

RE: PETITION FOR RECLASSIFICATION
From an "R-6" zone to an
"M-1" Zone; Northern Shore
Line Patapsco River 470'
N. of West Approach to
Harbor Tunnel - 13th Dist.,
Reliable Homes Corporation-
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5165

The petitioner in the instant case seeks to reclassify approximately 102 acres in the Thirteenth District of Baltimore County on the north shore of the Patapsco River, 480 feet north of the west approach of the Harbor Tunnel from a now "R-6" classification to manufacturing light. The property is described as being bounded on the south by the Harbor Tunnel approach, on the east by the Patapsco River, on the north by Patapsco Avenue, and on the west by the B & A Railroad. The topography of the ground, according to testimony is comprised of areas of low, marshy, water covered ground, of which minute parts thereof are firm or buildable. Ample testimony was given to indicate that in order to use the subject property for residential use, one and one-half million to two million cubic yards of fill would be required with pilings to contain any substantial amount of dwelling units, thereby making the said property impractical for all intents and purposes for any residential building uses. There was further testimony that the sewage problems would be of such a compound nature as to preclude any reasonable use of said property in a residential capacity. These factors plus the additional factors of being located near the Harbor Tunnel approach, the Patapsco River and the aforementioned railroad, all lend to the character of this property to an industrial nature as opposed to residential uses.

The Board is unanimous in its opinion that the property in question was zoned in error by the Baltimore County Council upon their adoption of the Land Use Map for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential usages of the ground under its present zoning.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of January, 1962, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals

Now you want to use it for commercial. Now how are you going to propose trucks getting in and out of that property. You have to come through the nicely developed neighborhood. We are all developing in here and around. We are going to start a new school out there, this spring, and develop fast. I am watching it grow fast. I have worked with people out there.

MR. STEFFY: To answer your question, sir, No. 1, we have not offered our property for sale. As you know, we have had that property for almost thirty years now. No. 2, as far as future access to the property is concerned, which is all that we are interested in at the time being, we are not interested in any present access to the property, the Patapsco Avenue is to be extended through this general vicinity. Patapsco Avenue will be a major access road to this whole lower area. When it does, it will eventually be open up that bottom area.

MR. GOTTLIEB: It comes behind my house, in fact, up here in Luthersville. We don't know. But the idea is, if you take and remove it, and then the people build back there, naturally they will find a way out. We had trouble in our neighborhood, they wanted to commercialize it first and build houses later, but we refused them. Let us get the house first. Let us plan this thing right. Let us put commercial establishments where they belong.

MR. MILLER: Mr. Gottlieb, you came to ask some questions? MR. GOTTLIEB: He answered. Thank you sir.

MR. STEFFY: The property is not offered for sale. The idea of a comprehensive map is to zone it at this time when we all can press our views.

MR. MILLER: Is there anyone else who would like to discuss this subject while we are on it. (No answer.)

On May 5, 1959 the following was contained in the Master Plan Recommendation - Thirteenth District Baltimore County - Report to the County Executive and the County Council:

"Another basically different approach is that of the use proposed on the plan by the planning staff, and approved by the Planning Board for the land lying between the tunnel throughway and the Patapsco River. All of this was shown on the Master Plan of Zoning as 'R-60' zoning. The proposed Zoning Map has been changed in the eastern portion to 'M-1' zoning and in the western portion, 'R-6' zoning. Actually in proposing 'R-60' zoning we believe the land is no more suited for development in houses on acre lots than it is for development for industrial buildings or plants. This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically cut off from the land to the north by the tunnel route. Access under the expressway at a point was provided from the higher land in order to give the minimum necessary access to the out-of-stuff. In one case,

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles H. Steffy
Chairman

Charles H. Steffy

W. Mitchell Austin

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "M-1"
Zone - N. Shore Line of Patapsco
River 480' N. of West Approach to
Harbor Tunnel, 13th District -
Reliable Homes Corporation,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5165

Reliable Homes Corporation, 15 East Lexington Street,
Baltimore 2, Maryland, the legal owner of a large area located on the
northwest shore of Patapsco River 480 feet north of the west approach
to the Harbor Tunnel, requested a reclassification from Residential-6
to Manufacturing Light.

The reasons stated in the petition were as follows:

"There was error in the adoption of the Land Use Map for the Thirteenth District of Baltimore County insofar as the above described property is concerned because the same should have been classified as 'M-1' and not as 'R-6', and the classification of the same as 'R-6' bore no substantial relation to the public health, safety, morals or general welfare, and was arbitrary, capricious and discriminatory."

The reasons were very ably elaborated upon at the

hearing.

Mr. John W. Steffy testified at the zoning hearing. Prior to that time Mr. Steffy had the following to say at a hearing on the proposed zoning map for the Thirteenth District of Baltimore County held on May 5, 1959:

"I represent Charles H. Steffy, Inc., who owns approximately 185 acres in this location, which is south of the W.B. & A. Railroad and north of the river bed, west of the Baltimore City Line."

I just want to state very briefly here that the character of that land is such that it can only be used for either light or heavy manufacturing use. To describe the character of the land, if you go to the south of the W.B. & A. line, there is only about twenty-five acres of fast land, all along there.

MR. MILLER: What do you mean by fast land?

MR. STEFFY: Actually land which is solid land, made-up land. The balance of the property would be considered marshland, swampy land. Other fast land, about two-thirds of the fast land owned by ourselves and our adjoining neighbor, who I do not know, to the east, has been made up in a dump. That dump has been down there, well, as far as I know, the dump to the man who is operating it now for at least twenty-two years. And that refuse,

On December 20, 1960 Mr. George R. Lewis, Chief Permit Section - Division of Land Development, commented as follows:

"This office questions the zoning of this tract of land without provision of proper access. The plan was submitted would indicate that the parcel involved does not have frontage to any public street, which would provide vehicular access to this land."

It should be noted that the approach to the Harbor Tunnel Road is a non-access highway."

At the zoning hearing held on Wednesday, December 21, 1960 George G. Gwollis, Deputy Director of the Office of Planning testified that the Planning Staff does not recommend the change. He suggested low density "R-6" and commented that access to the property is insufficient.

Mr. Joseph D. Thompson, Registered Professional Engineer, testified that much 49 feet to 59 feet deep will not support appreciable amount of building nor would it support dwellings built at reasonable prices. There are only a few acres of fast land in the area. Estimated fill would cost a half a million dollars. While water is available, one or more lift stations would be necessary for sewerage. This was Mr. Thompson's statement.

It is a basic to the law of property that a man shall be allowed the use of his property consistent with the protection of his neighbors. The designation of zoning districts would be such easier if it were possible to say that every parcel of land had clearly a highest and best use, but this is not the case. It is not the case where a parcel of land is not patently suited for any particular use.

At the same time the Court of Appeals of Maryland has taken a firm stand and it is no better expressed than in Zim vs Board of Zoning Appeals 207 M 358:

"It is an established rule that where an application is made for reclassification of a tract of land from one zone to another, there is a presumption that the same established by the original zoning ordinance were well planned and arranged and were intended to be more or less permanent, subject to change only when there are genuine changes in conditions. Thus, before a zoning board rezones a property, it should be proof either that there was some mistake in the original zoning or that the character of the neighborhood had changed to such an extent that reclassification ought properly be made. The burden upon the proponents of change to justify it by proof of original mistake or substantial change in the character of the neighborhood."

What changes have taken place since the Thirteenth District zoning map was adopted on June 2, 1959?

In this area the answer is none. Go back quite a few years and the answer is still none. In the entire County, homes are existing and are built near railroads. An excellent example is Haleshorpe. Farms and homes are built right up to high-tension lines. At these residents and

the cinders that have gone in there have gone to make up the land.

As far as the character is concerned on the north side of this ground, you have the W.B. & A. R.R., you have tremendous high-tension lines. You have the Relay Station for the Baltimore Gas & Electric Co., that is bordering along the north side. On the east side of the property you have the Baltimore City Line, and the city incinerator on the south of it. You have the Patapsco River, and on the west side you have the Baltimore-Washington Expressway, - excuse me, tunnel entrance. And the character is such that it is not adapted for residential use.

My information from the park people, that I have had, at the present time they only have the authority to acquire property up to the Annapolis Road. I may be wrong, but I was told that. The other properties, they are making a survey now, up to the Baltimore City Line, which has been abandoned and which was not approved at the last meeting of the legislature.

Also in that area, they would acquire about half of the total area, representing between the Patapsco River and W.B. & A. In other words, they would acquire the area which is the swamp area. With the general character of the neighborhood, in this specific area, it is our opinion that industrial use, either light or heavy industrial use is only one which it could be put to now. I would like to define one thing to Mr. Darrell about valuation. This property is a good example of it.

That is, it is true zoning may reflect in value, but the price at which a person will pay for a piece of property, whether they be industrial or whether it be residential buildings, is going to reflect on what they have to put out to use that property. If they are going to put into an area where they have to fill, any price they would consider paying for that property is going to be very substantially affected, by what it costs, what they are going to have to spend on it.

I haven't heard, in our area of any prices, anything like we were talking about before, for any industrial property.

MR. GOTTLIEB: Mr. Chairman, in this neighborhood I was born and raised. There is property around here on the other side of the W.B. & A., if you will that commercial, nice developed land people have their homes, all small roads, - where large trucks are concerned, it will create traffic hazards. This is an old refuge. We used to hunt muskrats and hunt birds. You are filling that ground in.

farmers use the land under the high tension lines for gardening, growing crops, etc. Installations of the Gas Company and the Telephone Company exist in many residential areas without impairing the use of land.

In spite of protests residents still live near expressways. If the Baltimore City Incinerator would cause trouble for new residents, then it must have been causing trouble for old residents. An existing incinerator is not a reason to grant "M-1" zoning in a predominantly residential area.

The petitioner's land is scarcely land at all, but it is a swamp. To use the site for anything requires great plans. No plans are in existence. The Baltimore County Council may have used the wrong reasons for zoning the property as it has, but the end result is correct. Considering the health, safety or general welfare of the locality involved, it would indeed be a dangerous thing to impose the classification of Manufacturing Light upon a community when the plans for development are as lacking in a base as the very land itself.

For the above reasons the reclassification should be denied.

It is this 16th day of March, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "R-6" Zone.

W. E. P.
Zoning Commissioner of
Baltimore County.

RE: PETITION FOR RECLASSIFICATION

from an "R-4" Zone to an "M-L" Zone - N.W. Shore Line of Patapsco River 480' N. of W. Approach to Harbor Tunnel, 13th District - Reliable Homes Corporation, Petitioner

BEFORE

ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5165

Reliable Homes Corporation, 18 East Lexington Street, Baltimore 2, Maryland, the legal owner of a large area located on the northwest shore of Patapsco River 480 feet north of the West approach to the Harbor Tunnel, requested a reclassification from Residential - 4 to Manufacturing Light.

The reasons stated in the petition were as follows:

"There was error in the adoption of the Land Use Map for the Thirteenth District of Baltimore County insofar as the above described property is concerned because the same should have been classified as 'M-L' and not as 'R-4', and the classification of the same as 'R-4' bore no substantial relation to the public health, safety, morals or general welfare, and was arbitrary, capricious and discriminatory."

The reasons were very ably elaborated upon at the hearing.

Mr. John W. Steffey testified at the zoning hearing. Prior to that time Mr. Steffey had the following to say at a hearing on the proposed zoning map for the Thirteenth Election District of Baltimore County held on May 5, 1959:

"I represent Charles H. Steffey, Inc., who owns approximately 185 acres in this location, which is south of the W.B.&A. Railroad and north of the river bend, west of the Baltimore City Line.

I just want to state very briefly here that the character of that land is such that it can only be used for either light or heavy manufacturing use. To describe the character of the land, if you go to the south of the W.B.&A. bend, there is only about twenty-five acres of fast land, all along there.

Mr. Muller: What do you mean by fast land?

Mr. Steffey: Actually land which is solid land, made-up land. The balance of the property would be considered marshland, swampy land. Other fast land, about two-thirds of the fast land owned by ourselves and our adjoining neighbor, who I do not know, to the east, has been made up in a dump. That dump has been down there, well, we leased the dump out to the man who is operating it now for at least twenty-two years. And that refuse, the clinders that have gone in there have gone to make up the land.

-5-

The Chairman then spoke on behalf of Mr. Anderson and Mr. Schield and himself and stated that they were all in favor of having the subject area acquired and used for a state park. However, they did not feel that the "R-6" designation was legally proper."

On December 20, 1960 Mr. George R. Lewis, Chief Permit Section - Division of Land Development, commented as follows:

"This office questions the zoning of this tract of land without provision of proper access. The plan as submitted would indicate that the parcel involved does not have frontage to any public street, which would provide vehicular access to this land.

It should be noted that the approach to the Harbor Tunnel Road is a non-access highway."

At the zoning hearing held on Wednesday, December 21, 1960 George G. Gavelis, Deputy Director of the Office of Planning testified that the Planning Staff does not recommend the change. He suggested low density "R-6" and uses and commented that access to the property is insufficient.

Mr. Joseph D. Thompson, Registered Professional Engineer, testified that much 49 feet to 59 feet deep will not support appreciable amount of building nor would it support dwellings built at a reasonable price. There are only a few acres of fast land in the area. Estimated fill would cost a half a million dollars. While water is available, one or more lift stations would be necessary for sewerage. This ends Mr. Thompson's statement.

It is a basic to the law of property that a man shall be allowed the use of his property consonant with the protection of his neighbors.

The designation of zoning districts would be much easier if it were possible to say that every parcel of land had clearly a highest and best use, but this is not the case. It is not the case where a parcel of land is not potentially suited for any particular use.

At the same time the Court of Appeals of Maryland has taken a firm stand and it is no better expressed than in Zinn vs Board of Zoning Appeals 207 Md 358:

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-2-

As far as the character is concerned on the north side of this ground, you have the W.B.&A. R.R., you have tremendous high-tension lines. You have the Relay Station for the Baltimore Gas & Electric Co., that is bordering along the north side. On the east side of the you have the Baltimore City Line, and the city incinerator on the south of it. You have the Patapsco River, and on the west side you have the Baltimore-Washington Expressway, - excuse me, tunnel entrance. And the character is such that it is not adapted for residential use.

My information from the park people, that I have had, at the present time they only have the authority to acquire property up to the Annapolis Road. I may be wrong, but I was told that. The other properties, they are making a survey now, up to the Baltimore City Line, which has been abandoned and which was not approved at the last meeting of the legislature.

Also in that area, they would acquire about half of the total area, representing between the Patapsco River and W.B.&A. In other words, they would acquire the area which is the swamp area. With the general character of the neighborhood, in this specific area, it is our opinion that industrial use, either light or heavy, industrial use is the only use which it could be put to now. I would like to define one thing to Mr. Darrell about valuation. This property is a good example of it.

That is, it is true zoning may reflect in value, but the price at which a person will pay for a piece of property, whether they be industrial or whether it be residential buildings, is going to reflect on what they have to put out to use that property. If they are going to get into an area where they have to fill, any price they would consider paying for that property is going to be very substantially affected, by what it costs, what they are going to have to spend on it.

I haven't heard, in our area of any prices, anything like we were talking about before, for any industrial property.

Mr. Gottlieb: Mr. Chairman, in this neighborhood I was born and raised. There is property around here on the other side of the W.B.&A. If you sold that commercial, how do you propose to get your trucks out of there. This nice developed land people have their homes, all small roads, - where large trucks are concerned, it will create traffic hazards. This is an old Refuge. We used to hunt muskrats and hunt birds. You are filling that ground in.

What changes have taken place since the Thirteenth District zoning map was adopted on June 2, 1959?

In this area the answer is none. Go back quite a few years and the answer is still none. In the entire County, homes are existing and are built near railroads. An excellent example is Halesboro. Farms and homes are built right up to high-tension lines. At times residents and farmers use the land under the high tension lines for gardening, growing crops, etc. Installations of the Gas Company and the Telephone Company exist in many residential areas without impairing the use of land.

In spite of protests residents still live near expressways. If the Baltimore City Incinerator would cause trouble for new residents, incinerator is not a reason to grant "M-L" zoning in a predominantly residential area.

The petitioner's land is scarcely land at all, but it is a swamp. To use the site for anything envisions great plans. No plans are in existence. The Baltimore County Council may have used the wrong reasons for zoning the property as it has, but the end result is correct. Considering the health, safety or general welfare of the locality involved, it would indeed be a dangerous thing to impose the classification of Manufacturing Light upon a community when the plans for development are as lacking in a base as the very land itself.

For the above reasons the reclassification should be denied.

It is this 11th day of March, 1961, by the Zoning Commission of Baltimore County, ORDERED that the above petition be and the same is hereby continued as and to remain an "R-4" Zone.

John C. Rose
Zoning Commissioner of
Baltimore County

True copy-Test:

-3-

Now you want to use it for commercial. Now how are you going to proposed trucks getting in and out of that property. You have to come through the nicely-developed neighborhood. We are all developing in leaps and bounds. We are going to start a new school out there, this spring, and develop fast. I am watching it grow fast. I have worked with people out there.

Mr. Steffey: To answer your question, sir, No. 1, we have not offered our property for sale. As you know, we have had that property for almost thirty years now. No. 2, as far as future access to the property is concerned, which is all that we are interested in at the time being, we are not interested in any present access to the property, the Patapsco Avenue is to be extended through this general vicinity, Patapsco Avenue will be a major access road to this whole lower area. When it does, it will eventually open up that bottom area.

Mr. Gottlieb: It comes behind my house, in fact, up here in Landowne. We don't know. But the idea is, if you take and rezone it, and then the people build back there, naturally they will find a way out. We had trouble in our neighborhood, they wanted to commercialize it first and build houses later, but we refused them. Let us get the homes first. Let us plan this thing right. Let us put commercial establishments where they belong.

Mr. Muller: Mr. Gottlieb, you come to ask some questions?

Mr. Gottlieb: He answered. Thank you sir.

Mr. Steffey: The property is not offered for sale. The idea of a comprehensive map is to zone it at this time when we all can press our views.

Mr. Muller: Is there anyone else who would like to discuss this subject while we are on it. (No answer)."

