

RE: PETITION FOR VARIANCE  
for side yards of 7 feet  
instead of required  
25 feet - R/S York Rd.  
100 feet South Anneslie  
Road - 7th District  
Ervin J. Cerveny -  
Petitioner

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 5309-V

A hearing was held on the petition of E. J. Cerveny for a  
variance to the Zoning Regulations on the East side of York Road 100 feet  
South of Anneslie Road in the 9th District of Baltimore County, to allow  
for 7 foot side yards instead of the required 25 foot side yards to an  
existing building.

Testimony was presented by the Protestants which was not  
refuted through Mr. Edwin J. Kirby, a Land Surveyor registered with the  
State Board of Land Surveyors in the State of Maryland, to the effect that  
the existing side yards on both North and South side of the building at all  
points was less than 7 feet; thereby making the question at issue a moot  
question, since even in the light of a favorable decision by the Board,  
the petitioner would not be able to make use of the Variance granted.

#### ORDER

For the reasons set forth in the foregoing Opinion, it is  
this 1<sup>st</sup> day of November, 1961 by the County Board of Appeals, ORDERED  
that the Variance petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with  
Rule No. 114 of the Rules of Practice and Procedure of the Court of Appeals  
of Maryland.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Charles H. Stetson*  
*Charles H. Stetson*

RE: PETITION FOR VARIANCE  
TO SECTION 217.3 of  
Zoning Regulations S.E. Side York  
Road 100 feet South  
Side York Road  
Ervin J. Cerveny,  
Petitioner

BEFORE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
No. 5309-V

#### REQUEST FOR APPEAL

TO THE HONORABLE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The Anneslie Community Association Inc., and others  
through their Attorney, Forrest R. Gabler, do hereby request  
that your decision in granting the variance in the above  
referenced be appealed to the BOARD OF ZONING APPEALS.

Respectfully submitted

*Forrest R. Gabler*

Forrest R. Gabler,  
408 York Road,  
Towson 4, Maryland  
VA 5-1721  
August 15, 1961

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

To: Forrest R. Gabler, Esq.,  
408 York Road,  
Towson 4, Maryland

BILLED BY: Zoning Department of  
Baltimore County  
113 County Office Building  
Towson 4, Maryland

DEPOSIT TO ACCOUNT NO. 01622

| QUANTITY                                    | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT |
|---------------------------------------------|------------------------------------------------------|--------------|
| Cost of posting property for appeal hearing | 35.00                                                | 35.00        |
| Posting                                     | 5.00                                                 | 40.00        |
| No. 5309-V - E.J. Cerveny                   |                                                      |              |

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

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

To: Mr. E. J. Cerveny  
6505 York Rd.  
Balto. 12, Md.

BILLED BY: Zoning Department of  
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

| QUANTITY                                 | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT |
|------------------------------------------|------------------------------------------------------|--------------|
| Advertising and posting of your property | 29.50                                                | 29.50        |

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

RE: PETITION FOR VARIANCE TO  
SECTION 217.3 of Zoning  
Regulations -S.E. Side York  
Road 100' S. Anneslie Road,  
9th Dist., Ervin J. Cerveny,  
Petitioner

BEFORE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
No. 5309-V

The County Commissioners were not consistent in zoning  
property on the east and west sides of York Road, between Overbrook Road  
and Regester Avenue, on the Land Use Map dated November 14, 1955.

Both sides of York Road for that portion are zoned "B-1"  
except the east side between Overbrook Road and Dunkirk Road, which is  
zoned "R-A". The Commissioners were evidently influenced by the existing  
residences in those blocks.

The present zoning is an impossible one to use on  
existing lots because of the required 25 foot side yard required on each  
side. The petitioner's front yard is 50 feet wide, therefore, no apartment  
building of any size can be constructed without a variance being granted.

This constitutes a sufficient hardship to warrant  
granting a variance as requested by the petitioner.

It is this 17<sup>th</sup> day of July, 1961, by the  
Zoning Commissioner of Baltimore County, ORDERED that the aforesaid  
variance should be and the same is hereby granted which permits a side  
yard of seven (7) feet instead of the required twenty five (25) feet.

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

To: Mr. E. J. Cerveny  
6505 York Road  
Balto. 12, Md.

BILLED BY: Zoning Department of  
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

| QUANTITY                                   | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT |
|--------------------------------------------|------------------------------------------------------|--------------|
| Petitioner for a Variance to your property | 25.00                                                | 25.00        |

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.

PETITION FOR 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

*Ervin J. Cerveny* LEGAL OWNER

of the property hereinafter described hereby for a Variance to the  
Zoning Regulations of Baltimore County.

The Zoning Regulations to be accepted as follows:  
Section 217.3 - Side Yards 25 feet  
The Reason for Variance:  
To permit side yards 7 feet instead of required 25 feet.

Property Situate:  
Concerning all that property located in the Ninth District of Baltimore  
County beginning for the same at a point on the Southeast side of York  
Road at the division line between Lots 4 and 5, Block 8 as shown on the Plat  
of Anneslie and recorded among the land records of Baltimore County in  
Liber W.P.C. 7 Folio 40, running thence and binding on the Southeast side of  
aforesaid York Road S-1/2 50 feet to the division line between Lots 4  
and 7 as shown on the aforesaid Plat, thence leaving the Southeast side  
of aforesaid York Road and binding on the division line between aforesaid  
Lots 6 and 7 S-1/2 125 feet to the Southwest side of a 20 foot alley  
as shown on aforesaid plat, thence leaving the division line between  
aforesaid Lots 6 and 7 and binding on the Southwest side of aforesaid  
20 foot alley N-1/2 50 feet to the division line between aforesaid  
Lots 4 and 5 as shown on aforesaid plat, thence leaving the Southwest side  
of aforesaid 20 foot alley and binding on the division line between  
aforesaid Lots 4 and 5 N-1/2 50 feet to the place of beginning.

