TO THE ZONING COMMISSIONE OF BALTIMORE COUNTY:

NOTE: .. EASTERN GUNXTE COMERNY legal 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 (1) that the zoning status of the herein described property be re-classified, pursuant rone: for the following reasons

- 1. Change in character of neighborhood.
- Mof 9,500 30 Error in original map.
 Such causes to be assigned at the time of hearing.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulat County, to use the herein described property, for .. office building and off streat parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulation deraigned komputagrees 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 Balt County

Menon Smp F. Vernon Boozer
Petitioner's Attorney

606 Loyola Federal Bldq. Towson, Maryland 21204

... 196. 9, that the subject matter of this petition be advertised, as out Baltimore County, ... property be posted, and that the public hearin; be had before the Zoning day of April County, on the 9th

WR 7 1 189 AM -

da

196.9 at 1:00 o'clock

EASTERN GUNITE COMPANY

BY Coene Pros.

Address Bala-Cynwyd, Pa.

Protestant's Attorney

Eastern Gunite Company - #69-215-RX-SPH

Any appeal from this decision must be in accordance with Chapter 1100. subtitle B of Maryland Rules of Procedure, 1961 edition.

- 4 -

COUNTY BOARD OF APPEALS

William S. Baldwin, Chairman

W Giles Parker

John A. Slowik

RE: PETITION FOR RECLASSIFICATION from an R-10 zone to an R-A zone, SPECIAL EXCEPTION for an

o

es

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SPH

11,12 4

NE

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RAX

Office Building, and a SPECIAL HEARING for Off-street Parking in a Residential Zone, W/S York Road 395.52' S. of Westbury Road, 9th District Eastern Gunite Con

REFORE COUNTY BOARD OF APPEALS

> BALTIMORE COUNTY No. 69-215-82

OPINION

The netitioner in this case seeks a reclassification of its property from an R-10 an R-A zone, a special exception to permit the construction of a three story Office Building, and a permit to allow off-street parking in a residential zone. The property i situated on the west side of the York Road, approximately 395 feet south of Westbury Road in the Ninth Election District of Baltimore County.

The petitioner, Eastern Gunite Company, is an engineering firm now located Ivania, specializing in water reconstruction work. The firm does business over the entire East Coast of the United States, and now desires to locate its offices on the subject

The zoning and land uses surrounding the subject property are as follows: asterly, across the York Road, the zoning is K-6 and improved with a building known as the Boutist Book Store, while the southern tip of the subject property is apposite B-L zoning or the north and south of the subject property, along the west side of the York Road. is R-10 and the lats are improved with single family residences. To the west of the subject roperty lies the R-6 development known as Devonshire Forest, which is a very well laid out evelopment of houses in roughly the \$25,000 to \$30,000 price range.

The petitioner's property is divided into three parcels as shown an Petitioner' Exhibit No. 1. Parcel A consists of .729 acres, and the request is for a reclarational from P=10 to go P=A zone and a special exception for the office use: Parcel B comists of .356 acı 's and the request is for an off-street parking permit in the R-10 residential zone; Parcel C consists of .264 acres and the request is for an off-street parking permit in the R-6

Eastern C mire Company - #69-215-RX-SPH

The proposed parking lot to be used in conjunction with the office building is located to the rear or west of the proposed affice building, and has ingress and egress from both York Road and Westbury Road. The petitioner produced numerous es, including expert witnesses, who testified that the granting of the special exception for the office use would not in any way violate Section 562.1 of the Baltimore County Zoning Regulations. In view of the Board's decision to deny the reclassification requested it will not be necessary in this Opinion for the Board to recite the testimony of the witnesses recarding the special exception.

