

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an M₁ (Manufacturing Light) zone to an R₁ (Business Major) zone; for the following reasons:

Error in comprehensiveness; zoning the subject property. See brief accompanying this petition. In filing this petition, express intent and reservation are made to maintain the present non-conforming status and operations of the drive-in theatre until such time as prospective commercial development may occur on the tract.

see attached description

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr.
Address: 204 E. Joppa Road
Towson, Maryland 21204

Protestant's Attorney
Address: 200 S. Main St.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 1972, 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 106, County Office Building in Towson, Baltimore County, on the 7th day of November, 1972, at 1:00 o'clock.

John J. Dillon, Jr.
Zoning Commissioner of Baltimore County

(over)

Mr. Edward A. DeWaters, Sr.,
Re: Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr.
Page 2
October 13, 1972

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 near future.

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

JJD:JO
Enclosure

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Mr. Edward A. DeWaters, Sr.,
204 E. Joppa Road
Towson, Maryland 21204
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

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

Eric DiNenna,
Zoning Commissioner

Petitioner: Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr.
Petitioner's Attorney:

Reviewed by
Chairman,
Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

Mr. Edward A. DeWaters, Sr.,
204 E. Joppa Road
Towson, Maryland 21204

Reclassification Petition
Item 14
Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr. - Petitioners

Dear Mr. DeWaters:

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 west side of Green Spring Drive, 520 feet south of Timonium Road, in the 8th District of Baltimore County. The subject property is currently improved with the nonular Timonium Drive Inn Theatre which has been a landmark in the Timonium area for many years. This property contains approximately 29,765 acres, which is currently zoned M₁ with the exception of a small parcel of 4.5 acres located in the southwestern quadrant of this parcel.

The petitioner is proposing to develop a planned shopping center which will contain 39,400 square feet of property and provide 264 parking spaces. This property is located on the west by the Baltimore-Towson Expressway, and on the north, south and east with existing residential property.

The petitioner is advised to pay particular attention to the Bureau of Engineering, State Highway Administration and Department of Traffic Engineering and the Industrial Development Commission comments.

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

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

Bureau of Engineering
ELLSWORTH M. DYER, P. E. CHIEF

October 18, 1972

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

Re: Item #14 (Cycle Zoning IV - Oct. 1972 - April 1973)
Property Owner: Edward A. DeWaters, Sr. & Edward A. DeWaters, Jr.
520' S/S of Timonium Rd., S/S of Green Spring Dr.
Present Zoning: M₁
Proposed Zoning: Re-class. from M₁ to B₁M.
District: 8th No. Acres: 29.765 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:

Green Spring Drive which is an existing partially improved road on a 60-foot right-of-way, is an integral part of the master planned major collector known as Beaver Dam Road or Limestone Drive, proposed for improvement as a 50-foot curb to curb cross-section on a 70-foot right-of-way.

While this motor way is master planned, it is not at present included in the 6-Year Capital Budget.

Highway improvements to this site will be required in accordance with Public Works policies.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 30 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-33, R-33A and R-33B, 1971 Edition), as the petitioner's total responsibility.

Storm Drain Comments:

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

Item #14 (Cycle Zoning IV - Oct. 1972 - April 1973)
Property Owner: Edward A. DeWaters, Sr. & Edward A. DeWaters, Jr.
Page 2
October 18, 1972

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.

Water Comments:

Public water is available to serve this property.

Sanitary Sewer Comments:

Public sanitary sewerage is available to serve this property.

Very truly yours,
Ellsworth M. Dyer, P.E.
Chief, Bureau of Engineering

ENCLOSURES:
3-SE and 3-WE Key Sheets
50 & 51 M. 3 & 4 Pos. Sheets
NW 35.1 Topo

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
ELMER J. CLIFFORD, P.E.
CHIEF

October 30, 1972

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

Re: Cycle Zoning IV
Item 14 - ZAC - Oct. 72 to Apr. 73
Property Owner: Edward A. DeWaters, Sr. &
Edward A. DeWaters, Jr.
SE of Timonium Road S/S of Green Spring Drive
Re-class. from M₁ to B₁M.
District 8

Dear Mr. DiNenna:

The subject petition is requesting a zoning change from M₁ to B₁M. This site as M₁ can be expected to have a trip density of approximately 3,000 trips per day. The proposed zoning change would have a trip density of approximately 14,850 trips per day.

The subject site has all its access from Green Spring Drive. Green Spring Drive was designed to serve a lower generator of traffic than is now requested for the zoning change. Should the proposed zoning be granted, capacity problems can be expected.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

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

the above Reclassification should be had, and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1972, that the herein described property or area should be and the same is hereby reclassified; from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1972, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
David H. Fisher
Administrator

October 18, 1972

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

Re: Reclassification- Oct. 1972
Property Owner: Edw. A. DeWaters, Sr. & Edw. A. DeWaters, Jr.
Location: 520' S/E of Timonium Road, S/W/S Green Spring Drive
Present Zoning: M.L.
Proposed Zoning: Reclass from M.L. to B.M.
District: 8 - Acres: 29.766
Baltimore-Harrisburg Expressway

Dear Mr. DiNenna:

The traffic that the proposed development is expected to generate, combined with the close proximity of Green Spring Drive to the Expressway Ramp connection with Timonium Road, could cause traffic problems at the Baltimore-Harrisburg-Timonium Road interchange.

The average daily traffic count on the expressway is 42,800 vehicles.

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

CLJEM:bk



P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
871-7510

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

Attention: Mr. Jack Dillon, Acting
Zoning Advisory Committee Chairman

Re: Property Owner: Edward A. DeWaters, Sr. and Edward A. DeWaters, Jr.

Location: 520' S/E of Timonium Road, S/W/S Green Spring Drive

Item No. 14 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 300 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 EXCEEDS the maximum allowed by the Fire Department.
- () 4. 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: H. Thomas Kelly Noted and
Planning Group Approved:
Special Inspection Division Deputy Chief
Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 10, 1972

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

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: Edward A. DeWaters, Sr., and
Edward A. DeWaters, Jr.
Location: 520' S/E of Timonium Road, S/W/S Green Spring Drive
Present Zoning: M.L.
Proposed Zoning: Reclassification to B.M.
District: 8
No. Acres: 29.766

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.

Very truly yours,

Thomas B. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mg

cc: L.A. Schuppert

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 20, 1972

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

Re: Item #14
Property Owner: Edward A. DeWaters, Sr. and Edward A. DeWaters, Jr.
Location: 520' S/E of Timonium Road, S/W/S Green Spring Drive
Present Zoning: M.L.
Proposed Zoning: Reclass from M.L. to B.M.

District: 8
No. Acres: 29.766 acres

Dear Mr. DiNenna:

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

Very truly yours,
W. Mark Petrovich
Field Representative

INDUSTRIAL DEVELOPMENT COMMISSION
BALTIMORE COUNTY, MARYLAND

October 17, 1972



COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
H. B. STAB
DIRECTOR

Mr. S. Eric DiNenna, Commissioner
Office of Zoning - Baltimore County
Towson, Maryland

Dear Mr. DiNenna:

ZAC Agenda - Cycle IV
October 17 - April 173
Item 14: Prop. Owners: Edward A. DeWaters, Sr.
Edward A. DeWaters, Jr.
Loc: % 20' s/e Timonium Road, s/w/s/
Greenspring Drive
Present Zoning: M.L.
Proposed Zoning: Reclass from M.L. to B.M.
District: 8 Acres: 29.766 acres

This office has reviewed the subject petition and visited the site. The available industrially zoned land in the Timonium-Cockeysville section of Baltimore County is rapidly being depleted.

Prime industrial sites are now at a minimum and those sites not having utilities (sewer and water) are not included in the County's program to be served in the near future.

The subject site is one of the few now served by sewer and water and has excellent road and expressway access. Therefore, the Industrial Development Commission believes the request for a zoning reclassification should not be granted.

Sincerely,

H. B. STAB
Director

BRIEF TO ACCOMPANY ZONING RECLASSIFICATION PETITION OF
EDWARD A. DEWATERS, SR., et al

The petitioners are requesting a zoning reclassification on the 29.7 acre tract currently improved with the Timonium Drive-In Theatre so as to allow development of the tract for shopping center purposes. The present zoning classification of the tract is M. (Manufacturing Light) within an IM (Industrial Major) District superimposed thereon. IM (Business Major) Zoning is being requested for the tract because that zone best provides the allowed set of use potentials for shopping center development and further allows as a matter of right a tire, battery and accessory facility (service garage) as a component and now customary part of the proposed department store operations. No request herein is made to modify or change the presently applicable IM District.

The Timonium Drive-In Theatre tract is situated within the non-residential corridor between York Road and the Harrisburg Expressway (I-83) which starts just north of Ridgely Road and extends to Shawan Road, all in the 8th District of Baltimore County. The 29.7 acre parcel is itself located on the westerly side of Greenspring Drive, between the road and Route I-83 at a point beginning some 520 feet southerly from Timonium Road. The tract is improved with a drive-in theatre, a use now allowed by the Zoning Regulations only in the IM Zone by Special Exception. Although the current use of the tract is in fact a commercial one under non-conforming status, the vicinal uses range from warehousing, distribution, manufacturing, etc. to a contractor's storage yard.

The petitioners believe that the creation of commercial development potentials on the Timonium Drive-In Theatre tract by reclassifying it to IM zoning would correct an inadvertent error by the Planning Board and the County Council and that such reclassification would be in harmony with the spirit and intent of the preliminary Central Sector Master Plan and the subsequent zoning maps. The reasons for this belief are as follows:

- 1) Both the Planning Board and the County Council made strong and correct policies through their resolutions of issues and by its legislative actions that new, large-scale commercial development should not be established either easterly from York Road or westerly of the Harrisburg Expressway.
- 2) The unfulfilled need for yet additional opportunities for shopping with ready accessibility has brought and will continue to bring pressures and requests for commercial zoning in the corridor east of York Road and west of the Harrisburg Expressway in areas designated on the plan and on the Zoning Map as residential. In the alternative, pressures exist and requests for commercial reclassification could be made which would convert areas now designated for industrial activities into commercial uses.

