TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 11 C. J. Langenfelder s.
I, or we. Sons, 10c. legal owner. of the preperty situate in Baltimore Major 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 zone to an to the Zoning Law of Baltimore County, from an R.6 B.A. (Residence rone; for the following reasons SF - 3- F SF - 3 - F

1) Error in the comprehensive zoning map

2) Change in neighborhood

SEE DESCRIPTION ATTACHED

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

I, or we, agree to pay expenses of above re-classification 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 Paltimore County adopted pursuant to the Zoning Law for Baltimore County.

C. J. LANGENFELDER & SONS, INC. Elmer L. Reese, Jr. Atty.

Address 600 Nottingham Building

Towson, Maryland 21204 Protestant's Attor whinket flow 21272

Legal Owner

ORDERED By The Zoning Commissioner of Baltimore County, this .....5th of Herch ..., 196\_8., that the subject matter of this petuion 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 10th , 196 3 , at 10:00 o'clock

Cour

4/10/68

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RA

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CCRRESPONDENCE

TO...Mr. John G. Rose, Zoning Commissioner Date... March 29, 1968 Leslie H. Graef, Deputy Director of Planning

SUBJECT. Petition #68-232-R. Reclastification from R-6 to R.A., Beginning
140 feet east of Bandolph Avenue with the south right of way line
of Alvah Avenue. Being the property C.J. Langenfelder & Sons.

12th District

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HEARING: Wednesday, April 10, 1968 (10:00 A.M.)

The subject tract is located next to (west of) land recently rezoned and developed R.A. We note that the tract has been regraded in anticipation of development. This prompts two comments

- Difficult topography chiviously is not a reason for rezoning here (references comments made in the adjoining case No. 65-168-8).
- The regrading does not \_\_commodate the potential extension of two recorded streets at the tract's western boundary. It should be made clear that, if recording is greated, the Country will have not burdened iself with legal or financial obligations with regard to the developer's proposal to close these two streets.

Whatever the resolution of the tract's density is, such should be made subject to approval of the subdivision plat by the Office of Planning and Zon ing.



RE: PETITION FOR RECLASSIFICATION From an R-6 zone to an R-A zone Beginning 140° E. of Randolph Ave with the south right of way line of Alvah Avenue, 12th District C. J. Langenfelder & Sons, Inc

OF BALTIMORE COUNTY No. 68-232-R

REFORE

COUNTY BOARD OF APPEALS

### OPINION

The petitioner seeks a reclassification of an eight and one-half acre parcel of land from its existing R-6 classification to on R-A classification. The property is situated north of School Lane, approximately 2,000 feet east of Merritt Boulevard in Dundalk, in the Twelfih Election District of Baltimore County.

The tract has been used in past years as a land borrow, and slopes steeply some seventy feet on the north side up to the Sacred Heart Cemetery. East of the subject property is an existing apartment project, and east of that property, between Halabird Avenue and the existing apartment project, are group homes, and then another apartment project on the west side of Merritt Boulevard. North of the subject property is the Sacred Heart Cemetery. South and west the property is zoned R-6, and developed with cottage housing of varying ages.

Frank Scarfield, the contract purchaser for the subject property who is a builder and developer in the Dundalk area of considerable experience, testified that if he is successful in obtaining the reclassification, he proposes to build 135 brick, two and one-half story, garden type apartment units on the subject property. He testified that there is a great demand for apartments in the Dundalk area; that he presently owns or manages more than 600 units in the area, and has a vacancy rate of less than one percent. He also stated that he built and owns the Holabird Fast Apartments, which adjoin the property taken by the witness shows that there are only twenty-four school children residing in the He further stated that, as a builder and developer of apartment projects and individual homes, the topography of the land is such that it is not feasible to develop it in its present R-6 classification, and that he had calculated that the development cost for R-6 housing would be in the neighborhood of \$7,000 per house, exclusive of the land costs.

