

**PETITION FOR ZONING RE-CLASSIFICATION 5326 XVA  
AND/OR SPECIAL EXCEPTION + Variance**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald H. & Emma L. Gobeil, owner(s) 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 the Zoning Commission of Baltimore County to reclassify the property from its present zoning to R-10 and to grant a special exception and variance for the construction of a ten-story elevator apartment building on the property.

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 an elevator apartment building, ten stories in height.

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 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: Donald H. Gobeil  
 Legal Owner: Emma L. Gobeil  
 Address: 5 Halsey Ct. Rowville  
 Address: 318 East Cold Spring Land  
 Baltimore 12, Maryland  
 John Warfield Attorney  
 Address: Maroon Building, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of May, 1961, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in newspapers 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 26th day of July, 1961, at 10:30 o'clock A.M.

John G. Rose  
 Zoning Commissioner of Baltimore County.  
 (over) 10:30 AM 7/26/61

RE: PETITION FOR A SPECIAL EXCEPTION AND A VARIANCE FOR ELEVATOR APARTMENT FOR DONALD H. & EMMA L. GOBELI - N/S of Bellona Avenue & W/S of Charles Street Ave. - 9th District

The Petitioner's request for a Special Exception for an elevator apartment, ten stories in height, meets the requirements of Section 502 of the Baltimore County Zoning Regulations.

The violation of the net density is more apparent than real. The property is so situated that there will be more than enough open area in the immediate vicinity of the proposed apartment building. Denial of petitioner's request for a variance would work an unnecessary hardship.

It is this 4th day of August, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition should be and the same is hereby granted the first, for special exception for an elevator apartment, ten stories in height, and, second, for variance to the Zoning Regulations which permits a net density of 39 family units per acre instead of the required 18.

John G. Rose  
 ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION FOR Elevator Apartment Building and VARIANCE - N/S Bellona Ave. and W/S Charles Street Avenue - 9th Dist., Donald H. Gobeil et al - Petitioner

**OPINION**

This is a petition for special exception to permit the construction of an elevator high-rise apartment building on the north side of Bellona Avenue and on the west side of Charles Street Avenue. The petitioner also asks that he be granted a variance from the density requirements for an "R-A" zone as set forth in Section 217.7 of the Baltimore County Zoning Regulations.

The subject tract of approximately five acres is zoned "R-A" but the petitioner testified that the topography of the land is such that it is too low for garden-type apartments. The rear of the building would face the embankment for Charles Street Avenue and the apartments would be lower than the street bed, according to the petitioner.

If the request for special exception and variance is granted, the petitioner plans to erect a ten story building. There would be a garage in the basement for 90 cars in addition to parking lots. It was stated that the building would contain 175 apartment units. This would result in a net density of 35 families per acre.

Mr. George E. Gavrelis, Deputy Director of Planning and Zoning, testified that he had made a study of the project and felt that the shape of the subject tract and its grade tended to make high-rise apartments appropriate for this site. He also said that apartment dwellers tend to make less use of water and sewer facilities than individual homes and have fewer children per family unit.

It was testified that the land is sewered and has ample storm drainage. Water is available to the site.

PROCTOR, ROYSTON & MUELLER  
 ATTORNEYS AT LAW  
 CAMPBELL BUILDING  
 TOWSON 4, MARYLAND

KENNETH C. PROCTOR  
 CARROLL W. ROYSTON  
 H. ANTHONY MUELLER  
 W. LEE THOMAS  
 ELMER L. BARRIE, JR.  
 A. TOLSON MURKIN  
 RICHARD A. SAID  
 GEORGE W. WITTSCHAT



September 5, 1961

Mr. John G. Rose  
 Zoning Commissioner  
 County Office Building  
 Towson 4, Maryland

Re: Petition for a Special Exception and a Variance for Elevator Apartment for Donald H. and Emma L. Gobeil - N/S of Bellona Avenue and W/S of Charles Street - 9th District.

