

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Leon A. Crane, legal owner, 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-6 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 prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above classification and/or Special Exception, advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser Leon A. Crane Legal Owner
Address 1800 N. Charles Street
Baltimore, Maryland 21201

W. Lee Harrison, Attorney

Address 308 W. Joppa Road
Towson, Maryland (823-1200)

ORDERED By The Zoning Commission of Baltimore County, this 22nd day

of April, 1969, that the subject matter of this petition 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 held before the Zoning

Commissioner of Baltimore County, on the 11th day of June, 1969, at 2:00 o'clock

...P.M. 22 159 AM



(over)

69-270-R
200P
6/11/69
6047

RE: PETITION FOR RECLASSIFICATION
from R-6 zone to B-L and R-A zones
NW/4 Timanus Lane 904' NE Windsor
Mill Road, SE/S Doonan Road 101.66'
SE Cresson Avenue, NW corner of
Timanus Lane and Doonan Road,
NW corner Liberty Garden Road
and Castle Moor Road
2nd District
Leon A. Crane
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-270-R

OPINION

This case comes before the Board on an appeal from a decision dated June 13, 1969 of the late Zoning Commissioner, John G. Rose, granting the referenced petition. The petition is a request for zoning reclassifications from existing R-6 to B-L and R-A.

The subject property is located in the Hebbville section of the Second Election District of Baltimore County. It is in an area lying west of the Baltimore County Beltway and north of Windsor Mill Road. Its location is more specifically indicated on the plat accepted in evidence as Petitioner's Exhibit #1. The property, as noted on Exhibit #1, consists of four parcels: Parcel A, consisting of 7.47 acres, is petitioned for B-L zoning; Parcels B, C and D, consisting of 4.92 acres, 4.87 acres and 3.86 acres respectively, are all petitioned for R-A zoning.

If successful in his petition, the Petitioner proposes to utilize the 7.47 acres in Parcel A in combination with and as an extension of an adjacent 7.48 acre tract of existing commercial land, which he also owns, for the development of a small shopping center. On the 13.65 acres, combined in Parcels B, C and D, he proposes to construct a garden apartment complex consisting of 226 apartments.

To justify his petition, the Petitioner claims "error" in original zoning and "change" in the character of the neighborhood since the adoption of the applicable zoning map on November 15, 1962. The Petitioner's expert witnesses testified that in their opinion the original zoning is in error because the zoning map failed to provide for any apartment zoning in the area, and all such zoning that has since occurred there has been by the petition process. As to "change", they cited that the area had changed

Leon A. Crane - No. 69-270-R

2.

from a rural to an intensely developed area. They noted that several contiguous properties, as well as others in very close proximity to the subject property, had been reclassified since the adoption of the map. Several of these reclassifications to R-A included what now has been developed and occupied as the Liberty Garden Apartments and the Oak Hill Apartments. Some other reclassifications to M-L, constituting approximately 114 acres, have been developed as the Security Industrial Park, which is located directly across Windsor Mill Road from the subject. These changes are documented by zoning case number, location and explanation in the list of zoning changes accepted in evidence as Petitioner's Exhibit #5, and shown on the plat, which was accepted as Exhibit #6.

There was further testimony that public utilities are available and adequate for the proposal.

The appellants of record in this case failed to appear at the scheduled hearing, whereupon the Chairman of the Board spoke by telephone with their attorney, who then stated that he was striking his appearance from the case and moving for a dismissal of the appeal. The attorney subsequently confirmed by letter to the Board only that he had struck his appearance from the case. However, one Protestant, representing herself, did appear at the hearing. She cross-examined Petitioner's witnesses and also gave testimony. Her main objection to the petition was a fear of an increase in traffic generation and congestion and its potential danger to children. She did not produce any evidence to support these fears.

From the evidence and testimony before it, the Board concludes that the Petitioner has at least shown extensive change in the character of the neighborhood to justify the petition, and that granting it will not adversely affect the neighborhood. Therefore, the Board affirms the decision of the Zoning Commissioner and hereby grants the petitioned reclassifications.

Leon A. Crane - No. 69-270-R

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of February, 1971, 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

John A. Slawik, Chairman
John A. Miller
William H. Gaffney

EVERETT L. BUCHMASTER
GEORGE W. WHITE, JR.
CHARLES W. HINDLE
GEORGE L. CLARKE
SAMUEL L. HILL
JOSEPH L. JOHNSON
JOHN P. TOLE, JR.
ROBERT S. WITTELMAN
PHILIP D. FORD
PAUL L. WHITE
PATRICIA H. STANTON
STEPHEN E. WINTER

July 10, 1969



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

Re: Petition for Reclassification
from R-6 Zone to B-L and
R-A Zones - NW/4 of
Timanus Lane, 904' N/E
Windsor Mill Road, 2nd
Dist., Leon A. Crane
No. 69-270-R

Dear Mr. Rose:

Please note an Appeal to the County Board of Appeals from your decision and Order of June 13, 1969 in the above-captioned matter reclassifying the properties described in your Order from R-6 Zone to B-L and R-A Zones.

