

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Joseph H. & Ona M. Atkinson, owners 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-A zone, for the following reasons:

1. Change in neighborhood since adoption of Second Election District Land Use Map, and (2) Error in original zoning.

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

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.

Donald H. Gobell, Contract purchaser
Joseph H. Atkinson, Legal Owner

Address: 19th day of February, 1964, 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 held before the Zoning Commission in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of April, 1964, at 1:00 o'clock P.M.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 19th day of February, 1964, 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 held before the Zoning Commission in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of April, 1964, at 1:00 o'clock P.M.

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

the above Reclassification should be had; and it further appearing that by reason of:

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of April, 1964, that the herein described property or area should be and the same is hereby reclassified, from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that the contract purchaser chose to accept a denial rather than continue his case at this time,

the above reclassification should NOT BE HAD, and the contract purchaser chose to accept a denial rather than continue his case at this time,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of April, 1964, that the above reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued as to remain an R-6 zone, and the contract purchaser chose to accept a denial rather than continue his case at this time.

Zoning Commissioner of Baltimore County

LAW OFFICES
A. OWEN HENNEGAN, JR.
SAMUEL KIMMEL
400 ATTORNEY BUILDING
TOWSON 4, MARYLAND

May 22, 1963

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

Re: #5834 - Petition for Reclassification for The Bern-Gar Development Company from R-6 and R-A, property SE/S Old Court Road and Scotts Level Road

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals from your decision of May 22, 1963, denying the above reclassification.

Attached hereto is check in the amount of \$70.00 to cover costs of same.

Very truly yours,

A. Owen Hennegan, Jr.
A. Owen Hennegan, Jr.

AOH:rmf
Encl.

RE: PETITION FOR RECLASSIFICATION from an "R-6" Zone to an "R-A" Zone, S/S Old Court Road & W/S Beltway SE/S Old Court Road & E/S Beltway 2nd District Joseph A. Atkinson, et al, Petitioners
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5834

OPINION

This is a petition for reclassification from an "R-6" Zone to an "R-A" Zone on land located on the south side of Old Court Road and the west side of the Baltimore County Beltway, and on the southeast side of Old Court Road and the east side of the Baltimore County Beltway, in the Second District of Baltimore County. The total acreage of the land in this petition is 19.7 acres, more or less.

Actually the property has been bisected by the Baltimore County Beltway and for all intent and purposes they are now two entirely separate and distinct parcels of land each with their own characteristics. Parcel "A" on the south side of Old Court Road and the west side of the Beltway has a total acreage of 11.3 acres, more or less, and parcel "B" on the southeast side of Old Court Road and the east side of the Beltway has a total acreage of 8.4 acres, more or less. It is necessary to talk about each of these parcels as individual tracts of land.

Parcel "B" located on the east side of the Beltway is contiguous to the Baltimore County Beltway on the west and abuts the community of Scotts Hill on the east. Scotts Hill has ingress and egress from Milford Mill Road through the streets of Snake Tree, Park Valley, Wheaton Road and other residential streets in the development. While a small portion of parcel "B" actually fronts on the north on Old Court Road, the petitioner testified that there were no plans for ingress and egress for the subject property from Old Court Road and that the streets of the residential development of Scotts Hill would be the only ingress and egress to parcel "B". All of the traffic would have to go through the residential streets of Scotts Hill in order to reach the proposed apartments. Scotts Hill is one of the finest "R-6" single family residences that one could conceive, well kept homes with much care having been given to the planning and landscaping; a development that appears to have real community life in all of its aspects. The development of parcel "B" in anything but the same character as that of Scotts Hill would be catastrophic. Certainly there have been no changes since the adoption of the zoning map for this area on November 15, 1962 with regard to parcel "B" that would allow for the requested change, and there has been no evidence of error presented by the petitioner that would justify the reclassification.

The Board of Appeals is unanimous in its opinion that parcel "A" should have been zoned "R-A". The effect that the Beltway has had on the property could be considered a change, or another way of saying the same thing would be to say that the Council erred in not recognizing the change the Beltway would cause to parcel "A". In either case the Board is unanimous that the proper classification for parcel "A" should have been "R-A".

For the above stated reasons the reclassification of the above subject portion of parcel "A", 11.3 acres, more or less, is granted. The acreage in parcel "B", 8.4 acres, more or less, is denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of February, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for on parcel "A", be and the same is hereby granted. It is also ORDERED that the reclassification petitioned for on parcel "B", be and the same is hereby denied.

