

March 10, 1967
No. 67-86-X Gordon Construction Co.

Position, description of property, Order of Deputy Zoning Commissioner
Certificate of posting
Certificates of advertisement
Comments of Office of Planning
Eight letters of protest
Order of appeal
Photogrammetric Map
Map filed with petition

T. Bayard Williams, Jr., Esq.,
6732 Mulabird Avenue,
Baltimore, Maryland 21222
G. Mitchell Austin, Esq.,
2115 Old Green Road,
Baltimore, Maryland 21220
Mr. Donald Connolly,
5425 W. North Ave.,
Baltimore, Maryland 21207
Mr. P. T. Lammie,
1029 St. Paul St.,
Baltimore, Md. 21202

Counsel for petitioner
" " protestant
protestant

67-86-X
10 District
NE/S Security Blvd. 200' SE of
Colonial Drive
Gordon Construction Corp., Petitioner
2 signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

67-86-X
District 151
Date of Posting March 29, 1967
Posted for: *Gordon Construction Corp.*
Petitioner: *Gordon Construction Corp.*
Location of property: *NE/S Security Blvd. 200' SE of Colonial Dr.*
Location of Sign: *NE/S Security Blvd. 200' SE of Colonial Dr.*
Remarks: *2 signs*
Date of return March 30, 1967

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mrs. John G. Rose, Zoning Commissioner Date: October 7, 1966
FROM: Leslie H. Groel, Deputy Director of Planning
SUBJECT: Petition 67-86-X, Northeast side of Security Boulevard 240 feet Southeast of Colonial Road. Petition for Special Exception for Elevator Apartment Building including accessory business uses for the convenience of its tenants. Gordon Construction Corporation - Petitioners.

1st District
HEARING: Monday, 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 plan by this office.

5422 Clifton Ave.
Baltimore, Md. 21207
October 11, 1966

Mr. Edward D. Harvest, Deputy Zoning Commissioner
119 County Office Building
Towson, Md.

Dear Mr. Harvest:
Re: Beginning appeal proposing 189 Apartments on Security Blvd., District #1

We resident property owners are absolutely opposed to apartment construction at this location and such young must be reduced due to health and safety reasons as follows:

1. Traffic at this location now is extremely heavy with much congestion causing hazardous conditions. A school for this location means now considerable risk for walking school children. Why add to a bad problem?
2. Our water and sewer lines will be overloaded causing inconvenience as well as creating overhead and well sewage.
3. This location is one of individual homes, why overcrowd it?

Sincerely,
Albert B. Wood

2 Oct 1966

Mr. Ed D. Harvest
Deputy Zoning Commissioner
Towson, Md.

Dear Sir:
We would like to register a vigorous protest to the proposed building of 189 apartments on Security Boulevard. Mainly because of the terrible overcrowded schools now plus terrible traffic congestion which are a big handicap as it is.

Mr. David Wood
MR. & MRS. DAVID W. WOOD
3314 OVERHILL ROAD
BALTIMORE MARYLAND 21207

Mr. Ed D. Harvest,
Deputy Zoning Commissioner,
119 County Office Building,
Towson, Maryland, 21204

Dear Mr. Harvest:

As a property owner in the Woodlawn area, I would like to enter my protest against the proposed to build apartments on Security Blvd. near Colonial Drive.

The traffic in this area is very heavy due to the large number of employees at the Social Security Building and is continuously increasing as new employees are hired. If apartments are allowed to be built in this already very congested area, it certainly will cause many problems - not only in traffic but in the schools. Our children were all transferred this September from the Woodlawn Heights Elementary School to the Woodlawn Elementary School because of overcrowding. Both of these elementary schools must use annex buildings. Where will they put the children from these apartments?

If these buildings are allowed to be built, it will certainly have a bad effect on the area and I ask your earnest evaluation of this matter.

Yours very truly,
Irene A. Zingales
Donald L. Zingales

Edward D. Harvest
Deputy Zoning Commissioner
119 County Office Building
Towson, Md. 21204

Dear Sir:

My husband and I have very much opposed to having the 189 Apt. built on Security Boulevard for a number of reasons.

The traffic in our area has already been increased one hundred percent from the Social Security Office. Korman Drive where we live would hardly be adequate to carry the extra traffic we already have, which is also a bus route. Just nothing to say here just the other day and as we must walk with the children, and we almost had to by a car. We have been promised improvement in our roads, as of now we cannot believe in County promises.

Also would create an added strain on the water pressure which is for from good at the present time. It is already trying to get in

Oct 11 1966
Mr. Ed D. Harvest
Deputy Zoning Comm.
119 County Office Bldg.
Towson, Md.
21204

Dear Mr. Harvest,
My husband and I have heard of 189 apartments to be built on Security Blvd. West of Ingleside Ave.

We are very definitely against this more building in the neighborhood. The streets are already very crowded and we are afraid any more traffic as we are afraid to walk on the sidewalks. The schools are so overcrowded they are chafing the children from school to another.

The water pressure is so low now, if they add any more houses they are building in Security Blvd. Two more buildings. I think they had better take care of overcrowded streets before they

Plan to add more local traffic.
I hope you take in consideration both sides of situation: for making a decision.
Yours truly
Mrs. Richard Taylor

Mr. Edward D. Harvest
Deputy Zoning Commissioner
119 County Office Building
Towson, Maryland 21204

Dear Sir:

As a property owner and resident of the Woodlawn area, I want to register a protest against the construction of 189 apartment units along Security Boulevard.

The moving of the Social Security offices to Woodlawn has already created numerous problems and inconveniences for residents and if these proposed apartment units become a reality, there will be still more problems and inconveniences.

Schools in the area are already overcrowded, heavy traffic at times makes it almost impossible to get out of streets and private driveways now, so what would it be like with all of these additional housing units, and the water pressure would very probably be lowered considerably by the increased number of residents in the area.

I hope you will give serious thought to the plight of those of us who enjoyed the quiet, peaceful atmosphere of Woodlawn before Social Security invaded the area and do what you can to keep from taking all our pleasure in our homes.

I SAY - "KEEP THE APARTMENTS OUT!!!!!!"
Very truly yours,
Louise T. Butcher

Mrs. William H. Butcher
2003 Korman Drive
Baltimore, Maryland 21207

2002 Kernan Dr.
Baltimore, Md. 21207
October 11, 1966

Mr. Edward D. Harvett, Deputy Zoning Commissioner.
119 County Office Bldg.
Towson, Md. 21204
Dear Sir:



It has come to the attention of the residents of the Windsor Terrace Residential section of Baltimore County that a hearing is to be held concerning re-zoning land located along Security Blvd. near the intersection of Colonial Rd. This tract is at present a narrow strip of land through which a stream of water runs. I would like to voice a protest against this re-zoning offering the following reasons for my protest.

1. Even if the stream is completely filled in the ground is too small to furnish any space for recreation facilities and as a result our quiet, law abiding community will be invaded and overrun by restless, unmotivated

elements which will eventually lead to crime and deterioration of our neighborhood.
2. All the schools within a 5 mile radius are so overcrowded now that children living in these apartments would have to be bussed a distance away or worse yet. our children put on half sessions - and certainly we who pay such outrageous taxes to the County deserve better than that.

3. This tract of land is in a low level and if water is supplied to these apartments. we who live on the hills surrounding this site may find a second "Relay" situation when dry weather sets in.

4. Traffic conditions are next to impossible now both on Security Blvd. and all the arteries leading into it. There will be no room for parking and children trying to cross to attend St. Lawrence school will never be able to cross

Security Blvd.

5. Kernan Dr. which is a continuation of Colonial Rd. leads directly to Kernan Hospital for Crippled Children and many times ambulances trying to reach the hospital are hampered by the congested conditions which exist now, to say nothing of the additional noise created by the inhabitants of this many more people moving into the immediate vicinity.

6. Public transportation is inadequate to this site now and believe me the Transit Co. is not interested in improving the service in the least. They have made that plain to residents of this section many times.

I could go on to many reasons why we the longtime tax-paying

citizens of the immediate vicinity of Security Blvd. and Colonial Rd. do not want apartments built at this location, but will leave some other things for my neighbors to write.

Sincerely,

Mr. & Mrs. Lawrence Zettrain
2002 Kernan Dr.
Baltimore, Md. 21207

October 12, 1966



Mr. Edward D. Harvett
Deputy Zoning Commissioner
119 County Office Building
Towson, Maryland 21204

Dear Mr. Harvett:

I have been a resident of the First District for over twenty years and I have watched its steady growth with pride and enthusiasm, but I am appalled at the proposal which is going to be held on in the near future. I am referring to the proposal to erect 150 apartments on Security Boulevard. I can understand the "why", but, not being a politician, I cannot see the "how". Let me explain.

Between Security Boulevard and Towson Road is a narrow strip of land, through this strip runs a stream which cuts approximately through the center of the land. Now suppose you erect a high rise apartment on this ground and provide recreational space, parking space, entrance and access to and from it; with the heavy traffic using this road at the present time, would you have to use special care?

