Sept. 28, 1967

John B. Howard, Esq., ĝoyola Federal Building 22 West Pennsy I vania Ave., Towson, Maryland 21204

Re: Special Exception - S/W Cor. Bellona Ave. & Judges Lane No. 63-66-RX Jas. M. McCosh. Mary McCosh. and Betsy W. LeBrun, Petitioners

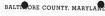
Dear Mr. H oward:

As requested in your letter of Scotember 20, I have today granted an extension of the special exception, in the above entitled matter, to September 10, 1969.

Very truly your

Zoning Commissioner

ce: Ernest C. Trimble, Esq. , Jefferson Building Towson Maryland 21264



INTER-OFFICE CORRESPONDENCE

To Mr. John C. Rose, Zoning Commissioner Date September 6, 1963

FROM Mr. George E. Cavrelis, Deputy Director

SUBJECT. #63-66HI. R-10 to R-4 and Special Exception for Elevator Apartments. Southwest curses of Bellons Avenus and Judges Lane. Being property of James McCoch, Jr., et al.

9th District

HEARING: Wednesday, September 18, 1963 (10:30 A.M.)

The staff of the Office of Flamming and Ioning has reviewed the subject position for Reclassification from R-10 to R-8 moding together with a Special Exception for clarator spartments. It has the following advisory commends to subset with respect to pertinent planning factors:

- 1. In connection with Fetition #5806, the Planning staff made comment to the
 - a. Ioning reclassifications have occurred in the area which have changed hand one possibility from a single feathy residential to an agastemnt of the control of the control of the control of the control of the balancy Interchange. Apartment sening use created by petition of the balancy Interchange. Apartment sening use created by petition with variances. The order of the more character quarterness as president with variances. The order of the scales of the state of the scales of the state of the scales of the state of the scales of the scale of the scales of the scale of the scales of the scale of
 - b. For a laming viewpoint, an appropriate boundary line has been established for sportsent souths have. Further extends on the been established for sportsent souths have been the same that the lamber of the lamber of the same. The shifty of Belloma Lenn to showth the extra values of traffic which sportsent development on both sides would yield also be questioned.
- Notethintanding the validity of the above comment, it would appear that judgment at least fivorable judgment on the subject potition should exait the result of the Appeals process on Petition 25000 which subst this property issediately to the north.

COOK, MUDD & HOWARD 22 WEST PENNSTLVANIA AVE ----September 20, 1967

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Mr. John G. Rose, Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Der Petition for Reclassification Petition for Reclassification and Special Exception for Elevator Apartments - S.W. Corner Bellona Avenue and Judges Lane, 9th District James M. McCosh, Mary Ann McCosh and Betsy W. LeBrun, Petitioners No. 63-66-R.X.

Dear Mr. Rose:

JAMES IN COOP JOHN E. MUDD JOHN B. HOMAND BANKEL O'C. TRACT JR

LAND.

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This will confirm our conversation of September 19, at which time we briefly discussed the procedure for an extension of the special exception granted in the above matter.

Your records will indicate that you granted a petilion for re-classification to a "R-A" Zone and a special exception for Elevator Apariments in the above matter on November, 1 1983. This ruling was subsequently affirmed by the County Board of Appeals, Circuit Court for Baltimore County and Court of Appeals of Maryland, The date of filing the Court of Appeals of Maryland, The do not have, at the moment, the date that the mandate was passed;

It is respectfully requested that, pursuant to Section 502.3 of the Baltimore County Zoning Regulations that an extension be granted permitting utilization of the special exception for an additional two years dating from April 28, 1983. The property owner has been unable to utilize the special exception by reason of circumstances beyond his

Further to the east of the property and on the other side of a railes Street

To the south of this property and occupying the entire north slope from Jopps

It would be difficult to find an area in Baltimore County in which there ha

Indeed in the "Ruxton Towers" case the Planning staff said: "the exceedingly

from the Ruxton Towers apartments is the cottage development of Kenilworth, and a complete

development of garden-type hillside apartments on the slope toward the Beltway from Joppa

Road to Bollana Avenue as well as the frontage on the ridge along Joppa Road, is the Ridge

