June 2. 1964 No. 64-117-R - Albert Kermisch, et al ...... Patition, description of property and order of Deputy Zoning Commissioner Certificate of posting Certificates of givertising Comments of Office of Planning Comments from Fire Bureau etw photographs Petition of protest h atens Appeal Photogrammetric Map Plat filed with petition Counsel for petitioner Massrs. Power & Messer, 3h West Chesapeake Avenue, Towson h, Md. Harry S. Swartswelder, Jr., Esq., 1706 Mune y Building Baltimore 2, Md. . . protestants

MIN -4 164 4 HARRY S. SWARTZWELDER, JR. June 3 1964

Mr. John G. Rose Zoning Commissioner County Office Building Towson, Maryland 21204

R-6 Zone to R-A Zone, Winands Road between Scotts Level Road extended and Valley Forge Road, Albert Kermisch, Petitioner

1708 HUNSEY BUILDIN

Pursuant to your request, I wish to advise you that I represent Mr. Joseph Teitelbaum who is protestant of record.

Yours very truly,

Harry S. Swartzwelder, Jr.

#64-11712

HSS/rr

Jane 2, 196h

Wery truly yours

Petition for Reclassification, State R - 6 zone to R - A zone, winands Road between Scotts Lower 1981 (1981) and 1981 (1981) a ZONING COMMISSIONER FOR Valley Forge Road, Albert Kermisch, Petitioner 64-117 APPRAT. Please enter an Appeal from the Order of the Deputy Zoning Commissioner entered in this case on April 30, 1964,

on behalf of the Protestants therein.

MAY 28 '64 M

Harry S. Swartzwelder, Jr. 1708 Munsey Building, Baltimore, Maryland 21202

Attorney for Protestants.

April 30, 1964

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date March 17, 1964

TO Mr. Janes A. Dyer, Chairman
Zoning Advisory Committee
FROM Capt. Paul H. Reincke
Pire Bureau

SUBJECT Mr. Albert Kermisch
W/S Winams Road N. Valley Forge Road
District 2 3/13/64

Mater mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Matthance County Standard Design Hommal. Specing of hydrants shall be 500 feet distance spart as measured along an improved road, and within 500 feet from any dealling. Mydrants shall be located in a pattern approved by the Baltimere County Fire Bursan.

Contact Capt. Paul H. Reincke at Valley 5-7310 for information con-cerning above comments.

#64-117R BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING ......

March 18, 1964 WESTERN COUNTY OFFICE BUILDING TOWSON L. MARYLAND

Messrs. Power and Mount 3h W. Chesapeake Avenue Towson h. Haryland

SE(. 2.C RA

Petition for Reclassification from SUBJECT: R-6 to R-4 for Albert Kerndsch located on the W/S Winkes Road N of Valley Forge Rd.

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING & ZCHING: The widening and location of Winans Road, as indicated on the plan, will be subject to review and approval of this office. TRAFFIC DEPARTMENT: No comment

BUREAU OF EMOINEERING: The petitioner's Engineer should substantiate the extension of the proposed utilities from Bonnie Free Road as indicated on the plan.

HEALTH DEPARTMENT: No comment

STATE ROADS COMMISSION: No comment

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: See attached comment

INDUSTRIAL DEVELOPMENT: No comment BUILDINGS DEPARTMENT: No comment

BOARD OF EDUCATION: No comment

ec: Albert Quimby-Office of Planning & Zoning George Reier-Bureau of Engineering

JED/ba

Yours very truly, Janua & Dyn

Re: Zoning File No. 64-117-R Albert Kermisch, Petitioner

In accordance with Rule 1101 (b) of the Rules of Procedure of the Court of Appeals of Maryland, the Courty Board of Appeals is required to butch! the record of proceedings of the zoning appeal which you have life as to the Circuit Court for Belthone County, in the above metrie, within 30 days.

January 4, 1966

The dest of the tremcript, plus any other documents, met be peld in time to meanth the tense to the Circuit Court not letter than 30 days from the date of any petition you might file in Court, in occordance with Rule 1101 (b).

Edith Y. Elsenhart, Secretory

June 2, 1964 No. 64-117-R - Albert Mermisch, et al ....... Putition, description of property and order of Daputy Zening Gesmissioner Certificate of posting Certificates of advertising Comments of Office of Planning Commonts from Fire Bureau Six photographs Petition of protest h atena Appeal eal togrametric Map Plat filed with petition ...... Counsel for potitioner Massrs. Power & Mesner, 3h West Chesapeake Avenue, Towsen h, Md. Harry S. Smartswelder, Jr., Eq., "protestants 1708 Nume y Betlding Balthere 2, Fd.

April 30, 1964

Sincerely yours.

EDMARD D. HARDESTY outy Zoning Consission

I have this date passed my Order in the above captioned matter. Comy of said Order is attached.

RE: Petition for Reclassification Petition for Reclassification H=6 Zons to on H=6 Zons W/N Wimms Load, N. of Valley Forse Read— Znd District Albert Kernisch- Petitioner No. 64-117-E

William Mosner, Equatry

Dear Nr. Mosners

3h W. Charapento Avonus Towson L. Moryland

Mr. Joseph Teitelboum (h735 Balle Forte Road Baltimore, Haryland 21208

BALTIMORE COUNTY, MARYLAND

Date March 17, 1964

TO Mr. Janes A. Byer, Chairman
Zoning Advisory Countities
FROM Capt. Paul H. Reincke
Mrs Bureau

Contact Capt. Paul H. Reincke at Walley 5-7310 for information con-

Mesars. Power & Mosner, 34 West Ches peaks Aver Towson 4. Karyland Att. William F. Mosmer.

June 2, 196h

Please be sivised that an appeal has been filed from the decision rendered in the above matter.

You will be duly notified of the date and time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

Petition for Reclassification, R - 6 zone to R - A zone, Winands Road between Soning Commissioner For Scotts Level Road extended and Valley Forge Road, ZONING DEPREZATORS

Albert Kermisch, Petitioner

APPRAT.

MAY 28 '54 M

Please enter an Appeal from the Order of the

Deputy Zoning Commissioner entered in this case on April 30, 1964, on behalf of the Protestants therein.

Before the

Attorney for Protestants

INTER-OFFICE CORRESPONDENCE

SUBJECT Mr. Albert Kermisch
W/S Winams Road N. Valley Forge Road
District 2 3/13/64

Water nains, meters, and fire hydrasts shall be of an approved type and installed in accordance with the Baltimore County Standard Design Hemmal. Specing of hydrants shall be 500 feet distance spart as measured along an improved road, and within 300 feet from any dwelling. Rydrasts shall be located in a pattern an overed by the Baltimore County Fire Bureau.

#64-117P BALTIMORE COUNTY OFFICE OF PLANNING AND ZD NING

March 18, 1964 WESTER COUNTY OFFICE BUILDING TOWSON L, MARYLAND 651.2.6

Messrs. Power and Mosner 3h W. Chesepeake Avenue Towson h, Maryland

Gentlement

. HW-4844 ---

ZONING DER

RE: Petition for reclassification

R-6 Zone to R-A Zone, Winands Road between Scotts Level Road extended and Valley Forge Road, Albert Kermisch, Petitioner

fary & Swartzwelder, Jr.

#64-11712

WARRY & SWARRENGER DER TR

June 3 1964

Pursuant to your request, I wish to advise

Yours very truly,

you that I represent Mr. Joseph Teitelbaum who is protestant of record.

Harry V

Mr. John G. Rose

HSS/rr

Zoning Commissioner County Office Building Towson, Maryland 21204

1708 MUNSEY BUILDIN BALTIMONE 2, Mo. 727-4929

Petition for Reclassification for R-6 to R-A for Albert Kermisch located on the W/S Winams Road N of Valley Forge Ed.

RA

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING & ZCHING: The widening and location of Winans Road, as indicated on the plan, will be subject to review and approval of this office. TRAFFIC DEPARTMENT: No comment

BUREAU OF ENGINEERING: The petitioner's Engineer should substantiate the extansion of the proposed utilities from Bonnie Frame Road as indicated on the plan.

