

7A-53-EX 87 10-10-73 52B73 MR PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JAMES G. STRATAKIS, JR., legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 zone to an R-20 zone; for the following reasons:

That the comprehensive zoning map is in error, in that, the property has no reasonable use under the existing zoning.

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 an office building.

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.

James G. Stratakis, Jr.
Contract purchaser
Address: 306 Westview Road
Baltimore, Maryland 21204

William J. Glendon, Jr.
Petitioner's Attorney
Address: 403 Eastern Avenue
Baltimore, Maryland 21202

William J. Glendon, Jr.
Petitioner's Attorney
Address: 403 Eastern Avenue
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of July, 197 1, 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, at 2:00 PM on the 27th day of September, 197 1, at 2:00 o'clock P. M.

John D. Thomas
Zoning Commissioner of Baltimore County

IN THE COURT OF APPEALS OF MARYLAND

No. 268

September Term, 1972

JAMES A. STRATAKIS et al.

v.

J. LYLE REAUCHAMP et al.

Barnes
Singley
Smith
Digges
Levine,

JJ.

Opinion by Levine, J.

Filed: May 11, 1973

This appeal is from an order of the Circuit Court for Baltimore County (Proctor, J.) which reversed the granting of a rezoning application and special exception sought by appellants. They are the owners of a 2.63-acre parcel of land located on the northwest corner of Cromwell Bridge Road and Compens Avenue in the Ninth Election District of Baltimore County, contiguous to the northbound "on" ramp of the Baltimore Beltway. It is separated from the beltway by a portion of state-owned flood plain. The property is presently in the D.R. 3.5 zone (density residential, 3.5 dwelling units per acre). The application seeks reclassification to the D.R. 16 zone (density residential, 16 dwelling units per acre), and is accompanied by a request for a special exception for office-building use.

We shall demonstrate at the outset perhaps why, among the arguments advanced on appeal, no claim is made of a denial of procedural due process. The application was first studied by the planning board staff which recommended its approval. The planning board, itself, recommended denial, whereupon it was heard by the zoning commissioner who denied the applications. The zoning commissioner's decision was appealed to the County Board of Appeals, which decided that the county council had erred in assigning the D.R. 3.5 classification as part of a recently-adopted comprehensive zoning map, and granted the application and special exception. On appeal to the circuit court, that decision was reversed. We hope this will be the final chapter in the current zoning history of this parcel.

As we have already suggested, the subject property acquired its present classification (D.R. 3.5) when the county council adopted a comprehensive zoning map for a large segment of Baltimore County on March 24, 1971. This was four months before appellants filed their zoning application. Prior to the comprehensive rezoning, the subject parcel had been in what was then known as the R-20 classification, which was a single-family residential zone allowing two units per acre. In 1970, while it was in that classification, the previous owners of the property had applied for reclassification to the R-A zone (apparently a form of apartment zoning, although the record is unclear in this respect) with a special exception for office-building use. That application reached the stage of being denied by the zoning commissioner on January 12, 1971, prior to the comprehensive rezoning, and was then abandoned in favor of the subject application.

In the processing of that first application, the matter was referred to the planning staff, the director of which was George E. Gavrellis, later to become a major witness for appellants in this case. The staff recommended approval of the zoning application and the petition for special exception. Its reasons were contained in a memorandum from Mr. Gavrellis to the zoning commissioner dated September 4, 1970. There, he said:

"a. the topography of the tract made it extremely difficult to develop it for single family residential purposes.

"b. the shape of the tract similarly made such development difficult.

"c. the location of this property between relocated Compens Avenue, the Beltway on-ramp, a widened Cromwell Bridge Road, and the new Loch Raven Senior High School suggested that single family residential development here would not be tenable." (emphasis added).

3. By this time, the planning board had become involved in the production of the forthcoming comprehensive rezoning map. In that frame of reference, it had already approved the maps which proposed the D.R. 3.5 density; thus it had rejected any form of commercial zoning for the subject property. We shall see that the same dichotomy between the board and staff prevailed when this zoning case was considered at the planning level.

On July 27, 1971, four months after the property had been comprehensively rezoned, the subject application was filed by appellants, who were then contract purchasers, but are now owners of the property. The planning staff recommended approval stating:

"The Planning staff is recommending that D.R. 16 zoning with a special exception for offices be granted.

"The location of the property next to the Beltway entrance ramp makes it undesirable for residential use. The topography appears to make it difficult to develop in residential use."

The planning board recommended denial with this comment:

"Since the Beltway acts as a physical barrier between the low-density development and the industrial uses on the west, it is felt that D.R. 16 zoning would impinge upon the low-density development."

In rejecting the application, the zoning commissioner said:

"It is obvious... that the... County Council in its adoption of the Comprehensive Zoning Map intended to maintain the Beltway as a buffer between the commercial and industrial zoning to the west and the strictly residential area to the east. Further, it is obvious that it was the... Council's intention to maintain the large area to the east of the Beltway as a strictly residential area with no commercial or quasi commercial uses, e.g., an office building."

"Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Comprehensive Zoning Map as adopted by the... County Council on March 24, 1971, is presumed to be correct, and the burden of proof is upon the Petitioner to show error in this map concerning the subject property. The Petitioner has failed to do so."

4. The thrust of the board of appeals decision granting the application was that the planning staff recommendation, which it found persuasive, had not been made available to the county council when it acted on the comprehensive rezoning; and had the staff views then been known to the council, the latter "[might] have acted differently." The circuit court reversed that decision on the ground that the action of the board of appeals constituted illegal "spot zoning." We shall affirm the judgment entered below since we think the result is compelled by a number of our prior decisions. We think, perhaps, that there are more apposite reasons than that cited by Judge Proctor, and we shall outline them here. Before we do so, however, a word is in order concerning the property itself.

The parcel is all that remains from a larger holding, most of which was purchased for, and is now developed as, the new Loch Raven Senior High School. It is north of, or, as we prefer to say, "outside" the beltway; and is situated between relocated Compens Avenue, the beltway "on" ramp and a widened Cromwell Bridge Road. It is affected by a topographical problem in that it is at grade only at a point close to Cromwell Bridge Road; it then slopes down, in a northerly direction, on a 12% grade to a level of 18 feet below the bed of Compens Avenue. To the northwest of the property, separated by another segment of state-owned flood plain, is the Lutheran High School. Across the street, on the northeast corner of Cromwell Bridge Road and Compens Avenue, is the Loch Raven Senior High School.

Beyond this immediate area, and north of the beltway, there are residential developments called Brook Meadows, Chatterleigh and Hunt Club Farms. This segment of the county is characterized mainly

5. by single-family development in a density of one and two units per acre. It is likewise apparent from the record that the subject property, which, as we have previously noted, had been in the R-20 zone (two residential units per acre), was singled out for special treatment by the planning board and county council because of the physical characteristics mentioned earlier. Indeed, it appears that the council took a bus trip to visit the subject property. In consequence, the property was assigned a density of 3.5 units per acre, and thus became one of the few parcels in this particular area, outside the beltway, to be so treated.

The reasons for reclassification alleged by appellants in their application are: "that the comprehensive zoning map is in error, in that, the property has no reasonable use under the existing zoning." They have consistently adhered to the same position throughout the entire proceedings, and do so here. In their presentation to the board of appeals, they produced four expert witnesses: Mr. Gavrellis, a traffic specialist, an engineer-planner and a real estate appraiser. The testimony of the traffic expert is not material to this case and we need not dwell upon it here.

Nor is it necessary to summarize Mr. Gavrellis's views, since they are reflected in the two planning staff memoranda from which we quoted earlier. He did explain, however, the differences in terminology and substance between the new comprehensive rezoning map and its predecessor. He pointed out, for example, that the current equivalent of the R-20 zone previously applicable to the subject property, is D.R. 2 (two residential units to the acre) as compared to the D.R. 3.5 now in effect. More importantly, he explained that

6. under the new comprehensive map, in the D.R. 3.5 zone the single-family restriction is removed and development is measured in terms of density, i.e. number of residential units per acre. The principal purpose, of course, is to promote greater flexibility in development; and to allow property owners to adjust or compensate for what might otherwise have been insurmountable hurdles under the "old" zoning map.

Mr. Gavrellis further explained the functioning of the new plan, as applied to the subject property, by demonstrating that appellants could include as part of their available acreage, in addition to the actual 2.63 acres, thirty feet of the width of both Compens Avenue and Cromwell Bridge Road. Further, since there is no private dwelling within a distance of 300 feet, they are permitted to build apartments or townhouses - some ten or fifteen in number, depending upon the calculations to be ultimately made - without any constraints upon lot sizes or widths. When asked to compare the prior classification of R-20 with the current D.R. 3.5, Mr. Gavrellis summed it up aptly: "The new zoning, the present zoning regulations offer ever so much more flexibility and possibilities of use than they did. It is like apples and bananas."

It is evident from the testimony of the engineer-planner that his studies of the subject property did not take into account the flexibility outlined by Mr. Gavrellis, since he addressed himself to the property solely in terms of whether it could be developed for single-family homes. Also, he labored under the notion that appellants would be limited to 3.5 units per acre. Apart from resting his testimony on what was essentially an incorrect premise, he merely made the general statement that: "It would not be feasible to develop

2. this as 3.5." (emphasis added). He conceded that he had not made comparable studies of the property based on utilization for townhouses or apartments to determine whether such development would be feasible or profitable. He concluded his testimony by basing his opinion that the county council had erred - in placing the property in D.R. 3.5 - upon the reason that: "This is an ideal location to have an office building."

