

THE COURT OF APPEALS OF MARYLAND

No. 249
September Term, 1963

IRVING JACOBS, et al.

v.

COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY AND SMITH AVENUE
SHOPPING CENTER, INC.

Henderson
Hammond
Prescott
Horney
Sybert
JJ.

Opinion by Prescott, J.

Filed: April 1st, 1964

In this zoning case, neighboring residents appeal from an order of the Circuit Court for Baltimore County, which affirmed the decision of the County Board of Appeals (Bou.), which, in turn, had sustained the action of the Zoning Commissioner. In granting a permit, pursuant to Section 409.4 of the Zoning Regulations, to use property zoned "residential" for off-street parking for a proposed neighborhood shopping center.

Two questions are presented by the appellants: (1) Did the Board err in granting permission to use 8 1/2 acres of residential property for parking in a shopping center yet to be constructed? and (2) Did the Board improperly "abdicate" its powers in favor of the County Planning Board?

The subject "B-L" (Business Local) property is located several hundred feet south of Smith Avenue, (a 20-foot wide highway), opposite its intersection with Laurelwood Avenue, and represents a portion of which was formerly known as the Curtis-Wright Airport. The property, as defined by the Land Use Map of 1957, was (and is) surrounded by "R-6" residential land with no access to major arteries. The "B-L" area was the former site of the airport hangars. After the discontinuance of the airport, the hangars were used by Benitz for industrial uses, and its utilization of same predated the residential development on the north side of Smith Avenue.

The community to be served by the proposed shopping center was described by Mr. Klein, a witness for the appellant, as being bound on the north by Midfield Road, approximately one half mile north of the subject property, on the east by Bonnie View Country Club, about one mile to the east; on the south by Cross

Smith Avenue

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In addition, the Board abdicated its powers when it inserted in its order the provision "Ingress and egress to the parking area to be subject to the approval (initials only) of the County Planning Board."

These contentions may be answered without elaborate discussion. Condition d provides that "lighting shall be regulated as to location, direction, hours of illumination, * * * as required (emphasis ours)." The evidence before the Board disclosed that no light rays would be focused toward the residences, and the Board's order included this as one of its conditions upon which the use was permitted. With this condition present, the Board evidently came to the conclusion that, under the circumstances of this case, the hours of illumination were not "required" to be "regulated." Condition g states: "A satisfactory plan showing parking arrangement and vehicular access must be provided. Said plan shall also be approved by the Office of Planning (initials only)." Petitioner's evidence at the hearing before the Board, as we indicated above, showed in detail the planned arrangement for vehicular access to the property. We construe the language used in the Board's order relative to Planning approval to be no more than a compliance with condition g, above quoted, requiring Planning Board approval of the plan already approved by the Board. Condition h provides: "Method and area operation, * * * and permitted hours of use shall be specified, and regulated as required." Here, again, we think the failure of the Board to designate the "permitted hours of use" meant merely that the circumstances here presented did not, in the opinion of the Board, require that such hours be specified or regulated.

ORDER AFFIRMED, WITH COSTS.

Smith Avenue

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County Boulevard, approximately three-quarters of a mile distant on the west by Seven Mile Lane, a distance of about one mile. There are approximately 3,500 families in the community and it was estimated that there would be, within five years, by reason of the Pickwick residential development on adjacent county property and an apartment house development on the Baltimore City portion of the former Curtis-Wright Airport property, a total of 6,000 families living within the community, as described above.

The petition was duly and carefully presented to the Board. Moving pictures were shown depicting various aspects of the community, such as the dwellings therein, and school children crossing streets, etc. A consulting engineer disclosed that the proposed plan of the shopping center had been adopted after consideration of many different possibilities. The contemplated use embraced a food market, drug store, variety store and "a complement of smaller-type stores," consisting altogether of some ten to fifteen stores. It was shown that Smith Avenue in front of the subject property would be widened to the width of 50 feet, at the complete expense of the applicant.

The principal access to the shopping center will be by a "noncommercial" entrance and by a supplemental entrance and exit from Smith Avenue at the east and west side of the center. Additional access was shown from certain proposed interior roads (at the time of the hearing, plans depicting said roads were on file with the County Department of Public Works).

The Board stated, *inter alia*, that there was no "traffic problem inherent or arising from the use sought," and that the "petitioner (had) presented a fine overall general development plan for the subject site which would not adversely affect any aspect of the public health and welfare, but would serve a need that now exists." It granted the Use Permit subject to the following restrictions: (1) a 60 foot setback from Smith Avenue to provide a lawn area; (2) construction of a stone or masonry wall around a portion of the property; (3) that the shields and diffusers of the shopping center parking lights be permanently focused on the parking area; and (4) that ingress and egress to the parking area be subject to the approval of the County Planning Board.

It would observe no useful purpose to set forth the facts in greater detail. Able and experienced counsel for the appellants do not make the main thrust of their argument a claim that there was no substantial evidence to support the action of the Board under ordinary circumstances. They argue that under the construction given by this Court to Section 409.4 of the Zoning Regulations in *Marek v. Board of Appeals*, 218 Md. 351, 146 A. 2d 875, Section 409.4 can only be brought into play by the board in "unusual or unique" situations, not present in the instant case.

IRVING JACOBS,
LEE KRAIMER,
HARRY SHAPIRO,
DAVID GERBER and
ARTHUR LOPATIN

v.

THE COUNTY BOARD OF
APPEALS OF BALTIMORE
COUNTY

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

OPINION

The protestants' appeal from an order of the County Board of Appeals, dated March 14, 1963, granting to the owners a use permit for off-street parking on a residentially zoned tract, comprising approximately eight and one-half acres under Sec. 409.4 of the Baltimore County Zoning Regulations. The property is known in the Baltimore area as the old Curtis-Wright Airport. The commercial area is located several hundred feet south of Smith Avenue opposite Laurelwood Avenue in the Third Election District of Baltimore County. The Board found that the witnesses produced on behalf of the petitioner presented a fine overall general development plan for the subject site which would not adversely affect any aspect of the public health and welfare but would serve a need that now exists. It also found from testimony of the witnesses at the hearing that there is neither a traffic problem inherent or arising from the use sought to be made of this property by the petitioner.

