

141-18 Bl. as Appeals - Affirmed 1/10/59
CENTRAL ASSIGNMENT OFFICE
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Jimmie vs. Balle C. Board 1/10/59
Case No. 2164 Jury (non Jury)
Trial Date 11-16-16 10 A. M.
Please be prepared for trial on that day.

Direct all inquiries to the
Central Assignment Office.
WALTER J. KASMUSSEN, Clerk
Chambers

THELMA ZIMMERMAN,
Petitioner and Appellee
vs.
SPURD T. AGNEW,
CHARLES STEINBOCK, JR. and
DANIEL W. HUBERS, being and
constituting the County Board of Appeals,
Defendants and Appellants

ORDER FOR APPEAL

Mr. Clerk:
Please enter an Appeal in the above entitled matter to the
Circuit Court for Baltimore County from the opinion and order of the
County Board of Appeals entered in this case on August 13, 1959, denying
the Petition of the Appellant and Petitioner for a Special Exception for
a convalescent home on the property which is the subject matter of this
proceeding.

W. Lee Harrison
212 Washington Avenue
Towson 4, Maryland
Attorney for Appellant and Petitioner
Valley 3-6209

I hereby certify that a copy of the foregoing Order for Appeal
was mailed this 9 day of September, 1959, to the County Board of
Appeals, County Office Building, Towson 4, Maryland.



W. Lee Harrison

RE: PETITION FOR SPECIAL EXCEPTION:
FOR CONVALESCENT HOME - N.S.
Marriottville Road 400' S.W.
Sherraton Road, 2nd District -
Russell C. Zimmerman, et al,
Petitioners
BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 4560-X

OPINION

The petitioners herein applied for a special exception to
allow the erection and operation of a Convalescent Home on an eight
acre tract of land which is now their residence. The proposition calls
for the construction of a one story brick building, about 100' x 60'
to the rear of the existing dwelling. The contemplated operation will
require eight to ten employees, none of whom will live in, to care for
a maximum of thirty patients. Mrs. Zimmerman, a registered nurse with
twenty-five years experience, would personally manage the Home with the
assistance of her husband.

Evidence introduced on behalf of the petitioners indicate
a need exists for homes of this type; further, that the petitioners own
a three acre wooded strip to the east of the construction site which
would shield the adjacent residential areas from the impact of this
operation.

The protestants contend that the granting of the special
exception requested would create traffic hazards and that the operation of a
commercial type establishment would lower the values of their homes, which
are in the \$25,000 to \$40,000. category. They also indicated that there is
no water or sewerage available on the property, and that the nearest

public transportation is nearly two miles away.
The Board is of the opinion that the petitioners have not
met the burden of proof in that the record does not indicate that the
requirements of Section 502.1 have been met. The abutting residential
sub-division, Herwood Heights, is substantial and relatively new and
would undoubtedly suffer were the special exception to be granted. There
is testimony in the case that the traffic generated by the Convalescent
Home would logically cut through the center of Herwood Heights, which
appears to be an existing short cut to the main traffic arteries. There
is little doubt that the commercial services necessary to maintain a
thirty bed Convalescent Home, along with the visitors to the patients and
the employees of the establishment, would create a substantial increase
in the traffic pattern for the area. Further, the Board believes that
the use of the subject property for a Convalescent Home would be detrimental
to the general welfare of the locality involved and that it would
create a commercial invasion in an excellent residential neighborhood and
would thereby tend to lower the value of vicinal properties.

ORDER

For reasons set forth in the foregoing Opinion, it is this
13th day of August, 1959, by the County Board of Appeals, ORDERED
that the special exception petitioned for, be and the same is hereby
denied.

Any appeal from this decision must be in accordance with
Rule No. 1101 (b) of the Rules of Practice and Procedure of the Court of
Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Daniel W. Hubers
August 17, 1959

NOTED: Mr. Daniel W. Hubers did not sit in the above case.

BUCKMASTER, WHITE, MINDEL & CLARKE
10 LIGHT STREET
BALTIMORE 6, MD.
TELEPHONE: MU 6-0747
FEBRUARY 26, 1959



Zoning Department of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Exception for
Convalescent Home-N.S. Marriottville
Road 400' S.W. Sherraton Road, 2nd
District-Russell C. Zimmerman, et al
Petitioners - Nora Clonney, Sherraton
Rd. Randallstown, Md. and Lee Moyer,
Marriottville Road, Randallstown, Md.,
Property Owners

Gentlemen:
Please note an appeal on behalf of the
above named property owners and on behalf of the
Herwood Heights Community Association, to the
County Board of Appeals from an Order granting a
Special Exception in the above captioned matter.

We are enclosing herewith our check for
\$30 representing the cost of this appeal.

Very truly yours,
George W. White, Jr.
George W. White, Jr.

OWH:jrc
Enclosure

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
RUSSELL C. ZIMMERMAN
FOR A Special Exception
To the Zoning Commissioner of Baltimore County
Mary Thelma Zimmerman Legal Owner
Russell C. Zimmerman
None 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 Private Nursing Home

All that parcel of land in the Second District of Baltimore County
on the North side of Marriottville Road, beginning 100 feet Southeast of
Sherraton Road; thence Southeast and blinding on the North side of Marriottville
Road 15 feet; thence Southerly 351.17 feet; thence Westerly 124.17 feet;
thence North 1/2 degree 35 minutes East 351.00 feet; thence Southerly 705.97 feet;
thence Southerly 114.62 feet to the place of beginning.

