

PETITION FOR ZONING RE-CLASSIFICATION AND SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

LEONA C. BAUER
I, or we, LOUIS F. BAUER, Sr., legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____ boat yard and/or marine railway.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing 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.

Louis & Bauer S-R
Louis F. Bauer, Sr.
Leona C. Bauer
Legal Owner

Address: 1900 Wills Court
Baltimore 22, Md.

Address: 825 Eastern Avenue (21)
Baltimore 20, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1961, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in _____ newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the _____ day of _____, 1961, at _____ o'clock _____ A.M.

Zoning Commissioner of Baltimore County.

(over)

11/20/61
1-2-61



5399-X
MAP
#12
EL 4A
"X"
11/19/61

LOUIS & LEONA BAUER
825 EASTERN AVENUE
BALTIMORE 20, MD.
11/19/61

5399-X
6666

Pursuant to the advertisement, posting of property, and public hearing on the above petition, the above petition for a boat yard and marine railway must be laid out in strict compliance with the plan approved by the Office of Planning & Zoning on December 19, 1961. Boats must not be brought into the property by land but must be brought in by way of the marine railway. No boats may be taken from the property by land for the above reasons.

A Special Exception for a Boat yard and/or Marine Railway should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1961, that the above re-classification 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 a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1961, that the above re-classification 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 a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Boat Yard and Marine Railway : COUNTY BOARD OF APPEALS
NW/S Wills Court, 171.57' NE of : OF
Wills Road - 12th District : BALTIMORE COUNTY
Louis F. Bauer et al - Petitioners : No. 5399-X

OPINION

This is a petition for a special exception for a Boat Yard and a Marine Railway on property located on the northwest side of Wills Court, 171.57 feet northeast of Wills Road in the 12th District of Baltimore County. This property fronts on Bear Creek.

Testimony produced in this case shows that the petitioner, Mr. Louis F. Bauer, purchased part of the subject property in 1959 and purchased the balance of the property in 1961. The second tract was purchased for the purpose of constructing a Marine Railway. The total acreage, in both parcels of land, is approximately 8/10 of an acre.

The Board of Appeals is unanimous in its decision to deny this special exception. Before granting a special exception, the petitioner must show that the exception asked for does not in any way violate Section 502.1 of the Zoning Regulations of Baltimore County. The Board is of the opinion that the exception requested would violate Section 502.1 in that it would be detrimental to the health, safety, and general welfare of the locality involved; that it would tend to create congestion in the roads and streets of the locality; and it would overcrowd the subject property.

In reaching this decision the Board is well aware of the need for waterfront recreational facilities in Baltimore County. However, this need must be met with a minimum of inconvenience to surrounding property owners. This does not seem to be the case for the following reasons:

- (a) The subject property, a total acreage of 8/10 of an acre, already has three residential buildings that are being used for residences:
The main house in which the petitioner lives, using the basement and first floor.
The second floor of this house is rented.
A building that might be called a "utility building", the second floor of which is rented.
A third house that is vacant at the present time, is for rent.
- This makes a total of four families occupying the property. Considering the size of the property, it would seem that to try to locate an operation such as the petitioner asks for would overcrowd the land. The area needed for parking, rest rooms, etc., would certainly make an undesirable operation, both for a boat yard use as well as residential uses.

(b) Retford Lane, Wills Road and Wills Court, access roads to the subject property, are narrow roads, twelve to fourteen feet in width. There are no sidewalks. The normal traffic that would visit this boat yard would be undesirable, and when one considers the possibility of boat trailers being used to bring boats to the boat yard, this could result in a real traffic danger. In fact, any traffic other than the normal residential traffic would be unwise.

(c) The petitioner intends to have some thirty-five to forty slips available for rent. This would largely increase the number of boats using the river in this general area. Across the stream from the subject property are eight to ten all-year-around homes. These are of a substantial nature and some have existed for a long time. In fact, one of the occupants testified that he had lived on her property for twenty-six years. The stream channel in front of the subject property is quite narrow. A sand bar covers a large portion of the water; one witness estimated that it covered as much as 80% of the width of the stream. The residents of the year-around homes use this stream for swimming. To place an additional thirty-five or forty boats in the water would be a great hazard to the swimmers, and the pollution from debris from these boats could result in a dangerous hazard to health.

For the reasons stated above it is evident to the members of the Board that the area is not one conducive to the operation of another boat yard and marine railway, and that even if it were, the subject property is too small, considering its residential uses, for such an enterprise.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of August, 1962 by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William H. Kaufman
CHAIRMAN
Charles Stubbins, Jr.
J. Mitchell Austin

GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
6828 BIRMINGHAM
BALTIMORE 22, MARYLAND
TELEPHONE 5-9800

January 17, 1962

Zoning Commissioner of Baltimore County
County Office Building
Towson 4, Maryland

RE: Petition for Special Exception for boat yard and/or marine railway, Northwest side Wills Court, 171.57' North side of Wills Rd., 12th District, Louis F. Bauer and Leona C. Bauer, Petitioners.

Dear Sir:
Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision granting the special exception in the above captioned matter dated December 20, 1961.
Very truly yours,
George D. Edwards
George D. Edwards

GDE/ds

OFFICE OF PLANNING AND ZONING
Inter-Office Correspondence

To: Mr. John G. Rose, Zoning Commissioner
From: Mr. George E. Savrelis, Deputy Director

Subject: #5399-X, Special Exception for Boat Yard and/or Marine Railway, Northwest side of Wills Court 171.57 feet Northeast of Wills Road, Being property of Louis Bauer.

