

*B. Anderson*  
 PETITION FOR SPECIAL EXCEPTION \*  
 FOR VOLUNTEER FIRE COMPANY \*  
 NEIGHBORHOOD CORNER OF \*  
 MANOR AND LONG GREEN ROADS \*  
 14TH DISTRICT \*  
 CITY AND COUNTY OF BALTIMORE \*  
 MD LAW \*  
 8/306/3057

ZONING FILE #68-62-X  
 IN THE CIRCUIT COURT  
 FOR BALTIMORE COUNTY

The Long Green Volunteer Fire Company (herein called "Fire Company") owns a tract of land containing 4 1/2 acres on the north side of Long Green Road, of which a strip, approximately 110' deep, extends westerly to Manor Road. Fire Company was incorporated in 1930 and built the fire house in 1935 - prior to the adoption of Baltimore County's first zoning law. To date its use has been non-conforming. The surrounding land is zoned "R-6".

On August 10, 1967, Fire Company filed a petition for a Special Exception for such tract for volunteer fire company uses, viz., the erection of a two story addition to the existing fire house and the construction of a parking area extending from just east of Long Green Road for a depth of approximately 520 feet to the rear of such property. The addition to the building would be used "more or less as a community hall" - to hold meetings of the Fire Company and other organizations in the community and for dinners and other affairs sponsored by the Fire Company. The objective of such uses is the raising of money needed for operation of the Fire Company.

On October 11, 1967, Edward D. Mandery, Deputy zoning Commissioner, filed his opinion and order under which he granted the requested Special Exception subject to five restrictions which he imposed under the authority of Section 503.1 of the Baltimore County Zoning Regulations (herein referred to as "Regulations").

Was there any substantial evidence before the Board which supports its decision? The answer to this question is clearly in the affirmative. The three contentions of the Protestants were as follows: (1) That the granting of the Special Exception would be detrimental to the safety of the community in that it would tend to create undue congestion in the Long Green and Manor Roads. On this point the Board had to consider testimony of two well qualified traffic experts. For this court to say that the Board erred in relying upon Mr. Egan rather than upon Mr. Haile, would constitute the substitution of the judgment of the court for the judgment of the Board. There was nothing arbitrary, capricious or illegal in the Board's reliance upon Mr. Egan. (2) That the granting of the Special Exception would be detrimental to the general welfare of the locality. (a) in that the use of neighboring properties and the general plan of the neighborhood as provided by the zoning ordinance would be adversely affected, and (b) that the testimony on behalf of the Fire Company showed that applications for one-day liquor licenses, for affairs to be held in its building, would be made which might be granted by the Board of License Commissioners of Baltimore County. The Board had to weigh and consider the testimony of Mr. Muller, a well qualified real estate and zoning expert, testimony of the nearest neighbor Mr. Paul Anderson and several others against that of other neighbors. Again, it would constitute a substitution of the court's judgment for that of the Board for the court to say that the Board should have relied on Protestants' testimony on this point rather than on that of the Fire Company. Testimony on each side was of equal respectability. Finally, whether or not one-day liquor licenses will be sought for affairs to be held in the Fire Company's building was

An appeal to the County Board of Appeals (herein called "Board") was filed by Carl G. Anderson, on behalf of himself, his wife and seven other couples in the neighborhood (herein called "Protestants"). Hearing on this appeal was held before the Board on February 8 and 13, 1968. Seven witnesses appeared on behalf of Fire Company and twelve witnesses appeared on behalf of the Protestants. Among those who testified for the Fire Company was Hugo O. Egan, Jr., a traffic engineer who holds a B.S. degree in civil engineering from North Carolina State University and a graduate certificate in traffic engineering from Yale University; his experience includes two years with the North Carolina Highway Commission, one and one-half years with the Bureau of Traffic in Washington, D.C., and the past six years with the Department of Transit and Traffic in Baltimore City; also Captain Walton Meyers, a member of the Baltimore County Police Bureau for forty-one years and of the Fire Company since its organization; Augustine J. Muller, a graduate of Johns Hopkins University, School of Engineering; who also has taken several courses in real estate appraisal work; he formerly was zoning Commissioner for Baltimore County. Mr. Muller testified that he had for many years lived in the election district where the Fire Company is located; that, in his opinion, the granting of the Special Exception would not violate any of the requirements of Regulations, Section 503.1. Mr. Egan testified that the site distances easterly and westerly from the proposed entrance to the parking area were more than adequate; that, in his opinion, the granting of the Special Exception would not create any undue traffic congestion or hazard in the roads. His testimony was based upon his knowledge of the proposed use, a visit to the site and traffic counts made by him on Long Green and Manor Roads.

Testimony on behalf of Protestants included seven indi-

viduals who lived in the neighborhood, a member of Wilsons Methodist Church, which is located across Long Green Road from the proposed parking area, Rev. Converse P. Hunter, Pastor of Chestnut Grove Presbyterian Church (located in Jacksonville, about 3 1/2 miles from the site) who lives on Manor Road about one-half mile from the site, and Elmer E. Haile, Jr., who has a residence on Hydes Road and who testified as a traffic expert. Mr. Haile for some thirty-six years has been with the United States Government - Department of Transportation, Federal Highway Administration, as a Highway Design Engineer. He is a graduate of the Johns Hopkins University, School of Engineering. Through Mr. Haile a number of photographs of the neighborhood were introduced. The substance of Mr. Haile's testimony was that Manor Road adjacent to Long Green Road and Long Green Road as it runs past the Fire Company property were already hazardous and that, in his opinion, such hazards would be increased by the granting of the Special Exception. Some of the Protestants objected either to the Fire Company or to the use to which the property has been devoted.

