

68-242R PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wendell D. Allen, et al. legal owner(s) 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-9 and R-10 zone to an RA zone; for the following reasons:

Changes occurring in the neighborhood since the adoption of the Land Use Map for the Ninth Election District of Baltimore County, Maryland.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

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

By John W. Amisgar, V-P and Wendell D. Allen, et al. individually and as Atty-in-fact for certain legal owners. See names & powers attached hereto. 906 Munsey Bldg., Balto. MD 21204. Contract purchaser Richard T. Pilling, Jr. and Marguerite B. Pilling, wife of Richard T. Pilling, Jr. Legal Owners. Address: 4635 Executive Drive, Columbia, Ohio 43221. See addresses on attached papers.

By John W. Amisgar, Attorney and Wendell D. Allen, Attorney, 906 Munsey Bldg., Balto. MD 21204. ORDERED BY the Zoning Commissioner of Baltimore County, this 11th day of March, 1968, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of April, 1968, at 11:00 o'clock A.M.



Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and appearing that ~~the~~ the petitioners having ~~presented~~ change in the area of the subject property.

the above Reclassification should be had, ~~and that the proposed change of zone should be granted.~~

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13th day of August, 1968, that the herein described property or area should be and the same is hereby reclassified; from R-9 and R-10 zone to an RA zone, ~~and that the Special Exception should be granted.~~

granted from and after the date of this order, subject to compliance with the site plan, and further, subject, to approval of State Roads Commission, Bureau of Public Services and Office of Planning & Zoning.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and appearing that by reason of:

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of March, 1968, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a RA zone; and/or the Special Exception for RA be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County.

FROM THE OFFICE OF
GEORGE WILLIAMS STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX #6678, TOWSON, MD. 21204

Description to Accompany Zoning Application
Land to be Rezone from R-10 to RA
Part of Phase IV - Towson Village.

February 6, 1968

Beginning for the same at a point on the south right-of-way line of Kenilworth Drive (80 feet wide) at a distance of 692 feet, more or less, from the intersection of said south right-of-way line with the centerline of West Avenue (70 feet wide) produced southerly, running thence and binding on the south right-of-way line of Kenilworth Drive the two following courses, viz: first, along a curve to the right having a radius of 1960.00 feet for a distance of 90.60 feet, said curve being subtended by a chord bearing South 56° 59' 29" East 90.59 feet; second, South 55° 40' 07" East 673.36 feet; thence leaving Kenilworth Drive and running South 23° 19' 59" West 301.49 feet to intersect the tenth or 2510 foot line of Zoning Area 9-R-10-10, thence binding reversely on part of said tenth line the four following courses, viz: first, North 70° 29' 58" West 79.73 feet; second, North 70° 48' 47" West 128.43 feet; third, North 66° 19' 20" West 211.13 feet; and fourth North 63° 09' 25" West 349.29 feet, thence leaving the above mentioned tenth line of Zoning Area 9-R-10-10 and running North 25° 34' 29" East 437.46 feet to the place of beginning.

Containing 6.659 Acres of land, more or less.



Description to Accompany Zoning Application
Land to be Rezone from R-10 to RA
Part of Phase IV - Towson Village.

February 6, 1968

Fourth North 63° 09' 25" West 349.29 feet; thence leaving the above mentioned tenth line of Zoning Area 9-R-10-10 and running the three following courses, viz: first, South 25° 34' 29" West 191.96 feet; second South 63° 06' 19" East 200.00 feet, and third, South 25° 34' 29" West 285.87 feet to the place of beginning.

Containing 6.215 acres of land, more or less.



FROM THE OFFICE OF
GEORGE WILLIAMS STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX #6678, TOWSON, MD. 21204

Description to Accompany Zoning Application
Land to be Rezone from R-10 to RA
Part of Phase IV - Towson Village.

