

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Ark Read-Mix Concrete Corporation from an Order of the Zoning Commissioner of Baltimore County dated March 5, 1952, denying the petition for special permit to use the property described therein for a sand and gravel pit.

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

The property which is the subject of this petition is located on the North and South sides of Link Avenue in the Eleventh District of Baltimore County, 2000 feet Northwest of Belair Road, being 317.72 feet on the north side of Link Avenue with an average rectangular depth Northerly and Westerly of 203 feet and on the South side of Link Avenue 320 feet with an average rectangular depth of 250 feet in a Southerly direction, being known as Lots Nos. 89 to 98, inclusive, in the Flat of Pullerton Farms.

The immediate property affected is of a high elevation, and it is the intention of the Petitioners to operate a sand and gravel pit in such a way as to reduce the elevation to the same level as the adjoining property. It was further testified that there would be no washing plant or mixing operations to take place on the property; however, it was stated that plans were made for the erection of two or three buildings for storage. The president of the corporation testified that he had no experience in sand and gravel business and did not know how long it would take to remove the gravel and sand. A number of property owners testified that the operation of this sand and gravel pit would definitely interfere with the use and enjoyment of their property, and the hauling of materials over the road would be dangerous and detrimental to the safety and general welfare of the community.

RE: PETITION FOR A SPECIAL PERMIT FOR A SAND AND GRAVEL PIT, N. and S. Sides Link Ave., 2000 Ft. N. W. of Bel Air Road, 11th District - Ark Read-Mix Concrete Corporation, Petitioner.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on May 22, 1952, denying the petition for special permit of the property described therein for a sand and gravel pit; and it appearing from the facts and evidence adduced at the appeal that the granting of the petition would be detrimental to the safety and general welfare of the community, and that the Petitioners have failed to show a need for the same; therefore,

It is this 7th day of August, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the petition for special permit be and the same is hereby denied.

Samuel Williams
Chairman

Carl F. Tolson

Board of Zoning Appeals of Baltimore County

2194 S
FILED FEB 7 1952
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BALTIMORE COUNTY BOARD OF ZONING APPEALS
11th & Bel Air Road, 11th District

Others testified that they had children and did not want sand pit holes and other hazardous operations in the neighborhood as they had bought their property for residential purposes only. One witness testified that he was a builder and operator of a gravel pit in another area, although his residence was in the neighborhood of the property in question, further stating that persons just do not take the top off gravel pits, but they keep on digging until they find the desired materials and that the operation is a dusty and objectionable business as far as residential properties are concerned.

From the examination of this property and the testimony in this case the Petitioners have failed to show a need for this special permit or that the denial of the same would work an undue hardship or burden on them; and the Board will, therefore, pass an Order denying the special permit.

Samuel Williams
Chairman

Carl F. Tolson

Board of Zoning Appeals of Baltimore County

IN THE MATTER OF PETITION FOR :
SPECIAL PERMIT FOR SAND AND :
GRAVEL PIT - North and South : ZONING COMMISSIONER
Sides of Link Ave., 2000 Feet :
N.W. Bel Air Road, 11th District :
ARK READ-MIX CONCRETE CORPORATION, :
PETITIONER : BALTIMORE COUNTY

Mr. Commissioner: Please enter an Appeal on behalf of the Petitioner to the Board of Zoning Appeals from the Order dated March 5, 1952 denying the Petition for a Special Permit, which said Order was passed by N. Charles Heimmuller, Acting Zoning Commissioner of Baltimore County.

Carl F. Tolson
Carl F. Tolson
Attorney

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FILED FEB 7 1952
BALTIMORE COUNTY BOARD OF ZONING APPEALS

2194

#2194-S

IN THE MATTER OF :
Petition of :
Ark Read-Mix Concrete : ZONING COMMISSIONER
Corporation : OF BALTIMORE COUNTY

For a Special Permit :
To the Zoning Commissioner of Baltimore :
Ark Read-Mix Concrete Corporation : Equal Owner

Contract :
Purpose :
I hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, applicable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a sand pit 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 Sand & Gravel Pit North and south sides of Link Ave., 11th District of Balto., beginning 2000 feet northwest of Bel Air Road, thence westerly on the north side of Link Ave., 317.72 feet with an average rectangular depth northerly of 203 feet and westerly, on the south side of Link Ave., 320 feet with an average rectangular depth southerly of 250 feet. being Lots Nos. 89 to 98, Inc'l., on plat of Pullerton Farms.

