AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTMORE COUNTY

Hanking, Dillard S. Shiter, Pauling Prair a Stater,

Let we Paul d., Pranke, Mary C. J., legal owner, of the property shuale in dationer

1. or we Paul d., Pranke, Mary C. J., legal owner, of the property shuale in dationer County and which is described in the description and plat attacked hereto and made a part hereof. 2 - B hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant 10.0 2.70. one to an Alex NW-6-6

NW- 6-11

EL

.....zone; for the following reasons Error in original zoning and genuine change ir, 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 re-classification and/or Special Exception advertising etc., upon filing of this petition, and further agree to and are to be bound by the zoning the upon hing of this person, and tall the person of the Zeeing Law for Baltimore loss and restrictions of Baltimore Country adored purposes to the Zeeing Law for Baltimore Country and the Zeeing Law for Baltimore Country and the Zeeing Law for Baltimore Country and the Zeeing Law for Talliand Country and the Zeeing Law for Baltimore Country and the Zeeing Law for B

8001 York Road

Legal Owner Anna B. Benty Address 3212 Liberty Road Baltimore, Maryland 21207

M. Poft Lide on 1 How for floor the W. Lee Harrison, 306 W. Joppa Rd, 21204

ORDERED By The Zoning Commissioner of Baltimore County, this..... 3rd . 136.9. 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 had "fore the Zoning IN Commissible: 72 Baltimore County in Room 106, County Office Building in Towson, Baltimore mty, on the 16th .day of .. July .. . 1969 ... at J.QQ o'clock

(Sper

No. 70 - 13 - R

BEFORE RE: PETITION FOR RECLASSIFICATION PETITION FOR RECLASSIFICATION from R.A. zone to B.L. zone Northwest Side of Marriotts Jane and Southwest Side of Tawnmore Lane 2nd District COUNTY BOARD OF APPEALS OF Paul J. Pranke, et a BALTIMORE COUNTY

> OPINION

Petitioners
The Liberty Building Company

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 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 a 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 mat parcel | 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 Tawnmore Road, and on the east by Marriotts Lane. The Petitioner alleges that he wishes to develop a junio 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 Tawamon Road north of this site, and as previously mentioned, the southern boundary is a B.L. parce! (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.

#70-13K

CONTAINING 1.958 Acres of land more or less. BEING the property of Paul C. Beaty and the property of Paul J. Pranke et al.



Pranke - No. 70-13-R

land might have on the existing Liberty Road condition. While not attempt ing to detail ony, 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 home assurable 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 a lequate. 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, tha 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

- 2 -

Mr. Frederick P. Klaus, a well recognized realtor and zoning consultant testified for the Petitioner as to original arror 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 nems. Tawamore Road, the reclassifications and development of many acres of R.A. Jane uous and neas to the subject property, and the development of the new Roiling Road, which will serve as a cross-county collector road ultimately connecting with Old Cour 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 Mills section of the County. While not

E. F. RAPHEL & ASSOCIATE

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

#70-13R May 19, 1965

BEGINNING for the same at a point on the northwest side of Marriotts Lame (30' wise.) at the distance of 88.29', measured southwesterly on the northwest side of said Lane from the intersection formed by the southwest side of Tawnmore Lane and the northwest side of Marriotts 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 0.T.G. 4792, folio 707, was conveyed by Charlotte P. Moore (widow) et al to Faul C. Beaty and wife running thence and binding on the Northwest side of Marriotts, Jane and on part of the first line in aforesaid deed S42*37'30"W 36.78' thence leaving the Northwest side of Marriotts 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"% 256.21'; 2)by a curve to the left with a radius of 472.48* for a distance of 321.73* (the chord of said arc being N65*12*13** 321.20*); and 3)N85*04*30** 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 molling Road the two following courses and distances: 1) by a curve to the left with a radius of 726.49' for a di-tunce of 45.56' (the chord of said arc being #6*43'18"E 45.55') and 2)N4*55'30"E 54.47' thence learing the east Right of Way line of Rolling Roal by a curve to the right with the radius of 25' for a distance of 39.27' (the chord or said arc being N49"55'30"E 35.36') to the south Right of Way line of Tawnmoore lane (50° wide) running thence and binding on the south Right of Way line of Tawnmoore Lane the three following courses and distances: 1)585°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 565*12'13"E 406.18'); and 3)545*19'56"E 251.75' to the northwest side of Marriotts Lane, running thence on the northwest side of Marriotts Lane 542*37*30"H 88.29 to the place of beginning.

