

7/8/65

JOHN A. SCHMIDT  
4142 Cliffvale Road  
Baltimore, Maryland 21236

IN THE CIRCUIT COURT

SCHMIDT SODDING COMPANY, INC.  
4142 Cliffvale Road  
Baltimore, Maryland 21236

FOR

BALTIMORE COUNTY

VS.  
WILLIAM S. BALDWIN,  
R. BRUCE ALDERMAN and  
W. GILES PARKER, being and  
constituting THE COUNTY BOARD  
OF APPEALS OF BALTIMORE COUNTY

ORDER FOR APPEAL

John A. Schmidt and Schmidt Sodding Company, Inc., hereby  
appeal from the Order and Decision rendered by the County Board  
of Appeals of Baltimore County on the 9th of June, 1965, in doing  
case No. 64-8-X before said Board being an application of the  
said Appellants for a Special Exception for a Service Garage  
and Off-Street Parking Permit, said property lying and being in  
the 11th Election District of Baltimore County.

JOHN J. BISHOP, JR.  
303 Courtland Avenue  
Towson, Maryland 21204  
VA 3-6301  
Attorney for the Appellants

I HEREBY CERTIFY that on this 8th day of July, 1965, a copy  
of the foregoing Order for Appeal was sent to the County Board of  
Appeals by personally delivering the same to the Secretary of  
said Board at its offices, County Office Building, Towson 4, Md.

JOHN J. BISHOP, JR.

JOHN J. BISHOP, JR.  
ATTORNEY AT LAW  
303 COURTLAND AVENUE  
TOWSON, MARYLAND 21204  
VALLEY 3-6301

January 16, 1964

Mr. John G. Rose  
Zoning Commissioner  
Baltimore County  
County Office Building  
Towson 4, Maryland

Re: Petition for Special Exception  
John A. Schmidt

Dear Mr. Rose:

At the time the Petition for Special Exception was  
filed I over looked pointing out to you that we were requesting  
the use of residential property for a parking use under Section -  
409.4, under zoning regulations. Under this section it is not  
necessary that the property be rezoned; but only that the Zoning  
Commissioner issue a permit through the use of land in a resi-  
dential zone for parking areas subject to various conditions  
which are set forth in Section 409.4

Under these circumstances my client does not wish the  
residential area set out on the plat to be rezoned, but only  
that a permit to be issued permitting him to use that area for  
parking purposes.

Very truly yours,

John J. Bishop, Jr.  
John J. Bishop, Jr.

JJB:lmf

P.S. Absorption & retention coming, the same included will  
be submitted promptly.

JOHN A. SCHMIDT  
and  
SCHMIDT SODDING COMPANY, INC.  
Appellants  
vs.  
WILLIAM S. BALDWIN,  
JOHN E. SLOWIK and  
W. GILES PARKER, being and  
constituting THE COUNTY BOARD  
OF APPEALS OF BALTIMORE COUNTY

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
AT LAW  
Misc. Docket - 7  
Folio 531  
Case No. 3309

ORDER OF COURT

UPON the foregoing Motion to Dismiss of John A. Schmidt and  
Schmidt Sodding Company, Inc., Appellants in this proceeding, and the  
Consent of the attorney for the Intervenor and Appellees, it is this 12th  
day of January, 1966, by the Circuit Court for Baltimore County ORDERED  
that the appeal heretofore filed in this proceeding be and the same is hereby  
dismissed, costs to be paid by the Appellants.

Walter M. Janifer  
JUDGE

Rec'd 5-14-66  
1:30 PM

RE: ALLEGED ZONING VIOLATION : BEFORE  
on property on the : COUNTY BOARD OF APPEALS  
NE/S Cliffvale Road, 117' SW of :  
Belair Road, : OF  
11th District :  
Schmidt Sodding Company, : BALTIMORE COUNTY  
Defendant :  
: No. 64-1-V  
: No. 64-8-X

ORDER TO STRIKE APPEARANCE

Please strike the appearance of the undersigned counsel  
on behalf of protestants in the above captioned matter, the said  
protestants having been previously notified of intention of  
counsel to withdraw.

