#### PETITION FOR ZONING RE-CLASSIFICATION 75-201-R AND/OR SPECIAL EXCEPTION

10

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we ... CALEB G .- EWING County and which is described in the description and plat attached hereto and made a part hereof, reby 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. R.

B. M. zone; for the following reasons:

Error on the part of the Baltimore County Council in designating an M.R. Zone by adoption of the 1971 comprehensive land use maps and substantial change in the character of the neighborhood as more fully detailed in the memorandum accompanying this petition

See attached Cescription

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 ing, etc., upon filing of this petition, and further agree to and are to be bound by the zoning tions of Baltimore County adopted pursuant to the Zoning Law for Baltim

Caleb Ewing Legal Dw Address 2251 Fairfax Road

John B. Howard Cook, Mudd, Murray and Howard 409 Washington Avenue Towson, Maryland 21204

DATE

Hagerstown, Md. 21740

of October ..., 197 L., that the subject matter of this petition be advertised, as required by the Coning Law of Baltimore County. in two newspapers of general circulation throughour Saltimere County, that property be posted, and that the public hearing be had before the Zoning ore County in Room 106, County Office Building in Towson, Baltimore . 195 ... at 2:00 o'clock

BALTIMORE COUNTY

**ZONING PLANS** 

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

8th Soning Cycle - Item 16 John B. Howard, Esq. BALTIMORE COUNTY OFFICE OF PLANNING COCK, Nudd, Nurray and Howard 149 Hashington Avenue 111. Towson, Maryland 21204 Towson, Maryland 21204

Your Petition has been received and accepted

day of Outgoer S. ERIC DINENNA,

Petitioner Caleb C. Ewing

for filing this

Petitioner's Attorney John B. Howard ng. E. F. Raphel & Associates 201 Courtland Avanue Yowson, Md. 21204

25th

Reviewed by Chones & Byrres, III Zoning Advisory Committee

October 25, 1974

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

CONTROL ADMINISTRAT

BUREAU OF

DEPARTMENT OF TRAFFIC ENGINEERS

STATE HIGHNAY ADMINISTRATION BUREAU OF ENGINEERING

PROJECT AND SEVELOPMENT PLANS

BOARD OF EDUCATION

John B. Howard, Esq. Cook, Mudd, Murray and Noward 409 Washington Avenue owson, Maryland 21204

RE: Reclassification Petition Item 16 - 8th Zoning Cycle Caleb C. Ewing - Petitioner

ear Mr. Howard:

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

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties we hade aware of plans or problems with reyard to two made aware of plans that may have a bearing on this campent plans of Planning may file a written report with the Coning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the north side of Timonium Road, approximately 590 feet west of York Road, in the Sth Electionstatic of Baltimore County. It is presently improved with a two-story frame structure in poor repair, as well as the Timonium Race Track presently surrounds the site on three sides, and the Garon Start of the Start of Timonium Race Track presently all finding Supplies facilities exist opposite the site on Timonium Road.

The potitioner is requesting a Reclassification from the existing MR zone to a Business Major zone, and proposes a 7200 g MR zone foot addition to the first of the aforementioned structures. Its proposed use is indicated as a restaurant and theatre. The resiconce and garage are proposed to be removed. Off street parking is indicated at the proposed use of the parking is indicated for 123 vehicles.

John B. Howard, Esq. Re: Item 16 - 8th Zoning Cycle October 25, 1974

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petition to be the descriptions, or plais, as may have been requested by the Committee, shall be submitted to this office prior to the committee of the committee for the committee review and in order to allow time for final Committee review and the company and the committee review and the company and the committee review and the committee review and the committee review and the committee for the committee for the committee review and the committee for the committee committee committee for the committee committee

Vary truly yours,

garries B. Begarres . The JAMES B. BYRNES,III Chairman, Zoning Advisory Committee

JBB:JD

cc: E. F. Raphel & Associates 201 Courtland Avenue Towson, Md. 21204

# Baltimore County Fire Department



825-7310

Office of Planning and Zoning Baltimore County Office Building Towson, Haryland 21204 Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Saleb C. Ewing

Location: M/S of Timonium Rd. 590 ft. E/ of York Rd.

Item No. 16

Zoning Agenda Cycle #8 - October 1, 1974

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

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved read in accordance with Bultimore County Standards as published by the Department of Publis Works.
- ( ) 2. A second means of vehicle access is required for the site.
  ( ) 3. The vehicle dead-end condition shown at
- EXCESS the maximum allowed by the Fire Department,

  () is The site shall be made to comply with all applicable parts of the
  Fire Frevention Code prior to occupancy or beginning of operations,

  (3) 5. The buildings and structures of sating or proposed on the site shall
  comply with all applicable requirements of the Hatimant Fire Frotection
  Association Standard No. 100 "The Lift. Satety Code, 1970 Extiton prior
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

Planning Group
Special Inspection Division

Paul H Reinche Deputy Chief Fire Prevention Bureau

## Baltimore County, Maryland Bepartment Of Bublic Works

October 25, 1974

Bureau of Engineering ELLEWORTH N. DIVER. P. E. CHIE

Coming Commissioner County Office Building Towson, Maryland 2120b

He: Item #16 (Cycle VIII - October 1974 - April 1975)
Property Comer: Caleb C. Eving
M/S of Timonium Rd. 500 W. of York Rd.
Existing Zoning: M.R.
Proposed Zoning: N.M.
No. of Acress 2.663 District: 8th

Timonium Road has been fully improved along the frontage of this property and no further improvements are required.

The existing driveway entrance, if not adequate, will have to be replaced with a standard commercial entrance.

Provisions for the accommodation of storm drainage have not been shown on the plan substituted for resconing; however, surface improvements resulting in increased storm water run-off, particularly the paving of parking areas, grading thereof or other surface improvements, may require the letitioner to provide facilities for this drainage.

to previous resist provide message training lacilities (temporary or perament) to prevent oreating any misance 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 drainings facilities, would be the full responsibility of the Petitioner.

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

Item #16 (Cycle VIII - October 1974 - April 1975) Property Owner: Caleb C. Z.ing

Water and Janitary Sewer:

Public water and public sanitary sewer exist in Timonium Road for the full frontage of this site.

Very truly yours.