The appraisal expert opined that the property was "not suitable" for development in the 3.5 category for apartment or townhouse use, but when asked to give his reasons for that opinion, lapsed into the "single-family" syndrome, saying: "It is very difficult [because of the topography] to develop in a single-family engineeringwise." [sic]. He added:

"The location of this property, located in Campens Avenue, the Beltway on-ramping, the widening of Cromwell Bridge Road, and the new Loch Raven Senior High School, certainly suggest to me that single-family development here would not be tenable and would not be proper." (emphasis added).

Other statements also reflecting the generalizations employed in his testimony are:

"When you build apartment, 10 to 15 units, this is a very very difficult project to finance, because the break-even point in apartments are usually about 100. That, then, allows some other additions to the apartments, such as recreational areas, swimming pools, and so on, and if you don't have 100 apartments or more you can't have any residential management, because it doesn't pay for itself."

"A. Yes, I think they erred. I think they should have followed the recommendations of the Director of Planning."

"Q. In making your study to testify in this particular case, did you give any consideration to the economics of an office building, as opposed to the development in 3.5, did

you make any studies, or did your research consist of any studies along those lines? A. When I was on the subject site itself, when I climbed down the hill and stood there and looked, in my own mind I recognized this could not be developed for 3.5. Therefore I made no economic analysis."

In this Court, appellants cling to their original contentions that there was error in the comprehensive rezoning of March, 1971, and that the D.R. 3.5 classification is confiscatory as applied to their property; and thus, that the decision of the board of appeals should have been affirmed since the evidence on either of these issues was fairly debatable.

Appellants are correct in citing the test to be applied here. Where a legislative body, or a board of county officials, pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable, Montgomery County v. Pleasants, 266 Md. 462, 295 A.2d 216 (1972); Himmelheber v. Charnock, 258 Md. 636, 267 A.2d 179 (1970); Chevy Chase Village v. Mont. Co., 258 Md. 27, 264 A.2d 861 (1970); Smith v. Co. Comm'rs of Howard Co., 252 Md. 280, 249 A.2d 708 (1969). We shall follow that test in considering this appeal.

While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning. To sustain a piecemeal change in circumstances such as those present here, strong evidence of mistake in the original zoning or comprehensive rezoning or evidence of substantial change in the character of the neighborhood must be produced, Mayor and Council of Rockville

11. of Rockville v. Henley; Cabin John Ltd. v. Montgomery Co., both supra; Montgomery Co. Council v. Kacur, 253 Md. 920, 252 A.2d 832 (1969). The testimony presented on this issue consists of the same generalizations of economic infeasibility that are relied upon to support the "mistake" argument. It is well-recognized that such general claims are insufficient to establish that there is no reasonable use for property under a particular zoning classification, Henley, supra; Pahl v. County Bd. of Appeals, 237 Md. 294, 206 A.2d 245 (1965); DePaul v. Board, 237 Md. 221, 205 A.2d 805 (1965).

It must not be supposed that, in considering whether the evidence on the issue of "mistake" and "confiscation" is fairly debatable, we have ignored the testimony of the three expert witnesses referred to earlier. But, as we have held, an opinion, even that of an expert, is not evidence strong or substantial enough to show error in the comprehensive rezoning or confiscation unless the reasons given by the expert as the basis for his opinion or other supporting facts relied upon by him are, themselves, substantial and strong enough to do so, Creswell v. Baltimore Aviation, supra, at 721; Westview Park v. Hayes, 256 Md. 575, 582, 261 A.2d 164 (1970); Smith v. Co. Comm'rs of Howard Co., supra, at 284.

Viewed in this light, the expert testimony here simply does not pass muster. Mr. Gavrellis's testimony did not enlarge significantly upon what had already been expressed in the two staff reports. Moreover, the further testimony he gave, which we reviewed earlier, negated error in the comprehensive rezoning. The engineer-planner's testimony, as we have already stressed, was couched in general references to "feasibility" and "profit." Such characterizations are

12. insufficient to make the issues fairly debatable, Henley; Pahl v. County Bd. of Appeals; DePaul v. Board, all supra. Furthermore, it is clear that his studies - even in that tenuous frame of reference - were confined to a development of the property for single-family use, and totally ignored the flexibility theme fostered by the comprehensive rezoning. The testimony of the appraisal expert, as we have previously suggested, fares no better. His evidence is devoid of any reason for his opinion of "mistake" other than that he could tell by looking at the property that it could not be developed in D.R. 3.5. He did venture to say the property was "not suitable" for development in D.R. 3.5 because of the topography, but a fair reading of his testimony reveals that he confined his views principally to single-family development.

Lastly, we consider whether the planning staff reports are, in themselves, sufficient to make either issue relied upon by appellants fairly debatable. We have held in some cases that a report of the planning staff recommending approval of an application may alone be sufficient to make the issue fairly debatable, Montgomery v. Bd. of Co. Comm'rs, 263 Md. 1, 280 A.2d 901 (1971); Messenger v. Bd. of Co. Comm'rs, 259 Md. 693, 271 A.2d 166 (1970); Stephens v. Montgomery County, 248 Md. 296, 235 A.2d 701 (1967).

The reasons contained in the two reports - which we quoted earlier - introduce nothing that is new or different. In essence, the first report recommended approval of the rezoning application then being pursued for the reasons that topography, shape and location made the property "extremely difficult" to develop for single-family residential purposes. Clearly, any validity this report may have had when made was erased by the adoption of the comprehensive rezoning

13. v. Henley, Md. , A.2d (1973) [No. 198, September Term, 1972, decided March 29, 1973]; Heller v. Prince George's Co., 264 Md. 410, 412, 265 A.2d 772 (1972); Creswell v. Baltimore Aviation, 257 Md. 712, 721, 264 A.2d 838 (1970). Since, as we have also said, this burden is onerous, Cabin John Ltd. v. Montgomery Co., 259 Md. 661, 271 A.2d 174 (1970); Creswell v. Baltimore Aviation, supra; Wells v. Pierpont, 253 Md. 554, 253 A.2d 749 (1969), the task confronting appellants, whose application followed the comprehensive rezoning by merely four months, is manifestly a difficult one.

The first question posed, then, is whether on the issue of mistake in the comprehensive rezoning of March 1971, the evidence in support of that contention was sufficiently "strong" to make the issue fairly debatable. We think not. There are bald allegations, to be sure, but these are unsubstantiated by facts sufficient to overcome the presumption of correctness which attaches with the adoption of a comprehensive rezoning, Mayor and Council of Rockville v. Henley and Smith v. Co. Comm'rs of Howard Co., both supra.

Somewhat to the contrary, the evidence shows that the dominant land use in this general area, outside the beltway, is single-family residential, with particular emphasis on one and two units per acre. The subject property had been in the R-20 zone (two units per acre) under the prior ordinance for some fifteen years, and instead of retaining it in its counterpart under the new map (D.R. 2), the county council placed it in the denser category of D.R. 3.5. This category will yield from two to three times as many units as was formerly possible. In addition, there may now be apartment or townhouse use rather than single-family development.

13. that allows apartment-house development on this property. The second report is perhaps more dubious than the first. Although it recommended that the application be granted in the context of the new comprehensive rezoning, the reasons given are merely: "the location of the property next to the Beltway entrance ramp makes it undesirable for residential use. The topography appears to make it difficult to develop in residential use." (emphasis added).

Thus, appellants' case comes down to those two meaningless generalizations in the second staff report. In addition to what we said earlier concerning the opinions of expert witnesses, we think dispositive of the staff-report issue the following language from Heller v. Prince George's Co., supra, where we quoted from Habilton v. City of Salisbury, 258 Md. 350, 361-62, 265 A.2d 885 (1970), in which Judge McWilliams wrote for the Court:

"Appellants attach significance to the Planning Commission's adoption of the staff report recommending the reclassification from 'Industrial' to 'Residential B' and the Commission's like recommendation to the City Council. They say we have held that 'these reports are probative evidence' which, per se, can make the change issue fairly debatable, citing * * * [cases]. In a sense this is true but it must not be supposed that such reports, per se, are either inviolate or invulnerable. They are subject to the same analysis and appraisal that other types of evidence must survive to have probative force. The statements of both Creamer and Burhans, his assistant, make it quite clear that there was little, if any, investigation and study of the situation by the staff and that its conclusions do not rise much, if at all, above the level of wishful thinking; in Board of County Comm'rs v. Oak Hill Farms, 232 Md. 274, 284 (1963), we said the staff report dealt largely in abstractions without meaningful specifics. . . . We find absurd the notion that this kind of 'tinkling cymbal' should make an issue fairly debatable merely because it was written by the Planning Commission's staff and then made a part of the record before the Council." 264 Md. at 418-19.

10. As the evidence reveals, this treatment was hardly accidental. Because of its location and topography, the property was carefully studied by the county council. That the latter was acutely aware of the "problems" confronting the owners is demonstrated by the action it took in placing the property in a zone which afforded greater density than that previously allowed, and which permitted an adjustment to the topography.

It is true, as appellants point out, that there are numerous commercial uses allowed by the zoning map within walking distance of the property. Without exception, however, these uses are "inside" the beltway. Again, we note that this did not result from mere happenstance, but is part of a carefully-conceived plan which seems to have been faithfully observed. We have consistently recognized that wide major highways may be utilized as dividing boundaries between zones of different classifications, Quacher College v. DeWolfe, 251 Md. 639, 248 A.2d 379 (1968); Brown v. Wimpless, 250 Md. 200, 205, 242 A.2d 157 (1968); Montgomery County v. Shilontal, 249 Md. 194, 238 A.2d 912 (1968); Leroux v. Baltimore, 248 Md. 106, 234 A.2d 747 (1967).

