## PETITION FC. A ZONING RE-CLASS. . CATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

and Patricia A. Cave

L or we Edward Seidman, Charles J. McAvoy & Son, Inc., Kemper L. Cave County and which is described in the description and plat attached hereto and made a part hereof. Z-B nereby petition (1) that the zoning status of the herein described property be re-classified, pursuant 

Change of neighborhood.
 Error in the original zoning of the property.
 For other reasons to be assigned at the time of the Hearing.

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 Regulations

I, or we, agree to pay expenses of above re-class fication 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 Baltim

Contract purchaser

(Harring) Sh Petitioner wood Md 21244 828-8660

See attached page.

ORDERED by The Zoning Commissioner of Baltimore County, this 15th required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughcut Bailrisore County, that property be posted, and that the public bearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Balta... re-County, og-the 50 July day of November 1868, at 19100/citcks

#69-111R

Charles J. McAvoy - #69-111-R

One neighbor, and George E. Gavrelis, Director of Planning for Baltimore County testified in constition to the reclassification. Mr. Govrelis protested the further strip commercialization of the Liberty Road, and certainly this Board is well aware of the zoning situation in this area. While agreeing with this Planner's philosophy regarding strip commercialization, same really seems to be an impractical principle to apply to this particular section of Liberty Road. The subject property is but 200 feet east of Milford Mill Road and its commercial complexes, and is bounded by other commercial development to the south and within 200 fect to the east

Considering the evidence and testimony, some of which has been detailed above, the " and is of the opinion that the petitioner has proven sufficient change in the character of the area, substantial enough to warrant the granting of this seclassification.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 12 day of December, 1969, by the County Board of Appeals, OR DERED 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 ARREALS

John A. Slowik, Acting Chair

W. Giles Parker

Local Owners:

CHARLES J. MCAVOY & SONS. INC.

Theles ( The Upon

Patricia A. Cave 3704 Laburman Drive Randallstown, Maryland 21133

Edward Seidman Baltimore, Maryland 21202

Henry J. Frankel Tower Building Baltimore, Maryland 21202

Clarence W. Sharp 210 W. Pennsylvania Avenue

Attorney for Charles J. McAyov

5 Son, Inc., Kemper L. Cave and Patricia A. Cave, his wife

Towson, Maryland 21204

\*69-111R

map 2-B

WESTERH

AREA

EL

NW-6-9

Attorney for Edward Seidman

MAPP

2-B

WESTER

PreA

1W-6-9

BL

ETITION FOR RECLASSIFICATION from an R-6 zone to a B.L. zone NE corner Liberty & Florida Roads, Charles J. McAvoy, et al,

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

BEFORE

No. 69-111-R

OPINION

This case involves a request for reclassification from R-6 to B.L. of a .75 tre tract on the north side of Liberty Road, approximately 229 feet east of Milford Mill Road, in the Second Election District of Baltimore County. The parcel is now improved by three older residences, and is all that frontage on Liberty Road (approximately 206 feet) nor Road to the west and Florida Road to the east. The subject property is ately 145 feet deep on the Kenmar Road side, and approximately 155 feet deep on The requested reclassification was denied by the Zoning

The uses surrounding the subject property are as follows: Immediately cross Kenmar Road to the west is a parcel zoned R-A, and is improved by an older stone construent house. The intersection of Milford Mill and Liberty Roads and the Giant Food Shopping complex lies approximately 229 feet west of the subject To the rear of the subject parcel are single family residences, approximately these homes is no more than 20 feet; no curbs, gutters, or sidewalks exist. Easterly of of another zoning case requesting B.L. reclassification. The next tract is the situ of a relatively recent reclassification from R-6 to B.L. (Case #64-173), and is now improved by a Burger King restaurant. The south side of Liberty Road, immediately across from the subject property, is the site of a newly constructed Esso Service Center, a four-bay gasoline This site was improved as result of a recent reclassification and special exception (Case \$65-381). Practically all of the frontage on the south side of Liberty Road, for more than 1000 feet easterly from Milford Mill Road, is now zoned and develop

Charles J. McAvoy - #69-111-R

#69-111R

The petitioner proposes to develop a small B.L. specialty shopping area ing approximately 7180 square feet. Petitioner's Exhibit #1 reflects same, as well as the proposed site plan, which provides for thirty-seven off-street parking spaces and no direct access to Liberty Road itself. The area being served by entrances on both Kenma and Florida Roads. The entire tract contains .75 acres, or accomplimately 30, 900 source feet. The petitioner would widen both side streets to a thirty foot paved surface on a

Richard L. Smith, a professional engineer, "stiffed on behalf of the itioner, and stated that in his opinion the sever and stater facilities available to the