Paul F. Munsey, Jr.  
717 Munsey Building  
Baltimore, Maryland 21202  
Phone 5-1297

Dated: March 19, 1965

JOHN A. SCHMIDT DT NO. 64-8-X  
NE/S Cliffvale Road 117.86' SW of Belair Road 11th District  
SE for Service Garage - Permit for parking in a residential zone

Nov. 18, 1963 Petition filed  
Jan. 24, 1964 Z.C. DENIED SE and Permit  
Feb. 3 Order of Appeal to Board of Appeals  
June 9, 1965 Board DENIED Permit and SE  
July 8 Order for Appeal to Circuit Court  
Jan. 12, 1966 Plaintiff's Motion to Dismiss case and Order of Court  
diminishing case

DENIED

RE: PETITION FOR SPECIAL EXCEPTION  
for a Service Garage  
NE/S Cliffvale Road, 117.86' SW of  
Belair Road, 11th District  
John A. Schmidt, Petitioner -  
vs.  
BISHOP  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
No. 64-8-X

ASSIGNED ORDER

Order of the Zoning Commissioner dated January 24, 1964,  
in the above matter, inadvertently referred to Section 500.2 of the  
Baltimore County Zoning Regulations. This should have read "Section  
500.1 of the Baltimore County Zoning Regulations".

This Assigned Order should be attached to and made a  
part of the original Order dated January 24, 1964.

William S. Baldwin, Jr.  
Zoning Commissioner of  
Baltimore County

Dated Jan 15 1964

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE  
for a Service Garage : COUNTY BOARD OF APPEALS  
NE/S Cliffvale Road, 117.86' SW of :  
Belair Road, : OF  
11th District :  
John A. Schmidt, : BALTIMORE COUNTY  
Petitioner :  
No. 64-8-X

OPINION

The petitioner in this case seeks a special exception to operate a service  
garage in a B-1 Zone and an off-street parking permit on R-6 land.

The property is situated on the north side of Cliffvale Road approximately  
117 feet west of the Belair Road and consists of two parcels: the eastern most parcel  
(Parcel No. 1) having approximately on 87 foot frontage along Cliffvale Road and a  
depth of 124 feet being zoned B-1, and the western portion of the property (Parcel  
No. 2) consisting of a parcel of approximately 91 feet along Cliffvale Road and 133 feet  
deep it zoned R-6. It is on the latter parcel that the petitioner seeks an off-street  
parking permit. Approximately in the middle of the two parcels is a small cemetery  
55 feet by 96 feet.

Parcel No. 1 was rezoned from R-6 to B-1 on petition of the Perry Hall  
Methodist Church in November of 1959 by the Zoning Commissioner for Baltimore  
County, whose action was subsequently approved by the Baltimore County Council on  
February 24, 1960. The only access to the property is off Cliffvale Road, a narrow  
residential street with only 17 to 18 feet of paving.

There was testimony by the protestants that the petitioner had previously  
been using his property for repair of his vehicles in connection with a sodding business  
and that the noise and traffic in and out of the property was most income. There was  
also testimony that on numerous occasions vehicles entering and leaving the Schmidt  
property on Cliffvale Road had caused traffic tie-ups.

Since it appears that the granting of the special exception would undoubt-  
edly violate at least subsections a. and b. of Section 502.1 of the Zoning Regulations

that the special exception should be denied. Since there is not a sufficient showing  
of need for additional off-street parking, the petitioner's request for an off-street  
parking permit in an R-6 Zone is also denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th  
day of June, 1965 by the County Board of Appeals, ORDERED that the special  
exception and the permit for off-street parking in a residential zone 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  
OF BALTIMORE COUNTY

William S. Baldwin, Jr.  
William S. Baldwin, Chairman

W. Giles Parker  
W. Giles Parker

John A. Slowik  
John A. Slowik

RE: PETITION FOR SPECIAL EXCEPTION  
for Service Garage - N.E. Side  
Cliffvale Road 117.36' E.W. of  
Bel Air Road, John A. Schmidt,  
Petitioner - 11th District

BEFORE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
No. 64-8-X

Pursuant to the advertisement, posting of property and public hearing on the above petition for a special exception for a service garage on the northeast side of Cliffvale Road 117.36' southeast of Bel Air Road, the petitioner did not meet the requirements of Section 500.2 of the Baltimore County Zoning Regulations, the special exception is DENIED.

