ONOREGATION OF BALTIMORE CITY SIDNEY BLUM ET AL. 63-78 Argued by W. Lee Harrison, Towson, Maryland (Melcia . Sybra, Baltimore, Maryland, on the brief), for appellant. d C. Cornkey, Jr., and J. Elmer Weisheit, sens, on the brief), all of Towson, Mary-THE BETH TFILOH CONGREGATION OF BALTIMORE CITY NO. 63-78-R) N/S Old Court Road, East of Stevenson Road - 3rd District #3 Reclassification from R-20 and R-40 to R-A Special Exception for Elevator Apartment Building SEC. 2-6 NW-9-E RAK September 25, 1963 Order of Zoning Commissioner denying reclassif September 25 Order of Appeal to Board of Appeals June 25, 1964 Order of Board granting reclassification and denying special exception Order for Appeal filed in Circuit Court (Petitioners) June 14, 1965 board Reversed (Judge Raine - Oral Opinion) June 21 Order of Appeal to Court of Appeals fd. Mar. 29,1966 Board affirmed by Court of Appeals

Court of Appeals of Maryland

boless forewarmed, no Maryland lawyer whose practice embraces foring matters would be able to read this opinion and the briefs without experiencing a feeling of deja vu. Eventually, however, the familiar names, places, and principles of law would fall into place and the reader then would realize that, in reality, ne was revisiting Pinney v. Halle, 241 Mt. 224, 216 A. 2d 530 (1966). The property in the case at bar is less than a mile to the east of the Halle property. Both properties are in the 3rd Election District of Bultimore County and both abut the Baltimore Beltway. The zoning classification sought was the same in each case. The same attorneys opposed each other. The same witnesses (with minor exceptions) testified in both cases. The Board of Appeals rezoned both properties for substantially the same reasons. In each case there were appeals first to the Circuit Court for Baltimore County and then to this Court. And, oddly enough, although our decision in Halle was filed several months ago, (2 Zebruary 1966), it was not heard by the Board of Appeals until about a month after the instant case.

For many years the focal soint of the solitation of the Beth Tfiloh Congregation was its synapous in the Procest Fact section of Baltimore City. It is an Orthodox wongregation with 5000 contributing members but solutally ministering to about 9,000 families. In addition to the synapous there is a spaceliar community center and (at monther location) a constarty. Impressity, years many members of the congregation have migrated by the plantage when the process of the time of the congregation of the process of the congregation was neglected by the process of the congregation of the process of the process of the congregation of the process of the process

swey from ue." In some the need, of those who had already moved and as well he needs of those who cill surely violice it was decided to note the syrappice and the incomited activities to Bullimore County. The necessary land was purenased in Lydi. Constitute 57.25 acres it extends north from Old Court Noat to the Beltway. Immediately adjusting to the west is the development known as Dubbarton Heights. The land along the wastern between the new today of the statem between the move topics.

Proceeding with dispatch the congregation congriged the cervices of Kurris Lipitus, a citating thems a services are mixed an intermstitumed reputsion. No was directed to design a synagogue complex consisting of a sanctuary, a school, a social center, a library, and a housing complex. At first no was asked to suggest may the property signs be utilized, in respect of housing, within the oxisting zoning (residential), which he did, but later on it was decided that the optimum use of the land required apartments, both high rich and low rise.

On 21 March 1963 the congregation entered into a contract of sale with a March 1963 the congregation named The Two Hills Development Company, which is the alter ago of 'ordon E. Sugar, the developer of Dumbarton Heights. This rather unorthodox agreement provides for the sale of the northermoset 20 acres (the subject matter of this appeal) of the property. The synagogue complex, now under construction, is on the southermoset 37.55 acres. The purchase price is stated to be \$480,000, but this is subject to escalation depending on the number of spartment units ultimately permitted to

be constructed. Sugar is required to employ Morris Lapidus as his architect and Mats, Childs à Associates (also amployed by the congregation) as his engineers. Sugar is required also to give members of the congregation a limited priority over the general public in the least, of the apactaments. The agreement contains many other limitations and restrictions all of which are calculate to insure the utmost commentability between the apartment complex and the synagogue complex in respect of roads, attracts, water, santary nevers, storm drains, utilities, location of buildings, architectural design, and building materials.

As required by the contract, the congregation pought to have the zoning classification of the 20 acre pured changed from R.20 and R.40 (residence, one featily to R.4. (residence, particularly Application was also made for a special exception to consprant a Philosopherise" (elevator type) apartment building. On 35 September 1963 the Zoning Commissioner denied both the request for reclassification and the application for the special exception. Prompt appeals to the Board of Appeals were entered. On 17 and 18 Narral and on 29 April 1964 the Board heard the testimony of a number of witnesses and on 25 June 1964 its decision was filled, The remodule was granted but the special exception was denied.

