

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Chesapeake Park, Inc., 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an M.H. (I.M. District)... same to an B.R. (I.M. District)...; for the following reasons:

SEE ATTACHED MEMORANDUM

See attached description

MAP: 73-199-R
 SECTION: 15
 DISTRICT: 15
 TOWNSHIP: 15
 COUNTY: 15
 STATE: 15
 DATE: 15

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for...

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc. upon filing of this 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.

MARET DEVELOPMENT CORP. **CHESAPEAKE PARK, INC.**
 By: William J. Romadka By: William J. Romadka
 Contract purchaser Legal Owner
 530 William Penn Place P.O. Box 5061
 Pittsburgh, Pennsylvania Baltimore, Maryland 21220
 15213

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 1973, 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 Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 1st day of March, 1973, at 1:00 o'clock.

(over) 1/173

UNREPORTED
 IN THE COURT OF SPECIAL APPEALS
 OF MARYLAND
 No. 356
 September Term, 1975

73-199-R

AUSTIN A. DONLEVE, ET AL.

v.

CHESAPEAKE PARK, INC.

Morton
 Monchise
 Melvin, JJ.

Per Curiam

Filed: December 9, 1975.

PER CURIAM:

Ten protestants (appellants) appealed to the Circuit Court for Baltimore County from a decision of the Baltimore County Board of Appeals' (Board) reclassifying, on the petition of Chesapeake Park, Inc. (Chesapeake) 18.489 acres of its land from the M.H. zone (heavy manufacturing) to the B.R. zone (business roadside).

The Circuit Court granted a motion by Chesapeake to dismiss the appeal upon the ground that no appellant qualified for the status of "aggrieved party" and thus all lacked standing to appeal. We find that at least one appellant was prima facie an "aggrieved party" and shall reverse.

The reclassified tract of 18.489 acres, located at the southwest corner of Eastern Boulevard and Wilson Point Road in Baltimore County, is part of a tract of 1000 acres. Seven hundred fifty acres of the total tract consists of an airport facility. The adjoining 250 acres includes the reclassified acreage. The two parcels are divided by Wilson Point Road. All 1000 acres had been zoned M.H. in the comprehensive rezoning of Baltimore County in March, 1971.

Assuming, without deciding, that no other appellant qualified as "an aggrieved party" we conclude that appellant Charles Clark did so. One qualified appellant is all that is necessary to require review on the merits in the Circuit Court. Harman v. Montgomery County Council,

1. Section 604 of Article VI of the Baltimore County Charter in pertinent part reads as follows:

"Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the circuit court of Baltimore County. Such appeal may be made to affirm the decision of the board, or, if such decision is not in accordance with the law, to modify or reverse such decision, with or without resending the case for rehearing, as justice may require."

CHESAPEAKE PARK, INC.

In the
 Court of Appeals
 of Maryland

v.

Petition Docket No. 295
 September Term, 1973
 (No. 1130, September Term, 1977
 Court of Special Appeals)

AUSTIN A. DONLEVE et al.

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert C. Murphy
 Chief Judge

Date: October 9, 1978.

Rec'd 12-12-78
 8:30 AM

935 Md. 535, 201 A.2d 777 (1963).

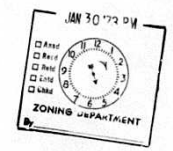
The trial court, in rejecting Clark as an "aggrieved party" noted that "the residence nearest the subject property, at the distance of .3 miles. None of the Protestant-appellants can own the subject property from their residences." (Emphasis supplied) The record shows, however, that Clark also was the owner of property at the corner of Eastern Boulevard and Volz Avenue, 125 to 150 feet from the western boundary of the 275 acre tract and within view of the reclassified parcel. It is true that such property was zoned to others for commercial and apartment usage. We find this circumstance without significance. The long recognized rule that a party who is a nearby property owner is prima facie an "aggrieved party" (Byrnes v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 289 (1965), and cases therein cited) is not restricted to owners of residential land. It is the ownership of property, and not the zoning classification attaching to it, that given rise to the rule of law. We are not persuaded that the "prima facie" standing of Clark as an "aggrieved party" has been overcome by the evidence within this record.

We find it unnecessary to reach other contentions of appellants. We stress that this decision relates exclusively to the question of standing for review by the Circuit Court. We intimate no opinion on the merits of the case.

ORDER OF APPEALS PROVIDED.
 ATTORNEY AT LAW
 809 EASTERN BOULEVARD
 TOWSON, MARYLAND 21284

ROBERT J. ROMADKA
 ATTORNEY AT LAW
 809 EASTERN BOULEVARD
 TOWSON, MARYLAND 21284
 January 29, 1973

MUNDEL 6-2374



S. Eric DiNenna, Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

Re: Chesapeake Park, Inc.

Dear Mr. DiNenna:

As attorney for Chesapeake Park, Inc. and Maret Development Corp., I filed a Petition for Reclassification pertaining to property located on Eastern Boulevard and Wilson Point Road. My clients have requested that said Petition for Reclassification be amended to change the classification from an M.H. (I.M. District) to a B.M. (I.M. District) zone. This amendment is being requested at this time since the Office of Planning, in reviewing said Petition for Reclassification, has notified my clients that the uses proposed for the subject property would be allowed in a Business Major (B.M.) classification. At the time of hearing, I will again renew my motion to amend said petition.

Awaiting your further reply in this matter.

Very truly yours,

Robert J. Romadka

RJR/dsl
 cc: Maret Development Corp.

August 22, 1973

Robert J. Romadka, Esquire
 809 Eastern Boulevard
 Baltimore, Maryland 21221

RE: Petition for Reclassification
 SW/ Corner of Eastern Boulevard
 and Wilson Point Road -
 15th District
 Chesapeake Park, Incorporated -
 Petitioner
 NO. 73-197-R (Item No. 3)

Dear Mr. Romadka:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

S. ERIC DINENNA
 Zoning Commissioner

SE:ds
 Attachments

cc: Robert W. Baker, Esquire
 916 Munsey Building
 Baltimore, Maryland 21202

May 20, 1974

Richard C. Murray, Esq.
 409 Washington Avenue
 Towson, Maryland 21284

Re: Chesapeake Park, Inc.
 File No. 73-197-R

Dear Mr. Murray:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Muriel E. Boddemeier

Encl.

cc: Robert W. Baker, Esq.
 Robert J. Romadka, Esq.
 Mr. M. E. Brown
 Mr. S. E. DiNenna
 Mr. W. D. Franzen
 Mr. S. Werth
 Mr. George Hill
 Board of Education

PETITION FOR RECLASSIFICATION FROM M.H. (I.M. DISTRICT) TO B.R. (I.M. DISTRICT) SW CORNER OF EASTERN BOULEVARD AND WILSON POINT ROAD 15TH DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. No: 5322

CHESAPEAKE PARK, INC., PETITIONER MARET DEVELOPMENT CORPORATION CONTRACT PURCHASER

MEMORANDUM OPINION AND ORDER

The opinion rendered here deals only with motions filed in an administrative appeal. These motions deal with whether Protestant-Appellants can amend their appeal and whether Petitioner-Appellee's motion to dismiss the appeal should be granted. There is no consideration on the merits of the question of whether or not the subject property should be rezoned.

The events leading up to the issues to be resolved in this case commenced on October 13, 1972, when Chesapeake Park, Inc. (Maret Development Corporation, Contract Purchaser) filed a Petition for reclassification of the subject property from its present M.H. I.M. District (Manufacturing, Heavy; Industrial, Major) to B.R. I.M. District (Business, Roadside; Industrial, Major), the subject property being located on the southwest corner of Eastern Boulevard and Wilson Point Road in the 15th Election District of Baltimore County, Maryland, containing 18.489 acres of land.

At the hearing before the Zoning Commissioner, on March 1, 1973, Petitioner amended the requested zoning from B.R. with I.M. District to B.M. with I.M. District (Business, Major; Industrial, Major). In an order dated August 21, 1973, the Zoning Commissioner granted the reclassification to a B.M. zone.

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newly liberalized discretionary amendment rules as set out in Maryland Rules of Procedure, Rule 320, this Court would rule that the Protestant-Appellants' Motion to Amend be denied for the above stated reasons.

Motion to Dismiss

Before turning to the merits of the Petitioner-Appellee's Motion to Dismiss, it is necessary to describe the geographic location of the subject property and its surrounding area.

The subject property comprises a little more than 18 acres of a one thousand acre tract which was formerly the site of the Glenn L. Martin Company. This tract is presently owned by Chesapeake Park Inc., a subsidiary of the Martin-Marietta Corp. A 750 acre portion of the property (herein referred to as Parcel 2) is presently occupied by an airport which is being utilized by the Maryland Air National Guard. The remaining acreage (herein referred to as Parcel 1) is bounded on the east by Wilson Point Road, on the north by Eastern Boulevard, and on the south by Dark Head and Cowpens Creeks. Parcel 1, besides containing the subject property, is occupied by several industrial facilities permitted as a matter of right under the existing zoning. The subject property itself is located on the northeastern corner of Parcel 1, bound on the east by Wilson Point Road and on its north by Eastern Boulevard.

To the southeast of Parcel 1 and southwest of Parcel 2 is located a peninsula surrounded on its east and south sides by Middle River. This area contains apartments and about four to five hundred single family dwellings, referred to collectively as either Stansbury Manor or the Wilson Point community. The only public access road from this residential area is Wilson Point Road, which intersects Eastern Boulevard at the subject property. There also exists a

Rec'd 4-23-75
12:10 PM

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An Appeal from the order of the Zoning Commissioner was filed and that Appeal was heard by the County Board of Appeals of Baltimore County. After five (5) days of testimony before that body, by order dated May 20, 1974, the Board of Appeals affirmed the order of the Zoning Commissioner.

On June 14, 1974, a timely appeal was filed in the Circuit Court for Baltimore County from the order of the Board of Appeals. Upon that order for Appeal, the following names were shown as Appellants:

- Austin A. Donleive
- Charles Clark
- Herman F. Bauer
- Harry J. Krich
- Lillian M. Valls
- Dorothy Wiencke
- Julia Leutz
- Reese E. Nuckols
- James E. Schirmer, Jr.
- Joseph A. Blazek

The Petitioner-Appellee filed a Motion to Dismiss the order for Appeal on October 8, 1974, alleging in their motion that the persons named in said Appeal were neither parties to the proceedings nor aggrieved by the decision of the Board of Appeals. The Motion to Dismiss was answered by Protestant-Appellants on October 22, 1974. A hearing was held on the Motion to Dismiss on December 5, 1974, at which time the Court granted leave to both Protestant-Appellants and Petitioner-Appellee to present testimony to support their respective positions. This procedure has been approved on many

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private roadway owned by Chesapeake Park, Inc., known as Martin Boulevard Extended, which intersects Wilson Point Road, approximately .5 miles south of Eastern Boulevard and empties into Martin Boulevard west of Parcel 1. Although privately owned, Martin Boulevard Extended is utilized by the public and is also MTA Bus Route #23 serving the Wilson Point area. (Martin Boulevard Extended is closed one day each year to maintain its private status). For a graphic representation of the subject property and its adjoining areas, see the map appended to this opinion.

Let us now examine the existing Maryland law relating to standing to bring an appeal from an administrative board in zoning cases, which is the basis for the Motion to Dismiss. Chapter VI, Section 604 of the Baltimore County Charter provides: -

"Any party to the proceedings who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County. . . ." (Emphasis added)

Case law in this State is replete with definitions of both the terms "party" and "aggrieved". And it is clear that in order to maintain an appeal to this Court, Appellant must be both party and aggrieved.

The test relating to the status of "party" has been liberally construed by the Appellate Courts in Maryland. Summarizing the cases, to be a party for purposes of Appeal, one must merely have the record of the proceedings below (herein Board of Appeals) reflect that the individual was either present at the hearing or had in some way officially communicated their opposition to the change in zoning to the hearing body. Hertelendy v. Montgomery County 245 Md. 554; Rynlarski v. Montgomery County 247 Md. 137; Largo Civic Association v. Prince Georges County 21 Md. App. 76; North Hampton v. Prince Georges County 21 Md. App. 325.

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occasions by the Maryland Appellate Courts. (See Town of Somerset v. Board 245 Md. 52 and Wilkinson v. Atkinson 242 Md. 231.)

On January 14, 1975, the Protestant-Appellants submitted to this Court a "Motion to Amend Petition for Appeal". Under such motion, Protestant-Appellants pray the Court add the following parties to the present Appeal.

- Elizabeth Clark
- Hazel Bauer
- Nancy Wonder
- Catherine Fisher
- Alberta Pugh

Petitioner-Appellee strongly opposes the addition of the above persons as parties.

Motion to Amend

For purposes of continuity, this Court will first consider Protestant-Appellants' "Motion to Amend Petition for Appeal". In their memorandum accompanying such motion, Protestant-Appellants suggest to this Court that the amendment of their petition is governed solely by Maryland Rules of Procedure, Rule 320. This Court believes that authority is misplaced. As stated in Jacober v. High Hill Realty, Inc. 22 Md. App. 115 at page 118:

"Maryland Rules Chapter 100, Subtitle B prescribes the rules to be followed in appealing from administrative agencies".

Applying the provisions of the B Rules to the present facts, this Court could interpret Protestant-Appellants' motion in one of two ways, both of which lead to a denial of that motion. First, the addition of party appellants to this appeal could be construed as untimely filed under Rule 84. The original order for appeal was timely filed in this Court on June 14, 1974, with the petition for appeal timely filed on June 20, 1974. As stated above,

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As Judge Barney stated in Dubay v. Crane 240 Md. 180 at page 184:

"While it is not necessary that a Protestant testify before the administrative agency, it is incumbent on him, if he contemplates appealing an adverse decision, to, at least, have the record show that he was a party to the proceedings. Failing that he cannot maintain an appeal, such as that in Baltimore County." (Emphasis added)

Examining the individuals who bring this appeal, this Court finds the record below devoid of any participation by Lillian Valls, Reese Nuckols, James Schirmer and Joseph Blazek. For that reason, these Protestant-Appellants lack the requisite capacity of parties to prosecute this appeal in the Circuit Court. The names of Charles Clark and Herman Bauer appear on page 176 of the transcript indicating their presence at the hearing before the Board thereby qualifying under the above cited cases as parties. There is no question that remaining Protestant-Appellants are parties because they testified before the Board.

The second requirement, that of "aggrievement", requires a more detailed and subjective examination. Judge Barnes in the leading case of Rynlarski v. Montgomery County, supra, page 144, reviewed and set forth the Maryland law on aggrievement which this Court feels deserves lengthy citation under the facts of this appeal.

"... In cases involving appeals under the provisions of a zoning ordinance:

- (a) It is sufficient if the facts constituting aggrievement appear in the petition for appeal either by express allegation or by necessary implication.
- (b) An adjoining, confronting or nearby property owner is deemed, prima facie, to be specially damaged and, therefore, a person aggrieved. The person challenging the fact of aggrievement has the burden of denying such damage in his answer to the petition for appeal and of coming forward with evidence to establish that the petitioner is not, in fact, aggrieved. Thus, in Chatham Corp. v. Beltram, 243 Md. 138, 147, 220 A.2d 589 (1966), the party seeking rezoning offered expert testimony that there would be no diminution in value of adjoining houses - one of which was owned by the protestant - if the rezoning came about. The trial court found, on conflicting evidence, that the protestant was a person aggrieved, and we held there was no error in that ruling.

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Protestant-Appellants' Motion to Amend was received on January 14, 1975, far exceeding the thirty (30) day requirement contained in rule 84. Such lack of compliance with the B Rule compels this Court to mandatorily deny the Motion to Amend, Jacober v. High Hill Realty, Inc., supra; Sallisbury Board of Zoning Appeals v. Bounds 240 Md. 547; Nyburg v. Soliman 205 Md. 170.

Second, the motion could be interpreted as an amendment under Rule 88. This rule states:

"The Court, in its discretion may permit a party, by amendment to raise any pertinent question not raised by a prior pleading".

This Court believes the Protestant-Appellants' motion is not within the scope of this rule, as the addition of five (5) parties does not constitute a "pertinent question" in this appeal; but if the rule were applicable and the Court was faced with a discretionary determination on the merits of the motion, it would be denied because of the following facts before this Court. On October 8, 1974, the Petitioner-Appellee filed its Motion to Dismiss the appeal, challenging the standing of the individual protestant-appellants. Extensive memoranda were filed by both sides arguing the factual merits of each protestant's right to appeal. This Court permitted at the hearing in open court testimony to be offered on the legal point of standing. To allow five additional Protestant-Appellants to join the appeal at this late date would not only be prejudicial to the Petitioner-Appellee but would in the Court's mind also disrupt the orderly adjudication of this appeal. Protestant-Appellants in their Motion to Amend state that the five listed individuals "were inadvertently omitted from the petition for appeal." This argument is less than persuasive. Even if the Court were to consider the

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- (c) A person whose property is far removed from the subject property or nearby will not be considered a person aggrieved. But he will be considered a person aggrieved if he meets the burden of alleging and proving by competent evidence - either before the board or in the court on appeal if his standing is challenged - the fact that his personal or property rights are specially and adversely affected by the board's action.
- 3. A person whose sole reason for objecting to the board's action is to prevent competition with his established business is not a person aggrieved.
- 4. If any appellant is a person aggrieved, the court will entertain the appeal even if other appellants are not persons aggrieved.
- 5. The status of a person to appeal as a "person aggrieved" is to be distinguished from the result on the merits of the case itself. In determining status to appeal, the question is whether the property owner may reasonably be thought to be specially damaged if the application is approved. Testimony may be taken on the point by the trial court." (Citations omitted - emphasis added).

Applying these rules to the facts of this appeal, it is the opinion of this Court that the burden of proof is upon the individual Protestant-Appellant to show that he or she is a person aggrieved. In making this determination, the Court notes that Charles Clark resides nearest the subject property, at a distance of .8 miles. None of the Protestant-Appellants can see the subject property from their residences. Both Harry Krich and Herman Bauer live two miles from the site to be rezoned. Because of the distance and because they cannot see the subject property, it is difficult to conceive how the Appellants could be called "adjoining, confronting or nearby property owners", thereby obtaining prima facie aggrievement status. The issue of proximity was discussed by the Court of Appeals in Pattison v. Corly, 226 Md. 37 at page 102:

"As to this, the text writers and the cases in this and other jurisdictions are in general agreement that an adjacent owner - in the sense of being near or close by - as well as an abutting owner, whose legal rights have been infringed, is an aggrieved person. But the farther a protestant resides from the zoning objected to, the more difficult it is, in the absence of other pertinent circumstances, to decide whether he has standing to appeal."

Counsel for Protestant-Appellants strenuously argues that the individual appellants in this Appeal are aggrieved because their residences are contained within "the immediate neighborhood of the subject property". The simple answer to that argument is contained in the case of Weinberg v. Kracke, 189 Md. 275 at page 280:

"The fact that the complainants are alleged to be taxpayers is not the basis for their right to bring the suit. The basis is their ownership of property. . . . And if a complainant in this type of case is entitled to enter the halls of justice, it neither adds nor detracts from that right if he brings other with him or attempts to represent those who have not appeared. His right is based upon his own injury and damage, not up on that of his neighbors or fellow citizens. Upon that special injury and damage his case will succeed or fail. It will be decided by the allegations he makes in his complaint, in the first instance, and if these are sufficient, by the supporting proof he produces." (Emphasis added)

Having ruled that the burden is upon the Protestant-Appellants to show aggravement, this Court must now examine the record made before the Board of Appeals and the testimony presented at the hearing on the Motion to Dismiss to determine from the totality of that evidence whether or not any of the individual Protestant-Appellants have proven that they were "personally and specially affected in a way different from that suffered by the public generally." Dubay v. Crane, supra, at page 185 and Brynlarski v. Montgomery County, supra, Loughborough v. Rivermass, 213 Md. 239 at page 242.

The six Protestant-Appellants listed below reside on the Wilson Point peninsula and their testimony is summarized as follows:

Austin A. Donleve testified both at the Board of Appeals hearing and before this Court on the Motion to Dismiss. Mr. Donleve lives 1.5 mile.

from the subject property and stated that he is unable to see either Parcel I or the subject property itself. Before the Board of Appeals he testified that a shopping center in the Wilson Point area was not needed because of the

intersection of Wilson Point Road and Eastern Boulevard would be clogged by cars entering and leaving the proposed shopping center. No expert testimony was offered by Protestant-Appellants either before the Court or before the Board of Appeals concerning the increase in traffic caused by the proposed shopping center.

The Court of Appeals in Wilkinson v. Atkinson, 242 Md. 235 discussed the absence of sidewalks at page 234:

"Her testimony that the access road to the reclassified property has no sidewalks and that the expected increased traffic would create a hazard to her children and other children who take this route to school does not give her the requisite standing; the inconveniences feared is one likely to be suffered by any member of the public."

Although Wilson Point Road deadends at the terminus of the Wilson Point peninsula, several of the Protestant-Appellants testified that patrons of the shopping center would travel down Wilson Point Road on sight-seeing expeditions. This assumption does not persuade this Court. It is highly speculative and in fact this Court finds it difficult to visualize customers of the proposed center venturing down a deadend street.

Collateral to the Protestant-Appellants' argument that the traffic would increase on Wilson Point Road, is that the intersection of Eastern Boulevard and Wilson Point Road would be congested if the shopping center was built on the subject property. This Court notes that Wilson Point Road, at its intersection with Eastern Boulevard consists of six (6) lanes, three northbound and three southbound, while Eastern Boulevard contains seven (7) lanes of traffic at this "T" intersection, four running in a westerly direction and three eastbound. This intersection was constructed to accommodate the employees of the Martin Company when it was in operation. There was testimony at the hearing on the Motion to Dismiss that approximately

proximity of many existing commercial shopping centers. Before this Court, Mr. Donleve gave four reasons for objecting to the granting of the requested zoning. First, the reduction in the aesthetic value of the Wilson Point community. Second, that the construction of a shopping center would adversely affect property values. Third, that the water surrounding the Wilson Point peninsula would be polluted by surface water drain offs caused by the shopping center's buildings and parking areas. Fourth, that there would be more traffic traveling south on Wilson Point Road if a shopping center was constructed on the subject property. He added that he passes the subject property daily and would be affected by the increase in traffic like the rest of the motorists who live in the area.

Charles Clark was present at the Board of Appeals but did not testify before that body, nor did he testify at the hearing on the Motion to Dismiss. The record below shows that this appellant resides approximately .8 miles from the subject property. Mr. Clark's wife testified at the hearing on the Motion that they were unable to see the subject property from their residence.

Herman Bauer was present at the Board of Appeals but did not testify. Mr. Bauer offered evidence before this Court on the Motion to Dismiss. This appellant resides 2 miles from the subject property and is unable to see same from his home. He gave three reasons for objecting to the granting of the zoning. First, that the shopping center would cause traffic congestion because there is only one road serving the Wilson Point area, thus causing a morning traffic bottleneck. This aggravated traffic situation, Mr. Bauer testified, would also cause difficulties in emergency services (fire and ambulance) reaching Wilson Point residences due to traffic congestion.

*There was testimony that the Clark home was located .8 to .9 miles from the proposed shopping center. However, Mrs. Clark testified that the home was located near the intersection of Shore Road and Hazel Drive and placed an "x" at that location on Petitioner's Exhibit 13 before the Board of Appeals. This indicates that said home was just under two miles from the subject property. For purposes of this opinion, the Court considered the lesser distance. (.8 miles).

23,000 people parked on lots in Parcel I, part of which includes the subject property. This Court fails to see how there would be a burden imposed upon this intersection by the construction and operation of the proposed shopping center. Assuming that traffic congestion did result, it is difficult to see how it would personally and specially affect the Protestant-Appellants in a way different from that of the general public utilizing that intersection. This Court is convinced that any increase in traffic created by the proposed zoning would not, by definition, constitute aggravement to the individual Protestant-Appellants in this Appeal.

The Fifth and final issue of aggravement presented by the Protestant-Appellants is that the building of the proposed shopping center would have detrimental effects on the property values of the individuals bringing this Appeal. Initially the Protestant-Appellants state that the granting of the zoning in question would be a foreshadowing of future development of Parcel II as "low cost housing", thereby depressing the property values in the Wilson Point community. The issue of subsequent development following a granting of reclassification was addressed in Wilkinson v. Atkinson, supra at page 234:

"That Mrs. Siegel (Protestant) feared the granting of the reclassification would lead to a general apartment development in the residential area, of itself, is not enough to show she had such an interest in the subject matter as bestowed on her standing to attack the Board's decision." (Citations omitted)

Judge Horney for the Court of Appeals in Pattison v. Corby, supra, also discussed subsequent development at page 103 of that opinion.

"In the instant case, where the appellant, other than predicting that the present reclassification was but the first step in a planned non-residential development of adjacent acreage (to that presently rezoned) which will in time adversely affect his property along with other properties in the neighboring sub-divisions in the same planning district, assigned no other reason why he was aggrieved, we think that the position of his property in a residentially zoned area -- remotely located as it is at a considerable distance

Second, Mr. Bauer testified that shopping centers are frequented by undesirable persons. Third, that property values in the Wilson Point area would be affected by the construction of a shopping center on the subject property.

Harry Krach testified before the Board of Appeals. This appellant resides 2 miles from the subject property. He testified that he objects to the granting of the zoning change because the housewives in the area were hostile towards the new shopping center. Further, that parts of Wilson Point Road did not have sidewalks, thereby creating a danger to increased pedestrian traffic. Last, that the construction of a shopping center would increase the traffic volume on Wilson Point Road.

Dorothy Weincke testified both at the Board of Appeals and before this Court. She resides 1 mile from the subject property and her objections to the granting of the zoning were that there was no need for a shopping center in that immediate area. Further, that because Wilson Point Road was the only public road leaving the Wilson Point area, traffic volume would be increased. It was also her feeling that if the subject property was used for a shopping center, that the area contained within Parcel 2 would in all likelihood be utilized for low cost housing and thereby depreciate property values and effect the character of the present neighborhood on Wilson Point. Mrs. Weincke also testified that the increased traffic on Wilson Point Road would create safety hazards for school buses traveling on Wilson Point Road.

Lula Lentz testified only before the Board of Appeals. She indicated that she resided 1.5 miles from the subject property. It was her feeling that there were too many shopping centers in the area at the present time and that the construction of such a facility on the subject property would have a detrimental effect on her neighborhood. It was her feeling that the subject property should be utilized for recreational facilities rather than a shopping center.

from and out of sight of the area rezoned for apartment use -- was not enough to show that the appellant had such an interest in the subject matter as bestowed on him standing to attack the validity of the decision of the Council."

See also Dubay v. Crane, supra.

The above stated rules are applicable to the facts in this Appeal. Mere speculation that the granting of the requested zoning for the subject property would cause a proliferation of "low cost housing" on the Wilson Point peninsula lacks the requisite interest to give the Protestant-Appellants standing in their Appeal.

Austin Donleve, Herman Bauer and Dorothy Weincke testified that the values of their respective residences would be decreased by the granting of the subject zoning. But as shown above, their testimony was conclusory in nature and unsupported by any reasons or facts. When the issue of aggravement by adverse affect on property values has been presented to the Appellate Courts of this State, those Courts have made it clear that specific testimony on valuation must be developed. As stated in Wilkinson v. Atkinson, supra,

"There was no specific testimony as to any adverse effect upon the value of the Siegel (protestant) home."

Although this Court does not believe that expert testimony is required to show aggravement by detrimental affect on property values, some specific factual evidence as to adverse affect is needed above mere conclusions or bald allegations of the Protestants. See Subino v. Lewis, 250 Md. 645; Toomay v. Gomerlinger, 235 Md. 456; Richmark Realty v. Whittliff, 226 Md. 273; Loughborough v. Rivermass, 213 Md. 239; Dubay v. Crane, supra.

The Protestant-Appellants did not offer any expert testimony on the issue of aggravement at the hearing on the Motion to Dismiss.

Considering the evidence of aggravement offered by the Protestant-Appellants in the aggregate, five alleged complaints of special and personal damages are presented to this Court for consideration. The first two, that a shopping center was not needed in the Wilson Point area and that the subject property was better used for recreational purposes, have no bearing on the issue of aggravement. These two issues fail on their face to meet the judicial definition of "aggravement". The third complaint, that of pollution of the bordering body of water by run offs from the proposed shopping center also lacks merit. Certainly, arguendo, if water pollution was to occur because of the existence of a shopping center, this condition would affect the entire land area surrounding Deer Head Creek, as well as all of those who utilize the waters for recreation and business purposes. The Court notes that Mr. Donleve, the Protestant-Appellant, who offered testimony on water pollution, does not reside directly on any body of water. Further, Mr. Donleve testified to conclusions he had reached as a layman, giving no factual basis for those conclusions. This Court looks upon Mr. Donleve's testimony as mere conjecture. Further, the subject property itself does not border upon Deer Head Creek but is located some distance from that body of water.

