PETITION FOR ZONING RE-CLAS FICATION 69-139-R AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF PALTIMORE COUNTY:

I, or we, Elizabeth H. Lydick, Midrytegal owner... of the property situate in Ballimore MOATH-County and which is described in the description and plat attached hereto and made a part hereof, EASTERN hereby petition (I) that the coning status of the herein described property be reclassified, pursuant AREA to the Zoning Law of Baltimore County, from an... RA and BL ... SE1. 4-6

BM zone; for the following reasons:

NE- 9-9 NE-10-9 BM

W

LYDICK, ET AL #69-139-1 lair nd. 583' S of 11th

69-139-R

There was a mistake in the original zoning and/or the character of the neighborhood has changed to such an extent that the reclassification requested is proper.

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 re-classification and/or Special Exception advertising, posting, etc. upon filing of this peution, and further agree to and are to be bound by the zoring regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltim Elizabeth Redick

KILLY PONTIAC, INC.

sident & Formati purchaser Address St 05 Balan Rol \$801 Belair Bd.... Md. 21206 Petitioner's Attorney

Bellina, nol 2124

204 W. Penna. Avg. - 21204

., 1968..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning ., 196.9 at 10:30 o'clock

Sheet 3 of 3 sheets

ELIZABETH LYPICK, ET AL KELLY PONTIAC, c.p.

#69-139-R SE/S Balair Rd. 583' m/l S. of Ebenezer Rd. 11th District

(7.190 acres)

Dec. 6, 1968 Petition filed Jan. 8, 1969

D.Z.C. (Hardesty) GRANTED Rea Feb. 3 Order of Appeal to C.B. of A.

Sept. 15 Granted in part by Board (Beldwin, Slowik, Miller)

Order for Appeal filed in Circuit Court by W. Lee Harrison, Eq., for Protestants, Exeter Realty, Inc. and Charles and Leon Crane 5 / Oct. 8

Nov. 20 Record of proceedings filed in Circuit Court Dec. Amended Answer filed (including certified copy of Order of Appeal dated Oct. 1, 1969)

Motion to Dismiss Granted and Appeal Dismissed - Judge Haile

Motion for Re-hearing Oct. 5

Order for Appeal filed in the Court of Appeals by Edwin J. Wolf, attorney for protestants

After rehecring on 10/9/70, appeal again dismissed by Judge Haile €/ Nov. 12 El Dec. 7

Order for oppeal filed in the Court of Appeals from second Order of Dismissal by Mr. Wolf

Appeal to Court of Appeals DISMISSED by Appellant

GRANTED IN PART

PETITION FOR ZONING RE-CLASS FICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William, C., and Mary, E. /...legal owners, of the property situate in Baltimore NORTH-County and which is described in the description. to the Zoning Law of Baltimore County, from an RA and RL. BM ____zone; for the following reasons:

NE - 9-4

Ħ

A.M.

There was a mistake in the original zoning and/or the character 2m of the neighborhood has changed to such an extent that the reclassification requested is proper.

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 Regulation L or we, agree to pay expenses of above re-classification and/or Special Exception advertising upon filing of this petition, and further agree to and are to be bound by the zoning ons of Baltimore County adopted pursuant to the Zoning Law for Baltimore

William & Reley Visa President & Tressurer Contra processor Address 5905 Blain Rd Ballina Mrd 21234 Balto., Md. 21206 Petitioper's Attorney
James D. Nolan
204 W. Penna, Ave. - 21204

ORDERED By The Zouing Co ., 1960 ..., 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 Courty, that property be posted, and that the public hearing be had before the Zoning ner of Saltimore County in Room 106, County Office Building in Towson, Baltimore



Sheet 1 of 3 sheets

007 7 1070

2NTA EXETER REALTY, INC., et al IN THE Appellants CIRCUIT COURT

ELIZABETH LYDICH, et al

BALTIMORE COUNTY Miscellancous Law

4327 Mr. Clerk: Please enter an appeal to the Court of Appeals of

Maryland from the Order of this Court passed on the 9th day

Edwin J. Wolf/ / / Attorney for Appellants 110 E. Lexington Street Baltimore, Maryland 21202

Polio 491

I Hereby Certify a copy of the above Order for Appeal was mailed to James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland, 21204, Attorney for Appellees, this 5th day of October, 1970.

> Eden Stay

PETITION FOR ZONING RE-CLAS. FICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, R.-M. Keltin, and Mildred, M. kgal owner... of the property situate in Baltipore NORTH-County and which is described in the description and past trached hereto and made a part hereof, EM JTEMP, hereby petition (1) that the zoning status of the herein described property be re-classified, pirsuant AREA zone to an MAP 4-6

NE -9-9 NE-10-9

There was a mistake in the original zoning and/or the character of the neighborhood has changed to such an extent that the reclassification

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 re-classification and/or Special Exception advertising, eting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning many and the special exception advertising at the special exception and the special exception and the special exception and the special exception and the special exception as a special exception and a special exception as a special exception

KELLY PONTIAC, INC. The Messel Belait Rd. Address \$9.07 Bland 8907 Blain Re Ballemon nd 21234 Balto. Md. 21206 James D. Nolan

, 196 ..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in tr o newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning



intA

EXPTER REALTY, INC., et al.

FOR BALTIMORE COUNTY LAW DOCKET & POT-TO 491 ELIZZBETH LYDICK, et al.

Appellees

ORDER

For the reasons set forth in the Statement of this Court filed immediately prior hereto, it is this /// day of November, 1970, by this court

ORDERED that the motion to dismiss this appeal, hereto-fore filed by the appelless, be and it is hereby granted and the appeal is hereby dismissed.

Attorney for Appellants Attorney for Appellees Court Administrator's Office

Copies to:

gee. 9 tord EXETER READY, INC., et al IN THE Appellants ELIZABETH LYDICH, etal BALTIMORE COUNTY Appellees Miscellaneous Law Docket 8 Folio 451 Case No. 4327 * * * * ZONING FILE TOPING

Please enter an appeal to the Court of Appeals of Maryland from the Order of this Court passed on the 12th day of November, 1970.

