

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ERNEST V. HARTIG and

JACK RUBIN, 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-6 zone to an R-A zone, for the following reasons:

1. To allow apartment construction as proposed on the plat attached hereto.

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.

ABRAHAM GOLDSTEIN

JACK RUBIN

Contract purchaser

Address

ERNEST V. HARTIG

DOROTHY L. HARTIG

Legal Owner

Address

WILLIAM D. WELLS

Petitioner's Attorney

Address

Baltimore, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day

of January, 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 through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 16th day of February, 1966, at 11:00 o'clock

A.M.

11:00 A.M. 2/16/66

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RE: PETITION FOR RECLASSIFICATION : ON REMAND FROM THE
from an R-6 zone to an R-A zone : CIRCUIT COURT
SE corner Old Court Road and :
Carlson Lane, :
2nd District :
Ernest V. Hartig, :
Petitioner-Appellant :
: AT LAW
: Misc. 8/238/3822
: Zoning File #66-180-R

ORDER

In regard to the above captioned case, the Board has received notification from counsel for the petitioner-appellant that his client is no longer a party in interest in the property and the questions before the Board are moot.

The appeal in this case is, therefore, dismissed and the Board's file will be closed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.

John A. Miller

Date: May 18, 1971

ABRAHAM H. GOLDSTEIN and : IN THE
JACK RUBIN :
VS : CIRCUIT COURT
COUNTY BOARD OF APPEALS :
OF BALTIMORE COUNTY : FOR
AND : BALTIMORE COUNTY
ROBERT MALCHOWSKI and :
DAVID MACHMAN : Misc. Dist. 7/368/3025
(Intervenor and Protestants)

MEMORANDUM

This is an Appeal by contract purchasers from a decision of the County Board of Appeals, denying reclassification of six (6) acres of land fronting on Old Court Road near Liberty Road. For purposes of this Memorandum Old Court Road will be considered as running east and west, and Liberty Road as running north and south. Both sides of Liberty Road for a considerable distance north and south of its intersection with Old Court Road are zoned for commercial or apartment usage. The four corners of the intersecting streets are zoned for commercial purposes. The property that is the subject of these proceedings lies on the south side of Old Court Road at a point about 1250 feet west of Liberty Road; is approximately rectangular in shape; has a frontage on Old Court Road of about 555 feet; with a depth southwesterly of about 700 feet. The east boundary of the subject property borders a tract 9.6 acres in size presently zoned R-6, but utilized as a Class A Hospital, a use authorized under the R-6 classification. It is bordered on the west by Carlson Lane and by R-6 lands for a considerable distance. Beyond the hospital property previously referred to and further east of the subject is an area zoned for apartment use and at the intersection of Old Court and Liberty an area zoned and used for commercial purposes. Opposite the subject property on Old Court Road and extending both east and west of the

subject property, there is R-6 classification. This R-6 classification along the north side of Old Court Road takes the form in part of properties with very considerable depth, and in part of a strip of R-6 zoned land leading to the commercial intersection of Liberty Road. To the north of the R-6 strip on the north side of Old Court Road is property that is zoned RA.

The Petition for Reclassification of the subject property from R-6 to RA stated that it was sought because of "error in original zoning, and for such other reasons as may be assigned at the hearing hereon." The Petition was granted by the Deputy Zoning Commissioner, but on appeal from his decision the Board of Appeals, in a decision concurred in by two of the three members of the Board, (one of the members not sitting at the hearing) denied the requested reclassification. This Appeal is from that decision.

Contentions as to Admissibility of Evidence

Counsel for the appellants have raised objections to the rulings of the Board as they relate to the admissibility of evidence. One of these contentions is that the Board committed error in "taking judicial notice" of a decision in Zoning File #63-65-R, wherein the Board (then comprising a different member or members) made the decision. A careful examination of the record leads this Court to the conclusion that the use of the words "taking judicial notice" as used by the Board had no other or different meaning or effect in this case than that the result of the decision in that case would be considered by the Board as a fact. Since that case dealt with property lying on Old Court Road near its intersection with Liberty Road, within a stone's throw of the subject property, it would be odd indeed if this Board ignored that decision as a fact or hearing upon the present case. The Court finds no error in this ruling of the Board.

A second contention is made that it was error for the Board to refuse to strike out the testimony of George E. Gavrelis, Acting Director of the Office of Planning and Zoning, who was called as a witness on behalf of the protestants.

ZONING FILE NO. 66-180-R

ERNEST V. HARTIG : IN THE CIRCUIT COURT
VS : FOR BALTIMORE COUNTY
COUNTY BOARD OF APPEALS : Misc. #3622, Docket 8, Folio 233
OF BALTIMORE COUNTY :

MEMORANDUM OPINION AND ORDER

The Petitioners in this case have requested that their property be reclassified from R-6 zoning to an RA zone. The record indicates that they heretofore filed a similar petition which was denied by the Board of Appeals by its Order dated May 28, 1964, and which decision was affirmed by the Circuit Court for Baltimore County.

However, the original petition was based solely on error in original zoning as established by the Comprehensive Zoning Map. This was necessarily so because Section 500.3b precluded any reclassification of the property based on the ground of change in the character of the neighborhood (See Section 500.3b). Since the issue of change was not before the Board in the hearing on the original petition, it must follow that the doctrine of res judicata as to this issue does not apply to the present petition and in this case the Board should have considered any changes in the neighborhood from the date of the adoption of the Comprehensive Zoning Map and not restrict its findings to changes which occurred solely from and after its Order of May 28, 1964.

It is obvious from the entire opinion of the Board in this case that it considered only changes in the neighborhood since its Order of May 28, 1964, and the concluding paragraph of its Opinion states:

"The Board cannot find from the record that sufficient changes have taken place in the neighborhood since May of 1964 to justify the requested reclassification. Therefore the petition will be denied."

It is, therefore, this 5 day of December, 1967, ORDERED by the Circuit Court for Baltimore County that this case be remanded to the Board of Appeals for further proceedings consistent with the provisions of this Memorandum Opinion.

LESTER L. BARRETT

Judge

Appellants assign as a ground or cause for the Motion to Strike his testimony a supposed acknowledgment by the witness that erroneous information held by him with relationship to the property adjoining to the east (Baltimore County Hospital) would destroy the worth of his testimony and render it inadmissible. The record does not support this contention. The ruling of the Board on the Motion to Strike was correct.

