

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

1. Error in original map.
2. Change in character of the neighborhood.

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

Contract purchaser: Simon E. Sobeloff, Irene E. Sobeloff, Legal Owner
Address: Riderswood, Maryland
Petitioner's Attorney: R.C. Murray, Esq., Loyola Federal Building, Towson, Maryland 21204

Address: 406 Jefferson Building - 21204, Valley 5-7500

ORDERED BY The Zoning Commissioner of Baltimore County, this 70th day of July, 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 106, County Office Building in Towson, Baltimore County, on the 1st day of September, 1966, at 2:00 o'clock P.M.



Zoning Commissioner of Baltimore County

June 14, 1966

Re: 6658-R - Simon E. Sobeloff, et al

Petition, description of property, Order of Zoning Commissioner
Certificate of posting
Certificates of advertisement
Comments of Office of Planning
" " Fire Bureau
Plat filed with petition
Photogrammetric Map

A. Owen Hennegan, Esq.,
Jefferson Building
Towson, Maryland 21204

Donald N. Rothman, Esq.,
American Building
Baltimore, Maryland 21202

Richard C. Murray, Esq.,
Loyola Federal Building
Towson, Maryland 21204

Counsel for petitioners

" " "

" " protestants

MAZ, CHILDS & ASSOCIATES, INC.
1020 Conwell Ridge Rd. - Towson, Md. 21204

and (3) N 27°46' E 120 feet, more or less to the southern right-of-way line of the Baltimore County Beltway as shown on a plat by the Maryland State Roads Commission, No. 10570, Contract No. B-635-4-415, dated December 16, 1953 and revised February 17, 1954, thence binding along the said southern right-of-way line westerly 1130 feet, more or less to the tenth line of said last mentioned land, thence binding on a part thereof S 56°22' W 330 feet, more or less, to the beginning of the parcel of land which by deed dated October 10, 1950 and recorded among the aforesaid Land Records in Liber T. B. S. No. 1885, Folio 326, was conveyed by Simon E. Sobeloff and wife to the County Commissioners of Baltimore County, thence binding reversely on the fifth and fourth lines of said last mentioned deed the two following courses and distances, (1) S 33°38' E 200.00 feet and (2) S 10°45' W 348.57 feet to the beginning of the thirteenth line of the outline of the land herein secondly referred to, thence binding on a part of said outline the five following courses and distances, (1) S 88° E 365.50 feet, (2) S 27°24' E 97.71 feet, (3) S 79°49' E 73.60 feet, (4) S 02° W 365.80 feet and (5) N 88° W 289.60 feet to a point on a line parallel to and 175 feet easterly from the westernmost outline of the land herein secondly referred to thence, binding on said parallel line S 02°30'00" W 870 feet, more or less, to the center line of Bellona Avenue, thence binding thereon and on a part of the outline of said land herein secondly referred to the two following courses and distances (1) S 88°45' E 30 feet, more or less and (2) S 84°46'00" E 495.00 feet, more or less, to the place of beginning.

GAV:nbr/nib 7-8-64 J.O. 62042

MAZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Soil Planners
1020 Conwell Ridge Rd. - Baltimore, Maryland 21204
423 - 0900

DESCRIPTION

NORTH SIDE BELLONA AVENUE, WEST SIDE CHARLES STREET PROPERTY, EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Existing Zoning: "R-10" and "R-20"
Proposed Zoning: "R-A"

Beginning at the same at a point on the center line of Bellona Avenue at the distance of 990 feet, more or less, as measured along said center line of Bellona Avenue, from the intersection thereof with the northwest side of Charles Street Extended, said beginning point being at the end of the fourth line of the land described in the deed, from Simon E. Sobeloff and wife to Wilbur C. Davison and wife, dated August 22, 1923 and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 577, Folio 381, running thence binding reversely on the fourth, third and second lines of said deed the two following courses and distances: (1) N 04°49' E 527 feet, more or less, and (2) S 81°10' E 314.50 feet to a point on the first line of the land which by deed dated February 27, 1923 and recorded among the aforesaid Land Records in Liber W. P. C. No. 569, Folio 286 was conveyed by Edwin W. Levering and wife to Simon E. Sobeloff and wife, thence binding on part of said first line, the second line and a part of the third line of said last mentioned land, the three following courses and distances, (1) N 06°49' E 689.76 feet, (2) N 06°59' E 331.10 feet,

August 6, 1966

A. Owen Hennegan, Jr., Esq.,
406 Jefferson Building
Towson, Md. 21204

NOTICE OF HEARING
Re: Petition for Reclassification for Simon E. Sobeloff
66-58-R

TIME: 2:00 P.M.
DATE: Wednesday, September 1, 1966
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 N. CHESAPEAKE AVENUE
TOWSON, MARYLAND

cc: Donald N. Rothman, Esq.,
1400 American Building
Baltimore, Md. 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee
FROM: Mr. Charles F. Harris, Sr.
SUBJECT: Property Owner: Simon E. Sobeloff
Location - N/W corner of Bellona Avenue & Broadside Lane
Dist. 8th. Present Zoning - R-10 & R-20 to R-A.
Re: Acres - 33.07

Water is located on Bellona Avenue also located on Bellona Lane near Judges Lane.

188-115

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee
FROM: Mr. Charles F. Harris, Sr.
SUBJECT: Property Owner: Simon E. Sobeloff
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Dist. 8th. Present Zoning - R-10 & R-20 to R-A.
Re: Acres - 33.07

Water is located on Bellona Avenue also located on Bellona Lane near Judges Lane.

188-115

RE: PETITION FOR RECLASSIFICATION
From R-10 and R-20 Zones to
R-A Zone - N/W Cor. Bellona
Ave. & Broadside Lane, 8th Dist.,
Simon E. Sobeloff and Irene E.
Sobeloff, Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-58-R

Petition No. 66-58-R, known as the Sobeloff case, was filed on July 70, 1965 and a hearing was held by the Zoning Commissioner on September 1, 1965.

In the immediate vicinity hearings have been held as follows:

Petition No. 4975 requested a reclassification from R-20 and R-10 Zones to an R-A Zone on property located between the new Charles Street Avenue, Extension, Bellona Avenue, Bellona Lane and the Baltimore County Beltway. This was granted by the Baltimore County Board of Appeals on November 21, 1965.

Petition No. 5326-X was for a special exception for elevator apartments on the property on the north side of Bellona Avenue and the west side of Charles Street Avenue. This was finally granted by the Baltimore County Board of Appeals on March 15, 1962.

Petition No. 63-66-RX was for a reclassification, filed June 10, 1961 from R-10 Zone to R-A Zone with a special exception for elevator apartments. This is the most recent case in that area and is known as the McCosh case. This matter was finally approved by the Court of Appeals of Maryland in the opinion by Judge Barnes filed April 28, 1966.

The Sobeloff case was not decided at the time of the hearing because it seemed more practical to wait the decision in the McCosh matter. It now appears that it would be proper to extend the apartment zoning along the Baltimore County Beltway in view of the various changes which have occurred, west of Charles Street, north of Bellona Avenue and south of the Beltway.

For the above reasons the reclassification should be had.

It is this 10th day of May, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 and R-20 zones to an R-A zone, subject, however, to approval of the site plan for the development of said property by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE: 5/10/66
BY: J. Harris
ADMINISTRATIVE ASSISTANT

RE: PETITION FOR RECLASSIFICATION
From R-10 and R-20 Zones to
R-4 Zone - N/W Cor. Bellona
Ave. & Brookside Lane, 8th Dist.
Simon E. Sobeloff and Irene E.
Sobeloff, Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-58-R

Petition No. 66-58-R, known as the Sobeloff case, was filed on July 10, 1965 and a hearing was held by the Zoning Commissioner on September 1, 1965.

In the immediate vicinity hearings have been held, as follows:

Petition No. 4976 requested a reclassification from R-20 and R-10 Zones to an R-4 Zone on property located between the new Charles Street Avenue, Extension, Bellona Avenue, Bellona Lane and the Baltimore County Beltway. This was granted by the Baltimore County Board of Appeals on November 21, 1960.

Petition No. 4374-X was for a special exception for elevator apartments on the property on the north side of Bellona Avenue and the west side of Charles Street Avenue. This was finally granted by the Baltimore County Board of Appeals on March 15, 1962.

Petition No. 61-56-74 was for a reclassification, filed June 10, 1961, from R-10 Zone to R-4 Zone with a special exception for elevator apartments. This is the most recent case in that area and is known as the McCosh case. This matter was finally approved by the Board of Appeals of Maryland in the opinion by Judge Barnes filed April 28, 1956.

The Sobeloff case was not decided at the time of the hearing because it seemed more practical to wait the decision in the McCosh matter. It now appears that it would be proper to extend the apartment zoning along the Baltimore County Beltway in view of the various changes which have occurred, west of Charles Street, north of Bellona Avenue and south of the Beltway.

For the above reasons the reclassification should be held.

It is this 11th day of May, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 and R-20 Zones to an R-4 Zone, subject, however, to approval of the site plan for the development of said property by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
From R-10 and R-20 Zones to
R-4 Zone - N/W Cor. Bellona
Ave. & Brookside Lane, 8th Dist.
Simon E. Sobeloff and Irene E.
Sobeloff, Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 66-58-R

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The Sobeloff case was not decided at the time of the hearing because it seemed more practical to wait the decision in the McCosh matter. It now appears that it would be proper to extend the apartment zoning along the Baltimore County Beltway in view of the various changes which have occurred, west of Charles Street, north of Bellona Avenue and south of the Beltway.