Appellants' case for reversal is bottomed principally on the argument that the subject property cannot be developed in the D.R. 3.5 zone. The evidence does not support that contention and, more importantly, it is insufficient to make the issue fairly debatable. In order to obtain a rezoning on the basis of an unconstitutional confiscation, an applicant must show that he has been deprived of all reasonable use of his property and that it cannot be used for any of the permitted uses in the existing zone, Mayor and Council

14. We think that the probative force of the reports, as with the opinions of the expert witnesses, is measured by the soundness of the staff's reasons. In the totality of this record, the reports are no more probative than those referred to in Heller v. Prince George's Co. and Habilton v. City of Salisbury, both supra. Hence, the staff reports here are not sufficient to make the issues of "mistake" or "confiscation" fairly debatable.

Under all these circumstances, the evidence before the board of appeals that there was a mistake in the comprehensive rezoning, or that the reclassification to the D.R. 3.5 zone constituted a confiscatory action, was insufficient to make either of those issues fairly debatable. Judge Proctor was therefore correct in reversing its decision. Our disposition of this case makes it unnecessary for us to consider whether the special exception was properly granted.

ORDER AFFIRMED;
APPELLANTS TO PAY COSTS.

RE: PETITION FOR RECLASSIFICATION : IN THE
FROM D.R. 3.5 TO D.R. 16 : CIRCUIT COURT
AND SPECIAL EXCEPTION :
FOR AN OFFICE BUILDING :
NW CORNER CROMWELL BRIDGE ROAD :
AND COMPENS AVENUE : BALTIMORE COUNTY
9th District - Central Sector :
W. BURTON GUY & CO., INC. : AT LAW
Petitioner :
JAMES G. STRATAKIS, Contract :
Purchaser : Misc. Docket, No. 9
Zoning File No. 72-52-RX : Folio No. 201
J. Lyle Beauchamp, et al. : File No. 4847
Protestants - Appellants :

ORDER OF APPEAL

MR. CLERK:

Kindly enter an appeal to the Court of Appeals from the Order in this action entered on September 28, 1972.

William J. Blondell, Jr.
405 Eastern Avenue
Baltimore, Maryland 21221
687-7878
Attorney for James Stratakis,
Catherine Strakes, and
Mary Antonakas, Appellants

I HEREBY CERTIFY that on this 25th day of October, 1972, a copy of the foregoing Order of Appeal was mailed to James D. Nolan, Esquire, Nolan, Plunhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, and R. Bruce Alderman, County Solicitor for Baltimore County, 308 County Office Building, Towson, Maryland 21204.

William J. Blondell, Jr.
Attorney for James Stratakis,
Catherine Strakes and
Mary Antonakas, Appellants

PETITION FOR RECLASSIFICATION : IN THE
FROM D.R. 3.5 TO D.R. 16 AND SPECIAL : CIRCUIT COURT
EXCEPTION FOR AN OFFICE BUILDING :
NW CORNER CROMWELL BRIDGE ROAD :
AND COMPENS AVENUE, 9th District :
Central Sector, W. Burton Guy & :
Co., Inc., Petitioner : BALTIMORE COUNTY
James G. Stratakis, Contract :
Purchaser : AT LAW
Zoning File No. 72-52-RX : Misc. Docket, No. 9
J. Lyle Beauchamp, et al. : Folio No. 201
Protestants-Appellants : File No. 4847

ORDER

The above-entitled administrative appeal having come on for a hearing before this Court, the parties by counsel having been heard, and counsel for the parties having submitted memoranda herein, it is this 27th day of September, 1972, by the Circuit Court of Baltimore County

ORDERED, that for the reasons given in the foregoing Opinion the decision of the County Board of Appeals of Baltimore County in Case No. 72-53-RX should be, and is hereby reversed, and the matter is remanded to the County Board of Appeals of Baltimore County for the entrance of an Order consistent herewith. Such opinion

True Copy Test

ELMER H. KAYLINE, JR., Clerk

By *[Signature]*

Deputy Clerk

Kenneth C. Proctor
JudgeLAW OFFICE
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

J. LYLE BEAUCHAMP, et al. : IN THE
Protestants-Appellants, : CIRCUIT COURT
vs. : FOR
JOHN A. SLOWIK, et al. : BALTIMORE COUNTY
being and comprising : AT LAW
THE COUNTY BOARD OF APPEALS :
OF BALTIMORE COUNTY, : Misc. Case No. 4847
Appellees. : Docket 9, Folio 201

OPINION

This is an appeal from the County Board of Appeals by Protestants who object to the requested reclassification of the subject tract of land from D-R 3.5 to D-R 16, with a special exception for an office building. Zoning Commissioner S. Eric DiMenna denied the requested reclassification, holding that there was no error in the comprehensive zoning map adopted by the County Council in 1971. This ruling was overruled by the County Board of Appeals by order dated May 30, 1972. The Board granted the request for zoning reclassification and special exception, subject to three restrictions set forth in its order.

If the only question presented to the Court by this appeal was the sufficiency of evidence before the Board to support its conclusion, this Court would be bound to determine first whether the ruling of the Board was reasonably debatable. Under those circumstances, the Court would be inclined to affirm the action of the Board for the reason that from the testimony the ruling would appear to be reasonably debatable.

However, the real hurdle in this case, which Petitioner faces, is whether reclassification would constitute illegal spot

zoning. In *Hewitt v. Baltimore County*, 220 Md. 48, the Gill and Fowble properties, located at the southwest corner of the Baltimore-Harrisburg Expressway and Timonium Road, had been classified on the map as Business, Local (B.L.), the only land zoned for business uses north of the Beltway and west of the Baltimore-Harrisburg Expressway. A bill in equity was filed to enjoin the use of property for commercial purposes, and to require the County Commissioners to restore the land to a residential use classification. The Court of Appeals discussed the question of spot zoning at length, among other cases, citing *Chassey v. City of Baltimore*, 195 Md. 348, 355, "It is, . . . , universally held that a 'spot zoning' ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain. . . .". The Court then stated that the principal question for their consideration and decision was whether the legislative action of the County Commissioners in zoning or rezoning the Fowble and Gill properties as Business-Local was arbitrary, capricious, discriminatory or illegal. The Court held that "the action of the County Commissioners in classifying the Fowble and Gill properties falls within the description of invalid 'spot zoning' given in the *Chassey* case, and largely restated in the *Huff* case, as an arbitrary and unreasonable deviation of a small area to a use inconsistent with the uses to which the rest of the district is restricted."

Drawing an analogy between that case and this, if the

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property owner had prevailed past the planning stage, through the Planning Board and County Council, so that this property had been laid out on the map, as requested here, as D-R 16, such classification, in my judgment, would have constituted spot zoning, just exactly the same as the B.L. zoning in *Hewitt* (supra). The only difference would be that in *Hewitt*, the spot was zoned B.L., whereas here the spot would have been zoned D-R 16, and that distinction, in my judgment, is one without a difference.

Rezoning, such as we have here, must be reconcilable with a comprehensive zoning plan. The comprehensive plan for a very large area north of the Beltway is for low density residential development, in the main individual cottages, until recent changes in the Zoning Regulations of Baltimore County under which slightly higher density is permitted. To zone this land for apartments, D-R 16, would lead down the comparatively easy road to a special exception such as is sought here. This would be, in my judgment, irreconcilable with the comprehensive plan for this area. It is true that the planning staff recommended the use here sought. On the other side of the coin, however, is the fact that efforts to have this land zoned for apartments failed before the Zoning Commissioner, just before the case was rendered moot by the adoption of the new maps.

In the present case the Zoning Commissioner ruled against the reclassification. The Planning Board has on two occasions recommended against any change in the D-R 3.5 classification, and, most important, the County Council, by the adoption of the map, at least ignored and probably rejected the request for high density zoning. In my judgment the reclassification

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action granted by the County Board of Appeals is invalid as it constitutes illegal spot zoning.

Brief reference should be made to the adjoining land, part of which is developed by two high schools, one a private school of the Lutheran Church, the other Loch Raven Junior-Senior High School, a public school. In *Shadybrook Improvement Association, Inc. v. Molloy*, 232 Md. 265, the Court said that such a use was an insignificant factor in determining whether or not R-6 land should be rezoned to R-A land under the old regulation. It should also be noted that I do not consider the decision of the Zoning Commissioner on the previous application for rezoning of this land of Burton Guy constitutes a bar because of res judicata, as was true in *Lambert, et al. v. Seashold, et al.*, 246 Md. 562, and *Whittle v. Board of Zoning Appeals*, 211 Md. 36, for the reason that the administrative route had not been fully traversed, through no fault of Petitioner but rather because of the intervention of a new map.

It is, as stated above, my conclusion that the action of the County Board of Appeals was invalid because of illegal spot zoning. For that reason I'll sign an order reversing the County Board of Appeals.

