

Date: 7/17/59

IN THE MATTER OF THE PETITION OF
CROWTHER, INC. FOR A SPECIAL
EXCEPTION FOR A TRAILER PARK

BEFORE THE ZONING BOARD OF
APPEALS OF BALTIMORE COUNTY

11111
OPINION

The petition filed in this case requests a special exception under and by the provisions of Section 502 of the zoning regulations of Baltimore County for land located in the 8th Election District of Baltimore County. The land in question, from the testimony, contains about 12.7 acres and is zoned manufacturing, light (M-1).

This petition for a trailer park is one of certain types of use which are required to secure a permit to allow them to be placed in one or more zones in which an uncontrolled occurrence might cause unsatisfactory results of one kind or another. Although a trailer park is a proper use of land zoned manufacturing light, by law, there are certain aspects which call for special consideration of this petition.

The hearing on this petition before this Board was considerably lengthy and therefore a recital of facts is in my opinion unnecessary because the testimony has been transcribed. In reaching this decision, as hereinafter set out, I am mindful of the fact that the burden of proof to show proper and sufficient facts to justify the granting of any special exception is upon the petitioner. These facts must conform and support the legal requirements of Section 502.1 of the zoning regulations. Section 502.1 (a) provides as follows:

"Before any special exception shall be granted, it must appear that the use for which a special exception is requested will not:
(a) be detrimental to the health, safety, or general welfare of the locality involved;"

William Martin, a witness produced by the petitioner who testified as an expert in industrial properties admitted on cross-examination that if a trailer park were allowed at this location "it would be detrimental to a degree". The same witness also admitted when referring to the trailer park in question that "it would be more detrimental than some manufacturing purposes." He also conjectured that if the trailer park were here before the houses were built

would have been adversely affected". Although, not considering aesthetics, there is little doubt in my mind from all of the evidence produced in this case that the granting of a special exception for a trailer park at this location would be detrimental to the health, safety or general welfare of the locality involved. Since there would be a threatened, if not actual, reduction of the property values, both residential and industrial, this factor must certainly be considered as falling within the general welfare clause. This hearing was attended by possibly one of the largest groups of protesters who have appeared before the Board of Zoning Appeals in recent years. These residents of the area were particularly sincere in their protest and their reasons for protest were numerous. The very size of the protest in itself, has no direct relationship to this decision except to the extent to which it has produced before this Board the various objections of the residents of this locale.

There would also seem to be a problem of density or over crowding of the land in question. Section 502.1 (d) provides that a special exception shall not be granted if it would "tend to over crowd land and cause undue concentration of population". Mr. Archibald G. Rogers, a witness produced by the petitioner admitted that in the proposed trailer park as laid out on the plans it would accommodate seven and one half families per acre, which is very closely compared to a population density in a R-6 zone of about six families per acre. The more normal comparison is between a manufacturing light zone being used for manufacturing and a manufacturing light zone being used for a trailer park. Although I am not reaching my decision in this matter on this point alone, it is fair to state that I am cognizant of the same.

Section 502.1 (e) provides that a special exception must not "interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements". In regard to this Section the evidence before the Board would seem to be uncontradicted that if the special exception were granted and the trailer park were allowed that the same would interfere with the adequate provisions for schools, as presently planned including interference with adequate school transportation. It is my opinion that the petitioner presented evidence insufficient to legally support the necessary provisions of this Section, particularly in light of the evidence produced by the protesters which is in the record on these points.

As to adequate sewerage the evidence produced by the petitioner at the hearing disclosed in part, that although the sewerage facilities for the subject property are at present inadequate the petitioner feels that they will be made adequate in the future and apparently on this basis asks that the special exception be granted subject to the adequacy of the sewerage in the future. I am of the considered opinion that this is not the intention nor a proper interpretation of this Section.

