PETITION FOR ZONING RE-CLASSIFICATION, 52 AND OR SPECIAL EXCEPTION

TO THE ZCNING COMMISSIONER OF BALTIMORE COUNTY:

MAP.

S of Loch Raven Smuskai Road

#526; 9th

I, or we, Jarry J. Procharks legal owner of the property situate in Baltimo County and which is described in the description and plat attached hereto and made a part hereof. hereby petition (1) that the zoning status of the herein described property be re-classified, pursuan to the Zoning Law of Baltimore County, from an _____ R6____

zone; for the following reasons: Subject property because of its location and surrounding properties cannot be utilized to its best use under its present zoning R6.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above re-classification and/or Special Exception 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

Chester coming to Spiles F. Joach

Address _ 2128 Harford Rd. Balto. Md.

APR 13 BI AM Perlibner's Att.
Ferlibner's Att.
Ferlib

of Baltimore County, this 13th 196.1., that the subject matter of this petition be advertised, as of John Fred 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 be had before the Zoning Commissioner of Baltimore County in Room 106, C anty Office Building in Towson, Baltimore 1961 , at 1:00 o'clock 24th day of May

P. M. 5/24/61

Zoning Commissioner of Baltimore County.

Legal Owner

James K. Cullen In

12 E. Sexunton St(2)

January 23, 1963

James K. Cullen, Jr., Esq., 2 E. Lerington St., Baltimere 2, Maryland

Re: Zast Side Loch Raven Blvd. (Rte. 512) at Amuskai Road Rotail Stores - Nase07

Dear Mr. Cullens

I have been just informed by the State Roads Commission that a client of yours requested an entrance permit from Loch Haven Boulevard into your client's property.

On June 30, 1961 you were informed that Jerry J. Prochash, Guestor Jonning, Jr. and Charles F. Wognl, putitions as made or constanted a reclassification five as "F-G" Zone to be a received by the Zoning Communication specifically said that there shall be no impress and egress permitted on Loch Raven Boolevard.

You were also reminded that in accordance with Sociion 500.3 -e of the Baltimore County Zoning Segulations "any seel reclassification when granted by the Zoning Commissions and lin the absence of an appeal have the force and effect of law".

The State Reads Commission informed as that it did not accept the apilication for the entrance points. I want to make it crystal clear to you that if your client in successful in having a point accepted by the State Reads Commission, that I will ask the State's Attorney for Saltimore County to take insuciate action in accordance with Section 30 of the Baltimore County Coning Regulations which I quote for your information:

"Any violation of regulations, or of an final written order mide or adopted pursuant to these regulations shall be a sincensearce, punishable by a fine not to consol on hundred obtains or by imprisonment not to exceed 50 days, or both fine and imprisonment. Any pareon who shall violate such regulations, restrictions or final order shall be dessed guilty of a separate of fence for every day that such violation shall considered.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and precentary and processors the testimony presented at the hearing indicated that sufficient changes in the character of the neighborhood have taken place to warran IT IS ORDERED by the Zoning Commissioner of Baltimore County this 3014 the same is hereby reclassified; from an "R-6" zone to a "B-L" guarded from and after the date of this order, subject, however, to approval of site plan for the development of said property by the Office of Planning & Zoning and the State for the development of said property by the Reads Commission, except that no ingress or egress shall be permitted on Loch Raven Boulevard. Zoning Commissioner of Baltimore Pursuant to the advertisement, posting of property and public hearing on the above petitio and it appearing that by reason of _____ the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this-....., 196 ..., that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and ___zone; and/or the Special Exception for____ ___be and the same is hereby DENIED. Zoning Commissioner of Baltimore County MICROFILMED

James K. Culle, Jr., Esq.

Page 2

Purisonore, unless my recollection is extremely poor you discussed this matter with me on the telephone and I thought I mad made appeld clear. Mr. J. Tomple Swith also contacted me in this matter and he has been informed that this matter is final. I do not know two lift, Saith represents. Recovery. I informed him by letter on January 11, 1963 of the facts inthis matter.

Very truly yours

Zoning Commissioner

cc: Mr. Charles Los, Chief, Development Engineering Section State Roads Commission 300 News Preston Street, Baltimore 1, Md.