> Edwin J.Wolf Attorney for Appellants 110 E Lexington Street Baltimore, Maryland 21202 752 7474

68.3.77

I Hexeby Certify that a copy of the above Order for Appeal was mailed to James D. Nolan, Esquire, 204 W. Pennsylvania Ayenue, Towson, Maryland 21204, Attorney for Appelless, this day of December, 1970.

Attorney for Appellants

of preperty, and public hearing on the above petition and
e original zoning man

d its further appearing that becreasons as
should obeygranteds
ioner of Baltime County this 5
he herein described property or area should be and
A and Blzone to a
r, subject to approval of the site plan by the
ng Laure D. Harlety
PUTY Zoning Commissioner of Baltimore County
to the commission of Baltimore County
f property and public hearing on the above petition
D, and or the Special Exception should NOT BE
The state of the s
ner of Baltimore County, thisday
pove re-classification be and the same is hereby
or area be and the same is hereby continued as and
one; and or the Special Exception for
be and the same is hereby DENIED
The said
P 4 (1711)
Zoning Commissioner of Baltimore County
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ELIZABETH LYDICK, ET AL #65 SE/S of Belair Rd, 583' S of Ebeneezer Ad.

NOLAN, PLUMHOFF & WILLIAMS TOWSON MARYLAND 21204

November 18, 1969

1ELEPHONE 823-7800

Edith T. Eisenhart, Secretary County Board of Appeals County Office Building Towson, Maryland 21204

Re: Elizabeth I ydick, et al. Kelly Pon. ac. Inc. No. 69-129-R

Dear Edith:

AMES D NOLAN J EARLE PLUMHOFF NEWTON A WILLIAMS WILLIAM HESSON JR

Enclosed is a Motion to Dismins Appeal and Request for Hearing which I will fine in the above entitled matter on Wednesday, November 19, 1969.

Since there is no attorney of record for your Since there is no autorney or record for your office, I am taking the liberty of renclosing a copy, which I would appreciate your forwarding to the appropriat: Assistant County Solicitor who will be handling this matter.

Sincerely,

James D. Nolan

JDN:in

Enclosures

Pursuant to the advertisement, posting of preperty, and public hearing on the above petition and it appear' g that by reason of error in the original zoning map. IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... cteck from and after the date of this order, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning. of Gluoud D.

DEPUTY Zoning Commissioner of B. PD Harder = quant to the advertisement, posting of property and public hearing on the above petition pearing that by reason of..... thoushove re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ... DENIED and that the above described property or area be and the same is hereby continued as and ___zone; and/or the Special Exception for_____ be and the same is hereby DENIED Zoning Commissioner of Baltimore County

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it appearing that by reason of extor in the original zoning man.... the above Reclassification should be had; and its further app 8 IT IS ORDERED by the Zoning Commissioner of Baltimore County this. January, 196.9., that the herein described property or area should be and the same is hereby reclassified; from a RA and BL zone to a BM from and after the date of this order, subject to approva! of the site plan by the the form and after the date of this order, subject to approval of ride site plan by the Reads Commission, the Bureau bild Services and the Office of The Services and the Office of DEPUTY Zoning Commissioner of Baltimore County FOR by to the advertisement, posting of property and public hearing on the above petition IVED RECE ORDER the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 196 that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and ____zone; and/or the Special Exception for____

Zoning Commissioner of Baltimore "unty

IN THE Petition to accompany Order for Appeal for Reclassification from R-A and B-L zones to B-M Zone. SE/S Belair Road 583' S. of CIRCUIT COURT Ebenser h.

11th District
Elizabeth Lydck, et al. FOR Petitioners Kelly Pentiac, Irc. RALTIMORE COUNTY Mise. 8/491/4337 No. 69-139-R

REQUEST FOR HEARING

evants respectfully request that they be heard as to this

204 West Pennsylvania Ave Towson, Maryland 21204 823-7800

I HERE BY CERTIFY, that on this 25th day of how. a copy of the aforegoing Request for Hearing, was mailed to W. Lee Harrison, Esquire at 206 W. Joppa Road, Towson, Maryland 21204, and R. Bruce Alderman, Esquire, County Solicitor, County Office Building, Towson, Maryland 21204, and to the County Board of Appeals for Sallimor County, at the County Office Building, Towson, Maryland 21264.

Re: Petition for Reclassification from R-A and B-L zones to B-M Zone. SE/S Belair Road 583' S. of Ebenezer Road 11th District Elizabeth Lydick, et al Petrioners Kelly Pontiac, Inc. Contract Purch No. 69-139-R

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CIRCUIT COURT FOR BALTIMORE COUNTY Misc. 2/491/4327

ANSWER TO MOTION TO DISMISS APPEAL

Now comes Exeter Realty, Inc., Leon A. Crane and Charles Crane and for Answer to the Motion to Dismiss Appeal, say:

- 1. That they admit the allegations of paragraphs 1, 2 and 3 of
- 2. That they deny that the period for filing such Petition ic a ive rule as indicated by the Maryland Court of Appeals in Toomey v. Gomeringer, T35 Md. 456.
- s. That the Court Reporter was unable to complete the transcription ony within thirty (30) Ays of the filing of the Order for Appeal and a Petition to Extend Time for the Transmission of the Recurd to the Circuit Court for Baltimore County was filed and an Order of Court executed thereon extending said time for sixty (80) days from Cotober 8, 1989.
- 4. That one of the counsel for the Petitionor-Appellee and counse for the Protestants-Appellants agreed that it would not be necessary to comply with said rules regarding filing petitions, etc., during said extens period and during which period attempts were to be made to settle difference between the Purties thereto.
- 5. That no prejudice or injury has resulted to the Petitioner-Appellee as a result of the failure to file said Petition as required by Rule B2E of the Maryland Rules of Procedure, the Court Reporter not having completed said

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1/3c 8/21/70

EXETER REALTY. INC., et al

ELIZABETH LYDICH, et al

ant to the advertisement, posting of property, and public hearing on the above petition an

transcript of testimony until November 17, 1969, and the Petition accompanying the Appeal having been filed on November 19, 1969, before the record was smitted from the County Board of Appeals to the Circuit Court for

WHEREFORE, having fully answered the aforegoing Motion to Dismiss the Appeal, your Petitioners pray that the same be overruled.