Two qualified realtors added testimony; one being a party to this case. The summary of their testimony is that the area has undergone a substantial change in character since the adoption of the use may as to warrant the granting of this reclassification These changes include the actual physical widening of Liberty Road; a series of zoning itions including many acres of R-A land and the actual development of some of this land, which has created considerable additional demand for B.L. areas. Especially ive to this Board were four changes in close proximity to the subject property. These changes were cired and explained by Frederick P. Klaus, a well-known zoning These cases are as follows: \*64-173, \*63-175, \*66-174, and \*65-381. Without going into detail regarding each of these changes, the Board is impressed by the fact that each case is a reclassification from R=6 to B.L., and are in close proximity to the subject property; two of these being previously mentioned as the site of the new Burger King, less than 200 feet east of the subject property, and the four-boy Esso Service Center mmediately across Liberty Road from the subject property

A traffic expert testified that the proposed reclassification would not adversely affect the traffic at the site. Without further elaborating on his testimony, detailed report of same is in evidence as Petitioner's Exhibit \*5.

HENRY J. FRANKEL



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

.

RE: Petition for Recalssification Petition for Recalssification
N/E Cor. Liberty & Florida Avenue.,
S/E Cor. Liberty & Kenmar Roads,
2nd Dist., Edw. Seidmen, Chas. J.
McAvoy & Sons, Inc., Patricia A.
Cave and Kemper L. Cave - Petitioners No. 69-111-R

Please enter an Appeal on behalf of the property owners, as above set forth, from your decision rendered in the above-entitled maiter, and transmit the papers to the Board of Appeals.

Very truly yours,

НІГ:19



Henry I. Frankel

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Jann G. Rose

Clarence W. Sharp, Esq., 210 W. Pennsylvania Avenu Towson, Maryland 21204

Item 89
SUBJECT: Type of Hearing: Reclassification
from an Ro's row, to a 81, zone
Location: N/S of Liberty Pool
botween Kennar Road and Florida Rd,
Districts: 2nd
Petitioners: Charles J, MacNoy 6 Son,Inc.
Committee Neuting of October 15, 1968

October 21, 1968

Dear Mr. MacAvay:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced pestition and have made an on site field inspection of the property. The following comments are a result of this review and inspection.

Subject property consists of .75 of an acre and is presently approved with three residential deellings. It is presently approved with three residential deellings. It is the subject is presently under consideration for reclassification from an R-G to BL zene; an the north by R-G property improved with duellings on Floria R-G. & Kenern Road, on the west by a apartment house. The property on the opposite side of Liberty Road is improved with a shapping center.

Roof access and traffic conditions: Both Kenner and Florids Noa' are to be developed as a minimar 30 ft. paving on 40 ft. pilks of way. The petitioner's plan provides for 10 ft. w'denings on each of these roads. However, 30 ft. curb railwess will be required at each corner. The plan indicates no direct access to liberty Noad, although presently there are the entiances to the site from this road. The plan must be revised to indicate that these entrances are being closed with concrete curb and gutter.

Public Services: There is an existing 12" water main in Liberty Road and a 6" water main in Kensar and Florida An 8" sewer exists in all of these roads on which the site has frontage.

Site Plan: The site plan does not adequately indicate the limits of the paving. The plan should also provide for

Clarence W. Sharp, Esq., 210 W. Pennsylvania Avenue

Cctober 21, 1968

loading or service areas for the stores. If the 20 ft, drive to the rear of the stores is to be utilized as a loading area, it does not appear that there are adequate turning radiuses for trucks entering and leaving the site. A wall or fence should also be provided along the rest property line adjacent to the existing desilings.

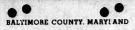
The building or buildings on this site may be subject to registration and compliance with the Karyland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

The subject potition is accepted for filing as of the date on the enclosed filing certificate. Notice of the hearing die and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be ferwarded to you in the near future.

Very truly yours,

JAMES E. DYER, Chairman

JED:JD



INTER-OFFICE CORRESPONDENCE

TO. Mr. John G. Rose, Zoning Commissioner Date Nevember 8, 1968

FROM. George E. Gavrells, Director of Planning

SUBJECT Patition 69-111-R. Reclassification from R-6 to B.L. Northeast corner of Liberty and Florida Road and the Southeast corner of Liberty and Kenmar Roads. Charles J. McAvoy & Son, Inc., Petitioners

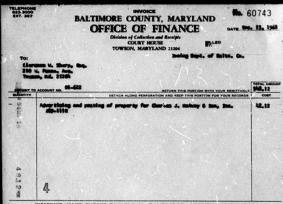
2nd District

HEARING: Wednesday, November 20, 1968 (10:00 A.M.)

