

4921-X
MAP
9-B

RE: PETITION FOR SPECIAL EXCEPTION
FOR CONTROLLED EXCAVATION -
NE side of Old Harford Rd. beg.
2112' NE of Joppa Rd. - 9th
District - James P. Ewart,
Petitioner

BEFORE "X"
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
#4921-X

OPINION

The petitioner herein seeks a special exception for the controlled excavation of a portion of certain residential property lying on the northwest side of Old Harford Road between Joppa Road and Proctor Lane. He contemplates the leveling off of a knoll in the rear of the subject property and has contracted to sell the gravel which will result from the excavation to a contractor. The ultimate use of the gravel will be in the construction of a section of the Baltimore County Beltway located between Dulany Valley Road and Coopers Road.

Excavations solely for the purpose of improving the land are, in our opinion, uncontrolled excavations, requiring no zoning action. However, where digging for sale occurs, under the definition contained in Section 101 of the Zoning Regulations, a controlled excavation results and a special exception is required. As in any special exception, it must appear from the testimony that the use requested will not be detrimental to the health, safety or general welfare of the locality involved nor tend to create a traffic problem, fire problem or any other adverse condition prohibited by Section 502.1 of the Zoning Regulations.

It is manifest from the testimony that material for the Baltimore County Beltway must come from some convenient source, just as it is clear that such material must be hauled from the place of excavation to the place of use. Regardless of the source, trucks loaded with gravel must use the County roads to get to the construction site and, in doing so, must pass residential properties.

The protestants in this case, living mostly along residential streets southwest of the subject property, are fearful of traffic hazards created by the use of many trucks, and the noise, dirt, and attendant confusion inherent in such an operation. The Board is fully cognizant of the possible dangers which might develop should such a project be allowed to progress unrestricted and unregulated. However, we feel that the incorporation of the safeguards guaranteed by the restrictions listed below will permit this project (ultimately resulting in the public benefit) to be granted without detriment to the health, safety or general welfare of the locality involved.

The following restrictions, however, must be rigidly followed:

1. No explosives of any type will be used at any time during the excavation.
2. The excavation may be carried on during normal working hours; subject, however, to the provisions that no trucks used in connection with the said excavation shall be on the public roads prior to 9:00 a.m. or subsequent to 4:30 p.m.
3. The route to be used by the trucks shall be as follows:

Loaded trucks shall turn right from the subject property and proceed southwest to Joppa Road; thence right on Joppa Road to Coopers Road and thence to the site.

Empty trucks returning along Joppa Road shall turn left at Sater Hill Road; thence right to Proctor Lane; thence right again at Old Harford Road to the subject property.

4. During the hours that trucks are moving in the area, flagmen shall be stationed northeast of the entrance of the subject property on Old Harford Road and east of Old Harford Road on the Joppa Road so as to warn approaching traffic.
5. This special exception shall continue for a period of ninety (90) days only from the date hereof unless extended for a good cause.
6. No more than fifty (50) truck loads of gravel per day shall be removed from the subject property.

Trucks shall not be overloaded so as to cause spillage of material along the road while they are in transit.

ORDER

For the foregoing reasons, it is this 18 day of July, 1958, ORDERED by the County Board of Appeals, that the special exception petitioned for be and the same is hereby granted; subject, however, to the operation and effect of the restrictions contained in this Opinion.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles S. Stuckey
Walter H. K. [unclear]

Re: PETITION FOR A SPECIAL EXCEPTION FOR CONTROLLED EXCAVATION - NW 1/4 of Old Harford Rd. beg. 2212' NE. of Joppa Rd.
BEFORE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
#4921-X

Pursuant to the advertisement, posting of property and public hearing on the above petition to use the property described therein for Controlled Excavation, and it appearing that the use for which the special exception is requested will not be detrimental to the health, safety or general welfare of the community involved, the special exception, requested in the petition of James P. and Clara E. Ewart is hereby granted, subject to the following:

1. Operation limited to 90 days.
2. Operate only from 7:00 a.m. to 5:00 p.m.
3. Dust or road of property being excavated and dust on Old Harford Road must be controlled at all times during the project.
4. All equipment to be removed from property at end of 90 day period.
5. A flagman to be placed on Old Harford Road and property line.
6. A flagman to be placed on Joppa Road and Old Harford Road.
7. Fertilize, lime and seed to be used where gravel has been removed, mulch on slopes; also top soil and seed on slope on southern portion of property.
8. Excavate and grade according to grading plans.

