

H/S-157-47

ALBERT J. WICHERT and ISABELLA M. WICHERT, his wife
1314 Shore Road
Baltimore County, Maryland

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Appellants

vs. WILLIAM S. BALDWIN and W. GILES PARKER
constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

At LAW

Misc. Docket No. 7

Case No. 398

Defendants

File No. 3046

TO THE HONORABLE, THE JUDGE OF SAID COURT

And now come William S. Baldwin and W. Giles Parker, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

- ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY
- No. 64-56-SPH
- Jan. 29, 1964 Petition of Joseph A. Blazek and Wilma M. Blazek for a Special hearing to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to store and sell gasoline for marine purposes, west side of Shore Road 200 feet south of Elm Drive, 15th District - filed
 - Feb. 24 Certificate of Publication in newspaper - "
 - " 20 Certificate of Posting of property - "
 - Mar. 3 At 10:00 a.m. hearing held on petition by Zoning Commissioner
 - " " Order of Zoning Commissioner granting application for building permit
 - " 26 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
 - June 9 Hearing on appeal before County Board of Appeals - case held sub curia
 - " 11 Order of County Board of Appeals that the Order of the Board dated January 8, 1958 be modified so as to permit underground storage and sale of boat fuel, and maintenance of fueling facilities in conjunction with the use of the property subject to the aforementioned restriction
 - July 13 Order for Appeal filed in the Circuit Court for Baltimore County
 - " 15 Certificate of Notice sent to all interested parties

APPEALS FILED IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

H/S-157-47

JOSEPH A. BLAZEK - #64-56-51
Judge Barrett affirmed this sound 11/10/64

EDWARD B. HYCZYNSKI
ATTORNEY AT LAW
1601 COURT SQUARE BUILDING
BALTIMORE 2, MARYLAND

MILWAUKEE 8-BROS
APRIL 29, 1964

County Board of Appeals
Baltimore County Court House
Towson 4, Maryland

Defendants

I hereby enter my appearance on behalf of the Protestants in the matter of Appeal No. 64-56-SPH, Joseph A. Blazek, 15th District.

At the same time, will you kindly postpone this matter for at least 30 days to give me an opportunity to prepare my case and to clear other matters which I now have on the docket for May 7, 1964 and succeeding Thursdays thereafter until well into June of this year.

On May 7, 1964, I will appear before His Honor Judge Cardin in the matter of Jessamyn W. Greenman on a mandate recently issued by the Court of Appeals of Maryland.

It is my understanding that this petition involves the installation of gasoline pumps which will require testimony from various experts in the fields of gasoline and the effect on adjoining residential uses and values. As you can see, my hands will be full in getting this case prepared for a proper hearing.

Your consideration in postponing this case for at least 30 days and possibly more, will be greatly appreciated and, I am sure, will result in the proper administration of justice for all sides.

Very truly yours,
Edward B. Hyczynski

whf/ep

Aug. 5, 1964 Transcript of Testimony filed

Petitioners' Exhibit No. 1 - Mr. Gavelle's comment of 2/17/64

" " 2 - Opinion of Board 1/8/58 - Case No. 4019-X

" " 3 - Plat of proposed installation

" 7 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce a-y and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

(s) Edith T. Eisenhart

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County

ALBERT J. WICHERT and ISABELLA M. WICHERT, his wife
1314 Shore Road
Baltimore County, Maryland

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Appellants

vs. COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
County Office Building
Towson, Maryland 21204

and

JOSEPH A. BLAZEK and WILMA M. BLAZEK, his wife
1314 Shore Road
Baltimore County, Maryland

Defendants

MR. CLERK:

Please enter an appeal from the decision of the County Board of Appeals of Baltimore County dated June 11, 1964, which decision was passed in the matter of Appeal No. 64-56-SPH relating to property No. 1312 Shore Road in Baltimore County, and the Marine Operations conducted on the premises.

Kindly set the Appeal down for hearing and direct the summons to the Defendant, County Board of Appeals of Baltimore County, instructing said Defendant to forward all original and certified copies of original papers acted upon by said County Board of Appeals of Baltimore County, as well as copies of plats and exhibits and also a certified copy of the Minutes of the decision of said Board involving Appeal No. 64-56-SPH.

Edward B. Hyczynski
1601 Court Square Building
Baltimore, Maryland 21202
MILWAUKEE 8-5095

Filed 7-13-64 3:40 P.M. By mail

I HEREBY CERTIFY that a copy of the foregoing was mailed this 10th day of July, 1964, to the County Solicitor, County Office Building, Towson, Maryland 21204; to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204; and to Bernard J. Sewel, Esq., 712 Garrett Building, Baltimore, Maryland 21202, Attorney for the Owners.

Edward B. Hyczynski

RE: PETITION FOR SPECIAL HEARING to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to store and sell gasoline for marine purposes, W/S of Shore Road, 200 south of Elm Drive, 15th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Joseph A. Blazek, Petitioner

No. 64-56-SPH

OPINION

This is an appeal from a Special Hearing by the Zoning Commissioner to determine whether or not the Zoning Commissioner should approve application for a building permit to permit the storage and sale of gasoline for marine purposes on the subject property. The Zoning Commissioner had such a hearing and by his Order dated March 3, 1964 granted the petitioner the right to apply for a building permit to store and sell gasoline as requested.

By Order of the Board of Appeals dated January 8, 1958, Case No. 4019-X, the previous owners of the property were granted a special exception to use the property as a boat yard. In granting the special exception the Board imposed certain restrictions; paragraph three of the restrictions states:

" . . . The handling of supplies, excluding gasoline, is permitted, provided all activity involving use of such supplies shall be housed in a building constructed, if desirable,"

The petitioner in this case wishes to have this restriction lifted so that he can store and sell gasoline on the subject property in connection with his boat yard.

