

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOSEPH SOLLEY, CHURCHLAW 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-10 zone to an SEC-3-C zone; for the following reasons:

Change in neighborhood and error in original map.

See Attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE JOBAR CORPORATION

By: Joseph Solley, Contract purchaser

Address: 3 Hollins Road

Baltimore 12, Md.

William S. Baldwin

Address: 24 N. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th 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 25th day of September, 1963, at 11:00 o'clock.

By: [Signature] Zoning Commissioner of Baltimore County.



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MARSHALL J. HARRIS, JR., 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-10 zone to an SEC-3-C zone; for the following reasons:

Change in neighborhood and error in original map.

See Attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE JOBAR CORPORATION

By: Joseph Solley, Contract purchaser

Address: 3 Hollins Road

Baltimore 12, Md.

William S. Baldwin

Address: 24 N. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th 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 25th day of September, 1963, at 11:00 o'clock.

By: [Signature] Zoning Commissioner of Baltimore County.



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Elizabeth B. McKenrick, 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-10 zone to an SEC-3-C zone; for the following reasons:

Change in neighborhood and error in original map.

See Attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE JOBAR CORPORATION

By: Joseph Solley, Contract purchaser

Address: 3 Hollins Road

Baltimore 12, Md.

William S. Baldwin

Address: 24 N. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th 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 25th day of September, 1963, at 11:00 o'clock.

By: [Signature] Zoning Commissioner of Baltimore County.



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William T. Childs, Jr., 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-10 zone to an SEC-3-C zone; for the following reasons:

Change in neighborhood and error in original map.

See Attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE JOBAR CORPORATION

By: Joseph Solley, Contract purchaser

Address: 3 Hollins Road

Baltimore 12, Md.

William S. Baldwin

Address: 24 N. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th 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 25th day of September, 1963, at 11:00 o'clock.

By: [Signature] Zoning Commissioner of Baltimore County.



Page 2.

September 16, 1963.

DESCRIPTION FOR RE-ZONING, PLATS OF LOTS NOS. 4 to 11, INCLUSIVE, WOODBROOK HIGHLANDS, 6800 BLOCK NORTH CHARLES AVENUE, 4th DISTRICT, BALTIMORE COUNTY, MARYLAND.

202.00 feet to the beginning of the fourth line of said last-mentioned land, and running thence and binding on said fourth line to the beginning of the fifth line of said last-mentioned land, and on the West side of LaGrange Lane, South 10 Degrees 31 Minutes 50 Seconds East 69.00 feet, thence leaving the West side of LaGrange Lane and binding along part of the last line of the land last herein mentioned, and binding, reversely along a part of the second line of the land first herein mentioned, and binding reversely along the first line of the land which by Deed dated September 16, 1959, and recorded among the aforesaid Land Records in Liber W.P.O. No. 2596, folio 846, was conveyed by Elizabeth H. McKenrick, widow, to Theodore B. Bayer and wife, South 84 Degrees 28 Minutes 10 Seconds West 139.00 feet to the beginning of said first line, and running thence and binding reversely along the last line of said last-mentioned land South 8 Degrees 31 Minutes 50 Seconds East 75.00 feet to intersect the last line of the land first herein referred to, and running thence and binding on a part of said last line South 84 Degrees 28 Minutes 10 Seconds West 166.62 feet to the place of beginning. Containing 3.2401 acres of land more or less.

Being parts of Lots Nos. 4, 5, 6, 7, 8, 9, 10 and 11, as shown on Plat of Woodbrook Highlands, recorded among the Plat Records of Baltimore County in Plat Book W.P.O. No. 1, folio 3. (J.W.B. 7)

REPORT

Re: Petition for reclassification of 3.24 acres, improved by four homes, situated on the East side of Charles Street Avenue approximately 1350' North of Stevenson Lane. The petitioner has requested R-10 zoning to permit the construction of garden type apartments. The plans provide for three separate apartment buildings consisting of fifty-one apartments of the luxury type. The buildings would be of brick construction, two and one-half stories high, and the average apartment would rent for approximately \$100.00 a month.

