RE: Petition #2781-8.S. by McCornick & Co., Inc., for a Reclassification and a Special Pornt to use the property described in the petition for a bus terminal and depot.

Hearing on the foregoing petition was held on November 18th, 1953 and it being determined by the Zoning Corriesioner of Baltimore that only a special permit, under the Zoning Regulations and Restrictions of Baltimore County, is necessary in order to entitle the petitioner to use the property for a bus terminal and depot, the applicant being in fact a Public Service Utility, subject to control by the Public Service Commission of Maryland, Therefore it is the belief of the Zoning Commissioner that a reclassification of the said property ought not be made sincs a reclassification thereof would amount to "spot zoning."

For the above reasons the reclassification sought is hereby denied and a special permit to use the hereinafter described portion of the property described in the petition for a bus terminal and denot is hereby granted in pursuance of Section XIII Sub-section I of the Zoning Regulations and Restrictions of Reltimore County. It is the purpose and intent of this permit and Order that the applicant may erect on the hereinafter described property such buildings and structures as may be necessary for the applicant's business subject however, to the requirements of the Building Code of Bultimore County and subject to such set backs as the Zening Commissioner may does necessary and proper, upon the submission of plans, etc., for the

## OFFICE OF PLANNING

May 19, 1958

Page -2-

large shed or service garage type of building. This is significant in view of the feet that in the Zoning Regulations Section 411.2 has this to say about Public Ulitity Uses in general: "In any residential zone in the Metropolitan District of Selfiners County, public willity buildings and structures, to the action practicable, shall have an exterior appearance harmo building and structures, to the actual practicable, shall have an exterior appearance harmonium with the general character of the neighborhood, including enchistement interests, indexequing, stress planting and/or tensities, and plant therefore shall be approved by the Zanlag Cosmistiant Report on of the Sanlage Cosmister of the Sanlage Cosmist

that Is now building up immediately to the cent of It.

A har Farenian I, Italian for the Tort into its Section 223.4 of the Zonling Regulations and is parentized in the R. M. Zono only an a Special Exception. It is cutneary, I buildren is nowing practice, whether on an observation of the Section 223.4 of the Zonling Regulations and Special Exception, porticularly if It is no on of the last restricted somes such as the section of the Section 223.4 of the Zonling Regulation is the same restricted somes that It would not be premitted on an a Special Exception in the same restricted somes that It would not be premitted on an a Special Exception in the same restricted somes that It would not be premitted on an analysis of the Section 223 and Section 223.111, which is Itselfor 202.015 of the Zonling Regulations. Whethere the legal implication conclining from subliquity of the stressment, I do have first bend information as to the actual loss of this working insurance of the consultant, No. 2 that Italy and a premitted in the Section 202.111, which is Itselfor 202.015 of the Zonling Regulations. Whethere the legal implications conclining from subliquity of the stressment, I do have first bend information as to the actual loss of this working insurance of the consultant, No. 2 that Italy and a loss of the Section 202.111, which is useful for the Consultant and the section 202.112 of the Section 202.1122 of the Section 202.1122 of the Section 202.11222 of

he reasons noted above it is my opinion that this office is justified in withholding its act of the requested building permit, as I balleve has already been done by the Zoning

protection of adjoining and neighboring properties.

The area of land upon which the foregoing permit is granted

-2-

BEGINNING for the same on the South side of Bathwood Avenue at the distance of 1300 Teet, more thanked as the same of 1300 Teet, more thanked as the same shall be same sam

In testimony whereof, I have here unto subscribed my name this qui day of December, 1953.

We, McCormick & Co., Inc., Legal Owner, and The McMahon Transportation after described property be reclassified, pursuant to the Zening Law of Balti-(2) for a Special Permit, under said Zoning Law and Zoning Regulations of Baltimore County, to use the hereinafter described property, for a bus terminal and depot, said property lying in the lith Elections District of Baltimore County, State of Maryland, and more particularly described as follows:-

distance of 1150 feet, more or less, Southeast of McCorwick Avenue and running thence South 338 feet thence South 82-3/h degrees East 217.feet 5 inches thence South 12 degrees West 239 feet 10 inches thence South 82-3/4 degrees East 36 feet 3 inches thence South 12 degrees West 365 feet thence North 512 degree East 29h2 feet thence North 765 feet to the South side of Hazelwood Avenue thence binding on the South side of Mazelwood Avenue North 86 degrees West 475 feet to the place of beginning.

