BEFORE #67-217 X COUNTY BOARD OF APPEALS PART 2EC3-6 BALTIMORE COUNTY NW-10-A No. 67-217-X NW-11-17 7

OPINION

The petitioner seeks a special exception to permit the construction of α convalescent home on a 4.85 acre parcel of land located on the east side of Charles Street north of Greenwood Road in the Ninth Election District of Baltimore County. The subject parcel is a rather narrow triangular tract of ground. The base of the triangle is very long and lies on the east side of Charles Street with the southernmost point of the hiangle being more or less at Charles and Greenwood Road. The parcel has no frontage on Greenwood Road. Apparently, however, it does have a thirty foot right of way to Greenwood Road. The subject property is unimproved and generally lies below the grade of Charles Street.

The petitioner proposes to construct a two hundred bed convalescent home Testimony indicated the first stage will be a one hundred bed convalescent home, and the second stage will be the addition of wings to make the ultimate facility a two hundred bed convalescent home.

The petitioner produced testimony that there is a need for such a facility in the area to serve patients from the new hospitals that have been constructed in the general Towson area. The petitioner's witnesses testified that the development cost for individual R-20 lots on the subject parcel would be excessive and thereby rendered it economically unfecsible to develop this parcel into lots when the Ruxton Ridge develop ment on the west side of Charles Street was laid out. The subject tract is part of a larger parcel of ground purchased by the petitioner which was left undeveloped due to the excessive costs involved on this parcel. The subject property lies within a larger triangular piece of land formed by Charles Street on the west, Joppa Roud on the north, and Chestaut Avenue on the east. An inspection of the Loning page shows that the majority of the property within this triangle is already devoted to institutional uses.

Starting at the intersection of Charles Street and Chestnut Avenue a large tract of land is owned and occupied by the Loyala High School. Immediately to the north of the Loyola property is another large tract of land, formerly the Lutheran Deaconess' Mother House, which was recently acquired by the Baltimore County Board of Education. This tract of ground is twenty-six acres and is now being developed by the School Board as their administrative headquarters. Mr. Harvey W. Kreuzburg, of the

MCA 🗆 O D

DESCRIPTION

4,8503 ACRES LOCATED ON THE SOUTHEAST SIDE OF CHARLES STREET EAST OF RUXTON RIDGE ROAD, NINTH ELECTION DISTRICT, BALTIMON: COUNTY, MARYLAND,

Present Zoning R-20

Proposed Zoning R-20 With Special Exception

Reginning for the same at the intersection of the center line of Ruxton Ridge Road 80 feet wide extended and the southeast side of Charle: Street, thence binding on said southeast side of charles Street northeasterly by a cur e to the left with a radius of 7739,44 feet for a distance of 320 feet, more or less, thence leaving said southeast side of Charles Street for the seven following courses and d tances: (1) S 02 56 47 E - 309.47 feet, (2) 5 02*44'47'/2 - 442.00 feet, (3) S 02*28'26"W - 171.58 feet, (4) S 39*46'26"W -554.58 feet, (5) S 16*46'34"E - 10, 30 feet, (6) S 20*58'34"E - 24, 52 feet and (7) S 78 40 09 W - 65,60 feet to intersect the southeast side of Charles Street, thence binding on said southeast side of Charles Street for the eight following courses and distances: (1) northeasterly by a curve to the right with a radius of 791.73 feet for a distance of 202.38 feet, (2) N 18*02'40"E - 245.66 feet, (3) N C4*00'30"E - 103.08 feet, (4) N 18"02'40"E - 200.00 feet, (5) N 30°22'05"E - 117, 13 feet, (6) northeasterly by a curve to left with a radius

Water Supply E Sewarage & Oralinage > Highways E Structures ● Planning of Reports

Leonard Stulman - No. 67-217-X

Board of Education, testified that the property was purchased by the School Board one year ago and they are presently remodeling the main house on the property for use as offices. They have already graded the tract of land on Greenwood Road for a two hundred car parking lot, and are getting ready to construct a 4,000 square foot office building on the property. He testified that the School Board's plans encompass three phases, and that ultimately with phase three there will be constructed an additional multi-story 100,000 square foot office building, and that these will be 300 people

. 2 -

The majority of the Joppa Road frontage and a large portion of the Chestru Avenue frontage is occupied by a large tract of ground owned by the Mission Helpers, a Catholic religious institution. Across Charles Street from the triangle is the Ruxton Ridge Elementary School opposite the southern portion of the subject parcel. On the east side of Chestnut Avenue, opposite that portion of the triangle which is developed in individual homes, is a large convalescent home known as the Pickersgill Home, which has been in existence for many years.

The petitioner produced sufficient testimony, without going into detail as to the testimony of each witness, that the granting of the special exception would in no way violate Section 502.1 of the Baltimore County Zoning Regulations. A convalescent home is a permitted use by special exception in every residential zone, and as such is permissible in any residential zone provided it does not violate any of the requirements of Section 502.1 of the Zoning Regulations. The petitioner for a special exception is not required to show that the denial of the petition would result in practical difficulty or extreme hardship, nor is he required to show a change in the character of the neighbor He must show only that the special exception would be in narmony with the general zoning plan, and not be detrimental to the general welfare of the neighborhood.

We find that the requested special exception is in harmony with the general zoning plan, particularly in view of the other institutional and nonresidentic? uses existing in close proximity to the subject property, and that it is a permitted use in all residential zones by special exception.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 6th day of February, 1968 by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following

of 7764, 44 feet for a distance of 85, 96 feet, (7) N 031 (120 F = 104, 5) fee and (8) northeasterly by a curve to the left with a radius of 77%, 44 feet for

Containing 4 8505 acres of lates.

1.0. #58179



Leonard Stulman - No. 67-217-X

- That there shall be no vehicular access to
- Subject to site plan approval of the Office of Planning and Zoring
- That the service area shall be screened with a ten (10) fact compact evergreen screening
- No deliveries or trash or garbage pickup shall be made before 7 a.m. or a ter 6:30 p.m., Mondays through Saturdays: and no deliveries or garbage or trash pickup shall be permitted on Sundays

Any appeal from this decision must be in accordance with Chanter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNT

Will am S. Boldwin, Chairma

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

W. Le: Harrison, Esquire 607 Loyola Federal Build Towson, Maryland 21204

April 11. 1967

The Zoning Advisory Committee has reviewed the subject petition and makes

BUREAU OF ENGINEERING
Water - Existing | " water in Kunton Ridge Road
Sewer - Datining | " seniary sewer along Carles Street as indicated on the submitted of
Open cutting of Charles Street will not be permitted by the State Roads Commission. To
fore, a "utilities crossing this road will be bored and picked under the paving. Adequate
of existing utilities to be determined by developer or his engineer.

