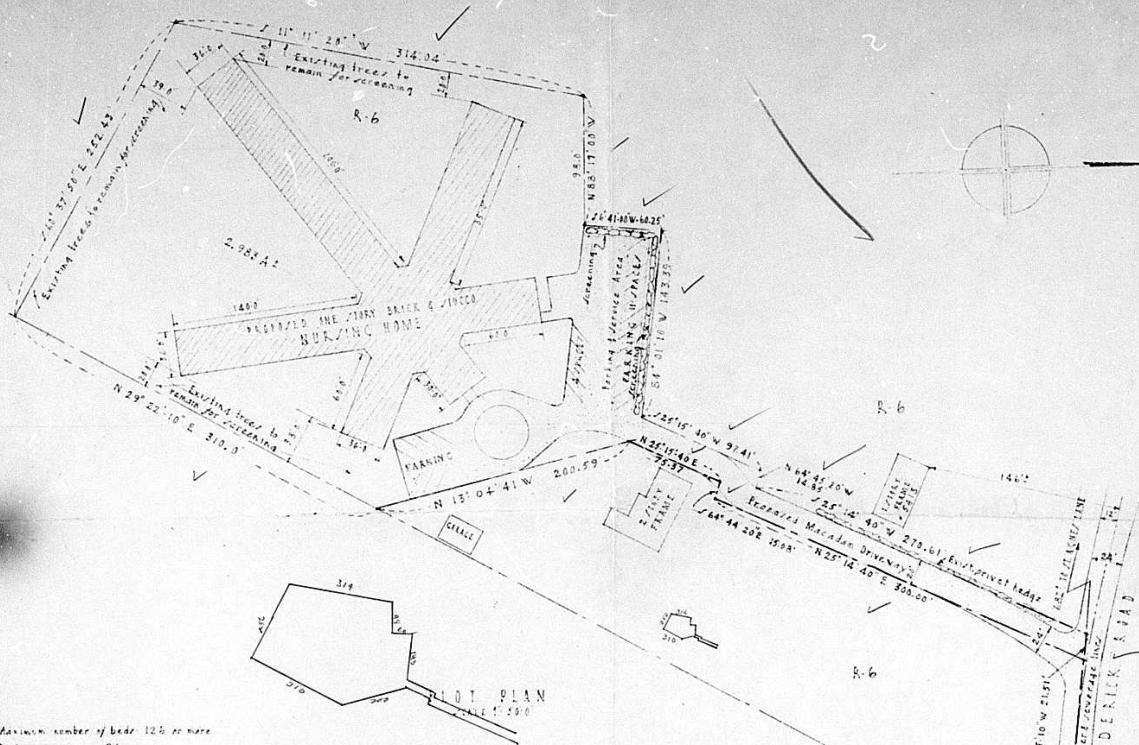




NOTES:

1. Maximum number of beds: 126 or more
2. Parking spaces: 21 or more
3. Parking spaces required:
1 space for 10 beds
4. Grading to be held to minimum
to save existing trees
5. Proposed layout of Nursing Home, driveway
and parking area prepared by:

Anthony Lopata
614 Honey Lane
Catonville, 28 Md

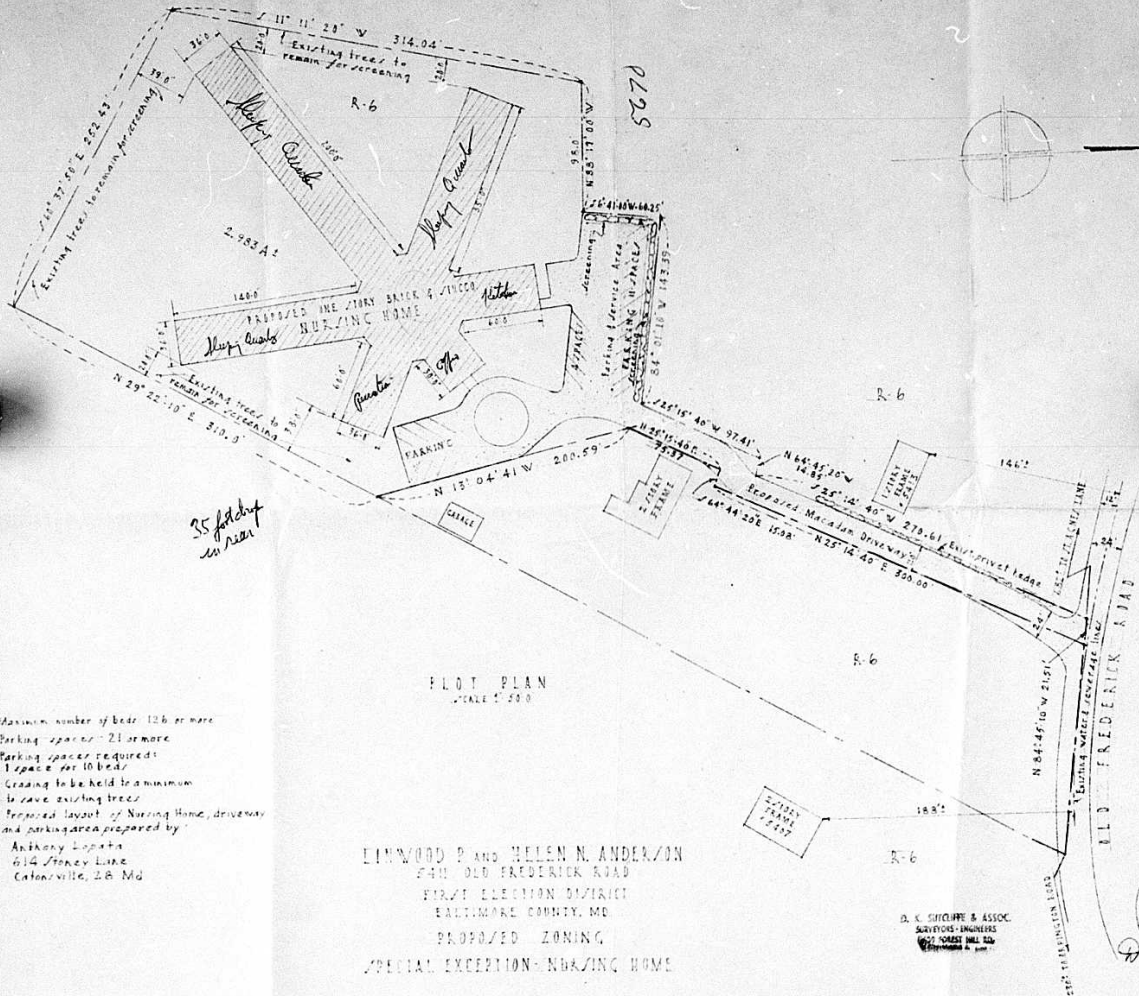
LINWOOD P. AND HELEN N. ANDERSON
440 OLD FREDERICK ROAD
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MD.
PROPOSED ZONING
SPECIAL EXCEPTION - NURSING HOME

#5670-X
MAP
#1
SEC. 2-A

D. S. STEVENS & ASSOC.
SURVEYORS - ENGINEERS
1007 FOREST HILL RD
BALTIMORE 4, MD.



JULY 18 1942



NOTES:

1. Maximum number of beds: 126 or more
2. Parking spaces: 21 or more
3. Parking spaces required:
1 space per 10 beds
4. Grading to be held to minimum
to save existing trees
5. Proposed layout of Nursing Home, driveway
and parking area prepared by:

Anthony Lopata
614 Stony Lane
Catonville, 28 MD

LINWOOD P. AND HELEN N. ANDERSON
540 OLD FREDERICK ROAD
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MD
PROPOSED ZONING
SPECIAL EXCEPTION - NURSING HOME

