

Oucor Draises & Gerald Freedman.

No. 63-85-R

BALTIMORE COUNTY

OPINION

This is an appeal from an Order of the Zoning Commissioner denying an application for change of zoning classification to "R-A" on a small tract now zoned "B-L" and a larger tract (about three acres) now classified as "R-6", both adjoining a larger parcel of land which has been developed by the same owner under an "R-A" classification for garden apartments with road access thereto through the present "R-6" area. The "R-6" area lies between the "R-A" property and Old Court Road, about 1000 feet south of Liberty Road and south of an extensive area of commercially zoned land orientated to

The tract is bounded on the north and west by other "R-A" Zones now under ent and on the east and south (across Old Court Road) by various residential classifications. A short distance to the west is the pleasant residential development known as "Southgreen" or "Liberty Manor" whose residents are required to use Old Cour Road for access to the main roads and commercial areas in the district.

The petitioners' case is based on the claim of error in the original zoning map and there was opinion evidence by expert witnesses that this was the case. However. the reasons given for the opinions are neither compelling nor persuasive to the Board. From testimony by the Acting Director of Planning for the County and others it would appear that the present zoning was correct when adopted as part of a comprehensive plan and with a realistic approach to the problem. The present "R-6" Zone was planned as a shield or buffer between the "R-A" area and Old Court Road, and there is no reason why this "R-6" area cannot be physically developed under that classification. The apparent motivation for the requested change is, in our opinion, purely economic which is, of course, no reason to grant a change of classification and the Order of the Zoning Commissioner must therefore be affirmed and the reclassification denied.

net -7'63 M

1020' frog

Mr. Edward D. Hardesty Deputy Zoning Commissi County Office Building

Re: Petition for Reclassification from R-6 and B-L zone to R-A zone NN/s Old Court Road, 1020' from Liberty Road - 2nd District Oscar Driesen & Gerald Freedman Petitioners - Case No. 63-85-R

Please enter an appeal to the County Board of Appeals from Order dated October 1st, 1963 in the above entitled case.

I enclose herewith check for \$70.00 advance costs.

SMITH & HARRISON Richard C. Murray torneys for Petitioners

ORDER

day of April, 1964 by the County Board of Appeals, ORDERED that the reclassific petitioned for, be and the same is hereby denied

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B, of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Note: Mr. Austin did not sit at this hearing

RE: PETITION FOR RE-CLASSIFICATION from WR-6" and WB-L" Zone to an WR-A" Zone, N W/S of Old Court Road, 1020' from Liberty Road, 2nd District- Oscar Driese and found Francism-Potitioners

DEPUTY ZONING CONSCISSIONER BALTIMORE COUNTY Case No. 63-85-R

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

Upon hearing on the above petition for re-classification from on "R-6" and "B-L" Zone to an "R-A" Zone, the land lying on the Northwest side of Old Court Road, 1020' from Liberty Road, in the Second Election District of Baltimore County, the testimony produced at the hearing did not indicate that the Official Zoning Map of Baltimore County was in error when adopted by the County Council.

For the reason stated above the re-classification should not he had.

TO IS GENERALD by the Deputy Zoning Commissioner of Baltimore day of October, 1963, that the above re-classification be and the same is hereby DEMIKD and that the above property or area be and the same is hereby continued as and to remain an "R-6" and HD.3.5 2cme.

OSCAR DREISEN and GERALD FREEDMAN IN THE CIRCUIT CORRE V.S NATE N. H. BAUFMAN, R., C. I BALTIMORE COUNTY AND ACBERT MALCHODI and

63-85

MEMORANDUM

This is an Appeal in behalf of the owners of Lans on Old Court Road. For the purposes of this decision, Old Court Anad will be considered as running east and west, and Liberty load will be considered as running north and south. On this orientation the subject property lies on the north side of Old Court Road at a point 1660 feet west of Liberty Road. In its entirety it consists of 11.44 acres and the present application involves essentially a request for the replaceification of parcel one consisting of .265 acros, presently zoned "BL", and parcel two consisting of 3.055 scree presently zoned R-6, to an RA classification. This would conform these parcels to the present coming of the remaining 7.824 scres. The present coming was accomplished by a Plat approved in November. 1962, and the current issue arises under an alleged mistake in that man

One suggestion is made that error is shown by the fact that the tiny sliver representing parcel one was soned BL, a use to which its size would forbid any utility. The easy answer to this suggestion is that in the light of the fact that this sliver of land adjoined the land of this owner zoned RA, the parcel could have been used for that purpose pursuant to the provisions of Section 230.1 of the Zoning Law.

