

SCHEDULE "B" ITEMS

- 9 AGREEMENT MADE AS OF JANUARY 10, 1955 AND RECORDED JANUARY 27, 1955 IN LIBER G.L.B. 2635 FOLIO 320 FROM THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, INCORPORATED TO THE ATLANTIC REFINING COMPANY GRANTING THE RIGHT OF PRIVILEGE TO PLACE, OPERATE, MAINTAIN, RENEW AND REPLACE A PRIVATE WATER LINE OVER, UNDER AND ACROSS THE SUBJECT PROPERTY, AS MORE PARTICULARLY SET FORTH THEREIN. (AFFECTS, AS SHOWN)
- 10 THIS DEED AND AGREEMENT MADE SEPTEMBER 27, 1955 AND RECORDED SEPTEMBER 28, 1955 IN LIBER G.L.B. 2799 FOLIO 70 GRANTED BY THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, INCORPORATED TO THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY GRANTING THE RIGHT TO LAY, CONSTRUCT AND MAINTAIN SEWERS, DRAINS, WATER PIPES AND OTHER MUNICIPAL UTILITIES WITHIN THE RIGHT OF WAY AS MORE PARTICULARLY SET FORTH AND DESCRIBED THEREIN. (AFFECTS, NOTHING TO PLOT)
- 11 RIGHT OF WAY AGREEMENT EXECUTED OCTOBER 8, 1973 AND RECORDED NOVEMBER 15, 1973 IN LIBER E.H.K., JR. 5408 FOLIO 773 GRANTED BY THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, INCORPORATED TO BALTIMORE GAS AND ELECTRIC POWER COMPANY FOR THE RIGHT TO CONSTRUCT, INSTALL, RECONSTRUCT, OPERATE AND MAINTAIN ELECTRIC, GAS AND COMMUNICATION LINES, AS MORE PARTICULARLY SET FORTH THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND TO TRIM CLEAR SURROUNDING FOLIAGE AND TREES. (AFFECTS, AS SHOWN)

BEARING BASIS

BEARINGS SHOWN HEREON ARE BASED ON NORTH RIGHT OF WAY LINE OF SPARROWS POINT ROAD AS BEING S87°39'03"W, PER BOOK 29632, PAGE 259.

SITE PICTURE



LAND AREA

±66,505 SQUARE FEET
±1.527 ACRES

PARKING STALLS

REGULAR= 28 HANDICAP= 2
TOTAL= 30

STATEMENT OF ENCROACHMENTS

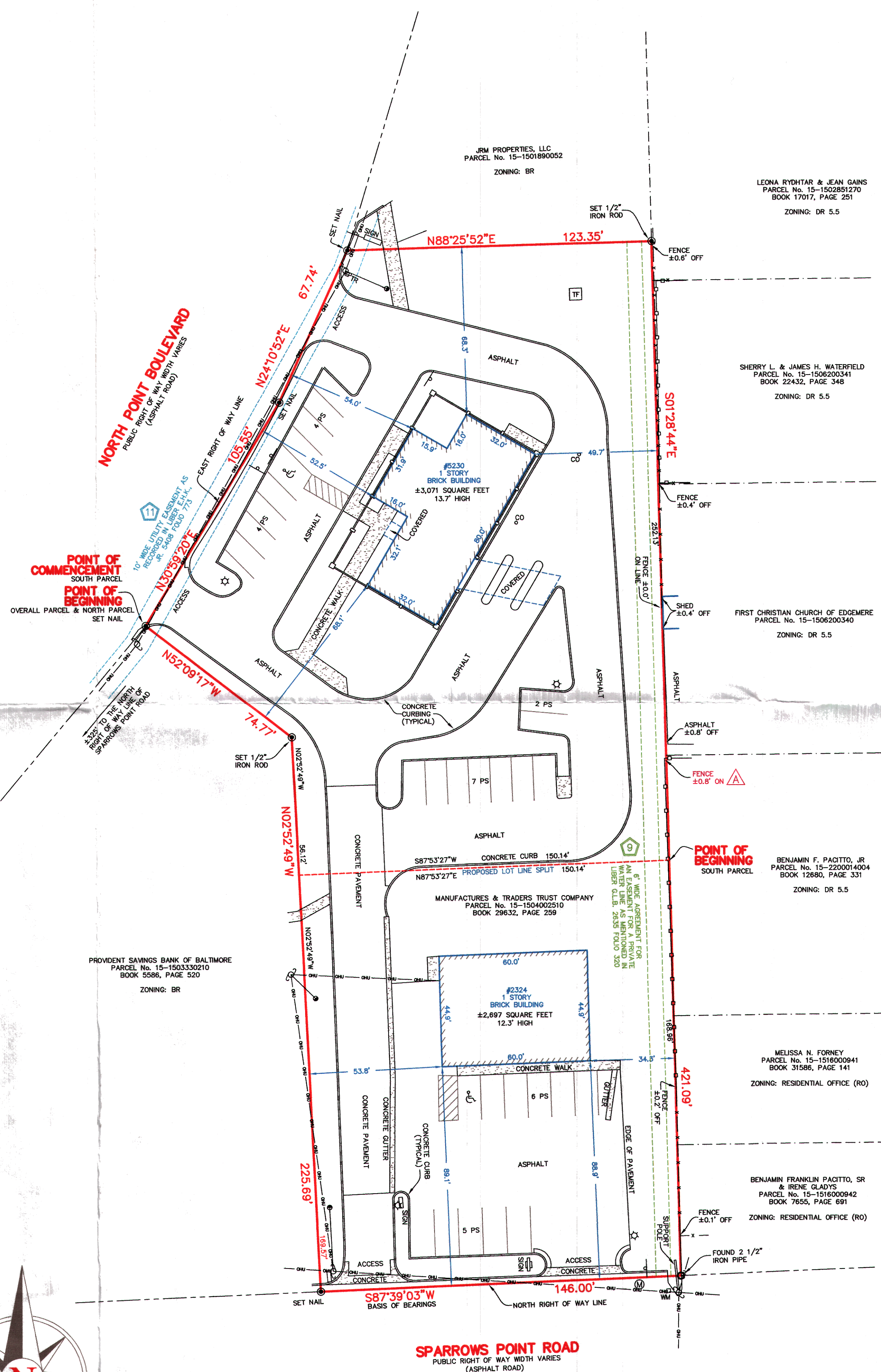
△ FENCE CROSSES PROPERTY LINE BY NO MORE THAN 0.8'.

