PETITION FOR ZONING RE-CLASSIFICATION, 286 P AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we. Property & Elais A. Haner legal owner. of the property situate in Baltimore property county and which is described in the description and plat attached hereto and made a part based. hereby potition (1) that the zoning status of the herein described property be re-classified, pursuan #3 to the Zoning Law of Baltimore County, from an R-6 SECZC B L zone; for the following reasons: 22

Change in character of the neighborhood and error.

NW-7-E 4/2/65

EVERETT HANER S/S Slade Ave. Road

990'

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 is to be posted and advertised as prescribed by Zoning Regulation

Froperty is to be posted and advertised as prescribed by coming negliations.

I, or we, agree to pay expresses 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

Contract purchaser

Exercit Home? Elsie G Hanes Address 131 State Gue

Address 121 W. Sersgenchen ORDERAD By The Zoning Commission

imore County, this......2nd _____day ..., 196.5., that the subject matter of this petition be advertised, as of March 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, Baltimore County, on the 19th day of April ... 196_5, at 10:00p'clock

Diante, Jack

PETITION FOR REGLASSIFICATION:
from "R-6" Zone to "B-L" Zone
S/S Slade avenue 999' 5M
Relaterstown Road
Jrd Listrict
Everett Haner, et al
Petitionere : COUNTY ECARD OF APPEALS OF BALTIMORE COUNTY No. 65-286-R

: : : : : :

ORDER OF DISMISSAL

Petition of Everett Haner, et al, for reclassification from "R-6" zone to "B-L" zone, on the south side of Slade Avenue 999' southwest of Reisterstown Road, in the Third District of Baltimore County.

whereas the Board of Appeals is ir receipt of an Order of Dismissal of Appeal filed March 1, 1966 from the Attorney representing the protestants-appellants in the above entitled matter.

Whereas the said Attorney for the said protestantsappellants requests that the appeal filed on behalf of said protestants be dismissed and withdrawn as of March __ist _, 1966.

It is thereby ORDERED this 31st day of March, 1966 that said appeal be dismissed without prejudice as of the aforsmentioned date.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

Pursuant to the advertisement, posting of preperty, and public hearing on the above petition and t appearing that by reason of ... Durerous changes in the character of the neighborhood

IT IS ORDERED by the Zoning Commissioner of Baltimore County this...

the same is hereby reclassified; from a R-5

granted, from and after the date of this order. Therace D. Harle

Pursuant to the advertisement, posting of property and public hearing on the above per and it appearing that by reason of ...

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

DENIED and that the above described property or area be and the same is hereby continued as and zone: and or the Special Exception for

Zoning Commissioner of Baltimore County

Room 301 - County Dirice Building

BALTIMORE COUNTY BUSED OF APPEALS : Patition of EVERETI HAVER, ET AL. for reclassification From G-6 to 8-L zone 5/5 Slade Avenue 990 Su Reisterstown Road 3rd District

Case No. 65-286-R

DHDER OF DISMISSAL

MR. CLERA:

Please dismiss the Appeal filed in the above captioned care.

WILLIAM D. WELLS, Attorney for Appellant

Catherine a Henderson

Appellant

L. ALAN'

IANS SURVEYORS AND 6-2144 786 P

MAP

Sec. 2-6

February 8 1965.

DESCRIPTION OF NO. 131 STATE AVENUE

BEDINVING for the same on the southeast side of an avenue forty feet wide called Slade Avenue at the distance of nine hundred and ninety feet southwesterly intersection of the southeast side of Slade Avenue and the southwest side of Paisterstown Road, and running thence binding on the east side of Slade Avenue south sixty degrees five minuter west fifty-five feet to an iron pipe; thence south twenty-nine degrees fifty-five minutes east two hundred twenty-three and sixty-six one-hundredths feet to a stake; thence north forty-eight degrees three minutes and thirty secords east fifty-six and twenty-one hundredths feet to a stake; thence north twenty-nine degrees fifty-five minutes west two hundred eleven and seventy-five one-hundredths feet to the place of beginning marked with an iron pipe on the east side of Slade Avenue. Containing 0.275 acres of land more or less.

IN THE

POR

CIRCUIT COURT

BALT DIORE COUNTY

File No. 3522 Misc. Docket No. 8

Polio No. 88

PRANK SACKS, Attorney for Appellants

65-286R

ALBERT LETTRE, et al

WILLIAM S. BALDWIN, et al

and Bernice Paul.

ORDER FOR DISMISSAL

Kindly dismiss the above captioned matter with

Prejudice upon payment of all costs by the Appelles, Albert Paul



Frank Sacks

MAY 1 '55 4

Zoning Commissioner Baltimore County Office of Planning and Zoning County Office Building 111 W. Chesapeake Avenue Towson, Mayland 21204

Re: Petition for Reclassification for R-8 to 3-L S/S Slade Avenue 939' S/W Releterstown Road, 3rd District, Everfit Haner, Petitioner No. 68-268-R

Kindly enter an Appeal in the above captioned Matter on behalf of Mr. and Mrs. Robert Henderson, 129 Stade Avenue, Baltioney, Maryland, from the decision of Edward D. Hardesty, Deputy Zoning Commissioner.