The fourth objection raised by Protestant-Appellants was that the construction of a shopping center on the subject property would increase the flow of traffic on Wilson Point Road, thereby adversely and specially affecting the individual residents of the Wilson Point community. It was also testified that the lack of sidewalks on Wilson Point Road would create a danger to pedestrians and further that the efficiency of emergency services would be lessened due to expected increases in traffic volume. And finally, that the

The Petitioner-Appellee offered the testimony of Harry F. Lebrun, a real estate broker and appraiser at the hearing on the Motion to Dismiss to support their position, Mr. Lebrun stated:

"After looking at all of these facets of the, what in my opinion, the traffic situation would be, the utility situation, the site, the site situation, it was my opinion, frankly, that the shopping center in no way would affect the values of the properties on Wilson Point Road or Wilson Point, in Wilson Point in general."

With the evidence presented, this Court can only rule that the Protestant-Appellants lack standing to appeal on the issue of diminution of property values.

This Court is not unmindful of the fact that the status of aggravement is to be determined on a case by case basis. The Appellate decisions in this state give guidance and such guidance is most helpful, but in the final analysis, each case must be decided on the physical factors and the testimony presented to the Court.

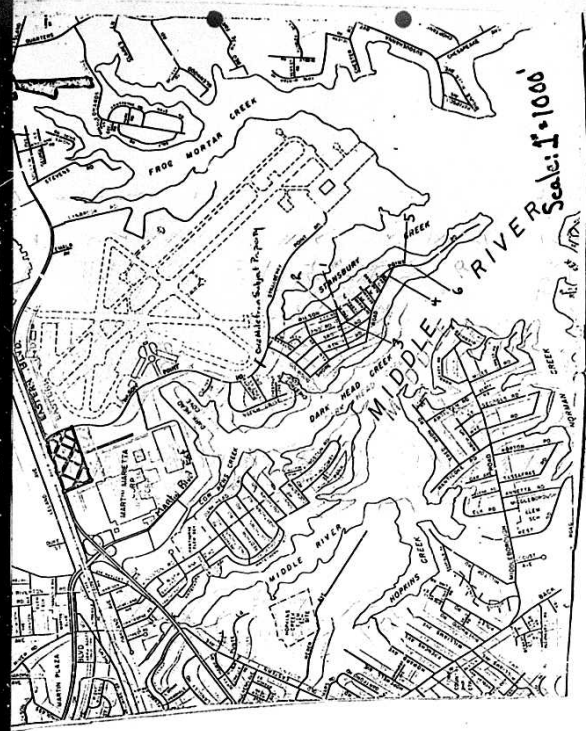
In conclusion, it is the opinion of this Court, taking the record of the proceedings before the Board of Appeals, the evidence and testimony presented at the Motion to Dismiss, as well as all exhibits and the extensive memoranda filed in this case by counsel for the Petitioner-Appellee and Protestant-Appellants, that the parties to this Appeal are not aggrieved. Further, this Court is persuaded by the totality of all of the evidence that the individuals offered as additional parties on the Motion to Amend and those persons determined by this Court to lack standing as "parties" to this appeal, also lack the required aggrieved status.

For the reasons stated herein, the Protestant-Appellants' Motion to Amend is hereby DENIED, further, it is this Court's determination that the

Protestant-Appellants, Austin A. Donleve, Charles Clark, Herman F. Bauer, Harry J. Krach, Lillian M. Valls, Dorothy Loncke, Julia Lentz, Reese E. Nuckols, James E. Schirmer, Jr., and Joseph A. Blazek, are not aggrieved parties to the decision of the Baltimore County Board of Appeals and therefore, the Motion to Dismiss the Appeal filed by Petitioner-Appellee on October 8, 1974 is hereby GRANTED.

April 15, 1975
Date

Frank E. Cicone
The Honorable Frank E. Cicone



Legend:
- SUBJECT PROPERTY
Protestants' Residences:
1. Donleve
2. Winko
3. Clark
4. Krach
5. Bauer

RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.H. (I.M. District) to : COUNTY BOARD OF APPEALS
B.R. (I.M. District) : OF
SW corner of Eastern Boulevard : BALTIMORE COUNTY
and Wilson Point Road : No. 73-197-R
15th District :
Chesapeake Park, Inc. :
Petitioner :
Maret Development Corporation :
Contract Purchaser :

OPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Zoning Commissioner which granted the Petitioner certain B.M. zoning. The subject of this petition consists of approximately 16.49 acres, now owned by Chesapeake Park, Inc. This 18 acre parcel is but a small part of approximately 1000 acres owned by Chesapeake Park, Inc./ the Martin Marietta Corporation. The subject property itself is located at the southeast corner of Eastern Boulevard and Wilson Point Road, in the 15th Election District of Baltimore County.

At the outset of the hearing before the Zoning Commissioner the Petitioners, in accordance with the suggestions of the Planning Board, amended their petition so as to request a reclassification from M.H.-I.M. District to a B.M.-I.M. District. Originally the Petitioner had requested B.R. for these 18 acres. The petition, heard de novo before this Board, is for a B.M. classification, the Petitioner having reiterated this amendment to the petition at the outset of the Board hearing. Petitioner's Exhibit No. 5 sets out the area encompassed within this petition, and also sets out the proposed use by the Petitioner if this requested reclassification should be successful. The case before the Board took a total of five hearing days. This Opinion will but briefly summarize some of this testimony.

The first witness for the Petitioner was a James R. Cassell, the President of the Maryland Surveying and Engineering Company. Mr. Cassell is a registered professional civil engineer in the States of Maryland, and seven others. Mr. Cassell went over in detail the Petitioner's Exhibit No. 5, and discussed at some length the apparently adequate

Chesapeake Park, Inc. - No. 73-197-R 2.
availability, both in supply and capacity, of all utilities, including public water, sewer and gas. This engineer also discussed the storm drain plans if the subject property would be utilized as proposed in this petition. The testimony concerning the additions to public sewer lines within the area was expounded at some length. Upon cross-examination Mr. Cassell stated that the designs for the recently installed sewer were known, or planned, or completed prior to the adoption of the maps in March of 1971.

The second witness for the Petitioner was Joseph Alcares, the Assistant Secretary and counsel for Chesapeake Park, Inc., which is essentially a wholly owned subsidiary of the Martin Marietta Company. Mr. Alcares explained the background of the Chesapeake Park Corporation and went into a rather lengthy history of this approximately 1000 acre water-based property, which was originally bought in 1925 by the late Glenn L. Martin. At pages 22 through 28 of the transcript of the subject case, attached hereto and made a part of this Opinion, Mr. Alcares goes into, at some length, the recent changes in corporate policies that affect the subject property.

The third witness for the Petitioner was a Mr. John F. Hemphill, an eight year resident of Wilson Point Road, who favored the granting of this petition, and stated that he felt some would help the economy of the area by bringing new jobs to this immediate community. He cited other reasons for his favoring the petition and also felt that some would present no traffic problems as far as he was concerned.

The fourth witness for the Petitioner was the owner of the Chesapeake Village Apartments. He too felt that the granting of this petition would bring favorable results to the community in general.

The fifth witness was the Reverend Donald A. Bateman, who lives about a mile to a mile and a half away in Ballard Gardens. He is the Pastor of the Carrollwood Baptist Church, and he also felt that the granting of the B.M. reclassification at the subject site would have beneficial effects upon the community. Reverend Bateman could conceive of no detrimental effects if this petition would be granted.

All of the second day of testimony and part of the third day were taken up by testimony of expert witnesses on behalf of the Petitioners. These included Dr. Walter

Worthington Ewell, a traffic engineer, who discussed the potential traffic impact of the proposed development. Also, Mattson Scott, a Vice President of Gladstone Associates, Gladstone Associates being economic consultants who performed a feasibility study for the Petitioner in this instance concerning the use, not only of the subject 18 acres, but also of the entire 1000 acres owned by the Petitioner.

The third expert was Bernard Willemain, a land planner and zoning consultant. Mr. Willemain testified at length concerning the pros of this petition. Perhaps one of the most significant points in Mr. Willemain's testimony was his definition of the neighborhood. Interesting enough, the neighborhood as described by Mr. Willemain was not too much greater than the actual bounds of the holdings of the Petitioner. This is an issue which has been carefully weighed by this Board in reaching its conclusion in the instant case. It is perhaps unique and perhaps has not faced this Board before when one considers the exact location of the subject property and its large size. The Board is frankly inclined to agree with Mr. Willemain in that the subject property is, if not all of a neighborhood, certainly the greatest part of one. It is significant to consider the location of the subject property on a peninsula, for lack of a more precise nomenclature, bounded or perhaps enclosed onto the peninsula by the Pennsylvania Railroad tracks, with the Wilson Point neighborhood beginning perhaps a half of a mile to six tenths of a mile away, being the residential community which adjoins the lands of the subject property.

Frank Zappala, the President of the Maret Development Corporation, also testified for the granting of the petition. This firm is, of course, the contract purchaser, said contract being contingent upon the successful granting of this petition.

The Protestants' case commenced on the third day of the hearings, the first witness being Dr. Abraham E. Glazer, a registered pharmacist, who operates a drug store on Wilson Point Road. Dr. Glazer is a tenant and does not own this property, but resides on Southern Cross Drive, in the Lochearn section of western Baltimore County. Dr. Glazer testified that his place of business is about a mile and two tenths from the subject property, and that he was opposed to the granting of this petition. He felt that there was no need for additional business major zoning near his location.

The next nine witnesses for the Protestants were residents of Wilson Point. Each was opposed to the granting of this petition, for basically the same reasons. It is interesting to note that most of these witnesses have been virtually lifelong residents of Wilson Point and were able to provide this Board with information concerning the growth of this neighborhood through the past many, many years. Basically these people felt that the traffic generated by the subject property would render ingress and egress from Wilson Point Road to Eastern Boulevard more difficult than it now is. An interesting vein running through the testimony of these witnesses was the fact that they would prefer to see the 750 acre tract lying generally east of the subject property developed as an airport rather than in any other use, and if not as an airport, would prefer heavy manufacturing development as opposed to other uses; and it seemed to be an underlying fact that none of these residents wished further residential development in this area, particularly any development at all, either high or low density development, on the 750 acre tract (part of the 1000 acre entity described elsewhere in this Opinion). Overwhelmingly these residents felt that there was no need for an additional shopping center in this general area. One of these residents was the owner of a nearby food market, which conceivably would be a competitor of a food store located on the subject site if this petition would be granted, but this particular Protestants' witness had other viable reasons as a resident of Wilson Point to be opposed to this petition and was not basing her opposition solely upon the fact that she owned and operated a potential competitive business.

The last witness for the Protestants was Norman E. Gerber, the Chief of the Community Planning Division of the Baltimore County Office of Planning. Mr. Gerber affirmed the fact that the Planning Board's comments submitted in this case, which favor the granting of this petition, are basically and principally the same comments and reasoning of the Planning Staff, and these comments and reasoning were adopted by the Planning Board and subsequently submitted to the Zoning Commissioner as their judgment favoring the granting of B.M. on the subject property. It was these comments that apparently prompted the Petitioner to amend his application from B.R. to B.M. Mr. Gerber did comment upon the magnitude of the 1000 acres in M.H. zoning, particularly in reference

to the comments of the Gladstone Associates, which indicated that the anticipated time for ultimate absorption of the entire 1000 acres of M.H. zoning might be as long as forty to fifty years. Mr. Gerber admitted that it was apparent to him now that neither the Planning Staff nor the Planning Board took this long term absorption rate into full consideration at the time of its original recommendations, to industrially zone the entire 1000 acres. Said recommendation was rendered to the County Council prior to the adoption of the current comprehensive zoning for the subject property area.

On cross-examination Mr. Gerber stated that it was his opinion that the decision to close the airport could be termed a major happening in this area, and that he was inclined to think that this factor was a major one in the change of opinion by both his planning staff and the Planning Board that the subject property should not be zoned in toto industrially, but that the permitted land use classifications of this entire 1000 acres should be varied.

The sole question to be decided by this Board is whether or not the County Council erred in March of 1971 when they industrially zoned the subject property, or whether or not there has been substantial change in the character of the neighborhood to warrant the requested reclassification. The Protestants argued vehemently that there was no need for the granting of this petition, nor was there evidence of substantial change or error by the Council. It is the Protestants' contention that all of the problems that exist at this time are the results of internal decisions by the Petitioners themselves, and as such are not evidence of change. The physical changes that have taken place in the neighborhood, such as the actual construction of certain apartments and the installation of certain sewer lines were said by the Protestants to be merely the fruition and result of good planning, which was known to be a reasonable future happening at the time the Council adopted the zoning for the subject property. Frankly, the Board is inclined to agree with this particular reasoning of the Protestants. The Protestants maintained that the strong presumption of correctness in the comprehensive rezoning has not been overcome, and that the granting of this particular segment of the Petitioner's property would be tantamount to piecemeal and/or spot zoning and planning.

The Board has weighed carefully the arguments of both the Protestants and the Petitioner in this case, and would want to comment that frankly both sides in this given instance have been ably represented by counsel, and that the salient issues, both on behalf of the Protestants and the Petitioners, have been competently placed for consideration before this body. In conclusion, the Board has decided to grant the requested classification. The Board noted that the Zoning Commissioner appeared to place substantial reasoning upon error by the Council. While the Board intends to affirm the decision of the Zoning Commissioner, it is the thinking of this Board that change is the basic criteria that has been established by the Petitioner which would command the granting of this reclassification by the Board.

The Petitioner has argued that it was error by the County Council not to consider that 1000 acres of industrial zoning was much too much to grant in one spot with any reasonable forecast of absorption of a piece of land of this magnitude. Even though this absorption factor seems valid, the Board wonders, because it is hard for us to envision how the Council might have conceived otherwise, particularly when the Petitioner appeared before the Council and requested that not only part of its lands be zoned M.H., but in fact requested that all of its lands be zoned M.H. For this reason, the Board feels that it is unfair to call the action of the County Council in March of 1971 an error. However, just as significantly, it is important to this Board to note the changes that have taken place since the adoption of the comprehensive zoning maps. It is the opinion of this Board that these changes are of a nature to be sufficient to grant the requested reclassification. The size of the subject tract in toto, i.e. 1000 acres, is probably the most individually significant factor in this case. As previously mentioned in this Opinion, the Board is not totally unimpressed with the possibility that this 1000 acres is at or near to a neighborhood unto itself, and that changes in and upon 1000 acres could very well represent changes of substantial character in the neighborhood to satisfy the law concerning same with regards to the reclassification of the subject property. Certainly, legal substantial change has been established by the courts many times with-in areas significantly

smaller than 1000 acres. The elements, as pointed out in the transcript on pages 22 through 28, spell out these primary changes in corporate decisions which drastically affected the land utilization potential on these 1000 acres.

Concerning the ultimate use of the large 750 acre tract, from the testimony presented at the Board hearing it appears as if the State of Maryland will ultimately successfully negotiate the purchase of this tract from the Martin Marietta Corporation and reopen this 750 acres as a general commercial aviation airport.

The feasibility study by Glaxstone seems to clearly spell out need, and suffice it to say that some has at least proven to be adequate need in the minds of the contract purchaser, who is waiting to invest considerable dollars based upon the strength of such commercial need.

fact considered by this Board, it is fair to note that the petitioned use could have been built on the subject property as a matter of right prior to the adoption of the new Zoning Regulations in March of 1971, and frankly, if the Petitioner had any idea of the subsequent events and changes which were about to take place, or had any thoughts of commercial development prior to March of 1971, he could have maintained the commercial potential by merely asking for same under a grandfather provision of the new law.

The Board finds the reasoning of the Planning Staff and the Planning Board persuasive, and in this instance will issue an Order affirming the Zoning Commissioner and granting to the Petitioner the requested 18 acres of B.M. zoning. The Board is of the opinion that the commercial usage of this small part of the 1000 acre tract will be but the commencement of a redevelopment planned for the Martin Marietta Corporation's holdings.

Because of the size of the remaining tract, and its potential impact upon the eastern end of our County, the above named authorities must be extremely careful to apply with due diligence the axioms of good land planning. The Planning Staff and Planning Board will be called upon to carefully study the balance of this tract during the next comprehensive rezoning process, which will initiate in the very near future.

For the reasons set out above, and with full confidence that the zoning authorities of Baltimore County will carefully plan the land use future of the remaining acreage at the subject property, this Board will issue an Order affirming the Zoning Commissioner's decision and will grant to the Petitioner the reclassification of the 18.49 acres of land from the existing heavy industrial classification to the requested Business Major use.

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Zoning Commissioner dated August 22, 1973, and it is this 20th day of May, 1974, by the County Board of Appeals ORDERED, that the reclassification petitioned for, from M.H. (I.M. District) to a B.M. (B.M. District), be and the same is hereby GRANTED, subject to the approval of the site plan by the Office of Planning and Zoning, the Bureau of Public Services, and the State Highway Administration.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Kiefer, Jr., Chairman
Robert L. Gilliam
John A. Miller

Copy 318-#73-197-R
Transcript - partial p 22-28

Q What was the zoning at that time?
A The entire property was zoned M.L. at that time, and had been for years.
Q Did you have any reason in disagreeing, so to speak, with the Planning Board in not having just a portion of your property zoned M.L., but the entire property zoned M.L.?
MR. MURRAY: Objection.
MR. REITER: Why?
MR. MURRAY: We have no idea of who is responsible for this reclassification.
MR. REITER: Overruled. I think you can get that on cross-examination.
A This property had always been zoned M.L., and when the war came, we were not zoning occasions during the years that we operated there, but when the next comprehensive map was under consideration and we got a copy of the map for the Eastern Region, we saw that the Planning Board had recommended part M.L. and part H.L. We, of course, prior to that time, had been a different industry.
We took a look at the zoning regulations probably

for the first time and, looking at the zoning regulations, M.L. zoning let you run canteens, and you can run chicken-eviscerating plants, and that sort of thing, - but if you look at the zoning regulations M.H. is for aircraft assemblies, forging, planning, and things that we were doing over the years.

So we appeared before the County Council and we told them we didn't have any particular objection except the occupancy thought the zoning should conform to what we have been doing for almost forty years. That is why we asked for M.H. zoning, not that we wanted any change in the area; we wanted the zoning to conform with what had been going on the property and had been for forty years.

Now after the property was rezoned in March of 1971, the situation for Martin Baltimore took a very bad turn, and the modification work, substantially, and that was major aircraft modification work, most of that work was for the Vietnam conflict, and electronic and surveillance modification of the aircraft involved. The modification work dried up about at that point.

Q (By Mr. Reiter) At what point?

A After March, 1971.
Q Okay.

A In addition, as I guess everyone that reads the papers now, the SST program ran into trouble on the Hill, and the Congress wouldn't fund it, and they funded it in bits and pieces, and it became apparent it was dying, and the SST program was canceled by Congress during the present administration.

At this point in time the Baltimore Division, Martin Baltimore, evacuated the airport.

Q (By Mr. Rosadka) Let me interrupt for a moment. What did that mean to your company as a result of the SST program being canceled?

A Loss of it.

MR. MURRAY: Objection.

MR. REITER: Leading?

MR. MURRAY: No, not because of leading, but because of this vagueness. I am not sure the petitioner contains the present zoning is confiscatory. It may be pertinent but I don't think it is pertinent as to error or change.

MR. REITER: Overruled. It could.
MR. MURRAY: For the record, I respectfully disagree with the Chairman.

THE WITNESS: The loss of the SST program was a substantial loss. We put in a program of \$6,000,000 in facilities, just to get ready for it, and have another \$6,000,000 to invest in it; we have a program, millions and millions in terms of work and thousands, I don't know how many thousands of employees that program would have involved.

With the end of the SST program, the end of the modification work, as I said, Martin Baltimore left the airport; they had no further aircraft work. There was one small contract that remained for about six months to complete. They moved out of the structural building, without any missiles or structures to test, they couldn't use the building.

The engineering building, the one hatched in red which houses the engineering research areas, those engineering functions were discontinued or transferred elsewhere, and that building was vacated.

Q (By Mr. Rosadka) Which building, which color?

A Hatched in red, the engineering building.
Now at this point it became pretty apparent that...
MR. MURRAY: I object to his conclusions.
MR. REITER: Sustained. Just keep telling what happened.

THE WITNESS: Well, that is what happened.
MR. REITER: Well, that can't happen. I sustained that objection.

THE WITNESS: All right. At this point in time...

Q (By Mr. Rosadka) What time framework are we in?
A We again are at the end of 1971. At this point in time we knew what in essence of an all-out national emergency for this country, the high point of military expenditures for this property had passed, and there was some new approach that had to be taken.

With that, the Chesapeake Park attempted to interest the state into buying this airport; they pleaded the interest of the county.

Q (By Mr. Reiter) To make it clear, we are talking about Parcel 2?
A We are talking about Parcel 2.

1 Q In its entirety?

2 A Yes. We plumbed the interest of the county as

3 to whether or not they would be interested in operating

4 this; they searched into the interests of the county as to

5 whether they might be interested in operating this as a

6 municipal airport, and the reaction was negative in both

7 instances.

8 They attempted to interest any other aircraft

9 company or private firm in the airport, and the reaction

10 was negative.

11 In 1972 they had Gladstone Associates do a study

12 of the entire property, a feasibility study, and as a result

13 MR. BERRY: I object to the results of the

14 study.

15 THE WITNESS: I am not going to quote the results

16 of the study.

17 MR. BERRY: As will sustain us to that. The

18 study speaks for itself.

19 THE WITNESS: As a result of prior inability to

20 do anything with this airport, and the recommendations that

21 we received from the Gladstone Report, the decision was made

1 in 1973 to cease operations at that airport.

2 In addition, during the same time span,

3 Chesapeake Park actually attempted to do something with the

4 structural test building, in brown, on Parcel 1, D Building,

5 that is hatched in green. - B Building was 800,000-square-

6 foot building; you could put six football fields in the

7 building; we could have the whole National Football

8 Conference in there on any given Sunday. The best we

9 actually got in there was two concerts, so we knew that that

10 building was unrentable from an economic point of view, and

11 a decision had to be made to tear it down and take it off

12 the premises. That was accomplished in mid-1972.

13 Q You have a picture of that building?

14 A Yes, I do.

15 Q B Building?

16 A Yes.

17 MR. BERRY: Your Honor, I object to any further

18 testimony regarding various uses or discontinued use

19 of the buildings on the airport, because we do not

20 have before the Board a petition to rezone 250 acres;

21 we are only talking about 18 acres.

the subject property, as presently classified, is in error.

The industrial park was once a very viable and busy center of operation for the construction of aircraft. This operation no longer exists and Chesapeake Park, Inc., is presently in the process of razing several of the buildings. The subject site is ideal for the development of the proposed shopping center but is not a permitted use in a M. H. Zone. These facts were in existence at the time of the adoption of the Comprehensive Zoning Map, on March 24, 1971.

Under Item No. 3, the recommendations by the Baltimore County Planning Board to the Zoning Commissioner stated that:

"... B.M. zoning for this property is appropriate..."

It was further recommended that the Petitioner's request for B.R. zoning be denied and that B.M. zoning for this property be granted.

In order for the Zoning Commissioner to grant a Reclassification, the Petitioner must prove that there was an error on the Comprehensive Zoning Map and/or that there has been a substantial change in the character of the neighborhood.

Substantial change can be noted, in the general vicinity, in that a gradual decrease in the industrial utilization of this property has been occurring for the past several years and, in fact, was taking place at the time of the adoption of the Comprehensive Zoning Map, on March 21, 1971.

It is the opinion of the Zoning Commissioner that the retention of the M. H. Zone was indeed an error in view of the continuous change in this area. In reviewing all of the testimony presented at the hearing, it is felt that the burden of proving error in the Comprehensive Zoning Map has been overwhelmingly substantiated.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 1973, that the herein described property or area be and the same is hereby reclassified from a

M. H. Zone with an I. M. District to a B. M. Zone with an I. M. District, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

SW/Corner of Eastern Boulevard and Wilson Point Road - 15th District
Chesapeake Park, Incorporated - Petitioner
NO. 73-197-R (Item No. 3)

The Petitioner requests a Reclassification from a M. H. Zone with an I. M. District to a B. R. Zone with an I. M. District, for a parcel of property located on the southwest corner of Eastern Boulevard and Wilson Point Road, in the Fifteenth Election District of Baltimore County, and containing 18.489 acres of land, more or less.

At the inception of the hearing, the Petitioner requested that the Petition be amended from a B. R. Zone with an I. M. District to a B. M. Zone with an I. M. District. The Zoning Commissioner amended the Petition as requested.

Testimony indicated that a mall type shopping center is to be constructed on the subject tract by the Maret Development Corporation, a well known and qualified developer of shopping centers. This property is presently owned by Chesapeake Park, Incorporated, a subsidiary of Martin - Marietta Corporation. It was also noted at the hearing, that Chesapeake Park, Inc., and Maret Development Corporation had an agreement as to the type of development, landscaping, construction, and any other aesthetic elements involved.

Mr. Matteson M. Scott, Vice President of Gladstone Economic Consultants, testified that the subject property is a portion of the one thousand (1,000) acre tract of land owned by Chesapeake Park, Incorporated. The site presently has many industrial buildings and an airport for the Maryland National Guard located thereon. Mr. Scott stated that he was retained by Chesapeake Park Inc., to give an economic feasibility study, as to the development of the over-all tract. He testified that if the total tract were developed industrially, as presently zoned, it would take approximately forty (40) to fifty (50) years for the development to reach fruition. It was his suggestion that a Planned Unit

ORDER RECEIVED FOR FILING

DATE August 22, 1973
BY *[Signature]*

MEMORANDUM

Re: Chesapeake Park, Inc.
M. H. (I. M. District) to B. R. (I. M. District)
Eastern Boulevard and Wilson Point Road

This parcel of land, consisting of 18.49 acres as located on the Southwest corner of Eastern Boulevard and Wilson Point Road, is part and parcel of the Chesapeake Industrial Park, subsidiary of Martin Marietta Company. Said parcel is presently zoned M. H. (I. M. District) and your Petitioner is requesting that said parcel be reclassified to that of B. R. (I. M. District).

The tract is serviced by all utilities and has access directly to Eastern Boulevard and Wilson Point Road.

Since the adoption of the Comprehensive Zoning Maps, your Petitioner has made a restudy and re-evaluation of the use of the tract of land that Chesapeake Industrial Park now has, consisting of approximately 1,000 acres of land, and as a result of said study, it has been suggested that a portion of said total tract be rezoned for residential, recreational and commercial use; that it is felt that these additional uses could blend in harmoniously and be compatible with the balance of the tract being developed as a first class industrial park. To this end, your Petitioner therefore, is requesting that the subject property be reclassified commercial center, and which center will not only serve the residential homes that will be constructed on your Petitioner's property, but will also be of service to the communities also known as Bowleys Quarters and Chase. That since the adoption of the map, there has been construction of several hundred dwelling units in this area; that at present, there is no shopping center to service the needs of these two communities; that it is necessary for the people living in this area to travel into Essex, which is approximately 6-7 miles away. That in addition to making it inconvenient for the people to travel into the Essex shopping district for their needs, the volume of traffic in the Essex business district is double the volume of traffic that passes the subject site. That the Petitioner feels that based on this exhaustive study and the trend of residential building that has increased in this area East of the subject property, there has been a most definite change in the neighborhood which would warrant the reclassification of this property at this time.

Development would be most feasible. As part of this plan, the subject eighteen (18) acre tract would be developed into the shopping center, this type and size of shopping center is needed in this vicinity. There are no shopping centers in the area capable of serving the community.

Mr. M. Perry Chapman, a qualified land planner and engineer, indicated that the location, size, and other physical characteristics of the area enable this type of development, as proposed, to be quite ideal. He testified that the proposed shopping center is needed in order to accommodate the increase in population which was brought about by the development of apartment complexes and townhouses.

Dr. Worthington Ewell, a qualified traffic engineer, indicated that he made a complete study of the traffic patterns of Eastern Boulevard, Wilson Point Road, and their point of intersection. Most of the traffic generated by the development of the subject tract would come from the east. Eastern Boulevard is under its capacity at this time. The road structure, as it now exists, could handle the increased traffic generating from the subject property.

Several residents of the area, in protest of the subject Petition, were concerned with the traffic, but exhibited more concern over the complete development of the entire tract. The residents felt that the property should continue as an industrial park and airport, and that the Planned Unit Development not be constructed on the site. It was strongly suggested that some action be taken, wherein the State of Maryland could acquire most or part of the total tract, retaining the airport.

Although not presented as evidence at the hearing, it should be noted that negotiations between the State of Maryland and Chesapeake Park, Inc., have commenced. The Zoning Commissioner has been advised that both parties have retained appraisers concerning the possible sale, of the over-all tract, excluding the subject tract, to the State of Maryland.

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

ORDER RECEIVED FOR FILING

DATE August 22, 1973
BY *[Signature]*

MARYLAND SURVEYING AND ENGINEERING CO., INC.
Subsidiary of LYON ASSOCIATES, INC.
6707 WHITESTONE ROAD • BALTIMORE, MARYLAND 21207 • TELEPHONE: 301-944-9291
ENGINEERING • SURVEYING • PLANNING

DESCRIPTION OF TRACT OF LAND
S.W. COR. OF WILSON POINT ROAD
AND EASTERN BLVD.
FOR
CHESAPEAKE PARK INC.