In addition, the influx of hundreds of people in this area, over and above those already accommodated by newly built construction, is already taxing the capacity of our schools. Probably, the schools would have to be erected in shifts providing inadequate instruction in this case, when most emphasis is placed on a proper education.

If you are familiar with the general tenor of this area, you will know that it consists of individual homes on a small plot of ground, mostly owner occupied, one family units. To allow this thing to be erected would change the entire make-up of this community, destroy present property values, and by its cramped position, without recreational space, will surely be a potential slum.

I am sure you will see how unfeasible this project is and will use your power to deny this petition.

Sincerely yours,

Frank W. Weitzel

Frank W. Weitzel

Mr. Ed. D. Harvett
Deputy Zoning Commissioner
Baltimore County
Towson, Md. 21204

Baltimore County, Baltimore -
October 11, 1966.

Sir:
We are opposed to the rezoning of a narrow strip of land bordering Security Boulevard near Kernan Drive, Towson Road and Colonial Rd. from a single cottage area to apartment type use zoning.

Our streets and roads are not able to handle the additional traffic that 150 families would bring to this section. Since Security Blvd is overbuilt many times of the day, little time is left for the cars and trucks to get in and out of the area.

Our schools are overcrowded now and build additional facilities is highly impractical because of lack of money. Of course, to even attempt to get in a 150 room apartment must require a lot of more on some other part and a lot of money to build it. The narrow strip is certainly unsuitable for such a project.

But do mention all those hard working people that need a long while to buy these small homes.

As we can not afford to lose time from work, to appear in person at your hearing, please report this as an official protest.

Sincerely yours,

Mr. & Mrs. Walter Wilmer
5413 Hutton Ave.
Baltimore Maryland 21207

P.S. We have owned our home here for 15 years and are not going to move.



March 9, 1967

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

Re: Petition for Special Exception -
N/E Side Security Boulevard
Security Boulevard, 1st Dist.,
Garden Construction Company
Petitioner - Nos. 67-85-X
and 67-86-X

Dear Mr. Williams:

Please be advised that appeals have been filed on the above matter from the decisions rendered by the Deputy Zoning Commissioner.

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

Very truly yours

Zoning Commissioner

Re: Petition for Special Exceptions
N/Side Security Boulevard 240 feet
NW of Colonial Road- 1st Dist. &
NE/Side Security Boulevard 240
feet SE of Colonial Drive- 1st Dist.
Garden Construction Corporation,

BEFORE THE ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Petition No. 67-86-X

John G. Rose
Zoning Commissioner of
Baltimore County

APPEAL

Please note on appeal to the Baltimore County Board of Appeals on behalf of the
Protestants, William F. Stately, et al. in the above captioned case.

G. Mitchell Austin
Attorney for the Protestants
2115 Old Crane Road
Baltimore, Maryland 21220
MU 6-5050



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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition has been received and accepted for filing this
6 day of Sept, 1966.

[Signature]
JOHN G. ROSE
Zoning Commissioner

Petitioner: Garden Construction Corporation

Petitioner's Attorney: T. Bayard Williams, Jr., Esquire

[Signature]
Chairman of
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

GEORGE E. GAYNE
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

September 13, 1966

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

RE: Special Exception - Elevator
Apartment Building for Garden
Construction Corporation,
located 1/2 Security Blvd.
240' NW of Colonial Road
(Item 2, September 6, 1965)
1st District

Dear Sir:

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

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

Very truly yours,

[Signature]
JAMES E. DYER, Principal
Zoning Technician

JED:ylm

October 14, 1966

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

Re: Petition for Special Exception for Garden
Construction Corp.
657-86-X

Dear Sir:

This is to advise you that \$74.75 is due for advertising
and posting of the above property.

Please make check payable to Baltimore County, Md. and
sent to Mrs. Anderson, Room 119, County Office Building
before the hearing.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/be

67-86-X

[Handwritten notes]
track on both sides of Colonial
Rd - border Security Blvd -

[Handwritten notes]
Architect - discussed bldgs - sketch type
3070 - 1 BR - \$150 -
507 - 2 BR - \$170 -
2070 - 3 BR - \$190 -

[Handwritten notes]
Protestants

[Handwritten notes]
North Ave - proposed - flooding
conditions - traffic - emergency
school emergency

[Handwritten notes]
W.B. Selwyn 5440 Dogwood Rd. 27 yrs -
see photos in file concerning flooding
on Dogwood Rd. - photos taken in 1955 -
lost for years - photos have not been
taken

[Handwritten notes]
Not app'd to median area apt. -
only app'd to business uses - not app'd
to professional offices

67-86-X

[Handwritten notes]
85 160 - Median Rise Apts - 6 stories
5 95 - elevator
85 136
5 80 Garden Type -
216

[Handwritten notes]
Contract purchase - A.E.T. -
land is now zoned R.A. (Original)
would cost \$2000 more per acre
to develop Garden Type -

[Handwritten notes]
topography is rough - stream runs
through it

[Handwritten notes]
Consulting Civil Engineer - both
tracks on South edge of Road Run -
3 bldgs on 85' tract - 6 stories
access by Security Blvd. - water & sewer
are available & adequate - see no
traffic problems - S.B. is 4 lanes with
median strip - access to business
will require less than 15% of total floor -
65000 cubic yds - 405000 m West tract
in Garden Type -
35000 cubic yds - Wait for report



[Handwritten notes]
Exhibits
67-85-X
67-86-X
6-22-67
Petitioners
#1 Traffic Count - 6-5-67 - By Joseph Thompson - Highway
#2 Streets / unit for survey - Green - BC Dept of St
#3 Comparison of prospective lot layout - preliminary only
#4 Elevation of lots 67-85-X - west of Colonial Rd 8.5 ft
#5 Elevation of lots 67-86-X - west of Colonial Rd 8.5 ft
Protestants
#1 67-85-X - file
#2 67-86-X - file

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

TO: G. Mitchell Austin, Esq.,
2115 Old Drive Road,
Baltimore, Maryland 21220

Office of Planning & Zoning
119 County Office Bldg.,
Towson, Md 21204

Mo. 44334
DATE 3/10/67

DEPOSIT TO ACCOUNT NO. 01-422

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
1	Cost of appeal - Garden Construction Corp.	\$70.00	
1	posting	10.00	
	PAID		80.00
			80.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

PETITION FOR
SPECIAL EXCEPTION
IN DISTRICT
ZONING: Petition for Special
Exception for Elevator Apartment
Building, including accessory
business uses for the convenience
of its tenants.

LOCATION: Northeast side of
Security Boulevard 240 feet
southeast of Colonial Drive.

DATE & TIME: MONDAY, OCTOBER 17, 1966 at 11:00 A.M.

PUBLIC HEARING: Room 109,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

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

Petition for Special Exception
for Elevator Apartment Building
including accessory business
uses for the convenience of its
tenants and as conditioned in
section 65-2-2.

All that parcel of land in the
First District of Baltimore County
containing 1.00 acre, more or less,
situated on the northeast side of
Security Boulevard (120 feet
wide) said parcel being distant
southeasterly 240 feet more or
less from the centerline of Col-
onial Drive by a curve to the
right with a radius of 800.00
feet, thence slanting on a line
drawn radial to said curve North
49 degrees 40' 47" East 30 feet
more or less to a point being at
the SE of the eighth or South
09 degrees 50' 54" West, 128.39
feet line of the second parcel of
land which by deed dated August
15, 1955 and recorded among the
Land Records of Baltimore County
in Liber C.L.B. No. 2157,
said 498 etc. was conveyed by
The Fidelity Trust Company to
Nathan H. Shillman and running
thence blinding on said line re-
versely North 09 degrees 50'
54" East 128.39 feet to the be-
ginning thereof; thence having
said line South 09 degrees East,
475 feet to a point in or near the
center of said line; thence South
04 degrees 30' East 200 feet to a
point in or near the center of said
line; thence South 27 degrees 30'
West, 250 feet to intersect a line
drawn northeasterly at right an-
gles to Security Boulevard (120
feet wide) thence blinding on said
line so drawn reversely South
65 degrees 28' 04" West, 70
feet to a point on the east side
of said boulevard thence with said
east side North 21 degrees 21'
56" West, 525 feet to a point
thence 245 feet more or less by
an arc curving to the left with a
radius of 600.00 feet, to the place
of beginning.

CONTAINING approximately
5.0 acres of land more or less.
Being the property of Garden
Construction Corporation, as
shown on plat plan filed with the
Zoning Department.

Hearing Date: Monday, October
17, 1966 at 11:00 A.M.

Public Hearing: Room 109,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.

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

Seal

OFFICE OF
THE BALTIMORE COUNTEAN
THE COMMUNITY NEWS
Ridgely, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

October 2, 1966.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County
was inserted in THE BALTIMORE COUNTEAN, a group of
thirteen weekly newspapers published in Baltimore County, Mary-
land, once a week for one successive week before
the 2nd day of October, 1966, that is to say
the same was inserted in the issues of
October 29, 1966.

