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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

0

1, or we. Govana Christian, Churchiegal owner... of the property situate in Baltinfore County and which is described in the description and plat attached hereto and made a part befreed. hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant zone to an SE(.3-C to the Zoning Law of Baltimore County, from an \_\_\_\_B-10\_\_\_\_ PA zone; for the following reasons: 11/8/63

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 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 zoning regulations and restrictions of Baltimore County adopted parament to the Zoning Law for Baltim GOVANN CIBERTIAN FURGELY County. By: whatever Superior Superi 9.7 1h

THE JOHAR CORPORATION .... By: Joseph Soley, Coatrot purchaser Address \_ 3 Hollins Road

Address ( 311 1) Charles St 13alls, 12, mil. Baltimore 12, Md. Petitioner's Attorney
William S. Baldwin Protestant's Attorney

C Hayon Wicher

issioner of Baltimore Donn't

\*L3-145 R

September 16, 1963.

Address 24 W. Penna. Ave. Towson, Nd. ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_2btb. \_\_\_\_\_\_day

, 1963..., that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 195, County Office Building in Towson, Baltimore County, on the 21960 24 gg ... day of November ... 196 3, at 11 o'clock

DESCRIPTION FOR RE-ZONING, PARTS OF LOTS HOS. 4 to 11, INCLUSIVE, MODDSHOOK HIGHLANDS, 6300 BLOCK NORTH CHARLES STREET, 9th DISTRICT

men-loned land, and running thence and binding on said fourth line p.A. and on the West side of LaGrange Lane, South 10 Degrees 51 Minutes |

50 Seconds East 69.00 feet, thence leaving the West side of Labrange

Lane and binding along part of the last line of the land last herein

folio 546, was conveyed by Elizabeth M. McKenrick, widow, to Theodore

138.00 feet to the beginning of said first line, and running thence

land South 5 Degrees 31 Minutes 50 Seconds East 75.00 feet to inter

sect 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 186.62 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.C. No. 1, folio 3. (J.W.S. ?)

and binding reversely along the last line of said last-mentioned

E. Mayer and wife, South 84 Degrees 28 Minutes 10 Seconds West

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, 1953, and recorded among the aforesaid Land Records in Liber W.J.R. No. 3596.

202.00 feet to the beginning of the fourth line of said last

John 25 0 17

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IU HIE ZONNU CORMISSIONEM OF INATIONIES (VOINT):

I. or we, NORTH, M., IMEXIA, M., Exp. and Gladyo Barris

I. or we, NORTH, M., IMEXIA, M., Exp. and owner... of the property situate in Balipsone of AP

County and which is described in the description and plat attacked hereto and made a port forced.

April 10 per property of the state of the property be re-classified, juruant

2. 3. ore map rope to anSE(.3 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 Baltin 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 re-classification and or Special Exception advertising. I, or we, agree to pay expenses or above re-classification and or Special Exception advertising, positing, 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 Gratin & Haves 1.

THE JOBAR CORPORATION By: Joseph Soley Address ... 3. Hollins Road . Baltimore 12, Md.

#12, md Petitioner's Attorney William S. Baldwin Address 24 W. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this .... 2hta ..... , 1963..., that the subject matter of this petition be advertised, as d. September 1963. that the subject matter of this petition be survenue, as required by the Zoning Law of Indiamore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning out Baltimore County, that property be posted, and that the public hearing be had before the Zoning out Baltimore County in Room 106, County Office Building in Towson, Baltimore County in Room 106, County Office Building in Towson, Baltimore

196. 3, at 11 o'clock County, on the 21stp 24 K3 day of November

missioner of Baltimore County

Address 6317 Charles St.

