Randallstown, Maryland 21133

RC Verderaine

2 2 2 Protestant's Attorney

1/12/70

ryland 21202

g Comm'ssiouer of Baltimore County, that the subject matter of this petition be advertised.

RE: PETITION FOR RECLASSIFICATION from R-10 zone to R.A. zone NE/S Marriottsville Road 300.84 feet COUNTY BOARD OF APPEALS n the SE/5 of Templar Road

THE NATIONAL BIRCHWOOD CORP.:

OF BALTIMORE COUNTY No. 70-130-R

. OPINION

This case concerns a tract of approximately seventy-six acres, which is presently zoned R-10 and which is also presently vacant land, being part of a previously platted substantially larger area known as "Kings Park".

The original plans for Kings Park provided for approximately one quarter acre lots and for a total of \$10 choice home sites". The total area consisted of 367 acres almost all of which has been developed except the property remaining, which is the subject Testimony presented on behalf of the Petitioners indicates that the mujor reason for esking for rezoning to R.A., R.G. and R-10 is economic. The developer (group house zoning), and approximately 18 acres to remain as R-10 as development for

These are two large tracts of R.A. zoning presently contiguous to the subject property, or very nearby, which were rezoned by petition aranted by the Zonine number of years ago, upon which nothing has been built to date. The was adopted in November, 1962 and there apparently have been no important the immediate vicinity since that time, other than the construction of homes and builder in a nationwide basis. They have been in the Baltimore-Washington 1963 and have ten subdivisions, comprising more than twenty-six hundred inomes. Apparently the increase in the cost of construction and the difficulty noing in the last two years has caused them to reconsider their plans for this tract, and they now wish to build apartments and town houses in the area rather than th type of homes constructed to date. The Vice President of the Company, who manages

National Birchwood Corp. - No. 70-130-R

operations in this area, testified to this effect and stated that their surveys indicated a great need for rental units, and that in his opinion the highest and best use, based on criteria, would be as shown on the proposed plat (Petitioner's Exhibit No. 1). nation he stated that there was no physical reason for not using the propert

2.

Engineers testifying for the Petitioner stated that there would be no proble: whatever with the construction of R-10 homes on this tract, and that semer and water facilities would be available and adequate for either type of development.

Mr. William E. Corgill, a qualified traffic engineer, testified that he had made a study of the area, to predict traffic increases in the next five years, and based on his facts it was his opinion that no congestion would result as a result of the projected four year construction program of the Petitioner. This opinion was the subject of complete ented in the testimony of Mr. C. Richard Moore, a traffic analyse who testified as to the capacity of the nearby main roads, particularly Liberty Road; and if the adjoining properties were developed for apartment use as they are already zoned, in their polition there would be severe and serious connection cruzed by such developmen Planning for Baltimore County, stated that his staff was voicing "extreme and decided sition to the proposed reclassification" because of traffic generation, increase in school yield, and that it was not in accordance with comprehensive plans of the Planning Staff, and would be against the general walfare of the community. He also pointed out

A number of residents of the neighborhood testified generally to the same

National Birchwood Corp. - No. 70-130-R

the developer at the time they purchased their homes. See Protestasis' Exhibits A and D.

"The Village of KINGS PARK was created to be an integral part of the beautiful, gently milling countryide of O'ld Liberty Road. Here, a perfect 367 (50), provide spacious 1/4 acre estates for just 810 choice hom sites. This village will always be just tor just 810 choice handles. This village will always be just that . . . A Village! Control village with all the city conveniences and utilities, includies pure water from the nearby Liberty Dem, sanitary sewers, storm drainage, wide-paved roads, gas, and electricity."

3.

And -

"The Village of KINGS PARK has been created as an integral part of the beautiful, gently ralling countrylide of Old Liberty Road. Here, a perfect 367 ocres provide spacious estates for just 810 choice homesites. Here is space, the room to enjoy life . . . inside the home, and out!

"This Village will always be ... a Village! Country living with all city conveniences and utilities, including pure water from nearby Liberty Dam, sanitary sewers, storm drainage, gas and electricity and wide payed roads."