ELISHORTH N. DIVER, P.E. Chief, Bureau of Engineering

END. EAM: REC: ss

S-ME Key Sheet 52 & 53 HW 3 Pos. Sheet NW 13 & LL A Topo 60 Tax Map

Puravant to the advertisement, posting of preperty, and public hearing on the al	bove petition and
it appearing that by reason of	
the above Feclassification should be had; and it further appearing that by reason of	of
Special Exception for asho	uld be granted
IT IS ORDERED by the Zoning Commissioner of Baltimore County this	
lay of, 197, that the herein described property or area	should be and
he same is hereby reclassified; from azone to a	
one, and/or a Special Exception for ashould be a	and the same is
ranted, from and after the date of this order.	
Zoning Commissioner of Bult	imore County
Pursuant to the advertisement, posting of property and public hearing on the	above petition
nd it appearing that by reason of	
ne above re-classification should NOT BE HAD, and/or the Special Exception sh	hould NOT BE
RANTED.	
IT IS ORDERED by the Zoning Comn.issioner of Baltimore County, this	4
197 that the above re-classification be and the s	
ENIED and that the above described property or area be and the same is hereby or	
remain azono; and/or the Special Exception	
	101
be and the same is h	make DENHEY

# **BOARD OF EDUCATION** OF BALTIMORE COUNTY

TOWSON MARYLAND - 21204

Date: October 9, 1974

Zoning Commissioner of Baltimore County

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

Z.A.C. Meeting of: October 1, 1974 (Cycle #8)

Re: Item i<sup>(c)</sup>
Property Owner: Caleb C. Ewing
Location: M/S of Timon'um Road. 590 ft. E. of York Rd.
Present Zoning: M.R.
Proposed Zoning: B.M.

No. Acres:

Dear Mr. DiNenna

H. EMELIE PARKS, ress CUBENE C. HESS.

No bearing on student population.

Very truly yours, W. Tich Ketroul W. Nick Petrovich.,

WNP/m1

ALVIN LORECK

RICHARD W. TRACEY, V.M.D. MRS. RICHARD K. WUERFE

WILLIAM D. FROMM

S. ERIC DINENNA



November 6, 1974

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

Comments on Item #16 , Zoning Cycle VIII, October, 1974 are as follows:

Property Owner: Caleb C. Ewing Location: N/S of Timonium Road 590 ft. E of York Road Existing Zoning: M.R. Proposed Zoning: B.M. No. of Acres: 2.663

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The existing building is a historic landmark and should be preserved as should the larger trees and shrubbery where possible.

Very truly yours, John L. Wimbley Planning Specialist II

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING LDING 105 WEST CHESAPEAKE AVENUE

> RE: PETITION FOR RECLASSIFICATION from M.R. zone to B.M. zone N/S of Timonium Road 590 feet West of York Road

COUNTY BOARD OF APPEALS OF

Caleb C. Ewina

BALTIMORE COUNTY

REFORE

No. 75 - 201 - R

## . . . . . . ORDER OF DISMISSAL

Petition of Caleb C. Ewing for reclassification from M.R. zone to B.M. zone, on property located on the north side of Timonium Road 590 feet west of York Road, in the 8th 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 most (copy of said lette is attached hereto).

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

IT IS HEREBY ORDERED, this 25th 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

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD. P.E.

October 28, 1974

Mr. S. Eric DiNenna Zoning Commissioner County Office Building

Re: Item 16 - Cycle Zoning 8 - October, 1974 through April 1975 Property Owner - Caleb C. Ewing M/S of Timonium Road, 590 ft. W of York Road District 8

The subject petition is requesting a change from H.R. to 8.H. This will increase the trip density from 250 to 1300 trips per day. The York Road corridor presently has more density than the road system can accompidate and this increase can only compound this problem.

Assistant Traffic Engineer

CRM /rmg

# BALTIMORE COUNTY, MARYLAND A. DEPARTMENT OF HEALTH—

TOWSON, MARYLAND 21204

October 11, 1974

DONALD J. ROOP, M.D., M.P.H.

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

Dear Mr. DiNenna:

Comments on Item  $1/\varrho$  , Toning Reclassification, Cycle #8, are as follows:

Property Owner: Caleb C. Ewing Location: NS of Theorium Rd. 590 ft. E/ of York Rd. Existing Zoning: B.W. No. of Acres: 2.68. Jatrict: St.

Metropolitan water and sever must be extended to site.

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

Food Protection 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.

Jones Falls Moratrium: A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 11, 1973; therefore approval may be withheld for this

Very truly yours,

Thomas It Donling Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

HVB/nce

CC--W.L. Phillins L.A. Schupper

494-3180

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

December 22, 1976

John B. Howard, Esq. Mercantile-Towson Building Towson, Maryland 21204

> Re: Case No. 75-201-R Caleb C. Ewing

Dear Mr. Howard:

As the Petitioner, or representative thereof, in the above referenced cose, you are hereby advised that sold cose now pending before the Board of Appeals is considered most. This decision is based on an opinion of the Baltimer County Solicitor's office concluding that only reclassification cose pending before this Board on the date of the adoption of new comprehensive zone. ing maps (i.e. 10/15/76) is most.

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., Chairman

cc: Mr. Caleb C. Ewing Mr. John R. Miller, rres. Gr. Timonium Comm. Council Mrs Nancy L. Hargest, Chairman Seminary Velley Council, Inc. Mr. Domenick Barbiere Optimist Club of Timonium, Inc. John W. Hessian, III, Esq.

E. F. RAPHEL & ASSOCIATES reistred Professional Land Surveys 201 COURTLAND AVENUE TOWSON, MARYLAND 21204

September 26, 1974

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION PEOPERTY OF CALEB C. EWING ET AL

Beginning for the same at a point on the north Right of way line of Timonium Woad at a distance of 590' westerly from the intersection formed by the north side of Timonium Road and the center line of York Road said point being in the 6th or last line of the land which by dead dated March 31, 1950 and recorded among the Land Records or Baltimore County in Liber TBS 1828, folio 237 was conveyed by Katherine C. E. Henkel et al to Caleb C. Ewing et al running thence and binding on the north Right of Way line of Timonium Road by a curve to the left with a radius of 2326.83' for a distance of 368.81' thence leaving the north light of Way line of Timonium Road and binding on the outline in aforesaid deed the three following courses and distances: (1) NIB\*45.50°% 356.421: (2) N75°55.10°% 367.52'; (3) S18\*45.50"E 286.75' to the place of beginning.

Containing 2.663 Acres of land more or less.

Being part of the land which by deed dated March 31, 1950 and recorded among the Land Records of Baltimore County in Liber BS 1828, folio 237 was conveyed by Katherine C. E. Henkel et al to Caleb C. Ewing et al.





RE: PETITION FOR RECLASSIFICATION N/S of Timonium Road, 590' W of York Road - 8th Election District Caleb C. Ewing - Petitioner NO. 75-201-R (Item No. 16)

from a M. R. Zone to a B. M. Zone

BEFORE THE DEPUTY ZONING COMMISSIONER

· BALTIMORE COUNTY

... ... ... ... ... ...

This Petition represents a request to reclassify a 2.66 acre parcel of land located on the north side of Timonium Road, 590 feet west of York Road,

The property is improved with a historic landmark known as Timonium Mansion, has been in the Petitioner's family for many generations, and served as a residence for his mother until her death approximately two years ago.

