2.8 WESTERN AREA NW- 2-E

NW-2-F

#67-85X 2

atition, description of preserty, Order of Deputy Zening Commission

67-85-X -- Airden Construction Co.

tificate of posting etificates of advertises

tter dated Aug. 19, 1966 from James

1 letters of protest Patition of protest

Diet filed with petition Dhotogrammetric

2 signs

Counsel for petitioner

T. Bayard Williams, Jr., Esq., 6732 Holabird Avenue, Dundalk, Maryland 21222

G. Mitchell Austen, Esq., 2115 Old Grem Road, Baltiumre, Maryland 21220

Mr. Donald Countly, 3425 W. North Avenue Baltimore, Maryland 21207

Mr. P. T. Lemmon, 1029 St. Paul St., Saltimore, Maryland 21202

County Board of Appeals

County Office Building 111 West Chesapeake Avenue Forson, Maryland 21204

Re: Garden Construction Corp.

File No. 67-85-X and File No. 67-86-X

you requested in the two above-mentioned cases,

Enclosed please find the information which

1 Bayard Hilliams

24 W Paradiana Areas

and becoult be a many of the Colpies and Order passed by the

Very truly yours.

Edith T. Elsenhart, Sour

cc: T. Bayard Williams, Jr., Esq.

Quad 6/26/67

93060

Jape Edward D. Harrest

Touton y, my

Depty Zoning Commissioner

Dear Sie The re- young area off Dogwoods

to the perpety awners there, because of the

The school would be are sended and rug

inadequate for transportation. Will many

emotored the children would usualt in

randalism and distriction of property.

There is no war for recreation for the

children Our speace and questional hall

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convoledance Ma Lyndon Johnson, is

spending million of dollars to haut fuy.

Ination and we bree with her Thelling steam of water is seartiful this much fre

near Woodlaws, would be a ruination

crowded conditions a of my parking

HESSEY & HESSEY ATTORNEYS AT LAW FIDELITY BUILDING ALTIMORE MARYLAND 2120 June 23, 1967

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

Re: Garden Construction Corporation File #67-85-X and #67-86-X

I am writing to withdraw my appearance and the appearance of Mr. P.T. Lemmon and Rescom Land Leasing Corporation as Protestants in the aboveentitled case. Our withdrawal is due to a conflict in schedule and we besitate at this time to seek for a postponement of this case

However, our withdrawal is in no way to be construed as indicating that these Protestants favor the granting of the Petition, and they oppose in particular any right to a commercial use on subject

JHHIV:ev

Rescom Land Leasing Corneration

Sincerely

HESSEY & HESSEY

ATTORNEYS AT LAW

Garden Construction Corporation File No. 67-85-X

Please enter my appearance on behalf of Mr. P. T. Lemmon and Rescom Land Leasing Corporation, Protestants in the above-entitled matter.

Enclosed herewith you will find questionnaire submitted to Mr. Lemmon which is dated March 21 and which has been completed.

Ophul Isham

H. Hessey, IV

October 14 000 5418 Clifton Avenue

Baltimore, Maryland

April 17 1967

JHEIV:evh Enclosure

CC: Mr. P. T. Learnen

County Board of Appeals County Office Building

111 W Characaka Ave

Rec d 4/18/67 a creun

Her Edward D.

ouron 4 tha

Jencerely

Mr. Edward D. Harvest Deputy Joning Commissioner 119 County Office Building Towson 4, Maryland

I would like to protest against the rezoning for high rise rtments on Security Boulevard from Ingleside Ave. to the Power House.

If you allow any type of apartments to be built in this area at the present time we will have a terrific problem providing schools. All of the Elementary Schools are so overcrowded at the present. My son is now in the ath grade and because of the schools been overcrow ed in this area he has attended 3 diffe out schools in 4 years. I feel sure if this area allows many more apartments we will have all children on shifts, you can see what this can do to our educational system in this area.

There are absolutely not enough of recreational facilities at the present. How are we going to provide for more: I would appreciate it if you would take these things in consideration before you pass on this zoning for high rise apartments.

Thank you for your consideration.

Sincerely yours,

(Mus) Phylles Watte

T. BAYARD WILLIAMS, JR.

Very truly yours,

Quadalk . Maryland 21:00

April 3, 1967

ctoter 15 1966

Dicty Joney Commission

Woodlann would be a suntion to the property owners the because of the eventual conditions and no parking area the behal would be overcounted and stuff inadequal La transportation with many involved the dilder world went in Varilatism and distruction of property. There is no soon for recreation for the studies Gui and guel would all tanish like we have seen other nughtorhoods vanish and die when there is an over brouded area how syndam Johnson is opending millions & dollars is beautify our nution and we are furth her. The ting stream of water is heartiful. Her must got way to not and decay to an over browded our most of these property ordners are meddicaged people and cannot make another more I am say much against the re- Joneny of the area

Forto a huson

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way to not and decapte an orice that after more aget people hand canada the grounds another more aget people hand canada the the ground of this grown of this

Generaly Ams Myra Bedled



5506 Clefton Auc Balliniare, Md. October 13, 1766

I want to protect the change in roning to secondate apartment sought on Security Boulevand I feel the traffic setuation in This area already conjusted due to the breation of the social Security Building & well be further hardened with the influe of so many were recedent . The churcher and celevale in the community have even now exceeded the members they can properly sence and at these time would be unable to take care of more I have this application for a change in Journey will not be seproned. Mary & Ruener

(The siles to Lucia.)

weaking from the centraline of the International Community of PETITION FOR
SPECIAL EXCEPTION
181 DISTRICT
SUBSTRICT
SUBSTRICT
Elevator Apartment Building including accessory business uses for the convenience of its ienants.
LOCATION: North side of Servicy Boulevard 240 feet north-west of Colonial Book.

The Zording Commissioner of the Zording Act and Regulations that Zording Act and Regulations public bearing. Petition for Elevator Apartment Build-ing including accessory business uses for the romenience of its uses for the romenience of its section (402A) 402.8. All that purel of Land to the First District of Baltimore County.

BEGINNING for the same on the

TO. Mr. John G. Rose, Zoning Commissioner Date. October 7, 1966

FROM. Leslie H. Graef, Deputy Director

SUBJECT. Petition 67-85-X. North side of Security Boulevard 240 feet Northwest of Colonia Road. Petition for Special Exception for Elevator Apartment Building including accessory business uses for the convenience of its tenants.

BAR MORE COUNTY, MARY

INTER-OFFICE CORRESPONDENCE

HEARING: Monday, October 17, 1966. (11:00 A.M.)

The planning staff of the Office of Planning and Zoning will after no adverse The planning start of the Office of ranning and Zealing must comment on the subject petition. Should it be decided to grant the petition, however, we request that the grant be conditioned upon approval of the site plan by this office.

By Paul & Moyan

Editor and Manager A' >

CATONSVILLE, MD.

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and binding on said disillus southerly 145 feet
or less to the north side

ALTIMORE COUNTIAN

Security Benefits and Mr.

more or less to the morth side of said Security Boulearnthenech of said Security Boulearnthenech binding on the north side of said Boulearnthenech 980 feet more of less by an are curving to the left with a radius of 1000 to the beginning of the second or North beginning of the second or North North West 1500.0 for or of theretail was to be second to the second of lesten Hall, Inc. to Banke

Consisting Engineer BUITE 402 SEFFERBON BUILDING TOWNER 4, MARYLAND

August 19, 1966

Re: Submittal of Applications, Plats, and Description for Security Boulevard Properties Special Exceptions, 8.5 and 5.0 hors Tracts

Mr. James Dyer, Chief Petition & Permit Processing daltimore County County Office Building Towson, Maryland 21204

Dear Mr. Dyer:

We are submitting herewith two applications together with accompanying documentation and plats for a special exception hearing for mid-rise apartments on two separate parcels of property. There is a partner on the special parcels of 5.0 acres and the other of 5.0 acres. The presently zoned RA and are located on 5.5 accurity Boulevard in the vicinity of Colonial Drive.

It will be greatly appreciated if this submittal is processed as early as possible.

With kindest personal regards, I remain Very truly yours,

Con Falling

Cames Petrica

JBW:c11

CC Mr. Erwin L. Greenberg

REFERENCE: ZONING HEAF October 17, 1966, 11:00 A.M., ween County Office Bldg., Room 119 ma HAAVEST

We, the undersigned, wish to petition against the proposed six story hi-rise spartments to be located on nine (9) scres located on Security Boulevard between Forest Park Avenue and the Shell Station on Security

We object to this construction for the following reasons:

- 1. The proposed construction will include retail outlets changing the basic zoning for the area.
- 2. In order to construct the proposed | laings it will be necessary to restrict the flow of Dead Run, which is vital to the storm drain system creating a very probable health problem. This stream is labeled as Typhoid
- 5. Traffic problems at peak times are already overwhelming to area residents. These apartments exiting onto Security Boulevard will only
- 4. Schools are filled to ocpacity. Additional families in the area would only lead to pert-time education for our children.

Stephanie L. Cheuvent Stephen & Cheuvront fanet L. Chenvent Wilmin a feeling Robert & Lucro Cal R. Freho Joan Frelio acree m. Long Crolips X. Hattmann Address

1909 Kernan Drive 1909 Keman Drive 1909 Keman Drive 5824 Dogwood Rd. 5224 Dogwood Pd 1419 lengteride ave 1419 Ingleside ave. 5405 Windson mee Rd 5503 Windson Mill Rd.

BALTIN DRE COUNTY, MARY AND OFFICE OF FINANCE No.41096 \$12.00 10-25-57 ** IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THE

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towsen, Maryland Posted for: - Jewish Eyexil Petitioner: Maden Charleton Col Location of property A 2 Secretly Bloch 346 and Coloral Rd N/s Search, St. of 248 xin of treament Rec Posted by Date of return 2166

Pare 2 Asseme Plateryk Stok Mayal ank are marie & during Engen & Herry Evelyn a Weinreich 21/2 Lickswood Dun Susan a materila 2116 Wishen Sanaddie m. Beasley 2108 weaton fare Carolyn y Wer Margaret (Cet Trida It Frecher of Trayed Out aux 5505 Windson Mill Rd Martin O Huttorcum 5577 Winder hill sid 5803 Winder The 189 Grace a Huttmann This Olmdon Mill Cd Elyabeth Fischer 5505 Windson mill Roll war & Bell SHE Dogwood R. C Reallian Del (merle S. De House 5917 Dogwood Rd. agues R. De Haven 5117 Dogwood Ad.

ZONIKJ HEARTH October 17, 1966, 11:00 A.M., Towson County

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- 4. Schools are filled to capacity. Additional families in the area would only lead to part-time education for our children.

Johnson Johnson Wil Windson Mill K 1 - St - Strogt - IS a to dendar pull til Morenat Sollar Tree fridewall live 1905 Lecran ick.

6131 Challend Fol Page 2 Mary J. Delle anithy Hessey Howith Courselle Smald E Lermons May When and Marcher Grandy Badlagher Folia Hallagher 6 Samuellon Thelma Sadler Charles a. Sedler Ila Bowen Mis. Thomas my malmowski Mary 4. Thellemen Bitters Bally Minta a Belly Inonne Stitely Walliam Styley Herne Chara Thomas O'Hora am Jeglor Janus R. Lington John Sale Edythe M Sale and Lockwich

1233 Stelle Dr. 5500 W. With auc. 5517 Lexington Rd 1307 Middle ford Rd 5215 Windsor Mill Rd. 6214 Miller Dille Back 2303 Tucker on. 5007 Wilherdanile Rd 1808 Colonial Rod 1808 Colonial Red 1865 Colonial Rd 1805 Colonial Rd 1805 Colonial Rd. 1110 Colonial Rd. 1819 Colonial Rd. 1811 Colonial Rd 1814 Colonial Rd. 1813 Phymouth Rd. 1813 Elymonth ful 1825 Colonial Rd 1825 Colonial Rd 1827 Colment Rd (1) 1877 Colonial Rd 3 1829 Comment Rd 1829 Colonial Rd 1828 Coloniel Rk 1828 Edonial Rd 1826 Colonial Rd.

1824 Colonel Rd. Mr William (Baines 5512 Lelington Rd. 5509 Lexinfon Rd. alsi V. Harrison Willingarmon I 5537 fexington Rel mario meyer Garden & Wilson 7 . 1 . . 5-539 Lefington Rd.) Robert Hibon 5541 Lyington Rd. 1800 Lifette al. 5544 Hunglon Rd. Mr. o Mes , I advand Sturm Mr. Charles Kreinstuf Mr 19 o Jackies Robant 5542 Legenston Pol. 5547 Lexington Rt. 5536 Synta Hd 1800 Levington RR Robert Edwin Miller 1510 Colneal Rd. Claunce R. Boun-Ray Missesmit 3517 Carrell Rd 1517 Create Ra 5524 Howalton Rd austin Istal 5524 Henalter Rd. Glade Sulch 5538 Course Tol. Fatherine A Hickory 5538 Convell Kd. Richard Tithe telt 5536 Comell Rd Tolow In Hour 5536 Carrell Rd. Charles Othermer 5524 Carmee Rd Mex met Harry whichead 1706 Randolph Rol. " - Mrs Cherley Knews

201 + Mrs alked & Elbart 1707 Home How Rd Mr. Mrs Land Crefton 5509 Color Rd. Mr Melocaly 5506 Calout Ref Mr Shirt Midle 5506 Calout Red Mrs. Bety Smith 5506 Calut Rd In no marin Kowlik 5508- Calvert Rel. (7) Mr James Noulik 5508 calust Rd (1) Mrs helie Hill singer 5508-calust Rd (1) Mr claude Hall singer 5508-calust Rd (2) Mr clarance Knite - 4701 - Hamilton Rd (7) Mrs Frances Kriste - 1701-Hamilton Rd (7) Mass many I nich - 1701 - Hamilton Ref (7) Mrs. Beatrice Kouled - 5517 Calmit Pd.

REFERENCE: ZONING HEARING October 17, 1966, 11:00 A.M., Towson County Office Bldg., Rose 119

We, the undersigned, wish to petition against the proposed six story hi-rise spartments to be located on nine (9) scres located on Security Boulevard between Ferest Park Avenue and the Smell Station on Security

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- 3. Traffic problems at peak times are already overwhelming to area residents. These apartments exiting onto security Boulevard will only
- 4. Schools are filled to capacity. Additional families in the area would only lead to part-time education for our children.