The County Board of Appeals, of course, has no jurisdiction in Equity, but as an inducement for the sale of homes, might raise a question of the principle of Estoppel and it is our opinion that to grant this petition would amount to an approval of what might be characterized as a course of conduct not exactly in good faith. Under all the circum stances, the Board feels impelled to deny the reclassification petitioned for, thereby

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 23rd day of March, 1971, by the County Board of Appeals ORDERED, that the reclassifica-

National Birchwood Corp. - No. 70-130-R

Tuitte

tion from R-10 zone to R.A. zone petitioned for, be and the same is hereby DENIED.

tred by the Zoning Law of Baltimore County, in two newspapers of general circulation through

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

C.F. BALTIMOPE COUNTY

HARRY S. SWARTZWELDER, JR.

February 17, 1970



ZONING COMMISSIONER ounty Office Buildir

> Re: Petition for Reclassification NE/S of Marriottsville Road, 300, 83' SW of Templar Road - 2nd District
> The National Birchwood Corporation - Petitioner No. 70-130-R (Item No. 70)

Dear Sir

Please enter an Appeal on behalf of the Petitioner in the above captioned matter to the County Board of Appeals from the Order of the Zoning Commissioner dated February 10, 1970.

HSS/br

cc: Robert C. Verderaime, Esquire John O. Seiland, Esquire

#70-130R

MAP

RA

DESCRIPTION

WESTERN 75, 6915 ACRE PARCEL, "KINGS POINT", SOUTHWEST OF LIBERTY ROAD, SOUTHEAST OF MARRIOTTSVILLE RCAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR "R-A" ZONING

Beginning for the same . . a point on the northeast side of Marriottsville Road, seventy feet wide, as shown on Plat 2, Section 9, "Kings Point", at the distance of 300, 84 feet, as measured southeasterly along the northeast side of said road from its intersection with the southeast side of Tempiar Poad, fifty feet wide, as shown on said plat, running thence binding of the southeact outline of the land shown on said plat, (1) N 55° 06' 00" E 52. 50 (eet, and (2) N 10° 54' 00" E 220.00 feet, thence binding on the southeast outline of the land shown on Plat 1, Section 9, "Kings Pojdt", seven courses: (3) N 08/ 12' 00" E 92. 56 feet, (4) N 47/ 18' 00" E 256. 84 feet, (5) N 37° 34' 00/E 162, 34 feet, (6) N 52° 30' 00" E 253. 23 feet, (7) N 46° 00' 00" E 170. 87 feet, (3) by a line across Live Cak Road, eighty feet wide, as shown on said plat, N 75° 02' 10" E 81, 95 feet, and (9) N 87° 33' 30" E 150, 00 feet, thence to and along the outlines of the land described in the deed from Cypress Estates, Inc. to The Drew Company, dated September 18, 1961 and recorded among the Land Records of Baltimore County in Liber W. J. R. 3903, page

Water Supply ■ Sewerage ● Oralinage ▶ Highways ■ Structures ● Developments ▶ Planning ■ Reports

239, three courses, (10) S 02° 26' 30" E 2029. 82 feet, (11) S 66' 43' 40" W 264.00 feet, and (12) S 80° 45' 00" W 2085.66 feet, thence along the east line of the right of way of the Consolidated Gas, Electric Light and Fower Company of Baltimore, sixty-six feet wide, (13) N 02° 50' 00" E 1097. 96 feet, thence along the southernmost cutline of the land shown on the plat of Section Six, "Kings Point", five courses: (14) N 62° 50' 09" E 131.83 feet, (15) N 76° 55' 00" E 225.58 feet, (16) S 56* 57' 00" E 24. 98 feet, (17) S 56* 18' 00" E 140. 40 feet, and (18) N 33* 42' 00" E 99. 18 feet, thence again binding on the south and southeast outline of the plat first herein mentioned five courses: (19) S 85* 93' 00" E 135, 00 feet, (20) N 78* 36' 00" E 129. 98 fee., (21) N 45° 36' 00" E 247. 04 feet, (22) N 55° 06' 00" E 189. 69 feet, and (23) by a line across said Marriottsville Road, N 55° 06' 06" E 74.15 feet to the place of beginning.

