

RE: PETITION FOR RECLASSIFICATION
from an M.R. zone to a B.L. zone
W/S of York Road 525' N.
of Ridgely Road,
8th District
Ridgely Realty Co., Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 70-70-R

OPINION

The petitioner in this case requests a reclassification of a two acre parcel of ground, roughly rectangular in shape, on the west side of the York Road, 525 feet north of Ridgely Road, in the Eighth Election District of Baltimore County, from an M.R. (Manufacturing Restricted) zone to a B.L. (Business Local) zone. The request for reclassification was granted by the Deputy Zoning Commissioner on December 16, 1969, and an appeal from that decision was taken to the Board of Appeals.

Only one person appeared to protest the requested reclassification, a Mr. Frederick Davison, who lives at 207 Paton Road, which is some three-quarters of a mile northeast of the subject property in a straight line. Mr. Davison testified on behalf of himself personally and the Northampton Community Association.

The zoning and land uses surrounding the subject property are as follows: Immediately to the south and west of the subject property the zoning is B.L., and the land is developed as a thirty acre shopping center, known as the York Ridge Shopping Center, which is owned by the Ridgely Realty Co., Inc., the petitioner in this case. The property immediately to the north of the subject property, on the west side of York Road, is zoned M.R. and is developed with a small industrial park and restaurant, etc., and is known as the Kilmarnock Industrial Park. Immediately across the York Road, the property is zoned R-10 and is presently vacant, this property having been the subject of petition #68-29-R-SPH for reclassification from an R-10 zone to B.R. and R.A. zones, which matter is presently pending before the Court of Appeals of Maryland. The property along the York Road frontage is roughly at grade level, however, along the southern edge of the property, where it abuts the York Ridge Shopping Center, the subject property is 25 to 30 feet higher in elevation than the shopping center. The subject property gradually

Ridgely Realty Co., Inc. - #70-70-R

falls in a westerly direction to a point on the west edge of the property where it is approximately at the same elevation as the shopping center parking area.

Milton Schwaber, President of the Ridgely Realty Co., testified that he purchased the property in September of 1969; that he owns the York Ridge Shopping Center, immediately to the south and west of the subject property, which presently contains eighteen retail stores with parking, situated on approximately 30 acres of ground. He also testified that there is a great demand for retail store space in the immediate area, and that there are no vacant stores in his shopping center. He proposes, if the reclassification is granted, to "square off" his shopping center and construct retail stores on the subject property, having an upper and lower level; the lower level being at grade with the shopping center. The subject property will have access through the existing shopping center.

An engineer testifying on behalf of the petitioner, Joseph D. Thompson, testified that the site plan for the subject property (Petitioner's Exhibit #1) had been prepared and recommended by the State Roads Commission. The site plan permits ingress to the subject property only from the York Road, the entrance being angled at an approximate forty-five degree angle in a northeasterly direction, and designated as a one way entrance. All egress from the subject property will be through the existing York Ridge Shopping Center to Ridgely Road, and thence easterly to the intersection of York and Ridgely Roads where there is a traffic light.

The Board is of the opinion that the development of this property in conjunction with the existing shopping center will produce a much better traffic pattern than if the property were developed individually in its M.R. classification, with both ingress and egress to the York Road, as the proposed plan prohibits any left turn movements into the property from the York Road.

An expert realtor, appearing on behalf of the petitioner, testified to numerous changes in the immediate area since the adoption of the map in 1955, and cited cases

Ridgely Realty Co., Inc. - #70-70-R

#5708 and #5629, which were reclassifications from M.R. to M.L. and B.L. in the Kilmarnock Industrial Park, to allow the construction of the Tail of the Fox restaurant. He also testified that other portions of the Kilmarnock Industrial Park have been returned to avoid the severe restrictions imposed by the M.R. classification; cases #5129, 5127, and 4591. He also cited numerous changes in classifications to commercial on the west side of York Road south of Ridgely Road.

Joseph D. Thompson, an engineer appearing on behalf of the petitioner, testified that all public utilities are available at the site, and adequate to serve the proposed stores. He further stated in his opinion that while the York Road is very heavily travelled, any additional traffic caused by the reclassification would not congest traffic on the York Road. With regard to the ingress and egress points on the subject property, this already has been cited above.