Containing 0.14 acres of land, more or less.

Being all of Lots 5 and 6 Block 8 as shown on the Plat of Anneslie and  
recorded among the land records of Baltimore County in Liber W.P.C. 7 Folio  
40.

Being the property of Ervin J. Cerveny, as shown on plat plan filed with  
the Zoning Department.

ATTORNEY: *Forrest R. Gabler* LEGAL OWNER: *Ervin J. Cerveny*  
ADDRESS: 625 Matheson Bldg ADDRESS: 6505 York Rd  
TOWSON 4, MD. TOWSON 4, MD.  
11:00 AM 7/5/61

#### OFFICE OF PLANNING AND ZONING

Inter-Office Correspondence

Date June 23, 1961

To: Mr. E. J. Cerveny, Zoning Commissioner  
From: George S. Anneslie, Deputy Director

Subject: #5309-V. Variance to permit side yards  
of 7 feet instead of the required 25 feet. Southeast  
side of York Road 100 feet South of Anneslie Road.  
Being property of Ervin J. Cerveny.  
9th District

Hearing: Wednesday, July 5, 1961 (11:00 A.M.)

The 9th District "using" the adopted November 14, 1955 created apartment  
zoning for the block containing the subject property. Prior to November  
14, 1955 the property had been zoned "R-A" or Cottage Residential. The  
side yard setbacks required by the original Zoning Regulations for the  
"R-A" Residential zone were 7 feet and 7 feet for a 50 foot or larger lot.  
"R-A" zoning requires minimum side yards of 25 feet on either side of the  
structure. Full compliance with the requirements of the present zoning  
on this 50 foot lot would prohibit its improvement. Inasmuch as the  
building is, in fact, completed we believe that the regulations do create  
a situation of practical difficulty and unreasonable hardship.



CERTIFICATE OF PUBLICATION

TOWSON, MD. June 15 19 61

THIS IS TO CERTIFY, That the annexed advertisement  
was published in THE COUNTY Paper, Inc., a weekly news-  
paper printed and published in Towson, Baltimore County,  
Md., once in each of one successive weeks before the  
5th day of July 1961, the first  
publication appearing on the 15th day of  
June 19 61.

The COUNTY Paper, Inc.  
*John F. K...*  
Manager

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

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

Posted for: *Ervin J. Cerveny*

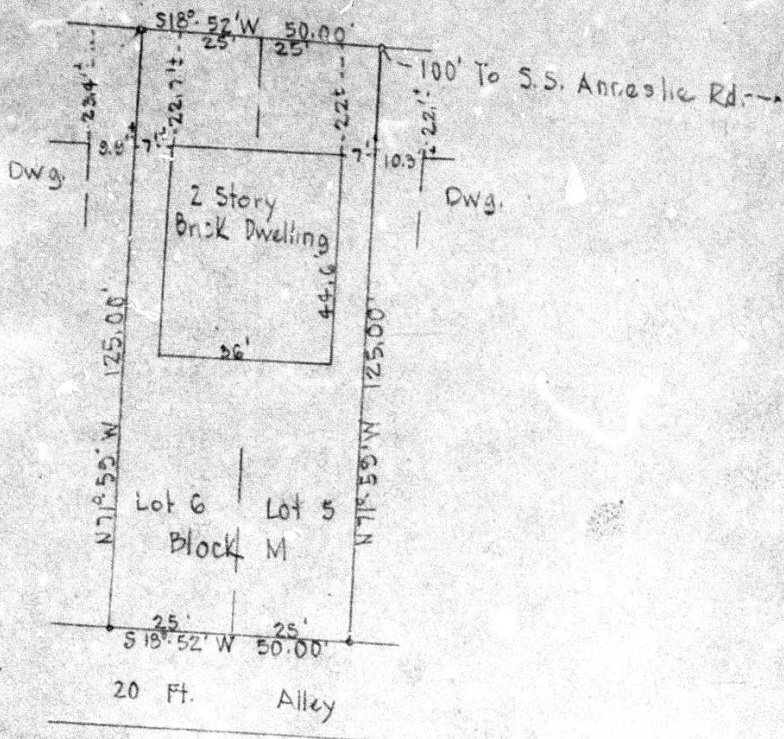
Petitioner: *Ervin J. Cerveny*

Location of property: *6505 York Rd. 9th Dist. Baltimore County*

Location of Sign: *6505 York Rd. 9th Dist. Baltimore County*

Remarks: *Ervin J. Cerveny*

Posted by: *George S. Anneslie* Signed: *George S. Anneslie* Date of return: 6-15-61



The information on this plat show only that the improvements indicated hereon are contained within the outlines of the Lot upon which they are erected, and is not to be construed as an establishment of property lines.

C. F. Raphael  
Reg. Land Surveyor.

**MULLER, RAPHEL & ASSOCIATES**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
201 COURTLAND AVE.  
TOWSON 4, MARYLAND

PLAT BOOK 7-40  
LOTS 5+6 BLOCK M  
ANNESLIE

9<sup>TH</sup> ELECT. DIST. BALTO. CO., MD.

SCALE - 1" = 30'      JUNE 1, 1961.