The staff of the Office of-Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B.L. zoning and has the following advisory comments to make:

- Liberty Road has been designated a Class 11 Commercial Motorway by the Courty Council. From a planning viewpoint, this would mean that further commercialization Social and not occur except in the form of integral develop-ments, which afford the application of restrictive site -accessibility stradards.
- 2. We stand by the stated policies of both the Planning Board and the County Council with respect to further road-lide commercialization; we believe that the trend towerd incremental strip commercial zoning and development should be arrested. In the case of the subject property, we believe that development within the context of non-commercial zoning is feasible. Further, reclassification as requested would result in an anwarranted commer intrusion into a residential area.
- If any relief is warranted by means of zoning reclassification here, that
  relief should be limited to land by no more intensive than apartment zoning
  with a possible Special Exception for offices. Such relief would be in
  accordance with the policies of the comprehensive plan for this area.

GEG:bms



IL TO	DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARY	LAND 212
PHONE 3-3000 7. 357	INVOICE INVOICE IN 6	0752
	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Resigns GOORT HOUSE TOWNON, MARYLAND 21204 Office of Planning &	20 196
	Henry J. Frankel, Feq., III' County Office Bid 900 Tower Build. I Towers, Md. 21202	
	laito. Md. 21202	
	ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOU
AMPITY	DETACH ALDING PERFORATION AND KEEP THIS PORTION FOR YOUR REMITTANCE	COST
	Cost of appeal - Chas. J. McAvoy et al	\$70.00
	No. 69-III-R	
	4	

Rebert C.Herris, Reg. Surveyor Old Court Feed, Buite,# 7,14.

Aug. 31, 1968 #69-111 PC

Description for a let on the Northeast side of the Liberty Read and Kennar Hunda.

Perincips for the came at the career formed by the interception of the Earthan side of the Liberty Send and the Forthwest side of Florida Rend, thence running along the Mortheast sign of the Liberty Read, as new constructed, North 54 degrees 05 minute West 206-70 ft. to the Southeast side of Hennar Head; Thence run ing any binding on Southeast side of Kosmar Read, North 35 degrees 55 minutes East 145.00 ft.: Theses running South 54 degrees 05 minutes East 250,60ft, to the Northwest ai e of Ficrida Thence run ing and binding on the Northwest side of Florida Read South 52 degrees 41 minutes West 155.22 ft. to the point of beginning.

Centaining 0.75 of an acre more or less and being the property of of Edward Soids

Robert C. Korris, Reg. Surveyor, No

at & Control of the Reads	Z COTACE L Liberty to an a Cotace C C C C C C C C C C C C C C C C C C C	PETITION FOR SECURITY AND SECUR
.1	SS de It. to Road on th Road	the Southeast side. There running as a Southeast side of Marth 35 degrees 145.00 fts. There
BAX,	250.4 Flag bland Flag	145.00 ft. Them 54 degree C5 min 0 ft. to the Narther 4s Rood, Theme 't 7s on the Narther 4s Rood Last 57 to 18 West 125.22 ft. to 18 West 125.22 ft. to 18 West 125.22 ft. to
•.759	of long to the state of the sta	miniming 0.75 of on a straining 0.75 of on a straining of the property of the
	TELEPHONE BES-3000 EXT. 387	~\/
	To: He	nry J. Frank 8 Tower Bl. lio. Md. 212
	OFFICE TO	ACCOUNT NO. 01
	30.41 (7	Cost of policering
2	1000m	4
1	MAIL TO	MPORTANT: M
į	No. of the last	2.1

HORTHWEST STAR

LEGAL NOTICE

1900: From R.4 to B.L. Zono, ATION: Nurtheast Corner of larly and Florida Roads. Sr th-	
THE WEDNESDAY HO-	Pikesville, Md. Alaka 51 , 19 4
Office Building, 11	THIS IS TO CERTIFY, that the annexed advertise-
y Zuning Commissions of Belling Act and Regulations of Bellings Act and Regulations of Bellings County, will held a public	ment was published in THE NORTHWEST STAR, a
Propose Zuning: R-5 Proposes Zuning: R-5 I that percol of land in the Securit	weekly newspaper printed and published in Pikes-
Beginning for the same of	ville, Baltimore County, Maryland, once in each
wide Rood, there gurning glong	of one time before the 20th
a Nertheest tree censtructed, North old grees OS minutes West 200,70 to the Seutheest side of Kenner	day of, 19, 19
od. Theree running and binding in the Sectional side of Kermer and Harth 35 degrees 55 minutes and Harth 35 degrees 55 minutes	the first publication appearing on the
n the benchmant with a discount of the control of t	day of, 19
teride Road South 57 degrees 41 to the Road South 57 degrees 41 to the paint deprise West 125.22 ft. to the paint degrees 6, 25 of an acre was	THE NORTHWEST STAR
re leads the property of Cherles J. Being the property of Cherles J. Being the Sance, lett., or of a self-shame an place plan list, or of the Zaning Department of the Zaning Department of the Sance	Amold Landan
A TOWN TOWNS MA.  BY ORDER OF JOHN G. ROSE ZOHNG COMMISSIONER OF BALTIMORE COUNTY	Cost of Advertisement, \$
	the second secon