- 2 -

An expert real estate witness, testifying on behalf of the petitioner, estified to a number of changes in zoning along the York Road since the adoption of the map in 1955. However, the only two reclassifications along the York Road from the Baltimore County Beltway north to Seminary Avenue are Case #4959, which was the reclassification of the Mandel tract on the east side of the York Road on which is presently being constructed an office building, and Case #67-74-RXA, which is the Stratakis property, which was reclassified from an R-6 to an R-A zone on December 5, 1967. This property, however, is not at all similar to the subject property in that the Stratakis property is situated immediately on the ramp leading from the York Road to the Baltimore County

The petition was opposed by George E. Gavrelis, Director of Planning for Baltimore County, who noted that similar requests had been denied for the property situated at the corner of Westbury Road, which is one lot removed from the subject property. Mr. Gavrelis did state that on one over-lay prepared by the clanning Staff in connection with the preparation of new maps for the crea, there had been proposed R-A zoning for the subject tract, but that this proposal was tentative only and not in any way final. Mr. Gavrelis also stated that his opinion with regard to R-A zoning on the subject property might be different if the entire area were being studied for purposes of adopting a new map, but he opposes this petition on an individual basis, citing the Mansfield tract at the corner of York and Westbury Roads on which reclassification has been denied on two different

Eastern Gunite Company - #69-215-RX-SPH

accasions. In case #4987-RX, the Board of Anneals denied a request to reclassify the Mansfield argoerty to R-A with a special exception for an office building. In case #64-31-R, decided March 5, 1965, the Board of Appeals again denied a request for reclassification of the Mansfield property from R-10 to B.L. (Business Local). The Board in the last paragraph of its Opinion in this case stated:

> "The Board takes into consideration that this same property was the subject of Petition No. 4987-RX which was a request was the subject of Petition No. 4897-89, which was a request for reclassifier, as an an R-10 Zone to an R-A Zone, with special accept, also office use, said petition having been denied by this year of an effice use, said petition having been denied by this year of an effectively contributed on December 15, 1960. The Board is well owere that this property is not the most described R-10 property due to it. Incustron on a major, hearvily traveled, highway and its proximity to commercial uses, thowever, a line separating residental from commercial zoning must be drawn somewhere and we feel that it is proper in this case to draw this line at Westray Toolag siving bustrantial weight to the previous board's decision regarding this property. It's line may appear to the petitioner in this case to be hands. However, the Board feels that the fear of the protestant in that the small road this settline would require the responsa of However, the Board teels that the feats of the professions in that the granting of this petition would require the rezoning of other similarly situated properties to the south are somewhat justified."

In view of the two previous decisions on property almost adjacent to the subject property, the Board feels that it would be acting in a highly arbitrary manner if it were to reverse itself and grant the requested reclassification in this case. feels compelled to follow the previous decisions regarding these particular properties, and that to grant the petition would constitute an unwarranted in rusion of office uses into the existing residential zone.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 29th day of October, 1969 by the County Board of Appeals, ORDERED that the reclassification, special exception, and permit for Off-street Parking in a Residential Zone petitioned for, be and the same are hereby DENIED.

Re: Petition for Reclassification R to Zone to R-A Zone; Special Exception for Office and Cifice Building - Special Hearing for Off-Street parking Foad 395.62' S. Westbury Roa 9th Dist., Eastern Gunite Co.,

Before Zoning Commissioner

Baltimore County

No. 69-215-RX SPH

The petitioner requested reclassification of property on the west side of York Road, 395, 52' South of Westbury Road, in the Ninth District of Ealtimore County, from R-10 Zone to R-A Zone a special exception for Office and Office Building and special hearing for off-street parking in a residential you

The Director of the Office of Planning and Zoning commented

"The staff of the Office of Planning and Zoning has reviewed The stall of the Office of Planning and Zoning has review the subject petition for reclassification from R-10 to R-A zoning together with a special exception for office use and or parking in a residential zone. It voices its opposition to the proposed reclassification noting that the requested reclassification would establish use potentials for the subject tract which are not con establish with septentials for the subject tract which are not con-stablish with the subject traction of the subject traction

The petitioner did not prove error in the map or sufficient change to warrant reclassification

exception and petition for off-street parking should NOT BE GRANTED.

