

b-063429
c-1274-90

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, G. FRED OBRECHT, 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 for a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the storage of unlicensed vehicles in an M.L. zone.

See attached description

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

Contract Purchaser: JOHN BOWIE, ESQ.
Address: 22 W. Pennsylvania Avenue
Towson, Maryland 21204
Petitioner's Attorney
Ordered By the Zoning Commissioner of Baltimore County, this 11th day of September, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of October, 1969, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL HEARING : BEFORE
to store unlicensed vehicles in an : COUNTY BOARD OF APPEALS
M.L. zone : OF
East Side of Willow Spring Road : BALTIMORE COUNTY
116.04 feet South of Woodley Road :
12th District :
G. Fred Obrecht :
Petitioner : No. 70-86-SPH

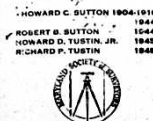
OPINION

This case comes to the Board on an appeal by the Petitioner from a decision of the Zoning Commissioner dated May 18, 1970 denying the Petitioner's request for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or the Deputy Zoning Commissioner should approve the storage of unlicensed vehicles in a Manufacturing Light (M.L.) zone.

The subject property is located on the east side of Willow Spring Road 116.04 feet south of Woodley Road near the 3000 block of Dundalk Avenue, in the 12th Election District of Baltimore County, Maryland. The Petitioner owns 22 acres of M.L. zoned land there, but only 1.8633 acres in the southwest corner of the tract is the subject of this appeal. (See Plat entered as Petitioner's Exhibit No. 1).

The F. J. Boutell Drive A Way Co., Inc. now leases the property to conduct a business of storing and transferring new automobiles of various makes. The automobiles arrive by rail and by truck transporters and are stored on the lot for subsequent delivery to government agencies. No mechanical work or auto servicing is performed, and no employees are stationed at the site. The number of autos on hand at any one time ranges from five to several hundred. No Protestants nor Complainants appeared at the hearing before this Appeal Board.

Section 253.1 of the Zoning Regulations states that among the permitted uses allowed in an M.L. zone are those "Non-residential uses permitted and as limited in B.R. zone...". The M.L. zone further adopts all the uses permitted in a



ESTABLISHED 1849
S. J. MARTENET & CO.
SURVEYORS AND CIVIL ENGINEERS
2 E. LEVINGTON STREET
BALTIMORE, MD. 21202
PHONE: 539-4263

DESCRIPTION OF A PARCEL OF LAND OF 2.5653 ACRES AS FOR SPECIAL ZONING

Beginning for the same at a point on the Easternmost side of Willow Spring Road, 30 feet wide, said point being in the eighth line of the land described in a Deed dated June 17, 1942 from The Central Foundry Company to G. Fred Obrecht and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1232 folio 527 etc. and distant North 84 degrees, 04 minutes and 20 seconds East 15.00 feet from the end of said eighth line and running thence binding reversely on said eighth line North 84 degrees, 04 minutes and 20 seconds East 338.52 feet to a point in line with a Security Fence there situate; running thence to and binding on said fence to a bend in same South 5 degrees, 55 minutes and 40 seconds East 304.41 feet; thence still running with and binding on said fence the three following courses and distances to wit: South 84 degrees, 04 minutes and 20 seconds West 153.60 feet; South 5 degrees, 55 minutes and 40 seconds East 42.00 feet and South 81 degrees, 48 minutes and 40 seconds West to a bend in said Security Fence and continuing the same course, in all, 195.55 feet to intersect the Easternmost side of Willow Spring Road hereinabove referred and thence running with and binding on the Easternmost side of Willow Spring Road North 4 degrees, 26 minutes and 40 seconds West 355.00 feet to the place of beginning.

Containing 111,746 square feet or 2.5653 Acres of land, more or less.

The courses in the above description are referred to the True Meridian of the Topographical Survey of Baltimore City.

Being a part of all that parcel of land conveyed by The Central Foundry Company to G. Fred Obrecht by Deed dated June 17, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1232 folio 527 etc.

August 19, 1969

BALTIMORE COUNTY, MARYLAND

INT. JR. OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Deputy Zoning
Commissioner
FROM: Mr. George E. Gavelly, Director of Planning

SUBJECT: Petition #70-86-SPH. Special Hearing to store unlicensed vehicles in an M.L. Zone. East side of Willow Spring Road 116.04 feet south of Woodley Road. G. Fred Obrecht, Petitioner.

12th District

HEARING: Monday, October 27, 1969 (2:00 P.M.)

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

Subsection 253.6 of the Zoning Regulations, drafted by the Office of Planning and Zoning, was adopted by the County Council upon recommendation of the Planning Board. In part, the purpose of this provision was to assure that any use or development in a light manufacturing zone adjacent to a residential zone would be strictly compatible with the character of present or future adjacent uses. It was for this reason that the uses within 100 feet of the zone boundary were not only restricted, for all practical purposes, to those permitted in M.L. zones, but the supplementary limitations on M.L. zone uses (with respect to screening and display or storage) were imposed as well.