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Helson & Suchman 1316 - Hutton ave. minnie O. Buchman 5536 Hutten ave Mrs agnes W Benbow 55 & 8 Hutton aug Mr Harman W. Bendew Str. 5529 Huttow and Mrs Many Stanker 5536 Hallow Clave Mrs. Cathern Beall 5524 hitton ave. The faw of Strake 5526 Hatter ame The Forms M. Boal 3520 Hutter ave Mr. Victor & Stant 5522 Hatter Col. Mps Charlotte stone 5522 Voten dos Dear of through 5516 Hallo and Mrs Hary Eftrong 551 Hallon Come Mrs Anglow Mr. Cooking 5519 Hutter Care modelle A. Childers 5511 Hatton are Mrs. Hily a Buthollt- 5515 Hutton avenue Donald of rectalet 1515 Huller line. Mr. James P. Henning Clalure & Garrey 2003 Natter Place 7 mo Dorothy lavey 2563 hullon Place 2007 William A. Smith At 2001 Hetter Place 21207 Paula C. Smith 2001 Hatter Place 21207 June bobos 5000 Refin live 21307 Insept totoo

Charles 9. Suit 5430 Dog wood Rel Mrs Edna Misters 5314 Excil and 5312 Ceril Cere Wm Tranter 53/2 Gail Am Inn Tranter Exclyn Beldstein 1909 Valley Road 1909 Willy Pode Jan M. Selker 1909 Villey Rt Nowood 2. Delka Mary Deller Red C. Cole J. 1911 Valley Koni 1911 Valley food Marelyn B. Cole 1914 Nalley Ret 1. 1 Sundren Elizabeth Hurdicon 1914 Valley Ra. David W Tweedale 5314 Overhill Rd. Locare Francesole 5314 Overfell Kd Quenton R. Hellary 5 210 Creshill Rd Holam Hellany 5 310 B verhill 18d. Shirley In Beroughs Joseph it Blassi Reta E. Parke 5308 Coverful Rel 5304 Og williger 2d. 5304 Overhell St

Mis Graph Ernet. 19.9 Kernen Worm Mrs Lloyd Briggs 1911 Thayer Jereac. Mr Hornar & Williams 1914 Only Drum Mrs. Kathlein Wilking 1914 Cak Dune Mrs Shortey Selvenning 1413 Oak Drine Waiter 13 Rodgrave 1911 Oak Drive March to Nidorais 1911 Call Drive Walter France 1908 Oak Drive Magdaline Krame 1968 Oak "in Satur butrough 1909 Oak NA Mars Cotherin a. Lorgely 1961 Och Dr. Mr. Tours W Long las 1901 Oak De Mens B 1/2/3 1902 Clak Drive Maller H Boyd Reiz 1918 Valley Rd. Ruhard Kulle 5474 a' north du Locus Leller 5424 W. Morah au. 16, Water France 1917 Cal Drive muchada matricket 1921 Oak Drive Longe E. Thethe 20 ST Eak Pick Mrs Jante our Cak Dr. There & shop 2016 Oak Done Charles Sally 2014 Cap Degree 2011 Cake Dh 2017 OAK DR. Shirtly Holf 2006 Cart Lin muguet han 2004 Cale Dr

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2012 Oak Drive + Mrs. Pater Alelden 5410-bliffertie My fellen Shows Thester B. Sommon Elser Sermons 5417 Cliftouline 5417 Clifton ane 19:3 Oak Drive Eileen Warns 5419 cafton ave-Her Belderin 5421 Cliffer ha W. a. malmey margaret makory Margaret Schutte 5421 - Clifton and (2) 5423 - Clifton and (2) 1913 Kernen DA. (7) ann 94. Mc away now F. J. Case (Lila) 2000 Kern Drive (T) 2002 Kernan Der. D ma & among Jetty and 2001 Kernaw Dr. (1) 2008 Kernau Drive 21207 Mr Angre Zettrain 2008 Hernan Nrine 21207 With the Maken 5501 Windsor Joull. 2007 Kernan De. 21207 Mis anna L Saylor 2005 Turnon Un 21207 Mr. Douald & Dommon mis. Jene a. Zimmerman Mrs. Wo H. Butcher 2003 Neman Drine 41207 Mrs Miller Robins 2003 Hernan Da 21201 Jeer Kernan Drive 21207 Mr. John Weitt -1620 dugliante Ave Mr Sorder Esumbartur 541 E. The John Kelly. 5405 Hutton ave. mrs. Charles Ester 5405 Hallon and min Carrie Sullivan

2 ove Windson Pf.

5403 Nullon aren Spell R. Dell 2004 Winder BX. 2004 Windson De. Thelma Burger mrs Gran Sett broth Det 2002 Windson Rl 5436 Dogwood Pd. 5436 Dogwood Pd. 5434 Rogwood Pol Betty Enchart Bonnie Suit Charles of Suit of Granick Richard L. Binish 5434 Dogwood Rd. 5442 dofwood Id 5501 Dogwood &A Vermon to mague 5501 Dogwood RD Mr. J. Mr. 13 Salbert 5508 Dogwand Rd 500 algund od Miss Peta J. Kaum Mrs. John & Boone 5510 Dogwood Rol 1906 Park Place Robert of Youngfar Mrs. Catheline J. Taylor 1910 Park Place Mr. Youin F. Laylor Mrs. Margar Price Richard & Srice 1911 Park Place 1912 Sark Slace afred O. Haddaway 1916 Park Place 1918 Park Place My objet C Price Robert R. nowho Howard W. Jones 2004 Park Place Mis Makel Nowlin 2004 Park Place mayfall C. m. Curdy 1724 Valley Rd.

Cerried Oh medaine, t. 204 Gutland 825-8596 ans

June Mishler 6103 Lunny Lo

Mr Marcelle P. Palmer

REFERENCE: 2001NG HEAR October 1/, 1.66, 11:00 A.M., Towson County Office Bldg., Resm 119

we, the undersigned, wish to setition against the proposed six story hi-rise apartments to be located on nine (9) acres located on Security Boulevard between Forest Park Avenue and the Shell Station on Security

We object to this construction for the following reasons:

- 1. The proposed construction will include retail outlets changing
- 2 In order to construct the proposed buildings it will be necessary to restrict the flow of Dead Run, which is wital to the storm drain system creeting a very probable health problem. This stream is labeled as Typhoid
- 5. Traffic wrablems at peak times are already overwholming to area residents. These apartments exiting onto Security Boulevard will only
- 4. Schools are filled to capacity. Additional Families in the area would only lead to part-time education for our children.

Marie The 5321 Sliften Same Paul Iche 5815 Werber nell Road Shirly O'Brien 2123 Forraine los Charles Kreiss 58:0 Winder mill Rel 5818 widen mill Rd Morgaret Deter Spoling Leuns 1144 St. apris Fane. 2006 Mosty are Lee Backer Tobat W. Borgmann 6634 Logwood Ad. ave Donald D. Clarke J. albut Sellispie Sr 2119 Inrame and 21207

REFERENCE: ZONIBIO HEARTHG October 17, 1966, 11:00 a.m., Towson County Office Eldg.

We, the undersigned, residents of homes in the area bounded by Guynn Oak Avenue, Security Boulevard, Dogwood Road and Forest Park Avenue, protest herewith to the erection of eight (8) high-rice, six (6) story elevator apartments, on mine (9) sores, at twenty-one (21) units per acre, on Security Boulevard, between Forest Park Avenus and the Shell Station on Security Boulevard, and ask that soming for this proposed construction be refused.

We object to this construction for the following reasons:

- 1. In order to erect these buildings it will be necessary to fill in a stream which runs parallel to Security Boulevard, through the proposed building site. This stream carries the run-o. fr. arrounding hills and has already overflowed endangering property lying close wo it. If the stream is filled in, a health problem will be created with r slace for the stream to flow.
- 2. The residents of this area are already overcurriened with a traffic problem created by the thousands of workers at the Social Security Building. It is virtually impossible to get out of this section with a car between 4130 p.m. and 5:30 p.m., when the Social Security workers leave the building.
- 3. The schools in the area are at full capacity, junior high students having to use space in the semior high school, with no elementary school in the

Drah Wendy 1744 Little Cut Eine 21207 Harriet Walshe 1751 Little Cruk Dr. 21201 Robert Walsher 1751 Zettle Crube DN 21207 Glant. Blocker J. 1743 Little Creek Drin 21207 Tetter Hordine 17th hitz God Frace 21207 El Mishler 6/03 Sunny Line

Charles miller Douglas & Baseman Walter, J. Congell Daniel) O Buen main I Say John BOHall Starter Washe Cultud T. Her Toon Kenneth & Purm Shirley me Dake Earl H. Hillspie Roy Somethed Thyllis wills W. S. Jegeler S. · & Namarch Cora Stanevel Joseph E. - Zouth Thomas W. Porreit Will Sine Lester V. He Finkle Weiter

3911 areadin are 212. 15 2144 Vocame and 21207 2032 louth land Pd 21217 2123 main Pho 2680 West Ford Dune 2679 W FARN DR. 21207 Ion fac 21207 29 Summufuld Rd 21207 2012 OM FRIVE - 21207 1207 Velley Broket - 21229 2003 alto Vista Faran 5534 Clifton due 21107 5617 Prime Degle 2511 PICKWICE RD. -21207 2100 Part Pl. #7 5306 Winder Will Rd. 7 5535/ Windson Mill Rd 7 5535 Denchor Jull Rd 7 276 wynn Lake Dr. 7 2011 Cak Drive 21207 2136 Lonaine ave 21203 5814 Windsor Mill Rd. 7 2013 Kanan Drive 5913 Dogwood Pral "7 Constance & Vincent 5513 Hutton avenue

5440 Dogwood Road Esitinore Md., 21207 October 17, 1966

Zoning Commissioner Ealtimore County Baltimore County Office Building Towson 21204 Maryland

Deer Sir;

Me respectfully request that you disapprove pending application Me. 18-76-55. It to reasone the land on the morth side of Security Me. 18-76-55. It to reasone the land on the morth side of Security Me. 18-76-55. It to reasone the land on the morth side of Security Me. 18-76-55. It to reasone the land on the received that the Security Security Me. 18-76-56. It is request in the received but are not limited to the Collowing;

1. This request is the most recent of a long scrime of remaining thempts and approvale that are continually obscaping the basic characteristic and approvale that are continually obscaping the basic characteristic and period occarried the meater plan, from a characteristic and period conservation and period conservation and period occarried and industrial buildings. A lifetime of work and savings of most of us are invested in our hoses and we look to you for necession and period occarried and industrial buildings. A lifetime of work and savings of most of us are invested in our hoses and we look to you for necession and period of the second of the period of the

our proporties.
We trust that you will see fit to disapprove this application

and protect our homes.

Please advise us by mail of your decision in the event that you

Respectfully Submitted WB Selvey Je 5440 Doguttel Road 21307 partie on A Silvery some whyweel word 2,200 Shoto a Callatha 111 Cashwood are Por Careadon 1915 lingtown one Por Careadon 1915 lingtown Que Rel. Jugand Ed. Angela & Benick 142 Dogwood Ed.

367-85 × 486 ×

F :bruary 6, 1967

T. Bayerd Williams, Jr., Esquire 6732 Noisbird Avenue Baltimore, Maryland 21222

RE: Petition for Special Enceptions N/Side Security Boulevard 240 feet NW of Colonial Read - Let Dist. & NE/Side Security Boulevard 240 (set SE of Colonial Drive - let Dist. Garden Construction Corporation. Patitioner NO. 67-65-X and NO. 67-86-X

Dear Mr. Williams:

I have this date passed my Order

in the above captioned matter. Copy of said Order is attached.

There's wedn'y EDWARD D. HARDESTY Deputy Coming Commissioner

EDH/jer

cci G. Mitrhell Austin, Esquire 2115 Old Orems Read Baltimere, Maryland 21220

Mr. Dunald Cosmelly 5425 W. North Avence Baltimore, Maryland 21207

Mr. P. T. Lemen 1029 St. Paul Street Baltimere, Maryland 21202 RE: Petition for Special Exceptions N/Side Security Boulevard 240 feet NW of Colonial Road – 1st Dist. & NE/Side Security Boule, and 240 feet SE of Colonial Drive - 1st Dist. Garden Construction Corporation, REFORE THE ZONING COMMISSIONER

* BALTIMORE COUNTY

 Petition No. 67 - 85 - X

John G. Rose Zoning Commissioner of Baltimore County

APPEAL

Please note an Appeal to the Baltimore County Board of Appeals on behalf of the

Protestants, William F. Stitely, et ux. in the above captioned case.

Mitchell Questin Attorney for the Protestants 2115 Old Orems Road Baltimore, Maryland 21220 MU 6-5050



F :bruary 6, 1967

T. Bayard Williams, Jr., Esquire 4732 Holabird Avenue Baltimore, Maryland 21222

> RE: Patition for Special Exception Patition for Special Exceptions
> N/Side Security Boulevard 240 feet
> NW of Colonial Read - let Dist. &
> NE/Side Security Boulevard 240
> feet SE of Colonial Drive - let Dist. Carden Construction Corporation. Patitioner NO. 67-65-X and NO. 67-86-X

Dear Mr. Williams:

I have this date passed my Order

in the above captioned matter. Copy of said Order is attached.

Very 'ruly yours.

Thunk Midety EDWARD D. HARDESTY Deputy Coning Commissions:

EDH/jdr

cc: G. Mitchell Auetin, Esquire 2015 Old Orems Road Baltimore, Maryland 20220

Mr. Denald Cosmelly 5425 W. North Avenue Baltimore, Maryland 21207

1029 St. Paul Street Baltimore, Maryland 21202 RE: Patition for Special Exceptions
N/Side Security Soulerand 240 feet
NW of Colonial Read - let Dist. &
NE/Side Security Soulerand 240

BEFORE THE ZONING COMMISSIONER

BALTIMORE COUNTY

Petition No. 67 - 85 - X

APPEAL

Please note on Appeal to the Beltimore County Board of Appeals on behalf of the Protestants, William F. Stitely, et ux. in the et ove cost'aned one.

G. Mitchell Austh

F pruery 6, 1967

RE: Patition for Special Exceptions

. /hide Security Basievard 240 feet NW at Colonial Road - 141 Dist. &

Garden Construction Corporation

NE/Side Socurity Boulevard 249

Petitioner NC. 57-55-X and NO. 67-50-X

I have this date passed my Order

Frank Street to

EDMARD C. MARDESTY

Deputy oning Commissioner

- MR -8 167 Au -

Y. Bayerd Williams, Jr. Esquire

in the above captioned matter. Copy of said Order is attached.

6732 Hatabard Avenue Baltiniore, Maryland 21222

Dear Mr. William #:

EDH/jer

cc: G. Mitchell Austin. Esquire 2015 Old Orems Road

Mr. Donald Connelly 5425 W. North Avenue

1027 St. Paul Street Baltimore Maryland 21202

Baltimore, Maryland 21720

Saltimere, Naryland 21207

G. Mitchell Austin Attorney for the Protestants 2115 Old Orem Road Beltimore, Maryland 21220 MU 6-5050 #67-85-X + P6X T. Bayard Williams, dr., Esq., 6732 Helabire Avenue Baltimore, Maryles (2*222

Not Patition for Special Exception N/E Size Security Boulevard Security Boulevard, In. Offic.

Morch 9, 1967

Boor Mr. Williams

Please be advised that appeals have been filed in the above matter from the decisions rendered by the Daputy Zening Commissioner.

You will be notified of the date and time of hearing when scheduled by the Spard of Appeals.

Very truly yours

Zening Commissioner

F bruary 6, 1967

T. Bayard Williams, Jr. Esquire 6732 Holabird Avenue Baltimore, Marviend 21222

> RE: Peririon for Special Exceptions . /Side Security Boulevard 240 feet NW of Colonial Road - Let Dist. & NE/Side Security Bouleverd 249 lest SE of Coin lai Drive - let Diet. Garden Construction Corporation Petitioner NC. 67-65-X and NO. 67-16-X

Dear Mr. Williams:

I have this date passed my Order

in the spove captioned matter. Copy of said Order is attached.

