

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Schmidt Ford, Inc., 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 (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 B-6 zone to and

R-6 zone, for the following reason:

To increase the size of the lot zoned B-6 to provide sufficient area for the proper operation of an automobile dealership.

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:

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.

Schmidt Ford, Inc.
Contract purchaser
Address: 704 Court Square Building
Baltimore, Maryland 21204

Emmanuel H. Horn
Petitioner's Attorney
Address: 547-2168

ORDERED BY The Zoning Commissioner of Baltimore County, this 71st day of May, 1966, that the subject matter of this petition as 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 Callee Building in Towson, Baltimore County, on the 7th day of July, 1966, at 10:30 o'clock A.M.



John E. Gavelis
Zoning Commissioner of Baltimore County.

No. 67-6-R - Schmidt Ford, Inc.

Petition, description of property, Order of Deputy Zoning Commissioner
Certificate of posting
Certificate of advertisement
Comments of Office of Planning
Petitions of protests
4 Photographs
Photogrammetric Map
Plat filed with petition
Order of Appeal

Emmanuel H. Horn, Esq.
704 Court Square Building
Baltimore, Maryland 21204
Counsel for petitioner
Fred E. Waldrop, Esq.
Masonic Building
Towson, Maryland 21204
" " protests

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to a B-6 zone :
NW corner Liberty Road :
and Burnout Avenue, :
2nd District :
Schmidt Ford, Inc., :
Petitioner :
Baltimore County :
No. 67-6-R

OPINION

The petitioner in this case seeks a reclassification of a 6.87 acre parcel of land from an R-6 zone to a B-6 zone. The subject parcel is part of a twenty-six acre tract of land owned by the petitioner and is situated at the northwest corner of Liberty Road and Burnout Avenue in the Second Election District of Baltimore County. Three acres of the total twenty-six acre tract is presently zoned B-6, this being the land having a frontage along the north side of Liberty Road west of Burnout Avenue of approximately five hundred and fifty-four feet and a depth of two hundred and forty feet, and is directly in front (south) of the subject parcel on which reclassification is requested. The existing zoning around the subject tract on three sides is R-6 while, as stated above, the fourth side is zoned B-6, and is across the street from a Business-Roadside zone on the south side of Liberty Road.

At the outset of the hearing the petitioner withdrew his request for Business-Roadside zoning on an area of land on the northeast and west of the tract as shown on petitioner's exhibit #2 in batch marks. This withdrawal thus reduces the size of the parcel requested to be rezoned from 6.87 acres to 3.3 acres and, in effect, asks that the existing Business-Roadside zoning be extended an additional two hundred and ninety-nine feet in depth beyond the presently existing two hundred and forty feet Business-Roadside zoning.

Mr. Lawrence Finner, President of Schmidt Ford, Inc., the petitioner, testified that he purchased the twenty-six acre parcel in late 1963 or early 1964 for a relocation of his Ford auto dealership from its present location on the Liberty Road at the intersection of Offutt Road. He further testified that the present dealership at Liberty and Offutt Road is situated on three acres and that this space was inadequate, hence, he purchased the subject parcel with the intention of relocating his dealership on a larger tract of ground. Mr. Finner has been in the automobile business for twenty years and owned and operated a new car dealership at Liberty and Offutt Road until May of 1966. After May of 1966 he took over the operation of a Ford dealership in Baltimore City and rented the Liberty and Offutt Road property to another dealership known as Joe Grimm Ford.

MILTON SINGEL,
PEARL LESSNER,
BERNARD CAPLAN and
JEROME MAZER,

Protestants-Appellants

WILLIAM S. BALDWIN,
J. GILES PARKER and
JOHN A. SCOWIK,
being and constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Case No. 8
Folio No. 189
File No. 3723

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

Daniel E. Buddenbaker
County Board of Appeals of Baltimore County

cc: Solicitor
Zoning

March 21, 1967

Emmanuel H. Horn, Esq.
1704 Court Square Building
Baltimore, Maryland 21204

Re: Zoning File No. 67-6-R
Schmidt Ford, Inc., Petitioner

Dear Mr. Horn:

Enclosed please find a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Eshenkov, Secretary

cc: James H. Cook, Esq.
Fred E. Waldrop, Esq.
Mr. Rapp
Mr. Hardesty
Mr. Coveille
Board of Education

Schmidt Ford, Inc. - #67-6-R

An expert witness appearing on behalf of the petitioner, Mr. Augustine J. Mueller, an engineer and recognized expert in zoning matters, testified that there are no Business-Major zones along the Liberty Road for a distance of two to three miles east or west of the subject property and that, in his opinion, the two hundred and forty foot depth of the existing Business-Roadside zone is not sufficient for many of the uses that are allowed in a B-6 zone. He cited as examples automobile sales agencies, lumber yards, etc. He further felt that if the one hundred and fifteen foot buffer strip is to remain in R-6 around the subject property, then the use of the property for any of the Business-Roadside uses permitted, including an automobile agency, would not be detrimental to the surrounding properties.

George E. Gavelis, the Director of Planning for Baltimore County, was summoned by the petitioner and testified in great detail as to his thoughts on the proposed reclassification. In accordance with his comments, dated June 23, 1966 and introduced as petitioner's exhibit #1, he felt that in view of the increased site area requirements for automobile dealers some enlargement of the commercial zoning here would be logical, but he did not agree with the original proposal to reclassify the 6.87 acre tract, and recommended a buffer strip of approximately one hundred and fifteen feet around the tract to lessen the effect of the commercial on the surrounding residential properties. While on the witness stand he examined exhibit #2 that had been introduced by the petitioner, and stated that, in his opinion, the plan as shown on this exhibit represented good planning practice and that by leaving the buffer strip as he had recommended he felt that the reclassification here would not set any precedent for the granting of possible future requests by nearby property owners for commercial zoning. He stated that since the adoption of the zoning map in 1962 the site area requirements for automobile dealerships have dramatically increased and that in recommending the land use map for the Liberty Road area, the large commercial areas placed on the map that are as yet undeveloped were identified in the minds of the Planning Staff as being sites for neighborhood or community shopping centers, as opposed to roadside uses, and the map did not provide, in his opinion, areas of suitable commercial depth generally along the Liberty Road for automobile dealerships. He testified that practically all of the Business-Major zoning put on the various County zoning maps is put on with the idea that it would go into a shopping center use, and that to his knowledge he knows of only one automobile agency in Baltimore County which is located in a shopping center. He further stated that since auto dealerships are permitted uses only in Business-Major and Business-Roadside zones, that in order for an automobile dealership to relocate to a piece of property zoned in sufficient depth to accommodate the increased needs for such dealerships would require them, in seventy-five percent of the cases, to go through a rezoning procedure. The witness indicated that this lack of B-6

Schmidt Ford, Inc. - #67-6-R

zoning in depth and the inability of automobile agencies to locate in Business-Major zones does present a problem, but he did not feel that the regulations should be amended but rather felt that since there are so few requests for locations by auto dealers that it should be handled on an individual basis, stating that he did not necessarily think the map covering this area is in error, but rather that the site area requirements for new car dealerships have changed to an extent necessitating evaluation in terms of specific properties and situations to determine the extent that zoning must be changed. In answer to a question by the Board, Mr. Gavelis stated: "This is a change in land use requirements for new car dealerships that now then has to be evaluated in terms of a specific proposal to find out whether or not it did make any sense in terms of adjustment. Basically these land area requirements were not foreseen by the Planning Staff." The Board infers from Mr. Gavelis' testimony that in view of the increased site area requirements for auto dealers and established County policies, there is not adequate provision for new car dealerships under the existing zoning regulations. However, from a planning standpoint Mr. Gavelis believed that it would be better to handle these petitions on an individual basis and make an adjustment in the map from time to time to accommodate this specific need rather than amend the zoning regulations to allow auto dealers in Business-Local zones.

A number of the residents of the surrounding neighborhood appeared at the hearing in opposition to the proposed reclassification, and five witnesses took the stand on behalf of the protestants. A Jerome Mazer appeared on behalf of the Beth Israel Congregation, a synagogue which is situated on the south side of the Liberty Road directly across from the Schmidt Ford tract. He stated the congregation owns approximately ten acres and the value of the improvements erected thereon is approximately \$750,000. A good portion of these improvements are apparently erected on Business-Roadside property. He was primarily opposed to the reclassification because of the possibility of increased traffic on the Liberty Road, however, he did agree, on cross-examination, that possibly some of the other B-6 uses that could be placed on the existing B-6 zone would produce just as much traffic as an auto dealership.

Mrs. Eloise Lautbach testified that she and her husband owned property at 9323 Liberty Road, presently zoned B-1, on the south side of Liberty Road east of the subject property between Burnout Avenue and Chapman Road. Her reason for objecting to the proposed reclassification is that if this reclassification is granted it will reduce the opportunity for her to dispose of her property to the Ford Motor Company.

Bernard Caplan, a nearby resident, felt that any additional commercial zoning might depreciate the value of his home. His house appears to be approximately nine hundred and sixty feet north of the Liberty Road in the Pikeswood development, and

apparently would still be approximately four hundred and twenty feet away (or six lots assuming the lots to have a sixty foot frontage) from the commercial zone even if extended as requested by the petitioner.

Mrs. Pearl Lesner objected to what she felt might possibly be the unsightly appearance of an automobile dealership. Milton Siegel, who testified he lived in the fifth house north of Liberty Road on Pikeswood Drive, objected generally to the requested reclassification, however, he did state that he had no objection to the location of an automobile dealership on the existing Business-Roadside zone along the north side of Liberty Road.

