

PROCTOR, ROYSTON & MUELLER

ATTORNEYS AT LAW
CAMPBELL BUILDING
TOWSON 4, MARYLAND

November 18, 1958

Mr. Wileis H. Adams, Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Variance to Zoning
Regulations - E. S. Providence
Road 1350' W. Balto. Co. Beltway,
9th District - Opfer-Dickinson
Co., Inc., Petitioner

Dear Mr. Adams:

Please accept this letter as authority to
withdraw the appeal before the County Board of
Appeals in the above mentioned matter. Since the
appeal before you on October 10, 1958, the engineer
hearing before you in this particular matter has dis-
covered that it may be possible to revise the plat
covered that it may be possible to revise the plat
which was originally filed with the Petition for the
variance in such a fashion as to greatly reduce the
number of lots which would be "under size".

The engineer is in the process of making
these revisions now, but will be unable to complete
them with certainty for at least some time. Con-
sequently, our clients have instructed us to with-
draw the appeal.

Very truly yours,

Anthony Mueller
H. Anthony Mueller

HAM:es

PROCTOR, ROYSTON
AND
MUELLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

lg (3)
10/15/58

PETITION FOR VARIANCES
TO ZONING REGULATIONS -
E. S. Providence Road, 1350'
N. Baltimore County Beltway,
9th District,
Opfer-Dickinson Co., Inc.,
Petitioner.

BEFORE
ZONING COMMISSIONER
AND
DEPUTY ZONING COMM.
No. 4494

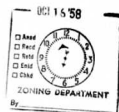
NOTICE OF APPEAL

MR. CLERK:

Please note an Appeal in the above entitled case, from the Order
of the Zoning Commissioner and Deputy Zoning Commissioner of Baltimore
County, dated October 10, 1958, to the County Board of Appeals.

W. Leo Thomas
W. Leo Thomas
Attorney for Petitioner.

Dated October 16, 1958.



PROCTOR, ROYSTON
AND
MUELLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

Re: PETITION FOR VARIANCES
TO ZONING REGULATIONS -
E. S. Providence Road 1350' N.;
Baltimore County Beltway,
9th District - Opfer-Dickinson
Co., Inc., Petitioner

BEFORE
ZONING COMMISSIONER
AND
DEPUTY ZONING COMMISSIONER
No. 4494

The above petition is for variances scattered throughout
in a new sub-division. Although the Office of Planning recommended
the requested variances, it is the opinion of the Zoning Commissioner
and the Deputy Zoning Commissioner that the Zoning Regulations adopted
March 30, 1955 permit 30% of the lots in a sub-division in an "R-20"
Zone to be less than the required 20,000 feet, provided that the
sub-division as a whole would equal the 20,000 square feet per lot.
It would be a grave error in judgment to set a new precedent by
approving variances greater than the number permitted by the Zoning
Regulations. Actually it would be using variances as a guise for
reclassification.

Section 307 of the Zoning Regulations states that
any order granting a variance should contain a finding of fact
setting forth and specifying the reasons or reasons for making
such variance. The petitioner requesting these variances has
not shown a practical difficulty or unreasonable hardship in this
case, therefore, the variances are denied.

Date: Oct. 10, 1958

W. Leo Thomas
Zoning Commissioner of
Baltimore County
W. Leo Thomas
Deputy Zoning Commissioner
of Baltimore County

KCP/lg (1) 8/2/58

PETITION FOR A VARIANCE

IN THE MATTER OF
OPFER-DICKINSON CO., INC.,
FOR A VARIANCE
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Opfer-Dickinson Co., Inc., hereby petitions for a variance under
the Zoning Law and Regulations of Baltimore County in the following respect
and for the following reasons:

1. That Applicant is the contract purchaser of a tract of land con-
taining 82.449 acres, more or less, and located between Cowpens Avenue
on the East, and the proposed right-of-way of the Baltimore County Beltway
on the West, such tract being more particularly described and identified on
the attached plat.
2. That the tract referred to in Paragraph 1 is located in an R-20
zone.
3. That under the Zoning Regulations of Baltimore County, Section
205.1, the following requirements are set forth concerning area regulations
in an R-20 zone:

"Lot Area and Width - Each principal building hereafter
erected shall be located on a lot having an area of not
less than 20,000 square feet, and a width at the front
building line of not less than 100 feet, except that for
four or more lots in the same ownership, and in the
tract, a minimum lot area of 15,000 square feet is
permitted if an average of all the lot sizes in the same
ownership; and in the same tract equals 20,000 square
feet or more, but not more than thirty per cent of the
lots may have an area less than 20,000 square feet
(see Section 304)."