On March 19, 1968, the Board unanimously affirmed the action of the Deputy Zoning Commissioner and passed its order granting the Special Exception, subject to the same restrictions as were imposed by the order of the Deputy Zoning Commissioner.

In all residential zones in Baltimore County, Maryland, (except "R.C." and "R.A.") volunteer fire company uses are permitted as Special Exceptions (Regulations, Sections 200.15, 200.2, 200.2 and 200.3). Under decisions of our Court of Appeals uses permitted by way of Special Exception in any given zone are prima facie lawful uses in such zone. *Garrett v. Board of Zoning Appeals*, 204 Md. 397; *Ball v. Board of Zoning Appeals*, 214 Md. 48, 62. The only condition

precedent to the granting of such a Special Exception is that the use would not violate the requirements of Regulations, Section 503.1, which provides as follows:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, gas, or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

It is clear that the proposed use will in no way violate the provisions of subsections a, b, or f. The only questions of any substance presented to the Board were: (1) Would the proposed use be detrimental to either safety or the general welfare of the locality (subsection a.). (2) Would such use tend to create congestion in roads in such locality (subsection b.). The Board had no difficulty in answering these questions in the negative.

In appeals of this kind the law which governs the decision of the trial court is as follows: (1) The court cannot substitute its judgment for the judgment of the board unless its action is shown to be arbitrary, capricious or illegal. (2) \* \* \* if the questions involved are fairly debatable and the facts presented are sufficient to support the board's decision it must be upheld. *Chapman, Inc. v. Board*, 225 Md. 179, 303; *Garig V. Board of County Commissioners*, 204 Md. 106, 110; *Garig Commissioners v. Board*, 249 Md. 1, 7.

not for consideration by the Board, the neighborhood will have ample notice of any such application, when, as and if it is made, and will have ample opportunity to protest the granting of any such application by the Board of License Commissioners of Baltimore County. The Board in its decision could not bind this court on appeal cannot assume that the Board of License Commissioners will act contrary to law or public policy.

For the reasons stated above, the court finds that the Board's decision and order were neither arbitrary, nor capricious nor illegal. The order of the Board is affirmed. Counsel should submit a proper order for signature by the court.

Judge

PETITION FOR SPECIAL EXCEPTION \*  
 FOR VOLUNTEER FIRE COMPANY \*  
 NEIGHBORHOOD CORNER OF \*  
 MANOR AND LONG GREEN ROADS \*  
 14TH DISTRICT \*  
 CITY AND COUNTY OF BALTIMORE \*  
 MD LAW \*  
 8/306/3057

IN THE CIRCUIT COURT  
 FOR BALTIMORE COUNTY

O R D E R

The above entitled appeal from the County Board of Appeals of Baltimore County having been considered by this Court, memoranda of counsel having been considered and the Court having carefully considered all of the testimony, it is therefore this 19th day of October, 1968, by the Circuit Court for Baltimore County

ORDERED: That the Order of the County Board of Appeals of Baltimore County in the above matter be and the same is hereby affirmed.

True Copy Test  
 GAVILLE T. BOSNELL, Clerk  
 Deputy Clerk

*Renneth C. Porter*  
 JUDGE

PETITION FOR SPECIAL EXCEPTION-14th DISTRICT  
 ZONING FILE #68-62-X  
 FOR VOLUNTEER FIRE COMPANY  
 NEIGHBORHOOD CORNER OF  
 MANOR AND LONG GREEN ROADS  
 14TH DISTRICT  
 CITY AND COUNTY OF BALTIMORE  
 MD LAW  
 8/306/3057

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., August 31st 19 67

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time before the 18th day of September 19 67, the first publication appearing on the 31st day of August 19 67.

THE JEFFERSONIAN,  
*L. Leach* Manager.

Cost of Advertisement \$ . . . . .

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold public hearings for the purpose of receiving applications for Special Exceptions for the erection of a two story addition to the existing fire house and the construction of a parking area extending from just east of Long Green Road for a depth of approximately 520 feet to the rear of such property. The addition to the building would be used "more or less as a community hall" - to hold meetings of the Fire Company and other organizations in the community and for dinners and other affairs sponsored by the Fire Company. The objective of such uses is the raising of money needed for operation of the Fire Company. The hearing will be held at the County Office Building, Room 114, Canton Avenue, Towson, Md., on Monday, September 11, 1967, at 11:00 A.M. The public is invited to attend and to be heard. The hearing will be held at the County Office Building, Room 114, Canton Avenue, Towson, Md., on Monday, September 11, 1967, at 11:00 A.M. The public is invited to attend and to be heard. The hearing will be held at the County Office Building, Room 114, Canton Avenue, Towson, Md., on Monday, September 11, 1967, at 11:00 A.M. The public is invited to attend and to be heard.

PETITION FOR SPECIAL EXCEPTION 11th DISTRICT ZONING Petition for Special Exception for Volunteer Fire Company.

OFFICE OF THE BALTIMORE COUNTY THE COMMUNITY NEWS THE HERALD - ARGUS

No. 1 Newburg Avenue CATONSVILLE, MD.

September 4, 1967

THIS IS TO CERTIFY, that the annex advertisement of John D. Downes, Zoning Commissioner of Baltimore County...

