

65-348-58H

PETITION FOR SPECIAL HEARING

MAY - 7 1954
12 11 10 9 8 7 6 5 4 3 2 1

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we -----, Citizens of Baltimore County, hereby petition for a Special Hearing under Section 500, of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a permit for a department store on the North Side of Old Frederick Road and the South Side of Baltimore National Pike in the First Election District of Baltimore County as applied for by Bart Healy Co., per Goodman Construction Co., B. M. Miller, 45-10 Court Square, Long Island City, New York.

The Zoning Commission is requested to consider Section 23-18 Zoning Powers of the County as set forth in the Baltimore County Code 1963 Supplement and in particular that portion reading "They shall be designed to reduce congestion in the roads, streets and alleys; to promote safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land to avoid undue concentration of population; to facilitate adequate provision for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements, including gas and electric structures and facilities."

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

I, or we, agree to pay expenses of above Special Hearing 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.

Wm. D. Doherty *5330 Old Frederick Rd.*
Wm. D. Doherty *5300 Old Frederick Rd.*
Wm. D. Doherty *5300 Old Frederick Rd.*

Petitioner's Attorney James W. Doherty Rm. 211 - Third Building Address 303 E. Fayette St.	Petitioner's Attorney J. Allan Cohen FRIEDMAN & GOODMAN Address 303 E. Fayette St.
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ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of May, 1954, 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 held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 11th day of May, 1954.

at 10:00 o'clock A.M.

Wm. D. Doherty
Zoning Commissioner of Baltimore County

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I HEREBY CERTIFY, that on this 27 day of May, 1965, copies of the foregoing Order were mailed to: James J. Doherty, Esq., and J. Allan Cohen, INA Building, 303 E. Fayette Street, Baltimore, Maryland - 21202, and to E. Scott Moore, Esq., Baltimore County Solicitor, County Office Building, Towson, Maryland, Attorneys for Defendants herein.

A. Owen Hendrigan, Jr.
A. Owen Hendrigan, Jr.
406 Jefferson Building
Towson, Maryland - 21204
Valley 57500
Attorney for Plaintiff

George W. White, Jr.
George W. White, Jr.
10 Light Street
Baltimore, Maryland - 21202
MULberry 5-6747
Attorney for Plaintiff

ALVIN E. FRIEDMAN
RONALD H. GONDMAN
—
JAMES J. DOHERTY
GARY A. KAPLAN
VINCENT L. GLOBILINO
J. ALLAN COHEN

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

Dear Sir:

Re: Korvette Shopping Center
South side Baltimore Nat'l
Pike and Old Frederick Rd.
District 1

I am informed that the application to the Building Engineer for building permits covering the above proposed construction have been submitted to you as Zoning Commissioner for Baltimore County for approval, in accordance with the requirements of Article V, Section 500.1 of the zoning regulations of Baltimore County.

I represent the property owners residing in the 5200 block Old Frederick Road who will be irreparably prejudiced, damaged and harmed if this application for a building permit is approved by you.

The building plans included with this application for building permits are violent, detrimental to the health, safety, comfort and welfare of these property owners, as well as the public generally, in the area affected by this application.

BAK REALTY CORP.	•	IN THE
Plaintiff		
vs.	•	CIRCUIT COURT
BALTIMORE COUNTY, MARYLAND	•	
and SPIRO T. AGNE, County Executive of Baltimore County	•	FOR
and WALTER J. RASMUSSEN, Director of Permits and Licenses for Baltimore County	•	BALTIMORE COUNTY
and CHARLES B. WHEELER, Buildings Engineer for Baltimore County	•	
and JOHN G. ROSE, Testing Commissioner for Baltimore County	•	AT LAW
and GEORGE E. GAVRELIS, Director of Planning for Baltimore County	•	
Defendants		

ORDER

UPON the foregoing Petition and Affidavit, it is this 14th day of May, 1965, by the Circuit Court for Baltimore County, At Law, ORDERED, that a rule be and it is hereby laid on the said Defendants, Baltimore County, Maryland, Spiro T. Agnew, Walter R. Rasmussen, Charles B. Wheeler, John G. Rowe, and George E. Gavrilis, and each of them, requiring each of them to show cause on or before the 14th day of May, 1965, why the writ of Mandamus should not issue as prayed, provided that a copy of the within Petition and this Order be served on the said Defendants on or before the 14th day of May, 1965.