Property to be posted as prescribed by Zoning Regulations.

We agree to pay expenses of the above reclassification and Special Permit. 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 Baltimore County.

Z/ Kelily Leeu " Ed Monvell

notify strange

Hr. Halcolm H. Dill Director of Planning County Office Building Towson &, Maryland

Dear Mr. Dill.

OFFICE OF PLANNING

. Ney 19, 1958

Subject

Tooming And

(27.51-16)

2781

in

Page -3-

In my opinion there is no question but that if the Bus Cooperny wishes to go sheed with the use of this property for the original intended purposes, it should reapply for a Special Exception under the new regulation. As stated down, however, it is ny salisif that a Special Exception could not be greated for 5: Tornized uses or expriting of that neture in this residential zone and then drove that the same part of the same and the s

To summarize, it is the purpose of this statement to express our reasons for withholding endorsement of the building permit and to seek your clarification of the legal point involved as to whether or not the owners have any right to apply for this building permit under the

Mr. Plei Mr. Ogle

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL PERMIT

2781-RS

MAP #11+14-A To the Zoning Commissioner of Baltimore County: 11/10/53 Contract Purchaser, hereby petition (1) that the soning status of the hereinmore County, from an "A" Residence Zone to an "F" Light Industrial Zone; and

BEGINNING FOR THE SAME on the South side of Hazelwood Avenue at the

Contract Purchaser 6503 Belair Road Baltimore 6, Maryl

Mr. Halcolm H. Dill Mrector of Planning Page 2

Hay 26, 1958

Works Manual, DPW-PS No. 14, Part I.

"6. Applicant Notified:

Upon receipt of the file folder from the boreau of the movement of the provider of the special control of the special control of the special control of the special conference of the provider of the special conference of the provider of the special conference of the special control of the speci

It is noted therein that if the application be disapproved, based on the administrative descretion, the applicant shall be notified and copies of such latter forwarded to the designated officials.

OFFICE OF PLANNING

Inter-Office Correspondence

At 14d you over the slephone, a building parent has been applied for for a rather large building to be used by the sheldhow the Company for time bland of terminal propose, on the south side of hissachword. An other statement of the sheld of the sheld of the sheld of hissachword of the sheld of

At present there is a building toward the root of the property, about 40.7 feet back from the right-of-way of Heazhwood, and quite close to the seat property line. This building is a little over 100 feet long and perhaps 25 feet which. I have not some her building synthal bet for. Street of our staff ways that on a recent visit by her there was a bus stored halde it, in an apparently prospective condition, and their the general appearance of the approach made it difficult to see how he had not see every part had the building. There is a long differency from Heazhwood Avenus, but appearably the in an connection from it in the paid of the building where the but is nor situated VA.1. Stehet Further tells no that this executy building were from any one of a greenhouse sportform. In other words, I it is appeared that one such control in a substitution of the substitution.

Immediately edicining the subject property to the east is a relatively new subdivision in which construction has proceeded to a considerable extent. The entire frontage of Hazelwood is now would up and construction is continuing on to the south. Directly on the opposite side of Hazelwood with up and construction is continuing on to the south. Directly on the opposite side of Hazelwood

don't op een colorrection is entireless on the entireless of the opposite table of textual-tools took opposite table of the color opposite table opposite table to pearly opposite table to pearly opposite table opposite table to pearly opposite table opp

The building permit that has been requested is for a mosonry building about 130 feet long and about 73–75 feet wide. In other words, this structure is longer than the present one which it is evidently intended to replace, and about their times or wide. The elevations of the building as shown have no architectural mattl whatsavers. They make no pretense of being other than a  $\alpha$ 

May 19, 1754

From Melcolm.H. Dill

To . Austin W. Brizandino - Solieiter's Office

Subject Clarification of Status of Special Permit and

the special penult by the present owners of the property.

for repair or storage purposes

Building Permit for a Bus Terminal Building

Section 435 of the Code of Public Local Laws of Saltimore County, (1955 Edition) further clarifies the procedure to be followed in the event of a disapproval.

exproval.