W. Worthington Ewell, a professional engineer and recognized traffic expert, testified that the ingress and egress to the subject property would be through West-traffic situation in the area, it was his opinion that the reclassification of this eight and one-half acre tract to R-A will not cause any traffic congestion in the neighborhood streets He stated that he had studied the amount of free time available for traffic to ingress and egress to Holabird Avenue, and that there is ample free time to handle any additional

0.0

: BEFORE THE RE: PETITION FOR RECLASSI-C. J. Langefelder & Sous, Inc., Ptr.: DEPUTY ZONING

111 111 111

C. J. Langeteidor & Sons, Inc., 19tr.: DE-BUTY ZONISC Beg., 140° E of Randolph Avenue and the S right-of-way of Alvah Ave.: COMMISSIONEA 12th District NO, 68-232-R

8 BY : BALT.MORE COUNTY ::: ::: :::

The Petitioner seeks a reclassification of his property, consisting of 8.5 acres, from an R.-6 zone to an RA zone. Plans call for the construction of 137 units with off-street parking provided.

Without reviewing the testimony in detail, it is the opinion of the Deputy Zoning Commissioner that the Petitioner failed to show either error in the original zoning map or such substantial changes in the character of the neighborhood to warrant the re-zoning sought.

For the aforegoing rear ans, IT IS ONDERED by the Deputy Coming Commissioner of Baltimore County, this day of May, 1968 that the above reclassification be and the same is be reby DENIED and that the above described property or trea he and the same is hereby continued as and to remain an R-6 zone.

- 2 -C. J. Langenfelder & Sons, Inc. - #68-232-R

perated by the apartment project

Bernard Willemain, an expe I land planner called on behalf of the petitioner testified that he had been familiar with the subject property since 1950, and that in his opinion the property was erroneously zoned in 1956 in that the topography does not lend itself to feasibly develop the subject property in an R-6 classification, and that the County erred in not putting sufficient apartment zoning on the map when it was adopted. He further testified to some seventeen reclassifications and special exceptions in the immediate neighborhood since the map's adoption, and particularly to Case 66-168-R, which is the property immediately to the east of the subject property which was reclassified from an R-6 zone to an R-A zone on July 25, 1966, and that in his opinion this petition is a logical tension of that successful apartment project.

Only two protestants testified in opposition to the reclassification request, both of whom felt that there was not any need for additional apartments in the neighborhood and were apprehensive of the number of additional school children that would reside in the The Board finds, from the testimony in the case, that their fears are un founde The uncontradicted statistical evidence revealed only twenty-four school children on the xteen acre apartment project immediately to the east. This yield is only one and one-half child per acre. Cne proiestant, Christine Mryncza, feared additional traffic that would be generated by the apartments. However, Mr. Ewell's testimony, which is convincing to the Board, is that the proposed apartments will not create any undie con-The other protestant, Mrs. Dorothy Miller, complained of a possible invasion However, she did agree that the existing apartments, which are six to of privacy. seven hundred feet from her house, have not "bothered her".

From all the testimony, the Board finds that there have been substantial changes in the character of the neighborhood that affect this property, and that due to the topography of the land, it is not economically feasible to develop the land in its existing R-6 classification and, therefore, feels the reclassification should be granted.

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 7th day of May, 1969 by the County Board of Appeals, OR DERED that the reclassification from an R-6 zone to an R-A zone petitioned for, be and the same is hereby GRANTED, subject to site plan approval of the Department of Planning and Zoning.

C. J. Langenfelder & Sons, Inc. - #68-232-R

Any appeal from this decision must be in accordance with Chapter 1120, btitle B of Maryland Rules of Procedure, 1961 edition.

