ZONING FILE NO. 64-41-R - LOUIS J. GLASS ent A

BONNIE VIEW COUNTRY CLUB, INC. Smith Avenue Mount Washington Baltimore County, Maryland Petitioner	•	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY (AT LAW)
vs.		
WILLIAM S. BALDWIN, W. GILES PARKER, Constituting the County Board of Appeals of Baltimore County Defendants	•	Case No. 3152 Misc. Docket No. 7 Folio 453

• • • • • • • • • • • • • • • •

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal to the Court of Appeals on behalf of Bonnie View Country Club, Inc. from the Decision rendered by the Circuit Court for Baltimore County on May 17, 1965, dismissing the above Appeal and affirming the Decision of the County Board of Appeals for Baltimore County.

/s/
ROBERT L. SULLIVAN, JR.

/s/
ALLAN J. WALESTER

/s/
SULLIVAN & PITTLER
Attorneys for Petitioner
1410 Court Square Building
Baltimore, Maryland
Plaza 2-1122

I HEREBY CERTIFY, That on this 14th day of June, 1965, a copy of the foregoing Order for Appeal was mailed to R. Taylor McLean, Esquire, Campbell Building, Towson, Maryland 21204, and to H. Scott Moore, County Solicitor, Court House, Towson, Maryland 21204.

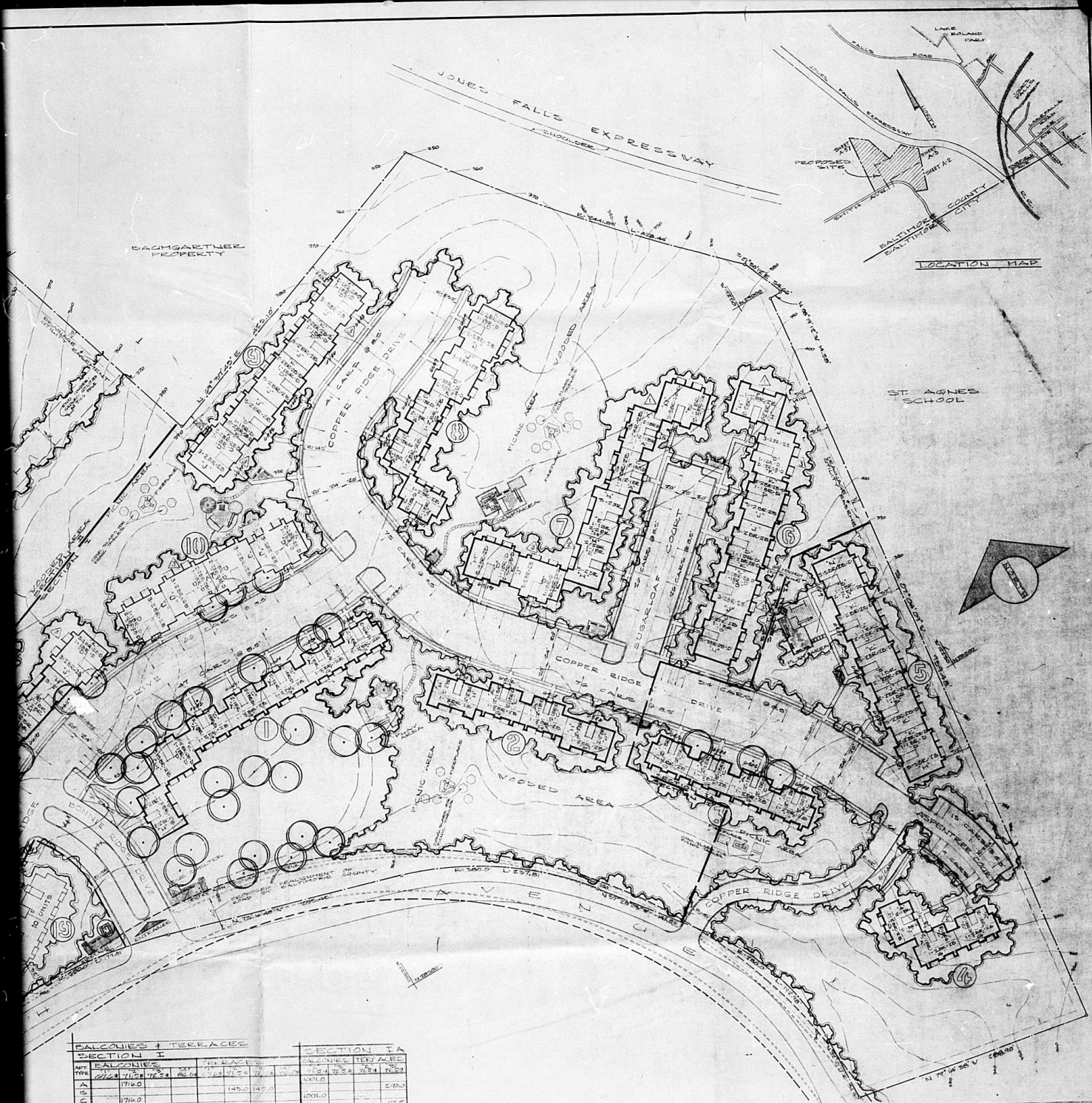
Of counsel for Petitioner

Mail Green

Recd 6-28-65 9 AM

AJM:cmg
6-10-65

371



BALCONIES & TERRACES

SECTION I

APT. TYPE	BALCONIES 1 BR	1½ BR	2 BR	2½ BR	TERRACES 1 BR	1½ BR	2 BR	2½ BR
A		1716.0				145.0	145.0	
B		1716.0					145.0	
C								544.0
D						428.0		
E			2755.0					544.0
F		210.0				1905.0		
G		210.0						
H			210.0			145.0		181.5
J			210.0			145.0		72.5
K								181.5
TOTAL	3515.5	3492.0	3380.0	2790.0	1696.0	2768.0	290.0	1088.0
	17,159.0				17,789.0			

SECTION IA

APT. TYPE	BALCONIES 1 BR	1½ BR	2 BR	2½ BR	TERRACES 1 BR	1½ BR	2 BR	2½ BR
A	1001.0							290.0
B	1001.0							72.5
C						500.5		
D			580.0					
E			780.0					217.5
F						145.0		72.5
G						145.0		72.5
H								
J								
K								
TOTAL	2002.0	645.0	1360.0	290.0	362.5	1222.5		
	3,937.0				4,677.0			

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY _____
DATE 3/27/68
Subject to changes in Red

SCALE OF PLAN

F2

1" = 50' DEVELOPMENT PLAN

REVISIONS

COHEN, HAFT, A.I.A., & ASSOCIATES
DAVID A. HOLTZ, A.I.A., ASSOCIATE
ARCHITECTS & PLANNERS
814 THAYER AVENUE, SILVER SPRING, MD.

JOB NO. 173-64

BONNIE RIDGE APARTMENTS
SMALL & GREENBERG - OWNERS
1707 L STREET, N.W., WASHINGTON, D.C.

SHEET NO. A1

NOTE: CONTRACTOR VERIFY ALL DIMENSIONS AND CONDITIONS AT BUILDING

DRAWN | APPROVED | DATE | FILE NO.



