

RE: PETITION FOR OFF-STREET PARKING : BEFORE
 S.S. Smith Avenue opposite : COUNTY BOARD OF APPEALS
 Laurelwood Avenue - 3rd Dist. : OF
 Green Spring Manor, Inc. - : BALTIMORE COUNTY
 Petitioners : No. 5484-SPH

MINORITY OPINION

At the outset of this hearing the petitioner for the Protestants asked for a dismissal of this petition basing his claim that neither Section 500.4 or Section 500.7 of the Baltimore County Zoning Regulations had been complied with and that, therefore, the petition before the Board was illegal.

This member of the Board concurs with the majority opinion that this petition does not fall under Section 500.4. The basis for this opinion is that under Section 409.1104 of the Baltimore County Building Code, a parking lot for the use of more than five cars requires a building permit, and under Section 500.4 it clearly states that this paragraph applies only in cases in which no building permit is required.

With regard to Section 500.7, this member of the Board dissents from the majority opinion for the following reasons:

Under Section 500.7, and I quote: "The power given here under shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported non-conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations".

I call special attention to the words "a public hearing after advertisement and notice". These words differ from the verbage used in Section 500.5 dealing with special exceptions in which it states that the Zoning Commissioner, and I quote: "Shall hold a public hearing thereon after giving public notice of such hearing as provided with respect to petition for reclassification".

This Regulation refers back to Section 500.2 in which it states, and I quote: "The Zoning Commissioner shall set a time for public hearing thereon and shall give notice of the time and place of such hearing by advertisement in a newspaper of general circulation in Baltimore County for at least fifteen days prior to the date of subject hearing, and shall cause the property sought to be reclassified to be posted with an appropriate notice of such petition and the time and the place of such hearing".

If the Regulations with regard to Section 500.7 were to make it mandatory

that the hearing be advertised in a Baltimore County newspaper, and if it was meant that notice was to be by posting, then I believe that Section 500.7 would have carried the same verbage as Section 500.5. In Webster's New Collegiate Dictionary - Copyright 1956 - the word "advertisement" gives options to different types of advertisement one of which is "by posted". I believe that in this case the posting of property can be construed to mean advertisement, and, therefore, meets this requirement of Section 500.7.

With regard to the word "notice", written notice to the parties of interest meet, in my mind, this requirement of Section 500.7.

I should further like to call attention to Section 500.8 of the Zoning Regulations which gives the Zoning Commissioner certain rights and I quote: "He shall have the power to prescribe rules and regulations for the conduct of hearings before him".

I would also like to call attention to Section 500.11 regarding hearings before the Board of Zoning Appeals, and I quote: "Notice of such appeals and the date of hearing or continuance thereof shall be given to the attorney for the representative parties, if any, or to such person, or persons, as may be designated at the original hearing to receive such notice". As can be seen from this section of the Regulations, the word "notice" means only notifying the interested parties.

In conclusion it is the minority opinion that this petition complies with Section 500.7 in that by the posting of the property the hearing has been advertised, and that by notifying all interested parties, notice has been given of the hearing. It is the opinion of the minority member of the Board, that the petition before the Board is a legal petition.

Walter J. Addison, Jr.
 CHAIRMAN

Date: August 8, 1962

RE: PETITION FOR OFF-STREET PARKING : BEFORE
 S.S. Smith Avenue opposite : COUNTY BOARD OF APPEALS
 Laurelwood Avenue - 3rd District : OF
 Green Spring Manor, Inc. - : BALTIMORE COUNTY
 Petitioners : No. 5484-SPH

OPINION

The majority of the Board feels that, at the outset, zoning in itself is a derogation of the individual's rights. Therefore, the regulations as written have to be strictly construed.

It is the feeling of the majority of the Board that throughout Section 500 of the Zoning Regulations there is a difference between notice and advertisement. The majority of the Board feel that advertisement in itself as stated in Section 500.2 is the controlling factor, which states that such advertisement must be in a newspaper of general circulation in Baltimore County.

