

ref Petition for Reclassification  
From R-6 Zone and R-10 Zone to  
an R-6 Zone and R-10 Zone to  
an R-6 Zone - NE/3 Liberty Road  
174 Winans Road, 2nd District -  
Rolling Realty, Inc., Petitioner

BEFORE ZONING  
COMMISSIONER OF  
BALTIMORE COUNTY  
No. 65-168-R

The petitioners have requested a rezoning from R-6 and R-10 Zones and R-10 Zone to R-6 Zone of property in the above matter because the petitioner thought there was an error in the Western Area Planning Map adopted on November 15, 1962.

This is one of a series of petitions that would result in higher density within a relatively small area served by Liberty Road.

For some time there has been testimony before the Zoning Commission and the County Board of Appeals indicating that Liberty Road would be improved and widened. Various dates have been given and the sites have come and gone. At the present time a consulting engineer has given testimony that a portion of Liberty Road will be rebuilt and re-widened but such portion will not be in the immediate vicinity of the proposed site of R-6 and R-6 rezoning.

In the case of Price vs Cohen filed June 4, 1957, 213 Md. at Page 254, the Court of Appeals had the following to say:

Here, the Commissioner found that the proposed shopping center would increase the traffic hazard on a very heavily traveled highway to such extent that the rezoning should be denied. Representatives of large improvement associations in the neighborhood opposing the rezoning, stressed the traffic hazard and that the contemplated shopping center was not needed. Mr. Drayger, the Location Engineer of the State Roads Commission, called by the petitioner, admitted that the Liberty Road had its maximum capacity of traffic at that time. The construction on Liberty Road depended on the twelve year construction program of the State Roads Commission. Mr. Bonnell told the Legislature that the twelve year program was behind time. There were no finished construction plans available for making the planning stage. Highway and the contemplated improvement was merely in the planning stage. There were no plans in existence showing anything other than an increased right-of-way and these plans had not been approved. Mr. Drayger also admitted that Liberty Road was at maximum traffic capacity and the earliest time he gave for improvement was between January 1959, and December 1961. Under this testimony the improvement might well not be made until 1961. Mr. Thompson, called by the petitioner, admitted that the contemplated shopping center would increase traffic. The witness probably would be widening of Liberty Road would take place within a reasonable time, a different conclusion would have been reached by him. We are of the opinion that the rezoning here would materially increase the traffic hazard on Liberty Road, only 22 feet in

width with 5 foot shoulders. This road now handles capacity traffic. It is indefinite also whether Liberty Road will be improved, and, if so, when. To grant the rezoning would undoubtedly increase the traffic hazard on this narrow road. As in changing zoning regulations, traffic conditions should be given material consideration and as this was not done by the Board, its rezoning was arbitrary and an abuse of discretion as found by the trial judge, and the order should be affirmed. Order affirmed with costs."

It will be noted that the representative from the State commented on the traffic on Liberty Road in the case of Price vs Cohen. In the present matter Mr. Eugene J. Clifford, Traffic Engineer, made a traffic study and his report indicated that a present Liberty Road in the vicinity of the proposed reclassification is either at capacity or about to exceed capacity. He also made observations on what the resulting traffic might be if all four of the present zoning requests for higher density should be granted. His conclusion was obvious, there would be just too much traffic on Liberty Road.

At times some may think that the protection of the health, safety and general welfare has been forgotten because error in zoning, and change in the character of the area are the only things considered. This is not so and in consideration of the petition now before the Zoning Commissioner the health, safety and general welfare of the residents of the area and of all other citizens using Liberty Road is of prime consideration. It is obvious that this petition is premature and since the matter is now to be decided upon, the only decision can be a firm denial.

For the above reasons the reclassification is DENIED.

It is this 27th day of December, 1964, by the Zoning Commissioner of Baltimore County, ORDERED that the above described property or area be and the same is hereby DENIED and that the above property or area be and the same is hereby continued as and to remain R-6 and R-10 Zones.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

No. 65-168-R - Rolling Realty, Inc. -3-

(3) There exists a need for diversification in housing for benefit of a community, some apartments, some detached houses and some commercial.

(The owner, Mr. Robinson, cited this same point and reasoned that "amenities" could generate slum conditions and that diversification should be developed to provide a self contained community as to provide for varied type living, varied age groups and varied economic strata.)

(4) A zoning change by petition, case No. 65-153-R, was approved for apartments.

Dr. W. Worthington Ewell, a recognized traffic expert, appearing on behalf of the protestors, testified that he disagreed with Mr. Wolff's studies, but went on to say that the expected maximum capacity of a two lane road in a 35 mile per hour zone could be 1500 cars per hour, though he believes Liberty Road conditions would restrict capacity to 1200 cars per hour.

Mr. J. Fred Cohen, a nearby resident, protested because he was opposed to any increased traffic congestion, but said that if Liberty Road were widened past the subject, he would have no objection to the reclassification.

Ms. Leon Lerner objected the petition because she travels regularly at 40 miles per hour past the subject and wants to "still" after passing Offutt Road. She objects to any development that would delay her trips. She cannot see the subject from her home.

The Board recognizes that the petitioned property is located between two other tracts, zoned differently, all under the same ownership. The commercial tract in front on Liberty Road is planned to be developed into a shopping center. The 86 acres of R-10 land in the rear is proposed to be developed into fine single family homes. We believe that apartment zoning between the two tracts provides a logical transition in land use.

