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OPINION OF BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "E" COMMERCIAL
ZONE - S. S. ANNEAL ROAD AND E. S. LOCH
HAVEN BOULEVARD, 9TH DISTRICT OF BALTIMORE
COUNTY - THOS. J. GUIDERA & SON, INC.,
PETITIONERS

ORDER OF BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "E" COMMERCIAL
ZONE - S. S. ANNEAL ROAD AND E. S. LOCH
HAVEN BOULEVARD - 9TH DISTRICT OF BALTIMORE
COUNTY - THOS. J. GUIDERA & SON, INC.,
PETITIONERS

The two appeals in the above case having come on for hearing before this Board, testimony having been taken, counsel for the respective parties having been heard, testimony and all other evidence submitted, and the matter fully considered, it is this 14th day of December, 1948, by the Board of Zoning Appeals of Baltimore County ORDERED that the following described property located in the Ninth Election District of Baltimore County, viz:-

beginning for the same at the intersection formed by the south side of Annuit Road (50') and the east side of Loch Haven Boulevard (60' wide) and running thence binding on the south side of Annuit Road South 65 degrees 45 minutes east 370 feet, more or less, and to the west side of the proposed extension of Willow Oak Road (60' wide) and thence binding on the west side of the proposed Willow Oak Road by a curve to the left with a radius of 1655 feet, for a distance of 200 feet, more or less, to the north side of a proposed 60 foot road, thence binding on the north side of said 60 foot road North 65 degrees 45 minutes west 370 feet, more or less, to the east side of Loch Haven Boulevard and thence binding on the east side of Loch Haven Boulevard by a curve to the left with a radius of 2311.8 feet a distance of 200 feet, more or less, to the point of beginning. Containing 2.7 acres, more or less.

be and the same is hereby reclassified, effect to with and from the date of this Order, from an "A" Residence Zone to an "E" Commercial Zone; and it is further ordered that any building improvements erected on the said property shall set back at least two hundred feet from the east side of Loch Haven Boulevard which will leave the frontage of the property of two hundred feet on Loch Haven Boulevard with an even depth of at least two hundred feet available for parking area in this commercial location.

Samuel H. Brown
Chairman

Approved: *Samuel H. Brown*
Date: *Dec 30, 1948*
By: *Charles H. Hill*
President

The testimony before the Board clearly shows a community need for a commercial shopping center at the location petitioned for. A large number of property owners and residents appeared before the Board and urged the reclassification to commercial use, testifying that there is a real need for such commercial classification. Other testimony was to the same effect. It further appears from the testimony that the present shopping facilities in the nearby Baynesville area do not have adequate parking facilities and that the reclassification sought here would more adequately serve the needs of the public and better safeguard public safety. Intelligent and persuasive expert testimony was also offered indicating that the reclassification requested would be in line with good zoning practice and would create no traffic or other hazard. There is sufficient testimony to indicate that either the health, safety, morals or general welfare of the community would be adversely affected by the reclassification petitioned for. On the other hand, the Board finds from the testimony substantial and sufficient evidence to support and justify this reclassification from an "A" Residence Zone to "E" Commercial Zone and finds further that there is a community need for a shopping center at this location. The proposed shopping center appears to be well laid-out and planned. It will not cause confusion in the roads, streets or alleys, nor will it cause hazards from fire, panic or other dangers, nor will it interfere with traffic, transportation and other public requirements. It has been passed upon favorably by the Planning Commissioner of Baltimore County.

The Board, therefore, after full consideration of all testimony, written evidence and other data submitted, as well as arguments of counsel, and after having given full and adequate opportunity for the submission of all pertinent and proper testimony by all interested parties, is of the opinion that the petition to reclassify the property described in the petition from an "A" Residence Zone to "E" Commercial Zone should be granted, and that any and all buildings hereafter placed upon the said property shall set back at least two hundred feet from Loch Haven Boulevard,

which will leave in the commercial zone 200 feet fronting on the east side of Loch Haven Boulevard with a depth easterly of at least an even width of 200 feet for part of an off-street parking area. The Board will sign an Order in accordance with this opinion.

Dated December 16, 1948.

Samuel H. Brown
Chairman

Board of Zoning Appeals of
Baltimore County

would be taken November 12, 1948 at 10 A. M. to which date no objection was made by any party. The Board met at 10 A. M. on November 12, 1948 prepared to hear and conclude the taking of testimony. The petitioner and counsel for the petitioner were present as were counsel for the protestants, but counsel for the protestants requested a further postponement for the offering of their testimony, whereupon notices were given to attorneys for all parties setting the case for hearing on Friday, November 19, 1948 at 7:30 P. M. and on said date the case came on for further hearing. At the hearing on November 19, 1948 testimony was offered in behalf of the protestants which was heard and fully considered by the Board. Messrs. Bolton and Shalpin, counsel for protestants and Mr. Smith, counsel for petitioner, argued their respective contentions fully and at length and the entire matter of the two appeals has been fully considered by this Board.

