

RE: PETITION FOR SPECIAL EXCEPTION
for Trailer Park in "M-L" Zone
and VARIANCES to Section 414.4
of Zoning Regulations
E/S Stevens Road, 151' south of
Eastern Avenue
15th District
Sadie C. Stevens, Trailer Village
Corporation, Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5575-XV

OPINION

The petitioners herein apply for a special exception to operate a Trailer Park on approximately 29 acres of land located on the east side of Stevens Road, beginning at a point 151 feet south of Eastern Avenue in the 15th District. The subject property is zoned "M-L" and is surrounded by land with similar classifications. If the special exception is granted, the petitioners will provide for 209 trailers on the property. The entrance to the park will be on Eastern Avenue through an "M-L" Zone.

The protestants, the majority of whom live on Stevens Road across from the proposed trailer park, objected on the grounds that it would adversely affect the value of their homes, would increase traffic hazards on Eastern Avenue, and would overcrowd the public school in the area.

In deciding this case, we are concerned only with the intent and meaning of Section 502.1 of the Zoning Regulations. Considering these requirements in their inverse order, we begin by finding nothing in the evidence before us which would indicate that the requested use would interfere with adequate light and air.

With respect to possible interference with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, we dismiss all factors except possible interference with schools. Mr. David Black, Assistant for Capital Planning for Baltimore County School Board, presented statistics which indicated that the public schools in the area are operating near or at capacity with the Hawthorn Elementary School having 115 pupils in excess of capacity. Mr. Black said a trailer park of the size proposed would have about 90 elementary school students and about 30 junior high school students. We must therefore give serious consideration to the school factor.

Continuing to examine Section 502.1, there appears little likelihood that the special exception would tend to overcrowd land and cause undue concentration of population. Nor would it, if operated in accordance with regulations, in our opinion, create a potential hazard from fire, panic or other dangers.

With regard to possible creation of congestion in roads, streets or alleys, the Board is of the opinion that the development of this tract under its present "M-L" zoning would most likely generate as much traffic as the proposed trailer park.

This leaves for consideration Section 502.1 (a) which imposes upon the duty of assuring ourselves that the use requested will not be detrimental to the health, safety and general welfare of the locality involved. There was no testimony to indicate that public safety or health would be endangered by the granting of the petition. This leaves only the question of general welfare.

In considering general welfare, we must first make certain that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and that it can be conducted without detriment to the neighborhood. Testimony in this case indicates that this special exception would represent a departure from the comprehensive plan for the area, resulting in an irreparable break in the integrity of this industrially zoned area. The Court of Appeals has indicated in several cases that re-classifications or special exceptions representing a departure from the comprehensive plan should not be made on a piecemeal basis but as a result of a general survey (Zinn v. Bd. of Zoning Appeals, 207 Md. 355, and American Oil Co. v. Miller, 204 Md. 32). The Board is unanimous in its opinion that the granting of this special exception would be detrimental to the general welfare of the community.

For the reasons set forth above, the petition for a special exception to operate a trailer park on the subject property is denied. With regard to the request for a variance from Section 414.4, inasmuch as the petition for a special exception has been denied, the question of a variance becomes moot.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of December, 1963 by the County Board of Appeals, ORDERED that the special exception and variance petitioned for, be and the same is hereby denied.

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
Chairman

Charles H. Smith
Chairman

MAQUIRE AND BRENNAN
ATTORNEYS AT LAW
222 EASTERN BOULEVARD
ESSEX, BALTIMORE 21 MD.
207-3431

September 27, 1962

Mr. John G. Rose, Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson 4, Maryland

Dear Mr. Rose:

Re: Petition for Special Exception
and Variances to Zoning Regulations -
E. S. Stevens Road 151' S. Eastern Ave.,
15th District - Sadie C. Stevens, Petitioner-
Trailer Village Corporation,
Contract Purchaser - No. 5575-XV

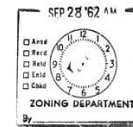
On behalf of the protestants in the above entitled matter, please docket an Appeal to the County Board of Appeals.