Beginning for the same at a Concrete Monument on South Side Eastern Blvd., known as S.R.C. Monument #1 A., said monument being at the beginning of the Right-of-Way "right-flare" to Wilson Point Road; thence leaving the said point of beginning and running and binding on said "right-flare", courses referred to as Right-of-Way "right-flare" to Wilson Point Road; thence running and binding on the West True Meridian, S 67° 27' 26" E, 130.76 feet to S.R.C. Monument #2 on the West Right-of-Way Line of Wilson Point Road; thence running and binding on the West Right-of-Way Line of Wilson Point Road, S 21° 33' 07" E, 367.99 feet to S.R.C. Monument #3; thence still binding on the West Right-of-Way Line of Wilson Point Road by a curve having a radius of 1,382.40 feet Southeastwardly 186.23 feet; said curve to right having a chord bearing and distance of S 17° 41' 34" E, 186.09 feet to a nail and cap thereon; thence leaving the West Right-of-Way Line of Wilson Point Road and running for "Three-New-Lines-of-Division": (1) S 68° 40' 41" W, 1153.75 feet to a pipe thereat; (2) S 66° 28' 49" W, 141.45 feet; and (3) N 21° 35' 29" W, 563.4 feet to a P.K. nail set on the South Right-of-Way Line of Eastern Blvd.; thence running and binding on the South Right-of-Way Line of Eastern Blvd., N 68° 37' 46" E, 1172.77 feet to the place of beginning.

Containing 18.489 acres.

Being a part of the lands described in a deed recorded in Baltimore County in Liber 4953 Folio 235.

Subject to gas lines, telephone ducts and telephone manholes shown on the Baltimore Gas and Electric Company Plat 47-2-34 and on the Chesapeake and Potomac Telephone Co. Plat 2A1-6 respectively.

The said telephone manholes lie within twenty six feet of the Right-of-Way Line of Eastern Blvd.



Signal This 22nd day of August, 1973
[Signature]

SCALE - 1/4" = 1 inch
File No. 73-197-R

RE: Petition of Chesapeake Park, Inc. for Reclassification of property from MH-IM District to BM-IM District, Eastern Blvd. and Wilson Point Rd., Pittsburgh Election District of Baltimore County, BALTIMORE COUNTY No. 73-157-R

MEMORANDUM

The subject property consists of 18.49 acres of land and is located on the Southwest corner of Eastern Boulevard and Wilson Point Road, and is presently owned by the Chesapeake Industrial Park, a subsidiary of the Martin-Marietta Company. Said parcel is presently zoned MH-IM District and the Petitioner is requesting that said property be reclassified BM-IM District.

The testimony of Mr. J. Robert Caswell, Civil Engineer with the Maryland Surveying and Engineering Co., Inc., testified that he prepared the zoning plot plan, which was filed with said petition and which plan sets forth the construction of a medium sized shopping center consisting of a one-story department store, food store, restaurant, drive-in bank, and several retail stores. Mr. Caswell testified that the property is now serviced by all utilities which can adequately serve the site for its intended use. Mr. Caswell also testified that there would be two exits and entrances on Eastern Boulevard and Wilson Point Road; that Eastern Boulevard, which runs along the front of the proposed shopping center is a four-lane highway separated by a grass plot and Wilson Point Road, located to the East of said property is also a four-lane road separated by a cement median strip. Mr. Caswell testified that the Petitioner's plan has allowed for more parking spaces than are normally required under present County Zoning Regulations. Mr. Caswell had also testified that the Zoning Advisory Committee had made certain suggestions to revise the site plan which were accepted and adopted by your Petitioner.

this development plan is consistent with the overall development concept. It was also his opinion, as a planner and developer, that the plan proposed enough entrances and exits to assure the fact that traffic entering and leaving the center would be accommodating in such a way as it would not conflict with the general flow of traffic at Eastern Boulevard and Wilson Point Road intersection and that the peaking characteristics of this shopping center are generally coincident with the peak overall flow of traffic. Mr. Chapman's statement as to traffic was further corroborated by Dr. Worthington Ewell, who testified as a traffic consulting engineer for the Petitioner, and whose testimony disclosed certain traffic counts that Dr. Ewell had taken and submitted to the Zoning Commissioner and which proved beyond any reasonable doubt that the traffic generated at this particular site would in no way present any traffic congestion or adversely effect the overall flow of traffic at Eastern Boulevard and Wilson Point Road.

Mr. Chapman concurred with Mr. Scott that the recent construction developments taking place in the neighborhood further supported their proposed plan and particularly the development of the subject property for commercial use. Mr. Chapman felt that as a planner and developer, the use of this property would be well within the meaning of the general welfare of the community and would be most compatible with the general development of both the Petitioner's property and other properties located in the general vicinity. Mr. Chapman testified that this new development represented significant changes in the neighborhood which would warrant the reclassification of this property to commercial use.

Mr. Frank Zapalla, President of Mart Development Corporation, contract purchaser, testified that his firm would be purchasing and developing the tract for the G. C. Murphy Co. and whose Company would place one of its own department stores on the subject property to be known as Murphy's Mart. Mr. Zapalla testified that under the terms of this agreement with Chesapeake Park, construction

Testimony was also heard from Mr. William Roberts, who, at the time of filing the petition, was President of Chesapeake Park. Mr. Roberts described Chesapeake Industrial Park as consisting of approximately one thousand (1,000) acres of land now presently zoned MH; that approximately one hundred (100) acres is now being used by the Martin-Marietta Company and other industrial and commercial companies who have rented space in the park and which area would be generally described as being immediately South of the subject property and on the West side of Wilson Point Road. Mr. Roberts testified that to the North of the subject property is Eastern Boulevard, consisting of four to six lanes in certain locations, and divided by a large grass plot; that to the North of Eastern Boulevard is the Pennsylvania Railroad, which line runs along the entire tract of land owned by Chesapeake Park. That to the East of Wilson Point Road and South of Eastern Boulevard is approximately seven hundred fifty (750) acres now improved by the Martin-Marietta Company airport and Maryland Air National Guard.

In 1969, Chesapeake Park, Inc. was formed and became a subsidiary of the Martin-Marietta Company; the primary purpose of this being to develop the one thousand (1,000) acres that the Martin Company owns and had formerly used as an aircraft manufacturing plant. Since that time, Chesapeake Park, Inc. has expended large sums of money in the promoting of, leasing and selling of this property throughout the country. That despite its prime location in terms of water, air and railroad transportation, very few tenants have been secured for the park. It is felt that due to the large abundance of undeveloped industrial park land in the area and which parks are located along major highways which seem to be more attractive to prospective tenants, the Company has been unable to develop its property as it had originally intended.

Mr. Roberts testified that this past year, his Company made an exhaustive in-depth study of the future use and development of the Company's vast land holdings. The firm of Gladstone &

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must begin within one year from the time that the property has been finally rezoned and in accordance with the zoning plot plan and architects rendering submitted to the Zoning Commissioner by Mr. Zapalla. Mr. Zapalla further testified that there is presently being built in the western part of Baltimore County an identical shopping center which will be built sometime this year. Mr. Zapalla testified that they had engaged the services of a company independent of Gladstone to make a market study of the area and that this study also revealed that due to the recent construction that was taking place in the area and further growth anticipated in the community, that the neighborhood could very easily support a center of this type. That the closest department store shopping center is Eastpoint which is located several miles from the subject property.

After the Petitioner presented its case, only two people testified in opposition to the petition. There was testimony from a property owner in Wilson Point, Mr. Harry Krach, who did not actually oppose the reclassification but seemed to be more interested in the overall development of the property. Likewise, a Mr. Austin Donlevy of Wilson Point, testified that he did not feel that the reclassification should be granted as he did not feel it was appropriate, as there were some vacant stores in the general community, and therefore, he felt that there was not a need for more commercial stores in the community. He also was more concerned in the development of the property for residential use.

In the reclassification of property, the burden is upon the Petitioner to show zoning error or change in the neighborhood. In this particular case, the Petitioner received a favorable recommendation from the Planning Board, which has not only the responsibility of giving its recommendation on any zoning reclassification, but also has the duty and responsibility of upholding the Comprehensive Zoning Map, except in those instances where a change in the map is in keeping with the overall concept of the map, and is in the best interest of the general welfare of the community.

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Associates of Washington, D.C., nationally known economists, were requested to make a study of the highest and best use of the entire tract of land. The Petitioner also engaged the firm of Sasaki, Dawson, DeMay Associates of Massachusetts, another national firm recognized for their ability in planning, architecture and engineering, to take the report that would be submitted by Gladstone & Associates and develop a proposed plan for the development of the property in accordance with the economic study. Mr. Roberts testified that as a result of the study, a proposed plan was submitted by Sasaki, Dawson, DeMay Associates, which plan suggested an overall development of the property consisting of commercial, industrial and residential use. Mr. Roberts introduced a copy of the proposed plan which shows the subject property as being used commercially and located in the same location as suggested by the Petitioner in its petition.

Mr. Matt Scott of Gladstone & Associates, submitted a copy of his Company's study and which study revealed that if the property were to be used and developed "Manufacturing Heavy", it would be in excess of fifty (50) years before there would be adequate demand to develop this entire tract. Their study further revealed that there is a very strong demand for residential development in the general community and a need for a shopping center, which center would include at least one department store. Mr. Scott also testified that a portion of the property should be retained in MH zoning as he felt that with the services his client was able to afford industrial and commercial tenants that approximately 350 acres could be developed for an industrial park within a reasonable time. Mr. Scott emphasized that his study supported the development of the subject property for a shopping center regardless of whether or not any portion of the remaining tract was developed residential. Their study showed that there was substantial demand and growth in the community which would warrant the need for a shopping center at the present site.

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The Planning Board, in giving a favorable recommendation, recognized the fact that since the adoption of the Comprehensive Zoning Map, the Petitioner, with its vast land holdings, has determined, through a most complete and thorough study, that it could no longer pursue its original intention to develop its property as an industrial park and in accordance with said study, now wishes to develop its property industrial, commercial and residential. Because of its large land holdings, the Planning Board recognized the fact that any change by the Company in the use of its property, would have a large and direct effect on the community as a whole, and therefore, recognized this change in policy as a change that would affect the neighborhood in general.

The Petitioner, through its witnesses, testified that all of its studies and proposed plans were submitted to the Planning Staff and Board to give further evidence of their reasons why they felt such a change was in order. Because of the in depth study and high caliber of expertise that was engaged by the Company to make such a study, the Planning Board generally accepted the Petitioner's development plan for the entire tract and gave its present approval in recommending that the property be reclassified BM. While the favorable recommendation by the Planning Board is not in itself sufficient reason for the Zoning Commissioner to reclassify said property, it is suggested that great weight be given by the Commissioner to the Planning Board's opinion in this matter. The staff and board had itself spent a great deal of time in considering the matter, of having personally inspected the site, having held a hearing in the matter, and carefully reviewed the reports and studies that were submitted to the Office of Planning at their request. In addition to the Petitioner's receiving a favorable recommendation from the Planning Board, the testimony showed several recent significant changes that have occurred, which would warrant the reclassification of this property. These changes are large physical changes that have taken place within the past year, which play a most dramatic part

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Testimony by Mr. Scott and other witnesses supported the economists' statement of future growth in that there is presently being constructed, within the past year, many large housing developments within a mile of the subject property. The housing developments taking place consist of Dundee Village, located on Eastern Avenue approximately one mile East of the subject property, consisting of 1900 dwelling units, which are now being constructed and sold and rented to the general public. Just prior to Dundee Village and located on Eastpoint Avenue, is the very large, modern Williams Trailer Park, which will contain six hundred (600) lots and is now under construction and development. Also to the East of said property, is the very large development of Carrollwood developed by Meyerhoff Enterprises, and which is a development of several hundred individual homes and apartment units which were just recently completed. To the West is the large housing development of Julio Brothers, located in the Hawthorne development, approximately one-half mile from the subject property, and which development consists of the construction in excess of a hundred rowhouses. To the North of the property, off of Martin Boulevard, is the recent construction of Wampler Village, consisting of 325 apartment units. All of this new construction has taken place within the past year, which has made a large change in the community, a change requiring the need for additional commercial outlets to service the thousands of people that are now moving into the community.

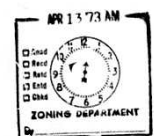
Mr. Perry Chapman, architect and engineer with the firm of Sasaki, Dawson, DeMay Associates, testified that the proposed plan for Chesapeake Park as introduced by Mr. Roberts, is a plan that was conceived as a result of a study that was submitted to his firm by Gladstone Associates as well as the firm's analysis of the site and region and facility study of alternate land use concepts. Mr. Chapman also testified that the architects drawing of the proposed shopping center was subsequently submitted to him by the proposed buyer of the subject property and it was his opinion that

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in the future growth and development of the community. The testimony showed that the subject property is located in the center of these new building developments, both to the East and to the West, which subject property would be a service area to the properties now being developed. In addition to supporting these new developments, this particular type of shopping center with a large department store, food store and other retail stores, would eliminate the necessity of the people in the general vicinity from having to travel many miles to the Eastpoint Shopping Center, the only shopping center in the area that has a department store.

With the many changes that have taken place since the adoption of the Comprehensive Zoning Map by the County Council, it is felt that the Petitioner has met the burden of proving sufficient change to request the Zoning Commissioner to reclassify the property from MH to BM.

Robert J. Romadka 809 Eastern Boulevard Baltimore, Maryland 21221 686-9774 ATTORNEY FOR PETITIONER



ROBERT J. ROMADKA ATTORNEY AT LAW EASTL. MARYLAND

REPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1130
September Term, 1977

CHESAPEAKE PARK, INC.

v.

AUSTIN A. DONLEVE, et al.

Gilbert, C.J.
Davidson,
Lowe, JJ.

Opinion by Davidson, J.

Filed: July 13, 1978

On 13 October 1972, the appellant, Chesapeake Park, Inc. (owner), filed a petition to reclassify approximately 18.5 acres (subject property) of its 200 acres of land from the M.H. Zone (Manufacturing, heavy), I.M. District (Industrial, major), to the B.M. Zone (Business, major), I.M. District (Industrial, major). On 22 August 1973, the Baltimore County Zoning Commissioner granted the reclassification. On 20 May 1974, the Baltimore County Board of Appeals (Board) affirmed. On 14 June 1974, the appellees, Austin A. Donleve and others (protestants), filed an appeal in the Circuit Court for Baltimore County. On 8 October 1974, the owner moved to dismiss on the ground that the protestants lacked standing because they were not aggrieved parties. On 15 April 1975, the Circuit Court entered an order dismissing the appeal. The protestants appealed to this Court, which on 9 December 1975 reversed and remanded the appeal to the Circuit Court. On 5 May 1976, the Court of Appeals denied the owner's petition for a writ of certiorari.

While the appeal was pending in the Circuit Court, the Baltimore County Council (Council), pursuant to the Baltimore County Code,¹ enacted a Comprehensive Zoning Map for the 5th Councilmanic District of Baltimore County, effective 2 November 1976, which, among other things, classified all of the owner's 200 acres, including the subject property, in the M.H. Zone,

¹Baltimore County Code, §§ 22-20 through 22-21.1 (1975 Cum.Supp.) require the Council to adopt a county-wide zoning map every four years and establish the procedures to be followed.

I.M. District. On 21 January 1977, the protestants filed a motion to dismiss the appeal then pending in the Circuit Court on the ground that, as a result of the enactment of the 1976 Comprehensive Zoning Map, the appeal was moot. On 21 September 1977, the motion to dismiss was granted. This appeal followed.

I
The owner first contends that the Circuit Court erred in dismissing the appeal because the question of whether the subject property was properly reclassified to the B.M. Zone is not moot. It maintains that an appeal from a zoning reclassification becomes moot only if the Council changes the zoning classification of the subject property in a comprehensive rezoning or abolishes the requested zoning classification while the appeal is pending. It points out that the subject property was classified in the M.H. Zone by both the 1971 and 1976 Comprehensive Zoning Maps. It concludes that because the zoning classification of the subject property was not changed by the enactment of the 1976 map, this appeal is not moot. We do not agree.

Baltimore County Code, § 22-22(a)² provides in pertinent part:

"(a) The zoning commissioner shall have the power to make a change as to the district, division, or zone within which a particular piece of property is classified (zoning reclassification)...."

Section 22-27³ provides in pertinent part:

²Baltimore County Code, § 22-22(a) (1975 Cum.Supp.).
³Baltimore County Code, § 22-27 (1968).

"Any reclassification when granted by the county board of appeals shall, in the absence of an appeal therefrom, have the force and effect of law."

The Baltimore County Charter § 602(a)⁴ provides in pertinent part:

"In all cases, the order of the county board of appeals shall be final unless an appeal be taken therefrom...."

In addition, Maryland Rule 86a provides in pertinent part:

"The filing of an appeal shall not act as a stay of the action appealed from...."

In *Swarthmore Co. v. Kaestner*,⁵ the Court of Appeals held that a zoning reclassification granted by the Board had the force and effect of law, although it is subject to review on appeal. In reaching that result, that Court construed the language of the Code and the Charter to mean:

"that the status of the board's action which has the force and effect of law is subject to the ultimate action of the courts on appeal, not that during the period of the appeal, the board's action is suspended and ineffective."⁶

Here, on 20 May 1974, the Board reclassified the subject property from the M.H. Zone to the B.M. Zone. Thus, from the time of the Board's action, the subject property was classified in the B.M. Zone. The enactment of the comprehensive rezoning, effective 29 November 1976, which classified the subject property

⁴Baltimore County Code, Charter, § 602(a) (1968).

⁵258 Md. 517, 266 A.2d 341 (1970).

⁶258 Md. at 525, 266 A.2d at 345.

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in the M.H. Zone, changed the subject property's classification while an appeal was pending. Accordingly, that appeal is moot.⁷

II

The owner additionally contends that dismissal of this appeal as moot deprives him of due process⁸ and equal protection.⁹ It maintains that because in Baltimore County the Council enacts a comprehensive rezoning every four years, and because there are significant time constraints on the processing of reclassification petitions,¹⁰ appellate review of the Board's grant or denial of such petitions cannot be completed. It concludes therefore that in Baltimore County appellate review of reclassification petitions is effectively denied. Again we do not agree.

The Court of Appeals has recognized that there can be circumstances which justify deciding moot questions. In *Lloyd v. Board of Supervisors of Elections*,¹¹ that Court, in dictum, said:

⁷Mayor of Rockville v. Duintin, 276 Md. 232, 233, 346 A.2d 447, 447-48 (1975); Benner v. Home Sales Company D, 291 Md. 425, 428-29, 94 A.2d 264, 265-66 (1953).

⁸U.S. Const., amend. XIV § 1; Md. Const., Declaration of Rights, art. 23.

⁹U.S. Const., amend. XIV § 1.

¹⁰See, e.g., Baltimore County Code, § 22-22(c)-(1) (1975 Cum.Supp.); Section 22-22(c), which provides for semiannual recurring periods during which contemporaneous zoning reclassification petitions ordinarily may be considered, establishes a procedure that may delay processing of such a petition for as much as six months after filing. Section 22-22(d) provides that no zoning reclassification shall be granted on the basis of a change in the character of the neighborhood during the first year after a comprehensive rezoning.

¹¹206 Md. 36, 43, 111 A.2d 379, 382 (1954).

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"Those which we regard as the better considered and reasoned cases take the view that only where the urgency of establishing a rule of future conduct in matters of important public concern is imperative and manifest, will there be justified a departure from the general rule and practice of not deciding academic questions. They hold that if the public interest clearly will be hurt if the question is not immediately decided, if the matter involved is likely to recur frequently, an its recurrence will involve a relationship between government and its citizens, or a duty of government, and upon any recurrence, the same difficulty which prevented the appeal at hand from being heard in time is likely again to prevent a decision, then the Court may find justification for deciding the issue raised by a question which has become moot, particularly if all these factors concur with sufficient weight." (Emphasis added.)

In some cases, the Court of Appeals has declined to decide moot questions when the disputed right existed for a period of time sufficient to complete appellate review.¹² In other cases, that Court has decided moot questions when the disputed right existed for a period of time deemed insufficient to complete appellate review.¹³

Here, there can be no question but that, in Baltimore County, a disputed right involving a reclassification petition exists for a period of time sufficient to complete appellate review. Indeed, in the instant case, the petition for reclassification was granted by the Board on 21 May 1974. The Court of Appeals denied certiorari on 5 May 1976. The comprehensive

¹²E.g., Bishop v. Governor, 281 Md. 521, 525-26, 380 A.2d 220, 223 (1977) (18 months); Lloyd v. Board of Supervisors of Elections, 206 Md. at 44, 111 A.2d at 382 (5 months).

¹³E.g., Sheehy v. Thomas, 155 Md. 688, 693, 142 A. 506, 507 (1928) (water fowl hunting season); Close v. Southern Md. Agr. Assoc., 134 Md. 629, 632, 108 A. 209, 210-11 (1919) (2 months).

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rezoning became effective 29 November 1976. In this case, a peculiar combination of circumstances prevented the completion of appellate review on the merits. Among other things, 10 months elapsed from the time the protestants filed the appeal before the Circuit Court granted the owner's motion to dismiss because the protestants lacked standing. In addition, there was an unexplained delay of 16 months between the time the Court of Appeals denied certiorari and the Circuit Court dismissed the appeal as moot. It is unlikely that a set of circumstances similar to those difficulties which prevented the completion of appellate review on the merits in this case would, in the future, coalesce to prevent completion of appellate review of other Board decisions on reclassification petitions. Accordingly, we decline to decide this moot question.

JUDGMENT AFFIRMED.
COSTS TO BE PAID BY APPELLANT.

M. WILLIAM ADELBORN
ASSOCIATE ATTORNEY AND COUNSELLOR AT LAW
107 MARLAND NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21202

November 25, 1978

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

Re: Eastern Avenue at Wilson Point Road
Baltimore County, Maryland

Dear Mr. Dinenna:

I represent a number of protestants who oppose the grant of any rezoning classification for approximately 18 acres of land owned by Chesapeake Park, Inc. and located along Eastern Avenue at Wilson Point Road. I would sincerely appreciate your advising when the petition for zoning reclassification is scheduled for hearing before you.

Thanking you for your courtesy in this matter, I am

Yours very truly,

C.P. Smith

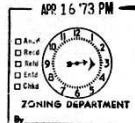
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LAW OFFICES
BAKER & BAKER
 ONE HUNNEY BUILDING
 BALTIMORE, MARYLAND 21202

HORACE A. BAKER
 ROBERT W. BAKER

April 13, 1973



The Honorable S. Eric DiNenna
 Zoning Commission
 County Office Building
 111 S. Chesapeake Avenue
 Towson, Maryland 21284

RE: Item No. 3
 Property Owner: Chesapeake Park, Inc.
 Location: S/W corner of Eastern Blvd. and Wilson Point Road
 Election District: 15
 Acreage: 18.49
 Zoning Prior to 3/24/71: M.L.-I.M.
 Existing Zoning: M.L.-I.M.
 Requested Zoning: (As amended)B.W.

Dear Mr. DiNenna:

Enclosed is my memorandum that you requested in regard to the above matter.

Your Honor may recall at the time of the Hearing, you asked the Protestants what the feeling of the neighborhood was in regard to this proposed change, and the response was that they felt that there was opposition; but there was no real consensus of opinion that could be expressed at that time. Since the time of the Hearing, the neighbors have met on two occasions; and it appears that they are unanimously opposed to this shopping center.

While the preference of the neighbors may not have any technical legal bearing on a proposed zoning change, they are still the ones that have made their neighborhood what it is today; and will be the ones most affected by the change, if one is granted. Since we have a good, stable neighborhood involved here, this becomes relevant only in so far as it buttresses the argument that there have been no substantial changes in the character of the neighborhood.

A copy of this brief shall be sent to Mr. Romadka. Thank you for your consideration in this matter.

Very truly yours,

 Robert W. Baker

Enclosure
 RWB/dma

to point to this rezoning and piece by piece erode a heretofore tranquil neighborhood.

III. INCREASED TRAFFIC CONGESTION

The testimony of Petitioner was unconvincing that the corner of Wilson Point and Eastern Avenue will not become an even worse bottleneck than already exists. Neighborhood opponents testified from their actual experience that Wilson Point and Eastern Avenue is already a congested corner during certain hours of the day and it cannot help but become worse if Petitioner's request was granted.

IV. SHOPPING CENTER USE IS NOT THE BEST USE FOR THE SUBJECT PROPERTY

While the question of the best use for a property is not the test for rezoning, it is important for this Honorable Commission to keep in mind the well-known fact that the State Department of Auction and other government officials are presently giving very serious consideration to the utilization of the Martin Airport as a commercial facility with emphasis on private planes. It is equally well-known that Maryland is the only major state in the United States with only one commercial airport, Friendship, which is recognized to be at capacity. Moreover, that the Martin Facility presents the only real alternative to Friendship.

Respectfully submitted,

Robert W. Baker

RE: Item No. 3
 Property Owner: Chesapeake Park, Inc.
 Location: S/W corner of Eastern Blvd. and Wilson Point Road
 Election District: 15
 Acreage: 18.49
 Zoning Prior to 3/24/71: M.L.-I.M.
 Existing Zoning: M.L.-I.M.
 Requested Zoning: (As amended)B.W.

PETITIONER'S REQUEST SHOULD BE DENIED AS THERE HAS BEEN NO SHOWING OF EITHER A MISTAKE IN THE ORIGINAL ZONING OR A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.

The Maryland Court of Appeals has stated on so many occasions that rezoning is not justified or valid unless there has been demonstrated either a mistake in original zoning or a change in the character of the neighborhood that citations are hardly necessary. However, the following cases, among many others, have recently enunciated this proposition: Grove Triangle, Inc. v. Mayor and City Council of Laurel, 282 Md. 677 (1971), Miller v. Abrahams, 257 Md. 126 (1970), Minor v. Shifflett, 252 Md. 158 (1969), Franklin Const. Co. v. Welch, 251 Md. 715 (1968).

Petitioner's case was devoid of any testimony that there was either "an original mistake" or "change in the neighborhood" concerning this subject property. Indeed, the only testimony in regard to same, which was put on by the neighborhood opponents to the Petitioner, was that there has been no change in the character of the neighborhood for an extended duration before the adoption of the present zoning. Moreover, their testimony and the facts substantiate that there has been absolutely no change in the neighborhood since the recent adoption of the Comprehensive Maps.

"There is a strong presumption of the correctness of original zoning and of comprehensive rezoning and to sustain that piecemeal change therefrom there must be produced strong evidence of mistake in

the original zoning or comprehensive rezoning or else evidence of substantial change in the character of the neighborhood", Wells v. Pierpont, 253 Md. 554 (1969), at page 557.

This is strengthened even further by the fact that the Baltimore County Comprehensive Rezoning is of such recent vintage. In essence, the Maryland law enacted by the Maryland Courts on numerous occasions is in order to justify rezoning there must be a "change in the character of the neighborhood." This change may occur after a comprehensive rezoning or may have occurred prior to a comprehensive rezoning and have been ignored in said comprehensive rezoning and have been ignored in said comprehensive plan, in which later instance "mistake" may be at least argued. As there simply has been no change in the character of the neighborhood in fact, for many, many years, and as the only testimony on said point was that there has been no such change, it is respectfully asserted that this Honorable Commission must deny Petitioner's request.

THERE ARE ADDITIONAL REASONS FROM A FACTUAL AND PLANNING STAND POINT, OTHER THAN STATED ABOVE, FOR DENYING PETITIONERS' REQUEST.

I. SPOT ZONING

The entire testimony of Petitioner's case concerned itself with the rezoning of the 950 acre tract owned by Petitioner which is contemplated for the future. It is possible, that if such massive rezoning is ever permitted, and such housing is actually constructed, that at such time, the character of the neighborhood may have changed sufficiently to justify a commercial shopping center rezoning. Petitioner, however, for the present, have put the proverbial cart before the horse. What they are requesting is the worst kind of spot zoning. As was evident at the hearing the neighbors are vehemently opposed to such a plan. Trying to justify such spot zoning by stating that in the future they will ask for additional spot zoning which will make their original "spot zoning" needed. In this connection the Court of Appeals in the case of Surkovich v. Doub, 258 Md. 263 (1970) quoting from Yorkley, Zoning Law and Practice, stated at page 270 et seq:

M. PERRY CHAPMAN

ADDRESS
 23 Main Street, Watertown, Massachusetts 02172
 Telephone (617) 925-3300 Telex 92-2471

EDUCATION
 Cornell University, College of Architecture, 1954-60, Bachelor of Architecture, 1960.