TRAFFIC ENGINEERING - Since the median on Charles Street has left turn storage lane provided, no protection is given to crossing vehicles in the middle of the road, therefore there appears to be a sight distance problem with the south bound traffice north of the Due to conditions of Greenwood Road there should be no access from this site to Green.

STATE ROADS COMMISSION - The frontage must be curbed with concrete for a distance of 100 on both sides of the entrance. The road side face of curb to be 12 from and parallel to the edge of paying of Charles Street Avenue. Stopping sight distance on Charles Avenue is poor to the north. This added to the steep grade at Charles Street Avenue.

ZONING ADMINISTRATION DIVINION - In view of the comments by the Bureau of Traffie Engineering and the State Roads Commission regarding poor sight distance at the entress it is suggested that the petitioner's engineer contact these departments prior to the heart at to rectify this problem

In any case, the petitioner's engineer should be prepared to prove that Section and e will not be violated.

The above comments are not intended to indicate the appropriateness of the soning action requested, but to assure that all parties are made sewer of plane or problems that may have a bearing on this case. The Director and/or e-puty Director of the Office of Planning and Zoning will submit recommendations on the appropriatenes of the requested zoning 10 days before the Zoning Commissioner's hearing.

If the Petition is granted, no occupancy may be made until such time as plans bmitted and approved and the property inspected for compliance to the approved

PETITION OR ZONING RE-CLARAFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I or we Leonard & Helen R. Stulmanegal owner . of the property situate in Baltimore County and which is describes 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: 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 convalencent home.

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

I or we agree to nav expenses of above re-class fication 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 Baltimor

Address 142 Vair of a Circle Mes flowers Protestant's Attorney Address 60 7 Togeto fed Blog

ORDERED By The Zening Commissioner of Baltimore County, this. 28th 196 ... I that the subject matter of this petition be advertised, as out 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

LOth day of Bay W8 2 8 67 IN Se sect (0)

OFFICE OF PLANS

County, on the

02711.

.... 196 7at 2:00 clock

FIRE BUREAU - Shall be required to mer all fire department regulations in regards by convalencent homes. For any additional info an amountact this writer.

HEALTH DEPARTMENT - Proposed water and rewor extensions to the site should be so on the plans. Prior to approve of a building "splitation, complete plans and specification of the entire project must be subritted to the ...iste Department of Health for approval.

W. Lee Marrison, Esquire 607 Loyola Federal Building Page 2 April II, 1967 (Item 1, March 28, 1967)

The following members had no comment to offer: Pro' * Planning, Building Engineer, Board of Education, Industrial Development

Very truly yours. James & Alyan JAMES E. DYEP

JED/jdr

cc: Carlyle Brown, Engineering; Lt. Morrie, Fire; Mr. Greenwalt, Health; Mr. Moore, Traffic; John Meyere, SRC.

1 AW OFFICES W. LEE HAPRISON 22 WEST PENNSYLVANIA AVES TOWSON, MARYLAND 21204

May 17, 1967



John G. Rose, Esq. Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Petition for Special Exception - S/E s'de Charles Street Avenue, E. Ruxton Ridge Road, 9th District, Leonard Stulman and Helen R. Stulman, Petitioners, No. 67-217-X

Please note an appeal to the County Board of Appeals for Baltimore County from your decision and order dated May 15, 1987, denying the Special Exception requested in the above captioned matter on behalf of the Petitioners.

I enclose herewith check in the amount of \$75,00 to cover the costs

BALLMORE COUNTY, MARILAND

OFFICE OF FINANCE

ICE OF FRIVE Division of Collection and Receipt COURT HOUSE TOWSON, MARYLAND 21204 Office of Planates & Zoning 119 County Office Bidgs , Towson, Maryland 21204

RETURN THIS PORTION WITH YOUR BEP TFANC DETACH ALLSIG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

W. Les Harrison

No. 45548

DATMAY 16, 1967

TOTAL AMOUNT

CCST

\$41.75

All the larver of fluid in the Nithol Patrict of Bailtimer Chemical Conference of the Conference of th

Mr. Loonard Stelman 1147 Donnington Circle, Baltimore, Maryland 21204

Cost of advertising and postinh pro

TELEPHONI 823-3000 EXT. 387

GUANTITY O ACCOUNT NO. 01-622

No. 67-217-X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Joning Advisory Counties

Date March 28, 1967 mant Charles F. Morris, Sr.

NUBECT. Reports report Leonard Stulman Location 35/5 Charles Street Avenue. 2/5 Huxton Ridge Road District: 9th Present scring: 8-20

Proposed Zoning: Special Exception, convalencent hors.

1. Shall be required to meet all fire department regulations in regards to

For any additional information contect this writer.

OFFICE OF
THE BALTIMORE CUNTIAN cial Exception for a Corontes-LICATION, Southmast aids of Charles Street. Avenue Rast DATE 4. TRM W. EENINS-DATE, and TRM W. EENINS-DATE, and TRM W. EENINS-DATE, and TRM W. EENINS-DATE, and TRM W. EENINS-TER COURT Office the "line," The County Office the "line," by an Incident County of the County, by an-image of Battlemore County, by an-image of the County of the County of the County, by and the County of the County

CATONSVILLE, MD.

No. I Newburg Avenue

April 24. 1967

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 thems weekly newspapers published in Baltimore County, Maryland, once a week for One the 24th day of April, 1967 , that is to say the same was incarted in the issues of April 20, 1967.

THE BALTIMORE COUNTIAN

By Paul 7 Morgay Editor and Manager A.M.

SPECIAL EXCEPTION FOR Convalescent Home - S/E Side Charles St. Ave., east of Ruxton Ridge Road, 9th Dist., Leonard Stylman and Helen R. Stulman, Petitioners *************** We note that questions as to surery with regard to the netitioner's plan have been raised by the Bureau of Traffic Engineering and State Roads Commission. Will the proposed use conflict with Parsgraph: a and a of Subsection 502.1 of the Zoning Regulations? The petitioners have requested a special exception for a Convalescent Home on the southeart side of Charles: You Avenue east of Ruxtom Ridge Road, in the Ninth District of Bustimore

5/15/27

RECE

URDER F

RE: PETITION

SPECIAL EXCEPTION FOR

in relation to their surroundings.

Certain types of uses were required to secure a special exception to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another, and therefore, must be located with discrimination in relating to their surroundance.

