

79-7-XA 224 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, BELTWAY PROPERTIES, A Maryland General Partnership, a legal owner, of the property situate in Baltimore County and which is described in the attached hereto and made a part hereof, hereby petition for a Variance from Section 250.4 to permit a building and driveway to be located within 60 feet of a residential zone line in lieu of the required 100 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty): strict compliance with the 100 foot setback requirement of section 250.4 would unreasonably restrict the Petitioner's use of the property and would render conformance unnecessarily burdensome; the variance can be granted without damage to the spirit and the intent of the Zoning Regulations; the variance may be granted without injury to the public health, safety, and general welfare.

The entire tract is one shopping center. The bank presently exists on the center and must be moved to accommodate the construction of an approved retail department store. The "residential zone" in question will not be used for residential purposes, since a special exception has already been granted to permit parking in that zone. The proposed bank will be 60 feet (rather than the 100 feet required by section 250.4) from the "residential zone line."

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

BELTWAY PROPERTIES, A Maryland General Partnership
Contract purchaser
By: Harold Manokin, Legal Owner
General Partner
Address: 36 South Charles Street
Baltimore, Maryland 21201

Protestant's Attorney

Protestant's Attorney

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PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, BELTWAY PROPERTIES, A Maryland General Partnership, a legal owner, of the property situate in Baltimore County and which is described in the attached hereto and made a part hereof, hereby petition for a Special Exception to the Zoning Regulations of Baltimore County to permit the construction of a bank in an area zoned R-100.

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

Section 248.4(b) of the Zoning Law of Baltimore County, to use the herein described property, for construction of a bank in an area zoned R-100.

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

BELTWAY PROPERTIES, A Maryland General Partnership
Contract purchaser
By: Harold Manokin, Legal Owner
General Partner
Address: 36 South Charles Street
Baltimore, Md. 21201

Protestant's Attorney

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Protestant's Attorney

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
Beginning 77.42' S of Security Blvd.
opposite Belmont Ave., Relocated
1st District
BELTWAY PROPERTIES, Petitioner
Case No. 79-7-XA

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter, under date of July 11, 1978, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Heslar, III
John W. Heslar, III
People's Counsel
County Office Building
Towson, Maryland 21204
454-2188

I HEREBY CERTIFY that on this 28th day of July, 1978, a copy of the foregoing Order was mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, Attorney for Petitioner.

John W. Heslar, III
John W. Heslar, III



RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
Beginning 77.42' S of Security Blvd.
opposite Belmont Ave., Relocated
1st District
BELTWAY PROPERTIES A MARYLAND
GENERAL PARTNERSHIP, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 79-7-XA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

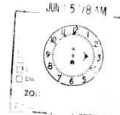
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Heslar, III
John W. Heslar, III
People's Counsel
County Office Building
Towson, Maryland 21204
454-2188

I HEREBY CERTIFY that on this 15th day of June, 1978, a copy of the foregoing Order was mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, Attorney for Petitioner.

John W. Heslar, III
John W. Heslar, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 29, 1978
FROM: Leslie H. Groat, Director of Planning
Item 224.
SUBJECT: Petition #79-7-XA, Petition for Special Exception for construction of a bank and a Variance
Beginning 77.42 feet South of Security Boulevard opposite Belmont Avenue, Relocated
Petitioner: Beltway Properties

RE: Thurs., July 6, 1978 (10:30 A.M.)

If granted, it is suggested that the order be conditioned to adherence to the landscaping plan that has been submitted by the petitioner to the Current Planning and Development Division of this office.

Leslie H. Groat
Director of Planning

LHG:JGH

baltime county
office of planning and zoning
TOWSON, MARYLAND 21204
(410) 454-2363
S. ERIC DINENNA
ZONING COMMISSIONER

July 11, 1978

J. Hardin Marion, Esquire
2300 Arlington Building
Baltimore, Maryland 21201

RE: Petitions for Special Exception and Variance
Beginning 77.42' S of Security Boulevard opposite Belmont Avenue, Relocated 1st Election District
Beltway Properties - Petitioner
NO. 79-7-XA (Item No. 224)

Dear Mr. Marion:

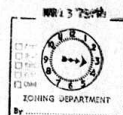
I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
George J. Martinak
George J. Martinak
Deputy Zoning Commissioner

GJM:jhr

Attachment

cc: John W. Heslar, III, Esquire
People's Counsel



John W. Heslar, III, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204

Re: Beltway Properties
File No. 79-7-XA

Dear Mr. Heslar:

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

Very truly yours,

Muriel E. Buddemeier

Encl.

cc: J. Hardin Marion, Esq.
Mr. Bernard Manokin
Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. Leslie Groat
Mr. James Howell

LAW OFFICES
TYDINGS & ROSENBERG
3000 ARRLINGTON BUILDING
BALTIMORE, MARYLAND 21201
(410) 782-0000 (TOLL FREE)

November 30, 1978

County Board of Appeals
Room 4219, Court House
Towson, Maryland 21204

Re: Beltway Properties - Petitioner
Case No. 79-7-XA

Dear County Board of Appeals:

Please advise:

James E. Dyer
Office of the Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

and

Mrs. Marion J. McRoy
Fiscal Growth Development
Coordinator
Old Court House
Towson, Maryland 21204

With a summons to appear and testify for the Petitioner on Thursday, December 7, 1978, at 10:00 a.m., in Room 219 County Court House, before the Baltimore County Board of Appeals.

If you have any questions or wish additional information, please let me know.

Thank you for your assistance.

Sincerely,

Thomas C. Lieberman
THOMAS C. LIEBERMAN

Rec'd, 12/1/78
10:30 a.m.
TCL:bas
Mr. Clerk:
Please issue this summons.
Edith T. Eitenhary, Adm. Sec'y, Board of Appeals

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a building and driveway to be located within 50 feet of a residential zone line in lieu of the required 100 feet should be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of July, 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of July, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE 8/1/78 BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of July, 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Deputy 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 11th day of July, 1978, 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 [blank] zone; and/or the Special Exception for [blank] be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Beltway Properties - No. 79-7-XA

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1979, by the County Board of Appeals ORDERED, that the special exception and variance petitioned for be and the same are hereby GRANTED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Baine, Jr., Chairman
Robert L. Offield



Kidd Consultants, Inc. / ENGINEERS - ARCHITECTS - PLANNERS
1020 Cornwell Bridge Road
Baltimore, Maryland 21204
(301) 823-0100

To contact the writer direct call
(301) 321-

DESCRIPTION

0.2769 ACRE PARCEL, PROPOSED BANK SITE, "SECURITY SQUARE SHOPPING CENTER", SOUTH OF SECURITY BOULEVARD AT RELOCATED BELMONT AVENUE, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for Special Exception for a Proposed Bank in an MBR Zone and a Variance for Distance from Proposed Bank to Residential Zone Line.

Beginning for the same at a point on the west side of Road 1, eighty feet wide, as shown on "Plot 1, Security Square Shopping Center" recorded among the Land Records of Baltimore County in Plat Book D.T.G. 35, page 141, said beginning point being distant 77.42 feet, as measured southerly along said west side of Road 1 from its intersection with the south side of Security Boulevard shown on said plat, running thence binding on said west side of Road 1 two courses: (1) S 02° 21' 42" W 118.00 feet, and (2) southerly, by a curve to the left with the radius of 136.00 feet, the arc distance of 22.10 feet, thence five courses: (3) N 87° 38' 18" W 71.75 feet, (4) N 02° 21' 42" E 65.00 feet, (5) N 87° 38' 18" W 30.00 feet, (6) N 02° 21' 42" E 75.00 feet.

OFFICES IN:
Baltimore, Maryland
Crown Point, Indiana
Cincinnati, Ohio
Dallas, Texas
Denver, Colorado
Detroit, Michigan
Houston, Texas
Los Angeles, California
New York, New York
Philadelphia, Pennsylvania
Portland, Oregon
San Francisco, California
Seattle, Washington
Tampa, Florida
Washington, D.C.

RE: PETITION FOR SPECIAL EXCEPTION for construction of a bank, and VARIANCE from Section 250.4 of the Baltimore County Zoning Regulations Beginning 77.42' S. of Security Boulevard opposite Belmont Ave. Relocated to District
Beltway Properties
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
File No. 79-7-XA

OPINION

The subject of this appeal is a small parcel of land located within the environs of the Security Mall shopping complex on Security Boulevard, in the First Election District of Baltimore County. Representatives of the property owner told this Board that because of the expansion of this large shopping center to include another department store (a Hech-May store) it is necessary to move an existing commercial bank from one free-standing location within the shopping center to another free-standing location also within the perimeter of the shopping center parcel. Examination of the appropriate zoning map indicates that the portion of the subject property used for the shopping center itself is zoned B.M.-C.T., while a smaller remainder at the northwest corner of the shopping center is zoned M.L.R. There is also a very small piece of the shopping center land which is zoned D.R. 16. This particular area enjoys a special use permit for commercial parking, and is so utilized. There is now pending before the County administrative agencies a petition to rezone the M.L.R. portion of the subject property to B.M. In the judgment of this Board, because this petition is pending and one cannot be certain in any way as to its outcome, fairness to all parties dictates that this pending petition not be considered in relationship to the instant case.

In order to relocate this bank, the Petitioner seeks a special exception, under Section 248.4(b) of the Zoning Regulations, to construct a bank in an M.L.R. zone. In addition, the Petitioner also seeks variance from Section 250.4 to permit a building and a driveway to be located within sixty feet of the residential zone line in lieu of the

Beltway Properties - No. 79-7-XA

2.

required one hundred feet. This particular variance involves the small portion of the subject property that is zoned D.R. 16, and was used through a special permit for commercial parking for the existing shopping center.

Section 248.4(b) states the following:

"b. The following commercial uses, when within an M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein; and in no case shall the combined tract areas developed for one or more of these service commercial uses occupy more than 15% of M.L.R. tract in which they are located:

Bank;
Business and trade schools;
Hotel;
Public Restaurant, but food may be served and eaten on the premises only by persons seated at inside tables or counters; it may not be served to persons remaining in cars."

The Board heard testimony from the Petitioner citing how the proposed use met the provisions of this section.

Based on all of the testimony and evidence presented, the Board is satisfied that the Petitioner's proposal would satisfy this section, and therefore the petition shall be granted. Considering the particulars of this case, the Board is likewise satisfied that the Petitioner has evidenced practical difficulty so as to warrant the requested variance. An Order granting the special exception and variance follows hereafter.

494-3160

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

April 4, 1979

John W. Heslian, III, Esq.
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

Re: File No. 79-7-XA
Beltway Properties

Dear Mr. Heslian:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice, also in-care covering the cost of certified copies of necessary documents.

Very truly yours,

Muriel E. Buddemeier

Encls.
cc: Peter M. Zimmerman, Esq.



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE CIRCUIT COURT
for construction of a bank, and :
VARIANCE from Section 230.4 :
of the Baltimore County Zoning :
Regulations :
Beginning 77.42' S. of Security :
Boulevard opposite Belmont Ave. :
Relocated, 1st District :
Railway Properties :
Petitioner :
Zoning File #79-7-XA :
John W. Heslan, III :
People's Counsel :
Appellant :

FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

MOTION FOR STAY PENDING APPEAL

John W. Heslan, III, People's Counsel for Baltimore County, Appellant, moves for a stay of the Order of the Board of Appeals of Baltimore County in the above-entitled case, on the following grounds:

1. By Order dated March 12, 1979, the Board of Appeals of Baltimore County approved a petition for Special Exception for a bank in an M.L.R. zone.
2. From that Order, the People's Counsel has taken the present appeal.
3. Separately, upon said Order, Railway Properties, Inc. has applied for a building permit, and in connection therewith, has filed a Petition for Mandamus in this Court.
4. It is in the interest of justice to delay the construction of the aforesaid bank until the determination of this appeal and the resolution of substantial legal issues raised therein.
5. If the bank is constructed, and the Court then determines the Special Exception to have been wrongfully granted, the Petitioner would then be required to remove the bank and restore the premises to the original condition. In addition, it is possible that other persons with interests in the Security Mall Shopping Center may take action, innocently or not, in reliance upon the ability of the Petitioner to construct the bank.

6. In addition, the construction of the bank in accordance with the petition involves a relocation of the bank from its present commercially zoned site closer to the center of Security Mall. Relocation of the bank may be immediately related to expansion of the mall for other tenants. If so, a decision adverse to the Petitioner, requiring the removal of a constructed bank, could be cause for dispute between the operator of the bank and other tenants. Such tenants, innocently or not, may take action pertaining to expansion of the center in connection with construction of the bank. Thus, the construction of a bank, succeeded by an adverse Court decision, could have complicated effects upon the scope of the present parties.

7. In order, therefore, to facilitate resolution of important zoning issues of public interest, while minimizing potential adverse effect pending said resolution, a stay of the Order of the Board of Appeals of Baltimore County should be granted.

8. Since this is an issue of public interest, and the Appellant is a public agency, no bond should be required in connection with said stay. This appeal will be determined upon the record from the Board of Appeals. Upon transmission of said record, expected in the next few weeks, the Court may set the matter in with reasonable promptness to minimize any possible prejudice.

John W. Heslan III
John W. Heslan, III
People's Counsel for Baltimore County

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

Statement of Points and Authorities:

Rule 86 of the Maryland Rules of Procedure.

Peter Max Zimmerman
Peter Max Zimmerman

I HEREBY CERTIFY that on this 14th day of May, 1979, a copy of the foregoing Motion for Stay Pending Appeal was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE CIRCUIT COURT
for construction of a bank, and :
VARIANCE from Section 230.4 :
of the Baltimore County Zoning :
Regulations :
Beginning 77.42' S. of Security :
Boulevard opposite Belmont Ave. :
Relocated, 1st District :
Railway Properties :
Petitioner :
Zoning File #79-7-XA :
John W. Heslan, III :
People's Counsel :
Appellant :

REQUEST FOR HEARING

MR. CLERK:

John W. Heslan, III, People's Counsel for Baltimore County, Appellant, respectfully requests a hearing upon the foregoing Motion for Stay Pending Appeal.

Peter Max Zimmerman *John W. Heslan III*
Peter Max Zimmerman John W. Heslan, III
Deputy People's Counsel People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of May, 1979, a copy of the foregoing Request for Hearing was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

John W. Heslan III
John W. Heslan, III

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
for construction of a bank, and :
VARIANCE from Section 230.4 :
of the Baltimore County Zoning :
Regulations :
Beginning 77.42' S. of Security :
Boulevard opposite Belmont Ave. :
Relocated, 1st District :
Railway Properties :
Petitioner :
Zoning File #79-7-XA :
John W. Heslan, III :
People's Counsel :
Appellant :

FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

John W. Heslan, III, People's Counsel for Baltimore County, Appellant herein, petitions this Court, pursuant to Maryland Rule 17(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

1. That C. Leonard Perkins, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, was promptly requested upon filing of the appeal to this Court on April 4, 1979 to prepare the transcript of proceedings before the County Board of Appeals.
2. That Mr. Perkins has informed the office of People's Counsel that he will be unable to prepare the transcript prior to the filing deadline of May 4, 1979, and will require an additional thirty days to do so.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until June 4, 1979, 60 days after the first Petition of Appeal was filed.