Contentions on the Merits of the Case

It is contended by the Appellants that the Board erred in refusing to consider whether there had been such changes in the neighborhood as would reasonably justify the requested reclassification. Assuming, without deciding, that an issue of change in the neighborhood justifying reclassification was available to the Petitioner in the form in which his Petition was phrased as heretofore set forth, this Court adopts the ruling of the Board that under the provisions of the Baltimore County Code, §23-22(f) (Bill No. 80 - 1960) no reclassification upon such ground could be considered until two (2) years after November 15, 1962.

It would serve no useful purpose for the Court to engage in a lengthy recapitulation of the evidence produced in this case. The conflicting evidence in this case is well recognized by the witness Gavrelis, at page 101 of the Record:

"A. The subject property, in all fairness, is certainly approaching the edge of this residential (apartment) area. If you would assume that Liberty Road acts as a boundary between one set of residential neighborhoods, and because of the planned usages which exist between this property and Liberty Road, which are either commercial or institutional or apartments, I would say in all fairness the subject property is in a edge situation."

There is credible evidence that the planning recommendations and the Legislative policy in this area was: (a) not to extend apartment zoning (except as a buffer between commercial and residential areas) further to the west along Old Court Road; (b) that the residential appearance of Old Court Road should be maintained even by the creation of R-6 strip zoning along its north side. The evidence shows also that there is land already zoned for apartment usage in the

neighborhood that has not yet been put to such use.

In this situation it is very clear to this Court that the question whether the requested reclassification should or should not be granted is a matter for reasonable debate. On such a record this Court accordingly cannot substitute its judgment for the judgment of the Board.

The Appeal is denied.

W. ALBERT MENCHINE, Judge

December 19, 1964

64-17-R
3/15/67

06-04-71

ERNEST V. HARTIG #66-180-R
SE corner Old Court Road & Carlson Lane 2nd District
Reclassification from R-6 to R-A 6.00+ Acres

Jan. 10, 1966 Petition filed
May 4 Reclassification DENIED by D.Z.C.
June 3 Order of Appeal to C. B. of A.
Aug. 24, 1967 Reclassification DENIED by County Board of Appeals
Sept. 21 Order of Appeal to Circuit Court filed by William D. Wells, Esq., Attorney for Petitioner (File #3822)
Dec. 5 Case Remanded to the Board by Judge Barrett for further proceedings consistent with Opinion (Consent 3/14/68)
May 18, 1971 Order of the Board: "... the Board has received notification from counsel for the petitioner-appellant that his client is no longer a party in interest in the property and the questions before the Board are moot... "

PETITION FOR RECLASSIFICATION * IN THE
FROM R-6 ZONE TO R-A ZONE * CIRCUIT COURT
SOUTHEAST CORNER OLD COURT ROAD *
AND CARLSON LANE * FOR
SECOND DISTRICT * BALTIMORE COUNTY
ERNEST V. HARTIG * Misc. Docket No. 8-Folio 238
PETITIONER * Case No. 3822

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The appellants, Abraham H. Goldkind, Helen Goldkind, Murray Goldkind, Joan Goldkind, Aaron S. Goldkind, Frieda Goldkind, Jack Rubin and Eva G. Rubin, by their Attorney, William D. Wells, respectfully represent:

1. That they are the present owners and former Co-Petitioners as Contract Purchasers of the land for which reclassification is sought from R-6 to R-A Zone in the within case.

2. That they have heretofore filed, to wit, on September 21, 1967, an Order for Appeal from the final determination of the County Board of Appeals (hereinafter called the "Board") in the above-entitled matter pursuant to Rule 1101 (b) of the Rules of Procedure, are filing this Petition within ten (10) days of the filing of said Order of Appeal in accordance with said Rules of Procedure.

3. That a hearing was held on May 10, 1967, before the said Board on the above Petition for Reclassification from R-6 to R-A Zone.

4. That by its Opinion and Order dated August 24, 1967, the Board denied the reclassification petitioned for.

Back 9-27-67
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5. That the action, decision, opinion and order of the Board was erroneous, illegal, arbitrary, capricious, and wanting in sufficient justification, for the following reasons:

- That the same is against the evidence.
- That the same is against the weight of the evidence.
- That the summary of the Petitioners' evidence as stated in the opinion upon which the decision was based is not complete and is not in accord with the evidence presented by the Petitioners.
- That the Board misinterpreted and ignored evidence presented and misapplied the law in reaching its decision, and the action taken based upon the Board's misinterpretation of evidence and misapplication of law was clearly erroneous.
- That the said action, opinion, decision and order of the Board in the light of the evidence and law presented constitutes a gross abuse of the discretion exercised by the Board.
- For such other and further reasons to be shown at the time of the hearing hereon.

WHEREFORE, your Petitioners pray that this Honorable Court issue its Order reversing the aforesaid action, decision and order of the Board of Appeals for Baltimore County and grant reclassification of the subject property as petitioned from R-6 to R-A Zone.

William D. Wells
WILLIAM D. WELLS,
Attorney for Appellants
Pikesville Professional Building
7 Church Lane
Pikesville, Maryland 21208
484-0300

I HEREBY CERTIFY that on this 29th day of September, 1967, a copy of the foregoing Petition for Appeal was mailed to Edith T. Eisenhart, Secretary to the County Board of Appeals, County Office Building, Towson, Maryland 21204.

William D. Wells
WILLIAM D. WELLS

I HEREBY CERTIFY that on this 29th day of September, 1967, a copy of the foregoing Petition for Appeal was mailed to Harry S. Swartzwelder, Jr., Esq., 1709 Munsey Building, Baltimore, Maryland 21202, Attorney for Protestants.

William D. Wells
WILLIAM D. WELLS

RE: PETITION FOR RECLASSIFICATION : IN THE
from an R-6 zone to an R-A zone : CIRCUIT COURT
SE corner Old Court Road and :
Carlson Lane :
2nd District : FOR
Ernest V. Hartig, : BALTIMORE COUNTY
Petitioner-Appellant :
Zoning File No. 66-180-R : AT LAW
Misc. Docket No. 8 :
Folio No. 238 :
File No. 3822 :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order to Remand directed against them in this case, herewith return the court file and additional record of proceedings had in the above entitled matter:

No. 66-180-R

Dec. 3, 1967 Case Remanded to the Board by Judge L. Barrett for further proceedings consistent with Opinion

May 18, 1971 Order of the Board: "... the Board has received notification from counsel for the petitioner-appellant that his client is no longer a party in interest in the property and the questions before the Board are moot. The appeal in this case is, therefore, dismissed and the Board's file will be closed."

