

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, Benjamin J. and Mary S. Markley, legal owner.s. of the property situate All that parcel of land in the Fifteenth District of Baltimore County on the Northeast corner of Nanticoke and Tred Avon Roads; thence running Northerly and binding on the West side of Nanticoke Road 164.9 feet; thence Easterly 255.1 feet to the Southwest Shore of Middle River; thence Southeasterly and binding on said Shore 179 feet; thence Southeasterly 116.6 feet; thence Southerly 247.3 feet to the North side of Tred Avon Road; thence Westerly and binding on the North side of Tred Avon Road 224 feet to the place of beginning.

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an M-1 zone.

Reasons for Re-Classification:-

Size and height of building: front.....feet, depth.....feet, height.....feet.
Front and side set backs of building from street lines: front.....feet, side.....feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Benjamin J. Markley
Mary S. Markley
Legal Owner
Address 241 W. Harrison Ave
Baltimore, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of January, 1957, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County" in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Beekod Building, in Towson, Baltimore County, on the 6th day of February, 1957, at 1 o'clock P. M.

Zoning Commissioner of Baltimore County
(over)

GEORGE A. CAMPBELL et al
vs.
CHARLES G. TREN and
SPIRO T. KONIG and
NATHAN H. KAPLAN, JR.,
containing the
COUNTY BOARD OF APPEALS
and
BALTIMORE COUNTY, MARYLAND
and
BENJAMIN S. MARKLEY and
MARY S. MARKLEY, his wife,
Intervenor

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. 6/69
1774

ORDER

The above matter having come on for hearing, the matter fully considered, it is this 28th day of April, 1959 by the Circuit Court for Baltimore County ORDERED that the decision of the County Board of Appeals in the above entitled matter be and the same is hereby affirmed.

John H. Denton
John H. Denton, Chief Judge

FILED APR 28 1959

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" ZONE TO A "M-1"
ZONE - R. S. Core, Nanticoke
and Tred Avon Roads, 15th
District - Benj. S. Markley
and Mary S. Markley,
Petitioners
BEFORE
COUNTY BOARD OF APPEALS
No. 1044

OPINION

The petition in this case seeks a reclassification from an "R-6" (residence) Zone to a "M-1" (manufacturing light) Zone of property at the northeast corner of Nanticoke and Tred Avon Roads, in the Fifteenth District of Baltimore County.

In this case the Board is presented with a number of problems which are compounded by the nonconforming use which is claimed but neither proven nor contested. After deliberation it is concluded that the petitioners' plan, as stated at the hearing, can be accomplished by a special exception rather than to change the classification and if properly covered with written restrictions the test of Section 502.1 can be successfully met and the surrounding neighborhood protected against what has been, and could continue to be under a nonconforming use, an objectionable use of land in the area.

Therefore, under authority of Section 501.7 the Board denies the petition for reclassification from "R-6" Zone to a "M-1" Zone and modifies the Order appealed from to grant a special exception to the petitioners to build in the basin, or lower section of the lot, a building to be used for boat repairs and storage

of boats, equipment and supplies. The size of such building shall not be such as to constitute an encroachment on the scaled high ground, which should be restricted as subsequently defined and there shall be maintained a side yard of at least 25 feet from any neighboring residential property. The building line on the water side shall not be extended into the water beyond the normal shore line. The building shall not exceed two stories and shall be of construction which is harmonious with the neighborhood. The area covered by the building may be dredged to provide water-ways into the building, or the entire lot could be filled to provide proper floor levels.

The scaled high ground may be used for small boat storage or display but must be maintained in an orderly manner with setbacks for the storage or display area of 50 feet from both adjoining residential properties to conform to the residential character of the neighborhood. The front and side lot lines must be carefully defined with shrubbery or fence as limited in Section 102.5 with one entrance and one exit clearly defined with driveways that lead to adequate off-street parking which may be located behind the shrubbery or fence on the setbacks of the outside lot lines.

This Order does not affect the nonconforming use of this property which is not at issue but is intended to allow a betterment of conditions for the owner and enable the neighbors to enjoy residential property alongside this commercial use without fear of further encroachment of commercial enterprises.

