decided by Court of Law. For the above reason it is this _____ 14th _____ day of December, 1958, ORDERED by the County Board of Appeals that the petition for re-hearing is hereby denied.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Notes: Mr. Spiro T. Agnew did not participate in this decision.

December 15, 1958

\$13.00

RECEIVED OF Manor Manufacturing Company the sum of Thirteen (\$13.00) Dollars, being cost of certified copies of petition and other papers filed in the matter of reclassification of property on the northwest side of Manor Road 1700' southwest of Long Green Road, 11th District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

161788 4738 : : : FILED 1388

March 18, 1958

\$50.00 RECEIVED OF Manor Manufacturing Co., Inc., Petitioner, the sum of Fifty (\$50.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying reclassification of property on the northwest side of Manor Road 1700' southeast of Long Green Road, 11th District.

Zoning Commissioner

November 14, 1957

\$35.00 RECEIVED OF Manor Manufacturing Co., Inc., the sum of Thirty-five Dollars (\$35.00), being cost of petition, advertising and posting property situate on the Northwest side of Manor Road, beginning 1700 feet Southwest of Long Green Road. An additional sign is required for posting this property, therefore a balance of Three Dollars (\$3.00) is due. May we please have your check payable to the Treasurer of Baltimore County, Maryland, for the same.

Zoning Commissioner of Baltimore County

November 27, 1957

\$8.00 RECEIVED OF Manor Manufacturing Co., Inc., the sum of Eight Dollars (\$8.00) to cover cost of additional advertising and posting of the property situate on the Northwest side of Manor Road, beginning 1700 feet Southwest of Long Green Road, 11th District of Baltimore County. Thank you.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Town, Maryland

District _____ #4295
Posted for: _____ Date of Posting: 11-12-57
Petitioner: Manor Manufacturing Co. Inc.
Location of property: N.W. Side of Manor Rd. by 1700' S.W. of Long Green Road
Location of Sign: On Manor Rd. 1700' S.W. of Long Green Rd. 11th District
Remarks: _____
Posted by: _____ Date of return: 11-12-57

RE: PETITION FOR RECLASSIFICATION
From an "R-6" Zone to an "M-1" Zone - NW side of Manor Road, 1700 SW of Long Green Road - 11th Dist. - Manor Mfg. Co., Inc. - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
#295

OPINION

The petitioner in the above case seeks to reclassify its property, consisting of approximately 5.7 acres, located on the northwest side of Manor Road, 1700 feet southwest of Long Green Road in the Eleventh District of Baltimore County. The reclassification requested is from an R-6 Zone to an M-1 Zone in order to permit the enlargement of a manufacturing operation now being carried on in a "non-conforming use" status.

A concrete block building has been in use for manufacturing purposes on the subject property since 1940. Until 1947 it was operated by the Haugh Machine Company for the manufacture of machine parts and metal stampings. From that time until approximately three years ago, the Manor Manufacturing Company produced small machine parts in this building. The latter company ceased operations three years ago and leased the land and building to Baltimore Biological Laboratories, which lease will expire in March, 1959. Some modifications and additions to the building have been made since 1940. Approximately 38 persons are employed in the building at the present time. All land surrounding the subject property is zoned residential and it was stated that the nearest manufacturing plant to this property is at least four miles away, in Glen Ave.

Testimony was submitted to the effect that Manor Road is a narrow two lane County road with a high crown in the center, no sidewalks, and ditches along the sides, making it impractical for heavy commercial traffic. Because of the increasing number of homes being erected in this area, it was

testified that the traffic situation was becoming serious.

The petitioner contends that a reclassification to an M-1 zone is necessary in order to obtain financing of the proposed expansion plans for the property. The petitioner also testified that the proposed expansion plans would not be detrimental to the health, safety, or general welfare of the locality and that it would not adversely affect vicinal properties.

Mr. Malcolm H. Dill, Director of Planning for Baltimore County, stated at the hearing that he would prefer that any reclassification of the subject property be deferred pending the adoption of the master zoning map for the Eleventh District.

