

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MISSOURI REALTY CORPORATION 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 zone to an RA zone, for the following reasons:

There was a mistake or error in the original zoning, and/or the character of the neighborhood has changed to such an extent that the reclassification requested is proper.

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 none

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 for Baltimore County.

MISSOURI REALTY CORPORATION, a body corporate Contract purchaser by James D. Nolan, Vice-President, Legal Owner in Rem. Address: 805 Lannerton Road, Baltimore, Maryland 21221

James D. Nolan, Esq., Attorney at Law, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of October 1970 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, in Towson, Baltimore County, on the 23rd day of November 1970, at 10:00 o'clock

Oliver L. Myer, Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION from R-6 zone to R.A. zone East and West sides of Perring Parkway: 863 feet East of Oakleigh Road 9th District BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ORDER OF DISMISSAL

Petition of Missouri Realty Corporation for reclassification from R-6 zone to R.A. zone, on property located on the east and west sides of Perring Parkway 863 feet east of Oakleigh Road, in the 9th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of appeal filed August 4, 1972 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner-Appellant in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner-Appellant requests that the appeal filed on behalf of said Petitioner be dismissed and withdrawn as of August 4, 1972

IT IS HEREBY ORDERED, this 1st day of September, 1972, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Chairman; W. Giles Parker; Robert L. Gilland

RE: Petition for Reclassification E/S and W/S Perring Parkway 863' East of Oakleigh Road Ninth District Missouri Realty Co., Petitioner No. 71-170 R (Item No. 244) BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS No. 71-170 R Item No. 244

ORDER OF DISMISSAL WITHOUT PREJUDICE

Mr. Clerk:

Please enter the above entitled matter "Dismissed Without Prejudice" on behalf of the Petitioner, Missouri Realty Co., Petitioners.

James D. Nolan

Nolan, Plumhoff & Williams, Attorneys for Petitioners, 204 West Pennsylvania Avenue, Towson, Maryland 21204 Telephone: 823-7800

I HEREBY CERTIFY, that on this 1st day of August, 1972, a copy of the foregoing ORDER OF DISMISSAL was mailed to John J. Bishop, Esquire, 606 Loyola Federal Building, 22 West Pennsylvania Avenue, Towson, Maryland 21204.

James D. Nolan, James D. Nolan

FROM THE OFFICE OF GEORGE WILSON STEPHENS, JR. AND ASSOCIATES, INC. ENGINEERS P.O. BOX # 6828, TOWSON, MD. 21204

Description to Accompany Zoning Petition Reclassification from R-6 to R-A Zone

March 31, 1970

Beginning for the same at the intersection formed by the south side of Oakleigh Road 40 feet wide and the east side of Westoverland Avenue 40 feet wide, as shown on a plat of "Section B, Oakleigh Mills" and recorded among the Land Records of Baltimore County in Plat Book G.L.B. 17 folio 62, said point of beginning being also the southwest corner of "Perring Village Apartments" and recorded among the Land Records of Baltimore County in Plat Book A.R.G. 30 folio 106 and running thence binding on the outlines of the fourth parcel of land described in a deed dated June 15, 1956 from Guarantee Title Holding Corporation to Missouri Realty, Inc. and recorded among the Land Records of Baltimore County in Liber G.L.B. 2951 folio 122 the sixteen following courses, via: (1) North 02° 42' 27" West 494.82 feet, (2) North 02° 42' 27" West 179.31 feet, (3) South 87° 26' 21" West 600.00 feet, (4) South 10° 45' 21" West 43.95 feet, (5) South 01° 23' 39" East 31.00 feet, (6) South 20° 30' 39" East 86.00 feet, (7) South 02° 58' 21" West 43.30 feet, (8) South 51° 20' 21" West 102.50 feet, (9) South 18° 48' 39" East 58.00 feet, (10) South 17° 19' 21" West 67.27 feet, (11) South 07° 11' 20" West 60.25 feet, (12) South 46° 11' 21" West 143.80 feet, (13) South 21° 12' 39" East 60.71 feet, (14) South 48° 06' 21" West 77.60 feet, (15) South 25° 46' 16" West 40.58 feet, and (16) North 87° 26' 21" East 857.80 feet to the place of beginning.