True Copy Test

JUDGE

BART REALTY CORP., a body corporate	*	IN THE
Plaintiff	*	CIRCUIT COURT
vs.	*	FOR
BALTIMORE COUNTY, MARYLAND,	*	BALTIMORE COUNTY
a body corporate and politic, et al.		
Defendants	*	Misc. Docket 7/508/325

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ORDER

The above captioned case having come on for hearing, testimony having been taken, and argument of counsel having been heard, It is this 25th day of May, 1965, ADJUDGED, ORDERED and DECREED, by the Circuit Court for Baltimore County, that:

1. Baltimore County, Maryland, a body corporate and politic, Spiro T. Agnew, County Executive of Baltimore County, Walter J. Rasmussen, Director of Permits and Licenses for Baltimore County, Charles B. Wheeler, Buildings Engineer for Baltimore County, John G. Rose, Zoning Commissioner for Baltimore County, and George E. Gavrelis, Director of Planning for Baltimore County, be, and are hereby, directed to approve the plans and specifications, and to issue a building permit to Bart Realty Corp., a body corporate, Plaintiff herein, for the construction of a shopping center (department store) on the property comprising 15.9 acres of land, more or less, being on the South side of U.S. Route 40, West, blinding on the North side of Old Frederick Road, with its western boundary being 300 feet, more or less, East of St. Agnes Lane, and its eastern boundary being 1000 feet, more or less, West of the intersection of Old Frederick Road with U.S. Route 40, West.

2. And, that John C. Rose, Zoning Commissioner for Baltimore County be, and is hereby, restrained and enjoined from holding a Special Hearing to determine whether or not he should approve a permit for a Department Store, on Friday, June 4, 1965, at 10:00 a.m.

True Copy Test

JUDGE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John A. Nease Date: MAY 1, 1965
FROM: Albert B. Kaltenbach
SUBJECT: Korvette Shopping Center;
South side Baltimore National Pike
and Old Frederick Road
Bldg. #11-00
District 1

In response to your request for information concerning public works facilities required for the subject permit application, the following comments are offered.

Public works facilities required in connection with this permit application are being processed by the Bureau of Engineering.

The public storm drainage system required in connection with this site has been designed and is being processed for signature. As no rights-of-way will be required for the off-site construction, and as the State Roads Commission have already concurred in the design, we see no reason why this project should not be advertised for construction within one month.

With regard to the improvement of Old Frederick Road, Engineering Drawings are approximately 80% complete. For the initial section, the centerline and grade for Old Frederick Road from St. Anne's Road to U.S. Highway 170 have been approved. The initial contract will include both widening on the north side of the road and the widening of the south side. The statement of property line of the Kervette property, the south side of the road, will be improved with curb and gutter where this is feasible without additional right-of-way. The widening of the road will include the following initial construction, Old Frederick Road will exist as the ultimate right-of-way. The only private right-of-way required to permit the initial road improvement is the right-of-way owned by the Kervette family, St. Anne's Church. Preliminary discussions have been made with the Kervette family and it will receive the cooperation of the church in regard to the widening of the road.

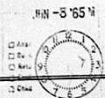
We anticipate that the rights-of-way plats and instruments necessary for acquisition from the church will be available in approximately two weeks to permit official negotiations. As no difficulties are anticipated we feel these road improvements will be advertised for contract approximately one month following the utility contracts.

If you have any further questions regarding this matter do not
hesitate to call.

