

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL-EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY,
Sons, Inc.

George H. Keseling & Sons, Inc., 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-6 zone and (2) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-6 zone.

The zoning of this property by Baltimore County, Maryland, was in error and the classification of this property as R-6 is tantamount to confiscation of the property, and there have been changes in the map since the original zoning of this property, and R-6 zoning is a reasonable zoning for this property, and for other reasons to be shown at the hearing hereof.

See attached description

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

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

Contract purchaser
Address

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of November, 1965, 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 6th day of January, 1966, at 11:00 o'clock.

Zoning Commissioner of Baltimore County.

Reclassification from R-6 to R-6
For George H. Keseling and Sons, Inc., located on/over of Liberty Road and Fairview Avenue, 2nd District
(Item 8, November 30, 1965)

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

BUREAU OF ENGINEERING
Water - Existing 12" water in Liberty Road, existing 8" water in Fairview Avenue.
Sewer - Existing 8" sewer in Fairview Avenue.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - All public roads involved are existing improved roads.

BUREAU OF TRAFFIC ENGINEERING
Access will not be approved to the 20' alley. Access to the service area should be improved to provide for service trucks in the rear of the building.

STATE LANDS COMMISSION
The entrance on Liberty Road will be subject to State Lands Commission approval.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:
Fire Bureau-Plans Review
Health Department
Industrial Development Commission
Board of Education
Building Department
Zoning Administration Division

Very truly yours,

John A. Slawik
John A. Slawik, Principal Zoning Technician

cc: Mr. Carlyle Brown-Bureau of Engineering
Mr. G. Richard Moore-Bureau of Traffic Engineering
Mr. John Mayers-Bureau of Planning

RE: PETITION FOR RECLASSIFICATION
SW corner of Liberty Road and Fairview Avenue - 2nd District
George H. Keseling and Sons, Inc.
OF
BALTIMORE COUNTY
66-165-R

This is a Petition to re-zone 1 1/2 acres of land from an R-6 zone to a B.L. zone. Plans call for the construction of a combination retail store-office building with off-street parking for 75 automobiles.

The property was described as being bounded on the N by Liberty Road, on the E by a street and on the W and S by homes. Directly across Liberty Road is a church and church school. Just E of the street and situated on high ground are some homes. The Petitioner based his request on the grounds that the zoning map is in error with respect to the residential zoning attached to his property. He stated that due to topographical problems, (creating a sewer problem, a need for land fill and the construction of a service drive), the development costs for the construction of five homes would run as high as \$8,500 per lot. If the cost of the land were added to the expected development costs, the cost per lot for an R-6 development would amount to \$11,000. The Petitioner argues that to deny the requested re-zoning in this instance would amount to a taking of his property without just compensation in violation of the United States Constitution.

On cross examination, the Petitioner stated that he has been a builder for 15 years. He was responsible for developing the homes in the immediate vicinity of the subject tract. He stated that this particular parcel is part of an over all 12 acre tract which was developed by his family. He frankly admitted that part of this tract could have been developed in an R-6 spot along with the rest of the houses in the development. However, he was advised by his engineer to leave this 1 1/2 acres of land as a reservoir for future development, hopefully commercial.

After reviewing all evidence, the Deputy Zoning Commissioner feels that error has been shown. However, the error is not in the original zoning map but an error in the Petitioner's judgment to leave the subject property as a reservoir. In summary, this is not a case of error by confiscation but in effect is "an error by design."

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of February, 1966, 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-6 zone.

ORDER RECEIVED FOR FILING

DATE 1/9/66

BY ADMINISTRATIVE ASSISTANT

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to a B.L. zone
SW corner Liberty Road and Fairview Avenue
2nd District
George H. Keseling & Sons, Inc., Petitioner
OF
BALTIMORE COUNTY
No. 66-165-R

OPINION

This application for rezoning from R-6 (Residential) to B. L. (Business Local) involves a tract of approximately one and one-quarter acres on the southeast corner of Liberty Road and Fairview Avenue in the Second District of Baltimore County. The application was denied by the Deputy Zoning Commissioner on February 9, 1966, and an appeal was entered by the petitioner.