George E. Gavrellis, Director of Planning for Baltimore County, read into the record the Planning Staff's comments, dated October 10, 1969, which are as follows:

"The planning staff of the Office of Planning and Zoning has examined the above petition and finds that the rezoning requested for the above property is in accord with the general intent of the proposed sector master plan and zoning map. The Planning Board has recommended that this specific property be zoned B.L., however since the property is adjacent to land zoned B.L., the latter would also be appropriate, particularly since the property is to be connected to the existing business use via a rear entrance."

He further testified that since his comments had been written, the Planning Board has had a public hearing in connection with the proposed adoption of a new comprehensive map for the subject area, and is now recommending B.L. zoning on the subject property as an extension of the existing shopping center, stating that the Planning Board felt that in light of the increasing demand for commercial properties along the York Road, it is better to put the subject property in a commercial zone, to be used in conjunction with the existing shopping center, than to create strip zoning.

Ridgely Realty Co., Inc. - #70-70-R

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of April, 1970 by the County Board of Appeals, ORDERED that the reclassification petitioned for, from an M.R. zone to a B.L. zone, 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. Gills Parker

John A. Slawik

Petition for Reclassification
W/S of York Road, 525' N. of Ridgely Road - 8th District
Ridgely Realty Company, Incorporated
Petitioner
CASE NO. 70-70-R (Item No. 29)

ZONING COMMISSIONER
County Office Building
Towson, Maryland, 21204

MR. COMMISSIONER:

Please enter an appeal to the County Board of Appeals on the Order of the Deputy Zoning Commissioner of Baltimore County, Maryland, which Order was passed on the 16th day of December, 1969, and reclassified the subject property or area from an MR zone to a BL zone, said appeal to be entered on behalf of each of the following, that is:

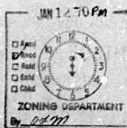
GEORGE H. DIMLER and
GERTRUDE K. DIMLER, his wife
1838 Locust Ridge Road
Timonium, Maryland, 21093

RUSSELL J. SCHULTHEIS and
MRS. RUSSELL J. SCHULTHEIS
2 Aylesbury Road
Timonium, Maryland, 21093

GILBERT E. STOVER and
JANET STOVER, his wife
11 Northampton Road
Timonium, Maryland, 21093, et al

Werner G. Schoeler
Bounds, Schoeler & Short
6630 Baltimore National Pike
Baltimore, Maryland 21228
Telephone - 744-8200
Attorneys for Appellants

I CERTIFY that on January 22, 1970, I mailed a copy of the above Appeal to Fred E. Waldrop, Esquire, 202 Loyola Federal Building, Towson, Maryland, 21204, L. I. Chadwick, Esquire, 1830 York Road, Timonium, Maryland, 21093, Mr. Frederick Davison, 209 Paton Road, Timonium, Maryland, 21093 and Mrs. Carol Boyle, 303 Galeswood Road, Timonium, Maryland, 21093.



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ridgely Realty Co., Inc., legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an M.R. zone to an B.L. zone; for the following reasons:

1. Change in the character of the neighborhood.
2. Error in the original zoning map.

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.

Address: 2200 Maryland National Bank Bldg.
Baltimore, Maryland
Contract purchaser: Milton Schwaber Legal Owner
Address: 209 Paton Road, Baltimore, Md.
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of January, 1970, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 15th day of October, 1969, at 10:00 o'clock

At 10:00 o'clock
Zoning Commissioner of Baltimore County.



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map _____

the above Reclassification should be had, and to further appearing that _____

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16 day of December, 1969, that the herein described property or area should be and the same is hereby reclassified, from a MR zone to a BL zone.

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. DEPUTY Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____

the above reclassification should NOT be had, and the Special Exception should NOT be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BOUNDS, SCHOELER & SHORT
MEDICAL CENTER WEST
6630 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228

March 19, 1970

The Honorable William Baldwin, Chairman
County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 70-70-R
Ridgely Realty Co., Inc.
Scheduled Hearing Date:
Thursday, March 26, 1970

Dear Sir:

Just a short note to advise that this office will not be appearing on behalf of the Protestants. We felt we owed the Board the courtesy of this information.

However, it is not to infer that the Protestants have in any way dropped, discontinued or abandoned the Appeal.

Thank you.