FLOOD NOTE

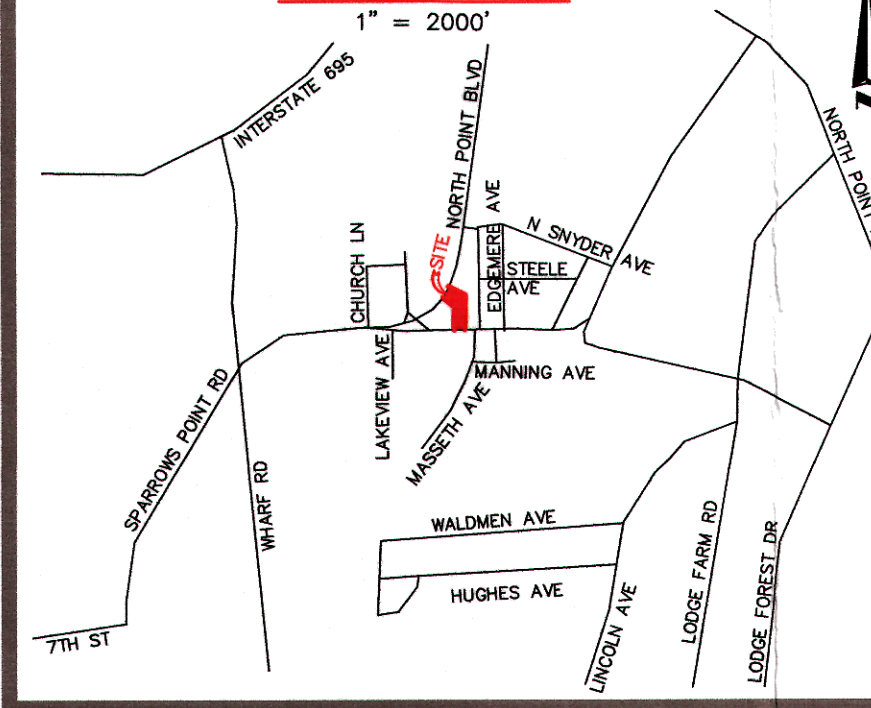
FLOOD NOTE: BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSCFEMA.GOV, AND BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" ON FLOOD INSURANCE RATE MAP NUMBER 24010100550, WHICH BEARS AN EFFECTIVE DATE OF 05/05/2014 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. BY REVIEWING FLOOD MAPS PROVIDED BY THE NATIONAL FLOOD INSURANCE PROGRAM WE HAVE LEARNED THIS COMMUNITY DOES PARTICIPATE IN THE PROGRAM, NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THE ACCURACY OF THE MAPS AND/OR TO APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND

	CONCRETE SURFACE		PS PARKING SPACE(S)
	NO PARKING AREA		WM WATER METER
	CHAIN LINK FENCE		CO CLEAN OUT
	WOOD FENCE		TF TRANSFORMER
	OVERHEAD UTILITY LINES		TR TELEPHONE RISER
	UTILITY POLE		
	GUY ANCHOR		
	LIGHT POLE		
	MANHOLE		
	TRAFFIC SIGN		
	HANDICAP PARKING SPACE		



VICINITY MAP



A. PREPARER OF PLAN

NAME: REPUBLIC NATIONAL LAND SURVEYORS
ADDRESS: 480 NEEDLES TRAIL
LONGWOOD, FL 32779
PHONE: 407-862-4200
DATE: OCTOBER 14, 2014

LEGAL OWNER/DEVELOPER

NAME: M&T BANK
CONTACT: JASON CHWODAK
ADDRESS: ONE M&T PLAZA
BUFFALO, NY 14203
PHONE: 716-840-7972
TAX ACCOUNTY NO.: 15-1504002510

