

RE: PETITION FOR SPECIAL EXCEPTION
for a Boat Yard,
North Shore of Bird River east of
Bowman Road - 11th District
George S. Bowman, Jr. -
Petitioner

BEFORE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY
No. 5548-X

OPINION

This is a petition for a special exception for a Marina to be built and operated on property located on the north side of the Bird River in the Eleventh Election District of Baltimore County. The total property owned by the petitioner consists of approximately 5-3/4 acres zoned "R-6", of which approximately three acres would be used for the purpose of the Marina. Adjacent shore property to the west of approximately six acres belongs to an uncle of the petitioner, while the adjacent property to the east is a large tract of land which is to be developed as the Gunpowder State Park.

The petitioner testified that all existing buildings on the subject property would be torn down and one building, approximately 40 feet by 60 feet, would be built. This building would house the sanitary facilities as well as be a service building for the repairs and maintenance of boats. There would be three piers, as shown on petitioner's Exhibit No. 1, which would be used for 110 slips. The middle pier is now partially constructed. Boats in the pleasure class of 14 feet to 35 feet in length would use this Marina.

The petitioner, Mr. George S. Bowman, Jr., has been employed in the boat building business at the Edwards Boat Yard, located in Baltimore County, for nine years and offers a proper background to qualify as a Marina operator. He readily admits that he intends to construct the Marina himself with the help of his family, and that he does not expect to have more than 25 slips in use for the 1963 boating season. He anticipates that it would be three to four years before the entire 110 slips would be in use.

The protesters were all residents of homes on the south side of the Bird River, some 1700 feet away from the north side and the proposed site of this Marina. Some of the approximately eleven protesters were year-around residents while others have summer type cottages. All are longtime residents of this community. Their testimony could be summed up in the fears for water safety and the ultimate change in the character of the neighborhood that could result if this special exception was granted. They visualize the north side of the Bird River being a row of Marinas, commercial

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 27, 1962

FROM: Mr. George E. Garrelis, Deputy Director

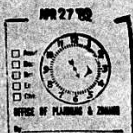
SUBJECT: #5548-X. Special Exception for a Boat Yard, North Shore of Bird River Road 725 feet East of Bowman Road. Being property of George S. Bowman, Jr.

11th District

HEARING: Wednesday, May 9, 1962 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a Boat Yard. It has the following advisory comment to make with respect to pertinent planning factors:

1. The Planning staff is in accord with the concept of use of this property for boat yard purposes, however, it raises questions with respect to the adequacy of access to this property. If granted, the granting should be conditioned upon completion of a 24 foot paved roadway leading into the subject property from Bowman Road and approval finally of a site development plan.



business in a residential area, the presence of which would be detrimental to the value of their properties.

The Board can fully appreciate the feeling of the protesters. Anyone owning water-front property used by their families and friends for recreational purposes are desirous of preventing any intrusion of their particular waterway by anyone, especially a commercial enterprise.

On the other hand, the Board recognizes the need to provide proper facilities for the rapidly expanding boating industry and the needs and requirements of the general public who wish to participate in the sport of boating. The Board has been particularly impressed in this case with certain pertinent facts.

1. The nearest boat yard is some 15 to 16 miles away by water, even farther by land
2. The petitioner, by his experience, is well qualified to operate a Marina
3. Three acres is ample for this type of operation and the absence of living quarters on the property is most desirable
4. The immediate adjoining property owners. On the west the property is owned by the petitioners' family and the property on the east as a State Park would make the subject property unobjectionable for a Marina by its adjacent neighbors.
5. The width of the Bird River at this point, 1700 feet, seems to afford ample protection to the property owners on the opposite side of the river both from noise and water safety
6. The existence of a railroad bridge some two miles away that is not equipped with a draw-bridge limits the size of the boats that could use this Marina
7. Access by highway to the Marina would not be through a residential community and would not cause noise, danger to children or other objectionable factors that are present when a boat yard must be reached by boat trailers and visitors through a residential area

