

"In deciding the challenge to the action of the County Commissions functioning as a municipal legislature, the Court must use rigorous self discipline, as it must always in such cases, to avoid substituting its judgment or views as

NOTICE OF HEARING BEFORE THE ZONING COMMISSION
AND SPECIAL EXCEPTION - 13th District

Pursuant to petition filed with the Zoning Commissioner of Baltimore County, for change or reclassification, from an R-1a zone to a B-1 zone of the property as area hereinafter described and a SPECIAL EXCEPTION, to use said property for TRUCKING TERMINAL, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in the Board Room, in the basement of the Record Building, Towson, Maryland.

On Wednesday, May 11, 1955

at 10:00 a.m.

to determine whether or not the following mentioned and described property should be changed or reclassified and Special Exception granted as aforesaid, to wit:

All that parcel of land in the Thirteenth District of Baltimore County, beginning for the same at the corner formed by the intersection of the center of a road 33 feet wide, now or to be opened and known as Sulphur Spring Road with the prolongation of the northwest side of Old Georgetown Road, 13 feet wide, now or to be opened and running thence from said place of beginning and blinding along the center of the first above mentioned 33 feet road (Sulphur Spring Road) with the use thereof in common, referring the corners to the magnetic bearing, South 79 degrees 30 minutes west 1195 feet, more or less thence leaving said road and running S. 2 line of division through the land now formerly owned by a family known as a eucalyptus plantation for a distance of 615 feet, more or less to the northwest side of Old Georgetown Road; thence blinding along the northwest side thereof, 15 feet, more or less, to the southeast side or boundary line of a lot sold off; thence leaving Old Georgetown Road and blinding on the boundary of said lot, the three following courses and distances, viz: North 53 degrees 30 minutes west 125 feet, north 36 degrees 30 minutes east 500 feet and south 53 degrees 30 minutes east 125 feet to the northwest side of Old Georgetown Road; thence blinding thence with the use thereof in common for income and agrees to catch Avenue, the three following courses and distances, viz: North 36 degrees 30 minutes east 137 feet, more or less, north 11 degrees 00 minutes east 531 feet, more or less and north 39 degrees 15 minutes east 77 feet, to the place of beginning.

The above description is for zoning purposes only, subject to a final survey for legal description for the conveyance of said property, being property of Harry W. Odense, as shown on the plat plan filed with the Zoning Department.

By Order of
Zoning Commissioner

April 21, 1955

\$51.00

RECEIVED of Albert N. Frank, Attorney, the sum of Fifty One (\$51.00) Dollars, being cost of petition for Reclassification, and Special Permit, advertising and postage Property, Sulphur Spring Road, northwest side of Old Georgetown Road, 13th District, Baltimore County, Maryland.

Zoning Commissioner.

RECEIVED

Wednesday, May 11, 1955

at 10:00 a.m.

Record Building
Towson, Maryland.



April 21, 1955

Rev. John Grason Turnbull
24 W. Pennsylvania Avenue
Towson 4, Maryland.

Dear Sir:

The date for the hearing on the Special Permit for a Trucking Terminal and the reclassification of property on Sulphur Spring and Old Georgetown Roads, 13th District, Baltimore County, Maryland, has been set for Wednesday, May 11, 1955 at 10:00 a.m. in the basement of the Record Building, Towson, Maryland.

Zoning Commissioner.

May 11, 1955

A. Gordon Boone, Esq.,
Masada Building
Towson 4, Maryland

Re: Petition for Reclassification and Special Exception for Truck Terminal - Property between Georgetown Road and Old Sulphur Spring Road, 13th District, Harry W. Odense, Ida H. Odense and Minnie Odense, Petitioners

Dear Mr. Boone:

I have today passed my Order denying the petition for reclassification and a special exception, in the above matter.

Very truly yours,

Zoning Commissioner

IN THE MATTER OF
THE ZONING APPLICATION OF
Harry H. Odense
Ida H. Odense
Minnie Odense

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

APPEAL

Mr. Commissioner:

Please enter an appeal from your decision and order dated

May 13th, 1955, in the above entitled matter and transmit all papers to the

Board of Appeals.

May 11, 1955

Rev. John Grason Turnbull,
24 West Pennsylvania Avenue,
Towson 4, Maryland

Re: Petition for Reclassification and Special Exception - Property between Georgetown Road and Old Sulphur Spring Road, 13th District, Harry H. Odense, Ida H. Odense and Minnie Odense, Petitioners

Dear Senator Turnbull:

I have today passed my Order denying the petition for reclassification and a special exception, in the above matter, for the reasons stated in the attached copy of said Order.

Very truly yours,

Zoning Commissioner

MAY 23 1955

#324

John Grason Turnbull
24 W. Penna. Avenue
Towson 4, Maryland
Attorney for Petitioners

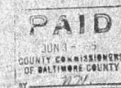
8/18/55
Sen. Turnbull out of
Case -

June 1, 1955

\$50.00

RECEIVED of John Grason Turnbull, Attorney for petitioners, (Harry H. Odense and others), the sum of Fifty (\$50.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying Reclassification of property on Sulphur Spring Road, 13th District of Baltimore County.

Zoning Commissioner



Albert N. Frank, Esq.,
Honey Building
Baltimore 2, Maryland

to

June 21, 1956

County Commissioners of
Baltimore County
c/o Zoning Department,
113 County Office Bldg.,
Towson 4, Maryland

Cost of certified copies of petition and papers filed in the matter of petition for reclassification and special exception for Trucking Terminal - Sulphur Spring Road, 13th District Harry W. Odense, et al, petitioners \$7.00

PD
6/16/56

February 6, 1955

\$2.00

RECEIVED of James W. Shaley, appellant, the sum of seven (\$7.00) dollars, being cost of certified copies of papers in the matter of reclassification and special exception for Trucking Terminal, Sulphur Spring Road, 13th District, Harry W. Grooms, et al, petitioners.

Zoning Commission



August 24, 1955

Board of Zoning Appeals

Assignments for Thursday, September 8, 1955:

10400 a.m. Petition for reclassification and special exception for Trucking Terminal, Sulphur Spring and Old Georgetown Roads, 13th District - Harry W. Grooms, and others, petitioners.
1400 p.m. Petition for reclassification from an "R-1" zone to a "B-1" zone, property on north side of Sunset Avenue, beginning 400 feet east of Arlyn Avenue, 15th District - Theodore R. Bellack, petitioner.