John W. Heslan III
John W. Heslan, III
People's Counsel for Baltimore County

- 2 -

I HEREBY CERTIFY that on this 26th day of April, 1979, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
for construction of a bank, and :
VARIANCE from Section 230.4 :
of the Baltimore County Zoning :
Regulations :
Beginning 77.42' S. of Security :
Boulevard opposite Belmont Ave. :
Relocated, 1st District :
Railway Properties :
Petitioner :
Zoning File #79-7-XA :
John W. Heslan, III :
People's Counsel :
Appellant :

FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 26th day of April, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until June 4, 1979.

JUDGE

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
for construction of a bank, and :
VARIANCE from Section 230.4 :
of the Baltimore County Zoning :
Regulations :
Beginning 77.42' S. of Security :
Boulevard opposite Belmont Ave. :
Relocated, 1st District :
Railway Properties :
Petitioner :
Zoning File #79-7-XA :
John W. Heslan, III :
People's Counsel :
Appellant :

FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 26th day of April, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until June 4, 1979.

JUDGE

BOARD OF ED. OF CHARLES CO. V. ALBERTA CORP. OF MARYLAND

any type of changes—minor or substantial—and, in our opinion, there is no such limitation. *Hessan v. County Commissioners of Baltimore County, supra.*

(7) Our predecessors have indicated that the constitutional requirement of the process of law is not violated by the absence of notice, a hearing, or even any evidence when a legislative body adopts a legislative act. *Mayor & City Council of Baltimore v. Berman, 157 Md. 314, 30 A.2d 801 (1952).*

(8) The requirement of notice and a hearing, therefore, rests entirely upon the Charter provision; and, as we have observed, there is no provision in Sec. 22.3 of the Charter for any required notice of hearings for changes or amendments subsequent to the original notice and hearing. It is not such notice or hearing is required as "it is thought that such a notice or hearing should be required, the remedy is by amendment of the Charter not by a decision of the courts."

Decree of December 16, 1960, (filed December 17, 1960), reversed and case remanded to the Circuit Court for entry of a decree dismissing the bill of complaint and requiring the plaintiffs below to pay the costs in that Court, the costs in this Court to be paid by the appellates.



BOARD OF EDUCATION OF CHARLES COUNTY, MD.

ALBERTA CORPORATION OF MARYLAND

County of Appeals of Maryland.

June 22, 1970

Action against board of education by subcontractor to recover in tort for materials furnished on school construction project.

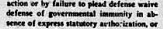
BOARD OF ED. OF CHARLES CO. V. ALBERTA CORP. OF MARYLAND

any type of changes—minor or substantial—and, in our opinion, there is no such limitation. *Hessan v. County Commissioners of Baltimore County, supra.*

(7) Our predecessors have indicated that the constitutional requirement of the process of law is not violated by the absence of notice, a hearing, or even any evidence when a legislative body adopts a legislative act. *Mayor & City Council of Baltimore v. Berman, 157 Md. 314, 30 A.2d 801 (1952).*

(8) The requirement of notice and a hearing, therefore, rests entirely upon the Charter provision; and, as we have observed, there is no provision in Sec. 22.3 of the Charter for any required notice of hearings for changes or amendments subsequent to the original notice and hearing. It is not such notice or hearing is required as "it is thought that such a notice or hearing should be required, the remedy is by amendment of the Charter not by a decision of the courts."

Decree of December 16, 1960, (filed December 17, 1960), reversed and case remanded to the Circuit Court for entry of a decree dismissing the bill of complaint and requiring the plaintiffs below to pay the costs in that Court, the costs in this Court to be paid by the appellates.



BOARD OF EDUCATION OF CHARLES COUNTY, MD.

ALBERTA CORPORATION OF MARYLAND

County of Appeals of Maryland.

June 22, 1970

Action against board of education by subcontractor to recover in tort for materials furnished on school construction project.

-4-

WHEREFORE, the People's Counsel prays that the Order of the Board of Appeals dated March 12, 1977 be reversed, and said Board be instructed to dismiss the petition, with prejudice.

John W. Hessan, III
People's Counsel

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2189

I HEREBY CERTIFY that on this 4th day of April, 1979, a copy of the foregoing Petition on Appeal was delivered to the County Board of Appeals, County Courthouse, Towson, Maryland 21204 and a copy was mailed to J. Hardin Marion, Esquire, 2306 Arlington Building, Baltimore, Maryland 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, a
VARIANCE FROM SECTION 248.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Baltimore Ave.
Baltimore, 1st District
Baltimore Properties
Petitioner
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No.
File No.

PETITION ON APPEAL

John W. Hessan, III, People's Counsel for Baltimore County, Petitioner below and Appellant herein, files this Petition on Appeal to accompany the Order for Appeal from the decision herein of the County Board of Appeals under date of March 12, 1979, granting a Special Exception for a bank in an M.L.R. zone and variance in connection therewith, in compliance with Maryland Rule 6.2, e., setting forth the grounds upon which this appeal is taken, viz:

1. Section 248.4.b. of the Baltimore County Zoning Regulations (BCZR) authorizes the granting of Special Exceptions in M.L.R. zones, as follows:

"The following commercial uses, when within an M.L.R. zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein and in no case shall the combined total area developed for one or more of these service commercial uses occupy more than 15% of M.L.R. tract in which they are located:

- Bank
- Business and trade school
- Motel
- Public Restaurant, but food may be served and eaten on the premises only by persons seated or inside tables or counters; it may not be served to persons remaining in cars."

2. Security Mall presently exists on the south side of Security Boulevard in western Baltimore County, on the outer side of the Baltimore Beltway. The desire of the developer to increase utilization of this regional complex, by including an additional large department store, has caused the present application to move the existing commercial bank from a location some commercial (B.M.C.T.) to a separate location zoned

Industrial (M.L.R.). The proposed location is adjacent to the entrance of the shopping center on Security Boulevard, opposite the "T" intersection formed by the junction of Belmont Avenue on the north side of Security Boulevard.

3. Upon the record before the Board of Appeals, the present application could not legally qualify under Section 248.4.b. because the proposed use is not "demonstrably an appropriate service to industries existing, planned or normally to be expected to locate" in a "contiguous area of 25 acres or more of industrial zoning," for the following reasons:

- a. The bank has been used in connection with the Security Mall Shopping Complex.
- b. The bank will continue to be used in connection with the Security Mall Shopping Complex.
- c. Because of the commitment of additional acreage on the south side of Security Boulevard for offstreet parking, required by law in connection with the Shopping Center according to Section 409.2 of the Zoning Regulations, the remainder of the area, even including "and zoned industrial on the south as well as north side of Security Boulevard, does not comprise 25 acres.
- d. The remaining area on the south side of Security Boulevard (not committed to offstreet parking), approximately six acres, is considered as being best used for commercial activity, for which the property owner has separately requested a zoning reclassification which is still pending.

e. The area on the north side of Security Boulevard, comprising approximately seventeen acres, is under separate ownership, which, to date, has evidenced an intent to commit the property to office use.

f. The applicant herein has filed no subdivision plan or site development plan, pursuant to Sections 251 and 252 of the BCZR, indicating any real plan in which the proposed bank is incidental to and coordinated with a primary industrial activity occupying a contiguous area of 25 or more acres.

4. The intent of BCZR Section 248.4.b. was to permit banks, by Special Exception, only as appurtenant to substantial industrial land use, that is to say, as necessary, appropriate, and convenient to the users of industrial parks, subdivisions, and similar

major industrial site developments. The present application does not realistically involve such a plan, but rather appears as an incidental by-product of the realization of commercial land use at the Security Mall Complex. Such consideration as the applicant has given to the concept of a connection between the proposed bank use and industrial use has occurred only upon being confronted with the necessity for the Special Exception under BCZR Section 248.4.b. This consideration has involved an attempt to rationalize the use, as, in speculation, possibly connected to the separate office use on the north side of Security Boulevard.

5. In this context, the Board of Appeals failed completely to consider the unavailability of a contiguous 25 acre area for industrial use and further failed completely to consider the manifest evidence of the commercial nature and intention of the proposed land use. The regulation in this case is mandatory, and failure to follow it constitutes an error of law.

6. As further grounds for denial of the petition, the evidence clearly showed the proposed location of the bank to pose undue traffic hazards. If a congestion results from the concentration of vehicles entering and exiting the center from Security Boulevard, particularly involving left turns to and from the opposite westbound lane. The Board of Appeals, therefore, should have denied the petition, independently, under BCZR 502.1.

7. It is apparent that the appropriate procedure, if any there be, to accomplish the proposed relocation of the bank is the reclassification process. Otherwise stated, if the property owner is successful in the separate petition for reclassification, relocation of bank may be accomplished in connection therewith. Such application is, of course, subject to the principles of law generally followed in rezoning cases. The gist of the present Special Exception petition, therefore, is to circumvent the appropriate administrative rezoning process. Such would set a dangerous precedent and an unreasonable threat to the integrity of industrial zoning in Baltimore County.

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J. Hardin Marion, Esquire

September 1, 1978

perhaps a permitted use therein, but certainly a utilization that requires the concept that industrial usage should be normally to be expected. All of the Baltimore property - the entire 23.64 acres - is the subject of a reclassification petition, which gives us some difficulty in believing that industrial use is normally to be expected thereon.

If one assumes, as we do, that the physical use of the majority of the Baltimore property for parking physically requires any reasonable expectation of its use for industry, and that the petition for reclassification is an expression of intention which precludes any reasonable belief that the property will be devoted to industrial use, the available land properly zoned to support the Special Exception is reduced to the 16.07 acres found in the Kalls tract. It is therefore our belief that the requisite 25 acres of M.L.R. zoned land necessary as the threshold requirement to support the Special Exception does not exist.

Pete and I greatly appreciated the opportunity of being in your company last Tuesday morning, and we sincerely regret that we cannot otherwise resolve the matter short of an intensive effort by the County Board of Appeals.

Very truly yours,

John W. Hessan, III

For: Marion J. McCoy
JWMH

To: G. J. M. for the INFO
Baltimore County, Maryland
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. W. Hessan, III
FROM: Mr. J. W. Hessan, III
SUBJECT: Baltimore Properties

Attached for your information is a letter to Mr. Hardin Marion from Mr. John W. Hessan, III summarizing the meeting held on Tuesday, August 29, 1978.

VJM/110
Attachment

Marion J. McCoy
Physical Dev. Coordinator



Baltimore County, Maryland
PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
SEP 5 1978
TEL. 494-2180

JOHN W. HESSAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

GROWTH MANAGEMENT

September 1, 1978

J. Hardin Marion, Esquire
2306 Arlington Building
Baltimore, Maryland 21201

RE: Special Exception on Railway
Properties - Case No. 79-7-XA

Dear Hardin:

At the conclusion of our meeting on Tuesday morning, I assured you that I would promptly again review with Pete Zimmerman the questions that we were discussing, taking into account the material provided me at the meeting, and then advise you of our attitude concerning dismissal of the appeal. It is still our view that the Deputy Zoning Commissioner's Order is beyond his authority and we must maintain the appeal.

It is our view that the additional information reduces the interpretive underwriting to a fair reading of Subsections b. and c. of Section 248.4. We further feel that we may bypass for our present purpose the necessity of attempting to define the terms, "contiguous." We think that the correct interpretive approach may be stated as follows:

1. There must be 25 acres or more of industrially zoned land (Subsection b.).
2. The proposed use must be obviously - "demonstrably" - a convenience - "service" - to industries, whether there, in the planning stage, or "normally" expected to locate there (Subsection b.).
3. The "service" must be principally or primarily an amenity to the industries (Subsection c.).

The Baltimore tract contains 23.64 acres of land zoned M.L.R. The Kalls tract contains 16.07 acres of land zoned M.L.R. Bridging the contiguous question, we would thus be dealing with a total of 39.71 acres of land zoned M.L.R. A sizable portion - probably 16.64 acres, more or less - of this Baltimore property is devoted to parking,

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated, 1st District

Railway Properties
Petitioner

Zoning File #79-7-XA

John W. Heslan, III
People's Counsel
Appellant

BEFORE THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

MOTION FOR STAY PENDING APPEAL

John W. Heslan, III, People's Counsel for Baltimore County, Appellant, moves for a stay of the Order of the Board of Appeals of Baltimore County in the above-entitled case, on the following grounds:

1. By Order dated March 12, 1979, the Board of Appeals of Baltimore County approved a petition for Special Exception for a bank in an M.L.R. zone.
2. From that Order, the People's Counsel has taken the present appeal.
3. Separately, upon said Order, Railway Properties, Inc. has applied for a building permit, and in connection therewith, has filed a Petition for Mandamus in this Court.
4. It is in the interest of justice to delay the construction of the aforesaid bank until the determination of this appeal and the resolution of substantial legal issues raised therein.
5. If the bank is constructed, and the Court then determines the Special Exception to have been wrongfully granted, the Petitioner would then be required to remove the bank and restore the premises to the original condition. In addition, it is possible that other persons with interests in the Security Mall Shopping Center may take action, innocently or not, in reliance upon the ability of the Petitioner to construct the bank.

6. In addition, the construction of the bank in accordance with the petition involves a relocation of the bank from its present commercially zoned site closer to the center of Security Mall. Relocation of the bank may be immediately related to expansion of the mall for other tenants. If so, a decision adverse to the Petitioner, requiring the removal of a constructed bank, could be cause for dispute between the operator of the bank and other tenants. Such tenants, innocently or not, may take action pertaining to expansion of the center in connection with construction of the bank. Thus, the construction of a bank, succeeded by an adverse Court decision, could have complicated effects upon the scope of the present parties.

7. In order, therefore, to facilitate resolution of important zoning issues of public interest, while minimizing potential adverse effect pending said resolution, a stay of the Order of the Board of Appeals of Baltimore County should be granted.

8. Since this is an issue of public interest, and the Appellant is a public agency, no bond should be required in connection with said stay. This appeal will be determined upon its record from the Board of Appeals. Upon transmission of said record, expected in the next few weeks, the Court may set the matter in with reasonable promptness to minimize any possible prejudice.

John W. Heslan, III
John W. Heslan, III
People's Counsel for Baltimore County

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

Statement of Points and Authorities:

Rule 86 of the Maryland Rules of Procedure.

Peter Max Zimmerman
Peter Max Zimmerman

I HEREBY CERTIFY that on this 9th day of May, 1979, a copy of the foregoing Motion for Stay Pending Appeal was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated, 1st District

Railway Properties
Petitioner

Zoning File #79-7-XA

John W. Heslan, III
People's Counsel
Appellant

BEFORE THE CIRCUIT COURT
OF BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

REQUEST FOR HEARING

MR. CLERK:

John W. Heslan, III, People's Counsel for Baltimore County, Appellant, respectfully requests a hearing upon the foregoing Motion for Stay Pending Appeal.

Peter Max Zimmerman *John W. Heslan, III*
Peter Max Zimmerman John W. Heslan, III
Deputy People's Counsel People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of May, 1979, a copy of the foregoing Request for Hearing was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

John W. Heslan, III
John W. Heslan, III

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated, 1st District

Railway Properties
Petitioner

Zoning File #79-7-XA

John W. Heslan, III
People's Counsel
Appellant

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

John W. Heslan, III, People's Counsel for Baltimore County, Appellant herein, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

1. That C. Leonard Perkins, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, was promptly requested upon filing of this appeal to this Court on April 4, 1979, to prepare the transcript of proceedings before the County Board of Appeals.
2. That Mr. Perkins has informed the office of People's Counsel that he will be unable to prepare the transcript prior to the filing deadline of May 4, 1979, and will require an additional thirty days to do so.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until June 4, 1979, 60 days after the first Petition of Appeal was filed.