ZCNING COMMISSIONER

BALTIMORE COUNTY

OF

The petitioners are requesting a special exception for a Convalescent Home. The property is a part of a tract separated by Charles Street Avanue and consists of 4,8505 acres. The land iz zoned R-20 and is vacant.

Although no access is planned to Greenwood Road, the locality to which the subject property belongs is really the Greenwood Road area. Greenwood Road is not much more than a paved driveway and serves homes on lots ranging from one to six acres plus one with fifteen acres.

A nursing home in such a compact neighborhood is absolutely out of place. In addition the proposed use is a speculative one, petitioner is a home builder with no experience in maintaining and

This is not a rezoning request but a request for a special exception and it is not possible to assess the possibilities of the proposed use simply from the plat submitted and the testimony of the

For the above reasons the special exception should NOT BE GRANTED.

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204 \$75.00 It is this day of May, 1967, by the Zoning Commission er of Baltimore County, ORDERED that the special exception for a Convalescent Home be and the same is hereby DENIED. IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 2120

No. 4555

DATE 5/19/67

ZONIOG POSITION OF SPECIAL EXCEP-tion for a Convenience of Charles Street Avenue East of Rustine Bidge Bods. Date of Charles Position Charles Position Charles Date of Charles Position Charles Date of Charl

PETITION FOR SPECIAL EXCEP

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MARYLAND

SUBJECT Petition *67-217-X. Special Exception for a Convalescent Home. Southeast side of Charles Street Avenue east of Ruxton Ridge Road. Scing the property

The planning staff of the Office of Planning and Zoning has reviewed the

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

TO. Mr. John G. Rose, Zoning Commissioner Date. April 28, 1967

HEARING: Wednesday, May 10, 1967 (2:00 P.M.)

FROM George F. Gavrelis, Director

9th D.strict

TOWSON, MD., April 20, 1967

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 ceach of 1 time successive weeks before the 10th appearing on the 20th day of April

THE JEFFERSONIAN, D. Feank Streeten

DATE

Zoning Commissioner of Baltimore County

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 TELEPHONE 823-3000 BALTMORE COUNTY, MARCLAND No. 49255 OFFICE OF FINANCE DATE 3/21/66 Otticion of Collection and Receipts
COURT HOUSE W. Burton Guy 11 E. Chine Street Baltimore, Md. 21202 GUNETITY CCCOUNT NO. 01.712 Cost of come stillabel 1.50 56/S of Charles Sproot Ave. E. of Reston Edge Read

IMPERTANT: MAKE CHECKS PAYARLE TO MALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIVES, COURT HOUSE, TOWSON, MARYLAND 21204

BALLIMORA COUNTY OFFICE OF PLANNING AND ZONING

County Office Suilding 111 W. Chesapeake Aven Towson, Maryland 2120h

Your petition has been received and accepted for filing this

day of _ March

Petitioner Leonard Stulman

Petitioner's Attorney W. Lee Harrison

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Posted for Spark Million Makeman. Date of Posting June 15, 1967 Location of property sef & Charles St 412 to of Keylow Ruly Kil Loyation of Signal sels Charles Star bygont Cort deal sout of Bookton Relyckl @ sels charles St ave 100: " If Juliand let Date at return Lune 16, 1967 2 219212

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting (41/21,1947 Posted for Spiller Lylesphers - Generalistant Homes.

Petitioner Xisnasid Sulman Locate of property 56/2 Marke St lies East of Ruxton Ridge Rd rogum at Signe 56/2 Storales It are expressed and lead and of the other Kedge bet & secretale of 1 points bed east of barles At land some marine Cor of June word hel 3 38/3 Should State 186 A of Juneser to Prove by Security Proved by Security

BALTIPORE COUNTY, MARYIMAND OFFICE OF FINANCE

No. 44389

Division of Collection and Receipts COURT HOUSE TOWSON, MAKYLAND 21204

DATE APRIL 17, 1967

- BILLED

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YE 1-17-0 - 1 - 1 - 1410 19 TO-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21200

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. James Dyer Date. . March .29, 1967.

FROM Mr. William Greenwalt

SURJECT, Zoning Advisory Committee Meeting 3/28/67

Subject #1 - Properly owner: Leonard Stulman
Location: SE/S Charles Street Avenue
E/S Extra Edge Road
District: 9th
Present Zoning: R-20
Proposed Zoning: Special Exception - Convalescent Home

Proposed water and sever extensions to the cite should be shown on the plane. Prior to approval of a building application, complete plans and specifications of the entire project must be submitted to the State Department of Health for approval.

