

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

We, J.W. Truth and Sons, Inc., 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 an R-10 and R-20 zone to an B-1, M-L-R and M-H zone, for the following reasons:

- (1) Mistake in first district Zoning Map
 - (2) Hardship, because business was continued as non-conforming use and employees 31 people.
 - (3) There is a need for the business and it is now 100 years old.
- VARIANCES: To section 256.2 to permit a building to be located zero feet from a business zone, 150 feet on north side, 120 feet on west side and 110 feet on the south side instead of 300 feet respectively from a residential zone.

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 Slaughter House.

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.

J.W. Truth and Sons, Inc. J.W. Truth and Sons, Inc.
J.W. Truth Jr. Pres. William Truth, Jr. Pres.
Contract purchaser Legal Owner
Address 328 Oella Avenue, Baltimore 21228 Address 328 Oella Avenue, Baltimore 21228
John H. H. H. Petitioner's Attorney Protestant's Attorney

ORDERED: By the Zoning Commissioner of Baltimore County, this 1st day of April, 1969, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of May, 1969, at 2:00 o'clock.

J.W. Truth
Zoning Commissioner of Baltimore County

EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS, ENGINEERS, PLANNERS
1111 E. BIRD STREET
BALTIMORE, MD. 21205

Description of Slaughter House Area for special Exception

Beginning for the same at a point distant South 41 degrees 39 minutes West 199.93 feet, South 36 degrees 10 minutes 30 seconds West 7.46 feet and South 31 degrees 24 minutes 30 seconds East 202.61 feet from a point on the southwesternmost side of Oella Avenue as laidout thirty feet wide said point being distant 780.00 feet measured in a southeasterly direction from the corner formed by the intersection of the abovementioned side of Oella Avenue and the southeasternmost side of Westchester Avenue and running thence South 31 degrees 24 minutes 30 seconds East 30.00 feet, South 58 degrees 35 minutes 30 seconds West 40.00 feet, North 31 degrees 24 minutes 30 seconds West 30.00 feet and North 58 degrees 35 minutes 30 seconds East 40.00 feet to the place of beginning.... containing 1,200 square feet of land more or less.

Edwin J. Kirby, Jr.
Prof. Land Surveyor No. 5481
March 21, 1969

Re: Petition for Reclassification, Special Exception and Variance to Zoning Regulations - S W Side Oella Ave. 832.27 S/E Westchester Ave. First District
J. W. Truth & Sons, Inc., Petitioner
Baltimore County
No. 69-242 RXA

The petitioners requested reclassification of property on the west side of Oella Avenue 832.27 southeast of Westchester Avenue, in the First District of Baltimore County, from R-10 and R-20 Zones to B-1, M-L-R and M-H Zones; a special exception for a slaughter house and variance to Section 256.2 of the Baltimore County Zoning Regulations, to permit a building to be located zero feet from a business zone, 150 feet on the north side, 120 feet on the west side and 110 feet on the south side instead of the required 300 feet from a residential zone.

In the change in zones, the requested zoning reclassifications are vital to the continuation of this long established business, and in the opinion of the Zoning Commissioner the change to such heavy manufacturing zones is not such as would warrant the reclassification of any adjoining property to such a zone. This is very similar to the requirements of placing a quarry in manufacturing zones, and the petition should be granted.

The petitioners have complied with the requirements of Section 502.1 of the Baltimore County Zoning Regulations, therefore, the Special Exception should be granted.

As strict compliance with the Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the variances would give relief without substantial injury to the public health, safety or general welfare of the locality, the variances should be granted.

For the above reasons the reclassification, special exception and variances should be granted.

It is this 1st day of May, 1969, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 and R-20 Zones, to B-1, M-L-R and M-H zones; a special exception for a slaughter house, should be and the same is granted, from and after the date of this Order.

Description of Zoning Parcel "B" J.W. Truth and Sons, Inc.