PETITION FOR REPLASSIFICATION : from R.A. zone to b.L. zone Northwest Side of Marriott; Lane : and Southwest Side of Tawnmoore IN THE CIRCUIT COURT Paul J. Pranke, et al 202 The Liberty Building Company Contract Purchaser BALTIMORE COUNTY BEFORE COUNTY BOARD OF APPEALS OF BALTINGRE COUNTY No. 70-13-R

OFGER FOR APPEAL

Please onter 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

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

> Wm. Taft Foldman, Attorney Herman Feldman and Fannie Foldman, Appollants 507 Maryland Trust Building Baltimore, Maryland 21202 PLaza 2-1788

This is to certify that on the day of January, 1970, a copy of the aforegoing 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, Xaryland.

Wm. Taft Féldman Attorney for Appellants

Pranke - No. 70-13-R

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

- 3 -

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 aforegoing Opinion, it is this 18th day of December, 1969, by the County Board of Appeals ORDERED, tivit 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 Chairma

John A. Miller

WM. TAFT FELDMAN

August 25, 1969

Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Petition for Reclassification Paul F. Pranke, 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 Herman Feldman and Fannie Feldman.

Enclosed herewith is check for \$85.00 for costs.

Very truly yours,

Wm. Taft Feldman

WTF/pg enclosure cc: Ralph E. Deitz, Esquire



6-25-70

Ralph E. Deitz, Esq., 212 Washington Avenue Towson, Maryland 21204

W. Lee Harrison, Esq., 306 W. Joppa Road Towson, Haryland 21704

RE: Type of Herring, Reclassification from an N: zees to an BL zees Leasing NM/S merriets tame, S0.291 SN of Teammers Least 2nd Ulstrict Fettioners Paul J. Pranke, et al Committee Heeling of June 3, 1969 Item 290

#70-13R

June 11, 1969

The losing Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an ensite field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently unincreased and is nort of a large parking and the appears and lignar store located on the capture and the properties to the north or fearened the speed of properties to the north or fearened this perion type apartement; to the west and cast with deellings. Liberty Read in this area is improved so for as concrete curb and guiter are concerned,

BUREAU OF ENGINEERING:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date July 3, 1969

SUBJECT Petition #70-13-R. Reclassification from R.A. to B.L. Zone. Northwest side of Northcott Tone and this willhowest side of Tonfmore Lane. Paul J. Franks, et al., Petitioners.

HEARING: Wednesday, July 16, 1969 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R.A. to B.L. zoning.

We much prefer the existing zoning pattern which provides an opertment buffer olong Townore Lane between it and commercial activity. We do not like this patition which places on exposed, voly rear end of a snopping building in direct view of neighboring residential properties.

FROM George E. Gavrelis, Director of Planning

2nd District

Highways:

Rolling Bood is an existing road which will be improved as a Wa-foot closed section with flexible powing on a 70-foot right-of-way. Taxombore Bood and Merrical them are existing reads which shall be improved as 40-foot closed sections with flexible paving on 60-foot rightsefsway. Highway videning and improvements will be required along Rolling Road, Tounnoore Road and Marriott Lane.

The entrance locations are subject to approval by the Department of Traff c Engineering.

Ralph E. Deitz, Esq., 212 Washington Avenue on, Baryland 21206

W. Lee Harrison, Esq., 306 W. Joppa Road Towson, Paryland 21204 Item 290 Page 2

June 11, 1969

62272

Highways: (Continued)

Liberty Road is a State Road; therefore, this site will be subject to State Roads Commission review and all street impresents and entrance locations on this road will be subject to State Roads Commission requirements.

No provisions for accommodating storn water or drainage have been indicated on the subject plan; becover, a drainage plan and study will be required to obtain approval of any subsequent building permit application.

The Applicant must provide necessary draining facilities (temporary or otherwise) to prevent creating any muisances or damages to adjacent properties, specially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other draining facilities, would be the full responsibility of the Applicant.

Liberty Road is a State Road; therefore, drainage musi-ements as they affect the road come under the jurisdiction of the Maryland State Roads.

Public sanitary scurrage is available to serve this property by means of an existing B-inch suniary scuer in intrioit lane as shown on Maltimore County Bureau of Ingineering Graving #35-054, A-10. Newsery, if the filter county Bureau of Ingineering Graving #35-054, A-10. Newsery, if the flower elevation of the proposed stores is too low to connect into the existing sanitary scenar, sanitary scenarage can be used available by extending the existing scener in Rel1ing Monad, as shown on Baltimore County Bureau of Engineering disking #25-054, b-10. This seem is located approx sately 400 feet northeast of Tawangere Road,

Public water supply is available to serve this property.

