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The Board heard this case on February 11, 1960 and took

the matter sub curia. On March 11, 1960, the Potitioner filed in

these proceedings a petition to present additional testimony,

alleging it was projudicially surprised by the testimony of the

Protestants. The polition recites that the lack of discovery pro-

codure available in administrative hearings makes it impossible for

adequate preparation of cross examination and rebuttal testimony in

to any litigant. Our Courts operated validly without discovery for

many years. Moreover, if the Petitioner were surprised as alleged,

it should have requested a continuousce immediately and not waited an

petition, the applicant sought by letter to withdraw the petition,

without projudice. We rule that the petition cannot be withdrawn

because there has been a final adjudication by the Zoning Commissioner

in favor of the Potitioner, from which Protestants appealed. To allow

a withdrawal at this stage would amount to permitting a dismissal of

the Protestants' appeal. The withdrawal is, likewise, not allowed.

entire month to complain. The petition is, therefore, denied,

While it is true that there are no discovery procedure now

Immediately following the entering of the above mentioned

in offect in our proceedings, we do not find the lack of them projudicial

OPINION

ME: PETTION FOR REPLASSIFICATION AND SPECIAL EXCEPTION FOR OFFICE BUILDING - N.M. COr. Ingleside Avo. & Johnnycake Road, lat District -Ingleside Realty Corporation, Politioner

advance

5820 Johnnynako Road, Baltimore 7, Karyland

#48018XA

BEFORE SOARD OF APPEALS

MAP

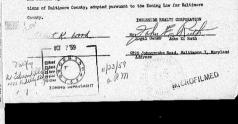
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4801-R

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TONING UEF

11.



PETITION FOR (1) 20MINO RECLASSIFICATION
(2) SPECIAL EXCEPTION

All test parcel or land in the First Digitals of Baltimore County on the Northwest course of Engleside Aurona and Johnsynske Aculy Designing at a point on Note property like of Schemyczek Bad and Austranos From the Sorthmest property like and Schemyczek Bad and Austranos From the Sorthmest property of the Sorthmest Property of Sorthmest Bad 10,187 feet; there Sorthmester Designing County of Sorthmester Bad 10,187 feet; there Southwesterly North 15 degrees of Antantos Bast 15,129 feet; there Sorthmesterly North 16 degrees 15 minutes Bast 15,129 feet; there Sorthmesterly North 16 degrees 15 minutes bast 15,127 feet; there of Sorthmesterly North 16 degrees 15 minutes bast 15,127 feet; there of Sorthmesterly North 16 degrees 15 minutes 15 min All that parcel of land in the First District of Baltimore County on the

Zoning Law and Zoning Regulations of Baltimore County, to use the above describ-

I, or we, agree to pay expenses of the above reclassification and

Northeasterly Scuth h7 degrees 39 minutes 26 seconds West 23.52 Teet; thence 20 foot radius 28.35 feet; thence South 33 degrees 3h minutes East 49.22 feet to

Property to be posted as prescribed by Zoning Regulations.

Special Exception, advertising, posting, etc., upon filing of this petition,

and further agree to and are to be bound by the Zoning Regulations and Restric-

To the Zoning Commissioner of Baltimore County:

I, or we, .... INCLUDE REALT! CONVENTION OF

ed property, for an office building

\* 4801 RX

MAP

#1-B

On the merits this application is for a reclassification of the subject property from an "R-C" classification to an "R-A" classification, and a spre al exception for an office building. The proposed building is to house a building and loan association on the first floor with office space on the second floor. Each floor is to have an area of approximately 2,700 square feet. The land fronts on Ingleside Avenue for a distance of approximately 230 feet and is 115 feet deep on the Craftswood Road side and h9 feet doop along Johnnycake Road. Witnesses for the Petitioner pointed out changes which

have taken place in the neighborhood; namely, the relocation of Inglemide Avenue, the erection of two gasoline service stations on opposite corners at the intersection of Ingleside Avenue and Johnnycake Road, and the recent granting of a special exception for an office building on the east side of Ingleside Avenue. ( File No. 4736-XVa) This office building in also to be used for a building and loan association. Mr. George E. Gavrelis, Deputy Director of Planning for Baltimore County, stated that sought the "R-A" classification/would be a good use of the subject property.

The Protestants to the proposed reclassification and special exception included the Paster of Evnanuel Lutheran Church, located at Ingleside Avenue and Craigment Road; the Paster of Weeley Memorial Mothodist Church at 5606 Johnnycako Road, and a number of residents of Westview Park, of which the subject property is a part. They contended the proposed building would increase traffic congestion in the area and the communical use would adversaly affect the value of their residential proporties. It was stated that the new Spoial Security Building at Woodlawn has already added greatly to the traffic flow on Ingleside Avenue.

The Erranuel Lutheren Church has an investment of approximately \$750,000 in a six acre tract including the church and a parochial day school, with its own service roads and parking lot. The

MAP #1-B To the Zoning Commissioner of Baltimore County: Is or we see IRCASIDE REALTY CORPORATION RA-11/19/59

PETITION FOR (1) ZOHING RECLASSIFICATION

\* 4801 RX

hereby petition (1) that the soning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 and RO Zone to an RA Zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for an 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

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majority of the changes in the neighborhood testified to by the