In his testimony before the Board, Rabha Barmen 1.

Neuberger, the director of Mer Iarag Rabbinical College, policies
out that the adherents of Gerhadox Judales, such as the manual
the Rein Tilloh Compression, are guided in their religious, Board and

their communal and private lives by the codes expressed in the Shulchen Aruck Orach Chayim and that one of the rules embodied therein prohibits riding to the synagogue on the Sabbath and the high holidays. Rabbi Rosenblatt testified that while obedience to the rule, held in high regard by Orthodox Jews, was impossible for a great many of his people, there were many who would happily shide by it if they could live within practical walking distance of the synagogue. He observed that "the people who love the synagogue most and love to attend regularly are mostly retired and many . . are not wall. . . . If they had living quarters right near the synagogue it would be a godsend to them." However, he added, the building of individual homes on the property, under R.20 and R.40 soning, would provide living quarters for so fee that it could not be considered a solution of the problem. "The only way [he concluded] is having high rise apartments . near the synagogue."

We shall assume, at least as far as the case at bar is concerned, that the plans for the high rise apartment building how been abandoned since there is no appeal from Judge Raine's affirmance of the Board's Genial of the application. As the time of the heart of the heart of the policies on the late of the building containing law units and a group of garden type low rise buildings containing law units. It would appear that at least 60 to 70 additional low rise units can be built in the erea initially sat saids for the high rise building. Appelless complain has page reclassification of the property to R.A. would emable the congression to provide quarters for 50 persons whereas under the present

artii

IN THE COURT OF APPEALS OF MARYLAND
No. 255
September Torm, 1965

BETH TPILOH CONCREDATION OF BALTIMORE CITY

SIDNEY BLUM, ot al.

Harmond Horney Marbury Barnes McWilliams,

Opinion by McWilliams, J. Hammond, J. concurs in the rest

Filed: March 29, 1966 1

Toring only a maximum of 103 can be accompanted. But this, of course, is precisely what motivates Rabbi Rosemblatt and his congregants because as they see it 650 person; walking to services in the symagogue is a greater good than a mere 100 or so doing the same thing.

Based on testimony much the same as the testimony produced in Mails, and by virtually the same witnesses, the Board of
Appeals found "that there have be > stemateve changes in the
neighborhood not the least of which are those connected with tha
development of homes, the construction of synapogues and schools
(not only Beth Tilloh but others as well), the present availability
of utilities, [and] the opening of the Bellway together with its
access roads = \* = ." (Emphasis supplied.) The board cited as
additional evidence of change in the character of the neighborhood
"the needs and desires of the Beth Tilloh Congregation to scoomedia"
Its sembers."

Judge Raine, in his opinion, indicated that the appeal and given him a great deal of trouble and after concluding "that the decision of the " o "Board " o " should be reversed" o " (he) confess(ed) that the matter " o " (small not free from doubt, " o " is recognised that there had been "an extension of utility lines for water and sewage into the area" but, although he said he was swere of our holding in Bonde v.

County Board, 234 Mt. 259, 399 A. ad 26 (1964), the sewand to that "that this this " o "(small not surfaced avidence" of "shange.

property in a way that was not hitherto possible, but certainly, on the surface, it does not change the character of the neighborhood." He conceded that the Beltuny "certainly did have a real impact" on the property, " o o (and that ic) has changed the the entire Baltimore County from the standpoint of living evrange Its impact on shopping arrangements, he added, one "terrific" and finally that "it has revolutionized all types of transportation, . . . But, he said, "I do not believe that from a legal point of view that this is the kind of change that the Court of Appeals talks about when they say that change must be present in order to justify reclassification." Judge Rains concluded his opinion by expressing the hope that this Court some day" hand down a "real definitive ruling" on "what. the real effect is of wober and sower extension . ( " and the Beltway on zoning." His slooing sentance reminds us (as if we nee reminding) that "these cases are constantly plaguing the courts the position of the trial court is certainly not a happy one."

Whether Judge Raine, on 14 June 1959, Nan day heariled his ble opinion, was right or wrong, in the light of decisions then extent, is a question which, so are pleased to observe, hear not be asserted. We believe, however, teat he might have separate a different conclusion if, at that time, our decision in Halls had best available to his. We think Judge Barose, the wrett that court's opinion in Halls previded the "definition was."

Raine hoped for. In respect of the Doltony he said!

IN THE

CIRCUIT COURT

G. MITCHELL AUSTIN and W. GILES PARKER constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Appellees

SIDNEY BLUM, et al

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FOR

BALTIMORE COUNTY
7/402/3053

.......

ORDER FOR APPEAL

Mr. Clerk:

Reid 9.7.65

Please enter an appeal to the Court of Appeals of Maryland in connection with the above captioned case on behalf of Tho Beth Tilloh Congregation of Baltimore City and The Two Hills Development Company.

