

Mr. Rose - Ernest V. Hartig #4-17-R

ABRAHAM H. GOLDEN and
JACK KUEHN

VS
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

AND
ROBERT WALCHOW and
DAVID NACHMAN
(Intervenor and Protestants)

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. Dkt. 7/388/2025

MEMORANDUM

This is an Appeal by contract purchasers from a decision of the County Board of Appeals, denying reclassification of six (6) acres of land fronting on Old Court Road near Liberty Road. For purposes of this Memorandum Old Court Road will be considered as running east and west, and Liberty Road as running north and south. Both sides of Liberty Road for a considerable distance north and south of its intersection with Old Court Road are zoned for commercial or apartment use. The four corners of the intersecting streets are zoned for commercial purposes. The property that is the subject of these proceedings lies on the south side of Old Court Road at a point about 1150 feet west of Liberty Road; is approximately rectangular in shape; has a frontage on Old Court Road of about 355 feet; with a depth southerly of about 700 feet. The east boundary of the subject property borders a tract 9.6 acres in size presently zoned R-6, but utilized as a Class A hospital, a use authorized under the R-6 classification. It is bordered on the west by Carlson Lane and by R-6 lands for a considerable distance. Beyond the hospital property previously referred to and further east of the subject is an area zoned for apartment use and at the intersection of Old Court and Liberty an area zoned and used for commercial purposes. Opposite the subject property on Old Court Road and extending both east and west of the

subject property, there is R-6 classification. This R-6 classification along the north side of Old Court Road takes the form in part of properties with very considerable depth, and in part of a strip of R-6 zoned land leading to the commercial intersection of Liberty Road. To the north of the R-6 strip on the north side of Old Court Road is property that is zoned RA.

The petition for Reclassification of the subject property from R-6 to RA stated that it was sought because of: "error in original zoning, and for such other reasons as may be assigned at the hearing hereon." The petition was granted by the Deputy Zoning Commissioner, but on appeal from his decision the Board of Appeals, in a decision concurred in by two of the three members of the Board, (one of the members not sitting at the hearing) denied the re-zoned reclassification. This Appeal is from that decision.

Contentions as to Admissibility of Evidence

Counsel for the appellants have raised objections to the rulings of the Board as they relate to the admissibility of evidence. One of these contentions is that the Board committed error in "taking judicial notice" of a decision in Zoning File #6-13-R, wherein the Board (then comprising a different member or members) made the decision. A careful examination of the record leads this Court to the conclusion that the use of the words "taking judicial notice" as used by the Board had no other or different meaning or effect in this case than that the result of the decision is that case would be considered by the Board as a fact. Since that case dealt with property lying on Old Court Road near its intersection with Liberty Road, within a stone's throw of the subject property, it would be odd indeed if this Board ignored that decision as a fact or hearing upon the present case. The Court finds no error in this ruling of the Board.

A second contention is made that it was error for the Board to refuse to strike the testimony of George F. Gavelis, Acting Director of the Office of Planning and Zoning, who was called as a witness on behalf of the protestants.

RE: PETITION FOR RECLASSIFICATION
from an R-6 Zone to an RA Zone
S/3 Old Court Road and S/3 of
Carlson Lane, 2nd District
Ernest V. Hartig-Petitioner
OF
BALTIMORE COUNTY
No. 64-17-R

The petitioners have requested their property be rezoned from an R-6 Zone to an RA Zone. This property lies on the South side of Old Court Road and the West side of Carlson Lane and is adjacent to the Baltimore County General Hospital Inc.

This hearing was held on January 13, 1964 at 2 p.m. during the midst of a severe snow storm; however, counsel for both sides insisted on going through with the hearing and orally agreed to submit the case on the date of February 19, 1964 - Case No. 508, the Order of the County Board of Appeals under the date of February 19, 1964 - Case No. 508, the Order of the County Board of Appeals under the date of March 2, 1964 - Case No. 510-IV and on points raised in their oral arguments at the time of the hearing.

The evidence produced indicated commercial zoning on Liberty Road at the intersection of Old Court Road. West of this commercial zoning is R-6 zoning. Directly west of this R-6 zoning, there is a rather large private hospital known as the Baltimore County General Hospital Inc. This hospital was recently licensed by the State of Maryland to conduct itself as a general hospital for the purpose of surgery, treatment and etc. This institution was previously in the category of a convalescent and rehabilitation center. The petitioners' property lies between this hospital on one side and Carlson Lane on the other.

It would seem to the Deputy Zoning Commissioner, the most appropriate and logical zoning of the subject tract would be R-6 as requested. The operation of a general hospital cannot but help to generate certain inconveniences such as the waiting of stress from ambulances, etc. in the immediate area. R-6 zoning on the subject tract is an excellent transition between the hospital on the East and the residential development west of Carlson Lane. The construction of the requested apartment units with sufficient offstreet parking should in no way adversely affect the surrounding residential development. For the foregoing reasons the reclassification should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 22nd day of January, 1964, that the herein described property or area should be and the same is hereby reclassified from an R-6 Zone to the R-6A Zone, from and after the date of this order, subject to approval of the title plan by the Bureau of Public Services and the Office of Planning and Zoning.

ERNEST V. HARTIG
Deputy Zoning Commissioner

Appellants assign as a ground or cause for the Motion to strike his testimony a supposed acknowledgement by the witness that erroneous information had been given him with relationship to the property adjoining to the east (Baltimore County Hospital) would destroy the worth of his testimony and render it inadmissible. The record does not support this contention. The ruling of the Board on the Motion to Strike was correct.

Contentions on the Merits of the Case

It is contended by the Appellants that the Board erred in refusing to consider whether there had been such changes in the neighborhood as would reasonably justify the re-zoned reclassification. Assuming, without deciding, that an issue of change in the neighborhood justifying reclassification was available to the Petitioner in the form in which his Petition was phrased as heretofore set forth, this Court adopts the ruling of the Board that under the provisions of the Baltimore County Code, §23-22(b) (Bill No. 80 - 1960) no reclassification upon such ground could be considered until two (2) years after November 15, 1962.

It would serve no useful purpose for the Court to engage in a lengthy recapitulation of the evidence produced in this case. The conflicting evidence in this case is well recognized by the witness Gavelis, at page 10 of the record;

"A. The subject property, in all fairness, is certainly approaching the edge of this residential (apartment) area. If you would assume that Liberty Road acts as a, let us say, boundary between one set of residential neighborhoods, and because of the planned usage which exist between this property and Liberty Road, which are either commercial or institutional or apartments, I would say in all fairness the subject property is in an edge situation."

There is credible evidence that the planning recommendations and the Legislative policy in this area was: (a) not to extend apartment zoning (except as a buffer between commercial and residential areas) further to the west along Old Court Road; (b) that the residential appearance of Old Court Road should be maintained even by the creation of R-6 strip zoning along its north side. The evidence shows also that there is land already zoned for apartment usage in the

neighborhood that has not yet been put to such use.
In this situation it is very clear to this Court that the question whether the re-zoned reclassification should or should not be granted is a matter for reasonable debate. On such a record this Court accordingly cannot substitute its judgment for the judgment of the Board.
The Appeal is denied.

ALBERT M. VINCIGU, Judge

December 18, 1964

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ERNEST V. HARTIG and J. HARTIG, wife, of the County and city as 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an RA zone; for the following reasons:
Error in original zoning, and
For such other and further reasons as may be assigned at the hearing hereon.

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 presented by the petitioners.
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 to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

ERNEST V. HARTIG
J. HARTIG
Abraham H. Golden (Contract purchaser)
Abraham H. Golden (Contract purchaser)
Address: 3812 N. ROGERS AVENUE
Baltimore, Maryland
- SMITH & HARRISON
- SMITH & HARRISON
Petitioner's Attorney
Address: 104 Jefferson Building
Townson 4, Maryland Va 3 6200
Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 22nd day of January, 1964, 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 104, County Office Building in Townson, Baltimore County, on the 23rd day of January, 1964, at 2:00 o'clock.
- P. M. NOV 26 1963
Zoning Commissioner of Baltimore County

CHILIS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St. - Baltimore, Maryland 21208
RD#4, Box 12020
DESCRIPTION

HARTIG PROPERTY, SECOND ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

Present Zoning: R-6
Proposed Zoning: R-A

Beginning for the same at the point of intersection of the south side of Old Court Road and the east side of Carlson Lane, 30 feet wide said point of beginning being at the end of the second line of the land, which by deed dated June 20, 1946 and recorded among the Land Records of Baltimore County in Liber R. J.S. No. 1470, Folio 370 was conveyed by Robert W. Heacock and wife to Ernest V. Hartig and wife, running thence binding on lines in said Old Court Road and also binding on the third, fourth and fifth lines of said land the three following courses and distances, (1) N. 19° 15' W., 24.75 feet, (2) N. 74° 30' E., 315.5 feet and (3) N. 65° E., 15 feet, thence binding on the sixth and first lines of said land the two following courses and distances, (1) S. 23° E., 722 feet and (2) S. 73° 30' W., 385.77 feet to said east side of Carlson Lane, thence binding thereon and on the second line of said land N. 19° 15' W., 699.6 feet to the place of beginning.

GA:svr J. O. #63241
11/12/63



(over)

11/13/64
204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Board Room
111 W. Greenbush Ave.
Baltimore, Md. 21202

George E. Cavallini
Director
John G. Rouse
Deputy Commissioner

Mr. Melvin H. Colvin
7, W. Builders, Inc.
211 West Franklin Street
Baltimore, Maryland 21201

Date: June 29, 1965

Subject: Approved Site Plans
Zoning File # 64-37
Blg. #
R/S Old Harford Road
S/S at Turkey Hill Avenue

Gentlemen:

The Office of Planning and Zoning has approved the above referenced site plan, as conditioned in the Zoning Commissioner's Order # 64-37.

This plan has been inserted in our Zoning File #

If you are desirous of obtaining a signed plan for your file, please forward a copy of the site plan to this office.

Very truly yours,

James E. Rouse
JAMES E. ROUSE, Jr.
Petition and Permit Processing

JED/h

ERNEST V. HARTIG NO. 64-17-R

5/5 Old Court Road & E/S Carlson Lane - 2nd District

Reclassification from R-6 to R-4

January 30, 1964 Order of Deputy Zoning Commissioner granting reclassification
February 28, Order of Appeal to Board of Appeals
May 28, Order of Board denying reclassification
June 3, Order for Appeal filed in Circuit Court
December 18, Board Affirmed - Judge W. Albert Menchine

DENIED

December 18, 1964

Michael Paul Smith, Esq., and
Douglas G. Rouse, Esq.,
Jefferson Building
Towson, Maryland 21204

Harry S. Swanson, Esq., Esq.,
1708 Stoney Midding
Baltimore, Maryland 21202

E. Scott Loney, Deputy Zoning
Commissioner
Towson, Maryland 21204

Mr. Albert M. Menchine, et al v.
County Board of Appeals, et al
Case No. 7-288-7011

Gentlemen:

Enclosed to copy of Memorandum in the above
captioned matter, which I hope this day has filed and directed
the Clerk to make the appropriate District Entry.

Very truly yours,

W. Albert Menchine
W. ALBERT MENCHINE

WAKing
Enclosure
CC - County Board of Appeals

February 10, 1965

Milton S. Goldblum, Esquire
1000 Ramsey Building
Baltimore 2, Maryland

RE: Petition for Reclassification
from an R-6 Zone to an R-4 Zone
5/5 Old Court Road and S/S of
Carlson Lane-2nd District
Ernest V. Hartig-Petitioner

Dear Mr. Goldblum:

Pursuant to our telephone
conversation of this date I am enclosing a copy of my Order dated
January 29, 1965.