20 Record of proceedings filed in the Circuit Court for Baltimore County (Copy of Board's Order and Court File)

Respectfully submitted

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

Appealed 9/21/67 - Ernest V. Hartig, Pet. - File No. 66-180-R

cc: Solicitor
Zoning
Perkins

ERNEST V. HARTIG, : IN THE
Appellant : CIRCUIT COURT
vs. : FOR
WILLIAM S. BALDWIN, : BALTIMORE COUNTY
WALTER A. REITER, JR. and :
JOHN A. MILLER, : AT LAW
constituting the : Misc. Docket No. 8
COUNTY BOARD OF APPEALS :
OF BALTIMORE COUNTY : Folio No. 238
: File No. 3822

CERTIFICATE OF NOTICE

Sir, Clerk:

Pursuant to the provisions of Rule 1101-B(4) of the Maryland Rules of Procedure, William S. Baldwin, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, William D. Wells, Esq., 7 Church Lane, Pikesville, Maryland, 21208, Attorney for the petitioner, and Harry S. Swartzwelder, Jr., Esq., 1709 Munsey Building, Baltimore, Maryland, 21202, Attorney for the protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to William D. Wells, Esq., 7 Church Lane, Pikesville, Maryland, 21208, Attorney for the petitioner, and Harry S. Swartzwelder, Jr., Esq., 1709 Munsey Building, Baltimore, Maryland, 21202, Attorney for the protestants, on this 23rd day of September, 1967.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to an R-A zone : COUNTY BOARD OF APPEALS
SE corner Old Court Road and : OF
Carlson Lane, :
2nd District : BALTIMORE COUNTY
Ernest V. Hartig, :
Petitioner : No. 66-180-R

OPINION

The petitioner in this case seeks a reclassification of a six acre tract of land on the south side of Old Court Road and the east side of Carlson Lane in the Second Election District of Baltimore County, from an R-6 zone to an R-A zone.

The subject property is approximately rectangular in shape adjacent to R-6 property on the east side which is occupied by a hospital; on the south side is an R-6 residential development known as "Stevenswood", and on the west side is undeveloped R-6 land. Across the Old Court Road from the subject property the frontage of the land along Old Court Road is zoned R-6.

This tract was the subject of a previous petition, Case #64-17-R. That petition also was for a reclassification from an R-6 to an R-A zone and was denied by the Board of Appeals on May 26, 1964. This decision was subsequently affirmed by the Circuit Court for Baltimore County on December 18, 1964, Case #3025, Misc. Docket 7, Folio 368.

Without going into great detail as to the testimony presented before the Board, the petitioner alleges that substantial changes have occurred in the neighborhood since May of 1964 that warrant the rezoning of the subject tract. The particular changes relied on by the petitioner are the widening of Liberty Road and the proposed widening of Old Court Road. While the widening of Liberty Road has in fact occurred, the proposed widening of Old Court Road is somewhat nebulous as at the time of the hearing funds had not yet been allocated by the County Council for any right-of-way acquisition. Even if this has since been accomplished, the Board cannot find that this change and the widening of Liberty Road are sufficient "change in the character of the neighborhood" to justify the granting of this petition.

Mr. George E. Gavrilis, Director of Planning for Baltimore County, testified that, in his opinion, there were not any vicinal changes which have occurred since case #64-17-R which would justify the proposed reclassification. He further testified that even if the roads are widened as proposed, this would still not alter his opinion that the requested zoning is inappropriate, and that he did not feel that the widening of the

- 2 -

Ernest V. Hartig - Case #66-180-R

road alone would justify reclassifying the property to R-A.

The Board cannot find from the record that sufficient changes have taken place in the neighborhood since May of 1964 to justify the requested reclassification, therefore, the petition will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 24th day of August, 1967 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

Walter A. Reiter, Jr.

John A. Miller

06-04-71

PETITION FOR RECLASSIFICATION :
FROM AN R-6 ZONE TO AN R-A ZONE,
E/S OLD COURT ROAD AND
N/S CARLSON LANE
SECOND DISTRICT
ERNEST J. HARTIG, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 66-180-R

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PETITIONERS' MEMORANDUM AND BRIEF

STATEMENT OF FACTS:

This case is an appeal from the decision of the Deputy Zoning Commissioner dated May 4, 1966, denying reclassification of the subject property from R-6 to R-A. At the hearing before the Deputy Zoning Commissioner, counsel for the Protestants moved for dismissal on the grounds that the matter was res judicata, since it had been decided by the Circuit Court on December 18, 1964 (See Memorandum and Opinion of Judge W. Albert Menchione, copy attached). This motion by counsel for the Protestants was denied by the Deputy Zoning Commissioner, who found that the original Petition, of necessity, was based upon error in original zoning and that since the present Petition is based upon changes in the character of the neighborhood, the issues are not the same. (See Memorandum and Opinion of Edward D. Hardesty dated May 4, 1966, copy attached). Counsel for the Protestants has made a similar motion before the Board of Appeals.

STATEMENT OF ISSUES:

1. Does the doctrine of res judicata apply to the case at bar?
2. What changes must be considered by the Board?
3. Has there been shown sufficient change in the character of the neighborhood to warrant the reclassification sought by the Petitioner?

ARGUMENT:

Section 500.3 b of the Baltimore County Zoning Regulations in effect at the time the earlier Petition was filed to reclassify the subject property, precluded reclassification of the property based upon the grounds of change in the character of the neighborhood. Therefore, since the present petition before the Board is based solely upon change, and not upon error, as was the previous petition, the issues are not the same.

A review of the application of the doctrine of res judicata is found in the recent case of Lambert vs. Seibold et al., filed May 4, 1967. In dealing with the application of this principle, the Court of Appeals cited the Woodlawn case (Woodlawn Ass'n. vs. Board, 241 Md. 187, 216A 2d, 149); however, in the Woodlawn case the District Council and Circuit Court had considered both error and change at the hearing on the first Petition, and found that there was no mistake or error in the comprehensive zoning plan or any change in the character of the neighborhood since its adoption.

