

10 103
6/15/64
P.P. 1

DAVID S. BROWN and
SARA BROWN,
Plaintiffs,
vs.
EDWARD H. JEFFREY, JR.,
G. MICHAEL JEFFREY, and
CHARLES STEINBOCK, JR.,
Defendants,
and
RESCOR LAND LEASING
CORPORATION,
and
JOSEPH A. JARA and
FRANCIS C. JARA, his wife,
Intervening Defendants.

ORDER TO DISMISS

MR. CLERK:
Please dismiss the Appeal filed in the above entitled
case on behalf of David S. Brown and Sara Brown.

Kenneth C. Proctor
Attorney for Plaintiffs

A copy of the foregoing Order to Dismiss has this 15th
day of June, 1964, been mailed to E. Scott Moore, Esq., County
Solicitor, County Office Building, Towson, Maryland 21204, attor-
ney for the County Board of Appeals, Defendants; and to John H.
Hosney, Jr., Esq., 1311 Fidelity Building, Baltimore, Maryland
21201, attorney for Intervening Defendants.

Kenneth C. Proctor
Attorney for Plaintiffs

DESCRIPTION

PROPERTY OF DAVID S. BROWN, et al.
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BRINKING for the same at the corner formed by the intersection of the
southernmost line of Ingleside Avenue, as laid out and now existing 70 feet wide
and the southwesternmost line of Security Boulevard, as laid out and now existing
(see Baltimore County right of way drawing No. HAM 15-233, filed in Highways
Liber No. 15-D at Folio 445), and running thence binding along the aforesaid
southwesternmost line of Security Boulevard the two following courses and distances,
viz.:
(1) South 65° 05' 04" East 135 feet more or less, and
(2) South 15° 41' 30" East 158 feet more or less, thence in a south-
westerly direction 15 feet more or less to a point on the northeasternmost line of
the Interstate Route No. 70N (see Plat No. 17396 of the State Roads Commission of
Maryland), thence binding in a northwesterly direction along the northeasternmost
line of the aforesaid Interstate Route No. 70N 365 feet more or less to a point on
the southernmost line of Ingleside Avenue, as laid out and now existing 70 feet
wide, (see Baltimore County right of way drawing No. HAM 16-038, filed in Highways
Liber No. 17-D at Folio 411), thence binding along the aforesaid southernmost line
of Ingleside Avenue South 64° 25' 56" West 230 feet more or less to the place of
beginning.



RE: PETITION FOR RECLASSIFICATION
from an "R-6" and "R-G" Zones to
a "B-L" Zone,
S/W/S Security Boulevard and
S/S Ingleside Avenue
First District
David S. Brown, et al
Petitioners
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5537

OPINION

This is a petition for reclassification from "R-6" and "R-G" Zones to a
"B-L" Zone on the southwest side of Security Boulevard and the south side of Ingleside
Avenue in the First District of Baltimore County.

The petitioner, through his realtor Mr. Carl Heinmiller and zoning and
planning expert Mr. Bernard Willemain, attempted to prove that the County Council had
erred in not zoning the subject tract in a "B-L" classification at the time of the adoption
of the First District land use map on November 15, 1962.

The Board is unanimous in its opinion that they were unable to prove that
the Council had erred. The fact that both the northwest and the southwest corners of
the intersection of Security Boulevard and Ingleside Avenue, two major traffic arteries,
were placed in residential classification would tend to show that the Council had very
definite views on how these corners should be zoned.

In the adoption of land use maps small tracts of land or certain peculi-
arities of particular land could quite possibly be overlooked, but it seems unreasonable
to think that the County Council did not give serious consideration to the proper zoning
at the intersection of two major traffic arteries. The property owner has owned his
property for approximately nine years. He has developed some thirteen acres into group
homes, sold some eleven acres to the State of Maryland for the new proposed N-70
highway, and has given and received in trade small parcels of property from Baltimore
County. In doing so it seems that he has created the small eight-tenths of an acre
which he now asks the Board to rezone to business local.

