PETITICS: FOR ZONING RE-C ASSIFICATION AND/OR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: ___legal owners_ of the property situate in Balt county and which is described in the description and plat attached hereto and made a part bereof, 2.2. County and which is described in the descriptor: and past attached aereto and made a part agreen, $\chi = 1$ hereby petition (1) that the roning status of the herein described property be re-classified, purposally $e \in \mathcal{T} \in \mathcal{A}$ to the Zoning Law of Baltimore County, from an-___zone; for the following reasons: BR Error in original zoning and a genuine change in conditions 3/4/66 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 prei, or we, agree to pay expenses of above re-class posting, etc., upon filing of this petition, and furth-Inidore S Edx of HI Samuely regulations and restrictions of Balti-aore County ado. Robert M. Samuelson Jan James Helix Follow Merter Goldman Contract purchaser Morton M. Robinson Bess D. Fedder Petitioner's Actorney Human Jamuslar Address 607 Loyola Federal Building. Towson, Maryland 21204 323-12t ORDERED by The Zoning Commissioner of Ba inthe Samuelyn Walter Samuelson way A Replic ., 136 ..., that the subje required by the Zoning Law of Baltimore County, it out maximore county, man preperty on posseu, and a Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore out Baltimore County, that preperty be posted, and t 196_6, at 1;00 o'clock P. M. 1 1. v opprived Plat 0 BUILTINGS COUNT OFFICE OF PLANNING AND ZORIAN COUNTY OFFICE DUTINING AND ZORIAN TORON, MARTINED 2120h Decimentification From N-A to S for Indiane Namedson stal my/s Liberty Na Na of Chapmas Palls, 2nd Cistrict (Item 3, February 15, 1966) . Lee Harrison, Sequire 07 Loyels Federal Building Jouron, Naryland 2120h oring Advisory Committee has reviewed the subject polition and makes NOTE: OF MEDITION DE-inver - Nothing Dr under 7: Minerty Road-Foor - Nothing Dr ener adjacent to Course Falls. Adequary of exitting utilities to to determined by developer or his angineer. Bood - Liberty Road is a fatter Road. STATE HOAD COMPANIES. This bureau is in agreement with the above Traffic Engineering COUNTY AND A THAT OR DIVISION The proposed parking area in the rear of the gas station will require considerable fill. This parking area must comply with all sections of hop. The shore commonle are not intended to initiate the appropriateness of the source action requested, but he stores that all variates are unde source of plans or problems that non have a bearing on this same. The Blancher major the Source Alexander of the Office of Planning and Soning Sill which recommendations on the oppropriateness of the responsed noting 10 days before the cruster Constitutioner's meaning. The following members had no comment to offers

PETITION FOR ZONING RE-CASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I or we the undersigned County and which is described in the description and plat attached hereto and made a part hereof. 2-B ntweeter an AREA to the Zoning Law of Baltimore County, from an R-A NW-AF zone: for the following reasons:

Error in original zoning and a genuine change in condition

BR 3/4/66

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 Regulation ation and/or Special Exception advertisis posting, etc., upon filing of this petition, and further agree to and are to be bound by the zon ons of Baltimore County adopted pursuant to the Zoning Law for Baltimo

Zodenicon, Petitioner's Attorney

Address 607 Loyola Federal Building owson, Maryland 21204 823-1200 ORDERED By The Zoning Com ner of Baltimore County, this 8th

..... 1962_., that the subject matter of this petition be advertised. required by the Zoning Law of Baltimore County in two newspapers of general circulation throu out Baltimore County, that property be posted, and that the public hearing be had before the Zon Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 250 bas - day of - March -

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. . .

MICROFILMED

...., 196_6, at J102_o'clock

100 sperved Plat

RE- PETITION FOR RECLASSIFICATION BEFORE from an R-A zo.ie to a B-R zone, NE/S Liberty Road 1700* NW of Gwynns Falls, 2nd District COUNTY BOARD OF APPLALS Isidore Samuelson, et al.

BALTIMORE COUNTY No. 66-209-R

OPINION

The petitioner in this casu seeks a reclassification from an R-A zone to a B-R zone of a two acre parcel of land located on the north side of Liberty Road at its intersection with Sedgemoor Road in the Second Election District of Boltimore County.

