

IN THE COURT OF APPEALS OF MARYLAND

No. 545
September Term, 1966

AGNESLANE, INC.

v.

MARSHALL L. LUCAS, et al.

Hammond, C.J.
Horney
Oppenheimer
McWilliams
Finan
Clapp, Robert E., Jr.
(specially assigned),

JJ.

Opinion by Finan, J.

Filed: October 12, 1967

precisely planned the route of the roads and that their locations were anything but uncertain. In fact, the original 1957 deed for the junior high school land from the owner of the reversionary interest in the subject tract, Ragan M. Doub, to the County Board of Education, made a call to the center line of the proposed Clarke Boulevard. It is highly unlikely that the County would have accepted the call had the exact location of the street been uncertain.

It is true that Mr. Charles Steinbock, Jr., a member of the Board of Appeals in 1962, testified that the exact locations of the two roads were not determined until after approval of the map. However, this testimony, together with the other evidence before the zoning commissioner, did no more than create a fairly debatable question of change, which may not be reviewed.

Arguably, the fact that I-70-N may not have been completely planned by 1962 is of little importance to the subject tract. That highway is, of course, a limited access highway. To enter it from the subject property, one must go north on Clarke Boulevard, then west on Security Boulevard, then south on the Beltway to the I-70-N interchange, total distance of more than a mile and a half. In fact, the greatest influence the highway might have on the property is to effectively insulate it from the industrial park and Social Security to the north. Appellant argues that, even though these two complexes were on the map in 1962, the expansion of Social Security in purchasing 53 additional acres for another office complex, and the rapid growth of the Meadows Industrial Park, both constitute an intensification of use which amounts to a change. This Court in McGinniss v. Trustees of the Sheppard and Enoch Pratt Hospital, 246 Md. 704, 229 A. 2d 417 (1967) gave recognition to

In March of 1965, Agneslane, Inc. petitioned the Baltimore County Zoning Commissioner for reclassification of a fifty-four acre tract of unimproved land from R-6 (one or two-family residential use) to R-A (residential use apartments). In May, the deputy commissioner held a hearing and the following month he granted the reclassification. This decision was appealed to the County Board of Appeals which reversed the deputy commissioner and in a two-to-one decision denied the requested reclassification. Agneslane then appealed to the Circuit Court for Baltimore County at which time the appellees, Marshall L. Lucas, et al., entered appearances as intervenors, pursuant to Rule B 9 of the Maryland Rules of Procedure. That court, on September 26, 1966, filed a memorandum opinion affirming the action of the Board of Appeals in denying the reclassification.

Appellant raises the same points here as it did in the court below. It contends that evidence before the Board of Appeals conclusively established the existence of original mistake in the comprehensive zoning map, adopted by the County Council in 1962, and substantial change in the neighborhood since that time. Although the Board's denial concededly does not amount to confiscation¹ appellant would nevertheless have us hold that when such evidence of change or mistake is so conclusive that the issue is not fairly debatable, and

¹The fact that rezoning may result in the realization of greater profits from the use of the land is not sufficient justification for rezoning. See Board of County Comm. of Prince George's County v. Kay, 240 Md. 690, 695, 215 A. 2d 206 (1965); Board of County Comm. of Prince George's County v. Edmonds, 240 Md. 680, 689, 215 A. 2d 209 (1965); Baltimore City v. Bortnick, 239 Md. 611, 622, 212 A. 2d 508, 514 (1965); MacDonald v. Board of County Comm. of Prince George's County, 238 Md. 549, 556, 210 A. 2d 325 (1965).

the intensification of institutional uses in a residential neighborhood as an element of change; however, McGinniss is readily distinguishable from the instant case, as there was no insulating line of demarcation between the institutional uses and the residential neighborhood as afforded in the case at bar.²

The new firehouse does not amount to a change in the neighborhood. If such public safety services were confined to areas of higher intensity uses, large residential sectors would be virtually unprotected. Further, as Mr. Campbell V. Helfrich, an expert real estate appraiser, testified, the proximity of the firehouse to the residential homes has produced higher property values.

Appellant's theory of original error in the 1962 comprehensive zoning map is based almost entirely upon the conclusions of its witnesses Hoffman and Willemain. They were of the opinion that the County Council underestimated the number of people who would be occupying the "Western Planning Area" of the County in which the present tract is situated, and thus it provided insufficient R-A zoned acreage to house the unexpected influx. To arrive at this conclusion, witness Hoffman, an expert demographer, testified that the 268.27 acres zoned R-A in 1962 (of which only 36% has been developed by the 1966 hearing) were inadequate for the projected population of the "Woodlawn-St. Agnes housing market area." However, as the Board of Appeals noted, this "Woodlawn-St. Agnes housing market area" was Mr. Hoffman's own creation, and as a matter of fact, he extended it westward to include hundreds of acres

²See Board of County Commissioners/Prince George's County, xxxxxx v. Kines, xxxxxx 239 Md. 119, 124, 210 A. 2d 367, 370 (1965).

a reclassification is shown to be in the public interest, the Board's refusal to grant the requested classification is both arbitrary and capricious and that this Court must reverse such a denial. For reasons which will be discussed at length, we hold that, considering the record as a whole the issue of original error or change was fairly debatable, there was sufficient evidence presented before the Board to support its conclusion, and therefore the court below correctly refused to ~~reverse~~ the Board's ruling.

In order to fully understand the evidence presented on the issue of mistake or change, it will be necessary to describe in some detail the area within which the subject property is located. The tract lies in the First Election District of Baltimore County, between the communities of Woodlawn and Westview, and is roughly rectangular in shape. The north side abuts on the right of way of the proposed interstate highway 70^N; the west side borders on Clarke Boulevard (also known as Woodlawn Drive); the south side borders the Johnnycake Junior High School; and the entire eastern line borders an existing R-3 zoned development known as Catonsville Manor. It should also be noted that the land south of Catonsville Manor, known as the Reiblich property, is undeveloped and zoned R-6, and that a petition for reclassification of this property to R-A was denied at the same time the Board denied the instant application. South of the junior high school, across Johnnycake Road is located another R-6 development, Westview Park. Across from the western side of the subject property, on the opposite side of Clarke Boulevard, still another undeveloped tract of R-6 land lies, and it extends all the way to the Baltimore Beltway. Out of

of undeveloped farm land which may or may not be built up within the next ten years. It should also be noted that Mr. Steinbock testified that he did not think that the County Council committed error when it adopted R-6 classification for the subject property on the Western Area Map in 1962. It was not error, therefore, for the Board to give little weight to the evidence of mistake.

The burden of proof facing one seeking a zoning reclassification is quite onerous. In Shadynook Improvement Assn. v. Molloy, 232 Md. 269, 269, 192 A. 2d 502, 504 (1963), Chief Judge Brune, speaking for the Court, stated the burden thusly:

"* * * there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that to sustain a piecemeal change therefrom, there must be strong evidence of mistake in the original zoning or in the comprehensive rezoning or else of a substantial change in conditions."

See also Mack v. Crandell, 244 Md. 193, 223 A. 2d 248 (1966); Pallace v. The Inter City Land Co., 239 Md. 549, 212 A. 2d 262 (1965); Pahl v. County Board of Appeals of Baltimore County, 237 Md. 294, 206 A. 2d 245 (1965); Montgomery County v. Ertter, 233 Md. 414, 197 A. 2d 135 (1964). Also in Kranke v. Weinberg, 197 Md. 339, 347, 79 A. 2d 387, 391 (1951), this Court stated:

"The presumption as to the original ordinance would be that the zones were well planned and arranged and were to be more or less permanent, subject to change only to meet genuine changes in conditions."

The appellant contends that it not only met the burden of overcoming the presumption of the correctness of the original zoning but so firmly established the existence of change and mistake as to have extinguished grounds for reasonable debate to the contrary. A review of the evidence reveals this to be a gratuitous assumption.

this last tract, the County purchased a 3-acre site at the corner of Clarke Boulevard and Johnnycake Road and in 1955 it constructed a fire station there. Directly north of the property, across from the I-70-N right of way lies the huge Social Security Office complex, extending from I-70-N north to Security Boulevard. This highway runs east toward Baltimore and west about one-half mile to intersect the Baltimore Beltway. Between Clarke Boulevard and the Beltway, on both sides of Security Boulevard, is a 500-acre tract zoned industrial and designated as the Meadows Industrial Park.

In order for the appellant to be successful on this appeal it must show that the record compiled at the hearing before the Board of Appeals, considered as a whole, presented such evidence of error in the original zoning, or substantial change in the character of the neighborhood of the subject property since the adoption of the comprehensive zoning map, as to so firmly establish the fact of change or mistake that its existence was not fairly debatable. The Court is of the opinion that the appellant failed to do this.

Appellant contends that although the two primary roads now bordering the land, Clarke Boulevard and I-70-N, may have been indicated on the 1962 zoning map, their exact locations were not certain and did not become certain until shortly before construction began sometime after 1962. Therefore the effect of these roads on the subject property was not considered by the County Council when it approved the map, and the subsequent reorientation of the tract toward the industrial and institutional uses north of 70-N constituted a material change. However, the evidence presented before the deputy zoning commissioner, including testimony from appellant's own witness, established that the county had

The testimony in this case covers over 500 pages and a consideration of the complete record convinces the Court that there was substantial evidence produced at the hearing to support the finding of the Board and to cause the issue of change or mistake to be matter for reasonable debate. Under these circumstances the lower court had no choice but to affirm the decision of the Board.

