

Petition for Zoning Re-Classification # 4959

To The Zoning Commissioner of Baltimore County—

Knox vs. Julius Mandel & Tony Weil Mandel, legal owner & of the property

being that tract of land lying and situate in the Ninth Election District of Baltimore County, bounded on the south by Greengridge Road, on the west by York Road, on the north by the property of the Baptist Church, and on the east by an irregular line of division 643 feet east of York Road. Containing in all 7.2 acres, more or less, and delineated in red on the attached plat, dated May 20, 1954, by Albert E. Palmer, and titled "Exhibit A". (For metes and bounds description, see attached "Exhibit B")

herby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 to an R-1.

Reasons for Re-Classification:

Size and height of building: front...feet; depth...feet; height...feet.
Front and side set backs of building from street lines: front...feet; side...feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification, 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.

John A. Adams
John A. Adams
Legal Owner

Address: 6613 Deancroft Road, Baltimore 9, Md.

ORDERED by The Zoning Commissioner of Baltimore County, this 13th day of April, 1960, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in 11 Rebeck Bldg., in Towson, Baltimore County, on the 19th day of May, 1960, at 10:00 o'clock p.m.

Zoning Commissioner of Baltimore County
(over)

MICROFILMED

4959

RECEIVED & FILED
ZONING DIVISION
BALTIMORE COUNTY
MAY 19 1960

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

It is Ordered by the Zoning Commissioner of Baltimore County, this 13th day of April, 1960, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from an R-6 to an R-1.

Pursuant to the advertisement, posting of property and public hearing on the above petition, the petitioner having failed to show an error in the original zoning or that sufficient changes had taken place in the area to warrant the reclassification.

the above reclassification should NOT be had.
It is Ordered by the Zoning Commissioner of Baltimore County, this 13th day of April, 1960, that the above petition and the same is hereby denied and that the above described property or area be and the same is hereby continued as to remain an R-6.

John A. Adams
Zoning Commissioner of Baltimore County

MICROFILMED

County Commissioners of Baltimore County

Approved: _____ By: _____ President

RE: PETITION FOR RECLASSIFICATION from an "R-6" Zone to a "B-1" Zone - Intersection York and Greengridge Roads, Ninth District, Julius Mandel and Tony Weil Mandel, Petitioners

ORDER FOR APPEAL

Mr. Clerk: Please enter an Appeal from the Order entered in the above matter.

Lawrence B. Breyer
Lewis L. Floney
Attorney for Petitioners
Masonic Building
Towson 4, Maryland
Valley 5-1753



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

From: Louis L. DePasso, Esq., Assistant County Solicitor
To: John G. Rose
Subject: G. Ware Travelstead

Date: July 19, 1967

I am replying to your letter of July 12, 1967, your file #3314.

I am enclosing a copy of the petition of Mr. and Mrs. Mandel, the Order of the Zoning Commissioner, William H. Adams, dated May 19, 1960 and the Order of the Board of Appeals dated March 26, 1961.

The members of the Zoning Staff processed the County Board of Appeal. Order #4959 under the belief that the requested rezoning from R-6 Zone to B-1 Zone was granted.

Subsequently I agreed with the Staff that the Order was faulty. No amendment to the petition was ever filed insofar as this office knows and the order does not make it sufficiently clear as to whether or not any verbal request for change in the petition was made a part of this Order.

The Order reads for "the reasons set forth in the foregoing Opinion it is this 2nd day of March 1961 by the County Board of Appeals Ordered that the aforesaid reclassification is hereby granted as amended in this petition from R-6 Zone to B-1 Zone".

This office did not receive an amended petition and this office did not receive an amended plat.

I do not have a copy of the June 6, 1963 letter addressed to Lamb & Baker.

I refer you to file #65-89. I am enclosing copy of petition and the Zoning Commissioner's Order and a copy of the Motion to Dismiss and the Order of Dismissal by the County Board of Appeals.