D. K. SUTcliffe & ASSOC.
SURVEYORS - ENGINEERS
2000 N. W. 10th St.
Tomball, TX 77455



JULY 18 1942

MICHAEL PAUL SMITH
W. LEE HARRISON
RICHARD C. HUNTER
GEORGE MARSHALL JONES
EUGENE G. RICKS

LAW OFFICES
SMITH AND HARRISON
THE JEFFERSON BLDG
TOWSON 4, MARYLAND
TELEPHONE 262-2221



October 22, 1962

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

Re: Petition for Special Exception
for a Convalescent Home -
S.S. Old Frederick Road 230'
W. Orington Road, 1st Dist.
Linwood P. Anderson and Helen
N. Anderson, Petitioners -
No. 5670-X 5478

Dear Mr. Rose:

Please enter an appeal the County Board of Appeals from your
decision of October 22nd, 1962 denying the special exception for
convalescent home in the above entitled matter.

Check for \$70.00 costs is attached.

Very truly yours,
Eugene G. Ricks
Eugene G. Ricks
Attorney for Petitioners

d

TELEPHONE VALLEY 3-3000

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

No. 17411
DATE 4/24/63

TO: W. Lee Harrison, Esq.
The Jefferson Building
Towson 4, Maryland

BILLED BY: County Board of Appeals
(To App)

REPORT TO ACCOUNT NO. 01.712

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Cost of Certified Documents for - No. 5670-X Linwood P. Anderson et al 230' side Old Frederick Road, 230' West of Orington Road 1st District FNU - Baltimore County, Md. - Office of Finance	\$4.00
	4-2663 7530 * * * TIL -	6.00

3

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. 14217
DATE 10/17/62
5670-X

TO: Mr. Linwood P. Anderson
5411 Old Frederick Road
Baltimore 29, Md.

BILLED BY: Zoning Department of
Baltimore County

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Advertising and posting of your property	\$5.00
	10-17-62 1434 * * * TIL -	5.00
	10-17-62 1434 * * * TIL -	5.00

3

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. 14230
DATE 10/24/62

TO: Messrs. Smith & Harrison,
The Jefferson Building
Towson 4, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Building
Towson 4, Md.

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Cost of Appeal - Linwood P. Anderson, et al No. 5670	\$70.00
	10-24-62 1434 * * * TIL -	70.00

3

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. 12837
DATE 6/5/62

TO: Pierson & Pierson
Attorneys at Law
Central Savings Bank Building
Baltimore 2, Md.

BILLED BY: Zoning Department of
Baltimore County

REPORT TO ACCOUNT NO. 01.622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Petition for special exception for Convalescent Home Linwood P. Anderson	\$50.00
	6-5-62 3654 * * * TIL -	50.00

3

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: 1st
Date of Posting: 9-26-62
#5670

Posted for: Special Exception for Convalescent Home
Petitioner: Linwood P. Anderson
Location of property: 230' side Old Frederick Road 230' West of Orington Road, 1st District
Location of Sign: 230' side Old Frederick Road 230' West of Orington Road
Remarks: George R. Harrison
Posted by: George R. Harrison
Date of return: 9-27-62

MANDATE
Court of Appeals of Maryland

No. 261, September Term, 1963

Patrick Keogh and
Joseph J. Branning

Appeal from the Circuit Court for
Baltimore County.
Filed: October 7, 1963.

October 16, 1963: Motion to dismiss
appeal filed.
October 26, 1963: Answer to motion to
dismiss filed.
December 3, 1963: Motion granted and
appeal dismissed.

Linwood P. Anderson et ux

MAP #1
SEC. 2-A
X

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 5, 1962

FROM: Mr. George R. Savellis, Deputy Director

SUBJECT: 5670-X, Special Exception for Convalescent Home.
South side of Old Frederick Road 230 feet West of Orington
Road, Being property of Linwood Anderson.

