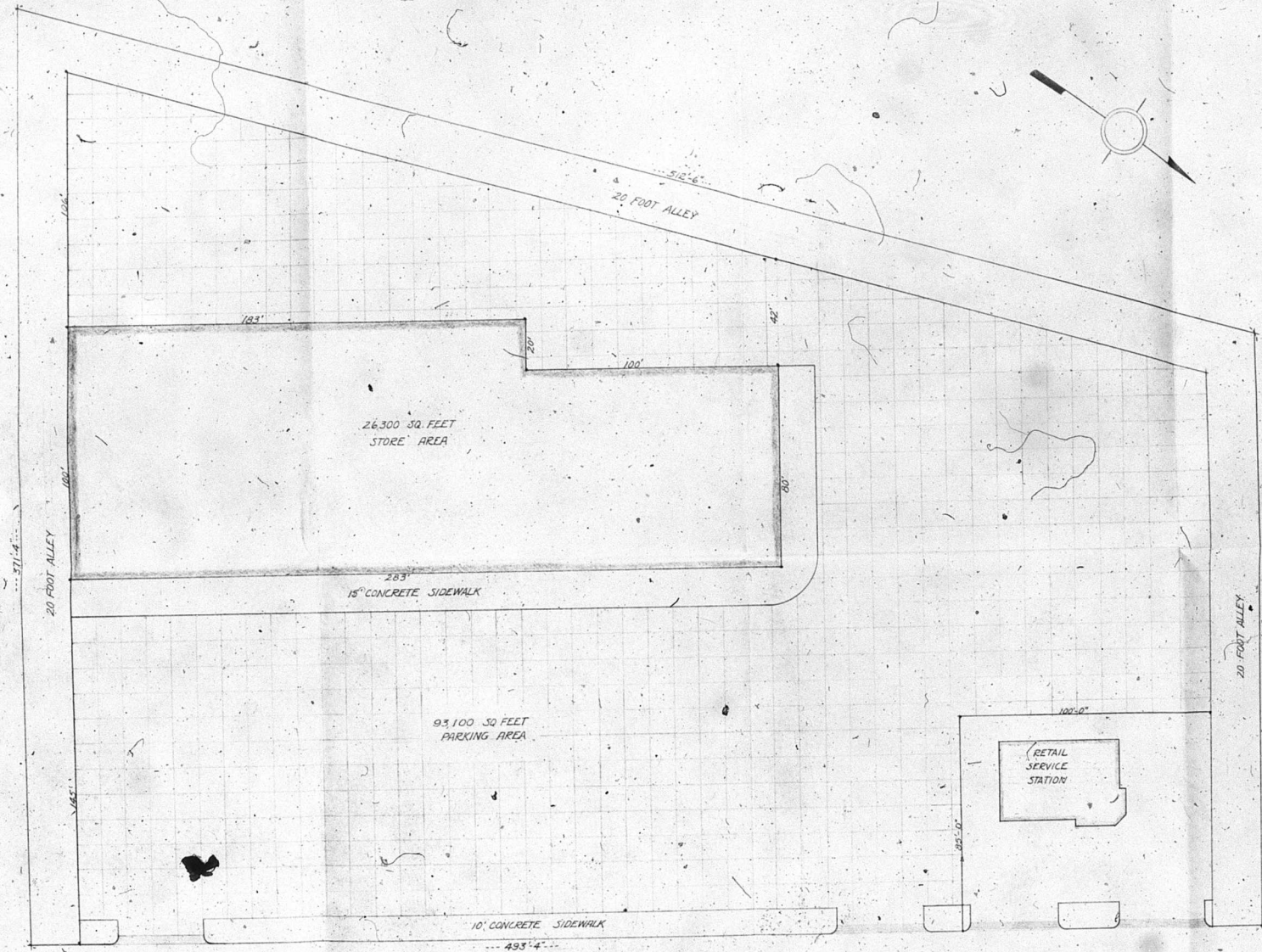




LIBERTY ROAD TO RANDALL TOWN

PATTERSON AVENUE

PLOT PLAN

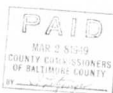
PROPOSED SHOPPING CENTER
FOR WILLIAM T. BIEMANN
100 GREENBRIAR ROAD
TOWSON, MARYLAND

JAN. 10, 1949 DRAWN BY R.B.
SCALE 1"=20'

March 20, 1949

RECEIVED of George W. White, Jr., Attorney for appellants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner granting the petition for reclassification of property on the southwest side of Liberty Road, Second District, Clara A. Stewart and Mary G. Thurbay, petitioners.