It was, and is, my opinion that the entire property was zoned from R-6 to B-1 and I so advised the petitioners in case #65-89-RXA. However, they desired to file a new petition and I accepted it.

Zoning Commissioner

MICROFILMED



STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PATTERSON STREET
BALTIMORE 1, MD.

May 16, 1950

Mr. William H. Adams
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Zoning Petition #4959
R-6 Zone to a B-1 Zone
Greengridge Road and
York Road (Route 48)

Dear Mr. Adams:

This office has reviewed the subject petition and has no objection to the change, however, if the Zoning Commissioner would see fit to grant the petition, it is requested that the plans for ingress and egress be made subject to the approval of the State Roads Commission.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

John I. Duer
By: John I. Duer
Asst. Development Engineer

JLD/na

MICROFILMED

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 2500
DATE 4/4/60

To: John Warfield Aminger
Masonic Building
Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County
113 County Office Bldg., Towson 4, Md.

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01622		Appeal to Board of Appeals - Petition No. 4959	\$85.00
		6-960 0350 * * * TIL -	\$5.00
		6-960 0350 * * * TIL -	\$3.00

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

MICROFILMED

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 0949
DATE 4/13/60

To: John Warfield Aminger
Masonic Building
Towson 4, Md.

BILLED BY: Zoning

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01622		Petition for Re-Classification	\$10.00
		4-1360 3117 * * * TIL -	\$10.00

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

MICROFILMED

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 4539
DATE 4/16/61

To: Charles V. Ward, Jr., Esq.,
Masonic Building
Towson 4, Maryland

BILLED BY: Zoning Department
113 County Office Bldg., Towson 4, Md.

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01622		Cost of certified copies of documents in the matter of reclassification of property at 113 County Office Bldg. and Green Ridge Bldg., 9th District - Julius Mandel, et al	\$6.00
		4-7601 7283 * * * TIL -	\$2.00
		4-7601 3223 * * * TIL -	\$2.00

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

MICROFILMED

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 0993
DATE 5/5/60

To: John Warfield Aminger
Masonic Building
Towson 4, Md.

BILLED BY: Zoning

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01622		Additional Advertising	\$2.50
		3-7601 0312 * * * TIL -	\$1.50
		3-7601 0312 * * * TIL -	\$1.00

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

MICROFILMED

CERTIFICATE OF POSTING
ZONING COMMISSIONER OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 5-4-60
Posted for: 500 copies of plat and 100 copies of petition
Petitioner: Julius Mandel & Tony Weil Mandel
Location of property: Intersection of Greengridge and York Roads
Location of Sign: Intersection of Greengridge and York Roads, 500 copies of plat and 100 copies of petition
Remarks: 500 copies of plat and 100 copies of petition
Posted by: [Signature] Date of return: 5-5-60

MICROFILMED

IN THE CIRCUIT COURT
OF BALTIMORE COUNTY
COUNTY BOARD OF APPEALS
Case No. 1959

IN THE CIRCUIT COURT
OF BALTIMORE COUNTY
COUNTY BOARD OF APPEALS
Case No. 1959

OPINION

This is a petition for reclassification from "B-6" Zone to a "B-1" Zone of property at the northeast corner of York and Green Ridge Roads, in the Ninth District of Baltimore County.

At the beginning of the hearing the petitioners detailed property 100 feet along the north side of Green Ridge Road for the entire length of the property as well as a 50 foot width along the eastern boundary of the property including that portion of line which runs North 50 degrees east 25.00 feet.

The Board also heard a motion from the petitioners to discontinue the petition during their claim that the petition was not filed in the allowable time as defined in the Baltimore County Zoning Regulations. The Board dismissed this motion finding that the appeal was a legal appeal having been filed in accordance with the Regulations.

The subject property is bounded on the south by Green Ridge Road, on the north by the north side of Green Ridge Road for the entire length of the property and the other half of the property is contiguous to the Food Fair Shopping Center, York Road is the western boundary. The total property contains 7.2 acres of which it is petitioned that 5 plus acres be reclassified to business local.

