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4467-X

NEW MAP #9

8/13/58

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:

I, or we, John H. Raine, Sr. and Helen D. Raine, Legal Owners

See attached description

herby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, ~~from "B-4" to "R-1"~~, and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Office Building.

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.

John H. Raine, Sr.
Proctor, Rayston & Mueller

Helen D. Raine
Legal Owner
C/O Proctor, Rayston & Mueller
Campbell Bldg., Towson 4, Md.
Address

- 2 -

It is the opinion of this Board that the use sought in no way violates any of the provisions of Section 502.1. For that reason the Board unanimously grants the special exception for the above mentioned property, subject, however, to the following restriction:

- The grounds surrounding the building will be maintained to the same degree that one would reasonably expect from a private residence.

ORDER

For the reasons set forth in the foregoing opinion, it is this 28th day of November, 1958 by the County Board of Appeals, ORDERED that the special exception petitioned for be and the same is hereby granted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John J. Gault
Charles H. Hinkle
Nathan H. Gault

SOUTHLAND HILLS IMPROVEMENT

ASSOCIATION et.al.

vs.

SPINO T. AGNEW,
BATHURST A. MURPHY, JR. and
CHARLES STEINBOCK,
constituting the
County Board of Appeals
of Baltimore County

ORDER

Upon the foregoing Petition, it is this 19th day of December, 1958, by the Circuit Court for Baltimore County ORDERED that a Writ of Certiorari be issued, directed to the County Board of Appeals of Baltimore County, to reverse the decision of the County Board of Appeals of Baltimore County dated November 28, 1958, and it is further

ORDERED that the County Board of Appeals of Baltimore County be and it is hereby required to return to this Court the original papers filed upon by it, or certified or sworn copies thereof, together with a transcript of the testimony taken at the hearing before said Board, exhibits filed before it, and succinctly setting forth such facts as may be pertinent and material to show the grounds of the decision and Order appealed from.

True Copy Test

WALTER J. CAMPUSSEN, Clerk
W. J. Campus
Deputy Clerk

John B. Gault
1958

Section 502.1 of the Zoning Regulations provide as

follows: "Before any Special Exception shall be granted, it must appear 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, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air.

It is the opinion of the Zoning Commissioner that the request for a special exception is proper and that the off-street parking as required by the Zoning Regulations will be an improvement in the County Seat of Baltimore County.

Prior to any alterations or re-building site plans, including off-street parking and screening, shall be presented to the County Board of Planning for approval.

It is this 14th day of September, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception be and the same is hereby granted, subject, however, to approval of site plan for any alterations or re-building by the Office of Planning.

John H. Raine
Zoning Commissioner
of Baltimore County

IMPROVEMENT ASS'N v. RAINE 213

213) Syllabus

opinions of the experts, particularly where there is no substantial disagreement in the basic diagnosis. Attendant behavior is only one of the tests. It is claimed that examination and observation by competent and experienced psychiatrists and psychologists, together with established tests of an objective nature, can separate these offenders from the rest of the criminal group. We are not prepared to hold that the claim is unfounded, or that such tests play an inconclusive role. For we are prepared to deny the validity of the claim, merely on the strength of the assertion that such a large proportion of all criminals could be shown to be "emotionally unbalanced" that Persons could not possibly deal with them all. The present Act is admittedly a new approach to an old and perplexing problem. We should not impose legal impediments to proper legislative experiments that merit constitutional requirements.

Order affirmed, with costs.

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION v. RAINE et al.

(No. 274, September Term, 1958.)

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION v. RAINE et al.

(No. 275, September Term, 1958.)

(Two Opinions in Separate Records)

Annals-In Court Of Appeals From Circuit Court's Session Of Division Of Board Of Zoning Appeals Of Baltimore County -Appeal Dismissed. If any judicial improvement Association was created of the Court Of Appeals. Under either Section 232 (a) of Title 30 of the Code of Public Local Laws of Baltimore County (1955) or Section 604 of the Charter

RE: PETITION FOR SPECIAL EXCEPTION FOR OFFICE BUILDING - S/S of Chesapeake Ave. 100' W. of Bayley Ave. - 214

Dist. - John H. Raine, Sr. et al. - Petitioners

BEFORE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

#4467-X

OPINION

This is a petition for a special exception for a piece of property located on the south side of Chesapeake Avenue, 100 feet west of Bayley Avenue, in the 9th Election District of Baltimore County.

The petitioner, The Children's Aid Society, y, desires to purchase this property, tear down the present residence and replace it with an office building for the use of their organization.

Mr. George E. Gavallia, Deputy Director of the Office of Planning, testified that that office was in favor of the granting of the special exception; further, that when the 9th District Zoning Map was presented, and this property placed in a "B-4" category, such was done with the idea that special exceptions for office buildings in this area would be favorably considered by the Office of Planning.

