

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

THE SWARTHMORE COMPANY, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition(s) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-10 zone to an

1. Since adoption of the zoning map for the area, the character and conditions in the neighborhood of the subject property have so changed that a reclassification of the premises from an R-10 to a B.L. zone is justified appropriate and, in fact, required under proper zoning standards and principles.
2. The property is situate on the northwest corner of Putty Hill and Goucher Boulevard, major and heavily travelled highways, installed after adoption of the zoning map for the area, which location is entirely unsuitable for residential use.

See Attached Description

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

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

I, or we, agree to pay expenses of above re-classification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE SWARTHMORE COMPANY

By: *William Adelson*
President Legal Owner

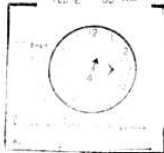
Address: *1035 Maryland National Bank Bldg.*
Baltimore, Maryland 21202

M. William Adelson
Petitioner's Attorney

Address: 1035 Maryland National Bank Bldg.
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day

of February, 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two 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 13th day of March, 1968, at 11:00 o'clock A.M.



Zoning Commissioner of Baltimore County

COMMITMENT OF SERVICE

I HEREBY CERTIFY that copy of the foregoing Petition and Order thereon, was this 17th day of May, 1968, mailed to Power and Mounier, 21 W. Susquehanna Avenue, Towson, Maryland 21204, Attorneys for Appellants, and The County Board of Appeals, County Office Building, Towson, Maryland 21204, designated Appellee.

M. William Adelson
M. William Adelson
Attorney for Petitioner

Description Lot #1 Section Three
to Accompany Rezoning Petition
Loch Raven Manor

January 4, 1965

Beginning for the same at the intersection formed by the seventh or North 23° 38' 33" East 2,221.23 foot line of a deed from The Hospital for Consumptives of Maryland to the Swarthmore Company dated May 10, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2694 folio 312 and the north side of Putty Hill Road, 70 feet wide, and running thence binding on part of said seventh line North 23° 38' 33" East 563.95 feet to the west side of Goucher Boulevard 110 feet wide, thence southerly binding on the west side of said Goucher Boulevard the two following courses and distances, viz: first along a curve to the right with a radius of 1,855.00 feet for an arc distance of 131.54 feet, said curve being subtended by a chord bearing South 6° 21' 04" East 131.53 feet, and second South 4° 19' 10" East 291.68 feet, thence South 40° 40' 50" West 106.07 feet to the north side of said Putty Hill Road, thence binding on the north side of said Putty Hill Road South 85° 40' 50" West 194.10 feet to the place of beginning.

Containing 1.51 acres of land more or less.

Being designated as Lot #1 as shown on a plat entitled: "Section Three, Loch Raven Manor" dated September 1956 and recorded among the Plat Records of Baltimore County in Plat Book #23 folio #122.

RE: PETITION FOR RECLASSIFICATION :
from an R-10 zone to a B.L. zone
and SPECIAL EXCEPTION for a
Filling Station
NW corner Putty Hill Road and
Goucher Boulevard,
9th District
The Swarthmore Company,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-240-RX

OPINION

The petitioner in this case requests a reclassification from R-10 to a B.L. zone for a one and one-half acre parcel of ground situated at the northwest corner of Goucher Boulevard and Putty Hill Road, in the Ninth Election District of Baltimore County. The original petition requested, in addition to the reclassification to a B.L. zone, a special exception for the construction of a gasoline service station. At the hearing before the Board the petitioner withdrew his request for a special exception for a gasoline service station, and now requests only the reclassification from R-10 to B.L.

The parcel of land is triangular in shape and is the last remaining undeveloped or uncommitted land in the area. Northeastly, across Goucher Boulevard, is the Eudowood Shopping Center. Westerly from the subject property is the Courthouse Square apartment complex, a five hundred unit apartment project which was the subject of zoning petition #65-22-RA. South of the subject property, across Putty Hill Road, is another apartment complex known as the Fellowship Forest Apartments which was the subject of rezoning petition #63-133-RA. Easterly, across the intersection of Putty Hill Road and Goucher Boulevard, is a large tract of land that is occupied by the Calvert Hall High School.

Testimony of the petitioner indicated that this one and one-half acre parcel is the last remaining parcel of a one hundred and fifty acre tract purchased from the Hospital for Consumptives in 1954. The balance of the property purchased from the hospital by the petitioner has all been developed, primarily in the large shopping center known as Eudowood Plaza. The petitioner further testified that, in his opinion, the property could not feasibly be developed in its R-10 classification, and that it could not be developed in an R-A classification as is the contiguous property to the west, because of the small size of the lot it cannot be economically developed in an apartment complex.

The various expert witnesses appearing on behalf of the petitioner testified to numerous changes in the character of the neighborhood since the adoption of the zoning map in 1955. An engineer testified to the drastic utility changes in the area that had been referred to in case #65-156, a fifteen acre parcel of land reclassified by the Board

JOHN I. BARNES and
MADELAINE G. BARNES, et al.
vs.
WILLIAM S. BALDWIN, Chairman
JOHN A. SLOWIK and
JOHN A. MILLER
Constituting the COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. Docket No. 8
Folio No. 310
File No. 3965

PETITION TO INTERVENE IN APPEAL FROM THE DECISION OF THE COUNTY BOARD OF APPEALS

The Petition of THE SWARTHMORE COMPANY, a body corporate of the State of Maryland, respectfully represents unto Your Honor:

1. That the Petitioner is the owner of the property involved in this Appeal and the successful Petitioner of record in the proceedings before the County Board of Appeals of Baltimore County.
2. That the Petitioner has a direct and immediate interest in the subject matter of the Appeal herein, which interest is sought to be adversely affected by these proceedings, to its special harm and damage, and it is, therefore, desirous of intervening in these proceedings, as a party Appellee, to protect its direct and immediate interest therein.

WHEREFORE the Petitioner respectfully prays that an Order be passed by this Honorable Court permitting it to intervene in these proceedings as a party Appellee.

M. William Adelson
M. William Adelson
1035 Maryland National Bank Bldg.
Baltimore, Maryland 21202
Plaza 2-6682
Attorney for Petitioner

The Swarthmore Company - #65-240-RX

In October of 1965, the reclassification having been affirmed by the Court of Appeals of Maryland in Bosley vs. Hospital for Consumptives, 246 Md. 197. There was convincing testimony given that commercial zoning here would in no way congest the streets in the neighborhood. A well qualified land planner testifying for the petitioner stated that, in his opinion, the present R-10 zoning is incorrect in that the parcel has no practical use, and that the petitioner had tried to effect a land swap with the Hospital for Consumptives to make the property lines of the two ownerships coincide with the road pattern, however, he was unsuccessful. He further testified that the Business Local zoning would not be detrimental to the health, safety, or general welfare of the community, and cited numerous reclassifications in the area (see petitioner's exhibit #5) that in his opinion justified the requested reclassification.

