

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to an R-A zone,
SE 1/4 Liberty Garden Road 2170'
SW of Liberty Road,
2nd District
Grover C. Mullineux, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-150-R

OPINION

The petitioners here seek a reclassification from an R-4 Zone to an R-A Zone of a twenty-four and one half (24-1/2) acre tract of land, roughly triangular in shape, on the southeast side of Liberty Garden Road between Liberty Road and Windsor Mill Road in the Second District of Baltimore County. The petitioners propose to build 374 garden apartment units on the subject property.

There was testimony from various witnesses appearing on behalf of the petitioners that the property was unfit for R-4 development due to the excessive development costs, mostly for rock excavation which is only one and one half to two feet under the surface of the entire tract of land. There was testimony that there are public utilities available in sufficient capacity to service the proposed 374 units, and that the road leading from Windsor Mill Road to the property would be widened and improved, and that when such improvements are made no congestion would be caused by the rezoning.

There was also testimony by expert witnesses that the County erred in zoning this property R-4 because of the excessive rock problem which renders the property unsuitable for R-4 development, and that the general area in question has been bypassed for development because of this situation. Further, that a higher residential use here is desirable because of the property's proximity to commercial zoning at Timon Lane and Windsor Mill Road, and the fact that one side of the triangular shaped tract runs along the westerly side of the Baltimore County Beltway for approximately 1200 feet and that the attendant impact of the Beltway has a definite detrimental effect on the property for its use as R-4.

All of this testimony was uncontradicted there being no persons at the hearing in opposition to the requested rezoning.

For the reasons set forth above, the reclassification from an R-4 Zone to an R-A Zone is granted.

Grover C. Mullineux, et al, Petitioners
No. 64-150-R

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23 day of June, 1965 by the County Board of Appeals, ORDERED that the reclassification of June, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

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

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

BENNEGAN, CHIPMAN & KIMMEL
ATTORNEYS AT LAW
408-408 JEFFERSON BUILDING
100 WEST MONMOUTH AVENUE
TOWSON, MARYLAND

June 2, 1964

Honorable John C. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification
S/E side Liberty Garden Road,
SW of Liberty Road
Grover C. Mullineux and Helen
K. Mullineux, Petitioners -
No. 64-150-R

Mr. Commissioner:

Please enter an Appeal to the County Board of Appeals from your Order of May 28, 1964, denying the above captioned Petition for Reclassification.

Enclosed herewith is check in the amount of \$156.50, representing payment of the following:

\$86.50 for advertising and posting due
\$70.00 for Appellate fee

Very truly yours,

A. Owen Hennegan, Jr.
Attorney for Petitioners

AOKJ:rnf
Encl.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Grover C. Mullineux and
1. or w. Helen K. Mullineux, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-4 zone to an "R-A" zone; for the following reasons:

1. Error in original map.
2. Change in character of neighborhood

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we agree to pay expenses of above reclassification 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 of Baltimore County.

Irvin Usher
Contract purchaser
Address 3024 Spaulding Ave.
Baltimore 15, Md.

Grover C. Mullineux
Helen K. Mullineux
Legal Owner
Address 3320 Cr. Garden Rd.
Baltimore 7, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1964, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of May, 1964, at 11:00 o'clock A.M.



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

the above Reclassification should be had; and it further appearing that by reason of:

a Special Exception for a... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of April, 1964, that the herein described property or area should be and the same is hereby reclassified, from an R-4 zone to an "R-A" zone, and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

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 petitioners did not know that the land use was in error, or that sufficient changes had taken place to warrant the change to zoning... Although the above is sufficient the streets which would handle traffic for an apartment building are totally inadequate. For the above reasons, the reclassification should be denied.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of April, 1964, that the above reclassification 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 an R-4 zone; and for the Special Exception to be denied.