THE BALTIMORE COUNTEAN

By Paul J. Morgan
Editor and Manager, E.M.

PETITION FOR SPECIAL EXEMPTION FOR ELEVATOR APARTMENT BUILDING, INCLUDING ACCESSORY BUSINESS USES, FOR THE CONVENIENCE OF ITS TENANTS

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on the 17th day of October, 1966, the 17th day of October, 1966, the 17th day of October, 1966, appearing on the 17th day of October, 1966, 1966.

THE JEFFERSONIAN,

Richard L. Williams, Jr.
Manager.

Cost of Advertisement, \$.....

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

N/S Security Boulevard 240' SE and 240' NW
of Colonial Drive
1st District

SE - Elevator Apartment Buildings

Sept. 6, 1966 Petition filed
Feb. 6, 1967 Special Exceptions GRANTED by D.Z.C.
Mar. 8 Order of Appeal to C. B. of A. filed (both cases)
Aug. 25 Order of C. B. of A. GRANTING Special Exceptions
Sept. 22 Order of Appeal filed in the Circuit Court
Oct. 25 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 Appeals of Maryland
July 17 Petition to extend time for transmitting records for 60 days and Order of Court granting same
Nov. 8 Motion to Dismiss Appeal due to "... the Plaintiffs have not paid for the record as required by Rule 813 of the Maryland Rules of Procedure within the time required for transmitting the record on appeal." Filed by F. Royce Williams, Jr. and Johnson Bowles, Attorneys for Petitioners
Nov. 8 Order of Court dismissing appeal - Judge Lester L. Borrett

PETITION FOR SPECIAL EXEMPTION
for Elevator Apartment Buildings,
including accessory business uses
for the convenience of its tenants
N/S Security Blvd., 240' SE of
Colonial Drive,
1st District of Baltimore County
Garden Construction Corporation,
Petitioner,
A. E. T., Inc., Contract Purchaser

WILLIAM STITELY
YVONNE STITELY
(Protestants)

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Miscellaneous Docket #
Filed 238
Case No. 3524

GARDEN CONSTRUCTION CO.
#17-85-X AND #17-86-X

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 215.8 of the Baltimore 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, Bureau of Public Services, and the State Roads Commission". The Deputy Zoning Commissioner of Baltimore County, by his Order dated February 6, 1967, had likewise approved the 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 0.5 acres of land situated on the northerly side of Security Boulevard, 240 feet northwest of Colonial Drive. The second parcel is described in Petition No. 67-86-X containing approximately 5 acres of land situated on the northeasterly side of

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 District of Baltimore County and were placed in a R.A. (Residence, Apartments) 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, legal 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. 1025 Colonial Drive, which is situated 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 0.5 acre 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 properties under the existing zoning 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 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 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 parcel

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

No. 40653

DATE 9/23/66

TO: A.E.T., Inc.
Suite 1907 One Charles Center
Baltimore, Md. 21201

BILLED TO: Zoning Dept. of Balto. Co.

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00 COST
1	Petition for Garden Construction Corp. 67-85-X	50.00
		5000

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

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

No. 42952

DATE July 19, 1967

TO: Torie Margolis
1 Charles Center-Suite 1907
Baltimore, Md. 21201

BILLED TO: Zoning Dept. of Baltimore County

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$74.75 COST
1	Advertising and printing of property for Garden Construction 67-85-X	74.75
		74.75

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

from Colonial Drive. There is no difficulty presented for traffic west bound on Security Boulevard being afforded access to both proposed apartment complexes. In order for east bound traffic on Security Boulevard to have access to the 0.5 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 acre parcel, it is necessary that such vehicles proceed easterly to Ingleside Avenue, make a "U" turn at that intersection and then proceed westerly for a distance of 2200 feet. There are no entrance deceleration lanes for both east and west bound traffic on Security Boulevard at its intersection with both Colonial Drive and Ingleside Avenue.

The Baltimore County Zoning Enabling Act, known as Bill No. 30 and which became effective July 28, 1960, 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 zoning regulations, the zoning commissioner may grant variances from area and height regulations and may make special exceptions to the zoning regulations in harmony with their general purpose and intent provided that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article. (Bill No. 30, 1960)."

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

"NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M, H, Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as special exceptions 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 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 Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:
- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets 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;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

It is conceded by both the Appellants and the Appellees that only Subsections a and b of Section 502.1 are to be considered by the Court in this appeal. The Appellants contend that the Appellees 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 a and b referred to. On the contrary, the Appellees contend that they met this burden,

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

The Appellees produced before the Board 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 expert were admitted. He testified 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 Boulevard, Colonial Drive and Dogwood Road, the last mentioned roadway being situated 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 east west bound and east bound traffic. He further testified that the traffic count revealed that the greatest density on Security Boulevard for west bound movement was between 7:00 a.m. and 8:00 a.m. or a total of 1230 vehicles per hour and that the average west bound traffic count amounted 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.m., and the traffic count revealed a total of 922 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 effect 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 3%, would minutely increase traffic on Security Boulevard. He further admitted

that the "U" turn traffic pattern heretofore described at Colonial Drive and Ingleside Avenue would result in a backing up or stalling of traffic in the deceleration lanes on Security Boulevard and "should not be encouraged". He further stated, however, that such traffic pattern would exist under the existing zoning without the special exception, and the granting of such special exception would have only a "negligible" effect. There was some attempt made by counsel 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 Appellees was Preston L. Grimes, 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 comparison 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 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 Appellees was Irvin Greenberg, an investment adviser and President of A.E.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 elevator apartment buildings, the construction would be

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

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 sanitary sewer available to serve the apartment buildings. He further testified that the proposed development of the two properties for elevator apartments would not enlarge the flood control area along the stream known as Dead 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. With regard to the flooding of Dead Run, she admitted that in April of 1967 the rear yard of their property was flooded even though no apartment construction had been started. Mrs. Stitely is unilaterally opposed to apartment development of any nature, even that permitted under the existing zoning. No expert testimony was offered on behalf of the Protestants to substantiate any of their contentions.

The Court's function of judicial review in a zoning appeal case, 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 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. Hallig*, 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 apartments. 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 *Quincy v. Board of Zoning Appeals*, 204 Md. 397, 401, 104 A.2d 588, 592 (1964).

"In considering the special exception, the Board 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 *Quincy*, supra:

"The function of a zoning board is to exercise the discretion of experts, and the court on appeal will not disturb the board's finding where it has complied with the legal requirements of notice and hearing, and the record shows substantial evidence to sustain the finding." (Page 405 of 204 Md.; page 592 of 104 A.2d.) (Underlining supplied.)

See also *Rehbe v. County Board*, supra, at page 267 of 234 Md., page 220 of 199 A.2d.

In the more recent case of *County Commissioners v. Turis*, 249 Md. 1 (decided February 13, 1968), 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 *Quincy v. Board of Zoning Appeals*, 225 Md. 379, in which the provisions of Section 502.1 of the Baltimore County Zoning Regulations were in issue. The Court stated at page 333 of that opinion as follows:

"The general rule is that in reviewing the action of zoning boards a court will not substitute its judgment for the judgment of the board unless its action is shown to be arbitrary, capricious or illegal. *Finney v. Board of Zoning Appeals*, 215 Md. 19, 147 A.2d 533; *Quincy v. Board of Zoning Appeals*, 205 Md. 397, 103 A.2d 739; *Montgomery v. Board of Zoning Appeals*, 202 Md. 279, 99 A.2d 231; *Id.*, 202 Md. 233, 129 A.2d 134; *Winkfield v. Board of Zoning Appeals*, 199 Md. 214, 96 A.2d 169; *Finney v. Board of Zoning Appeals*, 204 Md. 397, 104 A.2d 588, 592 (1964). But if the questions involved are fairly debatable and the facts presented are sufficient to support the board's decision it must be upheld. *Finney v. Board of Zoning Appeals*, 215 Md. 19, 147 A.2d 533; *Quincy v. Board of Zoning Appeals*, 205 Md. 397, 103 A.2d 739; *Montgomery v. Board of Zoning Appeals*, 202 Md. 279, 99 A.2d 231; *Id.*, 202 Md. 233, 129 A.2d 134; *Winkfield v. Board of Zoning Appeals*, 199 Md. 214, 96 A.2d 169; *Finney v. Board of Zoning Appeals*, 204 Md. 397, 104 A.2d 588, 592 (1964). The board's decision is not to be disturbed unless it is shown to be arbitrary, capricious or illegal. *Finney v. Board of Zoning Appeals*, 215 Md. 19, 147 A.2d 533; *Quincy v. Board of Zoning Appeals*, 205 Md. 397, 103 A.2d 739; *Montgomery v. Board of Zoning Appeals*, 202 Md. 279, 99 A.2d 231; *Id.*, 202 Md. 233, 129 A.2d 134; *Winkfield v. Board of Zoning Appeals*, 199 Md. 214, 96 A.2d 169; *Finney v. Board of Zoning Appeals*, 204 Md. 397, 104 A.2d 588, 592 (1964)."