Although the protesters have been considerably concerned with the motives of the petitioner I am not concerned with this except as the evidence has produced a showing that the petitioner does not meet the requirements of Section 502.1. There is also considerable testimony before the Board as to the existing conditions of the present trailer park being operated by the petitioner in a non-conforming use area in Timonium. It is my opinion that the character of the proposed trailer park has some direct relationship to the general welfare of the community. In reaching this decision one must consider the nature and character of the existing trailer park which is being run by the petitioner. The petitioner apparently plans to move the presently operated trailer park to this proposed location. This relationship then existing I believe it is proper to consider the manner in which the petitioner has run his existing trailer park. Of course, the "general welfare provision" does not apply to a non-conforming use because from the testimony, there is little question that the petitioner has not seen fit to produce sufficient evidence that he will run the proposed trailer park in such a manner so as not to be detrimental to the health, safety or general welfare of the locality involved. The evidence which the petitioner did see fit to produce was such that his witnesses took the position that any health menace in a trailer park depends on its management.

The Deputy Director of Planning, Mr. Garvella, a witness called in behalf of the petitioner, was apparently of the opinion that the use of this area for a trailer park "was not a proper way to use industrial land". He also maintained that the access to the subject property was "peculiar" and for these reasons and to this extent the Planning Department was objecting to the granting of the special exception for this purpose.

There were several motions on technical grounds proposed by the protesters which I feel, at this time, it is unnecessary to use although I

am not in any way passing on the validity or the merits of these motions.

In conclusion, upon all the evidence presented in this case by the parties thereto it is my opinion that the granting of this petition for special exception for a trailer park at this location would seriously injure the use of the surrounding property and without doubt would be detrimental to the health, safety and general welfare of the locality involved; and would also interfere with the adequate provisions for schools and school transportation; and would also tend to over crowd the land in question; and would also interfere with adequate provisions for sewerage.

For all of the above reasons it is my opinion that this petition for special exception for a trailer park should be denied.

John W. Harrison

Dated July 16, 1959

Members of the Board of Zoning Appeals
for Baltimore County

NOTE: I do not feel that the majority opinion adequately covers all the grounds under which this petition should be denied and that I, therefore, submit a separate opinion concurring in the result by ascribing additional reasons for my conclusion.

WILLIAM R. BUCHANAN
ATTORNEY AT LAW
30 W. CHURCHMAN AVENUE
TOWSON 4, MARYLAND
VALLEY 5-8000

February 2, 1959

Mr. Wilbur H. Adams
Zoning Commissioner of Balto. County
County Office Building
Towson 4, Maryland

Re: Petition for Special Exception
for Trailer Park - S. End of
Green Spring Drive - S. Timonium
Road, 8th District -
Crowther, Inc., Petitioner
File # 4565-X

Dear Sir:

Please enter an appeal to the Board of Zoning Appeals in the above captioned case, your Order dated January 28, 1959.

Very truly yours,

William R. Buchanan
William R. Buchanan
One of the Attorneys for
Lutherville Community Assn.

WRB/jsh

cc: W. Lee Harrison, Esq.
212 Washington Avenue - 4
W. Giles Parker, Esq.
Fidelity Bldg. - 1
G. Edward Mackle, Esq.
Title Bldg. - 2
Saunders M. Almond, Jr., Esq.
Jennifer Bldg. - 4



MICHAEL PAUL SMITH
W. LEE HARRISON
PAUL J. PARKER
JOHN A. HANCOCK

LAW OFFICES
SMITH AND HARRISON

TELEPHONE VALLEY 5-8000
212 WASHINGTON AVENUE
TOWSON 4, MARYLAND

February 5, 1959

Honorable Wilbur H. Adams
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Special Exception for Trailer
Park - S. end of Green Spring Drive, S.
Timonium Road, Eighth District -
Crowther, Inc., Petitioner

Mr. Commissioner:

Please enter an Appeal to the County Board of Appeals from the Order of the Zoning Commissioner dated January 28, 1959, in the above Petition for Special Exception and forward the transcript of record to the County Board of Appeals.

