

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

WITNEY LAND COMPANY, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6, R-10, R-20, and R-40 zone to an R-A, B-L, and B-R zone; for the following reasons:

Error in the original Zoning Map, and a general change in conditions.

See attached descriptions

and (3) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for: Elevator Apartment Building

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

WITNEY LAND COMPANY
Contract purchaser
Robt. E. Mayhew, Jr., Vice President
6301 Reisterstown Road
Baltimore, Maryland 21215
Address: Towson, Maryland 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of April 1964, 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 10th day of May 1964, at 10:00 o'clock.

A.M.



Wilson F. Outen
Zoning Commissioner of Baltimore County

PARCEL "A"
PARCEL TO BE REZONED FROM R-6 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the point of intersection of the centerline of Cranbrook Road, 70 feet wide, and the centerline of Ridgland Road, 100 feet wide, and running thence binding on said centerline of Ridgland Road the following three (3) courses and distances, viz.: (1) North 21°00'08" East 77.50 feet, (2) 324.30 feet in a northerly direction along an arc of a curve to the left having a radius of 350.00 feet, said arc being subtended by a chord bearing North 04°06'38" East 319.61 feet and (3) North 12°46'52" West 337.07 feet to a point in the bed of Warren Road on the northern boundary of the whole tract of land which by deed dated December 15, 1960 and recorded among the Land Records of Baltimore County, Maryland, in Liber W.J.R. 3792 Folio 583 was conveyed by Chelton Land Company to Oxford Land Company, thence running reversely with the outline of said tract of land the following four (4) courses and distances, viz.: (1) South 84°30'50" East 45.26 feet (2) South 83°28'05" East 1454.89 feet, (3) South 11°49'57" West 912.13 feet and (4) South 02°41'54" West 18.72 feet to a point on the centerline of Cranbrook Road, thence binding on said centerline of Cranbrook Road the following four (4) courses and distances, viz.: (1) North 90°54'14" West 522.63 feet, (2) 431.31 feet in a northwesterly direction along an arc of a curve to the right having a radius of 1635.00 feet, said arc being subtended by a chord bearing North 73°20'48" West 430.06 feet, (3) North 65°47'22" West 307.28 feet and (4) 77.00 feet in a northwesterly direction along an arc of a curve to the left having a radius of 1375.09 feet, said arc being subtended by a chord bearing North 67°23'37" West 77.00 feet, to the place of beginning, containing 26.9503 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "B"
PARCEL TO BE REZONED FROM R-10 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Cranbrook Road, 70 feet wide, said point being located 1338.22 feet in a southeasterly direction, measured along the centerline of Cranbrook Road, from the centerline of Ridgland Road, 100 feet wide, said point being also in the western boundary of that tract of land which by deed dated January 27, 1959, and recorded among the Land Records of Baltimore County, Maryland in Liber W.J.R. 3479, Folio 456, was conveyed by Margaret B. Ridgely et al to Oxford Land Company, and running thence binding on the centerline of Cranbrook Road South 80°54'14" East 42.46 feet to a point thereon, thence leaving Cranbrook Road and running with the westernmost side of a right of way of Baltimore Gas and Electric Company South 08°12'05" West 440.00 feet to intersect the western boundary of the aforesaid tract of land, thence binding on said western boundary, and still with the westernmost side of said right of way of Baltimore Gas and Electric Company, South 02°41'54" West 563.27 feet and South 02°36'35" West 1072.46 feet to the southwesternmost corner of the whole tract, thence binding on the outlines of said tract the following four (4) courses and distances viz.: (1) South 52°12'09" East 1110.55 feet, (2) North 18°10'12" East 1009.00 feet, (3) South 31°59'20" East 595.00 feet to the center of Padonia Road, 80 feet wide, and (4) South 31°59'20" East 1095.00 feet, thence leaving the outline of said tract, South 83°41'26" East

357.76 feet and North 14°53'49" East 1467.31 feet to a point in the centerline of Padonia Road, as proposed to be laid out 80 feet wide, thence binding on the centerline of Padonia Road, as proposed to be laid out, the following four (4) courses and distances, viz.: (1) 172°51 feet in a westerly direction along an arc of a curve to the right having a radius of 3300.00 feet, said arc being subtended by a chord bearing South 86°17'51.5" West 172.48 feet, (2) South 87°47'43" West 214.73 feet, (3) 493.84 feet in a southwesterly direction along an arc of a curve to the left having a radius of 550.00 feet, said arc being subtended by a chord bearing South 72°54'11.5" West 488.30 feet and (4) South 58°00'40" West 106.72 feet to the centerline of Cranbrook Road as laid out and now existing 70 feet wide, thence binding on the centerline of Cranbrook Road the following five (5) courses and distances, viz.: (1) North 31°59'20" West 293.49 feet, (2) 256.35 feet in a northwesterly direction along an arc of a curve to the left having a radius of 675.00 feet, said arc being subtended by a chord bearing North 42°52'07.5" West 254.81 feet, (3) North 53°41'55" West 192.93 feet, (4) 291.12 feet in a northwesterly direction along an arc of a curve to the right having a radius of 675.00 feet, said arc being subtended by a chord bearing North 41°22'03" West 289.46 feet and (5) North 28°59'11 West 195.00 feet, thence leaving Cranbrook Road and running the following eighteen (18) courses and distances, viz.: (1) North 61°00'49" East 531.54 feet, (2) 536.53 feet in a northeasterly direction along an arc of a curve to the left having a radius of 5719.58 feet, said arc being subtended by a chord bearing North 58°19'51.5" East 536.33 feet, (3) North 55°39'54" East 110.00 feet, (4) South 34°21'06" East 250.00 feet, (5) South 14°28'20" West 275.32 feet, (6) South 31°59'10"

East 515.00 feet, (7) 71°55'06" East 450.00 feet, (8) North 14°53'49" East 1147.07 feet, (9) North 75°06'11" West 829.65 feet, (10) 433.12 feet in a northwesterly direction along an arc of a curve to the right having a radius of 250.00 feet, said arc being subtended by a chord bearing North 25°28'15.5" West 380.95 feet, (11) North 65°30'30" West 265.00 feet, (12) North 71°55'26" West 634.11 feet, (13) North 09°19'44" East 320.00 feet, (14) North 65°20'08" West 86.82 feet, (15) 545.76 feet in a northwesterly direction along an arc of a curve to the right having a radius of 1762.95 feet, said arc being subtended by a chord bearing North 56°20'01" West 543.58 feet, (16) 167.73 feet in a northwesterly direction along an arc of a curve to the left having a radius of 335.00 feet, said arc being subtended by a chord bearing North 61°57'49.5" West 166.23 feet, (17) 239.35 feet in a southwesterly direction along an arc of a curve to the left having a radius of 725.00 feet, said arc being subtended by a chord bearing South 37°00'42.5" West 228.26 feet and (18) North 83°28'05" West 395.58 feet to a corner of the whole tract, thence with the outline of said tract South 11°49'57" West 912.13 feet and South 02°41'54" West 18.72 feet to the place of beginning, containing 169.7915 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "C"
PARCEL TO BE REZONED FROM R-10 TO B-L
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Cranbrook Road, 70 feet wide, said point being located 495.92 feet in a northwesterly direction, measured along the centerline of Cranbrook Road, from the centerline of Padonia Road, 80 feet wide, and running thence binding on said centerline of Cranbrook Road the following four (4) courses and distances, viz.: (1) 53.92 feet in a northwesterly direction along an arc of a curve to the left having a radius of 675.00 feet, said arc being subtended by a chord bearing North 51°27'36.5" West 53.91 feet, (2) North 53°44'55" West 192.83 feet, (3) 291.72 feet in a northwesterly direction along an arc of a curve to the right having a radius of 675.00 feet, said arc being subtended by a chord bearing North 41°22'03" West 289.46 feet and (4) North 28°59'11 West 195.00 feet, thence leaving Cranbrook Road and running the following eight (8) courses and distances, viz.: (1) North 61°00'49" East 531.54 feet, (2) 536.53 feet in a northeasterly direction along an arc of a curve to the left having a radius of 5729.58 feet, said arc being subtended by a chord bearing North 58°19'51.5" East 536.33 feet, (3) North 55°39'54" East 110.00 feet, (4) South 34°21'06" East 250.00 feet, (5) South 14°28'20" West 275.32 feet, (6) South 31°59'20" East 196.80 feet, (7) South 58°00'40" West 553.18 feet and (8) South 45°40'40" West 210.12 feet to the place of beginning, containing 15.8883 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "D"
PARCEL TO BE REZONED FROM R-10 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the point of intersection of the centerline of Cranbrook Road, 70 feet wide, and the centerline of Padonia Road, 80 feet wide, and running thence binding on said centerline of Cranbrook Road the following two (2) courses and distances, viz.: (1) North 31°59'20" West 293.49 feet and (2) 202.43 feet in a northwesterly direction along an arc of a curve to the left having a radius of 675.00 feet, said arc being subtended by a chord bearing North 40°34'49" West 201.67 feet, thence leaving Cranbrook Road and running the following five (5) courses and distances, viz.: (1) North 45°40'40" East 210.12 feet, (2) North 58°00'40" East 653.18 feet, (3) South 31°59'20" East 318.74 feet, (4) South 75°06'11" East 450.00 feet and (5) South 14°53'49" West 300.00 feet to a point in the centerline of Padonia Road, as proposed to be laid out 80 feet wide, thence binding on the centerline of Padonia Road, as proposed to be laid out, the following four (4) courses and distances, viz.: (1) 172.51 feet in a westerly direction along an arc of a curve to the right having a radius of 3300.00 feet, said arc being subtended by a chord bearing South 86°17'51.5" West 172.48 feet, (2) South 87°47'43" West 214.73 feet, (3) 493.84 feet in a southwesterly direction along an arc of a curve to the left having a radius of 950.00 feet, said arc being subtended by a chord bearing South 72°54'11.5" West 488.30 feet and (4) South 58°00'40" West 106.72 feet to the place of beginning, containing 13.8113 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "E"
PARCEL TO BE REZONED FROM R-20 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Padonia Road, as proposed to be laid out 80 feet wide, said point being located 987.80 feet in a northeasterly direction, measured along the centerline of Padonia Road, from the centerline of Cranbrook Road, 70 feet wide, and running thence South 14°53'49" West 1467.31 feet and South 83°41'26" East 187.11 feet to a point in the eastern boundary of the whole tract of land which by deed dated January 27, 1959 and recorded among the Land Records of Baltimore County, Maryland, in Liber W.J.R. 3479, Folio 456 was conveyed by Margaret B. Ridgely et al to Oxford Land Company, thence binding on part of said eastern boundary, as now surveyed, North 13°27'57" East 2575.15 feet and North 18°03'20" East 498.99 feet, thence leaving said eastern boundary of the whole tract and running the following five (5) courses and distances, viz.: (1) North 72°51'08" West 773.14 feet, (2) North 65°30'20" West 458.00 feet, (3) 433.12 feet in a southeasterly direction along an arc of a curve to the left having a radius of 250.00 feet, said arc being subtended by a chord bearing South 25°28'15" East 380.95 feet, (4) South 75°06'11" East 829.65 feet and (5) South 14°53'49" West 144.07 feet to the place of beginning, containing 15.9095 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "F"
PARCEL TO BE REZONED FROM R-20 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Lakespring Way, as proposed to be laid out 70 feet wide, said point having coordinate values of North 63,924.92 and East 1,626.15, as referred to the coordinate system of the Baltimore County Metropolitan District, said point being located 189.39 feet in a southwesterly direction, measured along the centerline of Lakespring Way, from the centerline of Bosley Road, proposed to be laid 50 feet wide westerly of Lakespring Way and 70 feet wide easterly of Lakespring Way, the point of intersection of said centerline of said Bosley Road and Lakespring Way having coordinate values of North 64,096.12 and East 1,704.77, and running thence binding on said centerline of Lakespring Way, as proposed to be laid out, South 24°39'52" West 772.38 feet, thence leaving said centerline and running the following six (6) courses and distances, viz.: (1) North 65°20'08" West 163.19 feet, (2) South 09°19'44" West 320.00 feet, (3) South 71°55'26" East 634.11 feet, (4) North 24°09'40" East 498.51 feet, (5) North 07°22'13" West 114.61 feet, and (6) North 65°50'20" West 475.70 feet to the place of beginning, containing 8.8524 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR # 2493

PARCEL "G"
PARCEL TO BE REZONED FROM R-20 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Warren Road, a corner of the whole tract of land which by deed dated January 27, 1959, and recorded among the Land Records of Baltimore County, Maryland, in Liber W.J.R. 3479, Folio 456 was conveyed by Margaret B. Ridgely et al to Oxford Land Company, said point being located 180 feet, more or less in a southwesterly direction, measured along said center of Warren Road from the center of Sherwood Road, and running thence along the center of Warren Road South 51°32'27" West 297.00 feet, thence leaving Warren Road and running with the outline of the whole tract the following three (3) courses and distances, viz.: (1) South 38°27'33" East 297.00 feet, (2) South 03°17'18" West 275.80 feet and (3) South 83°28'05" East 741.83 feet, thence leaving the outline of the whole tract and running the following five (5) courses and distances, viz.: (1) South 63°28'05" East 395.58 feet, (2) 239.39 feet in a northeasterly direction along an arc of a curve to the right having a radius of 225.00 feet, said arc being subtended by a chord bearing North 37°00'42.5" East 228.26 feet, (3) 207.24 feet in a westerly direction along an arc of a curve to the left having a radius of 335.00 feet, said arc being subtended by a chord bearing South 65°56'53.5" West 203.95 feet, (4) North 21°46'28" West 527.75 feet and (5) North 46°01'28" West 371.42 feet to intersect the outline of the whole tract of land, thence running with the outline of said whole tract the following three (3) courses and distances, viz.: (1) South 7°55'21" West 140.00 feet (2) South 38°04'09" West 347.82 feet and (3) North 46°30'42" West 290.87 feet to the place of beginning, containing 16.7281 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

PARCEL "H"
PARCEL TO BE REZONED FROM R-40 TO R-A
EIGHTH ELECTION DISTRICT
BALTIMORE, MARYLAND

BEGINNING for the same at a point of intersection of the centerline of Lakespring Way, as proposed to be laid out 70 feet wide and the centerline of Bosley Road, as proposed to be laid out 50 feet wide westerly of Lakespring Way and 70 feet wide easterly of Lakespring Way, said point of intersection of said centerlines having coordinate values of North 64,096.12 and East 1,704.77, as referred to the system of coordinates of the Baltimore County Metropolitan District, and running thence binding along said centerline of Bosley Road, as proposed to be laid out 70 feet wide, the following two (2) courses and distances, viz.: (1) South 65°58'46" East 87.20 feet and (2) 139.71 feet in a southeasterly direction along an arc of a curve to the left having a radius of 700.00 feet said arc being subtended by a chord bearing South 71°41'50" East 139.48 feet to intersect the northern outline of the whole tract of land which by deed dated January 27, 1959, and recorded among the Land Records of Baltimore County, Maryland, in Liber W.J.R. 3479, Folio 456 was conveyed by Margaret B. Ridgely et al to Oxford Land Company, thence binding reversely on the outline of the whole tract the following six (6) courses and distances, viz.: (1) South 65°50'20" East 403.39 feet, (2) South 01°37'37" East 225.22 feet, (3) North 88°22'25" East 231.00 feet, (4) North 01°37'37" West 156.79 feet, (5) South 75°07'37" East 1081.19 feet and (6) South 130°03'20" West 940.39 feet, thence leaving the outline of the whole

tract and running the following five (5) courses and distances, viz.: (1) North 72°51'06" West 773.14 feet, (2) North 65°50'20" West 723.00 feet, (3) North 24°09'40" East 498.51 feet, (4) North 07°22'13" West 134.61 feet and (5) North 65°50'20" West 475.60 feet to a point on the aforesaid centerline of Lakespring Way, thence binding on said centerline of Lakespring Way, as proposed to be laid out 70 feet wide, North 24°39'52" East 189.39 feet to the place of beginning, containing 31.2606 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN

REG. SURVEYOR #2493

SPECIAL EXCEPTION FOR ELEVATOR APARTMENT BUILDING
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Cranbrook Road, 70 feet wide, said point being located 965.39 feet in a northwesterly direction, measured along the centerline of Cranbrook Road, from the centerline of Padonia Road, 80 feet wide, and running thence binding on said centerline of Cranbrook Road the following two (2) courses and distances, viz.: (1) 69.00 feet in a northwesterly direction along an arc of a curve to the right having a radius of 675.00 feet, said arc being subtended by a chord bearing North 31°54'53.5" West 68.97 feet and (2) North 28°55'11" West 531.00 feet, thence leaving Cranbrook Road and running the following seven (7) courses and distances, viz.: (1) South 61°00'49" West 119.00 feet, (2) 281.00 feet in a westerly direction along an arc of a curve to the right having a radius of 280.00 feet, said arc being subtended by a chord bearing South 89°45'49" West 269.35 feet, (3) South 28°30'49" West 223.00 feet, (4) South 02°36'55" West 375.00 feet, (5) South 57°59'17" East 471.97 feet, (6) 266.70 feet, in a northeasterly direction along an arc of a curve to the right having a radius of 509.00 feet said arc being subtended by a chord bearing North 39°52'34" East 263.55 feet and (7) North 55°09'24" East 270.00 feet to the place of beginning, containing 10.0163 acres of land, more or less.

Wilson F. Outen
WILSON F. OUTEN
REG. SURVEYOR #2493

FRED W. TUENMLER AND ASSOCIATES
IN THE
URBAN AND REGIONAL PLANNING
AND ZONING CONSULTANTS

Qualifications shown on the record

FRED W. TUENMLER, head of the firm of Fred W. Tuemmler and Associates, Urban and Regional Planning and Zoning Consultants, 4509 Beechwood Road, College Park, Maryland, is a registered Professional Engineer (Maryland No. 2182), a member of the American Society of Civil Engineers (Baltimore Section) and a member of the Potomac Chapter of the Maryland Society of Professional Engineers. From 1953 to 1958 Mr. Tuemmler was a member of the Executive Committee of the City Zoning Division of ASCE and served as chairman in the year 1957-1958. From 1959 to 1964 he served as chairman of the ASCE Technical Committee on Land Use Aspects of Highway Location and prepared a paper entitled "Suggestions for Possible Policy Statement on Highway Planning", adopted by the committee, which appeared in the September 1964 issue of the Urban Planning and Development Division Journal. He also prepared two papers, one "Urban Expressways: Work of Highway and Planning Agencies" (1958) and "Land Use and Expressways" (1959). Mr. Tuemmler presently is chairman of the Subcommittee on Commercial Land Use Planning, of the Committee on Land Use Planning, Urban Planning and Development Division, ASCE. At the First Specialty Conference of the Division in San Juan, Puerto Rico (October 28-29, 1965) he presented a paper entitled "Standards for Community and Regional Shopping Centers."

Mr. Tuemmler also is a member of the American Institute of Planners, a past president of its National Capital Area Chapter and a former member of the Institute's Board of Governors (1954-1957). He is a member of the International Fraternity of Lambda Alpha (land economists) and served (1963-64) as president of the George Washington Chapter. He is a member of the American Society of Planning Officials, and as a member of the American Planning and Civic Association, he served on the Board of Trustees until 1964 when it was reorganized as Urban America. Since 1954 Mr. Tuemmler has been a member of the Suburban Maryland Advisory Board of the American Automobile Association. He served as its chairman in 1956-1957 and again occupies that position for the year 1968. In 1956 he was a part-time faculty member in the School of Business Administration of American University, teaching a graduate course in Land Planning and Use.