John W. Heslan, III
John W. Heslan, III
People's Counsel for Baltimore County

I HEREBY CERTIFY that on this 26th day of April, 1979, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204 and a copy mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, attorney for the Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated, 1st District

Railway Properties
Petitioner

Zoning File #79-7-XA

John W. Heslan, III
People's Counsel
Appellant

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 26th day of April, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until June 4, 1979.

JUDGE

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated, 1st District

Railway Properties
Petitioner

Zoning File #79-7-XA

John W. Heslan, III
People's Counsel
Appellant

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 248
File No. 6798

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 26th day of April, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until June 4, 1979.

John E. Rouse Jr.
JUDGE

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank and
VARIANCE from Section 250.4 of
the Baltimore County Zoning
Regulations
Beginning 77.42' N. of Security
Boulevard opposite Belmont Avenue
Relocated, 1st District
Beltway Properties
Petitioner

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Docket No. 11
Folio No. 240
File No. 5798

APPELLEE'S RESPONSE TO APPELLANT'S
MOTION FOR STAY PENDING APPEAL

Beltway Properties, Appellee herein, by J. Harlan
Marion and Thomas C. Lederman, its attorneys, responds to the
Motion for Stay Pending Appeal filed by People's Counsel for
Baltimore County, Appellant herein, as follows:

1. On or about July 11, 1978, the Deputy Zoning Com-
missioner for Baltimore County granted Appellee's petition for
special exception and variance to relocate a bank in a shopping
center. On or about July 28, 1978, Appellant appealed therefrom
to the County Board of Appeals.

2. On or about March 12, 1979, the County Board of
Appeals affirmed the special exception and the variance granted
by the Deputy Zoning Commissioner and granted the petitions of
Appellee. On or about April 4, 1979, People's Counsel appealed
from the decision of the County Board of Appeals to this Court.

3. The filing of an appeal from the County Board of
Appeals does not stay the action of the Board of Appeals, as
Appellant recognizes in his Motion for Stay Pending Appeal. How-
ever, S. Eric DiMenna, who was then Zoning Commissioner for
Baltimore County, refused to process the necessary permits for
the relocation of the bank in question. Mr. DiMenna's position
clearly conflicts with Maryland Rule 86 and applicable law.

See The Swarthmore Co. v. Keastner, 258 Md. 517 (1970). Since
Appellant had not requested a stay from the ruling of the Board
of Appeals, from which he had appealed, pursuant to Maryland Rule
86, Appellee and other interested parties filed a Bill of Com-
plaint with Prayer for Injunctive Relief against Mr. DiMenna and
Baltimore County, Maryland. See Beltway Properties et al. v.
DiMenna et al., Cir. Ct. for Baltimore Co., Docket 133, Folio
303, File 59840.

4. After being informed of the filing of said Bill of
Complaint, Appellant filed the Motion herein. In his Motion
Appellant states that if this Court should determine that the
special exception was wrongfully granted, then Appellee would be
required to remove the bank and restore the premises to its
original condition. Furthermore, Appellant alleges the possibil-
ity that other persons with an interest in the Security Square
Shopping Center may take action in reliance upon the bank being
constructed. Finally, Appellant maintains that by relocating the
bank Appellee may then be able to further expand the shopping
center for other tenants.

5. Each of Appellant's above arguments is without
merit. First, The Edward J. DeBartolo Corporation, one of the
Plaintiffs in said Bill of Complaint, has agreed to post a bond
in an amount sufficient to cover the reasonable costs of removing
the relocated bank if the final decision on Appellant's appeal
reverses the decision of the Board of Appeals. The said Plaintiff
is therefore willing to accept the risk of an adverse decision on
appeal, and the interests of Baltimore County are fully protected
by the filing of such a bond. Second, Appellant has failed to
specify exactly how any other person could rely to his detriment
on the relocation of said bank. The bank already exists in the
shopping center. It already serves industries and other entities

located therein. It will continue to serve such industries and
entities after its relocation. It will simply do so in a location
which is more convenient for its customers, for other patrons of
the shopping center, and for Baltimore County. Finally, Appellee
is unaware of any intent, on its part or on the part of anyone
else, to expand the number of tenants in the shopping center as a
result of the bank's relocation. If Appellant is concerned that
another tenant may try to locate in the area vacated by the bank,
Appellant can request Appellee not to locate a building in said
area pending the outcome of this case. If the bank is relocated
and it is subsequently required to be removed, whatever dispute
may result between the owner of the bank and other shopping
center tenants is of no concern to Appellant. Appellant's inter-
ests and those of Baltimore County are fully protected because
the relocated bank will be removed if the result on appeal so
requires. Furthermore, the very fact that the bank has not been
relocated is already a source of controversy among tenants. Con-
siderably less controversy will be generated among tenants when
the bank is relocated in accordance with the decision of the
Deputy Zoning Commissioner of Baltimore County and the Baltimore
County Board of Appeals.

6. Appellant asks that the Board of Appeals decision
in favor of Appellant be stayed and, at the same time, asks that
it not be required to post bond in the event such a stay causes
any harm. This is patently unfair. As discussed previously, The
Edward J. DeBartolo Corporation, a Plaintiff in said Bill of
Complaint, has agreed to post a bond to protect the County in the
event Appellee is required to remove the relocated bank. If
Appellant wishes to prevent the relocation of the bank despite
the ruling of the Board of Appeals, then Appellant must be pre-
pared to accept the consequences of its action. Appellee and the

other interested parties who filed said Bill of Complaint have
already suffered damage. The construction costs for the relocated
bank have already increased by approximately \$30,000.00 since the
construction contract was first awarded, and with continued delay
they are expected to increase even more. See the Affidavit of
Alan M. Best, attached to said Bill of Complaint as Exhibit 2,
and attached hereto as Exhibit A. If Appellee's lesnor, The
Edward J. DeBartolo Corporation, is willing to post a bond and
accept the risks in proceeding now to relocate the bank, then
Appellant must also be willing to post a bond and accept the
risks in preventing the relocation of said bank. If Appellant is
unwilling to post a sufficient bond, then Appellant's Motion
should be denied. Even if Appellant indicates a willingness to
post such a bond, there is no reason to grant Appellant's Motion
and to permit a stay. The posting of a bond by The Edward J.
DeBartolo Corporation, as described above, will operate to protect
the interests of all affected parties. Appellant then will not
have to post a bond, the bank will be removed if so required on
appeal, a lid will be placed on the ever-increasing construction
costs, and Appellant can continue to attempt to overrule the
decisions of the Deputy Zoning Commissioner and the Baltimore
County Board of Appeals.

J. Harlan Marion
J. Harlan Marion

Thomas C. Lederman
Thomas C. Lederman
Tydings & Rosenberg
2300 Arlington Building
Baltimore, Maryland 21201
(202) 752-8100
Attorneys for Appellee,
Beltway Properties

POINTS AND AUTHORITIES

Maryland Rule 86.

The Swarthmore Co. v. Keastner, 258 Md. 517 (1970).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 1979, a
copy of the foregoing Appellee's Response to Appellant's Motion
for Stay Pending Appeal was mailed to the Administrative Secretary
of the County Board of Appeals of Baltimore County, Room 219,
Courthouse, Towson, Maryland 21204, and a copy was mailed to
John W. Hession, III, Esquire, People's Counsel for Baltimore
County, and Peter Max Zimmerman, Deputy People's Counsel, County
Office Building, Towson, Maryland 21204.

J. Harlan Marion
J. Harlan Marion

BELTWAY PROPERTIES, et al. * IN THE
Plaintiffs * CIRCUIT COURT
v. * FOR
S. ERIC DIMENNA, et al. * BALTIMORE COUNTY
Defendants * Docket: 133
Folio: 303
File: 59840

AFFIDAVIT IN SUPPORT OF
MOTION FOR PRAYER INJUNCTION

I HEREBY CERTIFY, that on this 16th day of May, 1979,
before me, the subscriber, a Notary Public of the State of Mary-
land, in and for the City of Baltimore, personally appeared Alan
M. Best, the Affiant, and made oath, in due form of law, as
follows:

1. The Affiant is the second Vice President and the
Director of Physical Properties for Equitable Trust Company
("Equitable"), a plaintiff in the above case. The Affiant is
responsible for the construction of Equitable's new banking
facilities.

Equitable must begin immediately to relocate its
drive-in bank ("bank") located at the Security Square Mall shop-
ping center in Baltimore County, Maryland. The construction
costs for this bank have already increased by approximately
thirty thousand dollars (\$30,000.00) since the construction
contract was first awarded, and they are expected to increase
even more until the bank is relocated. Equitable has no desire
to see these costs increase any more.

3. There is another important reason why Equitable
must immediately begin to relocate the bank in question. The
design of the new bank is similar to three other banks previously
constructed for Equitable. None of these other banks were con-

structed in less than three and one-half months. A three and
one-half month period is probably the minimum amount of time for
constructing and relocating the bank in question. Even if
Equitable received the necessary permits to begin construction of
its new bank immediately and even if the new bank could be con-
structed and opened in three and one-half months, the middle of
August, 1979, is the earliest time the new bank would be expected to
open. Directly across from the bank's present location is a May
Company (Hoch Company) store which is scheduled to open August
16, 1979. A plat showing the present and proposed location of
the bank in question and the location of the Hoch Company store
is attached hereto and made a part hereof. Equitable must begin
to relocate this bank as soon as possible to provide better
access to its drive-in customers and to minimize the congestion
and hazards which will result when the Hoch Company's customers,
both pedestrian and vehicular, combine and compete with the
bank's drive-in customers for access to the store and bank. For
each day that passes without the necessary permits to construct
the new bank, there will be a corresponding increase in the
amount of time the bank must operate at its present location.
Since the earliest probable time for relocating the present bank
is the middle of August, 1979, the bank is already in conflict
with the Hoch Company's May 16, 1979 opening date. The longer
the bank is forced to remain in its present location, the more
customers it may lose to other drive-in banks in less congested
and more accessible locations.

4. The Deputy Zoning Commissioner of Baltimore County
and the Baltimore County Board of Appeals have both recognized
Equitable's right to have such a bank constructed. The bank must
be constructed immediately to put a lid on spiraling construction
costs and to move the bank as quickly as possible away from the

congestion which will be caused by the opening of the new Hoch
Company store.

5. Affiant avers that he is competent to be a witness
and has personal knowledge of the facts stated herein.

AS WITNESS my hand and Notarial Seal.

John W. Hession, III
Notary Public

My Commission Expires: My commission expires May 1, 1981.

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 230.4
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Regulations
Beginning 77.42' S. of Security
Boulevard opp. the Belmont Ave.
Paved
1st District
Baltimore Properties
Petitioner
Zoning File 779-7-XA
John W. Heslory, III
Petitioner's Counsel
Appellant

APPELLANTS MEMORANDUM

Peoples' Counsel for Baltimore County, Appellant, in further support of its
Petition on Appeal, files the following memorandum:

The People's Counsel is authorized under Section 524.1(b) of the Baltimore
County Charter to represent this public interest in proceedings before the Zoning
Commissioners, the Board of Appeals, and the Courts in Baltimore County and to
act in the same manner as an aggrieved party. The authority of the People's Counsel
to appeal to the Circuit Court under Maryland law was recently sustained in the opinion
of Judge Albert Menchine (retired Judge of the Court of Special Appeals, assigned
specially to the Circuit Court) in the case of Petition for Reclassification, A. V.
Williams, Law No. 11/10/6660, a copy of which is attached hereto.

In the present case, a special exception proceeding explicitly included within
the aforesaid Charter authority, the People's Counsel entered a formal appearance on
the record before the Deputy Zoning Commissioner of Baltimore County. From the decision
of the Deputy Zoning Commissioner granting the special exception, the People's Counsel
timely filed an appeal to the Baltimore County Board of Appeals pursuant to Section 22-27
of the Baltimore County Code. That section provides, in pertinent part,

Peoples' Counsel for
Baltimore County
Appellant
v.
A. V. Williams, Petitioner
Appellee

Appeal No. 11-110
Misc. Docket 11-110

MEMORANDUM AND ORDER

By Order dated September 25, 1978, the County Board
of Appeals reclassified 13 acres of land fronting on the
southeast side of Philadelphia Road in the 15th Election
District of Baltimore County from M.L. Zoning and J.M. District
(Industrial) to a B.M. Zone (Business Major).

The Peoples' Counsel for Baltimore County, purporting
to act under authority granted by the provisions of the
Baltimore County Charter, entered an appeal from that Order
to the Circuit Court for Baltimore County. No other party
to the proceedings before the Board entered an appeal from
the Order.

The property owner has filed a Motion to Dismiss the
appeal upon the ground that the Peoples' Counsel has no
standing to prosecute an appeal from the Board of Appeals in
the absence of a true aggrieved party appellant.

He argues that the purported power to appeal conferred
by Section 524.1 does not in law confer such right upon
Peoples' Counsel by reason of the restrictive effect of
Section 604 of the Baltimore County Charter and of Maryland
Code Article 25 (Home Rule Article) Section 5 (u).

"Any person or persons, jointly or severally, or any taxpayer
or any official, officer, department, board or bureau of the
county, feeling aggrieved by any decision of the zoning
commissioner shall have the right to appeal such decision to the
county board of appeals."

The People's Counsel, therefore, having identified himself as having an interest in the
outcome of the matter before the Deputy Zoning Commissioner, pursuant to his Charter
authority, and having complied with the Code requirement for appeal to the Board of
Appeals, necessarily acquired the same interest as an aggrieved party of the Board of
Appeals proceedings, and he participated at the de novo adjudicatory hearing.

The above is consistent with the principle of the Maryland Administrative Law
which gives broad scope to party identification. As the Court of Appeals put it,

"Bearing in mind that the format for proceedings before
administrative agencies is intentionally designed to be
informal -- as to encourage citizen participation, we
think that absent a reasonable agency or other regulation
providing for a more formal method of becoming a party,
anyone clearly identifying himself to the agency for the
record as having an interest in the outcome of the matter
being considered by that agency, thereby become a party
to the proceedings." Morris v. Howard Resor B.S.
Development Corp., 278 Md. 417, 355 A.2d 343, 39 (1976)

Finally, having acted in the same manner as a party to the Board of Appeals
proceedings, the People's Counsel had the authority to appeal to the Circuit Court
as outlined in Judge Menchine's opinion.

Turning to the merits, Appellant emphasizes that the case turns on an interpretation
of law upon essentially undisputed facts. Accordingly, the question presented is whether
the Board applied a correct legal standard rather than on whether the Board's factual
findings were supported as being fairly debatable. It is Appellant's view that the case
reduces to the interpretation of Section 248.4.b. and c. of the Baltimore County Zoning
Regulations. The correct interpretive approach may be stated as follows:

1. There must be 25 acres or more of industrially zoned land (Subsection b.).
2. The proposed use must be obviously - "demonstrably" - a convenience
"service" - to industries, whether there, in the planning stage, or "normally" expected
to locate there (Subsection b.).
3. The "service" must be principally or primarily an amenity to the industries
(Subsection c.).