ALBERT D. KALTENBACH, Director
Department of Public Works

$$A \subseteq K \subseteq \Lambda \subseteq \Gamma \subseteq \Omega \subseteq \mathcal{P}(K) \subseteq \mathcal{P}(\Lambda) \subseteq \mathcal{P}(\Gamma) \subseteq \mathcal{P}(\Omega)$$

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65-378 JPH

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1 BARK REALTY COMPANY IN THE
2 PLAINTIFF : CIRCUIT COURT
3 VS. : FOR
4 BALTIMORE COUNTY, BALTIMORE COUNTY
5 MARYLAND, : Defendant's
6 DEFENDANT : Answer to Writ of
7 Mandamus
8 :
9

Tuesday, May 25th, 1965

BEFORE: HONORABLE KENNETH C. PROCTOR, JUDGE.

APPEARANCES:

For the Plaintiff:

George W. White, Jr., Esquire
A. Owen Hennegan, Jr., Esquire

For the Defendant:

Ronald Goodman, Esquire
J. Allan Cohan, Esquire
Harry Shapiro, Esquire

REPORTED BY

PAUL A. MC NICKLE
Official Court Reporter
In the Circuit Court for Baltimore County.

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1 (After the conclusion of the testimony
2 and argument, the Court made the
3 following comments.)

4 THE COURT: I'm going to recess Court until
5 twelve o'clock. I want to read the St. Mark's case, and
6 look at the code section on mandamus, and re-read the
7 Zoning Regulations.

8 I think I'll be able to hand down a decision at
9 twelve o'clock, and if not I'll tell you why, but I want
10 to give an opinion if possible. After I read these I may
11 have some questions to ask of the attorneys.

Mr. Clark, please recess the Court.

13 (Whereupon, Court was recessed at 11:45 A.M.,
14 to reconvene at 12:00 noon, same day.)

(Court reconvened at 12:00 noon.)

16 THE COURT: The Court deems it desirable in the
17 beginning of the opinion to review the facts in the case,
18 and make certain findings of fact, and then go into what
19 the Court believes to be the law applicable to the case.

20 The controlling facts in the opinion of the Court
21 are as follows: the zoning of the property involved in this

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1 case is B.M. or business major, and that zoning under the
2 regulations does permit development of the tract as proposed
3 by Petitioner's Exhibit No. 1. Petitioner's Exhibit No. 1.,
4 after substantial review and numerous comments was approved
5 by the Traffic Engineer of Baltimore County, whose office
6 is under the Department of Public Safety, and whose office
7 is charged with traffic investigations and recommendations
8 of traffic controls in Baltimore County.

9 That exhibit, again after numerous comments and
10 revisions in the plan, was approved by the head of the
11 Department of Planning and Zoning, Mr. George Cavrelis,
12 after consultations with his staff. Mr. Cavrelis has
13 testified that he and his staff had considered Exhibit No. 1
14 in the light of the Zoning Regulations, Section No. 102.6,
15 and was prepared to approve the application for the building
16 permit, considering all factors including those factors of
17 referred to in Zoning Regulation, Section 102.6.

18 Mr. Rose, as the Zoning Commissioner, testified
19 that he has reviewed the proposed plan of development,
20 Petitioner's Exhibit No. 1, and finds that it conforms with
21 the Baltimore County Zoning Regulations, 1964 edition, having

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1 and excepting possibly the proposed entrance to the property
2 from Old Frederick Road.

3 Another fact is that a petition was filed on
4 behalf of certain property owners in the neighborhood, with
5 Mr. Rose as Zoning Commissioner, requesting a hearing under
6 Section 500.7 of the Baltimore County Zoning Regulations.
7 Mr. Rose has set a hearing on that petition for June 4th,
8 1965.

9 I believe these are all of the pertinent and
10 controlling facts in this case.

11 Now, as to the law: Maryland Law Encyclopedia,
12 Volume 14, the portion that deals with Mandamus, Sections
13 1 and 2, go into the office of the writ of mandamus, and
14 indicate in line with earlier discussions of the question
15 with counsel, that it is an extraordinary writ, and, in a
16 case such as this, lies only to require the performance of
17 a purely ministerial duty by a public officer, a duty which
18 does not involve discretion so far as such officer is con-
19 cerned, a duty which the Court might characterize as a
20 clerical duty.

