

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
 YORKDALE CORPORATION
 For a Special Exception
 To the Zoning Commissioner of Baltimore County

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 MAP
 #9
 SEC. 3-C
 "X"
 7/14/60

Yorkdale Corporation
 Legal Owner
 Contract Purchaser
 hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or to be erected thereon) hereinafter described for ELEVATOR
OFFICE BUILDING

Beginning all that parcel of land in the Ninth District of Baltimore County for the same at the intersection formed by the East side of York Road and the South side of Hillside Avenue and continuing along the South side of Hillside Avenue, South 79 degrees 23 minutes 20 seconds East 305 feet and by a curve to the right a distance of 302 feet more or less to the East side of Cedar Avenue thence binding on the West side of Cedar Avenue South 50 degrees 13 minutes 20 seconds West 203.00 feet; thence leaving the West side of Cedar Avenue North 66 degrees 02 minutes 00 seconds West 222.50 feet; South 21 degrees 24 minutes 30 seconds West 181.80 feet; South 48 degrees 05 minutes 10 seconds East 51.00 feet; South 37 degrees 35 minutes 30 seconds West 55.30 feet; South 66 degrees 27 minutes 10 seconds East 5.30 feet; and South 13 degrees 29 minutes 20 seconds West 55.00 feet to the center line of Terrace Alley thence binding on the center line of Terrace Alley the five following courses and distances: North 61 degrees 01 minutes 10 seconds West 51.00 feet; North 68 degrees 38 minutes 00 seconds West 65.10 feet; North 26 degrees 05 minutes 10 seconds West 52.20 feet; North 63 degrees 01 minutes 10 seconds West 31.50 feet North 71 degrees 27 minutes 10 seconds West 116.30 feet to the center line of York Road thence binding on the 10 seconds West 116.30 feet to the center line of York Road thence binding on the center line of York Road North 12 degrees 19 minutes 10 seconds East 273.50 feet; thence South 66 degrees 02 minutes 10 seconds East 15.80 feet to the East side of York Road thence binding on the East side of York Road North 12 degrees 19 minutes 10 seconds East 129.00 feet to the place of beginning, Containing 1.3 acres more or less, as shown on the plat filed with the Zoning Department, being property of Yorkdale Corporation.

RE: Petition for Special Exception
 For Elevator Office Building
 S.E. Cor. York and Hillside
 Roads, 9th District
 The Yorkdale Corporation,
 Petitioner
 BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY
 NO. 5034-X

This application was filed by the corporate petitioner and requests a special exception for an elevator office building to be located on the southeast corner of York Road and Hillside Avenue. The application was granted by the Zoning Commissioner, and an appeal was entered therefrom by certain protestants. At the outset of the hearing before the Board, the protestants presented a Motion to Dismiss, contending in the main that the subject petition had been improperly entertained by the Zoning Commissioner.

The stipulated facts and the testimony of Mr. Wilkie H. Adams indicate that a hearing was held by Mr. Adams on June 22, 1960 with regard to Application No. 4597, a petition to reclassify a tract which includes the property presently before us, from "B-2" and "B-4" to "C-2". The uncontested evidence indicates that after the hearing Mr. Adams made it clear by public announcement that he would deny the application. The hearing was well attended by interested parties and a member of the Press, who heard and reported the verbal denial by the Zoning Commissioner.

On July 20, 1960 a hearing was held before the Zoning Commissioner on the instant petition, at which time the protestants' counsel contended the jurisdiction of the Commissioner because of this prior order of denial involving the same property and made within the 18 month restrictive period. At the same time the then Zoning Commissioner issued a written order dismissing Petition No. 4597 without prejudice "to reappeal the protestants".

Without deciding whether or not the Zoning Commissioner had the power to dismiss without prejudice, and without deciding the effect of the verbal as opposed to the written order of the Commissioner, the Board finds that the written order of August 23, 1960 dismissing without prejudice No. 4597 was a decision within the intent of and meaning of Section 50-12 of the Zoning Regulations. The propriety or impropriety of such decision and the Commissioner's power to grant same is immaterial to this decision. The fact remains that the protestants were entitled to have those very matters determined by the Board and the Courts and no other petition should have been entertained by the Commissioner so long as any legal avenue remained relative to Petition No. 4597.