Recommendations of the Baltimore County Planning Board, concerned primarily with saving the Mansion, recommended for the reclassification provided covenants were established insuring the preservation of the Mansion This recommendation was in effect nullified by a legal opinion from the Baltimore County Solicitor's Office advising that said recommendations were improperly arrived at and unlawful.

The Petitioner and area residents, who attended the hearing, all felt that the Mansion should be saved. However, the question, saved at what cost, varies with the individuals involved. The Petitioner testified that his mother took for granted that the Mansion would endure, that he also desired that the Mansion e preserved and had, in fact, declined to sell or lease the property to proective purchasers who would have destroyed the dwelling. Nevertheless, h was not prepared or, in his words, in the financial position to restore and/or mate the valuable property for public use. He felt that the site was improperly zoned and that a zone more compatible with the surrounding uses would provide a better opportunity to find a use or user that would preserve the pro-

the Historic Buildings' Survey Committee of the Baltimore

landmarks in 1965 and at present approximately 1,000 structures

dadd. The report goes on to state:

"Approximately 25 to 30 landmarks have been 'threatened' during the period in which this inventory was to be period in which this inventory was to bave been demolished; eight are known to have been 'saved'; and nine remain classified as 'threatened.' The latter two categories are by no means final, as circumstances change from day to day, a structure can be 'threatened' for a long time, deserted and vanialized as 'threatened' for a long time, and the carly homes of Samuel Owings, the founder of Owings Mills)-now restored as a distinctive restaurant. Or, after a long period of neglect, the landmark may be demolished by a developer, as in the instance of Ten Mile House.

Typically, a landmark is in the 'threatend' category when the property changes hands and is being held for sale or development. In this category, Hereford Farmhouse, Rockland Village, and Timonium are significant examples."

many generations. It served as a residence for

This report is inaccurate insofar as the statement

concerning Timonium is concerned. The property has been in

the ownership of the Petitioner, Caleb C. Ewing's family

Mr. Ewing's mother, until he death, approximately two

years ago, for a period of several decades; and it was the

great desire of the senior Mrs. Ewing that the property be

preserved. Under its present zoning classification of M.R.

the subject property could immediately be utilized for

warehouses, manufacturing plants, offices, cold storage

plants, etc.; but none of these uses are economically

compatible with preservation of the existing structure

County Historical Society started listing the County's

are included. The report goes on to state:

classification of the subject property be accompanied with deed covenants that would preserve the Mansion. At the conclusion of the hearing, the writer afforded both parties several months to work out some solution that would in volve a grant for funds to restore the Mansion and accompanying covenants which would insure the preservation of the Mansion. No such solution was arrived at, and the Order most now be written. The Order will of course be based solely on the export testimony dealing with change in the neighborhood or error in the Map. Without repeating all testimony and evidence presented, much of which

The area residents were steadfast in their requirement that any re-

is documented in the Petitioner's brief and other exhibits that are part of this case file, it is the opinion of the Deputy Zoning Commissioner that said testi mony and evidence proved conclusively that the property has not been placed in a classification compatible with its surroundings or one that provides for a feasible development of the property in comparison to its unusual characteris tics. The site is literally surrounded by the Timonium Fairgrounds, a privately owned nonconforming commercial use, that is presently undergoing modernization changes that could have an end result of requiring a change in its zoning status from a M.R. Zone to a commercial zone. Properties just west of the site are improved with a service station, a restaurant, and a large warehouse type complex devoted to wholesale and retail uses. The property opposite the site, on Timonium Road, was recently reclassified from a M. L. Zone to a R. Zone and construction has been started on a large retail store In view of these findings, coupled with several important changes in the ad system in the immediate vicinity of the subject property, it is clear that the character of the neighborhood has substantially changed and that the property has been erroneously placed in a M.R. zoning category. While the preon of the property per se cannot and has not been given weight in con sidering the change in zoning, it is the feeling of the Deputy Zoning Co

highly valuable and it is submitted that the only method under which proper economic realization could flow from the land and at the same time result in restoration and preservation of the structure would be a restaurant-

DAI

It is contended that the Baltimore County Council committed error with respect to the subject property at the time of adoption of the comprehensive land use maps in 1971 by not separating this parcel from the large M.R. zone established for the Timonium Fair Grounds. The designation of M.R. zoning was tantamount to imposition of a death sentence on this historic site, as well as being anathema to the clear desires of the Baltimore County Planning Board, the preservation groups mentioned above and the now public statements of members of the Baltimore County Council. Furthermore, it is submitted that the general failure of the Council to provide commercial zones at the time of adoption of the maps for properties in proximity to York Road and on the periphery of the large industrially zoned tracts in the York Road-Harrisburg Expressway constituted error. Additionally, the Council apparently failed to give any consideration to the effect on the neighborhood of the recent construction and opening of Avlesbury Road, a major four-lane roadway, intersecting immediately to the

that such change will afford the Petitioner all the use opportunity necessary to preserve the Mansion.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 291" day of 406057, 1975, that the herein described property or area should be and the same la hereby Reclassi fied from a M.R. Zone to a B.M. Zone, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning

> Deputy Zoning Commissioner of Baltimore County

3

RECLASSIFICATION OF PROFESTY
LOCATED ON THE NORTH SIDE OF
TIMONIUM ROAD, EAST OF YORK ROAD,
EIGHTH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND, FROM M.R. to B.M.

IN THE MATTER OF THE PETITION OF

CALEB C. EWING, LEGAL OWNER, RECLASSIFICATION OF PROPERTY

#### MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATIO

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Caleb C. Ewing is the owner of a parcel of land located on the north side of Timonium Road, several hundred feet east of York Road, consisting of 2.65 acres plus minus, or which is located a historic manor house known as "Timonium Mansions." The property is presently zoned M.R. and is surrounded on the east, north and west by property owned by the Maryland State Fair and Agricultural Society and utilized as the Timonium Fair Grounds.

"Timonium Mansions" is considered one of Baltimore County's foremost historical landmarks, having been constructed in the early 1700's and is the property from which the community of Timonium draws its name. It is reputed that both George Washington and his French ally Lafaverte are said to have stayed at the Mansions. There is currently a great deal of interest in the preservation of this historic site. Groups such as the Baltimore County Historical Society, the Society for the Preservation of Maryland Antiquities, the Citizens' Planning and Housing Association and the Cockeysville -- Timonium Jaycees are seeking its restoration and preservation

In a report entitled "Historical and Architectural Preservation in Baltimore County" adopted by the Baltimore County Planning Board on June 20, 1974, it is noted that

The land on which Timonium Mansions is situated is dinner theatre use similar to the Samuel Owings house noted in the comments of the Planning Board report, supra.

south of the subject property, in that it failed to even designate the existence of that roadway on the official maps RE- PETITION FOR RECLASSIFICATION North side Timonium Road, 590' West of York Road, 8th Election District Caleb C. Ewing, Petitione No. 75-201-R (Item No. 16)

BEFORE THE DUPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

ORDER FOR APPEAL

## Mr. Commissioner

Please note an Appeal from your decision in the above entitled matter under date of August 29, 1975, to the County Board of Appeals and forward all papers in

connection therewith to said Board for hearing.