George E. Gavellis, Director of Planning for Baltimore County, opposed the petition in that he did not feel that the B.L. zoning requested is appropriate. However, he did agree that in view of the changing conditions in the neighborhood the existing R-10 zoning on the property is not appropriate. The question left for the Board to decide, therefore, seems to be solely whether the appropriate zoning to be placed on the property should be R-A or B.L.

The protestants generally opposed any further commercial zoning in the neighborhood. However, due to the very small size of the parcel and its separation from the Fellowship Forest development by recently constructed apartment projects, the Board feels that the granting of B.L. zoning here would not in any way adversely affect or depreciate the very fine residential development of Fellowship Forest which is south of Hillen Road. Further, that since there is no other vacant land in the immediate vicinity, the Board does not see any way that the granting of commercial zoning here could lead to further requests for additional commercial zoning. It is apparent from the testimony, that the present R-10 zoning on the property is incorrect in view of the many changes in the neighborhood since 1955, and the Board also finds from the testimony presented that the proper classification for the subject parcel is Business Local.

ORDER

Upon the foregoing Petition, it is hereby ORDERED by the Circuit Court for Baltimore County, this 17th day of May, 1968, that the Petitioner, THE SWARTHMORE COMPANY, be and it is hereby permitted to intervene in these proceedings as a party Appellee.

Judge

The Swarthmore Company - #65-240-RX

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of April, 1968 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED, subject to site plan approval by the Department of Planning and Zoning, Bureau of Public Services, and State Roads Commission.

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

William S. Baldwin, Chairman

John A. Slowik

John A. Miller

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of.....

the above Reclassification should be had; and it further appearing that by reason of.....

a Special Exception for a.....should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this.....day of.....196....., that the herein described property or area should be and the same is hereby reclassified; from a.....zone to a.....zone, and or a Special Exception for a.....should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....the petitioner having failed to prove error on the Land Use Map adopted by the County Council or that sufficient change had taken place in the area to warrant the rezoning and special exemption for a filling station, the reclassification should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this.....day of.....March.....1965....., that the above reclassification should be and the same is DENIED and that the above described property or area be and the same is hereby continued as and to remain a.....R-10.....zone; and or the Special Exception for.....Filling Station.....be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

JOHN I. BARNES AND
MADELAINE G. BARNES, et al.

Appellants

vs.

WILLIAM S. BALDWIN, CHAIRMAN
JOHN A. SLOWIK and
JOHN A. MILLER,
CONSTITUTING THE COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY

Appellees

and
THE SWARTHMORE COMPANY, a
body corporate,

Intervening
Appellee

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Misc. Dkt. 8
Folio 310
File No. 3965

INTERVENING APPELLEE'S MEMORANDUM IN SUPPORT
OF ACTION OF COUNTY BOARD OF APPEALS

This case is unique in that both sides agree that changes have occurred in the area, since adoption of the 9th District Zoning Map on November 14, 1955 (T. 5), which require reclassification of the small (1½ acre) unimproved tract of R. 10 land, located at the northwest corner of Goucher Boulevard and Putty Hill Road (T. 7, 9), which is involved in this appeal. The Appellants accept change in the area as a matter of law at pages 4 and 6 of their Memo, based on their own analysis of the decision of the Court of Appeals in Bosley v. Hospital, 246 Md. 197 (1967). In the Bosley case, the Court upheld the Board's creation, in the same area here involved, of a new fifteen acre commercial area, in addition to, and entirely outside of, the existing Eudowood Shopping Center complex (T. 65, 87). The Appellants further acknowledge on page 6 of their Memo, that their own expert witness (Gavrelis) agrees (T. 86, 93, 95), that the present R. 10 zoning of the subject property is invalid, as the planning expert presented by the Intervening Appellee had admittedly testified (Appellants' Memo, p. 5; T. 60).

*Indicates page reference to Board of Appeals' stenographic transcript.

Rec'd 11-6-68
9:30am

in their 1955 decision upon the Zoning Map (T. 60, 82). Unsuccessful efforts were made at that time, and subsequently, to effect a land exchange with Eudowood Hospital, involving the subject property, in order to straighten out the road pattern (T. 61-63). The road pattern around the subject property was not complete or operational until 1962 (T. 35-36), and, similarly, sewer and water did not become available until after 1955 (T. 28, 30, 66, 67-68). In addition to the road and utility changes, kaleidoscopic zoning changes, occurring in the area since 1955, as detailed on Petitioner's Exhibit 5, and briefly summarized in Mr. Willemain's testimony (T. 65-66), have had a drastic effect upon the subject property.

Both Joseph Keelty, experienced in residential and commercial construction since 1946 (T. 9-10), and Bernard Willemain, an acknowledged planning and zoning expert (T. 45), fully supported a B.L. classification as the minimum feasible one for development of the property. Mr. Keelty testified that since Swarthmore's acquisition of the property in 1954 (T. 6), no user has been found for any permissible R. 10 use (T. 11). Heavy traffic on two sides of the subject property, its small size and shape, and the shopping center across the road, precluded any reasonable use of the subject property for R. 10 residential construction, and its small size, likewise, prevented development for other permissible R. 10 uses (T. 9, 11, 69-70). Both Mr. Keelty and Mr. Willemain deemed it unreasonable and uneconomic to undertake development of the property in an R.A. classification, because a 24 unit apartment building could not compete with the nearby large apartment complexes and their amenities, and the undesirable site factors militating against use of the property for R. 10 homes was equally applicable to its similar residential use for apartments (T. 12, 14-15, 16, 71). There was similar accord that an office use, available as a special exception in an R.A. zone, is unsuitable for this small property, because it could not meet the

standards and competition of existing large office buildings in the area, which already have a good deal of unrented space (T. 13, 17, 71-73). In the opinion of Mr. Willemain, none of the special exception uses permitted in an R.A. zone, were suitable for the subject property (T. 72-73).

With the elimination of the other higher possible uses as impractical, both witnesses stated the B.L. zoning was proper for the property, particularly in the light of its size and shape, its location in relation to traffic and to other land uses in the area, and the compatibility of such use with adjoining land use and road patterns (T. 18, 71, 73-74, 79-80). Mr. Willemain further testified that the B.L. reclassification would not be detrimental to the health, safety, or general welfare of the community or create any other hazards (T. 74-75).

Tendered by the Appellants in opposition, Mr. Gavrelis opposed B.L. zoning for the subject property and relied upon a February 28, 1965 comment of his planning staff in support thereof (T. 84, 85-86). After these comments, the Board of Appeals, in October, 1965, reclassified the Two Guys tract from residential to commercial (T. 94), and was upheld in the Bosley case, supra. Mr. Gavrelis also ignored the fact that the subject property was a single, isolated tract (T. 6-7), comprising the last vacant land in the neighborhood (T. 73), upon which an admitted subsequent intent to undertake securing approval of a gasoline filling station (T. 14), would, if accomplished, fill a void existing on the entire 60 acres of commercial zoning in the area (T. 77). The gasoline service station was the use desired by the owner (T. 20), in view of an executed agreement with Cities Service Company (T. 14), and was disclosed to avoid any subsequent charge of concealment or subterfuge (T. 4). However, the site can be used for other possible suitable commercial uses of a free standing, drive-in type, such as a drive-in bank (T. 14), or bakery (T. 18), although a number of uses could not economically support such a location (T. 18, 19, 80), and others could not be fitted on this small tract (T. 44).