RE: Petition for Reclassification E/S Charles Street Avenue, 375.5' S. of Bellons Avenue-9th District William 7. Childs at al-Patitic

DEPUTY ZONING CONFESSIONER CIP

BALTIMORE COUNTY

11/5/63

\*\*\*\*\*\*\*\*\* The subject property consists of 3,8 erres, improved by four home, situated on the Rast side of Garles Street Avenue approximately 1350 with of Covenant Age. The puttinges has requested A-I coing for the property of the street of the County for the property of the property of the Luxury type. The buildings consisting of fifty-dise spartness one-said stories in the age when the avenue apartment would not return the street of the county type. The buildings would be of bride consistention, two and con-said stories in the avenue apartment would rest for approximately 100,000 a contin.

Charles There are wedien to high priced homes in this section of Charles Street Avenue and the adjacent streets. There was four expressed by the macron and the section of the section of the price of the pritting table gradent type spartness in this location would greatly depreciate the rerrounding property values and aggreets and intensity an already scrift homes of the Street Avenue,

The positioner did not content the subject treet us constable for devolutions and the subject treet us constable relief on change in the neighborhood to jestify its reclassification. For testinger presided a names of commercial cases insendiate to the monoconforming case or were case put on the original sounce page and all estacety. The only sounce prelieselfication which in this incommis-tation of the content of the Carles Foundain Agarineste. Other changes were the construction of the Carles Foundain Agarineste, Other changes were the construction of the Carles Foundain Agarineste.

There was substantial testimony from both sides describing the traffic conditions on Charles Street Arenae. However, after hearing all the evidence procented, there was little doubt in the Deputy Convisioner untuit that Charles Street Arenae is already over saturated with traffic. The opening of the Greater Seltimore Modical Center will undoubtedly not

has been accounted by the property of the property of the partitioner to show either an error in the original conting may or a substantial suggests of the property of the property of the property better than the property of the property but it does not messagely compact, the Two as in original soming, recording must be in the general policit interest for the battle, noting recording must be in the general policit interest for the battle, interest of the land comes, (See Birt's w. Board of Tonic Assistantial Indicated of the Interest Compact of the Compact

In cocclasion, it is the opinion of the Depoty Zening Countactors rest the pritioner herein has not set the burden of proof of shoulding manipulations and the state of the contract of the state of the

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Elizabeth H. McKennick legal owner of the property situate in Baltimore man County and which is described in the description and plat attached hereto and made a part hereo hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant pe to an SEC.3 4 to the Zoning Law of Baltimore County, from an ....... R-10.

zone: for the following reasons Change in neighborhood and error in original map. 11/8/63

See Attached Description

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

operty is to be posted and advertised as prescribed by Zoning Regulat

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

Soley Contract purchaser - Skyleth ld. In Kennyl By: Joseph Soley, Contract; President Address 3 Holling Road Address 6303 n. Charles Bolls, 12, md. Baltimore 12. Md.

Petitioner's Attorney William S. Baldwin Protestant's Attorner Address 24 W. Penna. Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 21-31 day ... 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 through out 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 day of November ...) 196 3 at 11 o'clock County on the 21st

SEP 24 73 4 issioner of Baltimerevia (9 × 1

It is CHEFRED by the Deputy Zoning Cosmissioner of Baltic County, this and is hereby Distribute the above recks be and the case is hereby Distrib and that the above described prop-

Deputy Zoning Commission

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL PYCEPTION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, HSLLIGHT, Z., Childa, Jr. ... legal owner. of the property situate in Infilmence pl. 10<sup>2</sup> County and which is described in the description and pit attached hereto and made a port hereot. \( \mathbf{F} \) phereby petition (1) that the zoning status of the herein described property be reclusified, purmant \( \mathbf{L} \) County and which is described in the property in the contract of the property petition (1) that the zoning status of the herein described property be re-clusified, purmant \( \mathbf{L} \) County and which is described in the property petition (1) that the zoning status of the herein described property be re-clusified, purmant \( \mathbf{L} \) County and which is described in the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to the property petition (1) that the zoning status of the herein described property is re-clusified, purmant \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to \( \mathbf{L} \) and \( \mathbf{L} \) are sufficient to \( \mathbf{L} \) and \( \ to the Zoning Law of Baltimore County, from an R-10 zone; for the following reasons:

See Attached Description

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

Change in neighborhood and error in original map.