Containing 75, 6915 acres of land.

J. O. #57110

June 23, 1969



Pursuant to the advertisement, posting of prepercy, and public hearing on the above petition and IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... the same is hereby reclassified; from a _____zone to a _____ granted from and after the date of this order. Zor.ing Commissioner of Baltimore County and to the advertisement at ting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original goning map or substantial changes in the character of the neighborhood, the above re-classification shou'd NOT BE HAD, and consther figure in the above re-classification should NOT BE HAD. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this. February....., 196.70 that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby and sued as and R-10 zone, andour thor Spo Edward & Harlety ORDER RECEIVED FOR FILING CATE 3/10/70 BY Jo Harris Och MICKUFILMED

BALTIMORE COUNTY, MARYLA .. D INTER-OFFICE CORRESPONDENCE

FROMMr. George E. Gavrelis, Director of Planning
Planning
SUBJECT Patition 70-139-R. Reclassification from R-10 to P.A. Zone. Northeast side of Marriottsville Rd. 300.83* Southwest of Templar Road. The National

2nd District

Birchwood Corp., Petitioners.

\$ 70

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THE NATIONAL BERCHHOOD BORP, ATO-130-ME/S OF MARYICEENVILLE Rd. 300.831 SM OF TEMPLE Rd.

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HEARING: Monday, January 12, 1970 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-10 to R.A. zoning.

We voice our extreme and decided opposition to the proposed reclassification. We note that development under the requested opartment zoning would materially increase school yields and classroom demands in the area. We note also that the troffic generated by opartment zoning would allowed triple that detrived under present zoning. We note also that the subject property is so well succeed. Liberty Road. Although the subject property obstituting on load according for a support of the property of the subject property of the apartment development, no such development has occurred thered. In fact, of the nearby tracts zoned for apartment purposes have been utilized to any great extent.

In the opinion of the Planning staff creation of oportment aroning here would not be in accordance with compenhentive plans for the few logment of the cree. In fact, or provide a staff of the cree. In the creek of the creek of

GEG:bms



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. John G. Rose TO Zoning Commissioner

Date: December 15, 1969

FROM PROJECT PLANNING DIVISION

SUBJECT Zoning Advisory Agenda Item 70 (Revised Comments)

> Gatober 7, 1969 The National Birchwood Corp. E/S Marriottsville Road 300.84' So. of NE comer

The "Revited Plan" dated November 17, 1969 is acceptable to this Office for zoning purposes. The plan provides for the extension of live Oak Road is Norricativille Road. It must be pointed out however that Baltimore County, in all probability will a quite that they Oak Road oe standed beyond Marriativille Road in a Southarty direction to the petitional's property line. This Office will study the area to via South of this property is determine the oppopriate alignment of Live Oak Sout and where it should terminate at the property line.

Herry S. Sumrtmelder, Jr., Esq. 341 St. Paul Place Baltimore. Hervierd 21202

Rts Type of Hearings Reclassification from an R-10 zone to an R-A zone Location (2/6 of Mericotaville Rd., 300,80° So. of HE Cor. of Tamplar Rd. 6 Mericotaville Rd., Potitioners The Intional Birchwood Corp. Committee Resting of October 7, 1969 2nd State Committee Co

"Bureau of Engineering has indicated that the subject patition can be approved for a hearing date. All other aspects of their comments dated October 20th, 1969 will remain valid."

Gery truly yours,

OLIVER L. HYERS, Chairman

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 20, 1969

Harry S. Swartzwelder, Jr., Esq. 341 St. Paul Place Baltimore, Maryland 21202

RE: Type of Mearing: Reclassification from an R-10 zone to an R-A zone Location £/s of Auralcutville Rd., 300,8% * 50, of NE Cor. of Templar Rd. Parriotizville Rd. Pattioner: The lational Stribbook Corp. Committee leating of October 7, 1969 220 Statict

OLIVER L. MYEXS

LIMBERS

BUREAU OF

TR. C ENGINEERIN PRE PREVENTION

HEALT'S DEPARTMENT

PROJECT PLANSING BUILDING DEPARTMEN BOARD OF EDUCATION

ZONING ADMINISTRATIO

INDUSTRIAL DEVELOPMENT

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

The subject property is presently wooded, rolling hills. Some of the area is vacant with out buildings on it. The surrounding property is developed with new dealings and old sub-division. The homes are in the vicinity of 5 to 15 years of age, in good repair.

