

RE: Petition for Reclassification
and Special Exception for
Elevator Apartment Building
N/S Locustvale Road 310
E. Southernly Road, 9th Dist.,
Wm. M. Beury and Minnie
Gould Beury, Petitioners

BEFORE

Zoning Commissioner
of
Baltimore County
No. 4892-RX

Upon the application of Broadview Realty, Inc., dated February 12, 1968, it is this 15th day of February, 1968, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid Special Exception in Case No. 4892-RX be and the same is hereby extended to a date eighteen (18) months after the public sewer facilities become adequate and available for the property, as evidenced by the ability to obtain a Public Works Agreement permitting exercise of the Special Exception pursuant to notice from the Director of Public Works.

The property covered by this Order is described as follows:

- All that parcel of land in the Ninth District of Baltimore County, beginning on the north side of Locustvale Road, beginning 310 feet more or less East of Southernly Road; thence easterly and binding on the north side of Locustvale Road 157.73 feet; thence North 25 degrees 27 minutes East 231.43 feet, thence radius of 161.8 feet to a distance of 208.41 feet; thence North 48 degrees 20 minutes West 299.9 feet; thence South 52 degrees 56 minutes West 276.6 feet; thence South 3 degrees 53 minutes East 276.87 feet; thence South 34 degrees 19 minutes East 285.61 feet; thence with a radius of 80.27 feet and a distance of 133.15 feet to place of beginning.

This extension is granted to:

Broadview Realty, Inc.,
116 West University Parkway
Baltimore, Maryland 21210

I further certify that a copy of this Extension Order has been delivered this day to the Director of Public Works as required by Section 502.3 of the Zoning Regulations of Baltimore County.

Zoning Commissioner of
Baltimore County

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Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-10" ZONE TO AN "R-1" ZONE
AND A SPECIAL EXCEPTION
FOR ELEVATOR APARTMENT BUILDING
N/S Locustvale Road 310
E. Southernly Road, 9th Dist.,
Wm. M. Beury and Minnie Gould
Beury, Petitioners

BEFORE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
No. 4892-RX

NOTICE OF APPEAL

Charles Stokes and Vivienne H. Stokes, his wife, 901 Locustvale Road, Towson, Maryland; Harry A. Cole, Jr. and Louise H. Cole, his wife, 912 Locustvale Road, Towson, Maryland; John Malloy and Mary M. Malloy, his wife, 982 Radcliffe Road, Towson, Maryland; Richard Schnably and Joan Schnably, his wife, 980 Radcliffe Road, Towson, Maryland; Patrick McGuire and Hazel McGuire, his wife, 987 Fairmont Avenue, Towson, Maryland; James J. Deslover and Yvette Deslover, his wife, 9 Wilford Court, Towson, Maryland tax payers and property owners in Baltimore County, Maryland, residing in the immediate vicinity of the property which is the subject of the above captioned proceeding, by Samuel A. Green, Jr. and James H. Cook their attorneys, hereby Appeal from the decision of the Deputy Zoning Commissioner for Baltimore County in the above entitled cause dated March 16, 1960, and request that hearing on Appeal be heard before the County Board of Appeals for Baltimore County.

Samuel A. Green, Jr.
Masonic Building
Towson 4, Maryland

James H. Cook
305 W. Chesapeake Avenue
Towson 4, Maryland
VA 3-4111
Attorneys for Protestants

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-10" ZONE TO AN "R-1" ZONE
AND A SPECIAL EXCEPTION
FOR ELEVATOR APARTMENT BUILDING
N/S Locustvale Road 310
E. Southernly Road, 9th Dist.,
Wm. M. Beury and Minnie Gould
Beury, Petitioners

BEFORE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
No. 4892-RX

The petitioner in the above matter has requested reclassification of the subject property, from an "R-10" Zone to an "R-1" Zone and a special exception for an elevator apartment building.

The contract purchasers of the property have had previous experience in building and operating apartment houses and such building and operating has been superior. It is proposed to invest approximately Three Million (\$3,000,000) Dollars over a four (4) year period. It is proposed to rent the apartments to professional people and retired couples. Plans as submitted are not as complete as they might be.

To the south along Southernly Road andoucher Boulevard is a large apartment area. A portion of the proposed apartment zoning will border on Locustvale Road which is an "R-10" Zone. The nearest apartment building would be about 125 feet from Locustvale Road with intervening screening.

To the west of the subject property and south of the Baltimore County Beltway a special exception was granted for three elevator apartment buildings on July 17, 1959 on a 15 acre site. No one protested.

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AND SPECIAL EXCEPTION FOR
ELEVATOR APARTMENT BUILDING
N/S Locustvale Road, 310
E. Southernly Road, 9th District
Wm. M. Beury and Minnie Gould
Beury, Petitioners

BEFORE
BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 4892-RX

OPINION

The petitioners herein ask the Board to reclassify 5.7 acres of land lying just north of Towson proper and west of Balany's Valley Road in the Ninth District of Baltimore County. The change sought is from an "R-10" Zone to an "R-1" Zone with a special exception to permit the erection of an elevator apartment building. Broadview Realty, Inc., applicants, developers and operators of desirable apartment properties in the Baltimore area, have contracted to purchase the subject property. The Broadview people contemplate an expenditure of approximately \$2,500,000 for the erection of an eight-story apartment building, suitable for the housing of approximately 125 small families. Rentals will vary between \$200.00 and \$300.00 per month depending upon size, and tenants with children will not be considered as the developer desires to make the project attractive for senior citizens in the area.