In addition to the papers mentioned above, he is the author of several articles on planning and zoning, including "Parks for the National Capital Region", Planning and Civic Comment, 1949; "Broom Town Bonanza", American City Magazine, 1959;

Special Report 17, "Roadsides: Their Uses and Protection—a Symposium", presented in 1953 at the 32nd Annual Meeting of the Highway Research Board; and "Zoning for the Planned Community", April 1954 Urban Land, published by the Urban Land Institute of Washington, D. C. Mr. Tuemmler's name has appeared in "Who's Who in the East" for the past several years.

For eleven years prior to his entrance into private practice in January 1953, Mr. Tuemmler was Director of Planning for the Maryland-National Capital Park and Planning Commission in Silver Spring and Riverdale, Maryland, where he directed and supervised the technical staff in the undertaking of studies and in the preparation of plans relating to all aspects of urban and regional planning for the Maryland-Washington Regional District in Montgomery and Prince George's Counties, Maryland, adjacent to the District of Columbia, as well as the preparation of plans for the establishment, acquisition and development of portions of the park and parkway system authorized by the Copper-Cramton Act.

Before coming to Maryland, Mr. Tuemmler was on the staff of the Division of Master Plan, Department of City Planning, New York, New York for three years (1939-1941).

Mr. James E. Dyer
Office Zoning
County Office Building
Towson, Maryland, 21204

RE: Zoning Advisory Committee Meeting
April 4, 1967
Item No. 4 - Twickenham Apartment Community
Property Owners: Twickenham Lane Company
Location: Cranbrook Road & Padonia Road
District: 8th
Present Zoning: R-6, R-10, R-20 and R-40
Proposed Zoning: R-4, B-1, BR York Road (Route 45)

Dear Mr. Dyer:

This office has reviewed the subject plot plan and the following comments are with respect thereto:

The section of York Road which must carry the greater part of the traffic that would be generated by the proposed development consists of two 12' lanes and has a capacity of 1700 vehicles per hour at level of Service "D".

The definition of Level of Service "D" is as follows:

"Approaches unstable flow with tolerable operating speed being maintained though considerably affected by changes in operating conditions. Fluctuations in volume and temporary restrictions to flow may cause substantial drops in operating speeds. Drivers have little freedom to maneuver and comfort and convenience are low, but conditions can be tolerated for short periods of time."

The 1966 peak hour traffic on this section of York Road is 1754 vehicles per hour. This is in excess of the capacity of Level of Service "D".

It is estimated that the subject development will generate an additional 270 vehicles to this section of York Road during the peak hour, thus making the level of services less than category "D".

Very truly yours,

Charles Leo, Chief
Development Engineering Section
BY: John I. Meyers
Asst. Development Engineer

CL/JEM/HB

CC: Mr. C. Richard Moore

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: James S. Byerly, Chairman
TO: Honorable ADVISORY COMMISSION
FROM: Lieutenant Charles F. Morris, Jr.
SUBJECT: Petition for rezoning of land owned by
Location: Cranbrook Road and Padonia Road
District: 8th
Present zoning: R-40 - R-10 - R-20 - B-40
Request: Rezoning to R-40, B-40, special exception for elevator apartment

1. Shall be required to meet all fire department regulations concerning garden type and high rise type of apartment constructions.
2. Shall be required to meet all fire department regulations in construction of any other buildings which are to be constructed on this site.
3. It will be necessary to provide water mains and fire hydrants in accordance with the Baltimore County Standard Design Manual, 1964, edition, pages 42 - 43.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Mr. John G. Rose, Zoning Commissioner
FROM: George E. Corvelli, Director
SUBJECT: Petition 67-216-KK. Reclassification from R-6, R-10, R-20 and R-40 to R-A, B-L and B-R. Zoning: Special Exception for Elevator Apartment Building. South side of Bosley Road 290 feet, more or less, East of Warren Road. Being the property of Witney Land Co.

8th District

HEARING: Wednesday, May 10, 1967 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification together with Special Exception for elevator apartments. It has the following advisory comments to make with respect to pertinent planning factors:

1. The subject tract has a prior zoning reclassification history wherein reclassification was granted from larger to smaller lot zoning. In connection with that previous case, the Planning staff endorsed the concept of extending northerly the R-10 zoning that occurred in what is now the Springlake Subdivision. Since that time additional reclassifications were granted to apartment zoning based on a developmental concept that would have set aside large acreage in open space.
2. The Planning staff expresses concern that the pendulum for increased density now may be swinging too far. What had been conceived of as a community or development with a choice of housing types is threatened with becoming simply a community with an overwhelming supply of rental housing. The Planning staff expresses also concern with respect to the continued requirements of the County for single family sales housing. The subject property is among the last of its kind - appropriately zoned with utilities. To create apartment zoning here would create an imbalance in the community land use.

GEC:ams

JOHN B. WEIR, JR., and
TWILAH E. WEIR, his wife, et al
vs.
WILLIAM S. BALDWIN,
W. GILES PARKER and
JOHN A. SLOWICK, being
and constituting the
County Board of Appeals
for Baltimore County
WITNEY LAND COMPANY,
Intervenor

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Filed: October 6
Page: 33
Case No. 43

ORDER FOR APPEAL BY JOHN B. WEIR, JR., ET AL, PLAINTIFFS

My Clerk:

Please enter an Appeal to the Court of Appeals on behalf of the following

named Plaintiff in the judgment entered in this action on June 10, 1967, and

Plaintiff being:

John B. Weir, Jr. and
Twilah E. Weir
Stanley C. Wagerupp and
Audrey L. Wagerupp
Clayton C. Brown and
Virginia Brown
John L. Critcher and
Dorothy M. Critcher
Carl B. Truxel and
Joyce C. Truxel
Edward M. Hagg and
Merie A. Hagg
William J. Adelman, Jr. and
Jean M. Adelman
Brooks Peirce and
Carol Peirce

Walter R. Steidl and
Ann B. Steidl
David D. Thomas, III and
Madeline D. Thomas
Eugene V. Allen and
Paulene E. Allen
Dr. A. Andrew W. Alecco and
Gloria B. Alecco
Kenneth Ebmeier and
Eileen Ebmeier
Raymond J. McGee and
Martha A. McGee
Albert C. Reed and
Audrey W. Reed
Joseph E. Montalbano and
Agneta M. Montalbano
Donald S. Arning and
Margaret L. Arning
Frank E. Lipjick and
Anna Mary L. Lipjick

BOUNDS, SCHOLIK & SHORT

James H. Scholik
James H. Scholik
Medical Center West
6600 Baltimore National Pike
Baltimore, Maryland 21208
Telephone -- 744-0700
ATTORNEY FOR APPELLANT

I HEREBY CERTIFY, that a copy of the foregoing Order for Appeal has this
10th day of July, 1967, been mailed to Mr. Lee Harrison, Esquire, 22 West
Pennsylvania Avenue, Towson, Maryland, 21204.

WITNEY LAND COMPANY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

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

Misc. Docket 8
Folio 340
Case No. 4026

ORDER FOR APPEAL

My Clerk:

Please enter an appeal to the Court of Appeals of Maryland from that portion of the Decision and Order of Hon. Walter M. Jenifer, dated June 10, 1967, denying the reclassification of Phase 3 and Phase 4 from R-40, R-20 and R-10 zones to R-A, B-L and B-R zones, in the 8th Election District of Baltimore County, Maryland.

W. Lee Harrison
W. Lee Harrison
306 W. Jappa Road
Towson, Maryland 21204
823-1200
Attorney for Witney Land Company

JOHN B. WEIR, JR. and
TWILAH E. WEIR, his wife, et al.

vs.

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

WITNEY LAND COMPANY,
Intervenor

WITNEY LAND COMPANY

vs.

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

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

Misc. Docket 8
Folio 338
Case No. 4021

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

Misc. Docket 8
Folio 340
Case No. 4026

MEMORANDUM OPINION
AND ORDER OF COURT

This is another in the endless chain of zoning cases that reach this Court on appeal from the County Board of Appeals of Baltimore County. One unique characteristic is revealed by the fact that both the Petitioner and the Protestants were evidently disenchanted with the Board's decision and both entered separate appeals. The appeal of the Protestants is contained in Miscellaneous Case No. 4021 and that of the Petitioner in Miscellaneous Case No. 4026. The two cases were consolidated for the purpose of hearing and can conveniently be disposed of in a single Memorandum Opinion.

The Petitioner in this case is Witney Land Company, the legal owner of a tract of land containing 325 acres situate in the Eighth Election District

of Baltimore County, a portion of which was acquired in November of 1957 and the remaining portion of which was acquired in January of 1959. The corporation is owned by Robert E. Meyerhoff and his brother, Harry Meyerhoff, both of whom have been successful land developers of both dwellings and apartments since 1946. The zoning petition filed in the office of the Zoning Commissioner of Baltimore County on April 4, 1967, seeks a reclassification of 299.192 acres of the entire tract from R-6, R-10, R-20 and R-40 zones to R-A (Apartments), B-L (Business, Local) and B-R (Business, Roadside) zones. The petition also requests a special exception for two elevator apartment buildings on 10.0163 acres of the apartment use land. The existing zoning classifications are shown on the Eighth District Land Use Map adopted December 20, 1955. The specific reclassifications sought are as follows:

R-6 to R-A	Parcel A	26.9503 acres
R-10 to R-A	Parcel B	169.7915 acres
R-10 to B-L	Parcel C	15.8882 acres
R-10 to B-R	Parcel D	13.8113 acres
R-20 to R-A	Parcels E, F, G	41.4900 acres
R-40 to R-A	Parcel H	31.2606 acres

Total acreage 299.1920 acres

The Zoning Commissioner of Baltimore County, by an Order dated May 16, 1967, denied the petition in its entirety. Although recognizing many changes in zoning, road patterns and available public utilities in the immediate area since the adoption of the Eighth District Map on December 20, 1955, it was his opinion that: "Without an up-to-date comprehensive map and apartment zoning criteria, the petitioner's request is premature and could be detrimental to the public interest."

The subject tract is generally located south of Bosley Road, east

of Warren Road and west of Pot Spring Road. There is a mixture of zoning and land uses surrounding the property. On the north side, there is R-20 and R-40 zoning facing the south side of Bosley Road; and on the north side of said road, there is R-40, R-20 and R-10 zoning on a sizeable tract of land now under development by other interests. The majority of the western and southwestern boundary is zoned R-A and is presently being developed for apartment use known as Bristol Apartments. Another portion of the southwestern boundary abuts an electric transmission line of the Baltimore Gas and Electric Company and land owned by Baltimore County, Maryland, developed as the Longview Golf Course. This public use along with a small undeveloped tract of R-A land and the Dulaney Senior High School about the subject tract on the south. The entire eastern boundary is land owned by Villa Maria Inc., a Catholic corporation, and although zoned R-40, is devoted to institutional use by the Stella Maria Hospice and the St. Vincent Home.

A large portion of the land sought to be rezoned was developed by the petitioner as an eighteen hole golf course in 1963 known as Dulaney Springs Golf Club and is presently being utilized for this purpose. This was done so as to enable the petitioner to acquire some revenue from the property and to hold the land until it was ready for development. The tract used as a golf course is situate north and northeast of Cranbrook Road and west and northwest of Padonia Road. That portion of the Petitioner's property located south of Cranbrook Road and east of Padonia Road is vacant, unimproved land.

The petitioner proposes to develop the 299 acres in four stages in the event the reclassification of the property as an entirety were granted. Phase I (I) would comprise 90 acres (82.7 acres net) and would be developed into 1532 apartment units, 1340 of which on 72.7 net acres would be of the garden type and the remaining 192 of which on approximately 10 acres would be

contained in two, eight story elevator type apartment buildings of 96 units each. It is estimated that Phase I would require approximately seven years for completion depending upon the market demand for apartment accommodations. The portion of the land embraced in Phase I is bounded by Cranbrook Road, R-A zoning (Briarcliff Apartments) and the County owned Longview Golf Course on two sides, a small undeveloped R-A tract owned by Stefanowicz and the Dulany Senior High School on the south side and the Villa Maris property on the east side.

Phase II (2) consists of 47 acres (43.4 acres net) on which there is proposed to be constructed 524 garden apartment units and an estimated additional period of three years would be consumed in this phase. This area is bounded by Ridgland Road, the northerly side of Cranbrook Road, the westerly side of the Baltimore Gas and Electric Company transmission line and a line of division through the remaining land of the Petitioner. This part of the project would necessitate the relocation of two holes of Dulany Springs Golf Course on other land of the Petitioner.

Phase III (3) of the project would comprise 80 acres (78.9 acres net) of land on which it is proposed to build 1,300 additional apartment units, some being garden type and some being in elevator apartment buildings. The estimated period of construction would consume an additional five to six year span.

Phase IV (4) includes the remaining 82 acres (77.3 acres net) of the 299 acre parcel on which there is planned for construction 902 additional apartment units on approximately 52.4 acres, a neighborhood shopping center of 70,000 square feet on 15.8 acres of B-L land and a one hundred room inn and restaurant on 13.8 acres of B-R land. It is contemplated by the petitioner that this last phase would require an additional five years for completion.

appear in the petition for appeal either by express allegation or by necessary implication. Town of Somerset v. Montgomery County Board of Appeals, 245 Md. 52, 225 A.2d 284 (1966).

(b) An adjoining, confronting or nearby property owner is deemed, prima facie, to be specially damaged and, therefore, a person aggrieved. The person challenging the fact of aggrievement has the burden of denying such damage in his answer to the petition for appeal and of coming forward with evidence to establish that the petitioner is not, in fact, aggrieved. Thus, in Chatham Corp. v. Belram, 243 Md. 138, 147, 220 A.2d 589 (1966), the party seeking rezoning offered expert testimony that there would be no distinction in value of adjoining houses -- one of which was owned by the petitioner -- if the rezoning came about. The trial court found, on conflicting evidence, that the protestant was a person aggrieved, and we held there was no error in that ruling.

(c) A person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved. Wilkinson v. Atkinson, 242 Md. 231, 218 A.2d 503 (1966); Dubay v. Crane, supra; City of Greenbelt v. Leager, 237 Md. 466, 206 A.2d 854 (1965); Marcus v. Montgomery County Council, 235 Md. 535, 201 A.2d 777 (1964); Patton v. Cobb, 224 Md. 97, 172 A.2d 450 (1961). But he will be considered a person aggrieved if he meets the burden of alleging and proving by competent evidence -- either before the board or in the court on appeal if his standing is challenged -- the fact that his personal or property rights are specially and adversely affected by the board's action.

"3. A person whose sole reason for objecting to the board's action is to prevent competition with his established business is not a person aggrieved. Kretschman v. Ransburg, 224 Md. 209, 167 A.2d 345 (1961).

"4. If any appellant is a person aggrieved, the court will entertain the appeal even if other appellants are not persons aggrieved. See e.g., Marcus v. Montgomery County Council, supra.

"5. The status of a person to appeal as a 'person aggrieved' is to be distinguished from the result on the merits of the case itself. In determining status to appeal, the question is whether the property owner may reasonably be thought to be specially damaged if the application is approved. Testimony may be taken on the point by the trial court. Town of Somerset v. Montgomery County Board of Appeals, supra. If, on the merits, the board acted properly in approving the application, the protesting property owner is not damaged in law, however much he may be damaged in fact. His damage is then damnum absque injuria. Because the result on the merits might be adverse, however, does not mean that the protestant would not have status to challenge the board's action."

The entire project as proposed by the applicant would contemplate the construction of a total of 4258 apartment units, shopping center and motor inn. According to the Vice-President of the petitioning corporation, completion of the plan would require an estimated fifteen to twenty year period of time.

The hearing of this case before the Board consumed seven full days of testimony on December 19, 1957, January 5, 24, 25, 1958, and February 27, 28 and 29, 1958. The transcript contains over 1050 pages and 46 exhibits were filed, 26 by the petitioner and 20 by the protestants. The petitioner produced the following witnesses: (1) Robert E. Meyerhoff, Vice-President of Witney Land Company, the legal owner of the subject property; (2) Robert A. Whiteford, a consulting civil and sanitary engineer; (3) Bernard Willemain, a planning and zoning consultant; (4) Albert S. Kaltenbach, Director of Public Works for Baltimore County; (5) Walter Worthington Ewell, a registered professional civil engineer specializing in the traffic study field; (6) Frederick P. Klaus, a realtor and appraiser. The protestants presented the following witnesses: (1) Mrs. Twilish E. Weir, a property owner residing at 702 Bosley Road, Cockeysville, Maryland, located 150 feet northwest and within sight distance of the subject property, and who also had made a survey of school pupil yield from individual homes and apartment units; (2) Reverend Charles Robert Nielsen, Rector of Sherwood Episcopal Church, Sherwood and York Roads, Cockeysville, Maryland; (3) John Critcher, a property owner who resides at 114 Bosley Road, Cockeysville, Maryland, one-half to three-quarters of a mile from property involved, but within sight distance thereof, who testified individually and on behalf of the Glenmore Area Improvement Association; (4) Stanley C. Magersupp, a property owner who resides at 2315 Raven View Road in the Pot Spring community about one mile distant from the southern part of the Petitioner's property, who testified on his own behalf and on behalf of the Greater

The Court then discussed the allegations of the appellants in their petition for appeal; and after deciding that such allegations were legally sufficient, proceeded to discuss the evidence before the Board at pages 147-148:

"Moreover, in evidence before the Board, there was testimony sufficient to establish that the petitioners, Brynlark, Stewart and Seigel would, in fact, probably be aggrieved by the granting of the proposed special exceptions. Mr. Brynlark, who pointed out the location of his property on the aerial map and stated that he received the necessary notice, testified in regard to the alleged adverse effect of additional traffic which would be generated by the proposed apartment hotel as contrasted with the expected traffic to be generated from the operation of a medical office building; and, the alleged adverse effect of the proposal upon the general plan for the physical development of the District. Col. Stewart gave general testimony to the same effect and pointed out that his property would probably be more adversely affected than any other property, particularly because of the height of the proposed building. Mr. Seigel's letter of May 11, 1955, expressed his belief that his property would be injured by the increase in traffic and the change in the nature of the use of land in the area. In our opinion, apart from the presumption, then, was sufficient evidence in the record before the Board to establish, prima facie, that the petitioners mentioned were persons aggrieved."

The petitioner's Motion to Dismiss was not filed until November 15, 1958, the very date of the hearing before this Court. Counsel for the protestants did not seek leave to take additional testimony to amplify the status of the protestants as aggrieved parties as was their right (See Town of Somerset v. Montgomery County Board of Appeals, 245 Md. 52.) and as was done in Aubinoe v. Lewis, supra. The protestants relied upon the allegations in their petition for appeal and the evidence produced before the County Board. At least three of the protestants, namely, Mrs. Weir and Messrs. Critcher and Magersupp, are in sight distance of the property forming the subject of the petition. The Weir property is located on the northerly side of Bosley Road at the north end of the petitioner's tract of land although it is located approximately 1,100 feet from the parcels reclassified by the Board. There was considerable testimony as to increase in traffic and change in the nature of the use of land in the area, which according to the individual testimony of these protestants coupled with

Timonium Community Council; (5) William B. Guy, Jr., a real estate broker and appraiser; (6) Eugene J. Clifford, Traffic Engineer for Baltimore County; (7) Mrs. Virginia Brown, a property owner residing at 821 Sherwood Road, near Warren Road, Cockeysville, Maryland; (8) Eduardo Acevedo, a District Engineer for the State Department of Water Resources; (9) Fred W. Trummer, a Zoning and Planning Consultant and professional civil engineer; and (10) George E. Gavreitis, Director of Planning for Baltimore County.