John W. Hessian III People's Counsel

Deputy People's Counsel County Office Building Towson, Maryland 21204 494-2188

I hereby certify that on this 26th day of September, 1975, a copy of the foregoing Order was mailed to John B. Howard, Esquire, Cook, Murray, Howard & Tracey, Mercontile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204.

Petitioner avers that the requested zoning reclassification is mandated not only on the basis of clear error but by

the neighborhood, the actual use of the large majority of structures located therein is commercial. In short, the Timonium neighborhood lying between York Road and Harrisburg Expressway initially conceived as an industrial area has

Respectfully submitted.

changed complexion to that of a commercial area supportive of the large residential areas located to the east of York

Road and to the west of the Harrisburg Expressway

that were adopted.

SFCF

PASER

- 3 -

virtue of substantial changes in the character of the neighborhood

wherein the subject property is located. Aylesbury Road,

to the east of the subject property, has recently been

widened; the interchange of Timonium Road and Harrisburg

Expressway has recently been redesigned and reconstructed;

and despite the existence of basically industrial zoning in

described above, is a striking element of change; York Road,

1111111

Charles E. Kountz, Jr.

August 29, 1975

John B. Howard, Esquire 409 Washington Avenue Towson, Maryland 21204

> RE: Petition for Feciassification N/s of Timon um Road, 590' W of York Road - 8th Election District Caleb C. Ewin: - Petitioner

Dear Mr. Howard:

I have this date passed my Order in the above captioned matter in

Very truly yours. anua 2 Vy

JAMES E. DYER Deputy Zoning Commissione

cc: Mr. John R. Miller, President Greater Timonium Community Cou P. O. Box 58 onlum, Maryland 21093

> Mrs. Nancy L. Hargest, Chairman Seminary Valley Council, Inc. 902 Jamieson Road Lutherville, Maryland 21093

Mr. Domenick Barbiere Optimist Club of Tin P. O. Box 262 Timonium, Maryland 21093

# BALT ORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William D. Fromm. Director TO Dept. of Planning and Zoning

FROM Office of Law

SURJECT Board Comments on 7 ning Petitions - Timonium Mansie

Date June 6, 1975

RECEIVED BALTIMORE COUNTY

JUN 17 1975

OFFICE OF PLANNING

Caleb C. Ewing petitioned the Zoning Commissioner for Baltimore County for reclassification of his historic property, known as Timonium Mansion, from its existing M. R. (I. M. District) to the E. M. classification. In his petition, Mr. Ewing claimed that the present M.R. (I.M. District)
zoning established by the County Council on the comprehensive zoning map of 1971 was a "mistake". He claimed that the Council should have separated the parcel from the larger M.R. zone established for the Timonium Fairgrounds, and further stated that its present designation would only ensure its destruction. Petitioners cited his family's wish to maintain the historic structure, but under

The Planning Board for Baltimore County thereafter submitted its recommendations to the Zoning Commissioner pursuant to Section 22-22 (f) of the Baltimore County Code (1973-74 Supplement). In their recommendations, the Board noted the importance of saving the historic structure stating that,

> ". . . the importance of saving this historic structure far outweighs any of the factors normally considered by the board in evaluating petitions submitted through the cycle zoning process; hence, the board will address itself to this issue only."

After a discussion of a planning board report entitled Historical and Architectural Preservation in Baltimore County, adopted by the Baltimore County Planning Board o June 20, 1974, the planning board concluded its recommer

> ". . . if decd covenants are established ensuring the preservation of Timonium Mansion, then the planning board recommends that the petitioners request for B. M. zoning be granted."

Thereafter, at the hearing on the petition before the Zoning Commissioner, it is undisputed that Mr. Ewing declined to aver that he would enter into such deed covenants.

RE: RECLASSIFICATION PETITION FOR : BEFORE THE

CALEB C. EWING

Mr. Commissioner:

N.S.-I.M. to B.M.
N/S of Timonium Rd., West of : ZONING COMMISSIONER
York Road, 8th District

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in section 52h.1 of the

Baltimore County Charter, I hereby enter my appearance in this

proceeding. You are requested to notify me of any hearing date

or dates which may be now or hereafter designated therefore, and

of the passage of any preliminary or final Order in connection

I HEREBY CERTIFY That a copy of the foregoing Order was

mailed this #4 day of March, 1975 to John B. Howard, Esquire,

Cook, Mudd, Murray and Howard, 409 Washington Avenue, Towson,

Maryland, 2120h, Attorney for Petitioner.

POR HALTIMORE COUNTY

Cams No. 75-201-R

Page -2-

only stated that.

Greater Timonium Community Council

. Timonium Mansion rezoning petition

on January 22, 1975 with a duly constituted quorum. It was resolved that the Council would be in favor of petitioner's request for BM

> 1) petitioner signed a covenant providing for the preservation of this historic site, a covenant

In reviewing the matter it becomes apparent from the memorandum in support of the petition for reclassification that though there was a lengthy explanation of the history of Timonium Mansion, the request for B. M. zoning

". . . the only method under which proper economic real-

ization could flow from the land and at the same time result

in restoration and preservation of the structure would be a

No guarantee or covenants were offered by the petitioner to support the statement quoted above. Without such covenants running with the land, the Mansion

would be subject to the same threats posed by the current M. R. (I. M. District)

We have been requested to examine the request for reclassification pre-

sented to the Zoning Commissioner in the context of the Planning Board recommend-

ation and indicate the appropriate course of action for the Board. It is the judgment of the Office of Law that the Planning Board's recommendation was not made in

accordance with . applicable legal standards prerequisite to a valid determination

It is apparent that the Board's qualification of its recommendation as Mrs apparent that the load of a substitution of its recommendation as dependent on deed covenants to preserve the historical nature of the mansion amounts to conditional zoning. The Court of Appeals observed in Montgomery County v. National Capital Realty Corp. 267 Md. 364, 297 A. 24 675 (1972) that "(The invalidity of conditional zoning in Maryland is not seriously open to question." There, the Court declared that the use of covenants in connection

Of no lesser importance, the Planning Board was aware that the factors considered to support recommendation departed from "normal" procedure and did not include evaluation of congestion, safety, health, public facilities, and general welfare pertinent to a finding of mistake in original zoning or

with rezoning would fall within the prohibited area. The purpose of this pro-hibition is to preserve consistency and uniformity intended by zoning class-ifications and prevent the inhibition of the police power.

change in the neighborhood. The force of a Board recommendation is no greater than the reasoning upon which it is based. Stratakis v. Beauchamp 268 Md. 643, 304 A. 26 244 (1979). Correspondingly, conclusions relevant to planning recommendations without upport at the strategy of the control of

considerations deemed relevant by the Board are not yet provided for by county law, its recommendation constitutes "wishful thinking" which cannot survive legal

analysis. Habl ston v. City of Salisbury 258 Md. 350, 265 A. 2d 885 (1970).
Section 22-22 of the Baltimore County Gode (1973-74 Supplement) promulsates the familiar "change-mistake" rule applicable to zoning reclassification petitions.