SITE ANALYSIS

ZONE - RA
GROSS ACREAGE - 34.7765
NET ACREAGE - 27.5861
GROSS DENSITY (MAX 6.0) - 14.42
NET REQ. DENSITY (MAX 8.0) - 15.12
UNITS PROVIDED - 502
PARKING PROVIDED - 786

	SEC. I	SEC. IA	SEC. II
GROSS ACRES	14.7765	14.0041	5.9959
NET ACRES	14.1455	14.1447	14.1430
UNITS	236	46	101
PARKING	396	87	193

UNIT ANALYSIS - SECTION I

BLDG. NO.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	TOTAL UNITS	S.F. A.M.T.	S.F. A.M.T. GARAGE
1	2	2	2	2	2	2										12	9,600	
2	2	2	2	2	2	2										12	9,600	
3	2	2	2	2	2	2										12	9,600	
4	2	2	2	2	2	2										12	9,600	
5	2	2	2	2	2	2										12	9,600	
6	2	2	2	2	2	2										12	9,600	
7	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
8	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
9	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
10	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
11	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
12	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
TOTAL	18	18	18	18	18	18		12	12	12	12	12	12			180	144,000	

UNIT ANALYSIS - SECTION IA

BLDG. NO.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	1-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	2-BR.	TOTAL UNITS	S.F. A.M.T.	S.F. A.M.T. GARAGE
1	2	2	2	2	2	2										12	9,600	
2	2	2	2	2	2	2										12	9,600	
3	2	2	2	2	2	2										12	9,600	
4	2	2	2	2	2	2										12	9,600	
5	2	2	2	2	2	2										12	9,600	
6	2	2	2	2	2	2										12	9,600	
7	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
8	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
9	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
10	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
11	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
12	1	1	1	1	1	1		2	2	2	2	2	2			16	12,800	
TOTAL	18	18	18	18	18	18		12	12	12	12	12	12			180	144,000	

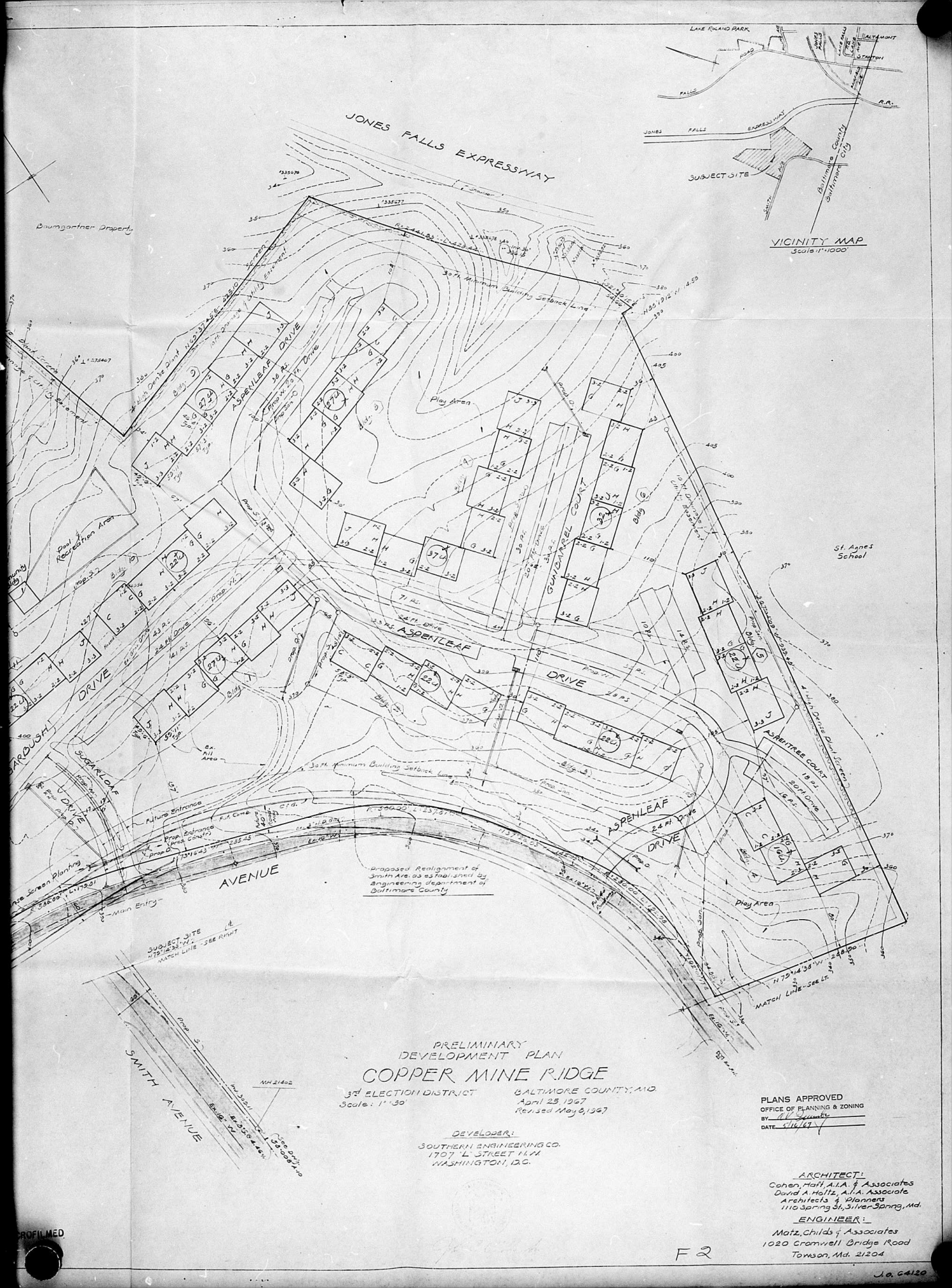
BALCONIES & TERRACES - SECTION II

TOTAL	P	O	N	M	L	K	J	I	H	G	F	E	D	C	B	A
NET TYPE																
BALCONIES																
SIZE																
QTY.																
TERRACES																
SIZE																
QTY.																
TOTAL																

BALCONIES & TERRACES - SECTION IA

TOTAL	P	O	N	M	L	K	J	I	H	G	F	E	D	C	B	A
NET TYPE																
BALCONIES																
SIZE																
QTY.																
TERRACES																
SIZE																
QTY.																
TOTAL																

F1



PRELIMINARY
DEVELOPMENT PLAN

COPPER MINE RIDGE

3rd ELECTION DISTRICT
Scale: 1" = 50'

BALTIMORE COUNTY, MD.
April 25, 1967
Revised May 8, 1967

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY _____
DATE 5/16/67

DEVELOPER:
SOUTHERN ENGINEERING CO.
1707 "L" STREET N.W.
WASHINGTON, D.C.

ARCHITECT:
Cohen, Haft, A.I.A. & Associates
David A. Holtz, A.I.A. Associate
Architects & Planners
1110 Spring St., Silver Spring, Md.

ENGINEER:
Motz, Childs & Associates
1020 Cromwell Bridge Road
Towson, Md. 21204

F 2

J.O. C4120

MICROFILMED

DENSITY CALCULATIONS

Acreage of Tract	33.953 Ac.
Gross Acreage of Tract	34.756 Ac.
Acreage proposed for non-residential use	0.00 Ac.
Gross Residential Acreage	34.756 Ac.
Net Residential Acreage	33.159 Ac.
Total No. of Units Shown	

Sect 2	Sect 1	Totals
156 2 BR	240 2 BR	412 2 BR
18 3 BR	30 3 BR	48 3 BR
Totals		460 Units

Gross Residential Density	13.23
Net Residential Density	13.85
Total No of Parking Spaces (5'x20')	641
Zoned	R-A

LEGEND

(30) TOTAL No OF UNITS
2-2 = 2-2 BR APTS.
3-3 = 3-3 BR APTS.