From the testimony it is apparent that there was an error in the original zoning of this property when it was placed on the Map as adopted by the County Commissioners on November 13, 1955. The fact that the property in the rear is contiguous to a shopping center, coupled with the fact that York Road is a major traffic thoroughfare, makes it unreasonable to ask the property owners to attempt to develop the property as "B-6". The main question that the Board has to consider in its deliberation is whether the property would be used for apartments or possibly office use, or whether the request for business local is reasonable. The fact that the petition was reduced in size so as to leave a buffer of "B-6" property on the north side of Green Ridge Road and a 50 foot width along the eastern boundary of the property seems to alleviate the fears of further spread of commercialism to the east or to the south.

ORCHARD HILLS COMMUNITY
ASSOCIATION, INC., et al
vs
COUNTY BOARD OF APPEALS
IN THE CIRCUIT COURT
OF BALTIMORE COUNTY
FOR BALTIMORE COUNTY
MISC. DOCKET No. 7
Case No. 2391

OPINION

By an Order which is the subject of this appeal the County Board of Appeals reclassified a portion of a tract of land at the northeast corner of York Road and Greenridge Roads, between Towson and Lutherville, from "B-6 Residential" to "Business Local".

The entire property contains 7.2 acres but the Petitioners eliminated a 100 foot strip along its southern boundary, (the northerly side of Greenridge Road), and a 50 foot strip along its eastern boundary, both to create buffer zones to give some protection to residential properties located to the south and east, so that the property actually rezoned contains about five acres.

Adjoining the property on the north is a small church and then a shopping center of the modern type containing a large self-service food market, a number of other smaller retail stores, and a large parking lot. This parking lot faces Seminary Avenue. The other three corners of Seminary Avenue and York Road are zoned commercial and occupied by one or more large service stations and other businesses. The area has a distinctly commercial rather than a residential aspect.

It should also be noted that the rear portion of the subject property abuts the commercially zoned shopping center property previously referred to.

York Road is a very heavily traveled highway which would clearly tend to make the property relatively unsuitable for residence purposes.

The Board found error in the original zoning in 1955 and although the Court does not disagree with this conclusion it feels that the reclassification can also be justified on the basis of substantially changed conditions.

The only question before the Court is, of course, whether the decision of the Board was arbitrary and unreasonable. If the issue was "reasonably substantial" the Courts do not interfere.

FILED AUG 14 1961

Historically across the York Road from the property are gasoline service stations which are easily visible from the subject property. There are numerous commercial uses along the York Road in the general vicinity of the subject property, the type of uses which are usually found on a major commercial thoroughfare such as York Road.

Testimony of Mr. P. T. Lennon, a real estate investor and consultant, and Mr. Fred F. Kahan, a real estate expert, showed that houses in the general vicinity opposite the Food Fair Shopping Center have appreciated and not depreciated in value.

Testimony of Mr. Lennon, as well as Mr. Bernard Williamson, concurred that the granting of this petition would be a reasonable use of the property and one that would not be detrimental to the surrounding property owners.

Dr. Walter Beall, a consultant in highway engineering, presented a traffic control pattern including proper ingress and egress to the property and it does not seem reasonable to expect that there would be any traffic problem resulting in the granting of this petition.

In reaching the decision to grant the reclassification from "B-6" to "B-1", the Board felt that the request asked for in the petition will allow for a reasonable economic use of the property and cannot possibly see how the granting of the reclassification could be detrimental to the surrounding property owners. A large majority, if not all, of the protesting property owners, purchased their homes in this area with the knowledge that the Food Fair Store and a half dozen or so other commercial stores were to be constructed at the southeast corner of York Road and Seminary Avenue. Any detrimental effect on property values has already taken place by the completion of the Food Fair Shopping Center project.

