

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

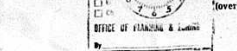
and Anne R. Walker, his wife,
 J. M. Cooper Walker, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "R-40" zone to an "MLR" zone; for the following reasons:
 Because of error on the Zoning Map.

See Attached Description

Property is to be posted and advertised as prescribed by Zoning Regulations.
 I, or we, agree to pay expenses of above re-classification 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
 J. M. Cooper Walker, Legal Owner
 Address
 Protestants' Attorney
 Address

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of July, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers 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 106, County Office Building in Towson, Baltimore County, on the 28th day of July, 1962, at 2:30 o'clock P.M.



John G. Rose, Esq.
 Zoning Commissioner for Balto. Co.
 County Office Building
 Towson 4, Maryland
 Re: Petition for Reclassification from "R-40" zone to "MLR" Zone, E.S. Old Hanover Road 1370' East of Hanover Road, 4th District
 J. M. Cooper Walker and Anne R. Walker, Petitioners No. 5599

Dear Sirs:
 Please enter an appeal to the County Board of Appeals from your Order of July 12th, 1962 in the above entitled matter. Enclosed herewith is check for \$70.00 to cover the cost thereof.
 Very truly yours,
 Michael Paul Smith
 Roger C. Duncan
 Attorneys for Protestants

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioners have met the basic requirements of the "MLR" Zone, the safety, health and the general welfare of the locality involved not being detrimentally affected. The petitioners may not use the subject property until he has complied fully with Sections 251 and 252 of the Baltimore County Zoning Regulations. For the above reasons,

the above Reclassification should be had; and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of July, 1962, that the herein described property or area should be and the same is hereby reclassified; from an "R-40" zone to a "MLR" zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of July, 1962, that the above re-classification 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 a... zone; and/or the Special Exception for... be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Section 247 of the Baltimore County Zoning Code states the purpose of the "MLR" Zone as follows:

"To permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary motorways so as to minimize the use of residential streets; to fill special locational needs of certain types of light industry; to permit planned disposal of industrial employment centers so as to be conveniently and satisfactorily related to residential communities; and as transitional bands between residential or institutional areas and M.L. or M.H. Zones."

The Board is of the opinion that the subject tract meets none of the purposes set forth above.

It is the unanimous opinion of the Board of Appeals that inasmuch as the petitioner presented no evidence showing that there was either an error in the original zoning or a change in the neighborhood, the reclassification sought for should be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of January, 1963 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Acting Chairman
 Charles S. Kaufman

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

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from an "R-40" Zone to an "MLR" : COUNTY BOARD OF APPEALS
 Zone, E.S. Old Hanover Road, : OF
 1370' East of Hanover Road, : BALTIMORE COUNTY
 4th District :
 J. M. Cooper Walker, et al :
 Petitioners : No. 5599

OPINION

The petitioner seeks reclassification of a 24 acre tract of unimproved land which they acquired in May, 1961. The area is sparsely populated and is primarily rural in nature. The subject property is located on Old Hanover Road approximately one quarter of a mile from the main Hanover Road. The road of Old Hanover Road is approximately 16 feet wide. It was testified that the nearest commercial zoning is about 3 miles away.

The petitioner claims that the subject property could not be economically subdivided in one acre tracts because of underlying soil conditions which would cause septic tanks to pollute the water supply. This area has no public water or sewer connections. Mr. T. W. Margenau, Public Health Engineer, stated that, in his opinion, the land should not be developed as R-40 residential land because of soil conditions. He also admitted that this same soil condition exists throughout Baltimore County.

Nearly property owners objected to the granting of this petition on the grounds that the road was too narrow for industrial traffic; the sewerage from industrial plants would pollute the streams and the value of their properties would be adversely affected.

The Board points out that the present classification of "R-40" does not require that the land be subdivided into one acre tracts. The R-40 classification is used for all farms and large estates and is the highest classification under the Baltimore County Zoning Code. The Board feels that the land could feasibly be used for larger estates or farm use.

If soil conditions are of such nature as to preclude the use of the land for one acre home sites, it would appear that the use of the subject tract for industrial uses with a large number of employees is equally incompatible. Furthermore, the petitioner presented no definite plans for the use of the property. Without such site development plan, this Board cannot prescribe any definite restrictions if it saw fit to grant the reclassification.

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

No. 12891
DATE 7/2/62

TO: Messrs. Smith & Harrison,
1370 East of Hanover Road
Towson 4, Md.

DEBIT \$70.00
CREDIT \$0.00
BALANCE \$70.00

DEPOSIT TO ACCOUNT NO. 01.622
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Check of appeal to Board of Appeals
No. 5599
\$70.00
1-352 7577 • 12891 • TIP - 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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#5599
District 4th
Date of Posting 6-20-62
Posted for: J. M. Cooper Walker
Petitioner: J. M. Cooper Walker
Location of property: 1370 East of Hanover Road, Towson 4, Md.
Location of Sign: 1370 East of Hanover Road, Towson 4, Md.
Remarks: See map of Baltimore County showing location of property.
Signed by: J. M. Cooper Walker
Date of return: 6-21-62

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

No. 12569
DATE 7/2/62

TO: Messrs. Smith & Harrison,
1370 East of Hanover Road
Towson 4, Md.