DELINQUENT ACCOUNT STATEMENT

I, AARON SWERDLOW, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

SIGNATURE DATE

LEGAL DESCRIPTION

NORTH PARCEL

BEGINNING FOR THE SAME AT A POINT SITUATE ON THE EAST SIDE OF NORTH POINT BOULEVARD (100 FEET WIDE), AS SHOWN ON STATE ROADS COMMISSION PLAT NOS. 3423 AND 3424, SAID POINT BEING ALSO THE BEGINNING OF THE THIRD OR SOUTH 52 DEGREES 06 MINUTES 10 SECONDS EAST 74.77 FOOT LINE OF A PARCEL OF LAND CONVEYED BY CITIES SERVICE OIL COMPANY TO PROVIDENT SAVINGS BANK OF BALTIMORE, BY A DEED DATED OCTOBER 13, 1975, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER E.H.K., JR. 5586, FOLIO 520, THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING WITH AND BINDING ON THE EASTERLY LINE OF SAID ROAD BY A SPIRAL CURVE TO THE LEFT AND ALONG A PORTION OF THE NINTH AND EIGHTH LINES OF A PARCEL OF LAND CONVEYED BY THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, AMERICAN LEGION, INC., TO WILLIAM T. BIERMAN BY A DEED DATED NOVEMBER 23, 1953, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER G.L.B. 2397, FOLIO 33, REFERRING ALL COURSES OF THIS DESCRIPTION TO THE MARYLAND COORDINATE SYSTEM (NAD 83 - 1991), THE FOLLOWING TWO COURSES AND DISTANCES: (1) NORTH 30 DEGREES 59 MINUTES 20 SECONDS EAST 105.55 FEET, AND THENCE (2) NORTH 24 DEGREES 10 MINUTES 52 SECONDS EAST 67.74 FEET TO THE BEGINNING OF A PARCEL OF LAND CONVEYED BY M&T BANK CORPORATION TO JRM PROPERTIES, LLC, BY A DEED DATED APRIL 6, 2004, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER S.M. 19974, FOLIO 581, THENCE LEAVING THE EAST SIDE OF SAID BOULEVARD AND RUNNING WITH AND BINDING REVERSELY WITH THE LAST LINE OF THE LAST HEREINMENTIONED DEED, (3) NORTH 88 DEGREES 25 MINUTES 52 SECONDS EAST 123.35 FEET, THENCE LEAVING SAID LINE AND RUNNING, (4) SOUTH 01 DEGREES 28 MINUTES 44 SECONDS EAST 421.09 FEET TO THE POINT OF BEGINNING, THENCE (5) SOUTH 87 DEGREES 39 MINUTES 03 SECONDS WEST 146.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.95 ACRES OF LAND, MORE OR LESS, AS NOW SURVEYED BY REPUBLIC NATIONAL LAND SURVEYORS, IN JULY 2014.

SOUTH PARCEL

COMMENCING AT A POINT SITUATE ON THE EAST SIDE OF NORTH POINT BOULEVARD (100 FEET WIDE), AS SHOWN ON STATE ROADS COMMISSION PLAT NOS. 3423 AND 3424, SAID POINT BEING ALSO THE BEGINNING OF THE THIRD OR SOUTH 52 DEGREES 06 MINUTES 10 SECONDS EAST 74.77 FOOT LINE OF A PARCEL OF LAND CONVEYED BY CITIES SERVICE OIL COMPANY TO PROVIDENT SAVINGS BANK OF BALTIMORE, BY A DEED DATED OCTOBER 13, 1975, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER E.H.K., JR. 5586, FOLIO 520, THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING WITH AND BINDING ON THE EASTERLY LINE OF SAID ROAD BY A SPIRAL CURVE TO THE LEFT AND ALONG A PORTION OF THE NINTH AND EIGHTH LINES OF A PARCEL OF LAND CONVEYED BY THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, AMERICAN LEGION, INC., TO WILLIAM T. BIERMAN BY A DEED DATED NOVEMBER 23, 1953, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER G.L.B. 2397, FOLIO 33, REFERRING ALL COURSES OF THIS DESCRIPTION TO THE MARYLAND COORDINATE SYSTEM (NAD 83 - 1991), THE FOLLOWING TWO COURSES AND DISTANCES: (1) NORTH 30 DEGREES 59 MINUTES 20 SECONDS EAST 105.55 FEET, AND THENCE (2) NORTH 24 DEGREES 10 MINUTES 52 SECONDS EAST 67.74 FEET TO THE BEGINNING OF A PARCEL OF LAND CONVEYED BY M&T BANK CORPORATION TO JRM PROPERTIES, LLC, BY A DEED DATED APRIL 6, 2004, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER S.M. 19974, FOLIO 581, THENCE LEAVING THE EAST SIDE OF SAID BOULEVARD AND RUNNING WITH AND BINDING REVERSELY WITH THE LAST LINE OF THE LAST HEREINMENTIONED DEED, (3) NORTH 88 DEGREES 25 MINUTES 52 SECONDS EAST 123.35 FEET, THENCE LEAVING SAID LINE AND RUNNING, (4) SOUTH 01 DEGREES 28 MINUTES 44 SECONDS EAST 421.09 FEET TO THE POINT OF BEGINNING, THENCE (5) SOUTH 87 DEGREES 39 MINUTES 03 SECONDS WEST 146.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.58 ACRES OF LAND, MORE OR LESS, AS NOW SURVEYED BY REPUBLIC NATIONAL LAND SURVEYORS, IN JULY 2014.