Baltimore County, Maryland

Towson, Maryland Bureau of Public Services

Bo: Petition No. 5267 - Reclassification from "R-6" Zone to "B-L" Zone, S.S. Loch Ravon Boulevard and N.S. Side Anuskai Road, 9th Dist., Jurry J.Prochasta, Petitioner -

A recent Gircuit Court case involving the State Rosis Commission resulted in an order by Judge Menchine that the State Roads Commission entitled matter. It is my coinion that this does not affect the Zoning Commissioner's Order of June 30, 1961 which prohibits such

Zoning Commissioner



STATE ROADS COMMISSION

January 21, 1963

INN 23'63 -- -

Mr. James K. Cullen, Jr. 31 S. Calvert Street Baltimore 2, Maryland

RE: East side of Loch Raven Rlvd. (Rts.5h2) at Amurkai Rd. Retail Stores

Dear Mr. Cullant

This office is in receipt of an application for a com-mercial entrance promit to construct a driveway into the subject

According to information and correspondence we have at hand it is the Baltimore County's Zoning Commissioner's order in the granting of the commercial r. Ang that there would be no direct access to Loch Raven Boulevard except by way of Amuskai Racd.

Until such time as this order may be changed or rescinded this office cannot issue the permit applied for by you.

Thank you for your cooperation.

Very truly yours, Charles Lee, Chief Development Engineering Section

JLD/ntb

BY: John L. Duerr Asst. Development Engineer

#5267-MAP #9

Mr. and Mrs. William Bartman 8517 Loch Raven Blvd. Towson 4, Maryland

SEC.3

Re: Zoning N.E. Corner Loch Raven Blvd.

This is to certify that in the event the above subject property is reclassified to Burshass Local, the purckaser will, according to our discussion of June 16, 1961, comply to the following conditions that were

- That proper screening of some suitable evergreen shrubbery will be planted between your property and the above subject property.
- That the lights required for the parking area will be shielded to prevent reflection and illumination of your property.
- That a retaining wall will be constructed between your property and the subject property were needed.
- 5. That the proposed building will comply generally and as closely as practicable to the architects drawing of the building. Trawing will be filed with the Beltimote County Zoning Commissioner.
- That the proposed building will be constructed in compliance with all the Zoning, Flanning, and Building Engineers requirements of
- That if in the event a second store is constructed it vill be rente to a tenant with a business compatabile to the business of Arcade

Man & Sund Marvin L. Howard, Attorney Charles Vogel, Owrer

> William Bartman William Bartman

margared Bartenan

Holy Cross Luthern Church Loch Raven Blvd. Towson 4, Maryland

DEFENDANT'S EXHIBIT

% Mr. Richard P. Frrake

Re: Zoning N.E. Corner Loch Raven Blvd. and Amuskai Road. P5 to B.L.

This is to certify that in the event the above subject property is reclassified to Business Local, the purchaser will, according to our discussion of June 16,1961, comply to the following conditions that were agreed upon.

- That the proposed building will comply generally and as closely as practicable to the architects drawing of the building. Drawing will be filed with the Baltimore County Zoning Commissioner.
- 2. That the proposed building will be constructed in compliance with all the Zoning, Planning, and Building Engineers requirements of
- That if in the event a second store is constructed it will be rented to a temant with a business compatabile to the business of Arcade

Mr. S. Kury Marvin L. Howard, Attorney Charles Vogel, Owner

> Richard P. trocke Holy Cross Luthern Church



No. A-B-1795

Baltimore, Md., April 29, 1796

PERMISSION IS HERERY CIVEN-

Smyder Building Company, Inc., 6215 Harford Road, Beltimore 14, Maryland and/or C & C Holding Company.

Maryland and/or C & C Edding Censury,
the State Reads Commission has the right and power to grant same, to construct one (1)
rully channels and one to regard ourb type entrance into the retail stores, located on
the west side of Loch Raven Boulevard (Route 542) at Assakni Road. Construction to
the west side of Loch Raven Boulevard (Route 542) at Assakni Road. Construction to
the whole the construction of the construction o

NOTE: This permit issued pursuant to Baltimore County Circuit Court Order of Monday April 22, 1955.

No vehicles will be permitted to back out of this property onto Route 542.

The permittee is responsible for the necessary relocation of all utilities (under permit issued by appropriate agencies) prior to construction of pavement stipulated under subject permit.