The protestants take the position that the opinion and order of the County Board of Appeals in which this appeal is taken is erroneous, invalid, illegal, arbitrary, capricious, ultra vires, and without support of any evidence and sets out alleged reasons in paragraphs a.b.c.d.e.f.g.h.i.j. to support its contention. I hold that the Regulation set out in Sec. 409.4, is valid on the basis of the language and reasoning in *Freeman v. Board of Appeals*, 209 Md. 546 at pages 552-555.

Smith Avenue

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Before considering this argument, we will state there was substantial evidence in the record to the effect that the granting of the Use Permit would fill a public need, that the public would be benefited thereby, and that all of the "conditions" named in Section 409.4 would be met. There was also testimony to the contrary, which included testimony that there were already several shopping centers located about a mile from the subject property. We hold that the evidence adduced by the applicant rendered the action of the Board, at least, fairly debatable; hence such action cannot be said to be arbitrary or capricious in the legal sense.

We return to the main thrust of appellants' argument, which seems to be two pronged. First, they contend that a proper construction of Section 409.4 limits its application to existing commercial operations, and, since there is no present, existing commercial operation in the case at bar but only one anticipated

Section 409.4, in part, reads as follows: "Business or Industrial Parking in Residence Zones—Upon application the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking areas subject to the following conditions: If granted, such use permit shall be conditioned as follows: * * * There follow eight conditions numbered a through h. The conditions pertinent herein will be set forth later as needed.

In the future, the Board misinterpreted said section in granting the Use Permit, which, in effect, would raise some three acres of B.L. zoning to eleven and one-half acres. There is nothing in Section 409.4 which limits its application to existing commercial operations. And it is universally recognized, in those jurisdictions where zoning has been established, that zoning is not static, and the zoning authorities, either in adopting a comprehensive zoning plan or in granting a reclassification, may take into consideration needs of the reasonably foreseeable future.

This phase of appellants' argument is, we think, answered by the case of *Town of Somerset v. County Council*, 229 Md. 42, 181 A. 2d 671. There, land had been zoned residential since 1928 (apparently the first zoning in the State). It had a frontage of 1,000 feet on an arterial highway with a depth of 250 feet. It was leased to a department store company, which proposed to build an attractive store thereon, provided proper rezoning classification could be obtained. Application was made, and granted, for a reclassification of a portion of the land with a frontage of 250 feet by a depth of 200 feet, upon which the store was to be built, from its residential classification to C-3 (general commercial), with the balance of the property remaining residential, subject to a special exception (we held in *Marek, supra*, that the Use Permit granted under Section 409.4

This court is of the opinion that the Board acted under the right granted in the Baltimore County Zoning Regulations under Sec. 409.4 and there is no evidence that the action of the board was arbitrary, capricious, discriminatory and illegal.

This court cannot substitute its judgment for that of the administrative body and where the question is fairly debatable, as it is in this case, the court is without authority to override the decision of the Board of Appeals.

The order of the Board of Appeals is affirmed.

JUDGE

Smith Avenue

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did not constitute "special exceptions") to allow off-street parking. We uphold this action of the County Council of Montgomery County, noting that the two-edges of granting a special exception for the off-street parking permits the imposition of conditions upon the use of the land for the protection of surrounding property owners.

Should we adopt the construction of Section 409.4 here suggested by the appellants, a most unusual, peculiar, and undesirable result would be reached, as is illustrated by the facts herein. No matter how great the public need for a large building might be, if a Use Permit for off-street parking were required to be predicated upon an existing commercial operation, the applicant herein could not obtain any building permit (in the absence of reclassification), without reserving the required amount of parking space on his land zoned B-L, which obviously would result in only a portion of the land being utilized for the building. And if the smaller building were erected with the proper parking space reserved for a building of that size there would exist no need for an additional parking area. Potentially, this would weaken the effectiveness of zoning in one of its fundamental purposes: to accomplish what is good for, and beneficial to, the general public.

We hold that Section 409.4 is not limited in its application to existing commercial operations.

Much of what has been said above applies to appellants' second argument under this heading. They say that we stated in *Marek, supra*, that the purpose of Section 409.4 was to provide for "unusual conditions," which would justify the lifting or easing of general restrictions if "the general public good" would thereby be attained, and contend that there were no unusual factors in this case and that no public good was attained thereby. We reaffirm our decision in *Marek*. We used the words "unusual conditions" to denote conditions that were not common nor ordinary, but not that they had to be extremely rare or unique. The property of applicant zoned B-L is completely surrounded by residentially zoned property and it has no access to a major arterial highway. The Board (supported by substantial evidence) found that the "need (for an additional shopping center) arose with an almost explosive impact," and that "these changes (in communities) occur with a rapidity that in some cases staggers the imagination." We noted above that the Board found that the granting of the permit would fill a public need and the public would be benefited thereby. These facts readily bring the case at bar within the scope of our decision in *Marek, supra*.

II

Under this heading, appellants assert that condition d of Section 409.4 required the Board to fix the "hours of illumination," condition h required the Board to fix "the permitted hours of use (of the area)," which the Board failed to do, and,

IRVING JACOBS,
LEE KRAIMER,
HARRY SHAPIRO,
DAVID GERBER and
ARTHUR LOPATIN
Appellants

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

G. MITCHELL AUSTIN and
CHARLES STRIMBOCK, JR.,
being and constituting
the County Board of Appeals
of Baltimore County
Appellees

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the Circuit Court for Baltimore County by Irving Jacobs, Lee Kraimer, Harry Shapiro, Dave Gerber and Arthur Lopatin, Appellants, from the Opinion, Decision and Order of the County Board of Appeals of Baltimore County, passed on March 14, 1963, in the matter of "Re: Petition of Smith Avenue Shopping Center, Inc. (#5652 Sp. N.)."