The purpose of promoting health, safety and welfare is elaborated upon in Section 22-18 of the Code (1968). Since the Planning Board failed to adhere to the clear

restaurant-dinner theater use. . . .

With the guarantee of preservation, the Council has almost no objection to the usage of the facilities that the owner may desire, short of commercial or industrial usage. The idea of a restaurant

with the land, the Council voices strong objection to petitioner's request for rezoning. The Department of Planning, the Jaycees, and other civic groups are interested in this Mansion's preservation, an interest which should be accorded considerable weight or we would have no national or local shrines. The Council voices no objection to a property owner's right to do with his land as he may see fit provided that it fit with the public "good". The preservation of the Timonium Mansion falls into the realm of the public good.

Lol Part Od 11.0 John Randolph Miller, President

MOTOTOTOTE, EX A

Mr. Eric DiNenna, Zoning Commissioner

The above matter was discussed at a regular meeting of this Council

- that would run with the land: and
- 2) that all necessary repairs would be made to the mansion to warrant preservation.

and/or dinner theater is most appealing.

Should the owner be unwilling to sign a covenant that will run

PROTE WELLT'S EX "B"

Page -3-

JCH:rm

cc: County Executive cc: Walter R. Richardson

cc: Charles B. Heyman



# Optimist Club of Timonium

statutory mandate in forming its conclusion, that conclusion, improperly arrived at, is unlawful and should be given the appropriate weight by the Zoning Commissioner.

We believe also that the Planning Board cannot withdraw its original re-

dation at this time and submit a revised recommendation since it would

del

J. Carroll Holzer

County Solicitor

violate the cycle provisions of Section 22-22 (c) and (f) of the Baltimore County

-Friend of Youth P.O. BOX 262

March 11. 1975

Dear Sire

The Timonius mansion is a building of vital interest to the Timonium community. As a service organisation, representative of the community, the Optimist Club of Timonium is vitally interested in the preservation of the mansion. The board of directors of the Optimist Club of Timonium have voted to use club efforts in combating any resoning that jeopardizes the mansion and sufficient land around it to preserve its integrity.

The board of directors have voted that Past President Domenick harbiers shall represent the club in hearings on this matter.

> Very truly yours, Michael C. Keptett Secretary Optimist Club of Timonius

RCM/pp

BALT ORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO. William D. Fromm, Director of Date. March 13, 1975

FROM John W. Hessian, People's Counsel

WA 13 1915 OFFICE OF PLANNING AND ZONING

The impression that one even minimally literate would garner from the "Memorandum in Support of Fetition For Reclassification" subtited by the petitioner with his application for reclassification in this case would be that there existed a viable plan to preserve the building on the property. The Planning Board, understandably maxious to comperted in this sense of the sense of the

Having at least neutralized the Planning Board, in the Having at least neutralized the Planning Seard, in the sense that the Soard was diverted from approaching the question of reclassification as serely a commercial venture, the penty Joseph Search party of the periton of the periton

I therefore specifically ask that you re-present this petition to the Planning Woard and ask that it be considered by the Woard not in its original guise as an attempt to preserve an historic building, but as a standard, gardenvariety petition for reclassification for the economic benefit of the owner. I believe that a supplemental report should be issued by the Board incorporating such preferatory explanations as might be necessary to explain any contradiction which may appear between the supplemental and original reports.

The W. Herrian III JOHN W. HESSIAN, III

MAR 11 '75 PM 763

I WILL ATTEND

World B. HESSIAN, 111
People's Counsel
The County Office Building
Towson, Saryland 21204
494-3211

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The village of Timonium, today a thriving suburban area both residential and commercial in character, takes its name from Timonium Mamsion, once part of an estate of over 250 acres which is now reduced to less than three.

1978, was built in the early 1782's, probably by Archibald Buchanan, a Baltinore merchant, whose father, Dr. George Buchanan, had oswed the land and left it to his son at his death in 1795. Dr. Suchanan was range the first commissioners of Baltimore form and ladden the original loss the sense of the representation of the sense of the sense

The name "Timonium" is said to be derived from the tower in Alexandria, Egypt, where Mark Antony fled following his defeat at the Battle of Actius.

800 Male Ination Plan

UNITED STATES DEPARTMENT OF THE INTERIOR Ferm 10-300+ (July 1969)

7. DESCRIPTION, continued

NATIONAL REGISTER OF HISTORIC PLACE INVENTORY - NOMINATION FORM

(Continuation Sheet) 1

Maryland	
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Timonium

consists of a center stair hall flanked by two rooms. The main stair occupies a location in the southeast corner of the hall and its reminiscent of earlier styling with its seem of the hall and its reminiscent of earlier styling with its seem while of an overall early appearance, the details of the nosts, balustrade, and the hall and learly appearance, the details of the nosts, balustrade, and the stair of the property of the stair, the hall and north chaber are eabellished with wide, six-piece ealing cornicus described and the stair is likely that they constitute a later introduction. In contrast to the stair, the hall and north chaber are eabellished with wide, six-piece ealing cornicus described and the stair introduction. In contrast to the stair, the hall and north chaber are eabellished with wide, six-piece ealing cornicus described and the stair cornicus described and two-dece architerates on the windows and doors. Unfortunately, the two mantless of this floor level have been removed. On the second floor the first floor plan is repeated except that a partition wall at the head of the stair provides for a small third room. Intrance to the cellur plan is repeated except that a partition wall at the head of the stair provides for a small third room. Intrance to the cellur plan is repeated except that a partition will at the head of the stair provides for a small third room. Intrance to the celluration and attic resain unfinished. At mome ties during the first quarter of the nineteenth century, et us story fieldstone addition was added to the north end of the original structure. It doubled the house in size and intrinsity of the stair of

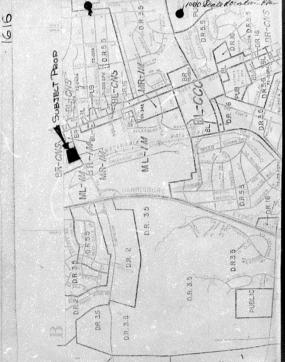
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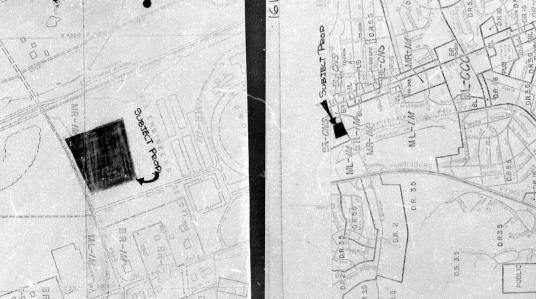
SIGNIFICANCE, continued

bilt in the house which Archibald Buchanan is believed to have built in an important landmark to the people of Theonium, being widowal and the second of the