Mr. Charles H. Deing
Mr. Daniel V. Moore
Mr. Carl F. Tobien
George W. Barry, Esq.

August 24, 1955

Board of Zoning Appeals

Assignments for Thursday, September 8, 1955:

10400 a.m. Petition for reclassification and special exception for Trucking Terminal, Sulphur Spring and Old Georgetown Roads, 13th District - Harry W. Grooms, and others, petitioners.
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Mr. Charles H. Deing
Mr. Daniel V. Moore
Mr. Carl F. Tobien
George W. Barry, Esq.

August 24, 1955

Notified of appeal hearing scheduled for Thursday September 8, 1955 at 10:00 a.m.

Board of Zoning Appeals

Council to Board

A. Gordon Boone, counsel for protestants

Albert H. Frankel, " " "

James J. Lee, " " "

October 8, 1955

Albert H. Frankel, Esq.,
Munsey Building
Baltimore 2, Maryland

Re: Petition for Reclassification and Special Exception for Trucking Terminal - Sulphur Spring Road and Georgetown Roads, 13th Dist., Harry W. Grooms, and others, Petitioners

Dear Mr. Frankel:

The Board of Zoning Appeals of Baltimore County has scheduled a hearing for Thursday, October 20, 1955, at 10:00 p. m., to take additional testimony, in the above matter.

Very truly yours,

Zoning Commissioner

cc: James J. Lee, Esq.,
Fidelity Building
Baltimore 2, Md.

Louis M. Stahl, Esq.,
Berkhof Building
Towson 4, Maryland

October 8, 1955

A. Gordon Boone, Esq.,
Renssela Building
Towson 4, Maryland

Re: Petition for Reclassification and Special Exception for Trucking Terminal - Sulphur Spring and Old Georgetown Roads, 13th District - Harry W. Grooms, and others, Petitioners

Dear Mr. Boone:

The Board of Zoning Appeals of Baltimore County has scheduled a hearing for Thursday, October 20, 1955, at 10:00 p. m., to take additional testimony, in the above matter.

Very truly yours,

Zoning Commissioner

December 15, 1955

Albert H. Frankel, Esq.,
Munsey Building
Baltimore 2, Maryland

Re: Petition for Reclassification and Special Exception for Trucking Terminal - Sulphur Spring and Old Georgetown Roads, 13th District - Harry W. Grooms, and others, Petitioners

Dear Mr. Frankel:

The Board of Zoning Appeals of Baltimore County passed an Order today granting the reclassification and Special Exception with respect to that portion of the property described in the attached copy of said Order.

Very truly yours,

Zoning Commissioner

cc: James J. Lee, Esq.,
Fidelity Building
Baltimore 2, Md.

Louis M. Stahl, Esq.,
Berkhof Building
Towson 4, Md.

December 15, 1955

A. Gordon Boone, Esq.,
Renssela Building
Towson 4, Maryland

Re: Petition for Reclassification and Special Exception for Trucking Terminal - Sulphur Spring and Old Georgetown Roads, 13th District - Harry W. Grooms, and others, Petitioners

Dear Mr. Boone:

The Board of Zoning Appeals of Baltimore County passed an Order today granting the reclassification and the Special Exception with respect to that portion of the property described in the attached copy of said Order.

Very truly yours,

Zoning Commissioner

DANIEL SCARBOROUGH, et al
PROTESTANTS
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
VS
CHARLES H. DOING,
DANIEL W. RUBENS, and
CARL F. YOHSEN,
constituting the Board
of Zoning Appeals for
Baltimore County

ADDED TO WRIT OF CERTIORARI AND ORIGINAL AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE THE
ZONING COMMISSION AND BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

Mr. Clerk

Please file, etc.

DANIEL SCARBOROUGH, et al
PROTESTANTS
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
VS
CHARLES H. DOING,
DANIEL W. RUBENS, and
CARL F. YOHSEN,
constituting the Board
of Zoning Appeals for
Baltimore County

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Charles H. Doing, Daniel W. Rubens and Carl F. Yohsen, constituting the Board of Zoning Appeals of Baltimore County, and in answer to the writ of certiorari directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

No. 352-15
April 8, 1955
" "
" 28, "
May 11, 1955
" 23, "
ZONING ENTRIES FROM COURT OF ZONING COM-
MISSIONER OF BALTIMORE COUNTY
Petition of Harry W. Odeness, et al, for reclassi-
fication and special exception for building, erecting,
on a 33 foot road, now or to be opened and known
as Sulphur Spring Road, 13th District of Baltimore
County, filed.
Order of Zoning Commissioner directing advertisement
and posting of property - date of hearings set for
May 11, 1955 at 10:00 a.m.
Certificate of publication in newspaper, filed.
Order of Zoning Commissioner denying the reclassi-
fication and special exception.
Order of appeal to the Board of Zoning Appeals of
Baltimore County from Order of Zoning Commissioner,
filed.

Sept. 8, 1955
Dec. 15, 1955
Jan. 11, 1956
" 28, "
FIVE-1956
Hearing on appeal before the Board of Zoning
Appeals.
Order of Board of Zoning Appeals of Baltimore
County reversing the Order of the Zoning Com-
missioner, filed.
Writ of certiorari and appeal to the Circuit
Court for Baltimore County served on the Board
of Zoning Appeals.
Transcript of testimony taken at the appeal
hearing before the Board of Zoning Appeals of
Baltimore County, filed.
Photographs filed as Petitioner's exhibits Nos.
1, 2, 3, 4 and 5; Petitioner's Exhibit No. 6;
Ex. 7A photograph Exhibit No. 8; Petitioner's
Exhibit No. 9; Aerial photograph No. 10; Letter from
Department of Public Works Exhibit No. 11 and
Petitioner's affidavit in favor of reclassification Exhibit
B, 12.
Petitioner's protest and photographs filed as
Protestants' exhibits.
Acen d of proceedings filed in the Circuit Court
for Baltimore County.
Record of proceedings pursuant to which said Order
was entered and said Board acted are permanent records of the Zoning
Department of Baltimore County and are also the use district maps and
your respondents respectively suggest that it would be inconvenient
and impracticable to file the same in this proceeding, but your
respondents will produce any and all such rules and regulations
together with the zoning use district maps at the hearing on this
petition or whenever directed to do so by this Court.

State of Maryland, Baltimore County, Ct.

