SAMMEL J. SALVO

IN THE

ISLS Hiddlaborough Road

Balthoore 21, Maryland

and

SALTO BALTT, DC.,

a body corporate

lh Rack River Week Road

Balthoore 22, Maryland

AT LAW

Balthoore 22, Maryland

VS

MISC. DOCKET NO. 12

CREMENS STRINGOCK, JR., and

CREMENS STRINGOCK, JR., and

CONTICHERL AUGUTH

CONSISTENCY

CONTICHERL AUGUTH

CONTICHERL AU

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTDORE COURTY AND CERTIFIED COPIES OF PROCESSIONS BEFORE THE ZORING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerks

Please file, & c.

Secretary to County Board of

AMENDAD OPINION TO CONTECT CLERICAL ERROR

Whereas on the 26th day of October, 1961, the majority of the Board of Appeals issued an opinion regarding reclassification for the above caption and that contained in said opinion the acroage of the petition requested was iscorrectly stated i. e; "The petitioner further seeks to reclassify a tract of approximately 10.9 acros from %3-0" to %3-0" for the purpose of developing a shopping center", and that due to a clerical error, the paragraph should be amended to read: The petitioner further seeks to reclassify a tract of approximately 32.2 acros from %3-0" to %3-0" for the purpose of developing a shopping center.

It is hereby GENERAD on this May at November, 1961 that the said potition be and hereby is amended to read as set forth in the correction as hereinhefore stated.

COUNTY BOARD OF APPEALS

Charles Stemlows fr

SANUEL 4 SANO
LBIS Midaleborugh Read
Baltimore 21, Maryland

and

SANO REALT, INC.,

body corporate
LB Back Rever Neck Read
Baltimore 21, Maryland

VS

MISC. DOCERT NO.

AND REALTH NO.

COUNTY NOTHER H. KAUPPAN, JR.,

G. MITCHELL AUSTIN and
GRALESS STRINGORS, JR.,

FILE NO. 2497

COUNTY ROAD OF AFFALIS

COUNTY READ OF AFFALIS

COUNTY COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Back River Neck Rd Hyde

And now come Nathan H. Kaufman, Jr., C. Nitchell Austin and Charles Steinbook, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this came, herwith 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. 210 | Petition of Longwood Land Company et al.] for reclassification cot. 5 | Section of Longwood Land Company et al.] for reclassification of property, free an "8-6" to "8-4", "8-0" to "8-4", "8-0" to "8-4", "8-0" to "8-4" to "8-4

Order of appeal to County Board of Appeals from Order of July 13 Hearing on appeal before the Board of Appeals. Oat. 26 Order of majority members of Board of Appeals granting reclassification of property. Dissenting Opinion rendered by Board Member. Amended Opinion to correct clerical error by majority Board Nov. 6 Amended Opinion to correct clerical error in Disserving Opinion Nov. 27 Order for Appeal filed in the Circuit Court for Baltinom Certificate of Notice and to all interested parties. Transcript of testimony filed - 1 volume Petitioners' Exhibit 1 - Revised Preliminary plan of Resexabiye Petitioners' Exhibit 2 -Letter to Longwood Construction from Petitioners' Exhibit 3 - Plan of Deep Creek Village Petitioners' Exhibit 4 - Southeastern Boulevard Plans (in possession of Mr. Wolf.) Petitioners' Exhibit 5 - Map of Area and (3) Acetate Overlays Petitioners' Exhibit 6 - (3) Zoning files # 4061, 5040 & 5041 Petitioners' Exhibit 7 - Subdivision Regulations (Baltimore County in general) Petitioners' Exhibit 8 - Map of general Petitioner's Area Protestants' Exhibit "A" - Plat of Essex-Middle River Area Protestants' Exhibit "B" - Shenning File # 3792 Protestants' Exhibit "C" - 15th District Zoning Man Protestants' Exhibit "D" - Pamphlet - Reltimore County Population Record of proceedings filed in the Circuit Court for Baltimore County,

> The principal argument of the only protestant (significantly, the owner of considerable business property in the area) was that there was already a sufficient amount of "8-4." and "9-4." property in this area at the present time.

Record of proceedings passuant to which said Order was

red 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 soning use district maps

at the hearing on this petition or weenever directed to do so by this Court.

Respectfully submitted

Secretary to County Board of Appeals

The majority of the members of the Board are of the opinion that there has been sufficient changes in this area to warrant a reclassification of both tracts of land. Certainly the reclassification from R-6 to R-0 is a continuation of the orderly residential development of the community. With regard to the request from R-6 to R-0, the majority numbers of the Board feel that B-1 soning instead of B-N zoning would be appropriate. There are uses allowed in a B-N zone that could be detrimental to the surrounding area and while the contemplated use in for a Shopping Genter which could have no detrimental effect, it is the majority opinion that the property should not be opened to all the permitted uses allowed in B-N zone and therefore, is restricting its uses to those allowed in B-N zones.

