

RE: PETITION FOR SPECIAL EXCEPTION
for Convalescent Home on the
Northwest side of Cedar Avenue
285' East of Elm Ave. -13th Dist;
Thomas Shofer - Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5283-X

This is a petition for Special Exception for a Convalescent Home
on the Northwest side of Cedar Avenue 285 feet East of Elm Avenue in the Thirteenth
District of Baltimore County.

It is the unanimous opinion of the Board of Appeals that this petition
for a special exception should be denied.

The hearing was held on Thursday, December 14, 1961, and during
the course of this hearing, testimony was presented by Mr. Timothy Margerum, Public
Health Engineer for the Baltimore County Department of Health, questioning the
granting of the special exception due to the condition of the soil which has caused
undesirable health conditions on some properties in the general vicinity.

At the suggestion of the Board, the case was held sub-curia until
January 20, 1962 to allow the petitioner the opportunity to make additional percolation
tests. The petitioner felt that such tests would show satisfactory results and remove any
doubt from the Board that the granting of this petition could be detrimental to the
health, safety or general welfare of the locality involved.

On January 22, 1962, the Board received a letter from Mr. John J.
Brennan, attorney for the petitioner along with a copy of a letter dated January 18, 1962
addressed to Dr. William H. F. Warthen, Deputy State and County Health Officer of
the Baltimore County Health Department, and signed by Mr. Charles B. Wheeler,
Director of Permits and Licenses. This letter did nothing to dispel the fears of a possible
health menace. Mr. Brennan asked in his letter of January 22nd for further continuation
of this case as it was impossible to complete this matter within the given time. The
Board feels that it has been very lenient in the amount of time that it has given the
petitioner to prove his case in this matter.

It is the unanimous opinion of the Board that the granting of the
special exception violates Section 502.1 of the Zoning Regulations in that it would be
detrimental to the health, safety, and general welfare of the locality involved.

5283-X
THOMAS SHOFER
285' East of Elm Ave. 13th Dist.
#5283-X

-2-

ORDER

For the reasons set forth in the foregoing Opinion it is this
day of March, 1962, 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 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

TELEPHONE
VALLEY 3-3000

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 4328

DATE 7/6/61

TO: Messrs. Brewster, Boone, Maguire,
Brennan & Cook,
305 West Chesapeake Avenue,
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County
113 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
	Cent of appeal to County Board of Appeals #5283	\$70.00
	Posting property	5.00
		\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 3-3000

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 4673

DATE 5/2/61

TO: Mr. Thomas Shofer
5000 Cedar Ave.
Baltimore 27, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

Petition for Special Exception for Convalescent Home

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
		\$50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BREWSTER, BOONE, MAGUIRE, BRENNAN AND COOK

ATTORNEYS AT LAW
305 WEST CHESAPEAKE AVENUE
TOWSON 4, MARYLAND
VALLEY 3-4111, 7500, 0484

June 27, 1961

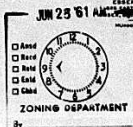
Zoning Commissioner
County Office Building
Towson 4, Maryland

Attention: Mrs. Harris

RE: Petition for Special Exception
for Convalescent Home - N.W. Side
Cedar Avenue 285' East 31st Ave.,
13th District, Thomas Shofer,
Petitioner.

Dear Mrs. Harris:

Please enter an appeal from the Order of John E. Rose,
Zoning Commissioner, dated June 14, 1961.



TELEPHONE
VALLEY 3-3000

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

No. 4840

DATE 6/2/61

TO: Mr. Thomas Shofer
5000 Cedar Ave.
Baltimore 27, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

Advertising and posting of your property

TOTAL AMOUNT

\$36.50

COST

36.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#5283

District: 13th

Date of Posting: 11-21-61

Posted for: Special Hearing

Petitioner: Thomas Shofer

Location of property: N.W. Side Cedar Ave. 285' E. of Elm Ave.

Location of Sign: 5000 Cedar Ave. 13th District

Remarks: 5000 Cedar Ave. 13th District

Posted by: George R. Hammond

Date of return: 11-22-61

OFFICE OF PLANNING AND ZONING
Inter-Office Correspondence

Date: Nov 26, 1961

To: John U. Rose, Zoning Commissioner
From: George B. Gwynne, Deputy Director

Subject: #5283-X Special Exception for Convalescent Home
- NW Side Cedar Ave. 285' E. of Elm Ave.
Thomas Shofer

13th District

6/7/61

11:00 A.M.

The staff of the Office of Planning and Zoning has no comment pro or con
on the proposed Convalescent Home as such.

If granted, the granting should be conditioned upon approval of site plans
which provide for proper driveway widths into and out of the property, provision of
adequate off-street parking, and provision of proper screening for such parking.

001286



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THOMAS SHOFER, legal owner... of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
herby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an _____ zone to _____
zone; for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County, to the herein described property, for a Convalescent Home
Relax 37, MD
Property is to be posted as: advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising,
posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning
regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore
County.

Contract purchaser

Address

Petitioner's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day
of _____, 1961, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout
Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the _____ day of _____, 1961, at 11:00 o'clock
A. M.

Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and
it appearing that by reason of _____

the above Re-classification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day
of _____, 1961, that the herein described property or area should be and
the same is hereby reclassified, from a _____ zone to a _____
zone, and/or a Special Exception for a _____ should be and the same is
granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
and it appearing that by reason of _____ the petition failed to meet the standards
as set forth in Section 502.1 of the Zoning Regulations,

the Special Exception should NOT BE
GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day
of _____, 1961, that the herein described property or area should be and the same is hereby
reclassified, from a _____ zone to a _____ zone, and/or a Special Exception for a _____
should be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

**PETITION
FOR SPECIAL EXCEPTION**

ZONING: Petition for Special
Exception for Convalescent
Home.

LOCATION: Northwest side
of Cedar avenue 285 feet East
of Elm avenue.

DATE AND TIME: WEDNES-
DAY, JUNE 7, 1961 AT 11:00
A.M.

PUBLIC HEARING: Room 108,
County Office Building, 111
W. Chesapeake avenue, Tow-
son, Maryland.

The Zoning Commissioner of
Baltimore County, by author-
ity of the Zoning Act and Re-
gulations of Baltimore County,
will hold a public hearing:

Concerning all that parcel of
land in the Thirteenth District
of Baltimore County.

All that piece or parcel of
land situate, lying and being
in the Thirteenth Election
District, State of Maryland
and described as follows, to
wit:

Beginning for the same at a
point on the northwest side
of Cedar avenue distant 258
feet more or less measured
along the northwest side of
Cedar avenue from the east
side of Elm avenue, and run-
ning thence and binding on the
northwest side of Cedar ave-
nue, 40 feet wide, northeast-
erly 405 feet more or less,
thence leaving said avenue
northwesterly 255 feet 6 inch-
es, thence southwesterly 405
feet more or less and thence
southeasterly 271 feet 6 inch-
es more or less to the place
of beginning. Being the pro-
perty of Thomas Shofer, as
shown on plat plan filed with
the Zoning Department.

Containing 2.4 acres of land
more or less.

By Order of
JOHN G. ROSE
Zoning Commissioner of
Baltimore County.

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., May 25, 19 61.

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md., once in each of one
successive weeks before the 7th
day of June, 19 61, the first publication
appearing on the 18th day of May
19 61.

THE TIMES,

John M. Martin
Manager.
John M. Martin

Cost of Advertisement, \$ 15.50
Purchase order-Q 1837
Requisition no. L 80