To Charles H. Doing, Daniel W. Rubens, and Carl F. Yohsen,
Constituting the Board of Zoning Appeals for Baltimore County

YOU ARE COMMANDED that the record and proceedings in a certain case of

Daniel Scarborough, et al

SEAL

with all things touching the same, as fully and perfectly as they remain before you, by whatever

name or names the parties aforesaid, or either of them, are called in the same, you send and certify to

the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable George L. Dyerly, Clerk

Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, immedi-
ately after receipt of the same.

WITNESS, the Honorable JOHN D. GORTON, Chief Judge of the Circuit Court for

Baltimore County, this 9th day of JANUARY, 1956.

Issued this 10th day of JANUARY, 1956.

True Copy Test
GEORGE L. DYERLY, Clerk

For George L. Dyerly
Deputy Clerk

DANIEL SCARBOROUGH et al
PROTESTANTS
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
VS
CHARLES H. DOING,
DANIEL W. RUBENS, and
CARL F. YOHSEN,
constituting the Board
of Zoning Appeals
for Baltimore County

PRIVILEGE FOR WRIT OF CERTIORARI AND APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition for Writ of Certiorari and Appeal of the Protestants,
Daniel Scarborough et al, respectfully shows unto your Honor:

1. That the property sought to be rezoned in this case is a tract
of land located on Sulphur Spring Road and Old Georgetown Road in the 13th
Election District of Baltimore County. Said tract of land is owned by Harry W.
Odeness.

2. That under date of December 15, 1955 the Board of Zoning Appeals
for Baltimore County, passed an Order granting the requested reclassification
of the tract referred to in paragraph one, overruling Miss Adams, Zoning
Commissioner of Baltimore County.

3. That your Petitioners are the owners of property located in the
vicinity of the tract referred to in paragraph one, and, along with others,
protested against the reclassification of such property at the hearings held
before the Zoning Commissioner and before the Board of Zoning Appeals for
Baltimore County.

4. That the Order of the Board of Zoning Appeals for Baltimore
County dated December 15, 1955, should be reversed, set aside, and annulled by
this Honorable Court as a capricious, arbitrary, and unreasonable act, for the
following reasons:

- (1) That the reclassification of such tract will adversely affect
the health, morals, safety, and general welfare of the
community in that it will increase the already existing
traffic hazards on the adjoining streets to such tract of land.
- (2) That there was no evidence in the case legally sufficient to
show that the original zoning of such tract was erroneous.

- (3) That there was no evidence in the case legally
sufficient to show that since the date of the
original zoning of such tract there has been such
a change in the character of the neighborhood which
would necessitate a change in the original zoning.
- (4) That there was no evidence in the case legally
sufficient to show that the tract is wholly un-
suitable for residential use.
- (5) That the reclassification of the property by the
Zoning Board of Appeals and their overruling of the
Zoning Commission constitutes spot zoning.
5. That this Petition for Writ of Certiorari and Appeal is filed
pursuant to the provisions of the Code of Public Local Laws of Baltimore
County (Smith 1948), Title 23, Section 366 (f), as amended by the Laws of 1953,
Chapter 635.

WHEREFORE YOUR PETITIONERS PRAY:

(a) That a Writ of Certiorari be issued by this Honorable Court,
directed to the Board of Zoning Appeals for Baltimore County, prescribing the
time within which a return thereto must be made and served upon relator's
attorney.

(b) That this Honorable Court may reverse, set aside, annul, and
declare void and of no effect the Order of the Board of Zoning Appeals for
Baltimore County dated December 15, 1955.

(c) That the Board of Zoning Appeals for Baltimore County be re-
quired to return to this Honorable Court the original papers acted upon by it,
or certified or sworn copies thereof, and that such return shall containly set
forth such other facts as may be pertinent and material to show the grounds and
decision of the Order appealed from, together with a transcript of the testimony
taken at the hearing in this matter before such Board and copies of all exhibits
filed with such Board.

(d) And for such other and further relief as your Petitioners'
cause may require.

A. Gordon Thomas
Madden Building
Towson, Maryland
Attorney for Protestants

I hereby certify that on this 10th day of January, 1956, before
me, the subscriber, a Notary Public of the State of Maryland, in and for
Baltimore County, aforesaid, personally appeared A. GORDON THOMAS, one of the
Petitioners herein, and he made oath in due form of law that the matters and
facts set forth in the foregoing Petition are true and correct to the best of
his knowledge, information, and belief.

As Witness my hand and Notarial Seal.

DANIEL SCARBOROUGH et al
PROTESTANTS
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
VS
CHARLES H. DOING,
DANIEL W. RUBENS, and
CARL F. YOHSEN,
constituting the Board
of Zoning Appeals
for Baltimore County

Upon the foregoing Petition, Appeal, and Affidavit, it is this 10th
day of January, 1956, by the Circuit Court for Baltimore County
ORDERED that a writ of Certiorari be issued, directed to the Board
of Zoning Appeals for Baltimore County, to reverse the decision and Order of
such Board of Zoning Appeals for Baltimore County dated December 15, 1955, and
that a return thereto must be made and served upon relator's attorney within
ten (10) days from the date of this Order; and it is further:
ORDERED that the Board of Zoning Appeals for Baltimore County be
and it is hereby required to return to this Court the original papers acted
upon by it, or certified or sworn copies thereof, and the return shall containly
set forth such other facts as may be pertinent and material to show the grounds
of the decision and Order appealed from, together with a transcript of testimony
taken at the hearing in the matter before such Board, and copies of such
exhibits filed with such Board.

True Copy Test
GEORGE L. DYERLY, Clerk
For George L. Dyerly
Deputy Clerk

VERNON C. LUTZ

SURVEYOR AND CIVIL ENGINEER
 4200 ELSKROD AVENUE
 BALTIMORE 14, MARYLAND
 Telephone BR 4-1144

City Planning - Building Operations
 4200 ELSKROD AVENUE
 BALTIMORE 14, MARYLAND
 February 19, 1955

Description of 10 Acres, more or less, Tract for
 Albert H. Fruebel, Inc.

