

RE: PETITION FOR RECLASSIFICATION
FROM "B-6" Zone to "B-1" Zone
S. S. Liberty Road 336' W. of
Old Court Rd. - 2nd District
Albert F. Migan - Petitioner

RECEIVED
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
ALF 1/4

#4474
MAP
2-B

OPINION

The petitioner, Albert F. Migan, owns an 8 acre tract of land near Randallstown, Maryland with a frontage of about 150 feet on Liberty Road. Approximately 2 acres of said tract, constituting the entire frontage on Liberty Road to a depth of 250 feet, are presently zoned "B-1". The petitioner now seeks to reclassify from an "B-1" Zone to a "B-6" Zone the remaining 6 acres for the purpose of giving his sufficient depth to establish a Shopping Center of the modern concept. The proposed center is to contain about 70,000 square feet of retail store area with parking for 500 automobiles, located to the front. The petitioner also owns property to the west of the subject tract which has an even greater depth than that for which he now petitions. He operates a tavern there.

The testimony of the petitioner's witness and that of Mr. George Gavrelis, Deputy Director of Planning of Baltimore County, indicates beyond any doubt that there has been a substantial change in the neighborhood, brought about by increased development, both residential and commercial. Mr. Gavrelis, however, does not favor the reclassification. He states that comprehensive planning for the area is now in progress and that sufficient commercial zoning has already been designated. His department recommends for the subject property a change in the frontage from "B-1" to "B-6" and a change in the rear from "B-6" to "B-1" apartments. Upon questioning, he states that the proposed change from

"B-1" to "B-6" along the front of the property is primarily for the purpose of obtaining the greater set-back requirements of "B-6" zoning.

When pressed to explain the plausibility of having a "B-6" use, such as a hotel, located in close proximity to an "B-1" area, Mr. Gavrelis' only reply was that his office did not anticipate such incongruous use by the property owner. However, the fact remains that these incompatible uses are lawful under the existing regulations for the plan proposed by the Office of Planning.

The Board finds that the petitioner's proposed development of this property is a sensible extension of the existing commercial frontage to allow the development of a commercial area more harmonious and beneficial to the general neighborhood than that which would probably result from the "B-1" strip zoning approved by the Office of Planning. A substantial change in neighborhood conditions has undoubtedly occurred, and more change is occurring at the present. This leads the Board to the conclusion that the reclassification is meritorious. To change the zoning as tentatively proposed by the Office of Planning would, in our opinion, border on confiscation.

In conclusion, the Board finds nothing in the record to indicate the proposed use would be detrimental to the health, safety and general welfare of the locality.

ORDER

For reasons set forth in the foregoing opinion, it is this 4th day of March, 1959, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John F. Migan
Albert F. Migan
John F. Migan

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

RE: PETITION FOR RECLASSIFICATION
FROM "B-6" to "B-1" Zone
S. S. Liberty Road 336' W. of
Court Road, 2nd District -
Albert F. Migan and Rita S.
Migan - Petitioners

Mr. Deputy Commissioner:

Please enter an Appeal in the above entitled matter to the Board of Appeals.

John F. Migan
Attorney for Petitioners

Filed 9/3/59
by M. M. M.

IN WITNESS
OF MY HAND
AND SEAL

Petition for Zoning Re-Classification #4474

To The Zoning Commissioner of Baltimore County:-

I, or we, *Albert F. Migan and Rita S. Migan*, legal owner(s) of the property situated on the south side of Liberty Road, 336' west of Old Court Road, in the Second Election District of Baltimore County, State of Maryland, containing 9.12 Acres of land, more or less, and more particularly described as follows:
BEGINNING for the same on the south side of Liberty Road 336 feet west of Old Court Road, thence leaving said road and running the following courses and distances: South 31 Degrees 55 Minutes West 131.45 feet, thence South 33 Degrees 28 Minutes West 28.33 feet, thence South 34 Degrees 5 Minutes West 311.75 feet, thence North 34 Degrees 00 Minutes East 590 feet, thence North 45 Degrees 45 Minutes East 333.5 feet, thence South 52 Degrees 28 Minutes West 231 feet, thence North 33 Degrees 30 Minutes East 110 feet to the south side of Liberty Road, thence binding on said south side of said Liberty Road South 57 Degrees 00 Minutes East 140 feet to the place of beginning.
SAVING AND EXCEPTING therefrom all that part of a tract of land on the south side of Liberty Road which has heretofore been zoned B-1.

