

IN THE MATTER OF PETITION
FOR A SPECIAL EXCEPTION FOR
CONVALESCENT HOME - S. S. Circle
Road, 1100 feet west of Ruxton
Road, 7th District -
Frank D. Christliff,
Petitioner

REPORT
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
Case No. 3699-X

Frank D. Christliff filed a petition with the Zoning Commissioner for a special exception to operate a Convalescent Home on a tract of land containing approximately seven acres on Circle Road in Ruxton.

The petition was refused by the Zoning Commissioner and the petitioner appealed to this Board from that decision.

The tract in question is improved by a large frame dwelling containing about twenty rooms. The entire area, including this tract, is now zoned "R-40", the most restrictive zone established by the Regulations.

Until a few years ago this section was an area devoted to large homes with ample surrounding acreage. In line with the trend in similar areas throughout the County this acreage has been and is continuing to be broken down into smaller lots upon which many fine homes have been erected. This type of development will, we believe, continue since this is one of the most desirable residential sections of the County.

As Section 502 of the Regulations states, Special Exceptions of this character are proper uses of land, but have certain aspects which call for special consideration of each proposal.

IN THE MATTER OF PETITION
FOR A SPECIAL EXCEPTION FOR
CONVALESCENT (Nursing) HOME
S. S. Circle Road, 1100 feet
West of Ruxton Road, 7th Dis-
trict - Frank D. Christliff,
Petitioner

REPORT THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 3699

This case involves a petition for a Special Exception filed by Frank D. Christliff, owner, for the use of certain property for a Convalescent (Nursing) Home located on Circle Road in Ruxton, Baltimore County, Maryland. The site involves several acres of ground and an old frame structure with an improved wing, all containing approximately 20 odd rooms.

The hearing on this case was held before the Zoning Commissioner on January 16, 1956. At this hearing the petitioner appeared represented by counsel and a large number of protestants were also in attendance.

The Zoning Commissioner made a site inspection of the premises and the physical condition of the location of the home with reference to surrounding properties was considered in arriving at this decision. These neighbors immediately adjacent appeared in opposition to the granting of the Special Exception and were united in their protest.

The area obviously at one time consisted of a few large homes with surrounding acreage but in the course of the last few years has become interspersed with many fine dwellings on smaller lots. The more

and they must be located with discrimination in relation to their surroundings.

After all a Convalescent Home is a commercial enterprise not differing in any substantial respect from a hotel. The concentration of a number of persons in one building necessarily requires an increase in activity, such as deliveries of food, laundry and similar necessities and property used for this purpose inevitably loses its strictly residential character.

We believe the residents of this fine residential section are entitled to be protected against the intrusion of a commercial establishment in their midst.

The petitioner has failed to prove that the granting of this Special Exception will not be detrimental to the general welfare of the community.

For these reasons we will sign an Order denying the petition for the Special Exception.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of May, 1956, by the Board of Zoning Appeals of Baltimore County ORDERED that the Special Exception herein requested be and it is hereby denied.

BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

Frank D. Christliff
Petitioner

IN THE MATTER OF
REPORT THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

For a Special Exception
To the Zoning Commissioner of Baltimore County

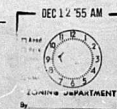
Frank D. Christliff
Legal Owner
Contract Purchaser

hereby petition for a Special Exception, 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 permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or to be erected thereon) hereinafter described for
Use of property for Convalescent (Nursing) Home

All that parcel of 1-1/2 in the 7th dist. of Baltimore County South side of Circle Road beginning 1100 feet West of Ruxton Road; thence West and binding on the South side of Circle Road 358 feet; thence South 57 degrees 39 minutes West 222.13 feet; thence South 39 degrees 29 minutes East 28.3 feet; thence South 77 degrees 17 minutes West 201.13 feet; thence South 29 degrees 16 minutes East 35.18 feet; thence South 67 degrees 18 minutes East 125.15 feet; thence South 85 degrees 58 minutes East 97.4 feet; thence South 02 degrees 34 minutes East 228 feet; thence South 86 degrees 13 minutes East 751 feet; thence North 11 degrees 16 minutes East 273.2 feet to place of beginning. Being property of Frank D. Christliff as shown on the plat filed with the Zoning Department.

Contract Purchaser



IN THE MATTER OF PETITION
FOR A SPECIAL EXCEPTION FOR
CONVALESCENT (Nursing) HOME
S. S. Circle Road, 1100 feet
West of Ruxton Road, 7th Dis-
trict - Frank D. Christliff,
Petitioner

REPORT THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 3699

Notice of Appeal

The petitioner herein, feeling himself aggrieved by the decision of the Zoning Commissioner for Baltimore County, requests an appeal be entered in the above entitled case.



DEC 13 3 04 PM '55

VOLUME 1000
PAGE 1000

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protest of numbers of residents is not considered to be definitive as to the merits of this application in any manner, but it is felt that the matters presented by the protestants conclusively established the application should be denied on its merits.