Sincerely yours,

EDWARD D. BAUMERT
Deputy Zoning Commissioner

ABRAHAM H. GOLDKIN and
JACK RUBIN
VS
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
AND
ROBERT MALCHODI and
DAVID NACHMAN
(Intervenor and Protestants)

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MEMORANDUM

This is an Appeal by contract purchasers from a decision of the County Board of Appeals, denying reclassification of six (6) acres of land fronting on Old Court Road near Liberty Road. For purposes of this Memorandum Old Court Road will be considered as running east and west, and Liberty Road as running north and south. Both sides of Liberty Road for a considerable distance north and south of its intersection with Old Court Road are zoned for commercial or apartment usage. The four corners of the intersecting streets are zoned for commercial purposes. The property that is the subject of these proceedings lies on the south side of Old Court Road at a point about 1250 feet west of Liberty Road; is approximately rectangular in shape; has a frontage on Old Court Road of about 355 feet; with a depth southerly of about 700 feet. The east boundary of the subject property borders a tract 9.6 acres in size presently zoned R-6, but utilized as a Class A hospital, a use authorized under the R-6 classification. It is bordered on the west by Carlson Lane and by R-6 lands for a considerable distance. Beyond the hospital property previously referred to and further east of the subject is an area zoned for apartment use and at the intersection of Old Court and Liberty an area zoned and used for commercial purposes. Opposite the subject property on Old Court Road and extending both east and west of the

subject property, there is R-6 classification. This R-6 classification along the north side of Old Court Road takes the form in part of properties with very considerable depth, and in part of a strip of R-6 zoned land leading to the commercial intersection of Liberty Road. To the north of the R-6 strip on the north side of Old Court Road is property that is zoned RA.

The Petition for Reclassification of the subject property from R-6 to RA stated that it was sought because of: "error in original zoning, and for such other reasons as may be assigned at the hearing hereon." The Petition was granted by the Deputy Zoning Commissioner, but on appeal from his decision the Board of Appeals, in a decision concurred in by two of the three members of the Board, (one of the members not sitting at the hearing) denied the requested reclassification. This Appeal is from that decision.

Contentions as to Admissibility of Evidence

Counsel for the appellants have raised objections to the rulings of the Board as they relate to the admissibility of evidence. One of these contentions is that the Board committed error in "taking judicial notice" of a decision in Zoning File 643-83-R, wherein the Board (then comprising a different member or members) made the decision. A careful examination of the record leads this Court to the conclusion that the use of the words "taking judicial notice" as used by the Board had no other or different meaning or effect in this case than that the result of the decision in that case would be considered by the Board as a fact. Since that case dealt with property lying on Old Court Road near its intersection with Liberty Road, within a stone's throw of the subject property, it would be odd indeed if this Board ignored that decision as a fact or bearing upon the present case. The Court finds no error in this ruling of the Board.

A second contention is made that it was error for the Board to refuse to strike out the testimony of George E. Cavallini, Acting Director of the Office of Planning and Zoning, who was called as a witness on behalf of the protestants.

Appellants assign as a ground or cause for the Motion to Strike his testimony a supposed acknowledgment by the witness that erroneous information held by him with relationship to the property adjoining to the east (Baltimore County Hospital) would destroy the worth of his testimony and render it inadmissible. The record does not support this contention. The ruling of the Board on the Motion to Strike was correct.

Contentions on the Merits of the Case

It is contended by the Appellants that the Board erred in refusing to consider whether there had been such changes in the neighborhood as would reasonably justify the requested reclassification. Assuming, without deciding, that an issue of change in the neighborhood justifying re-classification was available to the Petitioner in the form in which his Petition was phrased as heretofore set forth, this Court adopts the ruling of the Board that under the provisions of the Baltimore County Code, §23-22(f) (Bill No. 80 - 1946) no reclassification upon such ground could be considered until two (2) years after November 15, 1963.

It would serve no useful purpose for the Court to engage in a lengthy recapitulation of the evidence produced in this case. The conflicting evidence in this case is well recognized by the witness Gavrilis, at page 101 of the Record:

"A. The subject property, in all fairness, is certainly approaching the edge of this residential (apartment) area. If you would assume that Liberty Road acts as a, let us say, boundary between one set of residential neighborhoods, and because of the planned usage which exist between this property and Liberty Road, which are either commercial or institutional or apartments, I would say in all fairness the subject property is in an edge situation."

There is credible evidence that the planning recommendations and the Legislative policy in this area was: (a) not to extend apartment zoning (except as a buffer between commercial and residential areas) further to the west along Old Court Road; (b) that the residential appearance of Old Court Road should be maintained even by the creation of R-6 strip zoning along its north side. The evidence shows also that there is land already zoned for apartment usage in the

neighborhood that has not yet been put to such use.

In this situation it is very clear to this Court that the question whether the requested reclassification should or should not be granted is a matter for reasonable debate. On such a record this Court accordingly cannot substitute its judgment for the judgment of the Board.

The Appeal is denied.

W. ALBERT MENCHINE, Judge

December 18, 1964

Rec'd 12, 1964
3:15 PM
Entered

ABRAHAM H. GOLDKIN and
JACK RUBIN
VS
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
AND
ROBERT MALCHRODE and
DAVID NACHMAN
(Superior and Protestants)

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. Dkt. 7/368/3025

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MEMORANDUM

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The Petition for Reclassification of the subject property from R-6 to RA stated that it was sought because of: "error in original zoning, and for such other reasons as may be assigned at the hearing hereon." The Petition was granted by the Deputy Zoning Commissioner, but on appeal from his decision the Board of Appeals, in a decision concurred in by two of the three members of the Board, (some of the members not sitting at the hearing) denied the re-requested reclassification. This Appeal is from that decision.

Contentions as to Admissibility of Evidence

Counsel for the appellants have raised objections to the rulings of the Board as they relate to the admissibility of evidence. One of these contentions is that the Board committed error in "taking judicial notice" of a decision in Zoning File #63-81-R, wherein the Board (then comprising a different member or members) made the decision. A careful examination of the record leads this Court to the conclusion that the use of the words "taking judicial notice" as used by the Board had no other or different meaning or effect in this case than that the result of the decision in that case would be considered by the Board as a fact. Since that case dealt with property lying on Old Court Road near its intersection with Liberty Road, within a stone's throw of the subject property, it would be odd indeed if this Board ignored that decision as a fact or bearing upon the present case. The Court finds no error in this ruling of the Board.

A second contention is made that it was error for the Board to refuse to strike out the testimony of George E. Gevellic, Acting Director of the Office of Planning and Zoning, who was called as a witness on behalf of the protestants.

Appellants assign as a ground or cause for the Motion to Strike his testimony a supposed acknowledgment by the witness that erroneous information held by him with relationship to the property adjoining to the east (Baltimore County Hospital) would destroy the worth of his testimony and render it inadmissible. The record does not support this contention. The ruling of the Board on the Motion to Strike was correct.

Contentions on the Merits of the Case

It is contended by the Appellants that the Board erred in refusing to consider whether there had been such changes in the neighborhood as would reasonably justify the re-requested reclassification. Assuming, without deciding, that an issue of change in the neighborhood justifying reclassification was available to the Petitioner in the form in which his Petition was phrased as heretofore set forth, this Court adopts the ruling of the Board that under the provisions of the Baltimore County Code, §23-2207 (Bill No. 80 - 1960) no reclassification upon such ground could be considered until two (2) years after November 15, 1962.

It would serve no useful purpose for the Court to engage in a lengthy recapitulation of the evidence produced in this case. The conflicting evidence in this case is well recognized by the witness Gevellic, at page 101 of the Record:

"A. The subject property, in all fairness, is certainly approaching the edge of this residential (apartment) area. If you would assume that Liberty Road ends as a, let us say, boundary between one set of residential neighborhoods, and property and Liberty Road, which are either commercial or institutional or apartments, I would say in all fairness the subject property is in an edge situation."

There is credible evidence that the planning recommendations and the legislative policy in this area was: (a) not to extend apartment zoning (except as a buffer between commercial and residential areas) further to the west along Old Court Road; (b) that the residential appearance of Old Court Road should be maintained even by the creation of R-6 strip zoning along its north side. The evidence shows also that there is land already zoned for apartment usage in the

neighborhood that has not yet been put to such use.

In this situation it is very clear to this Court that the question whether the requested reclassification should or should not be granted is a matter for reasonable debate. On such a record this Court accordingly cannot substitute its judgment for the judgment of the Board.

The Appeal is denied.

W. ALBERT MENCHINE, Judge

December 18, 1964

ABRAHAM H. GOLDKIN
and
JACK RUBIN
vs.
G. MITCHELL AUSTIN and
WILLIAM S. BALDWIN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
Folio No. 388
File No. 3025

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

MR. CLERK:

Please file, &c.

(s) Edith T. Elsenhart

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

ABRAHAM H. GOLDKIN
and
JACK RUBIN
vs.
G. MITCHELL AUSTIN and
WILLIAM S. BALDWIN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
Folio No. 388
File No. 3025

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come G. Mitchell Austin and William S. Baldwin, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 64-17-R
Nov. 26, 1963
Petition of Ernest V. Hartig and Dorothy L. Hartig, his wife, for reclassification of property from an "R-4" Zone to an "R-A" Zone located on the south side of Old Court Road and the east side of Carlson Lane, 2nd District - filed
" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for January 13, 1964 at 2:00 p.m.
Dec. 30
Certificate of Publication in newspaper - filed
Jan. 2, 1964
Certificate of Posting of property - filed
" 13
At 2:00 p.m., hearing held on petition by Deputy Zoning Commissioner - case held sub curia
" 30
Order of Deputy Zoning Commissioner granting reclassification
Feb. 28
Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
May 12
Hearing on appeal before County Board of Appeals - case held sub curia
" 28
Order of County Board of Appeals denying reclassification
June 3
Order for Appeal filed in the Circuit Court for Baltimore County
" 4
Certificate of Notice sent to all interested parties

June 30, 1964
Petition and Order extending filing time for 30 days

July 9, 1964
Transcript of Testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Plat of property by Mats
" " " 2 - Zoning File #6608 - Kemlich
" " " 3 - Official Zoning Map
" " " 4 - Zoning File #5104-KV - Liberty Court Rehabilitation
Protestants' Exhibit A - Zoning File #63-85-R - Dreison & Freedman
" " B - Western Planning Area Map - signed copy
" " C-1 - Photo
" " C-2 - "
" " C-3 - "
" " C-4 - "
" " C-5 - "
" " C-6 - "
" " C-7 - "
" " C-8 - "
" " C-9 - "
" " D - Planning comments dated 1/2/64

July 10, 1964
Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted

(s) Edith T. Elsenhart

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

June 4, 1964

Eugene G. Ricks, Esq.
The Jefferson Building
Towson, Maryland 21204

Re: Petition for reclassification from an "R-4" Zone to an "R-A" Zone, S/S Old Court Road and E/S Carlson Lane, 2nd District - No. 64-17-R
Ernest V. Hartig, Petitioner

Dear Mr. Ricks:

In accordance with Rule 1101 (b) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals, I request to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County, in the above matter, within 30 days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than 30 days from the date of any petition you might file in Court, in accordance with Rule 1101 (b).

Enclosed is a copy of the Certificate of Notice. Also bill in the amount of \$5.00 covering cost of certified copies of necessary documents.