The test to be applied on appeal to the Circuit Court, when the evidence before a zoning appeal board presents material facts which are fairly debatable, was aptly stated by Judge Hammond (now C.J.) when speaking for the Court in Board v. Oak Hill Farms, Inc., 232 Md. 274, 283, 192 A. 2d 761, 766 (1963):

"* * * whether a reasoning 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 Board of County Commissioners of Howard County v. Turf Valley Associates, (No. 91, Sept. Term, 1967) Md. A. 2d (1967); Ragan v. Hildesheim, (No. 544, Sept. Term, 1966), Md. A. 2d (1967); Stocksdale v. Bernard, 239 Md. 541, 212 A. 2d 282 (1965); Dal Maso v. Board of County Commissioners, 233 Md. 333, 209 A. 2d 62 (1965); DePaul v. Board of County Commissioners, 237 Md. 221, 205 A. 2d 805 (1965).

It is irrelevant in this case that the appellant produced evidence which may have moved reasonable men to decide contrary to the decision reached by the majority of the Board. This Court in the past has said:

"We have consistently held that the fact the zoning body, on the record before it, had the legal authority to grant the petition for reclassification is not deemed such action proper, does not mean the action denying the application is to be reversed, when the decision is supported by substantial evidence and is not arbitrary or capricious."

Board of County Commissioners for Prince George's County v. Farr, et al., 242 Md. 315, 322, 218 A. 2d 923, 927 (1966).

Also in County Council for Montgomery County v. Gentleman, 227 Md. 491, 498, 177 A. 2d 687, 690 (1966), the legal effect produced by the "fairly debatable" quality of the issues was assessed by this Court as follows:

"Even if there were facts which would have justified the Council in rezoning the property, this would not of itself prove the denial of rezoning illegal. There is still the area of debatability, and one who attacks the refusal of rezoning must meet the heavy burden of proving that the action of the legislative body in refusing it was arbitrary, capricious or illegal."

The appellant in its effort to carry the day argued forcefully that although the law in Maryland regarding the issues of change and mistake, as presented to a zoning body, may be grounded to the test of what is "fairly debatable," yet, on the issues of compatibility of use, public welfare and demarcation lines, the Court should adopt the test of whether the petitioner's version is supported by the clear weight of the evidence. However, since we find that the Board had not acted arbitrarily or capriciously in arriving at the findings on the issue of mistake or change, it is not necessary to consider the effect of matters which come into play only in the event the fact of change or mistake is affirmatively found by the Board. We are however mindful of the language used by this Court in Purnace Branch Land Co. v. Board of County Commissioners, 232 Md. 194 A. 2d 640 (1963), wherein this Court said at p. 539:

"Change in conditions may justify the amendment of the existing zoning ordinance . . . but it does not necessarily compel it. Even as in original zoning,

rezoning must be in the general public interest for the promotion of the health, safety and welfare of the community, as well as in the individual interest of the land owner."

For the reasons hereinbefore set forth, the order of the lower court sustaining the finding of the County Board of Appeals is affirmed.

ORDER AFFIRMED, WITH COSTS.

RE: Petition for Reclassification
R-6 to R-4, 54
acres of Clarke Avenue and
Proposed I-70-N, 940 feet NE of
Johnnycake Road - 1st District
Ragan M. Roth-Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-312-N

The petitioner's property, consisting of 54 acres of land, located on the Northeast side of Johnnycake Road and the Southeast side of Clarke Avenue and the proposed I-70-N, is the subject of a petition for reclassification from an R-6 zone to an R-4 zone. Plans call for the construction of 750 garden type apartment units, 635 of which are to be of the studio and one bedroom type and the remainder of the two bedroom type. Proposed rentals will range from \$80.00 to \$105.00 per month plus utilities. Seven hundred and fifty offstreet parking places are to be provided.

The property was described by various expert witnesses as being bounded on the North by the proposed I-70-N expressway and the Social Security Complex; on the South by the Johnnycake Junior High School and Westview Housing Development; on the West by Clarke Avenue and vacant land; and on the East by a development known as Catonsville Manor. The topography was described as sloping from east to west. The proposed apartments would be built on the crest or central portion of the site.

There was evidence of numerous changes taking place in the neighborhood. Clarke Avenue, an eighty foot right-of-way with forty eight foot paved portion, scheduled for completion the latter part of this year, will run from Johnnycake Road to Security Boulevard. The Meadows Industrial Park, just across the proposed I-70-N, is constantly expanding. A new addition to the Social Security building and a new warehouse adjacent to the Social Security Complex are in the planning stages. The proposed apartment project will be located within several thousand feet of the interchange of the Baltimore County Beltway and I-70-N, now under construction and described as being the third largest interchange in the country.

Mr. Phillip Meht, Vice President of the Ralph Construction Company, (builders of the proposed apartment project) testified at length on population density in apartments as compared to individual homes. He stated there are approximately 13.6 families per acre in an R-1 zone as compared to six families per acre in an R-6 zone with an average of 1.6 persons per family in an R-1 zone as opposed to a person per family in an R-6 zone. He testified there are approximately 20 school children per one hundred families in an R-1 zone as compared to 120 per one hundred families in an R-6 zone. These conclusions were based on nation-wide studies of apartment living. Mr. Meht was of the opinion that the most logical and appropriate use of the petitioner's property would be for apartments.

Also, testifying for the petitioner was Mr. Bernard Williamson, a professional planner, who was of the opinion that the subject tract would not be a good site for individual home development in view of the proximity to the I-70-N and Beltway interchange. He testified that this property was originally recommended in the Master Plan dated February 28, 1961 for R-1 and R-1A zoning and that the County Council adopted R-6 zoning instead. This witness felt that the Council failed to see a need for apartment zoning in the general neighborhood and for this reason the zoning map is in error.

Mr. Norton Hoffman, a Consulting Economist, was also called to testify for the petitioner. He has studied the population trend in the area enclosed from Route 40 to Liberty Road and Balling Road to the Baltimore City Line. He testified there were 8,950 people living in the aforementioned area in 1950 and that there will be 70,500 people in the area by 1975. He stated that by 1975 there will be 12,600 people working at the Social Security Complex. He testified that in 1950, 25% of all occupied dwellings were rented whereas in 1960 only 11% of these dwellings were rented, thus leading to the conclusion that there is insufficient land in the general area which has been set aside for apartment uses. He further testified that as of the time of this hearing that only 269.43 acres in the greater Woodlawn-St. Agnes area were zoned for R-1 development and that if all of these were developed, there would still be insufficient apartment accommodations to meet

the need of the anticipated population in the Woodlawn-St. Agnes area over a 10 year span. The testimony, appearance and demeanor of this witness was most impressive.

The petitioner also produced Mr. Marion Cox, who was described as being the dean of real estate in the State of Maryland. This witness with some 45 years of experience felt the subject tract would be an ideal location for apartments and would be an asset to the surrounding neighborhood. He pointed out that 28% of the total acreage would be open space and that much of the existing grocery will be retained.

Dr. Kwili, qualified Traffic Engineer, described the existing road pattern in the area. He stated that most of the traffic from the proposed apartments would be by way of Clarke Avenue to Security Boulevard, a major artery, and then to the Beltway.

There was testimony from Mr. James Spamer, Consulting Engineer, that water and sewer are available and adequate. He could foresee no storm drain problems.

Several people appeared in protest. However, their fears of traffic congestion and property depreciation seem to have been alleviated by the various experts' opinions as set forth above.

After reviewing all evidence, the Deputy Zoning Commissioner agrees that the zoning map with respect to the subject property is in error and that the most logical and appropriate use for the subject land would be an apartment complex. The proposed project complies with the apartment criterion as laid down by the Office of Planning and Zoning.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 24th day of June, 1965, that the above described property or area should be and the same is hereby reclassified from an R-6 zone to an R-4 zone, from and after the date of this order, subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hordt
Deputy Zoning Commissioner of
Baltimore County

AGNESIANE, INC.
VS
COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY, and
MARSHALL L. LUCAS et al.
Intervenor

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

MEMORANDUM OPINION

This is an appeal by the Petitioner, Agnesiane, Inc. from a decision and order of the County Board of Appeals of Baltimore County which denied a reclassification of the subject property from an R-6 classification to an R-4 classification.

The Appellant proposed to build 750 garden type apartment units with 750 automobile parking spaces on the subject property, which is a 54 acre tract of land. The tract is roughly rectangular in shape bordered on its north side by the proposed Route I-70; the west side of the property borders for its entire frontage for approximately 1560 feet along the east side of Clarke Avenue; the south side of the property borders on the Board of Education land which is occupied by the Johnnycake Junior High School; the east side of the tract borders an existing development known as Catonsville Manor. The zoning and land uses surrounding the property are as follows: North of the property, across the proposed I-70-N right-of-way, the comprehensive zoning map adopted by the County Council in 1962 shows the land in public use and is the site of the present Social Security office building; westerly across Clarke Avenue, there is a large tract of land zoned R-6 and is presently undeveloped; south of the property, between the subject tract and Johnnycake Road, is the Johnnycake Junior High School; across Johnnycake Road from the high school is a large R-6 zone which is developed with cottage homes and is known as Westview Park; along the east side of the subject tract, all the land is presently zoned R-6; the southern portion of the tract borders another tract of ground known as the Reiblich property, which is the subject of a

petition for rezoning from R-6 to R-4, which classification was also denied by the Board almost simultaneously with the subject property. North of the Reiblich property the land east of St. Agnes Lane is zoned R-6 and houses a development known as Catonsville Manor. The subject property, its general location, and its surrounding areas are fully set forth by very fine aerial photographs which are exhibits in this proceeding.

