

65-197-RX

JOHN L. KOENIG, ET AL. #65-197-RX
S/S Milford Hill Rd. 160' W of
Leafdale Rd. 2nd

In Court

65-197-RX

65-1972X **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William L. Koenig, et al., legal owners of the property situate in Baltimore County and also 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-6 and R-10 zone to an R-6 zone; for the following reason:

1. Error
2. Change in the character of the area
3. And for such other and further reasons as may be demonstrated at the hearing hereof.

See Attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, printing etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Address: 215 Church Lane, Balto., Md.
7016 Alden Road, Balto., Md.
Contact person: William L. Koenig
Petitioner's Attorney: Harry S. Swartzwelder, Jr.
Protestant's Attorney: William L. Koenig

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of December, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 13th day of January, 1966, at 2:00 o'clock p.m.

Zoning Commissioner of Baltimore County.

JOHN L. KOENIG, ET AL. NO. 65-1972X
S/5 Milford Mill Road 160' W. of Leafdale Road 2nd District
Reclassification from R-6 and R-10 to R-6 5.9 Acres (R-6)
SE - Elevator Apt. Bldg. (withdrawn by Petitioners) 0.6 " (R-10)

Dec. 8, 1964 Petition filed
Jan. 13, 1965 Reclassification DENIED by Z.C.
" 14 Order of Appeal to County Board of Appeals
Aug. 30, 1966 Reclassification DENIED by the Board (Baldwin, Parker & Alderman)
Sept. 28 Order of Appeal filed in Circuit Court by Harry S. Swartzwelder, Attorney for Petitioners Court File #3607
Nov. 21 Record of proceedings filed in Circuit Court for Baltimore County
July 8, 1968 Memorandum from Judge Jenifer offering the County Board of Appeals filed

George W. Bailey
Edwin W. Calkins
Edward M. Calkins
Nancy F. Horman
Paul Lee
Paul S. Swann

DESCRIPTION

0.6 ACRE PARCEL, MORE OR LESS, SOUTH OF MILFORD MILL ROAD, 195 FEET, MORE OR LESS, WEST OF LEAFDALE ROAD, RECLASSIFICATION AND SPECIAL EXCEPTION
PRESERVE ZONING R-10, PROPOSED ZONING R-6 WITH SPECIAL EXCEPTION

Beginning for the same at a point where the center line of Gwynne Falls is intersected by the seventh line of the land described in the deed from Donald E. L. Malloch et al to William E. Koenig et al, dated April 7th, 1947 and recorded among the Land Records of Baltimore County in Liber J. W. B. 1537, page 160, said point of intersection being distant S. 60° 15' W., 160 feet, more or less, as measured along said seventh line from its point of beginning on the south side of Milford Mill Road, said last mentioned point being distant 795 feet, more or less, as measured westerly along said Milford Mill Road, from the center line of Leafdale Road, said point of intersection above described being on the existing division line between the zoning description designated R-6-6-6 and the zoning description R-6-10-10 and binding on the center line of said Gwynne Falls and along said division line, easterly 565 feet, more or less to intersect the second line of said deed, thence binding reversely on a part of said second line and continuing to bind reversely on the first and part of said seventh

line of said deed, thence binding reversely on the first and part of said seventh line and continuing to bind reversely on the first and part of said seventh

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JOHN L. KOENIG, et al. IN THE CIRCUIT COURT
vs. FOR BALTIMORE COUNTY
WILLIAM S. BALDWIN, W. GILES PARKER and R. BRUCE ALDERMAN, being and constituting the County Board of Appeals of Baltimore County AT LAW
DARY J. A. HOID, JOSEPH ZWOBAT, WALTER W. LEACH, EUGENE L. AUST (Interveners) Miscellaneous Docket 8 131 Case No. 3607

**MEMORANDUM OPINION
AND ORDER OF A COURT**

This is another of the many zoning cases which reach this Court by reason of an adverse decision of the County Board of Appeals of Baltimore County, hereinafter referred to as the "Board". The appeal in this case is on behalf of the legal owners of the property in question from an Order of the Board dated August 30, 1966, by virtue of which it denied the Petition for reclassification from an R-6 zone (Residence, one and two-family) and an R-10 zone (Residence, one-family) to an R-6 zone (Residence, Apartments). The Zoning Commissioner of Baltimore County, by his Order dated January 13, 1965, had likewise denied the reclassification sought.

There are two (2) parcels of ground involved, having a combined area of six and one-half (6-1/2) acres, more or less. The first parcel contains 5.9 acres situate on the westerly side of Milford Mill Road, having a frontage thereon of 395 feet, more or less, and is presently classified in an R-6 zone. The second parcel adjoins the first parcel on the west and contains 6/10 of an acre, binding along the center line of Gwynne Falls and is presently classified in an R-10 zone. The present zoning classification of the property was established

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Paul S. Swann

DESCRIPTION

0.6 ACRE PARCEL, SOUTH SIDE OF MILFORD MILL ROAD, 160 FEET, MORE OR LESS, WEST OF LEAFDALE ROAD, RECLASSIFICATION AND SPECIAL EXCEPTION
PRESERVE ZONING R-6, PROPOSED ZONING R-6 WITH SPECIAL EXCEPTION

Beginning for the same at a point on the south side of Milford Mill Road at the distance of 160 feet, more or less, as measured westerly along said Milford Mill Road, from the center of Leafdale Road, said beginning point being at the beginning of the fifth line of the land described in the deed from Donald E. L. Malloch et al to William E. Koenig et al, dated April 7th, 1947 and recorded among the Land Records of Baltimore County in Liber J. W. B. 1537, page 160, thence running thence binding on the fifth and part of the sixth lines of said deed and binding along said Milford Mill Road, the two following courses and distances: (1) S. 75° 42' W., 312 feet and (2) N. 79° 10' W., 83.10 feet, thence leaving said Milford Mill Road, S. 02° 54' W., 115 feet thence N. 85° 39' W., 331.25 feet to a point on the seventh or last line of said deed, thence binding on a part of said seventh line S. 00° 10' W., 15 feet, more or less to the center of Gwynne Falls and to a point on the existing division line between the zoning description designated R-6-6-6 and the zoning description R-6-10-10 and binding on the center line of said Gwynne Falls and along said division line.

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upon adoption by the County Council in November, 1962 of the Comprehensive Zoning Map for the Western Area of Baltimore County. The land is situate in the Second Election District. The intervening Appellees in this Court were the Protestants before the Board. The zoning and land uses of the properties surrounding the subject tract can be summarized as follows. All of the land east of the property extending as far as the right of way of the Western Maryland Railway Company, approximately one (1) mile distant, is zoned R-6 and developed with cottages; the land to the south is zoned R-6 and partially developed with cottages; the land on the west, lying between Gwynne Falls and the Baltimore County Beltway, is zoned R-10 and is presently undeveloped; the land opposite the subject property, situate on the northerly side of Milford Mill Road is zoned R-6 and developed with cottages. At the northwest corner of the property is a small parcel fronting approximately 230 feet on the south side of Milford Mill Road and having a depth of 115 feet which is currently used by the Eastern Bag Service Company as a business property under a non-conforming use in an existing R-6 zone.

The Appellants make the two (2) following contentions as a basis for reversing the Board's decision: (1) that the Board erred in its ruling on the evidence presented; and (2) that the decision of the Board was not supported by substantial evidence and is, therefore, arbitrary and capricious.

The testimony before the Board consumed two (2) full trial days and part of a third day, namely, April 21, 1966, May 31, 1966 and June 16, 1966. The petitioning property owners produced four (4) witnesses as follows:

(1) Lester Matz: The qualifications of Mr. Matz as a civil engineer were admitted. He testified that he had examined the subject property and that his firm had made

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DESCRIPTION

0.6 ACRE PARCEL, SOUTH SIDE OF MILFORD MILL ROAD, 160 FEET, MORE OR LESS, WEST OF LEAFDALE ROAD, RECLASSIFICATION AND SPECIAL EXCEPTION
PRESERVE ZONING R-6, PROPOSED ZONING R-6 WITH SPECIAL EXCEPTION

Beginning for the same at a point on the south side of Milford Mill Road at the distance of 160 feet, more or less, as measured westerly along said Milford Mill Road, from the center of Leafdale Road, said beginning point being at the beginning of the fifth line of the land described in the deed from Donald E. L. Malloch et al to William E. Koenig et al, dated April 7th, 1947 and recorded among the Land Records of Baltimore County in Liber J. W. B. 1537, page 160, thence running thence binding on the fifth and part of the sixth lines of said deed and binding along said Milford Mill Road, the two following courses and distances: (1) S. 75° 42' W., 312 feet and (2) N. 79° 10' W., 83.10 feet, thence leaving said Milford Mill Road, S. 02° 54' W., 115 feet thence N. 85° 39' W., 331.25 feet to a point on the seventh or last line of said deed, thence binding on a part of said seventh line S. 00° 10' W., 15 feet, more or less to the center of Gwynne Falls and to a point on the existing division line between the zoning description designated R-6-6-6 and the zoning description R-6-10-10 and binding on the center line of said Gwynne Falls and along said division line.

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certain engineering studies with respect thereto. He described the topography of the subject tract as being very severe with grades of 10 to 20% on the northern portion and as high as 40% on the southern portion and that these grades are more severe than the subdivision development known as Willow Glen adjoining the property on the east. He also testified as to the subsurface soil conditions, indicating bed rock refusal at depths of 3 1/2 to 5 feet and a water level at 8 feet below the surface in some locations. He further stated that any development of the property would require a cut of approximately 15,000 yards, of which 4,600 yards would be rock material. By reason of the difficulties encountered his estimate that to develop the property in its existing classification would cost approximately \$5,200.00 per lot as compared to the average development cost in this area of between \$2,200.00 and \$2,700.00 a lot and the permissible lot development cost of \$3,400.00. He further testified that in his opinion only 17 lots could be utilized under the R-6 zoning and 13 lots would be lost. When asked if the land could be economically developed in its existing zoning classification, he replied:

"Well, it could be developed but in my own opinion, not economically." (Ex. 13)

He also stated that if the land were developed by the improvement of detached dwellings 13 homes could be built and approximately 24 semi-detached units could be realized. He also gave evidence that Milford Mill Road is 35 feet wide at the subject property and the width varies from 22 feet at the bridge over Gwynne Falls and increases to 42 feet between Cliffside Road and Temple Cliff Road; that the present practical capacity of said roadway is 1,500 vehicles per peak hour in both directions; that the present traffic load is 1,071 cars and that the proposed apartment use will add 34 vehicles at the p.m. peak hour or an increase of 3-5/10% in the total traffic flow. This

witness was not permitted to testify as to the "reasonable probability of fruition in the immediate future" of the road project for the improvement of Millard Mill Road (Tr. 34). The basis upon which the Board sustained an objection to such intervention was that no money had been actually appropriated for the project.

(7) **Frederick P. Klaus:**

This witness was qualified as a real estate expert who had made an inspection of the property in question and a study of the surrounding area. He testified to the following zoning reclassifications in the area which he considered pertinent:

(a) Zoning File No. 63-106-BA - The Petition in this case involved a 2-acre tract south of the subject property for which the Zoning Commissioner on October 17, 1963, granted a special exception for a swimming pool known as the Willow Glen Swimming Club.

(b) Zoning File No. 38-81-X-A - The Petition in this case involved a parcel containing 5.83 acres situated on the north side of Millard Mill Road west of the subject property for which the Zoning Commissioner on June 26, 1963 granted a special exception for a nursery school and a day camp.

(c) Zoning File No. 57-47 - This Petition was for reclassification from an R. 6 zone to an R.A. zone for a tract of land situated west of the Baltimore County Beltway. The acreage thereof and date of reclassification is not shown in the record.

(d) Zoning File No. 65-28 - The Petition in this case was for a reclassification of a parcel of land adjoining No. c above also west of the Baltimore County Beltway known as the Goodman or Euler tract, the acreage and date of reclassification not being shown in the record.

home and the subject tract; that he has been a resident since 1950. His protest was directed to the traffic situation, the over crowding, parking conditions along Millard Mill Road and depreciation in the value of his property.

