

RE: PETITION FOR VARIANCES
TO ZONING REGULATIONS -
2. S. Providence Road
1300 N. Baltimore of
Baltimore County, Md.,
Offer-Dickinson Co., Inc.,
Petitioner
OF BALTIMORE COUNTY
No. 4558-V

The above petition is for variances similar to the
variances requested in Petition No. 4404 at which time the Zoning
Commissioner and the Deputy Zoning Commissioner signed a joint
Order, copy of same below:

"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 square 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."

The same principles which applied in Petition No. 4404
also apply in this petition No. 4558-V. The petitioner requesting
these variances has not shown a practical difficulty or unreasonable
hardship in this case, therefore, the variances are denied.

Date: January 26, 1959

Deputy Zoning Commissioner
of Baltimore County

PROCTOR, ROYSTON
AND
MUELLER
CARRIAGE BUILDING
TOWSON, MD.
VALLEY 31800

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Offer-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 containing 82.449 acres, more or less, and located between
Coppens 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 concern-
ing area regulations in an R-20 zone:

"Lot Area and Width - Each principal building here-
after 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 owner-
ship and in the same tract equals 20,000 square
feet or more, but not more than thirty percent of
the lots may have an area less than 20,000 square
feet (see Section 205.1)."

4. That under the said Zoning Regulations your Applicant
is permitted to develop a total of 180 residential lots on said

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property.
5. That under the Preliminary Plan of Nine Bank, a copy of
which is attached hereto, there will be a total of 131 lots in
said development, each of which lots will have a width at the
front building line of not less than 100 feet.

The average area of the 131 lots as laid out on said
Plan is 22,085 square feet.

Each of said lots on said Plan contains more than
15,000 square feet.

Under such Plan 65 of the 131 lots, although containing
more than 15,000 square feet, each of said 65 lots contains
less than 20,000 square feet.

3. That under said Zoning Regulations not more than thirty
percent of all the lots permitted in a development (or 54 lots
as laid out in this development) may contain less than 20,000
square feet.

6. That because of the terrain of the tract covered by
the Preliminary Plan of Nine Bank, 39 lots have had to be laid
out on such Plan which contain well over 20,000 square feet;
and, in addition to this, it has been necessary for your Applicant
in preparing said Plan to lay out a road along the southerly side
of the proposed development and on the property line between
said development and the property owned by Baltimore Lutheran
High School Association, Inc., all of said road being located on
the property of the Applicant.

That in addition to this, although it is desirable in
laying out lots to have a depth twice the width, it would be
necessary in order to comply with the area requirements so far
as the number of lots is concerned, to lay them out so that they
would be a most square.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Variance to Zoning Regulations
Petitioner: Offer-Dickinson Co., Inc.
Location of property: 1300 N. Baltimore Rd., between 1350 ft. N. of Baltimore County Beltway, between 1300 ft. N. of Baltimore County Beltway, and 1350 ft. N. of Baltimore County Beltway.
Location of signs: 1300 N. Baltimore Rd., between 1350 ft. N. of Baltimore County Beltway, and 1350 ft. N. of Baltimore County Beltway.
Number of signs: 4
Posted by: H. J. K. [Signature]
Date of return: 1-27-59

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 9, 1959.
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
day of January 9, 1959, the first publication
appearing on the 2nd day of January
1959.

THE UNION NEWS
[Signature]
Manager

7. That for the reasons set forth in the foregoing para-
graphs 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 thirty percent of the lots in the develop-
ment contain less than 20,000 square feet.

8. 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 sub-
stantial injury to the public health, safety or general welfare.

WHEREFORE the Applicant requests that the Zoning Commission-
er of Baltimore County, pursuant to the authority conferred upon
him by Section 307 of the Zoning Regulations of Baltimore County,
grant the Applicant a variance from the area regulations applica-
ble 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 Nine Bank attached hereto, and
develop 65 of the total of 131 lots shown on such Preliminary
Plan so that such 65 lots may contain more than 15,000 square
feet and less than 20,000 square feet.