February 6, 1968

Beginning for the same at a point 1.00 feet north of the north right-of-way line of Joppa Road as proposed to be laid out 50.00 feet wide, said point of beginning being distant 20 feet, more or less, measured westerly along said north right-of-way line of Joppa Road from its intersection with the centerline of Woodbine Avenue extended northerly, running thence parallel with and 1.00 feet northerly from the north side of Joppa Road the two following courses, viz: first South 63° 06' 19" East 138.23 feet; and second, easterly along a curve to the left with a radius of 1883.64 feet for a distance of 9.74 feet, said curve being subtended by a chord bearing South 63° 15' 12" East 9.74 feet; thence running the four following courses, viz: first, North 25° 34' 29" East 190.09 feet; second, South 65° 06' 19" East 102.00 feet; third, South 66° 39' 19" East 125.00 feet; and fourth South 25° 34' 29" West 186.41 feet to a point 1.00 feet north of the above mentioned north right-of-way line of Joppa Road, running thence parallel to and 1.00 feet northerly from said north right-of-way line of Joppa Road the three following courses, viz: first easterly along a curve to the left having a radius of 1883.66 feet for a distance of 45.77 feet, said curve being subtended by a chord bearing South 71° 00' 31" East 45.76 feet; second, South 71° 42' 16" East 128.42 feet; and third, easterly along a curve to the right having a radius of 907.47 feet for a distance of 38.18 feet, said curve being subtended by a chord bearing South 70° 29' 58" East 38.17 feet; running thence North 23° 19' 59" East 472.95 feet to intersect the tenth or 2510 foot line of Zoning Area 9-R-10-10, thence binding reversely on part of said tenth line the four following courses, viz: first, North 70° 29' 58" West 79.73 feet; second North 70° 48' 47" West 128.43 feet; third, North 66° 19' 20" West 211.13 feet; and



(WITH PETITION FOR ZONING RE-CLASSIFICATION OF WENDALL D. ALLEN, ET AL)

Names and Addresses of certain Legal Owners.
These Owners have signed on the front page of the Petition:

Richard T. Pilling, Jr.
and Marguerite B. Pilling, his wife, Owners
Address: 3403 Greenway
Baltimore City, Maryland 21218

and
Miss Beatrice R. Bosley (unmarried), Owner
160 East 43rd Street
New York, New York

3 Signs CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting 9-11-68
Posted for Appeal
Petitioner Wendell D. Allen
Location of property 25.5' of Kenilworth Dr. - 692' SE of West Ave
Location of Sign On West Ave. at Woodbine Ave. (2) 400' W of Joppa Rd
Remarks 430' E of Woodbine Ave. (2) 400' SE of West Ave. - 25.5' of Kenilworth Dr.
Posted by [Signature] Date of return 9-19-68

3 Signs CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting 4-4-68
Posted for Reclassification
Petitioner Wendell D. Allen
Location of property 25.5' of Kenilworth Dr. - 692' SE of West Ave
Location of Sign On West Ave. at Woodbine Ave. (2) 400' W of Joppa Rd
Remarks 430' E of Woodbine Ave. (2) 400' SE of West Ave. - 25.5' of Kenilworth Dr.
Posted by [Signature] Date of return 4-11-68

POWER OF ATTORNEY AS TO REZONING APPLICATION AND POSSIBLE APPEALS.

The undersigned empowers Wendell D. Allen, Attorney, 906 Munsey Building, Baltimore City, Maryland, (or one of his law partners) to sign the name of the undersigned to and execute an Application for Rezoning to RA Classification in Baltimore County, Maryland, as well as to any appeals which may develop in the re-zoning procedure, as to the 8-1/2 acres Tract of land at and near Joppa Road, Towson, Maryland, which land is the subject of an Agreement of Sale between the Allen Heirs and Peterjohn Jamestown Co., which Agreement of Sale is now being signed by the undersigned. It is understood that Wendell D. Allen (or one of his law partners) will cooperate with John W. Arniger Attorney or such other Attorney as may be selected by Peterjohn Jamestown Co., in such Petition for Rezoning and such appeals as may develop in the matter.