3) The Timonium Drive-In Theatre tract is situated in the non-residential corridor between York Road and the Harrisburg Expressway. Creation of commercial zoning potentials here would neither change the non-residential character of its environs, interfere with the character or tranquility of a residential neighborhood, nor interfere with the potentials for industrial development and employment in an as yet undeveloped, but appropriately zoned area.

4) The present useage of the Timonium Drive-In Theatre tract is in fact a commercial one. Because of long term leasing agreements, its prospects for further development and for employment growth within the context of its present IM zoning are slim and extremely remote. Conversion of the non-residential tract to commercial zoning would create both the degree of development (and, incidentally, tax revenues) and the degree of employment than would be so if its zoning remained in an IM classification.

5) The Timonium Drive-In Theatre tract is adjacent to the Harrisburg Expressway and its location on Greenspring Drive off of Timonium Road gives it ready and current accessibility to the area at large.

6) The scale and magnitude of potential commercial development on the Timonium Drive-In Theatre tract are such that potentials for commercial development in the Towson Sector Center will not be suppressed.

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

December 22, 1976

Cypert O. Whitfill, Esq.
15 W. Churchville Road
Bel Air, Maryland 21014

Re: Case No. 73-205-R
Edward A. DeWaters, Sr., et al

Dear Mr. Whitfill:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is considered moot. This decision is based on an opinion of the Baltimore County Solicitor's office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i.e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

cc: William F. Mosner, Esq.
John W. Hession, III, Esq.
Mr. Eugene C. Sutton
Mr. Charles Walcott
Thomas Klein, Esq.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.L. to B.M. : COUNTY BOARD OF APPEALS
W/S Greenspring Drive 520' :
S. Timonium Road : OF
8th District :
Edward A. DeWaters, Sr., et al : BALTIMORE COUNTY
Petitioners :
No. 73-205-R

ORDER OF DISMISSAL

Petition of Edward A. DeWaters, Sr., et al for reclassification from M.L. to B.M. on property located on the west side of Greenspring Drive 520 feet south of Timonium Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals notified all parties of record in the above entitled matter that this Board considers said case to be moot (copy of said letter is attached hereto).

THEREFORE, this Board, on its own Motion, will dismiss the within named appeal.

IT IS HEREBY ORDERED, this 20th day of January, 1977, that said petition be and the same is declared moot and the petition DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman
Robert L. Gilland
Robert L. Gilland
Herbert A. Davis
Herbert A. Davis

and is ready for development, but it is clear from the review of the evidence presented and from the study of the Comprehensive Zoning Map, that the intended use of the subject property was that it be developed industrially.

The drive-in theater is a non-conforming use. It is a well founded law that non-conforming uses are intended to be phased out and that the subject property would be ready for industrial development. In addition thereto, it is not within the power of the Zoning Commissioner to designate town centers, said power being the responsibility of the Baltimore County Planning Board.

The Opinion of the Zoning Commissioner filed in the Williams Construction Company Petition, Case No. 73-61-R, stated:

"The Petitioner has attempted in this matter to show that the Baltimore County Council erred in not classifying the subject property B.M. zoning. He stated that this subject property would be ideal for a Town Center, but it must be stated at this time that it is not within the authority of the Baltimore County Zoning Commissioner to designate an area as a Town Center but this authority is borne by the Baltimore County Planning Board. He also argues that there is no commercial property in the area as stated previously, but that the Baltimore County Planning Board, in its recommendations to the Baltimore County Council indicated that it had recommended same. It is true that the Baltimore County Planning Board did recommend several properties in this large area as commercial, but in the wisdom of the legislative body, namely, the Baltimore County Council, and after much review and public hearings, much study was given to this proposal and the Baltimore County Council, in its legislative prerogative designated this property D.R. 2 and D.R. 3.5 zones. It might be true that there is a possibility of a need for some commercial area in the quadrant aforementioned, but the proposal of the Petitioner, with its large magnitude of area and usage, is not the answer. There are many commercial and office type uses to the east and near the subject property that meets some of the needs of the residents of this area. This is the York Road corridor."

The Zoning Commissioner reaffirms this Opinion.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
W/S of Greenspring Drive, 520' S of : ZONING COMMISSIONER
Timonium Road - 8th District :
Edward A. DeWaters, Sr., et al : OF
Petitioners :
NO. 73-205-R (Item No. 14) : BALTIMORE COUNTY

The Petitioners request a Reclassification from a M.L. Zone to a B.M. Zone for a parcel of property located on the west side of Greenspring Drive, 520 feet south of Timonium Road, in the Eighth Election District of Baltimore County. Said property contains 29.766 acres of land, more or less. (Greenspring Drive is also known as Greenridge Drive)

Evidence submitted by the Petitioners indicated that this property is presently being used as the Timonium Drive-In Theatre with the intended use to be that of a regional shopping center. Mr. John Kilbaine, a qualified real estate broker and a specialist in the locating of shopping centers, stated that he has made a study of the area for the past two years in order to find a proper and suitable location for a two (2) department store regional shopping center. As a result of this study, it was his opinion that the subject property is a primary and most suitable site for such a center. Further testimony with reference to the locating of a regional shopping center indicated that this is the only vacant tract of land in this vicinity, under common ownership, available to be developed. It was stated that the only vacant land in the general area of the subject site properly zoned for the proposed use is a parcel located at the northwest quadrant of the intersection of Padonia and York Roads, said property being zoned B.M. with a C.T. District. It was established that the property is not available because of an uncommon ownership.

Evidence was submitted with reference to the industrially zoned corridor, the location being that of York Road on the east, the Harrisburg Expressway on the west, and from the subject property (inclusive) Shawan

The Baltimore County Planning Board, in its recommendations to the Zoning Commissioner, under Item No. 14, quoted policy number 7 of the Baltimore County 1980 Guideplan, which stated: "...Regional shopping complex, should take place in sector and town centers as designated on the Guideplan map, where access is or will be optimized by such facilities as ring roads and rapid transit stations." The Planning Board went further to state that: "...this site is not a designated town center or sector center nor are any of the aforementioned elements, that is, ring roads and rapid transit stations, planned for this area." If the elements set forth in the Baltimore County 1980 Guideplan were in existence and if Greenspring Drive were a through street, with its present terminus being just south of the subject property, the Petitioner would have had a valid request.

The Department of Traffic Engineering, in their comments to the Zoning Advisory Committee, stated, "The subject site has all its access from Greenspring Drive. Greenspring Drive was designated to serve a lower generator of traffic than is now requested for the zoning change. Should the proposed zoning be granted, capacity problems can be expected."

The subject tract would be an ideal location for a shopping center of this size, with a town center designation, because of its physical location to the Interstate 83 (Harrisburg Expressway). If the property were presently developed as proposed, off-site improvements would be necessitated and this would fall upon the responsibility of the taxpayers of Baltimore County. Under Baltimore County law, there is no requirement for a developer to make off-site improvements at the present time. The traffic impact upon the roadways of the area would be detrimental to the health, safety, and general welfare of the community without said off-site improvements having been accomplished prior to a decision of this Petition. Therefore, this Petition is premature.

Road on the north. The entire corridor is zoned industrially except for the portion previously mentioned. It was also indicated that the subject property is ideal for a regional shopping center because of its proximity to Interstate 83 (Harrisburg Expressway) and its intersection with Timonium Road; the subject property being just to the east of the Harrisburg Expressway. The only access to the subject property, would be from Greenspring Drive, which intersects with Timonium Road.

In essence, the Petitioners are claiming that the subject property should be designated B.M., in order to accomplish the wishes of good comprehensive planning in situating such an area aside for a development as proposed.

There was expert testimony submitted with reference to the increased population in this vicinity and the market area being within a five (5) mile circumference, which could extend as far as ten miles from the subject property. Mr. Robert Shaw, a qualified development consultant, felt that there is a need for additional commercial uses in the market area.

There was voluminous testimony with reference to the property located at Padonia and York Roads, its availability for development and the claim that error was committed on the Comprehensive Zoning Map of March 24, 1971. Inasmuch as the property is zoned B.M. with a C.T. District, it cannot be developed at the present time.

Mr. James A. Hunnicutt, a qualified traffic engineer testifying for the Petitioners gave statistics with reference to existing traffic conditions on the subject property and the conditions that would result if the property were rezoned. It was his opinion that the majority of the individuals using the shopping center would use Interstate 83. The intersection most affected by the proposed use would be Greenspring Drive and Timonium Road. It was his opinion that, as presently constructed, this intersection would be unable to

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of November, 1973, that the Reclassification be and the same is hereby DENIED and that the property or area be and the same is hereby continued as and to remain a M.L. Zone.

Herbert A. Davis
Zoning Commissioner of
Baltimore County

handle the traffic. He proposed a cut-off from Timonium Road, at the south-west quadrant, and re-timing of the traffic signal. These two (2) factors would correct any problems.

Mr. Richard Moore, a qualified traffic engineer from the Department of Traffic Engineering, testifying for the Protestants, concurred with Mr. Hunnicutt's opinion that the intersection of Timonium Road and Greenspring Drive, as presently constructed, would be unable to handle the traffic. He also gave testimony as to his Department's opinion of the trip density impact on the neighboring roadways if the subject property were developed as proposed.

