

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Broadview Realty Company and
Franklin L. Byers & Sons, Inc. owners 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 and R-A, to an R-6 and R-A.

1. Change in conditions in the neighborhood,
2. Error in original zoning.

See attached description

and the Zoning Commission, under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the purposes of the following:

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, 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 Baltimore County.

By: *Richard C. Murray*
Petitioner's Attorney
22 W. Pennsylvania Avenue,
Towson, Maryland 21204

Address: _____ Legal Owner's: _____
Address: _____ Address: _____

Address: _____ Protestor's Attorney: _____
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RE: PETITION FOR RECLASSIFICATION
32/20/70 of Liberty Road and
Russell Avenue - 2nd District
Broadview Realty Company, et al -
Petitioners
NO. 71-139-R (Item No. 354)
BALTIMORE COUNTY

ORDER OF DISMISSAL

The Petitioners in the foregoing case has withdrawn his Petition and the matter is Dismissed without prejudice.

Richard C. Murray
Attorney for the Petitioners

Date: February 17, 1970

ORDER RECEIVED FOR FILING

DATE 2/17/70

BY *Richard C. Murray*

ADMINISTRATIVE ASSISTANT

BROADVIEW REALTY CO., ET AL, 71-139-R
32/20/70 of Liberty Rd. and
Russell Ave.
2nd District

71-139-R
#354

IN THE MATTER OF
THE APPLICATION OF
BROADVIEW REALTY COMPANY
and FRANKLIN L. BYERS & SONS,
INC.

BEFORE THE ZONING
COMMISSIONER OF
BALTIMORE COUNTY

PETITION TO ACCOMPANY ZONING PETITION

This Petition seeks the reclassification from R-6 to B-1.

The property lies on the northerly side of Liberty Road at Russell Avenue and is in close proximity to Brenbrook Drive.

Since the adoption of original zoning, Brenbrook Drive has been completed as a major arterial street, improvements have been made to Liberty Road including the taking of widening strips from the subject property and nearby commercial uses have been intensified. Baltimore County has acquired adjacent property upon which there is constructed a fire station and parking areas.

Richard C. Murray
Cook, Mudd, Murray & Howard
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: 825-4111
Attorney for Petitioner

FROM THE OFFICE OF
GEORGE WILLIAM STAMMERS, JR. AND ASSOCIATES, INC.
ENGINEERS
P. O. BOX 8 6826, TOWSON, MD. 21204

Description to Accompany Petition
For Reclassification from Existing R-6 and R-A
to B-1.
3.630 Acres more or less.

May 1, 1970
Revised May 18, 1970

Beginning on the east side of proposed Russell Avenue, 50 feet wide, as shown on a plat entitled: "Resubdivision Part of Plat A of Fieldstone" dated December 19, 1956 and recorded among the Plat Records of Baltimore County in Liber G.L.B. 23 folio 103, said point of beginning being 55 feet north of the center line of Liberty Road thence binding on the east side of proposed Russell Avenue line three following courses and distances, viz: first North 24° 48' 10" East 129.57 feet, second a curve to the right with a radius of 440.00 feet and a length of 200.58 feet, and third a curve to the left with a radius of 748.84 feet and a length of 234.42 feet, thence leaving the east side of proposed Russell Avenue the four following courses and distances, viz: first South 57° 00' 49" East 188.08 feet, second North 34° 27' 40" West 13.52 feet, third South 64° 31' 20" East 15.74 feet more or less, and fourth South 25° 35' 40" West 555 feet more or less to the north side of Liberty Road, 66 feet wide, thence binding on the north side of Liberty Road the two following courses and distances, viz: North 64° 37' 14" West 294.05 feet more or less, and second a curve to the right with a radius of 20.00 feet and a length of 31.21 feet to the place of beginning.

Containing 3.630 Acres more or less.



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 3, 1970

COUNTY OFFICE BLDG.
118 Charleston Ave.
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE ROADS COMMISSION

FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Richard C. Murray, Esq.
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Reclassification from R-6 zone to an B-1 zone
Location: NE/S of Liberty Road, Intersection with the SE/S of Russell Avenue
Petitioners: Broadview Realty Company, et al
Committee Meeting of June 3, 1970
2nd District
Item 354

The Zoning Advisory Committee has reviewed the plans submitted with the above 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 an unimproved tract of land, with the property to the east improved with a funeral home and a Baltimore County Fire Station. The properties to the north and west are unimproved R-6 lots. The property to the south is improved with a dwelling; however, it is used for a farm. Russell Avenue is a nonexistent street at this time. Curb and gutter exists along the frontage of the site on Liberty Road.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Liberty Road is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Russell Avenue is a proposed roadway which was recorded as a 50-foot right-of-way on the plat of "Fieldstone" Revised, G.L.B. 23 folio 103. The intention was to construct a 30-foot closed roadway for residential use from Liberty Road to Church Road.

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September 3, 1970

If this property is reclassified as proposed by this petition, Russell Avenue will require improvement as a 40-foot closed roadway within a 60-foot right-of-way. Highway right-of-way widening and improvements would be required in connection with any subsequent grading or building permit applications; however, roadway improvements in Russell Avenue cannot be made until right-of-ways are acquired and utility construction is completed within the right-of-way. The petitioner's engineer is responsible to clarify the status of the rights-of-ways for Russell Avenue.