Beginning for the same at a point on the southwesternmost side of Oella Avenue as laidout thirty feet wide said point being distant 832.27 feet measured in a southeasterly direction along the abovementioned side of Oella Avenue from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue as laidout thirty feet wide and running thence and binding on the abovementioned side of Oella Avenue South 31 degrees 24 minutes 30 seconds East 349.80 feet, thence leaving Oella Avenue South 42 degrees 54 minutes 30 seconds East 207.73 feet, North 31 degrees 24 minutes 30 seconds West 342.27 feet, North 36 degrees 10 minutes 30 seconds East 27.70 feet and North 41 degrees 39 minutes East 18.31 feet to the place of beginning....containing 1.56429 acres of land more or less.

Edwin J. Kirby, Jr.
Prof. Land Surveyor No. 5481
March 21, 1969

It is further ORDERED that the variances to permit a building to be located zero feet from a business zone, 150 feet on the north side, 120 feet on the west side and 110 feet on the south side instead of the required 300 feet from a residential zone, should be granted.

The site plan for the development of said property is subject to approval of the Bureau of Public Services and the Office of Planning and Zoning.

John H. H. H.
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 5/7/69
BY John H. H. H.

Description of Zoning Parcel "D" J.W. Truth and Sons, Inc.

Beginning for the same at point South 41 degrees 39 minutes West 199.93 feet South 36 degrees 10 minutes 30 seconds West 9.46 feet and South 31 degrees 24 minutes 30 seconds East 105.61 feet from a point on the southwesternmost side of Oella Avenue as laidout thirty feet wide said point being distant 780.00 feet measured in a southeasterly direction along the abovementioned side of Oella Avenue from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue and running thence South 31 degrees 24 minutes 30 seconds East 180.84 feet, South 39 degrees 19 minutes 20 seconds West 153.65 feet, North 41 degrees 21 minutes 21 seconds West 161.83 feet, North 35 degrees 27 minutes 20 seconds East 42.45 feet and North 36 degrees 10 minutes 30 seconds East 142.95 feet to the place of beginning....containing 0.64385 acres of land more or less.

Edwin J. Kirby, Jr.
Prof. Land Surveyor No. 5481
March 21, 1969

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
Leslie H. Grosz, Deputy
FROM: George E. Gwynne, Director of Planning
Date: April 25, 1969

SUBJECT: Petition 69-242-RXA. Reclassification from R-10 and R-20 to B-1, M-L-R and M-H. Special Exception for Slaughter House. Variances to permit a building to be located zero feet from a business zone, 150 feet on the north side and 120 feet on the west side and 110 feet on the south side instead of the required 300 feet from a residential zone. Southwest side of Oella Avenue 832.27 feet southeast of Westchester Avenue. J.W. Truth and Sons, Inc., Petitioners.

1st District
HEARING: May 7, 1969 Wednesday (2:00 P.M.)

The subject property is virtually surrounded by very compact residential development within the Oella community. From a Planning viewpoint, reclassification of the property to any non-residential classification would be inappropriate; reclassification for industrial use would be undesirable - particularly when a slaughterhouse is involved. We do not believe that it is incumbent upon the County to rezone property having an inappropriate use so that the zoning is inappropriate as well. We believe that property rights are more than sufficiently protected by the nonconforming-use actus.

LHG:ms

Description of Zoning Parcel "E" J.W. Truth and Sons, Inc.

Beginning for the same at a point South 41 degrees 39 minutes West 199.93 feet and South 36 degrees 10 minutes 30 seconds West 9.46 feet from a point on the southwesternmost side of Oella Avenue said point being 780.00 feet measured in a southeasterly direction along the southwesternmost side of Oella Avenue as laidout thirty feet wide from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue and running thence South 31 degrees 24 minutes 30 seconds East 105.61 feet, South 36 degrees 10 minutes 30 seconds West 142.95 feet, South 35 degrees 27 minutes 20 seconds East 42.45 feet, South 41 degrees 21 minutes 21 seconds East 161.83 feet, North 39 degrees 19 minutes 20 seconds East 153.65 feet, South 31 degrees 24 minutes 30 seconds East 101.82 feet to intersect the outline of the whole tract of which the herein described parcel is a part and thence binding thereon the following courses and distances viz: South 42 degrees 54 minutes 30 seconds West 6.02 feet, North 52 degrees 36 minutes 30 seconds West 50.00 feet, South 39 degrees 19 minutes 20 seconds West 207.02 feet and North 44 degrees 40 minutes 40 seconds West 65.35 feet, thence North 41 degrees 39 minutes 21 seconds West 292.84 feet to intersect the outline of the whole tract and thence binding thereon North 35 degrees 27 minutes 20 seconds East 122.83 feet and North 36 degrees 10 minutes 30 seconds East 187.80 feet to the place of beginning.... containing 1.63264 acres of land more or less.