WI CONSTRUCTION OF THE STATE OF

7. DESCRIPTION

The house is a large, two story structure, half of which is brick and the other half stone. The brick, or south half of the Uniding is the earliest part and contemporary records indicat; that is dates shout 1780. Its principal facade faces west and its five first floor bays consist of a centered door with fin and side lights, a molded, keystoned surround and paneled jubs, flanked by four evenly spaced windows of sighten lights each. At the second floor, level there were initially five the property of the second models of the second procedure of the second procedure is a second control of the second procedure in the second procedure is second on the second procedure in the second control of the second of the second procedure is not second procedure. The second procedure is not second procedure in the second procedure is not better that the second procedure is a belief that a later date. It is not known what type of corch or entrance stoop was initially utilized. At present the is a believised upone with tapezed poets and shalles his reduction and the second procedure is a believised upone with tapezed poets and shalles his reduction. a balastraded morch with tapered posts and shalles his roof ich is shown in a 1932 photograph. (The present porch posts, wever, are a replacement of square ones shown in the photo-

however, are a replacement of square ones shown in the photograph.)

The cast clevation of the initial brick stage repeats the fenestration and door arrangement of the west facade, except that the entrance door has a flat head and a blain two places architevae. The window directly above this door was later as the stage of the st The first floor room configuration of the first stage

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	7. DESCRIPTION, continued		
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# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JFFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., occasinoeach of one time \_\_\_\_\_\_xuccessive weeks before the\_\_\_12tb\_\_\_ ....., 19\_75, the first publication appearing on the 20th day of February THE JEFFERSONIAN, G. Leank Structur Cost of Advertisement, \$

ED DISTRICT
ZONING; From M.R. to
B.M. Zone.
LOCATION: North side of
Trustenium Road 200 feet West
of York Road.
DATE & TIME: WZONESDAY, MARCH 12, 1975 at 2, 200
P.M.



THIS IS TO CERTIFY, that the annexed advertisement of

PETITION- NORTH SIDE OF TIMONIUM ROAD

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one weeks before the 12 day of March 1975 that is to say, the same

was inserted in the issues of February 14, 1975

STROMBERG PUBLICATIONS, Inc.

a Curran

FUNCTION	Well Map		Orig	Original		Duplicate		Tracing		200 Sheet	
FUNCTION	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, GC, GA											

.

. BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received \* this 27 th day of

September 1974. Item 1

Petitioner MR. CALEB FULNE Submitted by MR. V.B. HOUARD Petitioner's Attorney MR. V. S. Market Reviewed by UB <

This is not to be interpreted as acceptance of "he Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland Date of Posting FeB. 22 1975 Posted for Petition FOR Beckessification Petitioner: CAKER C. EWING Location of property: N/S OF TIMONIUM Rd, 590' WOF YORK Rd Location of Signs: N/S OF TIMONIUM Rd. 750 tay - WOF YORK Re Posted by Llienia L. Roland Date of return Feb. 28 1875 75-201-R 1-SIGN CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY District 8th Posted for: APPEAL Date of Posting OCT - 18, 1975 Petitioner: CALEB C. EWING

Location of property: N/S of TIMONIUM Rd. 590'W of VORK Rd

Location of Signs. N/S OF TIMONIUM Rd. 750 ton-wof York Rd.

Posted by Glacias R. Palacia Date of return OCT 24, 1975

1-5,60

75-201-R



Caleb C. Ewing & Petitioner 6

VALIDATION OR SIGNATURE OF CASHIER

TRAFFIC - TIMONIUM ROAD

FUNK, FLETCHER & THOMPSON, INC. SUITE 501, HEAVER FLAZA 1301 YORK ROAD LUTTERVILLE, MARYLAND 21093 2.C

TRAFFIC - TIMONTUM HOAD (Continued)

75.00 000

On the other hand, between 10:00 P.M. and 12:00 P.M. , the cars will probably leave closely spaced, or the 65 cars will leave in a very short interval. However, the normal traffic on Timonium Road is but 17% or less of capacity at that time. Accordingly the effect on Pinonium Road traffic will be slight.

Exhibit I and II are the results of traffic counts on February 26, 1975 and March 1, 1975 between the hours of 6:00 P.M. and 12:00 Midnite.

3. The turning movements into the Binner-Theatre will have little effect on the Timonium Road Traffic. In addition to this usage being off peak in the 10:00 P.M. to 12:00 P.M. period the storage distance (370'ft) between Alyesbury Road and the proposed Dinner-Theatre entrance is ample for such a slight amount of 6-8 P.M. traffic. Other permitted usages would have but little impact on Timonium Road Traffic and the turning movements involved.

4. The State Fair traffic from the Fair Parking Lots would have little impact on Timonium Road after 6:00 F.M. Purthermore , the traffic movement to Harrisburg Expressway does not conflict with the proposed Dinner-Theatre traffic at any time, since the nejor State Fair Parking lot is west of the entrance to the Bring Property. It should also be pointed out that this traffic is for a short period only each year and usually does not conflict with after 6:00 P.M. traffic.

EXHIBIT I.

Date 2-28 75. Friday

TIMONIUM ROAD

Lane Capacity 800

Lane Loading		Vechicle	s I	Percentage of Capacity		
re- ç	Time P.M.	Total	Per Lane	J		
	6-7	551	276	34%		
Traffic from East	7-8	585	293	37%		
	8-9	1/09	205	26%		
	9-10	335	168	21%		
	10-11	206	103	13%		
	11-12	192	96	125		
	6-7	643	322	1,0%		
Traffic from West	7-8	607	304	38%		
Training Training	8-9	132	216	27%		
	9-10	31:7	174	22%		
	10-11	2714	137	17%		
	11-12	211	106	13%		

EXHIBIT 11.

Date 3-1-75 , Saturday

March 1, 1975

TWATETC ANALYSIS CALEB C. EWING PROPERTY

TIMONIUM ROAD BETWEEN YORK ROAD

AND HARRISHURG EXPRESSWAY

TIMONIUM ROAD

Lane Capacity 800

Lane Loading		Vehicle	80	Percentage of Capacity
	Time P.M.	Total	Fer Lane	
	6-7	387	194	21:5
Traffic from East	7-8	366	183	23%
	8-9	327	164	50%
	9-10	215	108	114
	10-11	166	83	10%
	11-12	172	86	115
	6-7 Р.И.	1415	298	26%
	7-8	138	217	27%
Traffic from West	8-9	336	168	211
	9-10	299	150	19%
	10-11	211	106	13%
	11-12	170	85	115

TRAFFIG - TIMONIUM ROAD

The Calus C. Exing property is located on the north side of Timonium Road between York Road and the Harrisburg Expressway. Timonium Mansions, a 200 year old structure of considerable historic value is located on the 2.66 acre site. It is presently somed MR.