The appropriate zoning map was adopted on November 15, 1962, and there was a previous application filed for the rezoning of this property (#63-57) in 1963 asking for the same change, which petition was dismissed by the Zoning Commissioner upon application by the petitioner after a hearing but before a decision was rendered in the case. The property represents the remainder of a larger tract of ten acres or more all of which has been developed in accordance with R-6 zoning by the same owners, and apparently the subject tract had been retained by them in the hopes of commercial development yielding a much larger economic return than its use for individual cottages or semi-detached homes.

The Planning Department of Baltimore County as represented by the testimony of Mr. George E. Gavrellis, Director, indicated that, in the opinion of himself and his staff, there had been no error whatever in the original zoning and no changes since the adoption of the zoning map to warrant the rezoning requested. The property is completely surrounded by residential uses (cottage development and a church), and there is no physical reason why it cannot be used under its present classification. The only change amounting to anything has been the widening of Liberty Road which apparently was generally known at the time of the adoption of the map and which, in this particular instance, has had no effect whatever upon the character of the immediate neighborhood.

The applicant seemed to make much of the probability of excessive costs for development of lots on this land, which was rebutted by the testimony of an engineer presented on behalf of the petitioners and who brought forward a plan for R-6 development in six lots at what he considered to be a reasonable cost.

State Registered
Member: ASCE
NSPE
MSS
DAVID W. POMMER
Consulting Engineering
Land Surveying - Site Planning
111 W. 25th Street
Baltimore, MD 21218

Office:
889-3122

November 2, 1965.

DESCRIPTION OF A PARCEL OF LAND TO BE RE-ZONED FROM R-6 RESIDENTIAL TO B.L. LIBERTY ROAD AND FAIRVIEW AVENUE, SECOND DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at the corner formed by the intersection of the northeast side of a 20-foot alley laid out northeast of Marston Road and the Southeast side of Fairview Avenue 50 feet wide, all as shown on Plat No. 1 of Kellbrook, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 17, Folio 70, and running thence and binding on the Southeast side of Fairview Avenue, and referring the courses of this description to the Baltimore County Metropolitan District Grid Meridian, North 27 Degrees 00 Minutes 10 Seconds East 116.10 feet, Northeasterly, by a curve to the right with a radius of 20.00 feet the distance of 30.46 feet, and North 24 Degrees 18 Minutes 50 Seconds East 10.00 feet to the Southwest side of Liberty Road as proposed to be widened to a width of 60 feet, and running thence and binding on the Southwest side of Liberty Road South 65 Degrees 43 Minutes 10 Seconds East 294.27 feet, thence still ending on the Southwest side of Liberty Road as proposed to be widened South 24 Degrees 16 Minutes 50 Seconds West 30.00 feet and South 65 Degrees 43 Minutes 10 Seconds East

Page 2.

November 2, 1965.

DESCRIPTION OF A PARCEL OF LAND TO BE RE-ZONED FROM R-6 RESIDENTIAL TO B.L. LIBERTY ROAD AND FAIRVIEW AVENUE, SECOND DISTRICT, BALTIMORE COUNTY, MARYLAND.

40.03 feet to intersect the outline of the whole tract of which the parcel herein described is a part, and running thence and binding on a part of said outline South 22 Degrees 29 Minutes 40 Seconds West 124.10 feet to the Northeast side of another 20-foot alley as shown on Plat No. 2 of Kellbrook, recorded among the aforesaid Land Records in Plat Book G.L.B. No. 16, Folio 46, and running thence and binding on the Northeast side of said second-mentioned 20-foot alley, and continuing along the Northeast side of the 20-foot alley first herein referred to, North 64 Degrees 20 Minutes 10 Seconds West in all 372.77 feet to the place of beginning. Containing 1.22 acres more or less

RS:LEW.

George H. Keseling & Sons, Inc. - 66-165-R

With this testimony the Board is in agreement and after consideration of all of the evidence in the case finds, as a fact, that there was no error; there has been insufficient change to warrant rezoning; that there is no hardship placed upon the owner for development of the property as presently zoned; and most certainly this is not a situation which amounts to confiscation of his property. The decision of the Deputy Zoning Commissioner will, therefore, be affirmed and the petition will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of September, 1967 by the County Board of Appeals, ORDERED that the reclassification 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

William S. Baldwin, Chairman

W. Giles Parker

John A. Slawik

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose
Zoning Commissioner
FROM: Mr. George E. Gavrellis, Director
Office of Planning and Zoning
SUBJECT: Petition #66-165-R. R-6 to B.L. Zone Southwest corner of Liberty Road and Fairmount Avenue. Being the property of George H. Keseling & Sons, Inc.
2nd District

HEARING: Thursday, January 6, 1966. (11:00 a.m.)