Please enter my name as Attorney and advise as to the date the Appeal will be heard. For the purpose of this Appeal, I am enclosing my check in amount of \$70.00 representing the advanced costs.

Kindly acknowledge.

Reclassification From

BALTIMORS COUNTY OFFICE OF PLANNING AND ZONING #65-256R

COUNTY OFFICE BUILDING

TOWSON L. MARYLAND

Frank E. Cicone. Eng.

R-6 to BL Zone for SUBJECT: Everett Hamer, located 8/5 Slade Ave, SM of Feistarston load, 3rd District 121 % Susquehanna Avenue Touson, Maryland 2120h The Zoning Advisory Committee has reviewed the subject petition makes the following agreement.

OFFICE OF PLANCIES AND ICENTES: This office questions the adequacy of the $\t drivewy which serves as the only access to the parking area in the rear of the building.

TRAFFIC CHAINCELING & STATE FOADS CO MINISTER: Will review the site and sub. A

The following members had no convent to offers

Bureau of Engineering

on Albert Quimby-Office of Planning & Zoning Richard Moore-Traffic Engineering Jack Deerr-State Foods Commission

FILED NOV 1'5 1966

IN THE STANLEY C. MAGERSHIPP #65-286R CIRCUIT COURT POT SPRING COMMUNITY ASSOCIATION BALTIMORE COUNTY NATHAN H. KAUFMAN, et al AT LAW 2999/7/375 AND POYCROPT, INC.

MEMORANDUM

On November 26, 1963, the Zoning Commissioner of Baltimore County passed his Order by which certain property owned by Foxoroft, Inc., lying in the 8th District of Baltimore County, was reclassified from R-6 to R.A.

On December 26, 1963, Paul J. Feeley filed in the office of the Bultimore County Office of Planning and Zoning a paper writing (hereinafter referred to as the "Pooley Appeal"), containing the following language

> "Planes arter an appeal from the decision of the risatoner on behalf of the protestants in the above captioned case.

Paul J. Feeley".

On December 27, 1963, the Zoning Commissioner received a paper writing (horoinafter referred to as "Fleischmann Appeal"), containing the following languages

"Please enter an appeal to the County Board of Appeals from the Jectision of the Toning Commissioner, dated November 26, 1963 in the above captioned matter.

Arnold Fleischmann Amorney for Protestants".

On January 7, 1964, Poxcroft filed ... retition to dismiss the Pleischmann Appeal upon the ground that it was filed more than thirty days after the final order

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

October 9, 1964

Arnold Fleischmann, Esq. 22 Light Street Baltimore, Maryland 21202

Douglas G. Bottom, Esq. Jefferson Building Towson, Maryland 21204

E. Scott Moore, Esq. County Office Building Towson, Maryland 21204

RE: Stanley C. Magersupp, et al v. Nathun Kaufman, et al, etc. 2999/7/375

Centlemen

Enclosed is copy of Memorandum, which I have today instructed the Clark to enter in the above entitled matter.

Very truly yours.

Il alkert Liverthen

W. ALBERT MENCHINE

CC - County Board of Appeals

On January 7, 1964, the Floischmann Appeal was returned to Mr. Floischmann because it "was not filed $x \times x$ (within) 30 days from the date of the Commissionar's accorning this action was taken by Floischmann and no appeal

On January 17, 1964, 10 days after the filing of Foxoroft's petition to dismiss the Fleischmann Appeal and also 10 days after the return of that Appeal to Floischmann by the Zoning Commissioner, Arnold Fleischmann addressed to the County Board of Appeals a paper writing bearing the heading "Entrance of Appearance and reading as follows

"Please enter my appearance on behalf of the Protestant (Appellant), Stanley C. Magorsupp in the above entitled case.

Arnold Fletschmann".

This was the first reference to a person of that name in these proceedings.

Cn February 13, 1964, Arnold Fleischmann addressed a letter to the County Board of Appeals in this language:

"The Appeal mending before this Board is in the nature of a class action having been filed on behalf of all the protestants who opposed the petition for reclassification before the Zoning Commissioner.

I am attorney of record for the protestant Stanley C. Magersupp acting on his own bohalf as a resident of the area and on behalf of the Pot S; ings Improvement

We are advised that some of the protestants are seeking a compromise with petitioner and may desire scening a computation of the Magersupp and others do not consent to such a dismissal and have asked me to notify the Board of Appeals of their position.

Respectfully yours,

Amout Fleischmann"

On March 10, 1964, Paul J. Feeley wrote as follows to the Board of

"Please dismiss the appeal filed by the undersigned on December 26, 1963 in the above captioned matter.

Paul I. Pooloy".

On April 2, 1964, the Board of Appeals dismissed the appeal from the Zoning Commissioner's action in reclassifying the property of Poweroft and manifestly did so ever the excress objection of Mr. Fleischmann.

On April 25, 1964, an order for appeal bearing the heading of the propent case was filed in this Court.