In the case of Huff vs. Board of Zoning Appeals, 114 Maryland 146, the Court stated "we read the provisions of the regulations as to the purpose and intent in establishing M-1 zones and as to the mechanics employed to be sure that the plan approved will continue to 'protect the uses in neighboring residential zones' and not adversely affect 'vicinal properties', to mean that an area cannot be properly zoned or rezoned Manufacturing Restricted unless in actual operation and effect it will be a harmonious part of the comprehensive plan and serve the purposes of the enabling act; that is, the zoning will be not only in the public good but in the interests of nearby property owners."

It appears from testimony in this case that the reclassification of the subject property to Manufacturing Restricted will inure to the sole benefit of the private interests of the owner, will adversely affect nearby property owners, and will not be in harmony with the comprehensive zoning plan for the district.

It was testified that the Office of Planning for Baltimore County hoped for the ultimate disappearance of non-conforming uses in the County. A reclassification of the subject property as sought by the petitioner would give the stamp of permanency to the present non-conforming use on the site.

RE: PETITION FOR RECLASSIFICATION
From an "R-6" Zone to an "M-1" Zone - NW side of Manor Road, 1700 SW of Long Green Road - 11th Dist. - Manor Mfg. Co., Inc. - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

OPINION

This is a petition of the Manor Manufacturing Company for a reclassification from an R-6 Zone to an M-1 Zone for a parcel of land located on the northwest side of Manor Road, 1700 feet southwest of the Long Green Road.

The property at the present time is being used industrially under a non-conforming use.

It is an uncontested fact that this property is located in an otherwise strictly residential area, much of which still remains country farmlands. It would be hard to conceive, under any stretch of imagination, that the industrial area should be allowed to expand beyond its present limits.

Under Section 250.1 of the Baltimore County Zoning Regulations, it states "that in order to provide greater freedom in the selection of industrial areas, and at the same time, to secure and maintain effective control over the location, type, and arrangement of industrial uses and to protect the uses in neighboring residential zones, areas for restricted manufacturing zones may be designated on the zoning map and/or may be created by petition."

This seems to indicate that where a industrial operation is being carried on such as has been for a number of years in this location, that the granting of an M-1 reclassification is not detrimental to the surrounding residential neighborhood but, rather, is of beneficial value in that it places effective controls over the location.

The regulations are clear in that the test for the granting of an M-1 reclassification is different than the test placed on any other reclassification of any other zone permitted in the Baltimore County Regulations.

While it is necessary to prove an error in original zoning or change in the neighborhood for all other zone reclassification, this is not true in the M-1 zone and as the Court of Appeals has said in the Huff vs. Board of Zoning Appeals, 114 Maryland 146, the M-1 Zone is "analogous to a special exception." That statement certainly indicates that, like a special exception, it is only necessary to prove the six points outlined in Section 502.1.

Not all of the objections raised in the granting of this petition are based on the feeling that the granting of such a reclassification would make the neighborhood vulnerable to other industrial reclassifications and an expansion of the industrial zone. Certainly, this should never happen. It does not seem that the granting of an M-1 reclassification for a present existing industrial use is creating any change in the neighborhood. Rather, it is just putting under controls a now uncontrolled use. Therefore, it does not seem logical that the granting of this M-1 reclassification could be used by any other property owners as a substantial reason for the granting of a further reclassification.

This opinion is being written on the basis that this latter statement with regard to further reclassification is correct.

In conclusion, it is the opinion of this member of the County Board of Appeals that, taking into consideration the statements that have just been made, that the granting of the reclassification from an R-6 zone to an M-1 zone should be granted with the following restrictions:

1. The property shall be landscaped and planted with shrubs so as to adequately screen the buildings and parking lot from surrounding residential properties.
2. That the property shall be used only for the manufacture, compounding, assembling, machining, or other comparable treatment of articles of merchandise from sheet metal, ferrous, and non-ferrous metals.

It is the opinion of this member of the Board that the petition be denied for the following reasons:

1. Reclassification to Manufacturing Restricted would adversely affect the general neighborhood.
2. Reclassification would inure to the sole benefit of the owner of the subject property.
3. Reclassification would not be in harmony with the comprehensive zoning plan for the district.
4. The roads in the area are impractical for additional commercial traffic which would be generated.
5. The present non-conforming use allows the owner to make ample use of the property.

