

June 2, 1964

No. 64-117-R - Albert Kermisch, et al

Petition, description of property and order of Deputy Zoning Commissioner
Certificate of posting
Certificates of advertising
Comments of Office of Planning
Comments from Fire Bureau
Six photographs
Petition of protest
Appeal
Photograph to Map
Plat filed with petition

Counsel for petitioner

Messrs.
Power & Moser,
34 West Chesapeake Avenue,
Towson 4, Md.

Harry S. Swartzwelder, Jr., Esq.,
1708 Munsey Building
Baltimore 2, Md.

protestants

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

1708 MUNSEY BUILDING
BALTIMORE 2, MD.
727-2229

June 3, 1964

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

RE: Petition for reclassification
R-6 Zone to R-A Zone, Winanda
Road between Scotts Level Road
extended and Valley Forge Road,
Albert Kermisch, Petitioner

Dear Mr. Rose:

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

Yours very truly,

Harry S. Swartzwelder, Jr.

HSS/cr

June 2, 1964

Messrs. Power & Moser,
34 West Chesapeake Avenue,
Towson 4, Maryland

Attn: William F. Moser,
Esq.

Re: Petition for Reclassification
"R-6" Zone to "R-A" Zone -
Winanda Road bet. Scotts Level
Road, Scotts, and Valley Forge
Roads, Ed. Kermisch, Albert Kermisch,
Petitioner - Mr. Swartzwelder

Dear Mr. Moser:

Please be advised 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

William F. Moser,
Esq., Zoning Commissioner

Petition for Reclassification,
R - 6 zone to R - A zone,
Winanda Road between
Scotts Level Road extended and
Valley Forge Road,
Albert Kermisch, Petitioner

APPEAL

Mr. Clerk:

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.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee
FROM: Capt. Paul H. Reinecke
"Fire Bureau"
SUBJECT: Mr. Albert Kermisch
W/S Winanda Road S. Valley Forge Road
District 2 3/23/64

Water mains, meters, and fire hydrants shall be of an approved type
and installed in accordance with the Baltimore County Standard Design
Manual. Spacing of hydrants shall be 500 feet distance apart as measured
along an improved road, and within 200 feet from any dwelling. Hydrants
shall be located in a pattern approved by the Baltimore County Fire Bureau.
Contact Capt. Paul H. Reinecke at Valley 5-7310 for information con-
cerning above comments.

PHR/cbr

April 30, 1964

William Moser, Esquire
34 W. Chesapeake Avenue
Towson 4, Maryland

RE: Petition for Reclassification
R-6 Zone to R-A Zone
W/S Winanda Road, S. of Valley
Forge Road. The District
Albert Kermisch - Petitioner
No. 64-117-R

Dear Mr. Moser:

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

Sincerely yours,

EMMAO D. MURPHY
Deputy Zoning Commissioner

cc: Mr. Joseph Tittelbaum
1778 Scotts Level Road
Baltimore, Maryland 21202
Mr. John Callahan, Jr.
2025 Sumner Road
Baltimore, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

Messrs. Power and Moser
34 W. Chesapeake Avenue
Towson 4, Maryland

Gentlemen:

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

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

OFFICE OF PLANNING & ZONING: The widening and location of Winanda 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 extension
of the proposed utilities from Bonnie Price 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

cc: Albert Outley - Office of Planning & Zoning
George Reiter - Bureau of Engineering

JED/sa

Yours very truly,

James C. Dyer
June 2, 1964

January 4, 1966

William F. Moser, Esq.,
34 West Chesapeake Avenue
Towson, Maryland 21204

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

Dear Mr. Moser:

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

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

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

Enclosed is a copy of the Certificate of Notice. Also bill
in the amount of \$11.00 covering cost of certified copies of necessary documents.

Very truly yours,

Edith T. Elnoch, Secretary

June 2, 1964

No. 64-117-1 - Albert Kermisch, et al

Petition, description of property and order of Deputy Zoning Commissioner
 Certificate of posting
 Certificates of advertising
 Comments of Office of Planning
 Comments from Fire Bureau
 Six photographs
 Petition of protest
 Appeal
 Photographs to Map
 Map filed with petition

I signs

Council for petitioner

Messrs.
 Power & Mosner,
 34 West Chesapeake Avenue,
 Towson 4, Md.

Harry S. Swartzwelder, Jr., Esq., = = = protestant to
 1708 Munsey Building
 Baltimore 2, Md.

1708 MUNSEY BUILDING
 BALTIMORE 2, MD.
 21202

HARRY S. SWARTZWELDER, JR.
 ATTORNEY AT LAW

June 3, 1964

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

RE: Petition for reclassification
 R-6 Zone to R-A Zone, Winanda
 Road between Scotts Level Road
 extended and Valley Forge Road,
 Albert Kermisch, Petitioner

Dear Mr. Rose:

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.
 Harry S. Swartzwelder, Jr.

HSS/er

Messrs. Power & Mosner,
 34 West Chesapeake Avenue,
 Towson 4, Maryland

Att. William F. Mosner,
 Esq.

Re: Petition for Reclassification
 "R-6" Zone to "R-A" Zone -
 Winanda Road bet. Scotts Level
 Road, Rd. 14, and Valley Forge
 Road, 2nd Dist., Albert Kermisch,
 Petitioner - No. 64-117-1

Dear Mr. Mosner:

Please be advised 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

William F. Mosner
 William F. Mosner

Petition for Reclassification,
 R - 6 zone to R - A zone,
 Winanda Road between
 Scotts Level Road extended and
 Valley Forge Road,
 Albert Kermisch, Petitioner

64-117

APPEAL

Mr. Clerk:

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.

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

April 30, 1964

William Mosner, Esquire
 34 W. Chesapeake Avenue
 Towson 4, Maryland

RE: Petition for Reclassification
 R-6 Zone to R-A Zone
 W/S Winanda Road, N. of Valley
 Forge Road, 2nd District
 Albert Kermisch - Petitioner
 No. 64-117-1

Dear Mr. Mosner:

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

Sincerely yours,

EDWARD D. MURPHY
 Deputy Zoning Commissioner

To

cc: Mr. Joseph Teitelbaum
 1735 Belle Forte Road
 Baltimore, Maryland 21208

Mr. John Gullett Jr.
 2029 Sumner Road
 Baltimore, Maryland

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
 Zoning Advisory Committee
 FROM: Capt. Paul H. Reinecke
 Fire Bureau
 SUBJECT: Mr. Albert Kermisch
 W/S Winanda Road N. Valley Forge Road
 District 2 3/13/64

Water mains, meters, and fire hydrants shall be of an approved type
 and installed in accordance with the Baltimore County Standard Design
 Manual. Spacing of hydrants shall be 500 feet distance apart as measured
 along an improved road, and within 200 feet from any dwelling. Hydrants
 shall be located in a pattern approved by the Baltimore County Fire Bureau.
 Contact Capt. Paul H. Reinecke at Valley 5-7310 for information con-
 cerning above comments.

