



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmilandacq@co.ba.md.us

February 4, 2000

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Chadwick Manor Shopping Center, SEC Security Blvd. and Brookdale
Road, 1st Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The majority zoning of this site per the 1"-200' scale zoning map #NW2-G is Business Local-Automotive Service (BL-A's) and a smaller portion of Density Residential (DR-5.5).

This site and it's uses were subject to the following zoning hearings:

Case No. 3626 is a Petition for Reclassification to BL to permit the development of a neighborhood shopping center, granted October 25, 1955 by the Zoning Commissioner;

Case No. 5582-XA permitting a filling station at the intersection of Security Blvd. and Brookdale Drive; granted July 18, 1962 by the Zoning Commissioner;

Case No. 5811-SPH dated October 15, 1963 denying a Petition for Special Hearing to modify the previously approved special exception for the filling station;

Case No. 71-215-A, granting a Petition for Variance for shopping center identification sign granted January 5, 1971 by the Zoning Commissioner;

Case No. 72-22 SPH granting a Petition for special Hearing to permit commercial parking in a residential zone granted August 13, 1971 by the Zoning Commissioner;

Case No. 73-225-R for reclassification in zoning on a portion of the property to DR-16 to permit an office building dismissed December 18, 1973 by the Deputy Zoning Commissioner;

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Case No. 84-85-SPH approving a Petition for Special Hearing to permit commercial parking in a residential zone granted October 26, 1985 by the Deputy Zoning Commissioner;

Case No. 86-80-SPH approving a Petition for Special Hearing to Amend Case No. 84-84-SPH to permit an additional entrance to Brookdale Drive granted August 30, 1985 by the Zoning Commissioner;

Case No. 86-491-A dated June 30, 1986, granting a Petition for Variance concerning the number and size of signs granted June 30, 1986 by the Zoning Commissioner;

Case No. 96-106-XA granting a Petition for Special Exception and Variances to permit certain signs in a BL zone and granting a Petition for Variance permitting 721 parking spaces in lieu of the required 911 granted November 29, 1995 by the Zoning Commissioner;

Case No. 98-310-A granting a Petition for Variance permitting 707 parking spaces in lieu of required 938 granted April 21, 1998 by the Zoning Commissioner.

All subdivision approvals, or waivers thereof, required for the existing use, and for the freestanding office buildings on the site have been granted pursuant to the following:

A plan (J.S.P.C.) apparently submitted in June, 1968

County Review Group (CRG) Plan No. I-250 dated May 16, 1984 adding a two-story building including offices and retail uses;

Development Review Committee (DRC) approval No. 09064B granting a limited exemption for the addition of a restaurant pad and drive thru lane;

DRC No. 1268H dated May 11, 1998 granting a limited exemption for certain renovations to the shopping center.

A retail shopping center, free-standing office building free standing branch bank, drive-through bank, and a service station, and the uses accessory thereto, are uses permitted in the B.L.-A.S. zone. There are no outstanding zoning or building code violations against the property. The property complies with applicable subdivision regulations, and no further steps must be taken under the subdivision regulations of Baltimore County to effect a transfer of the entire Property by the terms of the proposed

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transaction as described above. The subject property is not affected by any Special Exceptions, Variances, conditional uses or planned unit developments, other than listed above.

The mere change of ownership, without modification to the building or use, does not require the application for or issuance of a new certificate of occupancy or other permit. A transfer of ownership of the Property does not, of itself, require a new certificate of occupancy be issued or that renovations be made to the property to comply with current building, life safety or other code requirement. No new approvals are required to change the message on the existing sign provided the size, location and number of signs is unaltered. If a portion of the Property is destroyed by fire, casualty or condemnation, under the current zoning regulations and building code the Property may be reconstructed to the same status as it was immediately prior to the occurrence of such event. The Property is not in any special district or area which requires the giving of notice or disclosures prior to its transfer or which imposes any special assessment or fiscal obligation on the property owner. There are no local or special laws (other than the Americans With Disability Act, the Fair Housing Amendments Act of 1988 or other federal statute) governing the needs of the handicapped which would be applicable to the transfer of the Property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:kew

c: file

KCP/1g (2)
4/13/64

CAMPUS HOLDING COMPANY,
Plaintiff,
VS.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL AUSTIN, and
CHARLES STEINBOCK, JR.,
constituting the
County Board of Appeals
of Baltimore County,
Defendants.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket 7
Folio 320
Case No. 2889

ORDER

The above cause having come on for hearing, the Record having been considered, and argument of counsel having been heard, it is this 13th day of April, 1964, by the Circuit Court for Baltimore County:

ORDERED that the Ruling of the County Board of Appeals of Baltimore County, dated October 15, 1963, be and it hereby is reversed; and it is further

ORDERED that the Zoning Commissioner of Baltimore County be and he hereby is directed to amend his Order dated July 18, 1962, by deleting therefrom "That there shall be no entrance on Rolling Road", and by providing for reasonable access from the property involved in this case to Rolling Road, for the reasons set forth in the Opinion heretofore filed in this matter.