Also the request for existing "B-1" parking area is used properly and is DENIED.

*John A. Schmidt*  
John A. Schmidt  
Petitioner

Date: *January 27, 1964*

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, John A. Schmidt, legal owner, of the property situated 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 reclassified, pursuant to the Zoning Law of Baltimore County, and

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 GARAGE SERVICE

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.

Contract purchaser *John A. Schmidt*  
Address: 4142 Cliffvale Road  
Perry Hall, Maryland  
John J. Bishop, Petitioner's Attorney  
Address: 203 Conneland Avenue, Towson 4, Md.  
Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of January, 1964, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on January 27th day of January, 1964, at 11:00 o'clock P.M.



(over)

Zoning Commissioner of Baltimore County.

|                                                                                                                                                                                                              |      |                                                  |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------|--------|
| INVOICE                                                                                                                                                                                                      |      | No. 21537                                        |        |
| BALTIMORE COUNTY, MARYLAND                                                                                                                                                                                   |      | DATE 1/13/64                                     |        |
| OFFICE OF FINANCE                                                                                                                                                                                            |      | Division of Collection and Receipts              |        |
| COUNT HOUSE                                                                                                                                                                                                  |      | TOWSON 4, MARYLAND                               |        |
| TO: John J. Bishop, Jr., Esq.<br>203 Conneland Ave.<br>Towson 4, Md.                                                                                                                                         |      | BILLED BY: Zoning Department of Baltimore County |        |
| REPORT TO ACCOUNT NO.                                                                                                                                                                                        | 0462 | QUANTITY                                         | 169.00 |
| REMARKS: Advertising and posting of property for John A. Schmidt                                                                                                                                             |      | COST                                             | 169.00 |
| PAID - Baltimore County, Inc. - Office of Finance                                                                                                                                                            |      |                                                  |        |
| 1-1364 8 229 21537 TTP                                                                                                                                                                                       |      | 4920                                             |        |
| IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND<br>PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. |      |                                                  |        |

## CERTIFICATE OF PUBLICATION

TOWSON, MD., December 20, 1963.

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 or about the 19th day of December, 1963, the date of publication appearing on the 20th day of December, 1963.

THE JEFFERSONIAN

*Frank J. Morgan*  
Manager

Cost of Advertisement, \$

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 11th  
Posted for: John A. Schmidt  
Petitioner: John A. Schmidt  
Location of property: N.E. Side Cliffvale Rd. 117.36' S.W. of Bel Air Rd.  
Location of Signs: TWP. 15 TOWSON PLAZA SECTION, PROPERTY LINE ROAD, ADD. 10' FROM CLIFFVALE RD. AND AT  
Remarks: FOR POSTING ON PARKING LOT  
Posted by: *John A. Schmidt*  
Signature: *John A. Schmidt*  
Date of return: 1/13/64

MULLER, RAPHAEL & ASSOCIATES, INC.  
1001-1003 CONNELLAND AVENUE, TOWSON 4, MARYLAND  
VALLEY 3-8300

## ZONING DESCRIPTION

BEGINNING for the same at a point on the Northeast Side of Cliffvale Road at the beginning of the fifth or N41°12'00"W 56.40' line of the land which by deed dated September 24, 1962 and recorded among the Land Records of Baltimore County in Liber WJR 4051, Folio 229, was conveyed by Perry Hall Methodist Church to John A. Schmidt, said point being also N41°12'00"W 239.90' from the intersection formed by the Northwest Side of Bel Air Road and the Northeast Side of Cliffvale Road, as shown on the Plat of Cliffvale, and recorded among the Land Records of Baltimore County in Plat Book 8, Folio 49, running thence and binding on the Northeast Side of Cliffvale Road and on the 5th line in aforesaid deed, N41°12'00"W 56.48', thence leaving the Northeast Side of Cliffvale Road and binding on the 6th and part of the 7th lines in aforesaid deed the two following courses and distances, N51°01'00"E 133.15' and S38°24'56"W 91.38', thence leaving the 7th line in aforesaid deed and running for a line of division S44°48'00"W 30.03' to intersect the 3rd line in aforesaid deed, Perry Hall Methodist Church to Schmidt, running thence and binding on part of the 3rd line and on all of the 4th line in aforesaid deed, the two following courses and distances, N45°53'22"W 45.77' and S45°22'21"W 100.72' to the place of beginning.