W. Lee Harrison 607 Loyola Federal Building 22 W. Pennsylvania Avenue Tewson, Maryland 21204

Appellants
vs.

G. MUTCHELL AUSTIN and

G. MITCHELL AUSTIN and W. GILES PARKER Constituting the County Board of Appeals of Baltimore County

ORDER

The papers in the above entitled case, including the transcript of teatinony and trial memoranda, having been read and considered by the Court, and argument of councel having been heard, it is this <u>IS Ib</u> day of <u>X(A)</u>, 1965, by the Circuit Court for Baltimore County.

ORDERED that the decision of the County Board of Appeals of Baltimore Councy granting reclassification is reversed, and the County Board of Appeals is hereby ordered and directed to deny the petition for reclassification requested in this case.

S/ RAIL =

IN THE

CIRCUIT COURT

FOR

Miscellancous Docket 7

BALTIMORE COUNTY

AT LAW

Beil 9.7.69

"The first and the most important change in the meighborhood " " was the donatruction of the

7.

"The construction of the Beltway was a far more extensive and important change in conditions and the same of the s

In respect of the increase in water and sever facilities,

"Another substantial change in the area since the adoption of the comprehensive moning map was in regard to sever facilities."

"Then too, there has been a substantial change in the public water supply." 24 at 239. (Exphasis auonited.)

While the Beltway and the axtended sewer and water amplies in simplings on the Beth fflich property in a manuar somewhat different from the Halle property the impact, we think, is nonethaless asymptotic attential. The Board of Appeals ofted as additional evidence of changes in the neighborhood "the needs and demires or the beth fflich Congregation to assemblate its members." However relevant and probative this evidence may be, the court below made no maintion

of it and we do not find it necessary to do so. Since that we said in Halle, supra, seems especially applicable here, we think its repetition is partinent:

"Because of the changes in conditions sections we cannot say that the realisatification is not fairly declarable or capture of the board in the condition of the board in the capture of the board in the capture of the board in the capture of the board board in the capture of the board bould be affirmed." Id at 241.

There was much argument in the briefs (and orally) on the question of error in the comprehensive resoning of 1957. The Board of Appeals found there was such an error. Judge Natine, on this point, held to the contrary. Since it is uncoessary for us to do so we reach no conclusion in this regard.

The order of the trial court will be reversed and the appelless will pay the costs.

Agres Sie

CREEK REVENSED BY APPELLER

RE: POTITION FOR RECLASSIFICATION from "R-10" and "R-20" Zenes to an "R-2" Zene and Special Emoption for Elerator Apartment Bullding - N. S. Old Court Road east of Stevenson Road, 3rd Dist., The Best filloh Congregation of Baltimore City, Futition

BEFORE
ZOMING COMMISSIONER
OF
BALTIMORE COUNTY

20. 63-78-RX

The politicons, in the above matter, requested a reclassification from "R-10" and "R-20" Zenes to an "R-4" Zene of property located an the north side of Clid Court Read, east of Stevenson Read, in the Third District of Baltimore County, The Beth Tillch Congregation of Railtin on City, Deltieror.

...............

The potitioner failed to prove a change in the character of the area of the requested potition or that there was an error in the original soning.

A request for a special exception for an Elevator Apartment Building on a portion of the property cannot be granted inasmuch as the spartment goning should be denied.

For the above reasons the reclassification and

It is this <u>254</u> day of September, 1963, by the Zoning Commissioner of Relitance County, GERERO that the above reclassiff froution be und the case is hereby DERERO at this the above described property or area be at the same is hereby continued as and to result.

\*\*Rulo\* and \*\*Rulo\* Zone and the Special Reception for an Elevator Apartment Patiting be at the same is hereby BERERO.

Soning Commissioner of

SMITH AND HARRISON

STORE SALES SALES

SMITH AND HARRISON

STREET SALES

STREET SALES

SEPTEMBER 25, 1963

September 25, 1963

John G. Rose, Esq.
Zoning Commissioner for Baltimore County
Eounty Office Building

Re: Petition for Reclassification and Special Exception for The Beth Tfiloh Congregation of Baltimore City

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your decision in the above entitled case dated this

I enclose check for \$70.00 to cover cost of this

Wery truly yours,

Mediamonn

W. Lee Harrison

Attorney for Petitioner

cc: J. Elmer Weisheit, Jr., Esq. Sidney Blum, Esq. Arnold Fleischmann, Esq. RE: PETITION FOR RECLASSIFICATION from "R-40" and "R-20" Zones to an "R-A" Zone, SPECIAL EXCEPTION for an Elevator Apartment Build N/S Old Court Road, east of Stevenson Road Third District The seth Tfiloh Congregation of Baltimore City, Petitioners