Containing 10.6 acres of land more or less.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 11, 1970

James D. Nolan, Esq., Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204

RE: Type of Hearing: Reclassification from an R-6 zone to an RA zone Location: 853 1/2 R/W line of Oakleigh Rd., near Int. W/Daytona Rd. Petitioners: Missouri Realty Corp. Committee Meeting of April 21, 1970 9th District Item 244

Dear Sirs:

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 wooded tract of land. The properties to the west being improved with dwellings, 15 to 20 years of age, in excellent repair. The properties to the north are improved with dwellings, which front on a public street north of Briarcliff Road. The property to the east is bordered by the Perring Parkway. The property to the south is partially an existing apartment development owned by the petitioner and partially vacant R6 land. Berrywood Road and Briarcliff Roads are improved with concrete curb and gutter. However, these two roads terminate at the extreme easterly property line of the existing dwellings. The plan indicates that the petition is intended to include a reserve parcel which lies on the east side of Oakleigh Road bordering on Morgan Road. This reserve parcel has been excluded from the density calculations, however, it is included in the description of the subject tract.

BUREAU OF ENGINEERING:

Highways:

Briarcliff Road and Berrywood Road are existing streets which have been improved as 30-foot closed roadway sections within 50-foot rights-of-way and were constructed to serve individual homes proposed to be built on this site. Although the existing

James D. Nolan, Esq., Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204 Item 244

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public streets are not required to be extended through the subject site, a public street is required to connect the two existing streets together to provide proper traffic circulation. The proposed street shall be a 30-foot closed roadway section within a 50-foot right-of-way. The proposed street will be required to be constructed in conjunction with the proposed development of the subject property.

Morgan Road is an existing street which has been previously improved as a 30-foot closed roadway section within the existing 50-foot or greater right-of-way and no further highway improvements are required.

Storm Drains:

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.

A study will be required at the time this site is developed to determine required drainage easements and the necessary storm drainage facilities that must be provided.

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 striping of top soil.

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

Water and Sanitary Sewer:

Public water and sanitary sewer services are available to serve this site with the appropriate right-of-way easements and extensions.

PROJECT PLANNING DIVISION:

Briarwood and Berrywood Roads must be tied through as per comments of the Bureau of Engineering.

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DEPT. OF TRAFFIC ENGINEERING:

The subject petitioner is requesting a change from R6 to RA of 7 acres. This proposal should increase the trip density from 250 trips to 850 trips per day. Briarcliff Road, which will provide access to the subject site, is a low density residential street and was not designed to handle an apartment development.

FIRE DEPARTMENT:

Owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1957 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Fire hydrants for the proposed site are required and must be in accordance with Baltimore County Standards.

A second means of access is required for the site.

BOARD OF EDUCATION:

The Oakleigh Elementary School with a capacity of 720 and an enrollment (as of Sept. 17) of 703 services this area.

The area as currently zoned could ultimately yield approximately 12 pupils, while rezoning to RA could possibly yield 10 pupils or, about the same number of pupils.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code and Regulations when plans are submitted.

HEALTH DEPARTMENT:

Public water and sewers are available.

Air Pollution Comments: The building or buildings on this site may be subject to registration 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.

STATE ROADS COMMISSION:

The subject plan and an inspection at the site indicates that no adverse affects to the State Highway are anticipated.

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ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as revised plans are submitted to this office in conformance with the following:

- 1. The means of access as requested by the Fire Prevention department.
2. Proposed new road connecting Berrywood Road and Briarcliff Road per the Bureau of Engineering comments in the foregoing.