THE BALTIMORE COUNTY

By Paul J. Morgan, Zoning Commissioner

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Subject: Special Exception for Volunteer Fire Company, for Longgreen Volunteer Fire Company located on the N/S of Long Green Road 300' E of Manor Road - 11th Dist. (Item 4, August 22, 1967)

Dear Mr. Downes: The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

- BUREAU OF ENGINEERING: Water and sewer are not available. HEALTH DEPARTMENT: Prior to the hearing, revised plans should be submitted indicating the size, type and location of the existing sewage system.

ZONING ADMINISTRATION DIVISION: If the Petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case.

The following members had no comment to offer: Project Planning, Traffic Engineering, Fire Bureau, State Roads Commission, Building Engineer, Board of Education, Industrial Development.

Very truly yours, James E. Dyer, Principal Zoning Technician

cc: Carlisle Brown, Engineering; Mr. Greenwalt, Health Department, Mr. Quimby, Project Planning

RE: PETITION FOR SPECIAL EXCEPTION for Volunteer Fire Company Northeast Corner of Manor and Long Green Roads, 11th District The Long Green Volunteer Fire Company Petitioner

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 68-62-X

OPINION

This case comes before the Board as an appeal from the decision of the Zoning Commissioner granting a special exception, subject to certain restrictions, to The Long Green Volunteer Fire Company, who occupy the premises at the corner of Long Green and Manor Roads, in the 11th District of Baltimore County, where they have been since 1930.

The present use as a Fire Hall is by way of a non-conforming use, the property being presently zoned as R-6 on a zoning map adopted in 1945. There has been no "new" zoning map adopted for this area since the present Zoning Regulations went into effect in 1955, and the general area is one of large lots, beautiful homes, and in general zoned R-6, which classification represents the residual or reservoir land use on the 1945 maps covering almost every residential application from farm lands to small lot development.

No one wants the Fire Company to move or disband. However, they find themselves in a predicament because a large portion of the funds necessary for the operation of the Fire Department come from public or semi-public affairs held at the Fire Hall for fund raising purposes, and they have recently been notified that their present building does not meet the standards of the Baltimore County Health Department with respect to their kitchen facilities, among other things; and this petition was filed, therefore, for the purpose of securing a special exception for the use of this property, not only for the existing use, which has continued for a long time as a non-conforming use, but in order to expand the

The Long Green Volunteer Fire Co. - 2 -

operation by the construction of a building as an extension to the back of the present building to contain a community hall, where the Fire Department may have dinners or other affairs, or lease to outside organizations for social affairs, all for the social purpose of raising money for the use and benefit of the Fire Company, and hence for the community. Apparently in order to do this it has become necessary for the Fire Company to apply for one day licenses for beer, or perhaps other beverages, on occasions when they have oyster roasts, shrimp feasts, bull roasts, etc.

Among the exhibits is a copy of a meeting of the official board of the church, dated November 6, 1967, which indicates that the said board reached no decision as to whether it should oppose or favor the petition of the Fire Company. To quote from the minutes: "Considerable discussion followed, and it was determined that the official board should leave the matter to the discretion and good judgment of the Fire Company."

At the hearings on this case thirty-nine local residents appeared to protest the application, as against fifty-four who appeared to support the request of the Fire Company. There were eight witnesses on both sides in connection with the traffic situation, but the major thrust of the protestants was confined to their fear of what might happen in the future with regard to disturbances caused by use of the facilities by outside

The Long Green Volunteer Fire Co. - 3 -

organization. If these fears should be realized, there are other departments of the County government authorized and adequate to take care of any trouble. For example, one of the official members of the Fire Company is Captain of the Police in Baltimore County, whom we are sure would not countenance any disorder at affairs held therein.

It was further testified by a number of experts that the proposed enlargement of the building would have no adverse effect on the value of the surrounding properties, and the Board finds it difficult to determine that the increase in the size of the facilities sought by the Fire Company would bring about any effect on the general welfare of the locality than possible uses under the present existing circumstances.

Without going further into the testimony in detail, the Board finds as a fact that the proposed use meets with all the requirements of Section 502.1 of the Zoning Regulations, and therefore will affirm the Order of the Deputy Zoning Commissioner granting the special exception, including the same restrictions imposed by him, which will appear below in detail in the Order attached to this Opinion. If, in fact, in the future there should be any uses of the Fire Hall which would be adverse to the health, safety or general welfare of the community, certainly the Baltimore County Bureau of Public Safety and the Health Department have adequate powers to remedy any adverse situation which may come into being hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day of March, 1968, by the County Board of Appeals ORDERED, that the special exception petitioned for be and the same is hereby GRANTED, subject to site plan approval by the Bureau of Public Services and the Department of Planning and Zoning, and subject to the following restrictions:

- 1. The parking area should be of a durable and dustless nature. 2. Adequate drainage from the parking lot should be provided.

The Long Green Volunteer Fire Co. - 4 -

- 3. All lights shall be so arranged as not to reflect on neighboring properties. 4. Compact screening at least 4 feet in height should be provided around the parking area. 5. Any affairs to be held at the proposed hall on Sundays shall be restricted from 1:30 p.m. to 6:30 p.m. so as not to conflict with any scheduled church services.

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

William S. Baldwin, Chairman W. Giles Parker John A. Slowik

Edward D. Hardesty, Esq. October 29, 1967 Page 2

any objections to the above amendment as requested by Long Green Volunteer Fire Company that he so advise you and me on or before November 1, 1967.