School on a tract owned by Baltimore County for school purposes most of which now remains

in its original wooded condition. Almost all of the above mentioned construction of apart-

the zoning laws since the adoption of the zoning map in 1955.

this particular general area as an ideal location for apartment use.

horizontal-appearing suburban landscape."

the instant case from "R-10" to "R-A".

ments and commercial buildings has come about as a result of changes in authorized use under

been more substantial changes in the character of the neighborhood since the adoption of the

zoning map than this one. Under these circumstances the question as to whether or not there

was an error in the original zoning becomes somewhat academic even though many witnesses

for the petitioners testified that in their opinions there and been such error. It is unusubt-

edly true that the County Commissioners in their wisdom in 1955 had no knowledge of the

present demand for apartments in areas of this type, nor apparently had the planners although

the Department of Planning and Zoning have since that time in numerous cases referred to

good location of the property at the interchange butween Charles Stree. - a major radial

route emanating from the very core of the City, and the Beltway makes the subject property

quite logical and appropriate for a high-rise structure. Such a structure would be not only

a financial asset to the County, but also would serve as a landmark and accent to one of the

This is, of course, true for the property presently under consideration

We now reach the second question in this matter which is the application for

principal gateways to the City. It would give variety and vertical accent to an otherwise

although in the present case the Planning Department has not been so enthusiastic. How-

fications have occurred in the area which have changed land use potentials from a single

family residential to an apartment residential context." It appears to this Board, unani-

mously, that the circumstances are such almost to compel granting of the reclassification in

a special exception for elevator apartments. The builder and developer has shown in his

testimony and by the land use plans as submitted what this Board considers an admirable

restraint in comparison to other applications in that he proposes but one building on the

entire tract which will occupy less than four (4) percent of the land area which will make

population density, under his application, of about twenty-five (25) families to the acre

ever, in its report in the present case the Planning Department states that "Zoning reclassi-

iomewhat over 200 units which is many more than required by the Regulations.

and he proposes to leave the large trees standing and install a swimming pool and tennis courts on the property.

the proposal and testimony was uncontradicted that Bellana Lane, a dead-end street, will be, when completed in accordance with present plans, adequate to handle all traffic from the apartment house complex facing upon it. There will be no direct access from either the present property or Ruxton Towers to either Charles Street or the Beltway, hence there can b

wer are adequate and if any inadequacy should be threatened by construction or development of other property elsewhere such situation will without question be remedied by the proposed construction of a lewer line through the neighboring property on the west insofar as sewers are concerned, and the additional supply of water, both for household use and fire will be completed long before any possible need exists as a result of the present application.

not meet all the requirements of Section 502.1 of the Zoning Regulations which must be met before the granting of a special exception. It is to be noted that even the testimony taken on behalf of the protestants tends to confirm and fortify this conclusion. The only reservation which the Board could possibly have would be in connection with the appearance of the proposed building because of its height which is somewhat in excess of the neighboring Ruxton Towers apartment. The application calls for twenty (20) stories, however, on the plat plans and drawings there appears to be only eighteen (iii) apartment floors above ground with a total maximum height of 180 feet from the low point of the building. We believe that if the apartment is built in accordance with the plans, that is to say with a maximum of eighteen (18) stories, there cannot be any valid objections to this development even from the standpoint of aesthetics alone, and if the construction is limited to eighteen (18) stories of apartment occupancy it may be that the density per acre of the development may be ever

It is noted that no variances or other special situations are involved in this case and the Board will, therefore, grant the special exception as requested with the limitation that the apartment occupied stories shall be limited to eighteen (18) and with the proviso, of course, that all plans for ingress and egress for the subject property must be approved by the Office of Picnning and Zoning, the Department of Public Works, and the Traffic Engineers of Bultimore County

- Page 2 -

Mr. John G. Rose, Zoning Commissioner Sentember 20, 1967

If additional information is peeded, kindly advise, Thank you in advance for your kind cooperation.

Very truly yours,

JBH/1k

res to a density of thirty-six (36) families to the acre on the Ruxton Towers prop erty on the other side of Bellana Lane, and he proposes to provide 320 parking spaces for

The height of the building is well within the required "tent" in all directions

None of the adjoining neighbors or property owners are making any protest to no traffic problem with respect to these two major arteries caused by this development.