Very truly yours,

Oliver L. Myer, Chairman

OLM:JD

Enc.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

the above Reclassification should be had, and it further appearing that by reason of...

A Special Exception for a... should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this...

day of... 196... that the herein described property or area should be and the same is hereby reclassified, from a... to a... and a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to show error in the original zoning map or substantial changes in the character of the neighborhood...

the above Reclassification should NOT BE HAD, and a Special Exception for a... should be DENIED and that the above described property or area be and the same is hereby continued as and to remain a... R. 6...

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... March... that the above Reclassification... and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a... R. 6...

Zoning Commissioner of Baltimore County

60321 1/4c 11/6/69

PROPERTY OF MISSOURI REALTY CORPORATION 5TH ELECTION DISTRICT OF BALTIMORE COUNTY

I. DESCRIPTION OF PROPERTY

The subject tract is composed of 10.8 acres of land, more or less, located on the west side of Ferring Parkway, as more particularly shown on the plat attached hereto and made a part hereof.

II. PRESENT ZONING

The property is presently zoned R-6.

III. REQUESTED ZONING

The property owner respectfully requests that the property be classified RA.

IV. REASONS FOR REQUEST

You will note from the plat attached hereto that the neighborhood is a mixture of R-6, RG, RA, and BL. On the east side of said tract there is an existing RA development, see 9-RA-32 on attached plat. These are very attractive, well laid out apartment units.

You will note from the plat that there is located at the southwest corner of the subject tract of land an apartment zoning 9-RA-33, which is presently under construction.

There is a stream that crosses said property which adversely affects its development as individual lots.

The property has excellent road access and all public utilities are present and adequate. Development of the tract would have no adverse effect upon the neighborhood.

The subject tract is within walking distance of Oakleigh

Elementary School, Oakleigh Junior High School (located on the north), and Villa Cresta Elementary School (located to the southeast).

The engineers, George Williams Stephens, Jr. and Associates, will verify all data contained herein on the utilities.

The owner suggests that the reclassification of this property to RA will serve as a transitional zoning between the heavily traveled parkway and the residential neighborhood to the west, as well as be complimentary to the apartments to the southwest and the apartments to the east across Ferring Parkway.

For these, and other reasons, the property owner respectfully requests that this property be designated RA.

Respectfully submitted,

James D. Nolan Attorney for Missouri Realty Corporation

To: Mr. Edward D. Hambley, Zoning Commissioner FROM: Mr. George E. Gowell, Director of Planning SUBJECT: Petition #71-170-R. East and west sides of Ferring Parkway 863 feet east of Oakleigh Rd. Petition for Reclassification from R-6 to R.A. Missouri Realty Corp. - Petitioners

9th District

HEARING: Monday, November 23, 1970 (9:00 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R.A. and makes the following advisory comments:

Both the Staff and the Planning Board have carefully reviewed the land use and zoning issues as related to the subject property and the surrounding locality. The Board recognized that apartment zoning does exist in the vicinity. It further recognized that the street and driveway systems planned for nearby apartments were such that no interconnection with the subject property was possible. The Board further recognized that the only access to the subject property was by means of both Biscariff and Berrywood Roads - now committed to lower density, single family residential development. For these reasons, the Board chose to recommend that the subject property retain its present R-6 (D.R. 5.5) zoning classification and not be zoned for high density apartment purposes.

GEG:msh



THE TOWSON TIMES ORIGINAL

724 YORK ROAD TOWSON, MD 21284 821-7500

November 9 - 1970

THIS IS TO CERTIFY, that the annex advertisement of Edward D. Hambley, Zoning Commissioner of Baltimore County... was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 9th day of November, 1970...

STROMBERG PUBLICATIONS, INC.

Beth Morgan

Vertical text on the left edge of the newspaper clipping, including 'ORDER OF THE BOARD OF PUBLIC UTILITIES' and '71-170-R'.