F1

these facts we find that the traffic situation presents no difficulty sufficient to warrant the denial of the zoning change"--out of the realm of fair debatability. Although his opinion differed from Thompson's on the practical capacity of vehicles per hour on Smith Avenue--the witness thought the proper figure to be 600--, and he thought the traffic movements from the proposed development would create "an extremely hazaradous condition," he frankly admitted that the superimposition of the additional traffic from the development would not "bring (Smith Avenue) up to capacity," but merely "brought it to near capacity."

We hold that the evidence relative to traffic congestion was insufficient to render the action of the Board arbitrary, capricious, or illegal.

Appellant also questions a ruling of the Board, which excluded evidence relative to traffic congestion in Baltimore City not very far from the County line, where "Smith Avenue empties into Cross Country Boulevard." This congestion was caused by a stop-light and a school-guard directing traffic for children attending a nearby school, and was excluded because it related to conditions in the City and not in the County.

Ewell stated that the back-up from this situation did not reach the county line, and we do not see where he stated how close it came to the county line. The zoning boards, in conducting their hearings, are not bound by the strict rules of evidence of a trial at law, but are permitted a reasonable discretion in admitting or excluding evidence. We do not deem it necessary or desirable to make an explicit ruling on the admissibility, vel non, of this evidence, but we will assume, without deciding, that it was admissible, and hold

that its exclusion did not constitute reversible error.

Finally, appellee argues that the appellant is not an "aggrieved" person, and, therefore, has no standing to appeal under the statute. Again, if we assume, without deciding the question, that it does have such standing, we have already held that it is not entitled to prevail.

APPELLEE'S MOTION TO DISMISS DENIED; ORDER AFFIRMED; APPELLANT TO PAY THE COSTS.

MICROFILMED

PETITION FOR ZONING RECLASSIFICATION
2nd DISTRICT

ZONING: Petition for Reclassification from R-10 & R-20 to R-A Zone.

LOCATION: Northeast corner of Smith Avenue & Timber Ridge Road.

DATE & TIME: THURSDAY, FEBRUARY 18, 1964 at 1:00 P.M.

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

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

Concerning all that parcel of land in the Third District of Baltimore County.

BEGINNING for the same at a concrete monument with a brass disc on the top marked Glass No. 1 now set at the beginning of the fourth or North 73 1/4 degrees West 83.6 perches line of the parcel of land described in a deed dated June 30, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2735 Folio 207, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife, said concrete monument being distant, as now surveyed, (and referred with all other bearings of the present description to the true meridian as established in this area from the control survey net of the Baltimore County Metropolitan District) North 9 degrees 32 minutes 36 seconds East 944.42 feet from Baltimore City Boundary Monument No. 9400, located on or near the easternmost side of Smith Avenue at its intersection with the Baltimore City Boundary Line, thence running with and binding on a part of said fourth line as now surveyed, North 79 degrees 14 minutes 38 seconds West passing over a concrete monument with a brass disc on the top marked Glass No. 2 now set at a distance of 188.90 feet (the coordinates of said last mentioned monument as referred to said Baltimore County Metropolitan District control survey net being North 29,092.51 and West 12,515.54) for a total distance of 288.90 feet to intersect the easternmost side of Smith Avenue 60 feet wide, the coordinates of said point of intersection referred to said survey net being North 28,111.28 and West 12,611.78, thence binding on the easternmost, northeasternmost, and northernmost sides of Smith Avenue 60 feet wide, the eight following lines respectively, viz: North 2 degrees 01 minute 17 seconds East 84.80 feet, by a line curving to the left with a radius of 280.00 feet for a distance of 192.98 feet (the chord of said arc bearing North 17 degrees 43 minutes 25 seconds West 189.18 feet), North 37 degrees 26 minutes 03 seconds West 142.85 feet, by a line curving to the left with a radius of 280.00 feet for a distance of 227.51 feet (the chord of said arc bearing North 53 degrees 22 minutes 23 seconds West 233.66 feet), North 73 degrees 16 minutes 43 seconds West 283.45 feet, by a line curving to the left with a radius of 580.00 feet for a distance of 179.81 feet (the chord of said arc bearing North 82 degrees 09 minutes 36 seconds West 179.09 feet), South 88 degrees 57 minutes 32 seconds West 137.33 feet, and by a line curving to the left with a radius of 2230.00 feet for a distance of 115.59 feet (the chord of said arc bearing South 87 degrees 29 minutes 00 seconds West 115.58 feet) to intersect the fifth or North 10 degrees East 119 perches line of the aforementioned parcel of land at a point distant, as now surveyed, North 4 degrees 04 minutes 22 seconds East 408.86 feet from a stone 3.8 feet more or less below existing ground level, heretofore set at the beginning of said fifth line, the coordinates of said point of intersection referred to said survey net being North 28,721.61 and West 13,640.22, thence leaving the northernmost side of Smith Avenue and running with and binding on a part of said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 109.00 feet to a concrete monument with a brass disc on the top marked Glass No. 2 now set, the coordinates of said last mentioned monument as referred to the Baltimore County Metropolitan District control survey net being North 28,830.34 and West 13,641.40, thence continuing to bind on a part of said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 443.00 feet to a concrete monument with a brass disc on the marked G

set, the coordinates of said last mentioned monument referred to said survey net being North 29,-272.23 and West 13,606.56, thence continuing to bind on a part of said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 548.71 feet to a stone heretofore set at the end of said fifth line, the coordinates of said stone referred to said survey net being North 29,818.78 and West 13,-549.86, thence running with and 84 1/2 perches East 28 ponches binding on the strip or South line of the aforementioned parcel of land, as now surveyed, South 69 degrees 23 minutes 25 seconds East 516.61 feet to a stone heretofore set the coordinates of said last mentioned stone referred to said survey net being North 29,611.60 and West 13,097.68, thence running with and binding on a part of the eighth or North 75-3/4 degrees East 20 1/4 perches line of said parcel of land, as now surveyed, North 69 degrees 27 minutes 45 seconds East 435.10 feet to intersect the southwesternmost Right of Way line of the Jones Falls Expressway, the coordinates of said point of intersection referred to said survey net being North 29,265.58 and West 12,497.54, thence binding on said southwesternmost Right of Way line of the Jones Falls Expressway by a line curving to the left with a radius of 2441.83 feet for a distance of 428.44 feet (the chord of said arc bearing South 60 degrees 52 minutes 41 seconds East 427.87 feet) to a point, the coordinates of said point referred to said survey net being North 29,040.86 and West 12,-217.82 thence continuing to bind on the southwesternmost side of the Jones Falls Expressway South 21 degrees 30 minutes 12 seconds East 54.65 feet to intersect the second or North 81 1/2 degrees West 37-1/3 perches of the aforesaid parcel of land, the coordinates of said last mentioned point of intersection referred to said survey net being North 28,989.21 and West 12,-197.78, thence leaving the Jones Falls Expressway and running with and binding on a part of said second line, as now surveyed, North 88 degrees 19 minutes 12 seconds West 14.68 feet to a stone heretofore set, the coordinates of said stone referred to said survey net being North 28,989.64 and West 12,212.30, thence running with and binding on the third or South 13 1/2 degrees West 7-1/3 perches line of said parcel of land, as now surveyed, South 7 degrees 04 minutes 09 seconds West 939.69 feet to the place of beginning, the coordinates of said point of beginning referred to said survey net being North 28,-057.29 and West 12,227.96.

