TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY :

I, or we,LCch_Bayen_Bayetist_Church_ofl' owner___of the property state in Baitimors County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Soction 500.7 of the Joning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning

Commissioner should approve_five_{51_parking_spaces_on_property_zoned__ .8-6_and_owned_by_the_Church_for_the_use_and_benefit_of_property_zoned___

B-L, and used by Masket Cleaners & Dyers, Inc.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Pro Chile I ahe Look Rayen Bentist Church Line Den H. and Estre & Beaker
Lesses T REPORTER RESERVENCE
LESSES Loch Reven Roulevard Torson, Haryland 21204

Petitioner's Attorney 404 Jefferson Building

Ridenwood, Mrd. 21139 wowson, Maryland 21204

EMPERED By the Zoning Commissioner of Baltimore County, this 28th cally of sweeper 196.2, that the subject matter of this petition be extertised, as required by the Zoning Law of Baltimore County, in two Pausphers of general circul-ion 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 185 day of 190047. 1968.

at_U300_o'clock__A._M.

Zoning Commissioner of Baltimore County

John IN Goe

0

(over)

James A. Worsham, Legal Owner

Pastor Address 8600 Loch Raven Boulevard

Towson, Maryland 21204

William H. Onderson

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL HEARING for five (5) Parking Spaces on Property Zoned R-6 Beginning 247-88 feet northeast from the intersection of Loch Raven Boulevard and Naturo Road 9th District

Loch Raven Baptist Church Petitioner

COUNTY BOARD OF APPEALS

10mg

BALTIMORE COUNT

No. 68-138-5PH

.

OPINION

This case is a special hearing upon an application for the use of five (5) parking spaces on property zoned R-6 and owned by the Loch Raven Baptist Church, Inc., vaid space to be for the use and benefit of property owned by Masket Cleaners & Dyers, Inc. At the hoaring Mr. John R. Masket testified that he had the permission of the Church to use the five parking spaces on their property. His property is separated from the Church parking lot by two intervening parcels, and he himself testified on the witness stand that his "property does not adjoin" the Church property.

Section 40y.4 of the Baltimore County Zoning Regulations provides that a use permit may be issued for parking purposes, subject to certain conditions. Condition "a" states: "The land so used must adjain or be across an alley or street from the business or industry involved."

The Board is forced of necessity to find as a fact that Mr. Machet's property does not so relate to the Church property, and therefore his application for the use per-

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 19 day of November, 1968, by the County Board of Appeals ORDERED, that the relief requested in the Petition for Special Hearing be DENIED.

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

Ernost C. Trimble, Esq., 404 Jefferson Brilding Towson, Maryland 21204

SUBJECT: Special Hearing for Off-atreet parking ina realdential zone, for the Loch Rever Beptial Church, inc., located NM corner of Loch Raven illud. and Naturo Road 9th District (Item 35, November 28th, 1967)

247.88 from the N/S of

The Zoning Advisory Committee has reviewed the subject perition and has the following comments to offers

STATE ROADS COMMISSION:
The existing entrance channelization is acceptable to this office.

ZOUING ADMINISTRATION DIVISION:

If the patition 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 asure that all parties are ande some of plans or problems that may have a bearing on this case. The Director and, or the Deputy Director of the Office of Planning and Zoning will substit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

Very truly yours,

JAMES E. DYER, Principal Joning Technician

Loch Raven Baptist Church - No. 68-138-SPH

Project Flanning Division Bureau of Traffic Engineer Bureau of Engineering Health Department Bureau of Fire Prevention

ccs John Meyers-State Roads

RE: PETITION FOR SPECIAL HEARING : : PETITION FOR SPECIAL HEAR for five (5) Parking Spaces on property zoned R-6 Beginning 247.88 feet northeast from the intersection of Loch Ra Boulevard and Naturo Road Boulevard and Nature Road 9th District Loch Raven Baptist Church

BEFORE COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY No. 48-138-5PH

AMENDED ORDER

WHEREAS, by Order of the Circuit Court for Baltimore County in the prolings concerning the above entitled case on appeal to the Circuit Court (Misc. Docket 48, Folio 4383, File 4111), an Order was passed by W. Albert Menchine, Judge, on the 28th day of November, 1969, reversing the Order of the Board, and remanding the said case to the County Board of Appeals " * * * for further proceedings under section 409 not inconsistent with this opinion."