The suggestion then is made that it was error to classify parcel two (3.055 acres) R-6, because that; party met all of the criteria for the establishment of At zones, i.e. that it adjoined commercial property, that it reasonably could serve as a transition between commercial property and lands intended for individua

PETITION FOR ZONING RE-CLASSIFICATION, 63-85 AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

WE STERM Oscar Dreisen
I, or we Garald Freedman andlegal owners of the property situate in Baltimore of the County and which is described in the description and plat attached hereto and made a part bereof, 5E(.2-8 hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ R-6" .6 "B-L" "R-A" ... zone; for the following reasons

There was error in the adoption of the land use map generally known as the Western Area Planning Map and for such other and further reasons that may be assigned at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulatio 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 soning nore County adopted pursuant to the Zoning Law for Baltie

Cecar Greisen. Oscur Dreisen Leveld Rendered Logal Own Gerald Fre

Address 8870 Piney Branch Road Silver Spring, Maryland

Address The Jefferson Building 37000. Use See-7 Towson 4, Maryland VA 3-6200 ORDERED By The Zoning Co.

, 1963 ..., that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulato through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of September 1963 at 1:00 o'clock

1.65

1:00P

9/31/63

residential use, and that it had reasonable access to adequate roads. It is a concossion that parcel two lying on the north side of Old Court Road with an even depth of 150 feet on that road would meet these criteria.

It is argued by the Appellans, however, and the Court accorts the argument that although the land does possess the general characteristics of the criteria rn for RA classification, this does not resolve the issue. The evidence establishes very clearly that although the land meets the general criteria, this property should not be goned RA because there are other lawful considerations which bur its use for such surposes. These are: 1) The great of Ry zening would portait an extension of the commercial uses of the property which it borders on the cast by special exception for office building construction; 2) would operate to of Old Court Road to the west of Liberty Road; and 3) would be used as an excuse for other owners of property fronting on Old Court Road to seek reclassification.

It seems clear therefore, that the question whether this property should be replassified from 3-5 to % is a matter for reasonable debate. It cannot be said that there was error in original gonard, or that the action of the Board was arbitrary

last contention is that the land that comprises parcel two is not susceptible of any use under the R-6 classification, and that accordingly such zoning as applied to it is confiscatory. On this issue it will suffice to say that the evidence persuade the mind of the Court "at the applicants have not met the heavy burden for such

The decision of the Board is affirmed

... ALBERT MENCHINE, Judge

December 29, 1964

Jane Mas . Julia, G. Childa

Associates Grange W. Buddy Robert W. Graham

Jenned M. Glan

Narman F. Perrane

Paul S. Smeins

TZ, CHILDS & ASSOCIATES, INC. Engla ver - Surveyors - Sie Planers 2129 N. Claire St. - Baltimore 18, Marylan 110pline 7-3760 DESCRIPTION

SECOND PARCEL TO BE REZONED FROM RE TO RA, CLD COURT ROAD, SECOND ELECTION DISTRICT. BALTIMORE COUNTY, MARYLAND

Boginning for the same at a point on the northwest side of Old Court 9 10/60 Road at the distance of 1020 feet more or less measured southwesterly vro its intersection with the southwest side of Liberty Road, thence binding on the northwest side of Old Court Road Southwesterly 950 feet more or less to the center Bons Run thence leaving said Cid Court Rend and running in a northeasterly direction and along the last line of the land which by Deed dated August 22, 1962 and recorded among the Land Records of Bultimore County in Liber W. J.R. No. 4034, Felio 612 was conveyed by Frank Strekie and wife to Oscar Dreisen and others, in all 340 feet more or less to the sixth line of the Zoning Description 2 R-A 9 theree binding reversely on a part thereof southeasterly 30 feet more or less, thence binding reversely on a part of the fifth line of said Zoning Description, said fifth line being parallel with and 170 feet measured northwesterly at right angle to the said northwest side of Old Court Road, northeasterly 720 feet more or less to the third line of the land which by Dood dated January 14, 1959 and recorded among the aforesaid Land Records in Liber W. J.R. No. 3475, Folio 648 was conveyed by Frank Strehle and wife to Francis C. Dorsey and wife, thomse southeasterly 175 feet more or less to the place of beginning.

