Timonus Lane, Second District Pearl M. Kepner

Petitione

REFORE

COUNTY BOARD OF APPEALS OF

83

Liberty

RALTIMORE COUNTY No. 65-82-R \

## OPINION

This case represents an application for rezoning from R-6 to R-A of 8.29 acres of land, more or less, on Liberty Gardens Road near Timanus Lone 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 improvment 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 sale 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 imm diate 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 Mullineaux 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.

For the reasons set forth in the afaregoing Opinion, it is this /otay of November, 1965 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby GRANTED.

DUCCELL M. HERBER 3005 N. CALVERT STREET

July 17, 1964

#65-82R WESTERN

No. 2690

Description for Zoning of Parcel on Liberty Gardens Road F. 28

Beginning for the same at a point on the Northwest size of 9/4/4 Liberty Gardens Road at the distance of 300 feet more or less from the Intersection of Liberty Gardens Road and Timanus Lane and running thence binding on Libersy Gardens Road North 42 degrees 33 minutes 42 seconds East 496.0 ft thence North 65 degrees 45 minutes lo seconds West 605.36 ft thence South 42 degrees 42 minutes 42 seconds West 567 ft thence South 56 degrees 06 minutes lo 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

#65-82 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Wester neer hereby petition (I) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an \_ R-6\_ R.A. zone; for the following reasons;

I, error in the original man

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 re-classification and/or Special Exception advertising, osting, 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

Hulm Jaleuf

Peal M. Tepner Address 3 40 & Liberty Sander Rol

Marris W. Baldwi Balto 21207 ml. Bldy . Towsony Md

Address Va 5 - 5678

ORDERED By The Zoning Commissioner of Baltimore County, this ..... 6th

..... 196A., 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 14th 

A----N- - AUG 6- '64 400 CIPACE OF PLANNING & ZUNING

4.2

3,00

FRED E. WALDROP Trial Magistrate Masonic Buildin

1 A2' B- TOD

#65-82R

WESTERN

Mr. John G. Rose, Zonina Commissioner for Baltimore County Zoning Commissioner for County Office Building Towson, Maryland 2120

> Re: Petition for Reclassification Property of Pearl M. Kepner Liberty Gardens Road 303' from Tim Lane - No. 65-82-R

Dear Mr. Roses

Please enter an Appeal in the above-entitled matter.

Very truly yours,

Fac & Wacles Fred E. Waldrop, Attorney for Pearl M. Kepner and Rubin Labovitz

FFW-h

CONSULTING

Bridge Rd., Baltimore, Md. 21204, Tel. 301/6

DESCRIPTION 7.4461 ACRE PARCEL N.W. SIDE OF LIBERTY GARDEN ROAD.

2000' - S. W. OF LIBERTY ROAD.

PREA Beginning for the same at a 3/4 inch rod set on the northwest 5E1.2-B side of Liberty Garden Road 36.5 feet wide, said rod being at the RA 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 line of division the three following courses and distances, (1) running at right angles to the southeast side of said Liberty Garden Road, N 47\*18'45" 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\*18'45" E - 172, 13 feet to a 3/4 inch pipe set on the northwest 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 E Sewerage O Drainage > Highways E Structures @ Developments > Investigations E Reporte

RE: Petition for Reclassification R-6 to R.A. Zone NM/S of Liberty Garden Read 300, more or less, from the inter-section of "immus lane- End Dist. Pearl M. Espner-Petitioner.

BEFORE THE DEPUTY ZONING COMITS BALTINGE COUNTY

The petitioner steks a reclassification from an H-6 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 Timanus Lane in the Second Election District.

The testimony and evidence produced at the hearing filed to show an error in the original zoning resuch a substantial chance in the character of the neighborhood to butify the recoging sports.

For the aforegoing reasons, it is GODDED by the Benety Zening Commissioner of Daltimore County, this 23 day of September, 1964. that the above reclassification be and the same is hereby DECHED and that the above described property or area be and the same is hereby egutinged as and to remain as R-6 Zone.