In order for the applicant to be successful in the granting of a reclassification of his property, he must show (a) - Error in original zoning (Comprehensive zoning map which was adopted by the County Council in 1962), or (b) - A substantial change in the neighborhood of the subject property since the adoption of the map. The applicant did not offer to prove that the denial of reclassification of zoning would deprive him of all beneficial uses of the property, and, indeed, the record discloses that there are definite economic and beneficial uses for this property under its present zoning. The applicant in this case maintains that there was both error in the adoption of the comprehensive zoning map and that since the adoption of the map there has been a substantial change in the neighborhood.

The law is well established that the zoning classification established by the comprehensive zoning map, adopted by the legislative authority, is presumed to be correct, well planned and intended to be permanent, and the burden rests upon the owners of property to show that such classification was erroneous. *Pahl v. County Board of Appeals*, 237 Md 294; *Shady Nook Improvement Assn v. Molloy* 232 Md 265; *Greenblatt v. Toney Schloss*, 235 Md 3; *Montgomery County v. Ertter*, 233 Md 414. In addition, the burden also rests on the applicant to show a substantial change in the immediate neighborhood of the subject property since the adoption of the comprehensive map.

The scope of appellate review in an appeal from the Board of Appeals is limited in nature. The Court does not reach its opinion from the weight of the evidence that was produced before the Board. It has been stated many times by the Court of Appeals that this Court may not substitute its discretion and judgment for that of the Board, the legislative body, if the question decided was fairly debatable. It is not the function or right of the Court to zone or rezone. If there is room for reasonable debate as to whether the facts justify the action of the Board, such action must be upheld. It is only where there is no room for a reasonable debate or where the record is barren of supporting facts that the courts can declare the legislative action of the Board to be arbitrary, capricious or discriminatory. If there are substantial facts to justify the action of the Board the Court must affirm that action.

In the case of *Board of County Commissioners for Prince Georges County v. Farr et al.*, 242 Md 315 at page 321, the Court of Appeals quoting an opinion of Judge Bruce for the Court in the case of *County Council for Montgomery County v. Gentleman* 227 Md 491, stated: "Even if there were facts which would have justified the Council in rezoning the property, this would not of itself prove the denial of rezoning illegal. There is still the area of debatability, and one who attacks the refusal of rezoning must meet the heavy burden of proving that the action of the legislative body in rezoning it was arbitrary, capricious or illegal." The Court of Appeals stated further in the *Farr* case, supra, at page 322: "We have consistently held that the fact the zoning body, on the record before it, had the legal authority to grant the petition for reclassification if it had deemed such action proper, does not mean the action denying the application is to be reversed, when the decision is supported by substantial evidence and is not arbitrary or capricious."

The record of testimony taken before the Board consists of over 500 pages. The majority opinion of the Board sets forth its factual findings as does the minority opinion. The majority opinion, however, does not comment on the testimony of W.C. Dutton, Jr., a qualified professional land planner, which seems to the Court to lend some support to the decision of the Board.

Having read the complete record of the proceedings before the Board and considered argument of counsel, this Court is of the opinion that there was substantial evidence produced at the hearing to support the finding of the Board and to cause the issue before it to be a matter for reasonable debate. The Court therefore is not permitted to substitute its judgment for that of the Board.

For these reasons the Order of the County Board of Appeals of Baltimore County denying the application for reclassification of the subject property is hereby affirmed.

Having reached this conclusion, all counsel agree that it is not necessary for this Court to consider the motion of the Appellant, Agneslane, Inc., to dismiss the answer of the respondents to its Order of Appeal and the appearance of such protestants in this case.

LESTER L. BARRETT
Judge

September 25, 1966

MARGOLIS & MARGOLIS
ATTORNEYS AT LAW
110 E. LEXINGTON STREET
BALTIMORE 2, MD
PLAC 2-4834

December 7, 1965

JOEL MARGOLIS
EDWARD S. MARGOLIS

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition No. 65-332-R
Agneslane, Inc. for
reclassification from R-6 to
R-A, SE corner Clarke Avenue
and Proposed Exp. 1-70, 960' NE

Mr. Chairman:

Please drop the Appeal in regard to the above in regard
to my client, Mr. Lou Heller.

Very truly yours,
Joel Margolis
JOEL MARGOLIS

JM:jgm

AGNESLANE, INC.
11 E. Fayette Street
Baltimore 2, Maryland

Petitioner and
Appellant
vs.

WILLIAM S. BALDWIN
JOHN A. SLOWIK and
W. GILES PARKER,
being and constituting
the County Board of Appeals
for Baltimore County.

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No.

Folio

File No.

1-70, 960'

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Agneslane, Inc., Appellant, from the Order of the County Board of Appeals passed on the 28th day of March, 1966, in the matter of the Petition for Reclassification from an R-6 zone to an R-A zone of the land situated at the Southeast Corner of Clarke Avenue and proposed Interstate Expressway I-70N in the First District of Baltimore County, Maryland.

This Appeal is from the action and decision of the majority of said Board in Case No. 65-332-R, denying the requested reclassification, and is filed pursuant to the provisions of Chapter 1100, Subtitle B, of the Maryland Rules of Procedure, 1961 edition.

WILSON E. DAVIDSON

Stuart L. Wilcox

Attorney for Appellant
11 E. Fayette Street
Baltimore 2, Maryland
LEXington 9-2370

I HEREBY CERTIFY, That a copy of the foregoing Order for Appeal was, prior to the filing hereof, served on the County Board of Appeals of Baltimore County by leaving a copy of same with the Secretary of the said Board at its office in the County Office Building, Towson 4, Maryland, this day of April, 1966, pursuant to the Rules of Procedure.

Stuart L. Wilcox
Attorney for Appellant

Service submitted this day of April, 1966,
at 9:40 o'clock, A. M.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

By: *John A. Slowik*
Secretary

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-A zone,
SE corner Clarke Avenue & Proposed
Expressway 1-70, 960' NE of
Johnnycake Road,
1st District
Agneslane, Inc., Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-332-R

OPINION

This case involves an application for rezoning from an R-6 classification to an R-A classification of a fifty-four (54) acre tract of ground on the east side of Clarke Avenue south of the proposed Route 1-70 in the First Election District of Baltimore County.

The contract purchaser, Agneslane, Inc., proposes to build on the site 720 garden type apartment units with 750 automobile parking spaces if the rezoning request is granted. The tract is roughly rectangular in shape bordered on its north side by the proposed Route 1-70, the west side of the property borders for its entire frontage for approximately 1560 feet along the east side of Clarke Avenue; the south side of the property borders on the Board of Education land which is occupied by the Johnnycake Junior High School; the east side of the tract borders an existing development known as Catonsville Manor.

The zoning and land uses surrounding the property are as follows: North of the property, across the proposed 1-70-N right-of-way, the comprehensive zoning map adopted by the County Council in 1962 shows the land in public use and is the site of the present Social Security Office Building; westerly, across Clarke Avenue, there is a large tract of land zoned R-6 and is presently undeveloped; south of the property, between the subject tract and Johnnycake Road, is the Johnnycake Junior High School; across Johnnycake Road from the high school is a large R-6 zone which is developed with cottage homes and is known as Westview Park; along the east side of the subject tract all the land is presently zoned R-6; the southern portion of the tract borders another tract of ground known as the Reiblich property which is the subject of petition #65-284-R for rezoning from R-6 to R-A, which property will be mentioned later in this opinion. North of the Reiblich property is a land east of St. Agnes Lane in zoned R-6 and is spottily developed in cottage houses as a development known as Catonsville Manor.

This case is somewhat a companion case with the Reiblich property, case #65-284-R, which adjoins the subject tract on the southeastern side and runs from a point approximately 150 feet south of Central Avenue, as shown on Petitioners' Exhibit No. 1, to Johnnycake Road. These two properties constitute the bulk of the unimproved land east of the Baltimore County Beltway and south of 1-70 with the exception of the aforementioned tract of R-6 ground west of Clarke Avenue which is owned by the same person who owns the reversionary interest of the tract of ground which is the subject of this petition. The

Agneslane, Inc. #65-332-R

majority of the Board feels, for reasons stated in the Reiblich case and to be stated hereafter, that the two cases should be determined simultaneously, and that either the requested R-A zoning should be granted in both instances or refused in both instances.

The petitioner, by various expert witnesses, alleged both error in the original map and change in the character of the neighborhood to support the request for rezoning. We shall not attempt to go into detail as to the testimony of each witness but will cite the major contentions of the petitioner. Mr. H. William Cohen a Vice-President of the Welsh Construction Company, contract purchaser, testified that, in his opinion, the major changes are the construction of Clarke Avenue; the proposed route of 1-70 along the north side of the property and its construction west of the Baltimore County Beltway; the expansion of the facilities of both the Social Security complex and the Meadows Industrial Park; and a general trend to apartment living.

Bernard Willemain, an expert witness appearing on behalf of the petitioner, substantially cited the same reasons and added that he believed the R-6 zoning to be erroneous in that the 1962 map had not provided sufficient rental housing.