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 63-78-RX

. . . . . . . . . . . . . . OPINION

This case is an application for a change in zoning classification from "R-20" and "R-40" Zones to an "R-A" Zone of a tract of 20 acres owned by the Beth Tfiloh Congregation and located south of the Baltimore County Beltway, north of Old Court Road, and east of the development known as Dumbarton Heights which itself extends eastwardly from Stevenson Road to the boundary of the property for which rezoning is requested. There is also application for a special exception for the construction of a "high-rise" or elevator type apartment on tin lot together with a swimming pool and a complex of inree-story gorden type apartments an egether totaling 360 family units. The Beth Titioh owns 57-1/4 acres in this tract but has planned, and in fact started construction of, a Synagogue, supporting offices and administration buildings, and a 600 pupil day school on the remaining 37-1/4 acres for which no zoning permits or changes are required by law. The 20 acres involved in this application has been sold by the Congregation, under a contract subject to rezoning, to a Mr. Gordon Sugar or a corporation controlled by him, who is the same builder or developer who was responsible for the very valuable and lovely suburban area of Dumbarton Heights Immediately to the west of this tract from which area emanates most of the protest to this application.

There were four days of hearings on the application and it is, of course, impossible to reproduce all of the evidence in this opinion. Testimony affered on behalf of the partitioners indicates that the Both Tfiloh is a large (over 2000 families) congregation of the Orthodox persuasion and finds it desirous, if not essential, that many of its members live within walking distance of the sanctuary to be constructed on the property as part of the religious complex. Many of the members are older people or those of small family who could not use, or possibly could not afford financially, the occupancy of homes comparable to those existing on the Dumbarton Heights or Longmeadow tracts which, according to the evidence, had original costs of \$40,000 to \$80,000 each with fee simple lots priced at from \$8,000 to \$12,000. There was no stated objection to the Synagogue or school or associated buildings, but only to the apartment buildings and expecially to the proposed "high-rise"

An architect's rendering in color of the proposed apartment group and the plat plans filed in the case show a fourteen-stury elevator opartment flanked by a large swimming pool and patio at the southern end of the twenty acre tract, and fourteen separate three-story garden type apartment buildings spaced in the area between the high-rise build-

> (d) Would be detrimental to the general welfare of the locality because:

It would cause a reduction in value of homes in the area; it would create by its very use and appearance an unwarranted change in the char-acter of the neighborhood for a considerable usere or me neighborhood for a considerable radius; and its oppearance would be completely our of keeping with the landscape, locatior, architecture, and land use of nearby property. In fact, it would in effect bring an atmosphere redolent of Minni Beach to the Green Spring Valley which, in this Board's opinion, would be detrimented in the account of the control o be detrimental to the general welfare as meant by the Zoning Regulations (Section 502.1 (a)), sed restrictions or conditions allowed by Section 302.2 could cure the funda

The concept of the public or general welfare should be broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislative function to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. With all these factors being considered the application for the special exception will therefore he denied

For the reasons set forth in the aforegoing Opinion, it is this 25th day of June 1944 by the County Board of Appeals, OR DERED that the reclassification from "R-20" and "R-40" Zones to an "R-A" Zone petitioned for, be and the same is hereby granted, and that the special exception for an elevator apartment building petitioned for be and the same is hereby denied.

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

COUNTY BOARD OF APPEALS

ing and the Baltimore County Beltway. The plans were furnished by Mr. Morris Lapidus, a distinguished American architect, who has to his credit, among other things, the Fontainebley at Miami Beach and the Americana Hotel in New York. His testimony was that while the property could be utilized under present zoning his plans would make for a better balanced community especially in view of the needs of the Beth Tfiloh Congregation who are committed to the construction of the religious cumplex in any event. He felt that the large private homes should be occupied by younger people and larger families, while the apartments will fill a need for older people or groups who desire to be near the religious facilities, school, etc., and that apartments would not have a deleterious effect upon the surrounding

The petitioner further produced testimony to indicate substantial changes in the neighborhood since the adoption of the present zoning map on January 16, 1957. Mr. Lester Matz, an engineer; Mr. Edward A. McDonough, of the Baltimore County Public Works Department; Mr. Jerome Wolfe, an expert independent consultant on sewers and water supply, all testified to the general effect that the County Beltway had been constructed since January, 1957 and that the Park Heights interchange had not been built until January, 1961; that at the time of original zoning water and sewer facilities would have been inadequate for the proposed use but are now more than sufficient because of the construction of new mains and storage tanks insuring adequate capacity and pressure.