Notify Mr. Carroll E. Caltrider, Resident Maintenance Engineer, State Reads Commission, Relatorstown, Maryland (Phone: TEnnyson 3-5000) 48 hours in advance of commencing work.

It is agrowd and understood that the issuance of this permit will be construed to indicate complete acceptance of the specifications and turns outlined therein unless the permittee and/or surely notifies the State Roads Commission to the contrary within ten (10) days from the issued date.

In granting this permit it is understood and agreed that no vehicular access, by the public, from this property to Route 542 shall be permitted until such time as the extranse or retranse sherein contemplated have been fully completed in accordance with the permit and to the satisfaction of the State Roads Commission will be sufficiently and the granting for reveation of allotted work than and the State Roads Commission will notify the Surety to immediately fails for the state Roads Commission will notify the Surety to immediately fails that the state Roads Commission will notify the Surety to immediately fails that the state Roads Commission will notify the Surety to immediately

PAYING Paring to consist of (a) 8" State Roads Commission Class "P" concrete. Grade of paying to most the existing normal edge of paying, step up 1", these rise at a straight grade to a point 2" below the rear edge of the sidewalk. Entrances within sidewalk area to be warped to adjacent sidewalk to prevent an abrupt change in grade of sidew.lk.

OFFICE OF THE

STATE ROADS COMMISSION OF MERVIAND

Baltimore, Md., April 29, 1963

Route 542

CHRS: Existing ourb and sidewalk to be removed to the nearest construction joint. Channelization to consist of Type "B" combination curb and gutter. Proposed entrance to be constructed of depressed our type. Curbs to be depressed from a full 8" reveal to a 1" reveal within an 18" transition on both sides of the proposed entrance. Depressed section to be maintained for the full width (50") of the proposed entrance. Grade on top of replacement curb to tie smoothly to the existing top of our b grade. All curbs to return along the right of way line as shown on the plan as revised in red. All curbs to show an 8" reveal to all points.

3. DRAINAGE: Existing drainage along Route 542 to remain undisturbed.

4. TRAFFIC: Maintain normal traffic on Route 542 at all times.

5. NOMD: A purformance bond, No. 78 37 626, dated January 18, 1965, in the amount of \$1,000.CJ, with the Fidelity and Deposite Company of Maryland, P.O. Rox 1227, Baltiaure 5, Maryland, as Surety, is on file in this office and is being made a part of this peruit.

FEE: Engineering fee in the amount of \$10.00, in the form of check No. 57, dated April 23, 1883, and drawn on The Equitable Trust Company is being made a part of this permit.

No. A-B-1796

(a) All revisions and/or additions to plan in red are being made a part of

this pormit.

(b) Sidewalks in the State Roads Commission right of way to be constructed of 5° Class "?-1" concrete, soored in 5° blocks with expansion joints every 15°. Grade of walk to neet the top of the roadside ourb, then rise 1/4" per foot for the total

width.
(c) No obstructions shall be placed on or within the State Roads Commission right
(c) No obstructions shall be placed on or within the State Roads Commission or its duly
authorized agent. Violators shall be liable to prosecution for committing a

misdemeanor.

(d) All mud and debris tracked and/or spilled on the State Highway shall be

removed promptly to aliminate potential hazards. (a) Maintenance of the area, curbing beyond the road side flowline, etc., shall be the full responsibility of the permittee, and/or owner or Lesse. (f) It shall be the responsibility of the permittee to notify the District Engineer's of fice upon completion of the work, so that a final 'expection may be

OFFICE OF THE STATE ROADS COMMISSION

No. A-B-1796

Baltimore, Md., April 29, 1963

(g) The construction outlined in this permit MUST BE COMPLETED WITHIN THE ALLOTTED TIME. Failure to do so will result in one of the following actions: 1. Work or entrance not started, and property not in commortial use; permit will be revoked. Any future construction within the State Roads Commission right of way will require the issuance of a new permit subject to State Roads Commission standards.

OF MARYLAND

raghe uses a standards.

2. Work started-not completed:

Mich no price notice to the permittee the Surety will be requested to immediately fulfill the *erms of the permit.