THEREFORE, in accordance with the aforementioned Order of Court, it is this 15th day of April, 1970, by the County Board of Appeals ORDERED that the relief requested in the petition for special hearing for the use of five (5) parking spaces or property zoned R-6 and owned by the Loch Raven Baptist Church, Inc., said space to be for the use and benefit of property owned by Masket Cleaners and Dyers, Inc., be and the same is hereby GRANTED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

2

DATE

REALTHO Beg. 247.88' from the N/S of Naturo Road on the W/S of Loch Raven Boulevard - 9th Dist. Loch Raven Baptist Church, Inc. ZONING COMMISSIONER NO. 68-138-SPH

RE: PETITION FOR SPECIAL

BALTIMOPE COUNTY

BEFORE THE

...

The Petitioners have requested permission to use property ned R-6 for five (5) parking spaces.

The Petitioners have met the requirements of Section 409, 4 of the Baltimore County Zoning Regulations and may use the subject property in accordance with plans approved by the Office of Planning and Zoning dated January 30, 1968. The plan is marked Exhibit "A" and Zattached hereto and made a part hereof.

The Petition is approved by the Zoning Commissioner of Baltimore County this 1076 day of January, 1968.

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, Chairma

John A Slowill

LOCH RAVEN BAPTIST CHURCH, INC., ET AL NO. 68-138-SPH Beg. 247.88' NE from intersection of Loch Raven Blvd.

Nov. 28, 1967

½ Apr. 15

S.H. for 5 parking spaces on property zoned R-6 and awned by the Church for the use and benefit of property zoned B.L., and used by Masket Cleaner & Dyers, Inc.

Ico 30 1968 Z.C. GRANTED the 5 parking spaces requester Feb. 29 Order of Appeal to C. B. of A. filed Nov Board's Order DENYING the parking spaces Dec. 18 Order for Appeal filed in the Circuit Court by Ernest C. Trimble, Esq., Attorney for Petitioners (File #411) Record of proceedings filed in Circuit Cour Board REVERSED and case remanded for further proceedings under section 409 not inconsistent with this opinion – Judge W. Albert Menchine 28 81 Motion for New Trial filed in the Circuit Court by Mr. Onderdonk (see copy in file #68-32-RA) Dec. 3 £1 " Order for Appeal filed in the Court of Appeals by Mr. Onderdonk 22 F 1 Mar. 26, 1970 Motion to Dismiss appeal to Court of Appeals filed by Mr. Onderdonk Judge Menchine ORDERED: That a re-hearing in #3933 and #4112 is hereby GRANTED, and that re-hearing in #4111 is hereby DENIED. FURTHER ORDERED that the Memorandum Order heretobefore filed and rOKHITA CACERTO that the Americanous Crede heretobelore tiled an entere" by this Court in connection with the above entitled cases be and it is hereby rescrided and the decision and Order of the County Board of Aspects returned to the status existing pilor to a hearing in this Court as to Cases *9333 and *4112, but shall remain in full force and effect as to Case *4111.

Amended Order of the Board GRANTING the 5 parking spaces

WILLIAM H. ONDERDONK
ATTORNEY AT LAW
CERTIFIED PUBLIC ACCOUNTANT
RIDERWOOD, MARYLAND 21139

February 28, 1968



Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Petition for Special Hearing Beg. 247.88' from the M/S of Saturo Road on the M/S of Loch Haven Boulevard - 9th Dist. Loch Haven Eaptist Church, Inc. No. 68-198-5FH

Mr. John G. Rose

On behalf of my clients Vermon L. and Arma O. Gordon, camers of real estate at 860% and 8600 Loch Raven Brulevard, Baltimore County Maryland, 21204, parties aggrieved by the decision and order of the Zoning Commissigner for Baltimore County, dated January 30, 1968 granting a reclassification on the above mentioned property, please enter an appeal to the Board of Appeals for Baltimore County.

Very Truly Yours,

M. H. Ordendonk W. H. Onderdonk Attorney for Appellant - Protestant

GRANTED

BALT TORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date December 20, 1967

FROM George E. Gavrells, Director of Planning

Petition f 68-138-5PH. Beginning 247.88 feet northwart from the intersection of Loch Raven Boulevard and Nature Road. Petition for Special Houring for 5 parking spaces on property zoned R-b and owned by the Church for the use and benefit of property zoned B-b, and used by Masket Cleaners and Dyers, Inc. Loch Raven Baptist Church, Inc. - Petitioners.

