

RE: PETITION FOR SPECIAL PERMIT
NORTHWEST CORNER OF NEGESTER
AVENUE AND SHERWOOD ROAD,
TOWSON -- ANNESTON RD.
NURSING HOME -- MARY C. STRECKER,
(FORMERLY ARMACOST) PETITIONER

This is a petition for a Special Permit to erect an addition to a convalescent or nursing home, known as Armacost Nursing Home, located at the northwest corner of Negester Avenue and Sherwood Road, in Idlewilde.

It appears from the evidence that the petitioner has conducted, at this location, such an institution for some time prior to the adoption of zoning regulations in this County. When the zoning regulations and maps were adopted the property in question was not included in the class "E" Commercial Zone so that the petitioner then had an established and lawful non-conforming use existing on the effective date of the adoption of zoning regulations and this is conceded by all parties concerned.

The present application is for a special permit to enlarge this existing non-conforming use by an addition to the present building on the site and rear thereof. The contemplated addition in no manner violates zoning or building regulations as far as setbacks and other similar regulations are concerned.

A substantial group of protestants appeared at the hearing before me and objected to the granting of the permit on the ground that the enlargement of the non-conforming use would depreciate the value of homes and deprive the community of the peace and quiet and ruin its pure residential aspect. Even if it be conceded that the position taken by the protestants is sound nevertheless under the existing zoning regulations it is my opinion that the petitioner is clearly entitled to the special permit petitioned for.

Section XI of the Zoning Regulations, entitled, "Non-Conforming Uses", provides not only that a "lawful non-conforming use existing on the effective date of the adoption of these regulations may continue" but further provides that "any such lawful non-conforming use may be extended or enlarged to an extent not more than once again the area of the land so used in the original non-conforming use". It is abundantly clear from the application and evidence adduced before me that the petitioner is enlarging or extending her lawful non-conforming use to an extent not more than once again the area of land used in the original non-conforming use and, in fact, it is reasonably true that the extension permitted under the regulation cited, so that it is clear that the petitioner is entitled to enlarge her non-conforming use to the extent desired.

It might be well for me to state that at the time of the adoption of zoning regulations great consideration was given to this problem of the increase in the size of non-conforming uses and it was determined that some reasonable right to extend a non-conforming use would have to be included in the regulations as otherwise it would prevent a reasonable enlargement or extension of an existing business or occupation and it is the opinion of the Zoning Department that the regulations now in effect is reasonable in all respects and affords proper protection to those persons living in the vicinity of non-conforming uses.

In addition to the fact that I am convinced that the petitioner is entitled to the permit applied for, for the reasons stated above, I may also say that the evidence produced before me indicates that the petitioner has always conducted the establishment in a proper manner and without in any way annoying or offending the immediate neighborhood.

I have carefully examined the brief filed on behalf of the protestants but I have concluded that the cases cited therein are not in point in the present controversy.
For the reasons given I have concluded that the special permit must be granted and I will sign an Order accordingly.

[Signature]
Zoning Commissioner

ZONING DEPARTMENT - BALTIMORE COUNTY, MD.
Certificate of Posting of Re-Classification of Special Permit Notice

Date of Posting Property: Aug 30/45
Location of Sign on Property: 100 ft from front Street or Road
Location of property: Northwest corner of Negester Ave. & Sherwood Rd.
Re-Classification of Special Permit Petitioned for: Armacost Nursing Home
Petitioner: Mary C. Strecker formerly Mary C. Armacost
Remarks: Harry C. Strecker
Inspector making return: Harry C. Strecker

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :
MARY C. STRECKER, :
FORMERLY :
MARY C. ARMACOST :
BEFORE THE :
ZONING COMMISSIONER OF :
BALTIMORE COUNTY :

For a Special Permit

To the Zoning Commissioner of Baltimore County:

Mary C. Strecker (formerly Mary C. Armacost) Legal Owner
and Contract
Purchaser:

hereby petitions for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain special permit and use, as provided for under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now on to be erected thereon) hereinafter described for a
addition to the present "Armocost Nursing Home".

All that parcel of land situate at the northwest corner of Negester Ave. & Sherwood Road, at "Idlewilde", in the 9th Election District of Baltimore City, fronting westerly 60' on the north side of Negester Ave. with an average depth northerly of 178' and binding 100' on the west side of Sherwood Road, being the same lot conveyed by Lawrence F. Scally, et al, to Mary C. Armacost, recorded in Liber C. H. No. 119, folio 130.

[Signature]
Mary C. Strecker formerly
Mary C. Armacost

ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of August 1945, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Acts of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, Maryland, on the 10th day of September 1945, at 2:00 o'clock. P. M.

[Signature]
Zoning Commissioner of
Baltimore County.

August 29, 1945.

\$10.00

RECEIVED of Mary C. Strecker, the sum of Eighteen (\$18.00) Dollars, being cost of petition for reclassification, advertising and posting of property, Northwest corner of Sherwood Road and Negester Ave. 10th District of Baltimore County, pursuant to petition for reclassification.

Zoning Commissioner.

Hearings:
Tuesday, Sept. 12, 1945,
at 2:00 P. M.

PAID
ADDITIONAL
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept. 19, 1945

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 week, for the period of 14 days, commencing on the 18th day of August, 1945, the first publication appearing on the 18th day of August.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$

