BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OF E to DG 111 T Chevagous to Towner, Warning I. . . .

OLIVER 1 SOFE

MIMILE

BUREY OF ENGINEERS. DEPARTMENT OF TRAFFIC ENGINEERS.

BUREST MERCEN BUREST MERCEN FIRE PREVIOUS
HEALTH DELIVER -

PROJECT PLANS SO BUILDING DEPARTURE BOARD OF EDUCATION ZONING ADUP 1743

DEVELOPMENT

James H. Cook, Esq., 409 Washington Avenue Towson, Maryland 21204

> RE: Type of Hearing: Recless. to B.L. Location: W/S Goucher Blvd., Int. Loch Raven Blvd. Pctitioner: Security Mortgage Corp. 9th District

Dear Str.

The Zening 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 located on the west side of Lock Bavon Blud, and Goucher Blud, it is currently an undeweloped tract of land that lies just to the cost of the existing Clement Apartizants and the Clendale Community. There is a soull stream that flows through the western edge of this property it appears that a good portion of this property is a result of a filling operation. To the south of the subject site there is a Baltimore County Fire Department and Community Researching Trea. To the cast of the subject site is a commercial complex known as the Lock Bavon Plaza Shouling Center.

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 co-nection with the subject item.

H1 chways:

Lock Ramon Boulevard is a State road; theafare, all improvements, intersections and entrances on this road will be subject to State Highmay Adolinistration requirements.

Gouchar Boulevard cutoff is an existing curbed divided reading of which no additional improvements are required at this

James H. Cook, Esq. Page 2 Itom 6

Colbury Road is an existing 48 foot curbed street intersecting Goucher Boulevard cutoff as a channelized intersection. No additional improvements are required at this time.

Storm Crains:

The Patitioner must provide necessary drainage facilities (temporary or personnen) to provent creating any nutainces or dengage 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 Patitioner.

Loch Raven Boulevard is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

A study will be required at the time this site is developed to determine the drainage easements and structures necessary.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sedient pollution pretion, domaging privace and public holdings downstream of the property. A creding parelt is, therefore, necessary for all grading, including the stripping of top soil.

Proinage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuence of any grading or initialing permits.

Water and Sanitary Sever:

Public water and sanitary sever services are available to serve this

PROJECT PL AING DIVISION:

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

This office has been unable to determine if this developer has made application to the Department of Water Resources for a pormit to relocate this stream.

FIRE DEPARTMENT:

The owner shall couply with all applicable requirements of the Ntional Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Provention Code when construction plans are submitted for approval.

James H. Cook, Esq. Fage 3 Item 6

Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.

The hydrants shall be located at intervals of 500 feet along an approved road.

DEPT.OF TRAFFIC ENGINEERING:

The subject petition was reviewed as Item 239 before the ZAC, April 22, 1970, at which time the following comment was made,

The s bject attition is requesting a change from RG to Bt of 10,4 acres. This should change trip density from SGO trips to 7800 trips. All treffic to the subject site from Loch Raven Bgulleard must make a left turn from Gouther Joulevard cut off into Colleury Road and a left turn into the center. For the expected traffic volume, this should create some capacity problems.

The entrance to Goucher Boulevard cut off must be recessioned so that all entering traffic will be via a free right turn lane and all exiting traffic will be via a free right turn in a southerly direction. No additional median openings on Goucher Boulevard cut off will be

The following is supplemental comments to Bureau of Engineering of Jeteber 21, 1971:

Storm Drains:

Due to the flooding conditions experienced downstream from this property, as a result of increased storm water floor received from the upstrain definings area, and since it does not appoint to be considered to the condition of the condition of

Preliminary studies indicate that a partian of the subject proporty would be required to afford sufficient capacity to retard storm water run-off. Therefore, a storm droinage reservation of considerable size may be required in connection with the proposed development of this site.

STATE HIGHWAY ADMINISTRATION:

The subject plan indicates that there should be no adverse effects to the State Michiga.

James H. Cook, Esq.

HEALTH DEPARTMENT:

Metropolitan water and sever must be extended to the site before building permit is approved.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health for review and approval.

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

ZUNING ADMINISTRATION DIVISION:

The plat does not indicate the homes that front on Queens Ferry Road and back up to the proposed shopping center area. This property was also a subject of the Planning Spard and County Council in the map adoption process.

This potition is accepte, for filling on the date of the enclosed filling certificate. Notice of the hearing date and time, which will be held not less two 30, nor more than 90 cays after the date on the filling certificate, will be formarded to you in the new future.

Very truly yours,

OLIVER L. MYERS, Chairman

JJDJr.:JD

Enc.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR/SPECIAL/EXCEPTION

TO THE ZONING COMMISSIONER OF RALTMORE COUNTY.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:	
I, or we. Security Mortgage Corp. legal owner. of the property situate in	Baltimore
County and which is described in the description and plat attached hereto and made a pa hereby petition (1) that the zoning status of the herein described property be re-classified,	
	ne to an
Bakerone; for the following reasons:	
 That the Baltimore County Council committed error in pla subject property in a D.R.5.5 classification at the time its adoption of the Land Use Map of March 24, 1971. 	of Control of Control
See attached description	TYPE HEARING
2 E	INAL / 31.74
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of E	altimore-4,4

Prightry is to be posted and advertised as prescribed by Zoning Regulations.

I, be we, agree to pay expenses of above re-classification and/or Special Exception advertising, noting atc., upon filing of this petition, and further agree to and are to be bound by the zoning guisdons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore ounts.

Contract purchaser

-A-M.

.....

mes/ H. Cook Pedit/mer's Attorney Protestant's Atto 409 Washing a Avenue Protestant S Attorney Protestant's Attorney Protestant S At

GRIFRED By The Zoning Commissioner of Baltimore County, this. 2nd day of Fachuard, 197 2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulative through-qui-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 in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County in Room 106, County Office Building in Townson, Baltimore County In Room 106, County Office Building in Townson, Baltimore County In Room 106, County Office Building in Townson, Baltimore County In Room 106, County Office Building in Townson, Baltimore County In Room 106, County Office Building In Room 106, County Office Building In Room 106, County Office Building I

Zoaing Commissioner of Baltimore County.

(over)

10,00A 3/8/72 304 7

Security Mortgage Corp. - No. 72-200-R

experienced land planner, testified that he had been familiar with this site since 1948, at which time he was the Deputy Director of Planning for Baltimore County. He stated that Baltimore County originally acquired 20 acres, now Glendale Park, located south of the subject, for a road project which would have been the west branch of Perring Parkway. Then in 1950 the adjacent Glenmont subdivision plans were submitted which fixed the west boundary of the subject tract. The entire subject property was then "earmarked" for road use. The original road, designed by Willemain in 1956, proposed that the stream on the subject be utilized to separate the dual lanes of a new arterial road, to be known as the Goucher Boulevard Cutoff, which would be constructed to connect Loch Raven Boulevard to the center of Towson. Apparently, however, a new alignment east of the subject was ultimately chosen which avoided the streambed to a large extent. The actual construction of the roadbed required considerable landfill, which resulted in "platforming" It above the subject, thereby increasing the steep grades on the subject site, some of which were later filled, but the embankments still have slopes which range from 30 degrees to as much as 70 degrees. It is Mr. Willemain's professional opinion, and that of other expert witnesses who testified, that the subject property is indeed unuseable until the stream is completely boxed and the ravine is filled and graded. The cost of such site improvement is too expensive to utilize the property for any residential use. There was correborating testimony that the site development cost would run \$50,000.00 to \$55,000.00 per acre in order to utilize the tract for any purpose whatsoever

Mr. James Armacost, a professional land surveyor, with the firm of George W. Stephens, and Mr. Hugh E. Gelston, a well-known and qualified real estate appraiser, both testified that they had been long familiar with the subject property, and that the property's terrain was extremely rough in characte. The streambed at the southern edge of the property is at an elevation of 330 feet. The west boundary of the tract is around 380 foot elevation, and its east boundary is around 375 foot elevation. There exists then a maximum differential in elevation of approximately 50 feet on the site. Mr. Armacost testified that there is as much as 40 feet differential in elevation between 10 foot

MEMORANDUM IN SUPPORT OF RECLASSIFICATION FILED BY SECURITY MORTGAGE CORP. AS REQUIRED BY BILL 72, SECTION 22-22(b).

