

RE: PETITION FOR RECLASSIFICATION : BEFORE  
from "R-6" to "R-A" zone : COUNTY BOARD OF APPEALS  
S/S German Hill Road 490' W : OF  
48th Street - 12th District : BALTIMORE COUNTY  
Frank Scarfield et al-Petitioner : No. 5322

OPINION

The petitioner seeks to reclassify a tract of land of approximately 2.75 acres on the south side of German Hill Road, west of 48th Street in the 12th District. The property has a front footage of 86 feet along German Hill Road and is 949 feet in depth. It is irregular in shape along its east border.

A cemetery is located on the west side of the subject tract. The east side and the rear of the property adjoins an "R-6" zone. A portion of the land across German Hill Road is zoned "B-L". A gasoline service station and a grocery store are located on the north side of German Hill Road at the point where Wilson Avenue and 47th Street intersect German Hill Road. Testimony was introduced regarding two reclassifications from "R-6" to "B-L" on the north side of German Hill Road within the last two years.

The petitioner stated that the land could not be used for "R-6" development because the land is not wide enough to permit a road through the property. Mr. George E. Gavrellis, Deputy Director of Planning, stated that "R-6" development of the subject tract would be unreasonable and confiscatory.

The Board is of the opinion that there has been sufficient change in the general area to warrant a change in zoning and that the land is more adaptable to apartment development than for individual homes.

It is therefore, the unanimous opinion of the Board of Appeals that the special exception be granted, subject to approval by the Planning Department of the site plan for the property.

ORDER

For the reasons set forth in the foregoing opinion, it is this 7<sup>th</sup> day of June, 1962 by the County Board of Appeals, ORDERED that the reclassification petitioned for be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100 subtitle B of Maryland Rules of Procedure, 1961 edition.

5322

FILED IN COMMERCIAL REGISTERED  
S/S German Hill Rd. 490' W of  
48th Street  
#5322

-2-

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Walter K. J. J. J.  
CHAIRMAN

NOTE: Mr. Austin did not sit at the hearing.

RE: PETITION FOR RECLASSIFICATION :  
from "R-6" Zone to an "R-A"  
Zone, S. S. German Hill Road :  
190' W. of 48th Street, 12th :  
District - Frank Scarfield :  
and Constance Scarfield, :  
Petitioners :  
BEFORE :  
ZONING COMMISSIONER :  
OF :  
BALTIMORE COUNTY :  
No. 5322

Pursuant to the advertisement, posting of property and public hearing on the above petition for reclassification from an "R-6" Zone to an "R-A" Zone, the petitioners' request for a reclassification from "R-6" to "R-A" is an attempt to get the most practical use of a residential property which as the Office of Planning & Zoning points out has a "peculiar and unique location and shape". Visual inspection of the property confirms this observation. A large area across German Hill Road is presently zoned "Business Local" and a cemetery is on the west side. The eastern side and rear of the property adjoin "R-6" Zone.

There has been sufficient change in the general area to warrant a change in zoning and in particular one that can harmonize with "R-6" zoning, "Business Local" and a cemetery.

For the above reasons the reclassification should be granted.

It is this 25<sup>th</sup> day of July, 1961, by the Zoning Commissioner of Baltimore County ORDERED that the herein described property or area should be and the same is hereby granted from an "R-6" Zone to an "R-A" Zone, from and after the date of this Order, subject, however, to approval of plans for the development of said property by the Bureau of Land Development and the Office of Planning & Zoning of Baltimore County.

Zoning Commissioner of  
Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION  
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank and Constance Scarfield, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-A zone; for the following reasons:

to permit the erection of two apartment buildings containing 99 units.

SEE ATTACHED DESCRIPTION

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

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and acc't be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser

Address: 6607 Golden Ring Road #6

Petitioner's Attorney

Address: Professional Bldg., 6903 Dunwoody St

Attorney 5-0000

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of June, 1962, 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 19th day of July, 1962, at 10:00 o'clock P.M.