For the reasons stated above the reclassification from an "B-6" Zone to "B-1" Zone should be granted as amended in the petition, subject to approval of the Office of Planning of Baltimore County with regard to ingress and egress to the subject property.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of March, 1961, by the County Board of Appeals, ORDERED that the aforesaid reclassification is hereby granted as amended in the petition from an "B-6" Zone to a "B-1" Zone.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Procedure and Practice of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

James W. Held, Jr.
April 7, 1961
Charles W. Held, Jr.

ORCHARD HILLS COMMUNITY
ASSOCIATION et al
vs
JULIUS MANDEL, et al
IN THE
COURT OF APPEALS
OF
MARYLAND
September Term 1961
Case No. 233

ORDER OF DISMISSAL

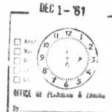
MR. CLERK:

Please dismiss the Appeal in the above matter.

Charles W. Held, Jr.
Charles W. Held, Jr.
Attorney for Appellants

I HEREBY CERTIFY, That on this 29th day of November, 1961, I delivered a copy of the above Order to Lewis L. Fleury, Esquire, Attorney for Appellees.

Charles W. Held, Jr.
Charles W. Held, Jr.



ORCHARD HILLS COMMUNITY
ASSOCIATION, INC.
4 Westbury Drive,
and SIDNEY BARTEAU
4 Westbury Drive
Lutherville, Maryland, and
TOWSONVALE AREA ASSOCIATION,
INCORPORATED,
35 Cavan Drive, and
C. HARVEY JACKSON, JR.
26 Cavan Drive
Lutherville, Maryland, and
DULANEY VALLEY IMPROVEMENT
ASSOCIATION, INC.
1127 Longbrook Road, and
R. K. HODDINOTT, JR.
1127 Longbrook Road
Lutherville, Maryland, and
DEVONSHIRE FOREST CIVIC
ASSOCIATION, INC.
1501 McPherson Court, and
JAMES A. CHARRIS
1501 McPherson Court
Lutherville, Maryland, and
RUSSELL D. FULLTON
York and Greenridge Roads
Lutherville, Maryland, and
ALLAN W. OWENS
12 Greenridge Road
Lutherville, Maryland

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

NATHAN H. KAUFMAN, JR.
CHARLES STEINBOCK, and
G. MITCHELL AUSTIN,
Co-Attorneys for the COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY

ANSWER OF INTERVENING APPELLEES

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of Julius Mandel and Tony Mandel, his wife, Intervening Appellees, by Lewis L. Fleury, respectfully represents:

1. That they admit that there was a hearing before the County Board of Appeals on Petition No. 4959 and further admit that the County Board of Appeals for Baltimore County passed its Order on March 2, 1961. They neither admit nor deny the allegations contained in

paragraph of the Petition heretofore filed in the within case where in it is stated "that the Petitioners protested such reclassification at the hearing before the Board of Appeals, but demands strict proof thereof.

2. That they deny the allegations of paragraph two of the said Petition that in response thereto say that the Order of the County Board of Appeals for Baltimore County granting reclassification is a lawful, valid, and eminently justified Order under the facts presented at the hearing of this cause before the said Board, which facts completely justify the granting of the reclassification.

3. That they deny the allegations of paragraph three of the said Petition.

HAVING FULLY ANSWERED the Petition, these Intervening Appellees pray that same may be dismissed, with costs to be paid by the Petitioners.

AND AS IN DUTY BOUND, ETC.