From the above facts it is quite evident that the Board is of the opinion that this special exception should be granted. While any Marina on any waterfront would be annoying to other property owners to some degree, we do not believe that this Marina, located 1700 feet away from the nearest protesters, would have any detrimental effect on the property owners or that it would cause an undue water hazard. Further, the Board feels that the fears of the protesters that this special exception would open the flood gates to many additional Marinas in the immediate area are without foundation. First, special exceptions differ from reclassifications in that the mere granting of one special exception does not in itself change the character of a neighborhood and each special exception must meet the test of Section 502.1 on its own merit. These are far different facts than that which exist where residential property is changed in classification to commercial property. Further, there is little chance that additional Marinas would be built in the immediate area considering that the remaining property on the north side of

IN THE MATTER OF
GEORGE S. BOWMAN, JR.,
Applicant for Special
Exception, Petition #5548

BEFORE
JOHN G. ROSE
THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY

NOTICE OF APPEAL

Mr. Commissioner:

Please enter an appeal to the County Appeal Board from your Order of May 21, 1962, granting a special exception in the above matter.

Claude A. Hanley
Attorney for Protestants
First National Bank Bldg.
Towson 4, Maryland Va. 3-1174

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, George S. Bowman, Jr., 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 Zone in an "X" zone to an "R-6" zone for the following reasons:

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, BOAT YARD

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
Address
Petitioner's Attorney
Address

Legal Owner
Address
Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of May, 1962, 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 be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of May, 1962, at 1:00 o'clock P.M.



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

Note: Mr. Austin did not sit at this hearing.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location, the safety, health and the general welfare of the locality involved are being substantially affected.

A Special Exception for a Boat Yard should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of May, 1962, that the BOAT YARD property be re-classified from Zone in an "X" to "R-6" and that the Special Exception for a Boat Yard should be and the same is granted, from and after the date of this order subject, however, to approval of the site plan by the Office of Planning and the Division of Land Development.

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 15th day of May, 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 Zone in an "X" zone; and/or the Special Exception for Boat Yard be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

It is this 24th day of January, 1965,
by the Zoning Commissioner of Baltimore County, ORDERED that
the Special Exception granted on February 5, 1965 be and the
same is extended until February 4, 1968.

TELEPHONE VALLEY 3-3000		BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON 4, MARYLAND		No. 11672 DATE 6/13/62	
TO: Claude A. Hanley, Esq., First National Bank Bldg., Towson 4, Md.		BILLED BY: Office of Planning & Zoning 119 County Office Bldg., Towson 4, Md.			
DEPOSIT TO ACCOUNT NO. 01-502				TOTAL AMOUNT	
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE			COST	
—	Cost of appeal to County Board of Appeals No. 5516-X			\$70.00	
6-1362 6064 * 11672- TEP--				70.00	
3					
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 3-3000

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

No. 11553
DATE 3/14/62

TO: Mr. George S. Bowersman, Jr.
Bowersman Road
White Marsh, Maryland

BILLED BY: Zoning Department of
Baltimore County

DEBIT TO ACCOUNT NO. 01622

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Petition for Special Exception to your property,

3-1047 1758 * * * III -

TOTAL AMOUNT \$50.00
COST \$0.00

MAIL DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS LILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
IZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 11th # 5548

Posted for George L. Hearn Date of Posting 1-11-63

Petitioner: George L. Hearn, Jr.