For the above reasons the reclassification should be held.

It is this 11th day of May, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 and R-20 Zones to an R-4 Zone, subject, however, to approval of the site plan for the development of said property by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

August 9, 1965

A. Owen Hennegan, Jr., Esq.,
406 Jefferson Building
Towson, Maryland

Re: Petition for Reclassification for Simon
E. Sobeloff
No. 66-58-R

Dear Sir:

We are enclosing copy of comment, from the Fire Bureau, in
reference to the above property.

Yours very truly,

JAMES E. OYER

JED/ba

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 N. CHARLES ST.
BALTIMORE, MD. 21204

GEORGE E. GAYNE
JAMES G. ROSE
Assistant Commissioners

May 10, 1966

A. Owen Hennegan, Esq.,
406 Jefferson Building
Towson, Maryland 21204

Re: Petition for Reclassification
of property at the N/W Cor.
Bellona Ave. & Brookside Lane,
8th Dist., Simon E. Sobeloff,
and Irene E. Sobeloff, Petitioners
No. 66-58-R

Dear Mr. Hennegan:

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

Very truly yours,

JAMES E. OYER
Zoning Commissioner

cc: Donald N. Rothman, Esq.,
1400 American Building
Baltimore, Maryland 21202

Richard C. Murray, Esq.,
Loyola Federal Building
24 West Pennsylvania Avenue
Towson, Maryland 21204

ZONING PETITION FOR RECLASSIFICATION *
Northwest corner of Bellona Avenue
and Brookside Lane--8th District--
Petition No. 66-58-R

BEFORE THE ZONING
COMMISSIONER OF BALTIMORE
COUNTY

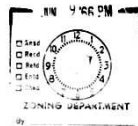
NOTICE OF APPEAL

MR. CLERK:

Please enter an appeal in the above entitled case to the
County Board of Appeals on behalf of the following:

Mr. and Mrs. Erroll B. Hay, III
Brookside Lane
Baltimore County, Maryland

Mr. Donald F. Nesbitt, Jr.
8207 Robin Hood Court
Baltimore County, Maryland



Richard C. Murray
Elizabethine E. Murray
22 W. Pennsylvania Avenue
Towson, Maryland 21204
VA. 5-1515
Attorney for Protestants

ZONING PETITION FOR RECLASSIFICATION *
Northwest corner of Bellona Avenue
and Brookside Lane--8th District--
Petition No. 66-58-R

BEFORE THE ZONING
COMMISSIONER OF BALTIMORE
COUNTY

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Brookside Lane
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8207 Robin Hood Court
Baltimore County, Maryland



Richard C. Murray
Elizabethine E. Murray
22 W. Pennsylvania Avenue
Towson, Maryland 21204
VA. 5-1515
Attorney for Protestants

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

July 23, 1965

A. Owen Hennegan, Esquire
406 Jefferson Building
Towson, Maryland 21204

RECLASSIFICATION FROM R-10
AND R-20 TO R-4 FOR SIMON E.
SOBELOFF AND IRENE E. SOBELOFF
LOCATED ON THE N/W COR. OF
BELLONA AVENUE AND BROOKSIDE LANE,
8TH DISTRICT

Dear Sir:

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

BUREAU OF TRAFFIC ENGINEERING AND FIRE DEPARTMENT: Will review the proposed
development plan and submit comments at a later date.

BUREAU OF ENGINEERING:
Water - Existing 18" water main along the stream which crosses the northern portion of
the property.

Sanitary - Existing 18" sanitary sewer along the stream which crosses the northern portion of
the property.

The above comments are 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.

The following members had no comment to offer:

Board of Economic
Development
Health Department
Veterinary Development Commission
State Roads Commission
Office of Planning and Zoning

Very truly yours,

JAMES E. OYER, Chief
Petition No. 66-58-R

cc: Richard Henry-Bureau of Traffic Engineering
Dr. Mary-Ann Brown-Clean Air
Clyde Brown-Bureau of Engineering

June 14, 1966

A. Owen Hennegan, Jr., Esq.,
Jefferson Building
Towson, Maryland 21204

Re: Petition for Reclassification
N/W Cor. of Bellona Ave. & Brookside
Lane, 8th Dist., Simon E. Sobeloff,
et al, Petitioners - No. 66-58-R

Dear Mr. Hennegan:

An appeal has been filed from the decision
of the Zoning Commissioner rendered in the above matter.
You will be notified of appeal hearing when
scheduled by the Board of Appeals.

Very truly yours,

Zoning Commissioner

cc: Donald N. Rothman, Esq.,
American Building
Baltimore, Maryland 21202

A. Owen Hennegan, Esq.,
406 Jefferson Building
Towson, Maryland 21204

May 10, 1966

Re: Petition for Reclassification
of property at the N/W Cor.
Belts Ave. & Brookside Lane,
Rth Dist., Simon E. Sobeloff,
and Irene E. Sobeloff, Petitioners
No. 66-58-R

Dear Mr. Hennegan:

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

Very truly yours

Zoning Commissioner

cc: Donald H. Rothman, Esq.,
1400 American Building
Baltimore, Maryland 21202

Richard C. Murray, Esq.,
Loyola Federal Building
22 West Pennsylvania Avenue,
Towson, Maryland 21204

LAW OFFICES
GORDON, FEINBLATT & ROTHMAN
AMERICAN BUILDING, FOURTEENTH FLOOR
FATIMACH AND SOUTH STREETS
BALTIMORE, MD. 21202

May 2, 1966



Mr. John G. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassifica-
tion No. 66-58-R, Simon E.
Sobeloff, Petitioner

Dear Mr. Rose:

Pursuant to our telephone conversation of
today's date, I enclose herewith for your information
a copy of the opinion in Robert Vogel vs. James N.
McCosh, et al.

My understanding is that you will now
write and issue your Order in the case.

Very truly yours,

GORDON, FEINBLATT & ROTHMAN

By *Donald H. Rothman*
Donald H. Rothman

DNR:ror
Encl.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 20, 1965

FROM: George E. Gavrellis

SUBJECT: 66-58-R, "R-10 and R-20 to R.A. Northeast corner of Brookside Lane and
Belts Avenue. Being the property of Simon E. and Irene E. Sobeloff".

8th District

HEARING: Wednesday, September 1, 1965 (2:00 P.M.)

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

The staff offered comments concerning the subject proposal in connection
with Petition 66-58-R. If Petition 66-58-R, which proposes apartment development
for adjacent property and is now before the Court of Appeals, is finally denied,
then our comments on Petition 66-58-R would appear to have been judged
valid. If, on the other hand, the Court of Appeals grants the earlier request
(66-66), we would reconsider our view regarding the subject proposal.

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
No. 66-58-R,
Simon E. Sobeloff, Petitioner

Dear Mr. Rose:

This will acknowledge, with thanks, your letter
of November 29, 1965.

Counsel for applicant understand that both you and
the Planning Department place great emphasis on the outcome
of the McCosh appeal insofar as the above application for
reoning is concerned. We understand that that appeal was
originally scheduled for argument in the Spring of 1966,
but due to the new developments involving all criminal cases
before the Court of Appeals, we have been told that there is
a strong likelihood that pending criminal appeals will be held
in abeyance and only civil appeals heard. In that case, there
is a strong possibility that the McCosh appeal will be heard
much sooner than originally scheduled.

The applicant here believes that as a practical
matter it would be appropriate for you to hold this applica-
tion until the McCosh case has been decided. This would not
prejudice the rights of either side, and might well avoid the
expense and loss of time that would be involved in either an

August 20, 1965

A. Owen Hennegan, Jr., Esq.,
Jefferson Building
Towson, Md. 21204

Re: Petition for Reclassification for Simon E. Sobeloff
66-58-R

Dear Sirs:

This is to advise you that \$107.50 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
ZONING COMMISSIONER

JGR/ba

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
August 23, 1965

COUNTY OFFICE BUILDING
1311 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
VIA AIR MAIL

GEORGE E. GAVRELLIS
DIRECTOR

JOHN G. ROSE
ZONING COMMISSIONER

Donald H. Rothman, Esq.,
1400 American Building
Baltimore, Md. 21202

Dear Sirs:

The enclosed memorandum is sent to you in compliance with
Section 23-22 of the 1961 Supplement of the Baltimore County Code.

Any questions of correspondence in regard to the enclosed subject mat-
ter must be directed to the Director of Planning and Zoning (or his
Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify, it will
be necessary for you to summons him through the Sheriff's Office.

Yours very truly,

John G. Rose
JOHN G. ROSE
Zoning Commissioner

JGR/h

Encl.

cc: A. Owen Hennegan, Esq.

PETITION FOR RECLASSIFICATION

8th DISTRICT

ZONING:

LOCATION:

DATE & TIME:

PUBLIC HEARING:

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

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

Being the property of Simon E. Sobeloff and Irene E. Sobeloff, as shown on plat plan filed
with the Zoning Department.

Hearing Date: Wednesday, September 1, 1965 at 2:00 P.M.
Public Hearing: Room 100, County Office Building, 1311 W. Chesapeake Avenue, Towson, Md.

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

GORDON, FEINBLATT & ROTHMAN

Mr. John G. Rose
November 30, 1965
Page 2.

appeal from any decision you may make at this time or the
withdrawal of the subject application and re-filing of it at
a later time. So far as we are aware, there is no absolute
requirement that cases submitted to you be decided within
any specific time. We earnestly believe that it would serve
the interests of both the applicant and the public to
have you hold the taking of Mr. Gavrellis' testimony and the
rendering of your opinion until you both have had the benefit
of the decision of the Court of Appeals, and, accordingly,
respectfully request that you hold this matter under advisement
until that time, unless the opponents of this application
(whose counsel has been informed that we are making this re-
quest) have serious objection to this procedure.