Very truly yours, David D. Downes

DDD:kls #17115

cc: Carl G. Anderson, Esq. Rev. Buddy R. Pipes Mr. Lewis E. Yoder

ZONING COMMISSION OF BALTIMORE COUNTY, MARYLAND IN RE: APPEAL OF ORDER on PETITION No. 68-62 X

These protestants on behalf of whom this appeal is being filed are as follows:

- Mr. & Mrs. Carl Anderson Long Green Rd. Long Green, Md. Mr. & Mrs. Robert Rigger Long Green Rd. Long Green, Md. Mr. & Mrs. Jack McCormick Manor Road Long Green, Md. Mr. & Mrs. Ronald Clute Long Green Rd. Long Green, Md. Mr. & Mrs. Thomas Sutphen Long Green Rd. Long Green, Md. Mr. & Mrs. Earl Heineman Long Green Rd. Long Green, Md. Mr. & Mrs. Alvin Soigman Manor Rd. Long Green, Md. Mr. & Mrs. Dennis Mitchell Long Green Rd. Long Green, Md.

Carl G. Anderson

MT 24 57 AM

**DOWNEN & DEITZ**  
ATTORNEYS AT LAW  
212 WASHINGTON AVENUE  
TOWSON, MARYLAND  
21284

ZONING DEPARTMENT

October 25, 1967

Edward D. Hardesty, Esq.  
Deputy Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
NE/corner of Manor and Long Green  
Roads - 11th District  
Long Green Volunteer Fire Co.,  
Petitioner  
NO. 68-62-X

Dear Mr. Hardesty:

After speaking with the members of Long Green Volunteer Fire Company and with the Rev. Buddy R. Pipes, Minister of Wilson Methodist Church, which is immediately across the road from the fire company property, and there being no objections by the Rev. Buddy R. Pipes, Long Green Volunteer Fire Company does respectfully request that the Order passed by you on October 11, 1967, be amended only as to Restriction No. 5 and asks that that Restriction be substantially changed as follows:

5. "Any affairs to be held at the proposed hall on Sundays shall be restricted to the hours from 1 p.m. to 6:30 p.m. so as not to conflict with any scheduled church services and that the proposed hall shall not be rented to any outside group on Sundays for oyster roasts, bull roasts, shrimp feasts or crab feasts."

I am forwarding copies of this letter to Carl G. Anderson, Esq., and the Rev. Buddy R. Pipes and am asking Rev. Pipes that if he

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

#68-62-X

TO: Mr. John G. Rose, Zoning Commissioner Date September 8, 1967

FROM: George E. Goveillis, Director

SUBJECT: Petition #68-62-X, Special Exception for Volunteer Fire Company, Northeast corner of Manor and Long Green Roads. Being the property of The Long Green Volunteer Fire Company.

11th District

HEARING: Monday, September 18, 1967 (1:30 P.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the special exception per se; if it should be decided to grant the petition, however, we request that the grant be conditioned upon approval of the site plan by this office.

**DOLLENBERG BROTHERS**  
Registered Professional Engineers & Land Surveyors  
708 WASHINGTON AVENUE AT YORK ROAD  
TOWSON, MD. 21204

#68-62-X  
MAP  
11-B  
"X"

June 26, 1967

**Zoning Description**

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the corner formed by the intersection of the northeast side of the Long Green Road with the southeast side of the Manor Road and thence binding on the southeast side of the Manor Road, North 25 degrees 30 minutes East 70 feet and thence leaving said road and binding on the outlines of the property of the herein petitioner the six following courses and distances vzs: South 62 degrees 06 minutes East 300 feet; North 31 degrees 11 minutes East 234.60 feet; South 60 degrees 18 minutes East 264.24 feet; South 29 degrees 11 minutes West 136.57 feet; South 28 degrees 43 minutes 30 seconds West 262.92 feet and South 29 degrees 24 minutes West 105 feet to the northernmost side of the Long Green Road and thence binding on the northernmost side of said road the six following courses and distances vzs: North 87 degrees 50 minutes West 190 feet; North 80 degrees West 47 feet; North 69 degrees 30 minutes West 60 feet; North 62 degrees 32 minutes West 162.30 feet; North 65 degrees 15 minutes West 80 feet and North 34 degrees East 70 feet to the place of beginning.

Containing 4.50 Acres of land more or less.

Being the property of The Long Green Volunteer Fire Company, as shown on the plat filed with the Zoning Department.

PROFESSIONAL ENGINEERS & LAND SURVEYORS  
DOLLENBERG BROTHERS  
No. 1176  
REGISTERED  
STATE OF MARYLAND

CARL G. ANDERSON  
ATTORNEY AT LAW  
8400 YORK ROAD  
BALTIMORE 12, MD.  
DIXIE 7-4600

NOV - 1967  
ZONING DEPARTMENT

November 7, 1968

John G. Rose, Esq.  
Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Order Granting Special Exception NE/corner of Manor and Long Green Roads 11th District Long Green Volunteer Fire Co. Petition No. 68-62-X

Dear Commissioner Rose:

Please note and record an Appeal, of the above Order Granting Special Exception, to the County Board of Appeals.

Enclosed find check in the amount of Seventy Five (\$75.00) dollars covering cost of appeal.