At the conclusion of the conflicting testimony presented by the opposing parties, we have already noted the Board's careful review

Change requiring reclassification having been conceded before the Board, the narrow question for its determination was whether the property should be reclassified R. A., as Appellants suggested (Appellants' Memo, p. 6; T. 86), or reclassified B. L. for commercial use, as demonstrated by the testimony on behalf of the Intervening Appellee (T. 9, 11, 12, 13, 17, 18, 60, 69-73, 74). The Board of Appeals carefully summarized all of the testimony and properly found from it that the appropriate classification for the subject property was B. L.. At a minimum, the decision of the Board was fairly debatable, being supported by substantial evidence from the same experts whose testimony was approved in the Bosley case, where the Court, at pages 202-203, found no error in rejection of the identical testimony of Appellants' expert in this case, in opposition to commercial reclassification.

Examination of Petitioner's Exhibit 3, a recorded plat, shows the property to be virtually triangular in shape, closely oriented to the Eudowood Shopping Plaza, Calvert Hall College and Fellowship Apartments. In addition, one side of the property adjoins, and is ten feet below, the 525 unit Court House Square Apartment and office project, constructed under a 1964 reclassification (T. 54-55, 58, 65, 81). The Eudowood Shopping Plaza, directly across the street, serves the entire greater Towson area and is a large shopping center with a multitude of typical retail service stores and shops, including Montgomery Ward, Food Fair, and Shalvitz Furniture Company as the larger ones (T. 19, 53, 75). Diagonally across Goucher Boulevard and Prince Road from the subject property, about 500 feet distant, is the 15 acre site of the Two Guys from Harrison Discount Department Store, with provision for parking 746 automobiles, rezoning of which was approved in the Bosley case supra (T. 54, 65). Goucher Boulevard, a six lane dual boulevard, and Putty Hill Road, 42 feet wide, are major public roads (T. 35-36), located and constructed after adoption of the Zoning Map in 1955 (T. 38, 47), and carry a steady flow of heavy traffic past two sides of the property (T. 39-41, 81).

-2-

of same in its opinion, and its resolution of the issue in favor of B.L. zoning as appropriate.

ARGUMENT

Appellants at the outset of their memo (p. 2) concede the necessity of showing that the Board's decision was arbitrary and capricious, but do not even undertake to offer any legal or factual argument in support thereof. Appellants erroneously contend that the instant reclassification is contrary to the decision in Temink v. Board of Zoning Appeals, 205 Md. 489, because of alleged insufficiency of the showing of need for all B.L. zoning uses on the subject property. The petitioner in Temink, claimed no error in the original zoning, and being required to show a change justifying reclassification, relied upon an alleged urgent need created by residential growth. The petition was denied below on conflicting evidence, and remanded solely because of omission from the Board's records of a report, upon which it had relied. Here, since substantial change is conceded, "need", which is "another way of looking at whether there has been a substantial change", is irrelevant and immaterial. Bd. of Co. Comm'rs. v. Edmonds, 240 Md. 680, 689. Although not essential to support the Board's decision, it is to be noted that if authority is procured for a gasoline station, it would provide a new use in the locality, as would other drive-in facilities. Temink, supra, at 495.

The basic facts upon which the Board relied in granting the reclassification in this case are largely undisputed, and well settled legal principles govern judicial review of its determination. The substantial presumption that the action of the Board was reasonable and valid can only be overcome by a clear, affirmative showing that it was arbitrary, capricious or illegal. In attacking the quasi legislative action of the Board, Appellants have the burden of showing absence of error in original zoning and lack of any changed conditions to warrant the rezoning. It is not the function of the Court to zone or rezone, nor to substitute its judgment for that of the zoning authorities. Time after time, the Court of Appeals has stated that if the question of rezoning is

-3-

The only single-family development in the neighborhood, from which the subject property can be seen, is Fellowship Forest (T. 57). Actually, as determined by field survey of Mr. Willemain, only four homes in the development, 617, 619, 623, and 631 Hillen Road, have any view of the property (T. 57). This is only a partial view, when standing in the front yards, or on the front sidewalks of the properties (T. 57), with the Eudowood Shopping Center and its lights and signs looming in the background in each case (T. 58). Only the edge of the sidewalk and the tip of the property can be seen from 617 and 619 Hillen Road, and only its back, western corner, from 623 Hillen Road (T. 58). Apartments presently screen a portion of the view, and there would be greater sight obstruction, if there is further apartment construction (T. 58).

The closest home in the Fellowship Forest development to the subject property is about 700 feet away (T. 57, 103). Only two residents of that area testified in opposition to the reclassification (T. 100, 110), and one of them, a quarter of a mile away (T. 110), could not even see the subject property from his home (T. 113), although he could see the lights of Eudowood Shopping Center (T. 116). Both protestants contended that Eudowood Shopping Center, its swinging lights, and the recently built apartments, depreciated their homes (T. 107, 108, 115, 116). Mr. Willemain stated a contrary opinion (T. 81-82), and further stated that the instant reclassification would not depreciate property values in the neighborhood (T. 74). It can reasonably be inferred that the existing construction, in much closer proximity to the subject property than to the homes in Fellowship Forest, obviously has much greater impact upon the subject property.

Future road locations, severing the subject property from the remainder of a 150 acre tract (T. 52), obviously could not be identified, or passed upon, by the County Commissioners

-3-

fairly debatable, the Court must uphold the Board.

See, e.g., the following:

Wakefield v. Kraft, 202 Md. 136, 141-142, 144;
Mettee v. County Comm., 212 Md. 357, 366;
Rohde v. County Board, 234 Md. 259, 267;
Bosley v. Hospital, 246 Md. 197, 204;
Stephens v. Montgomery County, 248 Md. 256, 259.

In this case, Appellants concede that the marked change in conditions in the neighborhood since adoption of the Land Use Map in November, 1955, has destroyed the validity of the original R.10 zoning classification of the subject property. The location and construction of Goucher Boulevard and Putty Hill Road, isolating the subject property from Swarthmore's main tract, installation of new and expanded sewer and water facilities, providing initial public utility service in the Eudowood area, and numerous zoning reclassifications in the neighborhood, all justify reclassification of the property. The rezoning by the Board is fully supported by a number of cases dealing solely with change in local, Baltimore County conditions, as follows:

1. Construction of major highway along the site.

Rohde v. County Board, supra, at 264 (Goucher Boulevard);
Johar Corp. v. Rodgers Forge, 236 Md. 106, 113, 119-120 (Stevenson Lane);
Finney v. Halle, 241 Md. 224, 237-238 (Baltimore County Beltway);
Bosley v. Hospital, supra, at 204 (Goucher Boulevard);
Meginniss v. Sheppard-Pratt, 246 Md. 704, 706, 711 (Burke Avenue);
Ragan v. Hildesheim, 247 Md. 609, 610, 612 (Delvale Boulevard).