W. Lee Harrison
W. Lee Harrison, Attorney for
one of the Protestants

RCM:WLM/m

RE: PETITION FOR SPECIAL EXCEPTION
FOR A TRAILER PARK - S. End
of Green Spring Drive - S. of
Timonium Road, 8th District -
Crowther, Incorporated,
Petitioner
BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
NO. 4565-X

This petition is for a Special Exception, under Section 502 of the Zoning Regulations of Baltimore County. Nine lawyers and about 300 persons appeared before the Zoning Commissioner to protest this proposed use. There were arguments both pro and con as to whether the petitioner could meet the requirements under Section 502.1 which reads as follows:

"502.1 - Before any Special Exception shall be granted it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys thereon;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air.

Mr. George Garvella, Deputy Director of the Office of Planning testified that the Office of Planning objected to this Special Exception and gave as its reasons:

That it is the opinion of the Office of Planning that the provision of trailer parks as a permitted use in the industrial zone as a Special Exception was not intended as a permanent use, but as a transitory use until such time as an industrial use was ready for development. This, of course, is contrary to the Zoning Regulations as recommended by the former Planning Commission and as adopted by the County Commissioners.

Mr. Garvella also testified at length on the provisions of 502.1-a, that this would be detrimental to the health, safety or welfare of the community involved; 502.1-d, would tend to overcrowd land and cause undue concentration of population; and, 502.1-e would interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements.

The facts are that there now exists within 1500 feet of this location the Crowther Trailer Park, which is a nonconforming use and does not meet the requirements of the present Zoning Regulations. However, the present owner of this property is Cooperative Mills, Inc., who has assured the County that they intend to build very shortly and have no intentions of maintaining a trailer park when this one moves. This existing trailer park being in the same area, using the same utilities, sewer, water, schools, etc. could not cause any added burden on these utilities by simply moving 1500 feet.

It is the opinion of the Zoning Commissioner that the petitioner does not meet all the requirements of Section 502 of the Zoning Regulations and the isolated location of the proposed use would certainly in no way be detrimental to the health, safety or welfare of the community involved. However, there shall be a fence of at least 6 feet in height

FEB 5 1959

similar to the Anchor Link fence erected on the south and southeastern boundaries of the property. Complete plans for this trailer park must meet the requirements of Section 141 of the Zoning Regulations and shall be submitted for approval by the Office of Planning.

It is this 24th day of January, 1959, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception for Trailer Park shall be and the same is hereby granted.

William H. Buchanan
Zoning Commissioner of
Baltimore County

IN THE MATTER OF
CROWTHER, INC.

For a Special Exception

To The Zoning Commissioner of Baltimore County

CROWTHER, INC. 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 be erected thereon) hereinafter described for a trailer park.

Situate in the 8th Election District of Baltimore County, Maryland, and described as follows, to wit: Beginning for the same at a point South 7 degrees 24 minutes 04 seconds East 322.11 feet from the center of the Southernmost end of Green Spring Drive, 60 feet wide, 1,977.34 feet, more or less, South of Timonium Road, and running thence in a Southerly direction by a curve to the right with a radius of 729.44 feet for a distance of 198.78 feet, thence South 5 degrees 12 minutes 10 seconds West 502.83 feet, South 75 degrees 34 minutes 16 seconds West 711.16 feet, North 22 degrees 1 minute 4 seconds West 271.23 feet, North 22 degrees 11 minutes 56 seconds East 363.61 feet and North 60 degrees 31 minutes 18 seconds East 661.47 feet to the place of beginning.

Containing 12.714 acres of land, more or less.

CROWTHER, INC.

Contract Purchaser

Samuel T. Crowther
Samuel T. Crowther, President



1/21/59 9 A.M.

PETITION FOR SPECIAL EXCEPTION

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MAP
#9
SEC. 3-C
X
11/15/53

ORDERED by the Zoning Commissioner of Baltimore County this 15th day of December, 1958, 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 21st day of January, 1959, at 9 o'clock A.M.

Zoning Commissioner
of Baltimore County

#4565-X

Department of Public Works
BUREAU OF LAND DEVELOPMENT
Inter-Office Correspondence

From: George R. Lewis
To: William H. Adams
Subject: Zoning Petition #4565-X
Special Exception for Trailer Park
On-spring Drive
District 8

Mr. Jerome Wolff from the Bureau of Engineering will be available to make comment during the hearing on the referenced petition. No written comment will be submitted by this office.

