

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

ZONING COMMISSIONER OF BALTIMORE COUNTY:

Henry J. Gomerlinger, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-L zone for the following reasons: To permit use of the property for Business-Local purposes, the said reclassification being an extension of an existing R-L Zone. Said property being described as follows: Situated and lying in Baltimore County, State of Maryland, otherwise known as 118 Stemmers Run Road, Baltimore 21, Maryland, the same being a property with a frontage of 375.72 feet on the easterly side of Stemmers Run Road with a depth on the northerly side of 375.72 feet, a width across the rear of 125 feet, and being irregular in shape, together with all improvements thereon consisting of a frame dwelling, in fee simple.

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or 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.

Contract purchaser

Address

Address

ORDERED BY The Zoning Commissioner of Baltimore County, this 25th day of September, 1961, 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 be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of September, 1961, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

ROBERT J. ROMACKA
ATTORNEY AT LAW
831 EASTERN AVENUE
ESSEX, MARYLAND
MUNDOCK 4-9374

October 23, 1961

Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from an "R-6" Zone to a "B-L" Zone - N.E. Side Back River Road, 515-17' N. Eastern Boulevard, 15th District - Henry J. Gomerlinger, et al, Petitioners

Dear Mr. Commissioner:

On behalf of my client, Mrs. Kay Wolfe, I wish to file an appeal from your order, to the Zoning Board of Appeals, granting the reclassification of the above mentioned property, also Leanne Civic Improvement Ass'n. I would appreciate it if you would forward all records to the Zoning Board of Appeals.

Very truly yours,

Robert J. Romacka

Kay Wolfe
Protestant

HJR:tor

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, being an extension of an existing "B-L" Zone, also sufficient change in the character of the area having taken place to warrant the change, the reclassification should be granted. The requested change is to permit commercial property to have more depth so that sufficient parking may be provided to construct an adequate market.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of September, 1961, that the herein described property or area should be and the same is hereby reclassified, from an "R-6" zone to a "B-L" zone, and/or a Special Exception should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of location, being an extension of an existing "B-L" Zone, also sufficient change in the character of the area having taken place to warrant the change, the reclassification should be granted. The requested change is to permit commercial property to have more depth so that sufficient parking may be provided to construct an adequate market.

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of September, 1961, that the above reclassification 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 zone, and/or the Special Exception for, and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

HENRY J. GOMERLINGER, et al,
Plaintiffs
vs
NATHAN H. KAUFMAN, etc., et al,
Defendants
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
MISC. DOCKET No. 7 Folio 157
Case No. 2563

OPINION

This zoning appeal involves a lot fronting 107 feet on Stemmers Run Road, it being an extension of the existing "Business-Local" Zone now in use at the northeast corner of the intersection of Stemmers Run Road and Eastern Boulevard and approximately 515 feet therefrom. The corner is now being used for a filling station so that the lot in question would seem clearly not particularly desirable for residence purposes.

Protestants appeared before the Board but it is significant that the closest residents did not protest and those that did are a considerable distance to the north west and could hardly be directly affected by any permitted commercial use. The distance is given in the record as more than two city blocks, the property under consideration in this case being separated from the development of Middlesex by a large, substantially vacant, tract of land now being used for the raising of horses, ponies and chickens.

On the opposite side of Stemmers Run Road are two large county public schools so that the area in the vicinity of Eastern Boulevard is not a strictly residential area at all. It should also be noted that Eastern Boulevard is a very heavily traveled dual lane thoroughfare leading out of Baltimore City to the industrial section of southeastern Baltimore County and this property is necessarily made less desirable for residential use by reason of its close proximity to this main traffic artery.

All the other three corner properties at Eastern Boulevard and Stemmers Run have long been used commercially and are so zoned.

It is conceded that since the adoption of the original zoning map numerous changes have occurred in the area both as to zoning and use but, it is argued, these are referable only to Eastern Boulevard.