The Board held the case under advisement for a considerable period and filed its opinion and order under date of July 2, 1958. By its decision, the Board granted the reclassification to R-A zoning for Phases I (80 acres) and II (47 acres) as requested by the petitioner and the special exception for the two eight story apartment buildings containing 96 units each but denied the reclassification requested for Phases III (80 acres) and IV (82 acres). On July 24, 1958, an order for appeal was filed on behalf of thirty-six individual protestants and on August 1, 1958, a second order for appeal was filed on behalf of the protestants, Vestry of Sherwood Episcopal Church and Jerome J. Gebhart, who resides at 598 Cranbrook Road, Cockeysville, Maryland. On November 15, 1958, the petitioner, Witney Land Company, filed a motion to dismiss the appeals of the protestants alleging that they are not "parties aggrieved" and therefore do not possess the status to maintain their appeals. The appeals of the protestants give rise to Miscellaneous Case No. 4021. On July 31, 1958, the Applicant filed an order for appeal from the decision of the Board in denying the reclassification sought under Phases III and IV which gives rise to Miscellaneous Case No. 4025.

We shall first discuss the Motion to Dismiss the appeals of the protestants filed by the petitioner, Witney Land Company. The Petitioner cites in support of its Motion the following cases: Marcus v. Montgomery County, 235 Md. 535; Dubay v. Crane, 240 Md. 180; Wilkinson v. Atkinson, 242 Md. 231;

that of their real estate expert, Mr. William B. Guy, Jr. would be sufficient under the law that their personal or property rights would be "specially and adversely affected by the action of the Board. These protestants were either confronting or nearby property owners and are deemed, prima facie, to be specially damaged and, consequently, persons aggrieved. The burden of challenging the fact of aggrievement was then on the petitioner to produce evidence to controvert this fact. The petitioner did produce some evidence to this effect, but such evidence, when considered with that produced by the protestants and their witnesses, presented a conflict. Under such circumstances, this Court feels justified in concluding that, apart from the prima facie presumption in their favor, there was sufficient evidence before the Board to establish that the three named protestants were aggrieved persons. If anyone of them fits that category, the Court should entertain the appeal even though the others are not persons aggrieved. Accordingly, the Court is of the opinion that the Motion to Dismiss should be denied.

The protestants in their appeal contend that the Board was in error in granting the reclassification and special exception with respect to Phases I and II asserting that the evidence before the Board was insufficient to justify such a ruling. They cite the general purpose of the zoning powers of the County and the presumption of the correctness of original zoning and comprehensive rezoning. There can be no quarrel with these general principles in zoning cases. The Board found that the 1955 zoning map was in error in not providing for rental housing in the Eighth Election District of Baltimore County, being the district in which the subject property is situated. This, however, was not the main reliance for the Board's decision. Main reliance by the Board was placed in a finding of change in the character of the neighborhood since the adoption of the 1955 map. In the course of its opinion, the Board stated: "In the Board's opinion it is indeed difficult, if not impossible to find any section

White v. Major Realty, Inc., 251 Md. 63; Shore Acres v. Anne Arundel Co., 251 Md. 310. The protestants cite the cases of Brynlark v. Montgomery County, 247 Md. 137 and Aubinoe v. Lewis, 250 Md. 645.

The petitioner did not contend that the protestants who appealed, were not parties to the proceedings before the Board but to the contrary contended this fact. It asserts, however, that the protestants have not demonstrated that they are "aggrieved", having failed to show that their property rights are specially affected in a manner different from that of the public generally. Section 604 of the Baltimore County Charter provides that an appellant must be an aggrieved party as required by the Maryland Zoning Enabling Act, Code (1967 Repl. Vol.), Article 66B, Section 7 (j). See also Baltimore County Code (1968), Section 22-28. The principles governing the determination of whether or not an appellant is an "aggrieved party" were exhaustively reviewed in an opinion by Judge Barnes of the Court of Appeals of Maryland in Brynlark v. Montgomery County, supra. At page 144, the Court stated:

"Generally speaking, the decisions indicate that a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally. Dubay v. Crane, 240 Md. 180, 185, 213 A.2d 487 (1965). The circumstances under which this occurs have been determined by the courts on a case by case basis, and the decision in each case rests upon the facts and circumstances of the particular case under review."

After discussing the principles applicable to the degree of certainty of allegations and proof of aggrievement in cases in equity and in cases involving a petition for a writ of mandamus, the Court continued in a discussion of the principles involving appeals in zoning cases at pages 144-146:

"2. In cases involving appeals under the provisions of a zoning ordinance:

"(a) It is sufficient if the facts constituting aggrievement

of Baltimore County that has changed more rapidly in the last five to ten years than the vicinity of the subject property." It was also observed that some of the witnesses for the protestants conceded substantial changes in the neighborhood in the past five to ten years.

The Board summarized the main objections of the protestants on page 5 of its opinion in the following language:

"The 'protestants' opposition is based primarily on three contentions: (1) that the granting of a project of this size would overburden the area with apartment units and create an imbalance of land uses; (2) that the increased traffic from the apartment project would create congestion in the roads in the immediate vicinity; (3) that the construction of the apartment project as proposed would further over-crowd the schools in the area."

After reviewing the evidence, the Board concluded that as far as the traffic issue was concerned that the present road system would adequately accommodate Phases I and II of the project without undue congestion; that the increase in school population that would be generated by Phases I and II of the project over an R-10 cottage house development would not overburden the public school system; and finally that in view of the explosive growth of the area with all types of housing and the lack of any up-to-date comprehensive master plan for the area the reclassification for the first two phases would not create an imbalance in the community or overburden the community with apartment zoning. In summarizing its conclusion in granting the reclassification as to Phases I and II, the Board stated on pages 6-7 of its opinion:

"The Board finds that the County authorities did make an error in the adoption of the Master Plan in 1955 in that it provided no rental housing for the entire 8th Election District. Secondly, from all of the evidence before it, the Board finds that there have been numerous and substantial changes in the character of the neighborhood that directly affect the property that justify the requested reclassification, and that the reclassification of a portion of this tract, will not place an undue burden on public facilities in the immediate area, nor would it be adverse to the general welfare."

This Court is of the opinion that there was sufficient evidence of a

substantial nature before the Board to justify its conclusion that there had been a substantial change in conditions so as to render the Board's decision fairly debatable and hence not arbitrary, unreasonable or capricious. It is not the function of the Courts to second or reason, but such function should be left to the Board to which it has been committed by appropriate legislation and whose decision is that of experts in this field. (See Piney v. Halle, 241 Md. 224; Yocel v. McCosh, 242 Md. 371; Bosley v. Hospital, 248 Md. 197; Ark Redi-Mix v. Smith, 251 Md. 1.)

With regard to the granting of the special exception requested under Phases I and II, the Board found that the granting of such special exception "would not in any way violate Section 502.1 of the Baltimore County Zoning Regulations". The Board was vested with a wide latitude of discretion in passing upon the issuance of the special exception. There was no abuse of that discretion and the Board's finding was justified by substantial evidence, and it is not the prerogative of this Court to substitute its judgment for that of the zoning authority. (See Brouillett v. Rudwood Plaza, 248 Md. 606.)

The petitioner, Witney Land Company, is not content with its piecemeal success before the Appeal Board. It contends that the evidence before the Board justified the granting of the petition for reclassification as to Phases III and IV. This Court is unable to agree with the petitioner as to this aspect of the case and is impressed with the summary of this issue as presented to the Board at the conclusion of the hearing when its Chairman asked counsel if either of them desired to submit a written memorandum. At that juncture, Mr. Harrison, petitioner's counsel, stated (T. 1053-1054):

"MR. HARRISON: I don't want to submit one, for this reason. I think that this case shows change, that would justify rezoning if the Board, within its prerogative, felt that the rezoning was within the overall general welfare. If the Board feels it is not in the overall general welfare, it should deny it. This is the precise question. Just because we show change, the Board isn't compelled to reason; nor, on the other hand, is it compelled to deny."

"It boils down to, once a change has been clearly demonstrated, and admitted by the protestants' own witness, then the only question is what is best for the overall general welfare of the county. I don't think you need any legal authorities on that."

The Board, in denying the reclassification as to Phases III and IV, stated at pages 7-8 of its opinion as follows:

"These substantial changes certainly justify the requested rezoning of the entire property but do not necessarily compel it. The Petitioner has presented a logical well planned scheme of development for its property covering some twenty years in time for construction and an investment of seventy-five to eighty million dollars. It appears to the Board that while all of the changes in utilities, roads, reclassifications, etc. in the immediate vicinity affect the entire property, that the granting of Phases 3 and 4 of the subject petition at this time might be premature. By the Petitioner's own testimony construction of Phase 3 will not begin until at least ten years from now, while the construction of Phase 4 would be another five years in the future, and the need for at least the commercial portion of the property would be based upon the success of the apartment project surrounding it. Also, while as of the present time the Board is satisfied that public facilities, particularly roads and schools in the immediate area, can adequately service Phases 1 and 2, there is some doubt in the Board's mind whether or not the existing facilities without improvements would be presently adequate to handle the entire project as proposed by the Petitioner. If constructed in its entirety immediately, therefore, while the record may contain evidence to justify the reclassification of the entire tract, as requested, it appears to be in the best interests of Baltimore County and the general welfare of its residents at this time to limit the reclassification to the parcels of land that are proposed to be developed under Phases 1 and 2, in accordance with Petitioner's Exhibit No. 9. It should be noted that there are no individual homes adjoining the Phase 1 parcel. It is surrounded on three sides by institutional use, R-A zoning and publicly owned land, and on the fourth side by the Petitioner's property, while Phase 2 abuts an existing apartment development on two sides and the remainder of the Petitioner's property on a third side. If these two parcels are successfully developed, as contemplated, the Petitioner has a right to file another application on the remaining sections if he so desires, and can justify the need for them. If the requested reclassification for all four parcels were granted at this time, the applicant would not be limited to construction on the undeveloped or unused portions of his land, nor would he be obligated to begin with the construction of the apartment project. By granting only Phases 1 and 2 of the petition at this time, the existing golf course on the Petitioner's land would remain intact to be used either as a golf course, which seems to the Board an excellent use for the land, or for future development, in accordance with its existing zoning."

The Board was of the opinion that although the record may contain evidence to justify the reclassification of the entire tract that it would be "in the best interests of Baltimore County and the general welfare of its residents" to limit the reclassification to Phases I and II and that the granting of Phases III and IV would be premature. The Board was justified in this conclusion and was not compelled to grant the entire reclassification if it found that such action would be against the general public interest and the general welfare. In Furnace Branch Co. v. Board, 232 Md. 535, the Court of Appeals said:

"Change in conditions may justify the amendment of the existing zoning ordinance to reclassify a particular property but it does not necessarily compel it. Even as in original zoning, rezoning must be in the general public interest for the promotion of the health, safety and welfare of the community, as well as in the individual interest of the land owner. Code (1957), Art. 68B, Sec. 21; Wakefield v. Kraft, 202 Md. 136; Huff v. Bd. of Zoning Appeals, 214 Md. 48."

In Ameslane, Inc. v. Lucas, 247 Md. 612, at pages 619-620,

it is stated:

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

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

Board of County Commissioners for Prince George's County v. Farr, et al., 242 Md. 315, 322, 213 A.2d 923, 927 (1966).

"Also in County Council for Montgomery County v. Gendelman, 227 Md. 491, 498, 177 A.2d 687, 690 (1962), the legal effect produced by the 'fairly debatable' quality of the issues was assessed by this Court as follows:

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

body in refusing it was arbitrary, capricious or illegal."

The Board was justifiably concerned over the impact of granting a reclassification for a 300-acre tract on the existing facilities for roads and schools. It had the right to take into consideration the effect of granting the reclassification as an entirety upon the school population and particularly traffic conditions. (See Eigenho v. Montgomery County, 248 Md. 385 p. 394.) The petitioner cites the last mentioned case as authority for error of the Board in denying a portion of the reclassification requested. The Petitioner contends that this case is authority for the proposition that changes that are consistent with a long range plan are preferable to piecemeal adjudications. This may be a sound zoning principle, but it does not require a zoning authority such as the Board in the instant case to grant a reclassification for an entire project if it finds in its expertise that such a reclassification would be detrimental to the general public interest and overall welfare of the community. In Eigenho v. Montgomery County, supra, at page 397, the Court of Appeals reiterated the limited and restricted function of a Court in reviewing the action taken by a zoning authority.

For the reasons stated, and in conformity with the foregoing Opinion, It is this 10th day of June, 1968, by the Circuit Court for Baltimore County ORDERED as follows: (1) that the Motion of Witney Land Company filed November 15, 1968, to dismiss the appeal of the protestants in miscellaneous case No. 4321 be and the same is hereby denied; and (2) that the Order of the County Board of Appeals of Baltimore County dated July 2, 1968, be and the same is hereby affirmed.

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

ROBERT A. WHITEFORD, P.E.
JAMES R. MARK, L.S.

JOSEPH L. FALK
VALLEY 17918

WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description of Phase I
Twyckenham
Containing 90 Acres of Land

Beginning for the same at a point, said point being at the intersection of the center line of Cranbrook Road, 70 foot wide, and the center line of Padonia Road, 80 foot wide; and running thence North 58° 00' 40" East, 106.72 feet to a point; thence 193.84 feet by an arc curving to the right with a radius of 950.0 feet, which arc is subtended by a chord bearing North 72° 54' 11.5" East, 488.30 feet to a point; thence North 87° 47' 43" East, 214.73 feet to a point; thence 330 feet, more or less, by an arc curving to the left with a radius of 1,300 feet to a point on the outline of the whole tract; thence with the outline of said whole tract the eight following courses: (1) South 13° 27' 57" West, 1,500 feet, more or less; (2) North 33° 41' 26" West, 544.87 feet; (3) North 31° 59' 20" West, 1,790 feet; (4) South 18° 10' 12" West, 1,009 feet; (5) North 52° 12' 05" West, 1,118.55 feet; (6) North 02° 36' 35" East, 1,072.46 feet; (7) North 03° 41' 54" East, 563.27 feet; and (8) North 08° 12' 05" East, 440 feet to a point on the center line of the aforementioned Cranbrook Road; thence with the center line of said Cranbrook Road the

seven following courses: (1) South 80° 54' 14" East, 63.33 feet; (2) 611.64 feet by an arc curving to the right with a radius of 675.0 feet, which arc is subtended by a chord bearing South 54° 56' 42.5" East, 590.93 feet; (3) South 26° 59' 11" East, 1,187.75 feet; (4) 291.72 feet by an arc curving to the left with a radius of 675.0 feet, which arc is subtended by a chord bearing North 41° 22' 03" East, 249.46 feet; (5) South 53° 44' 55" East, 192.83 feet; (6) 256.35 feet by an arc curving to the right with a radius of 675.0 feet, which arc is subtended by a chord bearing South 42° 52' 7.5" East, 254.81 feet; and (7) South 31° 59' 20" East, 293.49 feet to the point of beginning.

Containing 90 acres of land, more or less.



JOSEPH A. WHITEFORD, P.E.
JAMES R. MARK, L.S.

JOSEPH L. FALK
VALLEY 17918

WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description of Phase II
Twyckenham
Containing 47 Acres of Land

Beginning for the same at a point, said point being at the intersection of the center line of Ridgland Road, 100 foot wide, and the center line of Cranbrook Road, 70 foot wide; and running thence with the center line of said Ridgland Road North 21° 00' 08" East, 77.50 feet to a point; thence 324.30 feet by an arc curving to the left with a radius of 350 feet, said arc being subtended by a chord bearing North 04° 06' 38" East, 319.62 feet to a point; thence North 12° 46' 52" West, 337.07 feet to a point in the bed of Warren Road; thence leaving said Warren Road South 84° 30' 50" East, 45.96 feet to a point; thence South 83° 28' 05" East, 713.06 feet to a point; thence North 03° 17' 18" East, 275.80 feet to a point; thence North 38° 27' 33" West, 297.0 feet to a point in the bed of Warren Road; thence with said Warren Road North 51° 32' 27" East, 297.0 feet to a point; thence leaving said Warren Road South 40° 30' 42" East, 200.87 feet to a point; thence North 38° 04' 09" East, 347.82 feet to a point; thence North 72° 55' 21" East, 140.9 feet to a point; thence South 46° 01' 28" East, 371.42 feet to a point; thence South 21° 46' 28" East, 527.75 feet to a point; thence 350 feet, more or less, by an arc

curving to the left with a radius of 335 feet, said arc being subtended by a chord bearing South 38° 14' West, 335 feet, more or less, to a point; thence South 08° 14' West, 500 feet, more or less, to a point; thence South 14° 14' West, 330 feet, more or less, to a point on the center line of the aforementioned Cranbrook Road; thence with said center line the five following courses: (1) 55 feet by an arc curving to the left with a radius of 675 feet; (2) North 80° 54' 14" West, 628.12 feet; (3) 431.31 feet by an arc curving to the right with a radius of 1,635 feet, which arc is subtended by a chord bearing North 73° 20' 48" West, 430.06 feet; (4) North 65° 47' 22" West, 307.28 feet; and (5) 77.0 feet by an arc curving to the left with a radius of 1,375.09 feet, which arc is subtended by a chord bearing North 61° 23' 37" West, 77.0 feet to the point of beginning.

Containing 47 acres of land, more or less.



WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description of Phase III
Dwychenham
Containing 80+ Acres of Land

Beginning for the same at a point, said point being at the intersection of the center line of Lakespring Way, 30 foot wide, and the center line of Bosley Road, 70 foot wide, and running thence with the center line of said Bosley Road South 65° 58' 46" East, 87.20 feet to a point; thence 130.71 feet by an arc curving to the left with a radius of 720 feet, which arc is subtended by a chord bearing South 71° 41' 50" East, 139.48 feet to intersect the outline of the whole tract; thence with said outline South 65° 50' 20" East, 378 feet, more or less; thence leaving said outline South 01° East, 585 feet, more or less, to a point; thence 410 feet, more or less, by an arc curving to the left with a radius of 680 feet to a point; thence South 34° 21' East, 200 feet, more or less, to a point; thence South 55° 38' 54" West, 700 feet, more or less, to a point; thence 536.53 feet by an arc curving to the right with a radius of 5,729.58 feet, which arc is subtended by a chord bearing South 58° 19' 51.5" West, 536.33 feet to a point; thence South 61° 00' 49" West, 531.54 feet to a point on the center line of Cranbrook Road, 70 foot wide; thence with said

center line the three following courses: (1) North 28° 39' 11" West, 992.79 feet to a point; (2) 556 feet, more or less, by an arc curving to the left with a radius of 675 feet to a point; and (3) North 14° 14' East, 320 feet, more or less, to a point; thence North 08° 14' East, 500 feet, more or less, to a point; thence 720 feet, more or less, by an arc curving to the right with a radius of 335 feet to a point; thence 545.76 feet by an arc curving to the left with a radius of 1,762.95 feet, which arc is subtended by a chord bearing South 56° 28' 01" East, 543.58 feet to a point; thence South 65° 20' 09" East, 250 feet to a point; thence North 24° 39' 52" East, 560.97 feet to the point of beginning.

Containing 80 acres of land, more or less.



WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description of Phase IV
Dwychenham
Containing 82+ Acres of Land

Beginning for the same at a point, said point being at the intersection of the center line of Cranbrook Road, 70 foot wide, and the center line of Padonia Road, 80 foot wide; and running thence with the center line of said Cranbrook Road the five following courses: (1) North 31° 59' 20" West, 293.49 feet; (2) 256.35 feet by an arc curving to the left with a radius of 675.0 feet, which arc is subtended by a chord bearing North 42° 52' 7.5" West, 254.81 feet; (3) North 53° 44' 55" West, 192.83 feet; (4) 291.72 feet by an arc curving to the right with a radius of 675.0 feet, which arc is subtended by a chord bearing North 41° 22' 03" West, 289.46 feet; and (5) North 28° 59' 11" West, 195.0 feet; thence leaving said center line North 61° 00' 19" East, 531.54 feet to a point; thence 536.53 feet by an arc curving to the left with a radius of 5,729.58 feet, which arc is subtended by a chord bearing North 58° 19' 51.5" East, 536.33 feet to a point; thence North 55° 38' 54" East, 700 feet, more or less, to a point; thence North 34° 21' West, 200 feet, more or less, to a point; thence 410 feet by an arc curving to the right with a

radius of 680 feet to a point; thence North 01° West, 585 feet, more or less, to intersect the outline of the whole tract; thence with said outline the seven following courses: (1) South 65° 50' 20" East, 25 feet, more or less; (2) South 61° 37' 37" East, 225.22 feet; (3) North 88° 22' 23" East, 231.0 feet; (4) North 01° 37' 37" West, 156.79 feet; (5) South 75° 07' 37" East, 1,081.19 feet; (6) South 18° 03' 20" West, 1,439.38 feet; and (7) North 13° 27' 57" East, 1,750 feet, more or less, to a point; thence leaving said outline 172.51 feet by an arc curving to the right with a radius of 3,300 feet to a point; thence South 87° 47' 43" West, 214.73 feet to a point; thence 493.84 feet by an arc curving to the left with a radius of 950 feet, which arc is subtended by a chord bearing South 72° 54' 11.5" West, 488.30 feet to a point; thence South 58° 00' 40" West, 436.72 feet to the point of beginning.

Containing 82 acres of land, more or less.



Appeals of Baltimore County dated July 2, 1968, being Case No. 67-216-RX and titled as the "PETITION FOR RECLASSIFICATION FROM R-4, R-10, R-20 and R-40 zones to R-1, B-1 and B-2 zones, and SPECIAL EXCEPTIONS FOR ELEVATOR APARTMENT BUILDINGS, S/S Bosley Road 290' East of Warren Road, 8th District", "WITNEY LAND COMPANY", Petitioner.

BOUNDS, SCHOELER & SHORT

Warner G. Schoeler
Warner G. Schoeler
Medical Center West
6600 Baltimore National Pike
Baltimore, Maryland 21228
Telephone - 744-8200
Attorney for Plaintiff

I HEREBY CERTIFY that a copy of this foregoing Order for Appeal has this 24th day of July, 1968, been mailed to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland, 21204.

Warner G. Schoeler
Warner G. Schoeler
Attorney for Plaintiff

JOHN B. WEIR, JR. and
TWILAH E. WEIR, His Wife
702 Bosley Road
Cockeysville, Maryland 21030

STANLEY C. MAGESUPP and
ALDOREY D. MAGESUPP, His Wife
2313 Ravenhill Road
Timonium, Maryland 21093

CLAYTON C. BROWN and
VIRGINIA BROWN, His Wife
621 Sherwood Hill Road
Cockeysville, Maryland 21030

JOHN L. CRITCHER and
DOROTHY M. CRITCHER, His Wife
114 Bosley Avenue
Cockeysville, Maryland 21030

CARL S. TRUKIL and
JOYCE C. TRUKIL, His Wife
406 Wake Robin Drive
Cockeysville, Maryland 21030

EDWARD M. HAGY and
MARIE A. HAGY, His Wife
307 Warren Road
Cockeysville, Maryland 21030

WILLIAM J. ADELMAN, JR. and
JEAN M. ADELMAN, His Wife
634 Warren Road
Cockeysville, Maryland 21030

BROOKE PERCE and
CAROL PERCE, His Wife
Warren and Bosley Road
Cockeysville, Maryland 21030

WALTER R. STEIDL and
ANN B. STEIDL, His Wife
234 East Padonia Road
Timonium, Maryland 21093

DAVID D. THOMAS, III, and
NADINE D. THOMAS, His Wife
228 East Padonia Road
Timonium, Maryland 21093

EUGENE V. ALLEN and
PAULENE E. ALLEN, His Wife
230 East Padonia Road
Timonium, Maryland 21093

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

(AT LAW)

Case No.

File, Docket No.

File

DR. A. ANDREW ALECCE and
GLORIA B. ALECCE, His Wife
2401 Ravenhill Road
Timonium, Maryland 21093

KENNETH E. EMEIER and
EILEEN EMEIER
244 Padonia Road
Timonium, Maryland 21093

RAYMOND J. McGEE and
MARINA A. McGEE
254 Padonia Road
Timonium, Maryland 21093

ALBERT C. REED and
AUDREY V. REED
224 Padonia Road
Timonium, Maryland 21093

JOSEPH E. MONTALBANO and
AGNES M. MONTALBANO
231 Padonia Road
Timonium, Maryland 21093

DONALD S. ARNING and
MARGARET L. ARNING
248 Padonia Road
Timonium, Maryland 21093

FRANK E. LJEWSKI and
ANNA MAY L. LJEWSKI
253 Padonia Road
Timonium, Maryland 21093

Plaintiffs

vs.

WILLIAM S. BALDWIN,
W. GILES PAPER and
JOHN A. SLOWIK,
containing the
County Board of Appeals
of Baltimore County

Defendants

ORDER FOR APPEAL

Please enter an Appeal to the Circuit Court for Baltimore County on behalf of each of the above listed thirty-one (31) property owners from the Order of the County Board of

LAW OFFICE
W. LEE HARRISON
607 JONAS FEDERAL BUILDING
22 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
May 17, 1967

John G. Rose, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification and Special Exception - S/S Bosley Road 290 feet East of Warren Road, 8th District, Witney Land Company, Petitioner - No. 67-216-RX

Dear Mr. Rose:

Please note an appeal to the County Board of Appeals for Baltimore County from your decision and order dated May 16, 1967, denying the above reclassification and special exception requested, on behalf of the Petitioner.

I enclose herewith check in the amount of \$75.00 to cover the costs of the same.

Very truly yours,

W. Lee Harrison
W. Lee Harrison

b
Enc.



10-7-70

VESTRY OF SHERWOOD EPISCOPAL CHURCH
3 Sherwood Road
Cockeysville, Maryland

and

JEROME J. GEBHART
599 Cranbrook Road
Cockeysville, Maryland 21030

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
(AT LAW)
Case No.
Misc. Docket No.
Folio

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of the herein listed property owners by Bounds, Schoeler & Short and Werner G. Schoeler, their Attorneys, filed pursuant to the provisions of Rules 32 and 34 of the Maryland Rules of Procedure, respectfully represents unto Your Honor:

1. That this Appeal is from the decision of the County Board of Appeals of Baltimore County, dated July 2, 1968 on Petition No. 67-216-RX which overrules the Order of the Zoning Commissioner of Baltimore County dated the 16th day of May, 1967, denying a reclassification of the subject property from R-6, R-10, R-20 and R-40 zones and, also denying a Special Exception for Elevator Apartment Buildings.

2. That the Order of the County Board of Appeals of Baltimore County, in granting the requested reclassification, is arbitrary, capricious and illegal, for the following reasons:

(a) That the testimony offered on behalf of the Petitioners demonstrated that there presently exists a dangerous and over-crowded situation with respect to traffic in the area of the subject property;

(b) That the testimony offered on behalf of the Petitioners demonstrated that the planned development under the zoning

reclassification allowed would generate congestion in the streets of the area around the subject property;

(c) That there has not been sufficient change in the character of the neighborhood to justify the requested reclassification in zoning;

(d) That the granted reclassification would be adverse to the best interests of the general welfare of the Baltimore County and the community in which the subject property is located;

(e) That the granting of the requested reclassification would over-burden the area of the community in which the property lies and create a marked imbalance of land uses in the area where the subject land lies;

(f) That the granting would create an imbalance of population types in said area;

(g) That the granting of the reclassification is not in accordance with a comprehensive plan and design involving the area and disregards the health, safety and welfare of the community and individual interests of nearby land or property owners.

(h) That to grant the requested rezoning without a comprehensive plan and study is premature and would be detrimental to the general interest and welfare of the public.

(i) For other reasons which will be set forth at the time of argument on this Appeal.

3. That your Petitioners were parties to the proceeding before the County Board of Appeals of Baltimore County, are property owners in the immediate neighborhood of the subject property, taxpayers and constitute parties aggrieved by the said Order of the County Board of Appeals of Baltimore County.

WHEREFORE, your Petitioner pray that this Honorable Court pass an Order reversing the Order of the County Board of Appeals dated the 2nd day of July, 1968, which granted, in part, the requested reclassification.

-2-

AND, AS IN DUTY BOUND, ETC.

BOUNDS, SCHOELER & SHORT

Werner G. Schoeler
Medical Center West
6630 Baltimore National Pike
Baltimore, Maryland 21228
Telephone: 744-8200
Attorneys for Petitioners

I HEREBY CERTIFY that a copy of the foregoing Petition for Appeal was mailed by me, this 12th day of July, 1968 to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland, 21204.

Werner G. Schoeler
Attorney for Petitioners

VESTRY OF SHERWOOD EPISCOPAL CHURCH
3 Sherwood Road
Cockeysville, Maryland

and

JEROME J. GEBHART
599 Cranbrook Road
Cockeysville, Maryland 21030

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
(AT LAW)
Case No.
Misc. Docket No.
Folio

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal to the Circuit Court for Baltimore County on behalf of the Vestry of Sherwood Episcopal Church and Jerome J. Gebhart from the Order of the County Board of Appeals of Baltimore County dated July 2, 1968, being Case No. 67-216-RX and titled in the "PETITION FOR RECLASSIFICATION FROM R-6, R-10, R-20 and R-40 zones to R-6, R-10, R-20 and R-40 zones, and SPECIAL EXCEPTIONS FOR ELEVATOR APARTMENT BUILDINGS, 5/5 Bosley Road 290' East of Warren Road, 8th District, 'WITNEY LAND COMPANY, Petitioner'".

BOUNDS, SCHOELER & SHORT

Werner G. Schoeler
Medical Center West
6630 Baltimore National Pike
Baltimore, Maryland 21228
Telephone: 744-8200
Attorneys for Plaintiffs

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal has this 12th day of July, 1968, been mailed to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Werner G. Schoeler
Attorney for Plaintiffs

RE: PETITION FOR RECLASSIFICATION :
FROM R-6, R-10, R-20 and R-40
zones to R-6, R-10, R-20 and R-40
zones and SPECIAL EXCEPTION FOR
ELEVATOR APARTMENT BUILDINGS
5/5 Bosley Road 290' East of
Warren Road,
8th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

Witney Land Company,
Petitioner

No. 67-216-RX

OPINION

The Petitioner in this case seeks a reclassification of a large tract of ground from R-6, R-10, R-20 and R-40 zones to an R-A zone, and additionally requests a special exception for two elevator apartment buildings in conjunction with the R-A request. In addition, the Petitioner requests a reclassification of a portion of the property to B-L and B-R.

The tract of ground which is the subject of this petition comprises approximately 299 acres out of a larger 325 acre tract owned by the Petitioner, and is situated in the 8th Election District of Baltimore County, generally located south of Bosley Road, east of Warren Road and west of Pot Spring Road. The net acreage involved in the requested reclassification is approximately 282 acres. The Petitioner, if its request is granted in its entirety, proposes to construct on the subject property 4,238 apartment units, a 15.8 acre shopping center, and a 13.8 acre major inn.

The zoning and land uses surrounding the property are generally as follows: Along the north side of the property there is a mixture of R-20 and R-40 zoning facing the south side of Bosley Road, across Bosley Road the zoning is R-40, then R-10 and R-6 on a sizable tract of land now under development by other interests. The majority of the western and southwestern boundary of the subject property abuts land which is zoned R-A and is developed with an existing apartment development known as the Briarcliff Apartments. The balance of this boundary abuts property owned by Baltimore County and is developed as a public golf course known as Long View. The balance of the southern boundary of the subject property adjoins a tract of R-A land, which is presently not yet developed and publicly owned land, the site of the Dulane Senior High School. Almost the entire

Witney Land Co. - #67-216-RX - 2 -

eastern boundary of the subject property, the land which zoned R-40 is devoted to institutional use, being occupied by Villa Maria, a Catholic Institution.

The Petitioner, a highly successful developer, acquired the subject property in two purchases in 1957 and 1959. The property is for the most part presently undeveloped, with the exception of an 16 hole golf course, which the Petitioners have constructed on the property and operates as the Dulane Springs Golf Course, a semi-private club.

Robert E. Meyerhoff, Vice President of the Witney Land Company, testified that he has been in the land development business since 1946, and during this period of time has constructed more than 6,000 homes and 3,000 apartments. Mr. Meyerhoff testified that the entire project would take fifteen to twenty years to complete and that they have divided the project into four phases of construction.

Phase 1 consists of approximately 82.7 acres (net), and the Petitioner proposes to construct in this phase 1532 apartment units, which include two 8 story elevator apartment buildings, for which he requests a special exception. These two buildings are proposed to have 96 apartment units each and will be situated on approximately ten acres of land. The area covered by Phase 1 is that portion of the entire tract which is situated roughly south of Cranbrook and Padonia Roads. The Petitioner estimates that it will take approximately seven years to complete Phase 1 of the project.

Phase 2 of the project consists of approximately 43 acres, on which 524 garden apartment units are proposed, and will take approximately three years to complete.

Phase 3 consists of approximately 80 acres (net), and the Petitioner proposes to construct an additional 1200 apartment units on this portion of the site, which will take five to six years to complete.

Phase 4 is the final phase, and consists of approximately 77 acres (net) and it is on this tract that the Petitioner proposes to construct a small neighborhood shopping center of approximately 70,000 square feet on the 13.8 acre B-L portion of the parcel, and a proposed inn and restaurant on the 13.8 acre B-R portion of the parcel, together

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with 902 apartment units on the remaining acreage. It is estimated that this phase will require approximately five years to complete.

For a clearer picture of the various phases of construction, as set forth above, it is necessary to examine Petitioner's Exhibit No. 9, which is a colored exhibit prepared by one of the Petitioner's witnesses showing the boundaries of each phase of construction. One must also look at Petitioner's Exhibit No. 4 to ascertain the exact location of the B-L and B-R requests, and the elevator buildings for which a special exception is requested in connection with the portion of the project in Phase 1.

The hearing of this case before the Board required seven full days of testimony and both sides introduced numerous exhibits into evidence. Therefore it will be impossible for the Board in this Opinion to go into detail as to the testimony of each and every witness, but we will instead try to summarize the main points of the testimony given on behalf of both sides.

The Petitioner alleges that its property was erroneously zoned in 1955, when the County adopted the Land Use Map in question. It also alleges that there have been more than sufficient changes in the character of the neighborhood to justify the requested reclassification. The Board will deal first with the question of error in original zoning. It is virtually conceded by expert witnesses for both sides that there was a basic error committed by Baltimore County in the adoption of the Master Plan in 1955 in that the County made practically no provision for rental housing in the 8th Election District of Baltimore County, and to that extent the Board finds that the map is in error. The main question for the Board to decide in the instant case is whether or not there have been sufficient changes in the character of the neighborhood to justify the requested reclassification, and in addition, whether the requested reclassification would be adverse to the best interests of the general welfare of Baltimore County and the community in which the subject property is located. There is no question that there have been numerous and substantial changes that immediately affect this property since the adoption of the Master Plan in 1955. Two major changes affecting the subject property are the construction of Cranbrook and Padonia Roads, both with 48 feet of paving on 70 foot rights of ways running directly through the

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property, with Padonia Road serving as a major arterial route from the property to the Harrisburg Expressway and the York Road. There has also been, according to Robert A. Whiteford, an engineer testifying on behalf of the Petitioner, a substantial "drastic" change in the sewer and water facilities in the area since 1961, and without going into detail as to his testimony, it is apparent that a project of this scope could not have been constructed prior to the installation of these utility improvements. Indeed, almost none of the present road or utility system was in existence in 1955. Substantial other changes have occurred in the neighborhood through the form of zoning reclassifications by petition. An expert realtor testifying on behalf of the Petitioner, testified that there have been more than a dozen reclassifications that have occurred in the immediate vicinity of the subject property, mostly changes to apartment zoning, some of which are directly adjacent to the subject property and several others less than one quarter of a mile away. In all, he testified to approximately twenty-four reclassifications in the general area which he felt had an effect on the subject property. More than a dozen of these reclassifications were in the immediate vicinity of the property and nine of these were changes to apartment zoning. He also cited hundreds of acres of industrial zoning that have been granted between the York Road and the Harrisburg Expressway within a mile and a half of the subject property, which in his opinion creates an extensive and persistent demand for rental housing in this area. There was also testimony that the Greater Baltimore Industrial Park, approximately two miles away, presently has in excess of five thousand employees, and it is estimated that the number of persons employed there will increase to twenty-five thousand within the next ten years. In the Board's opinion it is indeed difficult, if not impossible, to find any section of Baltimore County that has changed more rapidly in the last five to ten years than the vicinity of the subject property. Indeed, even some of the witnesses for the Petitioner conceded that there have been substantial changes in the neighborhood in the last five to ten years. Fred V. Tuemmler, an expert land and city planner, testifying on behalf of Petitioners, conceded that there have been substantial changes in the area, although he did not, in his opinion, think they were sufficient to justify the entire petition. However, he did agree that he could "conceive" of part of the land being rezoned to a more intensive

use. Mr. George Gavrelis, the Director of Planning for Baltimore County, while opposed to the petition did state that there have been "very substantial changes" in the area since 1955. He also stated that although the Master Plan for this vicinity is thirteen years old, the County is not presently working on any new comprehensive plan for the area.

The Petitioners' opposition is based primarily on three contentions: (1) that the granting of a project of this size would over burden the area with apartments and create an imbalance of land uses; (2) that the increased traffic from the apartment project would create congestion in the roads in the immediate vicinity; (3) that the construction of the apartment project as proposed would further over crowd the schools in the area.

The Board heard testimony from Mr. W. W. Ewell, a recognized traffic expert testifying on behalf of the Petitioner, Mr. Eugene Clifford, Director of Traffic Engineering for Baltimore County, and various residents of the immediate neighborhood as to traffic conditions as they presently exist and future projections of additional traffic to be generated by both the normal development of the land around the subject property, in its existing zoning and with the construction of the proposed apartments on the subject tract. Both Mr. Ewell and Mr. Clifford agreed that the existing roads through the subject property can handle the increased traffic in the proposed apartment project. They did, however, disagree as to the number of additional vehicles that the apartment project and commercial complex would place on the roads leading to and from the site. Mr. Ewell contended that the roads as they exist and with the improvements that will be made within the next two to three years are completely adequate to handle the project, while Mr. Clifford projected that by 1985 all of the roads in the immediate area will be congested by normal growth without any further zoning changes, including the subject petition. If we are to agree with Mr. Clifford's contention that the roads will be congested without any further rezoning in the area, and without the subject tract or any others being rezoned, then it is obvious that it is the duty of Baltimore County to provide its citizens adequate roads to meet their future needs. It would not serve any purpose in this Opinion to cite in detail the vast statistical data furnished the Board by the traffic experts. Therefore, without going into further detail, but after weighing all the evidence with regard to

traffic put in by the witnesses, the Board finds as a fact that the present roads systems will adequately accommodate at present Phases 1 and 2 of the project without undue congestion. We are further satisfied that the additional improvements that will be completed within the next seven to ten years could adequately service the entire project without creating any undue congestion in the roads and streets of the immediate area.