PROFESSIONAL EXPERIENCE

Sasaki, Dawson, DeHay Associates, Inc., Watertown, Massachusetts, Associate.
 University of Rochester, Rochester, N.Y.: Campus development plan and continuing services in site planning, architecture, design consultation, Long-Range planning and special area studies - Project Manager and Planner.
 Weiss Beach, Laconia, N.H.: Feasibility study and master plan for redevelopment of a resort complex on Lake Winnepesaukee, N.H. - Project Manager.
 University of Massachusetts, Boston: Site selection, site accommodation studies and master plan for a new State University campus in Boston - Project Manager.
 Brickyard Mountain, Laconia, N.H.: Preliminary development plan for a 400 acre seasonal home and recreation complex - Project Manager.
 Watertown Arsenal, Mass.: Master plan and market studies for the redevelopment of a 50 acre former U.S. Arsenal - Project Manager.
 Cleveland State University, Ohio: Master plan for a new urban university; continuing services in architectural design review, site planning, site planning, and special area studies - Project Manager and Planner.
 Wright State University, Dayton, Ohio: Site analysis, program evaluation, and concept plan for a new 620 acre campus - Project Manager.
 Lighthouse Point, Santa Cruz, California: Feasibility study and concept plan for convention/tourist complex on an ocean-side site - Project Planner.
 Oklahoma Christian College: Consultation on immediate and long-range site and landscape development - Project Planner.
 John Clarke Property, Middletown, R.I.: Site evaluation and consultation on development strategies for 100 acre open space - Project Manager.
 Kingsmill, Williamsburg, Va.: 1,500 acre recreation/ residential development on James River. Staff planner responsible for preparation of community impact study. Quasi-Group projects: Staff planner responsible for preparation of community impact studies for planned residential developments in New York State.

"Spot zoning has a very erosive effect on any comprehensive plan. This for the reason that spot zoning is the very antithesis of sound community planning and zoning. It is a high wave of disturbing character, spawned by legislative gusts that mar an otherwise calm sea of orderly community life."
 "A comprehensive plan must be equated with the generally recognized objective of zoning laws which is that such laws seek a well-balanced community by the prevention of an unreasonable, arbitrary or capricious exercise of the local legislative power resulting in haphazard or piecemeal zoning."
 "The inherent vice in spot zoning is that it is a departure from the comprehensive plan. Thus, spot zoning contravenes the constitutional and statutory principle of zoning by districts in consonance with the character of the lands and structures and use suitability, and uniformity of use within the division."
 "The effect of spot zoning is to produce a change out of harmony with the comprehensive plan for the good of the community as a whole."

II. NEIGHBORHOOD OPPOSITION

Petitioner could not present one single neighborhood resident, nor one shred of neighborhood testimony, that the proposed rezoning for a shopping center was either needed or desired. All the neighborhood opposition presented both at trial and directly to Your Honor in the form of letters was exactly to the contrary. Indeed, their feelings could hardly be otherwise, as a shopping center has never been less needed. There are already numerous shopping centers within a few-mile radius of the proposed site, one of which is virtually empty (the Aero Shopping Center) and the other which ceased construction after being one-third completed (the Martin Plaza). In addition, construction has begun on an 18 acre shopping center in the Bowleys Quarters-Chase area which negates the statement of the Planning Commission that the proposed center of Petitioner might service that area.

The neighborhood has expressed to this Honorable Commission both at the hearing and in writing that they are extremely wary of the undesirable element that a shopping center will bring to their presently very stable and quiet neighborhood. In addition, the neighborhood has expressed their strong and very realistic fear that a spot rezoning of this tract to commercial will enable other developers

M. Perry Chapman
 Page 2

Chesapeake Park, Baltimore, Md.: Site analysis, program evaluation, and alternative development plans for 1000 acre airport site on Chesapeake Bay - Project Manager and Planner.

Bureau of Planning, City of Rochester, N.Y., 1961-1964.
 Faragher & Macomber, Architects, Rochester, N.Y., 1960-1962.

AFFILIATIONS

Associate Member, American Institute of Planners.
 Member, Society of College and University Planners.
 Guest Lecturer, Harvard Graduate School of Design.
 Member, Belmont, Mass., Planning Board, Chairman, 1969-1971.
 Member, Belmont, Mass., Commission on Suburban Responsibility, Chairman, 1972.
 Representative, Metropolitan Area Planning Council, Member of Technical Advisory Committees on Housing, Comprehensive Planning, Regional Organization.

RE: PETITION FOR RECLASSIFICATION : IN THE
 FROM W.H. (I.M. District) to : CIRCUIT COURT
 B.R. (I.M. District) :
 SW corner of Eastern Boulevard :
 and Wilson Point Road : FOR
 15th District : BALTIMORE COUNTY
 Chesapeake Park, Inc. :
 Petitioner : Misc. Docket 8
 Maret Development Corporation : Folio 438
 Contract Purchaser : File 5322

PETITION FOR APPEAL

Appellants Austin A. Donlevy, Charles Clark, Herman F. Bauer, Harry J. Krach, Lillian M. Valls, Dorothy Wisnoko, Julia Lentz, Reese E. Nuckols, James E. Schirmer, and Joseph A. Blazek, aggrieved by the Order of the Board of Appeals of Baltimore County, dated May 20, 1974, in Case No. 73-197-R, in which the subject tract in the above captioned case was reclassified from an M.H. (I.M. District) to a B.M. (I.M. District), respectfully represent:

1. That the action of the Board was arbitrary, capricious, and illegal for lack of sufficient evidence to sustain the finding of the Board.
2. The subject tract, consisting of 18.5 acres, and being part of a 1,000 acre tract belonging to Petitioner, was classified M.H. (I.M. District) on the comprehensive map adopted March, 1971 by the Baltimore County Council. Said Petitioner requested that map designation. Petitioner failed to produce any evidence before the Board to show that the Council erred in its map designation and the Board, at page 6 of its Opinion, relied on mistake as well as "change" in reclassifying the subject tract.
3. The Board erred in its conclusion that internal corporate decision of the property owner constitutes "change" sufficient to warrant the reclassification of land. In fact, there is no statutory or Maryland case law authority to permit the

- application of such criteria for "change in a neighborhood".
4. The Board erred in its acceptance of Petitioner's definition of a neighborhood, since the 1,000 acres of which the subject 18.5 acres is a portion, are under Petitioner's sole ownership, and not developed in diverse uses.
 5. The Board erred when it omitted the Wilson Point community, immediately adjacent to these lands, from their definition of the "neighborhood".
 6. The Board erred in stating that Protestants failed to offer studies or testimony of experts to substantiate their argument of no "need" for additional commercial facilities in the area. The Board should know that residents of a community are recognized as "experts" by Maryland Court of Appeals decisions when residents are expressing their opinion about the impact of a proposed reclassification upon themselves and their community.

7. The Board erred when it contradicted its own findings and affirmed the decision of the Zoning Commissioner, whose reclassification of the tract was based upon error by the County Council in its map adoption of March, 1971.
8. The Board erred in concluding that "change" was a suitable reason for granting reclassification of the tract since the Board agreed with Protestants that any changes that had occurred in the neighborhood, particularly the installation of sewer lines and the construction of some apartments, were changes that had contemplated at the time of the Council's map adoption in 1971. Yet the Board proceeded to couple these "changes" with the "changes" in private corporate decision-making in order to sustain a finding of "change in the neighborhood".

9. The Board erred when it failed to give recognition to the overwhelming evidence that any changes pertaining to the subject tract are only the result of internal decisions taken by Petitioner, which fails to meet the legal evidentiary requirements for "change".
10. The Board erred when it reclassified the tract despite the Board's own recognition in its Opinion of the need to "carefully study the balance of this tract during the next comprehensive rezoning process, which will initiate in the very near future. The primary element in this study and subsequent redevelopment of the entire holdings will be the final outcome of the State's plans to acquire 750 acres of this remainder for a general commercial aviation airport". And the Board, without any reason and without sufficient evidence to sustain its action, admonished the "zoning authorities of Baltimore County, be it the County Council, the Zoning Commissioner, or this Board of Appeals, to be extremely careful with the land utilization plan for the remaining acreage, which is almost 1,000 acres in size. Because of the size of the remaining tract, and its potential impact upon the eastern end of our County, the above named authorities must be extremely careful to apply with due diligence the axioms of good land planning", thus contradicting the conclusion reached in its own Opinion.
11. The Board erred in that the reclassification of the 18.5 acres constitutes spot zoning, which is inconsistent with the comprehensive map of 1971 and with the needs of the neighborhood.
12. The Board erred when it permitted Petitioner to introduce extraneous, irrelevant, prejudicial and redundant testimony over the objections of Protestants' Counsel, and which had no other effect except to inflate the Record.

13. The Board erred when it relied on the testimony of Petitioner's witness Aloarese, on pages 22 to 28 of the transcript attached to the Board's Opinion, where the witness admitted on pages 27-28 that the corporate decision to abandon operations at the airport was taken in 1973, after this Petition for Reclassification had been filed with the Zoning Commissioner of Baltimore County.
14. That pages 22-28 of the transcript in this case is the only portion thereof prepared to date, and this portion was prepared at the request of Petitioner's Counsel Romadka, just after the witness Aloarese testified. This portion of the transcript was also the portion adopted by the Board as part of its Opinion.
15. And for such other and further reasons as may be assigned at the hearing in this case.

Anne Kay Kramer
 Anne Kay Kramer
 Counsel for Appellants
 Wiltonwood Road
 Stevenson, Maryland 21153
 486-2065

I HEREBY CERTIFY that copies of the foregoing Petitions For Appeal were mailed this 20th day of June, 1974, to the Board of Appeals of Baltimore County, 111 West Chesapeake Avenue, Towson, Maryland 21204; to Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland 21221; to Richard C. Murray, Esq., 409 Washington Avenue, Towson, Maryland 21204; and to Robert W. Baker, 916 Munsey Building, Baltimore, Maryland 21202.

Anne Kay Kramer
 Anne Kay Kramer
 Counsel for Appellants

*Rec'd 6-29-74
 3:15 PM*

RE: PETITION FOR RECLASSIFICATION : IN THE
 FROM W.H. (I.M. District) to : CIRCUIT COURT
 B.R. (I.M. District) :
 SW corner of Eastern Boulevard :
 and Wilson Point Road : OF
 15th District : BALTIMORE COUNTY
 Chesapeake Park, Inc. :
 Petitioner : 8/438/5322
 Maret Development Corporation :
 Contract Purchaser :

Motion For Extension Of Time For Filing of the Record

Appellants Austin A. Donlevy, Charles Clark, Herman F. Bauer, Harry J. Krach, Lillian M. Valls, Dorothy Wisnoko, Julia Lentz, Reese E. Nuckols, James E. Schirmer, and Joseph A. Blazek, pursuant to Rule 57 of the Maryland Rules, move for an extension of forty days in order to file the Record in the above captioned case. The grounds of the Motion are as follows:

1. The case before the Board of Appeals was heard over a period of five days, resulting in a voluminous Record.
2. On advice of the Reporter, C. Leonard Perkins, Counsel for Appellants has been requested to seek a forty day extension for filing the Record. From July 15, 1974, when the Record is due in this Honorable Court, to August 26, 1974.

Anne Kay Kramer
 Anne Kay Kramer
 Counsel for Appellants
 Wiltonwood Road
 Stevenson, Maryland
 21153
 486-2069

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed this eleventh day of July, 1974, to the Board of Appeals of Baltimore County, 111 West Chesapeake Avenue, Towson, Maryland 21204, Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland 21221, and Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202.

Anne Kay Kramer
 Anne Kay Kramer

RE: PETITION FOR RECLASSIFICATION : IN THE
 FROM W.H. (I.M. District) to : CIRCUIT COURT
 B.R. (I.M. District) :
 SW corner of Eastern Boulevard :
 and Wilson Point Road : OF
 15th District : BALTIMORE COUNTY
 Chesapeake Park, Inc. :
 Petitioner : 8/438/5322
 Maret Development Corporation :
 Contract Purchaser :

ORDER

ORDERED this ___ day of July, 1974, that the time for filing the Record in the above entitled case is hereby extended for a period of forty days, from July 15, 1974, to August 26, 1974.

Judge

RE: PETITION FOR RECLASSIFICATION : IN THE
 FROM W.H. (I.M. District) to : CIRCUIT COURT
 B.R. (I.M. District) :
 SW corner Eastern Boulevard :
 and Wilson Point Road : FOR
 15th District : BALTIMORE COUNTY
 Chesapeake Park, Inc., :
 Petitioner : AT LAW
 Maret Development Corp., :
 Contract Purchaser :
 Zoning File No. 73-197-R : Misc. Docket No. 9
 Austin A. Donlevy, et al, : Folio No. 438
 Protestants-Appellants : File No. 5322

CERTIFICATE OF NOTICE

Mr. Clerk,
 Pursuant to the provisions of Rule 110-3 (4) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Richard J. Romadka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for the Petitioner, and Robert W. Baker, Esquire, 916 Munsey Building, Baltimore, Maryland 21202, and Anne Kay Kramer, Wiltonwood Road, Stevenson, Maryland 21153, and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Protestants, and M's. M. E. Brown, President, Seneca Park Improvement Association, Inc., Box 560-C, Route 14, Seneca Park Road, Baltimore, Maryland 21220, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith I. Eisenhart
 Edith I. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County
 County Office Building, Towson, Md. 21204
 494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert J. Romadka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for the Petitioner, and Robert W. Baker, Esquire, 916 Munsey Building, Baltimore, Maryland 21202, and Anne Kay Kramer, Wiltonwood Road, Stevenson, Maryland 21153, and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorneys for the Protestants, and M's. M. E. Brown, President, Seneca Park Improvement Association, Inc., Box 560-C, Route 14, Seneca Park Road, Baltimore, Maryland 21220, on this 17th day of June, 1974.

Edith I. Eisenhart
 Edith I. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

cc: Zoning, P. Anderson
 Planning, R. Werneth
 Industrial Dev., G. Hall

PETITION FOR RECLASSIFICATION - BEFORE THE
 SW corner of Eastern Boulevard and Wilson Point Road - 15th District Chesapeake Park, Incorporated - ZONING COMMISSIONER
 Petitioner - OF
 NO. 73-197-R - BALTIMORE COUNTY

ORDER FOR APPEAL

MR. COMMISSIONER:
 Please enter an appeal in the above entitled matter to the County Board of Appeals on behalf of:

Harold G. Walden
 54 Dogwood Drive
 Baltimore, Maryland 21220

Richard C. Murray
 Richard C. Murray, Attorney
 Cook, Mudd, Murray & Howard
 409 Washington Avenue
 Towson, Maryland 21204
 Phone: 823-4111



Baltimore County, Maryland
 PEOPLE'S CHAMBER
 COUNTY OFFICE BUILDING
 TOWSON, MARYLAND 21284

JOHN W. HESSIAN, III
 People's Counsel
 CHARLES E. KOURTZ, JR.
 Deputy People's Counsel

December 28, 1974

ATTN: Mr. Tilton A. Cushing
 Law Division

RE: Misc. #5322
CHESAPEAKE PARK, INC.,
 Petitioner

Dear Mr. Cushing:

This is an appeal of a zoning reclassification proceeding from the County Board of Appeals to the Circuit Court for Baltimore County. The property involved is situated in the Fifth Councilmanic District.

The County Council for Baltimore County has enacted Bill No. 112-76, which adopts a new Comprehensive Zoning Map for the Fifth Councilmanic District, which said ordinance is now effective. It would seem that in accordance with Mayor and City Council of Rockville v. Duffin, 276 Maryland 232, and the cases therein cited, the adoption of the new Comprehensive Zoning Map moots this proceeding.

Should the Court and counsel agree that this is the legal effect of the new Map, I will be happy to prepare and present to the Court any Petition and accompanying Order thereon as the Court might direct.

Very truly yours,

John W. Hessian, III

cc: Robert J. Romacka, Esquire
 809 Eastern Blvd.
 Baltimore, MD 21221

RE: PETITION FOR RECLASSIFICATION FROM M. H. (I. M. DISTRICT) TO B. R. (I. M. DISTRICT) SW CORNER OF EASTERN BOULEVARD AND WILSON POINT ROAD 15th District

CHESAPEAKE PARK, INC., APPELLANT

MARET DEVELOPMENT CORPORATION, CONTRACT PURCHASER

AUSTIN A. DONLEVE, et. al APPELLEES

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

MISCELLANEOUS LAW DOCKET

EHK, JR., 9 FOLIO 438

CASE NO. 5322

STATEMENT OF THE CASE

Pursuant to Rule 1026e of the Maryland Rules of Procedure the parties have prepared and signed the following statement of the case in lieu of pleadings and evidence:

- Appellant, Chesapeake Park, Inc., owns a 200 acre tract of land in the 5th. Councilmanic District of Baltimore County, at Eastern Boulevard, between Martin Boulevard and Wilson Point Road. The 200 acre tract is part of the property which was formerly operated as the Glenn L. Martin aircraft facility.
- The 200 acre tract, which contains a number of the former Glenn L. Martin Company buildings and approximately seventy acres of undeveloped land, is being developed and operated by the Appellant, Chesapeake Park, Inc., as an industrial park.
- The 1971 Comprehensive Zoning Map for the 5th. Councilmanic District of Baltimore County zoned the entire 200 acre tract as M.H. (I.M.), manufacturing heavy-industrial.

FILED DEC 12 1974

RECLASSIFICATION FROM M. H. (I. M. DISTRICT) TO B. R. (I. M. DISTRICT) SW CORNER OF EASTERN BOULEVARD AND WILSON POINT ROAD 15th DISTRICT

CHESAPEAKE PARK, INC., APPELLANT

MARET DEVELOPMENT CORPORATION, CONTRACT PURCHASER

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

FOR BALTIMORE COUNTY

Misc. Case No. 5322

NOVEMBER 14, 1974

Mr. Clerk:

Please note an appeal to the Court of Special Appeals of Maryland from the Decision and Order of Judge Frank E. Cicone, dated April 15, 1975, in the above entitled case, on behalf of the "Protestants."

Anne Kay Kramer
 Anne Kay Kramer
 1110 Woodland Road
 Stevenson, Maryland 21153
 804-2069
 Attorney for Protestants

I HEREBY CERTIFY that on this thirteenth day of May, 1975, a copy of the foregoing Order for Appeal was mailed to Robert W. Baker, Munsey Building, Baltimore, Maryland 21202, Co-Counsel for Protestants, Robert J. Romacka, 809 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Petitioner, and John W. Hessian, III, 102 N. Pennsylvania Avenue, Towson, Maryland 21286, Counsel for Baltimore County, Maryland.

75 MAY 13 2 10:43
 CLERK OF CIRCUIT COURT, BALTO. CO.

- On October 13, 1972, Chesapeake Park, Inc. filed a Petition with the Zoning Commissioner of Baltimore County to reclassify some 18.49 acres of the tract to a B.M. Zone with an I.M. District, for development as a shopping center. The 18.49 acres lie at the southwest corner of the intersection of Eastern Boulevard and Wilson Point Road.
- On August 22, 1973 the Zoning Commissioner of Baltimore County issued a decision granting the requested reclassification of the 18.49 acres from a M.H. Zone with an I.M. District to a B.M. Zone with an I.M. District.
- The decision of the Zoning Commissioner was appealed to the Baltimore County Board of Appeals and on May 20, 1974 the Board affirmed the Order of the Zoning Commissioner rezoning the property from M.H. (I.M. District) to B.M. (I.M. District).
- The decision of the Baltimore County Board of Appeals was appealed, by the protestants, to the Circuit Court for Baltimore County on June 14, 1974, and, on October 8, 1974, Chesapeake Park filed a Motion to Dismiss the Appeal on the stated grounds that a number of named Appellants were not parties to the proceedings before the Board and that none of the named Appellants were aggrieved by the decision of the Board of Appeals of Baltimore County.
- On April 15, 1975 the Circuit Court for Baltimore County granted the Motion to Dismiss, upon a finding of lack of aggrieved parties.
- The decision of the Circuit Court for Baltimore County, dismissing the Protestants' Appeal, was appealed by the Protestants to the Court of Special Appeals of Maryland, and, in a Per Curiam decision dated December 9, 1975, the Court of Special Appeals reversed, finding that one of the Appellants (Protestants) was prima facie an aggrieved party.

November 14, 1974

Robert J. Romacka, Esquire
 809 Eastern Boulevard
 Baltimore, Maryland 21221

Anne Kay Kramer, Esquire
 Wiltonwood Road
 Stevenson, Maryland 21153

Robert W. Baker, Esquire
 516 Munsey Building
 Baltimore, Maryland 21202

Richard C. Murray, Esquire
 409 Washington Avenue
 Towson, Maryland 21204

County Board of Appeals of Balto. Co.
 County Office Building
 Towson, Maryland 21204

John W. Hessian, III, Esquire
 Assistant County Solicitor
 County Office Building
 Towson, Maryland 21201

RE: Misc. Case 5322 - Chesapeake Park, Inc.

Please be advised that I have scheduled the above entitled case for hearing on the Motion to Dismiss Appeal on:

THURSDAY, DECEMBER 5, 1974 at 10:00 A.M. IN COURTROOM NO. 5

Yours very truly,
 Frank E. Cicone

FEC:las

Rec'd 11/18/74

- Thereafter, on December 29, 1975, the Court of Special Appeals of Maryland denied a Motion for Reconsideration, filed by the Petitioner, Chesapeake Park, and the Court of Special Appeals issued its Mandate, on January 16, 1976, remanding the case for decision on the merits.
- By Order, dated May 5, 1976, the Court of Appeals of Maryland denied Chesapeake Park's Petition for a Writ of Certiorari to the Court of Special Appeals.
- After remand, but prior to a hearing on the merits by the Circuit Court for Baltimore County, the Baltimore County Council, on September 7, 1976, enacted Bill 112-76, which became effective on November 29, 1976. Bill 112-76 repealed the 1971 Comprehensive Zoning Map for the 5th. Councilmanic District of Baltimore County and enacted in its place the 1976 Zoning Map.
- On the 1976 Comprehensive Zoning Map the entire 200 acre tract of Chesapeake Park, including the 18.49 acres here involved, was classified M.H. (I.M.), the same as it had been on the 1971 Comprehensive Zoning Map.
- On January 21, 1977, the Protestants, the Appellees herein, filed with the Circuit Court for Baltimore County a Motion to Dismiss the case, as moot, on the stated grounds that there was no live controversy or issues since the 1976 Comprehensive Zoning Map for the 5th. Councilmanic District repealed the zoning of the Chesapeake Park property and use of that tract is controlled by the 1976 Comprehensive Zoning Map and no longer the 1971 Zoning Map.
- Argument on the Motion to Dismiss was heard on September 21, 1977 and the Circuit Court for Baltimore County granted the Motion to Dismiss.

RE: PETITION FOR RECLASSIFICATION FROM M. H. (I. M. DISTRICT) TO B. R. (I. M. DISTRICT) SW CORNER OF EASTERN BLVD AND WILSON POINT ROAD 15th DISTRICT

CHESAPEAKE PARK, INC., APPELLANT

MARET DEVELOPMENT CORPORATION, CONTRACT PURCHASER

AUSTIN A. DONLEVE, ET AL, APPELLEES

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

FOR BALTIMORE COUNTY

MISCELLANEOUS LAW

DOCKET EHK, JR., 9, FOLIO 438

CASE NO. 5322

INDEX

Statement of the Case and Order (Honorable Frank E. Cicone)..... 1 thru 4

RECEIVED
 DECEMBER 18 1974
 BALTIMORE COUNTY

16. On October 18, 1977, Chesapeake Park, the Appellant herein, filed with the Circuit Court for Baltimore County an Order for Appeal to the Court of Special Appeals of Maryland.

Robert J. Romacka
 809 Eastern Boulevard
 Baltimore, Maryland 21221

Joseph J. Alcarese
 P. O. Box 5061
 Baltimore, Maryland 21220

ATTORNEYS FOR APPELLANT

Anne Kay Kramer
 Anne Kay Kramer
 Wiltonwood Road
 Stevenson, Maryland 21153

ATTORNEY FOR APPELLEES

Frank E. Cicone
 The Honorable Frank E. Cicone

MANDATE

Court of Special Appeals of Maryland

No. 358 September Term, 1975

Austin A. Donlave et al
vs.
Chesapeake Park, Inc.

Appeal from the Circuit Court for Baltimore County. Filed: June 12, 1975. November 21, 1975: Per Curiam filed. Correct Opinion in the Record filed by counsel. November 21, 1975: Joint Motion granted. December 3, 1975: Per Curiam filed. Order of dismissal reversed. Case remanded for decision on the merits. Costs to be paid by appellee. December 19, 1975: Appellee's Motion for Reconsideration filed. December 29, 1975: Motion denied. January 16, 1976: Mandate issued.

STATEMENT OF COSTS:

Table with columns for 'In Circuit Court', 'In Court of Special Appeals', and 'STATE OF MARYLAND, Et:'. Rows include Record, Stenographer's Costs, Filing Record on Appeal, Printing Brief for Appellant, Reply Brief, etc.

STATE OF MARYLAND, Et:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this sixteenth day of January A. D. 1976.

Julius A. Romano
Clerk of the Court of Special Appeals of Maryland.

Copies shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

FILED JAN 27 1976

5322

PETITION FOR RECLASSIFICATION

FROM PD100 504

Chesapeake Park, Inc.
Petitioner
vs.
Austin A. Donlave, et al.
Respondents

5322

Chesapeake Park, Inc.
Petitioner

RE: PETITION FOR RECLASSIFICATION FROM M.H. (I.M. District) to B.M. (I.M. District) and Wilson Point Road and Wilson Point Road 15th District. Includes dates and names of attorneys.

CLERK

Robert J. Romadka
Clerk

Austin A. Donlave
Respondent

Chesapeake Park, Inc.
Respondent

Handwritten notes: 5322, 1/15/76, 1/16/76, 1/17/76, 1/18/76, 1/19/76, 1/20/76, 1/21/76, 1/22/76, 1/23/76, 1/24/76, 1/25/76, 1/26/76, 1/27/76, 1/28/76, 1/29/76, 1/30/76, 1/31/76, 2/1/76, 2/2/76, 2/3/76, 2/4/76, 2/5/76, 2/6/76, 2/7/76, 2/8/76, 2/9/76, 2/10/76, 2/11/76, 2/12/76, 2/13/76, 2/14/76, 2/15/76, 2/16/76, 2/17/76, 2/18/76, 2/19/76, 2/20/76, 2/21/76, 2/22/76, 2/23/76, 2/24/76, 2/25/76, 2/26/76, 2/27/76, 2/28/76, 2/29/76, 2/30/76, 3/1/76, 3/2/76, 3/3/76, 3/4/76, 3/5/76, 3/6/76, 3/7/76, 3/8/76, 3/9/76, 3/10/76, 3/11/76, 3/12/76, 3/13/76, 3/14/76, 3/15/76, 3/16/76, 3/17/76, 3/18/76, 3/19/76, 3/20/76, 3/21/76, 3/22/76, 3/23/76, 3/24/76, 3/25/76, 3/26/76, 3/27/76, 3/28/76, 3/29/76, 3/30/76, 3/31/76, 4/1/76, 4/2/76, 4/3/76, 4/4/76, 4/5/76, 4/6/76, 4/7/76, 4/8/76, 4/9/76, 4/10/76, 4/11/76, 4/12/76, 4/13/76, 4/14/76, 4/15/76, 4/16/76, 4/17/76, 4/18/76, 4/19/76, 4/20/76, 4/21/76, 4/22/76, 4/23/76, 4/24/76, 4/25/76, 4/26/76, 4/27/76, 4/28/76, 4/29/76, 4/30/76, 5/1/76, 5/2/76, 5/3/76, 5/4/76, 5/5/76, 5/6/76, 5/7/76, 5/8/76, 5/9/76, 5/10/76, 5/11/76, 5/12/76, 5/13/76, 5/14/76, 5/15/76, 5/16/76, 5/17/76, 5/18/76, 5/19/76, 5/20/76, 5/21/76, 5/22/76, 5/23/76, 5/24/76, 5/25/76, 5/26/76, 5/27/76, 5/28/76, 5/29/76, 5/30/76, 5/31/76, 6/1/76, 6/2/76, 6/3/76, 6/4/76, 6/5/76, 6/6/76, 6/7/76, 6/8/76, 6/9/76, 6/10/76, 6/11/76, 6/12/76, 6/13/76, 6/14/76, 6/15/76, 6/16/76, 6/17/76, 6/18/76, 6/19/76, 6/20/76, 6/21/76, 6/22/76, 6/23/76, 6/24/76, 6/25/76, 6/26/76, 6/27/76, 6/28/76, 6/29/76, 6/30/76, 7/1/76, 7/2/76, 7/3/76, 7/4/76, 7/5/76, 7/6/76, 7/7/76, 7/8/76, 7/9/76, 7/10/76, 7/11/76, 7/12/76, 7/13/76, 7/14/76, 7/15/76, 7/16/76, 7/17/76, 7/18/76, 7/19/76, 7/20/76, 7/21/76, 7/22/76, 7/23/76, 7/24/76, 7/25/76, 7/26/76, 7/27/76, 7/28/76, 7/29/76, 7/30/76, 7/31/76, 8/1/76, 8/2/76, 8/3/76, 8/4/76, 8/5/76, 8/6/76, 8/7/76, 8/8/76, 8/9/76, 8/10/76, 8/11/76, 8/12/76, 8/13/76, 8/14/76, 8/15/76, 8/16/76, 8/17/76, 8/18/76, 8/19/76, 8/20/76, 8/21/76, 8/22/76, 8/23/76, 8/24/76, 8/25/76, 8/26/76, 8/27/76, 8/28/76, 8/29/76, 8/30/76, 8/31/76, 9/1/76, 9/2/76, 9/3/76, 9/4/76, 9/5/76, 9/6/76, 9/7/76, 9/8/76, 9/9/76, 9/10/76, 9/11/76, 9/12/76, 9/13/76, 9/14/76, 9/15/76, 9/16/76, 9/17/76, 9/18/76, 9/19/76, 9/20/76, 9/21/76, 9/22/76, 9/23/76, 9/24/76, 9/25/76, 9/26/76, 9/27/76, 9/28/76, 9/29/76, 9/30/76, 10/1/76, 10/2/76, 10/3/76, 10/4/76, 10/5/76, 10/6/76, 10/7/76, 10/8/76, 10/9/76, 10/10/76, 10/11/76, 10/12/76, 10/13/76, 10/14/76, 10/15/76, 10/16/76, 10/17/76, 10/18/76, 10/19/76, 10/20/76, 10/21/76, 10/22/76, 10/23/76, 10/24/76, 10/25/76, 10/26/76, 10/27/76, 10/28/76, 10/29/76, 10/30/76, 10/31/76, 11/1/76, 11/2/76, 11/3/76, 11/4/76, 11/5/76, 11/6/76, 11/7/76, 11/8/76, 11/9/76, 11/10/76, 11/11/76, 11/12/76, 11/13/76, 11/14/76, 11/15/76, 11/16/76, 11/17/76, 11/18/76, 11/19/76, 11/20/76, 11/21/76, 11/22/76, 11/23/76, 11/24/76, 11/25/76, 11/26/76, 11/27/76, 11/28/76, 11/29/76, 11/30/76, 12/1/76, 12/2/76, 12/3/76, 12/4/76, 12/5/76, 12/6/76, 12/7/76, 12/8/76, 12/9/76, 12/10/76, 12/11/76, 12/12/76, 12/13/76, 12/14/76, 12/15/76, 12/16/76, 12/17/76, 12/18/76, 12/19/76, 12/20/76, 12/21/76, 12/22/76, 12/23/76, 12/24/76, 12/25/76, 12/26/76, 12/27/76, 12/28/76, 12/29/76, 12/30/76, 12/31/76.