12th District
HEARING: Monday, November 20, 1961 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception and has the following advisory comments to make:

- The Planning staff has no adverse comment to make with regard to the Special Exception as such. The Planning staff is not well versed in the problems brought about by boat yard activities. We note that the subject property is situated on Bear Creek at a point where it narrows down. We note also, that the property is situated within a small island, of residential zoning which is surrounded by industrial zoning, south of the Creek. It would appear that the petitioner should show precisely that the proposed Boat Yard and Marine Railway will not violate the standards of Section 502.1, of the Zoning Regulations. He should show also, that Wills Court - now a twelve (12) ft. way, is sufficiently wide enough to provide for proper vehicular access including trailers and trucks, to the proposed use.
- We note from the petitioner's site plan that he proposes to provide space for not more than fourteen (14) boats utilizing existing piers. The county is in the process of developing standards for piers which would set maximum limits on their extension from the shore line base; on the width of the waterway, and the location of the channel. The standards also would set limits concerning setbacks from adjacent properties. If granted, the granting should be conditioned upon approval of the pier locations and their size and their length, by the office and the Office of Public Works. Granting, also should be conditioned upon final approval of an overall site plan for the proposed use including approval by the Health Department of sanitary sewage disposal facilities.

GDE/lms

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

No. 8145
DATE 9/26/61

To: John N. Maguire, Esq., 825 Eastern Ave., Balto. 21, Md.
BILLED BY: Zoning Department of Baltimore County

| DEPOSIT TO ACCOUNT NO. | QUANTITY | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT \$50.00 | COST |
|------------------------|----------|---|----------------------|------|
| 01622 | | Petition for Special Exception Special Exception for Louis Bauer | 50.00 | |
| | | | 50.00 | |

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.

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

No. 10223
DATE 1/17/62

To: George D. Edwards, Esq., 6803 Birmingham, Pkendale 22, Md.
BILLED BY: Office of Planning & Zoning 115 County Office Bldg., Towson 4, Md.

| DEPOSIT TO ACCOUNT NO. | QUANTITY | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT \$75.00 | COST |
|------------------------|----------|--|----------------------|-------|
| 01622 | | Cost of appeal to County Board of Appeals | 70.00 | |
| | | Posting No. 5399 | 5.00 | 75.00 |
| | | | 75.00 | |

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.

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

No. _____
DATE 1/20/61

To: John N. Maguire, Esq., 825 Eastern Ave., Baltimore 21, Md.
BILLED BY: Zoning Department of Baltimore County

| DEPOSIT TO ACCOUNT NO. | QUANTITY | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | TOTAL AMOUNT \$37.00 | COST |
|------------------------|----------|--|----------------------|------|
| 01622 | | Advertising and posting of property for Louis F. Bauer | 37.00 | |
| | | | 37.00 | |

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: 12th
Date of Posting: 11-2-61
Posted for: Special Exception for Boat Yard and Marine Railway
Petitioner: Louis F. and Leona C. Bauer
Location of property: NW/S of Wills Court 171.57 ft. N.E. of Wills Road, 12th Dist.
Location of Sign: NW/S of Wills Court 171.57 ft. N.E. of Wills Road.

Remarks: *George D. Edwards*
Posted by: *George D. Edwards*
Date of return: 11-3-61

5-399-X

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

November 6, 19 61.

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One ~~successive~~ weeks before
the 6th day of November, 1960, that is to say
the same was inserted in the issues of
November 3, 1961.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager *PJ*

PETITION FOR ZONING
SPECIAL EXCEPTION

12th DISTRICT

ZONING: Petition for Special
Exception for Boat Yard and/or
Marine Railway.

LOCATION: Northwest Side of
Wills Court 171.57' Northeast of
Wills Road.

DATE AND TIME: MONDAY,
NOVEMBER 20, 1961 at 11:00
A.M.

PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Commissioner of
Baltimore County, by authority of
the Zoning Act and Regulations
of Baltimore County, will hold
a public hearing:

Concerning all that parcel of
land in the Twelfth District of
Baltimore County.

Beginning for the same on the
northeast side of Wills Court at
the distance of 171.57 feet north-
easterly measured along the
northwest side of Wills Court
from the intersection of the
northwest side of Wills Court
with the northeast side of Wills
Road and thence and binding on
the northwest side of Wills Court
North 45 degrees 33 minutes East
117.62 feet, thence running across
the north end of said court South
80 degrees 16 minutes East 27.22
feet to the southeast side thereof,
thence binding on the southeast
side of said court South 45 degrees
33 minutes West 61.98 feet,
thence leaving said court and run-
ning South 54 degrees 07 minutes
East 199 feet to the Waters of
Bear Creek, thence binding on
the Waters of said Creek the six
following courses and distances
viz: North 20 degrees 55 minutes
East 36.60 feet, North 66 degrees
West 19 feet, North 6 degrees 30
minutes East 113 feet, North 38
degrees 20 minutes East 50 feet,
North 14 degrees 10 minutes West
55 feet and North 80 degrees 25
minutes West 156 feet and thence
leaving the Waters of said Creek
and running the two following
courses and distances viz: South
33 degrees 50 minutes West 215
feet and South 58 degrees 55
minutes East 23 feet to the place
of beginning.

Containing 0.8 of an Acres of
land more or less.

Being the property of Louis F.
and Leona C. Bauer, as shown on
plat plan filed with the Zoning
Department.

BY ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY.

Nov. 3.

CROFILM
SYSTEMS

