

RE: PETITION FOR SPECIAL HEARING TO
DETERMINE USE OF PROPERTY ON
BACK RIVER NECK ROAD, FIFTEENTH
DISTRICT OF BALTIMORE COUNTY,
WILBUR C. DRIVER AND WALTER W.
KIMMERHUGHES, Petitioners.

The appeal in the above case having come on for
hearing, testimony having been taken and counsel for
petitioner having been heard and there being no prote-
stants;

It is this 17th day of March, 1949, by the
Board of Zoning Appeals of Baltimore County, ORDERED that
a lawful nonconforming use exists on the property de-
scribed in the petition for the operation of an Outing
Park, insofar as Zoning Regulations are concerned would
extend the use for a Night Club or Amusement Park for
the sale and serving of intoxicating liquors and beverages
on the premises.

Samuel H. Hays
Chairman
Earle J. Dwyer
Member

Board of Zoning Appeals
of Baltimore County

The case under consideration is an appeal by the
petitioner from an Order of the Zoning Commissioner of Bal-
timore County, dated December 14, 1948, denying the petition
requesting that the Zoning Commissioner determine the use
of property on Back River Neck Road, in the Fifteenth Dis-
trict of Baltimore County.

The Order of the Zoning Commissioner declared that
a lawful nonconforming use exists for the operation of a Children's
Camp and Outing Park but does not include the right to extend
the use for a night club or amusement park and to sell and
serve intoxicating liquors and beverages on the premises except
with a one day club license.

This case was heard on appeal on Thursday, February
3, 1949, at which time counsel and witnesses for the petitioner
were heard. There were no protestants present at the hearing.
The testimony revealed that this property has been used for a
number of years for a waterfront park and it was also deter-
mined that one day licenses for the sale of beer and whiskey
have been issued for outings and other similar gatherings
at this location apparently since the repeal of prohibition.
Therefore, in the opinion of this Board there is actually a
nonconforming use to the extent that insofar as the Zoning
Regulations are concerned beer or whiskey may be handled or
sold on the premises. It is difficult to see how any Zoning
Regulations could allow the sale of these beverages on one day
of the week and not extend over any other day.

This Board, therefore, is of the opinion that
a nonconforming use does exist and this Board will not restrict
said use merely for a Children's camp and Outing Park but

feels that said use extends to serve the purposes desired
by the petitioner.

The Board, therefore, after full consideration of
all testimony and other data submitted and after having
given full and adequate opportunity for the submission of
all pertinent testimony or any interested parties, is of the
opinion that a nonconforming use exists for the operation
of a Night Club or Amusement Park.

Samuel H. Hays
Chairman
Earle J. Dwyer
Member
Board of Zoning Appeals
of Baltimore County.

PETITION FOR SPECIAL HEARING

IN THE MATTER	REPORT THE
OF	ZONING COMMISSIONER
THIS FILED	OF BALTIMORE COUNTY

For A Special Hearing
To the Zoning Commissioner of Baltimore County:

Walter Kimmerhughes and Wilbur Driver
Petitioner

hereby petition for a Special Hearing, under the Zoning Law and Reg-
ulations of Baltimore County in order to establish the fact that a
non-conforming use exists on the hereinafter described property for a
Night Club and to interpret the Zoning Regulations in reference
thereto, and more particularly as to whether or not the right to carry
on a Night Club business includes the right to sell and serve intor-
dating liquors and beverages in connection therewith on the premises
at Back River Neck Road, 15th District

Walter Kimmerhughes
Petitioner
1200 D'Fola Hill Ave., Balto., Md.
Address

Wilbur C. Driver
Petitioner
37 Back River Neck Rd.
Address

ORDERED by the Zoning Commissioner of Baltimore
County this 23rd day of November, 1948,
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Art of Assembly aforesaid, and that
a public hearing be held in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 13th
day of December, 1948, at 1:00 o'clock
P.M.

Charles H. Dwyer
Zoning Commissioner
of Baltimore County

Upon hearing on the within petition and it appearing
that the above property was being used on January 2, 1949, for
the operation of a Children's Camp and Outing Park, it is the
opinion of the Zoning Commissioner that a lawful nonconforming
use existed on the effective date of the adoption of the Zoning
Regulations for the use as aforesaid, therefore:

It is this 17th day of December, 1948, ORDERED by
the Zoning Commissioner of Baltimore County, that a lawful non-
conforming use exists as aforesaid but it does not include the
right to extend the use for a night club or amusement park and
to sell and serve intoxicating liquors and beverages on the
premises, except with a one day club license.

Charles H. Dwyer
Zoning Commissioner
of Baltimore County

November 23, 1948

\$16.00

Wilbur C. Driver and Walter
Kimmerhughes, the sum of Sixteen (\$16.00) Dollars
being cost of petition for special hearing, adver-
tising and posting of property, Back River Neck Road,
16th District of Baltimore County.

Zoning Commissioner

Hearings
Monday, Dec. 13, 1948
at 1:00 P.M.