Contract Purpose :
Address :
Ark Read-Mix Concrete Corporation
11th & Bel Air Road, Baltimore, Md.
Contract Purpose :
Address :

ORDERED by the Zoning Commissioner of Baltimore County this 7th day of February, 1952, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations 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 27th day of February, 1952, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

Upon hearing on petition for a Special Permit to use the property described therein for a Sand and Gravel Pit and it appearing that the property in question known as Lots Nos. 89 to 98, inclusive, is part of a sub-division of "Pullerton Farms" plat, having been filed with the Clerk of the Court on December 14, 1950, the granting of a special permit for the operation of a sand and gravel pit would be detrimental to the residents who are established there and those who intend to build within the sub-division, the said special permit should be denied.

It is this 7th day of March, 1952, ORDERED by the Acting Zoning Commissioner of Baltimore County, that the aforesaid special permit petitioned for be and the same is hereby denied.

Charles Heimmuller
Acting Zoning Commissioner of Baltimore County

J. Anderson

3/27/52
11 AM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 2-13-52
Posted for Special permit for sand and gravel pit
Petitioner Ark Read-Mix Concrete Corporation
Location of property 11th & Bel Air Road, Baltimore, Md.
Remarks: See 2194-S of Book and 320 feet with average depth 250 feet. See 1943 Act 877 and 1943 Act 877 of the Acts of the General Assembly of Maryland of 1943, for a sand pit permit and use, as provided under said Regulations and Act, as follows:
Posted by George B. Heimmuller Date of return: 2-13-52

#2194

February 5, 1952

\$26.00
RECEIVED of James C. L. Anderson, Attorney for the Ark Read-Mix Concrete Corporation, petitioner, the sum of Twenty Six (\$26.00) Dollars, being cost of petition for a special permit, advertising and posting property, north and south sides of Link Avenue, 11th District.

FILED FEB 18 1952

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CERTIFICATE OF PUBLICATION

TOWSON, MD., February 15, 1952
THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., between 10:00 a.m. and 11:00 a.m. on 15 FEBRUARY, 1952, the 8th day of FEBRUARY, 1952. The first publication appearing on the 8th day of FEBRUARY, 1952.

H. T. Jefferian
THE JEFFERSONIAN, Manager.

NOTICE TO PETITIONER OF BALTIMORE COUNTY ZONING DEPARTMENT: This certificate of posting is a public notice to the petitioner of the zoning department of Baltimore County, Maryland, that the zoning department has received your petition for a special permit to use the property described therein for the purpose of operating a sand and gravel pit. The zoning department has reviewed your petition and has determined that the same does not conform to the zoning regulations of Baltimore County, Maryland, and that a special permit is required. You are hereby notified that you must file a petition for a special permit with the zoning department of Baltimore County, Maryland, within the time specified in the zoning regulations. If you fail to do so, the zoning department will deny your petition. This notice is being published in a newspaper of general circulation throughout Baltimore County, Maryland, on the date hereof. You are hereby notified that you must file a petition for a special permit with the zoning department of Baltimore County, Maryland, within the time specified in the zoning regulations. If you fail to do so, the zoning department will deny your petition. This notice is being published in a newspaper of general circulation throughout Baltimore County, Maryland, on the date hereof.

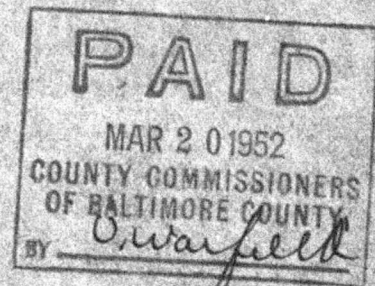
PAID
FEB 27 1952
COUNTY COMMISSIONERS OF BALTIMORE COUNTY
W. H. ...