Very truly yours,  
Carl G. Anderson  
Appellant

CGA7jm

ORDER RECEIVED FOR FILING  
DATE 10/1/67  
BY [Signature]

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE  
NE/corner of Manor and Long Green : DEPUTY ZONING  
Roads - 11th District : COMMISSIONER  
Long Green Volunteer Fire Company :  
Petitioner :  
NO. 68-62-X : OF  
BALTIMORE COUNTY

This is a Petition seeking a Special Exception for a volunteer fire company. The present structure to be extended to make room for a hall. Adequate off-street parking to be provided to the side and rear of the proposed structure.

There was only one protestant at the hearing. He did not question the use of the proposed hall by the fire department in connection with volunteer fire company functions. His protest was based on the fact that people not residing in the area would be coming to various private affairs, which could possibly result in disorderly groups. While this is a valid ground for objection, it must be borne in mind that the volunteer fire personnel could be expected to police their own affairs and to take care in routing their premises to respectable parties.

There was also some concern expressed subsequent to the hearing by the minister of the church across the street. The minister gave the impression that he was in accord with the goals and the purposes of the volunteer fire company but very understandably was concerned over a possible conflict between his church services and private affairs to be held at the proposed hall.

After reviewing the evidence, it would appear that the granting of this Special Exception would not adversely affect the surrounding community. The requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County this 11th day of October, 1967, that a Special Exception for a volunteer fire company should be and the same is granted, from and after the date of this Order subject to the following restrictions:

- The parking area should be of a durable and dustless nature.
- Adequate drainage from the parking lot should be provided.
- All lights shall be so arranged as not to reflect on neighboring properties.
- Compact screening at least 4 feet in height should be provided around the parking area.

5. Any affairs to be held at the proposed hall on Sundays shall be restricted from 1:30 p.m. to 6:30 p.m. so as not to conflict with any scheduled church services.

The site plan must be approved by the Bureau of Public Services and the Office of Planning and Zoning.

*Edward D. Hardesty*  
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING  
DATE 10/1/67  
BY [Signature]

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

#68-62-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, The Long Green Volunteer Fire Company, 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 an "X" 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, Volunteer Fire Company.

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.

The Long Green Volunteer Fire Company

Contract purchaser: *George E. Goveillis* President Legal Owner  
Address: Long Green Road Long Green, Maryland

Petitioner's Attorney: \_\_\_\_\_ Protestant's Attorney: \_\_\_\_\_  
Address: 212 Washington Avenue Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1967, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of September, 1967, at 1:30 o'clock P.M.

*John G. Rose*  
Zoning Commissioner of Baltimore County

1:30 P  
9/18/67

THE LONG GREEN VOLUNTEER FIRE CO. NO. 68-62-X  
NE corner Manor and Long Green Roads 11th District  
SE - Volunteer Fire Company

|        |            |  |
|--------|------------|--|
| August | 13th, 1967 | Petition filed                               |
| Oct.   | 11th       | SE GRANTED by D.Z.C.                         |
| Nov.   | 7th        | Appealed to County Board of Appeals          |
| March  | 19th, 1958 | SE GRANTED by the Board                      |
| April  | 16th       | Order for Appeal filed in Circuit Court      |
| May    | 8th        | Record of proceeding, filed in Circuit Court |
| Sept.  | 24         | Board AFFIRMED - (Opinion)                   |
| Oct.   | 2          | (Order)                                      |

PETITION FOR SPECIAL EXCEPTION  
FOR VOLUNTEER FIRE COMPANY  
NORTHEAST CORNER OF  
MANOR AND LONG GREEN ROADS  
11TH DISTRICT  
THE LONG GREEN VOLUNTEER FIRE  
CO., PETITIONER

ZONING FILE #68-62-X  
IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
AT LAW  
8/306/3957

OPINION

The Long Green Volunteer Fire Company (herein called "Fire Company") owns a tract of land containing 4 1/2 acres on the north side of Long Green Road, of which a strip, approximately 110' deep, extends westerly to Manor Road. Fire Company was incorporated in 1930 and built the fire house in 1935 - prior to the adoption of Baltimore County's first zoning law. To date its use has been non-conforming. The surrounding land is zoned "R-6".

On August 15, 1967, Fire Company filed a petition for a Special Exception for such tract for volunteer fire company uses, viz., the erection of a two story addition to the existing fire house and the construction of a parking area extending from just off of Long Green Road for a depth of approximately 520 feet to the rear of such property. The addition to the building would be used "more or less as a community hall" - to hold meetings of the Fire Company and other organizations in the community and for dinners and other affairs sponsored by the Fire Company. The objective of such uses is the raising of money needed for operation of the Fire Company.

On October 11, 1967, Edward D. Herdesty, Deputy Zoning Commissioner, filed his opinion and order under which he granted the requested Special Exception subject to five restrictions which he imposed under the authority of Section 502.1 of the Baltimore County Zoning Regulations (herein referred to as "Regulations").

1.