RESIDING for the same at the corner formed by the intersection of the center of a road 33 feet wide, more or to be opened and known as Sulphur Spring Road with the prolongation of the northwest side of Old Georgetown Road, 33 feet wide, now or to be opened and running thence from said place of beginning and binding along the center of the first above mentioned 33 foot road (Sulphur Spring Road) with the use thereof in common, referring the course to the magnetic bearing, South 79 degrees 30 minutes West 1195 feet, more or less; thence leaving said road and running for a line of division through the land now or formerly owned by a Jacob Odense in a south-easterly direction for a distance of 615 feet, more or less to the northwest side of Old Georgetown Road; thence binding along the northwest side thereof, 45 feet, more or less, to the southeast side or boundary line of a lot sold off; thence leaving Old Georgetown Road and binding on the boundaries of said lot, the three following courses and distances, viz: North 53 degrees 30 minutes West 125 feet, North 36 degrees 30 minutes East 100 feet and South 53 degrees 30 minutes East 125 feet to the northeast side of Old Georgetown Road; thence binding thereon with the use thereof in common for ingress and egress to Caton Avenue, the three following courses and distances, viz: North 36 degrees 30 minutes East 317 feet, more or less, North 48 degrees 00 minutes East 631 feet, more or less and North 39 degrees 15 minutes East 77 feet, to the place of beginning.

The above description is for zoning purposes only, subject to a final survey for legal description for the convenience of said property.

PETITION FOR ZONING RECLASSIFICATION
#3524 - RR

Location - N. W. side of Old Georgetown Road, at end of Rittenhouse Avenue and City Line, 13th District.

Owner - Harry M. Odenseos et al

Present zoning - R6

Proposed zoning - RR with a Special
 Exception for truck terminal

Date Received - April 21, 1955

Date of reply - May 10, 1955

This petition involves a proposal to rezone the subject property as Business, Roadside with a Special Exception for a Truck Terminal. The tract contains 10 acres, the only apparent access to which is via narrow residential streets in the existing established residential development of "Bloomfield". The street right-of-ways are about forty-feet wide with paving too narrow for any heavy commercial traffic. There are some eight dwellings in the immediate area on relatively small lots and constructed close to the right-of-ways.

The plat plan as submitted by the petitioner indicated direct access from this tract via Sulphur Spring Road and Old Georgetown Road to Caton Avenue which is within the City. However, a site inspection revealed that with the possible exception of a small dirt path there is no direct access to Caton Avenue.

This property is traversed by the City Line with the greater portion being within Baltimore County. The smaller portion in Baltimore City is a lot commercial zone.

There appear to be four existing dwellings located on the northwest side of Old Georgetown Road and in the southern most corner of this tract, which are included in this petition for reclassification. If it is the decision of the Zoning Commissioner to grant the petition, we recommend that the existing dwellings be excluded from the reclassification.

The Planning Commission's preliminary Land Use Plan proposes that the existing zoning of R6 be retained and also indicates a proposed elementary school less than a quarter of a mile southwest of this tract.

In summary, if the reclassification and Special Exception is granted it is recommended that approval be made subject to the following conditions:

1. Access must be only to and from Caton Avenue and such means of access must be approved as adequate by the Planning Office and the Board of Estimates.
2. The entire property line along the back of residential properties along Old Georgetown Road and Hopkins Avenue should be adequately screened with a wire fence supplemented with planting if deemed necessary and with no access permitted to the residential streets.

cc: Mr. Milne H. Adams
 Mr. John F. Funk

James J. Dembek, Executive Secretary
 Joint Zoning Committee

Description of 10 Acres, more or less, Tract for
 Albert H. Fruebel, Inc.

RESIDING for the same at the corner formed by the intersection of the center of a road 33 feet wide, more or to be opened and known as Sulphur Spring Road with the prolongation of the northwest side of Old Georgetown Road, 33 feet wide, now or to be opened and running thence from said place of beginning and binding along the center of the first above mentioned 33 foot road (Sulphur Spring Road) with the use thereof in common, referring the course to the magnetic bearing, South 79 degrees 30 minutes West 1195 feet, more or less, thence leaving said road and running for a line of division through the land now or formerly owned by a Jacob Odense in a south-easterly direction for a distance of 615 feet, more or less to the northwest side of Old Georgetown Road; thence binding along the northwest side thereof, 45 feet, more or less, to the southeast side or boundary line of a lot sold off; thence leaving Old Georgetown Road and binding on the boundaries of said lot, the three following courses and distances, viz: North 53 degrees 30 minutes West 125 feet, North 36 degrees 30 minutes East 100 feet and South 53 degrees 30 minutes East 125 feet to the northeast side of Old Georgetown Road; thence binding thereon with the use thereof in common for ingress and egress to Caton Avenue, the three following courses and distances, viz: North 36 degrees 30 minutes East 317 feet, more or less, North 48 degrees 00 minutes East 631 feet, more or less and North 39 degrees 15 minutes East 77 feet, to the place of beginning.

The above description is for zoning purposes only, subject to a final survey for legal description for the convenience of said property.

RE: PETITION FOR RECLASSIFICATION FROM AN
 "R-6" Zone to a "B.M." Zone and a
 Special Exception for a Trucking Terminal -
 Property between Georgetown Road and Old
 Sulphur Spring Road, N. W. of Elbow City
 Line, 13th District - Harry M. Odenseos
 and Jacob Odenseos
 Baltimore

This petition is for a change from an "R-6" residential zone to a "B.M." (Business Roadside) Zone. Although the property in question abuts a first commercial zone in Baltimore City, it also abuts the residential development of Bloomfield in Baltimore County.

Two petitions were offered in evidence, one by the petitioners and one by the protestants. After a careful study of these I find that the signers of the petition for the reclassification with the exception of one or two could not be affected by this change. On the other hand the signers of the petition for the protestants are all residents of Bloomfield Park and would certainly be affected.

The Zoning Commissioner viewed the site immediately after the hearing and is of the opinion that the noise and dust created by these large tractors, trailers and trucks would create a terrific hardship on this small community. Therefore, the health, safety and morals would be affected.

There was no testimony by the petitioners to show that either the original zoning was erroneous, nor were there changes in this community since the original which would warrant the reclassification. This petition is therefore denied.

It is this _____ day of May, 1955, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition, the first for reclassification, from an "R-6" Zone to a "B.M." Zone and a Special Exception for Trucking Terminal, be and the same is hereby denied.

Zoning Commissioner of
 Baltimore County

This petition for a change from R6 residential to B.M. (Business Roadside) Although the property in question abuts a first commercial zone in Baltimore City, it also abuts the residential development of Bloomfield Park in Baltimore County.

Two petitions were offered in evidence, one by the petitioner and one by the protestants. After a careful study of these I find that the signers of the petition for the reclassification with the exception of one or two could not be affected by this change. On the other hand the signers of the petition for the protestants are all residents of Bloomfield Park, and would certainly be affected.

