5539 #5539 DL IN THE CIRCUIT COURT

IUNACE & MARIA KIRNCS NE/S of Oakleigh Rd. 15 Orlando Rd.

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

NATHAN H. KAUFMAN. G MITCHELL AUSTIN and CHARLES STEINBOCK, JR.

being and constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

.

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

ORDER OF DISMISSAL

SMALKIN & HESSIAN

FOR BALTIMORE COUNTY

Misc. Docket No. 7

Polio No. 323

File No. 2895

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 Haria Kirnos.

HI 27 18 1

FILED JUL 23 1884

LELEPHONE

BALTIMORE COUNTY, MARY AND

OFFICE OF FINANCE

DATE 2/9/62

Servision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

Armiger, Agnew & Menneger BILLED

Attorneys The Jefferson Building Towson k, Hd.

Att: John Armiger \$50.00

Petition for Reclassification for Israce J. Elmos 50,00 2-15-62 700 . . . IL-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.

SMALKIN & HESSIAN

ATTORNEYS AT LAW IIT ALLEGHANY AVENUE TOWSON 4, MARYLAND

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The staff of the Office of Planning and Zoming has reviewed the subject petition for reclassification to spartaget zoning. It has the following actionry consent to make with respect to pertinent planning factors:

hear parming lactors:

1. Agartnar soning previously had been sought for the subject property in 1057. At that time the Planning staff communities to the apparent of the property was too far removed from taylor Aremue that the property was too far removed from taylor Aremue that the property was too far removed from the property is surrounded on resection, Similarly, the subject property is surrounded on resection, similarly, the subject property is surrounded on unusual location stringle family residential soning. No unusual location string family residential soning, no unusual location grave would result subject in the province of the property of the property of the property of a surrounded on the property of the property of the property of and the property of the prope

TO Mr. John U. Ross, Zoning Commissioner Date April 12, 1962

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

SUBJECT #5539. H-6 to R-A. Hortheast side of Oakleigh Read 190 feet North of Orlande Read. Beirg property of Ignace J. Kirnos.

FROM Mr. George E. Gavrelis, Deputy Director

9th District

GEO: her

Yours very truly.

John Hamen Jean John W. Hessian, Jr.

JWHjr:al

Enclosure

IN THE MATTER OF

Petition for Reclassification from an R-5 Zone to an R-A CONNESS PROMINE THE COUNTY BOARD Zone - N/E side of Oakleigh 20ne - N/E side of Oakleigh Road 190' N of Orlando Road, 9th Dat., Ignace J. Kirnos and Maria Kirnos, Petitioners

41" BEFORE THE OF

-7 '62 AM

APPEALS FOR

BALTIMORE COUNTY

No. 5539

MR. CLERK-

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

> 6hn Warfield Armige 06 Jefferson Building Towson 4, Maryland VAlley 5-7666

> > Attorney for Petitioners

Rec'd May 7, 1962

IN THE MATTER OF

Potition for Reclassification from an "R-6" Zone to an "2-4" Zone - N. Z. Size of Cakleigh Road 190' N. of Orlando Road,

BEFORE COUNTY BOARD

CF BALTIMON & COUNTY 110. 5539

.

MR. CLERK:

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

Attornova for Patitioners

RE: PETITION FOR RECLASSIFICATION from an "R-6" Zinne to an "R-A" Zone, NE/S Oakleigh Road, 190' north of Orlando Road 9th District Ignace J. Kimos, et al.

BEFORE COUNTY BOARD OF APPEALS

> OF BALTIMORE COUNTY

No. 5570

OPINION

The subject petition is for a reclassification from an "2-6" Zone to an "R-A" Zone on the northeast side of Oakleign Road, 150 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 Iring 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 stre an. 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 affect on their property. 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 surrounding 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

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

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

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 BALTIMORE COUNTY

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

Pursuant to the advertisement, posting of property, and public hearing on the above petition and IT IS ORDERED by the Zoning Commissioner of Baltimore County this. ..., 196 ..., that the herein described property or area should be and Pursuant to the advertisement, posting of properly and public hearing on the above petition ambit appearing that he receareds as the petitioners did not offer aufficient avidence to indicate that there was an error on the Land Use Map or that there has been sufficient change in the area to warrant a reclassification from an "R-6" IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 200/ Nov 1962, that the above re-classification be and the same is hereb DENIED and that the above described property or area be and the same is hereby continued as and

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

MI CROFILMED

Towson, Maryland # 5539 Date of Posting 4-4-62 Posted for an R-6 gan to an R-A zame Petitioner Igrace level maria Firmas Location of property M. E. of Parllagh Soft Fift Month of Orlando-Godant portunt rely Cally Road 385 4 Mouth Posted by Stranger Date of return: 14-5-62

Description of Kirnos Property to be rezoned from R.G to R.A.