DEBIT \$4.00
CREDIT \$0.00
BALANCE \$4.00

DEPOSIT TO ACCOUNT NO. 01.622
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Advertising and posting of property for J. M. Cooper Walker
\$4.00
1-352 5544 • • • TIP - 4.00

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.

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

No. 11696
DATE 7/2/62

TO: J. M. Cooper Walker
1370 East of Hanover Road
Towson 4, Md.

DEBIT \$0.00
CREDIT \$0.00
BALANCE \$0.00

DEPOSIT TO ACCOUNT NO. 01.622
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Petition for Reclassification to your property
\$0.00
1-352 5173 • • • TIP - 0.00

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.

Zoned R-6

1370' to E of HANOVER Rd.

OLD HANOVER ROAD

Zoned R-40

Zoned R-40

Zoned R-40

#5599

MAP

#4

SEC. 1-D

M.L.R.

Present Zoning R-40
Proposed Zoning M.L.R.

23 Acres ±

PROPOSED PARKING AREA
308 Spaces

Proposed
Building

SCREEN PLANTING

Roadway

Entrance

PLAT OF
PROPERTY OF
M. COOPER WALKER

4TH ELECTION DIST.
Scale 1" = 100'

BALTIMORE CO.
May 21, 1962

Zoned R-40

JOSEPH D. THOMPSON
ENGINEER & SURVEYOR
161 Shill Blvd. 200 E. Joppa Rd.
Towson 4, Md.

2108

JOSEPH D. THOMPSON, P.E.L.S.

CIVIL ENGINEERS & LAND SURVEYORS

1150 101 SHELL BUILDING - 200 EAST JOPPA ROAD

TOWSON - 4 - MARYLAND - VAIL, 3-8821

M. COOPER WALKER
ZONING DESCRIPTION

BEGINNING for the same in the center of the Old Hanover Road at a point distant 1370 feet more or less measured Northeasterly along the center of said Road from the center of the Hanover Road, said point being the beginning of that tract of land which by deed dated May 9, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3841 folio 439 etc. was conveyed by Mary Olivette Duncan, widow, to M. Cooper Walker, thence leaving the center of said Old Hanover Road and running with and binding on the first, second, third, and fourth lines of said deed the four following courses and distances South 45 degrees 00 minutes East 366.20 feet, South 89 degrees 05 minutes East 1489.40 feet, North 4 degrees 30 minutes 30 seconds West 181.85 feet and North 49 degrees 10 minutes West 1285.61 feet to the end of said fourth line and to the center of said Old Hanover Road thence running with and binding on the center of said Road and on the fifth and sixth lines of said deed the two following courses and distances South 46 degrees 24 minutes West 644.13 feet and South 44 degrees 34 minutes West 413.70 feet to the place of beginning.

CONTAINING 23.00 acres of land more or less.

BEING the same tract of land which by deed dated May 9, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3841 folio 439 etc. was conveyed by Mary Olivette Duncan, widow, to M. Cooper Walker.



5-22-62 Joseph D. Thompson, P.E.L.S. No. 1150

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

Re: Petition for reclassification from
"R-40" Zone to an "M.L.R." Zone,
E/S Old Hanover Road, 1370' east
of Hanover Road - 4th District
J. M. Cooper Walker et al -
Petitioners

Dear Mr. Proctor:

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

Yours very truly,

Ed P. Schubert
Secretary

cc: Roger C. Duncan, Esq.
Hon. Michael Paul Smith
Planning & Zoning

5599

ent #

January 8, 1963

Board of Appeals
by Judge Turnbull
1/8/63

Plaintiffs

FOR

vs. BALTIMORE COUNTY

AT LAW

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

Misc. Docket No. 7

Folio No. 226

File No. 2702

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.

Ed P. Schubert
Secretary to County Board of Appeals
of Baltimore County

J. M. COOPER WALKER and
ANNE H. WALKER, his wife
Plaintiffs
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. Docket No. 7
Folio No. 226
File No. 2702

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. 5599

May 28, 1962 Petition of J. M. Cooper Walker and Anne H. Walker, his wife, for reclassification of property from an "R-40" Zone to an "M.L.R." Zone, on the east side of Old Hanover Road, 1370 feet east of Hanover Road, 4th District - filed

June 22 Certificate of Publication in newspaper - filed

June 21 Certificate of Posting of property - filed

July 9 At 2:30 p.m. hearing held on petition by Zoning Commissioner - case held sub curia

July 12 Order of Zoning Commissioner granting the reclassification of the property subject to approval of the site plan by the Division of Land Development and the Office of Planning and Zoning

July 23 Order of Appeal to the County Board of Appeals from Order of Zoning Commissioner

Nov. 29, 1962 Hearing on appeal before the County Board of Appeals - case held sub curia

Jan. 8, 1963 Order of Board of Appeals denying reclassification of property

Jan 31 Order for Appeal filed in the Circuit Court for Baltimore County

Mar. 1, Transcript of testimony filed - 1 volumes.