Now comes Security Mortgage Corp., a body corporate, legal owner of the within property sought to be reclassified, by James H. Cook, its attorney, and in accordance with the provisions of Bill 72, Section 22-22(b) states that the reclassification requested should be granted and for reasons says:

- That the Baltimore County Council committed error in placing the subject property in a D.P..5.5 classification at the time of the adoption of the Land Use Map.
- That the topography of the subject tract is such that
 is not susceptible of orderly development within the context of the zoning classification in which it has been placed.
- That the Land Use Map failed to provide sufficient additional business local zoning in the immediate vicinity to adequately take care of the needs of the neighborhood.

James H. Cook Artorney for Property Owner

Security Mortgage Corp. - No. 72-200-9

4.

contour lines on the east side of the property. He further stated that there is an easement for existing public sewer and water mains along the streambed, which easement cannot be built upon. The stream and the easement actually separate the subject land into two parcels. There was uncontradicted testimony that the sewer and water utilities are adequate and available to serve the site and the area. Mr. Gelstan testified that commercial development here would have no adverse effect on the values of nearby residential properties. Mr. John Erdman, a recognized traffic engineering expert, explained that his traffic studies (see Exhibit No. 5) revealed that by using the accepted road capacity scale with readings "A" to "F" inclusive, a service level of "C" would prevail on abutting roads as a result of anticipated traffic that may be generated from intensive commercial development of the site. He stated that level "C" is a condition where roads operate with no traffic problem when they are afficiently utilized. He concluded that he saw no way that the volume of traffic generated by the subject site would cause any traffic problems.

It is the Petitioner's contention that there was "error" in comprehensive rezoning that placed the subject in D.R. 5.5 zoning when the zoning map was adopted March 24, 1971, in that the members of the County Council failed to recognize the confiscatory cost of developing the tract for D.R. 5.5 use. The Board agrees with this and believes the Petitioner has a right to develop a reasonable use of the property. In effect, the Petitioner claims that the commercial use which he proposes is reasonable and will not be detrimental to the correct welfare.

Two witnesses testified in apposition to the granting of the petition, neither of whom can view the subject from their property. One of the Protestants lives several blacks downstream from the subject. He claims that the proposed commercial development was not needed, but most of all he was fearful that developing the tract would increase the water runoff into the stream, which in turn would aggrevate periodic flooding problems in his rear yard. There was testimony that paving the 10+ acres of the subject would cause a negligible increase in the amount of water runoff of the entire

RE: PETITION FOR RECLASS:FICATION from D R. 5.5 to B.L. zone Southwest Corner Goucher Boulevard Cutoff and Colbury Road

Security Mortgage Corp

BEFORE
COUNTY BCARD OF APPEALS
OF

: BALTIMORE COUNTY
: No. 72-200-R

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner dated April 26, 1972 denying the subject petition.

The Petitioner herein seeks a zoning reclassification from an existing D. R. 5.5 (Density Residential, 5.5 dwellings per acre) to a B.L. (Business Local) classification.

The subject property is located along the west side of Goucher Boulevan Cutoff and Loch Raven Road, and extends southerly from the south side of Colbury Road It is in the 9th Election District, Towson, Baltimore County, Maryland. It is a long. vocant tract of land containing approximately 10.432 acres. The northeast portion has been filled to grade of the street; otherwise the tract generally may be described as a deep raying with an open stream in the bottom traversing the tract lengthwise north to south, and having steep embankments on either side. (See Plat, Petitioner's Exhibit No. 4.) The property fronts 87.86 feet along the south side of Colbury Road. Then proceeding in a southerly direction along its west boundary for a distance of 498 feet it abuts a D.R. 16 zone improved with the Glenmont garden apartments and the Glenm Towers high rise apartment building. It continues southerly another 527 feet abutting the rear yards of ten semi-detached dwelling; which front along Queen; Ferry Road, and which are part of the Glenmont subdivision having homes in the \$25,000.00 to \$32,000.00 price range. The south boundary of the property then runs eastwardly a distance of 591.23 feet along a common boundary line, with a twenty acre tract known as Glendale Park, which is owned by Baltimore County and is improved with a fire station and a public play around. The east boundary then follows a sweeping curve northwardly for a distance of ately 340 feet along the west side of Loch Raven Boulevard, then continues

Security Mortgage Corp. - No. 72 - 200-R

5.

376 acres of watershed which the stream now drains. Also, the steep grades now on the site cause almost total runolf with very little absorption of rainfall. If anything, the present high degree of soil arcaion would become stabilized if the site were developed.

The other Protestant feared that his property value would be reduced be .ause he claimed there would result increased traffic, noise, nuisance, garbage and transients into the area if the property were developed commercially. He acknowledged, under cross-examination, that he cannot view the subject from his property, but does see and is under the influence of other commercial and apartment development already existing in the area.

The Board notes that none of the adjacent residents in either the apartments or in the semi-detached dwellings appeared in protest to granting the patitioned reclassification. The Board is convinced by the Petitioner's testimony and balieves he has overcome the burden of shrwing error in zoning. The Board has visited the site and is impressed with its geographic continuity with the adjacent commercial development and with its topographic screening, and noted that the apartments buffer it from the greater portion of the residential area.

It is the Board's ballef that granting the requested petition is in harmony with the general character of the neighborhood, and that the commercial development w are no advene effect on the general welfare. Stream improvement, velocity a runoff, filling, grading and erosion control are all subject to the control of Baltimore County's Department of Public Works when the site is developed, and could actually result in an improvement in downstream conditions.

For these reasons, and from all of the testinony presented, the Board is convinced that the property cannot be used in its present D.R. 5.5 zoning, and that it was an error to so zone it. Therefore the requested petition to reclassify the subject 10.432 acres from D.R. 5.5 to B.L. is hereby granted.

Security Mortgage Corp. - No. 72-200-R

northwardly along the west side of Goucher Boulevard Cutoff another 1000 feet to a point where it interacts Colbury Road. Acress Colbury Road from the subject is the southerly terminus of a very large and intensely developed commercial area of 70 acres or more in size, which emonates in all surface directions outwardly from the interacts, no I Loch Raven Boulevard and Tuylor Avenue, which interaction is approximately 600 feet on a direct line northeast of the subject. The subject parcel was separated from this commercial tract by the construction of Colbury and and the Goucher Boulevard Cutoff. Zo ling for the aforementioned Glamont Apartments and the Glemont Towers was affirmed by the Maryland Court of Appeals in 1964 in the case of Howard H. Rohde, et al. vs. Ortel Realty, Inc., 234 Md. 259. This left the subject tract, which remains undeveloped to date, between the commercial properties to the north and out and the D.R. 5.5 and D.R. 16 land to the

In his closing argument before the Board in the present case, Protestants coursel cited the Rohde case, supra, wherein the Court stated:

".....There was as already noted, evidence to the effect that this apartment development would serve as a buffer zone to prevent the spread and encroachment of the highly commercialized area at the Taylor-Loch Ra: an Boulevard Intersection into the residential areas where the protestants have their homes...

The Board cannot visualize that this petition will negate the apartment buffer concept, since the apartments are now built as a physical reality and the subject property is ariented toward the commercial area rather than the residential area behind the apartments.

Furthermore, on reading the Rohde case, we find that the Court also stated:

".....There is a proposal, which has been pending for some time, to extend a substantial highway known as Goucher Boulevard so as or un southeast from Taylor Avenue and connect with Lock Roven Boulevard. As planned it would pass close to the northwest side of the Ortel land, but would not actually touch 1 art tract. A small .rrip of land zoned R-6, would be left between, but would be useless for development purposes....."