4. That under the Preliminary Plan of Mine Bank, a copy of which
is attached hereto, there will be a total of 154 lots in the development, each

PROCTOR, ROYSTON
AND
MUELLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

Sept. 9, 1958

\$30.00

RECEIVED of Kenneth C. Proctor, attorney for petitioner.
Opfer-Dickinson Co., Inc., the sum of Thirty Dollars (\$30.00) to
cover cost of petition, advertising and posting property situate
on the East side of Providence Road, beginning 1350 feet North
of the Centerline of Baltimore County Beltway.

Thank you.
These sums are required for costing this property,
therefore a balance of Six Dollars (\$6.00) is due.

Zoning Commissioner
of Baltimore County

RECEIVED
Wednesday, October 1, 1958
at 11:00 A. M.
Room 308
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
SEP - 8 1958
COMMUNITY DEVELOPMENT
BY

of which lots will have a width at the front building line of not less than 100
feet; that the average area of the 154 lots laid out on such Preliminary Plan
is 21,672 square feet; that under such Preliminary Plan each of the 154 lots
contains more than 15,000 square feet; that under such Preliminary Plan
72 of the 154 lots or 46.7% of all such lots, although they contain more than
15,000 square feet each, contain less than 20,000 square feet each, where-
as, under the above quoted area regulations, not more than 30% of all of the
lots in the development (or 46 lots out of the total of 154 lots laid out in this
development) can contain less than 20,000 square feet each.

5. That because of the terrain of the tract covered by the Prelimi-
nary Plan of Mine Bank, 19 lots have had to be laid out on such plan which
contain well over 20,000 square feet; that, in addition to this, it has been
necessary for your Applicant, in preparing the Preliminary Plan, to lay out
a road along the southerly side of the proposed development; and on the prop-
erty line between such development and property owned by Baltimore Luth-
eran High School Association, Inc., all of which road is located on Appli-
cant's property; that, in addition to this, although it is desirable in laying
out lots to have the depth twice the width, it would be necessary in this de-
velopment, in order to comply with the area requirement so far as the num-
ber of lots is concerned, to lay them out so that they would be almost
square.

6. That for the reasons set forth in the foregoing paragraphs it
would be a hardship to require the Applicant to comply with that portion of
the area regulations which would require that not more than 30% of the lots
in the development contain less than 20,000 square feet.

7. That the variance requested by the Applicant is in strict harmony
with the spirit and intent of the Zoning Regulations of Baltimore County, and
would not result in substantial injury to the public health, safety or general
welfare.

PROCTOR, ROYSTON
AND
MUELLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

WHEREFORE the Applicant requests that the Zoning Commissioner
of Baltimore County, pursuant to the authority conferred upon him by
Section 307 of the Zoning Regulations of Baltimore County, grant the Appli-
cant a variance from the area regulations applicable to an R-20 zone, viz,
Section 205.1 of the Zoning Regulations of Baltimore County, so as to permit
the Applicant to go forward with the Preliminary Plan of Mine Bank attached
hereto, and develop 72 of the total of 154 lots shown on such Preliminary
Plan so that such 72 lots may contain more than 15,000 square feet and less
than 20,000 square feet.

OPFER-DICKINSON CO., INC.
By *Richard R. Proctor*

Richard R. Proctor
Richard R. Proctor
Attorney for Applicant

PROCTOR, ROYSTON
AND
MUELLER
CAMPBELL BUILDING
TOWSON 4, MD.
VALLEY 3-1800

\$30.00

RECEIVED of Proctor, Royston & Mueller, Attorneys for
Opfer-Dickinson Company, the sum of Thirty (\$30.00) Dollars
being cost of appeal from the decision of the Zoning Com-
missioner denying variances to the Zoning Regulations of
Baltimore County - property east side of Providence Road
and north of the Baltimore County Beltway, 9th District.

Zoning Commissioner

RECEIVED
OCT 1 7 1958
OFFICE

61.622

**NOTICE OF ZONING HEARING
9th DISTRICT**

The public is hereby notified that there will be a hearing before the Zoning Commissioner of Baltimore County in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:
On Wednesday, October 1, 1958
at 11:00 A.M.