The subject property consists of 3.24 acres, improved by four homes, situated on the East side of Charles Street Avenue approximately 1350' North of Stevenson Lane. The petitioner has requested R-10 zoning to permit the construction of garden type apartments. The plans provide for three separate apartment buildings consisting of fifty-one apartments of the luxury type. The buildings would be of brick construction, two and one-half stories high, and the average apartment would rent for approximately \$100.00 a month.

There are within to high priced homes in this section of Charles Street Avenue and the adjacent streets. There was fear expressed by the numerous protestants in attendance at the two hearings held on this petition that any type of apartment in this location would greatly depreciate the surrounding property values and aggravate and intensify an already serious existing traffic hazard on Charles Street Avenue.

The petitioner did not contest the subject tract was unsuitable for development in its present R-10 zoning classification. Indeed, he relied on change in the neighborhood to justify its reclassification. The testimony revealed a number of commercial uses immediate to the south of subject tract, but most of these commercial uses were either non-conforming uses or were ones put on the original zoning map in a non-conforming use. The only zoning reclassification made in this immediate area was the granting of R-4 zoning in March of 1963 to permit the construction of the Charles Fountain Apartments. Other changes were the widening of Charles Street Avenue and the extension of Stevenson Lane.

There was substantial testimony from both sides describing the traffic conditions on Charles Street Avenue. However, after hearing all the evidence presented, there was little doubt in the Deputy Commissioner's mind that Charles Street Avenue is already over saturated with traffic. The opinion of the Greater Baltimore Medical Center will undoubtedly not help the situation any.

It is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of September, 1963, that the above reclassification be and the same is hereby granted and that the above described property or area be and the same is hereby continued as is and to remain an R-10 zone.

Deputy Zoning Commissioner

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
ONE CHARLES CENTER
BALTIMORE, MARYLAND 21201

November 6, 1963

Zoning Commission
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification

Attention: Mrs. Anderson

Dear Mrs. Anderson:

Please enter my appearance as attorney for my own interest in the file concerning the Petition for Reclassification of the property 375 feet south of Bellona Avenue, scheduled for hearing before the Zoning Commission on November 21st.

It is requested that I be supplied with copies of all opinions including the considerations of the Planning Commission.

Thank you very much.

Very truly yours,

John H. Belgiano

JHB:ate

NOV 7-63



WILLIAM S. BALDWIN
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND
VALLEY 3-2200

April 13, 1964

John G. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson, Md. 21202

Re: William T. Childs, et al.
Petitioner
No. 63-145-R

Dear Mr. Rose:

Please strike my appearance as attorney for
the Petitioner in the above captioned case.

Very truly yours,

William S. Baldwin

WSB:dw

San Regional
Number ASCE
MSSE
MSS

DAVID W. POHMER
Consulting Engineering
Land Surveying - Site Planning
114 W. 25th Street
Baltimore 18, MD.

September 16, 1963.

DESCRIPTION FOR RE-ZONING, PARTS OF LOTS NOS. 4 to 11, INCLUSIVE,
WOODBROOK HIGHLANDS, 6300 BLOCK NORTH CHARLES STREET, 9th DISTRICT
BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the East side of North
Charles Street 66 feet wide, as shown on State Roads Commission
Maryland Plat No. 11550, where the same is intersected by the last
line of the land which by Deed dated December 15, 1948, and recorded
among the Land Records of Baltimore County in Liber R.F.S. No. 1424,
folio 281, was conveyed by Ellen H. Moore, widow, to C. Damer
McKenrick and wife, and running thence and binding on the East side
of North Charles Street as shown on said Plat, and referring the
courses of this description to the Baltimore County Grid Meridian,
North 5 Degrees 41 Minutes 50 Seconds West 26.68 feet, North 5
Degrees 29 Minutes 30 Seconds West 150.00 feet, North 6 Degrees 06
Minutes 20 Seconds West 50.00 feet, North 5 Degrees 11 Minutes 10
Seconds West 50.00 feet, North 5 Degrees 28 Minutes 20 Seconds West
100.00 feet and North 5 Degrees 31 Minutes 30 Seconds West 233.28
feet to intersect the second line of the land which by Deed dated
May 15, 1962, and recorded among the aforesaid Land Records in Liber
W.F.R. No. 3369, folio 361, was conveyed by Dwyn H. Glavin, et al.
to Martin H. Harris, Jr. and wife, thence leaving the East side of