Very 'ruly yours.

EDWARD D. HARDESTY Depay oning Commissioner

EDH/idr

ce: G. Mitchell Austin, Esquire 2115 Old Orems Road Baltimore, Maryland 21220

> Mr. Occald Councily 5425 W. North Avenue Baltimore, Maryland 21207

1029 St. Paul Street Baltimore, Maryland 21202

Mr. P. T. Lamon

PETITION FOR SPECIAL

N/Side Security Boulevard 240 feet : NW of Colonial Road - let Dist. & NW of Colonial Road - let Dist. & NE/Side Security Boulevard 240 feet SE of Colonial Drive - let Dist. : Garden Construction Corporation, Petitione:

BEFORE THE DEPUTY ZONING COM-MISSIONER OF

BALTIMORE COUNTY

6785-X and 67 -X

1111111111111111

The Petitioner seeks a Special Exception to usy its property for elevator apartment buildings or in other words high rise apartments. The facts and circumstances in both cases are identical so both Petitions will be treated as one.

The subject properties consist of two tracts. Tract 1, consisting of 8.7 acres is situated on the N side of Security Boulevard 240 feet NW of Colonial Road. Tract 2, consisting of 5 acres is situated on the NE side of Security Boulevard 240 feet SF (Colonial Drive. Both tracts, owned by the same corporation are present storage of the zoning map. If the bythe same corporation are present zoning, the Petitioner could construct 210 units. If a Special Exception for high rise apartments is granted, then the Petitioner could construct 255 units.

Plans call for the construction on tract 1 of a six-story elevator apartment building contaming 160 units with eff-street parking for 289 vehicles. A cix-story apartment building constating of 95 units would be constructed on tract 2 with 199 off-street parking spaces. Projected results would run from \$150 to \$190 per month.

Ar. Jerone Wolff, a consulting engineer, who also qualifies as a traffic expert testified that water and sewer are available and adequate He further testified that there would be no serious traffic congestion created by the construction of the aforementioned apartment dwellings. He stated that Security Boulevard is four lanes divided by a median strip and further that his major artery could accommodate the traffic to be generated by the apartments. His testimony in assence was that the granting of the Special Exceptions in this matter would not violate Section 502.1 (requirements of Special Exceptions) of the Baltimore County Zoning Regulations. Mr. Jerome Wolff, a consulting engineer, who also qualifies

The neighborhood has steadily under gone a change in character. The Social Security complex, is located on the S side of Security Boulevard just W of the subject tracts, it is generally understood that the somewise will in the near inture be enlarged. Just to the E on the S side of Security Boulevard near its inter-section with logicated Avenue another large gardentype apartment complex is currently being constructed.

Most of the protest was based on the fear that the proposed Mort of the protest was based on the fear that the proposed high rise apartments would create traffic congestion on the streets and that children living in the apartments would be forced to attend schools which are already over crowded. There was also some slarm expressed that the proposed apartments would possibly aggravate the flood condition in that area between the rear of the proposed structures and Dogwood Road.

With respect to the traffic congestion, Mr. Wolff was of the With respect to the traffic congestion, Mr. Wolff was of 'be definite opinion there would be none. As to the possible Gooding conditions Mr. Wolff trastified that the proposed apartment's would in mo way create or aggravate a flood condition. As a practical matter, Baltimore County would not issue a building permit or enter into a Public Works Agreement if there was any possibility that a flood condition would be created. With respect to the over crowding of schools, experience teaches that there are very few children of school age in high rise apartments.

The Deputy Zoning Commissioner received the impression that the aggrieved neighbors are treating this case as a reclassification instead of a Special Exception. These tracts are already soned for gardeningtee partners and the is nothing to prevent the Petitioner from developing them as such. As a matter of fact, there would probably be more children in garden-type apartments than in the proposed high rise.

In conclusion the Deputy Zoning Commissioner feels that the Petitioner has met the burden of proof in complying with the requirements of Section 502.1 of the Baltimere County Zoning Regulations, and is of the opinion that the Petitions for Special Exceptions for elevator apartment buildings should be granted.

For the aforegoing reasons, IT IS ORDERED by the Deputy For the aloregoing reasons, IT IS ONDERNED by the Deputy
Tomag Commissioner that the Special Exception for elevator apartment
and alore the same is granted from and after the date of this
Stiff, subject to the following:

- No part of the proposed buildings shall be used for commercial purposes.
- All traffic ingress and egress/restricted to and by way of Security Boulevard.
- The site plans shall be subject to the approval of the Office of Ptanning and Zoning, Bureau of Public Services and the State Roads Commission,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

Date: February 6, 1767

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. John G. Rose, Zoning Commissioner Date October 7, 1966

Leslie H. Graef, Deputy Director

of Planning
Petition #67-85-X. North side of Security Buulevard 240 feet Northwest of Colonia Road. Pelition for Special Exception for Elevato: Apartment Building including accessory business uses for the convenience of its tenuals.

Garden Construction Corporation - Petitioners.

> 1st District HEARING: Mo.iday, October 17, 1966. (11:00 A.M.)

The planning staff of the Office of Planning and Zoning will offer no adverse comment on the subject petition. Should it be decided to grant the petition, however, we request that the grant be conditioned upon approval of the site nlan by this office.

JEROME B. WOLFF, P. E. JAMES PETRICA, P. E. JOHN J. LENTZ. PH.D. P.E.

OPDER RECEIVED F

DATE

JEROME B. WOLFF AND ASSOCIATES

Consulting Engineers

August 19, 1966

Submittal of Applications, Plats, and Description for Security Boulevard Properties Special Exceptions, 8.5 and 5.0 Acre Tracts

Mr. James Dyer. Chief Petition & Permit Processing Baltimore County County Office Building Towson, Maryland 21204

We are submitting herewith two applications together with accompanying documentation and plats for a special exception hearing for mid-rise apartments on two separate parcels of properly. These two parcels, one of 8.5 acres and the other of 5.0 acres, are pre-sently zoned R and are located on Scientity Boulevard in the vicinity of Colonial Drive.

It will be greatly appreciated if this submittal is processed as early as possible.

With kindest personal regards, I remain

Very truly yours,

Temes Tetues

JRW: cil

CC Mr. Erwin L. Greenberg

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

To: 67 Mitchell Austin, 2115 Ald Gran Road, Statement Maryland

180.00 10.00 No. 67-85-X PAID. 80.00 80.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND AIL TO DI /ISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND No. 44333 OFFICE OF FINANCE Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204 To: 67 Mitchell Acatin, Esq., 2115 Old Gran Reed, Saltimore, Haryland 21220 180.00 PAID. \$1360 5133 4 *\$4333 9P-80.00 80.00

IMPORTATE MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND IL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON MARYLAND 2'204

October 14. 1966

T. Bayard Williams, Jr., Esq. 6732 :blabird Avenue Dundolk, Md. 21222

Res Petition for Special Exception for Gerden Construction Corp.

This is to advise you that \$96.75 is due for advertising and posting of the above property.

Yours very truly

CHI L. POST

CERTIFICATE OF POSTING

DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

151			
District	200	Date of Posting	1766
Posted for KULAS	12hin		
Posted for Augal y	I ten	./:	
Location of property:	44.1	Br. aug Wille	/./
Location of Signs:	11 11 14	to market plane	(R.
Location of Signs			
(1			
Remarks:			
Posted by Signature		hate of return.	17.16

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

GEORGE E. GAVREL

T. Beyord Williams, Jr., Esq. 6732 Holabird Ave. Dundalk. Hd. 21222 JOHN G. ROSE

Dear Sire

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 matter must be directed to the Director of Planning and Zoning (or hi: 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, 15 CM 12 JOHN G. ROSE ZONING COMMISSIONER

October 7, 1966

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Sen		

T. Bayard Williams, Jr., Esq. 6732 Holatird Ave. Dundalks, Md. 21222

NCTICE OF HEARING

Res Patition for Special Exception for Garden Constr. Co.

		11:0	0 A.M.			_	_		
DATE:	u ma samo				and the second				
					1966	_	_		
PLACE:	ROOM	106	COUNTY	OFFICE	BUILDING.	111	W.	CHE SAPEAKE	AVENUE

sh Wine ZONING COMMISSIONER OF BALTIMORE COUNTY

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

Miscellaneous Dockut 8

GARDEN CONSTRUCTION CO.

#67-55-X AND \$67-86-X

239 3324

AT LAW

Case No.

PETTY: IN FOR SPECIAL EXCEPTION for Elevator Apartment Buildings, including accessory business uses for the convenience of its tenants N/S Security Blvd., 240' SE of

Colonial Road lst District of Baltimore County Garden Construction Corporation Petitioner, A.F.T., Inc., Contract Furchase

WILLIAM STITLEY YVONNE STITLEY (Protestants)

> MEMORANDUM OPINION AND ORDER OF COURT

This case involves an appeal from the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board") which by its Order dated August 25, 1967, granted special exceptions under the provisions of Section 215.5 of the Baltimare County Zoning Regulations for elevato apartment buildings on the two parcels of ground described in this proceeding. The special exceptions were granted "subject to site plan approval of the Office of Planning and Zoning, Sureau of Public Services, and the State Roads Complesion". The Deputy Zoning Commissioner of Saltimore County, by his Order dated rebrurry 8, 1967, had likewise approved ite Petition for the special exceptions requested.

There are two parcels of ground involved. The first parcel is described in Petition No. 67-85-X containing approximately 8.5 acres of land situate on the northerly side of Security Boulevard, 240 feet northwart of Colonial Drive. The second percel is described in Pedition No. 67-86-X ining approximately 5 cores of land situate on the northerstarly side of

BALFINGRE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWNON, MARYLAND 21204

T. Beyard Williams, Jr., Sequire 6732 Holabird Avenue Dundalk, Maryland 31222

SUBJECT: Special Reception - Elevate Apartment Building for Sart Construction Corporation, located N/S Security Sind 2h0' NW Q of Colonial Road int District (Item), September 6, 1966;

Bear Stre

The Zoning 4d.Asory Committee has reviewed the subject petition and makes the following comments:

MINISTED OF PROPHERENCY
sector - Entitle 20° seter in Security Boolaward.
Sector - Entitle 20° seter in Security Boolaward.
Sector - Entitle 20° sector in Colonial Drive.
Adequacy of existing utilities to be determined by developer or his engineer.
Storm Drain - The developer or his engineer in responsible for determining the limits
of the Dead Now Inced Plaint, and the beckerster affect from the bridge at Colonial Driv

BUREAU OF TRAFFIC ENGINEERING: This office will submit comments at a later date.

The above comments are not intended to indicate the appropriateness of the soning action requested, but to assure that all parties are made sware of plans or problems that top have a barring on this case. The Mirrorter and/or the Departy Direct or the Office of Planning and Joning will submit recommendations on the appropriation of the requested soning 10 days before the Zening Commissioner's hearingthis.

Fire Rureau Health Department Industrial Development Commission Board of Education Buildings Department State Heads Commission Office of Planning and Zoning

> Very truly yours, James E. DYES, Princips Zoning Technician

JED:ylm

co: Carlyle Brown-Bureau of Engineering
C. Sichard Mocre-Bureau of Traff's Engineering

-2-

Security Boulevard, 240 feet southeast of Colonial Drive. Both parcels are irregular in shape and lie between Security Boulevard and a stream known as Dead Run. Both tracts are located in the First Election Diztrict of Baltimora County and were placed in a R.A. (Residence, Apertments) zoning classification by virtue of the Western Area Comprehensive Zoning Mep adopted by the County Council in November of 1962. The Petitioners, in both Petitions, are Garden Construction Corporation, land owner, and A.E.T., Inc., contract purchaser. The Appellants here (the protestants below) are William Stitely and Yvonne Stitely, his wife, owners of the premises known as No. 1825 Colonial Drive, which is situate on the southwest side of Colonial Drive and the northerly side of Dead Run between the two parcels of land in question

There is planned to be erected on the 8.5 acre parcel a mid-rise six-story apertment building consisting of 160 units and on the 5 acre parcel a similar mid-rise six-story apertment building consisting of 95 units. The total number of apartment units proposed is 255, an increase of 20 units over the 235 spartments permitted on the subject properties under the existing soning without any special exception.

Security Boulevard, at the location of the subject properties, was considered to run generally in an easterly and westerly direction. It is a dual boulevard on a 120 foot right of way. There are 3 lanes for west bound treffic, and 3 lanes for east bound traffic, each on 32 feet of paving. There is a traffic control signal at the intersection of Security Boulevard and Colonial Drive as well as at the intersection of said boulevard and Ingleside Avenue, the last named intersection being approximately 1300 feet southeast of the 5 acre parcel. The only means of vehicular access to both parcels is by means of Security Boulevard. There is no means of ingress and egress to either per

GARDEN CONSTRUCTION CORPORATION A. E. T., Inc., Contract Purchaser

*67-85-X and

N/S Security Boulevard 240' St and 240' NW

1st District

SE - Elevator Apartment Buildings

Sept.	6, 1966	Petition fixed
Feb.	6, 1967	Special Exceptions GRANTED by D.Z.C.
Mar.	8	Order of Appeal to C. B. of A. tiled (both curs)
Aug.		Order of C. B. of A. GKANTING Special Exceptions
Sept.	28	Order of Appeal filed in the Circuit Court
Oct.		Record of proceedings filed in the Circuit Court
May	20, 1968	BOARD AFFIRMED - Judge Jenifer
June	19	Order for Appeal filed in the Court of Appeal; of Marylan
July 1	7	Petition to extend time for transmitting records for 60 days and Order of Court granting same
Nov.	8	Motion to Dismis Appeal due to " the Plaintiffs have not poid for the record as required NMX by Rule 813 of the Maryland Rules of Procedure within the time required for homomistring the record on appeal." Filed by 1. Bayrar Williams, Jr. and Juhnson Bowie, Attorneys for Petitionen
Nov. 8		Order of Court dismissing appeal - Judge Lester L. Barrett

11/13/68

Per telephone conversation today with Johnson Bowie this case was appealed to the Court of Appeals but was subsequently dismissed. He is sending me a copy of the appeal and the dismissal, and after nating same in my dealer Luill include them in the files, which in turn will be closed out and returned to you. I will see that a copy of each document is included in each file.

-3-

from Colonial Drive. There is no difficulty pre_ented for traffic west bound on Security Boulevard being afforded access to both proposed apartment complexes. In order for east bound traffic on Security Soulevard to have access to the 8.5 acre parcel, it is necessary that these vehicles make a "U" turn at the intersection of Security Boulevard and Colonial Drive and then preceed in a westerly direction for a distance of approximately 700 feet. In order to provide access for east bound traffic on Security Boulevard to the 5 acre parcel, it is necessary that such vehicles proceed easterly to inglestida Avenue, make a "U" turn at that intersection and then proceed westerly for a distance of 2200 feet. There are in existence deacceleration laner for both east and west bound traffic on Security Boulevard at its intersection with both Colonial Drive and Ingleside Avenue.