(over)

Zoning Commissioner of Baltimore County

OFFICE OF PLANNING AND ZONING  
Inter-Office Correspondence

Date: July 7, 1961

To: John J. Rose, Zoning Commissioner  
From: George E. Gavrellis, Deputy Director

Subject: # 5322- R-6 to R-A zone  
S/S German Hill Rd. 490' W. 48th St.  
Frank & Constance Scarfield  
12th District

12th District

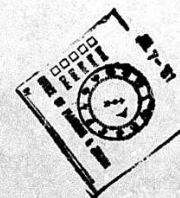
July 19, 1961

1:00 P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification and has the following advisory comment to make with respect to pertinent planning factors:

1. The subject tract does not meet the locational criteria for "apartment" developments as noted in the Master Plan Report for the Patapsco Neck Plan area. Nevertheless, the peculiar and unique location and shape of the property makes it not suited to development for R-6 type uses, and R-6 zoning as applied to this ownership, may be unreasonable and confiscatory. The aspect of apartment development with provision of open space as shown on the petitioner's plan, will in fact, create the possibility for a neighborhood recreation space operated under a private enterprise system.

GE:rb



BERNARD E. OREM  
ATTORNEY AT LAW  
6930 Delvale Place  
Baltimore 22, Md.  
Atwater 2-5726

August 8, 1961

Mr. John Rose  
Zoning Commissioner of Baltimore County  
County Office Building  
111 W. Chesapeake Avenue  
Towson 4, Maryland

Re: File No. 5322 -  
Petition of Frank and Constance  
Scarfield for Resoning of Certain  
Property Located on German Hill  
Rd., Baltimore 22, from R-6  
Residence to R-A Apartment

Dear Sir:

This is to advise that the undersigned represents Francois E. Orem, Michael J. and Rita L. Barcko, Joseph C. and Jean L. Gurek, Lemwood J. and Jeanette Gibson, et al, property owners residing on Delvale Place, Baltimore 22, Maryland, in the above-captioned matter. These individuals, among others, appeared as protestants at the Zoning hearing held in Towson on July 19, 1961.

Please note an appeal to the Baltimore County Board of Zoning Appeals in the above-captioned case. I am enclosing a check in the amount of \$75.00 to cover the appeal costs.

It would be appreciated if your office would be kind enough to send me the signed petitions submitted by the protestants in this matter, which I will return to you after they have served my purpose. It would also be appreciated if you would send me a copy of your decision in this case.

It is further requested that any future communications involving this case be directed to my attention.

Thanking you in advance for your cooperation, I remain

Very truly yours,

Bernard E. Orem

Bernard E. Orem

JUN 9 - 61



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12<sup>th</sup> Date of Posting: 6-29-61 #5322  
 Posted for: Mr. B-6 Zone to Mr. B-A Zone  
 Petitioner: Frank & Constance Scarfield  
 Location of property: S/S of German Hill Road 480 ft. west of 48<sup>th</sup> Street. See plat.  
 Location of Signs: South side of German Hill Road 530 ft. west of 48<sup>th</sup> Street.  
 Remarks: George R. Hummel Date of return: 6-30-61  
 Posted by: George R. Hummel Signature

INVOICE BALTIMORE COUNTY, MARYLAND No. 7441  
 OFFICE OF FINANCE  
 Division of Collection and Receipts  
 COURT HOUSE  
 TOWSON 4, MARYLAND  
 DATE 6/10/61

TO: Bernard S. Gram, Esq.,  
 6930 Delvale Place,  
 Baltimore 22, Md.

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

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Cost of appeal to Board of Appeals	\$70.00	
		Posting	5.00	\$75.00
		No. 4322 - Frank Scarfield		
				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.