Zoning Commissioner of Baltimore County

SAVATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Real Estate
2129 N. Clark St., Baltimore, Maryland 21206
(Bklyn. 2-2200)

DESCRIPTION

PART OF MULLINEUX PROPERTY, SECOND ELECTION
DISTRICT, BALTIMORE COUNTY, MARYLAND

PRESENT ZONING: R-6

PROPOSED ZONING: R-A

Beginning for the same at a point on the southeast side of Liberty Gardens Road, 20 feet wide, said beginning point being also the southeast corner of the land described in the deed from James L. Wynne, Jr. and wife to Grover C. Mullineux and wife, dated January 20, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3951, Folio 14, running thence binding on the southeast side of said Liberty Gardens Road and also binding on the first line of said deed S. 50° 06' W., 60.00 feet, thence leaving said road and binding on the second line of said deed S. 39° 49' E., 230.84 feet to a point on the sixth or S. 46° 3/4' W., 78-1/4 perch line of the deed from Mary M. Kiohr and husband to Aaron Neuman and wife, dated October 28, 1919 and recorded among said Land Records in Liber W.P.C. No. 518, Folio 36, thence binding on a part of the sixth and on the seventh and eighth lines of said last mentioned deed the three following courses and distances (1) S. 50° 09' W., 628 feet, more or less, (2) S. 23° 24' W., 278.85 feet to the north side of a 20 foot road there laid out and (3) binding on the north side of said 20 foot road, N. 89° 21' W., 176.55 feet to the southeast side of



SAVATZ, CHILDS & ASSOCIATES, INC.
2129 N. Clark St., Baltimore, Md. 21206
Page Two

said Liberty Gardens Road, thence binding thereon S. 21° 24' W., 20 feet more or less to the end of the fifth or S. 87-1/4° W., 89-1/2 perch line of the deed from Mary M. Kiohr and husband to William H. Timanus and wife dated June 17, 1920 and recorded among the said Land Records in Liber W.P.C. No. 527, Folio 106, thence binding reversely on said fifth line S. 89° 21' E., 1476.75 feet to the beginning thereof and to a point on the seventh or N. 58° E., 68-6/10 perch line of the land conveyed to Grover C. Mullineux and wife by Mary M. Kiohr and husband by deed dated August 17, 1946 and recorded among said Land Records in Liber R.J.S. No. 1495, Folio 20, thence binding on a part of said line N. 61° 24' E., 30 feet, more or less to the west side of the Right of Way Line of the Baltimore County Beltway, shown on Plat No. 10646 of the State Roads Commission of Maryland, thence binding thereon the three following courses and distances: (1) northerly 1140 feet, more or less, (2) westerly 20 feet, more or less, and (3) northerly 150 feet, more or less to a point on the fourth or S. 40° W., 19 perch line of the aforementioned deed from Mary M. Kiohr and husband to Aaron Neuman and wife, thence binding on a part of said fourth line and on the fifth and on a part of the sixth lines of said deed the three following courses and distances, (1) S. 43° 24' W., 135 feet more or less, (2) S. 63° 24' W., 231 feet and (3) S. 50° 09' W., 600 feet, more or less to the beginning of the fourth or N. 39° 49' W., 231.0 foot line of the deed first herein referred to thence binding thereon N. 39° 49' W., 231 feet to the place of beginning.

GA:abr 12/17/63 J. O. # 63263

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee
FROM: Capt. Paul H. Reinecke
Fire Bureau
SUBJECT: Grover C. Mullineux
38 1/2 Liberty Garden Road, 2170' SW Liberty Road
District 2 - 4/26/64

1. The circular road, 20 feet in width, should be increased in width to insure unobstructed access for emergency vehicles; especially where parking is proposed on the horsebuses.

2. Water mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Baltimore County Standard Design Manual. Spacing of hydrants shall be 500 feet distance apart as measured along an improved road, and within 300 feet from any dwelling. Hydrants shall be located in a pattern approved by the Baltimore County Fire Bureau.

Contact Capt. Paul H. Reinecke at Valley 5-7310 for information concerning above comments.

PHR/abr
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John A. Rogers, Zoning Commissioner Date: May 15, 1964

FROM: Mr. George F. Savellis, Deputy Director
601-150-1SUBJECT: From Sub. to R-4 Zoning, Southeast side of Liberty Garden Road
2170 feet Southwest of Liberty Road. Being the property of
Grover C. Mullineaux and Helen K. Mullineaux.

