

RE: PETITION FOR RECLASSIFICATION
from an R-4 zone to an R-A zone,
NW/5 Liberty Gardens Road 300'
from the intersection of
Timonus Lane,
Second District
Pearl M. Kepner,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-82-R

OPINION

This case represents an application for rezoning from R-4 to R-A of 8.29 acres of land, more or less, on Liberty Gardens Road near Timonus Lane in the Second District of Baltimore County, upon which it is proposed to erect three buildings containing 122 family units with parking space for 140 automobiles, a large swimming pool, and a reflecting pool. The buildings, according to the proposed plans, will surround on three sides a large grass plot or park-like area. The general location is close to the intersection of Liberty Road and the Baltimore County Beltway. The plans, as presented, indicate an extensive improvement over the present state of the land as it appears from an inspection of the site as well as from the photographs introduced as an exhibit in the case.

At the hearing no protestants appeared and counsel for the previous protestants appeared for the sole purpose of withdrawing his appearance in the case and stated, for the record, that his clients no longer wished to protest the application.

Without going into the testimony presented by the applicant in detail, the Board finds that there was error in the original zoning and that there have been extensive changes in the immediate neighborhood sufficient to warrant the granting of the application. We find that water and sewer are both available to the property and that there is no present or foreseeable problem as to capacity for either. It was testified that the petitioners have come to an agreement with the previous protestants in connection with some discussion of a present situation under which storm water is interchanging with the sanitary sewer system, which problem is being remedied by the County with assistance from the petitioners in this case. It is to be noted that the physical facts in this case are similar to those in the Mullineux case (Case No. 64-150-R) in which rezoning has been granted by the Board, and that several residents of the neighborhood appeared as witnesses for the petitioner in favor of granting the application.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 10th day of November, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

RUSSELL M. HERRERT
3005 N. CALVERT STREET
BALTIMORE 18, MD.

July 17, 1964

Description for Zoning of Parcel on Liberty Gardens Road

Beginning for the same at a point on the Northwest side of
Liberty Gardens Road at the distance of 300 feet more or less from
the intersection of Liberty Gardens Road and Timonus Lane and
running thence binding on Liberty Gardens Road North 42 degrees
33 minutes 42 seconds East 496.0 ft thence North 65 degrees 43
minutes 10 seconds West 605.36 ft thence South 42 degrees 42
minutes 42 seconds West 567 ft thence South 56 degrees 06 minutes
10 seconds East 566.0 ft to the place of beginning.

Containing 8.29 acres of land more or less.

Pearl M. Kepner - #65-82-R

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

R. Bruce Alderman, Acting Chairman

W. Giles Parker

John A. Slonik

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, 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,
herely petition (1) that the zoning status of the herein described property be reclassified, pursuant
to the Zoning Law of Baltimore County, from an _____ zone to an _____
zone; for the following reasons:

1. error in the original map

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.

I, 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.

Address _____
Contract purchaser _____
Address _____
Legal Owner _____

Address _____
Petitioner's Attorney _____
Address _____
Petitioner's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day
of _____, 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 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
County, on the _____ day of September, 1964, at 11:00 o'clock
A.M.



(over)

PRICE: VA. 6-578

FRED E. WALDROP
Tid Magister
TOWSON 4, MD.
Masonic Building

October 6, 1964

Mr. John G. Rose,
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification Property of Pearl M.
Kepner Liberty Gardens Road 300' from Timonus
Lane - No. 65-82-R

Dear Mr. Rose:

Please enter an Appeal in the above-entitled matter.

Very truly yours,

Fred E. Waldrop
Fred E. Waldrop,
Attorney for Pearl M. Kepner and
Rubin Lobovitz

FEW:b

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301/923-0900

DESCRIPTION

7.4461 ACRE PARCEL N.W. SIDE OF LIBERTY GARDEN ROAD,
2000' ± S. W. OF LIBERTY ROAD.

Beginning for the same at a 3/4 inch rod set on the northwest
side of Liberty Garden Road 36.5 feet wide, said rod being at the
beginning of the 2nd line of the land described in the deed from Louis
Arpin and wife to Charles A. Kepner and wife, dated October 5, 1946
and recorded among the Land Records of Baltimore County in Liber
R. J. S. 1511 page 450, running thence binding on a part of said 2nd line
and binding on the northwest side of said Liberty Garden Road, varying
in width from said 36.5 feet wide to 20 feet wide at the end of said 2nd
line, S 41°42'40" W - 171.00 feet to a 3/4 inch pipe set, thence for lines
of division the three following courses and distances, (1) running at right
angles to the southeast side of said Liberty Garden Road, N 47°16'45" W -
170.00 feet to 3/4 inch pipe set, (2) running parallel to said southeast
side of Liberty Garden Road, S 42°41'15" W 125.00 feet to a 3/4 inch pipe
set, and (3) S 47°16'45" E - 172.13 feet to a 3/4 inch pipe set on the north-
west side of said Liberty Garden Road and on said 2nd line, thence binding
on the northwest side of said Liberty Garden Road and on a part of said
2nd line, S 41°42'40" W - 371.82 feet to a 3/4 inch pipe set at the end of
the 3rd line of the Land described in the deed from Charles A. Kepner and