Route 542 SHEET No. 4

OFFICE OF THE STATE ROADS COMMISSION

No. A-B-1796

Baltimoro, Md., April 29, 1963

It is agreed and understood by the acceptance of this permit that where entrances or approaches are involved, their approved location is not to be accepted by inference that a cross-over will be contracted and/or cliewed through a medium or grass plot in the sweat this highway should be developed and/or constructed as a dual highway or divided highway.

OF MARYLAND

The installation of this service shall in no way change the grade and/or alignment of any existing drainage ditches or structures and in the event same are damaged or destroyed, they shall be replaced to the satisfaction of the State Reads Commission.

In the event future road improvements require the removal and/or adjustment of this service, the cost shall be borne by the permittee.

It is agreed and understood that any deviation from the plans submitted, that are out of the ordinary shall be reported to the State Roads Commission, District Ergineer's Office, and a revised plan showing such changes made shall be submitted to the State Road; Commission's Enrineer for anyone,

The permittee shall absolve the State Roads Commission from any claims or damage arising from condition caused by the construction outlined in this permit.

The relocation and/or adjustment of any public or private utility shall be the responsibility of the

The State Roads Commission right of way affected by this permit will be left in a neat and clean dition and no excess material will be permitted to remain on or adjacent to the State Roads Commis-

SIGNS: No signs or lights will be permitted on or to overhang the State Roads Commission right of way.

The accessary lights, signs, barricades, etc., shall be maintained by the permittee throughout this eration for the protection of traffic and pedestrians.

said work to be completed within 90

days from the date hereof.

Permission, when granted, to place a utility or structure within the limits of the right of way of a bridge or highway is revocable by the State Roads Commission.

The work hereby permitted shall be done under the supervision and to the satisfaction of the State Roads Commission, said State Roads Commission reserving full control over said roads or highways and the subject matter of this permit.

STATE ROADS COMMISSION

Chief Engineer Charles Lu

Form No. P.3

#5267

Date May 12, 1961

To:

Attorney 623 York Ed.

BALTMORE COUNTY, MARMAND TELEPHONE

OFFICE OF FINANCE

COURT HOUSE TOWSON 4. MARYLAND

No. 4801

DATE 5/22/61

No. 4573

DATEL/17/61

Zoning Department of Baltimore County

\$33.00 Advertising and posting of property for Jerry J. Procheske 33.00 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.

TELEPHONE VALLEY 33000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

To: Hr. Marvin L. Ho Attorney 623 York Rd. Towson 4, Md.

TOTAL AMPUNT Petition for Reclassification for Jerry J. Proc PAID -- Baltimore County Mid .-- Citi's aff Pa

50.00 4-1861 7837 · · FIL+ 50.00 4-1801 7537 e e e 121+ 300

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.

RS: PETITION FOR RECLASSIFICATION from an "N-6" Zone to "B-12" Zone : 8 JC Zone to "B-12" vort and No. Side Annakai Road, 9th District - Jorry J. Prochaska, Publicon" - No. 5267

In reference to the above entitled matter that portion of the Zoning Commissioner's Order which prohibited ingress and egress to Loch Raven Bouldvard was the subject of case 2703, folio 227 in the Circuit Court for Baltimere County.

The Court ordered the State Reads Commission to issue a permit for access to Lock Rawen Boulevard. This cid not prejuited the interest of Saltimore County in the matter, becaver, an error was made by Baltimore County in approving a site plan delivered subsequent to the sching hearing. Furthermore, to the state Reads counties the has prohibited access to the corner for instance of Lock Raven Boulevard and northeast side of many for land so as to clininate the front pertion of the subject property for parking purposes resulting in hardship to the users of the property.

In view of the above the Zoning Commissioner's Order date dated June 30, 1961, it is this 14th day of May, 1963 amended so as to eliminate that portion which reads:

"except that no ingress or egress shall be permitted on Loch Raven Boulevard".

STATE OF MARYLAND STATE ROADS COMMISSION BALTIMORE 1, MD.

January 21, 1963

RE: East side of Loch Raven Blvd. (Rto.542) at Amuskai Rd. Retail Stores

Mr. James K. Cullen, Jr. 31 S. Calvert Street Baltimore 2, Maryland

Dear Mr. Cullen:

This office is in receipt of an application for a com-entrance permit to construct a driveway into the subject

hand it is the Balthmore County's Zoning Commissioner's order in the granting of the commercial zoning that there would be no direct access to loch Raven Boulevard except by way of Amuskai Road.