Very truly yours,

GORDON, FEINBLATT & ROTHMAN

By *Donald H. Rothman*
Donald H. Rothman

DNR:ror

cc: Hon. Simon E. Sobeloff
A. Owen Hennegan, Jr., Esq.
Richard C. Murray, Esq.

November 29, 1965

Donald H. Rothman, Esq.,
1420 American Building
Baltimore, Maryland 21204

Re: Petition for Reclassification
from R-10 and R-20 Zones to
R-A Zone - NE/Cor. Bellona Ave.
and Brookside Lane, 8th District,
Simon E. Sobeloff, Petitioner -
No. 66-58-R

Dear Mr. Rothman:

It is my intention to write an Order and close
this matter prior to December 15, 1965.

Very truly yours

Zoning Commissioner

cc: A. Owen Hennegan, Jr., Esq.,
406 Jefferson Building
Towson, Maryland 21204

Richard C. Murray, Esq.,
Loyola Federal Building
Towson, Maryland 21204

October 7, 1965

A. Owen Hennegan, Esq.,
Jefferson Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R-10 and R-20 Zones to
R-A Zone - NE/Cor. Bellona Ave.
and Brookside Lane, 8th Dist.,
Simon E. Sobeloff, Petitioner -
No. 66-58-R

Dear Mr. Hennegan:

Please be advised that a hearing has been
scheduled on Thursday, October 14, 1965, at 9:00 a. m. to
conclude the testimony in the above entitled matter in Room 106,
County Office Building, Towson, Maryland.

Very truly yours

Zoning Commissioner

cc: Donald L. Rothman, Esq.,
Loyola Building
Towson, Maryland 21204

Richard C. Murray, Esq.,
Loyola Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
PA. 3000

GEORGE E. GAVRELLS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

October 7, 1965

A. Owen Hennegan, Esq.,
Jefferson Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R-10 and R-20 Zones to
R-A Zone - NE/Cor. Bellona Ave.
and Brookside Lane, 8th Dist.,
Simon E. Sobeloff, Petitioner -
No. 66-58-R

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Very truly yours

Zoning Commissioner

cc: Donald L. Rothman, Esq.,
Loyola Building
Towson, Maryland 21204

Richard C. Murray, Esq.,
Loyola Building
Towson, Maryland 21204

INVOICE		BALTIMORE COUNTY, MARYLAND		No. 32097	
OFFICE OF FINANCE		Division of Collection and Receipts		DATE 9/14/65	
COURT HOUSE		TOWSON, MARYLAND 21204		BILL TO: Zoning Dept. of Balto. Co.	
TO: Messrs. Gordon, Feinblatt & Rothman		American Building 14th Fl.		Baltimore, Md. 21202	
REPORT TO ACCOUNT NO.	01-622	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	\$487.50
			Advertising and posting of property for Simon E. Sobeloff		107.50
			66-58-R		
			7-1465 1439 • 32097 TIP-		107.50
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.					

INVOICE		BALTIMORE COUNTY, MARYLAND		No. 32026	
OFFICE OF FINANCE		Division of Collection and Receipts		DATE 8/2/65	
COURT HOUSE		TOWSON, MARYLAND 21204		BILL TO: Zoning Dept. of Balto. Co.	
TO: Donald H. Rothman, Esq.		1409 American Building		Baltimore, Md. 21204	
REPORT TO ACCOUNT NO.	01-622	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	\$50.00
			Petition for Reclassification for Simon E. Sobeloff		50.00
			6-465 8889 • 32026 TIP-		50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.					

RE: PETITION FOR RECLASSIFICATION
From R-10 and R-20 Zones to
R-A Zone - NE/Cor. Bellona Ave.
and Brookside Lane, 8th Dist.,
Simon E. Sobeloff, Petitioner -
No. 66-58-R

Mr. Sheriffs

Please issue summons in the above entitled case
for George E. Gavrells, Director of the Office of Planning and
Zoning, to appear at the hearing scheduled on Thursday, October
14, 1965 at 9:00 a. m. in Room 106, County Office Building, Towson,
Maryland.

Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
From R-10 and R-20 Zones to
R-A Zone - NE/Cor. Bellona Ave.
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RE: PETITION FOR RECLASSIFICATION
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Maryland.

JOHN G. ROSE
Zoning Commissioner

A. Owen Hennegan, Esq.,
406 Jefferson Building
Towson, Md. 21204

July 27, 1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
20th day of July 1965

Owners Name: Simon E. Sobeloff
Reviewed by: [Signature]

JOHN G. ROSE
Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8TH Date of Posting: July 14, 1965
Posted for: Reclassification from R-10 & R-20 to R-A
Petitioner: Simon E. Sobeloff
Location of property: NE Cor. Brookside Lane & Bellona Ave.
Location of Sign: West end and South end of NE Cor. Brookside Lane
Bellona Ave. & Brookside Lane, 8th Dist. Towson, Md. 21204
Signed by: [Signature] Date of return: August 17, 1965



December 2, 1966

Mr. William S. Balow, Chairman,
County Board of Zoning Appeals
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R-10 and R-20 zones to
R-A Zone - n/w cor. Ballona
Avenue and Brookside Lane,
5th District
SIMON E. SOBELOFF & Irene S.
Petitioners File No. 6650-8

Dear Mr. Balow:-
It has been brought to our attention that the owners of the
subject property have petitioned for reclassification from R-10, R-20
zones to R-A zone.

The property will be affected by the State Roads Commission
proposed modification to the interchange of the Baltimore Beltway and the
Baltimore-Harrisburg Expressway. Indicated in red on the attached plan is
the approximate location of the effect of same.

The purpose of the State Roads project is to eliminate the
existing off ramp from the southbound lane of the Baltimore-Harrisburg
Expressway which carries traffic east onto the Baltimore Beltway. This
ramp has a very short radius and has been a problem spot. This project is
in the current construction program and is tentatively scheduled for ad-
vertisement by summer of 1967.

Therefore, it is requested that the Board of Zoning Appeals
give consideration to the State Roads Commission's plans in making its
decision in regards to the subject property.

Thank you for your cooperation.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section

CLJ:msk

cc: Mr. John Rose, Zoning Comm.
Baltimore County

Mr. E. J. Kromy,
Bureau of Highway Design

Attachment

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

To: Messrs. Brizandine & Murray,
Lepole Federal Building
Towson, Maryland 21204

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO. 01-672

QUANTITY	UNIT PRICE	TOTAL AMOUNT
Cost of appeal - Sobeloff property No. 66-50		\$70.00

6-2166 4990 - 38685 TIF - 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.

PETITION FOR RECLASSIFICATION
5TH DISTRICT
ZONING: From R-10 and R-20 to
R-A Zone.
LOCATION: Northeast corner of
Lane and Ballona Ave.
DATE & TIME: Wednesday, September
1, 1965 at 2:00 P.M.
PLACE: 119 County Office Bldg.,
Towson, Maryland 21204

The Zoning Commission of the
Baltimore County, by authority of the
Zoning Act and Regulations of the
Baltimore County, will hold a public
hearing on the above petition at the
place and time stated above.

Present Zoning: R-10 and R-20.
Proposed Zoning: R-A. The subject
property is located at the northeast
corner of Lane and Ballona Avenue
at the intersection of the
Lane and Ballona Avenue
at the intersection of the
Lane and Ballona Avenue

The subject property is located at the
northeast corner of Lane and Ballona
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CERTIFICATE OF PUBLICATION

TOWSON, MD., December 1, 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
day of September, 1965, the first publication
appearing on the day of

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$ 45.00

PETITION FOR RECLASSIFICATION 5TH DISTRICT

ZONING: From R-10 and R-20 to
R-A Zone.
LOCATION: Northeast corner of
Brookside Lane and Bel-
lona Avenue.
DATE & TIME: WEDNESDAY,
SEPTEMBER 1, 1965 at 2:00
P.M.
PLACE: 119 County Office Building,
Towson, Maryland.

The Zoning Commission of the
Baltimore County, by authority
of the Zoning Act and Regula-
tions of the Baltimore
County, will hold a public
hearing on the above petition at the
place and time stated above.