Petitioner were those changes brought about primarily by the relocation

of Ingleside Avenue, creating an island between the old Ingleside Avenue

and the new right-of-way. One of the service stations previously men-

tioned is on a small triangle of land with no practical value for any

other use. The zoning order granting the special exception for the

office building on the east side of Inglewide Avenue also granted

variances for a front yard setback of 0 to 10 feet instead of the

required 30 feet, a side yard setback of 10 feet instead of the required

25 feet, and a rear yard setback of 11 feet instead of the required 30

fect. He provision has been made for off-street parking as the build-

ing covers practically the entire lot. It is the opinion of the Board

that the granting of that special exception, with its many variances,

makes a mockery of the County Zoning Regulations and defeats the very

special exception as valid evidence of a change in the neighborhood.

which the homeowners take an unusual amount of pride and exhibit a high

degree of civic consciousness. They have built their own swimming pool

and play areas; the residents have paid for their own particular style of

purpose for which they were intended; and this Board will not consider that

Westwiew Park is an attractive residential community in



postituting the pard of Appeals of Baltimore County

BALTIMORE COUNTY

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Upon a hearing of the Appeal in the above matter, it is this 1774 day of October, nineteen hundred and sixty:

ORDERED: That the Order of the County Board of Appeals, dated reb 16. 1960 denving the reclassification and Special Exception be, and it is hereby reversed, and the reclassification of the property from HD and R-6 to AA and the Special Exception petitioned for, be and the same are hereby

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#4801 EXA

by the Petitioner would be detrimental to the general welfare of the locality and would tend to create congestion on Ingleside Avenue and

## ORDER

For the reasons set forth in the aforegoing Opinion it is this 16th day of March, 1960, by the County Board of Appeals, CRDERED that the reclassification and special exception netitioned 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 Anneals of Maryland.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

failed to prove sufficient changes in the neighborhood or an error in the original zoning so as to warrant a reclassification of this portion of

Mostview Park. Ingleside Avenue could well serve as a buffer zone between the communical uses on the cast side and the residential community on the west side. It is our further opinion that the special exception sought

It is the opinion of the Board that the Petitioner has

street lamps and have planted a considerable amount of shrubbery and trees.

There has been no connercial encroachment within the boundaries of West-

view Park and the granting of the special exception in this case might erove to be the opening wedge of connercialism on the west side of

Ingle side Avenue

RE: PETITION FOR RECLASSIFICATION :
AND SPECIAL EXECUTION FOR PROPERTY OF THE PROPERTY OF THE

TIMOR E COUNTY No. 1,801-RX

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Upon hearing on the above petition (1) for reclassification of property at the northwest corner of Ingleside Awanue and Johnnytake Road, in the First District of Baltimore County, from \*R-6\* and \*R-6\* Zones to an \*R-4\* Zone, and, (2) for a special exception to use said property for offices, and it appearing that by reason of location, also it being the opinion of the Office of Planning that due to the wast changes which have taken place in the area since the original soning this is the logical use for this property.

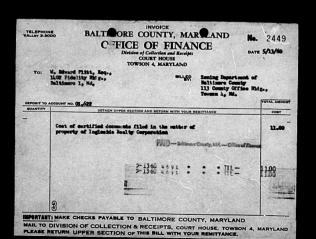
The Zoning Chairman of the Westview Fark Civic Association attended the hearing and expressed a favorable opinion of the Association.

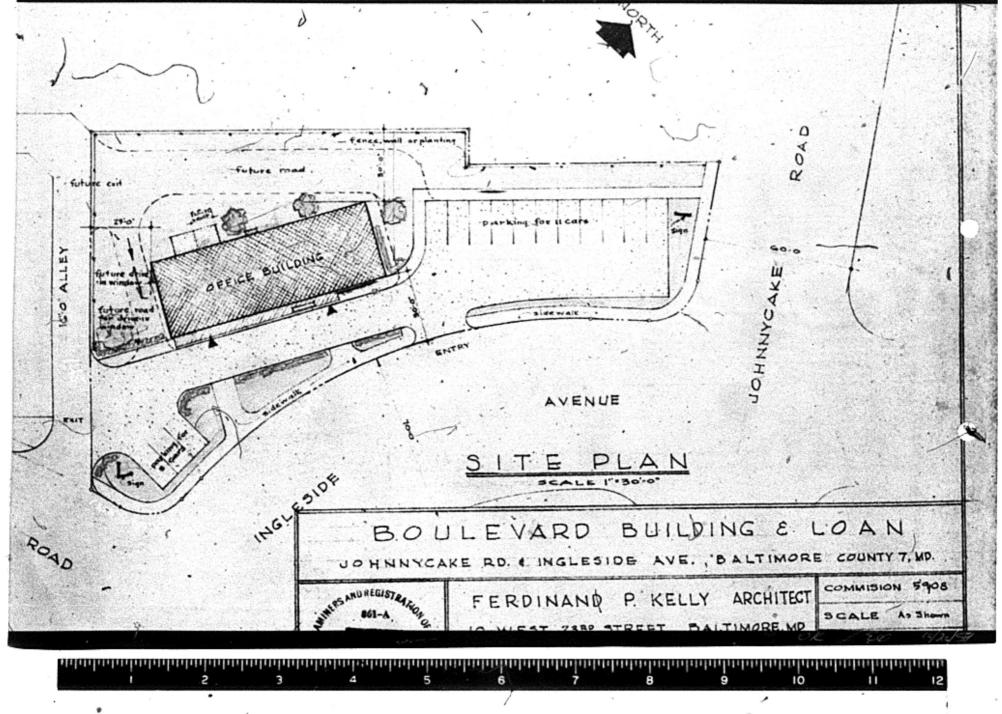
It is the opinion of the Zoning Commissioner that since there have been many charges inthe area since the original zoning the reclassification and special exception should be granted.

olan for ingress and egress and the site plan shall be subject to approval of the Office of Planning and the Bepartment of Public Works of Baltimore County.

Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING





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