The Appeal is on behalf of the following residents of the neighborhood and others similarly situated:

William Priest - Windsor Mill Road
Betty Rosenberger - 7108 Manila Avenue
Jack Jadal - 7316 Doonan Road

Sincerely yours,

George W. White, Jr.

GMJW:/slg

COOK, MUDD, MURRAY & HOWARD

15 July 1970

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Our File 2304
Petition No. 69-270-R
Leon A. Crane, Petitioner

gentlemen:

Please enter my appearance on behalf of the Petitioner in the above entitled case. All notices with respect to hearings should be sent to my office.

Very truly yours,

Richard C. Murray

RCM/s

CC: George W. White, Jr., Esquire
W. Lee Harrison, Esquire

Re: Petition for Reclassification
from R-6 Zone to B-L and
R-A Zones - NW/4 of
Timanus Lane, 904' N/E
Windsor Mill Road, 2nd
Dist., Leon A. Crane,
Petitioner

Before
Zoning Commissioner
of
Baltimore County
No. 69-270-R

The petitioners requested reclassification of property, from an R-6 Zone to B-L and R-A Zones, on the west side of Timanus Lane 940 feet northeast of Windsor Mill Road, in the Second District of Baltimore County.

There are nine separate reclassifications or changes in zoning, all in close proximity to the subject property. Mr. Paul Lee, a qualified Civil Engineer, testified that there are adequate public sewer and water available to the subject site and that the existing roads, as improved by Petitioner's development would be adequate to properly service the subject property. The changes in zoning and development which have occurred in the area are of such a nature and extent as to make it extremely difficult to deny the requested changes.

The outsize local zoning requested is simply an extension of a commercial zone which has been in existence for approximately 15 years and the apartment zones are buffers around the existing commercial or are adjacent to existing R-A zones and developments.

For the above reasons, the reclassification should be granted.

It is this 13th day of June, 1969, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or areas should be and the same are hereby reclassified from R-6 Zone to a B-L and R-A Zones, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 22, 1969

FROM: Mr. George E. Cavallita, Director of Planning

SUBJECT: Petition #69-270-R, R-6 to B-L and R-A. Northwest side of Timanus Lane 940 feet northeast of Windsor Mill Road, Southeast side of Doonan Road 101.66 feet southeast of Cresson Ave., northwest corner of Timanus Lane and Doonan Road, northwest corner of Liberty Garden Road and Castle Moor Road. Leon A. Crane, Petitioner.

2nd District

HEARING: Wednesday, June 11, 1969 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-L and R-A zoning. We feel that the present zoning is correct and that changes in the manner of land use have not occurred which would justify the reclassifications being sought here. We note the comments of traffic engineering and of the Board of Education relative to potential increases in both traffic volumes and school population. Adequate designs on capacity are not available to accommodate the increased school population or traffic.

ORDER RECEIVED FOR FILING

DATE 6/13/69 BY [Signature]

05-14-71



Lester Matz, P.E.
John C. Childs, L.S.
Associates
Ronald W. Brown, L.S.
George W. Brown, L.S.
Robert W. Brown, L.S.
Leonard W. Brown, L.S.
Norman F. Brown, L.S.
Paul S. Brown, L.S.

DESCRIPTION

7.47 ACRE PARCEL, NORTHWEST SIDE OF TIMANUS LANE, 760 FEET, MORE OR LESS, NORTHEAST OF WINDSOR MILL ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR R-A ZONING

PARCEL "A"

Beginning for the same at a point on the northwest side of Timanus Lane, 60 feet wide, at the distance of 960 feet, more or less, as measured northeasterly along the northwest side of said Timanus Lane, from its intersection with the northeast side of Windsor Mill Road, said beginning point being in the second line of The Baltimore County Zoning Description, 2-5-L-38, running thence binding on the northwest side of said Timanus Lane, (1) N 12° 22' 46" E - 687 feet, more or less, thence binding on the fillet curve which connects the northwest side of said Timanus Lane with the southwest side of Dooman Road, as proposed to be laid out 50 feet wide, (2) northwesterly, by a curve to the left with the radius of 20.00 feet, the distance of 31.42 feet, thence binding on the southwest side of said Dooman Road, two courses: (3) N 77° 37' 14" W - 304 feet, more or less, and (4) northwesterly, by a curve to the right with the radius of 625.00 feet, the distance of 156 feet, more or less, thence (5) S 12° 22' 46" W - 686 feet, more or less, to

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#69-2702

the end of said second line, thence binding reversely or a part of said second line, (6) S 72° 15' 21" E - 479 feet, more or less, to the place of beginning.
Containing 7.47 acres of land, more or less.