CERTIFICATE OF PUBLICATION

60767

DATEL/15/69

90	nry J. Frankel, Keq., 8 Tower Bidg., lto. Md. 21202	TOWSON, MARYLAND 21204	Office of Planning & 119 County Office Bu Towson, Md. 21204	
	ACCOUNT NO. 01-522	BETURN THIS	POLITION WITH YOUR REMITTANGE	10. 00
INTERNATION		DETACH ALONG PERFORATION AND KEEP TO	HIS PORTION FOR YOUR RECORDS	COST
30 45 1	Cost of peeting proper hearing	rty of Chas. J. McAvoy, et s	il for	
17	No. 69-III-R		2 olaps 2	\$10.00
			7	
j+4				
0				
i i	4			
	MPORTANT: MAKE CHECKS	PAYABLE TO BALTIMORE	COUNTY, MARYLAN	D

7180

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

● 3 Syrs ● 69-111-R

CERTIFICATE OF POSTING IS DEPARTMENT OF BALTIMORE COUNTY

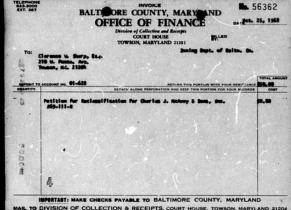
Townson,	Moryland
District 2 rd —	
Posted for Reclassification	Date of Peaking 10-31-68
Petitioner C. I. McAury & Se	200
E KENMAY Rd	y & Florida Ald - 55 poor of Liberty
of hiberty Rden Man Florida Rd-	(3) 110 " Nofflowdo Kan El of Lord, W
Remarks: Posted by Allegik	······································
Signature	Date of return. 11-7-48

2 SIGNS 69-111-8

CERTIFICATE OF POSTING

Towner, Maryland
District Dete of Posting 1-9-19 Posted for Appeal
Posted for Appeti Petitioner C J. M. CHRCY Location of property . N. E. Ger. Liberty & Florida Rd. SECor Liberty
4 Kenner Kd. Location at signer & Neker Liberty & Florido Kd - @ Sthor Liberty
Ф. Кемман. Pd.
Posted by State Date of return: 1-23-65

CONSOLIDATED PLAT KENMAR RAC. BK 8-F79 #69-111R OFFICE COPY MAP 2-B Western AREA that angular present improvements on vota No. 5.0.7.0 de NW-6-G BL solds a perced district, Se to, Ca., or trans. Solution server, ned called the resident of the resident of the server of mass tening, 3-1 Draws are server of the 301.0 1 10. 10 Prt. A01.31,1968 



State of the state	
PETITION FOR RECLASSIFICATION 254 DISTRICT	•
ZONING: From R-6 to B.L. Zone. LOCATION: Nurtheast corner of Lib- erty and Florida Rodal. Southeast currer of Liberty and Kazanar	
Roads.  DATE & TIME: Wednesday, November 20, 1945 at 10:00 A.M.	CERTIFICATE OF PUBLICATION
TURLIC HEARING: Room 10%, Crum- ty Office Building, 111 W. Ches- sprake Avenue, Towner, Maryland.	CERTIFICATION OF FEBRUARY
The Zoning Commissioner of Balti- mere County, by authority of the Zoning Act and Regulations of Balti- mere County, will hold a public hear-	TOWSON, MDQctcher31, 19.68.
Present Zening: R-5	THIS IS TO CERTIFY, that the annexed advertisement was
Propused Zoning and in the Ser. All that parcel of land in the Ser. Instrict of Raitimore County, Beginning for the same at the con- test fortined by the intersection of	published in THE JEFFERSONIAN, a weekly newspaper printed
the Northeast side of the Liberty Road and the Northwest side of Flor-	and published in Towson, Baltimore County, Md., once in each
Northeast olds of the Liberty Head, as now constructed, Nurth 54 de- grees 65 minutes West 296.30 ft. to	of
Sentheast side of Kenmar Road.	day of
the no fl., thence running South he degrees of minutes East 25-60 ft. to the Northwest side of Florida Road, these running and blading on	appearing on the 31st day of October
he Northwest side of Finrida Board	19.78
Containing 675 of an acre more	THE JEFFERSONIAN,
Being the property of Charles J McAvoy and Sons, Inc., et al an obown on piat plan filed -1th the Zening Department.	L. Lund J. Manager
thraving Date, Wednesday, Novem- ter 10, 1900 at 1900 A.M.	1000
Office Statistics, 111 W. Cheese care Avenue Toware M4 Its Coder of	Cost of Advertisement, \$
PORTS TO ROSE	