The Court, in the instant case, is of the opinion that the Petitioners (the Appellees here) did produce affirmative evidence of a substantial and convincing nature that justified the Board 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 rational 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 agency's determination.

For the reasons stated and in conformity with the foregoing opinion, it is this 20th day of May, 1968, 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 affirmed.

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

RE: PETITION FOR SPECIAL EXCEPTION
for Elevator Apartment Buildings
including accessory business uses for
the convenience of its tenants
N/S Security Blvd. 240' NW of
Colonial Road - and
NE/S Security Blvd. 240' SE of
Colonial Road,
1st District
Garden Construction Corporation,
Petitioner
A.E.T., Inc., Contract Purchaser

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 apartment 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 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 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 apartment 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.

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

The only protestant, a Mrs. Yvonne Stitely whose property adjoins the subject property, testified that she had flooding on her property, that she objects strenuously to the proposed buildings; and that traffic is heavy on Security Boulevard. The Board does not feel that her fears are well founded. We 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 provisions of Section 502.1 of the zoning regulations.

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 foregoing 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 GRANTED, subject to site plan approval of the Office of Planning and Zoning, Bureau of Public Services, and the State Roads Commission.

An appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

Walter A. Keiter, Jr.

RE: PETITION FOR SPECIAL EXCEPTION
for Elevator Apartment Buildings
including accessory business uses for
the convenience of its tenants
N/S Security Blvd. 240' NW of
Colonial Road - and
NE/S Security Blvd. 240' SE of
Colonial Road,
1st District
Garden Construction Corporation,
Petitioner
A.E.T., Inc., Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

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The petitioner proposes to erect two mid-rise apartment 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.

Original Order in File 67-85-X

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

The only protestant, a Mrs. Yvonne Stitely whose property adjoins the subject property, testified that she had had flooding on her property; that she objects strenuously to the proposed buildings; and that traffic is heavy on Security Boulevard. The Board does not feel that her fears are well founded. We 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 provisions of Section 502.1 of the zoning regulations.

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 foregoing 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 GRANTED, 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 D of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

Walter A. Reiter, Jr.

WILLIAM STITELY and
YVONNE STITELY

vs.

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

MOTION AND ANSWER OF GARDEN CONSTRUCTION
CORPORATION AND A.E.T., INC., TO PETITION FOR APPEAL

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

1. The petition for appeal is not in proper form in that under the Maryland Rules of Procedure, Rule 87a, an order for appeal should have been filed 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.

2. They deny the allegations of Paragraph 2a, b and c and d, and e, as 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 purpose of delay.

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

with costs.

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

T. Bayard Williams, Jr.

T. Bayard Williams, Jr.

Johnson Bowie
Attorney for Garden Construction
Corporation and A.E.T., Inc.
22 West Pennsylvania Avenue
Towson, Maryland 21204
Phone: 825-6014

I HEREBY CERTIFY that on the 25th day of Sept., 1967, a copy of the foregoing was mailed to the Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204, and G. Mitchell Austin, Esq., 24 West Penna. Ave., Towson, Md. 21204, Atty. for Petitioners.

Johnson Bowie

JOHNSON BOWIE
ATTORNEY AT LAW
TOWSON, MD. 21204

PETITION FOR ZONING RECLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Garden Construction Corporation, owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from its present zoning of R-1 to R-2, and (2) for a Special Exception, under Section 215.3 of the Zoning Law 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 the Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

A.E.T., INC. GARDEN CONSTRUCTION CORPORATION
By: Contract purchase 1967 Legal Owner
Address: One Charles Center Baltimore, Maryland 21201
Address: 2401 Greenmount Avenue Baltimore, Maryland 21218
T. Bayard Williams, Jr. Johnson Bowie
Petitioner's Attorney Protestants' Attorney
Address: 6732 Holabird Avenue Dundalk, Maryland 21222
Address: 2115 North Avenue Rd #30 Dundalk, Maryland 21222

ORDERED: By The Zoning Commissioner of Baltimore County this 6th day of September, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of October, 1967, at 11:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

JEROME B. WOLFE AND ASSOCIATES
Planning Engineers
SUITE 402 CANTERBURY BUILDING
TOWSON, MARYLAND

SPECIAL EXCEPTION
PETITION FOR ELEVATOR
APARTMENT USE IN R-2 ZONE
(EAST OF COLONIAL ROAD)

BEGINNING for the same at a point on the northeast side of Security Boulevard (120 feet wide) said point being distant southeasterly 240 feet more or less from the centerline of Colonial Drive by a curve to the right with a radius of 860.00 feet, thence binding on a line drawn radial to said curve North 42°08'43" East 50 feet more or less to a point being at the end of the eighth or South 09°58'54" West, 128.39 foot line of the second parcel of land which by deed dated August 1st, 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 said line reversely North 09°58'54" East 128.39 feet to the beginning thereof; thence leaving said line South 69° East, 475 feet to a point in or near the center of Dead Run; thence South 04°30' East 350 feet to a point in or near the center of said Run; thence South 27°30' West, 250 feet to intersect a line drawn northeasterly at right angles to Security Boulevard (120 foot wide); thence binding on said line so drawn reversely South 65°28'04" West, 70 feet to a point on the east side of said Boulevard; thence

with said east side North 24°31'56" West, 525 feet to a point; thence 245 feet more or less by an arc curving to the left with a radius of 860.00 feet, to the place of beginning. CONTAINING approximately 5.0 acres of land more or less.

Registered Land Surveyors: James B. Mark 5-19-61

Does not signify a recent survey

WILLIAM STITELY and
YVONNE STITELY
vs.
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

AT LAW

Misc. Docket No. 8

Folio No. 239

File No. 3824

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provision 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 filing of the appeal to the representative of every party to the proceeding before it; namely, T. Bayard Williams, Jr., Esq., 6732 Holabird Avenue, Dundalk, Maryland, 21222, and Johnson Bowie, Esq., Loyola Federal Building, Towson, Maryland, 21204, Attorneys for the Petitioner, and G. Mitchell Austin, Esq., 24 West Pennsylvania Avenue, Towson, Maryland, 21204, Attorney for the Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

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

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to T. Bayard Williams, Jr., Esq., 6732 Holabird Avenue, Dundalk, Maryland, 21222, and Johnson Bowie, Esq., Loyola Federal Building, Towson, Maryland,

Stitely, William

- 2 -

21204, Attorneys for the Petitioner, and G. Mitchell Austin, Esq., 24 West Pennsylvania Avenue, Towson, Maryland, 21204, Attorney for the Protestants, on this 28th day of September, 1967.

Muriel E. Brademeyer
County Board of Appeals of Baltimore County

WILLIAM STITELY and
YVONNE STITELY

vs.

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

IN THE CIRCUIT COURT
OF BALTIMORE COUNTY

Misc. Docket 8
Folio 239
Case No. 3824

Zoning File #67-86-X
and #67-85-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 an appeal was duly filed by the Plaintiffs, William
Stitley and Yvonne Stitley.

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 813 of the Maryland 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.

6/1
T. BAYARD WILLIAMS, JR.

6/1
JOHNSON BOWIE

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

Approved as to matters shown by record:

Clerk
Circuit Court for Baltimore County

WILLIAM STITELY and
YVONNE STITELY

vs.

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

Misc. Docket 8
Folio 239
Case No. 2834

ORDER

Upon the foregoing Motion to Dismiss Appeal, it is hereby
ORDERED this 24th day of November, 1968, by the Circuit
Court for Baltimore County, that the above-entitled appeal by and is hereby
stricken out and dismissed.

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

I HEREBY CERTIFY this 24th day of November, 1968

that a copy of the foregoing Motion and Order was mailed to G. Mitchell
Austin, 200 Padonia Road East, Cockeysville, Maryland 21030, Attorney
for Plaintiffs.

JOHNSON BOWIE
Attorney for Movant

WILLIAM STITELY and
YVONNE STITELY

vs.

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

IN THE
CIRCUIT COURT
FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No. 8
Folio No. 239
File No. 3824

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

MR. CLERK:

Please file, & C.

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

WILLIAM STITELY and
YVONNE STITELY

vs.