21 These sections go on to say that the granting or

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1 refusal of the writ is a matter resting within the dis-
2 cretion of the Court, citing in Note 15 on Page 464, some
3 half dozen cases, the most recent of which was Walter vs.
4 the Board of County Commissioners of Montgomery County,
5 179 Md. 665. The Section goes on to say that the discretion
6 of the Court is not an arbitrary one, but must be exercised
7 in a judicial manner and must be based on equitable princi-
8 ples.

9 So that as the Court sees it, the determination
10 which must be made in the light of the facts and in the
11 light of the applicable law is, does Mr. Rose have at this
12 point some discretion which he may exercise, or has the
13 application for a building permit reached the point where
14 his approval is one required by the facts and the law, and
15 is merely a formality, a clerical act.

16 The Baltimore County Code, 1964 Supplement,
17 Section 23-18, is the basic enabling act insofar as Balti-
18 more County zoning is concerned. In part, it authorizes and
19 directs the adoption of comprehensive maps and regulations,
20 and says: "Such zoning maps and regulations shall be made
21 in accordance with a comprehensive plan." Now sentences:

1 "They shall be designed to reduce congestion in the roads,
2 streets and alleys," and so forth. The word, "they" in
3 the second part of that quotation obviously refers to the
4 zoning maps and regulations.

5 The Zoning Regulations, Section 102.6 reads as
6 follows: "No building permit shall be issued for any
7 commercial, industrial or apartment development until the
8 proposed plan for vehicular access thereto shall have been
9 first approved by the Office of Planning and the Division
10 of Engineering, Department of Public Works of Baltimore
11 County."

12 One other pertinent statutory provision is
13 Section 28-13 of the Baltimore County Code of 1958, which
14 is under the title, "Director of Public Safety, authority
15 to make rules and regulations," and confers upon the
16 Director of this department power to do a number of things
17 concerning traffic controlling, traffic flow, parking on
18 public streets and that sort of thing.

19 The Traffic Engineer of Baltimore County, at
20 least in part, operates under that section, and makes
21 determinations under that section.

1 Another pertinent provision of the Zoning Regula-
2 tions is Section 500.7, which confers upon the Zoning
3 Commissioner the power to hold other hearings, other hear-
4 ings being in the opinion of the Court, hearings other
5 than those involved in petitions for reclassifications
6 for variances or for special exceptions. Those hearings
7 are subject to the right of appeal from his order to the
8 County Board of Appeals. That section is concerned with
9 hearings dealing with, "The proper enforcement of all
10 zoning regulations".

11 That particular section deals with violations
12 where improper use is being made of a particular piece of
13 land contrary to the zoning regulations, any violation of
14 any provision of the zoning regulations, as a matter of
15 fact.

16 Those hearings are also concerned with the
17 determination of the existence of any purported non-
18 conforming use on any premises, or to determine any rights
19 whatsoever of such person in any property in Baltimore
20 County insofar as they are affected by those regulations.
21 That's all part and parcel of one sentence under which the

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1 Zoning Commissioner is given the power, "For a public
2 hearing after advertisement and notice to determine the
3 existence of any purported non-conforming use on any
4 premises or to determine any rights whatsoever of such
5 person in any property in Baltimore County insofar as
6 they are affected by these Regulations".

7 One other legal reference I think is of importance,
8 and that is that the decisions, so far as the Court is
9 aware, of the Court of Appeals in zoning cases where the
10 decision swings one way or another on the answer to the
11 question, "Is a traffic hazard or undue congestion in
12 public roads created," are limited to cases involving
13 petitions for reclassification of property. That was true
14 in the case of St. Mark's v. Doub, 219 Md. 387, where the
15 Court at Pages 394-396 discussed the question of traffic
16 problems.