Zoning Communicationer of

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 21, 1969

COUNTY OFFICE BLDG. 111 T. Chemicals Ave. Tables, Maralest 21704 Oliver L. Hyers *XXXXXXXXXX

MEMBERS DUREAU OF ENGLISHING

TUKEAU OF TRAFFIC ENGINEERED STATE BOXES COM BUBEAU OF THE PREVENTION

PROJECT PLANTING PRINCIPLE DEPOSITS N District.

F. Vernon Boozer, Esq. 606 Loyola Federal Bldg., Towson, Maryland 21204

MET Type of Meering: Reclassification from an M-10 zeno to an MA some Location 50% York Rd., 235' 50 of 51% of Vestbury Mod. 9th District Petitioner: Eastern Contect Company Committee Meeting of Feb. 11th, 1969 Item 133

Dear Sir:

The Zening Advisory Consistee has reviewed the planes su'mitted with the above referenced potition and iss made an on site field inspection of the property. The following consents are a result of this review and inspection.

The subject property is presently improved with a two-story frame duelifing and the entire perfecter of the site has easting agreeming 6 ft., the height. The properties immediately to the meeth and south are improved with frame duelifings 15 to 25 years old in good repair. The property to the uest is bounded by a sub-division of runch homes and split level the fillings 10 to 15 years old in good repair. Immediately to the cast exists a shought center, immediately to the cast exists a shough center. Immediately to the cast exists a shough center. Office dualiding conview, at these stigs food, these entire freedings elsely fart 2 acts and textury feed are improved with concrete cert and gutter.

BUREAU OF EMGINEERING:

F. Vernon Boozer, Esq., 606 Loyola Federal Bldg., Towson, Maryland 21204 RE: Item 183

February 24, 1969

BUREAU OF ENGINEERING:

Hichways: (Continued)

improvements are subject to State Rends Commission review and approved. Westbury Read is improved with concrete curb and gotter and 30° of neckeds paying on 50° right-of-may. The entrance location must be approved by the Department of Fraffic.

Water drains generally to the south.

The Applicant must provide necessary draining facilities (temporary or intervise) to prevent creating any mulsances or demages to adjacent proporties, expectably by the concentration of surface unters. Correction of any provided in the control of the control of

York Rond is a Start Read. Therefore, drainings requirements as they affect the read come under the jurisdiction of the Maryland State Roads Commission.

Water and Sanitary Sewer:

Public water and public sanitory sower are available to serve this site. There is existing BY water in Westbury Read and 12" water in York Road. There is existing BY sanitory in Westbury Road. It will be necessity to purp sowerage from the prepased building into the existing sanitory sower. The Applicant shall be fully responsible for installation and main-course of the pump and service connection to conform with the Baltimer Courty Flumbing Code.

PROJECT PLANNING DIVISION:

We question the need for the entrances and drives and feet that the entrance closest to Westbury Rend could be eliminated.

BURESU OF TRAFFIC ENGINEERING:

The subject petition constitutes a little over an acre. As 86 and 810, the site could generate approximately 50 trips per day, 8 80, with special exception for effica building, the subject site could generate 200 to 300 trips per day.

NG IVED 69 RECE

35

February 24, 1989

BUREAU OF TRAFFIC ENGINEERING: (Continued)

Based on projected volumes for York Road (considering existing land use) York Road will be over capacity. It is, therefore, considered undestrable to increase trip density in the York Road corridor.

BUILDING ENGINEER'S OFFICE:

Building must conform with all regulations of Baltimore County Building Code.

Petitioner shall be required to meet Fire Department regulations pertaining to office buildings when construction plans are submitted for approval.

BOARD OF EDUCATION:

Acreage too small to offect student population.

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Air Follution Computes The building or buildings on this size may be subject to registration and compliance with the Paryland State Mealth Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution. Datamer Goodway Experiment of Healths.

STATE ROADS COUNTSSION:

An inspection at the site revealed that the existing entrance to the sujecont property, to the month is located effectly on the property line extended at the highest day of Yark Read.