Feb. 5 Certificate of Notice sent to all interested parties

Petitioners' Exhibit No. 1 - Photograph of land - subject of petition

Petitioners' Exhibit No. 2 - Photograph of propane gas installation across Old Hanover Road

Petitioners' Exhibit No. 3 - Photograph of propane gas station

Petitioners' Exhibit No. 4 - Photograph of road showing entrance to propane gas station

Petitioners' Exhibit No. 5 - " " " " " "

Petitioners' Exhibit No. 6 - Plat showing soil tests

Petitioners' Exhibit No. 7 - Zoning Commissioner's file

Mar. 1, Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County 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 proceeding, but your Respondents will produce any and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Ed P. Schubert
Secretary to the County Board of Appeals
of Baltimore County

J. M. COOPER WALKER and
ANNE H. WALKER, his wife
Plaintiffs

vs.

NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
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IN THE
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FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
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ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
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Please file, & c.

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Secretary to County Board of Appeals
of Baltimore County

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ANNE H. WALKER, his wife
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vs.
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G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

IN THE
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FOR
BALTIMORE COUNTY
Misc. Docket No. 7
Folio No. 226
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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 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

James B. Delaney
Secretary to the County Board of Appeals
of Baltimore County

KCP/lg (3)
2/26/63

J. M. COOPER WALKER and
ANNE H. WALKER, his wife,
Plaintiffs,
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
County Board of Appeals
of Baltimore County,
Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

PETITION FOR ADDITIONAL TIME TO FILE RECORD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of J. M. Cooper Walker and Anne H. Walker, his wife, by Kenneth C. Proctor, their attorney, respectfully represents unto your Honor:

1. That the Appeal in this matter was filed on January 30, 1963.
2. That under Maryland Rule B7 the Record in this Appeal should be filed on or before Friday, March 1, 1963.
3. That your Petitioners have been advised by the Court reporter, who took the testimony in this case before the County Board of Appeals of Baltimore County, that he may not be able to transcribe such testimony within that period of time.

WHEREFORE YOUR PETITIONERS PRAY that this Honorable Court, pursuant to the provisions of Maryland Rule B7, b, may pass an Order extending the time within which the Record in this case must be transmitted to the Court for an additional period of thirty days.

PROCTOR, ROYSTON
AND
MULLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

*Re: 2-26-63
Duncan*

AND AS IN DUTY BOUND, ETC.

Kenneth C. Proctor
Campbell Building
Towson 4, Maryland
Attorney for Petitioners

I HEREBY CERTIFY that a copy of the foregoing Petition for Additional Time to File Record was mailed by me this 26th day of February, 1963, to the County Board of Appeals of Baltimore County, County Office Building, Towson 4, Maryland; and to Roger C. Duncan, Esq., Reckord Building, Towson 4, Maryland.

Kenneth C. Proctor
Attorney for Petitioners

PROCTOR, ROYSTON
AND
MULLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

J. M. COOPER WALKER and
ANNE H. WALKER, his wife,
Plaintiffs,
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
County Board of Appeals
of Baltimore County,
Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

ORDER

Upon the foregoing Petition, it is this _____ day of February, 1963, by the Circuit Court for Baltimore County:

ORDERED that the time within which the Record in the above entitled case must be transmitted to this Court by the County Board of Appeals of Baltimore County be and it hereby is extended to and including March 29, 1963.

JUDGE

PROCTOR, ROYSTON
AND
MULLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

J. M. COOPER WALKER and
ANNE H. WALKER, his wife
Plaintiffs
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket No. 9

Folio No. 236

File No. 275-2

CERTIFICATE OF NOTICE

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 Kenneth C. Proctor, Esq., Campbell Building, Towson 4, Maryland, Attorney for the Petitioners; and Michael Paul Smith, Esq., The Jefferson Building, Towson 4, Maryland and Roger C. Duncan, Esq., Reckord Building, Towson 4, Maryland, Attorneys for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

James B. Delaney
Assistant Solicitor - County Office Building
Towson 4, Maryland - Va-3-3000, Ext. 346

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Kenneth C. Proctor, Esq., Campbell Building, Towson 4, Maryland, Attorney for the Petitioners; and Michael Paul Smith, Esq., The Jefferson Building, Towson 4, Maryland and Roger C. Duncan, Esq., Reckord Building, Towson 4, Maryland, Attorneys for the Protestants, on this 5 day of February, 1963.

James B. Delaney
Assistant Solicitor

J. M. COOPER WALKER and
ANNE H. WALKER, his wife
Plaintiffs
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket No. 9

Folio No. 236

File No. 275-2

CERTIFICATE OF NOTICE

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Assistant Solicitor - County Office Building
Towson 4, Maryland - Va-3-3000, Ext. 346

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James B. Delaney
Assistant Solicitor

SEP 07 1978