- 3 -

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MULLER. RAPHEL & ASSOCIATES, INC

DESCRIPTION TO ACCOMPANY ZONING PETITION 12th ELECTION DISTRICT

February 14, 1968 8.519 Acre Parcel C. J. LANGENFELDER ET AL

#68- 232R

BEGINNING for the same at a point on the south R/W line of Alvah Ave. (40' wide) northeasterly 140' + from the intersection formed by the east R/W line of Randolph Avenue with the south right of way line of Alvah Avenue said point being in the second or \$27°30'W 712.5' line of the land which by deed dated February 12, 1942 and recorded among the Land Records of Baltimore County in Liber CHK 1212 folio 58 was conveyed by Kimberly Farms, Inc. to C. J. Langenfelder et al at a distance of 154.0° from the end of said line thence leaving the south right of way line of Alvah Avenue and binding reversely on part of the and line and all of the 1st, 4th or last, the 3rd and page of the 2nd lines An aforesaid deed as now surveyed the five following courses and distances: 1) N25\*18\*20"E 558.507, 2) S51\*49\*40"E 605.50\*, 3) S20\*4\*20"W 508.14, 4) N71\*08\*00"W 633.27\*, and 5) N25\*18\*20"E 154.00 to the place

of beginning. CONTAINING 8.519 acres of land more or less. DEING all of the land which by deed dated February 12, 1942 and recorded among the Land Records of Baltimore County in Liber CHK 1215, folio 58 w.s conveyed by Kimberly Farms Inc. to C. J. Langenfelder and George H. Langenfelder (co-partners trading as C. J. Langenfelder and Scn)

LOTS . FARMS . TOPOGRAPAY . LOCATION . CONTRACTORS SERVICE . SUBDIVIS



Re: Petition for Reclassification beginning 140 feet east of Randoiph Avenue and the south right-of-way of Alvah Avenue, 12th District.

C. J. Langenfelder & Sons

0

No. 68-232-R

APPEAL

Edward D. Hardesty, Deputy Zoning Commissioner:

Please enter an appeal from the order of Edward D. Hardesty, Deputy Zoning Commissioner, dated May 8, 1968, wherein he denied the Petition for Reclassification filed by C. J. Langenfelder & Sons. Inc. in Case No. 68-232-R

MAY 23 '68 A'L -

w. Lee Thomas Attorney for C. J. Langenfelder Sons, Inc. Petitioners

RE: PETITION FOR RECLASSIFICATION : from an R-6 zone to an R-A zone N/5 Westfield Road 145' West of Manor Road, 12th Disrict George O. Diekman, et al, Petitioners

05

BALTIMORE GOUNTY No. 65-163-7

#### OPINION

The petitioners in this case suck a reclessification from R-A zone for a sixteen (15) acre tract of ground situated north of Hotabird & feet west of Monor Road in the Twelfth Election District of Baltimure County. The petitioners propose to erect 240 garden type operation units on the subject property.

The contract purchaser of the presently, Mr. Scarfield, who has builded leveloper and has developed other opertment projects in the Dutdelik area, isutified the there was a strong demand for operations in this even and that the four other projects we have developed have all been fully occupied since may were assured. He also states that if property was too expensive to develop in its greater 2-6 classification, and met his contract with the owners is not contingent upon the reclassification of the property.

T. Richard Fitzell, on active stather in the even testifying on behalf petitioners, stored that he has seen a large change in the change of the neighborhand from form uses to commercial and residential, and many changes invitabilities from individual houses to operments. He further state of the laftice receives fifty to save five calls a day from persons seeking operations in the Duncelle creat, and that he new hou in his office eighty-two applications made by paners socking to cent operments in the ex-

Devid Dollos, on ongineer appearing on behalf of the patitions that the property is served with all utilities, and that the water and sewer facilities available to the property are more than adequate to serve the proposed operations project. The petitionen' exhibit #2 was introduced through Mr. Delles and is morked off in few every A, B, C and D, to show the drainage creas. He stated that partiels A, D and C world all drain toward Holobird Avenue and/or Westfield Ross, was man the only normalist that could possibly reach the Dunley Aportments (evence by the sale greature. from over D.

