ROBERT F. EULER and ESTHER R. EULER peritioners

BEFORE THE

: ZONING COMMISSIONER FOR BALTIMORE COUNTY

PETITION FOR RECLASSIFICATION PETITION FOR RECLASSIFICATION FROM AN R-10 ZONE TO A B-L ZONE AND A SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION, S.S. RIDGELEY ROAD, BET. SECOND AND KURTZ AVENUES - OTH DISTRICT

ORDER FOR APPEAL

Please enter an appeal by the Petitioners in the above

entitled case to the County Board of Appeals from the Opinion and Order of the Zoning Commissioner dated January 19, 1962.

By fichard C. Murray
The Jefferson Bul'ding
Townon 4, Marylane
Valley 3-6200 SMITH AND HARRISON

- FED -2'E7 AM -

CERTIFICATE OF PUBLICATION

TOWSON, MD., Becc-ber 28 19 61

0459

THIS IS TO CERTIFY, That the annexed advertisem at was published in The COUNTY Paper, Inc., a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of \_\_one\_ successive weeks before the 17th day of January 19 61 the first publication appearing on the 28th day of December 19 61.

The COUNTY Paper, Inc.

MARYLAND SURVEYING AND ENGINEERING CO., INC.

PAPP October 25, 196

#9 SEC.3-C

DESCRIPTION FOR ZONING PLAT OF S.W. COR. RIDGELY RD. & KURTZ AVE.

BL-X Beginning for the same at the intersection of the South side 12/29/61 of Ridgely Road and the West side of Kurtz Avenue as shown on the recorded plat of Lutherville recorded in Baltimore County in plat ho 8 folio 57, thence leaving said place of beginning and running and binding North 81 degrees 05 minutes West 222.91 ft. to the East side of Second Avenue thence running and binding on the East side of Second Avenue North 27 degrees 45 minutes East 88.98 ft. to the South side of Ridgely Road thence running and binding on the South side of Ridgely Road North 72 degrees 36 minutes East 299.27 ft, to the place of

Containing 0.77 Ac. ±.



BARIORE COUNTY, MAYAND

No. 10275 DATE 1/19/62

OFFICE OF FINANCE ivision of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

Messre. Smith & Harris The Jefferson Building Towson No. Md.

TELEPHONE VALLEY 3-3000

Baltimore County

01622 \$40.00 Advertising and posting of property for Robert Euler 40.00 1.792 1931 : : : | | 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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Hr. Jorn G. Rose, Zoning Commissioner Date January 4, 1962

FROM Mr. George E. Gavrelis, Deputy Director

SUBJECT #3458-ET. R-10 to B-L and Special Exception for Gasoline Service Station. South side of Ridgely Road between Second and Kurta Avenue. Being property of Rober' Euler.

6th District

HEARING: Wednesday, January 17, 1962 (2:00 P.M.)

Due to the exigencies of time the staff of the Office of Flanning and Zoning has an adverse coment to make with respect to the subject petition. This will be clarified orally at the public bearing. Attorneys are invited to discuss the matter with us prior to the hearing.



BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

COURT HOUSE TOWSON 4, MARYLAND

Mesers. with & Harrison The Jefferson Building Towson &, Maryland

BILLED Office of Planning & Zoning 119 County Office Bldg.,

No. 10300

TION AND A SPECIAL EXCEPTION

SIN DISTRICT

ZONING: From R-18 Zone to B-L Zone Putition for Special Exception for Gas-

of JOHN G. ROSE, Zonia, Ceremise over of Baltimore Count

DATE 2/6/62

COS		CE	REMITTAN	NUO.	ETURN WIT	R SECTION AND R	DETACH UPPER	Υ
170.0							Cost of appeal to County No. 5168-HX	
70.00		• III.						
							A	
	1-	• IXL		٠	5 4 5			

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSO : 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY, MARY AND OFFICE OF FINANCE

No. 8244 DATE 11/14/61

COURT HOUSE TOWSON 4, MARYLAND

Bichard C, Murray, Meq. The Jefferson Building Towson h, Maryland

BLLED Zoning Department of Baltimore County

150.00 Petition for Reclassification and Special Exception for Mr. Buler 20.00 111261 7548 0 0 111 0.00

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 YEMITTANCE. CERTIFICATE OF PUBLICATION

5458-RX

TOWSON, MD. . . . De easter 29. . 161 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., C. C. C.

xx 1 time axxxxxxxxxxxx before the 17th appearing on the 29th day of December

THE JEFFERSONIAN.

