

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FOXCROFT, INC., legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-20 zone to an R-4 zone; for the following reasons:

1. Error in original zoning.
2. Substantial changes in the neighborhood.

See Attached Description

and (3) 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 of Baltimore County.

FOXCROFT, INC.

By [Signature]

Contract purchaser
Address 16 Park Avenue
Baltimore 1, Maryland
Legal Owner
Address 16 Park Avenue
Baltimore 1, Maryland
Attorney's Address
W. Lee Harrison, Esq.
124 Jefferson Building
Towson 4, Maryland

ORDERED BY THE Zoning Commissioner of Baltimore County, this 17th day of September, 1963, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of November, 1963, at 10:00 o'clock A.M.



Zoning Commissioner of Baltimore County

STANLEY C. MAGERSUPP,
2315 Ravenwood Road
Timonium, Maryland
and
POT SPRING COMMUNITY
ASSOCIATION,
c/o William Neale
2125 Pot Spring Road
Timonium, Maryland
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Plaintiffs Appellants
vs.
NATHAN H. KAUFMAN,
G. MITCHELL AUSTIN and
W. GILES PARKER,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:
Please file, &c.
(s) Edith T. Elmhart
Edith T. Elmhart, Secretary
County Board of Appeals of Baltimore County

DAVID W. FOHLER
Consulting Engineering
Land Surveying - Site Planning
114 W. 85th Street
Baltimore 28, Md.
October 31, 1963.
REVISED
DESCRIPTION OF LAND FOR SPRINGDALE APARTMENTS, PADONIA ROAD, 8th DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the northwesternmost side of Padonia Road 80 feet wide as shown on Plat of Section 3, Plat 2 "Springlake", recorded among the Land Records of Baltimore County in Plat Book W.F.R. No. 28, folio 89, at the distance of 810.00 feet measured Northeastly along the Northwest side of Padonia Road from the cutoff of Cardigan Road 50 feet wide, said point being also at the dividing line between Lots Nos. 3 and 9, Block "C", as shown on the Plat herein referred to, and running thence and binding on the Northeast side of Padonia Road, and referring the courses of this description to the Baltimore County Grid Meridian, Northeastly by a curve to the right with a radius of 999.83 feet the distance of 387.79 feet and North 58 Degrees 01 Minute 08 Seconds East 300.00 feet to the Northeast outline of the Plat herein referred to and to intersect the 7th line of the land which by Deed dated January 5, 1956, and recorded among the aforesaid Land Records in Liber G.L.B. No. 2853, folio 344, was conveyed by Joan L. Stryker and wife to Springdale Inc., and running thence and binding on a part of said 7th line and on the northeast outline of the Plat herein referred to, North 31 Degrees 52 Minutes 52 Seconds West 685.00 feet to the beginning of the 8th line of the land secondly herein referred to

Page 2.
October 31, 1963.
REVISED
DESCRIPTION OF LAND FOR SPRINGDALE APARTMENTS, PADONIA ROAD, 8th DISTRICT, BALTIMORE COUNTY, MARYLAND.
(Continued)
and to the Northwest outline of the Plat herein referred to, and running thence and binding on said 8th line and on said Northwest outline of said Plat, South 16 Degrees 04 Minutes 24 Seconds West 996.64 feet to the dividing line between Lots Nos. 8 and 9, Block "C" herein referred to, and running thence and binding on said dividing line South 69 Degrees 02 Minute 22 Seconds East 170.61 feet to the place of beginning. Containing 6.6283 acres more or less.
Subject to a 10-foot drainage and utility easement along the third and fourth lines of the land herein described; and
Subject also to a 50-foot drainage and utility reservation across Parcel "A" as shown on said Plat of Section 3, Plat 2 "Springlake" herein referred to.



AS WITNES:

FOXKROFT, INC. NO. 63-140-R
N/S Padonia Road 510' NE of Treherne Road - 8th District
Reclassification from R-20 to R-4 6 acres
Nov. 26, 1963 Order of Zoning Commissioner granting reclassification
Dec. 26, 27, Order of Appeal to Board of Appeals (Paul J. Feeley) (Arnold Fleischmann)
Jan. 7, 1964 Petition to Dismiss Appeal of Arnold Fleischmann, Esq. by Richard C. Murray, Esq., Counsel for Petitioner
Jan. 7, Letter of Zoning Commissioner returning appeal and refunding monies to Mr. Fleischmann
Mar. 12, Letter of 3/10/64 from Paul J. Feeley dismissing appeal
April 2, Order of County Board of Appeals dismissing appeal
April 24, Order for Appeal filed in the Circuit Court by Mr. Fleischmann
Oct. 9, Motion to Dismiss granted - Judge Menchins
Nov. 4, Notice of Appeal to Court of Appeals filed by Mr. Fleischmann
Dec. 9, Order to enter appeal "Dismissed with Prejudice" id., by Arnold Fleischmann, Esq. and Douglas G. Bottom, Esq.

GRANTED

Jan. 7, 1964 Petition to Dismiss Appeal of Arnold Fleischmann, Esq. by Richard C. Murray, Esq., Counsel for Petitioner (Foxcroft)
" " Letter of Zoning Commissioner returning appeal and refunding monies to Mr. Fleischmann
" 17 Entrance of Appearance (Mr. Fleischmann) filed
Feb. 17 Letter of 2/13/64 from Mr. Fleischmann
" 24 Letter of 2/20/64 from Michael Paul Smith and W. Lee Harrison, filed
Mar. 2 Letter of 2/28/64 from Mr. Fleischmann, filed
" 12 Letter of 3/10/64 from Paul J. Feeley dismissing appeal, filed
" 17 Letter of 3/16/64 from Mr. Fleischmann, filed
Apr. 2 Order of County Board of Appeals dismissing appeal
" 24 Order for Appeal filed in the Circuit Court for Baltimore County
" 24 Certificate of Notice sent to all interested parties
May 19-21 Record of proceedings returned to the Circuit Court for Baltimore County

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

Respectfully submitted
(s) Edith T. Elmhart
Edith T. Elmhart, Secretary
County Board of Appeals of Baltimore County

PAUL J. FEELEY
ATTORNEY AT LAW
870 CHESTLAND AVENUE
TOWSON 4, MARYLAND
March 10, 1964
The County Board of Appeals of Baltimore County County Office Building Towson 4, Maryland
Re: Petition for Reclassification from "R-20" Zone to "R-4" Zone - N/S Padonia Road, 510' NE of Treherne Road, 8th District Foxcroft, Inc., Petitioner - No. 63-140-R

Gentlemen:
Please dismiss the appeal filed by the undersigned on December 26, 1963 in the above captioned matter.

