

5307-V

GEORGE R. CASSELL-SMITH,
COLIN J. S. THOMAS,
Protestants-Appellants
vs.
MAYNARD H. KANFMAN, JR.,
G. MITCHELL AUSTIN, and
being and constituting the
County Board of Appeals of
Baltimore County
and
BALTIMORE COUNTY, MARYLAND

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Zoning Case #5307-V
Case # 2442 Docket 4507/121

ORDER OF COURT

The above entitled cause having come on for a hearing, the record from the Board of Appeals having been duly read and considered, and arguments of counsel having been heard, it is this 23rd day of January, 1962 ORDERED and DECREED that the decision of the County Board of Appeals dated October 11, 1961 be and is hereby affirmed.

True Copy Test
WALTER J. RASHUSSEN, Clerk
Per *W. J. R.*
Deputy Clerk

John E. Turnbull
JUDGE

5307-V

OFFICE OF PLANNING AND ZONING
Inter-Office Correspondence

To: John D. Rose, Zoning Commissioner
From: George R. Cassell-Smith, Deputy Director

Subject: #5307-V. Variance to permit a lot width at the building line of 113 feet instead of the required 150 feet, a lot area of 22,500 square feet instead of the required 40,000 square feet, a front building line of 40 feet from front lot line and 40 feet from center of the street, instead of the required 50 feet from front lot line and 75 feet center line of the street. Eastside of Club Road 3700 feet South of Ruxton Road. Being property of Grace C. Sanger, 9th District.

Hearings: Wednesday, July 5, 1961 (9:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and offers no comment.



RE: PETITION FOR VARIANCES TO
SECTIONS 202.1, 212.1 and
202.2 of the Zoning
Regulations - E.S. Club
Road 3700' S. Ruxton Rd.,
9th District
Grace C. Sanger-Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5307-V

The Board of Appeals held a hearing on September 14, 1961 on the petition for Variances to Sections 202.1; 202.2 and 212.1 on the East side Club Road 3700 feet South Ruxton Road in the 9th District of Baltimore County, the petitioner being Grace C. Sanger.

Prior to March 30, 1955, the property of the petitioner was zoned Residential "A". The lot was a remainder of a large tract of land that had been sold off to various persons presumably with the intent of developing such lots into home sites. At the time the Regulations were adopted in 1955, said property was placed in an "R-10" Zone category; therefore, denying the owner the use of his property. Such action certainly created a hardship and to deny the property owner the use of his property would be equal to confiscation of said property. The property owner certainly could not have been expected to know that the Regulations would be changed which would make a 2200 square foot lot unusable.

It is the unanimous opinion of the Board that while as a building lot, it presents many problems, it is impossible to deny the owner the right to the reasonable use of his land. The Zoning Regulations adopted on March 30, 1955, certainly has created a hardship—a hardship which must be relieved by the granting of the variances requested.

For the aforesaid reasons, the following variances are hereby granted:

1. To permit a lot width at the front building line of 113 feet, a lot area of 22,500 square feet; a front building line of 40 feet from the front lot line and 40 feet from the center of the street.

5307-V

PETITION FOR A VARIANCE TO THE ZONING REGULATIONS

IN THE MATTER OF
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For Variance to the Zoning Regulations
To the Zoning Commissioner of Baltimore County

GRACE C. SANGER LEGAL OWNER
of the property hereinafter described hereby petition for a Variance to the Zoning Regulations of Baltimore County.

The Zoning Regulations to be excepted as follows:

Section 202.1 - Width at the front building line of not less than 150 feet.
Section 212.1 - Lot area of 40,000 square feet.
Section 202.2 - Front Yard: Front building line not less than 50 feet from the front lot line and not less than 75 feet from the center line of the street.

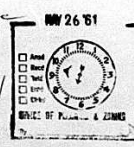
The Reasons for the Variances:

To permit a lot width at the front building line of 113 feet instead of the required 150 feet, and a lot area of 22,500 square feet instead of required 40,000 square feet, and a front building line of 40 feet from the front lot line and 40 feet from the center of the street, instead of the required 50 feet from the front lot line and 75 feet from the center line of the street. The Variance requested in regard to Section 202.2 is that the topography of the lot is such that to set the house back to a depth to comply with Section 202.2, would create a practical difficulty.

Property Situated:

Concerning all that parcel of land in the Ninth District of Baltimore County on the East side of Club Road beginning 3700 feet South of Ruxton Road; thence Southerly and binding on the East side of Club Road 55 feet; thence South 19 degrees 79 minutes East 81 feet; thence North 71 degrees 31 minutes East 271.06 feet; thence North 71 degrees 00 minutes West 92.95 feet; thence South 81 degrees 10 minutes West 225.29 feet; to the place of beginning.