The property in question is an "L" shaped parcel and the western most 1.64 acres is already zoned B-R. The entire parcel owned by the petitioner consists of 3.64 acres and was formerly part of a much larger tract of ground known as the "Price property" The petitioner, in conjunction with others, has owned the property for more than ten years and sold off the major portion of the tract to one, Maurice Berk, who is presently developing the balance of the tract in an apartment complex known as the Balmoral Apartments, consisting of a mixture of high rise apartment buildings and town houses.

The peritioner testified that when he sold the major portion of the "Price property" to the apartment developer the subject parcel was reserved for future commercial use. He also testified that he had applied for commercial zoning on the entire tract and although the reclassification was granted by the then County Board of Appeals, it was reversed by the Circuit Court and the Circuit Court's reversal was upheld by the Court of Appeals of Maryland because of the then existing road and traffic conditions on Liberty koad along the subject tract. This case was recorded as Price vs. Cohen, 213 Md. 457, and the Court, at page 465, quoted the trial Judge as stating that if the record had shown that the widening of Liberty Road would take place at a reasonable time a different conclusion would have been reached by him. It is quite clear, from the testimony of an expert witness who appeared on behalf of the petitioner, that the change to Liberty Road has in fact, occurred.

Since the map for this area was adopted a number of changes have occurre the most important of which is the aforementioned widening of Liberty Road from a paving width of 22 feet on a 66 foot right-of-way, to 60 feet of paving on an 80 foot right-of-way There are a number of commercial uses and zoning in the immediate vicinity; two gasoline stations being immediately to the west of the subject property on the north side of Liberty Road, and a bank and the Woodmoor Shopping Center being catty-cornered from the prop



#66-209R

DESCRIPTION

PROPERTY OF NORTHEAST SIDE OF LIBERTY ROAD, SOUTHEAST OF ESSEX ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

EXISTING ZONING: R-A

PROPOSED ZONING: B-R

Beginning for the same at a point on the northeast side of Liberty Road, at the distance of 1700 feet as measured northwesterly along said northeast side of Liberty Road from its intersection with the center line of Gwynns Falls, and running thence, binding on a part of the line dividing the area designated " 2-R A-25" on the Zoning Map of Baltimore County from the area designated "2-BR-12", (1) N 25* 56' 35" E 267.00 feet, thence (2) S 64* 03' 25" E 327.00 feet, and (3) S 25° 56' 35" W 267, 00 feet to a point on the northeast side of Liberty Road, and thence, binding thereon, (4) N 64° 05' 25' W 327.00 feet to the place of beginning

J O #65179

- 2 -

property is zoned R-A as is the contiguous property to the east on the north side of Liberty

Road; thus, the parcel is completely surrounded by apartment and commercial zoning and

Liberty Road has more than adequate capacity to handle any additional traffic that might

be generated from the subject site, and that the rezoning here would not create any traffic Other witnesses established that public utilities (water, sewer, etc.) are

available to the subject site in sufficient capacity to handle the proposed use. Additional

witnesses appearing on behalf of the petitioner, both a realter and a land planner, testified

that the two acre parcel is not useable for apartment development being too small to

feasibly develop economically as an apartment complex, and that such a small apartmen

nearby. They were further of the opinion that the proposed use of the property for a

furniture store would not be detrimental to the neighborhood or surrounding properties.

its natural topography is similar tract of the Business-Roadside zone to the west rather

than to the apartment zone to the east, there being a marked change in elevation of the

although one, a Maurice Berk, was represented by counsel. At the request of the

he was withdrawing any opposition to the requested reclassification.

protestant's counsei, R. David Adelberg, Esq., the case was continued twice to afford

Mr. Herk the apportunity to appear and testify before the Board, however, Mr. Berk did

not appear and by letter, dated March 7, 1967, the Board was advised by his counsel that

been substantial changes in conditions in the immediate area subsequent to the adoption of

the map, and that the proposed reclassification is not inharmon, sus with the general plan

and would not be detrimental to the health, safety, and general welfare of the community

eastern most boundary of the subject property which puts it at a considerably lower eleva-

No testimony was offered in opposition to the requested reclassification

On the record before the Board, the Board is of the opinion that there have

project, if built, would not be able to compete with larger existing apartment development

Moreover, they were of the opinion that the property is ideally suited for business uses and

An expert witness for the petitioner testified that the recently widened

Isidore Samuelson - #66-209-R

tion than the apartment zone to the east.

involved.