On the site it is proposed to build a dinner-theatre attached to Timonium Mansions. Although there are other possible uses of the property if zoned HM such as an Animal Boarding Place, a Home Improvement Office or a Hotel Site, those usages would have a spread effect and less traffic impact on Timonium Road than a dinner theatre. Required for dinner theatre usage of the size is 65 parking spaces, while 123 spaces are provided on the plat dated Sopt. 1974 by S. F. Raphel and Associates. See Echibit III.

In order to determine the impact of the proposed mite usage on Timonium Road traffic, the following factors should be considered.

1. Timenium Road at this location is a divided four lane street with a two way capacity of not loss than 32,000 Average Daily Traffic, about double the existing traffic loading.

2. The major traffic for the proposed Dinner-Theatre usually occurs between 6:00 and 8:00 P.M. and from 10:00 to 12:00 P.M. The traffic arriving at the dinner-theatre during the 6:00 P.M. to 8:00 P.M. period will be spread over the two hour period and have little impact on the normal Timonium Road Traffic. Also , the normal traffic during that period uses only a maximum of LOX of Timonium Road capacity, so the effect of a spread 65 cars will be scarcely noticeable.

FINK, FLETCHER AND THOM'SON, INC. SUITE 501, HEAVER PLAZA, 1301 YORK ROAD

LUTHERVILLE, MARYLAND 21093

MR ZONE U-75" 55" 10" E Prop., m.ccodam ESOPORED TROUTION THEATRE ROAD ML ZOUE EXHIBIT III. PINK, PLETCHER & THOMPSON THE SUITE 501, HEAVER PLAZA LUTHERVILLE, MARYLAND 21093

#### WEEKLY TRAFFIC VARIATIONS

It is interesting to note that a traffic count on Timonium Road on Marca 1, 1970 indicated the following daily variation

Sunday 8.20 11, 930 Monday 12. 2 Diesday 5,81,0 7,530 Thursday Friday 13,710 9.350 Saturday

An examination of the above data indicates that the traffic on Friday is more heavy than on any day of the week. This appears to be in conformance with the finding: of the Highway Research Board in their publication No. 1326 pp. 31.

Accordingly, our traffic analysis of Friday, February 28, 1975 and March 1, 1975 indicates that a satisfactory condition should exist thru

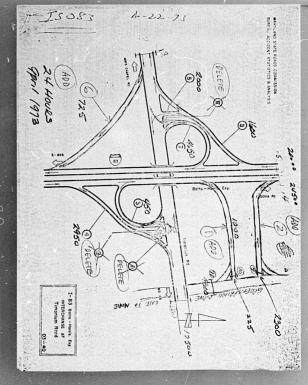
It should be pointed out that the Timonium Road - York Road intersection has recently been improved (2974).

As a result, the intersection is fully capable of handling the small amount of traffic generated by the dinner-theatre and added to the 14,965 ADT developed by the State Traffic Count. This is but a small percentage of the existing traffic.

Also, the Harrisburg (183) - Timonium Road Interchange has been rebuilt and has ample capacity for the small amount of traffic generated by the Dinner - Theatre.

The information concerning the intersection and interchange is submitted as an addendum to this report.

- 8 -



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Mac Kenzie &

March 12, 1975

John B. Howard, Esq. Cook, Murray, Howard & Tracy 409 Washington Avenue Towson, Maryland 21204

Re: Caleb C. Ewing property North Side Timonium Road 9th Election District (Attorney File 4681) (Planning and Zoning File Item 16 -8th Zoning Cycle)

Dear Mr. Howard:

This brief written report is prepared in respect to your request for my testimony before the Zoning Commission of Baltimore County for the above referenced property for the change in zoning from MR-IM to BM in accordance with the petition filed by Mr. Dwing, owner of the

In making this review, I have personally inspected the subject In making this review, I have personarly inspected the subject property and neighborhood, have reviewed various plats and data concerning traffic, zoning, and market trends and have generally investigated the subject property and neighborhood so as to be in a position to express an opinion on the proposed zoning.

As a way of background and qualifications, I am attaching hereto a list of qualifications for your benefit. Further, I think it appropriate to note that ay firm made independent appraisals for Baltimore County for the widening of Timonium Road (east and west of I-83). I also made independent appraisals and studies for the State Highway Administration with reference to the new interchange at I-83 and Greenspring Drive. I also was involved in several appraisals for the Circuit Court of Baltimore County in appraising and estimating loss in Pair Barket Value for the extension of Aylesbury Road commercial properties on York Road within 3 miles of the subject site and, therefore, an familiar with market trends in the area.

For the purpose of providing a greater understanding of the subject property and surrounding neighborhood, I am also attaching various

#### Page 2

photographs and plats which help support my opinion in this matter. I would like to break down into three areas my views on the subject petition.

## I. Error

- A. County Council failed to recognize Aylesbury Road extended to Timonium Road and proposed traffic light at this intersection. (Official zoning map did not indicate the extension of this road in any way. Therefore, it must be assumed they were not aware of the plans to extend said road.)
- B. County Council did not recognize proposed expansion of Interchange at I-83 and Green-spring Drive (Official zoning map did not show this proposed improvement; therefore, it must be assumed that Council was not in-
- C. County Council erred in not recognizing County Council erred in not recognizing existing structure (Timonium Mansion); the MR zone and permitted uses and coverage making it all but impossible to retain this existing structure within a proposed use which can give a fair and reasonable return
- D. County Council erred in not recognizing need for additional commercial uses within the York Road I-83 corridor.