1st District

HEARD: Wednesday, October 17, 1962 (1:00 P.M.)

MAP #1
SEC. 2-A
"X"
10/10/62

The staff of the Office of Planning and Zoning has reviewed
the subject petition for a Special Exception for a Convalescent
Home and has no comment to make with respect to the Special Ex-
ception as such. If granted, the granting should be conditioned
upon final approval of a site development plan by this office.

Extend

PIERSON & PIERSON
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202
SARATOGA 7-7733

THURSDAY
APRIL 29th
1965

TELEPHONE VALLEY 3-3000

TO: Mr. John G. Rose,
Zoning Commissioner of Baltimore County,
County Office Building
Towson, Maryland 21204

Dear Mr. Rose:

I am writing to you on behalf of Mr. and Mrs.
Linwood P. Anderson, owners of the property known as No. 5411
Old Frederick Road. Mr. and Mrs. Anderson filed a petition for
a special exception for a convalescent home which would affect
2.9 acres of their above mentioned property. This petition was
denied by you and an appeal was taken to the County Board of
Appeals of Baltimore County, No. 5670-X. By order of the majority
members of the board, dated March 28, 1963, the special exception
was denied. An appeal was taken by Mr. and Mrs. Anderson to the
Circuit Court for Baltimore County. A hearing of this appeal was
had before Judge George A. Berry and by order dated August 13,
1963 the decision of the County Board of Appeals was reversed and
the special exception was granted subject to certain restrictions
set forth in the dissenting opinion of Mr. Charles Steinbock of
the County Board of Appeals dated March 28, 1963. Thereafter an
appeal was taken to the Court of Appeals of Maryland by persons
opposed to the granting of the permit but upon motion filed on
behalf of Mr. and Mrs. Anderson this appeal was dismissed and
Judge Berry's decision became final.

Up to the present time Mr. and Mrs. Anderson have
not actually begun construction of the home. However, they have
done a great deal of work in preparation and desire to preserve
their special exception. I am aware of the fact that the period

PIERSON & PIERSON
ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202
SARATOGA 7-7733

Mr. John G. Rose -2- April 28, 1965

of two years has not yet expired but as a matter of precaution
we would like to obtain at this time an extension for an
additional period of two years.

If there is anything further that we need to do
to obtain such extension beyond the writing of this letter I would
appreciate your advising me. If the letter is sufficient I
trust that we may anticipate your favorable action and will
look forward to hearing from you.

Very truly yours,
Edward Pierson
Edward Pierson

EP:R

STATEMENT OF COSTS:

In Circuit Court:

Record	\$20.00
Stenographer's Costs	\$2.90

In Court of Appeals:

Filing Record on Appeal	\$ 20.00
Printing Brief for Appellant	
Reple Brief	
Portion of Record Extract - Appellant	
Appearance Fee - Appellant	
Printing Brief for Appellee	
Portion of Record Extract - Appellee	
Appearance Fee - Appellee	

STATE OF MARYLAND, SS:
I do hereby certify that the foregoing is truly taken from the record and proceedings of the said
Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed
the seal of the Court of Appeals, this fourth
day of December A.D. 1963.

John G. Rose
Clerk of the Court of Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

Rec'd 12-5-63
10 am

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Linwood P. Anderson, 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 _____ zone to an _____ zone; for the following reasons:

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 a convalescent 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 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

Address Linwood P. Anderson
5/3 Old Frederick Road
230' West of Orpington Road
First District
Baltimore County, Md.

Address Linwood P. Anderson
5/3 Old Frederick Road
230' West of Orpington Road
First District
Baltimore County, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1966, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two 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 108, County Office Building in Towson, Baltimore County, on _____ day of _____, 1966, at 1:00 o'clock P.M.