SMITH AND HARRISON

By
W. Lee Harrison
Attorneys for Appellants
The Jefferson Building
Towson 4, Maryland

I hereby certify that on this _____ day of March, 1963, copy of the foregoing Order for Appeal was mailed to the County Board of Appeals, County Office Building, Towson 4, Maryland.

W. Lee Harrison

RE: PETITION OF SMITH AVENUE SHOPPING CENTER, INC., For Special Hearing for Use Permit for Off-Street Parking - S. S. Smith Ave., Opp. Laurelwood Avenue, 3rd District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 5652 Sp.H.

OPINION

The Petitioner in this case seeks a Use Permit for off-street parking on a residential zoned tract, comprising approximately 8-1/2 acres, under Section 409.4 of the Baltimore County Zoning Regulations. The Petitioner seeks to develop a neighborhood type shopping center on a three (3) acre plot, presently zoned "B-L" and surrounded by property owned by the Petitioner which is now vacant, with the exception of some large abandoned aircraft hangars. The property is widely known in the Baltimore area as the Old Curtis-Wright Airport. The commercial area, as defined above, is located several hundred feet south of Smith Avenue opposite Laurelwood Avenue in the Third Election District of Baltimore County.

This case is typical of those cases frequently appearing before this Board wherein, as a result of our rapidly changing environment, a need arises with an almost explosive impact. The advent of the automobile and our modern freeway and beltway have created problems in zoning which in many cases are difficult, if not impossible, to reconcile to the satisfaction of all concerned. The original concept of the Land Use Maps were to create a long-term situation whereby changes in the character of the neighborhood would take place very slowly. However, we now find that, as a result of the modern way of life, these changes occur with a rapidity that in some cases staggers the imagination. The Board feels that the purpose of zoning, in any facet, is not to retard progress in the establishment of communities nor their logical development. It is well known that once a community is developed, it may assume an aspect which could not have been foreseen by the Planners when the project was in paper form. It must now be realized that due to the above mentioned trend that a second look toward the makeup of the community is sometimes warranted and desirable.

The Board, after careful consideration, feels that although the intentions of the County Commissioners in classifying the three (3) acre tract as "B-L" was to provide a small neighborhood shopping area, the population explosion took place more rapidly than was expected by the County Commissioners, and the rapidly developed

community cannot now be ignored. Further, the testimony of the witnesses produced on behalf of the Petitioner presented a fine over-all general development plan for the subject site which would not adversely affect any aspect of the public health and welfare, but would serve a need that now exists.

The Board, from testimony of the witnesses at the hearing, feels that there is neither a traffic problem inherent or arising from the use sought to be made of this property by the Petitioner. Smith Avenue is well able to handle the current traffic and, in the opinion of the Board, could well handle any additional traffic if there may be some from the proposed use.

The Board feels that the County Commissioners, when the Land Use Map was adopted, took notice that the subject tract would be ideal for a neighborhood shopping area. However, the Board further feels that the County Commissioners did not recognize the rapidity in which this community would develop, hence we have on the Land Use Map what appears to be a small tract of "B-L" property located and entirely surrounded by "R-d" property, with no access whatsoever to a major arterial street. Furthermore, the Board feels that the County Commissioners, in placing the said three (3) acre tract of "B-L" in its present location, created a situation which would deprive the property owner to some extent of the legitimate use of his property as opposed to other shopping centers in the general area. The Board grants the Use Permit subject to the following restrictions:

1. A sixty (60) foot setback from Smith Avenue to provide a lawn area as shown on Petitioner's Exhibit filed in these proceedings
2. Construction of a stone or masonry wall, thirty-six (36) inches high, along Smith Avenue in front of the parking area as approved by the Baltimore County Planning Department
3. The shields and diffusion of the shopping center parking lights permanently focused on the parking area
4. Ingress and egress to the parking area to be subject to the approval of the County Planning Board

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of March, 1963 by the County Board of Appeals, ORDERED that the Use Permit for Off-Street Parking petitioned for, be and the same is hereby granted subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

H. Mitchell Austin
ACTING CHAIRMAN

Note: Mr. Kaufman did not sit at this hearing.

LEE H. KRAMER
ATTORNEY AT LAW
1410 COURT SQUARE BUILDING
TOWSON 4, MARYLAND

OCT 26 '62 AM



October 24, 1962

Office of the Zoning Commissioner
Baltimore County Office Building
Towson 4, Maryland

Re: Petition of Smith Ave Shopping Center, Inc.
No 5652-Sp.H.

Dear Sir:

On behalf of the Wellwood Community Association, Inc. and the Citizens Protective Committee for the Smith Avenue Area, Inc. this is to request an appeal to the Board of Zoning Appeals of the ruling of the Zoning Commissioner in the above entitled cause.

Yours very truly,

Lee H. Kramer
Lee H. Kramer

cc: Sklar & Sullivan, Esqs.
1410 Court Square Building
Towson 4, Maryland

RE: PETITION OF SMITH AVENUE SHOPPING CENTER, INC., For Special Hearing for Use Permit for Off-Street Parking - S. S. Smith Ave., Opp. Laurelwood Avenue, 3rd District

BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 5652-Sp.H.

A hearing was held at 10:00 a.m. on September 27, 1962 concerning a request by Smith Avenue Shopping Center, Inc., to use the property located in an "R-6" Zone for off-street parking in conjunction with the adoption of an adjacent "B-L" Commercial area on the south side of Smith Avenue opposite Laurelwood Avenue.

This matter was considered by the Zoning Commissioner on February 7, 1962 and on February 26, 1962, attorneys for petitioner and protestants, stipulated that a copy of testimony given on those two days constitutes probable testimony that would be given at the hearing and, therefore, no further testimony was taken.