Present Zoning: R-10 and
R-20.
Proposed Zoning: R-A. The subject
property is located at the northeast
corner of Brookside Lane and Bel-
lona Avenue at the intersection of the
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CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. August 12, 1965

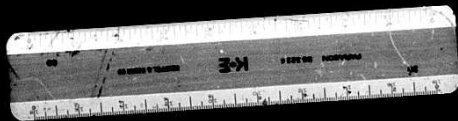
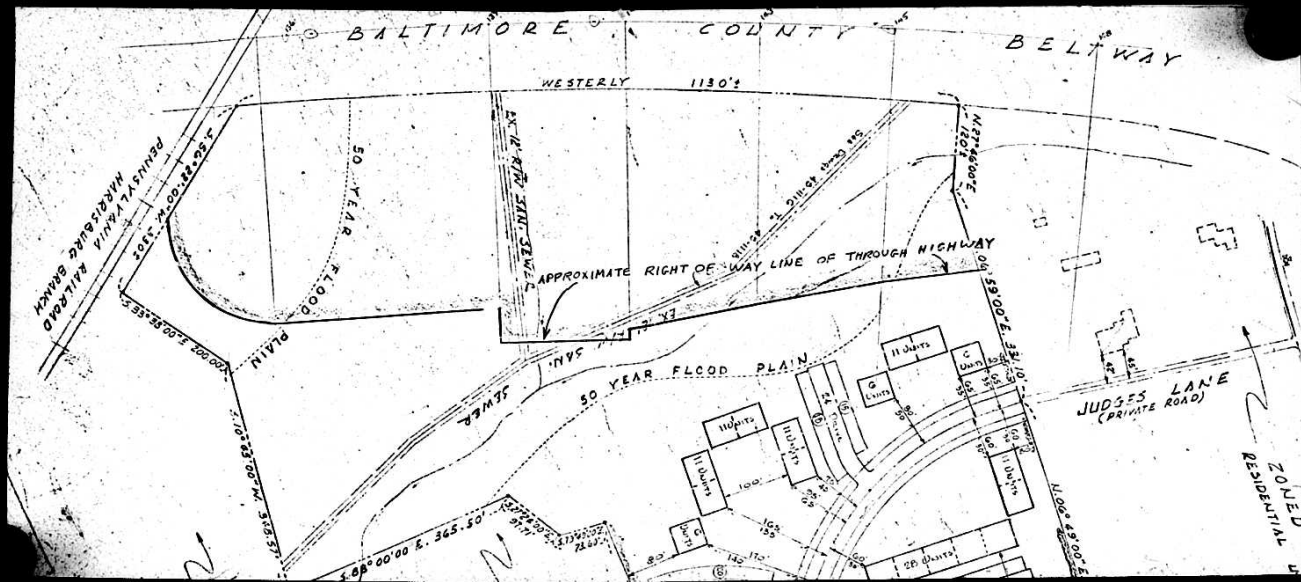
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md. once in each of
successive weeks before the 1st
day of September, 1965, the first publication
appearing on the 12th day of August
1965.

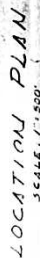
THE TIMES

Manager
John W. Martin

Cost of Advertisement \$ 45.00

Purchase Order #3077
Requisition No. F5872





~ GENERAL NOTES ~

- [illegible]

45°	45°
6 units	6 units

#66-50R
MADP
#4
SEC. 3-C
NW-11-A

~~PLAT TO ACCOMPANY PETITION
FOR REZONING~~

VICINITY

BELLONA AVE. & CHARLES ST. EXTENDED.

9TH ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE COUNTY, MD.
DATE: Oct. 8, 1963.
Revised: June 2, 1964

DATA: Oct. 8, 1963,
Revised: June 2, 1964.

DATA: Oct. 8, 1963,
Revised: June 2, 1964.

MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 10, MD.



#66-58R

ZONED "R-1"

Amending, Baltimore, Md. City

BELLOVA

ZONED "R-10"
RESIDENTIAL USE

JUDGES LANE
(PRIVATE ROAD)

N. 06° 59' 00" E. 431.15'

N. 06° 59' 00" E. 689.76'

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BALTIMORE

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50 YEAR FLOOD PLAIN

EX. 2' R/W SAN.

SEWER

50 YEAR FLOOD PLAIN

PENNSYLVANIA RAILROAD
HARRISBURG BRANCH

S. 56° 22' 00" W. 350.53'

S. 56° 22' 00" W. 350.53'

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S. 56° 22' 00" W. 350.53'

ZONED "R-10"
NO USE

ZONED "R-10"
RESIDENTIAL USE

New Hwy
on way to
4th Ave

BROOKS/D
P.R.I.

N. 06° 59' 00" E. 431.15'

N. 06° 59' 00" E. 431.15'

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N. 06° 59' 00" E. 431.15'

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Simon E. Sobeloff and

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

1. Error in original map.
2. Change in character of the neighborhood.

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

Contract purchaser: Simon E. Sobeloff, Irene E. Sobeloff, Legal Owner
Address: Riderwood, Maryland
Contract purchaser: Donald N. Rothman, 1400 American Bldg. 21202
Address: 406 Jefferson Building - 21204
Valley 5-7500

ORDERED By The Zoning Commissioner of Baltimore County, this 29th 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 1st day of September, 1965, at 2:00 o'clock P.M.



2:00 PM
9/1/65
65-109
MICROFILMED

SIMON E. SCRELOFF, ET AL
NE corner Brookside Lane and Bellona Ave.
R-10 and R-20 to R.A.
No. 66-58-R
8th District
(38.94 acres)

July 20, 1965 Petition filed
May 10, 1966 Z.C. (Rose) Granted Reclassification
June 9 Order of Appeal to County Board of Appeals
Sept. 9, 1970 Request for dismissal with prejudice, filed by Richard C. Murray, Esq. attorney for protestants-appellants
" " Order of Dismissal of Appeal of County Board of Appeals (Slowik, Parker, Reiter)
Oct. 9 Order for Appeal filed in Circuit Court by Philip O. Foard, Esq., attorney for protestants-appellants
" " Letter from Mr. Foard objecting to dismissal of appeal and requesting reinstatement of case
" 16 Letter from Donald N. Rothman, Esq. to C.B. of A. objecting to reinstatement of appeal
" " Letter of John A. Slowik to Philip O. Foard, Esq.
" " " W. Giles Parker, Esq. to Donald N. Rothman, Esq.
Nov. 4 Record of proceedings filed in Circuit Court
Dec. 2 Board AFFIRMED - Judge MacDaniel
" 30 Order for Appeal filed in the Court of Appeals
June 1, 1971 Board AFFIRMED by the Court of Appeals

GRANTED

DR. JAMES M. HITZROT, II
and MARY B. HITZROT, et al
Protestant-Appellants
vs.
BOARD OF APPEALS OF BALTIMORE COUNTY
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. 9, folio 55
No. 4556

ORDER FOR APPEAL TO COURT OF APPEALS OF MARYLAND

Mr. Clerk:
Please note an Appeal to the Court of Appeals of Maryland from the Order of the Circuit Court for Baltimore County, At Law, dated December 2, 1970; passed in this cause, on behalf of the Protestant-Appellants, Dr. James M. Hitzrot, II, and Mary B. Hitzrot, et al.

John W. Hession, III
Attorney for Protestant-Appellants
102 West Pennsylvania Avenue
Towson, Maryland 21204

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal to the Court of Appeals of Maryland was mailed this 30th day of December, 1970, to Donald N. Rothman, Esquire, Garrett Building, 237 East Redwood Street, Baltimore, Maryland 21202.

LAW OFFICE
SEALIN & HESSIAN
TOWSON, MARYLAND

Rec'd 1/15/71
9:30 AM

ZONING PETITION FOR RECLASSIFICATION
FROM R-10 AND R-20 ZONES
TO AN R.A. ZONE, NORTHWEST CORNER OF BELLONA AVENUE AND BROOKSIDE LANE, 8TH DISTRICT,
MR. ERROL B. HAY, III, ET AL
PETITIONERS
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 66-58-R

NOTICE OF DISMISSAL

Mr. Clerk:
Please dismiss the appeal in the above captioned matter with prejudice.

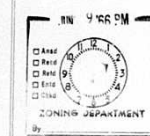
Richard C. Murray
Richard C. Murray
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Valley 5-1515
Attorney for Protestants-Appellants

ZONING PETITION FOR RECLASSIFICATION
Northwest corner of Bellona Avenue and Brookside Lane--8th District--
Petition No. 66-58-R
BEFORE THE ZONING
COMMISSIONER OF BALTIMORE
COUNTY

NOTICE OF APPEAL

MR. CLERK:
Please enter an appeal in the above entitled case to the County Board of Appeals on behalf of the following:

Mr. and Mrs. Errol B. Hay, III
Brookside Lane
Baltimore County, Maryland
Mr. Donald F. Nesbitt, Jr
8207 Robin Hood Court
Baltimore County, Maryland



Richard C. Murray
Richard C. Murray
22 W. Pennsylvania Avenue
Towson, Maryland 21204
VA. 5-1515
Attorney for Protestants

IN THE COURT OF APPEALS OF MARYLAND
No. 456
September Term, 1970

JAMES M. HITZROT, II et al.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY et al.

Hammond, C.J.
Byrnes
Piran
Singley
Smith,
JJ.

PER CURIAM

Filed: June 1, 1971

PER CURIAM:

Dr. Hitzrot and nine of his neighbors would have us reverse an order of the Circuit Court for Baltimore County which dismissed an appeal which they had attempted to take from an order of the County Board of Appeals. A brief summary of the facts will demonstrate why we cannot do so under the applicable law.

In May, 1966, the Baltimore County Zoning Commissioner reclassified as R. A. (Residence, apartment) a 38.94 acre tract in the County's eighth election district theretofore zoned R-10 and R-20 (Residence, one family, minimum lot size 10,000 and 20,000 square feet, respectively). A timely appeal from the Zoning Commissioner's order to the County Board of Appeals was taken by Mr. and Mrs. Errol B. Hay, III and Mr. and Mrs. Donald F. Nesbitt, Jr., none of whom is a party to the present controversy. It would appear that the appeal never came on for hearing because of an uncertainty as regards that portion of the property needed for the widening of the Baltimore Beltway. In September, 1970, a notice of dismissal of the Hay-Nesbitt appeal was filed by their counsel of record, and the Board entered an order of dismissal.

In October, 1970, Dr. Hitzrot and his neighbors sought to reinstate the proceeding by taking an appeal to the Circuit Court from the Board of Appeals' order of dismissal. They at once encountered an insurmountable obstacle: the procedural framework of Baltimore County's zoning law.