JOB NUMBER:
140716
SCALE:
1" = 30'
DRAWN BY:
KFW
APPROVED BY:
MWS

LEGAL DESCRIPTION

OVERALL PARCEL

BEGINNING FOR THE SAME AT A POINT SITUATE ON THE EAST SIDE OF NORTH POINT BOULEVARD (100 FEET WIDE), AS SHOWN ON STATE ROADS COMMISSION PLAT NOS. 3423 AND 3424, SAID POINT BEING ALSO THE BEGINNING OF THE THIRD OR SOUTH 52 DEGREES 06 MINUTES 10 SECONDS EAST 74.77 FOOT LINE OF A PARCEL OF LAND CONVEYED BY CITIES SERVICE OIL COMPANY TO PROVIDENT SAVINGS BANK OF BALTIMORE, BY A DEED DATED OCTOBER 13, 1975, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER E.H.K., JR. 5586, FOLIO 520, THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING WITH AND BINDING ON THE EASTERLY LINE OF SAID ROAD BY A SPIRAL CURVE TO THE LEFT AND ALONG A PORTION OF THE NINTH AND EIGHTH LINES OF A PARCEL OF LAND CONVEYED BY THE BETHLEHEM STEEL POST NO. 88, DEPARTMENT OF MARYLAND, AMERICAN LEGION, INC., TO WILLIAM T. BIERMAN BY A DEED DATED NOVEMBER 23, 1953, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER G.L.B. 2397, FOLIO 33, REFERRING ALL COURSES OF THIS DESCRIPTION TO THE MARYLAND COORDINATE SYSTEM (NAD 83 - 1991), THE FOLLOWING TWO COURSES AND DISTANCES: (1) NORTH 30 DEGREES 59 MINUTES 20 SECONDS EAST 105.55 FEET, AND THENCE (2) NORTH 24 DEGREES 10 MINUTES 52 SECONDS EAST 67.74 FEET TO THE BEGINNING OF A PARCEL OF LAND CONVEYED BY M&T BANK CORPORATION TO JRM PROPERTIES, LLC, BY A DEED DATED APRIL 6, 2004, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER S.M. 19974, FOLIO 581, THENCE LEAVING THE EAST SIDE OF SAID BOULEVARD AND RUNNING WITH AND BINDING REVERSELY WITH THE LAST LINE OF THE LAST HEREINMENTIONED DEED, (3) NORTH 88 DEGREES 25 MINUTES 52 SECONDS EAST 123.35 FEET, THENCE LEAVING SAID LINE AND RUNNING, (4) SOUTH 01 DEGREES 28 MINUTES 44 SECONDS EAST 421.09 FEET TO INTERSECT THE NORTHERN RIGHT-OF-WAY LINE OF SPARROWS POINT ROAD, THENCE RUNNING WITH A PORTION OF SAID ROAD, (5) SOUTH 87 DEGREES 39 MINUTES 03 SECONDS WEST 146.00 FEET TO THE END OF THE FOURTH OR SOUTH 49 DEGREES 42 MINUTES EAST 225.14 FOOT LINE OF THE FIRST HEREINMENTIONED DEED, THENCE RUNNING WITH AND BINDING REVERSELY WITH THE FOURTH AND THIRD LINES, (6) NORTH 02 DEGREES 52 MINUTES 49 SECONDS WEST 225.69 FEET TO A 1/2" IRON PIPE FOUND AND HELD, THENCE (7) NORTH 52 DEGREES 09 MINUTES 17 SECONDS WEST 74.77 FEET TO THE POINT OF BEGINNING, CONTAINING 1.534 ACRES OF LAND, MORE OR LESS, AS NOW SURVEYED BY D&T-MCCUNE-WALKER, INC., IN MARCH 2010.

PLAN TO ACCOMPANY DRC REQUEST

DISTRICT INFORMATION:

ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
CENSUS TRACT: 980000
WATERSHED: BALTIMORE HARBOR
DRC #092314A

ZONING DATA

ZONING ITEM	REQUIRED
ZONING CLASSIFICATION	BR
BUILDING SETBACKS	
FRONT	50'
SIDE	30'
REAR	30'

LIMITED EXEMPTION #14039
TRACKING #JLM-2014-00020

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT FILE NO.: 14-10341, WITH AN EFFECTIVE DATE OF JULY 7, 2014.

GENERAL NOTES

- NO UNDERGROUND UTILITIES ARE SHOWN ON THIS SURVEY, ONLY ABOVE GROUND VISIBLE EVIDENCE OF UTILITIES ARE SHOWN.
- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, FENCES, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2011 ALTA/ACSM SURVEY REQUIREMENTS.
- THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO NORTH POINT BOULEVARD AND SPARROWS POINT ROAD, DEDICATED PUBLIC STREETS OR HIGHWAYS.
- THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON SUBJECT PROPERTY.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS.
- ZONING INFORMATION NOT PROVIDED TO THE SURVEYOR BY THE TITLE INSURER.
- BUILDING AREAS SHOWN HEREON ARE FOR THE FOOTPRINT OF THE BUILDING ONLY.
- NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION, NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- TAX ACCOUNT NUMBER: 15-1504002510
- DEED REFERENCE: BOOK 29632, PAGE 259.

ALTA/ACSM LAND TITLE SURVEY

PROJECT NAME
EDGEMERE CROSSING
2324 SPARROWS POINT ROAD
PAI FILE #15-0991
BALTIMORE COUNTY 15C7 BALTIMORE, MD

SURVEYOR'S CERTIFICATE

TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY; GRS TITLE SERVICES:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JUDICIALLY ESTABLISHED AND ADOPTED BY THE ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 13, 14, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 7/22/14. DATE OF PLAT OR MAP: 10/14/14.



REGISTERED SURVEYOR: NICHOLAS R. FUSCO
PROFESSIONAL LAND SURVEYOR NO.: 10774
STATE OF MARYLAND

SURVEYED BY:
REPUBLIC NATIONAL
LAND SURVEYORS
407 MEDVA SPRINGS ROAD • SUITE 101
LONGWOOD, FLORIDA 32779
PH: (407) 862-4200 FAX: (407) 862-4229

10-12-14
DATE

66-62-X 15TH DIST. NECK AREA SE-C-N "A" 9/11/65 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, James R. Childress, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from SE-C-N to "A" and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Truck Terminal.

The attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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.

Robert Davidson Contract purchaser Address: 422 Buford Road Jappa, Maryland 21085	James R. Childress Legal Owner Address: 131 N. Patterson Ave. Baltimore, Md.
William T. Evans Petitioner's Attorney Address: 2 Parkview Place Baltimore, 21222	Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of July, 1965, 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 106, County Office Building in Towson, Baltimore County, on the 9th day of September, 1965, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

Rev. Robert T. Wilkerson,
2411 Carolyn Avenue,
Baltimore, Md. 21219.