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

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No. 8
Folio No. 239
File No. 3824

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 County, and in answer to the
Order for Appeal directed against them in this case, herewith return the record of proceedings
had in the above entitled matter, consisting of the following certified copies or original
papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

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

Sept. 6, 1966 Petition of Garden Construction Corporation for special exception for
elevator apartment building including accessory business uses for the
convenience of its tenants and as conditioned in Section (402A) 402.4
of the Zoning Regulations on property located on the north side of
Security Boulevard 240' northwest of Colonial Road, 1st Dist. - filed

6 Petition of Garden Construction Corporation for special exception for
elevator apartment building including accessory business uses for the
convenience of its tenants and as conditioned in Section (402A) 402.4
of the Zoning Regulations on property located on the northeast side of
Security Boulevard 240' southeast of Colonial Drive, 1st Dist. - 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 Certificate of Publication in newspapers - filed

6 Certificate of Posting of properties - filed

17 At 11 a.m. hearing held on both petitions by Deputy Zoning Commis-
sioner - case held sub curie

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

Mar. 8, 1967 Orders of Appeal to County Board of Appeals from Order of Deputy
Zoning Commissioner

June 29 Hearing on appeals before County Board of Appeals, cases held
sub curie

Aug. 25 Order of County Board of Appeals granting special exceptions,
subject to restrictions

Sept. 22 Order for Appeal on both cases filed in the Circuit Court for
Baltimore County

" 25 Petition for Appeal filed in the Circuit Court for Baltimore County

" 28 Certificate of Notice sent to all interested parties

Oct. 25 Transcript of Testimony filed

Petitioners' Exhibit No. 1 - (a, b, and c) Traffic Counts dated
6/5/67 by Joseph Thompson of
Dopwood Road, Security Boulevard,
and Colonial Road

" " 2 - Students per unit from survey of Mr.
Grim, Baltimore County Board of
Education

" " 3 - Comparison of prospective student
yield - elementary only

" " 4 - Site Plan of Case #67-85-X - west of
Colonial Road, 8.5 acres

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

Protestants' Exhibit "A" - (1 and 2) File #67-85-X and
File #67-86-X

Oct. 25 Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted

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

PETITION FOR SPECIAL EXCEPTION
FOR ELEVATOR APARTMENT BUILDING,
INCLUDING ACCESSORY BUSINESS USES
FOR THE CONVENIENCE OF ITS TENANTS
240' SECURITY BOULEVARD, 240' EAST
COLONIAL ROAD,
1ST DISTRICT OF BALTIMORE COUNTY
GARDEN CONSTRUCTION CORPORATION,
Petitioner,
vs. A. E. T., Inc., Contract Purchaser

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Miscellaneous Docket 8
Folio 239
Case No. 3824

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

WILLIAM STITELY
YVONNE STITELY
(Protestants)

MEMORANDUM OPINION
OF THE 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 216.5 of the Baltimore 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, Bureau of Public Services, and the State Roads
Commission". The Deputy Zoning Commissioner of Baltimore County, by his
Order dated February 6, 1967, had likewise approved the 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 northwest of
Colonial Drive. The second parcel is described in Petition No. 67-86-X
containing approximately 5 acres of land situate on the northeasterly side of

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 District of Baltimore
County and were placed in a R.A. (Residence, Apartments) 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, legal owner, and A.E.T., Inc., contract purchaser.
The Appellants here (the protestants below) are William Stitley and Yvonne
Stitley, 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 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 properties under the existing zoning
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
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 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 parcel

from Colonial Drive. There is no difficulty presented for traffic west bound on Security Boulevard being afforded access to both proposed apartment complexes. In order for east bound traffic on Security Boulevard to have access to the S.E. side parcel, it is necessary that those 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 S.E. side parcel, it is necessary that such vehicles proceed easterly to Inglewood Avenue, make a "U" turn at that intersection and then proceed westerly for a distance of 2200 feet. There are in existence deceleration lanes for both east and west bound traffic on Security Boulevard at its intersection with both Colonial Drive and Inglewood Avenue.

The Baltimore County Zoning Enabling Act, known as Bill No. 30 and which became effective July 25, 1960, is now codified as Title 23 of the 1965 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 zoning regulations, the zoning commissioner may grant variances from area and height regulations and may make special exceptions to the zoning regulations in harmony with their general purpose and intent provided that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article. (Bill No. 30, 1960)."

Section 502 of the Baltimore County Zoning 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 question and after construction, it would remain more attractive than if development was limited to the garden type apartment complex.

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 Petric, 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 sewer available to serve the apartment buildings. He further testified that the proposed development of the two properties for elevator apartments would not enlarge the flood control area along the stream known as Dead 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. Evans Sully. 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

"NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the M. H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions 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 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 Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

It is conceded by both the Appellants and the Appellees that only Subsections a and b of Section 502.1 are to be considered by the Court in this appeal. The Appellants contend that the Appellees 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 a and b referred to. On the contrary, the Appellees contend that they met this burden,

afternoon. With regard to the flooding of Dead Run, she admitted that in April of 1967 the rear yard of their property was flooded even though no apartment construction had been started. Mrs. Sully is unalterably opposed to apartment development of any nature, even that permitted under the existing zoning. No expert testimony was offered on behalf of the Protestants to substantiate any of their contentions.

The Court's function of judicial review in a zoning appeal case, 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 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 *Tanner v. Hall*, 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 apartments. The Board is to be considered by the Board as set forth in Section 502.1 of the Baltimore County Zoning Ordinance. Those factors are substantially the same as those set forth in *Quinlan v. Board of Zoning Appeals*, 204 Md. 397, 401, 104 A.2d 503, 509 (1954).

"In considering the special exception, the Board acts as a body of zoning experts and the area of judicial review is quite limited. As Judge Dolphine, for the Court, aptly stated in *Quinlan*, supra:

"The function of a zoning board is to exercise the discretion of experts, and the court on appeal will not disturb the board's finding where it has complied with the legal requirements of notice and hearing, and the record shows substantial evidence to sustain the finding." (Page 405 of 204 Md.; page 572 of 104 A.2d. (Underlining supplied.)

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

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

The Appellees produced before the Board 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 expert were admitted. He testified 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 Boulevard, Colonial Drive and Dogwood Road, the last mentioned roadway being situated 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 east west bound and west east bound traffic. He further testified that the traffic count revealed that the greatest density on Security Boulevard for west bound movement was between 7:00 a.m. and 8:00 a.m. or a total of 1233 vehicles per hour and that the average west bound traffic count amounted to 255 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 592 vehicles for this one hour period, and an average of 323 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 70 units permitted under the special exception for elevator apartments would have no adverse effect 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 3%, would slightly increase traffic on Security Boulevard. He further admitted

In the more recent case of *County Commissioners v. Lutz*, 249 Md. 1 (decided February 13, 1968), 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 *Greenleaf, Inc. v. Johnson*, 225 Md. 379, in which the provisions of Section 502.1 of the Baltimore County Zoning Regulations were in issue. The Court stated at page 383 of that opinion as follows:

"The general rule is that in reviewing the action of zoning boards a court will not substitute its judgment for the judgment of the board unless its action is shown to be arbitrary, capricious or illegal. *Greenleaf Enterprises, Inc. v. Board of Zoning Appeals*, 216 Md. 15, 147 A.2d 333; *Shelton v. Mayor and City Council*, 205 Md. 597, 195 A.2d 739; *Montgomery Co. v. Maryland Club*, 202 Md. 275, 195 A.2d 231; *Md. Co. v. Mayor & C. C. of Baltimore*, 195 Md. 214, 195 A.2d 100; *Mayor & C. C. of Baltimore v. Hermann*, 187 Md. 514, 50 A.2d 804. But if the questions involved are fairly debatable and the facts presented are sufficient to support the board's decision it must be upheld. *Greenleaf Enterprises, Inc. v. Board of Zoning Appeals*, 212 Md. 233, 195 A.2d 124; *Shelton v. Mayor*, 202 Md. 136, 195 A.2d 27. Moreover, conditions upon which a special exception may be granted are set out in the ordinance, and the board is given a wide latitude of discretion in passing upon special exceptions so long as the resulting use is in harmony with the general purpose and intent of the zoning plan and will not adversely affect the use of neighboring properties and the general plan of the neighborhood as provided by the zoning ordinance. *Quinlan v. Board of Zoning Appeals*, 204 Md. 397, 104 A.2d 503; *Greenleaf Enterprises, Inc. v. Board of Zoning Appeals*, supra; *Montgomery Co. v. Maryland Club*, supra."

that the "U" turn traffic pattern heretofore described at Colonial Drive and Inglewood Avenue would result in a backing up or storing of traffic in the deceleration lanes on Security Boulevard and "should not be encouraged". He further stated, however, that such traffic pattern would exist under the existing zoning without the special exception, and the granting of such special exception would have only a "negligible" effect. There was some attempt made by counsel 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 Appellees was Preston L. Criss, 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 comparison 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 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 Appellees was Irvin Greenberg, an investment realtor and President of A.E.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 apartment buildings, the construction would be

The Court, in the instant case, is of the opinion that the Petitioners (the Appellees here) did produce "substantial evidence of a substantial and convincing nature that justified the Board 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 rational 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 agency's determination.

For the reasons stated and in conformity with the foregoing opinion, it is this 26th day of May, 1968, 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 affirmed.