OFFER-DICKINSON CO., INC.

BY [Signature]

[Signature]
Attorney for Applicant

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AND
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TOWSON, MD.
VALLEY 31800

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OFFICE OF PLANNING
Inter-Office Correspondence

From: Office of Planning
To: Mr. Wilkie M. Jones, Zoning Commissioner
Subject: Zoning Petition #4558-V
To permit more than 30% of lots greater than
15,000 sq. ft., but less than 20,000 sq. ft.,
as permitted and limited in Section 205.1. East
side of Providence Rd., beginning 1350 ft. North
of the centerline of Baltimore County Beltway.
Plat of "Ninebank".

This Office recommends in favor of the proposal.
Petition #4558-V requesting the same variance for a greater number of the lots
and also applying to "Ninebank", was heard, October 1, 1958, and denied. The
new plan is similar to the old - 20 lots are now in question, as against 26
earlier - and no new circumstances contrary to the proposal have arisen.

In the case of Petition #4404 the Office of Planning recommended granting of
the variance, and holds the same position in the present case. Copying the
written statement to the Zoning Commissioner in reference to Petition #4404
written statement to the Zoning Commissioner in reference to the following conditions:

1. That the variance is subject to the approval of a subdivision plan
by the Office of Planning.
2. That the lots fronting on Coppens Road have areas of not less than
20,000 square feet. This requirement would assure that the Coppens
Road frontage of the Offer-Dickinson property would be developed
to the fullest extent of the R-20 requirements and would eliminate
six of the lots with areas less than 20,000 square feet.
3. That not more than 66 lots or 45% of the lots have areas less than
20,000 square feet but more than 15,000 square feet.

As part of our comment on the Offer-Dickinson property, the Office of Planning
is including a staff report to the Planning Board on a proposal by the developers
to apply for the petitioned variance. The Planning Board approved the staff
report at its August 17th meeting and endorsed the concept of a variance to the
requirement of not more than 30% of the lots in this R-20 development to be
under 20,000 square feet."

Sheet #2
The staff report submitted to the Planning Board prior to its endorsement of the
concept of this variance, may be summarized as follows:

- (1) The variance is justified by unusual difficulty in accommodating an
economical design to the narrow width and irregular shape of the
tract. Lots of normal width must be excessively deep, if planned in a
four-row deep scheme, or too shallow if planned in a five row-deep
scheme.
- (2) Hardship arises also from waste of interior road space if stated by the
shape and land slope of the tract. The 1500 ft. length of roadway
will have dwellings on one side only. As you know, such roads are a
part of development costs.
- (3) The average area of lots shown is well above the minimum of 20,000
sq. ft., and in general character the plan complies well with the
intent of the R-20 zone.
- (4) Development will have the benefit of public sewerage disposal.
Public sewer is not available to most R-20 areas. A fuller utilization
of land is thus desirable on this property than on other
property in R-20 zones.
- (5) The variance will not have an unfavorable effect on surrounding land;
the smaller lots are so located as to negate any conceivable tendency
to diminish the value of surrounding land.
- (6) The 30% regulation has no bearing on the public health, safety,
 morals or general welfare. It is directed to maintain the character
 of R-20 land as zoned, by preventing far greater inequities of lot
 size than are presented here.