ORDER

For the reasons set forth in the foregoing opinion, it is this 6th day of November, 1958, by the County Board of Appeals, ORDERED that the reclassification petition for, be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles H. Huff

NOTE: Mr. Steinbock's opinion upholds the Order of the Deputy Zoning Commissioner dated March 13, 1958.

NOTE: Mr. Agnew did not sit in the above case.

3. That the operation shall be limited to two shifts, none of which may extend beyond mid-night or commence before 7:00 a.m.
4. That new entrances and exits shall be provided to the property, subject to the approval of the Department of Planning.
5. That no more than 150 employees shall be employed in said operation and no more than 100 employees may be used on any one shift, so long as the existing road facilities remain in their present condition or capacity.
6. That the existing buildings shall not be expanded, nor shall any other new buildings be constructed other than that covered by building permit No. 50133 of Baltimore County, issued February 13, 1958.
7. All work carried on in this operation must be confined to the buildings other than for the normal loading and unloading and storage of materials.
8. All parking areas shall be paved and maintained to provide for the best sanitary conditions.
9. Any lights projecting from the building, or used to illuminate the parking lots, shall be reflected away from the residential zones.

ORDER

For the reasons set forth in the foregoing opinion, it is this day of November, 1958, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Nathan Kaufman

NOTE: Mr. Kaufman's Opinion reverses the Order of the Deputy Zoning Commissioner of Baltimore County dated March 13, 1958.

NOTE: Mr. Agnew did not sit in the above case.

MANOR MANUFACTURING CO. IN THE CIRCUIT COURT
vs. FOR
BALTIMORE COUNTY
THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Miscellaneous Docket 2002

ORDER

This cause standing ready for hearing on the appeal of Manor Manufacturing Co. from (a) the refusal of the County Board of Appeals to reverse the Order of the Zoning Commissioner denying the reclassification requested; and (b) the refusal of the said County Board of Appeals to grant the relief prayed by the Petition for Rehearing, filed herein by the said Appellant, the proceedings were read and considered and the argument of counsel heard by the Court.

WHEREUPON, for the reasons stated in the oral Opinion of the Court, rendered herein on November 30, 1960, it is this day of December, 1960, by the Circuit Court of Baltimore County, ADJUDGED, ORDERED AND DECREED:

(a) That the divided Opinions and Orders of November 6, 1958 of two members of the County Board of Appeals constituted an affirmation of the Order of March 13, 1958 of the Zoning Commissioner, denying the requested reclassification; and

(b) That, upon the evidence adduced, the Court finds as facts that the granting of the reclassification requested would create greater traffic hazards and would be detrimental to the health of the locality involved and, therefore, the Order of the County Board of Appeals of November 6, 1958, denying the requested reclassification be and it is hereby affirmed.

And, it is hereby further, ADJUDGED, ORDERED AND DECREED that the Appellant, Manor Manufacturing Co., pay the costs of these proceedings.

JUDGE

Judge Turnbull
11/20/60

MANOR MANUFACTURING
COMPANY, INC., a body
corporate of the State of
Maryland, Manor Road,
Baltimore County, Maryland

vs.

SPIRO T. AGNEW, NATHAN
H. KAUFMAN, JR., and
CHARLES F. STEINBOCH,
being and constituting the
County Board of Appeals of
Baltimore County
Defendants

IN THE CIRCUIT COURT

BALTIMORE COUNTY

AT LAW

PETITION FOR WRIT OF CERTIORARI AND/OR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petition of Manor Manufacturing Company, Inc., by W. Lee Harrison, its attorney, respectfully represents unto your Honor:

1. That your Petitioner is a property owner and a taxpayer of Baltimore County, State of Maryland.
2. That your Petitioner heretofore filed a Petition with the Zoning Commissioner of Baltimore County for reclassification from an "R-6" zone to an "M-1" zone for property on the northwest side of Manor Road and southwest of the Long Green Road in the 11th Election District of Baltimore County, the property mentioned being more specifically described in the petition above referred to. Subsequent to the filing of said petition and after a public hearing, the Deputy Zoning Commissioner of Baltimore County passed an Order denying the zoning reclassification as mentioned aforesaid, under date of March 13, 1958.
3. That the Petitioner feeling aggrieved at the passage of said Order of the Deputy Zoning Commissioner of Baltimore County, entered an appeal therefrom, hearing on the same having been had before the County Board of Appeals of Baltimore County; that Spiro T. Agnew, Chairman and one of the members of the County Board of Appeals, did not

participate in the hearing or consideration of said appeal upon said appeal, two opinions and two orders were filed on the 6th day of November, 1958; one of the said opinions and orders was signed solely by Charles F. Steinboch, one of the members of the County Board of Appeals, and purported to deny the reclassification petitioned for; the other of the said opinions and orders was signed solely by Nathan H. Kaufman, Jr., a member of the County Board of Appeals, and granted the reclassification petitioned for.

4. That the petitioner thereafter filed a Petition for Rehearing, a copy of which is attached hereto and marked "Petitioner's Exhibit A" and prayed to be taken as a part hereof the same as if fully set forth herein. That the said Petitioner's Exhibit A averred that Section 501.2 of the Zoning Regulations of Baltimore County provides in part that: "all decisions of the Board shall be concurred in by at least two members thereof." It was further averred that the Chairman of the County Board of Appeals did not participate, that the separate opinions and separate orders mentioned above were handed down on November 6, 1958; that your Petitioner believed and therefore averred that the purported decisions of the two members of the County Board of Appeals did not constitute a decision of the Board and that the Petitioner was therefore being deprived of his rights to an appeal; that your Petitioner believed and averred that the decision of at least two members must concur in order to constitute a decision of the Board; that the Board had the right and full power to reopen the said case and try the same again; and the other matters fully set out in said Petitioner's Exhibit A, wherefore the Petitioner prayed the County Board of Appeals to grant a rehearing on its petition.
5. That the attorney for certain protestants filed a memorandum on the 26th day of November, 1958 in opposition to the aforesaid Petition for Rehearing, a copy of said memorandum being attached and marked "Petitioner's Exhibit B" and prayed to be taken as a part hereof as if fully set forth herein; that said memorandum conceded to the right of appeal of the Petitioner and alleged that the equal division of the County

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Board of Appeals on decision constituted an affirmance of the decision of the Deputy Zoning Commissioner.

6. On the 4th day of December, 1958, the County Board of Appeals, acting by Nathan H. Kaufman, Jr. and Charles F. Steinboch, two of the members thereof, passed an Order denying your Petitioner's Petition for Rehearing.
7. That this Petition for Writ of Certiorari and/or Appeal is taken from the purported opinion and order of Charles F. Steinboch dated the 6th day of November, 1958 which purported to deny the Petition for Reclassification and uphold the Order of the Deputy Zoning Commissioner, and this Petition for Writ of Certiorari and/or Appeal is also taken from the Order of December 4, 1958 denying your Petitioner's Petition for Rehearing.
8. That the aforementioned purported Opinion and Order dated the 6th day of November, 1958 by Charles F. Steinboch, whereby your Petitioner is aggrieved and injured and that the same purports to be a denial of its Petition for Reclassification, is void, without legal force and effect, and should be reversed, set aside and/or annulled by this Honorable Court and/or declared to be void and without legal force and effect for the following reasons:
 - (a) That the aforesaid purported Opinion and Order constitutes an arbitrary and capricious act and a gross abuse of administrative discretion;
 - (b) That there was no substantial evidence before the aforesaid County Board of Appeals in these proceedings conducted before it to justify and support the purported Opinion and Order of November 6, 1958 signed by Charles F. Steinboch;
 - (c) That the aforesaid purported Opinion and Order by Charles F. Steinboch constitutes an attempted unlawful and unconstitutional exercise of authority;
 - (d) That your Petitioner is entitled to the zoning reclassification

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tion applied for;