Office
809-3422

Business

#63-145-R
#9
#143
#143

WILLIAM S. BALDWIN
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND
VALLEY 3-2200

December 18, 1963

John G. Rose
Zoning Commissioner
Baltimore County, Maryland
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition of William T. Childs,
et al, Case No. 63-145-R

Dear Mr. Rose:

Please enter an appeal from your decision dated 12/16/63
in the above captioned matter to the Baltimore County Board
of Appeals.

Enclosed is my check in the amount of \$50.00 to cover
the cost of this appeal.

Very truly yours,

William S. Baldwin
Attorney for Petitioner

WSB:dw
Enclosure

CC: John N. Maguire, Esquire
CC: Claude A. Hanley, Esquire

301-8
300-0

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 8, 1963

FROM: Mr. George E. Gettel, Jr., Director

SUBJECT: #63-145-R, 3-10 to 3-4, East side of Charles Street Avenue
375.5 feet South of Bellona Avenue. Being property of
William T. Childs, et al.

2nd District

MEMORANDUM Thursday, November 21, 1963 (1100 P.M.)

The staff of the Office of Planning and Zoning has reviewed the
subject petition for reclassification from R-10 to R-4 zoning and
has the following advisory comments to make with respect to
pertinent planning factors:

1. Apartment zoning was recently created for a tract immediately
to the south of the subject property. That tract has been
developed for apartments.
2. The apartment zoning apparently was created to serve as a
transitional measure between the commercial area to the north and
single family residential area to the south. Additional
R-4 zoning here might serve as a further transitional measure.
3. The Planning staff questions whether or not intense development
of the subject tracts will create traffic congestion or hazard.

08:15am

Page 2.

DESCRIPTION FOR RE-ZONING, PARTS OF LOTS NOS. 4 to 11, INCLUSIVE,
WOODBROOK HIGHLANDS, 6300 BLOCK NORTH CHARLES STREET, 9th DISTRICT
BALTIMORE COUNTY, MARYLAND.

(Continued)

North Charles Street and binding on a part of said second line,
and on the third line of said last-mentioned land, North 68 Degrees 06
Minutes 00 Seconds East 202.31 feet and South 4 Degrees 06 Minutes
10 Seconds East 135.44 feet to intersect the second line of the land
which by Deed dated April 11, 1963, and recorded among the aforesaid
Land Records in Liber W.F.R. No. 2274, folio 478, was conveyed by
E. June Shock, unmarried, to Frank N. Sanna, Jr. and wife, and
running thence and binding on a part of the second line of said last-
mentioned land North 64 Degrees 28 Minutes 10 Seconds East 60.00
feet to a pipe at the end of said second line and to the west side
of a 20-foot road known as LaGrange Lane, and running thence and
binding on the west side of LaGrange Lane and on the third line of
said last-mentioned land South 6 Degrees 07 Minutes 40 Seconds West
116.95 feet to the beginning of the fourth line of said last-mentioned
land, and thence still binding on the west side of LaGrange Lane and
on the fourth line of said last-mentioned land, and continuing along
the third line of the land which by Deed dated December 2, 1948,
and recorded among the aforesaid Land Records in Liber W.F.R. No.
1712, folio 428, was conveyed by William T. Smith, et al. to William
T. Childs, Jr. and wife, South 20 Degrees 51 Minutes 50 Seconds East

TELEPHONE
VALLEY 3-2200

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

No. 22023

DATE 12/30/63

TO: William S. Baldwin, Esq.,
24 West Pennsylvania Avenue,
Towson 4, Maryland

BILLED BY
Office of Planning & Zoning
117 County Office Bldg.,
Towson 4, Maryland

DEBIT TO ACCOUNT NO.	QUANTITY	DEBIT UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01.622				
		Appeal costs - Wm. T. Childs, et al - No. 63-145-R	\$70.00	
		h.s. @ \$5.00 ea	20.00	\$90.00
		12-163 4311 * * * Ttl -	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.