The petition for reclassification from an "A" Residence Zone to "E" Commercial zone is for the following described property:- Beginning for the same at the intersection formed by the south side of Annuit Road (50') and the east side of Loch Haven Boulevard (60' wide) and running thence binding on the south side of Annuit Road South 65 degrees 45 minutes east 370 feet, more or less, and to the west side of the proposed extension of Willow Oak Road (60' wide) and thence binding on the west side of the proposed Willow Oak Road by a curve to the left with a radius of 1655 feet for a distance of 200 feet, more or less, to the north side of a proposed 60 foot road, thence binding on the north side of said 60 foot road North 65 degrees 45 minutes west 370 feet, more or less, to the east side of Loch Haven Boulevard, and thence binding on the east side of Loch Haven Boulevard by a curve to the left with a radius of 2311.8 feet a distance of 200 feet, more or less, to the point of beginning. Containing 2.7 acres, more or less.

The Zoning Commissioner by his Order of September 15, 1948 reclassified the following particularly described portion of the property petitioned for, viz:- Beginning for the same on the southwest side of Annuit Road at a point North 65 degrees 45 minutes east 200 feet from the eastmost side of Loch Haven Boulevard and running thence South 65 degrees 45 minutes East 370 feet, more or less, to the west side of the proposed extension of Willow Oak Road, 60 feet wide, and thence binding on the west side of the proposed Willow Oak Road by a curve to the left with a radius of 1655 feet for a distance of 200 feet, more or less, to the north side of a proposed 60 foot road, thence binding on the north side of said 60 foot road, North 65 degrees 45 minutes west 370 feet, more or less, thence north at right angles to said proposed road 200 feet to the place of beginning; from an "A" Residence Zone to "E" Commercial Zone, but stated as follows with respect to the remainder of the tract petitioned for, "the remainder of said whole lot not hereby reclassified having a frontage of 200 feet on the

east side of Loch Haven Boulevard with a depth easterly of even width of 200 feet is to remain an "A" Residence Zone and is to be used as part of an off-street parking area for the shops and stores to be erected on the part of said whole lot of ground hereby reclassified, said reclassification being granted upon the expressed condition, which is acceded to by the Applicant, that this area be used solely as an off-street parking area together with the other parking area shown on the plat filed with the Zoning Department for said shopping center. Said parking area shall be screened with trees and shrubbery along the street lines upon which it binds."

This Board fully appreciates the reasons for the Zoning Commissioner's Order and is in substantial accord with the spirit and intent of said Order. The Board believes that the Zoning Commissioner is acting under the discretion given him by Section I, paragraph 8, of the "Zoning Regulations and Restrictions for Baltimore County", in his refusal to zone the frontage of 200 feet on the East side of Loch Haven Boulevard with a depth easterly of an even width of 200 feet as "E" Commercial and retaining that portion of the property in an "A" Residence Zone with the right to use the same as an off-street parking area as heretofore outlined.

From the testimony in this case, the Board believes that under the said "Zoning Regulations and Restrictions for Baltimore County" and particularly paragraph "C" "Area Regulations" under "Section VII - E Commercial Zone" - it has the right on appeal to require all buildings on this commercial property to set back at least two hundred feet from Loch Haven Boulevard and that the petition for reclassification from an "A" Residence Zone to "E" Commercial zone should be passed upon as an entirety, and that the requirement that no building improvements should be erected on the property within two hundred feet of Loch Haven Boulevard can and should be provided for under the authority of the Zoning Regulations mentioned.

REC'D SEP 24 1948

Mr. Charles H. Doing
Zoning Commissioner
Towson 4, Maryland

RE: Petition for Reclassification
from an "A" Residence Zone to
an "E" Commercial Zone -
S. S. Annuit Road and E. S.
Loch Haven Boulevard, 9th Dist.
Thomas J. Guidera & Son, Inc.,
Petitioners

Mr. Commissioners:

You will please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision of September 15th, 1948 in the above entitled matter and forward the papers to the Board of Zoning Appeals of Baltimore County.

Robert L. Smith
Attorney for Petitioner

Dated this 24th day of September, 1948.