OFFICE OF PLANNING AND ZONING

Inter-Office Correspondence

Date, August 23, 1961

To: John O. Rose, Zoning Commissioner
From: George F. Gavreals, Deputy Director

Subject: # 5340-R-6 to B-L Zone
- 40's Back River Neck Rd (Stemmers Run Road)
515-17' N. Eastern Blvd.
Henry J. Gomerlinger

15th District

9/5/61

10:00 A.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following advisory comment to make with respect to pertinent planning factors:

1. In commenting on the petition for reclassification to commercial zoning on the property immediately to the south, the planning staff recognizes that there is a logical relationship of that property to Eastern Boulevard. The staff also recommended that apartment zoning be created along the balance of the frontage of Stemmers Run Road northward to Norris Lane.
2. Latest planning studies for the Back River Neck Area affirm our previous proposal for apartment zoning here. Creation of commercial zoning on the subject tract would have the effect of extending commercialization northward along Stemmers Run Road with its implications of traffic, ribbon development, and inharmonious land usages. The planning staff's recommendations are strictly against B-L zoning here.

GBG:bc



That is the real question in this case. Is the subject property really oriented to Eastern Boulevard or to the existing residential section lying to the north?

It seems inescapable to this Court that this property is really much more oriented to Eastern Boulevard and its extensive commercial development than to the residential area lying to the north and not only that changes in the area have been sufficient to justify the reclassification but that its original zoning as residential was erroneous.

In reaching this conclusion the Court has not overlooked the well established principles that "zoning lines must be drawn somewhere" and the Court must not substitute its judgment for that of the Board.

The Board based its decision largely on the problems which may be presented in connection with the access to a food market which the testimony disclosed was contemplated on an adjoining tract of land lying toward Eastern Boulevard but this Court does not consider this the real issue since the food market may never be erected and the subject property, if reclassified to "Business-Local", could be used for many other purposes than in connection with this proposed food market.

It seems to this Court that questions of ingress and egress to the food market, if actually erected, and the problems of traffic control generally in the area, are more properly the subjects of control by other agencies of the county and state governments who have and can exercise adequate controls if any problems do arise. Clearly this reclassification could not affect the traffic situation at this very busy intersection beyond the power of other appropriate agencies to control.

Without extending this opinion further this Court finds that this reclassification would not unreasonably encroach upon the existing residential area to the north, that the property is "oriented" to Eastern Boulevard, that the admitted changes in the original map are sufficient to justify the reclassification, and that there was an original error in that the properties facing Eastern Boulevard were not zoned commercial to an adequate depth when the probability of large scale commercial development along that main thoroughfare is

HENRY J. GOMERLINGER and JOSEPHINE GOMERLINGER, his wife

Appellants

vs.

NATHAN H. KAUFMAN, JR., C. MICHAEL AUSSEN and CHARLES STEINBOCK, JR., being and constituting THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY,

Appellees

and

GEORGE WALTER TOOMEY, JR., RUSSELL HOUGHTON and KAY WOLFE,

Intervening Appellees

ORDER FOR APPEAL

Mr. Clerk:-

Enter an appeal to the Court of Appeals on behalf of George Walter Toomey, Jr., Russell Houghton and Kay Wolfe, Intervening Appellees, from the Decision and Order entered in these proceedings on August 13, 1963.

I HEREBY CERTIFY that on this 1st day of September, 1963, copy of the foregoing Order for Appeal was mailed to Smith & Harrison, Jefferson Building, Towson 4, Maryland, Attorneys for Appellants, and to E. Scott Moore, Esq., County Solicitor, Attorney for County Board of Appeals, County Office Building, Towson 4, Maryland.

August 13, 1963

IN THE COURT OF APPEALS OF MARYLAND

No. 301
September Term, 1963

George Walter Toomey, Jr.,
et al.

v.

Henry J. Gossinger, et al.

Bruns, C. J.,
Hammond,
Horray,
McBryde,
Sybert,
JJ.

Opinion by Bruns, C. J.

Filed: July 3, 1964



Objecting neighbors (the protestants) appeal from an order of the Circuit Court for Baltimore County (Berry, J.) reversing an order of the County Board of Appeals and granting a petition of the appellees (the applicants) for the reclassification of certain property, which petition the Board had denied. The reclassification had originally been granted by the Zoning Commissioner, and his order had in turn been reversed by the Board. The applicants are the owners and prospective sellers of the property in question. The contract purchaser, owner of a chain of food stores, is not a party to these proceedings, but two of its representatives testified before the Board.

The applicants (appellees) have filed a motion to dismiss the appeal, which was heard immediately prior to the argument on the merits. The motion raises two contentions: (a) that the protestants were too late in intervening and answering the appeal from the Board's order in the Circuit Court, and (b) that they have no sufficient interest to maintain this appeal.

