



#5518
 MAP #8
 SEC. C

PLAT OF PROPERTY
 LOCATED AT
 SPARKS - 8TH DISTRICT - BALTIMORE CO. - MD.
 TOTAL AREA = 223293 ACRES - EXCLUSIVE OF AREA IN BELFAST ROAD

APPROVED FOR FILING
 Reviewed By: *[Signature]*
 Date: *1/26/52*

SCALE: 1" = 200'
 JANUARY 26, 1952
 DOLLEBERG BROTHERS
 SURVEYORS & CIVIL ENGINEERS
 709 WASHINGTON AVENUE
 TOWSON, MARYLAND



5278

*Called the Bureau - Appraised him to contact S. L. ...
 and all records and work out of ... also informed
 that ... should be included for ... boundary.*

5518-X

RECEIVED & NOTED
 DIVISION OF PLANNING & ZONING
 1000 BALTIMORE AVENUE
 BALTIMORE, MARYLAND

APR 29 1964

LOAN OFFICER
 GALLAGHER AND EVERLEN
 SUITE 515 ONE CHARLES CENTER
 BALTIMORE 1, MD

APRIL 29, 1964

Secretary
 County Board of Appeals
 Court House
 Towson 4, Maryland

Attention Mrs. Eireman:

Dear Mrs. Eireman:

As you requested, I am enclosing herewith a copy of our Petition to Dismiss the Appeal filed on behalf of Archbishop Lawrence J. Shehan. The Petition was filed on March 13, 1964.

Very truly yours,
Francis X. Gallagher
 Francis X. Gallagher

FXG:BW
 Encl.

RE: PETITION FOR SPECIAL EXCEPTION
 for Cemetery
 W/S York Road, 2325 feet north of
 Belfast Road - 8th District
 Daniel Raffel and Rose Raffel
 Petitioners - Most Rev. Lawrence
 J. Shehan, a Corporation Sole,
 Contract Purchaser

BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY
 No. 5518-X

OPINION

The instant petition is for a special exception for a Cemetery on the west side of York Road, 2325 feet north of Belfast Road in the Eighth Election District of Baltimore County.

The petitioner's property, in part, is bounded on its northeastern side by York Road and on its southwestern side by the Harrisburg Expressway. A portion of the subject property on the northwest side fronts on Ensor Mill Road. The shape of the property resembles that of an inverted golf club with the tip of the iron bordering on the York Road and the handle being the Harrisburg Expressway. The property is bisected near its middle by Belfast Road, a public road which runs from the York Road to the Harrisburg Expressway, and the subject petition embraces 218.559 acres.

Before granting any special exception it must appear that the use for which the special exception is requested will not violate any of those principles set forth in Section 502.1 of the Baltimore County Zoning Regulations. Among the principles therein is the proviso that the use requested will not be detrimental to the health, safety or general welfare of the locality involved and that such use will not tend to create congestion in roads, streets and alleys therein. We will deal with these two principles in reverse order.

Firstly: The petitioners failed to produce a comprehensive development plan for the subject property and in the unanimous opinion of the Board, failed to show that the granting of the petition would not violate 502.1, subsection B of the herein stated Zoning Regulations relating to traffic since no satisfactory method of ingress and egress was presented. More significantly the petition's own witnesses testified that the entire acreage would not be used for a cemetery and that consideration was being given to using unspecified portions of the subject tract for undefined purposes in the future. In the absence of a comprehensive plan this Board will not, and indeed cannot, prepare such a plan for the petitioner.

Secondly: Granting a petition involving such a large area could very well tend to characterize a neighborhood and thus violate Section A of 502.1, since the implications involved would be far more reaching than can be anticipated by this Board.

For the above captioned reasons, each independent of the other and neither relying upon the other, the Board of Appeals denies the special exception.

ORDER

For the reasons set forth in the foregoing Opinion, it is this day of January, 1963 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 Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

H. Mitchell Austin
 ACTING CHAIRMAN

Note: Mr. Kaufman did not sit at this hearing.

PETITION FOR SPECIAL EXCEPTION FOR CEMETERY PROPERTY of Daniel Raffel, et al, W/S York Road, 2325 feet N of Belfast Road

BEFORE THE
 BOARD OF APPEALS
 FOR
 BALTIMORE COUNTY
 Case #5518-X

ORDER FOR APPEAL

MR. CLERK:
 Please enter an appeal in the above captioned case.

John E. Bohlin Jr.
 John E. Bohlin, Jr.
 Attorney at Law
 6708 Belair Road
 Baltimore 6, Maryland
 Northfield 5-9477



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 16, 1962

FROM: Mr. George M. Carrella, Deputy Director

SUBJECT: #5518-X, Special Exception for a Cemetery, Westside of York Road 2325 feet North of Belfast Road, Being property of Daniel Raffel.

8th District
 HEARING: Wednesday, March 28, 1962 (2:30 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for special exception for cemetery purposes. It has the following advisory comment to make with respect to pertinent planning factors:

The subject property is situated on the easterly side of the Harrisburg Expressway and in alignment to its interchange with Belfast Road. Although proposals for cemetery's reasoning in the area are just under way and have not been finalized, it is the opinion of the Planning staff that the location and superior access of these portions of the property along Belfast Road and the Expressway make it ideally suited for industrial use potentials, perhaps of a restrictive nature such as those in the M-1 zone.

The Planning staff believes that the welfare of Baltimore County is dependent upon ability of the County to provide appropriately zoned areas for all of its land use needs. The extent to which industrial uses and their interchanges should be undertaken. There are only a limited number of such locations where industry would be feasible. These locations should be reserved for such purposes. From a planning viewpoint other uses of such locations would be a misuse of the land.

