

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Loch Raven Baptist Church, Inc. owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the zoning Commissioner and/or Deputy Zoning Commissioner should approve five (5) parking spaces on property zoned R-6 and owned by the Church for the use and benefit of property zoned R-6 and used by Market Cleaners & Dyers, Inc.

See attached description

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

Loch Raven Baptist Church, Inc.
BY: John R. Market
James A. Vorehahn, Legal Owner
Address: 2408 Loch Raven Boulevard
Towson, Maryland 21204
Robert C. Trimble
Petitioner's Attorney
Address: 404 Jefferson Building
Towson, Maryland 21204
ORDERED By the Zoning Commissioner of Baltimore County, this 28th day of November, 1968, 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 29th day of November, 1968, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

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

Ernest C. Trimble, Esq.,
404 Jefferson Building
Towson, Maryland 21204

SUBJECT: Special Hearing for Off-street parking for residential zone, for the Loch Raven Baptist Church, Inc., located NW corner of Loch Raven Blvd. and Natus Road
9th District
(Item 32, November 28th, 1967)

Dear Sirs:

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

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

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 Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

Very truly yours,

JAMES E. DYER,
Principal Zoning Technician

JED:j

The following members had no comment to offer:

Project Planning Division
Bureau of Traffic Engineering
Bureau of Engineering
Health Department
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

cc: John Meyers-State Roads

RE: 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 Natus Road :
9th District :
Loch Raven Baptist Church, :
Petitioner :
No. 68-138-SPH

AMENDED ORDER

WHEREAS, by Order of the Circuit Court for Baltimore County in the proceedings concerning the above entitled case on appeal to the Circuit Court (Misc. Docket #8, Folio #383, 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 on 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 Market Cleaners and Dyers, Inc., be and the same is hereby GRANTED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowik

RE: PETITION FOR SPECIAL HEARING :
Beg. 247.88' from the N/S of :
Natus Road on the W/S of Loch :
Raven Boulevard - 9th Dist. :
Loch Raven Baptist Church, Inc. :
Petitioner :
NO. 68-138-SPH

The Petitioners have requested permission to use property zoned 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 attached hereto and made a part hereof.

The Petition is approved by the Zoning Commissioner of Baltimore County this 28th day of January, 1968.

Zoning Commissioner

ORDER RECEIVED FOR FILING
DATE Jan 29 1968
BY Patricia A. Anderson

RE: 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 Natus Road :
9th District :
Loch Raven Baptist Church :
Petitioner :
No. 68-138-SPH

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., said space to be for the use and benefit of property owned by Market Cleaners & Dyers, Inc. At the hearing Mr. John R. Market 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 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. Market's property does not so relate to the Church property, and therefore his application for the use permit must be denied.

ORDER

For the reasons set forth in the foregoing 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.

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

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

LOCH RAVEN BAPTIST CHURCH, INC., ET AL NO. 68-138-SPH

Beg. 247.88' NE from intersection of Loch Raven Blvd. and Natus Road, 9th District

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

Nov. 28, 1967 Petition filed
Jan. 30, 1968 Z.C. GRANTED the 5 parking spaces requested
Feb. 29 Order of Appeal to C. B. of A. filed
Nov. 19 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 #4111)
Jan. 17, 1969 Record of proceedings filed in Circuit Court
Nov. 28 Board REVERSED and case remanded for further proceedings under section 409 not inconsistent with this opinion - Judge W. Albert Menchine
Dec. 3 Motion for New Trial filed in the Circuit Court by Mr. Onderdonk (see copy in file #68-32-RA)
" 22 Order for Appeal filed in the Court of Appeals by Mr. Onderdonk
Mar. 28, 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 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 #3933 and #4112, but shall remain in full force and effect as to Case #4111.
Apr. 15 Amended Order of the Board GRANTING the 5 parking spaces

GRANTED

PHONE (301) 825-0300

WILLIAM H. ONDERDONK
ATTORNEY AT LAW
CERTIFIED PUBLIC ACCOUNTANT
RIDERWOOD, MARYLAND 21158

February 28, 1968

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing Beg. 247.88' from the W/S of Natus Road on the W/S of Loch Raven Boulevard - 9th Dist. Loch Raven Baptist Church, Inc. NO. 68-138-SPH

Dear Mr. Rose:

On behalf of my clients Vernon L. and Anna O. Gordon, owners of real estate at 8604 and 8606 Loch Raven Boulevard, Baltimore County Maryland, 21204, parties aggrieved by the decision and order of the Zoning Commissioner 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,

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #68-138-SPH, Beginning 247.88 feet northeast from the intersection of Loch Raven Boulevard and Nature Road. Petition for Special Hearing for 5 parking spaces on property zoned R-6 and owned by the Church for the use and benefit of property zoned S.L. and used by Market Cleaners and Dyers, Inc. Loch Raven Baptist Church, Inc. - Petitioners.

