

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Growth Properties, Inc., and
Maryland Properties, Inc., owners 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
M-L zone, for the following reasons: Changes have occurred
in the neighborhood, and there was error and mistake in the original
zoning, so that petitioner is unable to use the property in its
present classification.

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.

GROWTH PROPERTIES, INC.

MARYLAND PROPERTIES, INC.

Contract purchaser

Legal Owners

Address: 216 E. Lexington Street, Baltimore, Maryland 21202

By: *[Signature]* Protestants Attorney

Address: 27th floor - 10 Light Street, Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

of August, 1967, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 9th day of October, 1967, at 11:00 o'clock

A. J. G. 11/10/67

10/14/67

3049

11/10/67

10/14/67

3049

11/10/67

10/14/67

3049

RE: PETITION FOR RECLASSIFICATION : BE THE
From R-6 Zone to ML Zone : ZONING COMMISSIONER
W/S York Road 975; N Phoenix Road : OF
8th District : BALTIMORE COUNTY
Growth Properties, Inc. :
ORDER RESOLVED FOR TRC :
DATE 10/24/67 : NO. 68-77-R
BY *[Signature]* :
On August 29, 1967, Growth Properties, Inc., petitioned for a

reclassification of property on the west side of York Road, 975 feet north of Phoenix
Road from R-6 zone to ML zone, consisting of 241 acres, more or less. This is the
petition herein considered.

On October 18, 1967, Hilltop Joint Venture, petitioned for a reclassi-
fication of property on the northwest side of York Road 1550 feet north of Thornton
Mill Road from R-6 zone to ML zone, consisting of 114.9 acres, more or less.

These two petitions comprise a total of 356 acres, more or less, sub-
mitted to the Zoning Commissioner for consideration as Industrial Use.

These two petitions are really the result of a petition by Oper-
Lickinson Co., Inc., on November 30, 1959.

At that time the Deputy Director of the Office of Planning, who is now
the Director, advised the Deputy Zoning Commissioner who is now the Zoning Com-
missioner as follows:

"1. When the Eighth District Zoning Map was adopted in December
of 1955, the zoning for the area east of the Harrisburg Expressway to York
Road and south from Shawan Road to Beaver Dam and Cockeysville Roads was based
primarily on land use proposals by this office. 'R-20' or half-acre lot zoning was
proposed for most of the area defined above because it was the smallest residential
zone that could be applied to an area where neither public water nor sewerage facilities
was anticipated as being available in the foreseeable future. Some manufacturing
zoning (MR) was proposed for the Towson Nursery property on the south side of
Wight Avenue at York Road; existing industrial uses near Cockeysville Road were
recognized with 'M-L' zoning. A commercial area was created at the corner of
Shawan and York Roads.

"2. The zoning established by the 8th District Zoning Map for the
area defined above was logical and appropriate at the time the map was adopted in
1955. Four years have lapsed since the adoption of the map and the ensuing time
period has brought about changes in thinking and changes of conditions which warrant
re-evaluation of existing zoning for the area between the Harrisburg Expressway and
York Road south of Shawan Road. They are:

a. A better knowledge of industrial land requirements for
Baltimore County.
Studies by the Regional Planning Council indicate the need for
increasing the extent of existing industrially-zoned land in the

Baltimore Region by 50%. By virtue of its participation in
making recommendations for borrowing for capital projects
as well as for the contents of the Capital Budget and Program,
this office is well aware of the need for logical and appropri-
ately-zoned sites for industrial activity. More industrial
land in Baltimore County will help to attract new industry
because of the greater selectivity and choice of sites made
available to meet a multitude of locational needs. New
industrial activity also will strengthen the economic base of
Baltimore County not only with respect to its tax base but
also with respect to primary and secondary manufacturing
and commercial uses and employment opportunities.

b. Analysis of areas suited for industrial rezoning. With a
knowledge that more industrially-zoned land was essential to
the economic foundations of Baltimore County, the planning
staff re-evaluated the land use patterns of the 8th District
(among others) to determine which areas now zoned other-
wise might be proposed for industrial use. The area embraced
by the subject petition is manifestly suited for industrial land
uses. It is situated adjacent to an interchange of the Harris-
burg Expressway - a part of the inter-state highway system.
The expressway, Shawan Road, and York Road provide ex-
cellent means for the movement of people and goods to and
from the proposed industrial area - not only on a north
Towson basis, but on a metropolitan and nation-wide basis as
well. Topography of the site also makes it well suited for
industrial use. Topographic changes provide a definite break
between the residential and institutional uses to the north.
The Harrisburg Expressway serves also as an appropriate
stopping point for the westerly expansion of industrial zoning.
The area of the site is large enough to enable sub-division
controls exercised by the County to provide for an effective
pattern of interior vehicular circulation and lotting for the tract.

c. Changes in physical conditions in the vicinal area
affecting industrial zoning. Two projects are programmed
for the area which will effect changes of conditions leading
to a reappraisal of zoning in the area and to a recommend-
ation for industrial zoning for the subject tract. The first is
the Cockeysville sewer project which will make sanitary
sewerage facilities available to the subject property. The
Zoning Map which placed it in a predominantly 'R-20' category
primarily because of the absence of utilities now becomes
obsolete here inasmuch as more intense land uses are
warranted. The State Roads Commission shortly will expand
the present inter-change of the Harrisburg Expressway and
Shawan Road in a manner which provides for a greater
traffic carrying potential and a greater accessibility to the
expressway for the vicinal area.

"3. The Office of Planning recommends for the proposed industrial
reclassification sought by the petitioner. If we had been able to predict the certain
availability of utilities for the tract in the early 1960s rather than in the vague future,
if we had a better knowledge of the need for providing more new industrial land in
Baltimore County, and if we had been aware that the interchange of the Harrisburg
Expressway would be improved, doubtlessly the Office of Planning would have recom-
mended that the subject property be placed in an industrial zoning category when it made
its original land use proposals for the 8th District in 1955. We believe that it is in the
best interest of Baltimore County to provide for industrial zoning here."

With the full realization that this would have a tremendous impact on

future planning and zoning, the Deputy Zoning Commissioner granted the
reclassification on February 9, 1960. It was upheld on July 14, 1960, by a two man
County Board of Appeals, Spiro T. Agnew and Nathaniel Kaufman.