The comment by the Court, obviously referring to the subject property as the useless R-6 land left between, is very significant as it supports the testimony in the instant case that indeed the subject property is unique in that its severe (useless) topograph has hindered its development. In this respect, Mr. Bernard Willemain, a reputable,

Security Mortgage Corp. - No. 72-200-R

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 21st day of December, 1972, by the County Board of Appeals ORDERED, that the reclassification of 10.432 acres from D.R. 5.5 to B.L. petitioned for be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1120, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

66

John a. V

John A. Slowik, Chairmon

Water A. Miller Miller

2.

Pursuant to the advertisement, posting or	f preperty, and public hearing on the above petition and
t appearing that by reason of	

	it further appearing that by reason of
	should be granted.
	oner of Baltimore County this
	ne herein described property or area should be and
e same is hereby reclassified; from a	zone to a
ne, and/or a Special Exception 100 a	should be and the same is
ranted, from and after the date of this orde	r.
	Zoning Commissioner of Baltimore County
Pursuant to the advertisement, posting of	f property and public hearing on the above Petition
d it appearing that by reason of failure	to show error in the original zoning
ар	
e above re-classification should NOT BE HA	NAME AND
RANTHRX	
	2/ ^C
IT IS ORDERED by the Zoning Commission	
The state of the s	hove Re-classification be and the same is hereby
	y or area be and the same is hereby continued as and
n n	Sine .audondia Spanish Hamping and mexicon xxxxxxx
*******************************	CXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
3	Se Ni/fer
3	Zoning Commissioner of Baltimore Counts

PECEINED

Board's order and these decisions are dispositive of the present case." In my opinion they are also dispositive of this case, because Mr. Sutcher has shown no special damage other than that which might accrue by reason of increased runoff to the public in general downstream from the subject property.

For those brief reasons, gentlemen, the court feels compelled to follow the decision of the Court of Appeals. The court not only <u>feels</u> compelled to but the court <u>is</u> compelled to follow the decision of the Court of Appeals, and grant the notion to dismiss the appeal filed by Henry C. Butcher, IV, and Elizabeth H. Butcher, his wife. I will sign an order to that offset.

THE STATE RE. PETITION FOR PROTAGSTET CACTON 2 CIRCUIT COURT from D.R. 5.5 to B.L. zone SW corner Coucher Boulevard cutoff and Colbury Road - 3th 200 DALTINORS COUNTY District Security Mortgage Corp.: Misc. Docket #9 Zoning File No. 72-200-R Folio So. 230 Filo Do. 4933 Henry C. Butcher, IV, Protestants-Appellants March 15 1277 11 Before: HONORABLE JOHN GRASON TURNBULL, Judge James H. Cook, Zamuira und Richard C. Harray, Baquiro, on behalf of the Potitioner. 15 Martin M. Mrosinski, Esquire, on behalf of the Protestants-Appellants. 17 18 20 20 11 21 MM Paul G. Griffin Official Court Reporter
In the Circuit Court for Saltimore County

LENNYC, SCHOOLS, R. et 1

Protestina-Appellants

Francisco de Courte At Law

abody conjurate fater years

Docket J Folio 239 File 4933

ORDER OF COLUT

The above entitled case having come on for hearing upon the motion of occurity Mortgage Corporation to dismiss the appeal in the above case taken by Heary C. Butcher, iV and Elizabeth II. Butcher, the Court having reviewed the file and read the transcript of testimony before the County Board of Appeals, Counsel having been heard, it is this "4" day of Aurch, 1973 for reasons set forth in this Court's oral opinion,

ORDERED that said motion to dismiss be, and the same is hereby, granted and the appeal on behalf of Henry C. Sutcher, IV and Elizabeth H. Butcher, is hereby dismissed.

John Grason Turnbull Judge I will let the Court of Appeals overrule itself. I will sign an order dismissing the appeal insofar as the Appellants Syer, Scurgeon, Butlor, Sucha and Terver are conserned.

Raven Community Counsel, Inc. is concerned.

(Counsel made arrupent to the court.)

I am not coing to overrule the Court of Appeals.

sign an order dismissing the appeal insofar as Towson Loch

THE COURT: On statement of counsel I will

Gentlemen, it is perfectly obvious that if any increase in runoff is caused by the fact that this classification is changed, if indeed it is changed, it means that overgone downstream from the property will be affected by it, and that is, as I see it, the chief and only reason for Nr. Butcher's protest; to wit, that he fears that the granef will increase and do dames to his property.

Autually there is no evidence that I can find in the record, which I have road, that the property of the Protostants, ir. and Mrs. Butcher, would be depreciated in value by the proposed resoning, or that the Protostants could even see the subject property from their property. Now, the mentance which I just counciated is read from the per curian coinion of the Court of Appeals in Maits va. Major Realty, Inc., 251 Md. 63 exantly as the Court of Appeals wrote it, with the exception goat I deleted the words Central Avenue, which is where the White property was located. If indeed the flow is increased Mr. Butcher being four blocks away, everybody in between who borders on this atream will be affected; and cortainly they constitute the public generally. The Court of Appeals, again in White vo. Major Realty, Inc., says that, "Upon a timely motion, the Circuit Court (Raine, J.) dismissed the appeal on the ground that the Protestants and Appellants were not parties aggrieved by the Board's decision as required by Section 604 of the Baltimore County Charter. In our orinion Andre Raine's order dismissing the appeal was correct. Our decisionfinin Loughborough Development Corp. v. Rivermans Corp., 213 Md. 239, 131 A.2d 461 (1957) and Diday v. Grans, 240 Md. 180, 213 A.2d 487 (1953) indicate that the Appellants did not establish the necessary special damage to their property (an adverse effect different than that suffered by the public generally) to make them 'aggriaved' by the

rivot salants- Appellants

.

2

3

10

15

17

SECURITY MONTGAGE COMPORATION
a body corporaty
Intervenor

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

Docket 9 Folio 269 File 4983

ORDER OF COURT

The above entitled case having come on for hearing upon the motion of security hortgage Corporation to dismiss the appeal in the above case by Richard 2. Ayer. Phyllis C. Myer, Frances W. Sturgeon, John M. Butler, Jr., Charlotte S. Butler, Ronald M. Aucha, Margaret C. Mucha, Frank B. Terveer, and Auxine E. Terveer, the Court having reviewed the file and read the transcript of teatimony before the County Board of Appeals, Counsel having been heard and it appearing that none of said persons were parties to the proceeding before the County Board of Appeals it is therefore this 12th day of March, 1973,

ORDERED that the motion to dismiss be, and the same is hereby, granted and the appeal filed on behalf of Richard S. Myer, Phyllis C. Myer, Frances W. Sturgeon, John M. Butler, Jr., Charlotte S. Butler, Ronald M. Mucha, Margaret C. Mucha, Frank B. Terveer, and Maxine E. Terveer, is hereby dismissed.

ohn Grason Turnbull

FROM THE OFFICE OF CHORGE WILLIAM STEPHENS, JR. & ASSOCIATED, INC. P.O. BOX #6628, TOMSOM, ND. 21204

Description to Accompany Zoning Petit

September 23, 1971

Beginning for the same at a point on the southeast size of Colliny Read, said point being distant ill feet more or less as measured southwesterly from the centerline of Goue'er Boulevard Cutoff, thence binding along the southeastern side of said Colbury Road the dist following courses visi: first South 6º dat Cor East 225, 72 feet, second South 13º 55' 40º West 272.61 feet, third Morth 73º 50' 20º West 10.01 feet, fourth South 12º 55' 40º West 272.61 feet, third Morth 73º 50' 20º West 10.01 feet, fourth South 12º 55' 40º West 139.91 feet, fifth South 27º 55' 40º West 286.69 feet, and sixth South 62º 29' 23º East 591.23 feet to the west side of Luch Raver, Boulevard, thence binding on the west side of said Boulevard by a line curving to the right with a radius of 2391.46 feet and having an arc of 111.45 feet, said curve being subtended by a chord bearing of Borth 15º 25' 49º East for 111.43 feet, running thence leaving said Loch Raven Boulevard, the three following courses, vizi first North 73º 20' 16º West 55.00 feet, second Morth 19º 06' 35' East 41.57 feet, and thirl South 72º 20' 16' West 55.00 feet, second Morth 19º 06' 35' East 41.57 feet, and thirl South 72º 20' 16' West 55.00 feet, second Morth 19º 06' 35' East 41.57 feet, and thirl South 72º 20' 16' West 55.00 feet, second Morth 19º 06' 35' East 41.57 feet, and thirl South 72º 20' 16' West 55.00 feet, second Morth 19º 06' 35' East 41.55 feet, and an arc of 32'.04 feet and curve being subtended by a chord bearing of Morth 16º 57' 11' West for 234.93 feet, and third Morth 30º 14 Out West 73.28 feet, thence leaving the west side of said Goscher Boulevard Cutoff and running for lines of division the two following courses, vizi: first Horth 62' 38' 52' West 111.77 feet, and second by a line curving to the left having a radius of 20.00 feet and an arc of 22.55 feet to the place of beginnish.