ORDER

For the reasons set forth in the foregoing Opinion it is this 28th day of May, 1957, by the County Board of Appeals ORDERED that the reclassification from an "R-6" Zone to a "M-1" Zone is hereby denied but modifies the Order to grant a special

exception to the petitioners, subject, however, to the restrictions set out in the attached copy of said Opinion.

COUNTY BOARD OF APPEALS
Spice T. Konig
Nathan H. Kaplan

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" ZONE TO A "M-1"
ZONE - R. S. Core, Nanticoke
and Tred Avon Roads, 15th Dist.,
Benj. S. Markley and Mary S.
Markley, Petitioners
BEFORE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 1044

Pursuant to the advertisement, posting of property and public hearing on the above petition, upon hearing the testimony and after having seen the subject property both from the creek as well as from the surrounding roads, I can only conclude that this application for rezoning is premature.

There is no question that the real and basic change in this area has been from a wooded area to an area developed with substantial homes. Many of the older homes have been renovated to restore life and vigor to a new active residential community.

The Court of Appeals has continuously stated that, either there must be changes to warrant such a reclassification or that the original zoning be proven erroneous. The burden of proof rests with the petitioner and since in my opinion he failed to prove either I can only deny this petition.

To grant this industrial zoning would be the eventual ruin of the entire community for residence purposes. At this very time the Department of Planning is making land use studies of the Fifteenth District and to consider such zoning would be premature and without proper regard to the recent decision of the Court of Appeals in the Zim case.

In fact there is no industrial zoning in the entire area and to grant this petition would create a "spot zone" of industrial land and would be a continuous headache to everyone living there as well as Baltimore County.

It is this 28th day of February, 1957, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "R-6" Zone.

Paul H. Strickland
Deputy Zoning Commissioner
of Baltimore County

Winnie H. Adams, Esq.
Zoning Commissioner
Towson 4, Maryland

Re: Petition of Benjamin S.
Markley and Mary S. Markley,
for reclassification from
"R-6" zone to a "M-1" zone -
i.e. side Nanticoke and Tred
Avon Roads, 15th District

Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Deputy Zoning Commissioner dated February 18th, 1957 in the above application for reclassification, and forward transcript of record to the Board of Zoning Appeals of Baltimore County.

W. Lee Harrison
Attorney for Petitioners

Dated February 25, 1957



Sept. 24, 1957

\$8.00

RECEIVED of J. Elmer Weisheit, Jr., Attorney for the protestants, the sum of \$8.00 being cost of certified copies of petition and other papers filed in the matter of petition for reclassification of property of Benj. S. Markley, and wife, northeast corner of Nanticoke and Tred Avon Roads, 15th District.

Zoning Commissioner

01.622



February 5, 1957

\$3.50

RECEIVED of Mary E. Markley, petitioner, the sum of Three dollars and fifty cents (\$3.50) to cover cost of advertising the property on the Northeast corner of Nanticoke and Tred Avon Roads, Fifteenth District of Baltimore County. Thank you.

Zoning Commissioner
of Baltimore County

trd

01.622-13.50



January 30, 1957

\$35.00

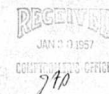
RECEIVED of Mary E. Markley, petitioner, the sum of Thirty-five (\$35.00) dollars, being cost of petition for Zoning Reclassification, advertising and posting property on the Northeast corner of Nanticoke and Tred Avon Roads, Fifteenth District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

trd

01.622-13.50



Feb. 28, 1957

\$50.00

RECEIVED of Messrs. Smith & Harrison, attorneys for Benjamin S. Markley, the sum of Fifty (\$50.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying reclassification of property on the northeast side of Nanticoke and Tred Avon Roads, 15th District.

Zoning Commissioner

01.622



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Malcolm H. ELL Date: March 12, 1963
FROM: T. M. Mouring
SUBJECT: Building Applications
Numbers 14286 and 14287

This is in further connection with the above referenced building applications submitted by Mr. Markley for a 500' pier.