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 1st hereinabove 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:mal

J.O. # 66000

January 7, 1966

PETITION FOR RECLASSIFICATION 2nd DISTRICT ZONING: From R-6 to R. A. ZONNG: From No.
Zone.
LOCATION: Northwest side of
Liberty Gardens Road 300 feet,
more or less, from the intersection of Transmis. Lord
DATE AND TIME:
SEPTEMBER, 14, 1954 at 11:00 "STATE AND THIS CONTINUES."

STATEMENT, N. C. AND THIS CONTINUES. THE STATEMENT AND more or less.

Being the property of Pearl

M. Kepner, as shown on plat
plan filed with the Zoning De-BY ORDER OF JOHN G. ROSE JOHNG COMMISSIONS OF BALTIMORE COU

Maurice W. Baldwin, Esq.

OFFICE OF PLANNING & ZOVING

BUILDAU OF TRAFFIC AND MEERING

Will submit written comments at a later date.

facilities and the proposed swimming pool.

The following memors had no comment to makes

State Scale Commission Industrial Development Commission Loard of Education Buildings Department

Redevelopment & Rehabilitation Commission

BURNU OF E-GETE-REIG

FIRE BURGAU

HEALTH DEPART ENT

Masonic Dutiding Touson, Maryland

ORIGINAL THE BALTIMOR COUNTIAN 65-82 THE COMMUNITY NEWS CATONSVILLE, MD. No. I Newburg Avenue August 31, 19 64

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

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week succession weeks before 19 64, that is to say the 31st day of August, the same was inserted in the issues of August 28, 1964.

THE BALTIMORE COUNTIAN

August 6, 1964

HALTE ONE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING TOWSON 4, MARCHAND

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

The plan does not provide pedestrian access to the play area or the grass area located

Liberty Garden and is inadequate in as much as it does not neet the minimum County stundards required for this type of development.

Subject to State & County Health Department Regulations regarding water and sower

kater is available but must be extended from Rosman Road. Sanitary sewer is available.

By Paul J. Morgan Editor and Manager.

#65-82R

Pearl M. Repner Reclass, R-6 to R.A. SUBJECT: Location; S/N side Liberty Gantes Rest, 300° M. of

INTER-OFFICE CORRESPONDENCE

SUBJECT. \$65-82-R. R-6 to R-A. Northwest side of LibertyGardens Road 100 Feet from the intersection of Timanus Lane. Being property of Pearl M. Kepner.

2nd District Monday, September 14, 1964 (11:00 A.M.) UPARTNG:

The staff of the Office of Planning and Joning has reviewed the subject petition for reclassification from R-6 to R-A zoning and has the following advisory comments to make with respect to pertinent planning factors:

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE

No. 25399

DATE 10/15/64

COST

\$75.00

500

TELEPHONE

To: Rubin Labovitz 2219 Arden Rd.

PETITION FOR

The Zoning Commissioner of Dallimore County, by authority of the Zoning Act and Regula-tions of Paltimore County, will hold a public hearing; Concerning all that parcel of land in the Second District of Baltimore County.

land in the Second District of Baltimore Courty, Despinsing for the same at a poat on the Satthwest also of Lance of 300 feet more or less from the intersection of Liberty Gardens, Road and Timensus Lane are considered to the control of Liberty Gardens, Road and Timensus Lane are considered to the control courty Gardens Road bank Timensus Lane and Lane are control to the courty Gardens Road Bank Lane and Lane are control to the courty Gardens Road Bank Lane and Lane are control to the courty Gardens Road Road Lane and Lane are control to the courty Gardens and Lane and Lane are control to the courty Gardens Lane and Lane and

more or less,

Being the property of Pearl
M. Kepner, as shown on plat
plan filed with the Zoning De-BY ORDER OF
JOHN G, ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Office of Planning 5 Zening 119 County Office Building Toman & Me

