RE: PETITION FOR SPECIAL EXCEPTION : FOR CONVALESCENT HOME
SW/S Liberty Road 100' S. Abble
Place - 2nd District
Michael and Lucille Seth,

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No 5320-X

A hearing was held on March 15, 1962 on a petition for a Special ption for a Convalescent Home on the southwest side of Liberty Road 100 feet south of Abbie Place in the Second District of Baltimore County.

It is the unanimous opinion of the Board of Appeals that the special exception applied for in this petition should be denied. The Zoning Regulations of Baltimore County are very clear as to the conditions that must exist before any special exception is granted. Under Section 502.1 paragraph "a"; it must appear that the use for which the special exception is requested will not be detrimental to the health, safety or general welfare of the general locality involved.

The proposed Convalescent Home would be located on property with width of approximately 105 feet at the Liberty Road frontage and widening out to a width of 197 feet in the rear of the property; the overall depth of the property measures some 2,000 feet. The property immediately adjacent to the subject property on the west is zened residential ("R-6") and is developed in small cottage type homes. There are approximately 32 of these homes located on Abbie Place, a street varying from approximately 20 feet to 30 feet in width. These homes were built prior to 1943. Petitioner's property abuts the rear yards of these homes. The granting of this special exception would certainly be detrimental to the general welfare of these homes.

Under Section 502,1 (b) it must appear that the use for which the special exception is requested will not tend to create congestion in roads, streets or alleys therein. The first street to the east of the subject property is Lynne Haven Road which does not have entrance or egress from Liberty Road. It would be necessary for all traffic entering or leaving the convalescent home to reach the subject property by either using Washington Avenue or Abbie Place, unless entrance was provided through the property on the Liberty Road frontage.

Testimony of Mrs. Rose Badnor, the contract purchaser of the property was to the effect that she intended to tear down the existing dwelling on the property adjacent to Liberty Road and would provide ingress and egress by this Tathod, however, petitioner's exhibit No. I shows no ingress or egress from Liberty Road but shows that the entrance would be by means of Subet Road located Doward the rear of the property.

To provide an entrance by means of Subet Road, would as stated above, bring all traffic through the narrow residential streets of Washington Avenue and Abbie Place. If suitable antrances were provided from Liberty Road, substantial doubt remains in the traffic on the busy throughfare of Liberty Road. Petitionar's inability to actually convey to the Board their plans for traffic movement, leaves the Board with no alternative but to conclude that the traffic movement to and from the proposed convalescent home would create congestion in the roads and streets of the surrounding community. Throughout the entire proceedings, Mrs. Badnor was vague and indecisive in her testimony--such matters as location of buildings, parking lots, personnel, and other important matters were not clearly presented to the Board.

Considering the Board's rights to write controlling restrictions in a special exception, the Board does not feel that proper testimony was presented to allow for reasonable control of the property.

For the reasons set forth in the aforegoing Opinion, it is this 19th day of April, 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 Chapter 1100 subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

0 -(D. . PETITION FOR ZONING RECEASED ATTON #5220 X AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

verse we, Michael Seth and Lucille Sethegal owner... of the property situate in ! County and which is described in the description and plat attached hereto and made a part hereof, to the Zoning Law of Baltimore County Preserve Special Everytion

BALTIMORE COUNTY, MARYLAND No. 12829

OFFICE OF FINANCE

DATE 5/31/62

Division of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

5523-V

1532 Eastern Blvd.

	01622	¥\$6.56°
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
_	Advertising end posting of property for Norman Lauenstein	38.50
	WB-L na-retire notes	
	6-1-62 5437 · · • Til-	1850
	0-1-62 5-337 • • • TIL— 6-1-62 5-37 • • • TIL—	850
	-11 WET	77,500000
	3 MICROFILMED	

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

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for. Convalencent Home

Property is to be posted and 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 fiting 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

COMPORT HOMES, INC. Muchael Seth By Pose K. Brane, bec't trawn: Lucille & eth Contrict purchaser Legal Owner Legal Owner Logal Owner Address 7923 Liberty Roed

Tower, 4, Md.