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

1, or we, agree to pay expenses of above re-classification and or Special Exception advertising. to the agree to percentage, some excessions on the order acception directions, 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

Villiant- Childs, f. THE JOBAR CORPORATION By: Joseph Soley Centrat purpaser to the Legal Owner Address J. Bollins Rd., Balto, 12, kd. Address G. S. D. Address #12 md

Stan Bourger William S. Baldwin Address 24 M. Penna, Ave., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this . . . . 24th . 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

21st SEP 24 83 day of November Zonin Commissioner of Baltimore County, 100 13 6 1 3

Russell Work 317 Le Secriss La

7659

SMITH SOMERVILLE & CASE

11/8/63

November 6, 1963

63-145-R

Baltimore County County Office Building Towson, Maryland 21204

Re: Petition for Reclassifaction

Attention: Mrs. Anderson

Please enter my appearance as attorney for my own interest in the file concerning the Petition for Reclassification of the property 373 Feet south of Bellona Avenue, scheduled for the Conting Commission on November Plats.

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

Thank you very much.

Very truly yours, 74. 1 Solgio John H. Bolgiano



RS:LEM.

WILLIAM S. BALDWIN

APR 15 '64 W -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

#63-145R September 16, 1963.

SE(3 6

DESCRIPTION FOR RE-ZONTHS, PARTS OF WOODEROOK HIGHLANDS, 6300 BLOCK NORT BALTHMORE COUNTY, MARYLAND. (GONTINUED)

North Charles Street and binding on a part of said second line and on the third line of said last-mentioned land, North 88 Degrees 36 Minutes OO Seconds East 202.31 Feet and South 4 Degrees OS Vinutes 10 Seconds East 135.44 feet to intersect the second line of the land which by Deed dated April 11, 1953, and recorded among the aforesaid Land Records in Liber C.L.B. No. 2274, folio 478, was conveyed by E. June Shock, unmarried, to Frank N. Sands, Jr. and wife, and running thence and binding on a part of the second line of said lastmentioned land North 84 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 begin ing of the fourth line of said last-mention 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 Doed dated December 2, 1948, and recorded among the aforesaid Land Records in Liber T.B.S. No. 1712, folio 428, was conveyed by William T. Smith, et al. to William T. Childs, Jr. and wife, South 23 Degrees 51 Minutes 50 Seconds Bast

TELEPHONE

BALT FORE COUNTY, MAR LAND OFFICE OF FINANCE

DATE11/21/63

Dirision of Collection and Receip COURT MOUSE TOWSON 4, MARYLAND Hamilton Park Corporatio 2530 Linden Ave. Baltimore 17, Md. BILLED

01622 TOL. OOUNT Advertising and posting of property for William Childs, et al #63-11/5-R 11-21-65 7011 . . . TII-10100

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

State Registered Member: ASCE. NSPE. MSS

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

#63-165 R

No. 22023

DATE 12/30/63

190.00

Office of Planning & Zoning 119 County Office Bldg., Towsen b, Maryland

20.00

Morgan

COUNTIAN

MAP September 16, 1963.

DESCRIPTION FOR RE-ZONING, PARTS OF LOTS NOS. 4 to 11, INCLUSIVE WOODEROOK HIGHLAIDS, 6800 SLOCK NOWH CHARLES STREET, 9th DISTRIBATIONE COUNTY, MARYLAND.