The Bultimore County Zoning Enabling Act, known as Bill No. 30 and which became effective July 25, 1980, is now codified as Title 23 of the 1966 Cumulative Supplement to the Baltimore County Code. Section 23-23 of this Act deals with the authority of the Zoning Commissioner to provide for special exceptions and variances and reads as follows:

"Subject to the appropriate principles, standards, rules, conditions and safeguards as set forth in the soning regulations, the zoning commissioner may great variances from area and height regulations and may make special s.ceptions to the zoning regulations in harmony with their pearers jurgices and intent; provided that the issuance of all such appeals exceptions and vari-ones shall be subject to appropriate principles, standar and vari-ones shall be subject to appropriate principles, standar intent, provided that the issuance of all such special exceptions and ver-cose shall be subject to appropriate principles, standards rules, conclitions and asispurate set forth in the noting weatherns, and that all decisions of the soning commissioner without support to such anters shall be subject to appeal to the board of appeals as provided in this article. (MII No. 65, 1860).*

Section 502 of the Bulttmore County Zoning Regulations is a statement of legislative policy with respect to special exceptions and provides The Circuit Court for Bultimore County

WALTER M. JENIFER

THIRD JUDICIAL CIRCUIT OF MARYLAND

TOWBON, MARYLAND 21204

May 20 1969

1,TA 67-85

- MN 21 68 44 -

Zoning Commissioner County Office Building Towson, Maryland 2120

Re: Petition for Special Exception for Textitor Apartment Buildings - Stitely et al. (Prote, ...ts) Miscellaneous Docket 8, Folio 239, Case No. 1824

Dear John:

Mr. John G. Rose

 $\label{lem:continuous} I \mbox{ am enclosing copy of Memorandum Opinion and Order of Court which I have today idea in the above entitled case.}$

With kind regards, I am

Walter M. Jeniter

WMI/n vo Enclosure

> "NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more sones in which their uncontrolled one hind being the constant of the summarized of one kind or another. A few summarized the sum "NOTE: Certain types of uses are required to secure a welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, as subject to an appeal to the County Board of Appeals."

-4-

In passing upon any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, are governed by certain principles and conditions which comprise the standards contained in Section 502.1 of the Regulations as follows:

"502.1--Before any Special Exceptic , shell be granted, it must appear that the use for which the Special Exception is requested will not:

a. Be detrimental to the locality, asfery, or general
welfare of the locality involved:

- b. Tend to create congestion in roads, street: or
- alleys therein;
 c. Create a potential hazard from fire, panic or other
- dangers;
 d. Tend to overcrowd land and cause undue concentration
- of population;
 of population;
 e. Interfers with adequate provisions for schools, parks, water, sewarge, transportation or other public requirements, conveniences, or improvements;
 f. Interfers with adequate light and air.*

It is conceded by both the Appellants and the Appellees that only a and b of Section 502.7 are to be considered by the Court in this appeal. The Appellants contend that the Appellees did not produce subse before the Board making it appear that the requested use of the property for elevator spartments would satisfy the requirements of Subsections a and b red to. On the contrary, the Appellees contend that they met this burden,

The Appelleus produced before the Scord the testimony of several witnesses, including that of experts. The first witness called on behalf of the Appellees was Joseph D. Thompson, a registered engineer whose qualifications as a traffic study expect were admitted. He testified that a traffic count was made on June 5, 1967, between the hours of 7:00 p.m. to 7:00 p.m. on Security Boulevard, Colonial Drive and Dogwood Road, the last mentioned roadway being aituate northeast of the subject properties and intersecting Colonial Drive at a point approximately 400 feet northeast of Security Boulevard. He stated that the "practical capacity" of Security Boulevard was 2400 vehicles per hour for each of the bound and east bound traffig. He further testified that the traffic count revealed that the greatest density on Security Boulevard for wast bound ent was between 7:00 s.m. and 8:00 s.m. or a total of 1236 vehicles per hour and that the average west bound traffic count amounted to 235 vehicles per hour. The peak period for east bound traffic on Security Boulevard was found to be between the hours of 4:00 p.m. and 5:00 p.m., and the traffic count revealed a total of 992 vehicles for this one hour period, and an average of 320 vehicles per hour for the entire day. He concluded that the present west bound traffic load is approximately 50% of capacity, and the east bound load is slightly less than 50% of capacity. He further stated that, in his opinion, the additional 20 units permitted under the special exception for elevator apartments would have no adverse affect on traffic on Security Boulevard. Dogwood Road or Colonial Drive (Tr. p. 10). He admitted on cross-examination that the additional apartment units, being an increase of approximately 8%, would minutely increase traffic on Security Boulevard. He further admitte

that the "U" turn traffic pattern hereinbefore described at Colonial Drive and Ingleside Avenue would result is a backing up or storing of traffic in the desceptional lanes on Socurity Boulevard and "chould not be encouraged". He further stated, hawever, that such traffic pattern would exist under the existing soning without the apocial exception, and the granting of such special exception would have only a "negligible" effect. Pore was some attempt made by counsel for the Protestants to develop through the cross-exemination of the witness the probability of the expansion of the Social Security facility located on Security Boulevard approximately 3,4 of a mile distant from the subject properties. The testimosy in this regard was nebulous in its nature, bordered on the conjectural and was of little or no probative value.

*6"

The second vitness called on behalf of the Appelless was Proston L. Grissm. Director of Capital Program Planning for the Board of Education of Baltimore County. His testimony was based on studies made in apartment complexes and a comperison of the students produced in garden type apartment development with high-rise apartment development. It was his opinion that garden type apartments yield a total of 27.6 students par 100 garden type units whereas high-rise apartments yield 7.3 students par 100 units. From the testimony of this witness, it can be concluded that the development of the subject properties as mid-rise apartments would have a tendency to decrease rather than increase, the public school population.

The third witness produced by the Appellees was Ervin Greenberg, an investment resilter and President of A.E.T., Inc., the contract purchaser. This witness described the number of units of apartment dwellings proposed for each percel of land under consideration and the type of construction to be utilized. It was the opinion of this witness that if permission were granted to construct mid-rise six-story apartment buildings, the construction would be

.

In the more recent case of <u>County Copunisationers v. Luris</u>, 249 Md. 1 (decided Pebruary 13, 1958), the Court of Appeals reversed a decision of the Circuit Court for Prince George's County, which Court had in turn reversed the action of the Board of County Commissioners for Prince George's County, Maryland, sitting as the District Council, in refusing to grant a special exception for an automobile filling station. The Court of Appeals concluded that the applicant had not produced sufficient evidence before the District Council to meet the burden of justifying the granting of the special exception requested. The Court did, however, reiterate the general rule and quoted with approval the language of the Court of Appeals in <u>Crowther. Inc. y. Johnara</u>. 225 Md. 378, in which the provisions of Section 502.1 of the Baltimore County Zoning Regulations were in issue. The Court stated at payer 333 of that opinion as follows:

The general rule is that in reviewing the action of soning boards a court will not substitute its judgment for the judgment of the board unless its action is shown to be arbitrary, capticious or tilegal. Defaued in the properties of the special properties of the properties of the properties of the special properties of the properties of the special properties of the pro

-10-

The Court, in the instant case, is of the opinion that the Petitioners (the Appellees hare) did produce affirmative evidence of a substantial and convincing nature that justified the Board in concluding that the provisions of Section 507.1 would not be violated, but to the contrary, the requirements thereof would be satisfied by the granting of the special exceptions requested. There was certainly supporting evidence upon which a rational judgment could be based that the structury standards had been met. The Board's decision, having been based upon exidence of this character, should not be disturbed by this Court under its limited power of judicial review of an administrative agreey's determination.

For the reasons stated and in conformity with the foregoing opinion, it is this 20th day of May, 1868, by the Circuit Court for Baltimore County ORDERID hit the Order of the County Board of Appeals of Boitimore County dated August 25, 1967, 50 and the same is hereby

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

of a higher quality and there would be less disruption to the land in question; and after construction, it would remain more attractive then if development was limited to the parden typs apartment complex.

-7-

The fourth witness produced by the Appellees was Thomas Jewell, an architect who had been consulted by the contract purchaser in a general way regarding this project. He described briefly the proposed construction for the two apartment buildings but stated that no structural plans had been prepared.

The final witness for the Appellees was James Petrica, whose qualifications as an engineer in the fields of water supply, sewerage and storm drainage were admitted. He testified that there was adequate water supply and canitary sewer available to serve the apartment buildings. He further testified that the proposed development of the two properties for elevator apariments would not enlarge the flood control area along the stream known as Deed Run and that no problem existed as far as storm water run off from the apartment complexes. He also testified that certain of the other standards set forth in 502.1 of the Baltimore County Zoning Regulations would be satisfied.

The only witness produced on behalf of the Protestants was the Appellant, Mrs. Yvonne Stitely. This witness was principally concerned with 4 factors: (1) traffic congestion on Security Boulevard and Colonial Drive; (2) the possibility of increased flooding of the residential property owned by her and her husband; (3) the invasion of the privacy of her home by reason of the apartment construction; and (4) depreciation in the value of their property. With respect to the traffic congestion, she testified as to the present difficulty in making a left turn from the east bound lane of Security Boulevard into Colonial Drive and across the west bound lane at peak hours of traffic in the

afternoon. Wish regard to the Booding of Dead Run, she admitted that in April of 1967 the near yard of their property was flooded even though no apariment construction had been started. Mrs. Sitissly is unalterably opposed to apartment development of any nature, even that parmitted under the existing coning. No expert testingony was offered on behalf of the Protestants to substantiate any

The Court's function of judicial review in a moning appeal once, such as the case at bar, is of a limited nature. The Court may not substitute its judgment for that of the Board: and if the evidence supporting the decision of the Board is substantial and renders the question of its action fairly debatable the Board murc be affirmed. This rule is equally applicable to the decision of the Board in granting a special exception as well as a zoning reclassification. In the recent case of Finney v. Holle, 241 Md. 224, at page 241, the Court said!

"The trial court, however, was in error in reversing the Board's order granting the special exception to erect the elevator spartments. The factors to be considered by the Board are set forth in Section 502.1 of the Baltimore County Zoning Ordinance, These factors are substantially the same as those set forth in Outsiler v. Board of Zoning Appenia, 204 Md 397, 401, 104 A. 25.58, 553 (1954).

"In considering the special exception, the Roard acts as a body of zoning experts and the area of judicial review is quite limited. As Judge Delaplaine, for the Court, aptly stated in Oursier, super:

"The function of a soning bund is to exercise the discretion of experts, and the oourt on appeal will not disturb the board's finding where it has compiled with the loyal requirements of notic and hearing, and he record above substable avidance that the finding. (Page 405 of 204 Md.; page 22 of 104 A.f.). (Undersoning supplied.)

-2-

See also Ronde v. County Board, supra at page 267 of 234 Md., page 220 of 199 A.26.

WILLIAM STITELY and YVONNE STITELY

VI. : CIRCUIT COURT

I FOR

WILLIAM S, BALDWIN,
W, GILES PARKER and
WALTER A, RETER, JR.,
COUNTY BALE OF APPEALS

OF BALTIMORE COUNTY

Folio No. 239

File No. 3324

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, W. Giles Parker and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore Crunty, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceeding had in the above entitled motter, consisting of the following certified copies or original papers on file in the effice of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET C® ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 67-85-X and No. 67-86-X

Sept. 6, 1966 Patition of Garden Construction Corporation for special exception for elevator appriment building including accessory business uses for the convenience of its tenents and as conditioned in Section (402A)402.4 of the Zoning Regulations on property located on the north side of Security Bouldward 26th ornthrest of Calonial Bood, 1st Dist. - filled

6 Petition of Gurden Construction Corporation for special exception for elevator opertment building including accessory business uses for the convenience of its treams and acconditioned in Section (402A) 402.4 of the Zonling Regulations on property located on the northeast side of Security Eucleword 240' countered to Colonial Drive. ' Distr. - Filed

6 Order of Zoning Commissioner directing advertisement and posting of both properties - date of hearing set for October 17, 1966 at 11 a.m. on both cases.

Oct. 8 Certificates of Publication in newspapers - filed

6 Certificates of Posting of properties - filed

17 At il a.m. hearing held on both petitions by Deputy Zoning Commissioner - case held sub ourla

Feb. 6, 1967 Order of Deputy Zoning Commissioner granting special exceptions, subject to resirictions

Orders of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner 8, 1967 Hearing on appeals before County Found of Appeals, cases held June 29 Aug. 25 Order of County Board of Appeals granting special exceptions, Appeal on both cases filled in the Circuit Court for Sapt. 22 25 Petition for Appeal filed in the Circuit Court for Baltimore County Certificate of Notice sent to all interested parties 28 Oct. 25 Transcript of Testimony filed Petitioners' Exhibit No. 1 - (a, b, end c) Traffic Counts dated 6/5/67 by Joseph Thompson of Dogwood Road, Security Boulevard, and Colonial Road " 2 - Students per unit from survey of Mr. Grim, Baltimore County Board of " 3 - Comparison of prospectice student yield - elementary only 4 - Site Plan of Case \$67-85-X - west of Colonial Road, 8.5 acres

Oct. 25 Record of proceedings filled in the Circuit Court for Boltimore County Record of proceedings pursuant to which sold Order was entered and sold Roard acted are permanent records of the Zoning Department of Boltimore County, as are also the use district m.os, and your Respondents respectively suggest that it would be inconvenient and inapproprior to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps of the hearing on these petitions or whenever directed to do so by this Court.

Respectfully submitted

Protestants' Exhibit "A" - (1 and 2) File \$67-85-X and

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

" 5 - Site Plan of Case #67-86-X - east of Colonial Road, 5 acres

n, Maryland 21204

147-85-X and Case 167-86-3

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

Edith T. Elsenhart, Secretor

oc: T. Bayard Williams, Jr., Esq.

PETITION FOR ZONN SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

L, or we. Gancier Construction. Corporation

I, or we. Gancier Construction. County and which is described in the description and plat attached hereto and made a part hereof. hereby petition shakabaha maning status of the harvin materibed preporty ha and

See attached description

Section 215.5 of Section 215.5 of Section 2.5 of Se County, to use the herein described property, for Elevator Apartment Building including accessory business uses for the convenience of its tenants and as conditioned in Section (4024) 402.4.

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

L. or we, agree to pay expenses of ADGUNGALONGSO 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

A.E.T. INC.

GARDEN CONSTRUCTION CORPORATION

Contract purchased In Charles Bys. / Address . Una Charles Center

Bultimore, Maryland 21201

Address 2400 Greenmount Avenue Baitimore, Maryland 21218 9. Mutchell (Luster

Petitioner's Attorney
7. Bayard Williams Jr.

2115 Ald Orems Roll 30 5732 Holabira Avenu Maryland 21222 ORDERED By The Zoning Commissioner of Baltimore County, this 6th

..., 196 5., that the subject matter of this petition be advertised. as required by the Zening Law of Baltimore County, in two newspapers of general circulation throughbut 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 150 6 at 11100 o'clock

County, on the SP 5 BIPM and day of Sctober

15

bon IN See

RE: PETITION FOR SPECIAL EXCEPTION N/S Security Blvd. 240' NW of NE/S Security Bivd. 240' SE of Colonial Road,

A.E.T., Inc., Contract Purchase

1st Dist

BEFORE COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY

..........

No. 67-85-X and No. 67-86-X

.

