

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-A zone
N/3 Westfield Road 145' West of
Manor Road,
12th District
George O. Dickman, et al,
Petitioners

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 68-232-R

OPINION

The petitioners in this case seek a reclassification from an R-6 zone to an R-A zone for a sixteen (16) acre tract of ground situated north of Holabird Avenue, 12th District, Baltimore County. The tract is approximately 100 feet west of Manor Road in the Twelfth Election District of Baltimore County. The petitioners propose to erect 240 garden type apartment units on the subject property.

The contract purchaser of the property, Mr. Scullin, who is a builder and developer and has developed other apartment projects in the Dundalk area, testified that there was a strong demand for apartments in this area and that the four other projects he has developed have all been fully occupied since they were opened. He also stated that the property was too expensive to develop in its present R-6 classification, and that his contract with the owner is not contingent upon the reclassification of the property.

T. Richard Fittell, an active member in the area residing on behalf of the petitioners, stated that he has seen a large change in the character of the neighborhood from farm uses to commercial and residential, and that many people, especially, are now coming to the area. He further stated that the area is now being used for individual houses to apartments. He further stated that the area is now being used for individual houses to apartments. He further stated that the area is now being used for individual houses to apartments.

David Dallas, an engineer appearing on behalf of the petitioners, testified 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 apartment project. The petitioners' exhibit #2 was introduced through Mr. Dallas and is marked off in four areas, A, B, C and D, to show the drainage areas. He stated that streets A, B, C and D all drain toward Holabird Avenue and/or Westfield Road, and that the only storm water that could possibly reach the Dundalk Apartments (owned by the site petitioner) could be from area D.

The sole protestant is a Mr. M. Hooke who is also a builder and developer and who presently owns the Dundalk Apartments which are approximately four to five blocks from the subject tract. Mr. Hooke was successful in obtaining a rezoning from the subject tract. Mr. Hooke was successful in obtaining a rezoning from the subject tract. Mr. Hooke was successful in obtaining a rezoning from the subject tract.

George O. Dickman, et al - #68-168-R

Dickman tract may flood the Dundalk Apartments owned by him. The Board does not find, from the testimony, that the subject tract in any way causes excess storm water to flood Mr. Hooke's property which is approximately four blocks to the east of the subject tract. It seems to the Board that if there is any storm drainage problem existing it would be alleviated rather than aggravated by the development of the subject tract as proposed. It also appears from the testimony, that Mr. Hooke by reason of his refusal to co-operate with Baltimore County in redesigning the storm drains in the vicinity of the Dundalk Apartments has, in some degree, caused his own problem.

There is ample testimony in the record of a complete change in the character of the neighborhood since 1956 (the date of the adoption of the present zoning map by Baltimore County) to justify the requested reclassification. Therefore, for the reasons given above the Board will grant the petitioners' request for reclassification from an R-6 zone to an R-A zone.

ORDER

For the reasons set forth in the foregoing Opinion, It is this 25th day of July, 1968 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 Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William F. Dickman, Chairman

William F. Dickman, Chairman

William F. Dickman, Chairman

William F. Dickman, Chairman

William F. Dickman, Chairman

William F. Dickman, Chairman

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

September 18, 1969

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

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

Dear Mr. Thomas:

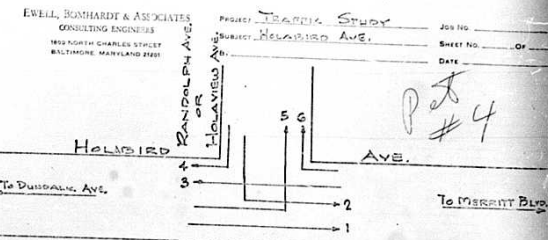
At the present time we have in our office Petitioners' Exhibit No. 2, which was introduced in evidence in the above entitled case.

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

Very truly yours,

William F. Dickman, Chairman
County Board of Appeals

cc: Mr. John G. Rose



HOLABIRD AVE. & HOLAVIEW AVE.		DIRECTIONS					
DATE	TIME	1	2	3	4	5	6
Monday Nov. 4, 1968	7:30 AM - 8:30 AM	404	97	774	48	12	9
Tuesday Nov. 5, 1968	7:30 AM - 8:30 AM	535	13	535	24	57	16
Tuesday Nov. 26, 1968	7:30 AM - 8:30 AM	863	10	863	23	40	25
	4:30 PM - 5:30 PM	333	30	781	53	11	5

HOLABIRD AVE. & RANDOLPH AVE.		DIRECTIONS					
DATE	TIME	1	2	3	4	5	6
Tuesday Nov. 26, 1968	7:30 AM - 8:30 AM	421	6	824	20	11	5
	4:30 PM - 5:30 PM	975	2	746	12	17	10

FREE TIME

MOVEMENT #2 MORNING @ HOLAVIEW AVE. 12 MIN. 13 SEC.