The present question arises on a motion by Foxcroft to dismiss the appeal because the parties to this appeal are without lavful authority to prosecute it:

Magersupp and Pot Spring concede that neither was specifically named as appellants in any timely appeal from the decision of the Zoning Commissioner. They assort, however, that they did have standing before the Board of Appeals and so have standing here (1) because the Feeley Appeal would coure to their benefit conerally, and (2) because under the facts of this case the Feeley Appeal was expressly understood to be in protection of their interests.

Testimony was taken upon the question as to what interests were intended to be protected by the Feeley Appeal.

There was some minor conflict in the evidence upon the subject but I have no difficulty concluding that it was not the intent and purpose of Mr. Feeley to protect the interests of Pot Spring Community Association (assuming but not deciding that such an association can be a proper party to an appeal of this nature). It was admitted by Mr. Magersupp that he had never been represented by Mr. Feeley and that he had not been in attendance at the hearing before the Zoning Commission

Feeley stated that his purpose in filing the appeal was to protect the interests of himself and wife as residents of the Spring Lake Community, as well as the interest of the Spring Lake Improvement Association, if it chose to utilize his services. He repudiated expressly any intent or purpose to protect the interests of Magersupp or Pot Spring

I find, accordingly, that there was no a pecific intent or purpose in the Feeley Appeal to protect the interests of Magersupp or Pot Spring , or either of them I find further that the Feeley Appeal cannot and does not generally enuro

to the benefit of Magersupp and Pot Spring, or other of them. I question whether an Appeal couched even in such general terms as "the protestants" could serve the office of permitting any or all members of the public to utilize it for their nursuans. I question whether such a general Appeal could, in any case, extend beyond such person or persons as the evidence might establish were intended to be the aggreed appellants. I am completely convinced that the Fooley Appeal cannot be utilized by the appellants, Magorsupp and Pot Spring, under the facts of this case of the reasons: (1) as proviously set forth, both of these appellants were expressly considered by the named appellant as not included in the appeal; and (2) such a course in the instant case would operate to deny to the timely appellant the fruits achieved by him by reason of a settlement of his grievances and at the same time would permit a tardy appellant to avoid the consequences of his own failure to note a timely appeal.

The Motion to Dismiss is granted.

W. ALBERT MENCHINE, Judge

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date April 5, 1965

PROM George R. Geyrelia, Director ...

SUBJECT Polition #65-286-R. Ra-6 in R.L. South side of Slade Avenue 999 feet Southwest of Reisterstown Read. Being the property of Everett and Elsie A. Honer.*

HEARING: Monday, April 19, 1965 (10:00 A.M.)

The planning staff of the Office of Flanning and Zoning has reviewed the subject petition and offers the following comments:

- Uses and coming surrounding the subject property are residential. The creation
 of a B.L. Zone here would result in use potentials totally incompatible with
 neighboring development.
- The proposed soning is not in accordance with the Third District Master Plan or the proposed Composite Guideplan.
- Although changes in density have taken place near the subject property, adequate commercial coming has been provided on Reisterstown Road. The changes thus do not justify the present request.
- h. In view of the above considerations, we feel, from the planning aspect, that the reclassification would be spot zoning.

NING: From R-6 to B.L.

ZORNIC FOR A SOUTH SIDE OF STATE OF THE STATE OF THE SOUTH-CONTROL OF THE SOUTH-TOWSON, MET JAME.

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 1 . 19 65

THIS IS TO CERTIFY. That the annexed ad published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of 19th mossive weeks before the .19 65 , the first publication day of

appearing on the 1st day of April

THE TIMES Mark Manager. John M. Martin

Cost of Advertisement, \$ 18.50

Purchase Order A8281 Requisition No. F268

Frank E. Clasma, Esq. 121 W. Susquehorma Ave. Tourism, Hd. 21204 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING County Office Building 111 W. Chesapeake Avenue Towson 4, Maryland tition has been received and accepted for filling this any of March

65-286-R

CERTIFICATE OF POSTING ARTMENT OF BALTIMORE COUNTY

Posted for Lippeal Petitioner / Everett Haner et al Location of property: 2/2 Stade are 999 and of Runtistinen Re Location of Signer 5/3 Stade an 1880 SW of Restantant Rel

S Barre

Dale of return June 3 1965

BALLONORE COUNTY, MARILAND

OFFICE OF FINANCE

Division of Collection and Receipts TOWSON & MARYLAND

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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 823-3000

BALTMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 30606 DATE 5/20/65

Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

Office of Planning & Zening 119 County Office Bidge,

DEPOSIT TO ACCOUNT NO DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE QUANTITY COST First - Schlower County hild - Citizend Harris > 2065 5 659 . 30606 TYP-0000

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BALLMORE COUNTY, MANYLAND No. 286 OFFICE OF FINANCE Division of Collection and Receipts
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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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QUAN' TY	DETACH UPPER SECTION AND RAFTURN WITH YOUR REMITTANCE	97.00
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	4 MAKE CHECKS PANALULA	7.00

E CHECKS PAYABLE TO BALTIMORE COUNT !, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

65-286-R CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

*7	Towson, Maryland
-RD	
District.	Date of Posting (yard 3, 1965
Posted for Reclass from	R-6 to BL
Petitioner Excrett Hamer	