From the testimony before the Board, the petitioner's request for the extension of the B.R. zoning an additional two hundred and ninety-nine feet is a reasonable and logical one, and that it would not contravene the spirit and intent of the zoning map in the area in question. We further find that the petition as it was presented to the Board will have no detrimental, adverse or deprecating effect on the immediate neighborhood.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of March, 1967 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED for the property described as follows:

"BEGINNING for the same at a point N59°40'30" W 50' from a point in the 6th or S59°14'10" W 818.31' line of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, Folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc., said point in 6th line being N59°14'10" E 52.73' from the beginning of said 6th line, said point being also distant 273' measured at right angles from the centerline of Liberty Road, running thence from said point beginning parallel to and distant 273' measured at right angles from the centerline of Liberty Road N59°40'30" W 410' more or less to a point distant 115' measured at right angles from the 2nd or N18°57'12" E 2191.81' line of the whole tract, thence N18°57'12" E 303', thence S59°40'30" E 535' more or less to a point 127' measured at right angles from the aforesaid 6th line

In the whole tract, running thence parallel and 127' measured at right angles from said 6th line S59°14'10" W 210' running thence S59°40'30" E 95' to a point, thence S59°14'10" W 135' more or less to the place of beginning.

CONTAINING 3.3 acres of land more or less.

BEING part of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, Folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc."

and subject to site plan approval by the Department of Planning and Zoning, the State Roads Commission, and the Bureau of Public Services.

Any appeal from this decision must be in accordance with Chapter 1103, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Stowik

should be amended but rather felt that since there are so few requests for locations by auto dealers that it should be handled on an individual basis, stating that he did not necessarily think the map covering this area is in error, but rather that the site area requirements for new car dealerships have changed to an extent necessitating evaluation in terms of specific properties and situations to determine the extent that zoning must be changed."

Thus, the County Board of Appeals assumed up its decision in the final paragraph of its Opinion:

"From the testimony before the Board, the Petitioner's request for the extension of the B-R zoning an additional 299 feet is a reasonable and logical one, and that it would not contravene the spirit and intent of the zoning map in the area in question. We further find that the petition as it was presented to the Board will have no detrimental, adverse or deprecating effect on the immediate neighborhood."

The Board in its opinion, however, seems to have ignored the oft repeated language of the Court of Appeals when they granted the reclassification from R-6 zoning to B-R zoning in this case. The Court of Appeals has repeatedly held that there is a strong presumption of the correctness of original zoning. *Board of County Commissioners v. Edmonds*, 240 Md 680; *Baltimore v. N.A.A.G.P.*, 221 Md 329; *Shadrock Improvement Association v. Molloy*, 232 Md 265; *Greenblatt v. Toney Schloss Properties Corp.*, 235 Md 9, and that before a Zoning Board rezones a Property there must be proof either of mistake in original zoning or that the character of the neighborhood has changed to such an extent that such reclassification ought to be granted. *Montgomery County v. Pither*, 233 Md 414; *Dillake v. Potteat*, 228 Md 588.

In the record before the Board there was evidence of neither error nor substantial change. In his cross-examination on Page 182 of the transcript, Mr. Gavrells testified in response to a question by Mr. Schwartzwelder, "No,

MILTON SIEGEL,
PEARL LESNER
BERNARD CAPLAN and
JEROME WATNER

VS

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Zoning File #67-6-R
Schmidt Ford Co., Petitioner

MEMORANDUM OPINION

This is an appeal from an Order of the County Board of Appeals of Baltimore County granting reclassification of approximately 3.3 acres of land in the Randolstown area of the Second Election District of Baltimore County, from an R-6 zone to a B-R zone. The Petitioner's original application was denied by the Deputy Zoning Commissioner. An appeal was taken to the County Board of Appeals from this Order and on March 28, 1967, the County Board of Appeals granted the reclassification. The Appellants are home-owners whose properties are close to the tract in question and a representative of the Beth Israel Congregation which is located immediately across the street from the subject area.

As recited in the Board's opinion, the parcel which is the subject of the petition is part of a twenty-six acre tract of land owned by the Petitioner and is situated at the northwest corner of Liberty Road and Belmont Avenue. Three acres of the total twenty-six acre tract are presently zoned B-R, this being the land having a frontage on the north side of Liberty Road west of Belmont Avenue of approximately 354 feet and a depth of 240 feet, and is directly in front (south) of the subject parcel on which reclassification is requested. The existing zoning around the subject tract on three sides is R-6, while, as stated above, the fourth side is B-R, and is across the street from a B-R zone on the south side of Liberty Road.

I don't think original error is my theory at all." On Page 164 when being questioned with respect to change in the use requirements of new car dealerships, Mr. Gavrells categorically stated, "It is not a change in the character of the neighborhood, absolutely."

Since there is no legally sufficient evidence of original mistake or substantial change in the character of the neighborhood, to grant Petitioner's application to change one existing use, established under a comprehensive zoning plan, to another existing established use, would result in spot zoning and would be in effect, "either to open the floodgates of uncontrolled administrative discretion or to authorize courts to zone and rezone." See *Board of County Commissioners v. Turt Valley Associates*, 247 Md 556. Therefore, the Board's decision is found to be arbitrary and capricious and lacking, in the record, legally sufficient evidence of change or error in original zoning to sustain it and thus without substantial evidence to present a reasonably debatable question for the discretion of the Board.

It is therefore this 28th day of April, 1968, by the Circuit Court for Baltimore County, ORDERED that the Order of the County Board of Appeals, dated March 28, 1967, be and the same is hereby reversed.

LESTER L. BARRETT
Judge

Mr. Lawrence Forner, the President of Schmidt Ford, Inc., the Petitioner, testified that he purchased the subject tract in 1963 or 1964 for the purpose of relocating his auto dealership which is presently located on Liberty Road at the intersection of Olcott Road. Mr. Forner stated that although it would be physically possible to operate an auto dealership on a three acre site, more space is needed for the proper arrangement and operation of showroom, service department and parking facilities. (Transcript Page 13)

The Court of Appeals was presented with a situation similar to the instant case in *Dillake v. Potteat*, 228 Md 588, where the property owners owned four adjoining lots on the westerly side of Langley Road. Two and a part of the third lot were zoned heavy commercial and the remainder was zoned cottage-type residential. The Appellants filed a petition to reclassify and extend the zoning of their property to cover the remaining portions of lots 3 and 4 to a heavy commercial zoning, so that the additional space could be used in connection with their bus business for the parking of additional buses needed to comply with increased demand. At Page 591, the court states, "There was no attempt to show any mistake as to the zoning of the property involved at the time of the adoption of the comprehensive zoning plan in 1932. The only evidence produced by the Dillakes in support of their claim of change in the neighborhood was to the effect that the population in the general area of this portion of the county had greatly increased. When asked at the hearing why he needed this additional rezoning, Mr. Dillake answered:

"Additional bus parking, population increase and it is necessary to the general public."

C. Then you want this property zoned because your business got too big for the land you own?

RE: PETITION FOR RECLASSIFICATION
of corner of Liberty Road and
Belmont Avenue
2nd District
Schmidt Ford, Inc. Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 67-6-R

The Petitioner has requested a reclassification of his property, consisting of approximately seven acres of land, from an R-6 zone to a B-R zone to permit the construction of an automobile sales agency.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to meet the burden of proof in showing error in the original zoning map or such substantial changes in the character of the neighborhood to justify the rezoning sought.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 28th day of August, 1968, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an R-6 zone.

Edward D. Hardesty
Edward D. Hardesty,
Deputy Zoning Commissioner

RECEIVED FOR FILING

DATE 8/28/68

BY [Signature]

ORDER RECEIVED FOR FILING

DATE 6/9/66

BY J. Harris

RECEIVED FOR RECLASSIFICATION
Baltimore County Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

The following has been received in reclassification of the property
containing 1/4 acre, more or less, from an owner to a
trustee to be held in trust for the use of the property.

On the 1st day of June, 1966, the County Office
of Planning and Zoning, Baltimore County, Maryland, has
received from the owner of the property, a petition for
reclassification of the property, from an owner to a
trustee to be held in trust for the use of the property.

The petition is for the reclassification of the property
from an owner to a trustee to be held in trust for the
use of the property, from an owner to a trustee to be
held in trust for the use of the property.

TELEPHONE
923-3000

INVOICE
BALTIMORE COUNTY, MARYLAND No. 38682
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Muller, Raphael and Associates, Inc.
201 Courtland Ave.
Towson, Md. 21204

BILLED TO: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	61-682	TOTAL AMOUNT
QUANTITY	DEPOSIT UPON RECEIPT AND RETURN WITH YOUR REMITTANCE	COST
1	Petition for Reclassification for Schmidt Ford, Inc.	\$8.00
1	#67-6-R	
1	6-956 1333 * 38682 714	\$8.00

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

PETITION FOR RECLASSIFICATION 2nd DISTRICT

ZONING: From R-6 to B.R.
LOCATION: Northwest corner of Liberty Road and Burnside Avenue
DATE & TIME: Thursday, July 7, 1966 at 10:30 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

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

on the 7th day of July, 1966 at 10:30 A.M.

All other parcels of land in the Second District of Baltimore County

Being the property of Schmidt Ford, Inc., as shown on plat plan filed with the
Zoning Department.

Starting Thursday, July 7, 1966 at 10:30 A.M.
Public Hearing Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2ND Date of Posting: June 18, 1966
Posted for: Reclassification from R-6 to B.R.
Petitioner: Schmidt Ford, Inc.
Location of property: NW corner of Liberty Rd. & Burnside Ave.
Location of Signage: NW corner of Liberty Rd. & Burnside Ave.
Remarks: 2 signs
Posted by: J. Harris Date of return: June 23, 1966

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING June 28, 1966

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

GEORGE E. GARVELLIS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

Manuel H. Horn, Esq.
1704 Court Square Building
Baltimore 2, Md.