JUDGE

Kenneth C. Proctor

Dictated - Sept. 18, 1972

Revised - Sept. 28, 1972

LAW OFFICE
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

J. LYLE BEAUCHAMP AND
MILDRED R. BEAUCHAMP
1103 Green Acres Road
Towson, Maryland 21204
and
ROBERT J. RAUSCHER AND
RUTH ANN RAUSCHER
1 Helm Court
Towson, Maryland 21204
and
RICHARD L. ANDERSON AND
PHYLLIS L. ANDERSON
1 Helm Court
Towson, Maryland 21204
and
JOHN W. PFEIFER AND
WALTER S. PFEIFER
6 New Forest
Towson, Maryland 21204
and
BAYNE R. DUDLEY AND
ELISE W. DUDLEY
1108 Concordia Drive
Towson, Maryland 21204
and
WILLIAM F. GEMHARDT AND
PHYLLIS M. GEMHARDT
1215 Brookmeadow Drive
Towson, Maryland 21204
and
CHARLES RINAUDO AND
LITA S. RINAUDO
1210 Brookmeadow Drive
Towson, Maryland 21204
and
JOHN P. J. CORNELL, JR.
930 Everswick Circle
Towson, Maryland 21204
Protestants - Appellants
vs.
JOHN A. SLOWIK,
WALTER A. RAITER, JR. AND
JOHN J. MILLER,
being and comprising
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Appellees

ORDER FOR APPEAL

Please enter an appeal on behalf of J. LYLE BEAUCHAMP, MILDRED R. BEAUCHAMP, ROBERT J. RAUSCHER, RUTH ANN RAUSCHER, RICHARD L. ANDERSON, PHYLLIS L. ANDERSON, JOHN W. PFEIFER, WALTER S. PFEIFER, BAYNE R. DUDLEY, ELISE W. DUDLEY, WILLIAM F. GEMHARDT, PHYLLIS M. GEMHARDT, CHARLES RINAUDO, LITA S. RINAUDO and JOHN P. J. CORNELL, JR., Protestants - Appellants, from the Opinion and Order of the County Board of Appeals of Baltimore County dated May 30, 1972, and each and every part thereof, in Case Number 72-53-RX, granting the requested reclassification and special exception sought therein.

-2-

LAW OFFICE
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

James D. Nolan
James D. Nolan
Attorney for Protestants -
Appellants
Nolan, Plunkhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
623-7880

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the Order for Appeal to the Circuit Court for Baltimore County and Petition on Appeal from the decision of the County Board of Appeals for Baltimore County dated May 30, 1972 in Case Number 72-53-RX, was delivered to the Board prior to the filing of this Order, as shown below.

James D. Nolan
James D. Nolan
Attorney for Protestants -
Appellants

Service of a copy of the Order for Appeal in Case Number 72-53-RX is admitted this 21st day of June, 1972 by:
County Board of Appeals

BY: *Earl S. Pender*

I hereby certify that a copy of the foregoing Order of Appeal and Petition on Appeal was mailed to William J. Bondell, Jr., Esquire, Attorney for W. Burton Guy and Company, Inc., Petitioner, and James G. Stratakis, Contract Purchaser, on the _____ day of June, 1972.

James D. Nolan
James D. Nolan
Attorney for Protestants -
Appellants

-3-

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 3.5 to D.R. 16, and :
SPECIAL EXCEPTION for an :
Office Building :
COUNTY BOARD OF APPEALS
NW corner Cromwell Bridge Road :
and Compens Avenue, :
9th District-Central Sector :
W. Burton Guy & Co., Inc., :
Petitioner :
James G. Stratakis, :
Contract Purchaser :
BALTIMORE COUNTY
No. 72-53-RX

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated December 31, 1971, denying the referenced petition. The Petitioner seeks a reclassification from a D.R. 3.5 zone (Density Residential, 3.5 dwelling units per acre) to a D.R. 16 zone (Density Residential, 16 dwelling units per acre), along with a special exception request for office use.

The property is located on the northwest corner of Cromwell Bridge Road and Compens Avenue, in the Ninth Election District of Baltimore County. It is contiguous to the northbound "on" ramp of the Baltimore County Beltway, being separated from it by a segment of a State owned flood plain. The property consists of 2.63 acres of vacant land (see plat, Petitioner's Exhibit #4). It was described as being a hole in the ground, being at grade only at a point close to Cromwell Bridge Road then sloping down, in a northerly direction, on a 12% grade to a descent of 18 feet below the bed of Compens Avenue (see photos, Petitioner's Exhibits 6-C and 8-C). To the northwest of the subject, separated by another segment of the aforementioned State owned flood plain, is the Lutheran High School. Across the street from the subject, on the northeast corner of Cromwell Bridge Road and Compens Avenue, is the Loch Raven Senior High School. Beyond this, fanning out in a northerly direction, are the residential developments of Brook Meadows, Chatterleigh and Hunt Club Farms.

If successful in his petition, the Petitioner plans to construct a modern office building having two stories above and one story below the grade of the streets. The base size of the proposed building is 90 feet by 180 feet. Off-street parking would be provided below grade of the streets in back of the building. To satisfy recommendations of

W. Burton Guy & Co., Inc. - #72-53-RX

2.

the State Highway Administration, there would be no curb cuts on Cromwell Bridge Road, and only one curb cut on Compens Avenue to accommodate vehicular traffic in and out of the site.

Briefly summarized, several highly qualified expert witnesses testified on behalf of the Petitioner regarding satisfying the requirements of Section 502.1 of the Zoning Regulations to the effect that sewer and water utilities are available and adequate; that traffic generation is no major problem, and that granting the petition will not adversely affect the community. They further testified that the County Council had erred by placing the subject in a D.R. 3.5 zone when it adopted the new comprehensive zoning map on March 24, 1971 (see Petitioner's Exhibit #1).

The Protestants in turn stated that granting the petition would result in conditions which would adversely affect their neighborhood, and that they were opposed to any change north of the Beltway. They testified, however, that they had encouraged the construction, north of the Beltway, of the Loch Raven Senior High School and the Lutheran High School with the subject property left sandwiched between them. They conceded that the traffic that would be generated by the subject proposal would be negligible compared to the school traffic that is being generated.

The Board was particularly impressed with the testimony of the Baltimore County Director of Planning, Mr. George E. Govellis, who stated that his professional staff twice had recommended the granting of the petition to the Planning Board of Baltimore County, but that the Planning Board chose instead to recommend D.R. 3.5 zoning to the County Council preceding the adoption of the comprehensive zoning map, and to the Zoning Commissioner in the five cycle zoning hearings. He did not believe that the County Council had ever been given the benefit of the Planning Staff's comments and recommendations regarding the subject property for it to consider in its deliberations when it adopted the zoning map. Specifically, on September 4, 1970, Mr. Govellis recommended to the Zoning Commissioner the following, entered as Petitioner's Exhibit #2:

"The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-20 to R.A. zoning, together with a special exception of office building. We note that the Planning Staff has recommended to a committee of the

W. Burton Guy & Co., Inc. - #72-53-RX

3.

Planning Board that the subject property be reclassified from R-20 to R.A. zoning and that the concept of an office building here, through special exception proceedings, would be appropriate. This represents a proposed departure from maps approved by the Planning Board last winter. The Staff and the committee were persuaded that apartment zoning here, with the special exception for offices, was appropriate because:

a. the topography of the tract made it extremely difficult to develop it for single family residential purposes.

b. the shape of the tract similarly made such development difficult.

c. the location of this property between relocated Compens Avenue, the Beltway on-ramp, and the new Cromwell Bridge Road, and the new Loch Raven Senior High School suggested that single family residential development here would not be tenable.

The Planning Staff and Planning Board Committee were also convinced that public ownership - the school site and the Beltway right-of-way - a major flood plain, and institutional uses effectively blocked a reclassification here from having an adverse or consequential zoning change impact on nearby residential properties.

The Planning Staff does not agree that any changes in zoning have occurred which would affect a change of zoning here. We do believe the change has occurred relative to the relocation of Compens Avenue and the construction of a new senior high school across the street which does justify a favorable consideration of this petition.

With regard to the special exception, we endorse the concept of office use here and agree with other County and State agencies that access ought to be secured by means of Compens Avenue to the parking facilities. The plan submitted by the petitioner does not provide sufficient information relative to grading, screening, landscaping, and use so as to enable us to approve, at this point in time, the development plan submitted as part of this petition."

Again in prepared comments to the Planning Board (see Petitioner's Exhibit

#2) we find the following:

"The Planning staff is recommending that D.R. 16 zoning with a special exception for offices be granted.

The location of the property next to the Beltway entrance ramp makes it undesirable for residential use. The topography appears to make it difficult to develop in residential use.

Existing development would not be adversely affected by offices here since they are buffered from the site by the Lutheran High School & Loch Raven Sr. High School.

W. Burton Guy & Co., Inc. - #72-53-RX

4.

The property has easy access to the Beltway. It is also within a quarter mile of an industrial complex on Cromwell Bridge Rd.

RECOMMENDATION: D.R. 16 with a S.E. (special exception) for offices."

As to the petition for a special exception: In accordance with the Zoning Regulations of Baltimore County, special exceptions, for any purpose, must be obtained through the zoning petition process and not through action of the County Council.

Special exceptions cannot be granted by the process of adopting a comprehensive zoning map. However, before a special exception may be granted by the petition process, Section 502.1 of the Zoning Regulations must be satisfied. Section 502.1 states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets, or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

From the testimony and evidence presented, the Board finds that the requirements of Section 502.1 have been satisfied. Also, while recognizing that the recommendations of the Planning Office are not controlling upon action by the County Council, the County Council may have acted differently in zoning this property when it adopted the comprehensive zoning map had it been given the benefit of Planning's comments. The Board believes that the recommendations of the Planning Office, cited herein, are consistent with good zoning practice for the area and should be permitted.