Section 524.1 of the Baltimore County Code (1976 Cum.
Supp.) related to the appointment of a Peoples' Counsel.
Section 524.1 (b) states, in pertinent part, that "the county
executive shall appoint a Peoples' Counsel who shall represent
the interests of the public in general zoning matters . . .
(3) Powers and duties: The Peoples' Counsel shall have the
following powers and duties: A. He shall appear as a party
before the Zoning Commissioner of Baltimore County. . .
the County Board of Appeals, and the Courts on behalf of the
interests of the public in general, to defend the comprehensive
zoning maps as adopted by the County Council and in any matter
. . . involving zoning reclassification . . . in which he may
deem the public interest to be involved. He shall have in
such appearance, all the rights of counsel for a party in
interven. including but not limited to the right to . . .
prosecute an appeal in his capacity as Peoples' Counsel from
any order or act of . . . the County Board of Appeals to the
Courts as an aggrieved party pursuant to the provisions of
Section 604 of this Charter to promote and protect the health,
safety and general welfare of the community." (Emphasis added)

The plain language of Section 524.1 (b) (1976 Cum.
Supp.) states that the Peoples' Counsel is appointed "to
promote and protect the . . . general welfare of the community."
To perform this function, he is given the status of an aggrieved
party pursuant to Section 604 of the Baltimore County Charter.
Section 604, "Appeals from decisions of the Board", states,
in part, "Within thirty days after any decision by the County
Board of Appeals is rendered, any party to the proceeding who
is aggrieved thereby may appeal such decision to the Circuit
Court of Baltimore County . . ."

Upon the record, undisputed material facts indicated that these requirements
could not be satisfied. At the hearing, the Petitioner introduced into evidence the
report of Susan J. Carrell, Baltimore County Planner, denoting the area zoned MLR
(Manufacturing Light, Restricted) as 39.71 acres, including 16.07 on the north side
of Security Boulevard and 23.64 on the south side. (T.44). Paul Lee, engineer for
the Petitioner, certified this acreage. (T.63-64) but suggested at the hearing the
possibility of its being slightly on the low side. (T.68-69). He suggested that the
area on the north side might be approximately eighteen acres. (Ibid).

Turning to the south side of the property, that is to say, the remaining 23.64
acres, it was clear that the great majority was legally committed to parking for the
shopping center pursuant to BCZR Section 407. Mr. Bernard Meneking, the property
owner, testified that the area not devoted to parking for the shopping center could
be estimated at six or 6.5 acres. (T.12-17). The latter figure was apparently accepted
by Paul Lee. (T.65-68). On the other hand, James Howell, the County Planner,
valued this property at 5.3 acres (T.88-90).

The Court can readily see, in this context, that no matter the difference in the
estimates, the amount of property available on the north and south sides of Security
Boulevard does not amount to 25 acres. We have estimates of 16.07 to 18 acres on
the north side and 5.3 to 6.5 acres on the south side, excluding the area devoted to
parking for the shopping center, an admittedly commercial use. The estimates, therefore,
by combination of the numbers, range from approximately 21.4 acres to 24.5 acres,
more or less.

The threshold requirement of 25 acres of industrially zoned land is therefore
simply not met.

Even assuming arguments that the 25 acre requirement were met, the property
owner would still have to satisfy the "primary purpose that the proposed use must be
"demonstrably" a "service" to industries existing, planned, or "normally" expected

Article 25, Section 5 (u), 'County Board of Appeals,'
states, in pertinent part, that "(any person aggrieved by
the decision of Board and a party to the proceeding before it
may appeal to the Circuit Court for the County which shall
have power to affirm the decision of the Board, or if such
decision is not in accordance with law, to modify or reverse
such decision . . ."

The language of the earlier adopted Section 604
cannot be interpreted as imposing a limitation upon the power
later to enlarge the ambit of the phrase "aggrieved party"
nor does Article 25, Section 5 (u) accomplish such a purpose.

Nor does the Court interpret the provisions of
Article 25 (u) as restrictive of the right of Baltimore County
to provide by law that "(the Peoples' Counsel shall appear as
a party before . . . the County Board of Appeals, and the Courts."
(Emphasis added) The Court sees no violation of the express
powers/provisions of Article 25 A.

In the subject case, Peoples' Counsel appeared at the
hearing before the Board; cross-examined witnesses offered in
behalf of the land owner; and called, as witnesses, a Baltimore
County Traffic Engineer and a Planner of the County Planning
Office, both of whom opposed the requested reclassification.

For the reasons heretofore stated, the Motion to Dismiss
the Appeal is denied.

W. Albert Menchine
Judge
Specially Assigned
January 24, 1979
Date

to locate there. It was quite clear from the entire record that the petition was filed
in order to relocate the Equitable Trust Bank that was, is, and will continue to be
primarily incidental to the Security Square regional shopping center. The record
also clearly indicates that the bank has never been, and is not now, intended primarily
or principally as integral to industrial land use or an amenity thereto.

The Board of Appeals recognized the application of 248.4.b. and concluded that,

"Based on all of the testimony and evidence presented, the
Board is satisfied that the Petitioner's request would satisfy
this section, and therefore this petition shall be granted."

Unfortunately, the Board of Appeals cited no specific evidence and gave no specific
reasons in support of its conclusion. The absence of such specific reference by the
Board is due simply to the absence of any evidence in the record in support thereof,
and the presence, moreover, of undisputed material testimony which establishes an
irreconcilable conflict between the proposed land use and the mandate of the aforesaid
pertinent zoning regulation.

John W. Heslory, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2186

I HEREBY CERTIFY that on this 2nd day of August, 1979, a copy
of the foregoing Appellant's Memorandum was delivered to the Administrative Secretary
of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson,
Maryland 21204 and a copy mailed to J. Martin Marlon, Esquire, and Thomas C.
Lederer, Esq., Tydings & Rosenberg, 2300 Arlington Building, Baltimore, Maryland
21201, Attorneys for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Case No. **6798**
 Peter Max Zimmerman
 John W. Hession, III

PETITION FOR SPECIAL EXCEPTION
 for construction of a bank, and
 VARIANCE from Section 250.4
 of the Baltimore County Zoning
 Regulations
 Beginning 77.42' S. of Security
 Boulevard opposite Belmont Ave.
 Relocated, 1st District

Beltway Properties
 Petitioner

COUNTY BOARD OF APPEALS
 FOR BALTIMORE COUNTY

ADVANCE COSTS

FILE'S ATT'Y _____
 Clerk _____
 Sheriff _____

PAID _____
 Receipt No. _____

ADDITIONAL COSTS

Clerk _____
 Sheriff _____

DATE'S ATT'Y _____
 PAID _____
 Receipt No. _____

Record _____

CHIEF CLERK JAS 4/28

RECEIVED COUNTY
 BALTIMORE COUNTY
 Oct 18 11 23 AM '79
 COUNTY BOARD
 OF APPEALS

- 1) April 4, 1979 - Order for Appeal from the Decision and Order of the County Board of Appeals for Baltimore County fd.
- 2) April 4, 1979 - Petition on Appeal fd.
- 3) April 4, 1979 - County Board of Appeals of Balto. Co. Certificate of Notice fd.
- 4) April 26, 1979 - Appellant's Petition for extension of time for transcript and Order of Court granting same until June 4, 1979 fd. (202)
- 5) April 30, 1979 - App. of J. Hardin Marion and Thomas C. Lederman for Appellees (Beltway Properties) Same day Answer to Petition on Appeal fd.
- 6) May 4, 1979 - Appellant's Motion for stay pending Appeal and request for hearing fd.
- 7) May 11, 1979 - Answer and Transcript from the County Board of Appeals fd.
- 8) May 21, 1979 - Appellee's Response to Appellant's Motion for Stay Pending Appeal, Points and Authorities and Exhibits fd.
- 9) May 22, 1979 Hon. Frank E. Clouse, hearing had. Consent order from Equity case #6989 to be filed in this case.
- 10) Aug. 2, 1979 - Appellant's Memorandum fd. with exhibits.
- 11) Sept. 25, 1979 Petitioner's Supplemental Memorandum fd.
- 12) Sept. 25, 1979 Hon. Austin V. Brizendine Hearing had. Appeal from County Board of Appeals (arguments) held sub-curia.
- 13) Oct. 15, 1979 - Opinion and Order of Court that Order of County Board of Appeals is affirmed (40B)

may result from one meaning rather than from another" indicate they should have. *Upshur v. Baltimore City*, 94 Md. 743, 757 *Young v. Lynch*, 194 Md. 68, 73.

Scherer v. Braun, 211 Md. 553, 561.

DATE: October 9, 1979.

AUSTIN W. BRIZENDINE
 JUDGE

AMJ:edi

cc: John W. Hession, III, Esquire
 Peter Max Zimmerman, Esquire
 J. Hardin Marion, Esquire
 Thomas C. Lederman, Esquire

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
 for construction of a bank, and : CIRCUIT COURT
 VARIANCE from Section 250.4 :
 of the Baltimore County Zoning :
 Regulations : FOR
 Beginning 77.42' S. of Security : BALTIMORE COUNTY
 Boulevard opposite Belmont Ave. :
 Relocated : AT LAW
 1st District :
 Beltway Properties : Misc. Docket No. 11
 Petitioner :
 Zoning File #79-7-XA : Folio No. 248
 John W. Hession, III : File No. 6798
 People's Counsel :
 Appellant :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr. and Robert L. Gililand, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, J. Hardin Marion, Esq., 2300 Arlington Building, Baltimore, Maryland, 21201, attorney for the Petitioner, and Mr. Bernard Manekin, Beltway Properties, 36 S. Charles Street, Baltimore, Maryland, 21201, Petitioner, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
 Muriel E. Buddemeier
 County Board of Appeals of Baltimore County
 Rm. 219 Court House, Towson, Md. 21204
 Telephone - 494-3100

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, J. Hardin Marion, Esq., 2300

PETITION FOR SPECIAL EXCEPTIONS * IN THE
 for construction of a bank, and * CIRCUIT COURT
 VARIANCE from Section 250.4 of *
 the Baltimore County Zoning *
 Regulations * FOR
 Beginning 77.42' S. of Security * BALTIMORE COUNTY
 Blvd. Opposite Belmont Avenue *
 Relocated, 1st District * AT LAW
 BELTWAY PROPERTIES * MISC. CASE NO. 11/216/6798
 Petitioner *
 COUNTY BOARD OF APPEALS FOR *
 BALTIMORE COUNTY *

OPINION AND ORDER

Beltway Properties, Appellee herein, was granted a Variance from Section 250.4 of the Zoning Regulations, and a Special Exception from Section 248.4, in order to construct a bank in an M.L.R. zone, by the County Board of Appeals on March 2, 1979.

Section 248.4(b) permits as a Special Exception the following:

"The following commercial uses, when within an M.L.R. zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normal: to be expected to locate therein; and in no case shall the combined tract areas developed for one or more of these service commercial uses occupy more than 15% of M.L.R. tract in which they are located:

Bank;
 Business and trade schools;
 Motel;
 Public Restaurant, but food may be served and eaten on the premises only by persons seated at inside tables or counters; it may not be served to persons remaining in cars."

Appellant, People's Counsel of Baltimore County, questions the fulfillment of the requirements of the above Section. In particular, the depriving of 25 acres of its industrial zoning because of its current employment as parking, the failure to

demonstrate existing industries for the bank to serve, and traffic congestion. The aggrieved party contends that the Board committed an error of law in its failure to follow the above Section 248.4(b).

There was testimony before the Board to meet the requirements of the particular section. Based on testimony and evidence presented, the Board, in its opinion, was satisfied the proposal in the Appellee's petition complied with the Section. The Court finds the record was not deficient in substantial supporting facts, and that there was room for reasonable debate to defeat Appellant's appeal as in *Gormenko v. County Board of Appeals for Baltimore County*, 257 Md. 796, 711 (1970). The Order of the County Board of Appeals granting the Special Exception is therefore affirmed.

The Court finds that there is no error of law resulting from the failure to apply the statute.

The granting of the Variance is unchallenged.

The Appellee's Application was filed in recognition of the requirements of Section 248.4(b). Appellee says that, even so, a proper interpretation of Section 248 permits a bank in an M.L.R. zone without submitting to the scrutiny required in a Special Exception. While the Court affirmation of the Order of the County Board of Appeals is reached without reference to this issue, it would appear to this Court that the Appellee's contention is correct.

This Court has held that if necessary to carry out legislative intent, there may be ascribed to "rare words" or "particular words" not their literal or natural meaning but the meaning and effect that the "whole surroundings, the purposes of the enactment, the ends to be accomplished, the consequences that

Beltway Properties - No. 79-7-XA (6798)

Arlington Building, Baltimore, Maryland, 21201, attorney for the Petitioner, and Mr. Bernard Manekin, Beltway Properties, 36 S. Charles Street, Baltimore, Maryland, 21201, Petitioner, on this 4th day of April, 1979.

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

cc: Mr. J. Howell
 Mr. S. E. DiNanno
 Mr. J. Dyer
 Mrs. M. Compagno

RECEIVED COUNTY
 BALTIMORE COUNTY
 Oct 18 11 23 AM '79
 COUNTY BOARD
 OF APPEALS

RE: PETITION FOR SPECIAL EXCEPTION IN THE
for construction of a bank, and
VARIANCE from Section 250.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Relocated
1st District

Beltway Properties
Petitioner

Zoning File 79-7-XA

John W. Heslon, III
People's Counsel
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 11
Folio No. 248
File No. 6798

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr. and Robert L. Gilland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 79-7-XA

Apr. 25, 1978 Petition of Beltway Properties for special exception for construction of a bank in an MLR zone, and variance from Sec. 250.4 to permit a building and driveway to be located within 60 feet of a residential zone line in lieu of the required 100 feet, on property located beginning 77.42' south of Security Boulevard opposite Belmont Avenue relocated, 1st District - filed

" 25 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for July 6, 1978 at 10:30 a.m.

June 15 Certificate of Publication in newspaper - filed

" 18 " " Posting of property - filed

Beltway Properties - File No. 79-7-XA (6798)

2.

June 27, 1978 Comments of Baltimore County Zoning Plan Advisory Committee filed

" 29 " " Director of Planning - filed

July 6 At 10:30 a.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

" 11 Order of Deputy Zoning Commissioner granting special exception and variance

" 28 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

Dec. 7 Hearing on appeal before County Board of Appeals - case held sub curia

Mar. 12, 1979 Order of County Board of Appeals granting special exception and variance

Apr. 4 Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel

" 4 Petition to Company Order for Appeal filed in the Circuit Court for Baltimore County

" 4 Certificate of Notice sent to all interested parties

" 26 Petition for Extension of Time to File Transcript to June 4, 1979

May 10 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Plat of subject property - Kidd Consultants, Inc., 6/1/78

" 2 - Inter-office memo 3/27/78, Susan S. Carroll to Mr. S.E. DiNenna

" 3 - Computations by Lee

" 4 - 200' scale zoning map (copy) NW 2-G

People's Counsel Exhibit No. 1 - A thru Y - Photos

" 2 - Plat, outlined by Howell

May 11 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also

Beltway Properties - File No. 79-7-XA (6798)

3.

the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

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

cc: J. Hordin Marion, Esquire
John W. Heslon, III, Esquire

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
TO: Zoning Commissioner
Susan S. Carroll
FROM: Northwest Area Planner
Land Zoned MLR Adjacent to
Security Square Mall
SUBJECT: _____

Date: March 27, 1978

The shaded area on the attached 1"=1000' zoning map indicates the MLR zoned land adjacent to Security Square Mall. There are approximately 23.64 acres of land zoned MLR on the south side of Security Boulevard and approximately 16.07 acres on the north side for a total of 39.71 acres of contiguous MLR zoned land. These acreage figures were computed by planimeter measurement of the 1"=1000' scale zoning map.