The claim of error in the map to the majority of the Board's mind is not substantiated. The main basis of error cited by Mr. Willemain is the fact that the Western Area Planning Report set forth certain criteria for apartment zones and mentioned Clarke Avenue as a possible apartment location. However, it also admitted that the zoning recommended for this property by the Planning Board was for P-6 zoning with an overlay showing a possible small shopping center if the need arose, and perhaps an alternative of M-L zoning. It is obvious to the Board that the County Council carefully considered both the property owner Doubt's request and the recommendations of the Planning Staff with regard to his property as shown in Protestants' Exhibits D-1 and D-2. This is further substantiated by an expert witness appearing on behalf of the protestants who stated that, in his opinion, the Council could not have overlooked a vacant fifty acre tract in its consideration of this area. Even Mr. Willemain admitted that the transitional function of R-A zoning here, if any, would be at best very minor. It is quite clear from the testimony before the Board that there exists no problem with regard to the development of this property as R-6 from either a topography or engineering standpoint, and no witness for the petitioner indicated that the property could not be readily developed in its R-6 classification. Indeed, Mr. Cohen, one of the officers of the Welsh Construction Company, readily stated that it could be developed R-6 and that the Westview Park development immediately across Johnnycake Road and next to the Beltway is a very successful development, and that there appears to be no difficulty in selling cottage homes in the neighborhood.

With regard to the petitioners' allegation of change in the character of the neighborhood the protestants uniformly stated that there has been no change in the character

Agneslane, Inc. #65-332-R

of the neighborhood since the adoption of the map in 1962, and with this contention the majority of the Board agrees. Clarke Avenue was shown on the map adopted by the County Council in 1962 in its present location, and as far as the Board can ascertain has been constructed exactly as planned. Campbell V. Helfrich, a realtor testifying on behalf of the protestants, stated that in a deed from Doubt to the Baltimore County Board of Education executed in 1957 one of the call lines in the description calls to the center line of Clarke Avenue. As to the expansion of the Social Security complex and the Meadows Industrial Park, these were both in existence at the time of the adoption of the map and any expansion has only been to develop the property within its existing zoning. This, to the majority of the Board, does not constitute a change in the character of the neighborhood that would require the rezoning of this property. The Fire Station on the opposite side of Clarke Avenue again does not seem to the majority of the Board to be a change in the neighborhood as it was apparently planned for sometime and is needed to serve the existing and proposed residential communities in the area.

The petitioners argue that the proposed route of 1-70 along the north side of the property is a major change, however, the route of 1-70 has been known for a number of years but has yet to be built east of the Beltway, and apparently there are no present construction plans that would make the construction of 1-70 along this property reasonably foreseeable within the immediate future. However, if 1-70 were in fact constructed along this property it would seem to the majority of the Board to be a logical line of demarcation between the industrial and office property north of 1-70 and the residential properties to the south. In fact, we agree with the testimony of the witness Campbell V. Helfrich, that the "neighborhood" is south of 1-70 and that the properties north of 1-70 are in an entirely different neighborhood. This is certainly substantiated by the fact that Mr. Helfrich appraised the entire Doubt tract for the State Roads Commission in 1958 and in his appraisal placed its "highest and best use" for eventual residential housing. Mr. Helfrich, and other witnesses appearing on behalf of the protestants, stated that they were greatly concerned with the overall picture of the vacant properties in this area in that if the subject tract and the Reiblich property are rezoned to R-A then it would certainly be logical to rezone the balance of the Doubt property across Clarke Avenue, and the effect of some 2000 plus apartment units being constructed in this area would be an undue concentration of population and thus would devalue the individual homes in the neighborhood.

The petitioners contend that the map did not contain sufficient provision for rental housing and that the trend toward apartment dwelling is a change that the Board should consider. However, in the instant case the Board cannot find, from the testimony before it, that this is necessarily correct. The Board has in the past, in proper cases, recognized this as one of the reasons for reclassifying property to R-A. However, in the instant case a market analyst testifying on behalf of the petitioner admitted, on cross-

examination, that there is no present demand for apartments if the now vacant R-A zones are developed. Analyzing the witness' figures in the best possible light to the petitioner there appears to be, at best, a need for only an additional 1400 plus apartment units over the next ten year period. If the subject tract and Reiblich property are developed R-A in their permitted density of 867 units (for the subject tract) and 420 units (for the Reiblich tract) this would allow an additional 1287 units to be built immediately.

It is interesting to note that the petitioners cited only two reclassifications both north of 1-70. There have been no major reclassification of properties south of the proposed route of 1-70 and east of the Baltimore County Beltway for this entire area until you reach the properties along the front of the north side of the Baltimore National Pike. Indeed, the entire area in this southwest quadrant of the Beltway and 1-70 is zoned R-6 and has been developed in accordance with its zoning. Protestants' Exhibit C introduced at the hearing is the official comments of Mr. George E. Gavelis, Director of Planning, who stated, in essence, that the proposal here is not in accordance with the Western Area Master Plan and that there have been no substantial land use changes in the area since the map's adoption.

As stated earlier in this opinion, the majority of the Board feels that this case must be considered in connection with case #65-284-R involving the Reiblich property which is adjacent to the subject property, and it is the intention of the Board to file both opinions simultaneously. For the foregoing reasons, the petition for reclassification from an R-6 zone to an R-A zone will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of March, 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

John A. Slowik

RE: Petition for Reclassification
R-6 to R-A Zone
SE corner of Clarke Avenue and
Proposed I-70-N, 950 feet NE of
Johnnycake Road - 1st District
Ragan M. Petitioner
BALTIMORE COUNTY
No. 65-332-R

The petitioner's property, consisting of 5 1/2 acres of land, located on the Northeast side of Johnnycake Road and the Southeast side of Clarke Avenue and the proposed I-70-N, is the subject of a petition for reclassification from an R-6 zone to an R-A zone. Plans call for the construction of 750 garden type apartment units, 635 of which are to be of the studio and one bedroom type and the remainder of the two bedroom type. Proposed rentals will range from \$80.00 to \$105.00 per month plus utilities. Seven hundred and fifty offstreet parking places are to be provided.

The property is described by various expert witnesses as being bounded on the North by the proposed I-70-N expressway and the Social Security Complex; on the South by the Johnnycake Junior High School and Westview Housing Development; on the West by Clarke Avenue and vacant land; and on the East by a development known as Catonsville Manor. The topography was described as sloping from east to west. The proposed apartments would be built on the crest or central portion of the site.

There was evidence of numerous changes taking place in the neighborhood. Clarke Avenue, an eighty foot right-of-way with forty eight feet paved portion, scheduled for completion the latter part of this year, will run from Johnnycake Road to Security Boulevard. The Meadows Industrial Park, just across the proposed I-70-N, is constantly expanding. A new addition to the Social Security building and a new warehouse adjacent to the Social Security Complex are in the planning stages. The proposed apartment project will be located within several thousand feet of the interchange of the Baltimore County Beltway and I-70-N, now under construction and described as being the third largest interchange in the country.

Mr. Phillip Macht, Vice President of the Welsh Construction Company, (builders of the proposed apartment project) testified at length on population density in apartments as compared to individual homes. He stated there are approximately 13.8 families per acre in an R-A zone as compared to six families per acre in an R-6 zone with an average of 1.6 persons per family in an R-A zone as opposed to 1 person per family in an R-6 zone. He testified there are approximately 20 school children per one hundred families in an R-A zone as compared to 120 per one hundred families in an R-6 zone. These conclusions were based on nation-wide studies of apartment living. Mr. Macht was of the opinion that the most logical and appropriate use of the petitioner's property would be for apartments.

Also, testifying for the petitioner was Mr. Bernard Willeman, a professional planner, who was of the opinion that the subject tract would not be a good site for individual home development in view of its proximity to the I-70-N and Beltway interchange. He testified that this property was originally recommended in the Master Plan dated February 28, 1961 for M.R. and B.L. zoning and that the County Council adopted R-6 zoning instead. This witness felt that the Council failed to see a need for apartment zoning in the general neighborhood and for this reason the zoning map is in error.

Mr. Morton Hoffman, a Consulting Economist, was also called to testify for the petitioner. He has studied the population trend in the area embraced from Route 40 to Liberty Road and Rolling Road to the Baltimore City Line. He testified there were 8,950 people living in the aforementioned area in 1950 and that there will be 70,800 people in the area by 1975. He stated that by 1975 there will be 12,000 people working at the Social Security Complex. He testified that in 1950, 25% of all occupied dwellings were rented whereas in 1960 only 11.7% of those dwelling were rented, thus leading to the conclusion that there is insufficient land in the general area which has been set aside for apartment uses. He further testified that as of the time of this hearing that only 269.43 acres in the greater Woodlawn-St. Agnes area were zoned for R-A development and that if all of these were developed, there would still be insufficient apartment accommodations to meet

the need of the anticipated population in the Woodlawn-St. Agnes area over a 10 year span. The testimony, appearance and demeanor of this witness were most impressive.

The petitioner also produced Mr. Marian Cox, who was described as being the dean of real estate in the State of Maryland. This witness with some 45 years of experience felt the subject tract would be an ideal location for apartments and would be an asset to the surrounding neighborhood. He pointed out that 28% of the total acreage could be open space and that much of the existing greenery will be retained.