Very truly yours,

Edith T. Elsenhart, Secretary

ABRAHAM H. GOLDKIN
AND
JACK RUBIN
vs.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Folio No. 388
Misc. 7
File No. 3025

AND AS IN DUTY BOUND, etc.

Harry S. Swartzwelder, Jr.
1709 Munsey Building
Baltimore 2, Maryland
727-4929
Attorney for Intervenor

I HEREBY CERTIFY that on this day of , 1964,
I mailed a copy of the foregoing answer to County Board of
Appeals and to Eugene E. Ricks, Esq., Jefferson Building,
Towson, Maryland, Attorney for Appellants.

Harry S. Swartzwelder, Jr.

Now comes Robert Malchodi and David Hadman, Protestants and
Intervenor, et. al, by their attorney, Harry S. Swartzwelder, Jr.,
and in answer to the Petition for Appeal heretofore filed in this
matter say:

1. That they admit the allegations of Paragraph 1 of
the Petition.
2. That they admit the allegations of Paragraph 2 of
the petition.
3. That they admit the allegations of Paragraph 3 of
the Petition.
4. That the action, opinion, and order of the County Board
of Appeals of Baltimore County is not erroneous, illegal, or
arbitrary.

5. Further answering the said Petition, the Protestants
and Intervenor allege that the action of the County Board of
Appeals appealed from, was supported by substantial evidence
and was not invalid, illegal, or ultra-vires.

WHEREFORE, having fully answered said Petition said Petition for
Appeal, your Intervenor prays that said Petition be dismissed.

ABRAHAM H. GOLDKIN
AND
JACK RUBIN
vs.
G. MITCHELL AUSTIN
and
WILLIAM S. BALDWIN,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
7/388/3025

PETITION TO EXTEND TIME FOR FILING OF
TRANSCRIPT OF RECORD

Petition of Abraham H. Goldkind and Jack Rubin, Appellants, by
Eugene G. Ricks, their Attorney, pursuant to Maryland Rules of
Procedure, Rule 87b, respectfully represents unto your Honor:

1. That heretofore on the 3rd day of June, 1964, your Petition-
ers filed their Notice and Petition for Appeal from the action,
decision and order of the County Board of Appeals of Baltimore
County dated May 28, 1964, in the matter of the Petition for
Reclassification on No. 64-17-R.
2. That a transcript of the proceedings before said County
Board of Appeals of Baltimore County had been duly ordered from
the reporter, C. Leonard Perkins, but your Petitioners have been
informed by Mr. Perkins that due to his heavy case load that
it will be impossible for him to complete the transcript of the
proceedings for filing in this case within the 30 days proscribed
by the Maryland Rules of Procedure.

WHEREFORE, your Petitioners pray this Honorable Court to pass
its Order extending the time for filing the transcript of the
proceedings on this appeal for an additional 30 days.

Eugene G. Ricks
164 Jefferson Building
Towson, Maryland 21204
Valley 3-8200
ATTORNEY FOR PETITIONERS

ORDER

The foregoing Petition having been presented and read by the
Court, it is, therefore, on this 30th day of June, 1964,
ORDERED by the Circuit Court for Baltimore County that the time
for filing of the transcript of the proceedings before the
County Board of Appeals in the above captioned case be and the
same is hereby extended for an additional thirty (30) days.

True Copy Test
RUBERT R. GILL, Clerk
County Court

I hereby certify that a copy of the within Petition To Extend Time
For Filing of Transcript Of Record was mailed this 30th day of
June, 1964, to the County Board of Appeals for Baltimore County.

Eugene G. Ricks
ATTORNEY FOR PETITIONERS

ABRAHAM H. GOLDKIN
and
JACK RUBIN
vs.
G. MITCHELL AUSTIN and
WILLIAM S. BALDWIN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
Folio No. 388
File No. 3025

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

MR. CLERK:

Please file, &c.

(s) Edith T. Elenhart
Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County

ABRAHAM H. GOLDKIN
and
JACK RUBIN
vs.
G. MITCHELL AUSTIN and
WILLIAM S. BALDWIN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
Folio No. 388
File No. 3025

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-8 (4) of the Maryland Rules of
Procedure, G. Mitchell Austin and William S. Baldwin 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 its members, Eugene G.
Ricks, Esq., The Jefferson Building, Towson, Maryland 21204, Attorney for the Petitioners,
and Harry S. Swartzwelder, Jr., Esq., 1709 Munsey Building, Baltimore, Maryland 21202, Attorneys
and Ralph E. Deltz, Esq., 212 Washington Avenue, Towson, Maryland, 21204, Attorneys
for the Protestants, a copy of which notice is attached hereto and prayed that it may be
made a part thereof.

(s) Edith T. Elenhart

Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-0000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been
mailed to Eugene G. Ricks, Esq., The Jefferson Building, Towson, Maryland 21204,
Attorney for the Petitioners, and Harry S. Swartzwelder, Jr., Esq., 1709 Munsey Building,
Baltimore, Maryland 21202 and Ralph E. Deltz, Esq., 212 Washington Avenue, Towson,
Maryland 21204, Attorneys for the Protestants, on this 30th day of June, 1964.

(s) Edith T. Elenhart

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

ABRAHAM H. GOLDKIN
and
JACK RUBIN
vs.
G. MITCHELL AUSTIN and
WILLIAM S. BALDWIN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 7
Folio No. 388
File No. 3025

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come G. Mitchell Austin and William S. Baldwin, constituting the County
Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against
them in this case, herewith return the record of proceedings had in the above entitled matter,
consisting of the following certified copies or original papers on file in the office of the
Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 64-17-R

- Nov. 26, 1963 Petition of Ernest V. Hargis and Dorothy L. Hargis, his wife, for re-
classification of property from an "R-4" Zone to an "R-4-1" Zone
located on the south side of Old Court Road and the east side of
Carlson Lane, 2nd District - filed
- " " Order of Zoning Commissioner directing advertisement and posting of
property - date of hearing set for January 13, 1964 at 2:00 p.m.
- Dec. 30 Certificate of Publication in newspaper - filed
- Jan. 2, 1964 Certificate of Posting of property - filed
- " 13 At 2:00 p.m. hearing held on petition by Deputy Zoning Commissioner -
case held sub curia
- " 30 Order of Deputy Zoning Commissioner granting reclassification
- Feb. 28 Order of Appeal to County Board of Appeals from Order of Deputy
Zoning Commissioner
- May 12 Hearing on appeal before County Board of Appeals - case held sub curia
- " 28 Order of County Board of Appeals denying reclassification
- June 3 Order for Appeal filed in the Circuit Court for Baltimore County
- " 4 Certificate of Notice sent to all interested parties

- June 30, 1964 Petition and Order extending filing time for 30 days
- July 9, 1964 Transcript of Testimony filed - 1 volume
- Petitioners' Exhibit No. 1 - Plot of property by Metz
- " " " 2 - Zoning File #5608 - Kemlich
- " " " 3 - Official Zoning Map
- " " " 4 - Zoning File #3104-KV - Liberty
County Rehabilitation
- Protestants' Exhibit A - Zoning File #63-85-R - Dreison & Freedman
- " " B - Western Planning Area Map -
signed copy
- " " C-1 - Photo
- " " C-2 - "
- " " C-3 - "
- " " C-4 - "
- " " C-5 - "
- " " C-6 - "
- " " C-7 - "
- " " C-8 - "
- " " C-9 - "
- " " D - Planning comments dated 1/2/64

July 10, 1964 Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted

(s) Edith T. Elenhart
Edith T. Elenhart, Secretary
County Board of Appeals of Baltimore County

cc: Eugene G. Ricks, Esq.
Milton S. Goldbloom, Esq.
Ralph E. Deltz, Esq.
Mr. John G. Rose
Mr. George E. Gavrellis
Board of Education

RE: PETITION FOR RECLASSIFICATION
from an "R-4" Zone to an "R-A" Zone,
5/5 Old Court Road &
E/S Carlson Lane
Second District
Ernest V. Hartig, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-17-R

OPINION

The petitioner in this case requests a reclassification of a site (6 acre tract of land on the south side of Old Court Road and the east side of Carlson Lane in the Second District of Baltimore County, from an "R-4" Zone to an "R-A" Zone.

This property was zoned on the Western Area Map which was adopted by the County Council in November of 1962. The petitioner alleges error in the original map, and the protestants contend that no error was made.

The subject property is approximately rectangular in shape adjacent to "R-6" property on the east side, presently being used as a hospital, on the south side by the residential development of Stevensonwood, and on the west side by residentially zoned land. On the north side of the property across Old Court Road, the frontage along Old Court Road is zoned "R-6".

Testimony produced by the petitioner showed that there is no utility problem in connection with the proposed rezoning of this tract. There was testimony however, that Carlson Lane is an unimproved road approximately ten (10) feet in width, and that the existing paving on Old Court Road to the north of the property is only twenty (20) to twenty-two (22) feet wide. The protestants, mostly residents of the Stevensonwood development adjacent to the subject property on the south side, fear traffic congestion on their streets if the property were developed in an apartment complex. There was testimony that Old Court Road would be widened; however, such contemplated improvements are not in the capital program nor recommended in any capital budget to the year 1970. Improvements are programmed for Old Court Road on the northeast side of Liberty Road.

The petitioner, through an expert witness, alleged that the County Council made an error in zoning this property "R-6" in that the Council did not follow the recommendations of the Planning Board to zone the frontage along Old Court Road "R-6", but brought the commercial down Old Court Road nearer the residential properties. However, Mr. George E. Gavett, Acting Director of Planning for Baltimore County, testified that he can ascertain no difference between the Planning Board's proposed map and the map as

ultimately adopted by the County Council. Further testimony from Mr. Gavett, testifying on behalf of the Planning Staff, was that the western area map affirmed the need for rental housing in the Second District; that the vacant area zoned created by the County Council in accordance with the master plan; that in the immediate area there was an additional area reclassified from commercial to apartment zoning on the basis of error; that the subject property does not abut any land zoned for either apartment or commercial uses; and that the use of the 9.6 acre hospital tract on the east side of the property serves as a transitional measure between the commercial and the residential.

It should be noted that this Board in two prior cases has affirmed the retention of the Old Court Road frontage as "R-4"; these being, the Kernisch property, File No. 5000 which was introduced at the Board hearing, wherein the Board granted the rezoning of Parcel One on the south side of Old Court Road based mainly on Mr. Gavett's testimony that there was error, but denied rezoning the property on the north side of Old Court Road opposite the Liberty Manor development; further, the Deisen case, No. 63-85-R, a petition for rezoning from "R-6" to "R-A" was denied by the Board on April 1, 1964, the Board finding no error and retaining the present "R-6" zoning.

For the foregoing reasons, we are of the opinion that the petitioner's case does not meet the burden of overcoming the presumption of correctness of the comprehensive map. Therefore, the Order of the Deputy Zoning Commissioner of Baltimore County granting the requested reclassification from an "R-4" Zone to an "R-A" Zone is reversed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of May, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, 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

E. Mitchell Austin
CHAIRMAN

Note: Mrs. Parker did not sit at this hearing.

ABRAHAM H. GOLDKIN
and
JACK RUBIN
V.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

APPEAL

Mr. Clerk:
Please note an appeal by Abraham H. Goldkin and Jack Rubin, by Eugene G. Ricks, their attorney, from the action, decision and order of the County Board of Appeals of Baltimore County, dated May 28th, 1964, in the matter of the Petition for Reclassification of said Appellants, being Petition No. 64-17-R.