2nd District

HEARING: Wednesday, May 27, 1964 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Reclassification from R-6 to R-4 zoning and has the following advisory comments to make with respect to pertinent Planning Factors:

- In making recommendations for comprehensive zoning for the Western Planning Area, the Planning Board and its staff sought carefully to identify standards for the location of apartment development. On one hand, it recognized the need for providing for rental housing in the planning area. On the other hand, it recognized that apartments are developed at higher densities than occur in other types of residential development. Apartments require locations which not only are related to community services and facilities but to superior access. Such locations were provided by the Western Planning Area Map.
- The subject property is located well within a residential neighborhood whose principal access is by means of either Liberty Road or Windsor Hill Road. Its access is by means of Liberty Garden Road which links to the north with other residential streets and provides a circuitous route to Liberty Road or the Beltway. Property is removed by approximately one-half mile from direct access to either Liberty Road or Windsor Hill Road.
- In the opinion of the Planning staff, creation of apartment zoning here would constitute spot zoning in the sense that such zoning is not in accordance or consistent with the objectives of the comprehensive plan.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON 4, MARYLAND

A. Owen Henningsen, Jr., Esq.
100 Jefferson Building
Towson 4, Maryland

Dear Sirs:

SUBJECT: Petition for Reclassification for
Grover Mullineaux
601-150-1

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING & ZONING: All access to subject site will be by way of streets which were designed for R-6 type density; apartment zoning here will create an additional traffic load on the streets (Henningsen) which do not function properly in their present condition with same as Planning & Zoning.

BUREAU OF ENGINEERING: No comment

HEALTH DEPARTMENT: water and sewer available

STATE ROADS COMMISSION: No comment

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: see attached

INDUSTRIAL DEVELOPMENT: No comment

BUILDINGS DEPARTMENT: No comment

BOARD OF EDUCATION: Will review and comment at a later date.

cc: Albert Gentry, Office of Planning & Zoning
Albert Nelson-Traffie
David Haddock, Board of Education
JED/sa

Yours very truly,

James C. Jones
JAMES C. JONES

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 9, 1964

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 each of the days of May 1964, the last publication appearing on the 23rd day of May 1964.

THE JEFFERSONIAN

James C. Jones
Manager.

Cost of Advertisement, \$

TELEPHONE
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCEDivision of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 27514

DATE 10/20/64

To: A. Owen Henningsen, Jr., Esq.
Jefferson Building
Towson 4, Md.

BILLED

Office of Planning & Zoning
119 County Office Bldg.
Towson 4, Md.

DEPOSIT TO ACCOUNT NO.	01-622	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Cost of posting property for appeal hearing Mullineaux property - 601-150-1	\$15.00
	PAID - Baltimore County, Md. - Office of Finance	
	10 2264 6317 • 27514 TIP -	3.00

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.TELEPHONE
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCEDivision of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 23006

DATE 6/3/64

To: A. Owen Henningsen, Jr., Esq.
100 Jefferson Building
Towson 4, Md.

BILLED

Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	01-622	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Advertising and posting of property for Grover C. Mullineaux 601-150-1	\$65.50
	PAID - Baltimore County, Md. - Office of Finance	
	6-364 4907 • 23006 TIP -	6.50
	6-364 4907 • 23006 TIP -	6.50

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.TELEPHONE
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCEDivision of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 23325

DATE 6/13/64

To: Herman Henningsen, Chipman & Kimmel
100 Jefferson Building
Towson 4, Md.

BILLED

Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	01-622	TOTAL AMOUNT
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Petition for Reclassification for Grover C. Mullineaux	\$65.00
	PAID - Baltimore County, Md. - Office of Finance	
	4-1464 2322 • 23325 TIP -	\$0.00

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.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Time 5:45 P.M.

District 2nd Date of Posting MAY 12, 1964

Posted for: Reclassification from R-6 to R-4

Petitioner: Grover C. Mullineaux

Location of property: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Location of Sign: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Remarks: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Posted by: J. A. Jones

Date of return: MAY 14, 1964

2 Signa

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 2nd Date of Posting JUNE 13, 1964

Posted for: APPEAL

Petitioner: GROVER C. MULLINEUX, ETAL

Location of property: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Location of Sign: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Remarks: 2170 S. LIBERTY GARDEN RD. 2170 S.W. of LIBERTY RD.

Posted by: J. A. Jones

Date of return: JUNE 18, 1964

B.C.M.D.
Grand Meridian

LIBERTY GARDENS ROAD
N 20° 57' E - 29.40'
S 87° 36' 00" W - 14.12'

LIBERTY GARDENS APTS.
OTG 31-102

BEXHILL

PARCEL "B"

RUDISILL

COURT

ROAD



John C. Childs, Jr.