For these reasons and from all the testimony and evidence presented, the Board concludes that the comprehensive zoning map, adopted March 24, 1971, is in error in designating a D.R. 3.5 zone for the subject property and, therefore, will hereby grant the subject petition.

W. Burton Guy & Co., Inc. - #72-53-RX

5.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of May, 1972, by the County Board of Appeals, ORDERED that the reclassification from D.R. 3.5 to D.R. 16 petitioned for, be and the same is hereby GRANTED; and

IT IS FURTHER ORDERED that the special exception for office use petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

- The building height shall be limited to three levels, with a base size not exceeding 90 feet by 180 feet
- There shall be no curb cut on Cromwell Bridge Road for vehicular ingress and/or egress
- The site plan shall be subject to approval by the State Highway Administration, the Baltimore County Bureau of Public Services, and the Baltimore County Office of Planning and Zoning.

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

John A. Slowik, Chairman

Walter A. Keller, Jr.

John A. Miller

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION : BEFORE THE
NW/corner of Cromwell Bridge : ZONING COMMISSIONER
Road and Compens Avenue - :
9th District :
W. Burton Guy & Company, Inc. :
corporated - Petitioner :
NO. 72-53-RX (Item No. 7) :
BALTIMORE COUNTY

The Petitioner requests a Reclassification from a D.R. 3.5 Zone to a D.R. 16 Zone with a Special Exception for an office building on a parcel of property located on the northwest corner of Cromwell Bridge Road and Compens Avenue, in the Ninth District of Baltimore County, comprising 2.63 acres of land, more or less.

Testimony showed that since the filing of the Petition, James Stratakis purchased the property from W. Burton Guy & Company, Incorporated, in fee simple.

Testimony on behalf of the Petitioner indicated that the subject property, consisting of 2.63 acres of land, is adjoined to the west, by the Baltimore County Beltway Ramp, on the south, by Cromwell Bridge Road and a large steep hill to its south, to the east, Compens Avenue, and the Loch Raven Senior High School and property, and to the north, the community known as Chatterleigh.

The property was described as "a hole in the ground" by Frederick P. Klaus, appraiser and consultant on zoning matters, who testified for the Petitioner. It was described as having poor topography, being approximately sixteen (16') feet to eighteen (18') feet below grade level. It was conceded by the Petitioner that the property could be developed in a residential capacity but this would be a more expensive proposition than what he proposes.

The property is the residual of a taking by Baltimore County in its acquisition for the public high school. The argument on behalf of the Petitioner, as to error, consisted of the

above mentioned topography of the land, its proximity to the Beltway Ramp and the Beltway, and the economic difficulty of developing in single family dwellings.

The testimony also indicated that the planning staff had recommended to the Planning Board the requested zoning prior to the recommendations of the Planning Board to the Baltimore County Council. In fact, the Planning Board recommended that the subject property remain in its residential D.R. 3.5 capacity. The Baltimore County Council, in its adoption of the Comprehensive Zoning Map on March 24, 1971, agreed with the Planning Board.

Residents of the area, in protest to the subject Petition, indicated that they felt the Baltimore County Council's action was not in error, in that, it further established the Baltimore County Beltway as a buffer between commercial and industrial uses to its west and strictly residential use to the east. It was also noted that there is no commercial or quasi commercial zones east of the Beltway and north of Cromwell Bridge Road, except several small non-conforming uses. Furthermore, they indicated that there were still single family dwellings being developed northwest of the property on terrain similar to the subject property. There was considerable testimony concerning traffic that would emanate from the property if the subject Petition were granted.

It is obvious to the Zoning Commissioner that the Baltimore County Council in its adoption of the Comprehensive Zoning Map intended to maintain the Beltway as a buffer between the commercial and industrial zoning to the west and the strictly residential area to the east. Further, it is obvious that it was the Baltimore County Council's intention to maintain the large area to the east of the Beltway as a strictly residential area with no commercial or quasi commercial uses, e.g., an office building.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Comprehensive Zoning Map as

adopted by the Baltimore County Council on March 24, 1971, is presumed to be correct, and the burden of proof is upon the Petitioner to show error in this map concerning the subject property. The Petitioner has failed to do so.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13th day of December, 1971, 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 D.R.3.5 Zone and the Special Exception for an office building be and the same is hereby DENIED.

R. D. J.
Zoning Commissioner of
Baltimore County

PETITION OF W. BURTON GUY & COMPANY, INC., OWNER
AND JAMES G. STRATAKIS, CONTRACT PURCHASER

MEMORANDUM

The Petitioner seeks a zoning reclassification on the subject property from DR-3.5 to DR-16 and a Special Exception for an Office Building.

The subject property has no reasonable use under the zoning designation of DR-3.5 in that the topography, shape and location make it entirely unsuitable for single residential development.

The property has heretofore been inspected and reviewed by the planning staff which has issued an opinion that the property is unsuitable for a 3.5 development. The Petitioner calls attention to Petition No. 71-91-RX, interoffice correspondence from George E. Gavrelis, Director of Planning, to Edward D. Hardesty, Zoning Commissioner, dated September 4, 1970, in which Mr. Gavrelis in speaking for the Planning Staff and Planning Board Committee stated that the property had no reasonable use for single family development but was suitable and recommendable for an office building location.

It is suggested that the subject property should not be used to create a "no man's land" between zoning areas and to do so would be to deprive the Petitioner of any reasonable use of the property and would be consistency. Spaid v. Board of County Commissioners, 259 MD 369, 269 A2d 797. The Petitioner also intends to rely upon Northwest Merchant's Terminal, Inc. v. O'Rourke, 191 MD 171, 60 A2d 743; Hoffman v. Mayor, 197 MD 294, 79 A2d 367; in which it was stated that a zoning ordinance which permanently restricts the use of property so that it cannot be used for any reasonable purpose goes beyond permissible regulation, and must be regarded as a taking of property without compensation.

Respectfully submitted,

William J. Blondell, Jr.
William J. Blondell, Jr.

MCA
MATE, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1070 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-823-0900

Leslie M. Childs
John C. Childs
Associates
Ronald W. Boyles
George W. Bushby
Robert W. Craven
Leonard M. Glase
Edmund F. Hall
Norman F. Harman
Paul Lee
Fred F. Morrison
Wilson F. Outen
Paul B. Simton

DESCRIPTION

2.63 ACRE PARCEL, NORTH SIDE OF CROMWELL BRIDGE ROAD, WEST SIDE
OF RELOCATED COWPENS AVENUE, NINTH ELECTION DISTRICT, BALTIMORE
COUNTY, MARYLAND.

This Description is for DR-16 Zoning (R-6)
with Special Exception

Beginning for the same at the intersection of the west side of Cowpens Avenue, seventy feet wide, as shown on Baltimore County Bureau of Land Acquisition Plans HRW 60-254-1 and 2, and the north side of Cromwell Bridge Road, as shown on State Roads Commission of Maryland Plat No. 10624, running thence binding on said north side of Cromwell Bridge Road, (1) southwesterly 323 feet, more or less, to a point in the center of Cowpens Road, as originally laid out and as referred to in the deed from William B. Guy, Jr. and others to Guy Incorporated, dated January 22, 1958 and recorded among the Land Records of Baltimore County in Liber G. L. B. 3303, page 489, thence binding on said center of Cowpens Road, (2) N 05° 36' E 255 feet, more or less, and (3) N 01° 51' E 292.33 feet, thence still binding on the outlines of the land described in said deed, (4) N 70° 09' E 50.67 feet, and (5) N 79° 19' 30" E 60 feet, more or less, thence binding on the west side of Cowpens Avenue, as shown on the aforementioned plans, (6) southerly

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

MCA
MATE, CHILDS & ASSOCIATES, INC.

520 .ect, more or less, to the place of beginning.
Containing 2.63 acres of land, more or less.

RLS:mpl

J.O. #63238

April 12, 1971



JAMES A. STRATAKIS, et al
Appellants
vs.
J. LYLE BEAUCHAMP, et al
Appellees

IN THE COURT OF APPEALS
OF MARYLAND
September Term, 1972
No. 268

OFFICE OF LAW
MOTION

Appellants, by William J. Blondell, Jr., their attorney, move to have Protestants' Exhibit "C" incorporated into the record as said exhibit was omitted at time of forwarding to this Court.

William J. Blondell, Jr.
William J. Blondell, Jr.
405 Eastern Boulevard
Baltimore, Maryland 21221
687-7878

ATTORNEY FOR APPELLANTS

ORDER

Leave granted as prayed this day of January, 1973.

JUDGE

THIS IS TO CERTIFY this day of January, 1973, that a copy of the foregoing Motion and Order was mailed to James D. Nolan, Esq. and R. Bruce Alderman, Esq., Attorneys for Appellees.

1/15/73

Received from the County Board of Appeals, Protestants' Exhibit "C", case No. 72-53-RX - W. Burton Guy.

William J. Blondell, Jr.
William J. Blondell, Jr.

THE COURT OF APPEALS-ANNAPOLIS, MARYLAND 21404

RECEIVED
JAN 23 1973
OFFICE OF LAW

January 15, 1973

William J. Blondell, Jr., Esquire
Attorney at Law
405 Eastern Boulevard
Baltimore, Maryland 21221

Re: James A. Stratakis et al. v. J. Lyle Beauchamp et al.
No. 268 - September Term, 1972

Dear Mr. Blondell:

Your motion to have Protestants' Exhibit "C" incorporated into the record of the above entitled case has been granted by the Court on January 17th. The exhibit will be incorporated in the record when it is received by this office.