Date:-

Aug 1, 1966

Wendell D. Allen
Charles B. Allen

James B. Thomas
Joseph C. Litzinger

By H. G. L. [Signature]
Attorney in Fact

Wendell D. Allen
Attorney in Fact

POWER OF ATTORNEY AS TO REZONING APPLICATION AND POSSIBLE APPEALS.

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Date:-

Aug 1, 1966

Wendell D. Allen
Charles B. Allen

James B. Thomas
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By H. G. L. [Signature]
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Date:-

Aug 1, 1966

Wendell D. Allen
Charles B. Allen

James B. Thomas
Joseph C. Litzinger

By H. G. L. [Signature]
Attorney in Fact

(WITH PETITION FOR ZONING RECLASSIFICATION BY WENDELL D. ALLEN, ET AL.)

LEGAL COUNSEL

Wendell D. Allen
Alice L. Allen, wife
212 Wandover Road,
Baltimore, Maryland 21218

Herschel H. Allen, Jr.
Charles B. Allen
Daniel B. Leonard
and First National Bank of Md.
by H. Graham Wood
Trustees u/w of Herschel H. Allen
Light & Redwood Street
Baltimore, Maryland 21203

Ellen W. Thomas
James B. Thomas, husband
521 Allegany Avenue
Towson, Maryland 21204

Ruth A. Litzinger
Joseph C. Litzinger, husband
Boxer Hill Road
Lutherville, Maryland

Miriam H. Holbek
E. M. Holbek, husband
813 Cherry Street
Santa Rosa, California 95404

Rose Ann Hodgdon (unmarried)
23 Atherton Road
Lutherville-Timonium, Maryland

Frances H. Phillips
A Russell Phillips, Sr., husband
700 N. Joppa Road
Towson, Maryland 21204

Melinda A. Hawkins
F. M. Hawkins, husband
2 Garfield Avenue
Kensington
Baltimore County, Maryland

Edward Russell Allen, Jr.
3908 Rudy Road
Harrisburg, Pennsylvania

Wendell D. Allen
Alice L. Allen
Herschel H. Allen, Jr.
Charles B. Allen
Daniel B. Leonard
and First National Bank of Md.
by H. Graham Wood
Trustees u/w of Herschel H. Allen
Light & Redwood Street
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Miriam H. Holbek
E. M. Holbek
Rose Ann Hodgdon
Frances H. Phillips
A Russell Phillips, Sr.
Melinda A. Hawkins
F. M. Hawkins
Edward Russell Allen, Jr.

By Wendell D. Allen
Attorney in Fact

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Chairman
Zoning Advisory Committee

FROM: Captain Charles F. Morris, Sr.
Fire Bureau

SUBJECT: Property Owner: Richard T. Pilling, et al.
Location: 3/5 Kenilworth Drive, 692' E. of West Road
District: 9th
Present Zoning: R-6 & R-10
Proposed Zoning: RA
No. of Acres: 0.659

#1. Site plans shall be required to show size water mains and hydrant locations which are to serve this site. They shall be in accordance with Baltimore County Standard Design Manual, 1964 edition.

Charles F. Morris, Sr.
Captain

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 11, 1968

FROM: Leslie H. Graef, Deputy Director of Planning

SUBJECT: Petition #68-242-R. South side of Kenilworth Drive 692 Southeast of West Avenue. Petition for Reclassification from R-6 & R-10 to R-A. Zone. Wendell D. Allen, et al - Petitioners.

9th District

HEARING: Wednesday, April 24, 1968. (11:00 A.M.)

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

1. The property west of the subject tract was classified R-A under Petition No. 63-6-R (formerly No. 5891). We favored R-A zoning for the Kenilworth Drive frontage then under petition, but not for the frontage on Joppa Road. Our position with regard to Petition No. 65-166-R, for property still further west, was similar.
2. With respect to the subject petition, we continue to believe - despite earlier reclassification - that the Joppa Road frontage should be preserved in a low-density context; we favor environment zoning for the northerly portion of the property.