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

Chairman
Charles H. Hinkle
S. Mitchell Austin

The petitioner spoke of extreme rock on the subject property but this has actually been countered by the protestants testimony that the adjacent land to the south had recently been sold and is about to be placed on the market for sale with single family homes similar to those in Scotts Hill. The Board of Appeals is unanimous that the reclassification of parcel "B" should be denied.

Parcel "A" presents an entirely different set of circumstances. It has a total acreage of 11.3 acres, more or less, and borders Scotts Level Road on the west and the Baltimore County Beltway on the east. It is now a wooded area and actually overlooks the Beltway. Scotts Level Road runs from Milford Mill Road on the south to Old Court Road on the north and is undeveloped except for a few old run-down farm houses located on the west side of Scotts Level Road.

There was testimony by the petitioner that it would be quite difficult to sell the homes in an "R-6" category because of its proximity to the Beltway, and this testimony was further substantiated by the real estate expert for the protestants who spoke of the undesirability of purchasing raw land for "R-6" development adjacent to or overlooking the Beltway.

One cannot help but wonder why if parcel "A" should be reclassified, why not parcel "B". There are many differences. First the development of Scotts Hill makes parcel "B" most desirable and removes it from the normal raw land category. The development of parcel "B" into apartments would be detrimental to the value of the homes in Scotts Hill, while the development of parcel "A" into apartments could only appreciate the value of the land on the east and west side of Scotts Level Road.

The traffic to the apartments on parcel "B" would tend to overcrowd and cause a traffic hazard on the residential streets existing in the Scotts Hill development, while Scotts Level Road is a lightly travelled road and the addition of traffic from apartments on parcel "B" could have no detrimental effect.

Then too, parcel "B" is actually below the level of the Beltway and it was testified by some of the protestants that they hardly knew the Beltway even existed. Parcel "A" is above the level of the Beltway and the homes there would be overlooking this highway and property owners probably would be quite conscious of its existence.

It is difficult to think that at the time of the adoption of the zoning map on November 15, 1962 that the Baltimore County Council could have realized the effect of the Beltway on the subject tract as it exists today. While the Beltway location was known its effect was not, and it seems quite obvious that the entire acreage in this petition was zoned as one parcel. In looking at the Scotts Hill development and looking at the property in its entirety, as stated before, it would have been catastrophic to have zoned parcel "B" anything but "R-6".

4/1/65

JOHN S. WILKINSON,
DOROTHY E. SIEGEL, AND
SYLVAN DOOGLOFF

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

Misc. Docket No. 7
Folio No. 367
File No. 2984

NOTICE OF APPEAL

MR. CLERK:

Please enter an Appeal to the Court of Appeals of Maryland from the decision of Judge W. Albert Manchine dated March 10, 1965.

Harry B. Swartzwelder, Jr.
1708 Munsey Building
Baltimore, Maryland 21202

John J. Bishop, Jr.
303 Courtland Avenue
Towson 4, Maryland 21204

TRIMBLE & ALDERMAN
ATTORNEYS AT LAW
JEFFERSON BUILDING
COURT HOUSE SQUARE
TOWSON 4, MARYLAND

May 22, 1963

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

Re: Petition of Joseph H. Atkinson and wife (Donald H. Gobell, Contract Purchaser) for reclassification of 19.9 acres on Old Court Road, 2nd Election District, Case No. 5834

Dear Mr. Commissioner:

Please enter an Appeal in the above entitled case from the Commissioner's adverse decision to the Petitioner's request for reclassification.

Please forward all papers to the County Board of Appeals.

Enclosed is my check in the amount of \$70.00 to cover the cost of appeal.

Very truly yours,

Ernest C. Trimble
Ernest C. Trimble

ECT:jel
enc.

INTER-OFFICE CORRESPONDENCE

FROM: [redacted]
SUBJECT: #5334. R-6 to R-4. South side of Old Court Road and West side of the Beltway. Parcel #24 Southeast side of Old Court Road (Relocated) and East side of Baltimore County Beltway. Being property of Joseph Atkinson.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R-4 zoning and has the following advisory comments to make with respect to pertinent planning factors:

- [illegible]

From George A. Reier
John Rose

To _____
Subject Rezoning of Property (Apartments)
Scotts Level Road and Baltimore County Beltway
District 2

Attention: James Dyer

There is an existing 8-inch sanitary and an 8-inch water immediately available to the site located to the east of the Beltway and is in Wheaton Road. There is also a sanitary sewer located in Park Valley Road but would require an extension to reach the captioned site.