William Greenwalt

TDATE MODDET

Set 25,196

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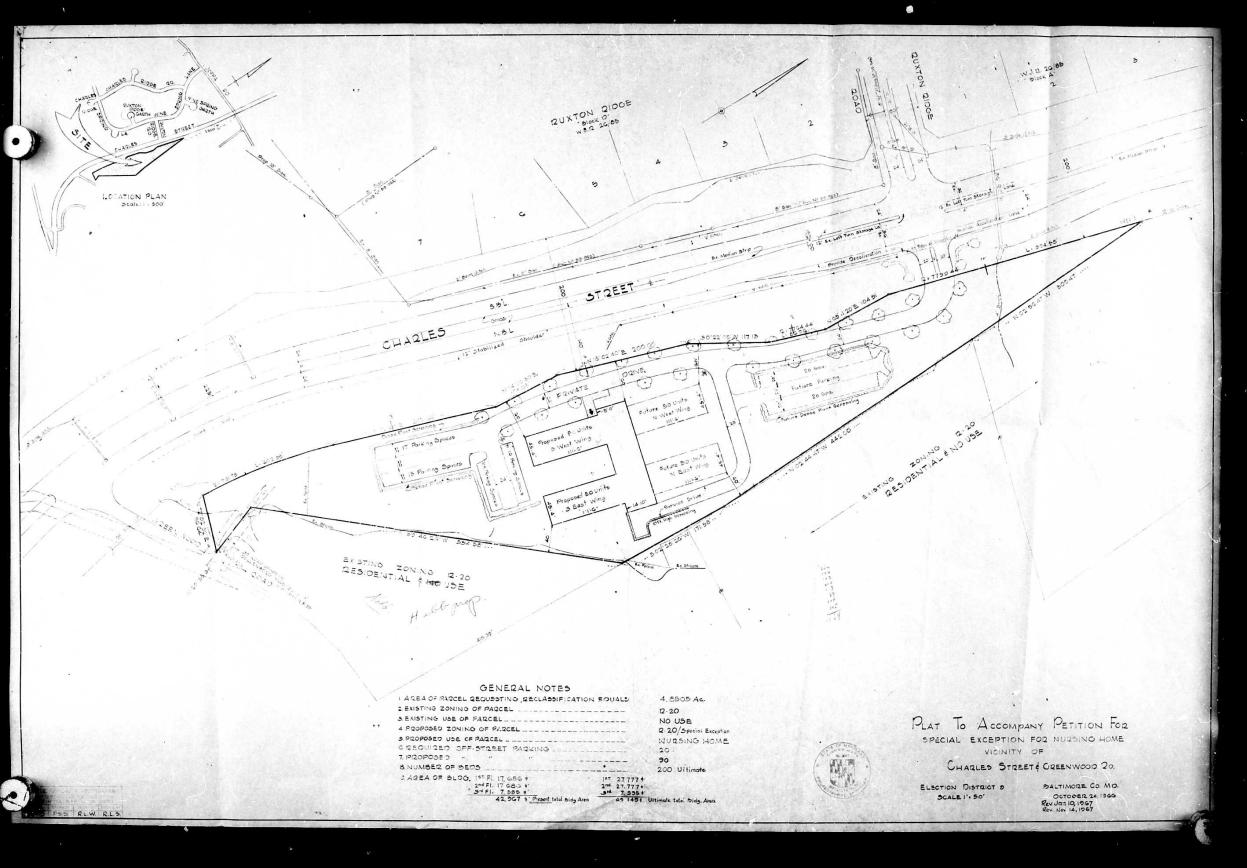
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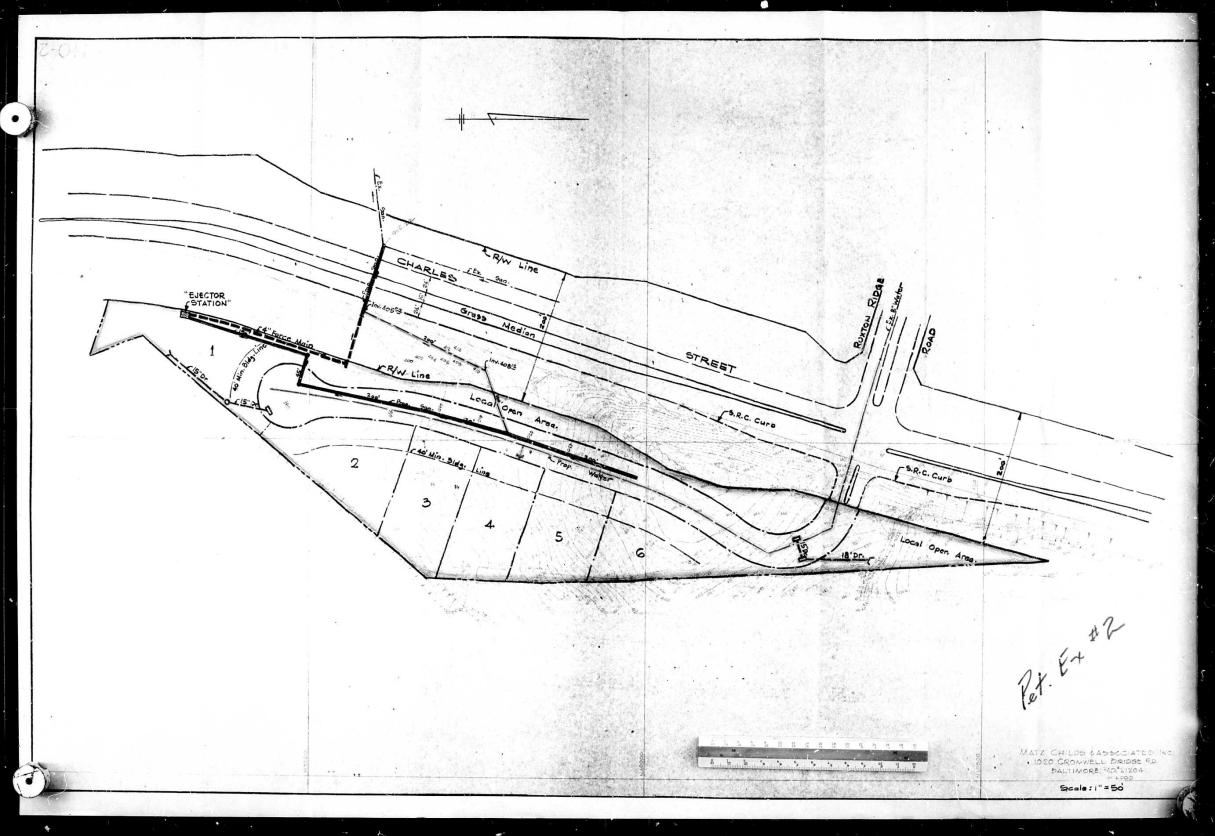
