

70-13-R P PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Paul J. Franke, Mary C. L. 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.A. zone to a B.L. zone, for the following reasons:

Error in original zoning and 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 reclassification 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 of Baltimore County.

THE LIBERTY BUILDING COMPANY
Contract Purchaser
Paul C. Beaty
Legal Owner, Anna B. Beaty

Address: 2112 Liberty Road
Baltimore, Maryland 21207

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Baltimore, Maryland 21207

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E. F. RAPHAEL & ASSOCIATES
Registered Professional Land Surveyors
201 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-1908

RESIDENCE: 77-4702
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E. F. Raphael
Professional Land Surveyor

E. F. RAPHAEL & ASSOCIATES
Registered Professional Land Surveyors
201 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 828-1908

ZONING DESCRIPTION
PROPERTY OF PAUL C. BEATY & P. J. PRANKE

May 19, 1969

BEGINNING for the same at a point on the northwest side of Marriotta Lane (50' wide) at the distance of 88.29', measured southwesterly on the northwest side of said Lane from the intersection formed by the southwest side of Tawmoo Lane and the northwest side of Marriotta Lane, said point being at the beginning of land which by deed dated August 11, 1967 and recorded among the Land Records of Baltimore County in Liber G.T.G. 4792, folio 707, was conveyed by Charlotte P. Moore (widow) et al to Paul C. Beaty and wife running thence and binding on the Northwest side of Marriotta Lane and on part of the first line in aforesaid deed 542°37'30"W 36.78' thence leaving the Northwest side of Marriotta Lane and the first line in aforesaid deed and running for lines of division through the aforesaid land and through the land which by deed dated June 15, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3549, folio 495, was conveyed by J. Alfred Marriott, Jr. and wife to Paul C. Beaty and wife the three following courses and distances: 1) N45°19'56"E 256.21'; 2) by a curve to the left with a radius of 472.48' for a distance of 327.73' (the chord of said arc being N65°12'13"W 321.20'); and 3) N85°04'30"W 58.79' to the east Right of Way line of Rolling Road (70' wide) running thence and binding on the east Right of Way line of Rolling Road the two following courses and distances: 1) by a curve to the left with a radius of 726.49' for a distance of 45.56' (the chord of said arc being N6°43'18"E 45.55') and 2) N4°55'30"E 54.47' thence leaving the east Right of Way line of Rolling Road by a curve to the right with the radius of 25' for a distance of 39.27' (the chord of said arc being N49°55'30"E 35.36') to the south Right of Way line of Tawmoo Lane (50' wide) running thence and binding on the south Right of Way line of Tawmoo Lane the three following courses and distances: 1) S85°04'30"E 32.35'; 2) by a curve to the right with a radius of 597.48' for a distance of 414.43' (the chord of said arc being S65°12'13"E 406.18'); and 3) S45°19'56"E 251.75' to the northwest side of Marriotta Lane, running thence on the northwest side of Marriotta Lane 542°37'30"W 88.29' to the place of beginning.

RE: PETITION FOR RECLASSIFICATION
from R.A. zone to B.L. zone
Northwest Side of Marriotta Lane
and Southwest Side of Tawmoo Lane
2nd District
Paul J. Franke, et al
Petitioners
The Liberty Building Company
Contract Purchaser
BEFORE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 70-13-R

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals of Baltimore County in the above-entitled case dated December 18, 1969, affirming the Order of the Zoning Commissioner granting a reclassification of the subject property from a R.A. zone to a B.L. zone.

The Appellants are property owners in the immediate vicinity of the subject property and are aggrieved by the aforesaid Order.

WM. TAFT FELDMAN, Attorney for
Nerman Feldman and Fannie
Feldman, Appellants
507 Maryland Trust Building
Baltimore, Maryland 21202
Phone 7-1788

This is to certify that on the 15 day of January, 1970, a copy of the aforesaid Notice of Appeal was served on the County Board of Appeals of Baltimore County by delivery at its office in the County Office Building, Towson, Maryland.

