

JOHN MCKENZIE, et al
VS.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. 3238

ORDER OF DISMISSAL

Mr. Clerk:
Will you kindly dismiss the appeal heretofore taken to the Court of Appeals of Maryland on behalf of John McKenzie, Mary O'Bourke McKennie, and Cromwell Valley, Inc. from the Opinion and Order of the Court entered in this action on March 18, 1966.

James H. Cook
James H. Cook
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Attorney for Appellants

I HEREBY CERTIFY that copy of the foregoing Order of Dismissal was mailed this 14th day of July, 1966 to W. Lee Harrison, Esquire, 22 W. Pennsylvania Avenue, Towson 4, Maryland, and to E. Scott Moore, Esquire, County Solicitor for Baltimore County, County Office Building, Towson 4, Maryland, attorney for Appellees.

True Copy Test
ORVILLE T. GOSWELL, Clerk
Deputy Clerk

MICROFILMED

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
March 18, 1966
ORDER OF DISMISSAL

Mr. Clerk:
Will you kindly dismiss the appeal heretofore taken to the Court of Appeals of Maryland on behalf of Richard McKennie, et al from the Opinion and Order of the Court entered in this action on March 18, 1966.

W. Lee Harrison
W. Lee Harrison
607 Lapsley Federal Building
Towson, Maryland 21204
663-1554
Attorney for Appellants

I HEREBY CERTIFY that on this 17th day of July, 1966, copy of the foregoing Order of Dismissal was mailed to James H. Cook, Esquire, 22 W. Pennsylvania Avenue, Towson, Maryland 21204 and to E. Scott Moore, Esquire, County Solicitor for Baltimore County, County Office Building, Towson, Maryland 21204, attorney for Appellees.

W. Lee Harrison
W. Lee Harrison

True Copy Test
ORVILLE T. GOSWELL, Clerk
Deputy Clerk

MICROFILMED

LAW OFFICES
COOK, MUDD & HOWARD
LEOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND



November 29, 1963

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification and Special Exception - E.S. Brezwick Road and S.S. of Balto. Co., Beltway, 9th Dist., Cromwell Valley, Inc.
Petitioner - No. 63-155-RX

Dear Mr. Rose:

On behalf of the Petitioners, I would like to note an appeal to the County Board of Appeals from your Order dated November 27, 1963 denying the reclassification and special exception in the above captioned matter, and enclose herewith our check in the amount of \$75.00.

Very truly yours,

James H. Cook
James H. Cook

JHC:rm
Enc.

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LAW OFFICES
W. LEE HARRISON
607 LEOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
April 21, 1966

Mrs. Edith Eisenhardt
Secretary, County Board of Appeals
County Office Building
Towson, Maryland 21204
Re: Motive et al, v. Baltimore County Board of Appeals
Our File No. 11-63-4

Dear Mrs. Eisenhardt:

Please find enclosed a copy of the Order for Appeal which was filed in the above captioned matter in the Circuit Court for Baltimore County on April 15, 1966.

With kind personal regards, I am

Sincerely yours,

Charles E. Brooks
Charles E. Brooks

CEB:ck

Enclosure (1)

Rec'd 4/22/66
p.m. MICROFILMED

RE: PETITION FOR RECLASSIFICATION :
from "R-10", "M-R" and "M-L"
Zones to an "R-A" Zone, SPECIAL
EXCEPTION for Elevator Apartments,
E/S Brezwick Road & S/S Beltway, :
9th District
John McKenzie, IV, et al :
Cromwell Valley, Inc., :
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 63-155-RX

OPINION

This application involves a tract of approximately twenty-four and one-half (24-1/2) acres located east of the Brezwick and Cromwell Valley subdivisions along Providence Road and south of the Baltimore County Beltway, and north of an area zoned for manufacturing lying along Cromwell Bridge Road. Part of the subject property is zoned R-10 and other smaller portions are zoned M-R and M-L. Petitioners ask for a reclassification to R-A with a special exception for elevator apartments. Their site plans and proposals indicate that they desire to erect two connected buildings of twenty (20) stories each containing 637 apartment units and covering, together with parking space for 637 automobiles, 31-1/2% of the net land area. The plans also called for associated minor commercial uses in the highrise apartments.

The subject property is of a very rough topography, slopes in two directions, and apparently is full of rock areas making any kind of construction somewhat difficult. It was testified, by expert witnesses for the petitioners, that the cost of developing this tract for R-10 purposes would be prohibitive as over 20% of the land has a grade of between 20 to 30%, and there would be required 44,000 cubic yards of excavation which, in the estimate of the expert witness, Mr. Kenneth A. McCord, a qualified engineer, would amount to \$3,800 per R-10 lot for earth moving and excavation alone. Adjoining property to the east has been developed in R-10 lots together with a school, and property to the south for manufacturing purposes. Access to the property would be through the R-10 development to Providence Road. Mr. Joseph D. Thompson, a traffic expert, testified that, in his opinion, the proposed roads would be adequate for any traffic generated by the proposed development.