The Court in properly applying the principle in this case, went on to say "we find it unnecessary to discuss or decide the various contentions because we conclude that the principle of res judicata was controlling and find in the record no evidence of significant change in the neighborhood of the property between 1961 (year in which first Petition was filed) and 1964." Although recent decisions by the Court of Appeals have extended the application of the principle of res judicata to the decisions of the Board of Appeals and Zoning Commissioner, they have not changed the principle itself so as to make it applicable to the case at bar.

Two points are significant to distinguish the Woodlawn case from the case at bar.

a. At the hearing on the first Petition in the Woodlawn case both mistake and change were considered and adjudicated. At the hearing on the first Petition in the case at bar, only error in original zoning could be considered or adjudicated because of the existence and application of Section 500.3 b of the Baltimore County Zoning Regulations which precluded reclassification based on change at that time. Therefore, the reclassification of the subject property has not been tried on change prior to the filing of the current Petition now before the Board.

b. The Court clearly states in the Woodlawn case that it considered only the change between the first and second hearings to determine if, in fact, the doctrine of res judicata did apply, for only by considering possible changes during this period could the Court determine if the facts were the same. In the case at bar, the Board must consider all changes in the neighborhood which have occurred since the adoption of the Land Use Map for the area involved, since the previous Petition was not based upon change but error only.

The changes in the character of the neighborhood as presented by the Petitioners which have occurred since November 15, 1962 (the date of adoption of the Land Use Map) are both numerous and substantial, and are enumerated below.

1. The widening of Liberty Road to a six lane highway, as compared to its previous two lane capacity. This change, now in progress, will be fully completed by September, 1967, and will allow for great increase in traffic volume and traffic efficiency, and will substantially reduce traffic congestion.

RE: PETITION FOR RECLASSIFICATION
S/corner of Old Court Road
and Carlson Lane
2nd District
Ernest J. Hartig

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 66-180-R

The Petitioners have requested their property be rezoned from an R-6 zone to an R-A zone. The property lies on the Southeast corner of Old Court Road and Carlson Lane and is adjacent to the Baltimore County General Hospital, Inc. Plans call for the construction of 96 garden-type apartments with 119 off-street parking spaces.

This case was originally heard by the Deputy Zoning Commissioner on January 13, 1966, and an Order rezoning the subject tract to an R-A zone was passed by the undersigned. An appeal was duly taken to the Board of Appeals and on May 26, 1966, the County Board of Appeals reversed the Order of the Deputy Zoning Commissioner. The Petitioner then noted an appeal to the Circuit Court of Baltimore County and Judge W. Albert Menchione, in a lengthy Memorandum dated December 18, 1964, sustained the Board's Order and denied the requested zoning.

At the hearing held on April 4, 1966, counsel for the Petitioner and Protestants stipulated that the facts and circumstances as originally presented in the first hearing on January 13, 1966, are basically the same with the exception of the construction and extension of Michael Lane from Old Court Road to Liberty Road. It should be noted at this point that the Deputy Zoning Commissioner does not consider the construction of Michael Lane as being a substantial change in the character of the neighborhood from that of January 13, 1966.

Upon making the stipulation, counsel for the Protestants promptly moved that the said Petition be denied because the matter was res judicata. The elements essential to the invoking of the doctrine of res judicata as a bar to an action have been stated to be identity of parties and of issues and a final judgment determining the points at issue by a competent court having jurisdiction of the parties or subject matter. The doctrine of res judicata has recently been held to be applicable to the actions and/or Orders of an administrative body, apparently on the theory that a zoning administrative body sits in a quasi-judicial capacity in hearing zoning cases. For an interesting discussion of this matter, see Woodlawn Area Citizens Association, Inc., September Term 1965, filed January 21, 1966, vs the Board, et al (Court of Appeals of Maryland).

Counsel for the Petitioner argued that the doctrine of res judicata does not apply to the Petition heard on April 4, 1966, because the issues are not the same. He pointed out the first zoning Petition was based on the theory that the zoning map was in error. This was necessarily true because of the provisions of Section 500.3 b of the Baltimore County Zoning Regulations. "No reclassification of the use to which a particular piece of property is subject, according to the appropriate zoning map in effect at the time, shall, for a period of two years after such map may by an ordinance of the County Council have been adopted, be granted by the Zoning Commissioner on the ground that the character of the neighborhood has changed." It follows then that the original Petition was based on error. The Petitioner's

2. The County plans for widening Old Court Road from a present two lane residential road to a forty-eight foot paved "collector road" located on a seventy foot Right of Way. The Petitioners have presented evidence to show the County's plans call for construction on this road to begin in July, 1968, the funds for which have been requested in the 1967-68 budget, the engineering drawings having already been started by the County. This in itself is a substantial change which will have a profound effect upon the whole character of the neighborhood in which the subject property is located.

3. The County plans for construction and paving of Carlson Lane, now unimproved, to be constructed as a forty foot paved road with curb and gutter located on a sixty foot Right of Way. This change will allow what is now a barely passable road to feed residential traffic into the new Old Court Road (a collector road) for easy access to Liberty Road. The County plans for this construction are already under way and the funds for the area are also included in the budget requests for the 1967-68 year. As to the authority for the Board to consider the above proposed highway and road changes, see the case of Huhly vs. County Council for Montgomery County, 147 A.2d 735, 216 Md. 461.

4. The expansion of institutional use on the land adjacent to the subject property by Baltimore County General Hospital. In November, 1962 what is now Baltimore County General Hospital was then a nursing home. In April, 1964 it was converted to a public hospital which substantially altered and changed its use by intensification of both traffic and patients. In September of 1964 an addition to the hospital was constructed again enlarging its facilities, by adding an emergency wing. Since that time the hospital has become fully accredited by Blue Cross and now operates a full scale general hospital with over one hundred beds; all of which has greatly increased the use of the facilities at the site and the volume of traffic it develops.