9th District

HEARING: Wednesday, January 3, 1968 (11:00 A. IA.)

The planning staff of the Office of Planning and Zoning has reviewed the subject perition and offers the following comments:

The notion of providing commercial off-street parking on the subject property is restanched provincing commercial for investigations are successfully extended to the categories of the decided to grant the use permit, we suggest that the petitioner contact Project Planning Division of this office with respect to revision of the plan.

IN THE CIRCUIT COURT

vs.

COUNTY BOARD OF APPEALS

AT LAW Misc. No. 3933 & No. 4112

and No. 4111

ORDER

Upon the Motion for Re-Hearing (referred to in the pleading as Motion for New Trial) filed on behalf of Vernon L. and Anna O. Gordon in the above entitled cases, it is this 26 day of March, 1970, by the Circuit Court for Baltimore County

ORDERED that a Re-Hearing in Misc. No. 3933 and Misc. No. 4112 be and it is hereby granted, but that re-hearing in No. 4111 be and the same is hereby denied,

AND IT IS FURTHER ORDERED that the Memorandum Order heretofore filed and entered by this Court in connection with the above entitled cases be and it is hereby rescinded and the decision and Order of the County Board of Appeals returned to the status existing prior to a hearing in this Court as to Cases No. 3933 and No. 4112, but shall remain in full force and effect as to Case No. 4111.

JOHN H. HUSKEN

and 203

ESTRE R. MASIGN BALKERORS COURSY

VS.

80. 4112 Spring till "65-31 A COUNTY DOARD OF ADMINIS

ECCION TO PERSONS

Mr. Clark:

Please DISHESS WITH PREDUDICE the appeal to the Court of Appeals previously filed in the shave entitled eases.

Attorney for Vernon L. Corden and Anna G. Corden, Appellance

William H. Ondardon

Beid 3/26/20-3/m . 1 from Trailer top)

- HE BH C- REL -

Harch 1, 1968

Hr. W. H. Onderdonk Riderwood, Maryland, 21139

RE: Commercial Entrance Channelfration Gerdon's Ceremic Shop
West Side of Loch Reven Bnulevard
(Route 542) South of Yaknow Road

Re. d 3/30/70

11:05 0

Reference is make to our telephone conversation of Fabruary 29, 1968, which you asked why the State Roads Commission is requiring the constructions in the state walk and the parking area at the subject site or requirement was made at the adjacent Masket Clestors;

There are several reasons for having the requirement in one case but not in the other. It is the policy of the State Roads Commission to require entrance channelization to be brought up to current standards (where an existing commercial site is concerned), when there is a sizeable addition to, or a change in the business that would generate considerably more traffic.

To our knowledge the only noticeable improvement to the cleaners that has bren made in recent years is a six foot by seven foot air conditioning unit on the rear of the building which could hardly fall into the same category as the pro-posed thirty foot by forty-four foot building addition proposed for the cereatic shop.

The owners of the ceremic shop have patitioned for a zoning riclassifice-There is no zoning patition regarding the Masket Clemers site.

Description of the required curb is to prevent vehicles from environmentally additionable. The frontage of the cleaners on tach haven Roulevard is approximately 30° and leaving approximately 50° and the property of the entrance. There are personnel signs in hack of the videwalk on either side of the entrance. There are personnel signs in hack of the videwalk on either side of the entrance. Therefore taking into consideration the short distance on either side of the entrance. Therefore taking into consideration the soft distance on either side while, could not make the consideration to distance accept within the entrance. Therefore it would be impressible to construct curbing between the sidewalk and the parking area fronting the cleaners.

Trusting that the information contained herein is sufficient for your present need.

Very truly yours.

Charles Lee, Chief Development Engineering Section

BY Lat. Development Engi

LOCH RAVEN BAPTIST CHURCH, INC.

BEGINNING at a point 247,88 feet northeasterly from the intersection of Loch Raven Foulevard and Naturo Road and north 75 degrees 24 minutes west 50 feet from Loch Raven Boulevard, thence leaving said point the four (4) following courses and leaving said point the four (4) following courses and leaving said point the four (5) distance of 18 feet to a point, thence north 74 degrees 14 minutes west 42½ feet to a point, thence north 74 degrees 24 minute west 12½ feet to a point, thence north 74 degree 22 minute west line hereinbefore referred to, thence south 74 degrees 24 minutes and 12½ feet to the place of beginning.