Beginning for the same at a point on the East side of Charles Street 66 feet wide, as shown on State Roads Commission of Maryland Plat No. 11550, where the same is intersected by the last line of the land which by Deed dated Decumber 15, 1945, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1424, folio 251, was conveyed by Ellen E. 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 50 Seconds West 223.28 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.J.R. No. 3989, folio 561, was conveyed by Evelyn R. Girardin, et al. to Martin H. Harris, Jr. and wife, thence leaving the East side of

BALOMORE COUNTY, MACYLAND

OFFICE OF FINANCE

MPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

TO CERTIFY, that John G. Rose, Z of Belti

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UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE

ALTIMORE published in One Week ovember,

was three land.

4 signs 8 25.00 es

12-31-63 6331 # \* \* TKL--

01,622

COUNTIAN

OFFICE OFFICE

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WILLIAM S. BALDWIS

December 18, 1963

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

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

4 signs

WSB:dw

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

20.00

AHTMENT

INTER-OFFICE CORRESPONDENCE TO Mr. John G. Rone, Zoning Commissioner Date. November 8, 1963 FROM Mr. George R. Garrelia, Deputy Director

> SUBJECT #61-1h5-R. E-10 to R-A. East side of Charles Street Ave 375.5 feet South of Bellona Avenue. Being property of William T. Childs, et al. Thursday, November 21, 1963 (1:00 P.M.) HEARING:

BALTIMORE COUNTY, MARYLAND

#63-145R

MAP

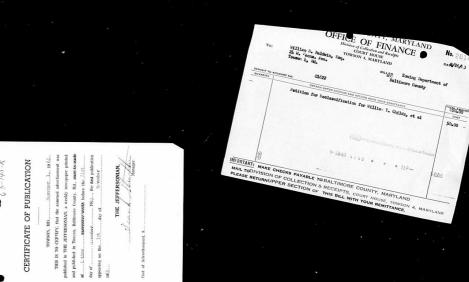
#9 5E1.3-C

RA

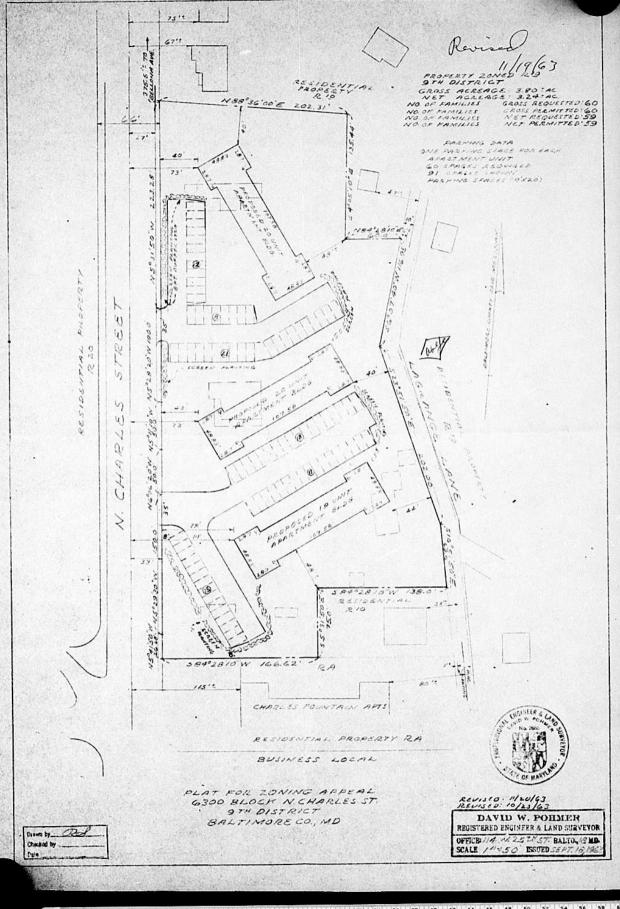
114/63

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

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



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

BEFORE COUNTY BOARD OF APPEALS OF

> RALTIMORE 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 Apartment 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, guite 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 hundre 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 corp 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 assoline 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 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

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

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, 1986 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.