TELEPHONE
VALLEY 3-2200

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

No. 20259

DATE 11/21/63

TO: Hamilton Park Corporation
2530 Madison Ave.
Baltimore 17, Md.

BILLED BY
Zoning Department of
Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	DEBIT UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01.622				
		Advertising and posting of property for William Childs, et al	100.00	
		#63-145-R		

12-163 7011 * * * Ttl - 100.00

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.

SEIZURE
#63-145-R
THE BALTIMORE COUNTY
THE COMMUNITY NEWS
Baltimore, Md.
THE BALTIMORE COUNTY
Catonville, Md.
No. 1 Newburg Avenue

November 5, 1963.

THIS IS TO CERTIFY that the amended advertisement of
John T. McGee, Jr., of Baltimore County, Maryland,
was inserted in THE BALTIMORE COUNTY, a copy of
these weekly newspapers published in Baltimore County, Maryland,
last, once a week for one week commencing on or before
the 24th day of September, 1963, that it is to say
the same was inserted in the issues of
November 1, 1963.

THE BALTIMORE COUNTY

By Paul J. McGee, Jr.
Editor and Manager

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the amended advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on or before
of 1st day of September, 1963, the first publication
day of September, 1963, the first publication
appearing on the 1st day of September, 1963.
THE JEFFERSONIAN
Curt of Advertisement, 8

THE BALTIMORE COUNTY
THE COMMUNITY NEWS
Baltimore, Md.
THE BALTIMORE COUNTY
Catonville, Md.
No. 1 Newburg Avenue

THE BALTIMORE COUNTY
THE COMMUNITY NEWS
Baltimore, Md.
THE BALTIMORE COUNTY
Catonville, Md.
No. 1 Newburg Avenue