Frank Strutter

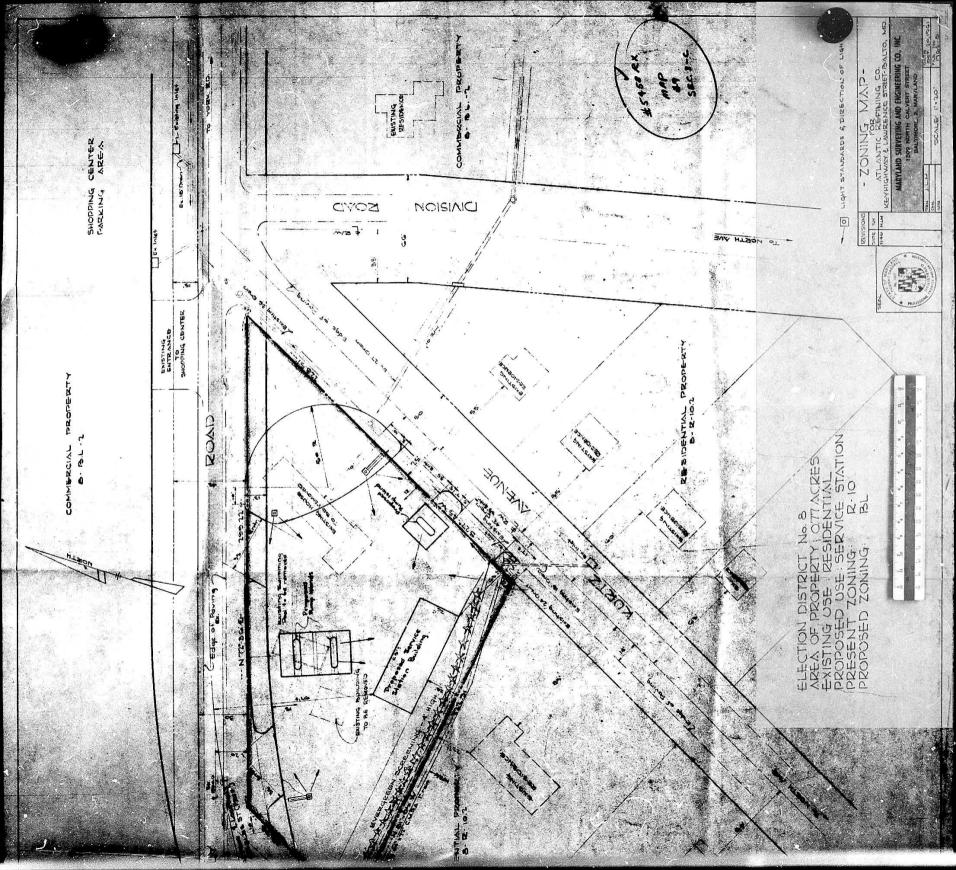
Cost of Advertisement, \$ ...