LHG:ms

COOK, MUDD & HOWARD

JAMES H. COOK
JOHN R. MUDD
DAVID L. HOWARD
22 WEST KENILWORTH AVE.
TOWSON, MARYLAND 21204

September 10, 1968

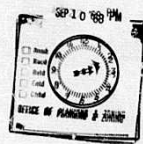
Mr. John G. Rose
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification from R-6 and R-10 Zones to R-A Zone - S/S Kenilworth Ave. S/E West Ave., Wendell Allen, et al, Petitioners - No. 68-242-R

Dear Mr. Rose:

Will you kindly note an appeal to the County Board of Appeals from your Order in the above entitled case dated August 12, 1968, this appeal being taken in the name of Brooks Buick, Inc., a body corporate of the State of Maryland, David L. Brooks, President.

James H. Cook
Attorney for Appellant



Appealed 6/6/69

cc: Zoning

RE: PETITION FOR RECLASSIFICATION from R-6 and R-10 zones to an R-A zone S/S of Kenilworth Drive 692 feet S/S of West Avenue 7th District

Wendell Allen, et al
Petitioners
Peterjohn, Jamestown Co.,
Contract Purchaser
Zoning File #68-242-R

Brooks Buick, Inc.
Petitioner-A client

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 8
Folio No. 446
File No. 4238

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

Mr. Clark:
Please file, &c.

Muriel E. Budden/
County Board of Appeals of
Baltimore County

RE: PETITION FOR RECLASSIFICATION :
from R-6 and R-10 zones to an
R-A zone :
S/S of Kenilworth Drive 692'
SE of West Avenue,
9th District
Wendell Allen, et al,
Petitioners
Peterjohn, Jamestown Co.,
Contract Purchaser

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-242-R

OPINION

In this case the petitioner seeks a reclassification of a parcel of ground totaling approximately 12.97 acres, from an R-10 and an R-6 classification to an R-A classification. The Zoning Commissioner granted the reclassification requested on August 12, 1968, and two appeals were taken from the Zoning Commissioner's Order to the Board. In open hearing before the Board, the first appeal, taken on behalf of some residents on the north side of Joppa Road in close proximity to the property, was dismissed, which leaves only a single appeal, Brooks Buick, Inc.

The property is situated on the south side of Kenilworth Drive, and is adjacent to an existing apartment project on its west, known as the Colony Apartments. The land to the north, across Kenilworth Drive, is occupied by the site of the Towson Junior High School. The property extends in a southerly direction to the rear of some residences that exist on the north side of Joppa Road, and there are two fingers of land that are part of this property that extend southerly to the north side of Joppa Road.

The testimony indicated that the proposal here is for an extension of the existing Colony Apartments, and the petitioner introduced, as Exhibit No. 1, a site plan showing a proposed project of 217 garden type apartments. The petitioner further testified that the topography of the subject tract is extremely steep, and it is unfeasible to develop the property in an R-6 and an R-10 classification, and that the only use for the property is residential apartments.

George Gavelis, Director of Planning for Baltimore County, testified in response to a summons by the petitioner and his comments, which were made on April 11,

Wendell Allen, et al - #68-242-R

1968, are as follows:

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

1. The property west of the subject tract was classified R.A. under Petition No. 63-8-R (formerly No. 5891). We favored R.A. zoning for the Kenilworth Drive frontage then under petition, but not for the frontage on Joppa Road. Our position with regard to Petition No. 65-166-R, for property still further west, was similar.

2. With respect to the subject petition, we continue to believe - despite earlier reclassification - that the Joppa Road frontage should be preserved in a low-density context; we favor apartment zoning for the northerly portion of the property."

He further testified that the developer will be required to construct Kenilworth Drive along the north side of his property, and that with the closing of this gap in the unconstructed portion of Kenilworth Drive, the County would, in all probability, complete Kenilworth Drive through to Bailey Avenue, and thus, Kenilworth Drive will be the most travelled and main entrance to the existing and proposed apartment complex.

