

RE: PETITION FOR A SPECIAL HEARING TO DETERMINE NON-CONFORMING USE OF PROPERTY OF George W. and Virginia V. Brewer and Donald S. Brewer, for Operation of Junk Yard, 1395 East M. E. Intersection of Hines and Sims Roads, Eleventh District

The property which is the subject of this petition for a special hearing is located 1395 East M. E. at the intersection of Hines and Sims Roads, Eleventh District. The property consists of 25 acres of land and is improved by a dwelling, barn and garage.

Mrs. Virginia Brewer, one of the owners of the property, testified that the property was bought in 1943 and that soon after locating on the property the Brewers started storing cars not in running order on the property. Mrs. Brewer testified that on January 2, 1943 there were from fifteen to twenty five cars in the area now being used for a junk yard. She testified the area covered by these cars on January 2, 1943 was an area of 100 feet wide by 100 feet deep. She testified further that the cars were kept on the property, the parts removed and sold at 61 1/2 East 28th Street in Baltimore City and that no parts were sold from the property in question. Mrs. Brewer further testified that the garage building now on the property was built in either 1946 or 1947.

Howard Bellamy, 7th East 20th Street, Baltimore, testified that he worked for the Brewers from 1942 to 1945 or 1946 and that he visited the property two or three times a week and that on January 2, 1946 there were fifteen to twenty five cars on the property in question.

Donald S. Brewer, the son of Virginia and George Brewer, testified that cars were taken to the property immediately after the Brewers moved to the property in January 2, 1943 and that on January 2, 1946 there were sixteen to twenty cars on the property and that the area now being used for the storage of junked cars, has been used continuously since 1943 to the present time and that there are now between eighty five and ninety cars on the property.

George Brewer, another son of Virginia and George Brewer, stated that even though he did not reside on the property in question in 1945 that he visited the property weekly and that on January 2, 1946, there were from ten to thirty cars on the property.

George F. Bayler, a resident of Perry Hall and a real estate man who operated in the area, stated that between 1945 and 1946 he had occasion to visit the property to sell fruit trees. He stated that during this period he saw no junked cars in the location now being used as a junk yard and that there were two or three cars in running condition between the house and the present garage location.

Herbert G. Klein, who owns and occupies the property to the southwest of the Brewer property, stated that he has owned his property since June 1946. He testified that there were no cars in the area now being used as a junk yard in 1946. He further testified that the area now being used was used for agricultural purposes prior to 1950 and that in June 1950 the junked cars were placed in the field.

James Connor, another next door neighbor of the Brewers, bought and occupied his property in 1937. He testified that the field now being used for a junk yard was cultivated in 1946, that the crop in the field was clover and that a Mr. Landeck harvested the clover. He testified that he can look over the entire property from his property and that on January 2, 1946 there were only four or five cars in the area between the house and the present garage location. He further testified that the first time he noticed any cars at the location now being used was in 1950.

Leonard Landeck, who resides on Tarpus Avenue and who does custom combining and baling, etc., stated that his farm occupies the Brewer property on the west. Mr. Landeck stated that he did mow and plowing for the Brewers and that he had cut hay off the field now being used as a junk yard in June 1950 and that there were no cars in the field at that time. He stated that he can see the Brewer property clearly from his residence and that there were about six cars between the house and the garage in 1945 and no cars in the field now being used.

Joseph H. Spamer, who owns the property to the northeast of the Brewer property, stated that he can see all of the Brewer property from his property. Mr. Spamer stated that he saw no cars on the property now being used for a junk yard in 1945 and that he first noticed the junked cars on the lot in question in 1951.

Laurence Hines, another property owner adjacent to the Brewer property, stated that he had mown and baled hay for the Brewers prior to 1946 and that at the time they had from four to six cars in the rear of the house where the garage was later built. Mr. Hines stated that he first saw the cars in their present location in 1950.

Brant Sims, a builder who operates in the area, stated that he succeeded the Brewers house in 1947. He stated that he spent a week on the job and that the present garage building was not constructed at that time and that the only cars on the property were located between the house and the present garage and the cars were all in running order.