> fames H. Cook
> 22 W. Pennsylvania Aven
> Towson, Maryland 21204
> VA 3-4111 Attorney for Appellant

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket Folio

### William T. Childs, at 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 enstruction, but the Board does not believe that the construction of the fifty-nine units roposed 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 specially those properties immediately adjoining across Charles Street Avenue and those erross LaGrange Lane in back of the sub ject property, and hence be detrimental to the general welfare of the community. The Board further 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 partment 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 proesting residents in the present case felt that a matter of good faith was involved because 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 zoning 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 protestants, not only from residents of the neighborhood, but from expert witnesses in the land planning and real estate fields who were definitely of the aginion 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 gol day of March, 1986 a copy of the aforegoing Order of App sal 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

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

For the above reasons the Board finds that the matters stared above were at least reasonably debatal 's 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 netition for reclassification will, therefore, be denied.

-3-

### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 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



INTER-OFFICE CORRESPONDENCE Baltimore County. Maruland Towson 4, Maryland

#63-145R

Date November 6, 1963

FROM: Bugene 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 (33,500 A.D.T.) make any increase in the number of left turns to and from entrances in this area, undesirable.

The number of parking places proposed to serve the apartment buildings is minimum.

3. The arrangement of parking places within the northerly lot is conductve to very restricted access from North Charles Street.

EJC:GMN:nx

WILLIAM T CHILDS ET AL JOBAR CORPORATION

NO. 63-145-R

Petition filed

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

# Sept. 24, 1963

April 13, 1976

Dec. 16 DENIED by D.Z.C. 23 Order of Appeal to Board of Appeals DENIED by the Board (Alderman, Parker and Slowik) Feb 8 1944 Mar 9 Order for Appeal to Circuit Court filed by James H. Cook, Attorney for

Petitioners-Appellants (#3496) J. Cook out for I Bar

Dismissed by the Circuit Court for war

(from Court Docket)

DENIED

## CASE #5213

Property of Hall Flank
East side of North Charles Street apposite Woodbrook Avenue
From R-10 to R.A. From A-10 to 8.A.

Grantel by Zoning Commissioner on 2nd of March, 1961
Appealed to Board of Appeals

Granted by Board of Appeals

Granted by Board of Appeals

Grantel by Board of Appeals

Grantel by Board of Appeals

Grantel by Mac Circuit Court to 11 th of April, 1962

Appeal Riel of Court of Appeals

Leaded Ried online in the second, but know of any personal knowledge

that Court of Appeals

### CASE 4949

Property of Edna K. Tappar
West side of Bellona Avenue and Heddon Avenue
From R-10 to R.A. with Special Exception for offices
Granted on 9th of May, 1960 by Zening Commissions
Affirmed by Bill 89 (1960) session of County Countil

Reid 3-9-66 1:15 PM

RK: Petition for Reclassification : BEFORE | R/S Charles Street Avenue, 375.5' | DEFORT SCHIMO COMMISSIONER | S, of Belleca Avenue-9-th District | William 7. Childs of 21-Potitionar : OF

BALTIMORE COUNTY Case No. 63-145-R

\*\*\*\*\*\*\* The subject property consists of 3.0 error, Supremed by four home, situated on the Bart side of Charles Street Armies approximately 1350 Horth of Stownson Lans. The partitiones has required 18-7 Caning to pearlt the construction of protein type street or the Charles of the Loury Frys. The buildings would be of bride construction, two and on-shalf stories hith, and the average apartment would rent for approximately SCO,000 about.

There are ending to high priced homes in this dection of by the numerous protecting be and the adjacent etterls. There was far expressed by the numerous protecting be arrested in the location would result his dependance of the contraction of the contraction of the contraction of the dependance of the contraction of

an already serious entities reliable to the object treat was manifelde for dwellopent in its present R-IO Comin classification. Instead, he reliaded on charge in the selphowhood to justify its reclassification. The testimony revealed a number of conservation are irreduced to the modern of conservation of the Carles Foundari Apartments. Other charges were the premium of R-I conservation of the Carles Foundari Apartments. Other charges were the relations of Carles Street Areas and the other conservation of the Carles Foundari Apartments.