CONTAINING 23.55 acres of land more or less.

BEING a part of the parcel of land described in a deed dated June 30, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2735 Folio 207, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife.

Being the property of Louis J. Glass and Mildred Glass, as shown on plat plan filed with the Zoning Department.

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

Jan. 24

MICROFILMED

OFFICE OF ORIGINAL 64-41
E BALTIMORE COUNTIAN

UNITY NEWS — THE COMMUNITY NEWS
town, Md — Rockville, Md.
THE HERALD - ARGUS
Catonsville, Md.

Avenue CATONSVILLE, MD.

January 27, 1964.

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

n THE BALTIMORE COUNTIAN, a group of wspapers published in Baltimore County, Mary-
k for One Week ~~successive weeks~~ before
day of January, 1964, that is to say
rted in the issues of
uary 24, 1964.

BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager
PA

FILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
Va. 3-3000

George E. Gavrelis
Director

John G. Rose
Zoning Commissioner

May 19, 1967

Date: May 19, 1967

Subject: Approved Site Plans
Zoning file # 64-41
Bldg. # 251-67

Kenneth C. Proctor, Esq.
Campbell Building
Towson, Maryland 21204

Gentlemen:

The Office of Planning and Zoning has approved the above referenced site plan, as conditioned in the Zoning Commissioner's Order # 64-41.

This plan has been inserted in our Zoning file # 64-41.

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. Dyer
JAMES E. DYER, Chief
Petition and Permit Processing

JED/h

MICROFILMED

#64-41R
MAP #3
SEC 3-C
RA

IN THE COURT OF APPEALS OF MARYLAND

No. 238

September Term, 1965

BONNIE VIEW COUNTRY CLUB, INC.

v.

LOUIS J. GLASS

Prescott, C.J.
Hammond
Horney
Oppenheimer
McWilliams,
JJ.

Opinion by Prescott, C. J.

Filed: March 22, 1966

Evidencing a determination to require the appellee to run the entire length of the legal "gauntlet," appellant, after fighting losing battles before the Deputy Zoning Commissioner of Baltimore County, the County Board of Appeals, and the Circuit Court, now asks relief from this Court.

The appellee moved to dismiss the appeal principally relying upon Maryland Rule 828 a. and b. It is extremely regrettable that members of the legal profession should find themselves in disagreement as to what they are "agreed" upon with reference to the Record Extract; if there be any change of

disagreement, the better course to pursue is to have the agreement reduced to writing. As supplemented by appellee, we have found the Record Extract sufficient.

The County Board of Appeals granted a petition for reclassification of land zoned R-10 (one-family residential--10,000 feet) and R-20 (one-family--20,000 feet) to R-A (Town House Apartments) on the ground of error in the original zoning, and the correctness of its action, under the circumstances here presented, is the principal question we are called upon to answer.

The facts herein seem to present a unique picture in the annals of zoning in Maryland. The subject property consists of about 33 acres of land located in the 3rd District of Baltimore County. The comprehensive zoning map upon which the tract is zoned was adopted in 1957. We have experienced considerable difficulty in finding in the briefs and record extract a succinct, yet not too succinct, description of the surrounding and nearby zoning classifications; however, we shall do the best we can with what we have.

The tract is located on the northeast corner of Smith Avenue and Timber Ridge Road. It is bounded on the east by a private school, on the west by some R-10 and R-20 property and a portion of appellant's country club, and on the northeast by the Jones Falls Expressway and the property of Mrs. Baumgartner.

The appellee purchased the property in 1954 as an investment. After trying to sell the same for a period of years, he "commenced to wonder why." Upon investigation, it was discovered that extensive copper-mining operations had been undertaken on the property in the latter half of the last century, which were renewed for a short period during World War I. These mining operations

involved the construction of a number of mining shafts, both main and lateral. The shafts proceeded from the opening site diagonally to Smith Avenue, some ranging to 600 and 700 feet deep. There are at least 7 horizonal levels, in addition to the main shaft, which tend to negate the feasibility of construction of any kind above them. Photographic exhibits show that several of the old miners' shacks (of which there were originally about 60), outhouses, and other structures are still extant, but all are in poor, rotted, and dilapidated conditions; and that the land has become prey to the dumping of trash and refuse of various kinds, with certain areas being concentrated upon for that purpose.

Dr. Glass testified he had had the property on the market for about 10 years, but invariably prospective purchasers, after investigating the condition of the property and learning "the extreme cost" involved in R-10 or R-20 development, felt that it was impossible--"the cost would be too exhorbitant."

Lester Matz, a well-known and experienced engineer, testified that he had discovered the existence of the mine shafts in 1952, prior to appellee's acquisition of the property, while running a survey for another party, and that he had been consulted by at least a dozen realtors and developers with regard to the existing zoning, prior to being called for a study by appellee. He felt obliged to warn them to stay away because of the shafts and horizontal mines. Mr. Matz stated that 20 of the 33 acres contain grades up to 40% or more, and that 3 pumping stations and 3 force mains would be needed in order to sewer this tract. The deep swale coming north off of Smith Avenue would make it impossible to have front lots on Smith Avenue. This creates a considerable paving problem and expense. Moreover, 12 out of 19 tests indicated the presence of rock 4 to 10 feet deep under the land. He concluded that it would not be economically feasible to use this property for a

cottage type development.

On cross-examination, Mr. Matz characterized as "silly" a question as to whether it was physically possible to develop this land as R-10, R-20; that any land could be so developed, but that it was a question of economics, because no one would buy land in which he could not make a profit. The reclassification of the zoning to R-A (apartment development),

"* * * is so much more suitable because it can use a good portion of the ground and we do not have to touch the poor topography." He added that "if this piece of ground were given to me under existing zoning, I wouldn't take it." Although pumping stations are "not unusual" in R-10 and R-20 developments, "if everything works out pretty good," he noted the difference in pumping requirements as between an apartment site and R-10 site; the former required connections 3-4 feet in the ground, the latter a 50 foot right of way and sewers 8 feet deep.

J. Walter Jones, a well-known real estate expert and consultant, testified that he was consulted by appellee regarding this tract. He had been familiar with the property for years; in his opinion the tract could not be developed for cottages, because: the topography makes the development for R-10 and R-20 impractical; the rock and previous mining operations under the property make it very undesirable for housing; the proximity of Jones Falls Expressway makes it less desirable for houses than for apartments; and the high cost of development make it unfeasible for housing development. Reasons why R-A would be the desirable and correct use are that it is economically feasible for a builder, and the property is a good transition location from the industrial area east of the beltway and the expressway and over into the housing area.

Mr. Jones further suggested that the property, in its present condition and use, with its old shacks and sheds and the conditions brought about by the dumping on the land, had had a most adverse and depressing effect on the neighborhood and community, whereas the projected development of the tract into garden type apartments would be harmonious to the adjacent uses and would provide a balance in the neighborhood and would have no adverse effect on nearby properties. His examination of the zoning map revealed very little apartment zoning in this area but ample zoning had been provided for detached homes. The entire area between the subject property and Reisterstown Road, in the general area of Pikesville, had no apartment zoning, yet there is a substantial need for apartments in this area. In his opinion, the tract in question didn't lend itself to development as presently zoned, and is "in error * * * today as in 1957 * * *." The only exception to the above was the nearby DeChiaro property. Here, R-A zoning had been granted, subject to an appeal by Mr. Sullivan, attorney for the appellants in the case at bar.