Mr. Frederick K. Klaus, a qualified realtor and appraiser, testified that the topography was so rough that he had climbed down from one side of it to the other and could not get back up. It was his opinion that the proposed use would create no damage to the contiguous properties, and that the highest and best use of this land would be for apartments. He further testified that he felt there was an error in the original zoning because adequate provision had not been made on the map for rental housing. This was concurred in by Mr. Malcolm H. Dill, a qualified planning expert, who testified that this land was highly appropriate for apartment concentration, was not a good piece of land for R-10 development, and that construction of apartments would increase rather than decrease the value of con-

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tinuous property. He did admit that he felt there had been no physical changes in the neighborhood except an increase in the demand for rental housing since the adoption of the zoning map which was unknown and unpredicted at that time.

There was some question raised as to the sufficiency of sewer facilities. However, it appears that any problem in this respect will be solved by the time any construction could be completed, and it is conceded that there is plenty of water available. Mr. Albert Kaltenbach, Director of Public Works of Baltimore County, in his testimony confirmed that the County expects to complete the sewer improvements in the area by the Fall of 1966. The developers have entered into a Public Works Agreement with the County which was presented in evidence.

Contrariwise, Mr. John Hocheder, an engineer and site planner, testified that the property could very well be developed as R-10, especially as a cluster-type development under the densities now allowed. Many pictures were placed in evidence showing the topography of the subject property, roads, and surrounding areas, and the Board has visited the site on a number of occasions.

The protestants also produced Dr. W. Worthington Ewell, traffic expert, who disagreed with Mr. Joseph D. Thompson, the petitioners' traffic expert, as to prospective traffic conditions in the vicinity although their factual data, including present traffic counts, were not clearly in opposition. The protestants, mostly residents of the neighborhood and officers of a large number of community associations, were consistent in their testimony that they felt that there had been no substantial changes in the character of the neighborhood since November 14, 1955 when the land use map was adopted. Although most of them had not lived there that long, all of them testified that they bought their homes in good faith with knowledge of the zoning classification and many of them stated that the developer had shown them plans and lead them to believe that the land would be developed for homes. Other objections which they presented were to the aesthetic effect of the twenty story "monstruities", possible overcrowding of schools, and the fact that the construction of the highrise apartments would itself be a radical change in the neighborhood which might lead to a deterioration of the Cromwell Bridge Valley area.

The Board is in substantial agreement with these stated objections of residents in the vicinity and feels that this is not a proper site for a twenty story highrise apartments placing 637 family units on this acreage. However, the Board also feels that this particular tract of land is not at all suitable for R-10 development and may very well be fraught with completely prohibitive costs of developing as it is presently zoned which would not only be a hardship but close to confiscatory insofar as the owners of the property are concerned. We are further inclined to agree with the witnesses Malcolm Dill and

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Frederick Klaus (whose testimony was not contradicted by any expert witnesses produced by the protestants) that there was error in the original zoning for the reasons stated in their testimony.

The Board, therefore, feels that the reclassification to R-A applied for should be granted, but that the application for special exception for highrise apartments should be denied because the petitioners have not met their burden of showing that their planned use of the property meets all of the criteria stated in Section 502.1 of the Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of March, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted; and that the special exception 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

G. Mitchell Austin
G. Mitchell Austin, Chairman

W. Otis Parker
W. Otis Parker

Note: Mr. Baldwin did not sit at this hearing.

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

TO: James H. Cook, Esq.
22 W. Pennsylvania Avenue,
Towson 4, Md.

DATE: 3/24/66

Office of Planning & Zoning
210 County Office Bldg.
Towson 4, Md.

QUANTITY	DEBIT TO ACCOUNT NO.	DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL DEDUCT	COST
	63-155	Appeal Cost - Cromwell Valley, Inc.	95.00	
		PAID - Baltimore County, Md. - Office of Finance		
		12-543 1492 • • • 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.

MICROFILMED

3/18/66
63-155
C-77

RICHARD METTUS, et al
VS
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

JOHN MCKENZIE, et al
VS
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. 83227 and 3228
000000

MEMORANDUM OPINION

These are two appeals in one record. In the first (83227) protestants appealed from an Order granting reclassification of the subject property from R-10. MR and ML to RA. In the second (83228) the applicant appealed from denial of a special exception for elevator apartments.