RE: PETITION FOR A SPECIAL EXCEPTION FOR CEMETERY - W. S. York Road, 2325' North of Belfast Road, Eighth District - Daniel Raffel and Rose Raffel, Petitioners - Most Rev. Lawrence J. Shehan, a Corporation Sole, Con. Pur.

BEFORE
 ZONING COMMISSIONER
 OF
 BALTIMORE COUNTY
 No. 5518-X

Pursuant to the advertisement, posting of property and public hearing on the above petition for a special exception for a cemetery on property on the west side of York Road 2325 feet north of Belfast Road, in the Eighth District of Baltimore County, after an examination of the subject property and considering the testimony presented at the hearing, it has been definitely assured that the petitioners will be able to comply with all the requirements of Section 502.1 of the Zoning Regulations of Baltimore County.

For the above reasons the special exception should be granted, which will not be detrimental to the health, safety and the general welfare of the locality involved.

It is this 12th day of April, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception shall be and the same is granted, from and after the date of this Order, subject to approval of the site plan by the Baltimore County Health Department, the State Roads Commission, Division of Land Development and the Office of Planning and Zoning.

Francis X. Gallagher
 Zoning Commissioner of Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION # 5518-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
 I, or we, Daniel A. Rose, M., Sole 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 _____ zone to "EC-C" zone; for the following reasons:

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 _____ use as a cemetery.

Property 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, 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.

Francis X. Gallagher
 Most Rev. Lawrence J. Shehan, a Corporation Sole, Contract purchaser
 Address: 408 N. Charles St., Baltimore 1, Md.

Daniel Raffel
 Daniel Raffel
 Rose M. Raffel
 Address: Sparks, Maryland

Francis X. Gallagher
 Petitioner's Attorney
 Address: 215 E. Fayette St., 2nd Fl., Baltimore 1, Md.

John E. Bohlin Jr.
 Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22th day of January, 1962, that the subject matter of this petition 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 out Baltimore County, that property be posted, and that the public hearing be had before the Zoning out Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of March, 1962, at 2:30 o'clock P.M.

John E. Bohlin Jr.
 Zoning Commissioner of Baltimore County

OFFICE OF PLANNING & ZONING

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

No. 10769
 DATE 2/19/62

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.712		Cost of Certified Documents for - No. 5518-X Daniel Raffel et al W/S York Road, 2325' North of Belfast Road 8th District	\$ 7.00
		2-1962 5856 • • • TIL-	7.00

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

No. 11654
 DATE 2/24/62

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.682		Cost of Appeal to the County Board of Appeals Case No. 5518-X	70.00
		5-1462 4250 • • • TIL-	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 VALLY 3-3000
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND
 No. 10301
 DATE 1/30/62

TO: Francis L. Gallagher, Esq.,
 215 E. Fayette Street
 Baltimore 2, Md.
 BY: Sending Department of
 Baltimore County

DEPOSIT TO ACCOUNT NO.	01622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for Daniel Raffel	50.00
	PAID - Baltimore County, Md. - Office of Finance	
	1-30-62 2:18 : 0 : 0 : 71 =	8.00

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 VALLY 3-3000
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND
 No. 11560
 DATE 2/28/62

TO: Francis X. Gallagher, Esq.,
 215 E. Fayette Street
 Baltimore 2, Md.
 BY: Sending Department of
 Baltimore County

DEPOSIT TO ACCOUNT NO.	01622	TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property for Daniel Raffel	60.00
	PAID - Baltimore County, Md. - Office of Finance	
	2-28-62 4:19 : 0 : 0 : 71 =	8.00

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.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8th #5518
 Posted for: Special Exception
 Petitioner: Daniel Raffel et al
 Location of property: W/S of York Road 2325 ft. N. of Belfast Road, etc. Belfast Road.
 Location of Signs: West side of York Road 2325 ft. N. of Belfast Road.
 Remarks:
 Posted by: George R. Hammond
 Date of return: 10-25-62

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8th #5518
 Posted for: Special Exception for a Cemetery
 Petitioner: Daniel Raffel
 Location of property: W/S of York Rd. 2325 ft. N. of Belfast Road, etc. Belfast Road.
 Location of Signs: West side of York Road 2325 ft. N. of Belfast Road.
 Remarks:
 Posted by: George R. Hammond
 Date of return: 3-9-62

PETITION FOR SPECIAL EXCEPTION
IN DISTRICT
 ZONING: Petition for Special Exception for a Cemetery
 LOCATION: West side of York Road 2325 ft. N. of Belfast Road, etc. Belfast Road.
 DATE AND TIME OF HEARING: 11:00 A.M. on the 28th day of March 1962.
 PETITIONER: Daniel Raffel et al
 OFFICE OF FINANCE: Baltimore County, Md.
 THE Zoning Commissioner of Baltimore County is hereby notified that the following advertisement was published in the County Paper, Inc., a weekly newspaper published in Towson, Baltimore County, Md., once in each of one successive weeks before the 28th day of March 1962, the first publication appearing on the 8th day of March 1962.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 8th 1962
 THIS IS TO CERTIFY, That the annexed advertisement was published in The COUNTY Paper, Inc., a weekly newspaper published in Towson, Baltimore County, Md., once in each of one successive weeks before the 28th day of March 1962, the first publication appearing on the 8th day of March 1962.

The COUNTY Paper, Inc.
 Manager