PAID
NOV 23 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

NOTICE OF HEARING BEFORE THE
ZONING COMMISSION
The notice is hereby ordered that
the subject matter of this petition
be advertised in a newspaper of
general circulation throughout Bal-
timore County and that the prop-
erty be posted, as required by the
Zoning Regulations and Art of As-
sembly aforesaid, and that a public
hearing be held in the office of the
Zoning Commissioner of Baltimore
County, Maryland, on the 13th day
of December, 1948, at 1:00 o'clock
P.M.

RECD DEC 6 1948

1334-S

CERTIFICATE OF PUBLICATION

TOWSON, MD., DEC. 6, 1948

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE UNION NEWS, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of successive weeks before the day of
day of December, 1948, the first publication
appearing on the day of November,
1948.

The UNION NEWS
W. L. Linnick
Manager

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

1334-M

District, 15 Date of Posting, Dec. 3, 1948

Posted for, nonconforming use

Petitioner, Walter Kimmerhughes

Location of property, 1451 feet southeast of Hyde Park Road +
715 east of Back River Neck Road

Location of signs, 1 sign 103 feet southeast of Hyde Park Road
on the east side of Back River Neck Road

Remarks, 1 sign on property 715 feet east of Back River
Neck Rd.

Posted by, Harvey G. Heston Date of return, Dec. 3, 1948

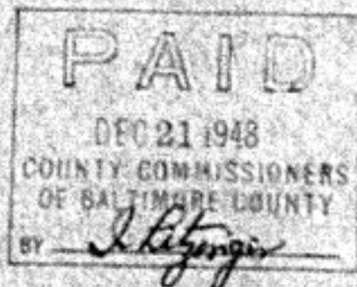
#1534-M

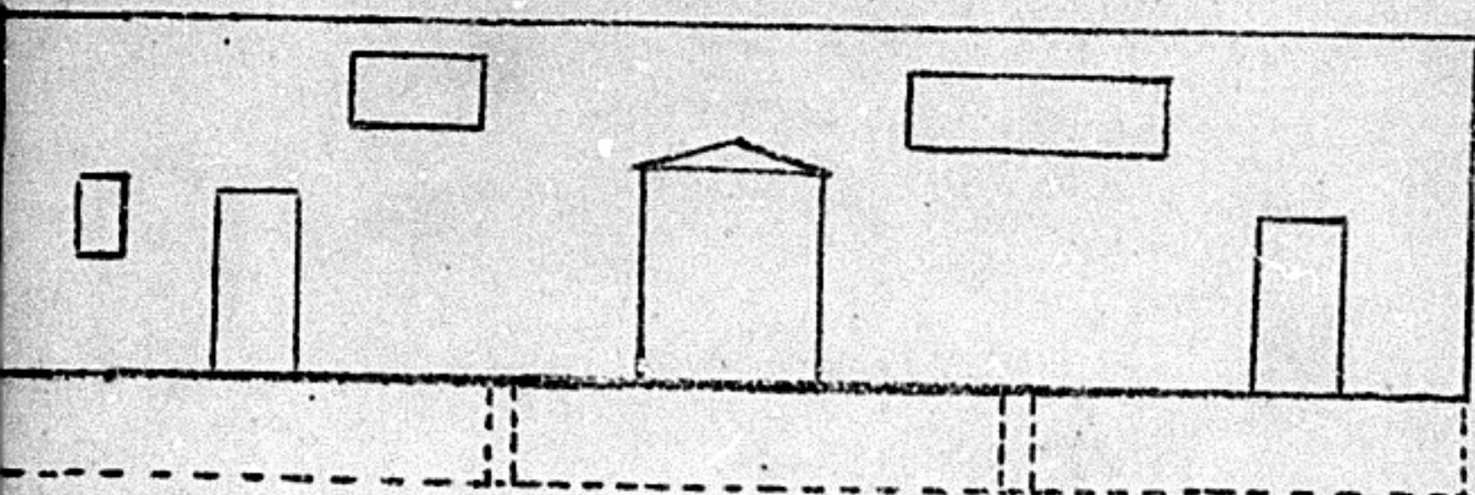
December 21, 1948

\$22.00 ✓

RECEIVED of Ernest L. Perkins, Attorney for
Walter W. Pinderhughes and Wilbur O. Driver, petitioners,
the sum of Twenty Two (\$22.00) Dollars, being cost of
appeal to the Board of Zoning Appeals of Baltimore County
from the decision of the Zoning Commissioner in the matter
of special hearing to determine use of property on
Back River Neck Road, 15th District of Baltimore County.

Zoning Commissioner





CINDER BLOCK BUILDING TO BE ERECTED AT ~~XXXXXXXXXX~~
TWIN PINES
4 S. Hyde Park Road - Essex Maryland

Foundation 36 inches underground

SCALE $\frac{1}{4}$ " equals $1\frac{1}{2}$ '
one quarter inch equals
one and one half feet.

BUILDING SPECIFICATIONS

Floor Joists 3" X 12" X 20' to be placed 18" apart.

3 Foundation walls to run down center of building to support floor joists

Flat roof to be supported by a 60' steel girder.

Double flooring

Foundation 36" underground