> W. Lee Harrison 306 W. Joppa Road Tewson, Maryland 21204 813 1200

.

IN THE

ORDER

Motion to Dismiss Appeal with Appellant's Answer thereto,

memoranda and affidavits in support thereof, counsel having

been heard and argument having been made, it is this 9th day

of September, 1970, by the Circuit Court for Baltimore County

ORDERED that the Appellee's Motion to Dismiss Appeal shall be

and is hereby granted and, accordingly, the Appeal in this

case shall be and is hereby dismissed.

Copies mailed to counsel of record.

This case having come on for Hearing on the Appellee's

CTRCUTT COURT

Miscellaneous Law Docket 8 Fólio 491 Case No. 4327

(Signed) Walter R. Haile

enTA

SEP. 10 1970

I HERESY CERTIFY, that on this ____ day of _ a copy of the aforegoing Answer to Motion to Dismiss Appeal was mailed to George W. White, Jr., Esquire, and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

W. Lee Harrison

Cech "111/67

ar for

Potition for Reclassification from R-A and B-L zones to B-M Zone, SE/S Belair Road 583' S. of 11th District Elizabeth Lydick, et al. Petitioners Ebeneser Road 11th District Petitioners Kelly Pontiac, Inc. Contract Purchases No. 69-139-R

IN THE FOR

BALTIMORE COUNTY Misc. 8/491/4327

MOTION TO DISMISS APPEAL

Now come Elizabeth Lydick, R. M. Kehm, Mildred M. Kehm, William C. Riley, and Mary E. Riley, Petitioners below, and Kelly Pontiac ntract Purchaser, by James D. Nolan and George W. White, Jr., neys, pursuant to Rule B5 of the Maryland Rules of Procedure seemert Volume and 1969 Cumulative Supplement) and move that the appeals of the Exeter Realty, Inc., and Leon A. Crane and Charles Crane from the Decision and Order of the County Board of Appeals for re County dated September 11, 1969, in the above entitled matter be dismissed. The grounds of the motion are as follows:

- That the Decision and Order of the Baltimere County Board of Appeals as stated hereinabove was rendered and dated September 11, 1989.
- That the Docket and the Clerk's Memorandum on the file indicate that an Order for Appeal on behalf of Exeter Realty. Inc., was filed on Setpember 30, 1969, and that an Order for Appeal on behalf of Leon A. Crane and Charles Crane was filed on October 8, 1989.
- 3. That contrary to the provisions of Rule B2 (e.) of the Maryland Rules of Procedure (1963 Replacement Volume and 1969 Cumulative Supplement thereto) no Putition setting forth the action appealed from, the error ed by the agency in toking such action, and the relief sought, has been filed in the above entitled matter.

That the ten (10) day period for filing such Petition(s) has long since expired and accordingly your Movants ask that pursuant to nd Rule B5 that the said appeals, and each and all of them, be dismissed for want of compliance with this important substantive rule regarding the filing of Petitions.

I HEREBY CERTIFY, that on this 18 day of Movement 1969, that a copy of the aforegoing Motion to Dismiss Appeal, was mailed to W. Lee Harrison, Esquire, at 506 West Joppa Road, Towson, Maryland

Petition for Reclassification From R-A and B-L zones to B-M Zone. SE/S Belair Road 583° S. of 11th District

CIRCUIT COURT

LOR BALTMORE COUNTY

.

Mise. 8/491/4327

REQUEST FOR HEARING

Your Movants respectfully request that they be heard as to

204 West Pennsylvania Are Towson, Maryland 31204 823-7800

I HEREBY CERTIFY, that on this 18 day of 2 1869. that a copy of the aforegoing Request for Hearing was mailed to W. Lee Harrison, Esquire, at 308 W. Joppa Road, Towcon, Maryland 21204.

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W. LEE HARRISON 306 WEST JOPPA ROAD IUWSON, MARYLAND 21204 February 3, 1969



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

Re: Elizabeth H. Lydick, Widow, No. 69 .39, R-A and B-L to B-M Dear Mr. Rose:

Please note an appeal to the County Board of Appeals from your decision and order dated January 8, 1969, granting the above requested re on behalf of Exeter Realty, Inc., Charles Crane and Leon Crane.

I enclose herewith check in the amount of \$75,00 to cover the costs

Misa Harris

W. Lee Harrison



See 2 11/19/69

September 11, 1969 DESCRIPTION TO ACCOMPANY PETITION FOR FARRING USE IN A RESIDENTAL AREA 1.368 ACRE LARGEL PERRY HALL, MARYLAND

BEGINNING for the same at a point on the northeast side of a 30. Right of Way located 583. \pm southwesterly from the intersection formed by the southeast side of Belair Road and the centerline of Ebene-zer Road and \$47°05'E 850.98' and point being also in the first or SSI*60°E 1089° like of the land which by deed dated January 21, 1953 and recorden among the Land Records of Baltimore County in Liber GLB 7, folio 87, was conveyed by John W. Hessian, Jr., Trustee, to Robert ". Kelm, Jr. and wife, running thence and binding on the northeast side of the 30. Right of Way and on part of the aforesaid first line $547^{\circ}05^{\circ}\epsilon$ 200.00° to the end thereof thence leaving the northeast side of the 20. Wight of Way and binding on the second and on part of the third lines in aforesaid deed the two following courses and distances: $\rm N49^*32^*E$ 300.00° and $\rm N47^*05^*W$ 200.00° thence leaving the aforesaid third line and running for a line of division \$49*32'W 300.00' to the place

CONTAINING 1.368 Acres of land more or less. BEING part of the land which by deed dated January 21, 1953 and recorded among the Land Records of Baltimore County in Liber GLB 2239, fclio 97, was conveyed by John W. Hessian, Jr., Trustee, to Robert M. Kehm, Jr. and wife.