BUREAU OF ENGINEERING:

Highways:

The subject site was previously included in property shown on the preliminary plan for the subdivision of Kings Folint. The preliminary plan for the subdivision of Kings Folint. The previously shows the previous final plants have been recorded which have established the alignment of several streets that ware proposed to provide access through this site and to other adjacent properties. These streets were primarily Marriottsville Road, title Buk Road and Flouline Road.

The subject zoning plan has only provided for the extension of Marriottavilla Road and we are generally in accord with the proposed alignment fig., the plan must be revised to provide for the extension of (Ive Oak Road as a public road to extend through the southernmost outline of Abn property.

Due to the advent of the proposed Metropolitan Boulevard, Live Oak Road has been minimized somewhat; however, it shall remain as a collector - thoroughfare type street. Therefore,

Harry S. Swartzwelder, Jr., Esq. 541 St. Pau. Place Baltimore, Maryland 21202 Item 70 Page 2

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October 21, 1969

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Live Dak Road will be constructed as a 48-foothdo closed section with fleatible type pavement on a 70-foot right-of-way from its present serminus to the intersection with Marrialtaville Road, The alignment should generally follow that of the presently proposed 39-foot private road,

From Marriottsville Road southerly, Live Oak Read will be rematructed as a 40-foot wide closed section with flexible type pavement on a 60-foot right-of-way. The alignment in this area shall consist of a horizontal curvature which will cross the southermost outline of the property in a nearly true southerly direction.

Plowline Road, as shown on the recorded plat of Kings Point, Section 2, Plat 2, has not been indicated on the subject zoning plan. Although it will not be necessary to extend Plowline Road through this site, some provision must be afforded to provide a satisfactory terminus on the westermost side of the proposed drainage essement. The subject plan si.... Id be revised accordingly.

All entrance locations are subject to approval by the Department of Traffic Engineering.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a storm drainage study and facilities will be required in connection with any subsequent grading or building permit applications.

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to arjacent properties, aspecially by the concentration of surface uters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

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

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

Harry S. Sw rtzwelder, Jr., Esq. 341 St. Paul Place Baltimore, Maryland 21202 Item 70 Page 3

October 21, 1969

Public satisfy insering for the subject site was originally planned to be accommodated by the ownstruction of the Kings Point Senage Funding Station. Newever, with the greatly increased population donsity that is proposed in conjunction with construction of apartment type dwellings on the swipcci property, a sanitary sewerage study must be prepared to determine the method of providing sanitary sewers.

Therefore, the Developer must have his engineer prepare a severage study, including cost estimates, to determine the extent of improvements, etc. required to provide the subject site with adequate sewerage facilities. The Developer would be fully responsible for all additional costs required to provide any additional exempte scilities. The zoning hearing should be withheld pending acceptance of a recommended sewerage system to serve this site.

Water:

PROJECT PLANNING DIVISION:

The plan rust be revised to show Live Oak Rd, carried through to the th Property Line. We will thhold further comments until the South Property Line. We will revised plans are submitted.

The subject site as zoned R-10 should generate 3,000 trips a day. However, as RA, the site will generate 3,000 trips a day. This increased trip density is undesirable since apartment zoning circady in this area is expected to overload (iberly Road, and Matropolitaa Boulevard is not-expected to be constructed for some time.

As presently zoned, this area of 75.6915 ± acres would ultimately yield approximately 115 students. If the area were to be zoned for apartments, the yield could ultimately be 180 pupils.