OPINION

The petitioner in this case seeks a special exception for elevator buildings on two parcels of ground situated on the north side of Security Boulevard at its intersection with Colonial Road in the First Election District of Baltimore County.

The petitioner, Garden Construction Corporation, filed separate petitions on each parcel. Case #67-85-X involves 8.5 acres of ground on which the petitioner proposes to construct 160 apartment units, and case \$67-86-X consists of 5 acres of ground on which the petitioner proposes to construct 95 apartment units. These two cases were consolidated and heard as one case by the Board.

The properties are situated on the north side of Security Boulevara, on both the east and west side of the intersection of Security Boulevard and Colonial Road. The properties are irregular in shape and are rather narrow, lying between Security Boulevard and Dead Run. The land was placed on the western area map in an R-A classification when the map was adopted by the County Council in November of 1962.

The petitioner proposes to erect two mid-rise apariment buildings containing a total of 255 apartments. This would be an increase of 20 apartment units over the allowable 235 apartment units that could be built on the subject properties without any special exception. The petisioner produced affirmative testimony that the special exception for elevator apartment buildings would in no way violate Section 502.1 of the

VALLEY 0-8600

JEROME B. WOLFF AND ARROCIATES mulling Engineer MUSTE 402 JEFFERRON BULLDING TOWNERN A. MARYLAND

SPECIAL EXCEPTION PETITION TOR ELEVATOR
APARTMENT USE WITH ACCESSORY
BUSINESSES IN R A ZONE
(WEST OF COLONIAL ROAD)

BEGINNING for the same on the north side of Security Boulevard (120 feet wide) at a point distant 240 feet more or less Northwesterly from the centerline of Colonial Road, said point being the intersection of the north side of said Boulevard with the prolongation southerly of the third or line curving to the northeast with a radius of 759.00 feet for a distance of 325.24 foot line of the second parcel of land which by deed dated August 15. 1952 and recorded among the Land Records of Baltimore County in Liber G.L B. No. 2157 folio 493 etc. was conveyed by The Fidelity Trust Company to Mathan H. Shillman and running thence binding on the north side of said Security Boulevard westerly 30 fact more or less by an arc curving to the left with a radius of 860 feet to the southwest side of Rt. Vernon Drive as shown on the Plat of Colonial Park Estates as filed among the Land Records of Baltimore County in Plat Book No. 2, folio 337 thence leaving the north side of said Boulevard and binding on the southwest side of said Mt. Vernon Drive, northwesterly 255 feet more of less to the division line between lots No. 5 and 6, Block "K" as shown on said Plat, thence leaving the southwest side of said Mt. Vernon Drive and binding on said division line southerly 145 feet more or less

Garden Construction Corp. - Case \$67-85-X and Case \$67-86-X

- 2 -

The only protestant, a Mrs. Yvanne Stitely whose property adjoins the su'sject property, testified that she had had flooding on her property; that she object sly to the proposed buildings; and that traffic is heavy on Security Boulevard. d does not feel that her fears are well founded. We do not see how an increase on 13-1/2 acres of ground could create any traffic congestion, nor do we see how it could in any way violate the other provisions of Section 502.1 of the zoning regula

For the reasons given above, the petition for special exception for elevator apartment buildings will be granted subject to site plan approval of the Office of Planning and Zoning, Bureau of Public Services, and the State Roads Commission

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 25th day of August, 1967 by the County Board of Appeals, ORDERED that the special exceptions petitioned for, be and the same are hereby GRANIED, subject to site plan approval of the Office of Planning and Zoning, Bureau of Public Services, and the State Roads Commission

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. Boldwin, Chair

to the north side of said Security Boulevard thence binding on the north side of said Boulevard westerly 980 feet more or less by an arc curving to the left with a radius of 3400' to the beginning of the second or North 3 degrees 52 minutes 09 seconds West 150.00 foot line of that tract of land which by deed dated July 1, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3558 folio 272 etc. was conveyed by Charleston Hall, Inc. to Bankers Trust Company et al thence leaving the north side of said Security Boulevard and binding on said second line and on a proplongation thereof northerly 200 feet more or less to intersect the tenth or South 85 degrees 33 minutes 20 seconds West 549.10 foot line of that tract of land which by deed dated August 13, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4035 folio 311, etc. was conveyed by Garden Construction Corporation to the Vestry of the Church of St. Mary The Virgin of Baltimore County thence binding on a part of said tenth line reversely, easterly 375 feet more or less to the beginning thereof, thence binding on the ninth line of said lestly described deed northeasterly 607.76 feet to the beginning thereof, said point being in or near the center of Pead Run thence in the center of asid Run easterly and southeasterly 500.00 feet more or less to intersect the third line of the firstly described deed, thence binding on a part of said dine reversely and on a prolongation thereof southwesterly 200.00 feet more or less to the place of beginning.

CONTAINING approximately 8.5 acres of land. Registered Land Surveyor: | Conce Philip 7/1/4

lakesly - Lane Ohoto graphers 727-8800

PETITION FOR SPECIAL N/Side Security Boulevard 240 feet : NW of Colonial Road - let Dist. & NE/Side Security Boulevard 240 feet SE of Colonial Drive - 1st Dist. Garden Construction Corporation.

DEPUTY ZONING COM-MISSIONER OF

BALTIMORE COUNTY 67 (85) X and 67-86-X

.

The Petitioner seeks a Special Exception to use its property for elevator apartment buildings or in other words high rise apartments. The facts and circumstances in both cases are identical so both F itions

The subject properties consist of two tracts. Tract 1, consist-f 8,5 acres is situated on the N side of Security Boulevard 240 feet of Colonial Road. Tract 2, consisting of 5 acres is situated on the NE of Security Boulevard 240 feet SE of Colonial Drive. Both tracts, owned a same corporation, are zoned RA by virtue of the zoning map. If the s were developed in their present zoning, the Petitioner could constru-ning. If a Special Exception for high rise apartments is granted, then letitioner could construct 255 units.

Pians call for the construction on tract 1 of a six-story levator apartment building containing 160 units with off-street parking for 289 vehicles. A six-story apartment building consisting of 95 units would be constructed on tract 2 with 109 off-street parking spaces. Projected ntals would run from \$150 to \$190 per month

Mr. Jerome Wolff, a consulting engineer, who also qualifies as a traffic expert, testified that water and sewer are available and adequate He further testified that there would be no serious traffic congestion created by the construction of the decrementioned apartment dwellings. He sated that Socurity Boulevard is four lares divided by a median strip and further that this major artery could accommodate the traffic to be generated by the spartments. His testimony in easence was that the granting of the Special Exceptions in this matter would not violate Section 502.1 (requirements of sceptions) of the Baltimore County Zoning Regulations.

The neighborhood has steadily under gone a change in character. The Social Security complex, is located on the Side of Security Boulevard just W of the subject tracts. It is generally understood that this complex will in the near future be enlarged. Just to the E on the S aide of Security Boulevard near its inter-section with Injectied Avenue another large gardencomplex is currently being constructed.

Most of the protest was based on the fear that the proposed high rise apartments would create traffic corgestion on the streets and that children living in the apartments would be forced to attend schools which are already over crowded. There was also some alarm expressed that the proposed apartments would possibly aggravate the flood condition in that area between the rear of the proposed structures and Dogwood Road.

The Deputy Zoning Commissioner received the impression that the aggreeved neighbors are treating this case as a reclassification instead of a Special prior. These treats are already zoned for gardentype agartiment as in atter is nothing to prevent the Petitioner from developing them as such. As a matter, if fact, there would probably be more children in garden-type apartments than in the propose, high rise.

In conclusion the Deputy Zoning Commissioner feels that the Petitioner has met the burden of proof in complying with the requirements of Section 50.1 of the Baltimore County Zoning Regulatione, and is of the opinion that the Petitions for Special Exceptions for elevator apartment buildings chould be graated.

For the alorgoing reasons, IT IS ORDERED by the Deputy ommissioner that the **Special** Exception for elevator apartment should be and the same is granted from and after the date of this object to the following:

- No part of the proposed buildings shall be used for on mercial purposes.
- All traffic ingress and egress/restricted to and by
- The site plans shall be subject to the approval of the Office of Planning and Zoning, Sureau of Public Services and the State Roads Commission.

Harth Markety Deputy Zoning Commiss

FOR FIL

"NOTE: Certain types of uses ere required to secure a point to allow them to be phosed in one or more mones in which their uncertained of accuracy and the phosed in one or more mones in which their uncertained occurs not suite owner manufacturer results of one kind or another. A for uncer, such as dumps and just yords, are inherently on objectionable as to make extra regulations and controls activisable even in the M. M. H. 2000, to which that are restricted. Others, like a cometery, do not fit has any of the sone categories, that is, residential, business, and redustrial, and therefore must be bested with discrimination in robust or that carrying uses of find, but have certain appears which call for appearance ideration of each proposal. Decause under certain condition they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exception are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the County Board of Appeals."

In passing upon any special exception, the Zoning Commissione and the County Board of Appeals, upon appeal, are governed by certain principles and conditions which comprise the standards contained in Section 502.1 of the Regulations as follows:

"502.1--Defere any Special Exception shell be granted, it must appear that the use for which the Special Exception is requested will not:

- a. Do detrimental to the health, enfety, or general voifare of the locality involved:
- b. Tond to create congestion in roads, streets or
- alleys therein;
 c. Create a potential hazard from fire, panic or other
- d. Tend to evercrowd land and cause undue concentration
- of population; o. Interfere with adequate provisions for schools, parks. water, sewerage, transportation or other public raquirements, conveniences, or improvements; f. Interfere with adequate light and sir.

It is conceded by both the Appellants and the Appellens that only Subsections a and b of Section 502.1 are to be considered by the Court in this apposi. The Appellants contend that the Appelloss did not produce substantial evidence before the Board making it appear that the requested use of the property for elevator apartments would satisfy the requirements of Subsections aand b referred to. On the contrary, the Appellees contend that they met this burden.

PETITION FOR SPECIAL EXCEPTION for Elevator Apartment Euildings. including accessory business uses for the convenience of its tenants R/S Security Elvd., 240° EE of Colonial Road. 1st District of Baltimore County Gurden Construction Corporation Petitioner, A.E.W., Inc., Contract Purchaser

FOR SALTIMORE COUNTY AT LAW Case No.

IN THE CIRCUIT COURT

WILLIAM STITLEY YVONNE STITLEY (Protestants)

GARDEN CONSTRUCTION CO #67-85-X AND #67-86-X

MEMORANDUM OPINION

This case involves an appeal from the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board") which by its Order dated August 25, 1967, granted special exceptions under the provisions of Section 215.5 of the Saltimore County Zoning Regulations for elevator apartment buildings on the two parcels of ground described in this proceeding. The special exceptions were granted "subject to site plan approval of the Office of Planning and Zoning, Europa of Public Services, and the State Reads Commission". The Deputy Zoning Commissioner of Baltimore County, by his Order dated February 6, 1967, had likewise approved the Potition for the special exceptions requested.

There are two parcels of ground involved. The first parcel is described in Petition No. 67-95-X containing approximately 8.5 acres of land situate on the northerly side of Security Boulevard, 240 feet northwest of Colonial Drive. The second parcel is described in Petition No. 67-36-X containing approximately 5 acres of land situate on the northeasterly side of

and there was evidence of a substantial nature to justify the Zoard's finding in granting the special enceptions requested.

The Appelleus produced before the Board the testimony of soveral witnesses, including that of experts. The first witness called on behalf of the Appellees was Joseph D. Thompson, a registered engineer whose qualifications as a traffic study expert were admitted. He tootified that a traffic count was made on June 5, 1967, between the hours of 7:00 a.m. to 7:00 p.m. on Security Stulovard, Colonial Drive and Dogwood Road, the last mentioned rendway being situate northeast of the subject properties and intersecting Colonial Drive at a point approximately 400 feet northeast of Security Boulevard. He stated that the "practical capacity" of Security Boulevard was 2400 vehicles per hour for each of the most bound and oast bound traffic. He further togtified that the traffic count revealed that the erestest density on Security Boulevard for west bound movement was between 7:00 e.m. and 8:00 s.m. or a total of 1238 vehicles per hour and that the average went bound traffic court as nunted to 295 vehicles per hour. The peak period for east bound traffic on Security Boulevard was found to be between the hours of 4:00 p.m. and 5:00 p.a., and the traffic count revealed a total of 992 vehicles for this one hour period, and an average of 320 vehicles per hour for the entire day. He concluded that the present west bound traffic load is approximately 50% of capacity, and the east bound load is slightly less than 50% of capacity. He further stated that, in his opinion. the additional 20 units permitted under the special exception for elevator apartments would have no adverse affect on traffic on Security bouleverd, Dogwood Road or Colonial Drive (Tr. p. 10). He admitted on cross-examination that the additional apartment units, being an increase of approximately 8%, would 'minutely' increase traffic on Security Boulevard. He further admitted

Security Boulevard, 240 feet southeast of Colonial Drive. Both percels are irregular in shape and lie between Security Boulevard and a stream known as Dood Run. Both tracts are located in the First Election District of Baltimore County and were placed in a R.A. (Residence, Apertments) zoning classification by virtue of the Western Area Comprehensive Zoning Map adopted by the County Council in November of 1962. The Petitioners, in both Petitions, are Garden Construction Corporation, logal owner, and A.E.T., Inc., contract purchaser. The Appellants here (the protestants below) are William Stitely and Yvonne Stituly, his wife, owners of the premises known as No. 1825 Colonial Drive. which is situate on the southwest side of Colonial Drive and the northerly side of Doad Run between the two parcels of land in question.

There is planned to be creeted on the 8.5 scre parcel a mid-rise six-story apartment building consisting of 160 units and on the 5 acre parcel a similar mid-rise six-story apartment building consisting of 95 units. The total number of apartment units proposed is 255, an increase of 20 units over the 235 apartments permitted on the subject proporties under the existing zoning

Security Bouleverd, at the location of the subject properties. was considered to run generally in an easterly and westerly direction. It is a dual boulevard on a 120 foot right of way. There are 3 lanes for west bound traffic, and 3 lanes for east bound traffic, each on 32 feet of paving. There is a traffic control signal at the intersection of Security Soulevard and Colonial Drive as well as at the intersection of said boulevard and Ingleside Avenue. the last named intersection being approximately 1300 feet southeast of the 5 acre parcel. The only means of vehicular access to both percels is by means of Security Boulevard. There is no means of ingress and egress to either parcel

that the "U" turn treffic pettern hereinbefore described at Colonial Drive and Inglastice Avenue would result to a hacking up or storing of traffic in the deaccoleration lanes on Security Boulevard and "should not be encouraged". He further stated, however, that such traffic pattern would exist under the existing sening without the special exception, and the granting of such special exception would have only a "negligible" offect. There was some attempt made by councel for the Protestants to develop through the cross-examination of the witness the probability of the expansion of the Social Security facility located on Security Boulevard approximately 3/4 of a mile distant from the subject properties. The testimony in this regard was nebulous in its nature. bordered on the conjectural and was of little or no probative value.