It is this 14th day of October, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the following described property located in an "R-6" Zone may be used for parking, providing a satisfactory plan is approved by the Office of Planning and returned to the Zoning Commissioner and made a part of this Order. The setback from the front property line shall be eighty feet:

PARCEL NO. 1 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying on the southerly right-of-way of Smith Avenue, which point is the northeasterly corner of land conveyed by Green Spring Manor, Inc., to Board of Education of Baltimore County, by deed dated August 19, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2763, folio 351, (said point being at the end of the fourth line of said deed) and running along the southerly right-of-way of Smith Avenue North 82 degrees 00 minutes 00 seconds east a distance of 197.25 feet and North 88 degrees 34 minutes 00 seconds East a distance of 162/75 feet, South 1 degree 26 minutes 00 seconds East a distance of 80.00 feet to a point of beginning, thence the following courses and distances, viz: South 1 degree 26 minutes 00 seconds East a distance of 190.13 feet, thence South 16 degrees 10 minutes 30 seconds East 293.60 feet to a point, thence running along

PARCEL NO. 2

the northerly section of business local zone, designated 3-10-10 as shown on the Third Zoning Map Sec. 2-C, the following courses and distances North 73 degrees 19 minutes 30 seconds east a distance of 730.00 feet to a point, thence North 16 degrees 10 minutes 30 seconds west a distance of 197.17 feet to a point, thence North 1 degree 26 minutes 00 seconds west a distance of 56.00 feet to a point, thence South 88 degrees 34 minutes 00 seconds west a distance of 730.00 feet to the place of beginning.

As shown on plot plan submitted to Zoning Department.

All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying southeasterly of Smith Avenue, said point being at the end of the second line of the right-of-way of Smith Avenue, South 1 degree 26 minutes 00 seconds, a distance of 176.00 feet, thence South 16 degrees 10 minutes 30 seconds east a distance of 197.17 feet to a point of beginning, thence the following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East, a distance of 280.00 feet, thence South 73 degrees 19 minutes 30 seconds west at a distance of 730.00 feet, thence North 16 degrees 10 minutes 30 seconds, a distance of 300.00 feet, to a point, thence North 73 degrees 19 minutes 30 seconds east a distance of 80.00 feet to a point, thence running along the outline of business local zone designated as (3-10-10) 80.00 feet to a point, thence running along the outline of business local zone designated as (3-10-10) the three (3) following courses and distances, viz: South 16 degrees 10 minutes 30 seconds east a distance of 223 feet, thence North 73 degrees 19 minutes 30 seconds east a distance of 250.00 feet, thence North 16 degrees 10 minutes 30 seconds west a distance of 223 feet to a point, thence North 73 degrees 19 minutes 30 seconds east a distance of 65 feet to place of beginning.

As shown on plot plan submitted to the Zoning Department.

Attached to and made a part of this Order is Exhibit "C" which delineates the area reserved for parking.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 9, 1966

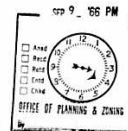
FROM: George E. Gayrells

SUBJECT: Amended Plan - Green Spring Shopping Center

I am transmitting an amended plan for the Green Spring Shopping Center including its parking area and related screening and landscaping. As you may recall a use permit was granted under Petition #5652-SPH. This plan replaces that approved earlier by this office. Please place the amended plan in the official zoning file.

George E. Gayrells
GEORGE E. GAYRELLS, Director
Office of Planning and Zoning

GEG:ms
Attachment



IN THE MATTER OF: SMITH AVENUE SHOPPING CENTER, INC., corporate successor to Green Spring Manor, Inc.

BEFORE THE: ZONING COMMISSIONER OF BALTIMORE COUNTY

For a Special Hearing

To the Zoning Commissioner of Baltimore County
SMITH AVENUE SHOPPING CENTER, INC., corporate successor to Green Spring Manor, Inc.
Petitioner

heretby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a use permit pursuant to Section 409.4, to allow the use of property located in an "R-6" Zone for Off-Street Parking Areas in conjunction with the adoption of an adjacent Commercial Area; said property is more particularly described and shown by the legal description and plat attached hereto.

SMITH AVENUE SHOPPING CENTER, INC.

By: *Joseph H. Rose*
Joseph H. Rose, Vice President
Robert L. Sullivan, Jr.
Robert L. Sullivan, Jr., Attorney for Petitioner
Sklar & Sullivan, Attorneys for Petitioner
Address: 1410 Court Square Bldg.
Baltimore 2, Maryland

DESCRIPTION OF PROPERTY LOCATED IN AN "R-6" ZONE AND ADJACENT TO AN EXISTING "R-1" ZONE AND THE SUBJECT OF A PETITION FOR A SPECIAL OFF-STREET PARKING EXCEPTION PURSUANT TO SECTION 409.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS

PARCEL NO. 1 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying on the southerly right-of-way of Smith Avenue, which point is the northeasterly corner of the land conveyed by Green Spring Manor, Inc., to Board of Education of Baltimore County, by deed dated August 19, 1955, and recorded among the Land Records of Baltimore County in Liber C.L.B. 2763, Folio 351, (said point being at the end of the fourth line of said deed) and running along the southerly (right-of-way of Smith Avenue North 82 degrees 00 minutes 00 seconds east a distance of 197.25 feet and North 88 degrees 34 minutes 00 seconds East a distance of 162.75 feet, South 1 degree 26 minutes 00 seconds East a distance of 80.00 feet to a point of beginning, thence the following courses and distances, viz: South 1 degree 26 minutes 00 seconds East a distance of 190.43 feet, thence South 16 degrees 10 minutes 30 seconds East 293.60 feet to a point, thence running along the northerly section of business local zone, designated 3-BL-10 as shown on the Third District Zoning Map, Sec. 2-C, the following course and distance North 73 degrees 49 minutes 30 seconds east a distance of 730.00 feet to a point, thence North 16 degrees 10 minutes 30 seconds west a distance of 197.17 to a point, thence North 1 degree 26 minutes 00 seconds East a distance of 96.00 feet to a point, thence South 88 degrees 34 minutes 00 seconds West a distance of 730.00 feet to the place of beginning.