It is interesting to note that the Maryland State Roads Commission
was less than happy as evidenced by their comment on January 8, 1960:

"This office has reviewed the subject petition and has found that
the property will be seriously affected by the proposed rights of way necessary for
the tentatively proposed Outer Baltimore Beltway. Since the proposed route is a
future project, this office requests the rezoning be delayed to give both the State
Roads Commission and the Baltimore County Planning Commission time to study the
route more thoroughly. If this is not possible, then it is requested that development
of the subject property be delayed."

The Industrial Park, now known as the Greater Baltimore Industrial
Park is now a model and, at this time, is served by a railroad spur.

For the present petition the Director of the Office of Planning advises
as follows:

"1. Studies by the Planning staff with respect to industrial
land use needs indicate that yet additional area is required throughout the
County and in the Northeastern sector of the County for industrial purposes.
The Planning staff has indicated that the industrial corridor should be extended
northward between York Road and the Harrisburg Expressway. This indication is
affirmed in the recently adopted General Development Plan for the Baltimore Region.

2. The Planning staff is in accord with the proposal for indus-
trial zoning here, although we would have preferred M-L-R zoning. It recognizes
that problems exist now with respect to both utilities and accessibility. It notes that
both water and sewer extensions are programmed for a limited area in the corridor as
part of the current capital program. It notes also that industrial development lags
well behind the making of zoning decisions. It is important to increase the County's
economic potential by having designated suitable zoned industrial areas in advance
of actual development."

Albert B. Kaltenbach, Director of the Department of Public Works
for Baltimore County, made it very clear that sewer and water will be made available
if zoning is granted and Public Works Agreements are consummated by the petitioner
within a year and a half. Consulting engineers estimate construction of industrial park
to be under way in one and a half years with completion within two and a half years.
It is hoped that the present map, now over twenty years old, will
be replaced by a new one recommended by the Planning Board about February, 1969.
That there have been changes is self-evident. To wait until 1969 would not only slow
down what will eventually be industrial use, but would set back plans for actual
construction of water and sewer lines.

Only a few residents of the area attended the hearing, but they
protested vigorously that they will not have the quiet enjoyment of their properties in
a rural atmosphere, and what they say is true; but then, almost every residential,
industrial and commercial development now in existence in Baltimore County was once
farm land.

The new concept is the construction of handsome industrial buildings
on well landscaped properties near an area suitable for fine residences. The subject
tract fits this concept admirably.

It has been almost eight years since a petitioner asked for industrial
zoning at Shawan Road between the Harrisburg Expressway and the York Road. The
new map, hopefully, will be in the hands of the Baltimore County Council in 1969.
Baltimore County cannot stand still at its northern end waiting for a better York Road
plan any more than Bethlehem Steel at Sparrows Point could stand still and wait for
the needed road complex in Eastern Baltimore County.

The requested rezoning is for the public good and will ultimately
benefit the public health, safety, morals and general welfare.

For the above reasons the reclassification should be had.

It is this 26th day of October, 1967, by the Zoning Commissioner
of Baltimore County, ORDERED that the herein described property or area should be
and the same is reclassified from an R-6 zone to an ML zone, subject to approval of
the site plan for the development of said property by the State Roads Commission.
Bureau of Public Services and the Office of Planning and Zoning.

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

ROBERTA WHITEFORD, P. E.
JAMES H. MARK, L. S.
WHITEFORD, FALK AND MARK
Consulting Engineers and Land Surveyors
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description to Accompany Petition
for Rezoning 241 Acre Portion of
Lupo Tract from "R-6" Zone to
"M-L" Zone

Beginning for the same at the point formed by the inter-
section of the west side of York Road, 66 feet wide, and the north
property line which divides the land now or formerly owned by
Angelo Lupo and Hilltop Development, Inc., said point of begin-
ning being located 975 feet, more or less, as measured northerly
along said west side of York Road from its intersection with
the southwesterly prolongation of the center line of Phoenix
Road, running thence and binding on said west side of York Road,
66 feet wide, (1) northerly, 3780 feet, more or less to the
northernmost property line of said land now or formerly owned
by Lupo, thence leaving said road and binding on the outlines of
said land now or formerly owned by Lupo, the twelve following
courses and distances, (2) S 82° 41' 35" W - 2165 feet, more or
less, (3) S 85° 20' 45" W - 1012.04 feet, (4) S 03° 31' 30" E -
916.94 feet, (5) S 01° 18' 50" W - 789.78 feet, (6) S 10° 21' 54" W -
1625.45 feet, (7) N 81° 40' 08" E - 1356.10 feet, (8) S 05° 45' 20" E -
160.82 feet, (9) S 50° 30' 20" E - 371.48 feet, (10) N 82° 26' 16" E -
532.48 feet, (11) N 60° 52' 30" E - 1025.88 feet, (12) S 36° 33' 34"
E - 632.06 feet and (13) N 75° 11' 30" E - 40 feet, more or less,
to the place of beginning.

Containing 241 acres of land, more or less.

JEROME L. FALK
VALLEY B-4912

#68-77R

ETH-DIST
MAP
SEC. "C"
A1L

DEE A. WHITEFORD, P. E.
JAMES H. MARK, L. S.

WHITEFORD, FALK AND MARK
Consulting Engineers and Land Surveyors
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

Description to Accompany Petition
for Rezoning 241 Acre Portion of
Lupo Tract from "R-6" Zone to
"M-L" Zone

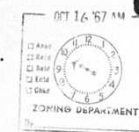
Beginning for the same at the point formed by the inter-
section of the west side of York Road, 66 feet wide, and the north
property line which divides the land now or formerly owned by
Angelo Lupo and Hilltop Development, Inc., said point of begin-
ning being located 975 feet, more or less, as measured northerly
along said west side of York Road from its intersection with
the southwesterly prolongation of the center line of Phoenix
Road, running thence and binding on said west side of York Road,
66 feet wide, (1) northerly, 3780 feet, more or less to the
northernmost property line of said land now or formerly owned
by Lupo, thence leaving said road and binding on the outlines of
said land now or formerly owned by Lupo, the twelve following
courses and distances, (2) S 82° 41' 35" W - 2165 feet, more or
less, (3) S 85° 20' 45" W - 1012.04 feet, (4) S 03° 31' 30" E -
916.94 feet, (5) S 01° 18' 50" W - 789.78 feet, (6) S 10° 21' 54" W -
1625.45 feet, (7) N 81° 40' 08" E - 1356.10 feet, (8) S 05° 45' 20" E -
160.82 feet, (9) S 50° 30' 20" E - 371.48 feet, (10) N 82° 26' 16" E -
532.48 feet, (11) N 60° 52' 30" E - 1025.88 feet, (12) S 36° 33' 34"
E - 632.06 feet and (13) N 75° 11' 30" E - 40 feet, more or less,
to the place of beginning.