The writer met with Mr. Markley and Messrs. Wheeler and Dietrich and an agreement has been reached to modify the original request by the reduction of the pier length from 500' to 400'. Also, the owner has agreed to reduce the length of the wing piers to a more reasonable length.

The owner is having an engineer locate property lines and the intersection of the property line with mean low water line. This material will be submitted to the Buildings Engineer, and division line will be established in accordance with the proposed regulations to govern waterfront construction.

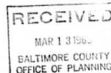
It is believed that a workable solution to this matter has been reached as far as the location of the pier is concerned. It would appear that the application should again be processed through the Office of Planning & Zoning in order that the proper notations can be made to insure compliance with the plot plan which was prepared by your office.

A copy of this letter is being sent to the Buildings Engineer in order that he will be aware that the application should again be processed through your office.

T. M. MOURING

TMM:ls

cc: Mr. Chas. B. Wheeler



INTER-OFFICE CORRESPONDENCE

Baltimore County, Maryland

Towson, Maryland

TO: Mr. Roland Piel, Building Engineer Date: April 21, 1960
FROM: Mr. John G. Rose, Deputy Zoning Commissioner
SUBJECT: Miscellaneous Appl. #1136 & 1137
Re/sor. at Nanticoke Rd. & Tred Avon Rd.
Benjamin S. Markley

I have talked to Mr. Spiro T. Agnew and Nathan Kaufman, Jr., members of the County Board of Appeals concerning their Order in the Markley case, dated May 23, 1957.

It appears that they intended to grant Mr. Markley the Special Exception for a Boat Yard with certain restrictions, therefore, the request of Mr. Markley for Permits #1136 and #1137 seem to be in order.

The Order of the Circuit Court for Baltimore County, dated April 26, 1959 has now been complied with.

The approved permits are enclosed.

JGR:bo

John G. Rose
Deputy Zoning Commissioner

INTER-OFFICE CORRESPONDENCE

Baltimore County, Maryland

Towson, Maryland

TO: Mr. Roland Piel, Building Engineer Date: March 15, 1960
FROM: Mr. John G. Rose, Deputy Zoning Commissioner
SUBJECT: Building Permit Application 1136 & 1137, dated February 8, 1960

On May 23, 1957, Baltimore County Board of Appeals ordered Benjamin S. Markley to do the following:

"The front and side lot lines must be carefully defined with shrubbery or fence as limited in Section 102.5 with one entrance and one exit clearly defined with driveways that lead to adequate off-street parking which may be located behind the shrubbery or fence on the southeast of the outside lot lines."

This ORDER was affirmed by the Circuit Court for Baltimore County on April 26, 1959.

Until this order is complied with, this office will not entertain further applications concerning this property located on the Northeast corner of Nanticoke and Tred Avon Roads.

John G. Rose

JGR:bo

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15 Date of Posting: 1-22-57
Posted for: Ben S. Markley
Petitioner: Benjamin S. & Mary E. Markley
Location of property: 485 Corner of Nanticoke & Tred Avon Roads
15th District
Location of Signs: 485 Corner of Nanticoke & Tred Avon Rd. 17 feet each
Markley's 1st & 2nd signs 17 feet each
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"MIDDLEBOROUGH"

