

HERN WOODMAN and
STYHN WOODMAN
3212 Elton Road
Baltimore 7, Maryland

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

EDWARD SMITH and
CATHERINE SMITH
3010 Elton Road
Baltimore 7, Maryland

THE ROCKDALE CIVIC AND
IMPROVEMENT ASSOCIATION, INC.,
a body corporate
Baltimore County, Maryland

Appellants

vs

SPINO T. ARMS, CHARLES
STERNBERG, JR., and DANIEL W.
HARRIS, representing the
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY,
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Appellees

ALL USE TO ORDER OF APPEAL AND ORIGINAL AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
SOUND CONSULTATION AND THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, Sir.

Secretary to County Board of
Appeals of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd

Date of Posting 11-13-58

Posted for: James R. Harrington for a Service Garage

Petitioner: James R. Harrington for a Service Garage

Location of property: Lot 1 of Langrehr Rd. by 150 ft. S. of Liberty Road.

Location of Sign: East side of Langrehr Rd. 125 ft. South of Liberty Road.

Remarks:

Posted by: George R. Harrington Date of return: 11-14-58

RE: PETITION FOR SPECIAL EXCEPTION
FOR SERVICE GARAGE - 2.5
Langrehr Road 150' S. Liberty
Road, 2nd District -
Alvin Landes & Lorraine Landes,
Petitioners

BEFORE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

No. A528-X

OPINION

The petitioner herein makes application for a special exception to permit the operation of a service garage on a lot 97' x 165', fronting on Langrehr Road. The lot is presently zoned for commercial use, constituting, along with a gasoline service station to the immediate north, the total depth of business zoning on Liberty Road at this point.

According to the testimony, the petitioner wishes to erect and operate a concrete block steel paneled structure 50' x 100', with an aluminum type roof, and a separate all concrete 11' x 20' paint room.

A substantial protest by residents of the general area, particularly in the Elton Road neighborhood, is noted. Their main objections are traffic, noise and fumes from the proposed operation. In addition, the Deputy Director of the Office of Planning of Baltimore County testified that his office opposes the use sought because they do not feel it to be compatible with the sub-division of certain "B-2" acreage to the south and the west. He stated further that anticipated traffic and the general hustle and bustle would be harmful to the area; in addition, that too much land is now zoned commercially on Liberty Road.

However much the Board desires to prevent encroachment in residential areas, it can neither alter nor overlook the fact that the subject lot is already zoned commercial. With respect to the tests set forth in Section 502.1 of the Regulations, it does, therefore,

delivery trucks coming to and leaving the premises. There is little question in my mind that there could be a serious traffic problem arising at the intersection of Langrehr Road and Liberty Road where you have automobiles leaving and entering two gas stations together with the flow of traffic on Liberty Road, together with the flow of traffic to and from this garage.

5. From the standpoint of the residents who live in the area they are particularly concerned with the noxious odors, fumes in the air, noise from hammering and similar activities. In my opinion it would be detrimental to the health and safety of the neighborhood to place this garage within 200 feet of the nearest residence. One must also consider the fact that the residents who live in the immediate neighborhood will be caused to view the unsightly wrecks and wrecked parts which by their very nature at times, at least, will have to be placed outside of the garage premises itself. These wrecks will be especially attractive to the younger children in the neighborhood and therefore it is my opinion that the granting of this special exception will be detrimental to the general welfare of the locality involved.

6. The testimony produced by the protestants shows conclusively that the closest body and fender shop to this location is but 2 (two tenths) of a mile away. That there are three (3) body and fender automobile garages within .7 (seven tenths) of the subject location. There seems to be little need, if any, or demand for a garage of this type in the immediate neighborhood. From the standpoint of zoning it is my opinion that this commercial tract can be more advantageously zoned by way of special exception.