BALT TORE COUNTY, MARY AND

Develorment of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Helph L. Beitz, Esq.. 212 Washington Avenue Townon, Maryland 21205

W. Lee Barrison, Esq., 306 M. Joppa Road Towson, Paryland 21794 Item 290 Page 3

June 11, 1969

Sediment Control: (Continued)

Grading studies and sediment control drawings will be necessary to reviewed and approved prior to the issuance of any grading or building

PROJECT PLANNING DIVISION:

This Office has reviewed the plan and it should be revised to show:

- 1. 125' median in the entrance off Liberty Road.
- The entrance off Rolling Road and Marciatt Lane to line up with the driveways in the parking lot.
- The service drive along the back shifted so as to save the trees that exist along the lawners Rd. Frontage. These trees form a natural dense screen and it should be required that they remain.

A change from RA to BL would create an increase of 1200 trips per day.

BUILDING ENGINEER'S OFFICE:

This office has no comment to offer.

Would not increase student population.

Public water and sewers are available to the site, therefore, no health problems are anticipated.

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

2-143 (PRANKE)

ERTIFICATE OF PUBLICATION

Raiph E. Deisz, Esq., 212 Mashington Avenue Towson, Maryland 2000

W. Lee Harrison, Esq.,' 306 W. Hoppa Road Towson, Maryland 21204 Item 290 Page 4

June 16, 1969

No. 64625

STATE ROADS COMMISSION:

The plan indicates a monumental type entrance into Liberty Road.

If this type of entrance is to be used, the median must have a minimum length of 120' from the roadside curb

The entrance will be subject to State Roads Commission approval

ZOWING ADMINISTRATION DIVISION.

This position is excepted for filty——the dist of the membered filting contriction. Noticed the main party and time, which will be held out heat than 30, now more than 30 can first the date or the filting certificate. Notice of the burnings date on they which will be held used to than 30, now more than 30 days after it date to the filting certificate, will be freewarded to you first the mean future of the filting certificate.

Very truly yours.