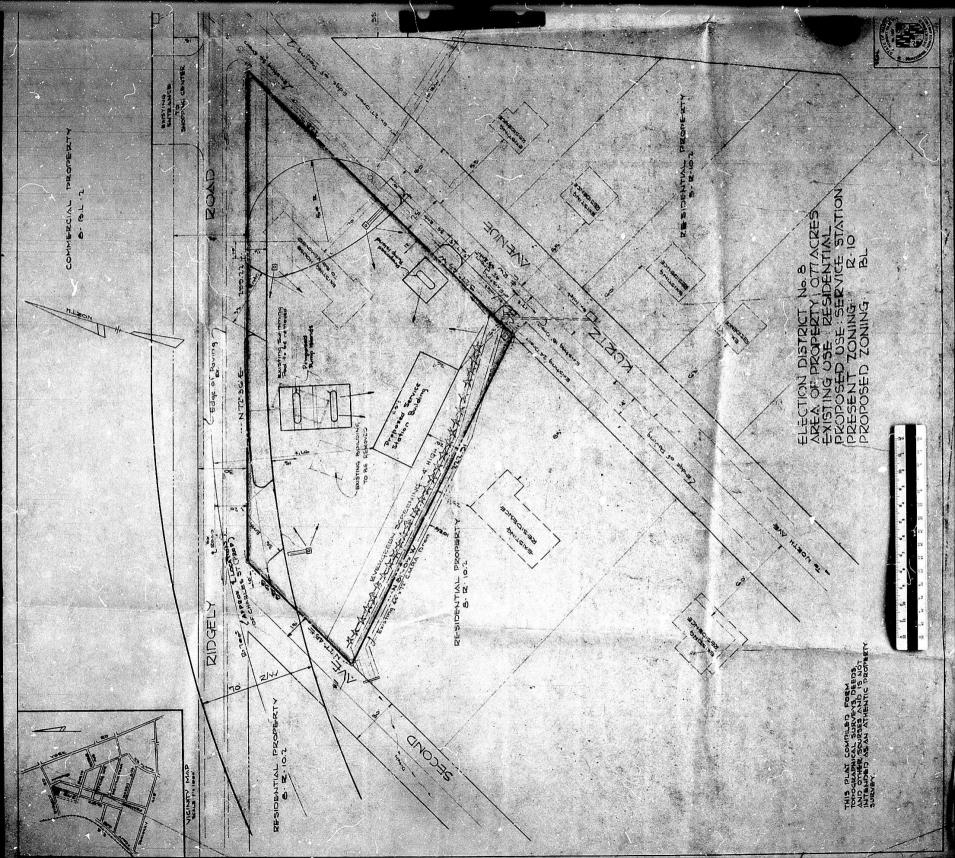
19.61

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

# 5458 Date of Posting 12-27-10/ Posted to and I Can be to form to form & Theolor Server Station There regne relative le of Just any 75 ft Sauth of A jamatha two regnes S. of Magely Ho. not include Hagely Def. notting

Date of return 12-28-61





# PETITION FOR ZONING RE-CLASSIFICATION $_{4:54}$ 5% $^{\text{R}^{\text{X}}}$ AND/OR SPECIAL EXCEPTION

TO THE SOURCE COMMISSIONER OF THE THORF COUNTY.

MPP I, or we, Robert E. & Eather R. Eulergal owner of the property situate in Baltimore 19 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 < E(1.3 to the Zoning Law of Baltimore County, from an ... R-10 zone to an RL-X B-T. zone: for the following reasons: 12/29/61

Changes in the neighborhood since the original coning

and (2) for a Special Exception, under the Laid Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for gas oline service station

See attached description prepared by Maryland Surveying & Engineering Co., Preperty is 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 poeting ate man filing of this polition and further agencia and are to be bound by the cone of regulations and restrictions of Baitimore County adopted pursuant to the Zoning Law for Baltimare

Peter L. Peri Peter L. Peri Address

> Richard C. Murray Petitioner's Att Towson 4. Maryland

Feel

Protestant's Attorney

Robert F. Euler Robert F. Euler Sther M. Euler Esther R. Euler Lagal Owners

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of November 196 I that the subject matter of this notition be advertised as required by the Zoning Law of Baltimore County, in two newspapers 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. Baltimor County, on the Witth day of Jamary 195 2 at 2:00 o'clock

P. M

a such

ROBERT F. ZULER and ESTHER R. EULER, his wife		IN THE	
and		CIRCUXT COURT	
PETER L. PERI			
and	,	FOR	
THE SIBARCO CORPORATION Appallants		BALTIMORE COUNTY	
v.		Misc. Docket No. 7	
NATHAN H. KAUPMAN, G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR.,		Folio No. 195	
being and constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Appelless	•	Pile No. 7640	

### PET CTION

TO THE PONORABLE. THE JUDGE OF SAID COURTS

The Petition of Robert F. Euler and Esther R. Euler, his wife, Peter L. Peri and The Sibarco Corporation by Smith and Harrison and Richard C. Murray, its attorneys, respectfully represents:

- (1) That the Petitioners, the Appellants, herein were applicants before the County Soard of Appeals of Baltimore County in connection with their Petition for reclassification of their property situate, lying and being on the southwest corner of Ridgely and Kurtz Avenues in the 9th election district of Baltimore County from a "R-10" Mone to a "B-L" Zone, and a Specia' Exception for a gasoline service station, said application being known as
- (2) That subsequent to the hearing on the aforementioned Petition before the said County Board of Appeals of Baltimore County, the said Board filed its written Opinion and Order, dated August 14. 1962, denying the requested reclassification from "R-10" to "B-L", and Special Exception for a gasoline service station, said Order reading as follows: "For the reasons set forth in the aforegoing

RE: PETITION FOR I LASSIFICATION and SPECIAL EXCEPTION for Gasoline Service Station = S/S Pidaeley Road Bet Second & Vieta Avenue Robert F. Euler et al - Petitioners

A REFORE COUNTY BOARD OF ARREADS OF

BALTIMORE COUNTY

N. F450 DV

# . . . . . . . . . . . . OPINION

This is a position for reclassification from and "R-10" Zone to a "B-L" Zone. and a special exception for a pasoline service station on the south side of Ridgeley Pood and the west side of Kurtz Avenue in the Eighth District of Baltimore County.

The subject property faces the York Ridge Shopping Center which is located on the parth side of Ridgeley Road. The property, approximately 1-9 acres, forms a triangle; the point of the triangle being at the south side of Ridgeley Road and the west side of Kusta August. To the east of Kusta August is a strip of land, the western hours farof this strip of land being Kurtz Avenue and the eastern boundary being Division Street. There are two substantially built houses located on this strip of land; the houses fronting

Running to the east of Division Street to the western boundary of York Road, are a number of commercial was fronting on either the routh ride of Ridgeley Road or the west side of York Road. To the south of these existing commercial uses is a piece of property zoned "B-L" which mos from the west side of York Road in a westwardly direction to the east side of Division Street. Testimony was to the effect that this property is contemplated for a large super-market.

To the south of the "Business Local" property, running from the west side of York Road to the east side of Division Street, is property occupied by a Baltimore County Public School and recreation areas used in connection with the school.

The patitioner testified that he had sold his property subject to reclassification and special exception for use as a pasoline service station. He further testified that properties to the south of the subject property are all residential. The petitioner purchased his home in 1950 and has lived there ever since. At the time the petitioner purchased his home, property now occupied by the York Ridge Shopping Center was in a residential classification. The York Ridge Shooping Center was raped commercially at the time of the adoption of the Eighth District Land Use Map on November 4, 1955.

Mr. Bernard Willemain, an expert in the field of planning, testified that in his pointing the proper study was not given to the subject property at the time the Lond Use Map was adopted, and that the map is in error.

Opinion, it is this 14th day of August, 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 the Maryland Bules of Procedure, 1961 edition

- (3) Your Petitioners have filed their Order for Appeal within thirty (30) days of the Ominion and Order of said County Board of Appeals of Baltimore County, dated August 14, 1962, and are filing this Petition within ten (10) days of the filing of their Order of Abpeal, in accordance with the progletons of Bule 22s and B4a of the Maryland Rules of Procedure.
- (4) That your Petitioners aver and allege that the action, decision, and order of the County Board of Appeals dated August 14, 1962, was erroneous, illegal, arbitrary, capricious, and wanting in sufficient legal justification, for the following reasons:
  - A. That the same is against the evidence.
  - B. That the same is against the weight of the evidence
- C. That the facts as stated in the Opinica upon which the decision was based was not in accord with the evidence presented by the export witnesses produced on behalf of your Petitioners at the hearing before said County Board of Appeals and as well as the evidence produced by the Director of Planning and Zoning of Baltimore County.
- D. That there was abundant legally sufficient evidence of Board error in the original zoning placed upon the property of your Petitioners at the time of the adoption of the 9th district map on or about November 14, 1955 as well as abundant logally sufficient evidence showing changes in the immediate vicinity of the property of your Petitioners.