JUDGE

RULING

For the reasons set forth in the foregoing Opinion, it is this 15th day of October, 1963 by the County Board of Appeals, RULED that this petition should not be reopened.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

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

I HEREBY CERTIFY that a copy of the foregoing Order was mailed by me this 14th day of April, 1964, to Samuel P. Kenney, Esq., 509 Maryland Trust Building, Baltimore, Maryland 21202, Attorney for Protestants; and a copy was mailed to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Kenneth C. Proctor
Campbell Building
Towson, Maryland 21204
VA 3-1800
Attorney for Plaintiff

PROCTOR, ROYSTON
AND
MULLER
CAMPBELL BUILDING
TOWSON 4, MD
VALLEY 3-1800

PROCTOR, ROYSTON AND MULLER

KENNETH C. PROCTOR
CAMPBELL BUILDING
TOWSON 4, MARYLAND
VALLEY 3-1800
K. MITCHELL AUSTIN
K. STEINBOCK, JR.
K. KAUFMAN, JR.
K. AUSTIN
K. STEINBOCK, JR.
K. KAUFMAN, JR.

JUNIOR DEPARTMENT

April 3, 1963

Mr. John G. Rose
Zoning Commissioner
County Office Building
Baltimore 4, Maryland

Re: Petition for Special Hearing for
Campus Holding Co. - #5811-SPH

Dear Mr. Rose:

Please note an Appeal in the above captioned matter to the County Board of Appeals for Baltimore County.

Very truly yours,

Kenneth C. Proctor.

1g

RE: PETITION FOR SPECIAL HEARING
for CAMPUS HOLDING COMPANY
N/S Fairbrook Road, 36.43' west
of Rolling Road
First District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5811-SPH.

OPINION

This is a petition of the Campus Holding Company to amend the Zoning Commissioner's order of July 18, 1962 granting a special exception for a gasoline service station in which the first restriction stated: "There shall be no entrance on Rolling Road". The petitioner asks that this restriction be stricken and that they be allowed to have an entrance on Rolling Road.

Mr. Samuel Kenney, representing the protestants, contended that under Section 500.3 that the Board had no right to modify the law and under Section 500.12 that no new petition for reclassification or special exception could be entertained for a period of 18 months.

The Board considered both points raised by Mr. Kenney and felt that Section 500.3 dealt with reclassifications and was, therefore, not applicable, and that Section 500.12 dealt with new petitions in a case where a petition had been denied. In this case the Zoning Commissioner had not denied the special exception but, in fact, had granted it.

Mr. Kenney raised the question as to whether it was proper for the Board to reopen a hearing in order to amend a previous order. The Board refers to Zoning Law and Practice, Volume 1, by E. C. Yockey and, in particular, to Section 128 dealing with rehearings which states:

"A board of appeals has no right to reopen a case and set aside its former decision on the same vote of facts, since having once acted, it becomes a completed matter".

Mr. Yockey continues:

"In other words, the board of appeals, having made a factual determination, should not reopen the case since its powers have been fully and completely exercised".

Further, under Section 128 Mr. Yockey says:

"However, if new facts and evidence are alleged of a material nature regarding the same location, a new hearing may be authorized".

RE: PETITION FOR SPECIAL EXCEPTION
FOR A GASOLINE SERVICE STATION
N.S. Fairbrook Road, 36.43' W.
of Rolling Road, First District
Campus Holding Company,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5811-SPH

On July 18, 1962 the Zoning Commissioner signed a final Order in compliance with Section 500.3-a "any such reclassification when granted by the Zoning Commissioner shall in the absence of an appeal have the force and effect of law". Before preparing the aforementioned Order a long opinion and Order was prepared denying the requested special exception. However, a new plan was devised and approved by the Office of Planning and the petitioners, who are the same petitioners, in the instant case, and because of the change in the plans the Zoning Commissioner issued his Order granting two special exceptions on July 18, 1962.

