

PETITION FOR ZONING RE-CLASSIFICATION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Fern Homes, Inc., legal owner, 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-3 zone to an RA zone, for the following reasons:

Error on the Comprehensive Zoning Map.

And for variances under Section 217.3 of Baltimore County Zoning Regulations to permit a 15 foot side yard on the South side of the property instead of a 25 foot side yard.

For a variance to allow 10 apartments on 0.413 acres net area instead of 7.434 apartments, or in the alternative, allowing 10 apartments on 0.616 acres gross area instead of 9.856 apartments allowed.

and (2) for a variance 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 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 of Baltimore County.

Will S. Baldwin
Margaret H. Hinkle
 Contract purchaser

Address 8403 Lock Road, Baltimore, Md.

William S. Baldwin
 William S. Baldwin
 Attorney

Address 24 W. Pennsylvania Ave., Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of October, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of November, 1961, at 11:00 o'clock A.M.



OFFICE OF PLANNING AND ZONING Inter-Office Correspondence

Date November 10, 1961

To: Mr. John G. Rose, Zoning Commissioner

From: Mr. George K. Gervais, Deputy Director

Subject: #5407-rv. R-3 to R-4, and Variance to permit a side yard of 15 ft. instead of the required 25 ft., to allow 10 apartments on 0.413 acres net area instead of 7.434 apartments, or in the alternative, allowing 10 apartments on 0.616 acres gross area instead of 9.856 apartments allowed. Westside of Pleasant Plains Road 165 ft. South of Joppa Rd. Being property of Fern Homes, Inc.

7th District

REARITION: Wednesday, November 22, 1961 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following advisory comments to make:

- The Planning staff has utilized the R-4 zone as a transitional device between commercial and residential areas. The subject property is surrounded on one side and to the rear and is across the street from commercially zoned and commercially used properties. The Planning staff is of the opinion that our R-4 zoning is appropriate for the subject property.
- The granting of a variance is based upon a finding of fact concerning practical difficulty or unreasonable hardship. The staff is not aware of enough of the facts in this case so as to make recommendations pro or con on the variance.

05/10/61



Re: Petition for Re-classification and Variance to Sec. 217.3 of the Zoning Regulations - W. S. Pleasant Plains Road 165' S. Joppa Road, 9th Dist., Fern Homes, Inc., Petitioner

BEFORE
 ZONING COMMISSIONER
 OF
 BALTIMORE COUNTY
 No. 5407-rv

The above petitioner seeks the reclassification of property on the west side of Pleasant Plains Road 165 feet south of Joppa Road, in the 9th District of Baltimore County, from an "R-3" Zone to an "R-4" Zone and variances to Section 217.3 and 217.7 of the Zoning Regulations. The petitioner, Fern Homes, Inc., have newly constructed group homes on its property. These homes should not be called apartments simply by labelling them apartments. Group homes do not meet the proper setbacks in an apartment zone.

The County Commissioners were not in error in zoning this property and other nearby property as "R-3". There have been no changes in the area to warrant the requested change in classification. The business roadside site across the street was in existence when the present group homes were built.

For the above reasons the reclassification and variances should be denied.

It is this 8th day of December, 1961, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification be and the same is hereby denied and that the above described property or area be and the same is continued as and to remain an "R-3" Zone.

The variances to the Zoning Regulations are also denied.

William S. Baldwin
 Zoning Commissioner
 of Baltimore County

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

To: William S. Baldwin, Esq., 24 W. Penna. Ave., Towson 4, Md.

BILL TO: Zoning Department of Baltimore County

No. 8161

DATE 10/5/61

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00
01622		Petition for Re-classification and Variance for Hall Blank	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.

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

To: Charleswood Construction Co., 8620 Pleasant Plains Rd., Towson 4, Md.

BILL TO: Zoning Department of Baltimore County

No. 9736

DATE 11/29/61

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT \$2.00
01622		Advertising and posting of property on Pleasant Plains & Joppa Rds.	2.00

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.



WILLIAM M. BALDWIN
 ATTORNEY AT LAW
 24 WEST PENNSYLVANIA AVE.
 TOWSON 4, MARYLAND
 VALLEY 3-0660

February 20, 1962

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

Re: Petition for Re-classification and Variances to Sec. 217.3 and 217.7 of the Zoning Regulations - W. S. Pleasant Plains Road 165' S. Joppa Road, 9th Dist., Fern Homes, Inc., Petitioner

Dear Mr. Rose:

As attorney for the Petitioner in the above captioned matter, please be advised we are withdrawing our appeal without prejudice.

Very truly yours,

William S. Baldwin
 William S. Baldwin

WSB:dw

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

Re: Petition for Re-classification and Variances to Sec. 217.3 and 217.7 of the Zoning Regulations - W. S. Pleasant Plains Road 165' S. Joppa Road, 9th Dist., Fern Homes, Inc., Petitioner

Dear Mr. Rose:

Please enter a appeal from your decision denying the above captioned petition to the Baltimore County Board of Appeals.

Respectfully submitted,

William S. Baldwin
 William S. Baldwin
 Attorney for Petitioner

WSB:dw

NOTE: Appeal received too late but is being forwarded to the Board of Appeals for review.

John G. Rose
 Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 11-1-61
 Posted for: *William S. Baldwin*
 Petitioner: *William S. Baldwin*
 Location of property: *W. S. Pleasant Plains Rd. 165 ft. S. of Joppa Road, 9th Dist.*
 Location of signs: *placed at each end of Pleasant Plains Rd. 165 ft. S. of Joppa Road, 9th Dist.*
 Remarks: *Signs placed at each end of Pleasant Plains Rd. 165 ft. S. of Joppa Road, 9th Dist.*
 Posted by: *George K. Gervais* Date of return: 11-2-61

CERTIFICATE OF PUBLICATION TOWSON, MD., November 22, 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 one successive weeks before the 22 day of November 1961, the first publication appearing on the 2nd day of November 1961.

The COUNTY Paper, Inc.
William S. Baldwin
 Manager

PETITION FOR RECLASSIFICATION AND VARIANCE TO SEC. 217.3 OF THE ZONING REGULATIONS - W. S. PLEASANT PLAINS ROAD 165' S. JOPPA ROAD, 9TH DIST., FERN HOMES, INC., PETITIONER

ORDERED: From R-3 Zone to R-4 Zone

For a Variance to permit a side yard of 15 feet instead of 25 feet, to allow 10 apartments on 0.413 acres net area instead of 7.434 apartments, or in the alternative, allowing 10 apartments on 0.616 acres gross area instead of 9.856 apartments allowed. Westside of Pleasant Plains Road 165 ft. South of Joppa Rd. Being property of Fern Homes, Inc.

REARITION: Wednesday, November 22, 1961 at 11:00 A.M.

The Planning staff has utilized the R-4 zone as a transitional device between commercial and residential areas. The subject property is surrounded on one side and to the rear and is across the street from commercially zoned and commercially used properties. The Planning staff is of the opinion that our R-4 zoning is appropriate for the subject property.

The granting of a variance is based upon a finding of fact concerning practical difficulty or unreasonable hardship. The staff is not aware of enough of the facts in this case so as to make recommendations pro or con on the variance.

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