

CHARLES CRANE
and
LEON A. CRANE
and
EXETER REALTY, INC.,
a body corporate
vs.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

PETITION OF APPEAL

The Petition of Appeal of Charles Crane, Leon A. Crane and Exeter Realty, Inc., a body corporate, respectfully represents:

(1) This is an appeal from the action of the County Board of Appeals of Baltimore County in granting reclassification from "R-6" to "R-A" zone of that portion of the property of Isadore Gudelsky designated as "Parcel B" and as described in the record and proceedings before the said County Board of Appeals.

(2) That the County Board of Appeals misapplied the law and mis- construed the facts and evidence and erred in finding that said reclassification should have been granted.

(3) That the action of the County Board of Appeals in granting the said reclassification of "Parcel B" as described in these proceedings is inconsistent with and necessarily contradictory to the action of the Zoning Authorities of Baltimore County upon the petition of Exeter Realty, Inc. for reclassification of the property of Exeter Realty, Inc. located across the street from the tract which is the subject matter of the Gudelsky petition.

(4) That the action of the County Board of Appeals in granting the reclassification of "Parcel B" as described in these proceedings was arbitrary, capricious and illegal in view of the action of the Zoning Authorities of Baltimore County in regard to the aforementioned petition of Exeter Realty, Inc.

- (5) That the Board erred in its ruling on the admissibility of evidence.
(6) That the Appellants are informed and, therefore, aver that the Petitioner, Isadore Gudelsky, died prior to the hearing on appeal and the said petition was therefore moot at the time of appeal and should have been dismissed.
(7) And for such other and further reasons as may be assigned at the hearing hereon.

George B. Johns
104 Jefferson Building
Towson, Maryland 21204
Va 3 6200
Attorney for Appellants

I hereby certify that copy of the foregoing Petition for Appeal was served upon the County Board of Appeals of Baltimore County by leaving a copy with the Secretary of said Board at its office in the County Office Building, Towson 4, Maryland, and to Ernest C. Trimble, Esq., Jefferson Building, Towson 4, Maryland, Attorney for Petitioner, this 9th day of February, 1965.

George B. Johns
Attorney for Appellants

Service of copy of the foregoing Petition for Appeal received this _____ day of February, 1965.

County Board of Appeals for Baltimore County

by _____ Secretary

CHARLES CRANE
AND
LEON A. CRANE
and
EXETER REALTY, INC.,
a body corporate
vs.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

APPEAL

Mr. Clerk:

Please note an appeal on behalf of Charles Crane, Leon A. Crane, and Exeter Realty, Inc., a body corporate, from the decision, opinion and Order of the County Board of Appeals of Baltimore County passed the 12th day of January, 1965, in the matter of "Petition for Reclassification" Parcel A from an "R-6" zone to a "B-L" zone, Parcel B from an "R-6" zone to an "R-A" zone, south side Joppa Road and northwest side Belair Road, 1830' from the intersection of Belair and Joppa Roads, 11th District, Isadore Gudelsky, Petitioner - # 63-102-R.

George Barrett Johns
104 Jefferson Building
Towson 4, Maryland Va 3 6200
Attorney for Appellants

I hereby certify that a copy of the foregoing Appeal was, prior to the filing thereof, served upon the County Board of Appeals of Baltimore County by leaving a copy of said Order for Appeal in the office of said Board, Baltimore County Office Building, Towson 4, Maryland, and mailing copy thereof this _____ day of February, 1965 to Ernest C. Trimble, Esq., Jefferson Building, Towson 4, Maryland, Attorney for Petitioner.

George Barrett Johns
Attorney for Appellants

RE: PETITION FOR RECLASSIFICATION
Parcel A - from an "R-6" Zone to
a "B-L" Zone,
Parcel B - from an "R-6" Zone to
an "R-A" Zone,
S/S Joppa Road & NW/S of Belair Road,
1830' SW from the intersection of
Belair and Joppa Roads,
11th District
Isadore Gudelsky, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 63-102-R

OPINION

The instant hearing arose as a result of a petition by Isadore Gudelsky to rezone a fifty-seven (57) acre tract of ground located in the Eleventh District of Baltimore County. The subject tract is located on Belair Road near its intersection with Joppa Road. It consists of two parcels of ground labeled Parcel A which requests a "B-L" (Business Local) classification consisting of 20.09 acres. Parcel B has a gross acreage of 40.25 acres and the request is for apartment zoning.