Containing 10.432 Acres of land more or less.

In The HENRY C. BUICHEM, IV et al. . Court of Appeals of Maryland No. 61 SECURITY MORTGAGE CORPORATION of al. September Term, 1973

Upon consideration of the motion for dismissal of appeal and the answer thereto, it is this lith day of September, 1973

CEDERED by the Court of Appeals of Maryland that the motion for dismissel of appeal be, and it is hereby, granted and appeal dismissed

> /s/ Robert C. Murphy Chief Judge

Rec'd 12/20173 10.15 01.

> 3100 PETITION FOR RECLASSIFICATION ormerios do machasilitation from D.B. 5.5 to B.L. zona SW dormer Goucher Boulevard outoff and Colbury Road 9th District Security Mortgage Sorp., Politioner CIRCUIT COURT FOR . BALTIMORE COUNTY Zoning File No. 72-200-R AT LAW Honry C. Butcher, IV, et al. Protestants-Appellants Hiso. Dosket No. 9 : Polio No. 269 File No. 4931

Mr. Clerks

Please enter up an Appeal to the Maryland Court of Appeals on behalf of the Protestants-Appellants in the above captioned case from the decision of Judge Turnbull dated March 16, 1573.

MOTICE OF APPEAL

Francia I Meader
Francia II Respirer
Godine, Neegher & Enoch
ill N. Charles Streat, 7th F1.
Battimere, Haryland 21201
752-3656
attorneys for Protestants—
Appel lants

I HEREBY CERTIFY that on this 16th day of April, 1973. a copy of the aforegoing Notice of Appeal was mailed to James I. Cook, Esquire and Bichard C. Murray, Esquire, 409 Vashington Avegue, Toxson, Maryland 21204. Attorneys for the Patitioner; Michael J. Dausch, III, 6741 Glenkirk Road, Baltimore, Maryland

HENRY C. BUTCHER, A. et al * IN THE CINCUIT COURT Protestants*Appellanta * FOR MALTIMORE COUNTY SECURITY LORTGACE CORPORATION . AT LAW a body corporate Intervenor Docket) Folio 269 File 4023

ORDER OF COURT

The above entitled case having come on for hearing upon the motion of accurity hartgage Corporation to dismiss the appeal in the above case taken by Henry C. Butcher, IV and Elizabeth H. Butcher, the Court having reviewed the file and read the transcript of testimony before the County Board of Appeals, Counsel having been heard, it is this /6 may of hearch, 1973 for reasons set forth in this Court's oral opinion

ORDERED that said motion to dismiss be, and the same is hereby, granted and the appeal on behalf of Henry C. Butcher, IV and Elizabeth H. Butcher, is hereby dismissed.

True Copy Test ELMER H. KAHLINE, JR., Clark Mesther

21239, Co-Attorney for recommendation Building, County Board of Appeals, County Office Building, 12618000 21239, Co-Attorney for Protestants-Appellants;

> matin M. mrs. Hartin M. Brozinski

HENRY C. SUTCHER, IV. et al

IN THE CIRCUIT COURT Protestants-Appellants FOR BALTIMORE COUNTY

SECURITY MOSTGAGE COMPORATION a body corporate intervenor

AT LAW Docket 9 Folio 259

ORDER OF COURT

The above entitled case having come on for hearing upon the motion of security hortgage Corporation to dismiss the appeal in the above case by Richard S. Myer, Phyllis C. Myer, Frances W. Sturgeon, John M. Butter, Jr., Charlotte S. Butler, Ronald M. Aucha, Margaret C. Mucha, Frank B. Terveer, and Maxine E. Terveer, the Court having reviewed the file and read the transcript of testimony before the County Board of Appeals, Counsel having been heard and it appearing that none of said persons were parties to the proceeding before the County Board of Appeals it is therefore this /6 2 day of March, 1973,

ORDERED that the motion to dismiss be, and the same is hereby, granted and the appeal filed on behalf of Richard S. Myer, Phyllis C. Myer, Frances W. sturgeon, John M. Butler, Jr., Charlotte S. Butler, Ronald M. Mucha, Margaret C. Mucha, Frank B. Terveer, and Maxine E. Terveer, is hereby diamissed.

John Green Tourbell

True Copy Test ELMER M KAHLINE, JR., Clark

HE: PETITION FOR HECLASSIFICATION from D.R. 5,5 to B.L. zone SW corner Goucher Bouleward outoff and Colbury Hoad 9th District Security Mortgage Corp., Petitioner IN THE CIRCUIT COURT BALTIMORE COUNTY Zoning File No. 72-200-R AT LAW Henry C. Butcher, IV, et al. Protestants-Appellants Miss. Docket No. 9 Polio No. 269 File No. 4983

. NOTICE OF APPEAL

Mr. Clerk:

Please enter up an Appeal to the Maryland Court of Appeals on behalf of the Protestants-Appellants in the above captioned case from the decision of Judge Turnbull dated March 16, 1973.

Martin M. Mrozinski

Francis J. Heagher
Prancis J. Heagher
Goodman, Meagher & Enoch
111 N. Charles Street. 7th Pl.
Baltimore, Maryland 21201
752-3666
Attorneys for ProtestantsAppellants

I HEREBY CERTIFY that on this 16th day of April, 1973. a copy of the aforegoing Notice of Appeal was mailed to James H. Cook, Esquire and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Petitioner; Michael J. Dausch, III, 6741 Glenkirk Road, Baltimore, Maryland

HENRY C. BUTCHER, IV, et al

a body corporate intervenor

IN THE CIRCUIT COURT

Protestants-Appellants SECURITY MORTGAGE CORPORATION * FOR BALTIMORE COUNTY AT LAW

Docket 9 Folio 269 File 4983

ORDER OF COURT

The above entitled case having come on for hearing upon the motion of Security Mortgage Corporation to dismiss the appeal in the above case by Towson Loch Raven Community Council, Inc., the Court having reviewed the file and read the transcript of testimony before the County Board of Appeals, Counsel having been heard and it appearing to the Court that the said Towson Loch Raven Community Council, Inc. is not a taxpayer, owner of real estate or an aggrieved party within the meaning section 604 of the Baltimore County Charter it is therefore this /672 day of March, 1973. ORDERED that said motion be, and the same is hereby, granted and the appeal on behalf of Towson Lock Haven Community Council, Inc. is

In Characteristical

True Copy Test ELMERLH, KAHLINE, JR., Clark

21239. Co-Attorney for Protestants-Appellants; and to Raltimore County Board of Appeals, County Office Building, Chesapeake Avenue, Towson, Maryland 21204.