Residents of the area in protest of the subject Petition stated that they were opposed to the subject Reclassification because of the traffic along Timonium Road and Harrisburg Expressway along York Road, and the use of the Timonium Fairgrounds for both horse racing and the State Fair in the Fall. They cited the tremendous traffic congestion and back-ups caused by the Fair.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the Opinion of the Zoning Commissioner, the Comprehensive Zoning Map, as adopted on March 24, 1971, was not in error in classifying the subject property M.L. In order for a Reclassification to be granted by the Zoning Commissioner, the burden of proving substantial changes in the character of the neighborhood and/or error in the original zoning map is borne by the Petitioner. In the instant case, the Petitioners failed to meet this burden.

Very strong argument was given by the Petitioners with reference to the availability of the land for development at the intersection of Padonia and York Roads. It is true that the subject property is in common ownership

MALCOLM E. HUDKINS ASSOCIATES

SURVEYORS AND LAND DEVELOPERS
308 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-828-9000

October 2, 1972

MALCOLM E. HUDKINS ASSOCIATES

SURVEYORS AND LAND DEVELOPERS
308 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-828-9000

September 27, 1972

ZONING DESCRIPTION:

Beginning for the same at the distance of 520.00 feet south-easterly measured from the intersection of the centerline of Timonium Road with the southwest side of Green Spring Drive the coordinates of said point are North 51010.31 West 4289.31 thence binding on the said southwest side of Greenspring Drive the three following courses and distances viz: (1) South 13° 44' 52" East 674.25 feet (2) by a curve to the right having a radius of 2386.59 feet for any arc length of 389.05 feet (3) South of 24° 04' East 805.01 feet thence South 8° 31' 50" West 633.89 feet, North 82° 32' 20" West 476.83 feet, North 2° 04' 20" West 54.42 feet, North 5° 35' 30" East 191.42 feet, North 0° 11' 10" West 535.55 feet, North 8° 31' 40" West 49.17 feet to the eastside of Baltimore-Harrisburg Expressway thence binding thereon by a curve to the left having a radius of 4683.66 feet for an arc length of 430.92 feet thence South 8° 47' 20" East 476.45 feet, North 0° 12' 40" East 411.76 feet, North 4° 12' 40" East 275.09 feet to the place of beginning.

Containing 29.766 acres of land more or less.

Malcolm E. Hudkins
Registered Surveyor #5095



Malcolm E. Hudkins

EXCEPTION FROM M-L ZONED PARCEL:

Saving and excepting an area presently zoned D.R. 5.5 said area situated at the southwest corner of the above described tract and more particularly described as follows:

Beginning for the same at a point in the first line mentioned in the above description said point being distant westerly 175 feet more or less from the beginning thereof thence binding on said first line North 82° 32' 20" West 205 feet more or less to intersect the division line of the D. R. 5.5 zone and the M.L. zone as shown on the Baltimore County Metropolitan Area Official Zoning Map number N. W. 13-A thence binding on said division line easterly 195 feet more or less to intersect the 700 foot division line shown on the above described Baltimore County Map thence binding on said 700 foot line southerly 36 feet more or less to the place of beginning.

Containing 0.12 acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

Malcolm E. Hudkins

RE: PETITION FOR RECLASSIFICATION, WEST SIDE OF GREENSPRING DRIVE, 520 FEET SOUTH OF TIMONIUM ROAD - 8TH DISTRICT, EDWARD A. DEWATERS, SR., ET AL., PETITIONERS, NO. 73 - 205 - R (ITEM I.O. 14)

BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

MEMORANDUM ON BEHALF OF PETITIONERS

I. SCOPE OF APPLICATION

The Zoning application of Edward A. Dewaters, Sr., et al., requested a zoning reclassification on the 29.7 acre tract currently improved with the Timonium Drive-In Theatre so as to allow development of the tract for shopping center purposes. The present zoning classification of the tract is ML (Manufacturing Light) within an IM (Industrial Major) District superimposed thereon. BM (Business Major) Zoning is being requested for the tract because that zone best provides the allowed set of use potentials for shopping center development and further allows as a matter of right, a tire, battery and accessory facility (service garage) as a component, and now customary part of the proposed department store operations. No request herein is made to modify or change the presently applicable IM District.

The applicants are requesting Business Major Zoning on the Timonium Drive-In Theatre tract because they believe that the creation of commercial potentials here would correct an error that was made inadvertently by both the Planning Board and the County Council in making recommendations on and in adopting the comprehensive zoning maps for the Central Sector of Baltimore County. Further, the applicants believe that the creation of commercial zoning potentials for the Timonium Drive-In Theatre tract would result in a zoning action which is in accordance with the spirit and intent of the Central Sector Zoning Map adopted by the County Council in March of 1971.

It should be noted that the zoning classification for the Timonium Drive-In Theatre was not changed by the adoption of the 1971 maps, but a text change in the zoning regulations eliminated commercial uses of the type contemplated from an ML zone. Mr. Dewaters testified that he was aware that his property was proposed to be retained as an ML Zone, but he was not aware that the text change would prohibit commercial uses there. He felt that those

potentials should be restored.

Neither the planning staff, the Planning Board, nor the County Council dealt with the theatre tract as a specific issue in connection with their recommendations on or approval of the 1971 Zoning Maps.

II. THE YORK ROAD CORRIDOR

The Timonium Drive-In Theatre tract is situated within the York Road Corridor. For the purposes of this petition, "the corridor" has been defined as the essentially non-residential area between the Harrisburg Expressway (I-83) and York Road, commencing just north of Ridgely Road in Lutherville and extending northerly to Shawan Road. This corridor was variously described as an "Industrial Corridor", a "Non-Residential Corridor", and was perhaps more appropriately described by Mr. Gerber as an "Employment Corridor." Most of the corridor is zoned for industrial use, predominantly ML with some MLR and MR zoning as well. Industrial development in the corridor includes manufacturing, distribution, warehousing, research and development, and a variety of office usages. Sales activities do occur within buildings zoned for industrial purposes.

Substantial commercial zoning and development has occurred in the corridor. This includes the shopping centers at York and Ridgely Roads, York at Timonium Road, and York at Padonia Road, and the commercial center at Cockeysville. Several strip areas are zoned and/or developed for commercial usages all along York Road. The shopping centers at York and Ridgely Roads are in sight of the theatre tract. Two contiguous, but distinct centers are located on the northerly side of Ridgely Road and contain well over 375,000 square feet of retail area. The first, Yorkridge, contains a supermarket, a variety store, a large hardware store, and an assortment of specialty, service, and food service stores. The second, Timonium Mall, contains a Stewart's Department Store and an assortment of fashion and specialty stores in an enclosed mall.

Two important institutional uses occur in the corridor-the Maryland State fairgrounds at Timonium Road and the Masonic Home at Shawan Road. Several churches with related activities also are located within the corridor.

Some residential uses occur in the corridor-principally in the area north of the fairgrounds and also along Padonia Park Road, Galoway Avenue, Church Lane and Wight Avenue. Residential development within the corridor is not a significant land use as contrasted with the existing and future industrial and commercial development there.

III. THE TIMONIUM DRIVE-IN THEATRE

The Timonium Drive-In Theatre is located approximately 720 feet south of Timonium Road on the westerly side of Greenspring Drive near the southerly end of the corridor as defined above and contains 29.7 acres, more or less. The tract is zoned ML, except for a small triangular area at the southwesterly corner which is zoned DR5.5. Reclassification is not being sought for this DR5.5 area.

A drive-in theatre is a commercial use and is allowed only in the BR Zone by "Special Exception" under the present Zoning Regulations. The Timonium Drive-In Theatre exists as a non-conforming use in the ML Zone under the present regulations as amended by Bill 100 in 1970. It has held this non-conforming status since 1955 when the regulations under which the theatre was constructed were amended.

Until the ML Zone was amended in 1970 and put into effect with the adoption of new Zoning Maps in 1971, the Timonium Theatre tract was capable of being developed as a matter of right with almost all of the commercial uses set forth in BL, BM, and BR zones.

IV. THE AREA ADJACENT TO THE TIMONIUM DRIVE-IN THEATRE TRACT

The industrially-zoned area between the Harrisburg Expressway and the railroad tracks alongside Greenspring Drive is now essentially developed. The exceptions are the theatre tract itself which is underdeveloped and a non-conforming commercial usage and several as yet un-built-on parcels at the southerly extremity of Greenspring Drive.

Two parcels improved with structures intervene between the theatre tract and Timonium Road - the RSA-Triumph facility and the Worcester Wire Novelty Building. Their westerly boundaries are defined by the eastbound off-ramp from the expressway. The expressway also defines the westerly boundary of the theatre tract, but the rights-of-way here are more extensive and do provide a wooded, visual buffer with differences in grade along most of the expressway frontage. Topographical differences also define the southerly boundary of the theatre tract - separating it quite effectively from its industrial neighbors. About a third of the Greenspring Drive frontage is substantially higher than that road and tends to separate the tract from activities now occurring on the easterly side of the road.

Other than the theatre and a contractor's storage yard, offices, warehousing, wholesaling, distribution and small scale manufacturing or service activities comprise the land use south of Timonium Road. However, some outright retailing activities do take place within the structures. Most of the buildings were erected in the late fifties or early sixties. Some are obsolete with respect to appearance or provision of on-site parking for the current use of the structure.

Greenspring Drive recently has been extended north of Timonium Road and provides interconnections now with new ramps from and to the expressway. Several buildings have been erected along the easterly side of the road. The uses in them are predominantly of a retail nature as had been allowed under the ML Zoning in effect at the time of their site plan approval. A gas station and a restaurant are at the northeasterly corner of Greenspring Drive and Timonium Road. A new 14,400 square foot office building has been completed opposite the restaurant on the south side of Timonium Road adjacent to the railroad tract.