Pertaining to the section on the west side of the Beltway, a future extension will be required from a point in Old Court Road to supply this site. There is an existing sanitary sewer in the vicinity of the Beltway and southmost extremity of this portion. The Owner will be required to extend this sanitary upstream through the property to the upstream boundary line.

George A. Reier
Assistant Chief
Bureau of Public Services

CAP:rt

District: 2nd Date of Posting: 4-6-63
 Posted for: Heavy Wash, Canal 2-4, 1963 at per P.M.
 Petitioner: A. C. Jones
 Location of property: 1/2 of Canal bed & 1/2 of both C. & S. Railway
& 1/2 of old Court Rd. & 1/2 of C. & S. Railway
 Location of Sign: Heavy wash on north Canal bed & 1/2 heavy wash
on both sides of 1/2 mile road on Parkville Rd. & 1/2 mile
 Remarks: 1/2 of old Court Rd.
 Reported by: A. C. Jones Season: _____ Date of return: 3-11-63

TELEPHONE VALLEY 3-3000		BALTIMORE COUNTY, MARYLAND		No. 17816	
		OFFICE OF FINANCE		DATE 5/22/63	
		District COURT HOUSE			
		TOWSON 4, MARYLAND			
TO: Ernest C. Trimble, Esq., Jefferson Building Towson 4, Md.		BILLED BY Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.			
DEPOSIT TO ACCOUNT NO. 01422				TOTAL AMOUNT	
QUANTITY		EACH UPPER SECTION AND RETURN WITH YOUR RECEIPTANCE		COST	
-		Cost of appeal in matter of property of Joe. H. Atkinson, (Donald H. Cobelli, Contract Purchaser) No. 5834		\$70.00	
		FPA - Baltimore County, Md. - Office of Finance			
		5-3163 4407 = - - - TIL -		7000	
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.

No. 17717
4/23/63

TO: Argonne Apartment Co.
318 E. Cold Spring Lane
Baltimore 18, Maryland

BILLED BY: Zoning Department
of Baltimore County

REPORT TO ACCOUNT NO.		<u>01682</u>	TOTAL AMOUNT PAID \$16.00
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST	
	Advertising and posting of property for Joseph Athison <i>F.P.D. - Loudoun County Jail or Office of Sheriff</i>	\$16.00	-
#5834	V-2545 T=44 * * *	1.600	
(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.

No. 20823

TO: **Harry S. Swartzwelder, Jr., Esq.** **BILLED BY:** **County Board of Appeals**
3700 Wilder Avenue
Baltimore, Md. 21207 **(Zoning)**

DEPOSIT TO ACCOUNT NO.		01.712	POSTED
QUANTITY	DEBIT UNDER SECTION AND SETBACK WITH YOUR RESISTANCE		COST
	Cost of Certified Documents - No. 5834 Joseph A. Aikman, et al S/S Old Court Road & W/S Highway, SE/S Old Court Road & E/S Highway 2nd District		\$7.00
	PAID - Suburban County, Ill. - Office of Finance		
	5-712 4220 = 20823 TFP-		7.00

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.

No. 20816

TO: Rosalind Berlin
3623 Lockwood Road
Baltimore 7, Maryland

BILLED BY: County Board of Appeals
(Zoning)

REPORT TO ACCOUNT NO.		01.712	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR RECEITTANCE		COST
	Cost of Certified Documents - No. 3834 Joseph A. Adkins, et al S/S Old Court Road & W/S Railway SE/S Old Court Road & E/S Railway Second District		\$7.00
	4-064 2000 * 20816 TIP-		7.00
	4-064 2000 * 20816 TIP-		7.00

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.

No. 16453
DATE 2/21/63

To: John W. Armiger, Esq.
Jefferson Building
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County

REPORT TO ACCOUNT NO.	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	ACCOUNT NO.
QUANTITY		COST
Petition for Joseph Atkinson for Reclassification		50.00 -
6-4163 3914 • • • TIL -		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.

THE COMMUNITY NEWS
Rollerstown, Md
TH
No. 1 Newburg Avenue

April 9, 1963.