The tests of error and change in the map have been proven to the Board's satisfaction by testimony given. While traffic problems leave something to be desired, conditions here are better than in many other areas and certainly apartment zoning is

No. 65-168-R - Rolling Realty, Inc. -4-

more appropriate with access to such major corridors as Liberty Road than on less important roads. Therefore, the Board unanimously concurs that the petitioned reclassification is appropriate and should be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of March, 1967, by the County Board of Appeals ORDERED, that the reclassification petitioned for and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*[Signature]*  
William S. Baldwin, Chairman

*[Signature]*  
W. Giles Parker

*[Signature]*  
John A. Slowik

RE: PETITION FOR RECLASSIFICATION : BEFORE  
from R-10 zone to R-A zone : COUNTY BOARD OF APPEALS  
(Parcels 1 and 3), :  
from R-6 zone to R-A zone :  
(Parcel 2), and : OF  
from R-10 zone to R-6 zone : BALTIMORE COUNTY  
(Parcel 4) :  
NE/3 of Liberty Road SW of Winans Rd., :  
2nd District : No. 65-168-R  
Rolling Realty, Inc. :  
Petitioner :

OPINION

This case comes before the Board on the petition of Rolling Realty, Inc. for reclassification of the above referenced property as follows:

- 11,208 acres from R-10 to R-A (Parcels 1 and 3)
- 24,382 acres from R-6 to R-A (Parcel 2)
- 86,272 acres from R-10 to R-6 (Parcel 4)
- 121,862 acres total

The petition to reclassify Parcel 4 from R-10 to R-6 was withdrawn by counsel for the petitioner at the beginning of the hearing, leaving a remainder of 35,590 acres to be considered. The petitioner proposes to develop the 35,590 acres with 520 garden type apartment units. The tract is irregularly shaped and the outline roughly resembles a horse's head and neck. It is located behind 17 acres of undeveloped Business Local land on the north side of Liberty Road east of Tiverton Road. The site slopes down approximately 30 feet from the grade of Liberty Road to Scots Level stream, which traverses the rear portion of the tract.

The zoning and land uses surrounding the subject are as follows: Adjacent to the south and bounding along Liberty Road is the aforementioned undeveloped commercial 17 acre tract, which is under the same ownership as the subject land and is proposed for future use as a shopping center. Directly across Liberty Road from the commercial land is a larger tract zoned Manufacturing Light, Restricted (M.L.R.).

J. FRED COHEN, : IN THE  
3902 Inverdale Court : CIRCUIT COURT  
Randallstown, Maryland :  
v. : FOR  
: BALTIMORE COUNTY  
WILLIAM S. BALDWIN, :  
W. GILES PARKER, and : At Law  
JOHN A. SLOWIK, :  
constituting the :  
County Board of Appeals :  
of Baltimore County. :

PETITION OF APPELLANT

J. Fred Cohen, by his attorney, Robert C. Verderaine, petitions this Honorable Court to reverse the decision of the County Board of Appeals of Baltimore County, and as grounds of his petition says:

1. That William S. Baldwin, W. Giles Parker and John A. Slowik, constituting the County Board of Appeals of Baltimore County, by their decision rendered on March 3, 1967, reversed the decision of the Zoning Commissioner and approved a petition filed by Rolling Realty, Inc., to reclassify certain parcels of land lying in the Second Election District of Baltimore County from R-10 and R-6 to R-A Zoning.
2. That the reclassification granted by the County Board of Appeals of Baltimore County was arbitrary, capricious and illegal in that
  - a. there was no evidence legally sufficient to justify its decision,
  - b. its decision was contrary to the law of this State.

WHEREFORE, petitioner prays that this Court reverse the decision of the County Board of Appeals of Baltimore County.

*[Signature]*  
Robert C. Verderaine,  
Robert C. Verderaine,  
341 N. Calvert Street,  
Baltimore, Maryland 21202,  
Pr. 2-8888,  
Attorney for Appellant.

No. 65-168-R - Rolling Realty, Inc. -2-

To the west of the subject are R-10 and R-6 zones developed with single family dwellings and known as the Burnton and Rolling Green subdivisions. To the east of the subject are undeveloped R-6 and R-10 zones. Adjacent to the north of the subject and under the same ownership is the 86 acre tract of R-10 land which was withdrawn from this petition. The owner testified that he plans to develop single family homes on the withdrawn parcel that will be in the thirty to forty thousand dollar class.

To justify the reclassification sought, the petitioner claims both error and change occurred in the original western area zoning map, which was adopted by the County Council on November 15, 1962. He further claims increased traffic that may be generated will not adversely affect the area.

Mr. Jerome Wolff, a recognized consulting civil engineer and traffic expert appearing on behalf of the petitioner, testified that Liberty Road in front of the site is 24 feet wide, with shoulders up to 12 feet wide, and that 1.3 miles to the east Liberty Road is being widened into four lanes. His traffic studies indicated to him that Liberty Road at the site has a realistic practical capacity of 1800 cars per hour. He counted 1155 cars per peak hour and projected 300 cars on the estimated yield to be generated by the 520 proposed apartment units, for a total of 1455 cars per hour using Liberty Road, and concluded that there is adequate capacity on Liberty Road to handle this volume. He also testified that sewer and water utilities are available and pressure problems regarding water supply are being corrected.

Mr. Bernard Willemain, a planning and zoning expert, testified for the petitioner that the map was in error because it did not provide for the future but simply adopted the status quo of the area and made no provision for apartment need. "Changes" which he cited since the adoption of the map included:

- (1) The widening of Liberty Road from two to four lanes, which permits development of the upper Randallstown area to higher densities.
- (2) A general trend to apartment living that was not recognized, nor for which zoning provisions were made.

I hereby certify that on this 30th day of March, 1967, a copy of the foregoing petition was served upon the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland.

*[Signature]*  
Robert C. Verderaine,  
Attorney for Appellant.