Dr. Walter W. Fwell, a traffic expert, testified for the petitioners that road in the area were adequate for traffic which might be generated by the development, and that the apartment construction might well lessen the amount of expected traffic on the Sabbath and Holidays as members of the congregation living in the apartments would not require automobile transportation on those days to attend the religious observance. Harry B. Beard, a traffic expert called by the protestants, disagreed with this conclusion although his surveys and traffic counts were in substantial agreement with those of Dr. Ewell.

There was testimony from real estate and appraisal experts, called on behalf of the petitioners, that the proposed construction would not hurt the value of neighboring properties; that there was very little land available or zoned for apartments in this part of the County; that the present demand for apartments did not exist to such a great extent in 1956 and 1957; and that the plans indicated that the apartments would attract people of approximately the same income status as the families in the neighboring homes. On the other hand expert witnesses for the objectors expressed the pointion that the proposed plan would be detrimental to real estate values, particularly to those in Dumbarton Heights, and particularly because of the high-rise feature in the project. A number of residents of Dumbarton Heights stated that they felt that their properties would diminish in value as a result of the proposed construction and expressed objection to the changes in the view and general atmosphere of the area, at least one man testifying that if the "high-rise" was constructed it would shade his home and he would not be able to see the morning sun again.

Mr. Bernard Willemain, a recognized expert on planning and zoning, stated his opinion at length that there is a great need and demand for apartments in the Pikesville area which was either non-existent or not recognized by the County Commissioners in January, 1957; that no provision for multiple occupancy dwellings had been made on the zoning map for this area; that the planning commission did not recommend any multiple family homes at that time in this area, and only two small areas were zoned for apartments which are now occupied by office buildings; that at that time no research or professional studies were made and that the map was prepared on the basis of a plebescite of neighbors and that, therefore, there was, in his opinion, substantial error in the original zoning. He also said that the very large expanse of "R-40" zoning in this district was so designated because of recognized reservair or stand-by purposes there being no adequate utilities available at the time of the map, and hence was "interim zoning" to be reconsidered as changes occurred in population movements and construction of roads and utilities allowing other than "large lot" use.

Mr. George Gavrelis of the County Office of Planning and Zoning, disagreed with Mr. Willemain on a number of points stating as his opinion that establishment of apartment zoning here would contravene the adopted master plan applicable to the area, and would not meet the locational criteria established by the Planning Board for apartments elsewhere. He felt that this area had been designated "R-40", at least to some degree, for legitimate development of large lots and not necessarily as a helding area for future changes. Mr. Gavrelis fears that rezoning of this particular property might be an entering wedge for more extensive apartment zoning to the east although admitting that there have been many changes in the character of the neighborhood since the map adoption. The Board cannot agree that its decision in this case would alone operate as a change warranting any further extension of apartment zoning or other changes in classification in the area as each case must stand on its own merits. It is a fact that there have been extensive changes in the neighborhood not the least of which are those connected with the development of homes, the construction of synagogues and schools (not only Beth Tfiloh but others as well), the present availability of utilities, the opening of the Beltway together with its access roads, the present existing and well recognized need and demand for multiple family dwellings (not known or non-existent at the time of the adoption of the map), the needs and desires of the Beth Tfiloh Congregation to accommodate its members and the pressure of population growth in

It is our finding from the evidence that the original map adoption made little, if any, provisions for apartments in the entire area covered by the map; that present conditions were not foreseen at the time; that most if not all the wide expanse of "R-40" zoning in this particular area must have been intended as reservoir or interim zoning for future changes under future conditions both foreseen and unforeseen in 1957. In fact the "Report on the Master Plan and Comprehensive Rezoning Map for the Western Planning Area" of the County Planning Board has said at Page 8-1 of Appendix 8 of the report of 1961:

"The R-40 zone's designation as <u>residential</u> obscures the fact that, lacking specific zones in the County for agriculture and mor, tocking specific zones in the County for agriculture and other use regarding large tract of essent "Up open land, it also serves as a non-residential zone. While the R-40 denotes land in, or suited for, acre -tol development, many areas in the County are not ready for such development, or night utilizately be suitable for some intensive usage. Thus, much land in the County currently zone R-40 is intended to remain in non-residential use until such time as it is ripe for more intensive development, if at all."

and this determination has been recognized by the Court of Appeals of Maryland in the case of Huff vs. Board of Zoning Appeals, 214 Md. 48 at Pages 53 and 54. It is, therefore, our opinion that the granting of rezoning to "R-A" will be beneficial to the surrounding com munity rather than detrimental, either economically or in any other way, and is in full accord with the orderly planned development of this section of Baltimore County. We find that there wa error in the original zoning; that there have been changes in the character of the neighborhood sufficient to warrant the granting of the application; and that in any event present conditions warrant the change to "R-A" as the proper use of land previously zoned on the interim or stand-by basis. The petition for a change to "R-A" will, therefore, be granted.