Dr. Well, qualified Traffic Engineer, described the existing road pattern in the area. He stated that most of the traffic from the proposed apartments would be by way of Clarke Avenue to Security Boulevard, a major artery, and then to the Beltway.

There was testimony from Mr. James Spamer, Consulting Engineer, that water and sewer are available and adequate. He could foresee no storm drain problems.

Several people appeared in protest. However, their fears of traffic congestion and property depreciation seem to have been alleviated by the various experts' opinions as set forth above.

After reviewing all evidence, the Deputy Zoning Commissioner agrees that the zoning map with respect to the subject property is in error and that the most logical and appropriate use for the subject land would be an apartment complex. The proposed project complies with the apartment criterion as laid down by the Office of Planning and Zoning.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 24 day of June, 1965, that the above described property or area should be and the same is hereby reclassified from an R-6 zone to an R-A zone, from and after the date of this order, subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Edward J. Harbeck
EDWARD J. HARBECK
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-A zone
SE corner of Clarke Avenue & Proposed
Expressway I-70, 950' NE of
Johnnycake Road,
1st District
Agneslone, Inc., Petitioner
BALTIMORE COUNTY
No. 65-332-R

DISSENTING OPINION

This member of the Board believes that the decision of the majority in this case is, in the legal sense, arbitrary and capricious because it is completely unsupported by competent material and substantial evidence on the whole record. I believe that this case is a much stronger one for reclassification than the case considered by the Court of Appeals in Judge Hammond's well reasoned opinion in Board vs. Oak Hill Farms, 232 Md. 274 (see especially pages 279 and 284).

This member of the Board believes that the majority has completely misunderstood and misinterpreted the evidence in this case and has not properly analyzed the facts in its opinion. The Board has viewed the property and the reader is referred to Petitioner's Exhibits No. 2 and 3 (aerial photos) which indicate, better than a ground level inspection, the character of the surrounding area. It seems to me that it is also necessary to consider the Baltimore County zoning map adopted in 1962 and which is known as the Woodlawn-Security Sheet 2-B of the Baltimore County western district map. The property involved in this case, and this case alone, is completely separated, segregated or buffered from the existing fully developed cottage type area west of Johnnycake Road and south of Kent Avenue. The Johnnycake Junior High School spreads across the entire southernmost boundary line of the subject property and to Johnnycake Road. The northernmost part of this property abuts upon the right-of-way for the I-70-N Expressway which also separates the subject property from the land of the Federal Government directly north of I-70-N which contains the Federal Social Security Building and parking space therefore, and the Federal Government has purchased a large piece of land east of its present location for the construction of new buildings and parking spaces partly as a result of the Medicare program which will be administered from this location. There are over 10,000 people working at the Social Security headquarters and in all probability this will be increased by close to 2,000 more within the next two years. This land of the Federal Government runs all the way to Security Boulevard and is bordered on the west by the newly constructed Clarke Avenue, a main thoroughfare which is due to open within a few weeks and which will go underneath I-70-N without any interchange. The interchange of I-70-N with the Beltway is under construction and nearing completion, and for this purpose there has been taken a large area of land to be used for State Roads right-of-way for a very complicated and massive interchange of through routes. In what was left of the area surrounding this

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Agneslone, Inc. #65-332-R

Dismissing Opinion

Interchange and also the interchange of the Beltway with Security Boulevard there is no layout out, as readily appears from inspection of the zoning map, extensive areas of manufacturing zoned land upon which construction is taking place at a rapid rate. For some reason unknown to me the southeast quadrant of the I-70-N - Beltway interchange was left as R-6 zoning at the time of the map and although no application has been made for a change this would certainly be a prime candidate for M-L or M-L-R zoning in the future. This quadrant I have just referred to includes the Agneslone property as well as the piece of land still owned by the Doub family west of Clarke Boulevard as now located. A Fire House has been constructed at the corner of Clarke and Johnnycake across from the school, and there is a large shopping center on the other side of Security Boulevard from the Federal property, and in part of the business zoned land at this intersection there is a motel, restaurant, and one or more gasoline stations. Most of the land to the west of the Beltway has been or is being developed for cottage type homes similar to those in the Westview development which, as may be seen from the aerial photos, has been completely built up since the adoption of this map.

Let me state at the outset that the evidence is clear that there is still a demand for cottage type homes in this area and there is no reason, economically or practically, why the subject property could not be so developed. In fact, if the apartment zoning here is finally denied this may very well be what the owners will do with it and I am sure that it could be so handled in a manner profitable to the developer. However, this is not the controlling factor in this case, as has been stated by the Court of Appeals on numerous occasions, economic factors and the fact that the owner might make more money from one type of use than another is not to be considered in connection with an application for rezoning under a comprehensive plan. One alternative which could be possibly detrimental to some of the homes in the neighborhood would be the reclassification of this property to manufacturing uses at a later date if the apartment zoning is not granted, and the granting or not granting of apartment zoning on the subject property should not be influenced by any consideration as to what might happen in the future to the Doub property west of Clarke Boulevard. This is a matter which will have to be decided if and when any application is made in connection with that property, and it is my opinion that one serious error in the majority opinion is to consider what may some day happen in the future with regard to apartment units on the Doub property as a reason for denying the present petition. In any event it seems to me that if an application were pending for reclassification of the Doub property that Clarke Boulevard would make an ideal dividing line between the subject property and whatever use might be made in the future of the Doub property.

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Agneslone, Inc. #65-332-R

Dismissing Opinion

There are many other features of the zoning map to which the reader is referred but the one which first strikes the eye and which cannot be avoided is that there is no provision for apartments in this entire area which is not fully completed and fully reserved except one small area under construction, and that there was practically no provision made for apartments on the original zoning map other than the area marked 1-RA-16 which has been purchased by the Federal Government for use in the Social Security complex thereby removing it completely from the available apartment land in this district. Even the majority opinion recognizes the fact that the subject property together with the Reilich property constitutes the "bulk of unimproved land east of the Baltimore County Beltway and south of I-70-N, and even one of the witnesses for the petitioners stated that this particular tract of land being so large could not be considered spot zoning (constituting about 54 acres).

There is no question but that the County in adopting the comprehensive zoning map in 1962 did not make provision for sufficient rental housing on the map and that the Council at that time did not consider the existing demand and trend for apartment living. In fact, in its opinion in the Reilich case the majority has stated that "As stated in the Agneslone opinion, the Board has in the past recognized this insufficiency of apartment units as being one of the factors that should be considered in a reclassification for apartment use", and then the majority proceeds to deny the reclassification in a case which is about as clear an example of such error as I have ever seen.

The testimony on both sides in this case was voluminous and I presume will be read by whatever tribunal happens to hear this case on appeal. However, I was particularly impressed by the testimony of Mr. Morton Hoffman, an economic consultant and expert of impeccable standing (nationally as well as locally) which was backed up by undisputed facts expressed in Petitioner's Exhibits 10, 11 (and by No. 12 which was ruled inadmissible by the majority). If this land should be developed for anything other than apartment use it could have very serious effects upon all of Baltimore County as well as the closely surrounding area. For example, the development of cottage type homes in R-6 classification would result in more crowding of the local schools, would increase the traffic problems, if any, more than apartments, would provide less open space, and would completely remove from the rental housing market the last sizeable piece of property available for a long distance in any direction. Furthermore, the proposed use would tend to add to the community because the developer would be required to put in sidewalks along Clarke Avenue which would enable people to walk to work to the Social Security complex, and would provide a relatively higher degree of safety for children attending Johnnycake Junior High School and other schools in the vicinity. The testimony of Mr. Hoffman and the facts as shown in the exhibits as to the percentage of rental units in 1950 as compared with 1960 now indicate an urgent need for the provision of land zoned for apartments in this very area

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Agneslone, Inc. #65-332-R

Dismissing Opinion

which leads me to the belief that rezoning of this property would be for the benefit of all of Baltimore County with no demonstrable detriment to the immediate surrounding area, and with a highly probable beneficial effect on the property in the general area but not actually adjoining.

Without unduly lengthening this opinion by recital of the evidence, the reader is referred to the testimony of Mr. H. William Cohen, an experienced engineer and management man employed by the petitioner, Welsh Construction Company (which incidentally has for many, many years been in the business of developing both homes and apartments in a highly competent and satisfactory manner) convinced me at least by his testimony that there would be less construction costs involved for Baltimore County under R-A than under R-6 zoning, not to mention the increase in benefits to the County from taxes far in excess of what R-6 homes would pay and a much smaller burden being placed on schools and other public services.

The reader is recommended to a book "The Future of Our Cities" by Robert A. Futterman, Doubleday & Co., 1961, in which, among other things, he notes an error of typical suburbia which has zoned against industry, apartment houses, and the usual list of undesirable only to find themselves battered and embittered in carrying the whole burden of school taxes. Many of these same communities now are officially searching for potential industry to locate within their previous "pure" residential and restricted areas.

Other witnesses for the petitioner include James S. Spamer, professional engineer, during whose testimony it was stipulated that all public utilities are available and that there would be no strain on the neighboring facilities by the proposed construction, and that the present plans contemplate that all utility lines be underground which would normally not be the case with R-6 cottage development.

