

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Hammond B. Pierpont, 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 AM-P zone to an AM-P zone, for the following reasons:

See attached description

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

Property 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 for Baltimore County.

Contract purchase
Address: 3025 Liberty Road
Petitioner's Attorney: Hammond B. Pierpont
Address: 3025 Liberty Road

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of December, 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 had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of January, 1966, at 11:00 o'clock A.M.

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

a Special Exception for a AM-P should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of December, 1965, that the herein described property or area should be and the same is hereby reclassified, from a AM-P zone to a AM-P zone, and/or a Special Exception for a AM-P 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: as the petitioner failed to prove error on the Zoning Map adopted by the County Council or that sufficient change had taken place to warrant the rezoning,

the above reclassification should NOT BE HAD.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of March, 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 a AM-P zone.

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION
from an R-A, zone to a B-L zone
S/S Liberty Road 676 feet Southeast
of Milford Mill Road,
2nd District,
Hammond B. Pierpont, et al,
Petitioners

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 66-174-R

OPINION

This case comes before the Board of Appeals on petition of Hammond B. Pierpont for the reclassification of a rectangular shaped tract of land, approximately 1.104 acres in size, located on the South side of Liberty Road 676 feet Southeast of Milford Mill Road, in the Second District of Baltimore County.

The property, East of the subject is zoned B-L to the South, and West are R-A zones. Northerly, across Liberty Road, is B-L, and Northwesterly is R-6. This section along Liberty Road extending from Abbie Place on the East to Rolling Road on the West, is predominantly commercial.

Mr. John E. Meyers, Assistant Development Engineer for the Maryland State Roads Commission, testified that funds had been allocated, contract has been let and work has started as of September 6, 1966 to widen Liberty Road to 60 feet of paving on an 80 foot right-of-way from the Beltway, westward to Randallstown. The project is estimated to be completed within 325 working days, which would be in the Spring of 1968.

Joseph Soley, President of the Jo-Bar Company, testified that his company is the Contract Lessee of the subject property, that it constructed the stores located on the adjoining parcel on the East side of the subject property and those across the street. It is the Company's intention to construct similar stores on the subject tract. Mr. Soley further testified that he is a builder of both commercial and apartment buildings.

Hammond B. Pierpont - No. 66-174-R

He does not consider the subject tract to be a suitable location for apartments. Based on experience, he stated that a tract with highway frontage between retail stores, is not a suitable location for apartments. There is no demand for offices in the area, but that there is a strong demand for retail stores by a growing population.

Mr. Frederick P. Klaus, a Realtor and Appraiser, appeared on behalf of the petitioner as an expert witness. He testified that in his opinion, the 1962 map was in error for zoning the 6 acre tract R-A. Because of its small size, irregular shape and being located in a "squeezed" position between two commercial tracts, it is impossible to use the land for R-A development, and that such zoning is confiscatory. He further cited seven cases of zoning changes since the adoption of the map which are set out in Petitioner's Exhibit No. 3.

Martin Schwartz, a nearby resident, protested the reclassification because there are no development plans for the remainder of the six acres, nor for the cutting through of the Rockdale Terrace Street, and because of creeping commercialization on a residential area.

Council advised the Board that other protestants present would give cumulative and repetitious testimony as that given by Mr. Schwartz. However, the Board feels the subject property best lends itself to a commercial use in light of the existing zoning and usage to the East and West.

The Board is of the opinion that the Petitioners have proven both change in the neighborhood and error in the original zoning map sufficient to warrant the reclassification petitioned.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day

Loan Crane Case - File #5747

John Euler Case - File #63209

66-182 ---

Property of John Lander
SE/S Langreth Road - 150' from SW/S Liberty Road
From R6 to BL
Judge Berry - Feb. 10, 1964
Bring Ft. on this one.

63-165-R ---

Property of William R. Brown
NE/S of Liberty Road and NW/S of Rockdale Terrace
From RA to BL
0.439 Acres
Granted by Zoning Commissioner on Dec. 11, 1963
No Appeal
Proposed use 3,000 sq. ft. Building

64-173-R ---

Property of H. May Mansfield
NE/S of Liberty Road - 12' N. of Rockdale Terrace
From R-6 to BL
0.73 Acres
Granted by Zoning Commissioner on July 30, 1964
Appealed on August 29, 1964
Order of Dismissal filed before Board of Appeals
Order of Dismissal issued by Board of Appeals on July 30, 1965

65-88-R ---

Property of Daniel C. Joseph
NE/S of Liberty Road - 250' SE of Rockdale Terrace
From R-6 and BL to R-A.
8.63 Acres
Granted by Deputy Zoning Commissioner on Sept. 21, 1964
Appealed to Board of Appeals on October 19, 1964
Order of dismissal by Board of Appeals on February 23, 1965

6619 --- N/A

Petition for SE for offices and variances -
Granted on the 20th of July, 1962.

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of January, 1967, 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 the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

R. Bruce Alderman, Acting Chairman

W. Giles Parker

John A. Slowik