17 It was also true in the decision of Price v. Cohen,
18 one of the cases referred to in argument, 213 Md. 457. In
19 the St. Mark's case as the Court recalls it, the property
20 had been zoned on the map -- yes, that is correct. The
21 property had been zoned on the map for commercial use, and

an attack was made on that classification in that case, and the Court of Appeals affirmed the classification as shown on the map. That to the Court is of some significance because of the zoning involved in the instant case, although it was brought about originally by reclassification, as now presented to the Court is now laid on the comprehensive zoning map.

The Price case involved a petition for reclassification in which the traffic question was raised.

All right, now: how do the various authorities to which the Court has referred apply in this case? It is the opinion of the Court that, when an application for a building permit is filed with the Department of Licenses and Permits of Baltimore County, Maryland, under the law such application must be circulated among a number of different departments which might be involved in the proposed construction, such as the Health Department, to determine whether proper provision is made for sanitary coverage; such as the Traffic Engineer to determine whether or not provision for entrances and exits is proper; such as the Department of Planning and Zoning for the purpose of

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of determining whether or not the plans, specifications, and what-not comply with all the legal requirements applicable to the proposed construction; such as the Building Engineer's office to determine whether or not the plans and specifications comply with the Building Code; such as the Zoning Commissioner to determine whether or not the plans and specifications comply particularly with the provisions of the Zoning Regulations.

The questions presented to the Zoning Commissioner, in the opinion of the Court, in considering an application for a building permit are: Is the proposed use permitted by the zoning of the property? Does the plan of development make proper provision for off street parking in accordance with the requirements of the Zoning Regulations? Does the plot plan show that the regulations concerning setbacks have been met?

It is the opinion of this Court that the Zoning Commissioner does not have authority to review that which has already been done by several other different branches of the County Government. For example, I do not believe that the Zoning Commissioner has authority, in considering

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an application for a building permit, to review what he himself or his deputy has done in granting a petition for zoning reclassification. To the Court's mind that would be ridiculous, that the Zoning Commissioner could consider a petition for a reclassification of a tract of land, including all of the factors involved in connection with such a reclassification, one of which and generally the most important of which is the question of traffic, traffic hazards, traffic congestion, and then, having decided that the property should be reclassified, turn around in connection with an application for the issuance of a building permit and reverse himself.

I don't think that the Zoning Commissioner has the authority to review the actions of the County Council such as we have here for consideration. Presumably, the County Council in classifying the tract involved in this case as a B.M. Zone, took into consideration the various factors that would be involved in such a zoning, one of which would be would the zoning of that tract of land have an undue adverse effect on traffic congestion and create traffic hazards.

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I don't believe that the Zoning Commissioner has the authority in this particular case, when the Traffic Engineer has reviewed the plan, has suggested changes in the plan, changes in the entrance proposed off Old Frederick Road, and finally approved the plan and the application for the building permit, to say that he is not going to follow what the Traffic Engineer has approved.

I think that when Section 102.6 says: "No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Office of Planning," it means just that. It means, the Office of Planning and Zoning, the head of which is Mr. Gavrelis, and he testified that he has approved the plan, including the proposed entrance from Old Frederick Road.

Historically, in Baltimore County there has been a rather definite line of division of authority between the head of the Office of Planning and Zoning, and the Zoning Commissioner. It is a peculiar set-up to say the least, but nevertheless, historically they have worked out

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what has proved to be a rather satisfactory division of authority. In petitions for reclassifications, variances, and special exceptions, the Zoning Commissioner has paramount authority. The Director of the Office has the right to advise, make comments, to make suggestions, but that's about all they amount to. It is the Zoning Commissioner's prerogative, and his only, to determine whether any reclassification should be granted, or any special exception or variance should be granted.

The enforcement of the regulations so far as violations are concerned, again, is the prerogative of the Zoning Commissioner. He receives complaints, sometimes from other departments in the County, sometimes from citizens, sometimes by his own review of the properties in the County. Having received the complaints, he holds hearings and determines whether or not there has been a violation.