Very truly yours,
JAMES M. NORRIS, JR.
Clerk

JUN/1/73
cc: James D. Nolan, Esq.
R. Bruce Alderman, Esq.

LAW OFFICER
WILLIAM J. BLONDELL, JR.
405 EASTERN AVENUE
BALTIMORE, MARYLAND 21221

December 30, 1971

S. Eric Dillerna, Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
and Special Exception
No. 72-53-RX (Item No. 1)
James G. Stratakis, Catherine Strakes
and Mary Antonakos
Substituted Petitioners

Dear Mr. Dillerna:

My clients, James G. Stratakis, Catherine Strakes and Mary Antonakos, approved at your decision on the above captioned Petition desire that an appeal be noted to the Board of Appeals.

Enclosed please find check in the amount of Seventy (\$70.00) Dollars.

Very truly yours,

William J. Blondell, Jr.
William J. Blondell, Jr.

WJB:cm
Enclosure

cc: James D. Nolan, Esquire
Nolan, Plumbhoff & Williams
204 West Pennsylvania Avenue
Baltimore, Maryland 21204

LAW OFFICES OF
NOLAN, PLUMBHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

May 6, 1971

JAMES D. NOLAN
J. EARLE PLUMBHOFF
JENNIFER A. WILLIAMS
WILLIAM H. HESSON, JR.

Honorable Edward D. Hardesty
Zoning Commissioner
Baltimore County, Maryland
County Office Building
Towson, Maryland 21204

Re: Petition of W. Burton Guy & Company, Inc.
Legal Owner, and James G. Stratakis,
Contract Purchaser, N/W Corner Cowpens
Avenue and Cromwell Bridge Road, 2.63
acres, Request for reclassification from
D.R. 3.5 to D.R. 16 with a special exception
for offices

Dear Commissioner Hardesty:

Please enter my appearance and the appearance of Nolan, Plumbhoff and Williams on behalf of the Chatterleigh Association and aggrieved area residents affected by the requested relief.

Respectfully,

James D. Nolan
James D. Nolan

JDN:en
cc: William J. Blondell, Jr., Esq.
Mr. Robert Laubach
John W. Pfeifer, Esq.



JUN 27 1973

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 18, 1971

COUNTY OF BALTIMORE
111 N. Chesapeake Ave.
Towson, Maryland 21204OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

BUREAU OF PLANNING

BUREAU OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mr. George E. Gwells, Director
Office of Planning & Zoning
301 Jefferson Building
Towson, Maryland 21204RE: Item #7 (April - October Cycle 1971)
Property Owner: W. Burton Guy and Co.
Location: N/W corner Compens Avenue and
Cromwell Bridge Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16 with S.E. for offices
District 9C4 Sector: Central
No. Acres: 2.63

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently an unimproved tract of land, which is bounded on the south by Cromwell Bridge Road, while on the west by the Baltimore County Beltway ramp and the intersection of Loch Raven Blvd., Cromwell Bridge Road and the Beltway ramp. The property on the east is improved with Compens Avenue. The property to the north is bounded by a large storm drain reservoir which runs off the existing Beltway ramp. The property on the east side of Compens Avenue is presently being improved with the Loch Raven Junior High School. The property to the north is improved with dwellings (new) to five years of age, in excellent repair. The property to the south is improved with vacant land, some dwellings - improved 10 to 20 years of age, in excellent repair. Compens Avenue is improved insofar as concrete curb and gutter are concerned, and a portion of Cromwell Bridge Road is also.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

The Baltimore Beltway and that portion of Cromwell Bridge Road along the frontage of this site are State roads;

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Page 2
May 18, 1971

therefore, all improvements, and entrances will be subject to State Roads Commission approval.

Access to the subject site shall be from Compens Avenue which has been improved as a 44-foot closed section on a 70-foot right-of-way. Although no further road improvements will be required, the petitioner will be responsible for the construction of sidewalk along the frontage of this site.

Highway improvements for Cromwell Bridge Road will be required in connection with the proposed development of this property and construction drawings are presently being reviewed by the Bureau of Engineering. For more specific details in regard to the proposed improvements, the petitioner's engineer should contact the Developers Design Approval Section of the Bureau of Engineering.

The proposed entrance as shown on the plan in the vicinity of the old road bed of Compens Avenue will not be permitted due to the close proximity of the Beltway ramp and traffic signal with the Loch Raven Boulevard Interchange.

Storm Drains:

The Baltimore Beltway and Cromwell Bridge Road are State roads. Therefore, drainage requirements as they affect the roads come under the jurisdiction of the Maryland State Roads Commission.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

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Page 3
May 18, 1971

Water and Sewer:

Public water and public sanitary sewerage is available to serve this property.

PROJECT PLANNING:

This office has reviewed the subject site plan and offers the following comments:

- 1) This office concurs with State Roads Commission and the Bureau of Engineering and will not permit an entrance on Cromwell Bridge Road.
- 2) A grading plan will be required to prove that the parking will physically function.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition was reviewed as Item 71-01R and previous comments remain valid. Those comments were: The subject petition is requesting a change from DR 3.5 to DR 16 with special exception for offices, with access to Cromwell Bridge Road at the previous intersection of Compens Avenue. This intersection is undesirable because of its close proximity to the Beltway ramp and Loch Raven Boulevard, and should not be allowed.

As presently zoned, the parcel could generate 100 trips per day, while as an office building, 500 trips a day. Providing no access is allowed to Cromwell Bridge Road, the subject petition should not create any major traffic problems.

FIRE PREVENTION BUREAU:

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be spaced at 300 feet for the office and 500 foot spacing for the apartments.

The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

HEALTH DEPARTMENT:

Public water and sewer are available to the site.

Item #7
Page 4
May 18, 1971

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

BOARD OF EDUCATION:

Would result in a loss of approximately two pupils.

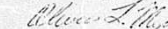
STATE ROADS COMMISSION:

The close proximity of the proposed entrance from the subject site to the Beltway ramp will cause a conflict of traffic; therefore, it is our opinion that all access to the site should be from relocated Compens Avenue.

ZONING ADMINISTRATION DIVISION:

It appears that the petitioner will be required to provide all access off of Compens Avenue and none from Cromwell Bridge Road, since this will create a terrific traffic hazard.

Very truly yours,


OLIVER L. MYERS, Chairman

DLH:JD

cc: Edward D. Hardisty

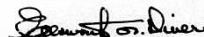
William J. Blundell, Jr., Esq.
405 Eastern Avenue (21221)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardisty Date: May 5, 1971
ATTN: Oliver L. Myers
FROM: Ellsworth N. Myers, P.E.
SUBJECT: Item #7 (April - October Cycle 1971)
Property Owner: W. Burton Guy and Co.
Location: N/W corner Compens Avenue and Cromwell Bridge Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16 with S.E. for offices
District: 9C4 Sector: Central
No. Acres: 2.63

The subject property is essentially the same property previously reviewed by the Zoning Advisory Committee and known as Item #222 (1969-1970), Zoning Order #71-01 R. The comments furnished by this office in connection with Item #222 remain valid and in effect. We are enclosing herewith a serax copy of those comments which are applicable to the current zoning petition.


ELLSWORTH N. MYERS, P.E.
Chief, Bureau of Engineering

END:RAN:END:as

cc: File (3)

Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardisty Date: April 26, 1970
ATTN: Oliver L. Myers
FROM: Ellsworth N. Myers, P.E.
SUBJECT: Item #222 (1969-1970)
Property Owner: W. Burton Guy and Company
Location: N/E corner Compens Avenue and Cromwell Bridge Road, N/W Compens Avenue
Present Zoning: E-20
Proposed Zoning: Reclassification E-20 to R1
Special Exception for office building
District: 9th
No. Acres: 2.63 acres

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

The Baltimore Beltway and that portion of Cromwell Bridge Road along the frontage of this site are State Roads; therefore, all improvements, and entrances will be subject to State Roads Commission approval.

Access to the subject site shall be from Compens Avenue which has been improved as a 44-foot closed section on a 70-foot right-of-way. Although no further road improvements will be required, the petitioner will be responsible for the construction of sidewalk along the frontage of this site.

Highway improvements for Cromwell Bridge Road will be required in connection with the proposed development of this property and construction drawings are presently being reviewed by the Bureau of Engineering. For more specific details in regard to the proposed improvements, the petitioner's engineer should contact the Developers Design Approval Section of the Bureau of Engineering.

The proposed entrance as shown on the plan in the vicinity of the old road bed of Compens Avenue will not be permitted due to the close proximity of the Beltway ramp and traffic signal with the Loch Raven Boulevard Interchange.

Storm Drains:

The Baltimore Beltway and Cromwell Bridge Road are State Roads. Therefore, drainage requirements as they affect the roadways under the jurisdiction of the Maryland State Roads Commission.

Item #222 (1969-1970)
Property Owner: W. Burton Guy and Company
Page 2
April 26, 1970

Site Grading (Cont'd)

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Water and Sewer:

Public water and public sanitary sewerage is available to serve this property.


