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to the already over-crowded conditions of the highways in this area and in particular to congestion on Nanticoke Road. It is quite natural to expect that the greatest traffic to be generated by a boat sales yard would be on the week-ends when all highway facilities are taxed well beyond that for which they were constructed.

The Board feels that the use of this property as a boat yard for the rental of slips only will not cause any greater hardships than already exists in the area. However, the continued use of this property for the mooring of boats would violate nearly every section of Section 502.1 of the Baltimore County Zoning Regulations. Therefore, it is the unanimous opinion of the Board of Appeals of Baltimore County that the special exception for a boat yard at the north end of Nanticoke Road be granted. The only uses permitted under this special exception for a boat yard are as follows:

1. For the rental of not more than 35 slips for boat storage, and
2. For the sale of gasoline from the pier, no other sales such as repair of boats, a railway for the launching of boats, storage of boats on land or the sale of any other materials that may be generally found in boat yards shall be permitted.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Date August 13, 1960

William H. Adams
John B. Kitchey
John B. Kitchey

JULY 5 1960

MICROFILMED
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 2811
DATE 6/21/60

TO: Mr. John B. Kitchey,
5511 Pioneer Drive,
Baltimore 14, Md.

BILL NO.

Zoning Department of
Baltimore County
113 County Office Bldg.,
Towson 4, Md.

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622	Appeal to County Board of Appeals - N.Y. and Nanticoke Road, 15th Dist. Including posting PAID - Baltimore County, Md. - Office of Finance	\$50.00
	6-2860 7253 * * * T11 - 6-2860 7253 * * * T11 -	8000 8000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 5-3000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 3732
DATE 10/14/60

TO: Mr. William H. Adams,
5511 Pioneer Drive,
Baltimore 14, Md.

BILL NO.

Zoning Department,
113 County Office Bldg.,
Towson 4, Md.

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622	Cost of certified documents filed in the matter of reclassification and special exception for boat yard - N. end of Nanticoke Road at Middle River, 15th Dist. PAID - Baltimore County, Md. - Office of Finance	\$7.00
	10-1160 1333 * * * T11 -	700

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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June 27, 1960

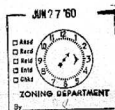
RE: Reclassification and Special
Exception for Boat Yard - N.Y.
End of Nanticoke Road at Middle
River - 15th District - John B.
Kitchey, Petitioner

Mr. William H. Adams,
Zoning Commissioner
Towson 4, Md.

Mr. Commissioner:

Please enter an appeal from your decision
denying the reclassification and special exception, in the
above matter, to the County Board of Appeals of Baltimore
County and transmit all records to said Board.

John B. Kitchey
John B. Kitchey,
5511 Pioneer Drive,
Baltimore 14, Md.

TELEPHONE
VALLEY 5-3000

MICROFILMED
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

DATE 6/16/60

TO: Mr. John B. Kitchey,
5511 Pioneer Drive,
Baltimore 14, Md.

BILL NO.

Zoning

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01.622	Petition for Reclassification and Special Ex- ception for Boat Yard - N.Y. and Nanticoke Road, 15th Dist. Including posting PAID - Baltimore County, Md. - Office of Finance	\$3.00
	6-1760 4893 * * * T11 - 6-1760 4893 * * * T11 -	4300 4300

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 5-25-60
Posted for John B. Kitchey
Petitioner: John B. Kitchey
Location of property N. end of Nanticoke Rd. at Middle River
Location of Sign at N. end of Nanticoke Rd.
Remarks: None
Posted by John B. Kitchey Date of return 5-26-60

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ORDERED by the Zoning Commissioner of Baltimore County
this 27th day of April, 1960,
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 Act of assembly aforesaid, and that a public
hearing thereon be had in the office of the Zoning Commissioner
of Baltimore County, Maryland, on the 13th day of
June, 1960, at 2:00 o'clock
P.M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition (1) for reclassification
from an "M-6" Zone to a "B-1" Zone and (2) for a special exception
to use said property for a Boat Yard and it appearing that by reason
of location, the safety, health and the general welfare of the locality
involved would be detrimentally affected, the reclassification and
special exception should be denied, therefore:

It is this 17th day of June, 1960, by the Deputy
Zoning Commissioner of Baltimore County, ORDERED that the aforesaid
reclassification and special exception requested should be and the
same are hereby denied.

