

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, the undersigned, 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, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-A zone to an AREA zone for the following reasons:

Error in original zoning and a genuine change in conditions

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 per 1, or we, agree to pay expenses of above reclassification, etc., upon filing of this petition, and further regulations and restrictions of Baltimore County and County.

Contract purchaser: Isidore Samuelson, Robert M. Samuelson, Oscar Samuelson, Herbert Goldson, Morton M. Robinson, Bess D. Feilley, Herman Samuelson, Walter Samuelson, Sidney Rappin

Address: 607 Loyola Federal Building, Towson, Maryland 21204 323-1201

ORDERED By The Zoning Commissioner of Baltimore County, on the 13th day of February, 1966, that the subject 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 13th day of March, 1966, at 1:00 o'clock P.M.

W. Lee Harrison, Petitioner's Attorney

Isidore Samuelson, Legal Owner

Isidore Samuelson, Contract purchaser

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Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertisement, etc., upon filing of this petition, and further agree to and are to be bound by the regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Isidore Samuelson, Robert M. Samuelson, Oscar Samuelson, Herbert Goldson, Morton M. Robinson, Bess D. Feilley, Herman Samuelson, Walter Samuelson, Sidney Rappin

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MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-823-0900

DESCRIPTION

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

EXISTING ZONING: R-A

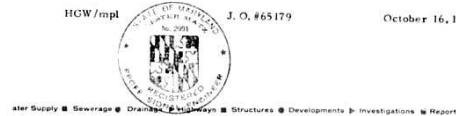
PROPOSED ZONING: B-R

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-RA-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° 0' 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° 0' 25" W 327.00 feet to the place of beginning.

HCW/mpl

J. O. #65179

October 16, 1965



Water Supply • Sewerage • Drainage • Highways • Structures • Developments • Investigations • Reports

RE: PETITION FOR RECLASSIFICATION
NE/S Liberty Road 1700' NW
of Gwynns Falls
2nd District
Isidore Samuelson, et al

The Petitioner seeks a reclassification of his property from an RA zone to a BR zone.

Without reviewing the testimony and exhibits in detail, the Deputy Zoning Commissioner is of the opinion that the petitioner has failed to meet the burden of proof to show an error in the original map or such a substantial change in the character of the neighborhood that would justify re-zoning the tract.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 21 day of April, 1966, that the above described property or area be and the same is hereby continued as an RA zone.

Edward J. Hackett
Deputy Zoning Commissioner

DATE: 4/21/66

BY: [Signature]

Isidore Samuelson

RE: PETITION FOR RECLASSIFICATION :
FROM an R-A zone to a B-R zone,
NE/S Liberty Road 1700' NW
of Gwynns Falls,
2nd District
Isidore Samuelson, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 66-209-R

OPINION

The petitioner in this case 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 Sedgewood Road in the Second Election District of Baltimore 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 Belmont Apartments, consisting of a mixture of high rise apartment buildings and town houses.

The petitioner 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 Road 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 occurred, 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 kitty-cornered from the property.

Isidore Samuelson - #66-209-R

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 uses.

An expert witness for the petitioner testified that the recently widened 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 problems. 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 realtor 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 so a small apartment project, if built, would not be able to compete with larger existing apartment developments 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. Moreover, they were of the opinion that the property is ideally suited for business uses and its natural topography is similar to that 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 eastern most boundary of the subject property which puts it at a considerably lower elevation than the apartment zone to the east.

No testimony was offered in opposition to the requested reclassification although one, Maurice Berk, was represented by counsel. At the request of the petitioner's counsel, R. David Adelberg, Esq., the case was continued twice to afford Mr. Berk the opportunity 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 he was withdrawing any opposition to the requested reclassification.

On the record before the Board, the Board is of the opinion that there have been substantial changes in conditions in the immediate area subsequent to the adoption of the map, and that the proposed reclassification is not inconsistent with the general plan and would not be detrimental to the health, safety, and general welfare of the community involved.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd day 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

Isidore Samuelson - #66-209-R

Department of Planning and Zoning and the Bureau of Public Services, and "ARC."

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. Slowik

Lee Harrison, Esquire
607 Loyola Federal Building
Towson, Maryland 21204

Dear Sir:

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

REVIEW OF EXISTING DATA:
Water - Existing 12" water in Liberty Road.
Sewer - Existing 12" sewer adjacent to Gwynns Falls.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Liberty Road is a State Road.

REVIEW OF TRAFFIC IMPROVEMENTS: The proposed entrance should be moved opposite Sedgewood Road to improve site distance and provide proper access.

STATE ROAD CONNECTION: This Bureau is in agreement with the above traffic engineering comment.