Court of Special Appeals of Maryland

No. 358 SEPTEMBER TERM, 1975.

Austin A. Donlave et al
vs.
Chesapeake Park, Inc.

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:
December 9, 1975: Per Curiam filed. Order of dismissal reversed. Case remanded for decision on the merits. Costs to be paid by appellee.

TRANSCRIPT
RETURNED TO Clerk, Circuit Court for Baltimore County
Townson, Maryland 21204 Date January 16, 1976.

REMARKS:
Julius A. Romano
Clerk

FILED JAN 27 1976

RE: PETITION FOR RECLASSIFICATION FROM M.H. (I. M. District) to B.M. (I.M. District) and Wilson Point Blvd and Wilson Point Road 15th District. Includes names of attorneys.

ORDER FOR APPEAL

Mr. Clerk:
Please note an appeal to the Court of Special Appeals of Maryland in connection with the above entitled case.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, MD 21221
686 6274

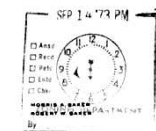
Joseph P. McCarone
P.O. Box 5061
Baltimore, Maryland 21220
686 4532

WE HEREBY CERTIFY that on this 17 day of Oct, 1977, copy of the within Order for Appeal was mailed to Anne Kay Kramer, Attorney at Law, Wiltonwood Road, Stevenson, MD 21153, attorney for Protestants; and to Robert W. Baker, Esq. 916 Munsey Building, Baltimore, Maryland 21202; and John W. Hessian, 3rd, Esq. 102 Pennsylvania Ave. Towson, Maryland 21284.

Robert J. Romadka
OF COUNSEL FOR PETITIONER

CITATION OF AUTHORITIES

Maryland Rule 535.
Quinn Freight Lines v. Woods,
13 Md. App. 346
Louis v. Germantown Insurance Company,
251 Md 535



LAW OFFICES
BAKER & BAKER
816 MURPHY BUILDING
BALTIMORE, MARYLAND 21202

September 13, 1973

The Honorable S. Eric DiNenna
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Reclassification SW/Corner of Eastern Boulevard and Wilson Point Road 15th District Chesapeake Park, Inc. - Petitioner NO. 73-197-R (Item No. 3)

Dear Mr. DiNenna:

On behalf of Austin A. Donlave, 1400 Wilson Point Road, Baltimore, Maryland 21220; Charles Clark, 1517 Shore Road, Baltimore, Maryland 21220; Herman F. Bauer, 1920 Wilson Point Road, Baltimore, Maryland 21220; Harry J. Krach, 1814 Wilson Point Road, Baltimore, Maryland 21220; Lillian M. Wallis, 1914 Wilson Point Road, Baltimore, Maryland 21220; Dorothy Wiencke, 9 Fir Drive, Baltimore, Maryland 21220; Julia Lentz, 12 Fir Drive, Baltimore, Maryland 21220; Reese E. Ruckols, 44 Greenbank Road, Baltimore, Maryland 21220; James Schirmer, Jr., Greenbank Road, Baltimore, Maryland 21220; Joseph A. Blazek, 1312 Shore Road, Baltimore, Maryland 21220; kindly note on Appeal from your opinion, dated August 22, 1973 in the above referenced matter to the County Board of Appeals.

Enclosed is my check in the amount of \$70.00, payable to Baltimore County, Maryland, for the filing fee.

Very truly yours,
Robert W. Baker
Attorney for Appellants

RWB:ka
Enclosure
CC: Robert J. Romadka, Esquire

ANNE KAY KRAMER
ATTORNEY AT LAW
STEVENSON, MARYLAND 21153
(301) 486-2069

August 19, 1977

S. Eric DiMenna
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21284

Re: Case No. 73-197-R
Case No. 78-41-R

Dear Mr. DiMenna:

On August 18, 1977, I filed my appearance in Case No. 78-41-R as Counsel for Protestants Elizabeth and Charles Clark. I am also Counsel of record in Case No. 73-197-R now pending before Judge Frank E. Ciccone in the Circuit Court for Baltimore County. We submit that Case No. 78-41-R now scheduled for hearing before you on September 20, 1977, should not be heard for the following reasons:

1. The subject matter of the above referenced cases is identical, except that they refer respectively to the Comprehensive Zoning Maps of 1971 and 1976.
2. Case No. 73-197-R is presently and was in April, 1977 still in litigation in the Circuit Court for Baltimore County. On January 21, 1977, after the 1976 Comprehensive Zoning Map had become effective, Clark filed a Motion to Dismiss the proceeding then pending in Case No. 73-197-R as being moot. (Exhibit A attached hereto) Chesapeake Park, Inc., Petitioner in both cases filed an answer to the Motion challenging its dismissal. (Exhibit B attached hereto) A hearing on that Motion has not yet been scheduled by Judge Ciccone, who advised Counsel for Clark on August 18, 1977, that a hearing on the matter will not be scheduled until after September 15, 1977.
3. At the same time that Petitioner filed his answer in Case No. 73-197-R, Petitioner's new Petition for Re-classification involving the same subject matter in Case No. 78-41-R. No notice of that filing was given to Protestant Clark or Clark's Counsel of record. The only notice to Clark was through the newspaper advertisement of August 4, 1977.
4. The Petition filed in Case No. 78-41-R is invalid since the same matter is still the subject of litigation within the same jurisdiction. See *Brooks v. Delaplane*, 1 Md. Ct. 354.

I shall be on vacation until September 15, 1977, and I shall communicate with your office as soon as I return. In the meanwhile, we request that the hearing on Case No. 78-41-R be not held pending determination of the matters set out above.

Sincerely,

Anne Kay Kramer
Anne Kay Kramer
Counsel for Protestants

AKK/4

cc: Robert J. Romadka
John W. Hessian III
Jules Lichter

RE: PETITION FOR RECLASSIFICATION
FROM P.M. (I.M. District) to
S.V. (I.M. District)
84 Corner of Eastern Boulevard
and Wilson Point Road
15th District
Chesapeake Park, Inc., Petitioner
Parent Development Corporation,
Contract Purchaser
v.
Austin A. Donlove, et al
MOTION TO DISMISS

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
8/43R/5322

Austin A. Donlove, et al, by their attorney,

Anne Kay Kramer, file this Motion to Dismiss, pursuant to Maryland Rule 535 and states:

1. That on November 29, 1976 the 1976 Comprehensive Zoning Map of Baltimore County became effective with the expiration of the forty-five day period after its enactment, pursuant to Section 308 (f) of the Charter of Baltimore County, Maryland.
2. That the enactment of the 1976 Comprehensive Zoning Map for the Fifth Councilmanic District was pursuant to Bill No. 112-76 of the County Council of Baltimore County, Maryland. Section 1 of said Bill expressly repealed the Baltimore County Zoning Regulations, amendments thereto and comprehensive revisions of the existing zoning map as it pertains to the Fifth Councilmanic District of Baltimore County.
3. That the issue in the Circuit Court for Baltimore County is whether the County Board of Appeals had sufficient evidence before it to determine that the County Council was in error when it designated the zoning for the Chesapeake Park, Inc. tract on the 1971 Comprehensive Zoning Map.
4. Since the 1976 Comprehensive Zoning Map for the Fifth Councilmanic District pursuant to Bill 112-76 repealed the zoning of the Chesapeake Park, Inc. property, there is no live

5. That all the issues on Appeal are moot since the use of the above mentioned tract is controlled by the 1976 Comprehensive Zoning Map and no longer the 1971 Zoning Map. Any decision of the County Council with regard to the 1971 Comprehensive Zoning Map is ineffective because that map has been repealed.

WHEREFORE your Petitioner prays that this

Honorable Court

- A. Pass an Order declaring that this Appeal be dismissed with each of the parties to pay his own costs.
- B. Such other relief as this cause may require.

Anne Kay Kramer
Anne Kay Kramer
Wiltonwood Road
Stevenson, Maryland 21153
486-2069

I HEREBY CERTIFY that a copy of the foregoing Motion to Dismiss was mailed this 21st day of January, 1977, to Robert J. Romadka, Esq., Attorney for Appellee, 809 Eastern Boulevard, Baltimore, Maryland 21221, and Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and John W. Hessian, 3rd, Esq., 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Anne Kay Kramer
Anne Kay Kramer

RE: PETITION FOR RECLASSIFICATION
FROM P.M. (I.M. District) to
S.V. (I.M. District)
84 Corner of Eastern Boulevard
and Wilson Point Road
15th District
Chesapeake Park, Inc., Petitioner
Parent Development Corporation,
Contract Purchaser
v.
Austin A. Donlove, et al

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
8/43R/5322

ORDER

Upon consideration of the Motion filed in the above entitled appeal and pursuant to Maryland Rule 535, IT IS ORDERED AND DECREED that this appeal be and is hereby dismissed without prejudice this day of January, 1977 by the Circuit Court for Baltimore County.

Judge

RE: PETITION FOR RECLASSIFICATION
FROM P.M. (I.M. District) to
S.V. (I.M. District)
84 Corner of Eastern Boulevard
and Wilson Point Road
15th District
Chesapeake Park, Inc., Petitioner
Parent Development Corporation,
Contract Purchaser
v.
Austin A. Donlove, et al

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
8/43R/5322

ANSWER TO MOTION TO DISMISS

NOW comes the Petitioner, CHESAPEAKE PARK, INC., by its attorneys, Robert J. Romadka and Joseph P. Alcarese, and states the following reasons why the Motion to Dismiss heretofore filed should not be granted.

1. That said Motion to Dismiss was filed pursuant to Maryland Rule 535: that said Rule 535 is meant to apply to a Non-Jury trial and should be filed after the conclusion of the opponents' case; that the purpose of the Rule is to allow a party to test the legal sufficiency of the opponents' evidence, and as no evidence to the contrary of the case has been presented thus far, the Motion to Dismiss pursuant to Maryland Rule 535 is clearly improper.
2. That said Motion to Dismiss was filed by Austin A. Donlove, et al; that since "et al" is not a legal entity, the only person filing the Motion is Austin A. Donlove; that by Order of Court dated April 15, 1975, Mr. Donlove was found not to be an aggrieved party; therefore, he has no standing to file the within Motion.
3. That the issue in the Circuit Court for Baltimore County is not one of error but rather is whether the County Board of Appeals had sufficient evidence before it to determine that there was sufficient change in the character of the neighborhood to justify a rezoning.

4. That the same zoning classification, and therefore, live controversy exists under the 1976 Comprehensive Zoning Map as existed under the 1971 Comprehensive Zoning Map does not in and of itself render this case moot; and that there exists no law or cases which dictate that the issuer here involved or this case are moot.

NID, AS IN DUTY BOUND, etc.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

Joseph P. Alcarese
P. O. Box 5061
Baltimore, Maryland 21220
686-4532

ATTORNEYS FOR PETITIONER

WE HEREBY CERTIFY that on this 4th day of April, 1977, copy of the within Answer and Citation of Authorities was mailed to Anne Kay Kramer, Attorney at Law, Wiltonwood Road, Stevenson, Maryland 21153, attorney for the Protestants; and to Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and John W. Hessian, 3rd, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert J. Romadka
OF COUNSEL FOR PETITIONER

RE: PETITION FOR RECLASSIFICATION
FROM P.M. (I.M. District) to
S.V. (I.M. District)
84 Corner of Eastern Boulevard
and Wilson Point Road
15th District
Chesapeake Park, Inc., Petitioner
Parent Development Corporation,
Contract Purchaser
v.
Austin A. Donlove, et al

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
8/43R/5322

REQUEST FOR HEARING

NOW comes the Petitioner, CHESAPEAKE PARK, INC., by its attorneys, Robert J. Romadka and Joseph P. Alcarese, and requests a hearing in open Court on the Motion to Dismiss and Answer thereto filed in this proceeding.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland
686-8274

Joseph P. Alcarese
P. O. Box 5061
Baltimore, Maryland 21220
686-4532

ATTORNEYS FOR PETITIONER

WE HEREBY CERTIFY that on this 4th day of April, 1977, copy of the Request For Hearing was mailed to Anne Kay Kramer, Attorney at Law, Wiltonwood Road, Stevenson, Maryland 21153; to Robert W. Baker, Esq., 916 Munsey Building, Baltimore, Maryland 21202, and to John W. Hessian, 3rd, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert J. Romadka
OF COUNSEL FOR PETITIONER

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND
401 Bosley Avenue
TOWSON, MARYLAND 21204
494-2500

September 7, 1977

RE: Misc. 5322 - Re: Chesapeake Park

HEARING DATE: September 21, 1977 at 4:00 p.m. in Courtroom No. 5.

I have assigned the above entitled case and date for hearing on the following:
HEARING ON MOTION TO DISMISS.

POSTPONEMENTS: If the above date is NOT agreeable to any counsel, please contact my office for another date and if the postponement is granted, it WILL THEN BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO MY OFFICE.

It is necessary that this procedure be followed because of the volume of cases now in my assignment.

If no call is received within five (5) working days, I shall assume the date is firm.

Frank E. Ciccone
Judge Frank E. Ciccone

TO: Robert Romadka, Esq.
Anne Kay Kramer, Esq.
Robert W. Baker, Esq.
John W. Hessian, Esq.

9-21-77 - Case dismissed - declared moot.

SEE ALSO: # 73-197-R

78-41-R ITEM NO. 23

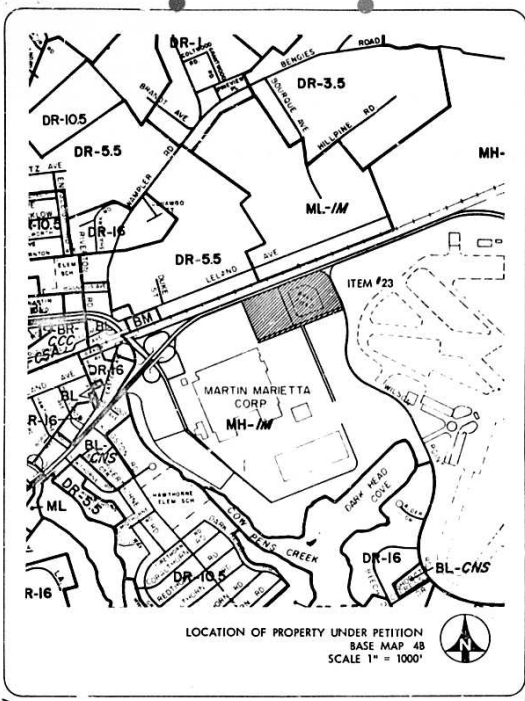
PROPERTY OWNER: Chesapeake Park, Inc.
LOCATION: SW corner of Wilson Point Road and Eastern Boulevard
ELECTION DISTRICT: 15 ACREAGE: 18.48
COUNCILMANIC DISTRICT: 5 GEOGRAPHICAL GROUP: VII
RECOMMENDED DATE OF HEARING: Week of September 19, 1977 FUNCTIONAL CATEGORY: B-D
ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: M.H.-I.M.
EXISTING ZONING: M.H.-I.M.
REQUESTED ZONING: B.M.-I.M.

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (M.H.-I.M.)
This vacant, 18.48-acre property is located on the southwest corner of Eastern Boulevard and Wilson Point Road. To the east and south are a number of uses permitted on the industrially zoned land...

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned M.H.-I.M. During the preparation and adoption of the map, the zoning of this property was identified as an issue before both the Planning Board (V-21) and the County Council (S-21).

The Planning Board believes that M.H.-I.M. zoning is appropriate for the subject property, and that the zoning map is correct. The Board considers that the parcel is prime industrial land, and, as such, should be preserved.

It is therefore recommended that the existing zoning, M.H.-I.M., be retained.



LOCATION OF PROPERTY UNDER PETITION
BASE MAP 4B
SCALE 1" = 1000'

Maryland Department of Transportation
State Aviation Administration

Harry B. Hughes
Secretary
Robert J. Annon
Commissioner

January 23, 1974

RE: Reclassification from M. H. (I. M. Dist.) to B. R. (I. M. Dist.)
SW Corner Eastern Boulevard & Wilson (Point) Road 15th District
CHESAPEAKE PARK, INC.
(Maret Development Corp. Contract Purchaser)
Petitioner
Case No. 73-197-R

TO WHOM IT MAY CONCERN:

With reference to the above captioned zoning appeal, this is to inform you that the State Aviation Administration of the Maryland Department of Transportation has, since July, 1973, been engaged in negotiations with the Chesapeake Park, Inc. for the purchase of a parcel of land identified as "Airport".

John F. R. Scott, Jr.
Deputy Administrator

FILE NO. 3

PROPERTY OWNER: Chesapeake Park, Inc.
LOCATION: SW corner of Eastern Blvd. and Wilson Point Rd.
ELECTION DISTRICT: 15 ACREAGE: 18.49
GEOGRAPHICAL GROUP: I FUNCTIONAL CATEGORY: I-M
RECOMMENDED DATE OF HEARING: Week of February 26, 1973

ZONING PRIOR TO 3/24/73: M.L.-I.M.
EXISTING ZONING: M.H.-I.M.
REQUESTED ZONING: B.R.

PLANNING BOARD RECOMMENDATION: B.M.
This tract, located on the southeast corner of Eastern Boulevard and Wilson Point Road, is a part of the Chesapeake Park, Inc. property, formerly Martin-Marietta Building to the south, east, and west have been converted to industrial park use.

This parcel of land was zoned M.L. by the adoption of the Eastern Area Comprehensive Zoning Map in September, 1966. The Planning Board, on November 24, 1970, recommended that this specific portion be zoned M.L.-I.M. On January 7, 1971, Chesapeake Park, Inc. requested M.H.-I.M. zoning, and, on March 24, 1971, the County Council adopted M.H.-I.M. zoning here.

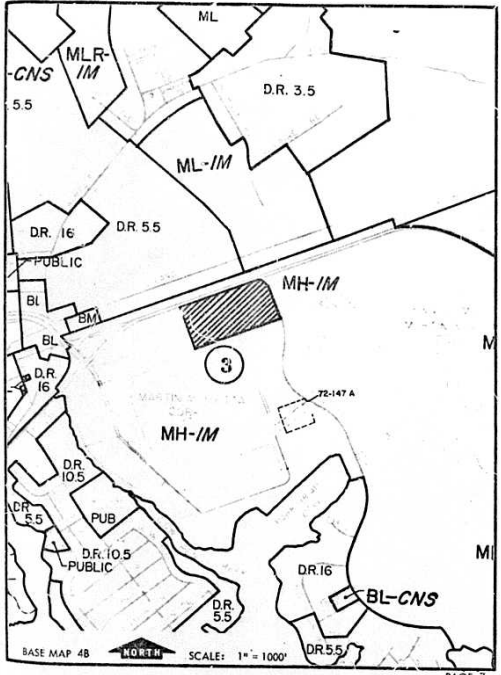
The memorandum submitted by the petitioner states in part, that:
"Since the adoption of the Comprehensive Zoning Map, you, petitioner has made a re-study and re-evaluation of the use of the tract of land that Chesapeake Industrial Park now has, consisting of approximately 1,000 acres of land, and as a result of said study, it has been suggested that a portion of said tract be converted for residential, recreational and commercial use."

After reviewing this petition, the Planning Board is of the opinion that commercial zoning is appropriate here. The content of the petitioner's development plans for the entire tract; however, the Board is opposed to the zoning of the B.R. zoning classification requested by the petitioner for the following reasons:

- 1. Concern about the entire spectrum of use potentials permitted by B.R. zoning. Some of these uses (e.g., lumber yards, building materials storage and sales yards, etc.) are totally unacceptable uses here.
2. None of the uses cited above are permitted in a B.M. zone. The B.M. (Business, Major) zone was designed for such uses as that proposed by the petitioner. In fact, the entire proposal for this 18.49-acre parcel submitted by the petitioner can be constructed in a B.M. zone.

The Planning Board believes that B.M. zoning for this property is appropriate; however, the granting of B.M. zoning here should not be considered to be a precedent for additional commercial zoning along the Eastern Avenue frontage of the remainder of the property.

It is therefore recommended that the petitioner's request for the B.R. zoning classification be denied; however, if B.M. zoning can be granted here, the Planning Board would substantially be in agreement with this decision.



BASE MAP 4B SCALE: 1" = 1000'

Mrs. Janice Brummolen
1824 Wilson Point Road
Baltimore, Maryland 21220
May 28, 1974

Mr. Walter Rieter
Chairman, Zoning Appeals Board
111 Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Rieter,
Your recent ruling regarding the "spot zoning" of the Martin Marietta property has really been a real eye opener of Baltimore County Justice.

The Appeals Board ruled as big money desired (little men have r-hown many times they do this.)
The entire proceeding was delayed and dragged out purposely to inconvenience the protestants. Even the final ruling came thirty days late--just a few days after May 10, too late for me and others to re-register. Was this by design or accident?

The Baltimore County Zoning Appeals Board is evidently an excellent training ground. Mr. Agnew got his start on this Board. Stay with it, Mr. Rieter, and you too may enjoy his success.

Sincerely,
Octavia Brummolen

Rec'd 5/31/74

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BETHESDA, MARYLAND 20814

January 31, 1974

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Chesapeake Park, Inc.
Case No. 73-197-R

Gentlemen:
Please issue summons to the following person to appear and testify at the hearing of the above noted case on behalf of the Petitioner, Chesapeake Park, Inc. on Wednesday, February 27, 1974 at 10:30 a.m.

Mr. Albert V. Quimby
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Very truly yours,
Robert J. Romadka

ds1

Rec'd. 2/4/74
10:30 am

Mr. Sheriff:
Please issue summons in accordance with above.
Muriel E. Buddemeier
County Board of Appeals



RECLASSIFICATION FROM M.H. (I.M. Dist.) TO B.R. (I.M. Dist.) IN THE BALTIMORE COUNTY BOARD OF APPEALS Case No. 73-197-R
CHESAPEAKE PARK, INC. (Maret Development Corp. Contract Purchaser) Petitioner

REQUEST FOR SUMMONS DUCES TECUM

Please issue a Summons Duces Tecum to:
John E. Meyers
Bureau of Engineering, Access Permits
State Highway Administration
300 W. Preston Street
Baltimore, Maryland 21201
SHERIFF'S FEE \$ fee
To testify for Austin A. Donlove, et al, Protestants, on Thursday, January 24, 1974 at 10:00 A.M. and to be and appear in Room 301 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 at said time and to bring with him and produce all records indicating the average daily traffic count for Eastern Avenue and Wilson (Point) Road for the years 1969, 1970, 1971, 1972 and 1973 (if possible).

Robert W. Baker, Attorney for Austin A. Donlove, et al, Protestants 916 Hanney Building Baltimore, Maryland 21202 685-2266

Rec'd 1/16/74 - 9.45 am

Mr. Sheriff:
Please issue summons in accordance with above.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

Wilson Point Civic Improvement Association

BALTIMORE, MARYLAND 21220

1814 Wilson Point Road

May 21, 1974

Mr. Walter Rector
County Office Building
Towson, Md

Dear Sir:

We were surprised at having to wait to read your decision in the morning paper

This association considers your decision not only biased but downright dishonest

The integrity of the zoning board leaves much to be desired

Very truly yours,

Henry J. Frank
President

Rec'd 2-24-74
9:30 AM

Mrs. Kerstan Banes
1920 Wilson Point Road, Baltimore, Maryland 21220

May 21, 1974

Dear Mr. Rector
All of us on Wilson Point were amazed to read in the morning paper of your decision. You had said we would have it in 30 days but when it took you 60, we thought you would at least have the courtesy to notify the Wilson Point Civic Improvement Assn. before giving it to the news media

We certainly appreciate your consideration in letting us wait for full days at the hearings. At every session all of our group was thirty minutes to an hour late in the morning, took an hour and a half to two hours and a quarter for lunch, and kept us until five or six o'clock.

He said a lawyer and tried to bring a large number of our residents to Towson in the mistaken belief that we would have an honest hearing and that our presence and testimony would carry some weight.

When the hearings were over, our group of about thirty people agreed that

May 21, 1974

Dear Mr. Rector,
Just one of those poor, dumb persons from Wilson Pt. dropping you a few choice words about the rotten decision you gave us about the zoning at Martin-Maretta. I wonder how you sleep nite you three on the Board.

I was one of the many women sitting there four or five long days listening to the bullshitting by the "Experts" and thinking

(How foolishly) we may all have a chance with three judges. But when a thing is all cut and dried before hand, as my husband and good neighbor said it would be, you must have had a good laugh behind all our backs at the 2 hour and breaks.

One thing for sure the Sun (Evening & Morning) paper took all of the "machines" on. They are to be complimented because we are just a small, little

community we thought no one heard about. But the "Sun" paper said it all for us. Now if your secretary has the guts to give this to you at least it will have made our trips by bus to Towson not all a waste of time.

Yours truly,
Mrs. Kay Cassano

Rec'd 4-13-74
9:30 AM

RE: Reclassification from M.H. (I.M. Dist.) to B.R. (I.M. Dist.)
IN THE BALTIMORE COUNTY BOARD OF APPEALS
Case No. 73-197-R
SW Corner Eastern Boulevard & Wilson (Point) Road 15th District
CHESAPEAKE PARK, INC. (Maret Development Corp. Contract Purchaser)
Petitioner

REQUEST FOR SUMMONS DUCES TECUM

Please issue a Summons Duces Tecum to:

John Scott, Deputy Aviation Administrator
Maryland Department of Transportation
Baltimore Washington International Airport
Box 8755
Baltimore, Maryland 21240

to testify for Austin A. Donleve, et al, Protestants, on Thursday, January 24, 1974 at 10:00 A.M. and to be and appear in Room 301 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 at said time and to bring with him and produce all records regarding negotiations, studies, appraisals, relative to the proposed purchase or use by the Maryland Department of Transportation and/or the State of Maryland of property on Corner of Eastern Boulevard and Wilson (Point) Road as a State airport.

Robert W. Baker
Robert W. Baker,
Attorney for Austin A. Donleve,
et al, Protestants
916 Munsey Building
Baltimore, Maryland 21202
685-2266

Rec'd 9:45 am - 1/16/74

Mr. Sheriff: Please issue summons in accordance with above.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

RE: Reclassification from M.H. (I.M. Dist.) to B.R. (I.M. Dist.)
IN THE BALTIMORE COUNTY BOARD OF APPEALS
Case No. 73-197-R
SW Corner Eastern Boulevard & Wilson (Point) Road 15th District
CHESAPEAKE PARK, INC. (Maret Development Corp. Contract Purchaser)
Petitioner

REQUEST FOR SUMMONS DUCES TECUM

Please issue a Summons Duces Tecum to:

Norman E. Gerber
Chief - Community Planning
Room 301 - Jefferson Building
Towson, Maryland 21204

to testify for Austin A. Donleve, et al, Protestants, on Thursday, January 24, 1974 at 10:00 A.M. and to be and appear in Room 301 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 at said time and to bring with him and produce all records, studies, documents, recommendations prepared by and in care or custody of the Office of Planning and Zoning relative to the present application and all prior applications for Zoning or re-classification from January 1, 1971 unto date of the South West Corner of Eastern Avenue and Wilson Point Road.