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

RE: PETITION FOR SPECIAL EXCEPTION
for Elevator Apartment Buildings
including accessory business user for
the convenience of its tenants
N/S Security Blvd. 24' NW of
Colonial Road - and
NE/S Security Blvd. 240' SE of
Colonial Road.
1st District of Baltimore County,
Garden Construction Corporation,
Petitioner
A. E. T., Inc., Contract Purchaser

ORDER OF APPEAL

MR. CLERK:

Please note an Appeal on behalf of William Stitley and Yvonne Stitley of Baltimore County to the Circuit Court of Baltimore County, in the matter of the Petition for Special Exception for real property situate N/S Security Blvd. 24' NW of Colonial Road and NE/S Security Blvd. 240' SE of Colonial Road, 1st District, Baltimore County, being the property of Garden Construction Company.

This appeal is from the decision of the County Board of Appeals of Baltimore County, dated August 25, 1967, granting the requested special exception and is filed pursuant to the provisions of Maryland Rules of Procedure 1101 b.

G. Mitchell Austin
Attorney for Petitioners
24 West Pennsylvania Avenue
Towson, Maryland 21204
828-9353

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

G. Mitchell Austin

WILLIAM STITLEY and
YVONNE STITLEY
Plaintiffs
Vs.
WILLIAM S. BALDWIN,
W. CILES PARKER, and
WALTER A. REITER, JR.,
constituting the BOARD OF APPEALS
OF BALTIMORE COUNTY
Defendants

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of William Stitley and Yvonne Stitley, his wife, by G. Mitchell Austin, their attorney, filed pursuant to the provisions of Maryland Rules of Procedure 1101 b respectfully represents unto your Honor:

1. That this appeal is from an Order of the County Board of Appeals of Baltimore County passed August 25, 1967, by which the Board granted the petition of Garden Construction Company for special exception of its property located N/S Security Blvd. 24' NW of Colonial Road and NE/S Security Blvd. 240' SE of Colonial Road, 1st District, Baltimore County, for elevator apartment buildings.

2. That the act of the Board in granting the requested special exception was arbitrary, illegal, and capricious and entirely inconsistent with the evidence presented to the said Board, for the following reasons:

- That the County Board of Appeals misinterpreted the evidence and misapplied the law in reaching their decision.
- That the decision of the Board was against the weight of the evidence.
- That the decision of the Board constituted an abuse of the discretion of the said Board.

PETITION FOR ZONING RECLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Garden Construction Corporation, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition you for a Special Exception for the following:

See attached description

See attached description

Section 215.3 of
Zoning Law for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Elevator Apartment Buildings including accessory business user for the convenience of its tenants and as conditioned in Section 402A of the Zoning Law.

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

A. E. T., INC. Contract Purchaser
Address: One Charles Center
Baltimore, Maryland 21201

GARDEN CONSTRUCTION CORPORATION
Legal Owner
Address: 2420 Greenmount Avenue
Baltimore, Maryland 21218

T. Byard Williams, Jr. Petitioner's Attorney
Address: 6732 Holabird Avenue
Dundalk, Maryland 21222

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of September, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of October, 1967, at 11:00 o'clock A. M.

Zoning Commissioner of Baltimore County.

d. That the decision of the said Board deprives your petitioners of the reasonable enjoyment of their land which is situate in close proximity to the land which is the subject of this appeal.

e. And for other reasons to be assigned upon the hearing hereof.

WHEREFORE your Petitioners pray that this Honorable Court issue its Order reversing the aforesaid decision and order of the Board of Appeals of Baltimore County and deny the special exception of the subject property heretofore granted.

AND AS IN DUTY BOUND, ETC.

G. Mitchell Austin
Attorney for Petitioners
24 West Pennsylvania Avenue
Towson, Maryland 21204
828-9353

I HEREBY CERTIFY that a copy of the foregoing Petition was served upon the County Board of Appeals this 22 day of September, 1967, by mailing a copy of same to the said Board at its office in the County Office Building, Towson, Maryland 21204.

G. Mitchell Austin

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

BEFORE THE
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 Petitions will be treated as one.

The subject properties consist of two tracts. Tract 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 NE side of Security Boulevard 240 feet SE of Colonial Drive. Both tracts, owned by the same corporation, are zoned RA by virtue of the zoning map. If the tracts were developed in their present zoning, the Petitioner could construct 246 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 containing 120 units with off-street parking for 240 vehicles. A six-story apartment building consisting of 95 units would be constructed on tract 2 with 109 off-street parking spaces. Projected rentals 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 aforementioned apartment dwellings. He stated that Security Boulevard is four lanes divided by a median strip and further, that the major artery could accommodate the traffic to be generated by the apartments. His testimony in essence was that the granting of the Special Exception in this matter would not violate Section 502.1 (requirements of Special Exceptions) of the Baltimore County Zoning Regulations.

The neighborhood has steadily undergone 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 to the E on the S side of Security Boulevard near its intersection with Ingleside Avenue another large garden-type apartment complex is currently being constructed.

Most 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 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.

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N/Side Security Boulevard 240 feet
NW of Colonial Road - 1st Dist. &
NE/Side Security Boulevard 240
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Most 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 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.

With respect to the traffic congestion, Mr. Wolff was of the definite opinion there would be none. As to the possible flooding conditions Mr. Wolff testified that the proposed 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 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 zoned for 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 502.1 of the Baltimore County Zoning Regulations, and is of the opinion that the Petitions for Special Exceptions for elevator apartment buildings should be granted.

For the foregoing 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 Order, 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 Planning and Zoning, Bureau of Public Services and the State Roads Commission.

Edward D. Hardesty
Deputy Zoning Commissioner

Date: February 6, 1967

ORDER RECEIVED FOR FILING

DATE 2/6/67

BY

Date: February 6, 1967

JEROME B. WOLFF and ASSOCIATES
Consulting Engineers
SUITE 403 JEFFERSON BUILDING
TOWSON, MARYLAND

SPECIAL EXCEPTION
PETITION FOR ELEVATOR
APARTMENT USE IN R A ZONE
(EAST OF COLONIAL ROAD)

BEGINNING for the same at a point on the northeast side of Security Boulevard (120 feet wide) said point being distant southeasterly 240 feet more or less from the centerline of Colonial Drive by a curve to the right with a radius of 860.00 feet, thence binding on a line drawn radial to said curve North 49°08'43" East 50 feet more or less to a point being at the end of the eighth or South 09°58'54" West, 128.39 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 said line reversely North 09°58'54" East 128.39 feet to the beginning thereof; thence leaving said line South 60° East, 475 feet to a point in or near the center of Dead Run; thence South 04°30' East 350 feet to a point in or near the center of said Run; thence South 27°30' West, 250 feet to intersect a line drawn northeasterly at right angles to Security Boulevard (120 foot wide); thence binding on said line so drawn reversely South 65°28'04" West, 70 feet to a point on the east side of said Boulevard; thence

with said east side North 24°31'56" West, 525 feet to a point; thence 245 feet more or less by an arc curving to the left with a radius of 860.00 feet, to the place of beginning.
CONTAINING approximately 5.0 acres of land more or less.

Registered Land Surveyor: *James R. Maak* 8-17-66
James R. Maak 15096

Does not imply a recent survey

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

BEFORE THE
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 Petitions will be treated as one.

The subject properties consist of two tracts. Tract 1, consisting of 5.5 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 NE side of Security Boulevard 240 feet SE of Colonial Drive. Both tracts, owned by the same corporation, are zoned RA by virtue of the zoning map. If the tracts were developed in their present zoning, the Petitioner could construct 255 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 containing 160 units with off-street parking for 200 vehicles. A six-story apartment building consisting of 95 units would be constructed on tract 2 with 100 off-street parking spaces. Projected rentals 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 aforementioned apartment dwellings. He stated that Security Boulevard is four lanes divided by a median strip and further that this major artery could accommodate the traffic to be generated by the apartments. 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 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 to the E on the S side of Security Boulevard near its intersection with Ingleside Avenue another large garden-type apartment complex is currently being constructed.

Most 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 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.

ORDER RECEIVED FOR FILING

DATE 2/6/67

BY *John H. Smith*

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Garden Construction Corporation, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition the Zoning Commissioner of Baltimore County for a Special Exception to use the property for the purpose of constructing and operating an elevator apartment building containing 255 units.

See attached description

Section 215.5 of the 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) 402.2.

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

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

A.E.T. INC. Contract Agent
Address: One Charles Center
Baltimore, Maryland 21201

GARDEN CONSTRUCTION CORPORATION
Address: 2430 Greenmount Avenue
Baltimore, Maryland 21218

Legal Owner
F. Mitchell Austin
President's Attorney
2015 Old Dennis Rd.
Baltimore, Maryland 21222

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of September, 1966, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of October, 1966, at 11:00 o'clock A.M.



With respect to the traffic congestion, Mr. Wolff was of the definite opinion there would be none. As to the possible flooding condition, Mr. Wolff testified that he proposed 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 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 zoned for 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 502.1 of the Baltimore County Zoning Regulations, and is of the opinion that the Petitions for Special Exceptions for elevator apartment buildings should be granted.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner that the Special Exception for elevator apartment building, 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 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 Planning and Zoning, Bureau of Public Services and the State Roads Commission.