\$70.00

PAID - Beltimore County, Mid. - Office of Rea

101564 63 08 . 25399 TYP-

2. The subject property is located-well within a residential non-body modes principal access is by means of either Liberty non-loc Windsor Mill Road. The property's access is by means of Liberty Gardens Road, which lims to the north sub-pression that the state of the sub-pression of the property is access to present the property in the property in the property in the property is removed by approximately windsor Mill 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

GEG: bms

BALTIMORE COUNTY, MARYLAND

TO. John G. Bose, Zoning Commigsioner Date September 4, 1964

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

FROM George E. Gavrelis, Director

TELEPHONE

In saking recommendations for comprehensive rezoning for the Western Planning Area, the Planning Board and its staff south carefully to identify standards for the location of providing development. On one hand, it recognized to the other hand, for rental house partners are developed at higher densities than occur in other types of residential development. Apartments require locations which not only are related as Such locations were provided by the Western Planning Area Map.

Yours very truly.

Janes E. Dyer Chief of Permit and

INVOICE BATIMORE COUNTY, MERYLAND TELEPHONE No. 25265 OFFICE OF FINANCE DAT 4/17/6 Division of Collection and Receipt TOWSON 4, MARYLAND To:

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE Potition for Reclassification for Pearl M. Kenne 50,00 PAID - Sultanare County, Mrs. - Office of Figures 6-1864 6265 . 25265 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.

> BATHORE COUNTY, MERYAND No. 25339 OFFICE OF FINANCE DATE 9/18/64 Dirition of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

BILLED Zoning Department of Balto. Co.

\$57.50 01-622 57.50 Advertising and posting of property 66r Paerl 1 PAID - Dalliners County, 164 - Office of Plan 9-2164 6289 . 25339 IXP-\$750

IMPORTANT: MAK., 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.

DUPLICATE 65-82 THE BALTIMORE COUNTIAN THE HERALD - ARGU. RECLASSIFICATION
2nd DISTRICT
ZONING: From R-6 to R. A. Zone,
LOCATION; Northwest side of
Liberty Gardens Road 300 feet,
more or less, from the intersection of Timanus Lane,
DATE AND TIME: MONDAY,
SEPTEMBER, 14, 1964 at 11:00 CATONSVILLE, MD. No. I Newburg Avenue A.M.

PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesspeake Avenue, Towron,
Maryland.

The Zoning Commissioner of

August 31, THIS IS TO CERTIFY, that the annexed advertisemen of John G. Rose, 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 One Teek suggestive weeks before 19 64. that is to say the 31st day of August, the same was inserted in the issues of August 28, 1964.

THE BALTIMORE COUNTIAN

By Paul J Morgan Editor and Manager. BALTIMORE COUNTY, MARYLAND

#65-F2R

We STERN

ALLA

5E1.2-B

INTER-OFFICE CORRESPONDENCE

Mr. James A. Dyer, Chairman Zoning Advisory Committee Date ... August 6, 1964 FROM Capt. Paul H. Reincke SUBJECT Pearl Kepnor
Liberty Gardens Road
District 2 July 31, 1964

1. Parking areas should be increased to 6h feet in width.

Fire hydrant spacing is 500 feet apart as measured along an improved road and within 300 feet from any dwelling as listed in the Bultimore County Standard Design Hanual, 1964 edition.

PHR/bbr

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

District 2nd Date of Posting August 29, 1964 Posted for: Patition for Heckssification. Petitioner: \_Pearl "\_ Keprer .... Location of property: NW/S of 11hersy Cardens 84, 300; from Finance Lane. Location of Signe: (11, 300: E/Figures Jone. (2), 450: E/Figures Jone. .(3) 600: A/Pimanus Remarks: . Location.of.property.not.correct.on.small.nep. S Bosse Date of return Suptonhan 3, 1964

3 Rigns