Very truly yours,

Werner G. Schoeler
Werner G. Schoeler

WGS/ed

MICROFILMED

Fred E. Waldrop, Esq.,
202 Loyola Federal Building
Towson, Maryland 21204
Page 3 Item 29

August 22, 1969

FIRE DEPARTMENT:

Owner shall be required to comply to all Fire Department regulations when plans are submitted for approval.

BUILDING ENGINEER'S OFFICE:

Must meet all requirements of the Baltimore County Building Code.

HEALTH DEPARTMENT:

Public water and sewers are available to the site; however, a building application may be withheld until such time that the necessary improvements are made to the Jones Falls Interceptor system.

STATE ROADS COMMISSION:

There is very poor stopping site distance at the subject site due to an over vertical curve (hill) on York Road, York Road at the site is on a very steep downgrade to the south. To establish a commercial entrance directly to the site from York Road would be extremely hazardous. The least objectionable access to the site would be a one-way IN ONLY entrance at the north property line. The entrance would be angled to preclude left turns from the north bound lane. The subject development would be a part of and be connected to the Yorkville Shopping Center which has good access to York Road by way of Ridgely Road and an entrance on York Road. These points of access together with the entrance mentioned above should be sufficient to serve the site.

If the petitioned zoning is granted, the proposed road side curb would have to be 31' from and parallel to the center line of York Road and continue along the frontage of the existing shopping center on the same line until the proposed curb meets the existing curb (at a point 31' from the center of York Road). There is an 80' right of way promised for York Road this must be indicated on the plan. This line or the parking setback line must also be curbed.

Access to the site will be subject to State Roads Commission approval and permit.

The plan must be revised in accordance with the foregoing comments prior to a hearing date being assigned.

ZONING ADMINISTRATION DIVISION:

Hearing date will be withheld pending receipt of revised plans in compliance with above comments by the State Roads Commission.

Fred E. Waldrop, Esq.,
202 Loyola Federal Building
Towson, Maryland 21204
Item 29 Page 4

August 22, 1969

Very truly yours,

OLIVER L. HYERS, Chairman

OLIVER L. HYERS, Chairman

PETITION FOR RECLASSIFICATION

NO. 6187

LOCATION: West side of York Road, York Road at the site is on a very steep downgrade to the south.

DATE & TIME: Wednesday, October 1, 1969 at 10:00 A.M.

PUBLIC HEARING: 11:00 A.M. at the County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

Present: Mayor B.S. and the Board of Commissioners of Baltimore County, Md. and a public hearing.

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Present: Mayor B.S. and the Board of Commissioners of Baltimore County, Md. and a public hearing.

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 25, 1969.

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 700,000 156,000 words before the 15th day of October, 1969, the first publication appearing on the 25th day of September, 1969.

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$.

TELEPHONE 823-3000 EXT. 367	INVOICE No. 6/136 DATE 1/10/70
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	
To: Warner G. Schuler, Esq., 6450 Baltimore National Pike, Baltimore, Md. 21228	BILLED BY: Zoning Office 119 County Office Bldg., Towson, Md. 21204
REPORT TO AGG. INT. NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	COST
Cost of appeal - property of Ridgely Realty Co.	700-70-R
No. 70-70-R	4
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204	

TELEPHONE 823-3000 EXT. 367	INVOICE No. 64721 DATE Sept. 19, 1969
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	
To: Ridgely Realty Co. Inc., 200 Maryland National Bank Building Baltimore, Md. 21201	BILLED BY: Zoning Dept. of Baltimore County
REPORT TO AGG. INT. NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	COST
Petition for Reclassification 70-70-R	700-70-R
No. 70-70-R	4
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204	

TELEPHONE 823-3000 EXT. 367	INVOICE No. 67075 DATE Sept. 26, 1969
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	
To: Fred E. Waldrop, Esq., 202 Loyola Federal Building Towson, Md. 21204	BILLED BY: Zoning Dept. of Baltimore County
REPORT TO AGG. INT. NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	COST
Advertising and posting of property for Ridgely Realty Co. Inc.	700-70-R
No. 70-70-R	4
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204	

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 August, 1969.	
John C. Hoyt, Zoning Commissioner	
Petitioner: Ridgely Realty Co. Inc.	Petitioner's Attorney: Fred E. Waldrop, Esq.
Reviewed by: [Signature] Chairman of Advisory Committee	