To grant the reclassification requested would, in our minds, create a
chaotic traffic condition at this location. We cannot consider a low volume traffic
business such as Dr. Ewell, the traffic expert for the protestants, advocated. Instead
we must consider the worst use with regard to traffic that can be made of the property
under the "B-L" classification. A drive-in restaurant would fall under this classification
without a special exception. Even Dr. Ewell testified that he did not believe that

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone and "R-G"
Zone to a "B-L" Zone - S.W.
Side of Security Boulevard
and S. S. Ingleside Ave.,
1st Dist., David S. Brown and
Sara Brown, Petitioners
BEFORE
JONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5537

Pursuant to the advertisement, posting of property and public
hearing on the above petition, the petitioner has requested the reclassi-
fication of property on the southwest side of Security Boulevard and
the south side of Ingleside Avenue, from an "R-6" Zone and "R-G" Zone
to a "B-L" Zone.

The subject property is a part of the Western Planning
Area Map recently adopted by the County Council. It lies across a stream
and the Security Boulevard which is a dual highway and separates the
subject tract from an area known as Franklinton. Franklinton is a
commercial area and has been for many, many years. The nearest com-
mercial property in a southeasterly direction on Ingleside Avenue
from the subject site is 6000 feet; the nearest commercial property
southeasterly from Security Boulevard from the site is 1700 feet and
the nearest commercial property northwesterly on Security Boulevard
is 5700 feet. The border of Franklinton is about 250 feet from the
subject property.

Attempts have been made to rezone the southwest side of
Security Boulevard and the north side of Ingleside Avenue commercial
which have been denied. In addition, the intersection of Ingleside Avenue
and Security Boulevard presents a most unusual traffic hazard.

a use that would bring heavy traffic to this location would be desirable. Further, the
full traffic impact at this intersection is an unknown quantity at this time for it is
impossible to tell the full impact that will occur when Ingleside Avenue is opened as a
major east-west conveyor.
The Board has no doubts that the subject property was properly zoned at
the time of the adoption of the First District land use map. The property can be used
in its present classification for "R-6" and "R-G" development. This seems to be the
only logical use of the property at this time.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 10th
day of October, 1963 by the County Board of Appeals, ORDERED that the reclassifi-
cation petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100,
subtitle 5 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN
G. Mitchell Rust

PROCTOR, ROYSTON B. MUELLER
ATTORNEYS AT LAW
100 NORTH EIGHTH
TOWSON 4, MARYLAND
KENNETH C. PROCTOR
CARROLL W. MUELLER
J. ANTHONY MUELLER
W. LEE THOMAS
J. LEE B. BERRY, JR.
J. EDWIN MUELLER
K. MICHAEL MUELLER
K. MICHAEL MUELLER
K. MICHAEL MUELLER
K. MICHAEL MUELLER

May 10, 1962

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

Re: Petition for Reclassification from
an "R-6" Zone and "R-G" Zone to a
"B-L" Zone - S.W. Side of Security
Boulevard and S.S. Ingleside Ave.,
1st District - David S. Brown and
Sara Brown, Petitioners - No. 5537.

Dear Mr. Rose:

Please note an Appeal to the County Board
of Appeals from your Order dated May 2, 1962, in
the above captioned matter.

Our check for \$70.00, payable to Baltimore
County, Maryland, to cover the filing fee, is en-
closed.

Very truly yours,
Kenneth C. Proctor

lg
encl. -ck.

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
DAVID S. BROWN and SARA BROWN, his wife,
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant
to the Zoning Law of Baltimore County, from an "R-6" Zone and "R-G" Zone to an "B-L" Zone,
for the following reasons:

Because of error in the Comprehensive Zoning Map.
See Attached Description

and (2) that a Special Exception, under the said Zoning Law, be granted to the herein described property for
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant
to the Zoning Law of Baltimore County, from an "R-6" Zone and "R-G" Zone to an "B-L" Zone,
for the following reasons:

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising,
posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning
regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore
County.

Contract purchaser
Address
Kenneth C. Proctor
Campbell Bldg., Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day
of March, 1964, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout
Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore
County, on the 25th day of April, 1964, at 1:00 o'clock
P. M.

Zoning Commissioner of Baltimore County
(over)
111P
4/25/64
1-2/2

BALTIMORE COUNTY, MARYLAND

INTE-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 13, 1962

FROM: Mr. George E. Garvels, Deputy Director

SUBJECT: #5-37. R-2 and R-6 to R-1. Southeast side of Security Boulevard and the south side of Ingleside Avenue. Being property of David S. Brown.