- (e) That the aforesaid purported Opinion and Order of November 6, 1958 signed by Charles F. Steinboch is void, without legal force and effect and is a nullity for that the said purported Opinion and Order was not concurred in by at least two members of the County Board of Appeals as required by Section 501.2 of the Zoning Regulations of Baltimore County.
 - (f) And for such other and further reasons as may be shown at the hearing hereof.
 9. That the aforementioned Order of December 4, 1958 denying your Petitioner's Petition for Rehearing, whereby your Petitioner is aggrieved and injured, is void, without legal force and effect, and should be reversed, set aside and annulled by this Honorable Court for the following reasons:
 - (a) That the said Order constitutes an arbitrary and capricious act and a gross abuse of administrative discretion;
 - (b) That the said Order constitutes an attempted unlawful and unconstitutional exercise of authority;
 - (c) That your Petitioner is entitled to the rehearing petitioned for;
 - (d) That as a matter of law, your Petitioner is entitled to a rehearing and further consideration of its Petition until an Order or decision is reached by the County Board of Appeals which has the concurrence of at least two members thereof, by virtue of Section 501.2 of the Zoning Regulations of Baltimore County and any and all other laws, rules and regulations in such cases made and provided for;
 - (e) And for such other and further reasons as may be shown at the hearing hereof.
- TO THE END, WHEREFORE, your Petitioner prays:
- (a) That a Writ of Certiorari and/or Appeal be granted by this Honorable Court directed against the said Defendants, constituting the

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County Board of Appeals of Baltimore County, to review the purported Opinion and Order of November 6, 1958 signed by Charles F. Steinboch, one of the Defendants and one of the members of said County Board of Appeals, and prescribing the time within which a return thereto shall be made and served upon the attorney for the defendants.

(b) That a Writ of Certiorari and/or Appeal be granted by this Honorable Court directed against said defendants, constituting the County Board of Appeals, to review the Order of December 4, 1958 denying the Petition for rehearing in the within proceeding and prescribing the time within which a return thereto shall be made and served upon the attorney for the defendants.

(c) That the said County Board of Appeals of Baltimore County may be required to return to this Honorable Court the original papers acted upon by it, or certified copies thereof, together with a copy of all records in said proceeding and a transcript of all testimony taken before said Board in connection with said proceedings, as well as a copy of the purported Order signed on November 6, 1958 by Charles F. Steinboch and a copy of the Order signed on December 4, 1958 by the said Charles F. Steinboch and Nathan H. Kaufman, Jr., as well as a copy of any and all rules and regulations pursuant to which the said purported Order of November 6, 1958 and the Order of December 4, 1958 were entered and under which the said Board purported to act.

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

(e) That this Honorable Court may reverse, set aside, annul and declare void and of no effect the purported Opinion and Order dated November 6, 1958 and signed by Charles F. Steinboch, which purports to deny the Petition for Reclassification of the property described in said original Petition.

(f) That this Honorable Court may reverse, set aside, annul

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and declare void and of no effect the Order of December 4, 1958 denying the Petition for Rehearing filed in this cause.

(g) That this Honorable Court may direct the Zoning Commissioner for Baltimore County to issue the permit and grant the zoning reclassification as originally prayed by your Petitioner.

(h) For such other and further relief as the nature of its case may require.

And as in duty bound, etc.

W. LEE HARRISON
Attorney for Petitioner
212 Washington Avenue
Towson 4, Maryland
Valley 3-6200

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:-

I HEREBY CERTIFY that on this ____ day of December, 1958, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared W. Lee Harrison, Attorney for Petitioner, and he made oath in due form of law that the matters and facts contained in the foregoing Petition are true to the best of his knowledge, information and belief.