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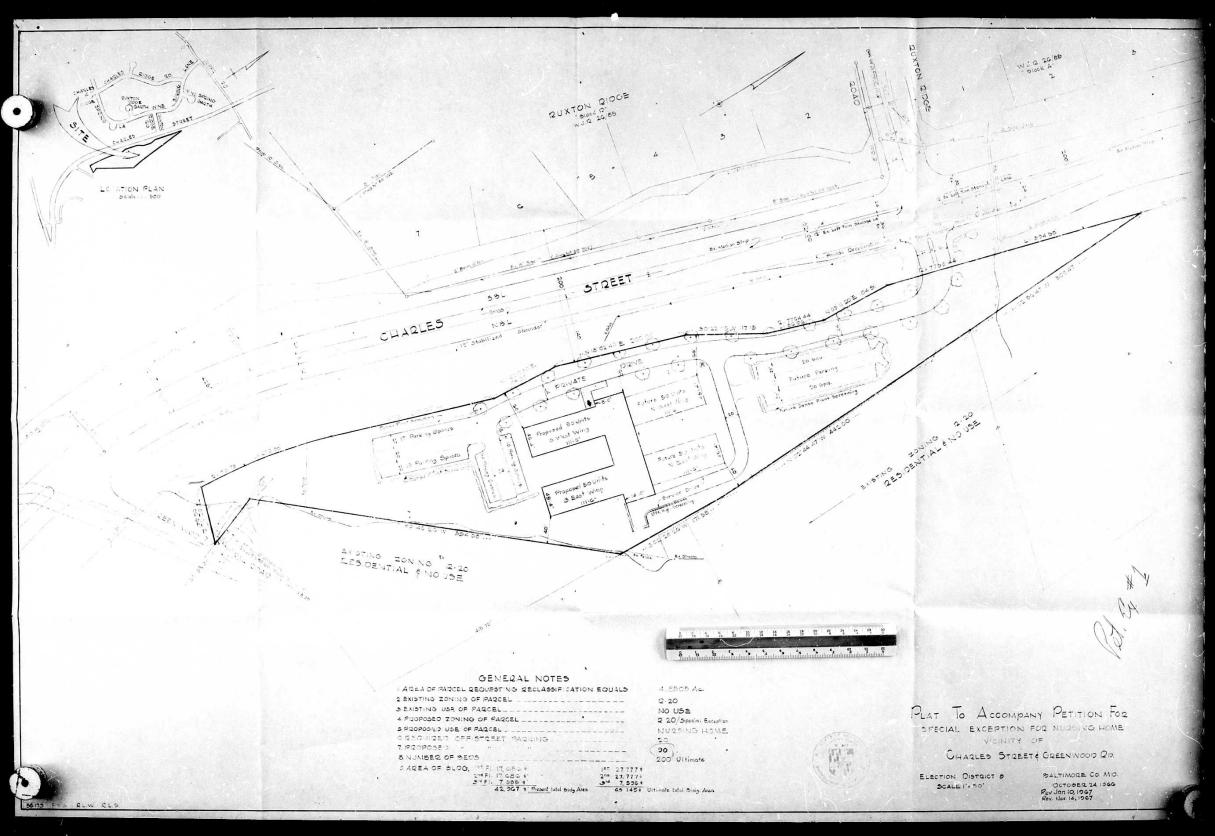
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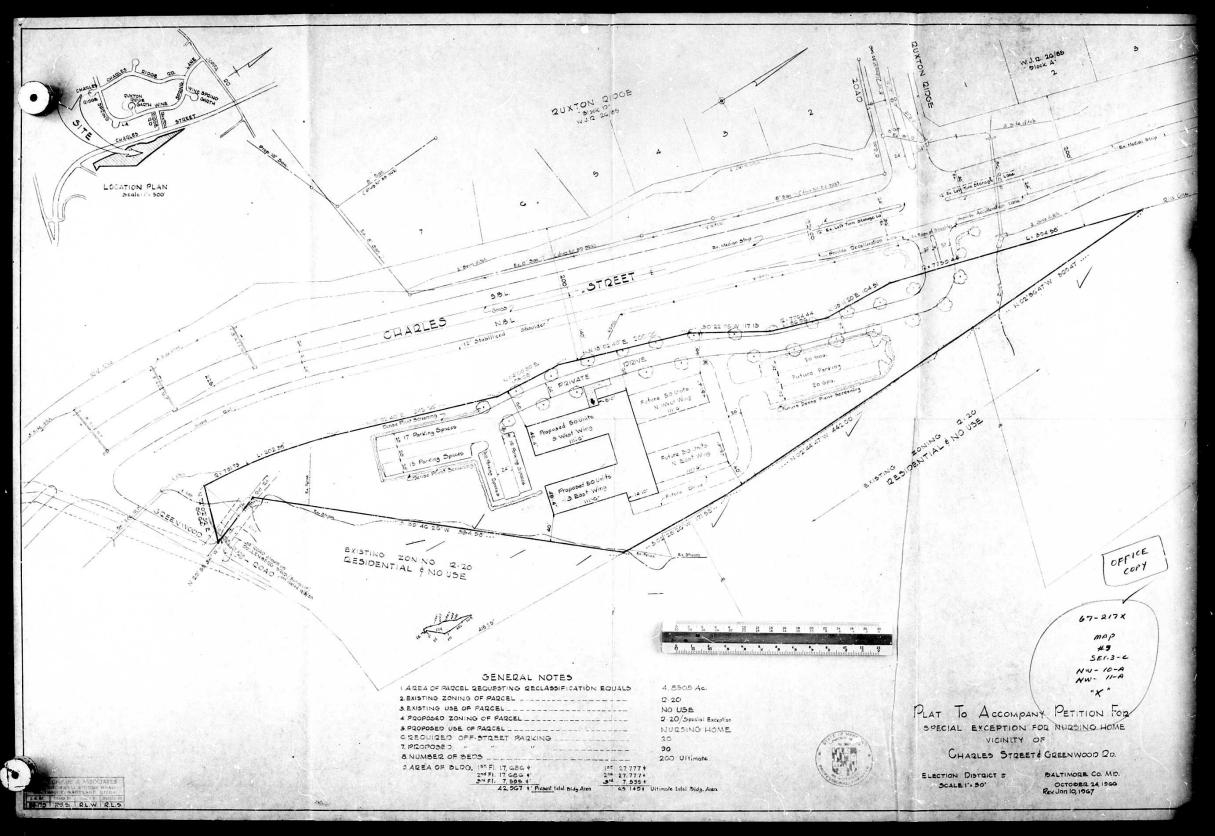