9th District

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

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

The notion of providing commercial off-street parking on the subject property is reasonable. We understand, however, that the petitioner's plan is inaccurate with regard to the extent of existing paving and in other details. Also, the indicated orientation of the proposed parking spaces with respect to the 16-foot right of way would not allow sufficient freedom of movement. If it should be 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.

JOHN H. MASKET and
ESTHER R. MASKET
vs.
COUNTY BOARD OF APPEALS
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
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. Gordon and Anne O. Gordon in the above entitled cases, it is this 26th 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.

W. Allen Freachine
Judge

Rec'd 3/30/70
11:05 AM

JOHN H. MASKET
and
ESTHER R. MASKET
vs.
COUNTY BOARD OF APPEALS
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. No. 3933 and
No. 4112

NOTICE TO PETITIONER

Mr. Clerk:

Please DISMISS WITH PREJUDICE the appeal to the Court of Appeals previously filed in the above entitled cases.

William H. O'Conor
Attorney for Vernon L. Gordon
and Anne O. Gordon, Appellants

Rec'd 3/30/70
11:05 AM
(from Towing, Inc.)

JOHN H. MASKET and
ESTHER R. MASKET
vs.
COUNTY BOARD OF APPEALS
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
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. Gordon and Anne O. Gordon in the above entitled cases, it is this 26th 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.

W. Allen Freachine
Judge

Rec'd 3/30/70
11:05 AM

JOHN H. MASKET
and
ESTHER R. MASKET
vs.
COUNTY BOARD OF APPEALS
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. No. 3933 & No. 4112
and No. 4111

NOTICE TO PETITIONER

Mr. Clerk:

Please DISMISS WITH PREJUDICE the appeal previously filed by John H. Masket and Esther R. Masket to the Circuit Court for Baltimore County from the order of the County Board of Appeals in the above entitled cases.

William H. O'Conor
Attorney for John H. Masket
and Esther R. Masket, Appellants

Upon the accompanying motion, it is this 26th day of March, 1970, by the Circuit Court for Baltimore County,

ORDERED that the accompanying Motion to Dismiss with Prejudice be and it is hereby granted.

Judge

I HEREBY CERTIFY that a copy of the accompanying Motion to Dismiss and Order was delivered to William H. O'Conor, Attorney for Vernon L. Gordon and Anne O. Gordon and to the County Solicitor for Baltimore County this 26th day of March, 1970.

WILLIAM H. O'CONOR



March 1, 1968

Mr. W. H. O'Conor
Biderwood, Maryland, 21139

RE: Commercial Entrance Channelization
Gordon's Ceramic Shop
West side of Loch Raven Boulevard
(Route 582) South of Yakoma Road

Dear Mr. O'Conor:

Reference is made to our telephone conversation of February 29, 1968, during which you asked why the State Roads Commission is requiring the construction of curbing between the side walk and the parking area at the subject site when no requirement was made at the adjacent Masket Cleaners.

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 been 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 proposed thirty foot by forty-four foot building addition proposed for the ceramic shop.

The owners of the ceramic shop have petitioned for a zoning reclassification. There is no zoning petition regarding the Masket Cleaners site.

The purpose of the required curb is to prevent vehicles from moving onto the sidewalk. The frontage of the cleaners on Loch Raven Boulevard is approximately 60'. The entrance is approximately 30' wide leading approximately 5' on either side of the entrance. There are permanent signs in back of the sidewalk on either side of the entrance. Therefore taking into consideration the short distance on either side of the entrance and the location of the sign posts, it can readily be seen that a vehicle could not move onto the sidewalk area in front of the cleaners except within the entrance. Therefore it would be impractical 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

JEN/ntb
cc Mr. John G. Rose

BY John I. Bayliss
Solicitor Development Engineer

LEGAL DESCRIPTION TO ACCOMPANY
REQUEST FOR A SPECIAL PARKING PERMIT
LOCH RAVEN BAPTIST CHURCH, INC.

BEGINNING at a point 247.88 feet northeasterly from the intersection of Loch Raven Boulevard and Nature Road and north 74 degrees 24 minutes west 60 feet from Loch Raven Boulevard, thence leaving said point the four (4) following courses and distances, viz: running at right angles to said north 74 degree 24 minute west line a distance of 18 feet to a point, thence north 74 degrees 24 minutes west 42 feet to a point, thence northeasterly for a distance of 18 feet to intersect the north 74 degree 24 minute west line hereinafter referred to, thence south 74 degrees 24 minutes east 42 feet to the place of beginning.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