The sole protestant is a Mr. M. Hooke who is also a bu and who presently owns the Dunlee Apartments which are representably four so five from the subject tract. Mr. Heake was successful in abtaining a rea fifteen ocre tract of ground to 1.-A approximately five and constraint blocks are within the post two months (Casa No. 64-89-3 - Herbert H. Ellist sells). Mr. Stroka's selly objection to the reclassification of the subject most is his said that mean water for

## George O. Diekman, et al - \$65-168-R

Diekman tract may flood the Dunlea Apartments owned by Nies. The Sound days not find, from the testimony, that the subject treet in any way course excess stems water to flood Mr. Hooke's property which is opproximately four blocks to the east of the subject neet. spens to the Board that if there is any storm drainage problem califold it would be dileviate wher then eggravated by the development of the subject treat as proposed. It also opposes, from the testimony, that Mr. Hooke by reason of his refused to co-operate with Saltimore County in redesigning the storm drains in the vicinity of the Dunles Aperturents has, in some degree, caused his own problem.

There is emple testimony in the record of a complete change in the character of the neighborhood since 1956 (the data of the adoption of the present senting map by Boltinors County) to justify the requested reclassification. Therefore, for the reasons given above the Board will great the partitioners' request for reclassification from on R-6 zone to an

### ORDER

For the reasons set Forth in the dioregoing Opinion, it is this 25 th day of July, 1966 by the County Board of Appeals, ORDERED, that the recleatification ned for, be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS OF DALTIMORE COUNTY

1/20/64

Northwest corner Helabird and Vesper Ave.

3/12/59 East side Popular Pl.

north of Wise Ave.

19 CHANGES IN MONING 12/21/67 68-132R 4/8/59 4623 Northwest side Manor Rd. Southwest side Westfield Rd. 7/31/63 R-6 to RA 10/12/67 64-89R Northwest side Sollers Pt. Rd. and Towson Rd. 7/25/66 P-6 to RA 66-168R 25/66 rtiwest side Westfield Rd. South side Wise Ave. 550 ft. from Church Rd. 5890 3/1"/61 Northest side of De Vale Ave. North of Holabird P-6 to BL 7/11/62 West wide Lynch St. South of Wise Ave. 5595 2/15/65 South side Wise Ave. South of Church Rd. 65-214R

Special Exceptions Special Exception for car wash 2/29/67 labird Ave. 9/15/66 East side of Herritt Blvú. Special Exception for garage 67-57 Special Exception for service station 12/17/58 4549

5469-X

Holabird live. Past of Trappe Rd.

Special Exception for service service station 12/26/63 North side Wise Ave. East of Merritt Blvd. 11/2/67 Westfield Rd. near Merritt Blvd.

Special Exception for service station

Special Exception for service station

Special Exception for dry cleaning

4917X

4595

Special Exception for service station 5/8/59 northwest Merritt Bl near Wise Ave. 9/18/67 West side Merritt Blvd. south of Wise Ave. Special Exception for garage

County Board of Appeals COUNTY OFFICE OUT

Sentember 18, 1969

W. Lee Thomas, Esq. 102 W. Pennsylvania Avenue Towson, Maryland – 21204

Re: File No. 68-232-R C. J. Lingenfelder & Sons

At the present time we have in our office Petitioners' Exhibit No. 2, which was introduced in evidence in

Inasmuch as this file has been closed, we would appreciate it if you would arrange to remove some on or before September 30th, 1969, otherwise it will be confiscated.

Very truly yours,

Muriel E. Buddemeier County Board of Appeals

EWELL, BOMHARDT & ASSOCIATES CONSULTING ENGINEERS HOLABIRD To Dussaue Ave. To MERRITT BLYD.

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#### FREE Time

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MOVEMBERT #2 MORNING @ PLANTOCPH ANT. 15 min. 45 sts.

45.

MENEMENT #5 EVELING @ PARTICIPY AVE. 18 min. 12 sec.

.....