Containing 241 acres of land, more or less.

OFFICE OF THE DIRECTOR

JEROME L. FALK
VALLEY B-4912

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office Bldg.
Towson, Maryland 21204



Dear Mr. Rose,

I wrote to you relative to Zoning Board procedures as evident to
me at the captioned hearing. Inasmuch as this was not directly re-
lative to the involved hearing, it was not proper to cover that which
follows, in that letter; hence, this under separate cover.

If my understanding of your position is correct, it is multi fac-
eted and the adjudication rendered reflects the will and interest of
all the residents of Baltimore County. First, your duty is to see
that the legal procedures for zoning or zoning reclassification are
met. Secondly, if these legal procedures are met, you must weigh
what effect this zoning or reclassification will have on the immed-
iate area; what effect it will have on the county as a whole. Thus, if
not a single protestor appeared at a hearing, your duty would still
be to adjudicate in the best interest of all of the residents of
Baltimore County because all of the people are not aware of the effects
and ramifications of a single zoning decision. I make this point
specifically in view of the statement of the attorney for the peti-
tioners: "We did not expect any opposition to this reclassification."
The accentuation of the statement implied that the petitioners con-
sidered the reclassification as "cut and dried" if there were no op-
ponents. If my understanding of your position and function is correct,
the attorney's statement, with implication, is anything but correct.

Predicated on the above, as a resident of Baltimore County, and a
protestor of this reclassification, I must call to your attention that
there are objectionable aspects to this reclassification. You doubt-
edly have noted them, however, if per chance you did not, I wish to go
on record of them as a formal protest.

I wish to formally protest the recommendation of George E. Gavrellis,
County Planning Director, that this petition is not objectionable. I
base this protest on the basis that this recommendation of itself in-
dicates a lack of planning and coordination with other Departments
of Baltimore County as well as a complete disregard for the residents of
Baltimore County as a whole to the advantage of private interests. To
substantiate this point I will make reference to several statements
of Mr. Gavrellis, not verbatim, but to the best of my recollection.

1. Mr. Gavrellis made reference to the fact that the Planning Com-
mission did not find this reclassification objectionable since other
County Departments involving sewer and water felt the solutions pro-
posed by the petitioners were adequate. Mr. Gavrellis as Planning Di-
rector recommended this reclassification.

2. Mr. Gavrelis stated that individual tract and home owners would be adversely affected.

3. Mr. Gavrelis stated that the Planning Board's recommendation was that the entire corridor bounded by York Road and the Harrisburg Expressway, from Shawan Road to the Pennsylvania line should be industrialized with some residential zoning interspersed, but predominantly industrialized at the Harrisburg Expressway interchanges.

4. Mr. Gavrelis dwelled on the effect of industrialization in this area to the enhancement of Baltimore County.

5. Mr. Gavrelis admitted that Industrial Parks in mapped industrial areas in the south east portion of the county were unfilled, and in fact, undesirable to potential tenants.

6. Mr. Gavrelis cited heavy industry, traffic, and the lack of "Green Drains" as the reasons for this undesirability of southeastern industrial Parks.

7. Mr. Gavrelis stated throughout his statements that Industrial Parks would inevitably draw residential development to the property in the immediate vicinity of Industrial Parks.

Considering these statements I shall point out the lack of planning and coordination of which I made mention.

1. If the Planning Commission were realistic and not unduly optimistic or "overbold", they would naturally have considered the following:

A. If the Cockeysville Sewerage Pumping Station has a thirty inch line emanating from it southward, and has facilities for the installation of an additional pump; and if there are no additional supplemental arteries indicated to service this corridor, (none mentioned), it would be logical to presume that the sewer bound 30 inch main, capacity 3 million gallons per day with the supplemental pump, was designed to carry the sewerage for the future in this corridor. In as much as it is approximately twenty five miles from Cockeysville to the Pennsylvania line, it is certainly unrealistic to run northward out of Cockeysville a twenty four inch main which ultimately ends as a twelve inch main two and a half miles up the road at the northern end of the proposed Industrial Park. Considering the mileage from Cockeysville to the Jones Falls interchange in Baltimore in relation to the mileage to the Pennsylvania line from Cockeysville, twin thirty inch mains might well be in order to carry the burden of future northern development. Where is the planning?

One can visualize that if zoning is approved on this proposed industrial site predicated on the petitioners paying fifty percent of the estimated \$900,000.00 outlay for sewer and water facilities, that suddenly the "lack of planning" could be discovered and larger mains installed leaving the county taxpayers to absorb as much as one hundred fifty percent more than concurrently anticipated as the county's share.

Lack of planning is further indicated by the petitioners agreement to pay fifty percent of the contemplated or estimated \$900,000.00 for the water and sewerage extension. I note there was no firm "bid" for this figure. Thus the petitioner is committing itself to \$450,000.00. There is no planning or the Planning Director would have demanded test borings, a bona fide bid and "20% of the actual cost." Without this, how can there be planning in relation to capital funds to be expended or available? This lack of planning could seriously effect every tax paying resident of the county.

No mention was made of the status of the Cockeysville Sewerage Pumping Station at this time with regard pumps and what effect this proposed new industrial Park would have on the requirement for the installed sewer pumps which this station can accommodate. The Evening Star of September 26, 1967, indicated that there were 6,000 employees in the yet unfilled Greater Baltimore Industrial Park and this was an increase of 15% in six months. Where is the "planning" for additional pumps and is this included in the \$450,000.00, or will the tax payers of Baltimore County absorb this also?

If what appears to be a well founded report, that a privately constructed stadium is to rise in this corridor, becomes a reality, what size sewerage line will be required to accommodate 80,000 beer drinking fans at a three hour ball game? Certainly not a 12 or 24 inch main. Where is the planning?

2. How many industrial tract and home owners would be adversely affected by this industrialization? Good planning would have determined this and prior to such statements as have been made by the County Planning Director certain factors would have been weighed before a decision. What about the humane aspects as well as future development, potential financial and morale loss to the individuals affected? Does good planning hurt many individuals to the grandissement of private interests in the name of "planning" or "growth and development of Baltimore County"? The lack of knowledge by the Planning Board on this aspect further indicates a lack of planning.