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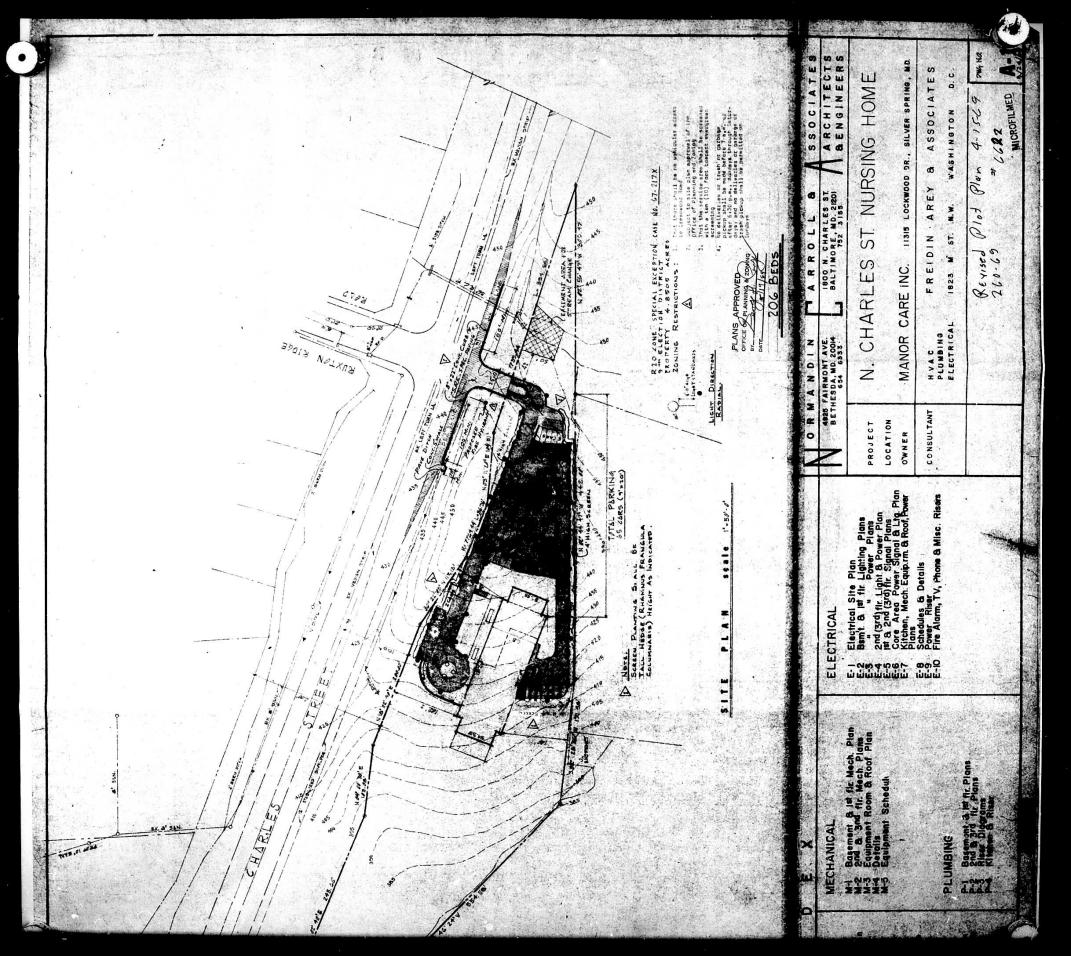
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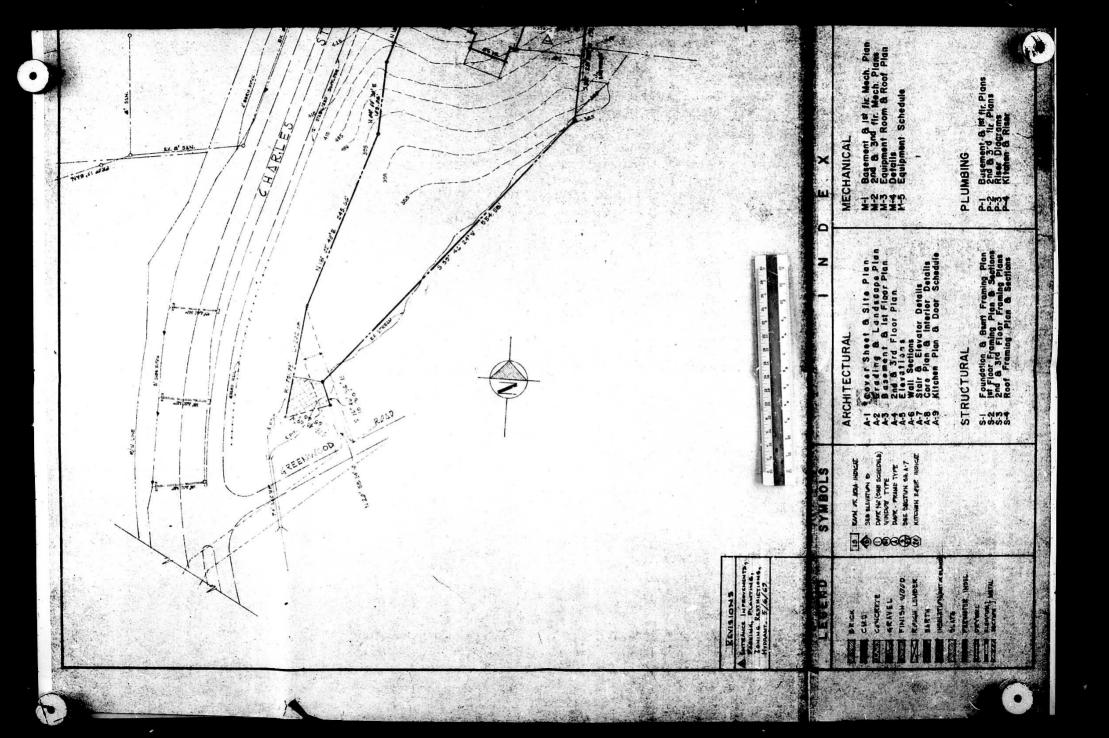