Mr. Marion Cox, a qualified real estate appraiser, stated that property values would not be adversely affected in the neighborhood and, in fact, for the neighboring Catonsville Manor the proposed apartments would be a "Godsend". The homes in Westview, south of the Johnnycake school, in his opinion, are too far away to be affected one way or the other because of the presence of the school as a buffer, for aesthetic reasons if no other. The plot for the proposed development shows that any apartment building would be at least 400 feet from any home in the area.

Mr. W. W. Ewitt, a recognized traffic engineer, testified without contradiction to the effect that traffic congestion would present no problem whatever, and Mr. Bernard Willeman, a man recognized as an expert in many appearances before this Board and the Courts, stated that, in his opinion, there had been an error in the original zoning and further there had been sufficient changes since the adoption of the map not only to justify but to urgently call for the reclassification. He referred to the subject property

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Agneslone, Inc. #65-332-R

Dismissing Opinion

as an ideal example of appropriate apartment property. His testimony was too long to be reproduced in this opinion in toto and too pertinent to be disregarded or changed by a few lines and the reader is recommended to his entire testimony as reported. Sufficient to say that, in my opinion, from his testimony this property meets all of the locational criteria established by the Planning authorities plus certain other criteria which Mr. Willeman has added as his own ideas. I was convinced by facts presented by him that there is an urgent necessity for the type of housing contemplated here in Baltimore County and specifically in this area.

Evidence presented by the petitioners in this case seem to me to be within the language used in Board vs. Oak Hill Farms, (Supra, 280) "opposition without evidence". For example, one protestant stated that he felt the proposed construction would hurt the value of his property and that he thought granting this would open up an entire area south of I-70-N to rezoning mentioning a "snow ball" effect. On cross-examination it came out that his home is more than one mile from the subject property and he, together with many other witnesses, was completely unable to point out on this zoning map any other place within a reasonable distance of the subject property that could be used for the proposed purpose.

Mr. Richard M. Henry, an acknowledged leader of the community and President of the Westview Association, appeared in protest and stated "this petition would be a door opener to subsequent petitions". It needs only one look at the zoning map to see that this simply could not be. He also admitted that he could not see the subject property from his home and was not certain which of his neighbors could, if any.

Mr. Charles Steinbock, Jr., a former member of this Board, appeared as a witness for the petitioners and stated that he felt there was no error in the original zoning because, in his opinion, "a lack of foresight was not error". This is not in accordance with previous decisions of this Board or of the Courts, and even if true disregards the factor of changes in land uses in the area since the adoption of the map. He felt that public uses, for example, road construction and school use and Federal Government acquisition of property, should not be considered as changes in conditions. With this opinion the writer of this dissent is not in accord and I do not believe his opinion as an expert witness was substantiated by the facts. On cross-examination, he admitted that if there is a demand for apartments or a need for apartments it should now be met by proper zoning and further admitted that this property meets the criteria for apartments as stated in the Planning Board's report presented at the time of the adoption of the Western District map. He further stated that, in his opinion, the entire zoning of the Doub property as R-6 in 1962 could properly be designated as "reservior zoning" and that this particular application was not, in his opinion, "spot zoning".

Mr. Campbell V. Helfrich, a qualified real estate appraiser, gave considerable testimony almost all of which was in connection with possible changes in land values in the neighborhood and to the effect that this property could logically and reasonably be developed as R-6 property, which is admitted by everybody.

The only expert witness produced by the protestants with regard to planning was Mr. W. C. Dutton, Jr. of Washington, D. C. whose qualifications appear in the record none of which indicate any experience with property in Baltimore County or the problems of Baltimore County other than that he had discussed the application with the Planning Staff, looked at the maps, and had visited the property although he had not examined the total area and could not say anything definite "in all honesty" about the need for apartment zoning or the availability of other appropriate areas although he stated that his own criteria for apartment zoning included whether or not there are more appropriate locations in any area, and that he did not agree with the criteria as stated on Page 9 of the Western Area Map Planning Board's Report of Baltimore County.

To repeat, it seems to me that the evidence produced by the protestants is "opposition without evidence", and I do not believe that there is any competent material or substantial evidence upon which this application could be denied and, therefore, the ruling of the majority is arbitrary and capricious. In my mind the motivation for the protest and the endeavor to exclude apartments or other rental housing from this community is economic segregation coupled with an unreasonable opposition to apartments and apartment dwellers without any factual belief for so holding. In other words, it appears to me that this is what might be called a classic case of "snob zoning". The reader is recommended to an article published in 1964 in the Northwestern University Law Review, Volume 59, No. 3, Pages 345 to 372, entitled "The Battle for Apartments in Benign Suburbia". If this Board is operating under a legislative function to approve proper zoning under a comprehensive plan this application for reclassification should be granted. I, therefore, dissent from the opinion of the majority in this case.

W. Giles Parker
W. Giles Parker

Date: 3/28/66

RE: Petition for Reclassification
R-6 to R.A. Zone
SE corner of Clarke Avenue and
Proposed I-70-N, 960 feet NE of
Johnnycake Road - 1st District
Ragan M. Doub - Petitioner

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

ORDER OF DISMISSAL

Please Dismiss the Appeal of Henry and Agnes Reiblich, Protestants, in the above entitled matter.

John S. Mahle, Jr., Attorney
for Henry and Agnes Reiblich,
Protestants

I HEREBY CERTIFY that on this 6th day of December, 1965, a copy of the foregoing Protestants' Order of Dismissal was mailed to Thomas P. Neuberger, Esq. 1111 Woodcliff Avenue, Baltimore, Md. 21220, Fred E. Waldrop, Esq. Masonic Bldg. Towson, Md. 21204, Stuart R. Wilcox, Esq. 11 E. Fayette Street, Baltimore, Md. 21202, and to Joel Margolis, Esq. 110 E. Lexington St. Balto. Md. 21202.

John S. Mahle, Jr., Attorney
for Henry and Agnes Reiblich,
Protestants

RE: Petition for Reclassification
R-6 to R.A. Zone
SE corner of Clarke Avenue and
Proposed I-70-N, 960 feet NE of
Johnnycake Road - 1st District
Ragan M. Doub - Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-332-R

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal in the above entitled matter before the Board of Zoning Appeals of Baltimore County from the opinion and order of the Zoning Commissioner entered in the case on June 24, 1965.

Joel Margolis, Esquire
110 E. Lexington St.
Baltimore, Maryland #21202

I HEREBY CERTIFY, That a copy of the foregoing Order for Appeal has been mailed this 16th day of July, 1965 to Stuart R. Wilcox, Jr., Esquire, 11 E. Fayette Street, Baltimore, Maryland, and William Davidson, Esquire, 11 E. Fayette Street, Baltimore, Maryland.

Joel Margolis, Esquire
110 E. Lexington St.
Baltimore, Maryland #21202

PL 2-4636

RE: Petition for Reclassification
R-6 to R.A. Zone
SE corner of Clarke Avenue and
Proposed I-70-N, 960 feet NE of
Johnnycake Road - 1st District
Ragan M. Doub - Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-332-R

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal in the above entitled matter before the Board of Zoning Appeals of Baltimore County from the opinion and order of the Zoning Commissioner entered in the case on June 24, 1965.

John S. Mahle, Jr., Attorney
for Henry and Agnes Reiblich,
Protestants

I HEREBY CERTIFY, That a copy of the foregoing order for Appeal has been mailed this 16th day of July, 1965 to Stuart R. Wilcox, Jr., Esquire, 11 E. Fayette Street, Baltimore, Maryland, and William Davidson, Esquire, 11 E. Fayette Street, Baltimore, Maryland.

John S. Mahle, Jr., Esquire
1101 Fidelity Building
Baltimore, Maryland #21202

Le 9- 3816

FRED E. WALDROP
ATTORNEY AT LAW
MASONIC BUILDING
TOWSON, MARYLAND 21204
VALLEY 6-8678

July 19, 1965

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

Re: Petition for Reclassification
R-6 to R.A. Zone
SE corner of Clarke Ave. and
Proposed Expressway I-70-N
960' NE of Johnnycake Road -
1st District
Ragan M. Doub - Petitioner
No. 65-332-R

Dear Mr. Hardesty:

Please enter an Appeal from your decision granting reclassification in the above-entitled matter.

Very truly yours,
Fred E. Waldrop
Fred E. Waldrop

FEWisk
Carroll G. Bayne, of others
1408 Blenheim Rd.
Baltimore, Md. 21205



Thomas P. Neuberger
ATTORNEY AT LAW
1414 WOODCLIFF AVENUE
BALTIMORE, MD. 21220
VILMOR 4-3014

July 20, 1965

The Hon. John G. Rose
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification
R-6 to R.A. Zone
SE corner of Clarke Avenue and
Johnnycake Road - 1st District
Ragan M. Doub, Petitioner
No. 65-332-R

Dear Mr. Rose:

Please enter an appeal to the Baltimore County Board of Appeals from the decision of the Deputy Zoning Commissioner dated June 24, 1965 granting the petition for reclassification in above titled case. This appeal is taken pursuant to the Baltimore County Code, Bill No. 70.

A check for \$70. is enclosed herewith to cover the cost of the instant appeal.

Very truly yours,
Thomas P. Neuberger
Thomas P. Neuberger
Attorney for Protestants.

WESTVIEW PARK IMPROVEMENT
& CIVIC ASSOCIATION MEMBERS



PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
AGNESLANE, INC., a Maryland corporation, and RAGAN M. DOUB
I, or we, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R.A. zone, for the following reasons:
Logical development of the land.
There has been a substantial change in the character of the neighborhood since the adoption of the land use map for this area.