Additional testimony was presented showing that Charles Street Avenue will be extended and will connect with Ridgeley Road. This will have the effect of placing the subject property on a major traffic artery.

It is the unanimous opinion of the Board of Appeals that this petition for reclassification should be denied. It seems quite evident that in adopting the Land Use Map, the County Commissioners were well gware of the need of guarding goginst commercial encroachment in the first residential community of Letherville. The York Ridge Shooping Center was a community need and was so recognized, and the need provided by the commercial zaning of this tract of land on the north side of Ridgeley Road number in a westwardly direction from the York Road. The York Road frontage, running south from Ridgeley Road to the area occupied by the Baltimore County school, was also given commercial zoning. The Board feets that Division Street is the proper western boundary for commercial zoning. To grant commercial zoning to the subject petition would be the opening wedge in the encroachment of commercial uses to the south, whereas at the present time one finds only well built, well maintained residences, many of which have been located in this residential area of Lutherville for more than twenty-five years

The petitioners plea that the extension of Charles Street and its connecting with Ridgeley Road would have an adverse effect on his property and should be considered in this petition, and has been given consideration by the Board. It is the Board's opinion that the widening of Charles Street and its connection with Ridgeley Road only tends to strengthen the decision that this petition be denied. This major traffic artery tends to completely separate the commercial area to the north of Ridgeley Road from the residential area to the south. To grant this reclassification would not only have a detrimental effect on the immediate property to the south of the subject property tronting on Kurtz Avenue, but would also practically destroy one residential value of the property between Kurtz Avenue and Division Street south of Ridgeley Road. The Board of Appeals has always held that there is a presumption that the Land Use Maps are correct unless there are overwhelming facts that an error exists.

The Board is unanimous in its opinion that the County Commissioners gave proper consideration to the subject property and were correct in placing it in an '3-6" classification

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this of August, 1962 by tt. County Board of Appeals, OR DERED that the reclassification and special exception petitioned for, be and the same is hereby denied.

E. That the County Board of Appeals of Baltimore County misinterpreted the evidence and misapplied the law in reaching its decision, and the action taken, based upon said decision was clearly erroneous, and therefore illegal.

WHEREFORE, your Petitioners pray this Honorable Court:

- (1) To reverse the aforesiad action, decision, and order of the Board of Appeals of Baltimore County dated August 14, 1962.
- (2) To pass its order granting the reclassification of your Petitioners' property from a "R-10" zone to a "B-L" zone and to further grant a special exception for a gasoline service station.
- (3) To grant such other and further relief as your Petitioners' case may require.

Richard C. Murray

I HEREBY CERTIFY that on this 26 day of September, 1962, a copy of the aforegoing Petition was mailed, by regular mail, to The County Board of Appeals of Baltimore County, County Office Building, Towson 4. Maryland.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ROBERT F. EULER and ESTHER R. EULER, his wife IN THE CIRCUIT COURS PETER I. PERT BALTIMORE COUNTY THE STRANCO CORRORATION Misc. Docket va. NATHAN H. KAUPMAN, G. MITCHELL AUSTIN and CHARLES STEINBOCK IN being and constituting the County Board or ... Baltimore County Appellees County Board of Appeals of

> . . . . . . . . . . . . ORDER FOR APPEAL

Mr Clerk.

Please enter an appeal on behalf of the above Appellants to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals entered in said proceeding, being known and designated as Petition No. 5458 RX.

Richard C. Murray Attorneys for Appellants

I hereby certify that copy of the within Order for Appeal was mailed this 17th day of September, 1962 to the County Board of Appeals, County Office Building, Towson 4, Maryland.

Richard C. Murray Attorney for Appellants

ROBERT F. EULER and IN THE ESTHER R. EULER, his wife CIRCUIT COURT PETER L. PER FOR BALTIMORE COUNTY THE SIBARCO CORPORATION Appell onts NATHAN H. KAUFMAN, Miss. Docket No. 7 G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR., being and constituting the 195 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY File No. 2640 Appellee

#### TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Nathon H. Kaufman, G. Mitchell Au tha and Charles Steinbock, Jr., constituting the County Board of Appeals of Baltimore County, and In answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

1 1 1 1 1 1 1 1 1 1 1 1 1

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

## No. 5458-RX

Nev. 14, 1961

Patition of Robert F. & Esther R. Euler for reclassification and special exception for gazoline service station, SW/Corner Ridgeley Road and Kurtz Avenue – 9th District – filled

 Order of Zoning Commiss ioner directing advertisement and positing of property - date of hearing set for January 17, 1962 at 2:00 p.m.