Edward D. Hardesty
EDWARD D. HARDESTY,
Deputy Zoning Commissioner

Date: February 6, 1967

ORDER RECEIVED FOR FILING

DATE 2/6/67

BY *John H. Smith*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15
Posted for: Special Exception
Petitioner: Garden Construction Corp.
Location of property: NE/Side Security Blvd. 240 feet SE of Colonial Drive
Location of Sign: 2430 Greenmount Ave.
Remarks: 1 sign
Posted by: J. H. Smith
Date of return: 2/11/66

PETITION FOR
SPECIAL EXCEPTION
1st DISTRICT

ZONING: Petition for Special
Exception, for Elevator Apartment
Building, including accessory
business uses for the convenience
of its tenants.

LOCATION: Northeast side of
Security Boulevard 240 feet
southeast of Colonial Drive.

DATE & TIME: MONDAY, OCTOBER 17, 1966 at 11:00 A.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Maryland.

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

Petition for Special Exception for Elevator Apartment Building including accessory business uses, for the convenience of its tenants and as conditioned in Section 802.4.

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

BEING: For the same at a point on the northeast side of Security Boulevard (120 feet wide) said point being distant southeasterly 240 feet more or less from the centerline of Colonial Drive by a curve to the right with a radius of 860.00 feet, thence binding on a line drawn radial to said curve North 49°08'43" East 50 feet more or less to a point being at the end of the eighth or South 09°58'54" West, 128.39 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 said line reversely North 09°58'54" East 128.39 feet to the beginning thereof; thence leaving said line South 60° East, 475 feet to a point in or near the center of Dead Run; thence South 04°30' East 350 feet to a point in or near the center of said Run; thence South 04 degree 30' East 350 feet to a point in or near the center of said Run; thence South 27 degrees 30' West, 250 feet to intersect a line drawn northeasterly at right angles to Security Boulevard (120 foot wide); thence binding on said line so drawn reversely South 65°28'04" West, 70 feet to a point on the east side of said Boulevard; thence

CONTAINING approximately 5.0 acres of land more or less.

Being the property of Garden Construction Corporation, as shown on plan filed with the Zoning Department.

Hearing Date: Monday, October 17, 1966 at 11:00 A.M.

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

BY ORDER OF
JOHN L. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY,
Sept. 28.

OFFICE OF
THE BALTIMORE COUNTY

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONVILLE, MD.

October 3, 1966.

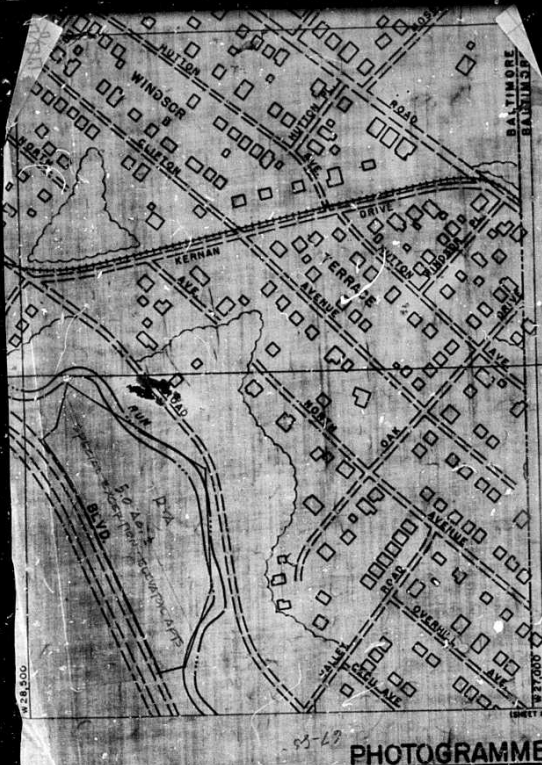
THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTY, a group of 1272 weekly newspapers published in Baltimore County, Maryland, once a week for 30 days, commencing on the 3rd day of October, 1966, that is to say the same was inserted in the issues of

September 29, 1966.

THE BALTIMORE COUNTY

By *Paul J. Morgan*
Editor and Manager of M.



JEROME B. WOLFF, P. E.
JAMES PETRICK, P. E.
JOHN J. LENTZ, P. E.

VALLEY 8 8800

JEROME B. WOLFF AND ASSOCIATES
Consulting Engineers
SUITE 403 JEFFERSON BUILDING
TOWSON 4, MARYLAND

SPECIAL EXCEPTION
PETITION FOR ELEVATOR
APARTMENT USE IN R A ZONE
(EAST OF COLONIAL ROAD)

BEGINNING for the same at a point on the northeast side of Security Boulevard (120 feet wide) said point being distant southeasterly 240 feet more or less from the centerline of Colonial Drive by a curve to the right with a radius of 860.00 feet, thence binding on a line drawn radial to said curve North 49°08'43" East 50 feet more or less to a point being at the end of the eighth or South 09°58'54" West, 128.39 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 said line reversely North 09°58'54" East 128.39 feet to the beginning thereof; thence leaving said line South 60° East, 475 feet to a point in or near the center of Dead Run; thence South 04°30' East 350 feet to a point in or near the center of said Run; thence South 27°30' West, 250 feet to intersect a line drawn northeasterly at right angles to Security Boulevard (120 foot wide); thence binding on said line so drawn reversely South 65°28'04" West, 70 feet to a point on the east side of said Boulevard; thence

with said east side North 24°31' 56" West, 525 feet to a point; thence 245 feet more or less by an arc curving to the left with a radius of 860.00 feet, to the place of beginning.
CONTAINING approximately 5.0 acres of land more or less.

Registered Land Surveyor: *James R. Mark* 5-19-66
James R. Mark #5096

Does not imply a recent survey

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

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

SUBJECT: Special Exception - Elevator
Apartments with Accessory
Business Uses for Garden
Construction Corp., located
NE/4 Security Blvd 240' SE/4
Colonial Road, 1st District
(Item 4, September 6, 1966)

Dear Sir:

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

BUREAU OF ENGINEERING

Water - Existing 24" water in Security Boulevard.
Sewer - Existing 8" sewer in Colonial Drive and in Security Blvd as indicated on the submitted plan.
Adequacy of existing utilities to be determined by Developer or his engineer.

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

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

The following members had no comment to offer:

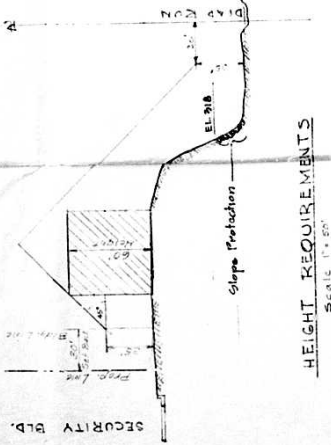
Fire Bureau
Health Department
Industrial Development Commission
Board of Education
Buildings Department
State Roads Commission
Office of Planning and Zoning

Very truly yours,

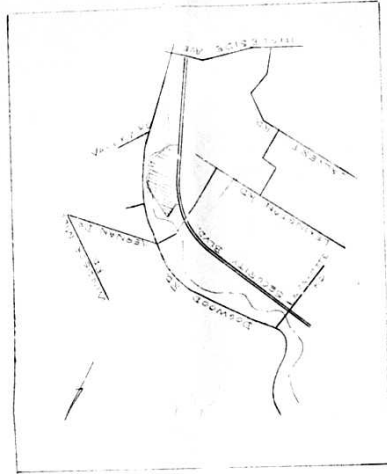
James R. Mark
JAMES R. MARK, Principal
Zoning Technician