The subject property, now is zoned principally R-10 but contains a small portion of MR and ML zoning. Reclassification to RA with a special exception for elevator apartments was sought. The property lies to the east of Providence Road and from which access would be provided by existing Greenview Road and proposed Greenview Road. It lies south of and within the arc of a ramp of the Baltimore County Beltway, and has a line of division along that Beltway of about 1300 feet. Otherwise the property abuts residentially zoned lands, some improved, some undeveloped. The property in question is very irregular in contour with elevations ranging from a high of 425 to a low of 325 within its 23.3 acres. Two 20 story apartment buildings with 627 apartments were proposed.

Mr. Malcolm H. Dill, Director of Planning for Baltimore County in 1955 when the comprehensive zoning map for the area in question was applied, testified that because of unfavorable financial conditions at that time there was very little demand for apartments, but that at the time of the hearing before the Board there

was a tremendous increase in such demand. He pointed out that the relationship to the Beltway was a definite factor favoring this location; stated that there were quite a number of changes, the major change being the Beltway, which, although anticipated in 1955, its route was not definitely known. He also said that improvement of Providence Road in connection with the construction of Goucher Boulevard-Farmount Avenue and changed a very sparsely built area with very mediocre access to one that is largely built up but with even greater future potential. He added that the industrial use of property along Cromwell Bridge Road, lying south of the subject property, although authorized by 1955 zoning, came into actuality subsequent thereto. He pointed also to "Luskins" a commercial enterprise, occupying a hilltop position of prominence to the south of Cromwell Bridge Road, as the product of a zoning change.

Mr. Dill, in explaining the difference between 1955 and the present in the field of apartment zoning, said:

"I assume you are saying, if it was not suitable for R-10 land, why did we zone it that way in the first place. I think it is obvious in an area like Baltimore County, you can't really consider the absolutely best potential or the most logical zoning for every piece of property or every area. I would be the first to admit it isn't possible to avoid mistakes. * * * It may be perfectly true there is basically no particular change in the neighborhood itself, from what was anticipated, but when an entirely new need comes up, and a strong need comes up, it seems to me that has to be taken into consideration". (Ex. P. 30-51)

It also appeared from his testimony that he believed, in view of what has occurred in intervening years, that apartments would be the best use for this piece of land, particularly elevator apartments. Acknowledging that it was possible for the property to be used within R-10 zoning, he believed that its best use was for apartments.

Joseph D. Thompson, a Consulting Engineer, with a background of 23 years experience in the Baltimore County Highways Department, and with impressive qualifications otherwise, testified that the road patterns had a potential use of 2,000 vehicles per hour, whereas the actual total for a twelve hour period was 3644 vehicles, and that the proposed construction of this develop-

ment under no circumstances would increase that figure to beyond 4,000 in a twelve hour period. He acknowledged that a rather unusual condition exists in Providence Road where it narrows as it passes the Jennings property, but that this is a problem equally applicable whatever zoning exists. The testimony of Albert B. Kaltenbach, Director of Public Works for Baltimore County, tends to support this view, testifying with respect to this jog in the road, that if the need should come, condemnation and widening of the road should follow.

Kenneth A. McCord, a Consulting Engineer, testified that he had made studies of the land concerned, which indicated a cost for grading from \$2700.00 to \$3000.00 per lot on the basis of R-10 zoning, as compared with the general cost in that zoning classification of \$500.00 to \$700.00 per lot, making the development of this land as R-10 not economically feasible. He said, and it was conceded, that water was available to the project, and that sewer was available in the sense that it could be provided by any of three alternatives: (1) by a temporary pumping station on site; (2) increase the station on site, or (3) by utilizing the "Mine Bank Interceptor".

Frederick P. Klaus, a Realtor, Appraiser and Real Estate Consultant, testified that the failure to provide land for apartment use in 1954 and 1955, was an error since corrected by petition. He said that such petitions have come at places where quick access to the Baltimore County Beltway exists. He added that the access of the subject property to that Beltway was as favorable, if not more so, than at three other nearby clowderof connections.

In addition to these zoning changes to apartment use, he pointed out reclassifications on the north side of Joppa Road from R-6 to RA by from MR to Business Major and from MR, R-10 and ML to Business Major. He commented that he found it very interesting that petitions granting RA reclassification seem to occur where there is good accessibility to the Beltway and terrain too rough to develop economically within other residential classifications. He pointed to the Strickland and DeRo properties as reflecting this. He expressed the opinion that

when the map was adopted the County authorities did not make a careful study of topography and its effect, or as to highway clowderof, as to their joint effect upon apartment developments. He stated that the subject property would be a prime location in the light of its terrain and clowderof proximity.

Numerous witnesses testified in behalf of the protestants, eight of whom were homeowners in the general area. They testified in effect that there were no changes in the neighborhood as they understood the word, and that they would sustain a substantial depreciation of their property if the zoning reclassification and special exception were granted. They also testified that they were told by the general developer that all of the property would be developed for cottage residential use.