Dear Sirs:

The enclosed memorandum is sent to you in compliance with
Section 23-22 of the 1961 Supplement of the Baltimore County Code.

Any questions of correspondence in regard to the enclosed subject
matter must be directed to the Director of Planning and Zoning
(or his Deputy) and NOT to the Zoning Commissioner.

If you desire to have a member of the Planning Staff testify,
it will be necessary for you to summons him through the Sheriff's
Office.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/ba

ENC:

IN THE MATTER OF THE : BEFORE THE
PETITION FOR RECLASSIFICATION : ZONING COMMISSION
FROM R-6 to B.R., : OF
SCHMIDT FORD, INC., : BALTIMORE COUNTY
PETITIONER : (Petition #67-6-R)

SUBPOENA DUCES TECUM

Mr. Sheriff:

Please issue a Subpoena Duces Tecum to:

Mr. George Garvellis
Director,
Baltimore County Office of Planning and Zoning
Towson, Md.

to bring all records of the Baltimore County Office of Planning
and Zoning pertaining to the above captioned Petition #67-6-R,
to the Zoning Hearing to be held in this matter on Thursday, July
7, 1966 at 10:30 a.m., County Office Bldg., Towson, Md.

to testify for Petitioner.

Manuel H. Horn
Attorney for Petitioner
Manuel H. Horn
1704 Court Square Bldg.
Baltimore, Md. 21202
(Sa. 7-2168)

Mr. Sheriff:

Please issue summons in accordance with the above.

JOHN G. ROSE
Zoning Commissioner of
Baltimore County

July 13, 1966

Manuel H. Horn, Esq.
1704 Court Square Building
Baltimore, Md. 21202

Re: Petition for Reclassification for
Schmidt Ford, Inc.
#67-6-R

Dear Sirs:

This is to advise you that \$61.00 is due for advertising and
posting of the above property.

Please make check payable to Baltimore County, Md. and remit
to Mrs. Anderson, Room 119, County Office Building.

Yours very truly,

JOHN G. ROSE
DEPUTY ZONING COMMISSIONER

JGR/ba

IN THE MATTER OF THE : BEFORE THE
PETITION FOR RECLASSIFICATION : ZONING COMMISSION
FROM R-6 to B.R., : OF
SCHMIDT FORD, INC., : BALTIMORE COUNTY
PETITIONER : (Petition #67-6-R)

SUBPOENA DUCES TECUM

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Please issue a Subpoena Duces Tecum to:

Mr. George Garvellis
Director,
Baltimore County Office of Planning and Zoning
Towson, Md.

to bring all records of the Baltimore County Office of Planning
and Zoning pertaining to the above captioned Petition #67-6-R,
to the Zoning Hearing to be held in this matter on Thursday, July
7, 1966 at 10:30 a.m., County Office Bldg., Towson, Md.

to testify for Petitioner.

Manuel H. Horn
Attorney for Petitioner
Manuel H. Horn
1704 Court Square Bldg.
Baltimore, Md. 21202
(Sa. 7-2168)

Mr. Sheriff:

Please issue summons in accordance with the above.

JOHN G. ROSE
Zoning Commissioner of
Baltimore County

NOTICE OF HEARING

Re: Petition for Reclassification for Schmidt Ford, Inc.
#67-6-R

TIME: 10:30 A.M.

DATE: Thursday, July 7, 1966

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

OFFICE OF THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
Rosedown, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

June 20, 1966

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

was inserted in THE BALTIMORE COUNTEAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one consecutive week before
the 20th day of June, 1966, that is to say
the same was inserted in the issues of
June 16, 1966.

THE BALTIMORE COUNTEAN

By: Paul J. Morgan
Editor and Manager

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 23, 1966

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #67-6-R. Northwest corner of Liberty Road and Burmont Avenue. Petition for Reclassification from R-6 to B-R. Schmidt Ford, Inc. - Petitioners.

2nd District

HEARING: Thursday, July 7, 1966. (10:30 A.M.)

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

The B-R zoning established along this Liberty Road frontage was intended for uses such as that proposed by the petitioners. In view of the increased site-area requirements of automobile dealer establishments, some enlargement of the commercial zoning here would be logical - but definitely not an enlargement to the extent requested. A buffer strip of R-6 zoning adjacent to three sides of the parcel under consideration should remain, thereby avoiding the establishment of inharmonious uses next to other property zoned R-6 and avoiding the probability of yet more commercial extensions. Part of this strip could be used for parking under a use permit, thereby assuring appropriate controls for landscaping, screening, etc.

The buffer strip we recommend is shown on a plot in the Office of the Director's files maintained by the Zoning Administration division. The strip is 115 feet in depth so as not to preclude the possibility of R-6 development.

Emmanuel H. Horn, Esquire
1704 Court Square Building
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

31 day of May, 1966

John G. Rose
Zoning Commissioner

Petitioner: Schmidt Ford, Inc.

Petitioner's Attorney: Emmanuel H. Horn

Reviewed by: James S. Doyle
Chairman of Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

June 3, 1966

George E. Gavett
Director

John G. Rose
For the Commissioner

Emmanuel H. Horn, Esquire
1704 Court Square Building
Baltimore, Maryland 21202

Re: Schmidt Ford, Inc.
(Item 1, May 31, 1966)

Dear Sir:

The above referenced petition is accepted for filing as of the date on the enclosed filing certificate. Notice of the hearing date and time which will be held not less than 30 days nor more than 90 days after the date on the filing certificate will be forwarded to you in the near future.

If you have any questions concerning this matter, please do not hesitate to contact me at BA-3-3000, Extension 353.

Very truly yours,

James S. Doyle
Principal Zoning Technician

JSD:ay

DICKERSON, NICE, SOKOL & HORN
ATTORNEYS AT LAW

RAY SOKOL
EMMANUEL H. HORN
JOSEPH J. LIPNER
ANDREW J. HORN
GEORGE A. BUTLERLAND

EDWIN T. DICKERSON
HAROLD W. NICE
WILLIAM H. SOKOL
C. WILSON DICKERSON
JOHN A. HORN



TELEPHONE: SARATOGA 7-2222

Hon. John G. Rose
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Appeal from Denial of Petition for
Reclassification
NW/corner of Liberty Road and Burmont Ave.
2nd District
Schmidt Ford, Inc., Petitioner
NO. 67-6-R

Dear Mr. Rose:

Please note and enter an appeal on behalf of the above named Petitioner, Schmidt Ford, Inc., from the Order dated August 9, 1966 issued by Deputy Zoning Commissioner, Edward D. Hardesty, Esq. in the above captioned matter.

*Check of \$75.00 for costs thereof is herewith enclosed made payable to Baltimore County, Maryland.

Very truly yours,

Emmanuel H. Horn,
Attorney for Petitioner

Enlist
enc.

Certified Mail
Return Receipt Req.

June 3, 1966

Emmanuel H. Horn, Esquire
1704 Court Square Building
Baltimore, Maryland 21202

Reclassification from R-6 to B-R
For Schmidt Ford, Inc.
Located NW/cor of Liberty Road
and Burmont Avenue, 2nd Dist.
(Item 1, May 31, 1966)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

ADVISORY COMMITTEE: The entire frontage must be curved. The face of the curb to be 24 ft. from and parallel to the centerline to the road. There must also be a concrete curb along the right-of-way line, 10 ft. from and parallel to the centerline of the road. The entrance must be located opposite existing entrance on the south side of Liberty Road. The above mentioned entrances should be shown on the plan. The curve line Burmont Avenue must have a radius of 30 ft. All construction within State Roads Commission right of way. The proposed entrance along Liberty Road will be subject to State Roads Commission approval and all construction must be done under a permit issued from this office.

PLANNING DIVISION: This office will review and submit any necessary comments at a later date.

BUREAU OF ENGINEERING:

Water - Existing 24" in Liberty Road.
Sewer - Existing 36" sewer approximately 130' northeast of the subject site in Burmont Avenue.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Burmont Avenue is to be developed as a "volume 10" road on a 60' right of way. Burmont Avenue should be realigned to intersect with Liberty Road at a 90° angle.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Fire Bureau
Health Department
Industrial Development Commission
Board of Education
Buildings Department
Bureau of Traffic Engineering

Very truly yours,

James S. Doyle, Principal
Zoning Technician

JSD:ay

cc: Mr. John Rogers - State Roads Commission
Mr. Albert Smith - Zoning Planning Division
Mr. Carlisle Brown - Bureau of Engineering

Fred. E. Waldrop, Esq.,
Masonic Building
Towson, Maryland 21204

August 24, 1966

Re: Petition for Reclassification
From R-6 Zone to B-R Zone
NW Cor. Liberty Road and
Burmont Ave., 2nd District -
Schmidt Ford, Inc., Petitioner
No. 67-6-R

Dear Mr. Waldrop:

Please be advised that an appeal has been filed from the decision of the Deputy Zoning Commissioner rendered in the above matter.

You will be duly notified of the date and time of appeal hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

67-6-R

Petitioner

Mr. Pinner → Owner - grand & quiet is 9 blocks east - only 3 acres - very difficult because 7 signs -

S - is flower shop - synagogue - + small shopping center just across ST -

N - across Burmont is power station.