Dec. 28

Certificate of posting property - fil. d

" Certificate of publication in newspaper - filed

Jan. 17, 1962 At 2:00 p.m. hearing held on petition by Zoning Commissioner case held sub curia

Jan 19

Order of Zoning Commissioner denying the reclassification and special exception

July 26, 1962 Aug. 8, Hearing on appeal before the Board of Appeals Aug. 16 Order of Board of Appeals denying reclassification and special Sept. 17 Order for Appeal filed in the Circuit Court for Baltimore County Sept. 24 Certificate of Notice sent to all interested parties Oct . 23 Transcript of testimony filed (2 Volumes) Oct. 25 Record of proceedings filed/the Circuit Court for Baltimore County Petitioners' Exhibit No. 1 - Photograph of Yorkridge Shopping Center - 7-3/16 x 35-5/16" Petitioners' Exhibit No. 2 - Photograph of Package Goods store, 8 x 10 Petitioners' Exhibit No. 3 - Photograph - 8 x 10" Petitioners' Exhibit No. 4 - Photograph - 8 x 10" Petitioners' Exhibit No. 5 - Photograph - 8 x 16" Petitioners' Exhibit No. 6 - Photograph - 8 x 10" Petitioners' Exhibit No. 7 - Plat - labeled "Zonling Map for Atlantic Refining Company Petitioners' Exhibit No. 8 - Ridgeley Road widening plat Petitiones' Exhibit No. 9 - Construction plans of proposed "type" Petitioners' Exhibit No. 10 - Identification Patitioners' Exhibit No.11 - Budget - Baltimore County Petitioners' Exhibit No.12 - Plans showing Charles St. extended

Order of Appeal to County Board of Appeals from Order of Zonine Commissioner

Feb. 2, 1952

Recoru of proceadings pursuant to which sold Critier was entered and sold Board acted are permanent records of the Zonling Department of Bottlmore County as are also the use district maps and your Respondents respectively suggest that it would be inconventent and inappropriate to fill the same in this proceeding, but your Respondents.

Protestants' Exhibit "B" - Photogrametric Map

Protestants' Exhibit "A" - Plat of subject area entitled "Location

INVOICE BALTIMORE COUNTY, MARY AND TELEPHONE No. 10765 OFFICE OF FINANCE DATE 10/25/62 Division of Collection and Receipts TOWSON 4, MARYLAND Richard C. Murray, Esq. County Roard of Appeals Smith & Harr is on The Jeffers on Building Towson 4, Maryland TOTAL 9.00 01.712 DEPOSIT TO ACCOUNT NO. \$ 9.00 Cost of Certified Documents for - No. 5458-RX Robert E. Euler et al 5/S Ridgeley Road & Kurtz Avenu 8th District

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWNON 4, MARYLAND
PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

10:25 62 1 700 W \* \* TIL+

9.00

ZONING UPPANIMENT
XB BRA013 PD LUTHERVILLE MD JUL 26 1962 1241P EDT
ZONING COMMISSIONER
ZONING APPEAL COURT TOWON MD
REGRET BUSINESS MAKES PERSONAL ATTENDANCE IMPOSSIBLE.
WISH STATE OBJECTION REZONING PROPERTY RIDGLEY KURTZ AVENUES
PHILIP KARN SR 230 DIVISION AVE
113P EDT.

will produce any and all such rules and regulations together with the zoning use district maps at the hearing on this patition or whenever directed to do so by this Court.