The Petitioner contends that the school child population of the entire project would be less than that of an R-10 development, while the Protestants contend that exactly the opposite is true. Both sides furnished the Board with statistical data to support their contentions and again these statistics are different in their estimation of school population in the apartment project. The schools in the area are all at or near capacity or in some cases have enrollment that exceed their capacity. However, it is apparent from the testimony that Baltimore County is moving as rapidly as possible to alleviate this situation. Using statistics furnished by one of the witnesses for the Protestants who had gone to a great deal of trouble and spent considerable time to determine on her own the amount of school children in apartments versus individual housing, the Board finds that the increase in school population that would be generated by Phases 1 and 2 of the project over an R-10 cottage house development would be so small that it cannot possibly over burden the public school system to grant these two portions of the petition.

With regard to the third contention of the protestants mentioned above, the Board does not find, considering the explosive growth of the area with all types of housing and the lack of any up to date comprehensive master plan for the area, that the granting of this petition would create any imbalance in the community or over burden the community with apartment housing.

The Board finds that the County authorities did make an error in the adoption of the Master Plan in 1955 in that it provided no rental housing for the entire 8th Election District. Secondly, from all of the evidence before it, the Board finds that there have been numerous and substantial changes in the character of the neighborhood that directly affect the property that justify the requested reclassification, and that the reclassification of a portion of this tract will not place an undue burden on public facilities in the immediate

area, nor would it be adverse to the general welfare.

These substantial changes certainly justify the requested rezoning of the entire property but do not necessarily compel it. The Petitioner has presented a logical well planned scheme of development for its property covering some twenty years in time for construction and an investment of seventy-five to eighty million dollars. It appears to the Board that while all of the changes in utilities, roads, reclassifications, etc. in the immediate vicinity affect the entire property, that the granting of Phases 3 and 4 of the subject petition at this time might be premature. By the Petitioner's own testimony construction of Phase 3 will not begin until at least ten years from now, while the construction of Phase 4 would be another five years in the future, and the need for at least the commercial portion of the property would be based upon the success of the apartment project surrounding it. Also, while as of the present time the Board is satisfied that public facilities, particularly roads and schools in the immediate area, can adequately service Phases 1 and 2, there is some doubt in the Board's mind whether or not the existing facilities without improvements would be presently adequate to handle the entire project as proposed by the Petitioner, if constructed in its entirety immediately. Therefore, while the record may contain evidence to justify the reclassification of the entire tract, as requested, it appears to be in the best interests of Baltimore County and the general welfare of its residents at this time to limit the reclassification to the parcels of land that are proposed to be developed under Phases 1 and 2, in accordance with Petitioner's Exhibit No. 9. It should be noted that there are no individual homes adjoining the Phase 1 parcel. It is surrounded on three sides by institutional use, R-A zoning and publicly owned land, and on the fourth side by the Petitioner's property, while Phase 2 abuts an existing apartment development on two sides and the remainder of the Petitioner's property on a third side. If these two parcels are successfully developed, as contemplated, the Petitioner has a right to file another application on the remaining sections if he so desires, and can justify the need for them. If the requested reclassification for all four parcels were granted at this time, if a applicant would not be limited to construction on the undeveloped or unused portions of his land, nor would he be obligated to begin with the construction of the apartment project. By

granting only Phases 1 and 2 of the petition at this time, the existing golf course on the Petitioner's land would remain intact to be used either as a golf course, which seems to the Board an excellent use for the land, or for future development, in accordance with its existing zoning.

The Board also finds that the granting of the special exception for two elevator apartment buildings, as requested by the Petitioner, would not in any way violate Section 302.1 of the Baltimore County Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of July, 1968, by the County Board of Appeals, ORDERED, that the parcels of land designated as Phase 1 and Phase 2 on Petitioner's Exhibit No. 9, legal descriptions of which are attached hereto and made a part hereof, be and the same are hereby reclassified from R-20, R-10 and R-6 zones to R-A residential apartment zone; and it is

FURTHER ORDERED, that the reclassification requested on the parcels known as Phase 3 and Phase 4, legal descriptions of which are attached hereto and made a part hereof, is DENIED, and the aforesaid latter two parcels shall remain in the existing R-40, R-20 and R-10 zones. It is

FURTHER ORDERED, that the special exception for two 8 story elevator apartment buildings of 96 units each is hereby GRANTED, in accordance with the Petitioner's request for that portion of the property as described in the legal description filed by the Petitioner with the filing of this case.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slawik

RE: PETITION FOR RECLASSIFICATION :
From R-6, R-10, R-20 and R-40 :
Zones to R-A, BL and BR Zones :
Special Exception for Elevator :
Apartment Building :
S/S Bosley Road 240 feet East of :
Warren Road - 8th District :
Witney Land Company, Petitioner :
NO. 67-216-RX

The Witney Land Company, the major portion of which is owned by Robert E. Meyerhoff and Harry Meyerhoff, petitioned for a rezoning of their property consisting of eight parcels and two hundred and ninety-nine acres, more or less. To the west is Warren Road, to the north is Bosley Road, to the east is Villa Maria and to the south is Baltimore County's Longview Golf Course.

The reclassification request is from Residential-6, Residential-10, Residential-20 and Residential-40 to Residential apartments, Business Local and Business Roadside.

In addition there is a petition for a Special Exception for an eight-story elevator apartment building housing two hundred units.

The maximum number of garden apartments will be two thousand nine hundred and eighty-three.

In the future three other elevator apartments are proposed plus a church, a club house, a medical office building, a three-story one hundred room inn, a restaurant and a neighborhood shopping center. These would be built over a twelve to fifteen year period.

Robert E. Meyerhoff testified that his company acquired a portion of the land in November, 1957, and the balance in January, 1959. He and his brother have been successful builders over a period of twenty years. They have

investigated all facets and firmly believe that their proposed use is the best for the land and that it will meet all the requirements set forth in Baltimore County's Ordinances and Regulations. In particular the petition meets the requirements of Planning and Zoning. Believing this, there is no other avenue available except to petition as they have done.

The only other witness for the petitioners was Robert A. Whiteford, an engineer, who testified at some length. He indicated that there was no question but that water and sewer are available for the subject property. This has come about since 1955. Although admittedly not a traffic expert, he did give some opinion as to traffic, but the bulk of his testimony was as to the adequacy of the internal roads and to the new and widened roads existing or proposed since 1955. Mr. Meyerhoff also testified concerning roads and particularly as to Cranbrook Road which he said will soon be completed.

The protestant's sole witness was Mrs. Twilish E. Wier, who testified as to overcrowded schools.

The following reports were received:

State Roads Commission - May 5, 1967 - "The section of York Road which must carry the greater part of the traffic that would be generated by the proposed development consists of two 12' lanes and has a capacity of 1700 vehicles per hour at level of Service 'D'."

The definition of Level of Service 'D' is as follows: "Approaches unstable flow with tolerable operating speed being maintained though considerably affected by changes in operating conditions. Fluctuations in volume and temporary restrictions to flow may cause substantial drops in operating speeds. Drivers have little freedom to maneuver and comfort and convenience are low, but conditions can be tolerated for short periods of time."

The 1965 peak hour traffic on this section of York Road is 1754 vehicles per hour. This is in excess of the capacity of Level of Service 'D'.

It is estimated that the subject development will generate an additional 270 vehicles to this section of York Road during the peak hour, thus making the level of services less than category "D".

Bureau of Traffic Engineering - May 8, 1967 - The Bureau of Traffic Engineering, for the past several weeks, has conducted an analysis of the subject site and its effect on the surrounding area. As a result of this study, we submit the following comments.

The proposed 2983 apartment units can be expected to generate 19,400 trips/day, and the 29.7 acres of proposed commercial zoning could generate 22,300 trips/day. A commercial area of 29.7 acres is a Regional Shopping Center such as Towson Plaza 19.8 acres, E. J. Korvette-Joppa Road 30.7 acres, and Eastmont Shopping Center 56.9 acres, while a neighborhood shopping center is 8-10 acres generating 6000-7500 trips/day.

A trip distribution for the subject site and surrounding area was analyzed to determine 1965 traffic volumes for roads in the area, with the following volumes noted.

	With Existing Zoning	Existing Zoning & Proposed Zoning
Cranbrook Road - East of York Road West of Padonia	12,600 15,350	14,450 23,450
Padonia Road - East of York Road South of Dulany Sr. High North of Cranbrook West of Dulany Valley Road	21,500 19,100 12,700 7,800	24,500 23,500 28,000 13,500
Greenside Dr. - North of Padonia Rd	12,700	13,600
Warren Road - East of York Road	9,600	12,600
Pot Springs Rd. - South of Stella Marie	13,503	16,900
York Road - South of Warren Road North of Padonia Road	30,400 40,000	32,400 43,100

A capacity analysis was conducted by the Bureau of Traffic, Maryland State Roads Commission, for the intersection of Warren and York Roads. This study indicates that this intersection is 78% above level of service 'C' or the design capacity. Expanding this study, the Bureau of Traffic Engineering has determined that this

intersection is operating at 95% of level of service 'F'. That is to say, an increase of more than 50 vehicles, during peak hour, within this intersection would cause the intersection to reach the point of failure.

York Road is not scheduled for improvement at this time, however, some improvements will be needed in the near future. These improvements could only be the widening of York Road to 4 lanes, because of physical restrictions. With the widening of York Road to 4 lanes, York Road will only be able to handle the residential density as presently zoned.

In summary, the Bureau of Traffic Engineering considers it undesirable to increase any density in the York Road corridor which will affect the volume on York Road. A change from R-10 & R-20 to R-A zoning will affect York Road. A commercial area of 29.7 acres will also influence York Road traffic, however, a neighborhood shopping center of 8-10 acres on the site, but closer to York Road, will not affect York Road.

Fire Bureau - April 13, 1967 - "Shall be required to meet all fire department regulations concerning garden type and high rise type of apartment constructions. Shall be required to meet all fire department regulations in construction of any other buildings which are to be constructed on this site. It will be necessary to provide water mains and fire hydrants in accordance with the Baltimore County Standard Design Manual, 1964, edition, pages W2-W3."

Health Department - April 13, 1967 - See Engineering Comment.

Bureau of Engineering - April 13, 1967 - "Water - Existing 20" water in Cranbrook Road, Sewer - Pump facilities are necessary to sewer this site. However, the existing facilities to which the sewage from this project would be pumped are presently operating above capacity and are inadequate to handle any additional flows. It is requested that the developer's engineer submit studies to the sewer design group of the Bureau of Engineering, indicating the means by which this property is to be sewered. Road - All road alignments and cross-sections appear adequate as shown."

Bureau of Engineering - May 8, 1967 - "We have reviewed and approved the report entitled 'Sanitary Sewerage Study, Development at Twickenham, Eighth Election District, Baltimore County, Maryland' dated May 3, 1967."

However, our approval is limited to the concept of serving the development with the Texas sewerage system, but are with-

holding comment on the magnitude of improvements required, cost responsibilities, and the ultimate sewerage of the Merryman Branch area until more detailed studies are made. We are certain that you will agree with these comments considering the limited time available for my review, although we have made an adequate review of the capacity of the existing system and the anticipated flows from the proposed subdivision."

Director of Planning - April 28, 1967 - "The staff of the Office of Planning and Zoning has reviewed the subject petition for coming reclassifications together with Special Exception for elevator apartments. It has the following advisory comments to make with respect to pertinent planning factors:

1. The subject tract has a prior zoning reclassification history wherein reclassification was granted from larger to smaller lot zoning. In connection with that previous case, the Planning staff endorsed the concept of extending northerly the R-10 zoning that occurred in what is now the Springlake Subdivision. Since that time additional reclassifications were granted to apartment zoning based on a developmental concept that would have set aside large acreage in open space.

2. The Planning staff expresses concern that the pendulum for increased densities now may be swinging too far. What had been conceived of as a community or development with a choice of housing types is threatened with becoming simply a community with an overwhelming supply of rental housing. The Planning staff expresses also concern with respect to the continued requirements of the County for single family sales housing. The subject property is among the last of its kind - appropriately zoned with utilities. To create apartment zoning here would create an imbalance in the community land use."

The Zoning Powers of Baltimore County are set forth as follows:

"Section 21-18, Zoning - Powers of the County. For the purpose of promoting health, safety, morals and general welfare of the Community, zoning maps and appropriate regulations shall be prepared in the manner hereinafter provided, to regulate and restrict within the County, the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards or courts, the setback or distance of any buildings or structures from front or side lot, road, street or alley line and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purpose. Such zoning maps and regulations shall be made in accordance with a comprehensive plan. They shall be designed to reduce congestion in the roads, streets, and alleys;

to promote safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land to avoid undue concentration of population; to facilitate adequate provision for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements, including gas and electric structures and facilities. (Bill No. 80, 1960)."

It is to be noted that the Zoning Powers indicate that zoning maps SHALL be made in accordance with a comprehensive plan. The subject property is located on a map adopted December 26, 1955. The maps to the north are twenty-two years old.

There is no question but that there have been many, many changes to the existing maps so that they do not now meet the test of a comprehensive map.

The Zoning Commissioner has given his opinion concerning the maps that are no longer comprehensive in Case No. 63-146-RX, Circuit Court for Baltimore County Misc. Docket 7, folio 487 Case No. 3222; Case No. 65-206-RX, Circuit Court for Baltimore County Misc. Docket No. 8, folio 174, file no. 3694; and Case No. 66-59-R Circuit Court for Baltimore County Misc. Docket 8, folio 167, Case No. 3680.

Judge Henderson's comment in Zinn vs Board of Zoning Appeals, 207 Md. at page 359 is worth repeating:

"Zoning, of course, looks to the future and is predicated upon an assumed ability to predict future needs with a narrow range of fallibility. When it is argued that an unanticipated need has developed, this presupposes a fault in the original plan, that should be ideally corrected by a reversion of the land use map, rather than by piecemeal alteration."

Judge Hammond in Furnace Branch Land Company vs Board of County Commissioners 232 Md. at page 539.

"Change in conditions may justify the amendment of the existing zoning ordinance to reclassify a particular property, but it does not necessarily compel it. Even as in the original zoning, rezoning must be in the general public

interest for the promotion of the health, safety and welfare of the community, as well as in the individual interest of the land owner."

This petition, if granted, will be a major change not only in the immediate vicinity, but also the environs in all directions. Once granted it will set the course of a future master plan. The Director of Planning did not testify so that he could not be examined concerning any updating of existing plans.

It would seem that apartment living is going to be a large factor in Baltimore County housing for sometime to come.

A great many Baltimore County citizens have written to the Zoning Commissioner requesting information as to the County policy on apartment zoning. They feel their way of life is tied to the apartment zoning decisions.

Without an up-to-date comprehensive map and apartment zoning criteria, the petitioner's request is premature and could be detrimental to the public interest.

Admitting many changes in zoning, roads, sewer and water, does this require a mandatory rezoning to RA, BI, and BR, if it over balances existing single family and apartment uses? It does not.

For the above reasons, the above reclassification should NOT BE HAD and the special exception should NOT BE GRANTED.

It is this 16th day of May, 1967, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification should be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as R-6, P-10, R-20 and R-40 zones, and the special exception for elevator apartment building be and the same is hereby DENIED.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE 5/16/67
BY *[Signature]*
Administrative Assistant

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MD. 21204

W. Lee Harrison, Esquire
Loyola Federal Building
Towson, Maryland 21204

April 13, 1967

Dear Sir:

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

BUREAU OF ENGINEERING

Water - Existing 20" water in Cranbrook Road
Sewer - Pump facilities are necessary in Cranbrook Road to which the sewage from this project would be pumped. However, the existing facilities capacity and are inadequate to handle any additional flows. It is requested that the developer's engineer submit studies to the sewer design group of the Bureau of Road - All road alignments and cross-sections appear adequate as shown.

FIRE BUREAU - Shall be required to meet all fire department regulations concerning garden type and high rise type of apartment constructions. Shall be required to meet all fire department regulations in construction of any other buildings which are to be constructed on this site. It will be necessary to provide water mains and fire hydrants in accordance with the Baltimore County Standard Design Manual, 1966, edition, pages W2 - W3.

HEALTH DEPARTMENT - See Engineering Comment

PROJECT PLANNING AND TRAFFIC ENGINEERING - These Offices will review and make any necessary comments at a later date jointly.

ZONING ADMINISTRATION DIVISION - If the Petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

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: State Roads Commission, Building Engineer, Board of Education, Industrial Development.

Very truly yours:

[Signature]
JAMES E. DYCK
Principal Zoning Technician

JED/jdr

cc: Carlye Brown, Engineering; Lt. Morris, Fire; Mr. Greenwall, Health; Albert Quimby, Project Planning; C. Richard Moore, Traffic



67-216-RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 4/16/67
Posted for Wetmore, David Co.
Petitioner: Wetmore, David Co.
Location of property: 330' corner of W. 5th St. & W. 1st St.
Location of Signs: 2 signs on the corner of W. 5th St. & W. 1st St.
Remarks: See the zoning map with an X
Posted by Robert Lee Ball Jr. Date of return: 4/16/67

67-216-RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 6/16/67
Posted for Wetmore, David Co.
Petitioner: Wetmore, David Co.
Location of property: 330' corner of W. 5th St. & W. 1st St.
Location of Signs: 2 signs on the corner of W. 5th St. & W. 1st St.
Remarks: See the zoning map with an X
Posted by Robert Lee Ball Jr. Date of return: 6/16/67

INVOICE No. 45556
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-652

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - Wetmore Land Co. No. 67-216-RX	\$75.00
1	posting	\$9.00
		\$84.00

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

INVOICE No. 49266
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-712

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of documents filed in case No. 67-216-RX	\$39.00

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

INVOICE No. 49265
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Wm. G. Schuler, Esq.,
400 Baltimore National Pike
Baltimore, Maryland 21204

REPORT TO ACCOUNT NO. 01-712

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of documents filed in case No. 67-216-RX	\$39.00

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

INVOICE No. 49262
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Mr. Francis McDonough
Real Estate Title Company
410 Kays Building
Baltimore, Md. 21202

REPORT TO ACCOUNT NO. 01-712

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of documents from file No. 67-216-RX Wetmore Land Company	\$11.00

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

INVOICE No. 45540
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Wetmore Land Company
400 Baltimore National Pike
Baltimore, Md. 21204

REPORT TO ACCOUNT NO. 01-652

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and posting of property	\$49.75

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

INVOICE No. 44388
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Wetmore Land Company
400 Baltimore National Pike
Baltimore, Md. 21204

REPORT TO ACCOUNT NO. 01-652

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Reclassification & Special Exception	\$5.00

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

10-7-70

JOHN B. WIER, JR., et al.

v.

WITNEY LAND COMPANY

File No. 67-216-M

Hammond, C.J.

Barnea

Kestellians

Pinn

Smith

Digges,

JJ.

Opinion by Barnea, J.

Filed: April 9, 1970

In this zoning appeal, the appellants, John B. Wier, Jr., et al., who were protestants below, challenge the propriety of the granting by the County Board of Appeals of Baltimore County (the Board) of the reclassification of Phases I and II consisting of approximately 57.7 acres of land (net) and 43 acres of land, respectively, owned by the Witney Land Company, a Maryland Corporation, owned by Robert E. Meyerhoff and his brother, Harry Meyerhoff (petitioners, Witney or owner) from the existing R-20 (Residence, one-family, lot 20,000 square feet), R-10 (Residence, one-family, lot average of 10,000 square feet) and R-6 (Residence, one and two family, lot area 6,000 square feet) zones to the R-A (Residence, Apartments) zone and the granting of a Special Exception for two 8 story elevator apartment buildings for 56 units each. The appellee and cross-appellant, Witney, who was the petitioner for reclassification of 299.1920 acres of its 325 acre tract in the Eighth District of Baltimore County consisting of Phases I, II, III and IV (Phase III consisting of 84 acres, 78.9 acres net, and Phase IV consisting of 82 acres, 77.3 acres net), challenges the correctness of the action of the Board in denying the requested reclassification of Phases III and IV, from the existing R-40, R-30 and R-10 zones to the R-A, B-L (Business, Local) and B-R (Business, Roadside) zones as set forth in the application. The action of the Board by its order of July 2, 1958, was affirmed by the Circuit Court for Baltimore County (Jennifer, J.) by its order of

portion of the southwestern boundary abuts an electric transmission line of the Baltimore Gas and Electric Company and land owned by Baltimore County, Maryland, developed as the Potomac Golf Course. This public use along with a small undeveloped tract of R-4 land and the Delaney Senior High School that the subject tract on the south. The entire eastern boundary is land owned by Villa Maria Inc., a Catholic corporation, and although road R-10, is devoted to institutional use by the Stella Maria Hospice and the St. Vincent Home.