Was there any substantial evidence before the Board which supports its decision? The answer to this question is clearly in the affirmative. The three contentions of the Protestants were as follows: (1) That the granting of the Special Exception would be detrimental to the safety of the community in that it would tend to create undue congestion in the Long Green and Manor Roads. On this point the Board had to consider testimony of two well qualified traffic experts. For this court to say that the Board erred in relying upon Mr. Liem rather than upon Mr. Haile, would constitute the substitution of the judgment of the court for the judgment of the Board. There was nothing arbitrary, capricious or illegal in the Board's reliance upon Mr. Liem. (2) That the granting of the Special Exception would be detrimental to the general welfare of the locality. (a) in that the use of neighboring properties and the general plan of the neighborhood as provided by the zoning ordinance would be adversely affected, and (b) that the testimony on behalf of the Fire Company showed that applications for one-day liquor licenses, for affairs to be held in its building, would be made which might be granted by the Board of License Commissioners of Baltimore County. The Board had to weigh and consider the testimony of Mr. Muller, a well qualified real estate and zoning expert, testimony of the nearest neighbor Mr. Paul Anderson and several others against that of other neighbors. Again, it would constitute a substitution of the court's judgment for that of the Board for the court to say that the Board should have relied on Protestants' testimony on this point rather than on that of the Fire Company. Testimony on each side was of equal respectability. Finally, whether or not one-day liquor licenses will be sought for affairs to be held in the Fire Company's building was

5.

An appeal to the County Board of Appeals (herein called "Board") was filed by Carl G. Anderson, on behalf of himself, his wife and seven other couples in the neighborhood (herein called "Protestants"). Hearing on this appeal was held before the Board on February 8 and 13, 1968. Seven witnesses appeared on behalf of Fire Company and twelve witnesses appeared on behalf of the Protestants. Among those who testified for the Fire Company was Hugo O. Liem, Jr., a traffic engineer who holds a B.S. degree in civil engineering from North Carolina State University and a graduate certificate in traffic engineering from Yale University; his experience includes two years with the North Carolina Highway Commission, one and one-half years with the Bureau of Traffic in Washington, D.C., and the past six years with the Department of Transit and Traffic in Baltimore City; also Captain Walton Meyers, a member of the Baltimore County Police Bureau for forty-one years and of the Fire Company since its organization; Augustine J. Muller, a graduate of Johns Hopkins University, School of Engineering; who also has taken several courses in real estate appraisal work; he formerly was Zoning Commissioner for Baltimore County. Mr. Muller testified that he had for many years lived in the election district where the Fire Company is located; that, in his opinion, the granting of the Special Exception would not violate any of the requirements of Regulations, Section 502.1. Mr. Liem testified that the site distances easterly and westerly from the proposed entrance to the parking area were more than adequate; that, in his opinion, the granting of the Special Exception would not create any undue traffic congestion or hazard in the roads. His testimony was based upon his knowledge of the proposed use, a visit to the site and traffic counts made by him on Long Green and Manor Roads.

Testimony on behalf of Protestants included seven indi-

2.

not for consideration by the Board. The neighborhood will have ample notice of any such application, when, as and if it is made, and will have ample opportunity to protest the granting of any such application by the Board of License Commissioners of Baltimore County. The Board in its decision could not and this court on appeal cannot assume that the Board of License Commissioners will act contrary to law or public policy.

For the reasons stated above, the court finds that the Board's decision and order were neither arbitrary, nor capricious nor illegal. The order of the Board is affirmed. Counsel should submit a proper order for signature by the court.

Judge

6.

viduals who lived in the neighborhood, a member of Wilsons Methodist Church, which is located across Long Green Road from the proposed parking area, Rev. Converse P. Hunter, Pastor of Chestnut Grove Presbyterian Church (located in Jacksonville, about 3 1/2 miles from the site) who lives on Manor Road about one-half mile from the site, and Elmer R. Haile, Jr., who has a residence on Hydes Road and who testified as a traffic expert. Mr. Haile for some thirty-six years has been with the United States Government - Department of Transportation, Federal Highway Administration, as a highway design engineer. He is a graduate of the Johns Hopkins University, School of Engineering. Through Mr. Haile a number of photographs of the neighborhood were introduced. The substance of Mr. Haile's testimony was that Manor Road adjacent to Long Green Road and Long Green Road as it runs past the Fire Company property were already hazardous and that, in his opinion, such hazards would be increased by the granting of the Special Exception. None of the Protestants objected either to the Fire Company or to the use to which the property has been devoted.

On March 19, 1968, the Board unanimously affirmed the action of the Deputy Zoning Commissioner and passed its order granting the Special Exception, subject to the same restrictions as were imposed by the order of the Deputy Zoning Commissioner.

In all residence zones in Baltimore County, Maryland, (except "R.C." and "R.A.") volunteer fire company uses are permitted as Special Exceptions (Regulations, Sections 200.15, 200.2, 206.2 and 209.3). Under decisions of our Court of Appeals uses permitted by way of Special Exception in any given zone are prima facie lawful uses in such zone. Burlew v. Board of Zoning Appeals, 204 Md. 397; Huff v. Board of Zoning Appeals, 214 Md. 45, 62. The only condition

3.

PETITION FOR SPECIAL EXCEPTION  
FOR VOLUNTEER FIRE COMPANY  
NORTHEAST CORNER OF  
MANOR AND LONG GREEN ROADS  
11TH DISTRICT  
THE LONG GREEN VOLUNTEER  
FIRE COMPANY, PETITIONER

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
AT LAW  
8/306/3957

ORDER

The above entitled appeal from the County Board of Appeals of Baltimore County having been considered by this Court, memoranda of counsel having been considered and the Court having carefully considered all of the testimony, it is therefore this 30th day of October, 1968, by the Circuit Court for Baltimore County

ORDERED that the Order of the County Board of Appeals of Baltimore County in the above matter be and the same is hereby affirmed.