As shown on plot plan submitted to Zoning Department.

PARCEL NO. 2 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying southeasterly of Smith Avenue, said point being at the end of the second line of the right-of-way of Smith Avenue, South 1 degree 26 minutes 00 seconds, a distance of 176.00 feet, thence South 16 degrees 10 minutes 30 seconds East a distance of 197.17 feet to a point of beginning; thence the following courses and distances, viz: South 16 degrees

10 minutes 30 seconds East, at a distance of 280.00 feet, thence South 73 degrees 49 minutes 30 seconds west at a distance of 730.00 feet, thence North 16 degrees 10 minutes 30 seconds West, a distance of 300.00 feet, to a point, thence North 73 degrees 49 minutes 30 seconds east a distance of 80.00 feet to a point, thence running along the outline of business local zone designated as "1-BL-10" on the Third District Zoning Map Sec. 2-C, the three (3) following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East a distance of 223 feet, thence North 73 degrees 49 minutes 30 seconds east a distance of 580.00 feet, thence North 16 degrees 10 minutes 30 seconds west a distance of 223 feet to a point, thence North 73 degrees 49 minutes 30 seconds East a distance of 65 feet to place of beginning.

As shown on plot plan submitted to the Zoning Department.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 3rd Date of Posting: 9-5-62
Posted for: Special Hearing for off-street parking exception.
Petitioner: Green Spring Manor, Inc.
Location of property: S. of Smith Avenue opposite Laurelwood Avenue.
Location of Sign: On S. of Smith Avenue opposite Laurelwood Avenue.
Signed by: George S. Hummel Date of return: 9-6-62

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 3rd Date of Posting: 12-31-62
Posted for: Special Hearing.
Petitioner: Smith Avenue Shopping Center, Inc.
Location of property: S. of Smith Avenue opposite Laurelwood Avenue.
Location of Sign: On S. of Smith Avenue opposite Laurelwood Avenue.
Remarks: Special Hearing.
Signed by: George S. Hummel Date of return: 1-2-63

NOTICE FOR A SPECIAL HEARING
ON A PETITION FOR A SPECIAL HEARING FOR OFF-STREET PARKING TO BE ON S4 ZONE, BALTIMORE COUNTY, MARYLAND.
DATE AND TIME: Thursday, September 13, 1962, 10:00 A.M.
PLACE: PUBLIC HEARING ROOM 106, COUNTY COURTHOUSE, 111 W. CHESAPEAKE AVE., TOWSON, MARYLAND.

The Zoning Commission of Baltimore County, at its meeting of the Zoning and Planning Board of Baltimore County, held in public hearing concerning all that parcel of land in the Third District of Baltimore County, Parcel No. 1, All that parcel of land situate, lying and being in the Third Election District of Baltimore County, Beginning for the same from a point lying on the southerly right-of-way of Smith Avenue, which point is the northeasterly corner of the land conveyed by Green Spring Manor, Inc., to Board of Education of Baltimore County, by deed dated August 19, 1955, and recorded among the Land Records of Baltimore County in Liber C.L.B. 2763, Folio 351, (said point being at the end of the fourth line of said deed) and running along the southerly (right-of-way of Smith Avenue North 82 degrees 00 minutes 00 seconds east a distance of 197.25 feet and North 88 degrees 34 minutes 00 seconds East a distance of 162.75 feet, South 1 degree 26 minutes 00 seconds East a distance of 80.00 feet to a point of beginning, thence the following courses and distances, viz: South 1 degree 26 minutes 00 seconds East a distance of 190.43 feet, thence South 16 degrees 10 minutes 30 seconds East 293.60 feet to a point, thence running along the northerly section of business local zone, designated 3-BL-10 as shown on the Third District Zoning Map, Sec. 2-C, the following course and distance North 73 degrees 49 minutes 30 seconds east a distance of 730.00 feet to a point, thence North 16 degrees 10 minutes 30 seconds west a distance of 197.17 to a point, thence North 1 degree 26 minutes 00 seconds East a distance of 96.00 feet to a point, thence South 88 degrees 34 minutes 00 seconds West a distance of 730.00 feet to the place of beginning.

As shown on the plot plan submitted to the Zoning Department.
Parcel No. 2 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, Beginning for the same from a point lying southeasterly of Smith Avenue, said point being at the end of the second line of the right-of-way of Smith Avenue, South 1 degree 26 minutes 00 seconds, a distance of 176.00 feet, thence South 16 degrees 10 minutes 30 seconds East a distance of 197.17 feet to a point of beginning; thence the following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East, at a distance of 280.00 feet, thence South 73 degrees 49 minutes 30 seconds west at a distance of 730.00 feet, thence North 16 degrees 10 minutes 30 seconds West, a distance of 300.00 feet, to a point, thence North 73 degrees 49 minutes 30 seconds east a distance of 80.00 feet to a point, thence running along the outline of business local zone designated as "1-BL-10" on the Third District Zoning Map Sec. 2-C, the three (3) following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East a distance of 223 feet, thence North 73 degrees 49 minutes 30 seconds east a distance of 580.00 feet, thence North 16 degrees 10 minutes 30 seconds west a distance of 223 feet to a point, thence North 73 degrees 49 minutes 30 seconds East a distance of 65 feet to place of beginning.

JOHN C. ROSE
Zoning Commissioner
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 7, 1962
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 or before the 22nd day of September, 1962, the 10th publication appearing on the 11th day of September, 1962.

THE JEFFERSONIAN
Signed: [Signature] Manager.
Cost of Advertisement, \$...