PHR/abr

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
 TOWSON 4, MARYLAND

Messrs. Power and Mosner
 34 W. Chesapeake Avenue
 Towson 4, Maryland

Gentlemen:

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

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

OFFICE OF PLANNING & ZONING: The widening and location of Winanda Road, as indicated
 on the plans, will be subject to review and approval of this office.

TRAFFIC DEPARTMENT: No comment

BUREAU OF ENGINEERING: The petitioner's Engineer should substantiate the extension
 of the proposed utilities from Bonnie Fire 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

BUILDING DEPARTMENT: No comment

BOARD OF EDUCATION: No comment

cc: Albert Quinby - Office of Planning & Zoning
 George Reiter - Bureau of Engineering

JED/sa

Yours very truly,

James A. Dyer
 James A. Dyer

January 4, 1966

William F. Mosner, Esq.
 34 West Chesapeake Avenue
 Towson, Maryland 21204

Re: Zoning File No. 64-117-1
 Albert Kermisch, Petitioner

Dear Mr. Mosner:

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

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

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

Enclosed is a copy of the Certificate of Notice. Also bill
 in the amount of \$11.00 covering cost of certified copies of necessary documents.

Very truly yours,

Edith T. Elenhart, Secretary

RE: PETITION FOR RECLASSIFICATION
R-6 Zone to an R-4 Zone
W/S Winans Road, N of Valley
Forge Road, 2nd District
Albert Kermisch-Petitioner
BALTIMORE COUNTY
By: Edith T. Eisenhart

REPORT THE

DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The petitioner's property consists of 33.3 acres of land and is located on Winans Road, approximately 2000' north of Old Court Road. Part of this land was obtained in 1955 and the remainder was purchased in 1963.

Three hundred seventy five feet north of the subject tract are three radio towers which are eighty feet in height. On the east side of the tract is vacant R-6 land and on the south are old dilapidated rental dwellings. To the west is more vacant R-6 land. There are accumulations of debris and/or trash disposed on the premises both to the north and south of the petitioner's property.

There was testimony the present R-6 zoning of the subject proper is improper because of deterioration of the adjacent properties- that is to say the general run down conditions of the surrounding properties make it impossible to develop an attractive community in the present R-6 zone. The owner testified several large lending institutions refused to finance construction of individual homes under the present R-6 zoning due to the overall neighborhood conditions. However, these lending institutions were agreeable to finance some type of investment property, particularly apartment dwellings.

Mr. Kermisch, co-owner, stated he has owned part of the property for nine years but could not sell any of the property either in lots or as a whole because of the shabby neighborhood immediately surrounding his land. He further stated the tract was advertised "For Sale" for years in the weekly newspapers but he was unable to obtain a buyer.

If R-4 zoning were granted, the owner would construct 222 garden type apartment units with a recreational area of 3 1/2 acres for the enjoyment of the tenants. Sewer and water are available. An apartment house development would create no serious traffic hazard.

There was testimony from several protestants who voiced their opposition to the proposed re-zoning because of the over-crowding of the schools and the creation of a traffic hazard on Winans Road. However, no sufficient evidence was presented by the protestants to substantiate their contentions. It was interesting to note that at least one protestant, opposed to an apartment development would not oppose the construction of a shopping center on the petitioner's property.

It is the opinion of the Deputy Zoning Commissioner, the petitioners have certainly exhausted every effort to develop the land within the present R-6 classification. It is obvious the zoning map was in error with respect to the present zoning of the petitioner's property. It is felt that the construction of garden type apartments with adequate offstreet parking and recreational facilities would blend in with the harmony of the general neighborhood and would be the most logical and appropriate use of the subject tract.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County that on the 25 day of April, 1964, that the herein described property or area should be and the same is hereby reclassified from an R-6 zone to an R-4 zone, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edith T. Eisenhart
Deputy Zoning Commissioner of
Baltimore County

December 14, 1963

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

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

Dear Mr. Self:

Enclosed herewith is a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Secretary

cc: Harry S. Swartzwelder, Jr., Esq.
William F. Mosner, Esq.
Mr. John G. Rose
Mr. Edward D. Hardesty
Mr. George E. Clavette
Board of Education

January 4, 1964

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

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

Dear Mr. Self:

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. Eisenhart, Secretary

cc: Harry S. Swartzwelder, Jr., Esq.

LAW OFFICES
WALTER I. SELF, JR.

SUITE 1005 COURT SQUARE BLDG.
BALTIMORE, MARYLAND 21202

Phone 2-0115

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
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 Gavrilis
Office of Planning & Zoning
County Office Building
Towson, Maryland

to produce any and all records, plats, charts, graphs or other data pertaining to the above captioned land which is the subject of this Petition. W/S Winans Road North of Valley Forge Avenue in the 2nd Election District of Baltimore County and covered by Petition No. 64-117-R for District of Baltimore County and covered by Petition No. 64-117-R for District of Baltimore County Office of Planning and Zoning, being the property of the Baltimore County Office of Planning and Zoning, and make same returnable for Thursday, September 23, 1965, at 10:00 A.M. in Room 301, County Office Building, to appear on behalf of the Protestants.

Very truly yours,

Walter I. Self, Jr.
WALTER I. SELF, JR.

WIS:nl
Mr. Sheriff:

Please issue summons in accordance with the above.

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

LAW OFFICES
WALTER I. SELF, JR.

SUITE 1005 COURT SQUARE BLDG.
BALTIMORE, MARYLAND 21202

Phone 2-0115

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 Teitelbaum
4735 Belle Forte Road
Lila Gelman
8404 Winans Road

I wish to make it clear to the Board that these are the people 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 these names as witnesses nor do I expect to be representing just these three.

Very truly yours,

Walter I. Self, Jr.
WALTER I. SELF, JR.

WIS:nl

June 29, 1965

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

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

Dear Mr. Self:

We are in receipt of your letter dated June 24, 1965 entering your appearance as an attorney for protestants in the above captioned matter. It has been the consistent policy of the Board to require attorneys to name the persons they represent 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.

Very truly yours,

William S. Baldwin, Chairman

cc: Harry S. Swartzwelder, Jr., Esq.
William F. Mosner, Esq.

LAW OFFICES
WALTER I. SELF, JR.

SUITE 1005 COURT SQUARE BLDG.
BALTIMORE, MARYLAND 21202

Phone 2-0115

June 24, 1964

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

Re: Appeal No. 64-117-R
Appeal-Albert Kermisch

Dear Miss Eisenhart:

Please enter my appearance as attorney for the Protestants in the above entitled matter.

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

Very truly yours,

Walter I. Self, Jr.
WALTER I. SELF, JR.

WIS:swj

cc: Harry Swartzwelder, Esq.

Rec'd 6-25-64
11:00 P.M.