16 3 30 Hierar Ma. 57801 BALTICORE COUNTY, MARY ND OFFICE OF FINANCE . \$2.00 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND BALTIMORE COUNTY, MARYEND OFFICE OF FINANCE INPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

JOHN H. MASKET and ESTRE R. MASKET

COUNTY BOARD OF APPEALS

IN THE CIRCUIT COURS

Misc. No. 3933 & No. 4112

and No. 4111 · · · · · · Springsteiner.ss.

\$20.00

ORDER

pleading as Motion for New Trial) filed on behalf of Vernon L.

26 - day of March, 1970, by the Circuit Court for Baltimore

No. 4.12 be and it is hereby granted, but that re-hearing in

heretofore filed and entered by this Court in connection with

the above entitled cases be and it is hereby rescinded and the

decision and Order of the County Board of Appeals returned to

the status existing prior to a hearing in this Court as to Cases

No. 3933 and No. 4112, but shall remain in full force and effect

No. 4111 be and the same is hereby denied,

Gordon and Anna O. Gordon in the above entitled cases, it is this

Upon the Motion for Re-Hearing (referred to in the

ORDERED that a ke-Hearing in Misc. No. 3933 and Misc.

AND IT IS FURTHER ORDERED that the Momorandum Order

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND

for Baltimore County from the order of the County Board of Appenha in the phoya cariffled engin

JOHN M. MARKEY

ESTRE R. MASIGN

COUNTY LOADS OF APPRAIS

LED

VS.

Mr. Clork.

Attorney for John M. Nasket and Ratro R. Masket, Amellants

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Plance DESKIES WERE DESCRIPTION the appeal previously

MERCE TO PERSONS

filed by John R. Macket and Datro R. Masket to the Circuit Court

III THE

AC LAST

eracine come

FOR PAINTHORE COURSE

* Misc. No. 3933 a No. 4112

CHINE:

Upon the aforegoing mession, it is this day of March, 1970, by the Circuit Court of Raltimore County,

ORDERTS that the aferegoing Nation to Dismiss with Projection be and it in hereby granced.

20/10

I EXECUT CONTEST that a copy of the aforegoing Mation to Dirmius and Order was delivered to William E. Onderdonk, Attorney for Vernon L. Gorden and Anna O. Sorden and to the County Solicitor for Dalefrore County this ______day of week, 1976.

Percet C. Cri.

3 FILES *68-138-SPH & *68-33-RA IN THE JOHN H. MASKET AND ESTRE R. MASKET vs AT LAW Misc. No. 3933 & No. 4112 COUNTY BOARD OF APPEALS LOCH RAVEN BAPTIST CHURCH, INC. JOHN H. MASKET and ESTRE R. MASKET FOR BALTIMORE COUNTY vs AT LAW COUNTY BOARD OF APPEALS Misc. No. 4111

MEMORAN DU M

This is the second and third phase of a zoning trilogy to which this relatively small tract of land has been subjected.

The second phase (Cases Nos. 3933 and 4112) involves a petition by which Vernon L. Gordon and Anna C. Gordon sought and obtained from the County Board of Appeals a reclassification of land from R-6 to BL with a variance for parking. An appeal was taken by John H. Masket and Estre R. Masket, fee simple owners of adjoining property, who also hold by deed a sixteen foot right-of-way within the

The third phase (Case No. 4111) involves a petition (opposed by the Gordens) by John H. Masket and Estre R. Masket together with Loch Raven Baptist Church, Lice, for five parking spaces upon the church property proposed for use by customers

on November 19, 1968 (Misc. Case No. 4112):

"With respect to the application for a variance, the Board fine, as a fact that the application is only for an additional four (4) parking spaces over and above that required by law so as to have uniminal effect, if any, upon the spirit and intent of the off-street parking regulations; that denial of this application would result in practical difficulty to the petitioners; that the granting of this variance will not cause any increase in residential density allowed by the zoning regulations; that the relief petitioned for can be granted without any, much less substantial, injury to the public health, safety and general welfare."

The Court has carefully examined the transcript of record made before the Board to determine whether there is any substantial evidence to support the finding of fact by the Board on this issue of a parking veriance. It has found none. The only evidence bearing upon the requirements of Sections 307 and 409 of the Zoning Law is the testimony of the witness George E. Gavrelis, Director of Planning of Balkimore County. Without contradiction formany other source he said at page 25 of the transcript;

"We strongly question the need for any parking variance in this location. As we have noted before, the zoning regulations indicate that parking requirements are to be exceeded wherever possible). We believe that the proposed addition to the existing commercial building should be scaled down so that (a) less parking area will be required and (b) more land area will be left the used for parking spaces, in the alternative, parking area should be secured and queranteed on some other property needly."