(4) **George F. Cavallia:**

This witness is the Director of Planning for Baltimore County, and he testified that his Department had studied this area and the subject property at the time of the hearings on the Planning Map for the Western Area and concluded that the zoning shown on the map as adopted was appropriate. He stated that it was his opinion that the residential densities should not be increased in this locality; that the apartment zoning use would not be logical and appropriate; and that the Comprehensive Zoning Map adopted was not in error as to the classification of the subject property. He further stated that apartment zoning was created under the master plan report along principal road corridors emanating from Baltimore City, and it was not considered that the Millard Mill Road at the subject property could be classified in this category. The Planning Board had also considered the established residential character of land uses along Millard Mill Road, particularly between the Baltimore Beltway and the Western Maryland Railway. He further testified that a study had been made of the small parcel occupied by the Eastern Bay Service Company and the possibility of a shopping facility in the Willow Glen subdivision. It was determined that the Bay Service property should retain its nonconforming status and not to recommend commercial zoning for the neighborhood shopping facility in the Willow Glen development. The witness further testified that the special exceptions granted in the area had no bearing on the changes in land use. The witness concluded on cross-examination that the Western Area Map as adopted did not make sufficient provision for apartment zoning. It was his opinion, however, since the adoption of the map the additional provisions made for apartment use as a result of the petition process

(a) Atkinson property, no zoning file given - This Petition also involved a reclassification from R. 6 to R.A. of a parcel situated on the east side of Scots Level Road north of Millard Mill Road, also west of the Baltimore County Beltway.

It was the opinion of this witness that the zoning classification placed upon the property at the time of the adoption of the Western Area Map in 1961 was erroneous because of the difficulty of the development of the tract in such classification and that he would not recommend the purchase of the land to any of his clients at any price. He also stated that in his opinion there was not sufficient rental land made available on the Zoning Map and that the reclassifications commented would justify the change in zoning requested.

(3) **Paul Furman:**

This witness is one of the contract purchasers for the tract of land in question. He testified that in his opinion the tract could not be economically developed under the existing zoning. He also testified of the intention to build 105 garden type apartment units on the land in the event the reclassification was granted.

(4) **Alfred E. Robinson, Jr.:**

This witness qualified as a civil engineer in the water and sanitary sewer fields. He testified that public utilities for water and sewer are available to the property and have sufficient capacity to adequately handle the 105 unit apartment project.

The Appellates, as Protestants before the Board, produced the following witnesses:

(1) **Joseph W. Zwobot:**

This witness testified that he resides at 714 Leafdale Terrace in the development known as Silver Creek situated on the north side of Millard Mill

have kept the map comprehensive.

At the hearing on May 31, 1966, there were several other residents of the neighborhood present appearing in protest of the application, including the President of the Silver Creek Community Association, Inc. These residents were identified, but none of them gave live testimony.

The Board concluded that, on the evidence presented, the Petitioners failed to meet the burden of overcoming the presumption of the correctness of the map nor did they show sufficient change in the character of the neighborhood to warrant the reclassification sought. The Board was of the opinion that the contention of the Petitioners that it was unfeasible to economically develop the land in its existing R. 6 classification was seriously challenged by the testimony of one of the witnesses for the Protestants, namely, Mr. Zwobot. The Board saw fit to place credence in the testimony of this witness in contrast to that of Mr. Mats, the civil engineer for the Petitioners. On the question of error, the Board, moreover, contrasted the testimony of Mr. Klaus, the real estate expert produced by the Petitioners with that of Mr. Cavallia, the Director of Planning for Baltimore County, and chose to accept the views of the latter. On the issue of change in the character of the neighborhood, the Board pointed out that the 3 reclassifications to apartment zoning cited by the Petitioners were at some distance from the subject tract and all of them were west of the Baltimore County Beltway. The only reclassifications appearing on the Western Area Map since its adoption in November, 1962 east of the Baltimore County Beltway are on the Liberty Road approximately 1 mile from the land in question. The Board was of the opinion, moreover, that the 2 special exceptions granted, namely, one for a nursery school and the other for a swimming pool did not justify the conclusion that there had been a substantial change in the area. It is undoubtedly true that for the Appellates to be successful in their Petition for reclassification, they must rely upon one of 3 factors, namely,

Road opposite the subject property that his residence is approximately 600 feet from the land in question, and he has resided there for 15 years. He further stated that he has been a builder for 10 years and for the last 15 years has been Project Manager for the firm of Crane & Crane in charge of construction. He stated that he was thoroughly familiar with the subject tract, its grade and subsurface conditions. He was permitted to express an opinion that the land could be developed economically under its existing R. 6 zoning classification. He stated that this could be accomplished by a dwelling without a basement using what is known as bilvel or slab construction. He testified that this type of construction had been used in the Silver Creek development where he resides and in the Willow Glen development adjoining the subject property on the east. He further stated that the development costs per lot of the subject tract would range from \$2,700.00 to \$3,800.00; that on the 6-1/2 acre tract there would be realized 26 or 27 detached homes or an average of 4.2 homes per acre and 3-1/2 or 4 houses per acre if developed as semi-detached dwellings. He also made reference in his testimony, over objection, to a development known as Stoney Brook, which had actually supervised, wherein there was substandard rock strata as a basis for his opinion as to the economic feasibility of the development of the subject property.

(2) **Walter Worthington Ravel:**

This witnesses qualifications as a civil engineer and specifically a traffic expert were admitted. He testified that he had made a survey of the traffic capacities on Millard Mill Road between Liberty Road and Ralstonstown Road. He stated that the practical capacity of Millard Mill Road at the subject property was 800 vehicles per hour in both directions; that the actual volume of traffic on this roadway on the morning of April 20, 1966, between the hours of 7:30 and 8:30 amounted to 768 cars and between 4:30 and 5:30 p.m. on the same day amounted

mistake in the original zoning or subsequent change in the character of the neighborhood. The Court of Appeals in the comparatively recent case of Board v. Paul Walker, 247 Md. 356 (decided October 16, 1967) at pages 360-361 stated:

"The application was to change the property involved from the residential classification, permitting residences for one or two families, to classifications permitting garden-type apartments and a shopping center. The R-6 Districts, under which garden-type apartments are permitted, have been created since the 1961 comprehensive zoning. This Court has repeatedly held that attempts to change property zoned for the use of one or two family residential use into an existing apartment house classification constitutes spot zoning and can not be sustained in the absence of substantial proof of mistake in the original zoning or subsequent change in conditions. *E.g., Gustin v. Board of Co. Comm'rs*, 344 Md. 106, 233 A.2d 227 (1968); *Board of Co. Comm'rs v. Mayor*, 239 Md. 119, 124-25, 210 A.2d 367 (1966); *Paul v. County Bd. of Annapolis*, 237 Md. 324, 297, 205 A.2d 245 (1964), and cases therein cited."

It was also observed in the more recent case of Freese v. Shapiro, 248 Md. 335 (decided January 3, 1968) at page 342:

"We have consistently held that 'there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that to sustain a pleasured change therefrom, there must be strong evidence of mistake in the original zoning or in the comprehensive rezoning or also a substantial change in conditions.' *Cronkhite v. Mayor Schless*, *Providence Corp.*, 235 Md. 1, 13, 280 A.2d 79 (1964) citing *Shookman Inv. Ass'n v. Mayor*, 233 Md. 265, 120 A.2d 568 (1957) and cases therein cited."

See also MacDonald v. County Board, 230 Md. 549 (decided May 8, 1963); Miller v. Abnerberg, 230 Md. 583 (decided June 23, 1965).

The Appellates submit that the testimony of Nease, Mats and Klaus was sufficient to overcome the strong presumption of the correctness of the Comprehensive Zoning Map for the Western Area of Baltimore County. They contend that the economic unfeasibility of the development of the property under its existing classification, as testified to by these experts, justified and even

to 1,076 cars or approximately 250 vehicles in excess of capacity. He further testified that the proposed apartment use of the land would add approximately 25 vehicles per hour which would be an insignificant increase; that there would be a lesser increase if the property were developed in either detached or semi-detached homes. He also stated on cross-examination that some improvements were contemplated to Millard Mill Road in 1967 or 1968 between Liberty Road and the millroad, which improvement does not actually reach the site of the land involved.

(3) **Kenneth L. Clifford:**

This witness is the County Traffic Engineer for Baltimore County, and he corroborated that the practical capacity of Millard Mill Road is approximately 800 vehicles per hour in both directions; that the optimum capacity of a 24-foot roadway -- two-lane roadway -- is approximately 1,000 vehicles per hour in both directions, subject to modification as to the grade and straightness of the roadway and the width of shoulders, if any. He further testified that development of the property in apartments would increase traffic to the extent of 630 trips per day as contrasted to 234 trips per day if developed in semi-detached units. He further stated that some physical improvement to Millard Mill Road was scheduled for the years 1967-1968.

(4) **Mrs. Emma Sherrill:**

This Protestant resides at 924 Millard Mill Road directly opposite the subject tract. Her principal objection to the reclassification was from a traffic standpoint and the danger that might be created to her small children.

(5) **Walter W. Legoy:**

This witness appeared as a property owner in opposition to the Petition for reclassification and resides at 821 Millard Mill Road. His residence is situated on the south side of Millard Mill Road and there is one lot between his

required the rezoning requested. They overlook and ignore the contrary testimony of Mr. Zwobot by which the Board was evidently impressed and to which it gave serious credence. The Appellates also submit that the contention by Mr. Cavallia that, at the time of the adoption of the Zoning Map, insufficient land was zoned for apartment use, coupled with the opinion of Mr. Klaus that this decision constituted a mistake in original zoning, compelled a finding by the Board of original error. In this regard, the other testimony of Mr. Cavallia and the studies and report of the Planning Board at the time of the adoption of the Map are likewise passed over and discounted by the Appellates.

There was undoubtedly a conflict in the testimony before the Board on the question of economic feasibility and the issue of error in original zoning. It is not the function of the Court, however, to usurp the prerogative of the Board in resolving such conflicts in the evidence and substitute its judgment for that of the Board unless the record is barren of any evidence of a substantial nature supporting the Board's action. In Motherhead v. Bd. of Comm'rs, 240 Md. 365 (decided November 18, 1965), the Court in quoting from Judge Hammond's (now Chief Judge) opinion in Board v. Oak Hill Farms, 232 Md. 574 p. 583 stated at pages 371-372 as follows:

"...the courts have exercised restraint so as not to substitute their judgments for that of the agency and not to choose between equally permissible inferences or make independent determinations of fact, because to do so would be usurping a non-judicial role. Rather, they have attempted to decide whether a reasonable mind could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record."

"In the case dealing with consideration of the weight of the evidence, the entire picture for that of the agency and not to choose between equally permissible inferences or make independent determinations of fact, because to do so would be usurping a non-judicial role. Rather, they have attempted to decide whether a reasonable mind could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record."

See also the following recent cases: Finney v. Hall, 241 Md.

Board concluded that the Petitioners failed to "show sufficient change in the character of the neighborhood to warrant the rezoning exception sought." This Court is of the opinion that this conclusion on the part of the Board was justified under the evidence before it. As the Board observed, the 3 apartment use rezoning exceptions becoming effective after the adoption of the Zoning Map and relied upon by the Petitioners were all located west of the Baltimore County Parkway. The only 2 apartment use rezoning exceptions granted in the area east of the Baltimore County Parkway at least 1 mile distant from the subject west are situated on the Liberty Road, which roadway, according to Mr. Cavallini, is a main traffic corridor. The 2 special exceptions cited by the Petitioners, one for a swimming club known as a Willow Glen Swimming Club and the other for a nursery school and day camp (which the Board observed has not been utilized and is now void) would not be effective to create a substantial change in conditions. The Appellants also desire the Court to now consider one additional special exception for a convalescent home situated on the north side of Millford Hill Road adjoining the nursery school which was granted by the Zoning Commission of Baltimore County on June 17, 1966. The order granting this special exception becomes final on November 18, 1966, when an appeal by the Petitioners was dismissed and which was subsequent to the Order of the Board.

The final matter before the Court for consideration is the alleged errors in rulings made by the Board on 3 questions of evidence. The first ruling was the refusal of the Board to permit Mr. Metz to testify as to the "reasonable possibility of fruition in the immediate future" of the road project for the improvement of Milford Mill Road. (Tr. 34) The Board excluded this testimony on the ground it had not been shown that the County had appropriated money for this project. The Court does not feel that the exclusion of this evidence was prejudicial to the Petitioners since the contemplated improvement of Milford

For the reasons stated and in conformity with the foregoing opinion,
it is this 8th day of July, 1968, by the Circuit Court for Baltimore County
ORDERED that the Order of the County Board of Appeals of Baltimore County dated
August 30, 1966, be and the same is hereby affirmed.