PETITION FOR RECLASSIFICATION AND DISTRICT... LOCATION: East and West sides of Ferring Parkway 863 feet east of Oakleigh Rd. PUBLIC HEARING: Room 104 County Office Building, 111 W. Charles Avenue, Towson, Maryland. November 23, 1970 at 9:00 A.M.

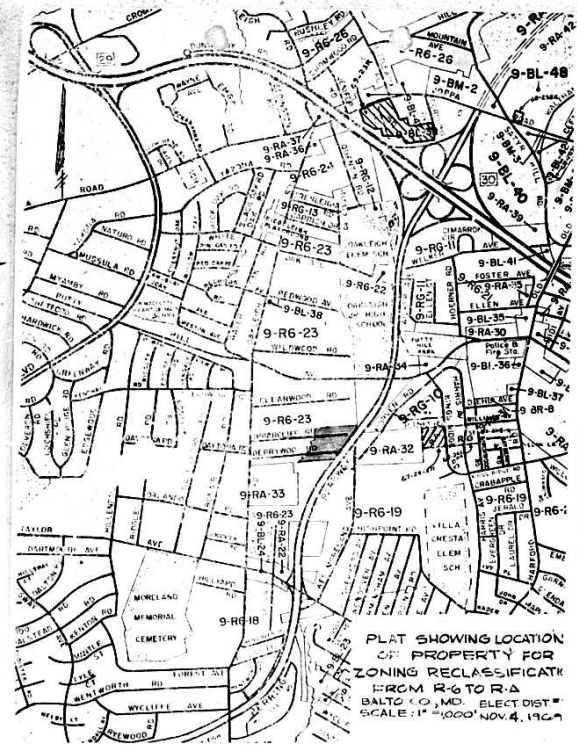
CERTIFICATE OF PUBLICATION

TOWSON, MD. November 5, 1970.

THIS IS TO CERTIFY, that the annex advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each week for one week before the 9th day of November, 1970, the first publication appearing on the 5th day of November, 1970.

THE JEFFERSONIAN, Manager.

Cost of Advertisement, \$



PLAT SHOWING LOCATION OF PROPERTY FOR ZONING RECLASSIFICATION FROM R-6 TO R.A. BALTO CO, MD. ELECT DIST # SCALE: 1" = 1000' NOV. 4, 1970

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 9th Date of Posting: Nov. 6, 1970. Posted for: Hearing Monday, Nov. 23, 1970. Petitioner: Missouri Realty Corp. Location of property: East and West Sides of Ferring Parkway 863' E of Oakleigh Rd. Location of Sign: West End of Berrywood Road, West End of Berrywood Rd. and 1st St. on Westwood Road. Remarks: None. Posted by: Neal H. Hooper, Signature. Date of return: Nov. 12, 1970.

TELEPHONE 494-5413 INVOICE No. 75364  
 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE DATE: Oct. 3 1970  
 Revenue Division COURT HOUSE TOWSON, MARYLAND 21204 FILED  
 TO: James D. Nolan, Esq., Plumber & Williams, 294 W. Penna. Ave., Towson, Md. 21286 Zoning Dept. of Baltimore County  
 REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE TOTAL AMOUNT \$58.00  
 QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS COST

QUANTITY	DESCRIPTION	COST	TOTAL AMOUNT
1	Petition for Reclassification for Missouri Realty Corp. #71-170-2	58.00	58.00

50004 4

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE, REVENUE DIVISION MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-5413 INVOICE No. 76698  
 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE DATE: 4/23/71  
 Revenue Division COURT HOUSE TOWSON, MARYLAND 21204 FILED  
 TO: James D. Nolan, Esq., 294 W. Pennsylvania Ave., Towson, Md. 21204 Zoning Office 119 County Office Bldg., Towson, Md. 21284  
 REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE TOTAL AMOUNT \$79.00  
 QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS COST

QUANTITY	DESCRIPTION	COST	TOTAL AMOUNT
1	Cost of appeal - Property of Missouri Realty Corp. No. 71-170	\$70.00	\$79.00
	1 sign	5.00	