PPK:mpl

J.O. #69025

March 20, 1969



#69-2702

DESCRIPTION

4.92 ACRE PARCEL, SOUTHEAST SIDE OF DOOMAN ROAD, 101.66 FEET, SOUTHEAST OF CRESSON AVENUE, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR "R-A" ZONING

PARCEL "B"

Beginning for the same at a point on the southwest side of Dooman Road, 50 feet wide, at the distance of 101.66 feet, as measured southeasterly along the southwest side of said Dooman Road from its intersection with the southeast side of Cresson Avenue, 50 feet wide, running thence binding on the southwest side of said Dooman Road, (1) southeasterly, by a curve to the left with the radius of 625.00 feet, the distance of 88 feet, more or less, thence three courses: (2) S 12° 22' 46" W - 686 feet, more or less, (3) S 01° 55' 00" E - 143 feet, more or less, and (4) N 55° 13' 17" W - 468 feet, more or less, thence binding on the rear of the lots fronting on said Cresson Avenue, six courses: (5) N 29° 19' 15" E - 323 feet, more or less, (6) N 36° 22' 56" E - 58 feet, more or less, (7) N 47° 01' 24" E - 210 feet, more or less, (8) S 87° 58' 36" E - 43 feet, more or less, (9) N 02° 01' 24" E - 43 feet, more or less, and (10) N 38° 29' 00" E - 94 feet, more or less, to the place of beginning.

Containing 4.92 acres of land, more or less.

PPK:mpl

J.O. #69025

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Lester Matz, P.E.
John C. Childs, L.S.
Associates
Ronald W. Brown, L.S.
George W. Brown, L.S.
Robert W. Brown, L.S.
Leonard W. Brown, L.S.
Norman F. Brown, L.S.
Paul S. Brown, L.S.

DESCRIPTION

4.87 ACRE PARCEL, NORTHEAST SIDE OF DOOMAN ROAD, NORTHWEST SIDE OF TIMANUS LANE AND SOUTH SIDE OF CASTLEMOOR ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR R-A ZONING

PARCEL "C"

Beginning for the same at a point on the northeast side of Dooman Road, 50 feet wide, at a distance of 782 feet, more or less, as measured southeasterly along the northeast side of said Dooman Road from its intersection with the southeast side of Richmond Avenue, 50 feet wide, thence binding on the northeast side of said Dooman Road, two courses: (1) Southeasterly, by a curve to the left with the radius of 575.00 feet, the distance of 212 feet, more or less, and (2) S 77° 37' 14" E - 304 feet, more or less, thence binding on the fillet curve which connects the northeast side of said Dooman Road with the northwest side of Timanus Lane, 60 feet wide, (3) Northeasterly, by a curve to the left with the radius of 20.00 feet, the distance of 31.42 feet, thence binding on the northwest side of said Timanus Lane, (4) N 12° 22' 46" E - 427 feet, more or less, thence binding on the fillet curve which connects the northwest side of said Timanus Lane with the south side of Castle Moor Road, as proposed to be widened, (5) Northwesterly, by a curve to the left with the radius of

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#69-2702

20.00 feet, the distance of 34.35 feet, thence binding on the south side of said Castle Moor Road, (6) N 86° 01' 50" W - 316 feet, more or less, thence four courses: (7) S 61° 46' 00" W - 329 feet, more or less, (8) S 48° 13' 54" E - 57 feet, more or less, (9) S 52° 59' 38" E - 55 feet, more or less, and (10) S 33° 29' 39" W - 125 feet, more or less, to the place of beginning.
Containing 4.87 acres of land, more or less.

PPK:mpl

J.O. #69025

March 20, 1969



#69-2702

DESCRIPTION

3.86 ACRE PARCEL, NORTH CORNER OF CASTLEMOOR ROAD AND LIBERTY GARDENS ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR "R-A" ZONING

PARCEL "D"

Beginning for the same at the point of intersection of the centerline of Castle Moor Road and the northwest side of Liberty Gardens Road, running thence binding on the northwest side of said Liberty Gardens Road, (1) N 41° 42' 40" E - 300.00 feet, thence three courses: (2) N 55° 57' 00" W - 565.05 feet, (3) S 41° 45' 10" W - 300.03 feet and (4) S 55° 57' 00" E - 565.27 feet to the place of beginning.

