

LOCH LOWMOND, INC.
3400 LOCH HAVEN BOULEVARD
TOWSON, MARYLAND 21204
November 25, 1964

66-1100

618-5335

James Hauswald
Nov 25 1964

Mr. James Hauswald
Department of Planning
Baltimore County Office Building
Towson, Maryland 21204

Re: Northview Shopping Center

Dear Mr. Hauswald,

As per our meeting with Mr. George Gervelle, on Friday November 20, 1964, enclosed please find the planting plan for Northview Shopping Center.

The area that is marked in red is planted already, the area that is marked in green, is now being prepared and will be planted with in one week, (weather permitting).

In the area marked in blue, they are now installing the sidewalk. As soon as these are completed we will immediately plant the balance of plants and grass.

We will have everything completed by the 15th of December, unless the weather keeps us from this. If this happens we will complete as quickly as possible.

Hoping this gives you the information you want, I remain,

Very truly yours,

Richard G. Oster Jr.
Richard G. Oster Jr.
Vice Pres.

RGJr./mdg

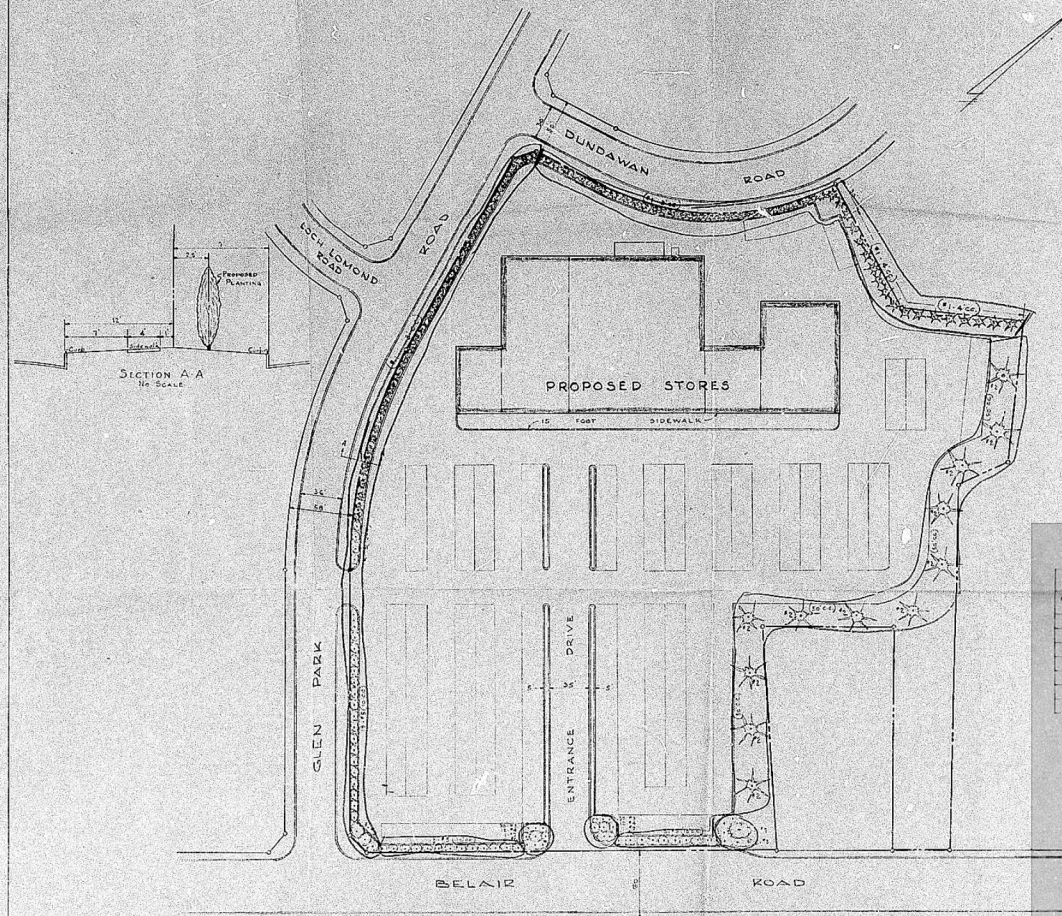
5079-

released to BL on
6/26/60; not
only approved plan.

on 2/1/62 the Ch. of Appeals ruled that
approval of 6/26/61 which granted BL
release not only to approved plan.