The effect of allowing a petitioner to proceed as the applicant herein has done would be to make a mockery of the orderly processes of zoning and to deprive interested citizens of their right to effectively combat requested zoning changes. Moreover, this case implies certain discussions between the applicant's counsel and the then Zoning Commissioner, from which discussion the protestants' counsel was apparently excluded. The entire chronology and scheme of the attempted reclassification could hardly be considered a forthright and open procedure.

For the reasons set forth above the Board finds itself without statutory authority to consider the instant petition, the appeal on No. 4597 being still pending before the Board. The petition is therefore dismissed. A hearing on the merits with regard to No. 4597 will be scheduled at the request of counsel.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

Date: Dec 17, 1960



Yorkdale Corporation
 Contract Purchaser
 President

A. Haden Brown, Jr.
 201 W. Hampden St.
 Baltimore, Md.

See #4997

LAW OFFICES
 SMITH AND HARRISON
 207 WASHINGTON AVENUE
 TOWSON 4, MARYLAND
 September 13, 1960

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

Re: Petition for Reclassification and
 Special Exception - S. E. Cor.
 York Road and Hillside Ave., 9th
 Dist., Yorkdale Corporation,
 Petitioner

Dear Mr. Adams:

Please enter an appeal in the above matter from your Order of August 23, 1960, to the County Board of Appeals. Enclosed herewith is check for \$70.00 for the appeal fee.

Very truly yours,

SMITH AND HARRISON

By Frank E. Cicone
 Frank E. Cicone

FEG:k
 Encl.



It is this 23rd day of August, 1960, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception should be and the same is hereby granted, subject, however, to the submission, before any building permits shall be granted, of complete plans, including ingress and egress, off-street parking, screening, etc. to the Office of Planning and Zoning for approval.

Wilkie H. Adams
 Zoning Commissioner
 Baltimore County

COPY

THE YORKDALE CORPORATION
 Plaintiff
 vs.
 CHARLES STEINBOCK, et al
 Defendants

IN THE
 CIRCUIT COURT
 FOR
 BALTIMORE COUNTY
 AT LAW
 Misc. 7/75 #2400

Mr. Clerk:

Please dismiss the above Appeal.

James H. Cook
 Attorney for Petitioner
 305 W. Chesapeake Avenue
 Towson 4, Maryland
 Va. 3-4111

I HEREBY CERTIFY that a copy of the aforesaid Order of Dismissal was mailed this 14th day of January, 1963 to Ellsworth H. Steinberg, Esquire, 300 N. Gay Street, Baltimore 2, Maryland.

James H. Cook

BOONE & COOK
 ATTORNEYS AT LAW
 Towson 4, Md.

Filed 1/23/63

RE: PETITION FOR SPECIAL EXCEPTION
 FOR ELEVATOR OFFICE BUILDING
 S. E. Cor. York Road and Hill-
 side Ave., 9th District
 Yorkdale Corporation,
 Petitioner
 BEFORE
 ZONING COMMISSIONER
 OF
 BALTIMORE COUNTY
 No. 5034-X

Upon hearing on the above petition for a special exception for an Elevator-Office Building at the southeast corner of York Road and Hillside Avenue, in the Ninth District of Baltimore County, from the evidence presented before the Zoning Commissioner for which this special exception was requested, it appears that the special exception will not:

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

For the above reasons the special exception should be granted.

BALTIMORE COUNTY, MARYLAND
DIVISION OF COLLECTION AND RECEIPTS
COURT HOUSE
TOWSON 4, MARYLAND

7/1/60 5724
To: Messrs. Smith & Harrison
212 Washington Avenue,
Towson 4, Md.

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Towson 4, Md.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 8, 1960

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on~~ ~~the~~ ~~2nd~~ ~~of~~ ~~July~~ ~~1960~~ before the 20th day of July, 1960, the first publication appearing on the 1st day of July 1960.

THE JEFFERSONIAN,

Frank Smith
Manager.

Cost of Advertisement, \$.....

