

PAUL H. DOLLENBERG
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JOHN F. STEEL
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DOLLENBERG BROTHERS
Registered Professional Engineers & Land Surveyors
708 WASHINGTON AVENUE AT YORK ROAD
TOWSON, MD. 21204
August 3, 1967
Zoning Description
Brooks Buick Property

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the north side of Kenilworth Drive at a point distant 25 feet westerly from the point of intersection of the north side of Kenilworth Drive extended with the west side of West Road extended and thence binding on the north side of Kenilworth Drive the three following lines viz: North 73 degrees 39 minutes West 40 feet, Northwest by a line curving toward the right having a radius of 2001.07 feet for a distance of 200 feet and Northwest by a line curving toward the right having a radius of 1965 feet for a distance of 146 feet thence leaving said Drive and binding on the outline of the land of the herein named petitioners the two following courses and distances viz: North 24 degrees 24 minutes East 596 feet and South 48 degrees 52 minutes East 738 feet to the west side of West Road and thence binding on the west side of West Road the two following lines viz: Southerly by a line curving toward the left having a radius of 635 feet for a distance of 250 feet and South 16 degrees 21 minutes West 274.75 feet and thence by a line curving toward the right having a radius of 25 feet which connects the west side of West Road with the north side of Kenilworth Drive for a distance of 39.27 feet to the place of beginning.

Containing 7.4 Acres of land more or less.

Being the property of Mrs. Louis J. O'Donnell and Mr. John H. Hampshire as shown on the plat filed with the Zoning Department.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Mr. John G. Rose, Zoning Commissioner Date: October 27, 1967
FROM: George E. Gavellis, Director of Planning
SUBJECT: Petition #68-104-R. Northwest corner of Kenilworth Avenue and West Road.
Petition for Reclassification from M.R. to B.M.
John H. Hampshire, et al - Petitioners.
9th District
HEARING: Wednesday, November 8, 1967. (10:00 A.M.)

The planning staff of the Office of Planning and Zoning offers the following comment on the subject petition:

1. The subject property was rezoned by petition. M.R. zoning was favored by this office as being adjacent to an existing M.R. zone utilized by the firms of Young and Seldon and Parker-Davis. From a planning viewpoint, retention of M.R. zoning south of the attractive industrial plants already established to the north is necessary to preserve the County's commitment to protect these properties.

We note that one purpose of the M.R. zone is to "protect the uses in neighboring residential zones . . ." Property to the south of the subject site is, in fact, residentially zoned and used. Development of the subject property in a restricted manufacturing context would be, from a planning viewpoint, a far more desirable occurrence than establishment of commercial usage - especially since the latter is not subject to individual restrictions.

2. From a planning viewpoint, the earlier amendments by petition which established M.R. zoning for the subject property were correct. Further, there have been no changes that would justify the intrusion of Business, Major zoning here. Therefore, it is our belief that the map remains correct with regard to the subject property.

October 3, 1967

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

James H. Cook, Esq.,
22 W. Pennsylvania Avenue
Towson, Maryland 21204

SUBJECT: Reclassification from B-M to B-M-2 for John H. Hampshire, et al, located 1/4 of Kenilworth Drive, West of West 24, 9th District (Item 2, October 3, 1967)

Dear Sir:

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

BUREAU OF ENGINEERING:
Water - Existing 12" water in West Rd. and Kenilworth Avenue
Sewer - Existing 8" sanitary sewer in West Rd.
Road - West Rd. is to be developed as a minimum 32' road on a 70' R/W. Kenilworth Drive is to be developed as a minimum 46' road on a 70' R/W.
adequacy of existing utilities to be determined by developer or his engineer.

STATE ROADS COMMISSION:
Since there are no State roads involved, this office has no comment.

FIRE BUREAU:
The petitioner will be required to meet all requirements pertaining to automotive dealership.

WATER DEPARTMENT: Since public water and sewer are available to the subject site, this office has no comment.

BUREAU OF TRAFFIC ENGINEERING: As B-M-2 land, the site will generate approximately 700 trips per day. As B-M, this site will generate approximately 7000 trips per day. However, as a car dealership the site will not generate any more trips per day than B-M.

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 final 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 H. Cook, Esq.,
Zoning Technician

cc: Carlyle Brown-Bar, of Rec.; John Hays-Roads Comm.; Fire Bureau-Adm. Chas. Morris; William G. Gammell-Health Dept.; G. Richard Moore-Bar, of Traffic Eng.