Eugene G. Ricks
Eugene G. Ricks
104 Jefferson Building
Towson, Maryland 21204
Valley 3-6200
ATTORNEY FOR APPELLANTS

I hereby certify that on this 3rd day of June, 1964, a copy of the within Appeal was delivered to the County Board of Appeals of Baltimore County, Maryland.

Eugene G. Ricks
Eugene G. Ricks
ATTORNEY FOR APPELLANTS

*Red 6-3-64
2:30 PM*

ABRAHAM H. GOLDKIN
and
JACK RUBIN
V.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

PETITION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Abraham H. Goldkin and Jack Rubin, Appellants, by Eugene G. Ricks, their attorney, pursuant to Maryland Rule 82e, respectfully represents unto your Honor:

1. That your Appellants are contract purchasers of a tract of land owned by Ernest V. Hartig and as such were parties of record before the County Board of Appeals of Baltimore County in connection with an application for reclassification of property located on the southside of Old Court Road and the eastside of Carlson Lane in the Second Election District of Baltimore County for a reclassification from an R-6 zone to an R-A zone being known as file number 64-17-R.

2. That this is an appeal from the action, decision and order of the said County Board of Appeals of Baltimore County dated May 28th, 1964, denying the reclassification from an R-6 zone to an R-A zone in the following language:

"For the reasons set forth in the foregoing opinion, it is this 28th day of May, 1964 by the County Board of Appeals ORDERED, that the reclassification petitioned for be and the same is hereby denied".

3. That your Appellants have filed an order for appeal within thirty (30) days of the opinion and order of said County Board of Appeals of Baltimore County and are filing this petition simultaneously with their order for appeal pursuant to 82e of the Maryland Rules of Procedure.

4. That the said action, opinion and order of the County Board of Appeals of Baltimore County is erroneous, illegal, arbitrary and capricious and contrary to law for the following reasons:

(a) That the County Board of Appeals for Baltimore County misinterpreted the evidence and mis-applied the law in reaching its opinion, action and order.

(b) That said action, opinion and order of said Board was arbitrary and capricious and against the weight of the evidence.

(c) That the said action, opinion and Order of the Board was contrary to the substantial evidence.

(d) That the said action, opinion and order was against the weight of the evidence.

(e) That it is apparent on the face of the record and in the opinion of the County Board of Appeals that its action was contrary to the evidence in this case in that it followed the decision of a previous Board in two court cases without having read the evidence in said cases and that said action, therefore, is invalid, illegal and ultra vires.

(f) And for such other and further reasons to be shown at the hearing on this appeal.

WHEREFORE, your Appellants pray that this Honorable Court review the action, opinion and order of the County Board of Appeals and to issue its order reversing the aforesaid action and order of the County Board of Appeals and grant the reclassification from an R-6 zone to an R-A zone.

AND AS IN DUTY BOUND, etc.

Eugene G. Ricks
Eugene G. Ricks
104 Jefferson Building
Towson, Maryland 21204
Valley 3-6200
ATTORNEY FOR APPELLANTS

I hereby certify that a copy of the within Petition was delivered this 3rd day of May, 1964, to the County Board of Appeals of Baltimore County.

Eugene G. Ricks
Eugene G. Ricks
ATTORNEY FOR APPELLANTS

RE: PETITION FOR RECLASSIFICATION
from an "R-4" Zone to an "R-A" Zone
5/5 Old Court Road and E/S of
Carlson Lane - Second District
Ernest V. Hartig-Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-17-R

The petitioners have requested their property be rezoned from an R-4 Zone to an R-A Zone. This property lies on the South side of Old Court Road and the East side of Carlson Lane and is adjacent to the Baltimore County General Hospital Inc.

This hearing was held on January 13, 1964 at 2 p.m. during the midst of a severe snow storm; however, counsel for both sides insisted on going through with the hearing and orally agreed to submit the case on to the Western Area Map, the Order of the County Board of Appeals under the date of February 17, 1964. Case No. 5000, the Order of the County Board of Appeals under the date of March 7, 1964. Case No. 63-85-R and on points raised in their oral arguments at the time of the hearing.

The evidence produced indicated commercial zoning on Liberty Road at the intersection of Old Court Road. West of this commercial zoning is a residential area. Directly west of this R-4 zoning, there is a rather large private hospital known as the Baltimore County General Hospital Inc. This hospital was recently licensed by the State of Maryland to conduct itself as a general hospital for the purpose of surgery, treatment and etc. This institution was previously in the category of a convalescent and this institution was the petitioner's property lies between this hospital and the residential area.

It would seem to the Deputy Zoning Commissioner that the most appropriate and logical zoning of the subject tract would be R-6 as requested. The operation of a general hospital cannot but help to generate certain incongruous areas. R-6 zoning on the subject tract is an excellent transition between the hospital on the East and the residential development west of Carlson Lane. The construction of the requested apartment units with the sufficient offset parking should in no way adversely affect the surrounding residential development. For the foregoing reasons the reclassification should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 3rd day of January, 1964, that the herein described property be rezoned from an R-4 Zone to an R-A Zone. The rezoning shall be and the same is hereby reclassified from an R-4 Zone to an R-A Zone, free and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Frank Hart
Deputy Zoning Commissioner

BALTIMORE COUNTY BOARD OF APPEALS
INTER-OFFICE CORRESPONDENCE

To: Mr. John G. Rose, Zoning Commissioner
From: Mr. George E. Gavett, Deputy Director

RE: 64-17-R, R-4 to R-A, South side of Old Court Road and the East side of Carlson Lane, Being property of Ernest Hartig.

Re: District
Hearing: Monday, January 13, 1964 (2:00 P.M.)

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

1. The Western Planning Area Center Plan affirmed that residential zoning was needed in the 2nd District and nearby areas to provide a variety of areas where apartment zoning was appropriate. In the area adjacent to the subject property, apartment zoning was created by the County Council in accordance with the Master Plan in areas adjacent to the commercially zoned complex at Old Court Road and Liberty Road. Subsequently, an additional area that had been zoned commercial was reclassified to apartment zoning on the basis of error in original zoning. The subject property does not abut any other land which is zoned for either commercial or apartment purposes, and does not function in any way as a transitional zone between commercial and residential uses. The subject property does not abut a tract which has been special exempted for a convalescent home and is being used for hospital purposes.
2. In order to have been granted, the Special Exception for the Convalescent Home (Hospital) and to be based on an affirmative finding of fact that the proposed use would not adversely affect the health, safety, or general welfare of the community. In itself, the hospital serves as a further transition to commercial use at Liberty Road and apartment development is taking place in the area. The Planning staff does not believe that additional needs for rental housing have arisen as a result of the hospital development which could not be met within the context of existing apartment zoning.
3. The Planning staff does not believe that the subject property meets the criteria established by the Planning Board for locating apartments in the Western Planning Area.

*W. J. Rose
64-17-R
R-A
1/16/64*

No. 64-17-R - Ernest V. Hartig

March 3, 1964

Petition, description of property and Order of Deputy Zoning Commissioner

Certificate of posting
Certificate of advertisement

Comments of Office of Planning
Letter dated Feb. 6, 1964 from Stevensonwood Improvement Ass'n.,

" " " " " Milton S. O'Molloy
" " " " " Harry G. Swartzwelder, Jr.

Appeal
Photographic Map
Plan filed with petition

Eugene G. Ricks, Esq.,
Jefferson Building
Towson, Md.
Counsel for petitioners

Harry G. Swartzwelder, Jr., Esq.,
STOP Highway Bldg.,
Baltimore, Md.
protestants

Nilton S. O'Molloy, Esq.,
1021 Munnys Building
Baltimore, Md.
protestant

Ralph G. Doty, Esq.,
212 Washington Avenue,
Towson, Md.
counsel for protestants

I hereby certify that a copy of the within Petition was delivered this 3rd day of May, 1964, to the County Board of Appeals of Baltimore County.

Eugene G. Ricks
Eugene G. Ricks
ATTORNEY FOR APPELLANTS

Mr. Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

RE: Petition for Reclassification
from an R-6 zone to an R-4 zone
8/8 Old Court Road and 2/2 of
Carlson Lane - 2nd District
Ernest V. Hartig - Petitioner
BO. 64-17-8

Dear Mr. Hardesty:

I have received a copy of the order passed by you on
January 30, 1964, in case number 6417-8.

Certain statements which are made in this order are
incorrect and there are certain items which are not referred
to which were presented. I wish to draw these to your attention
if only for purposes of correcting the order in these respects.

In paragraph 2, lines 2 and 3, the order states that
the "counsel for both sides insisted on going through with
the hearing." This is not correct. On behalf of the pro-
testants, I did not insist on going on with the hearing.
particular in view of the fact that the case would be
advised the protestants who called that the case would be
postponed. I did, however, agree to go forward with the
hearing if the petitioner desired, with the reservation
that if they put on testimony, that I would have the right
to produce testimony from the protestants at a later date.
You will recall that they did not produce any testimony at
this hearing.

Secondly, the items on which this case was submitted
fails to mention that George S. Gravelis, Deputy Director
of Planning was present in the hearing room and commented

Mr. Edward D. Hardesty

February 4, 1964
Page 2

upon the proposed re-classification. In fact, these were
the only comments received that day from a witness who
was personally present and competent to testify.

No legally sufficient evidence was produced to prove
licensing of the hospital referred to, nor does your order
indicate when the licensing was done. There was no evidence
produced as to the site of this operation.

Finally the order passed does not indicate the error
committed by the Baltimore County Council in adoption of
the zoning map nor does it indicate the changes in the
area upon which this order is passed.

I respectfully request that you review the subject
order with a view toward passing an amended order and
encompassing the items noted above if you find that my
contentions are correct or that you advise me immediately;
as first, as to why they are not correct, and secondly, as
to the facts of error or change upon which this decision
is based.

Yours very truly,
Harry S. Swartzwalder, Jr.
Harry S. Swartzwalder, Jr.

REB/RT
CC: Eugene Ricks, Esq.
Robert Malchodi
Liberty Manor Improved Assn.

1202 HUNNEY BUILDING
PAYETTE AND CALVERT STREETS
BALTIMORE 2, MD.

LAW OFFICES
MILTON S. GOLDBLOOM
BALTIMORE 2, MD.

February 4, 1964.

Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson, Maryland, 21204

Dear Mr. Hardesty:

I was amazed to learn from today's
News-American that a hearing was held on the
13th day of January, 1964, at 2:00 P.M., concern-
ing an application for Apartment Zoning at
Old Court Road and Carlson Lane.

I had telephoned the County Office
Building that day and was advised that the building
was closing at 2:00 P.M., due to the exceedingly
heavy snowfall and that no hearing would be held.
I so advised others. In spite of the weather, our
neighborhood had had a large delegation prepared to
personally protest at the hearing.

As a property owner residing in this
neighborhood, I feel strongly that we should have
had an opportunity to present our objections.
Furthermore, we are entitled to an explanation as
to why the hearing was held at 2:00 P.M. when it
was advertised publicly that the County Office
Building would close at 2:00 P.M.

The community of Stevenswood is very
resentful.

Very truly yours,

Milton S. Goldbloom
Milton S. Goldbloom

msg-m
C.C.: Spiro T. Agnew, County Executive
John Rose, Zoning Commissioner

PL 64-2-2876
LAW OFFICE
922 - 6339

Stevenswood Improvement Association
1104 Kenjae Road
Baltimore, Maryland 21207
February 6, 1964

Deputy Zoning Commissioner - Mr. Hardesty
County Office Building
111 West Chesapeake Avenue
Towson, Maryland

Dear Sir:

As president of the Stevenswood Improvement Association,
and spokesman for the 122 families living in this
development, I wish to express the utter shock of all
our members upon learning that you approved the petition
to reclassify from R-6 to R-4 that parcel of land in the
Second District of Baltimore County located on the south
side of Old Court Road and the east side of Carlson Lane,
now owned by Ernest V. Hartig and Dorothy L. Hartig. We
request that your decision be cancelled and a new hearing
held.