2. Introduction of new water and sewer facilities

IN APPEAL

White v. County Bd. of Appeals, 219 Md. 136, 144 (Joppa-Thornleigh Roads);
Rohde v. County Board, supra, at 265 (Goucher Boulevard);
Finney v. Halle, supra, at 239 (Hooks Lane-Heisterstown Road);

-7-

Meginniss v. Sheppard-Pratt, supra, at 711 (Burke Avenue).

3. Zoning changes in the subject neighborhood.

Bosley v. Hospital, supra, at 204 (Goucher Boulevard-Prince Road).

In the instant case, as in Bosley v. Hospital, supra, Mr. Gavrelis testified that the zoning changes to an R.A. zone in the immediate area did not justify reclassification to a commercial zone. This viewpoint was rejected by the Board in each case. Upon appeal in Bosley, the lower court (Menchine, J.) held that if original error or change in conditions makes zoning reclassification an issue for reasonable debate, it is for the expertise of the Board to decide whether "reclassification should be permitted and, if so, whether it should be RA or BL." (Emphasis ours). The Court of Appeals quoted and approved this language in finding the Board's decision supported by substantial evidence. Bosley v. Hospital, supra, at 203.

Commercial zoning at important road intersections is not an innovation in standards of comprehensive zoning, and such practice has heretofore received judicial sanction.

Ellicott v. City of Baltimore, 180 Md. 176, 178-179; Wakefield v. Kraft, supra, at 144-146, 151.

Clearly, the B.L. Zone at the northwest corner of Goucher Boulevard and Putty Hill Road is not inconsistent with the remainder of the neighborhood. The subject site overlooks a vast commercial area directly opposite, across Goucher Boulevard, which serves as no greater insulator against the impact of intense commercial activity than did Georgia Avenue, a six lane highway, in Hyson v. Montgomery County, 242 Md. 55, 73, 77; the Ritchie Highway in West Ridge, Inc. v. McNamara, 222 Md. 448, 453, 457; or the few hundred feet of single family residential home development in Fallon v. City of Baltimore, 219 Md. 110, 114-115. Additionally, business offices are authorized immediately north of the subject property, on Swarthmore's side of Goucher Boulevard (T. 65-66, 113). As stated by Chief Judge Brune in Pressman v. Baltimore, 222 Md. 330, at page 340, approving commercialization of a pre-existing

-8-

residential area:

"There is here, we may add, no radical departure from what has gone before. True, commercial development has not actually spilled over into an area zoned residential in the area with which we are now concerned; but that signifies little more in this case than that the zoning ordinance has been regarded and adhered to rather than violated. If that fact were enough to prevent revision, zoning would indeed be static. It cannot be so."

The original demarcation line between the B.L. Zone and Swarthmore's property is not fairly debatable, so that reclassification is required. Moreover, the uncontradicted testimony shows that the subject property is not susceptible of any reasonable use under even the R.A. zoning classification. Conversely, if the houses in the neighborhood have been depreciated in value by the existing commercial uses in the area, there is no legally credible evidence that such residences would be further affected by a business use on Swarthmore's land, and Mr. Willemain has testified there would be no adverse effect. The existing hardship, therefore, peculiar to the subject site by virtue of its size, shape and location, in itself, justifies reclassification to the B.L. Zone. Ellicott v. City of Baltimore, supra, at 183. Even though application of an R.A. zoning classification to the site may not be confiscatory, the Board need not restrict itself to adoption of obviously impractical apartment zoning.

Dill v. The Jobar Corporation, 242 Md. 16, 23.

As more than ample evidence supports the Board's action, the reclassification cannot result in spot zoning of the invidious type.

Rohde v. County Board, supra, at 266, 268; Hyson v. Montgomery County, supra, at 77.

All elements are present in this case to demonstrate that reclassification of the subject property to the B.L. Zone meets required zoning standards and violates no prohibitions. The propriety and reasonableness of the reclassification plan is entirely compatible with the neighboring apartments on the west and south, shielding the

-9-

site from the more remote single family home development below Hillen Road. The very small parcel involved, with extensive frontage along Goucher Boulevard and, by grade differential, effectively isolated from the 525 unit apartment-office development on the west, is entirely oriented to the vast shopping complex directly opposite on the east.

In view of the foregoing, it is respectfully submitted that the action of the County Board of Appeals reclassifying the subject property to the B.L. Zone should be affirmed.

Respectfully submitted,

M. William Allen
Egon P. A.
Attorneys for Intervening Appellee

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Memorandum were this 4th day of November, 1968, mailed to Power and Mosner, 21 West Susquehanna Avenue, Towson, Maryland 21204, Attorneys for Appellants, and The County Board of Appeals, County Office Building, Towson, Maryland 21204, designated Appellees.

M. William Allen
Of Counsel for Intervening Appellee

-10-

JOHN I. BARNES and
MADELAINE G. BARNES, et al
vs
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY, and
THE SWARTHMORE COMPANY
Intervenor

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Docket Misc. S, Folio 310

MEMORANDUM OPINION

This is an appeal by the Protestants, John I. Barnes and Madeline G. Barnes, et al, from a decision and order of the County Board of Appeals of Baltimore County which granted a reclassification from R-10 to a B.L. zone of a one and one-half acre parcel of ground situated at the northwest corner of Goucher Boulevard and Putty Hill Road, in the Ninth Election District of Baltimore County. The original petition requested, in addition to the reclassification to a B.L. zone, a special exception for the construction of a gasoline service station. At the hearing before the Board the Petitioner withdrew his request for a special exception for a gasoline service station, and requested only the reclassification from R-10 to B.L.

The parcel of land is triangular in shape and is the last remaining undeveloped or uncommitted land in the area. Northeastly, across Goucher Boulevard, is the Rudowood Shopping Center. Westerly from the subject property is the Courthouse Square apartment complex, a five hundred unit apartment project. South of the subject property, across Putty Hill Road is another apartment complex known as the Fellowship Court Apartments. Easterly, and diagonally across the intersection of Putty Hill Road and Goucher Boulevard, is a large tract of land that is occupied by the Calvert Hall High School.

The Board heard considerable testimony describing the numerous

-5-

there was substantial evidence produced at the hearing to support the finding of the Board and to cause the issue before it to be a matter for reasonable debate. It must follow that the action of the Board in granting the reclassification was not arbitrary or capricious.