Service admitted this 31st day of March, 1967, by the County Board of Appeals of Baltimore County.

*[Signature]*  
Secretary

Service of the foregoing Order for Appeal admitted this  
31<sup>st</sup> day of March, 1967 by the County Board of Appeals  
of Baltimore County.

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
At Law  
J. FRED COHEN,  
3902 Inverdale Court  
Randallstown, Maryland  
vs.  
WILLIAM S. BALDWIN,  
W. GILES PARKER and  
JOHN A. SLOWIK,  
constituting the  
County Board of Appeals of  
Baltimore County.

ORDER FOR APPEAL

Mr. Clerk:  
Please enter an appeal on behalf of J. Fred Cohen from the  
decision of the County Board of Appeals of Baltimore County, Case  
No. 65-168R rendered on March 3, 1967 in the case of the Petition for  
Reclassification filed by Rolling Realty, Inc.

*Robert C. Verderaine*  
Robert C. Verderaine,  
341 N. Calvert Street,  
Baltimore, Maryland 21202,  
Pl. 2-8888,  
Attorney for Appellant.

I hereby certify that on this 30<sup>th</sup> day of March  
1967, a copy of the foregoing Order for Appeal was served upon the County  
Board of Appeals of Baltimore County.

*Robert C. Verderaine*  
Robert C. Verderaine,  
Attorney for Appellant.

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J. FRED COHEN : IN THE  
3902 Inverdale Court : CIRCUIT COURT  
Randallstown, Maryland :  
vs. : FOR  
WILLIAM S. BALDWIN, : BALTIMORE COUNTY  
W. GILES PARKER, and : At Law  
JOHN A. SLOWIK : No. 3713  
constituting the : Docket 3 Folio 135  
County Board of Appeals :

ORDER OF DISMISSAL

Dear Mr. Clerk:

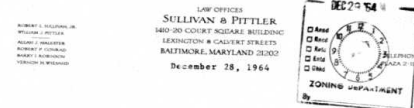
Please dismiss the above case with prejudice, cost to be paid by  
Rolling Realty, Inc.

J. Fred Cohen

Robert C. Verderaine,  
341 N. Calvert Street,  
Baltimore, Maryland 21202,  
Pl. 2-8888,  
Attorney for Appellant.

I hereby certify that a copy of the foregoing Order of Dismissal  
was mailed to James D. Nolan, Esq., and Newton A. Williams, Esq.,  
264 W. Pennsylvania Avenue, Towson, Maryland 21204, attorneys for Rolling  
Realty, Inc.

Robert C. Verderaine



Honorable John C. Rose  
Zoning Commissioner of  
Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Reclassification  
Property of Rolling Realty, Inc.  
Case No. 65-168R  
Our File No. 7052

Dear Mr. Rose:

On behalf of our client, Rolling Realty, Inc.,  
the Petitioner in the above captioned reclassification  
proceeding, we herewith appeal your Order dated Decem-  
ber 10, 1964, to the County Board of Appeals of Baltimore  
County. Enclosed herewith is our check in the amount of  
\$85.00 to cover the costs of this Appeal and advertising.  
Very truly yours,

Allan J. Malester

AJM:eml  
Enclosure

cc: Benjamin A. Earnshaw, Esquire  
Robert C. Verderaine, Esquire  
Jay Fred Cohen, Esquire

PETITION FOR ZONING RE-CLASSIFICATION  
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Rolling Realty, Inc., legal owners, of the property situate in Baltimore  
County and which is described in the description and plat attached hereto and made a part hereof,  
herby petition (1) that the zoning status of the herein described property be reclassified, pursuant  
to the Zoning Law of Baltimore County, from an R-6.1-R-10 zone to an  
R-A zone, 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,  
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 for Baltimore  
County.

Error in original zoning; change in the 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,  
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 for Baltimore  
County.

Contract purchaser  
Allan J. Malester  
Robert L. Sullivan, Jr.  
Fellinow's Attorneys  
1410-20 Court Square Building  
Address: Baltimore 2, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 28<sup>th</sup> day  
of October, 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 16<sup>th</sup> day of December, 1964, at 11:00 o'clock  
P.M.

JAMES D. NOLAN  
LAW OFFICES  
TOWSON & BALTIMORE  
300 ALLESTREE AVENUE, TOWSON, MARYLAND 21204

December 28, 1966

County Board of Appeals  
Room 106  
County Office Building  
Towson, Maryland 21204

Attention: Mrs. Edith Eisenhart, Secretary

Re: Petition of Rolling Realty, Inc.  
No. 65-168R

Dear Mrs. Eisenhart:

Please enter the appearance of myself and this office in  
the above entitled matter. I have been in contact with  
Allan J. Malester, Esquire, and he advises me that he and  
his partner, Robert L. Sullivan, intend to withdraw from  
these proceedings.

We will be ready to proceed on January 31, 1967, the  
scheduled hearing date.

Sincerely,

James D. Nolan

JDN/mpc

cc: Robert L. Sullivan, Esq.  
Allan J. Malester, Esq.  
Benjamin A. Earnshaw, Esq.  
Jay Fred Cohen, Esq.  
Robert C. Verderaine, Esq.