Dear Mr. Rose:

Please enter an Appeal in the above entitled matter on behalf of Dr. James N. McCosh and Robert Thawley, and forward all papers to the County Board of Appeals.

Very truly yours,

Kenneth C. Proctor

Kenneth C. Proctor  
 Attorney for Dr. James N. McCosh  
 and Robert Thawley.

ELR, Jr./13

TELEPHONE VALLEY 3-3000  
 BALTIMORE COUNTY, MARYLAND  
**OFFICE OF FINANCE**  
 Division of Collection and Receipts  
 COURT HOUSE  
 TOWSON 4, MARYLAND

INVOICE No. 8104 DATE 9/5/61

TO: Messrs. Proctor, Royston & Mueller, Campbell Building, Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01-022

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
	Cost of appeal to County Board of Appeals No. 5326-17	\$70.00
		70.00
		70.00

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

INVOICE No. 8102 DATE 9/8/61

TO: Messrs. Proctor, Royston & Mueller, Campbell Building, Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01-022

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
	Cost of posting property of Donald H. Gobeil, 5 S. Halsey Ave. and W. S. Charles St. Ave., 4 signs	\$20.00
		20.00
		20.00

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.

5326

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. July 9, 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 two consecutive weeks before the 26th day of July, 1961, the first publication appearing on the 9th day of July, 1961.

The COUNTY Paper, Inc.  
 D.P. Manager

JUL 11 - 61

NOTICE OF PUBLICATION & HEARING

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

# 5326

District: 9th Date of Posting: 7-5-61

Posted for: Special Exception for Elevator Apartment Building

Petitioner: Donald H. Gobeil

Location of property: 5 S of Bellona Ave. & W/S of Charles Street Ave.

Location of Signs: Signs are posted on the corner of Bellona Ave. & Charles Street, and on the two signs on the corner of Bellona Ave. & Bellona Ave.

Remarks: None

Posted by: George R. Johnson Date of return: 7-6-61

-2-

Residents of the neighborhood who protested this petition contended that elevator apartments would have a greater adverse effect on their property than would garden-type apartments and further that high-rise apartments would unduly crowd the land, overtax school and recreation facilities and create traffic congestion.

The Board is of the opinion that if any adverse effects of apartments in the neighborhood have already been created by the "R-A" zoning and that elevator apartments would have no different effect than garden-type apartments. It was brought out in cross-examination that no recreational facilities exist in the area at the present time. It is the unanimous opinion of the Board that the Special Exception requested in this petition would not be contrary to any of the conditions set forth in Section 502.1 of the Baltimore County Zoning Regulations.

**ORDER**

For the reasons set forth in the foregoing Opinion, it is this 15th day of March, 1962 by the County Board of Appeals, ORDERED that the special exception and variance petitioned for, be and the same is hereby granted, subject to the following provisions:-

- All plans for ingress and egress to the subject property must be approved by the Office of Planning and Zoning, the Department of Public Works and the Traffic Engineer of Baltimore County.
- The building to be used only for residential purposes, with no stores, shops or offices of any kind.
- The apartment building shall be limited to 10 stories in height with usage of 175 family units.

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

Charles H. Kaufman  
By Mitchell

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

PETITION FOR VARIANCE

Petition for Variance for property of Donald H. Gobeli et al. N. S. Bellona Avenue and W. S. Charles Street Avenue, 9th District, Baltimore County; to permit density of 39 families per acre instead of 21.5 families per acre

LAW OFFICES  
**ARMIGER AND FLEURY**  
 401 WASHINGTON AVENUE  
**TOWSON 4, MARYLAND**  
 MASONIC TEMPLE BUILDING

TELEPHONE VALLEY 3-3000

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

No. 7426  
 DATE 7/26/61

To: Mr. Donald Gobeli  
 John W. Armiger, Esq.  
 Masonic Building  
 Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DESCRIPTION	TOTAL AMOUNT
01622		Advertising and posting of your property	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.