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
day of September, 1967

John G. Rose,
Zoning Commissioner

Petitioner: John F. Hampshire

Petitioner's Attorney: James H. Cook, Esq. Reviewed by: James E. Gavellis
Chairman of Advisory Comm.

TELEPHONE
823-3000
EXT. 387

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 50671

DATE 12/21/67

To: James H. Cook, Esq.,
Loyola Federal Bldg.,
Towson, Md. 21204

Office of Planning & Zoning
119 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Cost of appeal -- Property of John H. Hampshire, et al No. 68-104-R		\$70.00

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

TELEPHONE
823-3000
EXT. 387

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 50624

DATE: Nov. 26, 1967

To: Brooks Buick, Inc.,
708 York Road
Towson, Md. 21204

Zoning Dept. of Baltimore Co.

REPORT TO ACCOUNT NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Advertising and posting of property for John H. Hampshire, et al 68-104-R		\$5.35

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

TELEPHONE
823-3000
EXT. 387

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 49633

DATE: Oct. 16, 1967

To: Messrs. Cook, Mudd and Howard
22 W. Penna. Ave.
Towson, Md. 21204

Zoning Dept. of Baltimore Co.

REPORT TO ACCOUNT NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Petition for Reclassification for John H. Hampshire, et al 68-104-R		\$2.00

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

RE: PETITION FOR RECLASSIFICATION
from an M.R. zone to a B.M. zone
NW corner Kenilworth Avenue
and West Road,
9th District
Barbara D. O'Donnell -
John H. Hampshire,
Petitioners

BEFORE ✓ #68-104-R
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-104-R
117P
#9
SEC. 2-C
NE-11-A
NW-11-A
BIM

OPINION

The petitioner in this case seeks a reclassification of a 7.4 acre tract of land situated at the northwest corner of Kenilworth Drive and West Road, in the Ninth Election District of Baltimore County, from an M.R. (Manufacturing Restricted) zone to a B.M. (Business Major) zone. The reclassification requested by the owner-petitioner of the property, Brooks Buick, Inc., will if granted allow the petitioner to construct a new car sales agency on the subject property.

The zoning surrounding the subject property is as follows: On the north, east, and west the zoning on the property is M.R.; on the south, across Kenilworth Drive, the zoning is R-A (Residential Apartment). The property to the northwest of the subject site is occupied by a number of warehouses and office buildings in various ownerships. The property to the south of the subject site, across Kenilworth Drive, is occupied by the Colony Apartments. As stated above, the petitioner requests a B.M. zone on the subject site for the purpose of the relocation of his automobile sales agency. Under the zoning regulations of Baltimore County, new car sales agencies are only allowed in the B.R. (Business Roadside), B.M. (Business Major), and M.L. (Manufacturing Light) zones. A new car agency is not allowed in a B.L. (Business Local) or an M.R. (Manufacturing Restricted) zone. M.R. zoning can only be obtained through the individual petition process upon application to the zoning authorities by the property owner, and the M.R. zoning presently on the subject property was placed on the property as a result of a petition of the then property owner who requested and obtained from the County a reclassification from R-6 to M.R., which was granted in January of 1961, being zoning files #4912 and #5810.

David L. Brooks, President of Brooks Buick, Inc., testified that his family has been engaged in the automobile business at his existing location for more than forty years, and that the size of the present location of the automobile agency on the York Road in the Towson area is totally inadequate in light of today's standards. He further testified that there is no room for expansion at his present location and that even though he has been diligently seeking property in the Towson area for the relocation and expansion of his auto agency, he has been unable to find any properly zoned land in the general Towson area in sufficient size to relocate his automobile agency. He also stated that his present contract with General Motors terminates in 1970 and he has been advised by

O'Donnell-Hampshire - #68-104-R

General Motors that he must move the agency to a larger location prior to his contract renewal, and that due to territorial agreements of General Motors he is required to relocate his business in the general Towson area.

The petitioner, by his architect, E. Hamilton Niles, Jr., introduced as an exhibit in the case a detailed scaled model showing the proposed development of the property and the improvements to be placed on the property. The development plan, as shown by the model and testified to by the witness, would be a drastic departure from the usual type of building associated with automobile sales agencies in that there is extensive screening around the subject property and numerous trees on the property have been retained; the plan also shows extensive landscaping to be accomplished so that the visual effect of the agency will be entirely harmonious with the surrounding land uses and landscaping of other properties. Mr. Niles, the architect, testified that the proposed development of the property in accordance with his architectural plan would be entirely compatible with existing uses of the land surrounding the subject property.