The Zoning Commissioner viewed the site immediately after the hearing and is of the opinion that the noise and dust created by these large tractors, trailers and trucks would create a terrific hardship on this small community. Therefore the health, safety and morals would be affected.

There was no testimony by the petitioners offered to show erroneous that either the original zoning was / nor were there changes in this community since the original zoning which would warrant the reclassification. This petition is thereby denied.

TO: ALL RESIDENTS IN BLOOMFIELD PARK AND VICINITY

An application has been filed with the Baltimore County Zoning Board to rezone 6 1/2 acres of the HARRY ODENSEOS property, which lies between Georgetown Road and Old Sulphur Springs Road west of the city line and adjoining the D. C. Scarborough property, from one and two-family dwelling classification to heavy commercial for the purpose of putting in a TRUCKING TERMINAL.

We all know how greatly this kind of an operation in our community would devalue our property, but aside from that, think what a dangerous thing it would be to have trucks and tractors and trailers coming and going through the streets at all times of the day and night.

Our children have to walk in the streets to go to school because there are no sidewalks in Bloomfield Park. The life of one child is certainly worth more than all the property and truck terminals in Baltimore County, so let's all get together and defeat this.

A petition will be brought to your home within the next week, and we ask you now to please sign it.

However, the most important thing now is to be at the hearing in person and let the Zoning Board know that every single property owner in the community is opposed to this kind of an operation being put in our front yard.

The hearing is to be in the Zoning Board Room in the basement of the Record Building in Towson, Maryland, on

WEDNESDAY - MAY 11, 1955 - at 10 A.M.

We want and will need everybody at this hearing, so please make arrangements to be there. If you don't have transportation, please call Dan Scarborough at ARbutus 1059 in the evening, and I will make arrangements for transportation for you.

Thank you for your cooperation.

Yours truly,

DAN C. SCARBOROUGH

3440 Georgetown Rd.
 PHONE: ARbutus 1059

TO: ALL RESIDENTS OF BLOOMFIELD PARK AND VICINITY

The hearing before the Zoning Board of Baltimore County on the rezoning of 6 1/2 acres of the Harry Odenseos property, which lies between Old Georgetown Road and Sulphur Springs Road west of the Baltimore City line and adjoining the D. C. Scarborough property, from R6 classification which is one and two-family dwellings, to B.M., which is heavy commercial, for the purpose of putting in a TRUCKING TERMINAL, will be held this coming

WEDNESDAY MAY 11, 1955 10 A.M.

in the basement of THE RECORD BUILDING 411 WASHINGTON AVE. TOWSON, MD.

This is directly across the street in front of the Court House and next door to the Towson National Bank.

The Bloomfield Park Christian and Missionary Alliance Church at Rittenhouse Ave. and James Street is giving the use of their large Sunday School bus to the community gratis for that day, so that all residents who want to and can go will have transportation. The bus will be parked at James Street and Rittenhouse Avenue at 8:30 A.M., and will

LEAVE FOR TOWSON at 9:00 A.M.

You will be taken to the Record Building, and as soon as the hearing is over, you will again board the bus and be returned home.

If you don't want your property devalued and the nuisance and danger of a truck terminal in our "dust" with trucks and tractors and trailers coming and going up and down Rittenhouse Avenue, James Street, Hall Avenue, Wilson Avenue, Georgetown Road, and Hopkins Avenue, at all times of the day and night, be sure to be at the hearing.

If you have to take time off from work, it will be worth it. Go on the Sunday School bus, or in your car, or ride with someone, but

BE THERE next WEDNESDAY - MAY 11 - at 10 A.M.

in the basement of THE RECORD BUILDING 411 WASHINGTON AVENUE TOWSON, MD.

Yours truly,

D. C. SCARBOROUGH

3440 Georgetown Rd.
 Baltimore 27, Md.
 Phone: ARbutus 1059

LOUIS M. HEHL
 ATTORNEY AND COUNSELLOR AT LAW

September 24, 1955

RECORD BUILDING
 TOWSON, A. MARYLAND
 TOWSON 2728

2719 HANNOVER FERRY ROAD
 LANSOWNE, MD, MARYLAND
 ARLING 1628

Board of Zoning Appeals of Baltimore County
 Court House
 Towson-4, Maryland

Re: Application for Zoning to Heavy
 Commercial (Truck Terminal) of
 land of Harry M. Odenseos.

Dear Sir:

Will you be so kind as to set a date to give additional testimony by the applicant, which will consist of a detail plat of the property and the location of the proposed building, roads and landscaping, plus a drawing of the building.

Thanking you very much, I am,

Very truly yours,

Louis M. Hehl

LMH:j
 Lansdowne Office

Delivered
 10/20/54
 3:15 PM
 Oakes Road

JOINT ZONING COMMITTEE
REPORT ON PETITION # 3524-EX

Location and District: Northwest side of Old Georgetown Road, at the end of Rittenhouse Avenue and City Line - 13th District.

Present Zoning: R6
Date of Report:
Present Status of Property: Vacant
Proposed Zoning: R6 and a Special Exception for a Truck Terminal use.

Area: Approximately 10 acres.

Vicinity: This property is traversed by the City Line with the greater portion being within Baltimore County. The smaller portion in Baltimore City is a 1st Commercial zone. To the east and south of this property is the established residential development of "Wilmontfield Park" consisting of about eighty dwellings. The property to the North of this tract is vacant. Northeast and at the intersection of Old Georgetown Road and Caton Avenue there is located two trucking companies, a gasoline service station, the Freeland Equipment Company building and a used car lot.

Topography or Grade Problems:
The topography slopes downward from the subject tract to the residential area.

Access and Road Widening: The only apparent access is via narrow, residential streets with dwellings constructed close to the right-of-ways and on relatively small lots. These street right-of-ways are about forty feet wide with paving too narrow for any heavy commercial traffic. The plat plan as submitted by the petitioner indicates direct access from this tract via Sulphur Spring Road and Old Georgetown Road to Caton Avenue which is within the city. However, a site inspection revealed that with the possible exception of a small dirt path there is no direct access to Caton Avenue.

School Factors:

Public Works Items:

Water -

Sewer -

Storm Drainage -

Public Works Agreement to Include:

Effect on Master Plan Proposals:

The Master Plan proposes an elementary school less than a quarter-of-a-mile southeast of this tract.

Land Use Proposals:

The preliminary Land Use Plan proposes that the existing zoning of R6 be retained.