Very truly yours,
Paul J. Feeley

PJF:lmf
I HEREBY CERTIFY that a copy of the above Order of Dismissal was mailed this 10th day of March, 1964, to Michael Paul Smith, Attorney for the Petitioner, at Jefferson Building, Towson 4, Maryland.

Rec'd 3-10-64
9:00 am.

STANLEY C. MAGERSUPP,
2315 Ravenwood Road
Timonium, Maryland
and
POT SPRING COMMUNITY
ASSOCIATION,
c/o William Neale
Plaintiffs Appellants
vs.
NATHAN H. KAUFMAN,
G. MITCHELL AUSTIN and
W. GILES PARKER
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. 375
File No. 2999

TO THE HONORABLE, THE JUDGE OF SAID COURT:
And now come Nathan H. Kaufman, G. Mitchell Austin and W. Giles Parker constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY
No. 63-140-R
Sept. 17, 1963 Petition of Foxcroft, Inc. for reclassification from an "R-20" Zone to an "R-4" Zone, of property on the north side of Padonia Road, 510' north of Treherne Road, 8th District - filed
" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for November 19, 1963 at 10:00 a.m.
Nov. 1 Certificate of Publication in newspaper - filed
" 7 Certificate of Posting of property - filed
" 19 At 10:00 a.m. hearing held on petition by Zoning Commissioner - case held sub curia
" 26 Order of Zoning Commissioner granting the reclassification
Dec. 26 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner (Paul J. Feeley, Esq.)
" 27 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner (Arnold Fleischmann, Esq.)

✓
A63-140R
MMP
H8
SER-3-D
RA

RE: PETITION FOR RECLASSIFICATION : BEFORE
from "R-20" Zone to an "R-A" Zone, : COUNTY BOARD OF APPEALS
145 Padonia Road, 510' NE of :
Treharne Road :
8th District : OF
Foxcroft, Inc., Petitioners : BALTIMORE COUNTY
No. 63-140-R

ORDER OF DISMISSAL

Petition of Foxcroft, Inc. for reclassification of property from an "R-20" Zone to an "R-A" Zone on the north side of Padonia Road, 510 feet northeast of Treharne Road in the Eighth District of Baltimore County

Whereas the Board of Appeals is in receipt of a letter dated March 10th, 1964 from the attorney representing the protestants in the above entitled matter.

Whereas the said attorney for the said protestants requests that the appeal filed on behalf of said protestants, be dismissed and withdrawn as of March 10th, 1964.

It is hereby ORDERED this 2nd day of April, 1964 that said appeal be dismissed with prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

Richard M. Smith
S. Mitchell Aust

W. H. Fisher

Appellants' Exhibit
A

September 23, 1963

Mr. Carroll M. Berndt, Jr., President
Springlake Community Association
2402 Girdwood Road
Timonium, Maryland

Re: Petition of Foxcroft, Inc.

Dear Carroll:

Since our recent telephone conversation, my attorney has forwarded a copy of the Zoning Commissioner's Dismissal Order for the above petition.

Arnold Fleischmann has reported that it appears our jointly and strongly organized opposition prompted the petitioner to withdraw from this case, at least for the present. Let us plan now to prepare to jointly oppose any future attempts to secure apartment zoning in our immediate areas.

Expenses incurred by the Pot Spring Association relative to this matter were as follows:

Attorneys fee - preparation time only.....	\$ 90.00
Services for expert testimony (preliminary preparation time only).....	25.00
Printing 500 notices.....	3.00
Total.....	\$118.00

We suggest that Pot Spring and Springlake Associations jointly bear the cost of this case. Please let us know of any expense incurred by Springlake, and if this suggested arrangement is agreeable.

With kind personal regards.

Sincerely,

S. G. Mageraup

SM:ark

cc: Mr. Bruce Oswald, 2411 Ravenview Road, Timonium, Maryland
Mr. William Neale, 2125 Pot Spring Road, Timonium, Maryland

FIRST NATIONAL BANK



TOWSON OFFICE
TOWSON 4, MD.

September 27, 1963

Mr. Stanley C. Mageraup, President
Pot Spring Community Association
2000 First National Bank Building
Baltimore 3, Maryland

Dear Stanley:

Thank you for your letter of September 23rd. It certainly does appear that the prompt and united action taken was responsible for the withdrawal of the Foxcroft, Inc. petition.

Although we have not discussed the matter, I do not anticipate any hesitation on our part when the matter comes up on our agenda early next month.

Thank you again.

Sincerely,

Carroll M. Berndt
Carroll M. Berndt

January 28, 1964

Mr. Carroll Berndt
2402 Girdwood Road
Timonium, Maryland

Re: Apartment Zoning - Foxcroft Petition

Dear Carroll:

In connection with the joint effort of our respective Community Associations to oppose apartment zoning in the Spring Lake Development, submitted below is an accounting of additional expenses to date:

	Total Amount	Your Share
Invoice Nyburg, Goldman & Walter,.....	\$140.00	\$60.00
D. Stuart Webb (consulting).....	9.02	3.50
Total Amount.....		\$63.50
Less: One-half cost of Appeal Fee (Pot Spring's share).....		27.50
Net Balance due Pot Spring Community Assn....		\$36.00

If you will kindly let us have reimbursement of \$47.00, the total cost of this case to date will then be settled.

Arnold Fleischmann advises that he is arranging to secure a refund of the \$75.00 fee which he paid when he filed the Appeal in the name of our Association.

Best regards.