Certainly, the use of the property for B-1 zoning provides reasonable use of

ORDER

the property.

For the reasons set forth in the aforegoing opinion, it is this 2600 day of October, 1961, by the County Board of Appeals UNEXAMB that the reclassification petitioned for, be and same is hereby granted with the exception that reclassification on the tract seeking B-M be reclassified to B-L.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles Standard for

ES: PETITION FOR EMCHASIFICATION : STORE R-6 to B-M Zone, R-0 to B-M Zone and R-6 to B-M Zone - Back Have Neck Road, Mode Park Hi, and Southeastorn Boulevard 15th District : BANTHON COUNTY LONGWOOD 'And Co., ot al. Petitionor : No. 5130

AMENDED OPINION TO CORRECT CLERICAL ERROR IN DISSENTING OPINION

Minerous on the 26th day of October, 1961, this member of the Board issued an opinion regarding reclassification for the above caption and that contained in said opinion the acreage of the potition requested was incorrectly stated i.e; "The potitions further seeks to reclassify a trust of approximately 10.9 acres from "B-6" to "B-6" for the purpose of developing a shopping center", and that due to a clerical error, the paragraph should be assumed to read: The potitioner further seeks to reclassify a trust of approximately 32.2 acres from "B-6" to "B-4" for the purpose of developing a shopping center.

It is hereby CROMMED on this _____ day of November, 1961 that the said potition be and hereby is amended to read as set forth in the correction as hereinbefore stated.

9. Witchell austin

RE: PETITION FOR REDIASSIFICATION:

from R-6 to B-M sono, R-G to
B-M, R-6 to R-6 and R-6 to
B-M sono- Back River Feek
Road, Hyde Park Ri, and
Southeastern Booklevard
15th District
Louswood Land Co., et al.

Petitioner

into is a position for the reclassification of land on sack mayor seck nows, myor rare nows and southeastern souteward, in the 15th District of Marimore County. The smaller portion of approximately 1.5 acres is now socied 10-00 and the property owner asks that it be resconed to MacGo. It adjoins a larger tract of 10-00 land and there was no objections presented to this mark of the position.

Into positioner further seeks to reclassify a tract of approximately 10.9 acres from "A-O" to "b-A" for the purpose of developing a shopping center. The positioner tentified that there had been many changes in this area since 1915. Through Mr. Bernard Militerain, an expert witness in land development and planning, eight different changes in residential classifications were presented. In addition, two reclassifications from "A-O" were presented, one in July, 1957 and the other in January, 1961, both being property owned in minds or in part by the major protestant in this bearing. Thelve and one-half acres owned by the same property owner was reclassified from "R-O" to "h-D" in ammany, 1961.

In addition to these soning changes, Mr. Jerme B. Wolfe, Assistant Director of Public Works for Baitimore County testified that in 1945 the property was not sewerable and autor supply was restricted. Both of these conditions have changed and today the property is sewerable and water supply is adequate

Dr. malter Ewell, an expert in the field of traffic, testified with regard to present and future reads in this area. Much discussion was heard about the proposed reads and while they are not in existence today, the plans are completed and sufficient right of ways have been purchased to assure the construction of reads in this area as future development dictates their need. HE: PETITION FOR HECLASSIFICATION FROM R-6 to B-M Zone, R-6 to R-5 and R-6 Zone to B-M Zone - Back River Neck Road, Hyde Park Rd., and Southeastern Boulevard = 15th District Longwood Land Co., et al -Petitioner

BEFORE COUNTY BOARD OF APPEALS DAT TOMORE COUNTY

No. 5130

DISSENTING OPINION

The petitioner in the instant case seeks reclassification of two fairly large tracts of ground in the 15th District of Baltimore County on Back River Neck Road near its intersection with Hyde Park Road. The property is presently zoned "R-6" to which the petitioner wishes to place an "R-G" classification of the smaller tract comprising approximately 4.5 acres and a classification of "B-N" on the original tract comprising approximately 10.9 acres for the express purpose of placing Group Homes on the former and a Shopping Center on the latter.

This writer does not contest that there have been numerous changes in this area since 1945, however, through the petitioner's own witnesses, it was developed that public utilities, more particulary the roads are not equipped at the present time to support the changes requested. Back River Neck Road is considered a secondary road from 24--26 feet wide and through the testimony of Dr. Walter Ewell, it was developed that the share traffic on Sumiay exceeds the estimated capacity of the road. The petitioner attempted to show that the completion of a proposed expressway through the area would alleviate the admitted traffic problem. However, this writer is of the opinion that this proposed expressway is not a thing in being at the present time and the petitioner's request are for all intents and purposes premature. To grant the petitioner the reclassifications at the present time, would surely worsened an already bad situation. It must be emphasized that the expressway in question at the present time is not an actuality and there would be nothing to preclude the petitioner in the event this petition were granted, from starting construction immediately with the possibility or probability as the case may be of the question of allewistion of traffic still unsettled.