ON
MIDDLE RIVER. 4/19/1

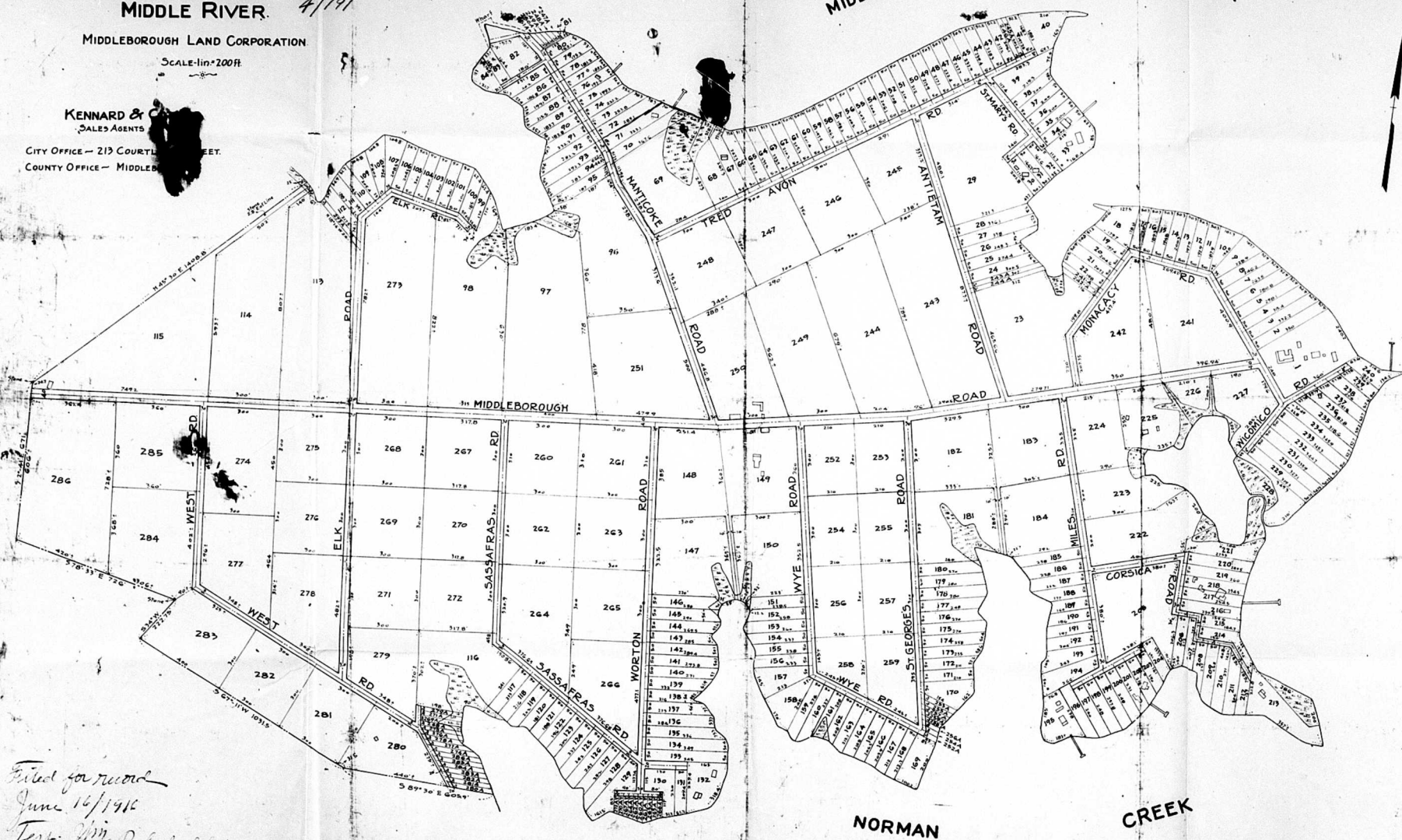
MIDDLEBOROUGH LAND CORPORATION

Scale-1 in = 200 ft

KENNARD &
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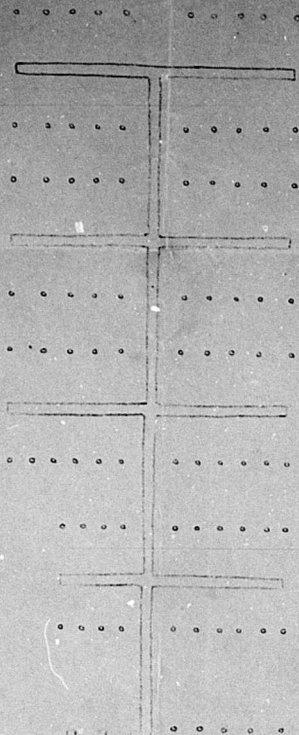
CITY OFFICE - 213 COURT STREET.

COUNTY OFFICE - MIDDLEBOROUGH.