Parcel A has a large frontage on Belair Road wherein the petitioner proposes to erect a local shopping center with parking spaces for 1199 cars. Parcel B fronts on Joppa Road and the petitioner proposes to erect 510 garden-type units.

Belair Road can best be described as a usable four-lane major artery connecting Belair, Maryland and Baltimore City. Testimony indicated and personal inspection revealed that it is a rolling hilly highway dotted with a combination of residential and commercial uses. The road crests at a point located near the southwest portion of the subject property. It would appear to the Board that a vehicle travelling in a northeasterly direction within the legal speed limit on Belair Road would have some difficulty in controlling his vehicle if another vehicle were to enter the road from the proposed shopping center. On the other hand, Joppa Road is a major connector road running east and west, and intersecting with Belair Road near the subject property. Testimony indicated that this road is operating at a reduced traffic flow since the advent of the Baltimore County Beltway, and the Board finds, from personal inspection, that it appears at this time to mainly service residences located along its route.

The Baltimore County Department of Planning, through Mr. George E. Govella, testified that they were in favor of the proposed apartment zoning but were not in favor of the proposed business-local zoning. Mr. Govella testified that, in his opinion, there was a genuine need for apartments in this area, and that no provisions were made for rental housing when the map was adopted. Conversely, he was not in favor of the granting of the business-local zoning on Parcel A since there appeared to be adequate provisions for shopping facilities in the neighborhood to date. Testimony by additional witnesses tended

to substantiate this position.

The Board is satisfied that the facilities of the area are capable of sustaining the proposed apartment use and finds, as a matter of fact, that there is change and error present in this case. The Board does not, however, feel that the granting of the business-local zoning at this time would be advisable due to the particular grade of Belair Road at this point and the fact that there is adequate commercial property in the area at the present time. We, therefore, grant the petitioner's request for "R-A" zoning on Parcel B, and deny the petitioner's request for business-local zoning on Parcel A.

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ day of January, 1965 by the County Board of Appeals, ORDERED that the reclassification on Parcel B petitioned for, be and the same is hereby granted, and that the reclassification on Parcel A petitioned for, be and the same is hereby denied.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

G. Mitchell Austin, Chairman

W. Gilles Parker

William S. Baldwin

Service of copy of the foregoing Order for Appeal received this _____ day of February, 1965.
County Board of Appeals for Baltimore County
by _____ Secretary

TRIMBLE & ALDERMAN
ATTORNEYS AT LAW
JEFFERSON BUILDING
COURT HOUSE SQUARE
TOWSON 4, MARYLAND

TELEPHONE
639-9814

December 27, 1963

Mr. John G. Ross, Zoning Commissioner,
County Office Building,
Towson, Maryland 21204

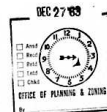
RE: PETITION FOR RECLASSIFICATION
from R-6 to R-A and B-L Zones
S/S Joppa Road and NW/S of Belair Road
11th District-Isadore Gudelsky-Petitioner
Case No. 63-102-R

Dear Mr. Ross:

Please enter an appeal, on behalf of Petitioner, from the Order of Edward D. Hardisty, Deputy Zoning Commissioner dated November 29th, 1963, denying that portion of the Petition filed in the above referenced matter pertaining to Parcel "A" - i.e., a Petition for reclassification of Parcel "A" from R-6 to B-L.

Very truly yours,

Ernest C. Trimble
Attorney for Petitioner



WILLIAM S. BALDWIN
301 N. HANCOCK
RICHARD C. HARRISON
RICHARD C. HARRISON
RICHARD C. HARRISON
RICHARD C. HARRISON
RICHARD C. HARRISON

LAW OFFICES
SMITH AND HARRISON

THE JEFFERSON BLDG
TOWSON 4, MARYLAND

December 27, 1963

John G. Ross, Esq.
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from R-6 to R-A and B-L Zones - S/S Joppa Road & NW/S of Belair Road - 11th District - Isadore Gudelsky - Petitioner Case No. 63-102-R

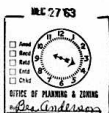
Dear Mr. Ross:

Please enter an appeal in the above referenced case to the County Board of Appeals of Baltimore County from the decision and Order of Edward D. Hardisty, Deputy Zoning Commissioner dated the 29th day of November, 1963, granting the reclassification petitioned for of the property described in said order as parcel "B" from an R-6 zone to an R-A zone.