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
200 ALLESTREE AVENUE, TOWSON, MARYLAND 21204

Description of Part of the Property  
of The Rolling Realty Company, Inc. to be Rezoned  
from R-10 to R-A, Parcel 1

August 31, 1964

Beginning for the same at the end of the twenty fifth or South  
3° 42' 32" East 144.53 foot line of the first parcel of land described in  
a mortgage from The Rolling Realty Company, Inc., to Lloyd E. Mitchell  
Incorporated, dated November 1, 1962, and recorded among the Land Records  
of Baltimore County in Liber W.J.R. 4071, folio 335, said point of beg-  
inning being distant North 34° 37' 38" East 1427.56 feet from the center-  
line of Liberty Road, and running thence binding on part of the twenty  
sixth line of the first parcel of said mortgage South 34° 37' 58" West  
128.56 feet to intersect the southeasterly 2900 foot line of zoning area  
2-R-10-3, thence binding reversely on part of said southeasterly 2900  
foot line of zoning area 2-R-10-3 as now surveyed North 74° 45' 00" West  
340.97 feet to the beginning of said line, thence binding reversely on  
part of the southwesterly 1300 foot line of zoning area 2-R-10-3 as now  
surveyed North 26° 45' 00" East 820.00 feet to intersect the twenty fourth  
or South 2° 15' 17" East 1239.09 foot line of the first parcel of said  
mortgage at a point distant 665.00 feet from the beginning of said twenty  
fourth line, thence binding on the remainder of said twenty fourth line,  
and all of the twenty fifth line of the first parcel of said mortgage the  
two following courses and distances viz: first South 2° 15' 17" East  
574.09 feet and South 3° 42' 32" East 144.53 feet to the place of beginning.  
Containing 3.753 acres of land more or less.

Description of Part of the Property  
of The Rolling Realty Company, Inc. to  
be Rezoned From R-6 to R-A, Parcel 2

October 2, 1964

Beginning for the same at the end of the twenty sixth or  
South 34° 37' 58" West 528.58 foot line of the first parcel of land  
described in a mortgage from The Rolling Realty Company, Inc., to  
Lloyd E. Mitchell Incorporated, dated November 1, 1962, and recorded  
among the Land Records of Baltimore County in Liber W.J.R. 4071,  
folio 335, said point of beginning being distant North 34° 37' 58"  
East 898.98 feet from the centerline of Liberty Road, and running  
thence binding on part of the twenty seventh line of the first parcel  
of said mortgage North 56° 19' 30" West 860.26 feet, thence for lines  
of division the nine following courses and distances viz: first North  
31° 37' 34" East 323.99 feet, second North 26° 33' 54" East 559.02  
feet, third North 6° 11' 31" East 213.24 feet, fourth North 87° 47'  
20" West 259.19 feet, fifth North 77° 51' 47" West 300.00 feet, sixth  
North 3° 07' 26" East 238.74 feet, seventh South 77° 51' 48" East  
435.00 feet, eighth North 78° 47' 11" East 349.68 feet, ninth South  
71° 03' 20" East 309.72 feet to intersect the twenty fourth or South  
2° 15' 17" East 1239.09 foot line of the first parcel of said mortgage  
at a point 165.00 feet from the beginning of said twenty fourth line,  
thence binding on part of said twenty fourth line, South 2° 15' 17"  
East 500.00 feet to intersect the southwesterly 1300 foot line of  
zoning area 2-R-6-1, thence binding on part of said southwesterly 1300  
foot line of zoning area 2-R-6-1, as now surveyed South 26° 45' 00"  
West 820.00 feet to the end of said line, thence binding on part of  
the southeasterly 2900 foot line of zoning area 2-R-6-1 as now surveyed  
South 74° 45' 00" East 340.97 feet to intersect the said twenty sixth

Description of Part of the Property of The Rolling Realty Company, Inc. to be Retained From R-6 to R-4

October 2, 1964  
Sheet 2

line of the first parcel of said mortgage thence binding on part of said twenty sixth line South 34° 37' 58" West 402.02 feet to the place of beginning.

Containing 24,392 acres of land more or less.

#65-168R  
WESTERN AREA  
S.E. 1-C  
RA  
RL  
11/23/64

Description of Part of the Property of The Rolling Realty Company, Inc. to be Retained From R-10 to R-4, Parcel 3

October 2, 1964

Beginning for the same at the intersection of the 3900 foot line of Zoning Area 2R-10-3, and the twenty fourth or South 2° 15' 17" East 1239.09 foot line of the first parcel of land described in a mortgage from The Rolling Realty Company, Inc., to Lloyd E. Mitchell, Incorporated, dated November 1, 1962, and recorded among the Land Records of Baltimore County in Liber W.J.R. 4071, folio 335, and running thence binding reversely on part of said 3900 foot line of Zoning Area 2R-10-3 the three following courses and distances as now surveyed viz: first North 71° 03' 20" West 309.72 feet, second South 78° 47' 11" West 349.68 feet, and third North 77° 51' 48" West 435.00 feet, thence for lines of division the five following courses and distances, viz: first North 9° 07' 00" West 313.55 feet, second South 85° 00' 52" East 227.61 feet, third South 72° 47' 42" East 384.25 feet, fourth North 86° 13' 18" East 461.15 feet, and fifth South 84° 32' 13" East 312.70 feet to intersect the twenty third or South 62° 28' 38" West 569.12 foot line of said first parcel of said mortgage at a point distant 275 feet from the beginning of said twenty third line, thence binding on part of said twenty third line and binding on part of said twenty fourth line of said mortgage the two following courses and distances, viz: first South 62° 28' 38" West 294.12 feet and second South 2° 15' 17" East 165.00 feet to the place of beginning.

Containing 7.455 acres of land more or less.