Paragraph 500.7 of the Zoning Regulations, the portion applicable to this petition, states "The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice. . . .". It is the opinion of the majority of this Board that the word "advertisement" means the medium to be used shall be the same as set forth in Section 500.2. (Emphasis added)

The majority of the Board is of the opinion that advertising and posting are not synonymous. Section 501.8 of the Zoning Regulations in connection with fees and costs refers to the expense of posting and advertising. (Emphasis added)

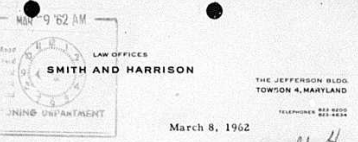
ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of August, 1962 by the County Board of Appeals, ORDERED that a motion for dismissal on behalf of the Protestants be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

W. Mitchell Austin
Charles H. [unclear]



Mr. John C. Rose
 Zoning Commissioner
 Baltimore County Office of Planning and Zoning
 County Office Building
 Towson 4, Maryland

Re: Petition for Special Hearing for Off-Street parking - S.S. Smith Ave. opp. Laurelwood A. e., 3rd Dist., Green Spring Manor, Inc., Petitioner

Dear Mr. Rose:
 Please enter an appeal in the above matter to the County Board of Appeals.

Very truly yours,
 SMITH AND HARRISON
 By: *W. Lee Harrison*
 W. Lee Harrison
 Attorney for Protestants

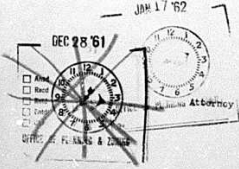
WLH/jc

PETITION FOR A SPECIAL HEARING : 5484-SPH
 In the Matter of : GREEN SPRING MANOR, INC., a body corporate
 Petitioner of : BALTIMORE COUNTY
 ZONING COMMISSIONER

For a Special Hearing
 To the Zoning Commissioner of Baltimore County

GREEN SPRING MANOR, INC.
 Petitioner
 hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a ~~special~~ permit for off-street parking in conjunction with adaptation of a commercial area.

Location of property:
 South side of Smith Avenue, bounded on the east by Green Spring Avenue and on the south by Darwood Drive, if extended Baltimore County and Baltimore City. See attached copy of maps and boundary description.



JAN 17 1962
 GREEN SPRING MANOR, INC.
 By: *Robert L. Sullivan, Jr.*
 Robert L. Sullivan, Jr.
 Attorney and Agent for Petitioner

1410 Court Square Bldg
 Petitioner # 2
 9:00 am
 2/17/62
 Address:

RE: PETITION FOR SPECIAL HEARING - OFF-STREET PARKING IN CONNECTION WITH ADAPTATION OF A COMMERCIAL AREA - S. S. Smith Ave. Opp. Laurelwood Ave., 3rd District - Green Spring Manor, Inc., Petitioner : BALTIMORE COUNTY : No. 5484-SPH-Bear.

Green Spring Manor, Inc. has petitioned for a use permit for the use of land in a residential zone for a parking area. This area adjoins an area zoned "B-1" in January of 1957 and was formerly a part of the Curtis Wright Airport on the south side of Smith Avenue. The airport hangars are still on the premises. Basically, the petitioner is asking that permission be granted to use land lying between the existing commercial area where stores will be constructed and Smith Avenue. This is not an unusual or an unreasonable request. There is no change in zoning whatsoever.

Walter J. Addison, Jr., Chief of the Division of Traffic Engineering for Baltimore County, and Walter Worthington Yels, a recognized traffic engineer testified the granting of the parking permit would not in itself cause traffic problems that could not be corrected. It must be remembered that there is existing commercial zoning and all uses of all kinds will create traffic. Mr. Addison stated the use would not be detrimental to the health, safety and general welfare of the locality involved in his opinion.

No protest was made by the adjoining public school.

The petitioner's request will be granted in part. A setback of eighty feet from the front property line instead of forty feet will be required. This will reduce the available parking from 811 cars to about 710 cars, but this will give the petitioner an opportunity to make the front of the property more attractive to the neighbors on the opposite side of Smith Avenue.

It is this 27th day of February, 1962, by the Zoning Commissioner of Baltimore County, that the following described property located in an "B-5" Zone may be used for parking, providing a satisfactory plan is approved by the Office of Planning and returned to the Zoning Commissioner and made a part of this Order: The front setback from the front property line shall be eighty feet.