Carl S. Franklin,
Margaret M. Franklin, his wife,
2616 N. Snyder Avenue,
Baltimore, Md. 21219.

Andrew P. Swedo,
Katherine E. Swedo, his wife,
2612 N. Snyder Avenue,
Baltimore, Md. 21219.

Elmer Rudacille,
Elizabeth Rudacille, his wife,
2610 N. Snyder Avenue,
Baltimore, Md. 21219.

Paul W. Bunton,
Leona Bunton, his wife,
2612 N. Snyder Avenue,
Baltimore, Md. 21219.

Henry Gustke,
Florence Gustke, his wife,
2343 Sparrows Point Road,
Baltimore, Md. 21219.

Howard Jackson,
Elizabeth Jackson, his wife,
2343 Sparrows Point Road,
Baltimore, Md. 21219.

Charles H. Kline,
Mary Evelyn Kline, his wife,
2331 Sparrows Point Road,
Baltimore, Md. 21219.

Daniel Hancock,
2329 Sparrows Point Road,
Baltimore, Md. 21219.

Benjamin F. Pacitto,
Gladys Pacitto, his wife,
2326 Sparrows Point Road,
Baltimore, Md. 21219.

Mary Pacitto,
2328 Sparrows Point Road,
Baltimore, Md. 21219.

versus

R. Bruce Alderman,
John A. Slowik,
Paul T. McHenry, Jr.,
Constituting the
County Board of Appeals
of Baltimore County.

ORDER FOR APPEAL.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had, and it further appearing that by reason of

a Special Exception for a Truck Terminal should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1965, that the herein described property or area should be and the same is hereby reclassified, from SE-C-N to "A" and (2) for a Special Exception for a Truck Terminal should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the petitioner failed to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations

the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of September, 1965, 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 106, County Office Building in Towson, Baltimore County, on the 9th day of September, 1965, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County

Rev. Robert T. Wilkerson; Carl S. Franklin, Megan M. Franklin, his wife; Andrew P. Swedo, Katherine E. Swedo, his wife; Elmer Rudacille, Elizabeth Rudacille, his wife; Paul W. Bunton, Leona Bunton, his wife; Henry Gustke, Florence Gustke, his wife; Howard Jackson, Elizabeth Jackson, his wife; Charles H. Kline, Mary Evelyn Kline, his wife; Daniel Hancock; Benjamin F. Pacitto, Gladys Pacitto, his wife, and Mary Pacitto, feeling aggrieved by the decision of the County Board of Appeals of Baltimore County, entered on the 11th day of August, 1966, granting a special exception to operate a truck terminal in a B-R zone in re: "Petition for Special Exception for a truck terminal, N/S Sparrows Point Road 130' West of Snyder Avenue, 15th District, James R. Childress, Petitioner, Robert Joseph Davidson, Contract Purchaser", Zoning File No. 66-62-X, hereby enter an appeal to the Circuit Court for Baltimore County.

Rev. Robert T. Wilkerson
Carl S. Franklin
Megan M. Franklin
Andrew P. Swedo
Katherine E. Swedo
Elmer Rudacille
Elizabeth Rudacille
Paul W. Bunton
Leona Bunton
Henry Gustke
Florence Gustke

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Truck Terminal : COUNTY BOARD OF APPEALS
N/S Sparrows Point Road 130' West : OF
of Snyder Avenue, : BALTIMORE COUNTY
15th District :
James R. Childress, Petitioner :
Robert Joseph Davidson, :
Contract Purchaser : No. 66-62-X

OPINION

The petitioner here applied for a special exception to operate a truck terminal in a B-R zone. The subject property, containing approximately 1.521 acres, is located on the north side of Old Sparrows Point Road, 130 feet west of Snyder Avenue, in the Edgemere section of the Fifteenth Election District of Baltimore County.

The present use of the site is the operation of an American Legion Hall. The properties adjacent to the site are zoned R-A on the east side, B-R on the northeast and southwest sides, and R-6 on the south side. Gasoline Service Stations adjoin both sides of the subject tract along New Sparrows Point Highway.

The protestors testified that granting the special exception would violate Section 502.1 (a) and (b) of the Zoning Regulations by tending to create noise, dirt, and traffic hazards. They are also concerned with the safety of their children when using Old Sparrows Point Road. Petitioner's witness, Jerome Wolff, a Civil Engineer and Traffic Expert, testified that the entrance and exit from the subject site is on Old Sparrows Point Road, only 200 to 300 feet from New Sparrows Point Highway, and truck traffic using the terminal would confine their movements on Old Sparrows Point Road to this short section of that street. Further testimony revealed that approximately thirty trucks would leave the site in the morning between 7:30 and 10 a.m. and would return at 2 to 5:30 p.m., usually making one trip a day. The traffic generated would not tax the facilities of Old Sparrows Point Road, which is presently handling a volume of only forty percent of its capacity.

Mr. John E. Meyers, Assistant Development Engineer of the State Roads Commission, testified that he is familiar with the subject property and that the State Roads Commission would require an ingress/egress road, thirty-five feet wide at a setback point twenty feet from the center line of Old Sparrows Point Road with a thirty foot curb radius, on either side of the driveway to insure proper truck turning movements in and out of the site.

Mr. T. Richard Fitzell, Realtor and Appraiser, with twenty years experience in the area, stated that residential properties are already exposed to intensive commercial and industrial uses in the area, and would not be devaluated by the establishment of a truck terminal. He also cited other uses permitted in the present B-R classification that, if used, could have an adverse effect on property values.