George R. Lewis
George R. Lewis
Chief - Permit Section
Division of Land Development

CR:ls

cc: Planning (Mr. Stirling)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Special Exception for a Trailer Park
Petitioner: Crowther, Inc.
Location of property: South end of Green Spring Drive, 60 feet wide, 1,977.34 feet, more or less, South of Timonium Road, and running thence in a Southerly direction by a curve to the right with a radius of 729.44 feet for a distance of 198.78 feet, thence South 5 degrees 12 minutes 10 seconds West 502.83 feet, South 75 degrees 34 minutes 16 seconds West 711.16 feet, North 22 degrees 1 minute 4 seconds West 271.23 feet, North 22 degrees 11 minutes 56 seconds East 363.61 feet and North 60 degrees 31 minutes 18 seconds East 661.47 feet to the place of beginning.
Location of Sign: South end of Green Spring Drive
Remarks: None
Posted by: George R. Lewis
Date of return: 1-2-59

February 2, 1959

\$30.00

RECEIVED of William H. Buchanan, 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 the special exception for Trailer Park - South end of Green Spring Dr. - S. Timonium Rd. - 8th District - Crowther, Inc., petitioner.

Zoning Commissioner
of Baltimore County

PAID - Baltimore County, Md. - Office of Finance

2-359 6044 • • • TIL • 3000
2-359 6044 • • • TIL • 3000

February 6, 1959

\$30.00

RECEIVED of Edith A. Harrison, attorneys 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 the special exception for Trailer Park - South end of Green Spring Dr. - S. Timonium Rd. - 8th District - Crowther, Inc., petitioner.

Zoning Commissioner
of Baltimore County

PAID - Baltimore County, Md. - Office of Finance

2-659 6217 • • • TIL • 3000
2-659 6217 • • • TIL • 3000

August 27, 1959

\$71.00

RECEIVED of Saunders M. Almond, Jr., attorney for Crowther, Inc. Petitioner, the sum of Twenty One (\$21.00) Dollars, being cost of certified copies of documents filed in the matter of a special exception for Trailer Park, at the south end of Green Spring Drive, south of Timonium Road, 8th District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

8-2759 5018 • • • TIL • 2100
8-2759 5018 • • • TIL • 2100

ZONING DEPARTMENT OF BALTIMORE COUNTY
PETITION FOR SPECIAL EXCEPTION
8TH DISTRICT

Petitioner is petitioning with the Zoning Commissioner of Baltimore County for a Special Exception, to use the property described in 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 21st day of January, 1959, at 9 o'clock A.M.

CERTIFICATE OF PUBLICATION

TOWSON, MD. JANUARY 16, 1959

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on or about the 15th day of JANUARY, 1959, before the first publication appearing on the 21st day of JANUARY, 1959.

THE JEFFERSONIAN
Samuel T. Crowther
Manager

Cost of Advertisement, \$.....
True copy-test:

Zoning Commissioner
of Baltimore County

GREEN SPRING

ZONED ML
USE - VACANT

ZONED - ML
USE - DRIVE IN THEAT.

MIN. TRAILER AREA - 3000 S.F.

TYPICAL PLOT PLAN
SCALE - 1" = 50'

PUBLIC WATER + SEWER AVAILABLE

AREA OF PROPERTY - 12.714 AC
EXISTING USE - VACANT
PROPOSED USE - TRAILER PARK
PRESENT ZONING - ML
PROPOSED ZONING - ML-SE
NO. UNITS - 97

PLAT TO ACCOMPANY
ZONING APPLICATION
CROWTHER, INC.

2046 YORK RD.
9TH ELECT. DIST. BALTO. CO. MD.
SCALE - 1" = 100' DEC. 22, 1958

E. F. RAPHEL & ASSOCIATES
REG. LAND SURVEYORS
COURTLAND AVE.
TOWSON 4, MARYLAND