John Hocheder, Jr., an Engineer and Surveyor with wide experience as an engineer for developers in cottage, apartment, commercial and industrial property, testified in substance that the applicant's suggested method of severing the property was submitted to and rejected by the Department of Public Works of Baltimore County and that there was no practical method of severing the property. He testified further that the property was available within its present classification for development in the new "cluster-type" of development authorized by the zoning regulations.

Walter Worthington Swell, a Consulting Engineer, with practical and university teaching background, including a considerable experience in the field of traffic matters, expressed the view that 627 parking spaces for the unit was inadequate; that the proposed intersection with Providence Road provides an extremely hazardous condition because of the projection of the Jennings property as previously outlined, and that this hazard would be immeasurably increased by the 627 apartment units. He conceded that present zoning regulations require only one parking space for each apartment and that land for additional parking, if needed, would be available within the acreage.

On this record the Zoning Board granted the requested reclassification to RA zoning, but denied the special exception. The opinion of the Board certainly

is not a model of clarity and there is a degree of ambiguity stemming from its use of the following language:

"However, the Board also finds that this particular tract of land is not at all suitable for R-10 development and may not be brought with completely prohibitive costs of developing as it is presently zoned, which would not only be a hardship but also to conditionaly transfer as the owners of the property are concerned. We are further inclined to agree with the witnesses Malcolm Dill and Frederick Klaus (whose testimony was not contradicted by any expert witnesses produced by the protestants) that there was error in the original zoning for the reasons stated in their testimony."

The evidence is not legally sufficient for a showing of contradiction. Baltimore v. Chm, 204 Md. 523

There is, however, evidence of a mistake in original zoning coupled with changes in the neighborhood sufficient to create a condition whereby the question whether the reclassification should or should not be granted is a matter for reasonable debate.

This case seems to fall within the decision in Finn v. Hall, 241 Md. 224, a case involving quite similar facts. In the Hall case the Court said at Page 226:

"We have said many times that it is not the function of the Courts to undo or remedy, and it is vital to the public interest that this declaration by us be strictly applied otherwise we will, in effect, substitute our judgment for that of the Board and this we may not do. It is only when the determination of the Board is not fairly debatable that we will hold that its action is unreasonable, arbitrary or capricious."

In the light of the Board's acceptance of the testimony of the witnesses Dill and Klaus, the Court must affirm the Board's action in granting reclassification.

As to the special exception, denied by the Board, it is plain that denial was justified on the record on the ground that the requirements of sub-sections (b), (c), (d) or (e) of Section 52.1 of the Zoning Regulations have not been shown.

W. ALBERT MCKENHIE, Judge

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1. we, John McKenzie, IV, 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, M-H, and M-L zone to an SEC-3-C zone; for the following reasons:

1. There has been a change in the neighborhood, and
2. There was an error in the original zoning of this land, and
3. For other reasons to be assigned at the time of hearing.

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 Elevator Apartments

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.

CROMWELL VALLEY, INC.
John McKenzie, IV, Vice-President
Mary O'Hourke McKenzie, Legal Owner
Address: 713 St. Paul Street
Baltimore 2, Maryland

James H. Cook, Attorney
22 W. Pennsylvania Avenue
Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of March, 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 County, on the 27th day of March, 1963, at 2:00 o'clock.

W. ALBERT MCKENHIE, Judge



(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of March, 1963, that the herein described property or area should be and the same is hereby reclassified; from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of Location and the fact that the petitioners failed to secure an error in the Land Use Map for the 9th District or that sufficient change has taken place to warrant the requested zoning.

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of March, 1963, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to and remain an R-10, M-H, and M-L zone; and/or the Special Exception for a be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND		No. 1323 DATE 3/5/63
TO: James H. Cook, Esq., 22 W. Pennsylvania Avenue Towson 4, Maryland	FILED Office of Planning & Zoning 119 County Office Bldg., Towson 4, Maryland	
REPORT TO ACCOUNT NO. 01-622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$100.00
QUANTITY	Cost of petition for reclassification of property of Cromwell Valley, Inc.	50.00
	7-563 3363 * * * 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. 2027 DATE 3/26/63
TO: Cromwell Valley, Inc., 902 Brossard Rd., Towson 4, Md.	FILED Zoning Department of Baltimore County	
REPORT TO ACCOUNT NO. 01-622	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$100.00
QUANTITY	Advertising and posting of property for John McKenzie, IV 63-155-11	100.00
	11-2763 7170 * * * TIL	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.		

BALTIMORE, MARYLAND

October 15, 1963

CROMWELL VALLEY NORTH SUBDIVISION
ENGINEERING DESCRIPTION
PROPOSED APARTMENT AREALying and being in the Ninth Election District of Baltimore County
Maryland.