There we substantial testimony from both sides describing the traffic conditions on Charles Street Areas, Toward, after hearing all mind that Charles Street Areas as a street of the traffic. The opening of the Greater Saltimore Medical Center will undoubtedly not help the situation may.

before resoning can be granted, the burden is on the petitioner to show althor an error in the original confine may or a subtlantial.

A change in continuous my justify a reclassification of a pericular property but it does not necessarily compal it. Even as in original anning, resoning must be in the mearest public interest for the health, interest of the health, and the substantial control of the pericular interest of the health, and the substantial control of the substantial control of the substantial control of the substantial control of the substantial control original control of the substantial control

or that no conclusion, it is the opinion of the bepaty Zoning Condustor
or that no conclusion of the the position of proof of choosing
error in the original Folding or end changes in the character of the
choose services traffic heard existing at the present time on Carles
Great Areas. To great the resonant heaving respects certainly would
not be in the general policy interest for the promotion of the health,
sately and general endlare of the opening.

8, 1966 Order of County Board of Appeals denying reclassification

Order for Appeal filed in the Circuit Court for Baltimore County

Certificate of Notice sent to all interested parties

Transcript of Testimony filed - 2 volumes Petitioners' Exhibit No. 1 -Plat by David W. Pohmer Large photograph of Cardiff Hall . . . . .

(a, b & c) Photographs near subject Photogrametric map of vicinity (a, b, c & d) Colored Photographs (a, b & c) Photographs (small black and white) . . . . Small black and white photograph

Protestants Exhibit "A" -Copy of November 11, 1961 decision Board of Appeals pertaining to Charles Fountain Apartments - Case No. 5213

Large Aerial Photo (in closet of Board of Appeals office) · -B-. .c.

. .D. - Photos of houses (1, 2, 3, 4, 5, 6, . ·E.

Record of proceedings filed in the Circuit Court for Baltimore County Record of proceedings pursuant to which said Order was entered and

ard acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be nient 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

Edith T. Elsenhart, Secretary County Board of Appeals of Baltimore County

Eller O. Hardet Deputy Zoning Commissioner

LIZABETH H. MCKENRICK,	/.	IN	THE	
ARTIN H. HARRIS and				
Ladys Harris,	456.0046	CIRCUIT	COURT	
ILLIAM T. CHILDS, JR. and				
		FOI		
		BALTIMOF	E COUNT	
eir successor in interest				
		- AT LAW		
FIEL G. CHILDS, and  VANS CHRISTIAN CHURCH the JOBAR CORPORATION, sir successor in interest  Petitioners  vs.		Misc. Doc	<b>的基础的</b>	
VS.		Folio	75	
		File	3498	
BRUCE ALDERMAN.				
. GILES PARKER, and				

### PETITION ACCOMPANYING ORDER FOR APPEAL

constituting the COUNTY BOARD OF APPEALS OF BALTIMORE

The Petition of Elizabeth H. McKenrick, Martin H. Harris, Gladys Harris, William T. Childs, Jr., Sthel G. Childs, and Govans Christian Church, by the Jobar Corporation, their successor in interest, respectfully represents:

- 1. That they were participants in the proceedings before the County Board of Appeals for Baltimore County in zoning case 63-145-R and are parties aggrieved by the Opinion and Order of the County Board of Appeals of February 8, 1966 which denied the re-classification petitioned
- 2. That the action of the County Board of Appeals in denying the re-classification petitioned for was erroneous in the following respects:
- (a) That the action of the Board was arbitrary, unreasonable, and unlawful.