The first of these is based upon Maryland Rule 89, which is one of the Rules relating to appeals from administrative agencies contained in subtitle B of the Rules governing Special Proceedings. This Rule provides in part that a party before the agency who desires to participate in the appeal shall file an answer "within thirty days after the filing of the petition of appeal, or such longer or shorter time as may be fixed by the Court." This contention was raised by a preliminary motion in the trial court, which was heard

and denied by Judge Turnbull. We think that his ruling was correct.

Though ordinarily an answer should be filed within the thirty days, we think that Rule 89 is not inflexible and mandatory as to the thirty day period. It is not shown that the applicants were prejudiced by the delay from early June to early August in the filing of the answer, and the delay seems to have been due at least to some extent to delay on the part of the applicants in furnishing the protestants with a copy of the petition of appeal as had been promised. The provisions of Rule 84 a and b with regard to the time for filing an appeal are generally similar to those of Rule 89 for the time of filing an answer. All use the word "shall," as does Rule 82 e, which deals in part with the time for filing a petition which, if not joined with, must follow an order for appeal. We note that Rule 84 c requires an application for extension of time for filing an order of appeal to be made within the time allowed for filing the order of appeal. There is no counterpart to this provision in Rule 89, nor is there any to Rule 85. The latter provides that the appeal shall be dismissed for failure to file an order for appeal within the time prescribed by Rule 84, or to file a petition of appeal under Rule 82 e within the time prescribed by the Rule, "unless cause to the contrary be shown." If the provisions as to time of Rule 84 a and b or of Rule 82 e were mandatory requirements, there would hardly be any necessity for the provisions of Rule 85 for the dismissal of the appeal; and the concluding

clause of that Rule shows that some elasticity is allowed if "cause" (meaning "good cause," *Merrimack Park Recreation Ass'n, Inc. v. County Board of Appeals*, 228 Md. 184, 188, 179 A. 2d 345) is shown. We accordingly hold that the time requirement of Rule 89 is not mandatory, and we think that it was within Judge Turnbull's discretion to refuse to strike out the answer of the protestants, and we find nothing to indicate any abuse of discretion on his part in so refusing. We deny the motion to dismiss insofar as it is based upon delay in the filing of the appellants' answer in the Circuit Court.

The second ground upon which dismissal is sought is in substance that the properties of the protestants are so remote from the property for which rezoning is sought that the protestants have no standing to maintain this appeal. Though the trial judge made a comment in his opinion to the effect that the protestants' properties were more than two city blocks away from the property for which rezoning was sought and "could hardly be directly affected by any permitted commercial use," no objection to their standing to participate was made in the trial court. The record shows not only that there was evidence before the Board from the protestants that the value of their residential properties would be depreciated by the proposed reclassification, but that there was testimony by the Deputy Director of Planning of the County that in his opinion the proposed extension of commercial zoning would have an impact on the surrounding residential areas and that the commercial area

should not be extended in the direction proposed. There was in addition testimony by an experienced real estate broker and developer that, in his opinion, the reclassification of the property in question, at least if followed by the development and use of the property as planned by the applicants' contract purchaser, would cut into the existing residential community and would depreciate and depress the area.

In view of the above evidence we are not prepared to hold that the applicants are without standing to maintain this appeal, as not being "parties aggrieved" (see Sec. 604 of the Baltimore County Charter 1), particularly in view of the fact that their standing was not even challenged in the trial court. *Costello v. Seiling*, 223 Md. 24, at 29, 161 A. 2d 884; *Freeman v. City of Baltimore*, 222 Md. 330, at 334-35, 160 A. 2d 379. Cf. *Highway Realty Co., Inc. v. Whitliff*, 226 Md. 273, at 281-82, 173 A. 2d 196, where the chancellor found on conflicting evidence that the complainants would suffer special damages from the establishment of a 1.50 square, without setting, that under the Baltimore County Code (1963 Supp.), Sec. 23-27, which allows appeals to the courts to be taken "in the manner provided in Article VI of the Baltimore County Charter," the right of appeal is limited to parties "aggrieved" by the action of the Board of Appeals or of the Circuit Court, since Sec. 604 of the Charter provides for appeals only by such persons, and that the term is less broad in scope than the term of Sec. 23-26 of the County Code which provides that "any person or persons, jointly or severally, or any taxpayer or any official, officer, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the zoning commission, shall have the right to appeal therefrom to the county board of appeals." Sec. 604, as the notes of the Reporter for the Charter Revision Commission show, was intended to conform with Code (1957), Art. 25A, Sec. 50.