Mr. Jones further testified on cross-examination, also without contradiction, that even if the zoning in question on DeChiaro's property would be changed to R-A to accommodate approximately 300 units, it would be a drop in the bucket because in his opinion, the need in this area would be several thousands, not several hundreds.

In support of his contention that there should be a balance of zoning he stated that the instant tract was an ideal place for an apartment development. It was economical to develop as such, there was logical use for it for apartments, and no market for it for any other use. The deprivation of appellee's use of this property for apartments is blighting the community. Moreover, the gas and electric

line through the tract and the Jones Falls Expressway on its border do not deter apartment development, but make cottage development unfeasible.

Under present zoning, Mr. Jones declared, you would not get even three houses per acre, you would get none, because no one would attempt to develop the land under the existing zoning. Mr. Jones stated that he favored apartment zoning for the subject property not merely because of economics--not merely because the land was more suitable for apartment use rather than any other--but because it constituted an ideal and harmonious transition between industrial, commercial, expressway, and residential uses, and the present zoning represented an illogical, bad and impossible use.

Mr. Peter, the attorney for Mrs. Baumgartner, an owner of some 20 adjoining acres, improved by a dwelling to the north of the subject property, testified that she was "anxious" to have the property rezoned; that it now is "a dump," "an eyesore," and a "health hazard"; and that it would increase the value of her property.

A Mr. Gambrill, an adjoining property owner whose residence was about 850 feet from the subject tract opposed the rezoning, feeling that it would decrease the value of his property, cause traffic congestion on Smith Avenue, and overcrowd the local schools. He also doubted, from what he had been told, that the main portions of the mine shafts were located on the property.

Mr. Goldfein, President of appellant, opposed appellee's application, principally on the ground of increased traffic on Smith Avenue. This was all of protestant's testimony, except that of a traffic expert, which will be considered below.

Upon this evidence, the Board concluded there was error in the original zoning "probably because at the time of the adoption of

the map no one brought to the attention of the authorities the physical (mine shafts) and topographical factors involved, nor the uses of the surrounding properties." This conclusion was based, of course, principally upon the testimony of Messrs. Matz and Jones. On appeal, as previously stated, the Circuit Court affirmed.

A long line of decisions of this Court has recognized that comprehensive zoning or rezoning carries a strong presumption of correctness, and those who attack the same bear a heavy burden in overcoming that presumption. It is also true that piecemeal rezoning granted by the zoning authorities has a presumption of correctness, although not so potent as the presumptions of comprehensive zoning or rezoning. We have stated on so many occasions that it is not the duty or the function of the courts to zone or rezone, the statement has become trite. "It is only where there is no room for reasonable debate or where the record is devoid of substantial, supporting facts that the courts are justified in reversing a decision of the Board or declaring its actions arbitrary or capricious." Jobar v. Rodgers Forge, 236 Md. 106, 120.

Bearing in mind the above principles, we feel impelled to find that the conclusion reached by the Board relative to original error was fairly debatable. We shall not repeat all of the details testified to by applicant's experts as to why the original zoning was in error. The extraordinary situation existing in 1957 (the time of comprehensive zoning or rezoning) caused by the generally unknown mine shafts and subsurface rock formations, when coupled with the topography making the property unusually unfit for single-family residential development, render that conclusion such that reasoning minds could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record.

Board v. Oak Hill Farms, 232 Md. 274. When this occurs, our only course is to affirm. Cf. A. W. Dill, et al v. The Jobar Corporation, No. 183, September Term, 1965, just decided.

The principal objection raised by the appellant was the increase in traffic which would be generated by the development of the property. It complains of difficulty in entering and leaving its property from Smith Avenue by automobile, and inconvenience to its members in walking and riding in golf-carts across said highway at other places--its property lies on both sides thereof.

The question does not give us serious difficulty. Applicant produced a Mr. Klinedinst of the Baltimore City Traffic Engineer's office. His counting machines showed that some 2900 vehicles passed, both ways, over Smith Avenue in a day's time at a point near the City line, which is not far distant from the subject tract. Then Joseph D. Thompson, a highly experience Registered Professional Engineer, testified for the applicant. There is a sight-distance at appellants' entrance of 398 feet to the east and 242 feet to the west; both of which were safe and adequate in the witness' opinion. Actual counts on several different days disclosed that some 2900 vehicles passed over Smith Avenue in periods of 24 to 25 hours, with peak-hour-loads of about 290 vehicles. A possible increase of about 300 cars could be expected from the proposed development, which would not come "anywhere near * * * the practical capacity of 900 to 1000 cars per hour." The witness believed that the proposed development would not only create no "undue congestion" on Smith Avenue, but that "it would not affect (traffic thereon) adversely."

The protestants produced Walter W. Ewell, a highly qualified Registered Professional Engineer, but his frank and candid testimony did not come close to taking the conclusion of the Board--"On

RE: PETITION FOR RECLASSIFICATION from "R-10" and "R-20" Zones to an "R-A" Zone, NE corner Smith Avenue and Timber Ridge Road, 3rd District
Louis J. Glass, et al, Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-41-R

OPINION

This is a petition by the owners of a tract of land, close to forty acres in size, located north of Smith Avenue and west of the Jones Falls Expressway in the Third District of Baltimore County, and requests a change in zoning from "R-10" and "R-20" to "R-A".

The petitioner is proposing to construct garden type apartments. The present classification was adopted with the zoning map of the Third District on January 16, 1957, and this land has never been used for anything other than farm land and mining purposes. There are a number of old abandoned mine shafts on the property and a few run-down buildings. It is bounded on the north by the property of one owner who produced evidence that she has no objection to this new zoning and, in fact, believes that the change would improve the general welfare of the area and enhance property values in the neighborhood.

On the west of the subject property is the Bonnie View Golf Club, a commercial enterprise, which owns 165 acres on both sides of Smith Avenue and which is opposing this petition, according to testimony of the President of the corporation, because they are fearful of an increase in traffic on Smith Avenue and its effect on the automobiles entering and leaving the golf club, and to its golfers and their equipment who are forced to cross Smith Avenue to get from one part of the golf course to the other. One other resident testified that he felt the construction of apartments would devalue his property.

The only other evidence produced by the protestants was the testimony of Dr. W. W. Ewell, a traffic expert, who had studied conditions in the area on behalf of his clients and who testified that the highest traffic counts that he had obtained was approximately 340 cars per hour, peak load, as opposed to a practical capacity of 600 cars per hour assuming that Smith Avenue remains in its present condition without improvements.

On the contrary, the petitioner produced Mr. Joseph D. Thompson, also an expert traffic engineer, who testified that in this area there had only been three automobile accidents since January, 1962 and that his traffic count indicated a density of 300 cars at the peak hours, and that the proposed apartments would not cause any peak increase greater than approximately 240 cars per hour which would still be well within the practical capacity of the road. On these facts we find that the traffic situation presents no difficulty sufficient to warrant the denial of the zoning change if proper for other reasons.

From a description of the property; from the exhibits; and from inspection by the Board, this property suffers from a very rough topography which would present great difficulties for any developer attempting to construct single family homes. Mr. Lester Matz, a qualified engineer who has prepared the layout for this property, stated, without contradiction by any other witnesses, that it would be almost impossible to so develop this property; that such development would require the construction and operation of three pumping stations and sewers; that the cost of the system would be prohibitive in view of the County's requirements as to the depth of connections with individual homes; that it would be economically unfeasible to develop this property as "R-10" or "R-20"; and that, in his opinion, no developer would buy this land for a residential housing development other than apartments.