Martin M. Mrognest

HETEY C. BUTCHER, IV, at al Protestunts-Appellants SECURITY MORTGAGE CORPORATION,

IN THE CIRCUIT COURT FOR BATTIMORE COUNTY

Interven

Docket 9 Folio 269 File 4983

ANSWER TO MOTION TO DISMISS APPEAL

The Protestants-Appellants, Towcon Loch Raven Community Council, Inc., and William G. Wood, President, by their attorneys Hartin M. Hrozinski and Francis J. Meagher and Goodman, Meagher and Enoch, for ensuer to the Motion to Dismiss Appeal say:

- 1. That the Towson Loch Reven Community Council, Inc. by William G. Wood, President, is a "party to the proceeding" before the County Board of Appeals within the meaning of Section 604 of the Baltimore County Charter as to confer on it the right to maintain the within appeal.
- 2. The Protestant-Appellant, Towson Loch Raven Covamity Council, Inc. admit that it is not a taxpayer, owner of real estate or an aggrieved party within the meaning of Section 604 of the Baltimore County Charter.

And for such other reasons that will be shown at any hearing

WHEREFORE, having fully answered the Motion to Dismiss Appeal, the Protestants-Appellants peay that the said Motion be denied.

NATELN M. MTGEINEKI

Francis J. Heagher L. Cook in Mescher & Enoch 111 R. Charles Street, 7th Fl. Beltimore, Maryland 21201 752-366

HENRY C. BUTCHER, IV, et al TH THE CIRCUIT COURT FOR Protestants-Appellants SECURITY MORTGACE CORPORATION, BALTIMORE COUNTY AT LAW Intervenor

ANSWER TO MOTION TO DISHISS APPEAL

The Protestants-Appellants Richard S. Myer, Phyllis C. Myer, Frances W. Sturgeon, John M. Butler, Jr., Charlotte S. Butler, Ronald M. Mucha, Margaret C. Mucha, Frank B. Terveer and Maxing E. Terveer, by their attorneys Martin M. Mrozinski and Francis J. Meagher and Goodman, Meagher and Enoch, for ensury to the Mation to Dismiss Appeal 294:

- 1. That the Protestants-Appellants are aggrieved parties within the meening of the Baltimore County Charter, Article VI. Section 604 and Article 66 B. Section 7 (1) of the Maryland Code.
- 2. That the Protestants-Appellants are abutting and adjacent property owners whose legal rights have been infringed.
- 3. Ample testimony is a matter of record reserding the esthetic, audibal, visual, etc. damage which will be suffered by the above captioned Protestants-Appellants in a way special and different from that of the public generally and are parties to the proceedings who are Aggrieved thereby under Section 604, Article VI of the Baltimore County Charter.

And for such other reasons that will be shown at any hearing

I HEREBY CERTIFY that on this day of March, 1973 a copy of the aforegoing Answer to Motion to Dismiss Anneal was mailed to James H. Cook, Esquire and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Appelles: Michael J. Dausch, III. 6741 Glenkirk Road, Baltimore. Maryland 21239, Co-Attorney for Protestants-Appellants: and to Baltimore County Board of Appeals, County Office Building, Chesapeake Avenue, Towson, Maryland 21/04

Martin M. Mrozinski

HENRY C BUTCHER, IV, et al

SECURITY MORTGAGE CORPORATION. a body corporate

IN THE CIRCUIT COURT FOR BALT IMORE COUNTY

AT TAW

Docket 9 Folio 269 File 4983

ANSWER TO MOTION TO DISMISS APPEAL

The Protestants -- Appellants, Henry C. Butcher, IV and Elizabeth H. Butcher, his wife, by their attorneys Martin M. Myceinski and Francis J. Meagher and Goodman. Meagher and Enoch. for answer to the Motion to Dismiss Appeal sav:

- 1. That the Protestants -- Appellants are aggrieved parties within the meaning of the Baltimore County Charter, Article VI. Section 604 and Article 66 B, Section 7 (j) of the Maryland Code
- 2. That the Protestants -- Appellants admit that they are not abutting property owners but allege that they are aggrieved, adjacent property owners whose legal rights have been infringed
- 3. Exception is taken to the Intervenor's interpretation of what may or may not constitute a specific interest or property right or what conduct may or may not affect the Protestants --Appellants in a way special or different from that suffered by the public generally since the issue is resolvable on a case by case
- 4. Testimony, contrary to the interpretation placed on it by the Intervenor, has established that the Protestants -- Appellants personal and/or property rights are specifically and adversely affected by the Board's action in acquiesing in the proposed new roning classification

CIRCUIT COURT

BALTIMORE COUNTY

Misc. Docker No. 5

Folio No. 269

File No. 4983

MICHAEL J. DAUSCH, III Co-Atterney for Protestants-Appellants 6741 Glenkirk Road Baltimore, Maryland 21239 Phone: 828-0923

Michael J. Dausch, III Co-Attorney for Protestants-Appellants

FOR

AT LAW

RE: PETITION FOR RECLASSIFICATION from D.R. 5,5 to B.L. zone SW corner Goucher Boulevard cutoff and Colbury Road 9th District Security Mortgage Corp.,

Zoning File No. 72-200-R

MR. CLERK:

Petitioner

Henry C. Butcher, IV, et al.,

Procestants-Appellants

.

NOTICE OF APPEARANCE

as co-counsel for the Protestants-Appellants in the above

APPERRANCE was mailed til 20th day of February, 1973 to

baltimore County Board of Appeals, County Office Building,

Chesapeake Avenue, Towson, Maryland 21204.

Please enter the appearance of MICHAEL J. DAUSCH, III,

I HEREBY CERTIFY that a copy of the aforegoing NOTICE OF

James H. Cook, Esquire and Richard C. Murray, Esquire, Mercantile-Towson Building, Towson, Maryland 21204, Attorneys for the

Esquire, 111 N. Charles Street, Baltimore, Maryland 21201; AND TO

Petitioner: Martin M. Mrozinski, Esquire and Francis J. Masgher

And for such other reasons that will be shown at any hearing

WHEREFORE, having fully answered the Motion to Dismiss Appeal, the Protestants -- Appellants pasy that the said Motion be

> matin m march Martin M. Henstnakt

Francis J. Heagher Coolean, Sagher & Enoch 111 d. Charles Street, 7th VI. Baltimore, Maryland 21201 752-3666 Attorneys for Protestants-

I HEREBY CERTIFY that on this 7 day of March, 1973 a copy of the Aforegoing Answer to Motion to Dismiss Appeal was mailed to James H. Cook, Esquire and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Appelles Michael J. Dausch, III, 6741 Glenkirk Road, Baltimore, Maryland 21239, Co-Attorney for Protestants -- Appellants; and to Baltimore County Board of Appeals, County Office Building. Che, peake Avenue, Towers, Maryland 21204.

> martin m. marie hi Mertin H. Mrosinski

LAW OFFICES WHITEFORD, . . . YLOR, PRESTON, TR/MBLE & JOHNSTON

CHARLES CENTER HALTIMORE, MARYLAND 21201

305 W PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 TELEPHONE #25-5512

REPLY TO TOWSON OFFICE

June 8, 1972

Mr. John A. Slowik, Chairman County Board of Appeals County Office Building 111 W. Chesapeake Avenue owson, Maryland 21204

Security Mortgage Corporation

in this case.

Thanking you for your assistance in this matter, I am,

WHEREFORE, having fully answered the Motion to Dismiss Appeal, the Protestants-Appellants pray that the said Motion be denied.

Martin M. Mrozinski

Francis J. Meagher & Enoch 111 N. Charles Street, 7th F1. Baltimore, Maryland 21201 752-3666 Attorneys for Frotestants-

I HEREBY CERTIFY that on this 7 day of March, 1973 a copy of the aforegoing Answer to Motion to Dismiss Appeal was mailed to James H. Cook, Esquire and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Appelles Michael J. Dausch, III, 6741 Glenkirk Road, Baltimore, Ma-/land 21239, Co-Attorney for Protestants-Appellants; and to Baltimore County Board of Appeals, County Office Building Chesapeake Avenue, Towson, Maryland 21:04.

itin m magneti

Martin M. Mrosinski

Re: File No. 72-200-R

Please strike my appearance as attorney for the Glenmount Improvement Association in the above captioned matter. I am advised that Michael J. Dausch, Attorney for the Glendale Improvement Association, will continue to represent the protestants

May I request that future notices on behalf of Glenmount Improvement Association be directed to Mr. H. N. Aviles, Presidert, Glenmount Improvement Association, 1238 Knightswood Road, Baltimore, Maryland 21239.