3. It was indicated that industrialization of this area would lead to the enhancement of Baltimore County, both through tax revenue from industry and residential development, to the property in the immediate vicinity of such industrial Parks. If this were true as to the development of these residential areas, why is it that these same industrial Park developers do not develop housing in these areas? The answer is obvious. They are selling dreams to the "planners" and not hard cold dollars in housing development. Can the area east of York Road for length of this proposed sewer line utilize this sewer line in view of its proposed route? The topography says "no" without a lift station.

4. Mr. Gavrelis admitted there was "poor planning" of Industrial Parks in the southeastern area. Does this reflect the credibility of the "Planning Commission" in its decision that this industrialized corridor is good planning? I think not, for they have not learned the first

lesson from the poorly planned Southeastern Industrial Parks. They are creating with their planning and recommendations in this corridor, one of the very things that they admit has contributed to undesirability of the Southeastern area Industrial Parks. I refer to the traffic problem. Remember North Point Road is a dual highway as is the Harrisburg Expressway. There should be "planned" limitations. Where are they?

5. Reference was made to a complete disregard for the residents of Baltimore County as a whole to the advantage of private interests. I specifically refer to the question of where the capital funds are to come from for the county's share of the proposed water and sewer extension to this proposed Industrial Park? We are all well aware that in many areas of Baltimore County the residents have paid taxes at the same rates, predicated on the same assessment basis, without sewerage and water, as those who have these facilities. Some have waited twenty five years for these services. Are capital funds to be diverted from these people, for these purposes, for the benefit of these industrial Park operators? Are the general public's interests to be subverted to the interest of these private interests? If the money will not come from funds planned for these people and are to be raised separately, why not secure these funds for residents still yet patiently waiting, instead of putting these private interests at the head of the line?

Having covered to some degree the protest to County Planning Commission's recommendation, I wish to turn to the comments of Mr. Jones, who spoke on behalf of the petitioners as owners representative, inventor, expert on Industrial Park operations, and advantages.

The statements relative to York Road were most provoking in view of the article in the Jeffersonian, on the front page, in the October 5, 1967 issue, just one day following the hearing, concerning York Road. The statements also were enlightening. With reference to Shawan Road improvements, mention was only made to that portion of improvements between the Harrisburg Expressway and the Shawan Road entrance to the Greater Baltimore Industrial Park. They certainly are not optimum, since it is still necessary to have a private policeman directing traffic at the interchange. No mention of the failure to do anything about the balance of Shawan Road to York Road, and the drainage problem created and uncorrected by the Greater Baltimore Industrial Park, was made.

There was an admission to the inadequacy of York Road, from the current York Road entrance to the Greater Baltimore Industrial Park to the end of the Diaccia's property, two and six tenths miles, by reason of a solid double yellow line entirely between the two points mentioned, further this is merely a two lane road full of hills and curves. According to Senator Bishop there are no state funds committed to the improvement of York Road, anywhere, in the State Roads Program covering the next six years. Since York Road is to bear the brunt of exit and entrance traffic to this proposed Industrial Park, it must be considered totally inadequate both from exit on to York Road, from Shawan Road going north or south, or from consideration of total travel on York Road from Towson to the proposed Industrial Park at a back.

You will recall that your recent decision on Ridgely Avenue, was based on traffic conditions on York Road. This traffic condition would have been a pittance compared to the effect of traffic from this proposed industrial Park.

The comments to the effect that the state would have to do something about York Road if the proposed Industrial Park reclassification were granted, when inflicted as they were, with facial expressions to match, were provoking by inference and invective. In a case of reclassification of this importance, under the circumstances, I feel that a full list of the stockholders of the petitioning corporations, and each stockholder's public examination and as a protestor I so request.

I feel the objections as set forth above are grounds for rejection of this proposed reclassification. This reclassification does not inure to the benefit of the residents of Baltimore County as a whole, or even in part. If such a reclassification were granted, it would subvert the interests of the residents to the benefit of private interests. I, therefore, feel that it is your duty to the people to refuse this reclassification.

Very truly yours,

J. J. Eilers
J. J. Eilers

Box 220 Upper Glencoe Road
Sparks, Maryland 21152

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an M. L. zone
W/2 York Road 975' N. of
Phoenix Road,
8th District
Growth Properties, Inc. and
Maryland Properties, Inc.,
Petitioners

BEFORE #68-77R

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 68-77-R

ORDER OF DISMISSAL

Petition of Growth Properties, Inc. and Maryland Properties, Inc. for reclassification from an R-6 zone to an M. L. zone on property located on the west side of York Road 975 feet north of Phoenix Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of Letters of Dismissal of Appeals filed May 1, 1968 (copies of which are attached hereto and made a part hereof) from the attorneys representing the protestants-appellants in the above entitled case.

WHEREAS, the said attorneys for the said protestants-appellants request that the appeals filed on behalf of said protestants be dismissed and withdrawn as of May 1, 1968.

It is hereby ORDERED this 1st day of May, 1968 that said appeals be and the same are dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowik

May 1, 1968

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification from R-6 Zone to M-L Zone,
West Side of York Road, 975' North of Phoenix Road,
8th District, Growth Properties, Inc., Petitioner, No. 6877-R

Gentlemen:

Please dismiss the appeal to the County Board of Appeals in the above case from the Decision and Order of the Zoning Commissioner, dated October 26, 1967, on behalf of Frances J. Eilers and Gertrude K. Eilers, his wife, and William E. Schreiber and Vivian A. Schreiber, his wife, protestants.

Frances J. Eilers

Gertrude K. Eilers

William E. Schreiber

Vivian A. Schreiber, his wife

John J. Bishop Jr., attorney
for protestants

May 1, 1968

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification from R-6 Zone to M-L Zone,
West Side of York Road, 975' North of Phoenix Road, 8th
District, Growth Properties, Inc., Petitioner, No. 6877-R

Gentlemen:

Please dismiss the appeal to the County Board of Appeals in the above case from the Decision and Order of the Zoning Commissioner, dated October 26, 1967, on behalf of Hilltop Joint Venture.

Hilltop Joint Venture

By *Walter Hodges*
Walter Hodges

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 22, 1967

FROM: George E. Gavrelis, Director

SUBJECT: Petition #68-77-R. Reclassification from R-6 to M.L. West side of York Road 975 feet north of Phoenix Road. Being the property of Growth Properties, Inc.