/s/ Walter M. Jenifer
Walter M. Jenifer
JUDGE

Edna T. Flannery, Secretary
County Board of Appeals of Baltimore County

cc: Zoning
Solicitor
Book 1-

JOHN L. KOENIG, ET AL

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

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

Miss. Docket No. 8

Folio No. 121

File No. 2467

Dec. 8, 1964	Revision of John L. Keady, et al for redemptions from 8-4 and 8-10 sales to 8-4 sales, and Special Inspection for elevator equipment building, on property located on the north side of Cottrell Hill Road 146' west of Landsham Road, San Rafael - Filed Order of Zoning Commissioner denying establishment and setting of property - date of hearing set for January 15, 1965 at 5:00 p.m.
"	Certificate of Picting of property - Filed
"	Certificate of Publication in newspaper - Filed
Jan. 13, 1965	At 5:00 p.m. hearing held on petition by Zoning Commissioner Order of Zoning Commissioner denying redemptions. The special inspection for elevator equipment buildings has been withdrawn.
"	Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

[illegible]

Marcel E. Boddenmahr
County Board of Appeals of
Baltimore County

cc: Carville M. Downes, Esq.
Wm. J. Pitzer, Esq.
John J. Bishop, Jr., Esq.
Mr. Kane
Mr. Govealls
Board of Education

RE: PETITION FOR RECLASSIFICATION
from R-6 and R-10 zones to R-A zone
5/5 Millard Mill Road 160' West
of Leafdale Road,
2nd District
John L. Koenig, et al,
Petitioners
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-197-RX

OPINION

The petitioner in this case seeks a reclassification of a six and one half acre parcel of ground on the south side of Millard Mill Road, 160 feet west of Leafdale Road in the Second Election District of Baltimore County, from an R-6 and R-10 zone to an R-A zone. The greater majority of the property is zoned R-6, only 0.6 acres of the subject tract, along the western boundary, is zoned R-10.

The zoning and land uses surrounding the property are as follows: At the northwest corner of the property there is a business zone on the Eastern Bay Service, which is a manufacturing use in the R-6 zone. All of the property across the Millard Mill Road is zoned R-6 and is developed with cottages. All of the land east of the property, from the subject property to the Western Maryland Railroad (about a mile away), is zoned R-6 and is developed with cottage developments. The land to the south of the subject property is also zoned R-6 and is developed in part with cottages. The western majority line of the subject property extends to the center of the Gwynne Falls road, as noted above, a very small portion of the petitioner's property is zoned R-10. Located from the property line, out of the land lying between Gwynne Falls and the Baltimore County Beltway is zoned R-10 and is presently undeveloped land.

The petitioner produced testimony through various expert witnesses who stated that due to the unique topography of the subject tract the advantages and conditions (both natural and man-made) it would be economically unfeasible to develop the tract in its present classification. An expert testimony, relying on behalf of the petitioner, stated that, in his opinion, the R-6 classification is excessive, one that the highest and best use for the property would be residential apartment. In support of his position he stated that the County had not placed sufficient or uniform zoning on the West Annapolis area, and that the topography and natural conditions would not be economically unfeasible to develop the tract R-6. He also testified to these reclassifications to apartment zones within a half mile radius, namely, Case #5747 (the Corner property), Case #65-189-RX (the Elder property), and another property at the corner of Scotts Road and known as the McKinnon property. All of these changes are some distance from the subject tract and across (west of) the Baltimore County Beltway. The only other changes cited by the petitioner were two special exceptions for Elementary Schools, one of which was granted in 1962 and has not been

Koenig - #65-197-RX

utilized, hence, is apparently void. An examination of the Western Area map 2-E, which was adopted by the County Council in November, 1962, shows only two reclassifications in the entire area north of the Liberty Road and east of the Baltimore County Beltway, both of these reclassifications granted are on the Liberty Road approximately one mile from the subject tract.

There was considerable testimony by both the petitioner and the protestants as to traffic conditions existing on the Millard Mill Road and the possible effect of this reclassification. Without going into detail as to the testimony of each witness, it appears to the Board that there are no present plans to improve the Millard Mill Road, which is only 22 feet wide at the bridge over Gwynne Falls immediately west of the subject property, and as the traffic now equals or exceeds the capacity of Millard Mill Road, the Board believes, from the testimony, that the reclassification here would unduly congest traffic on the Millard Mill Road.

The petitioner seemed to base most of his case on the economic unfeasibility of developing the property R-6. However, some doubt was cast on this position by at least one witness for the protestants who testified that, in his opinion, the property could be economically developed in its present classification, and to substantiate this cited as examples the development of Willow Glen, which is immediately adjacent to the subject tract on its west side, and the Silver Creek development, which is immediately across the Millard Mill Road north of the subject property.

The petition was also opposed by Mr. George E. Govelets, Director of Planning for Baltimore County, who testified that the County had carefully studied this area in conjunction with the adoption of the Western Area map and knew of the existence of the manufacturing use at the northwest corner of the property, and felt that the present R-6 classification is correct. He conceded that the map did not provide enough treatment zoning when adopted, however, that since the adoption of the map in 1962 there have been numerous treatment zones placed on the map by petition and that, in his opinion, the granting of these petitions have, in fact, kept the map current and comprehensive.

For the reasons given above, the Board is of the opinion that the petitioner did not meet the heavy burden of overcoming the presumption of correctness of the map, nor did he show sufficient change in the character of the neighborhood to warrant the reclassification sought here.

Koenig - #65-197-RX

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of August, 1966 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 Peirce

R. Bruce Alderman

RE: PETITION FOR RECLASSIFICATION
from R-6 and R-10 zones to R-A zone and a special
exception for elevator apartment buildings
5/5 Millard Mill Road 160' W.
Leafdale Road, 2nd District
John L. Koenig, Minna Koenig,
Mr. Koenig and Marie B. Koenig,
Petitioners
BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-197-RX

The petitioners in the above matter filed a petition for reclassification, from R-6 and R-10 zones to an R-A zone and a special exception for elevator apartment buildings on south side of Millard Mill Road 160 feet west of Leafdale Road in the Second District.

The petitioners did not prove either change in the character of the area or error in the original zoning map, therefore, the reclassification from R-6 and R-10 zones to an R-A zone should be DENIED.

The petitioners withdrew the special exception for elevator apartment buildings so that will not be considered.

It is this 17th day of January, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification be and the same is hereby ZONED and that the above property or area be and the same is hereby continued as and to remain R-6 and R-10 zones.

The special exception for elevator apartment buildings has been withdrawn.

Zoning Commissioner of Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

John L. Koenig, Minna A. Koenig
I or we (William B. Koenig and ... legal owner(s) of the property situate in Baltimore County and shown as described in the description and map 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-6" and "R-10" zone to an ... "R-A" zone; for the following reasons:

1. Error
2. Change in the character of the area.
3. And for such other and further reasons as may be demonstrated at the hearing hereof.

See attached Description

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

Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Address: 218 Church Lane, Balt., Md.
7016 Alden Road, Balt., Md.
Harry S. Swartzwelder, Jr.,
Address 1708 Hunsey Bldg., Balt., Md.

ORDERED By the Zoning Commissioner of Baltimore County, this ... day of ... 1966, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the ... day of ... 1966, at ... o'clock ... P.M.

Zoning Commissioner of Baltimore County

NATZ, CHILUS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore, Maryland 21218
685-5335
DESCRIPTION
0.4+/- AC. PARCEL, MORE OR LESS, SOUTH OF MILLFORD ROAD, 795 FEET, MORE OR LESS WEST OF LEAFDALE ROAD, RECLASSIFICATION AND SPECIAL EXCEPTION
PRESENT ZONING R-10, PROPOSED ZONING R-A WITH SPECIAL EXCEPTION

Beginning for the same at a point where the center line of Gwynne Falls is intersected by the seventh line of the land described in the deed from Donald E. L. Haddock et al to William E. Koenig et al, dated April 7th, 1947 and recorded among the Land Records of Baltimore County in Liber J. W. B. 1557, page 160, said point of intersection being distant S. 00° 10' W., 160 feet, more or less, as measured along said seventh line from its point of beginning on the south side of Millard Mill Road, said last mentioned point being distant 795 feet, more or less, as measured westerly along said Millard Mill Road, from the center line of Leafdale Road, said point of intersection above described being on the existing division line between the zoning description designated 2-R-6-6 and the zoning description 2-R-10-10 and binding on the center line of said Gwynne Falls and along said division line, southeasterly 565 feet, more or less to intersect the second line of said deed, thence binding reversely on a part of said second line and continuing to bind reversely on the first and part of said seventh

NATZ, CHILUS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore, Maryland 21218
685-5335
DESCRIPTION
or last line of said description, the three following courses and distances, (1) S. 81° 15' W., 40 feet, more or less, (2) N. 14° 03' W., 475 feet and (3) N. 00° 10' E., 47 feet, more or less feet to the place of beginning.
Containing 0.6 acres, more or less.

10/25/66
R.W. Dwyer
J. O. 264130



NATZ, CHILUS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore, Maryland 21218
685-5335
DESCRIPTION
5.3+/- AC. PARCEL, SOUTH OF MILLFORD ROAD, 160 FEET, MORE OR LESS WEST OF LEAFDALE ROAD, RECLASSIFICATION AND SPECIAL EXCEPTION
PRESENT ZONING R-6, PROPOSED ZONING R-A WITH SPECIAL EXCEPTION

Beginning for the same at a point on the south side of Millard Mill Road at the distance of 160 feet, more or less, as measured westerly along said Millard Mill Road, from the center of Leafdale Road, said beginning point being at the beginning of the fifth line of the land described in the deed from Donald E. L. Haddock et al to William E. Koenig et al, dated April 7, 1947 and recorded among the Land Records of Baltimore County in Liber J. W. B. 1557, page 160, running thence binding on the fifth and part of the sixth lines of said deed and binding along said Millard Mill Road, the two following courses and distances, (1) S. 73° 42' W., 312 feet and (2) N. 79° 10' W., 82.70 feet, thence leaving said Millard Mill Road, S. 02° 54' W., 115 feet thence N. 85° 39' W., 231.25 feet to a point on the seventh or last line of said deed, thence binding on a part of said seventh line S. 00° 10' W., 15 feet, more or less to the center of Gwynne Falls and to a point on the existing division line between the zoning description designated 2-R-6-6 and the zoning description 2-R-10-10 and binding on the center line of said Gwynne Falls and along said division line.

MAP 2-B WESTERN AREA RA-X

southeasterly 555 feet, more or less to intersect the second line of said dead, thence binding on a part of said second line and continuing to bind on the third and fourth lines thereof, the three following courses and distances, (1) N. 81° 15' E., 248 feet, more or less, (2) N. 21° 56' E., 617.01 feet and (3) N. 15° 19' W., 99 feet to the place of beginning. Containing 5.9 acres, more or less.

12/26/64
J. O. #64190
10/26/64



RE: PETITION FOR RECLASSIFICATION
from R-6 and R-10 zones to R-A zone
S/3 Millford Mill Road 160' West
of Leoflyde Road,
2nd District
John L. Koenig, et al,
Petitioners
Baltimore County
No. 65-197-RX
OPINION

The petitioner in this case seeks a reclassification of a six and one half acre parcel of ground on the south side of Millford Mill Road, 160 feet west of Leoflyde Road in the Second Election District of Baltimore County, from an R-6 and R-10 zone to an R-A zone. The greater majority of the property is zoned R-6, only 0.6 acres of the subject tract, along the western boundary, is zoned R-10.

The zoning and land uses surrounding the property are as follows: At the northwest corner of the property there is a business known as the Eastern Bag Service, which is a nonconforming use in the R-6 zone. All of the property across the Millford Mill Road is zoned as R-6 and is developed with cottages; all of the land east of the property, from the subject property to the Western Maryland Railroad (almost a mile away), is zoned R-6 and developed with cottage developments; the land to the south of the subject property is also zoned R-6 and developed in part with cottages. The western property line of the petitioner's property extends to the center of the Gwynne Falls and, as noted above, a very small portion of the petitioner's property is zoned R-10. Westerly from the property line, all of the land lying between Gwynne Falls and the Baltimore County Beltway is zoned R-10 and is presently undeveloped land.

The petitioner produced testimony through various expert witnesses who stated that due to the rough topography of the subject tract and the subsurface soil conditions (both water and rock) it would be economically unfeasible to develop the property in its present classification. An expert realtor, testifying on behalf of the petitioner, stated that, in his opinion, the R-6 classification is erroneous, and that the highest and best use for the property would be residential apartments. In support of his position he stated that the County had not placed sufficient apartment zoning on the Western Area map, and that the topography and subsurface conditions would make it economically unfeasible to develop the tract R-6. He also testified to three reclassifications to apartment zoning within a half mile radius; namely, Case #5747 (the Crane property), Case #65-289-RX (the Euler property), and another property at the corner of South Level Road known as the Altkinson property. All of these changes are some distance from the subject tract and across (west of) the Baltimore County Beltway. The only other changes cited by the petitioner were two special exceptions for Nursery Schools, one of which was granted in 1963 and has not been

utilized, hence, is apparently void. An examination of the Western Area map 2-8, which was adopted by the County Council in November, 1962, shows only two reclassifications in the entire area north of the Liberty Road and east of the Baltimore County Beltway, both of these reclassifications granted are on the Liberty Road approximately one mile from the subject tract.

There was considerable testimony by both the petitioner and the protestants as to traffic conditions existing on the Millford Mill Road and the possible effect of this reclassification. Without going into detail as to the testimony of each witness, it appears to the Board that there are no present plans to improve the Millford Mill Road, which is only 22 feet wide at the bridge over Gwynne Falls immediately west of the subject property, and as the traffic now equals or exceeds the capacity of Millford Mill Road, the Board believes, from the testimony, that the reclassification here would unworkably congest traffic on the Millford Mill Road.