W - Old Co. + other tavern

N - across 18 acres which is undeveloped R-6

Cannot specify agency bec of S&A back requirements (only 150' to build on) -

Particulars

Chris Miller → 3728 Pikewood Dr - 130' W of subj tract - sketchy annex - Oct 1965 - B-R - BR - oppnd - bus. compat -

Mr. Segal → 3721 Pikewood Dr - oppnd - living closer, than

August 9, 1966

Emmanuel H. Horn, Esquire
1704 Court Square Building
Baltimore, Maryland 21202

Re: Petition for Reclassification
NW/corner of Liberty Road and
Burmont Avenue
2nd District
Schmidt Ford, Inc., Petitioner
No. 67-6-R

Dear Mr. Horn:

I have this date passed my Order in the above captioned matter. Copy of said Order is attached.

Very truly yours,

Edward D. Hardesty
EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH:jdr

cc: Fred E. Waldrop, Esquire
Masonic Building
Towson, Maryland 21204

67-6-R
Petitioner

George Gavett → District of Planning - see comments - would recommend 115' buffer zone on all three sides - land not undeveloped. future status of new car agency -

Mr. Muller → Engineer - answer to be submitted - with available - land could be developed in its present R-6 zoning -

Pending before board

65-178-R - NE Lib Rd - SE corner with R-6 - From R-10 + R-6 To RA

64-3R - Winding Hill + Lib Rd (700' W) - R-40 + R-60 (For gas)

59-25 RY - 4500' W - Lib Rd + Main Rd - RA-9C (For gas)

N - R-6 undeveloped
W - R-6 undeveloped
S - R-6 undeveloped

MULLER, RAPHEL & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS - LAND SURVEYORS - ZONING CONSULTANTS

201-208 COUNTESS AVENUE, TOWSON, MARYLAND 21204

820-3008 - 820-1251

AUGUSTINE J. MULLER, P.E. & L.S.
CLARENCEBURG 2406

EUGENE F. RAPHEL, L.S.
PISCATAWAY 1404

ZONING DESCRIPTION
2ND. ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the Northwest side of Burmont Avenue distant 273 feet measured at right angles from the centerline of Liberty Road (66' wide) and in the 60 or N59°14'10" E 118.31 feet line of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc. at a distance of 52.72' from the end of said 60 line, thence running parallel to and distant 273' from the center line of Liberty Road N59°40'30" W 576.47 feet to intersect the 2nd or N18°57'12" E 2191.81 feet line in the aforementioned deed at the distance of 244.80' from the beginning of said line, running thence and binding on said last mentioned line N18°57'12" E 422.64, thence running parallel to and distant 205 feet from the 1st line in this description S59°40'30" E 838.64' to intersect the 60 or N59°14'10" E 816.31' line in aforementioned deed, running thence and binding reversely on part of the 60 line and on the northwest side of Burmont Avenue S59°14'10" W 473.34' to the place of beginning.

CONTAINING 6.872 acres of land more or less.

BEING part of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc.

MAY 12 1965

DATE

EUGENE F. RAPHEL

L.S. 2246

SURVEYS - LOTS - FARMS - TOPOGRAPHY - LOCATION - CONSTRUCTION SERVICE - SUBDIVISION DESIGN AND LAYOUT - ROAD - SANITARY SEWER - STORM DRAIN - WATER - ZONING PLATS, DESCRIPTIONS AND TESTIMONY

TELEPHONE 820-3000

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

No. 39491
DATE 3/24/66

TO: Samuel H. Hays, Esq.
200 Court Square Building
Towson, Maryland 21204

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.
Towson, Maryland 21204

REPORT TO ACCOUNT NO.	91-623	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal property of Schmidt Ford, Inc. No. 44 67-6-1	\$76.50 \$75.00
	6-2460 7791 • 39491 TIP-	1500

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.

TELEPHONE 820-3000

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

No. 39438
DATE 7/12/66

TO: Schmidt Ford, Inc.
Samuel Hays, Esq.
1700 Court Square Building
Towson, Md. 21204

BILLED BY: Zoning Dept. of Baltimore

REPORT TO ACCOUNT NO.	91-623	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property 67-6-1	61.00
	1-1965 6227 • 39438 TIP-	6100

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.

67-6

2

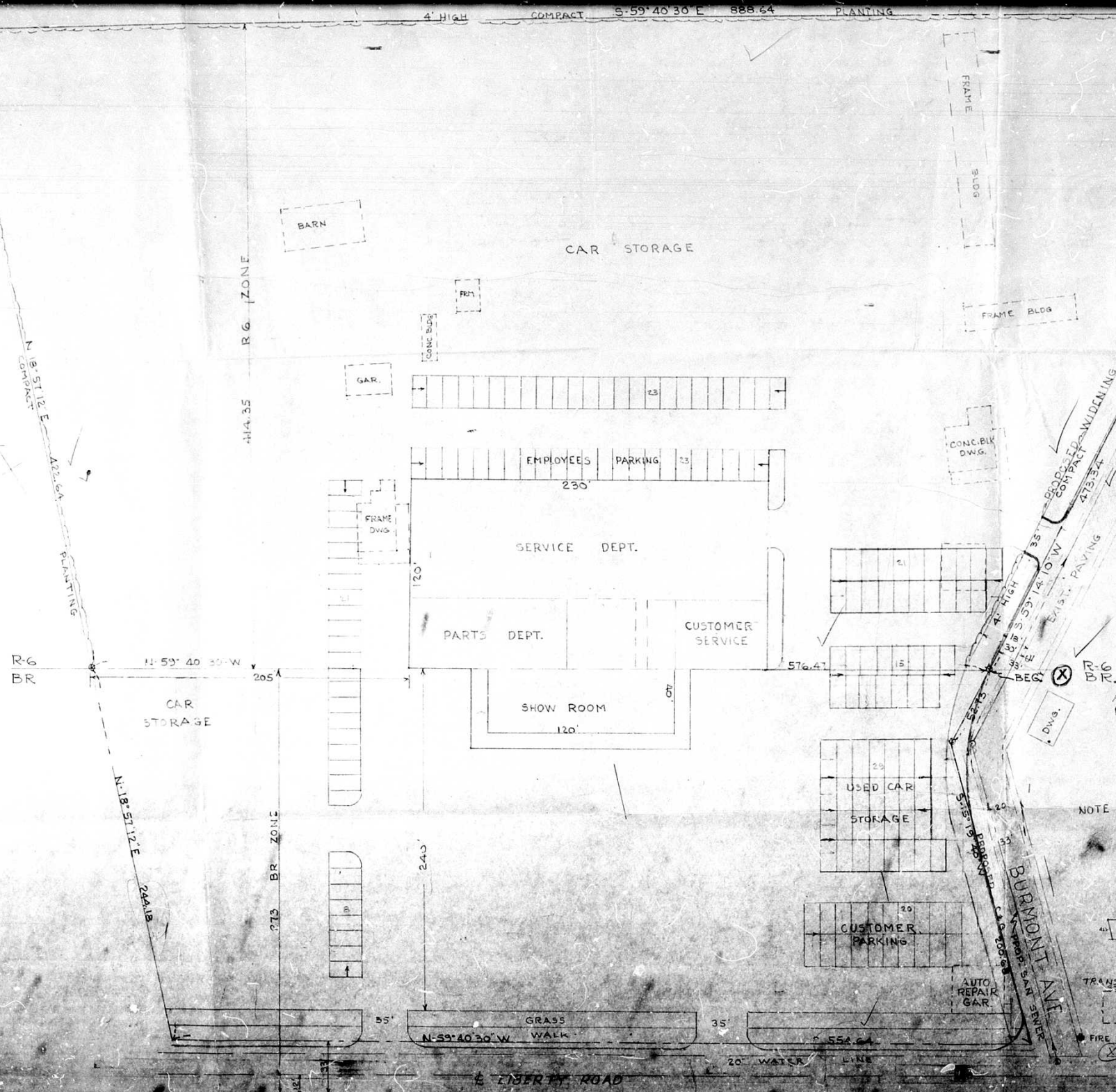
(3)

Pink ~~Letter~~

M. Caplan 3819 Pikeswood Dr - building home -
 about 1966 - March 1966 -

M. Schimpf → Builder of Pikeswood Dr. - told
 purchaser of BR steps (273) on
 Kibitz Rd -

M. Hirsch → Beth David Synagogue - congregation
 is opposed - 500 school children
 at present time - traffic hazard -



AREA OF PROPERTY - 6.812 AC.
 EXIST. USE OF PROP. - VACANT
 PROP. USE OF PROP. - AUTO SALES & SERVICE
 EXIST. ZONING PROP. - R-6
 PROP. ZONING OF PROP. - BR.
 PARKING DATA
 SPACES REQUIRED - 147
 SPACES PROVIDED - 161
 NOTE ALL EXIST. BLDGS. TO BE RAZED
 ALL PARKING AREAS TO BE
 OF DURABLE DUSTLESS SURFACE

OFFICE
 COPY

MAPS
 1-C
 2-C
 WESTERN
 AREA
 NW-7-J
 HW-8-J

SCHMITZ FORD, INC.
 PLANNING & ZONING PERSON
 BALTO CO MD

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Schmidt Ford, Inc., 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an amx zone, for the following reasons:

To increase the size of the lot zoned R-6 to provide sufficient area for the proper operation of an automobile dealership.

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:

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

Schmidt Ford, Inc.
Contract purchaser
Address 2443 Baltimore Ave.
Legal Owner
Address 2443 Baltimore Ave.
Petitioner's Attorney
Address 547-2165
Protestant's Attorney
Address 547-2165

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of May, 1966, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of July, 1966, at 10:00 o'clock A.M.