The contract purchaser owns substantial adjacent acreage which has already been zoned to permit elevator apartments similar to the one herein proposed. Petitioner's exhibit No. 3 indicates the one all plan of internal road construction and site establishment with regard to the projected building.

The property we are concerned with is bordered with "R-1" land to the west and northeast (owned by the instant contract purchaser and dedicated to a use identical and coordinated with the use proposed for the subject property); "R-10" property to the northeast (also owned by the instant contract purchaser and proposed to be developed by them for cottage residential use); "R-10" land, already developed in individual residences, to the southeast; and "R-1" property in use to the south and an "R-10" development to the southwest.

We are impressed with the observation of Mr. Bernard Williamson, a planning expert and former employee of Baltimore County in that capacity, who testified for the petitioners. We give great weight to Mr. Williamson's views, especially since the Baltimore County Office of Planning refused to take a position or express its view as to this matter, nor did any expert testify on behalf of the protestants.

Zoning must look to the future and anticipated need. It would have been better planning and zoning to have included the subject property in with the zoning of July 17, 1959, but individual ownership often makes such a plan impossible.

There has been enough change to warrant the increase of present "R-1" zoning and the request for a special exception for an elevator apartment building is in order.

It is this 16th day of March, 1960, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the reclassification of the above property should be and the same is hereby reclassified from and after the date of this Order, from an "R-10" Zone to an "R-1" Zone, and the special exception is also granted, subject, however, to compliance with the following restrictions and conditions:

- There shall be no access to Locustvale Road.
- All plans and access to roads shall be approved by the Office of Planning before any construction is authorized.
- Suitable screening shall be planted now so that ample screening will exist by the time construction begins.
- The Office of Planning must submit approved plans to the Zoning Commissioner or Deputy Zoning Commissioner for final approval before construction begins and said plans will become a part of this Order.

Deputy Zoning Commissioner
of Baltimore County

Mr. Williamson stated that, in his opinion, "R-10" as adopted in November 1955 by map for this area was in error. He pointed out that to us, the existing substantial "R-1" zoning further, and most persuasive make it practical to develop the "R-1" acreage owned by the contract purchaser to the north and northwest is without sufficient reason to design for the subject property and the use intended. The integrated is in accordance with the spirit and the aforementioned "R-1" property for the area and will be to the best interests of the County.

In our opinion the development of the overall area as it is presently mapped is an error and impractical to the extent that development of the heavy property under consideration here as "R-10" would amount to a virtual confederation of the larger "R-1" area to the north and north-west. The proposed reclassification and special exception before to the Board the opportunity to regulate an entirely integrated plan for the entire area. With regard to the special exception, the Board is "usually" finds that the proposed use will not be detrimental to the public health, safety and general welfare.

To insure that the adjoining residences would be protected and that the development will be to the best interests of Baltimore County, the petition is granted subject to the following conditions and restrictions:

- A detailed plan for the entire area shall be approved by the Office of Planning and Zoning and shall be attached to this Order and made a part thereof. No construction shall begin until such site plan has been so approved, and the development of the property shall be strictly in accordance therewith.
- All buildings shall be set back at least 150 feet from existing residences.
- All parking areas shall be at least 100 feet from existing residences.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of December, 1960, by the County Board of Appeals, that the reclassification and special exception petitioned for, be and the same is hereby granted, subject, to compliance with the above provisions and restrictions.

Any appeal from this decision must be in accordance with Rule 1101 of the Rules of Practice and procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE

Deputy Zoning Commissioner
of Baltimore County

It is this 15th day of December 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception be and the same is extended for one year beginning December 15, 1962 and ending December 15, 1968.

Acting under authority of the County Council of Baltimore County's Bill No. 42, which was effected July 13, 1962, the Zoning Commissioner this 15th day of December 1962 hereby extends the herein special exception for a period of three years beginning July 17, 1962 and ending July 17, 1965.

Deputy Zoning Commissioner
of Baltimore County

The COUNTY Paper, Inc.
Halley G. Sheldon
 Essex Office Manager.

BALTIMORE

COUNTY

BELTWAY

(EASTBOUND LANE →)

EXISTING RA ZONING

PROPOSED COTTAGE DEVELOPMENT
EXISTING R10 ZONING

BEURY
PROPERTY

5.7 Acres ±

PRESENT ZONING R10
PROPOSED ZONING RA

PROPOSED PLAYGROUND

MANOR
R10 ZONING

EXISTING
DULANEY

MANOR

SWARTHMORE

ROAD

DULANEY

VALLEY

(← SOUTHBOUND LANE)

FRAME

EXISTING
STORM
SEC TWO
STONERIDGE
25188
RG ZONING

DRAIN

901
Charles Stetson

STORM SEC TWO
STONERIDGE 25/188
EXISTING R.G. ZONING

EXISTING RA ZONING

PROPOSED COTTAGE DEVELOPMENT
EXISTING R10 ZONING

BEURY
PROPERTY

5.7 ACRES
PRESENT ZONING: R10
PROPOSED ZONING: R.A.

PROPOSED PLAYGROUND

EXISTING R10 ZONING

STONERIDGE SEC ONE
25/29
EXISTING R.G. ZONING
FAIRMOUNT AVE

LOCUSTVALE
SOUTHERLY VALLEY
EXISTING APARTMENTS

FRAME 2

PLAT TO ACCOMPANY
ZONING PETITION
STONERIDGE SECTION THREE

BALTO. Co., Md ELECT. DIST. No 9
SCALE: 1" = 50' DEC 30, 1959
REVISED JAN 18, 1960