On May 5, 1959 the following was contained in the Master Plan Recommendation - Thirteenth District Baltimore County - Report to the County Executive and the County Council:

"Another basically different approach is that of the use proposed on the plan by the planning staff, and approved by the Planning Board for the land lying between the tunnel throughway and the Patapsco River. All of this tunnel was shown on the Master Plan of Zoning as 'R-40' zoning. The proposed Zoning Map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'M-H' zoning. Actually in proposing 'R-40' zoning we believe the land is no more suited for development in houses on acre lots than it is for development for industrial buildings or plants.

-4-

This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically cut off from the land to the north by the tunnel route. Access under the expressway of a few points was provided from the higher land in order to give the minimum necessary access to the cut-off strip. In one case, access was specifically provided to the prospective state park property. In another, south of Calvert Distilleries, a narrow tunnel gives access to the river property from which topsoil is now being sold. The strip of riverbank land between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has its only access by way of the before-mentioned one way underpass which was provided for the State Department of Forest and Parks. The best strip, between Hammonds Ferry Road and the Expressway, has access only from Hammonds Ferry Road. The strip between the Expressway and Annapolis Road would be accessible from Annapolis Road. Finally, the large strip of marshland, much wider than the rest which lies on the north side of the tunnel thruway between the Patapsco River and the Baltimore and Annapolis right-of-way, would be accessible from Baltimore Avenue, which is the street just west of the old railroad right-of-way, but would require very extensive filling for almost of any kind of use."

On May 26, 1959 the minutes of the Baltimore County Council disclose the following:

"The Chairman then recognized Mr. Dignon who moved that all that area in the 13th Election District of Baltimore County lying to the southeast of the Harbor Tunnel Approach Road and to the east of the W.B.&A. R.R. right-of-way, shows as 'R-40' on the Master Plan for the 13th Election District, adopted by the Planning Board, be zoned 'R-6', instead of the various classifications recommended by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell. Mr. Anderson then spoke and asked Mr. Dignon if he thought the subject property was suitable for 'R-6' use. Whereupon Mr. Dignon replied that he did not think it was suitable for any use. Mr. Anderson then asked Mr. Dignon if his reasons for moving that the subject area be zoned 'R-40' was to reserve it for park use. Mr. Dignon replied that it was. After further discussion, the question was called and Mr. Dignon's motion carried by the following roll call vote:

Aye - Mr. Dignon, Mrs. Boone, and Messrs. Darrell, and Bradley.

Nay - Mr. Muller and Mr. Anderson

Abstaining - Mr. Schield

hereto and prayed that it may be made a part thereof.

John Thomas Welch, Assistant Solicitor
County Office Building
Townson 4, Maryland
Va 3-3000 ext. 316

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Julius G. Maurer, Esq., 152 Equitable Building, Baltimore 2, Maryland; Albert W. Styles, Esq., 5 South Street, Baltimore 2, Maryland, attorneys for the Protestants and D. Hayward Hamilton, Jr., Esq., First National Bank Building, Baltimore 2, Maryland and William S. Baldwin, Esq., 24 W. Pennsylvania Avenue, Towson 4, Maryland, attorneys for the Petitioner, on this 7th day of February, 1962.

John Thomas Welch

HELEN V. RAYBOLD	:	IN THE
1202 Baltimore Street	:	
Baltimore 27, Maryland	:	
ROBERT J. MATTHEWS	:	CIRCUIT COURT
1318 Baltimore Street	:	
Baltimore 27, Maryland	:	
JAMES S. WINTER, SR.	:	FOR
1316 Baltimore Street	:	
Baltimore 27, Maryland	:	BALTIMORE COUNTY
WILLIAM G. REDDILL	:	Misc. Docket No. 7
1312 Baltimore Street	:	File No. 137
Baltimore 27, Maryland	:	File No. 2523
and	:	
JAMES L. VON HAGEN	:	
1308 Baltimore Street	:	
Baltimore 27, Maryland	:	
Appellants	:	
vs.	:	
ROTHMAN H. KAPLAN, JR.,	:	
G. MITCHELL AUSTIN, and	:	
CHARLES STEINBOCK, JR.,	:	
being and constituting the	:	
COUNTY BOARD OF APPEALS	:	
Appellees	:	

Mr. Clerk:

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure, Nathan H. Kaufman, Jr., G. Mitchell Austin and Charles Steinbock, Jr., constituting the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Julius G. Maurer, Esq., 152 Equitable Building, Baltimore 2, Maryland; Albert W. Styles, Esq., 5 South Street, Baltimore 2, Maryland, attorneys for the Protestants and D. Hayward Hamilton, Jr., Esq., First National Bank Building, Baltimore 2, Maryland and William S. Baldwin, Esq., 24 W. Pennsylvania Avenue, Towson 4, Maryland, attorneys for the Petitioner, a copy of which notice is attached

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
4318 Baltimore Street
Baltimore 27, Maryland

JOHN N. WIENER, SR.
4316 Baltimore Street
Baltimore 27, Maryland

WILLIAM G. REIMEL
4312 Baltimore Street
Baltimore 27, Maryland

and

JAMES L. VON HAGEL
4308 Baltimore Street
Baltimore 27, Maryland

Appellants

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Misc. Docket No. 7
Folio No. 137
File No. 2523

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT
FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF
PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, & c.

Secretary to County Board of Appeals
of Baltimore County

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
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being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Misc. Docket No. 7
Folio No. 137
File No. 2523

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Nathan H. Kaufman, Jr., G. Mitchell Austin and
Charles Steinbock, Jr., constituting the County Board of Appeals of Baltimore County,
and in answer to the Order for Appeal 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:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 5165 Petition of Reliable Homes Corporation for reclassification of property,
from an "R-6" Zone to an "M-L" Zone on the Northern Shore Line of
Nov. 18 Patuxent River 470' N. of West Approach to Harbor Tunnel
1960 13th District - filed.

" " Order of Zoning Commissioner directing advertisement and posting of
property - date of hearing set for December 21, 1960 at 10:00 a.m..

Nov. 30 Certificate of posting property filed.

Dec. 2 Certificate of publication in newspaper, filed.

Dec. 21 At 10:00 a.m., hearing held on petition by Zoning Commissioner -
1960 case held sub curia.

Mar. 16 Order of Zoning Commissioner denying the reclassification.

Apr. 13 Order of appeal to County Board of Appeals from Order of Zoning
Commissioner.

Oct. 26 Hearing on appeal before the Board of Appeals.

Jan. 4 Order of Board of Appeals granting reclassification of property.

1962

Feb. 3 Order for Appeal filed in the Circuit Court for Baltimore County.

Feb. 7 Certificate of Notice sent to all interested parties.

Mar. 1 Transcript of testimony filed -

Petitioners' Exhibit No. 1 - Zoning Map - 13th District - June 2, 1959

Petitioners' Exhibit No. 2 - Photogrammetric Map of subject property

Petitioners' Exhibit No. 3 - Aerial Photo of subject property

Petitioners' Exhibit No. 4 - Photos - "A-F" 8" x 10" of subject property

Petitioners' Exhibit No. 5 - Ident.

Petitioners' Exhibit No. 6 - Qualifications of J. Walter Jones

Petitioners' Exhibit No. 7 - Metes & Bounds description contained in a
Bill of the Baltimore County Council.

Mar. 5 Record of proceedings filed in the Circuit Court for Baltimore County.

Mar. 5 Record of proceedings pursuant to which said Order was entered and
said Board acted are permanent records of the Zoning Department of Baltimore County
as are also the use district maps and your Respondents respectfully suggest that it would
be inconvenient and inappropriate to file the same in this proceeding, but your Res-
pondents 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.

Respectfully submitted

Secretary to County Board of Appeals of
Baltimore County

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
4318 Baltimore Street
Baltimore 27, Maryland

JOHN N. WIENER, SR.
4316 Baltimore Street
Baltimore 27, Maryland

WILLIAM G. REIMEL
4312 Baltimore Street
Baltimore 27, Maryland

and

JAMES L. VON HAGEL
4308 Baltimore Street
Baltimore 27, Maryland

Appellants

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal on behalf of the Petitioners and
taxpayers to The Circuit Court for Baltimore County from the
Opinion and Order of the County Board of Appeals in Zoning Case
No. 5165, the said Opinion and Order having been entered on
January 4, 1962.

ETHEL V. RAVEIO

JULIUS G. MAURER
152 Equitable Building
Baltimore 2, Maryland
NU. 5-8434

ROBERT J. MATTHEWS

Attorney for Appellants

JOHN N. WIENER, SR.

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to an
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5165

The petitioner in the instant case seeks to reclassify approx-
imately 100 acres in the Thirteenth District of Baltimore County on the
north shore of the Patuxent River, 470 feet north of the west approach of the
Harbor Tunnel from a new "R-6" classification to manufacturing light. The
property is described as being bounded on the south by the Harbor Tunnel
approach, on the east by the Patuxent River, on the north by Patuxent Avenue,
and on the west by the R & A Railroad. The topography of the ground, accord-
ing to testimony is comprised of areas of low, marshy, water covered ground,
of which minute parts thereof are firm or buildable. Ample testimony was
given to indicate that in order to use the subject property for residential
use, one and one-half million to two million cubic yards of fill would be
required with fillings to contain any substantial amount of dwelling units,
thereby making the said property impractical for all intents and purposes
for any residential building uses. There was further testimony that the
sewage problems would be of great compound nature as to produce any reason-
able use of said property in an residential capacity. These factors plus
the additional factors of being located near the Harbor Tunnel approach,
the Patuxent River and the aforementioned railroad, all lend to the character
of this property to an industrial nature as opposed to residential uses.

The Board is unanimous in its opinion that the property in
question was used in error by the Baltimore County Council upon their adop-
tion of the Land Use Map for the 13th District on June 2, 1959, and that due
to the aforementioned factors, would not attract the potential uses of the
ground under its present zoning.

ORDER

For the reasons set forth in the foregoing Opinion, it is
this 14th day of January, 1962, by the County Board of Appeals, ORDERED
that the reclassification petitioned for, to and the same is hereby granted.
Any appeal from this decision must be in accordance with
Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Nathan H. Kaufman, Jr.
CHAIRMAN

Charles Steinbock, Jr.

G. Mitchell Austin

July 10, 1961

Albert W. Styles, Esq.,
5 South Street,
Baltimore 2, Maryland

Re: Reclassification of property of
Reliable Homes Corp., from "R-6"
Zone to "M-L" Zone on the Northern Shore
Line of Patuxent River 470' N. West
Approach to Harbor Tunnel

Dear Mr. Styles:

The hearing on the appeal filed by counsel for
petitioners from the decision of the Zoning Commissioner denying the
Reclassification of property in the above matter, has been scheduled
by the Board of Appeals for Thursday, August 31, 1961 at 10:00 a.m.
in Room 106, County Office Building, Towson, Maryland.

Very truly yours

Secretary

cc: A. Paul Connor, Esq.,
3011 Maryland Avenue,
Baltimore 27, Md.

Mrs. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2812 Alabama Avenue,
Baltimore 27, Md.

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Md.

-2-

WILLIAM G. REIMEL

JAMES L. VON HAGEL

I HEREBY CERTIFY That on this 7th day of February, 1962,
I caused to be mailed, postage prepaid, a copy of the foregoing
Order for Appeal to Mrs. Bettie L. Cunningham, Secretary, County
Board of Appeals, County Office Building, Towson 4, Maryland.

JULIUS G. MAURER

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
4318 Baltimore Street
Baltimore 27, Maryland

JOHN N. WIENER, SR.
4316 Baltimore Street
Baltimore 27, Maryland

WILLIAM G. REIMEL
4312 Baltimore Street
Baltimore 27, Maryland

and

JAMES L. VON HAGEL
4308 Baltimore Street
Baltimore 27, Maryland

Appellants

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE

CIRCUIT COURT

FOR

PETITION ACCOMPANYING ORDER FOR APPEAL

The Petition of the Appellants in the above-entitled matter, by Julius G. Maurer, their attorney, pursuant to Rule 1101 of the Maryland Rules of Practice, respectfully represents:

1. That prior to the filing of this Petition, the Appellants, who are taxpayers and residents in the 13th Election District of Baltimore County, filed an Order for Appeal in the above matter from the Order of the County Board of Appeals, which was entered by said Board on January 4, 1962; that they are aggrieved, and because of the proximity of their properties to the land of the Applicant, are seriously injured by said Order.

2. That after a Hearing before the County Board of Appeals, the said Board on January 4, 1962, filed the following Opinion:

"The petitioner in the instant case seeks to reclassify approximately 102 acres in the Thirteenth District of Baltimore County on the north shore of the Patapsco River, 1400 feet north of the west approach of the Harbor Tunnel from a now 'R-6' classification to manufacturing light. The property is described as being bounded on the south by the Harbor Tunnel approach, on the east by the Patapsco River, on the north by Patapsco Avenue, and on the west by the B & A Railroad. The topography of the ground, according to testimony is comprised of areas of low, marshy, water covered ground, of which minute parts thereof are firm or buildable. Ample testimony was given to indicate that in order to use the subject property for residential use, one and one-half million to two million cubic yards of fill would be required with pilings to contain any substantial amount of dwelling units, thereby making the said property impractical for all intents and purposes for any residential building uses. There was further testimony that the sewage problems would be of such a compound nature as to preclude any reasonable use of said property in a residential capacity. These factors plus the additional factors of being located near the Harbor Tunnel approach, the Patapsco River and the aforementioned railroad, all lend to the character of this property to an industrial nature as opposed to residential uses.

"The Board is unanimous in its opinion that the property in question was zoned in error by the Baltimore County Council upon their adoption of the Land Use Map for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential uses of the ground under its present zoning."

3. Upon stating its Opinion as aforesaid, the County Board of Appeals thereupon on January 4, 1962, passed the following Order:

"For the reasons set forth in the foregoing Opinion, it is this 4th day of January, 1962, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

"Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals."

4. That the aforesaid Order of the County Board of Appeals which undertakes to rezone the Applicant's property from "R-6" to an "M-L" classification, whereby your Petitioners and

Appellants are aggrieved and injured, is void, without legal force and effect and should, therefore, be reversed, set aside and annulled by this Honorable Court for the following reasons:

(a) That the evidence adduced at the Hearing before the County Board of Appeals was conclusive that the County Council, prior to adopting the Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County, gave very thorough and full consideration not only to the Applicant's land, but also, to many other tracts of land located in the 13th Election District of Baltimore County.

(b) That there was no evidence adduced before the said Board that the County Council, in adopting the said Comprehensive Land Use and Master Zoning Map (1) made an error in zoning the Applicant's land or that (2) there was any change in the characteristics of the neighborhood after the adoption of the said Map.

(c) That the action of the County Board of Appeals represents a clear case of "spot zoning" in that the County Council placed in an "R-6" zoning classification large tracts of marginal land which has the same topography and physical characteristics as that of the Applicant's land.

(d) That the County Council, when adopting the Comprehensive Land Use and Master Zoning Map for the 13th Election District of Baltimore County, did zone a portion of the Applicant's land for "M-L" use which thus indicates that it thoroughly and fully considered the property of the Applicant and acted without bias and discrimination.

(e) That at the time of the Hearing before the said County Board of Appeals, testimony was presented that the Department of State Forestry of the State of Maryland was interested in the acquisition of the Applicant's land for the purpose of enlarging and extending what is known as the "Patapsco State Forest Reserve;" that this was confirmed by recent public statements made by Governor Tawes which appeared in the press and elsewhere;

that it is apparent that, in seeking the reclassification of its said land, the Applicant has only in mind the factor of obtaining a higher price therefor with a "M-L" classification than it would obtain if it remained in an "R-6" classification; that this is further apparent from the fact that the Applicant filed no plans or specifications with either the Zoning Commissioner or the County Board of Appeals as to the proposed use of its property if it were zoned "M-L;" that your Petitioners feel, and so allege, that the application for rezoning in this case is not, therefore bona fide, but rather, as already stated, an attempt to obtain a higher price for the said land.

(f) That if the rezoning of the Applicant's land from "R-6" to "M-L" is permitted to stand, then, in that event, the situation described and foreseen by the Court of Appeals in the case of *Kens vs. Bonfield Holding Corporation*, 158 At. (2), 611 (1960) would be the ultimate result with regard to future zoning in the 13th Election District of Baltimore County.

(g) That testimony was adduced at the Hearing before the Board of County Appeals that the Applicant herein purchased large tracts of land in the developments known as "Baltimore Highlands," "Rosemont" and "English Consul," all of which were developed by it for residential use; that your Petitioners, and their neighbors who are similarly aggrieved by the action of the said Board, testified that they purchased their homes from the Applicant in the belief that the entire area would remain in a residential district.

(h) That the value of the properties of your Petitioners and of their said neighbors will be considerably depreciated if the decision of the County Board of Appeals is permitted to stand.

(i) And for such other reasons as may be assigned at the time of the Hearing.

WHEREFORE, your Petitioners and Appellants pray:

(1) That this Honorable Court may reverse, set aside and declare null and void and of no legal effect the aforesaid Order of the County Board of Appeals.

(2) That this Honorable Court may take additional testimony, if necessary, and thereafter pass an Order in conformity with the Zoning law and regulations of Baltimore County as applicable to the 13th District.

(3) And for such other and further relief as your Petitioners and Appellants may be entitled.

JULIUS G. MAURER
152 Equitable Building
Baltimore 2, Maryland
Tel. 5-8434
Attorney for Petitioners and Appellants

I HEREBY CERTIFY That a copy of the within Petition accompanying Order for Appeal was served on the County Board of Appeals by mailing a copy thereof to Mrs. Bettie L. Cunningham, Secretary to said Board, this 24 day of February, 1962.

JULIUS G. MAURER

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
4318 Baltimore Street
Baltimore 27, Maryland

JOHN N. WIENER, SR.
4316 Baltimore Street
Baltimore 27, Maryland

WILLIAM G. REIMEL
4312 Baltimore Street
Baltimore 27, Maryland

and

JAMES L. VON HAGEL
4308 Baltimore Street
Baltimore 27, Maryland

Appellants

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket No. 7

File No. 2523

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT
FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF
PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, & c.