5. Reclassification of the property on the South side of Old Court Road between the Hospital and Liberty Road on February 19, 1963 from R-1 to R-A Zone. By such reclassification, recognition was made not only of the fact that there is demand and need for apartment zoning in the area, but also that apartment zoning is desirable adjacent to institutional uses. The subject property being immediately adjacent to Hospital location is a proper location for apartment zoning.

attorney in this instance seeks a reclassification of the subject property on the theory that there has been a substantial change in the immediate character of the neighborhood justifying a reclassification to R-A. Therefore, in as much as the issues are not the same in the instant case, it would follow that the doctrine of res judicata does not apply, and the motion for dismissal by counsel for the Protestants must be denied.

However, after reviewing the evidence in the case, the Deputy Zoning Commissioner is of the opinion the Petitioner has failed to meet his burden of proof in showing error in the original map or such a substantial change in the character of the neighborhood that rezoning ought properly be granted.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4th day of May, 1966, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an R-6 zone.

Edward D. Hardesty
Deputy Zoning Commissioner

6. The fact that a large tract of R-1 Zoned property in the immediate vicinity has been nonetheless developed as apartments is an indicator that the area is not being developed as the planners of the comprehensive map had anticipated and in itself constitutes a substantial change in the neighborhood even though it was accomplished without reclassification.

7. On cross-examination Mr. Gavarallis admitted that the County's plans for Old Court Road would substantially change the type of road from a residential road to a collector road, designed to carry much more than neighborhood traffic. When presented with his testimony at the hearing on the first Petition regarding criteria for determining proper locations for apartment zoning, he was unable to explain why the subject property did not meet the requirements which he himself established to wit:

- a. access to major highways.
- b. reasonable proximity to commercial.
- c. location at edge of residential zone rather than middle.

CONCLUSIONS:

1. The doctrine of res judicata cannot be applied to the case at bar since neither the facts or issues are the same as at the previous hearings.
2. The Board must consider all changes in the character of the neighborhood occurring since November 15, 1962 (the date of adoption of the Western Area Map) since the subject property has not been considered for reclassification based upon change since that time.
3. Sufficient changes, enumerated above, have occurred in the neighborhood to justify the Board's reclassification of the subject property from R-6 to R-A as requested in the Petition in the case at bar.

Respectfully submitted,

William D. Wells
William D. Wells,
Pikenville Professional Building
7 Church Lane
Pikenville, Maryland 21208
Hunter 4-0500
Attorney for Petitioners

ORDER RECEIVED FOR FILING

DATE

BY

MICROFILMED

MICROFILMED

06-04-71

June 7, 1966

No. 66-180-R -- Ernest J. Hartig

Petition, Description of property and Order of Deputy Zoning Commissioner
Certificate of posting
Certificates of advertisement
Comments of Office of Planning 2 signs
Order of appeal
3 aerial photographs
Plat filed with petition

William D. Wells, Esq.,
7 Church Lane,
Pikesville, Maryland 21208

Counsel for petitioner

Harry S. Schwartzelder, Jr., Esq.,
1709 Hunsey Building
Baltimore, Maryland 21208

" " protestants

June 7, 1966

Harry S. Schwartzelder, Jr., Esq.,
1709 Hunsey Building
Baltimore, Maryland 21208

Re: Petition for Reclassification
S/E Cor. Old Court Road and
Carlson Lane, 2nd District -
Ernest J. Hartig, Petitioner
No. 66-180-R

Dear Mr. Schwartzelder:

An appeal has been filed from the decision
of the Deputy Zoning Commissioner denying the reclassification
in the above matter.

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

Very truly yours

Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 4, 1966
Mr. George E. Gavrelis, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition #66-180-R, SE Cor. of Old Court Road & Carlson Lane. Petition for
Reclassification from R-6 to R.A. Ernest J. Hartig-Petitioner.

2nd District

HEARING: Wednesday, February 16, 1966. (11:00 A.M.)

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

1. The subject proposal was considered earlier under Petition #64-17-R. The
Deputy Zoning Commissioner ordered the earlier petition granted, but the
reclassification was denied by the Board of Appeals and, on appeal, by the
Circuit Court. Our comments on its petition were unfavorable.
2. We do not see that any vicinal changes which have occurred since the
earlier case was decided would now justify the proposed reclassification.

April 4, 1966

William D. Wells, Esq.,
900 Reisterstown Road
Baltimore, Md. 21208

Re: Petition for Reclassification for
Ernest J. Hartig
#66-180-R

Dear Sir:

This is to advise you that \$52.00 is due for advertising
and posting of the above property.

Please make check payable to Baltimore County, Md. and
remitt to Mrs. Anderson, Room 121, County Office Building.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

William D. Wells, Esquire
900 Reisterstown Road
Baltimore, Maryland 21208

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Baltimore, Maryland 21201

Your petition has been received and accepted for filing, this
10th day of January, 1966.

JOHN G. ROSE
Zoning Commissioner

Petitioner Ernest J. Hartig

Petitioner's Attorney William D. Wells Reviewed by James E. Rose
Chairman of
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Ave.
Baltimore, Md. 21201

GEORGE E. GAVRELIS
DIRECTOR

JOHN G. ROSE
ZONING COMMISSIONER

William D. Wells, Esquire
900 Reisterstown Road
Baltimore, Maryland 21208

January 12, 1966
MRP
2-B
WESTERN
A-4-A
NW-6-H
P-A
2/2/66

RE: Reclassification from R-6 to R.A.
for Ernest J. Hartig located
SE/Cor Old Court Rd and
Carlson Ln, 2nd District
(Item 6, December 14, 1965)

Dear Sir:

The above referenced petition is accepted for filing as of
the date on the enclosed filing certificate. Notice of the hearing
date and time which will be held not less than 30 days nor more
than 90 days after the date on the filing certificate will be
forwarded to you in the near future.

If you have any questions concerning this matter, please
do not hesitate to contact me at VA 3-3000, Extension 353.

Very truly yours,

JAMES E. ROSE, Principal
Zoning Technician

JGR/ba

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

February 4, 1966

County Office Building
111 W. Chesapeake Ave.
Baltimore, Md. 21201

GEORGE E. GAVRELIS
DIRECTOR

JOHN G. ROSE
ZONING COMMISSIONER

William D. Wells, Esq.,
900 Reisterstown Road
Baltimore, Md. 21208

Dear Sir:

The enclosed memorandum is sent to you in compliance with
Section 21-22 of the 1961 Supplement of the Baltimore County Code.