All of this was confirmed by the testimony of Mr. J. W. Jones, expert realtor, whose testimony was also uncontradicted, that there would be no market for the property at all under "R-10" or "R-20" classification and that, in his opinion, apartment zoning would be highly proper as a transitionary area from the industrial zoning east of the Expressway to the golf club use to the west of the subject property.

Under this factual situation, the Board is of the opinion that there was error in the original zoning probably because at the time of the adoption of the map no one brought to the attention of the authorities the physical and topographical factors involved, nor the uses of the surrounding property. The application will, therefore, be granted for reclassification to "R-A".

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 8 day of December, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

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

William S. Baldwin

William S. Baldwin, Acting Chairman

W. Giles Parker

W. Giles Parker

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

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301/823-0900

Lester Matz, P.E.
John C. Childs, L.S.
Associates
Ronald W. Broyles, L.S.
George W. Bushby, L.S.
Robert W. Czaban, P.E.
Leonard M. Glass, P.E.
Norman F. Herrmann, L.S.
Paul Lee, P.E.
Paul S. Smeton

March 21, 1968

Mr. Jack Wimbly
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Bonnie Ridge Apartments - Our Job Order No. 64120

Dear Jack:

Relative to your recent request, please find enclosed four (4) copies of the final site plan indicating proposed apartment units in Section Two.

Very truly yours,

MATZ, CHILDS & ASSOCIATES, INC.

Richard L. Smith

RLS:mpl
Enclosure

Water Supply ■ Sewerage ● Drainage ▶ Highways ■ Structures ● Developments ▶ Planning ■ Reports

PETITION FOR ZONING RECLASSIFICATION—3RD DISTRICT

ZONING: Petition for Reclassification from R-10 and R-20 to R-A Zone

LOCATION: Northeast corner of Smith Avenue and Timber Ridge Road

DATE & TIME: Thursday, February 13, 1964 at 1:00 P. M.

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

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Third District of Baltimore County

Beginning for the same at a concrete monument with a brass disc on the top marked Glass No. 1 now set at the beginning of the fourth or North 12½ degrees West 43.8 perches line of the parcel of land described in a deed dated June 30, 1950, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2351, Folio 287, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife, said concrete monument being distant, as now surveyed, (and referred to the true meridian as established in this area from the control survey set of the Baltimore County Metropolitan District control traverse) being North 23,402.24 and West 12,115.843 feet or a total distance of 283.70 feet to intersect the centerment side of Smith Avenue, 60 feet wide, the coordinates of said point of intersection referred to said survey net being North 23,402.24 and West 12,031.176, thence binding on the easterly most, northeasterment, and northernmost side of said Smith Avenue 50 feet wide, the eight following lines respectively, viz: North 71 degrees 30 minutes 00 seconds East 94.00 feet, by a line curving to the left with a radius of 230.00 feet for a distance of 172.19 feet (the chord of said arc bearing North 17 degrees 41 minutes 23 seconds East, North 21 degrees 26 minutes 15 seconds West 168.23 feet, by a line curving to the right with a radius of 294.00 feet for a distance of 237.21 feet (the chord of said arc bearing North 44 degrees 27 minutes 23 seconds West 230.86 feet), North 73 degrees 14 minutes 15 seconds West 107.00 feet, by a line curving to the left with a radius of 230.00 feet for a distance of 178.41 feet (the chord of said arc bearing North 82 degrees 23 minutes 35 seconds West 173.99 feet), South 88 degrees 27 minutes 05 seconds West 137.50 feet, and by a line curving to the left with a radius of 230.00 feet for a distance of 115.30 feet (the chord of said arc bearing South 67 degrees 39 minutes 04 seconds West 115.15 feet) to intersect the fifth or North 10 degrees East 43.8 perches line of the aforesaid parcel of land at a point distant, as now surveyed, North 4 degrees 44 minutes 22 seconds East 405.56 feet from a stone 0.5 feet more or less below existing ground and marked Glass No. 2 now set, thence leaving said Smith Ave. the coordinates of said point of intersection referred to said survey net being North 23,718.91 and West 13,649.15, thence leaving the northernmost side of said Smith Avenue and running with said fifth line, the coordinates of said stone referred to said survey net being North 23,718.91 and West 13,649.15, thence leaving the northernmost side of said Smith Avenue and running with said fifth line, the coordinates of said stone referred to said survey net being North 24,124.47 and West 13,654.00, thence North 4 degrees East 195.00 feet to a concrete monument with a brass disc on the top marked Glass No. 3 now set, the coordinates of said last mentioned monument as referred to said survey net being North 24,319.47 and West 13,641.85, thence continuing to bind on a part of said fifth line, as now surveyed, North 5 degrees 44 minutes 22 seconds East 405.56 feet to a concrete monument with a brass disc on the top marked Glass No. 4 now set, the coordinates of also of said last mentioned monument referred to said survey net being North 24,723.22 and West 13,609.93, thence continuing to bind on a part of said fifth line, as now surveyed, North 5 degrees 44 minutes 22 seconds East 115.7 feet to a stone hereinbefore set at the end of said fifth line, the coordinates of said stone referred to said survey net being North 24,838.79 and West 13,599.96, thence running with and binding on the fifth or North 10 degrees East 32 perches line of the aforesaid parcel of land, as now surveyed, South 85 degrees 23 minutes 35 seconds East 219.84 feet to a stone hereinbefore set, the coordinates of said last mentioned stone referred to said survey net being North 24,819.26 and West 13,807.48, thence leaving said fifth line and running with and binding on the seventh or South 11½ degrees East 43 perches line of said parcel of land, as now surveyed, South 17 degrees 02 minutes 42 seconds East 676.59 feet to a stone hereinbefore set, the coordinates of said last mentioned stone referred to said survey net being North 24,172.40 and West 13,599.54, thence running with and binding on a part of the eighth or North 79½ degrees East 23½ perches line of the aforesaid parcel of land, as now surveyed, South 71 degrees 30 minutes 00 seconds East 14.62 feet to intersect the second or North 41½ degrees West 33½ perches line of the aforesaid parcel of land, the coordinates of said last mentioned point of intersection referred to said survey net being North 24,076.21 and West 13,767.78, thence leaving the Jones Falls Expressway and running with and binding on a part of said second line, as now surveyed, North 41 degrees 30 minutes 00 seconds West 141.0 feet to a stone hereinbefore set, the coordinates of said last mentioned stone referred to said survey net being North 24,181.48 and West 13,712.76, thence running with and binding on the third or South 19½ degrees West 27 1/2 perches line of said parcel of land, as now surveyed, South 19 degrees 30 minutes 00 seconds West 305.91 feet to the place of beginning, the coordinates of said point of beginning referred to said survey net being North 24,467.29 and West 13,827.96.

Containing 23.53 acres of land more or

Being a part of the Parcel of land described in a deed dated June 30, 1950 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2351, Folio 287, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife.

Being the property of Louis J. Glass and as shown on plat plan filed with the Zoning Department.

By Order of
JOHN G. ROSE
Zoning Commissioner of
Baltimore County

Jan. 24.

64-41

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 24, 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 time successive weeks before the 13th day of February, 1964, the first publication appearing on the 24th day of January, 1964.

THE JEFFERSONIAN,

Howard Thornton
Manager.