Containing 3.86 acres of land, more or less.

PPK:mpl

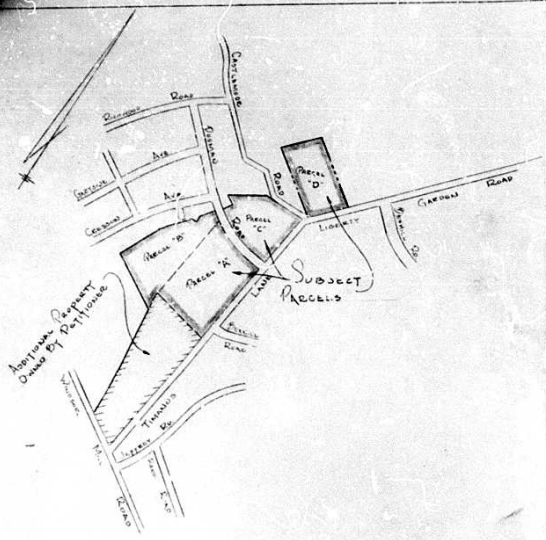
J.O. #69025

March 20, 1969

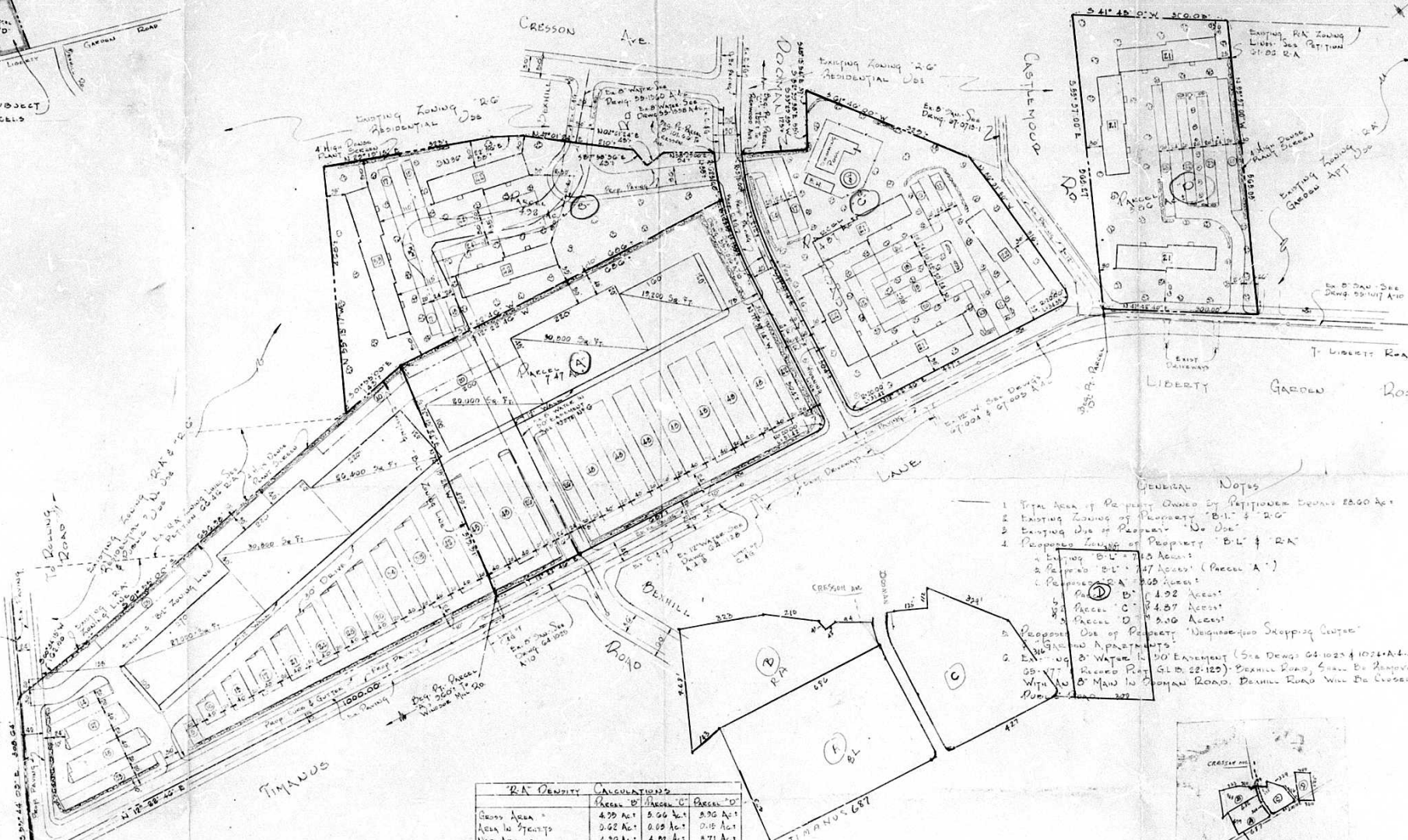
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INVOICE		No. 64612	
BALTIMORE COUNTY, MARYLAND		DATE 7/10/69	
OFFICE OF FINANCE		BILLED BY	
Division of Collection and Receipts		Office of Planning & Zoning	
COURT HOUSE		119 County Office Bldg.,	
TOWSON, MARYLAND 21204		Towson, Md. 21204	
To:	George W. White, Jr., Esq., 305 W. Chesapeake Avenue Towson, Md. 21204	REPORT TO ACCOUNT NO.	01-622
QUANTITY	1	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT \$78.00
700000	Cost of appeal - property of Leon A. Crane No. 69-2702	DETAILS OF PREPARATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST \$78.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND			
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204			