HEALTH DEPARTMENT: No comment

STATE ROADS COMMISSION: Eo comment

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: See attached comment

INDUSTRIAL DEVELOPMENT: No comment

BUILDINGS DEPARTMENT: No comment

BOARD OF EDUCATION: No comment

oc: Albert Quimby-Office of Planning & Zoning

JED/ba

Yours very truly, Janus & Pyer January 4, 1966

William F. Mosney, Esq. 34 West Chesopeake Avenue Towson, Maryland 21204

Re: Zoning File No. 64-117-R

In accordance with Rule 1101 (b) of the Rules of Procedure of the Court of Appeals of Maryland, the Courty Board of Appeals is required to butbatt the record of proceedings of the zoning appeal which you have to an to the Circuit Court for Baltimore County, in the above metter, 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 pold 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 1 1101 (b).

Enclosed is a copy of the Certificate of Notice. Also bill in the amount of \$11,00 covering cost of certified copies of necessary document

Edith Y. Elsenhart, Secretary

R-6 Zone to an R-4 Zone M/S Winens Road, N of Valley Force Road- 2nd District

DEPUTY ZONING COMPUSSIONER

.........

The petitioner's property consists of 11th scree of land and is located on Wimans Road, approximately 2000's morth of GLG Court Road. Part of this land was obtained in 1955 and the remainder was purchased in 1955.

times are three business eventy five feet north of the subject times are three ratio occurs which are stably as south are all stables are the contract of the subject times of the subject times of the subject times of the subject times of other times of the subject times of the subject times are subject times are subject to the north and nother times times of the subject times proposed on the president both to the north subject times proposed on the president both to the north subject times are subject to the subject times are subject times are subject to the subject times are subject times are subject to the su

proper is imprope because of detailment the present R-d scating of the subject is to provide the subject to the subject of the subject properties—that is to provide the subject to the subject to the subject to the present R-d scan. The owner tentified several harm lending institutions refused to kinese construction of institutioning. However, there aloning institutions were subject to the subj

Mr. Mermisch, co-comer, stated he has corned part of the property for nine years but could not sail any of the property either in lots or as a whole because of the shably neighborhood immediately serrounding his land. He further stated the tract was scurrified "For Cale" for years in the weekly energeparty but were unmiss to obtain a beyone

If R-4 soning were granted, the owner would construct
212 parden type spartment units with a recreational area of 3 1/2 acres for
the endyment of the tenants. Sever and water are available. An apartment
house development would create no serious traffic hasard,

their opposition to the proposed re-coning because of the over-crowding of the schools and the creation of a turffic heard on Winns Read. However, no sufficient evidence was presented by the protestants to substantiate their constitutions. It was intervaling to note that a t least one processor and the schools of the substantiate their constitutions. It was intervaling to note that a t least one processor and the substantiate their constitutions of an another constitution of a shopping conter on the publicant's property.

The two spins of the political property.

It is the optimized the larger India Commissioner, the politicars have certainly extensive surger street to desape the land twint the present he classification. It is obvious the scale map was in array with respect to the present scaling classes the contemp was in some with respect to the present scaling contemps appropriate surger of the present scaling of the present scaling of the present scaling of the present scale of the classes of the scale that the scale is a scale of the scale that the scale of the s

Baltimore County this 20 day of April, 1904, that the heretin described property or area should be and the same is hereby realessifite from an R-6 some to an R-4 some, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zening.

EDWARD D. HARDESTY Zoning Commissioner of Baltimore County

Ret Zoning File No. 64-117-R Albert Kermisch, Patitioner

Very tody yours.

Edith T. Elsenhort, Secretary

Walter I. Self, Jr., Esq. 1605 Court Square Building Baltimore, Manufact 21202

Re: Zoning File No. 64-117-R Albert Kermisch, Petitioner

Dear Mr. Selfs

Notice is hereby given in accordance with the Rules of Procedure of the Court of Appeals of Maryland that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice

Very truly yours.

Edith T. Elsenbart, Secretory

ca: Harry S. Swartzwelder, Jr., Esq

LAW OFFICES WALTER I. SEIF, JR.

RITTE 1605 COURT SQUARE BLDG. BALTIMORE, MARYLAND 21202 Plate 20115

September 21, 1965

Edith T. Eisenhart, Secretary County Board of Appeals County Office Building Towson, Maryland 21204

Re: No. 64-117- R Petition of Albert Kermisch, et al for reclassification from R-6 zone to an R-A zone W/S Winans Road North of Valley Forge Avenue 2nd District

Dear Mrs. Eisenhart:

Please summon individually and with a Subpoena Duces Tecum,

George Gavriellis Office of Planning & Zoning County Office Building Towson, Maryland

to produce any and all records, plats, charts, graphs or other data per-taining to the above captioned land which is the subject of this Petition, W/S Winans Road North of Yalley Torte Avenue in the 2nd Election District of Salimore Coop, and the Coop of the Coop of the Coop of the District of Salimore Coop, and the Coop of the Coop of the Coop, and being the proper of the Salimore County Office of Planning and Zoning, and make sams returnable for Turnday, September 21, 1955, at 1000 A, M, in Room 301, County Office Suilding, to appear on behalf of the Protestants.

Very truly yours Thatter Sey. WALTER I. SEIF, JR.

Mr. Sheriff:

Please issue summons in accordance with the above.

Reid 9-22-65 8:45am

Edith J. Eisenhart
Edith T. Eisenhart, Secretary
County B oard of Appeals of Baltimore County

LAW OFFICES WALTER I. SEIF, JR.

> SUITE 1991 COURT SOURRE BLDG BALTIMORE, MARYLAND 21203

Plan 20111 July 2, 1965

County Board of Appeals County Office Building Towson Md 21204

> Re: Zoning No. 64-117-R Albert Kermisch, Petitioner

Gentlemen:

In response to your letter of June 29, 1965, this is to advise that I represent the following people in protest to the above zoning:

> John Culleton 3923 Susanna Road Randallstown, Md.

Joseph Teitelhaum

Lila Gelman

I wish to make it clear to the Board that these are the people I wish to make it crear to the board that these are the peop that I am naming at this time but this in no way represents the true picture, as I have been retained by improvement associations and I represent a great number of people who are unnamed.

At the hearing of this matter. I will not be limited to those names as witnesses nor do I expect to be representing just these three.

> Very truly yours, Statter I Seif WALTER I. SEIF, JR.

WIS:nl

Walter 1. Self, Jr., Esq. 1605 Court Square Building Boltimore, Maryland 21202

Re: Zoning File No. 64-117-R Albert Kermisch, Petitioner

We are in receipt of your letter dated June 24, 1965 entering your appearance as an attorney for protestants in the obove captioned matter. It has been the consistent policy of the Board to require attorneys to make the persons they reprusent when entering an appearance in a case before the Board.

Accordingly, I would appreciate it if you would advise us as promptly as possible of the names and addresses of the person or persons you represent in this case.

William S. Baldwin, Chairman

LAW OFFICES WALTER I SEIF IR

> SUITE 1465 COURT SQUARE BLDG. Ham 20111 June 24, 1964

County Board of Anneals County Office Building

> Re: Appeal No. 64-117-R Appeal-Albert Kermish

Please enter my appearance as attorney for the Protestants in

I would appreciate it if you would send copies of all notices to me.

Very truly yours,

Halles I See WALTER I. SEIF. IR.

ce: Harry Swartzwolder, Esq.

Bullias.

WALTER I. SEIF, Jr. Afformey at Low 1605 COURT SQ. BLDG. BALTIMORE, MD. 21202

May 17 . 1965

William Baldwin, Esq., Chairman County Board of Appeals 301 County Office Building Baltimore, Md. 21204

I am aware of the Board's position as to postponements, but as I informed you on May 14, 1955, when we were discussing another case, it will be impossible for me to try any matters between June 16 and July 1, 1955, as I will be out of the city during that period of time.

Therefore, it is most important that this mitter be postor as I am the attorney actively engaged representing the Protestants at ample notice is being given.

Edith T. Eisenhart, Secy.

WALTER I. SEIP. IR.

BALTIMORE COUNTY, MARYLAND #64-117R INTER-OFFICE CORRESPONDENCE

Mr. John G. Rose, Zoning Commissioner Date. April 6, 1964

FROM ... George E. Cavrelis, Acting Director

SUBJECT 66-117-2, R-6 to R-A. West side of Winams Rosi North of Valley Force Avenus. Heling property of Albert Kernisch

2nd District

Thursday, April 16, 1964 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from 8-6 to 8-4 Zoning and has the following advisory comment to make with respect to pertinent planning factors:

1. The subject property is situated on the vesterly ride of bilance Road in an area cond embastway for Rody purposes. There is no spartness under cartaint in the insecties vicinity of the areas. The style or are there are vicility-stoned conservaid areas. The style or are there are vicility-stoned conservaid excitation and the state of the contract of the locations of the locations of the locations of the locations are vicinity for the location of the loc

WALTER I. SEIF JR.