Revised
11/19/63

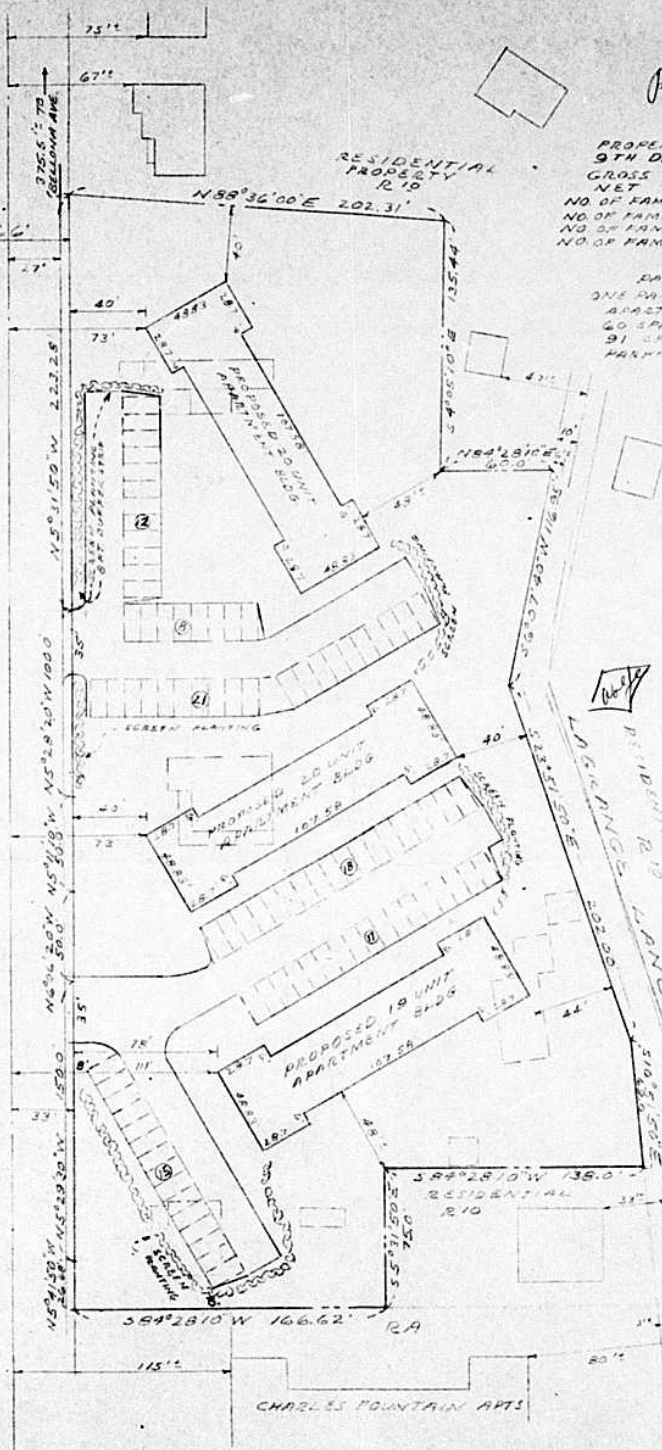
PROPERTY ZONED R-10
9TH DISTRICT

GROSS ACREAGE: 3.80 AC
NET ACREAGE: 3.24 AC
NO. OF FAMILIES GROSS REQUESTED: 60
GROSS PERMITTED: 60
NO. OF FAMILIES NET REQUESTED: 59
NET PERMITTED: 59

PARKING DATA
ONE PARKING SPACE FOR EACH
APARTMENT UNIT
60 SPACES REQUIRED
91 SPACES AVAILABLE
PARKING SPACES (31/20)

RESIDENTIAL PROPERTY
R-20

N. CHARLES STREET



CHARLES FOUNTAIN APTS

RESIDENTIAL PROPERTY RA

BUSINESS LOCAL

PLAT FOR ZONING APPEAL
6300 BLOCK N. CHARLES ST.
9TH DISTRICT
BALTIMORE CO., MD



REVISED: 11/20/63
REVISED: 10/23/63

DAVID W. POHMER
REGISTERED ENGINEER & LAND SURVEYOR
OFFICE: 114 N. 25TH ST. BALTO., MD.
SCALE 1"=50' ISSUED SEPT. 16, 1963

Drawn by: Red
Checked by: _____
Date: _____

50 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60
60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6 4 2 0

RE: PETITION FOR RECLASSIFICATION
from an R-10 zone to an R-A zone
E/Charles Street Avenue 375.5'
S. of Bellona Avenue
9th District
William T. Childs, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 63-145-R

OPINION

This is an application for a change from an R-10 zone to an R-A zone of a tract of land, about three and one-half acres, on the east side of Charles Street south of Bellona Avenue in the Woodbrook section of the Ninth District of Baltimore County.

The property is bounded on the south by the Charles Fountain Apartments which have been constructed as a result of a zoning reclassification in 1961, the zoning map in effect at the present time having been adopted in November, 1955. A small, quite rural, street known as LaGrange Lane runs from Bellona Avenue down the east side of the property to a dead end. North of the property as well as for a considerable distance west on the other side of Charles Street and in the Murray Hill area north of Bellona Avenue, are very fine and expensive individual homes valued in round figures at from \$50,000 to \$100,000 or more.

The real petitioner in the case is the Jo-Bar Corporation which purchased a number of small tracts during 1963 and 1964 at a total price of \$198,000, with a six hundred foot frontage on Charles Street, which together make up the subject property. The Jo-Bar Corporation has developed other successful apartment complexes and is well equipped for the purpose. There is no doubt there would be a demand for apartments at this location. It was conceded that this land could very well be used physically for single family homes without undue hardship to the developer except for the fact that the developing corporation apparently has paid more for the land than would ordinarily be expended for single family development, and the major reason for asking for the apartment zoning is economic rather than physical.