Upon the evidence it is obvious that present facilities for both water and purposes, by the completion of the Mays Chapel Reservoir now under construction and which

The Board can find, upon the evidence, no reason why this application does less than the application indicates.

from an "R-10" Zone to an "R A" Zone, SPECIAL EXCEPTION for an Elevator COUNTY BOARD OF APPEALS Apartment Building, SW corner Jellona Avenue & OF Judges Lane BALTIMORE COUNTY James N. McCosh, Jr., et al, No. 63-66-RX OPINION

PETITION FOR RECLASSIFICATION

This is a petition for reclassification from an "R-10" Zone to an "R-A" Zone and an application for a special exception for elevator apartments, which petition and special exception were granted by the Zoning Commissioner subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning, all of whom have at least tentatively approved the same.

The property involved consists of slightly less than ten (10) acres of land precently undeveloped except for two homes belonging to and occupied by the petitioners. The asons stated in the petition for reclassification are that there has been a change in the eighborhood sufficient to warrant reclassification, and that there was error in the original zoning at the time of the adoption of the Ninth District zoning map which was in November

The proposed development and site plan indicates that the developer and builder wishes to construct one building of twenty (20) stories on the lot which will occupy less than four (4) percent of the total land area. The large traes presently there will in the

The access to the property will be from what is now called Bellona Lane which dead-ends south of the Baltimore County Beltway. On this same street there are only two other property owners north of the property who have not protested the application, and one south of the property who appeared as a protestant although he testified that he has sold his property at a profit and moved away from the neighborhood. East of the property on the other side of Bellona Lane, between it and North Charles Street, is the Ruxton Towers apart ment building recently constructed, and west of the property a large tract of land zoned "R-10" and "R-20", the owner of which has agreed to permit the County to put a sewer line through to increase the existing capacity of the County sewer line approximately parallel with the Beltway in this vicinity.

On the north of the property, across the Beltway, there is an area zoned "B-R" upon which have been built three or more small industrial use buildings and a contractor's storage yard which apparently is a non-conforming use. Behind this area, to the north, lies some hillside property which has been zoned "R-A" and upon which construction may begin at any time.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 10th day of September, 1964 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby granted subject to the following conditions and restrictions:

- That the apartment building shall be limited to eighteen (18) stories of apartment occupancy with a population density not to exceed twenty-five (25) family units per acre, and with the provision of 320 parking spaces as proposed on the site that the company of the provision of the provision of the site of the provision of the prov
- All plans for ingress and egress must be approved by the Office of Planning and Zoning, the Department of Public Works, and the Traffic Engineers of Baltimore County

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

COUNTY ROADD OF APPEALS

this this distribution of Baltimore County (RREFER) plat it several receive in the above entitled matter be and the same is safetyed, to Sententher in 1969.

And the above entitled matter be and the same is safetyed, to Sententher in 1969.

And the same is safetyed to Sententher in 1969.

MINOICE BAI IMORE COUNTY, MAYLAND No. 19998 OFFICE OF FINANCE DATE 12/1/63

Division of Collection and Receipts

TOWSON 4, MARYLAND Ernost C. Trimble, Esq., Jafferson Building

Office of Planning & Zoning 119 County Office Eldg., Tousen be lit.

OUANTITY	DUNT NO. 01.622 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	19196
	App-al costs in matter of property of James N. HoCook, et al.	570.00
	No. 63-66 Fill - Definer Commanded - Account Feature	
	12-563 T469 * * * DL-	0.00
	MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND	1

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Baltimore County

DEPOBIT TO	O16€2 ACCOUNT NO. DETACH UPPER SECTION AND SETURN WITH YOUR SEMISTANCE	\$80.53 COST
-	Advertising and posting of property for James H. McCoch, et al.	80.53 -
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BALTIORE COUNTY, MARYAND

OFFICE OF FINANCE

Division of Collection and Receibts

COURT HOUSE

TOWSON 4 MARYLAND

No. 20123

DATE 9/19/63

IN THE COURT OF APPEALS OF MARYLAND No. 225 September Term. 1965

BORERT VOCET.