OFFICE: 025-3908

September 11, 1969

DESCRIPTION FO ACCOMPANY ZONING HETLASSIFICATION FROM BL 5 RA TO B. 5.852 AGRE FARGEL PERRTY HALL, MARYLAND

BEGINNING for the same at the intersection formed by the southeast side of Belair Road (70' wide) and the northeast side of a 30' Right of Way of a distance of 583' ± southwesterly from the intersection formed by the southeast side of Belair Road and the centerline of Ebeneezer Road, said point being also in the first or S51°00'E 1089' line of the land which by deed dated January 21, 1953 and recorded among the Land Recor's of Baltimore County in Liber GLB 2239, folio 87, was conveyed by John W. Hessian, Jr., Trustee, to Robert M. Kehm, Jr. and wife, running thence and binding on the northeast side of the 3 ' Right of Way and on part of the first line in aforesaid deed S47*05'E 850.98' said point being 200.00° from the end of said first line, thence leaving the northeast side of the 30' Right of Way and the first line in aforesaid Geed and running for a line of division N49°32'E 300.00' to intersect the third line in aforesaid deed at a distance of 200.00° from the beginning of said third line run.ing Thence and binding on part of said third line N47°05'W C50.98' to the southeast side of Belair Road, running thence and binding on the southeast side of Belair Road S49*32'W 300.00' to the place of beginning.

CONTAINING 5.822 Acres of land, more or less. BEING part of the land which by deed fated January $\varepsilon \tau$, 1953and recorded among the Land Records of Baltimore County in Liber GLB 2239, folio 87, was conveyed by John W. Messian, Jr., Trustae, to Robert M. Kehm, Jr. and wife.

SEINS also all of the land which by deed dated June 20, 1947 and recorded among the Land Records of Baltimore County in Liber JWB 1578, folio 115, was conveyed by Charles Edward Dunn and wife to Elizabeth H. Lydick.

E. F. RAPHEL & AS OCIATES

RESIDENCE: 771-4592 page -2-

BFING also all the land which by deed dated October 8, 1948 and recorded among the Land Records of Baltimore County in Liber TBS 1705, folio 28, was conveyed by Charles E. Dunn, widower, to /illiam C. Riley and wife.





December . 1968

DESCRIPTION TO ACCOMPANY ZONING RECLASSIFICATION 7.190 ACRE PARCEL PERRY HALL, MARYLAND

BEGINNING for the same at the intersection formed by the southeast side of Belair Road (70' wide) and the northeast side of a 30' Right of way at a distance of 583 ± southwesterly from the intersection formed by the southeast side of Belair Road and ... centerline of Ebeneeze. Road, said point being also in the first or S51*00'E 1089' line of land which by deed dated January 21, 1953 and recorded among the Land Records of Baltimore County in Liber GLB 2239, folio 87, was conveyed by John V. Hessian, Jr., Trustee, to Rober' M. Kehm, Jr. and wife, running thence and binding on the northeast side of the 30' Right of Way and on part of the first line in aforesaid dead S47*05'E 1050.98', thence leaving the 30' Right of Way and binding on the 2nd and part of the 3rd lines in the aforesaid deed the two rellowing courses and distancer: 1) N49*32*E 300.00: 2) N47*05 W 1050.98 to the southeast side of Belair Road, running thence and binding on the southeast side of Selair Road S49*32'W 300.00' to the place of reginning.

CONTAINING 7.190 Acres of land, more or less.

BEING part of the land which by deed dated January 21, 1953 and recorded among the Land Records of Baltimore County in Liber GLB 2239, folio 87, was conveyed by John W. Hessian, Jr., Trustee, to Rob rt M. Kehm, Jr. and wife.

BEING also all the land which by deed dated June 23, 1947 and recorded among the Land Records of Baltimore County in Liber JWB 1578, Tolic 115, was conveyed by Charles Edward Dunn and wife to Elizabeth H. Lydick.

BEING also all the land which by deed dated Octol r 8, 1948 and recorded iming the Lind Records of Baltimore County ir Liber TRS 1705, folio 228, was conveyed by Charles E. Dunn, Aldower to William C. Riley and wife.

JUL 09 1971

BEFORE
COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

No. 69-139-R

OPINION

The petitioner in this case seeks reclassification of a 7.2 acre parcel of ground from R-A and 8.1., zones to a Business Major (8.M.) zone. The contract purchaser of the subject parcel of land is Kelly Pontiac, Inc., who proposes, if the reclassification is granted, to construct on the property a modern new car sales agency. The Kelly Pontiac agency is a long established, highly reputable, automobile sales firm that is presently located in Baltimore City and desires to rolocate in concern in Baltimore County.

The tract of land lies on the east side of Belair Road (assuming for purposes in this Opinion that the Belair Road runs in a north-south direction, although the direction is actually more rartheast-southwest) approximately 583 feet south of Ebenezer Road, in the Eleventh District of Boltimore County. The subject property is part of a larger tract of land zoned R-A, being tract 11-RA-20 as shown on the Northeastern Map 4-C, adapted by the Boltimore County Council in August, 1966. A small front portion of the property is presently zoned 8.L. The property is rectangular in shape having a frontage on the east side of Belair Road of approximately 300 feet, and a depth running easterly from the Belair Road of 1051 feet.

Immediately north of the subject property is a large tract of B. sines: Local zaning shown on the map as 11-BL-29, which extends easterly from the Belair Road for a distance of approximately 2500 feet, or 1500 feet beyond the property in question. This tract of land is improved with a large shapping complex kncwn as the Perry Hall Shapping Centr.. On the west side of the Belair Road, across from the subject property, the zoning is Business Local and the land is developed with a number of communcial uses.

South of the subject property the zoning is R-A (being part of the larger RA-20 tract), and is presently not developed.