BEGINNING for the same at a point on the easterly side of Breezewick Road, of varying width, as shown on the Plat of "Cromwell Valley, Section North I" as recorded among the Land Records of Baltimore County Maryland in Plat Book G.L.B. 25 at folio 61; said point being on the southerly outline of said Section North I at the southeast corner of Lot 6, Block D, as shown on said Plat; thence binding on said southerly outline of Section North I the following three (3) courses and distances: (1) North 75° 54' 45" East, 110.35 feet; (2) North 61° 41' 40" East, 80.22 feet; (3) North 58° 44' 53" East, 294.70 feet to a point on the easterly outline of said Section I, thence binding thereon and on the easterly outline of the Plat of "Cromwell Valley-Section North II" as recorded among the aforementioned Land Records in Plat Book G.L.B. 25 at folio 61, North 01° 31' 01" West, 260.03 feet; thence binding on the outlines of the three parcels described in a Deed dated April 30, 1963, from Welsh Homes, Incorporated, to John Mc Kenzie IV and Mary O'Sourke Mc Kenzie, his wife, and recorded among the aforementioned Land Records in Liber R.R.G. 4136 at folio 44, and also on the outline of the parcels described in a Deed dated April 30, 1963, from John Mc Kenzie IV and Mary O'Sourke Mc Kenzie, his wife, to Kirmas Construction Co., Inc. and recorded among the aforementioned Land Records in Liber R.R.G. 4136 at folio 42, the three (3) following courses and distances: (1) North 70° 58' 39" West, 56.21 feet to a point on the easterly side of Breezewick Circle of varying width, as shown on the aforementioned Plat of "Cromwell Valley - Section North II," said point being on

CROMWELL VALLEY NORTH SUBDIVISION

October 15, 1963

Curve D-1a as shown on said Plat, 7.34 feet from the northerly end thereof; (2) Northerly along a curve to the left, having a radius of 230.00 feet, for a distance of 50.95 feet, being subtended by a Chord bearing and distance of North 05° 21' 16" East, 50.85 feet, binding on said easterly side of Breezewick Circle; (3) leaving said Breezewick Circle North 84° 32' 35" East, 477.39 feet to a point on the southwesterly right-of-way of the Baltimore County Beltway; thence binding on said right-of-way the following eight (8) courses and distances: (1) South 48° 13' 27" East, 193.12 feet; (2) South 69° 47' 55" East, 210.30 feet; (3) South 47° 47' 40" East, 200.00 feet; (4) South 26° 32' 41" East, 56.02 feet; (5) South 47° 47' 40" East, 197.61 feet; (6) South 37° 35' 25" East, 254.02 feet; (7) South 39° 15' 49" East, 101.12 feet; (8) South 56° 48' 21" East, 203.00 feet to a point on the 12th or South 79° 18' East, 298.35 foot line described in a Deed dated September 9, 1955 from Clarence M. Plitt, and wife, to Crown Cork & Seal Company, Inc., and recorded among the aforementioned Land Records in Liber R.R.G. 3776 at folio 34, 2458.55 feet from the beginning thereof, thence binding reversely on said line, as now surveyed, North 79° 15' 04" West, 552.72 feet; thence running for lines of division the following fifteen (15) courses and distances: (1) South 23° 34' 52" West, 147.00 feet; (2) North 61° 25' 08" West, 145.00 feet; (3) North 88° 10' 00" West, 170.00 feet; (4) South 44° 09' 00" West, 124.00 feet; (5) South 54° 20' 00" West, 56.00 feet; (6) South 85° 56' 00" West, 130.00 feet; (7) North 68° 58' 00" West, 108.00 feet; (8) North 34° 05' 00" West, 72.00 feet; (9) North 68° 03' 00" West, 168.00 feet; (10) North 78° 12' 00" West, 220.00 feet; (11) North 49° 08' 00" West, 50.00 feet; (12) South 53° 31' 12" West, 107.53 feet; (13) Northwesterly along a curve to the right, having a radius of 211.93 feet, for a distance of 108.24 feet, being subtended by a

CROMWELL VALLEY NORTH SUBDIVISION

October 15, 1963

Chord bearing and distance of North 68° 09' 06" East, 107.07 feet; (14) North 07° 13' 00" West, 149.26 feet; (15) Northwesterly along a curve to the left, having a radius of 285.00 feet, for a distance of 34.18 feet, being subtended by a Chord bearing and distance of North 10° 39' 08" West, 34.16 feet, to the point of BEGINNING.

Containing 6.2338 acres of land, more or less.