I am sure you recall that on the scheduled date for this
hearing, January 13, 1964, at 2:00 P.M., there was a
very heavy snow storm. Many families of this community
were prepared to appear at this hearing; however, before
leaving for the County Office Building, several people
telephoned your office to ask whether or not the hearing
was still going to be held. Everyone was informed that
your office was postponed. This direct communique from
the hearing was coupled with a radio broadcast informing
listeners that the County Office Building would close at
2:00 P.M., precludes the possibility of there being a
hearing at that time. It necessarily follows, then, that
any hearing taking place under such circumstances represents
a flagrant violation of our constitutional rights of
representation.

On the basis of the above facts, we urge that you void
your previous decision, reschedule the hearing, and give
all parties an opportunity to be represented.
It is sincerely hoped that in view of its importance, you
will give this your prompt attention and at the same time,
will inform us of your decision.

Yours truly,
David MacMan
David MacMan

President, Stevenswood Improvement Association
CC: Spiro Agnew
John G. Rose
Sunpapers
New American
CC: Liberty Road Community Council
Liberty Manor Improvement Association
Jeffersonian

HARRY S. SWARTZWALDER, JR.
ATTORNEY AT LAW
1202 HUNNEY BUILDING
BALTIMORE 2, MD.
FEBRUARY 5, 1964
(4-17)
Milton S. Goldbloom, Esq.,
1202 Hunney Building
Baltimore 2, Maryland
Dear Mr. Goldbloom:
I received your letter of February 4, 1964,
concerning a hearing held by Mr. Hardesty, Deputy Zoning
Commissioner on January 13, 1964, at 2:00 P.M.
In accordance with Section 500.2 of the
Baltimore County Zoning Regulations, the Zoning Commissioner
the Zoning Commissioner or Deputy Zoning Commissioner may
postpone or continue the hearing.
Neither Mr. Hardesty or I authorized any
postpones of the hearing you mention. I did add that whether
or not the Baltimore County employees are working or not has
no effect on the conduct of the zoning hearings. The weekday,
8:00 to 4:00 has no bearing on the scheduling of these hearings.
We try to conduct them sometime between 9:00 and 4:00 but there
are times when they run into the later hours of the day.
As you may know I held most of the hearings
for several years by myself. Inasmuch as there was no deputy
Zoning Commissioner and the only time a hearing was called
off was one time when I was ill.
I have been unable to ascertain whether or
not anyone in my office gave you misinformation. If you did
receive misinformation I am exceedingly sorry, but I really
I do not believe that I can do anything to assist you except
call your attention to the fact that you must file your appeal
within 30 days from the date of Mr. Hardesty's order.
Very truly yours
Zoning Commissioner
cc: Mr. Spiro T. Agnew,
County Executive
Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

1202 HUNNEY BUILDING
PAYETTE AND CALVERT STREETS
BALTIMORE 2, MD.
LAW OFFICES
MILTON S. GOLDBLOOM
BALTIMORE 2, MD.
FEBRUARY 4, 1964.
John Rose,
County Zoning Commissioner,
County Office Building,
Baltimore, Maryland, 21204.
Dear Mr. Rose:
I am enclosing herewith copy of letter
mailed today to Edward D. Hardesty, Deputy Zoning
Commissioner, concerning hearing on application
for Apartment Zoning at Old Court Road and Carlson
Lane.
Very truly yours,
Milton S. Goldbloom
Milton S. Goldbloom
msg-m

PL 64-2-2876
LAW OFFICE
922 - 6339
February 4, 1964.
Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson, Maryland, 21204
Dear Mr. Hardesty:
I was amazed to learn from today's
News-American that a hearing was held on the
13th day of January, 1964, at 2:00 P.M., concern-
ing an application for Apartment Zoning at
Old Court Road and Carlson Lane.
I had telephoned the County Office
Building that day and was advised that the building
was closing at 2:00 P.M., due to the exceedingly
heavy snowfall and that no hearing would be held.
I so advised others. In spite of the weather, our
neighborhood had had a large delegation prepared to
personally protest at the hearing.
As a property owner residing in this
neighborhood, I feel strongly that we should have
had an opportunity to present our objections.
Furthermore, we are entitled to an explanation as
to why the hearing was held at 2:00 P.M. when it
was advertised publicly that the County Office
Building would close at 2:00 P.M.
The community of Stevenswood is very
resentful.
Very truly yours,
Milton S. Goldbloom
msg-m
C.C.: Spiro T. Agnew, County Executive
John Rose, Zoning Commissioner

BEA ANDERSON
64-17
le-TH
ABRAHAM H. GOLDKIN : IN THE
and : CIRCUIT COURT
JACK RUBIN : FOR
vs. : BALTIMORE COUNTY
G. MITCHELL AUSTIN and : AT LAW
WILLIAM S. BALDWIN :
contributing the : Misc. Docket No. 7
COUNTY BOARD OF APPEALS :
OF BALTIMORE COUNTY : Folio No. 388
: File No. 3025
ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY
MR. CLERK:
Please file, &c.
(4) Edith T. Elenhorst
Edith T. Elenhorst, Secretary
County Board of Appeals of Baltimore County

February 5, 1964

William S. Goldblum, Esq.,
1020 Ramsey Building
Baltimore 7, Maryland

Dear Mr. Goldblum:

I received your letter of February 3, 1964 concerning a hearing held by Mr. Hardesty, Deputy Zoning Commissioner on January 13, 1964 at 2:00 p.m.

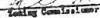
In accordance with Section 500.2 of the Baltimore County Zoning Regulations, the Zoning Commissioner scheduled public hearings. One such hearing was held on the Zoning Commissioner or Deputy Zoning Commissioner may postpone or continue the hearing.

Neither Mr. Hardesty or I authorized any postponement of the hearing you mention. I might add that whether or not the Baltimore County employees are working or not has no effect on the conduct of the zoning hearings. The week-day, 8:30 to 1:30 has no bearing on the scheduling of these hearings. It is to be noted that these hearings are held at 1:30 but there are times when they run into the later hours of the day.

As you may know I held most of the hearings for several years by myself, inasmuch as there was no Deputy Zoning Commissioner and the only time a hearing was called off was one time when I was ill.

I have been unable to ascertain whether or not anyone in my office gave you misinformation. If you did receive misinformation I am exceedingly sorry, but legally I do not believe that I can do anything to assist you except call your attention to the fact that you may file your appeal within 30 days from the date of Mr. Hardesty's Order.

Very truly yours



Zoning Commissioner

cc: Mr. Spire T. Agnew, Jr.

County Executive

Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

February 5, 1964

William S. Goldblum, Esq.,
1020 Ramsey Building
Baltimore 7, Maryland

Dear Mr. Goldblum:

I received your letter of February 4, 1964 concerning a hearing held by Mr. Hardesty, Deputy Zoning Commissioner on January 13, 1964 at 2:00 p.m.

In accordance with Section 500.2 of the Baltimore County Zoning Regulations, the Zoning Commissioner scheduled public hearings. One such hearing was held on the Zoning Commissioner or Deputy Zoning Commissioner may postpone or continue the hearing.

Neither Mr. Hardesty or I authorized any postponement of the hearing you mention. I might add that whether or not the Baltimore County employees are working or not has no effect on the conduct of the zoning hearings. The week-day, 8:30 to 1:30 has no bearing on the scheduling of these hearings. It is to be noted that these hearings are held at 1:30 but there are times when they run into the later hours of the day.

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Very truly yours



Zoning Commissioner

cc: Mr. Spire T. Agnew, Jr.

County Executive

Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

March 3, 1964

Ernest C. Hicks, Esq.,
Jefferson Building
Towson 4, Maryland

Re: Reclassification of property
of Ernest V. Hartig, et al.
S.E. Old Court Road and E.L.
Carlson Lane, 2nd District -
No. 64-17-A

Dear Mr. Hicks:

Please be advised that counsel for the protestants has filed an appeal from the decision rendered by the Deputy Zoning Commissioner in the above matter.

Very truly yours

Zoning Commissioner

cc: William S. Goldblum, Esq.,
1020 Ramsey Building
Baltimore 7, Md.Ralph L. Dettie, Esq.,
212 Washington Avenue,
Towson 3, Md.

March 3, 1964

Ernest C. Hicks, Esq.,
Jefferson Building
Towson 4, Maryland

Re: Reclassification of property
of Ernest V. Hartig, et al.
S.E. Old Court Road and E.L.
Carlson Lane, 2nd District -
No. 64-17-A

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Very truly yours

Zoning Commissioner

cc: William S. Goldblum, Esq.,
1020 Ramsey Building
Baltimore 7, Md.Ralph L. Dettie, Esq.,
212 Washington Avenue,
Towson 3, Md.

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW
1705 MONROE BUILDING
BALTIMORE 2, MD.

Mr. Edward D. Hardesty
Deputy Zoning Commissioner
Court House
Towson 4, Maryland

RE: PETITION FOR RECLASSIFICATION
from an R-6 Zone to an R-4 Zone
S.E. Old Court Road and E.L.
Carlson Lane - 2nd District
Ernest V. Hartig-Petitioner

DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-17-A

The petitioners have requested their property be rezoned from an R-6 Zone to an R-4 Zone. This property lies on the South side of Old Court Road and the East side of Carlson Lane and is adjacent to the Baltimore County General Hospital Inc.

This hearing was held on January 13, 1964 at 2 p.m. during the midst of a severe snow storm. However, counsel for both sides insisted on going through with the hearing and orally agreed to submit the case on the Western Area Map, the Order of the County Board of Appeals under the date of February 19, 1964 Case No. 5600, the Order of the County Board of Appeals under the date of March 2, 1964 Case No. 124-JV and on points raised in their oral arguments at the time of the hearing.

The evidence produced indicated commercial zoning on Liberty Road at the intersection of Old Court Road. West of this commercial zoning is R-4 zoning. Directly west of this R-4 zoning, there is a rather large private hospital known as the Baltimore County General Hospital Inc. This hospital was recently licensed by the State of Maryland to conduct itself as a general hospital for the purpose of surgery, treatment and etc. This institution was previously in the category of a convalescent and rehabilitation center. The petitioners' property lies between this hospital on one side and Carlson Lane on the other.

It would seem to the Deputy Zoning Commissioner, the most appropriate and logical zoning of the subject tract would be R-4 as requested. The operation of a general hospital cannot but help generate certain inconveniences such as the parking of cars from an immediate vicinity. In the immediate area, R-4 zoning on the subject tract is an excellent transition between the hospital on the West and the residential development west of Carlson Lane. The construction of the requested apartment unit with sufficient off-street parking should in no way adversely affect the surrounding residential development. For the foregoing reasons the reclassification should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 21st day of January, 1964, that the herein described property or area should be and the same is hereby reclassified from an R-6 Zone to an R-4 Zone, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward S. Hardesty
Deputy Zoning Commissioner

February 19, 1964

Norman Berlin, Esq.,
601-3 Kate Building
111 North Charles Street
Baltimore, Maryland 21201

Re: Petition for Reclassification
from an R-6 Zone to an R-4
Zone - S. E. Old Court Road
and E. L. Carlson Lane, 2nd Dist.,
Ernest V. Hartig, Petitioner -
No. 64-17-A

Dear Mr. Berlin:

As the appeal fee has not been received from you concerning the above matter, your appeal is being returned.