On February 26, 1963, Mr. Kenneth C. Proctor, Attorney for the Campus Holding Company, petitioned the Zoning Commissioner asking that he eliminate "that there shall be no entrance on Rolling Road".

The Zoning Commissioner does not now consider this petition as proper in view of the fact that his Order of July 18, 1962 was final and that the petition is not to change some clerical error but the petition expresses a desire to change the intent of the original Order.

It is this 3rd day of April, 1963, by the Zoning Commissioner of Baltimore County ORDERED that the aforesaid petition is not a proper petition and is not acceptable to him and he will not set upon it.

Zoning Commissioner of
Baltimore County

Relying on the above stated section of Volume 1, Zoning Law and Practice, the Board asked Mr. Richard A. Reid, lawyer for the petitioner, to state what material changes he felt had occurred since July 18, 1962 which was the date of the Zoning Commissioner's order granting the special exception and restricting entrance from Rolling Road. Mr. Reid stated that there had been a change in traffic conditions due to the opening of the Baltimore County Beltway; secondly, that there had been change in plans of a contemplated shopping center adjacent to and west of the proposed gasoline service station; thirdly, that from an economical view the property could not be utilized for a gas station without entrance from Rolling Road, and further, that if the gasoline service station could not be built within a period of two years that it would expire and the petition would be denied the special exception unless he would begin a new petition for same.

The Board does not feel that the petitioner presented any new evidence of a material nature which would warrant the reopening of this case. With regard to the traffic conditions, the Beltway was opened on July 4, 1962. The petitioner had until August 17, 1962 to appeal his case if he had felt that the Zoning Commissioner had not properly considered the traffic impact of the Baltimore County Beltway. It would be inconceivable to believe that the Zoning Commissioner could have heard this case and granted a special exception and not have considered the effect of a major traffic change such as the Baltimore County Beltway.

With regard to the talk of a shopping center being constructed in 1962 and now having been postponed, this property is zoned "B-L" and it is perfectly possible that a shopping center may be begun at any time. The possibility of a shopping center existing on July 18, 1962 and still exists as of the date of this order.

With regard to economical factor and whether the land is usable for a gasoline service station without entrance from Rolling Road, nothing has been shown to the Board that any different facts exist today with regard to the economical use of the property than those which existed in July 1962 that could possibly be construed of a material nature.

With regard to the special exception expiring, Section 502.3 of the Baltimore County Zoning Regulations allows for extensions to a special exception up to a period of five years which would make it possible for this special exception to be utilized up to July, 1967. These also were the same facts that existed on July 18, 1962.

It is, therefore, the unanimous opinion of the Board of Appeals that there has been no evidence presented of a material nature which would justify the reopening of such a petition.

KCP
2/25/64

RE: PETITION FOR SPECIAL
EXCEPTION FOR A GASOLINE
SERVICE STATION
N.S. Fairbrook Road 36.43'
W. of Rolling Road,
First District -
Campus Holding Company,
Petitioner.

BEFORE THE WESTERN AREA
ZONING COMMISSIONER, HMP
OF
BALTIMORE COUNTY
No. 5811-X 3/26/63

PETITION

The Petition of Campus Holding Company, by Kenneth C. Proctor, its attorney, respectfully shows as follows:

- That a Special Exception for a Gasoline Service Station was granted in the above entitled case by Order dated July 18, 1962.
- That such Order imposed certain limitations including "That there shall be no entrance on Rolling Road".
- That your Petitioner has found that, with the limitation to which reference has just been made, it is impossible to sell or lease the property in question for a Gasoline Service Station.
- That your Petitioner attaches, as Exhibits, a description of the property in question, prepared by a Registered Engineer and Land Surveyor; also a plat of the property, prepared by a Registered Engineer and Land Surveyor, which shows proposed entrances on Rolling Road.

WHEREFORE YOUR PETITIONER PRAYS:

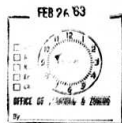
- That the Zoning Commissioner of Baltimore County may give whatever notice is required for hearing on this Petition; and

PROCTOR, ROYSTON
AND
MULLER
CAMPBELL BUILDING
TOWSON 4, MD
VALLEY 3-1800

134P
4/2/63

(b) May pass an Order amending the Order of July 18, 1962, so as to eliminate the limitation "That there shall be no entrance on Rolling Road".

Kenneth C. Proctor
Kenneth C. Proctor,
Attorney for Campus Holding Company,
Petitioner.