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Elizabeth Lydick - #69-139-R

subject to reclassification to either Business Local or Business Major zoning

-5-

George E. Gavrelis, Director of Planning for Baltimore County, testified that as far as his office was concerned the original zoning is proper and correct. However in the third paragraph of his comments of December 27, 1968, he did recommend that if the petitioner could show error in the map that would justify the reclassification, the objectives of the Northeastern Area Map could be maintained by maintaining the apartment zoning on the rear one-third of the tract, as well as a fifty foot strip of apartment zoning along the southern boundary of the tract. He did state, it answer to a question by the Board, that the testimony given by Mr. Maguire as to the availability of zoned property in the area was essentially correct, and that the tract known as 11-BM-2 is not ready since it does not have any utilities or access ibility at this time. He also stated that the Business Roadside zoning placed on the map in the general area for a normal depth of approximately "manifestly does not match what are now demands for new car sales activities" He stated that in the last five years in his experience as Director of Planning, there has been a great change in demand for the size tracts required for automobile agencies. He testified that with the exception of 14-BM-2 and 11-BM-2, which is not presently ready for development, a new car sales agency seeking to locate in this area would be forced to seek a cation by the petition precess, as this use is not permitted in the B.L. zone. He further stated that it was not Planning's intention to prohibit such uses, and indicated that had the request been made at the time of the map adoption, he would have given it careful onsideration. At one point in his testimony, a Board member asked:

- Q: Did this particular tracs meet your standard for a new car realership?
- A: This tract would have proximity to a community center and if it were properly buffered on the rear and on the south so it would have no adverse effects in terms of consequential change to adjacent properties, I think it would be a suitable alternative to the present zonina.

Elizabeth Lydick - 169-139-R

The petitioner-contract purchaser, Kelly Pontiac, Inc., by Mr. Charles Kelly, General Manager of Kelly Pontiac, Inc., testificial that the Company has had extreme pressure from the Pontiac Division of General Motors to relocate the agency to Baltimore County, and that he has been advised that if they do 1st acquire adequate facilities for a modern new cor sales agency, they are in danger of losing the Pontiac agency. He further testified that by contractual arrangement with General Motors he is obliged to relocute the agency in the general area of the subject site. He testified at length to the anticipated sales, number of employees, etc., however, it would serve no useful purpose in this Chalcan to serte that testimony.

- 2 -

Walter Maguire, a realtor with very impressive qualifications, he had been retained by Kelly over two years ago to find a piece of property within the general boundary of the area which lies east of the Harford Road, west of Philadelphia Road parts of the Baltimore City Line, and south of Chanel Lane, and preferably in the Belair Road area north of the Baltimore City Line. He further stated that Kelly had advised him that he was not interested in any property less than five acres in size, and preferred a tract of seven to eight acres in size. He stated that in a two year search he could only find two sites properly zoned to permit a new car sales agency (i.e., B.R. or B.M.). One of these sites is on the west side of Belair Road north of the Baltimore County Beltway, and is shown on the zoning map as 14-BM-2. At the time he investigated that site, cimately a year ago, it was not for sale. The only other site that he could locate in the general area described above was on the northeast quadrant of the Harford Road and the Baltimore County Seltway, but that this property was not available because it was under lease to Doug Griffith, a Chrysler-Plymou'h auto agency. He further investigated other sites in the area, all of which would require reclassification to B.R. or B.M. to permit an auto agency. There is one other Business Major site in the general area which is shown on the zoning map, 11-BM-2, which is on the west side of the Belain Road between the Beltway and Joppe Road, but it is not available as it presently has no This was confirmed later in the hearing by the testimony of utilities and no uccess.

Elizabeth Lydick - #69-139-R

At another point in his testimony the Board asked:

Q: Mr. Govrelis, if at the time of the mrp adoption you had had a specific request from somebody wanting to locate an outomobile agency in this general area and it met the other criterio for commercial zoning that you set down, you would certainly have comit "red it?"

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A: I think we would have certainly considered it and tried to make an equitable determination as to providing for that kind of use on the map.

After carefully reviewing all the testimony and exhibits in this case, the Board is of the opinion that the present zoning on the subject property is in error as to the front 851 feet of the property, and that the reclassification of the subject tract from 8.1. and R-A to a 8.M. zone for a depth of approximately 851 feet would have no adverse effect on the surrounding property, nor would it tend to upset the comprehensive plan for the general area. The Board, however, will deny the request for reclassification from R-A to 8.M. on the rear 200 foot portion of the subject site, and in one with the recommendations of Planning, instead grant the petitioner a Use Permit to use the land for parking as permitted under Section 409.4 of the Zoning Regulations.

ORDER

FURTHER ORDERED that the reclassification from R-A to B.M. on the rear 20° foot partian of the subject property petitioned for, be and the same is hereby DENIED, and it is

Elizabeth Lydick - #69-139-R

George E. Govrelis, Director of Planning for Boltimore County. He turther stated that the subject property meets all of the site requirements of both Kelly and the Pontics.

Division of General Motors.

- 3 -

The petitioner produced expert witnesses in the form of a civil engineer,

Mr. Eugene Raphel, who testified generally as to the topography and dimension of the
subject property, and it was agreed by all parties that public utilities; sewer and water,
etc., are available at the subject site to accommodate the proposed use. John Erdman,
a qualified traffic engineer, testified at some length having studied other automobile
agencies, that the proposed use would not create any traffic congestion. The protestant
ulid not procuce any witnesses to contradict this testimony.

Cimaby S. Moore, a well qualified real estate expert who lives within five blocks of it e subject property, testified that in his opinion the reclassification would have no detrimental effect on the residential property in the area, and that Kelly Pontiac being a "major user" will in fact improve the value of properties along Beleir Road. In his opinion the existing zoning is in error in that the map as adopted made no provision for any zoning that would at how a new car auto agency in the Perry Hall area, and he did not think it was feasible to build agariments on the Beleir Road frontage, and further, that as a result of his long experience in the area it would not be feasible to construct office building on the property (a permitted use in an R-A zone with a special exception), as thure is no demand for office space in the area. In his opinion the reclassification would have no adverse effect on the Crone property as the rear property line is at a point just east of where the stores in the Perry Hall Shopping Center are located. The buildings in the Perry Hall Shopping Center are located. The buildings in the Perry Hall Shopping Center, immediately to the north of the subject property, are apparently set back 700 feet from the east side o. Belair Road, and extend another 1000 feet coaterly beyond the rear property line in the subject site.