Very truly yours,
SMITH AND HARRISON

Michael Paul Smith
Attorneys for Petitioner

mps/b



RE: PETITION FOR RECLASSIFICATION
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 63-102-R

The petitioner's property is situated on the South side of Joppa Road and the Northwest side of Belair Road, approximately 1500' from the intersection of Belair and Joppa Roads and, has divided the property into the parcels: Parcel "A" consisting of 19 acres and bordering on Belair Road and Parcel "B" consisting of 36 acres bordering on Joppa Road. A request has been made to reclassify Parcel "A" from R-6 to R-4 and Parcel "B" from R-6 to R-4.

The petitioner desires to develop Parcel "A" as a regional shopping center and Parcel "B" as a garden type apartment project consisting of 510 units. There would be sufficient offstreet parking to accommodate all vehicles and proper screening would also be provided.

Testimony produced described the subject tract as being literally divided by a stream. If the land were to be developed, the stream would be covered so that it would not be visible. Although sewerage is not available, there was testimony from Mr. Lester M. S., consulting engineer, that the White Marsh Interceptor would be in operation in approximately a year's time and that any sewerage incidental to the subject tract would be connected with the White Marsh Interceptor.

There was additional testimony from the petitioner's witnesses that after the stream across the property has been covered over that traffic would be routed through the property from either Joppa or Belair Roads and that any development to be made of the land would have access and ingress to both of these main arteries.

There was additional evidence produced by the petitioner's witnesses that the immediate area of Joppa and Belair Roads southwards to Link Avenue over the years has under gone numerous changes in use. For example, approximately 500' North of subject property bordering on Joppa Road are now numerous used car lots, miniature golf courses, drive-in dairy stores and restaurants, etc. On Belair Road, in the immediate vicinity of subject tract, there are now in existence numerous commercial enterprises consisting of a tavern, clothing store, beauty shop, florist, etc.

Although the petitioner's witnesses testified there were plans for developing Parcel "A" as a shopping center, there was abundant testimony from the persons residing in the immediate area that the neighborhood has sufficient commercial outlets to accommodate their needs. The petitioner's testimony in substance was that there is no need for any other type of business and that to allow another shopping center in this location would further depreciate the property values of their homes.

There has been no contention made or proof submitted that Parcel "A" and Parcel "B" are absolutely unfit for residential development. As a practical matter, both parcels could be used for residential development.

Both Bernard Willenson, Consultant and Planner, employed by the petitioner and George Kavelly, Deputy Director of Planning for Baltimore County, agreed the original zoning map for the 11th District made no provision for apartment development in this immediate area and made no provision for apartment development in this vicinity. Both felt there was a great need for some rental housing in this vicinity.

Mr. Kavelly also indicated in his testimony there was a distinct probability the new zoning map for the 11th District (the map is not yet completed for the entire district) would designate Parcel "A" for apartment zoning.

In conclusion, there appears to be a great need for apartment house development in this area and absolutely no need for additional commercial outlets. Therefore, it would seem most appropriate and logical to grant R-4 zoning to Parcel "A" and R-6 zoning to Parcel "B". If at sometime in the future Parcel "A" should be not used for further apartment development and designated as such on the new zoning map to be adopted for the 11th District, then this would be in effect a compliment to Parcel "B" for apartments.

For the foregoing reasons, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of May, 1963, that the above reclassification for Parcel "A" be and the same is hereby ORDERED and that the above described property be and the same is hereby continued as and to remain an R-6 Zone, and it is further ORDERED that Parcel "B" should be and the same is hereby reclassified from an R-6 Zone to an R-4 Zone from and after the date of this order subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardisty
Deputy Zoning Commissioner of Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Isidore Gudelsky, legal owner of the property situated in Baltimore County and 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-4 zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for apartments.