For these reasons the Order of the County Board of Appeals of Baltimore County granting the application for reclassification of the subject property is hereby affirmed.

LESTER L. BARRETT
Judge

December 9, 1968

changes in the character of the neighborhood which had occurred since the adoption of the zoning map in 1955. In view of the changing conditions in the neighborhood it was generally agreed that the existing R-10 classification was not appropriate. The question left for the Board to decide was whether the appropriate zoning to be placed on the property should be RA or BL. The Board observed that due to the very small size of the parcel and its separation from the Fellowship Forest development by recently constructed apartment projects, the granting of B.L. zoning would not adversely affect or depreciate the Fellowship Forest development which is south of Hillen Road; and further, that since there is no other vacant land in the immediate vicinity, it did not see any way that the granting of commercial zoning here could lead to further requests for additional commercial zoning. The Board found from the testimony presented that the proper classification for the subject property was Business Local.

The case of Bosley et al v. Hospital for Consumptives of Maryland et al, 246 Md 197, is quite similar to the instant case in its location, in the witnesses and testimony offered before the Board, and in the conclusions and findings of the Board. In Bosley, the Court of Appeals affirmed the decision of this Court which upheld the finding of the Board to reclassify the involved land from R-10 and R-6 to BL. The 15.016 acre tract in Bosley was triangular in shape, bounded on the north by Joppe Road, on the west and south by Goucher Boulevard and on the east by Prince Road. It is approximately 500 feet from the subject property. Prince Road is a 42 foot paved road on a 70 foot right-of-way which separates the Bosley property from the Rudowood Shopping Center. In the present case, the one and one half acre triangular parcel is bound on the west by the Courthouse Square apartment complex, on the south by Putty Hill Road and on the northeast by Goucher Boulevard. Goucher Boulevard is a 110 foot right-of-way with two 36 foot paved lanes which separates the subject property from Rudowood Shopping Center. To reiterate, the subject property is

separated from the Rudowood Shopping Center by Goucher Boulevard and the Bosley property is separated from the Rudowood Shopping Center by Prince Road.

The witnesses were substantially the same in both Bosley and the instant case. The testimony before the Board concerning changes in the character of the neighborhood was very similar. The Court determined that sufficient substantial evidence had been presented in the Bosley case to make the decision of the Board "fairly debatable" and hence not arbitrary, unreasonable or capricious. Bosley, supra p. 203. In addition to the changes considered in Bosley to cause the Court of Appeals to conclude that a reasonably debatable question was presented, the Board, in the instant case, also considered the change created by Bosley, a reclassification from R-6 and R-10 to BL, in reaching its decision. From the record before this Court, it appears that the Bosley case is controlling and that sufficient substantial evidence was offered to make the decision of the Board "fairly debatable."

The law is well established that the zoning classification established by the comprehensive zoning map, adopted by the legislative authority, is presumed to be correct, well planned and intended to be permanent, and the burden rests upon the owners of property to show that such classification was erroneous. Pahl v. County Board of Appeals, 237 Md 294; Shady Nook Improvement Assn v. Molloy 232 Md 265; Greenblatt v. Toney Schloss, 235 Md 9; Montgomery County v. Pitter, 233 Md 414. In addition, the burden also rests on the applicant to show a substantial change in the immediate neighborhood of the subject property since the adoption of the comprehensive map.

However, the scope of appellate review in an appeal from the Board of Appeals is limited in nature. The Court does not reach its opinion from the weight of the evidence that was produced before the Board. It has been stated

many times by the Court of Appeals that this Court may not substitute its discretion and judgment for that of the Board, the legislative body, if the question decided was fairly debatable. It is not the function or right of the Court to zone or rezone. If there is room for reasonable debate as to whether the facts justify the action of the Board, such action must be upheld. It is only where there is no room for a reasonable debate or where the record is barren of supporting facts that the courts can declare the legislative action of the Board to be arbitrary, capricious or discriminatory. If there are substantial facts to justify the action of the Board the Court must affirm the action. See Kirkman v. Montgomery Council, 383, September Term of the Court of Appeals - filed November 7, 1968, and cases cited.

In the case of Board of County Commissioners for Prince Georges County v. Farr et al, 242 Md 315 at page 321, the Court of Appeals quoting an opinion of Judge Brune for the Court in the case of County Council for Montgomery County v. Gentleman 227 Md 491, stated: "Even if there were facts which would have justified the Council in rezoning the property, this would not of itself prove the denial of rezoning illegal. There is still the area of debatability, and one who attacks the refusal of rezoning must meet the heavy burden of proving that the action of the legislative body in refusing it was arbitrary, capricious or illegal." The Court of Appeals stated further in the Farr case, supra, at page 322: "We have consistently held that the fact the zoning body, on the record before it, had the legal authority to grant the petition for reclassification if it had deemed such action proper, does not mean the action denying the application is to be reversed, when the decision is supported by substantial evidence and is not arbitrary or capricious."

Having read the complete record of the proceedings before the Board and considered argument of counsel, this Court is of the opinion that

-4-

-3-

-2-

JOHN I. BARNES and
MADELAINE G. BARNES, et al
Appellants
VS.
WILLIAM S. BALDWIN, Chairman
JOHN A. SLOWIK and
JOHN A. MILLER
Constituting the COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY

Appellee
AND
THE SWARTHMORE COMPANY,
A Body Corporate
8403 Loch Raven Boulevard
Towson, Maryland 21204

Intervening Appellee

ORDER FOR EXTENSION OF TIME FOR
TRANSMITTAL OF RECORD

UPON the foregoing Motion, good and sufficient cause
being thereby shown, it is, pursuant to Rule B7(b), this 3rd day
of June, 1968, by the Circuit Court for Baltimore County

ORDERED that the allowable time for the transmittal of
the record from the County Board of Appeals for Baltimore County
in the within proceedings, be and it is hereby extended for thirty
[30] days from June 3, 1968.

151 Peter B. Barnes
JUDGE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: Feb. 26, 1965
FROM: George E. Gavrellis, Director
SUBJECT: Petition #65-240-RX R-10 to B.L. with a Special Exception for Filling Station.
Northwest corner of Putty Hill and Goucher Boulevard. Being the property of The
Swarthmore Company.

9th District

HEARING: Wednesday, March 10, 1965 (11:00)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and
offers the following comments with regard to planning factors:

1. The zoning map recognized the need for commercial zoning in this vicinity by
identifying a large area as Business, Local. That site has been developed as
Eudowood Plaza.
2. Although the development of Eudowood Plaza and the reclassification of other
adjacent property to R. A. have resulted in changes in the area, the changes
are by no means of the type that would justify rezoning of the subject parcel
for commercial use. Quite on the contrary, the present B.L. zoning is more
than sufficient for present commercial needs - and for commercial needs of
the future, by any reasonable projection. If a filling station is needed in
this vicinity, it would thus be in the best interests of the community for it to
be located within the present B.L. Zone, integrated with the shopping center.
3. If reclassified as now proposed, the subject parcel would not be in accord with
the comprehensive plan for this area, and might be perilously close to a case
of spot zoning.
4. The change that would be justified by the other changes in the neighborhood
would be a reclassification to the R. A. Zone, in accord with the zoning of
property to the west and across the street.