WALTER I. SEIF, JR.
Attorney at Law
1606 COURT SQ. BLDG.
BALTIMORE, MD. 21202

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

May 17, 1965

Re: #64-117-R Petition of Albert Kernisch, et al
for reclassification from R-4 zone to an R-8 zone
W/S Winans Road North of Valley Forge Avenue
2nd District

Dear Mr. Baldwin:

I am aware of the Board's position as to postponements, but as I informed you on May 14, 1965, when we were discussing another case, it will be impossible for me to try any matters between June 16 and July 1, 1965, 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.

Very truly yours,

cc: Edith T. Eisenhart, Secy.
County Board of Appeals

WALTER I. SEIF, JR.

LAW OFFICES
WALTER I. SEIF, JR.

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

Re: #64-117-R Petition of Albert Kernisch, et al
for reclassification from R-4 zone to an R-8 zone
W/S Winans Road North of Valley Forge Avenue
2nd District

Dear Mr. Baldwin:

I am aware of the Board's position as to postponements, but as I informed you on May 14, 1965, when we were discussing another case, it will be impossible for me to try any matters between June 16 and July 1, 1965, 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.

Very truly yours,

WALTER I. SEIF, JR.

cc: Edith T. Eisenhart, Secy.
County Board of Appeals

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 34540
DATE 1/27/44

TO: William F. Munroe, Esq.
34 W. Chesapeake Avenue
Towson, Maryland 21204

RE: County Board of Appeals
(Zoning)

QUANTITY 01.712
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of Certified Documents - File No. 64-117-R
Albert Kernisch, et al
W/S Winans Road N. Valley Forge Ave.
2nd District \$11.00

PAID - Baltimore County, Md. Office of Finance
1-266 2455 * 34540 TIP- 1100

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

OFFICE OF THE BALTIMORE COUNTESS
THE COMMUNITY NEWS
Katherine, Md.

No. 1 Newburg Avenue
CATONSVILLE, MD.

March 20, 1964.

THIS IS TO CERTIFY, that the annexed advertisement of John S. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTESS, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week successive weeks before the 31th day of March, 1964, that is to say the same was inserted in the issues of

THE BALTIMORE COUNTESS
By Paul J. Montgomery
Editor and Manager

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: Mr. George L. Gervelle, Acting Director
SUBJECT: #64-117-R, R-6 to R-8, West side of Winans Road North of Valley Forge Avenue, being property of Albert Kernisch and Ellsworth Statberg, 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 R-6 to R-8 zoning and has the following advisory comment to make with respect to pertinent planning factors:

1. The subject property is situated on the westerly side of Winans Road in an area zoned exclusively for R-6 purposes. There is no apartment zoning existing in the immediate vicinity of the subject property. The subject property does not meet any of the locational criteria established by the Planning Board for apartment zoning in the Western Planning Area. From a Planning viewpoint, apartment zoning here would not be consistent with the goals and objectives of the Comprehensive Zoning Map and would constitute spot zoning.

ODS:lm

SUITE 100 COURT SQUARE BLDG.
BALTIMORE, MARYLAND 21201
Plan 3011
May 17, 1965

May 27, 1965

Walter I. Seif, Jr., Esq.
1606 Court Square Building
Baltimore, Md. 21202

Re: Zoning File No. 64-117-R
Albert Kernisch, et al

Dear Mr. Seif:

- Number of witnesses you anticipate calling 7
- How many of these witnesses will be "expert witnesses" 2
- Fields to be covered by experts you intend to call - please check:
Land Planner ☒
Real Estate ☒
Engineer ☒
Traffic ☒
Other ☐
- Total time required (in hours) for presentation of your side of the case 3

Attorney for Protestants
Petitioners

We the undersigned residents of Imperial Gardens, and surrounding areas, located on Winans Road in Randallstown, the second district, Baltimore County, are hereby opposed to the rezoning from R-6 to R-8 of the land located on Winans Road. This petition is in protest to the proposed rezoning. Case # 64-117-R. This petition presented April 15, 1964.

My Attn. is: Bruce Hudson
Mr. E. T. Tamm
Barbara Newby
Margaret Landolt
Mrs. Mary King McLaughlin
Mr. & Mrs. J. P. Puffer
Mrs. Vernon E. Jenkins
Mrs. Walter B. Mark
Mrs. Roy L. L. M.
Mrs. Mary Constable
Mrs. Charles C. Luff
Mrs. Naomi E. Edwards
J. H. Leonard
Frank Horvath
Alice Horvath
August J. Rindard
Joe Rose
Bernice Neffle
Lynn H. Hinkle
John E. Hogue
Pat O'Brien
Ed Cohen

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 27, 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 a week for One Week successive weeks before the 31st day of March, 1964, the first publication appearing on the 27th day of March, 1964.

THE JEFFERSONIAN
COUNTY HOUSE
Manager

Cost of Advertisement \$

Munroe, Power and Munroe
34 W. Chesapeake Ave.
Towson 4, Md.

Re: Petition for Albert Kernisch, et al
#64-117-R

Notice:
This is to advise you that \$67.50 is due for advertising and printing of the above property.
Please make check payable to Baltimore County, Md. and remit to Mr. Anderson, Room 122, County Office Building, before the hearing.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

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

No. 23341
DATE 4/20/64

TO: Munroe, Power and Munroe
34 W. Chesapeake Avenue
Towson 4, Md.

PAID BY: Zoning Department of Baltimore County

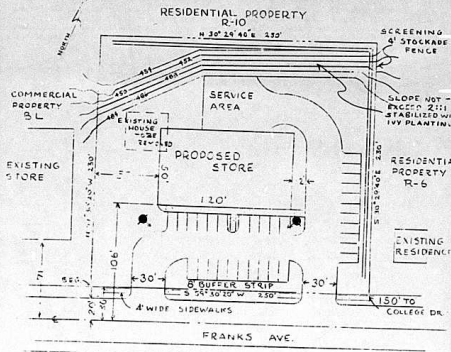
REMIT TO ACCOUNT NO. 01622
QUANTITY 01.622
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Advertising and posting of property for Albert Kernisch, et al
#64-117-R \$67.50

PAID - Baltimore County, Md. Office of Finance
4-2064 2455 * 23341 * TIP- 4750

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

2-20-64



PROPERTY ZONE BL
14TH ELECTION DIST.
PROPERTY 12 AC
SCALE 1"=50'

● LIGHT STANDARDS
AND DIRECTION OF LIGHT
10' HIGH

PARKING DATA
 LONG 5,000 SQ FT.
 PARKING SPACE FOR EACH 200 SQ FT
 PARKING SPACES REQUIRED
 PARKING SPACES PROVIDED
 PARKING SPACES AVAILABLE

JGR:bg:

1. The subject property is situated on the westerly side of Winans Road in an area zoned exclusively for low purposes. There is no apartment zoning existing in the immediate vicinity of the subject property nor is there any validly-zoned commercial areas. The subject property does not meet any of the locational criteria established by the Planning Board for apartment zoning in the Western Planning Area. From a planning viewpoint, apartment zoning here would not be consistent with the goals and objectives of the Comprehensive Zoning Map and would constitute spot zoning.