Sincerely,

Stanley C. Mageraup

Appellants' Exhibit
E

LAW OFFICES
MICHAEL PAUL SMITH

SUITE 104 JEFFERSON BLDG.
CHARTER STREET BUILDING
TOWSON, MARYLAND 21204

February 20, 1964

The County Board of Appeals
of Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification
from "R-20" zone to "R-A" zone
N.S. Padonia Road, 510' N.E.
Treharne Road, 8th District
Foxcroft, Inc., Petitioner
No. 63-140-R

Gentlemen:

The Zoning Commissioner of Baltimore County, Mr. John C. Rose, by Order of November 26th, 1963 granted the reclassification petitioned for in the above case, subject to approval of the site plan for the development of the property by the Bureau of Public Services and the Office of Planning and Zoning.

On December 26, 1963 (the last day under the law for the filing of an appeal) Paul J. Feeley, Esq., filed an appeal from the Zoning Commissioner's Order to your Board. On the following day, December 27th, 1963, Arnold Fleischmann, Esq., attempted to also file an appeal. Mr. Fleischmann's appeal was returned to him by the Zoning Commissioner because the same was not filed in accordance with Section 306.10 of the Baltimore County Zoning Regulations which provides that notice of appeal shall be filed with the Zoning Commissioner within thirty days of any final Order appealed from, and he was advised that the \$70.00 appeal fee accompanying his purported appeal would be, of course, returned to him.

We, as attorneys for the Petitioner, have now received a copy of Mr. Fleischmann's letter to your Board dated February 13, 1964 claiming that he is attorney of record for Mr. Stanley C. Mageraup.

Considerably more than thirty days have passed since the Zoning Commissioner dismissed Mr. Fleischmann's attempted appeal in behalf of the same parties he asserts he represents in his letter to you of February 13th.

We respectfully, therefore, submit that neither Mr. Fleischmann nor the clients he refers to have any standing to maintain an appeal in this case.

Very truly yours,

Arnold Fleischmann,
Attorney for Pot Spring Improvement
Association and the individual
protestant, Stanley C. Mageraup

The Officers, Directors and Members
of Spring Lake Improvement Association

Re: Hammerman's Petition - Reclassification
of the property of Foxcroft, Inc.

Dear Members of Spring Lake Improvement Association:

On behalf of Pot Spring Improvement Association, Inc., I have been requested to reply to a newsletter dated February 10, 1964, copies of which were delivered to officers of Pot Springs.

This newsletter reports the conditional acceptance by the Spring Lake Board of Directors of the sum \$10,000, for the withdrawal of the appeal in the above entitled case without notice, prior consultation or consent of the Pot Springs Improvement Association, Inc.

Many of the facts stated in this newsletter are completely erroneous and tend to misrepresent the status of Pot Springs in the appeal and the relationship between Spring Lake and Pot Springs in the joint appeal now pending as a class action before the County Board of Appeals.

Members of the Pot Springs Improvement Association are included among the original protestants in the above case, and timely notice of appeal to the Board of Appeals was given on their behalf to preserve their rights. The joint appeal now pending before the County Board of Appeals is a class action which requires the consent of all the protestants before it can be dismissed. The Pot Springs community will not acquiesce to a dismissal of this appeal without their full consent.

Very truly yours,

Arnold Fleischmann,
Attorney for Pot Spring Improvement
Association and the individual
protestant, Stanley C. Mageraup

AF:cao

before your Board, and that the appeal pending before the Board is under the exclusive control of Paul J. Feeley, Esq.

Respectfully,

Michael Paul Smith and
W. Lee Harrison
Attorneys for Petitioner

mpe/d

cc: Paul J. Feeley, Esq.
203 Courtland Avenue
Towson 4, Maryland

Arnold Fleischmann, Esq.
First National Bank Building
Towson 4, Maryland

NYBURG, GOLDMAN & WALTER

SUITE 104 JEFFERSON BLDG.
CHARTER STREET BUILDING
TOWSON, MARYLAND 21204

February 28, 1964

The County Board of Appeals
of Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification
from "R-20" zone to "R-A"
zone N.S. Padonia Road, 510'
N.E. Treharne Road, 8th
District Foxcroft, Inc.,
Petitioner No. 63-140-R

Gentlemen:

I have received a copy of a letter dated February 20, 1964 directed to the Board from Michael Paul Smith, as attorney for the Petitioner, apparently replacing Richard C. Murray who had been acting for Petitioner until recently. Mr. Smith appears to be not merely interested in presenting the case for the Petitioner but apparently seems to have an interest in whom certain of the protestants employ to represent them on appeal although just why this is of importance to him is not clear.

The record shows that the pending appeal was filed on "behalf of the protestants in the above captioned case."

Certain of the appealing protestants have employed me to present their case before the County Board of Appeals. Since a difference of interest appears to have developed among the appellants it is not unusual that they be represented by different attorneys. It is quite obvious that I have a right to protect my clients' interests.

For all these reasons, I should like to be kept fully informed of the proceedings and to appear and be heard on behalf of my clients on all matters which shall come before the Board.

Respectfully yours,

Arnold Fleischmann
Arnold Fleischmann

AF:cao

cc: Michael Paul Smith, Esquire
Paul J. Feeley, Esquire

RE: PETITION FOR RECLASSIFICATION OF PROPERTY OF FORCROFT, INC. N. S. PADONIA ROAD, 8th District No. 63-140

BEFORE THE COUNTY BOARD OF APPEAL OF BALTIMORE COUNTY

ENTRANCE OF APPEARANCE

Please enter my appearance on behalf of the Protestants (Appellant), Stanley C. Magerup in the above entitled case.

Arnold Fleischmann
Arnold Fleischmann

I HEREBY CERTIFY that on this 16th day of January, 1964, a copy of the foregoing Entrance of Appearance was mailed by U.S. mail, postage prepaid to Paul J. Feeley, Esquire attorney for other Protestants (Appellants) and Richard C. Murray, Esquire, attorney for Petitioner (Appellee).