MICROFILMED

M. WILLIAM ADELSON
ATTORNEY AND COUNSELLOR AT LAW
1035 MARYLAND NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21204

March 16, 1965

Mr. John G. Rose, Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R.10 Zone to B.L. Zone and special
exception for gasoline filling station
N/W corner Putty Hill Avenue and Goucher
Boulevard - 9th Election District -
The Swarthmore Company, Petitioner
No. 65-240-RX

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals
from the decision of the Zoning Commissioner, dated March 10,
1965, denying the reclassification and special exception
requested in the above matter. This appeal is taken pursuant
to Section 23-26, Title 23, Baltimore County Code, as enacted
by Bill No. 80, approved June 10, 1960.

A check for \$70.00 is enclosed herewith to cover the
cost of the instant appeal.

Respectfully yours,

M. William Adelson
M. William Adelson, Attorney
for Petitioner
1035 Maryland National Bank Bldg.
Baltimore, Maryland 21202

EPS/kay
Encl.

MICROFILMED

PETITION FOR
RECLASSIFICATION AND
SPECIAL EXCEPTION
9th DISTRICT

ZONING: From R-10 to B.L.
Zone. Petition for Special
Exception for Filling Sta-
tion.
LOCATION: Northwest corner
of Putty Hill Road and
Goucher Boulevard.
DATE & TIME: WEDNESDAY,
MARCH 10, 1965 at 11:00
A.M.
PUBLIC HEARING: Room
108, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland.
The Zoning Commissioner of
Baltimore County, by author-
ity of the Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:
Present Zoning: R-10.
Proposed Zoning: B.L.
Petition for Special Ex-
ception for Filling Station.
All that parcel of land in the
Ninth District of Baltimore
County,

Beginning for the same at
the intersection formed by
the seventh or North 23 de-
grees 38 minutes 21 seconds
East 2,221.23 foot line of a
deed from The Hospital for
Consumptives of Maryland to
the Swarthmore Company dated
May 10, 1955, and recorded
among the Land Records of
Baltimore County in Liber
G.L.R. 2684 folio 312 and
the north side of Putty Hill
Road, 70 feet wide, and run-
ning thence binding on part
of said seventh line North 23
degrees 38 minutes 21 sec-
onds East 242.58 feet to the
west side of Goucher Boul-
vard 110 feet wide, thence
southerly binding on the west
side of said Goucher Boul-
vard the two following courses
and distances, viz: first
along a curve to the right
with a radius of 1,555.00 feet
for an arc distance of 131.54
feet, said curve being sub-
tended by a chord bearing
South 6 degrees 21 minutes
04 seconds East 131.53 feet,
and second South 4 degrees
19 minutes 10 seconds East
291.65 feet, thence South 40
degrees 40 minutes 50 sec-
onds West 108.07 feet to the
north side of said Putty Hill
Road, thence binding on the
north side of said Putty Hill
Road South 85 degrees 40
minutes 50 seconds West 194.
10 feet to the place of be-
ginning.
Containing 1.51 acres of
land more or less.

Being designated as Lot #1
as shown on a plat entitled:
"Section Three, Loch Raven
Manor" dated September 1954
and recorded among the Plat
Records of Baltimore County
in Plat Book #23 folio #122.
Being the property of the
Swarthmore Company, as
shown on plat plan filed with
the Zoning Department.
Hearing Date: Wednesday,
March 10, 1965 at 11:00 A.M.
Public Hearing, Room 108,
County Office Building, 111
W. Chesapeake Avenue, Ton-
son, Maryland.

By Order Of
John G. Rose
Zoning Commissioner Of
Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. February 19, 1965

THIS IS TO CERTIFY. That the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md. once in each of one
successive weeks before the 10th
day of March 1965, the first publication
appearing on the 10th day of February
1965

THE TIMES

Manager

John G. Rose

Cost of Advertisement \$

Permit to Publish AT-208
Registration No. 25000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 2-18-65
Posted for: Harry Wad March 19, 1965 at 11:00 A.M.
Petitioner: The Swarthmore Co.
Location of property: N.W. corner Putty Hill and
Goucher Blvd.
Location of Sign: 2 facing the intersection of Putty Hill & Goucher
Boulevard on a small hill and approx 25' from sidewalk
Remarks: 1 on the Goucher Blvd. side and approx 20' from sidewalk
Posted by Robert A. Bull Date of return 2-25-65
and approx 80' from the other 2 signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 4-1-65
Posted for: The Swarthmore Co.
Petitioner: The Swarthmore Co.
Location of property: N.W. corner Putty Hill and Goucher Blvd.
Location of Sign: 2 facing the intersection of Putty Hill & Goucher
Boulevard on a small hill and approx 25' from sidewalk
Remarks: 1 on the Goucher Blvd. side and approx 20' from sidewalk
Posted by Robert A. Bull Date of return 4-8-65

TRIMBLE & ALDERMAN
ATTORNEYS AT LAW
JEFFERSON BUILDING
COURT HOUSE SQUARE
TOWSON, MARYLAND 21204

ERNEST C. TRIMBLE
R. BRUCE ALDERMAN

June 10, 1965

William S. Baldwin, Chairman
Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Swarthmore Realty Co., Inc.
65-240-RX

Dear Mr. Baldwin:

Please strike my appearance in the above entitled
case as attorney for the Protestants. I have requested my
clients to employ new counsel.

Very truly yours,

Ernest C. Trimble

ECT/dmc

TELEPHONE
825-3000
EXT. 387

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 49260

DATE 4/3/65

To: Charles G. Rose, Esq.
36 W. Chesapeake Avenue
Towson, Maryland 21204

County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	QUANTITY	REMITTANCE	TOTAL AMOUNT
65-240	1	Cost of certified documents - Case No. 65-240-RX The Swarthmore Co., Petitioner NW corner Putty Hill Road and Goucher Boulevard, 9th District	\$5.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

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

No. 28540

DATE 4/8/65

To: The Swarthmore Co.
36 W. Chesapeake Avenue
Towson, Md. 21204

County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	QUANTITY	REMITTANCE	TOTAL AMOUNT
65-240	1	Postage for Certified Documents & Special Exception	\$5.00

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

County Board of Appeals
Room 301, County Office Building
Towson, Maryland 21204

Re: #65-240-RX-Petition of
The Swarthmore Company
N/W Corner of Putty Hill and
Goucher Boulevard
Ninth Election District
Baltimore County, Maryland

Gentlemen:

On March 16, 1965, an appeal was entered from the
decision of the Zoning Commissioner herein, denying the
reclassification and special exception requested by The
Swarthmore Company. Originally, the appeal was scheduled
for hearing in the spring of 1966, but due to my involve-
ment in the trial of a complex case in the United States
District Court for the District of Maryland, same was
postponed to July 12, 1966. The hearing scheduled for this
date was never rescheduled, presumably because of the
moratorium on filling stations enacted by Bill No. 64 of
the 1966 County Legislative Session. My client justifiably
is now complaining of the excessive delay on its appeal,
which has been pending for more than two years.