Until such time as this order may be changed or rescinded this office cannot issue the permit applied for by you.

We are, therefore, returning the performance bond to the Snyder Building Company and the entrance fee check to you.

Thank you for your cooperation. Very truly yours,

Charles Lee, Chief Development Engineering Section

n X Duers BY: John L. Duerr Asst. Development Engineer

CC: Mr. John G. Rose Mr. Jerome F. Snyder

Person.

JID/ntb

PLAINTIFF'S EXHIRI

From: George B. Gayrelis, Deputy Director Subject: #5267 - R-6 to B-L Zone, SE/s Loch Raven Blvd and RE/S Emuskai Rd. Jerry Prochazka 5/21/61 1:00 P.M.

9th District

To: John G. Rose, Zoning Commissioner

The staff of the Office of Planning and Zoning has reviewed the subject puttion for reclassification from Re-6 to 5-1, some and has the following advisory comment to make with respect to perthent planning factors:

OFFICE OF PLANNING AND ZONING

Inter -Office Correspondence

 The intent of the 9th district map was to utilize Anuskai Road as a stopping point for commercial mening here. The effect of this reacing—if granted, would be the complete extension of commercial mening northerly along Loch Hawn Boulevari. From a planning twopoint, this is not desirate. Boulevart, Frem a planning Yumpoonte, Miz 1s not desirate, II change in zoning in initiated, the change should be to a zone which hav land-use potentials intermediate between those of B-L zone and those of R-5 zone. In other words, the staff of the Office of Planning would recommend substitution of R-A zoning for the R-5 zoning to accomplish the transitional purposes previously noted.

OFFICE OF PLANNING AND ZONING ALTIMONE COUNTY OFFICE E TOWSON 4. MARYLAND 5-12-61 12:00 noon

RECLASSIFICATION 5267 Y -5 '61 AM -ZONING: From R-6 Zone to B-L 2001NNI: From R.c. Zone to B.L. Zone M. Sentheast side of Lack Rayon Benlevard and the NorthRayon Benlevard and the NorthRayon Benlevard and the NorthLack State of Amuskai Product AND ALL STATE OF THE STATE CERTIFICATE OF PUBLICATION Reto 9 4 I Enta \8% May 4 61 TOWSON, MD., 19 01 hearing: hea ZONING PRINGING CERTIFY, That the annexed advertisement Concerning all that parcel of land in the Ninth District of Baltimore was published in The COUNTY Paper, Inc., a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks before the 2hth day of May 19 61 the first Lith publication appearing on the _____ day of May 19⁶¹ The COUNTY Paper, Inc.

7 Theyan

Manager.

2.123				
REC	LA	55 D	TC.	VIII

MNING: From R-6 Zone to B-L Zone

NING From Rel Rose to Bul Zone.
LOCATION: Southeast side of Loch Haven.
Boulevard and the northeast side of Amusti Rose.
DATE AND THEE Wednesday, May 24th.
1981 at 100 P. M. Boon. 108. County
Office Building 111 W. Chesapeake Avenue, Towson. Maryland.
The Zoning Commissioner of Baltimore
County, by authority of the Zoning Act and
Regulation of Saltimore County, will hold
are also the County of Saltimore County.

Of land in the Ninth Dattriet of Baltimore
County.

public hearing concerning all that parcel of land in the Ninth District of Ballimore County.

County.

County.

County.

It is a proper of land street of land supplies and below to represent of land subscription of Ballimore County. State of Maryland and described as follows:

Beginning for the same on the southeast laid out eight yeek wide at a pforth where said side of said boulevard is intersected by the divident line between lost numerical streets of the latter of the latter of latter of

CERTIFICATE OF PUBLICATION

rowson, MD., May 5, 1661
THIS IS TO CERTIFY, that the annexed advertisement wa
published in THE JEFFERSONIAN, a weekly newspaper printe
and published in Towson, Baltimore County, Md., once in x830
ofl timeseriosios works before the24th
day of May, 1961_, the first publication
appearing on the 5th day of May
1961

THE JEFFERSONIAN, Manager.

Cost of Advertisement, \$_____

PETITION FOR ZONING RECLASSIFICATION

ZONING: From R-6 Zone to B-L Zone, ZONING: From R4 Zone to B-L Zone.