Very truly yours

Zoning Commissioner

Norman Berlin, Esq.,
601-3 Kate Building
Baltimore 7, Maryland

Re: Petition for Reclassification
from an R-6 Zone to an R-4
Zone - S. E. Old Court Road
and E. L. Carlson Lane, 2nd Dist.,
Ernest V. Hartig, Petitioner -
No. 64-17-A

Dear Mr. Berlin:

I am in receipt of your letter of February 6, 1964 enclosing an appeal from the decision of the Deputy Zoning Commissioner rendered in the above matter on January 30, 1964.

The cost of appeal is \$70.00 plus \$5.00 for one sign for posting property for the appeal hearing.

Please forward check in the amount of \$75.00, payable to Baltimore County, Maryland, prior to the time of the expiration of the appeal period which is 30 days from January 30, 1964.

Very truly yours

Zoning Commissioner

Re: Case No. 64-17-A
Reclassification, R-6 to R-4
Ernest V. Hartig, Petitioner

Honorable Edward Hardesty
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

Dear Sir:

Please enter an Appeal to the Board of Appeals on behalf of the Protestants on the decision rendered in this case on January 30, 1964.

I am enclosing, herewith, my check to cover the costs of this filing.

Yours very truly



HARRY S. SWARTZWELDER, JR.

ESS/JHm

Enclosure - check
cc: Eugene Hicks, Esquire
Jefferson Building
Towson 4, Maryland



Stevenswood Improvement Association
3304 Kenjac Road
Baltimore, Maryland 21207
February 6, 1964

Deputy Zoning Commissioner - Mr. Hardesty
Baltimore County Board of Zoning Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland

Dear Sir:

As President of the Stevenswood Improvement Association, and spokesman for the 128 families living in this development, I wish to express the utter shock of all our members upon learning that you approved the petition to reclassify from R-6 to R-A that parcel of land in the Second District of Baltimore County located on the south side of Old Court Road and the east side of Carlson Lane, now owned by Ernest V. Hartig and Dorothy L. Hartig. We request that your decision be cancelled and a new hearing held.

I am sure you recall that on the scheduled date for this hearing, January 13, 1964, at 2:00 P. M., there was very heavy snow storm. Many families of this community were prepared to appear at this hearing; however, before leaving for the County Office Building, several people telephoned your office to ask whether or not the hearing was still going to be held. Everyone was informed that the hearing was postponed. This direct communication from your office, coupled with a radio broadcast informing listeners that the County Office Building would close at 2:00 P. M., precludes the possibility of there being a hearing at that time. It necessarily follows, then, that any hearing taking place under such circumstances represents a flagrant violation of our constitutional rights of representation.

On the basis of the above facts, we urge that you void your previous decision, reschedule the hearing, and give all parties an opportunity to be represented.

It is sincerely hoped that in view of its importance, you will give this your prompt attention and, at the same time, will inform me of your decision.

Yours truly,

David Nachman
David Nachman
President, Stevenswood Improvement Association
CC: Spiro Agnew
John G. Rose
Sunpapers
News American

CC: Liberty Road Community Council
Liberty Manor Improvement Association
Jeffersonian

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

February 4, 1964

Mr. Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

RE: Petition for Reclassification
from an R-6 zone to an R-A zone
S/S Old Court Road and E/S of
Carlson Lane - 2nd District
Ernest V. Hartig - Petitioner
No. 64-17-R

Dear Mr. Hardesty:

I have received a copy of the order passed by you on January 30, 1964, in case number 6417-R.

Certain statements which are made in this order are incorrect and there are certain items which are not referred to which were presented. I wish to draw these to your attention if only for purposes of correcting the order in these respects.

In paragraph 2, lines 2 and 3, the order states that the "counsel for both sides insisted on going through with the hearing." This is not correct. On behalf of the protestants, I did not insist on going on with the hearing, particularly in view of the fact that your office had advised the protestants who called that the case would be postponed. I did, however, agree to go forward with the hearing if the petitioner desired, with the reservation that if they put on testimony, that I would have the right to produce testimony from the protestants at a later date. You will recall that they did not produce any testimony at this hearing.

Secondly, the items on which this case was submitted fails to mention that George E. Gravelis, Deputy Director of Planning was present in the hearing room and commented

Mr. Edward D. Hardesty

February 4, 1964
Page 2

upon the proposed re-classification. In fact, these were the only comments received that day from a witness who was personally present and competent to testify.

No legally sufficient evidence was produced to prove licensing of the hospital referred to, nor does your order indicate when the licensing was done. There was no evidence produced as to the size of this operation.

Finally the order passed does not indicate the error committed by the Baltimore County Council in adoption of the zoning map nor does it indicate the changes in the area upon which this order is passed.

I respectfully request that you review the subject order with a view toward passing an amended order and encompassing the items noted above if you find that my contentions are correct or that you advise me immediately; first, as to why they are not correct, and secondly, as to the facts of error or change upon which this decision is based.

Yours very truly,

Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr.

HSS/r
CC: Eugene Ricks, Esq.
Robert Malchod
Liberty Manor Improvement Assn.

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

February 4, 1964

Mr. Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson 4, Maryland

RE: Petition for Reclassification
from an R-6 zone to an R-A zone
S/S Old Court Road and E/S of
Carlson Lane - 2nd District
Ernest V. Hartig - Petitioner
No. 64-17-R

Dear Mr. Hardesty:

I have received a copy of the order passed by you on January 30, 1964, in case number 6417-R.

Certain statements which are made in this order are incorrect and there are certain items which are not referred to which were presented. I wish to draw these to your attention if only for purposes of correcting the order in these respects.

In paragraph 2, lines 2 and 3, the order states that the "counsel for both sides insisted on going through with the hearing." This is not correct. On behalf of the protestants, I did not insist on going on with the hearing, particularly in view of the fact that your office had advised the protestants who called that the case would be postponed. I did, however, agree to go forward with the hearing if the petitioner desired, with the reservation that if they put on testimony, that I would have the right to produce testimony from the protestants at a later date. You will recall that they did not produce any testimony at this hearing.

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Mr. Edward D. Hardesty

February 4, 1964
Page 2

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Yours very truly,

Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr.

HSS/r
CC: Eugene Ricks, Esq.
Robert Malchod
Liberty Manor Improvement Assn.

1020 MURPHY BUILDING
PARKET AND CALVERT STREETS

LAW OFFICES
MILTON S. GOLDBLOOM
BALTIMORE 2, MD

February 4, 1964.

PLATE 2-2976
License 2-6131
922 - 6339

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 4, 1964

Mr. David Nachman, Pres.
Stevenswood Improvement Assn.,
3304 Kenjac Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification of
Property of Ernest V. Hartig -
Case No. 64-17-R

Dear Mr. Nachman:

I did not receive your letter of February 6, 1964, until this morning. I also received a letter from Milton S. Goldblum, Esq., on the same matter which I have acknowledged.

Only the Zoning Commissioners, or the Deputy Zoning Commissioner, may schedule zoning hearings. The fact that the employees are concerned has no connection with public hearings.

There certainly must have been a great deal of confusion whether or not the hearing was to be held as scheduled. I do not believe that anything can be held by you other than to appeal to the Board of Appeals since a final decision has been made by Mr. Hardesty.

However, I shall be glad to meet with the attorneys on both sides at our mutual convenience if it is your desire.

Very truly yours,

Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr., Esq.
1705 Murray Building
Baltimore 2, Md.
cc: Eugene R. Ricks, Esq.
Jefferson Building
Towson 4, Md.
cc: Spiro T. Agnew,
County Executive
cc: Mr. Edward D. Hardesty,
Deputy Zoning Commissioner

Milton S. Goldblum, Esq.,
1021 Murray Building
Baltimore 2, Md.

Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
Towson, Maryland, 21204

Dear Mr. Hardesty:

I was amazed to learn from today's News-American that a hearing was held on the 15th day of January, 1964, at 2:00 P.M., concerning an application for Apartment Zoning at Old Court Road and Carlson Lane.

I had telephoned the County Office Building that day and was advised that the building was closing at 2:00 P.M., due to the exceedingly heavy snowfall and that no hearing would be held. I so advised others. In spite of the weather, our neighborhood had had a large delegation prepared to personally protest at the hearing.

As a property owner residing in this neighborhood, I feel strongly that we should have had an opportunity to present our objections. Furthermore, we are entitled to an explanation as to why the hearing was held at 2:00 P.M. when it was advertised publicly that the County Office Building would close at 2:00 P.M.

The community of Stevenswood is very resentful.

Very truly yours,

Milton S. Goldblum
Milton S. Goldblum
MSG-S

c.c.: Spiro T. Agnew, County Executive
John Rose, Zoning Commissioner

February 5, 1964

Milton S. Goldblum, Esq.,
1020 Hansey Building
Baltimore 2, Maryland

Dear Mr. Goldblum:

I received your letter of February 4, 1964 concerning a hearing held by Mr. Hardesty, Deputy Zoning Commissioner on January 13, 1964 at 2:00 p.m.

In accordance with Section 500.2 of the Baltimore County Zoning Regulations, the Zoning Commissioner schedules public hearings. Once these hearings are set only the Zoning Commissioner or Deputy Zoning Commissioner may postpone or continue the hearing.

Neither Mr. Hardesty or I authorized any postponement of the hearing you mention. I might add that whether or not the Baltimore County employees are working or not has no effect on the conduct of the zoning hearings. The week-day, 9:30 to 4:30 has no hearing on the scheduling of these hearings. We try to conduct them sometime between 9:30 and 4:30 but there are times when they run into the later hours of the day.

As you may know I held most of the hearings for several years by myself, inasmuch as there was no deputy Zoning Commissioner and the only time a hearing was called off was one time when I was ill.

I have been unable to ascertain whether or not anyone in my office gave you misinformation. If you did receive misinformation I am exceedingly sorry, but legally I do not believe that I can do anything to assist you except call your attention to the fact that you may file your appeal within 30 days from the date of Mr. Hardesty's Order.

Very truly yours

Zoning Commissioner

cc: Mr. Spiro T. Agnew,
County Executive

Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

February 5, 1964

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1020 Hansey Building
Baltimore 2, Maryland

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Very truly yours

Zoning Commissioner

cc: Mr. Spiro T. Agnew,
County Executive

Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

February 5, 1964

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1020 Hansey Building
Baltimore 2, Maryland

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Very truly yours

Zoning Commissioner

cc: Mr. Spiro T. Agnew,
County Executive

Edward D. Hardesty, Esq.,
Deputy Zoning Commissioner

February 10, 1964

Mr. David Nachman, Pres.,
Shorewood Improvement Ass'n.,
1303 Reister Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification of
Property of Ernest T. Hartig -
Case No. 64-17-2

Dear Mr. Nachman:

I did not receive your letter of February 6, 1964, until this morning. I also received a letter from Milton S. Goldblum, Esq., on the same matter which I have answered.

Only the Zoning Commissioner, or the Deputy Zoning Commissioner, may reschedule zoning hearings. The fact that the employees are excused has no connection with public hearings.

There certainly must have been a great deal of confusion whether or not the hearing was to be held as scheduled. I do not believe that anything can be done by you other than to appeal to the Board of Appeals since a final decision has been made by Mr. Hardesty.

However, I shall be glad to meet with the attorneys on both sides at our mutual convenience if it is your desire.