TELEPHONE VALLEY 3-3000

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

No. 4806  
 DATE 5/25/61

To: Lewis L. Fleury  
 Attorney  
 Masonic Temple Building  
 Towson 4, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DESCRIPTION	TOTAL AMOUNT
01622		Petition for a Variance for Donald H. Gobeli	25.00
			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.

IN THE MATTER OF: : BEFORE THE

Petition for Variance for : ZONING COMMISSIONER  
 property of Donald H. Gobeli  
 et al. N. S. Bellona Avenue  
 and W. S. Charles Street Ave- : OF  
 nue, 9th District, Balti-  
 more County; to permit density : BALTIMORE COUNTY  
 of 39 families per acre in-  
 stead of 21.5 families  
 per acre

PETITION FOR VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Donald H. Gobeli and Emma L. Gobeli, 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 that a Variance from the Baltimore County Zoning Regulations, Section 217-7, be granted to permit the erection of a ten story apartment building with a net density of 39 family units per acre, in an RA Zone; for the following reasons:

- That to enforce the existing regulations effecting density would create an undue hardship upon the owners and deprive them of the opportunity for the reasonable development of their property.
- That the property would permit more than the requested number of units if the units were computed under the regulations pertaining to gross densities.
- That based upon the net area contained within the boundaries of the adjacent roads at a density of 21.5 family units per acre the said land

LAW OFFICES  
 JOHN WARFIELD ARMIGER  
 TOWSON, MARYLAND

would have sufficient area for the maintenance of a total of 240 family units; that further the said land lying between the abating roads cannot legally be used for any purpose except those set forth in this Petition.

d. And for other reasons to be assigned at the hearing hereof.

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

We agree to pay expense of above reclassification advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the Zoning Regulations of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

*Donald H. Gobeli*  
 DONALD H. GOBELI

*John Warfield Armiger*  
 John Warfield Armiger  
 Petitioners Attorney  
 Masonic Building  
 Towson 4, Maryland  
 VA 5-1753