Bernard Willemain, a well qualified expert in the field of land and city planning, stated that in his opinion the present zoning of the property is erraneous, and the entire tract should be zoned cummercial, and that he felt the 3.M. request is entirely

-7-

Elizabeth Lydick - #69-139-R

reasonable. He gave as reasons in support of this:

#1 - The property abuts an existing shopping center

-4-

- #2 The size of the property for R-A development is too small to compete in today's market, and control to be used in conjunction with the larger Crane and a to the east.
- 13 That the map is in error in that it made no pr sion for locating any new car deale, ships in the Perry Hall area.

ite further stated that in his opinion the reclassification here, frama planning standpoint, would have no adverse effect on the Crane tract. He as well as other witnesses for the petitioner, canceded that there have been no substantial changes in the character of the neighborhood since August of 1966, but that the reclassification is justified on the basis of original error.

The sole protestants were Messrs. Leon and Charles Crane who are builders and developers, and own a large tract of ground, approximately 100 acres, immediately to The land is presently not developed, however, Mr. the rear of the subject property. Charles Crane testified that the engineering on their property is approximately seventy-five They objected to the requested change primarily on the basis that the proposed use is for an auto agency. Mr. Leon Crane to stiffed that he does not object nercial zoning on the property, but that he does object to the proposed auto agency use. He further felt that commercial zoning should not be for the entire depth of There was a great deal of conflicting testimony given by the the property. Cranes and various property owners, and real estate agents produced by the petitioner Without going into derail it is obvious to the Board that at various times over the past two to three years the Cranes, or their agents, have attempted to purchase the subject property by various options, contingent on securing Business Major zoning for There is a dispute as to exactly what the proposals were, ha the property Petitioner's Exhibit No. 5 is a copy of an option agreement between Raymond J. Waerner n employee of the Cranes, and Elizabeth H. Lydick, to purchase the Lydick property

Elizabeth Lydick - #69-139-R

FURTHER ORDERED that the petitioner is hereby GRANTED a Use Permit for parking to use the rear 200 fuot subject parcel of land in accordance with the description attached hereto and made a part hereof, subject to compliance with subsections a. through h. of Section 409.4 of the Baltimers County Zoniaa Reaulations.

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 PALTIMORE COUNTY

William S. Boldwin, Chairman

Al a mille

JAMES D. NOLAN LAW OFFICES TORSON 4, MARYLAND

June 10, 1969

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

County Office Building

Attention: Edith T. Eisenhart,
Administrative Secretary

Dear Mrs. Eisenhart:

Re: Reclassification from an RA and BL zone to a BM zone - SE/S Belair Road Road. 1200 feet SW of Camp Chap. Road

At the Board's request, I am enclosing herewith three copies of amended plat, retitioner's exhibit #1, reflecting the correct building area.

You will note that 'am sending a copy of this letter with a copy of this plat to W. Lee Harrison, Esquire.

Sincerely,

James D. Nolan

JDN:fjo CC: W. Lee Harrison, Esquire Enclosures

November 14, 1968

RE: Type of Hearing: Reclassification from an RA and BL zone to an BN

James D. Nolan, Esq., 204 W. Perisylvania Avenue Towson, Maryland 21204

IAMES C DYES

BUREAU OF TRAFFE ESOSSEERS

BUREAU OF FIRE PURENTION

PROJECT PLASSING BOARD OF FIRST 4215

DEVELOTION ST

BUILT ILL OF

from an RA and BL zons to an Bh zons Location: 5E/S Belair Rd., 1200' SN of Camp Chapel Rd. District: 11th Petitioner: R. M. Kehm, et ux Committee Meeting of Oct. 29th, 1968 Item 105

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

BUREAU OF ENGINEERING:
Water - Existing 12" water in Belair Road,
Sever. B' sandlery sener exists along the northeast
property line of the site as indicates on the plan.
Road - If the proposed road along the scuth property line is
to be a public road it must be developed as a
minimum 40' road on 60' 8/2.

suction of 196FIC Exclusions.
The proposed like as BL and BA could generate 1500 trips per day. As BN the size could uttimately generate 5400 trips per day. This bureau has presently traffic problems at the intersection of depos Road and Belair Road at the afternoon peak hours. This increased trip density could compound the problem.

PROJECT PLANNING DIVISION:
The Littles of the proposed read on the southwest side of the
non-be built by the petitioner. If this road is not available
the access to the rear of the property does not exist and the
plan as submitted could not function. The details of improj
and providing the necessary rights-of-way for this road should
be indicated prior to a hearing date being usaffeed.

Page 2

James D. Nolan, Esq., 204 W. Pennsylvania Avenue Towson, Maryland 21204 RE: R. M. Kehm, et ux

November 15, 1968

STATE ROADS COMMISSION:

No are in agreement with the Bureau of Traffic Engineering :eparding the traffic corolless on Belair Road at Jopas Road. The ingress and egress to the shopping area must be located as far from the shopping enter entrance as possible. Access to this area from the road on the south side of the property as indicated on the south side of the property as indicated on the south side of the property as indicated on the production of the pro

FIRE PREVENTION:
Any commants by this bureau will be made when construction plans are submitted,

HEALTH DEPARTMENT:
The buildings or buildings on this site may be subject to registration and compliance with the Maryland State Haeith Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

ZONING FORTHISTRATION DIVISION: Any further processing of the subject petition will be withheld until such time as the above comments are complied with.

JAMES E. DYER, Chairman

JED: JD Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date. December 17, 1968

FROM George E. Gavrelis, Director of Planning

Petition *69-139-R. Reclassification from R.A. and B.L. to B.M. Zone. Southeast side of Belair Road 583 feet South of Ebeneezer Road. Elizabeth Lydick, et al., Petitioners.

11th District

HEARING: Monday, January 6, 1969 (10:30 A.M.)

The staffof the Office of Planning and Zoning has reviewed the subject petition for reclassification from R.A. and B.L. to B.M. zoning and has the following

- The subject property is part of a larger area within which apartment zoning was created on the northeastern zoning map as is valid recognition of its general location and as a means of providing transition between commercial uses to the north and single family residences to the south. After repeated efforts and requests for commercial zoning in the area on the part of ad-cipling property owners, the County Council offirmed the establishment of apartment zoning here to achieve the objectives noted above.
- Recognizing and reaffirming the objectives of the comprehensive zoning map for this area, the Planning staff is opposed to commercial reclassification as requested.
- 3. If the petitioner can show that the map is in error or that changes have occurred which would justify reclassification, the objectives of the Northaustern Arro. Zonia y Map could be maintained by meintaining apariment zoning to the reer third of the mact as well as a 50 fact banded apariment zoning along the road or this subthetly boundary of the roce. Positing and storage of cans could occur by use permit. The domino effect of zoning reclassification on other properties would also be negated.