Water Supply & Sewerage > Drainage > Highways & Structures > Developments & Investigations & Reports

Re: Petition for Reclassification
R-4 to R-A Zone
100' of Liberty Garden Road
300' more or less, from the inter-
section of Timonus Lane and Mgt. 1
Pearl M. Kepner-Petitioner

DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-82-R

The petitioner seeks a reclassification from an R-4 Zone to
an R-A Zone for property located on the northwest side of Liberty Gardens
Road, 300 feet more or less, from the intersection of Timonus Lane in the
Second Election District.

The testimony and evidence produced at the hearing filed to
show an error in the original zoning is such a substantial change in
the character of the neighborhood to justify the rezoning result.

For the foregoing reasons, it is ORDERED by the Deputy Zoning
Commissioner of Baltimore County, this 23rd day of September, 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.

Edward D. Hadley
Deputy Zoning Commissioner of
Baltimore County

Page 2

wife to Byron Realty, Inc., dated December 20, 1955 and recorded among said
Land Records in Liber G. L. B. 2844 page 467, thence binding reversely
on said 3rd line, N 55°57'00" W - 565.05 feet to 3/4 inch pipe set at
the beginning of the 3rd line of the land described in the deed from Byron
Realty, Inc. to Board of Education of Baltimore County, dated August 28, 1956
and recorded among said Land Records in Liber G. L. B. 3003 page 271,
said last mentioned pipe being distant N 41°45'10" E 300.03 feet, as
measured reversely on said last mentioned 3rd line, from a concrete
monument heretofore set at the end thereof, thence binding reversely on the
2nd line of said last mentioned deed and binding reversely on the 2nd
line of said deed to Byron Realty, Inc., N 41°45'10" E - 567.47 feet to
a concrete monument heretofore set in the 1st line of the deed last here-
inafore referred to, thence binding on a part of mid 1st line, S 65°43'14"
E - 586.53 feet to the place of beginning.

Containing 7.4461 acres of land.

Being a part of the land described in the deed from Louis Arpin
and wife to Charles A. Kepner and wife, dated October 5, 1946 and
recorded among the Land Records of Baltimore County in Liber R. J. S.
1511 page 450.

RWB:impl

J. O. # 66000

January 7, 1966

The following members had no comment to make:

Redevelopment & Rehabilitation Commission
State Roads Commission
Industrial Development Commission
Board of Education
Buildings Department

Yours very truly,

James C. Byer
James C. Byer
Chief of Permit and
Petition Processing

A dark, textured rectangular area, possibly a book cover or endpaper, with a lighter, speckled border at the top. The main body is black, and the top border is a light gray with a grainy texture. The text "GEU1285" is visible in the top left corner of the light border.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Concerning all that parcel of land in the Second District of Baltimore County, Maryland, containing 10.75 acres of land, being the same as a portion of the Southern end of Liberty Gardens Road at the disjunction of the Southern end of the intersection of Liberty Road and Thimble Lane and remain, thence bounding on Liberty Gardens Road North 42 degrees 31 minutes 42 seconds East 25.75 feet, thence North 45 degrees 41 minutes 30 seconds West 607.00 feet, thence South 43 degrees 42 minutes 42 seconds West 587.00 feet, thence South 50 degrees 18 minutes 18 seconds East 566.00 feet, the place of beginning, containing 8.75 acres of land more or less.

Being the portion of Pearl Waters, as shown on a plat filed with the Zoning Department.

BY ORDER OF
JOHN C. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

June 28,

THIS IS TO CERTIFY, that the annexed advertisement of
John C. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COURIER, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one week ~~succession~~ weekly before
the 31st day of August,
the same was inserted in the issue of
August 28, 1964.

THE BALTIMORE COURIER

By: *Paul S. Morgan*
Editor and Manager.

R. M.

85-8

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District...883..... Date of Posting...August 29, 1964.....

Posted for...Petition for Rezoning.....

Petitioner...Harli W. Rogers.....

Location of property...1192 E. Liberty Avenue, E. 300' from Chesapeake.....