Zoning Commissioner



December 2, 1949

RECEIVED of William Harnan, Agent, for Clara A. Stewart and Mary G. Thurbay, petitioners, the sum of Twenty One (\$21.00) Dollars, being cost of petition for reclassification, advertising and posting of property, southwest side of Liberty Road, 51' southeasterly from Patterson Ave., 2nd District.

Zoning Commissioner

Hearings
Monday, Dec. 10, 1949
at 3:00 p. m.



Sept. 16, 1949

\$20.20

RECEIVED of Liberty-Patterson Improvement Association George W. White, Jr., Attorney, the sum of \$20.20, being cost of certified copies of papers filed in the matter of reclassification of property on southwest side of Liberty Road, near Patterson Avenue, Stewart & Thurbay, Petitioners.

Zoning Commissioner



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1342

Dec 10/49

Reclassification of property on southwest side of Liberty Road, near Patterson Avenue, Stewart & Thurbay, Petitioners.
Reclassification of property on southwest side of Liberty Road, near Patterson Avenue, Stewart & Thurbay, Petitioners.
Reclassification of property on southwest side of Liberty Road, near Patterson Avenue, Stewart & Thurbay, Petitioners.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—
Clara A. Stewart and
Mary G. Thurbay

beginning for the same at a point on the southwest side of Liberty Road distant 51 feet southeasterly from the production, in a southeasterly direction of the southeast side of Patterson Avenue and running thence, binding on said southwest side of Liberty Road, North 55 degrees 40' west 493 feet 4 inches more or less, thence South 34 degrees 50' East 512 feet more or less, thence South 30 degrees 37' East 4 inches more or less to the place of beginning. Containing 3.73 acres more or less.

herely petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A-1 Residence Zone" to an "A-2 Commercial Zone."

Reasons for Re-Classification: Community Shopping Center

Size and height of building: front, feet, depth, feet, height, feet.
Front and side setbacks of building from street lines: front, feet, side, feet.
Property to be posted as prescribed by Zoning Regulations.

XXXX we agree to pay expenses of above reclassification, 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.

Clara A. Stewart
Mary G. Thurbay
Legal Owner

Address 3607 Mayfield Lane, Baltimore 7
Baltimore, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of December, 1949, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County on the 20th day of December, 1949 at 3:00 o'clock P. M.

Thurbay
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the within petition and it appearing that by reason of location, being suitable and desirable for a neighborhood shopping center for which there is a community need, the granting of which will not be detrimental to the health, safety and morals of the community, the above reclassification should be had.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of March, 1949, that the above described property, or acre, should be and the same is hereby reclassified, from an after the date of this Order, from an "A-1 Residence Zone" to an "A-2 Commercial Zone," subject, however, to the provision of at least two and one-half square feet of off-street parking area for each one square foot of area to be covered by commercial buildings.

Inasmuch as Patterson Avenue is tentatively planned as a future thoroughfare, it is required that provision be made to continue it across Liberty Road southeasterly to connect with Gwynndale Avenue, which would give added access to the shopping center. The granting of this petition is also subject to the approval by the Zoning Department of the setback or location of any buildings or structures to be erected on Liberty Road.

Clara A. Stewart
Mary G. Thurbay
Zoning Commissioner of Baltimore County

Approved:
County Commissioners
of Baltimore County

By: [Signature]

Date: Aug 1-1949

SAMUEL H. BOWEN
CLAYTON J. CARTER
EARLE L. SINGLE, being and con-
stituting the Board of Zoning
Appeals for Baltimore County
Towson, Maryland
CHRISTIAN H. KAHL,
BRYAN R. TRAIL,
JOHN P. BAUT, being and con-
stituting the Board of County
Commissioners of Baltimore County
Towson, Maryland
and
CHARLES H. DOING,
Zoning Commissioner for
Baltimore County,
Towson, Maryland

Defendants

ORDER

Upon the foregoing Appeal and Petition and the Court reserving for future determination its decision on all questions of law raised therein, it is this 23rd day of August, 1949,

ORDERED by the Circuit Court for Baltimore County, that a writ of certiorari be issued and directed to Samuel H. Bowen, Calvin J. Carter and Earle L. Single, constituting the Board of Zoning Appeals of Baltimore County, to review the purported Order of the said Board dated July 29, 1949, the purported Order of the Zoning Commissioner dated March 17, 1949, and the approval of said purported Order of July 29, 1949, by the County Commissioners of Baltimore County on August 1, 1949, and that the return thereof be made by service upon the relator's attorney within 10 days from the date of this Order.