PARCEL NO. 1
 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying on the southerly right-of-way of Smith Avenue, which point is the north-easterly corner of the land conveyed by Green Spring Manor, Inc., to Board of Education of Baltimore County, by deed dated August 19, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.R. 275, folio 35, (said point being at the end of the fourth line of said deed) and running along the southerly (right-of-way of Smith Avenue North 82 degrees 00 minutes 00 seconds east a distance of 197.25 feet and North 85 degrees 31 minutes 00 seconds East a distance of 162.75 feet, South 1 degree 26 minutes 00 seconds East a distance of 83.00 feet to a point of beginning, thence the following courses and distances, viz: South 1 degree 26 minutes 00 seconds East a distance of 190.13 feet, thence South 16 degrees 10 minutes 30 seconds East 293.60 feet to a point, thence running along the southerly section of business local zone, designated B-5L-10 as shown on the Third District Zoning Map, Sec. 2-4, the following course and distance North 73 degrees 19 minutes 30 seconds east a distance of 730.00 feet to a point, thence North 16 degrees 10 minutes 30 seconds west a distance of 197.17 to a point, thence North 1 degree 26 minutes 00 seconds west a distance of 94.00 feet to a point, thence South 85 degrees 31 minutes 00 seconds west a distance of 730.00 feet to the place of beginning.

As shown on plot plan submitted to Zoning Department.
 PARCEL NO. 2
 All that parcel of land situate, lying and being in the Third Election District of Baltimore County, BEGINNING for the same from a point lying southeasterly of Smith Avenue, said point being at the end of the second line of the right-of-way of Smith Avenue, South 1 degree 26 minutes 00 seconds, a distance of 176.00 feet, thence

PARCEL NO. 2 (Cont.)

South 16 degrees 10 minutes 30 seconds east a distance of 197.17 feet to a point of beginning thence the following courses and distances, viz: South 16 degrees 10 minutes 30 seconds East, at a distance of 280.00 feet, thence South 73 degrees 19 minutes 30 seconds west at a distance of 730.00 feet, thence North 16 degrees 10 minutes 30 seconds West, a distance of 300.00 feet, to a point, thence North 73 degrees 19 minutes 30 seconds east a distance of 80.00 feet to a point, thence running along the outline of business local zone designated as (B-5L-10) on the Third District Zoning Map Sec. 2-4, the three (3) following courses and distances, viz: South 15 degrees 10 minutes 30 seconds east a distance of 223 feet, thence North 73 degrees 19 minutes 30 seconds east a distance of 580.00 feet, thence North 16 degrees 10 minutes 30 seconds west a distance of 223 feet to a point, thence North 73 degrees 19 minutes 30 seconds east a distance of 65 feet to place of beginning.

As shown on plot plan submitted to the Zoning Department. Attached to and made a part of this Order is an exhibit which delineates the area reserved for parking.

W. Lee Harrison
 Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 26, 1962

FROM: Mr. George E. Gavrelis, Deputy Director

SUBJECT: #5484 SPH. Petition for a Special Hearing for Off-Street Parking in a Residential Zone S/S of Smith Ave. Opp. Laurelwood Ave.

3rd District

HEARING: Wednesday, February 7, 1962 (9:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the proposed off-street parking for the subject property. The details of circulation and parking layout have been agreed to by this office, in connection with review of the shopping center development plans, at the Joint Subdivision Planning Committee. This review was made in connection with preliminary subdivision plans processing of the entire Hoffberger tract. We note that the plan indicates appropriate screening and planting where the parking area abuts or is across the street from existing or future residential areas. The plan does not yet detail the extent to which provisions will be made for lighting. Provision should be made for planting areas within the large parking compound.

Final approval of the plan will be delayed until such time as the appropriateness of off-street parking here is determined as a result of your hearing and the necessary minor revisions to the plan are made. Comments made by the abutting property owners may also dictate further desirable revisions to the plan.

GEO:ubs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM: ALBERT E. KALTENBACH, Director
Department of Public Works

TO: JOHN G. ROSE, Zoning Commissioner

SUBJECT: REFUSE DISPOSAL



Supplementing earlier correspondence of November 22 and 30, I wish to offer a supplementary suggestion as follows:

To assist private open dump operators to overcome the problem of putrescible wastes (vegetables, meats, cans and containers) from hotels and restaurants in the main, the County will accept such segregated wastes at its disposal sites for an equitable fee.

This will not solve all problems, such as fires and blowing paper. Per-centage-wise, the putrescibles may be very minor but they are major causes of trouble.