In view of the foregoing, I respectfully request
that this case be scheduled for hearing as promptly as
possible on the matter of the reclassification of the sub-
ject premises from an R.10 Zone to a B.L. Zone. To expedite
scheduling of the appeal, and to avoid confusion and possible
conflict with the provisions of Bill No. 40 of the 1967 County
Legislative Session, I herein withdraw, entirely without
prejudice, so much of the appeal as relates to the denial of
the special exception for gasoline filling station on the
site.

If anything further is required, please advise.

Yours very truly,

M. William Adelson

EPS:DHB

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

TELEPHONE 833-3000

No. 28641
DATE 2/23/65

TO: R. William Adelson, Esq.,
1035 Mt. Airy Road, Suite 200,
Baltimore, Maryland 21202

BILL TO: Office of Planning & Zoning
310 County Office Building
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO. 02-021

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of appeal - The Baltimore Co.	\$70.00
1	No. 45-240-25	
1	3-2405 2307 • 28641 TIR-	70.00

4 MICROFILMED

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.

February 10, 1965

R. William Adelson, Esq.,
1035 Mt. Airy Road, Suite 200,
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
3rd day of February, 1965.

JOHN G. ROSE
Zoning Commissioner

Owner Name: The Baltimore Co.
Reviewed by: [Signature]

4 MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

February 5, 1965

Dear Mr. Adelson:

The Zoning Advisory Committee has reviewed the subject petition makes the following comments:
The Office of Planning and Zoning;
Bureau of Traffic Engineering

Reclassification from
R-10 to R-1 Zone and
Special Exception for a Filling
Station: The Baltimore Co. NW
corner Putty Hill Road & Goucher
Blvd

The Office of Planning and Zoning
and the Bureau of Traffic Engineering
will review the site and submit any
necessary comments at a later date.

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

TELEPHONE 833-3000

No. 28600
DATE 2/23/65

TO: The Baltimore Co.,
545 Lobb Road Blvd.,
Towson, Md. 21204

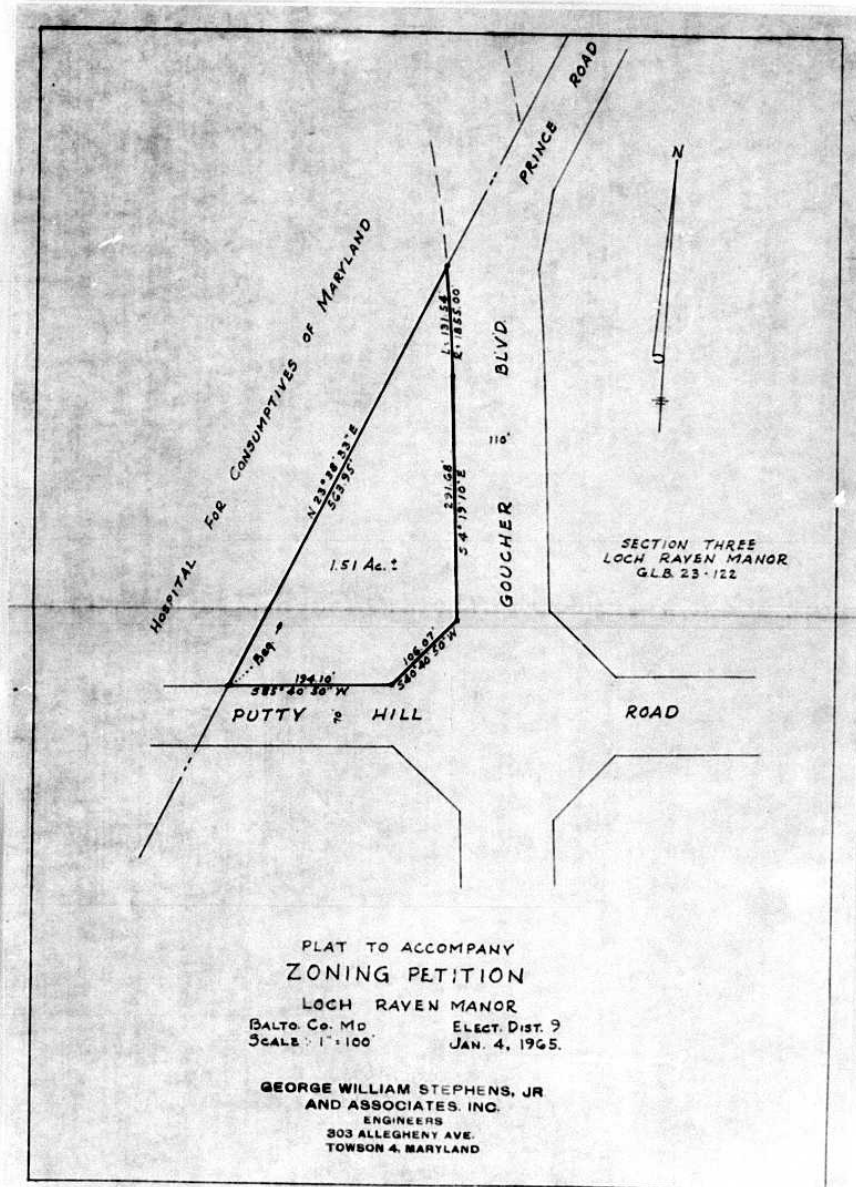
BILL TO: Advertising Department of Baltimore Co.

DEPOSIT TO ACCOUNT NO. 02-021

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property	\$70.00
1	No. 45-240-25	
1	3-1045 1547 • 28600 TIR-	70.00

4 MICROFILMED

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.