Grace C. Sanger
CONTRACT PURCHASER
1234 Abetview Rd.
ADDRESS
Grace C. Sanger
ATTORNEY
1234 Maryland Avenue
ADDRESS



For the reasons set forth in the foregoing Opinion, it is this 11th day of October, 1961 by the County Board of Appeals, ORDERED that the variances petitioned for, be and the same is hereby granted.

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

William M. Karp
CHAIRMAN
Charles H. Smith
G. Mitchell Austin

LAW OFFICES
J. ELMER WEISHEIT, JR.
FIRST NATIONAL BANK BUILDING
TOWSON 4, MARYLAND
August 16, 1961



Re: Petition for Variances to Sections 202.1; 212.1 and 202.2 of the Zoning Regulations - East Side of Club Road - 3700 feet S. Ruxton Road, 9th District Grace C. Sanger, Petitioner - No. 5307-V

Dear Sir:

Please enter an appeal to the County Board of Appeals in the above entitled cause from your Order therein rendered July 24, 1961. In accordance with instruction received from your office, enclosed herewith is a check in the amount of \$75.00 to cover costs of such appeal.

Very truly yours,
Edwin K. Gontum
Edwin K. Gontum
J. Elmer Weisheit, Jr.
J. Elmer Weisheit, Jr.
Attorneys for Protestants-Appellants

JEM:vm

cc: Edwin K. Gontum, Esq.
Mr. Colin J. S. Thomas
Mr. and Mrs. George Cassell-Smith

RE: PETITION FOR VARIANCES TO
SECTIONS 202.1; 212.1 and
202.2 of the Zoning Regu-
lations - E.S. Club Road 3700'
S. Ruxton Road, 9th Dist.,
Grace C. Sanger, Petitioner
BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5307-V

Upon hearing on the above petition for variances to Sections 202.1; 212.1 and 202.2 of the Zoning Regulations to permit a width at the front building line of 113 feet instead of the required 150 feet; a lot area of 22,500 square feet instead of the required 40,000 square feet and a front building line of 40 feet from the front lot line and 40 feet from the center of the street, instead of the required 50 feet from the front lot line and 75 feet from the center line of the street, the petitioner's lot met the requirements of the Baltimore County Regulations at the time of its creation when Mrs. Grace C. Sanger conveyed an adjacent lot to Gordon E. Rhodes and wife.

As a building lot, the lot presents many problems, but to deny the owner the right to use the lot is impossible. The change in zoning has created a hardship that must be corrected by the granting of the variances.

For the above reasons the variances should be granted. It is this 24th day of July, 1961, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid variances should be and the same are hereby granted, which permit a lot width at the front building line of 113 feet; a lot area of 22,500 square feet and a front building line 40 feet from the front lot line and 40 feet from the center of the street, instead of the required 50 feet from the front lot line and 75 feet from the center of the street.

John D. Rose
Zoning Commissioner of
Baltimore County

TELEPHONE VALLEY 3-3000

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

No. 8208
DATE 11/21/61

TO: J. Elmer Weisheit, Jr., Esq.
Jefferson Building
Towson 4, Maryland

BILLED BY: County Board of Appeals
(Zoning Dept)

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
01-51-01-05		Cost of Certified Copies - Grace C. Sanger property	8.00
			8.00

3

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. 4834
DATE 5/26/61

TO: Mr. Paul J. Feeley
Attorney
103 W. Chesapeake Ave.
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
01622		Petition for a Variance for Grace C. Sanger	25.00
			25.00

3

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. 4895
DATE 7/5/61

TO: Mr. Paul J. Feeley
Attorney
103 W. Chesapeake Ave.
Towson 4, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
01622		Advertising and posting of property for Grace C. Sanger	28.50
			28.50

3

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.

PETITION FOR A ZONING VARIANCE

ZONING: Petition for a Variance to permit a lot width at the front building of 112 feet instead of the required 150 feet, and a lot area of 32,500 square feet instead of required 40,000 square feet. A front building line distance of 40 feet from the center of the street, instead of the required 50 feet, from the front lot line and 75 feet from the center line of the street. The Variance requested in regards to Section 202-2 is that the topography of the lot is such that to set the home back to a depth to comply with Section 202-2 would create a practical difficulty.

LOCATION: East side of Club Road, 3700 feet south of Ruston Road.