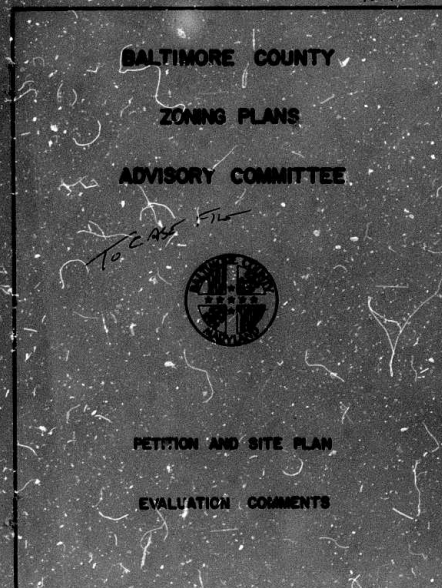
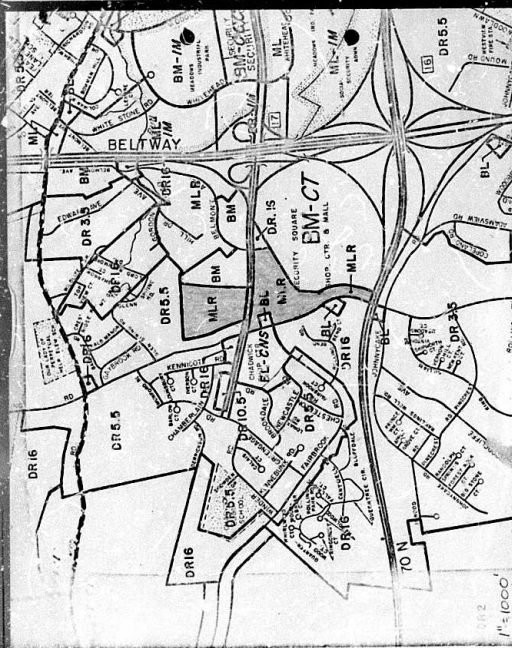
I hope that this information is helpful to you.

Susan S. Carroll
Susan S. Carroll
Northwest Area Planner
Community Planning Division

SSC:dne

Attachment: 1

cc: Frank H. Fisher, Acting Chief, Community Planning Division



J. Hordin Marion, Esquire
2300 Arlington Building
Baltimore, Maryland 21201

Item No. 214

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 28th day of April 1978

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner: Beltway Properties
Petitioner's Attorney: Marion

Reviewed by
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

cc: Kidd Consultants, Inc.
1030 Grosvenor Bridge Road
Baltimore, Maryland 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MCGRAW, P.E.
DIRECTOR

June 8, 1978

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

Re: Item #224 (1977-1978)
Property Owner: Beltway Properties
77.42' S. Security Blvd. opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a
M.L.R. zone.
Acreage: 0.2709 District: 1st

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.

General:

Baltimore County highway and utility improvements exist, or are as secured by Public Works Agreement No. 17701 executed in connection with the development of "Security Square Shopping Center Addition".

Comments were supplied Edward J. DeBartolo Associates, August 9, 1977 and supplemented September 2, 1977 by the Baltimore County Bureau of Public Services. These comments are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #224 (1977-1978).

Very truly yours,

Edwin M. McGraw
Edwin M. McGraw, P.E.
Chief, Bureau of Engineering

EDM:BAH:FWK:GB

cc: H. Morton
H. Sealowitz
P. Koch

1-SF Key Sheet
5 x 6 3/8 26 x 27 Pos. Sheets
2-G Topo
94 Tax Map

Attachment:

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: Department of Traffic Engineering

DATE: May 17, 1977

PROJECT NAME: Security Square Shopping Center addition
PROJECT NUMBER: 7087
LOCATION: [redacted]
DISTRICT: 1 C 2

PRELIMINARY PLAN
TENTATIVE PLAN
DEVELOPMENT PLAN
FINAL PLAN

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CWR:jfe

In accordance to the subject plan, this office has reviewed the plan and offer the following comments:

Due to operational problems, Baltimore County will restrict left turning vehicles exiting from the southern entrance. It is important that the shopping center redesign that entrance to allow only right turning vehicles as well as slow on the King Road entrance to allow only right turning vehicles. Signalization will be required at the entrance to Road 3 which will be at the expense of the developer. Signalization is warranted at Road 2, it shall be at the expense of the developer. Channelization in Security Boulevard to prohibit vehicles from exiting from the beltway southbound from turning into entrance one is presently being designed by the State Highway Administration.

Project #7087
Security Square Shopping Center Add.
Page 5
July 6, 1977

SANITARY SEWER COMMENTS (Cont'd)

However, the site is also in the Dead Run and Cwynns Falls Watersheds, and is subject to an approved sewer allocation for additional services. The site is currently on the tentative allocation list for additional sewer services.

A Public Works Agreement must be executed by the owner and Baltimore County for the above mentioned improvements, prior to the recording of a record plat.

William N. Diver
WILLIAM N. DIVER, P.E.
Chief, Bureau of Engineering

ENGINEERING:

cc: File

Project #7087
Security Square Shopping Center Add.
Page 4
July 6, 1977

WATER COMMENTS (Cont'd)

An easement will be required for this main and all hydrants, to permit Baltimore City maintenance forces to enter the property to maintain the public facilities.

The Developer is responsible for the entire cost of any relocation of the existing public water main, including the preparation and the cost of construction drawings and right-of-way plate required, all right-of-way acquisition and/or release costs and recordation charges.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance of his on-site water service system. He is responsible for all accompanying right-of-way acquisition costs.

The Developer is responsible for the cost of capping any existing water main connection not used to serve the proposed buildings.

This property is subject to a Water System Connection Charge based on the size of water meter utilized. The total Water System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

This site is located on Sheet W-22A of the Baltimore County Water Plan, in an area labelled "Existing Water Service Area".

SANITARY SEWER COMMENTS:

Public sanitary sewerage is available to serve this property. There is an existing 8-inch sanitary sewer traversing this property, as shown on Drawings 870-0091, 85 and 86, Plate 1. Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the entire cost of any relocation of any existing public sanitary sewerage including the preparation and the cost of construction drawings and right-of-way plate required, all right-of-way acquisition and/or release costs, and recordation charges.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his on-site private sanitary sewerage, which must conform with the Baltimore County Plumbing Code. The Developer is also responsible for all accompanying right-of-way acquisition costs.

The Developer is responsible for the cost of plugging any existing house connection not used to serve the proposed structures.

This property is subject to a Sanitary Sewer System Connection Charge based on the size of water meter used. The total public sanitary sewer system Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

This site is located on Sheet S-22A of the Baltimore County Sewer Plan in an area labelled "Existing Sewer Service Area".

Project #7087
Security Square Shopping Center Add.
Page 3
July 6, 1977

HIGHWAY COMMENTS (Cont'd)

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and state-outs shall be in accordance with Baltimore County Standards.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards (Detail 8-20) which places the back edge of the sidewalk 2 feet off the property line. This applies to any walks that are not yet built, along the Developer's full frontage.

STORM DRAIN COMMENTS:

In accordance with the current Baltimore County drainage policy, the Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both on-site and off-site - including the deed in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer's Engineer has indicated some revisions to existing private storm drains. All these changes will be at his full cost.

Construction drawings are required for offsite drainage facilities and any onsite facilities serving offsite areas. The plans are to be designed in accordance with Baltimore County Standards and Specifications, and the drawings submitted for review and approval by the Baltimore County Bureau of Engineering. Construction is to be accomplished under County Inspection.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage area involved, shall be shown on a plan, with all cross-sections of existing and proposed facilities shown, and shall be presented to Baltimore County for review.

Construction drawings indicating existing drainage facilities are on file in Room 200 of the Baltimore County Office Building, Towson, Maryland 21204 and are available for your information and guidance.

The Developer 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 Developer.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas R. Conrad, Zoning

Date: April 18, 1978

FROM: Rosellen J. Plant, Industrial Development Commission

SUBJECT: No. 224 Industrial General - Beltway Properties
Location: 77-42 S Security Blvd, opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone

The Industrial Development Commission is in agreement with the Baltimore County 1976 Comprehensive Zoning Maps, as adopted by the County Council, in obvious cases of change of neighborhood or technical errors in the maps.

Rosellen J. Plant
ROSELLEN J. PLANT

RJP:pk

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 384-2211

LESLIE A. GRAFF

DIRECTOR

June 9, 1978

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

Dear Mr. DiNanno:

Comments on Item #224, Zoning Advisory Committee Meeting, April 25, 1978, are as follows:

Property Owner: Beltway Properties
Location: 77-42 S Security Blvd opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone
Acres: 0.2769
District: 1st

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 plus or problems with regard to development plans that may have a bearing on this petition.

Since this office has a copy of the landscape plan there are no further site plan comments to offer at this time.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning and Zoning
Current Planning and Development

Project #7087
Security Square Shopping Center Add.
Page 2
July 6, 1977

STORM DRAIN COMMENTS (Cont'd)

A grading plan is required for processing construction plans, or for building permits.

SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

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

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

All proposed developments are subject to the requirements of the Storm Water Management Program. It shall be the responsibility of the Developer's Engineer to obtain and familiarize himself with the requirements and design criteria available from this office.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year frequency storm must be provided on the site.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seeding)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

WATER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division, for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Public water is available to serve this property. There is an existing 12-inch water main on-site, shown on drawings 871-0707 thru 8704, Plate 3.

However, the Developer now proposes to construct buildings which will require revisions to this water main and several hydrants. These revisions must be designed by the Developer's Engineer, approved by Baltimore County Bureau of Engineering and Fire Bureau, and Baltimore City, and constructed under County contract at the Developer's full cost.

May 18, 1978

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

Dear Mr. DiNenna:

Comments on Item #224, Zoning Advisory Committee Meeting, April 25, 1978, are as follows:

Property Owner: Beltway Properties
Location: 77.42' S Security Blvd. opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone.
Acres: 0.2769
District: 1st

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Any new installations of fuel burning equipment should contact the Division of Air Pollution Control, 154-3775, to obtain requirements for such installations before work begins.

Very truly yours,

Thomas E. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/280/Che

May 11, 1978

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

Item No. 224 - ZMC - April 25, 1978
Property Owner: Beltway Properties
Location: 77.42' S Security Blvd. opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone

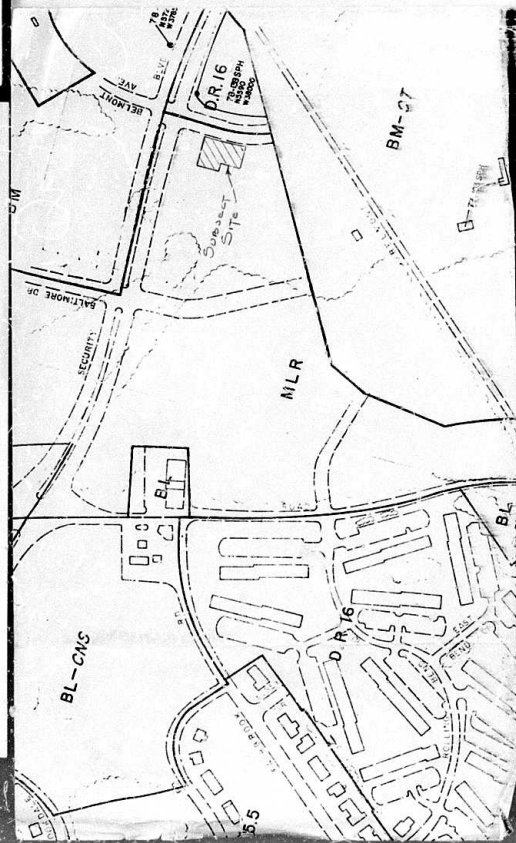
Acres: 0.2769
District: 1st

Dear Mr. DiNenna:

The special exception should have a minor effect on traffic. Seven stacking spaces should be provided, in addition to the service position, for each drive-in window rather than the four spaces shown on the plan. This would reduce the probability of queued vehicles extending into the Security Mall parking area, which could cause parked vehicles to become trapped in their parking spaces. Also, the average length of a vehicle and its surrounding space should be considered as at least 20' rather than the 17' as scaled from the plan. The proposed curb should be designed such that the stacking spaces on the eastern most queue are accessible when the last stacking spaces of the other two queues are occupied.

C. Richard Moran
Assistant Traffic Engineer
Planning and Design

CRR/SEN/dam



BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Re: April 25, 1978

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

Z.A.C. Meeting of: April 25, 1978

RE: Item No. 224
Property Owner: Beltway Properties
Location: 77.42' S Security Blvd. opp. Belmont Avenue Relocated
Present Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone.

District: 1st
Re. Acres: 0.2769

Dear Mr. DiNenna:

No hearing a student population.

Very truly yours,

N. Nick Petrovich,
Field Representative

WSP/bp

JOHN W. HIGGINS, PRESIDENT
T. BARBARA WILLIAMS, JR., VICE-PRESIDENT
MARCOUS H. BOWEN
THOMAS H. BOYER
MRS. LORRAINE F. CHIRCU
ROGER B. HAYDEN
ALVIN LORENZ
MRS. DULTON L. SMITH, JR.
EDWARD W. TRACY, DVM

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

Attention: N. Commandari, Chairman
Zoning Advisory Committee

Re: Property Owner: Beltway Properties

Location: 77.42' S Security Blvd. opp. Belmont Ave. Relocated

Item No. 224 Zoning Agenda Meeting of 04/25/78

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 plan for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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.
5. The building and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "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.

REVIEWER: *[Signature]*
Planning Division
Special Inspection Division

Noted and Approved: *[Signature]*
Fire Prevention Bureau

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 15, 1978

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 15th day of July, 1978, at 19.78, the first publication appearing on the 15th day of June 1978.

THE JEFFERSONIAN,
[Signature]
Manager.

Cost of Advertisement, \$ _____

April 19, 1978

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

Dear Mr. DiNenna:

Comments on Item # 224 Zoning Advisory Committee Meeting, April 25, 1978 are as follows:

Property Owner: Beltway Properties
Location: 77.42' S Security Blvd. opp. Belmont Ave. Relocated
Existing Zoning: M.L.R.
Proposed Zoning: Special Exception for a bank in a M.L.R. zone.

Acres: 0.2769
District: 1st

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building Code and any other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional _____ permits shall be required.
- D. Building shall be upgraded to new use - require attention permit.
- E. Plans and construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- J. Comment:

Very truly yours,

Charles E. Nunn
Plans Review Chief

CEN/vj



THIS IS TO CERTIFY that the annexed advertisement of BELTWAY, INC. SPECIAL EXCEPTION & VARIANCE was inserted in the following

- | | |
|---|--|
| ☒ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore County, Maryland, once a week for ONE successive weeks before the 15th day of June 1978, that is to say, the same was inserted in the issues of June 15, 1978.

STROMBERG PUBLICATIONS, INC.

By *[Signature]*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 27, 1978

J. Hardin Marion, Esquire
2300 Arlington Building
Baltimore, Maryland 21201

RE: Special Exception/Variance
Petition, Item No. 224
Petitioner - Beltway Properties

Dear Mr. Marion:

The Zoning Plans 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 not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your client's proposal to construct a bank in the M.L.R. zoned portion of the Security Mall and have it located within 60' of the residentially zoned portion of this site, this combination Special Exception and Variance is required. As I am sure you are aware, this area, as well as the remainder of the site that is zoned M.L.R. and D.P. 16 is proposed to be rezoned to B.M. in Zoning Cycle III.