MOVEMENT #3 EVENING @ HOLAVIEW AVE. 13 MIN. 40 SEC.

MOVEMENT #4 MORNING @ RANDOLPH AVE. 15 MIN. 45 SEC.

MOVEMENT #5 EVENING @ RANDOLPH AVE. 13 MIN. 12 SEC.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this
day of _____, 1968.

JOHN G. ROSE
Zoning Commissioner

Petitioner: C. J. Lingenfelder & Sons, Inc.

Petitioner's Attorney: _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: _____

Filed for: _____

Petitioner: _____

Location of property: _____

Location of Sign: _____

Remarks: _____

Filed by: _____

Number	Reason	Granted Date and Location
68-132R	R-6 and RA to EL	12/21/67 Holabird Rd.
4623	R-6 to R3	4/8/59 Northwest side Manor Rd. Southwest side Westfield Rd.
5903KQVA	R-6 to RA	7/31/63 Northeast corner Merritt Blvd. and Trappe Rd.
64-89R	R-6 to RA	10/12/67 Northwest side Sollers Pt. Rd. and Towson Rd.
66-168R	R-6 to RA	7/25/66 Northwest side Westfield Rd.
5890	R-6 to EL	7/3/63 South side Wise Ave. 550 ft. from Church Rd.
5224	P-6 to EL	3/1/61 Northeast side of De Vale Ave. north of Holabird
5595	RG to EL	7/11/62 West side Lynch St. South of Wise Ave.
65-214R	R-6 to EL	2/15/65 South side Wise Ave. South of Church Rd.

Area - Special Exceptions

67-258X	Special Exception for car wash	2/29/67 Holabird Ave.
67-57	Special Exception for garage	9/15/66 East side of Merritt Blvd.
4549	Special Exception for service station	12/17/50 Holabird Ave. East of Trappe Rd.
5469-X	Special Exception for service station	12/26/63 North side Wise Ave. East of Merritt Blvd.

68-94X	Special Exception for car wash	11/2/67 Westfield Rd. near Merritt Blvd.
64-22X	Special Exception for service station	1/20/64 Northwest corner Holabird and Vesper Ave.
4917X	Special Exception for service station	3/31/60 Wise Ave.
4595	Special Exception for dry cleaning	3/12/59 East side Poplar Pl. north of Wise Ave.
4643X	Special Exception for service station	5/8/59 Northwest side Merritt Blvd. near Wise Ave.
68-47X	Special Exception for garage	9/18/67 West side Merritt Blvd. south of Wise Ave.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Elmer L. Roese, Jr., Esq.,
600 Nottingham Building
Towson, Maryland 21204

SUBJECT: Reclassification from R-6 to RA zone,
For C. J. Lingenfelder & Sons, Inc.,
located on the E/S Alsh Ave., 140'
E. of Randolph Avenue
12th District
(Item 116, March 5, 1968)

Dear Sirs:

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

BUREAU OF ENGINEERING:
Water - Existing 8" water in Alsh Ave.
Sewer - Existing 8" sanitary sewer in Alsh Ave.
Advocacy of existing utilities to be determined by developer or his engineer.
Road - Alsh Ave. is to be developed as a minimum 36' road on a 60' R/W.

STATE ROADS COMMISSION:
No State roads are involved; therefore, this office has no comment.

FIRE BUREAU:
Fire hydrants and water mains must be installed before occupancy.

PROJECT PLANNING DIVISION:
This office will review and submit comments at a later date.

SCHOOL OF EDUCATION:
Since there will be no appreciable change in students this office has no comment.

ZONING ADMINISTRATION DIVISION:
If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

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:

Bureau of Traffic Engineering
Bureau of Engineering
Health Department
Building Engineer
Board of Education
Industrial Development

Very truly yours,

JAMES S. NEW
JAMES S. NEW, Planning Supervisor

JED:djd
cc: Carlyle Brown-Sur. of Engr. John Meyers-State Roads Comm.; Capt. Chas. Morris-
Fire Bureau; Albert V. Quimby-Project Planning Division; Nick Petrovitch-Board
of Education

PETITION FOR RECLASSIFICATION
13th DISTRICT
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 said Randolph Avenue.
DATE & TIME: Wednesday, April 15, 1968 at 10:00 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, to-wit: J. Lee Thomas, Esq., do hereby certify that the above petition was duly filed with the Zoning Department of Baltimore County, Maryland, and that the same was duly heard and considered at a public hearing held on the 15th day of April, 1968 at 10:00 A.M. in Room 108 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, and that the same was duly considered and the following decision was rendered: That the petition is hereby granted and the property is hereby reclassified from R-4 to R.A. Zone.
BY ORDER OF
JOHN G. ROSE
Zoning Commissioner
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. MAR 21 1968
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one (1) week successive weeks before the 10th day of April, 1968, the first publication appearing on the 21st day of March 1968.

