ARRY GIARDINA

va. R. BRUCE ALDERMAN, JOHN A. SLOWIK, and PAUL T. MG HENRY, JR. FAUL T. MC HENRY, JR Constituting the Board of Appenis of Ealtimore County, Appelies

JOHN T. MEAIR, JR. and SHERREY S. MEAIR, his wire, DOMALD M. DESNART and DORES D. DESNART, his wife,

DAGER H. MELLY, his wife,

A. Oven Homnegan, Esquire, in telmit of the Appellant. John W. Hessian, Jr., Esquire, in behalf of the Intervenors.

Reported by:
Paul C, Griffin
Official Court Reporter
In the Circuit Court for Editione County

Befare: HONOMABLE JOHN GRASON TURNBULL, Judge

WAYE !

September 23, 1964

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

File No. 3550 Docket Mise. 3 Folio 95

John G. Hose, Zoning Commissioner Baltimore County, Maryland Baltimore County Office Building Towson 4, Maryland

Re: Case #65-71X
Petitioning for Special Exception for
Convalescent Rome, Morth side of Towson
Avenue and Yast side of Goucher Avenue,
8th District, Harry Glardina, Petitioner

Please enter an Appeal to the Board of Appeals from your decision of September 4, 1964, denying the Special Exception in the above subject case.

Harry Princetina mery clarities, appellant 1119 Providence Road Towoon 4, Noryland VAB-7640

that he could not economically develop it in residences, and yet when his application was turned down proceeded to develop it in residences, it makes his approach in this particular piece of property full a little flat. Further, before the Zening Commissioner or before the Beard, I know not which -- yes, it looks like the Board of Appenls, potitioner's exhibit number six, a review of the Baltimore County Joint Subdivision Planning Committee, in the last paragraph there is a suggestion tade that the Board of Recreation and Parks might want to buy this property for recreation uses for that community, and the Joint Subdivision Planning Consisted also recommended if the Board of Recreat! look to the possibility of buying the lond to the west in

Description to Accompany Request for Special Exception for Convalescent Home

July 31, 1964 r1.3-

#65-71X

Beginning for the same at the intersection of the north side "X of Towson Avenue as proposed to be widened 5.00 feet, and the east side of Goucher Avenue as proposed to be widered 5.00 feet said Avenue shown on a plat entitled "Talbott Manor" recorded among the Plat Records of Baltimore County in Liber C.H.K. 13, folio 71-72, and running thence binding on the east side of Goucher Avenue as proposed to be widened 5.00 feet the three following courses and distances viz: first North 4° 28° East 357.85 feet, second northeasterly along a curve to the right with a radius of 355.00 feet for a distance of 148.70 feet, said curve being subtended by a chord bearing North 16° 28' East 147.62 feet and third North 28° 28' East 46.80 feet to intersect the north side of Lot 11, Block V, as shown on the above mentioned plat, thence binding on part of said north side of Lot 11, Blonk V South 85° 32' East 85.28 feet thence binding on the east side of Lots 11 through 2, and part of Lot 1, Block V as shown on said plat South 4° 28' West 545.00 feet to intersect the north side of Towson Avenue as proposed to be widened 5.00 feet, thence binding on said north side of Towsen Avenue as proposed to be widened 5.00 feet, northwesterly slong a curve to the right with a radius of 3795.05 feet for a distance of 135.00 feet to the place of beginning.

Containing 1.616 acres of land more or less.

Being part of the land conveyed by Belvedere Building Corporation to Harry Giardina by deed dated May 14, 1958, and recorded the Land Records of Beltimore County in Liber G.L.B. 3347, felio RE: PETITION FOR SPECIAL EXCEPTION BEFORE for a Convalescent NE corner Goucher COUNTY BOARD OF APPEALS OF 8th District BALTIMORE COUNTY No. 65-71-X

OPINION

Petitioner seeks a special exception for a fifty (50) bed convalescent home ved land at Goucher and Towson Avenues in Lutherville, Eighth Election District. The subject property consists of some 1.616 acres and is zoned R-6. The west boundary of the property is the Baltimore-Harrisburg Expressway. Access to the property is along streets on which the protestant neighbors reside.

The immediate neighborhood is developed in single family cottages and the narrow tree lined streets are used only for neighborhood traffic. The proposed nursing home would, of course, be a different type of structure and a different use from any other in the neighborhood. The question before the Board is whether or not the proposed use would be detrimental to the locality or tend to create congestion in the streets (Section

The testimony indicates that the owner will have extra cost and some difficulty in residential development. The drainage and topography add to the probable economic difficulty in realizing as much from the land as the nursing home would produce We are also mindful of the testimony that a nursing home has slight traffic demands

In many areas a nursing home will blend into the development pattern of a community and into the existing roads. However, in this area the non-access expressivaly closes the whole west side of the property and clearly would put the entire inpact of the nursing home and its traffic upon a settled neighborhood

We do not believe that we can justify potential harm to the sattled housing complex in this area. We also believe that a convalescent home use would land to congest streets which are now borely adequate.