SUITE 1601 COURT SOUARE BLDG BALTIMORE, MARYLAND 21202

William Baldwin, Esq., Chairman

Re: #64-117-R Petition of Albert Kermisch, et al for reclassification from R-6 zone to an R-A zone W/S Winans Road North of Valley Forge Avenue 2nd District

I am aware of the Board's position as to postponements, but as I informed you on May 14, 1985, when we were discussing another case, it will be impossible for me to try any matters between June 16 and July 1, 1985, as I will be out of the city during that period of time.

Therefore, it is most important that this matter be postponed as I am the attorney actively engaged representing the Protestants and ample notice is being given.

PETITION FOR
RECLASSIFICATION
2nd DISTRICT
ZONING: From R-6 to R-A
Zone.
LOCATION: West side of Winams Road North of Val-

LOCATION: West size of Valnans Read North of Valley Forge Avenue.

DATE & TIME: THURSDAY.
APRIL 16, 1964 at 1:00 P.M.
PUBLIC HEARING: Reom
108, County Office Building, 111
W. Chesapeake Avenue, Towsen,

the Campy (fifthe building, 11) W. Changelon. Average, Francisco, V. Changelon. Average, Francisco, V. Changelon. Average of the Tanipe And Carlo (Fig. 1) and the Tanipe And Ca

County Board of Appeals

Hallen I Soil, WALTER I. SEIF, JR.

BALTUORE COUNTY, MARY AND OFFICE OF FINANCE

Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

BILLED & County Board of Appeals
(Zoning)

No.34540

DATE 1/27/66

DEPOSIT TO ACC			LOLA IA
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
-	Cost of Certified Documents -	File No. 44-117-2 Albert Kernisch, et al W/S Wieses Road N. Valley Forge Ave. 2nd District	\$11
		PAD-to-secure int-colored	Hinne
	4	2766 1468 * 34540 HP-	1.00

ORIG INAL

THE BALTIMORE COUNTIAN

THE HERALD - ARGUS

No. I Newburg Avenue

CATONSVILLE, MD.

March 30.

THIS IS TO CERTIFY, that the annexed advertisem 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-One Week successive wasks before land once a week for the 3 th day of March. 1964 , that is to say the same was inserted in the issues of March 27, 1964.

THE BALTIMORE COUNTIAN

By Paul J. Morgany Editor and Manager.

May 27, 1945 Walter I. Seif, Jr., Esq. 1605 Court Square Building Baltimore, Md. 21202 Re: Zoning File No. 64-117-R Albert Kermisch, et al Dear Mr. Self: 1. Number of witnesses you anticipate calling 2. How many of these witnesses will be "expert witnesses" 2 Fields to be covered by experts you intend to call - please check: Troffic

4. Total time required (in hours) for presentation of your side of the case

Talle. Attorney for Protestants (Petitioners

CERTIFICATE OF PUBLICATION

● 64-117

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in To. -n, Baltimore County, Md., ourse in ceach or 1 time seccesive weeks before the 16th day of \_\_\_\_\_\_April \_\_\_\_\_\_19.65 the first publication appearing on the \_\_\_\_374b\_\_\_day of \_\_\_\_\_Vorch

THE JEFFERSONIAN. Trend Structure

Cost of Advertisement. \$\_\_

TONING From R4 to RA Zeng
LOCATION: West ode of Window Review
North of Valley Forge Avenue
DATE & TRINETHERING, April 16, 126
at 1000 P. M.
PUBLET BLARING: Room 199, County
Office Building, 111 W. Chespeake Avenue, Toner, Tenson, Marjand,

The Zening Commissioner of Baltimore County, by authority of the Zoning Art and Beguitations of Baltimore County, wit and Beguitations of the Second Dutriet of Baltimore County:
Description of 15.4 Acres More or Less Tract also on Mixed Side of Lind of Lin

.

BALTIMORE COUNTY, MARY ND OFFICE OF FINANCE

No. 23341 DATE 1/20/64

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTAN 67.50 Advertising and posting of property for Albert Kermisch, et al. PAID-townstown to consistent 4-2064 2613 . 23341. 119We the undersigned residents of Imperial Sardens, and surrounding eres; located on Minanda Road in Randallstom, the control of the Sardens of Sardens of

Hyra Jolian Sent State The Ruman Butun Danley Harl Martin Wagenite Landard son A. Culleta me mas Long Wallaugh Donathy D. Culleton Mr & Mrs R. J. Pfeffer Viiginia D. Newman Chelle A. Mays new Vernon E. tik S. Mrs Walter B Kerk Hellis R. Mays mo to Ray Constate & Carolyn E. Hargis Mrs May Constable T.C. Hangi mus Charles C. Luhl marie L. Kelly Mrs Tarmi & Lernard Benge O. telly Russell Missan & H Leonard Frank Donato Katherine Glosson Anne K Schwarfman Sam Schwartyme august & Denhard parshall Reguir. and J. ostardelle Dernice needle Clady E. acchemies made lade JAHL E. Hogert Charles N. aschemen Par colen al Goldfarb Ed Caken

> #64-117R April 3, 1964

Res Petition for Albert Kermisch, et al

This is to advise you that \$67.50 is due for advertising and

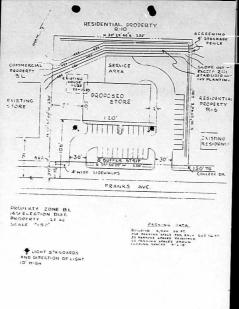
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

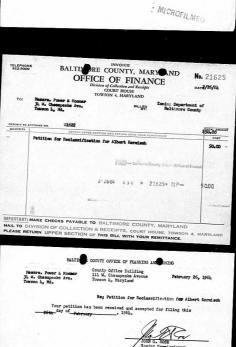
CHECKL. FOR INFORMATION TO BE SHOWN ON PLOT PLANE This checklist shall serve as a guide in preparing plot plans for building permits and shall proper of Souting Putillions so that an application may be processed in the most efficient namer. All times listed below which are applicable to your applied to the most efficient Serven (7) copies of the plot plan must encount of the property of the plot plan must accompany an application for a building permits. Six (6) copies of the plot plan must accompany an application for a building permits. A. North arrow, indicating the direction of north B. Scale of drawling: 1°=10'; 1°=50'; if acreage of property exceeds to acres, scale of drawling should be 1°=100' D. Dimensions of property (including bearings and distances) E. Relation of tract in question to additional property owned F. Area of property in question (acres of square feet) G. Name (s) of adjoining street (s) H. Location of existing building (s) on this tract I. Distance from present property line to centerline of street (a) J. Distance from edge of paving or curb to center line of street (s) K. Distance from property to mearest intersection of a State of County Road L. Location of streams or drainage courses within or within 50 feet of proper M. Existing uses and zoning of adjacent properties N. Distance from centerline of street to all buildings located within 100 feet of each of your side property lines. (to establish setback line) O. Location and size of proposed building (s) P. Distance from proposed building to centerline of street (2) Q. Distance from sides of proposed building to property lines R. Location and width of proposed entrance (s) to property S. Indication of proposed slopes (not to exceed 2:1) and type of stabiliza to prevent erosion

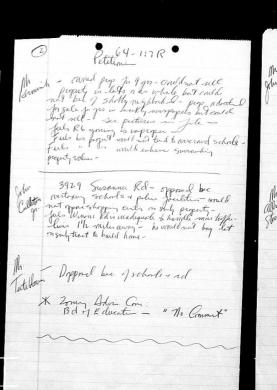
7. Off-street parking requirements

1. Registed number of spaces indicated (spaces size 9' x 18\*) and date used

1. Registed number of spaces indicated (spaces, total floor area or no. of
peatly, etc. Indication of eitht (8) foot buffer strip between parking spaces and street property line to be satablished 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. Checked by The Company of the Compan







BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Re: Petition #6h-117-

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

JOHN 3. ROSE per B.A. ZONING COMMISSIONER

Hesers. Power and H 3h W. Chesapeake Av Towson h, Hd.