#65-168R  
WESTERN AREA  
S.E. 1-C  
RA  
RL  
11/23/64

Description of Part of the Property of The Rolling Realty Company, Inc. to be Retained From R-10 to R-6, Parcel 4

October 2, 1964

Beginning for the same at the intersection of the 3900 foot line of Zoning Area 2R-10-3, and the eighth or North 22° 47' 58" East 1131.14 994.36 foot line of the first parcel of land described in a mortgage from The Rolling Realty Company, Inc., to Lloyd E. Mitchell, Incorporated, dated November 1, 1962, and recorded among the Land Records of Baltimore County in Liber W.J.R. 4071, folio 335, said point of beginning being distant 1,085 feet more or less measured easterly along the said eighth line of said mortgage and the prolongation westerly of said line, from the east side of Liberty Road, and running thence binding on part of said 3900 foot line of Zoning Area 2R-10-3, the three following courses and distances as now surveyed, viz: first South 69° 00' 44" East 420.17 feet, second North 85° 46' 10" East 731.99 feet, and third South 77° 51' 48" East 326.00 feet, thence for lines of division the five following courses and distances, viz: first North 9° 07' 00" West 313.55 feet, second South 85° 00' 52" East 227.61 feet, third South 72° 47' 42" East 384.25 feet, fourth North 86° 13' 18" East 461.15 feet, and fifth South 84° 32' 13" East 312.70 feet, to intersect the twenty third or South 62° 28' 38" West 569.12 foot line of the first parcel of said mortgage, thence binding reversely on part of said twenty third line, all of the twenty second through the ninth lines, and part of the eighth line of the first parcel of said mortgage, the fourteen following courses and distances, viz: first North 62° 28' 38" East 275.00 feet; second North 34° 10' 52" East 813.15 feet; third North 79° 26' 12" West 1602.90 feet; fourth North 70° 58' 47" West 594.92 feet; fifth South 31° 09' 30" West 198.01 feet; sixth North 62° 23' 00" West 642.55 feet;

#65-168R  
WESTERN AREA  
S.E. 1-C  
RA  
RL  
11/23/64

Description of Part of the Property of The Rolling Realty Company, Inc. to be Retained From R-10 to R-6

October 2, 1964  
Sheet 2

seventh South 23° 48' 30" West 303.64 feet; eighth South 60° 48' 30" West 198.01 feet; ninth North 23° 12' 47" West 630.35 feet; tenth South 9° 10' 08" West 1243.25 feet; eleventh South 15° 06' 10" West 151.65 feet; twelfth South 48° 27' 00" East 239.28 feet, thirteenth South 32° 03' 00" West 9.90 feet, and fourteenth South 22° 47' 58" West 100.00 feet to the place of beginning.

Containing 86,272 acres of land more or less.

#65-168R  
WESTERN AREA  
S.E. 1-C  
RA  
RL  
11/23/64

INTEROFFICE CORRESPONDENCE  
DIVISION OF TRAFFIC ENGINEERING  
Baltimore County, Maryland

Date: November 5, 1964

TO: Mr. James E. Dyer  
FROM: C. Richard Moore  
SUBJECT: Item 5 - ZAC - October 26, 1964  
William Robinson (Rolling Realty, Inc.)  
Northeast side Liberty Road & Southeast of Winans Road  
Reclassification from R-6 and R-10 to R-4.

Review of the subject plat dated October 7, 1964 results in the following comment:

The future 70' road should be moved 70' in a southeasterly direction so as to meet Liberty Road opposite proposed Live Oak Road.

CRM:m

C. Richard Moore  
C. Richard Moore, Engineer IV  
Bureau of Traffic Engineering

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John G. Rose, Zoning Commissioner Date: November 20, 1964

FROM: George E. Gavrellis, Director  
SUBJECT: #65-168-R, R-6 and R-10 to R-4, and R-10 to R-6, Northeast side of Liberty Road Southwest of Winans Road. Being property of Rolling Realty, Inc.

2nd District

HEARING: Thursday, December 3, 1964 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 and R-10 to R-4 zoning as well as from R-10 to R-6 zoning. It has the following advisory comments to make with respect to pertinent planning factors:

- Since the adoption of the Western Planning Area Zoning Map, inordinate pressures have been brought to bear for yet more apartment zoning. The Western Planning Area Report identified that apartment zoning was appropriate along major road corridors including Liberty Road. Substantial apartment areas were created by the Map along Liberty Road. Such zoning was concentrated at the ends of and around points of for apartment zoning, however, stopped at Handalltown center. There is to be more apartment zoning, the Planning staff would consider that portions of the subject property do have the ingredients of peripheral land use and future accessibility which justified apartment zoning elsewhere along Liberty Road. The property is immediately adjacent to a commercially-zoned area on Liberty Road which was identified on the Master Plan as a future community shopping center. It is adjacent to a prospective four-lane highway which will serve as a transition between the commercial and single family residential areas. The Planning staff, however, is not in accord with the scale of apartment zoning being sought. It sees no reason to extend apartment zoning northerly from the sixty (60) foot collector street running parallel to Scotts Level on the Liberty Road side of that stream.
- With regard to the R-10 to R-6 zoning the Planning staff absolutely is opposed to such reclassification. R-6 zoning would permit semi-detached as well as duplex housing in addition to single family housing. The former two occur at densities typically higher than conventional single family housing. Increasing sales housing densities here would place undue strain on the prospective schools serving this area and would lead inevitably to yet more zoning reclassifications. From a planning viewpoint, there is no error in the R-10 zoning now in effect northerly from Scotts Level.

CEG:ms

EWELL, BOMHARDT & ASSOCIATES  
CONSULTING ENGINEERS

W. WORTHINGTON EWELL, M. D. DR.  
HENRY C. BOMHARDT, DE. DR.  
HOWARD C. BALLE, B.S.  
LESLIE H. HEATHY, B.S.

1800 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201  
LE 8-2300

February 9, 1967

Board of Zoning Appeals  
County Office Building  
Room 300  
Towson, Maryland 21204

Gentlemen:

This copy of a recent traffic record made by the Maryland State Road Commission, may substantiate my belief that hourly traffic counts on Liberty Road are not 10% of the A.D.T. but instead run consistently high throughout most of the day light hours.