Particular attention should be afforded to all comments of the Department of Traffic Engineering, and if this petition is granted, revised plans reflecting these comments, as well as the requirements of Section 257, should be submitted at the time of application for the necessary building permits.

Mr. J. Hardin Marion
Page
June 27, 1978

The petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:amw

cc: Kilde Consultants, Inc.
1620 Cromwell Bridge Road
Baltimore, Maryland 21204

September 2, 1977

Mr. David H. Curl
Edward A. McDonough Associates
P.O. Box 3207
720 North Street
Towson, Md. 21204

SEP 7 1977

BALTIMORE COUNTY DEPARTMENT OF ENGINEERING

RE: Security Square Shopping Center - Addition
District 1

Dear Mr. Curl:

Attached hereto please find Bureau of Engineering Comments dated August 31, 1977. These comments shall supplement those of July 6, 1977.

Further processing of the subdivision, including the Public Works Agreement will be accomplished accordingly.

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

BAM:JWm

Enclosure

CC: MCA Engineering Corporation
1620 Cromwell Bridge Road
Towson, Maryland 21204

Mr. John France
Mr. Edward A. McDonough
Mr. George H. Fryer, Jr.
File
Via File - Steve

BALTIMORE COUNTY, MARYLAND

DATE: August 31, 1977

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: Ellsworth H. Diver, P.E.
Chief, Bureau of Engineering

PROJECT NAME: Security Square Shopping Center Add.	ICMA PLAN
PROJECT NUMBER: 47087	PRELIMINARY PLAN
LOCATION: Security Blvd. & Rolling Rd.	TENTATIVE PLAN
DISTRICT: 102	DEVELOPMENT PLAN
	FINAL PLAN

The following comments are supplementary to Bureau of Engineering comments submitted to you on July 6, 1977:

SUPPLEMENTARY HIGHWAY COMMENTS:

Previous comments held the Developer responsible for the proposed median divider on Security Boulevard from Belmont Avenue easterly to just past Ramp "B".

Since the State Highway Administration plans a major highway adjustment, utilizing Federal Aid, to the Beltway Ramps and Security Boulevard, they have prepared plans which include a series of medians along Security Boulevard to channel traffic into proposed lanes along Security Boulevard. It would be a physical impossibility to construct any of these medians before Security Boulevard is widened under the State Contract. Therefore the median will be constructed and paid for under the State Contract, at no cost to the developer.

Ellsworth H. Diver, P.E.
Chief, Bureau of Engineering

BAM:JWm:as

cc: R. Chalowitz
File

BALTIMORE COUNTY, MARYLAND

DATE: May 12, 1977

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT - FIRE PREVENTION BUREAU
14. Thomas E. Zilly

PROJECT NAME: Security Square	PRELIMINARY PLAN
PROJECT NUMBER: 7087	TENTATIVE PLAN
LOCATION: Security Boulevard	DEVELOPMENT PLAN
DISTRICT: 1	FINAL PLAN

An additional fire hydrant shall be required. It shall be located on an island in the general location of the existing bank.

Very truly yours,

Very truly yours,

Robert A. Morton, P.E.
Chief
Bureau of Public Services

BAM:JWm

Enclosure

CC: MCA Engineering Corporation
Edward A. McDonough
George H. Fryer, Jr.
William Greenwald
John France
File

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Director
Bureau of Engineering

STATE HIGHWAY ADMINISTRATION

May 17, 1977

May 17, 1977

Mr. Robert A. Morton, Chief
Bureau of Public Services
County Office Bldg. - Room #213
Towson, Md. 21204

Re: Security Square Shopping Center - Addition
Project No. 7087
Security Blvd. at Baltimore Beltway

Dear Mr. Morton:

The plan indicates an additional store to be constructed in an existing parking area, however, new parking areas, of considerable size, are proposed in areas that are presently vegetated. The plan notes a future office building also in a vegetated area. At the time that the shopping center was proposed, the storm drain situation was reviewed by the State Highway Administration, however, the original plan did not indicate the current proposals.

The areas for the proposed parking lots and future office building drain into a water course which outfalls into a structure under the Baltimore Beltway. In order to comply with our current storm drain policy, storm water management, for the above mentioned areas, must be designed in order that no additional storm water drains from the said areas, after development, than drains from the areas at present, based on a 100 year frequency storm. Our position in this matter was presented at the Joint Subdivision Committee meeting of April 28, 1977.

The developer must submit a design for storm water management structures along with the following material:

- Construction plans (These plans should indicate a plan and profile view, structure numbers, structure schedules and type, size and elevations).
- Drainage area map(s). (Entire area contributing to the proposed or existing drainage facilities). Photogrammetry maps are most desirable for presenting this information.
- Current zoning maps or zoning data of the entire drainage area involved.
- Grading Plans.

- 1 -

Mr. R. A. Morton (Cont'd.)

5. Storm Drain Flow Tabulation Form.

6. Profile of the existing drainage construction extending into the adjacent highway right of way. Profiles of storm drain systems should include inlet grade elevations and manhole elevations in addition to invert elevations.

7. Hydraulic calculations shall be accomplished in accordance with current State Highway Administration hydraulic criterion. (It is important to note that State criterion differs from the criterion used by the various Counties - Prime area of differences is the selection of Design Years).

It is recommended that the above mentioned material be submitted as soon as possible since it may take quite some time for our Bureau of Highway Design to review the data. In the interim, it is requested that any building applications for the site be held in abeyance until such time as the storm drain data is reviewed and any problems relative thereto are resolved.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permit

John E. Meyers
By: John E. Meyers

CL:JEN:vrd

cc: Mr. E.A. McDonough
Mr. L. Kimbley
Mr. J.C. Hughes

- 2 -

BOARD OF ED. OF CHARLES CO. V. ALDERMAY CORP. OF AMERICA, INC. 200

any type of change—either or substantial—, in our opinion, there is no such limitation. Heretofore, County Commissioners of Baltimore County, agree.

(7) Our predecessor has indicated that the constitutional requirement of due process of law is not violated by the absence of notice, a hearing or even any decision when a legislative body adopts a legislative act. Mayor & City Council of Baltimore v. Barraman, 187 Md. 314, 50 A.2d 804 (1945).

(8) The requirement of notice and hearing, therefore, rests entirely upon the Charter provision, and, as we have observed, there is no provision in Sec. 22-21 of the Charter for any required notice of hearings for changes or amendments subsequent to the original notice and hearing. Hence no such notice or hearing is required. It is thought that such a notice or hearing should be required, the remedy is by amendment of the Charter act by a decision of the courts.

Decree of December 16, 1965, (Filed December 17, 1965), reversed and case remanded to the Lower Court for entry of a decree dismissing the bill of complaint and requiring the plaintiffs below to pay the costs in that Court, the costs in this Court to be paid by the appellants.



SEP 14 1969
BOARD OF EDUCATION OF CHARLES COUNTY, MD.

ALDERMAY CORPORATION OF AMERICA, INC.

No. 274
Court of Appeals of Maryland
June 23, 1970

Action against board of education by subcontractor to recover in tort for materials furnished for school construction project.

Reversed

1. Subcontract and School Districts (1965-66)

Board of education was not liable in tort to unpaid subcontractor when board cancelled general contract for addition to high school shop for failure of general contractor to file payment bond meeting all statutory requirements.

2. Subcontract and School Districts (1965-66)

Subcontractor which had furnished material and labor for school building at request of prime contractor could not recover from board of education on theory that subcontractor was creditor beneficiary of prime contractor or that board was unjustly enriched.

3. Same (1964-65)

Council for the state or one of its agencies may not either by affirmative action or by failure to plead defense waive defense of governmental immunity in absence of express statutory authorization, or by necessary implication from statute.

4. Subcontract and School Districts (1965-66)

Failure of school board to state defense of governmental immunity by motion raising preliminary objections to subcontractor's tort action to recover for materials furnished for use on school construction project did not result in waiver of defense. Maryland Rules, Rule 223.

5. Costs (1965-66)

Where unpaid subcontractor would not have been put to expense of appeal had

RE: PETITION FOR SPECIAL EXCEPTION
for construction of a bank, and
VARIANCE from Section 240.4
of the Baltimore County Zoning
Regulations
Beginning 77.42' S. of Security
Boulevard opposite Belmont Ave.
Belmont, 1st District
Railway Properties
Petitioner
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. _____
Folio No. _____
File No. _____

PETITION ON APPEAL

John W. Heslian, III, People's Counsel for Baltimore County, Protestant below and Appellant herein, files this Petition on Appeal to accompany the Order for Appeal from the decision herein of the County Board of Appeals under date of March 12, 1979, granting a Special Exception for a bank in an M.L.R. zone and variance in connection therewith, in compliance with Maryland Rule b.2.e., setting forth the grounds upon which this appeal is taken, viz:

1. Section 240.4.b. of the Baltimore County Zoning Regulations (BCZR) authorizes the granting of Special Exceptions in M.L.R. zones, as follows:

"The following commercial uses, when within an M.L.R. zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected in the area and in no case shall the combined tract areas developed for one or more of these service commercial uses occupy more than 15% of M.L.R. tract in which they are located:

- Bank;
- Business and trade schools;
- Motel;
- Public Restaurant, but food may be served and eaten on the premises only by persons seated at inside tables or counters; it may not be served to person remaining in car."

2. Security Mall presently exists on the south side of Security Boulevard in western Baltimore County, on the outer side of the Baltimore Beltway. The desire of the developer to increase utilization of this regional complex, by including an additional large department store, has caused the present application to move the existing commercial bank from a location zoned commercial (B.M.C.T.) to a separate location zoned

Industrial (M.L.R.). The proposed location is adjacent to the entrance of the shopping center on Security Boulevard, opposite the "T" intersection formed by the junction of Belmont Avenue on the north side of Security Boulevard.

3. Upon the record before the Board of Appeals, the present application could not legally qualify under Section 240.4.b, because the proposed use is not "demonstrably an appropriate service to industries existing, planned or normally to be expected to locate" in a "contiguous area of 25 acres or more of industrial zoning," for the following reasons:

- The bank has been used in connection with the Security Mall Shopping Complex.
- The bank will continue to be used in connection with the Security Mall Shopping Complex.
- Because of the commitment of additional acreage on the south side of Security Boulevard for offstreet parking, required by law in connection with the shopping center according to Section 409.2 of the Zoning Regulations, the remainder of the area, even including land zoned Industrial on the south as well as north side of Security Boulevard, does not comprise 25 acres.
- The remaining area on the south side of Security Boulevard (not committed to offstreet parking), approximately six acres, is considered as being best used for commercial activity, for which the property owner has separately requested a zoning reclassification which is still pending.

4. The area on the north side of Security Boulevard, comprising approximately seventeen acres, is under separate ownership, which, to date, has evidenced an intent to commit the property to office use.

5. The applicant herein has filed no subdivision plan or site development plan, pursuant to Sections 251 and 252 of the BCZR, indicating any real plan in which the proposed bank is incidental to and coordinated with a primary industrial activity occupying a contiguous area of 25 or more acres.

6. The intent of BCZR Section 240.4.b. was to permit banks, by Special Exception, only as appurtenant to substantial industrial land use, that is to say, as necessary, appropriate, and convenient to the users of industrial parks, subdivisions, and similar

major industrial site developments. The present application does not realistically involve such a plan, but rather appears as an incidental by-product of the reallocation of commercial land use at the Security Mall Complex. Such consideration as the application has given to the concept of a connection between the proposed bank use and industrial use has occurred only upon being confronted with the necessity for the Special Exception under BCZR Section 240.4.b. This consideration has involved an attempt to rationalize the bank use, in speculation, possibly connected to the separate office use on the north side of Security Boulevard.

5. In this context, the Board of Appeals failed explicitly to consider the unavailability of a contiguous 25-acre area for industrial use and further failed completely to consider the manifest evidence of the commercial nature and intention of the proposed land use. The regulation in this case is mandatory, and failure to follow it constitutes an error of law.

6. As further grounds for denial of the petition, the evidence clearly showed the proposed location of the bank to pose a safety hazard. The congestion results from the concentration of vehicles entering and exiting the center from Security Boulevard, particularly involving left turns to and from the opposite westbound lane. The Board of Appeals, therefore, should have denied the petition, independently, under BCZR 502.1.

7. It is apparent that the appropriate procedure, if any there be, to accomplish the proposed relocation of the bank is the reclassification process. Otherwise stated, if the property owner is successful in the separate petition for reclassification, relocation of bank may be accomplished in connection therewith. Such application is, of course, subject to the principles of law generally followed in rezoning cases. The gist of the present Special Exception petition, therefore, is to circumvent the appropriate administrative rezoning process. Such would set a dangerous precedent and an unreasonable threat to the integrity of industrial zoning in Baltimore County.

WHEREFORE, the People's Counsel prays that the Order of the Board of Appeals dated March 12, 1979 be reversed, and said Board be instructed to dismiss the petition, with prejudice.

John W. Heslian, III
John W. Heslian, III
People's Counsel

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
(444-2188)

I HEREBY CERTIFY that on this 4th day of April, 1979, a copy of the foregoing Petition on Appeal was delivered to the County Board of Appeals, County Courthouse, Towson, Maryland 21204 and a copy was mailed to J. Hardin Marion, Esquire, 2300 Arlington Building, Baltimore, Maryland 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

To G.S.M. for info
Baltimore County, Maryland
INTER-OFFICE CORRESPONDENCE

TO: Mr. JAMES REEF Date: September 7, 1970
FROM: MARION J. MCCOY
SUBJECT: RAILWAY PROPERTIES

Attached for your information is a letter to Mr. Hardin Marion from Mr. John W. Heslian, III summarizing the meeting held on Tuesday, August 25, 1970.

MM/110
Attachment

Marion J. McCoy
Physical Growth Coordinator



Baltimore County, Maryland
PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
SEP 5 1978 TEL. 464-2188
GROWTH MANAGEMENT
September 1, 1978

J. Hardin Marion, Esquire
2300 Arlington Building
Baltimore, Maryland 21201

Dear Hardin:

At the conclusion of our meeting on Tuesday morning, I assured you that I would promptly again review with Peter Zimmerman the questions that we were discussing, taking into account the material provided us at the meeting, and then advise you of our attitude concerning dismissal of the appeal. It is still our view that the Deputy Zoning Commissioner's Order is beyond his authority and we must maintain the appeal.

It is our view that the additional information reduces the interpretive understanding to a fair reading of Subsections b. and c. of Section 240.4. We further feel that we may bypass for our present purpose the necessity of attempting to define the term, "contiguous." We think that the correct interpretive approach may be stated as follows:

- There must be 25 acres or more of industrially zoned land (Subsection b.).
- The proposed use must be obviously - "demonstrably" - a convenience - "service" - to industries, whether they, in the planning stage, or "normally" expected to locate there (Subsection b.).
- The "service" must be principally or primarily an amenity to the industries (Subsection c.).

The Railway tract contains 23.44 acres of land zoned M.L.R. The Kalls tract contains 15.07 acres of land zoned M.L.R. Bridging the contiguous question, we would thus be dealing with a total of 38.51 acres of land zoned M.L.R. A sizable portion - probably 16.04 acres, more or less - of the Railway property is devoted to parking,

J. Hardin Marion, Esquire
September 1, 1978

perhaps a permitted use therein, but certainly a utilization that negates the concept that industrial usage thereof is normally to be expected. All of the Railway property - the entire 23.44 acres - is the subject of a reclassification petition, which gives us some difficulty in believing that industrial use is normally to be expected thereof.