ELLSWORTH N. MYERS, P.E.
Chief, Bureau of Engineering

END:RAN:END:as

N-20 Key Sheet
20 N.W. 20 Section Sheet
N: 20-C Topo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardisty Date: May 10, 1971
TO: Zoning Commission
FROM: Project Planning Division
SUBJECT: Zoning Advisory Agenda Item #7

April 27, 1971
W. Burton Guy & Co.
N/W Cor. Compens Ave. &
Cromwell Bridge Road

This office has reviewed the subject site plan and offers the following comments:

- 1) This Office concurs with the State Roads Commission and the Bureau of Engineering and will not permit an entrance on Cromwell Bridge Road.
- 2) A grading plan will be required to prove that the parking will physically function.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
Attn: Oliver L. Myers
Date: May 11, 1971

FROM: C. Richard Moore

SUBJECT: Item 7 - Cycle Zoning
Property Owner: W. Burton Guy & Co.
NW corner Cowpens Avenue & Cromwell Bridge Road
DR 16 with SE for offices

The subject petition was reviewed as Item 71-91R and previous comments remain valid. Those comments were: The subject petition is requesting a change from DR 3.5 to DR 16 with special exception for offices with access to Cromwell Bridge Road at the previous intersection of Cowpens Avenue. This intersection is undesirable because of its close proximity to the Beltway ramps and Loch Raven Boulevard, and should not be allowed.

As presently zoned, the parcel could generate 100 trips per day, while as an office building, 500 trips a day. Providing no access is allowed to Cromwell Bridge Road, the subject petition should not create any major traffic problems.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:nc

TO: Mr. Edward D. Hardesty, Zoning Commissioner
Attn: Mr. Myers
Date: 5/6/71

FROM: Planning Division
Fire Prevention Bureau

SUBJECT: Property Owner:
W. Burton Guy & Company

Location: NW corner Cowpens Avenue & Cromwell Bridge Road

Item #7 Zoning Agenda

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be spaced at 300 feet for the office and 500 foot spacings for the apartments.

The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Respectfully submitted:

H. Thomas Kelly
H. Thomas Kelly
Planning Division
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
Date: May 13, 1971

FROM: Ian J. Forreast

SUBJECT: Item 7

7. Property Owner: W. Burton Guy & Co.
Location: NW Cor. Cowpens Ave. & Cromwell Bridge Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16 with SE for offices
District: 9th Sector: Central
No. Acres: 2.63

Public water and sewer are available to the site.

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

I. J. Forreast
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJP/ca

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING
OF APRIL 27 4:25 (cycle zoning)

Petitioner: W. Burton Guy & Co.
Location: NW Cor. Cowpens Ave. & Cromwell Bridge Rd.
District: 9
Present Zoning: DR 3.5
Proposed Zoning: DR 16 with SE for offices
No. of Acres: 2.63

Comments: Whole record is a loss of APPROX. 2 PAGES

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner
Date: September 4, 1970

FROM: Mr. George E. Gavelle, Director of Planning

SUBJECT: Petition #71-91-RX. Northwest corner of Cromwell Bridge Rd. and Cowpens Ave.
Petition for Reclassification from R-20 to R.A.
Petition for Special Exception for Office Building
W. Burton Guy and Co., Inc. - Petitioners

9th District

HEARING: Thursday, September 10, 1970 (1:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-20 to R.A. zoning, together with a special exception of office building. We note that the Planning Staff has recommended to a committee of the Planning Board that the subject property be reclassified from R-20 to R.A. zoning and that the concept of an office building here, through special exception proceedings, would be appropriate. This represents a proposed departure from maps approved by the Planning Board last winter. The Staff and the committee were persuaded that apartment zoning here, with the special exception for offices, was appropriate because:

a. the topography of the tract made it extremely difficult to develop it for single family residential purposes.

b. the shape of the tract similarly made such development difficult.

c. the location of this property between relocated Cowpens Avenue, the Beltway on-ramp, a widened Cromwell Bridge Road, and the new Loch Raven Senior High School suggested that single family residential development here would not be tenable.

The Planning Staff and Planning Board Committee were also convinced that public ownerships - the school site and the Beltway right-of-way - a major flood plain, and institutional uses effectively blocked a reclassification here from having an adverse or consequential zoning change impact on nearby residential properties.

The Planning Staff does not agree that any changes in zoning have occurred which would affect a change of zoning here. We do believe the change has occurred relative to the relocation of Cowpens Avenue and the construction of a new senior high school across the street which does justify a favorable consideration of this petition.

Mr. Edward D. Hardesty, Zoning Commissioner
September 4, 1970

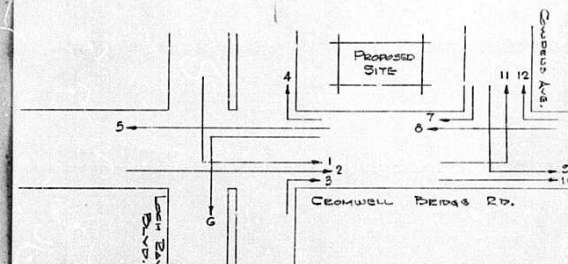
Re: Petition #71-91-RX.
W. Burton Guy and Co., Inc. - Petitioners

With regard to the special exception, we endorse the concept of office use here and agree with other County and State agencies that access ought to be secured by means of Cowpens Avenue to the parking facilities. The plan submitted by the petitioner does not provide sufficient information relative to grading, screening, landscaping, and use so as to enable us to approve, at this point in time, the development plan submitted as part of this petition.

GEG:msh

EWELL, BUSHARDT & ASSOCIATES
CONSULTING ENGINEERS
1801 F. J. JONES STREET
BALTIMORE, MARYLAND 21201

PROJECT: TRAFFIC STUDY
SUBJECT: CROMWELL BRIDGE RD.
BY: J.E.
DATE: _____



WED. SEPT. 9, 1970

	1	2	3	4	5	6	7	8	9	10	11	12
7:30 AM - 8:30 AM	21	56	136	86	102	163	124	287	8	105	110	20
4:30 PM - 5:30 PM	10	27	207	26	33	103	79	50	17	404	96	7

COMMISSIONER MEMBERS
DAVID H. FIDDER
VICE CHAIRMAN OF COMMISSION
AND DIRECTOR OF HIGHWAYS
WALTER H. WOODWARD, JR.
HARLEY P. BRIDGESFIELD
WALTER H. BRIDGESFIELD
LESLIE H. BRIDGESFIELD
LESLIE H. BRIDGESFIELD
LESLIE H. BRIDGESFIELD
LESLIE H. BRIDGESFIELD

STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PAVEN STREET
BALTIMORE, MD. 21201

APPROVED FOR THE BOARD OF TRAVEL, BALTIMORE, MD. SEP 11
April 27, 1971

Mr. Edward D. Hardesty
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204
Attn: Mr. O. L. Myers

Dear Mr. Hardesty:

The close proximity of the proposed entrance from the subject site to the Beltway ramp will cause a conflict of traffic; therefore, it is our opinion that all access to the site should be from relocated Cowpens Avenue.

ITEM 7.
Re: J.A.C. Meeting 4/27/71
Owner: W. Burton Guy & Co.
Location: NW cor. Cowpens Ave.
& Cromwell Bridge Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16 with SE
for offices
District: 9th Sector: Central
No. Acres: 2.63

Very truly yours,
Charles Lee, Chief
Development Engineering Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

CLJ:ENBk

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
RECLASIFICATION
CENTRAL SECTION
RECLASIFICATION FROM D.R. 1.5 TO D.R. 1.4
LOCATION: 111 W. Chesapeake Avenue, Towson, Maryland
COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204
DATE: SEPTEMBER 14, 1971
PUBLIC HEARING: SEPTEMBER 14, 1971, 4:00 P.M.
THE ZONING COMMISSIONER OF BALTIMORE COUNTY, BY ORDER OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ORIGINAL
OFFICE OF
THE TOWSON TIMES
TOWSON, MD. 21204 August 23 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of
The Zoning Commission of Baltimore County
was inserted in THE TOWSON TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one week
before the 23 day of August 1971 that is to say, the same
was inserted in the issue of August 19, 1971.

STROMBERG PUBLICATIONS, Inc.

By *Paul Morgan*

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
RECLASIFICATION
CENTRAL SECTION
RECLASIFICATION FROM D.R. 1.5 TO D.R. 1.4
LOCATION: 111 W. Chesapeake Avenue, Towson, Maryland
COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204
DATE: SEPTEMBER 14, 1971
PUBLIC HEARING: SEPTEMBER 14, 1971, 4:00 P.M.
THE ZONING COMMISSIONER OF BALTIMORE COUNTY, BY ORDER OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204 August 23 - 1971

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 the 23 days of August 1971, the first publication
day of August 1971, the first publication
appearing on the 23 day of August 1971.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Aug. 17, 71
Posted for: *William J. Blondell, Jr., Esq.*
Petitioner: *W. Burton Guy & Co., Inc.*
Location of property: *N/W Cor. Cromwell Bridge Road & Chesapeake Avenue, Towson, Md.*
Location of Signs: *2 Signs on Chesapeake Ave. 1 Sign on Cromwell Bridge Rd.*
Remarks: *See map.*
Posted by: *Paul Morgan* Date of return: *Aug. 23, 71*

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: <i>Paul Morgan</i>	Revised Plans:				Change in outline or description Yes				
Previous case: <i>71-912X</i>	Map # <i>3C</i>				No				