Richard G. Oster Jr.

approved.



KEY	BOTANICAL NAME	NO.	SIZE	PLANT
1	THUJA OCCIDENTALIS	200	4' x 5'	Dark Green
2	PINUS STROBILIS	12	4' x 5'	Dark Green
3	TAXUS CUSPIDATA	40	4' x 5'	Dark Green
4	YLEX GLAUCATA	24	4' x 5'	Dark Green
5	BERBERIS THUNBERGII	40	4' x 5'	Dark Green
6	ABALIA MIXED VARIETY	12	4' x 5'	Dark Green
7	TRINUS PERSEA RUBRA	3	4' x 5'	Dark Green

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *[Signature]*
DATE: *Nov 24 1964*
BY: *[Signature]*
DATE: *Nov 24 1964*

PLANTING PLAN
NORTH VIEW
SHOPPING CENTER

BALTO. CO. MD. ELECT. DIST. 11
SCALE: 1" = 50'
Keweenaw, Nov. 24, 1964. Additional planting added.

GEORGE WILLIAM STEPHENS, JR.
ARCHITECT-PLANNER, INC.
1403 ELLICOTT AVE.
TOWSON, MARYLAND



APR 08 1975

[illegible]

J. CARROLL DORN and
LAWRENCE HILL
Appellants

vs.
MATTHEW H. KAUFMAN, JR.,
G. MITCHELL AUSTIN,
CHARLES STEINBOCK, JR.,
BOARD OF APPEALS OF BALTIMORE COUNTY, and
LOCH LOMOND, INC.,
Appellees

It is hereby ORDERED by the Circuit Court for Baltimore County, this _____ day of February, 1962, that the Motion of Loch Lomond, Inc., intervening appellee, to dismiss the appeal in the above cause, be, and the same is, hereby overruled, with leave to said Loch Lomond, Inc. to answer the Petition of Appeal.

Loch Lomond, Inc., intervening appellee, having filed its answer immediately after passage of the foregoing Order, the cause having been fully argued and submitted, and the Record having been fully considered, the Court finds that there was substantial evidence to support the order of the County Board of Appeals and hereby adopts the majority opinion of said Board, as the opinion of the Court herein.

Upon the foregoing, and in accordance with the opinion adopted as aforesaid, it is hereby ORDERED by the Circuit Court for Baltimore County, this _____ day of February, 1962, that the Order of the County Board of Appeals, dated June 8, 1961, which is the subject of appeal in these proceedings, be, and the same is, hereby affirmed, with costs to be paid by the appellants.

/s/ John Gratton Turbul
Judge

Route 40, rather than U. S. Route 1 as the major truck thoroughfare in this area, that the Perry Hall area will continue to mushroom into a substantial residential area. Whenever this occurs, suitable commercial services go hand-in-hand with residential development. The logical place for such services are the frontage which are available for such services adjacent to the main traffic artery. The changes which have been produced in evidence by the petitioner are certainly of such nature as to be considered substantial changes in the area since the adoption of the Zoning Map in 1945. Indeed, there have been substantial changes in the immediate vicinity within the past few years, and even up to the date of the hearing in this case.

It is, therefore, the majority opinion of the Board of Appeals that there have been substantial changes in the neighborhood to warrant the reclassification of the subject property from "B-6" Zone to "B-1" Zone.

ORDER

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Matthew H. Kaufman, Jr.
G. Mitchell Austin

NOTE: Any appeal from this decision must be in accordance with Rule 1101 of the Practice and Procedure of the Court of Appeals of Maryland.