CHADWICK MAPS SUBMISSION
RECORDING DEPARTMENT
COUNTY HOUSE
TOWSON 4, MARYLAND

RESERVED for the same at a point on the north side of Fairbrook Road, 70 feet wide, at the beginning of the South 75° 15' 00" East, 15.43 feet line, 60 feet from the centerline of Rolling Road, 70 feet wide, as shown on the Plat of "Chadwick Manor", Section II-A, and recorded among the Land Records of Baltimore County, Maryland, in Plat Book W.J.M. 63 at Folio 3; thence binding on the aforesaid north side of Fairbrook Road the two following courses and distances: (1) South 75° 15' 00" East, 15.43 feet; (2) Southwesterly along a curve to the left, having a radius of 725.63 feet, for a distance of 113.57 feet; thence running through the second tract of the land conveyed by a Deed dated May 8, 1959 from Altamont Gardens, Inc. to Ralph D. Chittre as recorded among the aforesaid Land Records the four (4) following courses and distances: (1) North 10° 04' 00" East, 170.05 feet; (2) North 75° 15' 00" East, 170.05 feet; (3) South 14° 14' 00" East, 15.11 feet; (4) South 17° 35' 25" East, 64.02 feet to the outline of the aforesaid Plat of "Chadwick Manor", Section II-A; thence binding thereon the two following courses and distances: (1) South 17° 35' 25" East, 34.60 feet; (2) South 03° 49' 28" West, 35.23 feet to the point of BEGINNING.

Containing 0.642 acres of land, more or less.

The courses in the above description are referred to Town North as established by the Baltimore County Metropolitan District.

Kenneth A. McLeod
Kenneth A. McLeod
Registered Engineer and Land Surveyor
No. 1291
Whitman, Squardt & Associates
Baltimore, Maryland



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Date of Posting: 3-15-63
Posted for: *Robert C. Proctor, Attorney for Campus Holding Company*
Petitioner: *Campus Holding Co.*
Location of property: *175 ft. of Rolling Road, 70 ft. wide, at the beginning of the South 75° 15' 00" East, 15.43 feet line, 60 feet from the centerline of Rolling Road.*
Location of Sign: *Corner of Fairbrook & Rolling Road*
Remarks: *See map of Chadwick Manor, Section II-A.*
Posted by: *J. H. Proctor* Date of return: *March 21, 1963*

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 19, 1963
THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of 06 successive weeks before the 3rd day of April, 1963, the first publication appearing on the 14th day of March 1963.

THE TIMES
Manager:
John M. March
Cost of Advertisement \$ 50.00
Purchase Order # 5809
Requestion No. M 8209

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

To: *Proctor, Rayston & Mueller*
Campbell Building
Towson 4, Maryland

BILLED BY: *County Board of Appeals (Zoning)*

REPORT TO ACCOUNT NO. 01.712

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of Certified Documents - No. 5811-Sp.H. Campus Holding Company N/S Fairbrook Road, 36.43' West of Rolling Road 1st District	\$6.00
103163 5964		6.00

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

To: *Proctor, Rayston & Mueller*
Campbell Building
Towson 4, Maryland

BILLED BY: *Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.*

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of appeal in matter of petition of Campus Holding Co. No. 5811-Sp.H.	\$35.00
4-1963 7342		35.00

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

To: *Cash*

BILLED BY: *Zoning Department of Baltimore Co.*

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Petition for Special Hearing for Campus Holding Co.	\$25.00
2-2663 6019		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

To: *Proctor, Rayston & Mueller*
Campbell Building
Towson 4, Md.