Notary Public

ORDER

Upon the foregoing Petition for Writ of Certiorari and/or Appeal, and the affidavits thereto, it is this 5th day of December, 1958 by the Circuit Court for Baltimore County,

ORDERED that a Writ of Certiorari be issued to Spiro T. Agnew, Nathan H. Kaufman, Jr., and Charles F. Steinboch, constituting the County Board of Appeals of Baltimore County, to review the purported Opinion and Order dated November 6, 1958 and signed by the defendant Charles F. Steinboch and to review the Order of December 4, 1958 denying the Petition for Rehearing in this proceeding and requiring the said Board to return to this Court all papers, records and proceedings, in said matter and a 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 the said Board purported to act or acted, to enable this Court to review the purported Order of November 6, 1958 and the Order of December 4, 1958 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 County Board of 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 purported Opinion and purported Order of November 6, 1958 appealed from and the grounds of the Order of December 4, 1958 appealed from, together with a transcript of all testimony taken at any hearings and copies of all exhibits filed therewith; and

It is further ORDERED that no appeal be and the same is hereby permitted from the aforesaid purported Order of November 6, 1958 by Charles F. Steinboch and the Order of December 4, 1958.

True Copy Test
WALTER J. BASUISSEN, Clerk
By *W. E. Allen*

John E. Rains
Judge

MANOR MANUFACTURING COMPANY, INC., a body corporate of the State of Maryland, Manor Road, Baltimore County, Maryland

vs.

SPINO T. ADEN, NATHAN H. KAUFMAN, JR. and CHARLES F. STEINBOCK, being and constituting the County Board of Appeals of Baltimore County

Defendants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. G, p. 250

PETITION TO INTERVENE

TO THE HONORABLE, THE JUDGE OF THIS COURT:

The Petition of Clayland A. Williams, L. Margaretta Williams, William J. Mester, Bernard H. Sherry, Murray G. Binford, Mildred E. Binford, Beatrice M. Watson, Parker Watson, Elizabeth S. Siegan, William S. Tagg, Dorothy G. Haugen and Malcolm Murry, individually and jointly on their own behalf and on behalf of various other members of the community, including the Long Green Community Council, by George W. White, Jr. and Buckmaster, White, Mindel & Clarke, their attorneys, respectfully shows that:

1. This case was instituted December 5, 1958 by Manor Manufacturing Company, Inc. as an appeal from the denial by the County Board of Appeals of its petition to reclassify property on the northwest side of Manor Road, southwest of the Long Green Road, 11th Election District of Baltimore County, as more specifically described in the petition above referred to, from R-6 to M-R nor.

2. These Petitioners are taxpayers, residents and/or property owners in the immediate vicinity of the property in question in this case living on Manor or Long Green Roads, Long Green, Maryland, who individually or through their agents, protested this reclassification both before the Deputy Zoning Com-

missioner of Baltimore County and the County Board of Appeals and are vitally interested in these proceedings!

3. That the rights and interests of these Petitioners in these proceedings will be jeopardized unless they are permitted to intervene.

WHEREFORE, these Petitioners pray an Order authorizing their intervention in this case and their filing an answer to the Petition for Appeal.

AND, as in duty bound, etc.

George W. White, Jr.

Buckmaster, White, Mindel & Clarke
2510 Mathieson Building
Baltimore 2, Maryland
Rulberry 3-0747

Attorneys for Petitioners

STATE OF MARYLAND:

to wit:

CITY OF BALTIMORE:

On this 13th day of December, 1958, personally appeared before me George W. White, Jr., attorney for the above Petitioners on their behalf and made oath in due form of law that the matters and facts set forth in the above Petition are true and correct to the best of his knowledge, information and belief.

Notary Public

I HEREBY CERTIFY that a copy of the foregoing was mailed this day of , 19 to W. Lee Harrison, Esq., 212 Washington Avenue, Towson 4, Maryland.

For Attorneys for Petitioners

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Upon the foregoing Petition, it is this day of January, 1959, ORDERED by the Circuit Court of Baltimore County that Clayland A. Williams, L. Margaretta Williams, William J. Mester, Bernard H. Sherry, Murray G. Binford, Mildred E. Binford, Beatrice M. Watson, Parker Watson, Elizabeth S. Siegan, William S. Tagg, Dorothy G. Haugen and Malcolm Murry, individually and jointly, on their own behalf and on behalf of various other members of the community, including the Long Green Community Council, be and they are authorized to intervene and file answers to the Petition for Appeal in this case.