V. RELATIONSHIP OF THE TIMONIUM DRIVE-IN THEATRE TRACT TO NEARBY RESIDENCES

No residences occur within the industrially-zoned area

immediately adjacent to the theatre tract. Other industrially-zoned parcels intervene between the tract and nearby residences to the south or vacant residentially-zoned land intervenes between it and the nearest residences on the northerly side of Forest Drive some 350 feet away from the tract. In fact, reclassification is not being sought for the residentially-zoned, triangular area at the southwesterly corner of the theatre tract. Grade differences of some 18 to 22 feet, the maintenance of the small residential buffer with its limitations on usage, and the plans' proposal to retain the present tree growth along the southerly boundary assure that there will be no adverse effect on the existing dwellings on Forest Drive or any dwellings constructed in the future from the proposed commercial development on the theatre tract. A road connection cannot be developed between the theatre tract and the residential area immediately adjoining.

The next nearest residential structure to the Timonium Drive-In Theatre tract are located on the westerly side of the Harrisburg Expressway. The expressway forms a definitive barrier between the residential uses and potentials to the west and the non-residential corridor to the east. The effectiveness of this barrier at the theatre tract is further enhanced by the extensively wooded expressway rights-of-way and by the elevation of the expressway.

The theatre tract is then extremely well buffered from any existing or prospective residence by other non-residential uses and parcels, by differences in grade, by woods, or by the actual and legal barrier formed by the Harrisburg Expressway.

VI. THE TIMONIUM DRIVE-IN THEATRE TRACT DEVELOPMENT PROPOSAL

The site plan prepared as one of the required documents accompanying this petition indicates quite realistically the development potentials for the theatre tract. The May Store Shopping Centers, Inc. of Saint Louis is obligated to develop it if zoning authorization is established. The amount of building area for

shopping center purposes on the 29.7 acre tract is limited by the capability of the site to accommodate both the off-street parking required by the Zoning Regulations (1 space per 200 square feet of total floor area) and by the more rigorous developer's standard of 5.5 parking spaces for each 1,000 square feet of gross leasable area. Although the proposed development plan is a preliminary one and subject to refinement, it sets the upper limits of the site's development for shopping center purposes.

The proposed development plan for the Timonium Drive-In Theatre tract indicates a total floor area of 394,000 square feet. Forty-Five Thousand Eight Hundred Fifty (45,850) square feet are devoted to enclosed, climate-controlled mall areas, leaving 348,150 square feet in leasable area devoted to stores, including a free-standing bank. Two, two-store department stores of 120,000 square feet anchor either end of the mall and flank the main mall entrance off of Greenspring Drive. The remainder of the stores are on a one-story level alongside the cross-shaped mall.

The proposed shopping mall is not planned for the provision of neighborhood food or service commercial stores. Rather, it is conceived as a pleasant and efficient environment within which to shop for those kinds of shopping goods which the area at large requires and were identified as "needs" by the Comprehensive Plans, but which cannot be placed effectively in the neighborhood or community level centers elsewhere in the area. Emphasis will be placed on shopping at a department store scale and a series of related women's and men's fashion and apparel stores.

Significantly, the development potentials of the site are such that commercial activity can take place in a manner satisfying the needs of the area which were envisioned in the Zoning Maps adopted for the Central Sector. Just as significantly, the potentials of the Timonium Drive-In Theatre tract are not so great as to diminish the potentials envisioned in the County's plans and maps for the Sector Center in Towson.

VII. THE PRELIMINARY GUIDEPLAN

Testimony taken during the course of the hearing of this petition for commercial reclassification of the Timonium Drive-In Theatre tract indicates that the Preliminary Guideplan as approved by the Baltimore County Planning Board only for public hearing purposes provided the basic foundation upon which both the more detailed, but as yet not adopted, Preliminary Sector Plans and the 1971 Comprehensive Zoning Maps were based. The Preliminary Guideplan affirmed the concept of the non-residential corridor easterly from the Harrisburg Expressway to York Road and from Ridgely Road northerly to Shawan Road and above.

The Preliminary Guideplan also designated a Timonium Town area extending northerly from the beltway to an area above Shawan Road and, in part, on both sides of the corridor from the proposed extension of the Jones Falls Expressway easterly to the Loch Raven Watershed. The Preliminary Guideplan predicted a need for major shopping facilities to serve the area. Consequently, a Town Center was schematically shown for the town area in the vicinity of the intersection of York and Padonia Roads. Certain roads in the freeway, arterial, and major collector categories were indicated on the plan as also was a schematic route for a mass transit line linking the Timonium Town Center and the corridor with the proposed regional transit system.

VIII. THE PRELIMINARY SECTOR PLAN, CENTRAL SECTOR

The Preliminary Sector Plan for the Central Sector provided detailing and, at times, refined locations for plan elements which were shown somewhat more schematically on the Preliminary Guideplan. Of principal concern to the Timonium Drive-In Theatre tract reclassification petition is the fact that a much more specific location was given for the Timonium Town Center; boundaries were established for the town center based on definitive, new road proposals on the plan.

in conformity with the revised road plans. Six Hundred Thousand Fourteen Dollars (\$614,000.00) were available in the 1974-75 County Budget.

Mr. Gavrelis and Mr. Gerber were consistent in their testimony regarding the impact of the changed alignment for Beaver Dam Road on the designated area for major shopping and town center functions at Padonia Road. They agreed that the resultant lack of accessibility to the quarry tract, together with the occurrence of interruptive land use along York and Padonia Roads made the commercial potentials envisioned by the plans and created by the 1971 Zoning Maps no longer viable.

With the fixing of the new alignment for this road, the Timonium Drive-In Theatre site becomes a prime property for consideration for development for a major shopping center. The need for the shopping center is immediate and the theatre site is blessed with substantial frontage on existing Greenspring Drive which will serve as fully adequate access to the proposed center from the Harrisburg Expressway and York Road by way of Timonium Road. Ultimately, the property will have additional access from the south over Ridgely Road and from the north over the new Beaver Dam Road. However, the traffic engineers agree that sixty-five percent (65%) of the traffic will use the Harrisburg Expressway to reach the center and that the existing road system can handle the shopping center traffic with only minimal improvements.

Counsel for the protestants made much of the fact that minor improvements were recommended for the intersection of Greenspring Drive and Timonium Road. There is no place in the corridor (or outside the corridor for that matter) where the proposed center can be accommodated with only such minor road improvements and with less impact on surrounding communities.

When Greenspring Drive and Ridgely Road are connected, the proposed center at the theatre site will have direct communications with the Stewart's Center (Timonium Mall) and the shopping facilities

The Preliminary Central Sector Master Plan recommended the expansion of the commercial node at York and Padonia Roads, anchored on the east side of York Road by the Padonia Village Shopping Center, and extending west of York Road to a boundary formed by a proposed new road which swung away from York Road just north of the fairgrounds, crossed Padonia Road about 800 feet west of York road, and swung back into York Road north of Cockeysville.

Both the Preliminary Guideplan and the Preliminary Central Sector Master Plan then made generalized or very specific recommendations as to the need and place for major shopping facilities within the corridor in the Central Section of Baltimore County. The Guideplan recommended a location at York and Padonia. The Preliminary Section Plan detailed that location, recommended expansion westerly from York Road and northerly from Padonia Road, and set the westerly edge of the proposed town center alongside the proposed new road as described above.

IX. THE COMPREHENSIVE ZONING MAPS, 1971

The Comprehensive Zoning Maps, adopted by the County Council in 1971, provided definitive, in-place zoning solutions for the expanded commercial services for the Timonium area recommended by the Preliminary Guideplan and Sector Plan. Based also on the Planning Board's recommendations for comprehensive rezoning maps, the County Council in March of 1971 expanded the amount of commercial zoning in the vicinity of York and Padonia Roads and created BM Zoning with CT Districting for the town center area as recommended by the Planning Board. The recommendations of the Board were built on the foundation laid by the Preliminary Guideplan and the Sector Plan - not only with respect to land use, but also road patterns.

The logs of the issues considered by both the Planning Board and the County Council indicate that the Timonium Drive-In Theatre was not considered specifically by either body. The adopted Zoning Maps simply retained the ML Zoning and IM Districting which were then in effect for the tract. No consideration was

located at the intersection of York Road and Ridgely Road. Even before the extension of Greenspring Drive to Ridgely Road, shoppers can travel from the Ridgely Road shopping area and the Timonium Mall to the theatre site by way of Aylesbury Road without having to enter on to York Road.

The extension of Greenspring Drive to Ridgely Road will bring some additional traffic to the intersection of Timonium Road and Greenspring Drive; but, as testified to by Mr. Munnicut, it will also give an alternate route out of the center to York Road. Mr. Munnicut said that these two features would cancel out so that there would be no additional impact on the Greenspring-Timonium Road intersection by this extension.

XI. THE TOWN CENTER

The request for rezoning of the Timonium Drive-In Theatre site does not seek the designation of the site as a Town Center District. In fact, the request retains the Industrial Major District as presently exists for this area.

The Town Center designation does not change the basic type of uses permitted, but rather the intensity of those uses. The theatre site can be developed as a major shopping center to serve the identified needs of the community without the more intensive uses permitted by a Town Center designation. Whether or not the Town Center District should be retained at the Padonia Road-York Road intersection is beyond the scope of the present request and is a question which can only be answered at some time in the future.

XII. THE 1980 GUIDEPLAN

Well over a year after the County Council adopted the Comprehensive Zoning Maps, the Planning Board on June 15, 1972 adopted the 1980 Guideplan. The adopted plan made essentially the same land use statements for the corridor as had the Preliminary Guideplan. On pages 2 and 3, the 1980 Guideplan quantified land occupancies and identified that:

"There is more than ten times as much land already zoned than will be needed to accommodate the urban-residential and industrial portions of this

given to the then and current commercial usage of the drive-in tract.