JAMES N. McCOSH. et al.

Hommond Horney Marbury McWilliams.

JJ.

Opinion by Barnes, J.

Filed: April 28, 1966

The appellees, James N. McCosh, Mary Ann McCosh, his wife, and Betsy M. LeBrun, as owners of a 9.64 acre tract of land in the Ninth Election District of Baltimore County filed an application on June 10, 1963 to rezone that tract from its existing zoning of R-10 (Residence-One family) to R-A (Residence-Apartments) and for a special exception to use the property for elevator apartments.

The 9.64 acre tract (the subject property) is bounded on the north by Judges Lane, on the east by Pellona Lane, on the south by a tract of land, improved by a dwelling, and presently zoned R-10 the south boundary of which is Bellona Avenue and on the west by 40 acres of undeveloped land presently zoned R-10. On the east side of Bellona Lane, across from the subject property, Ruxton Towers, a large high rise apartment on land zoned R-A has been recently constructed. To the east of Ruxton Towers is Charles Street, a dual lane highway which gives access to Baltimore City. East of Charles Street there are three separate tracts of land, all of which have been recently rezoned for apartment use. To the north of Judges Lane is a tract of land zoned R-10, the owners of which did not object to the application involved in the case at bar, and still farther north is the Baltimore County Beltway.

The tract lying to the south of the subject property has a frontage on Bellona avenue of approximately #60 feet and a depth of approximately 250 feet from Bellona avenue to the southern boundary line (irregular) of the subject property.

INVOICE

BALTIMORE COUNTY, MARYIMND OFFICE OF FINANCE Division of Collection and

No. 17846 DATE 6/12/63

STREET SHOWING

TOWSON 4. MARYLAND

re. Boone and Cook Baltimore County 22 W. Penna. Ave. Towson h, Md.

DEPOSIT TO AC	m622	\$50.00 cost
QUANTITY		1 50.00
	Petition for Reclassification & Special Exception for James McConh. et	
	6-1263 9985 · · • TIL-	50.00
		and market
	0	1 22 3
IMPORTANT	TI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND	MARYLAN
MAIL TO PLEASE	TI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND TI MAKE CHECKS PAYABLE TO BALTIMORE, COURT HOUSE, TOWSON 4. DIVISION OF COLLECTION OF THIS BILL WITH YOUR REMITTANCE.	MARY

The Zoning Commissioner concluded that there had been sufficient changes in the area to justify the requested reclassification, that Bellona Avenue would apparently become the equivalent to a service road to serve apartments on either side of Bellona Avenue, and was not a boundary between zones and that the application should be granted. He granted the reclassification and the special exception on November 1, 1963.

An appeal was taken to the County Board of Appeals of Baltimore County (the Board) and the Board heard the appeal on July 2, 1964. At this hearing the developer testified that it was proposed to erect a 20 story high rise spartment building which would cover approximately 4% (actually 3.85%) or the subject property; that there would be 250 apartment units - a density of 26 units per acre - and that there would be 320 parking spaces of which 50 would be under cover and 270 exposed; th ; there would be attractive landscaping which would include the preservation of the existing large trees; and, that there would be a swimming pool constructed to the north of the proposed apartment building. There was also testimony before the Board of various changes in the neighborhood which changed its character since the adoption of the comprehensive zoning map in 1955.

The principal thrust of the argument of the protestants against the granting of the application was because it would allegedly create a traffic hazard. The protestants produced a well-qualified expert Jerome B. Wolff who testified that in his

PETITION FOR ZONING SPECIAL EXCEPTION

Sh District

ZONING: From B-10 to R.A.

1906, Folio 171, was conveyed ! Elizabeth C. Ames to H. Fra cies LeBrun and wife, running

ne. Petition for Special Exception DAYL & TIME: WEDNES-DAY, SEPTEMBER 18, 1963 at 10:30 A.M. DUDLIC WEADING. P. re County, by authority Zoning Act and Regula-Baltimory County, will public bearing

THE COMMUNITY NEW THE HERAID ARGUE No. I Newburg Avenue CATONSVILLE, MD.

OFFICE OF THE BALTIMORE COUNTIAN

September 3. 19 63.