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

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

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

Encls:

February 7, 1966

William D. Wells, Esq.,
900 Reisterstown Road
Baltimore, Maryland 21208

Re: Petition for Reclassification for Ernest J. Hartig
#66-180-R

Dear Sir:

This is to advise you that \$49.75 is due for advertising and
posting of the above property.

Please make a check payable to Baltimore County, Md. and remitt 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

County Office Building
111 W. Chesapeake Ave.
Baltimore, Md. 21201

GEORGE E. GAVRELIS
DIRECTOR

JOHN G. ROSE
ZONING COMMISSIONER

May 4, 1966

William D. Wells, Esquire
900 Reisterstown Road
Baltimore, Maryland 21208

Re: Petition for Reclassification
SE/Corner of Old Court Road
and Carlson Lane
2nd District
Ernest J. Hartig
No. 66-180-R

Dear Mr. Wells:

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

Very truly yours,

EDWARD D. HARTIG
Deputy Zoning Commissioner

EDH/jdr

cc: Harry S. Schwartzelder, Esquire
1709 Hunsey Building
Baltimore, Maryland 21208

64-17-R
Ju

Letter Head
John G. Childs
Associates
George W. Bully
Robert W. Cullen
Lester M. Goss
Norman P. Harrison
Paul S. Smith

NATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St. - Baltimore, Maryland 21201
HO 4-1370

DESCRIPTION

HARTIG PROPERTY, SECOND ELECTION DISTRICT,

BALTIMORE COUNTY, MARYLAND

Present Zoning: R-6

Proposed Zoning: R-4

Beginning for the same at the point of intersection of the south side of Old Court Road and the east side of Carlson Lane, 30 feet wide said point of beginning being at the end of the second line of the land, which by deed dated June 20, 1946 and recorded among the Land Records of Baltimore County in Liber H.J.S. No. 1470, Folio 375 was conveyed by Robert W. Isaacson and wife to Ernest J. Hartig and wife, running thence binding or lines in said Old Court Road and also binding on the third, fourth and fifth lines of said land the three following courses and distances, (1) N. 19° 15' W., 24.75 feet, (2) N. 74° 30' E., 315.5 feet and (3) N. 65° E., 15 feet, thence binding on the sixth and first lines of said land the two following courses and distances, (1) S. 23° E., 722 feet and (2) S. 73° 30' W., 385.77 feet to said east side of Carlson Lane, thence binding thereon and on the second line of said land N. 19° 15' W., 699.6 feet to the place of beginning.

GA:viabr J. O. #63241
11/12/63

Water Supply
Sewerage
Drainage
Highways
Utilities
Development
Investigation
Reports
PMP
2-B
WESTERN
ARCA
NW-6-H
RA
2/2/66

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 4, 1966
Mr. George E. Gavrillis, Director
FROM: Office of Planning and Zoning

SUBJECT: Petition #66-180-R, SE cor. of Old Court Road & Carlson Lane. Petition for Reclassification from R-6 to R-4. Ernest J. Hartig-Petitioner.

2nd District

HEARING: Wednesday, February 16, 1966. (11:00 A.M.)

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

- The subject proposal was considered earlier under Petition #64-17-R. The Deputy Zoning Commissioner ordered the earlier petition granted, but the reclassification was denied by the Board of Appeals and, on appeal, by the Circuit Court. Our comments on the petition were unfavorable.
- We do not see that any vicinal changes which have occurred since the earlier case was decided would now justify the proposed reclassification.

MICROFILMED

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

William P. Wells, Esquire
900 Reisterstown Road
Baltimore, Maryland 21208
164-6300

SUBJECT: Reclassification from R-6 to R-4
For Ernest J. Hartig, located
SE cor. of Old Court Road and
Carlson Lane, 2nd District
(Item #, December 14, 1965)

Dear Sirs:

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

NUMBER OF TRAFFIC IMPROVEMENTS: This bureau will review and submit any necessary comments at a later date.

THE MEDIAN-LANE WIDTH: This bureau will review and submit any necessary comments at a later date.

NUMBER OF IMPROVEMENTS:

Water - Existing 18" water in Old Court Road. Existing 8" water in Carlson Lane. Sewer - Existing 8" sewer in Carlson Lane ending at the north property line of the subdivision of Stevenson.

Access - Existing access to be determined by the developer or his engineer. Road - Old Court Road is to be developed as a minimum 16' road on a 70' right of way. Carlson Lane is to be developed as a minimum 24' road on a 60' right of way.

LAND ADMINISTRATION DIVISION: The site plans must be revised to indicate the appropriate lines checked on the enclosed check list. This must be accomplished prior to having a hearing date assigned.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plan or problem 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 commission's hearing.

The following members had no comment to offer:

State Roads Commission
Health Department
Industrial Development Commission
Bulldozing Department
Board of Education

Very truly yours,

John G. Rose, Zoning Commissioner

JG:ylb

cc: Mr. Richard Moore-Bureau of Traffic Engineering
Capt. Paul Leischo - Fire Bureau - Lane Review
Mr. Charles Brown-Bureau of Engineering
Mr. James E. Brown-Zoning Administration Division

MICROFILMED

TELEPHONE
833-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 27658
DATE 4/4/66

Abraham M. Golding
TOWSON Road Road
Baltimore, Maryland
Billed By: Zoning Dept. of Baltimore Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$208.75
01-682		Advertising and posting of property for Ernest J. Hartig #66-180-R	
		40.75 168.00	208.75
		FWD - Baltimore County, Md. - Office of Finance	
		4-466 611 37658 TW-10175	

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
833-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 38666
DATE 6/6/66

William P. Wells, Esq.,
7 Church Lane,
Pikesville, Maryland 21208
Billed By: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$80.00
01-682		Cost of appeal - property of Ernest J. Hartig No. 66-180-R 2 signs	
		\$70.00 10.00	\$80.00
		FWD - Baltimore County, Md. - Office of Finance	
		6-666 4104 37658 TW-8000	

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
833-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 41094
DATE 10/12/67

William P. Wells, Esq.,
7 Church Lane
Pikesville, Md. 21208
Billed By: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$4.00
01-712		Cost of certified documents - File No. 66-180-R Ernest J. Hartig PE SE corner Old Court Road and Carlson Lane 2nd District	
		\$4.00	\$4.00
		FWD - Baltimore County, Md. - Office of Finance	
		10-12-67 41094 37658 TW-8000	