#### II. Change

A. Change has occurred in the general character of the neighborhood in that most of the uses which have developed in the last 3 to 5 years between Timonium Road and Ridgely Road and I-83 and York Road have been commercial in nature. (See attached list of commercial uses and aerial photographs showing commercial

### Page 3

- B. Change in improved vehicular access to subject property due to extension of Aylesbury Road, Interchange at I-83, and widening of York Road.
- C. Change in national marketing concept where whole-salers have located within industrial and com-mercial neighborhoods, thus providing increased commercial activity. (Against Market to list of uses within the immediate neighborhood where wholesalers have occupied industributions and, therefore, represent a major change in the projected use of the properties.)
- Change in major feeder roads (east-west) betawen I-83 and York Road from industrial to commercially oriented uses. For example:

SHAWAN ROAD: Hunt Valley Inn Office Buildings

PADONIA ROAD: Service Stations

Funeral Hom Realtors Office High Rise Office Building Purniture Store
Proposed Motel
Proposed Community Shopping Center

TIMONIUM ROAD:

Service Stations Office Building

Restaurant

E. Changes in official zoning map during the last correct pears as shown on the current official

#### III. Comments

A. Increased demand for commer 'al property which should be kept east of Mar. ourg Expressway.

Page 4

- B. The Planning Board comments do not fully comment upon the proposed zoning except to indicate that it would be reclassified providing the structure can be preserved. Without proper funding such a request would present a financial hardship to the owner, us it would be impossible under most circumstances to present the building. The proposed use is perhaps to the control of circumstance to the proposed of the control of th
- C. Traffic can be controlled due to the improved patterns created by the widening of Timonium Read and traffic light at the intersection of Aylcsbury Road and Timonium Road.
- D. Due to the ever-increasing residential popula-tion east and west of the subject site, there is demand for commercially zoned land in this area to provide goods and services to these

In summary, therefore, I believe there is sufficient error and change in the neighborhood to justify the change in zoning from MR-IN to BM. The present condition of the structural prohibits anyone from guaranteeing its preservation under virtually prohibits anyone from guaranteeing its preservation under the structural prohibits anyone from guaranteeing its preservation under the structural prohibits. Certainly, the present owner has ample the structural present owner and like to preserve these and, therefore, more than anyone else, would like to preserve the area of the structural property of the structural property of the structural prohibits and preserving the completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to completely fence in the property to prevent time, money and effort to complete the property to prevent time, and the property time t

Sincerely,

Clark F. MacKenzie President

CFM: ma

### CLARK FOWNES MACKENZIE, S.R.A.

#### Real Estate

Appraiser - Consultant - Developer

MaxKenzie & Associates, Inc. - President
Maryland Contracting Management Corp. - Chairman of the Board
Baltimore County Appraisers' Society
Senior Residential Appraiser - Society of Real Estate Appraisers
Baltimore Chapter No. 24, Society of Real Estate Appraisers
Idensed Real Estate Broker, State of Maryland
Real Estate Board of Greater Baltimore
Homber - Appraisal Division
Vice Chairman - Estimore County Division
Vice Chairman - Estimore County Division
National Institute of Real Estate Boards
National Institute of Real Estate Boards
American Right of Way Association, Chapter 14
Central Baltimore County Chamber of Commerce - Pres., 1969-1971

BUCCATION AND BACKGROUND:

Bachelor of Science Degree - University of Virginia
Major in Pinance, Minor in Accounting
Major in Pinance, Minor in Accounting
Macarion Institute of Paul Extra Appraisers
Course I, Theories and Principles
June, 1964, University of Virginia
Course II, Real Estate Appraisel Problems
July, 1964, University of Virginia
Course IV, Condemnation
September, 1968
Johns Hopkins Evening College:
Introduction to Commercial and Industrial Real Estate
Real Estate Languagement
Real Estate Languagement
Real Estate Languagement Neal Estate Law Investment Banking American University Ninth Institute on Tax Planning in Real Estate Real Estate Seminars: eal Estato Seminars: Condemnation Seminar, October, 1973 (Mock Trial) Condominium Seminar, October, 1972 (Developer's Viewpoint) Presented by The Society of Real Estate Appraisers

MacKenzie & Associates Inc. 7, 1974

CLARK POWNES MACKENZTE, S.R.A.

APPRAISED FOR:

Baltimore County Board of Education
Baltimore County Revenue Authority
Baltimore County Pureau of Land Acquisition
Baltimore County Solicitors Office
Baltimore Gas and Electric Company
Baltimore Life Insurance Company
Bendix Corporation
Chesapeake National Bank
Circuit Court of Baltimore County Circuit Court of Baltimore County
County Appraisers, Inc.
Department of Law - State of Maryland
Department of Pebble Improvements - State of Maryland
Getty Oil Company
Goucher College
Goughary
Maryland State Highway Administration
Mobil Oil Corporation
Office of Law - Anne Arundel County
Real Kstate Department of Baltimore City
Real Estate Department of Baltimore City
Reinterstown Federal Savings & Loan Association
Toll Facilities Division, Maryland State Highway Administration
Attorneys and Landowners

Over Six Hundred appraisals in the last nine and one half years; c-bined appraised value exceeding \$275,000,000. These appraisals include residential, industrial, and commercial properties for condemnation, mortgage, estate and tax purposes.

### QUALIFIED AS REAL ESTATE EXPERT BEFORE:

Anne Arundel County Circuit Court
Baltimore County Circuit Court
Baltimore County Zoning Board of Appeals
Baltimore County Zoning Gommissioner
Howard County Circuit Court
Howard County Circuit Court
Howard County Soning Board of Appeals
Public Service Commission - State of Maryland
Tax Appeals Court -Baltimore County, Maryland
Town Council - Easton, Maryland

#### DEVELOPMENT EXPERIENCE:

## Commercial.

Scotts Corner Shopping Center Stillpond (Condominiums) Ridgely Plaza Ridgely Plaza
Garrison Forest Plaza
Tred Avon Square
Carney Viliage Shopping Center
Shamrock dustrial Building

The Beeches (Condominiums Greencroft (Large lot

March 7, 1974

Residential

These businesses are in close proximity to the subject property:

The Hardware Pair Selis Cleaners White Coffee Pot Bill Pellingtons Union Trust Glaubers Read's Drugs Silbers McElroys Jewelers Barber (Yorkridge) A & P First National Bank Cannon Shoes
Provident Savings & Loan
China Moon Carry Out Sears S. S. Kressges Movies 18. Timonium Mall 19. Stewarts

20. Shell

21. 22. 23. STX

Parson Tables Ltd. Baltimore Stereo Wholesalers

Metro Tire Wholesalers Ready-to-Finish Furniture

- Fail of the Pox
- Burger King
- Alexander's
- Timonium F.deral
- Town & Country Appliance
- Cagles Pool Parlor
- Cadule Florist
- Enquire Cleaners
- Mercantile Bank
- A.B.C. Rental

Rosemarie de Paris (candy) Brooks Robinson Sporting Goods Timonium Drive-In

Fail of the Pox

Union Trust
American
MacDonalds
Welsh Interiors
Diavolo's Restaurant
Scot Gas
Covahey's Liquors
Exxon (York & Padonia) Exxon (York & Padonic Sunoco Steak & Ale Phillips Vordemberge Saddlery Merry-go-Round Webco Tire Company Calbys Male Apparel Grue Taloring Company Batco Shoes Rental Center

INTRICHANGE INTERSECTION BR-CNS D.R 5.5 D.R.5.5 71-269 SPH BL-CNS -DRIG LMR-JM ML-IM D.R. 3.5 DRIG DR35 -DR. 16 D.R.3 BR-CNS BL-CNS 3.5 PUBLIC