PHONE 3-3000

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

No. 3554
DATE 9/15/60

To: Messrs. Smith & Harrison
212 Washington Avenue,
Towson 4, Md.

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

REPORT TO ACCOUNT NO.		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal to County Board of Appeals - Petition #5031-X - Yorkdale Corp.	\$70.00
	9-16-60 723 * * * TIL -	70.00

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.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2th Date of Posting: July 7, 1960
Posted for: Elevator Type Office Building
Petitioner: Yorkdale Corporation
Location of property: E. S. York and S. S. Hillside Road
Location of Signs: E. S. York Road and S. S. Hillside Ave.
Remarks:
Posted by: Stanley J. Kroll Date of return: July 7, 1960

TELEPHONE VALLEY 3-3000

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

No. 2954
DATE 7/22/60

To: A. Gordon Boone, Esq.
305 W. Chesapeake Ave.
Towson 4, Maryland

BILLED BY: Zoning

REPORT TO ACCOUNT NO. 01622		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising & Signs - E/S York Road & S/S Hillside Ave. 9th District - Yorkdale Corp.	\$45.00
	7-22-60 844 * * * TIL -	\$5.00
	7-22-60 844 * * * TIL -	\$5.00

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.

TELEPHONE VALLEY 3-3000

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

No. 2528
DATE 6/22/60

To: A. Gordon Boone, Esq.
305 W. Chesapeake Ave.
Towson 4, Md.

BILLED BY: Zoning

REPORT TO ACCOUNT NO. 01622		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception - Yorkdale Corp.	\$50.00
	6-22-60 7038 * * * TIL -	\$0.00
	6-22-60 7038 * * * TIL -	\$0.00

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.

MARYLAND STATE
TEACHERS COLLEGE

1 MILE TO BUTLER'S DEPARTMENT STORE
2. OLD COMMERCIAL CENTER OF TOWSON
3. BALTIMORE COUNTY EIGHTH INTERCHANGE
4. GOUCHER COLLEGE (WOMEN, 3000 ENROLLMENT)

ROAD

YORK

1/2 MILE TO BALTIMORE
CITY LINE

PROPOSED
BLUE CROSS
BLUE SHIELD
OFFICE BUILDING
FOR 1961
(NO SCALE)

NEW
ESSO STANDARD OIL
COMPANY OFFICE
BUILDING
(NO SCALE)