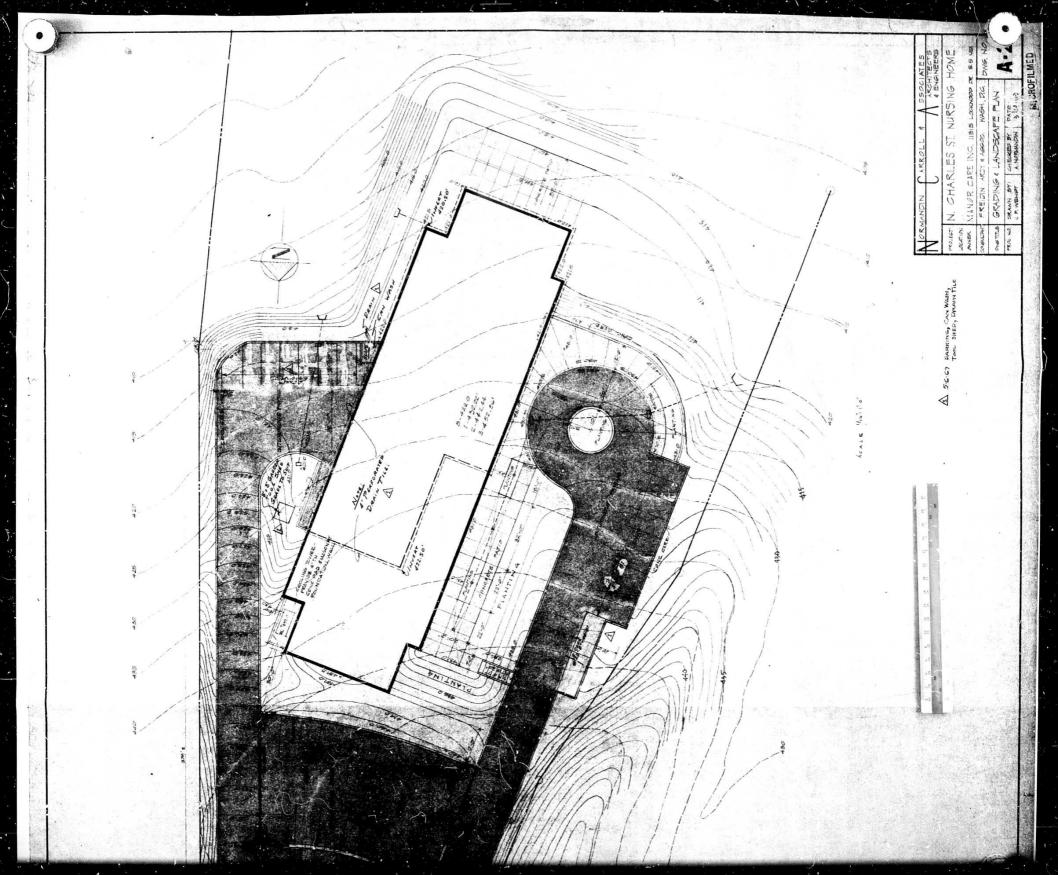


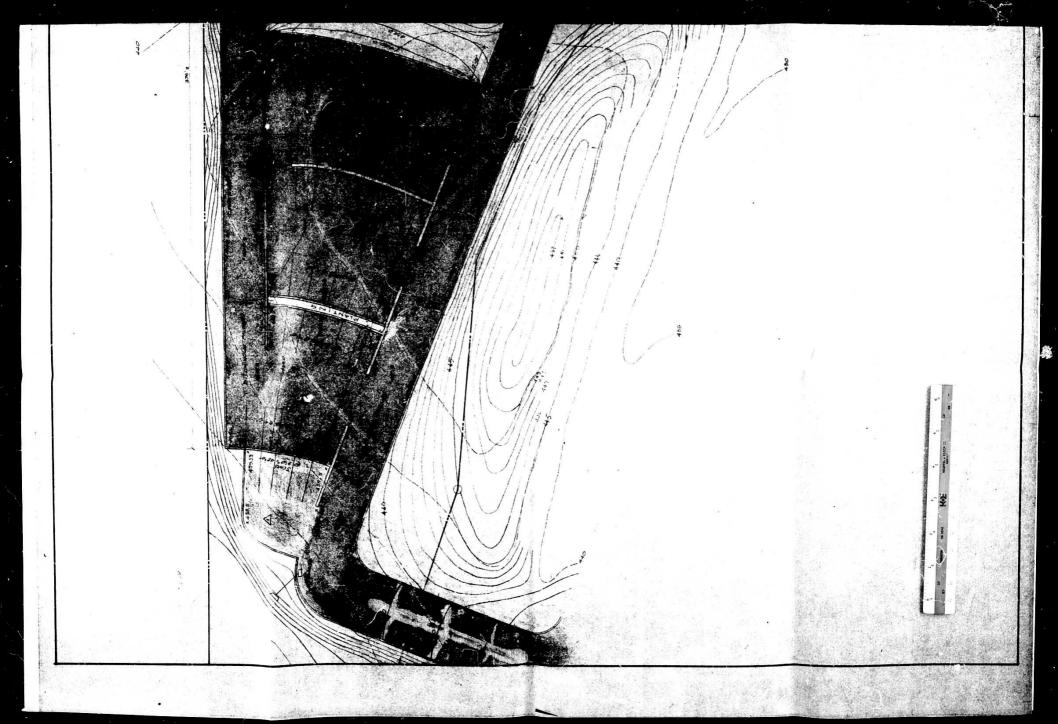


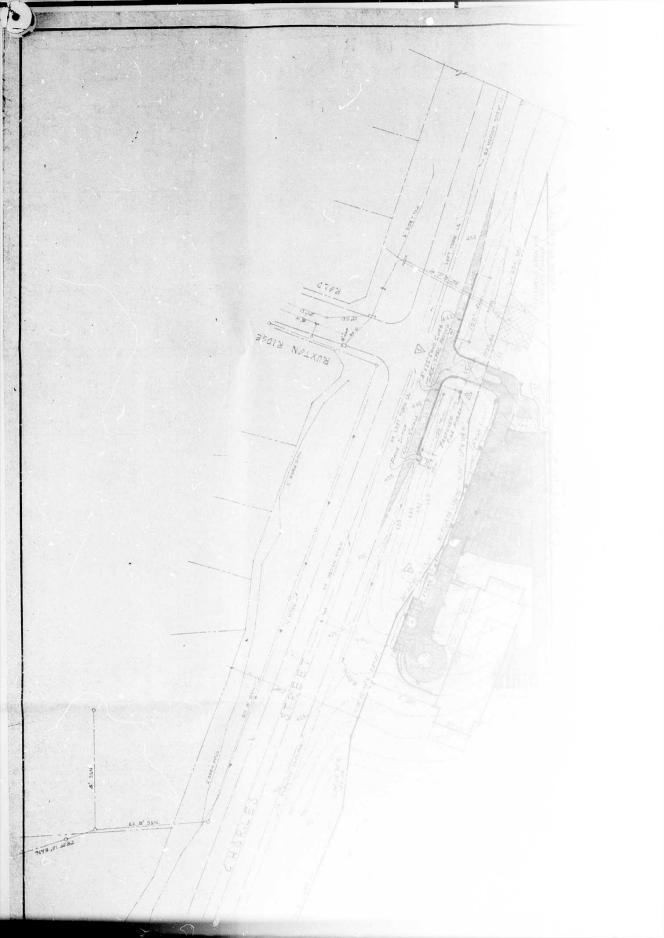


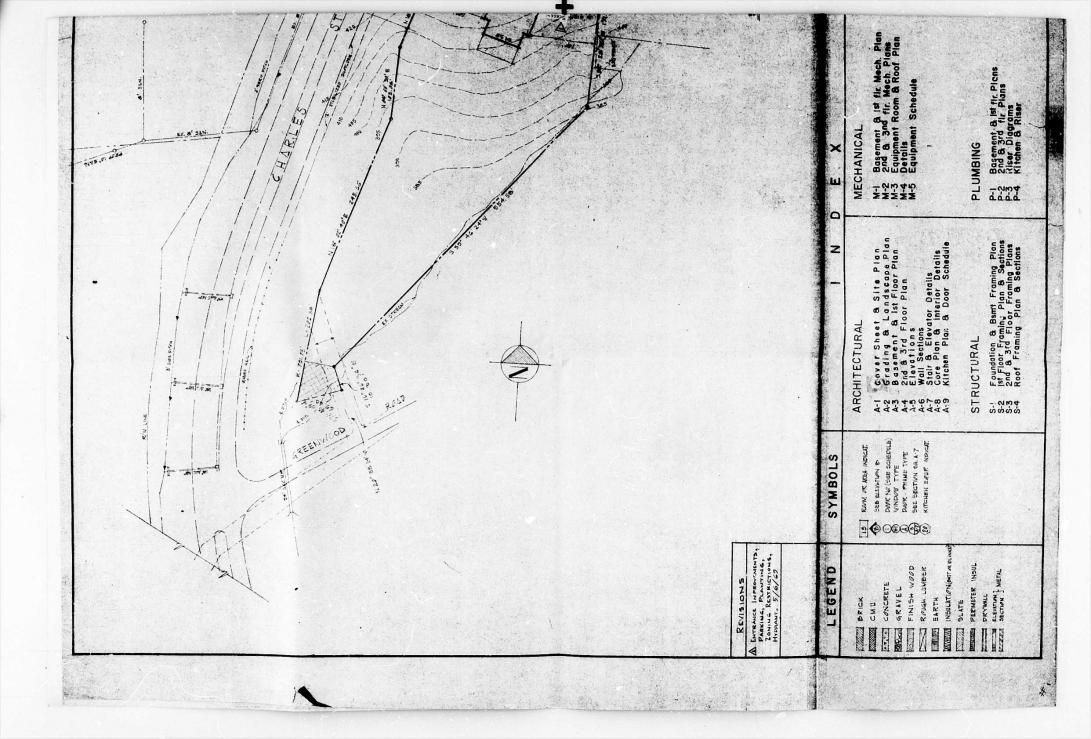