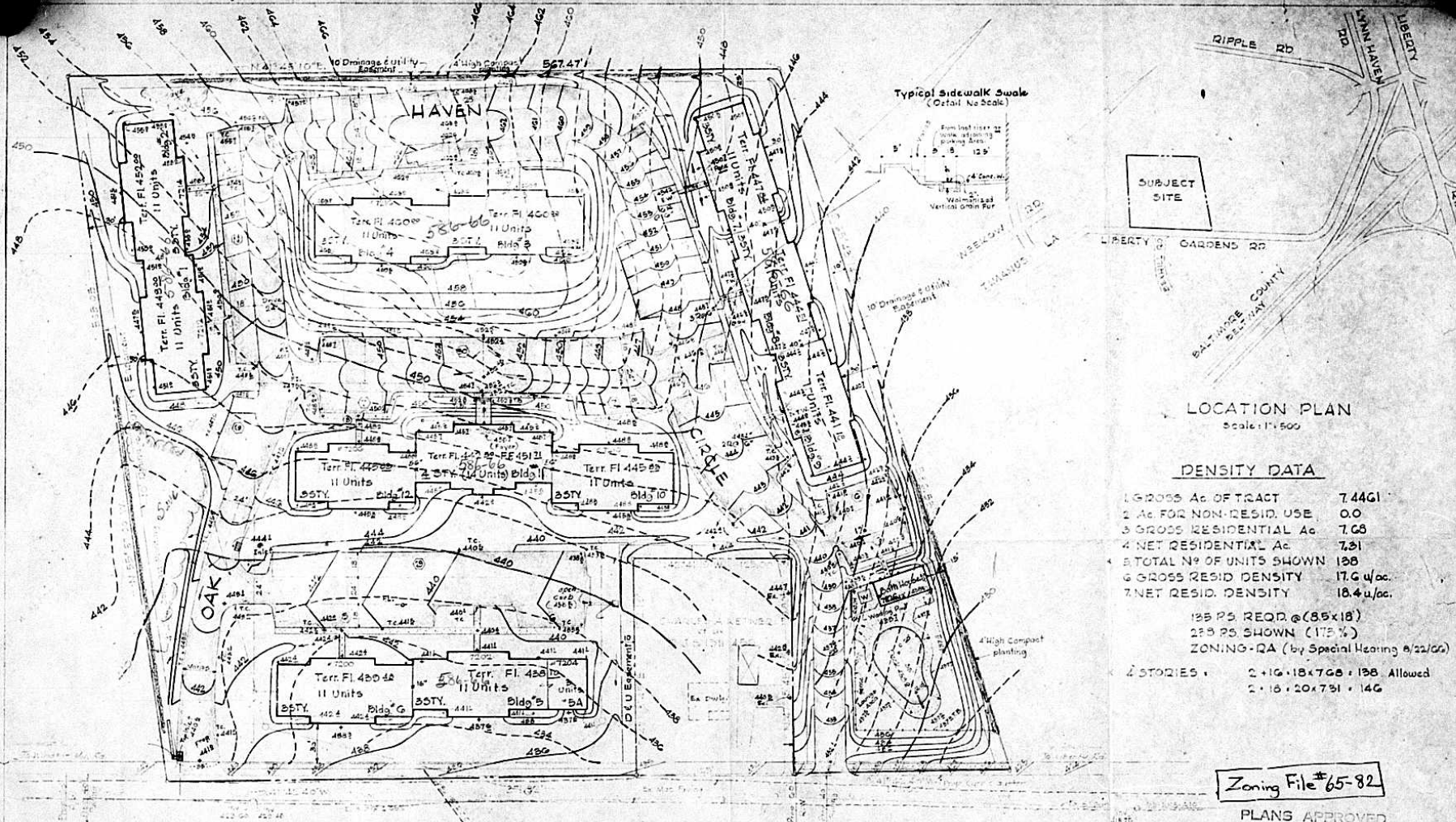
Location of Signs...(1) 300' N. Indiana Ave. (4) 450' E. Chesapeake Ave.
(1) 600' E. Indiana.....

Remarks...Location of property not marked on map.....

Posted by...J. A. Hance..... Date of return...September 2, 1964.....

32490





LOCATION PLAN
Scale: 1"=500'

DENSITY DATA

1 GROSS AC OF TRACT	7.4461
2 AC FOR NON-RESID. USE	0.0
3 GROSS RESIDENTIAL AC	7.68
4 NET RESIDENTIAL AC	7.31
5 TOTAL NO OF UNITS SHOWN	188
6 GROSS RESID. DENSITY	17.6 u/ac.
7 NET RESID. DENSITY	18.4 u/ac.

188 PS. REQD. @ (85x18)

288 PS. SHOWN (175%)

ZONING - RA (by Special Hearing 8/22/66)

2 STORIES: 2+16+18+768=188 Allowed
2+16+20+731=146

Zoning File #65-82

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *W. D. Smith*
DATE: 10/28/66

GRADING PLAN

"OAKVIEW"

APARTMENTS

ELECT. DIST. 2
SCALE 1"=50'

BALTO. CO. MD.
AUG. 24, 1966
SEPT. 10, 1966
Rev. Oct. 6, 1966

* NOTE:

- 1) This plan is subject to "FINAL APPROVAL" by Balto. Co. which is scheduled for, or about Oct. 24, 1966
- 2) On site utility layout is schematic and subject to FINAL SERVICE locations to be determined by Plumbing Contractor

DEVELOPER
NORWITZ CONSTRUCTION CO.
7061 EASTERN AVE.
SILVER SPRING, MD.

ENGINEER
MATZ CHILDS & ASSOCIATES
1020 CROMWELL BLVD. RD.
BALTIMORE, MD 21204

(APPL. #586-66)