PROPOSED SWIMMING POOL

FOR

PARCEL "B"

LIBERTY GARDENS APARTMENTS

2ND ELECTION DISTRICT
SCALE 1"=50'

BALTIMORE COUNTY, MD
JULY 19, 1947
SEPT. 23, 1957

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *W. D. Smith*
DATE 10/14/57
For Pool Location Only

MATZ CHILDS & ASSOCIATES
1070 CROMWELL BRIDGE RD
BALTIMORE, MD 21204

89-5

JO 62567

LIBERTY GARDENS RD

Zurück zu den Grundlagen

ALBERT J. RAYMOND
SCHUBERT
WIFE
COLEY
WIFE
WAGGONER
1524 295

2000

TOTAL AREA OF TRACT	23.542 AC.
GROSS RESIDENTIAL AREA	23.542 AC.
NET RESIDENTIAL AREA	21.948 AC. 80' x 60' CM
TOTAL APARTMENT UNITS PERMITTED	378
TOTAL APARTMENT UNITS PROPOSED	378
TOTAL PARKING SPACES REQUIRED	572 (34 x 16)
TOTAL PARKING SPACES PROPOSED	572 (34 x 16)
ENDING ZONING	QA

✓ = body appl. # 386-66

PRELIMINARY DEVELOPMENT PLAN
LIBERTY GARDEN
APARTMENTS

2nd ELECT ON DISTRICT

scale: 1:50

DEVELOPER

CARL F EDWARD JULIO
804 25TH ST NW
SEATTLE 98107-1100

CHAS L
1070 COLUMBIA AVE
SEATTLE 98104-00

ENGINEER

FEB 25 1986
BY ALVIN L. BUCK

BALTIMORE COUNTY MD



FRED & STEPHENS
C. H. 108-276

108

108

ALICE L. ARCAHANT
STEWART CONRAD
JUL 2 1988 W-12 553
206 .421

W. J. P. 674-114

ALBERT J. CAMONDI
SECURED
WIFE
JAN 1924
W.C. 3600
- 271
- 280

PROPERTY OF
HEALTH CO.

LIBERTY GARDENS RD

STY ROAD TOWSON

TOTAL AREA OF TRACT	22.346AC.
GOOD RESIDENTIAL AREA	2.287AC.
NET RESIDENTIAL AREA	1.9459 AC. 80' 0" 00"
TOTAL ACRESMENT UNITS PERMITTED	373
TOTAL ACRESMENT UNITS PROPOSED	275
TOTAL REQUIRED SITES REQUIRED	275 (4.549)
TOTAL REQUIRED SITES PROPOSED	206 (40.70)
MINIMUM SITES	24

✓ = Adm. appl. # 386-66

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY W. J. [Signature]
DATE 7/16/50

PRELIMINARY DEVELOPMENT PLAN
LIBERTY GARDEN
APARTMENTS

DEVELOPER -
CLAUDE EDWARD HALL
1052 HITCHCOCK LANE
DARTO 21204 MD
FEB 25 1966
REV APR 12 1966
ENGINEER -
WALTER CHLOE HALL
1052 HITCHCOCK LANE
DARTO 21204 MD