Albert E. Kaltenbach

ALBERT E. KALTENBACH, Director
Department of Public Works

AEK NDK dec

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FROM: ALBERT E. KALTENBACH, Director
Department of Public Works

TO: JOHN G. ROSE, Zoning Commissioner

SUBJECT:

Date: NOVEMBER 30, 1961

I regret that I cannot reply briefly and probably not completely to your query of November 22.

The major elements that are potential nuisances in refuse disposal are: odors, smoke and fire, rats, flies and other types of vermin. Transportation to and from the disposal site may become a cause of complaint.

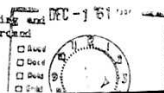
Comparison with the County's sanitary landfill operation is difficult as the County collects the refuse from residences and small commercial establishments, which is a relatively uniform conglomerate.

The diversity of materials and large quantities of similar types received at open dumps make it mandatory that careful engineering precede the physical disposal operations by a considerable time interval. The random receipt of large quantities of sundry types of waste creates problems that might be alleviated by programming the routine pickups to conform, insofar as possible, with the disposal phases. Dump areas for various classes of materials should be assigned. All loaded trucks should pass through the entrance where instructions would be received as to the unloading locale.

Programmed salvage should be allowed from dry materials dumped on a specific salvage area. This would require another handling of the remaining materials to the assigned disposal area. Random scavenging by independent pickers should not be allowed.

Adequate compaction with heavy equipment (and enough of it) should be a part of the daily operations. Storage piles of approved cover materials, such as dirt, ashes and other inert workable wastes, should be stockpiled and then used at the completion of the day's operation to provide overnight coverage where required for putrescible materials. Drainage of surface runoff at all times is one of the primary considerations.

Another hazard to be avoided, by controlled planning and performance, is the pollution of streams, tidal or underground water.



INVOICE		No. 10396
BALTIMORE COUNTY, MARYLAND		Date 3/12/62
OFFICE OF FINANCE		
Division of Collection and Receipts		
COURT HOUSE		
TOWSON 4, MARYLAND		
TO: Messrs. Smith & Harrison, The Joffeagon Building Towson 4, Md.	BILLED TO: Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.	
DEPOSIT TO ACCOUNT NO. 01,622		
QUANTITY	REMARKS	TOTAL AMOUNT
		COST
	Cost of appeal to County Board of Appeals	\$5.00
	No. 5484 - SPH	
	5484	
	3-1362 1875 * * * 1/P-	35.00

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.

John G. Rose
Ref: Open DumpsNovember 30, 1961
Page 2

Some materials, such as large tires, oils and tree trunks with roots, have been found by experience to require special precautions. Tires should be cut into small pieces and root structures should be definitely separated from tree trunks. The disposal of dead animals and slaughter house waste create other types of problems. A small incinerator for some of these fractions of the waste products would be a solution.

Rigid controls should be maintained of putrescible materials, such as fresh vegetables and meats.

Water supplies, pumping equipment and hoses should be available for fire control. Three 250 gallon per minute fire streams available on a spacing of about 300 feet should be on the site. Each site will have its own particular conditions of terrain and water sources; hence nothing more than a generality can be stated here.

Live domestic animals should not be allowed to roam over the operation.

You requested that I give consideration as to methods of control by Baltimore County. I believe that the County should have a representative at the entrance to each dump who will either approve or veto the dumping area of each load. Segregation of loading in the trucks would be helpful. Another County inspector should also be assigned to each dump on a rotating basis to verify dumping places, scavenging, adequacy of compaction, etc. These salary costs for the inspectors should be shared equally by the dump operator and the County.

Collection and disposal of refuse as a commercial daily routine process should be limited to parties licensed by Baltimore County. This may create a hardship at some small operations of "dry" dumps. A compromise solution may be found whereby an inspector from the Bureau of Sanitation would ascertain that nuisances or health hazards do not prevail and are not imminent.

Experience may prove that a planned operation will not be much more costly than a random approach.

Albert E. Kaltenbach

ALBERT E. KALTENBACH, Director
Department of Public Works

AEK NDK dec

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 7-24-62

Posted for: George E. Gavrelis

Petitioner: Brown, Young & Spence, Inc.