#5539

Beginning for the same at the southeast corner of La #12 RA as shown on a plat of "Biltmore Farms" dated October, 1924, among the Plat Records of Baltimore County in Liber W.P.C. 7 called Cowpen Avenue) as widened 10 feet on the east side, theree binding on the east side of said Oakleigh Road as widened North 9º 56' East to the north side of Lot #28 on said plat, thence sinding on part of the north side of said Lot #28 South 85° 34' East 763.57 feet to the northeast corner of said Lot #28, thence South 9° 44' West across the rear lines of Lots #28 through #12 in all 503.34 feet to the place

> Containing 8.17 acres of land more or less. Being parts of the following 2 deeds:

- (1) Dead dated December 2, 1929, from Joseph F. Moreland et al to Ignace N. Kirnos et al and filed among the Land Records of Bultimore County in Liber L.McL.M. 838 folio 588 and,
- (2) Deed dated January 17, 1938, from Moreland Real Estate Company, Inc. to Ignace N. Kirnos et al and recorded among the Land Records of Baltimore County in Liber C.W.B. 1022 folio 155.

BALTIN ORE COUNTY, MARY AND OFFICE OF FINANCE

No. 11615 DATE 5/14/62

Oirision of Collection and Recei COURT HOUSE 1 TOWSON 4, MARYLAND

DEPOSIT TO A	01622	\$70.00	
QUANTITY	DETACH UPPER SECTION AND SETURN WITH YOUR REMITTANCE	COST	
	Cost of Appealfiled to the County Board of Appeals Case #5539	70.00	
	Fall — subsectioning his color residen	-	
	>-1542 4216 · · • NL-	7 0.000	
	3		

BALTHORE COUNTY, MARY AND OFFICE OF FINANCE

PLEASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

No. 11597 DATE 4/19/62

Person of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND Argonne Apartment Co.

900 Cator Ave. & 318 E. Cold Spring Lame
Bullinore 18, Md.

Bullinore 18, Md.

ANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	\$29.50
3	Advertising and posting of property for Ignace Kirnos	29.50 -
14		
	IVID-boson Congress on and restricts	
	4-19-62 3202 · · • TYL	2950
19		
RTANTE	MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARVE	

MAIL TODIVISION OF COLLECTION & RECEIPTS, COUNT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

East 450 feet to the horth side of Lei No-ye on said paid, theree binding on part of the north side of said Lei No. 22 South, north side of said Lei No. 25 South, or and the lei No. 25 South, or and the lei Lei No. 25 South, or and Lei No. 25 theree South of the West across the rear times of Leis to 25 through No. 21 in all 502.36 feet in the piace of beginning. Containing a 17 area of Land more or appearing on the 6th day of 19.62 Containing 8.12 area of land more or Butta, parts of the following 2 deeds (1) Beed dated December 2.1528, from Script, F. Marchand et al. to Emerc N. Green, F. Marchand et al. to Emerc N. Electron of Editionary County in Libert, L. E. M. S. 10 field 80 start, 17, 1308, from Moreland Brail Edited Company, Ros. to E-rea N. Kirose of al and recreded among the County of Containing the County of Con-laining County of Containing the County of Containing the English County of Containing the County of Containing the County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Containing the County of County of Containing the County of Coun

CERTIFICATE OF POSTING

	Towson, Maryland
District 922 Posted for Hearing 7	Date of Posting 3/22/63. Thursday APRIL 4-1963
Petitioner: IgNAZE J	
	DAKLEIGH 3D 3EL FROM FIRE PULLS
Posted by Robert Business	

CERTIFICATE OF POSTING

ZON	ING DEPARTMENT OF BALTIMO	RE COUNTY
- 44	Towson, Maryland	#5539
strict 9 th		Date of Posting 10-10-62
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titioner: That I	Kelnoz, et al	,,,,,,,,,,,
cation of property 1.8.5.	xakleigh Ad. 190ft.	mouth of Orlandorlong
a Ly Plat		Mucht of Orlando Road
cation of Signs: Mothers	I rill of Cakellegt	1861:285 H. Marth 7
Mundo Road		(Set 285 ft - Musth of

Date of return 10-11-62

BAL MORE COUNTY, MANUAND OFFICE OF FINANCE

DATE 2/4/64 ivision of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

TELEPHONE

\$8.00 \$8.00 2--464 9707 . 20811. TIP--

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF TP13 BILL WITH YOUR REMITTANCE.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 6, 1962 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

THE JEFFERSONIAN.

No. 20811