1st District
HEARING: Wednesday, April 25, 1962 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification. It has the following advisory comments to make with respect to pertinent planning factors:

1. In the process of preparing recommendations for comprehensive zoning of this portion of the 1st Election District the Planning staff did not receive clear information with respect to the ownership and proposed takings of the State Roads Commission for the interchange of Security Boulevard and Route 170W. Our information designated all of the subject property as being part of the interchange. After the Planning Board had held its public hearings, approved and transmitted a recommendation to the County Council, and after the Council itself had held its hearings it was brought to the attention of the Planning staff that the subject property was not in State ownership. The Planning staff recommended to the County Council that the subject property be zoned R-1 in accordance with the apartment zoning now existing to the west along Ingleside Avenue and on the east side of Security Boulevard. The Council's working rules for processing the Western Planning Area Zoning Map precluded their making this change.
2. As noted above, the Planning staff has recommended apartment zoning for the subject property. It specifically recommended against commercial zoning because of the inappropiateness of commercial use potentials here. The design and construction of Security Boulevard is such that access could not be permitted to the subject property from Security Boulevard without resulting in extremely hazardous traffic conditions. Access to this property, therefore, is limited to Ingleside Avenue at a point west of the channelization of its intersection with Security Boulevard. The physical facts of traffic dictate a limited development potential for this property in order to safeguard the general health, safety, and welfare of the travelling public on Security Boulevard. At the same time creation of commercial zoning would result in land use potentials grossly out of character with those of adjacent properties and would not be in accordance with a Comprehensive Plan.
3. The Planning staff does not believe that the Zoning Map applicable here was in error by not having zoned the subject property for commercial purposes.

PETITION FOR ZONING RECLASSIFICATION
1st DISTRICT

ZONING: From R-2 and R-6
to R-1 Zone
LOCATION: Southwest side of Security Boulevard and the south side of Ingleside Avenue.

DATE/TIME: WEDNESDAY,
APRIL 25, 1962 at 1:00 P.M.
PUBLIC HEARING: Room
108, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the First District of Baltimore County.

BEGINNING for the same at the corner formed by the intersection of the southeastern line of Ingleside Avenue, as laid out and now existing 70 feet wide, and the northeastern line of the subject property, as laid out and now existing (see Baltimore County right of way drawing No. HRW 56-235, filed in Highways Liber No. 15-D at Folio 443), and running thence bounding along the abutment southwesterly line of Security Boulevard and the two following courses and distances, viz: (1) South 63 degrees 05 minutes 06 seconds East 135 feet more or less, and (2) South 15 degrees 41 minutes 33 seconds East 135 feet more or less, thence in a southeasterly direction 15 feet more or less to a point on the northeastern line of the Interstate Route No. 70N (see Plat No. 1735 of the State Roads Commission of Maryland), thence binding in a southeasterly direction along the northeastern line of the abutment Interstate Route No. 70N 165 feet more or less to a point on the southeastern line of Ingleside Avenue, as laid out and now existing 70 feet wide, thence in a southeasterly direction 15 feet more or less to the place of beginning.

Being the property of David and Sara Brown, as shown on plat filed with the Zoning Department.

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

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Robertson, Ad
Dundalk, Md.

THE HERALD - ADGUS
Catonville, Md.

No. 1 Newburg Avenue CATONVILLE, MD.

April 9, 1962.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in the BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland once a week for 13 consecutive weeks before the 9th day of April, 1962, that is to say the same was inserted in the issues of April 6, 1962.

THE BALTIMORE COUNTIAN

By *Land J. Morgan*
Editor and Manager

TELEPHONE
VALLEY 3-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 11618

DATE 4/25/62

5-537

TO: Messrs. Proctor, Royston & Mueller
Campbell Building
Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01.622

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT \$19.00

QUANTITY: Advertising and posting of property for David S. Brown

COST: 19.00

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.

TELEPHONE
923-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 20804

DATE 11/27/63

TO: Kenneth C. Proctor, Esq.
Campbell Building
Towson 4, Maryland

BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT \$6.00

QUANTITY: Cost of Certified Documents - No. 5537 David S. Brown et al SW/5 Security Blvd. & S/5 Ingleside Avenue 1st District

COST: \$6.00

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.

TELEPHONE
VALLEY 3-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 11609

DATE 5/11/62

TO: Messrs. Proctor, Royston & Mueller
Campbell Building
Towson 4, MarylandBILLED BY: Office of Planning and Zoning
219 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT \$70.00

QUANTITY: Cost of appeal to Board of Appeals No. 5537

COST: 70.00

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.