OFFICE OF PLANNING

December 16, 1960 From George E. Cavrelis, Deputy Director

To John G. Rose, Zoning Commissioner

Subject # 5130 - R-6 to R-0, R-6 & R-G to B-M S.E. corner of proposed Southeastern Boulevard and Middleborough Road. Longwood Land Co., et al.

15th District January L, 1961 10:00.4.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for Zoning Reclassifications and has the following advisory comment to make, with respect to pertinent planning factors:

- Master Plan studies by the staff have led to comprehensive recommendations for soming in this portion of the 15th District. These have been Plan. The planting Board in the form of a board plan Plan. The plan has not been approved finally by the Board, but there has been general concurrence with the staff proposals for the area vicinal to the subject partition.
- The Master Plan studies affirm the logic and appropriateness of locating a community-type shopping facility at the proposed intersection of Mailaborough as to the specific recommendation of the security of
- Although our present Master Plan studies and first wholes of L.M. toning here based on analysis of complete of L.M. toning here based on analysis of complete growth and superior access; and the superior access the superior super

The planning staff endorses the refficient of Parcel A from a-6 to R-d. Southeantorn Sculavard will provide a barrier or boundary for this zone to the Seat. The other two sides of the triangular parcel now are zoned for row house development,

CEG:bc

- BEC 16'60

Further this writer believes that the granting of this petition would serve to only confuse the overall residential character of this neighborhood as it exists today. Without question, there are sufficient provisions made insofar as a "B-M" classification is concerned to adequately serve the neighborhood with its commercial requirements; and should this petition be granted, it would only serve to further confuse the actual character of this neighborhood.

This writer believes from the testimony submitted at the hearing that the instant neighborhood is in state of flux with neither sufficient utilities or roads to hamile the present situation as it exists today. It would seem that the logical solution would be to allow the area to develop at the present time without further over-burdening the area for increased severious

It is for the above reasons that this Board member feels that the petition should not be granted.



DATE: October 26, 1961

TELEPHONE

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Oirision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

No. 4032 DATE 11/9/50

BILLED Zoning

	ACCOUNT NO. 1322 01622	109.00				
	ACCOUNT NO. 1992 01022 I DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST				
QUANTITY	Advertising and signs - Longwood "and Co. et al.					
	P/VD — Balticopes County, India— Coope of France	a				
	出海鄉 5838 : : 計日	9881				
		77.070				
	ITI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND					

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

T	E	L	E	P	H	0	N	E	

BALTI ORE COUNTY, MAR AND OFFICE OF FINANCE Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

No. 3718 DATE 10/7/60

Smith & Harrison

BILLED Zoning

OSIT TO	ACCOUNT NO. 01622	\$ 50.00
ANTITY	Petition for Reclassification - Longwood Land Co.	50.00
	PAIN - Bullinson County hist Office of Fines, a	
	28-760 1613 · · · III.— 10-760 1612 · · · III.—	5000 5000

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSOF PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE



PETITION FOR RECLASSIFICATION from R-0 zone to B-M zone, R-G zone to B-M zone, R-0 zone to R-G zone, R-0 zone to R-G zone, R-0 zone to B-M zone Back River Neck Road, Hyde Park Road, and Southeastorn Boulevard Fifteenth Election District of Baltimore County

JOHN G POSE

ZONING COMMISSIONER

Longwood Land Company, et al

PETITIONERS

....... NOTICE OF APPEAL

MR. CLERK:

Please note an Appeal to the County Board of Appeals in the above entitled case from the Order of John G. Rose, Zoning Commissioner, dated January 5, 1961

Kenneth C. Proctor Of counsel for Salvo Realty, Inc.