Very truly yours,

W. Worthington Ewell

Enclosure  
WWE/stb

Rec'd 2-10-67  
9:00 AM

Note: W. Rolling Rd on Liberty Road where Average ADT = 2555 VAD. Uniformly heavy traffic from 7 AM to 10 PM with maximum hourly counts 6570-7550 of ADT.  
Note: 1888 up is max. peak hour count for week day

TP-2  
MARYLAND STATE ROADS COMMISSION-BUREAU OF TRAFFIC

Route 100 Station 0200  
TRAFFIC RECORD

Week Beginning 11/23/64

DAY	MON	TUE	WED	THUR	FRI	SAT	TOTAL
DATE	11/23/64	11/24/64	11/25/64	11/26/64	11/27/64	11/28/64	
HOUR	7-8	8-9	9-10	10-11	11-12	12-1	
1-2	2-3	3-4	4-5	5-6	6-7	7-8	
8-9	9-10	10-11	11-12	12-1	1-2	2-3	
3-4	4-5	5-6	6-7	7-8	8-9	9-10	
10-11	11-12	12-1	1-2	2-3	3-4	4-5	
5-6	6-7	7-8	8-9	9-10	10-11	11-12	
1-2	2-3	3-4	4-5	5-6	6-7	7-8	
8-9	9-10	10-11	11-12	12-1	1-2	2-3	
3-4	4-5	5-6	6-7	7-8	8-9	9-10	
10-11	11-12	12-1	1-2	2-3	3-4	4-5	
5-6	6-7	7-8	8-9	9-10	10-11	11-12	
TOTAL	1888	2434	2434	2434	2434	2434	1888
AVERAGE	1888	2434	2434	2434	2434	2434	1888

REMARKS  
Average Day 2555  
Average 8 - 4 1000

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. DECEMBER 12, 1964. THIS IS TO CERTIFY that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of...

THE TIMES

Cost of Advertisement \$350.00
Regulation fee 200.00
True Copy fee
Zoning Commission of Baltimore County

PARCEL 1
The parcel of land described in the above recited advertisement is situated in Baltimore County, Maryland, and is bounded as follows:
PARCEL 2
The parcel of land described in the above recited advertisement is situated in Baltimore County, Maryland, and is bounded as follows:
PARCEL 3
The parcel of land described in the above recited advertisement is situated in Baltimore County, Maryland, and is bounded as follows:
PARCEL 4
The parcel of land described in the above recited advertisement is situated in Baltimore County, Maryland, and is bounded as follows:

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of...

THE JEFFERSONIAN
L. L. Local
Number

Cost of Advertisement \$111.00

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

OFFICE OF PLANNING & ZONING. The typical Duplex Plot Plan as indicated on the Petitioner's plan is not shown correctly. The side yard on this plan should be revised to indicate 15 feet for each side yard instead of 8 feet and 12 feet as shown.

BUREAU OF TRAFFIC ENGINEERING. Will review and submit any necessary comments at a later date.

BUREAU OF ENGINEERING. Will review and submit any necessary comments at a later date.

No comments from the following Departments:
Health Department
Fire Bureau
Building Department
Board of Education
R & C Commission
Industrial Commission
State Roads Commission

Yours very truly,

James H. Day
Chief of Permit and
Petition Processing

November 4, 1964
65-168-R

Robert L. Sullivan, Jr., Esq.
1410-20 Court Square Building
Baltimore, Md.
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

2nd Dist.
Petition for Reclassification
for Helling Realty, Inc.
located on the NE 1/4 Liberty
Road & SW of Winona Rd.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 2-ND
Date of Posting: Jan. 9, 1965
Petitioner: Helling Realty, Inc.
Location of property: NE 1/4 of Liberty Rd., SW of Winona Rd.