On cross-examination, Mr. Gavrells did not retreat from that position, saying at page 39 of the transcript:

"Q Would I be characterizing your testimony fairly then, Mr. Gavrelis, that you would recommend that this application for reclassification be held of the Maskets in the business conducted by them at 8608 Loch Raven Roulevard.

Although the two petitions were heard and decided separately by the Board and are the subject of separate appeals to this Court, they are so factually intertwined that their disposition to one memorandum opinion seems desirable. If not essential

The relationship between the Maskets and the Gordons began in peace when the latter, owners of a tract of land with a frontage of approximately 100' along loch Raven Boulavard, with a depth of approximately 210', sold to the former the northern-most 40' of the tract (see Deed dated April 11, 1958, and recorded among the Land Records of Baltimore County in Liber GLB No. 3332, folio 515), upon which the Maskets thereafter operated a cleaning and pressing enterprise. At the time of conveyance the property in question was dual zoned—the Loch Raven frontage to a depth of 130' being zoned "BL"—the rear 80' being zoned "R-6". In 1964, the Maskets petitioned for a reclassification of the rear land from R-6 to BL and for a variance to establish only nine parking spaces instead of the eighteen required by the zoning law. The Maskets' petition was granted without opposition or appeal (see Potitioners'

The Court has prepared a plat of the original Gordon lend with the present.

Masket and Gordon holdings delineated thereon. The plat also shows the first phase of zoning change in 1964 and the sapact thereof of the two petitions that are the subject of the present appeals.

up until additional parking spaces could be

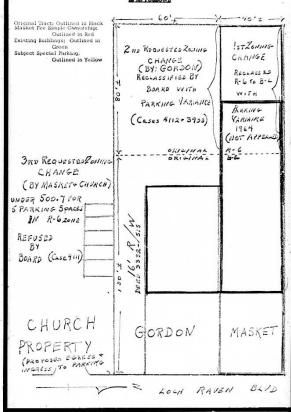
A That was a recommendation embedded in our written comments under 2 (b), is the alternative, parking area should be guaranteed on some other property nearby. That was our comment."

It has been vigorously argued that the parking variance granted to the Maskets in 1964 should compel--in simple justice--the grant of the much less damaging variance now sought by the Gordons. There is a very strong emotional appeal in this suggestion, until the public interest comes into consideration. It seems to this Court that the grant of the initial 1964 Masket variance plainly did violence to the important need for off-street parking declared in the zoning ordinance Pressures created by that variance will not be relieved by the grant of a further variance. On the contrary, the Director of Planning has made it clear that an answer to this serious earking problem is to seek other nearby preperties for parking purposes. This Court does not possess the power to strike down the initial parking variance. It believes it does have the power to prevent its harmful extension.

There using no evidence legally sufficient to support the Board's decision on the requested variance, that part of its decision is reversed.

The decision of the Boaru in Cases 3933 and 4112 is reversed in part and affirmed in part and is remanded for the passage of an order not inconsistent with this opinion.

THE PLAT AND ITS LEGEND IS AS FOLLOWS



Case No. 4111

This is an appeal by Loch Raven Baptist Church, Inc. and John H. Misket and Estre R. Masket from an order denying a petition for a special hearing under section 500.7 of the Zoning Regulations of Baltimore County. The Petitioners sought, but were denied, five (5) parking spaces on property zoned R-6 and owned by the Church for the use and benefit of property zoned BL and used by the Maskets. The Zoning Board reversed the grant of the requested parking facility previously granted by the Zoning Commissioner.

In denying the requested relief the Board of Appeals did so upon the ground that the property of the Petitioners, the Maskets, was:

** * * separated from the Church parking lot by two (2) intervening parcels, and he himself testified on the witness stand that 'his property does not adjoin the Church property'.*

"Section 409.4 of the Baltimore County Zoning Regulations provides that a use permit may be issued for parking purposes, subject to certain conditions. Condition "a" states: 'The land so used must adjoin or be across an alley or street from the business or industry involved.'

The Board is forced of necessity to find as a fact that Mr. Masket's property does not so relate to the Church property, and therefore his application for the use permit must be dented."