Baltimore County Code (1968) § 22-27 authorizes any person aggrieved by a decision of the Zoning Commissioner to appeal to the County Board of Appeals within 30 days. The County's Charter § 604 and Code § 22-28, when read together, permit an appeal to the Circuit Court within 30 days of a decision of the Board of Appeals by "any party to the proceeding who is aggrieved thereby * * *." Rule 3 b of the Rules of Practice and Procedure of County Board of Appeals, approved by the County Council by Bill No. 8 enacted in 1965, provides that "An appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal."

Since Dr. Hitzrot and his neighbors did not appeal from the order of the Zoning Commissioner, they were not parties to the proceeding before the Board of Appeals, and had no standing to appeal from whatever order the Board might have entered. Brynjaraki v. Montgomery County Board of Appeals, 247 Md. 137, 143, 230 A.2d 289 (1967). When counsel of record for the persons who were the only parties gave notice of dismissal before the conclusion of the hearing and the Board of Appeals entered an order of dismissal, that ended the matter. There is simply no statutory support for the appellants' contention that the order of dismissal could not be entered without a hearing.

ORDER AFFIRMED; COSTS TO BE
PAID BY APPELLANTS.

MANUSCRIPT

JUL 09 1971

DR. JAMES M. HITZROT, II
and NARY B. HITZROT, et al
Protestants-Appellants
vs.
BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
MISC. 9/55/4556

Zoning File 66-58-R

OPINION

On May 10, 1966, the Zoning Commissioner for Baltimore County granted a reclassification to the then Petitioners, Simon E. Sobeloff and Irene Sobeloff, his wife. On June 9, 1966, an Order for Appeal was filed by certain protestants. For reasons not necessary for the matter before the Court today, this matter lay dormant until September 9, 1970 when an order dismissing the appeal was filed by those parties who had originally made the appeal on June 9, 1966. Then on October 9, 1970, the present protestants filed an Order for Appeal from the decision of the County Board of Appeals. It is undisputed that the present protestants took no part in the original appeal that was filed on June 9, 1966. Counsel for the present protestants also alleges in his memorandum that had the County Board of Appeals held a hearing and these present protestants had not appeared at that time and then had later filed a notice of appeal, that they would have no standing in court. The case came before this Court because on October 16, 1970 counsel for Sobeloff filed a Motion Raising Preliminary Objection. An answer was filed to this motion, memorandums have been submitted by all parties and the Court is now in a position to make its ruling.

The only serious contention made on behalf of the present protestants is that once an appeal has been filed to the County Board of Appeals that the County Board of Appeals cannot dismiss the appeal, even by order of those who filed the appeal, without holding a hearing thus affording an opportunity to anyone feeling aggrieved to come in and be heard. The present protestants allege that therefore the Motion Raising Preliminary Objection must be denied and that the County Board of Appeals must be ordered to hold a hearing in this matter.

The procedures in zoning appeals are clearly spelled out in the Baltimore County Code (1968), Sec. 22-27, Sec. 22-28; Article 6, Sec. 604 of the Baltimore County Charter, Sec. 1-15 of the Baltimore County Code (1958), titled General Provisions, enacted by the County Council of Baltimore County, Maryland on December 6, 1965 and known as Bill No. 108, and Sections 500.10 and 501.4 of the Baltimore County Zoning Regulations. The scheme of these enactments and rules is as follows:

I. Under the Baltimore County Zoning Regulations (1969), Sec. 500.10, which are identical with Sec. 22-27 of the Baltimore County Code:

"Any person or persons jointly or severally or any taxpayer or any official, office, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the County Board of Appeals. Notice of such appeal shall be filed in writing with the Zoning Commissioner within thirty days from the date of any final order appealed from, together with a required fee as provided in the Zoning Regulations. Such appeals shall be heard and disposed of by the County Board of Appeals as may be provided in the Charter and the Board's own rules of procedure . . ."

- 2 -

II. Zoning Regulation 501.3 provides:

"Subject to the approval of the County Council the County Board of Appeals shall have authority to adopt and amend from time to time rules of practice and procedure to cover the conduct of its proceedings . . ."

This same provision appears in Sec. 603 of the Baltimore County Charter.

Pursuant to this authority, on December 6, 1965, the County Council of Baltimore County adopted Bill No. 108. Rule 2a thereof with respect to notice of hearings on appeal provides, "no hearing shall be conducted (by the County Board of Appeals) without at least ten days notice to all parties of record or their counsel of record, unless otherwise agreed to by all such parties or their counsel of record." It is specifically provided in Rule 2e as follows:

"In appeals from decisions of the Zoning Commissioner formal notice of hearings, continuances and decisions of the Board will be provided only to those persons entitled to receive same in accordance with Sec. 500.11 of the Baltimore County Zoning Regulations."

The Sec. 500.11 referred to is the section following Sec. 500.10 set out above, which gives the right to appeal within thirty days to any person or taxpayer aggrieved by any decision of the Zoning Commissioner, and Sec. 500.11 states:

"Upon such appeal the Zoning Commissioner shall present to the County Board of Appeals all pertinent papers in connection therewith. Notice of such appeal and the date of hearing or continuance thereof, shall be given to the attorneys for the respective parties, if any, or to such person, or persons, as may be designated at the original hearing to receive such notice."

As can be seen from these rules we have stated, the present protestants, if they were aggrieved by the Zoning Commissioner's decision, had a right to appeal but only within

- 3 -

thirty (30) days thereof. They did not file any appeal and therefore have no standing to protest or appeal a decision at this time. It must be noted that although the County Board of Appeals does post the property when there is an appeal, that nowhere in the law is there any requirement for said posting, and nowhere in the law is there any requirement that the Board of Appeals must do any more than hear those who originally filed the appeal. This Court cannot find under any law a right of persons who failed to make any appeal at all in a case to then come in and claim they have a right to an appeal when the original appealing parties, for whatever reasons, withdrew their appeal.

It may also be noted that Rule 3b (Bill 108) specifically provides that "an appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal." There is no requirement whatsoever that this be done at a special hearing, or that notice be given to anyone before it is done. The Court completely agrees with the contention made in the memorandum of counsel for Sobeloff when he states:

"The statutory scheme is apparent. Once a person aggrieved has taken his appeal within the time allowed by law, he is in control of the case, so far as Protestants are concerned. A settlement with him is binding and conclusive, and he can dismiss or withdraw his appeal at any time after he takes it. If this were not so, cases could never be compromised and settled - nor would there ever be any incentive on the part of the parties to the case to even explore settlement possibilities. Every case in which an appeal to the Board was noted would have to be fully heard and tried - even though the Protestant-Appellant who noted the appeal learned he was in error, or changed his mind. Even worse, appeals to the Board could become the subject of great

- 4 -

abuse at the hands of unscrupulous persons without legitimate interest who could demand money or other consideration for 'staying out of it.' Chaos in zoning and zoning appeals would result, and the whole purpose of orderly zoning proceedings and appeals would be defeated."

For the reasons stated herein, the Motion Raising Preliminary Objection is hereby GRANTED.

December 14, 1970

H. KEMP MACDANIEL
JUDGE

HQ:mac:mo

Copy to:
John Hessian, III, Esq.
Donald N. Rothman, Esq.
County Board of Appeals
Frederick M. Invernizzi, Director, Admr. Office of Courts
Eugene Creed, Admr.

DR. JAMES M. HITZROT, II and
MARY B. HITZROT
8208 Robin Hood Court
Baltimore, Maryland 21204

DR. SYLVESTER STERIOFF and
SUZANNE STERIOFF
8210 Robin Hood Court
Baltimore, Maryland 21204

DR. J. STEWART LOTT and
MARGE LOTT
8212 Robin Hood Court
Baltimore, Maryland 21204

DR. CHARLES MCGOVERN
8205 Robin Hood Court
Baltimore, Maryland 21204

DR. FRANK J. P. CLARK and
MARCIA CLARK
8209 Robin Hood Court
Baltimore, Maryland 21204

WILLIAM McFEELY and JEN McFEELY
8213 Robin Hood Court
Baltimore, Maryland 21204

FRANK J. YOUNT and VIOLA YOUNT
8301 Bellona Avenue
Baltimore, Maryland 21204

DR. DAVID R. MORALES
8231 Bellona Avenue
Baltimore, Maryland 21204

JOHN P. COOPER, JR.
8227 Bellona Avenue
Baltimore, Maryland 21204

WILLIAM J. TOMLINSON and
VIRGINIA TOMLINSON
1211 Robin Hood Circle
Baltimore, Maryland 21204

Protestants-Appellants

vs.

BOARD OF APPEALS OF BALTIMORE COUNTY
County Office Building
Towson, Maryland 21204

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

Please enter an appeal on behalf of all of the Protestants from the Order of the County Board of Appeals of Baltimore County, dated September 10, 1970, dismissing the appeal in Case No. 66-58-R without hearing.

P. S. Fard
Philip O. Fard

Buckmaster, White, Mindel & Clarke
305 West Chesapeake Avenue
Towson, Maryland 21204
685-6747

Attorneys for Protestants

Service of a copy of the Order for Appeal in Case No. 66-58-R is admitted this 9th day of October, 1970.

COUNTY BOARD OF APPEALS

By:

I CERTIFY that a copy of the foregoing was mailed this 9 day of October, 1970, to A. Owen Hennehan, Jr., Esquire, 406 Jefferson Building, Towson, Maryland 21204, and Donald N. Rothman, Esquire, Garrett Building, Baltimore, Maryland 21203, Attorneys for Applicants.