Error in original zoning and changes in the character of the neighborhood warrant the requested reclassification and for other sufficient reasons to be assigned at a hearing hereof.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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 County.

Contract purchaser Isidore Gudelsky Legal Owner
Address Isidore Gudelsky, Md
Ernest C. Trimble, Petitioner's Attorney
Address 404 Jefferson Building
Townson 4, Maryland, VA 5-5512

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of May, 1963, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in newspapers 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, County Office Building in Towson, Baltimore County, on the 25th day of May, 1963, at 10:00 o'clock.

10:00 A
4/4/63
10:00 A
4/4/63

OFFICE OF PLANNING & ZONING
(over)

CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore 18, Maryland
10444 2-1080
DESCRIPTION
PART OF GUDELSKY TRACT, BELAIR ROAD NEAR
JOPPA ROAD, ELEVENTH ELECTION DISTRICT,
BALTIMORE COUNTY, MD.
Present Zoning: R-6
Proposed Zoning: R-4
Parcel "A"

Beginning for the same at a point in the center line of Belair Road, as called for in the deed from John Salmon and wife to Abraham Gudelsky, dated January 21, 1913 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 405, Folio 359, said point of beginning being at the distance of 1830 feet, more or less, as measured southwesterly along said center line of Belair Road, from a point opposite the intersection of the northwest side of said Belair Road and the south side of Joppa Road, said intersection being shown on the Plat of "Bel-Joppa Park" recorded among said Land Records in Plat Book L. McL. M. No. 9, Folio 40, and running thence, binding on said center line of Belair Road, and binding reversely on the fifth, fourth and third lines of the deed herein referred to, the three following courses and distances: (1) S. 45° 45' W., 701.25 feet, (2) S. 46° 15' W., 231.00 feet, and (3) S. 45° 45' W., 627.00 feet to the north side of the road, thirty-three feet wide, called for in said deed, thence leaving said Belair Road and binding reversely on a part of the second

line of said deed and on the north side of said road, (4) N. 71° 30' W., 980 feet, more or less, to a stream in the center of a stream of said stream, (5) easterly and northeasterly 2170 feet, more or less, to a point in the sixth line of the deed herein referred to, and thence, binding on a part thereof, (6) S. 44° 45' E., 420 feet, more or less, to the place of beginning.

Saving and excepting from the land herein described that part thereof that lies within the outlines of the land described in the deed from Ida Gudelsky and others to Bankers Trust Company, and Baltimore Gas and Electric Company, dated July 5, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3193, Folio 121.

10:00 A
4/4/63
10:00 A
4/4/63

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection & Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 22025
DATE 3/3/63
To: Isidore Gudelsky & Son, Inc.
Jefferson Building
Towson 4, Md.
Office of Planning & Zoning
129 County Office Bldg.
Towson 4, Maryland
REPAY TO ACCOUNT NO. 63-102
QUANTITY: 1 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
TOTAL AMOUNT: 70.00
COST: 70.00
APPROVAL: Isidore Gudelsky & Son, Inc. - No. 63-102-R
PAID - Baltimore County, Md. - Office of Finance
1-31-63 8:25 • • • TIL - 70.00
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.

CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore 18, Maryland
10444 2-1080
Page Two

line of said deed and on the north side of said road, (4) N. 71° 30' W., 980 feet, more or less, to a stream in the center of a stream of said stream, (5) easterly and northeasterly 2170 feet, more or less, to a point in the sixth line of the deed herein referred to, and thence, binding on a part thereof, (6) S. 44° 45' E., 420 feet, more or less, to the place of beginning.

Saving and excepting from the land herein described that part thereof that lies within the outlines of the land described in the deed from Ida Gudelsky and others to Bankers Trust Company, and Baltimore Gas and Electric Company, dated July 5, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3193, Folio 121.