- 2 -

Schmidt Ford, Inc. - #67-6-R

An expert witness appearing on behalf of the petitioner, Mr. Augustine J. Mueller, an engineer and recognized expert in zoning matters, testified that there are no Business-Major zones along the Liberty Road for a distance of two to three miles east or west of the subject property and that, in his opinion, the two hundred and forty foot depth of the existing Business-Roadside zone is not sufficient for many of the uses that are allowed in a B.R. zone. He cited as examples automobile sales agencies, lumber yards, etc. He further felt that if the one hundred and fifteen foot buffer strip is to remain in R-6 around the subject property, then the use of the property for any of the Business-Roadside uses permitted, including an automobile agency, would not be detrimental to the surrounding properties.

George E. Gavrelis, the Director of Planning for Baltimore County, was summoned by the petitioner and testified in great detail as to his thoughts on the proposed reclassification. In accordance with his comments, dated June 23, 1966 and introduced as petitioner's exhibit #1, he felt that in view of the increased site area requirements for automobile dealers some enlargement of the commercial zoning here would be logical, but he did not agree with the original proposal to reclassify the 6.87 acre tract, and recommended a buffer strip of approximately one hundred and fifteen feet around the tract to lessen the effect of the commercial on the surrounding residential properties. While on the witness stand he examined exhibit #2 that had been introduced by the petitioner, and stated that, in his opinion, the plan as shown on this exhibit represented good planning practice and that by leaving the buffer strip as he had recommended he felt that the reclassification here would not set any precedent for the granting of possible future requests by nearby property owners for commercial zoning. He stated that since the adoption of the zoning map in 1962 the site area requirements for automobile dealerships have dramatically increased and that in recommending the land use map for the Liberty Road area, the large commercial areas placed on the map that are as yet undeveloped were identified in the minds of the Planning Staff as being sites for neighborhood or community shopping centers, as opposed to roadside uses, and the map did not provide, in his opinion, areas of suitable commercial depth generally along the Liberty Road for automobile dealerships. He testified that practically all of the Business-Major zoning put on the various County zoning maps is put on with the idea that it would go into a shopping center use, and that to his knowledge he knows of only one automobile agency in Baltimore County which is located in a shopping center. He further stated that since auto dealerships are permitted uses only in Business-Major and Business-Roadside zones, that in order for an automobile dealership to relocate to a piece of property zoned in sufficient depth to accommodate the increased needs for such dealerships would require them, in seventy-five percent of the cases, to go through a rezoning procedure. The witness indicated that this lack of B.R.

MULLER, RAPHEL & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS, LAND SURVEYORS, ZONING CONSULTANTS

AUGUSTINE J. MULLER, P.E., L.S., L.D.
EUGENE F. RAPHEL, L.S.

EUGENE F. RAPHEL, L.S.
PROFESSIONAL ENGINEER

ZONING DESCRIPTION 2ND. ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the Northwest side of Burmont Avenue distant 273 feet measured at right angles from the centerline of Liberty Road (66' wide) and in the 60 or N59°14'10" E 818.31 feet line of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc. at a distance of 52.73' from the end of said 60 line, thence running parallel to and distant 273' from the center line of Liberty Road N59°40'30" W 576.47 feet to intersect the 2nd or N18°57'12" E 2191.81 feet line in the aforementioned deed at the distance of 244.80' from the beginning of said line, running thence and binding on said last mentioned line N18°57'12" E 422.64', thence running parallel to and distant 205 feet from the 1st line in this description S59°40'30" E 888.64' to intersect the 60 or N59°14'10" E 818.31' line in aforementioned deed, running thence and binding reversely on part of the 60 line and on the north-west side of Burmont Avenue S59°14'10" W 473.34' to the place of beginning.

CONTAINING 6.872 Acres of land more or less.

BEING part of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc.

MAY 12 1966

DATE

EUGENE F. RAPHEL L.S. 2346

SURVEY - LOTS & PARCELS - TOPOGRAPHY - LOCATION - CONTRACTORS SERVICE - SUBDIVISION DESIGN AND LAYOUT - ROADS - ELEVATION SURVEY - STORM DRAINAGE - ILLUMINATION - ZONING PLATS DESCRIPTIONS AND TESTIMONY

- 3 -

Schmidt Ford, Inc. - #67-6-R

zoning in depth and the inability of automobile agencies to locate in Business-Major zones does present a problem, but he did not feel that the regulations should be amended but rather felt that since there are so few requests for locations by auto dealers that it should be handled on an individual basis, stating that he did not necessarily think the map covering this area is in error, but that the site area requirements for new car dealerships have changed to an extent necessitating evaluation in terms of specific properties and situations to determine the extent that zoning must be changed. In answer to a question by the Board, Mr. Gavrelis stated: "This is a change in land use requirements for new car dealerships that now then has to be evaluated in terms of a specific proposal to find out whether or not it did make any sense in terms of adjustment. Basically those land area requirements were not foreseen by the Planning Staff." The Board infers from Mr. Gavrelis' testimony that in view of the increased site area requirements for auto dealers and established County policies, there is not adequate provision for new car dealerships under the existing zoning regulations. However, from a planning standpoint Mr. Gavrelis believed that it would be better to handle these petitions on an individual basis and make an adjustment in the map from time to time to accommodate this specific need rather than amend the zoning regulations to allow auto dealers in Business-Local zones.

A number of the residents of the surrounding neighborhood appeared at the hearing in opposition to the proposed reclassification, and five witnesses took the stand on behalf of the protestants. A Jerome Mazer appeared on behalf of the Beth Israel Congregation, a synagogue which is situated on the south side of the Liberty Road directly across from the Schmidt Ford tract. He stated the congregation owns approximately ten acres and the value of the improvements erected thereon is approximately \$750,000. A good portion of these improvements are apparently erected on Business-Roadside property. He was primarily opposed to the reclassification because of the possibility of increased traffic on the Liberty Road, however, he did agree, on cross-examination, that possibly some of the other B.R. use that could be placed on the existing B.R. zone would produce just as much traffic as an auto dealership.

Mrs. Eloise Lauterbach testified that she and her husband owned property at 9323 Liberty Road, presently zoned B.R., on the south side of Liberty Road east of the subject property between Burmont Avenue and Chapman Road. Her reason for objecting to the proposed reclassification is that if this reclassification is granted it will reduce the opportunity for her to dispose of her property to the Ford Motor Company.

Bernard Caplan, a nearby resident, felt that any additional commercial zoning might depreciate the value of his home. His home appears to be approximately nine hundred and sixty feet north of the Liberty Road in the Pikeswood development, and

BEGINNING for the same at a point N59°40'30" W 50' from a point in the 60 or S59°14'10" W 818.31' line of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc., said point in 60 line being N59°14'10" E 52.73' from the beginning of said 60 line, said point being also distant 273' measured at right angles from the centerline of Liberty Road, running thence from said point of beginning parallel to and distant 273' measured at right angles from the centerline of Liberty Road N59°40'30" W 410' more or less to a point distant 115' measured at right angles from the 2nd or N18°57'12" E 2191.81' line of the whole tract, thence N18°57'12" E 305', thence S59°40'30" E 535' more or less to a point 127' measured at right angles from the aforesaid 60 line in the whole tract, running thence parallel and 127' measured at right angles from said 60 line S59°14'10" W 210' running thence S59°40'30" E 95' to a point, thence S59°14'10" W 135' more or less to the place of beginning.

CONTAINING 3.3 acres of land more or less.

BEING part of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc.

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Schmidt Ford, Inc. - #67-6-R

apparently would still be approximately four hundred and twenty feet away (or six lots assuming the lots to have a sixty foot frontage) from the commercial zone even if extended as requested by the petitioner.

Mrs. Pearl Lessner objected to what she felt might possibly be the unsightly appearance of an automobile dealership. Milton Siegel, who testified he lived in the fifth house north at Liberty Road on Pikeswood Drive, objected generally to the requested reclassification, however, he did state that he had no objection to the location of an automobile dealership on the existing Business-Roadside zone along the north side of Liberty Road.

From the testimony before the Board, the petitioner's request for the extension of the B.R. zoning an additional two hundred and ninety-nine feet is a reasonable and logical one, and that it would not contravene the spirit and intent of the zoning map in the area in question. We further find that the petition as it was presented to the Board will have no detrimental, adverse or depreciable effect on the immediate neighborhood.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of March, 1967 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED for the property described as follows:

"BEGINNING for the same at a point N59°40'30" W 30' from a point in the 60 or S59°14'10" W 818.31' line of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc., said point in 60 line being N59°14'10" E 52.73' from the beginning of said 60 line, said point being also distant 273' measured at right angles from the centerline of Liberty Road, running thence from said point of beginning parallel to and distant 273' measured at right angles from the centerline of Liberty Road N59°40'30" W 410' more or less to a point distant 115' measured at right angles from the 2nd or N18°57'12" E 2191.81' line of the whole tract, thence N18°57'12" E 305', thence S59°40'30" E 535' more or less to a point 127' measured at right angles from the aforesaid 60 line

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to a B.R. zone : COUNTY BOARD OF APPEALS
NW corner Liberty Road : OF
and Burmont Avenue, : BALTIMORE COUNTY
2nd District :
Schmidt Ford, Inc., :
Petitioner :
No. 67-6-R

OPINION

The petitioner in this case seeks a reclassification of a 6.87 acre parcel of land from an R-6 zone to a B.R. zone. The subject parcel is part of a twenty-six acre tract of land owned by the petitioner and is situated at the northwest corner of Liberty Road and Burmont Avenue in the Second Election District of Baltimore County. Three acres of the total twenty-six acre tract is presently zoned B.R., including the land having a frontage along the north side of Liberty Road west of Burmont Avenue of approximately five hundred and fifty-four feet and a depth of two hundred and forty feet, and is directly in front (south) of the subject parcel on which reclassification is requested. The existing zoning around the subject tract on three sides is R-6 while, as stated above, the fourth side is zoned B.R., and is across the street from a Business-Roadside zone on the south side of Liberty Road.