filing station within 300 feet of a city park and about 200 feet from the complainants' residence. The chancellor's finding, which was not disturbed by this Court, rested largely on the testimony of a real estate expert that part of the value of the property of the complainants and of other property in the neighborhood was derived from their proximity to the park and that a "shipping way" of the restrictions established to protect the areas in and around the parks would inevitably reduce the value of nearby residential real estate.

All three of the cases cited above were suits in equity, but the same test has been applied in determining who are "aggrieved" persons entitled to appeal from adverse action of a zoning body. *Pattison v. Corby*, 226 Md. 97, 172 A. 2d 450. As was there said (226 Md. at 102): "an adjacent owner - in the sense of being near or close by - as well as an abutting owner, whose legal rights have been infringed, is an aggrieved person. But the farther a protestant resides from the zoning objected to, the more difficult it is, in the absence of other pertinent circumstances, to decide whether he has standing to appeal." In the *Pattison* case the appellant's interest was held insufficient, and a similar result was reached in *Loughborough v. Riverpass*, 213 Md. 239, 131 A. 2d 451. In each of them the sufficiency of the objector's interest was challenged in the trial court. In the *Freeman* case above referred to, where the sufficiency of the complainants' interest was not challenged in the trial court, the nearest property owned by any of

them was about two blocks from that being rezoned. That property was in sight of the tract being rezoned. Other complainants - appellants, whose right to sue was upheld against a motion to dismiss filed in this Court, owned properties at considerably greater distances. Our pertinent cases go to the time of the decision of *Pattison* are reviewed in the opinion in that case. We shall not review them further here. We think that the present case falls under *Costello* and *Freeman*, rather than *Pattison* and *Loughborough*, and accordingly we deny the motion to dismiss insofar as it is based upon the appellants' asserted lack of standing.

We now come to the merits of the case.

The property sought to be rezoned from R-6 (a rather high density residential classification) to B-1 (a commercial use classification) has a frontage on its western side of about 107 feet along the east side of Stemmers Run Road beginning at a point about 419 feet north of the intersection of that road and the northern side of Eastern Boulevard. (Though Stemmers Run Road in this area runs somewhat west of north from this intersection and Eastern Boulevard runs almost northeast from it, we shall speak of Stemmers Run Road as running north and south and Eastern Boulevard as running east and west.) The subject property is roughly rectangular in shape with its long lines, of about 376 to 378 feet, running almost parallel to Eastern Boulevard. The contract purchaser has under lease a somewhat irregular, but generally rectangular tract,

recently reclassified as B-1, south of and adjoining the subject property. This tract has a frontage of about 300 feet on Stemmers Run Road and it has access to Eastern Boulevard by two thirty-foot rights of way, one on each side of a hamburger shop fronting on Eastern Boulevard. To the west of the hamburger shop and at the northeast corner of Stemmers Run Road and Eastern Boulevard is a gasoline filling station and to the east of this hamburger shop is a used car lot. To the east, north and west of the subject property the area is residential, zoned R-6, with the exception of three tracts which are used for schools, one of which is across Stemmers Run Road from the subject property.

We now quote from the opinion of the Board:

"The protestants pointed out that Stemmers Run Junior High School is located across Stemmers Run Road from the subject property. They testified that this two lane road is also used by the buses to Edmond High School and an elementary school, both of which are in the neighborhood. They opposed the reclassification of this property on the grounds of increased traffic hazards and the encroachment of commercial land into a residential area with resultant adverse effect on the community. "George E. Cavell, Deputy Director of Planning and Zoning, testified that 'B-1' zoning of the subject tract would result in an inharmonious land use. He further stated it would close the possibility of the land opposite the Junior High School being used for residential purposes. It was his opinion that the area is predominantly residential in nature and that the present boundary of 'B-1' is the farthest point north along Stemmers Run Road to which it should be extended. Practically the same opinion was stated by Frederick F. Klaus, an expert realtor witness. The principal reason advanced by the petitioner appeared to be that it needed this additional tract of ground in order to properly locate the desired size store building. Such additional land area however, would not alter the poor access lanes to the parking lot of the proposed store."