RE: PETITION FOR RECLASSIFICATION
from an "B-6" Zone to a "B-1"
Zone - N. W. Side Belair Road,
11th District, Loch Lomond, Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5079

OPINION

The petitioner seeks to reclassify approximately 5½ acres in the Eleventh District of Baltimore County from an "B-6" Zone to a "B-1" Zone on which they propose to put a small neighborhood shopping center to service the area known as Perry Hall Estates. The subject tract is located in the heart of an area known as Perry Hall and consists of an irregular plot of ground on the west side of Belair Road, bounded on the west by Dundas Road, on the southeast by Glen Park Road and on the east by Belair Road. It is immediately adjacent on the west to the Perry Hall Estates. To the north and on the west side of Belair Road of the subject tract are several small local businesses, consisting of service stations, a building and loan association, restaurant, beauty salon, drug store and a medical center. To the east, on the east side of Belair Road, is a produce stand, a small manufacturing company, operating as a nonconforming use, a service station, grocery store and bakery.

The majority opinion takes in consideration two major factors in the following decision. A list of 12 commercial zoning changes since 1946 was introduced by the petitioner through Mr. Bernard Willemain, an expert consultant in city planning and zoning. His testimony was to the effect that since the War years, more specifically 1946, the area of Belair

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RE: PETITION FOR RECLASSIFICATION
OF PROPERTY OF LOCH LOMOND, INC.
N.W. Side Belair Road and N.W.
Side of Glen Park Road - "B-6"
Zone to "B-1" Zone for Store's

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5079

DISSENTING OPINION

The petitioner herein seeks to reclassify an area of approximately 5½ acres for the purpose of erecting a neighborhood shopping center. The plans exhibited by the petitioner call for a large grocery super-market of 20,000 square feet and 11,000 square feet for various other stores. The plans provide for a parking area for 250 cars.

The subject property is surrounded on three sides and also directly across Belair Road by residential property. Sixty houses have already been erected to the west of the subject property with plans for 140 more. The rear of the proposed store buildings would be directly across the street from homes in the 9600 block of Dundas Road. Delivery would be made to the stores from this street.

As the property is not located at an intersection, ingress and egress to the parking lot would be by two 24 foot openings in the 9600 block of Belair Road with a 4 foot median strip between the roadways. The speed limit in this section of Belair Road is 40 miles per hour.

Mr. Bernard Willemain, Planning Consultant, testified for the petitioner and stated that in his opinion, the highest and best use for the subject land would be commercial. He admitted, however, that

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Road, which is the subject of this petition, has taken on an urban character. The advent of the White Marsh Interceptor sewerage system which began service in this neighborhood approximately a year and a half ago, opened the doors for growth in this community at a rapid rate. This is evidenced by the rapid development of this once rural neighborhood. Mr. Willemain stated that Belair Road was a first class arterial highway servicing the City of Baltimore and Harford County, and that this particular section, because of the constant traffic flow, makes the area fronting on Belair Road less desirable for the building of residences. Perry Hall has for many years been a focal point for various small local businesses and is at the present time expanding rapidly.

It might be said at this time that the changes aforementioned were substantiated by at least one of the protestants' witnesses. The protestants as a basis for their argument stated that the building of anything of a commercial character in this area at the present time would create a traffic hazard by vehicles entering and leaving the frontage on the west side of Belair Road. Dundas Road, the entrance to the homes behind the proposed commercial area, was not involved as a means of entrance or egress to the commercial area. The uncontradicted evidence showed that the developer was required under binding agreements with the Federal Housing Administration to deny access to the proposed commercial area from Dundas Road, or any other part of the residential area.

The majority of the Board finds that the testimony of Mr. Walter W. Bell, an expert traffic consultant and engineer, is convincing that the development of the subject property for commercial uses would not cause any undue traffic hazard in the general vicinity. Dr. Bell's conclusion that no traffic hazard would occur by the granting of this petition was based on facts that he himself gathered in taking traffic counts at

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there were no physical reasons why the tract could not be used for residences.

