

46 27-X
DOYLE DICKEY POST, V.P.W. : IN THE CIRCUIT COURT
vs. : FOR BALTIMORE COUNTY
COUNTY BOARD OF APPEALS, et al : At Law
Miscellaneous Docket

ORDER OF COURT

Ths above entitled case having duly come on for hearing, the proceedings having been read and considered, and counsel fully heard, it is this day of 1961, by the Circuit Court for Baltimore County, ORDERED that the Opinion and Order of the County Board of Appeals dated November 3, 1959, is REVERSED IN PART, it being hereby ORDERED that a special exception be and the same is hereby directed to be granted to permit one advertising structure, the face of which is approximately 12 by 25 feet, the same to be located on the westernmost portion of the Petitioner's and Appellant's property as shown on the plat plan originally filed by the Petitioner with the Zoning Commissioner of Baltimore County, the aforesaid Order of the County Board of Appeals being in all other respects affirmed.

JUDGE

DOYLE DICKEY POST, V.P.W. : IN THE CIRCUIT COURT
vs. : FOR
COUNTY BOARD OF APPEALS : BALTIMORE COUNTY

ORDER FOR APPEAL

Doyle Dickey Post, V.P.W. Petitioner, by W. Lee Harrison, its attorney, hereby appeals from an Order of the County Board of Appeals dated November 5th, 1959 entered in case No. 4627-X entitled "Petition for Special Exception for the erection of three advertising structures, as Baltimore National Pike, 3925 West of Rolling Road, First District".

W. Lee Harrison
312 Washington Avenue
Towson 4, Maryland Va 3 6200
Attorney for Petitioner

I hereby certify that copies of the within Order for Appeal were mailed this 9th day of November, 1959 to the County Board of Appeals, 11 W. Chesapeake Avenue, Towson 4, Maryland, and to James P. Giffitt, Jr., Esq., Masonic Building, Towson 4, Maryland, Attorney for Protestants.

W. Lee Harrison
Attorney for Petitioner



RE: PETITION FOR SPECIAL EXCEPTION
FOR THE ERECTION OF 3 ADVERTISING
STRUCTURES - S. S. Baltimore
National Pike, 3925 West of
Rolling Road, 1st District -
Doyle Dickey Post, V.P.W.
Petitioner -
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4627-X

DISSENTING OPINION

Since the subject property and the properties adjoining on both sides are already zoned in the least restrictive commercial category, "B-2", it seems to me that the proposed signs would have absolutely no depreciating effect on the neighborhood. In fact, considering such uses as tire recapping and the storage of building materials are now permitted, it might be argued that an innocuous sign which neither smells nor makes offensive noises, would be a boon to the two immediate neighbors protesting.

It is significant that only three protestants appeared at the hearing, one of whom lived nearly two blocks away. The dominant two were the animal hospital owner immediately to the east and the cabinet maker immediately to the west. Both protested that visibility of their properties would be obstructed; yet the evidence clearly showed that the proposed signs would not obscure their business signs, which are located far enough forward to be easily visible.

The majority opinion refers to the Candle Light Lodge sign as a further reason for denying the special exception, notwithstanding a stipulation in the record that it has been removed. This is clearly improper. The majority opinion further refers to the proximity of a residence, presumably that of Dr. Henry. If a person sees fit to occupy a

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 11-1-59
Posted for: James P. Giffitt, Jr., Esq., Attorney for Protestants
Petitioner: W. Lee Harrison, Esq., Attorney for Petitioner
Location of property: 3925 West of Rolling Road, 1st District, Baltimore County, Maryland
Location of Signs: South side of Rolling Road, 3925 West of Rolling Road, 1st District, Baltimore County, Maryland
Remarks: Signed by James P. Giffitt, Jr., Esq., Attorney for Protestants
Posted by: George H. Harrison, Jr., Esq., Attorney for Petitioner Date of return: 11-2-59

residence in a "B-2" Zone for his own convenience in being near his business he should not complain of the proximity of other business uses to his residence. Clearly Dr. Henry's residence is closer to a much more objectionable commercial use than the signs sought here, namely, his own kennel.

For the above reasons I believe the majority opinion of the Board to be in error.

Any appeal from this decision must be in accordance with Rule No. 1101 (b) of the Rules of Practice and Procedure of the Court of Appeals of Maryland

Date: 11/15/59

James P. Giffitt, Jr.
Chairman

RE: PETITION FOR SPECIAL EXCEPTION
FOR THE ERECTION OF 3 ADVERTISING
STRUCTURES - S. S. Baltimore
National Pike, 3925 West of
Rolling Road, 1st District -
Doyle Dickey Post, V.P.W.
Petitioner -
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4627-X

OPINION

The petitioner herein makes application for a special exception to permit the erection of three billboards on unimproved land located on the south side of Baltimore National Pike, approximately 3925 feet west of Rolling Road. The land, which is zoned "Business Local", is 200 feet wide and 500 feet deep. It is adjoined on the east by the Henry Animal Hospital and residence of Dr. John F. Henry, Jr., and on the west by the Norman Company, a small woodworking shop.

The subject property is owned by the Doyle-Dickey Post of the Veterans of Foreign Wars who propose to enter into a contract with the Donnelly Advertising Corporation of Maryland. It was testified that the proposed signs are to be approximately 12 feet by 25 feet with one sign on the west side of the property and two signs placed and to end on the east side of the property.