BOARD OF EDUCATION
G.L.D. 5005 271

SE. 420 5.5 KIN
C.T.O. 4870 1/2

ALFRED A. CHEBENSKI
WIFE
G.L.D. 4297 7005

JOHN W. KELLY
WIFE
G.L.D. 5008 200

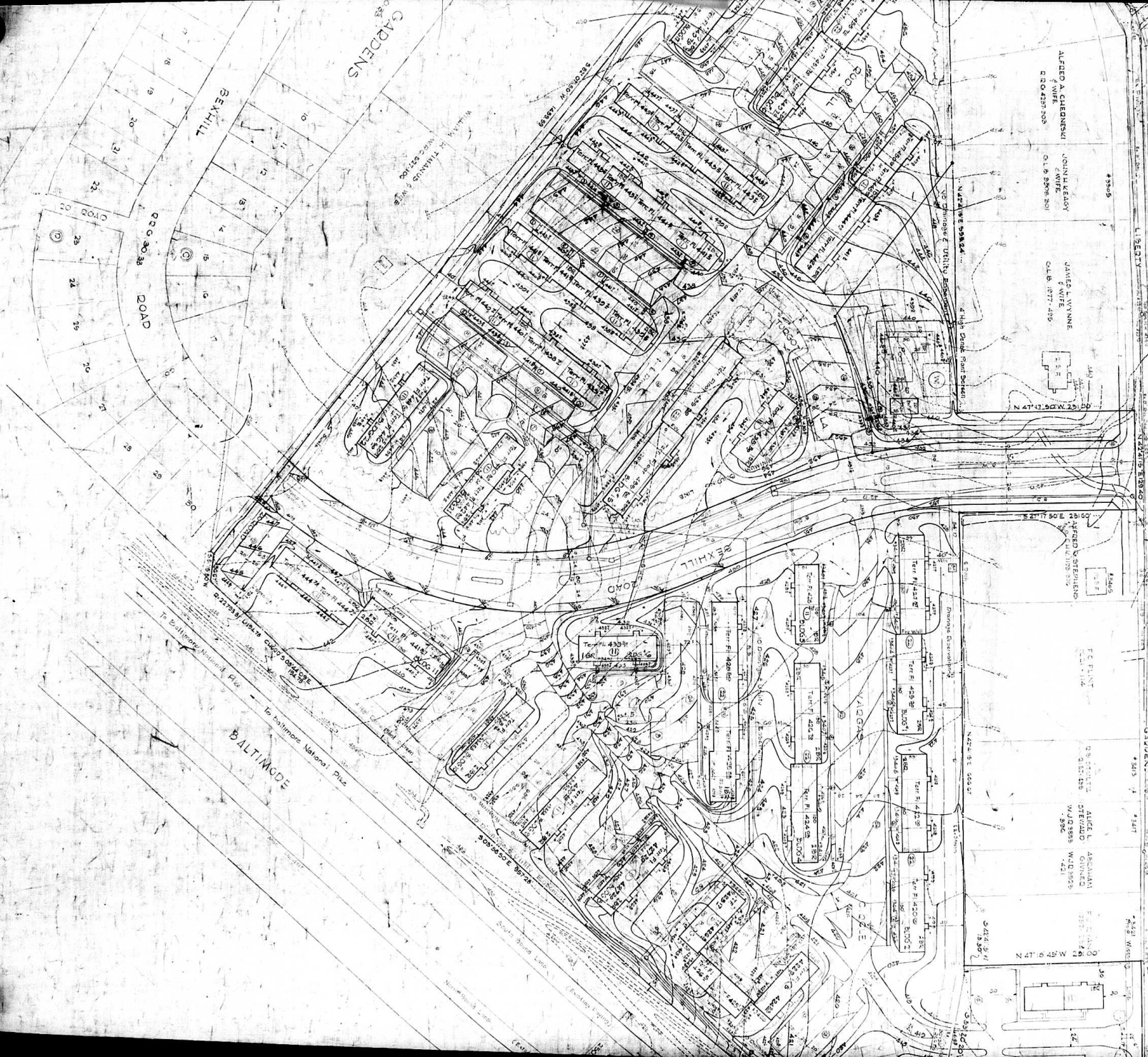
JAMES A. WYNN
WIFE
G.L.B. 1877 485

FEELING
WIFE
G.L.D. 4100 514

ALICE D. ADAMSON
WIFE
W.L.D. 5005 296

W.L.D. 5005 296

M. 47 9 47 N



24150

BEARD PARK
C/O 4500 G

LIBERTY GARDEN
APARTMENTS
DATE: 3/17/68

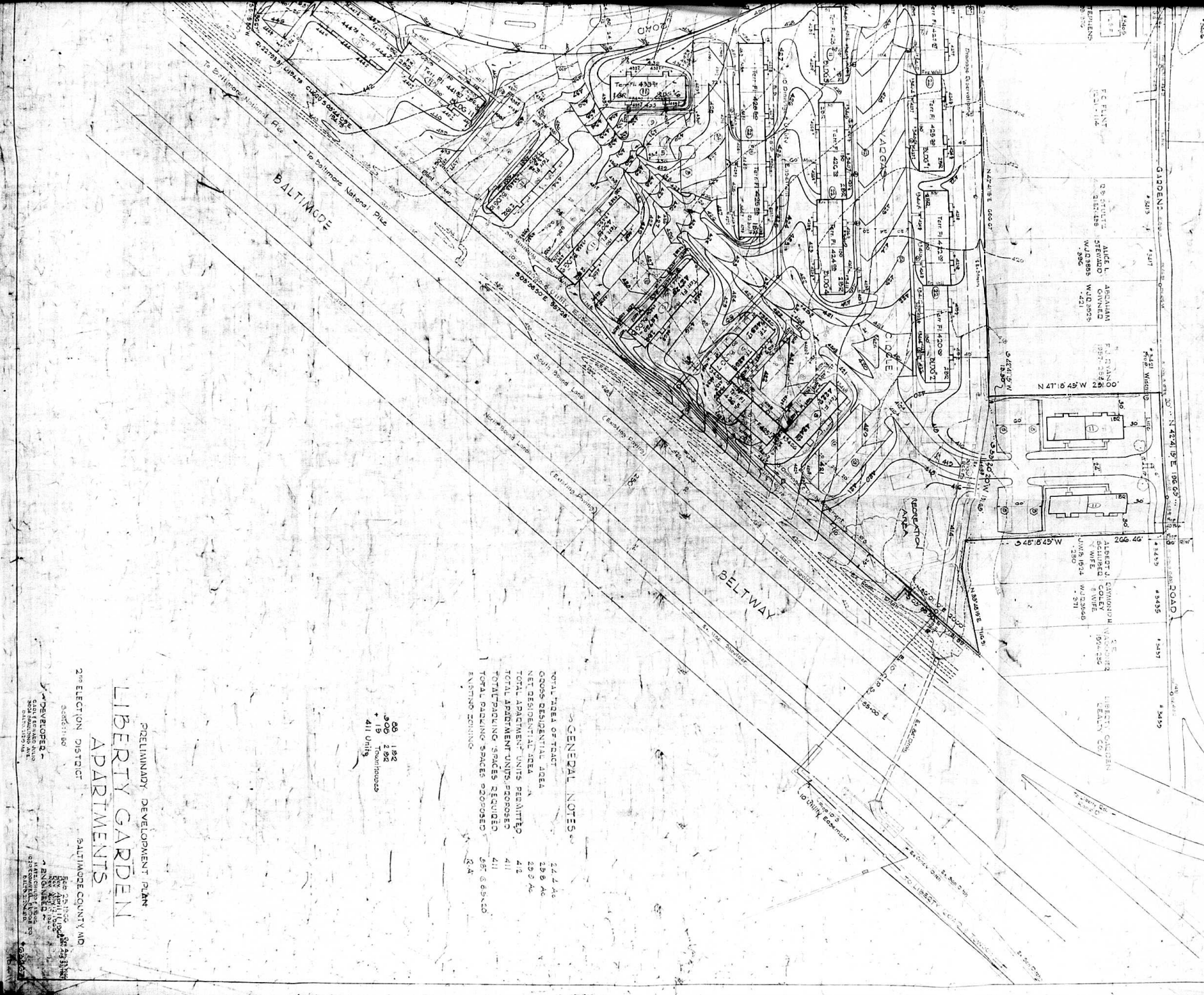
LIBERTY GARDEN RD

ADULT L. AQUARIUM
1955-1958
W.D. 9073
W. 896
W. 421

N 47° 16' 45" W 286.00'
345° 16' 45" W

ALBERT J. BARNHARTT
WIDOWED
190-150
WIFE
JAMES B. 4 WID. 2546
- 571
- 130

LIBERTY GARDEN
APARTMENTS
DATE: 3/17/68



GENERAL NOTES

TOTAL AREA OF TRACT 22.4 AC
GROSS RESIDENTIAL AREA 190 AC
NET RESIDENTIAL AREA 190 AC
TOTAL APARTMENT UNITS PERMITTED 412
TOTAL APARTMENT UNITS PROPOSED 411
TOTAL PARKING SPACES REQUIRED 411
TOTAL PARKING SPACES PROPOSED 357 65% TO
FUTURE GROWING 54

60 152
300 152
119 THIRTYFOUR
411 Units

PRELIMINARY DEVELOPMENT PLAN
LIBERTY GARDEN
APARTMENTS

2nd ELECTION DISTRICT BALTIMORE COUNTY MD

DESIGNED BY: [Signature]
DATE: 3/17/68
LIBERTY GARDEN
APARTMENTS
DATE: 3/17/68