The second witness called on behalf of the Appelless was Procton L. Crima, Director of Capital Program Planning for the Board of Education of Paltimore County. His testimony was based on studies made in apartment complexes and a comperison of the students produced in garden type opertment development with high-rise apartment development. It was his opinion that gorden type apartments yield a total of 27.6 students per 100 garden type units whereas high-rise apartments yield 7.3 students per 100 units. From the testimony of this witness, it can be concluded that the development of the subject properties as mid-rise apartments would have a tendency to decrease rather than increase the public school population.

The third witness produced by the Appelless was Erwin Greenberg. an investment resiter and President of A.F.T., "Inc., the contract purchaser. This witness described the number of units of apartment dwellings proposed for each parcel of land under consideration and the type of construction to be utilized. It was the opinion of this witness that if permission were granted to construct mid-rise six-story opertment buildings, the construction would be

from Colonial Drive. There is no difficulty presented for traffic west bound on Security Sculevard being efforded access to both proposed apartment complexes. In order for east bound traffic on Security Boulevard to have access to the 8.5 acre parcel, it is necessary that these vehicles make a "U" turn at the intersection of Security Boulevard and Colonial Drive and then proceed in a westerly direction for a distance of approximately 700 feet. In order to provide access for east bound traffic on Security Boulevard to the 5 acro parcel, it is necessary that such vehicles proceed easterly to Incleside Avenue, make a "U" turn at that intersection and then proceed westerly for a distance of 2200 fact. There are in existence deacceleration lanes for both cost and wost bound traffic or Security Boulevard at its intersection with both Colonial Drive and Ingleside Avenue.

The Baltimore County Zoning Enabling Act, known as Bill No. 80 and which became effective July 25, 1980, is now codified as Title 23 of the 1966 Cumulative Supplement to the Builtimore County Code. Section 23-23 of this Act deals with the authority of the Zening Commissioner to provide for special exceptions and variances and reads as follows:

"Subject to the appropriate principles, standards, rules, "Subject to the appropriate principles, stindards, reles, conditions and safeguards as set forth in th. confine regulations, the noning commissioner may grant variance of ma area and height regulations and may make special exceptions to the scaling regulations in harmony with their general purpose and intenti provided that the issuance of all such special exceptions and variance, shall be subject to anymetate insteadies. intohing provinced until the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards rules, conditions and esignuaria set forth in the sening regulations, and that all describens of the soning commissioner with respect to such matters shall be subject to appeal to the beard of appeals as provided in this articles, (Elli No. 30, 1960).*

Section 502 of the Saltimore County Zening Regulations is a statement of legislative policy with respect to special exceptions and provides as follows:

of a higher quality and there would be less disruption to the land in questions and after construction, it would remain more attractive then if development was limited to the garden type apartment complex.

The fourth witness produced by the Appelloes was Thomas Jevell, an architect who had been consulted by the contract purchaser in a general way regarding this project. He described briefly the proposed construction for the two apartment buildings but stated that no structural plans had been proposed.

The final witness for the Appellass was James Petrica, whose qualifications as an engineer in the fields of water supply, sewerage and storm drainage were admitted. He testified that there was adequate water supply and sanitary sower available to serve the apartment buildings. We further testified that the proposed development of the two properties for elevator agartments would not enlarge the flood control area along the stream known as Doad Run and that no problem existed as far as atom water run off from the apartment complexes. He also tostified that certain of the other standards set forth in \$02.1 of the Baltimore County Zoning Regulations would be satisfied.

The only witness produced on behalf of the Protestants was the Appellant, Mrs. Yvonne Stitely. This witness was principally concerned with 4 factors: (1) traffic congestion on Socurity Boulevard and Colonial Drive; (2) the possibility of increased flooding of the residential property owned by her and her husband; (3) the invasion of the crivacy of her home by reason of the apartment construction; and (4) depreciation in the value of their property. With respect to the troffic congestion, she testified as to the present difficulty in making a left turn from the east bound lane of Security Boulevard into Colonici Drive and across the west bound lane at peak hours of traffic in the

The Ceurt's function of judicial review in a zoning appeal case, such as the case at bar, is of a kinted nature. The Court may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substimited and renders the question of its action fairly debatable the Board must be affirmed. This rule is equally applicable to the decision of the Board in granting a special exception as well as a zoning reclassification. In the recent case of Finney v. Halle, 241 Md. 224, at page 241, the Court

The misl court, however, was in error in reversing the Desid's order granting the special exception to erect the clevete appriments. The Sectors to be considered by the Board are set forth in Section 502.1 of the Bellinnero County Zoning Oxtinance. These Sectors are substantially the same as those set forth is Section 9. Board of Zoning Appendix, 204 Md, 387, 401, 104 A, 2d 588, 509 (1954).

"In considering the special exception, the Board acts as a body of seeing experts and the area of judicial rowlew is quite limited. As judge Delaphaine, for the Court, aprily stated in Coursily, supply

"The function of a coning board is to exercise the discretion of expert; and the sour on appeal will not disturb the board's finding where it has compiled with the legal requirements of notice and hearing, and the traced shours substitutely and the finding. Yes 90, 405 of 204 Md.; page 577 of 104 A.2d. (Underscoring supplied.)

See also Rehdo v. County Board, supra, at page 267 of 234 Md., page 220 of 198 A.2d."

with costs.

require.

of their contentions.

And for such other and further relief as the nature of the case may

T. Bayand Williams, Jr.

Jonnson Bowie
Attorneys for Garden Construction Corporation and A. E. T., Ine
22 West Pennsylvania Avenue
Towson, Maryland 21204
Phone: \$25-6014

1 HEREBY CERTIFY that on the day of 1967, copy of the aforegoing was mailed to the Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204, and G. Mitchell Austin, Esq., 24 W. Penna. Ave., Towson, Md. 21204, Atty. for Petitioners.

Johnson Bowie

In the more recent case of <u>County Countisationers v. Juria</u>, 249 Md. 1 (decided February 13, 1956), the Court of Appeals reversed a decision of the Court Court for Prince George's County, which Court had in turn reversed the action of the Board of County Countisationers for Prince George's County, Maryland, sirting as the District Council, in refusing to grant a special exception for an automobile filling station. The Court of Appeals concluded that the applicant had not produced sufficient evidence before the District Council to meet the burden of justifying the granting of the special exception requested. The Court did, however, reiters to the general rule and quoted with approval the language of the Court of Appeals in Emisther, Jan. v. Johnson, 225 Md. 379, in which the provisions of Special S02.1 of the Baltimere County Zoning Regulations were in issue.

The Court stated at page 383 of that opinion as follows:

The general rule is that in rowtening the action of mains bearing a man will not admittable the judgment for the judgment of the beard unless the action to be relations, capacitions or Highest the statement of the beard unless the action to about the forest the judgment of the beard unless the action to about the control of the property of the prop

RE: PETITION FOR SPECIAL EXCEPTION for Elevator Apartment Building including accessory business uses for the conventience of its tenants N/S Security Blvd. 240' NW of Colonial Road - and NE/S Security Blvd. 240' SE of Ca' stal Road, In District

COUNTY BOARD OF APPEALS

OF

Cal rial Road,
Iso District : BA
Garden Construction Corporation,

Petitioner
A.E.T., Inc., Contract Purchaser

No. 67-85-X and No. 67-86-X

OPINION

The petitioner in this case seeks a special exception for elevator apartmen buildings on two parcels of ground situated on the north side of Security Boulevard at its intersection with Colonial Road in the First Election District of Baltimore County.

The petitioner, Garden Construction Corporation, filed separate petitions on each parcel. Case #67-85-X involves 8.5 acres of ground on which the petitioner proposes to construct 160 apartment units, and case #67-86-X consists of 5 acres of ground on which the petitioner proposes to construct 95 apartment units. These two cases were consolidated and heard as one car: by the Board.

The properties are situated on the north side of Security Boulevard, on both the east and west side of the intersection of Security Boulevard and Colonial Road. The properties are irregular in shape and are rather norrow, lying between Security Boulevard and Dead Run. The land was placed on the western area map in an R-A classification when the map was adapted by the County Council in November of 1962.

The petitioner proposes to eract two mid-rise operiment buildings containing a total of 255 apartments. This would be an increase of 20 apartment units over the
allowable 235 apartment units that could be built on the subject properties without any
special exception. The petitioner produced affirmative testimony that the special exception for elevator apartment buildings would in no way violate Section 502.1 of the
zoning regulations.

The Court, in the instant case, is of the opinion that the Petitioners (the Appelloes here) did produce affirmative evidence of a substantial and convincing nature that justified the Soard in concluding that the provisions of Section 502.1 would not be violated, but to the contrary, the requirements thereof would be satisfied by the granting of the special exceptions requested. There was certainly supporting evidence upon which a rotional judgment could be based that the statutory standards had been met. The Board's decision, having been based upon evidence of this character, should not be disturbed by this Court under its limited power of judicial review of an administrative egoncy's determination.

For the reasons stated and in conformity with the foregoing opinion, it is this 20th day of May, 1953, by the Circuit Court for Baltimore County ORDERED that the Order of the County Board of Appeals of Baltimore County dated August 25, 1967, be and the same is hereby officered.

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

WILLIAM STITELY and YVONNE STITELY

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

WILLIAM S. BALDWIN, W. GILES PARKER, and WALTER A. REITER, JR., constituting the BOARD OF APPEALS OF BALTIMORE COUNTY

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MOTION AND ANSW." OF RDEN CONSTRUCTION CORPORATION AND A.E. A., INC., TO PETITION FOR APPEAL

Garden Construction Corporation and A. E. T., Inc., by T. Bayard Williams, Jr., and Johnson Bowle, their attorneys, in answer to the petitio for appeal, say:

- The petition for appeal is not in proper form in that under the Maryland Rules of Procedure, Rule B 2 a, an order for appeal should have been filled with the Clerk of the Circuit Court for Baltimore County, and, therefore, in answer to Paragraph 1 of said petition for appeal say that it is not a proper appeal.
- They deny the allegations of Paragraph 2a, b and c and d, and "e" is not in proper form.
- 3. Further answering said petition for appeal, they say that the granting of the special exception by the Board of Appeals was in accordance with the provisions of the Baltimore County Zoning Regulations, Section 502, 1, and the petition for appeal states no reasons which specifically show where said Section has not been complied with in this case, and the reasons assigned are general and apparently only alleged for the purposes of delay.

WHEREFORE, having fully answered said petition, Garden Construction Corporation and A. E. T., Inc., move that the petition for appeal be dismissed

- 2 -

Garden Construction Corp. - Case #67-85-X and Case #67-86-X

The only protes ont, a Mrs. Yvonne Stitely whose property adjoins the subject property, testified that she had had flooding on her property; that she objects strenowsly to the proposed buildings; and that traffic is beary on Security Boulevard. The Board does not feel that her fear are well founded. Vic do not see how an increase of 20 units on 13-1/2 acres of ground could create any traffic congestion, nor do we see how it could in any way violate the other previsions of Section 302.1 of the zoning regula-

For the reasons given above, the petition for special exception for elevator apartment buildings will be granted subject to site plan approval of the Office of Planning and Zoning, Bureau of Public Services, and the State Roads Commission.

ORDER

For the rections set forth in the aforegoing Opinion, it is it is 25th day of August, 1967 by the County Board of Appeals, OR DERED that the special exceptions petitioned for, be and the same are hereby GRANTED, subject to site plan approval of the Office of Planning and Zoning, Bureou of Public Services, and the State Roads Commission.

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

Mhile Park

Brothe O.C.

EXCEPTIONS
N/Side Security Boodeward 240 foor;
N/Side Security Boodeward 240 foor;
N/E/Side Security Boodeward 240 foors
Get See of Colonial Drive - int Dist.
Garden Construction Corporation

JOHNSON BOWIE ATTORNEY AT LAW TOWSON, NO. 2120-

TLING

DEF. . Y ZONING COM-MISSIONER OF BALTIMORE COUNTY

: 67 (3) X and 67 (86-X

The Petitioner seeks a Special Except on to use its properly for elevator apartment buildings or in other words high rise apartments.

The facts and circumstances in both cases are identical so both Petitions will be treated as one.

ing of 8.5 acres is situated on the N side of Security Boulevard 240 feet NW of Goloniar Road. Tract 2, consisting of a Security Boulevard 240 feet side of Security Boulevard 240 ergs for Coloniar Broad. The Security Boulevard 240 ergs for Coloniar Broad Price. Both tracts, owned by the same corporation, are somed RA by virtue of the zoning map. If the Price Security Boulevard 240 ergs for Security Boulevard 240 ergs for Coloniar Broad Price Security Boulevard 240 ergs for Coloniar Broad Price Security Boulevard 240 ergs for Security Broad Broad Price Security Broad Price Broad

Plans call for the construction on tract I of a six stury glevator apartment building containing ito units with off-street parking for so which was torry apartment building consisting of a units would be constructed on tract 2 with 100 off-street parking spaces. Projected entitle would full from \$150 to \$190 per month.

Mr. Jerome wolft, a consulting engineer, who also qualifies as a traffic expert, reaffed that water and sewer are available and adequate. He further testified that water and sewer are available and adequate by the construction of aforcementioned apartment declings. He aforcementioned apartment declings. He that security flowlevard a face commodate the traffic to be generated by the apartments. His testimost commodate the traffic to be generated by the Exceptions in this matter would not contain a face of the special Exceptions of the Baltimore County Zoning Regulations.

The neighborhood has steadily under gone a change in character. The Social Security complex, is located on the S side of Security Boulevard just W of the subject tracts. It is generally understood that this complex will in the near future be enlarged. Just He on the S side of Security Boulevard near its inter-section with Ingleside Avenue another large gardentype apartment complex is currently being constructed.

Most of the pro' st was based on the fear that the proposed that children living in the apartments would create traffic congestion on the streets and that children living in the apartments would be forced to attend schools which are already over crowded. There also some alarm expressed that the proposed apartments would possibly aggravate the flood condition in that area between the rear of the proposed structures and Dogwood Road.

JOHNSON BOWIE ATTORNET AT LAW TOWSON, NO. 2150

WILLIAM S. BALDWIN, W GILES PARKER, and
WALTER A. REITER, JR.,
constituting the BOARD OF APPEALS
OF BA TIMORE COUNTY IN THE CIRCUIT COURT OF BALTIMORE COUNTY Misc. Docket 8

Misc. Doc. Folio 239 Case No. -2837 3244

ZOHING FILE #67-36-X

MOTION TO DISMISS APPEAL

The motion of Garden Construction Company, Petitioner, and A. E. T., Inc., contract purchaser, by T. Bayard Williams, Jr. and

- 1. That the Circuit Court for Baltimore County, by its
- 2. That an appeal was duly filed by the Plaintiffs, William
- 3. That said Plaintiffs filed a Petition to extend the time for transmitting records in this Court for sixty (60) days from July 17, 1968, and that said Petition was granted by order of the Court dated July 17, 1968.
- required for transmitting the record on appeal.

- 1. That this Court strike out the order for appeal;

Date: Telmany (1911)

Order, subject to the following:

Sild whole

With respect to the traffic congestion. Mr. Welff was of the definite opinion there would be none. As to the possible fixeding conditions. Mr. Welff testified that the proposed apartments would in no way create or aggravate a flood condition. As a practical matter, Ballimore County would not issue a building permit or enter into a Public Warks Agreement if there was any possibility that a flood condition would be created. With respect to the over crowding of schools, experience teaches that there are very few children of school age in high rise apartments.

