

RE: PETITION FOR VARIANCE
from Section 214.4 of the
Zoning Regulations,
NW corner Springell Avenue &
Stephanie Road
2nd District
Chelsea Realty Company,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-81-A

THE PETITIONER IN THIS CASE SEEKS A VARIANCE FROM SECTION 214.4 OF THE ZONING REGULATIONS (SECTION 211.4 OF THE PRESENT ZONING REGULATIONS) TO PERMIT A REAR YARD SETBACK OF TWENTY (20) FEET INSTEAD OF THE REQUIRED THIRTY (30) FEET FOR ADJACENT LOTS ON THE SUBJECT PROPERTY AT THE NORTHWEST CORNER OF STEPHANIE ROAD AND SPRINGELL AVENUE IN THE DEVELOPMENT KNOWN AS "STONEBROOK" IN THE SECOND DISTRICT OF BALTIMORE COUNTY.

THERE WAS TESTIMONY BY THE PETITIONER, CHELSEA REALTY COMPANY, THAT THEY HAVE BEEN IN THE DEVELOPMENT BUSINESS FOR APPROXIMATELY FIFTEEN YEARS AND DURING THIS PERIOD AT TIME HAVE BUILT MORE THAN ONE THOUSAND HOMES. CHELSEA REALTY IS THE DEVELOPER OF STONEBROOK WHICH CONSISTS OF APPROXIMATELY THREE HUNDRED HOMES. THE SUBJECT PROPERTY CONSISTS OF LOTS 11 AND 12, BLOCK H, SECTION 5 ON THE PLAT OF STONEBROOK, BEING THE LAST TWO LOTS IN SECTION 5. SAID PLAT WAS INTRODUCED IN EVIDENCE AS PETITIONER'S EXHIBIT NO. 2. CHELSEA REALTY HAD PLACED ON SECTION 5 A DEED RESTRICTION RESTRICTING THIS PORTION OF THE SUBDIVISION TO SINGLE FAMILY RESIDENCE. IN JUNE OF 1964 THE PETITIONER, OVERLOOKING THE SINGLE RESIDENCE RESTRICTION, STOKED OUT A SEMI-DETACHED HOUSE ON LOTS 11 AND 12 TO BE USED AS A SINGLE HOUSE FOR SEMI-DETACHED HOMES PLANNED TO BE CREATED ON THE NEXT SECTION OF STONEBROOK. CONSTRUCTION STARTED IN JUNE OR JULY OF 1964 AND IT WAS NOT DISCOVERED THAT THE REAR YARD SETBACK DID NOT COMPLY WITH THE REQUIRED 30 FEET UNTIL THE LATTER PART OF AUGUST, 1964, AT WHICH TIME THE DEVELOPER HAD ALREADY EXPENDED BETWEEN \$25,000 AND \$28,000 IN CONSTRUCTION OF THE TWO HOUSES. THE UNLAWFUL VIOLATION WAS NOT DISCOVERED IN A PRELIMINARY INSPECTION BY OFFICIALS OF BALTIMORE COUNTY.

THE REAR LOT LINE OF LOTS 11 AND 12 IS NOT STRAIGHT BUT RATHER ANGLES WHERE LOTS 11 AND 12 JOIN. THE PETITIONER THROUGH MR. JOSEPH ZWISLOCK, PROJECT MANAGER, TESTIFIED THAT THE BACK STAKES WERE KNOCKED OUT AND THAT IN LAYING OUT THE HOUSES ON THE LOTS IT WAS ASSUMED THAT THE REAR LINE FROM POINT A TO POINT B ON PETITIONER'S EXHIBIT NO. 3 WAS A STRAIGHT LINE RATHER THAN ANGULAR, AND THAT THEY WOULD HAVE A MINIMUM OF 34 FEET YARDSETBACK IF THIS ASSUMPTION HAD BEEN CORRECT. AS THE BUILDING IS PRESENTLY CREATED ON THE LOT THERE IS AT ONE POINT A 55 FOOT REAR YARD SETBACK. HOWEVER, AT THE SOUTHEAST CORNER THERE IS ONLY A 21 FOOT SETBACK BEING 9 FEET LESS THAN THAT REQUIRED BY THE REGULATIONS. IT APPEARS TO THE BOARD THAT THIS WAS A GENUINE MISTAKE BY THE DEVELOPER AND THAT SOME \$25,000 TO \$28,000 HAD ACTUALLY BEEN SPENT PRIOR TO THE DISCOVERY OF ITS ERROR. THE PETITIONER ALSO

testified that he believes he has a buyer for the building as a single family residence and has plans to convert the building into a single family residence in compliance with the aforementioned deed restriction.