As far as the administrative phases of the Office are concerned, other than enforcement to which I just referred, the department head is the one who makes the decisions. In this case, he has decided and so testified

that Petitioner's Exhibit No. 1, including the entrance from Old Frederick Road meets with his approval. To the Court's interpretation that means that not only should there be an entrance from Old Frederick Road, but that he has approved the specific location of such entrance as shown on Petitioner's Exhibit No. 1.

Finally, it does not make sense to the Court that Judge Murray, when he first zoned this property back in, I believe it was 1949, or the County Council, when they adopted the comprehensive zoning map, contemplated this a tract of land of this size located on Route 40 would be developed with no entrance from Old Frederick Road into the property.

In the light of what the Court has said, it is the Court's opinion that the approval of the application for a building permit by Mr. Rose, as Zoning Commissioner, is now purely a ministerial act. He has testified that the only question which he had would compel him to possibly refuse to endorse the application is that of the entrance from Old Frederick Road. The Court is of the opinion that according to the law, as outlined above, that prerogative

was either that of the Traffic Engineer or the Head of the Department of Planning and Zoning, or a combination of the two, and that approval has already been granted.

So that the decision of the Court is that the writ of mandamus should issue, and that the hearing scheduled by Mr. Rose for June 4th, 1955 does not have any legal justification.

Accordingly, if an amended petition for mandamus is filed which incorporates a prayer for injunction against that hearing, the Court will sign an order, first, directing the issuance of the writ of mandamus, and secondly, granting the injunction against the holding of the hearing.

The writ will be directed to the Baltimore County, Maryland, a body corporate and politic, and to the other departments named in the petition.

The writ of injunction will be directed to John G. Rose, Zoning Commissioner for Baltimore County.

MR. WHITE: May I ask one thing, your Honor?

THE COURT: Yes, sir.

MR. WHITE: We have to file the petition for injunction that is separate from mandamus. Would that make

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a difference?

THE COURT: No, sir. You have the right to do that.

MR. HENNINGHAM: It is here and ready for filing.

MR. WHITE: All right, we'll get the order up.

THE COURT: Thank you, gentlemen.

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PETITION FOR SPECIAL HEARING
1ST DISTRICT

ZONING: Petition for a Special Hearing to determine whether or not the Zoning Commissioner should approve a "vario" for a Department Store.

LOCATION: Beginning 100 feet from the southeast corner of St. Agnes Lane and Baltimore National Pike.

DATE & TIME: Friday, June 4, 1944 at 12:30 A.M.

PUBLIC HEARING: Room 144, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for a Special Hearing Under Section 1917 of the Zoning Regulations of Baltimore County to determine whether or not it is Zoning Commissioner should approve a petition for a department store.

All that parcel of land in the 1st District of Baltimore County, Beginning 100 feet from the southeast corner of St. Agnes Lane and Baltimore National Pike (Route 40); thence running to an existing division along the north side of Baltimore National Pike for a distance of 1194 feet, more or less, to a point; thence south 20 degrees 11 minutes East 121.87 feet to a point; thence running to a point easterly and westerly direction to the north side of Old Frederick Road for a distance of 1124 feet, more or less, to a point; thence north 25 degrees 00 minutes East 121.11 feet to the place of beginning.

Being the property of Earl Realty Corporation, per Goodhue Construction Company, R. E. Miller, 4515 Court Square, Long Island City, New York.

Hearing Date: Friday, June 4, 1944 at 12:30 A.M. Public Hearing: Room 144, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By Order of
JOHN G. ROBE,
Zoning Commissioner of
Baltimore County.

May 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 27, 1944

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks before the 10th day of June, 1944, the last publication appearing on the 14th day of May, 1944.

THE JEFFERSONIAN,

L. Frank Shuster
Manager.

Cost of Advertisement, \$.....