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

September 9, 1966
Mr. Melvyn Goldman
5503 Park Heights Avenue
Baltimore, Maryland
Dear Mr. Goldman:
I have approved an amended plan for the Green Spring Shopping Center which covers also an amended plan for the use permit for off-street parking. The plan substitutes a masonry wall in keeping with the materials used on the buildings within the center for the brick wall originally designated on the earlier approved plan. I feel that the substitution is in absolute accord with the conditions imposed on the use permit by the Board of Appeals and subsequently affirmed by court actions.
In transmitting the plans to you, Mr. Allan C. Hopkins stated that he thought the wall was covered by the original building permit for the center. You should inform this with the Department of Permits and Licenses.
Sincerely yours,
GEORGE E. GAVRELLS
Director
GEG:ms
cc: Mr. Allan C. Hopkins
P.S. The revised plan shows one section of masonry wall added on the east side of the easternmost exit. Returning the redwood fence at this point is not permissible under the provisions of the use permit which requires masonry across the front of the property.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 14115
DATE 8/29/62
TO: Allan J. Mester, Esq.,
Sklar & Sullivan
1110 Court Square Building
Baltimore 2, Md.
BILLED BY: Zoning Department of
Baltimore County
01622
DEPOSIT TO ACCOUNT NO. DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
QUANTITY COST
Petition for Special Hearing for Smith Ave. Shopping Center, Inc. 25.00
TOTAL AMOUNT \$25.00
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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 14233
DATE 10/9/62
TO: Lee H. Kravitz, Esq.,
1110 Court Square Building
Baltimore 2, Maryland
1113 Reisterstown Road,
Baltimore 8, Md.
BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.
01622
DEPOSIT TO ACCOUNT NO. DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
QUANTITY COST
Cost of Appeal in matter of Smith Ave. Shopping Center \$70.00
No. 5652-Sp.H. \$70.00
TOTAL AMOUNT \$140.00
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.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Mr. John D. Papp, Zoning Commissioner Date: September 27, 1962
FROM: Mr. George S. Gerrells, Deputy Director
SUBJECT: 5503-SP.H. Petition for a Special Hearing for off-street parking in an R-6 Zone, South side of Smith Avenue opposite Laurelwood Avenue.
2nd District
REMARKS: Thursday, September 27, 1962 (10:00 A.M.)
The staff of the Office of Planning and Zoning has reviewed the proposed off-street parking plan for the subject property. The details of circulation and parking layout have been agreed to by this office, in connection with review of the shopping center development plans, at the Joint Subdivision Planning Committee. This review was made in connection with preliminary subdivision plans processing of the entire Hoffberger tract. We note that the plan indicates appropriate screening and planting where the parking area abuts or is across the street from existing or future residential areas. The plan does not yet detail the extent to which provisions will be made for lighting. Provision should be made for planting areas within the large parking compound.
Final approval of the plan will be delayed until such time as the appropriateness of off-street parking here is determined as a result of your hearing and the necessary minor revisions to the plan are made. Comments made by the shopping property owners may also dictate further desirable revisions to the plan.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 14172
DATE 9/26/62
TO: Messrs. Sklar & Sullivan
1110-20 Court Square Building
Baltimore 2, Md.
BILLED BY: Zoning Department of
Baltimore County
01622
DEPOSIT TO ACCOUNT NO. DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
QUANTITY COST
Advertising and posting of property for Green Spring Manor, Inc. 63.00
TOTAL AMOUNT \$63.00
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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 17410
DATE 4/24/63
TO: W. Lee Harrison, Esq.,
The Jefferson Building
Towson 4, Maryland
BILLED BY: County Board of Appeals
(Zoning)
01712
DEPOSIT TO ACCOUNT NO. DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
QUANTITY COST
Cost of Certified Documents for - No. 5652 Sp.H. \$8.00
Smith Avenue Shopping Center
South side of Smith Avenue
opposite Laurelwood Avenue
2nd District
TOTAL AMOUNT \$8.00
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.

5252 PETITION FOR A SPECIAL HEARING

3rd District

ZONING: Petition for a Special Hearing for Off-Street Parking in an R-6 Zone.

LOCATION: South side of Smith Avenue opposite Laurelwood Avenue.

DATE & TIME: Thursday, September 27, 1962 at 10:30 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Concerning all that parcel of land in the Third District of Baltimore County.

PARCEL NO. 1—All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying on the southerly right-of-way of Smith Avenue, which point is the northeasterly corner of the land conveyed by Green Spring Manor, Inc., to Board of Education of Baltimore County, by deed dated August 19, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2163, 1010-041, 1, and point being at the end of the fourth line of said deed) and running along the southerly (right-of-way) of Smith Avenue North 82 degrees 00 minutes 00 seconds east a distance of 197.25 feet and North 86 degrees 34 minutes 00 seconds East a distance of 162.75 feet, South 1 degree 26 minutes 00 seconds East a distance of 80.00 feet to a point of beginning, thence the following courses and distances, viz: South 1 degree 26 minutes 00 seconds East a distance of 190.43 feet, thence South 16 degrees 10 minutes 30 seconds East 253.60 feet to a point, thence running along the northerly section of business local zone, designated 3-BL-10 as shown on the Third District Zoning Map, Sec. 2-C, the following course and distance North 73 degrees 49 minutes 30 seconds east a distance of 730.00 feet to a point, thence north 16 degrees 10 minutes 30 seconds west a distance of 197.17 feet to a point, thence North 1 degree 26 minutes 00 seconds west a distance of 96.00 feet to a point, thence south 88 degrees 34 minutes 00 seconds west a distance of 730.00 feet to the place of beginning.

As shown on plot plan submitted to Zoning Department.