75004 4

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE, REVENUE DIVISION MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-5413 INVOICE No. 75485  
 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE DATE: Jan. 21, 1971  
 Revenue Division COURT HOUSE TOWSON, MARYLAND 21204 FILED  
 TO: Victor Pomer 1601 W. 24th Street Miami Beach, Fla. 33140 Zoning Dept. of Baltimore County  
 REPORT TO ACCOUNT NO. 01-622 RETURN THIS PORTION WITH YOUR REMITTANCE TOTAL AMOUNT \$70.25  
 QUANTITY DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS COST

QUANTITY	DESCRIPTION	COST	TOTAL AMOUNT
1	Advertising and posting of property for Missouri Realty Corp. #71-170-2	70.25	70.25

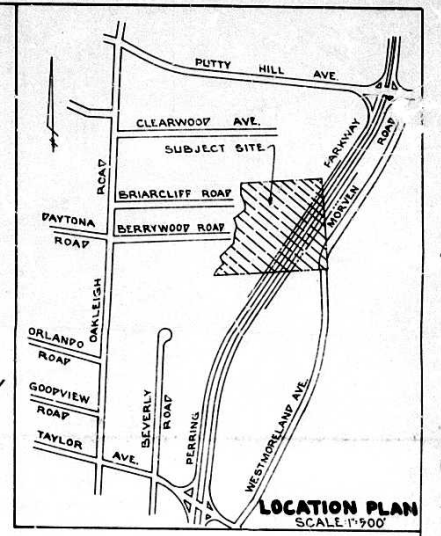
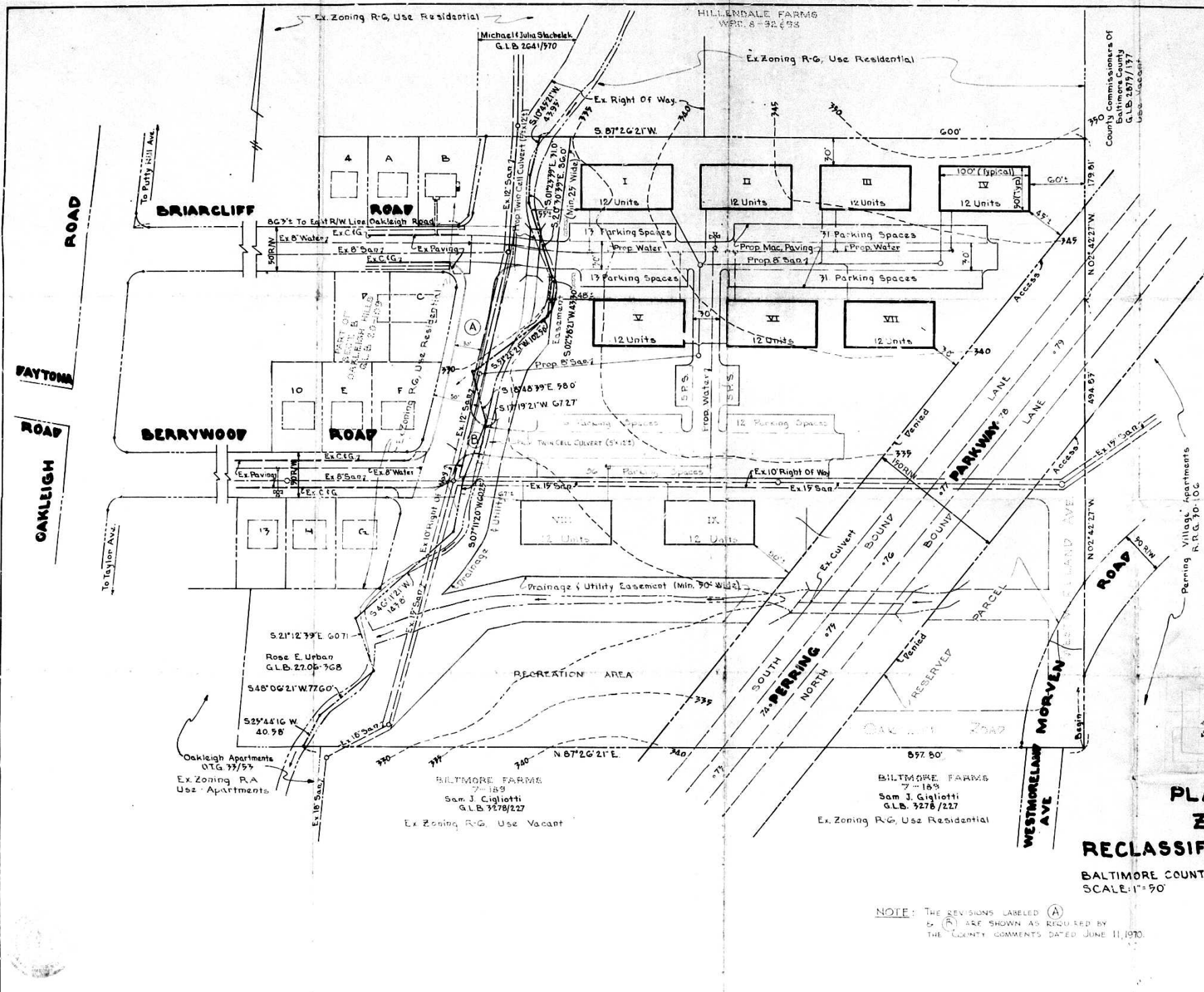
70254 4