At the outset of the hearing the petitioner withdrew his request for Business-Roadside zoning on an area of land on the northeast and west of the tract as shown on petitioner's exhibit #2 in hatch marks. This withdrawal thus reduces the size of the parcel requested to be rezoned from 6.87 acres to 3.3 acres and, in effect, asks that the existing Business-Roadside zoning be extended an additional two hundred and ninety-nine feet in depth beyond the presently existing two hundred and forty feet Business-Roadside zoning.

Mr. Lawrence Posner, President of Schmidt Ford, Inc., the petitioner, testified that he purchased the twenty-six acre parcel in late 1963 or early 1964 for a relocation of his Ford auto dealership from its present location on the Liberty Road at the intersection of Offutt Road. He further testified that the present dealership at Liberty and Offutt Road is situated on three acres and that this space was inadequate, hence, he purchased the subject parcel with the intention of relocating his dealership on a larger tract of ground. Mr. Posner has been in the automobile business for twenty years and owned and operated a new car dealership at Liberty and Offutt Road until May of 1966. After May of 1966 he took over the operation of a Ford dealership in Baltimore City and rented the Liberty and Offutt Road property to another dealership known as Joe Grimm Ford.

- 5 -

Schmidt Ford, Inc. - #67-6-R

In this whole tract, running thence parallel and 127' measured at right angles from said 60 line S59°14'10" W 210' running thence S59°40'30" E 95' to a point, thence S59°14'10" W 135' more or less to the place of beginning.

CONTAINING 3.3 acres of land more or less.

BEING part of the land which by deed dated September 2, 1965 and recorded among the land records of Baltimore County in Liber OTG 4512, folio 274, was conveyed by Grace L. Stierhoff et al to Schmidt Ford, Inc."

and subject to site plan approval by the Department of Planning and Zoning, the State Roads Commission, and the Bureau of Public Services.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 3 of Maryland Rules of Procedure 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Clifton Parker

John A. Slawik

7-29-70

RE: PETITION FOR RECLASSIFICATION
NW corner of Liberty Road and
Burrum Avenue
2nd District
Schmidt Ford, Inc. Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 67-6-R

The Petitioner has requested a reclassification of his property, consisting of approximately seven acres of land, from an R-6 zone to a B-6 zone to permit the construction of an automobile sales agency.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to meet the burden of proof in showing error in the original zoning map or such substantial changes in the character of the neighborhood to justify the re-zoning sought.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 4th day of August, 1966, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an R-6 zone.

David O. Hardisty
DAVID O. HARDISTY,
Deputy Zoning Commissioner

MELTON SIEGEL, et al
Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. 8 Petition 189
File 3723

vs.
WILLIAM S. BALDWIN, et al
being and constituting the
County Board of Appeals of
Baltimore County
Appellees

and
SCHMIDT FORD, INC.,
a body corporate
Intervenor

NOTICE OF APPEAL

Mr. Clerk:

Will you kindly enter an appeal to the Court of Appeals of Maryland from the Opinion and Order of the Circuit Court for Baltimore County in the above entitled case.

James H. Cook
James H. Cook
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: 823-4111

Emmanuel H. Horn
Emmanuel H. Horn
1704 Court Square Building
Baltimore, Maryland 21202
Attorneys for the Intervenor

I HEREBY CERTIFY that copy of the foregoing Notice of Appeal was mailed this 1st day of May, 1968 to Harry S. Swartzwelder, Jr., Esq., 341 Saint Paul Place, Baltimore, Maryland 21202, and to the County Board of Appeals, County Office Building, Towson, Maryland 21204.

James H. Cook
James H. Cook

MILTON SIEGEL,
PEARL LESSNER,
BERNARD CAPLAN, and
JEROME MAZER,
Protestants-Appellants

vs.
WILLIAM S. BALDWIN,
W. GILLES PARKER, and
JOHN A. BLOOM, being and
constituting the COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY,
Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. No. _____

ORDER FOR APPEAL

Mr. Clerk:

Please enter an Appeal on behalf of Milton Siegel, Pearl Lessner, Bernard Caplan, and Jerome Mazer, Protestants-Appellants, from the Opinion and Order of the County Board of Appeals of Baltimore County, dated March 28, 1967, in case No. 67-6-R, to the Circuit Court for Baltimore County, from an R-6 zone to a B-6 zone on the NW corner of Liberty Road and Burrum Avenue in the Second Election District of Baltimore County.

Harry S. Swartzwelder, Jr.
HARRY S. SWARTZWELDER, JR.
1708 Munsey Building
Baltimore, Maryland, 21202
727-4929
Attorney for Appellants

I HEREBY CERTIFY, that on this _____ day of April, 1967, a copy of the foregoing Order for Appeal was mailed to James H. Cook, Esquire, 22 W. Pennsylvania Avenue, Towson, Maryland, 21204, and the County Board of Appeals, County Office Building, Towson, Maryland, 21204.

Harry S. Swartzwelder, Jr.
HARRY S. SWARTZWELDER, JR.
Attorney for Appellants

RECEIVED FOR FILING

DATE 5/4/68

BY *John H. ...*

MICROFILMED

LESSNER, CAPLAN, MAZER, ET AL
Appellants

vs.
COUNTY BOARD OF APPEALS
Appellees
SCHMIDT FORD, INC.
Intervenor

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
MISCELLANEOUS
No. 3723

ORDER TO DISMISS

MR. CLERK:

Please dismiss the Appeal heretofore entered in the above entitled case.

Emmanuel H. Horn
Emmanuel H. Horn
1704 Court Square Building
Baltimore, Maryland 21202

James H. Cook
James H. Cook
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Attorneys for Schmidt Ford, Inc.

SCHMIDT FORD, INC.
NW corner Liberty Road & Burrum Avenue
2nd District
Reclassification from R-6 to B-6
6.872 Acres

May 31, 1966 Petition filed
Aug. 9 Reclassification DENIED by D.Z.C.
" 22 Appealed to C. B. of A.
Mar. 28, 1967 Reclassification GRANTED by the Board on 3.3 acres as modified by petitioner at time of hearing
April 13 Order of Appeal filed in Circuit Court by Harry S. Swartzwelder, Esq., for Milton Siegel, Pearl Lessner, Bernard Caplan, and Jerome Mazer, Protestants (File #3723)
" 10, 1968 Opinion of Circuit Court (Lester L. Barrett, J.) reversing Order of Board.
May 1, Order for Appeal filed in Court of Appeals by Messrs. Horn and Cook
April 3, 1970 Appeal dismissed in the Court of Appeals by Emmanuel H. Horn and James H. Cook, Attorneys for Schmidt Ford, Inc.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Emmanuel H. Horn, Esquire
1704 Court Square Building
Baltimore, Maryland 21202

Dear Sirs:

The Planning Advisory Committee has reviewed the subject petition and makes the following comments:

STATE PLANNING COMMISSION: The entire frontage must be curbed. The face of the curb to be 24 in. from and parallel to the centerline to the road. There must also be a concrete curb along the right-of-way line, 10 ft. from and parallel to the centerline of the road. The entrances must be located opposite existing entrances on the south side of Liberty Road. The above mentioned entrances should be shown on the plan. The curve into Burrum Avenue must have a radius of 30 ft. All construction within State Roads Commission right of way. The proposed entrances along Liberty Road will be subject to State Roads Commission approval and all construction must be done under a permit issued from this office.

PLANNING PLANNING DIVISION: This office will review and submit any necessary comments at a later date.

BUREAU OF ENGINEERING

Water - Existing 30" in Liberty Road.
Sewer - Existing 30" sewer approximately 130' northeast of the subject site in Burrum Avenue.
Frequency of existing utilities to be determined by developer or his engineer.
Road - Burrum Avenue is to be developed as a minimum 60' road on a 60' right of way.
Burrum Avenue should be re-aligned to intersect with Liberty Road at a 90° angle.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Planning Commission's hearing.

The following members had no comment to offer:

Fire Bureau
Health Department
Industrial Development Commission
Board of Education
Buildings Department
Bureau of Traffic Engineering

MICROFILMED

See trial copy.

John H. ...

Mr. John H. ...
Mr. Herbert ...
Mr. Arthur ...

HARRY S. SWARTZWELDER, JR.
ATTORNEY AT LAW

April 12, 1967

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

Re: Schmidt Ford
Reclassification
Case No. 67-6R

Gentlemen:

Enclosed herewith please find copy of Petition For Appeal and Order For Appeal, in connection with the above entitled matter.

Very truly yours,
Harry S. Swartzwelder, Jr.
Harry S. Swartzwelder, Jr.

HSS/mm

enc.

7-29-70

MILTON SEGEL
PEARL LISSNER
BERNARD CAPLAN and
JEROME WATER

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Zoning File 67-6-R
Schmidt Ford Co., Petitioner

MEMORANDUM OPINION

This is an appeal from an Order of the County Board of Appeals of Baltimore County granting reclassification of approximately 3.3 acres of land in the Randallstown area of the Second Election District of Baltimore County, from an R-6 zone to a B-R zone. The Petitioner's original application was denied by the Deputy Zoning Commissioner. An appeal was taken to the County Board of Appeals from this Order and on March 28, 1967, the County Board of Appeals granted the reclassification. The Appellants are home-owners whose properties are close to the tract. In question and a representative of the Beth Israel Congregation which is located immediately across the street from the subject area.