Dr. John F. Henry, Jr., owner of the Henry Animal Hospital, protested the granting of a special exception on the grounds that the planned signs on the east side of the subject property would depreciate the value of his property and would also cut off air and light for his residence which is located 49 feet from the property line.

Mr. Alfred Norman, owner of the Norman Company objected to the proposed special exception and stated that the billboards would depreciate the value of his property.

Mrs. William Hickman, another property owner in the neighborhood, objected on the grounds that such advertising structures spoiled the general appearance of the area.

At the time of the original hearing on May 20, 1959, it was testified that an advertising sign, approximately 6 feet by 12 feet, was already in existence on the subject property and was so situated that it would be impossible to place the proposed signs in conformity with the provisions of Section 113.3 (f) of the Baltimore County Zoning Regulations. In September, 1959, attorneys for the petitioner and the protestants stipulated that the above mentioned sign, which advertised Candle Light Lodge, had been taken down and removed from the subject property.

The Board is of the opinion that this special exception should not be granted because of the various factors present in this case, i.e., the sign which comes and goes and the proximity of a residence. The Board is also of the opinion that cluttering up of this important highway with additional billboards would be detrimental to the general welfare of the locality involved.

ORDER

For reasons set forth in the foregoing Opinion, it is ORDERED that this 5th day of November, 1959, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Rule No. 1101 (b) of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

James P. Giffitt, Jr.
Attorney for Protestants

IN THE MATTER OF : BEFORE THE ZONING
DOYLE DICKEY POST VETERANS OF : COMMISSION FOR
FOREIGN WARS : BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION FOR THE
ERECTION OF THREE ADVERTISING STRUCTURES
SOUTH SIDE BALTIMORE PIKE 3925 FEET
WEST OF ROLLING ROAD, FIRST DISTRICT,
BALTIMORE CO., MARYL.

Mr. Commissioner:
I have entered an appeal in the above captioned matter to the
Board of Zoning Appeals.



James P. Giffitt, Jr.
Attorney for Protestants
Dr. John F. Henry, Jr.

JAMES P. GIFFITT, JR.
ATTORNEY AT LAW
MASONIC BUILDING
TOWSON 4, MARYLAND

ORDERED by the Zoning Commissioner of Baltimore County
this 6th day of March, 1952,
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 thereon be had in the office of the Zoning Commissioner
of Baltimore County, Maryland, on the 13th day of
April, 1952, at 11:30 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Pursuant to the advertisement, posting of property and
public hearing on the above petition to use the property described
therein for the erection of 3 Advertising Structures, and it
appearing that by reason of location, the safety, health and the
general welfare of the locality not being detrimentally affected,
the special exception should be granted, therefore:

It is this 14th day of April, 1952, by the Deputy
Zoning Commissioner of Baltimore County, ORDERED that the aforesaid
special exception should be and the same is hereby granted, subject,
however, to the location of signs as shown on plat plan filed with
petition.

Deputy Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DOYLE DICKEY POST - V. F. W.

For a Special Exception

To The Zoning Commissioner of Baltimore County

Doyle Dickey Post, Veterans of Foreign Wars Legal Owner
Donnelly Advertising Corp. Contract
Purchaser Loose

herby petition for a Special Exception, under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 877 of the Acts of the General Assembly
of Maryland of 1943, for a certain permit and use, as provided under
said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be
erected thereon) hereinafter described for 3 Advertising Structures

All that parcel of land in the First District of Baltimore County
on the South side of Baltimore National Pike, beginning 3925 feet and 1000 feet
West of Rolling Road; thence Westwarily and binding on the South side of Baltimore
National Pike 25 feet with a rectangular depth Southerly of 100 feet.

Donnelly Advertising Corp.

Doyle Dickey Post V.F.W.

208 KENNEDY AVE., BALTO., MD.

Contract Purchaser Loose

Carl R. Crane Commander
Legal Owner 216 M. du Bois Road



November 19, 1959

\$9.00

RECEIVED of Messrs. Smith & Harrison Attorneys, for
Doyle Dickey Post, V.F.W., petitioner, being cost of documents
filed in the matter of Special exception for erection of
advertising signs on south side of Baltimore National Pike,
3925' west of Rolling Road, 1st District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

11-20-59 2454 • • • TIL+ 9.00
11-20-59 2454 • • • TIL+ 9.00

April 23, 1959

\$30.00

RECEIVED of James F. Offutt, Jr., Attorney for
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 in the matter of petition for special
exception for 3 Advertising Structures on south side of Rolling
Road Baltimore National Pike 3925 feet west of Rolling Road,
1st District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

4-24-59 2194 • • • TIL- 30.00

March 5, 1959

\$40.00

RECEIVED of Donnelly Advertising Corporation, for
petitioner, Doyle Dickey Post-Veterans of Foreign Wars, the sum
of Forty Dollars (\$40.00) to cover cost of petition, advertising
and posting property situate on the South side of Baltimore
National Pike.

Thank you.

Zoning Commissioner
of Baltimore County

PAID - Baltimore County, Md. - Office of Finance

3-6-59 7175 • • • TTP- 40.00
01622-#82687 7175 • • • TTP- 40.00

Dairy
Queen

Ice Cream

Remodel

See Owner

ROAD

BALTIMORE-NATIONAL-PIKE

3926' W of Rolling Road

EXISTING SIGN

A NORMAN
CO. INC

PROPOSED
3-12x25'
SIGNS

HENRY
ANIMAL
HOSPITAL

ROLLING