P. S. Fard
for Attorneys for Protestants

RE: PETITION FOR RECLASSIFICATION
from R-10 and R-20 zones to an
R-A zone
NE corner Brookside Lane
and Bellona Avenue,
8th District
Simon E. Sobeloff, et al,
Petitioners

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 66-58-R

ORDER OF DISMISSAL

Petition of Simon E. Sobeloff, et al, for reclassification from R-10 and R-20 zones to an R-A zone, on property located at the northeast corner of Brookside Lane and Bellona Avenue, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Notice of Dismissal of Appeal filed September 9, 1970 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Protestants-Appellants in the above entitled matter.

WHEREAS, the said attorney for the said Protestants-Appellants requests that the appeal filed on behalf of said Protestants be dismissed and withdrawn as of September 9, 1970.

It is hereby ORDERED, this 9th day of September, 1970, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. G. Parker

W. G. Parker

Walter A. Reiter, Jr.

Mr. William S. Baldwin, Chairman,
 County Board of Zoning Appeals
 County Office Building
 Towson, Maryland 21204

Re: Petition for Reclassification
 from R-10 and R-20 zones to
 R-A zone - N/W cor. Bellona
 Avenue and Brookside Lane,
 8th District
 SIMON E. SOBOLOFF and Irene E.
 Petitioners - File No. 66-58-R

Dear Mr. Baldwin:

It has been brought to our attention that the owners of the subject property have petitioned for reclassification from R-10, R-20 zones to R-A zone.

The property will be affected by the State Roads Commission proposed modification to the interchange of the Baltimore Beltway and the Baltimore-Harrisburg Expressway. Indicated in Red on the attached plan is the approximate location of the effect of same.

The purpose of the State Roads project is to eliminate the existing off ramp from the southbound lane of the Baltimore-Harrisburg Expressway which carries traffic east onto the Baltimore Beltway. This ramp has a very short radius and has been a problem spot. This project is in the current construction program and is tentatively scheduled for advertisement by Summer of 1967.

Therefore, it is requested that the Board of Zoning Appeals give consideration to the State Roads Commission's plans in making its decision in regards to the subject property.

Thank you for your cooperation.

Very truly yours,
 Charles Lay, Chief
 Development Engineering
 Section
 by John E. Meyers
 Asst. Development Engineer

CLJ:ETB
 cc: Mr. John Rose, Zoning Comm.
 Baltimore County

Mr. E. V. Kinney,
 Bureau of Highway Design

Attachment

ack 12-5-66
 9 15-66

ORDER RECEIVED FOR FILING
 DATE 12/5/66
 BY J. E. Kinney
 ADMINISTRATIVE ASSISTANT

RE: PETITION FOR RECLASSIFICATION
 From R-10 and R-20 zones to
 R-A zone - N/W cor. Bellona
 Ave. & Brookside Lane, 8th Dist.
 Simon E. Soboloff and Irene E.
 Soboloff, Petitioners
 BALTIMORE COUNTY
 No. 66-58-R

Petition No. 66-58-R, known as the Soboloff case, was filed on July 20, 1965 and a hearing was held by the Zoning Commissioner on September 1, 1965.

In the immediate vicinity hearing, have been held as follows:

Petition No. 4925 requested a reclassification from R-20 and R-10 zones to an R-A zone on property located between the new Charles Street Avenue, Extension, Bellona Avenue, Bellona Lane and the Baltimore County Beltway. This was granted by the Baltimore County Board of Appeals on November 21, 1966.

Petition No. 5326-X was for a special exception for elevator apartments on the property on the north side of Bellona Avenue and west side of Charles Street Avenue. This was finally granted by the Baltimore County Board of Appeals on March 15, 1962.

Petition No. 63-66-RX was for a reclassification, filed June 10, 1963, from R-10 zone to R-A zone with a special exception for elevator apartments. This is the most recent case in that area and is known as the McCosh case. This matter was finally approved by the Court of Appeals of Maryland in the opinion by Judge Barnes filed April 28, 1966.

The Soboloff case was not decided at the time of the hearing because it seemed more practical to await the decision in the McCosh matter. It now appears that it would be proper to extend the apartment zoning along the Baltimore County Beltway in view of the various changes which have occurred, west of Charles Street, north of Bellona Avenue and south of the Beltway.

For the above reasons the reclassification should be had.

It is this 10th day of May, 1966, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 and R-20 zones to an R-A zone, subject, however, to approval of the site plan for the development of said property by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
 Baltimore County

MICROFILMED

July 23, 1965
 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 COUNTY OFFICE BUILDING
 TOWSON, MARYLAND 21204

A. Wm. Werneggen, Registrar
 106 Jefferson Building
 Towson, Maryland 21204

Dear Sir:

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

NUMBER OF TRAFFIC ENGINEERING AND TRAFFIC SIGNALS - PLAN REVIEW: Will review the proposed development plan and submit comments at a later date.

BUREAU OF ENGINEERING:

Water - Existing water in Bellona Avenue sewer - existing 18" sewer runs along the stream which crosses the northern portion of the property.
 Adequacy of existing utilities to be determined by developer or his engineer.
 Road - Bellona Avenue is to be developed as a minimum 60 foot curb and gutter road on a 60 foot right of way.

The above comments are 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.

The following members had no comment to offer:

Board of Education
 Buildings Department
 Health Department
 Industrial Development Commission
 State Roads Commission
 Office of Planning and Zoning

Very truly yours,

JAMES A. DYER, Chief
 Petition and Permit Processing

cc: Richard Moore-Bureau of Traffic Engineering
 La. Morris-Fire Bureau-Plans review
 Carlyle Brown-Bureau of Engineering

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. James A. Dyer, Chairman
 TO: Zoning Advisory Committee
 Lt. Charles F. Morris, Sr.
 FROM: FIVE BUREAU

SUBJECT: Property Owner: Simon E. Soboloff
 Location - N/W corner of Bellona Avenue & Brookside Lane
 Dist. 8th. Present Zoning - R10 & R-20 to R-A.
 Re: Action - 3/20/67

Water is located on Bellona Avenue also located on Bellona Lane near Judges Lane.

RR:jlis

MICROFILMED

MAITZ, CHILDS & ASSOCIATES, INC.
 Engineers - Surveyors - Site Planners
 1023 Connell Ridge Rd. - Baltimore, Maryland 21204
 410 - 0909

DESCRIPTION

NORTH SIDE BELLONA AVENUE, WEST SIDE CHARLES STREET PROPERTY, EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Existing Zoning: "R-10" and "R-20"
 Proposed Zoning: "R-A"

Beginning for the same at a point on the center line of Bellona Avenue at the distance of 990 feet, more or less, as measured along said center line of Bellona Avenue, from the intersection thereof with the northwest side of Charles Street Extended, said beginning point being at the end of the fourth line of the land described in the deed, from Simon E. Soboloff and wife to Wilbur C. Davison and wife, dated August 22, 1923 and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 577. Folio 381, running thence binding reversely on the fourth, third and second lines of said deed the two following courses and distances: (1) N 06°49' E 527 feet, more or less, and (2) S 81°10' E 314.50 feet to a point on the first line of the land which by deed dated February 27, 1923 and recorded among the Land Records of Baltimore County in Liber W. P. C. No. 569, Folio 286 was conveyed by Edwin W. Levering and wife to Simon E. Soboloff and wife, thence binding on part of said first line, the second line and a part of the third line of said last mentioned land, the three following courses and distances, (1) N 06°49' E 589.76 feet, (2) N 06°59' E 331.10 feet,

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
 FROM: George E. Gavelis

SUBJECT: 66-58-R. "R-10 and R-20 to R-A. Northeast corner of Brookside Lane and Bellona Avenue. Being the property of Simon E. and Irene E. Soboloff".

8th District

HEARING: Wednesday, September 1, 1965 (2:00 P.M.)

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

The staff offered comments concerning the subject proposal in connection with Petition 65-109. If Petition 65-66, which proposes apartment development for adjacent property and is now before the Court of Appeals, is finally denied, then our comments on Petition 65-109 would appear to have been judged valid. If, on the other hand, the Court of Appeals grant the earlier request (65-66), we would reconsider our views regarding the subject proposal.

MICROFILMED

MAITZ, CHILDS & ASSOCIATES, INC.
 1023 Connell Ridge Rd. - Towson, Md. 21204

- 2 -

and (3) N 27°46' E 120 feet, more or less to the southern right-of-way line of the Baltimore County Beltway as shown on a plat by the Maryland State Roads Commission, No. 10570, Contract No. B-635-4-415, dated

December 16, 1953 and revised February 17, 1954, thence binding along the said southern right-of-way line westerly 1130 feet, more or less to the tenth line of said last mentioned land, thence binding on a part thereof

S 56°22' W 330 feet, more or less, to the beginning of the parcel of land, which by deed dated October 10, 1950 and recorded among the aforesaid Land Records in Liber T. J. S. No. 1885, Folio 326, was conveyed by

Simon E. Soboloff and wife to the County Commissioners of Baltimore County, thence binding reversely on the fifth and fourth lines of said last mentioned deed the two following courses and distances, (1) S 33°38' E 200.00 feet and (2) S 10°45' W 348.57 feet to the beginning of the thirteenth

line of the outline of the land herein secondly referred to, thence binding on a part of said outline the five following courses and distances, (1) S 88° E 365.50 feet, (2) S 27°24' E 97.71 feet, (3) S 79°49' E 73.60 feet, (4) S 02° W 363.80 feet and (5) N 88° W 289.60 feet to a point on a line

parallel to and 175 feet easterly from the westernmost outline of the land herein secondly referred to thence, binding on said parallel line S 02°00'00" W 870 feet, more or less, to the center line of Bellona Avenue, thence binding thereon and on a part of the outline of said land herein secondly referred to the two following courses and distances (1) S 88°45' E 30 feet, more or less

and (2) S 84°48'00" E 495.00 feet, more or less, to the place of beginning.