IT IS FURTHER ORDERED that said Board of Zoning Appeals shall return to this Court either the original papers acted upon

by it or certified or sworn copies thereof and particularly the following:

- (1) All papers, memoranda, correspondence, orders, plans and photographs and all other records relating to the application of Clara A. Stewart and Mary G. Thurbaby, dated December 2, 1948, the purported Order of the Zoning Commissioner, dated March 17, 1949, relating to the property situated on the southeast side of Liberty Road, 21 feet south of Patterson Avenue; the appeal from said purported Order to the Board of Zoning Appeals dated March 24, 1949, including a transcript of the testimony taken at the hearings before the Board of Zoning Appeals on June 2, 1949 and July 14, 1949, and the purported Order of the Board of Zoning Appeals dated July 29, 1949.
- (2) A certified copy of all Zoning Rules, Regulations, Restrictions, Powers, etc., issued and approved by the County Commissioners of Baltimore County in regard to Zoning in Baltimore County and in effect on December 2, 1948.

IT IS FURTHER ORDERED that the Defendants, Samuel H. Bowen, Calvin J. Carter and Earle L. Single, constituting the Board of Zoning Appeals for Baltimore County; Christian H. Kahl, Bryan R. Trail and John P. Baut, constituting the Board of County Commissioners for Baltimore County; and Charles H. Doing, Zoning Commissioner for Baltimore County, file their respective answers herein as required by law and by the Rules of Court, or show cause within 10 days from the date of this Order why the relief prayed for should not be granted; PROVIDED a copy of the appeal and the Petition be served on the said Defendants or their respective attorneys on or before the 30th day of August, 1949.

True Copy Test
[Signature]

Judge

Service of copy of the foregoing Appeal and Petition and Order of Court admitted this 23rd day of August, 1949.

Attorney for Zoning Commission
of Baltimore County

Service of copy of the foregoing Appeal and Petition and Order of Court admitted this 23rd day of August, 1949.

Attorney for Board of Zoning Appeals of Baltimore County

Service of copy of the foregoing Appeal and Petition and Order of Court admitted this 23rd day of August, 1949.

Attorney for County Commissioners of Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "SM" COMMERCIAL ZONE - S. W. Side Liberty Road, 21 feet S. E. of Patterson Avenue, 3rd District Clara A. Stewart and Mary G. Thurbaby, Petitioners

Appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on June 2, 1949 and concluded on July 14, 1949, from the Order of the Zoning Commissioner of Baltimore County, dated the 17th day of March, 1949, granting the petition for reclassification of certain property described in said petition from an "A" Residence Zone to an "SM" Commercial Zone with certain provisions and restrictions. From the evidence and facts adduced at the appeal hearing the granting of the petition would not be detrimental to the health, safety, morals and general welfare of the surrounding community.

It is ORDERED this 29th day of July, 1949, by the Board of Zoning Appeals of Baltimore County, that the Order of the Zoning Commissioner of Baltimore County be affirmed. This Order is further subject to the provision of at least two and one-half square feet of off-street parking area for every square foot of land to be covered by commercial buildings.

It is further ORDERED that provision be made for the proposed continuance of Patterson Avenue across Liberty Road southward to connect with Dwygale Avenue, also that the setback of any buildings or structures to be erected shall be subject to the approval of the Zoning Department.

Approved:
County Commissioners
of Baltimore County
[Signatures]

[Signatures]

Dated: August 1, 1949

REC'D MAR 24 1949

APPEAL FROM THE DECISION AND ORDER OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Re: Petition for Reclassification from an "A" Residence Zone to an "SM" Commercial Zone - S. W. Side Liberty - and Dist. Clara A. Stewart and Mary G. Thurbaby, Petitioners

Mr. Commissioner:

Please note an Appeal on behalf of the following residents and taxpayers of Baltimore County:

Jarvis B. Barnes
3704 Patterson Avenue
W. W. Richardson
3004 Patterson Avenue
Earl B. Volcher
6310 Liberty Road
Gustav Wallace
Liberty Terrace and Sylvan Drive
Alice Wallace
Liberty Terrace and Sylvan Drive

and on behalf of the Liberty-Patterson Improvement Association of Baltimore County and the individual members of said association, jointly and severally, being residents and taxpayers of Baltimore County, to the Board of Zoning Appeals of Baltimore County from the Decision and Order of March 17, 1949, of the Zoning Commissioner of Baltimore County in the above captioned matter.