Arnold Fleischmann
Arnold Fleischmann



PAUL J. FEELEY
ATTORNEY AT LAW
212 EASTLAND AVENUE
TOWSON 4, MARYLAND

December 23, 1963

Baltimore County Office of
Planning and Zoning
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification
from "R-20" Zone to "R-A" Zone -
N. S. Padonia Road, 510' W. E.
Treberne Road, 8th District
Forcroft, Inc., Petitioner -
No. 63-140-B

Gentlemen:

Please enter an appeal from the decision of the Zoning Commissioner on behalf of the protestants in the above captioned case.

Very truly yours,

Paul J. Feeley
Paul J. Feeley

PJF:mp

I HEREBY CERTIFY that a copy of the above Order for Appeal was mailed this 23rd day of December, 1963, to Richard C. Murray, Esquire, Attorney for the Petitioner, Jefferson Building, Towson 4, Maryland.

Paul J. Feeley
Paul J. Feeley

#63-140B
MPP
#8
SEC.3-D
RA

RE: PETITION FOR RECLASSIFICATION
from "R-20" Zone to "R-A" Zone -
N. S. Padonia Road, 510' W. E.
Treberne Road, 8th District -
Forcroft, Inc., Petitioner

RECEIVED
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 63-140-B

The petitioner in the above matter has requested reclassification of property on the north side of Padonia Road 510 feet southeast of Treberne Road, in the Eighth District of Baltimore County, from an "R-20" zone to an "R-A" zone.

Testimony by Mr. Jerome B. Wolff, consulting engineer and former Assistant Director of the Department of Public Works, indicated that there is more than adequate water and sewer facility for the requested reclassification. In fact, he said this 6 acres offers no threat to the capacity of the system whatsoever.

Mr. Bernard W. Williams, testified as to the many changes that have taken place since the zoning map was adopted. The subject property will be reached by the new Padonia Road which will extend southerly between a cemetery property, the County Almshouse property on the west and the Valley High School on the east. As the property on the west and the east it passes a large golf course now under construction. The proposed "R-A" zoning would not be in conflict with such uses as aforementioned.

For the above reasons the reclassification should be granted.

It is this 16th day of November, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the above described property or area should be and the same is hereby reclassified from an "R-20" Zone to an "R-A" Zone, from and after the date of this Order, subject, however, to approval of the site plan for the development of said property by the Bureau of Public Services and the Office of Planning and Zoning.

Sealing Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John A. Roper, Zoning Commissioner Date: November 2, 1963

FROM: Mr. Robert E. Savelle, Deputy Director

SUBJECT: No. 63-140-B, R-20 to R-A Zoning North side of Padonia Road 510 feet Southeast of Treberne Road, Being property of Forcroft, Inc.

8th District

REMARKS: Tuesday, November 19, 1963 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Reclassification from R-20 to R-A zoning. It has the following advisory comment to make with respect to pertinent planning factors:

- In connection with recommendations for comprehensive rezoning of areas elsewhere in the County, the Planning Board and the Zoning Commission have developed criteria for the location of the rezoned area. The essence of these is that apartments be located on, or near, major thoroughfares, near shopping facilities, and near other community facilities. In the opinion of the Planning staff the subject property does not meet the locational standards of the Planning Board for apartment development.

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James Dyer, Chairman
Zoning Advisory Committee
FROM: Capt. Paul H. Reinecke
SUBJECT: Forcroft, Inc., District 8
N/S Padonia Road near Treberne Road

Date: October 21, 1963

- 450 feet from Padonia Road at end of street a provision for vehicles to turn around shall be provided and shown on plot plan.
- Water mains and fire hydrants shall be located on subject site according to the Fire Prevention Code, Section 20.18 A, B, C, D, & E.

RMH:bab
CC: Capt. Reinecke
File

December 31, 1963

Re: Petition for Reclassification of
property of Forcroft, Inc., N.S.
Padonia Road 510' W.E. Treberne
Road, 8th Dist., No. 63-140-B

Paul J. Feeley, Esq.,
203 Courtland Avenue
Towson 4, Maryland

Dear Mr. Feeley:

Will you kindly forward check in the amount of \$5.00, payable to Baltimore County, Maryland, to cover cost of one sign for posting appeal hearing in the above matter.

Very truly yours

Zoning Commissioner

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

TO: Paul J. Feeley, Esq., 203 Courtland Avenue, Towson 4, Md.

DATE: 1/4/64

DEPOSIT TO ACCOUNT NO. 01-682

QUANTITY	DETAILS	TOTAL AMOUNT
1	Additional cost in posting property - Forcroft, Inc.	5.00
1	PAID - Baltimore County, Md. - Office of Finance	
1	1-364 0344 * * * TIL -	5.00

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

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

TO: Paul J. Feeley, Esq., 203 Courtland Avenue, Towson 4, Maryland

DATE: 2/3/64

DEPOSIT TO ACCOUNT NO. 01-682

QUANTITY	DETAILS	TOTAL AMOUNT
1	Appeal costs - Forcroft, Inc., No. 63-140-B	75.45
1	PAID - Baltimore County, Md. - Office of Finance	
1	1-3143 0327 * * * TIL -	70.00

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

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

No. 20118

DATE 5/21/63

TO: Messrs. Smith & Harrison
The Jefferson Building
Towson 4, Md.

RECEIVED
Zoning Department of
Baltimore County

REPORT TO ACCOUNT NO. 01-682

QUANTITY	DETAILS	TOTAL AMOUNT
1	Paid for Reclassification for Forcroft, Inc.	50.00
1	PAID - Baltimore County, Md. - Office of Finance	
1	1-1863 3441 * * * 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

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

No. 20820

DATE 4/26/64

TO: Arnold Fleischmann, Esq.,
First National Bank Building
Towson, Maryland 21204

RECEIVED
County Board of Appeals
(Zoning)

REPORT TO ACCOUNT NO. 01-712

QUANTITY	DETAILS	TOTAL AMOUNT
1	Cost of Certified Documents - No. 63-140-B Forcroft, Inc. N/S Padonia Road 510' W.E. of Treberne Road 8th District	\$11.00
1	PAID - Baltimore County, Md. - Office of Finance	
1	1-2894 3006 * 20820= TIL -	1.00
1	1-2894 3006 * 20820= TIL -	1.00

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

TELEPHONE
VALLEY 3-3000

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

No. 20253

DATE 11/18/63

TO: Fomcroft, Inc.
16 Park Ave.
Baltimore, Md.