HGW:abr J. O. #60136
6/5/63

CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore 18, Maryland
10444 2-1080
Page Two

PART OF GUDELSKY TRACT, JOPPA ROAD NEAR
BELAIR ROAD, ELEVENTH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND
Present Zoning: R-6
Proposed Zoning: R-4
Parcel "B"

Beginning for the same at a point in the sixth line of the land which by deed dated January 21, 1913 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 405, Folio 359 was conveyed by John Salmon and wife to Abraham Gudelsky, at the distance of 420 feet, more or less, as measured along said line, from the beginning thereof, and from a point in the center line of Belair Road, said last mentioned point being at the distance of 1830 feet, more or less, as measured southwesterly along said center line of Belair Road from a point opposite the intersection of the northwest side of said Belair Road and the south side of Joppa Road, said intersection being shown on the Plat of "Bel-Joppa Park" recorded among said Land Records in Plat Book L. McL. M. No. 9, Folio 40, said point of beginning being in the center of a stream there situated, and running thence, binding on a part of said sixth line, (1) N. 44° 45' W., 652.50 feet, more or less, to the end of said sixth line and to a point in the center line of Joppa Road, thence binding on the outlines



CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
2129 N. Charles St., Baltimore 18, Maryland
10444 2-1080
Page Two

of said land and on the center line of said Joppa Road the right following courses and distances: (2) S. 68° 15' W., 244.20 feet, (3) S. 69° 30' W., 231.00 feet, (4) S. 64° 15' W., 165.00 feet, (5) S. 53° 00' W., 528.00 feet, (6) S. 65° 00' W., 349.80 feet, (7) S. 66° 30' W., 198.00 feet, (8) S. 71° 30' W., 132.00 feet, and (9) S. 81° 30' W., 62.50 feet, thence leaving the center line of said Joppa Road and still binding on the outlines of the land herein mentioned, the two following courses and distances: (10) S. 63° 00' E., 132.00 feet, and (11) S. 62° 00' W., 627.00 feet to the end of the first line of said land and to the north side of the road, thirty-three feet wide, called for in said deed, thence binding on a part of the second line of said land and on the north side of said road, (12) S. 71° 30' E., 872.95 feet, more or less, to a point in the center of the stream herein referred to, and thence along the center of said stream, (13) easterly and northeasterly 2170 feet, more or less, to the place of beginning.

Saving and excepting from the land herein described that part thereof that lies within the outlines of the land described in the deed from Ida Gudelsky and others to Bankers Trust Company, and Baltimore Gas and Electric Company, dated July 5, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3193, Folio 121.