Location of property: North Side of Back Ave. East of Havermore

Acres: 1.26

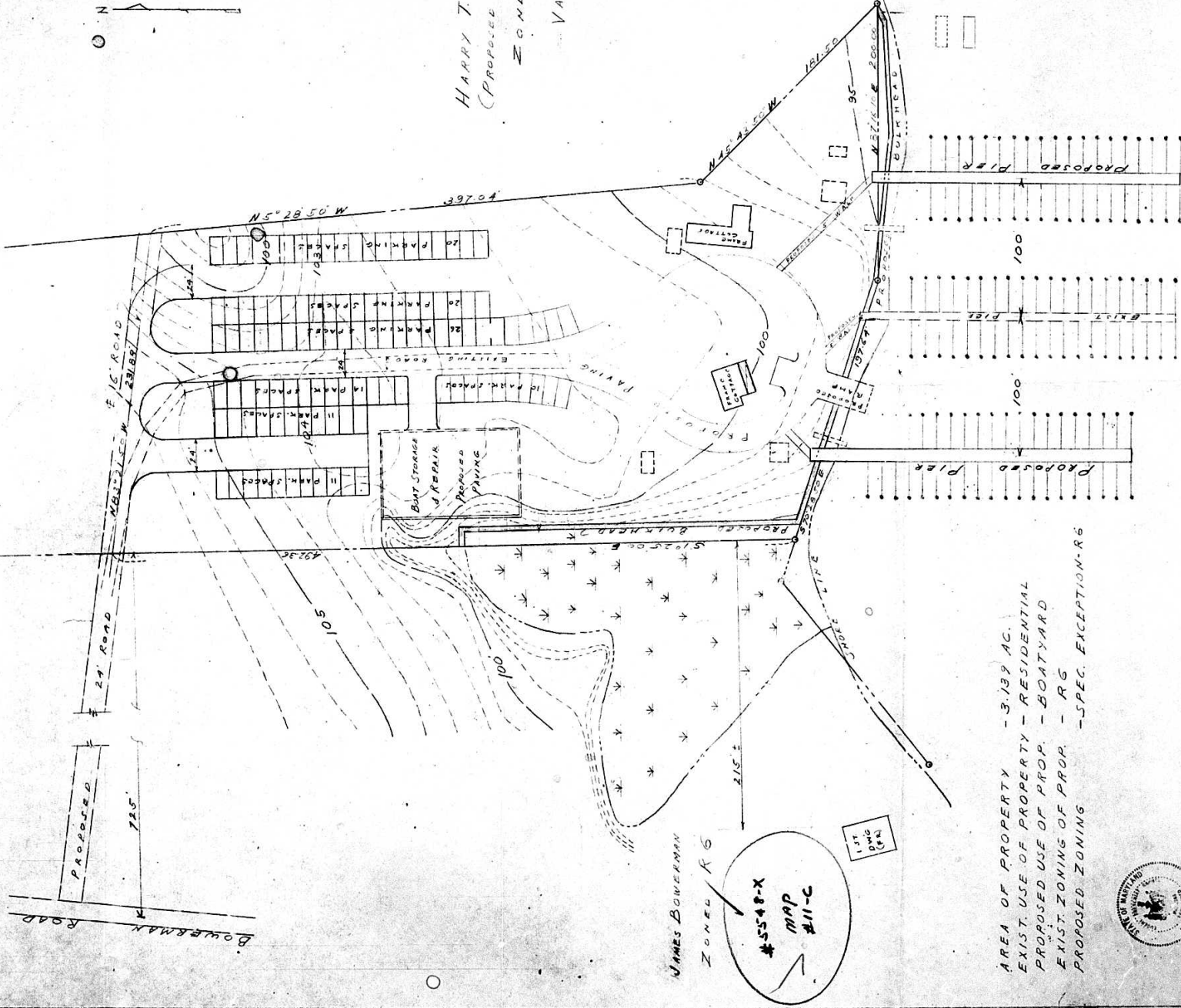
Location of Sign: located on property 75 ft. E. of Havermore Rd. on
24 ft. R/W

Remarks:

Posted by: George L. Hearn, Jr. Date of return: 1-11-63

[illegible]

GEORGE BOWERMAN
ZONED R-6
VACANT



AREA OF PROPERTY - 3.139 AC.
EXIST. USE OF PROPERTY - RESIDENTIAL
PROPOSED USE OF PROP. - BOATYARD
EXIST. ZONING OF PROP. - R6
PROPOSED ZONING - SPEC. EXCEPTION-R6



MULLER, RAPHAEL & ASSOCIATES, INC.
REG. ENGINEERS & SURVEYORS
201 COURTLAND AVE.
TOWSON 4, MARYLAND

B I R D R I V E R

PLAT TO ACCOMPANY ZONING PETITION
11TH ELECT. DIST. - BALTO CO. MD
PROPERTY OF GEORGE BOWERMAN
SCALE 1"=40' MARCH 6, 1962