The entrance location is subject to the approval of the Department of Traffic Engineering and the Office of Planning and Zoning.

Storm Drains:

Detailed provisions for accommodating storm water drainage have not been indicated on the subject plan; however, storm drain facilities and/or easements will be required in connection with any subsequent grading or building permit applications.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Liberty Road is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

It shall be the responsibility of the petitioner's engineer to clarify the status of the 10-foot easement traversing this property.

Sediment Control:

Development of this property through striping, 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.

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.

Sanitary Sewers:

Public sanitary sewerage is available to serve this property.

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Water:

Public water supply is available to serve this property from the existing public water main in Liberty Road and from the public water main extension in Russell Avenue which will be required in connection with any subsequent grading or building permit applications.

DEPARTMENT OF HEALTH:

Public water and sewers are available.

Food Service Comments: If a food service facility is planned, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

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

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from R-6 to B-1 of 3.6 acres. This should increase the trip density from 150 trips per day to 1800 trips per day. The petition indicates Russell Avenue as a 30 foot street on a 50 foot right of way. This is not a satisfactory cross section for a commercial street. Therefore, the plan should be revised to show 40 on a 60.

FIRE DEPARTMENT:

The owner shall be required to comply with all applicable requirements of 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all requirements of the Baltimore County Building Code and Regulations applicable when plans are submitted. Also, see Parking Lots, Section 409.10 h.

BOARD OF EDUCATION:

Would not increase student population.

STATE ROADS COMMISSION:

The subject plan must indicate the width of the proposed entrance.

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September 3, 1970

STATE ROADS COMMISSION: (Continued)

Russell Avenue does not exist. An inspection at the site revealed that the location of the proposed street is less than 750 ft. from existing Blair Road. 750' is the minimum distance permitted between streets intersecting with a State Highway. It was further noted that there is poor stooping sight distance at the location of the proposed street due to an over vertical curve (hill) to the west. Considering the foregoing, it is our opinion that Russell Avenue should not be considered and should be eliminated from the plan.

The plan must be revised prior to the hearing.

Access from Liberty Road will be subject to State Roads Commission approval and permit.

ZONING ADMINISTRATION DIVISION:

The petitioner will be required to submit revised plans to this office in accordance with the State Roads Commission and Bureau of Engineering comments in the foregoing. This plan must be submitted to this office prior to the hearing.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JO
Enc.

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardisty, Zoning Commissioner
 FROM: Mr. George F. Gavett, Director of Planning
 SUBJECT: Petition #71-139-R, Southeast corner of Liberty Road and Russell Avenue
 Petition for Reclassification from R-6 and R.A. to B.L.
 Broadview Realty Co., et al - Petitioners

2nd District

HEARING: Monday, October 26, 1970 (11:00 a.m.)

The Planning Staff has reviewed the subject petition for reclassification from R-6 and R.A. to B.L. zoning.

The zoning map now in effect carefully buffered the commercial uses or potentials for such use in the vicinity of Liberty and Brenbrook Roads with apartment zoning. This concept of that R.A. zoning was, with special exception for offices, to provide intermediate land uses between commercial zoning and existing or potential single family residences to the northwest. We believe that the present zoning is correct and that no changes in the manner of land use or in zoning have occurred which warrant or justify a change in the present zoning for the subject property.

New proposals for comprehensively rezoning the area have been made by the Planning Staff and by the Planning Board. The area vicinal to the subject property has been re-examined; no local changes to the zoning of the subject property are recommended by the comprehensive plan.

GEG:msh

INTER-OFFICE CORRESPONDENCE

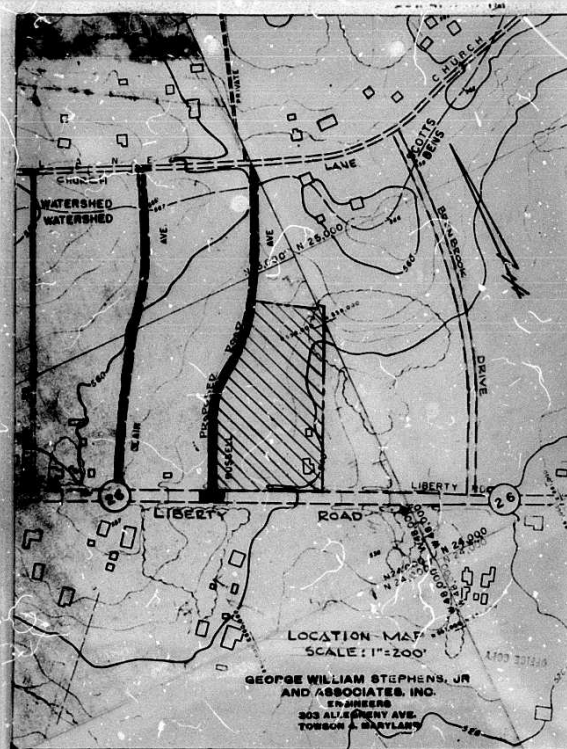
TO: FILE & BEATRICE ANDERSON - Zoning Department
 FROM: B. MARVIN POTLER
 SUBJECT: Broadview Realty Company
 Invoice No. #75484
 Amount: \$43.42
 Our File No. #1669 Z

The above entitled delinquent invoice was paid in full on February 8th, 1973 with check #21337 drawn on February 6th, 1973 on Maryland National Bank, copy hereto attached. We are closing our file on this matter as of this date.