IGR-ba

MALCOLM H. DILL

#64-117R

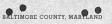
WESTERN

AREA

SE1.2-6

RA

4/10/14



INTER-OFFICE CORRESPONDENCE

# 64-117R WESTERH PER 550.26

4110/64

TO Mr. John G. Rose, Zoning Commissioner Date. April 5, 1964

FROM Mr. George E. Gavrelis, Acting Director

SUBJECT #56-117-6. 3-6 to R-A. West side of Winans Road North of Valley Force Avenue. Being property of Albert Kermisch and Ellsworth Steinberg.

2nd District

HEARING: Thursday, April 16, 1964 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from Re6 to Re4 soning and has the following advisory comment to make with respect to pertinent planning factors:

1. The sunject property is situated on the verterly side of Minaus Reed in an area zened exclusively for Rof purposes. There is no spartness boning exiting in the invention violatily of the subject property nor are there say validay-sened conservations of the sene of the subject property and the say validay-sened conservations of the sene of the sen

Petition 64- 117 R . moulty Eigner 13.4 acres on Wining bd 2000 M. Jold Ct. Rd-10 blgs with the 212 units - Sender Typerenotion area 73/2 acres to ke set asile parting of 212 cores to be SET dische parting on 212 cores sourcage + with are available - Novan Rd of 20 parel will be increased to the Turk is young in granted - Novan Rd of 36 with apt is grated. Novan Rd of 36 with apt is perford by led Rd Lett's kied Rd is perford by Party to go then middle of Putter is grop

a perhate 1955 - 200 in 1963 6- anei - M 1 prop ar 3 rate towers 80' high - 375' away -N - radio towers

E - When Pd + racas PK 5 - Old Allepideld with dwellings W - rocas R6

On both N+S garloge is deposed on premier

tel 86 is impager going became I good determent Jaun- jul and some I good brifter - Wisers Pros world from the good and brifter - Wisers Pros would from Javan Javan M. Butn Gy seld the game way - can my duly as R 6 - feels R A will not be detrimental -

Old How on tract would be town clown -Aprts und be - 4070 - 1BR 110+G+E Air landition 4570 2 BR 1570 - 3 BR 145"

March 23, 1964 #64-117 P-

NOTICE OF HEARING

Res Petition for Reclassification for Albert Kermisch, et al #61-117-R

1:00 P.M Thursday, April 16, 1966 PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue

PETITION # 65-268-2

2-10 to 2-6

DENIED BY ZONING COMMISSIONER

APRIL 12, 65

NO APPEAL TAKEN

BOARD 16 SIGNED . OUT FOR THIS FILE!

Requested by Mr. Gerrelia at time of hearing

ALBERT KERMISCH

NO. 64-117-R

W/S Winans Road N. of Valley Forge Avenue 2nd District

Reclassification from R-6 to R-A

13.4 Acres

Feb. 26, 1964 Petition filed

Apr. 30 Reclassification GRANTED by D.Z.C.

May 28 Appealed to C.B. of A.

c. 14, 1965 Reclassification DENIED by the Board (Baldwin, Parker & Alderman)

28 Order for Appeal filed in C.C. (Court File \$3442)

n. 27, 1966 Filed in Circuit Court

C. Dec. 5, 1967 Board AFFIRMED - Judge Turnbull + FROM COURT DOCKET

Dec. 28, 1967 - Called Mr. Cade requesting a copy of the Court's Opinion.
Mr. Grede informed the Board that he had struck his
approximate an access that he had marked the fill over
produced access that he had burned the fill over
access that the court of the court of the court
access that the court of the court of the court
when the court came before the Court, there was no
argument presented.

DENIED

OFINION

The petitioners it is care seek a reclassification from an R-6 zone to an R-A zone of a 13.4 acre tract of land on the west side of Winness Road north of Valley Forg Avenue in the Second Election District of Baltimore County.

RE: PETITION FOR RECLASSIFICATION

The subject property is bounded on all sides by R-ds soning. The load north of the subject trace is zoned R-d but is presently undeveloped as well as the load to the vest of the tract. The zoning to the south of the property is R-d and is spatitedly developed along Valley Karge Avenue with a mixture of modest dwellings some of which appear to be autotanded. East of the property, across Winean Road, there is a new development known as Layten Prark with houses in the \$15,000 to \$20,000 price range. Scotts Level Road is being extended through this development to next Winnas Road at the center of the subject tract. There are presently houses in the development being constructed approximately 1000 to 1500 feet east of Winnas Road, and as the development is completed house construction will take place all the way to the east side of Winnas Road directly across from the subject tract.

The petitioners produced expert testimony to the affect that the roads in the area are adequate and that the construction of apartments here would not unenessabily comgest them. There was also testimony by an engineer, appearing on behalf of the petitioner that in order to sewer the property for R-6 the property owners would lose approximately three acres of ground because of the difference in elevation between the rear portion of the tract and the existing sewer line in Wissons Road, otherwise his test' sony indicated that there would be no difficulty in developing this tract in its present R-d classification.

The owners of the property testified that they had been unable to successfully sell the property because of what they considered substanded locating along Winama Road on the south of the total, however, it is apparent that these houses were there when the petitioners acquired the property. The petitioners indicated that they had not sought R-A zoning on the property of the time of the odoption of the Western Area map by the County Council Decause at that time utilities were not available but that since 1962 through the development of properties east of Winama Road sever is now available at the site and, freefore, requests the reclassification to R-A.

from on K-2 zone to on K-A zone
W/S Winsons Room onth of

"OUNITY BOARD OF APPEALS
Valley Frogra Avenus,

"OF

BALTIMORE COUNTY

"ON 64-117-R

OPINION

area changing the property from form use to more intensified residential uses; and the present general change toward apartments.

Various property owners in the neighborhood appeared protesting the reclassification and stated generally that they felt that the reclassification here would cause congestion on the roads in the area and would depreciate their homes. Several witnesses

Albert Kermisch - #64-117-R

gestion on the roads in the area and would depreciate their hones. Several witnesses appeared in apposition who stated that they were as close to the house of Valley Forge and Witness Road as the subject tract and did not feel that the houses there would make this tract unuseable for R-6 development.

Mr. George E. Govella, Director of Planning for Boltimore County, testifield to apposition to the artistic setting that the hundresses the district out of the contribution of the setting setting that the nuclear setting the setting setting the set of the setting setting that the nuclear setting the setting setting the setting setting that the nuclear setting setting the setting setting setting the setting setting setting setting setting setting setting the setting s

An expert witness appearing on behalf of the petitioners testified that, in his

opinion, the Western Area map is in error in that there was not sufficient land zoned for

sportment use and very convincingly stated that under the present rate of development of

his area there would be no apartment land left two years from now unless the County saw

fit to rezone some tracts for apartment use. He further stated, in support of the petition,

that there were major changes in the area to justify the reclassification citing road construc-

tion and improvements; that utilities are now available to the tract; a general trend in the

Mr. George E. Coverlin, Director of Planning for Ballinore County, testified in opposition to the petition straint path the subject property does not meet any of the locational criteria established by the Planning Board for opertment zening in that it is not are any major arterial roads or shopping centers and it would appear to be centered in a primarily cattage development zero either than on the fringe of costage development, and that a reasoning here would not serve any transitional function. He admitted that sufficient opertment land had not been placed on the 1902 Western Area map, but disagreed with the petitioners' witnesses that this tract would be a proper location for oportment.

The petitioners here hove not met the hurten of overcoming the presumptive convenience of the mop and hove produced no testimony convincing to the Board that the County Council mode an error in aoning this property 8-6. We further feel that there have been very little, if cay, changes in the immediate neighborhood since the adoption of the poin 1982 the voud justify the recenting requested them. From the testimony of the protestants it is apposent to the Board that the immediate neighborhood is being developed in an orderly fashion as R-10 and R-6 cottage type subdivisions in occordance with the present zoning, and we further find it hard to see any reason why the subject tract cannot be economically developed in its present zoning. To rezone the subject tract would amount to the committed of the protest zoning and the property is the protest zoning until the protest zoning and the zoning and the zoning and zonin

ALBERT KERMISCH and

ELLSWORTH H. STEINNERG

Appellants

Vs.