- LOCATION: Southeast side of Loch Raven
Boutlevard and the northeast side of
Loch Raven
Boutlevard and the northeast side of
Loch Raven
Local Raven
Lo

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all shat parcel of land in the Ninth District of Baltimore

Regulations of Battimore County, will hold a public hearing concerning all, and parcel of land in the Ninth District of Battimore County.

All that Free or parcel of land altu-te lying and being in the 4th Election District of Battimore County. State of Marynamic County in the State of Marynamic County. State of Marynamic County in the State of Land to the State of Land

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 5,, 1961
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ones in case
nt1_timexunnexxinexxxeekx before the24th
day of, 19.61_, the first publication
appearing on the5thday ofMay
1061

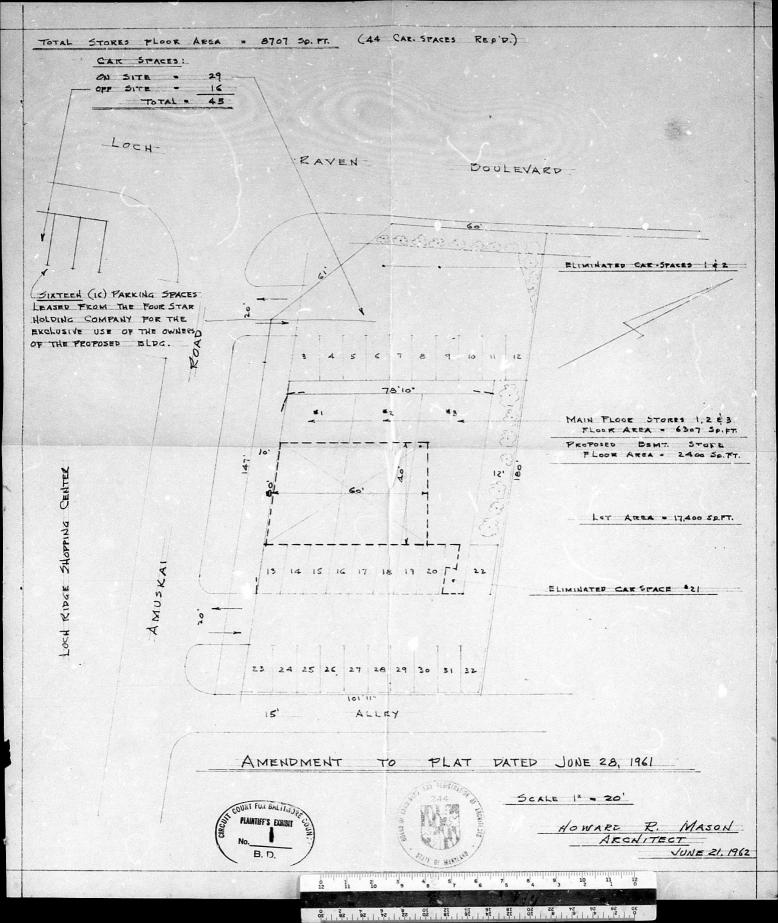
THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$_____

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

the	#5267
District	Date of Posting 5-3-6/
Posted for: an B-6 Bune to an	UB-L3ane
Petitioner: Jenn 9. Rothurs	la
Location of property; S.C.S. of Jake	Raven Blodand MES of
amuskan Rough lite Su	Blast
Location of Signs: One sugar 70 ft 80	ut of Soch Rasen Blud, and M.S. Light 30ft Morth J.G. masker Rebort
A Comuska Road and the	sun 30ft Mouth & Churchar Refort
Memarks:	ind.
Posted by Sluge Signature	



LOCH KAVEN BOULEVARD S.E. R/W LINE 36 MAK. HAHT OF PLANTING 9 IH KOAL SHOPPING 10 . 11 12 #5267 BOILDING PROPOSED 12/00 LOOL AMUSKAL 18 19 20 21 22 LOT AREA = 17,400 59. FT 15/14/15 16 17 BLOG. FL. AKEA . TWO-WAY TRAFFIC Note: SCREEN TO BE OF BRICK WITH - OF CONCRETE SOLAR SCREEN 30 31 32 26 15 ' ALLEY PLAT -SCALE 1" = 20' HOWARD R. MASON approved Office of flowing VUNE 28. 61.