HGW:abr J. O. #60136
6/5/63



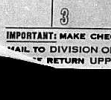
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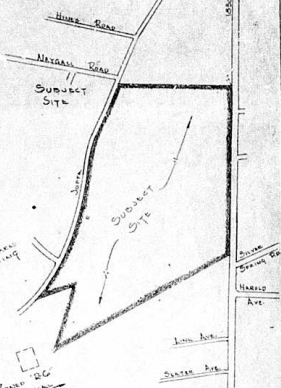
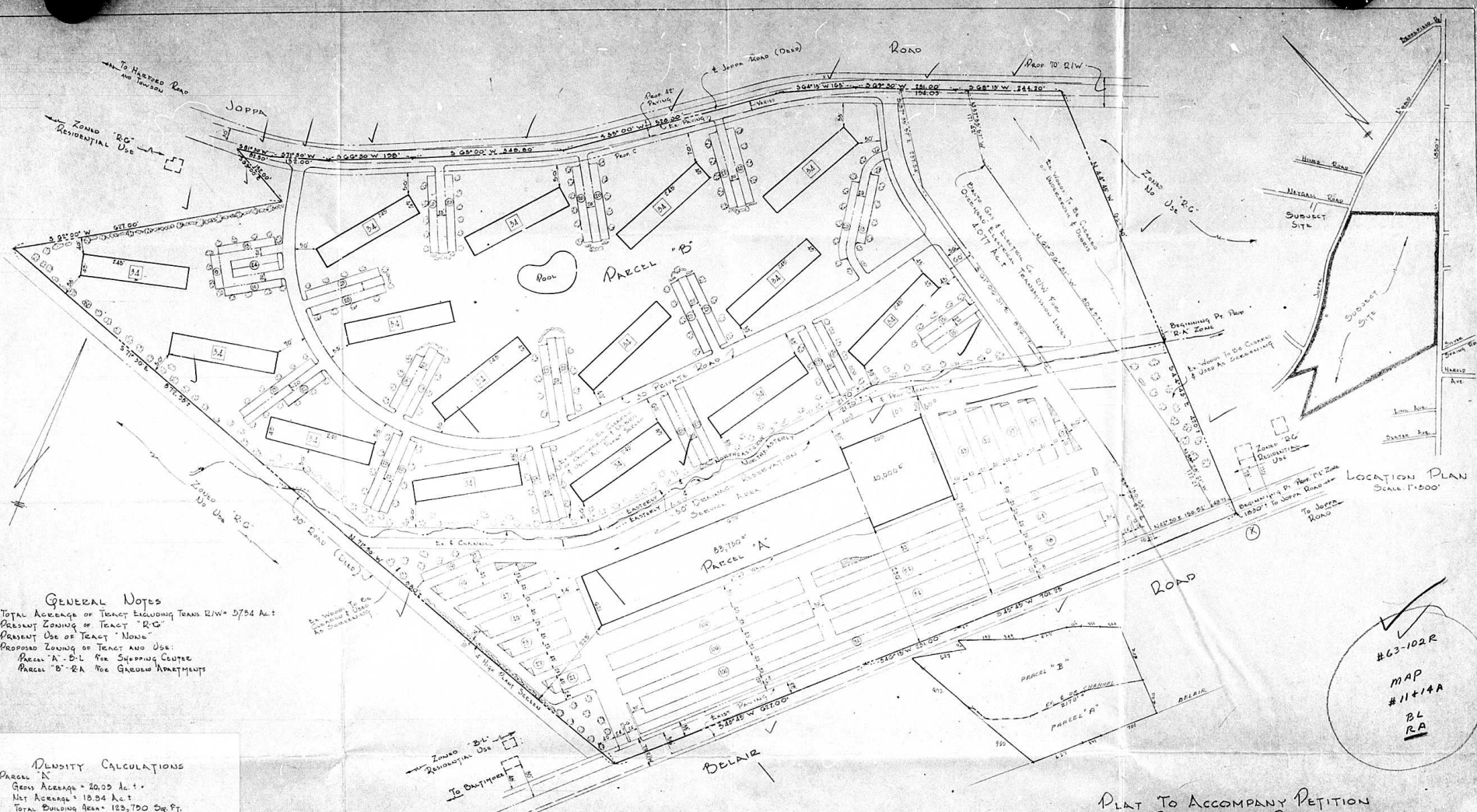
PART OF GUDELSKY TRACT, JOPPA ROAD NEAR
BELAIR ROAD, ELEVENTH ELECTION DISTRICT,
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Present Zoning: R-6
Proposed Zoning: R-4
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HGW:abr J. O. #60136
6/5/63





GENERAL NOTES

1. TOTAL AREA OF TRACT INCLUDING TRACT R/W = 5794 AC.
2. PROPOSED ZONING OF TRACT "R-2"
3. PROPOSED USE OF TRACT "MIXED"
4. PROPOSED ZONING OF TRACT AND USE:
Parcel "A" - B-1 For Shopping Center
Parcel "B" - RA For Medium Apartments

DENSITY CALCULATIONS

Parcel "A"
 Gross Acreage = 20.55 AC.
 Net Acreage = 19.24 AC.
 Total Building Area = 123,700 Sq. Ft.
 Required Parking (0.20) = 619 Units
 Proposed Parking (0.20) = 1193 Units

Parcel "B"
 Gross Acreage = 40.35 AC.
 Net Acreage = 37.88 AC.
 Gross Density = 644 Units
 Net Density = 681 Units
 Apartment Units Shown = 510 Units
 Required Parking (0.20) = 510 Units
 Proposed Parking (0.20) = 330 Units



**PLAN TO ACCOMPANY PETITION
 FOR REZONING OF PROPERTY
 VICINITY
 BELAIR ROAD 1830 SOUTH OF JOPPA RD.
 ELECTION DISTRICT NO. 11 BALTIMORE COUNTY, MD
 SCALE: 1"=100'
 JUNE 20, 1965**

✓
 #63-102R
 MAP
 #11+1A
 BL
 RA

MATZ CHILDS & ASSOC.
 2125 NORTH CHARLES STREET
 BALTIMORE 18, MARYLAND