CONTAINING 0.159 acres of land more or less.

BEING part of the land which by deed dated September 24, 1962 and recorded among the Land Records of Baltimore County in Liber WJR 4051, Folio 229, was conveyed by Perry Hall Methodist Church to John A. Schmidt.

*Eugene L. Raphael*  
Eugene L. Raphael  
22246

LAND SURVEYS • LOTS • FARMS • BOUNDARY • TOPOGRAPHICAL • LOCATION • SUBDIVISIONS • ROADS • UTILITIES  
DRAINAGE • SEWER • WATER • MAPPING • ZONING CONSULTATION • CONTRACTORS SERVICE • TESTIMONY

JOHN J. BISHOP, JR.  
ATTORNEY AT LAW  
203 CONNELLAND AVENUE  
TOWSON, MARYLAND 21204  
VALLEY 3-8300

January 16, 1964

Re: Petition for Special Exception  
John A. Schmidt

Dear Mr. Rose:

At the time the Petition for Special Exception was filed I over looked pointing out to you that we were requesting the use of residential property for a parking use under Section 409.4, under zoning regulations. Under this section it is not necessary that the property be rezoned but only that the Zoning Commissioner issue a permit through the use of land in a residential zone for parking areas subject to various conditions which are set forth in Section 409.4.

Under these circumstances my client does not wish the residential area set out on the plat to be rezoned, but only that a permit be issued permitting him to use that area for parking purposes.

Very truly yours,

*John A. Schmidt*  
John A. Schmidt, Jr.

JSB:laf

*B. A. Schmidt + petition covering the same enclosed will be submitted promptly. JSB*

PETITION FOR A SPECIAL EXCEPTION  
64-8

In the Matter of  
Petition of  
*John A. Schmidt*  
for a Special Exception  
OF BALTIMORE COUNTY

For a Special Hearing  
To the Zoning Commissioner of Baltimore County

*John A. Schmidt*  
Petitioner

herby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the

following described property for parking use is in accordance with Section 409.4 of the regulations

Location of property:  
*North side Cliffvale Rd. east of Bel Air Road. See attached for legal description.*

*John A. Schmidt*  
John A. Schmidt  
203 Conneland Ave.  
Towson, Md. 21204

*John A. Schmidt*  
John A. Schmidt  
4142 Cliffvale Rd.  
Perry Hall, Md.  
9  
Address:

## THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS  
Baltimore, Md.  
THE HERALD - ARCADE  
Columbia, Md.  
No. 1 Newburg Avenue  
CATONSVILLE, MD.

December 27, 1963.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTEAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for the week of December 27th, 1963, that is to say the same was inserted in the issues of December 20, 1963.

## THE BALTIMORE COUNTEAN

*Paul J. Morgan*  
Editorial Manager

PETITION FOR SPECIAL EXCEPTION  
for Service Garage - N.E. Side  
Cliffvale Road 117.36' E.W. of  
Bel Air Road, John A. Schmidt,  
Petitioner - 11th District

## CERTIFICATE OF PUBLICATION

TOWSON, MD., December 20, 1963.