The Planning Department of Baltimore County as represented by the testimony of Mr. George E. Gavrellis, Director, indicated that, in the opinion of himself and his staff, there had been no error whatever in the original zoning and no changes since the adoption of the zoning map to warrant the rezoning requested. The property is completely surrounded by residential uses (cottage development and a church), and there is no physical reason why it cannot be used under its present classification. The only change amounting to anything has been the widening of Liberty Road which apparently was generally known at the time of the adoption of the map and which, in this particular instance, has had no effect whatever upon the character of the immediate neighborhood.

Reviewed by James E. Ryan
Chairman of
Advisory Committee

Cost of Advertisement, \$.....

OFFICE OF
THE BALTIMORE COUNTY
 THE COMMUNITY NEWS
 Baltimore, Md.

ORIGINAL
 THE HERALD - ARGUS
 Catonsville, Md.

No. 1 Newburg Avenue
 CATONSVILLE, MD.

December 20, 1965.

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

was inserted in THE BALTIMORE COUNTYMAN, a group of
 house weekly newspapers published in Baltimore County, Mary-
 land, once a week for One successive week/ before
 the 20th day of December, 1965, that is to say
 the same was inserted in the issues of

December 14, 1965.

THE BALTIMORE COUNTYMAN

By Paul J. Morgan
 Editor and Manager X'11.

PETITION FOR
 RECLASSIFICATION
 2nd DISTRICT
 ZONING: From R-6 to R, L,
 Zone,
 LOCATION: Southwest corner
 of Liberty Road and Fairview
 Avenue,
 DATE & TIME: THURSDAY,
 JANUARY 6, 1966 at 11:20 A.M.,
 PUBLIC HEARING: Room 109,
 County Office Building, 111 N.
 Chesapeake Avenue, Towson,
 Maryland

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

Present Zoning: R-6
 Proposed Zoning: R, L,
 public.

All that parcel of land in the
 Second District of Baltimore

Beginning for the same at the
 corner formed by the intersection
 of the Northwest side of a
 100-foot alley old out Northeast
 of Marston Road and the South-
 east side of Fairview Avenue 50
 feet wide, all as shown on Plat
 among the Land Records of Balti-
 more County to Plat Book 18, No.
 17, folio 70, and running
 thence, and ending on the South-
 east side of Fairview Avenue,
 and referring the courses and
 distances to the Baltimore County
 Metropolitan District of
 Grid Meridian, North 77 Deg. 59
 Minutes 20 Seconds East
 116.10 feet, Northerly by a
 curve to the right with a radius of
 250.00 feet the distance of 30.86
 feet, and North 24 Deg. 55.16
 Minutes 30 Seconds East 10.00
 feet to the Southwest side of
 Liberty Road as proposed in be-