Julius G. Maurer
Secretary to County Board of Appeals
of Baltimore County

ETHEL V. RAVEIO
4402 Baltimore Street
Baltimore 27, Maryland

ROBERT J. MATTHEWS
4318 Baltimore Street
Baltimore 27, Maryland

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and

JAMES L. VON HAGEL
4308 Baltimore Street
Baltimore 27, Maryland

Appellants

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
being and constituting the
COUNTY BOARD OF APPEALS

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket No. 7

File No. 137
File No. 2523

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Nathan H. Kaufman, Jr., G. Mitchell Austin and Charles Steinbock, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal 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:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 5165
Nov. 18
1960
Petition of Reliable Homes Corporation for reclassification of property, from an "R-6" Zone to an "M-L" Zone on the Northern Shore Line of Patapsco River 470' N. of West Approach to Harbor Tunnel.
Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for December 21, 1960 at 10:00 a.m..
Nov. 30
Certificate of posting property filed.
Dec. 2
Certificate of publication in newspaper, filed.

Dec. 21
1960
At 10:00 a.m., hearing held on petition by Zoning Commissioner - case held sub curia.

Mar. 16
1961
Order of Zoning Commissioner denying the reclassification.

Apr. 13
Order of appeal to County Board of Appeals from Order of Zoning Commissioner.

Oct. 26
Hearing on appeal before the Board of Appeals.

Jan. 4
1962
Order of Board of Appeals granting reclassification of property.

Feb. 5
Order for Appeal filed in the Circuit Court for Baltimore County.

Feb. 7
Certificate of Notice sent to all interested parties.

Mar. 1
Transcript of testimony filed -

Petitioners' Exhibit No. 1 - Zoning Map - 13th District - June 2, 1959

Petitioners' Exhibit No. 2 - Photogrammetric Map of subject property

Petitioners' Exhibit No. 3 - Aerial Photo of subject property

Petitioners' Exhibit No. 4 - Photos - "A-E" 8" x 10" of subject property

Petitioners' Exhibit No. 5 - Ident.

Petitioners' Exhibit No. 6 - Qualifications of J. Walter Jones

Petitioners' Exhibit No. 7 - Map & Bounds description contained in a Bill of the Baltimore County Council.

Mar. 5
Record of proceedings filed in the Circuit Court for Baltimore County.

Mar. 5
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceedings, 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.

Respectfully submitted

Julius G. Maurer
Secretary to County Board of Appeals of Baltimore County

In Re: PETITION FOR RECLASSIFICATION : BEFORE THE
FROM AN "R-6" ZONE TO AN "M-L"
ZONE: Northern Shore Line of :
Patapsco River 470' N. of West : COUNTY BOARD OF APPEALS
Approach to Harbor Tunnel, :
Reliable Homes Corporation, :
Petitioner : No. 5165

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now before this Board involves a request by it to rezone part of its land in the Baltimore Highlands Section of Baltimore County (13th Election District) from "R-6" to "M-L". The Petition of the Petitioner was denied by the Zoning Commissioner.

The Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County was adopted by the County Council on June 2, 1959. Prior to the adoption thereof, the Council held public hearings at one or all of which the President of the applicant testified with relation to the subject property. The Council, or at least some of its members, made a field inspection of the 13th District, including the Petitioner's land.

There are about 105 acres of land here involved. Of that acreage, 24 acres are what is known as "fast land," and the balance, "marsh land." The land was purchased by the applicant on April 16, 1937.

The Office of Planning recommended that the applicant's land be zoned for "R-6" use. However, at the hearing before the County Council held on December 21, 1960, Mr. Cavrellis, Deputy Director of the Office of Planning, testified that, because of insufficient access, low density uses, such as "R-6," represented the best use of the land. Mr. Cavrellis, who was called as a witness by this Board, again reiterated that the land was properly zoned for residential use.

It was conceded by the applicant that no change in the character of the neighborhood has occurred since the adoption of the Comprehensive Land Use and Master Zoning Map for the 13th District.

In the report of the Office of Planning dated May 5, 1959 addressed to the County Council it was stated:

"Another basically different approach is that of the use proposed on the plan by the planning staff, and approved by the Planning Board, for the land lying between the tunnel throughway and the Patapsco River. All of this was shown on the Master Plan of Zoning as 'R-40' zoning. The proposed Zoning Map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'R-H' zoning. Actually in proposing 'R-40' zoning we believe the land is no more suited for development in houses on acre lots than it is for development for industrial buildings or plants. This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically cut off from the land to the north by the tunnel road. Access under the expressway at a few points was provided from the higher land in order to give the minimum necessary access to the cut-off strip. In one case, access was specifically provided to the prospective state park property. In another, south of Calvert Distilleries, a narrow tunnel gives access to the river property from which topsoil is now being sold. The strip of river-side land between the Pennsylvania Railroad and the prospective highway alignment, the longest single strip without interruption, has its only access by way of the before-mentioned one way underpass which was provided for the State Department of Forest and Parks. The next strip, between Hammonds Ferry Road and the Expressway, has access only from Hammonds Ferry Road. The strip between the Expressway and Annapolis Road would be accessible from Annapolis Road. Finally, the large strip of marshland, much wider than the rest, which lies on the north side of the tunnel throughway between the Patapsco River and the Baltimore and Annapolis right-of-way, would be accessible from Baltimore Avenue, which is the street just west of the old railroad right-of-way, but would require very extensive filling for almost any kind of use."

It will be noted from the above-mentioned report that, in preparing its report for the Council's consideration, the Office of Planning considered "access.....to the prospective State Park property." It was testified that the Petitioner's property is being considered by the State Department of Forest and Parks as an extension to the Patapsco State Forest.

It will be further noted that the Office of Planning in its report of May 5, 1959, did say:

"The proposed Zoning map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'R-H' zoning."

in connection with spot zoning in its opprobrious sense. As was said in *Cassell vs. Taylor and City of Baltimore*, 195 Md. 348, 359, 73 At. (2), 450, 459: "...increase in 'spot zoning' in course of time would subvert the original soundness of the comprehensive plan and tend to produce conditions almost as chaotic as existed before zoning."

Respectfully submitted,

Albert W. Styles
ALBERT W. STYLES
Julius G. Maurer
JULIUS G. MAURER
Attorneys for Protestants

Petitioner has, therefore, not shown that "R-6" zoning prevents any reasonable use of its property. Furthermore, commercial zoning would adversely affect the residentially-zoned ("R-6") adjoining property to say nothing of the traffic hazards, health and other conditions which a commercial area would produce.

That it is more expensive to erect dwellings is not the test of whether the zoning given to the Petitioner's land is erroneous. *Cities Service Oil vs. Board of County Commissioners*; 172 At. (2), 523.

As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14, 1937. With one slight exception, all of the land, most of which is marsh land, lying to the west of the Petitioner's land and between the Patapsco River and the Harbor Tunnel Approach, is zoned as "R-6." The instant case is, therefore, a good example of the situation which the Court of Appeals described in *Renz vs. Bonfield Holding Corporation*, 158 At. (2), 611 (1960) when it said:

"...the way is paved for pleading changed conditions as the basis for further extensions of 'R-6' reclassification in the larger adjacent area presently zoned as 'R-6.' (No basis at all as shown in this record for saying that the 1955 zoning of this near-by property as 'R-6' was in error.) This would lead to the undermining of zoning in this larger area. Cf. *Board of County Commissioners of Talbot County vs. Troxell*, 214 Md. 135, 132 At. (2), 845. A similar danger has been recognized by this Court with regard to special exceptions in *Master vs. City of Baltimore*, 195 Md. 395, 400-401, 73 At. (2), 491, and in *Martino vs. City of Baltimore*, 215 Md. 260, 260, 137 At. (2), 195. See also *Park Shopping Center, Inc. vs. Lexington Park Theatre Co., Inc.*, 210 Md. 271, 276, 139 At. (2), 843; *Dorsey Enterprises, Inc. vs. Shupak*, 219 Md. 10, 23, 147 At. (2), 843. A like problem also arises

In adopting the Map on June 2, 1959, the Council did zone a part of the applicant's land in the eastern section as "M-L," and in the western section, as "M-L-2."

It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its affiliates in the developments known as Rosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

All of the property north of Baltimore Street and south of Annapolis Road is zoned for "R-6" use. In fact, one of the witnesses for the opponents testified that her property, which lies directly north of that portion of the applicant's property zoned as "M-L," is zoned for "R-6" use. If, therefore, any error was made by the Council, it was in favor of the applicant.

It is further significant that no plans at all were furnished by the applicant at the hearing. In the absence of any plan, and in the further absence of any evidence as to the feasibility of such a plan, on what basis can the Board decide, except upon sheer guesswork, that the applicant under the present zoning of its land isn't able to make any reasonable use thereof?

We submit, therefore, that the applicant has not met the heavy burden of establishing that the Council erred with regard to the classification given its land when it adopted the Comprehensive Land Use and Master Zoning Map on June 2, 1959.

In the case of *Reese*, et al, vs. Julius Mandel, et ux, decided by the Court of Appeals of Maryland on January 13, 1961 and reported in the Daily Record of February 1, 1961, the Court said:

"There can be little doubt that in Maryland it is no business of the courts to zone or rezone property. We have stated, and repeatedly restated,

that this is a legislative function, and, in reviewing the action of the zoning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discriminatory or illegal." (Underscoring supplied)

And further:

"....we start off with a strong presumption of the validity of the classifications made when the comprehensive map was adopted, and those who attack the classifications bear a heavy burden of overcoming the presumption of their validity - heavier in the case of comprehensive zoning than in the case of piecemeal zoning."

Again in the *Reese* case, the Court stated:

"The statement of Mr. Muller that he thought an error had been made was not conclusive of that fact, even though he was a member of the legislative body that adopted the map."

In the case of *Overton vs. Board of County Commissioners*, 225 Md., 212, decided May 3, 1961, there was testimony that the original zoning of "R-R" was in error and the owner therefore petitioned for a reclassification to "R-18" (Multiple Family, Medium Density Residential). The District Council, after hearings, granted an "R-18" classification (apartments). The Court of Appeals in quoting from the staff report said:

"the property 'does not appear' to be ideally suited for single-family detached residential development' but is suitable for apartment development; that this use 'would not be contrary to the best interests and general welfare of the public and would have the least adverse effect upon the adjoining properties in the area.'"

The reason for citing this particular case, which also involved drainage problems, is because the owner in that case petitioned for a reconsideration of the zoning of its land by the Planning Board of the Maryland National Capital Park and Planning Commission. That agency, after hearings, recommended the change to "R-18" after further careful study of the subject property. In the instant case, Mr. Cavrellis testified that it was still the considered opinion of the Office of Planning that Reliable's land, that is to say that part of which was zoned "R-6," was adaptable to residential development and that the "R-6" classification should remain. The

PAGE A 30

Court Upholds Rezoning

By LAWRENCE FORD
A rezoning of 102 acres on the north shore of the Patapsco River by the Baltimore County Board of Appeals was upheld in *Oppositional Committee*.

Court in Town today by Judge John E. Haney, Jr. The rezoning ordered by the board was handed down last January 4 and the controversial zoning question had been in litigation for almost two years previous to that time.

The public hearings on the petition three months ago to the County office building in Towson, the opposition consisting of home owners in the immediate neighborhood of the property sought to be rezoned.

The rezoned tract lies 400 feet north of the west approach to the Harbor Tunnel and is a short cut to the west end of the Baltimore and Annapolis railway tracks.

board's decision that in order to use the property for residential use from 1,500,000 to 2,000,000 cubic yards of earth would be required with plans to contain any substantial amount of dwelling units.

The board had stated in its opinion that the rezoning was necessary for the rezoning of the property in the Reliance Homes Corporation, represented by William S. Baldwin, Jr. and D. Hayward Hamilton, Jr. attorneys.

Dinner For Homes
The 20 members of the Baltimore County Educational Society Association will have their dinner at a dinner at the Overton Hotel on Tuesday, May 16.

January 4, 1962

Julius G. Maurer, Esq.
144 Equitable Building
Calvert & Fayette Sts.
Baltimore 2, Maryland

Re: Reliable Homes Corporation-Petitioner
13th District
R-6 Zone to an M-L Zone

Dear Mr. Maurer:

Attached is copy of Opinion and Order passed by the Board of Appeals today in the above matter.

Yours very truly,

Secretary

cc: Albert W. Styles, Esq.
D. Hayward Hamilton, Esq.
William S. Baldwin, Esq.
Planning & Zoning

JULIUS G. MAURER
ATTORNEY AT LAW
144 EQUITABLE BUILDING
CALVERT AND FAYETTE STREETS
BALTIMORE 2, MARYLAND
HARBORVIEW Bldg. - 2nd Fl.

February 24, 1962

Mrs. Bettie L. Cunningham,
Secretary, County Board of Appeals,
County Office Building,
Towson -4, Maryland.

Dear Mrs. Cunningham: - Appeal 5165

I enclose herewith an Order for Appeal dated today as well as copy of the Petition which accompanied the order. The original papers will be filed in the Circuit Court tomorrow, February 24.

Please forward to me bill for the cost of the appeal and I will mail check promptly.

Very truly yours,

JGM:M

Julius G. Maurer

In Re: PETITION FOR RECLASSIFICATION : BEFORE THE
FROM AN "R-6" ZONE TO AN "M-L"
ZONE: Northern Shore line of : COUNTY BOARD OF APPEALS
Patapsco River 470' N. of West :
Approach to Harbor Tunnel, :
Reliable Homes Corporation, :
Petitioner : No. 5165

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now before this Board involves a request by it to rezone part of its land in the Baltimore Highlands Section of Baltimore County (13th Election District) from "R-6" to "M-L". The Petition of the Petitioner was denied by the Zoning Commissioner.

The Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County was adopted by the County Council on June 2, 1959. Prior to the adoption thereof, the Council held public hearings at one or all of which the President of the applicant testified with relation to the subject property. The Council, or at least some of its members, made a field inspection of the 13th District, including the Petitioner's land.

There are about 106 acres of land here involved. Of that acreage, 24 acres are what is known as "fast land," and the balance, "marsh land." The land was purchased by the applicant on April 14, 1937.

The Office of Planning recommended that the applicant's land be zoned for "R-40" use. However, at the Hearing before the County Council held on December 21, 1960, Mr. Gavrelis, Deputy Director of the Office of Planning, testified that, because of insufficient access, low density uses, such as "R-6," represented the best use of the land. Mr. Gavrelis, who was called as a witness by this Board, again reiterated that the land was properly zoned for residential use.

It was conceded by the applicant that no change in the character of the neighborhood has occurred since the adoption of the Comprehensive Land Use and Master Zoning Map for the 13th District.

In the report of the Office of Planning dated May 5, 1959 addressed to the County Council it was stated:

"Another basically different approach is that of the use proposed on the plan by the planning staff, and approved by the Planning Board, for the land lying between the tunnel thoroughway and the Patapsco River. All of this was shown on the Master Plan of Zoning as 'R-40' zoning. The proposed Zoning Map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'M-H' zoning. Actually in proposing 'R-40' zoning we believe the land is no more suited for development in houses on acre lots than it is for development for industrial buildings or plants. This is all low land, much of it swampy, and the greater part of it subject to flooding at times of high water. It is practically cut off from the land to the north by the tunnel route. Access under the expressway at a few points was provided from the higher land in order to give the minimum necessary access to the cut-off strip. In one case, access was specifically provided to the prospective state park property. In another, south of Calvert Distilleries, a narrow tunnel gives access to the river property from which topsoil is now being sold. The strip of river-side land between the Pennsylvania Railroad and the prospective Beltway alignment, the longest single strip without interruption, has its only access by way of the before-mentioned one way underpass which was provided for the State Department of Forest and Parks. The next strip, between Hammonds Ferry Road and the Expressway, has access only from Hammonds Ferry Road. The strip between the Expressway and Annapolis Road would be accessible from Annapolis Road. Finally, the large strip of marshland, much wider than the rest, which lies on the north side of the tunnel thruway between the Patapsco River and the Baltimore and Annapolis right-of-way, would be accessible from Baltimore Avenue, which is the street just west of the old railroad right-of-way, but would require very extensive filling for almost any kind of use."

It will be noted from the above-mentioned report that, in preparing its report for the Council's consideration, the Office of Planning considered "access.....to the prospective State Park property." It was testified that the Petitioner's property is being considered by the State Department of Forest and Parks as an extension to the Patapsco State Forest.

It will be further noted that the Office of Planning in its report of May 5, 1959, did say:

"The proposed Zoning map has been changed in the eastern portion to 'M-L' zoning and in the western portion, 'M-H' zoning."

Petitioner has, therefore, not shown that "R-6" zoning prevents any reasonable use of its property. Furthermore, commercial zoning would adversely affect the residentially-zoned ("R-6") adjoining property to say nothing of the traffic hazards, health and other conditions which a commercial area would produce.

That it is more expensive to erect dwellings is not the test of whether the zoning given to the Petitioner's land is erroneous. Cities Service Oil vs. Board of County Commissioners; 172 At. (2), 523.

As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14, 1937. With one slight exception, all of the land, most of which is marsh land, lying to the west of the Petitioner's land and between the Patapsco River and the Harbor Tunnel Approach, is zoned as "R-6." The instant case is, therefore, a good example of the situation which the Court of Appeals described in *Rens vs. Bonfield Holding Corporation*, 158 At. (2), 611 (1960) when it said:

"...the way is paved for pleading changed conditions as the basis for further extensions of 'R-6' reclassification in the larger adjacent area presently zoned as 'R-6.' (No basis at all is shown in this record for saying that the 1955 zoning of this near-by property as 'R-6' was in error.) This would lead to the undermining of zoning in this larger area. Cf. Board of County Commissioners of Talbot County vs. Troxell, 214 Md. 135, 132 At.(2), 845. A similar danger has been recognized by this Court with regard to special exceptions in *Easter vs. City of Baltimore*, 195 Md. 395, 400-401, 73 At. (2), 491, and in *Baltimore vs. City of Baltimore*, 215 Md. 406, 220, 137 At. (2), 198. See also *Park Shopping Center, Inc. vs. Lexington Park Theatre Co., Inc.*, 216 Md. 271, 276, 139 At. (2), 843; *Dorsey Enterprises, Inc. vs. Shpak*, 219 Md. 16, 23, 147 At. (2), 843. A like problem also arises

in connection with spot zoning in its opprobrious sense. As was said in *Cassel vs. Mayor and City Council of Baltimore*, 195 Md. 348, 355; 73 At. (2), 486, 489: '...increase in "spot zoning" in course of time would subvert the original soundness of the comprehensive plan and tend to produce conditions almost as chaotic as existed before zoning.'