WM. TAFT FELDMAN
Attorney for Appellants

RE: PETITION FOR RECLASSIFICATION
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BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 70-13-R

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OPINION

This case is an appeal from an Order of the Zoning Commissioner granting a reclassification of the subject property from an R.A. zone to a B.L. zone. Same consists of but 1.956 acres of vacant and unimproved land lying to the rear of Beaty's store, located just northeast of the corner of Liberty Road and the new Rolling Road, in the 2nd District of Baltimore County.

The Petitioner seeks same so that he might include this parcel within an entire tract near the corner. This parcel contains approximately 6.93 acres and is now zoned B.L., and if this petition were granted the entire tract would then be approximately 8.8 acres and be a tract parcel of land bounded by four roads, i.e., on the south by Liberty Road, on the west by the new Rolling Road, on the north by Tawmoo Lane, and on the east by Marriotta Lane. The Petitioner alleges that he wishes to develop a junior department store on this entire site, and the additional area sought would enable him to do so rather than build a multiplicity of B.L. usages within his now existing B.L. zoning.

The subject property is bounded on the east and west by R.A. land, some now developed as garden type apartments. A public school lies directly across Tawmoo Lane north of this site, and as previously mentioned, the southern boundary is a B.L. parcel (approximately 6.93 acres), which is that tract bounding both Liberty Road and the new Rolling Road.

A professional engineer testified on behalf of the Petitioner and stated that adequate sewer and water facilities would be available to serve the reclassification. Dr. W. W. Ewell, a noted traffic expert, gave testimony concerning the effect this added B.L.

Franke - No. 70-13-R

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land might have on the existing Liberty Road condition. While not attempting to detail this testimony, the Board would note that Dr. Ewell stated that the increased traffic caused by 1.956 acres additional B.L. land, added to a now existing 6.93 acre parcel, would be negligible and would really have no measurable impact on the Liberty Road conditions. This expert noted that one monumental entrance is proposed for this project and that sight distance north and south along the Liberty Road is more than adequate. Mr. Richard C. Moore, a County traffic engineer, was of the opinion that the added B.L. acreage would increase the trips in and out of this site. The Board agrees, however, that the magnitude and subsequent impact seem to be more likely to be of a nature as described by Dr. Ewell than as stated by Mr. Moore.

Mr. Frederick P. Klaus, a well recognized realtor and zoning consultant, testified for the Petitioner as to original error and substantial change in character of this neighborhood. This expert cited several reclassifications within close proximity of the subject property, most of which were actually changes from R-6 to R.A. One change impressive to this Board is that of case #68-281-R, which granted a reclassification of land from R.A. to B.L. This case involved the land contiguous to the subject property and bounding same on the south. If the present petition is granted it would join with this parcel to total the 8.8 acres described heretofore.

Considering this change, the construction of the public school immediately across Tawmoo Lane, the reclassification and development of many acres of R.A. land contiguous and near to the subject property, and the development of the new Rolling Road, which will serve as a cross-county collector road ultimately connecting with Old Court Road, the Board is of the opinion that the Petitioner has proven sufficient change of a substantial character that would warrant the granting of this petition.

The sole protestant was the owner of a nearby apartment house, a Mr. Herman Feldman, who is a resident of the Owings Mill section of the County. While not materially affecting the Board's opinion, it was interesting to note that the only two

Franke - No. 70-13-R

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residents of the area near the subject property who attended the hearing testified in favor of the petition, one noting that to develop this small 1.956 acre lot as residential apartments could not enhance the neighborhood property.

While not going into any further detail, it is the judgment of this Board, as stated above, that the evidence and testimony as received by this Board is of a sufficient character to warrant this reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of December, 1969, 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 the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

Walter A. Schick, Jr.

