RE: PETITION FOR A SPECIAL HEARING -E. S. CHARLES ST. AVE., at Woodbrook Station, 9th District

The smental hearing in this case was for the purpose of determining whether or not a lawful nonconforming conservial or industrial use exists for the use of the property of the Maryland & Pennsylvania Railroad located at Woodbrook Station and if such nonconforming use exists whether such use should be allowed to be anlarged or extended under the Zoning Regulations and Restrictions to include the property owned by said Railroad lying outside of the presently soned conservial area and to the south of the Railroad

Counsel for the notitioner maintained that the use to which the Railroad has put its property lying within the presently sened connectial area is of a light industrial nature. It was also maintained that the operation of the Sewage Pumping Station by Baltimore County, within this commercially zoned area, is also a light industrial operation. If such being the case, it is contended that light industrial operations are being carried on within the presently comed commercial area and extend over an area of 1-2 acres of land-

It is, therefore, the contention of the petitioner that a lawful nonconforming industrial use exists in the presently zoned convercial area and that such nonconforming industrial use can be the enlarged and extended under/Zoning Regulations and Restrictions to include the 0.87 acre lot lying outside of the presently zoned commercial area to the south of the Railroad rightofuny.

Counsel for the petitioner quoted Passe't on soning to prove that railroad land should be zened light industrial, but Bassett on name 96 status as follower

BALTIMORE COUNTY BUILDING & ZONING DEPARTMENT Inter-Office Correspondence

From Augustine J. Duller

35

"The center or either border of a railroad rightefusy often constitutes an appropriate boundary line. Railroad the constitutes an appropriate boundary line. Railroad to the chief should always be placed in one district or the other land and the line of the land at the line of the land and part of the land and itself will event a harmful structure. Comet into which is and itself will event a harmful structure if its land is not scene to harmonic with the neighborhood."

It is apparent from the foregoing that railroad land and railroad rightsofway should be zoned in conformance with surrounding land or the land through which such rightsofway traverse. It is also the contention of counsel for the petitioner that the use of the Sewage Pumping Station by the County constitutes a light industrial use. This certainly is not the case. Public utilities such as sewage pumping stations or water treatment plants must be so located as to take care of public need. According to Bassett, on Page 212, "eee no zoning ordinance can prevent the municipal, state or federal government from erecting buildings in the form and on the site needed by the publics.

It is the opinion of the Zoning Commissioner of Baltimore County that neither the operation of the Railroad Station and its appurtenances, nor the operation of the Sewage Pumping Station constitute light industrial uses and, therefore, no nonconforming light industrial use exists on the property of the Maryland &Pennsylvania Railroad, presently zoned consercially. Therefore, no right exists for the enlargement or extension of the alleged nonconforming use to the land of mid Railroad lying outside of the presently; commercially somed area.

MICROFILMED

PETITION FOR A SPECIAL HE RING

IN THE MATTER OF F. C. Cook & Co.

Por a Special Hearing To the County Commissioners of Beltimore County;

F. C. Cook & Co. by F. C. Cook General Pertner

hereby petitions for a Spenial Hearing, under the Zoning Law and Regulations of Beltimore County, to determine whether or not a permit should be issued for Office Building and Storage Yard location: Moodbrook Station Baltimore County

> Maryland & Pennsylvania R.R. by Jas. C. Anderson

P. C. Cook & Co. by F. C. Cook General Partner

Address 1426 Hunsey Bldg.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District to let the or for your forfering class of I see and storage gard

Loration of property of the another money and and and the tract of the

Posted by Swift & Hearmal Date of return: 11-23-51

Language Some Standing word from 1 Man & Manhour Me Back gold of Waller Standing or Me Back gold

MICROFILMED

#2136

Date of Posting. 11-21-51

MICROFILMED

ORDERED by the Zoning Commissioner of Baltimore County this 13 day of November , 19\$2, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Beltimore County and that the property be posted, as required by the Zoning Avgulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the __Srd_ day of December , 1941, at 2 o'clock

MICROFILMED

12136

CERTIFICATE OF PUBLICATION

NOTICE, OF ZONING MEARING The public is hereby tetified that ore will be a hearing before the saling Commissioner of Baltimore cutter, in the hazement of the lice hord cities, Townes, Baltimore County

NOTICE OF FOXING BRABING

TOWSON, MD ... Hecember 7, 19.51 THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newsquper printed and published in Towson, Baltimore County, Md., GENCONNESS EK 2 times xxxxxxxxxxxxxxxxfore the 17th day of ______Pecember ______19.51, the first publication appearing on the 30th day of November 19.51

> THE JEFFERSONIAN, 1. Lewell

MICROFILMED

FILED NOV 26 1951

CERTIFICATE OF PUBLICATION

TOWSON MD November 23, 1951 THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oneg increasity EK 2 t 1 mg 2 macronics moreles before the 3rd day of _______Pecember_______195A_, the first publication appearing on the 16th day of November

THE JEFFERSONIAN,

November 13, 1951

RECEIVED of F. G. Cook & Company, petitioner, the sum of \$15.00, being cost of petition for Special Permit, advertising and posting of property Woodbrook Station 9th Distariot of Esitimore County.

Zoning Commissioner

Hearings Monday, Dec. 3, 1951 at 2 p.m. Basement of Reckord Building Tomson, Md.

PAID NOV 1 6.351 COUNTY CONMISSIONER OF BALTHORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland #2136 Date of Posting 12-5-51 Posted for fet there for get large range with all + Strugh yards. of Charles, southeast of interestion found & Logation of Signs: Elect Angle Posted by Still Batter Hummel Date of return 12-5-51

Petitioner F. C. Cook & Cal

NO PLAT
IN
THIS FOLDER