Yours very truly,
JAMES L. BYER
Chief of Permit and
Petition Processing

cc: Office of Planning and Zoning
Bureau of Traffic Engineering

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

TELEPHONE 833-3000

No. 28668
DATE 2/23/65

TO: R. William Adelson, Esq.,
1035 Mt. Airy Road, Suite 200,
Baltimore, Maryland 21202

BILL TO: Office of Planning & Zoning
310 County Office Building
Towson, Maryland 21204

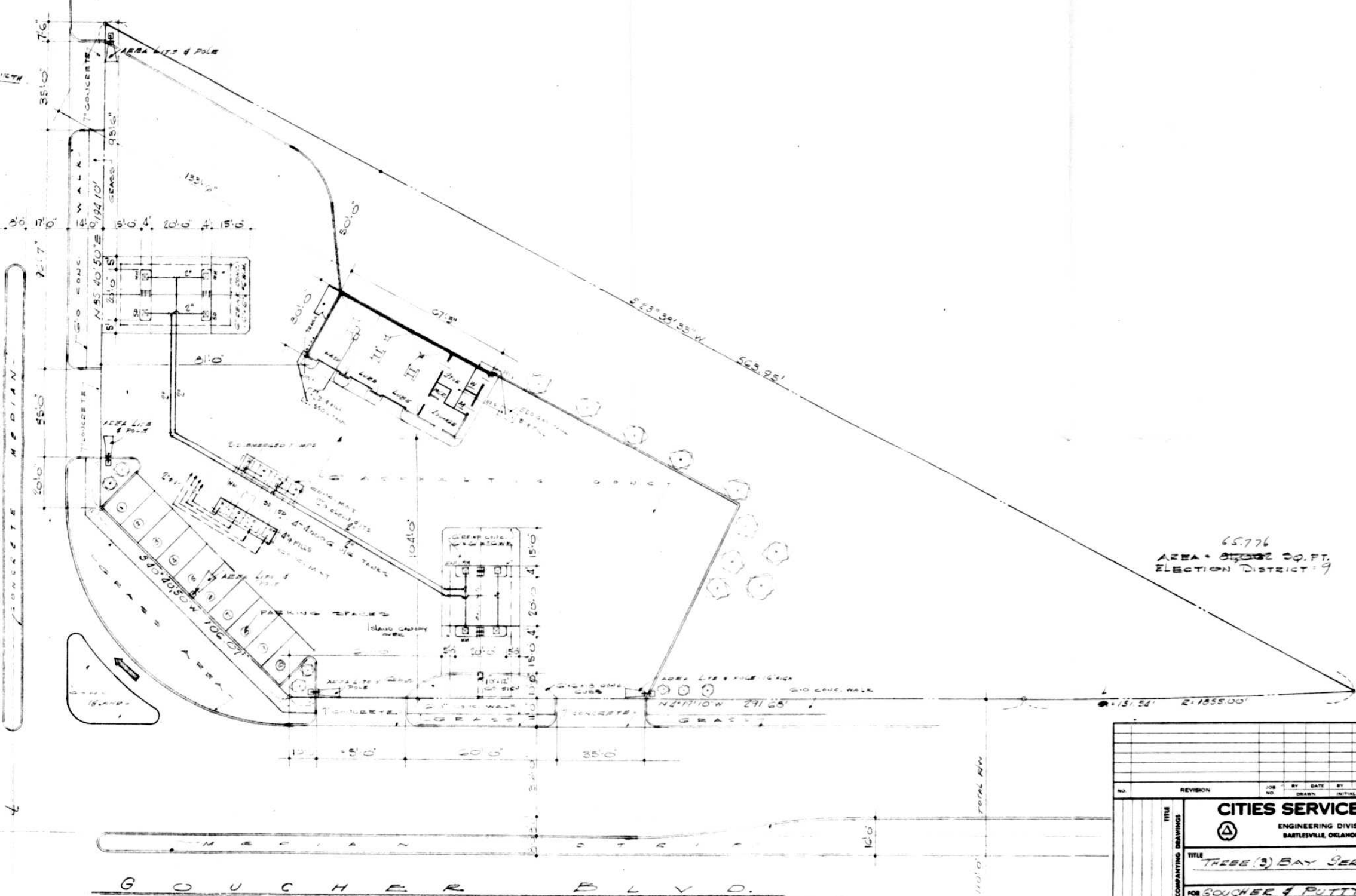
DEPOSIT TO ACCOUNT NO. 02-021

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of posting property for appeal hearing - 2 signs	\$70.00
1	The Baltimore Co. No. 45-240-25	
1	4-065 2985 • 28668 TIR-	70.00

4 MICROFILMED

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.

PUTTY HILL RD.



65,776
AREA - 8,000 SQ. FT.
ELECTION DISTRICT 9

REVISION		JOB NO.				BY DATE				BY DATE				BY DATE				BY DATE			
		NO.				DRAWN				INITIAL CK				FINAL CK				APPROVED			
TITLE		CITIES SERVICE OIL CO.																			
		ENGINEERING DIVISION BARTLESVILLE, OKLAHOMA																			
TITLE		THREE (3) BAY SERVICE STA.																			
FOR		GOUCHER & PUTTY HILL ROAD BALTIMORE, MARYLAND																			
SCALE		1"=100'																			
DATE		12/16/54																			
DRAWN		J. H. HARRIS																			
INITIAL CK		J. H. HARRIS																			
FINAL CK		J. H. HARRIS																			
ENGINEER		J. H. HARRIS																			
APPROVED		J. H. HARRIS																			



12/1
B2220N



GENERAL NOTES

EXISTING ZONING DISTRICT: B-1 EXISTING ZONING: MAP NO. 05-240 EX
EXISTING DISTRICT: 09A

AREA ELEMENTS

3 * DISPENSER ISLAND 1 - 1 BA * SINGLE DISPENSER PUMP CAPABLE OF
SERVING 2 * CASH AT ANY ONE TIME.
3 * DISPENSER ISLAND 1 - 1 BA * DUAL DISPENSER PUMP CAPABLE OF
SERVING 4 * CASH AT ANY ONE TIME.

[illegible]

LAD4CA=NO

AREA OF LANDSCAPE = 27,516 SQ. FT. (24,044 SQ. FT.)
TOTAL 28,231 SQ. FT. = 17% OF TRACT
5 1/2 SF TRACT = 6702 SQ. FT. LANDSCAPING CONC'D = 27,516 SQ. FT. 5.12 ACRES

LIGHTING

TYPE: INCANDESCENT RE-3-^{LIGHTING}
100W TO 200W

PARKING

PARKING
PARKING SPACES REQUIRED @ THREE SPACES FOR EACH BUS - 2 FRAMES
PARKING SPACES PROVIDED @ 12 SPACES
(ALL PARKING MUST BE SET BACK AFT FROM STREET PROPERTY LINE)



Subarichi #33
March 27, 1969

[illegible]

REF. DRAWINGS	BALTIMORE REGION		TOWSON, MARYLAND 21204	
TITLE THUNDER BAY 2 6203-L SERV. STA. 610-30-3 N. DEAR EASTON...				
FOR 30 SCHUBER BLVD & FORTY HILL AVE				
DRAWN	JOHN J. ADRIANO	1-24-68	SCALE	1/2"=1'-0"
INITIAL CK.			ENGINEER	
FINAL CK.			APPROVED	
JOB NO.		DRAWING NO.		REV. NO.
9th ELECTION DISTRICT 6A04		19-005-049		SP

MICROFILMED

PLANS APPROVED
OFFICE OF PLANNING & ZONING

STUDENT PLANNING ZONE
10/6/2016

BY John G. Charles
PLANNING

DATE 10/17/69

DATE 10/10/1964
BY James S. Allen

ZONING COMMISSIONER

DATE 4/17/69

DATE F.I.

5172