As recited in the Board's opinion, the parcel which is the subject of the petition is part of a twenty-six acre tract of land owned by the Petitioner and is situated at the northwest corner of Liberty Road and Burnmont Avenue. Three acres of the total twenty-six acre tract are presently zoned B-R, this being the land having a frontage on the north side of Liberty Road west of Burnmont Avenue of approximately 331 feet and a depth of 240 feet, and is directly in front (south) of the subject parcel on which reclassification is requested. The existing zoning around the subject tract on three sides is R-6, while, as stated above, the fourth side is B-R, and is across the street from a B-R zone on the south side of Liberty Road.

I don't think original error is my theory at all." On Page 164 when being questioned with respect to change in the use requirements of new car dealerships, Mr. Gavrellis categorically stated, "It is not a change in the character of the neighborhood, substantially."

Since there is no legally sufficient evidence of original mistake or substantial change in the character of the neighborhood, to grant Petitioner's application to change one existing use, established under a comprehensive zoning plan, to another existing established use, would result in spot zoning and would be in effect, "either to open the floodgates of uncontrolled administrative discretion or to authorize courts to zone and rezone." See Board of County Commissioners v. Twp Valley Association, 247 Md 566. Therefore the Board's decision is found to be arbitrary and capricious and lacking, in the record, legally sufficient evidence of change or error in original zoning to sustain it and thus without substantial evidence to present a reasonably debatable question for the discretion of the Board.

It is therefore this 12th day of April, 1968, by the Circuit Court for Baltimore County, ORDERED that the Order of the County Board of Appeals, dated March 28, 1967, be and the same is hereby reversed.

LESTER L. BARRETT
Judge

DICKERSON, NICE, BOKAL & HORN
ATTORNEYS AT LAW

LESTER L. BARRETT
JUDGE



Hon. John G. Rose
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Appeal from Denial of Petition for
Reclassification
NW/Corner of Liberty Road and Burnmont Ave.
2nd District
Schmidt Ford, Inc., Petitioner
No. 67-6-R

Dear Mr. Rose:

Please note and enter an Appeal on behalf of the above named Petitioner, Schmidt Ford, Inc., from the Order dated August 9, 1966 issued by Deputy Zoning Commissioner, Edward D. Hardisty, Esq. in the above captioned matter.

Check of \$75.00 for costs thereof is herewith enclosed made payable to Baltimore County, Maryland.

Very truly yours,
Emmanuel H. Horn,
Attorney for Petitioner

Encl:
enc.

Certified Mail
Return Receipt Req.

MICROFILMED

A. Yes. The people got too many children!"

The court went on to conclude that there was no proof of a basic mistake or of a substantial change and so affirmed the lower court's decision that the resolution of the Board of County Commissioners allowing the extension of zoning was illegal and void, because it was arbitrary, capricious and not fairly debatable. See also Alvey v. Michaels, 231 Md 22.

Mr. Gavrellis, Director of Planning, was called as a witness for the Petitioner. The Board on Page 3 of its Opinion states: "The Board infers from Mr. Gavrellis' testimony that in view of the increased site area requirements for auto dealers and established County policies, there is not adequate provision for new car dealerships under the existing zoning regulations."

This inference loses force, however, in the face of the testimony of Mr. Mueller, also called on behalf of the Petitioner, who on direct examination was questioned on Pages 63 and 64 of the transcript as to the existing zoning classifications. Mr. Mueller stated that the area on the south side of Liberty Road across from the subject tract was zoned B-R to a depth of 350 feet. He also testified that immediately to the east of this parcel and almost directly across from the subject tract the B-R zoning extends to a depth of 600 feet which depth has a 1200 foot frontage on Liberty Road.

This testimony of Mr. Mueller likewise weakens the theory of Mr. Gavrellis as put forth on Page 140 of the transcript where Mr. Gavrellis stated, "The map did not take into account the fact that as this area grew there would be a need for yet additional new car facilities, and it did not provide, I believe, areas of suitable commercial depth generally along Liberty Road."

Reciting further from Pages 2 and 3 of the Board's Opinion, The Board observed that: "The witness (Mr. Gavrellis) indicated that this lack of B-R zoning in depth and the inability of automobile agencies to locate in business major zones does present a problem, but he did not feel that the regulations

should be amended but rather felt that since there are so few requests for locations by auto dealers that it should be handled on an individual basis, stating that he did not necessarily think the map covering this area is in error, but rather that the site area requirements for new car dealerships have changed to an extent necessitating evaluation in terms of specific properties and situations to determine the extent that zoning must be changed."

Thus, the County Board of Appeals summed up its decision in the final paragraph of its Opinion:

"From the testimony before the Board, the Petitioner's request for the extension of the B-R zoning an additional 299 feet is a reasonable and logical one, and that it would not contravene the spirit and intent of the zoning map in the area in question. We further find that the petition as it was presented to the Board will have no detrimental, adverse or depreciating effect on the immediate neighborhood."

The Board in its opinion, however, seems to have ignored the oft repeated language of the Court of Appeals when they granted the reclassification from R-6 zoning to B-R zoning in this case. The Court of Appeals has repeatedly held that there is a strong presumption of the correctness of original zoning, Board of County Commissioners v. Edmonds, 240 Md 680; Baltimore v. N.A.A.A.P., 221 Md 323; Shadybrook Improvement Association v. Mellow, 232 Md 265; Greenblatt v. Toney Schloss Properties Corp., 235 Md 9, and that before a Zoning Board rezones a Property there must be proof either of mistake in original zoning or that the character of the neighborhood has changed to such an extent that such reclassification ought to be granted. Montgomery County v. Atkin, 233 Md 41; Dillake v. Pottinger, 228 Md 568.

In the record before the Board there was evidence of neither error nor substantial change. In his cross-examination on Page 162 of the transcript, Mr. Gavrellis testified in response to a question by Mr. Schwartzwelder, "No,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 23, 1966
FROM: George E. Gavrellis, Director of Planning
SUBJECT: Petition 67-6-R, Northwest corner of Liberty Road & Burnmont Avenue.
Petition for Reclassification from R-6 to B-R.
Schmidt Ford, Inc. - Petitioners.

2nd District

HEARING: Thursday, July 7, 1966. (10:30 A.M.)

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

The B.R. zoning established along this Liberty Road frontage was intended for uses such as that proposed by the petitioner. In view of the increased site-area requirements of automobile dealer establishments, some enlargement of the commercial zoning here would be logical - but definitely not an enlargement to the extent requested. A buffer strip of R-6 zoning adjacent to three sides of the parcel under consideration should remain, thereby avoiding the establishment of inharmonious uses next to other property zoned R-6 and avoiding the probability of yet more commercial extensions. Part of this strip could be used for parking under a use permit, thereby assuring appropriate controls for landscaping, screening, etc.

The buffer strip we recommend is shown on a plat in the Office of the Director's files maintained by the Zoning Administration division. The strip is 115 feet in depth so as not to preclude the possibility of R-6 development.

MICROFILMED

INVOICE		No. 41087	
BALTIMORE COUNTY, MARYLAND		DATE 4/14/68	
OFFICE OF FINANCE			
Division of Collection and Receipts			
COURT HOUSE			
TOWSON, MARYLAND 21204			
TO: Harry S. Schwartzwelder, Jr., Esq.		CLERK: Board of Appeals (Planning)	
1700 Murray Building			
Baltimore, Maryland 21202			
DEPOSIT TO ACCOUNT NO. 01-715		AMOUNT \$11.00	
QUANTITY		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	
Cost of certified documents - File No. 67-6-R			
Schmidt Ford, Inc.			
Liberty Rd. and Burnmont Ave.			
2nd District			
4			
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.			

7-29-70

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

TELEPHONE 873-3000

No. 39491
DATE 8/24/66

TO: Samuel H. Horn, Esq.,
204 Court Square Bldg.,
Baltimore, Maryland 21202

Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-000

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
Cost of special property of Schmidt Ford, Inc.	1 sign	\$75.00	\$75.00
No. 65 67-6-1			
			75.00

8-2466 2-161 0 39491 11P-1

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.

PETITION FOR
RECLASSIFICATION
2nd DISTRICT

ZONING: From R-6 to R.R.
Zone.

LOCATION: Northwest corner
of Liberty Road and Burmont
Avenue.

DATE & TIME: THURSDAY,
July 7, 1966 at 10:30 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

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

Present Zoning R-6
Proposed Zoning: R.R.
All that parcel of land in the
Second District of Baltimore
County.

WICING: For the same on the
Northwest side of Burmont
avenue, distant 273 feet measured
at right angles from the centerline
of Liberty Road (66' wide) and in
the 6th or 5th degree 17'10" E
818.21 feet line of the land which
by deed dated September 2, 1963
and recorded among the land
records of Baltimore County in
liber OTG 4312, folio 274, was
conveyed by Grace L. Siderhoff
et al to Schmidt Ford, Inc., at
a distance of 32.72' from the
end of said 6th line, thence
running parallel to and distant 273'
from the center line of Liberty
Road 518 degrees 18'00" W 578.
47 feet to intersect the 2nd or
5th degree 57'12" E 518.41
feet line in the aforementioned
deed, thence running parallel to
and distant 273' from the
beginning of said line,
running thence and thence
on said last mentioned line 518
degrees 57'12" E 425.64, thence
running parallel to and distant
285 feet from the 1st line in
this description 518 degrees 49'
38" E 588.04' to intersect the
6th or 5th degree 17'10" E
518.21' line in the aforementioned
deed, running thence and thence
reversely on part of the
6th line and on the southwest
side of Burmont Avenue 559 de-
grees 10'10" W 475.34' to the
place of beginning.

CONTAINING 6.672 acres of
land more or less.