A large portion of the land sought to be rezoned was developed by the petitioner as an eighteen hole golf course in 1953 known as Potomac Springs Golf Club and is presently being utilized for this purpose. This was done so as to enable the petitioner to acquire some revenue from the property and to hold the land until it was ready for development. The tract used as a golf course is situated north and northeast of Cranbrook Road and west and northwest of Redenia Road. That portion of the petitioner's property located south of Cranbrook Road and east of Redenia Road is vacant, undeveloped land.

The petitioner proposes to develop the 299 acres in four stages in the event the reclassification of the property as an entirety were granted. Phase I (1) would comprise 50 acres (52.7 acres net) and would be developed into 1556 apartment units, 1300 of which on 72.7 net acres would be of the garden type and the remaining 192 of which on approximately 10 acres would be contained in two, eight story elevator type apartment buildings of 56 units each. It is estimated that Phase I would require approximately seven years for completion depending upon the market demand for apartment accommodations. The portion of the land embraced in Phase I is bounded by Cranbrook Road, R-A zoning (Briarcliff Apartments) and the County owned Longview Golf Course on the west, a small undeveloped R-4 tract owned by St. Ann's and the Delaney Senior High School on the south side and the Villa Maria property on the east side.

Phase II (2) consists of 47 acres (43.8 acres net) on which there is proposed to be constructed 528 garden apartment units and an estimated additional period of three years would be consumed in this phase. This area is bounded by Ridgeland Road, the northern side of Cranbrook Road, the westerly side of the Baltimore Gas and Electric Company transmission line and a line of division through the remaining land of the petitioner. This part of the project would necessitate the relocation of the Helen of Potomac Springs Golf Course on other land of the petitioner.

Phase III (3) of the project would comprise 80 acres (78.9 acres net) of land on which it is proposed to build 1,200 additional apartment units, some being garden type and some being in elevator apartment buildings. The estimated period of construction would consume an additional five to six years.

Phase IV (4) includes the remaining 82 acres (77.3 acres net) of the 299 acre parcel on which there is planned for construction 502 additional apartment units on approximately 52.4 acres, a neighborhood shopping center of 70,000 square feet on 15.0 acres of B-L land and a one hundred room inn and restaurant on 13.8 acres of B-R land. It is contemplated by the petitioner that this last phase would require an additional five years for completion.

The entire project as proposed by the applicant would contemplate the construction of a total of 4255 apartment unit, shopping center and motor inn. According to the Vice-President of the petitioning corporation, completion of the plan would require an estimated fifteen to twenty year period of time.

The hearing of this case before the Board consumed seven full days of testimony on December 19, 1957, January 9, 20, 25, 1958, and February 27, 28 and 29, 1958. The transcript contains over 1000 pages and 46 exhibits were filed, 24 by the petitioner and 20 by the protestants. The petitioner produced the following witnesses: (1) Robert E. Meyerhoff, Vice-President of Witney Land Company, the petitioner; (2) Robert A. Whiteford, a consulting civil and sanitary engineer; (3) Bernard Wilkins, a planner, and zoning consultant; (4) Albert B. Koltzenich, Director of Public Works for Baltimore County; (5) Walter Worthington Swell, a registered professional civil engineer specializing in the traffic study field; (6) Frederick T. Hines, a planner and engineer. The protestants presented the following witnesses: (1) Mrs. William B. Weir, a property owner residing at 702 Barclay Road, Cockeysville, Maryland, located 150 feet northwest and within sight distance of the subject property, and who also had made a survey of school pupil yield from individual homes and apartment units; (2) Reverend Charles Sherman, Rector of St. Ann's Episcopal Church, Cranbrook and York Roads, Cockeysville, Maryland; (3) John Grisham, a property owner who resides at 134 Barclay Road, Cockeysville, Maryland, located 150 feet northwest of a site from property involved, but within sight distance thereof, who testified individually and on behalf of the Glenmore Area Improvement Association; (4) Stanley C. Hagerup, a property owner who resides at 2119 Raven

June 14, 1959, and a timely appeal and cross-appeal were perfected from that order of the lower court.

Three questions are presented to us for our decision, *namely*, whether or not the lower court erred (1) in refusing to dismiss the appeal of the protestants to it on the ground that they were not "persons aggrieved" with sufficient status to maintain the appeal; (2) in declining to hold that the Board acted arbitrarily and capriciously in approving the reclassification for Phases I and II; and (3) in declining to hold that the Board acted arbitrarily and capriciously in not granting the reclassification for Phases III and IV.

This case was thoroughly and carefully tried before the Board. There were seven full days of testimony with a transcript of over 1,050 pages with some 46 documentary exhibits - 26 filed by the petitioners and 20 by the protestants. The expert testimony produced by both sides was given by well qualified and well known experts. The opinion of the Board, filed on July 2, 1958, consists of some nine printed pages in the Record Extract and is a carefully considered opinion. The opinion of the lower court is also carefully considered, well written and has been most helpful to this Court. It consists of 16 printed pages in the Record Extract. Indeed, the analysis of the substantial record in the case by the lower court in its opinion is so accurately and completely done, that we shall adopt the statement of the facts as given in the lower court's opinion as our statement of the facts in this opinion for the Court. Judge Jennifer stated the facts as follows:

View Road in the Pot Spring community about one mile distant from the southern part of the petitioner's property, who testified on his own behalf and on behalf of the Greater Glenmore Community Council; (5) William B. Guy, Jr., a real estate broker and appraiser; (6) Eugene J. Clifford, Traffic Engineer for Baltimore County; (7) Mrs. Virginia Brown, a property owner residing at 621 Sherwood Road, near Warren Road, Cockeysville, Maryland; (8) Eduardo Acavado, a District Engineer for the State Department of Water Resources; (9) Fred W. Tuemmler, a Zoning and Planning Consultant and professional civil engineer; and (10) George E. Gavelle, Director of Planning for Baltimore County.

The Board held the case under advisement for a considerable period and filed its opinion and order under date of July 2, 1958. By its decision, the Board granted the reclassification to R-A zoning for Phases I (50 acres, 47 acres) as requested by the petitioner and the special exception for the two eight story apartment buildings containing 56 units each but denied the reclassification requested for Phases III (80 acres) and IV (82 acres). On July 28, 1958, an order for appeal was filed on behalf of thirty-six individual protestants and on August 1, 1958, a second order for appeal was filed on behalf of the protestants, Westry of Sherwood Episcopal Church and Jerome J. Gebhart, who resides at 599 Cranbrook Road, Cockeysville, Maryland. On November 19, 1958, the petitioner, Witney Land Company, filed a motion to dismiss the appeals of the protestants alleging that they are not "parties aggrieved" and therefore do not possess the status to maintain their appeal. The appeals of the protestants give rise to Miscellaneous Case No. 4021. On July 31, 1958, the applicant filed an order for appeal from the decision of the Board in denying the reclassification sought under Phases III and IV which gives rise to Miscellaneous Case No. 4025.

1.

In the opinion of the lower court, the protestants had sufficient status to maintain their appeal to that court as "parties aggrieved." We agree with the lower court's conclusion in this regard.

By Section 604 of the Baltimore County Charter, an appellant from a decision of the Board to the Circuit Court for Baltimore County must be an aggrieved party as required by the State Zoning Enabling Act,

Code (1957 Repl. Vol.), Art. 60B, § 7 (3). See also the Baltimore County Code (1958), Sections 22-23. We reviewed the prior decisions of this Court and enumerated the applicable principles to determine whether or not an appellant from a Board was an "aggrieved party" in *Providence v. Montgomery County Board of Appeals*, 247 Md. 137, 230 A.2d 289 (1957). We stated the general rule as follows:

"Generally speaking, the decisions indicate that a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally. *Dulley v. Grand*, 740 Md. 189, 192, 235 A.2d 487 (1957). The circumstances under which this occurs have been determined by the courts on a case by case basis, and the decision in each case rests upon the facts and circumstances of the particular case under review. (247 Md. at 144, 230 A.2d at 294).

After we reviewed the principles applicable to the degree of certainty and the proof of aggrievement in equity and mandamus cases, we discussed the principles applicable to appeals in zoning cases, in relevant part, as follows:

"(a) It is sufficient if the facts constituting aggrievement appear in the petition for appeal either by recitation of the facts or by necessary implication. *Boon v. General v. Montgomery County Board of Appeals*, 245 Md. 565, 232 A.2d 894 (1956).

"(b) An adjoining, confronting or nearby property owner is deemed, prima facie, to be specially aggrieved. However, a person claiming to be specially aggrieved has the burden of denying such damage in his answer to the petitioner's appeal and of coming forward with evidence to establish that the petitioner is not, in fact, aggrieved."

R-6 to R-A	Parcel A	26.500 acres
R-10 to R-A	Parcel B	18.750 acres
R-10 to R-A	Parcel C	19.000 acres
R-10 to R-A	Parcel D	19.013 acres
R-20 to R-A	Parcel E, F, G	41.000 acres
R-10 to R-A	Parcel H	31.000 acres
Total acreage		299.1920 acres

"The Zoning Commission of Baltimore County, by an Order dated May 16, 1957, denied the petitioner's application. Although recognizing many changes in zoning, road patterns and available public utilities in the immediate area since the adoption of the Eighth District Map on December 20, 1955, it was his opinion that 'Without an up-to-date comprehensive map and apartment zoning criteria, the petitioner's request is premature and could be detrimental to the public interest.'

"The subject tract is generally located south of Barclay Road, east of Warren Road and west of Pot Spring Road. There is a mixture of zoning and land uses surrounding the property. On the north side, there is R-10 and R-20 zoning along the south side of the subject tract and on the north side of said road, there is R-40, R-30 and R-10 zoning. A sizeable tract of land now under development by other interests. The majority of the western and southwestern boundary is zoned R-A and is presently being developed for apartment use known as Briarcliff Apartments. Another

"(c) A person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved. *Wilkinson v. Atkinson*, 282 Md. 234, 236 A.2d 103 (1968); *Wilsey v. County Board of Appeals*, 257 Md. 277, 280 A.2d 97 (1969); *Marcus v. Montgomery County Council*, 235 Md. 539, 201 A.2d 777 (1964); *Wilkinson v. County Board of Appeals*, 257 Md. 277, 280 A.2d 97 (1969). But no one is considered a person aggrieved if he meets the burden of alleging and proving by competent evidence -- either before the Board or in the court on appeal if his standing is challenged -- the fact that his personal or property rights are specially and adversely affected by the Board's action."

"4. If any appellant is a person aggrieved, the court will entertain the appeal even if other appellants are not persons aggrieved. See e.g., *Marcus v. Montgomery County Council*, supra.

"5. The status of a person to appeal as a 'person aggrieved' is to be distinguished from the result on the merits of the case itself. In determining status to appeal, the question is whether the property owner may reasonably be thought to be specially damaged if the application is approved. Testimony may be taken on the point by the trial court. *Town of Somerset v. Montgomery County Board of Appeals*, supra. If, on the merits, the Board acted properly in rejecting the application, the protesting property owner is not damaged in law. However, such may be deemed in fact. His damage is then deemed a damage in fact. Because the result on the merits might be reversed, however, does not mean that the protestant would not have status to challenge the Board's action." (297 Md. at 246-248, 250 A.2d at 294-295).

In the *Wilkinson* case we held that three protestants had established their status, in fact, as "persons aggrieved" by the proposed development in that case. Their status had been established by testimony in regard to the adverse effect of additional traffic on their properties as contrasted with expected traffic to be generated from the operation of a medical office building; the adverse effect

of the proposal upon the general plan for the proposed development of the District; and, injury to one property resulting from the height of the proposed building. In their petition for appeal from the action of the Board, the protestants alleged that they were parties to the proceeding before the Board (and this is not disputed) and "are property owners in the immediate neighborhood of the subject property, taxpayers, and constitute parties aggrieved by the said Order" of the Board.

The petitioner Witney filed a motion to dismiss the appeal on November 15, 1968, the day of the hearing before the lower court. There was no effort by the protestants to produce additional testimony before the lower court to amplify their status as aggrieved parties as we indicated in *Town of Somerset v. Montgomery County Board of Appeals*, 255 Md. 59, 225 A.2d 254 (1966) could be done and as was done by the protestants in *Hubine v. Lewis*, 250 Md. 645, 244 A.2d 379 (1968). The protestants in the instant case relied upon their allegations in their petition for appeal and upon the evidence produced before the Board. In holding that the motion to dismiss the appeal should be denied and that the protestants had status as "parties aggrieved," Judge Jeffer aptly stated:

"At least three of the protestants, namely, Mrs. Weir and Messrs. Critcher and Magorupp, are in sight distance of the property forming the subject of the petition. The Weir property is located on the northerly side of Bonley Road at the north end of the petitioner's tract of land although it is located approximately 1,200 feet from one of the parcels reclassified by the Board. There was considerable testimony as to increase in traffic and change in the nature of the use of land in the area, which according to the individual testimony of these protestants coupled

our decisions changes which result in a change in the character of the neighborhood may justify and support a reclassification of the subject property by the Board but they do not require the Board to grant the requested reclassification. *Spilack Cove Marina, Inc. v. County Commissioners for Cecil County*, 252 Md. 440, 250 A.2d 260 (1969) and prior Maryland cases therein cited. They further correctly point out that rezoning, like original zoning, must be in the general public interest for the promotion of the health, safety and general welfare of the community as well as in the interest of the individual landowner. *Huff v. Board of Zoning Appeals of Baltimore County*, 214 Md. 48, 133 A.2d 83 (1957). The principal thrust of their argument is that the evidence before the Board established that the granting of the portion of the application to reclassify the land in Phases I and II would (1) overburden the area with apartments, (2) the increased traffic from the apartments would create traffic congestion in the roads in the immediate vicinity and (3) the erection of the proposed apartments would overcrowd the schools in the area. Without reviewing the voluminous testimony in detail, it may be summarized by stating that although there was evidence from which the Board might have found that the conclusions urged by the protestants would result from the reclassification of Phases I and II, there was other evidence from which the Board could find -- as it did find -- that such a reclassification would not result in an imbalance of apartment zoning, in congestion in the roads in the immediate vicinity and in overcrowding of the schools in the area. As we have observed many times if the issues before the Board are

that there had been a change in the character of the neighborhood since the comprehensive rezoning in 1955, most of the changes occurring since 1961 when the Board rejected an application for reclassification for 28.3 acres of land located in Phase IV at the site of the proposed Inn. The Board stated:

"In the Board's opinion it is indeed difficult, if not impossible, to find any section of Baltimore County that has changed more rapidly in the last five to ten years than the vicinity of the subject property."

Not only did the expert and other witnesses for the petitioner Witney testify to the many changes since 1955 which had changed the character of the neighborhood of the subject property, but several of the witnesses for the protestants testified to the same effect.

Since the comprehensive zoning map was promulgated on December 20, 1955, there has been an important change in the available utilities in the area. The interceptor capacity was increased inside the Baltimore City line and arrangements were made between Baltimore County and Baltimore City to extend the water and sewer mains up to the neighborhood of the subject property. There were also many changes in the road patterns in the neighborhood of and within the subject property. The real estate expert for the petitioner Witney gave a list of some 24 zoning changes in the immediate vicinity of the subject property which, in his opinion, changed the character of the neighborhood. Many of these reclassifications changed the existing zoning to apartment zoning, some immediately adjacent to the subject property and some less than one quarter of a mile from it.

The protestants and appellants correctly point out that under

with that of their real estate expert, Mr. William H. Guy, Jr. would be sufficient under the law that their personal or property rights would be specially and adversely affected by the action of the Board. These protestants were either contradicting or nearly property owners and are deemed, prima facie, to be specially damaged and, consequently, persons aggrieved. The burden of challenging the fact of aggrievement was then on the petitioner to produce evidence to controvert this fact. The petitioner did produce some evidence to this effect, but such evidence, when considered with that produced by the protestants and their witnesses, presented a conflict. Under such circumstances this Court feels justified in concluding that, apart from the prima facie presumption in their favor, there was sufficient evidence before the Board to establish that the three named protestants were aggrieved persons. If anyone of them fits that category, the Court should entertain the appeal even though the others are not persons aggrieved."

We adopt this statement of the lower court as correctly stating the relevant facts and applicable law. The petitioner Witney makes the argument that if the Board had granted that portion of the application for reclassification for Phases III and IV, the protestants might well be "persons aggrieved," but that, by the denial by the Board of that portion of the application for the requested reclassification, the protestants were by that action not owners of land sufficiently near to Phases I and II to be, prima facie, persons aggrieved, nor would the testimony support their "aggrievement" from the granting of the portion of the application for the reclassification of Phases I and II.

The subject property in the application filed by the petitioner consisted of all 999.19 acres considered in Phases I, II, III and IV for convenience in indicating the anticipated time of construction of the respective portions of the project. There were not four cases, but one case. When the protestants established their "aggrievement" resulting from that project they were parties aggrieved regardless of the outcome of the case before the Board on its merits, *Brynarski*, supra. They

fairly debatable, the Courts may not substitute their judgment for that of the Board. *Richmond Corp. v. Board of County Commissioners for Prince George's County*, 254 Md. 244, 255 A.2d 398 (1969). See *Ark Road-MX Concrete Corp. v. Smith*, 251 Md. 1, 4, 246 A.2d 220, 221-222 (1968) and prior Maryland cases cited in the opinion in that case.

There was also sufficient evidence to support the Board's finding that the criteria set forth in Section 502.1 of the Baltimore County Zoning Ordinance for the granting of the requested Special Exception for the apartment project in Phases I and II had been established. See *Bruillett v. Rudwood Shopping Plaza, Inc.*, 249 Md. 606, 241 A.2d 404 (1968).

We conclude that the lower court properly ruled that there was sufficient evidence before the Board to make the issues in regard to the reclassification of Phases I and II fairly debatable and properly affirmed the Board's action in this regard.

3.

We now turn to the interesting argument of the petitioner Witney as cross-appellant, that the lower court erred in declining to hold that the Board acted arbitrarily and capriciously in not granting the reclassification for Phases III and IV.

Witney concedes that the existence of evidence of change in the character of the neighborhood sufficient to justify a reclassification does not compel the Board to grant the requested reclassification. *Spilack Cove Marina, Inc. v. County Commissioners for Cecil County*, supra. The Board may reject the application for reasons based upon sub-

stant evidence in the record before it. Witney, however, argues that although the Board might have predicted its rejection of the requested reclassification for the land included in Phases III and IV upon substantial evidence in the record, it did not do this, but, on the contrary, based its rejection upon reasons not supported by any substantial evidence and, hence, it acted in an arbitrary and capricious manner. In a legal sense, relying upon our decision in *Board of County Commissioners for Prince George's County v. Ziegler*, 244 Md. 224, 223 A.2d 655 (1966). Witney points to the following findings of fact made by the Board:

2.