COUNTY BOARD OF APPEALS

Appellese

Appellese

BALTIMORE COUNTY

MISC. CASE \$3442

Dooket 5 Folio 48

••••••

MISTER CLERK:

Read 10-26-66

Please enter the appearance of Baldwin and Gede and James A. Gede, as attorneys for Albert Kermi ch and Ellsworth H. Steinberg, Appellants.

James A. Gede 24 West Pennsylvania Avenue Towson, Maryland 21204 VAlley 8-5678

I HEPERY CERTIFY this 15th day of October, 1866 that I have mailed a copy of the aforegoing to the County Board of Appeals, County Office Sulding, Tewson, Maryland 1134 and to Walter I. Self, dr., Esq., attorcey for prosestants, 1805 Court Square Building, Baltimore, Maryland 11905.

James A. Gede

Zoning File No. 44-117-R - Albert Kembich - Appealed 12/28/64

ALBERT KERNOS made LOV-117-R - Albert Kembich - Appealed 12/28/64

ELEWICKIN N. STRINGERG IN THE ELEWICKIN STRINGERG IN

CERTIFICATE OF NOTICE

r. Clerks

Parametr in the provident of Ind is 1101-5 (4) of the Maryland Rules of Parametric Villians S. Beldwin, W. Ollin Parametric and I. Bross Alderman, constituting the County Issued of Appeals of Baltimore County, Insurance to be yout of the Billing of the Appeal to the representative of every party to the presenting before typ, annually, William F. Monney, Esq., 34 West Champeals Aroman, Tennas, Maryland 21206, Alternay for the Politimore, and Harry S. Sourtewolder, Jr., Str., 1709 Messay Balleling, Baltimore, Maryland 21200 and Watter I. Self, Jr., Say, 1606 Court Square Balleling, Baltimore, Maryland 21200, Alternays for the Proteinsmin, a capy of which notice is attached herein and perspective to the superior agent program of the Proteinsmin, a capy of which notice is attached herein and program of the Transpire and part hereof.

Edith T. Elizabert, Sourceary County Board of Appeals of Baltimore County County Office Building, Townen, Md. 2120 VAIloy 3-3000, Est. 570

I hardly certify that a copy of the changing Certificate of Nation has been consided to William F. Masser, Ear., 34 West Changsake Avenue, Foresan, Maryland 21304, Afternoon for the Patitiones on Heavy S. Securitades, Jr., Say, 1709 Avenue, Building, Baltimore, Maryland 21302 and Walser I. Salf, Jr., Ear., 1603 Cover Square Ballding, Baltimore, Maryland 21302 and Walser I. Salf, Jr., Ear., 1603 Cover Square Ballding, Baltimore, Maryland 21302, Attenueys for the Pyranapsake, on this Tan. on All James, 1945.

Edits 7. Electron, Society County Search of Appeals of Bulliages County ALBERT KERMISCH and
ELISWORTH H. STEINBERG
BS25 Liberty Road
Bollinors, Maryland

Appellionis

VILLIAMS, BALDWIN,
W. GILES PARKER and
COUNTY BALTIMORE COUNTY

COUNTY FORAD OF APPEALS
OF BALTIMORE COUNTY

Appellions

1 Folio No. 48

File No. 3442

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

MR. CLERK:

Pierre file, &

Edith T. Elsenhart, Secretary County 8 card of Appeals of Baltimore County Albert Kermisch - #64-117-R

ORDER

-3-

For the reasons set forth in the oforegoing Opinion, it is this 14th day of December, 1965 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS

William S. Baldwin, Chairman

W. Giles Porker

A. Bruce Gederman

........................ TO THE HONORABLE, THE JUDGE OF SAID COLET! want William S. Baldude, W. Ollen Parker and S. Die No. 64-117-4 PETITION FOR ZONING RE-CLASSIFICATION

A THE CAN DE LAND THE RESIDENCE OF THE R Court for the Court Court for Saleston Court Langua of proceedings games to their out Court was extend out of the State State Security of telescope Court, or and the State State Security suggests that it would be 

JAMES CRUCKETT AS, JCIATES

WESTERH.

ore ARCA

and, said point being situate at the beginning of the second or North \$1-1/2 degrees West 1165-foot line of a tract of land which by Deed deted May 7. 1955 and recorded moons the Land Records of Baltimore County in Liber C.L.S. No. 2501 once 436 was conveyed by W. Ralph Ford and Rosin Agner Ford, his wife, to Perry Vade and Relon Wheeler Wads, his wife; thence leaving said point of g and said west side of Winams Road and running with and birding along and time and also alone the northernmost cutling of Section A of Tellareded among the Land Records of Raltimore County in Flat Book Ro. en to the end of said line; theore running with and binding along of said beforementioned Deed sud also along the third line of a nich by Deed dated October 23, 1956 and thirdly described in Libe 3040 neme 546, recorded among the Land Secords of Baltimore County was year Bryant and drace C. Tryant, his wife, to Albert Carmisch and in all, North 47 degrees 30 simutes East 359.5 (est to the end of line; thence running with and hinding along the fourth line of said lastd Deed, South 81 degrees 30 minutes East 969 feet to intermeet the the of Miners Bond: thomes munipe with and binding along et side of Winens Road, South 8 degrees 30 minutes West 515 feet to the

soint of beginning; containing 13.4 scree of land, more or less.

To the optimizer to be presented by the post yearing Commissioner, the retitioners have cortainly exhausted every effort to develop the land within the present H-G classification. It is obvious the saming and the present the research of the present present provided by the present with adequate present present

RE: PETITION FOR RECLASSIFICATION
R.6 Z.me to an R.4 Zone
W/S Wimans Road, N of Valley
Forge Road- 2nd District
Albert Kermisch-Petitioner

DESCRIPTION OF 13.4 ACRES STORE OR LESS

TA

4/10/12

REPORE THE DEPUTY ZONING COMPUSSIONER

The petitioner's property consists of 13th acres of land and is located on Winess Road, approximately 2000\* north of ULB Court Road, Part of this land was obtained in 1955 and the remeinder was purchased in 1965.

treet are three chourses stead are cityly feet north of the subject side of the treet, is course skind are cityly feet the resident stead of the treet, is course skind are cityle feet that are cityle stead of the treet, is considered to the stead of th

proper is impropr because of deterioration of the edge-ent properties—that is to say the promain an one conditions of the edge-ent properties—that is to say the promain run done conditions of the principle of the properties—that is impossible to find the properties—that is impossible to the present fed common construction of individual home under the present Red coming outcomes of individual home under the present Red coming outcomes construction of individual home under the present Red coming outcomes can type of investment property, particularly spart-approachables.

property for mine years but could not cell any of the property either in lots or as a whole because of the habby neighborined immediately serviced hit land. He further stated the truck as advertised Phre Sale' for years in the weekly newspapers but he was much to obtain a buyer.

If R-A rouing were granted, the owner would construct 212 garden type apartment units with a recreational area of 3 1/2 acres for the enjoyment of the tenants. Sever and water are available. An apartment house development would create no serious traffic hazard.

There was testimony from several protestants who votced that repossition to the proposed re-soming because of the over-creeding of the schools and the crestion of a twriftle heard on Minans Rand, However, no carficient evidence was presented by the protestants to saled survey and their contentions. It was interesting to note the saled survey copysed to an apartment development of the protestant of the contraction of a simplying center on the putilizations of property.

This description is for nowing purposes only and is not to be used for commutation of land.

Baltimore County

of the the teter of the Courty Seed of Signals is the The said said term denied the realizabilistics of

2 01 2

San Attached Description and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for ... Property is to be posted and advertised as prescribed by Zoning Regulations Property is to be posted and astructured as prescribed by coming segulations.

Low we, agree to pay expenses of above re-classification and/or Special Exception advertising,

Low 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 noning

regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore alled Rent Ellswith Steenter Address \_ 8525 Liberty Road Randallstown, Maryland 34 W. Chesapeake Avenue \_\_\_\_, 195 14 , that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property he posted, and that the public hearing he had before the Zoning Commissioner of Baltimore County in Rosen 106, County Office Building in Towson, Baltimore Building in Towson, Baltimore
196 h, at 1100.0°clock 16th day of April \_ FEB 26 '64

AND/OR SPECIAL EXCEPTION

County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the roning status of the herein described property be re-classified, jursuant

There was error on the original maps in the allowing for apartment 4/10/44
There was error on the original maps in not allowing for apartment 4/10/44
roning, and there have been changes in the neighborhood which justify
the requested re-classification.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ALBERT KERNISCH and

L or www.ELLSMORTH.STEINBERG....legal owners. of the property situate in Bal

to the Zoning Law of Baltimore County, from an... R-6....