Registered Professional Land Surveyor
Engineer No. 11974TELEPHONE
RES-5000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 29910

DATE 4/4/68

TO: W. Lee Martin
The Legal Building
Towson, Md. 21204County Board of Appeals
(Check)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Cost of Certified Documents - No. 48-185-4X John McKenzie, IV, et al 1/2 of Breezewick Road & 2/5 of Baltimore County Beltway Vth District	\$ 12.00
	PAID - Baltimore County, Md. - Office of Finance	
	0-5045 4000 * 29910 TIF-	1200

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
RES-5000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 29916

DATE 4/29/68

TO: James H. Cook, Esq.
The Legal Building
Towson, Md. 21204County Board of Appeals
(Check)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Cost of Certified Documents - No. 48-185-4X 1/2 Breezewick Road & 2/5 Beltway Vth District	\$ 12.00
	PAID - Baltimore County, Md. - Office of Finance	
	0-5045 4000 * 29916 TIF-	1200

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

INTER-OFFICE CORRESPONDENCE

#63-155RX

TO: Mr. James Dyer, Chairman
Siting Advisory Committee
FROM: Capt. Paul H. Reincke

Date: October 24, 1963

SUBJECT: Cromwell Valley Subdivision, District 9
Elevator Apartments
Opposite Crestwick Road

1. Water mains and fire hydrants shall be located on subject site according to the Fire Prevention Code, Section 25.18 A, B, C, D, and E. Please contact Capt. Paul H. Reincke at Ya. 5-7310 for further information.

PMB/bab

CC: Capt. Reincke
File

CROMWELL VALLEY, INC.

715 S. PAUL STREET
BALTIMORE 9, MARYLAND

October 25, 1963

OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLANDATTENTION: MR. WALCOLM H. DEAL,
DIRECTORRE: CROMWELL VALLEY NORTH
RE-ZONING PETITION

GENTLEMEN:

WE HAVE BEEN INFORMED BY YOUR HON. JAMES DYER THAT A QUESTION HAS BEEN RAISED CONCERNING THE ADEQUACY OF THE WINE BANK RUN PUMPING STATION TO HANDLE THE ADDITIONAL FLOW OF SANITARY SEWAGE WHICH WOULD BE DERIVED FROM THE APARTMENT BUILDING PROPOSED ON THE PLANS SUBMITTED WITH THE SUBJECT RE-ZONING PETITION.

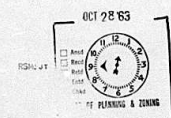
PLEASE BE ADVISED THAT PRIOR TO FILING THE PETITION WE HAD OUR ENGINEERS INVESTIGATE WHETHER THE PUMPING STATION IN ITS PRESENT CONDITION HAD SUFFICIENT CAPACITY TO SERVE THE APARTMENT BUILDING AS WELL AS ALL OTHER DEVELOPMENT TRIBUTARY TO IT. THE REPORT THAT WE RECEIVED STATED THAT THE PUMPING STATION WOULD HAVE TO BE MODIFIED IN ORDER TO INCREASE ITS CAPACITY IF THE RE-ZONING WERE APPROVED AND THE APARTMENT BUILDING CONSTRUCTION. WE THEREFORE REALIZED THAT APPROPRIATE ARRANGEMENTS FOR THE MODIFICATIONS WILL HAVE TO BE MADE WITH THE DEPARTMENT OF PUBLIC WORKS IF THE RE-ZONING IS APPROVED. WE WOULD EXPECT THAT SUCH ARRANGEMENTS WOULD BE MADE IN THE FORM OF A PUBLIC WORKS AGREEMENT PREPARED IN ACCORDANCE WITH ESTABLISHED POLICIES OF BALTIMORE COUNTY.

VERY TRULY YOURS,

CROMWELL VALLEY, INC.

Robert S. Matric

ROBERT S. MATRIC



A HARRY D. MYERBERG ASSOCIATED COMPANY

INTER-OFFICE CORRESPONDENCE
DIVISION OF TRAFFIC - ENGINEERING
Baltimore County, Maryland
Towson 4, Maryland

Date: November 20, 1963

FROM: Eugene J. Clifford

SUBJECT: Petition No. 63-185-4X
Cromwell Valley Subdivision - Breezewick and Crestwick Roads

Review of the plan dated October 15, 1963 accompanying subject petition results in the following comments:

- Access to the proposed apartment development (637 units) is generally limited to Crestwick Road. Because neither Breezewick Road nor Breezewick Circle should be considered as secondary access for this apartment development, the adequacy of this single access is questionable.
- Although Crestwick Road (future) is indicated as having a 40 foot street on a 70 foot right of way, it does not have these dimensions near its terminal at Providence Road. Furthermore, adverse property north of the intersection of Crestwick Road and Providence Road would cause a restriction to sight distance northerly along Providence Road. The location of this intersection coincides with a 250 vertical curve in Providence Road. Due to a crest just north of the intersection an undesirable sight condition results. These factors make any increase in the number of potential turning movements at the intersection of Providence Road and Crestwick Road undesirable.
- With the exception of the minimum number of parking places provided, the internal traffic features of the site appear to be adequate.