Respectfully submitted,

ALBERT W. STYLES

JULIUS G. MAURER

Attorneys for Protestants

In adopting the Map on June 2, 1959, the Council did zone a part of the applicant's land in the eastern section as "M-L," and in the western section, as "M-L-2."

It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its affiliates in the developments known as Rosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

All of the property north of Baltimore Street and south of Annapolis Road is zoned for "R-6" use. In fact, one of the witnesses for the opponents testified that her property, which lies directly north of that portion of the applicant's property zoned as "M-L-1," is zoned for "R-6" use. If, therefore, any error was made by the Council, it was in favor of the applicant.

It is further significant that no plans at all were furnished by the applicant at the Hearing. In the absence of any plan, and in the further absence of any evidence as to the feasibility of such a plan, on what basis can the Board decide, except upon sheer guesswork, that the applicant under the present zoning of its land isn't able to make any reasonable use thereof?

We submit, therefore, that the applicant has not met the heavy burden of establishing that the Council erred with regard to the classification given its land when it adopted the Comprehensive Land Use and Master Zoning Map on June 2, 1959.

In the case of *Reese, et al. vs. Julius Mandel, et al.*, decided by the Court of Appeals of Maryland on January 13, 1961 and reported in the Daily Record of February 1, 1961, the Court said:

"There can be little doubt that in Maryland it is no business of the courts to zone or rezone property. We have stated, and repeatedly restated,

that this is a legislative function, and, in reviewing the action of the zoning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discriminatory or illegal." (Underlining supplied)

And further:

"...we start off with a strong presumption of the validity of the classifications made when the comprehensive map was adopted, and those who attack the classifications bear a heavy burden of overcoming the presumption of their validity - heavier in the case of comprehensive zoning than in the case of piecemeal zoning."

Again in the *Reese* case, the Court stated:

"The statement of Mr. Muller that he thought an error had been made was not conclusive of that fact, even though he was a member of the legislative body that adopted the map."

In the case of *Overton vs. Board of County Commissioners*, 225 Md., 212, decided May 3, 1961, there was testimony that the original zoning of "R-R" was in error and the owner therefore of the owner's land petitioned for a reclassification to "R-10" (Multiple Family, Medium Density Residential). The District Council, after hearings, granted an "R-18" classification (apartments). The Court of Appeals in quoting from the staff report said:

"The property 'does not appear to be ideally suited for single-family detached residential development' but is suitable for apartment development; that this use 'would not be contrary to the best interests and general welfare of the public and would have the least adverse effect upon the adjoining properties in the area.'"

The reason for citing this particular case, which also involved drainage problems, is because the owner in that case petitioned for a reconsideration of the zoning of its land by the Planning Board of the Maryland National Capital Park and Planning Commission. That agency, after hearings, recommended the change to "R-18" after further careful study of the subject property. In the instant case, Mr. Gavrelis testified that it was still the considered opinion of the Office of Planning that Reliable's land, that is to say that part of which was zoned "R-6," was adaptable to residential development and that the "R-6" classification should remain. The

WILLIAM S. BALDWIN
ATTORNEY AT LAW
1000 EIGHTH STREET, N.W.
TOWSON 4, MARYLAND

October 23, 1961

Mrs. Bettie L. Cunningham,
Secretary
County Board of Appeals
County Office Building
Towson 4, Maryland

Re: Reliable Homes, Inc.
No. 5165

Dear Mrs. Cunningham:

Please enter my appearance as attorney for Reliable Homes, Inc. in addition to those attorneys of record presently in the case.

Very truly yours,

William S. Baldwin

WSB:rw

cc: Julius G. Maurer, Esq.
Albert W. Styles, Esq.

January 4, 1962

Julius G. Maurer, Esq.
144 Equitable Building
Calvert & Fayette Sts.
Baltimore 2, Maryland

Re: Reliable Homes Corporation-Petitioner
13th District
R-6 Zone to an M-L Zone

Dear Mr. Maurer:

Attached is copy of Opinion and Order passed by the Board of Appeals today in the above matter.

Yours very truly,

Secretary

cc: Albert W. Styles, Esq.
B. Raymond Madison, Jr., Esq.
William S. Baldwin, Esq.
Planning & Zoning

In Re: PETITION FOR RECLASSIFICATION : BEFORE THE
FROM AN "R-6" ZONE TO AN "M-L"
ZONE: Northern Shore Line of
Patapsco River 470' N. of West : COUNTY BOARD OF APPEALS
Approach to Harbor Tunnel, :
Reliable Homes Corporation, :
Petitioner : No. 5165

BRIEF OF PROTESTANTS

The application of Reliable Homes Corporation now before this Board involves a request by it to rezone part of its land in the Baltimore Highlands Section of Baltimore County (13th Election District) from "R-6" to "M-L". The Petition of the Petitioner was denied by the Zoning Commissioner.

The Comprehensive Land Use and Master Zoning Map for the 13th District of Baltimore County was adopted by the County Council on June 2, 1959. Prior to the adoption thereof, the Council held public hearings at one or all of which the President of the applicant testified with relation to the subject property. The Council, or at least some of its members, made a field inspection of the 13th District, including the Petitioner's land.

There are about 106 acres of land here involved. Of that acreage, 24 acres are what is known as "fast land," and the balance, "marsh land." The land was purchased by the applicant on April 14, 1937.

The Office of Planning recommended that the applicant's land be zoned for "R-40" use. However, at the hearing before the County Council held on December 21, 1960, Mr. Gavrelis, Deputy Director of the Office of Planning, testified that, because of insufficient access, low density uses, such as "R-6," represented the best use of the land. Mr. Gavrelis, who was called as a witness by this Board, again reiterated that the land was properly zoned for residential use.

It was conceded by the applicant that no change in the character of the neighborhood has occurred since the adoption of the Comprehensive Land Use and Master Zoning Map for the 13th District.

In the report of the Office of Planning dated May 5, 1959 addressed to the County Council it was stated:

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Respectfully submitted,

ALBERT W. STYLES

JULIUS G. MAURER

Attorneys for Protestants

Petitioner has, therefore, not shown that "R-6" zoning prevents any reasonable use of its property. Furthermore, commercial zoning would adversely affect the residentially-zoned ("R-6") adjoining property to say nothing of the traffic hazards, health and other conditions which a commercial area would produce.

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As has already been stated herein, some part of the Petitioner's property was classified for commercial use which thus conclusively indicates that the County Council thoroughly considered its property when the Comprehensive Land Use and Master Zoning Map for the 13th District was adopted by it on June 2, 1959. The existence of the marsh land was certainly evident to the Petitioner when it purchased the tract on April 14, 1937. With one slight exception, all of the land, most of which is marsh land, lying to the west of the Petitioner's land and between the Patapsco River and the Harbor Tunnel Approach, is zoned as "R-6." The instant case is, therefore, a good example of the situation which the Court of Appeals described in *Kens vs. Benfield Holding Corporation*, 158 At. (2), 611 (1960) when it said:

"....the way is paved for pleading changed conditions as the basis for further extensions of 'R-6' reclassification in the larger adjacent area presently zoned as 'R-6.' (No basis at all is shown in this record for saying that the 1953 zoning of this near-by property as 'R-6' was in error.) This would lead to the undermining of zoning in this larger area. Board of County Commissioners of Talbot County Cr. *vs. Irons*, 214 Md. 139, 132 At. (2), 845. A similar case has been recognized by this Court with regard to special exceptions in *Easter vs. City of Baltimore*, 195 Md. 395, 400-401, 73 At. (2), 491, and in *Marino vs. City of Baltimore*, 215 Md. 260, 220, 137 At. (2), 198. See also *Park Shopping Center, Inc. vs. Lexington Park Theatre Co., Inc.*, 210 Md. 271, 276, 159 At. (2), 841; *Corsey Enterprises, Inc. vs. Shpak*, 219 Md. 16, 23, 147 At. (2), 843. A like problem also arises

In adopting the Map on June 2, 1959, the Council did zone a part of the applicant's land in the eastern section as "M-L," and in the western section, as "M-L."

It is significant that, although it purchased the subject land on April 14, 1937, no effort has hitherto been made by the applicant to improve or otherwise use the land involved here. A number of dwellings, north of Baltimore Street, were erected by the applicant or by one of its affiliates in the developments known as Rosemont and Baltimore Highlands, which developments, except for a few commercial establishments bordering on Annapolis Road, are exclusively residential.

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that this is a legislative function, and, in reviewing the action of the zoning authorities, it is the duty of the courts to decide only whether such action is arbitrary, whimsical, discriminatory or illegal." (Underlining supplied)

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October 23, 1961

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Attention: Miss Jeanette C. Harris
Secretary

In re: Petition for Reclassification from an
R-6 Zone to a M-L Zone, Northern Shore
Line of Patapsco River 470' N. of West
Approach to Harbor Tunnel, Reliable
Homes Corporation, Petitioner

Dear Miss Harris:

Please issue summonses for the following witnesses:

Joseph M. Dignan, Jr.
3141 Washington Boulevard
Baltimore 36, Maryland

(Home: 6309 Mount Ridge Road
Baltimore 28, Maryland)

W. Brooks Bradley
700 Willow Springs Road
Baltimore 22, Maryland

Ruth Collenberg, Secretary
County Office Building, 3rd fl.
111 W. Chesapeake Avenue
Towson 4, Maryland

duces to produce the Minutes of
meetings of the County Council preceding
the adoption and passage of the Comprehensive
Land Use and Master Zoning Map for the 13th
Election District of Baltimore County

John C. Rose, Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

duces to produce the current and
Official Comprehensive Land Use and Master
Zoning Map for the 13th Election District
of Baltimore County.

Thanks -

Yours very truly,

JULIUS G. MAURER

JULIUS G. MAURER

ATTORNEY AT LAW

111 W. CHESAPEAKE AVENUE

TOWSON 4, MARYLAND

TELEPHONE: 2-2222

OCTOBER 24, 1961

Mrs. Bettie L. Cunningham
Secretary
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

In re: Petition for Reclassification from an
R-6 Zone to a M-L Zone, Northern Shore
Line of Patapsco River 470' N. of West
Approach to Harbor Tunnel, Reliable
Homes Corporation, Petitioner

Dear Mrs. Cunningham:

In accordance with your telephonic request of this
morning, I enclose herewith five copies of my letter of
October 23, 1961 in regard to the issuance of summonses.

Yours very truly,

Julius G. Maurer

JVM:vh
Enclosures

Rec'd
10/25/61
C. S. 10/25/61
sc

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:

Reliable Homes Corporation, legal owner... of the property... being in the Thirteenth Election District of Baltimore County, lying to the west and southwest of the western boundary line of Baltimore City, to the east and northeast of the west approach to the Harbor Tunnel and to the south and southeast of Baltimore Highlands, and bounded on the west and northwest by the two parallel high tension transmission lines of the Baltimore Gas and Electric Company and the waters of Patapsco River on the south and southeast, (said property is outlined in red on the plat attached hereto made by J. H.

McCrone, Jr., Inc., Annapolis, Maryland, Dated January, 1959) hereby petitioning that the zoning status of the above described property be re-classified, pursuant to the

Zoning Law of Baltimore County from an R-6 zone to an M-L zone.

Reasons for Re-Classification: There was error in the adoption of the Land Use Map for the Thirteenth District of Baltimore County insofar as the above described property is concerned because the same should have been classified.

as M-L and not as R-6, and the classification of the same as R-6 bore no substantial relation to the public health, safety, morals or general welfare, and was arbitrary, capricious and discriminatory.

Property to be used as provided by Zoning Regulations.

Reliable Homes Corporation

Address: 19 East Lexington Street, Baltimore 2, Maryland

By: *John H. Borman* President

Address: 19 East Lexington Street, Baltimore 2, Maryland

By: *John H. Borman* President

Address: 19 East Lexington Street, Baltimore 2, Maryland

By: *John H. Borman* President

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By: *John H. Borman* President

Address: 19 East Lexington Street, Baltimore 2, Maryland

By: *John H. Borman* President

All that parcel of land in the Thirteenth District of Baltimore County on the Northwest Shore line of Patapsco River beginning 460 feet North of west approach to the Harbor Tunnel; thence running Northerly and binding on the Northwest shore line of Patapsco River 1477 feet; thence North 35 degrees 05 minutes West 602.59 feet; thence binding on the tidal flats and running Westerly and Northerly 3076.80 feet; thence North 31 degrees 53 minutes West 622.70 feet; thence North 4 degrees 33 minutes West 226.10 feet; thence North 36 degrees 48 minutes West 454.65 feet; thence South 17 degrees 43 minutes West 2605.23 feet; thence South 15 degrees 12 minutes West 1762.61 feet; thence South 65 degrees 18 minutes East 2396 feet to the place of beginning.

JULIUS G. MAURER
ATTORNEY AT LAW
111 W. CHESAPEAKE AVENUE
BALTIMORE 2, MARYLAND

October 23, 1961

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Attention: Miss Jeannette C. Harris
Secretary

In re: Petition for Reclassification from an R-6 zone to a M-L Zone, Northern Shore Line of Patapsco River 470' N. of west approach to Harbor Tunnel, Reliable Homes Corporation, Petitioner

Dear Miss Harris:

Please issue Summonses for the following witnesses:

Joseph H. Bignam, Jr.
3141 Washington Boulevard
Baltimore 30, Maryland

(Home: 6309 Mount Ridge Road
Baltimore 28, Maryland)

W. Brooks Bradley
700 Willow Springs Road
Baltimore 22, Maryland

Ruth Collenberg, Secretary
County Office Building, 3rd fl.
111 W. Chesapeake Avenue
Towson 4, Maryland

duces tecum, to produce the Minutes of meetings of the County Council preceding the adoption and passage of the Comprehensive Land Use and Master Zoning Map for the 13th Election District of Baltimore County

John G. Rose, Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

duces tecum, to produce the current and official Comprehensive Land Use and Master

Thursday Oct. 26, 1961
10 AM

County Board of Appeals -2- October 23, 1961

Zoning Map for the 13th Election District of Baltimore County.

Thanks -

Yours very truly,

Julius G. Maurer
JULIUS G. MAURER

JGM:evh

Mr. Sheriff:

Please issue summonses in accordance with the above.

James Cunningham
Secretary

1. Zoning Map 13th Dist. June 2, 1959
2. Photogrammetric Map of Subject Prop.
3. Aerial Photo of Subject Prop.
4. A - F Photos (8x10") of Sub. Prop.
5. Idem.
6. Qualifications of J. Walter Jones
7. Notes & Boundry description contained in a Bill of the Balto. County Council

RE: PETITION FOR RECLASSIFICATION FROM AN R-6 ZONE TO AN M-L ZONE, NORTHERN SHORE LINE OF PATAPSCO RIVER 470' N. OF WEST APPROACH TO HARBOR TUNNEL, RELIABLE HOMES CORPORATION, PETITIONER

The petitioner in the instant case seeks to reclassify approximately 140 acres in the Thirteenth District of Baltimore County on the north shore of the Patapsco River, 460 feet north of the west approach of the Harbor Tunnel from a now "R-6" classification to manufacturing light. The property is described as being bounded on the south by the Harbor Tunnel approach, on the east by the Patapsco River, on the north by Patapsco Avenue, and on the west by the B & A Railroad. The topography of the ground, according to testimony is comprised of areas of low, marshy, water covered ground, of which minute parts thereof are firm or buildable. Ample testimony was given to indicate that in order to use the subject property for residential use, one and one-half million to two million cubic yards of fill would be required with pilings to contain any substantial amount of dwelling units, thereby making the said property impractical for all intents and purposes for any residential building uses. There was further testimony that the severe problems would be of such a compound nature as to preclude any reasonable use of said property in an residential capacity. These factors plus the additional factors of being located near the Harbor Tunnel approach, the Patapsco River and the aforementioned railroad, all lend to the character of this property to an industrial nature as opposed to residential uses.

The Board is unanimous in its opinion that the property in question was zoned in error by the Baltimore County Council upon their adoption of the Land Use Map for the 13th District on June 2, 1959, and that due to the aforementioned factors, would not attract the potential users of the ground under its present zoning.

For the reasons set forth in the foregoing Opinion, it is this 14th day of January, 1962, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted. Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Nathan J. Kaufman, Jr.
CHAIRMAN

Charles Steinbock, Jr.

G. Mitchell Inglis

JULIUS G. MAURER
ATTORNEY AT LAW
111 W. CHESAPEAKE AVENUE
BALTIMORE 2, MARYLAND

November 14, 1961

Mrs. Bettie L. Cunningham
Secretary
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

In re: Petition for Reclassification from an R-6 zone to a M-L Zone, Northern Shore Line of Patapsco River 470' N. of west approach to Harbor Tunnel, Reliable Homes Corporation, Petitioner

Dear Mrs. Cunningham:

I enclose herewith Brief of Protestants in the above-entitled matter.

Yours very truly,

Julius G. Maurer
JULIUS G. MAURER

JGM:evh

Enclosures

Julius G. Maurer, Sec.
111 Equitable Building
Calvert & Fayette Sts.
Baltimore 2, Maryland

Dear Mr. Maurer:

Attached is copy of Opinion and Order passed by the Board of Appeals today in the above matter.

Yours very truly,

James Cunningham
Secretary

cc: Albert W. Styles, Sec.
D. Howard Hamilton, Jr., Sec.
William S. Baldwin, Sec.
Planning & Zoning

COPY

HERSHEY, DONALDSON, WILLIAMS & STANLEY

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2

August 23, 1961

Hon. Nathan H. Kaufman, Jr., Chairman,
County Board of Appeals,
113 County Office Building,
Towson 1, Maryland.

Re: Reclassification of property of Reliable
Homes Corp., from "R-6" Zone to "M-L" Zone -
Northern Shore line of Patapsco River 470' N.
of West Approach to Harbor Tunnel.

Dear Mr. Kaufman:

I have received today a copy of the letter under date
of the 18th of this month addressed to the Members of the Board of
Appeals, Baltimore County Zoning, by A. Paul Connor, Esquire,
President and Counsel for the First Precinct Community Improvement
Association, Inc., with respect to the above matter, and, after talking
to Mrs. Harris on the telephone this morning, I understand that she has
called this letter to your attention.