B. MARVIN POTLER
 Assistant County Solicitor
 Chief of Collections

BB/rm
Encl.

maryland national bank
 No. 21337
 February 6, 1973
 PAY TO THE ORDER OF BALTIMORE COUNTY, MARYLAND \$43.42
 BILL for advertising and posting
 Broadview Realty, Inc.
 AUTH. SEC. Stamp



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 Richard C. Murray, Sec.
 22 W. Pennsylvania Avenue
 Towson, Maryland 21204
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 Your Petition has been received and accepted for filing this
 1st day of September, 1970.
 Edward D. Hardisty
 Zoning Commissioner
 Petitioner: Broadview Realty Company, et al
 Petitioner's Attorney: Richard C. Murray
 Reviewed by: [Signature]
 Advisory Committee

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: OCT 10-1970
 Posted for: RECLASSIFICATION FROM R-6 & R.A. TO B.L.
 Petitioner: BROADVIEW REALTY CO.
 Location of property: SE COR. OF LIBERTY RD. & RUSSELL AVE.
 Location of Sign: OFF. OF LIBERTY RD. 300 FT. E. S. OF BLAIR AVE.
 Remarks: [Signature]
 Posted by: [Signature] Date of return: OCT 15-1970

CERTIFICATE OF PUBLICATION

Pikesville, Md. Oct. 8, 1970

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 of one time before the 26th day of October, 1970, the first publication appearing on the 8th day of October, 1970.

THE NORTHWEST STAR

[Signature]
 Manager
 Arnold Landau

Cost of Advertisement, \$ 10.92 A 179

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 8, 1970.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of one time before the 26th day of October, 1970, the first publication appearing on the 8th day of October, 1970.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$

TELEPHONE 484-2413
 INVOICE No. 73891
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 DATE Oct. 2, 1970
 To: Robert C. Galt, John H. Galt & Son
 22 W. Pennsylvania Ave.
 Towson, Md. 21204
 Billing Dept. of Baltimore County
 QUANTITY 01-622
 RETURN THIS PORTION WITH YOUR REMITTANCE
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
 TOTAL AMOUNT \$43.42
 COST
 Petition for Reclassification for Broadview Realty Co. & Franklin L. Spore
 #71-139-R
 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE, REVENUE DIVISION
 MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 484-2413
 INVOICE No. 75484
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 DATE Oct. 15, 1970
 To: Broadview Realty Company
 Richard C. Murray, Sec.
 22 W. Pennsylvania Ave.
 Towson, Md. 21204
 Billing Dept. of Baltimore County
 QUANTITY 01-622
 RETURN THIS PORTION WITH YOUR REMITTANCE
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
 TOTAL AMOUNT \$43.42
 COST
 Advertising and posting of property for Broadview Realty Co., et al
 #71-139-R
 IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE, REVENUE DIVISION
 MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

EXISTING ZONING - R-G & RA
EXISTING USE - UNDEVELOPED
PROPOSED ZONING - B-1
PROPOSED USE - RETAIL STORES
TOTAL AREA OF PLOT 3.635 AC!
TOTAL AREA OF PROPOSED BUILDING 20,100 SF.
PARKING REQUIRED- 101 SPACES, ONE SPACE/200 SF FLOOR AREA
TOTAL PARKING SPACES PROPOSED- 128 SPACES. (8'x18')
CURBS- ALL INTERIOR CURBS TO BE OF CONCRETE OR BITUMINOUS
CONSTRUCTION NOT LESS THAN 8" WIDE & 6" HIGH
PAVING- ALL INTERIOR PAVING TO BE BITUMINOUS SURFACE WITH
SUFFICIENT STONE CRUSHER SUB-BASE.
SCREENING- ALL SCREENING TO BE MIN. 4 FT HIGH DENSE
TYPE.
LIGHTING- ALL INTERIOR LIGHTING TO BE MAX HEIGHT OF 20 FT.
RAYS TO BE DIRECTED AWAY FROM RESIDENTIAL LOTS
UTILITIES- EXISTING WATER, SAN, SEWER, STORM DRAIN, AND GAS
ARE AVAILABLE IN LIBERTY ROAD. SAN, SEWER IS
ALSO AVAILABLE IN RUSSELL AVE.



WESTERN
AREA
SEC. 2-C
NW-7-I
BL

BALTO CO. MD
SCALE 1"=50'

ELECT DIST. NO 2
MAY 1, 1970
REVISED MAY 18, 1970

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
ENGINEERS
303 ALLEGHENY AVE.
TOWSON 4, MARYLAND



REVISED PLANS
#354
BROADVIEW REALTY