If one assumes, as we do, that the physical use of the majority of the Railway property for parking physically negates any reasonable expectation of its use for industry, and that the petition for reclassification is an expression of intention which provides any reasonable belief that the property will be devoted to industrial use, the available land properly zoned to support the Special Exception is reduced to the 15.07 acres found in the Kalls tract. It is therefore our belief that the requisite 25 acres of M.L.R. zoned land necessary as the threshold requirement to support the Special Exception does not exist.

Pete and I greatly appreciated the opportunity of being in your company last Tuesday morning, and we sincerely regret that we cannot otherwise resolve the matter short of an interpretive effort by the County Board of Appeals.

Very truly yours,
John W. Heslian, III

cc: Marion J. McCoy
JWish

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73382

DATE July 10, 1978 ACCOUNT 01-662

AMOUNT \$60.00

RECEIVED FROM Spring & Rosenberg, 3300 Arlington Blvd., Suite No. 2107, Court of Advertising and Posting Case No. 79-7-XA

VALIDATION OR SIGNATURE OF CASHIER G. J. CHEN

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73472

DATE August 22, 1978 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM John W. Neenan, 717, Reginald Court of Appeal For Case No. 79-7-XA

VALIDATION OR SIGNATURE OF CASHIER 75.00 MC

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

Your Petition has been received * this 17th day of April 1978. Filing Fee \$ 50.00 Received ☒ Check ☐ Cash ☐ Other

Eric Blinn
S. Eric Blinn,
Zoning Commissioner

Petitioner: Beltway Properties Submitted by William Martin
Petitioner's Attorney: William Martin Reviewed by JS

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15429

DATE April 10, 1978 ACCOUNT 01-712

AMOUNT \$1.50

RECEIVED FROM Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204

Cost of copies from File 79-7-XA \$1.50
Beltway Properties
Reg 77-07 S. of Security Blvd.
Opp. Baltow Ave. located
1st District

VALIDATION OR SIGNATURE OF CASHIER 1.50 MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73314

DATE June 6, 1978 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM J. Martin Marion, Esq., Filing Fee For Petition For Special Exception and Variance, Case No. 79-7-XA

VALIDATION OR SIGNATURE OF CASHIER 50.00 MC

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting August 21, 1978

Posted for: APPEAL

Petitioner: Beltway Properties

Location of property: Reg. 77-42 S. of Security Blvd. opposite Belmont Ave. Relocated

Location of Sign: 861-1 S. of Security Blvd. opposite Belmont Ave. Relocated

Remarks: 1-SIGN

Posted by: William Martin Date of return: August 21, 1978

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting June 18, 1978

Posted for: PETITION FOR SPECIAL EXCEPTION & VARIANCE

Petitioner: Beltway Properties

Location of property: Reg. 77-42 S. of Security Blvd. opposite Belmont Ave. Relocated

Location of Sign: 861-1 S. of Security Blvd. opposite Belmont Ave. Relocated

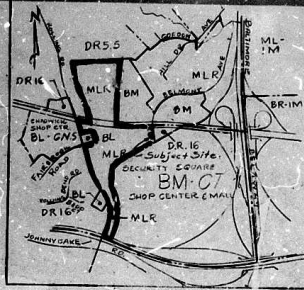
Remarks: 2-Signs

Posted by: William Martin Date of return: June 23, 1978

PETITION MAPPING PROGRESS SHEET

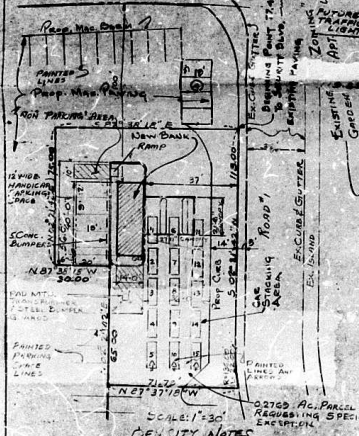
FUNCTION	Wall Map		Original		Duplicate		Tracing		200' sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>JOP</u>	Revised Plan:				Change in outline or description Yes ☐ No ☐					
Previous case: <u>None</u>	Map # <u>44-26</u>									

APR 17 1980

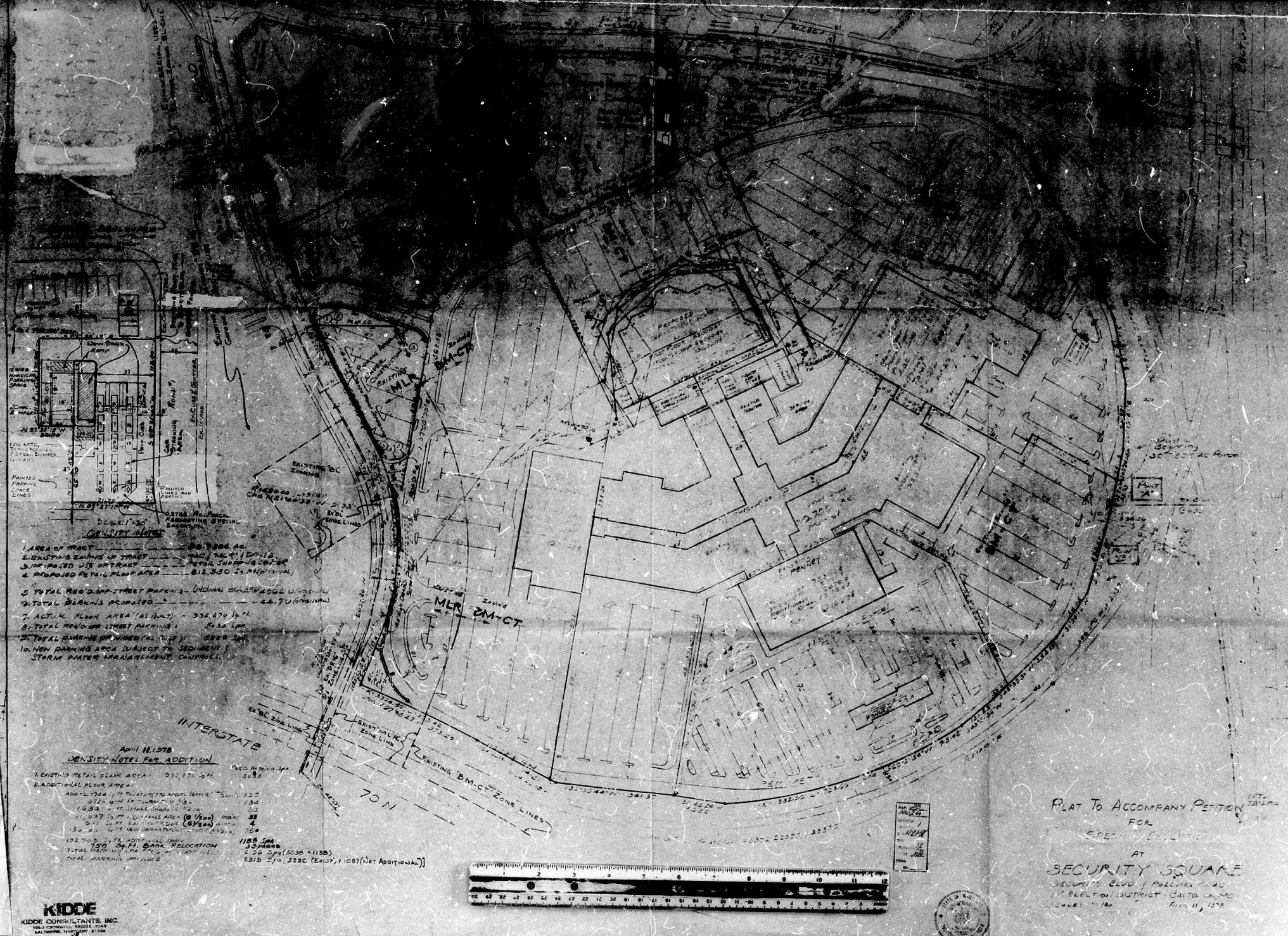


THIS IS TO CERTIFY
 THAT THE CONTIGUOUS
 MLR AREA IN WHICH THE DAUL
 IS PROPOSED TO BE RELOCATED
 EQUALS 39.71 ACRES (CHORD
 AREA)
 PAUL LEE REG. NO. 4047

LOCATION PLAN
 SCALE 1"=500'



- CITY NOTES**
1. AREA OF TRACT - 36.7004 AC.
 2. EXISTING ZONING IN TRACT - MLR, MLR-1, DR-16
 3. PROPOSED USE OF TRACT - RETAIL SHOPPING CENTER
 4. PROPOSED RETAIL FLOOR AREA - 812,550 S.F. (APPROXIMATE)
 5. TOTAL RES'D. OFF-STREET PARKING - 1,000 SPACES
 6. TOTAL PARKING PROPOSED - 44,700 (APPROXIMATE)



1. AREA OF TRACT - 86,786 AC.
2. EXISTING ZONING OF TRACT - RM, MLR, D-12
3. PROPOSED USE OF TRACT - RETAIL SHOPPING CENTER
4. PROPOSED RETAIL FLOOR AREA - 812,330 SF (NET ADDITIONAL)
5. TOTAL RETAIL FLOOR AREA - 812,330 SF (NET ADDITIONAL)
6. TOTAL PARKING PROPOSED - 4,670 (ORIGINAL)
7. ACTUAL FLOOR AREA (AS BUILT) - 932,470 SF
8. TOTAL RETAIL FLOOR AREA - 812,330 SF
9. TOTAL PARKING PROVIDED (AS BUILT) - 5,880 SP
10. NEW PARKING AREA SUBJECT TO SEDIMENT & STORM WATER MANAGEMENT CONTROLS

APRIL 11, 1978
DENSITY NOTES FOR ADDITION

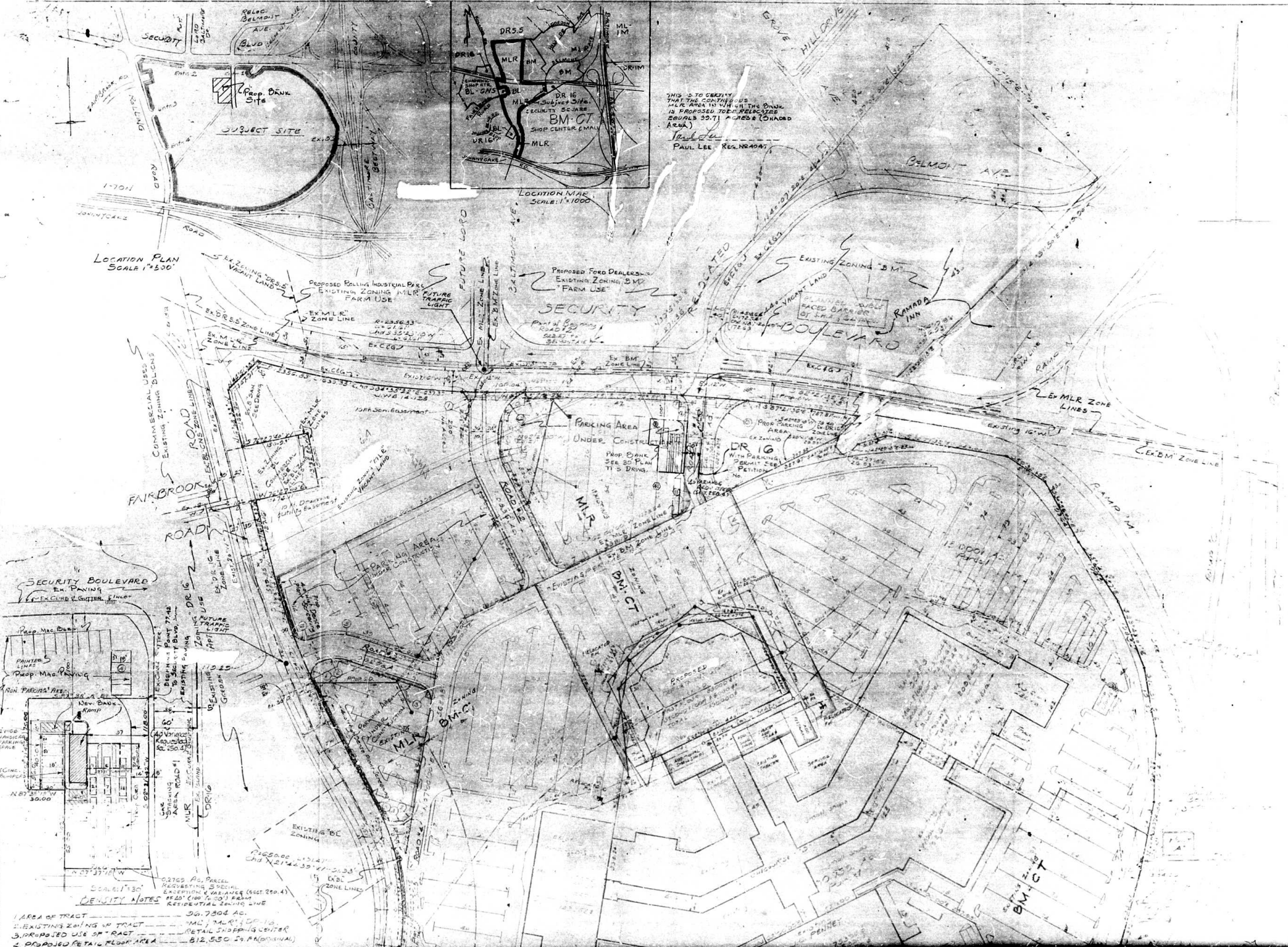
EXISTING RETAIL FLOOR AREA	932,470 SF	15.5 SP/1000 SF
ADDITIONAL FLOOR AREA	10,000 SF	1.5 SP/1000 SF
ADDITIONAL PARKING	1,200 SP	1.5 SP/1000 SF
TOTAL PARKING PROVIDED	5,880 SP	1.5 SP/1000 SF
TOTAL PARKING REQUIRED	4,670 SP	1.5 SP/1000 SF
EXCESS PARKING	1,210 SP	1.5 SP/1000 SF

1188 SF
5.26 SP/1000 SF (5036 + 1188)
8215 SF/1000 SF (1087 (Net Additional))



PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION
AT
SECURITY SQUARE
SECURITY BLVD & ROLLING ROAD
ELECTION DISTRICT - CALTO CO., MO
APRIL 11, 1978





THIS IS TO CERTIFY
THAT THE CONTINGENT
MAP HEREIN IS THE BASIS
FOR THE PROPOSED ZONING
REVISIONS 33.71 ACRES (ONWARD
ACRES)
PAUL LEE, REGISTERED

LOCATION MAP
SCALE 1"=1000'

LOCATION PLAN
SCALE 1"=500'

SECURITY NOTES

- 1. AREA OF TRACT 36.7304 AC.
- 2. EXISTING ZONING IN TRACT MLR, MLR-1, DR-16
- 3. PROPOSED USE OF TRACT RETAIL SHOPPING CENTER
- 4. PROPOSED RETAIL FLOOR AREA 612,000 SQ. FEET (APPROX.)