DESCRIPTION OF 13.4 ACRES NORE OR LESS TRACE OF 148D ON 1831 SIDE OF HIMAD ROAD REGIMEND FOR THE SAME at a point on the west wide of the county road called

ALBERT KERMISCH and	IN THE
ELLSWORTH H. STEINBERG 8525 Liberty Road	CIRCUIT COURT
Baltimore, Maryland	FOR
Appellants	BALTIMORE COUNTY
<b>v.</b>	AT LAW
WILLIAM S. BALDWIN, W. GILES PARKER and R. BRUCE ALDERMAN	Misc. Docket No. 3
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	Folio No. 48
Appellees	File No. 3442

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, W. Giles Parker and R. Bruce Alderman, 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. 64-117-R

Petition of Albert Kermisch and Elisworth Steinberg for reclassification from an R-6 zone to an R-A zone of property located on the west side of Winars Road north of Valley Forge Avenue, 2nd District - filled Feb. 26, 1964 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for April 18, 1964 at 1:00 p.m. Certificate of Publication in newspaper - filed

Certificate of Posting of property - filed

At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner-case held sub curlo Order of Deputy Zoning Commissioner granting reclassification

Order of Appeal to County Board of Appeals from Order of Deputy Hearing on appeal before County Board of Appeals - case held sub curia

Order of County Board of Appeals denying reclassification

## # 64-117 R PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

WESTER ALBERT REPUTSCH and
Lor by ELLSWORTH STEINBERG legal owners of the property situate in Baltimore pr (A I, or we, ELLSWIREH SEEDMERS. Legal owners, of the property smalle in maintainer  $\rho_{R} \in \mathcal{M}$ . County and which is described in the description and plat attached hereto and made a part hereof, bereby petition (1) that the rosing status of the herein described property be re-classified, parsuant SE(2) 2. to the Zoning Law of Baltimore County, from an R-6

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

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

Fugure, is to be proceed in accordance as present any sound or Special Exception advertising.

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

aty	
	When Francisco
Contract purchaser	lesconth Steenter
iress	Address 8525 Liberty Road Randallstown, Maryland

Protestant's Attorney Petitioner's Attorney Power and Mosner 34 W. Chesapeake Avenue Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day ...., 196 ...., that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 

FFB 26 '64

16.28 For

7 ... 196. at 1100 o'clock 1 116/64 Dec. 28, 1965 Order for Appeal filed in the Circuit Court for Baltimore County Patition to Accompany Order for Appeal filed in the Circuit Court

Transcript of Testimony filed - 1 volume

- I S. Libit No. 1 - Plat of subject property " 2 - Photos (A, B, C, D, E, F)

Protestants' Exhibit "A" - Photos of Dr. Rudo (1 to 8)

Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which taid 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.

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

all represent lighter creat and other transactions of the engineers self real side it times had, to," our to the last time to and freetoning controller talks and outposts one

RE: PRINTION FOR REWLASSIFICATION R-6 Z me to an R-4 Zone W/S Winams Road, N of 7s ley Force Road - 2nd District Albert Kormisch-Petitioner

PERCEIT THE DEPLTY ZONING COMMISSIONER OF HALTINGEE COUNT No. 64-117-8

. . . . . . . . . . . . . . .

The peritioner's property consists of 13.4 seres of land and is located on Minana Ross, approximately 2000 merth of Old Coart Road. Part of this land was obtained in 1955 and the reminder was purchased in 1969.

Three numbered seventy five feet north of the subject with towers which are electly feet in beight. On the east is wearst he land and we he such are all dilapsidest To the west is meant in all the interest of the second of the contract of

the south we compressed to removie the proceed R-C sening of the subject proper is larger sections of detertional of the adjacent properties that to may the proceed not descended and the constitution of the adjacent properties that it important to the constitution of the successfully proceed in the constitution of the successfully proceed to the constitution of th

If we naturate protect the more would construct type against a to with a recreational arms of 3 1/2 acres for each of 24 tend to Sever and water are are limite. An apartment layers will done a marting radial masses.

Deer was testing from school intestats ups valed opposition to the approach recently because of the sectorary in consolidation to the approach recently because of the sectorary in testing valed on the section of a remide trained on interest red, insector, in testing valed on the sector of the property of the property of the sector o

Baltimere Cornty this \$\frac{1}{2}\text{displement}\$ by the Deputy Zenting Corntissioner of described property or area thought be and the same is prevely reclassified from an A-5 zene to an R-4 zene, subject to approval of the site plan by the Bureau of Paulic Services and the Office of Planning and Zentin.

ALBERT KERMISCH and ELLSWORTH H. STEINBERG 8525 Liberty Road CIRCUIT COURT Baltimore, Maryland POP COUNTY BOARD OF APPEALS County Office Building Towson, Maryland 21204 Appellees

ORDER OF APPEAL

MD CLERK.

Please file an Appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals in Case No. 64-117-R, which said Order denied the reclassification petitioned for by Appellants.

> WILLIAM F. MOSNER Attorney for Appellants 34 W. Chesapanie Avenue Towson, Maryland 21204 VAlley 3-1250

I HEREBY CERTIFY that on this 28 day of Accorde 1965, a copy of the aforegoing Order of Appeal was mailed to County Board of Appeals, County Office Building, Towson, Meryland 21204 and to Walter I. Seif, Jr., Esquire, 1605 Court Square Building, Baltimore, Maryland 21202, Attorney for Protestants.

Kmun WILLIAM F. MOSNER

CIRCUIT COURT

That the action associat from is the Order of the rd of Appeals of Initimore County dated December 14, 196 to reclassify from an 8-6 Sens to an 8-A Sens & 13.4 ac of land on the west wide of Winess Road in the Se-

2. The said Order of the County Sears of Appeals in

. Tradition

A SECURIOR OF THE PARTY OF 19 000, **2010**, 21-22 (J).

, this Position to filed and proper than this

RE- PETITION FOR RECLASSIFICATION . from an R-6 sone to an R-A W/5 Winars Road north of Valley Forge Avenue, 2nd District Albert Kermisch, et al

REFORE COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY No. 64-117-R

OPINION

The petitioners in this case seek a reclassification from an R-6 zone to an R-A zone of a 13.4 acre tract of land on the west side of Winans Road north of Valley Forge Avenue in the Second Flaction District of Baltimore County.

The subject property is bounded on all sides by R-6 zoning. The land north of the subject tract is zoned R-6 but is presently undeveloped as well as the land to the west of the tract. The zoning to the south of the property is R-6 and is spottedly developed along Valley Force Avenue with a mixture of modest dwelliers some of which annear to be East of the property, across Williams Road, there is a new development known as Layton Park with houses in the \$15,000 to \$20,000 price range. Scotts Level Road is being extended through this development to meet Winans Road at the center of the subject tract. There are presently houses in the development being constructed approximately 1000 to 1500 feet east of Winans Road, and as the development is completed house construction will take place all the way to the east side of Winans Road directly across from the subject tract.

The petitioners produced expert testimony to the effect that the roads in the dequate and that the construction of epartments here would not unnecessarily congest them. There was also testimony by an engineer, appearing on behalf of the petition that in order to sewer the property for R-6 the property owners would lose approximately three acres of ground because of the difference in elevation between the rear pertion of the tract and the existing sewer line in Winars Road, otherwise his testimony indicated that there would be no difficulty in developing this tract in its around Rufi classification.

The owners of the property testified that they had been unable to success fully sell the property because of what they considered substandard housing along Winana Road on the south of the tract, however, It is apparent that these houses were there when the petitioners acquired the property. The petitioners indicated that they had not sought R-A zoning on the property at the time of the adaption of the Western Area map by the County Council because at that time utilities were not available but that since 1962 through the development of properties east of Winons Road sewer is now available at the site and, therefore, requests the reclassification to R-A.

County Board of Appeals of December 14, 1965, and granting the Reclassification as requested by Appellants.