Howard Jackson
Elizabeth Jackson
Charles H. Kline
Mary Evelyn Kline
Daniel Hancock
Benjamin F. Pacitto
Gladys Pacitto
Mary Pacitto

Joseph Paul, Jr.,
Federal Land Bank Building,
St. Paul & 24th Streets,
Baltimore, Md. 21218.
Phone: Baltimore 5-9100

Attorneys for Appellants.

IN THE MATTER OF
THE PETITION FOR
A SPECIAL EXCEPTION
OF

N/S Sparrows Point Boulevard : BALTIMORE COUNTY
130 feet west of Snyder Road :
James R. Childress, Petitioner :
Robert J. Davidson, Contract Purchaser :

ORDER OF APPEAL

Mr. Commissioner:
Please enter an appeal to the Board of Appeals of Baltimore County from your Order dated September 9, 1965, denying the petition in the above entitled matter.

John Bowin
Johnson Bowin
David N. Bates
Attorneys for Petitioner

James R. Childress - 66-62-X

It is the opinion of the Board that the petitioner has satisfied the requirements of Section 502.1 of the Zoning Regulations. The special exception, therefore, is granted subject to the following restrictions:

1. That the surface of the property be covered with a dustless type material
2. That entrance and exit driveways be installed in accordance with plans approved by the S.R.C.
3. Regular hours for operating the truck terminal shall be from 6:30 a.m. to 6:00 p.m.
4. That there be no operation of the truck terminal on Sundays except for emergency
5. That a solid screen wood fence at least six (6) feet high be erected across the east boundary of the property, and that this fence be kept attractive and in good repair

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of August, 1966 by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the aforementioned restrictions.

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

R. Bruce Alderman, Acting Chairman

John A. Slowik

Paul T. McHenry, Jr.

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND
TOWSON, MARYLAND 21204
September 25, 1967

Bernard J. Medary, Jr., Esq.
204 Courtland Avenue
Towson, Maryland, 21204

and
Joseph Pettit, Jr., Esq.
Federal Land Bank Building
St. Paul and 24th Streets
Baltimore, Maryland 21218

Dear Counsel:

Re: Rev. Robert W. Wilkerson, et al.
vs.
James R. Childress, et al, and
County Board of Appeals of Baltimore County
Docket 6, folio 124
Case 2593

Enclosed herewith is my Opinion and Order of Court
in the above entitled matter.

Very truly yours,

John H. Maguire
John H. Maguire
JUDGE

Enclosure

cc: David W. Bates, Esq.
Johnson Bowie, Esq.
John G. Rose, Zoning Commissioner
County Board of Appeals

Rec'd 9/26/67
1:20 PM

REV. ROBERT T. WILKERSON, et al • IN THE CIRCUIT COURT
VS. • FOR BALTIMORE COUNTY
JAMES R. CHILDRESS and • AT LAW
ROBERT J. DAVIDSON (Intervenor) • Misc. Docket 8
THE COUNTY BOARD OF APPEALS • Folio 124
OF BALTIMORE COUNTY • Case No. 3593

MEMORANDUM OPINION
AND ORDER OF COURT

This case involves an appeal from the County Board of Appeals of Baltimore County, which by its Order dated August 11, 1966, granted a special exception for a truck terminal on the north side of Sparrows Point Road 130 feet west of Snyder Avenue, in the 15th District of Baltimore County. The Zoning Commissioner of Baltimore County, by his order dated September 9, 1965, had denied the special exception, setting forth that Section 502.1 of the Zoning Regulations were not fully complied with.

The protestants are, in chief, contending that the petitioners failed to meet certain statutory requirements of the Baltimore County Code in regard to special exceptions to Zoning Regulations: viz., Section 502.1, which reads:

"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 therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

William T. Evans, Esquire
2 Market Place
Baltimore, Maryland 21202

SUBJECT: Special Exception for Truck
Terminal for James R. Childress
located 1/3 Sparrows Point Road
W of Snyder Avenue, 15th District
(Item 2, July 27, 1965)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

STATE ZONING COMMISSION: The subject property at present does not have access to North Point Boulevard and with the building setting the way it is adequate safe means of access would be virtually impossible. It should be noted, however, that someone has constructed an illegal means of access to North Point Boulevard via the adjacent service station. It is, therefore, requested that this means of access be eliminated and that no means of access be provided to North Point Boulevard. To the rear of the building there is an existing parking lot with access to Sparrows Point Boulevard. This access point is the entire frontage of the property. Restricting the access as shown would cause havoc, upon the road. Tractor trailer trucks cannot possibly make the turn without using both sides of the Sparrows Point Boulevard due to its narrowness.

THE SUPERVISOR'S PLAN: The truck parking which is located adjacent to the property must be set back a minimum of 10' from the property line.

OFFICE OF PLANNING AND ZONING: If the Zoning Commissioner sees fit to grant the zoning petition, it is suggested that the order require substantial screening such as a stockade fence and land scape planting on the side adjacent to residential homes. Screening should also be required along Sparrows Point Road as there are residential homes located directly across the road. The parking lot as it now exists is not a dustless durable surface and should be improved with macadam prior to this property being used as a truck terminal.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the County Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Health Department
Industrial Development Commission
Board of Education
Buildings Department
Bureau of Traffic Engineering
Bureau of Engineering

Very truly yours,

James E. Davis
JAMES E. DAVIS, Chief
Petition and Permit Processing

cc: John Duerre-State Roads Commission
Lt. Morris-Wire Bureau-PL as Review
Albert Quabey-Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 20, 1965

FROM: George E. Gavelis

SUBJECT: 66-62-X. "Special Exception for a Truck Terminal. North side of Sparrows Point Road 130 feet West of Snyder Avenue. Being the property of James R. Childress"