THERE WAS TESTIMONY BY MR. MAC GARDNER, A REALTOR AND APPRAISER, THAT, IN HIS OPINION, THE VARIANCE SOUGHT HERE WOULD HAVE NO DETRIMENTAL EFFECT ON THE NEIGHBORHOOD OR THE SURROUNDING PROPERTIES. THAT, IF ANYTHING, THE BUILDING ERRECTED ON THE PROPERTY WOULD ENHANCE THE VALUE OF THE NEIGHBORHOOD AND IT WOULD BE AN OVER-IMPROVEMENT, COSTING NEARLY TWICE AS MUCH AS THE OTHER HOUSES IN THE SUBDIVISION.

THERE WAS TESTIMONY BY ONE OF THE PROTESTANTS, MR. STANLEY DASHIEFF, THAT HE WOULD OBJECT TO ANY HOUSE ON THE SUBJECT PROPERTY UNLESS IT WERE ANGLED IN THE SAME MANNER AS HIS HOME. THERE IS, HOWEVER, NOTHING IN THE ZONING REGULATIONS THAT CAN REQUIRE THE BUILDER TO PLACE HIS HOUSE ON SUCH AN ANGLE.

IN VIEW OF ALL THE TESTIMONY IN THE CASE IT APPEARS TO THE BOARD THAT THE PETITIONER MADE A GENUINE MISTAKE IN PLACEMENT OF IMPROVEMENTS ON THE SUBJECT PROPERTY, AND THAT TO NOW DENY HIM THE VARIANCE WOULD CREATE AN UNREASONABLE HARDSHIP TO THE PETITIONER. FURTHER, THE BOARD IS UNANIMOUS IN ITS OPINION THAT A STRICT INTERPRETATION OF THE SETBACK REGULATIONS HERE WOULD NOT BE OF ANY BENEFIT TO THE COMMUNITY.

FOR THE REASONS SET FORTH ABOVE THE VARIANCE IS HEREBY GRANTED.

ORDER

FOR THE REASONS SET FORTH IN THE FOREGOING OPINION, IT IS THIS 17th day of May, 1965 by the County Board of Appeals, ORDERED that the variance 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.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: Mr. George E. Gavrelis, Director

SUBJECT: #65-81-A. Variance to permit a rear yard of 20 feet instead of the required 30 feet for Lots 11 and 12, Block H, Section 5 of Stoneybrook, recorded in Plat Book 29, Folio 22. Northwest corner of Springell Avenue and Stephanie Road. Being property of Chelsea Realty Inc.

2nd District
HEARING: Monday, September 14, 1964 (10:00 A.M.)

Being a pair of semi-detached lots on the northwest corner of Springell Avenue and Stephanie Road. Being lots 11 and 12, Block "H", Section 5 of Stoneybrook, as recorded in Liber 29, Folio 22.

GEG:lms

CHELSEA REALTY, INCORPORATED --
Petition for Variance,
File No. 65-81-A

BEFORE THE ZONING
COMMISSIONER FOR BALTIMORE
COUNTY

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal on behalf of the Petitioner in the above matter to the County Board of Appeals.

Richard C. Murray
Lovelia Building
Towson 4, Maryland
VA 5-1515
Attorney for the Petitioner



August 17, 1964

Chester Realty, Inc.
1500 N. Charles St.
Baltimore 14, Md. BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
6th day of August, 1964.

Owner Name: Chelsea Realty Co.

Reviewed by: [Signature]

JOHN G. ROSE
Zoning Commissioner

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 28, 1964

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 7 consecutive weeks before the 19th day of September, 1964. The first publication appearing on the 19th day of August, 1964.

THE JEFFERSONIAN,

[Signature]

Cost of Advertisement, \$

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Chelsea Realty, Inc., legal owner of the property situated in Baltimore County and which is described in the Description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 214.4 of the Zoning Regulations to permit a rear yard of 20 feet instead of the required 30 feet for lots 11 and 12, Block H, Section 5 of Stoneybrook, recorded in Plat Book 29, Folio 22.

I am aware of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County; for the following reasons (indicate hardship or practical difficulty):

See Attached Description

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Variance 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.

Contract purchaser
Address
Petitioner's Attorney
Address
Petitioner's Attorney

ORDERED BY THE Zoning Commissioner of Baltimore County, this 6th day of August, 1964.