BILLED BY: Zoning Department of
Baltimore County

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00 COST
1	Advertising and posting of property #63-110-R	60.00
1	11-1963 0687 * * * TIL -	60.00

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8

Posted for: Headings Tues NOV 19-63 AT 10:00 A.M. Date of Posting: 11-2-63

Petitioner: FUCHROET, LOK.

Location of property: N/S Padonia Rd. 510' NE of Treherne Rd.

Location of Sign: APPROX. FROM WATER TANK APP. 20' AND APP. 40' FROM WHITE TRAILER

Remarks: MASTER STAKE AND APP. 65' FROM SCHOOL 9400 RACE.

Posted by: Robert L. Bull Date of return: 11-7-63

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8

Posted for: FUCHROET, LOK. Date of Posting: 11-11-64

Petitioner: FUCHROET, LOK.

Location of property: N/S Padonia Rd. 510' NE of Treherne Rd.

Location of Sign: APPROX. FROM WATER TANK APP. 125' AND NEAR TREE THAT DOWN AND APP. 30' FROM

Remarks: WHITE TRAILER

Posted by: Robert L. Bull Date of return: 11-11-64

NOTICE FOR ZONING
RECLASSIFICATION
By Order of
ZONING: From R-20 to R.A.

LOCATION: North side of Padonia Road 510 feet Northeast of Treherne Road.
DATE & TIME: TUESDAY, NOVEMBER 19, 1963 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

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

Beginning for the same at a point on the Northwesternmost side of Padonia Road 80 feet wide as shown on Plat of Section 3, Plat 2 "Springdale", recorded among the Land Records of Baltimore County in Plat Book W.J.R. No. 28, folio 89, at the distance of 500.00 feet measured Northwesterly along the Northwest side of Padonia Road from the cut-off of Cardigan Road 50 feet wide, said point being also at the dividing line between Lots Nos. 8 and 9, Block "V", as shown on the Plat herein referred to, and running thence and planting on the Northwest side of Padonia Road, and referring the courses of this description to the Baltimore County Grid/Meridian, Northeastly by a curve to the right with a radius of 599.83 feet the distance of 387.79 feet and North 58 Degrees 01 minute 08 Seconds East 300.00 feet to the Northeast outline of the Plat herein referred to and to intersect the 7th line of the land which by Deed dated January 5, 1956, and recorded among the aforesaid Land Records in Liber G.L.R. No. 2853, folio 344, was conveyed by Goss L. Stryker and wife to Spriggle Inc., and running thence and binding on a part of said 7th line and on the Northeast outline of the Plat herein referred to, North 31 Degrees 02 Minutes 52 Seconds West 555.00 feet to the beginning of the 8th line of the land secondly herein referred to and to the Northwest outline of the Plat herein referred to, and running thence and binding on said 8th line and on said Northwest outline of said Plat, South 18 Degrees 04 Minutes 34 Seconds West 996.64 feet to the dividing line between Lots Nos. 8 and 9, Block "V" herein referred to, and running thence and binding on said dividing line South 69 Degrees 01 Minute 22 Seconds East 17.04 feet to the place of beginning. Containing 6.6323 acres more or less.

Subject to a 10-foot drainage and utility easement along the third and fourth lines of the land herein described and

Subject also to a 30-foot drainage and utility reservation across Parcel "A" as shown on said Plat Parcel "A" as shown on said Plat of Section 3, Plat 2 "Springdale" herein referred to.

Being the property of Fomcroft Inc. as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE,
ZONING DEPARTMENT OF
BALTIMORE COUNTY
Nov. 1.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Riverton, Md.

THE COMMUNITY NEWS
Pikesville, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONVILLE, MD.

November 5, 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 5th day of November, 1963, that is to say the same was inserted in the issues of

November 1, 1963.

THE BALTIMORE COUNTIAN

By: Paul J. Morgan
Editor and Manager

PAUL J. FEELEY
ATTORNEY AT LAW
222 EIGHTH AVENUE
TOWSON 4, MARYLAND

March 12, 1964

Arnold Fleischmann, Esquire
First National Bank Building
22 Light Street
Baltimore 2, Maryland

Re: Petition for Reclassification
from "R-20" Zone to "R-A" Zone
N. S. Padonia Road, 510' N.E.
Treharne Road, 8th District
Foxcroft, Inc., Petitioner

Dear Arnold:

I just wanted to drop you a line to let you know that I filed a notice to dismiss the appeal with the County Board of Appeals in the above captioned matter today.

Yours very truly,

Paul J. Feeley

PJF:lmf

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON 4, MARYLAND

April 21, 1964

Arnold Fleischmann, Esq.
Nyburg, Goldman & Walter
22 Light Street
Baltimore, Maryland 21202

Re: Petition for reclassification from an "R-20" Zone to an "R-A" Zone, N/S Padonia Road 510' NE of Treharne Road, 8th District - No. 63-140-R Foxcroft, Incorporated - Petitioners

Dear Mr. Fleischmann:

Reference to your letter of April 9, 1964, I have spoken with Mr. Feeley regarding the information contained in your letter and he emphatically denies that you at any time participated in the appeal in question and further, our files do not reflect that your entrance into the case was timely. Therefore, the Board feels it has no recourse except to reaffirm its decision of April 2, 1964.

Yours respectfully,

G. Mitchell Austin
G. Mitchell Austin, Chairman

GMA:ete
cc: Paul Feeley, Esq.
W. Lee Harrison, Esq.
Mr. John G. Rose
Mr. George E. Gavrells
Board of Education

The County Board of Appeals
of Baltimore County
County Office Building
Towson 4, Maryland

March 16, 1964

Re: Petition for Reclassification
from "R-20" zone to "R-A"
zone N.S. Padonia Road, 510'
N.E. Treharne Road, 8th
District Foxcroft, Inc.,
Petitioner No. 63-140-R

Gentlemen:

I have been advised that a notice to dismiss the above captioned appeal has been filed by Paul Feeley, Esquire on behalf of certain of the protestants appellants in this case.