Very truly yours,

John N. Maguire

John N. Maguire

JN:AW



RE: PETITION FOR SPECIAL EXCEPTION
FOR TRAILER PARK IN AN "M-L"
ZONE AND VARIANCES TO SECTIONS
414.4 of the Zoning Regulations -
E.S. Stevens Road 151' S. of
Eastern Ave., 15th District -
Sadie C. Stevens, Petitioner -
Trailer Village Corporation,
Contract Purchaser -
BALTIMORE COUNTY
No. 5575-XV

Upon having on the above petition for a special exception to use the property described therein for a trailer park in an "M-L" Zone and for variances to Section 414.4 of the Zoning Regulations to permit a rear yard of 10 feet instead of the required 75 feet along the north property line; a side and/or rear yard of 20 feet instead of the required 75 feet along the west side of Stevens Road, as proposed to be widened, and to permit a side and/or rear yard of 10 feet instead of the required 75 feet along the west property, as the petitioner has met the requirements of Section 414.4 of the Regulations pertaining to trailer parks, the special exception should be granted.

The variances requested should also be granted which will grant relief to the petitioner without substantial injury to the public health, safety and the general welfare of the locality involved.

It is this 6th day of September, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that a special exception for a trailer park should be and the same is granted, from and after the date of this Order.

The variances to permit a rear yard of 10 feet instead of the required 75 feet along the north property line; a side and/or rear yard of 20 feet instead of the required 75 feet along the west side of Stevens Road, as proposed to be widened, and a side and/or rear yard of 10 feet instead of the required 75 feet along the west property line should also be granted.

The granting of the special exception and the requested variances are subject to approval of the site plan by the State Roads Commission, Division of Land Development and the Office of Planning and Zoning, which must be in conformity with plat marked Exhibit "A" attached hereto.

Very truly yours,

John N. Maguire
Zoning Commissioner of
Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, SADIE C. STEVENS, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an 15-C zone to an XV zone; for the following reason:

Requested Variance:
Section 411.4

1. To permit a rear yard of 10' instead of required 75' along north property line.
2. To permit a side and/or rear yard of 20' instead of required 75' along west side of Stevens Road, as proposed to be widened, as shown on plans attached herewith.
3. To permit a side and/or rear yard of 10' instead of required 75' along west property line.

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Trailer Park in an "M-L" Zone.

(see above for requested variances)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Sadie C. Stevens
By Lease Contract purchaser/President
Address: P.O. Box 5045
Baltimore 20, Maryland
Sadie C. Stevens
Legal Owner
Address: 100 Stevens Road
Baltimore 20, Maryland
Sadie C. Stevens
Protestant's Attorney
Address: 825 Eastern Ave. #21

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 20th day of June, 1962, at 3:00 o'clock P.M.

John N. Maguire
Zoning Commissioner of Baltimore County
(over)

OFFICE OF PLANNING & ZONING

David W. Dallas, Jr.

Civil Engineer

8713 OLD HARFORD ROAD

NORTHFIELD 5-7422

DIVISION DESCRIPTION

SADIE C. STEVENS

LEASE TO: TRAILER VILLAGE CORPORATION

Beginning for the same on the easternmost side of Stevens Road (20 feet wide) at a point distant 151 feet southerly from South Side of Eastern Avenue said point being distant 185.49 feet south 20 degrees 05 minutes east from the beginning of the fifth or south 20 degrees 05 minutes east foot line of that tract of land which by deed dated July 5, 1961 and recorded among the Land Records of Baltimore County in Liber 18 No. 3861 folio 246 etc. was conveyed by Marie S. Gaffney to Sadie C. Stevens, widow, said point of beginning being at the end of the third or easterly 172 foot line of that tract of land which by lease dated February 2, 1957 and recorded among the Land Records of Baltimore County in Liber 618 No. 3174 folio 173 etc. was leased by George I. Stevens, Jr., and wife to George I. Stevens, Jr., and wife, thence running with and binding on a part of said fifth line of said first described deed south 20 degrees 05 minutes east 1034.15 feet to the end of said line and the westernmost side of Frog Mortar Creek, thence running with and binding on the sixth line of said deed and on the westernmost side of said creek south 5 degrees 10 minutes east 39.75 feet to the end of said line, thence leaving said creek and running with and binding on the seventh line of said deed north 68 degrees 57 minutes west 156.43 feet to the center of a road (20 feet wide) and to the end of said line, thence running with and binding on the eighth, ninth and tenth lines of said deed and on the center of said road the three following courses and distances south 6 degrees 13 minutes west 147.16 feet to the end of said eighth line, south 18 degrees 21 minutes east 241.78 feet to the end of said ninth line and south 48 degrees 22 minutes west 345.77 feet to the end of said tenth line and the end of said road, thence running with and binding on the eleventh line of said deed

David W. Dallas, Jr.