BEING part of the land which
by deed dated September 2, 1963
and recorded among the land
records of Baltimore County in
liber OTG 4312, folio 274, was
conveyed by Grace L. Siderhoff
et al to Schmidt Ford, Inc.,
being the property of Schmidt
Ford, Inc., as shown on plat
plan filed with the Zoning De-
partment.

Hearing: Thursday, July 7,
1966 at 10:30 A.M.
Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.
BY ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY,
June 16,

OFFICE OF
THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
Baltimore, Md.

THE TOWSON - ARGUS
Catonville, Md.

No. 1 Newburg Avenue
CATONVILLE, MD.

June 20, 19 66.

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

was inserted in THE BALTIMORE COUNTEAN, a group of
these weekly newspapers published in Baltimore County, Mary-
land, once a week for One successive week before
the 20th day of June, 1966, that is to say
the same was inserted in the issues of
June 16, 1966.

THE BALTIMORE COUNTEAN

By Paul J. Morgan
Editor and Manager.

PETITION FOR
RECLASSIFICATION
2nd DISTRICT

ZONING: From R-6 to R.R.
Zone.

LOCATION: Northwest corner
of Liberty Road and Burmont
Avenue.

DATE & TIME: THURSDAY,
July 7, 1966 at 10:30 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Commissioner of Bal-
timore County, by order of
the Zoning Act and Regulations
of Baltimore County, will hold a
public hearing:

Present Zoning R-6
Proposed Zoning: R.R.
All that parcel of land in the
Second District of Baltimore
County.

WICING: For the same on the
Northwest side of Burmont
avenue, distant 273 feet measured
at right angles from the centerline
of Liberty Road (66' wide) and in
the 6th or 5th degree 17'10" E
818.21 feet line of the land which
by deed dated September 2, 1963
and recorded among the land
records of Baltimore County in
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conveyed by Grace L. Siderhoff
et al to Schmidt Ford, Inc., at
a distance of 32.72' from the
end of said 6th line, thence
running parallel to and distant 273'
from the center line of Liberty
Road 518 degrees 18'00" W 578.
47 feet to intersect the 2nd or
5th degree 57'12" E 518.41
feet line in the aforementioned
deed, thence running parallel to
and distant 273' from the
beginning of said line,
running thence and thence
on said last mentioned line 518
degrees 57'12" E 425.64, thence
running parallel to and distant
285 feet from the 1st line in
this description 518 degrees 49'
38" E 588.04' to intersect the
6th or 5th degree 17'10" E
518.21' line in the aforementioned
deed, running thence and thence
reversely on part of the
6th line and on the southwest
side of Burmont Avenue 559 de-
grees 10'10" W 475.34' to the
place of beginning.

CONTAINING 6.672 acres of
land more or less.

BEING part of the land which
by deed dated September 2, 1963
and recorded among the land
records of Baltimore County in
liber OTG 4312, folio 274, was
conveyed by Grace L. Siderhoff
et al to Schmidt Ford, Inc.,
being the property of Schmidt
Ford, Inc., as shown on plat
plan filed with the Zoning De-
partment.

Hearing: Thursday, July 7,
1966 at 10:30 A.M.
Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.
BY ORDER OF
JOHN G. ROSE
Zoning Commissioner of
Baltimore County,
June 16.

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 16, 1966.

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 a week
on 1. June, 1966, before the 24th
day of July, 1966, the first publication
appearing on the 15th day of June
1966.

THE JEFFERSONIAN
By Paul J. Morgan
Editor and Manager.

Cost of Advertisement, \$.....

MICROFILMED

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

TELEPHONE 873-3000

No. 36682
DATE 6/24/66

TO: Schmidt Ford, Inc.
204 Court Square Bldg.,
Baltimore, Md. 21202

Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-000

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
Cost of special property of Schmidt Ford, Inc.	1 sign	\$50.00	\$50.00
No. 65 67-6-1			
			50.00

8-2466 2-161 0 36682 11P-1

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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Date of Posting: Sept. 15, 1966

Posted for: Reclassification from R-6 to R.R.

Petitioner: Schmidt Ford, Inc.

Location of property: N.W. Cor. Liberty Rd. & Burmont Ave.

Location of Sign: N.W. Cor. Liberty Rd. & Burmont Ave.

Remarks: 1 sign

Posted by: J. Rose
Signature

Date of return: Sept. 15, 1966

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Date of Posting: June 18, 1966

Posted for: Reclassification from R-6 to R.R.

Petitioner: Schmidt Ford, Inc.

Location of property: N.W. Cor. Liberty Rd. & Burmont Ave.

Location of Sign: N.W. Cor. Liberty Rd. & Burmont Ave.

Remarks: 2 signs

Posted by: J. Rose
Signature

Date of return: June 23, 1966

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

TELEPHONE 873-3000

No. 39438
DATE 7/24/66

TO: Schmidt Ford, Inc.
204 Court Square Bldg.,
Baltimore, Md. 21202

Office of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-000

QUANTITY	DETAILED UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
Advertising and posting of property	1 sign	\$100.00	\$100.00
No. 65 67-6-1			
			100.00

8-2466 2-161 0 39438 11P-1

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.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
31 day of July, 1966

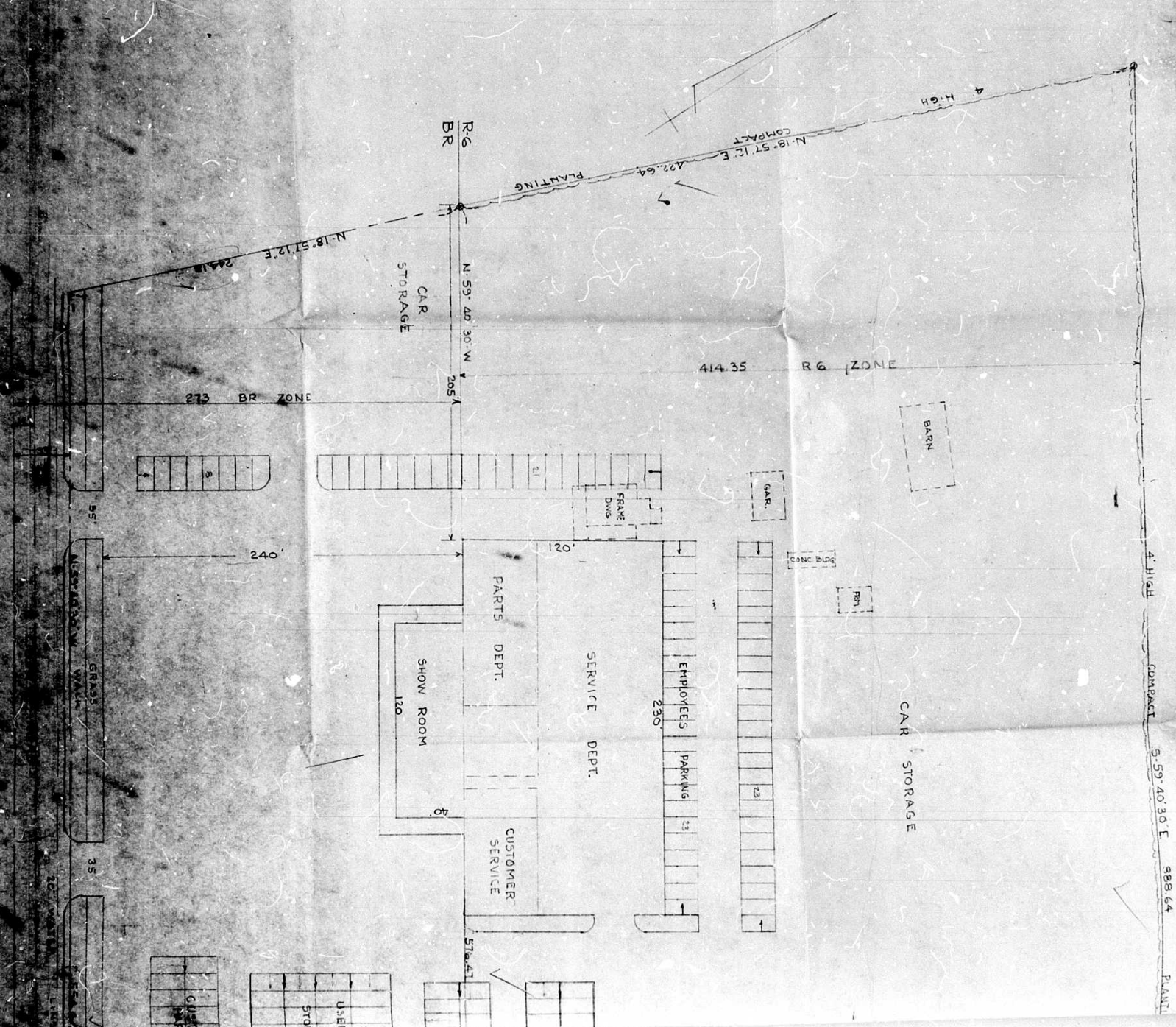
By J. Rose
Zoning Commissioner

Petitioner: Schmidt Ford, Inc.

Petitioner's Attorney: Samuel H. Horn

Reviewed by: James S. Myers
Chairman of
Advisory Committee

MICROFILMED



R 6
BR

CAR
STORAGE

273 BR ZONE

414.35 R 6 ZONE

BARN

CAR

CONC BLDG

BRI

CAR STORAGE

EMPLOYEES
PARKING

SERVICE DEPT.

PARTS DEPT.

CUSTOMER
SERVICE

SHOW ROOM

GRASS

CUST
SR

USED
STOR

4 HIGH CONTRACT 5-59-40-30 E 988.64 PLANT

S-59°40'30"E 888.64 PLANTING

STORAGE



DEPT.

CUSTOMER SERVICE

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