As the Board's records indicate by a notice dated January 16, 1964, I entered my appearance on behalf of the appellant, Stanley Magersupp. Please note also my letters dated February 13, 1964 and February 23, 1964.

My client desires to have the appeal heard and will not consent to the dismissal of the appeal.

Respectfully yours,

Arnold Fleischmann,
Attorney for Stanley Magersupp

AF:CAO

cc: Paul Feeley, Esquire
bc: Bruce Oswald, Esquire
Stanley Magersupp

County Board of Appeals
Towson 4, Maryland

Gentlemen:

Re: Petition for reclassification from an "R-20" Zone to an "R-A" Zone, N/S Padonia Road 510' NE of Treharne Road, 8th District - No. 63-140-R Foxcroft, Incorporated, Petitioners

I have received a letter dated April 3, 1964 which included an Order from the County Board of Appeals dismissing the appeal in the above captioned case.

As I pointed out in my letters dated March 16, 1964, February 23, 1964 and February 13, 1964, Mr. Feeley does not represent all the protestants in this case and my clients, Stanley Magersupp, et al, have participated and paid one half of the appeal fee.

In view of my specific request to have a hearing on this matter I am surprised that this appeal was dismissed and withdrawn at the request of one of the counsel for the protestants without either the hearing being granted or and my clients after ample notice had been given to the Board of my clients' interest and their status.

Under the circumstances I urgently request the Board to reconsider its Order dated April 2, 1964 and to strike the same granting us a hearing before making a final decision.

Respectfully yours,

cc: Paul Feeley, Esq.
W. Lee Harrison, Esq.
Mr. John G. Rose
Mr. George Gavrells
Board of Education

Arnold Fleischmann

RE: PETITION FOR RECLASSIFICATION
from "R-20" Zone to an "R-A" Zone,
N/S Padonia Road, 510' NE of
Treharne Road
8th District
Foxcroft, Inc., Petitioners
BECOME
COUNTY BOARD OF APPEALS
CF
BALTIMORE COUNTY
No. 63-140-R

ORDER OF DISMISSAL

Petition of Foxcroft, Inc. for reclassification of property from an "R-20" Zone to an "R-A" Zone on the north side of Padonia Road, 510 feet northeast of Treharne Road in the Eighth District of Baltimore County

Whereas the Board of Appeals is in receipt of a letter dated March 10th, 1964 from the attorney representing the protestants in the above entitled matter,

Whereas the said attorney for the said protestants requests that the appeal filed on behalf of said protestants, be dismissed and withdrawn as of March 10th, 1964,

It is thereby ORDERED this 2nd day of April, 1964 that said appeal be dismissed with prejudice as of the aforementioned date.

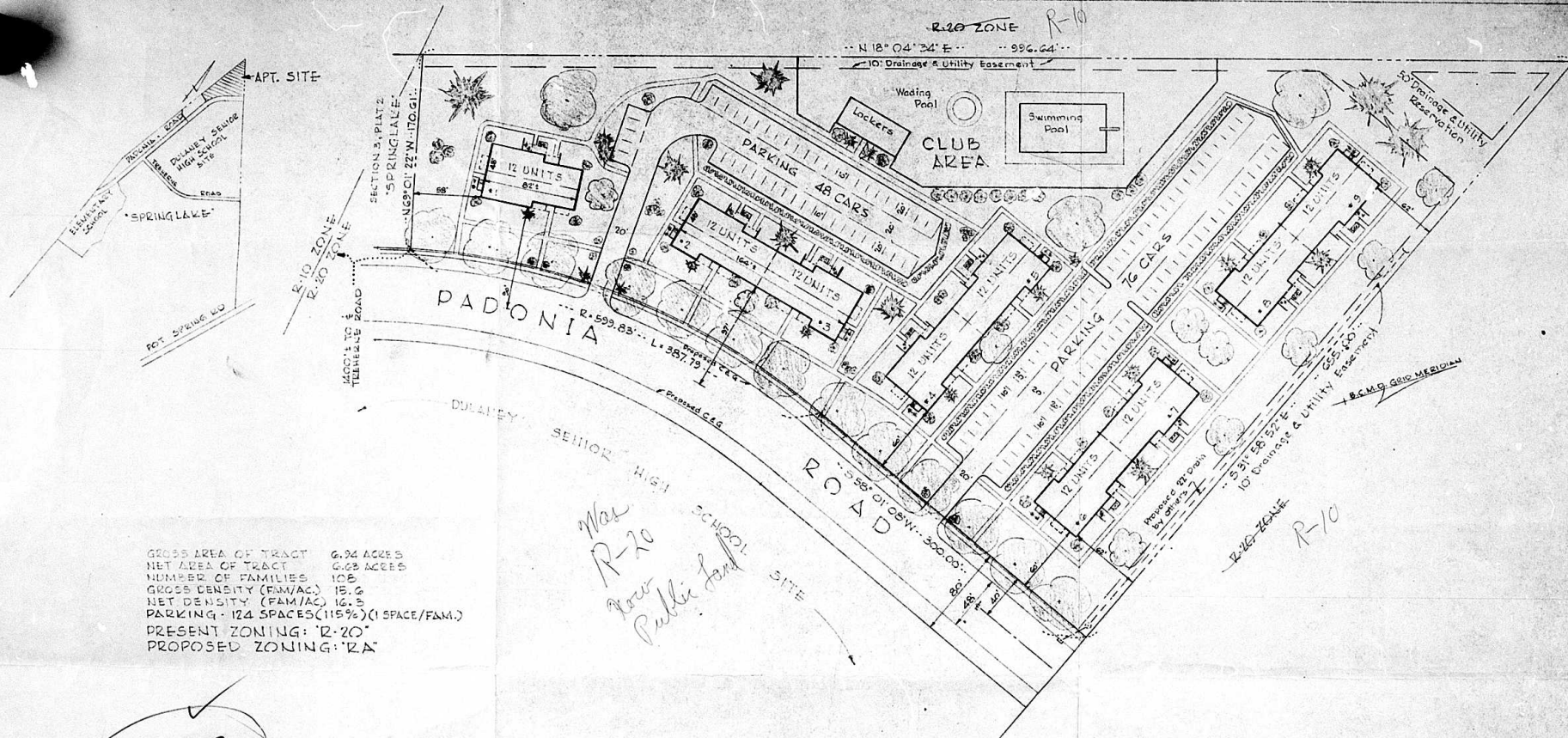
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Nathan H. Kaufman