8. It is the unanimous opinion of the Board of Appeals that there have been no changes in the immediate neighborhood which warrant a reclassification, and that the petitioners have failed to show an error in original zoning. Further it is the opinion of the Board that to grant such reclassification would certainly tend to increase the traffic in the area which could result in additional traffic congestion and further, that the reclassification would be further encroachment of commercial land into the predominantly residential area which would have an adverse effect on the value of property in the community.

The record contains evidence to support the Board's findings and conclusions.

No additional testimony was taken before Judge Berry.

Almost 90% of the transcript of proceedings before him (based upon lineage, treating incomplete lines as full lines) is taken up with comments, observations and some questions by the trial judge. At the outset he commended his complete familiarity with the area in question, and our review of the transcript of the proceedings before him indicates that he relied very heavily upon his personal familiarity with the neighborhood and his own views based thereon.

9. Perhaps the key to the trial judge's approach to the case may be found in the passage quoted below which occurs after the judge had spoken of the "strange arrangement" for getting in and out of the supermarket tract and that "you almost can't do anything with it the way it is set up now."

"(The Court). You can't do anything now because you are jammed up badly for space, Mr. Rozauka (counsel for the protestants, who were appellants in the Circuit Court), in addressing this to you, more or less because the burden is on you in this case although it would not appear from the record. I don't think anybody can build a house on this piece of property. It is much too close to all of these schools and heavy commercial development in my opinion. The one hundred and seven feet would not sell for a house and I would not live there. I am putting you on the spot, I don't believe the property can be used for residential."

10. In his formal opinion the trial judge said in part:

"All the other three corner properties at Eastern Boulevard and Stemmers Run have long been used commercially and are so zoned. It is conceded that since the adoption of the original zoning map numerous changes have occurred in the area both as to zoning and use but, it is argued, these are referable only to Eastern Boulevard. That is the real question in this case. Is the subject property really oriented to Eastern Boulevard or to the existing residential section lying to the north? It seems inescapable to this Court that this property is really much more oriented to Eastern Boulevard and its extensive commercial development than to the residential area lying to the north and not only that changes in the area have been sufficient to justify the reclassification but that its original zoning as residential was erroneous. In reaching this conclusion the Court has not overlooked the well established principle that zoning lines must be drawn somewhere and the Court must not substitute its judgment for that of the Board."

Notwithstanding the trial judge's recognition of these established rules, we are forced to conclude that his decision cannot be reconciled with them. There was evidence before the Board from which it reasonably could and did reach its conclusions which we have quoted above. We therefore think that the questions before the Board were at least fairly debatable and that the trial court actually substituted its judgment for that of the Board and that in so doing it went beyond the proper exercise of its powers. See Rens v. Bonfield Holding Co., 223 Md. 34, 43, 161 A. 2d 435, and cases therein cited; Lary v. Seven Slade, Inc., 234 Md. 125, 198 A. 2d 267. The judgment will accordingly be reversed, with directions to reinstate the order of the Board; this costs are to

be paid by the appellants. Maryland Rule 682 a. (See Rens v. Bonfield, 223 Md. 121, 167 A. 2d 111).

JUDGMENT REVERSED AND CASE REINSTATED

FOR THE ENTRY OF AN ORDER IN CONFORMITY

WITH THIS OPINION; THE COSTS TO BE PAID

BY THE APPELLANTS.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from "R-4" Zone to a "B-L" Zone : COUNTY BOARD OF APPEALS
NE/S Stemmers Run Road 515.17' : OF
N. Eastern Blvd., 15th District : BALTIMORE COUNTY
Henry J. Gomeringer-Petitioner : No. 5340

The petitioner seeks to reclassify a tract of ground on the northeast side of Stemmers Run Road from a point approximately 515 feet from Eastern Boulevard. The subject tract which is 107 feet deep adjoins existing "B-L" frontage on Eastern Boulevard. Along Eastern Boulevard there presently exists a gasoline service station at the corner of Eastern Boulevard and Stemmers Run Road, adjoining that is a drive-in hamburger stand and lastly, a used car lot.