James J. Dunbeck, Executive Secretary
Joint Zoning Committee

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Joint Zoning Committee

South side of Sulphur Spring Road and the Southern boundary of Baltimore City; thence westerly and binding on the South side of Sulphur Spring Road 400 feet; thence southeasterly 400 feet; thence North 79 degrees, 30 minutes East 600 feet to the Northwest side of Old Georgetown Road; thence, northeasterly and binding on the Northwest side of Old Georgetown Road 185 feet to the Southern boundary of Baltimore City; thence westerly and binding on said City boundary 550 feet to the place of beginning.

PETITION FOR RECLASSIFICATION AND
SPECIAL EXCEPTION FOR TRUCKING
TERMINAL - SULPHUR SPRING AND OLD
GEORGETOWN ROADS, 13th DISTRICT -
HARRY W. OBERKAMP, 37 AL,
PETITIONERS

BEFORE THE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

OPINION AND ORDER

This case comes before us on an Appeal by the Applicant from the refusal of the Zoning Commissioner of a requested reclassification from an "R-6 Zone" to a "B.R. Zone" and for a Special Exception for a trucking terminal.

The property is located on the south side of Sulphur Spring Road west of Caton Avenue. The entire tract consists of 10 Acres, of which approximately 3-1/2 Acres are in Baltimore City and are now zoned commercial under the City regulations.

Since the original zoning map was adopted, there has been a marked change of conditions in this neighborhood. A number of truck terminals of the type which Applicant proposes to operate have been built in the immediate vicinity and are now in operation. These truck terminals have completely changed the character of this neighborhood which was formerly residential but largely undeveloped. These truck terminals are presently in Baltimore City, but this does not prevent them from having changed the character of the neighborhood.

There is no residential development in the immediate vicinity, but there is a group of about 80 homes to the east and south of the property in a development known as "Wilmontfield Park."

We feel that this development will be adequately protected against any annoyance from the proposed truck terminal if a buffer zone of residential is continued along the southernmost portion of the 10 acre tract in question and if proper screening by trees and shrubbery is erected along the southernmost line of the truck terminal property.

The principal point relied upon by the Protestants is that trucks will be using the streets through the residential area. However, these are public streets and the trucks would have the same legal right to their use as do the home owners residing thereon. We do not feel that we have a right to refuse the owner of this land the use of his property in a reasonable manner simply

because some neighboring properties may oppose the use of public streets by trucks.

In order to carry out this plan, we will grant the reclassification and the Special Exception with respect only to that portion of the property described as follows:

S. Sulphur Spg. Rd. & the
Southern Boundary of Balto City
thence N.W. & binding on
the S. Sulphur Spg. Rd.
400'. Thence S. Ely 400'.
" N. 79° 30' E.
600' to the N.W. S. of
Old Georgetown Rd. the
N. Ely & binding on the
N.W. S. of Old Georgetown Rd.
185' to the S. Southern
Boundary of Balto City the
N.W. & binding on said
City boundary 550' to a place
of beg

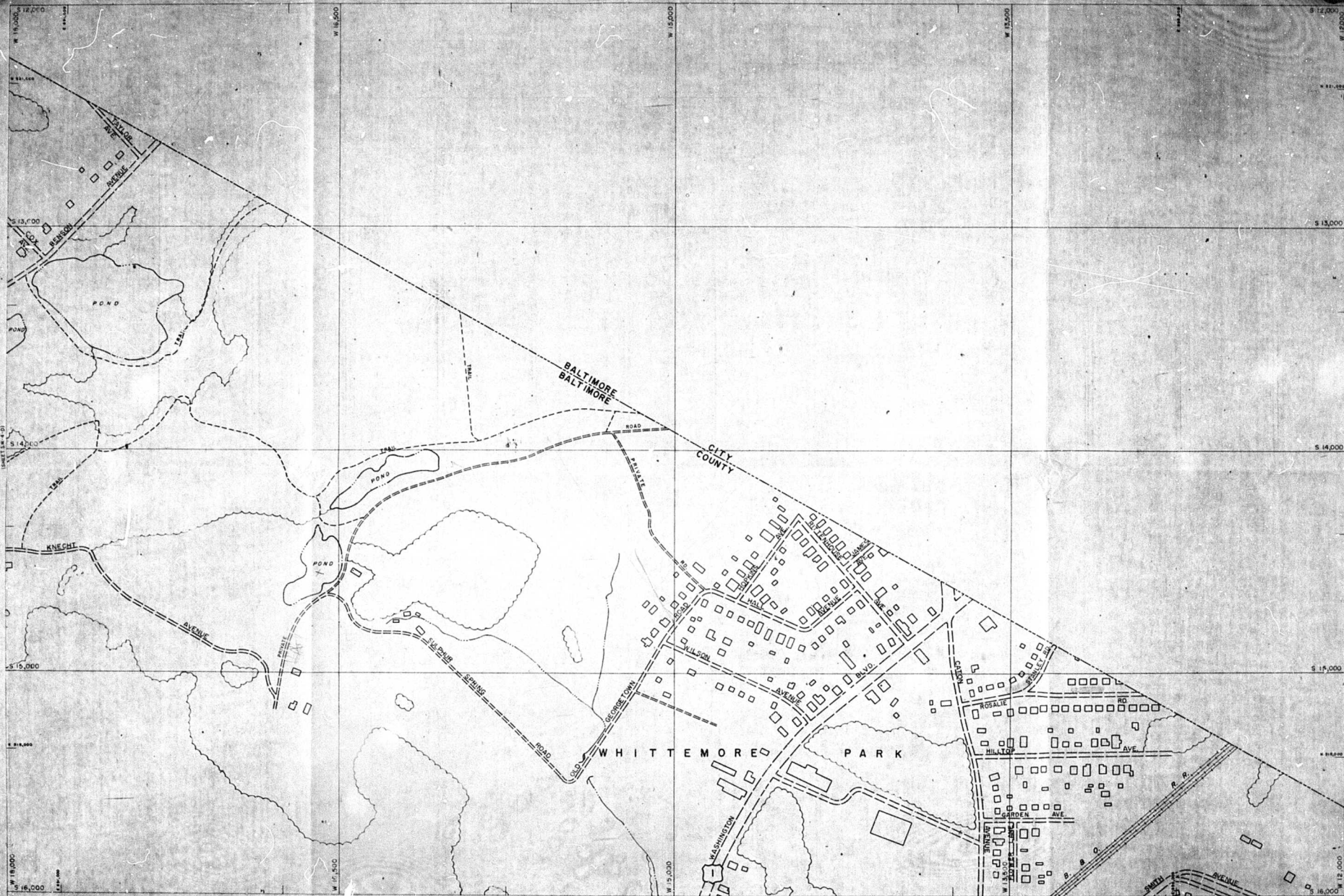
3524-RX

Additional testimony

Damage: 3600 Hampton Rd. 3 1/2 C.
108 Start of land inter by City 3 1/2 C.
Pavement black top Int. 5' high East side new
Decision trust
Plot offer on Exp. City to B. Plot advised
Arrival photo off to Exp.