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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, in Towson, Baltimore County, on the 19th day of September, 1964, at 10:00 o'clock A.M.



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts:

the above Variance should be had, and it further appearing that by reason of:

a Variance should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of September, 1964, that the herein Petitioner for a Variance 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 by reason of, the above Variance be and the same is hereby granted.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of September, 1964, that the above Variance be and the same is hereby granted.

[Signature]
Zoning Commissioner of Baltimore County

MICROFILMED

PETITION FOR A VARIANCE
2ND DISTRICT
ZONING: Petition for a
variance in the Zoning
Ordinance of Baltimore
County, Md., for a
rear yard of 20 feet
instead of the required 30 feet
for Lots B and C, Block B
Section 5 of Somersbrook,
recreational Flat Block 29 Folio 22.

LOCATION: Northwest corner
of Springfield Avenue and
Stephens Road.
DATE & TIME: MONDAY, SEP-
TEMBER 14, 1964 at 10:00 A.M.
PUBLIC HEARING: Room 302,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Ordinance to be
executed as follows:
Section 21-1 - Rear Yard -
30 feet.

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 Second District of
Baltimore County.

Being a part of undivided
lots on the northwest corner of
Springfield Avenue and Stephens
Road, being lots B and C, Block
"B", Section 5 of Somersbrook,
as recorded in Liber 29 Folio 22.

Being the property of Chelsea
Realty, Inc., as shown on plat
filed with the Zoning De-
partment.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Aug. 29

OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Ridderstown, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

August 31, 1964

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, Mary-
land, once a week for One Week ~~xxxxxxxxxxxxxx~~ before
the 31st day of August, 1964, that is to say
the same was inserted in the issues of

August 20, 1964.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager.

ORIGINAL

TELEPHONE
823-3000

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

No. 25400

DATE 10/15/64

TO: Richard C. Murray, Esq.,
Loyola Building
Towson 4, Maryland

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

DEPOSIT TO ACCOUNT NO. 01-6228		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	sign - posting property for appeal hearing Chelsea Realty, No. 65-81-A	\$5.00
	PAID - Baltimore County, Md. - Office of Finance	
	10-15-64 6309 * 25400 TIR-	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.

TELEPHONE
823-3000

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

No. 25226

DATE 7/29/64

TO: Cash

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01-622		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Variance for Chelsea Realty, Inc.	25.00
	PAID - Baltimore County, Md. - Office of Finance	
	7-29-64 6185 * 25226 TIR-	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.

TELEPHONE
823-3000

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

No. 25380

DATE 10/7/64

TO: Richard C. Murray, Esq.,
Loyola Building
Towson 4, Md.

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

DEPOSIT TO ACCOUNT NO. 01-62		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal - Chelsea Realty - No. 65-81-A	55.00
	PAID - Baltimore County, Md. - Office of Finance	
	10-8-64 6301 * 25380 TIR-	55.00

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
823-3000

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

No. 25322

DATE 9/14/64

TO: Chelsea Realty, Inc.,
1800 N. Charles St.
Baltimore 1, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01-622		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property No. 65-81-A	35.50
	PAID - Baltimore County, Md. - Office of Finance	
	9-15-64 6203 * 25322 TIR-	35.50
	9-15-64 6203 * 25322 TIR-	35.50

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: 2nd Date of Posting: August 29, 1964
Posted for: Petition for Variance
Petitioner: Chelsea Realty, Inc.
Location of property: NW corner of Springfield Ave. & Stephens Rd.
Location of Sign: 111 S. S. Stephens Rd. at S. Stephens Rd.
Remarks: 1 sign
Posted by: J. S. Rose Signature Date of return: September 1, 1964

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: Oct 11, 1964
Posted for: APPEAL
Petitioner: Chelsea Realty, Inc.
Location of property: NW corner of Springfield Ave. & Stephens Rd.
Location of Sign: NW corner of Springfield Ave. & Stephens Rd.
Remarks: 1 sign
Posted by: J. S. Rose Signature Date of return: Oct 22, 1964

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Posting: August 29, 1964
District: 2nd
Posted for: Petition for Variance
Petitioner: Chelsea Realty, Inc.
Location of property: NW corner of Springfield Ave. & Stephens Rd.
Location of Sign: 111 S. S. Stephens Rd. at S. Stephens Rd.
Remarks: 1 sign
Posted by: J. S. Rose Signature Date of return: September 1, 1964