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE, REVENUE DIVISION MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

James D. Nolan, Esq., Plumber & Williams, 294 W. Penna. Ave., Towson, Md. 21286 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 30th 1/16 day of October 1970.  
 Edward D. Hardisty, Zoning Commissioner  
 Petitioner: Missouri Realty Corp.  
 Petitioner's Attorney: James D. Nolan, Chairman of the Advisory Committee

CERTIFICATE OF POSTING #71-170-12  
 ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  
 District: 9N. Date of Posting: MAY 6, 71.  
 Posted for: Missouri Realty Corp.  
 Location of property: E/S. & N/S. of Perry's Pkwy. 823' E. of Callegat Rd.  
 Location of Signs: 3 Posted @ End of Quarrywood Rd. 1 Posted End of Brearcliff Rd. 1 Posted on Moreau Rd.  
 Remarks:  
 Posted by: Muel H. New, Signature Date of return: 5-13-71





**SITE DATA**

Existing Zoning	R-G
Existing Use	None
Proposed Zoning	R-A
Proposed Use	Apartments
Gross Area (Total)	10.6 Acres ±
Less Parkway	2.9 Acres ±
Less Morven Road	0.3 Acres ±
Less Reserved Parcel	1.0 Acres ±
Total "Out" Area	7.6 Acres ±
Net Area	7.0 Acres ±
Permitted Gross Density 16/Acre	112 Units
Permitted Net Density 18/Acre	126 Units
Number of Units Proposed	108
Proposed Gross Density	15.4
Proposed Net Density	15.4
Parking Spaces Required (R-1)	108
Parking Spaces Provided	162 : 15:1

**REVISED PLANS**

#344  
OCT 26 1970 PM



OFFICE COPY

NORTH-EASTERN ARCA  
SEC. 3-C  
NE-9-C  
RA

**PLAT TO ACCOMPANY ZONING PETITION RECLASSIFICATION FROM R-G TO RA**

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT No. 9  
SCALE: 1"=90' MARCH 26, 1970

NOTE: THE REVISIONS LABELED (A) & (B) ARE SHOWN AS REQUIRED BY THE COUNTY COMMENTS DATED JUNE 11, 1970.

REVISED: OCT. 23, 1970 TO PROVIDE CONNECTING ROAD FOR 2ND ACCESS