INVOICE		No. 62223	
BALTIMORE COUNTY, MARYLAND		DATE May 19, 1969	
OFFICE OF FINANCE		BILLED BY	
Division of Collection and Receipts		Zoning Dept. of Baltimore County	
COURT HOUSE		119 County Office Bldg.,	
TOWSON, MARYLAND 21204		Towson, Md. 21204	
To:	Crane & Crane 1800 N. Charles Street Baltimore, Md. 21201	REPORT TO ACCOUNT NO.	01-622
QUANTITY	1	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT \$28.00
500000	Petition for Reclassification #69-2702	DETAILS OF PREPARATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST \$28.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND			
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204			



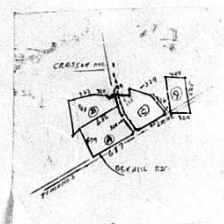
LOCATION PLAN
Scale: 1"=500'



- GENERAL NOTES**
1. Total Area of Property Owned by Petitioner Equals 88.00 Acres
 2. Existing Zoning of Property "B-1" & "R-1"
 3. Existing Use of Property "No Use"
 4. Proposed Zoning of Property "B-1" & "R-1"
 5. Proposed Use of Property "Residential Shopping Center"
 6. Proposed Use of Property "Residential Shopping Center"
 7. Proposed Use of Property "Residential Shopping Center"
 8. Proposed Use of Property "Residential Shopping Center"
 9. Proposed Use of Property "Residential Shopping Center"
 10. Proposed Use of Property "Residential Shopping Center"

RA DENSITY CALCULATIONS			
Area	Area	Area	Area
Parcel A	Parcel B	Parcel C	Parcel D
4.25 Ac.	5.06 Ac.	2.96 Ac.	2.96 Ac.
Area to Streets	0.62 Ac.	0.09 Ac.	0.18 Ac.
Net Area	4.64 Ac.	4.97 Ac.	2.78 Ac.
Allowable Gross Density	70 Units	70 Units	60
Allowable Net Density	71 Units	86 Units	66
Proposed No. of Units	71 Units	86 Units	66
Proposed No. of Units	71 Units	86 Units	66
Actual Gross Density	0.88	10.10	10.00
Actual Net Density	17.20	17.84	16.20

OFF STREET PARKING REQUIREMENTS			
Area	Area	Area	Area
Parcel A	Parcel B	Parcel C	Parcel D
4.25 Ac.	5.06 Ac.	2.96 Ac.	2.96 Ac.
Area to Streets	0.62 Ac.	0.09 Ac.	0.18 Ac.
Net Area	4.64 Ac.	4.97 Ac.	2.78 Ac.
Allowable Gross Density	70 Units	70 Units	60
Allowable Net Density	71 Units	86 Units	66
Proposed No. of Units	71 Units	86 Units	66
Proposed No. of Units	71 Units	86 Units	66
Actual Gross Density	0.88	10.10	10.00
Actual Net Density	17.20	17.84	16.20



PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICTORY
TIMANUS LA & DOOMAN RD.
SECTION DISTRICT 3
BALTIMORE, MARYLAND
March 21, 1969
Revised May 2, 1969

#63-2702
OFFICE COPY
MAP
2-2
WESTERN
AREA
NW-4-G
NW-5-G
BL
RA

#251
OFFICE COPY
REVISED PLANS
MAY 12 1969
ZONING DEPARTMENT

STATE OF MARYLAND
BALTIMORE