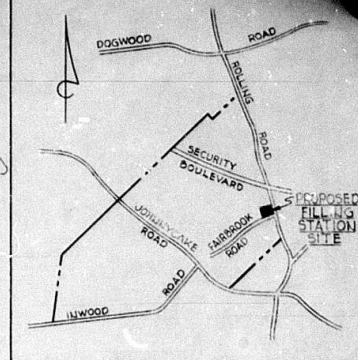
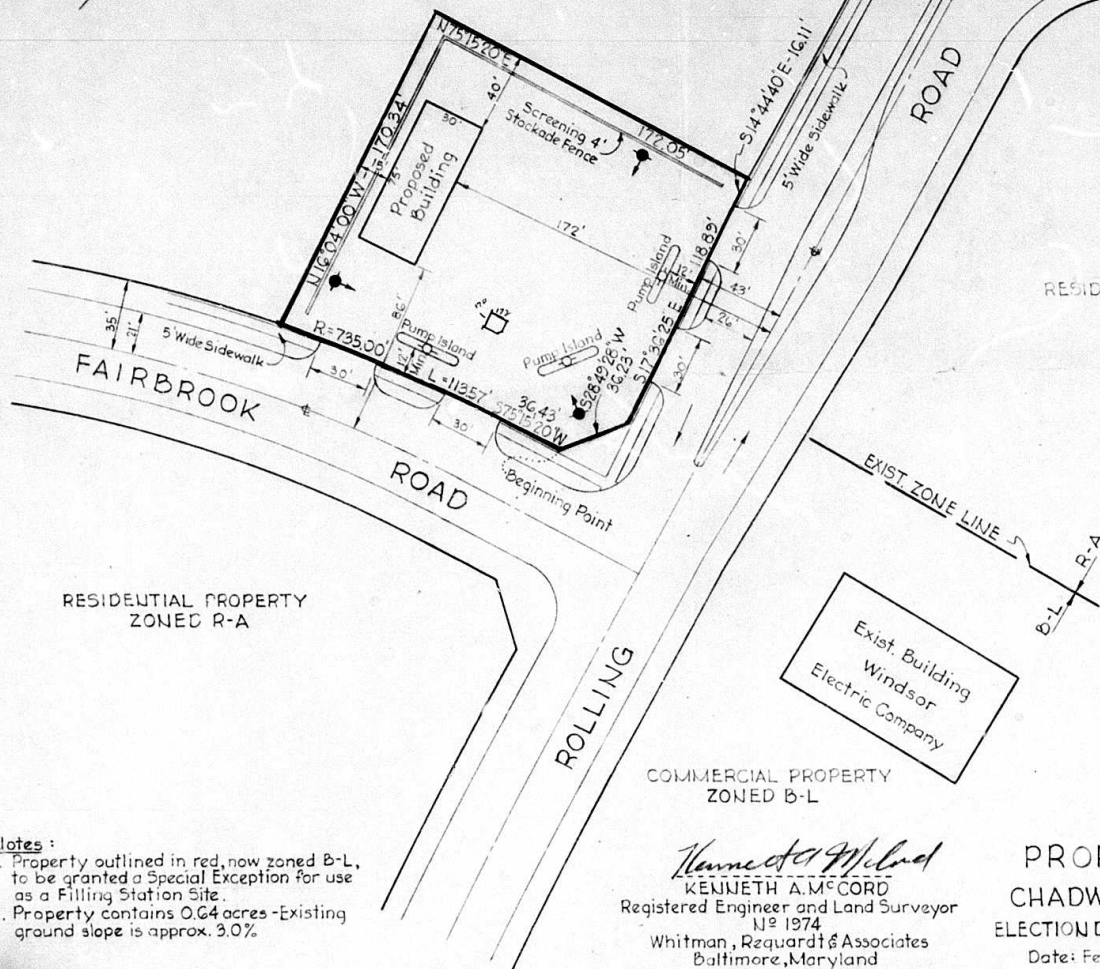
BILLED BY: *Zoning Department of Baltimore County*

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property for Campus Holding Co.	\$7.00
3-2663 6008		7.00

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.

PROPOSED CHADWICK MANOR SHOPPING CENTER
COMMERCIAL PROPERTY
ZONED B-L



VICINITY MAP
Scale: 1" = 2000'

RESIDENTIAL PROPERTY
ZONED R-A

RESIDENTIAL PROPERTY
ZONED R-A

LEGEND

- LIGHT STANDARD AND DIRECTION OF LIGHT (15' HIGH)
- LIGHT STANDARD - LIGHT DIRECTED TOWARD GROUND (12' HIGH)

#5811-SPH.

WESTERN AREA
MAP
SEC. 2-B

ZONING PLAT

for

PROPOSED FILLING STATION
CHADWICK MANOR SUBDIVISION
ELECTION DISTRICT N^o 1, BALTIMORE COUNTY, MARYLAND

Date: Feb. 14, 1963

Scale: 1" = 50'

Notes:

1. Property outlined in red, now zoned B-L, to be granted a Special Exception for use as a Filling Station Site.
2. Property contains 0.64 acres - Existing ground slope is approx. 3.0%

Kenneth A. McCord
KENNETH A. McCORD
Registered Engineer and Land Surveyor
N^o 1974
Whitman, Reardon & Associates
Baltimore, Maryland