DATE AND TIME: Wednesday, July 5, 1961 at 9:30 A. M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Regulations to be excepted as follows:
Section 202-1: Width at the front building line of not less than 150 feet.
Section 212-1: Lot area of 40,000 square feet.
Section 202-2: Front Yard: Front building line not less than 50 feet from the front lot line and not less than 75 feet from the center line of the street.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Ninth District of Baltimore County on the E. side of Club Road, between Ruston Road and the East side of Club Road 3700 feet south of Ruston Road, thence westerly and binding on the East side of Club Road 35 feet; thence South 19 degrees 19 minutes East 44 feet; thence North 74 degrees 31 minutes East 221.06 feet; thence North 7 degrees 00 minutes West 82.50 feet; thence South 41 degrees 40 minutes West 225.29 feet to the place of beginning. Being the property of Grace C. Sanger as shown on plat plan filed with the Zoning Department.

By Order of
JOHN G. ROSE
Zoning Commissioner of
Baltimore County.
June 16.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 16, 1961.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each day of July, 1961, the last publication appearing on the 16th day of June 1961.

THE JEFFERSONIAN,

Cost of Advertisement, \$

TELEPHONE VALLEY 3-3000

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

No. 7449
DATE 8/18/61

TO: J. Elmer Weisheit, Jr., Esq.
First National Bank Building
Towson 4, Maryland

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

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
01622		Cost of appeal to County Board of Appeals	170.00
		Posting	5.00
		Petition No. 5307-V - Sanger	175.00
			175.00

3

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.

PETITION FOR A ZONING VARIANCE

ZONING: Petition for a Variance to permit a lot width at the front building of 112 feet instead of the required 150 feet, and a lot area of 32,500 square feet instead of required 40,000 square feet. A front building line distance of 40 feet from the center of the street, instead of the required 50 feet, from the front lot line and 75 feet from the center line of the street. The Variance requested in regards to Section 202-2 is that the topography of the lot is such that to set the home back to a depth to comply with Section 202-2 would create a practical difficulty.

LOCATION: East side of Club Road, 3700 feet south of Ruston Road.

DATE AND TIME: WEDNESDAY, JULY 5, 1961 AT 9:30 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Regulations to be excepted as follows:
Section 202-1: Width at the front building line of not less than 150 feet.
Section 212-1: Lot area of 40,000 square feet.
Section 202-2: Front Yard: Front building line not less than 50 feet from the front lot line and not less than 75 feet from the center line of the street.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Ninth District of Baltimore County on the East side of Club Road beginning 37.9 feet south of Ruston Road, thence southerly and binding on the East side of Club Road 35 feet; thence South 19 degrees 19 minutes East 44 feet; thence North 74 degrees 31 minutes East 221.06 feet; thence North 7 degrees 00 minutes West 82.50 feet; thence South 41 degrees 40 minutes West 225.29 feet to the place of beginning. Being the property of Grace C. Sanger as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE
Zoning Commissioner of
Baltimore County.
6-15-61

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 15th 1961.

THIS IS TO CERTIFY, That the annexed advertisement was published in The COUNTY Paper, Inc., a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks before the 5th day of July 1961, the first publication appearing on the 15th day of June 1961.

The COUNTY Paper, Inc.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 6-14-61

Posted for: Variance to Zoning Regulations

Petitioner: Grace C. Sanger

Location of property: East side of Club Road 3700 ft. South of Ruston Road.

Location of Signs: East side of Club Road 3720 ft. South of Ruston Road.

Remarks: Grace C. Sanger

Posted by: Grace C. Sanger Date of return: 6-15-61

Class A residential
single home - \$5,000 up

W. PAGE DAME

GEO. R. CASSELL-SMITH

H. C. BRENT
ANDERLIN

129/1945 RES 1368/310
1 ACRE

GRACE C. SANGER

5/14/53 GAB 2297/502
1.5 ACRES

1953 191.30
N 84° 55' E

CITY OF BALTIMORE

GRACE C. SANGER

DOMER BECK
JOHN W. WALKER

ROBERT FRYER

JOHN ORRICK

GORDON E. RHODES

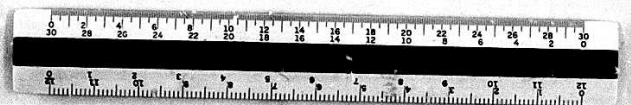
11/24/1954 GAB 2508/385
.66 acre

11/24/54 GAB 2508/385
.72 acre

8/13/54 GAB 2540/127
.89 acre

Laid out in 3 lots by
Grace Sanger

ROLAND CREST
RUXTON
9TH DISTRICT BALTO. CO.



SCALE 1"=50' MARCH 14, 1955

DOLLENBERG BROTHERS
SURVEYORS & CIVIL ENGINEERS
709 WASHINGTON AVE TOYSON, MD.