

1960-5

RE: PETITION FOR A SPECIAL PERMIT FOR CONTRACTOR'S STORAGE YARD, N. E. Side Old Harford Road, 828 ft. N. W. Cub Hill Road, 9th District of Balto. Co., Geo. D. Fox & Co. Petitioner

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on the 13th day of September, 1951, from an Order of the Zoning Commissioner of Baltimore County dated May 16, 1951, granting the special permit of the property therein described for a contractor's storage yard; and it appearing from the facts and evidence adduced at the appeal that the granting of the Petition would not be detrimental to the health, safety, and general welfare of the community, therefore

It is this 25th day of October, 1951, Ordered by the Board of Zoning Appeals of Baltimore County that the Petition for a special permit, as aforesaid, be granted and approved; subject, however, to the following conditions:

- 1. That the parking of trucks and storage materials be confined so as to have a setback of 400 feet from the Old Harford Road and at least 250 feet from all other outlines of the property with a total area not to exceed 2 acres; such location to be in the area approximating the location now being used by the Petitioners.
2. That no asphalt, oil, or other refuse be burned or disposed of on the property.
3. That the storage yard be screened with evergreens or other suitable plants so that said yard will not be discernible from the Old Harford Road.

Handwritten signatures and stamps, including 'ORDER FOR APPEAL' and 'BOARD OF ZONING APPEALS OF BALTIMORE COUNTY'.

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Jesse Benesch, Jr., and the Cub Hill Improvement Association from an Order of the Zoning Commissioner of Baltimore County dated May 16, 1951, granting a Petition for a special permit for contractor's storage yard on the Northeast side of Old Harford Road, 828 feet Northwest of Cub Hill Road, 9th District of Baltimore County, in which C. Elmer Khrhardt and George D. Fox, trading as George D. Fox & Company, were Petitioners.

The case came on for hearing before the Board, testimony was taken for and against said Petition, and counsel for both sides heard.

The property which is the subject of this Petition is located on the Northeast side of Old Harford Road, sometimes designated as Cromwell Bridge Road, between Cub Hill and Valley Roads. The Petitioners own a tract of land comprising 31 acres, having a frontage on Old Harford Road of approximately 1200 feet with an average depth of 1100 feet. The testimony showed that a part of the property in question, lying in the center part of the 31-acre tract, would be used as a storage yard for the Petitioners' 12 trucks and for the repairing, servicing, and housing of the same. Two of the trucks are of the tractor-trailer type which are used to supply asphalt to smaller distributor-type trucks, which in turn leave this location at certain intervals for the purpose of supplying this material in the construction and repair of roads and similar enterprises.

The Zoning Regulations of Baltimore County allow for a special permit of this nature in a resident zone; and whether it should or should not be granted depends on whether or not this would be detrimental to the health, safety, morals, and general welfare of the community. There was much evidence

introduced at the hearing before the Board for and against the Petition; but it was noted that the preponderance of evidence was to the effect that there was nothing obnoxious to the storage yard itself, but there was some testimony that the trucks in travel along the Old Harford and Cub Hill Roads created an objectionable and unnecessary noise, and these vehicles would probably be dangerous to persons using the narrow roads. It was further noted that a number of the Protestants who testified lived a considerable distance from the proposed site and were unable to see any of the equipment or facilities which may be used in connection with the contractor's storage yard, and that any annoyance by these trucks on the highway would certainly be no more objectionable than similar vehicles using these roads from day to day. It is evident that the Petitioners' trucks travel in more directions than one and in diversified routes; and even though they have 12 such vehicles, there is no testimony in the case that all 12 of these trucks left at one time, going over one route; but rather to the contrary, that these vehicles would come and leave at irregular intervals.

From the testimony and also from personal observation the Board is convinced that approximately 75% of the proposed site is hidden or screened from the surrounding neighborhood; and it appears from the testimony that much of the truck traffic by the George D. Fox & Company will be during the late spring, summer, and early fall months. Therefore, any hazard caused by bad weather conditions during the winter months would be reduced to a minimum as far as these trucks are concerned.

It was testified that the road was very narrow, but it is believed that as more and more properties are developed throughout this area that proper steps will be taken to widen

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The property which is the subject of this petition is located on the northwest side of Old Harford Road, between Cub Hill and Valley Roads. The petitioner owns a tract of land comprising 31 acres, having a frontage on Old Harford Road of approximately 1200 feet with an average depth of 1100 feet.