HILLSIDE

AVENUE

RESIDENTIAL
AREA

TOWSON
HIGH SCHOOL

PRIVATE SCHOOL DRIVE

FIN

ROAD

CEDAR

PROPOSED INNER CIRCUMFERENTIAL
TERRACE

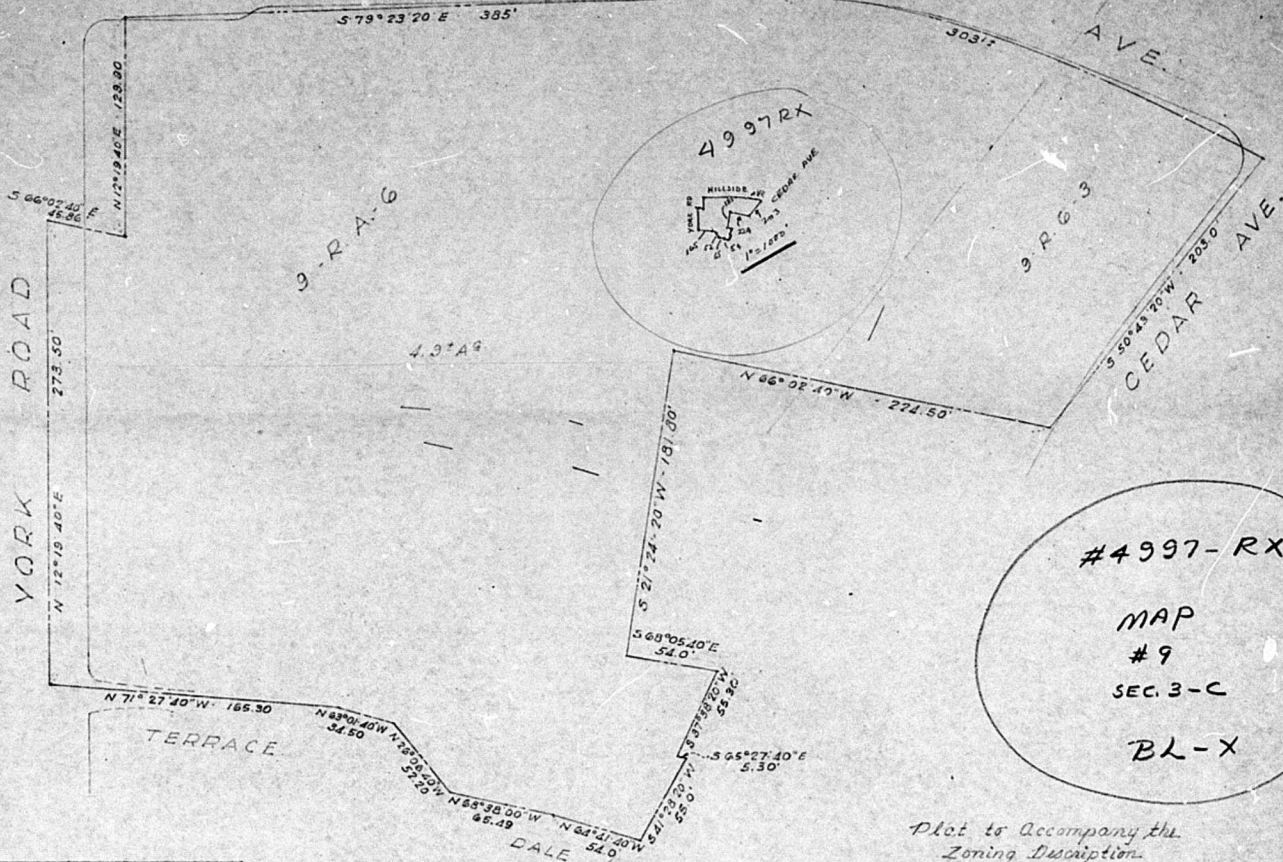
DRAWN BY	PROJECT NO.
APPROVED BY	2019
DATE	CONTRACT NO.
3-22-60	DRAWING NO.
SCALE	1
1 INCH = 50 FT.	

PLOT OF LAND FOR PROPOSED
COMMERCIAL PROJECT
YORK ROAD & HILLSIDE AVENUE
TOWSON, MARYLAND
EDWARD CHIN PARK, AIA, MARCH 22, 1960

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS



HILLSIDE



#4997-RX

MAP

#9

SEC. 3-C

BL-X

Plot to Accompany the
Zoning Description

Yorkdale Corp. 300 N. Bay St. Baltimore, Maryland

9th Elect Dist

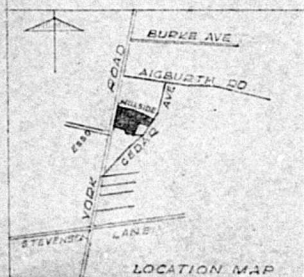
Baltimore, Md.

Scale 1"=50'