Robert W. Baker
Robert W. Baker,
Attorney for Austin A. Donleve,
et al, Protestants
916 Munsey Building
Baltimore, Maryland 21202
685-2266

Rec'd 1/16/74 - 9:45 am

Mr. Sheriff: Please issue summons in accordance with above.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

RECEIVED
JAN 18 1974
BALTIMORE COUNTY
OFFICE OF PLANNING

RE: Reclassification from M.H. (I.M. Dist.) to B.R. (I.M. Dist.)
IN THE BALTIMORE COUNTY BOARD OF APPEALS
Case No. 73-197-R
SW Corner Eastern Boulevard & Wilson (Point) Road 15th District
CHESAPEAKE PARK, INC. (Maret Development Corp. Contract Purchaser)
Petitioner

REQUEST FOR SUMMONS DUCES TECUM

Please issue a Summons Duces Tecum to:

Norman E. Gerber
Chief - Community Planning
Room 301 - Jefferson Building
Towson, Maryland 21204

to testify for Austin A. Donleve, et al, Protestants, on Wednesday, February 27, 1974 at 10:00 A.M. and to be and appear in Room 301 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 at said time and to bring with him and produce all records, studies, documents, recommendations prepared by and in care or custody of the Office of Planning and Zoning relative to the present application and all prior applications for Zoning or re-classification from January 1, 1971 unto date of the South West Corner of Eastern Avenue and Wilson Point Road.

Robert W. Baker
Robert W. Baker,
Attorney for Austin A. Donleve,
et al, Protestants
916 Munsey Building
Baltimore, Maryland 21202
685-2266

Rec'd 2/22/74 - 0 am

Mr. Sheriff: Please issue summons in accordance with above.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

RE: Reclassification from M.H. (I.M. Dist.) to B.R. (I.M. Dist.)
IN THE BALTIMORE COUNTY BOARD OF APPEALS
Case No. 73-197-R
SW Corner Eastern Boulevard & Wilson (Point) Road 15th District
CHESAPEAKE PARK, INC. (Maret Development Corp. Contract Purchaser)
Petitioner

REQUEST FOR SUMMONS DUCES TECUM

Please issue a Summons Duces Tecum to:

Norman E. Gerber
Chief - Community Planning
Room 301 - Jefferson Building
Towson, Maryland 21204

to testify for Austin A. Donleve, et al, Protestants, on Thursday, March 14, 1974 at 10:00 A.M. and to be and appear in Room 301 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 at said time and to bring with him and produce all records, studies, documents, recommendations prepared by and in care or custody of the Office of Planning and Zoning relative to the present application and all prior applications for Zoning or re-classification from January 1, 1971 unto date of the South West Corner of Eastern Avenue and Wilson Point Road.

Robert W. Baker
Robert W. Baker,
Attorney for Austin A. Donleve,
et al, Protestants
916 Munsey Building
Baltimore, Maryland 21202
685-2266

Rec'd. 5/6/74
10:30 a.m

Mr. Sheriff: Please issue summons in accordance with the above.

Edith T. Ebenhart
Edith T. Ebenhart, Adm. Secretary
County Board of Appeals of Baltimore County

if the case was decided on its merits we couldn't lose but if it was to be decided by a crooked political deal, we couldn't win.

With Mr. Coulter working for the Martin Marietta Company (Chesapeake Prop.) and Mr. Rodacka owning land in the vicinity and having appointed several to the zoning board we might have guessed the outcome.

Mr. Hessman came into the picture and was obviously resented by you and told us keep his hands off for fear he would upset the apple cart. We are still not sure what part he played.

The whole affair was a farce and you could just as well have ended it with one hearing.

It is time either for some more housecleaning of Baltimore County or the complete scrapping of planning and zoning.

Very truly yours,
Hayden Bauer

*Rec'd 5-24-74
9:30 AM*

February 15, 1974

Ms. M. Ethel Brown, President
Seneca Park Improvement Association
Box 560-C, Rt. 14 Seneca Park Road
Baltimore, Maryland 21220

Re: File No. 73-197-R
Chesapeake Park, Inc.

Dear Ms. Brown:

The Board of Appeals is in receipt of your letter regarding the above captioned petition. However, we wish to advise you that we cannot consider a letter written to the Board as legal evidence in the case. If you wish to make your views known to the Board, it will be necessary for you to appear at the time of hearing on this case.

We have already had two days of hearing on this case, and it is presently scheduled to be continued on Wednesday, February 27, 1974 at 10 a.m. in Room 301 of the County Courthouse Building.

Very truly yours,

John A. Slowik, Chairman

Order of assignment notice

Board of Appeals 73-197-R CHESAPEAKE PARK INC
Meetings: 2nd Wednesday of Each Month

SENECA PARK IMPROVEMENT ASSO.

560-C Incorporated
Box 560-C, Rt. 14, Seneca Park Road
BALTIMORE 20, MARYLAND

February 8, 1974



Mr. Eric DiVenno
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Dear Mr. DiVenno:

It has been brought to my attention that a building site consisting of 18.5 acres on Eastern Boulevard in Chesapeake Industrial Park, now owned by Maret Development Corporation is under consideration for zoning changes for the purpose of a shopping center.

This letter represents our protest to same.

In the immediate vicinity, there are now four shopping centers: (1) Carroll Island (2) Aero Area (3) Martin Plaza (4) Golden Ring Mall. Three of these shopping centers are within one mile of Chesapeake Industrial Park, and the Golden Ring Mall is promised to become one of the largest on the East Coast. Most certainly, an additional shopping area will pull trade away from these businesses already established. Presently, the Essex business section is failing for this very reason - many shopping centers situated collectively.

Please consider this possibility when considering the request for a zoning change from industrial to commercial use.

Thank you.

Yours very truly,

SENECA PARK IMPROVEMENT ASSOC.

M. Ethel Brown
President

The hearing is set for 10:30 - Feb. 27, 1974.

*Rec'd 2/27/74
from Jones*

RE: PETITION FOR RECLASSIFICATION
from M.H. (I.M. District) to
S.M. (I.M. District)
SW corner of Eastern Boulevard
and Wilson Point Road
15th District

IN
THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

MISC. DOCKET _____
FOLIO _____
FILE _____

ORDER FOR APPEAL

Please note an Appeal to the Circuit Court for Baltimore County on behalf of the following named Appellants:

Austin A. Donlavey, 1400 Wilson Point Road, Baltimore, Maryland 21220

Charles Clark, 1517 Shore Road, Baltimore, Maryland 21220

Herman F. Bauer, 1920 Wilson Point Road, Baltimore, Maryland 21220

Harry J. Krach, 1814 Wilson Point Road, Baltimore, Maryland 21220

Lillian M. Valls, 1914 Wilson Point Road, Baltimore, Maryland 21220

Dorothy Wiencke, 9 Fir Drive, Baltimore, Maryland 21220

Julia Lentz, 12 Fir Drive, Baltimore, Maryland 21220

Keese E. Nuckols, 44 Greenbank Road, Baltimore, Maryland 21220

James E. Schirmer, Jr., Greenbank Road, Baltimore, Maryland 21220

Joseph A. Blazer, 1312 Shore Road, Baltimore, Maryland 21220

from an Order of the Board of Appeals of Baltimore County, dated May 20, 1974, in Case No. 73-197-R, in which the subject tract in the above captioned case was reclassified from an M.H. (I.M. District) to a S.M. (I.M. District).

Anne Kay Kramer
Counsel for Appellants
4113 Wood Road
Stevenson, Maryland 21153
486-2069

*Rec'd 6-14-74
2:15 PM*

-2-

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was mailed, this 14 day of June, 1974, to the Board of Appeals of Baltimore County, 111 West Chesapeake Avenue, Towson, Maryland 21284, and to Robert J. Rodacka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, and Richard C. Murray, Esquire, 409 Washington Avenue, Towson, Maryland 21284.

Anne Kay Kramer

Gladstone associates
Economic consultants

January 18, 1974

MEMORANDUM

TO: Mr. William L. Lambdin
President
Chesapeake Park Inc.
P. O. Box 5061
Baltimore, Maryland 21220

FROM: Matteson M. Scott

SUBJECT: Current Evaluation of Retail Development Opportunities at Chesapeake Park

In response to your request in December, we have undertaken a reconnaissance of retail markets that would be served by trade and service outlets located at Chesapeake Park. The work has been undertaken in connection with your present petition before the Baltimore County Zoning Board of Appeals and has been focused on market potentials as they relate to the development of a community-oriented shopping center encompassing approximately 175,000 square feet of retail space together with a restaurant and branch bank.

We have reviewed the plan covering an 18-acre site on the southwest corner of Wilson Point Road and Eastern Boulevard. Information on the principle retail components has been made available to us and we understand they include a Murphy's Mart encompassing 90,000 square feet of store area together with a full-line food store on the order of 28,000 square feet. The

Memorandum to
Mr. William L. Lambdin
January 18, 1974
Page Two

remaining space envelope -- 50,000 square feet -- will be leased to a variety of retail trade and service units.

Work undertaken in the last four weeks has built on and is related to extensive studies undertaken by this office two years ago which dealt with development opportunities for your Chesapeake Park land holdings. In terms of retail opportunities, we concluded at that time as follows:

- while your site would not, in our view, be suitable for a regionally-oriented (1 million or more square feet) shopping center by virtue of location and access, it was an excellent location, in our view, for a community-oriented retail facility.
- that between 15-20 acres of land could be successfully disposed of for a community retail center. The prescribed land area could accommodate between 150,000-200,000 square feet of retail space with provision for adequate parking, edge treatment, access and circulation. The development densities suggested were directly in line with Baltimore County zoning regulations covering such a program.
- we concluded that the market area that could be addressed from your location (described more specifically further below) would require 370,000-400,000 square feet of "convenience" shopping space and approximately 200,000 square feet of "shoppers' goods" (general merchandise, apparel and furniture) by 1980 to serve an expected growth in the market area from 59,900 households in 1970 to a then estimated household population of 66,700.
- Against a total space requirement of 700,000 square feet, we judged that a knowledgeable developer with a key junior department store or discount store could successfully focus 30 percent of the incremental retail requirements at your site.

Memorandum to
Mr. William L. Lambdin
January 18, 1974
Page Three

Through the course of our present analysis we have undertaken the following steps:

- we examined forecasts for the same market area as these relate to population, households and related factors in terms of development activity that has taken place within the market area during the past 24 months.
- have undertaken an inventory of major shopping centers and/or retail concentrations of all types within the market area
- have visited and evaluated major residential developments now underway or planned within the market area.
- have briefly reviewed broader development patterns within the Baltimore metropolitan area.

On the basis of this examination it is appropriate, we believe, to revise our earlier outlook substantially. The key to the adjustment lies in a major shift in the direction of development activity in suburban Baltimore. More specifically:

- between 1960 and 1970, residential development and related population and household growth within the primary market area served by Chesapeake Park represented approximately 10 percent of new growth in Baltimore County. In our judgment, the relative attractiveness of the eastern section of Baltimore County for new development, would likely remain the same for the balance of the decade with only modest increases responsive to gains in the rate of employment growth nearby.

- in the last two years, however, 25 percent of new residential development activity in Baltimore County has occurred within the Primary Market Area as defined. As displayed in the supporting documentation, the total of 5,400 residential permits have been issued between January 1, 1972 and December 31, 1973. Taken together with the approximately 1,000 building permits issued during 1970-71, we estimate that 6,500 permits have been issued within the market area in the first third of this decade. Stated in other terms, new residential development within the market area is taking place 2-1/2 times as fast as we anticipated in our earlier analysis.

- a check with sales and rental agents at principal developments in the market area suggest that the marketplace are responding well to merchandise as it is offered and that the substantial additions to the inventory have not resulted in over-supply conditions.

Conditions which have caused a surge in growth in the market area will likely persist for the next 3-4 years with the result that it is now appropriate, we believe, to adjust upward our earlier expectations concerning numbers of families who will be resident within the market area by the end of the decade. Two principle factors account for the current attractiveness of this area of Baltimore County for families seeking shelter opportunities. These are:

- partial or complete sewer moratoria operating in parts of Baltimore County which have historically accommodated a lion's share of suburban growth.

- the current energy crisis which has caused residential markets to focus more intensely on close-in suburban locations which are proximate to Baltimore City and "inner" Baltimore County employment concentrations.

On the basis of our current analysis, we believe that the Chesapeake Park market area will sustain household growth on the order of 1,300-1,500 families annually for the balance of the decade with a result that 73,000-75,000 families will be resident in the market area by 1980. Retail space requirements for all trade and service categories will increase proportionately as follows:

Store Type	New Space Requirements by 1980
"Shoppers' Goods" Space	500,000 - 525,000 square feet
Convenience Trade and Services Space	550,000 - 600,000 square feet
TOTAL	1,050,000 - 1,125,000 square feet

In terms of "share" of new retail space requirements in the market area, the proposed program for Chesapeake Park represents a modest share and one we would judge to be readily attainable at this location. In the "Shoppers' Goods" category, the share is overstated to the extent that the G.E.M. store in Eastern Center will be closing shortly accorded, to our understanding, the termination of operations at this outlet is responsive to corporate financial difficulties rather than the merits of this individual location and operation. While some distance from the Chesapeake Park site,

families resident at the western edge of the trade area will, therefore, be seeking other shopping opportunities within the boundaries of the market area.

SHARE OF NEW MARKET REQUIREMENTS REPRESENTED BY PROPOSED RETAIL PROGRAM AT CHESAPEAKE PARK

A. Murphy Mart (Retail Selling Area Only)	77,000 s.f.
Share of New "Shoppers' Goods" Space Requirements	15% 1/
B. Convenience Trade and Service Outlets and Restaurant	60,800 s.f.
Share of New Convenience Space Requirements	11%

1/ Reduced to 13 percent if replacement requirements represented by G.E.M. Store are added to Market Area Space needs.

The balance of new retail sales potentials and related space requirements will accrue to the existing retail inventory to the extent individual stores compete effectively for incremental sales dollars and to new shopping centers now under construction or planned.

SUPPORTING DOCUMENTATION
CHESAPEAKE RETAIL DEVELOPMENT POTENTIALS

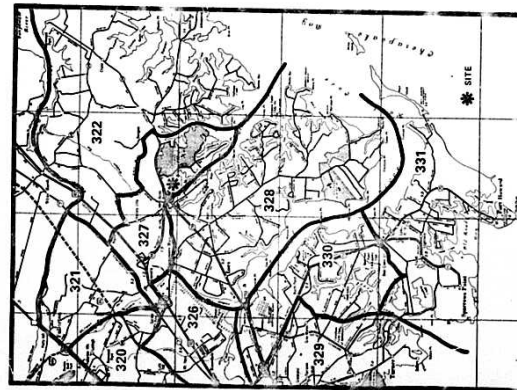
PRIMARY MARKET AREA
CHESAPEAKE PARK SITE

The Primary Market Area for Chesapeake Park retail development opportunities has been defined in general geographic terms as follows:

- Bounded by the Baltimore City line to the west
- to the south and east by the Patapsco, Back and Middle Rivers
- to the north by Belair Road and White Marsh Run extending eastward to Bird River.

The following communities are included within market area boundaries: Overlea; Rossville; Middle River; Essex; Dundalk; Northpoint; Edgemore; and Rosedale. The market area falls within 10-15 minute driving time from the site as shown in the following map.

**CHESAPEAKE PARK MARKET AREA
REGIONAL PLANNING DISTRICTS
JANUARY 1974**



R.P.D.	COMMUNITY
320	OVERLEA
321	ROSSVILLE
322	WINDLASS
326	ROSEDALE
327	MIDDLE RIVER
328	ESSEX
329	DUNDALK
330	NORTH POINT
331	EDMERET

REQUIREMENTS FOR NEW "SHOPPERS' GOODS" RETAIL SPACE 1/
CHESAPEAKE PARK PRIMARY MARKET AREA
1970-1980

	1970	1980
Estimated Number of Households	59,900	73,000
Median Household Income 2/	\$ 8,821	\$ 9,844
Total Personal Income (\$000) 1/	\$528,378	\$720,000
Share of Personal Income to "Shoppers' Goods" Retail Purchases 1/	26%	24%
Estimated Expenditure (\$000)	\$137,378	\$173,000
Sales Production Per Square Foot 2/	\$70	\$70
Supportable Square Feet of Shopping Center Space (000)	1,960	2,470
Cumulative Net New Supportable Square Feet (000)	None 3/	+510

1/ General Merchandise, Apparel and Furniture Trade.

2/ Constant 1970 dollars.

3/ Trade Area "fully stored" in 1970.

Source: Regional Planning Council, "Consumer Expenditure Patterns"; Gladstone Associates.

REQUIREMENTS FOR NEW "CONVENIENCE" RETAIL SPACE
CHESAPEAKE PARK PRIMARY MARKET AREA
1970-1980

Total Additional Personal Income in Market Area by 1980 1/	\$132,000,000
Share of Personal Income to "Convenience" Retail Purchases	19%
Estimated Additional "Convenience" Expenditures Annually	\$ 36,500,000
Sales Productivity per Square Foot of Store Space	\$65
Supportable Square Feet of "Convenience" Space by 1980	550,000-600,000 square feet

1/ Combines "real" income appreciation of 59,900 families resident in the market area in 1970 (from a median income of \$8,821 per household to \$9,844) plus income of the estimated 13,100 new households.

TOTAL AUTHORIZED RESIDENTIAL BUILDING PERMITS
BY REGIONAL PLANNING DISTRICTS
CHESAPEAKE PARK PRIMARY MARKET AREA: 1972-73

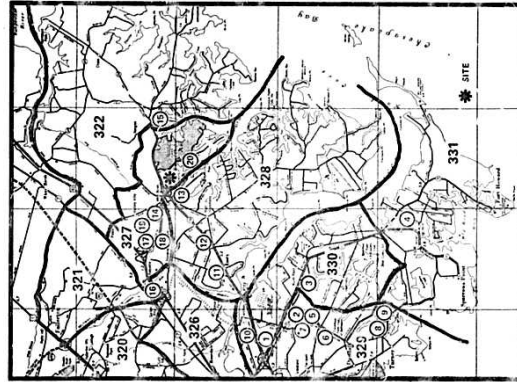
R.P.D. Number	R.P.D. Name	Number of Permits		R.P.D. Boundaries	Estimated Distance From Site To Center of R.P.D. (Miles)
		1972	1973		
327*	Middle River	864	314	#322 boundary on north, Middle River inlet on east, Stomest Run Rd. on south, Old Phila. Rd. on west	under 1
322	Windlass	307	546	Whitmarsh Creek on north, Bay on east, Bengles Rd. on south, Old Phila. Rd. on west	3-5
328	Essex	916	492	Stemens Run Rd. on north, Peninsula to Bay	3-4
320	Overlea	14	352	North by Whitmarsh Creek, east by Old Phila. Rd., south by Belway, west by Rt. 1	4-5
321	Rossville	609	644	North by Belway, east by I-95 and Golden Ring Rd., south by Balt. City Line, west by Rt. 1	4-5
326	Roseale	21	26	R.P.D. #320 to the north; Balt. City Line to west, #329 to south, #328 to the east.	4-5
329	Dundalk	196	12	North Point Blvd. to north, City Line to west, R.P.D. #330 to the east, Harbor to south	5-6
330	Northpoint	2	10	Eastern Blvd. & Back River to north and east, North Point Blvd. west, and Peninsula Expressway south	4-5
331	Edgemere	15	22	Peninsula Expy. to north - Bay the rest.	5-6
Total Primary Market Area		2,950	2,418		

Source: Regional Planning Council, January, 1974.
* Site located within #327 Middle River R.P.D.

SHOPPING CENTERS & RETAIL CONCENTRATIONS
CHESAPEAKE PARK MARKET AREA
JANUARY 1974

KEY

1	EASTPOINT SHOPPING CENTER
2	NORTH POINT VILLAGE
3	EDGEMERE CENTER (NOT BEGUN)
4	COOKS CENTER
5	MERRITT PARK SHOPPING CENTER
6	MERRITT POINT SHOPPING CENTER
7	DUNDALK MAIN STREET
8	LOGAN SHOPPING CENTER
9	EASTERN CENTER
10	MIDDLE RIVER SHOPPING CENTER
11	HAWTHORNE NEIGHBORHOOD CENTER
12	MARTIN PLAZA
13	CARROLL ISLAND SHOPPING CENTER
14	GOLDEN RING MALL
15	SANITARY SUPER MARKET & SHOPS
16	AERO SHOPPING CENTER AND ADJACENT RETAIL
17	NEIGHBORHOOD CENTER (MIDDLE RIVER ROAD)
18	STANBURY CENTER



RETAIL SURVEY

Map Key	Name	Location	Estimated Size	Major Retail Units	Other Stores	Comments
1	East Point Shopping Mall (enclosed)	North Point Road and Eastern Avenue	725,000 square feet	Hochschild Kohn, Hutzlers, G.C. Murphy, 23,000 square feet	25-30	very active center; bulging with merchandise; middle age clientele; adequate parking.
2	North Point Plaza	North Point Blvd. (where road becomes limited access expressway)	130,000 square feet.	Topps Department Store -- 65,000 square feet	AMP Discount Foods, Billiards Hall, Cut Rate Liquor, Work Clothes Shop (men and boys), movie theatre	large parking space available; not very busy; Topps has only a few dozen shoppers; also - some sections of store had no shelving nor merchandise; center is long established but Topps unit only has been in place two years.
3	Northpoint Village	North Point Blvd., Dundalk	40,000 square feet	none	Super Thrift Supermarket; Flea Market; Barber Shop; County Health Center; Bar and Grill; High's Dairy.	limited parking.
4	Edgemere Center	North Point Blvd. below Belway	60,000 square feet			under construction (size grading only); Bank Trailer on site now
5	Cooks Shopping Center	Wise Avenue and Lynch Road	25,000 square feet - general discount merchandise			
6	Merritt Park	S.W. Corner of Holabird Ave. and Merritt Blvd.	75,000 square feet			
7	Northpoint Village	North Point Blvd., Dundalk	40,000 square feet	none	Super Thrift Supermarket; Flea Market; Barber Shop; County Health Center; Bar and Grill; High's Dairy.	limited parking.
8	Edgemere	Peninsula Expy. to north - Bay the rest.				

Map Key

7	Name: Merrett Point Location: Merrett Blvd. north of Trappe Road Major Retail Units: Sears Surplus Store and Catalog Sales - 10,000 square feet Two Guys Dept Store - 30,000-40,000 square feet; newly opened (less than one year) Other Stores: Danneman Fabrics; Sporting Goods; Bank; Big Boy; Food Market (large) attached to Two Guys. Comments: Parking limited on this linear shopping center; new center -- nearing completion.
8	Name: Dundalk Business District Location: Main Street Major Retail Units: S.S. Kresgee -- 20,000 square feet Other Stores: 15 small shops Comments: parking on street limited.
9	Name: Logan Shopping Center Location: Dundalk Road Estimated Size: 35,000 square feet Major Retail Units: G.C. Murphy Co. (Junior) - 8-10,000 square feet Other Stores: Food Market; Spiegel Catalog Shop; Western Auto; High's Comments: parking ample; business slackening; older, middle age clientele; old center - dilapidated.

Map Key

10	Name: Eastern Center Location: one half block north of East Point Mall Major Retail Units: G.E.M. Facility - 100,000+ square feet (will soon close); Pantry Pride Comments: parking more than adequate.
11	Name: Essex Business District Location: Eastern Boulevard Estimated Size: 150,000-170,000 square feet Major Retail Units: None Other Stores: Food Stores: Italian Market; grocery in converted gas station; "Farmers" Market; AMP; Grocery. Convenience Service Stores: Beauty and Barber Shops (4); Dry Cleaning, Laundry, Valet (3); Car Accessories, Auto Parts (2); Hardware and related (4); Termite Control (2). Home Furnishings and Related: RCP; Carpet and Tile (3); Furniture, TV, Fabrics (6). Other Comparison Units: Jeweler (1); Antiques (1); Mens Clothing (2); Childrens Clothing (1); Family Clothing (1); Shoe Store (1); Wig Store (1); Sporting Goods (2). Eating and Dining Establishments: Fast Food (2); Restaurants and/or cafe (3); Liquor Store (1); Bar and Tavern (4). Other Trade and Office Service Units: Banks (2); Insurance (2); Loans (1); Taxi (1); Toy Store/Pet Shop (2); gasoline station (4-5); Used Cars (1); Movers (1); Printing Company (1); Karate (1); Army Recruiter (1); Tax Services (2).

Map Key

12	Name: Middlesex Shopping Center Location: Eastern Blvd. and Essex Avenue Estimated Size: 50,000 square feet Major Retail Units: Lards - 15,000 square feet S.S. Kresge Co. - 8-10,000 square feet Other Stores: 10 trade and service units Comments: Old center, 10-15 years; parking limited.
13	Name: Hawthorne Neighborhood Center Location: Eastern Blvd. and Longston Road Estimated Size: 15,000 square feet Major Retail Units: None Other Stores: Mid-size grocer; bowling lanes; Future Drug Store. Comments: parking adequate; small, older center
14	Name: Martin Plaza Location: Martin Blvd. and Middle River Road Major Retail Units: Sears Warehouse Outlet - 4,000 square feet Other Stores: AJP; Maryland Bank Comments: 7,500 square feet of vacant space; parking ample; active center
15	Name: Carroll Island Shopping Mall Location: Eastern Boulevard Major Retail Units: Safeway Foods; Drug Fair Other Stores: 10 other convenience outlets Comments: to be opened in spring, 1974.

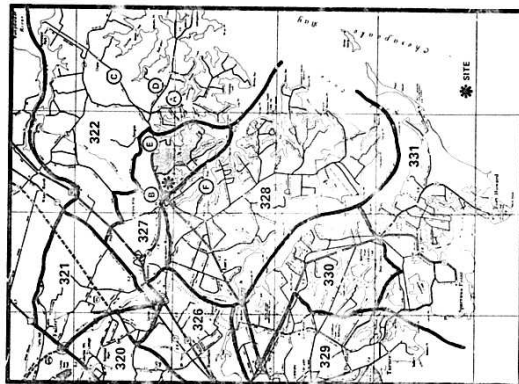
Map Key

16	Name: Golden Ring Mall Location: Pulaski Blvd. and Belway Estimated Size: 2,000,000 square feet Major Retail Units: Montgomery Wards; Stewarts; Hecht Co. Other Stores: 80 stores and service shops Comments: six months to completion; two levels completely enclosed; parking free -- 4,500 cars
17	Name: Sanitary Super Market Location: Corner of Compass Rd. and Martin Blvd. Other Stores: Fink's Variety; Fink's Drug (one side); Barber Shop; Small Shell Station; Texaco; Gift Shop; Bakery; Seven-Eleven.
18	Name: Aero Shopping Center Location: Martin Blvd. Other Stores: Theatre; self-service laundry; 2,000 square feet dry cleaners; four vacant stores; bakery; Baptist Storefront Church. Other stores scattered nearby: Auto Marine Electric and Parts; Pizza Sub Shop; Aero Heating Co.; Maryland Drive In Bank; Petco Gasoline Station; Coran's Greasy Spoon Restaurant; real estate/law office/insurance; Aero Barber Shop; Chesaco Furniture Co.; Aero Pharmacy; beauty shop; club bar; IRA Cleaners.
19	Name: Retail Concentration Location: Near Martin Plaza - on Middle River Road Other Stores: Package Liquors; Delicatessen; Dry Cleaners; Self-service laundries; pharmacy; house points; dry cleaners; Plaza Lounge, Gasco Station. On Martin Blvd. east of Martin Plaza: Mobile Gas; Phillips 66; Speed Shop Liquors

20 Name: Wilson Point Road Shopping Center
Location: Wilson Point Road
Estimated Size: 8,000-10,000 square feet
Retail Units: Ceramics Shop; pharmacy; Health and Beauty Aids; liquors; dry cleaning; delicatessen; Vee Vee Appliance; Catherinis Grocery.

MAJOR RESIDENTIAL DEVELOPMENTS
CHESAPEAKE PARK MARKET AREA
JANUARY 1974

KEY
TOWN AND COUNTRY APARTMENTS (CARROLLWOOD)
MAPLE CREST TOWNHOUSES AND APARTMENTS
DUNDEE VILLAGE
CARROLL ISLAND APARTMENTS
FOX MOBILE HOME PARK
KINGSTON HOMES



RECENT RESIDENTIAL CONSTRUCTION
CHESAPEAKE PARK MARKET AREA
1971-1973

Map Key

- A. Town and Country Apt. - Carrollwood
Carroll Island Road
400+ apt. -- Meyerhoff
1 and 2 bedrooms -- 1/br. \$135-\$141
2/br. \$147-\$157
B. Maple Crest Townhouses and Apt. - four years old
Middle River and Wampler Road
existing cownhouse units - 2,000+
under construction - 1,000-1,500+
2 and 3 bedroom townhouses;
1 and 2 bedroom apartments
new 2/br. \$179
new 3/br. \$210
Virtually 100% occupancy
gas and electric not included
existing apartments - 240
under construction - 120
land still available for more development
C. Dundee Village - Eastern Ave. near Ebenezer Rd.
2/br. townhouse from \$119/mo. and gas and electric.
240 existing
352 nearly completed
graded site (15-20 acres estimated) for 500 more
15-20 acres of new land in process of grading.
Seems to be heading for Maple Crest size.