There have been some physical changes in the neighborhood since the adoption of the original map. For example, Stevenson Lane, as improved, was finished about two years ago; New Burke Avenue has been cut through from Charles Street to Towson; two hospitals have been constructed in the general area although some distance away; and the land zoned for business purposes south of the Charles Fountain Apartments has been almost all built up being occupied by an office building, a drug store, several gasoline service stations, and a food market. A church has also been constructed on the west side of Charles Street south of the subject property.

ELIZABETH H. MCKENRICK,
MARTIN H. HARRIS and
GLADYS HARRIS,
WILLIAM T. CHILDS, JR. and
ETHEL G. CHILDS, and
GOVANS CHRISTIAN CHURCH
by the JOBAR CORPORATION,
their successor in interest

Petitioners

vs.

R. BRUCE ALDERMAN,
W. GILES PARKER, and
JOHN A. SLOWIK
CONSTITUTING THE COUNTY
BOARD OF APPEALS FOR
BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket
File

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal on behalf of Elizabeth H. McKenrick, Martin H. Harris, Gladys Harris, William T. Childs, Jr., Ethel G. Childs and Govans Christian Church, by the Jobar Corporation, their successor in interest, from the Opinion and Order of the County Board of Appeals for Baltimore County dated February 8, 1966 in case #63-145-R (Petition for Reclassification from an R-10 to an R-A zone, east side of Charles Street Avenue, 375.5 feet south of Bellona Avenue, 9th Election District); this appeal being filed herein pursuant to provisions of Chapter 1100, Sub-title B, of the Maryland Rules of Procedure.

James H. Cook
22 W. Pennsylvania Avenue
Towson, Maryland 21204
VA 3-4111
Attorney for Appellants

William T. Childs, et al - #63-145-R

There was no real evidence that there had been any error in the original zoning other than the general theory that the County Council had not, in 1955, foreseen the increased demands for apartments in the Ninth District in the future. Evidence also indicated that there might or might not be traffic congestion as a result of the proposed construction, but the Board does not believe that the construction of the fifty-nine units proposed would make a great deal of difference to the present traffic picture.

The Board does, however, believe, and finds as a fact, that the proposed construction would definitely affect property values in the immediate neighborhood especially those properties immediately adjoining across Charles Street Avenue and those across LaGrange Lane in back of the subject property, and hence be detrimental to the general welfare of the community. The Board feels impelled to call attention to the decision of this Board (consisting of different individuals at that time) in case #5213 decided in October, 1961 granting the reclassification from R-10 to R-A for the Charles Fountain Apartments. At this time the reclassification was granted on the basis that the apartment zoning would act as a transition zone between residential property to the north and west, and the necessary and useful commercial zoning to the south. Most of the protesting residents in the present case felt that a matter of good faith was involved because they were assured in 1961 that this was where the line would be drawn to prevent any further infringement upon the residential area of apartment or commercial zoning. With this point of view the Board is in agreement, and we feel that any further extension of the transition area would be a great detriment to the surrounding residential community. The fact that the petitioner has so much money invested in the property is not a matter to be considered in zonics where the property can very satisfactorily and physically be used under its present zoning classification.

The above findings of the Board were thoroughly confirmed by testimony presented on behalf of the protesters, not only from residents of the neighborhood, but from expert witnesses in the land planning and real estate fields who were definitely of the opinion that there had been no changes in the neighborhood sufficient to warrant the rezoning of this particular tract, and that there had been no error in the map adoption in 1955. We refer especially to Mr. Buford M. Hayden, a recognized land planning expert; Mr. C. Gordon Gilbert, a real estate appraiser of many years experience; Mr. Norman Pritchett, a Vice President of the Williams Construction Company and a traffic expert, together with well over one hundred residents of the neighborhood who appeared during the two days of hearings and who were unanimous in expressing their opinion that while they were satisfied with the Charles Fountain Apartments as a buffer or transition zone, that any further expansion of apartment or commercial use would greatly depreciate the market value of their properties.