GAV:abr/nlh 7-8-66 J. O. 62042

MICROFILMED

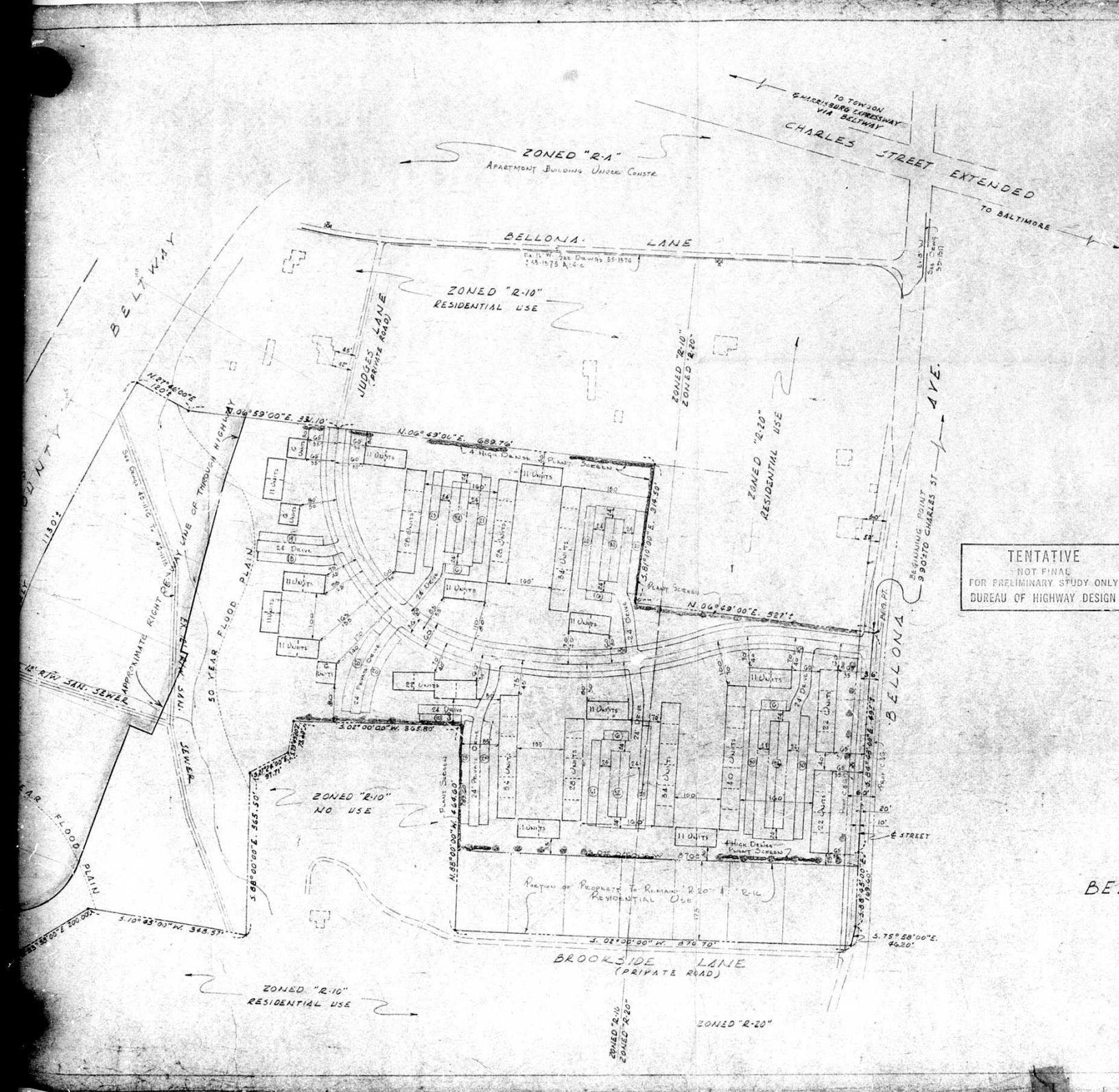
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8TH Date of Posting: June 18, 1966
 Posted for: 10 days
 Petitioner: Simon E. Soboloff, et al.
 Location of property: at Cor. Brookside Lane & Bellona Ave.
 Location of Sign: 43 Brookside Lane, W. N. W. Bellona Ave. B. A. S.
 Bellona Ave. 15 ft. E. Brookside Lane (S. E. of Bellona Ave. 25 ft. E. of Brookside Lane)
 Name: J. J. Gavelis
 Posted by: J. J. Gavelis Date of return: June 23, 1966
 3 signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8TH Date of Posting: Aug 14, 1965
 Posted for: 10 days
 Petitioner: Simon E. Soboloff
 Location of property: at Cor. Brookside Lane & Bellona Ave.
 Location of Sign: 43 Brookside Lane, W. N. W. Bellona Ave. B. A. S.
 Bellona Ave. 15 ft. E. Brookside Lane (S. E. of Bellona Ave. 25 ft. E. of Brookside Lane)
 Name: J. J. Gavelis
 Posted by: J. J. Gavelis Date of return: Aug 19, 1965
 6 signs

JUL 09 1971



LOCATION PLAN
SCALE: 1"=500'

~ GENERAL NOTES ~

1. TOTAL ACREAGE OF TRACT..... 38.74 AC.
2. GROSS ACREAGE OF TRACT REQUESTING RECLASSIFICATION..... 38.74 AC.
3. NET ACREAGE OF TRACT REQUESTING RECLASSIFICATION..... 32.07 AC.
4. PRESENT ZONING OF TRACT..... Z-10 E-20
5. PRESENT USE OF TRACT..... NON-RESIDENTIAL
6. PROPOSED ZONING OF TRACT..... RESIDENTIAL
7. PROPOSED USE OF TRACT..... RESIDENTIAL
8. GROSS NUMBER OF APARTMENTS ALLOWED (38.74 x 110)..... 4261
9. NET NUMBER OF APARTMENTS ALLOWED (32.07 x 110)..... 3528
10. NUMBER OF APARTMENT UNITS PROPOSED..... 422
11. NUMBER OF PARKING UNITS REQUIRED (9'x20')..... 422
12. NUMBER OF PARKING UNITS PROPOSED (9'x20')..... 422
13. BRIDGE BUILDING ONLY (6 APARTMENTS/UNIT) IS 42 x 40

45'	45'
6' Units	6' Units

TENTATIVE
NOT FINAL
FOR PRELIMINARY STUDY ONLY
BUREAU OF HIGHWAY DESIGN

PLAT TO ACCOMPANY PETITION
FOR REZONING
VICINITY
BELLONA AVE & CHARLES ST. EXTENDED

8TH ELECTION DISTRICT
SCALE: 1"=100'