As you may know, I am associated in the trial of this zoning
case with my partner, Roger B. Williams, Esquire, and, of course, in view
of that fact I would wish to consult with him as to the two requests made
of the Board by Mr. Connor in his letter. Inasmuch as Mr. Williams is
away on vacation and will not return to the office until the 11th of next
month, I am writing to request that the Board postpone action upon Mr.
Connor's requests until after Mr. Williams has returned and we are able
to advise you the position our client wishes to take with respect thereto.

Mrs. Harris also informed me that the Board contemplates
setting the appeal for hearing on next October 24th upon Mr. Williams'
return I shall bring this to his attention so as to advise the Board
promptly whether that date is satisfactory to our client.

I am sending you a copy of this letter in the event that you
might need it and shall be obliged if you will acknowledge receipt.

Respectfully yours,

BHR:iks

cc: Julius G. Maurer, Esquire
Albert W. Styles, Esquire
A. Paul Connor, Esquire

March 16, 1961

Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Maryland

Re: Petition for Reclassification
from an "R-6" Zone to a "M-L" Zone -
Northern Shore of Patapsco River
480 feet North of West Approach to
Harbor Tunnel, 13th District -
Reliable Homes Corporation,
Petitioner

Dear Mr. Styles:

I have today passed my Order denying the
reclassification, in the above matter, from an "R-6" Zone to
a "M-L" Zone.

Attached is a copy of said Order.

Very truly yours

Zoning Commissioner

cc: A. Paul Connor, Esq.,
3011 Maryland Avenue,
Baltimore Highlands
Baltimore 27, Md.

Mrs. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2612 Alabama Avenue, Balto. 27, Md.

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BUREAU OF PUBLIC SERVICES
Inter-Office Correspondence

December 20, 1960

From George R. Lewis
To John Rose
Subject Petition 5165

This office questions the zoning of this tract of land
without provision of proper access. The plat as submitted
would indicate that the parcel involved does not have frontage
to any public street, which would provide vehicular access to
this land.

It should be noted that the approach to the Harbor
Tunnel Road is a non-access highway.

George R. Lewis
Chief - Permit Section
Division of Land Development

GRL:rb

FIRST PRECINCT COMMUNITY IMPROVEMENT ASSOCIATION, INC.

3024 VIRGINIA AVENUE BALTIMORE 27, MD.

August 18th 1961

Members of the
Board of Appeals,
Baltimore County
Zoning,
Towson 1, Md.

Reclassification, Reliable Homes Corp.,
Northern shore line of Patapsco River
adjacent West Approach of Harbor Tunnel.

Gentlemen:

It is requested that the hearing on this case be held in
a county building adjacent to the property involved, such as in
new school building on Annapolis Road, --when the Appeal comes up.

The reason for this, is based on the fact that Towson,
where such hearings are usually held, is far distant from this
section of the county, and quite inconvenient to residents here,
to go to. This puts the opponents to the petition at a great
disadvantage.

Also it seems desirable that the Board inquire of the
State Park Commission, its intentions with respect to the devel-
opment of the property as a part of the Patapsco Park system.
This could have an important bearing on the determination by the
Board as to whether to grant the rezoning or not, and its effect
on the health and welfare of the County, the County of Anne
Arundel, and the City of Baltimore, and the State in general.

Since the petitioner has not disclosed its specific
intent as to what it will actually do under the permit for
rezoning, it is requested that the Petitioner be
requested to furnish the information to this Board and for the
information of the residents concerned. This would follow the
requirements and practice which other counties demand in said
petitions filed for the purpose in question. It would not be
a hardship on the petitioner and would tend to establish their
or its, good faith.

Respectfully,

A. PAUL CONNOR,
President (and Counsel).

CC to Hershey, Donaldson
Williams & Stanley,
(D.M. Hamilton)

File: 5165
BALTIMORE HIGHLANDS 27, MD.

A. PAUL CONNOR
3011 MARYLAND AVENUE
BALTIMORE HIGHLANDS 27, MD.

HERSHEY, DONALDSON, WILLIAMS & STANLEY

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2

August 23, 1961

Hon. Nathan H. Kaufman, Jr., Chairman,
County Board of Appeals,
113 County Office Building,
Towson 1, Maryland.

Re: Reclassification of property of Reliable
Homes Corp., from "R-6" Zone to "M-L" Zone -
Northern Shore line of Patapsco River 470' N.
of West Approach to Harbor Tunnel.

Dear Mr. Kaufman:

I have received today a copy of the letter under date
of the 18th of this month addressed to the Members of the Board of
Appeals, Baltimore County Zoning, by A. Paul Connor, Esquire,
President and Counsel for the First Precinct Community Improvement
Association, Inc., with respect to the above matter, and, after talking
to Mrs. Harris on the telephone this morning, I understand that she has
called this letter to your attention.

As you may know, I am associated in the trial of this zoning
case with my partner, Roger B. Williams, Esquire, and, of course, in view
of that fact I would wish to consult with him as to the two requests made
of the Board by Mr. Connor in his letter. Inasmuch as Mr. Williams is
away on vacation and will not return to the office until the 11th of next
month, I am writing to request that the Board postpone action upon Mr.
Connor's requests until after Mr. Williams has returned and we are able
to advise you the position our client wishes to take with respect thereto.

Mrs. Harris also informed me that the Board contemplates
setting the appeal for hearing on next October 24th and upon Mr. Williams'
return I shall bring this to his attention so as to advise the Board
promptly whether that date is satisfactory to our client.

I am sending you a copy of this letter in the event that you
might need it and shall be obliged if you will acknowledge receipt.

Respectfully yours,

BHR:iks

cc: Julius G. Maurer, Esquire
Albert W. Styles, Esquire
A. Paul Connor, Esquire

April 14, 1961

Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Md.

Re: Petition for Reclassification
from an "R-6" Zone to a "M-L" Zone -
Northern Shore Line of
Patapsco River 480' N. of West
Approach to the Harbor Tunnel,
Reliable Homes Corporation,
Petitioner

Dear Mr. Styles:

Please be advised that counsel for the
petitioner has filed an appeal from the decision of the Zoning
Commissioner denying the reclassification in the above matter.

You will be duly notified of the date and
time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

cc: A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore Highlands,
Baltimore 27, Md.

Julius G. Maurer, Esq.,
152 Equitable Bldg.,
Baltimore 2, Md.

Mrs. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2612 Alabama Avenue,
Baltimore 27, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

November 15, 1961

Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Md.

Dear Mr. Styles:

This is an Information Copy concerning the
proposed operation of an open ramp to be heard before the
Zoning Commissioner of Baltimore County on Tuesday, November
21, 1961 at 10:00 a. m. in Room No. 1 in the Court House
Towson, Maryland.

Very truly yours

Zoning Commissioner

cc: Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Md.

A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore 27, Md.

Mrs. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2612 Alabama Avenue
Baltimore 27, Md.

Reliable Homes Corp.,
18 S. Lexington St.,
Baltimore 2, Md.

July 14, 1961

Messrs. Hershey, Donaldson,
Williams & Stanley,
First National Bank Building
Baltimore 2, Md.

Att. Roger B. Williams, Esq.

Re: Reclassification of property
of Reliable Homes Corp., from
"R-6" Zone to "M-L" Zone -
Northern Shore line of Patapsco
River 470' N. of West Approach
to Harbor Tunnel

Dear Mr. Williams:

Your letter of July 13, 1961 requesting a
postponement of the hearing, in the above matter, has been
received.

Please be advised that the Board of Appeals
has granted a postponement to a later date at which time you will
be duly notified of the date and time of the rescheduled hearing.

Very truly yours

Secretary

Albert W. Styles, Esq.,
5 South Street,
Baltimore 2, Md.

Dear Mr. Styles:

This is an Information Copy concerning the proposed operation of an Open Jump to be heard before the Zoning Commission of Baltimore County on Tuesday, November 21, 1961 at 10:00 a.m. in Room No. 1 in the Court House Tower, Maryland.

Very truly yours,

Zoning Commissioner

cc: Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Md.

A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore 27, Md.

Mr. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2612 Alabama Avenue
Baltimore 27, Md.

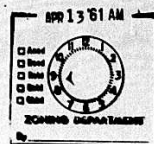
Reliable Homes Corp.,
18 E. Lexington St.,
Baltimore 2, Md.

HERSHEY, DONALDSON, WILLIAMS & STANLEY

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2
April 12, 1961.



Honorable John G. Rose,
Zoning Commissioner of Baltimore County,
County Office Building,
Towson 4, Maryland.

Re: Petition for Reclassification etc. -
Reliable Homes Corporation, Petitioner

Dear Mr. Rose:

We duly received the copy of your Opinion and Order entered in the above case on the 16th of last month.

We have been instructed by Reliable Homes Corporation, our client, to enter an appeal from this Order to the County Board of Appeals and, therefore, we hereby appeal from that formal Order. We are also enclosing herewith check in the amount of \$70.00 payable to the order of Baltimore County, Maryland, to cover the initial costs of the appeal.

Kindly acknowledge receipt of this letter.

Yours very truly,

Ray B. Williams

Raymond Stanley

Attorneys for Reliable Homes Corporation

DHRJ:RG

July 14, 1961.

Albert W. Styles, Esq.,
5 South Street,
Baltimore 2, Maryland

Re: Reclassification of property
of Reliable Homes Corporation,
from "R-5" Zone to "M-1" Zone -
Northern Shore Line of Patapsco
River 470' W. of Approach to
Harbor Tunnel

Dear Mr. Styles:

Due to the fact that Mr. D. Howard Hamilton, Jr., counsel for the petitioner in the above matter, is confined to the Hospital, the hearing scheduled on Thursday, August 11, 1961 has been postponed to a later date.

You will be duly notified of the date and time of the re-scheduled hearing.

Very truly yours

Secretary

cc: A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore 27, Md.

Mr. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2612 Alabama Avenue,
Baltimore 27, Md.

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

February 7, 1962

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

to

Baltimore County, Maryland
c/o County Board of Appeals
300 County Office Building
Towson 4, Maryland

Cost of certified documents filed in the matter of reclassification of property of Reliable Homes Corporation, Northern Shore Line of Patapsco River 470' N. of West Approach to Harbor Tunnel.

\$ 15.00 - paid 2/9/62

JULIUS G. MAURER

ATTORNEY AT LAW

1616 EQUITABLE BUILDING

BALTIMORE 2, MARYLAND

TELEPHONE 3-3333

February 9, 1962

Mrs. Bettie L. Cunningham
Secretary
County Board of Appeals
300 County Office Building
Towson 4, Maryland

Dear Mrs. Cunningham:

I enclose herewith my Check No. 8441 in the amount of \$15.00 covering cost of certified documents filed in the matter of reclassification of property of Reliable Homes Corporation, Northern Shore Line of Patapsco River 470' N. of West Approach to Harbor Tunnel. I am requesting G. Leonard Perkins & Associates to write up the transcript.

Yours very truly,

Julius G. Maurer

JULIUS G. MAURER

JGM:evh

Enclosure

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 10752

DATE 2/15/62

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

BILLED BY: County Board of Appeals

01 5101 05

TOTAL AMOUNT
\$15.00

COST
15.00

Cost of Certified Documents re Reliable Homes Corp. #5165

\$5.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

#5165

Towson, Maryland

Date of Posting Nov. 30, 1960

District 13th

Posted for: on "R-5" Zone to an "M-1" Zone

Petitioner: Reliable Homes Corp.

Location of property: N/W Shore Line of Patapsco River 470' N. of West Approach

to Harbor Tunnel, etc., see plat

Location of Signs: One sign at the end of Ohio Ave. 1 another at the end of Penn Ave.

another at northwest corner of said property and west of approach to Harbor Tunnel

Remarks: another sign on said property

Posted by: George A. Hummel

Date of return: Dec. 1, 1960

A. Paul Connor, Esq.,
3011 Maryland Avenue,
Baltimore 27, Md.

Dear Mr. Connor:

In reply to your letter of August 18, 1961 with regard to the reclassification of the property of Reliable Homes Corporation, from an "R-5" Zone to an "M-1" Zone on the northern shore line of the Patapsco River, 470 feet north of the west approach to the Harbor Tunnel, it would be impossible for the hearing in this case to be heard other than in the County Office Building in Towson. One of the regulations which this Board has operated under since its inception was that all hearings would be heard in the Towson County Office Building.

With regard to the Board inquiring of the State Park Commission, the Board feels this would be highly improper. The Board will hear the case de novo at which time both the petitioner and protestants will be given ample opportunity to present whatever witnesses they may desire.

You are receiving formal from our office that this case is to be heard on October 26, 1961 at 10:00 a.m. in the County Office Building. If we are unable to conclude the hearing on that date it will be continued at a future date.

Very truly yours

William

cc: Messrs. Hrushey, Donaldson,
Williams & Stanley,
First National Bank Building
Baltimore 2, Maryland

HERSHEY, DONALDSON, WILLIAMS & STANLEY

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2

February 3, 1961

Honorable John Rose
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification Filed by
Reliable Homes Corporation - Case #5165

Dear Mr. Rose:

We have received a copy of the letter sent you on the first of this month by Albert N. Styles, Esquire, in connection with the above case.

As to the points which he asks you to consider, we have the following comments:

(1) He refers to "many public hearings on the Zoning Plans for the 13th District". Actually there were two hearings, one in Towson and one in Arbutus. He also states that "no zoning changes have been allowed" since the adoption of the map. The fact is that at least four reclassifications have been permitted. They are as follows:

(a) May 6, 1960 - Reclassification of property located at the intersection of Southwestern Boulevard and North Avenue from R-4 to B-1; *Reclassified by the Board.*

(b) July 26, 1960 - Reclassification of property located on the south side of Sulphur Spring Road, 125 feet west of Dolores Avenue, from R-6 to R-4; *Reclassified by the Board.*

(c) August 10, 1960 - Reclassification of property located on Oak Street, 130 feet south of Maple Avenue, from R-6 to B-1; *Reclassified by the Board.*

(d) October 26, 1960 - Reclassification of property, located at Rittenhouse Avenue and Jones Street, from R-6 to B-1. *5/06*

(2) When the minutes of the meeting of the County Council, which were read at the beginning of the hearing, are borne in mind, we think that the only conclusion that can be reached is that the Council did act arbitrarily and erroneously.

(3) We believe that there is no obligation or reason for Reliable Homes to propose any definite use for the property and we do not understand that that is a necessary condition to reclassification. Mr. Steffy

April 13, 1961

Messrs. Hershey, Donaldson,
Williams & Stanley,
First National Bank Building
Baltimore 2, Maryland

Att. D. Hayward Hamilton, Esq.

Re: Reclassification of
property of Reliable Homes
Corporation, Petitioner

Dear Mr. Hamilton:

Receipt is hereby acknowledged of appeal
filed from the decision rendered in the above matter.

You will be duly notified of the date and
time of the appeal hearing when scheduled by the County Board
of Appeals.

Attached is receipt in the amount of \$70.00
a scale costs, also bill in the amount of \$10.00 cost of posting
property for the appeal hearing.

Very truly yours

Zoning Commissioner

Honorable John Rose

-2-

February 3, 1961

testified that Reliable Homes has plans for ingress and egress, stating that there have been negotiations for obtaining a right-of-way running from the northeast portion of the property to new Patapsco Avenue and that the attorneys for the owners of the property on which the right-of-way would run, who have already indicated their assent, are in the process of getting the confirmation of their clients. In addition to this new means of ingress and egress, the petitioner already has ample access to the property over Louisiana, Tennessee, Alabama, Pennsylvania, Michigan, Florida, Vermont, Georgia, Illinois, Virginia and Ohio Avenues from the Old Annapolis Road to Baltimore Street. It is not apparent why there should be any plans for off-street parking on a tract of 100 acres of land. Mr. Joseph Thompson specifically testified that in view of the elevations of the existing sewer in Baltimore Street, it is possible to provide sewerage disposal by gravity from buildings that might be located at the northwestern boundary of the property lying opposite Baltimore Highlands between New York Avenue and Vermont Avenue. He testified that the remaining portion of the property could be serviced by lift stations which would discharge sewerage into the existing sanitary sewer in Baltimore Street. It is not apparent how drainage could be any problem in view of the topography of the land. These things being true, the reclassification to M-1 cannot possibly result in an impairment of the public health, safety and welfare.

(4) There is no specific evidence as to the actual width of any of the streets in the Baltimore Highlands and Rosemont areas excepting Mr. Marvel's testimony that Baltimore Street, as presently paved with macadam, is 25 feet wide. Furthermore, to say that more traffic would necessarily follow if the reclassification to M-1 is granted is a purely gratuitous assumption. There is no evidence that that would ensue. As a matter of fact, it is quite possible that if the property is used for light industrial purposes, the traffic would be far lighter than if it is put to residential use as permitted under the present classification of R-6.

(5) In view of the testimony of Mr. Thompson and Mr. J. Walter Jones on behalf of the Petitioner, it is quite clear that to permit the present zoning classification to stand will result in outright confiscation of its property. The question of the valuation of the property is immaterial and there was no reason why any one representing the Petitioner should be expected to express an opinion as to the fair value of the tract.

(6) The minutes of the meeting of the County Council show beyond doubt that the reason for classifying the property as R-6 was to accommodate those public officials, who proposed to use the property as a State park and who, if the property remains in the R-6 classification, would be required to pay far less for the same than if it is zoned M-1. Of course, public officials should attempt to hold down the cost of acquisition of land but the law is that that is not a proper reason for zoning classification.

Finally, the evidence is undisputed that the highest and best use of the property requires that it be reclassified as M-1 and, instead

August 25, 1961

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

Re: Petition for Reclassification
from an "R-6" Zone to a "M-1" Zone
Northern Shore Line of Patapsco
River 170' N. of West Approach
to Harbor Tunnel, Reliable Homes
Corporation, Petitioner

Dear Mr. Maurer:

Please be advised the hearing on the appeal
filed in the above matter from the decision of the Zoning Commissioner
denying the reclassification has been re-scheduled by the Board of
Appeals on Thursday, October 26, 1961 at 10:00 a.m.

Very truly yours,

Secretary

cc: Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Maryland

A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore Highlands,
Baltimore 27, Md.