Civil Engineer

8713 OLD HARFORD ROAD

NO. FIELD 5-7422

south 9 degrees 45 minutes east 310.47 feet to the waters of said Frog Mortar Creek and the end of said line, thence running with and binding on the waters of said creek and on the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth lines of said deed the seven following courses and distances south 45 degrees 20 minutes west 106.77 feet to the end of said twelfth line, south 61 degrees 25 minutes west 97 feet to the end of said thirteenth line, north 73 degrees 25 minutes west 61 feet to the end of said fourteenth line, north 49 degrees 15 minutes west 33 feet to the end of said fifteenth line, north 17 degrees 05 minutes west 69 feet to the end of said sixteenth line, north 48 degrees 05 minutes west 191 feet to the end of said seventeenth line and north 58 degrees 30 minutes west 58 feet to the easternmost side of Car Out and the end of said eighteenth line, thence running with and binding on the easternmost side of said Car Out and on the nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth lines to said deed the eight following courses and distances north 3 degrees 50 minutes west 171 feet to the end of said nineteenth line, north 0 degrees 15 minutes east 90 feet to the end of said twentieth line, north 12 degrees west 49 feet to the end of said twenty-first line, north 3 degrees 30 minutes west 135 feet to the end of said twenty-second line, north 16 degrees 55 minutes west 133 feet to the end of said twenty-third line, north 45 degrees 20 minutes west 64 feet to the end of said twenty-fourth line, north 24 degrees 50 minutes west 147 feet, and north 10 degrees 42 minutes east 348 feet to the end of said twenty-fifth line, thence running with and binding on the twenty-sixth line of said deed and crossing said Car Out north 72 degrees 39 minutes west 125.35 feet to the end of said twenty-seventh line, thence running with and binding on the twenty-eighth, twenty-ninth and part of the thirtieth line of said deed and on the west side and center of said Car Out the three following courses and distances north 16 degrees 48 minutes west 270.40 feet to the end of