Location of property: S. S. of Smith Avenue opposite Laurelwood

Location of Signs: Southwest of Smith Avenue opposite Laurelwood Avenue

Remarks:

Posted by: George E. Gavrelis Date of return: 7-25-62

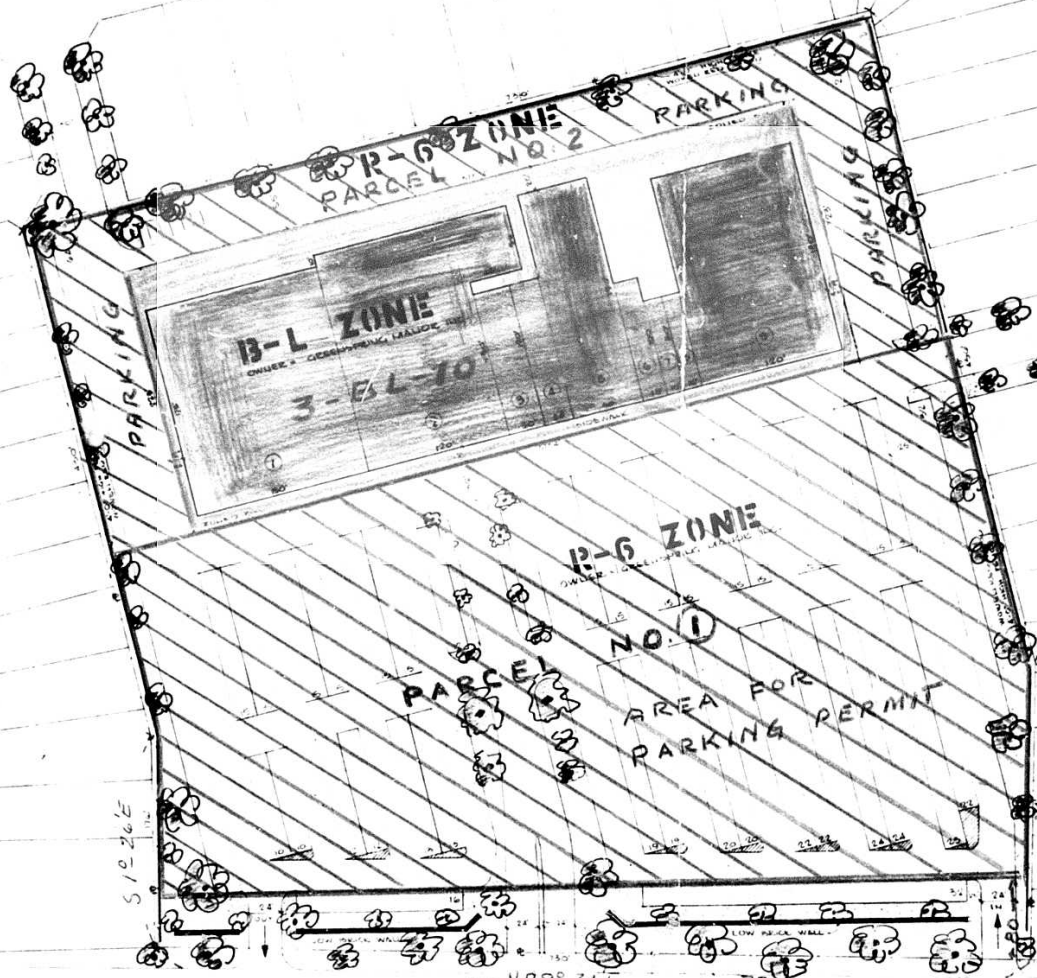
5484-

William G. Smith

Connell Clark & Co.

R-G ZONE

PROPOSED



R-G ZONE

R-G ZONE

R-G ZONE

AREA FOR PARKING PERMIT



TOTAL SHOPPING CENTER SITE AREA - 4,722 SQ. FT. - 11 ACRES
 TOTAL BUILDING AREA - 1,410,000 SQ. FT.
 AVAILABLE PARKING - 740 CARS
 PARKING REQ'D BY ZONING LAW - 450 CARS



REVISIONS

NO.	DATE	BY	DESCRIPTION

ROBERT W. KAHN A.I.A.
 ARCHITECT
 100 WEST 57th ST.
 NEW YORK 19, N.Y.

FOOD FARE PROPERTIES, INC.
 355 LEXINGTON AVENUE
 NEW YORK 17, N.Y.

SMITH AVENUE CENTER
 BALTIMORE, MARYLAND

RENTAL PLAN

DATE	BY	STATUS	NO.
12-17-64			R-1