

JONATHAN R. JENKINS,
GARLAND WHITACRE,
PAUL JENDREK, and
WILLIAM SCHIMPF

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

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Misc. Docket No. 7
Folio No. 323
File No. 2895

ORDER OF DISMISSAL

MR. CLERK:
PLEASE dismiss the Order for Appeal to the Court of
Appeals of Maryland heretofore filed on behalf of the appellants,
Jonathan R. Jenkins, et al.

SHALKIN & HESSIAN

By *John W. Hessian, Jr.*
John W. Hessian, Jr.
Attorneys for appellants

I HEREBY CERTIFY, That on this 23rd day of July, 1964, a
copy of the foregoing Order of Dismissal was forwarded to John
Warfield Armiger, Jefferson Building, Towson, Maryland 21204,
attorney for Ignace J. Kirnos and Maria Kirnos.



FILED JUL 23 1964

5539

EDWARD E. KIRNOS
190' N of Oakleigh Rd., 190' N of
9th
TOWSON, MD.

SHALKIN & HESSIAN

ATTORNEYS AT LAW
117 ALLEGHENY AVENUE
TOWSON 4, MARYLAND
JOHN W. HESSIAN, JR.
EDWARD E. KIRNOS
JOHN W. HESSIAN, JR.

JOHN W. HESSIAN, JR.
EDWARD E. KIRNOS
JOHN W. HESSIAN, JR.

December 30, 1963

Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Jonathan R. Jenkins, et al
vs. Nathan H. Kaufman, et al, etc.

Gentlemen:

I am enclosing copy of Petition and Ord r of
Court for Additional Extension of Time for Filing of
Transcript of Record this day filed with the Clerk of
the Circuit Court for Baltimore County in the above en-
titled cause.

Yours very truly,

John W. Hessian, Jr.
John W. Hessian, Jr.

JWH:jral

Enclosure

IN THE MATTER OF

Petition for Reclassification
from an R-3 Zone to an R-A
Zone - N/E side of Oakleigh
Road 190' N of Orlando Road,
9th Dist., Ignace J. Kirnos and
Maria Kirnos, Petitioners

BEFORE THE
COUNTY BOARD
OF
APPEALS
FOR
BALTIMORE COUNTY
No. 5539

MR. CLERK:

Please note an Appeal in this case to the Board of Appeals
for Baltimore County.

John Warfield Armiger
John Warfield Armiger
406 Jefferson Building
Towson 4, Maryland
Valley 5-7666

Attorney for Petitioners

RE: PETITION FOR RECLASSIFICATION
from an "R-3" Zone to an "R-A" Zone,
NE/S Oakleigh Road, 190' north of
Orlando Road
9th District
Ignace J. Kirnos, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5539

OPINION

The subject petition is for a reclassification from an "R-3" Zone to an "R-A"
Zone on the northeast side of Oakleigh Road, 190 feet north of Orlando Road in the Ninth
Election District of Baltimore County.

The subject property is bounded generally on the east by the new Perring
Parkway and on the west by Oakleigh Road, and lying generally to the north of Taylor
Avenue. Testimony derived from witnesses at the hearing indicated that the topography of
the subject tract was quite rough due to the convergence of two streams within the bounds
of the property in question, and that in some sections the banks of the streams extended
some five to six feet from the bed of the streams. The Board was impressed by the petitioners
witnesses who stated that in order to develop the property in its present classification,
public works agreements necessary to build houses on the same would have to be executed
at a phenomenal cost to the developer due to storm drainage problems. Residents of
Beverly Road who were among the protestants testified that the erection of apartments on
the present site would constitute an eye sore and have a detrimental effect on their prop-
erty. However, this testimony was satisfactorily refuted by the petitioners expert witnesses
who claim that the erection of the apartments would have little or no effect on the sur-
rounding property holdings.