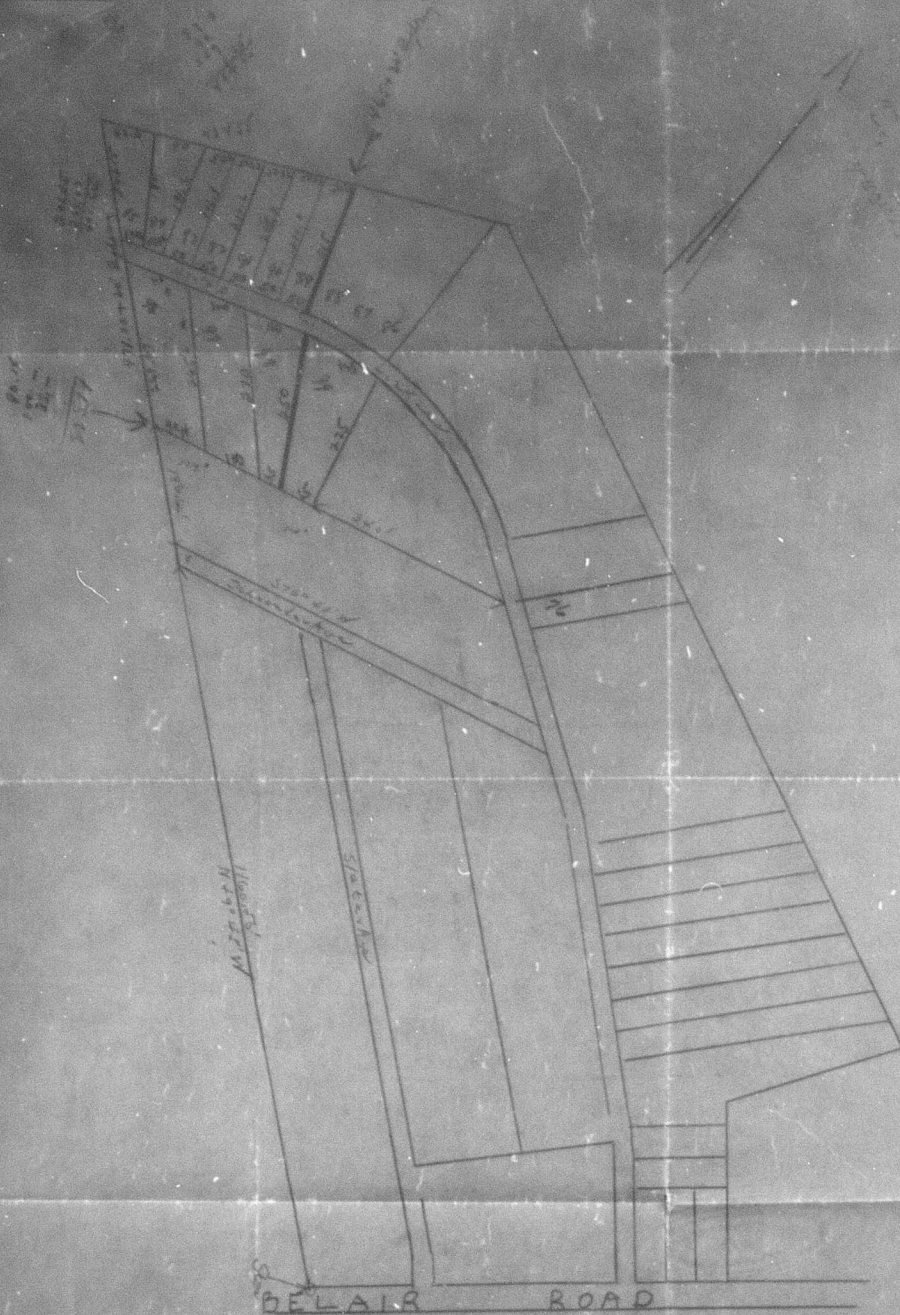
March 20, 1952

\$22.00

RECEIVED of James C. L. Anderson, Attorney for the
Ark Read-Mix Concrete Corporation, 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 ^{Acting} Zoning
Commissioner denying the special permit for sand and gravel
pit, north and south sides of Link Avenue.

Zoning Commissioner

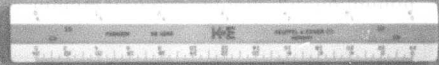




BELAIR ROAD

FULLERTON FARMS

FD
 City for Sale 100'-10'



Filed Dec. 3, 1928
 Tol. No. 2 Ch. Cont.

17
 May 13-38
 North From 163rd
 Crossing to 164th & from
 164th to 165th & from 165th
 to 166th
 LIBER. Study # 700-163rd
 11/2nd