15th District

HEARING: Wednesday, September 8, 1965 (11:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- R.A. zoning lies to the southeast and to the southwest of the subject property. These areas are presently developed with cottages. The former use of the subject property was quasi-institutional, and was essentially compatible with the nearby residential uses. The subject petition requests a use that is known to produce noise, dust, odors, fumes, and - more often than not - unsightliness. It would be far better for a use of a more transitional nature to occupy the subject parcel.
- A field inspection indicates that the requested truck center has already been established, at least in part. We do not believe that the subject property is dimensionally adequate for such a purpose. There is evidence that trucks have been obtaining access to Sparrows Point Boulevard by means of an illegal (according to the State Roads Commission) dirt driveway. It appears also that trucks entering the subject property from Sparrows Point Road have been driving off the pavement on the south side of the road (west of the subject property) in order to gain access. In any event, Sparrows Point Road is clearly inadequate as a truck route.

It would seem that the circulation problems now obtaining would be made even worse when the necessary ten-foot strip is reserved along the east side of the property and the required thirty-five foot entrance is established.
- The type of screening proposed by the petitioner is not clearly indicated, and may not be adequate. If it should be decided to grant this petition, the site plan should be made subject to approval by this office so that control of details regarding screening, circulation, etc. to the degree possible can be assured.

- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air.

The testimony of the three witnesses of the petitioners, each of whom was well qualified, refute this contention of the protestants.

In *Jobar Corp. v. Rodgers Ferry*, 236 Md. 106, the Court said:

"We have stated time after time that it is not the function of the courts to zone or rezone, and the courts will not substitute their judgments for that of the expertise of the zoning officials. It is only where there is no room for reasonable debate or where the record is devoid of substantial, supporting facts that the courts are justified in reversing a decision of the Board, or declaring its actions arbitrary or capricious. See *Montgomery County Council v. Springmont*, 211 Md. 307, *Tumlin v. Board*, 212 Md. 6, and *West Ridge, Inc. v. Montgomery*, 222 Md. 448, for three of the many Maryland cases so holding".

Here the issue is indeed fairly debatable. Jerome B. Wolff, who is now serving as State Roads Commissioner for the State of Maryland, testified directly to the requirements of Section 502.1; also Mr. Robert Davidson, a real estate appraiser.

The Court feels that their testimony alone, which vers compliance with Section 502.1, makes the question fairly debatable.

-2-

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		INVOICE No. 33542 DATE 11/23/65
TO: William T. Evans, Esq. 2 Market Place Baltimore, Md. 21202		BILLED BY: Zoning Dept. of Balto. Co.
DEPOSIT TO ACCOUNT NO. 01-622	QUANTITY	TOTAL AMOUNT \$ 39.90
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Advertising and posting of property for James R. Childress 66-62-X		39.90
44-2340 2827 * 33542 TIP-		79.90
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.		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		INVOICE No. 33440 DATE 10/1/65
TO: Johnson Bowie, Esq. Lupala Building Towson, Maryland 21204		BILLED BY: Office of Planning & Zoning 119 County Office Building Towson, Maryland 21204
DEPOSIT TO ACCOUNT NO. 01-621	QUANTITY	TOTAL AMOUNT \$ 70.00
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Cost of appeal - Property of James R. Childress No. 66-62-X		70.00
40-462 2840 * 33440 TIP-		70.00
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.		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		INVOICE No. 38963 DATE 9/19/65
TO: Joseph Pettit, Jr., Esq. Federal Land Bank Building St. Paul and 24th Streets Baltimore, Maryland 21218		BILLED BY: County Board of Appeals (Zoning)
DEPOSIT TO ACCOUNT NO. 01-712	QUANTITY	TOTAL AMOUNT \$ 8.00
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Cost of Certified Documents - No. 66-62-X James R. Childress W/S Sparrows Point Road 130' W. of Snyder Avenue 15th District		8.00
4-2866 2826 * 38963 TIP-		8.00
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.		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		INVOICE No. 32040 DATE 8/11/65
TO: M. H. R. Thomas & Associates 21 W. Penna. Ave. Towson, Md. 21204		BILLED BY: Zoning Dept. of Balto. Co.
DEPOSIT TO ACCOUNT NO. 01-622	QUANTITY	TOTAL AMOUNT \$ 20.00
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		
Position for Special Exception for James R. Childress 66-62-X		20.00
8-1346 2840 * 32040 TIP-		20.00
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.		

Approved # 66-62-4

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 10-7-65
Posted for: James R. Childress
Petitioner: James R. Childress
Location of property: 130 West of Spawton Ave
Location of Signs: at the end of the driveway
Remarks: Robert L. Childress
Posted by: Robert L. Childress Date of return: 10-14-65

249pm # 66-60-2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 9-20-65
Posted for: James R. Childress
Petitioner: James R. Childress
Location of property: 130 West of Spawton Ave
Location of Signs: at the end of the driveway
Remarks: Robert L. Childress
Posted by: Robert L. Childress Date of return: 9-26-65

William T. Evans, Esq.
2 Market Place
Baltimore, Md. 21222

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING #66-62x

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
27th day of July, 1965

Owner Name: James R. Childress
Reviewed by: John G. Rose

JOHN G. ROSE
Zoning Commissioner

PETITION FOR
SPECIAL EXCEPTION
15th DISTRICT
ZONING: Petition for Special
Exception for a Truck Terminal,
LOCATION: North side of Spaw-
ton Pkwy. 130 feet West
of Spawton Avenue
DATE & TIME: WEDNESDAY,
SEPTEMBER 8, 1965 at 11:00
A.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Ordinance and
Petition for Special Exception
for a Truck Terminal. All that
parcel of land in the 15th
District of Baltimore County,
beginning for the same at a
point on the North side of Spaw-
ton Pkwy. 130 feet West
of Spawton Avenue and running
thence North 1 degree 21' 30"
East 120.70 feet, South 88 degree
50' 30" West 122.85 feet to the
southeast side of the New Spar-
rows Pkwy. Highway, thence bind-
ing thereon South 24 degree 30'
36" West 67.14 feet and South
21 degree 53' 30" West 107.25
feet, thence South 52 degree 06'
10" East 74.77 feet and South
2 degree 19' 47" East 225.14
feet to the North side of Spar-
rows Pkwy. Road and thence bind-
ing thereon North 88 degree 03'
47" East 104.00 feet to the place
of beginning.