WILLIAM F. MOSMER Attorney for Appellants

1965, a copy of the aforegoing Petition was mailed to County Board of Appeals, County Office Building, Towson, Maryland 21204 and to Welter I. Seif, Jr., Esquire, 1605 Court Square Building, Beltime Maryland 31202, Attorney for Protestants

I HEREBY CERTIFY that on this 25 day of le

William F. Moon

Eagle-97 Type-Enase 25%mronnes

Albert Kermisch - 64-117-R

An expert witness appearing on behalf of the petitioners testified that, in his Vestern Area map is in error in that there was not sufficient land zoned for ent use and very convincinally stated that under the present rate of development of this area there would be no apartment land left two years from now unless the County saw fit to rezone some tracts for apartment use. He further stated, in support of the petition, that there were major changes in the area to justify the reclamification citing med construc tion and improvements; that utilities are now available to the tract; a general trend in the area changing the property from farm use to more intensified residential uses; and the preser

-2-

Various property owners in the neighborhood appeared protesting the reclass fication and stated generally that they felt that the reclassification here would cause congestion on the roads in the area and would depreciate their homes. Several witnesses properted in accountion who stated that they were as close to the houses at Velley Force and Winner Road on the subject tract and did not feel that the houses there would make this trac manhla for Rud development

Mr. George E. Gevrelis, Director of Planning for Baltimore County, tes'iiltion to the netition stating that the subject property does not meet any of the locational criteria established by the Planning Board for apartment zoning in that it is not near any major arterial roads or shopping centers and it would appear to be centered in a primarily cottage development area rather than on the fringe of cottage development, and that a rezoning here would not serve any transitional function. He admitted that sufficient apartment land had not been placed on the 1962 Western Area map, but disagreed with the petitioners' witnesses that this tract would be a proper location for apartments

The petitioners here have not met the burden of overcoming the presumptive of the map and have produced no testimony convincing to the Board that the County Council made on error in zoning this property R-6. We further feel that there has been very little, if any, changes in the immediate neighborhood since the edoption of the map in 1962 that would justify the rezoning requested here. From the testimony of the protestants it is apparent to the Board that the immediate neighborhood is being developed In an orderly fashion as R-10 and R-6 cottage type subdivisions in accordance with the present zoning, and we further find it hard to see any reason why the subject tract cannot be economically developed in its present zoning. To rezone the subject tract would most certainly constitute spot zoning as there seems to be no justification for it other than the general premise of error in the Western Area map because of an insufficient allowance for apartments at the time of its adoption. Moreover, the petitioners produced no testimony convincing to the Board that this property is a logical site for apartments.

JAMES CROCKETT AS, JUIATES

DESCRIPTION OF 13.4 ACRES BORN ON LINES TRACE OF LAID OR REST RIDE OF HUMBER ROAD

REGIRETED FOR THE COME at a point on this west side of the county road called Finens food, said point bring sizeess at the beginning of the second or North 81-1/2 dagrees West 1165-foot line of a tract of Land which by Deed dated Pay 7, 4 1935 and recorded away the Lend Records of Baltimore County in Liber G.L.S. No 2693 page 436 was ourseyed by U. Relph Ford and Rosin Agnae Ford, his wife, to Perry Wods and Relow Wheeler Weds, his wife; thence leaving said point of beginning and said west alde of Vinens Road and running with and binding along and line and also slong the northersmost outline of Section A of Valley eded among the Land Records of Ealtimore County in Flat Rook Ro. 6 referring all courses to said beforehereinsentioned Book, North 81 degree 30 minutes West 1165 feat to the end of enid second line; themes binding slong the third line of said beforementioned Boad North 7 degrees 30 minutes West 250 feet more or less to the end of said line; thence running with and binding elong the fourth line of said beforementioned Deed and also slong the third line of a lend which by Bood deted October 23, 1950 and thirdly described in Liber 3040 page 346, recorded enoug the Lead Records of Baltimore County was Mayesen Bryont and Grace O. Bryont, his wife, to Albert Sermisch and man, in mil, North 47 degrees 30 cimules 36st 359.5 feet to the end o said third line; thence running with and binding along the fourth line of said lest ned Deed, South 31 degrees 30 minutes fast 909 feet to intersect the entioned west side of Wissess Boad; theore running with end binding along said Nest side of Winana Road, South 8 degrees 30 minutes West 515 faut to the

point of beginning; containing 13.4 serss of land, more or less.

Albert Kermisch - 64-117-R

ORDER

-3-

For the reasons set forth in the aforegoing Opinion, it is this 14th day of December, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Wester

4/10/04

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alosed herewith is a copy of the Opinion and Order my Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Elsenhart, Secretary

ALBERT KERMISCH and Appellants

IN THE CIRCUIT COURT FOR

DATASMORE COINTY

COUNTY BOARD OF APPEALS

PETITION

The Petition of the Appellants respectfully represents as follows

1. That the action appealed from is the Order of the Board of Appeals of Baltimore County dated December 14, 1965, which denied the Petition filed by ALBERT KERMISCH and ELLSWORTH B. STEINBERG to reclassify from an R-6 Zene to an R-A Zone a 13.4 acre tract of land on the west side of Winans Road in the Second Election District of Baltimore County.

- 2. The said Order of the County Board of Appeals is
- a. There was no basis in the evidence presented before the Board of Appeals to justify the Order denying the reclassifica-
- b. The evidence was clear and uncontradicted that the Appellants could not make use of their land in its present classifi-
- c. The evidence was clear and uncontradicted that the Zoning Map for this area was in error.
- d. The Board erred in considering the testimony of the Director of Planning and Zoning due to lack of compliance with Baltimore County Code, Section 23-22 (d).
- e. And for such other and further reasons as may be shown at the hearing hereon

WHEREPORE, this Petition is filed and prays that this norable Court enter its Decree reversing said Order of the

RE- PETITION FOR RECLASSIFICATION . from an R-6 zone to an R-A W/S Winans Road north of Valley Forge Avenue, 2nd District Albert Kermisch, et al

REFORE COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 64-117-R

Avenue in the Second Flection District of Baltimore County.

OPINION The petitioners in this case seek a reclassification from an R-6 zone to an R-A zone of a 13.4 acre tract of land on the west side of Winans Road north of Valley Forge

The subject property is bounded on all sides by R-6 zoning. The land north of the subject tract is zoned R-6 but is presently undeveloped as well as the land to the west of the tract. The zoning to the south of the property is R-6 and is spottedly developed along Valley Forge Avenue with a mixture of modest dwallings some of which appear to be substandard. East of the property, across Winnes Road, there is a new development known as Layton Park with houses in the \$15,000 to \$20,000 price range. Scotts Level Road is being extended through this development to meet Winges Road at the center of the subject tract. There are presently houses in the development being constructed approximately 1000 to 1500 feet east of Winana Road, and as the development is completed house construction will take place all the way to the east side of Winane Road directly across from the subject tract

The petitioners produced expert testimony to the effect that the roads in the area are adequate and that the construction of apartments here would not unnecessarily congest them. There was also testimony by an engineer, appearing on behalf of the petitioners that in order to sewer the property for R-6 the property owners would lose approximately three acres of ground because of the difference in elevation between the rear partion of the tract and the existing sewer line in Winans Road, atherwise his testimony indicated that there would be no difficulty in developing this tract in its present R-6 classification.

The owners of the property testified that they had been unable to successfully sell the property because of what they considered substandard housing along Winana Road on the south of the tract, however, it is apparent that these houses were there when the petitioners acquired the property. The petitioners indicated that they had not sought R-A zoning on the property at the time of the adoption of the Western Area map by the County Council because at that time utilities were not available but that since 1962 through the development of properties east of Winons Road sewer is now available at the site and, therefore, requests the reclassification to R-A.

County Board of Appeals of December 14, 1965, and granting the Reclassification as requested by Appellants.

> WILLIAM F. MOSNER Attorney for Appellants

I HEREBY CERTIFY that on this 25 day of \_Cc. 1965, a copy of the aforegoing Petition was mailed to County Board of Appeals, County Office Building, Towson, Maryland 21204 and to Walter I. Seif, Jr., Esquire, 1605 Court Square Building, Baltimore Maryland 31202, Attorney for Protestants.