X. ERROR RESULTING FROM REVISED ROAD PATTERNS AND LOCATION

Both Mr. Gavrelis and Mr. Gerber testified that a key feature for the employment corridor was a planned relief road for York Road which would intersect with York Road above the fairgrounds, swing west and parallel York Road for some distance and then intersect with York Road south of Shawan Road. Such an alignment would have as its principal purpose, the relief of the segment of York Road which it bypasses, but it would have minimal impact on the industrial development to the north or on the mixed commercial and industrial community between Timonium Road and Ridgely Road. Once this road alignment was fixed for planning purposes, there was only one possible location for the major shopping area called for in the Sector Plan and that was the Padonia Road site which was ultimately zoned Business Major. No other undeveloped property had, or would have, access to this major relief road except the quarry site.

Several things went wrong with the Padonia Road site between the time the idea was conceived and the time that the alignment of the relief road was fixed by Baltimore County. First, the property zoned Business Major is under multiple ownership which makes the task of assimilation of a tract for development as a major shopping center more difficult. Second, a number of smaller uses were permitted to be developed along Padonia Road and the westerly side of York Road; these uses limit and prevent access to the undeveloped quarry site. Also, a number of homes, older commercial uses and even a church and cemetery limit the potential use of the area zoned for business use. Further, the testimony of Mr. Hugh Gelston showed that the quarry property was not available for development at the present time based upon contact with the owners of this land.

development. The ratio of commercially zoned land to land actually expected to be needed for the commercial development is much smaller - 1.3 to 1 - but still indicates a surplus. Rezoning in some degree will nevertheless be necessary, since not all of these existing development potentials will be in the right places at the right times.

The Guideplan indicated a 1970 inventory of vacant commercially-zoned land of 1,305 acres and a projection that 980 acres would be consumed by commercial development during the decade through 1980 on a county-wide basis. The text recognized that the low ratio between land zoned for commercial purposes and land expected to be needed for such use. Further, the 1980 Guideplan admitted that the zoning reclassification petition process would be necessary to correct imbalances in needs for commercial land use as related to the amount and place of land zoned commercially. Just as importantly, the 1980 Guideplan indicated a large, unused inventory of industrially-zoned land.

XIII. Adequacy of Site

Some question was raised, by counsel for the protestants, about the adequacy of the size of the theatre site. Both Mr. George E. Gavrelis and Mr. James J. Dwyer, Jr. of May Company Shopping Centers, Inc., testified that the 29.7 acre tract was sufficient for a major shopping center with one or more department stores. Mr. Dwyer further testified that the theatre tract was viable for shopping center development of the type and scale proposed in this petition.

There can be no disagreement that any new major shopping in this area should be located within the commercial-industrial corridor between York Road and the Harrisburg Expressway. The testimony of Mr. Gelston and Mr. Gavrelis, as well as several other witnesses, showed, however, that there is no commercially-zoned property in the corridor which is available and is topographically suitable with public utilities which could be developed for a major shopping center. Certainly, once the County's plans identified the need for additional major shopping in the area, it was

an error not to zone the property which actually could meet that need within the area and which would permit the development of a shopping center.

The objections which have been raised with reference to the subject zoning request apply with greater force to the commercially-zoned quarry site at Padonia Road. Richard Moore, a traffic engineer for Baltimore County, testified that the traffic problems which would be created by the development of a major shopping center at York and Padonia Roads would be as great as any problems generated in connection with the theatre site. The argument that the theatre site should be preserved for industry would apply equally to the quarry site if that were a valid argument. The land in this corridor, especially because of its proximity to the expressway, has become very valuable.

Expensive land draws more intense uses. This is one factor overlooked by the Planning Board and the Traffic Engineer for Baltimore County when they assumed that if the theatre property was not rezoned, it would be developed for uses similar to those already existing along Greenspring. Such assumptions are not warranted by the facts. If not rezoned, the property could be developed for office uses, research and development activities, electronic assembly or similar uses which have a fairly high density of employees per acre of use. Such uses would have the same or greater impact on the traffic situation and on the surrounding community.

XIV. ROADS AND TRAFFIC

Access to the proposed shopping center will be (pending the extension of Greenspring Drive to the south and Beaver Dam Road to the north) by way of Timonium Road. Mr. James M. Hunnicutt of Hunnicutt & Neale, Parking and Transportation Consultants, and Mr. Richard Moore, a traffic engineer for Baltimore County, testified on the subject of traffic. The traffic engineers agreed generally

Mr. Dwyer stated that the Baltimore Region ranked 15th in households, 151st in spendable income per household, and but 195th in per household retail sales. He noted that the contrast between a highly-populated area with substantial spendable incomes and low retail sales rankings was indicative of the absence of suitable retail facilities in the area. In summary, Mr. Dwyer stated that development of the Timonium Drive-In Theater for major shopping facilities in the manner proposed by this petition, when measured by all conventional criteria, will provide needed facilities for a rapidly-expanding and affluent market area and therefore, is an economically viable project.

Mr. Earl Rodeheaver, a real estate broker and consultant, testified for the protestants regarding need for additional retail facilities in the employment corridor. On one hand, he testified to the effect that there was no need for additional retail or shopping facilities in the area and that industrially-zoned land should be preserved for manufacturing uses. On the other hand, he testified to the effect that there was a fifteen year inventory of industrial land in the corridor and that he would favor meeting commercial needs for the area either immediately to the west and on the residential side of the Harrisburg Expressway at the A.V. Williams site or at the northerly side of Shawan Road near York Road. Moreover, he indicated that he personally had prepared a market analysis for a fifty-acre tract on the easterly side of York Road near Ashland Road for commercial development with two department stores! That tract is zoned commercially and is located at the northerly extremity of the residential, commercial, employment complex extending outwardly from Towson. Note that this site has not been developed as of this date, which fact is consistent with the testimony of Mr. Gelston and Mr. Gavrelis that this site was not suitable for development for a major shopping center. Mr. Rodeheaver's testimony seemed to reinforce that produced by the applicant and indicated that the need to preserve

on the peak hour loads which would be generated by the proposed center, and the direction of movement of this traffic. Mr. Hunnicutt testified that 65% of the traffic using this center would use the Harrisburg Expressway with 50% of the traffic coming from or going south and 15% coming from or going north. Twenty-five percent (25%) of the traffic would go to or from York Road and ten percent (10%) would go to or from the west on Timonium Road. Mr. Hunnicutt testified that under the existing conditions and without improvements, all phases of the intersection would function at level of service "D" or better, except northbound Greenspring Drive with the shopping center open. He testified that the deficiency with reference to northbound Greenspring Drive could be corrected by adjusting the timing on the signal and that it could be further improved by adding a left turn lane to northbound Greenspring Drive. Mr. Moore did testify that the left turn lane proposed by Mr. Hunnicutt could be accommodated within the present right-of-way. He also agreed that a free right-turn lane from Timonium to Greenspring would further enhance the flow of traffic at this intersection.

Mr. Moore also testified that the improvements suggested by Mr. Hunnicutt were minor and with these improvements the intersection would function at level of Service D when the center was opened, even allowing for growth in traffic. Mr. Moore also testified that the development of a major shopping center at York Road and Padonia Road, or at any other site in this corridor, would create traffic problems.

Mr. Moore assumed that if this property was not developed for a shopping center, it would be developed for a use that would be a low traffic generator. Mr. Hunnicutt showed that there were a number of uses permitted under the present zoning which would create as much or more impact on peak hour traffic as a shopping center.

Protestants objected to the impact which the traffic generated by the races and the fair would have on this proposed

land for industry is not a compelling one in light of a fifteen year inventory of appropriately-zoned land in the corridor.

XVI. THE TIMONIUM DRIVE-IN THEATRE SITE IS THE ONLY APPROPRIATE SOLUTION TO CORRECT THE ERROR IN THE ZONING MAPS.

As has been pointed out previously, the Preliminary Guideplan and the 1980 Guideplan recognized the need for additional major shopping in the Central Section focusing upon the Employment Corridor of which the Timonium Drive-In Theatre is a part. The Guideplan also recognized that insufficient commercial land had been zoned to meet all of the commercial needs and that the proper approach to meet those needs was to proceed with reclassification of property to assure that appropriate commercial land could in fact be developed. The evidence in this case conclusively shows that the commercial area at Padonia Road which was set aside by the Zoning Maps to meet the commercial needs in this area was not at the right place at the right time and for this reason the Zoning Maps as adopted in 1971 failed to meet the needs of the community.

The argument has been made that zoning for these commercial needs should be dealt with through the comprehensive process. However, the Guideplan recognized that the comprehensive process would at times fail, particularly with reference to identifying the appropriate time and place for commercial development. Further, Mr. Gavrelis testified that the reclassification process is, in fact, comprehensive in nature and much more thorough when it comes to identifying, reviewing and weighing all of the facts insofar as they relate to the particular property and neighborhood. In making comprehensive map changes, typically a property receives only a brief review and the time for presenting evidence at a public hearing may be limited to a matter of a few minutes. In this context, it is impossible to give the type of site analysis that is generally necessary to make the determination as to whether or not a particular property is in fact suitable. The adoption of a Comprehensive Plan and Comprehensive Zoning Maps is appropriate

shopping center. It should be remembered that the same problem exists at any other site in this area. The answer to this problem comes from the fact that people can and will adjust their discretionary travel so as to avoid the traffic problems generated by the races and the fair.

Certainly, considering all factors discussed by the traffic engineers, the selection of the theatre site for development of a major shopping center will create the least traffic congestion of any alternate site and will require the fewest improvements or modifications to the existing street systems. Further, any improvements made will be in accordance with the County's plans for the improvement and extension of Greenspring Drive.

XV. NEED FOR MAJOR SHOPPING FACILITIES

The need for additional major shopping facilities in the vicinity of the Timonium Drive-In Theatre tract is not seriously questioned. Mr. Norman E. Gerber, Chief of the Community Planning Division, Office of Planning and Zoning, testified that the 1980 Guideplan predicted a need for a major department store(s) somewhere in the corridor and that there is a need for such facilities now. He identified a short-term need, as well as a long term need, for major shopping which is in addition to what was to happen at the Sector Center in Towson.