08/1h

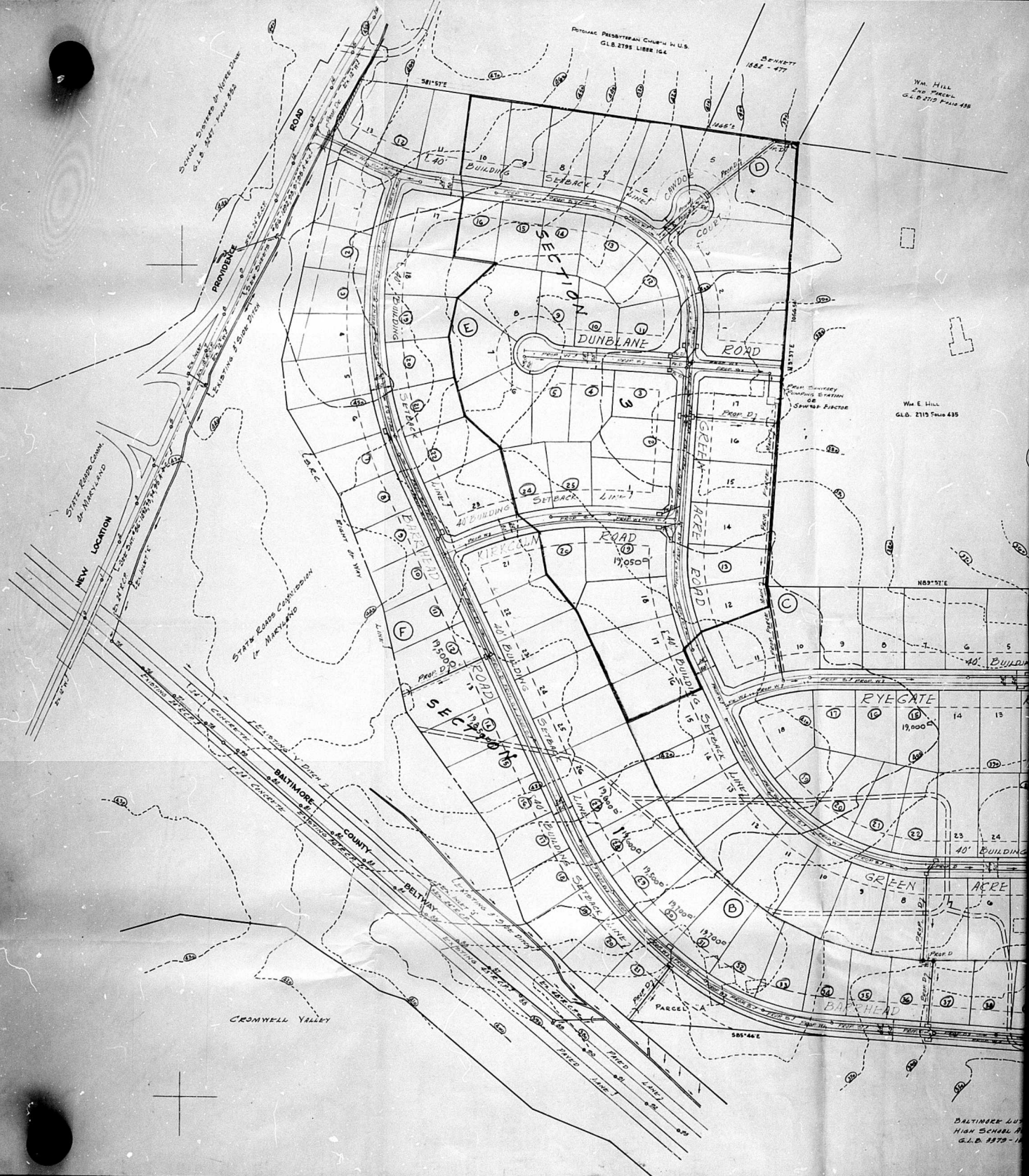
825.00
RECEIVED OF Proctor, Royston & Mueller, Attorneys for
petitioner, Offer-Dickinson Co., Inc., the sum of Twenty-five
(\$25.00) dollars, being cost of petition, advertising and posting
property situate - East side of Providence Road, beginning 1350
feet north of centerline of Baltimore County Beltway - 9th District
of Baltimore County.

Thank you. PAID - Baltimore County, Md. - Office of Planning

12-22-58 4 436 11- 2500

REMARKS:
Wednesday, January 21, 1959
at 10:00 a.m.
Room 106
County Office Building
131 N. Chesapeake Avenue
Towson, Maryland

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