Due to the close preximity of this existing entrance to the proposed mertherly entrance, the promoted entrance must be lecated a infinum of 10° from the property line; the 10° extending from the property line to the beginning of the expression trensition. To so feeted the entrance would

- Page 4 -

F. Vernon Boozer, Esq., 605 Legala Federal Bidg., Tomon, Haryland 21204 Rt: Item 183

February 24, 1969

STATE ROADS COUNTSSION: (Continued)

augment the analysis dog-leg on the interior section of the entrance, therefore, the building must be removed in order to straighten the entrance or the intrance must be eliminated. This office sees no need for two points of access.

The plan must be revised prior to a hearing date being assigned.

ZONING ADMINISTRATION DIVISION:

In view of the comments by the State Roads Commission, this office is withholding a hearing date until such time as revised plans are received in compliance with the above comments.

Very truly yours,

OLIVER L. MYERS, Chairman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

#69-215EX

TO Mr. John G. Rose, Zoning Commissioner Date March 28, 1969

FROM George E. Gavrelis, Director of Planning

SURJECT. Petition *69-215-EXSPH. Reclassification from R-10 to R.A. Special Exception for Office and Office building. Special teoring to parent off-street parking in a residential zone. West side of York Road 395.52 feet south of Westbury Road. Eastern Gunite Company, Petitioner.

9th District

HEARING: Wednesday, April 9, 1969 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-10 to R.A. zoning together with a Spacial Exception for affice use and for parking in a residential zone. It voices it soposition to the proposed reclassification noting that the requisted reclassification would establish use potentials for the subject tracer which ree not consistent with those of the properties adjoining it on the westerly side of York Road. We note that is important southward to the waterly size of 15th Robat. We note that similar requests and, subsquently, a request for commercial eaclossification were denied for the property at the corner of Westbury Robat - see petition (44-31-8, We do not believe that changes in the manner of land use or in the character of the meighborhood have occurred so as to warrant the requested reclassification.

GEG-ha

INTER-OFFICE CORRESPONDENCE BUREAU OF TRAFFIC ESGINEERING Baltimore County, Maryland Towson, Maryland, 21204

Date March 14, 1969

FROM: C. Richard Moore

CRM: nr

SUBJECT: Item 183 - ZAC - February 11, 1969 Property Owner: Eastern Gunite Company York Road SW of Westbury Road

Review of the revised plan dated March 7, 1969 indicates no

F. VERNON BOOZER

ATTORNEY AT LAW

606 Loyola Federal Bldg. TOWNON WARYLAND 20201

- 10 17 KO " -

April 17, 1069

Mr. John G. Rose Zoning Commissioner Baltimore Courty Office of Planning and Zoning Towson, Maryland 21204

Re: Petition for Reclassification Special Exception - Special Hearing for Off-street Parking W/S York Moad 395. 62'S Westbury Road, 9th District Eastern Gunite Co. Petitioner - No. 65-215-RX-SPH

Enclosed is our check in the amount of \$75.00. Please note our appeal to your Order passed on April 14, 1969 in the above-captioned matter.

Very truly yours, F. Vernon Boozer

FVB: fbw

cc: Mr. Robert R. Gaugh, President Devonshire Forest Civic Ass'n, Inc. 140 Dublin Drive Lutherville, Maryland 21093 Mrs. David Frampton Orchard Hills Community Ass'n 2 Westbury Road, Lutherville, Md. 21093 Mrs. Arthur J. Pokorny 4 Lynn Court Baltimore, Maryland 21093