INVOICE BALTIMORE COUNTY, MARYLAND No. 7412  
 OFFICE OF FINANCE  
 Division of Collection and Receipts  
 COURT HOUSE  
 TOWSON 4, MARYLAND  
 DATE 7/18/61

TO: George D. Edwards, Esq.,  
 Professional Building  
 6903 Dunmanway  
 Baltimore 22, Maryland

BILLED BY: Zoning Department of  
 Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Advertising and posting of property for Frank & Constance Scarfield		\$5.00

**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.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12<sup>th</sup> Date of Posting: 1-11-62 #5322  
 Posted for: Appeal Hearing  
 Petitioner: Frank Scarfield et al.  
 Location of property: S/S of German Hill Rd. 480 ft. W. of 48<sup>th</sup> Street. etc. See plat.  
 Location of Signs: South side of German Hill Road. 505. west of 48<sup>th</sup> Street.  
 Remarks: George R. Hummel Date of return: 1-5-62  
 Posted by: George R. Hummel Signature

**PETITION FOR ZONING RECLASSIFICATION**

ZONING: From R-4 Zone to R-A Zone.  
 LOCATION: South side of German Hill Road 490 feet West of 48th Street.  
 DATE & TIME: WEDNESDAY, JULY 19, 1961 AT 1:00 P.M.  
 PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
 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 Twelfth District of Baltimore County:  
 1. BEGINNING for the same in the center of German Hill Road at a point distant 490 feet more or less Southwesterly from the West side of 48th Street at the beginning of the last or South 74 degrees West 86-7/12 foot line of that tract of land which by deed dated March 22, 1911 and recorded among the Land Records of Baltimore County in Liber WPC No. 377 folio 78 etc. was conveyed by Solomon Herman and wife to Alexander Szejack and wife thence running with and binding on the center of said Road and said last line, as now surveyed, South 69 degrees 59 minutes 50 seconds West 86.58 feet thence leaving said road and running with and binding on the first, second and part of the third lines of said lot the three following courses and distances South 40 degrees 06 minutes 08 seconds East 942.69 feet, North 37 degrees 04 minutes 28 seconds East 87.40 feet, and North 40 degrees 20 minutes 03 seconds West 368.26 feet to the end of the second or South 3 degrees 16 minutes 10 seconds East 481.28 foot line of that tract of land which by deed dated August 12, 1943 and recorded among the Land Records of Baltimore County in Liber RJS No. 1305 folio 166 etc. was conveyed by James Szejack to Alexander Szejack and wife thence running with and binding reversely on a part of said second line North 11 degrees 54 minutes 52 seconds West 329.47 feet thence running for a line of division parallel to the center of said German Hill Road South 69 degrees 59 minutes 50 seconds West 169.02 feet to intersect the said third line of said firstly described deed at a point distant 161.41 feet South 40 degrees 20 minutes 03 seconds East from the end of said third line, thence running with and binding on a part of said line to the end thereof and on all of the fourth line of said firstly described deed in all North 40 degrees 20 minutes 30 seconds West 177.66 feet to the place of beginning.  
 CONTAINING 2.39 acres of land more or less.  
 BEING all of that tract of land which by deed dated March 22, 1911 and recorded among the Land Records of Baltimore County in Liber WPC No. 377 folio 78 etc. was conveyed by Solomon Herman and wife to Alexander Szejack and wife.  
 AND part of that tract of land which by deed dated August 12, 1943 and recorded among the Land Records of Baltimore County in Liber RJS No. 1305 folio 166 etc. was conveyed by James Szejack to Alexander Szejack and wife.  
 Being the property of Frank and Constance Scarfield, as shown on plat plan filed with the Zoning Department.  
 BY ORDER OF  
 JOHN G. ROSE,  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY,  
 June 29.

INVOICE OF THE BALTIMORE COUNTIAN  
 THE COMMUNITY NEWS  
 Rustertown, Md.  
 THE COMMUNITY PRESS  
 Dundalk, Md.  
 JUL 5 '61 THE HERALD - ARGUS  
 Catonsville, Md.  
 No. 1 Newburg Avenue CATONSVILLE, MD.  
 July 3, 1961.  
 THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County  
 was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One successive weeks before the 3rd day of July, 1961, that is to say the same was inserted in the issues of  
 June 29, 1961.  
 THE BALTIMORE COUNTIAN  
 By: Paul J. Morgan  
 Editor and Manager

INVOICE BALTIMORE COUNTY, MARYLAND No. 4863  
 OFFICE OF FINANCE  
 Division of Collection and Receipts  
 COURT HOUSE  
 TOWSON 4, MARYLAND  
 DATE 6/13/61

TO: Mr. Frank Scarfield  
 6607 Golden Ring Road  
 Balto. 6, Md.