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

ENCLOSURE

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BUREAU OF PUBLIC SERVICES
Inter-Office Correspondence

#63-155RX

From: George A. Reier
To: James Dyer
Subject: Proposed Apartment
S.E. Baltimore Beltway
East of Providence Road
District 9

Preliminary research has been made regarding the availability of sanitary sewers to accommodate this site.

Information received from the Bureau of Engineering indicates that the Wine Bank Pumping Station is entertaining excessive flows at this time. Any additional sewage to this facility would critically compound an existing problem. It is suggested that the Developer's engineer submit detailed information in support of the anticipated sewer flows from this site.

George A. Reier
George A. Reier
Assistant Chief
Bureau of Public Services

GMR:bh



ORIGINAL
63-155

0000079-980

Editorial Manager R9

MICROFILMED

. MICROFILMED

ZONING: From B-1, M-R and M-L Zone to B-1A Zone. Petition for Special Ex-

THE JEFFERSONIAN.

Cost of Advertisement, \$

MICROFILMED

CROMWELL VALLEY
SECTION NORTH I &
SECTION NORTH II

RESIDENTIAL PROPERTY
ZONED R-10

R = 230.00'
Δ = 124°13'
Arc = 50.85'
Ch = 50.85'
Ch.Brg = N052°16'E

N 84°52'35"E - 477.35'

Sc 21'
S 54°52'35"W

N 10°31'07"W - 220.03'

Existing
Garage

Parking

20 Story

BREEZEWICK
ROAD
(EXISTING)

BREEZEWICK
CIRCLE (EXISTING)

Lot #1
Existing
Dwelling

Lot #2
Existing
Dwelling

Lot #3
Existing
Dwelling

Lot #4
Existing
Dwelling

Lot #5
Existing
Dwelling

Lot #6
Existing
Dwelling

Block
"D"

RESIDENTIAL PROPERTY
ZONED R-10

N 58°44'55"E - 254.70'

N 75°54'45"E - 110.36'
N 61°41'40"E - 80.17'

BEGINNING
POINT

R = 285.00'
Δ = 06°52'15"
Arc = 54.18'
Ch = 54.18'
Ch.Brg = N10°39'08"W

PROPOSED

APARTMENT

AREA

CRESTWICK ROAD
(FUTURE)

N 07°13'00"W - 124.94'

R = 211.93'
Δ = 07°15'45"
Arc = 108.24'
Ch = 107.07'
Ch.Brg = N68°09'06"W

S 53°12'W - 107.54'
S 50°00'W - 100.00'

N 78°12'50"W - 220.00'

N 68°31'00"W - 168.00'

N 54°03'00"W

N 63°03'00"W - 108.00'

S 85°56'00"W - 195.00'

CROMWELL VALLEY
ELEMENTARY SCHOOL

BREEZEWICK
ROAD

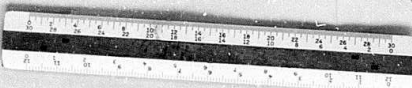
ROAD

FUTURE R-10 LOTS

(FUTURE)

TENNIS
COURTS

POOL



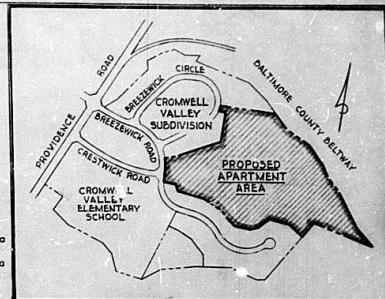
Minebank Run

DRAINAGE

RESERVATION

GENERAL DATA FOR APARTMENT AREA

1. Area Data:
 - a. Gross residential area in tract • 24.4927 Ac.
 - b. Area in streets • 1.2130 Ac.
 - c. Net residential area in tract • 23.2797 Ac.
2. Density Data:
 - a. Apartment units permissible (Based on 16 units/gross acre plus 1/2 unit/acre/story • 26 total units/gross acre) • G37
 - b. Apartment units permissible (Based on 18 units/net acre plus 1/2 unit/acre/story • 28 total units/net acre) • G52
 - c. Apartment units proposed • G37
3. Parking Space Data:
 - a. Spaces required • 100% of apartment units • G37
 - b. Spaces proposed • 100% of apartment units • G37
4. Yard Area Data:
 - a. Area covered by buildings, parking, etc. • 7.3559 Ac.
 - b. Area remaining for yards • 31.5% of net area • 15.9238 Ac.
 - 68.5% of net area