QED: true

64-117R
WATERH
APCA
SB 2-0
RA
4/10/6

TELEPHONE
823-3000

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

No. 21625
DATE 2/26/64

34 W. Chesapeake Ave.
Towson 4, Md.

BILLED BY:

Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622		TOTAL AMOUNT \$50.00
QUANTITY	DETACH UPPER SECTION AND RETURN TO	

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Petition for Reclassification for Albert Einstein

PAID--DeKalb County, Ga.--Office of Planning

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Messrs. Power & Monner
34 W. Chesapeake Ave.
Towson 4, Md.

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

February 26, 1961

Re; Petition for Reclassification for Albert Kormanich

Your petition has been received and accepted for filing this
26th day of Feb, 1964.

JOHN G. ROSE
Zoning Commissioner

②
Petition
- owned prop in 9 yrs - couldn't sell
prop in lots as a whole but could
not but 7 shirley neighborhood - prop abated
for sale for yrs in weekly newspapers and could
not sell - see pictures in file -
feels RE young & improper
feels his prop. would not tend to increase school
feels "prop." would enhance surrounding
property value -

3929 Susanna Rd - opposed b/c
victims schools & police facilities - would
not open shopping center on only property -
Jude W. Harris Rd is inadequate to handle more traffic
- over 1 1/2 miles away - he would not buy lot
- only tract to build home -

Mr. Taitelbaum - Dypnol bce. of schools - ad
* Zoning Admin. Com.
Bd of Education - "No Annex"

64-117 R
Petition
Insecting Sugarcane - 13.4 acres -
on Numan Rd. 2000' N. of Old Ct. Rd.
10 blys with total 212 units - Golden Type -
marginal area 7.3% acres to be set aside
partly for 212 ears - sawing + water
are available - Numan Rd is 20' paved -
will be increased to 60% wide if zoning is
granted - Numan Rd is 36 wide up to
1000' N of Old Ct Rd. Scott's level Rd
is proposed by City to go thru middle of
Petition's prop. -

^{dark brown}
 M. *alluvial*
 Shrubbery
 - G. over - 11' tall in 1955 - 2nd in 1963
 80' high - 375' away -
 N - radio tower
 E - Vinson Rd + vacant R6
 S - old dilapidated metal dwelling
 W - vacant R6
 In both N45 garage is dug up in premises
 fields R6 in improper growing because of
 different Taven - full apt's would be good
 buyer - Vinson Ave. some from ~~the~~
 apt's but not know how 7 Hamilton Taven -
 N. Benton Dr. full the same way - cannot
 dig up R6 - full R6 will not be
 detrimental -
 Old House in tract would be torn down -

Apts could be - 40% - 1 BR 110 + B + E
Air conditioning 45% 2 BR (no heat)
15% 3 BR 145

PETITION # 65-268-R
R-10 to R-6
DENIED BY ^{DEPUTY} ZONING COMMISSIONER
APRIL 12, 65
NO APPEAL TAKEN

BOARD IS SIGNED OUT
FOR THIS FILE!

*Requested by Mr. Edwards
at time of hearing*

ALBERT KERMISCH and
ELLSWORTH H. STEINBERG
Appellants
vs.
COUNTY BOARD OF APPEALS
Appellees
IN THE
CIRCUIT COURT FOR
BALTIMORE COUNTY
MISC. CASE #3442
Docket 9 Folio 48

MISTER CLERK:

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

James A. Gede
34 West Pennsylvania Avenue
Towson, Maryland 21204
Valley 8-5678

I HEREBY CERTIFY this 25th day of October, 1966 that I have mailed
a copy of the foregoing to the County Board of Appeals, County Office
Building, Towson, Maryland 21204 and to Walter I. Self, Jr., Esq.,
attorney for protestants, 1805 Court Square Building, Baltimore, Maryland
21202.

James A. Gede

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.
Dec. 14, 1965 Reclassification DENIED by the Board
(Baldwin, Parker & Alderman)
" 28 Order for Appeal filed in C.C. (Court File #3442)
Jan. 27, 1966 Filed in Circuit Court
Dec. 5, 1967 Board AFFIRMED - Judge Turnbull *FROM COURT DOCKET*
Dec. 28, 1967 - Called Mr. Gede requesting a copy of the Court's Opinion.
Mr. Gede informed the Board that he had struck his
appearance in this case; that he had turned the file over
to another attorney; that he was of the opinion that this
attorney had never entered his appearance and, therefore,
when the case came before the Court, there was no
argument presented.

DENIED

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

ALBERT KERMISCH and
ELLSWORTH H. STEINBERG
8525 Liberty Road
Baltimore, Maryland
Appellants
vs.
WILLIAM S. BALDWIN,
W. GILES PARKER and
R. BRUCE ALDERMAN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Appellees
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 48
File No. 3442

CERTIFICATE OF NOTICE

No. Clerk:

Pursuant to the provisions of Rule 1101-8 (4) of the Maryland Rules of Pro-
cedure, William S. Baldwin, W. Giles Parker and R. Bruce Alderman, constituting the
County Board of Appeals of Baltimore County, has given notice by mail of the filing of the
Appeal to the representative of every party to the proceeding before its meeting, William
F. Messer, Esq., 34 West Chesapeake Avenue, Towson, Maryland 21204, Attorney for the
Petitioner, and Harry S. Swartzwelder, Jr., Esq., 1709 Monsey Building, Baltimore,
Maryland 21202 and Walter I. Self, Jr., Esq., 1805 Court Square Building, Baltimore,
Maryland 21202, Attorneys for the Protestants, a copy of which notice is attached hereto
and prayed that it may be made a part thereof.

Edith Y. Blankert, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3000, Ext. 279

I hereby certify that a copy of the foregoing Certificate of Notice has been
mailed to William F. Messer, Esq., 34 West Chesapeake Avenue, Towson, Maryland
21204, Attorney for the Petitioner, and Harry S. Swartzwelder, Jr., Esq., 1709 Monsey
Building, Baltimore, Maryland 21202 and Walter I. Self, Jr., Esq., 1805 Court Square
Building, Baltimore, Maryland 21202, Attorneys for the Protestants, on this 7th day
of January, 1966.

Edith Y. Blankert, Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to an R-A zone
W/S Winans Road north of
Valley Forge Avenue,
2nd District
Albert Kermisch, et al
Petitioners
BEFORE
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 Election 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 spottily developed
along Valley Forge Avenue with a mixture of modest dwellings some of which appear to be
substandard. East of the property, across Winans Road, there is a new development known as
Layton Park with houses in the \$15,000 to \$20,000 price range. Scots 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 con-
struction 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
area are adequate and that the construction of apartments here would not unnecessarily con-
gest them. There was also testimony by an engineer, appearing on behalf of the petitioners,
that in order to sever 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 Winans Road, otherwise 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 success-
fully sell the property because of what they considered substandard housing along Winans
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 Winans Road sewer is now available at the
site and, therefore, requests the reclassification to R-A.