8th District

HEARING: Wednesday, October 4, 1967 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to M.L. zoning and has the following advisory comments to make with respect to pertinent planning factors:

- Studies by the Planning staff with respect to industrial land use needs indicate that yet additional area is required throughout the County and in the northeastern sector of the County for industrial purposes. The Planning staff has indicated that the industrial corridor should be extended northerly between York Road and the Harrisburg Expressway. This indication is affirmed in the recently adopted General Development Plan for the Baltimore Region.
- The Planning staff is in accord with the proposal for industrial zoning here, although we would have preferred M.L.S. zoning. It recognizes that problems exist now with respect to both utilities and accessibility. It notes that both water and sewer extensions are programmed for a limited area in the corridor as part of the current capital program. It notes also that industrial development has well behind the making of zoning decisions. It is important to increase the County's economic potential by having designated suitably zoned industrial areas in advance of actual development.

GEGBms

LAW OFFICES
W. LEE HARRISON
203 COURTLAND AVENUE
TOWSON, MARYLAND 21204
November 27, 1967

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

RE: Petition for Reclassification from R-6 to ML
Zone W/S York Road 915 ft. N Phoenix Road, Eighth Election District,
Case No. 68-77-R Growth Properties Inc.

Dear Mr. Rose:

Please note an appeal to the County Board of Appeals
from your Order and Decision granting the requested reclassification
of the above captioned property from an R-6 Zone to an ML Zone dated
October 26, 1967, on behalf of Walter J. Hodges, J.D. Lee and Eugene
P. Ford, t/a Hilltop Joint Venture.

I enclose herewith my check in the amount of \$75.00 to cover
the cost of the same.

Very truly yours,
W. Lee Harrison
W. Lee Harrison

CEB:ek
Enclosure - No. 2572

cc: John J. Bishop, Esquire
203 Courtland Avenue
Towson, Maryland 21204
Mr. J. Walter Jones
Jefferson Building
Towson, Maryland 21204

Mr. Bernard W. Wainman
Dulaney Valley Road
Glen Arno, Maryland

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 1, 1967

FROM: H. B. Staab, Industrial Development Commission

SUBJECT: Growth Properties, Inc.
W/S York Road, N of Phoenix Road
8th Election District
R-40 to ML
241 acres

The Industrial Development Commission has reviewed the plans of the
subject site and offers the following comments:

The site is in a rapidly developing area. The land south of
Shawhan Road to Timonium which is presently zoned for industry
is being depleted by development and the need for additional
land in the near future is quite apparent.

The area is a natural extension of the present industrial zone
and the existence of I-83 to the west, the Pennsylvania Railroad
to the east, and the Diecraft Plant to the north creates an area
that is desirable and available for the future industrial growth
of the County.

The Industrial Development Commission recommends that the request
for reclassification from residential zoning to industrial be given favor-
able consideration.

SEP - 1 1967

H. B. STAAB
Director

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office Bldg.
Towson, Maryland 21204

Re: 68-77R

JOHN J. BISHOP, JR.
ATTORNEY AT LAW
203 COURTLAND AVENUE
TOWSON, MARYLAND 21204
VALLT 2-8301

November 21, 1967

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

Re: Petition for Reclassification
From R-6 Zone to M-L Zone
West Side of York Road,
975' North of Phoenix Road,
8th District, Growth Properties, Inc.,
Petitioner, No. 68-77-R

Dear Mr. Rose:

In accordance with Section 500-10 of the Zoning Regulations
of Baltimore County, please enter an appeal to the County
Board of Appeals of your decision in connection with the
above-captioned case.

Enclosed you will find a check in the amount of \$75.00
covering the costs.

Sincerely yours,
John J. Bishop, Jr.
Attorney for Protestants, Mr. and Mrs. William E. Schreiber,
Mr. Francis J. Zilars, et al

JBH:sa
Enc.

NOV 22 1967

ZONING DEPARTMENT

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

SUBJECT: Reclassification From
R-6 Zone to an M-L Zone,
Growth Properties, Inc.,
located on the N of York
Road, 975' North of Phoenix
Road, 8th District
(Area 2, August 29, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and has the
following comment to offer:

BUREAU OF ENGINEERING:
Water - To serve this property with public water would require an extension of approx-
imately 11,000' along York Road. However, the Town of some water service is not
presently capable of supplying water above elevation 100'. A considerable portion of
the subject site lies above that elevation.

Sewer - To serve this property with sanitary sewerage would require an extension from
the Cockeysville pumping station. The approximate length of this extension is 17,000'.
Adequacy of existing utilities to be determined by developer or his engineer.

BUREAU OF TRAFFIC ENGINEERING: The proposed site when ultimately developed will
generate approximately 20,000 trips per day. York Road has a capacity of approximately
15,000 trips per day; therefore, the Bureau of Traffic Engineering considers it
undesirable to increase the trips in this number until such time as York Road is
improved to suit from this site to Beltsville Road.

FIRE BUREAU: Fire approval will be based on adequate water supply and proper fire
hydrant spacing.

HEALTH DEPARTMENT: Since water and sewer are proposed for this area, this office will
have no comment to offer.

STATE BOARD OF ZONING: It is requested that the developer's engineer submit a
profile of York Road upon which is to be indicated the proposed points of access.
Proposed points of access must have adequate acceleration and deceleration lanes. Access
is subject to State Roads approval and permit.

ZONING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made
until such time as plans have been submitted and approved and the property inspected for
compliance to the approved plan.

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:

Project Planning Division
Building Engineer
Board of Education
Industrial Development

Very truly yours,
James L. Dyer, Principal
Zoning Assistant

cc: Carlisle Bruce-Hart, Esq.; C. Richard Moore-Hart, Esq.; Capt. J.
Fire Dept.; Julius Measius-Bell, Esq.; John Rogers-State Roads Commission

RE: PETITION FOR RECLASSIFICATION
FOR GROWTH PROPERTIES, INC. AND
MARYLAND PROPERTIES, INC. OF PROPERTY
LOCATED ON THE WEST SIDE OF YORK
ROAD 975 FEET NORTH OF PHOENIX
ROAD FROM R-6 TO M-L.