Cost of Advertisement, $

Approved Plan Borrowed by Wimbly 4/1/68
2/28/69

BONNIE VIEW COUNTRY CLUB, INC., Petitioner : IN THE CIRCUIT COURT
vs. : FOR
WILLIAM S. BALDWIN and W. GILES PARKER, constituting the County Board of Appeals of Baltimore County, Defendants : BALTIMORE COUNTY AT LAW
LOUIS J. GLASS, (Intervenor) : File No. 3152 Docket Misc. 7 Folio 452

May 17, 1965

Before: HONORABLE JOHN GRASON TURNBULL, Judge.

* * *

THE COURT: In this case both the Deputy Zoning Commissioner and the Board of Appeals passed orders reclassifying this property; and, of course, it is Hornbook that this Court can reverse only if the action of the Board was arbitrary, capricious or illegal.

This property obviously has some almost unique features, including the old copper mine shafts. I had never heard that they had mined copper over there until I had read the record in this case. I was very much interested in it because I used to stay with my uncle, who

lived in Mount Washington, when I was a youngster. But, be that as it may, there is evidence of change in the Jones Falls Expressway. There is, in my opinion, from the testimony of Mr. Matz and Mr. Jones, evidence upon which the Board could find that maintaining the present zoning would amount to confiscation because of the economic unfeasibility of developing it under present zoning. There is conflict on that, but there is affirmative evidence which, if believed, in my opinion, the Board could have acted on.

On the question of traffic, which is the biggest issue in this case, I think, there is evidence which, if believed, from which the Board could come to a conclusion that no traffic problem would be created. I think the Board erred in not permitting the proffered evidence as to the problem just over the line in Baltimore City, but they heard the proffer, they knew what it was, and despite that granted the reclassification, finding that no traffic problem would arise.

Of course, the Petitioner carries the very heavy burden of showing either change or original error or confiscation, which would be original error, but there is

also a presumption at this level that the action of the Board was proper and must not be disturbed unless, as I said, it is illegal, arbitrary or capricious. While I personally might very well have found other than the way the Board found, it is not my function to act as a zoning body but simply to determine whether or not there was evidence upon which the Board could have reached the conclusion it reached, and, in my opinion, there is evidence in this record upon which the Board could reasonably have reached that conclusion, and the order of the Board will be affirmed.

* * *

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

64-41R

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Louis M. Glass & Mildred legal owner S of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-10 and R-20 zone to an R-A zone; for the following reasons:

See attached memorandum

MAP #5 Sec. 3 C

R-A 2/6/64

See Attached Descriptions

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

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

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

Louis J. Glass
Mildred Glass
Contract purchaser — Legal Owner

Address 320 Patapsco Ave. Balto. Md. 21225 — Address

Edward A. Crooter
August A. Conover
Petitioner's Attorney — Protestant's Attorney

Address Suite 805, Tower Bldg. Balto., Md. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of December, 196 3, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of February, 196 4, at 1:00 o'clock P. M.

DEC 17 63

John G. Rose
Zoning Commissioner of Baltimore County.

(over)

1:00 P 3/13/64 304

LOUIS GLASS NE/corner of Smith Ave. & Timber Ridge Dist. 3rd

64-41-R

RE: PETITION FOR RECLASSIFICATION from R-10 and R-20 to R-A Zone NE corner Smith Avenue and Timber Ridge Road- 3rd District Louis Glass-Petitioner

BEFORE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY No. 64-41-R

The subject property, consisting of some 33 acres, is situated on northeast corner of Smith Avenue and Timber Ridge Road. The northeast side of the petitioner's land borders the Jones Falls Expressway. The petitioner has requested R-A zoning to permit the construction of 304 garden type apartments with 331 offstreet parking areas, and the apartments would rent from $75.00 and up a month.

Numerous witnesses testified on behalf of the petitioner. It was pointed out that sewerage, water, gas and electric are available. The land was described as being full of ravines and streams. The front portion of the property bordering on Smith Avenue is in effect an abandoned copper mine. Part of the land has been and is still being used as a dump. If the requested R-A zoning is granted, the dump will be covered over. There is a great deal of rock content in the land, thus making grading operations extremely expensive.

Mr. Walter Jones, Real Estate Expert, testified that the subject tract has been listed "For Sale" numerous times within the last five years but is not marketable for either R-A-10-20 or LO Zone purposes due to the rough topography of the land. It was his opinion the most feasible use of the property would be for apartment construction. Mr. Jones feels there was an error in the original zoning of the subject tract of land.

Mr. Joseph Thompson, Consulting Engineer, testified that several traffic surveys have been conducted in this area and if the requested zoning were granted, no traffic hazard would be created. Smith Avenue is a twenty-two foot wide paved road and can handle nine hundred cars an hour. Future plans call for the widening of Smith Avenue to thirty-six feet.

Mr. Bernard Peters, an attorney representing the adjacent property owner on the north side, testified in favor of R-A Zoning.

It is the opinion of the Deputy Zoning Commission that the subject tract of land is unfit for R-10 or R-20 Zone purposes and that zoning was indeed in error with respect to the petitioner's property. It is felt the most logical use of the land would be R-A Zoning.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 21 day of February, 196 4, that the herein described property or area should be and the same is hereby reclassified from an R-10 and R-20 Zone to an R-A Zone, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardesty
EDWARD D. HARDESTY
Deputy Zoning Commissioner of Baltimore County

LEO W. RADER — Page No. 1 of 3
REGISTERED SURVEYOR
HYDROGRAPHY, TOPOGRAPHY, GEODESY — SUBDIVISION ENGINEERING, TITLE SURVEYS, LAND PLANNING

38 Belfast Road - Timonium, Maryland — CL 2-2920 or 252-2920

August 26, 1963

DR. LOUIS GLASS
LAND TO BE REZONED FOR MT. WASHINGTON APARTMENTS

All that piece or parcel of land situate lying, and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING for the same at a concrete monument with a brass disc on the top marked Glass No. 1 now set at the beginning of the fourth or North 73½ degrees West 83.6 perches line of the parcel of land described in a deed dated June 30, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2735 Folio 207, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife, said concrete monument being distant, as now surveyed, (and referred with all other bearings of the present description to the true meridian as established in this area from the control survey net of the Baltimore County Metropolitan District) North 9 degrees 32 minutes 36 seconds East 944.42 feet from Baltimore City Boundary Monument No. 9900, located on or near the easternmost side of Smith Avenue at its intersection with the Baltimore City Boundary Line, thence running with and binding on a part of said fourth line, as now surveyed, North 79 degrees 14 minutes 38 seconds West passing over a concrete monument with a brass disc on the top marked Glass No. 2 now set at a distance of 188.90 feet (the coordinates of said last mentioned monument as referred to said Baltimore County Metropolitan District control survey net being North 28,092.54 and West 12,513.54) for a total distance of 288.90 feet to intersect the easternmost side of Smith Avenue 60 feet wide, the coordinates of said point of intersection referred to said survey net being North 28,111.20 and West 12,611.78, thence binding on the easternmost, northeasternmost, and northernmost sides of Smith Avenue 60 feet wide, the eight following lines respectively, viz: North 2 degrees 01 minute 19 seconds East 84.80 feet, by a line curving to the left with a radius of 280.00 feet for a distance of 192.98 feet (the chord of said arc bearing North 17 degrees 43 minutes 23 seconds West 189.18 feet), North 37 degrees 28 minutes 03 seconds West 142.83 feet, by a line curving to the left with a radius of 380.00 feet for a distance of 237.51 feet (the chord of said arc bearing North 55 degrees 22 minutes 23 seconds West 233.66 feet), North 73 degrees 16 minutes 43 seconds West 285.45 feet, by a line curving to the left with a radius of 580.00 feet for a distance of 179.81 feet (the chord of said arc bearing North 82 degrees 09 minutes 36 seconds West 179.09 feet), South 88 degrees 57 minutes 32 seconds West 137.33 feet, and by a line curving to the left with a radius of 2530.00 feet for a distance of 115.59 feet (the chord of said arc bearing South 89 degrees 39 minutes 00 seconds West 115.58 feet) to intersect the fifth or North 10 degrees East 110 perches line of the aforementioned parcel of land at a point distant, as now surveyed, North 4 degrees 04 minutes 22 seconds East 408.86 feet from a stone 3.8 feet more or less below existing ground level, heretofore set at the beginning of said fifth line, the coordinates of said point of intersection referred to said survey net being North 28,721.61 and West 13,649.12, thence leaving the northernmost side of Smith Avenue and running with and binding on a part of