You are respectfully requested to forward and present to the Board of Zoning Appeals all pertinent papers in connection with this Appeal.

[Signatures]
President, Liberty-Patterson Improvement Association

Baltimore County Planning Commission

James A. Morgan

WILLIAM W. HARTMAN, CHAIRMAN
CHRISTIAN H. KAHL
JOHN P. BAUT
JOHN A. BAUT
H. ROBERT HARTMAN

March 1, 1949

MEMORANDUM

TO: Charles H. Doing
FROM: Malcolm B. Hill

SUBJECT: Proposed Shopping Center at Liberty Road and Patterson Avenue

Reference is made to my comment on Petition for Zoning Reclassification #132. In it was noted desirability, if the petition were granted, of providing, in connection with the layout of the shopping center, for extension of Patterson Avenue southward from Liberty Road to a connection with Dwygale Avenue as shown on our tentative plan of thoroughfares.

Subsequently Mr. Bierman came to this office and showed his proposed plan for development of this shopping center, which had a 20-foot alley along the southeastern edge of the property. Having in mind the possibility of eventual construction of a street running along this property line, Mr. Bierman agreed to set his building 10 feet further from the line and thus allow for half of a 60-foot right-of-way. Subject to approval by the Board of Zoning Appeals, it was our thought that the 20-foot alley could become the northeastern half of a future 40-foot pavement.

There would be a slight jog between the alignment of this future street and the present intersection of Patterson Avenue with Liberty Road. It was thought that, in conjunction with improvement of the southeastern corner of this intersection which is now vacant, some local cutting off could be done so as to bring the two intersections more nearly into direct alignment.

A copy of this memorandum and a print of the proposed shopping center layout are being sent to Mr. Offutt for his comments on the above proposals.

cc: Christian H. Kahl
William W. Hartman
Malcolm B. Hill
Fred Offutt

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by certain protestants from an Order of the Zoning Commissioner of Baltimore County, dated March 17, 1949, granting the petition for reclassification of certain property described in said petition from an "A" Residence Zone to an "SM" Commercial Zone subject to certain provisions.

The case came on for hearing before this Board, testimony was taken and counsel and witnesses for both the petitioner and protestants were heard. After thorough consideration this Board finds as follows:

The property in question is located on the south side of Liberty Road and the southeast side of Patterson Avenue. The testimony taken in the case disclosed that Patterson Avenue as indicated in the tentative plans of the Baltimore County Planning Commission is a future thoroughfare to be extended across Liberty Road for eventual connection with Dwygale Avenue. It is obvious that such a cross street would give added justification for and access to a shopping center in this location. Much expert testimony was taken in this case relative to the matter of safety and present, as well as future, traffic conditions at and near this location. After weighing this testimony it is the opinion of this Board that the granting of this petition would not cause an undue traffic hazard; this is especially true in view of the plan to extend Patterson Avenue and certainly not sufficient to warrant the denial of the reclassification and we will so hold.

The granting of the reclassification also will not

affect the health, morals and/or general welfare of the community, would not cause overcrowding of land nor cause undue concentration of population, would not interfere with adequate provisions for schools, parks, water, sewerage, transportation and other public requirements, conveniences and improvements.

The Board, therefore, will sign an Order in conformity with this opinion with the stipulation, however, that at least two and one-half square feet of off-street parking area be provided for every square foot of land to be covered by commercial buildings. A further provision that will be included in the Order and which the petitioner has already planned as indicated by the plat filed in this case is the planning of Patterson Avenue as a future thoroughfare so as to continue across Liberty Road southward to connect with Dwygale Avenue. This would give added access to the shopping center.

The Zoning Commissioner in his Order granted the petition subject to the above provisions and also subject to the approval by the Zoning Department of the proper setback or location of any buildings or structures to be erected on Liberty Road. This Board is in entire agreement with the Zoning Commissioner in this respect and will, therefore, sign an Order affirming the Order of the Zoning Commissioner, dated March 17, 1949, granting the reclassification of this property from an "A" Residence Zone to an "SM" Commercial Zone, subject to the aforementioned restrictions.

[Signatures]
Board of Zoning Appeals of Baltimore County