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Petition 68-77-R

Mr. Sheriff:

Please issue summons for the following witnesses to
appear and testify in the above entitled case before the
Zoning Commissioner of Baltimore County in Room 106, County
Office Building, 111 West Chesapeake Avenue, Towson, Maryland
at 11:00 a.m. on Wednesday, October 4, 1967:

Mr. George E. Gavrelis, Director
Baltimore County Office of Planning
and Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland

and

Mr. Albert B. Kaltenbach
Department of Public Works
Room 219 County Office Building
Towson, Maryland 21204

SHERBOW, SHEA & DOYLE
By: 27th floor - 10 Light Street
Baltimore, Maryland 21202
MURPHY 5-6317
Attorneys for Petitioner

Mr. Sheriff:

Please issue summons in accordance with the above.

John G. Rose
Zoning Commissioner

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office Bldg.
Towson, Maryland 21204

Re: 68-77R

Dear Mr. Rose,

As an opponent to the proposed rezoning in the captioned case,
I, for the first time, saw the full procedures of a Zoning Board
hearing. I experienced mixed emotions relative to the procedures.
Certain things became glaringly self evident as decidedly unreal-
istic in relation to the public interest in the procedures as they
currently exist and might even constitute legal grounds for reversal
of zoning decisions.

First, I was amazed at the lack of people in attendance to even
hear what was proposed, and why, by the petitioners. This decisively
struck me when there was no one present from Thornton Mill Road
where the proposed sewer and water lines would be laid to service
the proposed Industrial Park. Certainly the front footages costs of
this sewer and water would effect many of these people quite seri-
ously.

Three possibilities or probabilities became self evident: they
were unaware of the effect of this zoning on them as individuals;
they were not even aware of the zoning petition; they could not
come for information sake alone since it would be lost time from
work and lost wages.

Looking at the first item, as to their awareness of the effect
of this zoning on them, the average person, such as myself, with no
knowledge of zoning procedures, has no knowledge of the proposed
water and sewer situation unless in actual attendance. The second
item involves the lack of awareness of even the existence of a
zoning petition. The signs announcing the hearing are on York Road
and these people have little if any reason to pass by them, hence,
the unawareness. I might note that a check of my neighbors indi-
cates, as I personally recalled, that the zoning sign at Diecraft,
on the recent zoning, was up less than one week. Many of my neigh-
bors presumed the zoning petition to have been withdrawn by the
disappearance of the sign. There is no doubt that daytime hearings,
by their being no scheduled, produced hardship on the individual
who might have an interest or protest. The hardship results from
lost work time and income.

Secondly, the extreme disadvantage to which interested parties
or opponents to a given zoning petition are exposed is to be con-
sidered. The petitioners come to the hearing armed with attorneys,
witnesses, experts, studies, maps, etc., and the first exposure to
what is the big picture comes to the individual at this hearing.

Page 2

This big picture is the first complete exposure for potential op-
ponents as to whether they truly should protest or not. If after
seeing the big picture, there are those who feel a formal rebut-
tal of the petitioners witnesses, experts, etc. is in order, they
are too late to organize, or get rebuttal witnesses and experts since
this is the hearing.

Thirdly, having arrived for this hearing at 10:45 A.M., some fif-
teen minutes before the scheduled time, I sat through the latter part
of the previous hearing, which by its nature ran until 11:40 A.M. I,
of course, had no more idea of when the preceding hearing would end
than you did. I was amazed that there was no lunch break, or rest
break of any kind, and the captioned case was run through to its
conclusion at approximately 2:30 P.M. This certainly constitutes a de-
cided hardship for all these persons.

Fourth, the lack of any apparent formal recording of the proceed-
ings created a disbeliever in what I was witnessing beyond words. If
there were a denial of the petition and it was appealed, what would
the appeal board review? What would prevent the petitioners from re-
peating statements of original intent to accomplish their ends? Many
other possibilities also exist as you can imagine as well as I.

In view of what I have observed, I would strongly suggest revisions
in procedural handling of zoning petitions. If you are not in
a position to make these revisions, or could be the subject of criti-
cism for suggesting or passing these suggested revisions on through
channels, please advise and I will be happy to do so personally if
you will advise whom I should contact. I would suggest the follow-
ing revisions:

A. The necessary cost for a first class mail notification of the
zoning petition to all property owners within a given radius of the
involved property, should be posted in advance with the Zoning Com-
mission.

Note: This would vary with population density, location in-
volved, type of zoning or reclassification sought, potential effect
of this zoning on the immediate vicinity as well as developed and un-
developed areas beyond the immediate vicinity. In the 68-77R case,
because of the future far reaching effect, I definitely feel that the
radius would be five miles.

B. A sufficient number of copies, to be mailed with the notifi-
cation of the zoning petition, of a proposal by the petitioners of the
intended use and occupancy of the property; effects of the usage
on traffic, water, sewer, health, fire protection, police protection,
or any other effects which involve expenditure of public funds, sh-
ould be provided by the petitioner. The estimated dollar expenditure
of these funds, which could be involved, should be stated. The pro-

posals should likewise state the names, purpose and type of witness-
es and/or experts the petitioner proposes to have at the hearing.

C. There should be posted the necessary costs of a stamped post
card to be included with the mailing of the notification of the zon-
ing petition. This post card should be addressed to the Zoning
Commission and have a check blank for the property owner to indicate
if they oppose or do not oppose the zoning petition. If they oppose,
there would be room for stating reasons.

2. Zoning hearings, which in the considered opinion of the Zoning
Commission may effect many people or have far reaching future effect
on developed or undeveloped areas, should be held at night or on Sat-
urday.

3. Zoning hearings day or night should have scheduled luncheon and
relief breaks. There should be a public address system in the build-
ing to announce the beginning of a scheduled hearing five minutes
prior to its starting.

4. All Zoning Board hearing should have the proceedings recorded,
tape recorder for economy sake, and should be available for use by
the public, however, such usage to be restricted to one, twenty
four hour period per group or organization.

I propose this to be a somewhat ideal solution but hastily agree
there are many alternatives available. There was no Zoning Commis-
sion when I went to school and a check with my children indicates that
in our schools today they are not taught the functions, sources of
information, or operation of many of the regulatory bodies or bran-
ches of government that now exist. They are to be kept in the dark
even as their parents are now in the dark. You will note that what
I propose would eliminate inequities which currently exist to the
detriment of the general public.

I wish to thank you for your time in reading this letter and
whatever consideration you may give to the content thereof, since,
there are many beyond myself who are interested.