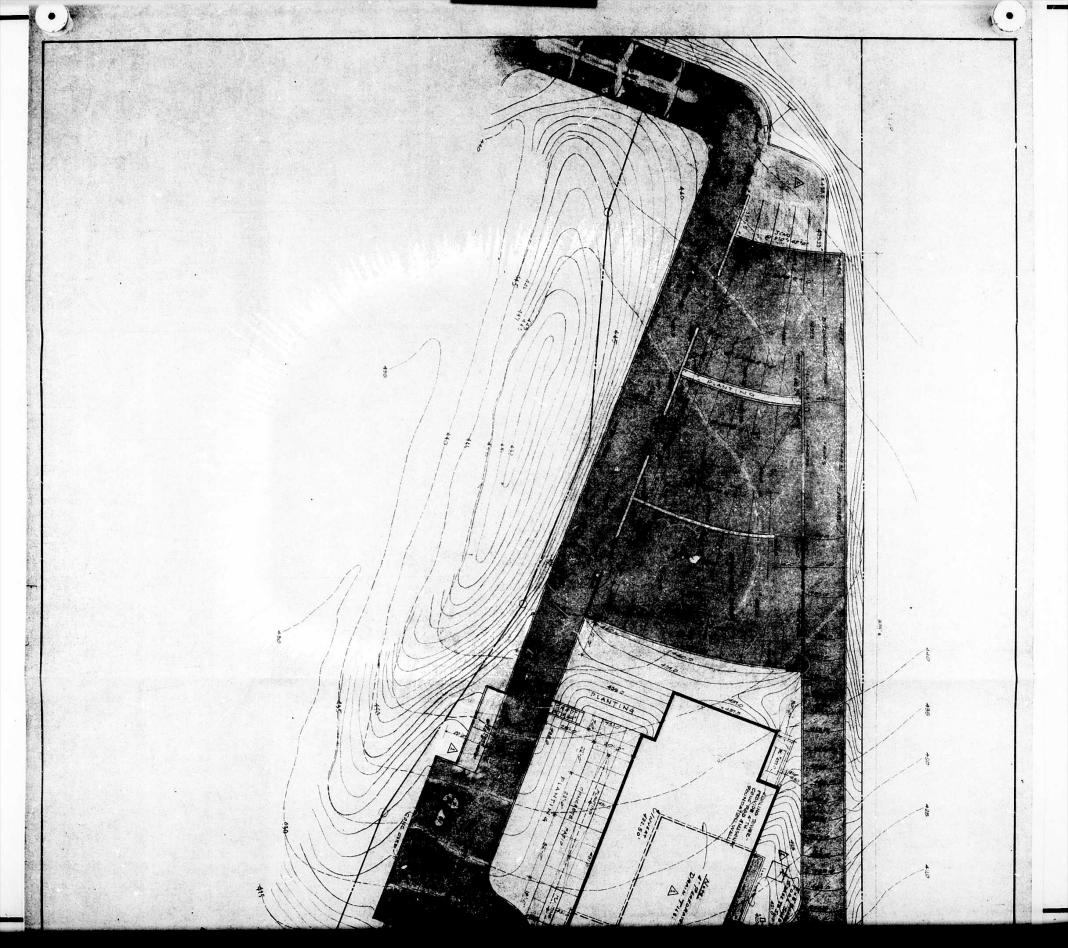


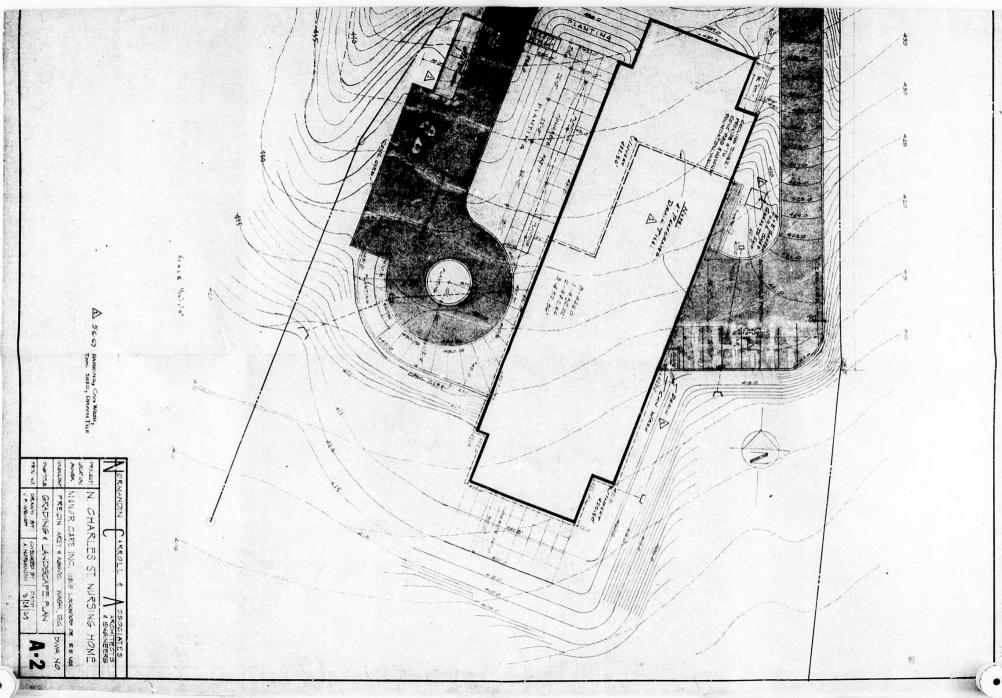












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