Deputy Zoning Commissioner
of Baltimore County

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RE: RECLASSIFICATION AND SPECIAL
EXCEPTION FOR BOAT YARD - N. End
of Nanticoke Road at Middle
River, 15th District -
John B. Kitchey, Petitioner

BALTIMORE COUNTY
No. 1068-NY

OPINION

In this petition the property owner, Mr. John B. Kitchey, seeks
reclassification and a special exception for a boat yard. At the outset of the
hearing before the Board of Appeals the petitioner amended his petition to
seek only a special exception.

The property in question is at the northeast end of Nanticoke
Road, in the Fifteenth District of Baltimore County. The property is used for
a restaurant and bar and the waterfront property has a pier for 10 boat slips.
Testimony of the petitioner was to the effect that Nanticoke
Road is but 20 feet wide and runs to a dead-end at his property line; that
on Sundays there were as many as 50 to 100 cars parked on his parking lot
visiting his restaurant and bar facilities. At the present time the waterfront
property is being used for the rental of slips as well as for boat sales.

The Board finds a very undesirable condition existing
which seems generally to have been caused by the sale of boats from this pier.
The pier not only is used by these with boats but, as maybe expected, is
often visited by guests of the restaurant and bar. Any activity beyond that
which may be normally expected from boats leaving and entering the slips is
quite hazardous. The sale of boats from this property also adds greatly

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PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:

I, or we, John B. Kitchey Legal Owner
All that parcel of land in the Fifteenth District of Baltimore County
beginning at the Northwest end of Nanticoke Road at Middle River thence running
northerly and easterly on the South east shore line of Middle River 130 feet
thence southerly and easterly on the Northwest side of Nanticoke Road
line and running southerly 125 feet to the Northeast side of Nanticoke Road
thence southerly and easterly on the Northeast side of Nanticoke Road 110 feet
to the place of beginning, being lots 81 and 247 A to 251 A inclusive Plat
of Middle River.

herby petition (1) that the zoning status of the above described property be
reclassified, pursuant to the Zoning Law of Baltimore County, from an B-6
Zone to an B-R Zone; and (2) for a Special Exception, under the said
Zoning Law and Zoning Regulations of Baltimore County, to use the above described
property, for BOAT YARD

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and
Special Exception, advertising, posting, etc., upon filing of this petition,
and further agree to and are to be bound by the Zoning Regulations and Restriction
of Baltimore County, adopted pursuant to the Zoning Law for Baltimore
County.



John B. Kitchey
Legal Owner
John B. Kitchey, Pet.
Address
5511 Pioneer Drive
BALTO 14

6/13/60
J.B.M.

JOHN B. KUTCHEY

vs.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

MICROFILMED

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW
MISC. 7/21 2292

*** **

DOCKET ENTRIES

Sept. 19, 1960 Applicant's Appeal from County Board of Appeals of
Baltimore County rec'd and fd. App. of Robert J. Romadka
for the Plaintiff.
Sept. 19, 1960 Applica's Petition fd.
Oct. 17, 1960 Transcript of Record and Testimony fd. See Case Misc.
2291.
July 3, 1961 Hearing had. Hon. James J. Lindsay presiding. Sub Curia
July 14, 1961 Order of Court that the decision of the County Board of
Appeals of Baltimore County granting a special exception
to the petitioner John B. Kutchev, with limitations, be
reversed and directing the zoning authorities to grant a
special exception for a boat yard for the parcel of land
decribed in the Petition in accordance with the initial
petition filed with such zoning authorities by the
petitioner. See Case 2291.
Aug. 14, 1961 Order for Appeal to Court of Appeals of Maryland
(Lucarelli) fd.

#4984RXA

MAP
15-C
BR-XA

#4984RXA

Case Misc. 2292 7/22

Appeal not perfected as time ran out. Decision
of the Circuit Court is, therefore, final.

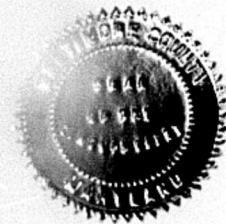
Walter J. Rasmussen
Seal
July 26, 1962

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

STATE OF MARYLAND :
COUNTY OF BALTIMORE : SCT

I, WALTER J. RASMUSSEN, CLERK of the Circuit Court for
Baltimore County, do hereby certify that the foregoing is a
true copy of the original Docket Entries
taken from the records of the said Circuit Court for Baltimore
County as recorded in LiberWJR No. 7, Folio 21,
one of the Miscellaneous Records of Baltimore County.
Case 2292

IN TESTIMONY WHEREOF, I hereto
set my hand and affix the Seal of
said Court, this 26th day of
July A.D., 1962.



Walter J. Rasmussen
CLERK of the Circuit Court
for Baltimore County

#4984RXA

MAP
15-C
BR-XA

**NO PLAT
IN
THIS FOLDER**