Map Key

- D. Carroll Island Apt.
200 units nearing completion
1 and 2 bedrooms from \$145 plus gas and electric
Universal Housing Corporation
E. Williams Traylor Park
Eastern Blvd., east of Martin Blvd.
400-500 pads (older), 20-30 new pads
recently built; room for expansion
F. Kingsto. Townhouses
east off Eastern Avenue on Kings Point Road
300 sale row houses
development is an extension of existing row house community

PETITION FOR RECLASSIFICATION IN THE
CIRCUIT COURT FOR BALTIMORE COUNTY
FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 9
Folio No. 438
File No. 5322

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerks
Please file, &c.

Muriel E. Buddenmier
County Board of Appeals of Baltimore County

cc: Zoning
Robert J. Romano, Esq.
Robert W. Baker, Esq.
Richard C. Murray, Esq.
Mrs. Anne Kay Kramer

PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 9
Folio No. 438
File No. 5322
Austin A. Daniels, et al
Petitioners-Appellants

TO THE HONORABLE, THE JUDGE OF SAID COURT:
And now come Walter A. Reiter, Jr., Lowell L. Giffard and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter...

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

- No. 73-197-R
Oct. 13, 1972 Petition of Chesapeake Park, Inc. (Maret Development Corp., contract purchaser) for reclassification from M.H. (I.M. District) to B.R. (I.M. District) on property located on the southwest corner of Eastern Boulevard and Wilson Point Road, 15th District - filed
13 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 1, 1973 at 1:00 p.m.
13 Comments of Baltimore County Zoning Advisory Committee - filed
Planning Board Recommendations - filed
Feb. 9, 1973 Certificate of Publication in newspaper - filed
15 Certificate of Posting of property - filed
Mar. 1 At 1:00 p.m., hearing held on petition by Zoning Commissioner - case held sub curia
Aug. 22 Order of Zoning Commissioner granting reclassification
Sept. 14 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
21 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

- Jan. 21, 1974 Hearing on appeal before County Board of Appeals
24 Continued hearing on appeal before County Board of Appeals
Feb. 27
Mar. 14
21
sub curia
May 20 Order of County Board of Appeals granting reclassification
June 14 Order for Appeal filed in Circuit Court for Baltimore County
17 Certificate of Notice sent to all interested parties
20 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County
July 12 Petition to extend time for filing record from July 15, 1974 to August 26, 1974 (40 days)
Aug. 14 Transcript of testimony filed - 3 volumes
Petitioner's Exhibit No. 1 - 200' official zoning map
2 - 1000' scale zoning map
3 - Opinion and Order of Zoning Commissioner in subject case dated August 22, 1973
Petitioner's Exhibit No. 4 - Report of Zoning Advisory Committee (Oct. 13, 1972)
5 - Plat Plan of subject property, Md. Surveying & Engineering Co., Inc. (9/27/72 - Rev. 1/24/73)
6 - Key map - seven (7) maps: 1-NE, 1-SE
7 - Composite 7 1000' scale zoning maps, B-5 and S-5
8 - Sewer plot - 8' sanitary sewer West Kingsdon Park Lane
9 - Cor. 'ite - 2 lay maps (Z-4-N, MM-SW)
10 - Contract drawing - sewer plan, sheets 1 and 2, Oliver Beach Interceptor
11 - Contract drawing - sewer plan, sheets 1 and 2, Blind Sewer & Gaspower River to Rosewood Pump Sta.

- Petitioner's Exhibit No. 12 - Plat plan of Bergies pumping station
13 - Plat of Chesapeake Park property - Md. Surveying & Engineering Co. (in C.B. of A. class)
14 - Photo "D" Building
15 - Photo - Engineering Bldg.
16 - For Identification only - Report of Planning Board, Item 3, Cycle IV
17 - Aerial photo of subject property
18 - A - photo, 1956 - subject property
B - " " "
19 - Payroll records
20 - Traffic study -
21 - Public Works Agreement, Dept. of Public Works # 158303, pt. 1 4 pages pt. 2 4 pages
22 - Public Works Agreement, DPW-157001 12 pages
23 - Public Works Agreement, DPW 157210 4 pages
24 - Plat of area
25 - Sewer contract No. 522-5
26 - Work sheet for population (2 pages)
27 - Census Report
28 - Memorandum prepared by Gladstone Associates
29 - Bonding of sewer, road center
30 - A thru J Photos, marked on reverse side
31 - Photo Aero Aerials
32 - Photos A & B, Stoney Brook Shopping Ctr.
33 - Photo Hawthorne Shopping Plaza
34 - Photo, Martin Blvd. & Campus Rd.
35 - Photo, Martin Shopping Plaza
36 - Analysis prepared by Baltimore County Office of Planning

Aug. 23, 1974 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Harold E. Brinkmeyer
County Board of Appeals of Baltimore County

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

Robert J. Romacko, Esq.,
809 Eastern Blvd.,
Baltimore, Maryland 21221

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Item 3

Your Petition has been received and accepted for filing
this 13th day of October 1972.

ERIC DINENNA,
Zoning Commissioner

Petitioner: Chesapeake Park, Inc.
Petitioner's Attorney: Robert J. Romacko

Reviewed by: John J. Dillon, Jr.,
Chairman,
Zoning Advisory Committee

Mr. S. Eric Dinenna
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Re: Reclassification Act, 1972
Property Owner: Chesapeake
Park, Inc.
1/4 Cor. Wilson Point
Rd. and Eastern Ave., Route 150
United Zoning Act, 1972
M. H. to R. R.
District 15
No. Acres 18.46

Dear Mr. Dinenna:

The subject plan indicates a traffic movement across the main entrance from Eastern Boulevard at a point extremely close to the site, therefore, this movement should be eliminated.

An inspection at the site revealed that the existing curb break on Wilson Point Road, where an entrance is somewhat proximate to Eastern Boulevard, an entrance at that close proximity for an entrance at this location. It appears that the entrance from Wilson Point Road opposite the median crossover would be sufficient to accommodate Wilson Point Road traffic.

Access to the site from Eastern Boulevard and Wilson Point Road will be subject to approval and permit from the State Highway Administration.

The 1971 average daily traffic count for Eastern Boulevard is 22,675 vehicles and for Wilson Point Road is 4,300 vehicles.

Very truly yours,
Charles Lee, Chief
Section Engineer, Section
of Planning and
Development
P. O. Box 717, 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

Robert J. Romacko, Esq.,
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Special Exception Petition
Item 3
Chesapeake Park, Inc.

Dear Mr. Romacko:

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 located on the southwest corner of Eastern Blvd. and Wilson Point Road, in the 15th Election District of Baltimore County. This ML-1M zoned land is part of the Martin Harletta Corporation property and contains 18.46 acres of land. This parcel is directly adjacent to the other property owned by Chesapeake Park-Martin Harletta Corporation on the south, east and west. The property on the north side of Eastern Blvd. is unimproved DR 5.5 and ML-1M property. Curb and gutter exists at this location.

This property was the subject of an earlier reclassification petition during the Third Zoning Cycle and was subsequently withdrawn. The current request is for a Reclassification from ML-1M to BR-1M for a planned shopping center. There are some site plan problems which will necessitate a revised plan being submitted and should include a revised parking calculation for the restaurant area using the 1car/50 square foot on the total floor area and the location of the overhead doors for the T.S.A. store. Also, the items covered by the Bureau of Engineering, State Highway Administration, Department of Traffic Engineering and Project Planning are to be shown on the revised site plan.

This petition is accepted for filing on the date of the enclosed filing certificate. However, all corrections to site plans as requested shall be submitted to this office prior to Thursday, February 1, 1973 in order to allow time for advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1973 and April 15th, 1973 will be forwarded to you in the future.

Robert J. Romacko, Esq.,
Re: Chesapeake Park, Inc.
Page 2
October 13, 1972

you in the future.

Very truly yours,
John J. Dillon, Jr.
Chairman,
Zoning Advisory Committee

JJD:JD
Enclosure

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVERS, P.E., CHIEF

October 20, 1972

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

Re: Item #3 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Chesapeake Park, Inc.
3/4 Cor. of Wilson Point Rd. & Eastern Avenue
Present Zoning: M.H.
Proposed Zoning: Re-class. from M.H. to B.R.
District: 15th No. Acres: 18.46 acres

Dear Mr. Dinenna:

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.

Highway Comments:

Eastern Boulevard (Md. Rte. 150) and Wilson Point Road (Md. Rte. 587) are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Highway Administration requirements.

Storm Drain Comments:

Eastern Boulevard and Wilson Point Road are State Roads. Therefore, drainage requirements as they affect these roads come under the jurisdiction of the State Highway Administration.

The Petitioner shall be responsible for the relocation of any public storm drains associated with the development of this site. An existing 48-inch pipe is shown crossing under a future store which will not be allowed providing that drain is maintained by Baltimore County.

If the existing storm drain system is inadequate, the Petitioner will be responsible to supplement or replace the system as required for adequacy.

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

Sediment Control Comments:

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.

Item #3 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Chesapeake Park, Inc.
Page 2
October 20, 1972

Water Comments:

Public water is available from the existing 12-inch water main in Wilson Point Road.

Sanitary Sewer Comments:

Public sanitary sewerage can be made available by the construction of a private onsite sewer which will have to be pumped via a force main through the property westerly to the existing 15-inch sewer at Eastern Boulevard and Martin Boulevard. The Petitioner will be responsible for obtaining the necessary easements or rights-of-way required for the construction and maintenance of his sewer facilities.

Very truly yours,

Ellsworth N. Divers, P.E.
Chief, Bureau of Engineering

END:EAM:MK:iss

I-NS Key Sheet
11 NS 35 & 36 Position Sheet
NS 41 Topo

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director
JEFFERSON BUILDING
TOWSON, MARYLAND 21284
49-2321

October 24, 1972

S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21284
49-2321

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #3, IV Zoning Cycle, October 1972 - April 1973, are as follows:

Property Owner: Chesapeake Park, Inc.
Location: S/W corner of Wilson Point Road, and Eastern Avenue
Present Zoning: M.H.
Proposed Zoning: Reclas from M.H. to B.R.
District: 15
No. Acres: 18.49 acres

The entrance at the center of the site on Eastern Boulevard may create unnecessary traffic problems, since there will be parking along both sides of the driveway into the shopping center from that entrance. It is suggested that there be no parking permitted along this driveway and the driveway be channelized with curbing.

The site plan must be revised to show more details in the area of the T.S.A. store, such as: the overhead doors for service, the traffic flow, and complete parking data.

The site plan must be revised to show the required number of parking spaces for the restaurant, at a rate of 1 space for each 50 square feet of total floor area; and the site plan must indicate the drive-in window for the bank along with the traffic flow and stacking spaces.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 10, 1972

DONALD J. HOGG, M.D., M.P.H.
HEAD OF HEALTH AND SAFETY REGULATORY SERVICES

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

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, October 4, 1972, are as follows:

Property Owner: Chesapeake Park, Inc.
Location: S/W corner of Wilson Point Rd., & Eastern Ave.
Present Zoning: M.H.
Proposed Zoning: Reclassification to B.R.
District: 15
No. Acres: 18.49

Metropolitan water and sewer are available to the site.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

Department of Water Resources Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with the Department of Water Resources requirements.

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnp
cc: L.A. Schuppert
W.L. Phillips

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Director
Wm. T. MELSER Deputy Traffic Engineer

October 30, 1972

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

Re: Cycle Zoning IV
Item 3 - ZAC - Oct. 72 to Apr. 73
Property Owner: Chesapeake Park, Inc.
SW corner Wilson Point Road & Eastern Avenue
Reclass. from MH to BR
District 15

Dear Mr. DiNenna:

The subject petition is requesting a zoning reclassification from a MH-IM district to a BR-IM district. As presently zoned, this site would generate approximately 1,850 trips per day. If reclassified, this site would generate approximately 3,200 trips per day.

Very truly yours,
Michael L. Flanagan
Michael L. Flanagan
Traffic Engineer Associate

MSF:mnc

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204
422-7810

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Eric DiNenna, Chairman
Zoning Advisory Committee

Re: Property Owner: Chesapeake Park, Inc.

Location: S/W corner of Wilson Point Road, and Eastern Avenue

Item No. 3 Zoning Agenda IV ZONING CYCLE
October 1972 - April 1973

gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John Thomas Kelly* Noted and Approved:
Planning Group Special Inspection Division Deputy Chief
Fire Prevention Bureau

mls
4/25/72

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 19, 1972

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

Re: Item #3

Property Owner: Chesapeake Park, Inc.
Location: S/W corner of Wilson Point Road, and Eastern Avenue
Present Zoning: M.H.
Proposed Zoning: Reclass from M.H. to B.R.

District: 15
No. Acres: 18.49

Dear Mr. DiNenna:

Since this is an existing commercial zone there would be no effect on the student population.

Very truly yours,
W. Mark Patrovich
W. Mark Patrovich
Field Representative

WMP:ld

D. BAFFORD WILLIAMS, JR., PRESIDENT
MRS. JOHN W. ZIEGLER, VICE-PRESIDENT
MRS. ROBERT L. BERNY
EUGENE C. HESS
W. RUSSELL WAINST
ALVIN LOWMEYER
JOSHUA B. WHEDLER, SUPERVISOR
M. EMILIE BARRIS
RICHARD W. FISCHER, VICE
MRS. RICHARD C. AUSTIN

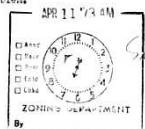
Mr. Eric DiNenna
Zoning Commissioner
Baltimore County
Towson, Maryland, 21204

Dear Mr. DiNenna:

I respectfully request that you do not approve the Chesapeake Industrial Park, Incorporated request for a shopping center at Wilson Point Road and Eastern Boulevard.

I do not feel there is any need for another project of this type in my community. I would appreciate learning of any zoning hearings which may address itself to this problem.

Respectfully,
John Kelly
Name
1002 Wilson Rd
Address
21220
Zip Code



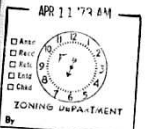
Mr. Eric DiNenna
Zoning Commissioner
Towson

Dear I

Chesapeake Industrial Park, Inc. - a shopping center at Wilson Point Road and Eastern Boulevard.

I do not feel there is any need for another project of this type in my community. I would appreciate learning of any zoning hearings which may address itself to this problem.

Respectfully,
Henry M. Sullivan
Name
1002 Wilson Rd
Address
21220
Zip Code



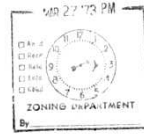
Mr. Eric DiNenna
Zoning Commissioner,
Baltimore County
Towson, Maryland 21204

Dear Mr. DiNenna:

I respectfully request that you do not approve the Chesapeake Park Ind. zoning request for a shopping center at Wilson Point Road and Eastern Blvd.

I do not want nor feel there is any need for another project of this type in my community.

Respectfully,
Ann Beatha Roberts
Name
1827 Wilson Rd
Address
21220
Zip



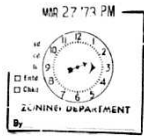
S. Eric DiNenna
Zoning Commissioner,
Baltimore County
Towson, Maryland 21204

Dear Mr. DiNenna:

I respectfully request that you do not approve the Chesapeake Park Inc. zoning request for a shopping center at Wilson and Eastern Blvd.

I do not feel there is any other project of this type in my community.

Respectfully,
Mr. Thomas Roberts
Name
1827 Second Rd
Address
21220
Zip



COPY TOP SHEET ONLY

S. Eric Dinenna
Zoning Commissioner,
Baltimore County
Towson, Maryland 21286

Dear Mr. Dinenna:

I hopefully request that you do not approve the Chesapeake Park Inc. zoning request for a shopping center at Wilson Point Road and Eastern Blvd.

I do not want nor feel there is any need for another project of this type in my community.

Respectfully,

Joseph P. Blayd
Name
17312 Sikes Rd
Address
21220

I am also very disappointed in the type of building now going up in Cruise - 149c. This isn't also in the Master plan of Chesapeake Park for the Airport - WHY DO WE NEED ANOTHER (over)

March 24, 1973

25 Dogwood Drive
21220

Dear Mr. Dinenna:

In writing in reference to the proposed shopping center to be located at Eastern Blvd and Wilson Point Road.

I see shopping centers - one already zoned at Carroll Island - Bayley Quarter and has not begun to be built on - the other Hyattsville Blvd, but the stores are vacant.

Now my question is why do we need another shopping center when these two can be used if stores were there?

I also understand that later on that row houses and apartments might be built in Wilson Point.

I really think some consideration must be given to the school population. Is anything this area needs

Shopping center in this area when so many stores are now vacant between Eastpoint and Middle River?

S. Eric Dinenna
Zoning Commissioner
Essex County
Austria, Md. 21204

Dear Sir,

I am writing in reference to the request for zoning, by Chesapeake Park Inc, to build a shopping center at Wilson Point Road and Eastern Blvd. I do not think we need a shopping center in our community.

We now have some grocery stores within five to ten minutes drive from my home. Very recently a large Home Store closed me to that of shopping.

There are several planned shopping centers very close to our community, one at Carroll Island Road, that is only five minutes from us.

Another thought is the traffic problems the would create. Eastern Blvd is a busy road now and will be even busier with the already proposed, or in the process of being built, shopping centers.

Mr. Charles H. Garrison
206 Fourth Road
Middle River, Md. 21220

March 23, 1973

Dear Mr. Dinenna,

This little letter is a plea to you to please decide in favor of us little people, reaching on Wilson Point, and not grant Chesapeake Park's see their zoning request.

The considerable holdings of Chesapeake Park Inc. in our vicinity make all of us very apprehensive as to what the future holds for us.

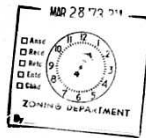
It would be just like taking a huge knife and churning water part off the near land and setting us adrift into the deep financially helplessly unable to survive.

I beg of you to please don't let them do this to us.

Sincerely yours,
Mrs. Maxine Harrison

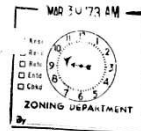
I hopefully ask that you do not approve this request for zoning. We do not need or want it.

Sincerely,
Mrs. Francis Harrison
1501 Sikes Rd.
Baltimore, Md. 21220



1409 Hill Rd.
Baltimore Md. 21220
March 23, 1973

S. Eric Dinenna
Zoning Commissioner
Baltimore Co.
Towson, Md. 21284



Dear Mr. Dinenna:

Both my husband and myself are requesting that you will not approve the Chesapeake Park Inc., zoning request for a shopping center at Wilson Point Rd. and Eastern Blvd.

We do not feel there is any need for another project of this type in our community and in fact the biggest of this community we do not want this project either.

Sincerely,
Mr & Mrs Charles H. Jenkins

Mr. & Mrs. Eric Dinenna
Zoning Commissioner
Baltimore County
Towson, Maryland
21204

March 14, 1973



Dear Mr. Dinenna:
I am writing this letter in protest of the Chesapeake Park, Inc. zoning request for a shopping center at Wilson Point Road and Eastern Blvd.

The community of Wilson Point does not this shopping center. We are just minutes away from one shopping center (Middletown) Grocers, Hardware, Drug Store, Banks, hardware stores and almost any type of store you care to name. Wilson Point is a well rounded community; people are happy and satisfied here. With the exception of the apartments that is already here very few, and I do mean few people had the heart to live elsewhere. I think this speaks for itself, in that

the people on Wilson Point are happy just the way things are. There are other areas that need a shopping center, such as Ohio Beach at the Harwood Park areas.

As a concerned citizen who is very happy here, I sincerely ask you not to approve this request from Chesapeake Park, Inc.

Yours truly
Mrs. Mrs. Samuel Gray Jr.
1309 Wilson Point Road
Baltimore, Maryland
21220

P.S. Why can't a survey be taken from the Wilson Point residents and get their reaction to this matter.

1375 WILSON POINT ROAD
BALTIMORE, MARYLAND 21208

Saturday, March 10, 1973

Mr. S. Eric Dinenna
Zoning Commissioner
Mr. Dinenna



May I suggest that we really do not need another shopping center in this area. I understand that the Chesapeake Park Corp. is seeking a zoning change to put one at Wilson Point Road and Eastern Blvd.

There are many shopping centers in the area which have closed for each business and we really don't need another.

Sincerely,
Philip R. Dwyer

March 27, 1973

S. Eric Dinenna
Zoning Commissioner,
Baltimore County
Towson, Maryland 21204

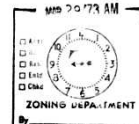
Dear Mr. Dinenna:

I hopefully request that you do not approve the Chesapeake Park Inc. zoning request for a shopping center at Wilson Point Road and Eastern Blvd.

I do not want nor feel there is any need for another project of this type in my community.

Respectfully,

Mr. & Mrs. Joseph Rosen
Name
2006 Wilson Point Rd.
Address
21220
Zip



April 5, 1973



Dear Mr. Dinenna:
It was recently brought to my attention that a shopping center request is before the zoning Commission. This shopping center is to be installed in the Green Park area on Eastern Blvd. & Nelson Road. We realize we are just a family of four adults but we would like to bring our feelings to light. Mr. Dinenna, for years, we searched for a nice, comfortable summer place and about a year ago we found the ideal spot at Wilson Point. Liking it so much, we left our homes in the city and took permanent residence there. Now, with all the "growing" in the area, it is

It's just peaceful atmosphere. The building of another shopping center would certainly take away the "country quiet" we have left.

I am certain you are aware of the centers you can readily see that several shopping centers are just barely able to survive. There is another center opening down Eastern Boulevard further, near South Quarters Road. This new one is close, why do we need one or another one at Wilson Point Road. There is no doubt, would be the first step to do further development in the Park. We do hope that the request for the area for the shopping center is rejected. Thank you.

Mr. & Mrs. John Covington, Jr.
Mrs. & Mrs. Edw. R. Gray
1309 Wilson Point Road
Baltimore, Md. 21220

April 9, 1973



S. Eric Dinenna
Zoning Commissioner
Baltimore County
Towson, Maryland 21204

Dear Mr. Dinenna:

I hopefully request that you do not approve the Chesapeake Industrial Park, Incorporated request for a shopping center at Wilson Point Road and Eastern Boulevard.

I do not feel there is a need for another project of this type in my community. I would appreciate learning of any zoning hearings which may address itself to this problem.

Respectfully,

Handwritten signature

56 Beach Drive, Apt. A-3
Address

Baltimore, Maryland 21220
Zip Code

Kindly school facilities for the added number of children would prevent a school. There are no new elementary schools planned for this area in the near future.

Phone: 837-1500

73-197-5

MARCUS G. STROVEL
ATTORNEY AT LAW
SUITE 202, WALKER BUILDING
1800 N. CHARLES STREET
BALTIMORE, MARYLAND 21201

August 28, 1973

Mr. S. Eric Dinenna
Baltimore County
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland - 21204

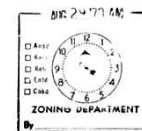
Dear Mr. Dinenna:

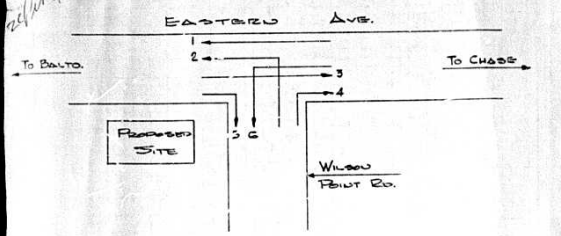
You stated that one of your reasons for granting new zoning for the Martin Marietta property on Eastern Boulevard was that it is needed to serve the people of the area. I am not familiar with all the facts, but I do know there is a shopping center under construction on Carroll Island Road, which is approximately 1 1/2 miles from this location and the largest shopping mall in the Metropolitan District is located within 3 miles of the Martin Marietta property.

In view of the above it is difficult to understand your statement that there is a need for this type of development.

MGS/ao

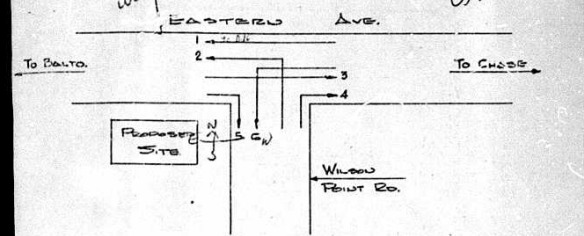
Very truly yours,
Marcus G. Strovel
Marcus G. Strovel



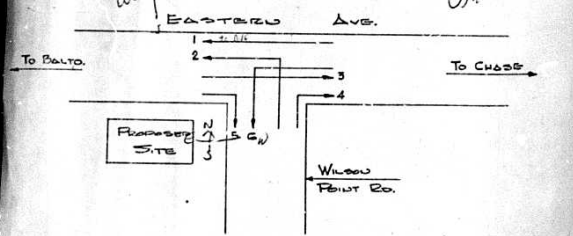


DATE	TIME	DIRECTIONS					
		1	2	3	4	5	6
Friday Feb. 23, 1973	7:00 A.M. - 8:30 A.M.	1118	301	712	37	307	101
	4:00 P.M. - 5:30 P.M.	710	371	1062	51	416	74
Sat. Feb. 24, 1973	7:00 P.M. - 8:30 P.M.	404	156	579	16	122	24
	1:00 P.M. - 2:30 P.M.	619	183	628	39	151	24

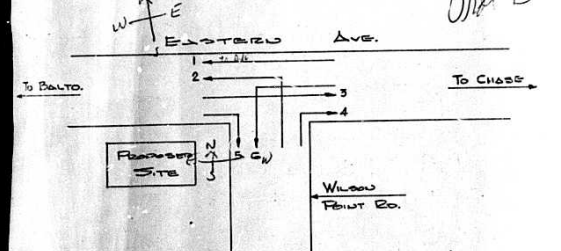
Chesapeake Park, Inc. #73-197-R (#5322)
Filed Cir. Ct. 8/23/74
3 extra copies of Prot. Ex. B - 1 copy sent to C.C. with answer



DATE	TIME	DIRECTIONS					
		1	2	3	4	5	6
Friday Feb. 23, 1973	7:00 A.M. - 8:30 A.M.	1118	301	712	37	307	101
	4:00 P.M. - 5:30 P.M.	710	371	1062	51	416	74
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LAW OFFICES
BAKER & BAKER
918 HUNSEY BUILDING
BALTIMORE, MARYLAND 21202

February 28, 1973

The Honorable S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21286

Re: Item No. 3
Property Owner: Chesapeake Park, Inc.
Location: S/W corner of Eastern Blvd.
and Wilson Point Road
Election District: 15
Acreage: 15.49
Zoning Prior to 3/24/71: M.L.-I.M.
Existing Zoning: M.H.-I.M.
Requested Zoning: B.R.

Dear Mr. DiNenna:

I am writing this letter to protest on behalf of Austin P. Donlavey, and certain other interested residents of the immediate area, the above requested zoning change. Our protest is based on two major premises. First, is a broad one of principle and concerns the emasculation of the Comprehensive Zoning Maps just adopted by Baltimore County after a great deal of study and input from a considerable number of persons. If this Honorable Commissioner allows the Maps to be radically altered as proposed in the instant petition so shortly after the adoption of same, and without any change in neighborhood or error in the original Map, a precedent will be set which will open the floodgates to the complete annihilation of the Maps.

In addition, in particular, the requested change would have a detrimental effect on the very stable residential community which now surrounds the subject premises. It will bring additional and unnecessary traffic congestion to Wilson Point Road which is ill-equipped to handle same. It may well bring

To: The Honorable S. Eric DiNenna
February 28, 1973
Page Two

undesirable persons to the neighborhood who will use as a hangout the typical shopping center-fast food, pizza, kinds of establishments.

We are also extremely concerned that the granting of the subject petition for a shopping center will "break" the neighborhood and lead to the identical kind of deterioration that has already occurred on Eastern Avenue to the west of Wilson Point Road. Invariably, once a shopping center has been granted other petitions will follow using the shopping center as precedent, and within a short period of time the stable neighborhood that so many of us have lived in and worked for for years will deteriorate.

Finally, we are extremely disturbed by the proliferation of shopping centers which already exist in the area; the proposition that an additional center is needed is absolutely ridiculous. Within a short distance to the north of the proposed center are the already existing Martin Plaza Shopping Center, the Aero Shopping Center and the Country Ridge Shopping Center, and to the east Bowleys Quarters and Carroll Island Road. The last mentioned center is especially interesting in that the Baltimore County Planning Board states as an alleged justification of the petitioners' center that same will serve the Bowleys Quarters-Chase area. It is inconceivable that with an eighteen acre center under construction in the heart of Bowleys Quarters-Chase that those people near the proposed center at Wilson Point and Eastern Avenue.