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BALTIMORE

NATIONAL (U.S. 40)

PIKE

DEPARTMENT STORE

25x40 FOOD FAIR SUPERMARKET

MCCORMY VARIETY STORE (CARCEL ONE)

TRE SHOP

STORY BRICK STRIP STORE (BARGE TWO)

SECTION A-A
SCALE 1"=20'

STAIRWELL OVERLAPMENT
WITH ADJOINING PROPERTY
OWNER: NO VIOLATION

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PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *James E. Gaudin*
DATE: *11/14/60*

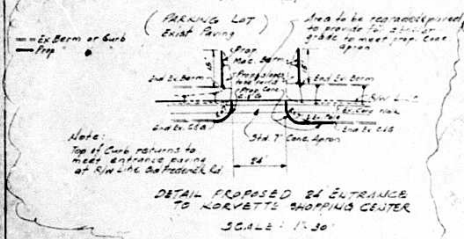
APPROVED
DEC 4 1960
BUREAU OF
TRAFFIC ENGINEERING



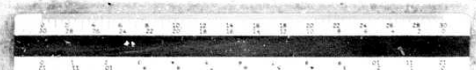
PLAN SHOWING IMPROVEMENTS
TO PROPERTY
OF

E.J. KORVETTE SHOPPING CENTER
BALTIMORE NATIONAL PIKE & OLD FREDERICK RD.
ELECTION DISTRICT 1
SCALE 1"=50'

Oct 12, 1961
Rev. Nov. 20, 1961. Added ramp driveway at W.B. on Frederick Rd.