ORIGINAL

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of bil timere Count v

inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County Mary land, once a week for One Week xuccessive weeks before the 3rd day of September, 1983 , that is to say the same was inserted in the issues of August 30, 1963.

THE BALTIMORE COUNTIAN

Editor and Manager RE.

opinion a traffic hazard would result from the proposed construction. The applicants produced a well-qualified expert Joseph D. Thompson who testified that in his opinion no such traffic hazard would be created. Although Mr. Wolff's testimony was somewhat more detailed and explicit than was Mr. Thompson's testimony, the Board accepted Mr. Thompson's opinion and concluded that no traffic hazard would result. The Board rendered a comprehensive opinion on September 10, 1964 setting out various changes in the neighborhood since 1955, the desirability of the tract for a high rise apartment, granted the reclassification and the special exception but limited the latter to an apartment building of 18 stories (vs. 20 stories in the application) with a population density of 25 families an acre (vs. 26 families an acre in the application). The same number of parking spaces, 320, was continued.

An appeal was taken on October 9, 1964 to the Circuit Court for Baltimore County from the Board's order of September 10 by Robert A. Scheidt, Arthur Ringman, Robert Vogel, Errol Hay and William Guam. The applicants filed a motion to dismiss this appeal on October 30 on the ground that the persons appealing were not persons aggrieved as required by the zoning regulations. Judge Jenifer filed a memorandum opinion and an order on February 9, 1965 in which he granted the motion to dismiss as to all of the persons mentioned except Robert Vogel and denied the motion as to Mr. Vogel, who is the appellant in this Court.

The appeal to the Circuit Court was heard before Judge Raine who, on March 19, 1965 rendered an oral opinion, later supplemented by a written opinion filed March 31, 1965. Judge Raine concluded that the testimony before the Board supported a finding that there had been sufficient changes in the area to justify the reclassification and that, inasmuch as the testimony indicated that the granting of the application was fairly debatable, he would not substitute his judgment for that of the Board and would affirm the order of the Board even though he would have accepted Mr. Wolff's opinion in regard to the traffic hazard rather than Mr. Thompson's opinion.

We agree with Judge Raine. The testimony clearly supported a sufficient change in conditions since 1955, the date of the adoption of the comprehensive zoning map, to justify the proposed reclassification. The issues in regard to the reclassification and the special exception were fairly debatable and, as Judge Raine pointed out, the courts will not zone or rezone but will leave that function to the Board to which it; xxxxxxx. has been committed by appropriate legislation, and whose decision is that of experts in this field. Finney v. Halle, 241 Md. 224, 241, 216 A.2d 530, 539 (1966).

As we have disposed of the case on its merits, we do not reach the interesting, but involved, issues presented by the motion to dismiss this appeal filed by the appellees.

It appears to the Court that there has been some unnecessary duplication in the printing of the appellees! record extract so that we will divide the costs equally between the appellant and the appellees.

> ORDER APPIRMED, THE APPELLANT TO PAY ONE-HALF OF THE COSTS AND THE APPELLEES TO PAY THE REMAINING ONE-HALF OF THE COSTS



November 26, 1963

Mr. John G. Rose. Zoning Commissioner for Baltimore County County Office Building

Dear Mr. Rose:

above caption case from your decision dated November 1, 1963, to the Board of Appeals for Baltimore County.

cover the cost of the appeal.

Ernest C. Trimble Attorney for Protestants

ECT:eb

ROBERT VOGEL

G. MITCHELL AUSTIN.

W. GILES PARKER and WILLIAM S. BALDWIN

Constituting the County Board of Appeals of Eultimore County

VS.