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

264.08 feet, and (9) N. 58
trees 50° 40' E., 257.33 feet
an iron pipe in window set
the end of said first line,
once blinding on a year of

1963.
MORE COUNTIAN

By Paul J. Morgan
Editor and Manager

PETITION FOR ZONING RECLASSIFICATION
2nd District
ZONING: From R-6 to R-1
Zoning
LOCATION: South side of Glen Court Road and the West Side of the Belway Parcel P-Southeast side of Old Court Road (Relocated) and the East side of Belmore County Belway.
DATE & TIME: WEDNESDAY, APRIL 24, 1963 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, will hold a public hearing:

Concerning all that parcel of land in the Second District of Baltimore County,

Parcel A

[illegible]

observed, hence leading to an early
 observed and on the eastern side
 said second parent, in parts
 N. 30 degrees 40' 12" W. 204.0
 met at the end of said second
 distance along the chain, then, etc.
 N. 30 degrees 40' 12" W. 204.0
 and first line of said second
 parent (1) N. 33 degrees
 17' 48" W. 199.60 feet, (2) N.
 30 degrees 40' 12" W. 204.0
 met, (3) N. 47 degrees 27' 22"

No. 273

September Term, 1965

JOHN S. WILKINSON,
DOROTHY E. SIEGEL and
SYLVAN DOOLIFF

v.

JOSEPH A. ATKINSON

Argued
by
Counselor
at
Law,
J.

Opinion by: OPPENHEIMER, J.

Filed: April 13, 1966

The only question in this zoning appeal is whether the appellant, Dorothy E. Siegel, is an aggrieved party. The appellee, Joseph A. Atkinson, sought zoning reclassification of two parcels of land in Baltimore County from an R-6 Zone (Residence, one and two-family) to an R-A Zone (Residence, apartment). The two parcels are divided by the Baltimore County Beltway and in the zoning petition were designated as parcel "A" (on the west side of the Beltway) and parcel "B" (on the east side). The appellant, Mrs. Siegel, and others appeared as protestants at a hearing before the Baltimore County Board of Appeals. The Board denied the reclassification as to parcel "B" and granted it as to parcel "A". Mrs. Siegel and two other protestants appealed to the Circuit Court for Baltimore County from the granting of the application as to parcel "A". The appellee filed a petition to intervene and a motion to dismiss the appeal on the ground that Mrs. Siegel and the two other protestants were not aggrieved parties. Judge Menchine permitted additional testimony to be taken before the court on the question of whether Mrs. Siegel was an aggrieved person within the meaning of Section 604 of the Baltimore County Charter. Thereafter, the Judge, in an able and comprehensive opinion, concluded that Mrs. Siegel was not an aggrieved person and granted the motion to dismiss. Mrs. Siegel is the sole remaining appellant.

JUDGMENT AFFIRMED; COSTS
TO BE PAID BY APPELLANT.

In Dubay v. Crane, 240 Md. 180, 183, 213 A.2d 487 (1965), Judge Horney, for the Court, said:

"Prior to 1960, in Baltimore County, any aggrieved party or taxpayer could maintain an appeal, but it is now necessary to be both a party to the proceeding before the board of appeals and a person aggrieved by its decision in order to appeal to the circuit court. This, in addition to showing the proximity of one property to the other, requires proof of the adverse effect the changed status of the rezoned property has, or could have, on the use, enjoyment and value of the property of the protestant in order to establish the status of the appellant as an aggrieved person."

Mrs. Siegel concededly was a party to the proceeding before the Board. On the general rule as to whether a person is "aggrieved" by the Board's decision in order to have standing under the Charter to appeal to the Circuit Court, Judge Horney said in Dubay, at 185:

"In zoning cases, the rule in this State is that for a person to be aggrieved by an adverse decision of the administrative agency, and thus entitled to appeal to the courts, the decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specifically affected in a way different from that suffered by the public generally." [Citing cases].

In the testimony before Judge Menchine, Mrs. Siegel stated that she and her husband are the owners of property not less than seven hundred and fifty feet distant in a direct line from the reclassified property. The distance by one road is one and one-tenth miles by one route and seven-tenths of a mile by another

road. The Siegel property is separated from the reclassified property by other properties and by the Baltimore County Beltway.