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JAMES P. EWART & CLARA E. EWART

For a Special Exception

To The Zoning Commissioner of Baltimore County

JAMES P. EWART & CLARA E. EWART Legal Owner

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 Act, as follows:

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

All that parcel of land in the Ninth District of Baltimore County on the Northwest side of Old Harford Road, beginning 2112 feet Northeast of Joppa Road; thence Northeasterly and binding on the Northwest side of Old Harford Road 262.67 feet; thence North 32 degrees 08 minutes East 297.5 feet; thence South 59 degrees 17 minutes West 137.0 feet; thence South 24 degrees 49 minutes East 969.0 feet to the place of beginning.

Contract Purchaser

Legal Owner

5/31/58
10:15 AM
Notify:- William S. [unclear] Co.
F.O. B. [unclear]
BALTO. 20, MD.

Zoning Commissioner
of Baltimore County

RECEIVED
MAY 29 1958
COMPTROLLER'S OFFICE

01-622-\$30.00

It is this 23rd day of May, 1958, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, be and the same is hereby granted.

Deputy Zoning Commissioner
of Baltimore County

April 30, 1958

RECEIVED OF A. V. Williams, for petitioner, James P. Ewart, the sum of Forty Dollars (\$40.00) to cover cost of petition, advertising and posting property situate on the Northwest side of Old Harford Road, beginning 2112 feet Northeast of Joppa Road.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED

Wednesday, May 21, 1958
at 10:15 A. M.
Room 108
County Office Building
131 N. Chesapeake Avenue
Towson, Maryland

APR 30 1958
COMPTROLLER'S OFFICE

01-622-\$40.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 5-7-58 # 4421

Posted for: Special Exception for Controlled Excavation

Petitioner: James P. and Clara E. Ewart

Location of property: N.W.S. of Old Harford Rd., by 2112 ft. N.E. of Joppa Road.
etc. See Plat. Known as 9100 Old Harford Road.

Location of Signs: Posted on property known as 9100 Old Harford Road.

Remarks: _____

Posted by George R. Hummel Date of return: 5-8-58
Signature

**ZONING DEPARTMENT OF
BALTIMORE COUNTY PETITION
FOR SPECIAL EXCEPTION
— 9th DISTRICT —**

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for a Special Exception to use the property hereinafter described for Controlled Excavation, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Wednesday, May 21, 1958
at 10:15 A.M.

to determine whether or not the Special Exception petitioned for as aforesaid should be granted, the property in said petition being particularly described as follows:

All that parcel of land in the Ninth District of Baltimore County on the Northwest side of Old Harford Road, beginning 2112 feet Northeast of Joppa Road; thence Northeastly and binding on the Northwest side of Old Harford Road 262.67 feet; thence North 22 degrees 04 minutes West 557.5 feet; thence South 59 degrees 17 minutes West 127.0 feet; thence South 24 degrees 19 minutes East 559.0 feet to the place of beginning, as shown on plat plan filed with the Zoning Department, being property of James P. Ewart and Clara E. Ewart.

By Order of
WILBIE H. ADAMS,
Zoning Commissioner
of Baltimore County
5-2-58

THE UNION NEWS
CLASSIFIED AD.