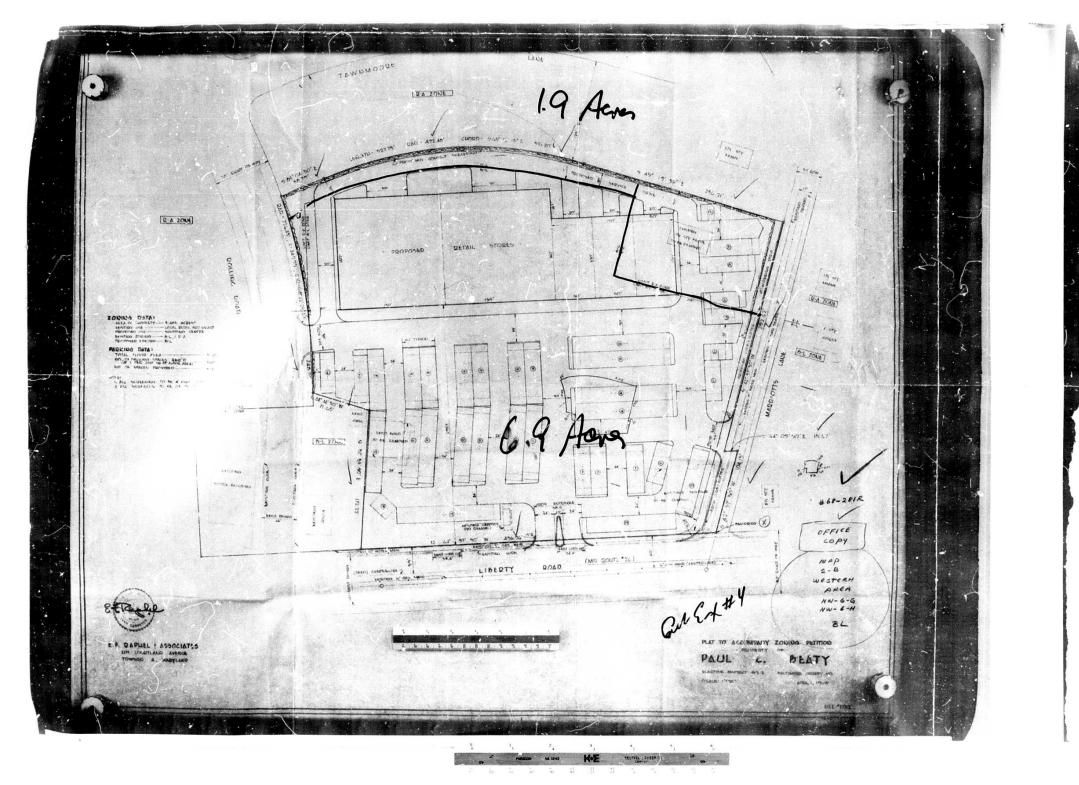
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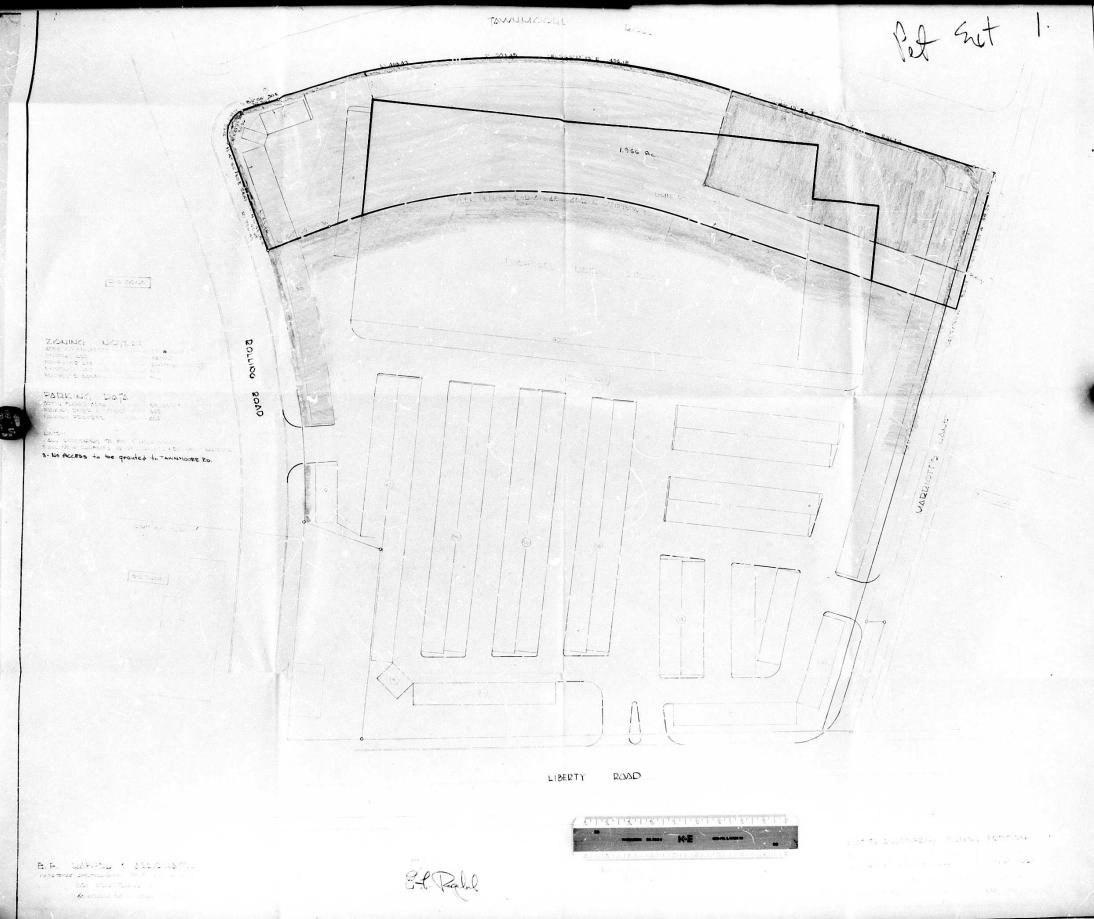
TELEPHONE 623-3000 EXT. 387

OFFICE OF FINANCE COURT HOUSE START: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND No. 64704 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Beceipts COURT HOUSE TOWSON, MARYLAND 21204 OS. 00 - property of Paul F, Frenke, et el 205. 00 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