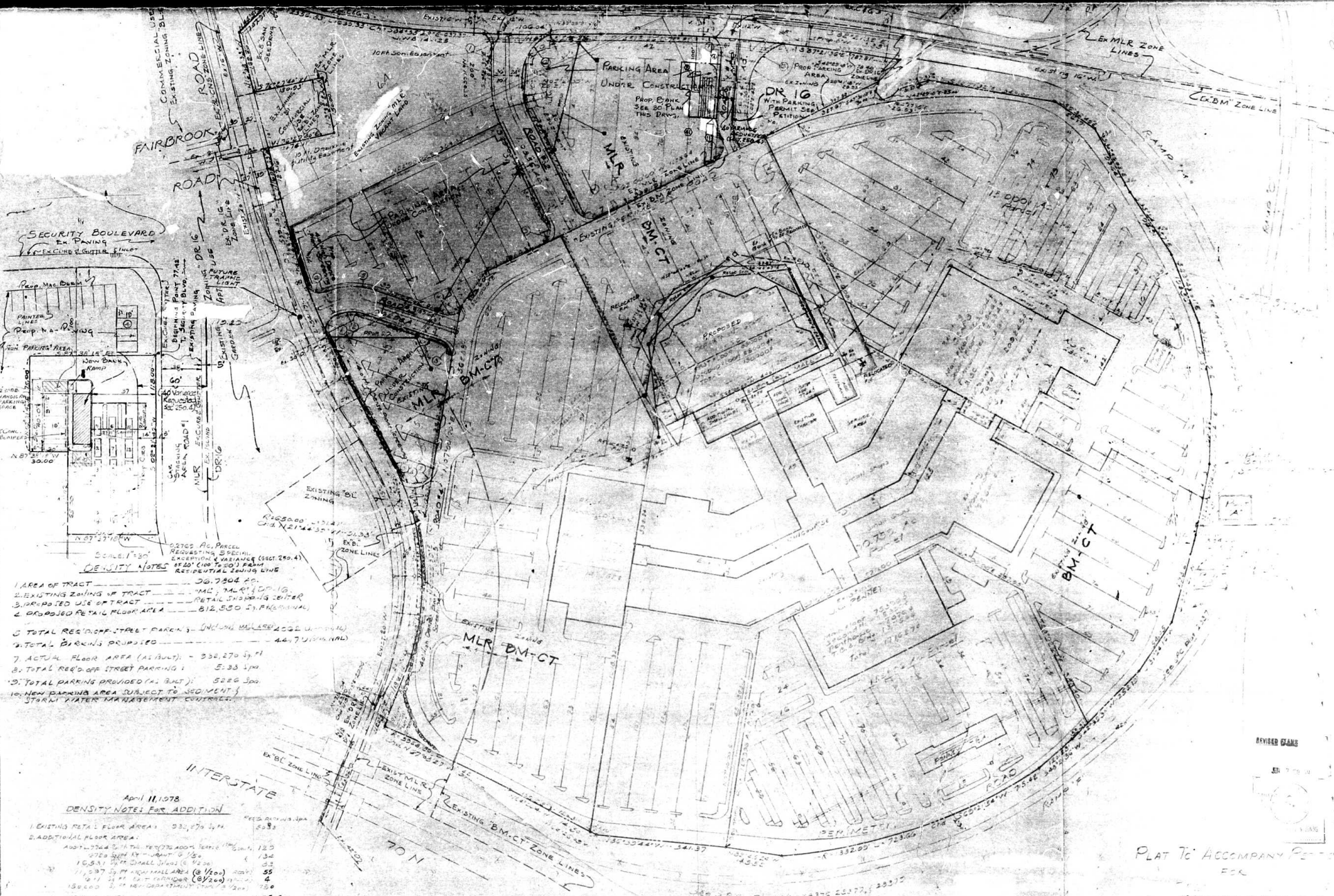
1. AREA OF TRACT
 2. EXISTING ZONING OF TRACT
 3. PROPOSED USE OF TRACT
 4. PROPOSED RETAIL FLOOR AREA
 5. TOTAL RESIDENTIAL PARKING SPACES
 6. TOTAL PARKING PROPOSED
 7. ACTUAL FLOOR AREA (AS BUILT)
 8. TOTAL RES. OF STREET PARKING
 9. TOTAL PARKING PROVIDED (AS BUILT)
 10. NEW PARKING AREA SUBJECT TO REDEMPTION

1. EXISTING RETAIL FLOOR AREA
 2. ADDITIONAL FLOOR AREA
 3. TOTAL FLOOR AREA
 4. TOTAL RETAIL FLOOR AREA
 5. TOTAL FLOOR AREA
 6. TOTAL RETAIL FLOOR AREA
 7. TOTAL FLOOR AREA
 8. TOTAL RETAIL FLOOR AREA
 9. TOTAL FLOOR AREA
 10. TOTAL RETAIL FLOOR AREA

KIDDE
 KIDDE CONSULTANTS, INC.
 1000 LAMAR AVENUE, SUITE 1000
 BALTIMORE, MARYLAND 21201



PLAT TO ACCOMPANY PETITION
 FOR
 SPECIFIC EXCEPTION &
 VARIANCE TO RESID. ZONE
 SECURITY SQUARE
 SECURITY BLVD. & ROLLING ROAD
 ELECTION DISTRICT - BALTO. CO. MD.
 SCALE 1" = 30'
 JUNE 6, 1978



- DENSITY NOTES**
1. AREA OF TRACT
 2. EXISTING ZONING OF TRACT
 3. PROPOSED USE OF TRACT
 4. PROPOSED RETAIL FLOOR AREA
 5. TOTAL RESIDENTIAL PARKING (INCLUDING GARAGE ATTACHED TO UNIT)
 6. TOTAL BIKING PROVIDED
 7. ACTUAL FLOOR AREA (AS BUILT) - 336,270 S.F.
 8. TOTAL REQ'D OF STREET PARKING - 5:33 PER 1,000
 9. TOTAL PARKING PROVIDED (AS BUILT) - 5226 SPACES
 10. NEW PARKING AREA SUBJECT TO AGREEMENT WITH WATER MANAGEMENT DISTRICT

April 11, 1978

DENSITY NOTES FOR ADDITION

1. EXISTING RETAIL FLOOR AREA: 336,270 S.F.

2. ADDITIONAL FLOOR AREA:

10,511 S.F. (NEW GARAGE)	120
10,511 S.F. (NEW GARAGE)	130
11,537 S.F. (NEW GARAGE)	55
15,000 S.F. (NEW GARAGE)	4
15,000 S.F. (NEW GARAGE)	100
15,000 S.F. (NEW GARAGE)	110
15,000 S.F. (NEW GARAGE)	115
15,000 S.F. (NEW GARAGE)	120
15,000 S.F. (NEW GARAGE)	125
15,000 S.F. (NEW GARAGE)	130
15,000 S.F. (NEW GARAGE)	135
15,000 S.F. (NEW GARAGE)	140
15,000 S.F. (NEW GARAGE)	145
15,000 S.F. (NEW GARAGE)	150
15,000 S.F. (NEW GARAGE)	155
15,000 S.F. (NEW GARAGE)	160
15,000 S.F. (NEW GARAGE)	165
15,000 S.F. (NEW GARAGE)	170
15,000 S.F. (NEW GARAGE)	175
15,000 S.F. (NEW GARAGE)	180
15,000 S.F. (NEW GARAGE)	185
15,000 S.F. (NEW GARAGE)	190
15,000 S.F. (NEW GARAGE)	195
15,000 S.F. (NEW GARAGE)	200
15,000 S.F. (NEW GARAGE)	205
15,000 S.F. (NEW GARAGE)	210
15,000 S.F. (NEW GARAGE)	215
15,000 S.F. (NEW GARAGE)	220
15,000 S.F. (NEW GARAGE)	225
15,000 S.F. (NEW GARAGE)	230
15,000 S.F. (NEW GARAGE)	235
15,000 S.F. (NEW GARAGE)	240
15,000 S.F. (NEW GARAGE)	245
15,000 S.F. (NEW GARAGE)	250
15,000 S.F. (NEW GARAGE)	255
15,000 S.F. (NEW GARAGE)	260
15,000 S.F. (NEW GARAGE)	265
15,000 S.F. (NEW GARAGE)	270
15,000 S.F. (NEW GARAGE)	275
15,000 S.F. (NEW GARAGE)	280
15,000 S.F. (NEW GARAGE)	285
15,000 S.F. (NEW GARAGE)	290
15,000 S.F. (NEW GARAGE)	295
15,000 S.F. (NEW GARAGE)	300
15,000 S.F. (NEW GARAGE)	305
15,000 S.F. (NEW GARAGE)	310
15,000 S.F. (NEW GARAGE)	315
15,000 S.F. (NEW GARAGE)	320
15,000 S.F. (NEW GARAGE)	325
15,000 S.F. (NEW GARAGE)	330
15,000 S.F. (NEW GARAGE)	335
15,000 S.F. (NEW GARAGE)	340
15,000 S.F. (NEW GARAGE)	345
15,000 S.F. (NEW GARAGE)	350
15,000 S.F. (NEW GARAGE)	355
15,000 S.F. (NEW GARAGE)	360
15,000 S.F. (NEW GARAGE)	365
15,000 S.F. (NEW GARAGE)	370
15,000 S.F. (NEW GARAGE)	375
15,000 S.F. (NEW GARAGE)	380
15,000 S.F. (NEW GARAGE)	385
15,000 S.F. (NEW GARAGE)	390
15,000 S.F. (NEW GARAGE)	395
15,000 S.F. (NEW GARAGE)	400
15,000 S.F. (NEW GARAGE)	405
15,000 S.F. (NEW GARAGE)	410
15,000 S.F. (NEW GARAGE)	415
15,000 S.F. (NEW GARAGE)	420
15,000 S.F. (NEW GARAGE)	425
15,000 S.F. (NEW GARAGE)	430
15,000 S.F. (NEW GARAGE)	435
15,000 S.F. (NEW GARAGE)	440
15,000 S.F. (NEW GARAGE)	445
15,000 S.F. (NEW GARAGE)	450
15,000 S.F. (NEW GARAGE)	455
15,000 S.F. (NEW GARAGE)	460
15,000 S.F. (NEW GARAGE)	465
15,000 S.F. (NEW GARAGE)	470
15,000 S.F. (NEW GARAGE)	475
15,000 S.F. (NEW GARAGE)	480
15,000 S.F. (NEW GARAGE)	485
15,000 S.F. (NEW GARAGE)	490
15,000 S.F. (NEW GARAGE)	495
15,000 S.F. (NEW GARAGE)	500
15,000 S.F. (NEW GARAGE)	505
15,000 S.F. (NEW GARAGE)	510
15,000 S.F. (NEW GARAGE)	515
15,000 S.F. (NEW GARAGE)	520
15,000 S.F. (NEW GARAGE)	525
15,000 S.F. (NEW GARAGE)	530
15,000 S.F. (NEW GARAGE)	535
15,000 S.F. (NEW GARAGE)	540
15,000 S.F. (NEW GARAGE)	545
15,000 S.F. (NEW GARAGE)	550
15,000 S.F. (NEW GARAGE)	555
15,000 S.F. (NEW GARAGE)	560
15,000 S.F. (NEW GARAGE)	565
15,000 S.F. (NEW GARAGE)	570
15,000 S.F. (NEW GARAGE)	575
15,000 S.F. (NEW GARAGE)	580
15,000 S.F. (NEW GARAGE)	585
15,000 S.F. (NEW GARAGE)	590
15,000 S.F. (NEW GARAGE)	595
15,000 S.F. (NEW GARAGE)	600
15,000 S.F. (NEW GARAGE)	605
15,000 S.F. (NEW GARAGE)	610
15,000 S.F. (NEW GARAGE)	615
15,000 S.F. (NEW GARAGE)	620
15,000 S.F. (NEW GARAGE)	625
15,000 S.F. (NEW GARAGE)	630
15,000 S.F. (NEW GARAGE)	635
15,000 S.F. (NEW GARAGE)	640
15,000 S.F. (NEW GARAGE)	645
15,000 S.F. (NEW GARAGE)	650
15,000 S.F. (NEW GARAGE)	655
15,000 S.F. (NEW GARAGE)	660
15,000 S.F. (NEW GARAGE)	665
15,000 S.F. (NEW GARAGE)	670
15,000 S.F. (NEW GARAGE)	675
15,000 S.F. (NEW GARAGE)	680
15,000 S.F. (NEW GARAGE)	685
15,000 S.F. (NEW GARAGE)	690
15,000 S.F. (NEW GARAGE)	695
15,000 S.F. (NEW GARAGE)	700
15,000 S.F. (NEW GARAGE)	705
15,000 S.F. (NEW GARAGE)	710
15,000 S.F. (NEW GARAGE)	715
15,000 S.F. (NEW GARAGE)	720
15,000 S.F. (NEW GARAGE)	725
15,000 S.F. (NEW GARAGE)	730
15,000 S.F. (NEW GARAGE)	735
15,000 S.F. (NEW GARAGE)	740
15,000 S.F. (NEW GARAGE)	745
15,000 S.F. (NEW GARAGE)	750
15,000 S.F. (NEW GARAGE)	755
15,000 S.F. (NEW GARAGE)	760
15,000 S.F. (NEW GARAGE)	765
15,000 S.F. (NEW GARAGE)	770
15,000 S.F. (NEW GARAGE)	775
15,000 S.F. (NEW GARAGE)	780
15,000 S.F. (NEW GARAGE)	785
15,000 S.F. (NEW GARAGE)	790
15,000 S.F. (NEW GARAGE)	795
15,000 S.F. (NEW GARAGE)	800
15,000 S.F. (NEW GARAGE)	805
15,000 S.F. (NEW GARAGE)	810
15,000 S.F. (NEW GARAGE)	815
15,000 S.F. (NEW GARAGE)	820
15,000 S.F. (NEW GARAGE)	825
15,000 S.F. (NEW GARAGE)	830
15,000 S.F. (NEW GARAGE)	835
15,000 S.F. (NEW GARAGE)	840
15,000 S.F. (NEW GARAGE)	845
15,000 S.F. (NEW GARAGE)	850
15,000 S.F. (NEW GARAGE)	855
15,000 S.F. (NEW GARAGE)	860
15,000 S.F. (NEW GARAGE)	865
15,000 S.F. (NEW GARAGE)	870
15,000 S.F. (NEW GARAGE)	875
15,000 S.F. (NEW GARAGE)	880
15,000 S.F. (NEW GARAGE)	885
15,000 S.F. (NEW GARAGE)	890
15,000 S.F. (NEW GARAGE)	895
15,000 S.F. (NEW GARAGE)	900
15,000 S.F. (NEW GARAGE)	905
15,000 S.F. (NEW GARAGE)	910
15,000 S.F. (NEW GARAGE)	915
15,000 S.F. (NEW GARAGE)	920
15,000 S.F. (NEW GARAGE)	925
15,000 S.F. (NEW GARAGE)	930
15,000 S.F. (NEW GARAGE)	935
15,000 S.F. (NEW GARAGE)	940
15,000 S.F. (NEW GARAGE)	945
15,000 S.F. (NEW GARAGE)	950
15,000 S.F. (NEW GARAGE)	955
15,000 S.F. (NEW GARAGE)	960
15,000 S.F. (NEW GARAGE)	965
15,000 S.F. (NEW GARAGE)	970
15,000 S.F. (NEW GARAGE)	975
15,000 S.F. (NEW GARAGE)	980
15,000 S.F. (NEW GARAGE)	985
15,000 S.F. (NEW GARAGE)	990
15,000 S.F. (NEW GARAGE)	995
15,000 S.F. (NEW GARAGE)	1000



PLAT TO ACCOMPANY PETITION FOR
VARIANCE TO RESID ZONE
SECURITY SQUARE
SECURITY BLVD & MILLER BLVD
ELECTION DISTRICT 22-10
SCALE: 1" = 30'