7. Although not controlling in my opinion I am familiar with the history of this property in relation to prior zoning and as testified in this case the Planning Commission has been unalterably opposed to the establishment of a service garage at this location. The original commercial zone was never approved by the Planning Commission. Although Section 230.122 of the Zoning Code may not have any technical application it would seem that this lot does not fulfill a number of the standards set forth by the zoning regulations. In my opinion this special exception should not be granted subject to the approval of the Planning Department, for the reason that the Planning Department has already testified that it is opposed to the granting of this special exception.

compare the use requested with the uses presently permitted at the location under the existing "B-2" Zone. With restrictions written in as conditions precedent to the granting of this special exception, the Board feels that Section 502.1 is not violated and that the special exception for service garage is justified.

ORDER

It is this 2nd day of June 1959, by the County Board of Appeals of Baltimore County, ORDERED that the petitioner herein is granted a special exception for service garage at the above location, subject, however, to the following conditions and restrictions:

1. That the property owner shall provide complete screening of a minimum height of 1' on the southern and eastern boundaries of the property.
2. Both the main building and paint room shall be ventilated by means of roof exhaust fans with adequate filters. The paint room shall be completely fume-proof.
3. All repairs shall be done inside the buildings.
4. No storage of wrecked vehicles, parts of materials shall be permitted outside the buildings.
5. No operations causing noise shall be performed after 5:30 P.M.
6. Outside areas shall be kept clean and neat at all times.
7. All plans for the buildings and site shall be approved by the Office of Planning and the Bureau of Land Development prior to construction.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

James J. Smith
Charles W. Harrington

WHEREFORE, in my opinion the petition for special exception, as above captioned, should be denied for the reasons as above noted.

ZONING BOARD OF APPEALS FOR BALTIMORE COUNTY

Date June 2, 1959

RE: PETITION FOR SPECIAL EXCEPTION
FOR SERVICE GARAGE - 2.5
Langrehr Road 150' S. Liberty
Road, 2nd District -
Alvin Landes & Lorraine Landes,
Petitioners

BEFORE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

No. A528-X

OPINION

The Petitioner in this case has made application for the granting of a special exception to an existing commercial zone to allow them to operate a service garage on the subject lot with dimensions of 97 feet frontage on Langrehr Road with 165 foot depth. The lot in question fronts and is contiguous to a gasoline service station on the North. Langrehr Road is a 12 foot unpaved right of way running in front of the subject property.

Pursuant to the Petitioner's testimony he plans to construct a concrete block structure 50 feet in width by 100 feet in length in which garage he will operate a repair, paint, body and fender shop. To my understanding the paint room will be a separate 11 feet by 20 feet structure. The petitioner testified that he expected that his average business would incur the towing of the average of 5 cars a day to his premises, or generally speaking approximately 150 cars a month. The repair of said automobiles would involve use of welding torches and other types of pre-heating devices to be used adjacent to a gasoline service station.

I am cognizant of a substantial protest by the residents of the Rockdale area and in particular the Elton Road neighborhood however, my decision as hereinafter stated although mindful of this fact is not in any way controlled thereby.

Therefore, I am denying this special exception for the operation of the repair garage for the following reasons: viz

1. That in my opinion the granting of this special exception would be detrimental to the health, safety and general welfare of the locality involved. That in support of this statement in particular I offer the testimony of George Garvella who in reviewing the problems involved in this case noted that the zoning of the subject site extends deeper into the surrounding residential land to the South than does the other existing commercial sites

along Liberty Road. That this again is an extension of a special exception into residential development. I am of the opinion that a service garage is a type of commercial use which is particularly objectionable when bordering upon a residential area and therefore should not have the benefit of extending further into an unpaved area which will subsequently be used for residential.

2. Another reason in support of the denial of the special exception is that at present Langrehr Road ends at Liberty Road, however across Liberty Road toward the subject property there is a 12 foot right of way which will be used to extend Langrehr Road in a southeasterly direction across Liberty Road. As a result of this Langrehr Road will of course have to be widened when a substantial amount of property will have to be used for road purposes from in front of the proposed garage. Mr. Garvella testified that until studies for this road are made that it would be impossible to reserve the exact width needed.