See Attached Description

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

Property is to be posted and advertised as 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, with respect to said property.

AGNESLANE, INC.
By: Ragan M. Doub
Owner of leasehold interest
Address 11 E. Fayette Street
Baltimore, Maryland 21202
Ragan M. Doub
Petitioner's Attorney

Address 11 E. Fayette Street
Baltimore, Maryland 21202
Lexington 5-4788
ORDERED by The Zoning Commissioner of Baltimore County, this 10th day of July, 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 20th day of July, 1965, at 1:00 o'clock P.M.



JAMES S. SPANER & ASSOCIATES
PERSONAL ENGINEERS & LAND SURVEYORS
400 YORK ROAD - TOWSON, MD.

DATE 7/10/65

PARCEL OF LAND REFERRED TO IN PETITION FOR RECLASSIFICATION FILED BY AND ON BEHALF OF AGNESLANE, INC. AND RAGAN M. DOUB

All that tract or parcel of ground situated in the First Election District of Baltimore County, Maryland, being known and described as follows, viz:

BEGINNING for the same on the southeast side of Clarke Avenue, 50 feet wide, at a point where the southeast side of Clarke Avenue is intersected by the southern right of way line of State Roads Commission Interstate Expressway I-70-N, and running thence blinding to the southeast side of Clarke Avenue the two following courses or curve and distances, viz.: southerly by a line curving to the right having a radius of 1289 and 92/100ths feet for the distance of 293 and 36/100ths feet, and south 31 degrees 46 minutes 41 seconds east 1294 and 36/100ths feet, to intersect the eighth or south 53 degrees 29 minutes 00 seconds east 1379 and 12/100ths foot line of the parcel of ground described in Deed from Ragan M. Doub and wife to the Board of Education of Baltimore County, dated February 23, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.R. No. 3110 folio 283, thence leaving Clarke Avenue and binding on part of said eighth line south 59 degrees 30 minutes 20 seconds east 1319 and 36/100ths feet to intersect the last line of the parcel of land which by Deed, dated October 1, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1594 folio 455, was conveyed by Mountglen Life Insurance Company to Ragan M. Doub and wife, thence binding reversely on said last line north 30 degrees 01 minute 06 seconds east 1927 and 04/100ths feet to intersect the southern right of way line of the highway known as Interstate Route 70-N, as conveyed by Ragan M. Doub and wife to State of Maryland, to the use of the State Roads Commission of Maryland, by Deed dated December 27, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3942 folio 972, thence running westerly binding on the southern right of way line of said Interstate Route 70-N and following the wanderings thereof in all 1343 and 59/100ths feet to the place of beginning. Containing and comprising 34.2 acres of land, more or less.

W. D. Smith

#65-332-R
MAP 2-B
WESTERN AREA
NW-1F
RA
5/17/65

4/1/1965
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee
FROM: Mr. Charles E. Morris, Jr.
Fire Bureau, Plans Review
SUBJECT: Property Owner: Agnes, Inc. - 750 Units
31 corner Clarke Ave. & Proposed I-70-N
District 1
Present Zoning R-6
Proposed Zoning R-4
No. Acres - 51.2 Acres

Date: April 1, 1965

1. Location of proposed hydrants and size of water mains shall be indicated on lot plan. Water mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Baltimore County Standard Design Manual, 1960 Edition. Spacing of hydrants shall be 500 feet distance apart as measured along an improved road, and within 300 feet from any dwelling. Hydrants shall be located in a pattern approved by the Baltimore County Fire Bureau.

2. Parking shall be designed so as to give emergency vehicles an improved radius for turning at end of parking areas.

4/1/1965

65-332 R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Date of Posting: Aug 7, 1965

Posted for: Agnes, Inc.
Petitioner: Agnes, Inc.
Location of property: 31 corner Clarke Ave. & Proposed I-70-N
Location of Sign: 31 corner Clarke Ave. & Proposed I-70-N
Remarks: 3 Signs

Posted by: [Signature]
Date of return: Aug 12, 1965

65-332-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Date of Posting: May 1, 1965

Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Date of return: May 1, 1965

* FOOTNOTES ON SIGNS
SHOWING NUMBER OF FEET TO PROPERTY LINE

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

TO: John S. Noble, Jr., Esq.
1101 Fidelity Building
Baltimore, Md. 21201

DATE: 10/19/64

DEBIT TO ACCOUNT NO. 01-712
QUANTITY: 1
TOTAL AMOUNT: \$2.00

Cost of copy of Judge Bennett's Memorandum Opinion
Copy No. 65-332-R
Agnes, Inc.

4 sheets @ \$0.50 per sheet = \$2.00

4/1/1965

INTER-OFFICE CORRESPONDENCE
DIVISION OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson 4, Maryland

TO: Mr. James B. Dyer
FROM: Eugene J. Clifford
SUBJECT: Item 11 - ZAC - March 30, 1965 - Clarke Avenue

Date: April 21, 1965

Review of the subject plat dated March 3, 1965 results in the following comment.

At this present time there is no access to the subject property, both Lafayette and Clarke Avenues must be constructed by adjoining properties before access to the property is available.

Eugene J. Clifford
County Traffic Engineer

PETITION FOR RECLASSIFICATION
1st DISTRICT

ZONING: From R-6 to R-A.
LOCATION: Southeast corner of Clarke Avenue and Proposed Expressway 170-N, 960 feet Northeast of Johnnycake Road.
DATE & TIME: THURSDAY, MAY 20, 1965 at 1:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

All that parcel of land in the First District of Baltimore County

Beginning for the name on the southeast side of Clarke Avenue, 960 feet wide at a point where the southeast side of Clarke Avenue is intersected by the southern right of way line of State Route 2, Expressway 170-N, and running thence southerly along the southeast side of Clarke Avenue the two following courses or curves and distances: viz: southerly by a line curving to the right having a radius of 1289 and 92/100ths feet for the distance of 238 and 56/100ths feet, and south 31 degrees 46 minutes 41 seconds - a 1294 and 84/100ths feet, to intersect the eighth or south 20 degrees 29 minutes 00 seconds - a 1279 and 12/100ths feet line of the parcel 50 ground described in Deed from Regan M. Dook and wife to the Board of Education of Baltimore County, dated February 23, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2119 folio 281, thence leaving Clarke Avenue and blinding on part of said eighth line south 25 degrees 50 minutes 20 seconds east 1319 and 34/100ths feet to intersect the last line of the parcel of land which by Deed, dated October 1, 1953, and recorded among the Land Records of Baltimore County in Liber H.L.B. No. 1304 folio 455, was conveyed by Monumental Life Insurance Company to Regan M. Dook and wife, thence blinding southerly on said last line north 30 degrees 01 minutes 06 seconds east 1927 and 04/100ths feet to intersect the southern right of way line of the highway known as Interstate Route 70-N, as conveyed by Regan M. Dook and wife to State of Maryland, to the use of the State Road Commission of Maryland, by Deed dated December 27, 1961 and recorded among the Land Records of Baltimore County in Liber W.B.R. No. 1912 folio 577, thence running westerly blinding on the southern right of way line of said Interstate Route 70-N and following the underground thereof in all 1345 and 58/100ths feet to the place of beginning, Containing and comprising 51.2 acres of land, more or less.

Being the property of Regan M. Dook, as shown on plat filed with the Zoning Department.

Hearing Date: Thursday, May 20, 1965 at 1:00 P.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order Of
John G. Rose
Zoning Commissioner Of Baltimore County

CERTIFICATE OF PUBLICATION
BALTIMORE COUNTY, MD. April 28, 1965

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 successive weeks before the 20th day of May, 1965 the first publication appearing on the 20th day of April 1965.

THE TIMES
Manager: John M. Martin

Cost of Advertisement: \$ 31.00
Purchase Order #0506
Requisition No. 7437

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: George E. Greville, Director of Planning
SUBJECT: Petition No. 65-332-R - R-6 to R-A. SE corner of Clarke Avenue and proposed Expressway 170-N 960 feet Northeast of Johnnycake Road. Being the property of Regan M. Dook.

1st District
HEARING: Thursday, May 20, 1965 (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comment:

The subject proposal is not in accordance with the Western Area Master Plan, which recommends development of the type for which the land is now zoned. There have been no substantial land-use changes in the area since the adoption of the Plan.

William B. Davidson, Esq.
Stuart B. Wilson
11 E. Fayette Street
Baltimore, Maryland 21202

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

Apr 11 1965

William B. Davidson, Esq.
Stuart B. Wilson
11 E. Fayette St.
Baltimore, Md. 21202

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

Apr 11 1965

Your petition has been received and accepted for filing this day of March 1965

JOHN G. ROSE
Zoning Commissioner

Owner Name: Regan M. Dook, et al
Reviewed by: [Signature]

CERTIFICATE OF PUBLICATION
TOWSON, MD. 1965

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of successive weeks before the 19th day of May, 1965 the first publication appearing on the 19th day of April 1965.

THE JEFFERSONIAN
Manager: [Signature]

Cost of Advertisement: \$...

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

TO: The Baltimore Company
11 E. Fayette Street
Baltimore 2, Md.