CHAIRMAN

G. Mitchell Austin

W. Giles Parker

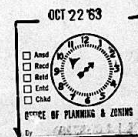


GROSS AREA OF TRACT 6.04 ACRES
 NET AREA OF TRACT 5.63 ACRES
 NUMBER OF FAMILIES 125
 GROSS DENSITY (FAM/AC) 19.2
 NET DENSITY (FAM/AC) 16.3
 PARKING - 124 SPACES (115%) (1 SPACE/FAM.)
 PRESENT ZONING: 'R-20'
 PROPOSED ZONING: 'RA'

*Max
 R-20
 Now
 Public Land*

PROPOSED LAYOUT
 SPRINGLAKE APARTMENTS
 PADONIA ROAD
 8TH DISTRICT, BALTIMORE COUNTY, MD.

#63-140R
 MAP
 #8
 SEC. 3-D
 RA



REVISED: OCTOBER 21, 1963
 DAVID W. POIRER
 REGISTERED ENGINEER & LAND SURVEYOR
 OFFICE: 114 W. 25TH ST. BALTO., MD.
 SCALE: 1" = 50' ISSUED: JAN. 10, 1964

Drawn by: HMA
 Checked by:

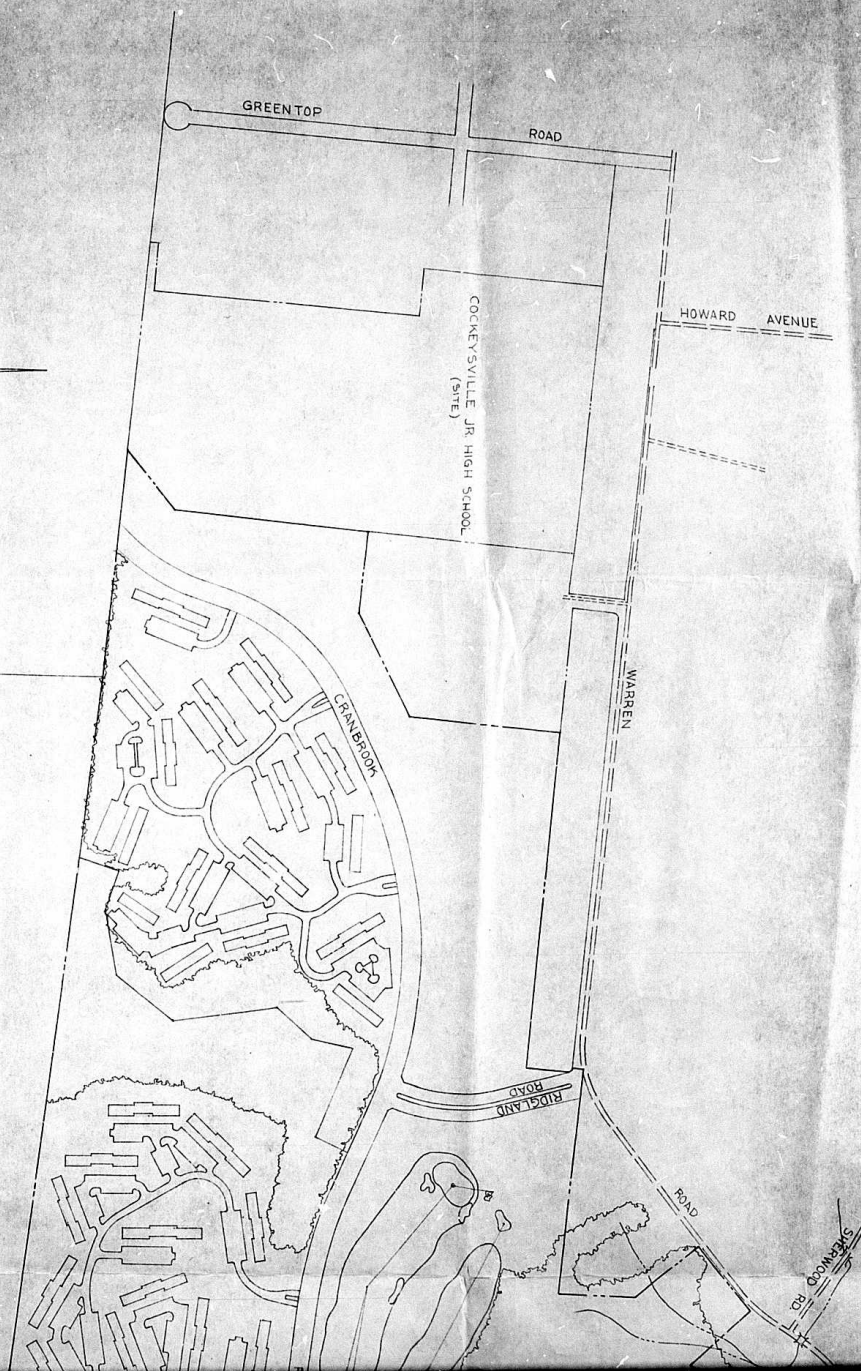




C.F. H. TERRY

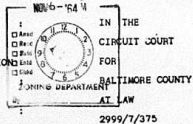
COUNTY COMMISSIONERS OF BALTIMORE COUNTY

SCALE 1"=200'





STANLEY C. MAGERSUPP
AND
POT SPRING COMMUNITY ASSOCIATION
VS
NATHAN H. KAUFMAN, et al
AND
FOXCHOFF, INC.



NOTICE OF APPEAL

Mr. Clerk:
Please enter an appeal to the Court of Appeals of Maryland from the Opinion and Order of the Court dated October 9, 1964 dismissing the petition in the above captioned case.