PLANS REVIEW DIVISION:

No comment until plans are submitted to this office,

Harry S. Swartzwelder, Jr., Esq. 341 St. Paul Place Baltimore, Maryland 21202 ' Item 70 Page 4

- 30

FIRE DEPARTMENT:

Owner shall be required to comply with 11; Fire Department requirements in accordance with Life Safety Code, 1967 edition, Chapter 11-3 when construction plans are submitted for approval.

HEALTH DEPARTMENT:

Public water and sewer: are available to the site.

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

<u>Public Swimming Pool Comments:</u> Prior to approval of a public pool on this site, two complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

ZOHING ADMINISTRATION DIVISION:

Due to the comments by the Bureau of Engineering, Project Planning Division, revised plais must be submitted to this office in accredance with those comments prior to a hearing date being assigned. The setbo ke as indicated on the petitioner's site plan for the proposed setbo ke as indicated on the petitioner's site plan for the proposed fegulations. This also fin accord with the Balticore County Joning Regulations. This also for accredit the Balticore County Joning to the hearing date being assigned.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM: JD

0-07-71

December 7, 1969

Harry S. Swortzwolder, Jr., Esq. 341 St. Paul Place Beltimore, Maryland 27202

RE: Type of Hearing: Reclassification from an 8-10 zone to an R-A zone Leastine E/S of Merichavitile Rd., 300,80+5c, of NE Cor. of Templar Rd. & Aerichtavitle Rd. Patitioner: The intional Sirchhood Corp. Committee Meating of October 7, 1969 2nd District Item /9

Dear Sire

In the previous comments sent you under date of November 20th, 1969, we indicated that the subject pattion was being scheduled for a hearing. However, it has come to our attention that the revised plans do not reflect Project Planning Division and Cotober 20th, we cannot set this for a hearing until these comments are compiled to in In regard to Live Oak Rose.

very truly yours,

OLIVER L. MYERS, Chairman

cc: Richard Milliams - Project Flanning Division

No. 69305 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

bittens inches	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	
	John G. 1885 John G. 1885 John G. Commissioner	
Patitioner The Motor	and Mindrated Corp.	'
Petitioner's Attorne	and a second to the ord by Mines of Mines	
	Chairman of Advisory Committee	

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POSIT TO	ACCOUNT NO. 01-622 DETACH ALONG PET-FORATION AND KEEP THIS PORTION FOR YOUR RECOR	s cost
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	No. 78-130-R	
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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DEPARTMENT OF BALTIMORE COUNT

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CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COU

District 2 ad	Date of Posting DEC 27-1969
Posted for RECLASSIFICATION	FROM R-10 TO R.A.
Petitioner: THE NATIONAL BE	BLH NO V CORP.
P.J.	MARRIOTTSULLIE Rd. 300.83' SW/OF TEMPLAR
1-11/1-6	PART IN TITUTE / 1000 FF. S/OF TENTLAR RO
HAKNIOTTS VILLE NO. 350 FT.	WISE EVATTED PROMISE SOUTH
Posted by Charles M. Meek	Date of return: 140. 9, 1970
	11 - P

No. 69359

0 CERTIFICATE OF PUBLICATION

Ptkesville, Md. Dec. 24 , 19 69

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each day of January the first publication appearing on the 25 day of December

THE NORTHWEST STAR



CERTIFICATE OF PUBLICATION

TOWSON, MD., 050 25 1969 19 THIS IS TO CERTIFY, that the annexed advertisement was appearing on the ... 25tb day of .Recember ...

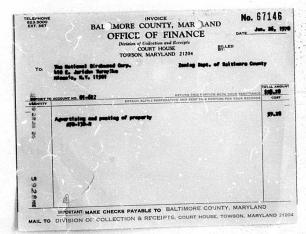
THE JEFFERSONIAN,

Cost of Advertisement \$

CERTIFICATE OF PUBLICATION

TOWSON, MD., THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN a weekly newspaper printer THE JEFFERSONIAN,

Cret of Advertisement 8



No. 67105 BAL MORE COUNTY, MAR AND OFFICE OF FINANCE Division of Collection and Rec ripts
COURT HOUSE
TOWSON, MARYLAND 21204 5 0.0 C+ac IMPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