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "B-6" Zone to an "B-1" Zone.
Reasons for Re-Classification: Rejection of a modern shopping center as per the attached plot plan.

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

I, or 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.

CONTRACT PURCHASER:

MORAN, INC.
By *Martin E. Moran*
Martin E. Moran, President
6105 Park Lane, 1st Floor
Baltimore 15, Maryland

Albert F. Migan
Rita S. Migan
Legal Owner(s)

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of July, 1958, 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 Record Bldg. in Towson, Baltimore County, on the 3rd day of September, 1958, at 10 o'clock A. M.

Zoning Commissioner of Baltimore County

9/3/59
11:30 AM
2300
2-516NS (over)

STATE OF MARYLAND
STATE BOARD OF COMMISSIONS
100 EAST LEXINGTON STREET
BALTIMORE 3, MD.
September 3, 1958

Mr. Wilbur H. Adams, Zoning Commissioner
Baltimore County Office Building
Towson 4, Maryland

Dear Mr. Adams:

The expansion of the commercial zoning and the establishment of commercial centers adjacent to the existing Liberty Road, Route 26, has greatly overriden the highway. The plot submitted with the subject petition indicates the additional right of way that will most probably be required for the improvement of the Liberty Road. This area should be dedicated to the State Roads Commission.

Prior to the granting of any reclassification, if the Zoning Commission should see fit to grant a reclassification, it is requested that a complete drainage study be submitted for the area in question and that the ingress and egress be made subject to the approval of the State Roads Commission.

Thank you for your cooperation.

Very truly yours,

C. Stuart Lippelle
Development Engineer
Edna M. Lippelle
Mr. Edward D. Kelly
Asst. Development Engineer

cc: Mr. C. M. Stirling

RE: PETITION FOR RECLASSIFICATION
FROM "B-6" TO "B-1" ZONE
S. S. Liberty Road 336' W. of
Court Road, 2nd District -
Albert F. Migan and Rita S.
Migan, Petitioners

RECEIVED
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4474

Petitioners have requested a reclassification from an "B-6" Zone to a "B-1" Zone for property on the south side of Liberty Road directly opposite sixty acres of commercial zoning across Liberty Road.

The petitioners did not prove that there had been a mistake in the original zoning or that the area under consideration had changed to such a degree that the requested zoning should be granted.

The Planning Board has just recently held a public hearing in order to recommend a comprehensive land use plan. The Deputy Director of Planning testified that the petitioners did not question the proposed zoning for the subject property at that hearing. The Office of Planning is opposed to the petitioners' request.

The present rezoning request would be piece meal zoning when the first steps of a comprehensive land use plan is in the making.

For the above reasons the above petition should be denied.

It is this 4th day of September, 1958, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the above petition be and the same is hereby denied and that the property or area be and the same is continued as and to remain an "B-6" Zone.

John E. Moran
Deputy Zoning Commissioner
of Baltimore County

\$50.00

RECEIVED of Francis T. Peach, attorney for petition, the sum of Fifty (\$50.00) dollars, being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying the reclassification of property South side of Liberty Rd. 336' west of Old Court Road - 2nd District - Albert F. Migan, petitioner.

