

RE: PETITION FOR RECLASSIFICATION
From an "W-4" Zone to an
"W-1" Zone and SPECIAL
EXCEPTION for Truck Terminal
and Warehouse - N.W. Old
Georgetown Rd. and S.W.
Baltimore City-Baltimore
County boundary - 13th Dist.
Wilson Freight Forwarding Co.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4890-IX
Petitioner

This is a petition for Reclassification from an "W-4" Zone to an "W-1" Zone and a Special Exception for a truck terminal and warehouse on a tract of land 4.76 acres located Northwest of Old Georgetown Road and Southwest of Baltimore County-Baltimore City boundary; subject property being located in the 13th District of Baltimore County.

This petition has been before the Board of Appeals since the original hearing date of October 6, 1960. An additional hearing was held on January 26, 1961, and still a third hearing on May 11, 1961. Since that time the Board, at the request of attorneys for petitioner and pro- testants have held the matter sub curia waiting for memorandums to be filed.

It appears from the testimony presented that it would be highly impractical to expect the petitioner to build homes on the subject property. A large majority of the surrounding area is zoned commercially and is being used for commercial purposes. The testimony of Mr. Charles H. Bandier, an admitted real estate expert, was to the effect that the "highest and best use" of the property would be "W-1". He felt that the commercial aspects of the area that surround the residential area to the southwest of the subject property make it impractical to expect the petitioner to develop his property for residential purposes. He pointed out the automobile junk yard, the gasoline stations on Washington Boulevard and the trucking establishments over the City line on Caton Avenue. His testimony was substantiated by Mr. Augustine J. Haller, Consulting Engineer, former Zoning Commissioner and County Commissioner of Baltimore County appearing as an expert witness. His testimony also was to the effect that the property had been originally zoned in error and that it should have been zoned "W-1"-the same category which the land to the west of the sub- ject tract had been zoned.

NO. 4890-IX
BALTIMORE COUNTY BOARD OF APPEALS
BALTIMORE COUNTY
13th Dist.
4890-IX

From the testimony presented before the Board, it is quite apparent that this property was zoned in error at the time of the adoption of the Land Use Map by the County Council on June 2, 1959. The entire area bounded by Caton Avenue on the east, and Washington Boulevard on the south, has been developed in recent years for commercial enterprises. Very little residential development has taken place in this area in recent years. Considering that anyone who would build a home on the subject property would be faced with the unpleasantness of junk yards, and other commercial uses, the Board is unanimous in its opinion that there was an error in original zoning and that the reclassification as asked for should be granted.

With regard to the Special Exception for a Trucking Terminal, it is difficult to visualize this trucking terminal violating any of the provisions of Section 502.1. Dr. W. Worthington Bell, a recognized traffic expert, testified that in his opinion the proposed trucking terminal would have an insignificant effect on traffic conditions on Caton Avenue.

The Board is unanimous in its opinion that the Special Exception for trucking terminal be granted with the following restrictions:-

1. That the entire area to be used as a trucking terminal be fenced in with a chain link fence of a minimum height of 6 feet with an additional 12 inch barbed wire protection being attached to the top of the fence.
2. All of the area enclosed in said fence other than the area on which buildings are placed, should be paved with a hard black top surface.
3. Any lights used for illuminating the parking area should be focused in such a manner to allow for the focusing of lights on the subject property only.
4. That no loud speaker system be used on the premise other than that which may be normally used inside the building.

For the reasons set forth in the foregoing Opinion, it is this 11th day of October, 1961 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby granted.

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
BALTIMORE COUNTY

D. H. McLaughlin
CLERK

NOTE: Mr. Charles Steinbock did not sit at the hearing.

DANIEL C. SCARBOROUGH
VS.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
Miscellaneous 7
Folio 123
Case No. 2494

ANSWER ON BEHALF OF INTERVENOR

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of Wilson Freight Forwarding Company, Intervenor in the above proceedings, leave of court to intervene having first been obtained by Gerald H. Cooper, its attorney, respectfully shows:

1. That in answer to Paragraphs 1 and 2 of the appellants' petition, the allegations therein, which are matters of record, are admitted.
2. That in answer to Paragraphs 3 and 4, the allegations and conclusions therein are denied.
3. Further answering said petition, the Intervenor says that the decision of the County Board of Appeals was just and proper, and was required by the evidence submitted in this case.

WHEREFORE, having fully answered the petition of the Appellants heretofore filed, the Intervenor prays that the action of the County Board of Appeals, in reclassifying the property involved in this case, be affirmed.

Gerald H. Cooper
Gerald H. Cooper
Attorney for Intervenor
744 Equitable Building
Baltimore 2, Maryland
LExington 9-0300

No. ORDER # No. PETITION AD OF 2-1-67, O.A. 11/10/61

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND
VA. 3-3000

NOTICE OF HEARING
The Wilson Freight Forwarding Co.,
3636 Fallait Ave.,
Cincinnati, Ohio

Re: NW Old Georgetown Rd. & Boundary Baltimore County -
Baltimore County - 13th Dist.
Wilson Freight Forwarding Co.

DATE: 11:00 A.M.
DATE: Monday, March 5, 1960
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue,
Towson, Maryland

RECEIPT
PAID - Baltimore County 1/14 - Office of Finance

RECEIVED OF: Mrs. Charles A. Adams, Inc.
2-1160 1083 • • • TIL • 4300

LOCATION OF PROPERTY: Baltimore
AMOUNT: \$4300

3/6/60 9 43 30

Zoning Commissioner
of Baltimore County

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 0946
DATE 4/8/60

TO: Mr. Lester Hale
2329 N. Charles St.
Baltimore 15, Md.