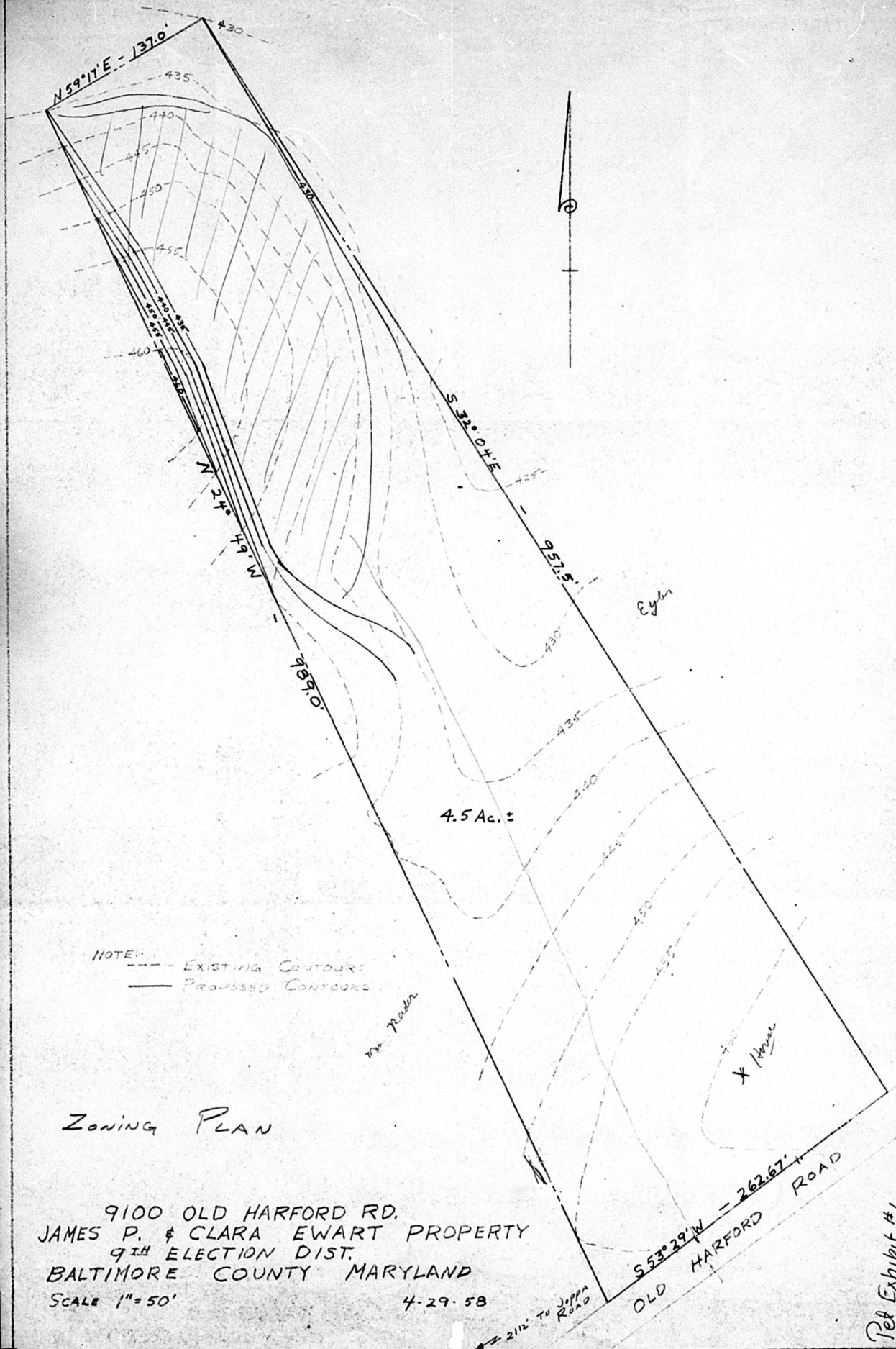
CERTIFICATE OF PUBLICATION

TOWSON, MD., May 9 1958

THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 2 successive weeks before the 21st day of May 1958, the first publication appearing on the 2nd day of May 1958.

The UNION NEWS

H. F. Kasper
Manager. 5



NOTE:
--- EXISTING CONTOURS
— PROPOSED CONTOURS

Zoning Plan

9100 OLD HARFORD RD.
JAMES P. & CLARA EWART PROPERTY
9th ELECTION DIST.
BALTIMORE COUNTY MARYLAND
SCALE 1" = 50'
4-29-58

2 1/2" TO Joppa ROAD

S 53° 29' W - 262.67'
OLD HARFORD ROAD

Pet Exhibit #1