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	
District: 8TH	Date of Posting: SEPT. 26, 1969
Posted for: RECLASSIFICATION FROM M.R. TO B.B.	
Petitioner: Ridgely Realty Co. Inc.	
Location of property: W.S. of YORK Rd. S.E. of A.R. Ridgely Road	
Location of Sign: 1819 YORK Rd.	
Remarks:	
Posted by: Charles M. Hall	Date of return: OCT. 3, 1969

TELEPHONE 823-3000 EXT. 367	INVOICE No. 67075 DATE Sept. 26, 1969
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	
To: Fred E. Waldrop, Esq., 202 Loyola Federal Building Towson, Md. 21204	BILLED BY: Zoning Dept. of Baltimore County
REPORT TO AGG. INT. NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	COST
Advertising and posting of property for Ridgely Realty Co. Inc.	700-70-R
No. 70-70-R	4
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204	

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	
District: 8TH	Date of Posting: Sept. 31, 1970
Posted for: ADP 142	
Petitioner: Ridgely Realty Co. Inc.	
Location of property: W.S. of YORK Rd. S.E. of A.R. Ridgely Road	
Location of Sign: 1819 YORK Rd.	
Remarks:	
Posted by: Charles M. Hall	Date of return: Feb. 6, 1970

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	
District: 8TH	Date of Posting: SEPT. 26, 1969
Posted for: RECLASSIFICATION FROM M.R. TO B.B.	
Petitioner: Ridgely Realty Co. Inc.	
Location of property: W.S. of YORK Rd. S.E. of A.R. Ridgely Road	
Location of Sign: 1819 YORK Rd.	
Remarks:	
Posted by: Charles M. Hall	Date of return: OCT. 3, 1969

ZONING DATA

1. EXISTING ZONING OF TRACT M2
2. PROPOSED ZONING OF TRACT D-1
3. GROSS AREA OF TRACT 2.000 AC
4. AREA OF PROPOSED BUILDING
UPPER LEVEL 110' x 150' = 16,500 SF
LOWER LEVEL 110' x 70' = 7,700 SF
5. REQUIRED PARKING 20,400 SF/200' 132 SPACES
6. PROPOSED PARKING 2,118' x 110' 134 SPACES
7. ALL UTILITIES AVAILABLE IN MAIN SHOPPING CENTER.

#70-70R

OFFICE COPY

MAP #9

SEC. 3-C

NW-13-A

BL

ZONING PLAT

ADDITION TO YORKEDGE SHOPPING CENTER

PROPERTY OF

DODLEY REALTY CO., INC.

2200 MARYLAND NATIONAL BANK BUILDING

BALTIMORE, MARYLAND 21202

B'S ELECTION DISTRICT

SCALE 1" = 20'