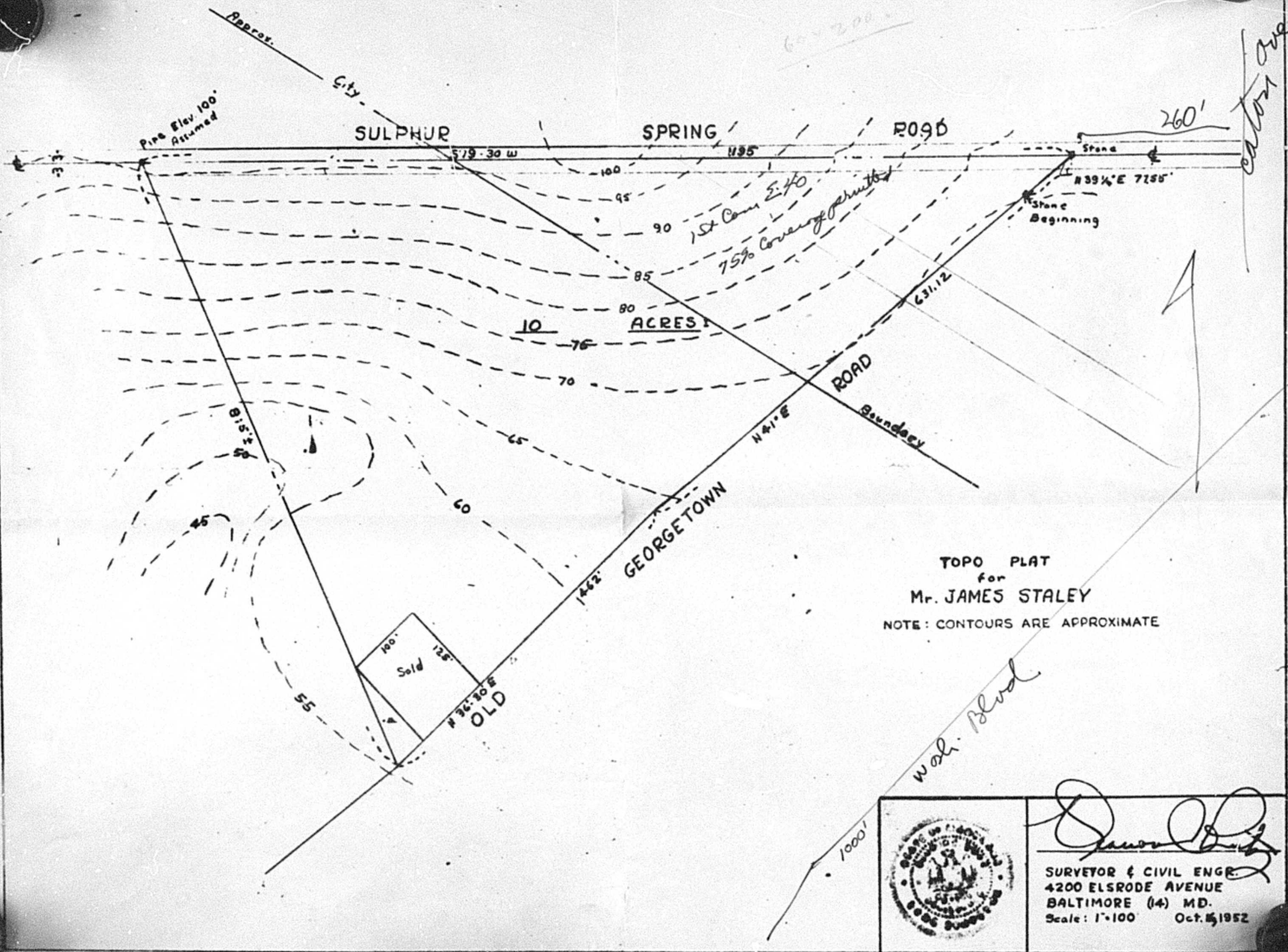
1. Part to R-6 to B-R
along spring border in City -
an extension of spring -
Part of plot in city already commercial -
Special exception - Trucking terminal -
Changed conditions - a number of trucks
terminal built up around at particular
in City -
Protect -
Truck mining street - Have arrived to -
Development developed in the neighborhood -
Granting part of the plot residential
property lying to the South -
proceeding a continuous line -

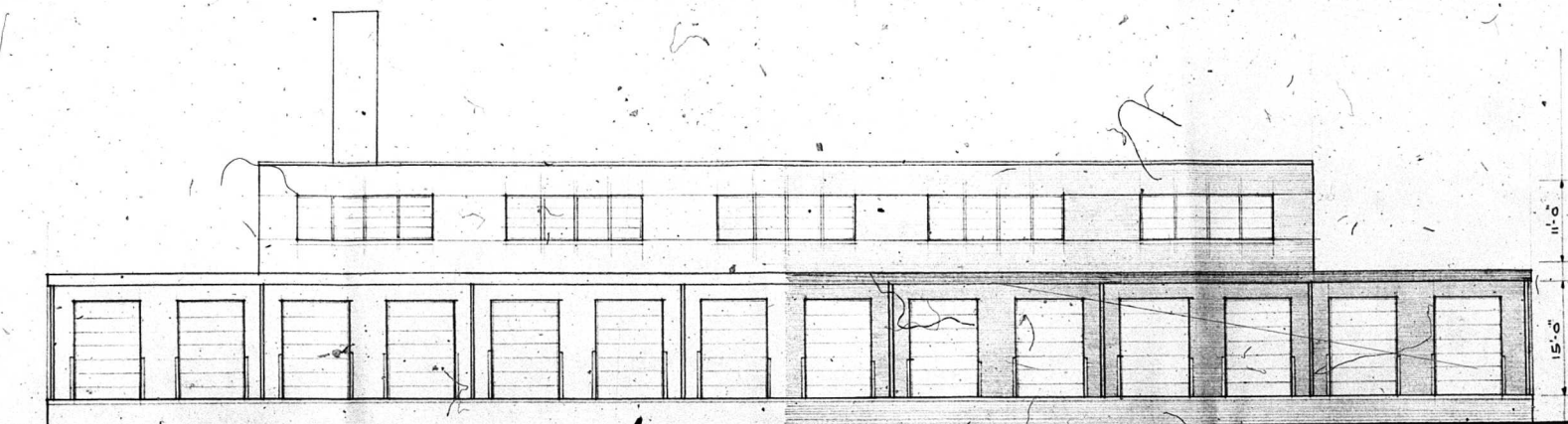
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PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	LANSDOWNE	S.W.
		DATE OF PHOTOGRAPHY APRIL 1953		4-C
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				





