

IN THE MATTER OF APPLICATION
OF W. Ralph Peddy and wife,
Petitioners for Off-Street
Parking - 15th District
BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
No. 4164-V

The petitioner in this case seeks a use permit with a variance concerning same for off-street parking at a public beach operated as a nonconforming use in an "B-6" Zone. Many problems of public health, traffic congestion and expansion of the business under nonconforming privileges were considered carefully by the Board and the decision to grant the use permit and variance was made to most sensibly meet the conditions, therefore, the petition is granted with the following restrictions and is further defined by Section 409.1, as amended November 21, 1956:

1. The PLAN submitted by the petitioner must be followed, with particular reference to the new access road, the screening of Goose Harbor Road and Bay Drive for control of entrance and exits to the parking lot, and for the planned spacing of cars as indicated. The three center blocks shall have log or other head barriers marked to indicate individual car stalls and channel traffic in the pattern shown on the plan. Further, the stalls numbered 187 to 200, inclusive, on the plan shall be eliminated, thereby putting a maximum total space allowance for 186 cars. All buses must be parked on the main property and not allowed on the parking lot covered by this petition.

Mr. Spiro T. Ames, Chairman
Mr. Charles Stalshook
Mr. Daniel Shores
County Board of Appeals
County Office Building
Towson 4, Maryland

In Re:
Property of W. Ralph Peddy
Miami Beach Road and Bay Drive, 15th District

Dear Sirs:

If it pleases the court the Appellants would at this time enter a prayer of dismissal for any memo on a motion to alter in any way your court's opinion dated July 23, 1957, on the above matter, for the following grounds:

1. That is to say that on the following dates:
A. June 29, 1956 - Hearing had: Zoning Commissioner
B. September 3, 1956 - Hearing had: Zoning Board of Appeals
C. March 6, 1957 - Hearing had: Zoning Board of Appeals
D. April 25, 1957 - Hearing had: Zoning Board of Appeals
E. June 19, 1957 - Hearing had: Zoning Commissioner
F. July 11, 1957 - Hearing had: County Board of Appeals
G. January 16, 1958 - Hearing had: Circuit Court of Baltimore County
H. November 1957 - Hearing had: Maryland Court of Appeals
I. June 12, 1959 - Hearing had: Zoning Commissioner
J. October 1, 1959 - Hearing had: County Board of Appeals

sworn testimony was taken by your court for both the Appellants and the Appellees which we are sure enabled your judgment and ultimately your opinion. We are aware that you are cognizant that traffic problems did exist and certainly with the progress of modern transportation will only be provoked.

The Circuit Court and the Maryland Court of Appeals affirmed your judgment with the understanding of your technical knowledge in the field.

We respectfully submit to your court both Appellants and Appellees have had their day in court. The burden both in time and money has been preponderous. The courts have rendered fair a judgment, therefore we pray a Stet to the opinion.

County Board of Appeals

Page #2

In our humble thoughts it would be arbitrary, invalid and capricious for your court to amend a verifiable order, that by the Appellees own violation of the said order, has himself failed to put into effect the plan which without trying new content is no good and not verifiable. We, therefore, pray your court's enforcement of your opinion of July 23, 1957 until such time the Appellees have made verifiable observation of some two or three years of your opinion before praying mercy of the court.

Very truly yours,
Marvin K. Baker
Marvin K. Baker

MKB:fb

MR. CHARLES B. MARSH,
DAVID H. REELICH and
MARVIN K. BAKER, Petitioners
W. RALPH PEDDY and
ROLIN P. PEDDY (Interveners)
VS
CHARLES D. BRISH, Chairman, et al.
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
MISCELLANEOUS NO. 1807

OPINION

The protestants appeal from an order of the County Board of Appeals dated July 23, 1957 granting to the owners of a public bathing beach in the Fifteenth Election District of Baltimore County a use permit for off-street parking. This permit was issued under the provisions of Section 409.1 of the current Zoning Regulations of Baltimore County. It was stipulated that this case should be considered by the Board of Appeals on the basis of the testimony taken and exhibits offered at a hearing that occurred in April 1957, said testimony and exhibits being filed with the record in case no. 1758 on the miscellaneous docket of this court. This earlier case involved an application for the reclassification of the property, part of which is involved in the instant case. It seems clear to this Court that the requirement of the eighteen months waiting period after a denial for reclassification, or the denial of a special permit is not applicable to an off-street parking use permit. The waiting period requirement is not applicable by its terms, nor does the decision of the Court of Appeals in a recent case of Tyrie vs. Board of Zoning Appeals dictate a different conclusion.