Wendell Allen, one of the heirs that own the subject property and the attorney for all of the heirs, testified that he has entered into covenants, by deed restriction, not to construct any apartment buildings closer than two hundred and five feet north of the center line of Joppa Road, as shown on Petitioners' Exhibit No. 1.

The protestant-appellant did not produce any witnesses, nor present any evidence at the hearing before the Board to contradict the statements made by the petitioners' witnesses.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of May, 1969 by the County Board of Appeals, ORDERED that the reclassification from an R-6 zone and an R-10 zone to an R-A zone petitioned for, be and the same is hereby GRANTED.

Wendell Allen, et al - #68-242-R

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

John A. Slowik

John A. Miller

IN THE OFFICE OF THE ZONING COMMISSIONER FOR BALTIMORE COUNTY, MARYLAND

RECLASSIFICATION FROM
R-6 AND R-10 ZONES TO
R-A ZONE - S/S KENILWORTH
DRIVE 692' S/E WEST AVENUE,
9th DISTRICT
Petitioners No. 68-242-R

APPEAL

Mr. Clerk:

Enter an Appeal to Baltimore County Board of Zoning Appeals from the Commissioner's Order granting Reclassification in the above entitled matter from R-6 and R-10 Zones to an R-A Zone.

I HEREBY CERTIFY, that on this 30th day of August 1968, a copy of the foregoing Order of an Appeal was forwarded to John W. Arnsperger, Esquire, Patonia Road, Cockeysville, Maryland 21093, and Wendell D. Allen, Esquire, 906 Munsey Building, Baltimore, Maryland 21202.

Gerald E. Topper, Attorney for Protestants
1616-1611 Munsey Building
Baltimore, Maryland 21202
LEXington 9-3250



GERALD E. TOPPER
ATTORNEY AT LAW
1616-1611 MUNSEY BUILDING
BALTIMORE 2, MARYLAND
LEXINGTON 9-3250

BROOKS BUICK, INC.

Appellant

vs.

WILLIAM S. BALDWIN,
JOHN A. SLOWIK, and
JOHN A. MILLER,
CONSTITUTING THE COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Clerk:

Will you kindly enter an appeal on behalf of Brooks Buick, Inc. from the Order of the County Board of Appeals of Baltimore County in Case No. 68-242-R, being a Petition for Reclassification from R-6 and R-10 zones to an R-A zone, S/S of Kenilworth Drive 692' SE of West Avenue, 9th District, Wendell Allen, et al, Petitioners, Peterjohn, Jamestown Co., Contract Purchaser.

James H. Cook
52 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: 823-6111
Attorney for Appellant

I HEREBY CERTIFY that copy of the foregoing Order for Appeal was served this 6th day of June, 1969 on the County Board of Appeals, County Office Building, Towson, Maryland 21204.

James H. Cook
Attorney for Appellant

Rec'd 6-2-69
11:30 AM

RE: PETITION FOR RECLASSIFICATION :
from R-6 and R-10 zones to an
R-A zone :
S/S of Kenilworth Drive 692 feet
SE of West Avenue
9th District
Wendell Allen, et al
Petitioners
Peterjohn, Jamestown Co.
Contract Purchaser
Zoning file #68-242-R
Brooks Buick, Inc.
Protestant-Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 446
File No. 4238

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, John A. Slowik and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 68-242-R

Mar. 13, 1968 Petition of Wendell D. Allen, et al (Peterjohn, Jamestown Company, contract purchaser) for reclassification from R-6 and R-10 zones to R-A zone, on property on south side of Kenilworth Drive 692 feet southeast of West Avenue, in the 9th District - filed
Apr. 4 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for April 24, 1968 at 11:00 a.m.
Apr. 4 Certificate of Posting of property - filed
Apr. 4 Certificate of Publication in newspaper - filed
Apr. 24 At 11:00 a.m. hearing held on petition by Zoning Commissioner - case held sub curia
Aug. 12 Order of Zoning Commissioner granting reclassification.
Aug. 30 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner, filed by Gerald E. Topper, Esq., attorney for protestant-appellants