The petitioner seemed to base most of his case on the economic unfeasibility of developing the property R-6. However, some doubt was cast on this position by at least one witness for the protestants who testified that, in his opinion, the property could be economically developed in its present classification, and to substantiate this cited as examples the development of Willow Glen, which is immediately adjacent to the subject tract on its west side, and the Silver Creek development, which is immediately across the Millford Mill Road north of the subject property.

The petition was also opposed by Mr. George E. Gavelis, Director of Planning for Baltimore County, who testified that the County had carefully studied this area in conjunction with the adoption of the Western Area map and knew of the existence of the nonconforming use at the northwest corner of the property, and felt that the present R-6 classification is correct. He conceded that the map did not provide enough apartment zoning when adopted, however, that since the adoption of the map in 1962 there have been numerous apartment zones placed on the map by petition and that, in his opinion, the granting of these petitions have, in fact, kept the map current and comprehensive.

For the reasons given above, the Board is of the opinion that the petitioner did not meet the heavy burden of overcoming the presumption of correctness of the map, nor did he show sufficient change in the character of the neighborhood to warrant the reclassification sought here.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of August, 1966 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. H. B. Baker, Jr.
W. Giles Parker

R. Bruce Alderman

cc: Zoning
Solicitor

JOHN L. KOENIG, ET AL
vs.
WILLIAM S. BALDWIN,
W. GILES PARKER and
R. BRUCE ALDERMAN,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
IN RE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
File No. 131
File No. 3607

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

MR. CLERK:

Please file, Sir.

William S. Baldwin
County Board of Appeals of Baltimore County

JOHN L. KOENIG, ET AL
vs.
WILLIAM S. BALDWIN,
W. GILES PARKER and
R. BRUCE ALDERMAN,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
IN RE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
File No. 131
File No. 3607

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes 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. 65-197-RX
Dec. 8, 1964
Petition of John L. Koenig, et al for reclassification from R-6 and R-10 zones to R-A zone, and Special Exception for detached apartment building, on property located on the south side of Millford Mill Road 160' west of Leoflyde Road, 2nd District - filed
Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for January 13, 1965 at 2:00 p.m.
26
Certificates of Posting of property - filed
30
Certificates of Publication in newspaper - filed
Jan. 13, 1965
At 2:00 p.m. hearing held on petition by Zoning Commissioner
Order of Zoning Commissioner denying reclassification. "The special exception for detached apartment building has been withdrawn."
14
Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

April 21, 1966 Hearing held on appeal before County Board of Appeals

- May 31
June 16
Aug. 30
Sept. 28
Nov. 18
Order of County Board of Appeals denying reclassification
Order for Appeal filed in the Circuit Court for Baltimore County by Henry S. Sweetensmiller, Jr., Esq. Attorney for Petitioners
Petition to occupy Order for Appeal filed in the Circuit Court for Baltimore County
Certificate of Notice sent to all interested parties
Transcript of Testimony filed - Two volumes
Petitioners' Exhibit No. 1 - Zoning Map (Plans, Childs & Associates)
2 - Layout, including tape lines (Plans, Childs)
3 - Photographs (A, B, C, D, E, F, G)
4 - Zoning File #3881-X
5 - #65-106-X
6 - Photos of typical apartments (A, B, C)
Protestants' Exhibit A - 1 Set 7 - Photos
B - Resolution of Board of Directors, Silver Creek Improvement Association

21
Record of proceedings filed in the Circuit Court for Baltimore County
Record of proceedings pursuant to which said Order was entered and said Record set out are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectfully suggest that it would be wasteful and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

William S. Baldwin
County Board of Appeals of Baltimore County

cc: Zoning
Solicitor

JOHN L. KOENIG, ET AL
vs.
WILLIAM S. BALDWIN,
W. GILES PARKER and
R. BRUCE ALDERMAN,
constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
IN RE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
File No. 131
File No. 3607

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

MR. CLERK:

Please file, Sir.

William S. Baldwin
County Board of Appeals of Baltimore County

Harry S. Swartzwelder, Jr.
Attorney for Petitioners

Dec. 8, 1964	Petition of John L. Keenly, et al. for reallocation from R-8 and R-10 zones to R-1A zone, and Special Exception for elevator apartment building, on property located on the south side of Millford Hill Road 160' west of Ledyard Road, 2nd District.
" "	Order of Zoning Commissioner directing advertisement and posting of papers - date of hearing set for January 13, 1965 at 7:00 p.m.
" 26	Certificate of Posting of property - filed
" 30	Certificate of Publication in newspaper - filed
Jan. 13 1965	At 2:00 p.m. hearing held on petition by Zoning Commissioner
" "	Order of Zoning Commissioner denying reallocation. "The special exception for elevator apartment buildings has been withdrawn."
" 14	Order of Appeal to County board of Appeals from Order of Zoning Commissioner

April 21, 1966 Hearing held on appeal before County Board of Appeals

May 31 " " " " " " " " " " " "

June 16 " " " " " " " " " " " " sub curia

Aug. 30 Order of County Board of Appeals denying reclassification.

Sept. 28 Order for Appeal filed in the Circuit Court for Baltimore County
by Harry S. Schwartzelwer, Jr., Esq. Attorney for Petitioners

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

" 29 Car'lifice of Notice sent to all interested parties

Nov. 18 Transcription of Testimony filed - Two Volumes

Petitioners' Exhibit No. 1 - Zoning Plat (Motz, Chlick & Associates)

" " " 2 - Layout, including top lines (Motz, Chlick & Associates)

" " " 3 - Photographs (A, B, C, D, E, F, G)

" " " 4 - Zoning File #5881-X

" " " 5 - " " #63-106-X

" " " 6 - Photos of typical apartments (A, B, C)

Protestants' Exhibit A - 1 thru 7 - Photos

" " B - Resolution of Board of Directors, Apple Creek
Improvement Association

" 21 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 incon-
venient and inappropriate to file the same in this proceeding, but your Respondents will
produce any and all such rules and regulations, together with the zoning use district maps,
at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Boudlemier
County Board of Appeals of
Baltimore County

JOHN L. KOENIG, Et. Al. * IN THE

Petitioners * CIRCUIT COURT

vs. * FOR

WILLIAM S. BALDWIN, *
W. GILES PARKER, and *
R. BRUCE ALDERMAN, being * BALTIMORE COUNTY
and constituting the County *
Board of Appeals of *
Baltimore County * 131/367

Appellae * *

PETITION TO INTERVENE AND
ORDER OF COURT

TO THE HONORABLE, THE JUDGE OF SAID COURT,

The Petition of Barry J. A. Hond, Joseph Zdobat, Walter W. Leroy and Eugene L. Aust, Intervenor, by John J. Bishop, Jr., their Attorney, respectfully represent:

1. That they were protestants before the Folling Commission and the Board of Appeals for Baltimore County.
2. That they protested the granting of the reclassification requested in Case 865-1979-KK.
3. That the County Board of Appeals for Baltimore County did on August 30, 1966, deny the petition for reclassification.
4. That on September 29, 1966, an Order for Appeal and a petition accompanying an Order for Appeal was filed by John L. Koenig, et. al.

interlocutors
5. That your petitioners have valuable rights and property interests that will be jeopardized unless they be permitted to intervene in this matter.

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

* IN THE
JOHN L. KOENIG, Et. Al.
*
* CIRCUIT COURT
Petitioners
*
*
* FOR
vs.
*
* WILLIAM S. BALDWIN,
* W. GILES PARKER, and
* A. BAUCE ALDERMAN, being
* BALTIMORE COUNTY
and constituting the County
* Board of Appeals of
* Baltimore County
*
Appellees

131/3607

ANSWER TO PETITION ACCOMPANYING
ORDER FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT.

Now comes Barry J. A. Hond, Joseph Zwobst, Walter W. Leroy and Eugene L. Aust, Intervenor, by John J. Bishop, Jr., Their Attorney and in answer to the Petition Accompanying Order for Appeal state:

1. That they admit the allegation contained in Paragraphs 1, 2, 3 and 4 of the said Petition.
2. That they deny the allegation contained in Paragraph 5 and demand strict proof thereof.
3. That they deny the allegations contained in Paragraph 6(a) through (i) and, on the contrary, state that the said Order of the County Board of Appeal of August 30, 1966 was proper and legal and based on the evidence.

WHEREFORE, having fully answered the said Petition Accompanying Order for Appeal, respectfully pray that the said appeal be dismissed with costs and that the Order of the County Board of Appeals be upheld.

John J. Bishop, Jr.

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed this Day of October, 1966 to Harry S. Swartzwelder, Jr., Esq., 1709 Hunsey Building, Baltimore, Maryland 21202, Attorney for the Petitioners, and Carville M. Downes, Esq., 202 West Pennsylvania Avenue, Towson, Maryland 21204, and William J. Pittler, Esq., 1010 One Charles Center, Baltimore, Maryland 21201.

John J. Bishop, Jr.
203 Courtland Avenue
Towson, Maryland 21204
Valley 3-6101
Attorney for Intervenor

JOHN L. KOENIG, Et. Al.	*	IN THE
Petitioners	*	CIRCUIT COURT
vs.	*	FOR
WILLIAM S. BALDWIN, W. GILES WARDEN, and R. BRUCE ALDERMAN, being and constituting the County Board of Appeals of Baltimore County	*	BALTIMORE COUNTY
Appellees	*	

MOTION TO EXTEND TIME FOR
TRANSMITTAL OF RECORD

Now comes John L. Koenig, et. al., by Harry S. Swartzwelder, Jr., their attorney, pursuant to rule B7(b) of the Maryland Rules of Procedure and requests that the time for transmitting the record in connection with the above entitled case be extended to forty-five days from the date of this petition and order for the following reason:

1. That your petitioners are advised that the Court Reporter has not completed the Transcript of Record.

Harry S. Swartzwelder, Jr.
1708 Hansey Building
Baltimore, Maryland, 21202
727-4929
Attorney for petitioners

WHEREFORE, your Intervenor's pray an Order

- a. Granting them leave to intervene in these proceedings as additional defendants.
- b. Granting them leave to file such appropriate pleadings as may be proper.

John J. Bishop, Jr.
201 Courtland Avenue
Towson, Maryland 21204
Attorney for Intervenor

ORDER OF COURT

Leave granted as prayed this 27th day of October, 1966

S. J. Raine
JUDGE

I HEREBY CERTIFY, that on this 27th day of October, 1966
a copy of the foregoing Petition to Intervene and Order of
Court were mailed to Harry S. Schwartzelder, Jr., Esq., 1709
Munsey Building, Baltimore, Maryland 21202, Attorney for the
Petitioners and Carville M. Downer, Esq., 202 West Pennsylvania
Avenue, Towson, Maryland 21204, William J. Pittier, Esq., 1010
One Charles Center, Baltimore, Maryland 21201, E. Scott Moore,
County Solicitor, County Office Building, Towson, Maryland 21204
and the County Board of Appeals of Baltimore County, County
Office Building, Towson, Maryland 21204.

John J. Bishop, Jr.
Attorney for Intervenor
203 Courtland Avenue
Towson, Maryland 21204

* IN THE
JOHN L. KOENIG, Et. Al.
*
* PETITIONERS
* CIRCUIT COURT
*
*
*
* FOR
*
WILLIAM S. BALDWIN,
*
* W. GILES PARKER, and
*
* A. BAUCU ALDERMAN, being
* BALTIMORE COUNTY
and constituting the County
*
Board of Appeals of
*
Baltimore County
*
Appellees
131/3607

JOHN L. KOENIG, Et. Al.	*	IN THE
Petitioners	*	CIRCUIT COURT
vs.	*	FOR
WILLIAM S. BALDWIN, W. GILES WARDEN, and R. BRUCE ALDERMAN, being and constituting the County Board of Appeals of Baltimore County	*	BALTIMORE COUNTY
Appellees	*	

ORDER

The foregoing application having been presented and read by the Circuit Court for Baltimore County, it is hereby ORDERED, this 28 day of October, 1966, that the time for submitting the record in the above captioned case be extended to forty-five (45) days from the date hereof.

Walter Benjamin
JUNIOR

I HEREBY CERTIFY, That a copy of the Motion to Extend
Time For Transmittal of Record was mailed this ____ day of
_____, 1966, to John Bishop, Esquire, 203 Courtland
Avenue, Towson, Maryland, 21204, Attorney for the Protestants,
and, to the County Board of Appeals.