The Deputy Zoning Commissioner received the impression that the aggreeved neighbors are treating this case as a reclassification instead of a Special Exception. These reacts are already zoned ton garden-type apartments and there is nothing to prevent the Petitioner from developing them as such. As a matter of fact, there would probably be more children in garden-type apartments than in the proposed high rise.

In conclusion the Deputy Zoning Commissioner feels that the Petitioner has met the burden of proof in complying with the requirements of Section 902.1 of the Baltimore County Oning Regulations, and is not the opinion that the Petitions for Special Exceptions for elevator apartment buildings should be granted.

For the atoregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner that the Special Exception for elevator apartment buildings should be and the same is granted from and after the date of this

No part of the proposed buildings shall be used for commercial purposes,

All traffic ingress and egress/restricted to and by way of Security Boolevary.

The site plans shall be subject to the approval of the Office of Planning and Zoning, Buress, of Public Services and the State Roads Commission.

=17 EOS

WILLIAM STITELY and YVONNE STITELY

IN THE CIRCUIT COURT OF BALTIMORE COUNTY

EDWARD D. HARDESTY, Deputy Zoning Commissioner

WILLIAM S. BALDWIN. W. GILES PARKER, and WAL PER A. REITER, JR., constituting the BOARD OF APPEALS OF BALTIMORE COUNTY Misc. Docket 8

ZONING FILE # 67.26-X

MOTION TO DISMISS APPEAL

The motion of Garden Construction Company, Petitioner, and A. E. T., Inc., contract purchaser, by T. Bayard Williams, Jr. and Johnson Bowie, their attorneys, say:

- 1. That the Circuit Court for Baltimore County, by its order dated May 20, 1968, affirmed the order of the County Board of Appeals in the above-entitled matter.
- 2. That ar appeal was duly filed by the Plaintiffs, William Stitley and Yvonne Stitely.
- 3. That said Plaintiffs filed a Petition to extend the time for transmitting records in this Court for sixty (60) days from July 17, 1968, and that said Petition was granted by order of the Court dated July 17, 1968.
- 4. That the Plaintiffs have not paid for the record as required by Rule 313 of the Maryl and Rules of Procedure within the time required for transmitting the record on appeal.

WHEREFORE, it is moved, in accordance with Rule 813 of the Maryland Rules of Procedure;

- 1. That this Court strike out the order for appeal;
- 2. That the appeal be dismissed and the judgment of this Court be declared final.

Johnson Bowie, their attorneys, say:

- order dated May 20, 1968, affirmed the order of the County Board of Appeals
- Stitley and Yvonne Stitely.
- 4. That the Plaintiffs have not paid for the record as required by Rule 813 of the Maryl and Rules of Procedure within the time

WHEREFORE, it is moved, in accordance with Rule 313 of the Marylana Rules of Procedure;

- 2. That the appeal be dismissed and the judgment of this Court be declared final.

T. BAYARD WILLIAMS, JR.

JOHNSON BOWIE

22 W. Pennsylvania Avenue Towson, Maryland 21204 825-6014 Attorneys for Movant

Approved as to matters shown by record:

Circuit Court for Baltimore County

T. BAYARD WILLIAMS, JR.

JOHNSON BOWIE

22 W. Pennsylvania Avenue Towson, Maryland 21204 825-6014 Attorneya for Movant

IN THE CIRCUIT COURT

Mis. Docket 8

Folio 239 Case No. 2834

1d Leden L. Barrett

ORDER

ORDERED this Ethdayor Movember , 1968, by the Circuit

, that a copy of the aforegoing Motion and Order was mailed to G. Mitchell

Austin, 200 Padonin Road East, Cockeysville, Maryland 21030, Attorncy

Court for Baltimore County, that the above-entitled appeal by and is hereby

Upon the aforegoing Motion to Dismiss Appeal, it is, reby

HEREBY CERTIFY this Hiday of Movember. 1969

JOHNSON BOWIE

Attorney for Movant

FOR BALTIMORE COUNTY

Approved as to matters shown by record:

Circuit Court for Baltimore County

WILLIAM STITELY and

WILLIAM S. DALDWIN.

striken out and dismissed.

W. GILES PARKER, and
WALTER A. REITER, JR.,
constituting the BOARD OF APPEALS
OF BALTIMORE COUNTY

YVONNE STITELY

WILLIAM STITELY and YVONNE STITELY

WILLIAM S. BALDWIN, W. GILES PARKER, and WALTER A. REITER, JR., constituting the BOARD OF APPEALS OF BALTIMORE COUNTY IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY Mis. Docket 8 Folio 239 Case No. 2834

ORDER

Upon the aforegoing Motion to Dismiss Appeal, it is hereby ORDERED ti dayof Movember . 1963, by the Circuit Court for Baltimore County, that the above-entitled appeal by and is hereby striken out and dismissed

1 Lesten L. Barrett

I HEREBY CERTIFY this May of november. 1963 , that a copy of the aforegoing Motion and Order was mailed to G. Mitchell Austin, 200 Padonia Road East, Ccckeysville, Maryland 21030, Attorney

JOHNSON BOWIE

WILLIAM STITELY and

WILLIAM S. BALDWIN, W. GRES PARKER and WALTER A. REITER, JR.,

COUNTY BOARD OF AFFEALS OF BALTIMORE COUNTY

CIR CUIT COURT

BALTIMORE COUNTY AT LAW 239 3024

FOR

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

Recid 11/14/68 9:3644

Sec. 11/4/62

CIRCUIT COURT FOR BALTIMORE COUNTY W. OILES PARKER and WALTER A. REITER, JR., AT LAW COUNTY TOARD OF ATPEALS OF BALTIMORE COUNTY 239 3824 TO THE HONORABLE, THE JUDGE OF SAID COURT: And now come William S. Buldwin, W. Giles Perfor and Welter A. Relter, ring the County Beard of Appeals of Baltimore County, and in ensuer to the Order for Appeal directed against them in this case, herewith return the record of prac had in the above entitled matter, comforing of the following certified copies or original popers on file in the office of the Zening Department of Baltimera County: ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY No. 47-85-X and No. 67-86-X utition of Gerdon Construction Corporation for species acception for overtor apertment building including accessory business uses for the acceptance of its tenests and as conditioned in Section (402A)402.4 Sept. 6, 1966 for opertuent building including security and the section (402A)402.4 inlance of its tenents and as conditioned in Section (402A)402.4 enlance of its tenents and property leasted on the north side of a Zening Regulations on property leasted on the north side of a Zening Regulation. Petition of Gerden Construction Corporation for special exception for elevator apertnent building including excessory business use for the convenience of its tenents and as conditioned in Section (600A) 602. def the Zening Regulations on property located on the northwest side of Security Boulevaid 200 southeast of Colonial Drive, lat Dist. – filled Commissioner directing advertisement and pusting of a date of hearing set for October 17, 1966 at 11 a.m. Order of Zoning Commissioner dire Oct. & otes of Posting of properties - filed At 11 a.m. hearing held on both petitions by Deputy Zoning Commissioner - case held sub curto Order of Deputy Zoning Con PETITION FOR ZONING AL-CLAS THE SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY Corporation

I, or we, Garden Construction / legal owner ... legal owner , of the property situate in Baltimore

let of Testiment filed Oct. 25 Site Plan of Case 467-86-X - exet of m' Exhibit "A" - (1 and 2) File #47-85-X and Oct. 25 cedings pursuant to which said Order was entered and rds of the Zaning Department of Beltimore County, or are also the use district maps, and your Respondents respectively suggest that it would be incorrenient and inappropriate to file the same in this proce eding, but your Respon rduce any and all such rules and regulations, together with the zening use district maps at the hearing on these petitions or vinenever directed to do so by this Court. Respectfully submitte Edith T. Eisenhart, Secretary County Board of Appeals of Baltimore County

Appealed 9/25/67 - Garden Construction Corp. - File 67-85-X & 67-96-X cc: Solicito WILLIAM STITELY and IN THE CIACUIT COURT WILLIAM S. BALDWIN, W. GILES PARKER ord WALTER A. REITER, JR. FOR BALTIMORE COUNTY constituting the BOARD OF APPEALS OF BALTIMORE COUNTY AT LAW 239 3824 CERTIFICATE OF NOTICE Mr. Clerk Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of Procedure, William S. Baldwin, W. Giles Parker and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filling of the appeal to the representative of every party to the proceeding before nely, T. Bayard Williams, Jr., Esq., 6722 Holabird Avenue, Dundalk, Maryland, 21222, and Johnson Bowle, Esq., Loyola Federa! Bullding, Towson, Maryland, 21201, Homeys for the Petitioner, and G. Mitchell Austin, Esq., 24 West Pannsylvania Avenue Towson, Maryland, 21204, Attorney for the Projectants, a copy of which notice is attached hereto and prayed that it may be made a part thereof. Muriel E. Buddemeler County Board of Appeals of Baltimore County County Office Building, Towson, Md. 21204 VAlley 3-3000, Ext. 770 I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to T. Bayard Williams, Jr., Esq., 6732 Holabird Avenue, Dundaik, Maryland, 21222, and Johnson Bowle, Esq., Loyula Federal Building, Towson, Maryland,

\$ 67-85X

CERTIFICATE OF POSTING

nse, Tauron, Maryland, 21204, Attorney for the Protestants, on this

lay of September, 1747.

	Towsen, Maryland
District 15T Posted for Applical	Eate of Posting March 39, 196
	them loop. The 240 NW florenial Hec.
DN/5 Security State	About "95' No of Pelemat Rd
Posted by Signature	Date at return Printly 30, 1967

on the north side of said Boulevard westerly 980 feet more or less by an arc curving to the left with a radius of 3400' to the beginning of the second or North 3 degrees 52 minutes 09 seconds West 150.00 foot line of that tract of land which by deed dated July 1, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3558 folio 272 etc. was conveyed by Charleston Hall, Inc. to Bankers Trust Company thence leaving the north side of said Security Boulevard and binding on said second line and on a proplongation thereof northerly 200 feet more or less to intersect the tenth or South 85 degrees 33 minutes 20 seconds West 549,10 foot line of that tract of land which by deed dated August 13, 1962 and racorded among the Land Records of Baltimore County in Liber W.J.R. No. 4035 folio 311, etc. was conveyed by Garden Construction Corporation to The Vestry of the Church of St. Mary The Virgin of Baltimore County thence binding on a part of said tenth line reversely, easterly 375 feet more or less to the beginning thereof, thence binding on the ninth line of said lastly described deed northeasterly 607.76 feet to the beginning thereof, said point being in or near the center of Dead Run thence in the center of asid Run easterly and southeasterly 500.00 feet more or less to intersect the third line of the firstly described deed, thence binding on a part of said dine reversely and on a prolongation thereof southwesterly 200.00 feet more or less to the place of beginning.

Registered Land Surveyor: 1000 Part 7/1/1.

County and which is discribed in the description and plat attached hereto and made a part hereof, hereby petition of this the county and the county are considered to the county are considered to the county and the county are considered to the county are considered to the county and the county are considered to t

See attached description

AND ANY or a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Elevator Apartment Building including cores. or use the accent describes property, no accessory business uses for the convenience of its tenants and as conditioned in Section (402A) 402.4.

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

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

GARDEN CONSTRUCTION CORPORATION A.E.T., INC. Legal Owner Address 2400 Greenmount Avenue Address One Charles Center Baltimore, Maryland 2)291 Baltimore, Maryland 21218 Manth m G. Mitchell Justin T. Bayard Williams, Ir. 2115 Alch Osems fol Da

ORDERED By The Zoning Commissioner of Baltimore County, this , 196.6., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughore 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

Dundalk, Maryland 21222

11

SP 5 56 PM day of October . 196 . at \$1:00 clock

1 4. 40LFF - E

JEROME B. WOLFF AND ASSOCIATES Consulting Engineers TOWNER & MARYLAND

SPECIAL EXCEPTION
PETITION FOR ELEVATOR
APARTMENT USE WITH ACCESSORY
BUSINESSES IN R A ZONE
(WEST OF COLONIAL ROAD)

BEGINNING for the same on the north side of Security Boulevard (120 feet wide) at a point distant 740 feet more or less Northwesterly from the centerline of Colonial Road, said point being the intersection of the north side of said Boulevard with the prolongation southerly of the third or line curving to the northeast with a radius of 759.00 feet for a distance of 325.24 foot line of the second parcel of land which by deed dated August 15, 1952 and recorded among the Land Facords of Baltimore County in Liber G.L.B. No. 2157 folio 498 etc. was conveyed by The Fidelity Trust Company to Nathan H. Shillman and running thence sinding on the north side of said Security Boulevard westerly 30 feet morn or less by an arc curving to the left with a radius of 860 feet to the southwest side of Mt. Vernon Drive as shown on the Plat of Colonial Park Escates as filed among the Land Records of Baltimore County in Plat Book No. 2, folio 337 thence leaving the north side of said Boulevard and binding on the southwest side of said Mt. Vernon Drive, northwesterly 255 feet more of less to the division line between lots No. 5 and 6, Block "K" as shown on said Plat, thence leaving the southwest side of said Mt. Vernon Drive and binding on said division line southerly 145 feet more or less

to the north side of said Security Boulevard thence binding

CONTAINING approximately 8.5 acres of land.

ORDER OF PPEAL

MR. CLERK.

Please note an Appeal on behalf of William Stitely and Yvenne etitley of mty to the Circuit Court of Baltimore County, is the matter of the a for Special Exception for real property situate N/S Security Blvd. 24' miai Road and NE/S Security Blvd. 240' SE of Colonial Road, let District, Baltimore County, being the property of Garden Construction Company.

This appeal is from the decision of the County Board of Appeals of e County, dated August 25, 1967, granting the requested special exception and is fited pursuant to the previsions of Maryland Rules of Procedure 1101 t.

> O. Mitchell Austin Attorney for Protestants
> 24 West Pennsylvania Avenue
> Towson, Maryland 21204
> 828-9353

C. Mitchell Austin

I HEREBY CERTIFY that a copy of the aforegoing ORDER OF APPEAL, was, prior to the filing of the PETITION FOR APPEAL, served on the County Beard of Appeals of Baltimore County by leaving a copy of same with the Secretary of the said Board at its office in the County Office Building, Towsen, Maryland 21204, this 22 day of September, 1967, pursuant to the Maryland

Rec'd 9/20/67

The only protestant, in Miss. Yvanne Stitely whose property adjoins the sub-The Board does not feel that her fears are well founded. We do not see how on increasof 20 units on 13-1/2 acres of ground could create any traffic congestion, nor do we see

apartment buildings will be granted subject to site plan approval of the Office of Planning

For the reasons set forth in the aforegoing Opinion, it is this 25th day of Huard 1967 by the Chun y Board of Appeals, OK DERED that the special exceptions Office of Planning and Zuning, Bureau of Public Services, and the State Roads Countission.

Any appeal from this decision must be in accordance with Chapter 110C, subtitle B of Maryland Rules of Procedure, 1961 cultion.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

WILLIAM S. BALDWIN, W. GELES PARKER, and WALTER A. RESTER, JR.

