

RE: PETITION FOR SPECIAL EXCEPTION
for Service Garage
N/S Wise Avenue, 124.93' east of
Evergreen Drive
12th District
Max Caplan, et al
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5696-X

OPINION

The petitioner seeks a special exception for a Service Garage on the north side of Wise Avenue, 124.93' east of Evergreen Drive in the Twelfth Election District of Baltimore County.

The property in question is the middle of a group of three business establishments fronting on Wise Avenue in what could be called a shopping area for the local community. The property is contiguous in the rear to residential properties fronting on Orchard Drive which, according to photographs introduced at the hearing in this case, appear to be nicely kept properties.

The Board is of the unanimous opinion that to permit an operation of this nature at this location with the facilities now at hand, would certainly be detrimental to the health, safety and general welfare of the subject community. A service garage necessarily entails noise, dirt and debris which is not harmonious to a local shopping area, and certainly would not benefit the nature of the businesses which are now carried on in the surrounding properties. Conversely, in the opinion of this Board, it would have quite a detrimental effect on the adjacent residential properties.

Therefore, it is the finding of this Board that the said petition violates Section 502.1 of the Baltimore County Zoning Regulations and it is hereby denied by this Board.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13 day of June, 1963 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 1103, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

W. Mitchell Austin
ACTING CHAIRMAN

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

LAW OFFICES
F. Bayard Williams
111 WEST CHESAPEAKE AVENUE
TOWSON 4, MARYLAND



Mr. John G. Rose
Zoning Commissioner
of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Exception
for Service Garage - North side
Wise Avenue 124.93 feet East of
Evergreen Drive, 12th Dist.
Max Caplan, Minnie Caplan, Jerome
Caplan and Elayne Caplan, Petition-
ers - No. 5696-X

Dear Mr. Rose:

At the instruction of my clients, Max Caplan, Minnie Caplan, Jerome Caplan and Elayne Caplan, the Petitioners in the above-mentioned proceeding, I herewith enter an appeal on their behalf from your Order of November 21, 1962, in the above-mentioned proceeding to the Appeal Board of Baltimore County.

Enclosed you will find check payable to Baltimore County, Maryland, dated November 23, 1962, in the amount of \$70.00 for the costs of the appeal.

I shall appreciate your acknowledging receipt of this appeal and the check for \$70.00.

Very truly yours,
F. Bayard Williams, Jr.
F. BAYARD WILLIAMS, JR.

THW:cjb

Enclosure

Beginning for the same on the north side of Wise Avenue as now widened at the distance of 124.93 feet measured easterly from the east side of Evergreen Drive said point of beginning being at the division line between lots 26 and 27 as shown on the plat of Rosewell Beach said plat being recorded among the land records of Balto. Co. in Plat Book 10 folio 88 and thence running and binding on the north side of Wise Avenue South 72 degrees 15 minutes East 66.50 feet thence running for a new line of division North 17 degrees 54 minutes East 120.11 feet thence running parallel with Wise Avenue North 72 degrees 15 minutes West 71 feet to the division line between lots 26 and 27 above referred to and thence running and binding on said division line North 17 degrees 54 minutes East 120.11 feet to the place of beginning.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Max Caplan and Minnie Caplan, his wife, and Jerome Caplan
Max Caplan and Elayne Caplan, 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 the Zoning Commission of Baltimore County for a Special Exception to the Zoning Law of Baltimore County, from the Zoning Regulations of Baltimore County, to use the herein described property, for a Service Garage.

See Attached Description

For a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a Service Garage.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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.

Legal Owner: Max Caplan, Minnie Caplan, Jerome Caplan, Elayne Caplan
Contract purchaser: Max Caplan, Elayne Caplan
Address: T. Bayard Williams, Jr., 6732 Holabird Avenue #22, Petitioner's Attorney
David Bates, Protestor's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of November, 1962, at 11:00 o'clock A.M.



701
Mrs. Bayard Williams
6732 Holabird Avenue
Baltimore 22, Md.

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

To: T. Bayard Williams, Jr., Esq.,
6732 Holabird Avenue
Baltimore 22, Md.

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 014622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal to Board of Appeals	\$70.00
1	No. 5696-X	0.00
		70.00

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.

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 above 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 location, the safety, health and the general welfare of the locality involved not being detrimentally affected,

the above reclassification should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of September, 1962, that the above reclassification be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD.

THIS IS TO CERTIFY, that the annexed advertisement of
Max Caplan
was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for successive weeks before the
30 day of October 1962; that is to say, the same was inserted in the issues of
10-31-62

Stromberg Publications, Inc.
Publisher.