..., 196 ..., that the subject matter of this petition be advertised, required by the Zoning Law of Baltimore County, in a newspaper of general circulation through

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,

RE: PETITION FOR SPECIAL EXCEPTION : For Convalescent Home - S. W. Side Liberty Road 100' S. of : Abbie Place, 2nd District -Michael Seth and Lucille Seth, :

The petitioner has requested a Special Exception for a

.............

ZONTING COMMISSIONER

The property in question contains 10 acres, more or less, but the width is only 197.1 feet and the portion bordering on Liberty Road is 105 feet. Use of this property would abut the rear yards of residents on Abbie Place for more than two thousand feet. The same thing would apply to Lynne Haven Road when mole houses are completed on existing lots.

Section 502 of the Baltimore County Zoning Regulations cautions that special exceptions "must be located with discrimination in relation to their surroundings".

The Strawbridge & Kelso Home for Children is already a part of the community. Testimony indicates that there are 79 children of school age on Abbie Place alone. This and a 160 bed Convalescent Home for olderly people do not blend very well.

From the above it is evident that the petitioners' request would be detrimental to the health, safety or general selfare of the locality and the petition is denied.

It is this 24th day of July, 1961, by the Zoning Commissioner of Baltimore County, CRDERED that the aforesaid special exception should be and the same is hereby denied.

DATE 7/14/61

BALTI DRE COUNTY, MARY AND No. 7409

OFFICE OF FINANCE on of Collection and R COURT HOUSE

BYLLED BY: Zoning Pepartment of Bartimore County

35.00 39.00 MICROFILMED

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

Re: Patition For Special

Please enter an Appeal to the Board of Appeals of Baltimore County in the above captioned case from the Order of July 2h, 1961 which denied the Special Exception, and forward file and all records pertaining therete to the Doard of Appeals of Bultimore County.

John & Cashing Cashing John J. Will Harmer Con Appellant

MICROFILMS

5320-X OFFI OF THE BALTIMORE COUNTIAN

CATONSVILLE, MD.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Ealtimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore Count. Marysuzzastka weeks before land, once a week for One the 3rd day of July, the same was inserted in the issues of

June 29, 1961.

CROFILMED THE BALTIMORE COUNTIAN

By Paul J Morgan Editor and Manager OFFICE OF PLANNING AND ZONING Inter -Office Correspondence

#5320X

Date July 7, 1961

To: _ _ John G. Pose, Zoning Commissioner From: George E. Gavrelis, Deputy Director

Subject: #5320-x. Special Exception for Convalescent Home.

Southwest side of Liberty Hoad 100 feet South of Abbie Place. Being property of Michael and Lucille Seth. 2nd District

Hearing: 7/19/61 (9:30 A.H.)

#2+3-A

The staff of the Office of Planning and Zoning has reviewed this petition for a Convalescent Home and is in accord with the proposal. The subject tract has dimensions which preclude its economic development within the housing potentials of R-6 zoning. Without such a use as is now proposed, the tract would in effect become a "no mans land".

If granted, it is requested that the following conditions specifically

- a. Exclusion of that portion of the property westerly from Subet Road from the special exception. This parcel can in effect, be used for housing.
- b. The requirement of approval of site plans by this office.
- Provisions of side yards of at least 20 feet as is required by the Zoning Regulations or wider side yards are requested for circulation and screening thereof, as it may extend alongside the building.
- Mandatory provision of access to the nursing home via a drive from Liberty Road.
- e. Mandatory provision for extending Subet Road through the property.



OFG:ad

TELEPHONE

BALTIMORE SOUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE TOWSON 4, MARYLAND

Zoning Department of Celtimore County 113 County Office Bldg.,

DATE 8/22/61

DEPOSIT TO A	OCCOUNT NO. 01-622 DETAGLI UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
<i>J</i> '	Cost of appeal to County Roard of Appeals \$70.00 Posting 570.00	80.00
	10,5320 - Sath	
	3 MICROFILMED	1999
	3 micko.	100

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

BALTMORE COUNTY, MAR LAND OFFICE OF FINANCE

No. 4839

DATE 6/2/61

Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

Comfort Homas, Inc. 3928 Park Heights Ave. Balte. 15, Md.