Harry S. Swartswelder, Jr.
Attorney for Petitioners

JOHN L. KOENIG, ET AL.
Petitioners
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Miss. District No. 8
File No. 131
File No. 1607

CERTIFICATE OF NOTICE

Be Clerk:
Presented to the petitioners of July 1199-4 (4) of the Maryland Rules of Procedure William S. Baldwin, W. Giles Parker and R. Bruce Alderson, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Appeal to the petitioners of every party to the proceeding before by mail, Harry S. Stansmiller, representative of every party to the proceeding before by mail, Harry S. Stansmiller, Jr., Esq., 1709 Murray Building, Baltimore, Maryland 21204, Attorney for the Petitioners, and Carville M. Bennett, Esq., 282 West Pennsylvania Avenue, Towson, Maryland 21204, and William J. Fisher, Esq., 1610 Oak Charles Center, Baltimore, Maryland 21204, Attorney for John J. Bishop, Jr., Esq., 282 Courtland Avenue, Towson, Maryland 21204, Attorney for the Petitioners, a copy of which notice is attached hereto and prayed that it may be made a part hereof.

JOHN L. Koenig, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-2828, Ext. 576

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Harry S. Stansmiller, Jr., Esq., 1709 Murray Building, Baltimore, Maryland 21204, Attorney for the Petitioners, and Carville M. Bennett, Esq., 282 West Pennsylvania Avenue, Towson, Maryland 21204, and William J. Fisher, Esq., 1610 Oak Charles Center, Baltimore, Maryland 21204, and John J. Bishop, Jr., Esq., 282 Courtland Avenue, Towson, Maryland 21204, Attorneys for the Petitioners, on this 27th day of September, 1966.

JOHN L. Koenig, Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION
from R-6 and R-10 zones to R-A zone
S/S Millford Mill Road 160' West
of Leedydale Road,
2nd District
John L. Koenig, et al,
Petitioners
BALTIMORE COUNTY
No. 65-197-EX

OPINION

The petitioner in this case seeks a reclassification of a six and one half acre parcel of ground on the south side of Millford Mill Road, 160 feet west of Leedydale Road in the Second Election District of Baltimore County, from an R-6 and R-10 zone to an R-A zone. The greater majority of the property is zoned R-6, only 0.6 acres of the subject tract, along the western boundary, is zoned R-10.

The zoning and land use surrounding the property are as follows: At the northwest corner of the property there is a business known as the Eastern Bag Service, which is a nonconforming use in the R-6 zone. All of the property across the Millford Mill Road is zoned R-6 and is developed with cottages; all of the land out of the property, from the subject property to the Western Maryland Railroad (about a mile away), is zoned R-6 and developed with cottage developments; the land to the south of the subject property is also zoned R-6 and developed in part with cottages. The western property line of a petitioner's property extends to the center of the Guyana Falls and, as noted above, a very small portion of the petitioner's property is zoned R-10. Westerly from the property line, all of the land lying between Guyana Falls and the Baltimore County Beltway is zoned R-10 and is presently undeveloped land.

The petitioner produced testimony through various expert witnesses who stated that due to the rough topography of the subject tract and the subsurface soil conditions (both water and rock) it would be economically unfeasible to develop the property in its present classification. An expert realtor, testifying on behalf of the petitioner, stated that, in his opinion, the R-6 classification is erroneous, and that the highest and best use for the property would be residential apartments. In support of his position he stated that the County had not placed sufficient apartment zoning on the Western Area map, and that the topography and subsurface soil conditions would make it economically unfeasible to develop the tract R-6. He also testified to three reclassifications to apartment zoning within a half mile radius; namely, Case #574 (the Crane property), Case #65-289-EX (the Euler property), and another property at the corner of South Level Road known as the Atkinson property. All of these changes are some distance from the subject tract and across (west of) the Baltimore County Beltway. The only other changes cited by the petitioner were two special exceptions for Nursery Schools, one of which was granted in 1963 and has not been

JOHN L. KOENIG, ET AL.
Petitioners
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Miss. District No. 8
File No. 131
File No. 1607

PETITION ACCOMPANYING ORDER FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of John L. Koenig, et al., respectfully represents unto your Honor:

1. That the petitioners are now, and for some years prior hereto, have been the owners of property on the South side of Millford Mill Road, 160 feet West of Leedydale Road in the Second Election District of Baltimore County, from an R-6 and R-10 zone to an R-A zone. The greater majority of the property is zoned R-6, only 0.6 acres of the subject tract, along the western boundary, is zoned R-10.

2. That the property of your Petitioners was previously zoned R-6 and R-10 on the Zoning Map of the Second Election District.

3. That your Petitioners filed their petition with the Zoning Commission of Baltimore County for reclassification from an R-6 zone to an R-A zone; that on January 13, 1966, the Zoning Commission denied said reclassification.

Exhibit - 65-197-EX

utilized, hence, is apparently valid. An examination of the Western Area map 2-8, which was adopted by the County Council in November, 1962, shows only two reclassifications in the entire area north of the Liberty Road and east of the Baltimore County Beltway, both of these reclassifications granted are on the Liberty Road approximately one mile from the subject tract.

There was considerable testimony by both the petitioners and the respondents as to traffic conditions existing on the Millford Mill Road and the possible effect of this reclassification. Without going into detail as to the testimony of each witness, it appears to the Board that there are no present plans to improve the Millford Mill Road, which is only 22 feet wide at the bridge over Guyana Falls immediately west of the subject property, and in the traffic now exists in excess of the capacity of Millford Mill Road, the Board believes, from the testimony, that the reclassification here would unduly congest traffic on the Millford Mill Road.

The petitioners seemed to base most of his case on the economic unavailability of developing the property R-6. However, these could not be met on this petition by at least one witness for the respondents who testified that, in his opinion, the property could be economically developed in its present classification, and to substantiate this cited as examples the development of Willow Glen, which is immediately adjacent to the subject tract on its west side, and the Silver Creek development, which is immediately across the Millford Mill Road north of the subject property.

The petition was also opposed by Mr. George L. Govey, Director of Planning for Baltimore County, who testified that the County had carefully studied this area in conjunction with the adoption of the Western Area map and knew of the existence of the nonconforming use at the northwest corner of the property, and felt that the present R-6 classification is correct. He conceded that the map did not provide enough apartment zoning when adopted, however, that since the adoption of the map in 1962 there have been numerous apartment zones placed on the map by petition and first, in his opinion, the granting of these petitions have, in fact, kept the map current and comprehensive.

For the reasons given above, the Board is of the opinion that the petitioners did not meet the heavy burden of overcoming the presumption of correctness of the map, nor did he show sufficient change in the character of the neighborhood to warrant the reclassification sought here.

4. That thereafter your Petitioners entered an appeal from the order of the Zoning Commission to the County Board of Appeals and hearing thereon was held and an Order and Opinion was signed by the members of the County Board of Appeals on August 30, 1966, denying the petition for reclassification.

5. That your Petitioners are property owners and taxpayers of Baltimore County and the State of Maryland and are aggrieved as a result of the denial of said petition for reclassification.

6. That the said Order of the County Board of Appeals of August 30, 1966, is improper, an abuse of administrative discretion, illegal and null and void for the following reasons:

a. That the County Board of Appeals misconstrued the evidence.

b. That the County Board of Appeals incorrectly applied the evidence to the law in this case.

c. That the opinion and order of the County Board of Appeals was based upon incorrect legal premises.

d. That there were no legally sufficient facts to support the Opinion and Order of the County Board of Appeals.

e. That there is no evidence to justify a conclusion that a change has not taken place in the neighborhood on which such a reclassification can be denied.

f. That there is no evidence that a reclassification will present a hazard to the health, safety or welfare of the community.

g. That the uncontradicted consistent testimony in the case shows that the map was in error in classifying the Petitioners'

property R-6 and in discriminating against Petitioners' property.

h. That the action of the County Board of Appeals of Baltimore County in denying the petitioners' application in this case was, in the facts and circumstances of the case, arbitrary, capricious and illegal.

i. And for other and further reasons to be shown at the hearing hereon.

WHEREFORE, Your Petitioners respectfully pray that the aforementioned order of the County Board of Appeals, dated January 13, 1966, be reversed, set aside and annulled.

Harry S. Stansmiller, Jr.
1709 Murray Building
Baltimore, Maryland, 21204
727-4529
Attorney for petitioners

I HEREBY CERTIFY, that a copy of the within Petition was mailed this 27th day of September, 1966, to the County Board of Appeals and John Bishop, Esquire, attorney for respondents.

John J. Bishop, Jr.
282 Courtland Avenue, Jr.
Attorney for respondents

Exhibit - 65-197-EX

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of August, 1966 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 Alderson

DUPLICATE

CERTIFICATE OF PUBLICATION

T. W. SON, MD. December 25, 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. ~~on~~ ~~the~~ ~~13th~~ ~~day~~ ~~of~~ ~~January~~ ~~1965~~ before the 13th day of January, 1965, the first publication appearing on the 25th day of December, 1964.

THE JEFFERSONIAN,

L. Frank Struthers
Manager.

Cost of Advertisement, \$.....

PETITION FOR RECLASSIFICATION AND SPECIAL EXEMPTION Said District

FORN: Pave R-4 and R-10 to R-1: Some Petition for Special Exemption for Apartment Building.

LOCATED: Some Petition of the said R-10 Road 100 feet wide of Land in the Second District of Baltimore County, Maryland.

DATE & TIME: WEDNESDAY, JANUARY 13, 1965 at 2:00 P.M. PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Present: R-4 & R-10 proposed R-10 and R-10 Special Exemption for Apartment Building.

All that parcel of land in the Second District of Baltimore County, Maryland, known as R-4 to R-4.

Beginning for the same at a point on the south side of Milford Mill Road at the distance of 105 feet, more or less, as measured westerly along said Milford Mill Road, from the center of Lehighdale Road, said beginning point being at the beginning of the fifth line of the land described in the deed from Donald E.L. Hallock et al. to William E. Koenig et al. dated April 7, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.R. 1657, page 160, running easterly 70 feet, more or less, to the south side of said road and thence along said Milford Mill Road, the two following courses and distances, (1) South 72 degrees 42 minutes West, 312 feet and (2) North 79 degrees 10 minutes West, 115 feet, thence leaving said Milford Mill Road, South 02 degrees 14 minutes West, 115 feet, thence North 85 degrees 18 minutes West, 231.25 feet to a point on the seventh or last line of said deed, thence binding on a part of said seventh line South 09 degrees 10 minutes West, 15 feet, more or less to the center of Chynoweth Falls and 10 a pole, on the existing division line between the zoning description designated 2-R-4-6 and the zoning description 2-R-10-10 and binding on the center line of said Chynoweth Falls and along said division line southeasterly 565 feet, more or less to intersect the second line of said deed, thence binding on a part of said second line and continuing to bind on the third and fourth lines thereof, the following courses and distances, (1) North 81 degrees 15 minutes East, 248 feet, more or less, (2) North 21 degrees 10 minutes East, 817 feet and (3) North 15 degrees 15 minutes West, 95 feet to the place of beginning, containing 5.8 acres, more or less.

R-10 to R-4.

Beginning for the same at a point where the center line of Chynoweth Falls intersects the seventh line of the land described in the deed from Donald E.L. Hallock et al. to William E. Koenig et al. dated April 7, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.R. 1657, page 160, said point of intersection being distant South 00 degrees 10 minutes East, 140 feet, more or less, as measured along said seventh line from its point of beginning on the south side of Milford Mill Road, said last mentioned point being distant 795 feet, more or less, as measured westerly along said Milford Mill Road, from the center line of Lehighdale Road, said point of intersection above described being on the existing division line between the zoning description designated 2-R-4-6 and the zoning description 2-R-10-10 and binding on the center line of said Chynoweth Falls and along said division line, southeasterly 585 feet, more or less to intersect the second line of said deed, thence binding reversely on a part of said second line and continuing to bind reversely on the first and part of said seventh or last line of said description, the three following courses and distances, (1) South 81 degrees 15 minutes West, 48 feet, more or less, (2) North 14 degrees 03 minutes West, 103 feet and (3) North 00 degrees 10 minutes East, 49 feet, more or less feet to the place of beginning, containing 0.8 acres, more or less.

Being the property of John L. Koenig, et al. as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, January 13, 1965 at 2:00 P.M. Public Hearing Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of John G. Rose Zoning Commissioner Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. December 30, 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 13th day of January, 1965, the first publication appearing on the 24th day of December, 1964.

THE TIMES,

John M. Martin
Manager.

Cost of Advertisement, \$11.00

Purchase Order A5233
Requisition No. N9977

Petitioner's

- ✓ Ex 1 Zoning Plat - (not used)
- ✓ Ex 2 Layout, mainly Topo Lines, not Chills
- ✓ Ex 3 A, B, C, D, E, F, G - Photographed
- Ex 4 Case No. 5581X (File)
- Ex 5 Case No. 63-106X (File)
- ✓ Ex 6 Photos of typical sites 184C

Prot. Exhibit

- ✓ Ex A 1 thru 7 - Photos
- ✓ Ex B Resolution of Ad. of Pave, Silver Creek Sup. Comm.