3. There can be little doubt that the placing of this paint and body shop will result in the production of gases and noxious odors in and about the general neighborhood. No matter how well controlled there will be a seepage of combustible fumes through windows and doors of the said garage. The use of welding torches in a small area adjacent to a gasoline service station could be particularly hazardous and detrimental to the health and safety of the neighborhood. I do not think that a body shop with its existing potential fire hazard should be placed on this lot next to a gasoline service station. Therefore, it is my opinion that the granting of this special exception would be in violation of Section 502.1 (c) in that the operation of this establishment will create a potential hazard from fire and other dangers.

4. In my opinion the granting of this special exception will tend to create congestion in both Langrehr Road and will create definite traffic hazard at the intersection of Langrehr Road and Liberty Road which in my opinion would be in violation of Section 502.1 (b). We need only to look at the testimony of the petitioner who said on the average 5 vehicles a day would be towed, or brought by some other method, into the establishment. This statement by its very nature means that there will be approximately 150 cars being towed in a month and the same number ultimately leaving the premises. There will also be vehicles of another nature such as supply and paint

1. GEORGE L. BUCKMASTER
2. GEORGE W. WHITE, JR.
3. GEORGE L. CLARKE
4. GEORGE L. CLARKE
5. GEORGE L. CLARKE
6. GEORGE L. CLARKE
7. GEORGE L. CLARKE
8. GEORGE L. CLARKE
9. GEORGE L. CLARKE
10. GEORGE L. CLARKE

LAW OFFICES
BUCKMASTER, WHITE, MINDEL & CLARKE
10 LIGHT STREET
BALTIMORE 2, MD.
TELEPHONE HULBERRY 8-8747

TOWNSHIP NO. OFFICE
24 W. FREDERICK AVE.
TELEPHONE
VALLEY 3-8885

January 20, 1959



Wilsie H. Adams
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Exception
For Service Garage - E.S. Langrehr
Road 150' S. Liberty Road 2nd Dist.
Alvin Landes & Lorraine Landes,
Petitioners

Dear Mr. Adams:

On behalf of George Johnson, 3423 Ripple
Road, Baltimore County, Maryland and the Protestants
who appeared at the hearing in this matter, it is
requested that an appeal be noted and filed to the
County Board of Appeals from your decision and order
of January 16, 1959 in the above matter.

Will you please see that we are notified
of the hearing date.

Sincerely yours,

George W. White, Jr.

GWW:jrc

IN RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
ALVIN LANDES AND LORRAINE LANDES, : ZONING COMMISSIONER
Petitioner : OF BALTIMORE COUNTY
: File # 4528X

PETITION AND ORDER

The petition of Alvin Landes and Lorraine Landes respectfully
represents:

1. That they heretofore filed a petition for a Special
Exception to utilize the property described in the above captioned
matter for a service garage, which petition was granted by the
Zoning Commissioner on or about January 15, 1959.

2. That the protestants appealed from the Order of the
Zoning Commissioner to the County Board of Appeals which also
granted the special exception by its Order dated on or about
June 2, 1959, subject to certain conditions requiring a completely
fireproof paint room, exhaust fans, filters, etc.

3. That the protestants thereupon appealed to the Circuit
Court for Baltimore County which, after a hearing, affirmed
the Order of the County Board of Appeals on or about June 6, 1960.

4. That the lapse of more than a year and a half between
the date that your petitioners' application was filed and the date
that the special exception became final by Order of the Circuit
Court of Baltimore County required your petitioners to enter into
certain commitments and make certain business arrangements during
that period of time and as a result of that lapse of time, your
petitioners have been unable to arrange financing to utilize their
special exception and to comply with the conditions attached
thereto within one year from June 6, 1960.

WHEREFORE your Petitioners pray that the said special
exception may be granted for an additional period of one year

from June 6, 1961 to June 6, 1962, as provided for in Section 502.3
of the Zoning Regulations.

W. Lee Harrison,
Attorney for Petitioners

ORDER

Upon the foregoing Petition, it is this 27th day of May,
1961, ORDERED that the special exception heretofore granted in
the above entitled case be and the same is hereby extended from
June 6, 1961 to June 6, 1962.