It is contended that the regulation providing for the issuance of off-street parking use permits is invalid in that there are no sufficient standards prescribed. I hold that the regulation in question is valid on the basis of the language and reasoning found in the case of Frasman vs. Barnes, 209 Md. 544, pages 552 to 555.

This Court cannot substitute its judgment for that of the administrative body. The testimony of the witness Hall combined with the testimony of Officer Terry and Officer Ashley is substantial evidence in support of the Board's decision.

The protestants fear that the use of the property involved for off-street parking would allow the owner to unlawfully expand the existing non conforming use of the property for public bathing and picnicking. If this happens neighboring property owners have a remedy, but the possible extension of a non conforming use does not concern this Court at this time. The order of the Board of Appeals is AFFIRMED.

John B. Balno, Jr. Judge

January 21, 1958

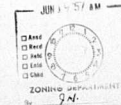
IN THE MATTER OF THE APPLICATION
FOR A USE PERMIT AND AN EXCEPTION
FOR OFF STREET PARKING - MIAMI
BEACH, 15th ELECTION DISTRICT,
W. Ralph Peddy and Rolin P. Peddy, his
wife, Applicants.
BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

NOTICE OF APPEAL

MR. CLERK:

Please note an Appeal to the Board of Appeals to Baltimore County, in the above entitled case, from the Order of Mr. Rose, the Deputy Zoning Commissioner, dated June 19, 1957.

W. Lee Thomas
S. Scott Moore
Attorneys for Applicants



IN THE MATTER OF THE APPLICATION
FOR A USE PERMIT AND AN EXCEPTION
FOR OFF-STREET PARKING - MIAMI BEACH:
15th District - W. Ralph Peddy and
Rolin P. Peddy, his wife,
Applicants
BEFORE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4164-V

W. Ralph Peddy and Rolin P. Peddy petitioned for the issuance of a use permit in order that the property described in the petition may be used for off-street parking in connection with the operation of Miami Beach.

Applicants also request that they not be required to pave additional parking space.

Miami Beach is a nonconforming use and is subject to Sec. 104.1 of the Zoning Regulations for Baltimore County which state in part "No nonconforming building or structure and no conforming use of building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used". The use of the off-street parking area requested would be contrary to Section 104.1.

Counsel for Mr. and Mrs. Peddy report buildings now in existence totalling 1,320 square feet. An extension of 25% of the ground floor area of buildings would be 1,000 square feet.

Parking at Miami Beach under the nonconforming use has never been hard surfaced, therefore, additional parking need not be hard surfaced.

Other sections of the Zoning Regulations for Baltimore County set forth by the petitioners are not considered because Section 104.1 makes them inapplicable in this case.

PROCTOR, ROBERTSON
AND
MULLER
CARROLL BUILDING
TOWSON 4, MARYLAND

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th #4164
Date of Posting 6-6-57
Posted for Special Hearing & Variance for Off-street Parking
Petitioner: W. Ralph Paddy and Rollin P. Paddy
Location of property: 4105 S. Bay Drive, 38 ft. wide, & S.W.S. of property
Beach Rd. the 1st lot
Location of Signs: Northwest Corner of Bay Drive & Morgan Church Road
Remarks:
Posted by George R. Howard Date of return: 6-7-57

For the above reasons it is ORDERED:

1. Issuance of a use permit in order that parcel described in petition may be used for off-street parking is denied.
2. Any increase in parking permitted by Section 104.1 need not be hardship.