Mrs. Siegel testified that she could see the reclassified property from her home; the Siegel house is on the highest elevated point of the development in which she lives and Mrs. Siegel can see directly over the Beltway and view the property across it. She testified further that the view from her house would be very much affected if the landscape becomes populated with apartment houses; that when she and her husband bought their house, over six and a half years before, they anticipated, according to the zoning, a continuation of the type of community which had already been developed. She thought the erection of an apartment complex, which could be seen from her house, would have an adverse effect upon the resale value of her property. There is an apartment complex on the east side of the Beltway where the Siegels live, but this complex is not visible from their home. She felt that the granting of the application would constitute a drastic change in the type of neighborhood and that there would probably be many more changes based thereon.

That Mrs. Siegel feared the granting of the reclassification would lead to a general apartment development in the residential area, of itself, is not enough to show she had such an interest in the subject matter as bestowed on her standing to attack the Board's decision. Dubay, supra; City of Greenbelt v. Jager, 237 Md. 456, 206 A.2d 694 (1965). Her testimony that the access road

giving rise to standing. Id., supra; Freeman v. Mayor and City Council of Baltimore, 222 Md. 330, 160 A.2d 379 (1960), and Cassel v. Mayor and City Council of Baltimore, 195 Md. 348, 73 A.2d 486 (1950). Of itself, however, where, as here, the visibility is only across a broad beltway, and there is no probative evidence of any other specific interest or damage to the use or value of the protestant's property, mere visibility is not enough to give the requisite standing.

to the reclassified property has no sidewalks and that the expected increased traffic would create a hazard to her children and other children who take this route to school does not give her the requisite standing; the inconvenience feared is one likely to be suffered by any member of the public. Marcus v. Montgomery County Council, 235 Md. 535, 541, 201 A.2d 777 (1964). There was no specific testimony as to any adverse effect upon the value of the Siegel home. See e.g. Richmark Realty Co. v. Whittier, 226 Md. 273, 281-82, 173 A.2d 196 (1961).

We agree with Judge Menchine that the only circumstance which could be considered as bringing Mrs. Siegel within the category of an aggrieved party is that she can see the reclassified property from her house, and that, on the facts, this is not sufficient. The Siegel property is on the opposite side of the Beltway, and, in Dubay, we pointed out at 185-86, the Beltway "if not a complete shield against the apartments to be constructed, will serve as an adequate barrier." It is true that, in that case, the property was 1500 feet from the rezoned property, and it was not shown that Dubay could see the reclassified property from his home, but it was the existence of the broad, heavily traveled intervening Beltway which was the determining factor. See Woodlawn Citizens Ass'n, Inc. v. Board of County Comm'rs for Prince George's County, 241 Md. 187, 198-200, 216 A.2d 149 (1966), and cases therein cited.

Visibility is one of the elements of proximity, and, as Judge Menchine noted, has been referred to as one of the factors

IN THE CIRCUIT FOR BALTIMORE COUNTY
JOHN S. WILKINSON et al vs. NATHAN H. KAUFMAN, JR. et al etc. JOSEPH A. ATKINSON et al Intervenor
CERTIFIED COPY OF DOCKET ENTRIES
ORVILLE T. GOSNELL CLERK OF THE CIRCUIT COURT BALTIMORE COUNTY
FILED

6-18-66

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

STATE OF MARYLAND : SCT.
COUNTY OF BALTIMORE :

I, ORVILLE T. GOSNELL, Clerk of the Circuit Court for Baltimore County, do hereby certify that the foregoing is a true photostatic copy of the original Docket Entries

taken from the Records of the said
Circuit Court for Baltimore County as recorded in Liber WJR No. 7

Folio 367, one of the Miscellaneous
Records of Baltimore County



IN TESTIMONY WHEREOF, I hereto

set my hand and affix the seal of said

Court this 28th day of June A.D.,

1966

Orville T. Gosnell
Clerk of the Circuit Court for Baltimore County

Harry S. Swartz-
Welder, Jr.
John J. Bishop, Jr.
Plaintiff's Atty. \$5.00
Clerk \$7.50

Ernest C. Trimble

Chk 400

Chk 125

Att 570

Record 2000

JOHN S. WILKINSON, DOROTHY
SIEGEL and SYLVAN DOGOLOFF

JOSEPH A. ATKINSON, ETAL
(Intervenor)
NATHAN H. KAUFMAN, JR., G.
MITCHELL AUSTIN and CHARLES
STEINBOCK, JR., Constituting
the County Board of Appeals
of Baltimore County

(1) March 26, 1964 Protestants Order for
Appeal from the decision of the County Board
of Appeals of Baltimore County fd. App. of
Harry S. Swartzwelder, Jr. for the Protestants.