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
833-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 35743
DATE 1/24/66

William P. Wells, Esq.,
7 Church Lane
Pikesville, Md. 21208
Billed By: Zoning Dept. of Baltimore Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$0.00
01-682		Petition for Reclassification for Ernest J. Hartig #66-180-R	
		\$0.00	\$0.00
		FWD - Baltimore County, Md. - Office of Finance	
		1-24-66 35743 TW-8000	

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
494-2413

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 74004
DATE 10/22/70

Arnold Fleischmann, Esq.,
Sun Life Building
Charm City
Baltimore, Md. 21201
Billed By: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$9.00
01-712		Cost of certified documents - Case No. 70-170-V McDonough Lane 3/10 of mile West of Reisterstown Road 2nd District Mrs. Dorothy Stewart, Defendant	
		\$9.00	\$9.00
		FWD - Baltimore County, Md. - Office of Finance	
		10-22-70 74004 37658 TW-8000	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2ND Date of Posting: June 14, 1966
Posted for: Ernest J. Hartig
Petitioner: Ernest J. Hartig
Location of property: SE cor. of Old Court Rd. & Carlson Lane
Location of Signs: SE cor. of Old Court Rd. & Carlson Lane
Remarks: 2 signs
Posted by: [Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2ND Date of Posting: Jan 28, 1966
Posted for: Reclassification from R-6 to R-4
Petitioner: Ernest J. Hartig
Location of property: SE cor. of Old Court Rd. & Carlson Lane
Location of Signs: SE cor. of Old Court Rd. & Carlson Lane
Remarks: 2 signs
Posted by: [Signature]

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2ND Date of Posting: March 19, 1966
Posted for: Reclassification from R-6 to R-4
Petitioner: Ernest J. Hartig
Location of property: SE cor. of Old Court Rd. & Carlson Lane
Location of Signs: SE cor. of Old Court Rd. & Carlson Lane
Remarks: 2 signs
Posted by: [Signature]

OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Baltimore, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

March 21, 1966.

THIS IS TO CERTIFY, that the annexed advertisement of

John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
these weekly newspapers published in Baltimore County, Mary-
land, once a week for One week before
the 21st day of March, 1966, that is to say
the same was inserted in the issues of

March 17, 1966.

THE BALTIMORE COUNTIAN

By: Paul J. Morgan

Editor and Manager

CG-04-71

66-180 R

Bea Simard → Realtor - apt. dwl in area are
rented - no need for maps - feels
land cannot be dwl in R-6 because
1 proximal to Hospital - refusal to
Michael Rose -

Part 15

Depos. area - no charges - want
to pursue map -

Kashy 66-180 R

Name Address Phone

Philip S. Siderman 8549 Stevenson Rd. 922-6057
Harry Morganstein 8538 STEVENSWOOD RD. 922-3472
Leonard E. Albert 8412 Carlson Lane. 922-2429
Morris Schaffner 5523 Stevenson Rd. 655-3228
Rita Hutter 3316 Dreamland Rd. 922-4057
Carm Hutter 3316 Dreamland Rd. 922-4054
Jenna Vannoy 3239 Southview Rd. 922-3593
Terrest B. Vannoy 3239 Southview Rd. 922-3593

PETITION FOR RECLASSIFICATION

2nd DISTRICT

From R-6 to R-4 Zone.
LOCATION: Southeast corner of Old Court Road and Carlson Lane.
DATE & TIME: MONDAY, APRIL 4, 1966 at 11:00 A.M.
PUBLIC HEARINGS: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Present Zoning: R-6
Proposed Zoning: R-4

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

Being the property of Ernest J. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

Hearing Dates: Monday, April 4, 1966 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

Mar 11, 1966

William D. Wells, Esq.,
900 Reisterstown Road
Baltimore, Md. 21208

NOTICE OF HEARING

Re: Petition for Reclassification for Ernest J. Hartig
#66-180-R

TIME: 11:00 A.M.
DATE: Monday, April 4, 1966
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 37658

DATE 4/4/66

Abraham H. Golding
20303 Sinal Road
Kensington, Maryland

BILLED Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-623	QUANTITY	DETAILS UPPE SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.75
		Advertising and posting of property for Ernest J. Hartig #66-180-R	49.75 50.00
			101.75
			101.75

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

2nd DISTRICT
ZONING: From R-6 to R-4 Zone.
LOCATION: Southeast corner of Old Court Road and Carlson Lane.

DATE & TIME: MONDAY, APRIL 4, 1966 at 11:00 A.M.
PUBLIC HEARINGS: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Present Zoning: R-6
Proposed Zoning: R-4

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

Being the property of Ernest J. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

Hearing Dates: Monday, April 4, 1966 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

OFFICE OF THE BALTIMORE COUNTION

THE COMMUNITY NEWS
Ridgely, Md.

THE HERALD-ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

January 3, 1966.

THIS IS TO CERTIFY, that the annexed advertisement of
John J. Wells, Zoning Commissioner of Baltimore County

was inserted in the BALTIMORE COUNTION, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one successive weeks before
the 31st day of January 1966, that is to say
the same was inserted in the issues of
January 27, 1966.

THE BALTIMORE COUNTION

By Ernest J. Hartig
Editor and Manager

PETITION FOR RECLASSIFICATION

2nd DISTRICT
ZONING: From R-6 to R-4 Zone.
LOCATION: Southeast corner of Old Court Road and Carlson Lane.

DATE & TIME: MONDAY, APRIL 4, 1966 at 11:00 A.M.
PUBLIC HEARINGS: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Present Zoning: R-6
Proposed Zoning: R-4

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

Being the property of Ernest J. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

Hearing Dates: Monday, April 4, 1966 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 31, 1966.

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 31st day of January 1966,
the first publication appearing on the 27th day of January 1966.

THE JEFFERSONIAN.

By Ernest J. Hartig
Manager

Cost of Advertisement, \$...