Judge

NO PETITION FOR RECLASSIFICATION
from an R-6 Zone to an M-R
Zone - 36 side of Manor Road,
1700' SW of Long Green Road -
11th Dist. - Manor Hg. Co.
Inc. - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

OPINION

This is a petition of the Manor Manufacturing Company for a reclassification from an R-6 Zone to an M-R Zone for a parcel of land located on the northwest side of Manor Road, 1700 feet southwest of the Long Green Road.

The property at the present time is being used industrially under a non-conforming use.

It is an uncontroverted fact that this property is located in an otherwise strictly residential area, much of which still remains county farmland. It would be hard to conceive, under any stretch of imagination, that the industrial area should be allowed to expand beyond its present limits.

Under Section 200.1 of the Baltimore County Zoning Regulations, it states "that in order to provide greater freedom in the selection of industrial areas, and at the same time, to secure and maintain effective control over the location, type, and arrangement of industrial uses and to protect the same in neighboring residential zones, areas for restricted manufacturing uses may be designated on the zoning map and/or may be created by petition."

This seems to indicate that where an industrial operation is being carried on such as has been for a number of years in this location, that the granting of an M-R reclassification is not detrimental to the surrounding residential neighborhood but, rather, is of beneficial value in that it places effective controls over the location.

The regulations are clear in that the test for the granting of an M-R reclassification is different than the test placed on any other reclassification of any other zone permitted in the Baltimore County Regulations.

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While it is necessary to prove an error in original zoning or change in the neighborhood for all other zone reclassifications, this is not true in the M-R zone and as the Court of Appeals has said in the Staff vs. Board of Zoning Appeals, 214 Maryland 18, the M-R zone is "analogous to a special exception." That statement certainly indicates that, like a special exception, it is only necessary to prove the six points outlined in Section 200.1.

Most all of the objections raised in the granting of this petition are based on the feeling that the granting of such a reclassification would make the neighborhood vulnerable to other industrial reclassifications and an expansion of the industrial zone. Certainly, this should never happen. It does not seem that the granting of an M-R reclassification for a present existing industrial use is creating any change in the neighborhood. Rather, it is just putting under controls a now uncontrolled use. Therefore, it does not seem logical that the granting of this M-R reclassification could be used by any other property owner as substantial reason for the granting of a further reclassification.

This opinion is being written on the basis that this latter statement with regard to further reclassification is correct.

In conclusion, it is the opinion of this member of the County Board of Appeals that, taking into consideration the statements that have just been made, that the granting of the reclassification from an R-6 zone to an M-R zone should be granted with the following restrictions:

1. The property shall be landscaped and planted with shrubs so as to adequately screen the buildings and parking lots from surrounding residential properties.
2. That the property shall be used only for the manufacture, assembling, assembling, machining, or other comparable treatment of articles of merchandise from sheet metal, ferrous, and non-ferrous metals.

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3. That the operation shall be limited to two shifts, none of which may extend beyond mid-night or commence before 7:00 a.m.
4. That new entrances and exits shall be provided to the property, subject to the approval of the Department of Planning.
5. That no more than 150 employees shall be employed in said operation and no more than 100 employees may be used on any one shift, so long as the existing road facilities remain in their present condition or capacity.
6. That the existing buildings shall not be expanded, nor shall any other new buildings be constructed other than that covered by building permit No. 50133 of Baltimore County, issued February 15, 1958.
7. All work carried on in this operation must be confined to the buildings other than for the normal loading and unloading and storage of materials.
8. All parking areas shall be paved and maintained to provide for the best sanitary conditions.
9. Any lights projecting from the buildings, or used to illuminate the parking lots, shall be reflected away from the residential zones.