John W. Kessler, a protestant and one of the owners of the Colony Apartments that are immediately south of the subject property across Kenilworth Drive, testified on cross-examination that he has been given written assurance by Brooks Buick that if the reclassification is granted, the property will be developed in accordance with the plan as designed by the petitioner's architect. The Board also noted from Mr. Kessler's testimony that the R-A zoning existing on his property was the result of a petition for reclassification to R-A, and at the time of his testimony before the Board he had an additional thirteen acres of land under contract, and is presently seeking a reclassification of that property from an R-10 zone to an R-A zone.

Hugh E. Geston, a well-qualified realtor and appraiser testifying on behalf of the petitioner, stated that he has been familiar with the area for more than thirty-five years, and has inspected the subject property as well as surrounding properties on numerous occasions, and in his opinion the proposed automobile sales agency will have no detrimental effect on the surrounding properties. He did not agree with Mr. Kessler of the Colony Apartments, that the monthly rentals might be affected by the reclassification, and cited in support of his opinion three other apartment projects in the Towson area that are immediately adjacent to heavy commercial uses.

Bernard Willemain, an expert land planner, testified that when the 1955 zoning map, which is the map that encompasses the general Towson area, was adopted it did not have placed on it any B.R. or B.M. zoning in sufficient size for the needs of a modern new car sales agency. The only exception to this is the property at the southeast corner

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of Goucher Boulevard and Dulany Valley Road, which is the present site of the Towson Plaza Shopping Center. The witness stated, however, that this property had to be excluded because the owner (Goucher College) had placed deed restrictions on the property that do not allow any automotive uses in the shopping center. He testified that there have been extensive changes in the neighborhood since 1955: The construction of the Baltimore County Beltway within a few hundred feet of the subject property; the construction of utilities into the valley area where the property is located where there were none before; the addition of a third lane to the Beltway in 1967; the lighting of the entire Beltway; the completion of Charles Street extended as a dual lane highway within a mile of the property; some five zoning reclassifications in the immediate area to apartment zoning; numerous changes along the York Road frontage to commercial zoning; and the subject property's reclassification from R-6 to M.R. by a previous owner in January of 1961. He also noted Case No. 63-6, which was an Order granting variances within the M.R. zone allowing five feet side yard setbacks instead of the required fifty feet under the M.R. zone, and a floor area ratio variance allowing thirty-five percent land coverage instead of the twenty-five percent land coverage normally allowed in the M.R. zone. These variances were granted to Stephen Haever, one of the protestants in this case, in connection with the construction of an office building in the M.R. zone. In addition, he testified to other variances that had been granted for properties almost contiguous to the subject site that in his opinion totally violate the planning concept of an M.R. zone. Some of these variances were granted apparently without having first received a public hearing as required by the regulations, according to the witness.

George E. Gavrelis, Director of Planning for Baltimore County, testified in opposition to the petition and stated generally that he felt the M.R. zoning on the subject property is correct, and that in his opinion the M.R. zoning here should be retained to protect the industrial plants already established to the north of the subject property. The Board notes however, that the M.R. zone on the subject property, as well as the properties to the north, was placed on the property by petition of the then property owner, and was not placed on the property at the time of the adoption of the map. Mr. Gavrelis agreed with the petitioner's estimate of the size tract needed for a modern auto agency, and stated that in his experience from requests made by various other automobile dealers to the Planning Department, that the present standard is at least a five acre minimum tract up to a maximum size of ten acres necessary for the establishment of an auto sales agency. He also stated that it is almost impossible to find sufficient land in the Towson area now zoned either B.R. or B.M. that would allow an automobile sales agency use. He further stated, in reply to questions by the petitioner's attorney, that he had discussed several possible

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locations with the property owner at various times since December of 1966, and that one of the discussions included a discussion of this property. He also stated that all of the properties discussed needed rezoning before an automobile sales agency could be located on the properties. His basic objection to the subject petition seemed to the Board to be that he cannot be sure that Brooks Buick will develop the property in accordance with its proposal, and the Board took the logical inference from this that if the property is developed as the petitioner proposes, either he would have no objection or his objection would be greatly lessened.