Very truly yours,

Ernest C. Trimble

IN THE RE. PETITION FOR RECLASSIFICATION from D.R. 5,5 to B.L. zone SW corner Goucher Bouleva cutoff and Colbury Road IRCUIT COURT FOR Security Mortgage Corpl BALTIMORE COUNTY AT LAW Zoning File No. 72-200-R Misc. Docket No. Henry C. Butcher, IV, et al, 269 File No. 4983

CERTIFICATE OF NOTICE

Mr. Clerk

Pursuant to the provisions of Rule 1101-8 (4) of the Maryland Rules of Procedure; John A. Slewik, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Saltimore County, have given ratice by mail of the filling of the Appeal to rative of every party to the proceeding before it; namely, James H. Cook, Esquire and Richard C. Murray, Esquint Mercantile-Towson Building, Towson, Maryland 21204, Attomeys for the Petitions, and Martin M. Mrozinski, Esquire and Francis J. Meagher, Esquire, 111 N. Charles Street, Baltimore, Maryland 21201, and Michael J. Dauech, Esquire, 6741 Glenkirk Road, Baltimore, Maryland 21239, Attorneys for the testants, and Mr. Joseph L. Johnson, Vice President, The Fellowship Community ciation, Inc., 503 Forest Lane, Towson, Maryland 21204, and Mr. H. N. Aviles, President, Glenmount Improvement Association, 1338 Knightswood Road, Baltimore, Maryland 21239, and Mr. Roland C. Wackenfuss, 4832 Queens Ferry Road, Baltimore, Maryland 21239, Protestants, a capy of which notice is attached hereto and prayed that it may be made a part thereof.

> Edith Y Fisenhort Administrative Secretory County Board of Appeals of Baltimore County County Office Building, Townon, Md. 21204

I hereby certify that a copy of the aforegoing Certificate of Notice has been illed to James H. Cook, Esquire and Richard C. Murray, Esquire, Mercantile-Towsor

Building, Towson, Maryland 21204, Attorneys for the Petitioner, and Martin M. Mrozinski, Esquire and Francis J. Meagher, Esquire, 111 N. Charles Street, Baltimore, Maryland 21201, and Michael J. Dausch, Esquire, 6741 Glenkirk Road, Baltimore, Muzyland 21239, sys for the Protestania, and Mr. Joseph L. Johnson, Vice President, The Fellowship mity Association, inc., 503 Forest Lone, Towson, Maryland 21204, and Mr. H. N. Aviles, President, Glenmount Improvement Association 1238 Knightswood Road, Baltimore, Maryland 21239, and Mr. Roland C. Wockenfus, 6832 Queens Ferry Road, Baltimore, Maryland 21289, Protestants, on this 22nd day of January, 1973.

> Edith T. Eisenhart, Administrative Socretory County Board of Appeals of Baltimore County

cc: Zoning Planning - Mr. Ogle

2

PETITION FOR RECLASSIFICATION SW/corner of Goucher Boulevard Cut-Off and Colbury Road--9th District Security Mortgage Corporation -Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 72-200-R (Rem No. 6)

ORDER FOR APPEAL

MR. CLERK

Please enter an appeal in the above matter to the County Board of Appeals on behalf of Security Mortgage Corporation, 805 Lannertoe Road, Baltimore, Maryland 21220,



11

12

13

14

16

20

21

0

I HEREBY CERTIFY, that on this /9 12 day of May, 1972, a copy of the aforegoing Order for Appeal was mailed to Ernest C. Trimble Esquire, 305 W. Pennsylvania Ave, Towson, Maryland 21204; Michael J Dausch, Esquire, 407 W. Pennsylvania Ave., Towson, Maryland, 21204; and Mr. Joseph L. Johnson, Vice-President of The Fellowship Community Association, Inc., 503 Forest Lane, Towson Maryland, 21204.

James H. Cook

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

Ar. George E. Gavrelis, Director Office of Planning & Zoning Room 301, Jefferson Building Towson, Maryland 21204

RE: Property Owner: Security Mortgage Corp. Locations W/S Goucher Blvd., Int. Loch Seven Blvd. Present Seven Blvd. Proposed Zonings Sectors Control 9th District Sectors Central No. Acress 10.4 Item 6

November 8, 1971

The following comments were compiled after a field investigation and an in-office review which will provide time. Planning Board and/or the petitioner with pertinent information of possible development problems.

The subject property is located on the west side of Lord Naven Blvd, and Goucher Blvd. It is currently an undeveloped tract of land that fles just to the busset of the existing Clannont Ajartments and the Glendale Community in Fig. 3 and I stream that flows through the western edge of this Fig. 3 and I stream that a good portion of this property is a result only the property of the subject site there is a Baltiance Country fire Department and Community Recreation Area. To the east of the subject site is a commercial complex known as the Loch Raven Plaza Shopping Center.

The plat does not indicate the homes that front on Queens icery Road and back up to the proposed shopping center area. This property was also a subject of the Planning Board and County Council in the map adoption process.

Very truly yours.

Oliver & Mice OLIVER L. MYERS, Chairman

JJDJr.:JD

2

3

5

12

13

1 1 5 8 8 8 8 8 8 8 7 7 7 7 7

PETITION FOR RECLASS AFICATION from D.H. 5.5 to B.L. : CIRCUIT COURT Boulevard cutoff and Colbury Road - 9th BALITIMORE COUNTY Security Mortgage Corp. : AT LAW Soning File No. 72-200-R Folio No. File No. 4983 Henry C. Butcher, IV, ************* March 16, 1973 Before: HONORABLE JOHN CRASON TURNSULL, Judge

APPEARANCES

13

14

15

16

19

James H. Cook, Esquire and Richard C. Murray, Esquire, on behalf of the Petitioner.

Martin M. Mrosinski, Esquirs, on behalf of the Protestants-Appellants.

Reported by: Faul G. Griffin Official Court Reporter
In the Carouit Court for Baltimore County

sel made argument to the court. THE COURT: On statement of counsel I will sign an order dismissing the appeal insofar as Towson Loch munity Counsel, Inc. is concerned, I am not going to overrule the Court of Appeals.

I will let the Court of Appeals overrule itself. I will sign an order dismissing the appeal insofar as the Appellants Myer, Sturgeon, Butler, Mucha and Terver are

Gentlemen. It is perfectly obvious that if any increase in runoff is caused by the fact that this classification is changed, if indeed it is changed, it means that everyone downstream from the property will be affected by it, and that is, as I see it, the chief and only reason for Mr. Butcher's protest, to wit, that he fears that the runoff will increase and do damage to his property.

Actually there is no evidence that I can find in the record, which I have read, that the property of the Protestants, Mr. and Mrs. Butcher, would be depreciated in value by the proposed recoging, or that the Protestants could even see the subject property from their property.

Now, the sentence which I just enunciated is read from the per curiam opinion of the Court of Appeals in White vs. Major Realty, Inc., 251 Md. 63 exactly as the Court of Appeals wrote it, with the exception that I delited the words Central Avenue, which is where the White property was located. If indeed the flow is increased Mr. Butcher, being four blocks away./everybody in between who borders on this stream will be affected; and dertainly they constitute the public generally. The Court of Appeals, again in White vs. Major Realty, Inc., says that, "Upon a timely motion, the Circuit Court (Raine, J.) dismissed the appeal on the ground that the Protestants and Appellants were not parties aggrieved by the Board's decision as required by Section 604 of the Baltimore County Charter. In our opinio Judge Raine's order dismissing the appeal was correct. Our decisions in Loughborough Pavelopment Corp. v. Livermass. Corp., 213 Md. 239, 131 A.24 461 (1957) and EuBay v. Crane. 240 Md. 180, 213 A.25 487 (1965) indicate that the Appellants did not establish the necessary special damage to their property (an adverse effect different than that suffered by the public generally) to make them 'aggrieved' by the

Soard's order and these decisions are dispositive of the present case." In my opinion they are also dispositive of this case, because Mr. Butcher has shown no special damage other than that which might accrue by reason of increased runoff to the public in general dometream from

For those brief reasons, gentlemen, the court feels compelled to follow the decision of the Court of Appeals. The court not only feels compelled to but the court is compelled to follow the decision of the Court of Appeals, and grant the motion to dismiss the appeal filed by Henry C. Butcher, IV, and Elizabeth H. Butcher, his wife I will sign an order to that effect.