TELEPHONE
823-3000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 38666

DATE 6/6/66

To: William D. Wells, Esq.,
7 Church Lane,
Pikesville, Maryland 21208

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

DEPOSIT TO ACCOUNT NO. 01-623	QUANTITY	DETAILS UPPE SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$80.00
		Cost of appeal - property of Ernest J. Hartig No. 66-180-R 2 signs	\$70.00 10.00
			\$80.00

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. 35743

DATE 1/19/66

To: William D. Wells, Esq.,
900 Reisterstown Road
Baltimore, Md. 21208

BILLED BY Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO. 01-623	QUANTITY	DETAILS UPPE SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00
		Petition for Reclassification for Ernest J. Hartig #66-180-R	50.00
			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.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2ND Date of Posting: Jan 28, 1966
Posted for: Reclassification R-6 to R-4
Petitioner: Ernest J. Hartig
Location of property: 347 E. of Old Court Rd. & Carlson Lane
Location of Sign: 347 E. of Old Court Rd. & Carlson Lane
Remarks: 347 E. of Old Court Rd. & Carlson Lane
Posted by: J. L. Wells Date of return: Feb 3, 1966

PETITION FOR RECLASSIFICATION TOWSON-2ND DISTRICT

ZONING: From R-4 to R.A. Zone.
LOCATION: Southwest corner of Old Court Road and Carlson Lane.
DATE & TIME: Monday, April 4, 1966 at 11:00 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

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

Present Zoning: R-4.

Proposed Zoning: R.A.

All that parcel of land in the Second District of Baltimore County, beginning for the same at the point of intersection of the south side of Old Court Road and the east side of Carlson Lane, 20 feet wide, said point of beginning being at the end of the second line of the land, which by deed dated June 20, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1474, Folio 378 was conveyed by Robert W. Hesecock and wife to Ernest V. Hartig and wife, running thence binding on lines to said Old Court Road and also binding on the third, fourth and fifth lines of said land the three following courses and distances, (1) N. 15° 12' W. 24.75 feet; (2) N. 74° 30' E. 215.4 feet and (3) N. 65° E. 15 feet, thence binding on the sixth and first lines of said land the two following courses and distances, (1) S. 73° 27' E. 722 feet and (2) S. 73° 27' W. 285.77 feet to said east side of Carlson Lane, thence binding thereon and on the second line of said land N. 19° 15' W. 699.6 feet to the place of beginning.

Being the property of Ernest J. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, April 4, 1966 at 11:00 A.M.

Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By order of

JOHN G. ROSE,

Zoning Commissioner of Baltimore County

Mar. 17.

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 17, 1966.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on successive days of April, 1966, the first publication appearing on the 17th day of March 1966.

THE JEFFERSONIAN,

L. Frank Strickland
Manager.

Cost of Advertisement, \$.....

MICROFILMED

PETITION FOR RECLASSIFICATION

2ND DISTRICT

ZONING: From R-4 to R.A. Zone.

LOCATION: Southeast corner of Old Court Road and Carlson Lane.

DATE & TIME: WEDNESDAY, FEBRUARY 16, 1966 at 11:00 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

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

Present Zoning: R-4

Proposed Zoning: R-A

All that parcel of land in the Second District of Baltimore County,

beginning for the same at the point of intersection of the south side of Old Court Road and the east side of Carlson Lane, 30 feet wide, said point of beginning being at the end of the second line of the land, which by deed dated June 20, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1474, Folio 378 was conveyed by Robert W. Hesecock and wife to Ernest V. Hartig and wife, running thence binding on lines to said Old Court Road and also binding on the third, fourth and fifth lines of said land the three following courses and distances, (1) N. 19 degrees 15' W. 24.75 feet; (2) N. 74 degrees 30' E. 215.5 feet and (3) N. 65 degrees E. 15 feet, thence binding on the sixth and first lines of said land the two following courses and distances, (1) S. 73 degrees 27' E. 722 feet and (2) S. 73 degrees 27' W. 285.77 feet to said east side of Carlson Lane, thence binding thereon and on the second line of said land N. 19 degrees 15' W. 699.6 feet to the place of beginning.

Being the property of Ernest J. Hartig and Dorothy L. Hartig, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, February 16, 1966 at 11:00 A.M.

Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF

JOHN G. ROSE,

ZONING COMMISSIONER OF BALTIMORE COUNTY.

Jan. 27.

OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

January 3, 1966.

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

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 31st day of January 1966, that is to say the same was inserted in the issues of

January 27, 1966.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*

Editor and Manager.

MICROFILMED

William D. Wells, Esquire
900 Reisterstown Road
Baltimore, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition has been received and accepted for filing this

10th day of January, 1965.

John G. Rose
JOHN G. ROSE
Zoning Commissioner

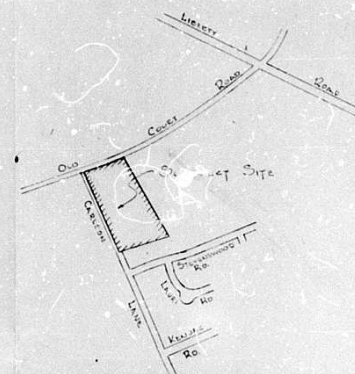
Petitioner *Ernest J. Hartig*

Petitioner's Attorney *William D. Wells*

Reviewed by

James S. Agn
Chairman of
Advisory Committee

MICROFILMED



GENERAL NOTES

1. TOTAL ACREAGE OF TRACT EQUALS 600 ACRES.
2. PRESENT ZONING OF PROPERTY "R-1"
3. PRESENT USE OF PROPERTY "NO USE"
4. PROPOSED ZONING OF PROPERTY "R-1"
5. PROPOSED USE OF PROPERTY "GREENHOUSES"
6. GROSS ACREAGE OF TRACT EQUALS 600 ACRES.
7. NET ACREAGE OF TRACT EQUALS 500 ACRES.
8. GROSS NUMBER OF APT UNITS ALLOWED (281.16) - 25 UNITS
9. NET NUMBER OF APT UNITS ALLOWED (500 x .10) - 25 UNITS
10. APT UNITS SHOWN THIS PLAT IS 30 UNITS
11. REQUESTED OFF-STREET PARKING (250) EQUALS 30 UNITS
12. PROPOSED OFF-STREET PARKING (250 - THIS PLAT) EQUALS 110 UNITS

MNP
2-B
WESTERN
AREA
NW-6-H
RA

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
OLD COURT ROAD AND CARLSON LANE
ELECTION DISTRICT 2 BALTIMORE COUNTY, MD
SCALE 1"=50'
DEC. 7, 1968
REVISED JAN. 10, 1969



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OFFICE COPY



OC-04-71