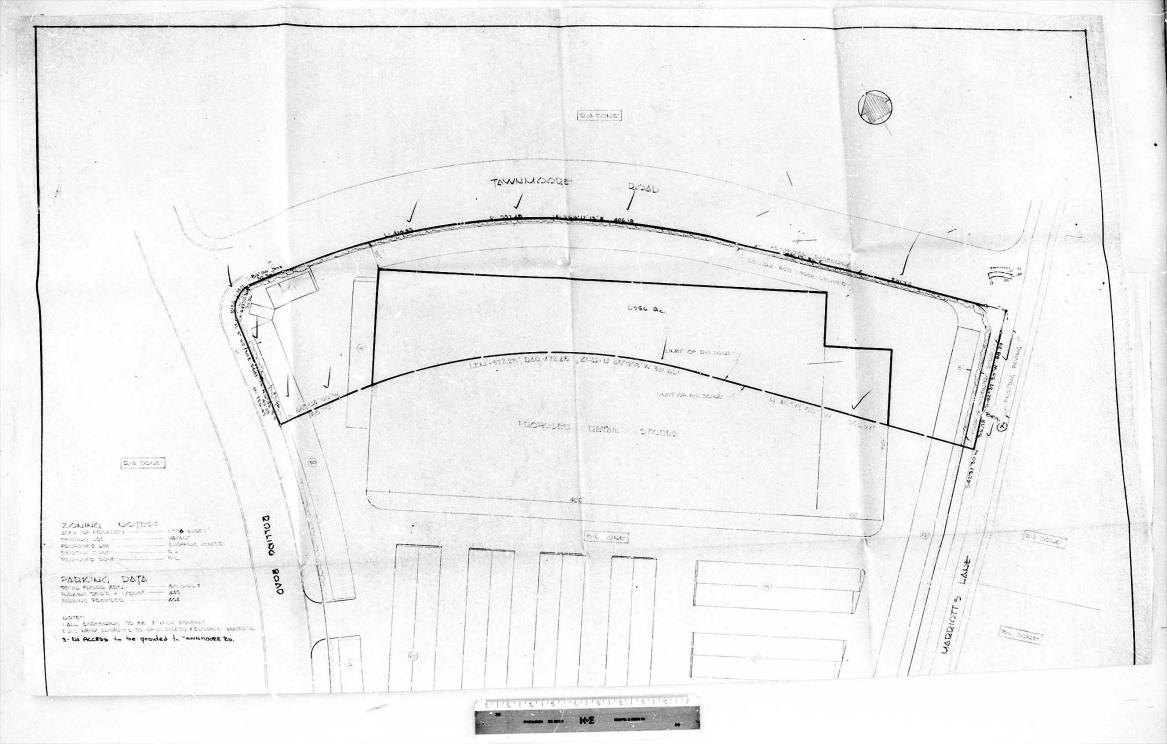
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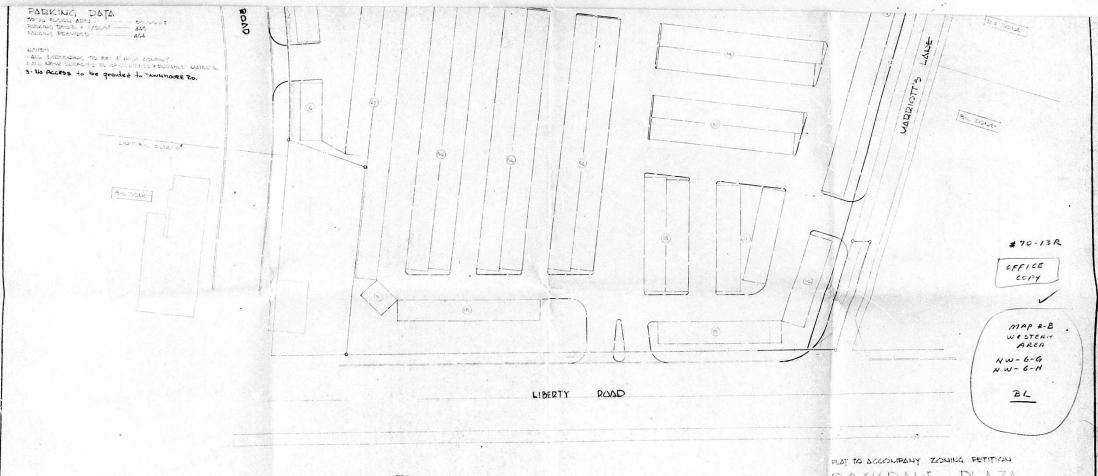
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E. F. DAPREL & ASSACIATES renistered professional land surveyors 201 SOUDTLAND AVE KONSON MADELLAND VILLA



MARYLAND COMMERCIAL CONTRACTORS INC. 8001 YORK ROAD TOWSON MD.

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