REC'D SEP 24 1948

IN THE MATTER OF
THE RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "E"
COMMERCIAL ZONE - SOUTH SIDE
OF ANNUIT ROAD AND EAST SIDE
OF LOCH HAVEN BOULEVARD IN THE
NINTH ELECTION DISTRICT OF
BALTIMORE COUNTY -
THOS. J. GUIDERA & SON, INC.,
PETITIONERS

RESPONSE
CHARLES H. DOING
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Commissioners:

Please enter an Appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner of Baltimore County passed in the above captioned cause on September 15, 1948, and transmit all records and papers incident thereto to said Board of Zoning Appeals.

Robert L. Smith
Attorney for Protestants,
Henry J. Weber and William
F. Weber, his wife, et al.

MAP
#9

beginning for the east at the intersection formed by the north side of Amukual Road (60' wide) and the east side of Loch Raven Blvd. (60' wide) and running thence blind to the south side of Amukual Road 3.65 - 4.5 - 570 feet more or less and to the east side of the proposed extension of Willow Oak Road 1.00 - 1.50 - 100 feet more or less, then on the side of the proposed extension of Willow Oak Road to the left with a radius of 60' north of the proposed extension of Willow Oak Road 1.00 - 1.50 - 100 feet more or less to the north side of a proposed 60' road, thence blind on the north side of said 60' road N 65.4 - 4.5 - W 5951 feet more or less to the east side of Loch Raven Boulevard and thence blind on the east side of Loch Raven Boulevard by a curve to the left of 2133.48' at a distance of 200' to the beginning, containing 2.7 acres, more or less.

Character of use for which above property is to be used...approved commercial use...

I, or we, agree to pay expenses of above re-classification, 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.

Thomas J. Guidara & Son, Inc.
by Thomas J. Guidara & Son, Inc.
Contract Purchaser - Robert O'Brien
8601 Chestnut Oak Road
Towson 4, Maryland

(over)

The above petition coming on for hearing on June 30, pursuant to the posting of the property and the advertisement thereon in The Jeffersonian, a newspaper of general circulation in this county, the following facts were submitted and considered, and it appearing that a reification of the property in said petition described is in part, since there appears to be a community need shopping center at said location, a petition being filed with the Board of Commissioners by ninety nine near residents urging the reification of said property for commercial use, and it appearing that the granting of the petition described herein would not be likely to adversely affect the health, morals and general welfare of the community and will interfere with traffic, transportation and other public interests.

Beginning for the same on the southermost side of Amstel Road at a point S 65° 45' east 200' from the easternmost side of the Loch Haven Boulevard and running thence S 65° 45' east 378', more or less, to the west side of a proposed extension of Willow Road, a 120' wide, 120' long strip of land lying on the west side of the proposed Willow Oak Road by a curve to the left with a radius of 1625' for a distance of 200', more or less, to the north side of a proposed extension of Willow Road, a 120' wide, 120' long strip of land lying on the west side of the proposed Willow Oak Road by a curve to the left with a radius of 1625' for a distance of 200', more or less, thence north at right angles to said proposed road 200' to the place of beginning.

The remainder of said whole lot not hereby reclassified having a frontage of 200' on the east side of 40th Avenue Boulevard with a depth entirely even with of 200' is to remain an "A" Residence Zone and is to be used as part of an office building. The shops and stores to be erected on the part of said whole lot of ground hereby reclassified, said reclassification being granted upon the expressed condition, that it is understood that the shops and stores to be erected solely as an off-street parking area together with the other parking area shown on the plat filed with the Zoning Department for said shopping center, shall be used for parking cars along with trees and shrubbery along the street lines upon which it binds.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of September, 1948, that the above described property, or area, be and the same is hereby reclassified, as above specified, from and after the date of this Order, from an "A" Residence Zone to an "E" Commercial Zone.

Charles P. ...
Zoning Commissioner of
Baltimore County.

LOCATION - S.east cor. of Loch Raven Boulevard and Anuska Road, Hidgeleigh 966 D.15
PRESENT ZONING - "R" Residence PROPOSED ZONING - "C" Commercial
RECOMMENDATION REQUESTED - June 31, 1948 DATE OF REPLY - July 8, 1948

This property appears to be too close to the established commercial zone at Jopps Road and Loch Haven Boulevard to justify creation of a separate shopping center and yet close enough so that its reclassification would be likely to result in eventual pressure to join it with the Jopps Road shopping area. This would have the effect of commercial zoning of a considerable area of Loch Haven Boulevard frontage and also tend to establish an area of a size that would be greater than seemingly could be justified by the needs of a neighborhood shopping district. This is particularly true in the light of the prospective Butler development in the Towson community business district which is expected to be made increasingly available to this vicinity by the Inter-county Circumferential Highway.