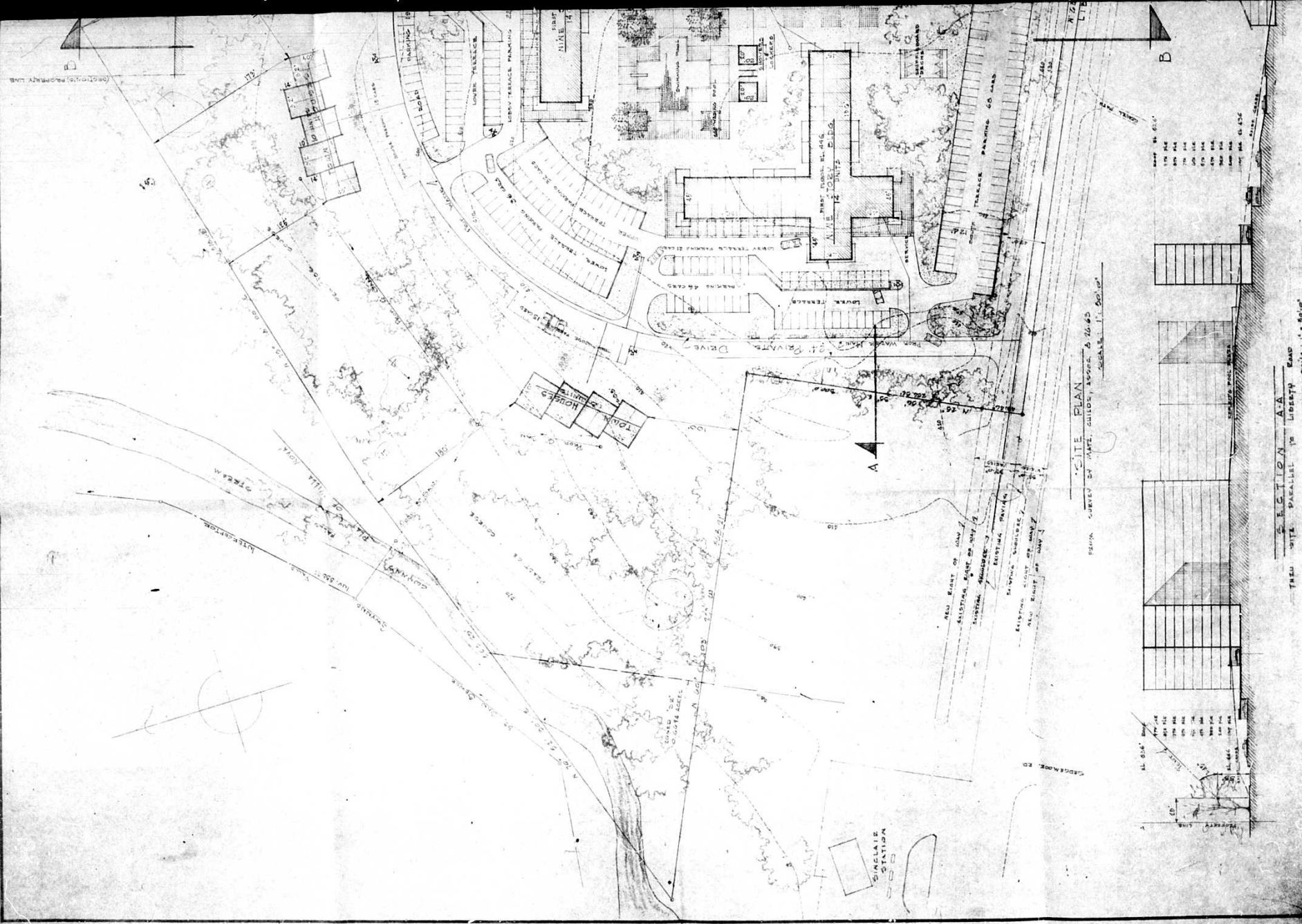
TRAFFIC ADMINISTRATION DIVISION: The proposed parking area in the rear of the gas station will require considerable fill. This parking area must comply with all sections of M.C.D.

