

Re: PETITION OF THE BALTIMORE TRANSIT COMPANY
For
SPECIAL PERMIT.

The Petition filed in this matter by The Baltimore Transit Company, a public utility corporation, petitions the Zoning Commissioner of Baltimore County for a special permit, as required under the Zoning Laws and Zoning Regulations of Baltimore County, to use the land situate at the southeast corner of York Road and Overbrook Road, at Anneslie, in Baltimore County, fronting 200 feet on the east side of York Road with a rectangular depth easterly, and binding on the south side of Overbrook Road of 125 feet to the west side of a 20 ft. alley, for the 'looping' of trolley cars and for a waiting station. This use of the land in question is desired to enable the Transit Company, as it asserts, in its operation of the Towson-Catoonsville trolley line in order to turn certain of its cars at Anneslie, about the end of the city fare, so as to avoid running the full schedule of its cars on north to Towson in order to service cars for the return trip to Catoonsville or intermediate points. The evidence, adduced at the hearing, shows that the majority of the cars, on the above line, are of the one man operated type, with entrance only at one end, therefore, it is not being possible to install a switch or cross over tracks as could be done if the cars on this line were of the older, or two entrance type.

The location, at which the above 'loop' is desired, is within the area of cottage developments of 'Anneslie' and 'Bullers Forge' and adjoining and in close proximity to other large and desirable cottage developments and in a same now limited solely to such development.

The double tracks of the Transit Company, along the land in question and north and south thereof, are in the center of the York Road and the tracks of the 'loop' desired would leave the north bound tracks of the railway, cross the north bound vehicle traffic lane of the York Road, traverse the land sought to be acquired and again cross the north traffic lane of the York Road and connect with the south bound track.

There is quite a down grade on the York Road, for north bound traffic, this grade beginning at quite a sharp curve about 100 feet south of the nearest part of the land sought to be used, and an up-grade on the York Road, for such traffic approaching

this curve from the south, the crown of these two opposite grades being about the center of this curve and about 300 feet from the nearest portion of the 'loop' and the view of approaching north bound traffic is limited to this distance; consequently, no view of trolley cars crossing the York Road and again recrossing the same, in order to complete the turn, can be seen beyond the distance of 300 feet, thus, creating a double traffic hazard.

At the largely attended public hearing held on above petition, the great majority of those who were protesting the granting of this special permit, there were also led with the Zoning Commissioner various written protests of property owners and residents of the general vicinity as well as protests of civic organizations, these various protests containing approximately twenty-eight hundred signatures.

Under the said Zoning Acts and Regulations, it is provided - "in any zone, a special permit shall be required for a public utility use or structure....." and "in case where the inherent character of the use requires that it be carried on in a district or area to which it does not conform, or where the use has a peculiar tendency to impair the health, safety and morals of the public....." and "further providing that before any such special permit shall be granted, it must appear that the use for which a special permit is requested, will not:

- (a) Be detrimental to the safety, health, morals and general welfare of the community involved.
- (b) Tend to create congestion in roads, streets.....etc. in the area involved, etc.

York Road is one of the main thoroughfares leading from Baltimore City and is largely traveled by motor propelled vehicles of all kinds, trucks, vans, Interstate Buses, as well as other automobiles of various character, and the traveling public is entitled to have such a main thoroughfare unobstructed and as clear of obstacles or dangerous conditions as is reasonably possible. The location of the proposed 'loop', as hereinbefore described, being at a point but 200 feet, or thereabouts, from the sharp curve to the south, approaching traffic from the south being unable to see any obstructions such as trolley cars crossing the north bound traffic lane to enter this 'loop', the considerable down grade and especially in case of icy or wet street surface, would, no doubt, create a most hazardous traffic condition and would be a cause of frequent accidents, causing destruction of property or loss of life or personal injuries to the traveling public as well as passengers of the trolley cars

entering this 'loop'.

In 124 Md. 66, G. & P. Tel. Co. vs. Goldsborough, et al., it was held - "It is clearly competent for the State to promote the convenience and secure the safety of travelers on its highways by the application of its police powers" and further "it has been held upon the highest authority that the police powers of a State embraces regulations design to promote the public convenience or the general property as well as regulations designed to promote the public health, the public morals or the public safety."