Counsel for the Maskets and for the Appellee-Protestants have stipulated and agreed that the respective rights of the Masket Petitioners and the Gerdons in and to a 16' right-of-way bordering on the property of the Church arise under a Deed date 1 April 11, 1958 between the Gordons, as granters, and the Maskets,

Coses 3933 and 4112 (Reclassification)

The Goruons now seek reclassification of the rear portion of their property from R-6 to BL which would bring conformity with the 1964 change of the Masket rear property. Error in original zoning and change in the area both are cited by the petitioners as grounds justifying reclassification. The Maskets oppose. The Maskets are in a somewhat incongruous position in that they now deny the error that they asserted—and the Zoning Commissioner found—justified reclassification of their own rear land in 1964.

The Court, while recognizing that the Maskets may be re.,..ig upon Smerson's premise: that a focilish consistency is the hobgoblin of little minds, is forced to conclude that the record shows evidence both of error and of Change. Those issues thus are beyond the scope of judicial review.

The decision of the Board to reclassify the Gordon property from R-6 to BL is affirmed.

Cases 3933 and 4112 (Variance)

The petition also sought a variance for sixteen parking spaces, instead of the required twenty under section 409.2. In connection with the variance portion of this petition, the case heretofore had been remanded to the Board for the finding of fact required by section 307 of the Zoning Law. (See: Misc. Case No. 3933)

The finding of fact is found in the supplementary opinion and revised order, passed

as grantees (GLB No. 3332, folio 519) the pertinent parts of which read as follows:

"Together with the buildings * * * and all and every, the rights, alleys, ways * * * and advantages to the same belonging or in anywise appertaining.

- 4. All rights-of-way for ingress and agress to parking lot in rear to remain intact, including the right of the owners of the lot being hereby conveyed to use in common with others entitled thereto the 16 foot right-of-way along the south side of 86% I loch Raven Boulevard and 8606 Loch Raven Boulevard and 8606 Loch Raven Boulevard as a way of ingress and agress from Loch Raven Boulevard to the property being hereby conveyed. Maintenance of 16 foot right-of-way along south side of 8604 Loch Raven Boulevard to the property being behaved updained by the shared equally between the owners of 8604 Loch Raven Boulevard, 8606 Loch Raven Boulevard and the lot being hereby conveyed.
- Taxes on 16 foot right-of-way along south side of 8604 Loch Raven Boulevard to be shared equally between the owners of 8604 Loch Raven Boulevard, 8606 Loch Raven Boulevard and the lot being hereby conveyed.
- 5. Maintenance of said 16 feet paved portion of parking lot in rear of 1660 feet fixen Boulburg and 8604 Loch Raven Boulevard to be used as right-of-way for ingress and acress to lot being hereby conveyed, to be snared equally between the cowners of 8604 Loch Raven Boulevard, 8606 Loch Raven Boulevard and the lot being hereby conveyed."

Under the proposed plan shown on Petitioners' Exhibit 1, five (5) parking spaces each 8.5 feet in width and 18 feet in depth are shown with ingress and egress thereto achieved by entry from Loch Raven Boulevard. This Court concludes that the Maskets, by reason of their fee simple title to 8608 Loch Raven Boulevard: their ill-defined but clearly authorized right-of-way across the rear of \$604 and 8606 Loch Raven Boulevard, and their clearly fixed 16' right-of-way running along the boundary of the Church property, have standing to apply for parking areas in

an R-6 zone under section 409.1 of the Zoning Law of Baltimore County. The 16' right-of-way, established by the deed heretofore referred to, constitutes an alley within the meaning of section 101 of the Zoning Law, i. e. "Alley: a right-of-way 20° or less in width, designated as an alley on either an unrecorded or recorded plat, or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property."

The Court concludes as a matter of law that the relationship of the Masket property and the Church property falls within section 409.4 of the Zoning Law. The Court also finds as a fact that the proposed parking facility is neessary and desirable, (See: Tr. Case No. 4111, p. 12; Tr. Case No. 3939, p. 39).

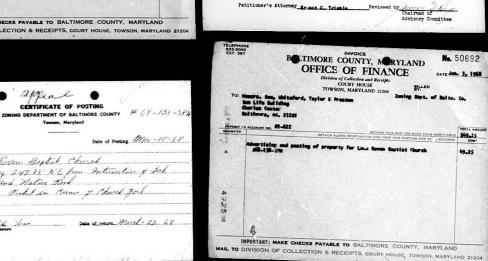
For the reasons herein stated the decision of the County Board of Appeals in Case No. 4111 is reversed and remanded for further proceedings under section 409 not inconsistent with this opinion.