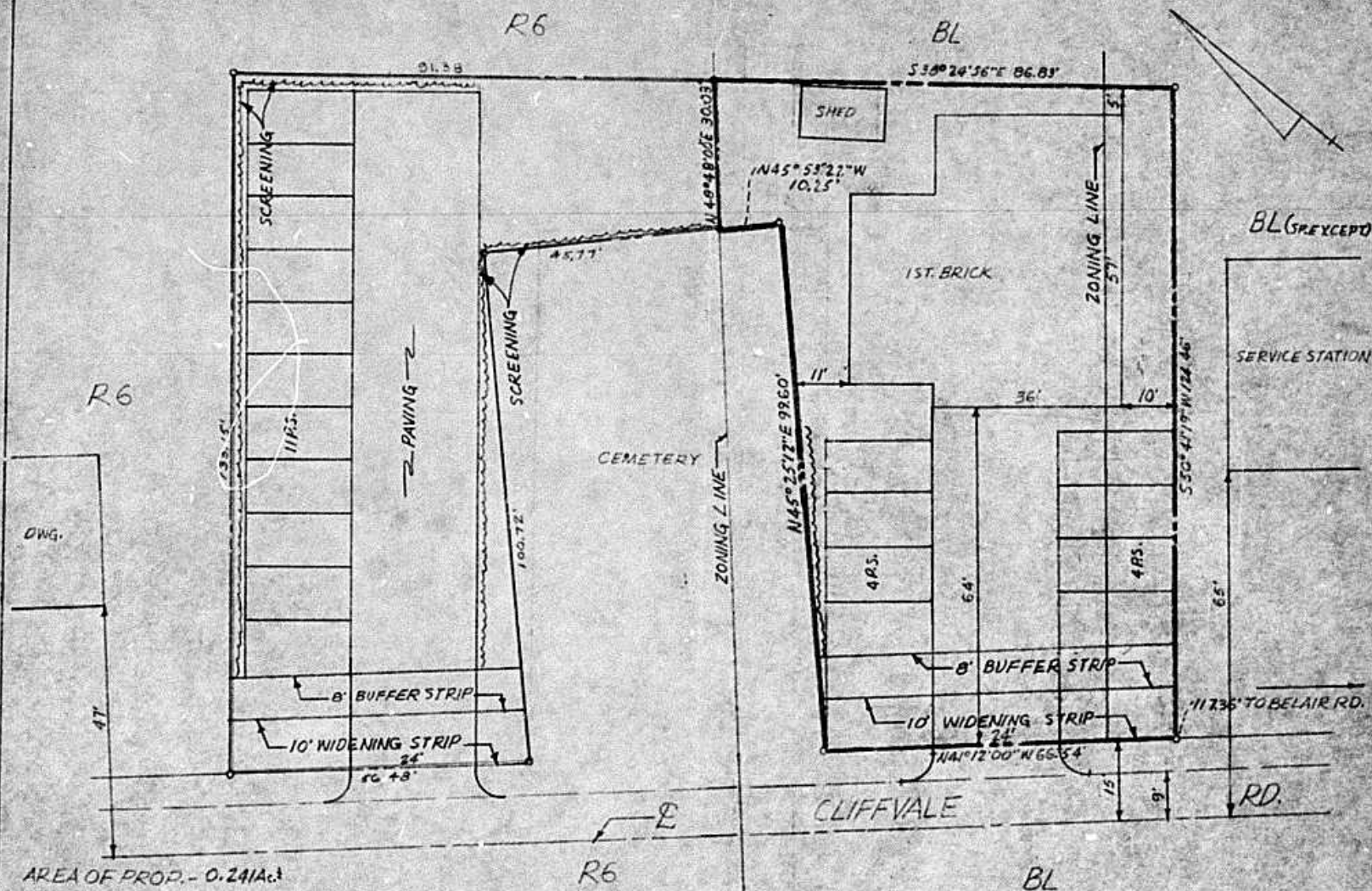
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on or about the 19th day of December, 1963, the date of publication appearing on the 20th day of December, 1963.

THE JEFFERSONIAN

*Frank J. Morgan*  
Manager

Cost of Advertisement, \$





AREA OF PROP. - 0.241Ac.

EXIST. USE OF PROP. - OFFICE & STORAGE

PROP. USE OF PROP. - GARAGE, SERVICE

EXIST. ZONING OF PROP. - BL & R6

PROP. ZONING OF PROP. - SP. EXCEPT. FOR GARAGE, SERVICE & SP. EXCEPT. FOR PARKING IN R6 ZONE & RELEASE OF THAT PORTION COVERED BY SP. EXCEPT.

GRANTED BY PETITION # 4621 RX ON APRIL 8, 1959.

SECT 232, 2b VARIANCE FOR SIDEYARD OFFSET

MULLER, RAPHAEL & ASSOCIATES, INC.

REG. ENGINEERS & SURVEYORS  
 201 COURTLAND AVE  
 TOWSON 4, MARYLAND



MICROFILMED

PLAT TO ACCOMPANY ZONING PETITION  
 11TH ELECT. DIST. BALTO. CO., MD.  
 SCALE: 1" = 20' OCT. 15, 1963