PARCEL NO. 2 All that parcel of land situate, lying and being in the Third Election District of Baltimore, Beginning for the same from a point lying southeasterly of Smith Avenue, said point being at the end of the second line of the right-of-way of Smith Avenue, South 1 degree 26 minutes 00 seconds, a distance of 176.00 feet, thence South 16 degrees 10 minutes 30 seconds east a distance of 197.17 feet to a point of beginning, thence the following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East, at a distance of 253.60 feet, thence south 73 degrees 49 minutes 30 seconds west at a distance of 730.00 feet, thence North 16 degrees 10 minutes 30 seconds West, a distance of 300.00 feet, to a point, thence North 73 degrees 49 minutes 30 seconds east a distance of 80.00 feet to a point, thence running along the outline of business local zone designated as (3-BL-10) on the Third District Zoning Map Sec. 2-C, the three (3) following courses and distances, viz: South 16 degrees 10 minutes 30 seconds east a distance of 223 feet, thence North 73 degrees 49 minutes 30 seconds east a distance of 580.00 feet, thence North 16 degrees 10 minutes 30 seconds west a distance of 223 feet to a point, thence north 73 degrees 49 minutes 30 seconds east a distance of 65 feet to place of beginning.

As shown on plot plan submitted to the Zoning Department.

By Order of

JOHN G. ROSE,

Zoning Commissioner of Baltimore County.

Sept. 7.

OFFICE OF

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

Sept. 11, 1962

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week ~~XXXXXX~~ before the 11th day of September, 1962, that is to say the same was inserted in the issues of

September 7, 1962.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
221 W. CALVERT STREET
BALTIMORE, MD. 21202
(31) 8-8000

GEORGE E. GAVRELLIS
DIRECTOR

JOHN G. ROSE
ZONING COMMISSIONER

Messrs. Sklar & Sullivan
1410 Court Square Building
Baltimore, Maryland 21202

Date: August 26, 1965

Subject: Approved Site Plans
Zoning file # 5652
3ldg.

5/2 Smith Avenue
Opposite Laurelwood Avenue

Gentlemen:

The Office of Planning and Zoning has approved the above referenced site plan, as conditioned in the Zoning Commissioner's Order # _____.

This plan has been inserted in our Zoning file # 5652.

If you are desirous of obtaining a signed plan for your file, please forward a copy of the site plan to this office.

Very truly yours,


JAMES J. DYER, CHIEF
Petition and Permit Processing

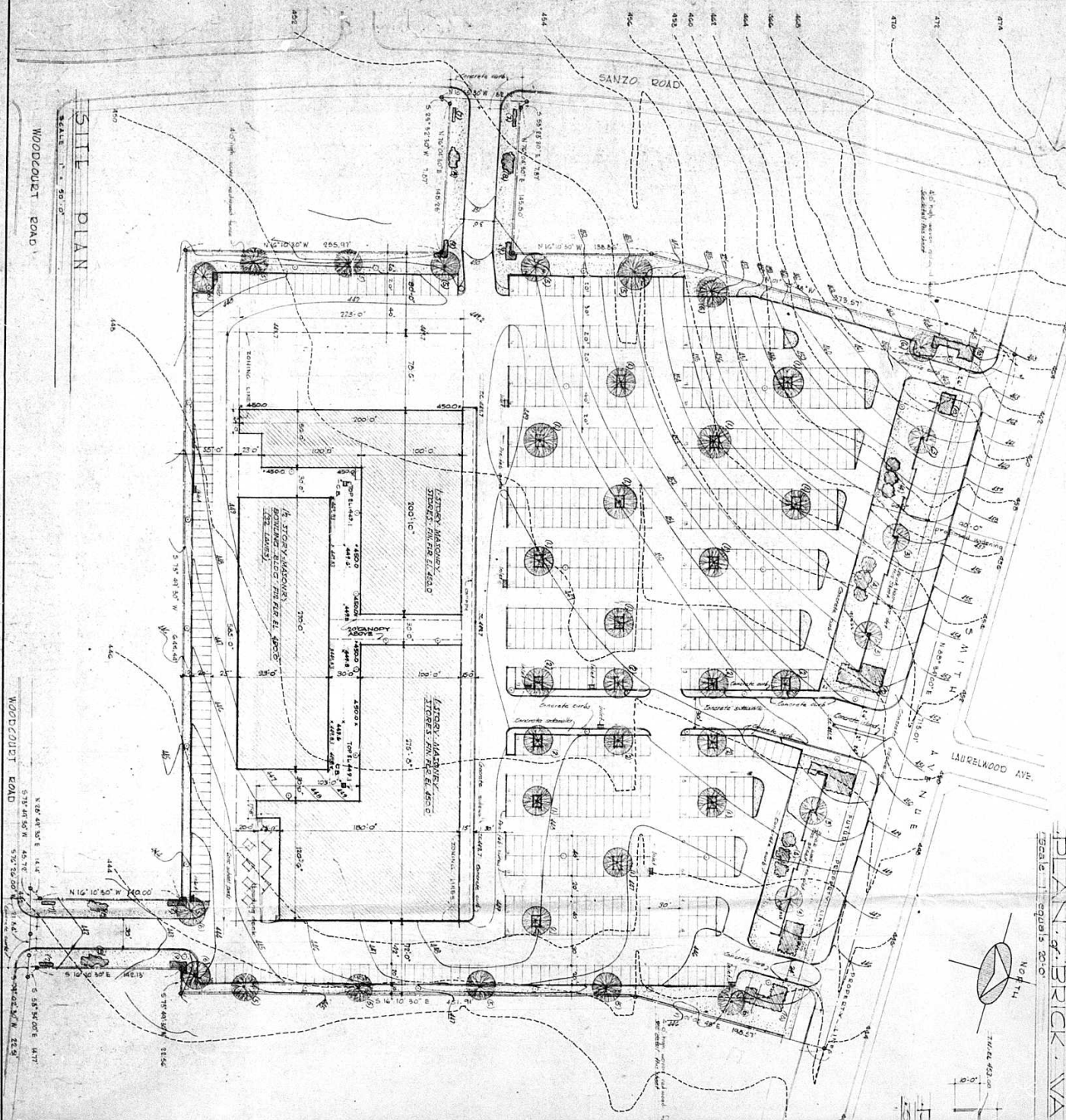
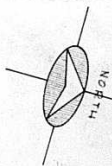
JED/h