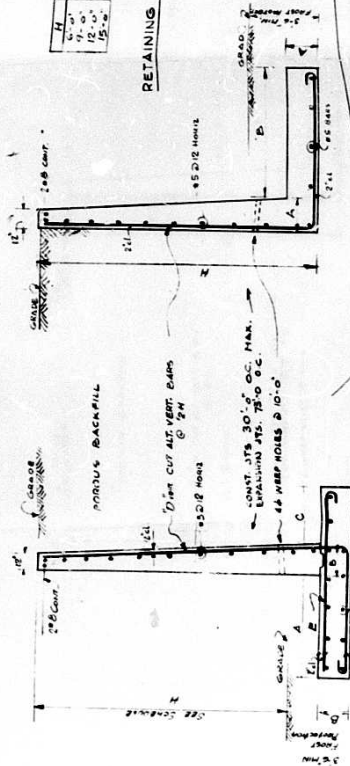


MATZ, CHILDS & ASSOCIATES
1020 OAKWELL DRIVE
BALTIMORE, MD. 21201
C.A. 94-215



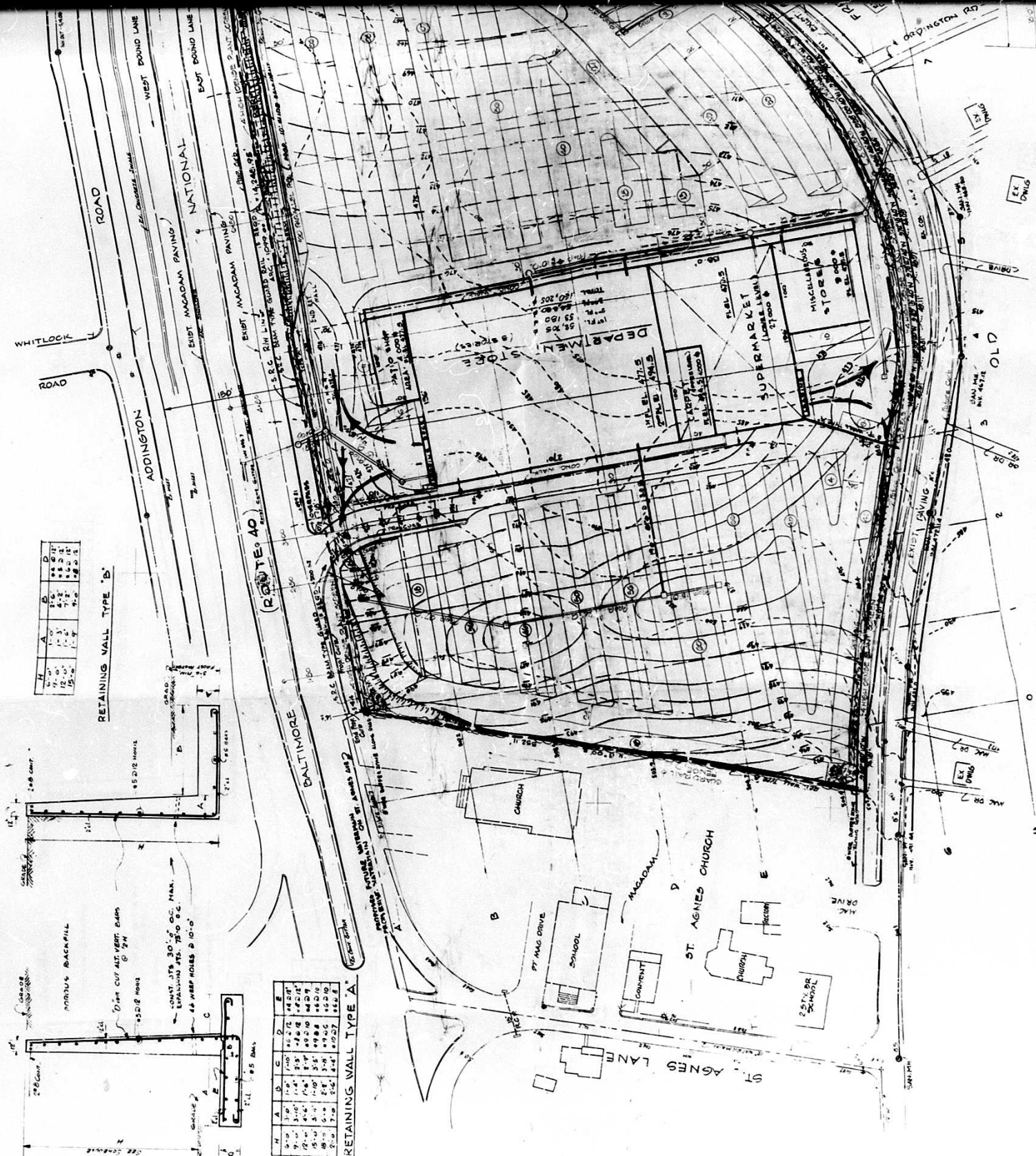
H	A	B	D
6.0	1.0	2.6	0.6
9.0	1.3	4.2	0.8
12.0	1.6	7.2	0.6
15.0	1.9	9.0	0.8

RETAINING WALL TYPE "B"



H	A	D	C	D	E
6.0	3.0	1.0	1.10	1.5	1.4
9.0	3.10	1.4	2.5	2.5	2.12
12.0	4.6	1.6	2.9	2.10	2.9
15.0	5.4	1.10	3.5	2.8	3.5
18.0	6.0	2.8	3.6	3.10	3.10
2.0	7.0	2.6	4.8	4.10	4.4

RETAINING WALL TYPE "A"



IN THE
Court of Appeals of Maryland

SEPTEMBER TERM, 1965

NO. 297

MR. & MRS. ROBERT J. LAWLER,
MR. & MRS. RAYMOND L. KREBS,
MR. & MRS. RICHARD H. THIEMEYER,
MR. & MRS. C. BAXTER McLAUGHLIN,
MR. & MRS. JOHN J. BIRRANT, and
MR. & MRS. GLEN W. DUEY,

Appellants,

v.

BART REALTY CORPORATION,
a body Corporate,

Appellees.

Appeal from the Circuit Court for Baltimore County
(KENNETH C. PROCTOR, Judge)

BRIEF AND APPENDIX OF APPELLANTS

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FRIEDMAN & GOODMAN,
JAMES J. DOHERTY,
J. ALLAN COHEN,
I.N.A. Building
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