CERTIFICATE OF SERVICE ON AGENCY

I HEREBY CERTIFY that on this 9th day of March, 1966 a copy of the foregoing Order of Appeal was served by me on the County Board of Appeals for Baltimore County by leaving a copy of the same with the Clerk thereof at the office of said agency in the County Office Building, Towson 4, Maryland.

James H. Cook

William T. Childs, et al - #63-145-R

For the above reasons the Board finds that the matters stated above were at least reasonably debatable and finds, as a fact, that there was neither error nor sufficient change to warrant rezoning at this time even if there were not a strong presumption in favor of the original zoning, which there is, as has been well and often recognized by the Courts. In zoning a line must be drawn somewhere and this Board definitely finds that in the present case the line was properly drawn in 1961 and there is no reason to make a change. The petition for reclassification will, therefore, be denied.

ORDER

For the reasons set forth in the foregoing Opinion, It is this 8th day of February, 1966 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

R. Bruce Alderman, Acting Chairman

W. Giles Parker

John A. Slowik

NOV-6 1964



INTER-OFFICE CORRESPONDENCE
DIVISION OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson 4, Maryland
Date: November 6, 1963
TO: Mr. John G. Rose
FROM: Eugene J. Clifford
SUBJECT: Zoning Petition 63-145
East Side of Charles Street South of Bellona Avenue

Review of the plan for subject petition results in the following comments:

1. The width (54 feet) of this section of North Charles Street (Md. Rt. 139) and the traffic volume it carries (31,500 A.D.T.) make any increase in the number of left turns to and from entrances in this area, undesirable.
2. The number of parking places proposed to serve the apartment buildings is minimum.
3. The arrangement of parking places within the northerly lot is conducive to very restricted access from North Charles Street.

Eugene J. Clifford
Eugene J. Clifford, Chief
Division of Traffic Engineering

ENCLOSURE

WILLIAM T. CHILDS, ET AL NO. 63-145-R

JOBAR CORPORATION
E/Charles Street Avenue 375.5' S. of Bellona Avenue 9th District
R-10 to R-A (3.8 Acres)

Sept. 24, 1963 Petition filed
Dec. 16 DENIED by D.Z.C.
" 23 Order of Appeal to Board of Appeals
Feb. 8, 1966 DENIED by the Board (Alderman, Parker and Slowik)
Mar. 9 Order for Appeal to Circuit Court filed by James H. Cook, Attorney for Petitioners-Appellants (#3446)
J. Cook et al vs. The Board
April 13, 1966 Dismissed by the Circuit Court for want of prosecution without prejudice (from Court Docket)

DENIED

CASE #5213

Property of Hall Plank
East side of North Charles Street opposite Woodbrook Avenue
From R-10 to R-A.
Granted by Zoning Commissioner on 2nd of March, 1961
Appealed to Board of Appeals
Granted by Board of Appeals on 11th of October, 1961
Appealed to Circuit Court
Granted by the Circuit Court on 11th of April, 1962
Appeal filed to Court of Appeals
I could find nothing in the record, but know of my personal knowledge that Court of Appeals upheld Circuit Court.

CASE #63-145-R

Property of Edna K. Tupper
West side of Bellona Avenue and Haddon Avenue
From R-10 to R-A, with Special Exception for offices
Granted on 9th of May, 1960 by Zoning Commissioner
Affirmed by Bill 89 (1960) session of County Council
No Appeal.

ELIZABETH H. MCKENRICK,
MARTIN H. HARRIS and
GLADYS HARRIS,
WILLIAM T. CHILDS, JR., and
ETHEL G. CHILDS, and
GOVANS CHRISTIAN CHURCH,
by the JOBAR CORPORATION,
their successor in interest

Petitioners

vs.