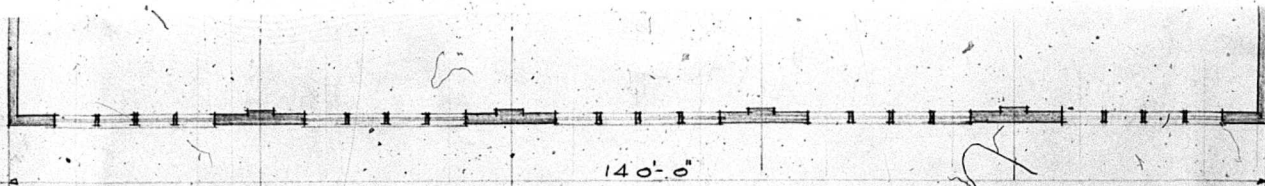
FRONT ELEVATION

SCALE 1/8" = 1'-0"



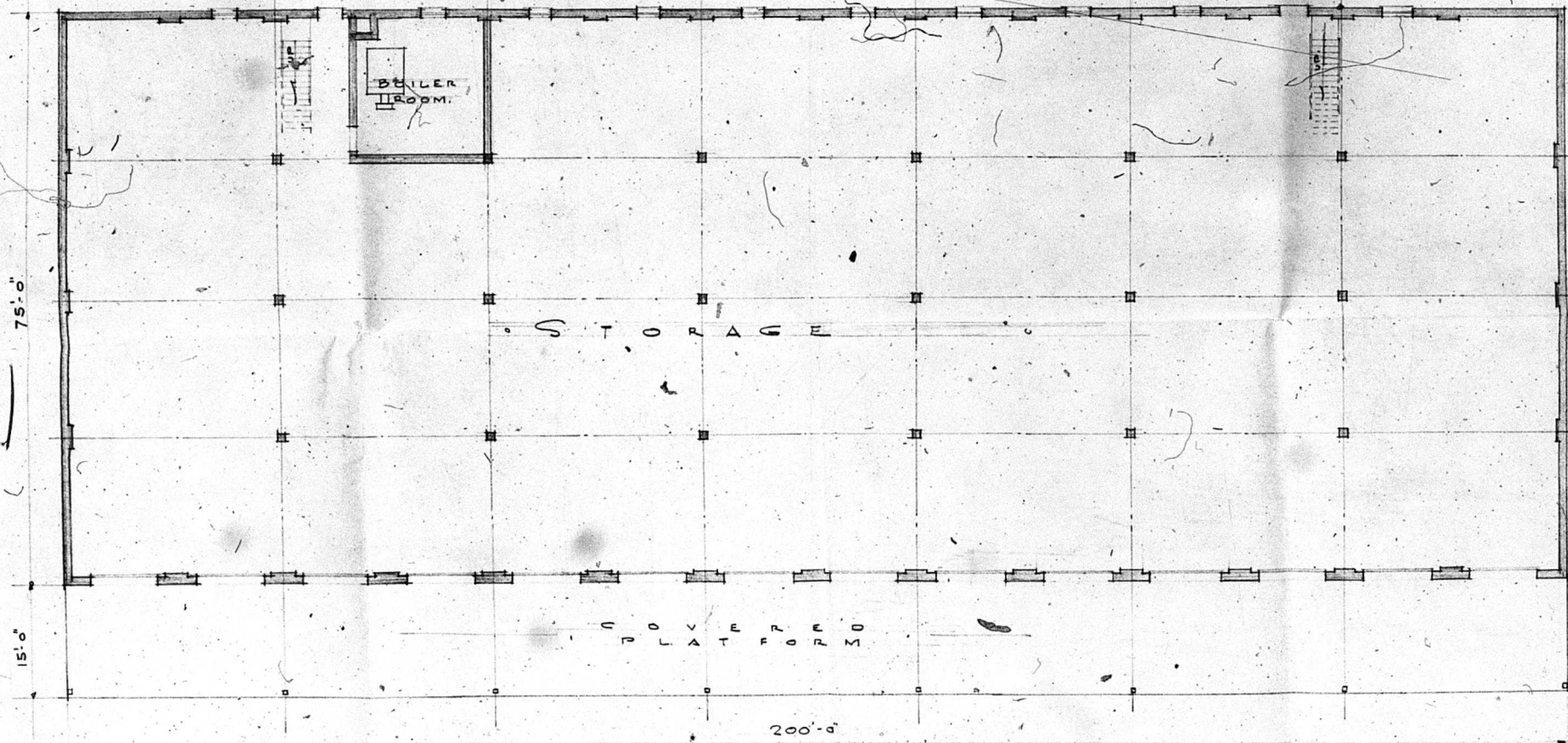
2ND FLOOR PLAN

SCALE 1/8" = 1'-0"



2ND FLOOR PLAN

SCALE 1/8" = 1'-0"



NOTE:

THIS DRAWING AS AN INSTRUMENT OF SERVICES, IS THE PROPERTY OF THE ARCHITECTS B.F. OWENS AND ASSOCIATES AND MAY NOT BE REPRODUCED UNLESS THE REPRODUCTION CARRIES THEIR NAME AS ARCHITECTS.

1ST FLOOR PLAN

SCALE 1/8" = 1'-0"

PROPOSED 2 STORY BLDG.

FOR ALBERT H. FRANKEL
527 MUNSEY BUILDING
BALTIMORE 2, MARYLAND

B.F. OWENS & ASSOCIATES
ARCHITECTS

213 N. CALVERT ST. BALTO. MD.
SEPT. 12, 1955

JOB NO.
1264-55