

ELMER ROY COOKE T/A COOKE'S
USED PARTS
7328 Manchester Road
Baltimore, Maryland 21222

Plaintiff
VS.
BALTIMORE COUNTY, MARYLAND
Towson, Maryland 21204
and
Equity

JOHN G. ROSE, Zoning Commissioner
of Baltimore County, Maryland
Towson, Maryland 21204

Defendants

ORDER

UPON the foregoing Petition and Affidavit, it is, thereupon, this 14th day of November, 1954, by the Circuit Court for Baltimore County, ORDERED that Baltimore County, Maryland, its agents, servants and employees and/or John G. Rose, Zoning Commissioner of Baltimore County, Maryland be and are hereby restrained and enjoined from enforcing any and all of the provisions of Baltimore County Bill No. 240 now known as Section 200.16 of the Baltimore County Code against Elmer Roy Cooke T/A Cooke's Used Parts or his agents, servants or employees unless cause to the contrary be shown on or before the 10th day of December, 1954, provided that a copy of said Bill of Complaint be served on the said Baltimore County, Maryland and John G. Rose, Zoning Commissioner of Baltimore County, Maryland, Defendants herein, on or before the 10th day of December, 1954, all subject to the further Order of the Court in the premises.

True Copy Test

ROBERT A. GILL, Clerk

Robert A. Gill
Clerk

Judge

IN THE MATTER OF THE
PROPERTY OF J. ELMER COOKE,
7328 MANCHESTER ROAD NEAR
GERMAN HILL ROAD, 12TH
DISTRICT.

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

MR. COMMISSIONER:

Please enter an appeal in the above entitled matter to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner of Baltimore County dated the 7th day of July, 1955.

JOHN TOWSON TURNBULL
24 West Pennsylvania Avenue
Towson 4, Maryland
Attorney for the Defendant



IN THE MATTER OF
PROPERTY OF
J. ELMER COOKE,
7328 Manchester Road,
12th District

BEFORE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

OPINION

This case involves a protest from certain persons living near the property known as 7328 Manchester Road, Twelfth District of Baltimore County, in regard to the use of property at this location by Mr. J. Elmer Cooke as an automobile storage and junk yard with other incidental uses. The property is owned by Mr. Cooke and the case was first heard by the Zoning Commissioner on June 3, 1955 following which he did render his opinion deciding that a lawful nonconforming use of an area amounting to six thousand (6000) square feet in size existed on the location beginning at a point three hundred (300') feet from the Manchester Road.

The testimony and exhibits presented at the hearing indicated a strong conflict as to what part of this property was actually used in connection with an automobile junk and storage business. This Board has given serious consideration to the testimony and has weighed carefully all available evidence.

It is our opinion that the decision of the Zoning Commissioner was correct but that the findings as to the area in which a legal nonconforming use was lawfully established should be limited to the area beginning three hundred (300') feet from Manchester Road and

extending across the entire breadth of the subject property for an additional depth of forty five (45') feet.

ORDER

It is this 19th day of December, 1955 by the Board of Zoning Appeals of Baltimore County ORDERED that a lawful nonconforming use of the subject property exists on so much of the subject property described as follows, i.e. BEGINNING three hundred (300') feet from Manchester Road and extending across the entire breadth of the subject property for an additional depth of forty five (45') feet, and that any use of the subject property for other than residential purposes is in violation of the Zoning Regulations of Baltimore County and must cease and desist immediately effective as the date of this ORDER.

Chairman

Board of Zoning Appeals
of Baltimore County

RE: PROPERTY OF J. ELMER COOKE,
7328 Manchester Road near
German Hill Road, 12th Dist.

Upon complaint registered with the Zoning Department of Baltimore County concerning the use being made of property at 7328 Manchester Road, near German Hill Road, in the Twelfth District of Baltimore County, a hearing was held by the Zoning Commissioner of Baltimore County to determine whether or not a violation of the Zoning Regulations and Restrictions was taking place on the above property.

After hearing the testimony in the case, all of which seemed conflicting, it was necessary to study the aerial photographs of this area which were taken in 1943, 1949 and 1953. The photograph taken in 1943 showed clearly that there are not any cars on the property at that time. Two of the witnesses testified that there were between 15 and 20 cars on the property in 1949, the photograph also indicated that cars were on the property, and covered an area of 3000 square feet which conflicted with the testimony of Mr. Shagorwald who claimed that there were 15 to 20 cars spread over an area of three to four acres in 1949.

It does not seem reasonable, as testified, that if Mr. Cooke bought these cars to dismantle and sell, would have had cars spread over an area of four acres in 1949 and the photograph shows cars lined up in an orderly manner covering 30.0 square feet of land in 1949.

There was presented for the record by Mr. Cooke a certificate of Mr. Hecessity, issued November 25, 1942, for the use of one commercial vehicle to haul junk and scrap metal. There was also presented for the record a letter dated October 29, 1946 from the Zoning Engineer of

Baltimore County approving an application for a Traders License to Mr. Elmer Cooke, 7328 Manchester Road for the sale of accessories, oil and anti-freeze.

In view of the facts as presented and obtained, there is considerable doubt as to whether or not there were any junked cars at this location in 1949 which would entitle Mr. Cooke to a lawful nonconforming use. However, giving Mr. Cooke the benefit of any doubt the largest number of cars he could have had was between 15 and 20, as testified by his witnesses, and since that number of cars covered 3000 square feet he had a right to expand the area covered 100% until July 1, 1953. Under the present Regulations and Restrictions he is only allowed to expand 25%.

It is the opinion of the Zoning Commissioner that Mr. Cooke had a legal nonconforming use of an area of 6000 square feet at a point beginning 300 feet from Manchester Road but that at this time he is in violation of said Regulations and Restrictions by using more area than the 6000 square feet under the existing nonconforming use.

It is, therefore, this 7th day of July, 1955, ORDERED by the Zoning Commissioner of Baltimore County that a lawful nonconforming use does not exist on any part of the subject property except the 6000 square feet herebefore mentioned.

John G. Rose
Zoning Commissioner
of Baltimore County

August 4, 1955

\$30.00

RECEIVED of Messrs. Turnbull & Newmaster, attorneys,
for J. Elmer Cooke, petitioner, the sum of Thirty (\$30.00)
Dollars, being cost of appeal to the Board of Zoning Appeals
of Baltimore County from the decision of the Zoning
Commissioner in the use of property at 7328 Manchester Road,
near German Hill Road, 12th District.

Zoning Commission

PAID

AUG 5 - 1955
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
71.24