Mr. James J. Dwyer, Jr. of The May Company Shopping Centers, Inc., the prospective developers of the theatre tract, quantified the need for major shopping with department stores in the area. Using a market area almost identical to the Central Sector boundaries described by Mr. Gerber - the City line northerly to above Cockeysville and from Greenspring Avenue easterly to Perring Parkway - but including also all of the rural northern portions of the County, plus a contiguous area in Harford County, Mr. Dwyer evaluated current and projected population, existing department and discount department store space within the area, income levels and sales potentials to determine whether or not the shopping center at the Timonium tract was economically viable and needed.

for identifying a specific need for a specific community. However, the review process as witnessed in conjunction with this particular rezoning application is much more thorough than the review process given in conjunction with comprehensive map changes and gives the Board a much better basis for deciding whether or not the property should be devoted to commercial uses.

The factors which caused the Padonia Road site to fail as a solution for the commercial needs in this community are the kind that can easily be identified and sorted out during the reclassification process. In fact, the hearing process in this particular case has clearly identified all of the reasons why the Padonia Road site has failed as a solution to the present commercial needs of the community. The site has failed because of changes which have occurred in the alignment of the Beaver Dam Road extension, since the Zoning Maps were adopted, because of development activity which has cut off access and because of the unwillingness of the owner to devote the property to commercial uses.

The process through which the Board of Appeals has proceeded in the review of this application is a continuation of the comprehensive review which resulted in the 1980 Guideplan and the 1971 Zoning Maps. That review established the need for the commercial center to serve the residential community, and the review process in this reclassification application has served to identify the property in the community which is most suitable for the fulfillment of the need.

In this particular instance, the failure of the comprehensive process to zone a property which is suitable and available for development to meet the existing need amounts to error. The review in this instance has identified the error and has not only proposed a solution, but has shown that the solution set forth in this rezoning reclassification is the only workable solution to meet the existing need. Further, the solution offered by the reclassification of the Timonium Drive-In Theatre site is consistent with the provisions of the Guideplan. The Timonium Drive-In Theatre site is in the general vicinity selected by the Guideplan for

Explaining that the methodology used by his research department was conservative, Mr. Dwyer indicated a 1970 market area population of 152,523 with a 1975 projected population of 169,810, a 1978 projected population of 179,409, and a 1980 market area population projection of 186,109 persons. He pointed out that the overall market area is characterized by families with incomes higher than those in the balance of the region. The 1970 market area family had a mean income of \$18,951.00 versus \$12,327.00 for the Baltimore Region as a whole. He further identified that the total market area contains approximately 563,000 square feet of department and discount store space.

Mr. Dwyer's analysis revealed that, based on a retail industry average of 6.0 square feet of department or discount store space per capita, the market area should be supplying nearly 1,076,409 square feet of such facilities for the projected 1978 population of 179,409 persons. This is 513,454 square feet more than currently exists in the area. The total development of the theatre tract would fulfill only 76% of the indicated need for department store floor space.

Evaluating need in a different manner, Mr. Dwyer measured total sales potentials for department and discount stores in the market area. Using a 1973 personal income for the State (lower than those in the actual market area), he identified \$465.00 as the average per capita allocation for department/discount store type expenditures. Multiplying that figure (\$465.00) by the 1978 market area population (179,409) results in total sales potentials of over 83.4 million dollars. Based on the retail industry average of \$55.00 in sales for each square foot of selling and display area, all of the existing department/discount store space (563,000 square feet) plus the total space proposed for the theatre tract (394,000 square feet) would generate 52.6 million dollars in annual sales. An additional 30.8 million dollars in 1978 sales potentials would remain unfulfilled.

the major commercial activities needed to serve the existing and future community. It is in close proximity to other shopping facilities and will provide easy communication between the existing and the planned commercial facilities. The property has good access from the major roadways consisting of Interstate 83 and York Road. In fact, these are the same roadways that would serve the commercial center had it been located at Padonia Road. The Timonium Drive-In Theatre site is located within the Employment or Non-Residential Corridor which has been identified as the appropriate location for expansion of future major shopping. The testimony reflects that the Timonium Drive-In Theatre property would have access to any rail transit facilities that may be developed in the future since a stop would be planned in conjunction with the fairgrounds and possibly with the Timonium Mall or Stewart's Department Store located just to the south of this property.

It is conceded that the Timonium Drive-In Theatre property does not meet all of the criteria for a town center as established in the Guideplan. However, the proposed development of the Timonium Drive-In Theatre site is not for a town center, but for a major shopping center only. Further, Mr. Gerber, from the County Planning Staff, acknowledged that the selection process for determining an appropriate site for meeting the commercial needs of the community consists of a series of compromises and that no one site can comply with all of the criteria of the Guideplan and its policies. In the instant case, it has been conceded by Mr. Gerber that the solution set forth by the Zoning Maps in response to the need identified by the Guideplan has failed. There is no question from the evidence but that there is no existing site available in the general vicinity of the Timonium Drive-In Theatre site or the Padonia Road site selected by the Zoning Maps which is zoned suitably for development for major shopping facilities. In fact, throughout the hearing on this case, no creditable testimony has been presented to suggest an alternate to the Timonium Drive-In Theatre site or the correction of the error that has been identified on the Zoning Maps.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th Date of Posting: JAN. 11, 1974
 Posted for: APPEAL
 Petitioner: EDWARD A. DEWATERS, SR., ET AL.
 Location of property: W/S OF GREENSPRING DRIVE, 520' S. OF
TIMONIUM ROAD
 Location of signs: W/S OF GREENSPRING DRIVE, 520' S. OF
TIMONIUM RD. @ W/S OF GREENSPRING DRIVE, 800' S. OF
 Remark: TIMONIUM RD.
 Posted by: FLORIAN L. VITALE Date of return: JAN. 18, 1974

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15369
 DATE: 11/29/76 ACCOUNT: 01,712
 AMOUNT: \$4.00
 DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER
 Mr. David Bavar, Fidelity Building, Baltimore, Md. 21201
 Cost of copies of documents from Case No. 73-205-R, Edw. A. DeWaters, 4.00 C.H.R.

LAW OFFICES
BROWN, BROWN, LANAHAN & WHITFILL
800 SOUTH MAIN STREET
REL AIR, MARYLAND 21014

December 5, 1973

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

RE: Petition for reclassification, W/S
of Green Spring Drive, 520' S/O
Timonium Road, 8th District-Edward
A. DeWaters, Sr., et al.; Petitioner's
No. 73-205-R (Item No. 14)

Dear Mr. DiNenna:

Please enter an appeal from your decision of November 9,
1973 on the above captioned Petition for Zoning Reclassification
to the Board of Appeals for Baltimore County. This appeal is taken
on behalf of Edward A. DeWaters, Sr., et al.

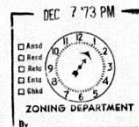
Please find enclosed our check for \$80.00 to cover the
cost of filing this appeal and the required posting.

With kindest regards, I am

Sincerely yours,

Robert O. Whitfill
Robert O. Whitfill

COW/nm
Encl.: (check)
CC: Ann Kramer, Esquire



ANNE KAY KRAMER
ATTORNEY AT LAW
STEVENSON, MARYLAND 21153
(301) 488-8088

February 15, 1973

Clerk,
Planning and Zoning Commission for Baltimore County
County Office Building
Towson, Maryland 21204

In re: Case no. 73-205-R

Mr. Clerk:

Please enter my appearance this date as Counsel on behalf
of my clients, Lutherville Community Association, Inc., and
Pinewood Improvement Association, Inc.

Sincerely yours,

Ann Kay Kramer
(Mrs.) Anne Kay Kramer
Wiltomroad Road
Stevenson, Maryland 21153

AKK/sk

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENNA
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner



November 9, 1973

Cypert O. Whitfill, Esquire
200 South Main Street
Bel Air, Maryland 21014

RE: Petition for Reclassification
W/S of Greenspring Drive, 520'
S of Timonium Road - 8th District
Edward A. DeWaters, Sr., et al -
Petitioners
NO. 73-205-R (Item No. 14)

Dear Mr. Whitfill:

I have this date passed my Order in the above captioned
matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED:tk

