

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-10 and B.L. zone to an S.W.-3-H zone; for the following reasons:

(1) An error in the First District Zoning Map

See attached description

Brief to be filed.

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 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.

Contract purchaser J. W. Truth and Sons, Inc.
Address 9322 Frederick Ave. 21208
Petitioner's Attorney C. Victor McFarland
Address 9322 Frederick Ave. 21208
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of December, 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 11th day of February, 1970, at 11:00 a.m.

Edward D. Hendrick
Zoning Commissioner of Baltimore County.

(over)

BUREAU OF ENGINEERING
Zoning Plat - Comments

123. Property Owner: J. W. Truth and Sons, Inc.
(1969-1970) Location: N/2 of Cella Ave., 700' E. of Westchester Avenue

District: 1st
Present Zoning: R-10, B.L.
Proposed Zoning: Recl. to M.R., B.L., MH; S.E. for slaughter house
No. Acres: 6.095

Highways:

Cella Avenue is an existing road which will be improved in the future as a 10-foot closed section with flexible paving on a 60-foot right-of-way. Highway right-of-way widening and improvements will be required in connection with any subsequent grading or building permit applications.

The entrance locations are subject to approval by the Department of Traffic Engineering.

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 striping 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.

Storm Drains:

A drainage study and storm drainage improvements will be required in connection with any subsequent grading or building permit applications.

The Developer 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 temporary grading or other drainage facilities, would be the full responsibility of the Developer.

Water:

Public water supply is available to serve this site.

Sanitary 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.

ADDENDUM TO THE PETITION FOR ZONING, RECLASSIFICATION AND SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

J. W. Truth & Sons, Inc., Petitioner.

REASONS FOR REQUESTED RECLASSIFICATION:

1. Error in Western Area Planning (Land Use) Map of April 15, 1960.
2. A business of long duration (100 years approximately) integral part of community has occupied and used land as a non-conforming use.
3. There is a need for this type of business in Baltimore County as there are few operating businesses of this type left in the State of Maryland providing this service.
4. The particular location and community lends itself to continuation of similar business activity, being well buffered from any dense residential.
5. The special exception area granted by the order of the Zoning Commissioner May 8, 1969 in File No. 69-242 RKA, being 30 feet by 40 feet, proved to be insufficient and that a 45 ft. by 80 ft. area was the least amount of workable area needed for a modern, small operation under present federal regulations.
6. That the location of the special exception area was impracticable to develop in the plan of construction and needs to be moved to the closest proximity of the existing buildings as requested in the present petition.
7. That the requested size and location of the special exception area and of the manufacturing restricted area and

-1-

business local area as requested in the present petition would allow a building of more compact nature, require less excavation, require less footage of connecting tunnels, lend itself to better landscaping, and would make a better general appearance in the community as well as being more economical to construct and operate.

8. AND for other and further reasons that will be stated at time of hearing.

Respectfully submitted,

C. Victor McFarland
C. VICTOR MCFARLAND
ATTORNEY FOR PETITIONER
922 Frederick Rd.
Baltimore, Maryland 21208
744 0931

December 9, 1969.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hendrick, Zoning Commissioner Date: February 5, 1970
FROM: Mr. George E. Gosselin, Director of Planning

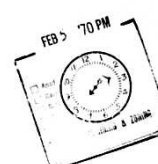
SUBJECT: Petition 70-150-RX. Reclassification from R-10 and B.L. to M.L.R., S.L., and M.H. Special Exception for a Slaughter House. South side of Cella Ave. 790 feet southwest of Westchester Avenue. J.W. Truth and Sons, Inc. Petitioners

1st District

HEARING: Wednesday, February 11, 1970 (11:00 A.M.)

In making its recommendations for comprehensive rezoning in this area, the subject property was not included among the list of issues considered by the Planning Board. No requests for additional adjustments of zoning boundaries was made through the Planning Board proceedings on the new map. The Board simply affirmed the zoning established by petition in May of 1969. The staff feels that additional adjustments to the zoning boundaries are justified in order that the use can comply with new Federal requirements for slaughter houses.

GEG:bms



Mr. J. W. Truth & Sons, Inc.
200 North Avenue
Baltimore, Maryland 21204

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

day of December, 1969

John G. Rose
Zoning Commissioner

Petitioner J. W. Truth and Sons, Inc.