(b) That the act (b) That the action of the Board was contrary to the evidence,

GLADYS HARRIS, WILLIAM T. CHILDS, JR., and	CIRCUIT COURT
ETHEL G. CHILDS, and	, FOR
GOVANS CHRISTIAN CHURCH	
by the JOBAR CORPORATION, their successor in interest	BALTIMORE COUNTY
Petitioners	: AT LAW
w.	Misc, Docket No. 8
R. BRUCE ALDERMAN, W. GILES PARKER, and	: Folio No. <u>75</u>
JOHN A. SLOWIK	
COUNTY BOARD OF APPEALS	File No. 3496
OF BALTIMORE COUNTY	1
	• 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
41111111	
ANSWER TO ORDE	OF APPEAL TO CIRCUIT
COURT FOR BA	LTIMORE COUNTY AND
CERTIFIED COPIES	OF PROCEEDINGS BEFORE
THE ZONING CO	MMISSIONER AND BOARD
OF APPEALS OF	BALTIMORE COUNTY
MR. CLERK:	

ELIZABETH H. MCKENRICK,

Please file, & c.

Edith T. Eisenhart, Secretary County Board of Appeals of Baltimore County

	(c)	That th	e Board	refused	to consider	competent,	relevant,
naterial	evid	ence of	ered by	the Peti	tioners.		

(d) That the Board unlawfully received and considered evidence offered by the Protestants which was irrelevant and immaterial.

(e) That the Board failed to apply the standards and requirements of the Baltimore County Zoning Regulations to the evidence before it.

(f) That the Board misconstrued and misinterpreted the

(g) That the Board reserved rulings on the admissability of evidence; and, after reserving, actually made no rulings, thus materially and prejudically affecting the Petitioners in the presentation of their case

(h) And for other reasons to be assigned more particularly at the hearing of this appeal.

WHEREFORE, your Petitioners pray:

1. That this Honorable Court may reverse the action of the County Board of Appeals in denying the re-classification petitioned for, and re-classify the property covered by this Petition from an R-10 zone to a

2. That, in the alternative, this Honorable Court remand the within case to the County Board of Appeals for rehearing so that the said Board may make a decision and ruling on the evidentiary points reserved by said Board, but not decided; and allow the Petitioners to submit such further evidence as is deemed necessary based upon the rulings to be made by the said Board.

And for such other and further relief that may be appropriate.

MA	RTIN H. HA	McKENRICK,		IN 1	THE
GU	DYS HARR	IS.		CIRCUIT	cours
WIL	EL G. CHIL	IILDS, JR., and		CIRCOII	COURT
GO	VANS CHE	STIAN CHURCH		FO	
by t	he JOBAR C	ORPORATION			
theli	successor i	n interest		BALTIMORE	COUNTY
		Petitioners		ATL	AW
250	va.		. /		
1				Misc. Docket N	lo 8
R. B	RUCE ALDE	EMAN.			National Control
JOH	SILES PARK	ER, and /IK	•	Folio No	75
const	ituting the				
COU	NTY BOAR	O OF APPEALS		File No.	3404
OF B	ALTIMORE	COUNTY			
stituti Appea	And a ng the Cour Il directed o ove entitle	ABLE, THE JUDGE OF TWO COMES AND THE STREET AND THE	derman, W.  F Baltimore  ie, herewith  the followi  ent of Balti	Giles Parker and . County, and in one a return the record ing certified copies more County:	wer to the Order f of proceedings had or original papers
Na A	3-145-R	ZONING ENTRIES COMMISSIONE	FROM DOO	MORE COUNTY	_
40.0	3-140-X				
Sept.	24, 1963	Petition of Elizabeth Harris, William T. C Christian Church, or for reclassification fi located on the east a Bellona Avenue, 9th	nd The JoBa rom on R-10 ide of Char	Comporation, Con zone to an R-A zo	ds, and Govans tract Purchaser,
		Order of Zoning Con property - date of he	missioner d oring set fo	recting advertisem November 21, 19	ent and posting of 63 at 1:00 p.m.
Nov.	1	Certificate of Publicate			
	7	Certificate of Posting	of property	- filed	