cc: Mr. Williams

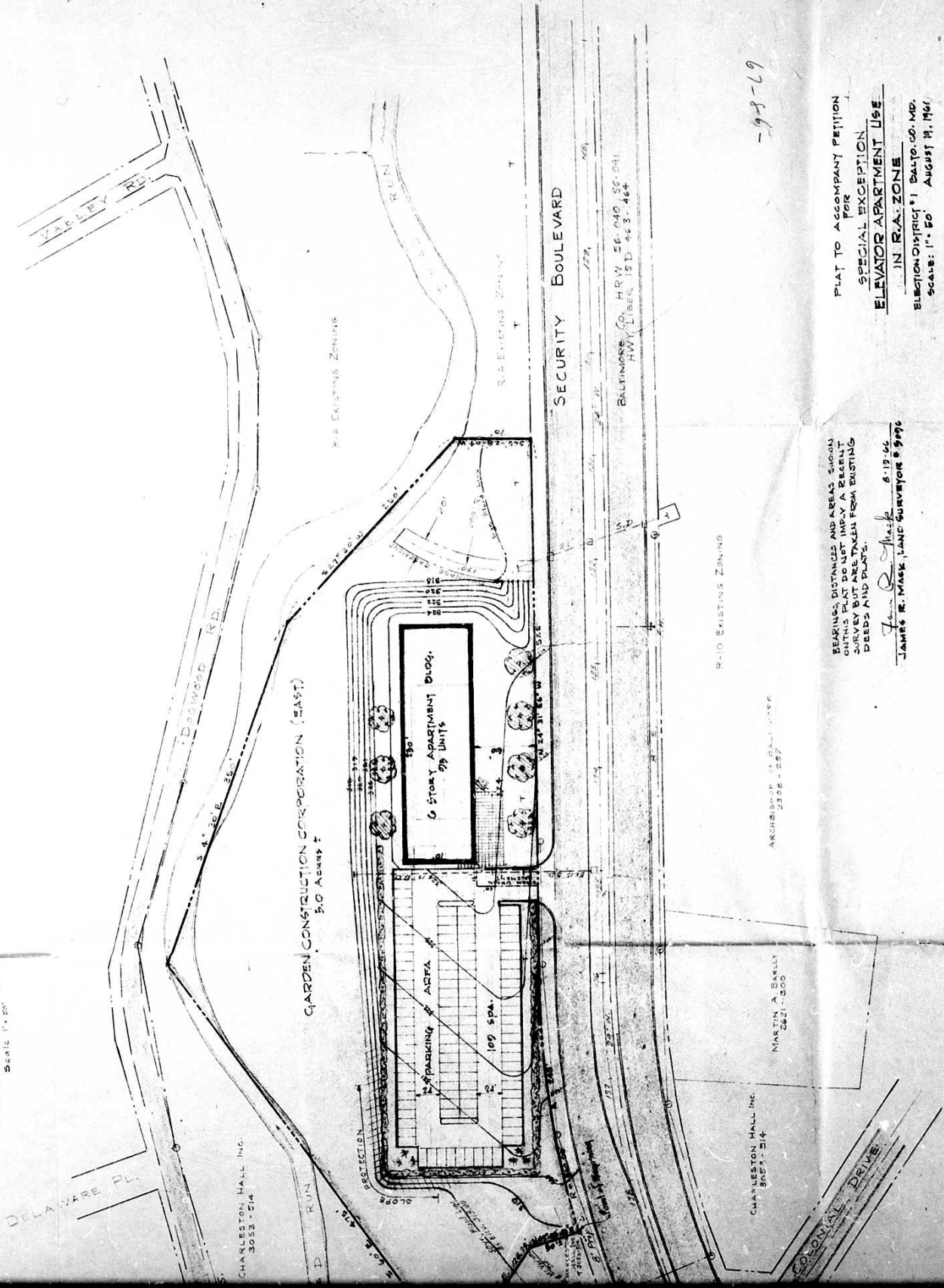
cc: Carlisle Brown-Bureau of Engineering
C. Richard Moore-Bureau of Traffic Engineering



HEIGHT REQUIREMENTS
SCALE 1/4" = 1'-0"



VICINITY SKETCH
SCALE 1/4" = 1'-0"



BEARINGS, DISTANCES AND AREAS SHOWN ON THIS PLAN DO NOT IMPLY A RECENT SURVEY BUT ARE TAKEN FROM EXISTING DEEDS AND PLATS.

JAMES R. MARK, LAND SURVEYOR #9996
J. R. Mark 8-19-66

A.E.T. INC. AND GARDEN CONSTRUCTION CORP.
1 CHARLES CENTER 2406 QUEENMOUNT AVE.
BALTIMORE 1, MD. BALTIMORE 18, MD.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
ELEVATOR APARTMENT USE
IN R-10 ZONE

ELECTION DISTRICT #1 BALTO. CO. MD.
SCALE: 1" = 50' AUGUST 14, 1966

OFFICE COPY

JEROME B. WOLFE & ASSOCIATES, INC.
CONSULTING ENGINEERS
409 JEFFERSON BLDG. TOWSON 4, MD.

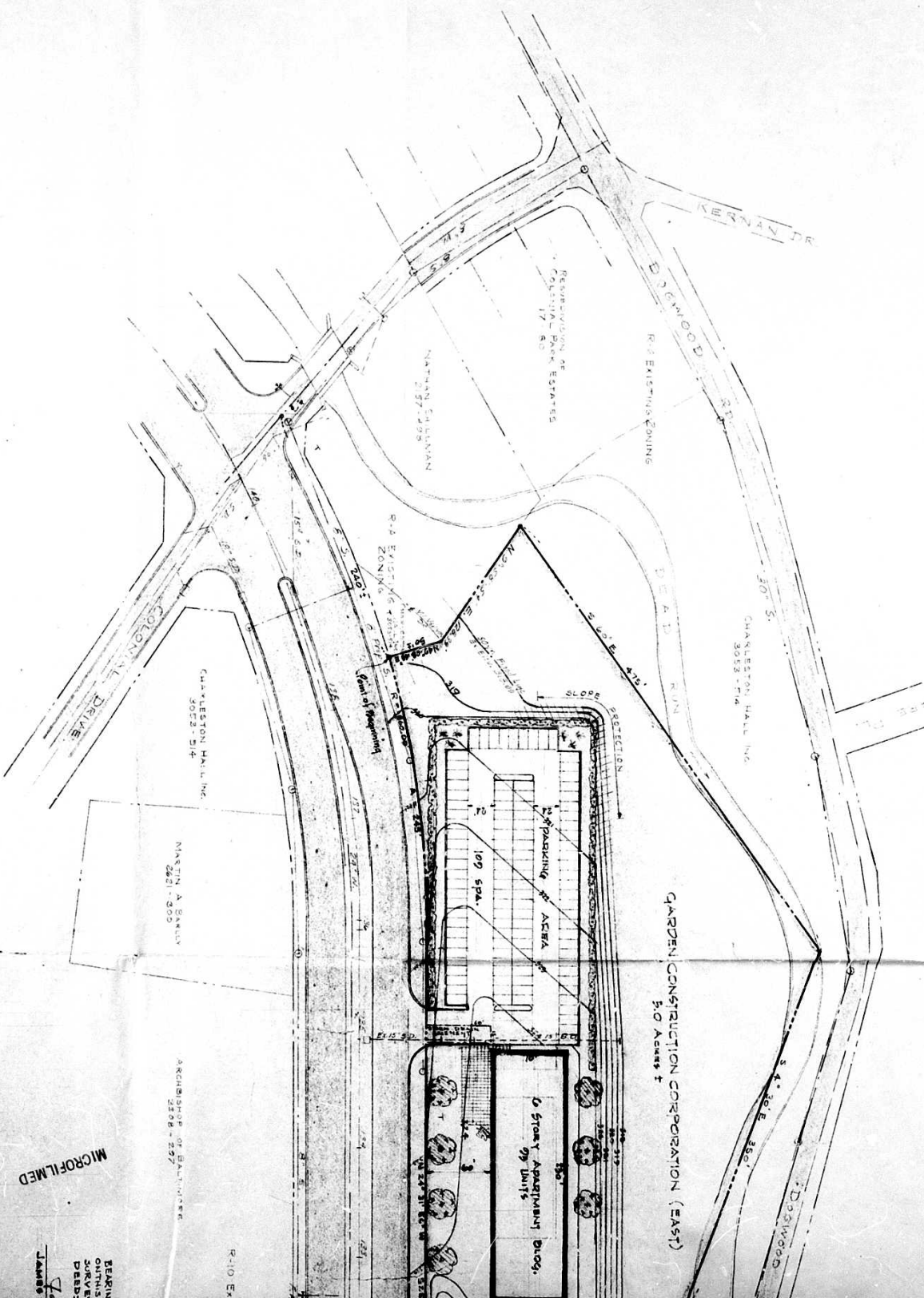
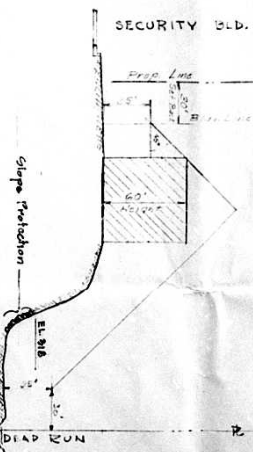
-198-69

Existing Use of Property
Proposed Use of Property
Existing Zoning
Proposed Zoning
Gross Area of Property
Net Area of Property
Apartment Floor Space
Off-Street Parking Required:
Off-Street Parking Provided:

VACANT
APARTMENT BLDG. 6 FLOORS
R.A.
R.A.
5.5 AC.
50 AC.
96,600 SQ. FT.
95 SPACES
100 SPACES

HEIGHT REQUIREMENTS

SCALE 1" = 50'



MICROFILMED

BEARING
CHAINS
DEEDS
JAMES

A.E.T. INC.
1 CHARLES CENTER
BALTIMORE 1, MD

AND

ARCHITECT OF BALTIMORE
2208-2207

R-10 EXIST