JOHN J. BISHOP, JR.
ATTORNEY AT LAW
203 COURTLAND AVENUE
TOWSON, MARYLAND 21204
VALLEY 3-6301

May 18, 1966

William Baldwin, Esquire
Chairman, County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 65-197-KX (Knox)
Scheduled for May 31, 1966

Dear Mr. Baldwin:

You have no doubt received a copy of Mr. Gavrelli's letter of May 12, 1966. I assume that the Board will permit the taking of Mr. Gavrelli's testimony at a later date. However, I would appreciate your advice in connection with this matter.

Sincerely yours,

John J. Bishop, Jr.
John J. Bishop, Jr.

JTB:h

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Courtland Ave.
Towson, Md. 21204
Tel. 3-6301

George E. Gavrelli
Director
John G. Rose
County Commissioner

Mr. John J. Bishop, Jr., Attorney
203 Courtland Avenue
Towson, Maryland 21204

Dear Mr. Bishop:

Due to the fact that I will be on vacation, out of town, on May 21st, I will be unable to testify before the Board of Appeals in regard to Case 65-197-KX, scheduled for 10:00 A.M. on that date. However, I shall be delighted to give my testimony at a later date if this is agreeable to you and the Board of Appeals.

I am indeed sorry, but my plans for the long Memorial Day holiday are of long standing.

Sincerely yours,

George E. Gavrelli
GEORGE E. GAVRELLI
Director

GEO:hms
cc: William Baldwin, Chairman
County Board of Appeals

Rec'd 5-17-66
1:45 P.M.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

INTER-OFFICE CORRESPONDENCE

TO: John G. Rose, Zoning Commissioner Date: December 31, 1964

FROM: George E. Gavrelli, Director

SUBJECT: 665-187-KX, R-4 and R-10 to R-A and Special Exception for Elevator Apartment Building. Southside of Milford Mill Road 160 feet West of Leafdale Road. Being the property of John L. Koenig, et al.

2nd District

HEARING: Wednesday, January 13, 1965 7:00 P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-4 and R-10 to R-A zoning together with a Special Exception for an elevator apartment building. It has the following advisory comments to make with respect to pertinent planning factors:

1. The Vertical Planning Area Map carefully identified and made recommendations on land use potentials in the vicinal area. In essence, the single family residential character of the area was affirmed and appropriate zoning was enacted here by the County Council. The Planning staff recognized the existence of a nonconforming use in the vicinal area making these recommendations. The Planning staff does not believe that the zoning Map is in error here.
2. With regard to the Special Exception, the Planning staff notes that the subject property does not meet the current planning policies regarding the location of high density apartments. Although these standards provide at the present only staff guide lines, and are unofficial, failure to meet these working standards does indicate that such use here is inappropriate.

GEO:hms

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Courtland Ave.
Towson, Md. 21204
Tel. 3-6301

George E. Gavrelli
Director
John G. Rose
County Commissioner

April 15, 1966

Mr. John J. Bishop, Jr.
Attorney at Law
203 Courtland Avenue
Towson, Maryland 21204

Dear Mr. Bishop:

A summons was accepted by this office today for Mr. Gavrelli to testify before the Board of Appeals on Thursday, April 21, 1966. As Mr. Gavrelli expects to be attending the Planning conference in Philadelphia most of next week it is very unlikely that he will be able to appear. However, I am sure he will be happy to give his testimony at a later date if this can be arranged with you and the Chairman of the Board of Appeals.

Sincerely yours,

William Baldwin
William M. Shuck, Secretary
for Mr. George E. Gavrelli

cc: Mr. William Baldwin, Chairman
County Board of Appeals of Baltimore Co.

Rec'd 4-15-66
4-15-66

STATEMENT OF EXPERIENCE AND EDUCATION

Eugene J. Clifford, P.E.

Box 318, Route 1
Cockeysville, Maryland
21030

Education and Training

Catholic University of America
Washington, D. C.
Bachelor of Civil Engineering 1950
Northwestern University
Evanston, Illinois
Certificate for Traffic Engineer
Training Program 1954

Yale University
New Haven, Connecticut
Certificate in Traffic Engineering
1953

Professional Experience

Baltimore County, Maryland
County Traffic Engineer
June 1963 - Present

U. S. Army Transportation Corps
Civilian Employment (1959-63)
Chief, Transportation Services Division
U.S. Army Transportation Engineering Agency
Ft. Meade, Virginia
July 1963 - June 1963

Acting Chief, Engineering Services Branch
Directorate of Transportation Engineering
Office of Chief of Transportation
Department of the Army
Washington, D. C. (Temporary Duty) May - June 1963

Chief, Transportation Services Division
Transportation Engineering Office
U.S. Army Transportation Research Command
Ft. Meade, Virginia
Oct. 1961 - May 1962

Chief, Surface Traffic Branch and
Acting Chief, Transportation Services Div.
Transportation Engineering Office
U.S. Army Transportation Research Command
Ft. Meade, Virginia
Nov. 1959 - Oct. 1961

Richmond, Virginia
City Traffic Engineer
Aug. 1958 - Nov. 1959

Traffic Consultant, Rockville, Md.
Feb. 1956 - Aug. 1958

Montgomery County, Maryland (1950-58)
Chief, Traffic Engr. Div.
Acting Chief, Traffic Engr. Div.
Assistant Traffic Engineer
June 1955 - Aug. 1958
Apr. 1953 - Sept. 1954
Oct. 1953 - Apr. 1953

Montgomery County, Maryland (continued)
Associate Traffic Engineer Apr. 1952 - Oct. 1952
Junior Traffic Engineer Apr. 1951 - Apr. 1952
Draftsman, Traffic Engr. Div. Oct. 1950 - Apr. 1951
Draftsman, Highway Engr. Div. June 1950 - Oct. 1950

Related Professional Activities

Professional Engineer, Maryland Registration # 4990
Guest Instructor in Traffic Engineering
Police Recruit School, Montgomery County, Maryland
Supervisory and Recruit Courses, Police Academy, Richmond, Virginia
Associate and Career Officers Courses
U.S. Army Military Police School, Ft. Gordon, Georgia
Police Academy, Baltimore County, Maryland
University of Maryland, Center for Adult Education

Publications

Soil Cement for Secondary Roads - Thesis, Catholic University 1950
Retail Business and Parking Demand - Thesis, Yale University 1955
The Measurement of Traffic Flow - Traffic Engineering Magazine Mar. 1956

Professional Organizations

Virginia Association of Traffic Engineers - Member
American Public Works Association - Active Member
Institute of Traffic Engineers - Member
Committee on Bioplane Operation in Urban Areas, Chairman 1964-Present
Committee on Special Purpose Traffic Survey Devices-Member 1963-65
Committee on Traffic Survey Devices - Member 1960-63
Committee on Highway Location and Design - Member 1951-63
Washington, D. C. Section, Committee on Training and Education-
Chairman 1964-Present
County Engineers Association of Maryland - Member

Other Affiliations

Member, Theodore M. Matus Memorial Fund, Inc. - 1963 to Present
Ft. Meade Incentive Awards Panel, Member - 1963-65
Montgomery County, Md., Safety Board, Ex-Officio Member 1955-57
Rockville, Md., Traffic Transportation and Safety Advisory Committee
Member 1957-58
County Engineers Association of Maryland, Committee on Traffic
Controls, Member - 1957
Montgomery County, Md., Civil Defense Agency, Chief of Transportation,
Medical Services 1951
Richmond Area Safety Council, Member, Board of Controls - 1959
Baltimore Regional Highway Planning Committee, Member - 1959
Baltimore Metropolitan Area Transportation Study, Member
Technical Committee - 1963
Baltimore Metropolitan Area Transit Study, Member
Technical Advisory Committee - 1963-65
Metropolitan Transit Authority, Advisory Council, Secretary 1963-Present
Baltimore Regional Planning Council, Technical Committee, Member 1965
to Present
Baltimore Safety Council, Traffic Committee, Member 1963-Present

Other Training

Columbia Technical Institute
Washington, D. C.
Topographic Drafting - 1943
Federal Civil Defense Agency
Training Center, Olney, Md.
Emergency Traffic Control - 1946
Institute for Training in Municipal
Administration (I.C.M.A.)
Richmond, Virginia
Supervisory Methods in Municipal
Administration - 1959
Workshop for Middle Management
Civilian Personnel Office
Ft. Meade, Virginia 1962
Job Protection and Appraisal
2nd Army Civilian Personnel Office
Baltimore, Maryland 1963

Rec'd 6-1-66
6-1-66

JOHN J. BISHOP, JR.
ATTORNEY AT LAW
202 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
VALLEY 3-4301



January 13, 1965

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson 4, Maryland 21204

Dear Mr. Rose:

In accordance with my conversation with you and Mr. Swartzwelder you will find enclosed a list of the names and addresses of the persons who appeared at the hearing in connection with the above petition.

You will also find enclosed resolution by the Board of Directors of the Silver Creek Community Association, Inc., which was to have been submitted by Edmund M. Radcliffe, its President. Mr. Radcliffe you will note appeared at the hearing.

Very truly yours,

John J. Bishop, Jr.
John J. Bishop, Jr.

JJB:ldp

cc: Carville Downes, Esquire
202 West Pennsylvania Avenue
Towson 4, Maryland
William Pittler, Esquire
819 Hopwood Road
Baltimore 8, Maryland

Harry S. Swartzwelder, Jr., Esq.
1709 Munsey Building
Baltimore 2, Maryland 21202

RESOLUTION BY THE BOARD OF DIRECTORS
OF THE
SILVER CREEK COMMUNITY ASSOCIATION, INC.

Upon a motion duly made and seconded and adopted unanimously, it was resolved that the Silver Creek Community Association, Inc. does hereby oppose the granting of the petition of John L. Koenig, et al. requesting the rezoning of the property located on the south side of Milford Mill Road, 160 feet west of Leafdale Terrace from R6 and R10 to RA with a special exception for an elevator apartment; because the granting of this petition will be detrimental to the health, safety and welfare of the property owners of the Community for the following reasons:

1. Excessive increase in traffic;
2. Depreciation in the value of our properties;
3. Cause the overcrowded conditions of our schools to be increased;
4. Will overburden an already overburdened Police and Fire Department.

Be it further resolved that the citizens of Baltimore County through the Baltimore County Council have approved the comprehensive zoning map which encompasses the area involved in said petition and that the present classification of said property is correct and proper and was not a mistake or error.

The following is a resolution passed by the officers and members of the Board of Directors composing a quorum of the Board and was passed on this 5th day of January, 1965.

I, Mary H. Blubaugh, Recording Secretary of the Silver Creek Community Association, Inc., do hereby certify that I was present at the aforesaid meeting of the Board of Directors of the Silver Creek Community Association, Inc. when the foregoing

resolution was passed unanimously and it is a true and correct copy of said resolution.

Mary H. Blubaugh
Mary H. Blubaugh
Recording Secretary

Charles C. Koenig
Charles C. Koenig
Vice President

Frank Lombardi
Frank Lombardi
Treasurer

Susan H. Lippincott
Susan H. Lippincott
Corresponding Secretary

Executive Board Members

Eugene Aust
Eugene Aust

Walter Williams
Walter Williams

Dorothy Gillian
Dorothy Gillian

Joseph M. Zwohot
Joseph M. Zwohot

James G. Gossion
James G. Gossion

NAME	ADDRESS
Mrs. Lee S. Flainshon	7410 Sudbrook Road, Baltimore 8, Md.
Mrs. H. A. Bode	920 Milford Mill Road
Mrs. J. Sherrill	924 Milford Mill Road
Mrs. R. K. Klein	916 Milford Mill Road
Mrs. Bernard L. Oden	914 Milford Mill Road
Bernard L. Oden	914 Milford Mill Road
Mrs. Glida Lerner	726 Silver Creek Road
Dorothy C. Gillian	638 Silver Creek Road
Mrs. Edmund Radcliffe	730 Silver Creek Road
Mrs. Rosalyn Sas	900 Burnt Amber Court
Mrs. Jean Hurley	829 Silver Creek Road
Mrs. Roland Stuart	826 Cliffedge Road
Mrs. Eleanor Vernon	722 Cloudyfold Drive
Mrs. Elana Sarsaky	910 Milford Mill Road
Mrs. C. Garrah	912 Milford Mill Road
Jacob Garrah	921 Milford Mill Road
Walter M. Leroy	921 Milford Mill Road
Louise M. Leroy	714 Leafdale Terrace
Joseph W. Zwohot	715 Leafdale Terrace
Jay E. Fetters	708 Silver Creek Road
Frank J. Lombardi	716 Leafdale Terrace
George P. Volkhaus	705 Leafdale Terrace
Susan H. Lippincott	714 Leafdale Terrace
Nebel Zwohot	726 Leafdale Terrace
Mary Balsamo	729 Cloudyfold Drive
Dorothy Brooks	724 Leafdale Terrace
William L. McFarlane	923 Milford Mill Road
Dorothy B. Higgs	718 Silver Creek Road
Edmund M. Radcliffe	404 Upland Road
Robert A. Wolf	704 Cloudyfold Drive
Vincent S. Pappa	930 Cloudyfold Drive
Mrs. Malcolm Muth	709 Cloudyfold Drive
Eugene L. Aust	1 Undercliff Court
Abrael L. Fox	7 Undercliff Court
Nathan Strauss	811 Templecliff Road
Charles C. Koenig	716 Silver Creek Road
LeVaughlin C. Beard	7304 Prince George Road
Malvin I. Leberman	706 Leafdale Terrace
David Schar	

August 30, 1966

Harry S. Swartzwelder, Jr., Esq.
1709 Munsey Building
Baltimore, Md. 21202

Re: File No. 65-197-4X
John L. Koenig, et al
Petitioners

Dear Mr. Swartzwelder:

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

Very truly yours,

Edith T. Eisenhardt
Edith T. Eisenhardt, Secretary

cc: Carville M. Downes, Esq.
Wm. J. Pittler, Esq.
John J. Bishop, Jr., Esq.
Mr. Rose
Mr. Gossion
Board of Education

September 29, 1966

Carville M. Downes, Esq.
1010 One Charles Center
Baltimore, Maryland 21201

Re: Case No. 65-197-4X
John L. Koenig, et al,
Petitioners

Dear Mr. Downes:

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. Eisenhardt
Edith T. Eisenhardt, Secretary

cc: William J. Pittler, Esq.
John J. Bishop, Jr., Esq.