The mention of "passenger-automobile accessory parking" as a specifically permitted use in the M.L.-Residential "buffer strip" was set forth only because it had not been established that accessory uses were clearly permitted in M.L. zones in the first place; the term was never intended to cover what is commonly known as "dead storage of automobiles". We assume that it is dead storage, not parking, which is the subject of the present petition. Further, from the petitioner's plot, it would appear that the dead storage is not even to be an accessory use, but rather the principal (perhaps only) use of the lot in question.

We suggest that the use for which approval is sought is not a permitted use, certainly, from a site-planning viewpoint, it is not a use compatible with the adjacent residential zoning.

G. Fred Obrecht - No. 70-86-SPH

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of August, 1970, by the County Board of Appeals ORDERED, that the Petitioner has the right, under the Zoning Regulations of Baltimore County, to store new unlicensed vehicles in an M.L. zone.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman
W. Giles Parker
Walter A. Reiter, Jr.

EX PARTE IN THE MATTER
OF THE PETITION FOR A
SPECIAL HEARING
G. FRED OBRECHT- Petitioner
E/S of Willow Spring Road, 116.04'
S of Woodley Road - 12th District
ORDER OF APPEAL
Mr. Commissioner:
Please enter an appeal to the Board of Appeals from your Order of
May 18, 1970, denying the special hearing in the above entitled matter.

John Bowie
Attorney for G. Fred Obrecht
22 West Penna. Avenue
Towson, Maryland 21204
Phone: 825-6014

11-2-70

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

the above Special Hearing for _____ by reason of _____

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1969, that the herein Petition for Special Hearing 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 public health, safety and general welfare of the locality involved being adversely affected:

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1969, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 16, 1969

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

MEMBERS:
OFFICE OF THE ZONING COMMISSIONER
DEPARTMENT OF PUBLIC WORKS
DEPARTMENT OF TRANSPORTATION
DEPARTMENT OF PLANNING
DEPARTMENT OF HEALTH
DEPARTMENT OF EDUCATION
DEPARTMENT OF SOCIAL SERVICES
DEPARTMENT OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF COMMUNITY DEVELOPMENT

Johnson Bowie, Esq.,
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Special Hearing
for the storage of unlicensed vehicles in an R1 zone
Location: 1/2 of Willow Spring Rd.,
Petitioner: G. Fred Chrost
Committee Meeting of September 2, 1969
4th District
Item 46

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 subject property is presently improved with a storage warehouse with the surrounding properties being used for storage of new motor vehicles that are unlicensed. This appears to be a dropping off place for these vehicles prior to their being delivered to the automobile dealers. The property to the north is improved with group homes. To the west the property is owned by Baltimore County as a park. The property to the east is improved with dwellings. The property to the south is vacant, with the Maryland Port Authority property to the south of Broad Highway. None of the streets involved, with the exception of Dundalk Avenue, are improved with concrete curb and gutter.

BUREAU OF ENGINEERING:

Highways:

Willow Spring Road is an existing County road which will be improved in the future as a 40-foot divided section with flexible type pavement on a 60-foot right-of-way. Based on the information shown on the subject plan, a 20-foot wide highway right-of-way widening would be required along the frontage of this property adjacent to Willow Spring Road.

The alley adjacent to this site is for residential use only; therefore, no access to this property will be permitted from the alley.

Johnson Bowie, Esq.,
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Item 46 Page 2

September 16, 1969

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.

Sediment Control:

Development of this property through striping, 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.

Sanitary Sewer:

Public sanitary sewerage is not available to serve this property at this time. However, sanitary sewerage can be made available to serve the subject site by extending the existing 8-inch sewer located in Willow Spring Road at the alley located in the rear of the dwellings fronting on the north side of Woodley Road. (See Baltimore County Bureau of Engineering drawing #52-1728-1).

Water:

Public water supply is available to serve this property from the existing Baltimore City water main located in Willow Spring Road adjacent to the subject property. The adequacy of the existing water main for fire protection is not known and should be verified by the petitioner with the Baltimore City Bureau of Water Supply.

BUREAU OF TRAFFIC ENGINEERING:

Since no change in zoning is requested, there should be no major change in trip density.

FIRE DEPARTMENT:

This office has no comment at this time.

BUILDING ENGINEER'S OFFICE:

This office has no comment at this time.

Johnson Bowie, Esq.,
22 W. Pennsylvania Avenue
Towson, Maryland 21204
Item 46 Page 3

September 16, 1969

BOARD OF EDUCATION:

No bearing on student population.

HEALTH DEPARTMENT:

Since the proposed zoning is for storage of vehicles only, no health problems are anticipated.

PROJECT PLANNING DIVISION:

The plan should be revised to show the following, prior to the hearing being set.