Petitioner's Attorney

Victor L. Myers
Chairman of Advisory Committee

TELEPHONE 822-3000 EXT. 247

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 67142

DATE: Dec. 24, 1969

BILLED

John G. Rose
Zoning Dept. of Baltimore County

QUANTITY	AMOUNT TO ACCOUNT FOR	REMARKS	TOTAL AMOUNT
1	100.00	Advertising for Recl. and Special Exception for J. W. Truth & Sons, Inc.	100.00
4	100.00		400.00

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

TELEPHONE 822-3000 EXT. 247

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 69281

DATE: Feb. 10, 1970

BILLED

John G. Rose
Zoning Dept. of Baltimore County

QUANTITY	AMOUNT TO ACCOUNT FOR	REMARKS	TOTAL AMOUNT
1	100.00	Advertising and posting of property	100.00
4	100.00		400.00

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: Jan. 24, 1970
Posted for: Reclassification from R-10 and B.L. to M.L.R., S.L., and M.H. Special Exception for a Slaughter House
Petitioner: J. W. Truth and Sons, Inc.
Location of property: South side of Cella Ave. 790 feet southwest of Westchester Avenue
Location of Signs: Cella Ave. at Westchester Ave. and S. of Westchester Ave.
Remarks: See Petition 70-150-RX
Posted by: John G. Rose Date of return: Jan. 28, 1970

70-150-RX

11-2-70

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioner proved error in the zoning of the subject property on the Zoning Map.

the above Reclassification should be had; and it further appearing that the petitioner has met the requirements of Section 502.1 of the Baltimore County Zoning Regulations.

a Special Exception for a Slaughter House should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22 day of March 1970 that the herein described property or area should be and from R-10 and B-L to M-L-R; the same is hereby reclassified; and the same is hereby continued as and to remain a Slaughter House zone; and the Special Exception for a Slaughter House should be and the same is hereby DENIED.

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 NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22 day of March 1970, that the above reclassification be and the same is hereby DENIED and that the above described property or area and the same is hereby continued as and to remain a Slaughter House zone; and/or the Special Exception for a Slaughter House should be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
111 KENNEDY DRIVE
WESTMINSTER, MD. 21157

Zoning Description J.W. Treuth and Sons, Inc. 1st District, Baltimore Co., Md.
NHL Special Exception-Zone area NHL presently NHL and BL

Beginning for the same at a point distant South 41 degrees 39 minutes West 156.81 feet and South 31 degrees 24 minutes 30 seconds East 161.12 feet from a point on the southwesternmost side of Oella Avenue said point being distant 780.00 feet measured 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 48.65 feet, South 36 degrees 10 minutes 30 seconds West 70.00 feet, North 53 degrees 49 minutes 30 seconds West 45.00 feet, and North 36 degrees 10 minutes 30 seconds East 88.56 feet to the place of beginning....containing 0.082 acres of land more or less.

Edwin J. Kirby, Jr. RS 5481
November 10, 1969



EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
111 KENNEDY DRIVE
WESTMINSTER, MD. 21157

Zoning Description J.W. Treuth and Sons, Inc. 1st District, Baltimore Co., Md.
MLR Lot Two-Zone MLR from BL and R-10

Beginning for the same at a point distant South 41 degrees 39 minutes West 156.81 feet and South 31 degrees 24 minutes 30 seconds East 284.97 feet from a point on the southwesternmost side of Oella Avenue said point being distant 780.00 feet measured southeasterly along the said 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 165.25 feet, South 42 degrees 54 minutes 30 seconds West 57.95 feet, North 31 degrees 24 minutes 30 seconds West 161.82 feet and North 39 degrees 19 minutes 20 seconds East 52.01 feet to the place of beginning....containing 0.188 acres of land more or less.

Edwin J. Kirby, Jr. RS 5481
November 10, 1969



#70-150-RX
#123

EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
111 KENNEDY DRIVE
WESTMINSTER, MD. 21157

Zoning Description J.W. Treuth and Sons, Inc. 1st District, Baltimore Co., Md.
Lot Three
NHL-Zone from BL

Beginning for the same at a point distant South 41 degrees 39 minutes West 156.81 feet and South 31 degrees 24 minutes 30 seconds East 102.77 feet from a point on the southwesternmost side of Oella Avenue said point being distant 780.00 feet measured along said side of Oella Avenue from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue and running thence with courses referred to True Meridian South 31 degrees 24 minutes 30 seconds East 182.20 feet, South 39 degrees 19 minutes 20 seconds West 52.91 feet, North 31 degrees 24 minutes 30 seconds West 180.54 feet, North 36 degrees 10 minutes 30 seconds East 47.30 feet and North 41 degrees 39 minutes East 6.65 feet to place of beginning....containing 0.20615 acres of land more or less.

Edwin J. Kirby, Jr. RS 5481
November 10, 1969



EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
111 KENNEDY DRIVE
WESTMINSTER, MD. 21157

Zoning Description J.W. Treuth and Sons, Inc. 1st District, Baltimore Co., Md.
MLR Lot One-Zone MLR from BL and R-10

Beginning for the same at a point distant South 41 degrees 39 minutes West 156.81 feet from a point on the southwesternmost side of Oella Avenue said point being distant 780.00 feet measured southeasterly along the said side of Oella Avenue from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue and running thence with courses referred to True Meridian South 31 degrees 24 minutes 30 seconds East 102.77 feet, South 41 degrees 39 minutes West 6.65 feet, South 36 degrees 10 minutes 30 seconds West 47.00 feet, North 31 degrees 24 minutes 30 seconds West 105.61 feet, North 36 degrees 10 minutes 30 seconds East 9.46 feet and North 41 degrees 39 minutes East 43.12 feet to the place of beginning....containing 0.12779 acres of land more or less.