PIERSON & PIERSON
ATTORNEYS AT LAW
100 EIGHT STREET
BALTIMORE, MARYLAND 21201
SARATOGA 3-7773
Monday
July 31
1966



Mr. John G. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception for Convalescent Home, 5/3 Old Frederick Road 230' W. of Orpington Road, 1st District - Linwood P. Anderson, et al, Petitioners - No. 5670-X

Dear Mr. Rose:

By your Order dated May 6, 1965 the special exception granted in the above matter was extended for a period of two years beginning August 13, 1965 and expiring August 13, 1967.

For various reasons, including the difficult situation which has prevailed for the past year or so in obtaining mortgage financing, the owners of this property, Mr. and Mrs. Linwood P. Anderson, have not been able to proceed with the construction of a convalescent home. A great deal of time, effort and expense has gone into the matter and they desire to preserve their special exception. On their behalf I request that the special exception be extended for an additional period of two years, beginning August 13, 1967 and expiring August 13, 1969.

If there is anything further that we need do to obtain such extension beyond the writing of this letter, I would appreciate your advising me. If the letter is sufficient, I trust that we may anticipate favorable action on your part and will look forward to hearing from you.

Very truly yours,
Edward Pierson
Edward Pierson

EP:ss

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Re-classification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____

day of _____, 1966, that the herein described property or area should be and the same is hereby reclassified; from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that _____ the testimony presented at the hearing did not _____ satisfy the compliance of Section 502.1 of the Zoning Regulations, _____

the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1966, that _____

a Convalescent Home _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Convalescent Home : COUNTY BOARD OF APPEALS
5/3 Old Frederick Road :
230' West of Orpington Road : OF
First District :
Linwood P. Anderson, et al : BALTIMORE COUNTY
Petitioners : No. 5670-X

DISSENTING OPINION

This is a petition for a special exception for a Convalescent Home on the south side of Old Frederick Road, 230 feet west of Orpington Road in the First District of Baltimore County.

The land owned by the petitioner is approximately 4.5 acres and is now zoned "R-6". However, the land involved in the petition is approximately 2.9 acres and is set back from Old Frederick Road a distance of 550 feet. A residence occupied by the petitioner and which he stated he plans to continue to live in, lies between the proposed convalescent home and Old Frederick Road.

The petitioner testified that he plans to eventually erect a one-story building with an ultimate maximum capacity of 126 beds, although he plans to build for only 60 beds in the beginning. The building is to be placed in the interior of the rear portion of the lot with trees screening the area on three sides.

Mr. Gilbert M. Nelson, Acting Chief Traffic Engineer for Baltimore County, stated that, in his opinion, the proposed convalescent home would not create traffic congestion in the streets and roads. He said the entrance as shown on the plan plate would not create a hazard and that there was adequate sight distance in both directions on Old Frederick Road.

Mr. George A. Reier, Assistant Chief - Bureau of Public Services for Baltimore County, testified that the Joint Zoning Advisory Committee had reviewed the subject petition and had no adverse comment. This Committee includes representatives from Zoning, Planning, Traffic, Health, Education and other interested County agencies. He also stated that water is available for the site and that the proposed use for a convalescent home would not create any greater use of water and sewer facilities than it would if developed as "R-6" residential property.

John G. Kaufman, a realtor, stated the proposed convalescent home would not have an adverse effect on the value of surrounding homes. He said that 27 "R-6" homes could be built on this tract with 17 of them on the 2.9 acres involved in the petition.

ZONING DESCRIPTION OF LINWOOD P. ANDERSON PROPERTY

ALL THAT PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE FIRST ELECTION DISTRICT BY BALTIMORE COUNTY, STATE OF MARYLAND AND DESCRIBED AS FOLLOWS TO WIT:-