Mr. George E. Gervolis, Deputy Director of Planning, stated that the staff of the Planning Department met in September 1960 to discuss the petition. They arrived at the following conclusions:

1. That shopping centers should be at the intersection of two roads.
2. The proposed reclassification is not a continuation of any commercial zoning.
3. The site is one of the few remaining sections of residential footage along Belair Road.
4. Nothing in this area that would condemn itself to use as a shopping center.
5. That the land is suitable for "B-6" homes and should remain residential.

Mr. Gervolis stated that the land, in his opinion, was suitable for "B-6" development.

Several residents of the area testified that the proposed shopping center would adversely affect the value of their homes by reason of heavy traffic, deliveries by large tractor trailers using residential streets, lights, debris, trash, rats, etc.

The Protestants stated that a former Zoning Board of Appeals in December, 1956, denied a petition for similar reclassification of this property. The Board, at that time, commented that the tract did not adjoin any existing commercially sound land and that to single out the property for a special consideration would be "spot zoning".

This member of the Board is of the opinion that the petitioner has failed to show an error in the original zoning of this property or that a substantial change has occurred in the area as might justify reclassification from "B-6" to "B-1". In fact, testimony was to the effect that the

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various times and was greatly strengthened by the fact that there were ample sight distances available both to the north and south of the subject property.

The Board must further consider that no effort was made beyond that of the present opinion of the protestants to contradict Dr. Bell's testimony, in fact, Mr. George Gervolis, Deputy Director of planning, testifying as a witness for the protestants concurred in the opinion that there was no traffic hazard involved in this case.

There was further testimony by Mr. J. Walter Jones, a realtor and appraiser, that the community had experienced rapid development since the advent of public sewerage and other public facilities, and that these factors coupled with the zoning changes as herein mentioned, constitute the change not heretofore anticipated. Mr. Jones gave his unqualified opinion that the zoning reclassification requested would constitute a logical and harmonious use with the surrounding property that now exists.

The major objection of the protestants, other than traffic conditions, were based on the fears that the development of the subject property for a commercial use would be greatly detrimental to the value of their homes. The Federal Housing Administration was sceptical of the possible use of this tract of land for commercial use at the time it agreed to the financing of the residential properties. It would be hard to conceive that if this agency had any fears that commercial development would cause a detrimental effect on property values, they would have been willing to insure substantial loans for the development of the residential properties.

In conclusion, it is the majority opinion of the Board that due to the White Marsh Interceptor installation and the present use of U.S.

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major change in the character of this Perry Hall area has been from rural to residential. It is further believed that a reclassification of this property would adversely affect the value of a surrounding residential properties. The subject property is an integral part of a large well-planned residential development. It is also felt that ingress and egress to the proposed site from the frontage on Bel Air Road would constitute a traffic hazard because of 2 left hand turn movements on a major highway. The delivery of merchandise by large trucks from Dundas Road in the early morning and evening hours would present traffic hazards on a residential street to any nothing of the noise and annoyance to home owners. This member of the Board feels that the needs of the residents of the area will be adequately serviced by a large regional shopping center at the intersection of Belair Road and Joppa Road, to the south of the subject property.

For the reasons set forth above, it is the opinion of this member of the Board of Appeals that the reclassification petitioned for should be denied.

Charles Steinbock, Jr.
Charles Steinbock, Jr.

Date: June 8, 1961

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 7379

DATE 7/13/61

TO: Messrs. Browster, Beane, Maguire,
Brennan & Cook,
305 W. Chesapeake Avenue
Towson 4, Md.