Respectfully submitted

Secretary to County Board of Appeals of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNT

2011110	DEPARTMENT OF BALTIMORE CO	DUNT
	Towson, Maryland	
tt.		# 5458
District 2	Date	of Posting 7-5-62
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Petitioner Andreas & Sell	viet in C	***************************************
Location of property S	Ayely Sievel and	Husty levenue.
Location of Signs Southwest	Camer of Redeels	allow and
Remarks:		
Posted by Manage Of	Date of retur	n_ 7-6-62

appearing that by reason of	
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	approved the state of the state of the
A CONTRACT OF STREET COST - NO STORY	
the above Reclassification should be had; and it	
<del>(************************************</del>	
	should be granted
[2] [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [	r of Baltimore County this
day of, 196, that the l	nerein described property or area should be and
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zone, and/or a Special Exception for a	should be and the same is
granted, from and after the date of this order.	
The state of the s	
	Zoning Commissioner of B-itimore County
	roperty and public hearing on the above petiti-a
	een no change in the area to warrant the
requested zoning, and the map not be in	ng in error,
Well-specificated that parties a street	After the supplier of the Section
Control to the Control Control of the Control of th	
thereigner rectantions to compress WAR	and of the special exception should NOT BI
GRANTED.	
	ea the
IT IS ORDERED by the Zoning Commissione	r of Baltimore County, thisday
ofJanuary, 196_2, that the abo	ve re-classification be and the same is hereb
	or area be and the same is hereby continued as an
to remain a. n. ve-104	zone; and the special interpretation
	be and the same is hereb_ DENIED
m de partir a proprieta de primera de la	
	Zoning Commissioner of Baltimore County

ROBERT F. FILLER ON IN THE EIRCUIT COURT and PETER L. PER and THE SIBARCO CORPORATION BALTIMORE COUNTY Appell ants ATIAV NATHAN H. KAUFMAN. G. MI TCHELL AUSTIN and CHARLES STEINBOCK, JR., Misc. Docket No. 7 being and constituting the COUNTY ROARD OF APPEALS Folio No. 195 OF BALTIMORE COUNTY File No. 2640

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

. . . . . . . . . . .

MR. CLERK:

Please file. & c.

Secretary to County B

ESTHER R. EULER, he wife	I ON THE
end	CIRCUIT COUR
PETER L. PERI	
	1 FOR
THE SIBARCO CORPORATION	BALTIMORE COL
1.00	
Appellan	•
<b></b>	Misc. Docket No.
NATHAN H. KAUFMAN,	
G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR.,	, Folio No. 195
being and constituting the	1 7010 100
COUNTY BOARD OF APPEALS	1 2640
OF BALTIMORE COUNTY	File No.
Appelle	
1111	

Mr. Clarks

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Mathan H. Kaufman, G. Mitchell Austin, and Charles Steinbook, Jr., constituting the County Board of Appeals of Baltimore County has given notice by seall of the filling of the Appeal to the representative of every party to the proceeding before Its namely, Richard C. Murray, Esq., The Joffesson Building, Tomon 4, Haryland, Attorney for the Petitioner, and W. Giles Parker, Esq., 717 Title Building, Baltimore 2, Maryland, Edward C. Meickle, Esq., 605 Title Building, Baltimore 2, Maryland, and M. Barton Berson, Jr., Esq., 1011 Mercantile Trust Building, Baltimore 2, Maryland, Attorneys for the Profestants, a copy of which notice is attached horses and prayed that It may be made a part thereof.

Assistant Solicitor - County Office Building Tayson 4, Maryland - Vo-3-1000, Ext. 346

I hereby certify that a copy of the aforegoing Certificate of Notice nas ed to Richard C. Murray, Esq., The Jefferson Building, Yowson 4, Maryland, Attorney for the Petitioner, and W. Giles Packer, Esq., 717 Title Building, Baltimore 2, Maryland, Edward C. Mackie, Esq., 605 Title Building, Baltimore 2, Maryland, and N. Barton Serson, Jr., Esa., 1011 Mercantile Trust Building, Burningre 2, Maryland, Attorneys for the Protestants, on this  $24^{\pm}$  day of September, 1962.

Ambitant Salleline

494-3180

April 7, 1970

Richard C. Murray, Esq. Loyola Federal Building Towson, Md. 21204

Re: Zoning File No. 5458-XX, Petition for reclassification from R-10 to B.L. and special exception for a Gasoline Servi Station – SW corner Ridgley Road and Kurtz Avenue, 8th District Robert F. Euler, et al, Petitioners

The petition on the obove entitled case was denied by the Board of Appeals on August 16, 1962, and on appeal was taken by you to the Circuit Court for Boltimare County.