GEG:br



ORIGINAL FICE OF TOWSON LMES TOWSON, MD. 21204 Dec. 23, THIS IS TO CERTIFY, that the annexed advertisement of John W. Mo.10, Moning Commissioner of Beltimore County erted in THE TOWSON TIMES, a weekly newspaper published in

week before the 23rd day of Dec., 19 68 that is to say, the same was inserted in the issue of Dec. 19, 1968.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

PETITION FOR RECLASSIFICATION ZONING Tr.a R.a. and B.I. Zone
LOCATION Southeast side of Belair
Read Stil Set, more or less, South
at Ellencere, Read.
DATE & TIME Mondey, January 4,
195 at 195 A. Rosan 197, County Collect But Size, 111 W. Cheeaganta Austra, Turner, Maryland
aganta Austra, Turner, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD. DEC 1 9 1968 16-

THIS IS TO CERTIFY, that the annexed advertise blished in THE JEFFERSONIAN, a weekly newspaper printed appearing on the 19th day of Pecenher 19-68--

THE JEFFERSONIAN, D. Frank &

No. 60740 BALT MORE COUNTY, MAR LAND OFFICE OF FINANCE Division of Collection and Receipts
COURT HOLSE
TOWSON, MAJ YLAND 21204 \$50.00 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 367	BA' IMMORE COUNTY, MAR AND OFFICE OF FINANCE Division of Collection and Receipts COUNTY HOUSE TOWSON, MARYLAND 21204 County found of A	5565
-N	Mr. Lean A. Come 1800 N. Charles Street Berlinney, Mr. 22001 Account to: 67.712 Account to: 67.7464 Along PROPORATION AND MAD THE POPTION FOR YOUR REQUISIONS OTHER PROPORATION AND MAD THE POPTION FOR YOUR RECORDS	S7.00
52.00 16	Captes of dereuments © .50 per page – File No. 49–191-14 Elizabili juilite, et al SU/S biolor heat 300° 5. of Elizabili filed 11th Univier	\$9.00
9000	4	

MAIL TO DIVISION OF COLLECTION & RECEIP'S, COURT HOUSE, TOWSON, MARYLAND 21204

No. 65652 BALT MORE COUNTY, MARY NO OFFICE OF FINANCE IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS COURT HOUSE TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARY AND No. 60876 OFFICE OF FINANCE \$10.00 \$10.00

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

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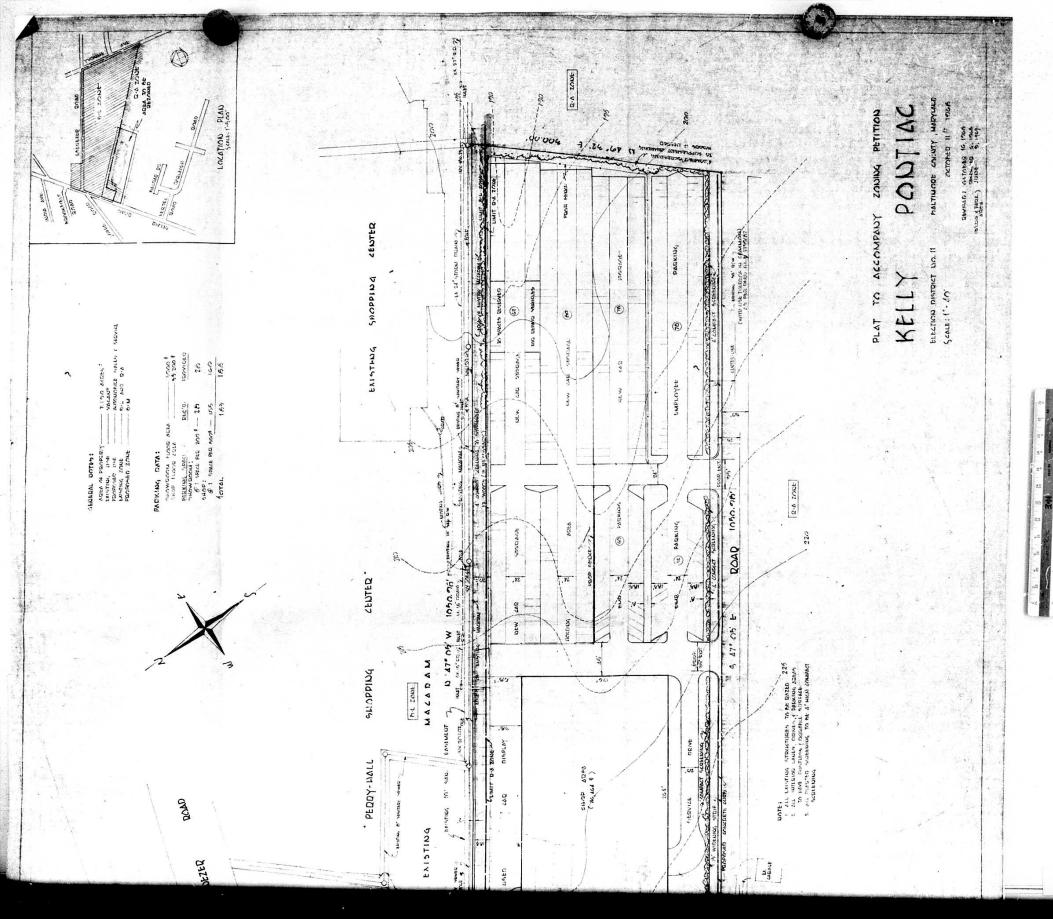
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Your P	etition has been received and accepted for filing t	his
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Patitioner B. M. Eabn. 0 Patitioner's Attorney	Revisioned by Chairman of Advisory Corsition	· · ·