Arnold Fleischmann
Arnold Fleischmann
John A. O'Connor
John A. O'Connor
Attorneys for Plaintiff-Appellant

CERTIFICATE OF MAILING

This is to certify that a copy of the foregoing notice of appeal was mailed this 14th day of November 1964, U. S. Postage prepaid to Doug vs Bottom, Esquire and Michael Paul Smith, Esquire attorneys for INTERVENOR Foxcroft, Inc and to the County Board of Appeals of Baltimore County.

Arnold Fleischmann
Arnold Fleischmann

to the benefit of Magerupp and Pot Spring, or either of them. I question whether an Appeal couched even in such general terms as "the protestants" could serve the office of permitting any or all members of the public to utilize it for their purposes. I question whether such a general Appeal could, in any case, extend beyond such person or persons as the evidence might establish were intended to be the aggrieved appellants. I am completely convinced that the Feeley Appeal cannot be utilized by the appellants, Magerupp and Pot Spring, under the facts of this case for the reasons: (1) as previously set forth, both of these appellants were expressly considered by the named appellant as not included in the appeal; and (2) such a course in the instant case would operate to deny to the timely appellant the fruits achieved by him by reason of a settlement of his grievances and at the same time would permit a tardy appellant to avoid the consequences of his own failure to note a timely appeal.

The motion to Dismiss is granted.

W. ALBERT MUNCHINS, Judge

October 9, 1964

STANLEY C. MAGERSUPP
AND
POT SPRING COMMUNITY ASSOCIATION
VS
NATHAN H. KAUFMAN, et al
AND
FOXCHOFF, INC.

MEMORANDUM

On November 26, 1963, the Zoning Commissioner of Baltimore County passed his Order by which certain property owned by Foxcroft, Inc., lying in the 8th District of Baltimore County, was reclassified from R-6 to R.A.

On December 26, 1963, Paul J. Feeley filed in the office of the Baltimore County Office of Planning and Zoning a paper writing (hereinafter referred to as the "Feeley Appeal"), containing the following language:

"Please enter an appeal from the decision of the Zoning Commissioner on behalf of the protestants in the above captioned case."

Very truly yours,
Paul J. Feeley.

On December 27, 1963, the Zoning Commissioner received a paper writing (hereinafter referred to as "Fleischmann Appeal"), containing the following language:

"Please enter an appeal to the County Board of Appeals from the decision of the Zoning Commissioner, dated November 26, 1963 in the above captioned matter."

Arnold Fleischmann
Attorney for Foxcroft, Inc.

On January 7, 1964, Foxcroft filed its petition to dismiss the Fleischmann Appeal upon the ground that it was filed more than thirty days after the final order of the Zoning Commissioner.

On January 7, 1964, the Fleischmann Appeal was returned to Mr. Fleischmann because it "was not filed within 30 days from the date of the Commissioner's Order." No protest concerning this action was taken by Fleischmann and no appeal therefrom filed.

On January 17, 1964, 10 days after the filing of Foxcroft's petition to dismiss the Fleischmann Appeal and also 10 days after the return of that Appeal to Fleischmann by the Zoning Commissioner, Arnold Fleischmann addressed to the County Board of Appeals a paper writing bearing the heading "Entrance of Appearance" and reading as follows:

"Please enter my appearance on behalf of the Protestants (Appellants), Stanley C. Magerupp in the above entitled case."

Arnold Fleischmann.

This was the first reference to a person of that name in these proceedings.

On February 13, 1964, Arnold Fleischmann addressed a letter to the County Board of Appeals in this language:

"The Appeal pending before this Board is in the nature of a class action having been filed on behalf of all the protestants who opposed the petition for reclassification before the Zoning Commissioner."

I am attorney of record for the protestant Stanley C. Magerupp acting on his own behalf as a resident of the area and on behalf of the Pot Spring Improvement Association of which he is an officer.

We are advised that some of the protestants are seeking a compromise with petitioner and may desire to dismiss this appeal. Mr. Magerupp and others do not consent to such a dismissal and have asked me to notify the Board of Appeals of their position.

Respectfully yours,
Arnold Fleischmann.

On March 18, 1964, Paul J. Feeley wrote as follows to the Board of Appeals:

"Please dismiss the appeal filed by the undersigned on December 26, 1963 in the above captioned matter."

Very truly yours,
Paul J. Feeley.

On April 2, 1964, the Board of Appeals dismissed the appeal from the Zoning Commissioner's action in reclassifying the property of Foxcroft and manifestly did so over the express objection of Mr. Fleischmann.

On April 25, 1964, an order for appeal bearing the heading of the present case was filed in this Court.

The present question arises on a motion by Foxcroft to dismiss the appeal because the parties to this appeal are without lawful authority to prosecute it.

Magerupp and Pot Spring concede that neither was specifically named as appellants in any timely appeal from the decision of the Zoning Commissioner. They assert, however, that they did have standing before the Board of Appeals and so have standing here (1) because the Feeley Appeal would ensure to their benefit generally; and (2) because under the facts of this case the Feeley Appeal was expressly understood to be in protection of their interests.

Testimony was taken upon the question as to what interests were intended to be protected by the Feeley Appeal.

There was some minor conflict in the evidence upon the subject but I have no difficulty concluding that it was not the intent and purpose of Mr. Feeley to protect the interests of Pot Spring Community Association (assuming but not deciding that such an association can be a proper party to an appeal of this nature). It was admitted by Mr. Magerupp that he had never been represented by Mr. Feeley and that he had not been in attendance at the hearing before the Zoning Commissioner.

Feeley stated that his purpose in filing the appeal was to protect the interests of himself and wife as residents of the Spring Lake Community, as well as the interest of the Spring Lake Improvement Association, if it chose to utilize his services. He repudiated expressly any intent or purpose to protect the interests of Magerupp or Pot Spring.

I find, accordingly, that there was no specific intent or purpose in the Feeley Appeal to protect the interests of Magerupp or Pot Spring, or either of them.

I find further that the Feeley Appeal cannot and does not generally assure

SEP 07 1973