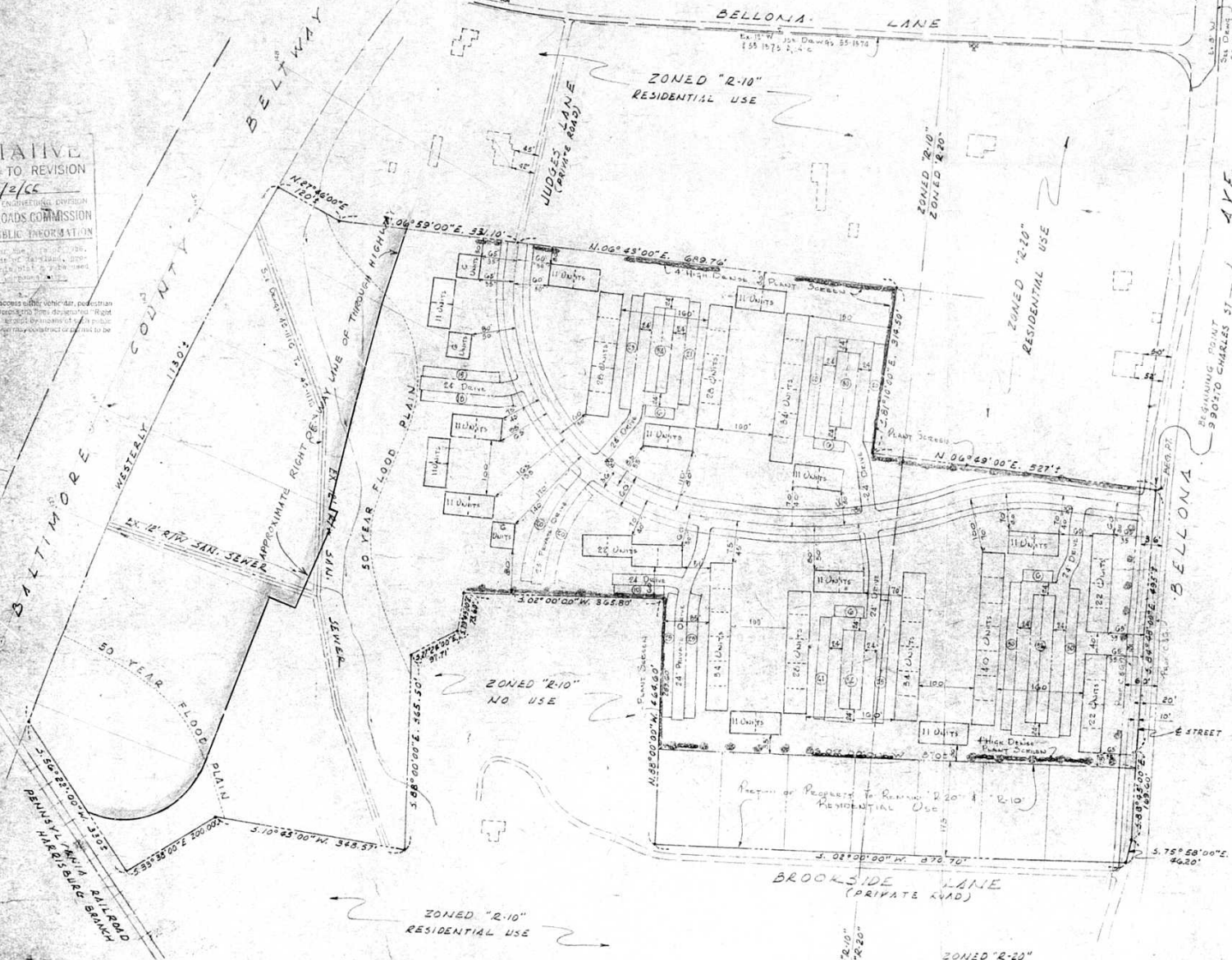
BALTIMORE COUNTY, MD.
DATE: OCT. 8, 1964
REVISED: JUNE 2, 1964

MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MARYLAND



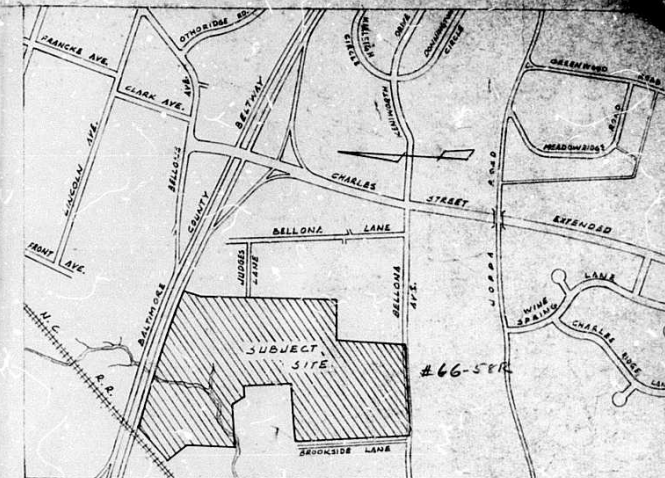
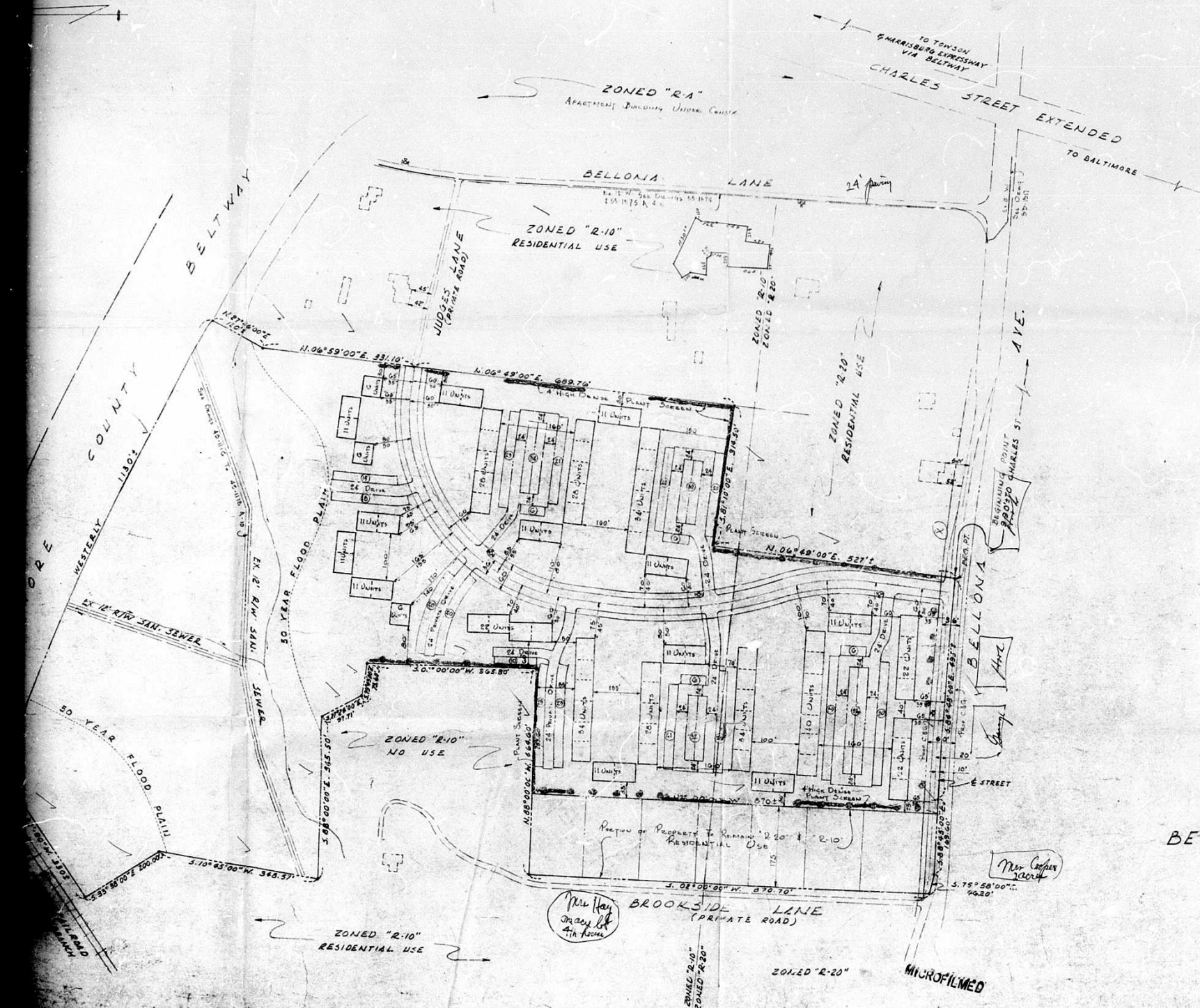
TENTATIVE
SUBJECT TO REVISION
DATE 12/2/66
DEVELOPMENT ENGINEERING DIVISION
MD. STATE ROADS COMMISSION
NOT FOR PUBLIC INFORMATION

This is an Expressway, and the above subject vehicle design, construction and operation will be permitted according to the designations. Right of Way Line is shown through the property. Approval by the State Road Commission is required for the construction of the proposed project to be constructed.



TENTATIVE
NOT FINAL
FOR PRELIMINARY STUDY ONLY
BUREAU OF HIGHWAY DESIGN

PLAT
BELLONA
8TH ELEC
SCALE



LOCATION PLAN
SCALE: 1"=500'

~ GENERAL NOTES ~

1. TOTAL ACRES OF TRACT: 38.24 AC.
2. GROSS ACRES OF TRACT REQUESTING RECLASSIFICATION: 38.24 AC.
3. NET ACRES OF TRACT REQUESTING RECLASSIFICATION: 38.24 AC.
4. PRESENT ZONING OF TRACT: R-10
5. PRESENT USE OF TRACT: RESIDENTIAL
6. PROPOSED ZONING OF TRACT: R-20
7. PROPOSED USE OF TRACT: RESIDENTIAL
8. GROSS NUMBER OF APARTMENTS ALLOWED (38.24 x 110): 4206
9. NET NUMBER OF APARTMENTS ALLOWED (38.24 x 110): 4206
10. NUMBER OF APARTMENT UNITS PROPOSED: 4206
11. NUMBER OF PARKING UNITS REQUIRED (9'x20'): 4206
12. NUMBER OF PARKING UNITS PROPOSED (9'x20'): 4206
13. BASIC BUILDING UNIT (6 APARTMENTS/UNIT) IS 45'x40'

45'	40'
6 UNITS	6 UNITS

#66-5BR
MAP
#9
SEC. 3-C
NW-11-A

PLAT TO ACCOMPANY PETITION
FOR REZONING
VICINITY
BELLONA AVE. & CHARLES ST. EXTENDED

8TH ELECTION DISTRICT
SCALE: 1"=100'

BALTIMORE COUNTY, MD.
DATE: OCT. 8, 1963
REVISED: JUNE 8, 1964



MATZ, CHILDS & ASSOC. INC.
2129 N. CHARLES ST.
BALTIMORE 18, MD.



BALTIMORE

COUNTY

100 YEAR FLOOD PLAIN

RIVER

RAILROAD

ROAD

22.00 W. 3302
PENNSYLVANIA RAILROAD
HARRISBURG BRANCH

BELTWAY

N. 27° 56' 00" E

50 YEAR FLOOD PLAIN

2 ZONED "R"
NO USE

ZONED "R-10"
RESIDENTIAL USE

ZONED "R-1"

APARTMENT BUILDING UNDER CONSTRUCTION

BELLONA. LANA

ZONED "R-10"
RESIDENTIAL USE

ZONED "R-20"
RESIDENTIAL USE

BROOKSIDE LANE
(PRIVATE ROAD)

2010-2011

ZONED "R-20"

CH... BELTWAY

CHARLES STREET EXTENDED

TO BALTIMORE

1315

INQ 777

Mr Cooper
2 acres

MICROFILMED

JUL 09 1971

1950-11-11