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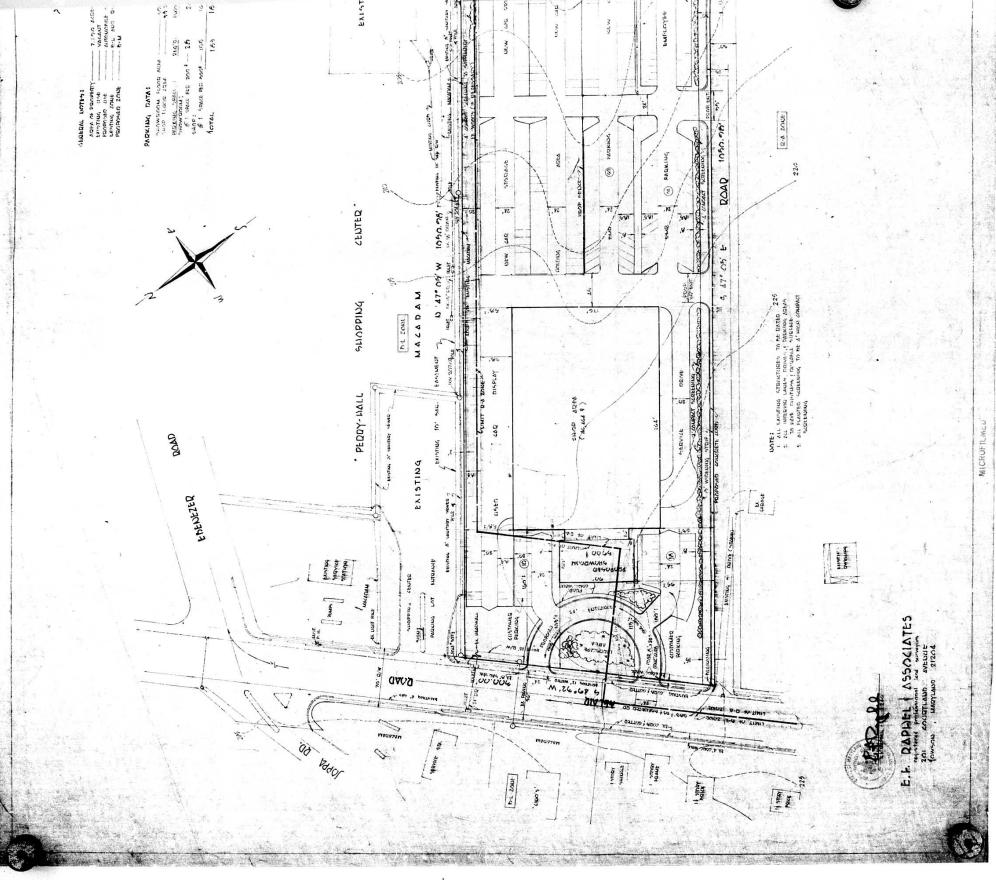
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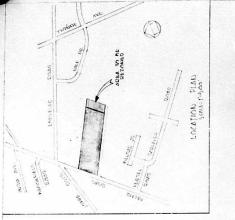
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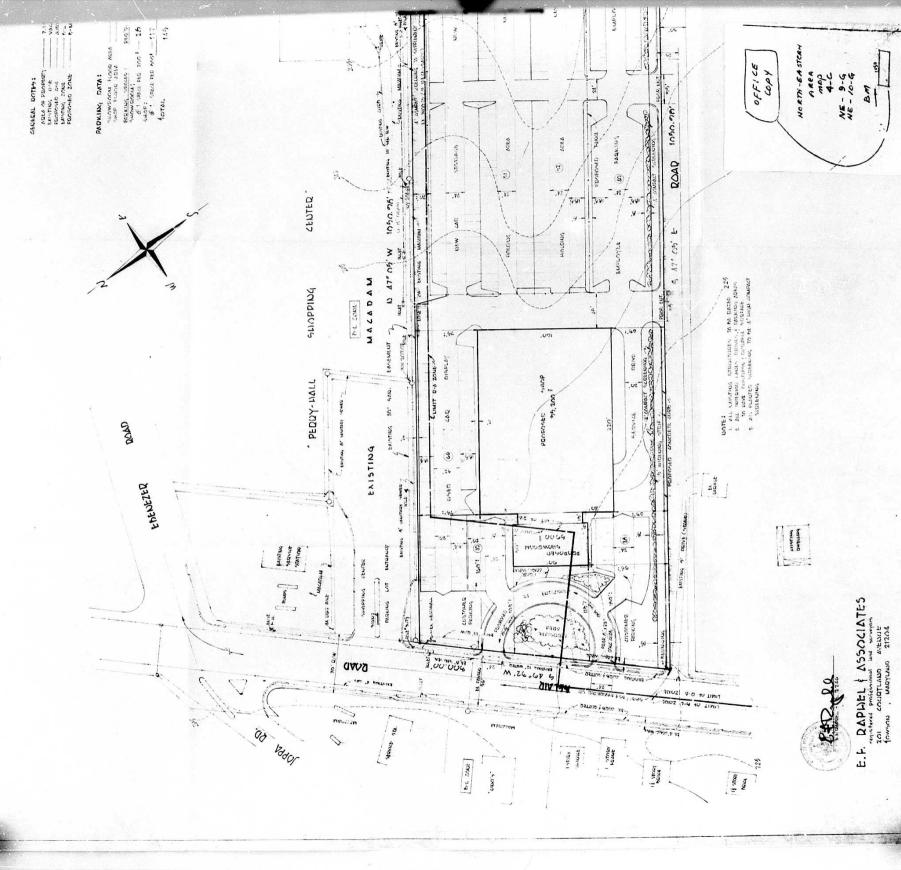
NORTH-EASTERN OREN MOD 4-C NE-9-G NE-10-G OFFICE

PONTIAC PLAT TO ACCOMPANY ZOWING PETITION KFLLY

ELECTION DISTRICT NO. 11 SCALE: 1" 40"

MALTIMORE COMMITY, MARYLAND OCTOBED II !! 1968

QEVIELD OCTOBEL 16, 1966 OCTOBELS C., 1968



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