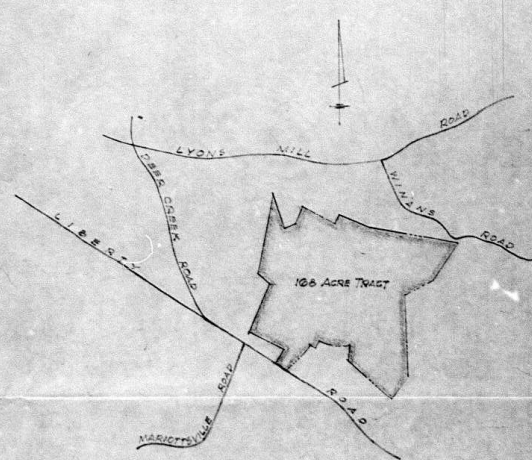
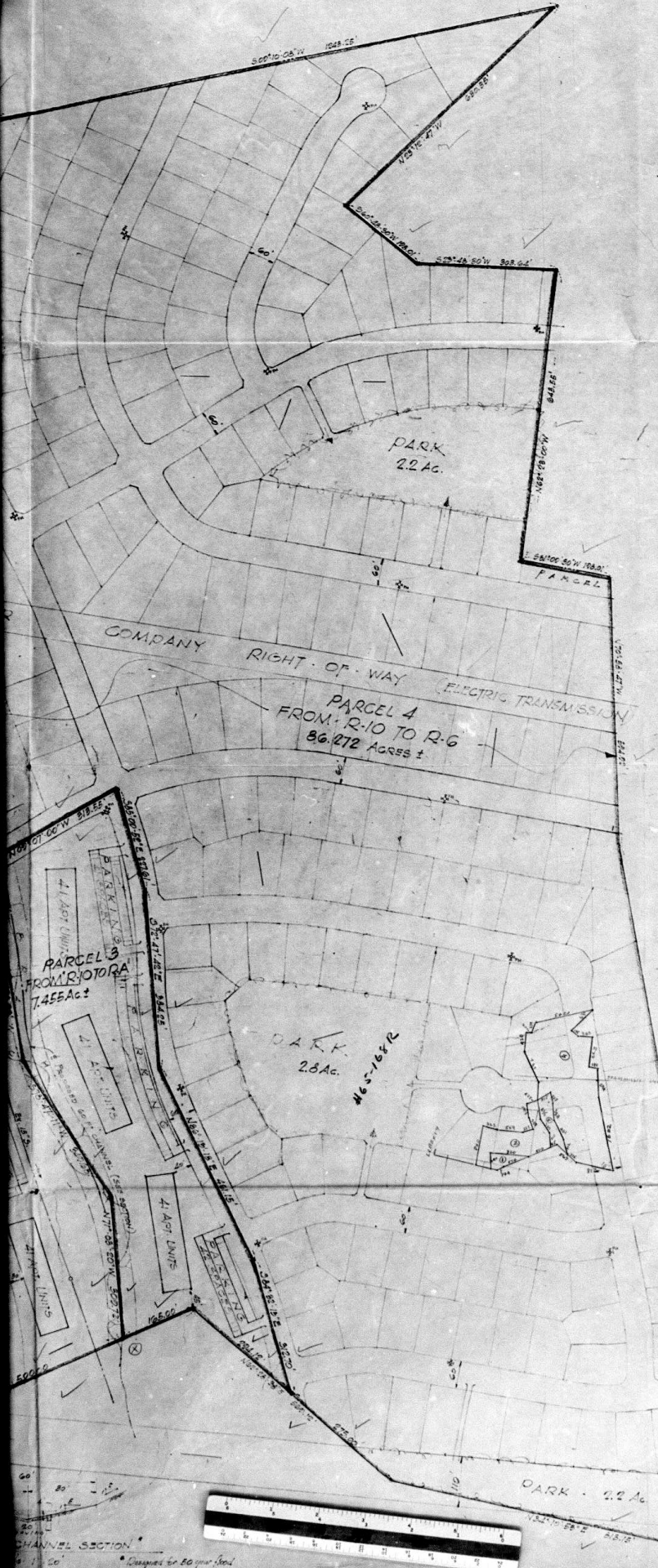
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 41086
DATE 4/20/67
To: Robert C. Vandenberg, Esq.
341 N. Calvert Street
Baltimore, Maryland 21202
Cost of certified documents - File No. 65-168-R \$11.00

INVOICE
MORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 27662
DATE 12/30/64
To: Allen A. Roberts, Esq.
1800-20 Court Square Bldg.
Baltimore 2, Md.
Cost of appeal - Helling Realty, Inc. 3 signs \$ 70.00
No. 65-168-R 15.00 \$85.00

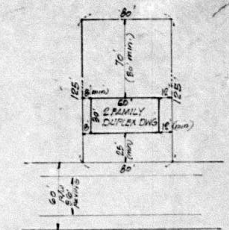
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 27679
DATE 1/12/65
To: Messrs. Sullivan & Pister
1410-20 Court Square Building
Baltimore, Md. 21202
Advertising and posting of property for Helling Realty, Inc. 65-168-R \$190.00

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 27558
DATE 11/5/64
To: James H. Day
1410-20 Court Square Building
Towson, Md. 21286
Petition for Reclassification for Helling Realty 65-168-R \$50.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 2-ND
Date of Posting: NOV. 14, 1964
Petitioner: Helling Realty, Inc.
Location of property: NE 1/4 of Liberty Rd. & SW of Winona Rd.
Remarks:
Posted by: J. L. Local
2 signs



VICINITY SKETCH  
Scale: 1"=1000'



TYPICAL DUPLEX PLOT PLAN  
Scale: 1"=50'

PLAT TO ACCOMPANY PETITION FOR REZONING  
FROM R-10 TO R-6, AND FROM R-6 AND R-10 TO R-A  
**ROLLING GREEN**

SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND  
SCALE: 1"=100'      OCTOBER 7, 1964

	APARTMENT AREA	DUPLEX AREA
EXISTING USE:	VACANT	VACANT
PROPOSED USE:	3 STY. APTS	2 FAMILY DWELLINGS
EXISTING ZONING:	"R-6 + R-10"	"R-10"
PROPOSED ZONING:	"R-A"	"R-6"
GROSS RESIDENTIAL AREA:	35,500 sq. ft.	86,272 Ac. #65-168R
NET RESIDENTIAL AREA:	20,8 Ac.	68.0 Ac.
DESIGNED DENSITY:		
GROSS:	14.5 1/4%	5.0 1/4%
NET:	17.7 1/4%	6.8 1/4%
TOTAL NO. UNITS:	520	490 (215 DUPLEX LOTS)
PERMITTED DENSITY:		
GROSS:	16 1/4%	6.0
NET:	18 1/4%	6.7
TOTAL NO. UNITS:	527 ALLOWED	514 ALLOWED
OFF-STREET PARKING:		OPEN SPACE
SPACES REQUIRED:	520	REQUIRED: 5.2 Ac. (6%)
SPACES PROVIDED:	580	PROVIDED: 7.2 Ac.

DEVELOPER:  
DEVELOPMENT SALES COMPANY  
2480 N. CALVERT ST.  
BALTIMORE 18, MD.