A commendation to you personally is in order for your tolerance,
consideration, technical advice and knowledge to all who might wish
to voice a position, irrespective of what that position might be,
as was evidenced to me at the 68-77R hearings.

Very truly yours,
J. Eilers
Box 220 Upper Glencoe Road
Sparks, Maryland 21152

District. 8
 Posted for: Appeal
 Petitioner: Kenneth Properties Inc. & Mtd. Properties Inc.
 Location of property: 475 St. Yvres Rd. 975 N. of Phoenix Rd.
 Location of Signs: 12000 N. of Phoenix Rd. 475 St. Yvres Rd.
 Remarks:
 Posted by: Henry & Clark
 Signature
 Date of return: 12/15/07
 D Sign

TOWSON, MD. Sept. 14 1957

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 one year ~~successive years~~ before the 14th day of October 1957 the first publication appearing on the 11th day of September 1957.

THE JEFFERSONIAN.

L. Lewis Smith Manager.

District: 8th
 Posted for: Reclassification from D-6 to M-1
 Date of Posting: Sept 25, 1947
 Petitioner: James H. Roberts, Inc.
 Location of property: W. 1/2 of York Rd. 225' d. of Phoenix Rd.
 Location of Signs: W. 1/2 of York Rd. 1050' d. of Phoenix Rd.
(2) " " " 2365 N. " "
(2) " " " 4700 N. " "
 Remarks: _____
 Posted by: J. B. [Signature]
 Date of return: Sept 21, 1947
3 signs

PERMIT TO ACCOUNT NO. 01-622		TOTAL AMOUNT	
DATE	DETAILS	AMOUNT	COST
10-1-77	Cost of Appeal - Property of Growth Properties, Inc.	\$70.00	
10-1-77	1 sign	1.00	
		<u>71.00</u>	75.00

By Paul J. Morgan
Editor and Manager

Containing 241 a.cres of land more less,
Being the property of Grosvenor Properties, Inc., as shown on a plat plan filed with the Zoning Department.
Hearing Date: Wednesday, October 4, 1967 at 11:00 A.M.
Public Hearing Room 109
County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

THE JEFFERSONIAN,
Frank Strickland
 Manager

Hearing Date: Wednesday, Oct.
1967 at 11:00 A.M.
Public Hearing: Room 108,
Office Building, 111 W. Chesapeake
Avenue, Turson, Md.
By order of
JOHN G. ROSE
Zoning Commissioner
Baltimore County

QUANTITY	REPORT TO ACCOUNT NO.	TOTAL AMOUNT
	01-622	\$50.00
	RETURN THIS SECTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND MAIL THIS PORTION FOR YOUR RECORDS	COPY
	Position for Reclassification for Gravel Properties, Inc. 888-77-8	\$0.00
	Pd - Baltimore County, Md. [illegible]	
	1-8-67	\$0.00
	1-8-67	\$0.00
4		

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

Petitioner's Attorney James J. Doyle, Esq. Reviewed by James E. Nye
Chairman of Advisory Com.

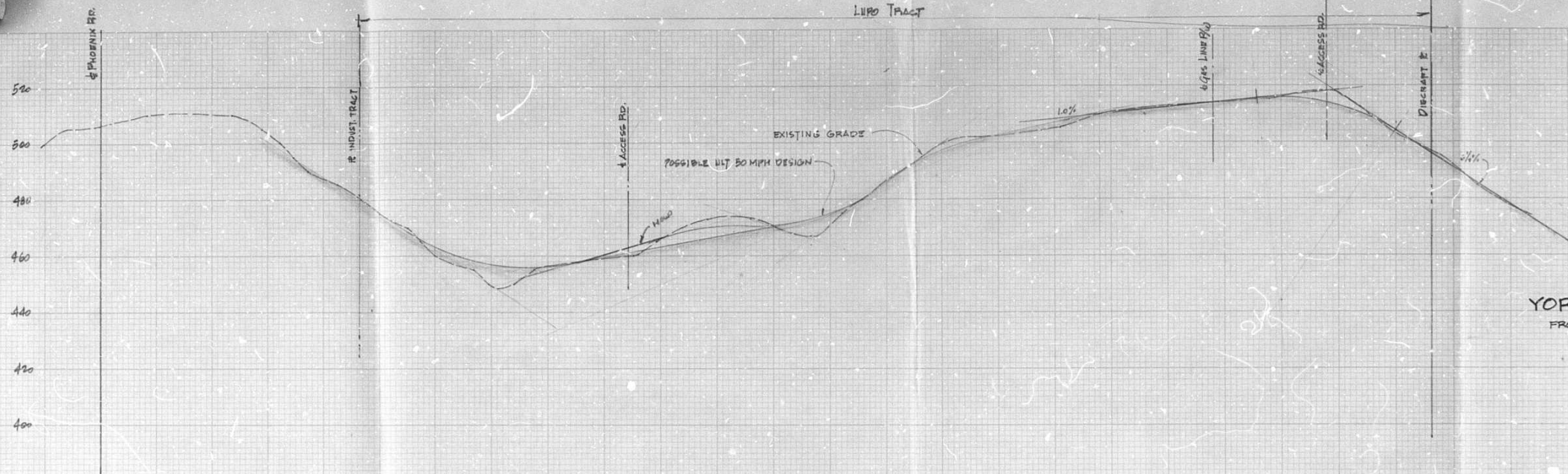
REPORT -> ACCOUNT NO	TOTAL AMOUNT PAID
81-627	\$4.50
QUANTITY	COST
Advertising and posting of property for Gruth Properties -77-R	\$4.50
1-75 1/2 x 1/2 x 1/2 x 1/2 x 1/2 x 1/2	\$4.50
1-75 1/2 x 1/2 x 1/2 x 1/2 x 1/2 x 1/2	\$4.50