Attachments

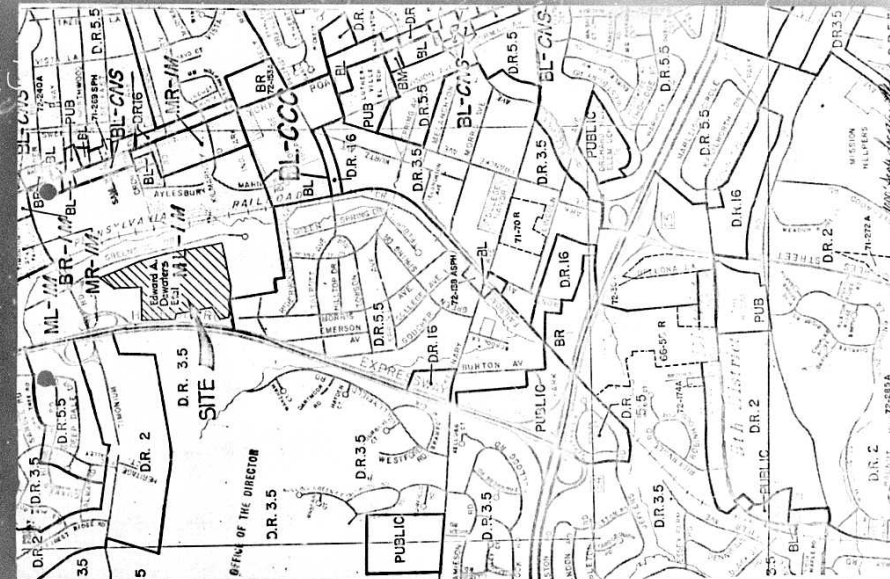
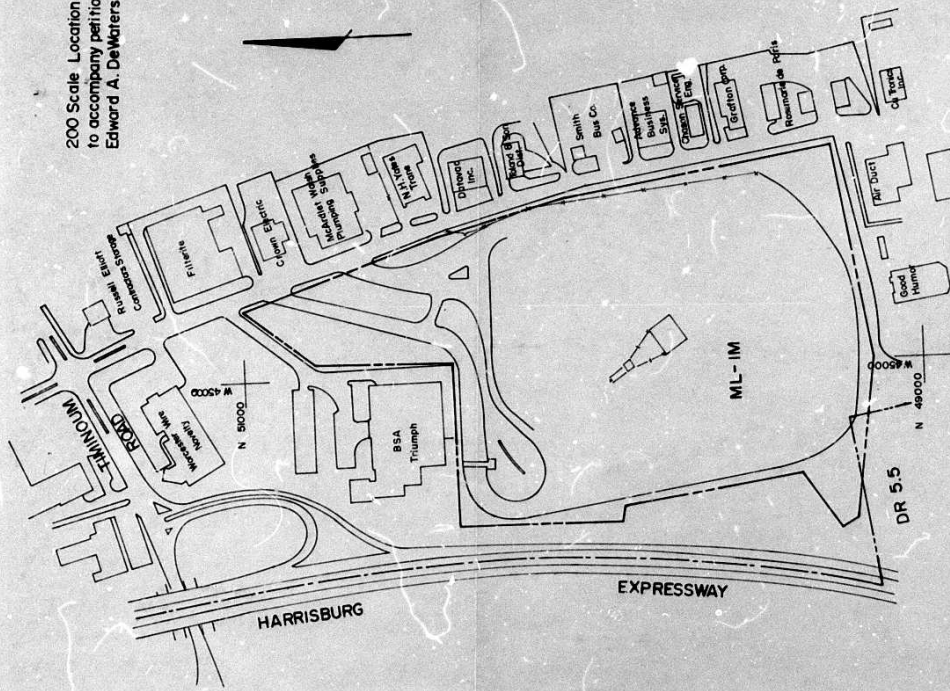
cc: Anne Kramer, Esquire
Stevenson, Maryland 21153

Mr. Charles Walcott
Ready-to-Finish, Inc.
1919 Greensprings Drive
Timonium, Maryland 21093

Mr. Eugene C. Sutton, Vice-President
Commercial Sales and Leasing
100 St. Paul Street
Baltimore, Maryland 21202

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

200 Scale Location Plan
to accompany petition of
Edward A. DeWaters Sr. Et Al



RE: Petition of Edward A. DeWaters, Sr., et al. : BEFORE THE : ZONING COMMISSIONER : OF : BALTIMORE COUNTY : Case No. 73-205-R

MEMORANDUM

The reclassification of the subject tract from ML to PM would, if granted, constitute spot zoning, and would do irreparable harm to the surrounding industrial, commercial and residential land use in Baltimore County. At stake is not merely the limited question of the correctness of commercial use for the subject tract, but rather whether or not the proposed reclassification does in fact violate the underlying concepts governing orderly land use planning and development.

The Petitioner stated on several occasions that as recently as 1971, prior to the adoption of new maps and other zoning change concepts in the County, he could have, under the then existing ML classification built a commercial shopping facility, without even requesting reclassification of his land. To the end, he argues, that he has now been forced to formally petition for a right that was once his by law. He also admits, however, that in 1971, he did not challenge the revised ML classification for Baltimore County which now excludes commercial development from that zone. The action of the Baltimore County Council was taken after extensive public hearings and the Petitioner cannot now be heard to complain that he lost a valuable right unfairly. It is the prerogative of the Council to adopt legislative acts

suitable to the needs of the County and the elimination of commercial activity from industrial zones was accomplished for the best of reasons; the basic incompatibility of large shopping centers and industrial uses.

It was testified by an industrial user on Greenspring Drive, Mr. Alan I. Elkin, that in his opinion, industrial and commercial uses are incompatible. He cited truck activity, possibility of overburdened local streets due to excess traffic and potentially prohibited parking curbside on Greenspring Drive as reasons sufficient to exclude the commercial use. Furthermore, heavy Timonium fairgrounds and raceway activity in September make Timonium Road virtually impassable at that time of year for a period of one month. Add to that the daily year-round stopping of traffic at the 5:00 P.M. rush-hour period to allow for train crossing at grade on Timonium Road and we see good and sufficient reason for the elimination of commercial uses in that vicinity. These same facts were substantially corroborated by Mrs. Huber, the owner with her husband of the Huber Welding Service, as well as the building where Mr. Elkins is a tenant. She added, too, that in her welding business, equipment and customer's property can now be left out in the fenced yard on the premises. It was her belief however that the added numbers of persons attracted by the commercial enterprises would invite vandalism and force those items now left outdoors to be housed under lock and key.

The Baltimore County Planner, Norman Gerber, testified that good planning places commercial activity well away from expressway ramp exits, not adjacent to them, with the obvious intent to

eliminate traffic tieups and backups at the ramps onto the expressway itself; such as now occur daily and especially when the fairgrounds racing is in season and when the Timonium fair is being held.

Mr. Gerber also cited the 1971 adopted plan for that sector, showing major commercial activity centered at Padonia and York Roads, well north of the subject tract. As he stated, the available open land (approximately 100 acres) and the central location at Padonia and York Roads were much better suited to its development as a major commercial center, in preference to the considerably smaller 29.5 acre subject tract on Greenspring Drive.

Mr. Richard Moore, traffic expert for Baltimore County, cited the already heavily burdened Timonium Road and Greenspring Drive intersection as well as the railroad tracks, proximity to the I-83 ramps and the overburdened York Road as sufficient reason for denying the Petitioner's request and maintaining the present character of the neighborhood as ML. Mr. James M. Hummelt, Petitioner's traffic expert admitted that land would have to be acquired in order to widen the intersection at Greenspring Drive and Timonium Road so as to accommodate additional traffic generated by the proposed shopping center activities; such land would have to be acquired from the industrial firm now located there. Other paid "experts" and witnesses for Petitioner gave glowing reports of the "need" for additional commercial facilities in the area. However, residents of the area who live and shop there testified to the sufficiency of

commercial facilities now available to them and did not express the need to spawn additional commercial activity in the area where every addition to the already overburdened streets adversely affects the enjoyment of their homes and neighborhood. The real consideration perhaps is whether the Council acted wisely in separating out commercial from industrial uses. And further, why the public should not be entitled to rely on publicly reviewed and adopted classifications of property. The answer to the first portion of the question, we believe, was answered by Mr. Elkin and Mrs. Huber: namely, that an industrial user is entitled to rely on the integrity of the zoning in his neighborhood, no less than any other resident might be. Any intrusion which violates his right to conduct his business and causes him subsequent harm has long been characterized by the courts as illegal "spot zoning". There is an additional harm here, though, because the Industrial corridor in Baltimore is limited in area and unique. The revenues therefrom benefit all County residents, those living far and near the subject tract. If industrial users are harmed by the illegal and harmful intrusion of spot zoning in their midst, all will eventually move elsewhere. The Zoning Commissioner may well take notice of the fact that people, whether residents or industries, move when living conditions become overcrowded and unbearable, as witness the deterioration of portions of Baltimore City.

There are numerous cases to support our theory. Concerning the right of the County Council to change or modify property classifications, see Aspen Hill Venture v. Montgomery County

Council, 265 Md. 303, 289 A2d 303 (1972) wherein it was stated:

"... It becomes a question of legislative policy. We think the requirement that such a legislative policy should bear a substantial relation to the public welfare finds support in our decision in Greene School v. Board, 242 Md. 552, 219 A.2d 719 (1966), wherein Chief Justice, for the Court, defined the constitutional limitations upon legislative enactments under the police power...."

No question here but the exclusion of RM activity from an ML zone bears substantial relation to the health, safety, and general welfare of the surrounding community.

Of similar import is the decision in Purnace Branch Land Co. v. Board, supra, 232 Md. at 539, 194 A.2d at 642 wherein the Court stated:

"... Even as in original zoning, rezoning must be in the general public interest for the promotion of health, safety and welfare of the community, as well as in the individual interests of the landowner." Code (1957), Art. 66B, Sec. 21; Wakefield v. Kraft, 202 Md. 136, 96 A.2d 271; Huff v. Board of Zoning Appeals, 214 Md. 48, 133 A.2d 83.

In addition, though, in the case of Norbeck Village Joint Venture v. Montgomery County Council, 254 Md. 59, 254 A.2d 700 (1969) the Court stated:

"A property owner has no vested right to the continuance of the zoning status of his or neighboring property, merely the right to rely on the rule that a change will not be made unless it is required for the public good."

"If the comprehensive zoning has a substantial relationship to the general welfare of the community in that it can fairly be taken as a reasonable effort to plan for the future within the framework of the County's economic and social life; it is not unconstitutional because under it some persons may suffer loss and others may be benefited."

"... For an individual property owner to escape the binding impact of a comprehensive rezoning he must show that the plan lacks the necessary relationships to the general public interest and welfare that is presumed..."

See also Huff v. Board of Zoning Appeals, 214 Md. 48, 58, 133 A.2d 83, that a comprehensive plan should seek

to accomplish, as far as possible, the most appropriate uses of land, consistent not only with the public interest but also with the safeguarding of the interests of the individual property owner.

Sec. 3.06, Article 66B, Annotated Code of Maryland, entitled Purposes of Plan, states:

"The plan shall be made with the general purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the jurisdiction, and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development...."

We believe the County Council was well aware of the nature of the area when it continued the ML zoning in 1971. That classification, especially as modified by the elimination of commercial use was correct then and is correct now. The potential harm to the existing surrounding community, both industrial, commercial and residential is far greater than the very narrow individual gain which might accrue to the present owner through reclassification. The present owners of the tract cannot claim hardship or deprivation of use, or even loss of profit; but the neighborhood and County could suffer real economic and personal hardship by reclassification of the subject tract from ML to RM.