22 W. Pennsylvania Aven Towson, Maryland 21204 VA 3-4111 Attorney for Appellants

At 1:00 p.m. hearing held on petition by Deputy Zoning Commission

Order of Deputy Zoning Commissioner denying reclassification

Order of Appeal to County Board of Appeals from Order of Deputy 26, 1965 Hearing on appeal before County Board of Appeals — case held sub curio

16

23

I HEREBY CERTIFY that copy of the aforegoing Petition Accompanying Order for Appeal was mailed this /7 - day of March, 1966 to the County Board of Appeals for Baltimore County, County Office Building, Towson 4, Maryland, and to John N. Maguire, Esquire, 825 Eastern Avenue, Baltimore 21, Maryland, attorney for Protestants

ELIZABETH H. McKENRICK, MARTIN H. HARRIS and GLADYS HARRIS, WILLIAM T. CHILDS, JR., and ETHEL G. CHILDS, and GOVANS CHRISTIAN CHURCH IN THE CIRCUIT COURT FOR by the JOBAR CORPORATION, SALTIMORE COUNTY AT LAW R. BRUCE ALDERMAN, 75 W. GILES PARKER, and JOHN A. SLOWIK 3496 constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

# CERTIFICATE OF NOTICE

Mr. Clerks

Pursuant to the provisions of Rule 1101-8 (4) of the Maryland Rules of Procedure R. Bruce Alderman, W. Giles Parker and John A. Slowik, constituting the County Board of 933 Maryland Netional Bank Building, Baltimore, Maryland 21202 and James H. Cook, Esq., Layola 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

I hereby certify that a copy of the aforegoing Certificate of Notice has been melled to William L. Siskind, Esq., 933 Maryland National Best Building, Baltimore, Maryland 21202 and James H. Cook, Esq., Loyale Federal Building, Towson, Maryland 21204, Attorneys for the Petitioners, and John N. Maguire, Esq., 825 Eastern Avenue, Baltimore, Maryland 21281 and John H. Bolgiano, Esq., Cine Charles Center, Baltimore, Maryland 21201, Attorneys for the Protestants, on this 19th day of March, 1966.

Edith T. Elsenhart, Secretary



#63-145-R

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 9th Date of Posting Jan .- 11, 1964 Posted for: Appeal Petitioner: ... William P. Childa, et al ... Location of property: ... E/S-Charles Street Ave. 375,51 south of Bellone Ave. Location of Signs: On fence st. 6305 K/S Charles St. Ave. Date of return Jan. 15, 1964

63-145-H

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th	Date of Posting Nov. / 1963
Posted for: Patinion for Reclassificati Petitioner: William T. Childs, at al	on from H=10 to H=A
Location of property: 5/S of Charles St Av	a. 375.51.S.of. Hellons Ave.
Location of Signs. (1) Lewn of 6303 Charles Serrace. (3) 6307 Charles St. Ave. & St. Ave. on tree.	
Posted by Signature	Date of return November 7, 1963

BALTIT DRE COUNTY, MARY AND OFFICE OF FINANCE

Ne.34542 DATE 3/16/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21206

TELEPHONE 823-3000

WANTITY	ACCOUNT NO.	01.712		
		DETACH UPPE	T SACTION AND RETURN WITH YOUR REMITTANCE	101/\$ 15:00
	Cost of Ca	ertified Document		COST
			File No. 43-145-2 William T. Chife, et al E/S Charles State Avenue 375-55: of Belloom Avenue 9th Diabeta	\$ 15.00
	4		3-1766 9437 • 34542 BP-	1500
RTANT:	MAKE CHI	ECKS PAYABLE	TO BALTIMORE COUNTY AND	***************************************

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