· LIST · OF · PLANTS ·

1	39 GLEDITSIA TRIACANTHOS SAUDIENMASTER	6	KOBELEINVERIERA PANGULICUTA
2	7 PELLICODENDRON AMUENSE	7	12 PRACRANTHUS DOGGINES ILANDI
3	5 ZELKONA SERATA	8	10 VIBURNUM DILATATUM
4	9 PUNJUNUS KANZAN	9	11 ILEX ACENTATA METZ
5	7 GINKGO MILLOBA	10	927 TAXUS MEDIA THAYERI



PLAN. of BRICK. WA
Feb 21. 1890



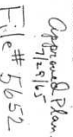
20-07-2024



• Scale: 1" equals 20' 0"



Example: $\frac{3}{4}$ equals 1



GENERAL NOTES

- [illegible]

WOVEN RED W.D.
FENCE 2 1/2" x 1 1/2"

[illegible]

MATERIALS

- | | |
|---|------------------------|
|  | • CONCRETE BLOCK |
|  | • BRICK |
|  | • INSULATION |
|  | • ACOUSTIC TILE |
|  | • PLASTER BO. |
|  | • EARTH |
|  | • GRAVEL |
|  | • STONE |
| | • WOOD STUD PARTITIONS |

SITE PLAN & DETAILS

ISHER, NES, CAMPBELL & PARTNERS
ARCHITECTS
PRINCIPALS

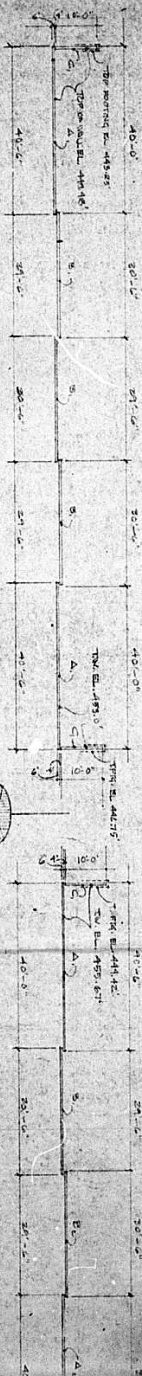


ALL TOP LIFT WEELS TO BE
SPACED 14'-0" MAXIMUM

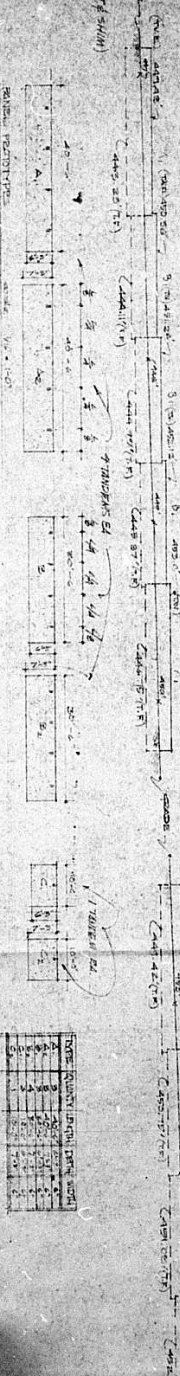
3'-0" TOP
CONCRETE (75)

EXPOSED AGGREGATE CONCRETE PANEL WALL ON EAST SIDE OF ENTRY

PLAN



ELEVATION

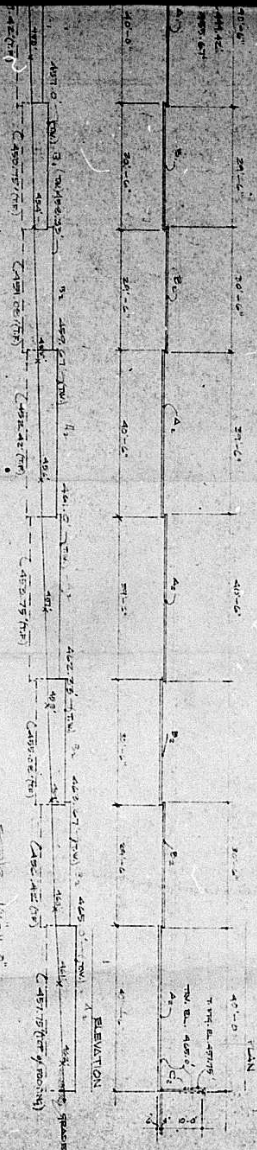


REINFORCING
ELEVATION
SECTION

Scale 3/4" = 1'-0"

TYPE	QUANTITY	LENGTH	PERF. WEIGHT
1	1.00	40'-0"	1.00
2	1.00	29'-0"	1.00
3	1.00	2'-0"	1.00
4	1.00	2'-0"	1.00
5	1.00	2'-0"	1.00
6	1.00	2'-0"	1.00
7	1.00	2'-0"	1.00
8	1.00	2'-0"	1.00
9	1.00	2'-0"	1.00
10	1.00	2'-0"	1.00

EXPOSED AGGREGATE CONCRETE PANEL WALLS ON WEST SIDE OF ENTRY


$$z_1, z_2, \dots, z_n \in \mathbb{C}^n$$

NOTE:

SEE SHEET A-1 FOR ADDITIONAL DETAILS

PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY Jeffrey J. Smith

DATE 09/21/66

Received 3/15/55 Knott

FISHER, NES, CAMPBELL & PARTNERS ARCHITECTS BALTIMORE MD.				
EXPLODED AGGREGATE CONC. PANEL WALL DETAIL				
GREEN SPRING SHOPPING CENTER				
SOUTH AVE.		BALTIMORE COUNTY, MD.		
DRAW NO.	DATE	DESIGNED BY	PRIED NO.	SHEET NO.
22753	AUG 4 1964	KW52M	10-5	A-105

SMITH AVE.
BALTIMORE, COUNTY, MD.

108 NO.	DATE	NAME OF	FILE NO.	SHEET NO.
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2255 AUG 4 1966 KLM-A 14-5 A-103