932 Milford Mill Road
Pikesville, Md. 21208
17 February 1965

COUNTY BOARD OF APPEALS
County Office Building
131 West Chesapeake Avenue
Towson 4, Maryland

Gentlemen:

It would be appreciated if you will ADVISE THE WRITER, and investors for the KORDIS property located across the street from my home in the 900 block of Milford Mill Road, at the site of the bag factory.

In the event the date and time for the appeal is set and you would not have sufficient time to advise me, please telephone;

Daytime Phone: SO 1-1000 Extension 420 or 673
Home Phone: HU 6-6786

Thanking you in advance, I am

Very truly yours,

Stanley J. Frank
(Mrs.) Stanley J. Frank, Jr.

February 23, 1965

Mrs. Eisenhardt
County Board of Zoning Appeals
County Office Building
Towson, Maryland

Dear Mrs. Eisenhardt:

Please notify me of the date set for hearing of case 65-197-4X (J. L. Koenig). Property is on Milford Mill Road near the Beltway overpass.

Thanking you, I am

Yours truly,

Stanley J. Frank
Stanley J. Frank
7437 Karydale Road
Baltimore 8, Maryland

Rec'd 2-24-65
8-25-66

Rec'd 2-24-65
9-25-66

Crane & Crane, Inc. Railroaders

1890 N. Charles Street
Baltimore 1, Maryland

Sales Rentals Mortgage Loans Insurance

January 11, 1965

Mr. G. Mitchell Austin
Board of Zoning Appeals
County Office Building
Towson, Maryland 21204Re: Application for Zoning - Koenig, et al
Highrise Apartment on South side of
Milford Mill Road, 160' West of
Leafdale Terrace

Dear Mr. Austin:

I am writing this letter as the owner of a tract of land in close
proximity to the above captioned property.I appeared at the hearing before Mr. Koenig, the Zoning Commissioner, and
before the Board of Zoning Appeals, whose decision was rendered on the 24th day of
September, 1964. I am writing to you to advise you that I am in interest so
that I may be notified to testify in any further proceedings.

With kindest regards, I am

Very truly yours,
Harry S. Swartzwelder, Jr.
Zoning Commissioner

Sincerely,

Members: Real Estate Board of Baltimore and The National Association of Real Estate Boards.

HARRY S. SWARTZWELDER, JR.

ZONING COMMISSIONER

1709 Munsey Building
Baltimore 1, MD
727-4923

JANUARY 14, 1965

John G. Koenig,
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 65-197-RX

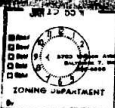
Dear Mr. Koenig:

Pursuant to the statement which I made in open court
yesterday at the time of hearing of the above case, I wish
to advise you that the petition for Special Exception for elevator
apartment buildings in connection with this reclassification is
withdrawn.

Very truly yours,

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

HSS/ls



southwesterly 565 feet, more or less to intersect the second line of
said deed, thence binding on a part of said second line and continuing to
bind on the third and fourth lines thereof, the three following courses and dis-
tances: (1) N. 81° 19' E., 248 feet, more or less, (2) N. 21° 54' E., 417.81
feet and (3) N. 15° 19' W., 99 feet to the place of beginning.

Containing 5.9 acres, more or less.

RWD/ls

J. O. #64190

10/8/64



JOHN L. KOENIG, ET AL.
Petitioners
vs.
WILLIAM S. BALMAIN,
W. GILES PARKER, and
A. BRUCE ALDRIDGE, being
and constituting the County
Board of Appeals of
Baltimore County
Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the Circuit Court for Baltimore
County on behalf of John L. Koenig, et al., petitioners in the above
entitled matter, from the Opinion and Order of the County Board of
Appeals of Baltimore County in Case No. 65-197-RX, dated August 22,
1964, denying the petition for reclassification from an R-6 zone to
an R-A zone of property on the south side of Milford Mill Road, 160
feet west of Leafdale Road in the Second Election District of
Baltimore County.

Harry S. Swartzwelder, Jr.
1709 Munsey Building
Baltimore, Maryland - 21202
727-4923
Attorney for Petitioners

Service of copy admitted this 24th day of September, 1964.
County Board of Appeals of Baltimore County

By: *Cliff G. Cusack*

I HEREBY CERTIFY, THAT a copy of the within Order for Appeal
was mailed this 24th day of September, 1964, to John Bishop, Esquire,
203 Courtland Avenue, Towson, Maryland, 21204, Attorney for the
Protestants.

Harry S. Swartzwelder, Jr.
Attorney for Petitioners

September 29, 1964

Harry S. Swartzwelder, Jr., Esq.
1709 Munsey Building
Baltimore, Maryland 21202Re: Case No. 65-197-RX
John L. Koenig, et al.,
Petitioners

Dear Mr. Swartzwelder:

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 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 \$8.00 covering cost of certified copies of necessary documents.

Very truly yours,

Cliff T. Eubank, Secretary

RE: PETITION FOR RECLASSIFICATION
From R-6 and R-10 zones to R-A
zone and Special Exception for
Elevator Apartment Buildings -
S.S. Milford Mill Road 160' W.
Leafdale Road, 2nd District
John L. Koenig, et al.,
Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-197-RX

The petitioners in the above matter filed a petition for
reclassification, from R-6 and R-10 zones to an R-A zone and a special
exception for elevator apartment buildings on south side of Milford
Mill Road 160 feet west of Leafdale Road in the Second District.

The petitioners did not prove either change in the
character of the area or error in the original zoning map, therefore,
the reclassification from R-6 and R-10 zones to an R-A zone should be
DENIED.

The petitioners withdrew the special exception for
elevator apartment buildings so that will not be considered.

It is this 29th day of January, 1965, by the
Zoning Commissioner of Baltimore County, ORDERED that the above
reclassification be and the same is hereby DENIED and that the
above property or area be and the same is hereby continued as and
to remain R-6 and R-10 zones.

The special exception for elevator apartment
buildings has been withdrawn.

Zoning Commissioners of
Baltimore County

January 25, 1965

No. 65-197-RX -- John L. Koenig, et al

Petition, description of property and Order of Zoning Commissioner

Certificate of posting

Certificate of advertisement

Comments of Office of Planning

Resolution of Board of Directors of Silver Creek Cons. Ass'n.

List of names and addresses of persons attending hearing before
the Zoning Commissioner

Letter from petitioners' attorney withdrawing petition
for special exception

Copy of appeal
Plot

Harry S. Swartzwelder, Jr., Esq.,
1709 Munsey Bldg., Balto., 21202

Counsel for petitioners

Carville H. Downes, Esq.,
202 West Pennsylvania Ave.,
Towson, Maryland 21204

" " protestants

Mr. J. Pittler, Esq.,
1410 Court Square Bldg.,
Baltimore, Maryland 21202

" " "

John J. Bishop, Jr., Esq.,
203 Courtland Avenue,
Baltimore, Maryland 21204

" " "

January 25, 1965

Carville H. Downes, Esq.,
202 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
of property of John L. Koenig,
et al., S. S. Milford Mill Road
160' Leafdale Road, 2nd Dist.
No. 65-197-RX

Dear Mr. Downes:

Please be advised that an appeal has been
filed from the decision of the Zoning Commissioner denying the
reclassification 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

- THE ZONING COMMISSIONER -

cc: Mr. J. Pittler, Esq.,
1410 Court Square Bldg.
Baltimore, Maryland 21202
John J. Bishop, Jr., Esq.,
203 Courtland Avenue,
Towson, Maryland 21204

1 JAN 14 '65

RECEIVED THE
ZONING DEPARTMENT
COUNTY BOARD

OF
APPEALS
No. 65-197-RX

PETITION FOR RECLASSIFICATION
From R-4 and R-10 Zones to R-A
Zone and Special Exception for
Elevator Apartment Buildings -
S.S. Milford Mill Road 160' W.
Leahydale Road, 2nd District -
John L. Koenig, Minna Koenig,
Mrs. Koenig and Marie S. Koenig,
Petitioners

APPEAL

Mr. Clerk:

Please enter an Appeal to the Board of Appeals for Baltimore
County from the order of the Zoning Commissioner dated January 13,
1965, and entered in the above entitled case denying the reclassi-
fication applied for, on behalf of the Petitioners herein.

Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr., Esq.
1708 Hunsey Building
Baltimore, Maryland 21202
727-4929
Attorney for Petitioners

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

January 14, 1965

1708 Hunsey Building
Baltimore 2, Md.
727-4929

John G. Rose,
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 65-197-RX

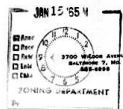
Dear Mr. Rose:

Pursuant to the statement which I made in open court
yesterday at the time of hearing of the above case, I wish
to advise you that the Petition for Special Exception for elevator
apartment buildings in connection with this reclassification is
withdrawn.

Very truly yours,

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

HSS/le



LAW OFFICE
DOWNES AND WHEATLEY
ATTORNEYS AND COUNSELORS AT LAW
20 WEST PENNSYLVANIA AVENUE
BALTIMORE, MARYLAND 21204

Room 1200 40
ALACENT

January 11, 1965

CHARLES H. WHEATLEY
CARVILLE M. DOWNES
KIRK O. NELSON

BALTIMORE OFFICE
100 LIGHT STREET
BALTIMORE, MARYLAND 21201
FILE

Department of Planning and Zoning
for Baltimore County
County Office Building
Towson, Maryland 21204

Attention: Mrs. B. Anderson

Re: Application for RA zoning
Milford Mill Road
Hearing date, January 13

Gentlemen:

Please enter my appearance as a protestant in the above
captioned zoning matter on behalf of myself as a property
owner and as counsel and secretary of the Board of Trustees
of the Milford Mill E U B Church.

Very truly yours,

Carville M. Downes
Carville M. Downes

CMD:po



January 13, 1965

Harry S. Swartzwelder, Jr., Esq.
1708 Hunsey Building
Baltimore, Maryland 21204

Has Petition for Reclassification
and Special Exception - 22
Milford Mill Road 160' W. of
Leahydale Road, 2nd District -
John L. Koenig, Minna A. Koenig,
Mrs. L. Koenig and Marie S. Koenig,
Petitioners - Re. 65-197-RX

Dear Mr. Swartzwelder:

I have today passed my Order denying the
reclassification in the above matter in accordance with the attached
copy of said Order.

Very truly yours

Zoning Commissioner

cc: Carville M. Downes, Esq.,
285 West Pennsylvania Ave.,
Baltimore, Maryland 21201

Mr. J. Pittler, Esq.,
1410 Court Square Building
Baltimore, Maryland 21202

John J. Mahony, Jr., Esq.,
207 Courtland Avenue,
Baltimore, Maryland 21206

January 7, 1965

Harry S. Swartzwelder, Jr., Esq.
1708 Hunsey Building
Baltimore 2, Maryland

Re: Petition for Reclassification &
Special Exception For John L. Koenig, et al
65-197-RX

Dear Sirs:

This is to advise you that \$96.50 is due for advertising and
posting of the above property.

Please make check payable to Baltimore County, Md. and remit
to Mrs. Anderson, Room 121, County Office Building, before
the hearing.