LEO W. RADER — Page No. 2 of 3
REGISTERED SURVEYOR
HYDROGRAPHY, TOPOGRAPHY, GEODESY — SUBDIVISION ENGINEERING, TITLE SURVEYS, LAND PLANNING

38 Belfast Road - Timonium, Maryland — CL 2-2920 or 252-2920

GLASS - MT. WASHINGTON APTS. 8/26/63 (cont'd.)

said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 109.00 feet to a concrete monument with a brass disc on the top marked Glass No. 3 now set, the coordinates of said last mentioned monument as referred to the Baltimore County Metropolitan District control survey net being North 28,830.34 and West 13,641.40, thence continuing to bind on a part of said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 443.00 feet to a concrete monument with a brass disc on the top marked Glass No. 4 now set, the coordinates of said last mentioned monument referred to said survey net being North 29,272.22 and West 13,609.93, thence continuing to bind on a part of said fifth line, as now surveyed, North 4 degrees 04 minutes 22 seconds East 848.71 feet to a stone heretofore set at the end of said fifth line, the coordinates of said stone referred to said survey net being North 30,118.79 and West 13,569.66, thence running with and binding on the sixth or South 54½ degrees East 32 perches line of the aforementioned parcel of land, as now surveyed, South 60 degrees 33 minutes 35 seconds East 519.86 feet to a stone heretofore set, the coordinates of said last mentioned stone referred to said survey net being North 29,861.96 and West 13,097.68, thence running with and binding on the seventh or South 11½ degrees East 42 perches line of said parcel of land, as now surveyed, South 17 degrees 18 minutes 02 seconds East 676.99 feet to a stone heretofore set, the coordinates of said last mentioned stone referred to said survey net being North 29,215.60 and West 12,896.35, thence running with and binding on a part of the eighth or North 75-3/4 degrees East 39½ perches line of said parcel of land, as now surveyed, North 69 degrees 37 minutes 45 seconds East 425.10 feet to intersect the southwesternmost Right of Way line of the Jones Falls Expressway, the coordinates of said point of intersection referred to said survey net being North 29,363.58 and West 12,497.89, thence binding on said southwesternmost Right of Way line of the Jones Falls Expressway by a line curving to the left with a radius of 2841.83 feet for a distance of 428.44 feet (the chord of said arc bearing South 40 degrees 52 minutes 41 seconds East 427.97 feet) to a point, the coordinates of said point referred to said survey net being North 29,040.06 and West 12,217.82 thence continuing to bind on the southwesternmost side of the Jones Falls Expressway South 21 degrees 30 minutes 12 seconds East 54.65 feet to intersect the second or North 81½ degrees West 33-3/4 perches line of the aforesaid parcel of land, the coordinates of said last mentioned point of intersection referred to said survey net being North 28,989.21 and West 12,197.78, thence leaving the Jones Falls Expressway and running with and binding on a part of said second line, as now surveyed, North 88 degrees 19 minutes 12 seconds West 14.58 feet to a stone heretofore set, the coordinates of said stone referred to said survey net being North 28,989.64 and West 12,212.36 thence running with and binding on the third or South 13½ degrees West 57-1/3 perches line of said parcel of land, as now surveyed, South degrees 04 minutes 09 seconds West 939.48 feet to the place of beginning, the coordinates of said point of beginning referred to said survey net being North 28,057.29 and West 12,327.96.

LEO W. RADER — Page No. 3 of 3
REGISTERED SURVEYOR
HYDROGRAPHY, TOPOGRAPHY, GEODESY — SUBDIVISION ENGINEERING, TITLE SURVEYS, LAND PLANNING

38 Belfast Road - Timonium, Maryland — CL 2-2920 or 252-2920

GLASS - MT. WASHINGTON APTS. 8/26/63 (cont'd.)

CONTAINING 33.55 acres of land more or less.

BEING a part of the parcel of land described in a deed dated June 30, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2735 Folio 207, which was conveyed by W. Herbert Cypull and wife to Louis J. Glass and wife.

TELEPHONE 823-3000

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

No. 23219
DATE 3/20/64

To: Messrs. Silor & Sullivan, 1410 Court Square Building, Baltimore 2, Md.

BILLED BY: Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Appeals Cost - Louis J. and Mildred Glass No. 64-41-R	$70.00

PAID — Baltimore County, Md. — Office of Finance

3-2064 1553 • 23219• TIP— 70.00
3-2064 1553 • 23219• TIP— 70.00

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

TELEPHONE 823-3000

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

No. 24745
DATE 1/18/65

To: Sullivan & Flint or 1410-20 Court Square Bldg. Baltimore, Maryland 21202

BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Cost of Certified Documents - No. 64-41-R Louis J. Glass, et al NE cor. Smith Avenue & Timber Ridge Road 3rd District	$7.00 $7.00

PAID — Baltimore County, Md. — Office of Finance

1-1865 9187 • 24745• TIP— 7.00

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

TELEPHONE 823-3000

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

No. 21587
DATE 2/5/64

To: A and L Realty Co. 320 Patapsco Ave. Baltimore 25, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Advertising and posting of property for Louis Glass #64-41-R	$140.00 140.00

PAID — Baltimore County, Md. — Office of Finance

2-564 9748 • 21587• TIP— 140.00

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

TELEPHONE 823-3000

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

No. 24743
DATE 11/14/64

To: Allen J. Malester, Esq. 1410-20 Court Square Bldg. Baltimore 2, Maryland

BILLED BY: County Board of Appeals (Zoning)

DEPOSIT TO ACCOUNT NO. 01.712

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Cost of copies of papers from Zoning File No. 64-41-R Louis J. Glass NE corner Smith Avenue & Timber Ridge Road 3rd District	$5.50 $5.50

PAID — Baltimore County, Md. — Office of Finance

11-1664 8556 • 24743 TIP— 5.50

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

TELEPHONE 823-3000

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

No. 23227
DATE 3/30 64

To: Messrs. Siler & Sullivan, 1410 Court Square Building Baltimore 2, Maryland

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

DEPOSIT TO ACCOUNT NO. 01.621

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Cost of posting property for appeal hearing - Louis Glass property No. 64-41	$25.00

PAID — Baltimore County, Md. — Office of Finance

4-264 1691 • 23227• TIP— 15.00
4-264 1691 • 23227• TIP— 15.00

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

TELEPHONE 823-3000

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

No. 21506
DATE 12/12/63

To: A & L Realty Co. 320 Patapsco Ave. Balto. 25, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Petition for Reclassification for Louis Glass	$50.00 50.00

PAID — Baltimore County, Md. — Office of Finance

12-1763 7956 • • • TIP— 50.00

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