By: Betty Davis

PETITION FOR A ZONING SPECIAL EXCEPTION

12th District
ZONING: Petition for Special Exception for a Service Garage
LOCATION: North side of Wise Avenue 124.93 feet East of Evergreen Drive
DATE: NOVEMBER 21, 1962 at 11:00 A.M.
PUBLIC HEARING: Room 106, 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 north side of Wise Avenue as now widened at the distance of 124.93 feet measured easterly from the east side of Evergreen Drive said point of beginning being at the division line between lots 26 and 27 as shown on the plat of Rosewell Beach said plat being recorded among the land records of Balto. Co. in Plat Book 10 folio 88 and thence running and binding on the north side of Wise Avenue South 72 degrees 15 minutes East 66.50 feet thence running for a new line of division North 17 degrees 54 minutes East 120.11 feet thence running parallel with Wise Avenue North 72 degrees 15 minutes West 71 feet to the division line between lots 26 and 27 above referred to and thence running and binding on said division line North 17 degrees 54 minutes East 120.11 feet to the place of beginning.

Being the property of Max Caplan, as shown on plat filed with the Zoning Department.

JOHN G. ROSE
ZONING
COMMISSIONER OF
BALTIMORE COUNTY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#5896

District: 12th Date of Posting: 10-31-62
 Posted for: Special Exception for Service Garage
 Petitioner: MAA Caplan, et al.
 Location of property: 115 ft. West side of Wisc Ave. 124 ft. East of Evergreen Drive
 Location of Sign: North side of Wisc Ave. 15 ft. East of Evergreen Drive
 Remarks: George R. Johnson
 Date of return: 11/1/62

PETITION FOR A ZONING SPECIAL EXCEPTION
12th District
ZONING: Petition for Special Exception for a Service Garage
LOCATION: North side of Wisc Avenue 124 ft. East of Evergreen Drive
DATE & TIME: WEDNESDAY, NOVEMBER 21, 1962 at 11:00 A.M.
PUBLIC HEARING: Room 301, 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 north side of Wisc Avenue as now widened at the distance of 124 ft. from the east side of Evergreen Drive said point of beginning being at the division line between lots 26 and 27 as shown on the plat of Record Book and that being recorded among the land records of Baltimore County, Book 10 folio 88 and thence running and bounding on the north side of Wisc Avenue South 72 degrees 15 minutes East 64 ft. 50 inches then running parallel with Wisc Avenue North 72 degrees 15 minutes West 71 feet to the division line between lots 26 and 27 above referred to and thence running and bounding on said division line South 12 degrees 26 minutes West 120 ft. to the place of beginning.

Being the property of Max Caplan, as shown on plat plan filed with the Zoning Department.
JOHN G. ROSE
ZONING COMMISSIONER
BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD. 11-30 1962

THIS IS TO CERTIFY, that the annexed advertisement was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 30 day of October 1962; that is to say, the same was inserted in the issues of 10-31-62

Stromberg Publications, Inc.

Publisher.

By Betty Price

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JOHN G. ROSE
ZONING COMMISSIONER
BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1st Nov. 1962.
 THIS IS TO CERTIFY, That the annexed advertisement was published in THE COUNTY NEWS WEEK, a weekly newspaper printed and published in Towson, Baltimore County, Md, once in each of one successive weeks before the 21st day of November 1962, the first publication appearing on the 1st day of Nov. 1962.

THE COUNTY NEWS WEEK

W. J. Hays
Editor

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#56967

District: 12th Date of Posting: 5/8/63
 Posted for: HEARING THURSDAY MAY 23-63
 Petitioner: MAA Caplan, et al.
 Location of property: Wisc Ave. 124 ft. East of Evergreen Dr.
 Location of Sign: Wisc Ave. 124 ft. East of Evergreen Dr.
 Remarks: Robert Johnson
 Date of return: 5/1/63

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

TO: Jerry Caplan
237 Linden Ave.
Balto. 17, Md.

DATE: 5/21/62

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
1	Petition for special Exception for your property on Wisc Ave.	50.00
		50.00

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.

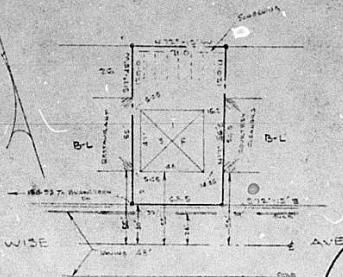
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JOHN G. ROSE
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THE COUNTY NEWS WEEK

W. J. Hays
Editor



LOTS 27 & 28 - PART OF LOT 25
 DOTT WARD BEACH
 1974 District of Baltimore County, Maryland
 Scale: 1"=500'

EXISTING USE: GARAGE
 PROPOSED USE: GARAGE
 PRESENT ZONING: B-L
 PROPOSED ZONING: B-L
 AREA: 9,370 Sq. Ft.

#5896-X

MAP
 #12
 SEC. 4A



William M. Lee
 CIVIL ENGINEER