True Copy Test  
ORVILLE T. GOSNELL, Clerk  
Per *[Signature]*  
Clerk

JUDGE

precedent to the granting of such a Special Exception is that the use would not violate the requirements of Regulations, Section 502.1, which provides as follows:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

It is clear that the proposed use will in no way violate the provisions of subsections c,d,e, or f. The only questions of any substance presented to the Board were: (1) Would the proposed use be detrimental to either safety or the general welfare of the locality (subsection a.). (2) Would such use tend to create congestion in roads in such locality (subsection b.). The Board had no difficulty in answering these questions in the negative.

In appeals of this kind the law which governs the decision of the trial court is as follows: (1) The court cannot "substitute its judgment for the judgment of the board unless its action is shown to be arbitrary, capricious or illegal." (2) " \* \* \* if the questions involved are fairly debatable and the facts presented are sufficient to support the board's decision it must be upheld." Cowher, Inc. v. Baltimore, 225 Md. 379, 383; Smith v. Board of County Commissioners, 244 Md. 106, 110; County Commissioners v. Lewis, 249 Md. 1, 7.

4.

|  |  |                           |
|--|--|---------------------------|
| TELEPHONE<br>823-3000<br>EXT. 387  | INVOICE<br>BALTIMORE COUNTY, MARYLAND<br>OFFICE OF FINANCE<br>Division of Collection and Receipts<br>COURT HOUSE<br>TOWSON, MARYLAND 21284 | No. 49678<br>DATE 8/29/67 |
| TO: Carl G. Anderson, Esq.,<br>6600 York Road,<br>Baltimore, Md. 21212   | Office of Planning & Zoning<br>119 County Office Bldg.,<br>Towson, Md. 21284   | BILLED                    |
| REPORT TO ACCOUNT NO. 01-622   | QUANTITY   | TOTAL AMOUNT<br>\$75.00   |
| cost of appeal - The Long Green Vol. Fire Co.<br>No. 68-62-X   |  | \$70.00                   |
| 1 sign   |  | 5.00                      |
|  |  | \$75.00                   |
| IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21284 |  |                           |

|   |  |                           |
|---|--|---------------------------|
| TELEPHONE<br>823-3000<br>EXT. 387   | INVOICE<br>BALTIMORE COUNTY, MARYLAND<br>OFFICE OF FINANCE<br>Division of Collection and Receipts<br>COURT HOUSE<br>TOWSON, MARYLAND 21284 | No. 49258<br>DATE 4/26/68 |
| TO: G. Mitchell Austin, Esq.,<br>24 W. Pennsylvania Avenue<br>Towson, Maryland 21284  | County Board of Appeals<br>(Zoning)  | BILLED                    |
| REPORT TO ACCOUNT NO. 01-712  | QUANTITY   | TOTAL AMOUNT<br>\$0.00    |
| Cost of certified documents - Case No. 47-48-X<br>The Long Green Volunteer Fire Company<br>119 corner Manor and Long Green Roads<br>11th District |  | \$0.00                    |
| IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21284    |  |                           |

INVOICE No. 48473  
 BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE  
 Division of Collection and Receipts  
 COUNTY HOUSE  
 TOWSON, MARYLAND 21204

DATE: Sept. 16, 1967

BILLED BY: Long Green Vol. Fire Dept. of Balto. Co.

TO: Long Green Vol. Fire Dept., Inc.  
 Long Green Rd. 21092

| QUANTITY | DETAILS ALONG PERFORMANCE AND KEEP THIS PORTION FOR YOUR RECORDS | TOTAL AMOUNT<br>\$68.00 |
|----------|--|-------------------------|
|          | Advertising and posting of property #68-62-1                     | 58.00                   |
| 1-19-67  |  | 50.00                   |
| 1-19-67  |  | 50.00                   |

REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND  
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 822-5100 EXT. 327

INVOICE No. 48472  
 BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE  
 Division of Collection and Receipts  
 COURT HOUSE  
 TOWSON, MARYLAND 21204

DATE: Sept. 18, 1967

BILLED BY: Zoning Dept. of Balto. Co.

TO: Messrs. James S. Davis  
 212 Washington Ave.  
 Towson, Md. 21284

| QUANTITY | DETAILS ALONG PERFORMANCE AND KEEP THIS PORTION FOR YOUR RECORDS          | TOTAL AMOUNT<br>\$7.25 |
|----------|---|------------------------|
|          | Advertising and posting of property for Long Green Vol. Fire Co. #68-62-2 | 7.25                   |
| 1-19-67  |   | 7.25                   |
| 1-19-67  |   | 7.25                   |

REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND  
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

*1 Sign*

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 11<sup>th</sup> Date of Posting: Sept 2<sup>nd</sup> 1967

Posted for: Messrs. Monday, Sept 18<sup>th</sup> 1967 at 1:30 P.M.

Petitioner: The Long Green Vol. Fire Co.

Location of property: N.E. Corner of Mason & Long Green Rd.

Location of Signs: 0. Post on house lot of Columbia, Inc. Co. Lot 74 of 15<sup>th</sup> from Mason Rd.

Remarks:

Posted by: *Mark S. Hara* Signature Date of return: Sept 2<sup>nd</sup> 1967

*1 Sign*

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 11<sup>th</sup> Date of Posting: Sept 16 - 1967

Posted for:

Petitioner: The Long Green Volunteer Fire Co.