HE PETRICT	
ONING: Polition for Special Heating For Off-Street Parking. CATION: Beginning: 217.31 for northeast fram the Interaction of Lond Reven Business; and Letters Read. Letters Read. Wedenstay, January. 2. 1458 M. 11.0 for M. C. Cheet 79 Office Business; I have the Control of	CERTIFICATE OF PUBLICATION
The Sening Commissour of Balt tre County, by authority of the sing Act and Regulations of Balt tre County, will hold a public hear	TOWSON, MD. DEC 14 1967 19.
Polition for Special Hearing Under rises 500.7 of the Zoning Regula as of Baltimore County to deter	TI'S IS TO CERTIFY, that the annexed advertisement was
as of Baltimere County to deter no whether or not the Zenin mminiscor and/or Deputy Zenin maximiscor should approve five parking spaces on propert of R-4 and owned by the Church	published in THE JEFFERSONIAN, a weekly newspaper printed
parking spaces on property	and published in Towson, Baltimore County, Md., once in each
not R-4 and owned by the Church the use and benefit of property ned B-L. and used by Manke ensert and Dyers, Inc. All that parcel of land in the All that parcel of land in the All that parcel of land in the BEGINNING of a point 217.1 If northeasterly from the Inter of northeasterly from the Inter of Nature Residence of Nature 4 Nature Residence of Nature 5 Pers 28 mercies was 50. for Errer 28 mercies was 50. for	of one time xuscommons before the 3rd
All that percel of land in the	day of January , 19 68, the first publication
t northeasterly from the inter-	19, the first publication
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and a right defect to make the man of the ma	Le fee f
being the property of Lock Raves plist Church, Inc., as shown or a plan filed with the Zoning partners.	Cost of Advertisement, \$
portness. Rearing Dule: Wednesday, Jan. ry 3, 1945 at 11:00 A.M. Public Hearing: Reem 105, County Re Building, 111 W. Chenapeah mon. Tourism W.1.	
fice Building, 111 W. Chesapeak rmue, Fousies, Md. by order of	
JOHN G. ROSE Zoning Commissioner of Baltimore County	•
e 14.	
	•
	CERTIFICATE OF POSTING #65-134 K
Longie	CERTIFICATE OF POSTING #65-157 X ZONING DEPARTMENT OF BALTIMORE COUNTY
	Towson, Maryland