FFR -4 1974

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

то.	Mr.	Oliver	Myers	Date.	October	22,	1971
	03		2000000				

FROM Hoyt V. Bonner SUBJECT Item 6 - Zoning Advisory Committee Meeting, October 21, 1971

6. Property Owner: Security Mortgage Corp.
Location: W/S Goucher Blvd., int. Loch
Raven Boulevard
Present Zoning: 0.R. 5.5
Proposed Zoning: Reclass. to B.L.
District: 9
Sector: Gentral

No. Acres: 10.4

Metropolitan water and sewer must be extended to the site before building permit is approved.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review

Air Pollution Comments: The building or buildings on this All Foliution Comments: the busining of outeings on anis-site may be subject to registration and compliance with the Maryland State Health Air Follution Costrol Regulations. Additional informa-tion may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Sanitarian II
Water and Sever Section
BUREAU OF ENVIRONMENTAL HEALTH

HVB/klr

S. Eric DiNenna, Zoning Commissioner Attention: Mr. Myers

DATE: October 26, 1971

SUBJECT: Property Owner: Security Mirtgage Corp.

W/S Coucher Flyds, int. Loch Faven Blyd.

zoning Agenda: Oyele of October 71 ITEM # 6

Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.

The hydrants shall be located at intervals of 500 feet along

() 2. A second means of access is required for the site.

() 3. The dead-end condition shown at _ exceeds the maximum allowed by the Pire Department.

li. The site shall be made to comply with all applicable requirements of the National Pire Protection Association Standard No. 101, " The Life Safety Code ", 1967 Edition, and the Pire Prevention Code prior to company or commencement of operations.

(x) 5. The owner shall comply with all applicable requirements of the National Fire Protection association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code whon construction plans are submitted for approval.

() 6. The Fire Department has no comment on the proposed site.

Note: Above comments indicated with a check apply.

STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET BALTIMORE MD 21201

November 2, 1971

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

Att: Mr. U. L. Myers

TTEM 6 Rei Baltimore County Reclass.

el Baltimore County Reclass.
cycle for the period of
October '71 to April '72.
Central Section
Property Owner: Security
Mortgage Corp.
Location M/S Goucher Blvd.
Int. Lock Raven Bldg.
Present Zoning! 0.4. 5.5 (Route 542)
Proposed Coning! Reclass. to 3.1.
Olsarictt 9th Section 10.4
Contral -- No. Access 10.4

Dear Mr. DiNenna:

The subject plan indicates that there should be no adverse effects to the State Highway.

Very truly yours.

Coarles Lee, Chief Development Engineering

CLIJEMIBE

by: John E. Meyers Asst. Development Engineer

BALTIL JRE COUNTY, MARYLAN

INTER-OFFICE CORRESPONDENCE

Mr. S. Eric DiNenna Date November 2, 1971

FROM Richard B. Williams Project Planning Division SUBJECT. - Zoning Advisory-Agenda-Item 46

> Baltimore County Ruclassification Cycle for the Period of October '71 to April '72 Security Mortgage Corp. W/S Goucher Blvd., Int. Loch Raven Blvd.

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

This office has been unable to determine if this developer has made application to the Department of Water Resources for a permit to relocate this stream.

BALTI... ORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Date December 7, 1971

FROM .. Ellaworth N. Diver, P.E.

SUBJECT. Item #6. (Ovele Ostober, 1971. - April 1972)
Property Owner: Security Wortgage Corp.
Location: W/G Goother Elnd., int. Loch Raven Elvd.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to 9.1.
District: 9th Sector: Central
No. Acres: 10.1

The following comments are supplemental to the comments, dated October 21, 1971 and transmitted to your office in regard to the subject zoning item.

Storm Drains:

Due to the flooding conditions experienced downstream from this property, as a result of increased storm water flows received from the upstream drainage arms; and since it does not appear to be economically feasible to provide adequate storm drainage improvements downstream, this office is investigating the feasibility of constructing a retention pond upon the public land adjacent

Preliminary studies indicate that a portion of the subject property would be required to afford sufficient capacity to retard store water run-off.

Therefore, a store drainage reservation of considerable size may be required in connection with the proposed development of this other.

LISWORTH N. DIVER, P.E. hief, Bureau of Engineering

END-RAM-PMD-RS

BAL AORE COUNTY, MARYL... (D

INTER-OFFICE CORRESPONDENCE

TO S. Eric Dillenna Date. October 21, 1971

FROM. Ellawo, th N. Diver, P.E.

SUBJECT. Hon #6 (Cycle Cotobs. 1971 - April 1972)
Property Owner: Sicurity Wortyage Corp.
Location: 1/3 Goodber Blvd., Int. Loch Baven Blvd.
Present Yorkgr: D.F. 5.5
Proposed Zorier: Reclass. to B.L.
Histrict: 9th Sector: Sentral
No. Areas: Dol.

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

Loch Raven Boulevard is a State Boad; therefore, all improvements, interservings and entrances on this road will be subject to State Highway Administration requirements.

Goucher Boulevard Cut-off is an existing curbed divided roadway of which no additional improvements are required at this time.

Colbury Road is an existing h8-foot curbed street intersecting Goucher Roulevard Cut-off as a channelized intersection. No additional improvements are required at this time.

Storm Drains:

The Petiti our must provide measury desinue facilities (temporary or personne) to revent oreality any missages or disperse to affected properties, especially by the connectration of surface waters. Correction of my mobiles within any moult, due to despree gradies or improper installation of desinate facilities, would be the full responsibility of the Petitioner.

Loch Roven Boulevard is a State Road. .herefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

A st dy will be required at the time this site is developed to determine the drainage easements and structures necessary.

Item #6 (Cycle Octobe 2071 - Apr.: 1972) Property Owner: Sec. by Mortgage Corp. October 21, 1971

Sediment Control:

Development of this property through stripping, 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 stripping of top soil.

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

Water and Sanitary Sewer:

Public water and sanitary sewer services are available to serve this

END:EAM:ROP:ss

N-NW Eey Sheet 31 & 32 NE 7 Position Sheet NE 8-B Topo

Date. November 2, 1971

S. Eric DiNenna Attn: Oliver L. Myers

C. Ward Moore

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERIN

INTER-OFFICE CORRESPO. DENCE

SUBJECT: 1:::00 6 - Cycle Zoning 11 Property Owner: Security Mortgate Corp. Goucher Blvd. int. Loch Raven Blvd. Reclass. to B.L.

The subject petition was reviewed as Item 239 before the ZAC, April 22, 1970, at which time the following comment was made.

The subject petition is requesting a change from R6 to BL of 10.4 acres. This should change trip density from 520 trips to 7800 trips. All triaffic to the subject site from both Raven Goulevard must make a left turn from Goucher Boulevard cutoff into Colbury Road and a left turn into the center. For the expected traffic volume, this should create some capacity problems.

The entrance to Goucher Boulevard cutoff must be redesigned so that all entering traffic will be via a free right turn lane and all exiting traffic will be via a free right turn in a southerly direction. No additional median openings on Goucher Boulevard cut off will be allowed.

CRM: ar

FROM

U414 /172 Glanmont Plaza D.R. 5.5 Layout= R-6 Development Cost Éstimate 28 Lots Development Cost = simale 20.