TELEPHONE
VALLEY 3-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 10386

DATE 3/5/62

TO: Messrs. Proctor, Royston & Mueller
Campbell Building
Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01/22

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT \$50.00

QUANTITY: Petition for Reclassification for David S. Brown

COST: 50.00

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.

TELEPHONE
923-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 22087

DATE 2/21/64

TO: State of Maryland
Comptroller's Office
Annapolis, Md.BILLED BY: Office of Planning and Zoning
219 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.621

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT \$3.00

QUANTITY: Copies of official documents in case No. 5537

COST: 3.00

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
Towson, Maryland

District: 1st Date of Posting: 11-2-62
Filed for: *Appeal Hearing*
Petitioner: *David S. Brown et al*
Location of property: *in County of Security Blvd and Ingleside Ave*
at SW 1st
Location of Sign: *Southwest Corner of Security Blvd and Ingleside Ave*
Remarks:
Posted by: *George R. Hummel* Date of return: 11-5-62

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 11-11-62
Filed for: *David S. Brown et al*
Petitioner: *David S. Brown et al*
Location of property: *in County of Security Blvd and Ingleside Ave*
at SW 1st
Location of Sign: *Southwest Corner of Security Blvd and Ingleside Ave*
Remarks:
Posted by: *George R. Hummel* Date of return: 11-5-62

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 19, 1962

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 13 consecutive weeks before the 26th day of April 1962, the first publication appearing on the 5th day of April 1962.

1962.

THE TIMES.

John M. Martin
Manager

Cost of Advertisement \$ 22.00
Purchase Order - 2 2474
Registration No. 1 2230

PETITION FOR ZONING RECLASSIFICATION
1st DISTRICT

ZONING: From R-2 and R-6
to R-1 Zone
LOCATION: Southwest side of Security Boulevard and the south side of Ingleside Avenue.

DATE/TIME: WEDNESDAY,
APRIL 25, 1962 at 1:00 P.M.
PUBLIC HEARING: Room
108, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the First District of Baltimore County.

BEGINNING for the same at the corner formed by the intersection of the southeastern line of Ingleside Avenue, as laid out and now existing 70 feet wide, and the northeastern line of the subject property, as laid out and now existing (see Baltimore County right of way drawing No. HRW 56-235, filed in Highways Liber No. 15-D at Folio 443), and running thence bounding along the abutment southwesterly line of Security Boulevard and the two following courses and distances, viz: (1) South 63 degrees 05 minutes 06 seconds East 135 feet more or less, and (2) South 15 degrees 41 minutes 33 seconds East 135 feet more or less, thence in a southeasterly direction 15 feet more or less to a point on the northeastern line of the Interstate Route No. 70N (see Plat No. 1735 of the State Roads Commission of Maryland), thence binding in a southeasterly direction along the northeastern line of the abutment Interstate Route No. 70N 165 feet more or less to a point on the southeastern line of Ingleside Avenue, as laid out and now existing 70 feet wide, thence in a southeasterly direction 15 feet more or less to the place of beginning.

Being the property of David and Sara Brown, as shown on plat filed with the Zoning Department.

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

ZONED D-G

ZONED D-G

BOULEVARD

INGLESIDE AVENUE

(See Baltimore County Right-of-Way Drawings
HW 5C-098, filed in Highways Liber 15D at folio 4C1 &
HW 55-235, filed in Highways Liber 15D at folio 445)

364°25'50"W
260'±

70'

Point of Beginning

ZONED D-G
(Proposed Zoning B.L.)

INTERSTATE ROUTE No. 70 N
(See Plat No. 17396 of the State Roads Commission of Maryland)

365'±

365°04'10"E
155'±

155'±
515°41'59"E

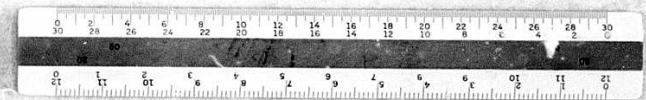
140'

SECURITY

FOREST PARK AVENUE

80'

ZONED D-A



PURDUM & JESCHKE
CONSULTING ENGINEERS
AND LAND SURVEYORS
2415 MARYLAND AVENUE
BALTIMORE 18, MARYLAND

Plat to Accompany Petition
for Rezoning the Property of
DAVID S. BROWN, ET AL
First Election District
Baltimore County, Maryland
February 13, 1962
Scale: 1"=50'