

October 17, 1957

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Exception

To the Zoning Commissioner of Baltimore County

Legal Owner

All that parcel of land in the 8th District of Baltimore County on the north side of Sherwood Road, beginning 437 feet West of Powers Ave; thence westerly and bisecting on the North side of Sherwood Road 500 feet; thence the following courses and distances: North 74 degrees 23 minutes west 85.60 feet; North 51 degrees 31 minutes east 124.40 feet; North 31 degrees 29 minutes west 35 feet; North 51 degrees 37 minutes east 24.25 feet; North 34 degrees 01 minutes west 440 feet; South 86 degrees 56 minutes west 14.45 feet; North 3 degrees 24 minutes west 390.25 feet; South 86 degrees 46 minutes west 831.55 feet; North 18 degrees 29 minutes east 251.50 feet; North 51 degrees 27 minutes west 537.02 feet; North 27 degrees 25 minutes east 1276.22 feet; North 35 degrees 16 minutes east 1559.01 feet; North 86 degrees 49 minutes east 1797.61 feet; South 3 degrees 11 minutes east 1221 feet; South 86 degrees 49 minutes west 968.09 feet; South 32 degrees 23 minutes west 301.29 feet; North 86 degrees 13 minutes west 303.62 feet; South 3 degrees 17 minutes west 322.62 feet; South 86 degrees 43 minutes east 90 feet; South 3 degrees 17 minutes west 230 feet; North 86 degrees 43 minutes east 90 feet; South 3 degrees 17 minutes west 1237.25 feet; South 86 degrees 03 minutes east 626.31 feet; South 32 degrees 56 minutes west 655.45 feet, containing 176 acres, more or less to the place of beginning.

By David H. Allen, Esq.
VIRGINIA HOME BUILDERS, INC.

Contract Purchaser

Legal Owner

Bates Contracting, Inc.
711 S. Central Ave.

11/14/57
10 AM

4283

January 15, 1959

18.00

RECEIVED 2/26/59 at 11:00 a.m. by the County of Baltimore, Maryland. This receipt is for the sum of Eighteen Dollars, being cost of certified copies of papers filed in the matter of petition for variance on north side of Sherwood Road 437' west of Powers Lane, 8th District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

1-6099 9600 • • • TIL - 600

01.622

Contract
Purchaser

hereby petition for a Special Exception, 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 Acts, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for country

By David H. Allen, Esq.
VIRGINIA HOME BUILDERS, INC.

Contract Purchaser

Legal Owner

Bates Contracting, Inc.
711 S. Central Ave.

11/14/57
10 AM

April 17, 1958

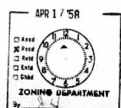
Mr. Wilkie H. Adams
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Special Exception
for Cemetery - N.S. Sherwood Ave.
437' W. Powers Lane, 8th Dist.,
Virginia Home Builders, Inc.,
Petitioner - No. 4283-X

Dear Mr. Adams:

You will please enter an Appeal from your Order passed in the above entitled case, dated April 7, 1958, on behalf of August C. Kim and Beatrice C. Kim, his wife; Anne R. Belterth and Martha Belterth, his wife; Taylor Howard and Barbara Howard, his wife; Joseph S. Pendley and Sadie Pendley, his wife; R. W. Lentzen and Mary E. Lentzen, his wife; and George R. Miller and Hazel N. Miller, his wife, to the County Board of Appeals of Baltimore County.

August C. Kim
On behalf of Petitioners
Lawrence E. Baur
Attorney for Petitioners
Campbell Building
Towson 4, Maryland
Valley 3-0250



ORDERED BY the Zoning Commissioner of Baltimore County this 18th day of October, 1957, 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 18th day of November, 1957, at 10 o'clock A. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special exception to use the property described therein for a Cemetery and it appearing that by reason of location, the safety, health and the general welfare of the locality not being detrimentally affected, the special exception should be granted, therefore:

It is this 24th day of April, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, be and the same is hereby granted, subject, however, to recording and setbacks as shown in "red" on plat filed with petition.