↓

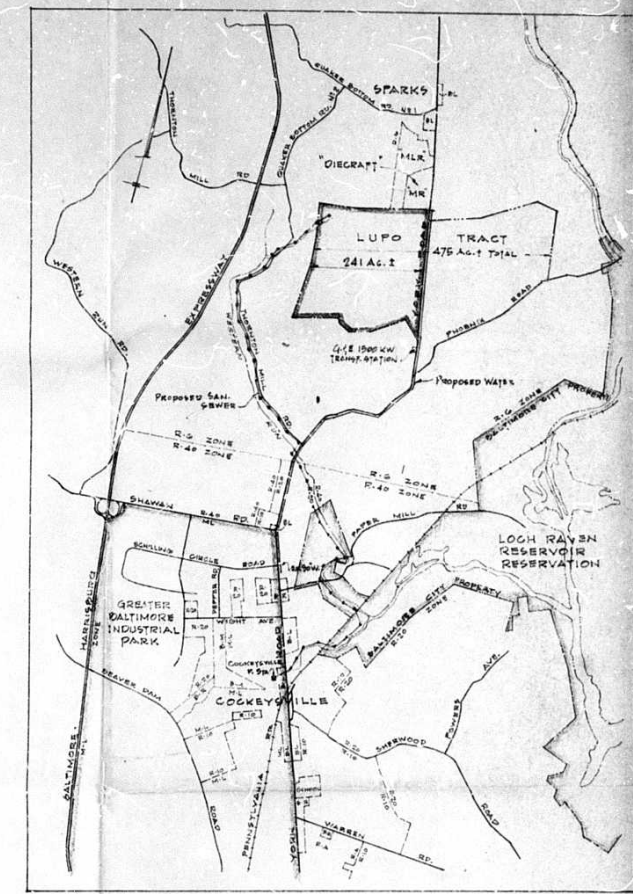
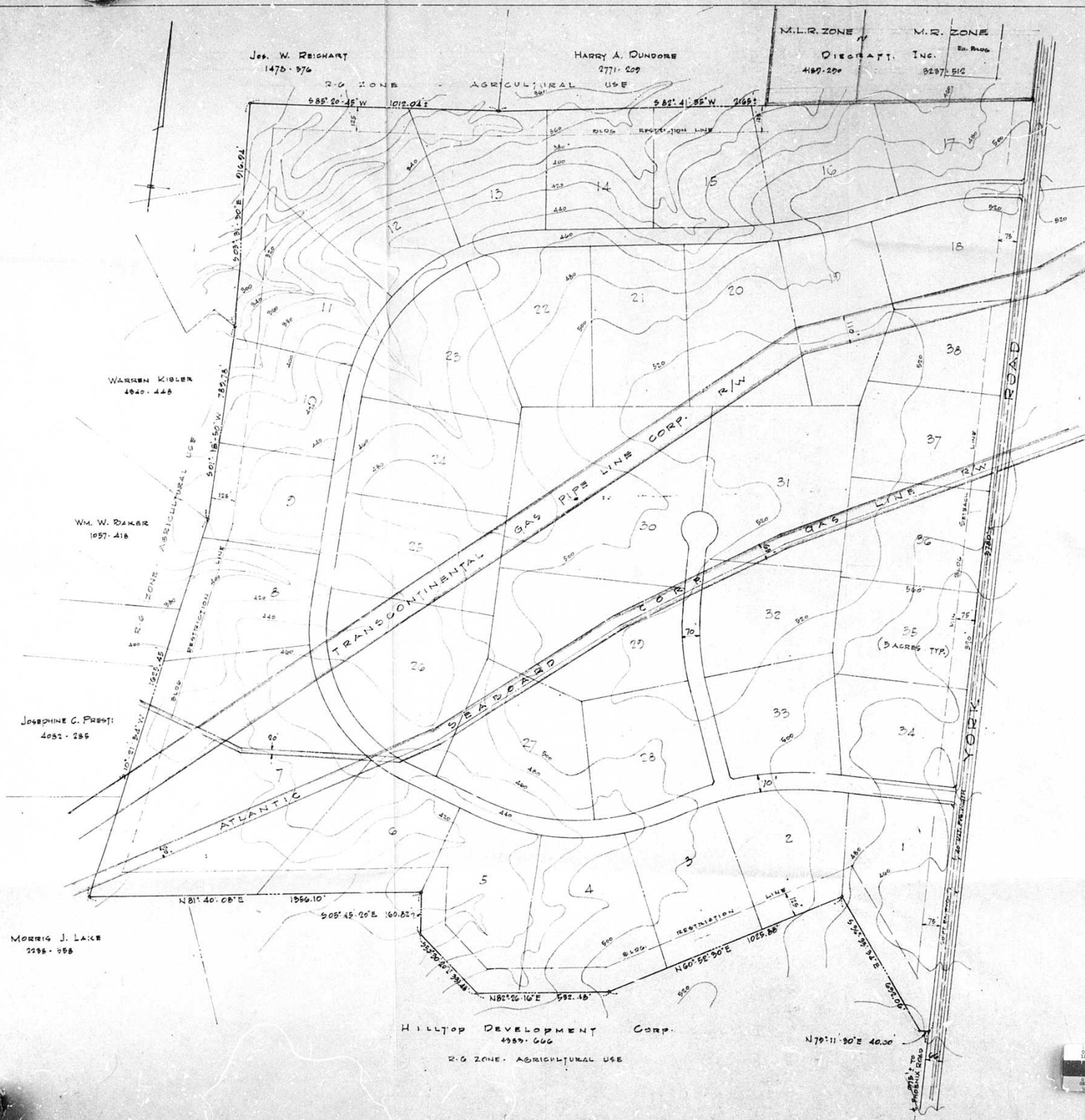
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, YOWSON, MARYLAND 21204

01-022		RETURN THIS 8. VALUE (WITH YOUR REMITTANCE)		TOTAL AMOUNT
QUANTITY		DETACH ALONG WITH INFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS		\$75.00
			COST	
	Cost of Appeal - Property of Growth Properties, Inc.	\$70.00		
	860-77-2	5.00		
	1 slip	<u>75.00</u>		75.00





YORK ROAD PROFILE
 FROM PHOENIX RD TO DIECRIFT RD
 NORTHERLY
 SCALE: 1" = 200' HOR.
 1" = 20' VERT.

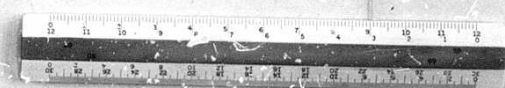


VICINITY SKETCH
SHOWING PRESENT ZONING
SCALE: 1" = 2000'

8TH DIST.
MAP.
SEC. "C"
ML

PLAT TO ACCOMPANY PETITION
FOR REZONING
241 ACRE PORTION OF LUPO TRACT
FROM 'R-G' ZONE TO 'ML' ZONE

8TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 200' JULY 31, 1967



WHITEFORD, FALK AND MASK, INC.
CONSULTING ENGINEERS & LAND SURVEYORS