Mr. Stephen G. Heaver 22 West Road, Towson, Md. 21204

Mr. Philip A. Heave:, President Eastern Gunite Co., Bala-Cynwyd, Pa. 19004

R-10 to R-A WITH SPECIAL EXCEPTION

FOR OFFICE BUILDING IN AN R-A ZONE

REDININO for the same on the westernment side of York Road (66 feet wide) at a point distant 79:122 feet measured in a scatherly direction from the scattermost side of Westbury Road (5) feet wide) said point being at the beginning of the first line of the first parcel of that tract of land which beginning of the first line of the first parcel of that tract of land which county in these (17.5) We, (50% fellow & e.c., was conveyed of Rephen 6. Heaver and wife to Rastern Guitt Company thence binding on the westernmost side of said fork ford and said first line north 1.0 degrees 15 minutes west 1912/22 feet, thence leaving side from the distribution of said death the third following courses and distances each 72 degrees 36 minutes was 100 features each 72 degrees 36 minutes was 100 features each 72 degrees 37 minutes said visiones county 72 degrees 37 minutes said 20% feet to the place of beginning.

CONTADITIO 0.729 acres of land more or less

BEINO the first parcel of that tract of land which by deed dated January 3, 1969 and recorded among the Land Records of Baltimore County in Liber C.T.C. 5c. 4954 Celle 84 etc. was conveyed by Stephen C. Reaver and mire to Eastern

Jazuary 22, 1969



*69-215 FX

ZONING DESCRIPTION

USE PERMIT FOR PARKING

IN AN R-10 ZONE

BEDDNINO for the wase on the conthermnest side of Westbury Road (50 feet wide) at a point distant 250 feet negaring in a westerly direction from the westermnest side of fork Road (66 feet wide) said point being at the production of the first line of the second parcel of that truct of land which by the second of the first line of the second parcel of that truct of land which by the second sec

COMTAINING 0.356 acres of land more or less.

BEINO part of the second parcel of that tract of land which by deed dated January 3, 1959 and recorded among the Land Records of Baltimore County in wife to Eastern County in wife to Eastern County Company.

January 24, 1960



#69-215 FX

CIVIL ENGINEER
SYM OLD HARTOND BY BATTO

ZONING DESCRIPTION USE PRHALIT FOR PARKING

IN AN R-6 ZONE

ENDNMEN for the same on the continuous side of Nesthury Road (50 Feet adds) at a point distant 314.72 feet measured in a westerly direction from the waterland of the same part of the same part of the same part of the same of the same part of the same part of the same part of the same of the sa

CONTAINING 0.264 scree of land more or kess.

REINO part of the second parcel of that tract of land which by deed dated January 3, 10c9 and recorded among the Land Records of Saltisore County in Liber 0.7.0, 8c. 95% (follow) the Land Records of Saltisore County in wife to Eastern Ounite Company.

January 24, 1969



DAVID W. DALLAS, IR CIVIL ENGINEER

STU OLD HARDING SO. BALTO, SA. MO.
NO 5-7422

ZONING FILE #69-215-RX-SPH

EASTERN GUNITE COMPANY VS.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

THE COUNTY BOARD OF APPEALS

· AT LAN

BARRY VAN HORST

Nicc. Docket 8
Folio 134-509 (per tel.call 5/25/70
Case No. 3566 4363 3.10 p.m., J. Maguiri
No. 69-215-NX

MEMORANDUM OPINION AND CROSE OF COURS

This case involves an appeal from the County Board of Appeals of Baltimore County, which by its Order decod October 29, 1969, denied the reclassification of the property in this proceeding from an R-10 to an R-A Cone, a special exception to parmit the construction of a these-story office building and a permit to allow offstreet parking in a residential zone. The property is situated on the West side of the York Road approximately 395 feet South of Westbury Road in the Minth Election District of Baltimore County. The Deputy Zoning Cornissioner of Baltimore County by an Order dated April 14, 1969, denied the reclassification requested because the Potitioner did not prove error in the map: secondly, previous requests for commercial reclassification were denied for property at the corner of Westbury Road and York Road immediately North of subject property, and; thirdly, insufficient change to warrant replaysification. The County Board of Appeals also denied the reclassification requested because it felt that two previous decisions on property one lot removed from the subject property to the North had been denied and they would be acting in

a highly arbitrary matter to grant the requested reclassification in this case. They celt compelled to follow the previous decisions and to grant this Potition would constitute an unvarranted intrusion of office uses into the existing residential zone. It is to be

noted that the woard did not base its opinion on change in character in the neighborhood or error in the map, but only on their two previous decisions as to the almost adjacent property.