BALTIMORE COUNTY, MD

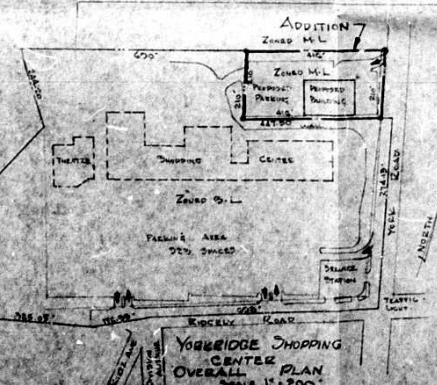
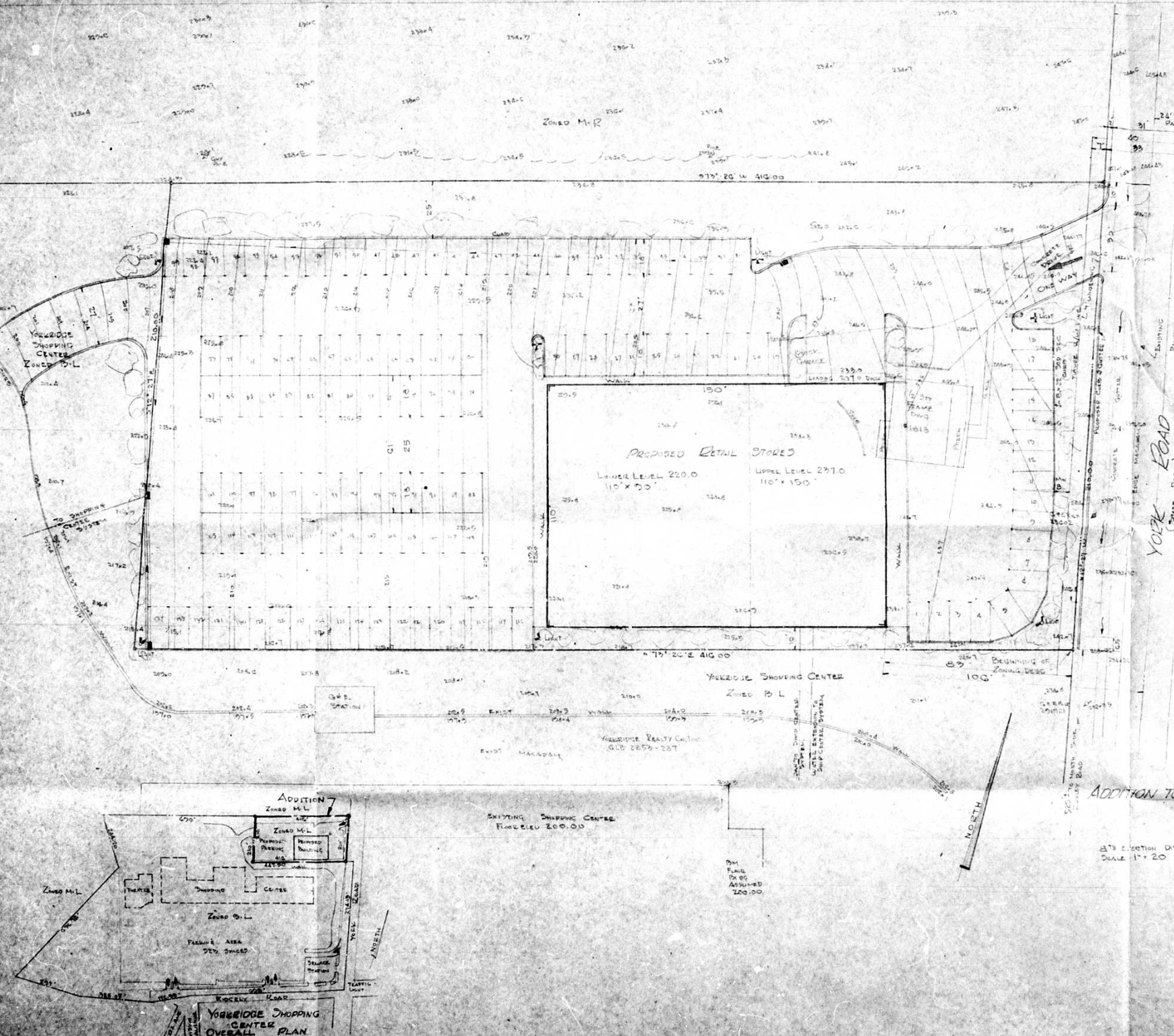
JULY 23, 1959