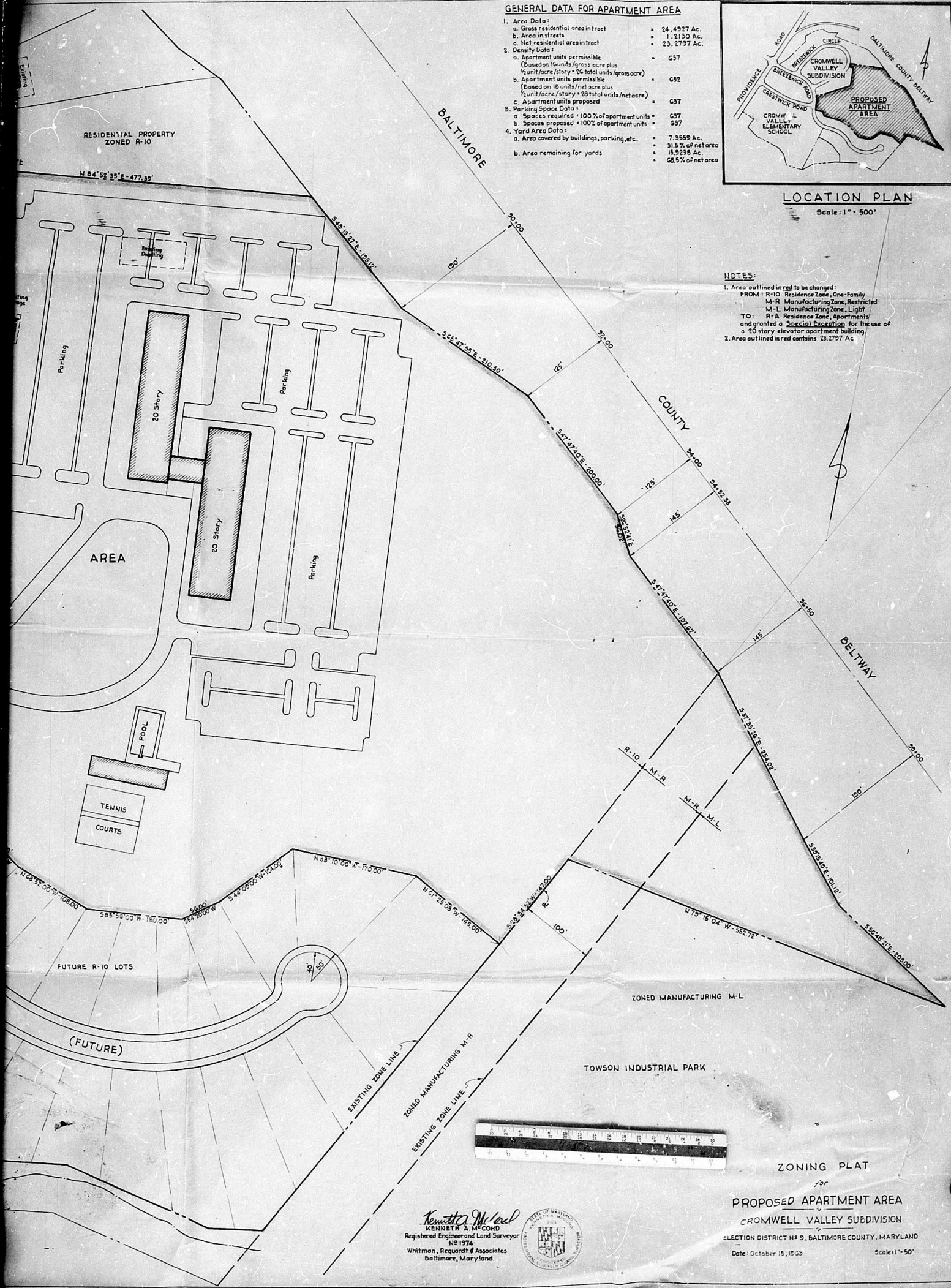


LOCATION PLAN

Scale: 1" = 500'

NOTES:

1. Area outlined in red to be changed:
FROM: R-10 Residence Zone, One-Family
M-R Manufacturing Zone, Restricted
M-L Manufacturing Zone, Light
TO: R-R Residence Zone, Apartments
and granted a Special Exception for the use of
a 20 story elevator apartment building.
2. Area outlined in red contains 23.2797 Ac.



ZONING PLAT

PROPOSED APARTMENT AREA CROMWELL VALLEY SUBDIVISION

ELECTION DISTRICT NO. 9, BALTIMORE COUNTY, MARYLAND

Date: October 15, 1973

Scale: 1" = 50'

Kenneth A. McLeod
KENNETH A. MCCOY
Registered Engineer and Land Surveyor
NR 1974
Whitman, Reardon & Associates
Baltimore, Maryland