There is an entry on the Court Docket, dated July 24, 1963, as follows:

"Petition and Order of Court entering the case as to THE LIBARCO CORP, only dismissed, nunc pro tunc as of September 4, 1963."

We would appreciate it if you would advise us the present

status of this case.

Very truly yours,

Edith T. Elsenhort, Adm. Secretary County Board of Appeals of Baltimore County

ECM+G 10-2-62 #62997 ROBERT F. SULER and IN THE CIRCUIT COURT FOR peran to peri BALTIMORE COUNTY and THE STRABCO CORPORATION Misc. Docket No. 7 Appellants Polio No. 195 vs. File No. 2640 NATHAN H. KAUPMAN NATHAN H. KADFAMN G. MITCHELL AUSTIN and CHARLES STEINBOCK, JR. being and constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Appellees

CERTIFICATE OF NOTICE

Mr. Clerkt

Pursuant to the provisions of Rule 1101 I. of the Maryland Rules of Procedure, William H. Carroll, Millard Cursey and Richard Boss, three of the protestants and appellees herein, through their counsel, W. Giles Parker and Edward C. Mackie, have served upon counsel for the Appellants and the Assistant Solicitor. as counsel for the County Board of Appeals, a copy of this Notice and a copy of the appended Entry of Appearance, which is prayed to be made a part of the record in this case.

> W. Giles Parker 7,17 Title Building, Baltimore-2, Md. Sacatoga 7-4034 Edward C. Mackie 605 Title Building, Baltimore-2, Md. Saratoga 7-2443 A prneys for Appellees

> > 0

I Hereby Certify copy of the aforegoing Notice and Entry of Appearance referred to therein was sailed postage prepaid this 2 day of October, 1962, to Richard C. Murray, Esq., The Jefferson Building, Towson-4, Attorney for the Appellants, and to the County Solicitors Office, County Office Bldg., Towson-4, Md.

ROBERT F. EULEI and and CINCUIT COURT DOTED C DERT JOE O'MALTIMORE COUNTY and THE STRARCO CORPORATION Ci Misc. Weket No. 7 Annellants MI COM 105 ve. MATHAN H. MAUFMAN G. MITCHELL AUSTIN and File No. 2640 CHARLES STEINBOCK, JR. being and constituting the COUNTY SCAPD OF APPELS OF BALTIMORE COUNTY

ENTRY OF APPEARANCE

Please note the appearance of W. Giles Parker, Esq. and Edward C. Mackie, Esq. for William H. Carroll, Millard Cursey, and Richard Boss, additional appellees in the above came.

> 51 V. Giles Parker 51 Enward C. Mackie

I Mereby Certify copy of above Entry of Appearance was this 2 day of October, 1963 mailed to Richard . Murray, Baq., The lefferson Bidg., Towson-4, Md., attorney for the Appellants, and to the County Solicitor's Office, County Office Bidg., Townon-4, Md.

of Counsel for Appellees

0

August 16, 1962

Jugene G. Ricks, Esq. Smith & Harrison The Jefferson Building

683

Re: Petition for reclassification from an "2-10" Zone to a "8-1." Zone, and special exception for Gasoline Service Station bert F. Euler et al - Patitioners

Attached is copy of Opinion and Order passed by the Board of Appeals today in the above matter.

PORFETE FULFE FTAL

0

NO. 5458-RX

SW/corner Ridgeley Road & Kurtz Avenue - 8th District

Reclassification from R-10 to B-L Special Exception for Gasoline Service Station

Denied by Zaning Commissioner

Appealed to Board

January 19, 1962 February 2, 1962

Denied by the Board

August 16, 1962

Appealed to Circuit Court

September 17, 1962

Petition and Order of Court entering the case as to THE SIBARCO CORP.

July 24, 1963

only dismissed, nunc pro tunc as of September 4, 1963 Dismissed by the Circuit Court for want of prosecution without prejudice

April 13, 1976

(from Court Docket)

DENIED