Paid to Baltimore County, Md. - Office of Finance
Treasury, County Treasurer
of Baltimore County

2-459 6105 • • • T/L - 5000
2-459 6105 • • • T/L - 5000

01.621

August 5, 1958

\$43.00

RECEIVED of Kalus Construction Company, the sum of Forty-three (\$43.00) dollars, being cost of petition, advertising and posting property situate - South side of Liberty Road 336 feet West of Old Court Road - 2nd District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Wednesday, September 3, 1958
at 10:00 a.m.

Room 106 County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RECEIVED

AUG- 5 1958
COMPTROLLER'S OFFICE

By [Signature]

NOTICE OF ZONING PETITION
FOR RECLASSIFICATION
—2nd DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from a R-6 Zone to a B-1 Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Wednesday, September 3, 1958
at 11:00 A.M.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Business Local to wit:

All that parcel of land in the Second District of Baltimore County, beginning for the same on the South side of Liberty Road 536 feet West of Old Court Road; thence leaving said road and running the following courses and distances: South 41 degrees 55 minutes West 131.83 feet; thence South 53 degrees 28 minutes West 202.13 feet; thence South 44 degrees 5 minutes West 311.75 feet; thence North 54 degrees 00 minutes West 590 feet; thence North 45 degrees 45 minutes East 532.5 feet; thence South 52 degrees 24 minutes East 231 feet; thence North 52 degrees 20 minutes East 150 feet to the South side of Liberty Road; thence binding on said South side of Liberty Road South 57 degrees 00 minutes East 442 feet to the place of beginning. Saving and excepting therefrom all that part of a tract of land on the south side of Liberty Road which has heretofore been zoned B-1.

Flat plans of the property filed with the Zoning Department, being property of Albert F. and Edith B. Migan.

By Order of
Walter H. Adams
Zoning Commissioner
of Baltimore County

Aug. 15-22

OFFICE OF

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD-ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONVILLE, MD.

August 23, 1958.

THIS IS TO CERTIFY, that the annexed advertisement of

Walter H. Adams, Zoning Commissioner
of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 23rd day of August, 1958, that is to say the same was inserted in the issues of