The plan for the corridor where the tract is located was designed to promote the best interests of all segments of the community. We respectfully submit that only the denial of Petitioner's request for reclassification and continuation of the ML classification is in harmony with the present and projected plans for the area.

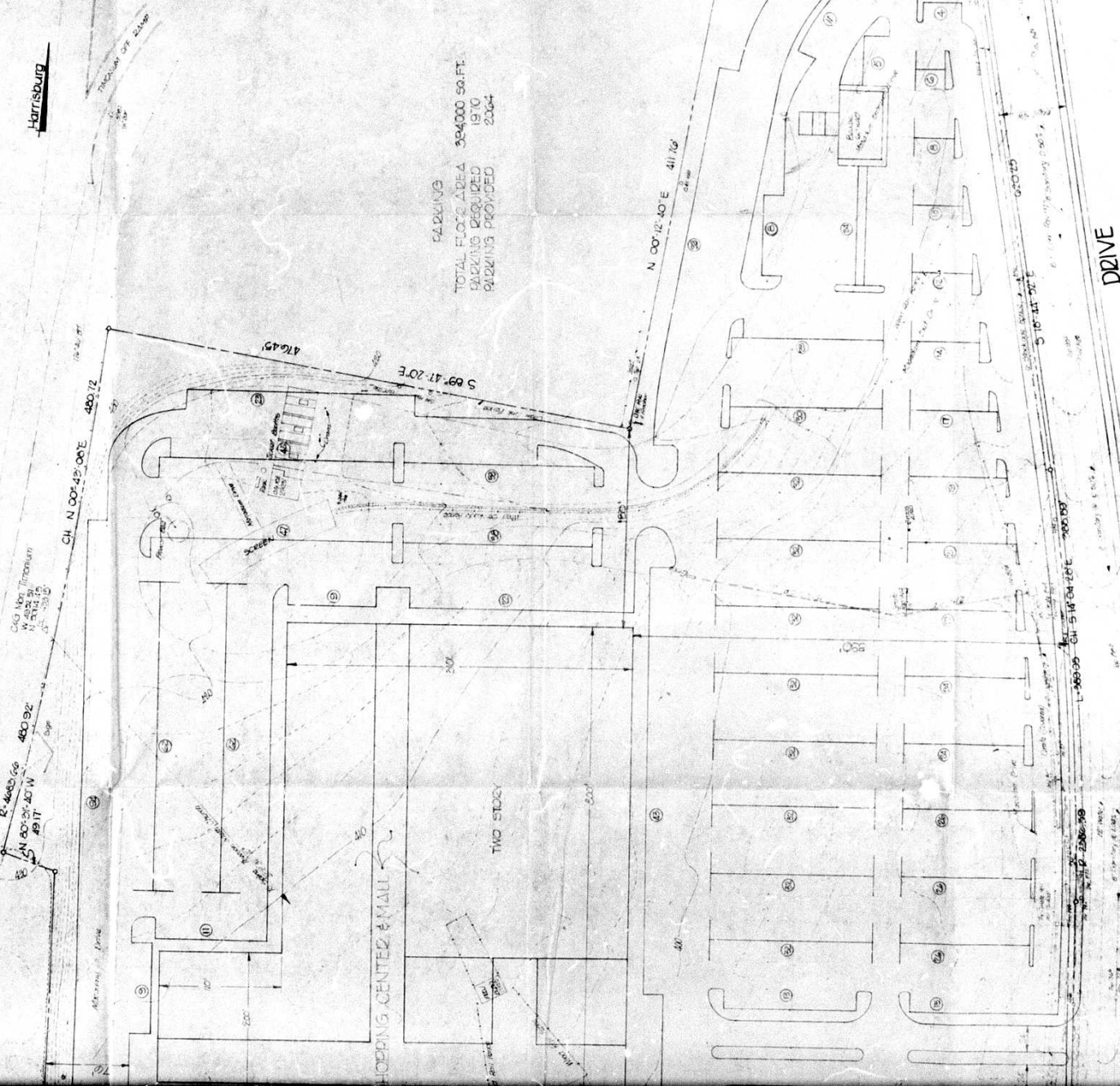
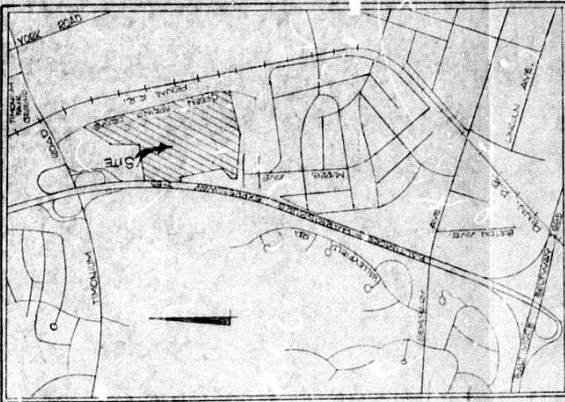
Respectfully submitted,

Anne Kay Kramer
Attorney for Protestants
Wiltonwood Road
Stevenson, Maryland
486-2069

I HEREBY CERTIFY that on this 24th day of July, 1973, a copy of the foregoing Memorandum was sent to Cybert O. Whitfill, Esq., 200 South Main Street, Bel Air, Maryland 21014.

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

BALTIMORE - HARRISBURG EXPRESSWAY I-83



SPRING

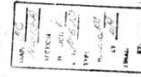
DRIVE



Walter E. Williams

THIS PLAT TO ACCOMPANY
ZONING PETITION

LAND OF
EDWARD A. DEWETERS, ET AL
Located in
6th Election District - Baltimore County, Md.
Scale 1"=50'
Sept. 25, 1972

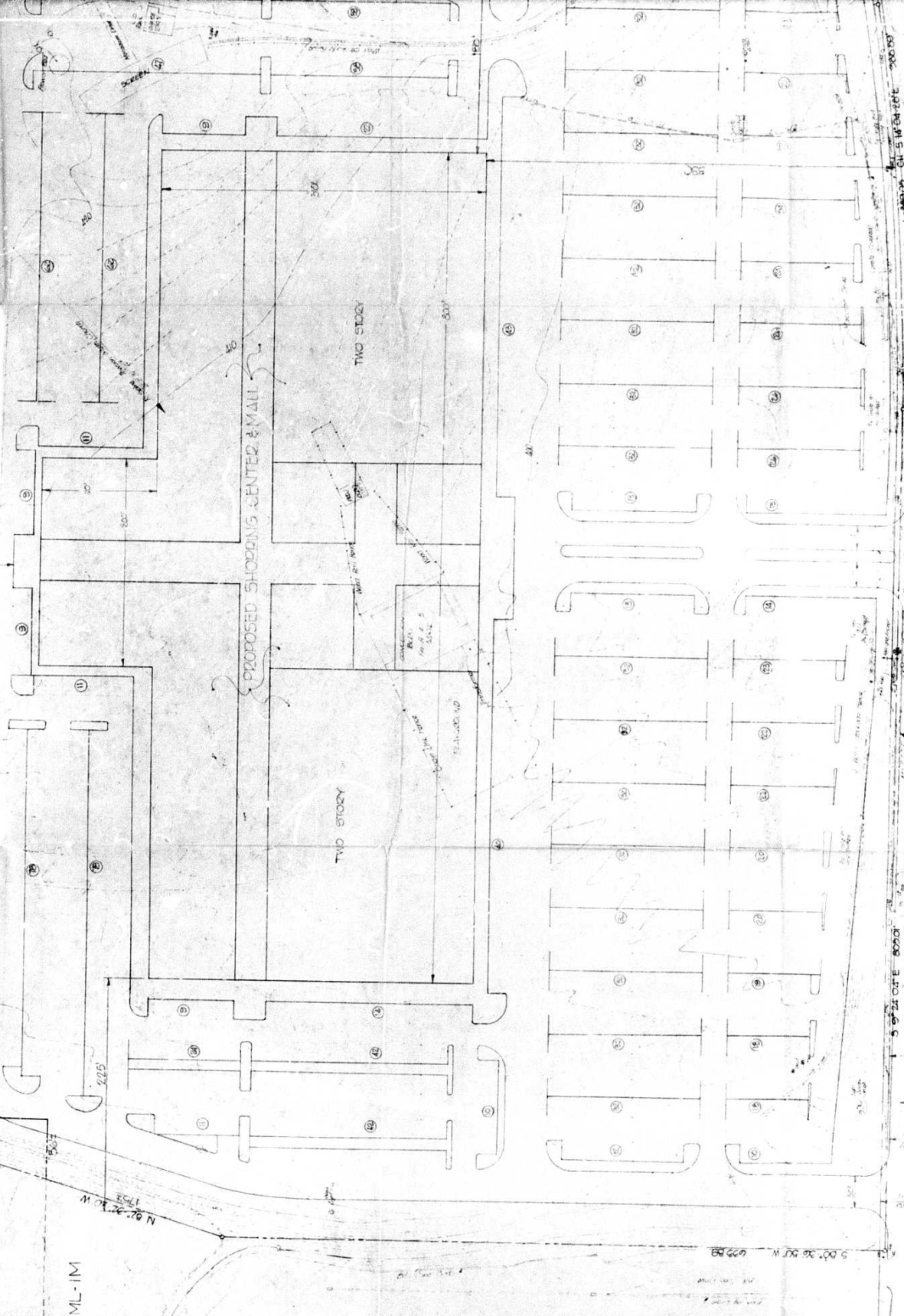


Baltimore

BALTIMORE - HARRISBURG EXPRESSWAY
I-83

RD 5.5

ML-1M



GREEN

SPRING



DEVELOPER: JEROLD WOLF
100 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

COPIES: 10
100 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