BALTIMORE GOUNTY, MARYLAND OFFICE OF FINANCE

No. 9717

Division of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

Kenneth C. Proctor, Ngq. CampbellBuilding Townon h, Maryland

BILLED County Board of Appeals (Zoning)

	ACCOUNT NO. 01-51-01-05 DELECT UPER SECTION AND RETURN WITH YOUR REMITTANCE	\$ 15.00
DUANTITY	Cost of Certified Documents - Longwood Land Co. et al -Back River Beck Ms., joyde Park Rd. & Southeastern Elve Loth Dios.	15.00
	FIRD-Classes in Assaulton	
	14-401 8177 * * * UL-	15.00
	3	

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

CERTIFICATE OF POSTING

#5130

	Towson, Maryland
District15th	Date of Posting 10-20-60
Posted for: An "R-6" Zone to an "R-G"	Zone and "R-G" Zone to a "B-H" Zone
Petitioner: Longwood Land Co., Rexmero	Land Co., etc., et al,
Location of property: Proposed Southnastern See plat	Boulevard, S.E.Side Hyde Park Road, atc.
Location of Signs: All ten signs posted	on said property according to the plat.
Remarks: John John John Posted by Blongle Strature	10-21-60
Posted by Signature	Date of return: 10-12-00
IOTE: "R-G" (group House) Zone was sora	
Levige & framme	Deputy Zoning Commissioner

9th day of November hearing 14161 mant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, and the changes which have taken place in the character of the neighborhood, therefore It Is Ordered by the Zoning Commissioner of Ra January 1961 hereby reclassified, from and after the data of the Order from an "R-6" Zone to a "R-M" to a "R-G" Zone to "B-M" and an "R-6" Zone to an "R-Q" Zone, and Pursuant to the advertisement, posting of property and public hearing on the above ne ...the above re-classification should NOT be had ..., 19 that the above petition 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

Petition for Zoning Re-Classification #5/30

(SEE ATTACHED DESCRIPTION)

hereby petition that the zoning status of the above described property be re-classified pursuant to the $\frac{1}{R-0}$

vacant land with houses on Back River Neck Road Size and height of building: front / frontage 48,800m on attached plat

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

ORDERED By The Zoning Commissioner of Baltimore County, this 5th

October 19 60 that the subject matter of this petition be advertised, as required

more County, that property he posted, and that the public hearing berean he had in the office of the

Zoning Commissioner of Baltimore County, in the Reckord Bldg. in Towson, Baltimore County, or

Musto APS 15-B

UCI -5'60 /

ro The Zoning Commissions: of Raltimere County:— Longwood Land Company
I, or we, Ressers Land Company
Pools Land Company
Silsabeth Realty Company
Eviton Land Company
Oldfield Land Company

Zoning Law of Baltimore County, from an R-0.

R-6.

R-6.

Front and side set backs of building from street lines: front,

Property to be posted as prescribed by Zoning Regulations.

Longwood Land Company Rexmere Land Company Poole Land Company Bruton Land Company Oliffield Land Company Elizabeth Realty Company



County Commissioners of Baltimore County

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON MD. October 20 19 60 THIS IS TO CERTIFY. That the annexed advertisement

was published in The COUNTY Paper, Inc., a weekly newspaper printed and published in Towson, Baltimore County, 9th day of November 19 60 the first publication appearing on the 20th day of October 19 60

> The COUNTY Paper, Inc. Fenwick Keyser

> > Per Theu & Aheldon

CERTIFICATE OF PUBLICATION TOWSON, MD. October 21 fg0 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., excecinxuals. day of November 1960 mexical publication appearing on the 21st day of October 19__60 THE JEFFERSONIAN.

Frank Struckle Manager.

Cost of Advertisement, \$_____

BALTIMORE COUNTY, MARYLAND No. 4171 OFFICE OF FINANCE DATE/b/61 Division of Collection and Receipts
COURT HOUSE TOWSON 4. MARYLAND Longwood Land Company BILLED Zoning Department of Baltimore County \$73.00 QUANTITY 73.00 Advertising andposting of property SE/cor. proposed Southeastern Blvd. Phillip-state on County, May - Office of Pleasts 1--561 4377 . . . 171-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.

BACTIMORE COUNTY, MARYLAND TELEPHONE VALLEY 3-3000 No. 4249 OFFICE OF FINANCE DATE 2/2/61 Division of Collection and Receipts COURT HOUSE TOWSON 4. MARYLAND Massrs. Proctor, Royston & Maeller, BILLED Zoning Papertnent of Cambell Building Tomon h, Maryland Baltimore County 113 County Office Blog. Touson h. Md. TOTAL AMOUNT QUANTITY DETA IN UPPER SECTION AND RETURN WITH YOUR REMITTANCE COST Cost of posting property of Longwood Construction Co., et al. for appeal hearing - h parcels 6 stems 130.00

> 2-361 >320 2-361 5320 · · · TII --

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.

BALTIMORE GOUNTY, MARYLAND TELEPHONE VALLEY 3-3000 OFFICE OF FINANCE DATE 1/30/ Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND Mesure. Proctor, Reyston & Mueller, Zoning Papartment of Campbell Building Baltimere County 113 County Office Bldg., Touson h, Maryland Tomon he lide TOTAL AMOUNT DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE QUANTITY Cost of appeal to County Board of Appeals 170,00 rapa 1-3161 9176 . . . INI-

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