Zoning Department of Baltimore County

DEPOSIT TO A	CCOUNT NO.	01622							\$50.00 SUNT		
QUANTITY		DETACH UPPER SECTION	AND RETU	RN WITH YO	UR RE	MITTANO	E		COST		
-	Petition	for Special Exception	n for Mi	chael Se	th				50.00		
			- A	(i)	Souger	County,	Må — 68	So of Flore	•		
			- 2-61	456			* TV:		50.00		
				456					50.00		
									On ephasizati		
	ඉෙ							FILME	0		

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

DEPOSIT TO ACCOUNT NO.

To:

QUANTITY

INVOICE BALTIMORE COUNTY, MARYLAMD OFFICE OF FINANCE

D/TE 5/2h/62

No. 11687

TO . OLE .

Division of Collection and Receipts
COURT HOUSE TOWSON 4, MARYLAND

Callanan and Pitcher Attorneys 626 Munsey Building Baltimore 2, Md. #5340

Zoning Department of Baltimore County

YTITHAUG	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	420.00
	Partified documents for Comeringer's property	10/00
	PARS - Advanced Course on the Course of the Course	
	5-Ze6Z 4914 · · · III-	
	MI CROFIL'MED,	0.00

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

PETITION FOR SPECIAL EXCEPTION. ZONING: PEULIAL EAUSTIUM.
ZONING: PEULIAL EAUSTIUM.
ZONING: PEULIA DE SPECIAL EXCEPTION FOR
CONVAIGNMENT AND FOR
LOCATION: SOUTHWEST MAKE OF LIBERTY
ROAD 100 foet Sorth of Abbie Place
DATE & TIME: Wednesday, July 19, 1961
at 3-30 AM.
BERRING: Room 108, County
Office EMERRING: Room 108, County
Office EMERRING: 11 W. Chesapeake Ave.,
Towson, Mayland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

and the voluments of the country of

CERTIFICATE OF PUBLICATION

		3	OWSON,	MD.,_		June	_30,,	19.	61
THIS	IS	то	CERTIFY	, that	the	annexed	advertisem	ent	wa

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., opposite work cofx_l_time____correspondent before the___19th_ day of ______July _____, 19_61, the sust publication appearing on the___30th___day of___ 19 61

THE JEFFERSONIAN.

Cost of Advertisement, \$_

MICROFILMED

CERTIFICATE	OF	POSTING	
-------------	----	---------	--

ZONING DEPARTMENT OF BALTIMORE COUNTY

#5320

and	Date of Posting 9-21-62
istrict_a	
istrict a depend Hearing	0000
etitioner muchauf + Juck	elf Seth uty Road foold South of July Chate Roy 1. 150 ft South
ocation of property: S. W. S. of Light	uty Soud forft south of
hlere Clack ele Le	Plub
continue of signs low through see	le it Seperte Road 150 ft. South
I O. l. l. o. Pluce	if if Liberty Road: 150ff South
emarks:	l nu 1 - 2 - 2 3 - 6 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 2 med 75320 Date of Posting 6-28-6/ Posted for Special Education for Carmelleant Hame Petitioner: Muchan & Jucyll Sith Location of property: S. W.S. of Juliuty Word Well Sand of Cablace District 2 men 1504. Land of Cablace Slage on the S. E.
District 2 Date of Posting 6-28-6
District St. A. C. St. J. C.
Posted for Julian afternan for left multient from
Potitioner Muchael & Jusull Settle
Live of Note to Bread weld Santa a Califare
Location of property:
mul etc. su viao V
Location of Signs (M. Major 15 th) faith of Cally Slage on this to be hunty & great constitution 15 th fair in fablic Slave and the Remarks of Salar Constitution of the state of the stat
Location of Signs to 144 - 11-10 for the first the the Millian Place in the
Mary Charlet Continue 12 12 14 Jun at a land the ser less son
Remarks: 1
Posted by July Signalure Date of return: 6-29-41
Posted by Signature Signature
SEILMILE.
"CKOL.
Posted by JUMIL (1) Furnice Date of return: LO 1994 MICROFILMED

ABBIE ZOWED RESIDENTIAL 2-6 USE - RESIDENTIAL N-52'-07'-6 - 2'1114 5' PROPOSED CONVALESCENT SERVICE _ ENTRANCE C 5-52"-07'-W 2,170.4" ZONED RESIDENTIAL R-6 USE - RESIDENTIAL LYNNE HAVEN