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

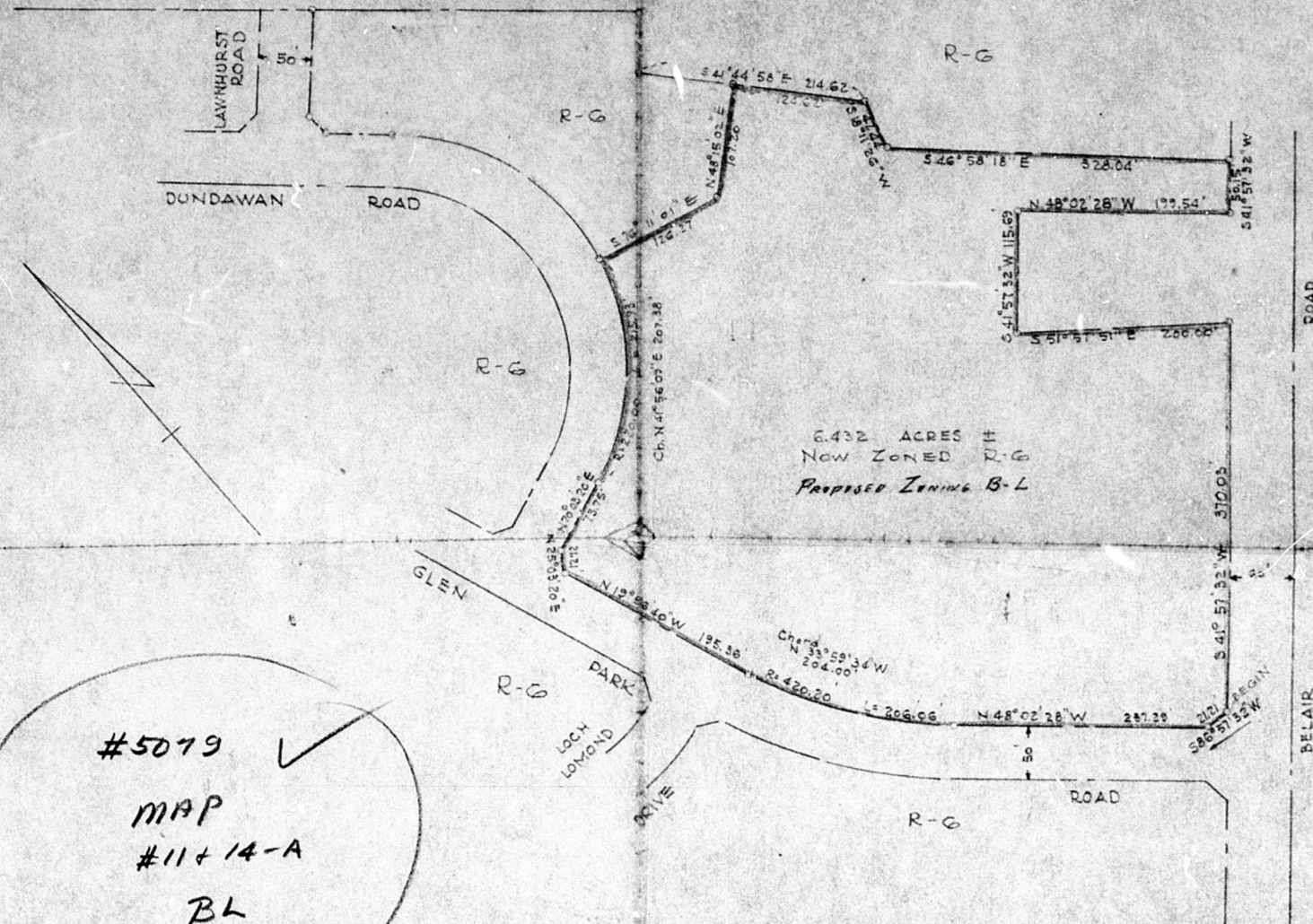
DEPOSIT TO ACCOUNT NO. 01.622

		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
—	Cost of certified copies in the matter of appeal to Circuit Court - property of J. Carroll Dunn, et al. #5079	\$11.00
3		

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.

#5079 ✓
MAP
#11+14-A
BL

George William Stephens, Jr.,
and Associates, Inc.
Engineers
5 McCurdy Avenue,
Towson, 4, Maryland



6.432 ACRES ±
Now Zoned R-G
Proposed Zoning B-L

LAND FORMERLY A
PART OF THE DEVELOPMENT
OF
"BRAEMAR"
TO BE REZONED COMMERCIAL
BALTIMORE COUNTY MD ELECTION DIST. NO. 11
SCALE - 1 in. = 100 ft. SEPTEMBER 10, 1959
REVISED NOV. 24, 1959
AUG. 8, 1960.