This Board, of course, has no control over the ospect or operation of courts ments if they are so constructed as to conform to the zoning regulations, the building code, and other rules and regulations of the County. Any impact on the neighborhood must be to a great degree dependent upon the skill, taste, and conscience of the architect, builder. and operators of the project, but there is no reason in this case to doubt the good intention, or the ability to carry out these intentions, on the part of the Beth Tfiloh Congregation, the architect, or the builder and developer.

We now reach the second question which involves the application for a special exception for an elevator apartment building. To warrant the approval of this petition the applicant must show, and the burden is on him to show, that the use for which the same is requested will not clash with any of the provisions of Section 502.1 of the Zoning Regulations of Baltimore County. We feel that in a number of respects the petitioner have not met this burden, if in fact there is not a preponderance of evidence affirmatively against his contention with respect to the provisions of Section 502.1. It appears to us that the proposed construction and operation of the "high-rise" apartment as presented in picture, plans, and description to this Board would unquestionably.

- (a) Tend to create congestion in the traffic patterns
- (b) Tend to overcrowd land and cause undue con-centration of population
- (c) Interfere with adequate light, and perhaps air-Intertere with adequate light, and perhaps at by overshadowing the neighboring homes in which residents have invested large sums of money as well as time, toil, and loving care; and last but far from least:

. . PETITION FOR ZONING RE-CLASSIFICATION #6378 RX AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

MAP X or weTHE BETH TPILON CONGREGATION OF BALTIMORE CITY X or we THE BETH TELLOH | 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, SEC 2 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\_ and R-20\_\_\_\_\_ e to an RA-9/19/63

Error in original and change in conditions.

NW-9-E

See Attached Descriptions

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

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 roning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE BETH TFILOH CONGREGATION OF BALTIMORE CITY, De Samuel Epstein Addres ffore & facuson Address. 3200 Garrison houlevard W. Lee Harrison

Petitioner's Attorney Address . 104 Jefferson Building

Inveny ho Towson 4, Maryland VAlley 3-6200 ORDERED By The Zoning Commissioner of Baltimore County, this ...... 22nd July ..., 196...3, 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 25th day of September 7 ..., 1963 et-2,00 o'clock JUL 22 63 P. M

> 2001 FFICE OF PLANING & PONING

hast Goes Zohing Commissioner of Baltimore County

Baltimore 16, Maryland

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ald Ite

ORE COUNTY, MARYL

INTER-OFFICE CORRESPONDENCE

Date ..... August 9, 1963 FROM Albert V. Ontaby

SUBJECT. Beth Tfiloh-Congregation

#63-7

MAF

#3

SE4.2-6

KA-X

9/19/6

The plan for the subject property at Old Court Road and Stevenson Road was reviewed by the Zoning Advisiory Committee on Appear 2, 1963. This plan does not reflect the street nations as set up by Dumbarton Heights the adjacent development to the west.

Sole access to the property is provided by a 60' street to Old Court Road. The latter road is an existing two lane macadem surface. The the access to this property for the present is circuitous to say the least. Old Post Drive and Willow Avenue, streets in Dumbarton Heichts. are proposed by this plan as being dead-ended on the west side of the property. This means that the existing subdivision of fine homes is and would remain incomplete as to circulation. By the same token if these streets are extended into the proposed project and made a part of their circulation plan traffic in excess of that resulting from single family residential use for this area would be traver dug residential streets. Providing turn-arounds for these streets on the subject property would still mean an incomplete street pattern for the subdivision. Thus this plan proposes a land use at variance with the existing use (of developing fine single family residences) on a piece of land remote

BALTIMORE COUNTY, MARYLAN

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date September 13, 1963 FROM Mr. George E. Gavrelis, Deputy Director

SURBECT #63-78 RX. R-40 and R-20 to R-4 and Special Exception for Elevator Apartment Building. Borth side of Old Court Road East of Stevenson Road. Being property of 7th Beth Tilloh Congregation. 3rd District

HEARING: Wednesday, September 25, 1963 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject settition for reclassification from R-MO and R-20 to R-A zoning together with a Special Exception for an elevator apartment building on part of the tract. that the following advisory comments to make with respect to perfinent

- The Jrd Histolic Waster Flam and the subjection Zening Map carefully considered the American and them of Land was, both existing and pro-fer this area. Large let confirm the American Section of the recognition of the existing and energing pattern of Land wasse. Large lot coning apparently has not been a deterent to development in this area ever where utilities were available.
- 2. Orastion of spartness toxing on the subject trust would contravene the adopted Master Plan and Zealng Hop applicable to this area. Apartness toxing here would not need any of the locational criteria establishment will be a subject to the series of the subject to the series of the subject to the subj Already, apartment zon adjacent to the east.
- The consequential effects of creating apartment soming here must be considered and should not be taken lightly. Apartment soming here would establish the very contition of change in character of the neighborhood that would justify extension of apartment sceing to the east and on the undereloop lateau along GLD Gunt Should.