REPORT TO ACCOUNT NO. 01-62

QUANTITY	REMARKS	TOTAL AMOUNT
1	Reclassification and Special Exception - Baltimore County, Md. - Office of Finance	\$21.00
4-1160 2948 • • • TIL -		2100
4-1160 2948 • • • TIL -		1100

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 2433
DATE 5/3/60

TO: Proctor, Royston & Mueller,
Campbell Building
Towson 4, Md.

REPORT TO ACCOUNT NO. 01-62

QUANTITY	REMARKS	TOTAL AMOUNT
1	Appeal costs to County Board of Appeals The Wilson Freight Forwarding Co., Sulphur Spring and Old Georgetown Roads 13th	\$50.00
5-560 4270 • • • TIL -		5000
5-560 4270 • • • TIL -		5000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th
Date of Posting: 2-23-60
Petitioner: The Wilson Freight Forwarding Co.
Location of property: NW Old Georgetown Rd. & Boundary Baltimore County - 13th Dist.
Location of Sign: 3636 Fallait Ave., Cincinnati, Ohio

Remarks: See map of Baltimore County, Md. 11/10/61

Posted by: George H. Hume
Date of return: 2-24-60

FEB 8 1961
OFFICE OF THE BALTIMORE COUNTIAN

THE BALTIMORE COUNTIAN
PUBLISHED WEEKLY
1200 N. CHARLES AVENUE
TOWSON, MARYLAND

THE HERALD-ADVERTISER
CATONSVILLE, MD.

February 7, 1961.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner
was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one successive week before
the 7th day of February, 1961, that is to say
the same was inserted in the issues of
February 2, 1961.

THE BALTIMORE COUNTIAN
By: Fred F. Morgan
Editor and Manager

PROCTOR, ROYSTON & MUELLER
ATTORNEYS AT LAW
TOWSON 4, MARYLAND

May 3, 1960

Mr. Wilkie H. Adams
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson 4, Maryland

Re: Reclassification of property of the
Wilson Freight Forwarding Company -
Sulphur Spring and Old Georgetown Road,
13th District - From "W-4" Zone to
"W-1" Zone

Dear Mr. Adams:

In accordance with paragraph 500.10 of the Baltimore
County Zoning Regulations, please enter an appeal to the
County Board of Appeals from your Order in the above re-
ferred to matter dated May 2, 1960, wherein you granted a
reclassification from "W-4" Zone with a special exception to
use the subject property in the Order for a trucking
terminal and warehouse.

In accordance with paragraph 500.11, please forward
all pertinent papers in connection with this matter to the
County Board of Appeals.

This notice of appeal is filed on behalf of Daniel C.
Scarborough, an adjoining property owner of the subject
property, who resides at NW Old Georgetown Road, Baltimore
27, Baltimore County, Maryland.

Enclosed is this office's attorney check no. 2598
made payable to Baltimore County, Maryland, in the amount
of \$50 to cover the costs of this appeal.

Very truly yours,
Elmer L. Tenny
Elmer L. Tenny, Jr., Attorney for
Petitioner, Daniel C. Scarborough

MR. J. J. J. J.
encl.

ZONING DEPARTMENT OF
BALTIMORE COUNTY PETI-
TION FOR ZONING RECLA-
SIFICATION AND SPECIAL
EXCEPTION—13th DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from R-6 Zone to an M-L Zone and a Special Exception to use the property hereinafter described for Truck Terminal and Warehouse, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Monday, March 7, 1960
at 11:00 A.M.

to determine whether or not the following mentioned and described property should be changed or reclassified and whether a Special Exception for Truck Terminal and Warehouse should be granted to wit:

All that parcel of land in the Thirteenth District of Baltimore County, beginning for the same on the Northwest Property Line of Old Georgetown Road where said Northwest Property line intersects the Southwest Boundary Line of the Corporate Limits of Baltimore City and Baltimore County; thence Southwesterly binding on the Northwest property line of Old Georgetown Road 185 feet; thence South 79 degrees 30 minutes 00 seconds West 476 feet, thence N. 38 degrees 55 minutes 00 seconds West 13.5 feet more or less; thence Northeasterly 501 feet to intersect the Southwest Boundary Line of Baltimore City; thence binding on said line in a Southeasterly direction 306 feet more or less to the point of beginning.

Beginning for the same on the Northwest Property Line of Old Georgetown Road, where said Northwest Property Line intersects the Southwest Boundary Line of the Corporate Limits of Baltimore City and Baltimore County; thence Southwesterly binding on the Northwest Property Line of Old Georgetown Road 185 feet; thence South 79 degrees 30 minutes 00 seconds West 476 feet; thence North 38 degrees 55 minutes 00 seconds West 334 feet more or less; thence Northwesterly 151 feet more or less to intersect the South Property Line of Sulphur Spring Road; thence binding on Sulphur Spring Road North 79 degrees 30 minutes 00 seconds East 400 feet to intersect the above mentioned Southwest Boundary Line of Baltimore City; thence binding on said line in a Southeasterly direction 506 feet more or less to the place of beginning, as shown on plat plan filed with the Zoning Department, being property of The Wilson Freight Forwarding Company.

BY ORDER OF

WILSIE H. ADAMS,
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., March 16, 19 60

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of two successive weeks before the 26th day of February, 19 60, the first publication appearing on the 12th day of February 19 60

THE TIMES,


Manager.
John M. Martin

Cost of Advertisement \$ 36.00

Purchase No. N 3903

Requisition No. # K 3405