Sept. 10, 1968 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner, filed by James H. Cook, Esq., attorney for protestant-appellant
Feb. 13, 1969 Hearing on appeal before County Board of Appeals - case held sub curia
May 7 Order of County Board of Appeals granting reclassification
June 6 Order for Appeal filed in the Circuit Court for Baltimore County by James H. Cook, Esq., attorney for protestant-appellant
June 6 Certificate of Notice sent to all interested parties
June 16 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
July 2 Transcript of testimony filed - 1 volume
July 2 Petitioner's Exhibit No. 1 - Plot prepared by Stephens & Associates
July 7 Record of proceedings filed in the Circuit Court for Baltimore County

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

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

BROOKS BUICK, INC.

Appellant

vs.

WILLIAM S. BALDWIN,
JOHN A. SLOWIK, and
JOHN A. MILLER,
CONSTITUTING THE COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. Docket 5
Folio 446
File 4238

NOTICE OF DISMISSAL OF APPEAL

Mr. Clerk:

Will you kindly dismiss the appeal heretofore taken on behalf of Brooks Buick, Inc. from the Order of the County Board of Appeals of Baltimore County in Case No. 68-242-R, being a Petition for Reclassification from R-6 and R-10 zones to an R-A zone, S/S of Kenilworth Drive 692' SE of West Avenue, 9th District, Wendell Allen, et al, Petitioners, Peterjohn, Jamestown Co., Contract Purchaser; the appeal being docketed in Misc. Docket 8, Folio 446, File 4238.

James H. Cook
James H. Cook
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: 823-4111
Attorney for Brooks Buick, Inc.

*Rec'd 7 29.69
2:30 PM*

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

John W. Armiger, Esq.,
Padonia Road
Cockeysville, Maryland 21093

and

Wendell D. Allen, Esq.,
906 Munsey Building
Baltimore, Maryland 21202

Gentlemen:

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

BUREAU OF ENGINEERING:

Water - Existing 6" water in Joppa Road.
Existing 12" water in Kenilworth Drive as shown on the submitted plan.
Jewer - Existing 8" 8" sanitary sewer in Joppa Road. Sanitary sewer also exists in Kenilworth Drive and adjacent to Towson Jr. High School as shown on the submitted plan.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Joppa Road is to be developed as a minimum 40' road on a 50' R/W. Kenilworth Drive is to be developed as a maximum 56' road on an 80' R/W.

FIRE PREVENTION: (See attached sheet)

BOARD OF EDUCATION: If the property remains at its present zoning of R-6 and R-10, there will be a yield of 10 pupils. If the reclassification to R-A is granted, there will be a yield of 20 pupils.

ZONING ADMINISTRATION DIVISION:

The computations as to the number of units per minute by the density is incorrect. Revised plans showing the correct density must be submitted to this office prior to the hearing.

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:

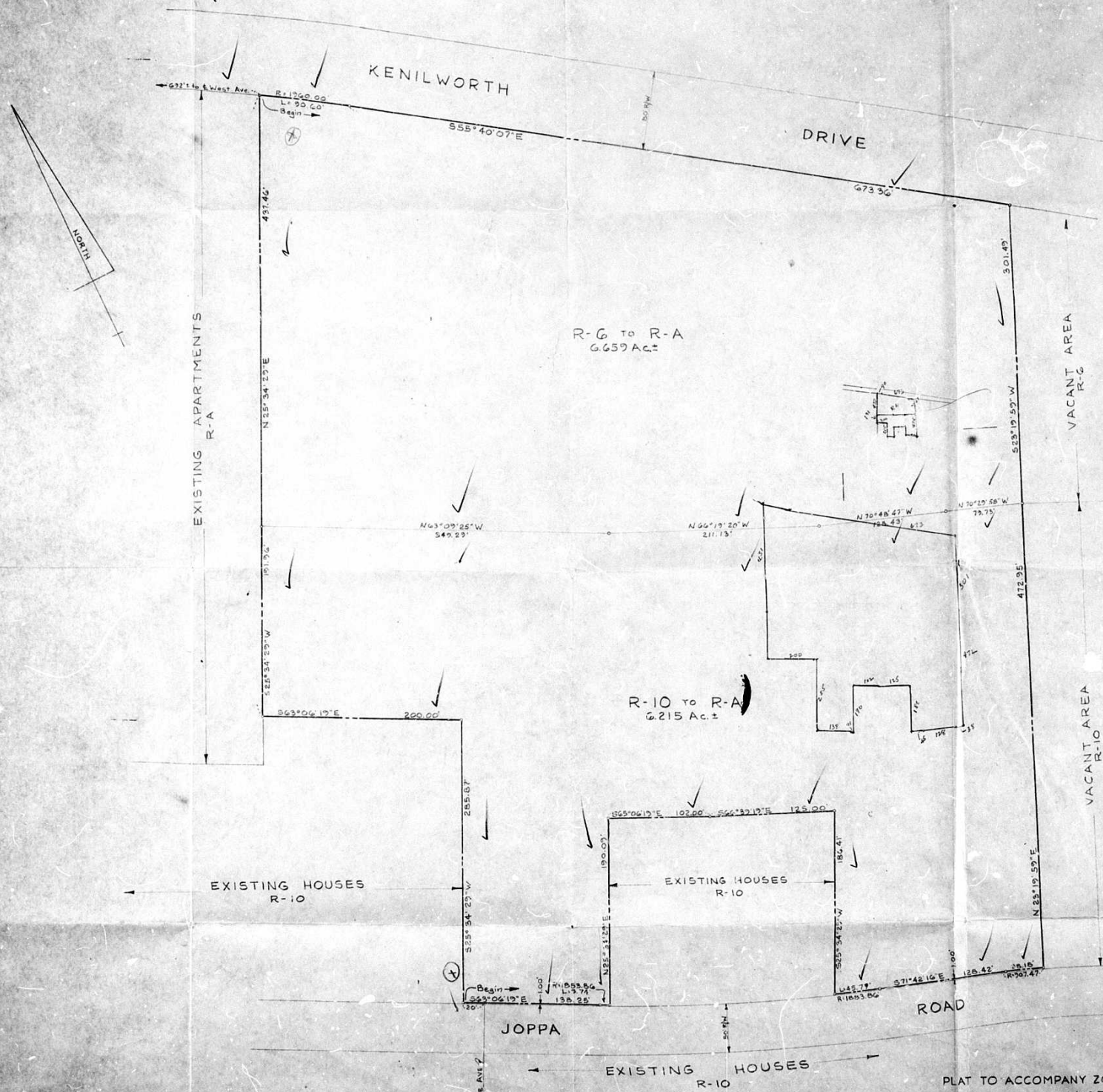
Project Planning Division
Health Department
State Roads Commission
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James L. Dyer
JAMES L. DYER,
Zoning Supervisor

JED:jdd
Carlisle Brown-Bur. of Engr.; Capt. Charles Morris-Fire Prevention; Nick Petrovitch-Board of Education