The Potitioner in the application for reclassification is Gunite Company, an engineering firm now located in Pennsylvania who specializes in water reconstruction work. They desire to construct a three-story office building and utilize two floors of the building for their company purposes. They intend to engage 50 to 60 employees and possibly rent out the additional floor space of one floor to other persons. The soning and land uses surrounding the subject property are as follows: Easterly on York Road and across from the subject property the coming is R-5 and improved with a building known as the Daptist Book Store while the Southern tip of the subject property is opposite B-L moning (on the East side of York Road) and which is presently occupied by a large office building. The coming to the North and South of the subject property along the West side of York Road is R-10 and the lots are improved with single family residences. To the West of the subject property lies the R-5 development known as Devenshire Forest consisting of homes in the \$23,000 to \$30,000 price range.

The Pourtieners' property is divided into three parcels as shows on Potitioners' Exhibit Number Cao, Parcel A consists of .729 acres, and the request is for a reclassification from R-10

to a R-A Zone and a special exemption for the office use; Parcel B consists of .356 seres and the request is for an offstreet parking permit in the R-10 residential zone; Parcel C consists of .254 acres and the request is for an offstreet parking permit in the R-5 residential zone. The proposed parking lot is to be used in conjunction with the office building located to the rear or West of the proposed office building and has ingress and egress from both York Road and Westbury Road.

The Court is cognisent of the general proposition that there is a strong presumption of correctness of original coming or comprehensive zoning and that to sestain a piecemeal change there from, there must be proof of mistake in the map or a substantial change in the character of the neighborhood. See: Tenmick v. Dd. of Moning Appeals, 205 Md. 489; Kroon v. Board of Moning Appeals, 209 Md. 420; Reese v. Handel, 224 Md. 121; John Corp. v. Redwors Porga, 236 Md. 106; MacFonald v. County Board, 236 Md. 549; and Miller v. Abrahams, 235 Hd. 263, The Court is also aware that this general rule does not meen however, that zoning, once established, is static and eternal. This was observed in the case of Missouri Realty, Inc. v. Raser, 215 Md. 442.

The Court is confronted once again with familiar names in the folklore of zoning; namely, George E. Gavrelis, Director of Planning for Bultimore County and Frederick Klaus who testified as an expert in this matter. The testimony of Mr. Cavrelia stated that his opinion with regard to R-A roning on the subject property might be different if the entire area was being studied for purposes of adopting a new map, but he opposes this petition

on an individual basis citing the Manafield Tract at the corner of York and Westbury Roads on which reclassification has been desied on two previous occasions as previously indicated. Mr. Proderick Klaus cites many changes in zoning mines the adoption of the map in Movember 1955, all of which are Worth of Seminary Avenue with the exception of the Stratikis property which we replaysified from R-5 to R-A and granted by the Board of Appeals on December 5, 1997, and the Mandel property family zoned on November 29, 1991, which is East of subject property ecross York Road. All other reclassifications are North of Seminary Avenue and some distance from the subject property. Incidentally, the Stratekis property is restricted to the present building and cannot be further developed for Office buildings.

Thus, the only reclassification on York Road since the adoption of a map in 1955, South of Southary Avenue and North of the Beltway, is the Stratakis on the Bast and Handal on the West. It seems the application for reclassification is premature in light of the fact that studies are being made by the Planning Department of a new map for the Minch Election District of Baltimore County.

It is not the province of this Court, no cover, to resolve the various conflicts in the evidence before the Board if there was, in fact, any evidence of a substantial nature supporting and justifying the Board's action. In Mother thead v. 26. of Comm'rs., 240 Md. 355 (decided November 18, 1985), The Court in quoting from Judge Harmond's cylinion in Board v. Oak Hill Forms.