BALTIMORE COUNTY Misc. Docket 7 Folio 428

IN THE

Case No. 3105

#63-66RX

CIRCUIT COURT FOR

NOTICE OF APPEAL

Mr. Clerks

Please enter an Appeal to the Court of Appeals of Maryland

from the decision of Judge John E. Raine, Jr. dated March 2, 1965 and

Ernest C. Trimble Attorney for Appellants 404 Jefferson Building Towson, Maryland 21204

PETITION FOR ZONING RE-CLASSIFICATION 13.66 RX

James N. McCosh, Jr., Mary Ann McCosh, and Betsig LeBrun

James N. McCosh, Jr., Mary Ann McCosh, and Betsig LeBrun

legal cwners of the property situate in Baltimore

49 County and which is described in the description and plat attached hereto and made a part hereo hereby petition (1) that the zoning status of the herein described property be re-classified, parsuant SEC. 3 9/6/63

NW-11-1

R-A zone; for the following reasons: 1. There has been a change in the neighborhood, and

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

to the Zoning Law of Baltimore County, from an R-10

2. There was an error in the original zoning of the land, and

3. For other reasons to be assigned at the time of the hearing.

See Attached Description

AND/OR SPECIAL EXCEPTION

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

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, ing, 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

Betsy WLeBrun Legal Owners Address Bellona Avenue ... Towson 4. Meryland John C Jan Ch Protestant's Allormy Heren Belly Towns & W

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 er of Ballimore County in Room 106, County Office Building in Towson, Baltimore

County, on JBN-10-83-18th

imore County 10, 30 ft 9/18/63 MULLER RAPHEL & ASSOCIATES, INC.

ZONING DESCRIPTION

May 29, 1963

MAP SEC.3-C RA

BEGINNING for the same at a point in the center of Bellona Avenue at the intersection of the center of Bellona Avenue with the southerly side of Judges Lane, said point of beginning being at the end of the 50 or S75*49'00"E 425.58' line of the land which by deed dated September 27, 1943 and recorded among the Land Records of Baltimore County in Liber RJS 1306. Folio 171, was conveyed by Elizabeth C. Ames to H. Francies LeBrun and wife, running thence in the center of Bellona Avenue and binding on the lst line of the land in the aforesaid deed, \$3°38'00"W 563.07' to the beginning of the 1st or \$3°38'00"W 84' line of the land which by deed dated December 30, 1948 and recorded among the Land Records of Baltimore County in Liber TBS 1727, Folio 27, was conveyed by Evaline L. B. Lynch et al to H. Francies LeBrun and wife, running still in the center of Bellona Avenue and binding on the 1st line of the last mentioned deed, S3°38'00"W 84.00', thence leaving the center of Bellona Avenue and binding on a part of the 2nd line of the last mentioned deed N84°17'30"W 25.00' to the westernmost side of Bellona Avenue and to the end of the 8m or N4°53'53"W 179.63' line of the land which by deed dated November 15, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3268, Folio 406, was conveyed by R. McLean Campbell and wife to James N. McCosh, Jr. and wife, running thence on the westernmost side of Bellona Avenue and binding reversely on the 80. 70 and 60 lines of the land in the aforesaid deed, Campbell to McCosh, the three following courses and distances viz: (1) S4*53'53"E 179.63': (2) S4*53'53"E 61.33': (3) by a curve to the right with a radius of 215.38' for a distance of 48.67', thence leaving Bellona Avenue and binding reversely on the 50, 40, 3rd and 2nd lines of the aforesaid deed, the four following courses and distances wiz: (1) N70*16'07*W 149.36': (2) 581*51'30*W 66.86'; (3) N78*38'00*E 253.48'; (A) NC*53'53"W 278.00' to the end of the 2nd or N84*17'30"W 466.60'

line of the aforesaid deed. Lynch to LeBrun, running thence and binding

MULLER, RAPHEL & ASSOCIATES, INC. AUGUSTINE A MULLER

\$78*49*00*E 425.58* to the beginning.

mAl on the 3rd line of the aforesaid deed, Lynch to LeBrun, N7*20*00"E 34.00° to the end of the 3rd or S79°30'00"# 254.76° line of the afore said deed, Amos to LeBrun, running thence and binding on the 40 and 5a RA lines of the aforesaid deed, Amos to LeBrun, N7*20'00"E 653.71' and 9/6/6

CONTAINING 9.09 acres of land more or less, excluding the bed of Bellona Avenue. BEING and comprising all of the land in the three following deeds:

(1) Land which by deed dated September 27, 1943 and recorded among the Land Records of Baltimore County in Liber RJS 1306, Folio 171, was conveyed by Elizabeth C. Amos to H. Francies LeBrun and wife.