R. BRUCE ALDERMAN,
W. GILES PARKER, and
JOHN A. SLOWIK
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 75
File No. 3496

CERTIFICATE OF NOTICE

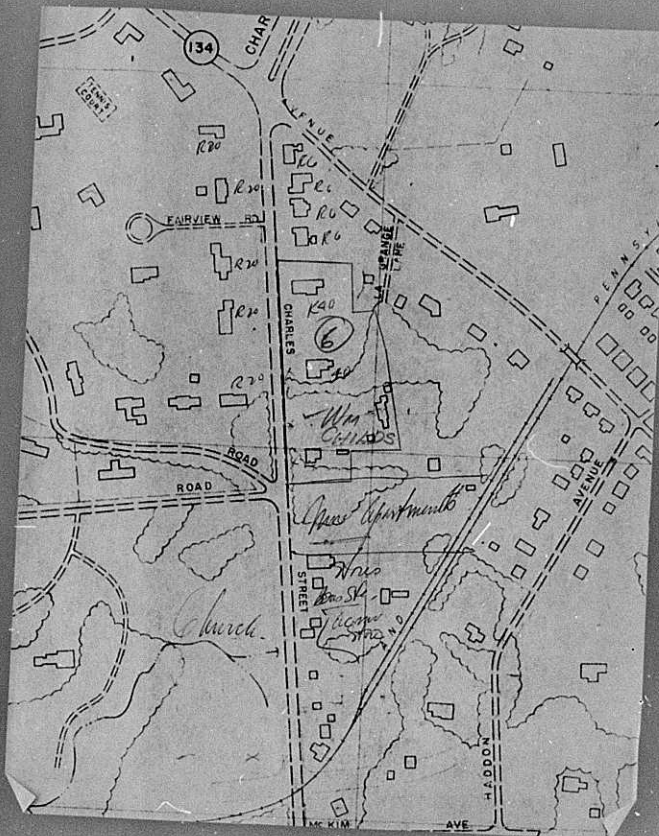
Mr. Clerk:

Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure, R. Bruce Alderman, W. Giles Parker and John A. Slowik, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, William L. Stikind, Esq., 933 Maryland National Bank Building, Baltimore, Maryland 21202 and James H. Cook, Esq., Loyola Federal Building, Towson, Maryland 21204, Attorneys for the Petitioners, and John N. Maguire, Esq., 825 Eastern Avenue, Baltimore, Maryland 21221 and John H. Bolgiano, Esq., One Charles Center, Baltimore, Maryland 21201, Attorneys for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
V alley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to William L. Stikind, Esq., 933 Maryland National Bank Building, Baltimore, Maryland 21202 and James H. Cook, Esq., Loyola Federal Building, Towson, Maryland 21204, Attorneys for the Petitioners, and John N. Maguire, Esq., 825 Eastern Avenue, Baltimore, Maryland 21221 and John H. Bolgiano, Esq., One Charles Center, Baltimore, Maryland 21201, Attorneys for the Protestants, on this 10th day of March, 1966.

Edith T. Elenhart, Secretary



TELEPHONE
823-3000

INVOICE BALTIMORE COUNTY, MARY AND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

No. 34542

DATE 3/16/66

TO: James H. Cook, Esq.
Loyola Federal Building
Towson, Maryland 21204

BILLED BY: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY	DETAILS OF SERVICE AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
Cost of Certified Documents	File No. 63-145-R William T. Childs, et al E/S Charles Street Avenue 375.5' S. of Bellona Avenue 9th District	\$ 15.00
	3-2166 4437 * 34542 IIP--	15.00

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.

#63-145-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Jan. 11, 1964
Posted for: ADP 81
Petitioner: William T. Childs, et al
Location of property: E/S Charles Street Ave. 375.5' south of Bellona Ave.
Location of Signs: On fence at 6303 E/S Charles St. Ave.

Remarks: [Signature]
Posted by: [Signature] Date of return: Jan. 15, 1964

#63-145-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Nov. 7, 1963
Posted for: Petition for Reclassification from H-10 to H-4
Petitioner: William T. Childs, et al
Location of property: E/S of Charles St. Ave. 375.5' S. of Bellona Ave.

Location of Signs: (1) Lawn at 6303 Charles St. Ave. (2) 6303 Charles St. Ave. on terrace. (3) 6307 Charles St. Ave. & driveway entrance. (4) 6317 Charles St. Ave. on tree.

Remarks: [Signature]
Posted by: [Signature] Date of return: November 7, 1963