There was evidence also adduced at the hearing as to the possible curtailment of car service to points north of the location in question and especially as to the effect of the car service to Towson. This question, being the sole prerogative of the Public Service Commission, cannot be given material consideration in this matter.

In view of the facts as above outlined, from the evidence adduced and of the regulations governing this situation and being satisfied that the location of this 'loop', at the location mentioned, would create a definite nuisance and a hazard to the public safety, and not being convinced that this location of the 'loop' is necessary for the proper rendition of the public utility service and such location shall (or will) not seriously impair the development of the neighboring properties, etc., I must refuse the granting of the special permit petitioned for and will, therefore, pass an order in accordance with this opinion.

Dated: April 5th, 1944.
John L. DeLoach, Jr.
Zoning Commissioner of Baltimore County.

IN THE MATTER OF THE :
APPLICATION OF : BEFORE THE ZONING COMMISSIONER
THE BALTIMORE TRANSIT COMPANY : OF BALTIMORE COUNTY
FOR A SPECIAL PERMIT :

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The Baltimore Transit Company, a Maryland Corporation, legal owner of the property hereinafter mentioned and described, hereby petitions for a Special Permit under the Zoning Regulations passed by the County Commissioners of Baltimore County agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use as provided under said Regulations and Acts, as follows:

A Special Permit to use the land hereinafter described for street railway purposes.

All that parcel of land situate on the east side of the York Road in the Ninth Election District and described as follows:

Beginning for the same at the southeast corner of York Road and Overbrook Road running southerly on York Road 200 ft., thence easterly 125 ft. to the west side of a 20 ft. alley, thence northerly binding on said alley 200 ft. to Overbrook Road, and thence westerly 125 ft. to the place of beginning.

THE BALTIMORE TRANSIT COMPANY
BY John L. DeLoach, Jr.
John L. DeLoach, Jr., Vice-President.

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RECEIVED BY THE ZONING DEPARTMENT, BALTIMORE COUNTY, MD. APRIL 11 1944

ORDERED By the Zoning Commissioner of Baltimore County, this 6th day of March, 1943 that the subject matter of this Petition be advertised as required by the Zoning Acts and Regulations so passed and adopted pursuant thereto, in a newspaper of general circulation that the property be posted, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, in the Reokord Building, in Towson, Baltimore County, on the 27th day of March 1943, at 10:00 o'clock a.m.

John L. DeLoach, Jr.
Zoning Commissioner of Baltimore County.

ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of April, 1944, that the petition of The Baltimore Transit Company for SPECIAL PERMIT to use the property mentioned and described in petition for railway purposes to wit: Installation of 'Loop' and the erection of Waiting Station, for the reasons as stated in opinion filed, is hereby denied.

John L. DeLoach, Jr.
Zoning Commissioner of Baltimore County.

ZONING DEPARTMENT-BALTIMORE COUNTY, MD.
Certificate of Posting of Re Classification Notice
District: 9
Date of Return: March 17, 1944
Date of Posting Property: March 11, 1944
Location of Sign on Property: 10 feet from front Street or Road
Location of property: Sign placed on York Road, side of road, N. E. of York Road, between York Road and Overbrook Road
Reclassification Petitioned for: To use property for street railway purposes
Petitioner: Baltimore Transit Company
Remarks: The property is used for street railway purposes.
Inspector making return: J. L. DeLoach, Jr.

RECEIVED BY THE ZONING DEPARTMENT, BALTIMORE COUNTY, MD. APRIL 11 1944
MAR 18 1944
ZONING DEPARTMENT-BALTIMORE COUNTY, MD.
Certificate of Posting of Re Classification Notice
TOWSON, MD.
THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 17th day of March, 1944, the first publication appearing on the 16th day of March, 1944.
THE JEFFERSONIAN,
Manager.
Cost of Advertisement \$.....

March 6, 1944.
\$10.00
RECEIVED BY The Baltimore Transit Company, (James J. Lindsey, Jr.), the sum of Ten (\$10.00) Dollars being cost of advertisement and posting of property, Southeast corner of York and Overbrook Roads, 9th Election District of Baltimore County, pursuant to petition filed for Special Permit to use property for railway purposes.
Zoning Commissioner.

Received by
Washburn
2/7/44
Hearings:
March 27, 1944,
10:00 a.m.



York

Road

200'

75' x
Sign

125' Overbrook

20' Alley

Building

Amesfic

Tand

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