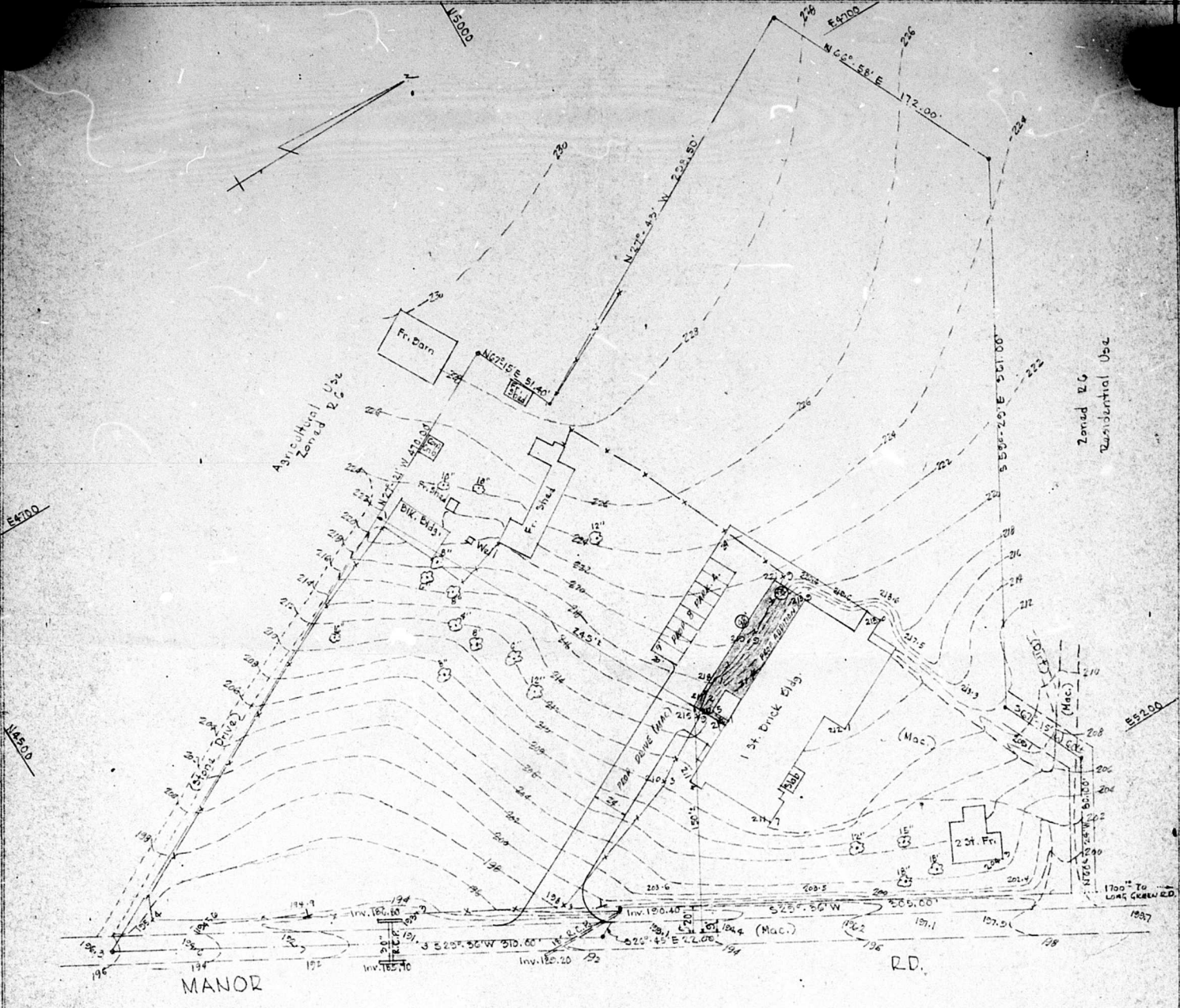
ORDER

For the reasons set forth in the foregoing opinion, it is this day of November, 1958, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

NOTE: Mr. Kaufman's Opinion reverses the Order of the Deputy Zoning Commissioner of Baltimore County dated March 13, 1958.

NOTE: Mr. Agnew did not sit in the above case.



MULLER, RAPHEL & ASSOCIATES
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 201 COURTLAND AVE.
 TOWSON 4, MARYLAND

Property Contains 5.7 Acres
 Existing Use of Property - Light Ind. Uses
 Proposed Use of Property - MR (Manufacture, Light Steel Products)
 Present Zoning of Property - R-2
 Proposed Zoning of Property - MR

PLAT TO ACCOMPANY
 ZONING APPLICATION
 11TH ELECT. DIST. BALTO. CO., MD.
 SCALE - 1"=50'
 OCT. 24, 1957