Albert Kermisch - #64-117-R

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
apartment use and very convincingly 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 citing road 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 present
general change toward apartments.

Various property owners in the neighborhood appeared protesting the reclas-
sification and stated generally that they felt that there was not sufficient land zoned for
apartment use in the area and would depreciate their homes. Several witnesses
appeared in opposition who stated that they were as close to the houses at Valley Forge and
Winans Road as the subject tract and did not feel that the houses there would make this tract
unusable for R-6 development.

Mr. George E. Gavelis, Director of Planning for Baltimore County, testi-
fied in opposition 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 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
correctness 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 petitioners produced no testimony
convincing to the Board that this property is a logical site for apartments.

Albert Kermisch - #64-117-R

ORDER

For the reasons set forth in the foregoing 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

William S. Baldwin, Chairman

W. Giles Parker
W. Giles Parker

R. Bruce Alderman
R. Bruce Alderman

MR. CLERK:

Please file, &c.

Edith Y. Blankert, Secretary
County Board of Appeals of Baltimore County

ALBERT KARMISCH and
WILLIAM S. BALDWIN, JR.
Petitioners

CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

WILLIAM S. BALDWIN, JR.,
W. GILES PETER and
R. BARRY ALLEN
Respondents

Case No. 64-117-R
Filed Feb. 28, 1964

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, W. Giles Peter and R. Barry Allen, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, lawfully return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers as file in the office of the Zoning Department of Baltimore County:

- ZONING ENTRIES FROM BOOKS OF ZONING COMMISSIONERS OF BALTIMORE COUNTY**
- Feb. 28, 1964 Petition of Albert Karmisch and William Baldwin for reclassification of an R-6 zone to an R-4 zone of property located on the west side of Vienna Road north of Valley Forge Avenue, Sub District - 1040
- Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for April 18, 1964 at 1:00 p.m.
- Continuation of Publication to newspaper - filed
- April 2 Certificate of Posting of property - filed
- At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curra
- Order of Deputy Zoning Commissioner granting reclassification
- Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
- May 28 Hearing on appeal before County Board of Appeals - case held sub curra
- Call 14
- Dec. 14 Order of County Board of Appeals denying reclassification

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ALBERT KARMISCH and WILLIAM S. BALDWIN, JR., legal owners, 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, from R-6 to the Zoning Law of Baltimore County, from an R-6 zone to an R-4 zone; for the following reasons: There was error on the original map in not allowing for apartment zoning, and there have been changes in the neighborhood which justify the requested re-classification.

See Attached Description

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

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

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

Contract purchaser
Address: 3523 Liberty Road, Randallstown, Maryland

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

Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of February, 1964, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that the property be posted, and that the public hearing be had before the Zoning out Baltimore County in Room 106, County Office Building in Towson, Baltimore Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of April, 1964, at 1:00 o'clock

By M. J. M. FEB 26 1964

JAMES CRUCKER & ASSOCIATES
CONSULTING ENGINEERS AND ARCHITECTS

2430 HANCOCK AVENUE
BALTIMORE, MARYLAND 21218

DESCRIPTION OF 13.4 ACRES MORE OR LESS
TRACT OF LAND ON WEST SIDE OF VIENNA ROAD

RESIDENT FOR THE SAME at a point on the west side of the country road called Vienna Road, said point being situate at the beginning of the second or North 81-1/2 degrees West 1185-foot line of a tract of land which by Deed dated May 7, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2593 page 436 was conveyed by W. Ralph Ford and Stella Agnes Ford, his wife, to James Perry Wade and Helen Wheeler Wade, his wife; thence leaving said point of beginning and said west side of Vienna Road and running with and binding along said second line and also along the northeastern outline of Section A of Valley Forge, recorded among the Land Records of Baltimore County in Plat Book No. 2 page 90, referring all courses to said beforementioned Deed, North 81 degrees 30 minutes West 1185 feet to the end of said second line; thence binding along the third line of said beforementioned Deed North 7 degrees 30 minutes West 250 feet more or less to the end of said line; thence running with and binding along the fourth line of said beforementioned Deed and also along the third line of a tract of land which by Deed dated October 23, 1956 and thirdly described in Liber G.L.B. No. 3040 page 546, recorded among the Land Records of Baltimore County was conveyed by William Bryant and Grace O. Bryant, his wife, to Albert Karmisch and Leonard Lippman, in all, North 47 degrees 30 minutes East 359.5 feet to the end of said third line; thence running with and binding along the fourth line of said last-mentioned Deed, South 81 degrees 30 minutes East 565 feet to intersect the beforementioned west side of Vienna Road; thence running with and binding along said West side of Vienna Road, South 8 degrees 30 minutes West 515 feet to the point of beginning; containing 13.4 acres of land, more or less.

DESCRIPTION OF 13.4 ACRES MORE OR LESS
TRACT OF LAND ON WEST SIDE OF VIENNA ROAD

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

JSE:f
T:20-64
543

RE: PETITION FOR RECLASSIFICATION
R-6 Zone to an R-4 Zone
1/2 Vienna Road, N of Valley
Forge Road - 2nd District
Albert Karmisch-Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-117-R

The petitioner's property consists of 13.4 acres of land and is located on Vienna Road, approximately 2000' north of Old Court Road. Part of this land was obtained in 1955 and the remainder was purchased in 1963.

Three hundred seventy five feet north of the subject tract are three radio towers which are eighty feet in height. On the east side of the tract is vacant R-6 land and on the south are old dilapidated rental dwellings. To the west is more vacant R-6 land. There are accumulations of debris and/or trash disposed on the premises both to the north and south of the petitioner's property.

There was testimony the present R-6 zoning of the subject property is proper because of deterioration of the adjacent properties - that it is to say the general run down conditions of the surrounding properties make it impossible to develop an attractive community in the present R-6 zone. The owner testified several large lending institutions refused to finance the construction of individual homes under the present R-6 zoning due to the overall neighborhood conditions. However, these lending institutions were agreeable to finance a new type of investment property, particularly apartment dwellings.

Mr. Karmisch, co-owner, stated he has owned part of the property for nine years but could not sell any of the property either in lots or as a whole because of the shabby neighborhood immediately surrounding his land. He further stated the tract was advertised "For Sale" for years in the weekly newspapers but he was unable to obtain a buyer.

If R-4 zoning 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. Sewer and water are available. An apartment house development would create no serious traffic hazard.

There was testimony from several protestants who voiced their opposition to the proposed re-zoning because of the over-crowding of the schools and the creation of a traffic hazard on Vienna Road. However, no sufficient evidence was presented by the protestants to substantiate their contentions. It was interesting to note that at least one protestant, opposed to an apartment development would not oppose the construction of a shopping center on the petitioner's property.