\*\*excess\*\*Observer the Buildings burineer shall refuse to great a permit to an epulicant, he shall certify Mar reasons there are not writing to the County Consistence or Saltineer County, and the said County Counterdower whill pract or recovery, and the said County Counterdower whill pract or recovery and not longer, after an order retailing. Building Triben days, and not longer, after an order retailing a lantineer relationship to the Circuit Court for Buildings county, which Court, stitling in Court and the Final Such Appeal shall be instituted by Caurt shall be final. Such Appeal shall be instituted by falling in said Court a pullettion, a copy of which shall be first in said Court a pullettion, a copy of which shall be stitled with a said fourt a partition, a copy of which shall be stitled while said fourt a partition of Baltimers County, saids and putting shall be instituted by saids and putting shall be simple for the speak. The Court Counterdower shall promptly county and in fourt a complete transactive artists of same by the appallant.

(The County Executive is the proper party wherever the County Commissioners are mentioned in the statute)

The final approval or disapproval of the building permit application rests with the Building's Engineer as outlined shows.

very truly yours,

Austin W. Brisendine

made of the Building Permit application is provided in Section 6 of the Public

The administrative decision having been made, the disposition to be

The essence of the problem is whether or not the property has been utilised for the purpose for which the permit was issued, i.e., a five terminal and deput, within one year after the adoption of the present found segulations on hareh 30, 1955. The determination of this quantion of utilization is a factual and the section of the desiration is a factual at legal matter. For this time of desiration truth dissertion and the decision is not position of weighing evidence as to list see or disease.

May 25, 1958

I acknowledge receipt of your letter of May 19, 1956 with information concerning a Building Permit by the McMahon Bus Company on property located on

On December 9, 1953, the Toning Commissioner granted a Special Permit for the property in question for a Dus Terminal and Depot under Section IIII, Sub-section I of the then existing Zoning Regulations.

Section 502.3 of the Current Zoning Regulations provides:

"-many Special Exception which has not been utilized within a period of one year from date of issue, or any "Special these Regulations for the control of the set of special con-labes Regulations and which has not been a special of a period of one year after such date, shall be word unless on period of one year fire runch date, shall be word unless on written request from the petitionney, the Johns Countainous greates an extension, provided, however, that not nove then one such attention, for a period of one year, any bu premised one such attention, for a period of one year, any but premised

The applicant now applies for a Building Fermit pursuant to the Poecia Zoning Fermit referred to above. In your letter you raised the question as to whather or not the owner has a right to apply for this building permit under the original Zoning Special Fermit.

	CERTIFICAT	E	OF	PO9T	ING
ONING	DEPARTMENT	OF	BAL	TIMOR	E COUN

CERTIFICATE OF PUBLICATION

TOWSON, MD..... November 6, 19, 53

THIS IS TO CERTIFY. That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., our coinceasts or 2 times somewine marks before the 18th day of \_\_\_\_\_ November 19 53, the first publication 30th day of October

> THE JEFFERSONIAN. Manager.

Cost of Advertisement, \$\_\_\_\_\_

19\_53

ZONING COMMISSIONER OF HALTIMORE COUNTY

\$31.00

RECEIVED of Lewis 3. Stengel, Attorney for MoMah n Transportation Co., petitioner, the sum of Thirty One (\$31.00) Dollars, being cost of petition for reclassification, advertising and posting property, South side of Hazelwood Avenue, 14th District of Baltimore County.

Zoning Commissioner

Hearings

Wednesday, Nov. 18, 1953 at 11:00 a.m.

Board Room. Reckord Bldg., Towson Md.



November 6, 1953

NOV 9 -COUNTY COMMISSIONERS OF BALTIMORE COUNTY N. Whoway

N. 86° W. 475 from M. Cormick Ave Stoneing 1150'± - stone 3 First Parcel 6 3/8 Acres ± S.8234° E. 264/2 Second Parcel 0 23 o Acre ± Stone 14th Election Dist. Balto. Co. Md. 51/2 E. 294/2 Platted from, and as described in, Deed from Moss Inc. to Mª Cormick z Co. Inc. dated August 7-1946. Recorded R. JIS, 1471-505 Stone Scale = 100 feet to one inch S. J. Martenet & Co. Survayors & Civil Engis Baltimore, Oct. 7-1953 Howard D. Tuotin, Reg. \* 186,