To: Isaac C. Wadde, Esq.
Jefferson Building
Towson, Md. 21204

INVOICE NO. 57801 DATE 12/20/68

REPORT TO ACCOUNT NO. 01-712

QUANTITY 1

DESCRIPTION OF PROPERTY AND KEEP THIS PORTION FOR YOUR RECORDS

Cost of certified documents - Case 48-128-SPH \$8.00

Loch Raven Baptist Church, Inc., et al
247.88' NE from intersection
Loch Raven Blvd. & Nature Road
9th District

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

To: Messrs. Bay, O'Conor, Taylor & Preston
4th Jefferson Building
Towson, Md. 21204

INVOICE NO. 50642 DATE Nov. 11, 1968

REPORT TO ACCOUNT NO. 04-822

QUANTITY 1

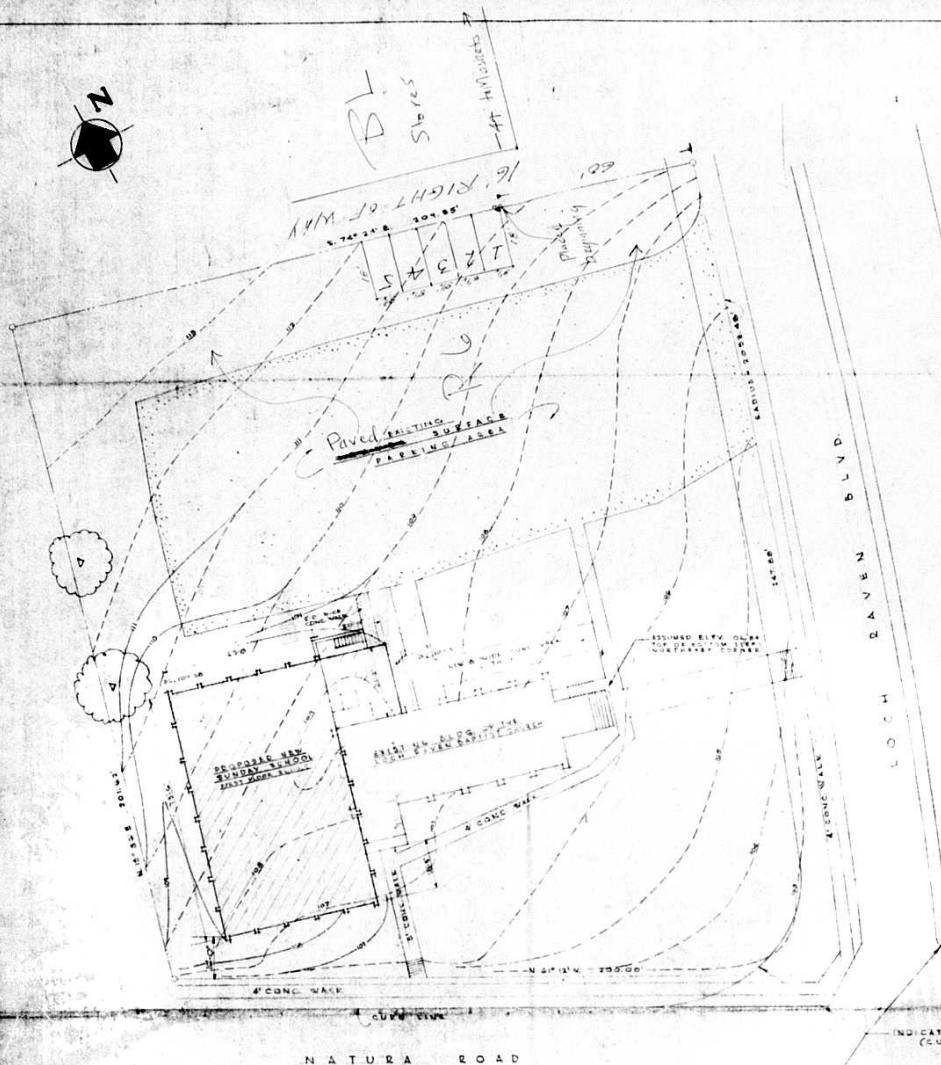
DESCRIPTION OF PROPERTY AND KEEP THIS PORTION FOR YOUR RECORDS

Position for Special Hearing for Loch Raven Baptist Church \$25.00

48-128-SPH

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

TELEPHONE 823-3000 EXT. 387		INVOICE		No. 50692	
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON, MARYLAND 21204				DATE <u>Jan. 3, 1968</u>	
To: Monks, Ben, Whiteford, Taylor & Pransky San Life Building Charleston Cross Baltimore, Md. 21201				BILLED BY Rozens Dept. of Balto. Co.	
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR V.C. 3 RECORDS			
QUANTITY		TOTAL AMOUNT \$49.25 COST		\$49.25	
4		Advertising and posting of property for Low Haven Baptist Church MS-138-578			
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204					



MATERIALS SCHEDULE