The protestants and appellants in this Court earnestly contend that the lower court erred in declining to hold that the Board acted arbitrarily and capriciously in affirming the reclassification for Phases I and II. We do not agree with this contention.

The Board found that there had been an error in the original comprehensive zoning map promulgated December 20, 1955, in failing to provide for any rental housing for the entire 6th Election District. It placed its principal reliance, however, upon the changes in the character of the neighborhood to support its reclassification for Phases I and II. The lower court also relied upon the evidence supporting a change in the character of the neighborhood in sustaining the Board's action in reclassifying the portion of the subject property included in Phases I and II.

We do not find it necessary to decide whether or not there the Board acted properly in xxxxxxxxxxxxxxx finding xx a mistake in original zoning, inasmuch as we are of the opinion that the evidence before the Board was sufficient to justify a finding by the Board

stantial evidence in the record before it. Witney, however, argues that although the Board might have predicted its rejection of the requested reclassification for the land included in Phases III and IV upon substantial evidence in the record, it did not do this, but, on the contrary, based its rejection upon reasons not supported by any substantial evidence and, hence, it acted in an arbitrary and capricious manner. In a legal sense, relying upon our decision in *Board of County Commissioners for Prince George's County v. Ziegler*, 244 Md. 224, 223 A.2d 655 (1966). Witney points to the following findings of fact made by the Board:

1. "In the Board's opinion it is indeed difficult, if not impossible, to find any section of Baltimore County that has changed more rapidly in the last five to ten years than the vicinity of the subject property."

2. "The Board finds as a fact that the present road systems will adequately accommodate at present Phases I and II of the project without undue congestion. We are further satisfied that the additional improvements that will be required within the Board's own to the vicinity of the subject property will be provided without creating any undue congestion in the roads and streets of the immediate area."

3. "The Board does not find, considering the explosive growth of the area with all types of housing and the lack of any up-to-date comprehensive master plan for the area, that the granting of this petition would create any imbalance in the community or overcrowd the schools in the area."

4. "The Petitioner has presented a logical, well planned scheme of development for its property covering an area of 70 acres in time for construction and an investment of 75 to 80 million dollars."

5. "All of the changes in utilization, roads, reclassifications, etc., in the immediate vicinity affect the entire property."

6. "Also, while as of the present time, the Board is satisfied that public facilities, particularly roads and schools in the immediate area, can adequately serve Phases I and II, there is some doubt in the Board's mind whether or not the existing facilities without improvements would be presently adequate to handle the entire project as proposed by the Petitioner, if constructed in its entirety immediately"
(All emphasis supplied.)

Witney further points out that there was no evidence that the project would be constructed in its entirety immediately and that the evidence indicated the contrary. There is force to this argument, but we have concluded that taking the Board's opinion and findings as a whole, XX
XXXXXXXXXX the action of the Board in rejecting the requested reclassification for Phases III and IV was not arbitrary or capricious but was fairly debatable under our decisions.

The weight of the evidence does indicate that if the entire project were financed and constructed by Winney, itself, or indeed by any one development company, it would be impracticable to attempt to develop the Phases I, II, III and IV otherwise than substantially on the timetable indicated in regard to the construction of Phases I, II, III and IV, respectively. There is, however, no way that the Board can legally require an adherence to that timetable by Winney. If the requested reclassification of Phases III and IV had been granted by the Board, Winney could sell these parcels of rezoned land to another developer - as was done in regard to the Briarcliff Apartment Land - and, in that event, Phases III and IV might well be constructed simultaneously with the construction of Parcels I and II.

and might well result in the injuries to the public interest set forth in the testimony introduced by the protestants and their experts. Indeed, the testimony of Albert B. Hattenbach, Director of Public Works for Baltimore County - produced as a witness for the petitioner Witney - was understandably far from definite in regard to when, in the future, much of the needed construction to justify the rezoning of the land in Phases III and IV would actually be accomplished. He explained that in regard to a certain project, he was not sure whether or not the funds were available. He testified that the plans to improve the Warren Road, a State road, which badly needed improvement, were "not in the state's program." So far as the plans to improve the Sherwood Road were concerned, he stated: " * * I think there have been some small sections that have been widened, with development, but we don't anticipate any major improvements to that road, at least in the foreseeable future." Nor was he sure that there were any "definite plans existing for improving that intersection where Bosley meets Warren." In view of our holding in Franklin Construction Co. v. Welch, 251 Md. 715, 248 A.2d 639 (1968) that the power to reclassify may not properly be used to "force" the State or county officials to make a road improvement, it was reasonable for the Board to consider the existing road situation and the improvements already under contract or certain of accomplishment in a reasonable time in the future, rather than to reclassify on the basis of uncertain proposed road changes in the too distant future.

Then, too, the evidence before the Board indicated that

construction of the commercial portion of Phase IV would be dependent upon the success of the surrounding apartment project. It is, therefore, not unreasonable to wait for the construction of the apartment project, and the evaluation of operation, before authorizing the requested reclassification for the commercial portion of Phase IV. It will be helpful to consider the Board's entire opinion as it relates to the denial of reclassification for Phases III and IV. The Board stated:

"These substantial changes certainly justify the requested re zoning of the entire property but do not necessarily compel it. The Petitioner has presented a logical well planned scheme of development for the subject property which includes construction and an investment of seventy-five to eighty million dollars. It appears to the Board that while all of the changes in utility easements and other matters might affect the subject property, that the granting of Phases 3 and 4 of the subject petition at this time might be premature. By the Petitioner's testimony, the proposed Phase 3 would be begun at least ten years from now, while the construction of Phase 4 would be another five years in the future, and the need for at least the completion of the improvement project surrounding it. Also, while as of the present time the Board is satisfied that public facilities are particularly needed in the area, and that the proposed improvements will eventually service Phases 1 and 2, there is some doubt in the Board's mind whether or not the existing facilities without improvements would be adequate to serve the needs of the subject property immediately. Therefore, while the record may contain evidence to justify the recommended rezoning, the Board feels that it is more prudent to be in the best interests of Baltimore County and the general welfare of its residents at this time to limit the reclassification to the parcels of land that have been developed by the Petitioner No. 9. It should be noted that there are no individual homes adjoining the Phase 1 parcel. There is a surveyed lot owned by individuals on the south side of R-A zoning and publicly owned land, and on the fourth side by the Petitioner's property, while Phase 2 abuts an existing residential development on two sides. The remaining portion of the Petitioner's property on a third side. If these two parcels are

successfully developed, as contemplated, the Petitioner has a right to file another application on the remaining undeveloped land if he so desires, and can justify the Board in granting such a request. The Board has no authority to require the Petitioner to request reclassification for all four parcels before them. The Board's decision to require the Petitioner to request reclassification for the undeveloped parcels would not be limited to one application. The Petitioner would be permitted to file as many applications as he desired, and would not be obligated to begin with the construction of the first project. By granting only Phases 1 and 2 of the Petitioner's application, the Board is not taking any course with the Petitioner's land which would prevent him from taking any other course with a valid course, which seems to the Board an excellent basis for future development, in accordance with its existing zoning.

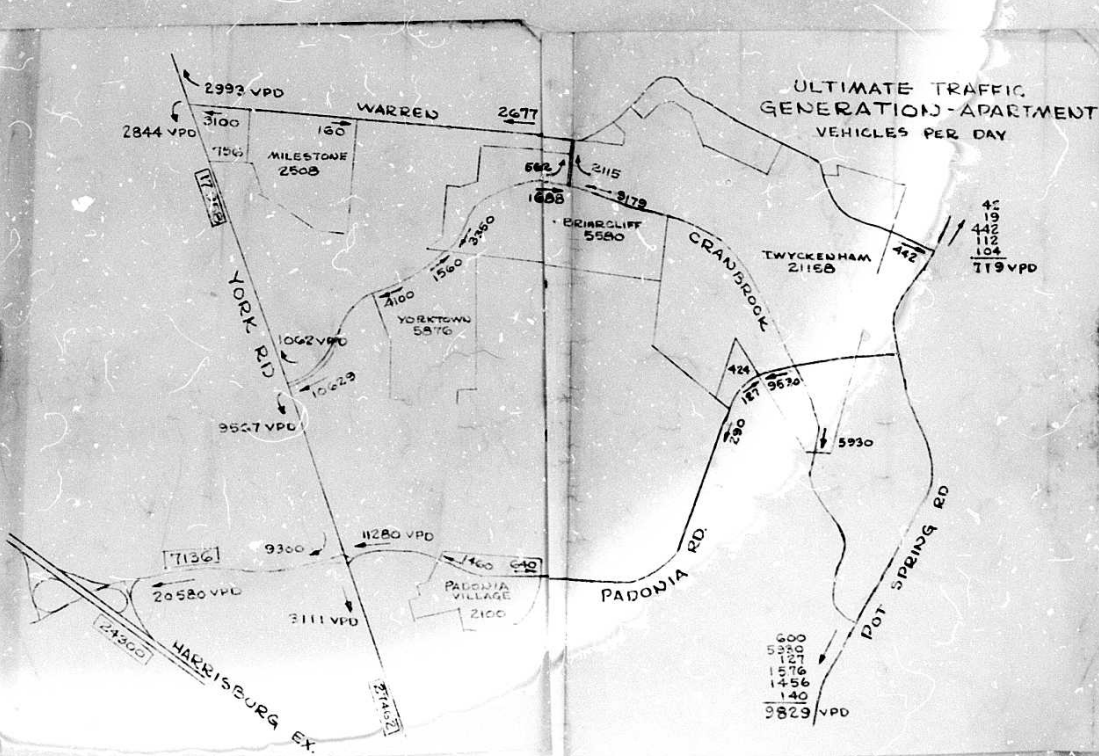
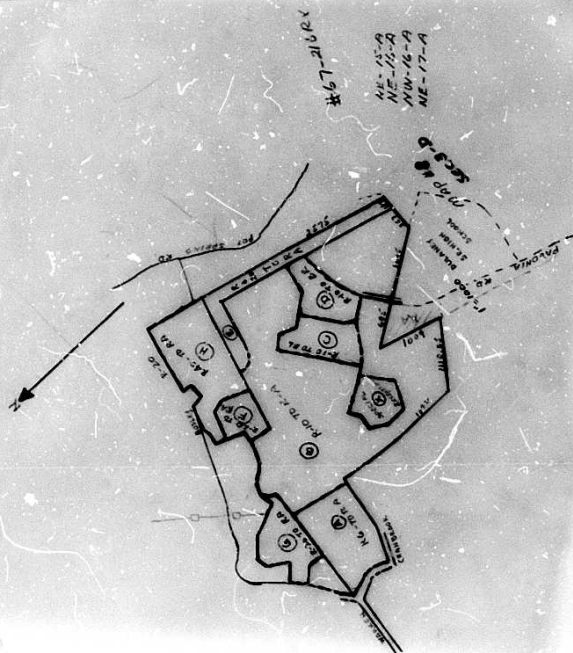
As we have indicated, considering the Board's opinion and findings as a whole and the relevant evidence already mentioned, we do not find that its action in denying the requested reclassification for Phases III and IV was arbitrary and capricious.

As the Board observes, Witney may file another application for Phases III and IV as and when in the future Phases I and II are completed and a sufficient number of the contemplated improvements in the road system and in the school system have been accomplished to justify the Board in granting the then requested reclassification. The Board could reasonably conclude that, under all of the facts and circumstances already mentioned, the granting of the requested ^{reclassification} ~~reclassification~~ for Phases III and IV would be premature, but that the denial of the reclassification at this time would not prejudice Witney in making a latter application for reclassification as and when the future changes in the neighborhood would lead the Board to grant the then requested reclassification.

It may be added that some political subdivisions in this State have met many of the problems inherent in the type of development of

substantial acreage presented in the present case by providing for a "floating zone" with established criteria and with a provision that there may not be a substantial departure from the criteria as applied in a specific development, except by a modification of the approved plan with the approval of the Board after notice, hearing, etc. This zoning and planning "tool" would appear to be ideally adapted for use in connection with the type of development involved in the present case, but Baltimore County has not yet adopted this type of "floating zone." It must come as no surprise to the zoning and planning officials of Baltimore County, as well as to the property owners and citizens of that county, that in the absence of the promulgation of a new comprehensive zoning map since December 20, 1955 - a period of some fourteen years during a volatile construction period with increasing pressures from a rapidly growing population - that landowners and developers in attempting to supply the housing needs of the population are forced to petition for reclassification in order to develop their land and supply the basic housing needs. As we have pointed out in our prior decisions, "zoning is not static," *Jacobs v. County Board of Appeals for Baltimore County*, 234 Md. 242, 247-6, 198 A.2d 900, 902 (1964), so that the Board is often placed in the difficult position of having little guidance from an outdated comprehensive zoning map already greatly modified and yet is required to evaluate the property rights of the landowners and the pressing need for additional housing. In our opinion, the Board reasonably carried out its obligations in the present case and the lower court's order affirming the action of the Board will be affirmed.

ORDER OF JUNE 10, 1960, AFFIRMED,
THE COSTS TO BE PAID BY THE APPELLEE
AND CROSS APPELLANT WITNEY LAND COMPANY.



CERTIFICATE OF PUBLICATION

TOWSON, MD., APRIL 20, 1967.

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., 1967.

on the 20th day of April, 1967, the 20th publication

appearing on the 20th day of April, 1967.

THE JEFFERSONIAN

W. Lee Harrison
Manager

Cost of Advertisement, \$.....

W. Lee Harrison, Esquire
Loyale Federal Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition has been received and accepted for filing this

20th day of April, 1967.

John G. Rhee
Zoning Commissioner

Petitioner: Whitley Land Company

Petitioner's Attorney: W. Lee Harrison

Reviewed by *James S. Hill*
Chairman of
Advisory Committee

OFFICE OF
THE BALTIMORE COUNTY
THE BALTIMORE COUNTY
Catonville, Md.

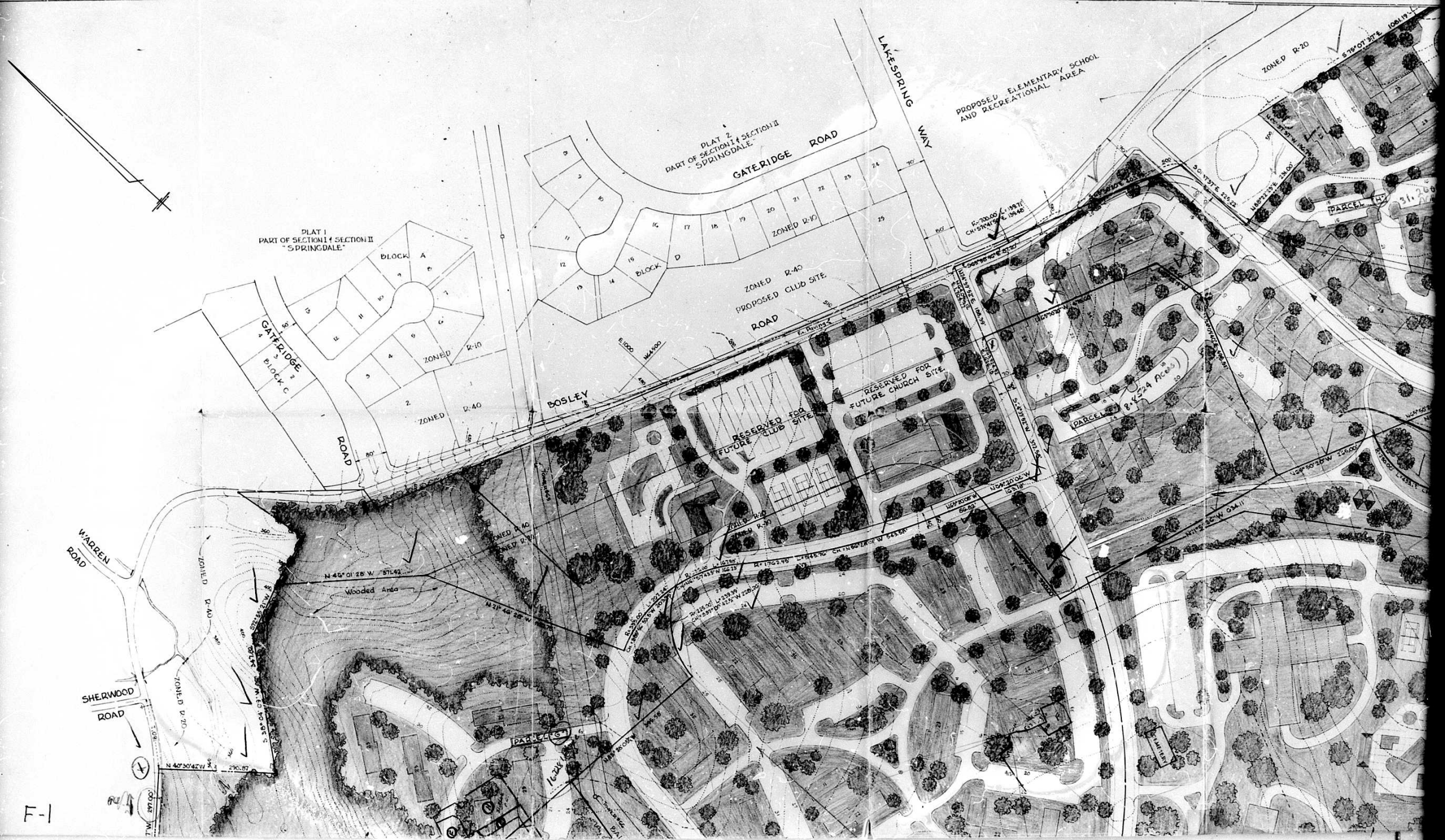
No. 1 Newburg Avenue

April 24, 1967

THIS IS TO CERTIFY, that the annexed advertisement of
James G. Hill, Esquire, was published in THE BALTIMORE COUNTY
weekly newspaper published in Baltimore County, Maryland,
on the 20th day of April, 1967, the 20th publication
appearing on the 20th day of April, 1967.

THE BALTIMORE COUNTY
James G. Hill
Editor and Manager

10-7-70





X
 DL
 RA
 RA
 NE-16-A
 NE-11-A
 NE-16-A
 NE-15-A
 SE-13-D
 #8
 11/11/12
 67-216-67

AREA TABULATION			
PARCEL	PRESENT ZONING	PROPOSED ZONING	ACRES
A	R-6	R-A	26.9503
B	R-10	R-A	109.1915
C	R-10	B-L	15.6869
D	R-10	B-R	13.8113
E	R-20	R-A	15.9095
F	R-20	R-A	8.5524
G	R-20	R-A	10.7281
H	R-40	R-A	31.2606
TOTAL ACRES			299.1920

GROSS AREA OF PROPOSED R-A ZONE = 269.4721 ACRES
 PROPOSED EXCEPTIONS
 3 STORY ELEVATOR APARTMENT BUILDING = 10.0165 ACRES
 FUTURE MEDICAL OFFICE BUILDING = 4.8391 ACRES
 FUTURE ELEVATOR APARTMENT BUILDINGS = 25.1283 ACRES
 TOTAL EXCEPTIONS = 39.9839 ACRES
 GROSS AREA OF R-A ZONE FOR GARDEN APARTMENTS = 189.3487 ACRES
 NET AREA = 179.79 ACRES
 DESIGNED DENSITY
 GROSS = 14.00 UNITS PER ACRE
 NET = 18.22 UNITS PER ACRE
 TOTAL UNITS = 2610
 PERMITTED DENSITY
 GROSS = 10 UNITS PER ACRE
 NET = 15 UNITS PER ACRE
 TOTAL UNITS = 2550
 OFF-STREET PARKING DATA
 NO. OF SPACES REQUIRED @ 1 SPACE PER UNIT = 180
 NO. OF SPACES PROVIDED = 3291
 SPECIAL EXCEPTION FOR 3 STORY ELEVATOR APARTMENT BUILDING
 GROSS AREA = 10.0165 ACRES
 NET AREA = 9.5328 ACRES
 DESIGNED DENSITY
 GROSS = 19.17 UNITS PER ACRE
 NET = 20.14 UNITS PER ACRE
 TOTAL UNITS = 192
 PERMITTED DENSITY
 GROSS = 20 UNITS PER ACRE
 NET = 22 UNITS PER ACRE
 TOTAL UNITS = 200
 OFF-STREET PARKING DATA
 NO. OF SPACES REQUIRED @ 1 SPACE PER UNIT = 192
 NO. OF SPACES PROVIDED = 268

PROPOSED B-L ZONE
 OFF-STREET PARKING DATA FOR SHIPPING CENTER
 TOTAL FLOOR AREA = 72,000 SQ. FT.
 NO. OF SPACES REQUIRED = 72,000 / 300 = 240

F2

1"=100'



TWYCKENHAM
A PLANNED COMMUNITY
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100' FEBRUARY 1967.