WESTERN

PREA

NW-SF 3/4/66

Without revisioning the testimony and exhibits in detail, the Departy Zoning Commissioner is of the opinion that the Petitioner has failed to meet the borne of proof to show an error in the original map or such a substantial chance in the character of the seighberhood that would justify re-zoning the tract. Therefore, IT IS ORDERD by the Deputy Zoning Commissioner of Reliasification be and the same is nereby DENED and that the above described property or area be and the same is hereby continued as any treat an RA aone.

..........

The Petitioner seeks a Reclassification of his property for an RA tone to a ER zone.

PETITION FOR RECLASSIFICATION NE/S Liberty Read 1700' NW of Guyuns Falls 2nd District Jaidore Samuelson, et al

HEPORE THE

BALTIMURE COUNTY

DEPUTY ZONING COMMISSIONER

Isidore Samuelson - #66-209-R

Any appeal from this decision must be in accordance with Chapter 1100,

- 3 -

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

W. Giles Perker

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 23rd of March, 1967 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED, subject to site plan approval by the

Department of Planning and Zoning and the Bureau of Public Services, and SRC.

subtitle B of Maryland Rules of Procedure, 1961 edition.

William S Boldwin Chairme

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date Morch 14, 1966	то	Mr. John G.	Rose, Zoning	Commissioner	Date Morch 14, 1966
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FROM Mr. George E. Gavrelis, Director of Planning

Petition \$56-209-2. "NE/S Liberty Road 1700 feet NW of Gwynns Falls. Petition for Reclassification from R.A. to B.R. Zone, "Isidore Samuelson, et al - Petition

2nd District

PETITION FOR RECLASSIFICATION-UND DISTRICT

ZONING, From R.A. to B.R. Zone LOCATION Northeast side of Lib-serty Road 126 feet. Northwest of Gwynns Falls. DATE & ITME: Thursday, March 24, 1346 at 1:00 F.M. PUBLIC HEARING, Room 188 . eun-ty Office Building, 111 W. Crea-peake Avenue, Townin, Maryland.

Part Account Terror, Maryland Terror Land Control, by sudmert of the states of counts of counts of counts of counts of counts by sudmert of the states of counts of co

ment. Hearing Date: Tourstay, March 74, 1964 at 1:00 P.M. Public Hearing Room 105, County Office Building, 111 W. Chesapeake Avenue, Tuwson, Md.

HE ARING: Thursday, March 24, 1966. (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

> We feel that Baltimore County already has far too much strip commercial zoning. Since the subject proposal would be an extension of such zoning, it would be in direct conflict with one of the purposes stated in the Report on the Master Plan and Comprehensive Rezoning Map for the Western Planning Area. RA Zoning for the subject property was deliberate and, we feel, remains correct.

THE JEFFERSONIAN.

Cost of Advertisement, \$.....

W. LEE HARRISON 507 LOYOLA FEDERAL BUILDING U2 WEST PENNSYLVANIA AVENUE TOWSON, NARYLAND 21204 April 29, 1966

John G. Rose, Esq. Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Petition for Reclassification NE/S Liberty Road 1700'NW of Gwynns Falls, 2nd District, Isidore Samuelson, et al No. 66-209-R

Dear Mr. Rose:

Please note an appeal to the County Board of Appeals from the decision and order dated April 21, 1966 denying the reclassification requested in connection with the above captioned property on behalf of the Applicant.