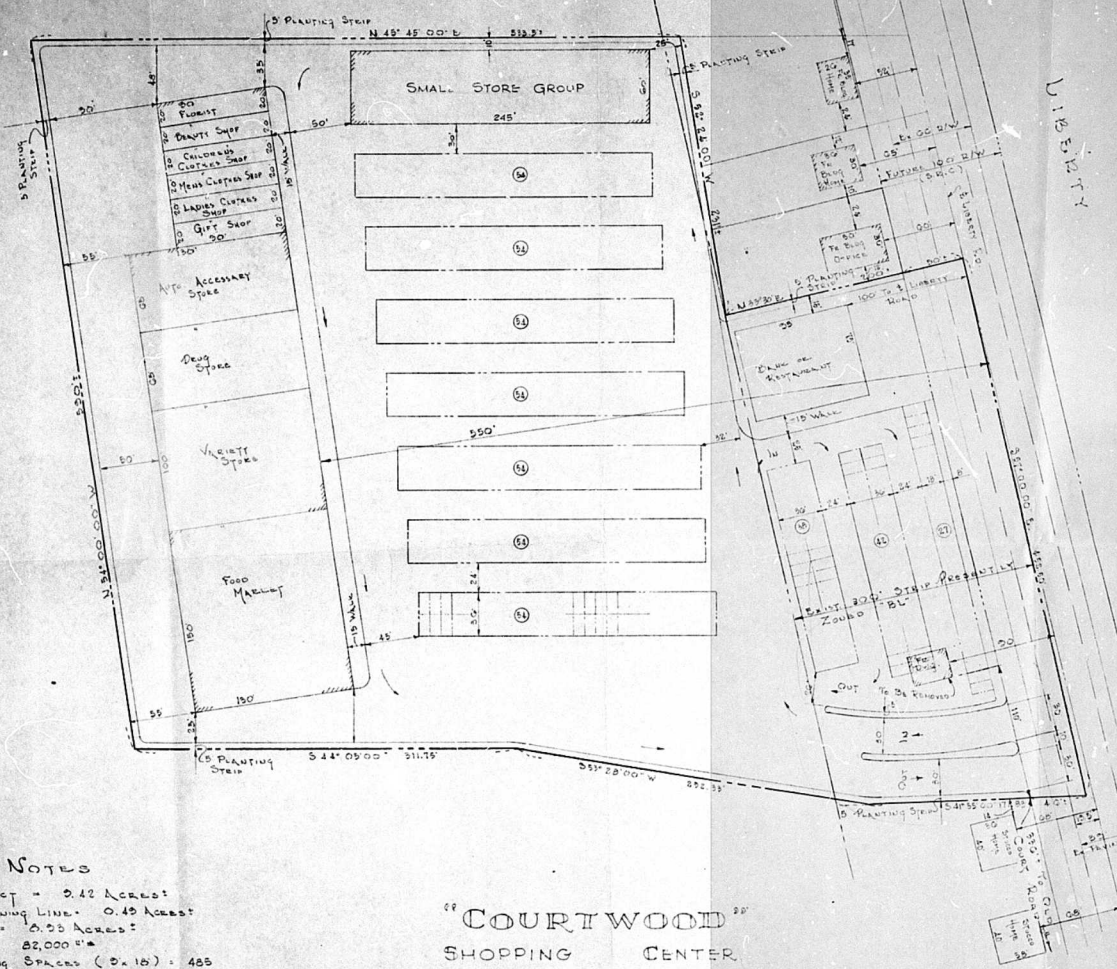
August 15 and 22, 1958.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting 8-20-58 # 4474
Posted for: Albert F. and Edith B. Migan
Petitioner: Albert F. and Edith B. Migan
Location of property: S/S of Liberty Rd. 336 ft. west of Old Court Road.
etc. see plat.
Location of Signs: on corner 475 ft. another 70 ft. west of Old Court Road
on the S.S. of Liberty Road.
Remarks: _____
Posted by: George A. Hummel Date of return: 8-21-58
Signature



GENERAL NOTES

1. TOTAL AREA OF TRACT - 2.42 ACRES
2. TOTAL AREA OF WIDENING LINE - 0.45 ACRES
3. NET AREA OF TRACT - 2.55 ACRES
4. TOTAL BUILDING AREA - 82,000 S.F.
5. TOTAL NUMBER OF PARKING SPACES (8x16) - 485
6. PRESENT ZONING OF TRACT "RESIDENTIAL" EXCEPT 300' WIDE STRIP ON LIBERTY ROAD ZONED "BL"
7. PRESENT USE OF PROPERTY PASTURE & GRAZING LAND.
8. PROPOSED ZONING OF TRACT "BL"
9. PROPOSED USE OF PROPERTY SHOPPING CENTER.
10. @ INDICATES NO. OF PARKING SPACES