REV. AUG. 23, 1959

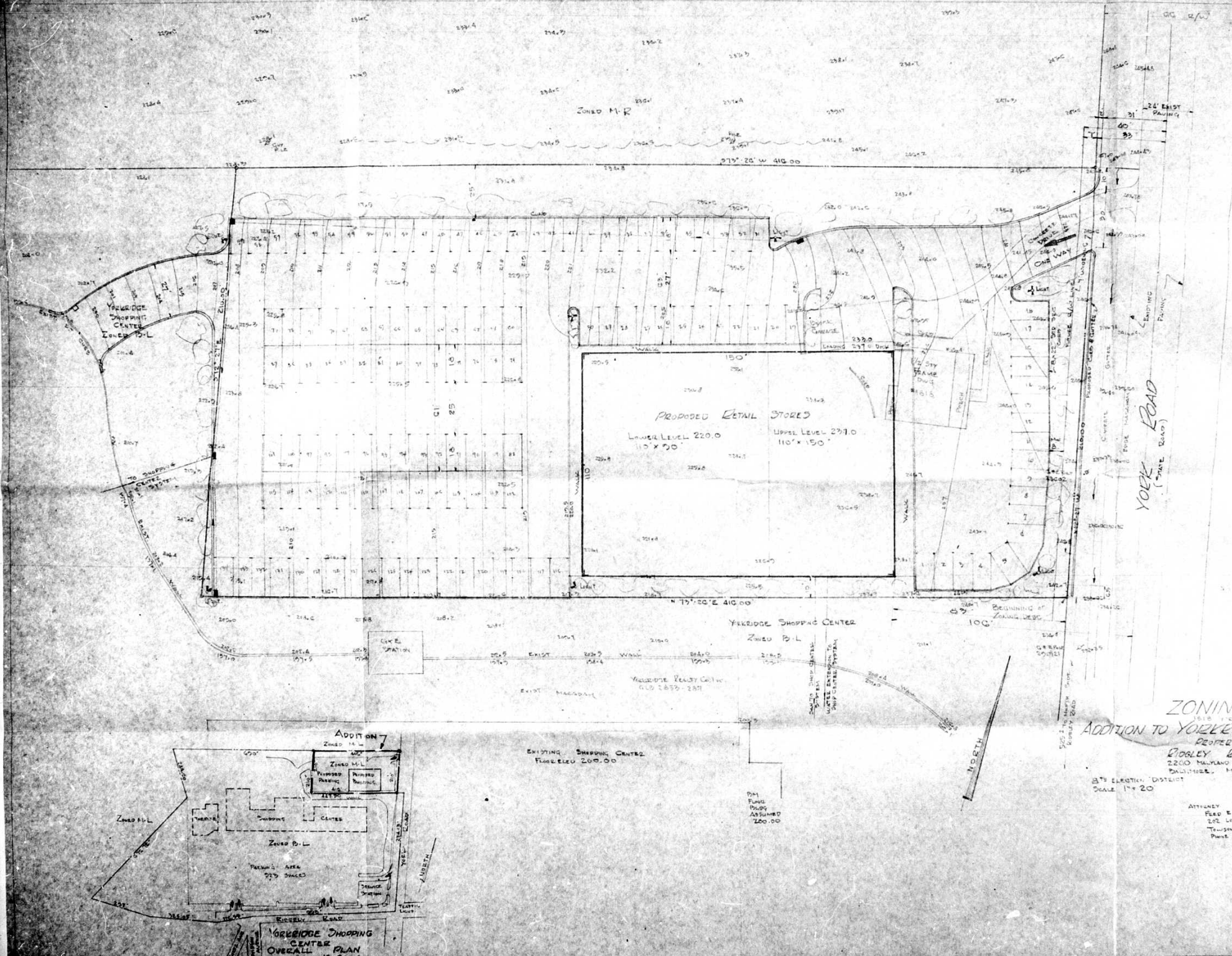
ATTORNEY
FRED E. WALKER
200 LEVITT PARKWAY
TOWSON, MD
PHONE 288-5008



DAVID W. DILLON JR.
CIVIL ENGINEER
2713 82 WARDMAN DR. BALTIMORE, MD 21202



- ZONING DATA**
- 1. EXISTING ZONING OF TRACT M-2
 - 2. PROPOSED ZONING OF TRACT M-2
 - 3. REQUIRED AVERAGE OF TRACT 2.0002 AC
 - 4. AREA OF PROPOSED BUILDING 25,400 SF
 - 5. REQUIRED PARKING 25,400 SF / 200 = 127 SPACES
 - 6. PROPOSED PARKING 134 SPACES
 - NOTE - ADDITIONAL PARKING AVAILABLE IN MAIN SHOPPING CENTER
 - 7. ALL UTILITIES AVAILABLE IN MAIN SHOPPING CENTER



ZONING PLAT
 ADDITION TO YORKRIDGE SHOPPING CENTER
 PROPERTY OF
STOBLEY REALTY CO., INC.
 2200 MARYLAND NATIONAL BANK BUILDING
 BALTIMORE, MARYLAND 21202
 BALTIMORE COUNTY, MD
 JULY 23, 1957
 REV. AUG. 28, 1957

ATTORNEY
 FRED E. WARDEN
 102 LUTHERA FEDERAL BLDG.
 TOWSON, MD
 PHONE 828-5088



YORKRIDGE SHOPPING CENTER OVERALL PLAN
 SCALE 1" = 200'