W. Lee Harrison
Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION :
FOR SERVICE GARAGE - E. S.
Langrehr Road 150' S. Liberty
Road, 2nd District -
Alvin Landes & Lorraine Landes,
Petitioners

BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
NO. 4528-X

Pursuant to the advertisement, posting of property and
public hearing on the above petition to use the property described
therein for a Service Garage, this petition has been previously
denied by the Deputy Zoning Commissioner using Section 230.12
of the Baltimore County Zoning Regulations as reason for denial.
However, there was testimony before the Zoning Commissioner, which
has been thoroughly checked by the Zoning Department, that this
property had been sub-divided and was under different ownership
prior to the adoption of the Zoning Regulations on March 30, 1955.

It is the opinion of the Zoning Commissioner that
since this property is now for commercial use the special excep-
tion requested will not be detrimental to the health, safety and the
general welfare of the locality involved, providing there shall be com-
pact screening of a minimum height of 4 feet on the southern and eas-
tern boundaries of this property.

It is requested that this office be notified by either
the owner or lessee prior to the opening of this garage so that we may
inspect to see that compliance with this Order has been met.

All plans for the building, ingress and egress, etc.,
shall be subject to the approval of the Office of Planning and the Bureau
of Land Development.

It is this 16th day of January, 1959, 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 compliance with the above provisions.

Wilsie H. Adams
Zoning Commissioner
of Baltimore County

IN THE MATTER OF

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ALVIN & LORRAINE LANDES

For a Special Exception

To The Zoning Commissioner of Baltimore County

ALVIN & LORRAINE LANDES

Legal Owner

Contract
Purchaser

herby 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 be
erected thereon) hereinafter described for

All that parcel of land in the Second District of Baltimore County on the
East side of Langrehr Road, beginning 150 feet South of Liberty Road; thence
South and thence on the East side of Langrehr Road 97.50 feet; thence
South 65 degrees 15 minutes East 34.98 feet; thence North 39 degrees 50 minutes
East 97.83 feet; thence North 65 degrees 15 minutes West 169.86 feet to the
place of beginning.

Contract Purchaser

Legal Owner

#4528-X

MAP
#2+3-A
"X"
11/12/58

June 17, 1959

\$40.00

RECEIVED of Smith & Harrison, Attorneys for Alvin
Landes, et al, petitioners, the sum of Forty (\$40.00) Dollars,
being cost of petition, advertising and posting property on
east side of Langrehr Road, 150' south of Liberty Road, 2nd
District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

6-1959 1900 • • • TIL • 40.00
6-1959 1900 • • • TIL • 40.00

January 20, 1959

\$30.00

RECEIVED of Buckmaster, White, Mindel & Clarke,
attorneys for the 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 service garage, east side of Langrehr
Road 150' S. Liberty Road, 2nd District - Alvin Landes, et al,
petitioners.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

1-2159 5632 • • • TIL • 30.00

OCT 1 1959

LIBERTY

LANGFELDER RD.

SHEET METAL

BL

SER. STA.

BL

SHOE RER

BL

ROAD

...66...

SER. STA.

BL

12' R/W

PAVING

SER. STA.

BL

PAVING

G. & E. CO.

19'

70'

50'

25'

BL

PROP. GARAGE

100'

AREA OF PROP. - 16,000 SQ. FT.

PRES. ZONING - BL

PROP. ZONING - BL-S.P.E.X. GARAGE, SERVICE

EXIST. USE - VACANT

PROP. USE - GARAGE

N65-14-39W 169.86'

PAVING

PROP. GARAGE

100'

PAVING

S65-14-39E 164.98'

PLOT PLAN

SCALE: 1"=30'

PARKING SPACES

N29-55-50E 97.53'

P-6

PLAT TO ACCOMPANY
ZONING APPLICATION

2ND ELECT. DIST. BALTO. CO., MD.

SCALE: 1"=50'

OCT. 2, 1958

#4528-X

MAP

213-A

+