AVO/en cor J.Dven-

TZ. CHILDS & ASSOCIATES, INC. 2129 N. Charles Sc. - Bahinore 10, Maryland

# DESCRIPTION

#63-78 PX

MAP V

SE1.2.6

PA-X

9/19/63

#63-78 R

SEC.2.C

PART OF CORDON SUGAR PROPERTY TO BE REZONED FROM R20 TO RA NORTH SIDE OF OLD COURT ROAD, EAST OF STEVENSON ROAD, THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the second or N. 07° 22' 3 W., 2554.34 foot line of the 57.254 acre tract, which by deed dated January 13, 1961 and recorded among the Land Records of Baltimore County in Liber W. J. R. No. 3801, Folio 632 was conveyed by Ruth L. Shriver to Beth Tfiloh Congregation of Baltimore City, said point being N.  $07^{\circ}$  22' 35" W., 2025.27 feet, as measured along the first line and a part of the second line of said land from a point on the center line of Old Court Road, said point being the beginning of said first line, said point on er line of Old Court Road being 2295 feet, more or less, as measu northeasterly along said center line of Old Court Road from the intersection thereof with the center line of Stevenson Road running thence binding on a part of said second line N. 07" 22' 35" W., 967 feet, more or less, to the heginning point of the existing zoning description 3 R 20-8, thouce binding on a part of the first line of said zoning description southeasterly 890 feet

AA CHILDS & ASSOCIATES, INC. . Charles St. - Baltimere III, Maryland #63-78 PX

THILDS & ASSOCIATES, INC.

more or less, to intersect the fifth or S. 16° 39' 35" E., 2949.13 foot line of the first herein mentioned land, thence binding on a part of said fifth line S. 16° 39' 35" E., 175 feet, more or less, to a point N. 16° 39' 35" W. . . . RA-X 1095, 58 feet from the end of said fifth line, thence S. 60° 02' 47" W. 9/19/63

> GAV:deg 5/29/63 J. O. #61055A



. S & ASSOCIATES, INC. DESCRIPTION

PART OF GORDON SUGAR PROPERTY, NORTH SIDE OF OLD COURT ROAD, EAST OF STEVENSON ROAD, FOR SPECIAL EXCEPTION, THIRD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

w. RA-X Beginning for the same at a point on the second or N. 07 \* 22' 34 2554.34 foot line of the 57.254 acre tract, which by deed dated Janua 1961 and recorded among the Land Records of Baltimore County in Libe W.J.R. No. 3801, Folio 632 was conveyed by Ruth L. Shriver to Beth Tfiloh Congregation of Baltimore City, said point being N. 07  $^{\circ}$  22  $^{\circ}$  35  $^{\circ}$  W., 2025.27 feet, as measured along the first line and a part of the second line of said land from a point on the center line of Old Court Road, said point being the beginning of said first line, said point on the center line of Old Court Road being also 2295 feet, more or less, as measured northeasterly alone said center line of Old Court Road from the intersection thereof with the center line of Stevenson Road, running thence, binding on a part of said second line N. 07\* 22' 35" W., 1072.52 feet, thence leaving said second line and running for lines of division the following three courses and distances (1) S. 15° 06' 57" E., 470.02 feet (2) S. 76° 26' 34" E., 634.85 feet and (3) N.  $13*33^1$  26" E., 260.94 feet to a point on the fifth or S. 16 \* 39 35" E., 2949.13 foot line of the first herein mentioned land



SE(.2-6 PA-X J. O. #60155 9/19/63 6/26/63



J.J. C. CLU.

2129 N. Charles St. - Baltimore 18, Maryland

DESCRIPTION PART OF GORDON SUGAR PROPERTY TO BE REZONED FROM R - 40 to RA, NORTH SIDE OF OLD COURT ROAD,

EAST OF STEVENSON ROAD, THIRD ELECTION DISTRICT,

SEC.2

BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the second or N. 07° 22' 35' W. . PA-K 2554.34 foot line of the 57.254 acrc tract, which by deed dated January 1961 and recorded among the Land Records of Baltimore County in Libe W. JR. No. 3801, Folio 632 was conveyed by Ruth L. Shriver to Beth Tfiloh Congregation of Baltimore City said beginning point being the beginning point of the existing zoning description 3 R 20-8, said beginning point being also N.  $07\,^{\circ}$  22' 35" W., 2992 feet, more or less, as measured along the first line and a part of the second line of the firstherein mentioned land from a point on the center line of Old Court Road, said point on the center line of Old Court Road being 2295 feet, more or less, as measured northeasterly along said center line of Old Court Road from the intersection thereof with the center line of Stevenson Read, running thence binding on a part of said second line N 07" 22' 35" W., 240 feet, more or less to the south side of the Baltimore County Beltway as shown on State Boads Commission Right of Way plats Nos. 17798 and 17799, thence binding thereon the five following courses and distances. (1) N. 56 \* 21'  $10^{\circ}$  E., 27.60 feet, (2)