232 MA. 274 P. 283 stated at pages 371-372 as follows:

*** the courts have energised restraint so as not to oth-stitute their judgments for that of the squary and not to choose between equally permissible inferences or take independent deter-minacions of fact, because to do so would be exercising a non-judicial role. Bather, they have accepted to decide whether a reasoning mind could reasonably have reached the roult the stancy reached uses a fair consideration of the fact elegans. a reasoning mind could reasonably have reached the result to agency reached upon a fair consideration of the fact pictur painted by the entire record.

"In the cases dealing with consideration of the weight of In the case Coaling wan constant on to whother, the evidence, the mitter seems to have open down to whother, all that was before the spancy considered, its action was closely erromous, or to use the phrame which has become standard in Karyland realing cases, not fairly debatable.

See also the following cases: Pinney v. Halle, 241 Md. 224 (decided Feb. 2, 1956): pill v. The John Corp., 242 Md. 16 (decided March 15, 1966): Bonnio View Club v. Glass, 242 Md. 45 (decided March 22, 1966): Both Tailch v. Blun, 242 Md. 84 (decided March 29, 1956): Poord v. Fork, 242 Ed. 351 (decided April 26, 1966): and Verel v. NeCoch, 242 Md. 371 (decided April 23, 1956).

This Court is constrained to hold that a reasoning mind could reasonably have resched, upon a fair consideration of the entire record, the same conclusion as that of the Board, and hence its action was not arbitrary or capricious or illegal, but, on the other hand, was fairly debarable. Having determined this, the Court has fulfilled and exhausted its limited judicial function in raviculary a monday appeal.

For the reasons stated and in conformity with the foregoing Opinion, it is this? & Siday of May, 1979, by the circuit Court for Baltimore County CABRARD that the Cader of the County Docad

of Appeals of Baltimore County dated October 29, 1969, be and the same is hereby affirmed.

| RELEPHONE 823-3000 EXT. 387 | BALTIMORE COUNTY, MARYLAND | No. 62146 |
|-----------------------------------|--|--------------------|
| To: | Embern Smiles Co. Balo-Cympris, Pames, 19805 ACCOUNT NO. 84-522 BETURN THIS PORTION WITH YOUR IN | EMITTANCE \$125.00 |
| QUANTITY. | DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR | RECORDS COST |
| **** 125007 | (A) I SANTA | |
| | 4 | |

TELEPHONE BA TMORE COUNTY, MAP LAND OFFICE OF FINANCE COURT HOUSE
SON MARYLAND 21204 Patition for Peclassification, Special Exception and Special Hearing

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

Ma. 62101

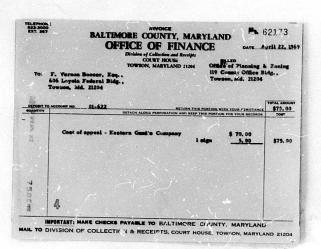
BALTIMORE COUNTY OFFICE OF PLANNING AND JONING County Office Building 111 W. Chesapeuke Avenu Towson, Maryland 21204 Petitioner Contorn Conto Conto

69-215-RX

CERTIFICATE OF PROTIEN

| | Toursen, Marylans' |
|------------------------------|---|
| District 9th | Date of Posting 5-1-69 |
| Posted for HESCAL | -p-p-iy-i |
| Petitioner Ensteen | Tenite Co K. Rd. 395' Septiles thery Rep |
| Location of Signs C 1462 1/6 | in Kd= (1:260'5Wd York Kdm St |
| Posted by OLECOTA | Nate of return: 5-9-69 |
| | |

7-9-70



| LEPHONE 123-3070 EXT. 387 | BALT | I 40RE COUNTY, MARY OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYL-IND 21204 | No. 65654 |
|---------------------------------|---|---|---------------------------------------|
| | 7. Venn Ber 201 Cardina Sens, May 20,712 | SETACH ALONG PERFORATION AND GET THIS FO | NTION WITH YOUR RENITTAND TO SET OFFI |
| D BELLE 30 | Card and put | manh - Case Ago-410-427-4274 Reston Gundin Camping V/S York Road 285.56" S. We Ye Standar | Aury land |
| 11.00 | A | HECKS PAYABLE TO BALTIMORE | 1,72 |