Very truly yours

Zoning Commissioner

cc: Eugene C. Ricks, Esq.,
Jefferson Building
Towson 4, Md.

Mr. Spiro T. Agnew,
County Executive
Mr. Edward D. Hardesty,
Deputy Zoning Commissioner

Edith E. Deitz, Esq.,
212 Washington Avenue,
Towson 4, Md.
Harry S. Schwartz, Jr., Esq.,
1705 Hansey Bldg.,
Baltimore 2, Md.

Milton S. Goldblum, Esq.,
1020 Hansey Building
Baltimore 2, Md.

RE: PETITION FOR RECLASSIFICATION
From an R-6 Zone to an R-4 Zone
8/8 Old Court Road and 1/2 of
Carlton Lane - 2nd District
Ernest T. Hartig-Petitioner
OF
BALTIMORE COUNTY
No. 64-17-2

The petitioners have requested their property be rezoned from an R-6 Zone to an R-4 Zone. This property lies on the South side of Old Court Road and the East side of Carlton Lane and is adjacent to the Baltimore County General Hospital.

This hearing was held on January 13, 1964 at 2 p.m. during the midst of a severe snow storm; however, counsel for both sides indicated on going through with the hearing and orally agreed to submit the case on the Western Tree Map, the Order of the County Board of Appeals under the date of February 19, 1963; Case No. 5609, the Order of the County Board of Appeals under the date of March 1, 1964; Case No. 5104-7 and on points raised in their oral arguments at the time of the hearing.

The evidence produced indicated commercial zoning on Liberty Road at the intersection of Old Court Road. West of this commercial zoning private hospital known as the Baltimore County General Hospital, Inc. itself as a general hospital for the purpose of surgery treatment and etc. This institution was previously in the category of a commercial and etc. rezoning center. The petitioners' property lies between this hospital on one side and Carlton Lane on the other.

It would seem to the Deputy Zoning Commissioner, the most appropriate and logical zoning of the subject tract would be R-4 as requested. The operation of a general hospital cannot but help to generate certain inconveniences such as the waiting of citizens from suburban areas, etc. in the immediate area. R-4 zoning on the subject tract is an excellent transition between the hospital on the East and the residential development west of Carlton Lane. The construction of the requested apartment units with sufficient offstreet parking should in no way adversely affect the surrounding residential development. For the foregoing reasons the rezoning should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 12th day of January, 1964, that the herein described property or area should be and the same be hereby reclassified from an R-6 Zone to an R-4 Zone, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardesty
Deputy Zoning Commissioner

January 30, 1964

Eugene C. Ricks, Esq.,
108 Jefferson Building
Towson 4, Maryland

RE: Petition for Reclassification
from an R-6 Zone to an R-4 Zone
8/8 Old Court Road and 1/2 of
Carlton Lane - 2nd District
Ernest T. Hartig-Petitioner
No. 64-17-2

Dear Mr. Ricks:

I have this date passed my Order granting the above reclassification for the reasons stated in the attached Order.

Sincerely yours,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

S/

cc: Harry S. Schwartz, Jr., Esq.,
1705 Hansey Bldg
Baltimore 2, Maryland

Edith E. Deitz, Esq.,
212 Washington Ave.,
Towson 4, Maryland

February 10, 1964

Mr. David Nachman, Pres.,
Shorewood Improvement Ass'n.,
1303 Reister Road,
Baltimore, Maryland 21207

Re: Petition for Reclassification of
Property of Ernest T. Hartig -
Case No. 64-17-2

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There certainly must have been a great deal of confusion whether or not the hearing was to be held as scheduled. I do not believe that anything can be done by you other than to appeal to the Board of Appeals since a final decision has been made by Mr. Hardesty.

However, I shall be glad to meet with the attorneys on both sides at our mutual convenience if it is your desire.

Very truly yours

Zoning Commissioner

cc: Eugene C. Ricks, Esq.,
Jefferson Building
Towson 4, Md.

Edith E. Deitz, Esq.,
212 Washington Avenue,
Towson 4, Md.
Mr. Edward D. Hardesty,
Deputy Zoning Commissioner

Harry S. Schwartz, Jr., Esq.,
1705 Hansey Bldg.,
Baltimore 2, Md.

Milton S. Goldblum, Esq.,
1020 Hansey Building
Baltimore 2, Md.

January 7, 1964

Eugene C. Ricks, Esq.,
Jefferson Building
Towson 4, Maryland

Re: Petition for Reclassification for
Ernest T. Hartig
#64-17-2

Dear Sir:

This is to advise you that \$11.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 119, County Office Building, before the hearing.

Yours very truly,

JOHN C. ROSS
ZONING COMMISSIONER

Prot. #1 Ocean Drive & Coral Pt. # C3-25-R
B Western planning area map signed copy
✓ C-1 Photo
✓ C-2 "
✓ C-3 "
✓ C-4 "
✓ C-5 "
✓ C-6 "
✓ C-7 "
✓ C-8 "
✓ C-9 "
Prot. Encl. Planning comments. 11/14/84

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District.....End..... Date of Posting.....28, 1963.....
Posted for Petition for Reclassification from R-4 to R-1A.
Petitioner: Ernest Hartig
Location of property: S/2 Old Court Rd. & E/2 of Carlson Lane
Location of Signs: (1) S/2 Old Court Rd. & E/2 of Carlson Lane
(2) 200' S/2 Old Court Rd. & E/2 of Carlson Lane
Remarks:
Posted by: J. G. Rose, Jr. Date of return: JANUARY 2, 1964

Re: PETITION FOR SPECIAL EXCEPTION
FOR CONVERSION FROM R-4 TO R-1A
TO Section 107.1 of Zoning Regulations
1. In accordance with the provisions of the
Zoning Regulations as amended by the County
Commissioners of Baltimore County on March 10, 1963, the
Petitioner is hereby notified that the
County Board of Appeals has granted the
Petitioner's request for a special exception.

This is a petition of Liberty Court Rehabilitation Center
for a special exception for a development of 100 units and a variance to the
Zoning Regulations on property located on the southeast side of Old
Court Road 650 feet southwest of Liberty Road, in the Second District
of Baltimore County.

Testimony of Dr. Robert S. Kalline, one of the owners of
the property, was that the hospital would be primarily established for
patients having a long convalescent period but such patients would not
be of the type where there was no hope or recovery. Patients such as
those convalescing from strokes, heart attacks, broken limbs and etc.,
requiring physical therapy and other treatment of this type over a long
period of time would be the main sources of patients.

Under direct questioning Dr. Kalline testified that this
hospital would not primarily treat communicable diseases, insanity, febrile
infectious diseases, drug addicts or alcoholic patients, and would not in
any way be a penal or correctional institution.

From the testimony of Dr. Kalline it was the unanimous
opinion of the Board that such a hospital qualifies as a "Nursing Home" hospital
under the Baltimore County Zoning Regulations as amended by the County
Commissioners of Baltimore County on March 10, 1963. As a "Nursing Home"
hospital a medical center would not be permitted and for this reason
this Board unanimously denies the petition for a special exception.

With regard to the request for the variance as covered
in Section 107.1, paragraph (b), the petitioner asks to have this
boundary lot or street line amended to allow for a 50 foot setback
instead of the required 100 feet.

Testimony was presented that the property drops sharply
from Old Court Road and by allowing the variance the sanitary flow would
be by gravity. If the variance were not granted the sanitary flow would
have to be pumped high in the wall exert a pressure on the sanitary
flow. Such a pressure would not be good to the general welfare of
Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1963
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on December 22, 1963.
day of January, 1964, the first publication
appearing on the 21st day of December
1963.

THE JEFFERSONIAN
L. J. Jefferson, Jr.
Manager.

Cost of Advertisement, \$.....

PETITION FOR RECLASSIFICATION

Re: PETITION FOR RECLASSIFICATION
FROM R-4 TO R-1A

LOCATION: South side of Old
Court Road and the East side of
Carlson Lane

DATE & TIME: MONDAY,
JANUARY 13, 1964 at 2:00 P.M.
PUBLIC HEARING: Room
104, County Office Building, 111
W. Chesapeake Avenue, Towson,
Maryland

THE Zoning Commissioner of
Baltimore County, by authority
of the Planning and Zoning
Department of Baltimore County,
will hold a public hearing
concerning all that parcel of
land in the Second District of
Baltimore County
Beginning at the corner of the
point of intersection of the south
side of Old Court Road and the
east side of Carlson Lane 10 feet
wide, and point of beginning by
the line of the corner line of
the land, which is more nearly
than 100 feet, and recorded
among the Land Records of Bal-
timore County in Liber R.S. 25
No. 1476. Lots 375 was re-
served by Robert W. Hartig and
wife to Ernest V. Hartig and
wife, resulting there being no
land in said Old Court Road and
also abutting on the east, north
and south sides of said land the
following corners and dis-
tances: (1) N. 15 degrees 15'
W. 24.5 feet; (2) N. 74 degrees 20'
E. 15.5 feet; (3) N. 15 degrees
E. 15 feet; these being on the
south and first line of said
land and the two following
corners and distances: (1) S. 15
degrees 15' W. 24.5 feet; (2) S. 74
degrees 20' E. 15.5 feet; these
being the corners and on the
second line of said land 15
degrees 15' W. 24.5 feet to the
point of beginning.

Being the property of Ernest
V. Hartig and Dorothy L. Hartig,
as shown on plat filed with the
Zoning Department.

JOHN G. ROSE
ZONING
COMMISSIONER OF
BALTIMORE COUNTY
Dist. 2

Certainly the granting of this variance would be in strict
harmony with the intent of the Zoning Regulations of Baltimore County.
For the reasons stated above the variance is hereby
granted.

ORDER

For reasons set forth in the foregoing Opinion, it is
this 2nd day of March, 1964, by the County Board of Appeals, ORDERED
that the aforesaid special exception and variance be in accordance with
the Rules of Practice and Procedure of the Court of Appeals
of Maryland.

Any appeal from this decision must be in accordance with
Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals
of Maryland.

County Board of Appeals
of Baltimore County

William A. Kalline
Spice J. Rose
John G. Rose

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Baltimore, Md.

THE RECORD - ARGUS
Columbia, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

December 30, 1963

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

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One Week commencing on or before
the 20th day of December, 1963, that is to say
December 27, 1963.

THE BALTIMORE COUNTIAN

By: *Paul J. McGary*
Editor and Manager

RE: PETITION FOR RECLASSIFICATION
FROM R-4 TO R-1A
TO Section 107.1 of Zoning Regulations
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County Board of Appeals
of Baltimore County

William A. Kalline
Spice J. Rose
John G. Rose

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County Board of Appeals
of Baltimore County

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Spice J. Rose
John G. Rose

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of Maryland.

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Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals
of Maryland.

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

TO: *Ernest V. Hartig*
1300 York Road
Baltimore, Maryland

QUANTITY: 1
REMITTANCE: \$5.00
TOTAL AMOUNT: \$5.00
COST: \$5.00

Advertising and posting of your property
\$5.00

PAID - Baltimore County, Md. - Office of Finance

1-2454 6009 • 21563 • TIP - \$200

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.

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

TO: *Ernest V. Hartig*
1300 York Road
Baltimore, Maryland

QUANTITY: 1
REMITTANCE: \$5.00
TOTAL AMOUNT: \$5.00
COST: \$5.00

Advertising and posting of property for Ernest V. Hartig
\$5.00

PAID - Baltimore County, Md. - Office of Finance

1-2154 0871 • 21545 • TIP - \$100

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.