The only other witness testifying in opposition to the petition was a representative of the Parke Davis Company who was concerned over the possibility of other commercial enterprises coming into the industrial park, and he would like to see the industrial area remain as it is. The witness stated on cross-examination that his company preferred to see the land developed with another warehouse type of operation, as if this occurred they would be able to get better service from the truck lines, common carriers, etc., serving the Parke Davis property.

The Board finds as a fact that there have been numerous and substantial changes in the immediate neighborhood, indeed on the adjacent properties, to justify the request for reclassification here. The uncontradicted testimony of the petitioner, and substantiated by the Director of Planning, is that he was unable to find any tract of land of approximately the same size in the Towson area properly zoned for an automobile agency, even though he had been searching for some for more than two years.

The Board is convinced that the development of this property in accordance with the plans submitted by Brooks Buick, as demonstrated by the scale model introduced in evidence by the petitioner, will be completely harmonious and compatible with the surrounding apartment, office, and manufacturing uses, and the Board, from the testimony of the petitioner and written assurances given by the petitioner to the protestants, is convinced that the property will be developed in accordance with the plan submitted. The development as planned will be a pioneer for the aesthetic design of future new car sales agencies in the Baltimore Metropolitan Area.

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ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of June, 1969 by the County Board of Appeals, ORDERED that the reclassification from an M.R. zone to a B.M. zone petitioned for, be and the same is hereby GRANTED.

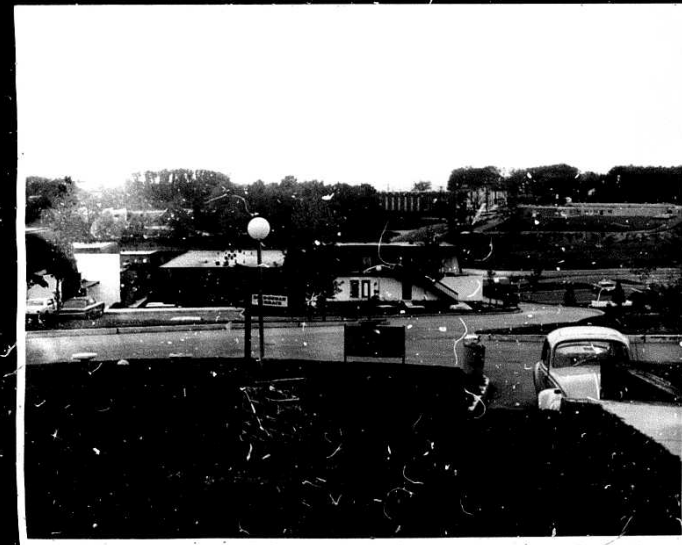
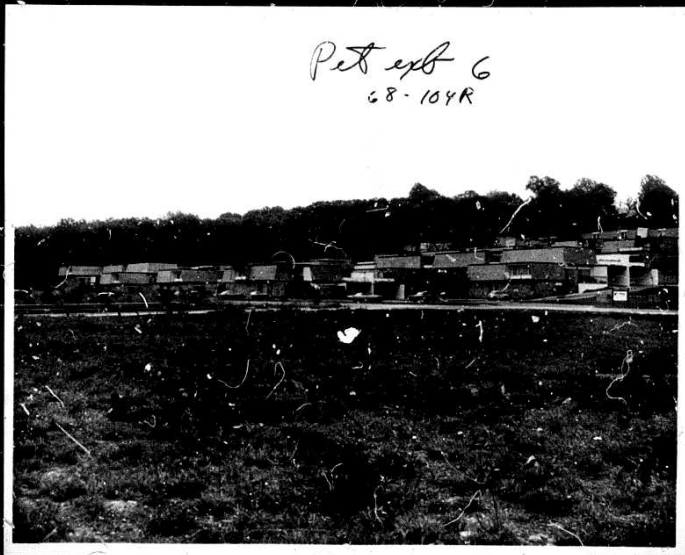
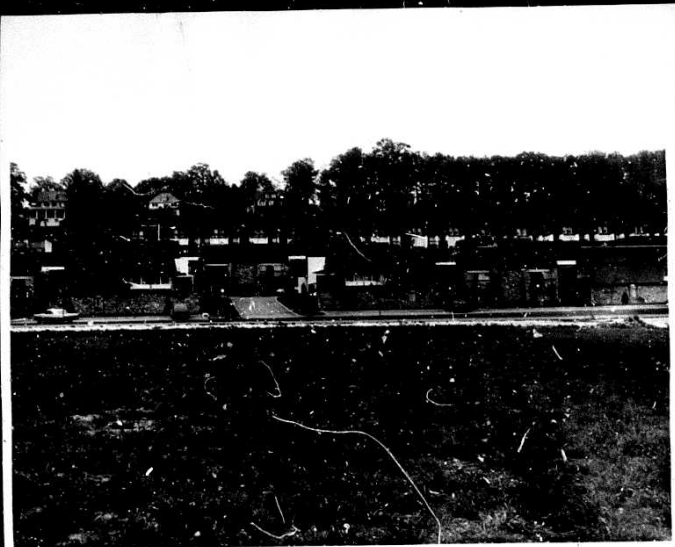
Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