May 10, 1960

by James J. Penner, 400 York Rd. Towson, 2, Maryland

#5034-X

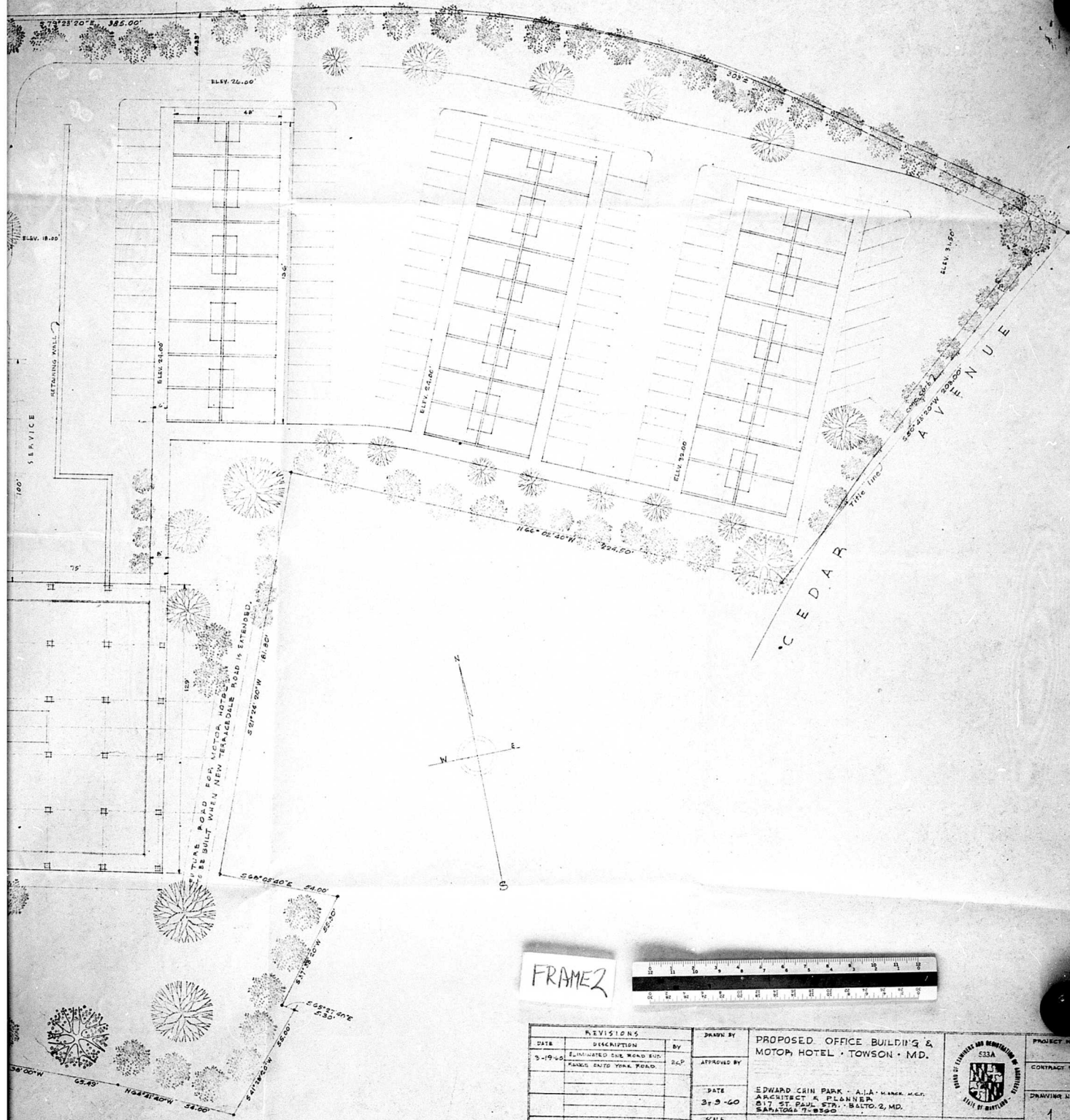


LOCATION MAP



APPROVED FOR FILING
Reviewed By KEO
Date 5/10/60

A V E N U E



FRAME 2



REVISIONS		
DATE	DESCRIPTION	BY
3-19-60	ELIMINATED ONE ROAD END RAMP INTO YORK ROAD	ELP

DATE	3-9-60
ARCHITECT & PLANNER	EDWARD GRIN PARK - A.I.A. MEMBER, M.C.P.
SCALE	1" = 20' FEET
PROJECT NO.	533A
CONTRACT NO.	
DRAWING NO.	1



A V E N U E

Title line?

Conc. Curve

579°23'20"E. 385.00

ELBY. 26.00

ELEV. 18.00'

ELEV. 16.00'

RESTAURANT

KITCHEN

LOBBY

MOTOR HOTEL
REGISTRATION

4 T O B E

C. O. R.

B. I. N. I.

TERRACEDALE

FRAME
1



123°

TUBE ROAD FOR VICTOR HOTEL BUILT WHEN NEW TERRACE ROAD IS EXTENDED.

527000

52° 24' 20" W 161.50'

56°05'40"E

54.00'

5650

27.40
5.30.40