PAULION FOR APPEAL WARRANT	• • •	823-3000 EXT. 367	BAL MORE COU OFFICE OI	INTY, MAIOLAND F FINANCE Lection and Receipts	
PETITION FOR SPECIAL HEARING			COUR	T HOUSE BELED	
ZONING: Position for Special Hear- factory Officers Parking. Local Parking Conference of the Conference of Intersection of Local Reven Bestlevard and 1 Nature State Westenders, January 1, 1165 at 1100 A.M. PUBLIC READING Reem 104, Coun- ty Office Building, 111 W. Chest- yolk Conference, Tourne, Mc.	CERTIFICATE OF PUBLICATION		Villiam H. Onderdonk, Esq., Riderwood, Md.	Office of Planning & Zon 119 County Office Bidg., Towson, Md. 21204	
ty Office Building, 111 W. Chest- pethe Avenue, Tousen, Md.		65		Гтота	
The Sening Commissioner of Balts I more County, by authority of the Sening Art and Regulations of Balts- more County, will hold a public hear-	TOWSON, MD. DEC 1 4 1967 19.		о лесоинт но. 01-622	METURN THIS PORTION WITH YOUR REMITTANCE 35. 0	00
	THIS IS TO CERTIFY, that the annexed advertisement was	GUENTITA	DETACH ALONG P	ERPORATION AND MELT THIS PORTION FOR YOUR RECORDS	cc
Potttion for Special Hearing Under I Section 508.7 of the Zening Regulations of Baltimers County to determine whether or not the Zening I Commissions and/or Deputy Zening 1	published in THE JEFFERSONIAN, a weekly newspaper printed		Cost of appeal - Loch Raven B	aptist Church \$35,00	
Commissioner and/or Deputy Zeelang Commissioner should approve five (5) parking spects on property 10000 R-4 and owned by the Church for the use and benefit of property 20000 R-L and used by Masket	and published in Towson, Baltimore County, Md., once in each	. 0	No. 68-138-SPH	1 sign 5,00 \$46	
for the use and benefit of property comed B.L. and used by Masket Cleaners and Dyers, Inc.	of one time xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx		No. 00-190-597A		•
council B.L. and used by Bashari Cleaners and Dyart, Inc. Cleaners and Dyart, Inc. Cleaners and Dyart, Inc. Mattheward of Bashari County, BESDINIVES at a point 2114 and Council Bashari County, BESDINIVES at a point 2114 and Council Bashari County, BESDINIVES and Council 2114 and Council Counci	day of January , 19 68, the first publication				
reet northeasterly from the inter- section of Loch Ravin Boulevard and Nature Road and north 74	appearing on the lith day of December				
from Loch Raven Boulevard, thence leaving said point the four (1)	19.67.	0			
running at right angles to said north 's degree 2t minute west line a distance of 15 feet to a point. thene north 't degree 's minutes	THE JEFFERSONIAN,	00			
uest till feet to a point, thence northeasterly for a distance of 18	G. Learl Streether.	8	4.		
14 minute evet line hereinbefore referred in thence south 14 degrees	Manager.			o BALTIMORE COUNTY, MARYLAND	
theory meth 24 degrees 24 minutes used (13) few to a point, thence not research for a common of 13 25 minute word like herealthefore referred in, thence south 74 degrees 12 minutes cent 215 feet to the pions or beginning. Like Rayme 12 minutes and 215 feet to the pions or beginning. Like Rayme Baptat Cherch, Inc. as shown on plat plan filled with the Zenick Department.	Cost of Advertisement, \$	The state of the s		EIPTS, COURT HOUSE, TOWSON, MARYLAND	D .
plot plan filed with the Zoning Department. Hearing Date: Wednesday, Jan.	- ,	Manager	The state of the s	t make the second	21
Department Hearing Date: Wednesday, Jan. unry 3, 1965 at 11:00 A.M. Public Hearing: Room 105, County Office Building, 111 W. Cheanpeake Zvenne, Touton, Md.	Ţa e				
By order of JOHN G. ROSE Zoning Commissioner of Baltimore County					
Dec. 14.		-			
					7
	•		· appe	al o	
, 0	CERTIFICATE OF POSTING #65-139 K	150	CERTIFIC	ATE OF POSTING	
/ Sign	ONING DEPARTMENT OF BALTIMORE COUNTY	1.		INT OF BALTIMORE COUNTY # 68-138	5 -
===	Tourson, Maryland		Ten	rson, Maryland	
a. J	Date of Posting Las 15-62	Die	strict 9 *	Date of Posting Mes - 15-	-6
District			sted for		
	2 02 41 6/ / 9		utioner Fock Rosen Bapl	it Church	
reduction	247.88 N. E. Frecht Betweetern	Le	cation of property: Beg. 2.47.88	N. E from Intersection of Soch	
Location of property . Buy	Sel & Mater Rod	1.	Poven Blile and Matine	Rost	
Stock Addies is	m Portel in Comer of Buylat Church	la.	cation of Signs O Octobel die	Come y Church Joel	
Horation of Signs: 1. org	The Service Se				
		Re	emarks		
Rémirks:	16. 22 67	Pe	osted by Mere X News	Date of return March - 22. 6	8

	OFF	INVOICE RE COUNTY, MAN ICE OF FINAN Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	LAND	Zoning
DESIDENT TO	CCOUNT NO. 01-622	RETURN THIS	PORTISH WITH YOUR REMITTANCE	TOTAL AMOU
ONCHLILA		ETACH ALONG PERFORATION AND REAL	HIS PORTION FOR YOUR RECORDS	CCST
0	Cost of appeal - Loc	h Ravon Baptist Church	\$35.00	
	No. 68-138-SPH	1 dign	5, 00	\$40.00
40.000	4			
II	PORTANT: MAKE CHECKS	PAYABLE TO BALTIMORE	COUNTY, MARYLAN	ND
MAIL TO E	IVISION OF COLLECTION	ON & RECEIPTS, COURT H	OUSE, TOWSON, MARY	LAND 212

Date of Posting Mes - 15-68



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 2120h

Your petition has been received and accepted for filing this

28th day of Hovenier

Petitioner Loch Reven Septist Church, In: Petitioner's Attorney Fract C. Trimble

Ernest C. Trimble, Esq., 404 Jefferson Building

Tousan, Maryland 2120

11/28/69