BILLED BY: Zoning Department of  
 Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
01622		Petition for Reclassification	\$50.00	
				50.00
				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.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12<sup>th</sup> Date of Posting: 5-3-62 #5322  
 Posted for: Appeal Hearing  
 Petitioner: Frank Scarfield et al.  
 Location of property: S/S of German Hill Rd. 490 ft. W. of 48<sup>th</sup> St. etc. See plat.  
 Location of Signs: South side of German Hill Rd. 520 ft. west of 48<sup>th</sup> Street.  
 Remarks: George R. Hummel Date of return: 5-4-62  
 Posted by: George R. Hummel Signature

Zoned R-G

DELVALE PLACE

PRESENT ZONING R-G  
PROPOSED ZONING R-A

PLAT OF DELVALE MAJOR  
W/2 EC-37

Zoned R-G

#5322  
MAP  
#12  
SEC. 4-A

2.30± ACRES  
20 APARTMENTS  
47 PARKING SPACES

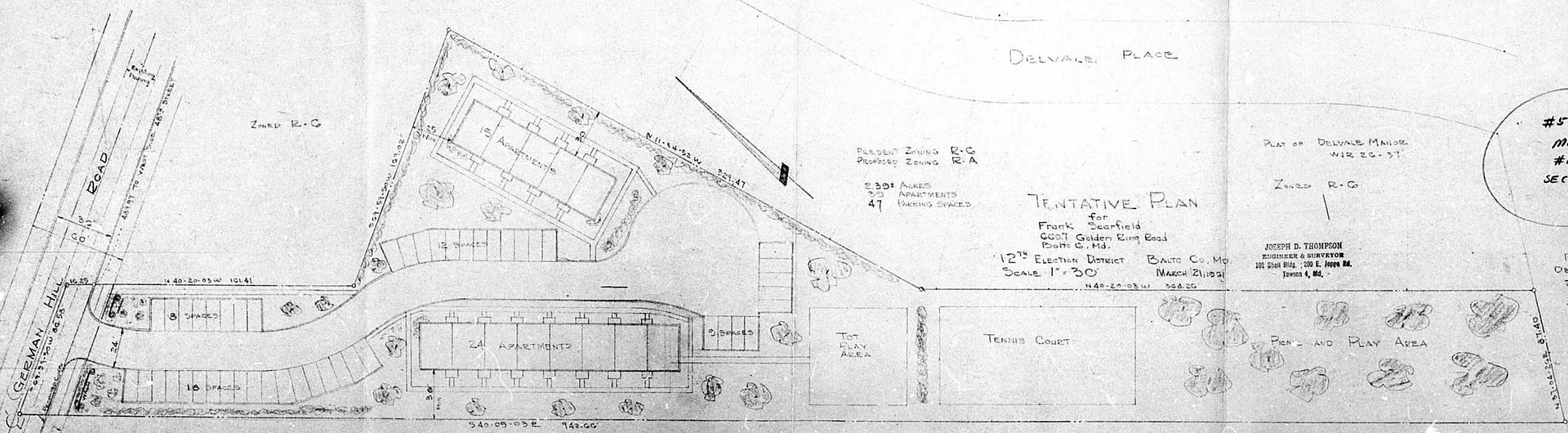
### TENTATIVE PLAN

for  
Frank Seerfield  
6607 Golden Ring Road  
Poolesville, Md.

12<sup>TH</sup> ELECTION DISTRICT BALTO CO., MD.  
SCALE 1" = 30' MARCH 21, 1951

JOSEPH D. THOMPSON  
ENGINEER & SURVEYOR  
101 South Blvd., 100 E. Joppa Rd.  
Towson 4, Md.

PLAT OF  
DELVALE PLACE  
20-149  
Zoned R-G



EXISTING CEMETERY



APPROVED FOR FILING  
Reviewed By 20  
Date 6/9/51