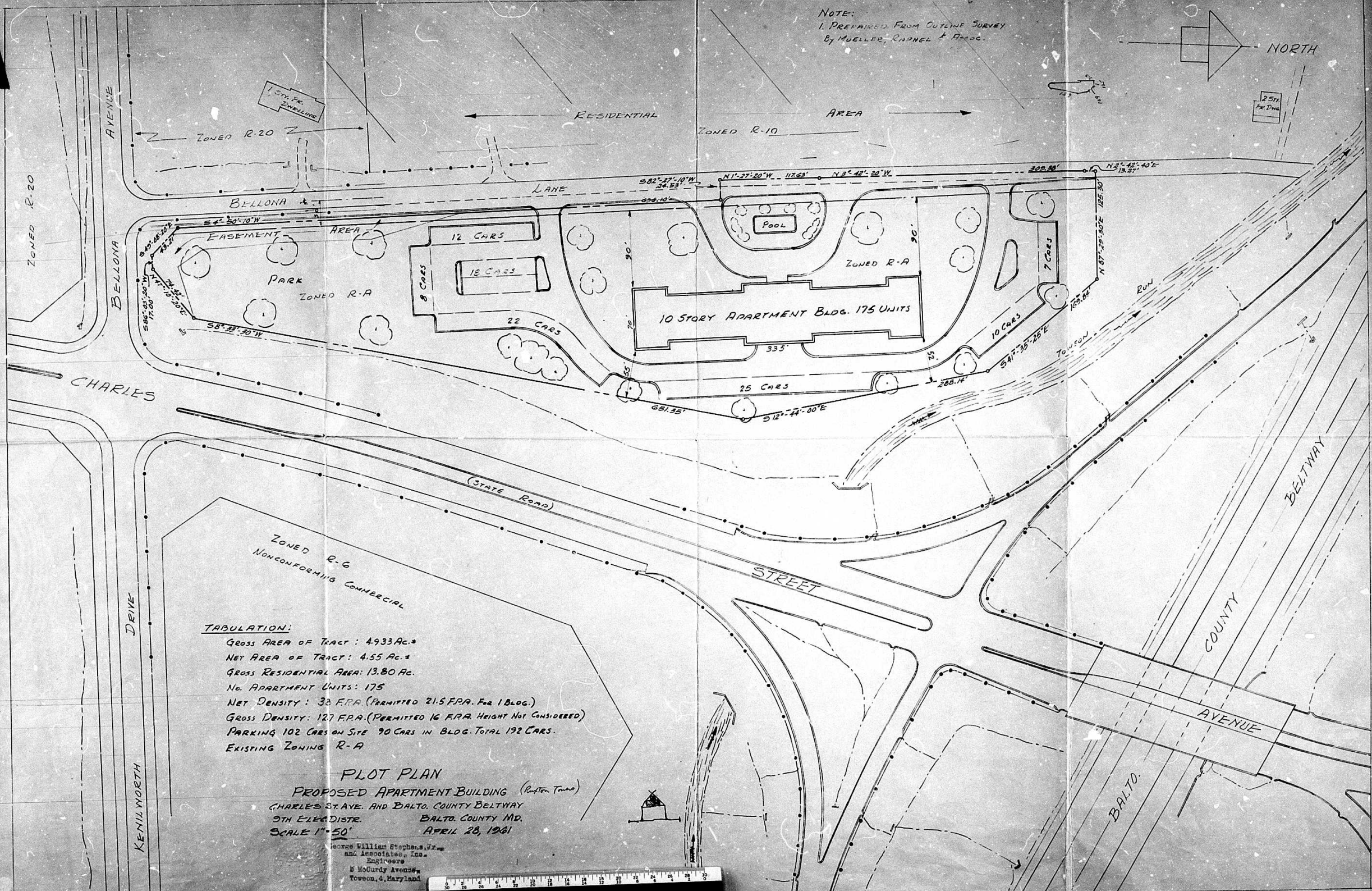
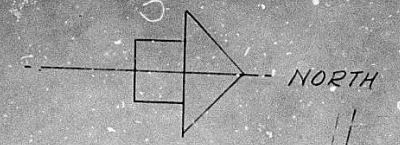
*Emma L. Gobeli*  
 EMMA L. GOBELI  
 318 E Cold Spring Lane  
 #18, md  
 Legal Owners

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, Towson, Baltimore County, on the day of , 1961, at o'clock M.

LAW OFFICES  
 JOHN WARFIELD ARMIGER  
 TOWSON, MARYLAND

Zoning Commissioner of Baltimore County

NOTE:  
 1. PREPARED FROM OUTLINE SURVEY  
 BY MUELLER, RAPHEL & ASSOC.



**TABULATION:**  
 GROSS AREA OF TRACT: 4.933 AC.\*  
 NET AREA OF TRACT: 4.55 AC.\*  
 GROSS RESIDENTIAL AREA: 13.80 AC.  
 NO. APARTMENT UNITS: 175  
 NET DENSITY: 38 F.P.A. (PERMITTED 21.5 F.P.A. FOR 1 BLDG.)  
 GROSS DENSITY: 127 F.P.A. (PERMITTED 16 F.P.A. HEIGHT NOT CONSIDERED)  
 PARKING 102 CARS ON SITE 90 CARS IN BLDG. TOTAL 192 CARS.  
 EXISTING ZONING R-A

**PLOT PLAN**  
 PROPOSED APARTMENT BUILDING (Rafter Truss)  
 CHARLES ST. AVE. AND BALTO. COUNTY BELTWAY  
 9TH ELEC. DISTR. BALTO. COUNTY MD.  
 SCALE 1"=50'  
 APRIL 28, 1961

George William Stephens, Jr.  
 and Associates, Inc.  
 Engineers  
 5 McCurdy Avenue  
 Towson, 4, Maryland