#65-71X PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

mnp I, or we, Harry Giardina legal owner.x of the property situate in County and which is described in the description and plat attached hereto and made a part hereof. hereby petition (i) that the zoning status of the herein described property be re-classified, pursuant zone to an 'x x * to the Zoning Law of Baltimore County, from Lat. rough for the following reasons 8/24/64

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

Property is to be posted and advertised as prescribed by Zoning Regulati

sification and/or Special Exception advertising 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 as and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltim

ner of Baltimore County, this 31st ..., 196-..., that the subject matter of this petition be advertised, as equired by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public bearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore -184 196 h 2:00 o'clock County, on the 2nd

4-21 Fre

Harry Giardina - 65-71-X

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 20th day of April, 1966 by the County Board of Appeals, OR DERED that the special exception natitioned for the and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Janey more

ent, posting of property, and public hearing on the above petition and

, 196 ..., that the herein describes property or area should be and

the above Reclassification should be had; and it further appearing that by reason of... _ should be granted IT IS ORDERED by the Zoning Commissioner of Baltimore Courty this.

Zoning Commissioner of Baltimore County

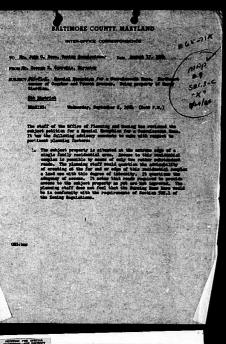
Pursuant to the advertisement, posting of property and public hearing on the above petition area that it would cause a considerable traffic problem in that there would be a great deal of traffic through the various streets in the Lutherville community, thus creating a situation detrimental to the health, safety and the welfare of the locality known as Lntherville. the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE

the same is hereby reclassified; from a....

zone, and/or a Special Exception for a....

granted, from and after the date of this order.

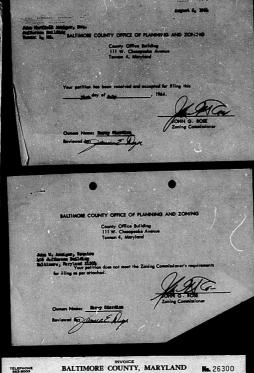
September 1964 short



CERTIFICATE OF PUBLICATION

TOWSON, MD.....August_lk,.. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., and the same day of September 19.64, the fifth publication appearing on the _______August_____August___





		TOWSON 4, MARYLAND	
To:	te/ Herry Stardion, 1119 Presidence Sand, Tomon & Mi.	WILLSP Office of Floor 119 County Off Touton & Md.	ing & Zening ion Bidger
MIT TO A	ссоинт но. 91-622		10,00
MITTY	DETACH U	PPER SECTION AND RETURN WITH YOUR RENETTANCE	COST
	Cost of appeal - No. C	ig "71-2 - Merry Glardina	\$70,000
		PAID—Baltimete County, 164.—C	Mor of Finance
		9-2464 6260 • 26300 TXP	- 1000
	3		
		THE PERSON COLUMN MARY	A NEW YORK CHROCOSTA

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

EPHONE 13-5000		5301		
To:	ps, tiery Maritins, mapp Office of Florida & Suiday 230 Security Office States Security III.			
DEPOSIT TO A	TOTAL COLUMN TOTAL	COST		
QUARTITY	DETACH UPPER SECTION AND) STURN WITH YOUR REHITTANCE	70 100		
	Cost of adverticing and posting property - No. 65-75-E.	66,60		
	PAID - Balance County, box - Whee of Feature			
	926% 62 62 0 25301 HP-	600		

OFFICE OF FINANCE

The allograms of Comber 4-room should be revised to provide for the extension of that errors to the do to Tablett 4-room. The less has Commission indicated that the approval was not obtained for the less time of the cal-de-mes on their property as indicated on the patitions Plans. Sterm drains will be required through the site. The interior traffic circulation as indicated on the petitioner's plans are not scooptable and should be revised. Office of Flanning and Zoning Redevelopment and Rehabilities Burcan of Traffic Engineering Fire Burcan Health Espartment Industrial Development Commiss Yours very truly, James E. Byer Chief of Permit and Petition Processing

COURTY OFFICE BUTTATWO

TOWNER IL MARYTAND

#65-71X MAP. HALTD'ORE COUNTY OFFICE OF PLANNING AND ZONING 49 JE1.3-C "X" 824/4 July 23, 1964 SUBJECT: He ray Ode

> DUPLICATE OFFICE OF THE BALTIMORE COUNTIAN

Date of prints Assessed No. 1944.

#65-71-L

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Period for Bodition for Special Exception for Convelencent House

Loudin of Special Real and of Courses Arm. (8) 1501. N. of Son Spring Are. (a) I Read and of Telbat Re. (4) I Deat and of Joven Ave. (astroits () (*) (4) 150' FROM THIS POINT (MESSAGE ON SIEWS)

... Barry Starting.

County Orders Statistics, 111-20.

County Orders Statistics, 111-20.

Baltimore County, by suffereity of the Zonice of an employment of the Zonice of an employment of the Zonice of an employment of the Zonice of Zonice of the Zonice of Zonice of

CATONSVILLE, MD.

August 17, 19 64. THIS IS TO CERTIFY, that the annexed advertisement of John G. Mose, Zoning Commissioner of Beltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Beltimore County, Maryland, once a week for One Neek sameshanests before the 17th day of August,
the same was insorted in the issues of

THE BALTIMORE COUNTIAN

of Paul J Margan Editor and Minages

BALTIMORE COUNTY, MARYLAND No. 23092 OFFICE OF FINANCE DATE 2/15/4 ivision of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE PAID - Salesore Courty, Mrs. - Office of France 7-1564 6139 . 23092 TIP-

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