NOTE: ALL 60 FT. STREETS TO BE PAVED 36 FT. WITH 6" CURB & GUTTER.

#65-168R  
WESTERN  
AREA  
Sec. 1-C

JEROME B. WOLFF & ASSOCIATED  
SUITE 108 JEFFERSON BLDG.  
TOWSON, MD.

66-168R  
CORRIDOR MERIDIAN

ROAD

DIMLICO BAPTIST CHURCH

CONSOLIDATED GAS, ELECTRIC LIGHT POWER

TIVERTON

DURMONT SUBDIVISION  
EX ZONING R-10 R-6  
EX USE: SINGLE FAMILY DWELLINGS

TULSWIDE

LIBERTY



2

EX ZONING R-1  
EX USE: VACANT

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

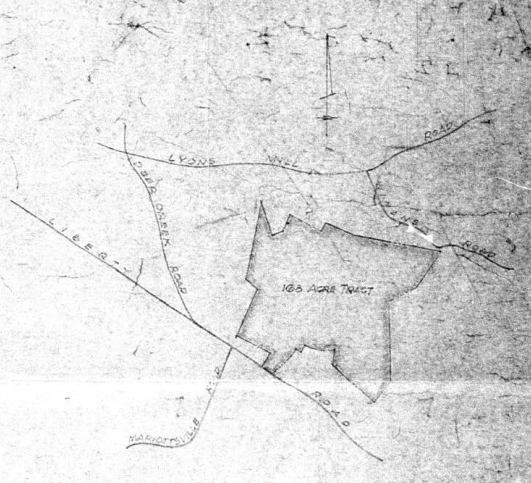
18

PARCEL 2  
FROM R-10 TO R-A  
21,986 Ac. ±

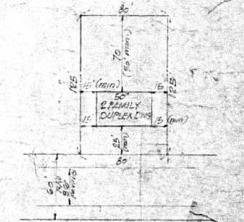
PARCEL 1  
FROM R-10 TO R-A  
9,788 ACRES ±

65-168R  
Western  
Area  
SERVIC  
RA

PROPOSED CHA



VICINITY SKETCH  
SCALE: 1"=100'



PLAT TO ACCOMPANY PETITION FOR REZONING  
FROM R-10 TO R-6, AND FROM R-6 AND R-10 TO R-A  
**ROLLING GREEN**

SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND  
SCALE: 1"=100' OCTOBER 1964

	APARTMENT AREA	DUPLEX AREA
EXISTING USE	VACANT	VACANT
PROPOSED USE	9 5FT. APTS.	2 FAMILY DWELLINGS
EXISTING ZONING	R-6 & R-10	R-10
PROPOSED ZONING	R-A	R-6
GROSS RESIDENTIAL AREA	35,500 S.F.	20,218 S.F.
NET RESIDENTIAL AREA	29.8 AC.	16.0 AC.
DESIGNED DENSITY		
GROSS	14.5%	5.0 1/2%
NET	17.7%	6.8 1/2%
TOTAL NO. UNITS	520	430 (215 DUPLEX LOTS)
PERMITTED DENSITY		
GROSS	16 1/2%	6.0
NET	18 1/2%	6.7
TOTAL NO. UNITS	527	616 Allowed
OFF-STREET PARKING SPACES REQUIRED	520	REQUIRED 5.2 AC. (6%)
SPACES PROVIDED	590	PROVIDED 7.2 AC.

DEVELOPER  
DEVELOPMENT SALES COMPANY  
2450 W. CALVERT ST.  
BALTIMORE 18, MD.

NOTE: ALL 60 FT. STREETS TO BE PAVED 30 FT. WITH 6" CURBS AND GUTTERS.



JEROME B. WOLFE, ASSOCIATED  
SUITE 105 JEFFERSON PLAZA  
TOWSON, MD.

6.6 MG GRID MERIDIAN

ROAD

QUINCY BROTHER CHURCH

CONSOLIDATED GAS ELECTRIC

SOUTH HAVEN RD

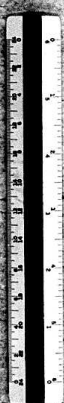
LIGHT POWER

TIVERTON

BURNHAM SUBDIVISION  
EX ZONING 'R10 R16'  
EX USE: SINGLE FAMILY DWELLINGS

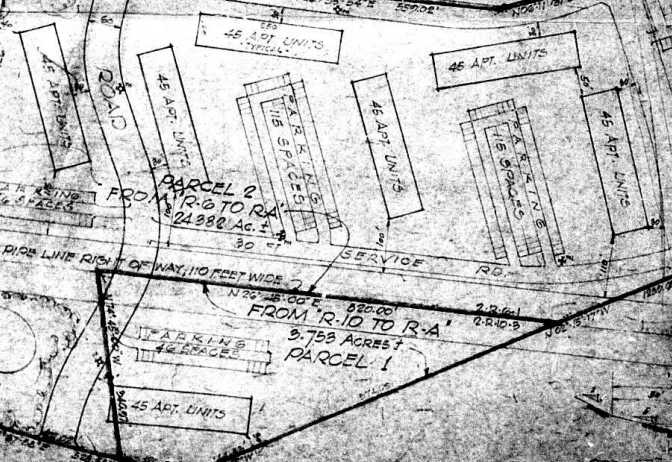
TULSAVILLE RD

LIBERTY



(A)

EX ZONING 'B-L'  
EX USE: VACANT



TRANSCONTINENTAL GAS PIPE LINE RIGHT OF WAY, 110 FEET WIDE

FROM 'R-10 TO R-16'  
3,758 ACRES  
PARCEL 1

FUTURE ROAD 76 FT

PROPOSED