TOWSONTOWN JUNIOR H.S.
PUBLIC LAND



#68-242R

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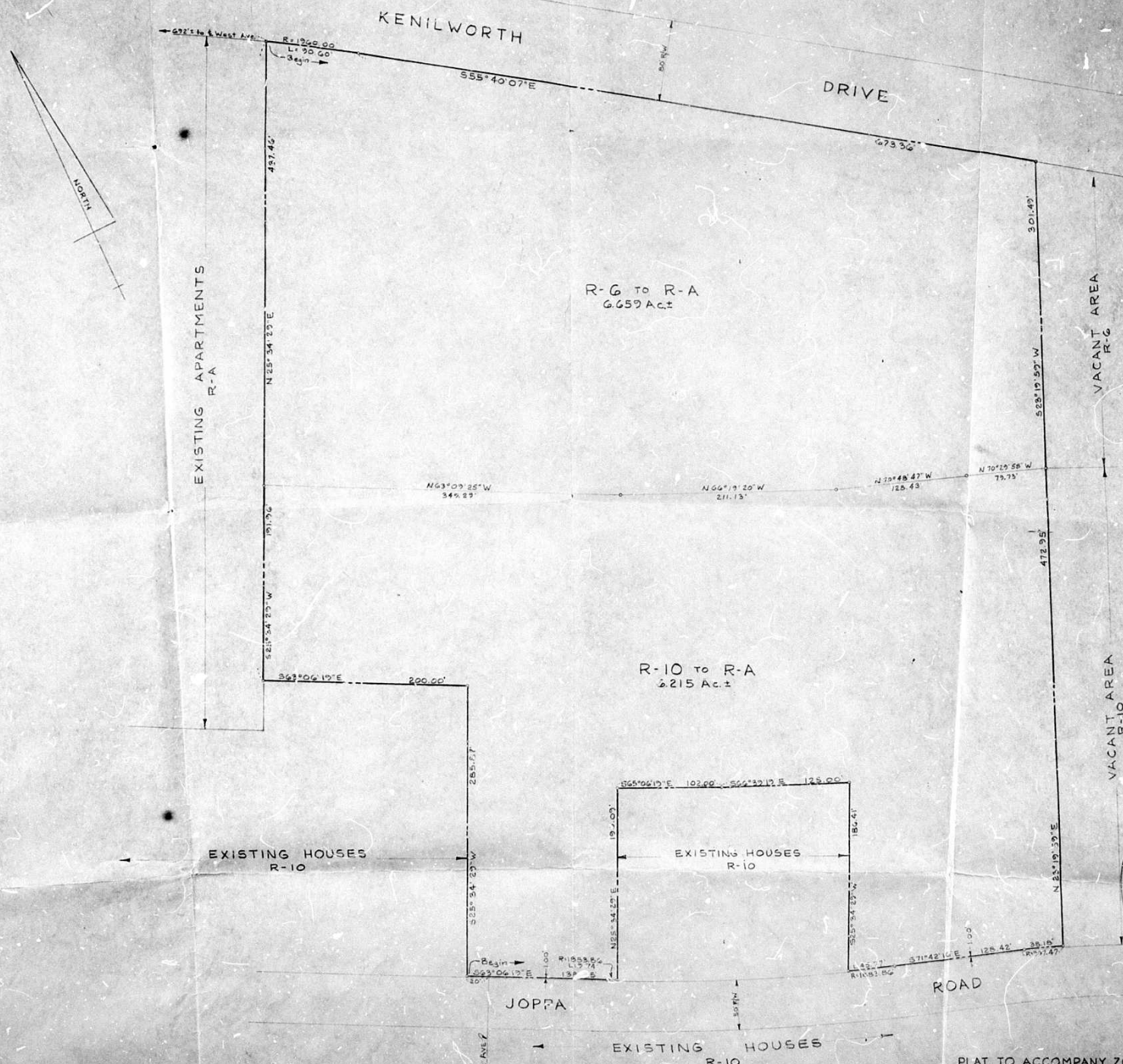
MAP
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SEC 3-C
NE-11-A
NE-10-A
RA

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
305 ALLEGHENY AVE.
TOWSON, MARYLAND



PLAT TO ACCOMPANY ZONING APPLICATION
PHASE IV
TOWSON VILLAGE
BALTIMORE COUNTY, MD.
SCALE: 1"=50'
ELECTION DISTRICT #25
FEBRUARY 5, 1968

TOWSON TOWN JUNIOR H.S.
PUBLIC LAND



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MAP
#9
SEG. 2-C
NE-11-A
NE-10-A
RA

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
301 ALLEGHENY AVE.
TOWSON, MARYLAND



PLAT TO ACCOMPANY ZONING APPLICATION
PHASE IV
TOWSON VILLAGE
BALTIMORE COUNTY, MD.
ELECTION DISTRICT #43
FEBRUARY 6, 1968
SCALE: 1"=50'