DATE: 10/19/64

DEBIT TO ACCOUNT NO. 01-712
QUANTITY: 1
TOTAL AMOUNT: \$2.00

Advertising and posting of property for Regan M. Dook, et al

4 sheets @ \$0.50 per sheet = \$2.00

4/1/1965

4/11/1965
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

William B. Davidson, Esq.
Stuart B. Wilson
11 E. Fayette Street
Baltimore, Maryland 21202

Reclassification From R-6 to R-A for Regan M. Dook, located 960 feet Northeast of Johnnycake Road and Proposed Expressway 170-N, 1st District

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

The following comment is not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

OFFICE OF PLANNING AND ZONING: The Project Planning Division will review the plans and submit comments at a later date.

TRAFFIC ENGINEERING: Will review the site plan and submit comments at a later date.

FIRE BUREAU: Will submit comments at a later date.

BUREAU OF ENGINEERING: Existing 6" in Montgomery Street existing 8" in Central Avenue. Water is under construction in Clarke Avenue. However, the proposed sewer in Clarke Avenue does not appear that it will serve very much of this area. Road - Clarke Avenue to be 15' curb and gutter paved street on 60' R/W. Storm drain - Under construction in Clarke Avenue.

The following members had no comment to offer:
Board of Education
Health Department
Industrial Commission
Buildings Department
State Roads Commission

cc: Albert V. Quibby-Office of Planning and Zoning
Richard Moore-Traffic Engineering
Lt. Morris-Fire Bureau
Carlyle Brown-Bureau of Engineering

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

RECEIVED MANAGEMENT, INC.
11 E. Fayette Street
Baltimore 2, Md.

REPORT TO ACCOUNT NO. 01-712
QUANTITY: 1
TOTAL AMOUNT: \$2.00

Cost of copy of Judge Bennett's Memorandum Opinion
Copy No. 65-332-R
Agnes, Inc.

4 sheets @ \$0.50 per sheet = \$2.00

4/1/1965

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

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11 E. Fayette Street
Baltimore 2, Md.

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4/1/1965

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4/1/1965

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31971

DATE 7/15/65

TO:

John E. Schlem, Jr., Esq.
6708 Belair Road
Baltimore 6, Md.

BILLED BY

Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT
\$69.99

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property for William S. Bull, et al	64.99
	#65-330-004	
	7-1640 8414 * 31971 T19-	6.99

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

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31982

DATE 7/28/65

TO:

Edward St. John
1001 Woodlawn Road
Baltimore, Md. 21212

BILLED BY

Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT
\$85.00

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Appeal Cost-Regan H. Dosh	
	#65-332-R	
	Protestants Hurry and Agnes Reilbach	
	7-2040 8413 * 31982 T19-	85.00

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

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31983

DATE 7/20/65

TO:

Edward St. John
1001 Woodlawn Road
Baltimore, Md. 21212

BILLED BY

Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT
\$85.00

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Appeal cost-Regan H. Dosh	
	#65-332-R	
	Protestants -Lou Heller	
	7-2040 8413 * 31983 T19-	85.00

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

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31984

DATE 7/20/65

TO:

Matthew Park Improvement & Civic Association
Xthos P. Newberger, Esq.
1614 Woodcliff Ave.
Baltimore, Md. 21220

BILLED BY

Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT
\$70.00

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Appeal Cost-Regan H. Dosh	
	#65-332-R	
	7-2040 8413 * 31984 T19-	70.00

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

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31978

DATE 7/19/65

TO:

Cash

BILLED BY

Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-622

TOTAL AMOUNT
\$70.00

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Appeal Cost - Fred E. Waldrop, Esq.	
	#65-332-R	
	7-1940 8404 * 31978 T19-	70.00

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

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

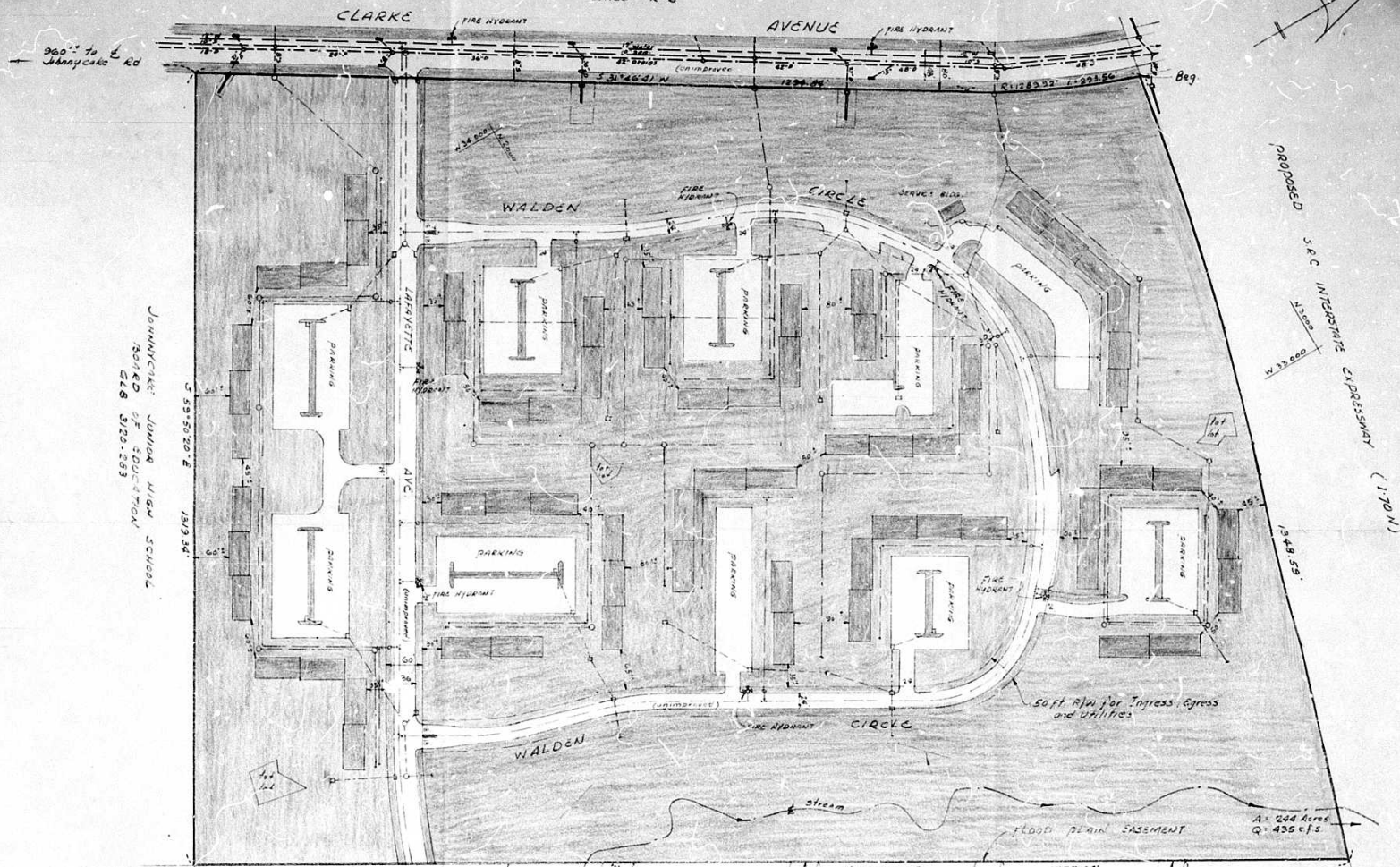
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of Certified Documents - #65-332-R	
	RE removal of Old New Avenue & proposed Expressway	
	1-701 960 East NE of Technology Road	
	1st District	
	7-360 2244 * 31978 T19-	15.00
	15.00	
	7-1940 8404 * 31978 T19-	70.00
	70.00	

DATE 7/2/66
No. 34546

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

TELEPHONE
823-3000

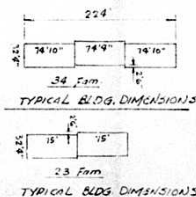
RAGAN DDUS
RJS 1304-453
ZONED R-6



UTILITY LEGEND

- WATER (under construction)
- PROPOSED WATER
- SANITARY (under construction)
- PROPOSED SANITARY
- STORM DRAIN (under construction)
- PROPOSED STORM DRAIN

NOTE: For utilities under construction see
BCMD platy Nos. 64-530 to 64-536A;
64-551 to 64-556 and Nos 64-616 to
64-620. All street paving to conform
with BCMD standards



EXISTING ZONING: R-6
PROPOSED: W-4
GROSS AREA: 542' x 100'
NET AREA: 51,000'

DESIGNED DENSITY
GROSS: 13.64 Dwg. units per Acre
NET: 14.71
TOTAL UNITS: 750

PERMITTED DENSITY
GROSS: 16 Dwg. units per Acre
NET: 18
TOTAL UNITS: 867

PARKING: 750 CARS - 9' x 20' (100%)

PLAT FOR ZONING PURPOSES WOODLAWN ST. AGNES GARDEN APARTMENTS 1st ELECTION DISTRICT, BALTO. COUNTY, MD.

OWNER OF PROPERTY - LEASEHOLD
HONGSLAND, INC., 11 E. FAYETTE ST.
BALTIMORE, MD. 21202

OWNER OF REVERSIONARY ESTATE
RAGAN M. DDUS, 6400 JENNAPOLK RD.
BALTIMORE, MD. 21207



JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
400 YORK ROAD
TOWSON, MD. 21204
Scale: 1" = 100' Date: 3-3-65