12/6/62 J. C. #62366

#63-85 WESTERN V

Norman P. Herrman

TZ, CHILDS & ASSOCIATES, INC. Engineers - Surveyors - Site Planners 2129 N. Charles St. - Baltimore 18, Maryland HO,1:- 7-5700

DESCRIPTION

FIRST PARCEL TO BE REZONED FROM BL. TO RA, OLD COURT ROAD, SECOND ELECTION DISTRICT,

Wester BALTIMORE COUNTY, MARYLAND

AREA SE1.2-8 Beginning for the same at the beginning of the land waich by deed RA dated August 22, 1952 and recorded among the Land Records of Baltimore County in Liber W. J.R. No. 4034, Folio 512 was conveyed by Frank Acrelia th line of the land which by deed dated March 26, 1913 and reco.

among the aforesaid Land Records in Liber W.P.G. 410-194 was conveyed by John Mays Little to Edie L. Russell and wife at the distance of 90 00 feet casured southeasterly along said seventeenth line from the beginning to thence binding on a part of said seventeenth line S. 58* 16* 30" i... 434 to the end of the third line of land which by Deed dated January 14, 1959 ... was conveyed by Frank Strehle and wife to Francis C. Dorsey and wife theace binding reversely on a part thereof S. 18* 10' 30" E., 5 feet more or less to

angle to the southwest side of Liberty Road said point of intersection being at the distance of 305 feet more or less measured northwesterly along said saidely ling from its intersection with the northwest side of Old Court Road, said parallel line being the fourth line of the soning description 2R-A9, thence binding on said

#63-85

BALTORE COUNTY, MARYLAND TELEPHONE No. 20155 OFFICE OF FINANCE DATE 10/2/63 Division of Collection and Receipts
COURT HOUSE

intersect a line parallel with and 700 feet measured southwesterly at right

TOTAL TE 663-85-R 10-263 4487 . . . ML-73.46

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TODIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PI FASE RETURNUPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY, MARYLAND No. 17788 OFFICE OF FINANCE on of Collection and I COURT HOUSE

50.00 PAID-Tallouse Courty Link - Or at of Place >-2263 4772 · · DI-90.00

IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

M., CHILDS & ASSOCIATES, INC. #63-85

parallel line northwesterly 440 feet more or less to intersect the last line of the land first herein referred to and mence binding thereon N. 24* 13' 04- 8. 48 feet more or less to the place of beginning. WESTERH

ARLA SEC.2-B RA 9/20/63

EHS:sbr 12/6/62

T O 662066

BALTIMORE COUNTY, MARY ND TELEPHONE No. 20822 OFFICE OF FINANCE

DATE May 7, 1964 Division of Collection and Receipts
COURT HOUSE

No. 19940

DATE 10/8/63

OBJET TO ACCOUNT NO. 01.712 BETACH UPPER SECTION AND SETURE WITH YOUR REMITTANCE							\$ 8.00 COST
	Cost of Certified Documents			Cou y Ros	Gerold Fr et Rend, 10 ad		38.00
		574	St 3 - 65		20822*	TIP-	8.00
		>-H	4 3-65	•	20832*	DXP-	00.8
	0						

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTMORE COUNTY, MAR AND OFFICE OF FINANCE Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

10-963 4823 · · TIL-

PORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND LIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND EASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM Gilbert S. Benson

SUBJECT Old Court Apartments (Drainage study)
Court Garden Apartments Election District 2

TO George Reier

WESTERH AREA SEC. 2-B

RA 9/20/63

63-85

A drainage study concerning the above mentioned apartment rites has been professed and approved by this section. Supplementary storm drain connects will be forthcoming within a short

A drainage and utility essement has been deemed acceptable by the Bareru of Engineering.

Wilbert J. Benson GIBERT S. BETSON, Chief Developers Bestern Approval CAB

PETITION FOR RECLASSIFICATION 2ND DISTRICT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, still bade a public hearing concerning all this parcel of land in the Second District of Baltimore County!

"E4" TO "R-A" ZONE

€ 63-85-R

CERTIFICATE OF PUBLICATION

September 13 1963 ... TOWSON, MD.,... THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., uncocinvariable ofx 1 time represented compains before the ... 10th day of _____September_____, 19.63_, the #rst publication appearing on the ___12th___day of______September_____

> THE JEFFERSONIAN, Jeanh Musette

Cost of Advertisement, \$...

THE BALTIMORE COUNTIAN

63-85

No. I Newburg Avenue

CATONSVILLE, MD.

Sept. 16, 1963. THIS IS TO CERTIFY, that the annexed advertisement of

John G. Rose, Zoning Commissioner of Beltimore Conty was inser d in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week successive weeks before the 16th day of September, 1963, that is to say

the same was inserted in the issues of September 13, 1963.

THE BALTIMORE COUNTIAN

By Paul J. Morgany

#63-95-H

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Posted for:Appeal
Petitioner Oscar Breisen & Garald Frondson
Location of a

Location of Signs. NW/S-Old Court Rd. 1020 From Liberty Rd.

Remarks: ...

Date of return: Jan - 9, -1964

Date of Posting ... Jan ... 5 y .. 1964