Edwin J. Kirby, Jr.
Prof. Land Surveyor No. 5481
March 21, 1969

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 17, 1969

Mr. J. William Treuth, Jr., Pres.
328 Della Avenue
Baltimore, Maryland 21228

RE: Type of Hearings Reclassification
from an R-10 and R-20 zone to an
BL, MLR and MH zone, and
Special Exception for Slaughter House
Location: 3415 Della Ave., B32-271
1st District
Petitioner: J. W. Treuth & Sons, Inc.
Committee Meeting of April 1, 1969
Item 236

Dear Sirs:

The enclosed departmental comments have been
compiled at the direction of the County Administrative
Officer. Their purpose is to make the Zoning Commissioner
aware of any development problems or conflicts resulting
from the petitioner's proposed development plan.

These comments represent facts and data assembled
by qualified County employees and subsequently approved
by their department heads. These are materials for
consideration by the Zoning Commissioner and can be
expected to have a great bearing on his decisions.

Sincerely yours,

James E. Uter
JAMES E. UTER,
Zoning Supervisor

JED:JD
Enc.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 17, 1969

Mr. J. William Treuth, Jr. Pres.
328 Della Avenue
Baltimore, Maryland 21228

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

Oliver L. Myers
CHAIRMAN

MEMBERS

BUREAU OF ENGINEERING

BUREAU OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans
submitted with the above referenced petition and has made
an on site field inspection of the property. The following
comments are a result of this review and inspection.

The property is presently improved with a two story
frame office and slaughter house. The surrounding property
is zoned Residential and is improved with two story frame
dwellings, 25 to 50 years of age, in fair condition. Della
Avenue at the present time is not improved as far as curb and
gutter are concerned.

BUREAU OF ENGINEERING:

Highways:

Access to this site shall be from Della Avenue, an existing
road which shall ultimately be improved with a 40 ft.
combination curb and gutter and asphalt paving on a 60 ft.
right-of-way.

Storm Drains:

The Applicant must provide necessary drainage facilities
(temporary or otherwise) to prevent creating any nuisances
or damages to adjacent properties, especially by the
concentration of surface waters. Correction of any problem
which may result, due to improper grading or other drainage
facilities, would be the full responsibility of the Applicant.

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Mr. J. William Treuth, Jr. Pres.
328 Della Avenue
Baltimore, Maryland 21228
Item 236

April 17, 1969

No provision for accommodating storm water or drainage have been
indicated on the subject plans; however, a drainage study and storm
drainage improvements will be required.

Sediment Control:

Development of this property through stripping, grading, and stabilization
could result in a sediment pollution problem, damaging private and public
holdings downstream of the property. A grading permit is, therefore,
necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be
reviewed and approved prior to the issuance of any grading or building
permits.

Water:

Public water supply is available to serve this site.

Sewer:

Public sewerage is available to serve the subject property. The
property is presently served by means of a private sewer connection within
an easement through adjacent properties. It is assumed that this connection
will be satisfactory for the proposed facilities.

The Applicant is cautioned as to the disposal of industrial wastes.
Wastes detrimental to the public sewer system or to the functioning of
the sewage pumping stations and/or treatment plants, shall be treated
or disposed of as found necessary and directed by the Administrative
Authority or other authority having jurisdiction.

The Applicant is entirely responsible for the construction, and the
cost of the construction and maintenance, of his on site private sanitary
sewerage, which must conform with the Baltimore County Plumbing Code.

PROJECT PLANNING DIVISION:

Complete parking breakdown should be noted at time of building permit.
Evergreen planting should be shown.

BUREAU OF TRAFFIC ENGINEERING:

Della Avenue in its present condition is not a road for extensive
commercial or industrial use.