Mr. Hugh E. Gelston, a real estate broker, testified on behalf of the petitioners that the office building would not, in his opinion, be detrimental to property values in the surrounding neighborhood. He cited other instances in Baltimore County to show office use was compatible with apartment use.

This property lies directly to the west of a convalescent home. It is a remote possibility that modern type apartments would be built at this location, considering its nearness to the convalescent home along with its proximity and convenience to the Court House and County Office Building.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 8-14-58
Posted for: Special Exception for Office Building
Petitioner: John H. Raine, Sr. and Helen D. Raine
Location of property: S.W. corner of Bayley Ave. and Chesapeake Avenue, etc. etc.
Location of Signs: Southwest of Chesapeake Ave. 150 ft. west of Bayley Avenue.
Remarks: George E. Gavallia
Posted by: George E. Gavallia Date of return: 8-15-58

January 2, 1959

\$7.00

RECEIVED of John Thomas Walsh, Attorney for petitioners, the sum of Nine (\$9.00) Dollars being cost of certified copies of petition and other papers filed in the matter of petition for special exception for offices, south side of Chesapeake Avenue, 100' W. Chesapeake Avenue, John H. Raine, Sr., et al., petitioners.

Zoning Commissioner

PAID - \$7.00 - County, Md. - Office of the Treasurer

1-659 2135 * * * 121- 1800

August 5, 1958

\$40.00

RECEIVED of H. Anthony Mueller, attorney for petitioner, John E. Raine, the sum of Forty Dollars (\$40.00) to cover cost of petition, advertising and posting property situate on the South side of Chesapeake Avenue 100 feet Southwesterly side of Bealey Avenue.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, August 27, 1958
at 11:00 A. M.

Room 108
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RECEIVED

AUG- 5 1958

COMPTROLLER'S OFFICE

By [Signature]

September 16, 1958

\$30.00

RECEIVED of John Thomas Welsh, Attorney for the protestants, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the County Board of Appeals from the decision of the Zoning Commissioner granting a special exception for offices at 303 West Chesapeake Avenue, 9th District.

Zoning Commissioner

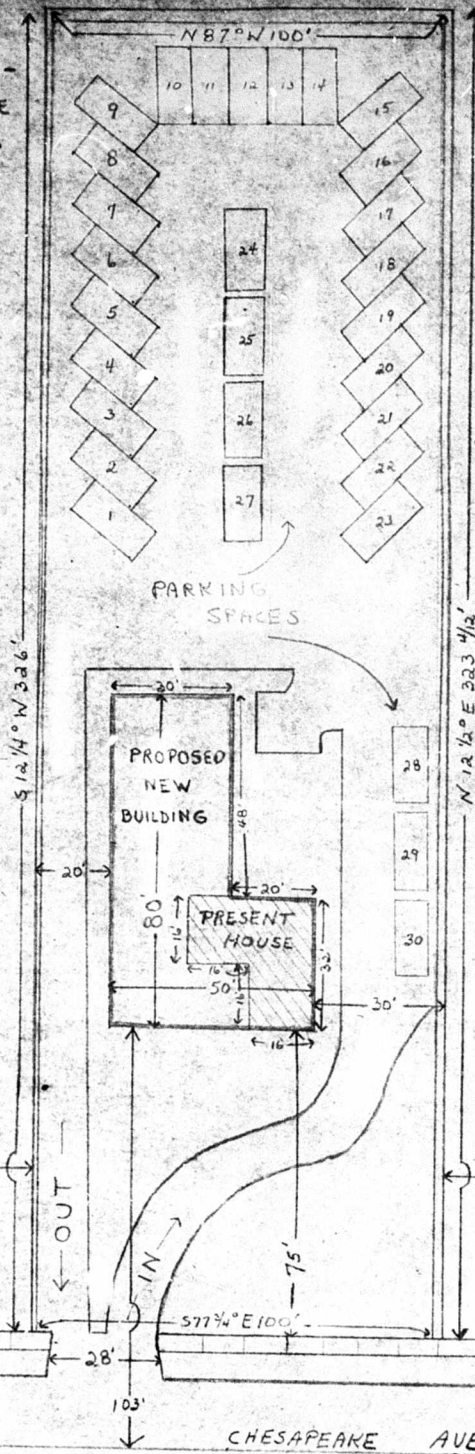
RECEIVED

SEP 17 1958

COMPTROLLER'S OFFICE

01622-840.00

ELECTION DISTRICT — 9th DISTRICT
 AREA OF PROPERTY — 32,500 sq ft + or -
 EXISTING USE OF PROPERTY — RESIDENCE
 PROPOSED USE OF PROPERTY — OFFICES
 PRESENT ZONING — "R-A"
 PROPOSED ZONING — "R-A" SPECIAL EXCEPTION



5

0 25 50
 SCALE 1" = 25'

N

BOSLEY AVE

NURSING HOME

PROPOSED NEW BUILDING

PRESENT HOUSE

RESIDENCE

CHESAPEAKE AVE