The land behind the above mentioned business uses is also zoned "B-L" for a distance of 325 feet deep and is currently leased to a super-market chain. Representatives of the food store testified that it is necessary to have the subject tract also rezoned to "B-L" in order that it might construct a building to provide 36,000 square feet for its own operations, plus 8,500 square feet for service stores together with sufficient parking space. The plans for the food store do not provide for any ingress or egress from Stemmers Run Road but that all access would be on two 30 foot right of ways from Eastern Boulevard on both sides of the above mentioned hamburger stand. Under this plan, traffic eastbound on Eastern Boulevard would be required to make a left hand "U" turn in order to get into the parking lot. These same two lanes of access would be used by all customers and also by all delivery trucks, which would have to cross the parking lot to get to the rear of the proposed stores.

The protestants pointed out that Stemmers Run Junior High School is located across Stemmers Run Road from the subject property. They testified that this two lane road is also used by the buses to Kenwood High School and an elementary school, both of which are in the neighborhood. They opposed the reclassification of this property on the grounds of increased traffic hazards and the encroachment of commercial land into a residential area with resultant adverse effect on the community.

George E. Gavrelis, Deputy Director of Planning and Zoning, testified that "B-L" zoning of the subject tract would result in an inharmonious land use. He further stated it would close the possibility of the land opposite the Junior High School being used for residential purposes. It was his opinion that the area is predominantly residential in nature and that the present boundary of "B-L" is the farthest point north along Stemmers Run Road to which it should be extended. Practically the same opinion was stated by Frederick P. Klaus, an expert realtor witness.

The principal reason advanced by the petitioner appeared to be that it needed this additional tract of ground in order to properly locate the desired size store building. Such additional land area however, would not alter the poor access lanes to the parking lot of the proposed store.

It is the unanimous opinion of the Board of Appeals that there have been no changes in the immediate neighborhood which warrant a reclassification, and that the petitioners have failed to show an error in original zoning. Further it is the opinion of the Board that to grant such reclassification would certainly tend to increase the traffic in the area which could result in additional traffic congestion and further, that the reclassification would be further encroachment of commercial land into the predominantly residential area which would have an adverse effect on the value of property in the community.

ORDER

For the reasons set forth in the foregoing Opinion, it is this day of April, 1962 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100 subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

CHAIRMAN

Charles H. Sturges

A. Mitchell Austin

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Robert J. Rozauka, Esq.,
621 Eastern Avenue,
Baltimore 23, Md.

BILLED BY: Zoning Department
113 County Office Bldg.,
Towson 4, Md.

DATE 10/25/61

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of appeal to County Board of Appeals No. 5340	\$70.00
3		70.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Robert J. Rozauka, Esq.,
621 Eastern Avenue,
Baltimore 23, Md.

BILLED BY: Zoning Department
113 County Office Bldg.,
Towson 4, Md.

DATE 12/5/61

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of certified documents filed in the matter of reclassification of property of Gomeringer No. 5340	\$5.00
3		5.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Smith & Harrison
Attorneys
212 Washington Ave.
Towson 4, Maryland

BILLED BY: Zoning Department of
Baltimore County

DATE 6/26/61

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Petition for Reclassification for Henry J. Gomeringer	\$50.00
3		50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Grant Food Properties, Inc.
1728 L Street, N.W.
Washington, D.C.

BILLED BY: Zoning Department of
Baltimore County

DATE 10/19/61

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property for Henry J. Gomeringer	\$29.50
3		29.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 3-8-62

Posted for: Appel Hearing

Petitioner: Henry J. Gomeringer, et al

Location of property: NE/S Stemmers Run Rd. 515.17 ft. North of Eastern Blvd. etc. as shown

Location of Sign: Northwest corner of Stemmers Run Road 535 ft. North of Eastern Blvd.