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Jan. 17, 72
Posted for: *W. Burton Guy & Co., Inc.*
Petitioner: *W. Burton Guy & Co., Inc.*
Location of property: *N/W Cor. Cromwell Bridge Road & Chesapeake Avenue*
Location of Signs: *2 Signs on Chesapeake Ave. 1 Sign on Cromwell Bridge Rd.*
Remarks: *See map.*
Posted by: *Paul Morgan* Date of return: *1/20/72*

William J. Blondell, Jr., Esq.
Baltimore, Maryland 21221
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 27 day of July 1971

Paul D. Hardisty
Zoning Commissioner

Petitioner: *W. Burton Guy & Co.*
Petitioner's Attorney: *William J. Blondell, Jr.* Reviewed by: *Paul Morgan*
Chairman of
Advisory Committee

TELEPHONE 494-2413 INVOICE No. 74024 DATE 7/7/72
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
TO: *James D. Meier, Esq.*
204 W. Pennsylvania Avenue
Towson, Md. 21204
County Board of Appeals
(Zoning)
DEBIT TO ACCOUNT NO. 01-712 TOTAL AMOUNT \$19.00
QUANTITY COST
Cost of Certified Documents - Case No. 72-53-RX
N/W corner of Cromwell Bridge Road
and Chesapeake Avenue
N/W Corner
W. Burton Guy & Co., Inc. \$19.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

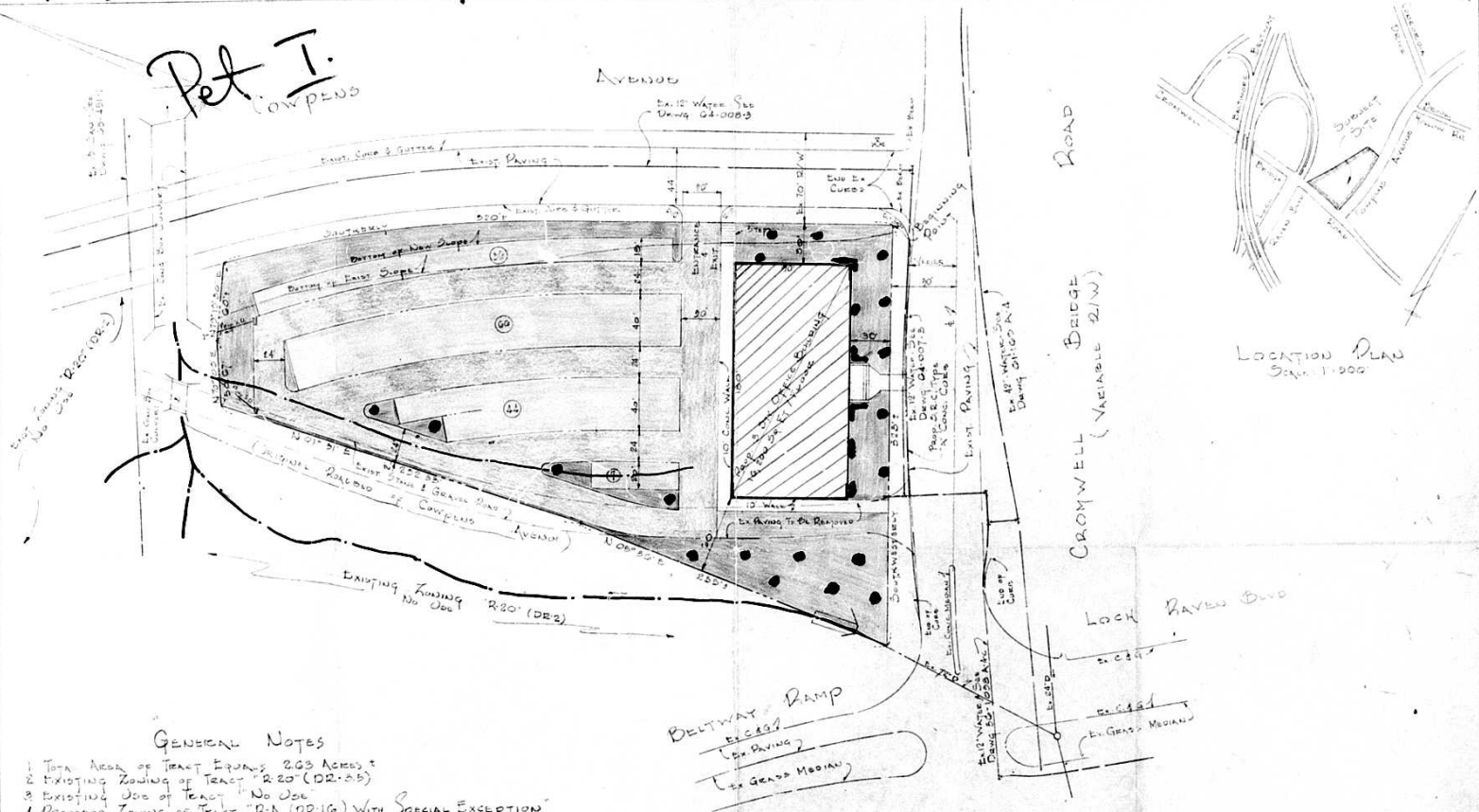
TELEPHONE 494-2413 INVOICE No. 84954 DATE 5/8/71
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
TO: *William J. Blondell, Jr., Esq.*
405 Eastern Ave.,
Baltimore, Md. 21221
Zoning Office,
119 County Office Bldg.,
Towson, Md. 21204
DEBIT TO ACCOUNT NO. 01-662 TOTAL AMOUNT \$124.00
QUANTITY COST
Cost of advertising and posting property of *W. Burton Guy & Co.*
No. 72-53-RX \$124.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413 INVOICE No. 78643 DATE April 15, 1971
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
TO: *William J. Blondell, Jr., Esq.*
405 Eastern Ave.,
Baltimore, Md. 21221
Zoning Dept. of Baltimore County
DEBIT TO ACCOUNT NO. 01-632 TOTAL AMOUNT \$50.00
QUANTITY COST
Petition for Reclassification for *W. Burton Guy & Co., Inc.* \$50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND No. 1475
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE Jan. 6, 1971 ACCOUNT 01-662
AMOUNT \$70.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
No. 72-53-RX - Cost of appeal property
W. Burton Guy & Co. - J. G. Strataki
N/W Cor. Cromwell Bridge Road & Chesapeake Ave.
Wm. J. Blondell, Jr. Esq. 7 U.C.C. REC

BALTIMORE COUNTY, MARYLAND No. 1509
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 1/26/72 ACCOUNT 01-662
AMOUNT \$10.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
No. 72-53-RX - Cost of posting property of
Burton Guy & Co. for appeal hearing
Cromwell Bridge Road - Wm. J. Blondell, Esq. 1 U.C.C. REC

Plat I.
COMPENS



GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 205 ACRES ±
2. EXISTING ZONING OF TRACT "R-20 (DR-25)"
3. EXISTING USE OF TRACT "NO USE"
4. PROPOSED ZONING OF TRACT "R-1A (DR-1G) WITH SPECIAL EXCEPTION"
5. PROPOSED USE OF TRACT "OFFICE BUILDING"
6. OFF-STREET PARKING:
 - A. AREA OF GARAGE FLOOR EQUALS 10,200 SQ. FT. REQUIRING 24 PARKING UNITS
 - B. AREA OF EMPLOYEE FLOOR EQUALS 32,400 SQ. FT. REQUIRING 54 PARKING UNITS
 - C. TOTAL PARKING REQUIRED EQUALS 110 UNITS
 - D. TOTAL PARKING PROVIDED EQUALS 157 UNITS
7. PLANT SCREENING IS NOT REQUIRED FOR THE PARKING AREA REMAINING BELOW THE EXISTING GRADES OF SURROUNDING STREETS
8. REMAINING PORTION OF COMPENS AVE. WILL NOT BE USED AS EXIT FROM SITE
9. CURB ALIGNMENT ALONG CROMWELL BRIDGE ROAD WILL BE MAINTAINED IN CONFORMANCE WITH THE SCHOOL PROJECT EAST OF COMPENS AVENUE

BELTWAY RAMP
EX-100
EX-100
EX-100

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY

CROMWELL BRIDGE ROAD & COMPENS AVENUE
ELECTION DISTRICT 3
SCALE: 1"=50'

BALTIMORE COUNTY, MD.
APRIL 8, 1971
REVISED: DEPT. 3, 1971

LOCATION PLAN
SCALE: 1"=200'

MARYLAND DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
DESIGN SECTION
APRIL 8, 1971
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]



COORDINATES				
NO.	EAST	NORTH	NO.	EAST
480	14239.80	35876.15	580	14044.00
481	15177.37	35807.97	581	14787.00
482	15238.72	35707.28	582	14388.00
483	15245.68	35641.17	583	13729.18
484	14877.65	35584.95	584	13589.18
485	14293.84	35414.58	585	14001.00
486	14323.62	35306.40	586	14029.00
487	14297.60	35209.18	587	13897.82
488	14239.91	35165.60	588	14187.75
489	13739.48	35055.41	589	14479.01
500	13755.45	35040.84	614	14100.00
511	13552.32	35039.13	615	13897.82
512	13503.91	35037.81	755	13897.82
507	13503.96	35034.27	756	13814.32
508	13503.10	35040.95	757	13807.00
522	13700.82	35027.45	761	13893.86
524	13689.85	35035.59	762	13930.54
525	14213.00	35029.00	764	13921.36
526	14200.83	35019.56	487	14078.45
527	14200.83	35028.97	488	14027.32
528	14200.83	35038.91	529	13884.81
529	14200.83	35048.48	530	13812.42
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