(2) Land which by deed dated December 30, 1948 and recorded among the Land Records of Beltimore County in Liber TBS 1727, Folio 27, was conveyed by Svaline L. B. Lynch et al to H. Francies LeBrun and wife.

(3) Land which by deed dated November 15, 1957 and recorded among the Land Records of Baltimore County in Liber GLB 3268, Folio 406, was conveyed by R. McLean Campbell and wife to James N. McCosh, Jr. and wife.

TOGETHER with the use in common with others entitled thereto to half the width of Bellona Avenue (now Bellona Lane) containing 0.55 acres more or less, giving the above described property a gross area for zoning of 9.64 acres of land more or less.

#63-66 PX MPF 8 pc. 3 RA-X NW-II-A TONTHO COMPTS TONES 039 No. 63-66-RY

There has been a definite change in the area wherein the petitioners desire to construct alevator apartments. Bellens Arenus will evidently become equivalent to the service read to serve apartents on either side of Bellens Arenus.

.

The petitioners have requested reclassification of property continuest corner of Sellona Avenue and dunges Lane, 9th Dis-of Land County, from an WR-10" Zone to an WR-A" Zone and tall exception for elevator appropriate.

elevator spartments wherein the Walter property which has been proviously considered did not have sufficient area for the proposed apartments. It is to be emphasized that Bellora Avenue as it now exists down on constitute a boundary between zeess.

For the above reasons the reclassification and special

exception should be granted.

Let the Low of Hormston 1969, by the Zening Consistence of Hallmann of Hallmann of County, COUNCED that the hard described property or area should be and the same to harvely realized their control of the County of the County

ress 22 W. Pennsylvania Ave., Towson 4, Md.

_day of ______ fifty _____, 1963__, at 10; 30_ o'clock

Ch

10th day

RE: PSTITION FOR RELIARISHMENT :
AND SPECIAL EXEMPTION FOR
ELEVATOR APPRICEDING 5 S.M. 2
Cor. Bellons Ave. and Julgo's
Lame, 9th Dist., Jan. N. 2
McCon, Mary Ann Molosh and
Dotty W. Lebrum, Potitionare - 1

Re: Petition of James N. McCosh et al. No. 63-66-RX

Please enter an argical on behalf of the Protestants in th

Enclosed please find my check in the amount of \$70.00 to

#63-66RX

James N. McCosh J. William Mary Aris McCosh William

CRDERED By The Zoning Commissioner of Baltimore County, this..... June, 196.3., that the subject matter of this petition be advertised, as

ROBERT VOGEL

VS.

G. MITCHELL AUSTIN, WILLIAM S. BALDWIN and W. GILES PARKER

Constituting the County Board of Appeals of Baltimore County

IN THE

CIRCUIT COURT FOR

BALTIMORE COUNTY

Misc. Dochet 7
Folio 428
Case No. 3105

PETITION AND ORDER

Robert Vogel, Appellant, hereby applies for an extension of time for the transmittal of the records from the Circuit Court for Baltimore County to the Court of Appeals of Maryland, and assigns the following reasons thereof:

1. That because of the pressure of work generally and another zoning case presently in preparation to the Court of Appeals by the Attorney for the Appellant, and because of the large number of protestants, on whose behalf the Appellant, Mr. Vogel, is acting, who must be contacted to determine the number of questions to present on Appeal (and therefore the amount of money to be raised and expended on the Appeal), it will be impossible to transcribe the record and prepare the papers within the time prescribed, and therefore suggests that the period for transmittal for the record be enlarged to a period of ninety (90) days after the Order of Appeal.

Ernest C. Trimble Attorney for Appellant

Leave granted this/7 day of May, 1965 as prayed.

JUDGE JUDGE

I HEREBY CERTIFY, That on this Aday of May, 1965, a copy of the aforegoing Petition and Order was mailed to E. Scott Moore, Esquire, County Office Building, Towson, Maryland 21204 and James H. Cook, Esquire, 22 West Pennsylvania Avenue, Towson, Maryland 21204.

Ernest C. Trimble 404 Jefferson Building Towson, Maryland 21204

Reid 6.2.6 M

THE CHARLES GATE