The petitioner at the present time owns 12 trucks which are used for the distribution of asphalt in road construction and repair work. The site in question is intended to be used for the unloading, servicing, housing and repairing of these trucks. Two of the trucks are the tractor-trailer type, which are used to supply asphalt to the smaller distributor-type trucks.

The petitioner states that these trucks leave the yard in the morning and do not return until they have completed their day's work. This would mean that the 12 trucks use either the Old Harford Road, leading to Valley Road, or the Cub Hill Road leading to Harford Road or the Old Harford Road leading south to the City, twice a day, that is, going out in the morning and returning in the evening.

The preponderance of evidence introduced at the hearing was to the effect that there was nothing obnoxious to the storage yard itself but that the trucks in using the Old Harford and Cub Hill Roads were noisy and detrimental to the safety of the persons using these narrow roads.

A Contractor's Storage Yard by its very nature requires a rather large area for its proper operation. That is the reason why, under the Zoning Regulations and Restrictions, such a use is allowed by a special permit in a residence zone rather than relegating such use to a commercial or industrial zone. The petitioner has a large parcel of land and his plan shows the operation to be located in the center of this large tract, this site being hardly discernible from the Old Harford Road.

It is the opinion of the Zoning Commissioner that due to the fact no evidence has been introduced to show that the operation of this Contractor's Storage Yard would be obnoxious in itself but that the trucks travelling back and forth along the Old Harford and Cub Hill Roads were obnoxious, due to the noise and odors emitted, that this alone is not enough to require the denial of this

special permit. Certainly the use of these roads by any large truck would create the same problem as those of the petitioners and, they, as well as the petitioner, have the right to use a public County road.

It is, therefore, the opinion of the Zoning Commissioner that the operation of a Contractor's Storage Yard at this location would not be detrimental to the health, safety and the general welfare of the community and that the special permit should be granted.

It is this 16th day of May, 1951, ORDERED by the Zoning Commission of Baltimore County that the aforesaid petition for a special permit be and the same is hereby granted, subject to the following provisions:

- 1. That the parking of trucks and the storage of materials be confined so as to have a setback of at least 400 feet from Old Harford Road and at least 150 feet from all other outlines of the property.
2. That no asphalt, oil or other refuse be burned or disposed of on the property.
3. That the Storage Yard be screened with evergreens or other suitable material so that said yard will not be discernible from Old Harford Road.

Handwritten signature and stamp, including 'BOARD OF ZONING APPEALS OF BALTIMORE COUNTY'.

FILED MAY 25 1951

IN THE MATTER OF THE APPLICATION OF GEORGE D. FOX, for a special permit for a contractor's storage yard on Old Harford Road near Cub Hill Road.

ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal from your order rendered May 16th, 1951, in the above entitled matter on behalf of Jesse Benesch, Jr., and the Cub Hill Improvement Association, protestants.

Handwritten signature and stamp, including 'JOHN BRADEN TAMBULL, Attorney for protestants'.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Board of Zoning Appeals Jesse Benesch, et al vs. Geo. D. Fox & Co. Case No. 1050 Dec. 4, 1952, Action of Board reversed (Judge Murray) Trial Date 10 A.M. Please be prepared for trial on that day. GEORGE L. BIVELY, Clerk.

these roads and thus reduce the traffic hazards which may exist by the increase in number of high speed automobiles, trucks, and other vehicles.

It is the opinion of the Board that the granting of a special permit for a contractor's storage yard would not be detrimental to the health, safety, and general welfare of the community; and, therefore, the Board will sign an Order granting the special permit, as aforesaid; subject, however, to the following conditions:

- 1. That the parking of trucks and storage materials be confined so as to have a setback of 400 feet from the Old Harford Road and at least 250 feet from all other outlines of the property, with a total area not to exceed 2 acres; such location to be in the area approximating the location now being used by the Petitioners.
2. That no asphalt, oil, or other refuse be burned or disposed of on the property.
3. That the storage yard be screened with evergreens or other suitable plants so that said yard will not be discernible from the Old Harford Road.

Handwritten signatures and stamps, including 'BOARD OF ZONING APPEALS OF BALTIMORE COUNTY'.