Robert H. Lockaday, another next door neighbor, stated that he bought his property in 1943 and that although he does not reside on his property he inspects his property every week and that on January 2, 1946 there were only two, three or four cars in the rear of the Brewer house and that no cars were on the lot now used as a junk yard.

In order for George and Virginia Brewer to establish a lawful non-conforming use for the operation of an automobile junk yard on the property in question, it is necessary that they prove that this property was used on January 2, 1946 and continuously since that time in an open and notorious manner for the operation of a junk yard. It is not enough for the Brewers to say that from two to six cars were parked in the rear of the house prior to January 2, 1946.

It is evident from the testimony introduced at the hearing that no junking of cars took place on the Brewer property until after January 2, 1946. The preponderance of evidence is to the effect that junking operations started in 1950 and that the field now being used in the junking of cars was under cultivation in 1946. This evidence is produced by neighbors who have unobstructed view of the property in question.

It is, therefore, the opinion of the Zoning Commissioner of Baltimore County that no non-conforming use exists for the operation of a junk yard on the Brewer property as this property was not used prior to January 2, 1946 for the operation of a junk yard.

It is the order of the Zoning Commissioner of Baltimore County that all cars not in running condition be removed from the Brewer property within a period of ninety (90) days from the date of this order and that all junking operations cease within this ninety day period.

George W. Brewer
Zoning Commissioner
of Baltimore County

IN THE MATTER OF THE
PETITION OF
GEORGE W. BREWER,
VIRGINIA V. BREWER,
AND DONALD BREWER,
RE: A SPECIAL HEARING TO DETERMINE NON-CONFORMING USE OF PROPERTY OF GEORGE W. BREWER, VIRGINIA V. BREWER AND DONALD BREWER, FOR OPERATION OF JUNK YARD, 1395 EAST M. E. INTERSECTION OF HINES AND SIMS ROADS, ELEVENTH DISTRICT, BALTIMORE COUNTY.

For a Special Hearing

To the Zoning Commissioner of Baltimore County

George W. Brewer, Virginia V. Brewer and Donald Brewer, hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not a Non-Conforming Use exists at the location/property located on Sims Avenue, Baltimore County, owned by George W. Brewer and Virginia V. Brewer.

George W. Brewer
Petitioner.

Virginia V. Brewer
Petitioner.

Donald S. Brewer
Petitioner.

643 E. 28th Street,
Baltimore, Maryland.
c/o Gordon S. Duvall, Attorney
1524 Fidelity Building,
Baltimore 2, Maryland.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 1-7-53
Posted for: *George W. Brewer, et al.*
Petitioner: *George W. Brewer, et al.*
Location of property: *1395 East M. E. at the intersection of Sims Road, Baltimore County, Md.*
Location of signs and signs: *11th District of Baltimore County, at the intersection of Sims Road and M. E.*
Remarks: *See property*
Posted by: *George F. Bayler* Date of return: 1-8-53

FILED JAN 12 1953

CERTIFICATE OF PUBLICATION



TOWSON, MD. JANUARY 9, 1953
THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. XXXXXXXXX
XX 2 times XXXXXXXXX before the 21st day of JANUARY 1953, the first publication appearing on the 2nd day of January 1953.

THE JEFFERSONIAN
Ar. L. L. L.
Manager

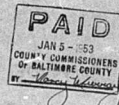
Cost of Advertisement, \$.....

\$15.00

RECEIVED of Gordon S. Duvall, Attorney for George W. Brewer, et al, the sum of Fifteen (\$15.00) Dollars, being cost of petition for Special Hearing, advertising and posting of property Sims Road, 11th District, Baltimore County.

Zoning Commissioner

Recordings
Wednesday, January 21, 1953
at 1:00 p.m.
Basement of the Rockford Building
Towson, Maryland



Deed acreage agrees
with calculated acreage
within this line

Property of
GEA W. BREWER

Boundaries drawn from deed

Buildings & car lot located & drawn by

L. H. Maynard

Dec. 22, 1963

44-38861-1000

L. H. Meyer

Col. 24.6 Ac

Beginning 1395 ft.
N.E. of intersection
Hines Rd. & Simms Rd

/s/