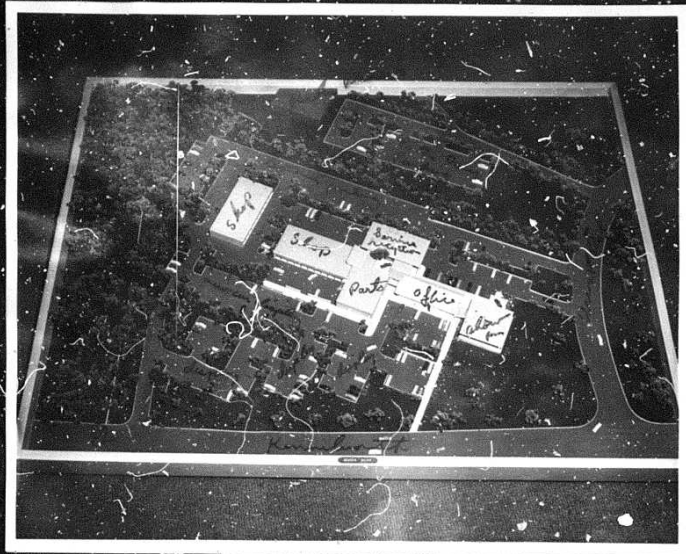
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

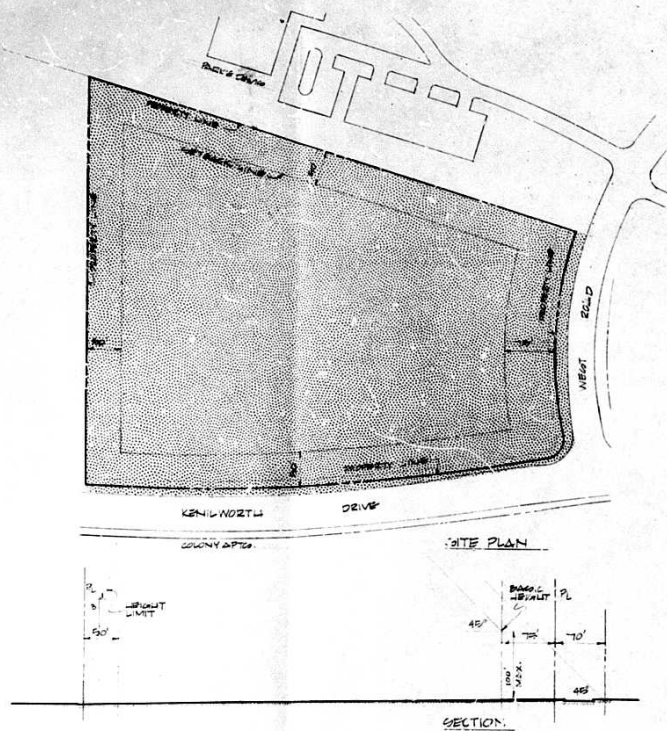
William S. Baldwin, Chairman

W. Giles Parker

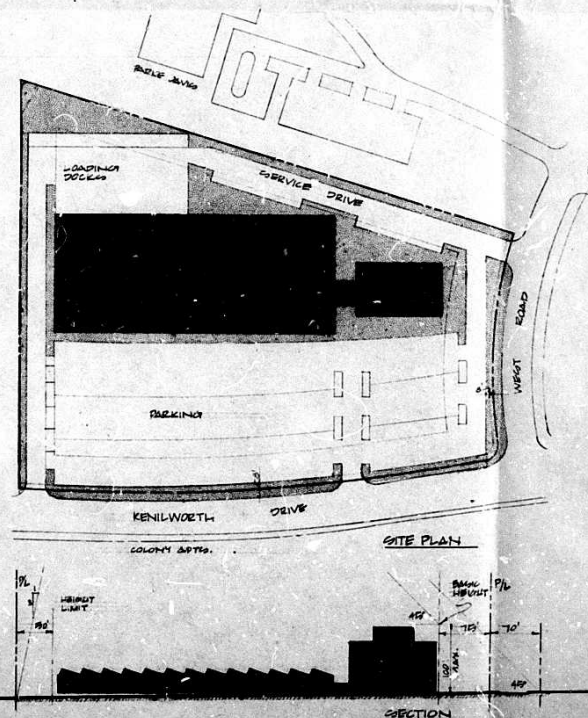
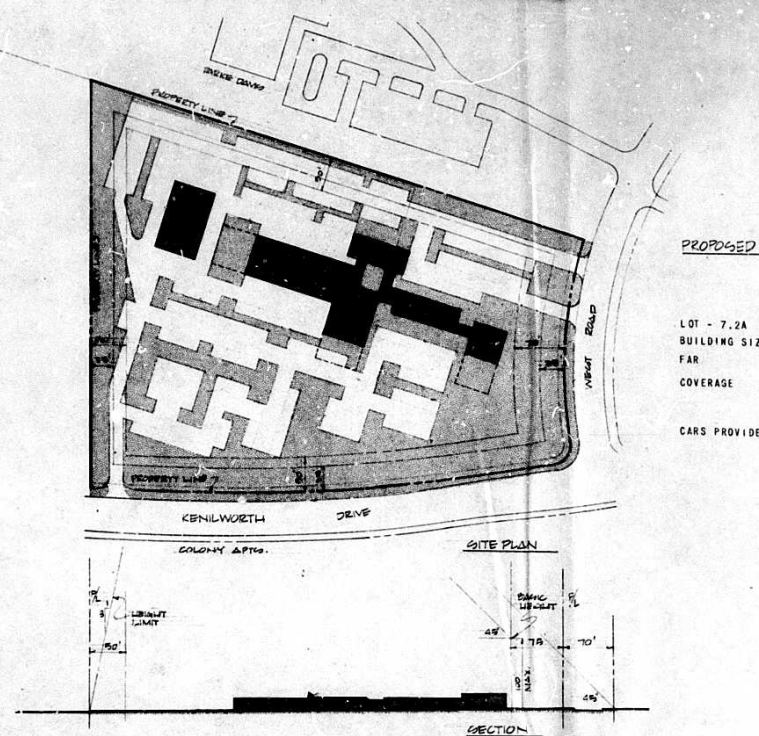
John A. Slawik







LOT - 7.2A - 312000 SQ FT
MAX FAR - 0.4 - 128000 SQ FT
NFT RENTABLE - 100000 SQ FT
PARKING 1/200
NET - 500 CARS



LOT - 7.2A - 312000 SQ FT
BUILDING SIZE - 39100 SQ FT
FAR - .15%
COVERAGE - 12.5%

CARS PROVIDED	NEW CARS	= 133
	CUSTOMERS	= 40
	SERVICE & PARTS	= 136
	TOTAL	= 309

[illegible]

FIRM	MAIL
DESIGNED BY	680-A 1392-A 1157-A
DRAWN BY	
CHECKED BY	
APPROVED BY	

**THE TAA
ARCHITECTURAL
AFFILIATION**

DE WET PERSWOLVENNA ANGELA

**SALES AND
SERVICE BUILDING**

102

BROOKS BUICK

WEST ST. AND KENILWORTH AVE.
BALTIMORE COUNTY, MARYLAND

ALTERNATE SCHEMES
FOR SITE

JOB NO.	0520
SCALE	1" = 100'
DATE	15 MAY 1968
LAST REV.	

Pet exp #4
68-104R

Kenilworth Ave
Brookline St

The Colony
Paine, Daines & Co

NORTH

Note: Landscape plan for Table 1, given & taken down during I. Eichengruber, Johnson Associates, Jan 1, 1960.

Building Area	Sq. Ft.
a. showroom	2,000
b. office	2,000
c. receiving, waiting	2,500
d. service department	10,000
e. parts department	5,000

Total parking 209 spaces:
a. 133 new car spaces
b. 40 buyers spaces
c. 136 customer & employee

DESIGNED BY	680-A
DRAWN BY	1192-A 1157-A
CHECKED BY	
APPROVED BY	

ARCHITECTS

JOB NO.	6526
SCALE	1" = 50'-0"
DATE	MAY, 1967
LAST REV.	NOV. 9, 1967