By David H. Allen, Esq.
Zoning Commissioner
of Baltimore County

Another resident testified that the underpass at the junction of Sherwood Road and York Road obstructs the view of a vehicle entering the boulevard from Sherwood Road and causes a highly dangerous condition. Additional testimony was to the effect that Sherwood Road enters York Road at a severe angle and that it is slippery when wet and hazardous to pedestrians.

Mr. Walter J. Addison, County Traffic Engineer, testifying at the request of the Board, after having made a recent study of the location, stated that Sherwood Road is by nature more of an access facility to individual properties than a thoroughfare; that it is a poor and hazardous road; that a long continuous line of vehicles would be hazardous on a road this narrow and that the road is too dangerous for the use of anyone except people who are familiar with it.

The Board feels that, that abundant testimony proves the two requested would aggravate already dangerous traffic conditions and thereby constitute a detriment to the public safety.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 24th day of November, 1958, by the County Board of Appeals, ORDERED that the special exception petitioned, be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

By David H. Allen, Esq.
Charles H. Starnes, Jr.
Walter J. Addison

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4283

District 8th Date of Posting 11-6-57
Posted for Special Exception for Cemetery
Petitioner: Virginia Home Builders, Inc.
Location of property: 437' W. Powers Lane, 8th Dist., Baltimore, Md.
Location of Sign: Sherwood Road, 437' W. Powers Lane, 8th Dist., Baltimore, Md.
Remarks: By David H. Allen, Esq.
Posted by David H. Allen, Esq. Date of return: 11-7-57

RE: PETITION FOR SPECIAL EXCEPTION
FOR CEMETERY - N.S. Sherwood
Rd., 437' W. Powers Lane, 8th
Dist., at Virginia Home
Builders, Inc., Petitioner
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 4283-X

OPINION

This corporate petitioner requested a special exception for cemetery. The tract for which the special exception is sought contains approximately 176 acres and is located about 437 feet west of the intersection of Powers Avenue and Sherwood Road near Cockeysville.

The testimony indicates that the development of the entire tract may take many years dependent upon the rapidity of sales. The petitioner intends to open 50 acres initially.

Expert testimony was offered by the petitioner to say that cemeteries do not have a detrimental effect on the value of surrounding property; that they do not affect properties for either better or worse.

Mr. George E. Gervelis, Deputy Director of the Office of Planning for Baltimore County, testified that the subject area is not over-saturated with cemeteries; however, he stated in his opinion the traffic which would be developed by the requested use could be adequately handled.

Mr. J. Fred. Offutt, a resident of the area, formerly Roads Engineer and now Chief of the Baltimore County Bureau of Land Development, testified that Sherwood Road varies between 18 and 21 feet in width without sidewalks and that in many places there are 12 to 14 grades; further, that the road was impassable in winter snow.

4283-4
April 17, 1958

\$30.00

RECEIVED of Lawrence E. Emer, Attorney for protestants, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the County Board of Appeals from the decision of the Zoning Commissioner granting a special exception for cemetery, north side of Sherwood Road, 437' W. Powers Lane, 8th District, Virginia Home Builders, Inc., Petitioner.

Zoning Commissioner

01.622
RECEIVED
APR 17 1958

COMPTROLLER'S OFFICE

October 28, 1957

\$35.00

RECEIVED of Baltimore Contractors, Inc. petitioner, the sum of Thirty-Five (\$35.00) dollars, being cost of petition, advertising and posting property situate - North side of Sherwood Road, beginning 437 feet West of Powers Avenue - 8th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Monday, November 18, 1957
at 10:00 a.m.

Room 108
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RECEIVED
OCT 28 1957
COMPTROLLER'S OFFICE

01.622-35.00

November 22, 1957

\$11.75

RECEIVED of Virginia Home Builders, Inc., petitioner, the sum of Eleven Dollars and seventy-five cents (\$11.75) to cover cost of advertising and sign situate on the North side of Sherwood Road, beginning 437 feet West of Powers Avenue, 8th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

trd

01.622-\$11.75

RECEIVED
NOV 22 1957
COMPTROLLER'S OFFICE

**NO PLAT
IN
THIS FOLDER**