Remarks: George E. Gavrelis Date of return: 3-9-62

5340

CERTIFICATE OF PUBLICATION

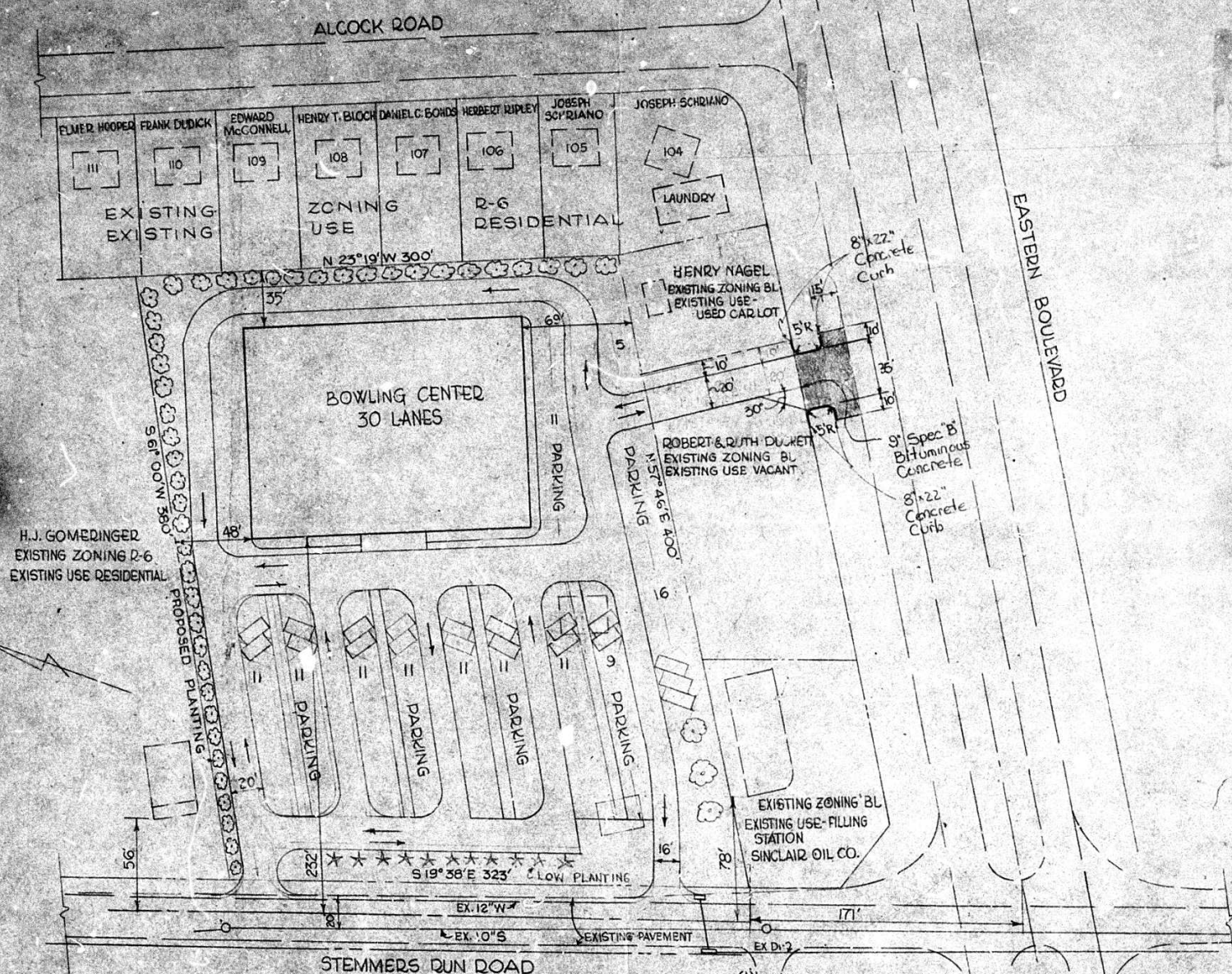
TOWSON, MD. August 18, 1961

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on August 18, 1961 at 11 o'clock AM before the 6th day of September, 1961, the first publication appearing on the 18th day of August, 1961.

THE JEFFERSONIAN,
Franklin M. Smith, Manager

Cost of Advertisement, \$.....

*Previous Plan
not to be used*



AREA OF PROPERTY 2.7 ACRES
EXISTING ZONING R-6
EXISTING USE RESIDENTIAL
PROPOSED ZONING BL
PROPOSED USE BOWLING LANES
PARKING SPACES 122

EXISTING STRUCTURES
TO BE REMOVED

PLAT TO ACCOMPANY ZONING PETITION
PROPERTY OF G. NELSON DAVIS ET AL
STEMMERS RUN ROAD
ELECTION DISTRICT NO. 15
BALTIMORE COUNTY MARYLAND
SCALE 1"=50' SEPTEMBER 18, 1959
J. STRONG SMITH & ASSOCIATES

REV 5/20/59 10/3/59 11/24/59