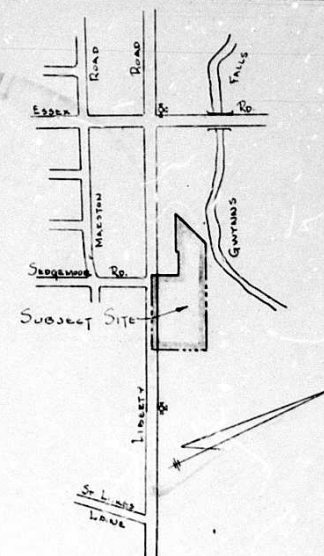
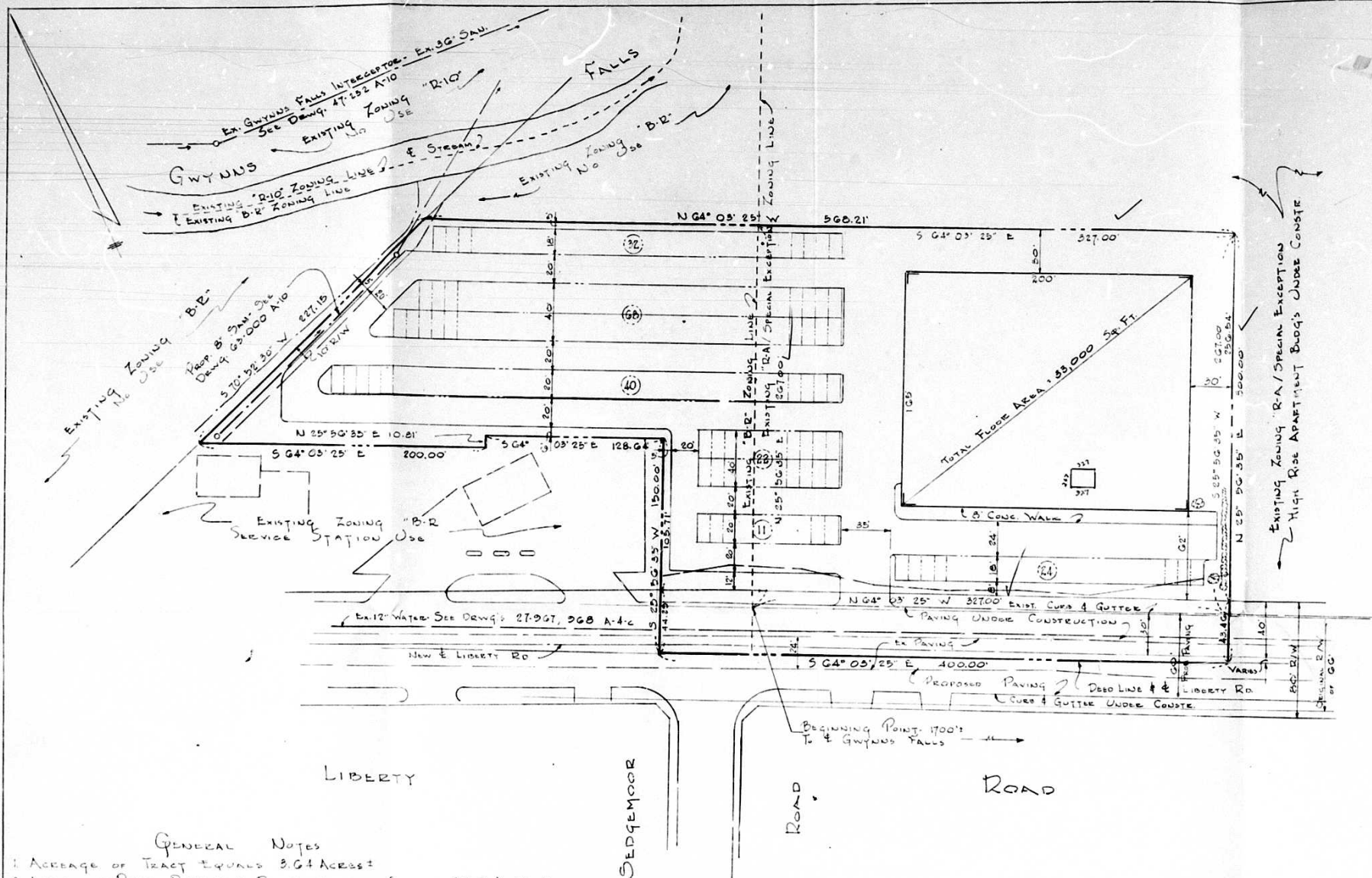
The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations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

The following members had no comment to offer:
Fire Bureau - Law Review
Health Department
Bureau of Inspection
Buildings Department
Industrial Development Commission

Very truly yours,
James E. Hackett
Deputy Zoning Commissioner

cc: Mr. Verlyle Brown-Bassett of Engineering
Mr. Richard Moore-Bureau of Traffic Engineering
Mr. John Jaynes - State Roads Commission
Mr. James E. Brown - Zoning Administration Division





LOCATION PLAN
Scale: 1"=500'

#66-209R

OFFICE
COPY

MNP
2-13
WESTERN
AREA
BR
NW-5F

- GENERAL NOTES**
1. Acreage of Tract Equals 3.64 Acres ±
 2. Acreage of Parcel Requesting Reclassification Equals 2.00 Acres ±
 3. Existing Zoning of Tract "B-R" & "R-A"
 4. Existing Use of Tract "No Use" & "Service & Parking Area For Office Equip."
 5. Proposed Zoning of Tract "B-R"
 6. Proposed Use of Tract "Retail Store"
 7. Proposed Floor Area of Building Equals 33,000 Sq. Ft.
 8. Required Off-Street Parking (85x18) Equals 125 Units
 9. Proposed Off-Street Parking (5x20) Equals 137 Units

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
SEDGEMOOR RD. & LIBERTY RD.
ELECTION DISTRICT 2 BALTIMORE COUNTY, MD.
Scale: 1"=50' OCT. 18, 1965