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Civil Engineer

8713 OLD HARFORD ROAD

NORTHFIELD 5-7422

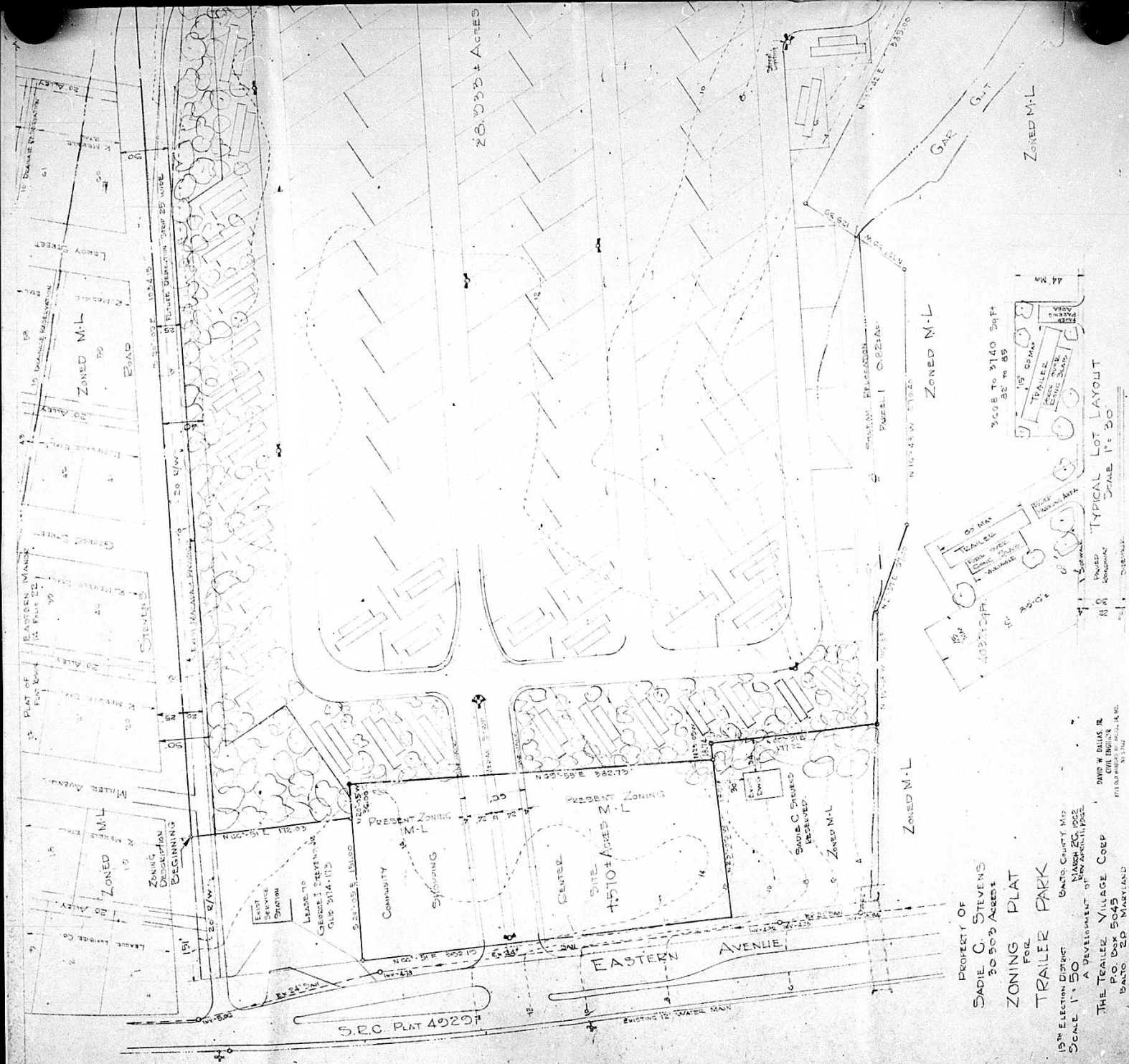
said twenty-eighth line, north 2 degrees 57 minutes east 97.90 feet to the end of said twenty-ninth line and north 16 degrees 18 minutes west 116.73 feet to the point formed by the intersection of said thirtieth line with a line drawn parallel to Eastern Avenue as shown on State Roads Commission Plat No. 4729 and distant 34 feet measured in a southeasterly direction from the southernmost side of an existing dwelling there situate, thence running with and binding on said line north 66 degrees 51 minutes east 177.22 feet to the point formed by the intersection of said line with a line drawn at right angles to said Eastern Avenue and distant 30 feet measured in a southeasterly direction from the easternmost side of said dwelling, thence running with and binding on said line north 22 degrees 09 minutes west 18.74 feet, thence running for line to division the two following courses and distances north 69 degrees 55 minutes east 384.73 feet and north 29 degrees 05 minutes west 36.00 feet to the beginning of said third line of said lease to George I. Stevens, Jr., and wife, thence running with and binding on said line north 66 degrees 51 minutes east 172.73 feet to the place of beginning.

CONTAINED 28.933 acres of land more or less.

TOGETHER with the right of the use in common with others entitled thereto for ingress and egress over the bed of Stevens Road (20 feet wide).

BEING part of that tract of land which by deed dated July 5, 1961 and recorded among the Land Records of Baltimore County in Liber 18 No. 3861 folio 246 etc. was conveyed by Marie S. Gaffney to Sadie C. Stevens, widow.

March 31, 1962



TYPICAL LOT LAYOUT
SCALE 1" = 30'

PAVED
ROADS

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8713 OLD HALLWAY, BALDU, LA, 70001

THE TRAILER VILLAGE CORP
P.O. Box 5045
BARTON, MO 64005