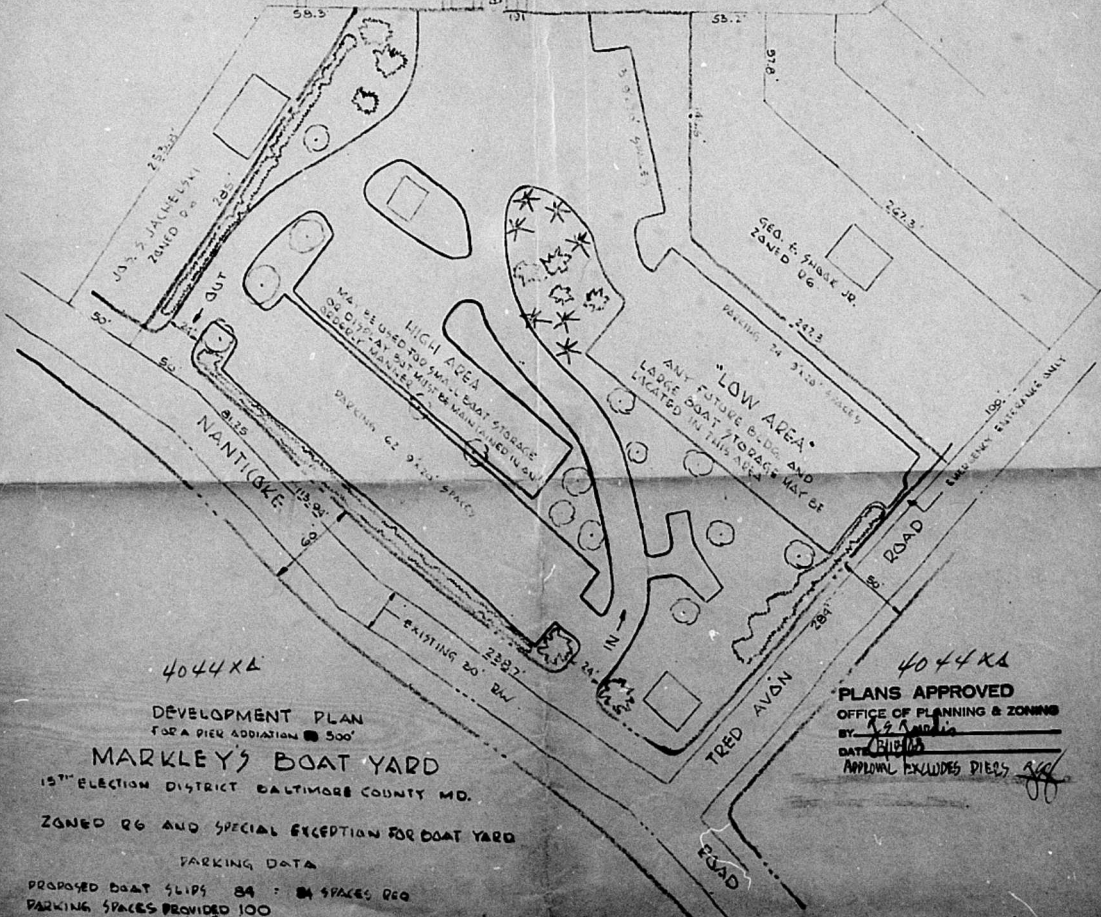


Filed for record
June 16/1916
Test: Wm P. Goff & Co.

MIDDLE
RIVER



EXT LIT



4044X4

DEVELOPMENT PLAN
FOR A PIER ADDITION 500'

MARKLEY'S BOAT YARD

13TH ELECTION DISTRICT BALTIMORE COUNTY MD.

ZONED R6 AND SPECIAL EXCEPTION FOR BOAT YARD

PARKING DATA

PROPOSED BOAT SLIPS 84 : 84 SPACES REQ
PARKING SPACES PROVIDED 100

PAT B

4044X4

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *[Signature]*
DATE *11/1/83*
APPROVAL EXCLUDES DIES *[Signature]*

SCALE 1" = 50' PREPARED BY: OFFICE OF PLANNING & ZONING