NOTIFY

Walter J. Zimmerman
Russell C. Zimmerman
Legal Owner
P.O. Box 368
Randallstown, Md.

Contract Purchaser
NOTIFY
D.W. Palmer
233 Park Ave #1
New York, N.Y.

ORDERED BY the Zoning Commissioner of Baltimore
County this 22nd day of December, 1958
that the subject matter of this petition be ordered in a
newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Act of Assembly aforesaid, and that
a public hearing thereon be had in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 21st
day of January, 1959, at 1:00 o'clock
P.M.

Zoning Commissioner
of Baltimore County

Pursuant to the advertisement, posting of property and
public hearing on the above petition to use the property described
therein for a Convalescent Home, and it appearing that by reason of
location, the safety, health and the general welfare of the locality
not being detrimentally affected, the special exception should be
granted, therefore:

It is this 26th day of February, 1959, by the Zoning
Commissioner of Baltimore County, ORDERED that the aforesaid petition
for a special exception, be and the same is hereby granted, subject,
however, to compliance with the Regulations of the Baltimore County
Health Department and the Fire Department governing the operation
of Convalescent Homes in Baltimore County.

It is further ORDERED that the granting of the Special
Exception in this matter does not permit the treating of alcoholic
or mental patients.

William H. Adams
Zoning Commissioner of
Baltimore County

December 19, 1958

\$40.00
RECEIVED of Thelma Zimmerman, petitioner, the sum of Forty
(\$40.00) dollars, being cost of petition, advertising and posting
property situate - North side of Marriottville Rd. beginning
100 feet southeast of Sherraton Road - 2nd District of Baltimore
County.

Thank you.

Zoning Commissioner
of Baltimore County
PRD - Baltimore County, Md. - Office of Finance

HEARING:
Wednesday, January 22, 1959
at 1:00 p.m.
Room 108
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

01622

Sept. 29, 1959

\$7.00

RECEIVED of Messrs. Smith & Harrison, Attorneys for
Tilma Zimmerman, petitioner, the sum of Seven (\$7.00) Dollars
being cost of certified copies of documents filed in the
matter of a special exception for a Convalescent Home,
north side of Harriottsville Road, 400' S. W. Sheraton
Road, 2nd District.

Zoning Commissioner

PAID — Baltimore County, Md. — Office of Finance

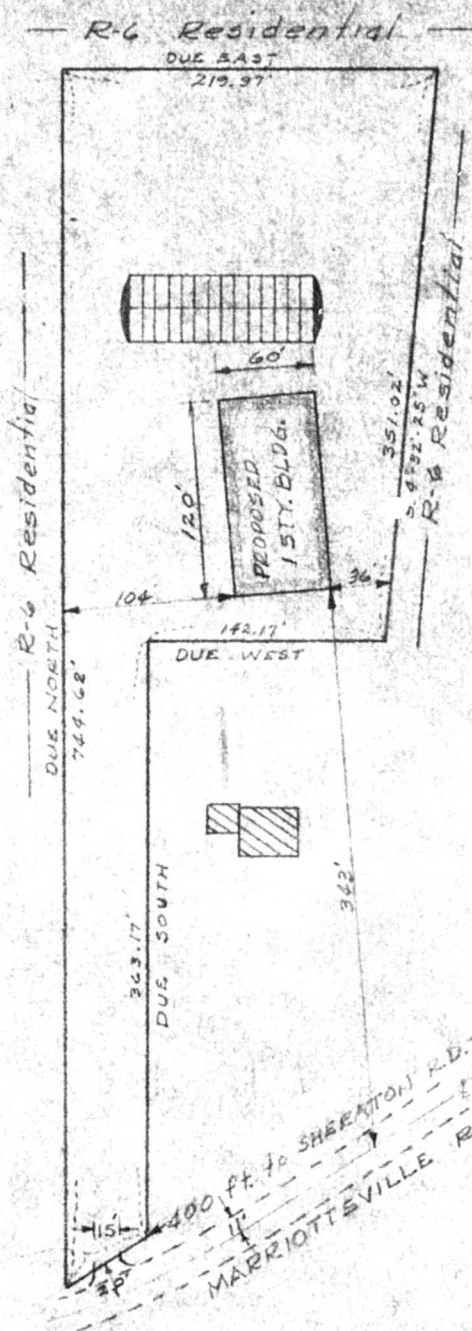
9-29-59 6318 * * * TXL — 7.00

9-29-59 6318 * * * TXL — 7.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4560

District 2nd Date of Posting 1-7-59
Posted for: Special Exception for Convalescent Home
Petitioner: Russell C. Zimmerman
Location of property: N/S of Harriottsville Rd., 400 ft. S.W. of
Sheraton Rd. 400' S.W. of
Location of Signs: North side of Harriottsville Road 400 ft. S.W. of
Sheraton Road
Remarks: _____
Posted by George H. Hummel Date of return: 1-8-59
signature



#4560-X

MAP
#2-B
"X"

SCALE: 1"=100'

Election District: Second

Area of Property: 2.09 Ac.

Existing Use of Property:
is Residential.

Proposed Use of Property:
is Nursing Home.

Present Zoning: is R-6.

Proposed Zoning:
is R-6 (Special Exception).

Plat to Accompany Petition for
Special Exception on Zimmerman
property.

DAVID W. POHMER
SURVEYOR & CIVIL ENGINEER

833 Park Avenue, Baltimore 1, Md.
Scale: 1" 100' Issued: 11-24-58.