Edwin J. Kirby, Jr. RS 5481
November 10, 1969



CERTIFICATE OF PUBLICATION

TOWSON, MD. January 22, 1970.

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 ONE (1) issue before the 1st day of February, 1970, the first publication appearing on the 22nd day of January, 1970.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$.....

EDWIN J. KIRBY AND ASSOCIATES
SURVEYORS - ENGINEERS - PLANNERS
111 KENNEDY DRIVE
WESTMINSTER, MD. 21157

Zoning Description J.W. Treuth and Sons, Inc. 1st District, Baltimore Co., Md.
Lot Four
BL-Zone BL from R-10

Beginning for the same at a point distant South 41 degrees 39 minutes West 156.81 feet from a point on the southwesternmost side of Oella Avenue said point being distant 780.00 feet measured southeasterly along Oella Avenue from the corner formed by the intersection thereof with the southeasternmost side of Westchester Avenue and running thence with courses referred to True Meridian North 50 degrees 00 minutes 03 seconds East 80.37 feet, South 41 degrees 39 minutes West 78.11 feet and North 31 degrees 24 minutes 30 seconds West 52.27 feet to the place of beginning....containing .047 acres of land more or less.

Edwin J. Kirby, Jr. RS 5481
November 10, 1969



NOTICE FOR RECLASSIFICATION AND SPECIAL EXCEPTION
TOWSON, MD. 21204
JANUARY 22, 1970
The Zoning Commission of Baltimore County, Maryland, has received and considered the petition of J.W. Treuth and Sons, Inc. for the reclassification of Lot Four (BL) from R-10 to BL and for a Special Exception for a Slaughter House. The Commission has determined that the petition meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations. It is hereby ordered that the reclassification be granted and the Special Exception be granted.

OFFICE OF
THE CATONSVILLE TIMES
CATONSVILLE, MD. 21228 January 22, 1970
THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for ONE (1) week before the 23 day of Jan., 1970, that is to say, the same was inserted in the issue of January 22, 1970.

STROMBERG PUBLICATIONS, Inc.

By: *Edw. D. Hardesty*

11-2-70

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TE. 5-3000

GEORGE E. GAYNELIS
DIRECTOR

JOHN G. FLOSS
ZONING COMMISSIONER

January 9, 1970

Mr. J. William Treuth, Jr., Pres.
330 Oella Avenue
Baltimore, Maryland 21228

RE: Type of Hearing: Reclassification
from an R-10 and BL zone to
an MLR, BL and MH
Location: N/S of Oella Ave., 780' E. of
Westchester Ave.
Petitioner: J. E. Treuth and Sons, Inc.
Committee Meeting of December 30, 1969
1st District Item 123

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. Floss
JAMES E. FLOSS
Zoning Supervisor

JED:JO
Enc.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 9, 1970

COUNTY OFFICE BLDG
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

Mr. J. William Treuth, Jr., Pres.
330 Oella Avenue
Baltimore, Maryland 21228

RE: Type of Hearing: Reclassification
from an R-10 and BL zone to
an MLR, BL and MH
Location: N/S of Oella Ave., 780' E. of
Westchester Ave.
Petitioner: J. E. Treuth and Sons, Inc.
Committee Meeting of December 30th, 1969
1st District
Item 123

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. Oella
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 Oella Avenue, an existing
road which shall ultimately be improved with a 40 ft. combination
curb and gutter and macadam 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.

Mr. J. William Treuth, Jr., Pres.
330 Oella Avenue
Baltimore, Maryland 21228
Item 123 Page 2

January 9, 1970

Storm Drains: (Continued)

No provisions for accommodating storm water or drainage have
been indicated on the subject plan; 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 function-
ing 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:

This plan has been reviewed and there are no site planning
factors requiring comment.

FIRE DEPARTMENT:

Petitioner shall be required to comply with all Fire Department
requirements when construction plans are submitted for approval.

Mr. J. William Treuth, Jr., Pres.
330 Oella Avenue
Baltimore, Maryland 21228
Item 123 Page 3

January 9, 1970

BUREAU OF TRAFFIC ENGINEERING:

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

INDUSTRIAL DEVELOPMENT COMMISSION:

This office has reviewed the subject petition and site. The existing
operation has been at this location since 1880 and is not 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.

BUILDING ENGINEERS' OFFICE:

This office has no comment at this time.

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:

(See attached plan)

ZONING ADMINISTRATION DIVISION:

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

OLN:JO
Enc.