(2) March 26, 1964 Protestants Petition fd.

(3) April 6, 1964 Certificate of Notice fd.

(4) Apr. 21, 1964 Petition to Intervene and Order
of Court granting same fd. App. of Ernest C.
Trimble for the Intervenor.

(5) Apr. 21, 1964 Intervenor's petition to amend
and/or motion to include non-severable matter
of Order of Court fd.

(6) Apr. 21, 1964 Intervenor's Answer fd.

(7) Apr. 21, 1964 Application for leave to extend time for transmittal of
the proceedings before the County Board of Appeals fd.

(2) May 21, 1964 Transcript of Record and Testimony fd.

(4) June 16, 1964 Plaintiff's Motion to Rescind Order of Court and to Strike
Out Petition to Amend and/or Motion to Include Non-Severable Matter and Show
Cause Order of Court fd.

(8) Oct. 1, 1964 Motion for Consolidation of Case with case #2985 and Show Cause
Order of Court fd.

(14) Oct. 8, 1964 Petition to amend and Motion to rescind Order of Court and to strike
out petition to amend fd.

Nov. 16, 1964 Hon. W. Albert Menchine, Hearing Had. Same day Petition to Amend
denied and Order thereon dated April 21, 1964 stricken on Motion of Wilkinson
Case 2984 and Motion of Berlin Case 2985.

(12) Dec. 11, 1964 Intervenor's Motion to Dismiss Appeal fd.

(13) Dec. 22/ 1964 Plaintiff's Answer to Motion to Dismiss Appeal fd.

(14) Jan. 6, 1965 Petitioner, Rosalind Berlin, Answer to Motion to Dismiss
Appeal fd.

Jan. 6, 1965 Hon. W. Albert Menchine, Hearing Had. Sub Curia

2984

John S. Wilkinson, Dorothy
SIEGEL and SYLVAN DOGOLOFF

* From Folio 367

JOSEPH A. ATKINSON, et al
(Intervenor)
NATHAN H. KAUFMAN, JR., G.
MITCHELL AUSTIN and CHARLES
STEINBOCK, JR., constituting
the County Board of Appeals
of Baltimore County.