F-3

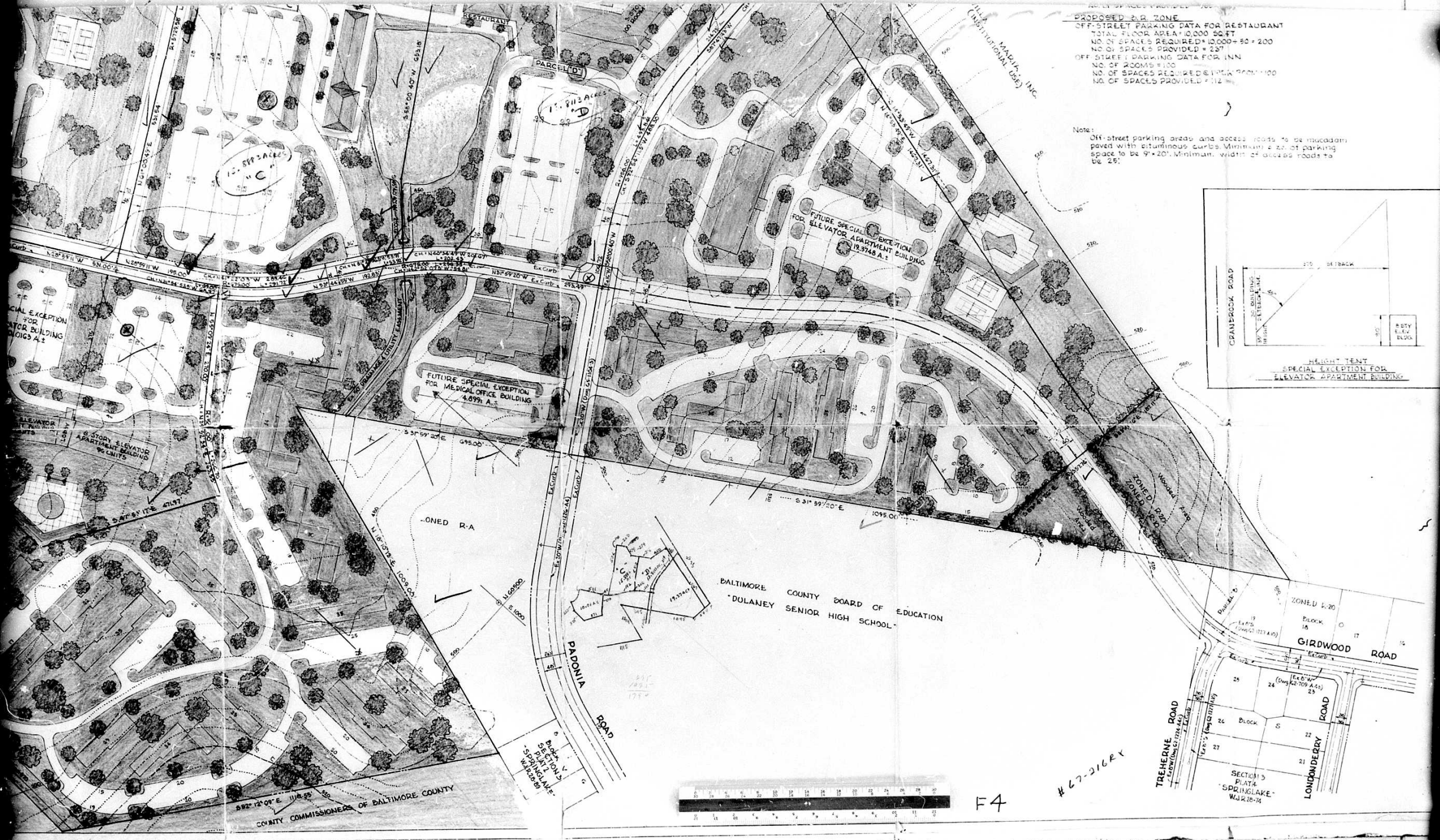
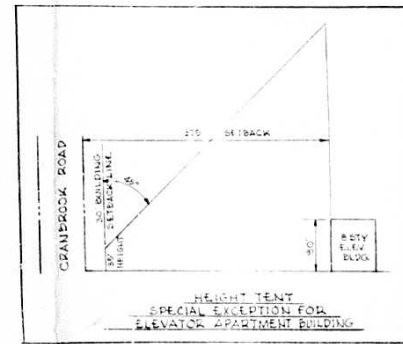
WILSON F. OUTEN
REGISTERED LAND SURVEYOR
BALTIMORE 15, MARYLAND

Wilson F. Outen
WILSON F. OUTEN
REGISTERED LAND SURVEYOR #2495



PROPOSED R.R. ZONE
 OFF-STREET PARKING DATA FOR RESTAURANT
 TOTAL FLOOR AREA 10,000 SQ FT
 NO. OF SPACES REQUIRED 10,000 ÷ 50 = 200
 NO. OF SPACES PROVIDED = 237
 OFF-STREET PARKING DATA FOR INN
 NO. OF ROOMS = 100
 NO. OF SPACES REQUIRED 6 INCH ROOM = 100
 NO. OF SPACES PROVIDED = 112

Note:
 Off-street parking areas and access roads to be macadam
 paved with simultaneous curbs. Minimum 2'±. St. parking
 space to be 9'± x 20'. Minimum width of access roads to
 be 25'.



BALTIMORE COUNTY BOARD OF EDUCATION
 "DOLANEY SENIOR HIGH SCHOOL"

COUNTY COMMISSIONERS OF BALTIMORE COUNTY

#67-21674

F4

• F-1

PLAT 2
PART OF SECTION 14 SECTION II
- SPRINGDALE -
CATERIDGE

GATERIDGE ROAD

PROPOSED ELEMENTARY SCHOOL
AND RECREATIONAL AREA

ZONED R-20

ZONED R-40
 PROPOSED CLUB SITE

BOSLEY

RESERVED FOR
FUTURE CHURCH SITE

RESERVED CLUB SITE

Wooded Area

SHERWOOD
ROAD

PARCEL 16

F-2



SUPPLEMENTARY NOTE
 1. A SPECIAL EXCEPTION FOR FUTURE MEDICAL OFFICE BUILDINGS AND ELEVATOR APARTMENT BUILDINGS ARE SUBMITTED. TOTAL NUMBER OF UNITS PERMITTED ON R-A LAND AT 15 UNITS PER ACRE FOR 255.43 ACRES WILL BE 4152 UNITS. IF SPECIAL EXCEPTION FOR ELEVATOR APARTMENT BUILDINGS IS GRANTED 15 UNITS PER ACRE TOTAL NUMBER OF UNITS PERMITTED ON ALL R-A LAND FOR 255.43 ACRES WILL BE 4152 UNITS.

AREA TABULATION			
PARCEL	PRESENT ZONING	PROPOSED ZONING	ACRES
A	R-C	R-A	26.9903
B	R-10	R-A	169.7915
C	R-10	B-L	15.8885
D	R-10	B-R	13.8113
E	R-20	R-A	15.9095
F	R-20	R-A	8.8524
G	R-20	R-A	16.7281
H	R-40	R-A	31.2603
TOTAL ACRES			299.1920

GROSS AREA OF PROPOSED R-A ZONE = 269.4924 ACRES

PROPOSED EXCEPTIONS
 8 STORY ELEVATOR APARTMENT BUILDING = 10.0163 ACRES
 FUTURE MEDICAL OFFICE BUILDING = 4.8991 ACRES
 FUTURE ELEVATOR APARTMENT BUILDINGS = 55.1283 ACRES
 TOTAL EXCEPTIONS = 70.0437 ACRES

GROSS AREA OF R-A ZONE FOR GARDEN APARTMENTS = 186.4487 ACRES

NET AREA = 173.79 ACRES

DESIGNED DENSITY
 GROSS = 14.00 UNITS PER ACRE
 NET = 15.02 UNITS PER ACRE
 TOTAL UNITS = 2610

PERMITTED DENSITY
 GROSS = 16 UNITS PER ACRE
 NET = 18 UNITS PER ACRE
 TOTAL UNITS = 2933

OFF-STREET PARKING DATA
 NO. OF SPACES REQUIRED @ 1 SPACE PER UNIT = 2610
 NO. OF SPACES PROVIDED = 3291

SPECIAL EXCEPTION FOR 8 STORY ELEVATOR APARTMENT BUILDING

GROSS AREA = 10.0163 ACRES
 NET AREA = 9.5328 ACRES

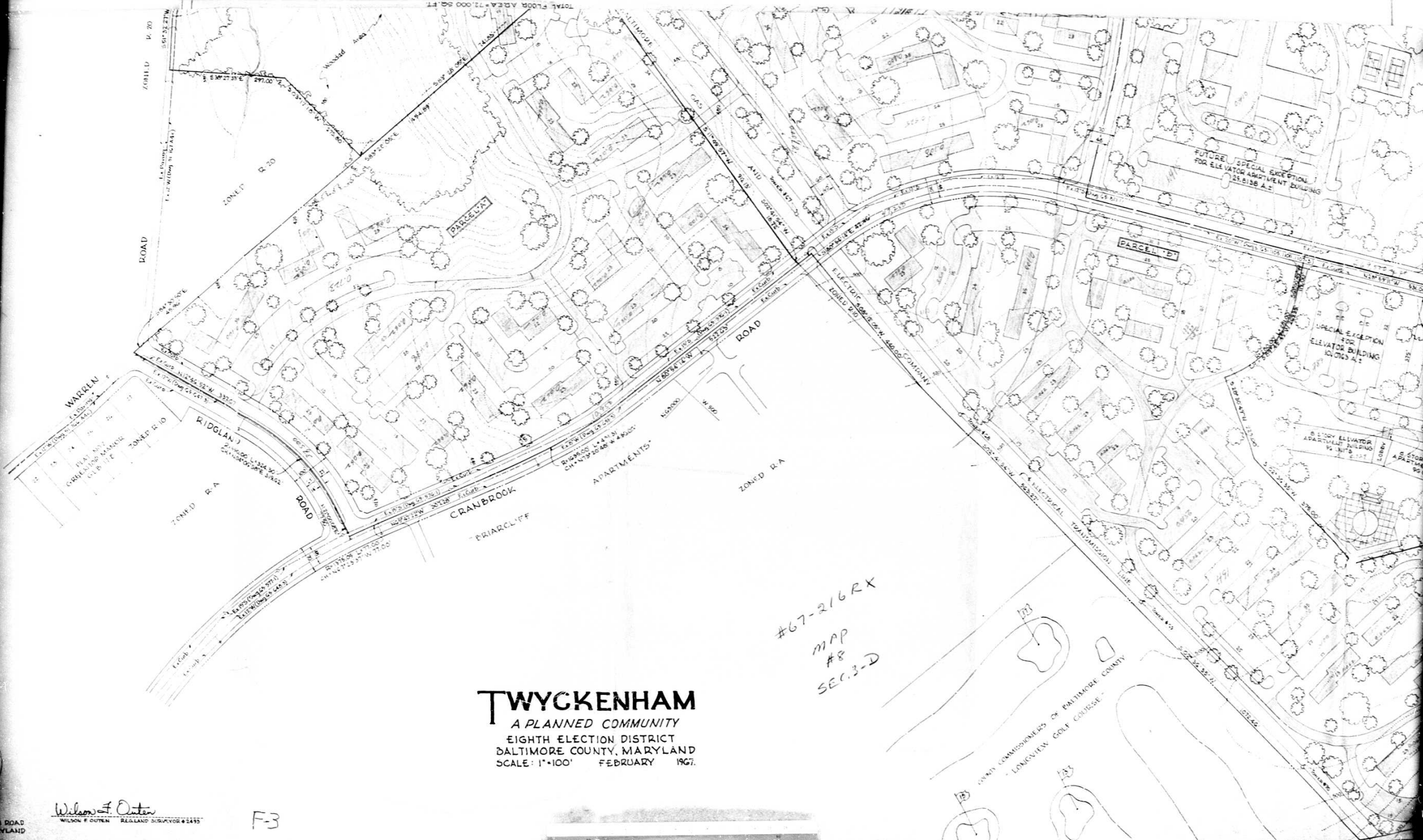
DESIGNED DENSITY
 GROSS = 19.17 UNITS PER ACRE
 NET = 20.14 UNITS PER ACRE
 TOTAL UNITS = 192

PERMITTED DENSITY
 GROSS = 20 UNITS PER ACRE
 NET = 22 UNITS PER ACRE
 TOTAL UNITS = 200

OFF-STREET PARKING DATA
 NO. OF SPACES REQUIRED @ 1 SPACE PER UNIT = 192
 NO. OF SPACES PROVIDED = 268

PROPOSED R-A ZONE
 OFF-STREET PARKING DATA FOR SHOPPING CENTER
 TOTAL FLOOR AREA = 72,000 SQ. FT.

F-2



#67-216RX
 MAP
 #8
 SEC. 3-D

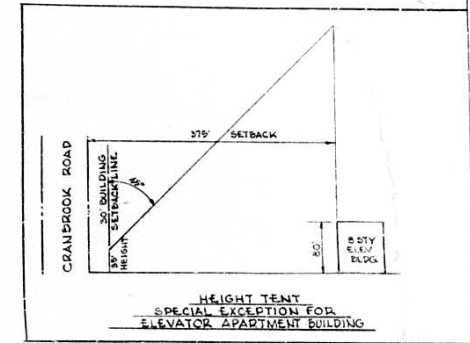
TWYCKENHAM
 A PLANNED COMMUNITY
 EIGHTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=100' FEBRUARY 1967.

NO. OF SPACES REQUIRED = 72,000 ÷ 200 = 360
 NO. OF SPACES PROVIDED = 900

PROPOSED S.D. ZONE
 OFF-STREET PARKING DATA FOR RESTAURANT
 TOTAL FLOOR AREA = 10,000 SQ. FT.
 NO. OF SPACES REQUIRED = 10,000 ÷ 50 = 200
 NO. OF SPACES PROVIDED = 237

OFF-STREET PARKING DATA FOR INN
 NO. OF ROOMS = 100
 NO. OF SPACES REQUIRED = 1 PER ROOM = 100
 NO. OF SPACES PROVIDED = 112

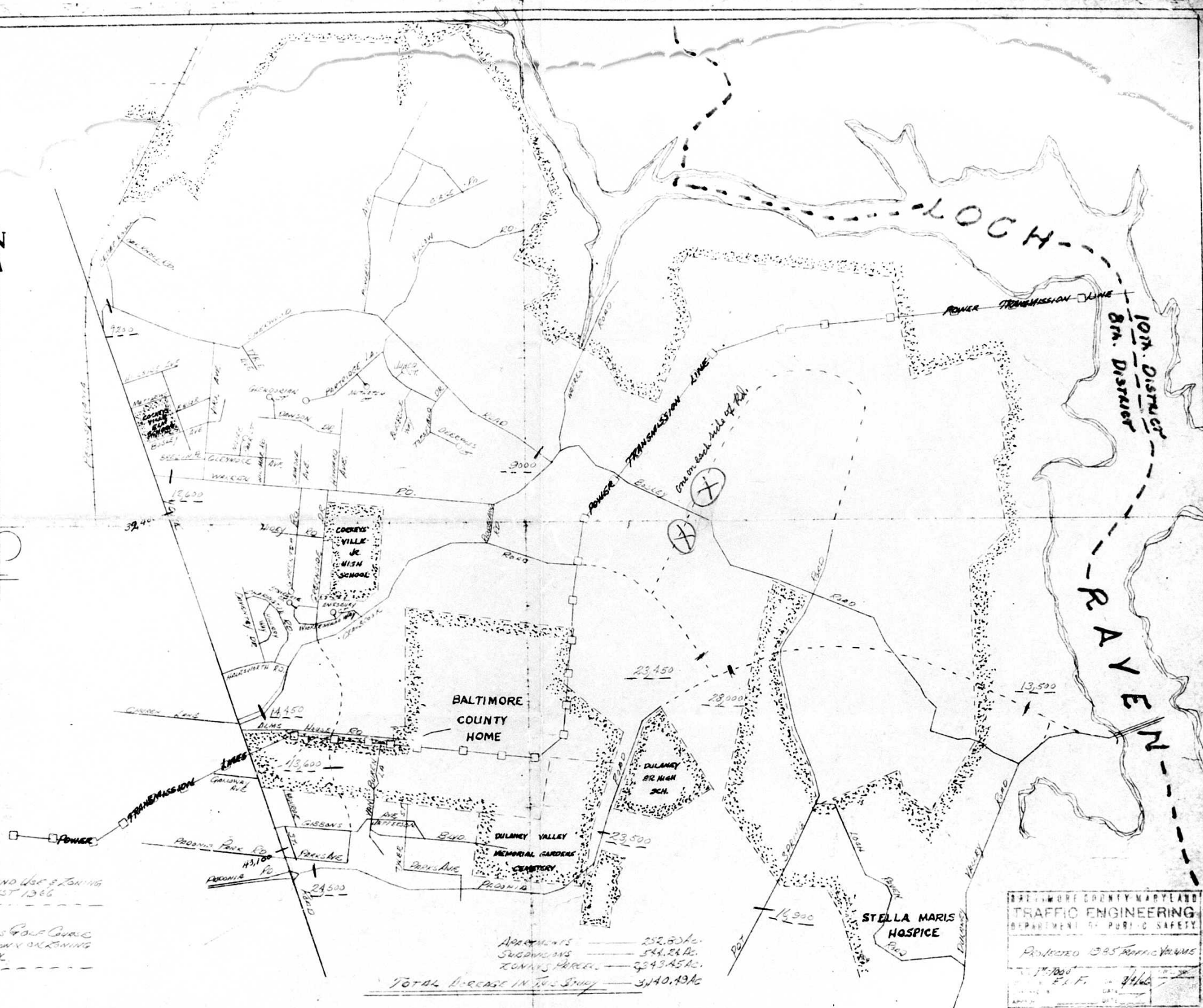
Note:
 Off-street parking areas and access roads to be macadam paved with bituminous curbs. Minimum size of parking space to be 9' x 20'. Minimum width of access roads to be 25'.



BALTIMORE COUNTY BOARD OF EDUCATION
 DOLANEY SENIOR HIGH SCHOOL

67-216 RX
 MAP
 H.S.
 SEC. 3-D





* BASED ON LAND USE ZONING
AS OF AUGUST 1966

* DULANEY SPRINGS GOLF COURSE
DEVELOPED AS SUBDIVISION
PLAT 67-216 RX

BALTIMORE COUNTY MARYLAND
TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC SAFETY
PROJECTED 1985 TRAFFIC VOLUME
17,000
E.L.F. 94/66