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Mr. J. William Treuth, Jr. Pres.
328 Della Avenue
Baltimore, Maryland 21228
Item 236

April 17, 1969

INDUSTRIAL DEVELOPMENT COMMISSION:

This office has reviewed the subject petition and site. The existing
operation has been at this location since 1950 and is now operating
as a non-conforming use.

Because of the inability of the Company to expand or grow under
present conditions, this office believes this petition should be given
favorable consideration.

FIRE DEPARTMENT:

Owner shall be required to comply to all Fire Department regulations
when plans are submitted for approval.

BOARD OF EDUCATION:

Change would only result in a loss of students.

BUILDING ENGINEER'S OFFICE:

Must meet all Baltimore County Building Code regulations.

HEALTH DEPARTMENT:

Public utilities are available to the site.

Prior to approval of any new buildings for this operation, complete
plans and specifications must be submitted to the Division of Food Control,
State Department of Health, for review and approval.

STATE ROADS COMMISSION:

A preliminary review of the subject plan revealed that the site could
be affected by the State Roads Commission's tentative proposed plans
for Metropolitan Blvd.

A study is being made to determine what affect, if any, there will be
to the site.

It is requested that the petition be held in abeyance until such
time as the study is completed. It is further requested that three additional
copies of the plan be forwarded to this office.

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Mr. J. William Treuth, Jr. Pres.
328 Della Avenue
Baltimore, Maryland 21228
Item 236

April 17, 1969

ZONING ADMINISTRATION DIVISION:

In view of the comments by the State Roads Commission, it is
requested that the petitioner furnish this office with three additional
copies of the plan in order to determine whether the proposed
Metropolitan Blvd. will require any taking from this site for its
right-of-way.

This petition is accepted for filing on the date of the enclosed
filing certificate. Notice of the hearing date and time, which will be
held not less than 30, nor more than 90 days after the date on the filing
certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JED:JD
Enc.INTER-OFFICE CORRESPONDENCE
BUREAU OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson, Maryland, 21204

TO: Mr. John G. Foxe
ATTN: Oliver L. Myers
FROM: C. Richard Moore

SUBJECT: Item 236 - ZIC - April 1, 1969
Revised Plan dated 3-31-69
Property Owner: J.W. Treuth & Sons, Inc.
Della Ave. SE of Westchester Ave.
BL, MLR & MH & SE for Slaughter House
& variance to Sec. 356.2

Date: April 11, 1969

Previous comments remain valid.

C. Richard Moore
C. Richard Moore
Engineer II

CRM:nc

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		No. 62152
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		DATE: April 15, 1969
TO: J. William Treuth, Jr., Pres. 328 Della Ave. Baltimore, Md. 21228		DUPLICATE
Zoning Dept. of Baltimore County		
REPORT TO ACCOUNT NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT \$50.00
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Petition for Reclassification, Special Exception and Variance for J. W. Treuth and Sons, Inc. 669-242-234		50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		No. 62205
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		DATE: May 4, 1969
TO: J. W. Treuth & Sons, Inc. 328 Della Ave. Catonville, Md. 21228		DUPLICATE
Zoning Dept. of Baltimore County		
REPORT TO ACCOUNT NO. 01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT \$135.50
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Advertising and posting of property 669-242-234		135.50
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