Location of property: N.E. Corner of Mason & Long Green Roads

Location of Signs: 0. Post N.E. Corner of Mason & Long Green Roads

Remarks:

Posted by: *Mark S. Hara* Signature Date of return: Sept 29 - 67

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

David D. Downes, Esq., County Office Building  
 212 Washington Avenue 111 W. Chesapeake Avenue  
 Towson, Maryland 21204 Towson, Maryland 21204

Your petition has been received and accepted for filing this  
 15<sup>th</sup> day of August 1967

*John G. Rose*  
 John G. Rose  
 Zoning Commissioner

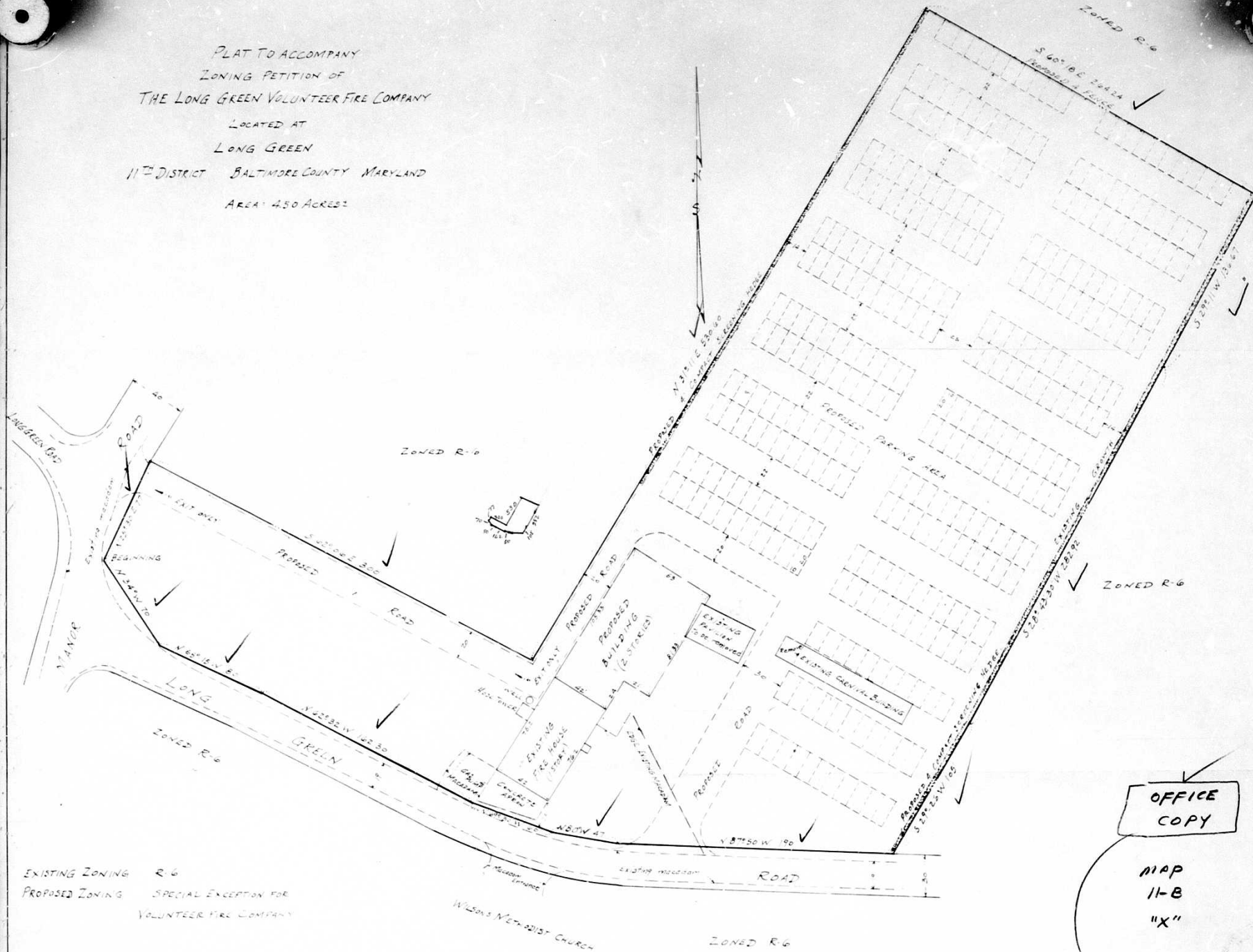
Petitioner: Long Green Volunteer Fire Company

Petitioner's Attorney: David D. Downes

Reviewed by: *James S. Hara*  
 Chairman of Advisory Com.

PLAT TO ACCOMPANY  
ZONING PETITION OF  
THE LONG GREEN VOLUNTEER FIRE COMPANY

LOCATED AT  
LONG GREEN  
11<sup>TH</sup> DISTRICT BALTIMORE COUNTY MARYLAND  
AREA: 4.50 ACRES



EXISTING ZONING R-6  
PROPOSED ZONING SPECIAL EXCEPTION FOR  
VOLUNTEER FIRE COMPANY

PARKING DATA

EXISTING FIRE HOUSE 3200' x 50' 64 SPACES REQUIRED

PROPOSED BUILDING

2 FLOORS 12200' x 50' x 248'

TOTAL SPACES REQUIRED = 309

SPACES PROVIDED IN PLAN = 313

OFFICE  
COPY

MAP  
11-B  
"X"

SCALE: 1/4" = 1' JULY 25, 1967  
DOLLENBERG BROTHERS  
SURVEYORS & CIVIL ENGINEERS  
709 WASHINGTON AVENUE  
TOWSON, MARYLAND

NOTE: This plat not to be used for conveyance purposes