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

TO: *Ernest V. Hartig*
1300 York Road
Baltimore, Maryland

QUANTITY: 1
REMITTANCE: \$5.00
TOTAL AMOUNT: \$5.00
COST: \$5.00

Petition for Reclassification for Ernest V. Hartig
\$5.00

PAID - Baltimore County, Md. - Office of Finance

1-2154 7169 • • • TIP - \$000

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 OFFICE OF PLANNING AND ZONING

January 3, 1964

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON 4, MARYLAND
TA. 8-2100MALCOLM H. DILL
COMMISSIONERJOHN G. ROSE
ZONING COMMISSIONEREugene G. Ricks, Esq.
Jefferson Building
Towson 1, Md.

Dear Sir:

The enclosed memorandum is sent to you in Compliance with Section 23-22 of the 1961 Supplement of the Baltimore County Code.

Any questions of correspondence in regard to the enclosed subject matter must be directed to the Director of Planning and Zoning (or his Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify, it will be necessary for you to summons him through the Sheriff's Office.

Yours very truly,

John G. Rose
JOHN G. ROSE
ZONING COMMISSIONER

JGR:br

#64-17R
WESTERN
AREA
SEC. 2-B
RA
1/6/64

PETITION FOR RECLASSIFICATION

2nd DISTRICT

SIGHTING

LOCATION

DATE & TIME

PUBLIC HEARING

From R-6 to R-2 Zone

South side of Old Court Road and the East side of
Cecil Avenue

WEDNESDAY, JANUARY 13, 1964 at 2:00 P.M.

Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold public hearings:

Concerning all that parcel of land in the Second District of Baltimore County

Being the property of Ernest V. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

December 19, 1963

NOTICE OF HEARING

Re: Petition for Reclassification for
Ernest V. Hartig
#64-17-R

TIME 2:00 P.M.

DATE Monday, January 13, 1964

PLACE ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue,
Towson, Maryland

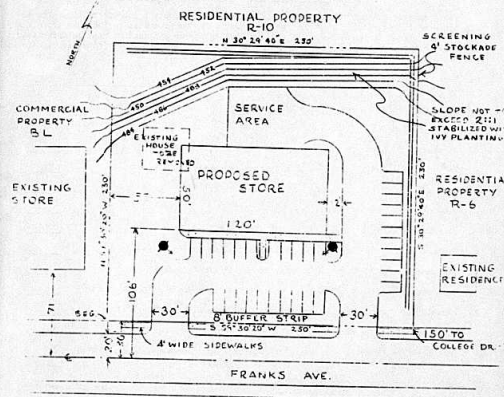
John G. Rose
ZONING COMMISSIONER OF
BALTIMORE COUNTY

CHECKLIST FOR INFORMATION TO BE SHOWN ON ZONING PLANS

This checklist shall serve as a guide in preparing plot plans for building permits and all types of Zoning Petitions so that an application may be processed in the most efficient manner. All items listed below which are applicable to your application must be indicated. Seven (7) copies of the plot plan must accompany a Zoning Petition. Six (6) copies of the plot plan must accompany an application for a building permit.

- North arrow, indicating the direction of north
- Scale of drawings: 1"=30'; 1"=50'; if acreage of property exceeds 40 acres, scale of drawing should be 1"=100'
- Election District
- Dimensions of property (including bearings and distances)
- Relation of tract in question to additional property owned
- Area of property in question (acres or square feet)
- Name (s) of adjoining street (s)
- Location of existing building (s) on this tract
- Distance from present property line to centerline of street (s)
- Distance from edge of paving or curb to center line of street (s)
- Distance from property to nearest intersection of a State or County Road
- Location of streams or drainage courses within or within 50 feet of property
- Existing uses and zoning of adjacent properties
- Distance from centerline of street to all buildings located within 100 feet of each of your side property lines. (to establish setback line)
- Location and size of proposed building (s)
- Distance from proposed building to centerline of street (2)
- Distance from sides of proposed building to property lines
- Location and width of proposed entrance (s) to property
- Indication of proposed slopes (not to exceed 2:1) and type of stabilization to prevent erosion
- Off-street parking requirements
 - Required number of spaces indicated (spaces size 9' x 10') and date used for determination, such as no. of employees, total floor area or no. of motor vehicles
 - Indication of eight (8) foot buffer strip between parking spaces and street property line to be established
 - Indication of screening (size and type) for parking and service areas adjoining or across a street from residential zoning
 - Indication of lighting standards, including direction of lighting and approximate heights of light standards.

(SEE SAMPLE PLOT ON THE REVERSE SIDE)

Checked by: *Lee*

PROPERTY ZONE BL
14 1/2 ELECTION DIST.
PROPERTY 1 1/2 AC
SCALE 1"=50'

LIGHT STANDARDS
AND DIRECTION OF LIGHT
10' HIGH

PARKING DATA
BUILDING 8,000 SQ. FT.
ONE PARKING SPACE PER 500 SQ. FT.
30 PARKING SPACES REQUIRED
10 PARKING SPACES SHOWN
PARKING SPACES 4" x 10"

MICROFILMED

TELEPHONE
823-3000

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

No. 22098

DATE 3/3/64

TO: Harry S. Swartzlander, Jr., Esq.
1709 Ramsey Bldg.
Baltimore 2, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Building
Towson 4, Maryland

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

TOTAL AMOUNT

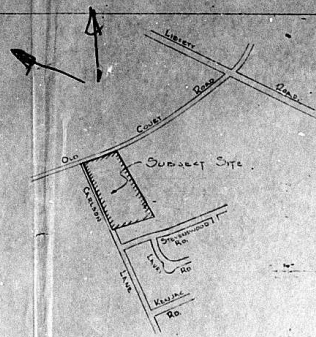
Appeal Costs - property of Ernest V. Hartig, et al	\$70.00	
No. 64-17-	1 sign	\$5.00
		\$75.00

PAID - Baltimore County, Md. - Office of Finance

3-364 852 • 22098-11P- 75.00

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.

Petitioner's Name
Petitioner's Address
Ch. No.
No. Copies of Pet.
No. Copies of Plat
Attorney's Name
Approved by: *[Signature]* for the 13 day of 3/1964



GENERAL NOTES

1. TOTAL ACRES OF TRACT EQUALS 600 ACRES
2. PROPOSED ZONING OF PROPERTY "G"
3. PROPOSED USE OF PROPERTY "No Use"
4. PROPOSED ZONING OF PROPERTY "R-K"
5. PROPOSED USE OF PROPERTY "GREENHOUSES"
6. GROSS ACRES OF TRACT EQUALS 6.81 ACRES
7. NET ACRES OF TRACT EQUALS .35 ACRES
8. GROSS NUMBER OF NET UNITS ALLOWED $(3.92 \times 12) = 47$ UNITS
9. NET NUMBER OF NET UNITS ALLOWED $(.93 \times 12) = 11$ UNITS
10. NET UNITS SHOWN THIS PLAT IS 9 UNITS
11. REQUIRED OFF STREET PARKING (2.00) EQUALS 20 UNITS
12. PROPOSED OFF STREET PARKING (2.20) THIS PLAT EQUALS 110 UNITS

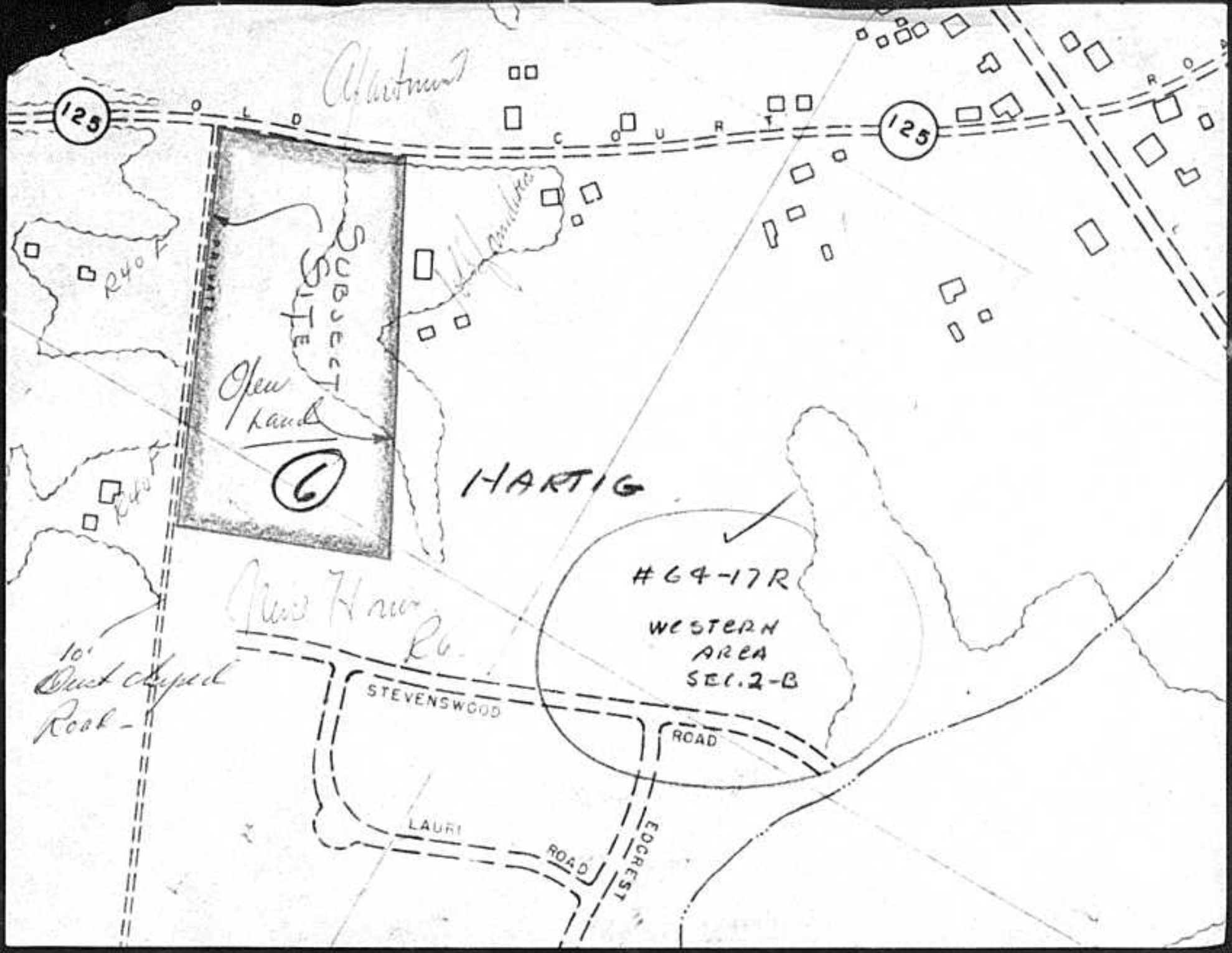
PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
OLD COURT ROAD AND CARLSON LANE
ELECTION DISTRICT 2 BALTIMORE COUNTY, MD
SCALE 1"=50' Nov. 14, 1968



MATZ CHILDS & ASSOCIATES
2129 N. CHAPLE STREET
BALTIMORE 18 MARYLAND

LOG NO.	DRIVEN BY	TRACED BY	CHECKED BY
0021	815		





123

ALBION

125

SUBJECT SITE

Open Land

6

HARTIG

#64-17R

WESTERN AREA
SEC. 2-B

STEVENSWOOD

ROAD

LAUREL

ROAD

ECHO CREST

10' DIRT CHIPPED ROAD -