Yours very truly,

John G. Rose
JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

Leahy Dale
John F. Hill
Associate
George W. Hill
Edward W. Hill
Edward W. Hill
Edward W. Hill
Edward W. Hill
Edward W. Hill

MATZ, CHILDS & ASSOCIATES
Engineers & Architects
3129 N. Charles St., Baltimore, Maryland 21201
662-2015

November 25th, 1964

Waste Supply
Sawage
Plumbing
Electric
Sewer
Drainage
Sanitation
65-797KA

Mrs. Anderson
Department of Planning and Zoning
County Office Building
Baltimore, Maryland - 21204

Re: Koenig Property
J. O. #64190

Dear Mrs. Anderson:

Please find enclosed herewith seven (7) copies each of
two (2) descriptions for the above captioned property.

Trusting the enclosed will be found in order, we
remain

Very truly yours,

MATZ, CHILDS & ASSOCIATES, INC.

Paul Lee

PL:shr

Enclosures

CC: Mr. Harry Swartzwelder

1/12/65

IN THE MATTER
THE Petition of
JOHN L. KOENIG, et al
65-197 RX

• BEFORE THE
• ZONING COMMISSION
• OF
• BALTIMORE COUNTY

RESOLVED BY THE

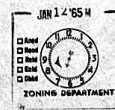
Please summons the following person to appear and
testify on behalf of the protestants before the Zoning Commission
of Baltimore County on Wednesday, January 13, 1965, at 2:00 P. M.
and to bring with him all of his records, plats, notes and other
papers pertaining to the subject property:

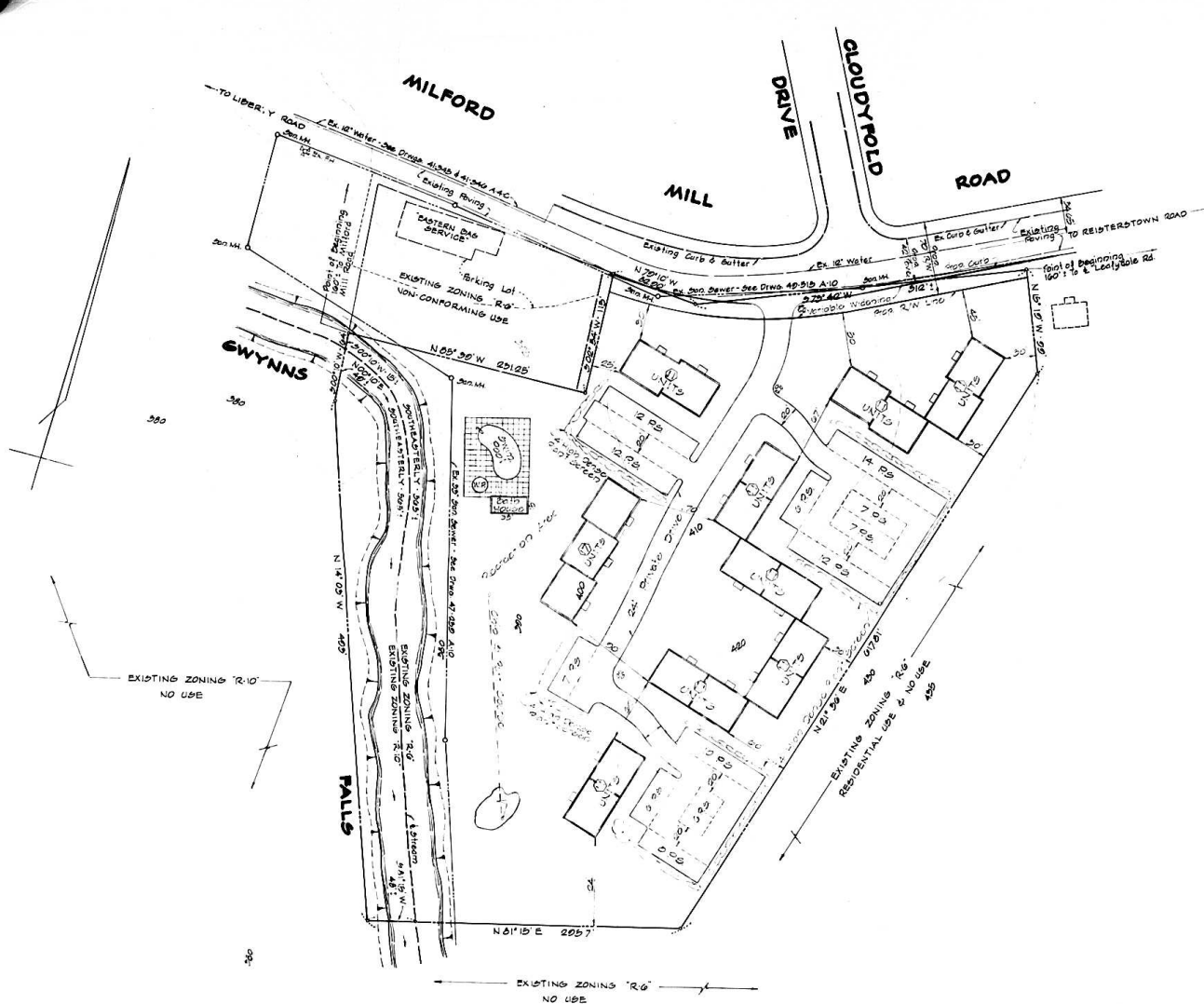
George B. Gervais, Director
Office of Planning and Zoning
County Office Building
Towson 4, Maryland 21204

JOHN J. KESNOR, JR.
303 Courtland Avenue
Towson 4, Maryland 21204
Valley 3-4301
Attorney for Protestants

Mr. Sheriff:

Please issue summons in accordance with the above





VICINITY PLAN
SCALE 1"=500'

GENERAL NOTES

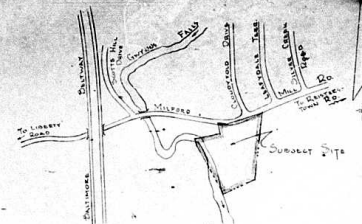
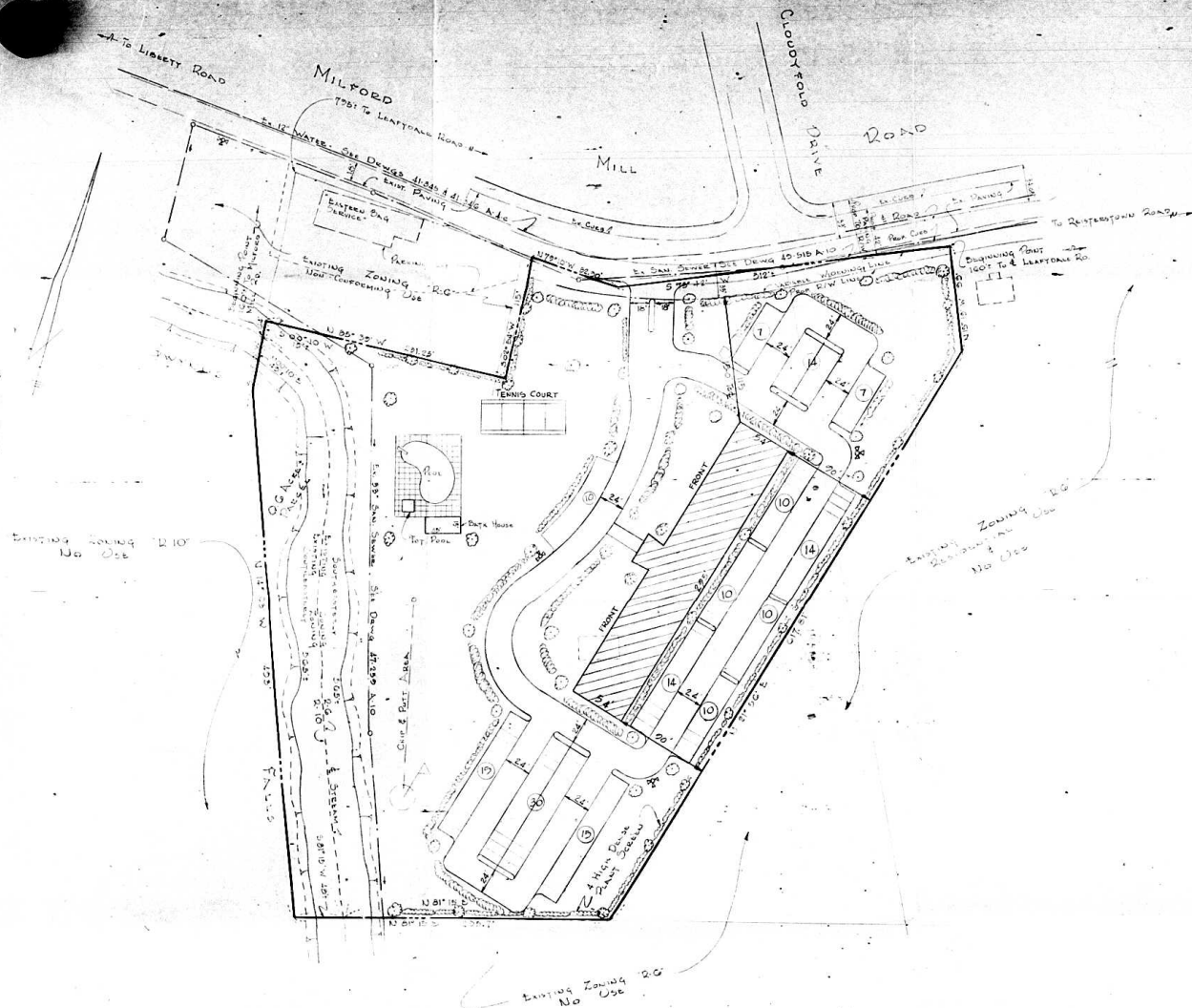
- | | |
|---|-------------|
| 1. All areas of tract | 2. 21 acres |
| 2. Present use of tract | R-6 & R-10 |
| 3. Present use of tract | NO USE |
| 4. Proposed zoning of tract | RA |
| 5. Proposed use of tract | 24 units |
| 6. Gross residential acreage | 2.21 acres |
| 7. Net residential acreage | 2.00 acres |
| 8. Gross residential density | 11.00 U/A |
| 9. Net residential density | 12.00 U/A |
| 10. Total number of apartments permitted | 24 units |
| 11. Total number of apartments proposed | 24 units |
| 12. Total number of parking spaces required | 24 |
| 13. Total number of parking spaces proposed | 24 |

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY

VICINITY OF
MILFORD MILL ROAD & CLOUDYFOLD DRIVE
2nd & 3rd ELECTION DISTRICTS BALTIMORE COUNTY, MD
SCALE 1"=500' JANUARY 1, 1988

ENGINEERS
MATZ, CHLOD, & ASSOCIATES
1020 CROMWELL BRIDGE RD
TOWSON, MARYLAND 21204

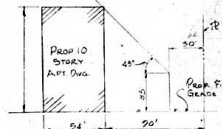




LOCATION PLAN
SCALE: 1"=50'

GENERAL NOTES

1. TOTAL ACRES OF TRACT EQUALS 2.51 ACRES ±
2. GROSS ACRES OF TRACT EQUALS 2.51 ACRES ±
3. NET ACRES OF TRACT EQUALS 0.90 ACRES ±
4. PRESENT ZONING OF TRACT "R-2" AND "R-3"
5. PRESENT USE OF TRACT "NO USE"
6. PROPOSED ZONING OF TRACT "R-2" WITH SPECIAL EXCEPTION FOR ELEVATOR APARTMENTS
7. TOTAL NUMBER OF APARTMENTS ALLOWED EQUALS 139 UNITS (16 1/2 UNIT PER FL. FOR 10 FL. 214,000)
8. GROSS DENSITY EQUALS 20.00
9. NET DENSITY EQUALS 11.00
10. NUMBER OF APARTMENTS PROPOSED THIS PLAN EQUALS 139
11. REQUIRED OFF-STREET PARKING EQUALS 139 UNITS (AS. 100)
12. PROPOSED OFF-STREET PARKING EQUALS 100 UNITS (AS. 100)
13. EXISTING "TENNIS COURT" SHALL REMAIN IN EXISTING CHANNEL
14. EXISTING "TENNIS COURT" SHALL REMAIN IN EXISTING CHANNEL
15. * INDICATES EXISTING & PROPOSED FIRE HYDRANTS.



SECTION A-A
SCALE: 1"=50'

PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION & SPECIAL EXCEPTION
OF PROPERTY VICINITY OF
MILFORD MILL ROAD & CLOUDCROFT DRIVE
ELECTION DISTRICT 2 & 3
BALTIMORE COUNTY, MD.
NOV. 12, 1964





PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE 1" = 200'	LOCATION ROCKDALE PLEASANT HEIGHTS MIDVALE	SHEET N. W. 6-G
BY	DATE			
DATE OF PHOTOGRAPHY APRIL 1953				

Computed by Photogrammetric Methods
AERO SERVICE CORPORATION PHILADELPHIA, PA.