Mr. J. William Treuth, Jr. Pres.
328 Della Avenue
Baltimore, Maryland 21228

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

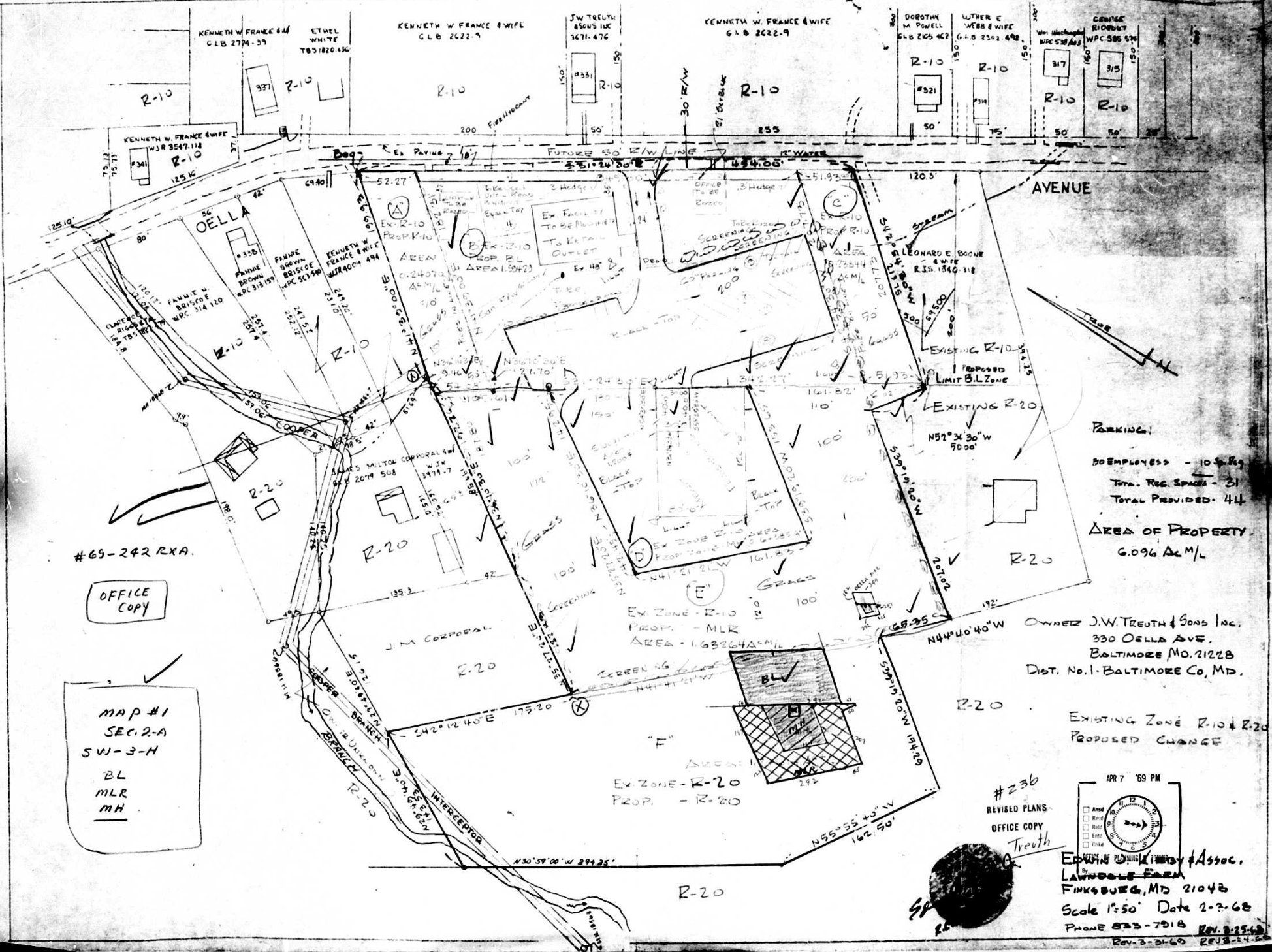
Your Petition has been received and accepted for filing this

1st day of April, 1969

John C. Rose
JOHN C. ROSE,
Zoning Commissioner

Petitioner J. W. Treuth & Sons, Inc.
Petitioner's Attorney

Reviewed by *Oliver L. Myers*
Chairman of
Advisory Committee

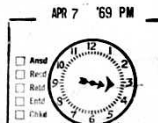


PARKING:
 80 EMPLOYEES - 10 SPACES
 TOTAL REG. SPACES - 31
 TOTAL PROVIDED - 44
 AREA OF PROPERTY
 6.096 AC/M/L

OWNER J.W. TREUTH & SONS INC.
 330 OELLA AVE.
 BALTIMORE MD. 21228
 DIST. NO. 1 - BALTIMORE CO. MD.

EXISTING ZONE R-10 & R-20
 PROPOSED CHANGE

#236
 REVISED PLANS
 OFFICE COPY
 Treuth



EDWIN D. KIMMEL & ASSOC.
 LAWYERS
 FINK & BUELL, MD 21042
 Scale 1"=50' Date 2-2-68
 Phone 823-7018
 Rev. 3-2-68