COURTWOOD SHOPPING CENTER

PLAN OF PROPERTY FOR REZONING ON

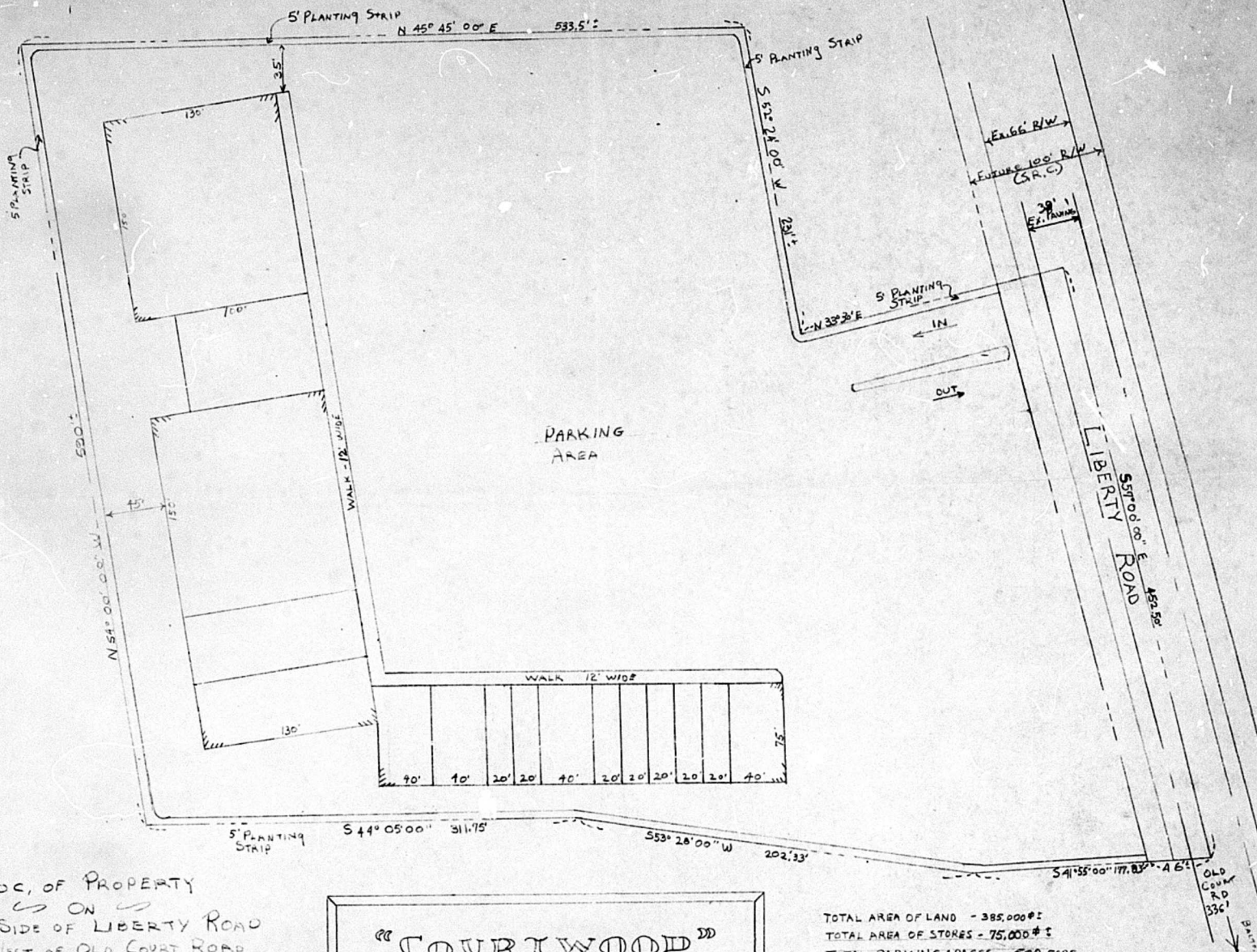
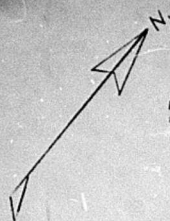
SOUTH SIDE OF LIBERTY ROAD
(356' WEST OF OLD COURT ROAD)

DRAWN BY: [Signature] DATE: July 21, 1958

Scale: 1" = 50'

MATZ, CHILDS & ASSOCIATES
8704 BILLORE AVENUE
BALTIMORE 12, MARYLAND





LOC. OF PROPERTY
ON
SOUTH SIDE OF LIBERTY ROAD
336' WEST OF OLD COURT ROAD
ELECT. DIST. 2
BALTIMORE COUNTY, MD
SCALE: 1"=50'

"COURTWOOD"
SHOPPING CENTER

TOTAL AREA OF LAND - 385,000 #
TOTAL AREA OF STORES - 75,000 #
TOTAL PARKING SPACES - 500 CARS

BUILDER: MORMAN, INC.
6416 PARK HTS. AV. - BALTO. 15, MD