Desired OF PASTING

ZOUND DEPARTMENT OF PASTING

ZOUND DEPARTMENT OF BALTIMORE COUNTY

Towns, therefore

Date of Posting 3 22 69

Posted for Spec Herring - Res. Intended

Date of Posting 3 22 69

Petitioner Enstern June 10 365 Sep Westbury Rd

Lucation of Signe 3 - 1402 Year Rd. 395 Sep Westbury Rd

Lucation of Signe 3 - 1402 Year Rd. 0 265 Westbury Rd

Remarkt

Protect by Allach

Date of return 3 27.69

OF...CE OF

TOWSON LINES

TOWSON, MD. 21204 March 27,

THIS IS TO CERTIFY, that the annexed advertisement of John U. Mose, Zoning Commissioner of Paitimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in

Baltimore County, Maryland, once a week for One XXXXXX

weeks before the 27th day of Merch, 1969, that is to say, the same was inserted in the issues of Merch 20, 1969.

STROMBERG PUBLICATIONS, Inc.

H. Butt Maryan

PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND SPECIAL NEARING FOR SPECIAL NEARING FOR SPECIAL NEARING AND SPECIAL NEARING FOR SPECIAL NEARING AND SPECIAL NEARI

The Zealog Commissioner of Ballimers County, by sutherity or the Zoning, at and Regulations or Ballimers County, will hold a public houring. Present Zealog. R. 18 Present Zealog. R. 1. Patition for Special Exception to Office and Office Balling.

Pelition for Special Exception for Pittles and Office Building.
Puttles in Control Building.
Puttles in Section Hearing for John Street Perinting in 2 residence in the period of Lond in the when Delitical Enablemen Country R-10 to R-A WITH SPECIAL.
NCEPTION FOR OFFICE BUILDING IN AN NA ZONE BUILDING IN AN NA ZONE Understanding the of Veril Road (64 use wides at a point dilated 195.52 were measured in 2 months.

mer measured in 2 monthers discussion from the Sectionaries will be Sectionaries with the Sectionaries will be set to the Sectionaries will be set to the Sectionaries of the Sectionaries

degrees 12 minister out 58.26 feet and south 79 degrees 30 minutes out 728.15 feet to the piece of beginning.

CONTAINING 0.729 acres of land milk the first parcel of land which by deed dated janually 3, 1959 and recorded among the Land Records of detimate County is Liber 0.7.2.

"M. I S ZONE."

BECINNING IN the same our live and was to Exten Gueste and the same our live and the sam

CONTAINING G.356 scret of lanmost or less.

BEING peri of the second parce of that fruit of land which by deed dated Jaruary 3, 1969 and records amone the Land Records of lattinger County in Liber C.T.O. 49.46 facto 84 64.C. was conveyed by Stephen Q. receive and wife t Eastern Gontle Company.

westermost site of Yosh Model (of Net wide) and point Senio 11 for the wide) and point Senio 11 for the wide and point Senio 11 for the wide and point Senio 12 for the wide of parcel of that Heat of the wide of

CONTAINING 0.264 sures of lances of less.

BEING part of the second parts.

BEING part of the second parts of that tract of land which by size strong the Land Rounds to Bett. Doro County in Liter O.T.C.

Bett. Doro County in Liter O.T.C.

Both Chips of etc. was conveyed by the Land Rounds to County in Liter O.T.C.

Being Ed. Doropoly of Lances

Guelle Company, as shown on play plan filled with the Zonin Department. Hasting Date, Wednesday, April 3 1983 at 1:00 P.M. Public Hearing Room 1:01 County Office Switzling, 1:11 N Chesposhe Avenue, Towton, Mc

BALTIMORE March 20, 1969