1960-5

IN THE MATTER OF
APPLICATION
FOR A Special Permit
To The Zoning Commission of Baltimore
George D. Fox and Company

Contract
Purchaser
hereby petition for a Special Permit, under the Zoning Regulations
and Restrictions 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 Act, as follows:

A Special Permit to use the land (and improvements now
or to be erected thereon) hereinafter described for maintaining, garaging,
displaying, repairing and overhauling automobiles and trucks and machinery of
various types used in connection with the business of the applicant
which consists of transporting oil to and from public buildings and
road projects and the general contracting business. All that parcel of land on
the northeast side of Old Harford Road, 9th District of Baltimore County, beginning 820 feet north-
west of Oak Hill Road, thence northwesterly, on the northeast side of Old Harford Road, 1100 feet,
thence the following courses and distances North 57° 33' east 1184 feet, S 10° 10' east 564 1/2 feet,
10' east 360 feet, S 6° 40' east 412 feet and S 52° 10' east 830 feet to beginning, being property
of George D. Fox Co., as shown on plat filed with the Baltimore and Annapolis Department of
Baltimore County.

Contract Purchaser
Address
C. Edwin Schubert
5712 Harford Rd.
Baltimore 19, Md.

ENCLOSURE for the same in the centre of the Old Harford Road at the
beginning of the land which by deed dated March 10, 1891, and recorded
among the Land Records of Baltimore County in Liber J.W.S. No. 154, folio
470, was conveyed by Augustus J. Albert, Jr., surviving Trustee, to William
J. A. Bliss and Elizabeth B. Bliss; and running thence and binding on the
centre of said Road and on the outline of said land the six following
courses and distances viz: North 44 degrees 14 minutes West 365 feet,
North 47 degrees 14 minutes West 100 feet, North 42 degrees 14 minutes
West 340 feet, North 37 degrees 44 minutes West 100 feet, North 23 degrees
20 minutes West 118 feet 6 inches and North 7 degrees 34 minutes West 39
feet to the end of the South 49 degrees West 70 and 9/10 perches line of
the land which by deed dated October 26, 1899 and recorded among the Land
Records of Baltimore County in Liber H.B.H. No. 241, folio 372, was conveyed
by Charles B. Bliss to Casper Schmecher; running thence and binding reversely
on said line North 70 degrees 30 minutes East 1144 feet to intersect the
South 47 degrees East 34 perches line of the land first above mentioned;
running thence and binding on the outline of said land the four following
courses and distances viz: South 41 degrees 10 minutes East 47 feet 6 inches,
South 31 degrees 40 minutes East 363 feet, South 6 degrees 40 minutes East
412 feet 6 inches and South 49 degrees 14 minutes West 822 feet to the place
of beginning.

Containing 31 and 1/10 acres of land, more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1960

District: 9 Date of Posting: April 4/51
Posted for: Contractor's Storage yard
Petitioner: Geo. D. Fox
Location of property: NE side of Old Harford Road
532 feet N.W. of Oak Hill Road
Location of signs: NE side of Old Harford Road 875 feet
NW of Oak Hill Road
Remarks: Harry C. Sartorius
Date of return: April 4/51

November 29, 1951

NO. 20

RECEIVED OF Charles Weiss, the sum of \$10.00 being
cost of certified copies of petition and other papers filed
in the matter of petition for a special permit for a Contractor's
Storage Yard, Northeast side of Old Harford Road, 9th District
of Baltimore County.

Zoning Commissioner

PAID
NOV 29 1951
COUNTY COMMISSIONERS
BALTIMORE COUNTY
C. D. Schubert

May 29, 1951

\$22.00

RECEIVED OF John Orest Turnbull, attorney for Protestants
the sum of Twenty Two (\$22.00) dollars, being cost of appeal to the
Board of Zoning Appeals of Baltimore County from the decision of the
Zoning Commission granting the petition for a special permit
for contractor's Storage Yard, northeast side of Old Harford Road,
820 feet northwest of Oak Hill Road, 9th District, George D. Fox
& Company, petitioner.

Zoning Commissioner

John C. Alexander, Esquire,
Maryland Trust Building,
Baltimore - 2, Maryland

Nov. 14, 1951

to
County Commissioners of
Baltimore County
Zoning Department
303 Washington Ave.,
Towson 2, Maryland

Certified copies of petition and other papers filed in
the matter of a special permit for a Contractor's
Storage Yard, Old Harford Road, 9th District
George D. Fox, et al, petitioners.

\$10.20

NO PLAT
IN
THIS FOLDER