It is further ORDERED that parcel described in petition

for off-street parking shall not be used for parking while awaiting possible appeal from this decision.

Date: June 19, 1957

John E. Taylor
Deputy Zoning Commissioner
of Baltimore County

IN THE MATTER OF THE APPLICATION
FOR A USE PERMIT AND AN EXCEPTION
FOR OFF STREET PARKING - MIAMI BEACH
15th ELECTION DISTRICT, W. Ralph
Paddy and Rollin P. Paddy, his wife
APPLICANTS

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

#4164-XV
DIP #15-D
XV
6/11/57

PETITION

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

The Applicants, W. Ralph Paddy and Rollin P. Paddy, his wife, the legal owners of the property situate in the Fifteenth Election District of Baltimore County, and more particularly described as follows:

BEGINNING for the same at the intersection formed by the Northwest side of Bay Drive, 30 feet wide, and the Southwest side of Miami Beach Road, 30 feet wide; thence binding on the Southwest side of Miami Beach Road the following course and distance; viz: North 33 degrees 55 minutes West 321.55 feet, thence South 46 degrees 50 minutes West 300 feet, thence South 37 degrees East 351.55 feet thence North 46 degrees 50 minutes East 300 feet and thence North 45 degrees West 35 feet more or less to the place of beginning;

pursuant to the provisions of Sections 500.4 and 409.4 of the Zoning Regulations of Baltimore County, effective March 30, 1955 and amended November 21, 1956, hereby petition for the issuance of a use permit in order that the above described parcel may be used for off-street parking in connection with the operation of Miami Beach;

AND the Applicants do further petition, pursuant to the provision of Section 409.5 of said Zoning Regulations of Baltimore County, that they be granted an EXCEPTION to Section 409.4(f) of said Regulations, in that it would create an undue hardship on the Applicants to be required to pave the entire surface of the above described property since the said property is a hard sandy soil and will only be used to capacity between eight and ten times per year.

6/19/57
J.M.

15th
1-5/6/4

The Applicants agree to pay expenses for advertising, posting, etc., 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.

Robert Royston & Mueller
Proctor, Royston, and Mueller

W. Lee Thomas
W. Lee Thomas

R. Scott Moore
R. Scott Moore
Attorneys for Petitioners

October 24, 1957

\$25.00

RECEIVED of Leonard A. Vadales, Attorney for protestants, the sum of Fifteen (\$25.00) Dollars, being cost of certified copies of petitions and other papers filed in the matter of reclassification of property of Ralph W. Paddy for special exception for off-street parking, Miami Beach, 15th District - petitions Nos. 1364 and 4072.

Zoning Commissioner

01-622

RECEIVED
OCT 25 1957
COMPTROLLER'S OFFICE

June 21, 1957

\$30.00

RECEIVED of Messrs. Proctor, Royston & Mueller, Attorneys for W. Ralph Paddy, and wife, the sum of Thirty (\$30.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying the application for a use permit for off-street parking - Miami Beach, 15th District.

Zoning Commissioner

01.621

RECEIVED
JUN 21 1957
COMPTROLLER'S OFFICE

May 28, 1957

\$25.00

RECEIVED of Carroll Royston, attorney for petitioner, the sum of Twenty-five (\$25.00) dollars, being cost of petition for Special Hearing and Variance, advertising and posting property on the Northwest side of Bay Drive, 30 feet wide, Southwest side of Miami Beach Road, W. Ralph Paddy, petitioner. Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Monday, June 17, 1957
at 1:00 P. M.
Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

01.622-125.00

RECEIVED
JUN 18 1957
COMPTROLLER'S OFFICE



MIAMI

BURKE AVE.

BEACH

PROPOSED ROAD

ROAD

BAY DRIVE

1300 ACRES

MARSH

CHESAPEAKE BAY

MIAMI BEACH

300

301

302

303

304

305

BAY DRIVE

MIAMI BEACH PROPERTY
PROPOSED
—PARKING FACILITIES—