BALTIMORE COUNTY

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The potition of William Stitely and Treene Stitely, his wife, by hell Austic, their atterney, filed pursuant to the provintens of Maryland Rules of Procedure 1101 b respectfully represents unto your He

- I. That this appeal is from an Order of the County Board of Appeals of Baltimore County passed August 25, 1967, by which the Beard its property located N/S Security Blvd. 24' NW of Colonial Road and NE/S Security Blvd. 240' SE of Colonial Road, 1st District, Baltime for e'evator apartment buildings.
- 2. That the act of the Bot of in granting the requested special tion was arbitrary, illegal, and capricious and entirely inconsistent with
 - a. That the County Board of Appeals misinterpreted the evidence and misapplies the law in reaching their
 - b. That the decision of the Board was against the weigh of the avidence
 - c. That the decision of the Board constitutes an abusof the discretion of the said Board.

WHEREFORE your Potitioners pray that this Henerable Court issue it ere County and deny the special exception of the subject preparty

AND AS IN DUTY BOUND, ETC.

I HEREBY CERTIFY that a copy of the aforegoing Politics was on the County Board of Appeals this day of September, 1967, capy of same to the said Board at its office in the County

G. Mitchell Austin

Reid 9/20167

ppecied 9/20/67 - Garden Construction Corp. -47-85-X & 67-86-X

Zoning Perkins

WILLIAM STITELY and YVONNE STITLLY WILLIAM S. RALDWIN, W. GILES PARKER and WALTER A. REITER, JR., constituting the BOARD OF APPEALS OF BALTIMORE COUNTY

CINCUIT COUR FOR BALTIMOM COUNTY AT LAW Felle Ne. 239 3824

CERTIFICATE OF NOTICE

Mr. Clerks

Purposet to the provisions of Rule 1101-8(4) of the Maryland Rules William T. Baldula, W. Giller Parker and Walter . Balter, Jr., con-

Stitely, William

for the Potitioner, and G. Mitchell Austin, Eq., 24 West Par min, Torresm, Maryland, 21204, Attorney for the Protestants, on this

-2-

Muriel E. Budd

BEFORE

COUNTY BOARD OF APPEALS

PETITION FOR SPECIAL EXCEPTION for Elevator Apai ment Building including accessory busines; uses for the convenience of its tenant N/S Security Blvd. 240' NW or Cobinial Road and do NE/S Security Blvd. 240' SE of Colonial Road, lat District BALTIMORE COUNTY Garden Construction Corporation

No. 67-85-X and No. 67-80-X

OF

OPINION

The petitioner in this case seeks a special exception for elevator apr buildings on two parcels of ground situated on the north side of Security Boulevard at its intersection with Colonial Road in the First Election District of Baltimore County.

The petitioner, Garden Construction Compaction on each parcel. Case \$67-85-X involves 8.5 occes of ground on which the petitioner proposes to construct 160 apartment uni's, and case #67-86-X consists at 5 acres of ground an which the potitioner proposes to construct 95 apartment units. These two cases were consolidated and heard as one case by the Board.

The properties are situated on the north side of Security Boulevard, on both the east and west side of the intersection of Security Boulevard and Colonial Road. properties are irregular in shape and are rather narrow, Tying between Security Boulevard and Dead Run. The land was placed on the western over map in an R-A classification when the map was adopted by the County Council in November of 1962.

The petitioner proposes to erect two mid-rise opartment buildings contain ing a total of 255 apartments. This would be an increase of 20 apartment allowable 235 apartment units that could be built on the subject p special exception. The petitioner produced affirmative testimony that the special exception for elevator apartment buildings would in no way violate Jection 502.1 of the

Bes Anderson

er Banter

RE: PETITION FOR SPECIAL EXCEPTION

A.E.T., Inc., Contract Purchaser

67-85 X CIR CUIT COURT 67-86-2

entA .

WILLIAM S. BALDWIN, W. GILES PARKER and WALTER A. REITER, JR., acceptioning COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

FOR BALTIMORE COUNTY

AT LAW

239 felle No. 3824 File No.

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

Pila Calat

PETITION FOR SPECIAL EXCEPTIONS N/Side Security Boulevard 2:10 feet : NW of Culonial Road - 1st Dist, & NW of Colonial Road - is Dist. &
NE/Siue Security Boulevard 240
feet SE of Colonial Drive - 1st Dist. .
Garden Construction Corporation,
Petitioner :

#C7-85X

2-8

NW-2-E

NW-2-F

BEFORE THE DEBUTY ZONING COM-MISSIONEP OF BALTIMORE COUNTY

. 67-85-X ap; 67-86-X

11111111111111111

The Petitioner seeks a Special Exception to use its property one Petitioner seeks a special Exception to use its property for elevator apartment buildings or in other words high rise apartments. The facts and circumstances in both cases are identical so both Petitions will be treated as one.

The subject properties consist of two tracts. Tract !, consist-The subject properties consist of two tracts. Tricit 1, consisting of 8,5 acres is situated on the N side of Security Boulevard 240 feet NW of Colonial Road. Tract 2, consisting of 5 acres is situated on the NB side of Security Boulevard 240 feet Sic of Colonial Drive. Both tracts, when we corporation, are zoned RA by virtue of the zoning map. If the tracts were developed in their present zoning, the Petitioner could construct [6 units, 14 a Special Exception for high rise spartments is granted, then the Petitioner could construct 255 units.

Divise call for the construction on tract I of a six-story Plans call for the construction on ract 1 or a security of the variety apartment building containing 160 units with off-street parking for 189 vehicles. A six-story apartment building consisting of 95 units would be constructed on tract 2 with 109 off-street parking spaces. Projected realls would run from \$150 to \$190 per month.

Mr. Jerome Wolff, a consulting engineer, who also qualifies as a traffic expert, testified that water and sewer are available and adequafurther testified that there would be no serious traffic congestion crea ne construction of the aforcmentioned apartment dwellings. He state Se unity boulevard is four lanes divided by a median strip and further that Se surity boulevard is four fances divined by a friction any one that this major artery could accommodate the traffic to be generated by the aparaments. His testimony in essence was that the granting of the Special Exceptions in this matter would not violate Section 502.1 (requirements of Special Exceptions) of the Baltimore Gounty Zoning Regulations.

The neighborhood has steadily under gone a change in character The noriginormood has steerly under gone a change in charactery and the solid Society complex, is located on the S side of Society Boulevard just W of the subject tracts. It is generally understood that this complex will in the near future be enlarged. Just to the E on the S side of Society Boulevard near its inter-section with inglessite Arenne another large garden type apartment complex is currently being constructed.

Most of the protest was based on the fear that the prohigh rise apart nents would create traffic congestion on the streets and that children living in the apartments would be forced to attend schools which are already over crowded. There was also some alarm express that the proposed apartments would possibly aggravate the flood conditi rea between the rear of the proposed structures and Dogwood Road.

\$67-85x. to the north side of said Security Boulevard thence binding on the north side of said Boulevard westerly 980 feet more or less by an arc curving to the left with a radius of 3400' to the beginning of the second or North 3 degrees 52 minutes 09 seconds West 150.00 foot line of that tract of land which by deed dated July 1, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3558 folio 272 etc. was conveyed by Charleston Hall, Inc. to Bankers Trust Company et al thence leaving the north side of said Security Boulevard and binding on said second line and on a proplongation thereof northerly 200 feet more or less to intersect the tenth or South 85 degrees 33 minutes 20 seconds West 549.10 foot line of that tract of land which by deed Gated August 13, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4035 folio 311, etc. was conveyed by Carden Construction Corporation to The Vestry of the Church of St. Mary The Virgin of Baltimore County thence binding on a part of said tenth line reversely, easterly 375 feet more or less to the beginning thereof, thence binding on the minch line of said lastly described deed northeasterly 607.76 feet to the beginning thereof, said point being in or near the center of Dead Run thence in the center of said Run easterly and southeasterly 560.00 feet more or less to intersect the third line of the firstly described deed, thence binding on a part of said line reversely and on a prolongation thereof southwesterly 200.00 feet more or less to the place of beginning.

CONTAINING approximately 8.5 acres of land.

Registered Land Surveyor: James R. Acel 7/3/46
Doe not singly a neurit energy James R. Hask \$ 5096

With respect to the traffic congestion, Mr. Woiff was of the definite opinion there would be none. As to the possible flooding conditions $M\tau$. Woiff testified that the propose apartments would in no way create or aggravate a flood condition. As a practical matter, Baltimore County would not issue a building permit or enter into a Public Works Agreement if there was any possibility that a flood condition would be created. With respect to the over crowing of schools, experience teaches that there are very few children of school age in high rise apartments.

The Deputy Zoning Commissioner received the impression that the aggrieved neighbors are treating this case as a reclassification instead of a Special Exception. These tracts are already zoned for gardentype apartments and there is nothing to prevent the Petitioner from developing them as such. As a matter of fact, there would probably be more children in any department that is the meaning the probably the more children. in garden-type apartments than in the proposed high rise.

In conclusion the Deputy Zoning Commissioner feels that the Petitioner has met the burden of proof in complying with the requirements of Section 502.1 of the Baltimore County Yoning Regulations, and is of the opinion that the Petitions for Special Exceptions for elevator apartment buildings "Nould be granted."

For the aforegoing reasons, !T IS ORDERED by the Deputy oning Commissioner that the Special Exception for elevator apartment wildings should be and the same is granted from and after the date of this Order, subject to the following:

- No part of the proposed buildings shall be used for
- All traffic ingress and egress/restricted to and by
- The site plans shall be subject to the approval of the Office of Planning and Zoning. Bureau of Public Services and the State Roads Commission.

EDWARD D. HARDESTY,
Deputy Zoning Commissioner

Date: February 6, 1967

84/4

PETITION FOR SPECIAL EXCEPTION 1st DISTRICT

67-85 X I

ZONING

DATE

Petition for Special Exception for Elevator Apartment building including occasions business uses for the curventance of its tenents.

LOCATION

North side of Security Coulevard 240 feet northwest of Colonial Rend. MONDAY, OCTOPER 17, 1966 at 11:00 A.M.

DATE & TIME PUBLIC HEARING

Room 100, County Office Building, 111 % Chasepasks Avanue, Towson, Haryland,

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

Potition for Special Exception for Elevator Apartment Building including accessory business uses for the convenience of its tements and as examine conditioned in Section (402A).

All that percelof land in the First District of Beltimore County

property of Garden Construction Jorperstian, as aboum on plat plan filed

PETITION FOR ZONING RECULASSIFICATION AND OR SPECIAL EXCEPTION

TO THE PONING COMMISSIONER OF BALTIMORE COUNTY: Corporation

I. or we, Garden Construction legal owner of the property situate in Baltimore PARP County and which is described in the description and plat attached hereto and made a part hereof. 2 - B hereby petition xitothatothe.comingatator.of-the-herein-described-property-by-review xsens/tex

NW-2-E See attuined description "X Section 215.5 of

sande2xfor a Special Exception, under/the said Zoning Law and Zoning Regulations of Baltimore

County, to use the herein described property, for Elevator Apartment Building including accessory business uses for the convenience of its tenants and as conditioned in Section (402A) 402.4.

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

I, or we, agree to pay expenses of about prescribed by Zoning Regulations. 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

A.E.T. INC.

GARDEN CONSTRUCTION CONTROLLING CONTROLLING CONTROLLING CONTROLLING CONTROLLING ASSOCIATION CONTROLLING CONTROLLING ASSOCIATION CONTROLLI GARDEN CONSTRUCTION CORPORATION By Juin Address One Charles Center

Address 2400 Greenmount Avenue

Baltimore, Maryland 21201 T. Bayard Williams, Jr. Address 6732 Holabird Avenue Dundalk Maryland 21722

Baltimore, Maryland 21218 D. Mitchell Clustin 2115 Ald Diems Of

ORDERED By The Zoning Commissioner of Baltimore County, this 6th 196. f., that the subject matter of this petition be advertised, as of__September____ 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



Zoning Commissioner of Baltimore County.

1/0/17/66

410

BALTMORE COUNTY, MARYLAND No.40654 OFFICE OF FINANCE DATE 9/23/66

ON AND RETURN WITH YOUR REMITTA Patition for Special Exception for Garden Constr. Co. 50.06 PART - NO Providence LAL - COM 9-1366 0207 + 60655 108cana IMPORTANTI MAKE CHECKS PAYABLE TO EALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSO PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

T. Bayard Williams, Jr., Es 6732 Holabird Avenue Dundelk, Maryland 21222

BALTIMORE COUNTY OFFICE OF PLANNING AND CONING

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

Your petition has been received and accepted for filing this

Petitioner's Attorney T. Bayard Williams, AReviewed

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

JEROME B. WOLFF. P. E.

GEORGE E. GAVE

Special Exception - Elyvator Apartments with Accessory Business Uses for Garden Construction Corp., located NE/S Security Blwd 2h0' SE/Q Colonial Rood, let District (Item L, September 6, 1966)

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

JEDivln

WESTERN nREA

Must

2-6

67-85-X

BEGINNING for the same on the north side of Security Boulevard (120 feet wide) at a point distant 240 feet more or less Northwesterly from the centerline of Colonial Road, said point being . - ip section of the north side of said Boulevard with the presongation southerly of the third or line curving to the north ast with a radius of 759.00 feet for a distance of 325.24 foot line of the second parcel of land which by deed dated August 15, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2157 folio 498 etc. was conveyed by The Fidelity Trust Company to Nathan H. Shillman and running thence binding on the north side of said Security Boulevard westerly 30 feet more or less by an arc curving to the left with a radius of 860 feet to the southwest side of Mt. Vernon Drive as shown on the Plat of Colonial Park Estates as filed among the Land Records of Baltimore County in Plat Book No. 2, folio 337 thence leaving the north side of said Boulevard and binding on the southwest side of said Mt. Vernon Drive, northwesterly 255 feet more of less to the division line between lots No. 5 and 6, Block "K" as shown on said Plat, thence leaving the southwest side of said 'tt./Vernon Drive and

binding on said division line southerly 145 feet more or less

JEROME B. WOLFF AND ASSOCIATED

Consulting Engineers

BUITE 403, JEFFERSON BUILDING

SPECIAL EXCEPTION
PETITION FOR ELEVATOR
APARTMENT USE WITH ACCESSORY
BUSINESSES IN R A ZONE
(WEST OF COLONIAL ROAD)

September 13, 1966

T. Bayard Williams, Jr., Esquire 6732 Holabird Avenue Dundalk, Maryland 21222

The above referenced petition is accepted for filing as of the late on the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 days now han 90 days after the date on the filing pertificate, will be forwarded to you in the near future.

Very truly yours

823-3000 EXT. 367	BA	NIMORE COUNTY, MAYLAND OFFICE OF FINANCE Division of Follection and Revisits COURT HOUSE TOWSON, MARYLAND 21204	No. 42951
GEFOSIT TO QUANTITY	Account to 11422	RETURN THIS PORTION WITH YOUR REST DETACH ALUNG PERFORATION AND REP THIS PORTION FOR YOUR section of property for bridge Comptration Corp.	
	167-05-x	PAID-CALLED	
		1-19-67 * *\$2952 100	95.75
		F-1947 **	95.75
	4	HECKS PAYABLE TO BALTIMORE COUNTY, MAR	

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

Commission from Electronic State of the Commission of the Commissi