Containing 1.521 acres of land
more or less,
Being the property of James R.
Childress, as shown on plat plan
filed with the Zoning Department,
Baltimore County, on September 8, 1965 at 11:00 A.M.
Public Hearing: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.
BY ORDER OF:
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

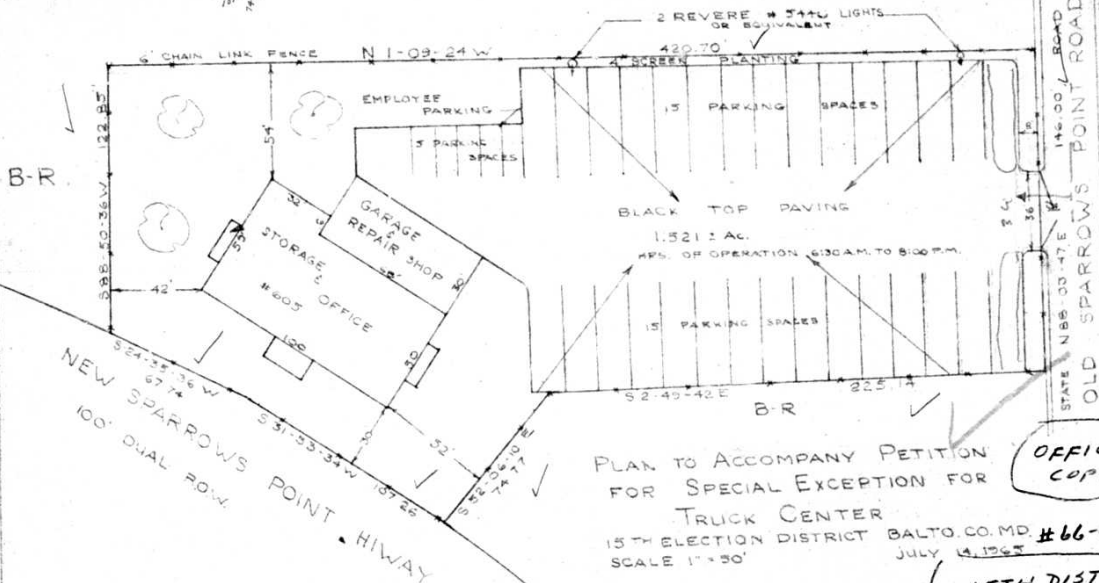
DUNDALK, M.D. August 10, 1965

THIS IS TO CERTIFY, that the annexed advertisement of
"James R. Childress"
was inserted in THE COMMUNITY PRESS a weekly news-
paper published in Baltimore County, Maryland, once a week
for 1 successive week before the
17th day of August 1965; that is to say,
the same was inserted in the issues of 8-10-65

Stromberg Publications, Inc.
Publisher.

By: Mrs. Palmer Price

R-A



PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION FOR
TRUCK CENTER
15TH ELECTION DISTRICT BALTO.CO.MD. #66-62X
SCALE 1"=30'

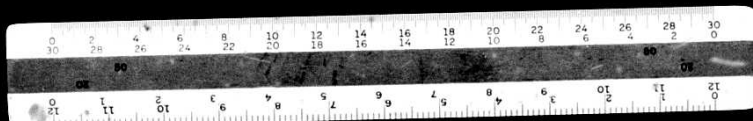
OFFICE
COPY

PREPARED BY:
W. H. PRIMROSE & ASSOCIATES
21 W PENNSYLVANIA AVE.
TOWSON, MD 21204

W. H. Primrose & Associates
S #1231



PRESENT ZONING B-R
15TH DIST.
DATAPSCO NECK
AREA
SE-G-H
"X"



OFFICE OF W. H. PRIMROSE

July 14, 1965

DESCRIPTION OF PARCEL EMERACED BY PETITION FOR SPECIAL
EXCEPTION FOR A TRUCK TERMINAL

All that parcel of land lying in the 15th Election District of
Baltimore County on the North side of Sparrows Point Road and the Southeast
side of the New Sparrows Point Highway and more particularly described as
follows:

Beginning for the same at a point on the North side of Sparrows
Point Road 130 feet west of Snyder Avenue and running thence North $1^{\circ} 09' 24''$
West 420.70 feet, South $88^{\circ} 50' 36''$ West 122.85 feet to the southeast side
of the New Sparrows Point Highway; thence binding thereon South $24^{\circ} 35' 36''$
West 67.74 feet and South $31^{\circ} 53' 34''$ West 107.26 feet, thence South $52^{\circ} 06' 10''$
East 74.77 feet and South $2^{\circ} 49' 4''$ East 225.14 feet to the North side
of Sparrows Point Road and thence binding thereon North $88^{\circ} 03' 47''$ East
146.00 feet to the place of beginning.

Containing 1.521 acres of land more or less.

W. H. Primrose.

#66-62X

15TH ✓
DIST.

PATAPSCO
NECK
AREA

E-6H

"X"

9/1/65