Mrs. Lawrence Mathison
Baltimore Highlands Improvement Ass'n.,
2012 Alabama Avenue,
Baltimore 27, Maryland

Honorable John Rose

-3-

February 3, 1961

of being detrimental to the residents of the area, the making of this change could well lead to a greatly improved condition if an attractive and modern industrial plant could be erected on the property and could be economically and otherwise beneficial to them.

For all these reasons we respectfully request that the
Petition for reclassification be granted.

Yours very truly,

Page B. Williams
Rogey F. Williams

D. Hayward Hamilton, Jr.
D. Hayward Hamilton, Jr.

DEJ:RGF

cc: Julius G. Maurer, Esquire
Albert N. Styles, Esquire
Mr. A. Paul Connor

August 25, 1961

Julius G. Maurer, Esq.,
152 Equitable Building
Baltimore 2, Maryland

Re: Petition for Reclassification
from an "R-6" Zone to a "M-1" Zone
Northern Shore Line of Patapsco
River 170' N. of West Approach
to Harbor Tunnel, Reliable Homes
Corporation, Petitioner

Dear Mr. Maurer:

Please be advised the hearing on the appeal
filed in the above matter from the decision of the Zoning Commissioner
denying the reclassification has been re-scheduled by the Board of
Appeals on Thursday, October 26, 1961 at 10:00 a.m.

Very truly yours,

Secretary

cc: Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Maryland

A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore Highlands,
Baltimore 27, Md.

Mrs. Lawrence Mathison
Baltimore Highlands Improvement Ass'n.,
2012 Alabama Avenue,
Baltimore 27, Maryland

HERSHEY, DONALDSON, WILLIAMS & STANLEY

ATTORNEYS AND COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

BALTIMORE 2

July 13, 1961

Mrs. Jeannette C. Harris, Secretary
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Reclassification of property of Reliable
Homes Corporation, from "R-6" Zone to
"M-1" Zone - Northern Shore Line of
Patapsco River 170' N. of West Approach
to Harbor Tunnel

Dear Mr. Harris:

In the absence of Mr. D. Hayward Hamilton, Jr., from
the office, I am writing to acknowledge receipt of your letter
of July 10, 1961, in which you state that the hearing in the
above entitled case on the appeal of Reliable Homes Corporation
has been set for August 11, 1961, at 10:00 A. M. As Mr. Hamilton
is now in the hospital, he requests that you postpone this hearing
until sometime in October, 1961, or some date thereafter.

Thanking you to advise either me or Mr. Hamilton of the
date of the hearing as postponed, I am,

Very truly yours,

Page B. Williams

RBW:GF

August 25, 1961

Messrs. Hershey, Donaldson,
Williams & Stanley,
First National Bank Building
Baltimore 2, Maryland

Att. D. Hayward Hamilton, Jr.,
Esq.

Re: Petition for Reclassification
from an "R-6" Zone to a "M-1" Zone
Northern Shore Line of Patapsco
River 170' N. of West Approach
to Harbor Tunnel, Reliable Homes
Corporation, Petitioner

Dear Mr. Hamilton:

The hearing on the appeal filed in the above
matter from the decision of the Zoning Commissioner denying the
reclassification has been re-scheduled on Thursday, October 26,
1961 at 10:00 a.m.

Very truly yours

Secretary

NOTICE OF ZONING RECLASSIFICATION FOR RECLASSIFICATION-13th DISTRICT

Pursuant to petition filed with the Deputy Zoning Commissioner of Baltimore County for change or reclassification from R-6 Zone to an M-L Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, on Wednesday, December 21, 1960, at 10:00 a.m.

to determine whether or not the following petitioned and described property should be changed or reclassified as aforesaid for Manufacturing Light to wit:

All that parcel of land in the Thirteenth District of Baltimore County on the Northwest shore line of Patuxent River beginning 400 feet North of West approach to the Harbor Tunnel; thence running Northwesterly and binding on the Northwest shore line of Patuxent River 143 feet; thence North 33 degrees 05 minutes West 402.50 feet; thence binding on the Total Plate and running Westerly and Northwesterly 370.00 feet; thence North 31 degrees 53 minutes West 622.00 feet; thence North 4 degrees 31 minutes West 236.10 feet; thence North 36 degrees 48 minutes West 454.00 feet; thence South 17 degrees 42 minutes West 240.00 feet; thence South 11 degrees 12 minutes West 1202.00 feet; thence South 94 degrees 18 minutes East 2200 feet to the place of beginning, as shown on plat plan filed with the Zoning Department, being property of Reliable Homes Corporation.

By Order of JOHN G. ROSE Deputy Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. December 2, 1960.

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 21st day of December, 1960, the first publication appearing on the 2nd day of December 1960.

THE TIMES.

John M. Martin
Manager
John M. Martin

Cost of Advertisement, \$15.00
Purchase Order-P 4216
Reclassification No. 24

December 7, 1960

Mr. John G. Rose
Deputy Zoning Commissioner
Court Office Building
Towson 4, Maryland

Dear Sir:

At a regularly convened meeting of the English Consul Democratic Club of the First Precinct of the Thirteenth District of Baltimore County, State of Maryland, held on Wednesday, December 7, 1960, the following resolution was unanimously adopted:

Be it resolved that the English Consul Democratic Club opposes the rezoning from R-6 residential to an M-L zone the property described in a petition filed by the Reliable Homes Corporation and scheduled for hearing on December 21, 1960 before the Zoning Commissioner of Baltimore County, State of Maryland.

English Consul Democratic Club of the 13th District, Inc.

William T. Marvel
President

ATTEST:

Charles E. Rose
Secretary



Albert W. Styles, Esq.,
5 South Street
Baltimore 2, Md.

April 14, 1961

Re: Petition for Reclassification from an "R-6" Zone to a "M-L" Zone - Northern Shore Line of Patuxent River 140' N. of West Approach to the Harbor Tunnel, Reliable Homes Corporation, Petitioner

Dear Mr. Styles:

Please be advised that counsel for the petitioner has filed an appeal from the decision of the Zoning Commissioner denying the reclassification in the above matter.

You will be only notified of the date and time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

cc: A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore Highlands,
Baltimore 27, Maryland

Julius O. Maurer, Esq.,
152 Equitable Bldg.,
Baltimore 2, Md.

Mrs. Lawrence Mathison,
Baltimore Highlands Improvement Ass'n.,
2012 Alabama Avenue,
Baltimore 27, Maryland

WONNEMAN & STYLES
ATTORNEYS AT LAW
100 ANSEL BUILDING
5 SOUTH STREET
BALTIMORE 2, MD.

1 February 1961

LEONARD H. WONNEMAN
ALBERT W. STYLES

Mr. John Rose
Baltimore County Zoning Commissioner
County Office Building
Towson-4, Maryland

Re: Reliable Homes Corporation
Petition for reclassification
R-6 Zone to M-L Zone - Case #5165

Dear Mr. Rose:

The above matter came before you for hearing on December 21, 1960, and was held sub curia pending a possible workable agreement between the Petitioner and the Protestants.

Your office was advised by a copy of the letter sent to Daniel Heyward Hamilton, Jr., Esquire, attorney for the petitioner, that it was impracticable to enter into an agreement with Reliable Homes Corporation regarding the rezoning of the property in question.

It is my understanding that the petitioners have no further evidence or argument to present and close their case. The protestants have no further evidence to present and the matter is now for your determination.

In deciding this matter it is respectfully requested that you consider the following:

1. That after many public hearings on the Zoning Plans for the 13th District, the Baltimore County Council adopted the present zoning map on the 2nd day of June 1959, and no zoning changes have been allowed in the 13th District since the adoption of said map;
2. That in a period of less than two years after the adoption of the said map the petitioners are requesting a reclassification of their land from R-6 Zone to M-L Zone and, if granted, having you confirm their charge that the County Council acted arbitrarily, mistakenly and with caprice.
3. That Reliable Homes Corporation has presented no definite use for the property; have shown no plans for ingress or egress; no plans for off street parking; no plans for proper sewage or drainage; all of which items must be considered in determining the measure and extent of impairment to public health, safety and welfare.

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 4565

DATE 1/11/61

To: Messrs. Harshy, Donaldson,
Williams & Stanley,
First National Bank Bldg.,
Baltimore 2, Md.

BILLED BY

Zoning Department of
Baltimore County
113 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT

COST

Appeal to County Board of appeal in matter of
Reclassification of property of Reliable Homes Corp.
No. 5165

\$70.00

7.000

7.000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 4137

DATE 12/21/60

To: Reliable Homes Corp.,
18 E. Lexington Street
Baltimore 2, Md.

BILLED Zoning

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT

COST

Advertising & Posting on property for Reliable Homes Corp.

\$8.00

\$8.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Mr. John Rose - Page 2 -

2/1/61

4. That the streets in the Baltimore Highlands area, where the subject property is located, are very narrow and cannot stand the burden of more traffic that would necessarily follow if the reclassification from R-6 Zone to M-L Zone was granted, thereby creating a dangerous and hazardous condition contrary to public safety.

5. That the Petitioners state that they cannot obtain a fair value for the property with its present zoning classification; yet, when asked what they consider to be a fair value, they very adroitly avoid the issue.

6. That the State Department of Forest and Parks is definitely interested in this land for park use and this fact is known to the Petitioners.

Inasmuch as the Petitioners have advanced no specific plans for the use of the subject land and will not state what they believe to be a fair value of the land, it can only be concluded that the sole purpose for the reclassification to M-L Zone is to obtain a higher price because of its commercial classification in the event the State Department of Forest and Parks condemn the land for park use; and inasmuch as the M-L Zone would create a condition detrimental to public health, safety and welfare, it is respectfully requested that the Petition be denied.

Very truly yours,

Albert W. Styles

aws/em

Attorneys for Protestants
Julius Maurer
152 Equitable Building
Baltimore-2, Maryland

Wonneman & Styles
402 Abell Building
Baltimore-2, Maryland

cc: Daniel Heyward Hamilton, Jr., Esquire
Julius Maurer, Esquire
English Consul Democratic Club

A. PAUL CONNOR

LAWYER
3011 MARYLAND AVENUE
BALTIMORE 27, MARYLAND

Phone BT 4-8887

No. 332.
December 2nd, 1960.

John D. Rose,
Deputy Zoning Commissioner,
Baltimore County,
Towson 4, Md.

REZONING IN 13TH DISTRICT.
(Baltimore St. & Ohio Ave.)

Dear Sir:

Our members are interested in what the application for rezoning in the above location, that is scheduled for hearing on December 21st, 1960, is for.

The notice states that it will be for "LIGHT MANUFACTURING". We would like to know specifically what such manufacturing is, and that such will be adhered to in the future.

Also the names of the petitioners, with addresses.

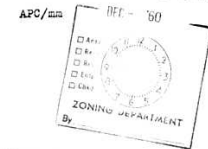
Also, the names of those who will do the manufacturing, if approved, and what their standing commercially and industrially is.

When they propose to proceed with the project, and where their plans may be inspected, if approved.

Yours very truly,

A. Paul Connor

President, First Precinct Community Improvement Assn



John G. Rose

December 9, 1960

A. Paul Connor, Esq.,
3011 Maryland Avenue
Baltimore 27, Maryland

Re: Reliable Homes Corp-13th Dist.
NW Shore Line Patuxent River 140' NW
approach Harbor Tunnel

Dear Mr. Connor:

We are in receipt of your letter of the 2nd regarding the above subject property.

Wish to advise the owners are Reliable Homes Corporation 18 East Lexington Street, Baltimore 2, Maryland. They have petitioned for Light Manufacturing, however, have not stated what type of manufacturing they wish to put in.

If you will have someone from your office come to the Zoning Department, Room 113, Baltimore County Office Building, our file will be at your disposal.

Yours very truly,

John G. Rose
Zoning Commissioner
of Baltimore County

XB BR001 NL PD BALTIMORE MD DEC 5
JOHN G ROSE, DLR 930AM DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY COUNTY OFFICE BLDG 111 CHESAPEAKE AVE
TOWSON MD
WISH TO INFORM YOU THAT THE ENGLISH CONSUL DEMOCRATIC
CLUB OF THE 13TH DISTRICT IS PROTESTING THE PETITION
FILED BY THE RELIABLE HOMES CORP DATE OF HEARING DEC
21ST 10AM
WM T MARVEL PRES
919A EST

Towson, Maryland

#5165

District 13th Date of Posting 11-30-60

Posted for Wm. R. G. Jones to Wm. M. L. Jones

Petitioner: Richard H. Jones, Guy

Location of property Mt. Shaw Ave. Baltimore-Mt. West. North of the main approach to Harbor Tunnel etc. 1/2 mile E.

Location of Signs on west end of the W. L. and Mt. West of
from W. L. and Mt. W. signs of road, property & main approach of
Harbor Tunnel and the section road property

Remarks:

Posted by George R. Hummel Date of return 12-1-60

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

$$\begin{array}{r} 2 \\ 507 \\ 306 \\ 353 \\ 307 \\ \hline 1473 \end{array}$$

Peaslee Home Co primarily a land holding Company.

Survey: Red ^{Top} lift station,
Water available to main ^{to} Goulds in Vatapec Ave.
Industrial use more desirable on finance.
One half million dollars for full.

V. Walter Jones - Real Estate Appraiser:
7905 Mayfield Road #14, Grd Bldg.
Using V.W. parcel computed as Grd parcel
Good use of 41L would make home more valuable.
County Council in error
Access from Vatapec Ave.

William F. Marsh 3019 Ohio Ave. 27
Resident 33 years - 300 ft from
proposed site. Batterman Rd. 27 feet parcels.

DEC 12 '60

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☐ Chud

ZONING DEPARTMENT

be

Report to the County Executive and the County Council

Council's first hearing

Planning and Zoning—two problems

County-wide importance

Planning
Office
to prepare
Master Plan

Master Plan
maps

Different Zoning recommendations

13th District Land Development problems

(1) To protect and improve, as far as possible, the environmental setting of the existing residential neighborhoods of Baltimore Highlands, English Consul, Lansdowne, Halethorpe, Relay, and Arbutus and the several smaller named developments in the area.

- 2-

In summing up, the biggest problems in the 13th District are due to the area's history of its local roads' being used to serve through highway needs and the consequent mixture-offensive shoddy-of land uses along or near these routes. It cannot be emphasized too strongly that a bolder approach than has been used in the past is needed, not only to maintain high standards in the areas which are now desirable residential, commercial and industrial sections, but also to revitalize those sections which are now rundown.

(1) It offers a newly organized pattern of residential neighborhoods, each with its own elementary school and playground. In this plan well over 99% of all existing and future homes are within 1/2 mile walking distance of a school-recreation center.

- 3

(5) The Master Plan of zoning also minimizes the existing (or potential) strip commercial zoning along present routes such as Southwestern Blvd. In passing it should be stated that while zoning cannot correct mistakes of the past where land is presently used or occupied with structures (as on Washington Blvd.), it can and should be appropriately applied to avoid strip commercial zoning if for no other reason than for highway safety.

M-R Zone

(U) The M-R Zone is the most restricted manufacturing zone. This Zone requires a public hearing on its site plan, a feature which many claim inhibits its use as a mapped zone. According to the regulations, this zone can either be shown on the original comprehensive zoning map or be added to the map by petition. It has been our feeling that there are certain places where the M-R Zone should be shown initially on the map. We agree that when the M-R Zone is shown on the map, initially on the original comprehensive zoning map there really is little reason for a public petitioned for as an individual tract, in detail, such as is provided for when it has been caused most of the objection to this factor in the Zoning Regulations and administrators and others. We are heartily in favor of the M-R Zone on the zoning map to eliminate the necessity of this public hearing on the M-R Zone. Now that does not mean that for what appear to be good and sufficient reasons to plan and consideration given to any special regulations or requirements that may appear necessary for that particular site. We tend to put the M-R Zone where it is closely related to a residential area. We do not want the M-R Zone where it is likely to have something more of a buffer strip between the residential zone and the manufacturing uses than is provided by the M-L or Light Manufacturing Zone.

-4-

R-40 is
Zoning

We had no thought that this piece of R-40 Zoning even if it were not acquired and developed for State Park use, would ever be developed with houses on acre lots. Neither can we see the slightest feasibility or justification for building industrial buildings or plants on it. In both the R-40-Zone and M-L-Zone, as well as the M-L-Zone, there are a number of types of uses which are permitted which are perfectly suited to go into State Park use. We feel that R-40 Zoning is logical because it implies the least trend toward intensive development. It is the lowest density zone we have and it is, in our opinion, less indicative of expected residential development than is the case with the M-L-Zone. The types of uses which are permitted are typically of the type which are permitted in the M-L-Zone. The types of uses which are permitted either typically or hypothetically, Special Exceptions in the R-40-Zone:

Permitted in any case:

- a. farming
- b. outdoor recreation club, including day camps
- c. community civic, social, recreational or educational activities

Permitted as Special Exceptions:

- d. cemetery
- e. excavations, controlled
- f. golf driving, miniature golf, baseball batting range, etc.
- g. kennel
- h. riding stable, commercial
- i. sanitary landfill
- j. shooting range
- k. wireless transmitting and receiving structure

R-A vs
B-L, strip
Commercial
Zoning

I merely wish to stress that our office does not feel that it was at all unrealistic or unfair to the property owners to show this land throughout as R-40; even though it meant reclassifying a portion of the M-H Zone which had been cut off almost completely from the original M-H Zoning by the tunnel thruway. We feel the same way about the easterly half of the strip, which was left over R-6 Zoning from the original zoning map of 1945. We believe that it is actually more realistic to show it in the R-40 Zone than to show it in it in a M-L Zone in view of the fact that we feel it is completely unsuited for industrial buildings.

\$ 40 for
leave late

In one other sizeable area we recommended R-40 Zoning and R-20, in part for the rough wooded slopes running from the B&O R.R. along the Palopax up toward Rolling Road, lying on both sides of Gun Road and Vividant Avenue but excluding the frontage along both streets. We showed R-40 in recognition of the feasibility of putting lots along these roads. We believe that it is undesirable to encourage the grading and leveling of the steeply sloping side of the rough land slopes of this area, and, for that reason, we feel that the R-40 zoning will have the effect of discouragement of such action. It is our belief that the R-40 zoning will also have the effect of discouraging of such action as the building of small cottages or bungalow type houses on acre lots, although that of course would be possible on selected sites. Because of the roughness of this area, it is not one in which extension of sewer and water lines through the area is feasible. In general, intensive cottage development is not in the public interest. There are certain areas where the lot sizes are less than one acre in nature, that will and should remain essentially in their present condition. As noted, there are types of uses in the R-40 Zone that could be put here.