Lewis L. Fleury
Attorney for Intervening Appellees

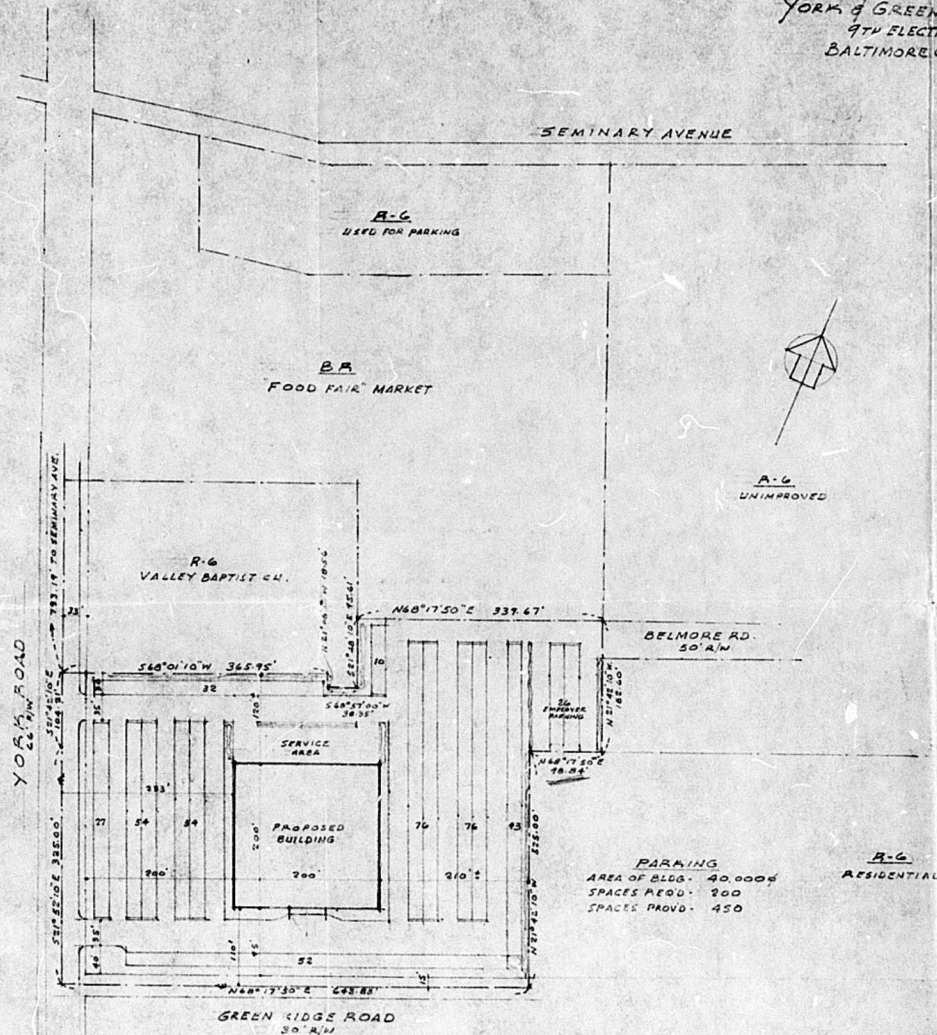
I HEREBY CERTIFY that copies of the foregoing Answer To Intervening Appellees were mailed to Nathan H. Kaufman, Jr., G. Mitchell Austin, and Charles Steinbock, constituting the Board of Appeals for Baltimore County, Maryland, County Office Building, Towson 4, Maryland, and to Charles W. Held, Jr., Esq., Attorney for Intervening Appellees, Reschold Building, Towson 4, Maryland, this 7th day of April, 1961.

The Court has carefully considered the Record and, without attempting to fully review it, finds ample evidence upon which the Board could have found that this property was erroneously zoned residential in 1955 and should have been zoned commercial. Certainly the question as to the propriety of the 1955 original zoning is at least reasonably debatable and it is therefore the duty of this Court to sustain the action of the administrative agency whose function it is to make such decisions.

The Order of the Board of Appeals is affirmed.

August 7, 1961

PROPOSED REZONING
AT
YORK & GREEN RIDGE RDS.
9TH ELECTION DIST.
BALTIMORE COUNTY, MD.



SITE PLAN
SCALE: 1" = 100'

AREA OF PROPERTY = 7.2 ACRES
EXISTING USE OF PROPERTY = UNIMPROVED
PROPOSED USE OF PROPERTY = RETAIL SALES BUILDING
PRESENT ZONING OF PROPERTY = R-6
PROPOSED ZONING OF PROPERTY = BL

J. MADDOIT BERRY
ARCHITECT
4840 TOWSON, MD.