If notwithstanding the previously noted objection, the petition is granted, the same objection in regard to the site plan applies as noted in the comments on Petition Reclassification #1230 for the proposed group housing development adjacent to this property. Proper study of the whole tract from the standpoint of design may well suggest a different street layout, and therefore a different site and shape of a commercial area. The required approval of the plat therefore might require reevaluation of a somewhat different area for reclassification.

Malcolm H. Dill, Director
Baltimore County Planning Commission

cc: Charles H. Doing ✓
Nathan L. Smith
Christian H. Kahl
William W. MacVicar

1234

District: 9 Date of Posting: June 17/48
 Posted for: Commercial
 Petitioner: John J. Scudera - Son
 Location of property: Southeast corner of Amuska Road
20th Raven Blvd.
 Location of sign: South side of Amuska Road
1 sign 35' - 2 sign 500 - 3 sign 700 feet east
 Remarks: 20th Raven Blvd.
 Posted by: Harry E. Garfield Date of return: June 17/48

Since making the original comment on this petition, we have discussed with the petitioner the proposed layout of the shopping center and its relation to the entire plat. It appears that the kind of facilities proposed would be such as to serve primarily the immediate vicinity. Study of the tentative plan indicates the outline of the proposed commercial area to be satisfactory in relation to the remainder of the development, thus making the original comment in the second part of our original comment.

The proposed plan indicates that no buildings would be placed nearer than 200' to the Lech Raven Boulevard frontage, it being the intent to use this strip for off-street parking. If this arrangement is carried out, and with new residential development assured along the commercially-zoned development at Joppa Road, the risk, noted in our previous written comment, (that rezoning of this block for commercial use would tend to result in eventual pressure to locate it with the Joppa Road shopping area), would be eliminated.

We suggest that the most desirable solution would be to use a procedure similar to the proposed by the Zoning Commissioner in the case of petition #1166, namely to provide for the proposed parking strip of 200' or so by issuance of a special permit therefor, without change in the zoning of the Jack Raven Boulevard frontage.

Malcolm H. Dill, Director
Baltimore County Planning Commission

cc: Charles H. Doing ✓
Nathan L. Smith
Christian H. Kahl
William W. MacVicar
Michael Paul Smith
John K. Ruff
John M. McFall
H. Ridgely Warfield

June 14, 1948

\$23.00

RECEIVED of Thomas J. Guiders & Sons, Inc.,
the sum of Twenty Three (\$23.00) Dollars, being
cost of petition for reclassification, advertising
and posting of property, Loch Raven Boulevard, 9th
District of Baltimore County.

Zoning Commissioner

Hearings:
Wednesday, June 30, 1948
at 10:00 a.m.

\$542.00

RECEIVED of M. Richard Smelkin, Attorney, for Henry J. Weber, and wife, et al, appellants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner in granting the petition for reclassification, in part, from an "A" Residence Zone to an "R" Commercial Zone, of the property on the south side of Annapolis Road, 9th District of Baltimore County.

Sept. 24, 1948

October 5, 1948

\$22.00

RECEIVED of Michael Paul Smith, attorney for
Thomas J. Guidara & Son, Inc., petitioners, the sum of
Twenty Two (\$22.00) Dollars, being cost of appeal to
the Board of Zoning Appeals of Baltimore County from the
decision of the Zoning Commissioner passed on September
16, 1948, granting in part the petition for reclassification
of property on south side of Annapolis Road, and east side
of Loch Haven Boulevard, 9th District.

Zoning Commission

PAID
SEP 27 1948
COUNTY COMMISSIONER
OF BALTIMORE COUNTY

PAID
OCT - 5 1948
COUNTY COMMISSIONER
OF BALTIMORE COUNTY

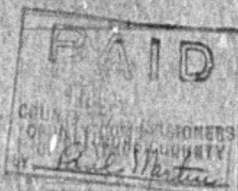
#1231

February 11, 1949

\$11.20 ✓

RECEIVED of William P. Bolton, Counsel for
William A. Hahn, petitioner, the sum of Eleven Dollars
and Twenty Cents, being cost of certified copies of
papers filed in the matter of appeal for reclassi-
fication of property on east side of Loch Raven Boule-
vard and south side of Amiskai Road, Thomas J. Guidara
& sons, petitioners.

Zoning Commissioner



mlr

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NO PLAT
IN
THIS FOLDER