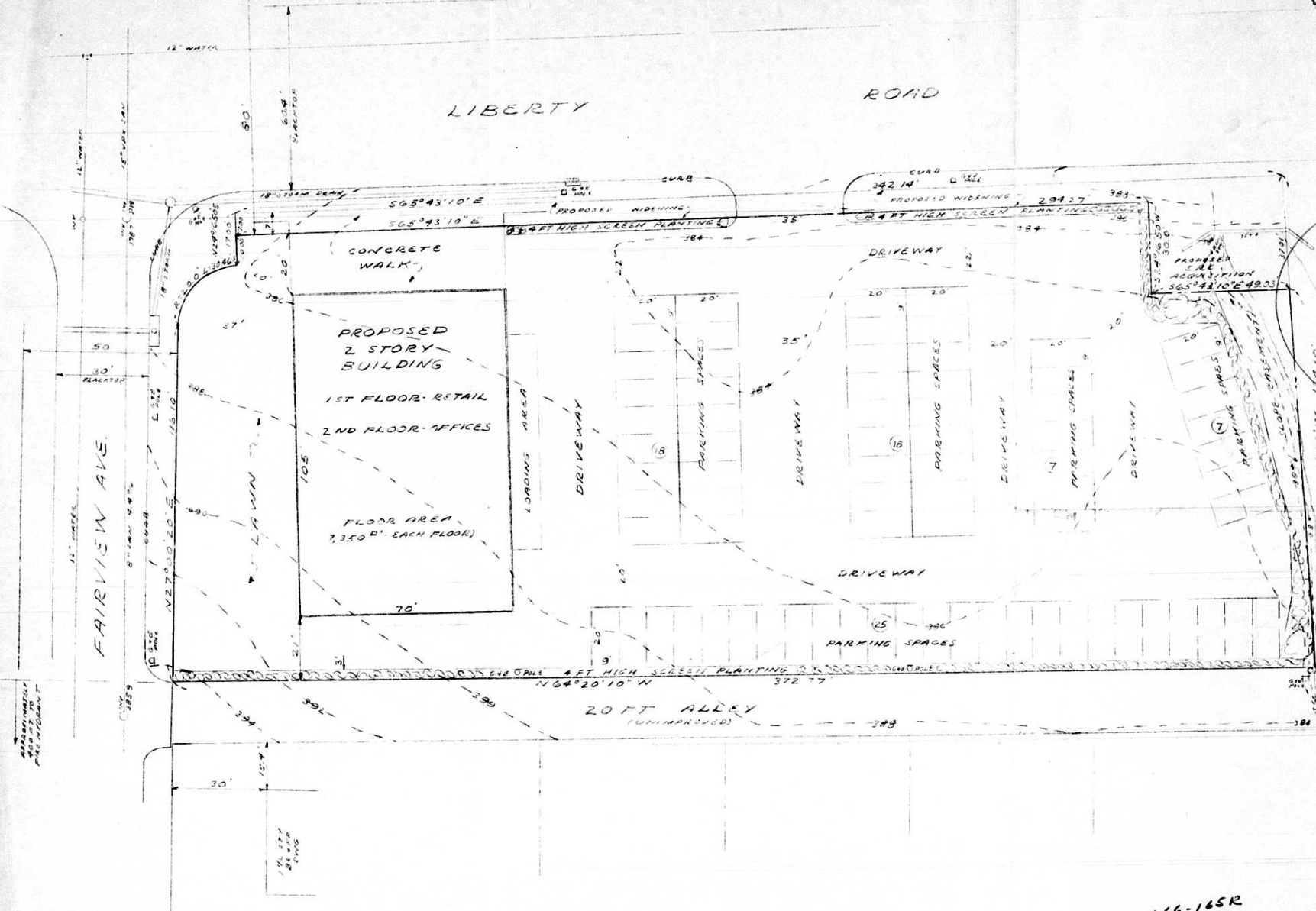
By ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER OF
BALTIMORE COUNTY,
Dec. 16.

EXISTING ZONING: R-6
PROPOSED ZONING: BL
NET AREA: 1.22 AC

PAVING: MACADAM
SCREENING: 4 FT HIGH EVERGREENS
2ND ELECTION DISTRICT

PARKING DATA:

USE: RETAIL SALES
TOTAL FLOOR AREA: 7,350 sq ft
NUMBER OF SPACES REQUIRED: 37
USE: OFFICES
TOTAL FLOOR AREA: 7,350 sq ft
NUMBER OF SPACES REQUIRED: 25
TOTAL NUMBER OF SPACES REQUIRED: 62
TOTAL PROPOSED: 75
PARKING SPACES: 9x20 = 180 sq ft



#66-165R

MAP
2-B
WESTERN
AREA
NW-5-F
BL

PLAT FOR ZONING APPEAL
LIBERTY ROAD AND FAIRVIEW AVE
2ND DISTRICT
BALTIMORE CO, MD

GEORGE H. KESLING & SONS, INC.
3314 CROYDON RD.
BALTIMORE, MARYLAND
21207

#66-165R

MAP
2-B
WESTERN
AREA
NW-5-F
BL



DAVID W. FORMER
REGISTERED ARCHITECT & LAND SURVEYOR
OFFICE: 114 WILSON ST BALLO, MD
SCALE: 1"=20' ISSUED: OCT 29, 1966