Examination of an aerial photograph taken of the subject property indicated
that this area is the only immediate area within the community that has not been developed,
tending to corroborate the petitioners contention that prohibitive public works agreements
are necessary.

Protestants further contended that the erection of apartments would tend to
create traffic congestion on Oakleigh Road. However, the Board feels that the contri-
bution to traffic of the apartments versus cottages or semi-detached homes would be insigni-
ficant and in no way add to the traffic situation on Oakleigh Road. Testimony produced

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John U. Rose, Zoning Commissioner Date: April 13, 1962
FROM: Mr. George W. Gavrilis, Deputy Director
SUBJECT: #5539. R-6 to R-A. Northeast side of Oakleigh
Road 190 feet North of Orlando Road. Being property
of Ignace J. Kirnos.

9th District

REMARKS: Wednesday, April 25, 1962 (3:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the
subject petition for reclassification to apartment zoning. It
has the following advisory comment to make with respect to parti-
nent planning factors:

1. Apartment zoning previously had been sought for the subject
property in 1959. At that time the Planning staff commented
to the effect that the property was too far removed from
Taylor Avenue to serve as a transition for the commercial
uses at the Oakleigh Road intersection. Similarly, the sub-
ject property is surrounded on all sides by single family
residential zoning. No unusual locational advantages resulting
from proximity to proposed Perring Parkway accrue to the subject
property. Creation of apartment zoning here would result in
land use potentials for it which would be greatly out of character
and scale with those of adjacent properties. The Planning staff
believes that such reclassification would constitute spot zoning.

GD:bas



Re: May 7, 1962

IN THE MATTER OF :
Petition for Reclassification : BEFORE
from an "R-3" Zone to an "R-A" : COUNTY BOARD
Zone - N/E side of Oakleigh : OF
Road 190' N. of Orlando Road, :
9th Dist., Ignace J. Kirnos and :
Maria Kirnos, Petitioners : BALTIMORE COUNTY
No. 5539

MR. CLERK:

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406 Jefferson Building
Towson 4, Maryland
Attorneys for Petitioners

showed that the sight distances for egress onto Oakleigh Road are adequate. Oakleigh
Road is characterized as a twenty foot paved secondary road whose use has diminished
appreciably since the advent of the Baltimore County Beltway which now handles the
transient traffic, leaving Oakleigh Road for the use of the local residents.

ORDER

For the reasons set forth in the foregoing Opinion, it is this
day of October, 1963 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 Chapter 1100,
subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

G. Mitchell Austin
G. Mitchell Austin
ACTING CHAIRMAN
Charles H. Schuler

NOTE: Mr. Kaufman did not sit at this hearing.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Armiger, Agnew & Hennegan
Attorneys
The Jefferson Building
Towson 4, Md.

ATTN: John Armiger

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY 1

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Petition for Reclassification for Ignace J. Kirnos

558.00
50.00

6-13-62 706 * 6 * TEL- 5000

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.

**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.**

District. 7 Date of Posting. 4-4-62
 Posted for: Ar. B-6 Zone to Ar. B-A Zone
 Petitioner: Grace and Mary Jones
 Location of property: N.E. 1/4 of Oakleigh Rd. 1/2 mi. north of Orlando
Road, also 1/2 mi. N.
 Location of Signs: Southwest side of Oakleigh Road, 3/4 mi. North
of Orlando Road
 Remarks:
 Posted by: George J. Hummel Signature Date of return: 4-5-62

4-1962 3202 * * * TIL- 2550

9

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.

DEBIT TO ACCOUNT NO. 01,712		TOTAL AMOUNT \$9.00	
QUANTITY	DETACH LIFE"R SECTION AND RETURN WITH YOUR REMITTANCE	COST	
Cost of Certified Documents -	No. 5539 James J. Kimm, et al NE/S Oulough Road, 190' N. of Orlando Road 9th District	\$9.00	
PAID - Baltimore County, Md. - Office of Assessor			
L-464 9707 • 20811 • IIP-		801	