It is the opinion of the Deputy Zoning Commissioner, the petitioners have certainly exhausted every effort to develop the land within the present R-6 classification. It is obvious the zoning map was in error with respect to the present zoning of the petitioner's property. It is felt that the construction of garden type apartments with adequate offstreet parking and recreational facilities would blend in with the harmony of the general neighborhood and would be the most logical and appropriate use of the subject tract.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of April, 1964, that the herein described property or area should be and the same is hereby reclassified from an R-6 zone to an R-4 zone, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Harkley
DEPUTY ZONING COMMISSIONER
Baltimore County

JAMES CRUCKER and
WILLIAM S. BALDWIN, JR.
Petitioners

CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

WILLIAM S. BALDWIN, JR.,
W. GILES PETER and
R. BARRY ALLEN
Respondents

Case No. 64-117-R
Filed Feb. 28, 1964

ORDER OF APPEAL

Whereas this is 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 Applicant.

By the Court: *Eagle-A Type-C*

ORDERED BY THE COURT 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 the property be posted, and that the public hearing be had before the Zoning out Baltimore County in Room 106, County Office Building in Towson, Baltimore Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of April, 1964, at 1:00 o'clock

ALBERT KERMESCH and
ELLSWORTH H. STEINBERG
8525 Liberty Road
Baltimore, Maryland

Appellants

vs.

WILLIAM S. BALDWIN,
W. GILES PARKER and
R. BRUCE ALDERMAN
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 3

Folio No. 48

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

Feb. 26, 1964 Petition of Albert Kermesch and Ellsworth Steinberg for reclassification from an R-4 zone to an R-4 zone of property located on the west side of Vinson Road north of Valley Forge Avenue, 2nd District - filed

Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for April 18, 1964 at 1:00 p.m.

Mar. 27 Certificate of Publication in newspaper - filed

April 2 Certificate of Posting of property - filed

" 16 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

" 30 Order of Deputy Zoning Commissioner granting reclassification

May 28 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

Sept. 23, 1965 Hearing on appeal before County Board of Appeals - case held sub curia

Oct. 14

Dec. 14 Order of County Board of Appeals denying reclassification

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, ALBERT KERMESCH and ELLSWORTH H. STEINBERG, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-4 zone to an R-4 zone, for the following reason:

There was error on the original map in not allowing for apartment zoning, and there have been changes in the neighborhood which justify the requested re-classification.

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

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

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

Contract purchaser

Address 8525 Liberty Road
Randallstown, Maryland

Petitioner's Attorney
Power and Moser
34 M. Chesapeake Avenue
Towson 4, Maryland

Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 28th day of April, 1964, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of April, 1964, at 1:00 o'clock

Dec. 28, 1965 Order for Appeal filed in the Circuit Court for Baltimore County

" 28 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

Jan. 7, 1966 Certificate of Notice sent to all interested parties

" 27 Transcript of Testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Plat of subject property

" " " 2 - Photos (A, B, C, D, E, F)

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

" 27 Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted

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

RE: PETITION FOR RECLASSIFICATION
P. 2 to an R-4 Zone
170 Marine Road, 1st of 2a lot
Forge Road - 2nd District
Albert Kermesch-Petitioner

DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-117-R

The petitioner's property consists of 1.74 acres of land and is located in Marine Road approximately 3000 north of Old Court Road. Part of this land was obtained in 1955 and the remainder was purchased in 1965.

Three hundred seventy five feet north of the subject tract are three public roads which are eighty feet in height. On the east side of the tract is vacant R-4 land and on the south are old dilapidated dwellings. To the west is more vacant R-4 land. There are accumulations of debris and/or trees disposed on the premises both to the north and south of the petitioner's property.

There was to timing the present R-4 zoning of the subject property is improper because of deterioration of the adjacent properties that is to say the general poor condition of the surrounding properties now it is impossible to develop an attractive community in the present R-4 zone. The owner has tried several times to build, but has been refused to finance construction of individual homes under the present R-4 zoning law. The owner's improved conditions, however, these building indications were agreed to finance a new type of investment property, particularly apartment buildings.

Mr. Kermesch, petitioner, stated he has owned part of the property for nine years and could not sell any of the property either in late or as a whole because of the R-4 zoning. He has been unable to sell his land. He further stated that the tract was advertised for sale for years in the county newspaper and he was unable to obtain a buyer.

If the zoning were changed, the owner would construct 222 apartment units. There are no utilities in the area. An apartment house would be a good investment for the owner.

There was testimony from several witnesses who stated that the property was a good investment because of the surrounding R-4 zoning. The owner was not able to obtain a buyer for the property. The owner was not able to obtain a buyer for the property. The owner was not able to obtain a buyer for the property.

It is the opinion of the Deputy Zoning Commissioner, who has been authorized by the County Board of Appeals, that the property is a good investment because of the surrounding R-4 zoning. The owner was not able to obtain a buyer for the property. The owner was not able to obtain a buyer for the property. The owner was not able to obtain a buyer for the property.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 28th day of April, 1964, that the herein described property or any part thereof be and the same is hereby reclassified from an R-4 zone to an R-4 zone, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Harkley
Deputy Zoning Commissioner of
Baltimore County

ALBERT KERMESCH and
ELLSWORTH H. STEINBERG
8525 Liberty Road
Baltimore, Maryland

Appellants

vs.

COUNTY BOARD OF APPEALS
County Office Building
Towson, Maryland 21204

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER OF APPEAL

MR. 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 M. Chesapeake Avenue
Towson, Maryland 21204
Valley 3-1250

I HEREBY CERTIFY that on this 28th day of April, 1964, a copy of the foregoing Order of Appeal was mailed to County Board of Appeals, County Office Building, Towson, Maryland 21204 and to Walter I. Self, Jr., Esquire, 1605 Court Square Building, Baltimore, Maryland 21202, Attorney for Protestants.

WILLIAM F. MOSNER

RECEIVED
APR 29 1964
COUNTY CLERK
BALTIMORE COUNTY

cc: Harry S. Swartzwelder, Jr., Esq.
William F. Mosser, Esq.
Mr. John G. Ross
Mr. Edward D. Hardesty
Mr. George E. Gervais
Board of Education

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

BEFORE
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 Election 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 spottily developed along Valley Forge Avenue with a mixture of modest dwellings some of which appear to be substandard. East of the property, across Winona Road, there is a new development known as Layton Park with houses in the \$15,000 to \$20,000 price range. Some Level Road is being extended through this development to meet Winona Road at the center of the subject tract. There are presently houses in the development being constructed approximately 1000 to 1500 feet east of Winona Road, and as the development is completed house construction will take place all the way to the east side of Winona 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 portion of the tract and the existing sewer line in Winans Road, otherwise 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 unsatisfactory housing along Winans Road on the south of the tract, however, it is apparent that those 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 Winans Road sewer is now available at the site and, therefore, requests the rezoning to R-A.

