

RE: PETITION FOR RECLASSIFICATION from a "B-L" Zone to a "B-R" Zone, and SPECIAL EXCEPTION FOR A Used Motor Vehicle Out-door Sales Area, and VARIANCE to Section 238.1 and Section 238.2 of the Zoning Regulations S.S. Eastern Boulevard, 455' west of Stemmers Run Road - 15th District James W. Kerley, et al - Petitioners

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 5476-RXV

OPINION

The subject petition for reclassification from a "B-L" Zone to a "B-R" Zone, and a special exception for a Used Motor Vehicle Out-door Sales Area. A variance was also requested seeking front yard and side yard relief in accordance with Section 238.1 and Section 238.2 of the Zoning Regulations.

At the outset of the hearing the Petitioners, who were represented by legal counsel, withdrew from the subject case advising the Board that they had come to a satisfactory agreement with the petitioner.

The petitioner sighted to the Board a number of zoning changes in the immediate vicinity of the subject property; such properties being closely related to the property now in question.

The Board also heard the testimony of Mr. George Gavrellis of the Department of Planning who stated in essence that the Planning Department was of the opinion that the subject petition for reclassification to a "B-R" Zone, and special exception for a Used Motor Vehicle Out-door Sales Area was in order. He further stated that the use requested would complement the automotive uses which now exist on the adjoining commercial land, as well as several other properties in the general area. Mr. Gavrellis also sighted the fact that the subject property, if used as a Used Car Lot would create an interim land use which could be desirable in the event that the proposed interchange between the proposed Southwestern Boulevard and Eastern Avenue becomes a fait accompli.

At the conclusion of the hearing the petitioner requested that he be allowed to withdraw his request for variance to Section 238.1 and Section 238.2. The Board was unanimous in allowing the variance to be withdrawn. The Board is unanimous in its opinion that there have been sufficient changes in the immediate vicinity to warrant the reclassification from a "B-L" Zone to a "B-R" Zone. With regard to the special

exception for a Used Car Lot, the Board is unanimous in its opinion that the granting of the special exception would not in any way violate Section 502.1 of the Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, It is this 9th day of October, 1962 by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby granted.

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

CHAIRMAN

J. Mitchell Hunt

Charles Stubbins

ROBERT J. ROMADKA
ATTORNEY AT LAW
821 EASTERN AVENUE
CROFT, MARYLAND
HURLOCK 4-8374

February 26, 1962

Mr. John C. Rose
Zoning Commissioner
County Office Building
TOWSON 4, MARYLAND

Re: Petition for Reclassification from a "B-L" Zone to a "B-R" Zone and Special Exception for Used Car Lot - S.S. Eastern Boulevard 455' W. of Stemmers Run Road, 15th District, James W. Kerley, et al, Petitioners - Petition No. 5476-RXV

D r Mr. Rose:

Please be advised that I have been requested by the Petitioner, James W. Kerley, to file an appeal to the Zoning Board of Appeals from your Order of February 8, 1962, in which you denied the Petitioner's Petition for Reclassification as set out above.

Please find enclosed herewith check in the amount of \$70.00 for filing said Appeal, with the request that you forward all papers and records to said Board of Appeals for further hearing.

RJR:br

Encl.

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

No. 10323

DATE 2/6/62

To: Mr. James W. Kerley
1530 Pope Ave.
Baltimore 23, Maryland

BILLED Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01622
QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Advertising and posting of your property

\$5.50

2-562 532 * * * NL-

\$550

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.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James W. Kerley, legal owner... 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 B-L zone to an B-R zone; for the following reasons: To conduct a used car business.

Section 238.1 - Front Yard 50 feet - Requesting 33 feet
Section 238.2 - Side Yard 30 feet - Requesting 18 feet

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Used Car Lot

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.

Contract purchaser

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

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of

1962, that the herein described property or area should be and

the same is hereby reclassified; from a zone to a

zone, and/or a Special Exception for a should be and the same is

granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the fact that the Zoning Commissioner held a hearing on the subject property and reclassified the property from a "B-L" Zone to a "B-R" Zone on October 7, 1959 and it further appearing that there have been insufficient changes since that time to warrant a change in the zoning.

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 8th day of February, 1962, 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 "B-L" zone, and/or the Special Exception for a 1959 Car Lot.

Zoning Commissioner of Baltimore County

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

5476

District: 15th Date of Posting: 1-18-62
Posted for: James W. Kerley, et al
Petitioner: James W. Kerley, et al
Location of property: S.S. Eastern Blvd. 455 ft. W. of Stemmers Run Road
Location of sign: S.S. Eastern Blvd. 455 ft. W. of Stemmers Run Road
Remarks: George R. Hammett
Posted by: George R. Hammett Date of return: 1-19-62

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

5476

District: 15th Date of Posting: 9-13-62
Posted for: James W. Kerley, et al
Petitioner: James W. Kerley, et al
Location of property: S.S. Eastern Blvd. 455 ft. W. of Stemmers Run Road
Location of sign: S.S. Eastern Blvd. 455 ft. W. of Stemmers Run Road
Remarks: George R. Hammett
Posted by: George R. Hammett Date of return: 9-14-62

**PETITION FOR ZONING
RECLASSIFICATION, SPECI-
AL EXCEPTION AND A ZONING
VARIANCE
15th DISTRICT**

ZONING: From B-L Zone to B-R
Zone. Petition for Special Ex-
ception for Used Car Lot. Peti-
tion for a Variance to permit a
front yard 33 feet instead of re-
quired 50 feet; and to permit side
yard of 18 feet instead of the re-
quired 30 feet.