THE JEFFERSONIAN,

L. L. Smith
Manager.

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: March 22-28
Posted for: Henry, Wm. & Co. 1014 E. 10th St.
Petitioner: C. J. Langenfelder
Location of property: Beg. 140' E. of Randolph Ave. with South Right of Way line of said Randolph Ave.
Location of Signs: 140' E. of Randolph Ave. 1014 E. 10th St. with South Right of Way line of said Randolph Ave.
Remarks: None
Posted by: *M. H. Hines* Signature Date of return: March 21-28

TELEPHONE 823-3000 EXT. 387 INVOICE No. 53093
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE TOWSON, MARYLAND 21204
DATE: April 18, 1968
Zoning Dept. of Bal. Co.
To: Messrs. Royburn, Mueller, Thomas & Nelson
600 Nottingham Building
Towson, Md. 21204
REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
Advertising and posting of property for C. J. Langenfelder & Sons, Inc. 62.90
TOTAL AMOUNT 62.90
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

PETITION FOR RECLASSIFICATION
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BY ORDER OF
JOHN G. ROSE
Zoning Commissioner
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD. March 20, 19 68

THIS IS TO CERTIFY, that the annexed advertisement of "C. J. Langenfelder & Sons, Inc." was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 1 successive weeks before the 10th day of March 19 68; that is to say, the same was inserted in the issues of 3-20-68

Stromberg Publications, Inc.

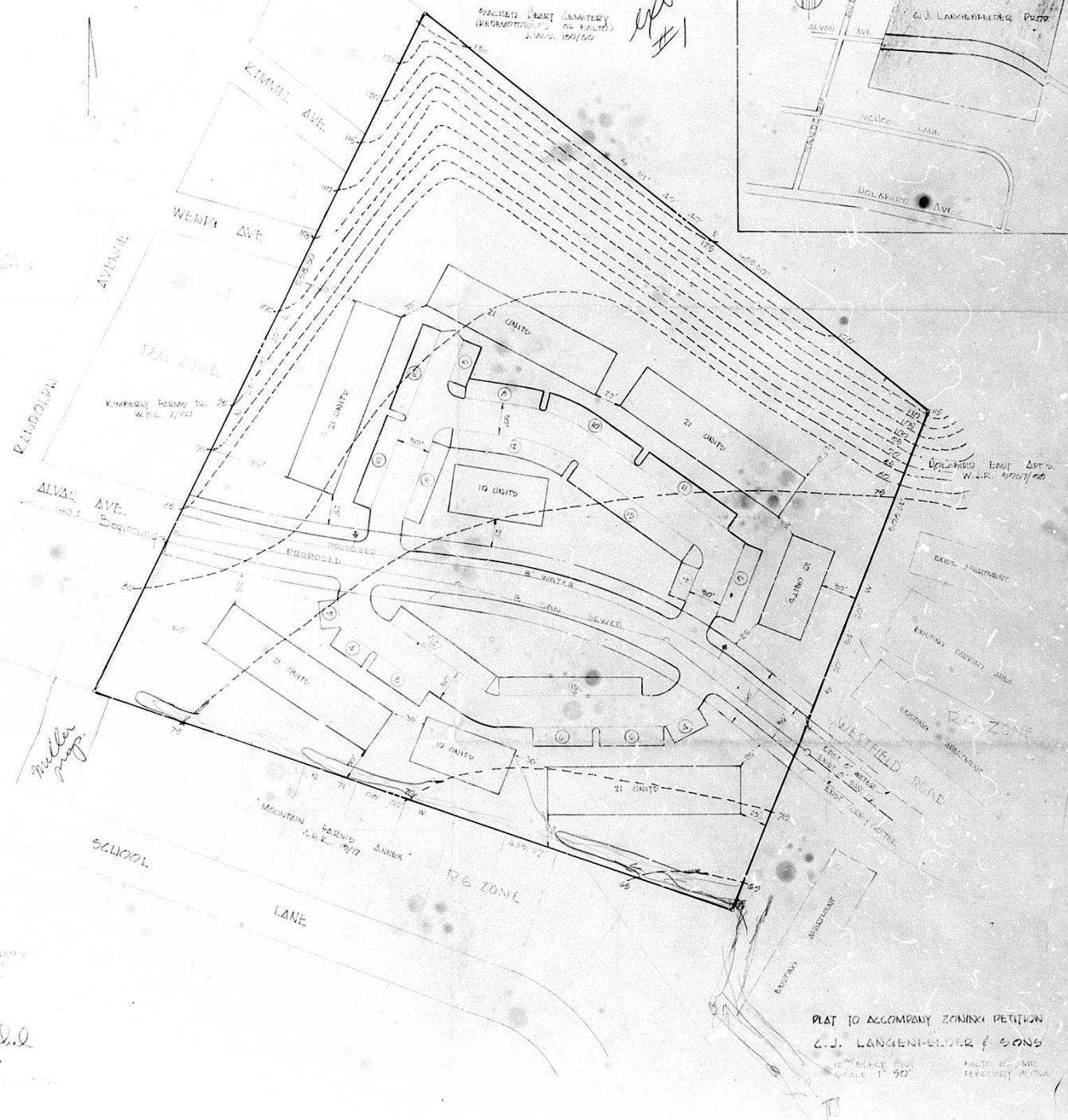
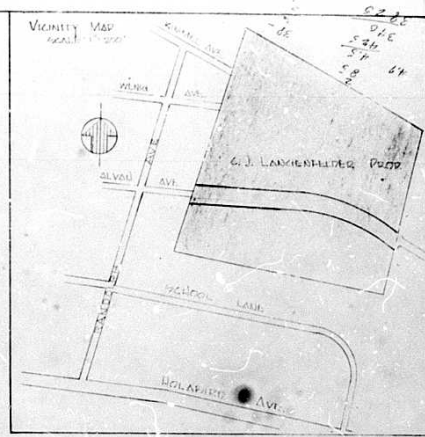
Publisher.