MAT THILDS & ASSOCIATES, INC.

more or less to the place of beginning

#63.78 PX N. 50° 11' 20" E., 151.33 feet, (3) N. 46° 25' 30" E., 177.71 feet, (4) N. 74\* 43' 00" E., 156.72 feet and (5) N. 70° 27' 30" E., 165.13 feet to herein mentioned land, thence binding on a part thereof 5. 16 \* 39' 35 970 feet, more or less, to the first line of the above mentioned zoning

Earlin St. - Baltimore 10, Maryland

J. O. #61055-A 5/29/63

description, thence binding on a part thereof northwesterly 890 feet,



ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland District. 3rd.

Potition for Meclassification from 8-40 to M-20 to 8.4.

Posted for Belling for Meclassification for Elevator Apt. 3ldg. Petitioner: . The Bath Effiloh Congregation of Belto, City. Location of property: M/S. of. old Sourt Sd. east. of Stevenson Sead Location of Signar 3340. Seat. of Ricorange, Lane - Special Except: 31761 East.

Profes Ecopy:
of Staymason Lane - Medican At . Assistent of Old Post Dr. Posted by Julius A Jose Date of return Sept. 11, 1063

CERTIFICATE OF POSTING

● ●#63-78-RA



BALTIMORE COUNTY, MARYIM ND TELEPHONE VALLEY 3-3000 No. 20156 OFFICE OF FINANCE Section of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND h Tfilch Congregatio 1110.00° Advertising and posting of your property 10-263 4-96 . . . 111-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND IBFORMATI MARE CHECKS PAYABLE TO DALLIMORE, COURT HOUSE, TOWSON 4, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. BALTIMORE COUNTY, MARYIOND OFFICE OF FINANCE No. 24735 COURT HOUSE TOWSON 4, MARYLAND DATE 8/14/64 01,712 \$11.80 Cost of Cartified Dog \$ 11,/00 8-1464 67 45 . 20735 TYP-11.08

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND BETWEEN MAKE VISUADE PAYABLE TO DELLEMORE COURT HOUSE, TOWSON 4, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE,

BALTICORE COUNTY, MARYAND No. 24733 OFFICE OF FINANCE court House Towson 4, Maryland DATE 8/3/64 01.712 TOTA 10"80" nnis - No. 6378-bX
The Bath Thich Congregation of Scitimore
N/S Old Court Road, E. of Stevenson Ro
Third District

THE District

THE DISTRICT COURS, MAL. OL \$ 10.00 8-368 5219 \* 24733 TIP-0.00 6-364 6219 . ZH733 MP-0.00 IMPORTANT: MAKE CHECKS PAYABLE TO BE LTIMORE COUNTY, MARYLAND

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

TELEPHONE

PETITION FOR
RECLASSIFICATION AND
SPECIAL EXCEPTION
THE Blastiet
ZONING: From R-6d R-20
Special Excelone. Fettlion for
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LOCATION: North aids of old
Court Road East of Stevenson
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Bold to Bo Assure at a point on the second or N. 67 degrees 22° 35° W. 2564.4 foot line of the 57254 area tract, 
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Land Records of Bultimore 
County in Liber W.J.R. No. 380, 
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THE BALTIMORE COUNTIAN 6 B

THE EXAMINED TO HESS.

THE HERALD - AKGUS

No. I Newburg Avenue

CATONSVILLE, MD.

Sent. 9. 1963.

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

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week successive weeks before the 9th day of Sept., 1963 , that is to say

the same was inserted in the issues of September 6, 1963.

THE BALTIMORE COUNTIAN

By Paul J. Morgany Editor and Managello

From H-40 and R-20 Zones DONNG: Prem R-40 and R-20 Zones to R-A Zone. R-A Zone. Petition for Special Exception for Elec-ter Apartment Building. DOCATION: North-Side of Old Court Road STATE ATTMENT ROAD. NATE ATTMENT ROAD. NATE ATTMENT ROAD. NATE ATTMENT ROAD. Office Building, 111 W. Cheapcake Ave-now, Turous, Maryland.

Office Positions, 11 M. Christopher Art.

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# CERTIFICATE OF PUBLICATION

TOWSON, MD ... September 6, 1963 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oncecin reache day of \_\_\_\_\_September \_\_\_\_\_1963\_, the MTHT publication

appearing on the \_\_\_Stb\_\_\_day of \_\_\_September\_\_\_\_ THE JEFFERSONIAN.

Land Street

Cost of Advertisement 8