1) Storm Dr. Lot Management 250"

2) San. Sever A.C. C. 200"

4.) Water A.C. C. 200"

5.) " Source Cost. C. 125"

7.) Water Main of Ex. San Sever

8.) Reducation of Ex. San Sever

9.) Rd. Paving and Coub for there

10.) Prop. Storm Draining & Structure

11.) Borrow Excavation

12.) Clear & Carub She. C. 800"

13.) Eng. Neening 10 500 20 000 27 500 250,000 200,000 25,000 F 591, 500 Dev. Cost/Lot \$21,200 Gel. Ef#1

GLENMONT ILACH TS.L. LAYOUT (75,150 SQ.FT. FLOOR ARGA)

Clemment Plaza
DR-IC Layout = In

Development Cost Estimate July 12, 1972

Driop. Stemm Drainage Structure

Relac. Exe. San. Sewer

Relac. Exe. San. Sewer

The site taking Carb (Carter of

To part and the sewer and the sewer

The site Day tany

The site Drain to the sewer

The san. Sewer Acr. & 150 cock

The san. Sewer Acr. & 150 cock 10,000 18. ENG INTERIOR Engineering tion Cost 100,000 19 Adres - 169 Jeans, prins \$ 903,000

Cost Por Unit \$ 5,120

Bet Eyer

DOVELOPMENT COST ESTIMATE 1. Phos. Mason Storm Drawer Trecoc. 2. Pros. Rows. CK. Shormay Sowers. 3. Sourcow Engages V250,000 30,000 2 50000 A. CHEMENNE & GEORDANG
2 50000 A. CHEMENNE & GEORDANG
5. ENERS. FOUNDATION COSTS
6. MACHANA PANING & CUBE & GUTTER
3 5000 A. CHEMEN STORM DANIES
3 0000 A. CHEMEN STORM DANIES
3 0000 A. CHEMEN WAYER
21,500 A. P. CONSITE WAYER
21,500 A. P. CONSITE WAYER
21,500 A. P. CONSITE WAYER 3.00,000 4.000 100,000 84,600 24,000 12,000 21,500
10. Road Improvements to Governer Poword
22,200
11. Maker Systems Cown. Charge
24,000
12. Sawers Systems Cown. Charge 3,800 15,000 10,000

\$ 831,800

30,000

Cost Per 50. FT. \$ 11.60

DUPLICATE THIS IS TO CERTIFY, that the armexed advertisement of

STROMBERG PUBLICATIONS, Inc

By Buth Margens

(Ca) 100	CERTIFICATE OF POSTING
3 Sign	ZOHING DEPARTMENT OF BALTIMORE COUNTY #/72-200-K
24	Toursen, Maryland
al	
District	Date of Posting
Posted for:/	Heaving Wed March 8th 1922 C 20:00 AM county Mostgage Carp. 5 W 100 & Shacker Block Cutoff and
Petitioner: . \Sc	certy Mor Gage Corp.
Location of property	SWICOR & Manches Blad Cutald and
Collary B	4
Location of Signs:	d Segn Post in Callay 21 2 Post in Societie
Blvd Cut	H'
Remarks:	
Posted by 25	cal N Mass Date of return 2 - 24-72
Posted by	Date of return: 2 - 24- /2
	- Carrier Control of the Control of

PETITION	M	APPI	NG	PRO	OGRE	55	SHE	ET		
FUNCTION	Wall Map Original Duplicate		Tracing		200	200 Sheet				
FUNCTION	date	by	date	by	data	by	date	by	date	Ь
Descriptions checked and outline plotted on map										
Petition number added to outline					п.					
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by:			(Chang	ed Pla e in ou	tline	or desc	riptic	on	

	Opper .	
2 Signs	ZONING DEPARTMEN? OF BALTIMORE COUNT Townson, Maryland	+ H72-200 K
District 91.		Sting Jane 1-72
Location of property:	with Mortgage Corp. Intere Souch Bold Cut.	of al
Posted by	Signature Date of return.	Jun- 1-72

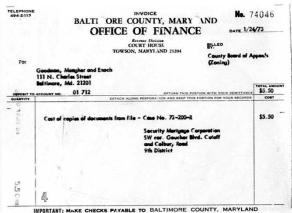
	oppeal.)	~
2 Signs	ZONING DEPARTMENT	OF POSTING DF BALTIMORE COUNTY Maryland	#72-200-
District. OF		Date of Postis	July 6 - 72
Petitioner: Security: Secu	y mortege	Corp.	Callury RA
Location of Signs: 2 &			
Remarks:	77 77	. Date of return:	1/20/20

TELEPHONE 494-2413	BALTI ORE COUNTY, MARY AND OFFICE OF FINANCE COURT HOUSE TOWNON, MARYLAND 1204 BY LED	74047 /24/73
то:	Goodman, Meagher and Enoch (Zaning) 111 N. Charles Street Baltimore, Md. 21201	of Appeals
5	ACCOUNT NO. 01.712 RE-URN THIS PORTION WITH YOUR REMITT? NGE	\$11.00
QUÂNTITY	GITACH ALONG PERFORATION AND REEP THIS PORTION FOR YOUR RECOR. IS	COST
24.18 24	Cost of certified copies of documents filed in Case No. 72-200-it. Security Martyage Corp. SW cor. Genther Bird. Cutoff and Coloury Read 9th District	\$11 00
11.00 mm	4	

MAIL TO

ELEPHONE 494-2413		RE COUNTY, MARY	AND	4044
		CE OF FINANCE Receive Distribut COURT HOUSE TOWSON, MARYLAND 21204	E DATE	14,2712
To:	Mr. William Wood, Presid Towson-Lock Roven Comm 930 Park Avenue Baltimere, Md. 21201		County Board (Zening)	of Appeals
DEPOSIT TO	CCOUNT NO. 01,712	RETURN THIS POR	TION WITH YOUR REMITTANCE	\$ 3,50
PTITMAUP	D	ETACH ALONG PERFORATION AND HEEP THIS	POSTION FOR YOUR RECONDS	COST
90 mm 58	Copies of documents – 7 pages @ 50¢/page Xerox 2400	File No. 72-200-R SW cor. Goucher Blvd. Cutof and Celbury Road 9th District Security Mortgage Corp., Pet		\$ 3.50
3.5 C No.	A.			

COURTHOUSE, TOWSON, MARYLAND 21204



MAIL TO OFFICE OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204

Oct. 27, 19	71 ACCOUNT	01-662
	ACCOUNT	
	AMOUNT_	\$50,00
HITE - CASHIER	DISTRIBUTION PINK - AGENCY	VELLS Y - CUSTOMER
	dd, Hurray & Ho	ward

COURTHOUSE, TOWSON, MARYLAND 21204

	AMOUNT \$14	7.75
WHITE CASHIER	PINK - AGENCY	YELLOW - CUSTOMEN
Messrs. Cook, Mudd 409 Washington Ave Towson, Md. 20204 idvertising and po	•	

No. 1569

MORE COUNTY, MARYLAND

OFFI OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

MISCELLANEOUS C	ASH RECEIPT		
DATE May 19, 19	72ACCOUNT	01-662	
	AMOUNT	70, 00	
	DISTRIBUTION		
WHITE - CASHIER	PINK - AGENCY	YELLOY	- CUSTOMER
No. 72-200 -R - Mortgago Co.,		-Property of	Security
Richard C. Muri	4 1 2 mar 31	1	7 J.O CH

BALTIMORF COUNTY, MARYLAND

DESIGN OF SIN OF REVENUE DIVISION

No. 3667

BALTIMORE COUNTY, MARYLAND OFFICE OF FINA .E - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE June 12, 1972 ACCOUNT 01-662 AMOUNT \$10.00 PINK - AGENCY YELLOW - CUSTOMER WHITE - CASHIER Massrs. Cook, Mudd, Murray & Howard 409 Washington Ave. Towson, Md. 21204 Posting of an Appeal for Security Mortgage Corp. #72-200-R