-7-

B-R vs B-L
on major
road front-
ages

That does permit conversion of dwellings or construction of apartments where suitable, and also permits offices of various types as Special Exceptions. In several cases, new apartments are possible where the land is actually deep enough to permit them, for example, between Southwestern Boulevard and Herbert Run. Apartment projects lead Southwestern Boulevard and Herbert Run. Apartment projects lead themselves better to control of access than do numerous strip commercial uses. Because offices in the apartment zone require Special Exception, it is possible to have entirely satisfactory control over their location. In other locations, such as along the Annapolis Road immediately south of the intersection with the railroad, the zone is adjacent to the opposite side just north of the highway, opposite the area of the Annapolis Road on both sides of Fourth Avenue, and approximately opposite the area of the Shilbourne Avenue at Maiden Choice Lane. We have provided R-4 Zoning. Here we felt that R-4 Zoning was preferable to commercial zoning because of its proximity to residential uses and the opportunity that the R-4 Zone offers for transition between commercial and residential uses, either through conversion of existing houses to apartments or offices, or for construction of new offices.

- (4) Another type of basic difference of thinking is in a few cases where our proposal of B-R zoning was changed to B-L zoning. One of these is a rather lengthy strip along the east side of Washington Boulevard just south of the city line and a small "narrow" on the west side, where we felt, because of the major traffic character of this route, the roadside type of zoning was more appropriate, and the required deeper setback of 30 feet was desirable rather than the more limited minimum setback of 10 feet, as permitted in the B-L zone. The same general thinking applied to the strip which we had proposed B-R on both sides of Annapolis Road between Arbutus Avenue and the City Line.

The above explanations account for by far the greater part of the differences in the zoning plan as prepared by the planning staff and approved by the Planning Board, and the zoning map as prepared by the Zoning Commissioner.

There is one rather large tract which is not governed by the same type of basic difference of concept of zone that appears to call for explanation and that is the tract immediately south of Sulphur Spring Road and extending from the Pennsylvania Railroad eastwardly to the prospective eastern side of the interchange between the Beltway and the new U.S. 1. Shown entirely as M-1 on the proposed Zoning Map, this tract was shown on our plan as B-R in the eastern portion and R-6 in the western two-thirds. We showed B-R Zoning because it is now zoned that way and because it will be entirely absorbed in the aforesaid interchange of U.S. 1 and the Beltway. We felt that there was no reason

-8

-5-

-6

M-L on
Sulphur
Spring
Road west
of Southwest-
ern Blvd.

Other
Minor
Variances

More
correlation
of zoning
material

change the present B-R Zoning inasmuch as it would be utilized anyway and we felt the change to M-L Zone would imply a potentiality of use which does not now appear to exist. As to the remainder of the M-L Zoning, which we showed R-6, at one time in an earlier stage we did consider and actually showed the area on the map proposed for industrial use. That was a result of several things: proximity of the railroad, the rather rough character of the topography resulting from mining operations, but most of all because, before the new U.S. 1 came into the picture, there was proposed to be an interchange between Sulphur Spring Road and the Beltway. When the new U.S. 1 came into the picture, the possibility of that local access to the Beltway from Sulphur Spring Road was eliminated. Finally, as a result of interviews with representatives of community organizations in the 13th District, it was brought to our attention that there was strong local feeling as to the desirability of not separating the existing residential area north of Sulphur Spring Road and south of the Beltway from the present section of Halethorpe to the south but keeping a continuous residential area. It was realized that this would be tied together rather tenuously by possibly only one road, Potomac Avenue, along the railroad, because the U.S. 1 Expressway would cut across, but it was felt that this residential strip connection on both sides of the Expressway would help to unify the area from the standpoint of current use of such things as churches, possibly schools, and so forth. We therefore eliminated proposed industrial zoning on the westside of the proposed U.S. 1, between it and the railroad and from Sulphur Spring Road to Washington Boulevard. We recognize the industrial potentialities of this tract, and the fact that the rough former quarry offers some problems of grading for cottages or possibly semi-detached houses which we believe are not insuperable with present types of grading operations. It was our feeling however, that the advantage to the residential neighborhoods to the north and south of this pocket of land, outbalance the possibility of employment and provision of industrial sites that the changing of this strip from residential to industrial would provide.

There are a number of other minor changes which perhaps need not be discussed in detail, for example, the change from our suggested R-10 Zoning for the Arbutus Memorial Cemetery to R-6 Zoning. Inasmuch as this property is committed to that type of use we do not feel that this is important one way or the other. The change to R-6 Zoning of a tract, on the westerly side of Francis Avenue and back of the R-10 frontage of existing lots which are of that lot size is of minor significance. This is the type of thing which we could have agreed on in discussing this whole plan prior to its adoption by the Planning Board.

I think it may be said there can be and undoubtedly are honest differences of opinion as to appropriateness of the types of areas that have been referred to, and the manner in which the different zones are proposed to be used. We recognize that it is always desirable for an individual with the practical experience that Mr. Adams has had in connection with his years of zoning activity, to make valuable suggestions and throw light on the subject. It is also always possible for someone who takes a constructive, critical approach toward a completed job such as we have tried to do to find instances in which definite improvements can be made. In subsequent Districts, there will be more

correlation of material between the Planning Board and the Zoning Commissioner since it is preferable from all points of view to get reactions from the Zoning Commissioner prior to the adoption of the Master Plan of Zoning by the Planning Board.

MHD:vbm
May 5, 1959

MINUTES OF THE ELEVENTH MEETING BALTIMORE COUNTY COUNCIL HELD MAY 26, 1959 Legislative Day No. 3

The meeting was called to order at 2:10 P.M. by the Chairman and the invocation was given by the Reverend Fred Scott of Loyola College. The following Councilmen were present:

- | | |
|-----------------------|------------------|
| Joseph M. Eignan, Jr. | First District |
| Dorothy N. Boone | Second District |
| Augustine J. Muller | Third District |
| J. Cavendish Darrell | Fourth District |
| Eale Anderson | Fifth District |
| Joseph L. Schield | Sixth District |
| W. Brooks Bradley | Seventh District |

The meeting was held in Room 301 with an audience of approximately one hundred and twenty-five persons present.

The Journal Entries for the meeting of May 19, 1959 were read and on motion by Mr. Darrell, seconded by Mrs. Boone, approved as read.

Enrollment of Bills

There were no bills enrolled at this meeting.

Introduction of Bills

Bill No. 77, introduced by Mr. Eignan, entitled AN ACT, to add Section 1-9.1 to title "General Provisions" of the Baltimore County Code 1958, to require the publication annually of the detailed expenses of the County.

Bill No. 78, introduced by Mr. Muller, entitled AN ACT, to repeal Section 9-2 of title "Election Districts" of the Baltimore County Code 1958, and to enact in lieu thereof a new section 9-2 of title "Election Districts", said new section to stand in place of the article as repealed, generally describing and establishing with accuracy and particularity the boundaries of each of the fifteen election districts of Baltimore County, Maryland.

Bill No. 79, introduced by Mr. Muller, entitled AN ACT, to amend Section 38-16 and to repeal the third paragraph of Section 38-1 of title "Electricity" of the Baltimore County Code 1958, to require every applicant for a master electrician's limited license to submit to an examination, and to eliminate the per diem compensation and expense allowances for certain members of the Electrical Administrative Board and to confirm and validate all of the present regulations concerning electricity in their entirety.

Bill No. 80, introduced by Mr. Muller, entitled AN ACT, to amend Section 200.8 of the Baltimore County Plumbing Code, 1956, to require a deposit of \$25.00, with a request to

the chief engineer to locate a sewer connection.

Bill No. 81, introduced by Mr. Muller, entitled AN ACT, to amend Section 31-1 of title "Traders" of the Baltimore County Code 1958, to provide that a Schedule and Return of Personal Property of Individuals and Firms be filed as an additional prerequisite to the issuance of traders' licenses.

Bill No. 82, to amend Section 13-32(a) of title "Health and Sanitation", sub-title "Garbage, Trash, and Other Offensive Matter" of the Baltimore County Code 1958, to extend to shopping center properties the prohibition against the placing of garbage and trash in or upon public places.

Bill No. 83, introduced by Mr. Bradley, entitled AN ACT, to add Section 3-10.1 to title "Animals", sub-heading "Dogs", of the Baltimore County Code 1958, to prohibit dogs from running at large within the Metropolitan District of the County, to authorize the impounding and destruction under some circumstances of such dogs, and to provide penalties for the violation of the provisions of this section.

Bill No. 84, introduced by Mr. Eignan, entitled AN ORDINANCE, to approve the Zoning Map for the Thirteenth Election District of Baltimore County which accompanies this Bill superseding the original Zoning Use District Map for the Thirteenth Election District accompanying the Resolution of the County Commissioners of Baltimore County dated January 2, 1945 and all amendments thereto.

Call of Bills for Final Reading and Vote

BILL NO. 60 was called and passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO. 61 was called and passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO. 62 was called, whereupon Mrs. Boone, seconded by Mr. Darrell, moved that Bill No. 62 not be considered at this meeting. The motion was carried unanimously.

BILL NO. 63 was called, whereupon Mr. Bradley spoke and stated that because of the recent introduction of a bill to extend the metropolitan district to the entire county, it would be necessary that Bill No. 63 be amended to make provisions for this contingency. Mr. Bradley thereupon moved to amend Bill No. 63 by deleting therefrom lines 9 and 10 in their entirety and that portion of line no. 8 following "county", and substituting for the deletion in line no. 8 following the word "county", as the same existed on May 1, 1959. The motion was seconded by Mr. Darrell and carried unanimously. Mr. Bradley then spoke in favor of Bill No. 63, whereupon Bill No. 63 was called and passed by the following roll call vote:

February 7, 1962

Julius G. Maurer, Esq.
152 Equitable Building
Baltimore 2, Maryland

Re: Petition for Reclassification of property of Reliable Homes Corporation from "R-6" to an "M-L" Zone; Northern Shore line of Patuxent River 470' N. of West Approach to Harbor Tunnel 13th District

Dear Mr. Maurer:

In accordance with Rule 1101 (b) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County, in this above matter within 30 days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than 30 days from the date of any petition you might file in Court in accordance with Rule 1101 (b).

Attached is a copy of the Certificate of Notice, also bill in the amount of \$15.00 covering cost of certified copies of necessary documents.

Yours very truly,

Secretary

February 7, 1962

D. Heyward Hamilton, Jr., Esq.
First National Bank Building
Baltimore 2, Maryland

Re: Petition for Reclassification of property of Reliable Homes Corporation from "R-6" to an "M-L" Zone; Northern Shore line of Patuxent River 470' N. of West Approach to Harbor Tunnel 13th District

Dear Mr. Hamilton:

Notice is hereby given in accordance with the Rules of Procedure of the Court of Appeals of Maryland that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Attached is a copy of the Certificate of Notice.

Yours very truly,

Secretary

cc: Albert W. Styles, Esq.
William S. Baldwin, Esq.

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO. 64 was then called and Mr. Bradley spoke in favor of this bill. After further discussion the Chairman recognized Mr. Walter Halle, Deputy County Solicitor, who was present at the meeting and asked him to advise the Council whether or not the bill was legally proper. Whereupon, Mr. Halle replied that in his opinion it was. Mr. Anderson spoke against the bill. After further discussion, Mr. Bradley requested that no vote be taken on Bill No. 64.

BILL NO. 65 was then called and the Chairman recognized Mr. Roland Piel, Buildings Engineer, who was present at the meeting. Mr. Piel explained to the Council that the Buildings Engineer now has no jurisdiction or authority to control the building of piers in the waters of Baltimore County. In reply to a question by Mr. Darrell, Mr. Piel stated that the bill was intended primarily to protect riparian rights of water front property owners. Mr. Schield inquired what the cost of the proposed building permits would be. Mr. Piel stated that they would be within the normal building permit brackets. On a question by Mr. Darrell, Mr. Piel stated that the army engineers who presently have jurisdiction over navigable waters have cooperated with Baltimore County in requiring the builder of a prospective pier to have a Baltimore County building permit. After further discussion, Bill No. 65 was passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell and Mr. Bradley
Nay - Mr. Anderson and Mr. Schield

BILL NO. 66 was called. Whereupon the Chairman advised the Council that Bill No. 83, introduced by Mr. Bradley, also contained proposed changes in the existing dog laws. Thereupon, Mr. Darrell moved that consideration of Bill No. 66 be postponed until such time as Bill No. 83 is called for final reading and vote. The motion was seconded by Mr. Anderson and carried unanimously.

BILL NO. 67 was called and Mr. Bradley was recognized by the Chair and he stated that he had had many complaints about the situation which Bill No. 67 was intended to rectify. Mr. Schield stated that he felt the word community association appearing in line 6 of the bill might be better defined. After some discussion, Mr. Schield, seconded by Mr. Darrell, moved that Bill No. 67 be amended by inserting between the words "or community" in line 6, the word non-profit. The motion to amend was carried unanimously. Whereupon Bill No. 67 was passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO. 68 was called. Whereupon, the Chairman recognized Mr. Norman W. Wood, Director of Finance, who was present at the meeting. Mr. Wood stated that for some years past the county had been charging \$2.00 for lien reports and the expense for providing these reports now exceeded that \$2.00 charge. In reply to a question by Mr. Anderson, Mr. Wood stated that the county's expenses would be covered by virtue of the proposed increase to \$3.00 for a lien certificate. After further discussion, Bill No. 68 was passed by the following roll call vote:

Aye - Mrs. Boone and Messrs. Eignan, Muller, Darrell, Anderson, Schield and Bradley
Nay - None

BILL NO. 69 was called and the Chairman recognized Mr. George L. Sliker who appeared for Mr. Charles Wheeler, Director of the Department of Permits and Licenses, in favor of the bill. Also present and recognized by the Chairman was a Mr. Voelkel, Chairman of the Plumbing Board, who was opposed to some of the provisions of the bill. Both gentlemen were questioned by Messrs. Darrell, Bradley, Schield and Mrs. Boone. It was thereupon moved by Mr. Darrell that consideration of Bill No. 69 be postponed until such time as Mr. Wheeler will be available to appear before the Council. This motion was seconded by Mr. Bradley and carried unanimously.

Miscellaneous Business

The Chairman advised the Council that the first item of business would be the appointment of the Advisory Planning and Zoning Committee and he directed the Secretary to read to the Council the motion made at the meeting of May 14th, creating the committee and describing its functions. In accordance with the aforesaid motion the Chairman then nominated Mr. John Grason Turnbull, Attorney at Towson and a former State Senator. Mr. Turnbull's nomination was seconded by Mr. Darrell and approved unanimously. Mr. Eignan nominated Mr. James J. Doherty, an Attorney at Catonsville. The nomination was seconded by Mr. Bradley and approved unanimously. Mrs. Boone nominated Mr. Carl Vohden, a former member of the Zoning Board of Appeals. Mr. Vohden's nomination was seconded by Mr. Anderson and carried unanimously. Mr. Darrell nominated Mr. Arthur Machen, an Attorney of Baltimore City. The nomination was seconded by Mr. Bradley and carried unanimously. Mr. Anderson nominated Mr. Kenneth C. Proctor, an Attorney of Towson and former Counsel to the Charter Board. The nomination of Mr. Proctor was seconded by Mr. Darrell and Mr. Schield and carried unanimously. Mr. Schield then stated that his nominee would be Mr. Frank Folke of Essex, a business man, but that as a second choice he had Mr. Nathan Kaufmann, former member of the County Board of Appeals. The nomination of Mr. Folke was seconded by Mr. Darrell and passed by the following roll call vote:

Aye - Mr. Eignan, Mrs. Boone and Messrs. Darrell, Anderson and Schield
Nay - Mr. Muller and Mr. Bradley

Both Mr. Muller and Mr. Bradley explained that they had not voted against Mr. Folke, but rather for Mr. Kaufmann whom they both knew very well. Mr. Bradley, seconded by Mr. Darrell, then nominated Mr. Arnold Fleischmann of Towson. The nomination was approved unanimously.

Mr. Darrell moved that the next meeting of the Council be held on Thursday May 28, 1959 at 2:00 P.M. and that the newly appointed members of the Advisory Planning and Zoning Committee be requested to be present. The motion was seconded by Mr. Anderson and carried unanimously.

The Chairman then directed the Secretary to read a letter to the Council from Mr. Christian H. Kahl, County Executive, recommending an increase in the salary of Mr. William E. Fornoff, County Administrative Officer, from \$15,000 per year to \$16,000 per year. A copy of this letter is attached to these minutes. On motion by Mr. Eignan, seconded by Mr. Schield, it was thereupon moved to increase the salary of William E. Fornoff, County Administrative Officer from \$15,000 per year to \$16,000 per year. The motion was carried unanimously.

The Chairman then declared a five minute recess.

Following the recess, the Council reconvened and Mr. Darrell, seconded by Mrs. Boone, moved that the rules of procedure be suspended in order that Bill No. 84 might be considered. The motion carried unanimously. The Chairman then recognized Mr. Bradley who spoke and stated that from a procedural standpoint he was in favor of making such amendments to Bill No. 84 as might be necessary by metes and bounds. He said that he had discussed this with Mr. Wilsie Adams, Zoning Commissioner, and that Mr. Adams had agreed that this would be the best way to amend the bill. The Chairman then recognized Mr. Adams who was present at the meeting and Mr. Adams stated that he will revise all metes and bounds descriptions made necessary by amendments and will have a new map ready before the Council within a week.