- 1) 4' high compact screen plantings must be provided along the north and west property line.
- 2) The 8' setback from the street property line must be provided as required in Section 409.2(c) of the Baltimore County Zoning Regulations.
- 3) The "proposed" parking spaces of vehicles to be stored must be shown.

ZONING ADMINISTRATION DIVISION:

Upon field investigation of the subject property, it was found that the entire property bounded by Willow Spring Road, Woodley Road, Dundalk Avenue and Dundalk Road is being used for the storage of unlicensed motor vehicles. It should be noted that if the Special Exception is granted, these unlicensed vehicles could only be stored on the 2.56 acres of land, which is indicated on the petitioner's site plan and nowhere else on the lot. Any buildings that would be proposed for this piece of property must be shown on revised plan as well as compliance with Bureau of Engineering comments as to highway widening. This revised plan must be submitted to this office prior to a hearing date being assigned.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JO
Enc.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection & Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 71287
DATE 6/15/79

To: Johnson Bowie, Esq.,
Loyola Federal Building
Towson, Md. 21204

QUANTITY 1
UNIT 1
DESCRIPTION Cost Appeal - Petition property G. Fred Chrost
No. 70-66-PH 1 sign

TOTAL AMOUNT \$40.00

REPORT TO ACCOUNT NO. 01-622

DETACH ALONG DOTTED LINE AND KEEP THIS PORTION FOR YOUR RECORDS

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

PETITION FOR SPECIAL HEARING
SPECIAL HEARING FOR SPECIAL HEARING
LOCATION: 1/2 of Willow Spring Rd.,
Petitioner: G. Fred Chrost
Committee Meeting of September 2, 1969
4th District
Item 46

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.

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The alley adjacent to this site is for residential use only; therefore, no access to this property will be permitted from the alley.

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 2, 1969.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ days before the _____ day of _____, 1969, the first publication appearing on the _____ day of _____, 1969.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ _____

ORIGINAL
OFFICE OF
THE DUNDALK TIMES
DUNDALK, MD. 21222 October 13, 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE DUNDALK TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 13th day of Oct., 1969, that is to say, the same was inserted in the issue of October 9, 1969.

STROMBERG PUBLICATIONS, Inc.

By: Rod Morgan

John G. Rose, Esq.,
22 W. Pennsylvania Avenue
Towson, Md. 21204

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

Your Petition has been received and accepted for filing this _____ day of _____, 1969

JOHN G. ROSE,
Zoning Commissioner

Petitioner: G. Fred Chrost
Petitioner's Attorney: Johnson Bowie, Esq.,
Reviewed by: Oliver L. Myers,
Chairman of Advisory Committee

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection & Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 67034
DATE 6/15/79

To: Standard Industrial, Inc.,
111 W. Pennsylvania Avenue
Towson, Md. 21204

QUANTITY 1
UNIT 1
DESCRIPTION Advertising and posting of property for G. Fred Chrost
No. 70-66-PH 1 sign

TOTAL AMOUNT \$40.00

REPORT TO ACCOUNT NO. 01-622

DETACH ALONG DOTTED LINE AND KEEP THIS PORTION FOR YOUR RECORDS

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection & Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 64750
DATE Oct. 6, 1969

To: Johnson Bowie, Esq.,
22 W. Pennsylvania Avenue
Towson, Md. 21204

QUANTITY 1
UNIT 1
DESCRIPTION Petition for Special Hearing for G. Fred Chrost
No. 70-66-PH 1 sign

TOTAL AMOUNT \$40.00

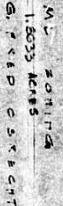
REPORT TO ACCOUNT NO. 01-622

DETACH ALONG DOTTED LINE AND KEEP THIS PORTION FOR YOUR RECORDS

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

11-2-70

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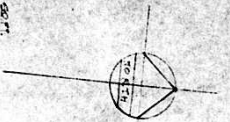


**FUTURE ONE STORY MACONKEY STEEL ADDITION
TO STEEL WAREHOUSE BUILDING.
FINISH FLOOR 21.37'0
BUILDING AREA 450,000 SQ. FT.**

EXISTING
OLD STOCK MARKET
STREET WAREHOUSE
BETWEEN 1000 & 1100
BROADWAY

SITE PLAT

PRESENT ZONING - M-
AREA OF PROPERTY - 5.87 AC. 225,952 SQ. FT.



DRAYTON L17.

DATE: 11-11-77

THE UNIVERSITY OF CHICAGO

SECRET

A-4 . . . SECTIONS and DETAILS

Case #1

PLANTING SCHEDULE	
1. WHITE PINE —	5'
2. NOBAY SPRUCE —	8'
3. WHITE PINE —	12'
4. AUSTRALIAN PINE —	15'
5. AZALEA BUD	
6. CAMELIA —	GREENING — 4'