I have enclosed my check in the amount of \$75,00 to cover the costs

Very truly yours, Make Transcon

W. Lee Harrison

Enc.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland CERTIFICATE OF PUBLICATION

		ate
TOWSON, MD	Posted for Application	
THIS IS TO CERTIFY, that the annexed advertisement was	Petitioner Landous Santrukern Skal	
published in THE JEFFERSONIAN, a weekly newspaper printed	Location of property A. E. S. Settity Side 1702 04	٤
and published in Towson, Ba'timore County, Md., once in ouch		1
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day of	(2 NE/S Schutz Ret 200 /3E of Ledgens	4.4
appearing on the 3rd day of Sarch	Remarks	
19.66	Posted by Joseph Date of	

66-209R

. 4.7		7
District		Date of Posting May 14 196
Posted for		·
Petitioner Joseph J.	entucken sko	٤
Location of property: 12. E. / 2. S. E.	utz. sik. 1702'	and of Georgeous False
Location of Signs: A A LA	buly Kit CAP IL	and had but gameer Cas.
(2 NE/s Schutz Re 200	SE July	correct No.
Remarks		
Posted by Jose C.	Dai	de at return. May 19.1966

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenua Tomson, Maryland 2120h

Your petition has been received and accepted for filing this

day of February

Petitioner Isidore Samuelson etal

Petitioner's Attorney W. Lee Harrison

PETITION FOR RECLASSIFICATION

2nd DISTRICT ZONING: From R.A. to B.R.

Z.me.

LOCATION: Northeast side of
Liberty Road 1700 feet Northwest
of Gwynns Falls.

DATE & TIMES THURSDAY.

MARCH 24, 1966 at 1:00 P.M.

PUBLIC HEARING Room 108,
County Office Building, 111,
Chesapeake Avenue, Towaon,
staryland,
The Zoning Commissioner of
Baltimore County, by authority of

The Zoning Commissioner of Bultimore County, by authority of the Zoning Act and Regulations of the Zoning Act and Regulations of December 2007, with 10 day a public hearing state, with 10 day a public hearing and the Zoning R.A. Proposed Zoning B.R. All Data parcel of land in the Second District of Bultimore Deposit on the northeast side of Liberty Road, as the distance of 119% feet as measured north-119% feet as measured north-side of Liberty Road from its intersection with the center line

side of Liberty Road from its intersection with the center line of Genous Falls, and running theorem. Bindle on a part of the most believed to be seen as a set of the control of the set o

of beginning.

Being the proerty or sidore Samuelson, et al., as shown on plate plan filled with the Zoning

plat plag filed with the Zoning Department. Hearing Date: Thurs, March 24, 1966 at 100 P.M. Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. BY ORDER OF JOHN G. ROSE, ZONING COMMISSIONER OF BALTIMORE COUNTY, March 3.

BATIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No.35794 DATE 2/28/66

Division of Collection and Receipts
COUK . HOUSE TCWSON MARYLAND 212/14

BILLED Zoning Cept. of Balto, Co.

\$50.00 50.00 2-2866 6025 * 35795 TIP-

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.

THE BALTIMOR COUNTIAN

No. ! Newburg Avenue

CATONSVILLE, MD.

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

was inserted in THE BALTIMORE COUNTIAN, a group of theree weekly newspapers published in Baltimore County, Maryland, once a week for One SEXXESTIME weeks before the 7th day of March, 1966 , that is to say

THE BALTIMORE COUNTIAN

the same was inserted in the issues of March 3, 1966.

> By Paul J Morgany Editor and Manager W.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No.37698

DATE 2/23/66

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

POSIT TO A	DETACH L	PPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal - P	reparty of Isidore Samulson, et al 70.0	\$75.00
	60- 66-209-R		
		2-966 (51) : 17691 165- 5-960 (51) : 17691 165-	75.00 75.00
	4	TYABLE TO BALTIMORE COUNTY, MARYLA	ND NON A. MARYLA

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWS MAIL TO DIVISION OF CULLECTION OF THIS BILL WITH YOUR REMITTANCE.

1711 Pennsylvania Ava.

BATTHORE COUNTY, MONAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE TOWSON, MARYLAND 21206

BILLED Zoning Dept. of Balto. Co.

QUANTITY	DETACH UPPER BEGTION AND RETURN WITH YOUR REMITTANCE	SSA-50
	Advertising and posting of property for Isldora Samubison, et al	54.50
	MO-to-convictor	
	9-2366 9793 * 27636 I'P-	5450
	4.	_

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

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District. 3 4 5	Date of Posting March 5, 196
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Petitioner - Daid ve Samical	
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Location of property: 22.0.21. P.M. 1117	kes.2200gxxynux
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N/S Liberty Ret 250 154 de	Ledgemeer Rd
Remarks:	7
Remarks:	
Posted by	Date of return / House 18,1716
Signature	