For all of the above reasons, it is respectfully requested that this Honorable Commissioner turn down the requested Petition, as was recommended by the staff of the Planning Board, (which for some reason was not followed by the Board itself) and preserve the integrity of the Comprehensive Zoning Maps and the present zoning of the Wilson Point Peninsula.

Respectfully yours,
Robert W. Baker
Robert W. Baker

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 26, 1973

Commissioner S. Eric DiNenna
Office of Zoning
County Office Building
Towson, Maryland 21286

Dear Commissioner DiNenna:

Mr. John D. Johnson of 1419 Third Road, Baltimore 21220 has been in touch with me concerning reports he has heard that apartments and a shopping center are being planned on Wilson Point Road in the vicinity of the Martin Airport.

I would greatly appreciate it if you would let me know the status of these plans and whether or not zoning hearings have been scheduled.

Warm regards,
Clarence D. Long
CLARENCE D. LONG



73-197-R

Honorable Clarence D. Long
April 18, 1973
Page Two

If you have any further questions concerning this matter, or request further information, please feel free to contact this office.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED:FTH:gc

cc: James E. Dyer
Deputy Zoning Commissioner

Franklin T. Hoggans, Jr.
Zoning Technician

April 18, 1973

Honorable Clarence D. Long
200 Post Office Building
Towson, Maryland 21204

RE: Eastern Avenue at
Wilson Point Road
15th District

Dear Congressman Long:

I am in receipt of your letter of March 26, 1973, in which you inquire the status of plans for development at the above referenced location.

A petition has been filed with this office to reclassify an 18.49 acre tract at the southwest corner of Eastern Avenue and Wilson Point Road from the existing zoning of M.H. - I.M. (Manufacturing, Heavy - Industrial Major District) to B.R. (Business, Roadside). The petitioner, Chesapeake Park, Inc., has requested the change to the Commercial B.R. Zone, proposing to construct a shopping center. This tract is a part of the former Martin - Marvitta property.

A hearing was held before the Zoning Commissioner of Baltimore County on March 1, 1973, and as of this date, no decision has been rendered on the above matter (73-197-R).

Although the petitioner has suggested in his request for reclassification that development of the entire "Martin Tract" may include residential, recreational, and commercial uses, he has filed with this office other than the above petition for the proposed shopping center.

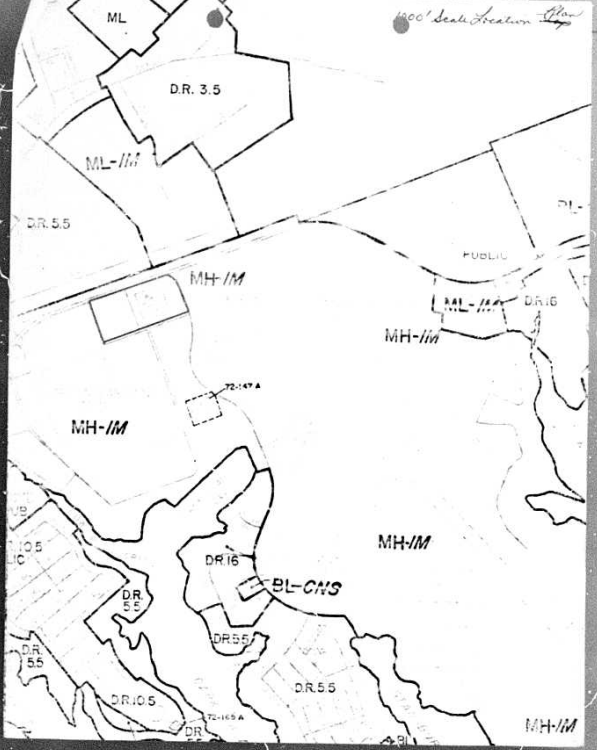
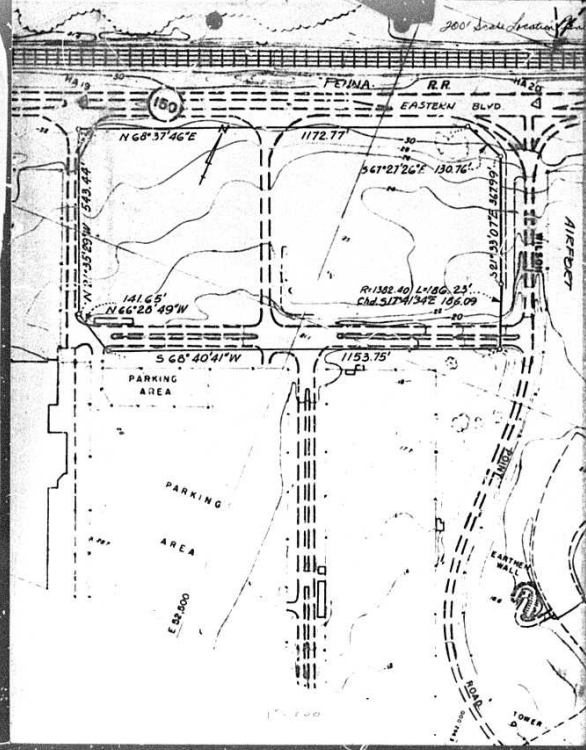
PETITION FOR RECLASSIFICATION
WITH DISTRICT
ZONING: From M.H. I.M. District
to B.R. Zone
LOCATION: Southwest corner of
Eastern Boulevard and Wilson
Point Road
DATE & TIME: Thursday, March 1,
1973 at 10:00 P.M.
PUBLIC HEARING: Room 104, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore
County, Md., is hereby notified that
the Board of Appeals of Baltimore
County, Md., has received a petition
from the petitioner, M.H. I.M. District
to B.R. Zone, for the above described
tract. The Board of Appeals is hereby
notified that the petitioner has
submitted a petition for reclassification
of the above described tract from
M.H. I.M. District to B.R. Zone.
The Board of Appeals is hereby notified
that the petitioner has submitted a
petition for reclassification of the
above described tract from M.H. I.M.
District to B.R. Zone. The Board of
Appeals is hereby notified that the
petitioner has submitted a petition
for reclassification of the above
described tract from M.H. I.M. District
to B.R. Zone. The Board of Appeals
is hereby notified that the petitioner
has submitted a petition for
reclassification of the above described
tract from M.H. I.M. District to B.R.
Zone.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 8, 1973
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 8th day of March, 1973, the first publication appearing on the 8th day of February.

THE JEFFERSONIAN,
Manager

Cost of Advertisement, \$



ORIGINAL
OFFICE OF
THE ESSEX TIMES
ESSEX, MD. 21221 February 12 - 19 73

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 12 day of February 1973 that is to say, the same was inserted in the issue of February 8, 1973.

STROMBERG PUBLICATIONS, Inc.
By *Ruth Morgan*

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15307
DATE 8/22/74 ACCOUNT 01.712
AMOUNT \$38.00
Richard C. Murray, Esq. (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost of Posting Property of Chesapeake Park, Incorporated, for an Appeal Hearing, SW/Corner of Eastern Boulevard and Wilson Point Road - 15th District Case No. 73-197-R 2.00 CMC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15305
DATE 7/23/74 ACCOUNT 01.712
AMOUNT \$6.50
Richard C. Murray, Esq. (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost of documents from File No. 73-197-R Chesapeake Park, Inc. 13 sheets @ \$.50 each \$6.50 6.50 CMC



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 15 Date of Posting 2/1/73
Petitioner: Chesapeake Park, Inc.
Location of property: SW/Corner of Eastern Blvd. & Wilson Pt. Rd.
Location of Signs: 1. Post on Eastern Blvd. 2. Post on Wilson Pt. Rd.
Remarks: [Signature]
Date return: 2-15-73

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 15 Date of Posting 10/18/73
Petitioner: Chesapeake Park, Inc.
Location of property: SW/Corner of Eastern Blvd. & Wilson Pt. Rd.
Location of Signs: 2 Post on Eastern Blvd. 2 Post on Wilson Pt. Rd.
Remarks: [Signature]
Date return: 1-25-73

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received this 29 day of Sept 1972.
Petitioner: Chesapeake Park, Inc. Submitted by R. J. Conzelmann
Petitioner's Attorney: R. J. Conzelmann Reviewed by S. Eric DiNenna
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]										
Revised Plans: Change in outline or description										
Previous case: [Signature]										

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12479
DATE October 15, 1973 ACCOUNT 01-662
AMOUNT \$20.00
Robert W. Baker, Esquire (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost of Posting Property of Chesapeake Park, Incorporated, for an Appeal Hearing, SW/Corner of Eastern Boulevard and Wilson Point Road - 15th District Case No. 73-197-R 2.00 CMC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 13101
DATE February 20, 1974 ACCOUNT 01-662
AMOUNT \$20.00
Richard C. Murray, Esquire (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost of Posting Property of Chesapeake Park, Incorporated, for an Appeal Hearing, SW/Corner of Eastern Boulevard and Wilson Point Road - 15th District Case No. 73-197-R 2.00 CMC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12456
DATE Oct. 2, 1973 ACCOUNT 01-662
AMOUNT \$70.00
Richard C. Murray, Esquire (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost for filing of an Appeal or Case #73-197-R SW/Corner Eastern Boulevard and Wilson Point Road District 15 Chesapeake Park, Inc. 7.00 CMC

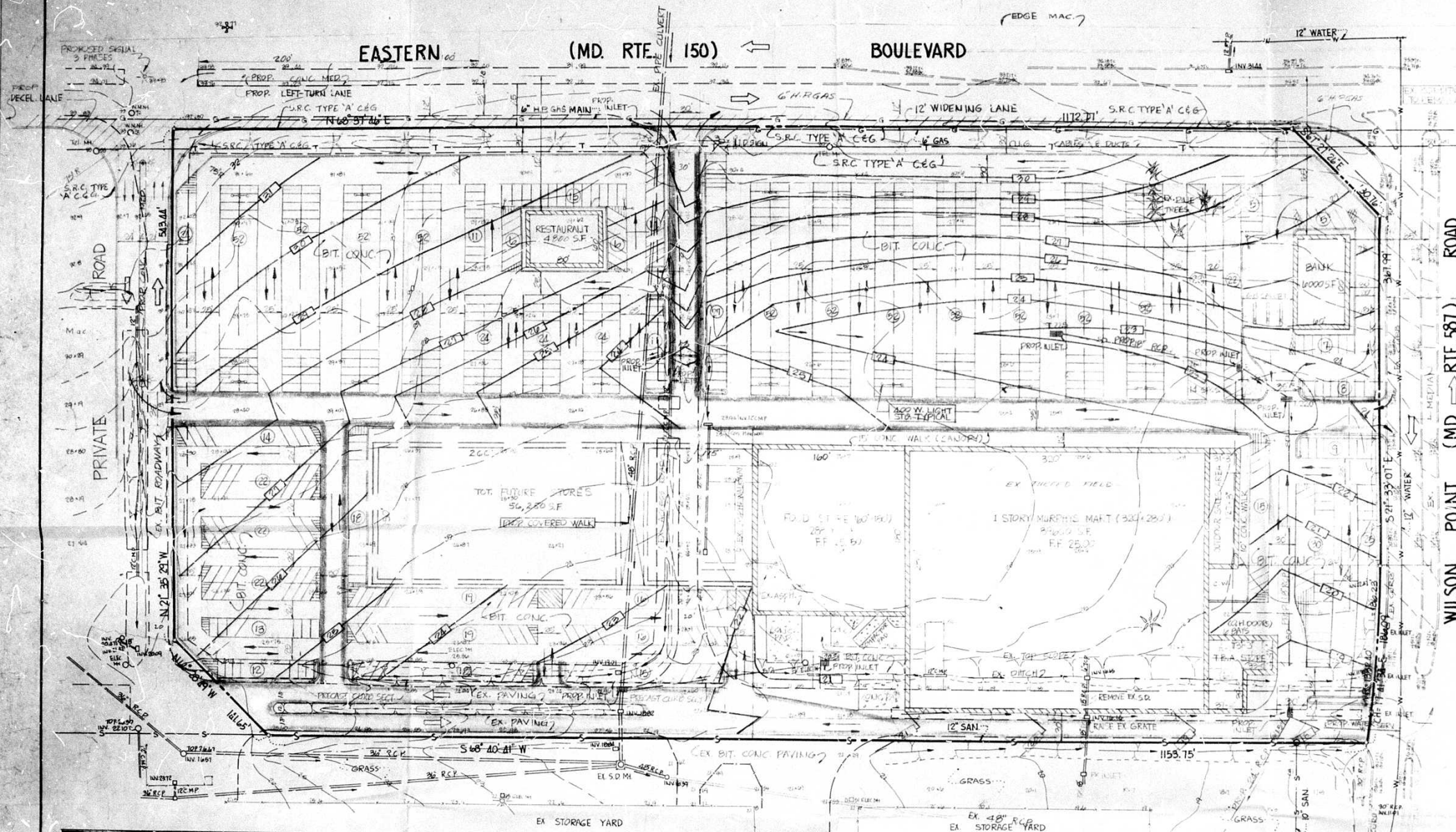
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12457
DATE Oct. 2, 1973 ACCOUNT 01-662
AMOUNT \$70.00
Robert W. Baker, Esquire (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Cost for filing of an Appeal on Case #73-197-R SW/Corner Eastern Boulevard and Wilson Point Road District 15 Chesapeake Park, Inc. 7.00 CMC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 5743
DATE November 6, 1972 ACCOUNT 01-662
AMOUNT \$50.00
Robert J. Conzelmann, Esq. (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Petition for Reclassification for Chesapeake Park, Inc. 5.00 CMC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 8201
DATE March 19, 1973 ACCOUNT 01-662
AMOUNT \$115.38
Robert J. Conzelmann, Esq. (White Cashier)
Richard C. Murray, Esquire (Pink Agency)
Advertising and posting of property #73-197-R 115.38 CMC

150' R.R. PL.

EASTERN (MD. RTE. 150) BOULEVARD



WILSON POINT (MD. RTE. 587) ROAD

DEVELOPER:
MARKET DEVELOPMENT CORP.
1115 W. 10TH ST.
PITTSBURGH, PA. 15201

REVISED LAYOUT 11-5-73

MURPHY'S MART
S.W. COR. EASTERN BLVD & WILSON POINT RD.
BALTIMORE, CA, MD
ELECTRIC DISTRICT No. 15

ZONING PLAN

CHECKED BY: JEB
 PREPARED BY: MARYLAND SURVEYING AND ENGINEERING CO., INC.
 SCALE: 1"=50'
 AUTH. NO.:
 DRAWN BY: E. HONG
 DATE: 9-07-72
 FILE: #2901

MARYLAND SURVEYING AND ENGINEERING CO., INC.
 SUBSIDIARY OF LYON ASSOCIATES, INC.
 6707 WHITE STONE ROAD
 BALTIMORE COUNTY, MARYLAND 21207
 TELEPHONE: 301-844-9291

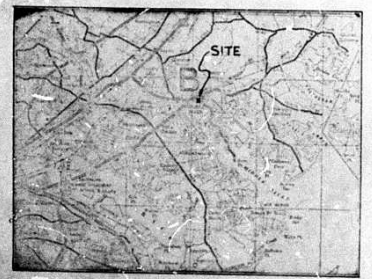
EXISTING USES

- Area of Site - 18.6 Acres
- Existing Zoning - R.M. - F.M. - S.F. - R-1C
- Proposed Zoning - S.M. - L.M. - S.F. - R-1C
- Existing Use - Undeveloped (Barred Field)
- Proposed Use - Planned Shopping Center

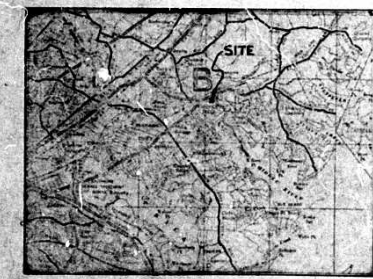
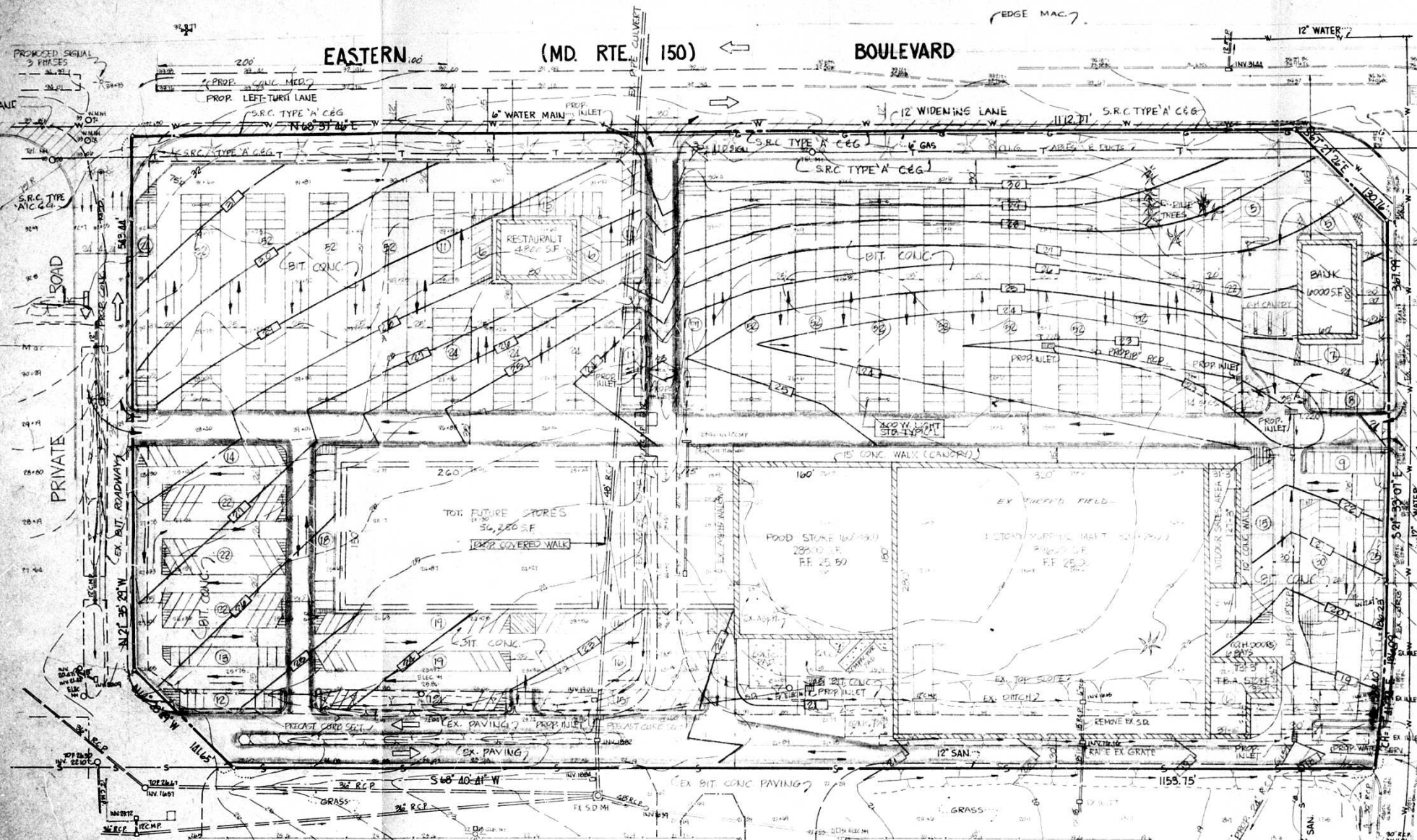
A. Parkings

Murphy's Retail	1st Floor 17,101 S.F.	1 Car/200	= 85
Murphy's Restaurant	1st Floor 1,802 S.F.	1 Car/50	= 32
Murphy's Office	1st Floor 1,202 S.F.	1 Car/250	= 5
Murphy's Office	Misc. 1,868 S.F.	1 Car/500	= 4
Murphy's Storage	1st & Mezz. 28,969 S.F.	1 Car/250	= 117
Food Store	28,800 S.F.	1 Car/200	= 144
Restaurants (Existing Area)	2,000 S.F.	1 Car/50	= 40
Office/Storage	4,500 S.F.	1 Car/250	= 18
Vehicle Retail Storage	60,000 S.F.	1 Car/200	= 300
Total Space Req.			= 1,116
Total Spaces Prov.			= 1,135

NOTE:
LOW LEVEL PERIMETER
LANDSCAPING - 38,100 SF = 7.9%



LOCATION MAP
SCALE: 1"=2 Miles



ZONING NOTES

1. Area of Site - 18.49 Acres
2. Existing Zoning - R.M. - E.M. District
3. Proposed Zoning - R.M. - E.M. District
4. Existing Use - Undeveloped (Partial Field)
5. Proposed Use - Planned Shopping Center

4. Parkings:

Murphy's Retail	1st Floor	77,100 S.F.	-	1 Car/200	=	385
Murphy's Restaurant	1st Floor	1,200 S.F.	-	1 Car/50	=	24
Murphy's Office	1st Floor	1,300 S.F.	-	1 Car/200	=	6
Murphy's Office	Basement	1,200 S.F.	-	1 Car/200	=	6
Murphy's Storage	1st & 2nd Floor	21,900 S.F.	-	1 Car/200	=	109
Food Store	1st Floor	28,500 S.F.	-	1 Car/50	=	570
Restaurant (Waiting Area)		2,500 S.F.	-	1 Car/50	=	50
Driveway-Ramp		1,000 S.F.	-	1 C. / 50	=	20
Future Retail Store		60,200 S.F.	-	1 Car/50	=	1,204
Total Spaces Req.						1,716
Total Spaces Prov.						1,795

NOTE
LOW LEVEL PERIMETER
LANDSCAPING - 50,740 SF = 73%



DEVELOPER:
MART DEVELOPMENT CORP
SUITE 20, CLUBS FLOOR
530 WILLIAM PENN. PLACE
PITTSBURGH, PA 15219

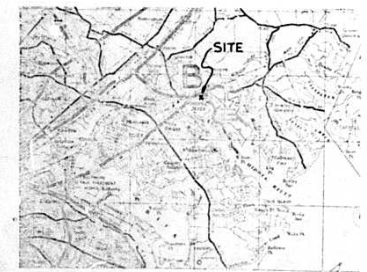
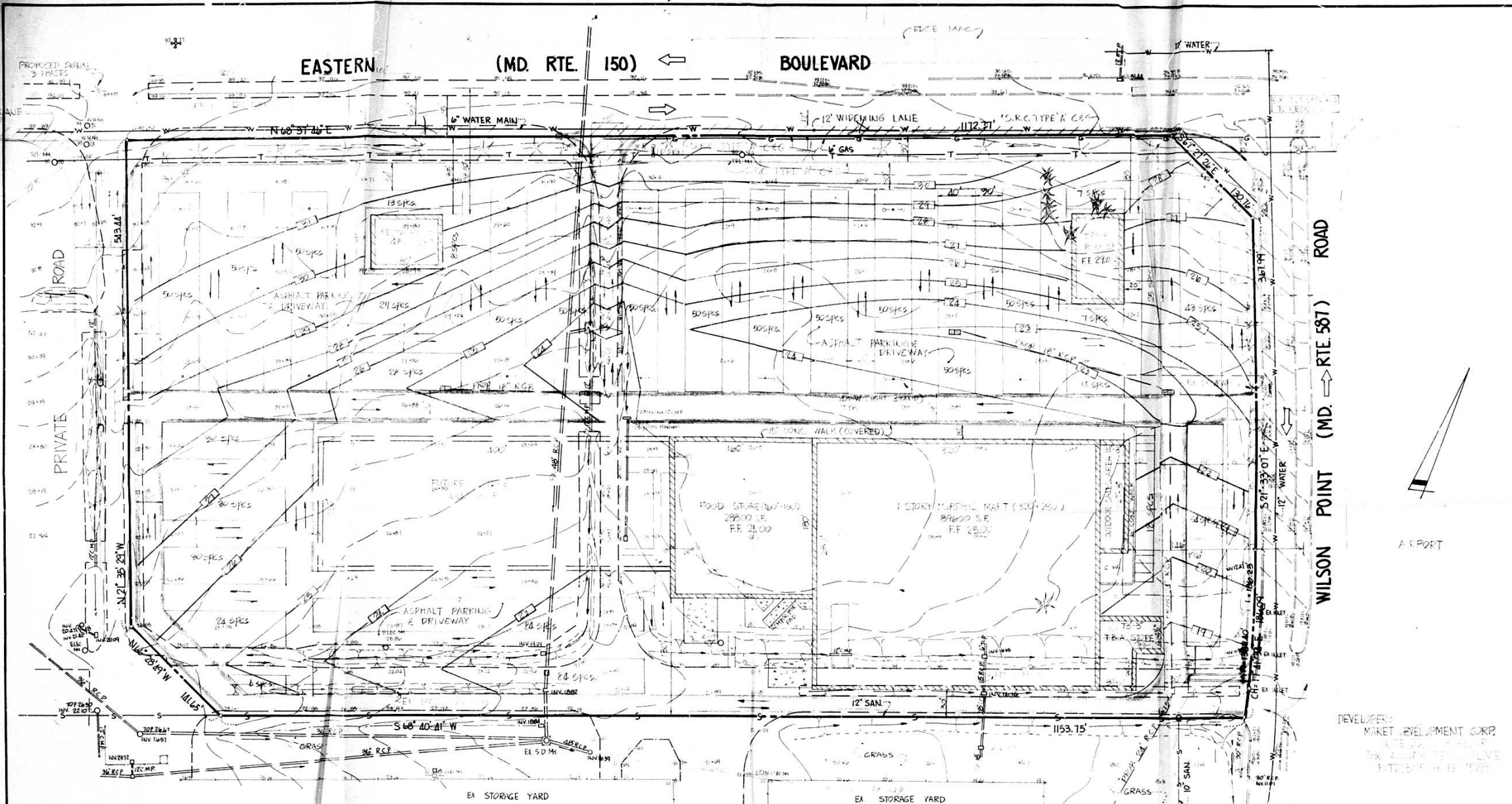
Cherry Park #3
REVISED LAYOUT 1-25-73

ZONING PLAN

MURPHY'S MART
S.W. COR. EASTERN BLVD. & WILSON POINT RD.
BALTIMORE CO., MD.
ELECTION DISTRICT No. 15

CHECKED BY: J. E. B.
SCALE: 1"=50'
AUTH. NO.:
DRAWN BY: E. M. HONG
DATE: 9-27-72
FILE: #8901

PREPARED BY:
MARYLAND SURVEYING AND ENGINEERING CO., INC.
SUBSIDIARY OF LYON ASSOCIATES, INC.
6707 WHITE STONE ROAD
BALTIMORE COUNTY, MARYLAND 21207
TELEPHONE 301-844-8281



EXISTING BUILDINGS

1. Area of Site	=	18.49 Acres
2. Existing Zoning	=	M.R. - I.M. District
3. Proposed Zoning	=	S.R. - I.M. District
4. District	=	Undeveloped (Graded Field)
5. Proposed Use	=	Planned Shopping Center
6. Parking:		
Murphy's Retail	1st Floor 77,101 S.F.	1 Car/200 = 386
Murphy's Restaurant	1st Floor 1,402 S.F.	1 Car/50 = 28
Murphy's Office	1st Floor 1,302 S.F.	1 Car/300 = 4
Murphy's Office	Mezz. 2,400 S.F.	1 Car/200 = 12
Murphy's Storage	1st & Mezz. 28,949 S.F.	1 Car/200 = 145
Food Store	28,900 S.F.	1 Car/200 = 145
Restaurant (Kitchen & Storage)	1,700 S.F.	1 Car/200 = 9
Restrooms (Waiting Area)	1,400 S.F.	1 Car/50 = 28
Home/Workshop	8,000 S.F.	1 Car/200 = 40
Future Retail Stores	60,000 S.F.	1 Car/200 = 300
Total Spaces Req.		= 1,117
Total Spaces Prov.		= 1,140

NOTE:
LOW LEVEL PERIMETER
LANDSCAPING - 50,740 SF = 13%



J. Robert Caswell

WILSON POINT ROAD (MD. RTE. 587)

EASTERN (MD. RTE. 150) BOULEVARD

A REPORT

DEVELOPER:
MARKET DEVELOPMENT CORP.
1000 W. BALTIMORE AVE.
BALTIMORE, MD. 21201

MURPHY'S MART
S.W. COR. EASTERN BLVD. & WILSON POINT RD.
BALTIMORE CO., MD.
ELECTION DISTRICT NO. 15

ZONING PLAN

CHECKED BY:	PREPARED BY:
SCALE: 1" = 50'	MARYLAND SURVEYING AND ENGINEERING CO., INC.
AUTH. NO.	SUBSIDIARY OF LYON ASSOCIATES, INC.
DRAWN BY:	6707 WHITE STONE ROAD
DWG. NO.:	BALTIMORE COUNTY, MARYLAND 21207
DATE: 9-27-72	TELEPHONE 301-944-9291
FILE: #2301	