WILLIAM F. MOSNER

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Albert Kermisch - 64-117-R

An expert witness appearing on behalf of the petitioners testified that, in his polition, the Western Area map is in error in that there was not sufficient land zoned for appropriate and very convincinally stated that under the present rate of development of this area there would be no apartment land left two years from now unless the County saw fit to rezone some tracts for apartment use. He further stated, in support of the petition, that there were major changes in the area to justify the reclassification cities must construction and improvements; that utilities are now available to the tract; a general trend in the area changing the property from farm use to more intensified residential uses; and the present

- 2 -

Various property owners in the neighborhood appeared protesting the reclassification and stated generally that they felt that the reclassification here would cause congestion on the roads in the area and would depreciate their homes. Several witnesses governed in apposition who stated that they were as close to the houses at Valley Force and Winner Road as the whilest tract and did not feel that the houses there would make this tract unuseable for R-6 development.

Mr. George E. Gavrelis, Director of Planning for Baltimore County, testiosition to the petition stating that the subject property does not meet any of the locational criteria established by the Planning Board for apartment zoning in that it is not near any major arterial roads or shopping centers and it would appear to be centered in a primarily aptrops development area rather than on the frings of cottage development, and that a rezoning here would not serve any transitional function. He admitted that sufficient apartment land had not been placed on the 1962 Western Area map, but disagreed with the petitioners' witnesses that this tract would be a proper location for apartme

The petitioners have have not met the burden of overcoming the presumptive s of the map and have produced no testimony convincing to the Board that the County Council made an error in zoning this property R-6. We further feel that there have been very little, if any, changes in the immediate neighborhood since the adoption of the map in 1962 that would justify the rezoning requested here. From the testimony of the protestants it is apparent to the Board that the immediate neighborhood is being developed In an orderly fashion as R-10 and R-6 cottage type subdivisions in accordance with the present zoning, and we further find it hard to see any reason why the subject tract cannot be economically developed in its present zoning. To rezone the subject tract would most certainly constitute spot zoning as there seems to be no justification for it other than the general premise of error in the Western Area map because of an insufficient allowance for apartments at the time of its adoption. Moreover, the patitioners produced no testimony convincing to the Board that this property is a logical site for apartments

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Albert Kermisch - #64-117-R

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 14th day of December, 1965 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS

William S. Baldwin, Chairman

CONTRACTOR OF LAND CO SERVE STORY OF LAND

This description in for noting purposes only and is not to be need for

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Sue Attack	hed Description
	oning Law and Zoning Regulations of Baltimore
Property is to be posted and advertised as p	prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-ci asting, etc., upon filing of this petition, and fur	lassification and/or Special Exception advertising, ther agree to and are to be bound by the zoning dopted pursuant to the Zoning Law for Baltimore
	West Kromish
Contract purchaser	Ellewith Steenberg
Contract purchaser	Address 0535 Tiberty Bond
***************************************	Randallstown, Maryland
Petitioner's Attorney Power and Mosner	Protestant's Attorney
Power and Mosner  34 W. Chesapeake Avenue  Towson 4, Maryland	
ORDERED By The Zoning Commissioner of	Baltimore County, this26thday
Fabruary, 196A., that the su	bject matter of this petition be advertised, as in two newspapers of general circulation through-
t Baltimore County, that property be posted, and	d that the public hearing be had before the Zoning
mmissioner of Baltimore County in Room 106,	County Office Building in Towson, Baltimore
enty, on the FFR 26 64 of	April
-Po-M.	11/08/
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PETITION FOR ZONING RE-CLASSIFICATION

WESTERN

AND/OR SPECIAL EXCEPTION

hereby petition (1) that the zoning status of the herein described property be re-classified,

RE: PETITION FOR RECLASSIFICATION
R-6 Zone to an R-4 Zone
W/S Winness Road, N of Valley
Forge Road- Zond District
Albert Kermisch-Petitioner DESCRIPTION THE DEPUTY ZONING COMPLISSIONER BALTIMORE COUNTY The petitioner's property consists of 13.4 series of land and is loosted on Wheme Road, approximately 2000 morth of Gild Court Road. Part of this land was obtained in 1955 and the remainder was purchased in 1950. trust are three radio towers shadows seventy five feet north of the solvent side of the trust. It towers which are sightly feet in are all dileptices and the trust. To the west is new secont feet in the all dileptices time of closers analyse trush disposed on the pressure both to the north and section of the pattlesser's property. proper is improper because property.

Frequently in improper because of deterioration or the adjacent properties—that is to my the general because of deterioration or the adjacent properties—that is to my the general part of the properties are to be a support of the properties and the contract of the Wr. Ermisch, co-comer, stated he has comed part of the lots or as a black between the cold not sell any of the property either in lots or as a black because of the abshry neighborid issuited; but arrounding his land, is further stated the trut was affectioned for faller for years into meeting newspapers but he use numble to detail a luyer. If R-A soning were granted, the owner would construct
212 garden type apartment units with a recreational area of 3 1/2 acres for
the enlyment of the stancts. Sever and server are available. An apartment
house development would create an serious traffic hasend. There was testimony from several protestants who voiced their opposition to the proposed re-soning because of the over-crowding of the schools and the creation of a traffic heard on Winns Red. However, no sufficient evidence was presented by the protestants to substantiate their consections. It was intervaling to one division to substantiate their consections. It was intervaling to one division to substantiate their consections of the substantial to oppose the substantial traffic and property. magning memors on two personants of recording to the Dputy Zening Commissioner, the petitioners have certainly schwarted every effort to density the last within the present Lo Classification. It is deviated in the personal contraction of the commission of the personal contraction of graden type sportments that of the personal contraction of graden type sportments that adequate affected parting and reconstituent furthing the personal that of the personal contraction of the personal resignation of the second of the subject to t BALTIMORE COUNTY, MARYLAND No. 23279 OFFICE OF FINANCE nere 6/10/6 Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND Office of Planning & Zening 119 County Office Hidg., BILLED COST

Posting proper's of Albert Kernisch - 3 signs No. 61-117-R PAG-tuber Color and Constitute 6-1164 5287 . 23279 TEP-15.00 TANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND SE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. BALTMORE COUNTY, MARYLAND
OFFICE OF FINANCE No. 23273

DATE 6/3/64 Division of Collection and Receipts
COURT HOUSE
TOWSON 4. MARYLAND

Office of Planning & Zoming 139 County Office Sldg., Toron is Ms.

VIITMAUD	DETACH UPPER SECTION AND RETURN WITH YOUR RENITTANCE				coet
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TANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND L TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND ASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Biltimore County this 30 (MEMEED by the Deputy Zoning Commissioner of described property or area should be and the same is heavy reclassified from an H-d zone to an H-d zone, subject to approval of the site plan by the Bureau of Fublic Services and the Office of Planning and Zoning.

EMARD D. HARDEST F
Deputy Zoning Corriccioner of Baltimore County

> 64-117albert Kermich Pelitimer's Exhibit 1 Ex , Blat of Sel; hop. Ex 2 A,B,C,D,E,F. Pfolso Instadant's Exhibite 1 Ex Asplan 8 Photos of Dr Rade

10 OX WEST SIDE OF WITTON ON THE STATE OF TH March 37, 1964. THE BALTIMORE COUNTIAN By Paul J. Margany Editor and Manager

the 3 th day of March,
the same was inserted in the issues of

THE COMMUNITY NEWS

No. I Newburg Avenue

DUPLICATE

CATONSVILLE ME

March 30, 19 64.

OFFICE OF DUPL
THE BALTIMORE COUNTIAN

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

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Beltimore County, Mary-

#64-117 R

WeSTERM

AREA

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RA 4/10/64

PETITION FOR REGLASSIFICATION

2nd DISTRICT

SDAY, APRIL 16, 1966 at 1:00 Pole

Room 108, County Office Building, 111 W. Che

The Leming Commissioner of Baltimore County, by authority of the Leming Jet and Regulations of Baltimore County, will hold a public bearing:

erming all that percel of land in the Second District of Baltimore County

PETITION FOR RECLASSIFICATION 2nd DISTRICT ONING: From R4 to R-A

ZONING: Prom E-d to R-A
ZONE.
ZONE.
ZONE.
LOCATION: West vide of Walley Forge Avenue.
DET & TIME: THURRDAY.
DET & TIME: THURRDAY.
APALLES, 1864 at 1:00 FM.
APALLES, 1864 at

The Zening Commissioner of Baltimere County, by authority of the Zoning Act and Regulations of Baltimere County, will hearing:

Concerning all that parcel of land in the Second District of Baltimere County.

Approved to form this 8 Day of MMC 196h