Under the Zoning Regulations for Baltimore County the applicant requested a Special Exception in the most highly restrictive of all residential zones in the County. While Section 502 of the Regulations recognizes such a proposed use "... for proper uses of land..." the Regulations also recognize that such uses "... of certain aspects call for special consideration of each proposal ...". This is true as stated in said Section because under certain conditions they could be "detrimental to the health, safety or general welfare of the community"; therefore, the County Commissioners of Baltimore County in adopting these Regulations deemed it incumbent upon them to place the affirmative burden of proof on any applicant for a Special Exception to establish that such use at any given location will in no way be detrimental as indicated above. Such affirmative evidence as is required of the petitioner must satisfy those conditions listed in Section 502.1 of the Zoning Regulations. The applicant failed to affirmatively satisfy the burden imposed upon him by Section 502.1 (a) and (e).

The existing water facilities in the area are already greatly over-taxed and the proposed use would create a severe strain on such. Further, the many factors which properly are considered in determining whether or not a use is detrimental to the health, safety or general welfare of the immediate vicinity community have been considered and it is felt that this proposed use at this location would be detrimental.

It is, therefore, this 10th day of February, 1956, by the Zoning Commissioner of Baltimore County, ORDERED that the within application for a Special Exception be denied.

William H. Adams
Zoning Commissioner
of Baltimore County

Zoning Commissioner
Baltimore County
Maryland

Dear Sir:

As a next door neighbor to Mr. Frank Christliff of Circle Road, I wish to go on record as being opposed to his application for an exception to the existing zoning regulations which would permit him to convert his house to a convalescent home.

I feel that any deviation from a strictly residential area is detrimental to the value of the property in that area. My property has a frontage of approximately 60 feet which borders on Mr. Christliff's property. This makes the situation particularly bad as far as I am concerned, and I feel that property would drop in value very decidedly if such exception is permitted. I am also particularly concerned about the fire hazard which would be increased by placing a much larger number of occupants in the Christliff building. There have been two minor fires in this house within the past two months and since it is a large old shingled house, which would be extremely inflammable, and my house is of the same general nature, I feel it would increase the fire hazard to have additional occupancy. Sparks from their house could very easily float onto my house which is a distance of only approximately 60 feet from the Christliff house.

I trust that the request for exception will be refused inasmuch as all of the other people in this area are also opposed and because their property would likewise suffer a reduction in value.

Sincerely yours,

ANDREW J. YOUNG, III

Andrew J. Young

JACQUELINE K. YOUNG

Jacqueline K. Young

6503 DARNALL ROAD
Baltimore, Maryland
January 16th, 1955

FRANK D. CHRISTLIFF, 7th Dist., 1100 ft. W. of Ruxton Rd., Baltimore Md.

3699-X

December 22, 1955

\$35.00

RECEIVED of Frank Christhill, petitioner, the sum of Thirty Five (\$35.00) Dollars, being cost of petition for Special Exception, advertising and posting property South side of Circle Road, beginning 3100 feet west of Buxton Road, 9th District, Baltimore County, Maryland.

It was necessary to post your property with two signs. Therefore, there is a balance of \$3.00 due on your petition. May we please have your check payable to the COUNTY COMMISSIONERS OF BALTIMORE COUNTY, for the same.

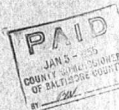
Thank you.

Zoning Commissioner

HEARING:

Monday, January 16, 1956
at 10:00 a.m.

Baltimore County Office Building
Room 108
111 W. Chesapeake Avenue



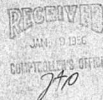
January 5, 1956

\$3.00

RECEIVED of Frank Christhill, petitioner, the sum of Three (\$3.00) dollars balance due on petition for Special Exception, advertising and posting property South side of Circle Road, beginning 3100 feet west of Buxton Road, 9th District, Baltimore County, Maryland.

Thank you,

Zoning Commissioner: RF Baltimore County



February 20, 1956

\$20.00

RECEIVED of J. Harfield Arndtger, Attorney for Frank D. Christhill, petitioner, the sum of Thirty (\$20.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from Order of the Zoning Commissioner denying special exception for a C-1 (residential) use, Circle Road, Buxton, 9th District.

Zoning Commissioner



3679 Y

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#3679

District: 9th Date of Posting: 1-4-56
Posted for: Special Exception for a Commercial Home
Petitioner: Frank D. Christhill
Location of property: S.S. of Circle Rd, 3100 ft. West of Buxton Rd, Buxton, 9th District, Baltimore County, Maryland
Location of Sign: 3150 ft. West of Buxton Rd, Buxton, 9th District, Baltimore County, Maryland
Remarks: See page 3150 ft. West of Buxton Rd, Buxton, 9th District, Baltimore County, Maryland
Posted by: George R. Munn
Date of return: 1-5-56

NO PLAT
IN
THIS FOLDER