Recleasification from R-6 to RA zone for C. J. Langenfelder G Jens, Erc., located on the E/S Alush Ave., 140° E. of Rendelph Avenue 12th District (Them 116, Morsh 5, 1969)

Bundau or Smellyszands
Sater - Existing S' sater in Alvah Ave.

Jeser - Lating S' sater satery seem? In Alvah Ave.

Adequacy of existing utilities to be determined by developer or his engineer.

Root - Alvah Ave. is to be developed as a Kriman 56' read on a 66' RNs.

STATE BOADS COMMISSION: Ma State reads are involved; therefore, this office has no com-

Fire hudrants and water mains must be installed before o

PROJECT PLANNING DIVISION:

ZONING ADMINISTRATION DIVISION:

Very truly yours,

C. Lungen Frider & Sous Location at property Boy 140! Mfl. & f. Namedyth are Will the Stack with the Mill the Stack with the Mill the Stack with the Stack are location at Squall Person of the Court of all the Stack are

Posted by Pred H. Hers

Date of return Zim - 21-68

Pat	THON FOR RECLASSIFICATION
zos	ING: From R-4 to R.A. Zone.
- 04	ATION: Beginning 140 feet, more less East of Randolph Avenue
- 46	ith the south right of way line I Alvah Avenue.
· V	TE & TIME: Wednesday, April 10, 168 at 18:00 A.M.
	Office Building, 111 W. Ches-
- 57	reske Avenue, Twosen, Maryland
	he Zoning Commissioner of Balti-

Libre CRU (13) folio 18 was on Libre (14) folio 18 was on Langerickier et al. 4 dinks. Langerickier et

## CERTIFICATE OF PUBLICATION

MAE 2 1 1968 19...

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

THE JEFFERSONIAN,

L. Leank Manager.

Cost of Advertisement, \$....

41	
1.00	_

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY #18-232-1

District 12 H.	Date of Posting Mbul - 22-68
Posted for Heaving Wed offi	6 10 1968 C. 10:00 A.M.
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Posted by Mul H Heer	Date of return Merch - 29-18

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ZONING: From R-4 to R. A. Zone.
LOCATION: Beginning 140 feet, more or less East of Randolph Avenue with the south right of way line of Alvah Avenue.
DATE & TIME: WEINEN-

DATE & TIME: WEDNES-DAY, APRIL 10, 1968 at 10:00 A.M. PUBLIC HEARING: Room

108, County Office Building, 111'
W. Cheancake Avenue
Tonson, Maryland.
The Zoning Commissioner o
Battimore County, by authorit
of the Zoning Act and Regulations of Battimore County, w.
bold a public hearing:
Present Zoning, R. A.

hold a public rearrange R.-6
Proposed Zoning R.-6
Proposed Zoning R.-6
All that parcel of land of
the Twelfth District of Remore County.

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Alvah Ava. (48" wide) sentiment
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m Later victo Lass, tours are market victor and corege R. Langer-felder and George R. Langer-felder and George R. Langer-felder Co-partners trading as C. J. Langerfelder Co-partners and Soc. Being the property of C. J. Langerfelder & Sons, bec., as shown on plat plan filled will be shown on plat plan filled by the shown of the shown

BY ORDER OF JOHN G. ROSE ZONING COMMISSIONI OF BALTIMORE COA

### CERTIFICATE CE PUBLICATION

# OFFICE OF The Community Press

DUNDALK. MD., Jaroh 20,

19 68

THIS IS TO CERTIFY, that the annexed advertisement of "C.J. Langenfelder and Sons, Inc."

was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 2 successive weeks before the

19th day of March 19 60; that is to say, the same was inserted in the issues of 3-20-79

Stromberg Publications, Inc.

Publisher

By Palmer Price

	OF	FICE OF FINAN Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	CE Billion of 1	DATE Ju	Zoning
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BA TIMORE COUNTY, M. YLAND
OFFICE OF FINANCE
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