John A. Miller

WM. TAFT FELDMAN
COUNSELLOR AT LAW

782-1788

507 MARYLAND TRUST BUILDING
BALTIMORE, MD 21202
August 25, 1969

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
Paul J. Franke, et al.
Petitioners No. 70-13-R

Dear Sir:

Please enter an appeal from your order of July 25, 1969, on the above entitled matter in behalf of Nerman Feldman and Fannie Feldman.

Enclosed herewith is check for \$85.00 for costs.

Very truly yours,

WM. TAFT FELDMAN

WTF:ps
enclosure
cc: Ralph E. Doitz, Esquire



TANWOOD LANE

1.9 Acres

PA ZONE

PA ZONE

ZONING DATA:
AREA OF COMPLETION: 1.99 ACRES
SUBDIVISION: 100' WIDE, 100' DEEP
SUBDIVISION: 100' WIDE, 100' DEEP
SUBDIVISION: 100' WIDE, 100' DEEP

PROPOSED DATA:
TOTAL: 100' WIDE, 100' DEEP
SUBDIVISION: 100' WIDE, 100' DEEP
SUBDIVISION: 100' WIDE, 100' DEEP

NOTES:
1. ALL MEASUREMENTS TO BE 4' FROM
2. ALL MEASUREMENTS TO BE 4' FROM

COLLINS LANE

6.9 Acres

#68-201R

OFFICE COPY

MAP
2-B
WESTERN
AREA
NW-6-G
NW-6-H
BL



E.F. RAPHAEL & ASSOCIATES
204 COLLETT AVENUE
TOWNSHIP 2, MARYLAND



Plot #4

PLAT TO ACCOMPANY ZONING PETITION

PAUL C. BEATY

BLACKSBURG, VA 22615

FILE #102

pet set 1

[illegible]

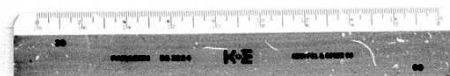
PARKING DATA

TOTAL ALBERTA		890,000
BANKING, DEPOSITS	100%	890
BANKING, RECEIPTS		664

1. NAME _____

3. No Access to be granted to TANNMOORE RD.

LIBERTY ROAD



E.F. DARTON & ASSOCIATES
registered professional land surveyors
1301 Stratford Road
Keweenaw, MI 49753

E. F. Rughel

RA ZONE

TANNMOORE

ROAD

1.756 AC.

LETS 227.29' RAD 474.25' CHORD N 67° 15' W 220.22'

LIMIT OF DISTANCE

LIMIT OF DISTANCE

PROPOSED RETAIL STORES

400'



RA ZONE

BOLLING ROAD

RA ZONE

RA ZONE

MADDOCK'S LAKE

RA ZONE

ZONING NOTES:

AREA OF PROPERTY	1.756 ACRES
EXISTING USE	VACANT
PROPOSED USE	SHOPPING CENTER
EXISTING ZONE	R-1
PROPOSED ZONE	RA

PARKING DATA

TOTAL PAVED AREA	80,000 SQ. FT.
PARKING REQUIRED (1/SPACE)	445
PARKING PROVIDED	424

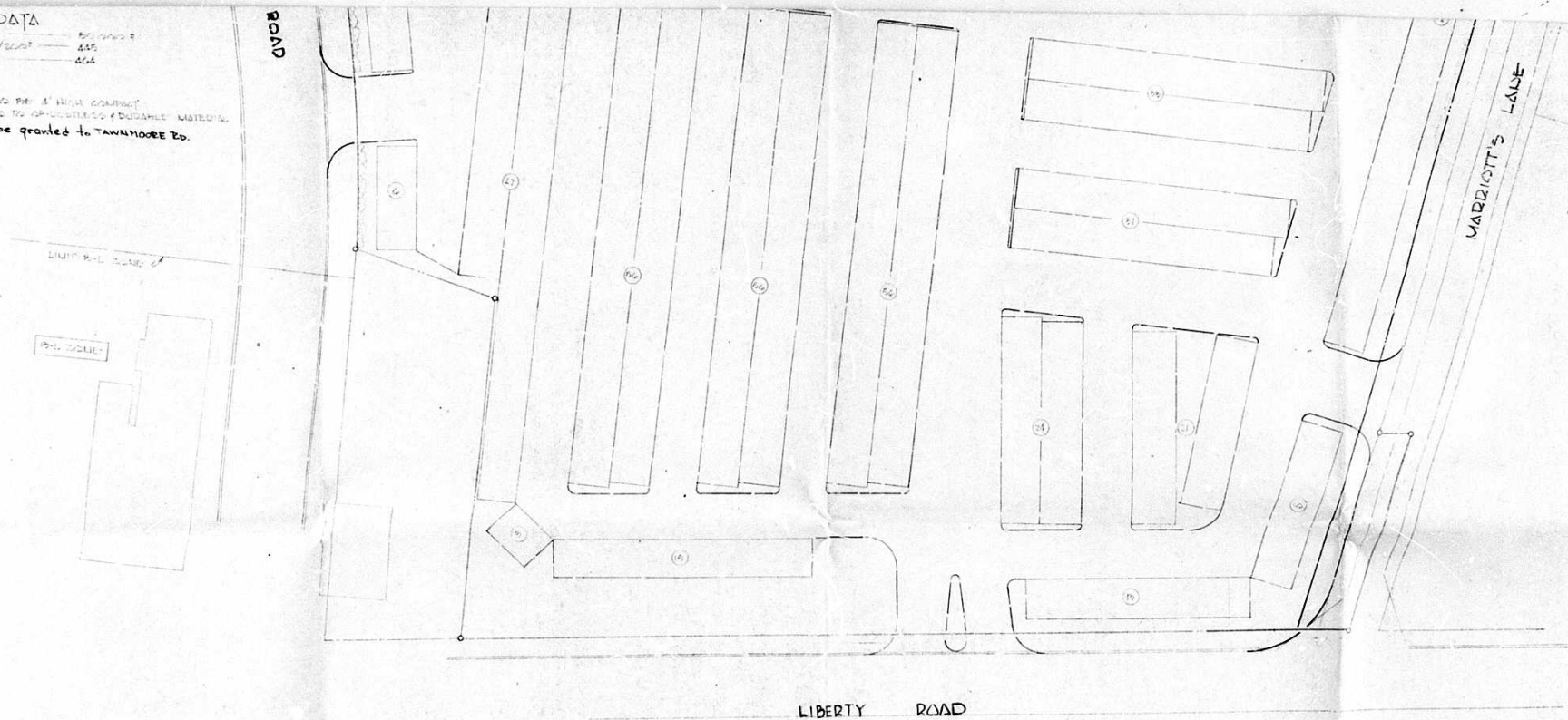
NOTE:
1. ALL SCHEDULING TO BE IN WRITING.
2. SEE APPROPRIATE TO CITY OFFICE FOR FURTHER MATERIAL.
3. NO ACCESS to be granted to TANNMOORE RD.



PARKING DATA

TOTAL PARKING AREA 40,000 SQ. FT.
 PARKING DIMS. 4' x 20' 4" 445
 PARKING REVENUE 400

NOTES:
 1. ALL EXISTING AND NEW 3" HIGH CONCRETE
 CURBS SHALL BE CONCRETE TO GRADE WITH 4" DRAINABLE MATERIAL.
 2. NO ACCESS TO BE GRANTED TO TOWNHORE RD.



#70-13R

OFFICE
COPY

MAP #B
 WESTERN
 AREA
 NW-6-G
 NW-6-H

BL

E.F. RAHEL & ASSOCIATES
 registered professional land surveyors
 201 GARDENLAND AVE.
 FREDERICK, MARYLAND 21701

E.F. Rahel

MARYLAND COMMERCIAL CONTRACTORS INC.
 8001 YORK ROAD TOWSON MD.

PLAN TO ACCOMPANY ZONING PETITION

ROCKDALE PLAZA

ELECTION DIST NO 2 BALTO. COUNTY, MD
 DATED: 11/1/82 MAY 20 1983