The Chairman then recognized Mr. Dignan who moved that all that area in the 13th Election District of Baltimore County lying to the southeast of the Harbor Tunnel Approach Road and to the east of the W.B. and A. right of way, shown as R-40 on the Master Plan for the 13th Election District, adopted by the Planning Board, be zoned R-6, instead of the various classifications recommended by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell. Mr. Anderson then spoke and asked Mr. Dignan if he thought the subject property was suitable for R-6 use. Whereupon Mr. Dignan replied if he thought the subject property was suitable for any use. Mr. Anderson then asked Mr. Dignan if that he did not think it was suitable for any use. Mr. Dignan was to reserve it for park use. his reasons for moving that the subject area be zoned R-6 was to reserve it for park use. Mr. Anderson replied that it was. After further discussion, the question was called and Mr. Dignan's motion carried by the following roll call vote:

Aye - Mr. Dignan, Mrs. Boone, and Messrs. Darrell and Bradley
Nay - Mr. Muller and Mr. Anderson
Abstaining - Mr. Schield

The Chairman then spoke on behalf of Mr. Anderson and Mr. Schield and himself and stated that they were all in favor of having the subject area acquired and used for a state park. However, they did not feel that the R-6 designation was legally proper.

Mrs. Boone moved that all that portion of an area bounded by Sulphur Spring Road on the northeast, proposed US 95 on the southeast, and the Pennsylvania Railroad on the west, presently zoned R-6, remain R-6, rather than the suggested classification of M-L, submitted by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Dignan, and carried unanimously.

Mrs. Boone then moved that the property known as 1001 Maidenchoice Lane and comprising about two and one-half acres abutting the First District be zoned RA, instead of the RG classification recommended by the Zoning Commissioner; that the property known as 1121 Maidenchoice Lane be zoned RA, instead of the BL classification recommended by the Zoning Commissioner and that the parking lot on the southwest side of Maidenchoice Lane extending southeast to Shelbourne Road be zoned RA. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Schield then moved that six acres, being that portion of a tract of forty acres situate near the intersection of Charleston Avenue and Hollins Ferry Road, owned by John E. McLeod, now zoned B-L, retain the classification of B-L, rather than the recommended classification of RG made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Bradley and carried unanimously.

Mr. Dignan then moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official Zoning map for 19 acres situate at Hollins Ferry Road and Gebb Avenue, owned by Mary Joseph. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Dignan, seconded by Mr. Darrell, moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official zoning map for a lot 150 feet by 285 feet, irregular, at the southwest corner of Hollins Ferry and Hammonds Ferry Roads, owned by Mr. and Mrs. Anthony Gorsalski. The motion was carried unanimously.

Mr. Dignan moved that the Council adopt the recommended classification of R-6 made by the Zoning Commissioner on the official zoning map for that lot 180 feet by 167 feet on Sulphur Spring Road at Thomas Avenue and owned by Mrs. Laura DeBoy. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Darrell then moved that a tract of land owned by the Severn River Construction Company and situate at the northwest corner of Hickory and Oak Roads be zoned M-L in its entirety, rather than the recommended classification of partly M-L and partly R-6 made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Dignan and carried unanimously.

Mr. Dignan then moved that that tract of land bounded by Georgetown Road on the southeast, by Odenso Lane on the southwest, by an extension of Sulphur Spring Road on the northwest and by the Baltimore City Line on the northeast be zoned R-6 in its entirety, rather than the recommended classification of partly M-L and partly R-6 made by the Zoning Commissioner on the official zoning map. The motion was seconded by Mr. Darrell and carried unanimously.

Mr. Schield then moved that the Council adopt the recommendation of the Zoning Commissioner on the official zoning map for the area lying southeast of the Washington Boulevard, northeast of Halethorpe Avenue, northwest of the Baltimore and Ohio Railroad, west of the United Hebrew Cemetery, and south by southwest of the old Washington Boulevard. The motion was seconded by Mr. Bradley and carried unanimously.

The Chairman then directed the Secretary to read a letter from Mr. Bernard J. Rykowski to the Council requesting that his property at 126 Third Avenue, Lansdown, be zoned for commercial use. Mr. Bradley, seconded by Mr. Dignan, moved that the Council adopt the recommendation of the Zoning Commissioner on the official zoning map for 126 Third Avenue, Lansdown, and that the Secretary be instructed to write a letter to Mr. Rykowski advising him to file a petition for the Zoning Commissioner for a reclassification if he desired one. The motion carried unanimously.

Mr. Bradley was then recognized by the Chair and asked if he might direct a question to Mr. Malcolm H. Dill, Director of the Department of Planning and Zoning, who was present at the meeting. Mr. Bradley then asked Mr. Dill if he knew of anything on the official zoning map recommended by the Zoning Commissioner, which the Council had not touched upon that was "outstandingly" bad zoning. Mr. Dill replied that generally speaking he did not. In answer to a further question by Mr. Bradley, Mr. Dill stated that he does not think that there is anything "glaringly" wrong with the present map.

Mr. Bradley was then recognized by the Chair and he said that he had stated earlier in the meeting that he was not aware that the County Executive was going to appoint Mr. Charles E. Lawton as a member of the Appeal Tax Court. He said that his statement had been in error and that he had received a letter from the County Executive advising him that he was going to appoint Mr. Lawton about two months before.

On motion by Mr. Darrell, seconded by Mr. Anderson, the meeting was adjourned at 6:12 P.M.

Lee S. Thomson
Lee S. Thomson, Secretary

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13 [#] 5165
Posted for: Appeal Zoning Date of Posting 10-5-61
Petitioner: Belmont Family Corp.
Location of property: Northwest corner of Baltimore Ave. & Patuxent Ave. of 76th St.
Location of Signs: On sign 85 ft. Baltimore Ave. opposite Chgo. Ave. on sign 65 ft. Baltimore Ave. opposite Chgo. Ave.
Remarks: George B. Hummel
Posted by: George B. Hummel Signature Date of return: 10-6-61

1st Precinct Community Improvement Association, Inc.
3024 VIRGINIA AVE., Baltimore Highlands 27, Md.

Dear Member:

Please attend our meeting Tuesday Evening, 8 p. m.

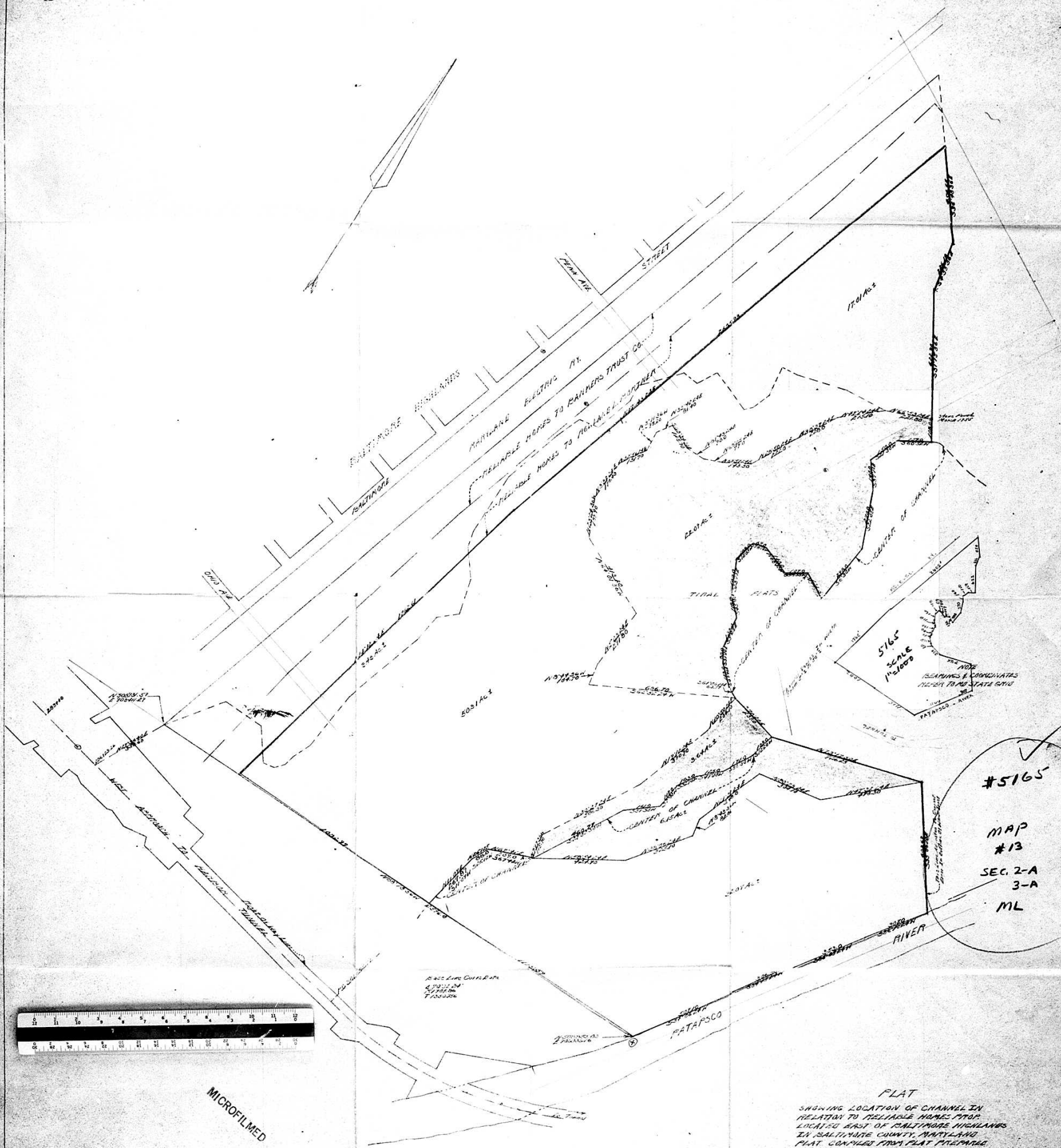
KINDLY ADVISE US OF THE DATE OF THE HEARING IN THE MATTER OF THE REZONING OF THE LAND IN ENGLISH CONSUL ADJACENT BALTIMORE STREET AND ILLINOIS AVE NOW UP FOR APPEAL.

A. PAUL CONNOR
3011 MARYLAND AVENUE
ENGLISH CONSUL
BALTIMORE 27, MARYLAND

MEET

Secretary, *Paul Connor*

SDAY IN THE MONTH

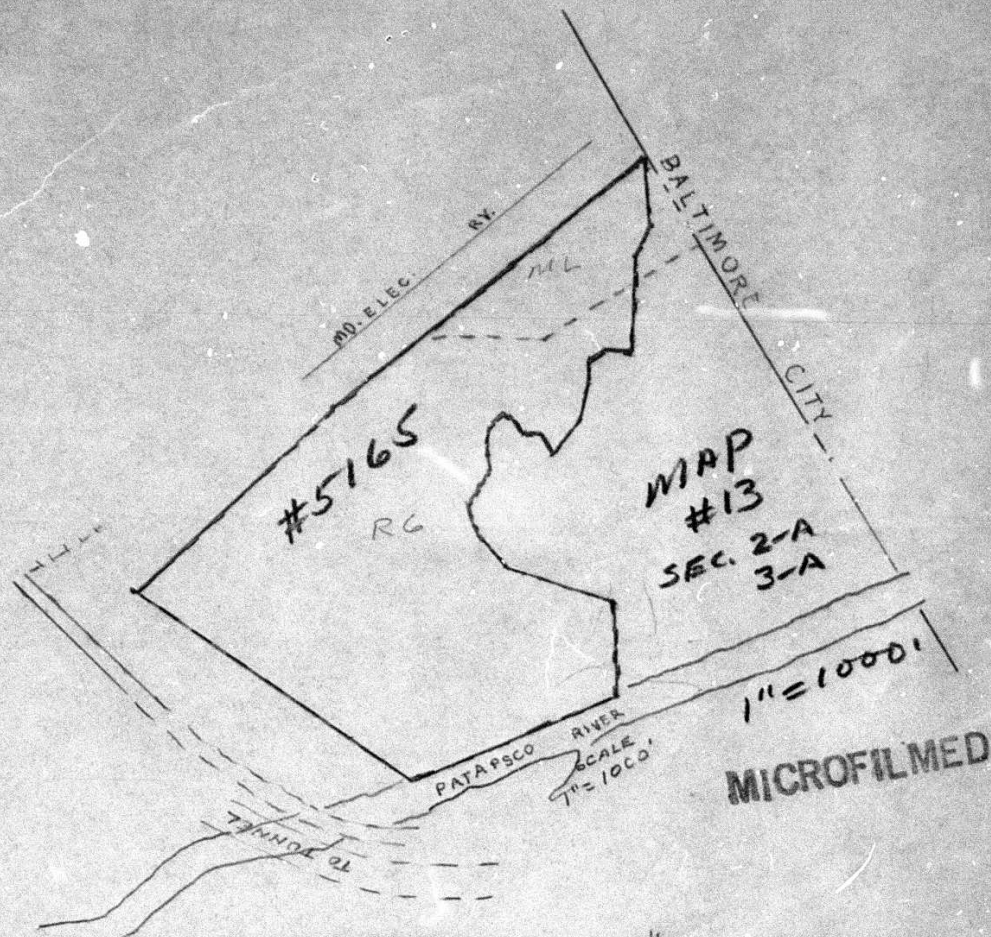


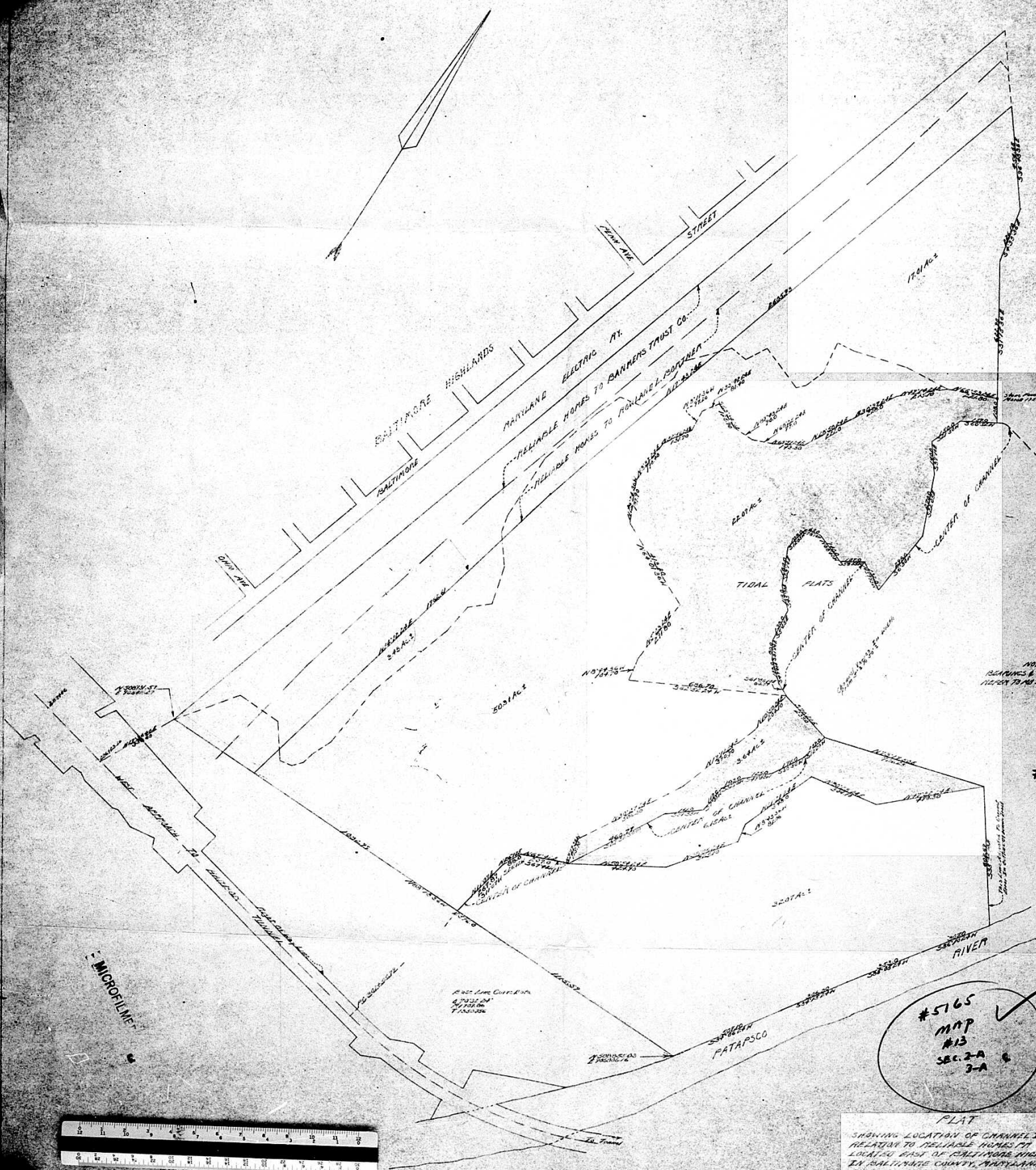
#5165
 MAP
 #13
 SEC. 2-A
 3-A
 ML

FLAT
 SHOWING LOCATION OF CHANNEL IN
 RELATION TO BALTIMORE HIGHLANDS
 LOCATED EAST OF BALTIMORE HIGHLANDS
 IN BALTIMORE COUNTY, MARYLAND
 FLAT COMPILED FROM PLAT PREPARED
 BY E. V. COOKMAN & COMPANY FEB. 11, 1920.
 TOWNSHIP APPROACH & CHANNEL LOCATED BY
 J. R. MCDONALD JR. INC. BASED ON STATION
 FOUND MATCH 1925 SHOWN ABOVE
 J. R. MCDONALD JR. INC. Annapolis, Maryland.
 Date Jan. 1927 - Scale 1" = 100'

MICROFILMED

Sheet Area Indicated Area
 2000 Square Feet
 And 8 of Channel As Then Located





NOTE
BEARINGS & COORDINATES
ARE BY TRIANGULATION

#5165

#5165
MAP
#13
SEC. 2-A
3-A

PLAT

SHOWING LOCATION OF CHANNEL IN
RELATION TO RELIABLE HOMES AT
LOCATED EAST OF BALTIMORE HIGHLANDS
IN BALTIMORE COUNTY, MARYLAND
PLAT CONVEYED FROM PLAT #13
J. H. CANNAN & COMPANY, INC. TO
TUNNEL AUTHORITY, & CHANNEL LOCATED AT
J. H. CANNAN JR. INC. BASED ON STONE
FOUND MARCH 1955 SHOWN ABOVE
J. H. CANNAN JR. INC. ANNAPOLIS, MARYLAND
DATE JAN 1957



Microfilm