By *Mrs. Eleanor Price*

TELEPHONE 823-3000 EXT. 387 INVOICE No. 54395
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE TOWSON, MARYLAND 21204
DATE: June 3 1968
Zoning Dept. of Bal. Co.
To: W. Lee Thomas, Esq.,
600 Nottingham Building
Towson, Md. 21204
REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
Cost of appeal - property of C. J. Langenfelder & Sons \$75.00
No. 68-232-R 1 sign 5.00
TOTAL AMOUNT \$75.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 387 INVOICE No. 53048
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE TOWSON, MARYLAND 21204
DATE: March 15, 1968
Zoning Dept. of Bal. Co.
To: Messrs. Royburn, Mueller, Thomas & Nelson
600 Nottingham Building
Towson, Md. 21204
REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
Petition for Reclassification for C. J. Langenfelder & Sons, Inc. 25.00
TOTAL AMOUNT 25.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

Pat
#1

[illegible]

MOLLER, DAPPEL & ANDERSSON
203 GARDENWAY AVE.
TORONTO, 4, ONT.

E. L. Ryghel

PLAT TO ACCOMPANY ZONING PETITION
C.J. LANGENFELDER & SONS

12th MARCH 1950

PAUL T. GIL, MD.
FEBRUARY 19, 1958

1060

GENERAL DATA
EXISTING ZONING - R-4
PROPOSED ZONING - R-4
GROSS AREA - 8.519 ACRES
NET AREA - 7.679 ACRES?
DESIGNATED DENSITY
GROSS - 18.84
NET - 17.58
TOTAL UNITS - 155
PERMITTED DENSITY
GROSS - 14.00
NET - 16.00
TOTAL UNITS - 157

PARKING DATA
NUMBER OF SPACES REQ'D
@ 1 SPACE PER UNIT = 125
NUMBER OF SPACES PROVIDED = 162

SACRED HEART CEMETERY
(REDEMPTORIST'S OF FALTON)
J.W.S. 100/60

VICINITY MAP
SCALE: 1" = 200'

J. LANGENFELDER PAGE

COLABIRD EAST APT'S
W.J.R. 2/26/70

RA. ZONE

#68-232R

OFFICE
COPY
MAP #12
SEC. 4-A

RA
SE-3-E
SE-3-F

MULLER, RAPHAEL & ASSOCIATES
201 COURTLAND AVE.
TOWSON 4, MD.

E. L. Raphael

LS. 2246

PLAT TO ACCOMPANY ZONING PETITION
C.J. LANGENT-ELDER & SONS

12" W. ELECT. DIST.
SCALE: 1" = 50'

PALTO CO., MD.
FEBRUARY 19, 1965

LEGEND

proposed grades ———
existing grades - - - - -

Pit
#3

SACRED HEART CEMETERY (REDEMPTIONISTS OF BALTO.)
JWS 1907/10

PROPERTY OF
C.J. LANGENFELDER

VICINITY MAP
SCALE 1"=200'

HOLBIRD EAST APTS
WJD 3347/95

MOUNTAIN FARMS ANNEX
DPS 3/17

PROPOSED GRADING PLAN

PROPERTY OF C.J. LANGENFELDER & SONS

RECEIVED MAY 1967

BALTO. CO. MD.

SCALE 1"=50'

MARCH 15, 1967

#1060

MILLER, RAPHIN & ASSOC. INC.
SURVEY, GRADE, AND ENGINEER, & SOIL CONSULTING
141 MORTLAND AVE.
THUNDER, N. MD.