BEGINNING FOR THE SAME ON THE CENTERLINE OF OLD FREDERICK ROAD AT THE DISTANCE OF 682 FEET SOUTH-ESTERLY FROM THE EAST SIDE OF ST. ADAMS LANE AND RUNNING THENCE, S 25° 14' 00" W 270.65 FEET TO A POINT, N 60° 07' 20" W 41.55 FEET TO A POINT, S 25° 15' 40" W 97.44 FEET TO A POINT, N 84° 07' 10" W 143.39 FEET TO A PIPE, S 6° 44' 00" W 60.55 FEET TO A POINT, N 84° 07' 10" W 98.00 FEET TO A POINT, S 11° 11' 20" W 154.00 FEET TO A PIPE, S 60° 37' 50" E 252.43 FEET TO A PIPE, N 29° 22' 10" E 310.00 FEET TO A POINT, THENCE FOR THE FOLLOWING FOUR LINES OF DIVISION, N 15° 04' 40" W 200.50 FEET TO A POINT, N 25° 15' 40" E 70.37 FEET TO A POINT, S 64° 44' 20" E 15.08 FEET TO A POINT, N 25° 14' 40" E 300.00 FEET TO A POINT ON THE CENTERLINE OF SAID ROAD, THENCE RUNNING AND RUNNING ON SAID ROAD, N 34° 45' 10" W 21.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.955 ACRES ±

BEING PART OF THE LAND WHICH BY DEED DATED 8 JUNE 1962, WAS CONVEYED BY MICHAEL W. POTTHAST AND WIFE TO LINWOOD P. ANDERSON AND WIFE.



Protestants to the proposed convalescent home contended that it would create traffic hazards and would adversely affect the value of their homes.

The attorney for the protestors, who is himself one of the three protestors in this case, attempted to place great stress on the fact that the petitioner had not proven that the sanitary sewer facilities would not be overtaxed if the special exception is granted. This member of the Board feels that Mr. Reier's testimony indicated that the use requested would not appear to interfere with adequate provisions for sewerage. The County authorities would not be likely to issue a building permit unless water and sewer facilities were available.

I am of the opinion that in being able to write restrictions governing the use of the subject property for a Convalescent Home, any doubt is removed that one may have as to any adverse effect that the special exception would have on the general welfare of the locality involved. It is, therefore, the opinion of this member of the Board that the special exception should be granted subject to the following restrictions:

1. That the building be limited to one story in height
2. The Convalescent Home must be completely air-conditioned in order to avoid any possible noxious fumes from the Home
3. That adequate screening by means of trees and shrubbery be maintained between the proposed home, parking lots and the residences on Mt. De Sales Road
4. All site plans for the subject property, including plans for ingress and egress from said property, must be approved by the Office of Planning and Zoning

In my opinion, the granting of this special exception would not be contrary to any of the provisions of Section 502.1 of the Baltimore County Zoning Regulations.

DATE: March 28, 1966

RE: PETITION FOR SPECIAL EXCEPTION for Convalescent Home 5/3 Old Frederick Road 230' W. of Orpington Road, First District Linwood P. Anderson, et al, Petitioners- No. 5670-X

It is this 6th day of May, 1965 by the Zoning Commissioner of Baltimore County, ORDERED that the special exception granted in the above matter, be and the same is hereby extended for a period of two (2) years beginning August 13, 1965 and expiring August 13, 1967.

Zoning Commissioner of Baltimore County

It is this 24th day of August, 1967, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid Special Exception should be and the same is extended from August 13, 1967 to August 13, 1970.

Zoning Commissioner of Baltimore County

Rec'd Oct. 22, 1962

Smith and Harrison
Jefferson Bldg.,
Towson 1, Md.

Oct. 22, 1962

Mr. John G. Rose,
Zoning Commissioner of Baltimore County
County Office Building
Towson 1, Maryland

Re: Petition for Special Exception for a Convalescent Home - 542 Old Fredrick Road 230' W. Orpington Road, 1st District - Linwood P. Anderson and Helen N. Anderson, Petitioners - No. 5670

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your decision of October 22, 1962 denying the special exception for convalescent home in the above entitled matter.

Check for \$70.00 costs is attached.

Very truly yours
Eugene G. Ricks
Attorney for Petitioners