Albert Kermisch - #64-117-R

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 apartment use and very convincingly 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 citing road 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 general demand 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 appeared in opposition who stated that they were as close to the houses at Valley Forge and Winsor Road as the subject tract and did not feel that the houses there would make this tract unsuitable for R-6 development.

Mr. George E. Gervelis, Director of Planning for Baltimore County, testified in opposition 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 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 have not met the burden of overcoming the presumptive correctness 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 reasoning required here. From the testimony of the petitioners 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 require the subject tract would not certainly constitute spot zoning as there seems to be no justification for it other than the general preference 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.

Albert Kermisch - #64-117-R

ORDER

For the reasons set forth in the foregoing 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

William S. Baldwin
William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Cederma
Police Alderman

ALBERT KENNEDY and
ELIZABETH M. STERNBERG
Appellants
Vs.
JOHN BOARD OF APPEALS

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

DISCUSSION

The Petition of the Appellants respectfully represents as follows:

1. That the action appealed from is the Order of the County Board of Appeals of Baltimore County dated December 14, 1965, which denied the Petition Filed by ALBERT WEINSTEIN and HELENWEIN B. WEINSTEIN to reclassify from an R-3 zone to an R-3 zone a 13.6 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 erroneous in that:
 - a. There was no basis in the evidence presented before the Board of Appeals to justify the Order denying the reclassification.
 - b. The evidence was clear and uncontradicted that the appellants could not plan around their lot in the present classification.
 - c. The evidence was clear and uncontradicted that the zoning law for said area was in error.
 - d. The Board failed in establishing the testimony of the Director of Planning and Zoning was in fact in compliance with Baltimore County Code, Article 20-1 (2).
3. And that said action be further reversed so as to be done as the parties desire.

Accordingly, this Petition is filed and prays that said Honorable Court enter its decree granting said Order of the

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 24th day of December 1965, a copy of the foregoing 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 21202, Attorney for Protestants.

WILLIAM F. MOSELEY

JAMES CROCKETT AS. JUDGES

2001 MAGLAND AVENUE
BALTIMORE, MARYLAND 21218

DESCRIPTION OF 13.4 ACRES BORN ON LINES
TRACE OF LAIR ON WEST SIDE OF WINDING ROAD

REGISTRATION FOR THIS TRACT at a point on the west side of the county road called
Winona Road, said tract being situated at the beginning of the second or North
81-1/2 degrees West 1165-foot line of a tract of land (also) by Deed dated May 7,
1935 and recorded among the Land Records of Baltimore County in Liber G.L.B. No.
2863 pages 43 was conveyed by W. Ralph Ford and Anne Augusta Ford, his wife, to
Joann Perry Wade and Helen Wheeler Wade, his wife, thence leaving said point of
beginning and said west side of Winona Road and running with and binding along
said second line and also along the northwest corner of Section A of Valley
Forge, recorded among the Land Records of Baltimore County in Plat Book No. 8
page 80, referring all sources to said beforementioned deed, North 81 degrees
30 minutes West 1165 feet to the end of said second line; thence binding along
the third line of said beforementioned deed North 7 degrees 30 minutes West 250
feet over or less to the end of said line; thence running with and binding along
the fourth line of said beforementioned deed and also along the third line of a
tract of land with by Deed dated October 23, 1950 and chiefly described in Liber
G.L.B. No. 3040 page 346, recorded among the Land Records of Baltimore County was
conveyed by Virginia Bryant and Owen O. Bryant, his wife, to Albert Gerhardt and
Loretta Lipson, in all, North 87 degrees 30 minutes East 350-3 feet to the end of
said third line; thence running with and binding along the fourth line of said in-
herited deed North 81 degrees 30 minutes East 900 feet to intersect the
beforementioned west side of Winona Road; thence running with and binding along
said West side of Winona Road, South 8 degrees 30 minutes West 515 feet to the
point of beginning) containing 13.6 acres of land, more or less.

SUBDIVISION OF 13.6 ACRES MORE OR LESS
TRACE OF LAND ON WEST SIDE OF MOUNTAIN ROAD

This description is for zoning purposes only and is not to be used for conveyance of land.

JOSE
E-20-64
6553

2001

#64-117F
WESTER
AREA
SEP 2
RA
4/16/8



December 14, 1965

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

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

Dear Mr. Self:

Enclosed herewith is a copy of the Opinion and Order
passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edwin T. Elsworth, Secretary

cc: Harry S. Schwartz, Jr., Esq.
William F. Mosner, Esq.
Mr. John O. Ross
Mr. Edward D. Hardesty
Mr. George E. Gervella
Board of Education

ALBERT KERNISCH and
ELLSWORTH H. STEINBERG
Appellants
Vs.
COUNTY BOARD OF APPEALS
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

PETITION

The Petition of the Appellants respectfully represents as
follows:

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

2. The said Order of the County Board of Appeals is
erroneous in that:

a. There was no basis in the evidence presented before
the Board of Appeals to justify the Order denying the reclassification.

b. The evidence was clear and uncontradicted that the
Appellants could not make use of their land in its present classification.

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 22-22 (j).

e. And for such other and further reasons as may be shown
at the hearing hereon.

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

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to an R-A zone :
W/S Winona Road north of :
Valley Forge Avenue, :
2nd District :
OF :
ALBERT KERNISCH, et al :
Petitioners :
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 Winona Road north of Valley Forge
Avenue in the Second Election 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 in 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 dwellings some of which appear to be
substandard. East of the property, across Winona 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 Winona Road at the center of the subject
tract. There are presently houses in the development being constructed approximately
1000 to 1500 feet east of Winona Road, and as the development is completed house construction
will take place all the way to the east side of Winona 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 unreasonably congest
them. There was also testimony by an engineer, appearing on behalf of the petitioners,
that in order to sever 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 power line in Winona Road, otherwise 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 Winona
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 Winona 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 28th day of December
1965, a copy of the foregoing Petition was mailed to County Board
of Appeals, County Office Building, Towson, Maryland 21204 and to
Walter I. Self, Jr., Esquire, 1605 Court Square Building, Baltimore,
Maryland 21202, Attorney for Protestants.

WILLIAM F. MOSNER

Eagle-A
Type-Erase
25% COTTON FIBER

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 64-117-R

- 2 -

Albert Kernisch - #64-117-R

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
apartment use and very convincingly 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 now
fit to rezone some more 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 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
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
appeared in opposition who stated that they were as close to the houses at Valley Forge and
Winona Road as the subject tract and did not feel that the houses there would make this tract
unsuitable for R-6 development.

Mr. George E. Gervella, Director of Planning for Baltimore County, testified
in opposition to the petition stating that the subject property does not meet any of the
factual criteria established by the Planning Board for apartment zoning in that it is not
near any major arterial road 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 have not met the burden of overcoming the presumptive
correctness 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 petitioners produced no testimony
convincing to the Board that this property is a logical site for apartments.