The purpose of this hearing being to determine whether or not Offer-Dickinson Co., Inc., legal owner of the property situate in the Ninth District of Baltimore County on the East side of Providence Road, beginning 1350 feet North of the centerline of Baltimore County Beltway, thence Northerly and binding on the East side of Providence Road 150 feet; thence South 21 degrees 57 minutes East 1065 feet; thence South 2 degrees 37 minutes West 1065.5 feet; thence North 82 degrees 57 minutes East 594 feet to the West side of Cowpens Road; thence Southerly and binding on the West side of Cowpens Road 1366.76 feet; thence South 85 degrees 46 minutes Easterly and binding on the State Road right-of-way approximately 2254 feet to the place of beginning, should be granted an exception to the Zoning Regulations and Restrictions for Baltimore County. The Zoning Regulation to be excepted is as follows: Regulations of lots in a development contain less than 29,000 square feet.

The Reason for Variance: To permit the development of lots which contain more than 15,000 square feet and less than 29,000 square feet. The prayer of the petition is to permit the development of lots which contain more than 15,000 square feet and less than 29,000 square feet.

By Order of
WILSIE H. ADAMS,
Zoning Commissioner
of Baltimore County
9-2-58

CERTIFICATE OF PUBLICATION

Sept. 19 8
TOWSON, MD., ----- 195-----

THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of two successive weeks before the 1st day of October 1958, the first publication appearing on the 12th day of September 1958...

The UNION NEWS
W. H. Keweenaw
Manager. B.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

41494

District 9th Date of Posting 9-17-58

Posted for: Varianal to Zoning Regulations

Petitioner: Offer-Dickinson Co., Inc.

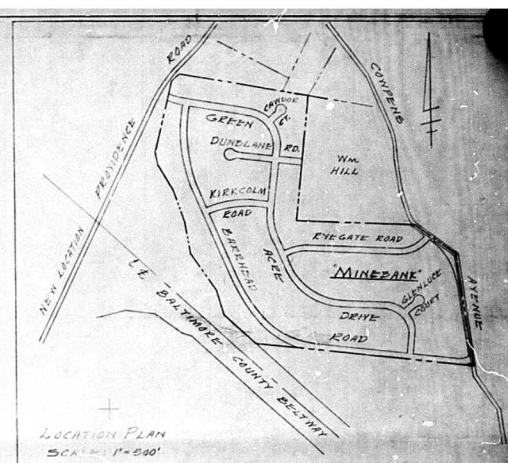
Location of property: E. of Providence Rd. beg. 1350 ft. N. of Balto. County Beltway, etc. See Plat.

Location of Signs: On Sign 1400 ft. N. of Balto Co. Beltway on the E. S. of Providence Road, on the N. W. cor. of Providence & Cowpens Rd, and the sign 500 ft. and the 1028 ft. N. of Providence Rd. on the W. S. of Cowpens Rd.

Remarks: -----

Posted by George R. Hummel Date of return: 9-18-58

Signature



O - DENOTES ^{LOTS} UNDER 20,000 Sq. Ft. - 72 LOTS
(BUT OVER 14,000 Sq. Ft.)

O - DENOTES LOTS OVER 20,000 Sq. Ft. - 19 LOTS

TOTAL N° OF LOTS IN DEVELOPMENT - 154

30% OF TOTAL N° OF LOTS ALLOWABLE BY
ZONING LAW TO BE LESS THAN 20,000 Sq. Ft. - 46

SUBDIVISION IS IN EXCESS OF THIS
REQUIREMENT BY 26

DENSITY CALCULATIONS

1) GROSS ACREAGE	62.449
2) ACREAGE PROP. FOR NON-RESIDENTIAL USE	2.930
3) GROSS RESIDENTIAL ACREAGE	59.519
4) NET RESIDENTIAL ACREAGE	76.519
5) TOTAL NUMBER LOTS	154
6) GROSS RESIDENTIAL DENSITY	186
7) NET RESIDENTIAL DENSITY	201

CHAD. J. McLENNAN
1955 - 12

PRELIMINARY PLAN
MINE BANK
BALT. CODED ELEC. DIST. No. 9
SCALE: 1" = 1/4"

OWNER AND DEVELOPER:
OVERSEER DEVELOPMENT CO. INC.
RD. No. 6, GAITHERSBURG, MARYLAND

George William Stephens, Jr.
and Associates, Inc.
Engineers
5 McDuffy Avenue
Towson 4, Maryland