LOCATION: South side of Eastern
Blvd. 455 feet West of Stemmers
Run Road.

**DATE AND TIME: WEDNESDAY,
FEBRUARY 7, 1962 AT 1:00 P.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.**

The Zoning Regulations to be ex-
cepted as follows:

Section 238.1—Front Yard—50 feet.
Section 238.2—Side Yard—30 feet.

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

Concerning all that parcel of land
in the Fifteenth District of Bal-
timore County.

BEGINNING for the same at
point on the Northwest side of Pope
Avenue, as laid out 7 feet wide
and shown on the plat entitled
"Subdivision of Lot No. 7, Block
"H", Section B, ESSEX" prepared
by J. Spence Howard and recorded
among the Land Records of Bal-
timore County in Plat Book W.P.C.
No. 7, Folio 21, said point of begin-
ning being located 454.24 feet meas-
ured Southwesterly along the said
Northwest side of Pope Avenue
from the Southwest side of Stem-
mers Run Road (formerly called
Back River Neck Road) said point
of beginning being intended to be
at the dividing line between Lots
Nos. 16 and 17 as shown on the
aforesaid plat, thence running and
binding on the said Northwest side
of Pope Avenue (1) S. 63° 56' 00"
W., 100.00 feet to the dividing line
between Lots Nos. 18 and 19, as
shown on said plat, thence binding
along part of said last mentioned
dividing line (2) N. 21° 04' 00" W.,
92.62 feet to intersect the Southeast
side of Eastern Avenue, as laid out
150 feet wide, thence binding
thereon (3) N. 58° 12' 07" E., 101.73
feet to intersect the dividing line
first herein referred to, thence bind-
ing on part thereof (4) S. 21° 04'
00" E., 111.57 feet to the point of
beginning.

Containing 0.2344 Acres of Land.

Being part of Lots Nos. 17 and 18
as shown on the plat entitled "Sub-
division of Lot No. 7, Block "H",
Section B, ESSEX" as prepared by
J. Spence Howard and recorded
among the Land Records of Bal-
timore County in Plat Book W.P.C.
No. 7, Folio 21.

Being the property of James
Kerley, et al., as shown on plat plan
filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE,
Zoning Commissioner of
Baltimore County.

1-18-11

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 18 19 62

THIS IS TO CERTIFY, That the annexed advertisement
was published in The COUNTY Paper, Inc., a weekly news-
paper printed and published in Towson, Baltimore County,
Md., once in each of one successive weeks before the
7th day of February 19 62, the first
publication appearing on the 18th day of
January 62.
19

The COUNTY Paper, Inc.

M. F. Kasper
Manager

BL TO B12
 55' WIDE LANE
 4720

DEMI... 12' 5' BUT 42' 10" BL

#5476 RXV

(EX. PAVING)

(EX. PAVING)

EASTERN AVENUE

AREA of PROP. 0.284 AC.
 EXIST'G USE ... RESIDENCE
 PROPOSED - USED CAR LOT
 PRESENT ZONING - BL
 PROPOSED ZONING - DRC
 SPEC. EX. & VAR.
 PARKING SPACES - 25 (6' x 10')
 ZONED BL
 USE VACANT

PRESTO
 AUTO REPAIR

BL
 1 1/2 Sts.
 Fr. Dwy.

ZONED BL
 USE AUTO
 REPAIR

454.24' TO STEMMERS RUN RD

PLANTING STRIP - 4' MIN

Paving
 Macadam

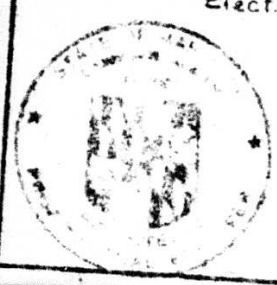
POPE AVE.

#1527 #1529 #1591 #1593 #1595

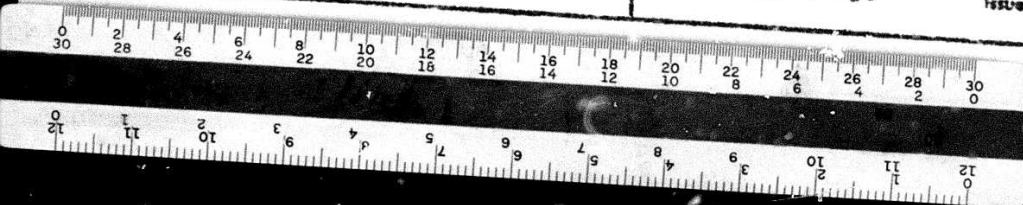
PLAT TO ACCOMPANY PETITION FOR
 RECLASSIFICATION OF ZONING
 Elect. Dist. N°15

Balta. Co. Md.

MAP
 15-B
 BR-XV
 RA



MATZ, CHILDS & ASSOCIATES
 2129 N. CHARLES STREET, BALTIMORE 18, MD.
 Scale: 1" = 50'
 Issued: Nov., 1961



61175