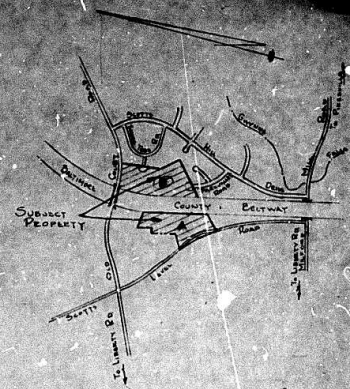
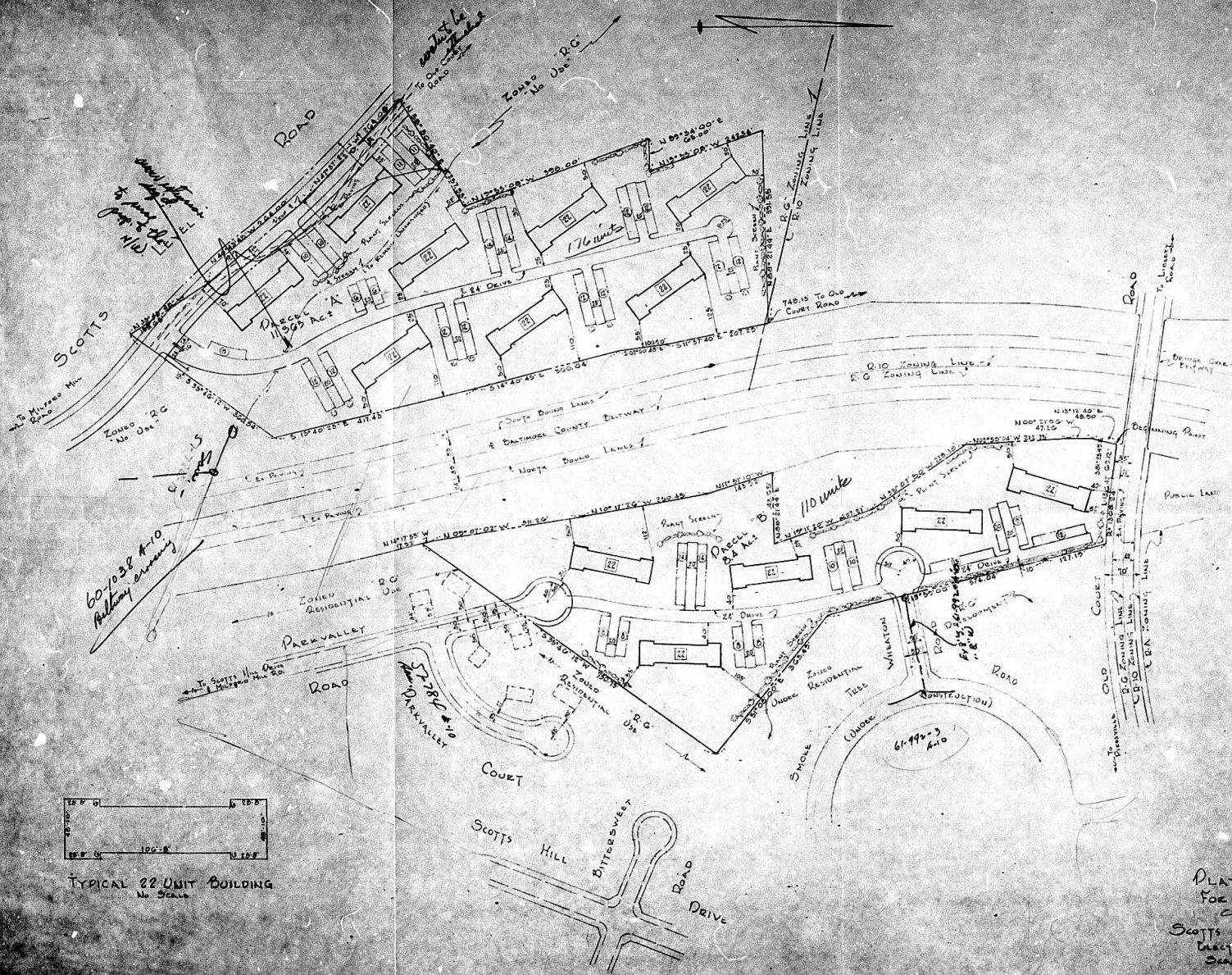
(13) Apr. 30, 1965 Petition and Order of Court extending time for transmittal
of record to the Court of Appeals of Maryland fd.

(14) Jul 1, 1965 Petition and Order of Court extending time for transmittal
of record to the Court of Appeals of Maryland, fd.(Hon. Stedman Prescott)

(15) Jul. 26, 1965 Testimony fd.

(21) May 16, 1966 Mandate from the Court of Appeals of Maryland rec'd and fd.

April 2, 1966 Judgment affirmed; costs to be paid by the appellant. Opinion
of Oppenheimer, J.



LOCATION PLAN
Scale: 1"=1000'

#5834

WESTERN AREA
MAP
SEC. 2-C

GENERAL NOTES

Parcel (A)
Total Acreage of Tract = 11.563 Acs
Gross Density (11.563/10) = 180 APT. UNITS
Net Density (10.70/10) = 192 APT. UNITS
Number of Units Shown = 176
Required Off-Street Parking Units (5.10) = 176
Proposed Off-Street Parking Units (5.10) = 170

Parcel (B)
Total Acreage of Tract = 8.4812 Acs
Gross Density (8.4812/10) = 156 APT. UNITS
Net Density (8.1/10) = 145 APT. UNITS
Number of Units Shown = 110
Required Off-Street Parking Units (5.10) = 110
Proposed Off-Street Parking Units (5.10) = 106

Parcels "A" & "B"
Existing Zoning of Tracts: "R-10"
Existing Use of Tracts: "No Use"
Proposed Zoning of Tracts: "RA"
Proposed Use of Tracts: "Garden Apts."

PLAT TO ACCOMPANY PETITION
FOR REZONING OF PROPERTY
IN VICINITY
SCOTTS LEVEL RD. & DATA CO. BELTWAY
Baltimore County, Md.
Feb. 12, 1968

#5834

MAP
SEC.
WESTERN
AREA
MAP
RA