ORDER

For the reasons set forth in the foregoing 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

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

DESCRIPTION OF LAND APPEALING FROM THE
ORDER OF THE BOARD OF APPEALS OF BALTIMORE COUNTY
dated December 14, 1965, in Case No. 64-117-R.
The subject property is a 13.4 acre tract of land located in the Second Election District of Baltimore County, Maryland, bounded on the north by Valley Forge Avenue, on the east by Winona Road, on the south by Layton Park, and on the west by the Second Election District line. The property is currently zoned R-6 and is being appealed for reclassification to R-A. The property is bounded on the north by Valley Forge Avenue, on the east by Winona Road, on the south by Layton Park, and on the west by the Second Election District line. The property is currently zoned R-6 and is being appealed for reclassification to R-A. The property is bounded on the north by Valley Forge Avenue, on the east by Winona Road, on the south by Layton Park, and on the west by the Second Election District line. The property is currently zoned R-6 and is being appealed for reclassification to R-A.

DESCRIPTION OF LAND APPEALING FROM THE
ORDER OF THE BOARD OF APPEALS OF BALTIMORE COUNTY
dated December 14, 1965, in Case No. 64-117-R.
This description is for zoning purposes only and is not to be used for
conveyance of land.

20816
B-55-44
6543



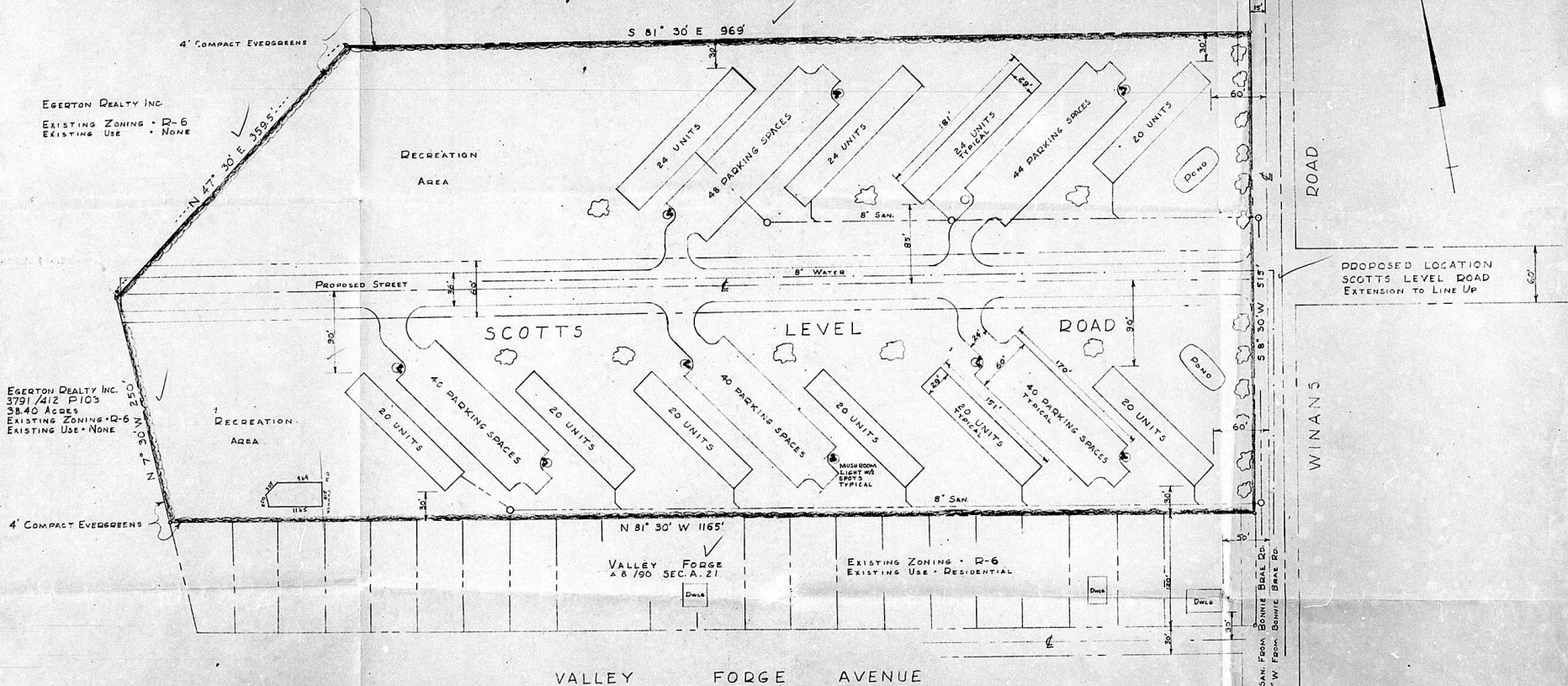
J.W. RUPPERT

EXISTING ZONING - R-6
EXISTING USE - NONE

PROPOSED WIDENING
OF WINANS ROAD

EGERTON REALTY INC.
3791/412 P103
38.40 ACRES
EXISTING ZONING - R-6
EXISTING USE - NONE

EGERTON REALTY INC.
3791/412 P103
38.40 ACRES
EXISTING ZONING - R-6
EXISTING USE - NONE



EXISTING ZONING	R-6
EXISTING USE	NONE
PROPOSED ZONING	R-A
PROPOSED USE	APARTMENTS
GROSS AREA	13.4 ACRES
NET AREA	11.5 ACRES
NUMBER OF UNITS	212
GROSS DENSITY	15.8/ACRE
NET DENSITY	18.0/ACRE
SIZE OF BUILDINGS	7'-29' 151' & 3'-29' 181'
PARKING SPACES REQUIRED	212
PARKING SPACES PROVIDED	212
PERMITTED GROSS DENSITY	16.0/ACRE
PERMITTED NET DENSITY	18.0/ACRE
UNITS PERMITTED (GROSS)	214
UNITS PERMITTED (NET)	212

PLAN
SCALE: 1" = 50'



JAMES CROCKETT ASSOCIATES
ENGINEERS-LAND SURVEYORS
2453 MARYLAND AVENUE
BALTIMORE 18, MARYLAND
REGISTERED PROFESSIONAL ENGINEERS
DE 9-1222 6563

PLAT TO ACCOMPANY ZONING PETITION
WINANS VIEW APARTMENTS
WINANS RD. ELECTION DISTRICT 2
BALTIMORE COUNTY, MARYLAND
OWNER: ALBERT KERMISCH ET AL
8525 LIBERTY RD.
RANDALLSTOWN, MARYLAND
RECORDED FEBRUARY 18, 1964

PRINT DATE 2-13-64

ORCHARD

W 43,500

PRIVATE

RD.

ALBERT KERMISH.
RC TO RA-3

PRIVATE

RD.

RC RESIDENTIAL

VALLEY FORGE AVE

PRIVATE

RD.

WINANS

PROPOSED SCOTT LEVEL
RD.

2-C
WESTERN
AREA.

#64-117R

WESTERN
AREA
SEC. 2-C

NW
7H

PRIVATE

OAKLAND

Branch