The petitioner here, Joseph A. Blazek, testified that he has had numerous requests for gasoline sales; that all of the other boat yard owners in the area sell gasoline; that he would lose his customers because he is unable to sell gas.

There was ample testimony by the petitioners' witnesses that there would not be any violation of Section 502.1 of the Zoning Regulations, including testimony as to Section 502.1 (a) and (c) from the petitioner.

Further testimony from Mr. Robert Strausburg was that it would not have any

effect upon traffic conditions, and that it would generally be a benefit rather than a detriment to the community.

The Board was particularly impressed by the testimony of Mr. Edwin J. Schamel, who lives approximately 100 feet from the pier in question, and who testified that the gas pumps would not hurt his property and that he had no objection to the Blazek's storage and sale of gasoline.

Mr. Wichert, a next door neighbor south of the subject property, testified that he did object as he felt the spillage of gas might contaminate the water. However, there was no showing by anyone that more or less gasoline would be spilled by using storage and pump facilities rather than filling the boat tanks by cans. He also stated that there is no gasoline odor emanated by gas pumps. He proposed the only testimony regarding any possible traffic congestion in that he felt that Shore Road is now congested and that large tank trucks would not be able to maneuver sufficiently on it. However, from all of the testimony produced it is apparent that the boat yard would not take gas delivery more than once a week and in all probability not more than once a month. Therefore, the Board is not persuaded that this would create any congestion in the roads or streets in violation of Section 502.1, subsection b.

It is also persuasive to the Board that in light of the present Zoning Regulations as embodied in County Council Bill No. 64 dated August 12, 1963 wherein the storage and sale of gasoline at boat yards is a permitted use, that the Order of the Board of Appeals dated January 8, 1958 should be modified so as to permit underground storage and sale of boat fuel, and maintenance of fueling facilities in conjunction with the use of the property subject, of course, to the regulations of the various departments of the County concerned with issuing permits.

For the reasons stated above the Order of the Zoning Commissioner dated March 3, 1964 is affirmed by the County Board of Appeals.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of June, 1964 by the County Board of Appeals, ORDERED that the Order of the Board of Appeals dated January 8, 1958 be modified so as to permit underground storage and sale of boat fuel, and maintenance of fueling facilities in conjunction with the use of the property subject to the aforementioned restriction.

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

ACTING CHAIRMAN
W. Giles Parker

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



Mr. Albert J. Wickert
1314 Shore Road
Baltimore 20, Maryland
March 20th., 1964

Mr. John G. Rose
Zoning Commissioner
111 W. Chesapeake Avenue
Towson 4, Maryland

Dear Mr. Rose:

In reference to the above I herewith make known that I file an appeal as to the decision made March 17th. by you as Zoning Commissioner.

Enclosed find check in the amount of \$40.00 of which \$5.00 to cover cost of appeal and \$5.00 for posting property for the appeal hearing.

Very truly yours,
Albert J. Wickert

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 17, 1964

FROM: Mr. George E. Sewell, Deputy Director

SUBJECT: #64-56-SPH. Special Hearing to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to store and sell gasoline for marine purposes. West side of Shore Road 200 feet South of Elm Drive. Being property of Joseph A. and Wilma M. Blazek.

15th District
HEARING: Tuesday, March 3, 1964 10:00 A.M.)

The Planning staff will offer no comment on the subject petition.

RE: PETITION FOR A SPECIAL HEARING
For approval of Application
for Building Permit - W.S.
Shore Road 200' S. Elm Drive,
15th Dist., Jos. A. Blazek and
Wilma M. Blazek, Petitioners

BEFORE:
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 64-56-SPH

Pursuant to the advertisement, posting of property and public hearing on the above petition for a special hearing to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to permit the storage and sale of gasoline for marine purposes on the west side of Shore Road, 200 feet south of Elm Drive, in the Fifteenth District of Baltimore County, as the petitioners have met the requirements of Section 502.1 of the Baltimore County Zoning Regulations, the application for the building permit to store and sell gasoline is hereby approved.

Joseph A. Blazek
Petitioner

Date: *March 3, 1964*

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

No. 23229
DATE 3/30/64

TO: Mr. Albert J. Wickert,
1314 Shore Road,
Baltimore 20, Md.

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

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.622			
		Cost of appeal - Joe. A. Blazek - \$35.00	
		No. 64-56-SPH posting 5.00	\$40.00
		4-764 1893 • 23229* TYP--	4.000

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. 24734
DATE 4/7/64

TO: Edward R. Rybczynski, Esq.,
1601 Court Square Building
Baltimore, Maryland 21202

BILLED BY: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.712			
		Cost of Certified Documents - No. 64-64-SPH Joseph A. Blazek, et al W/S of Shore Road, 200' S. of Elm Drive 15th District \$8.00	\$8.00
		8-764 0236 • 24734 TYP--	8.000

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 A SPECIAL HEARING

In the Matter of : ELICIA T E
Petition of : ZONING COMMISSIONER
JOSEPH A. BLAZEK : OF BALTIMORE COUNTY
AND :
WILMA M. BLAZEK :
For a Special Hearing
To the Zoning Commissioner of Baltimore County

JOSEPH A. BLAZEK AND WILMA M. BLAZEK
Petitioners

hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to store and sell gasoline for marine purposes.

Location of property: 1312 Shore Road Baltimore 20, Maryland Being in the 15th District of Baltimore County and located on the West side of Shore Road 200 feet South of Elm Drive.



Joseph A. Blazek
Petitioner

Wilma M. Blazek
Petitioner

Address: 1312 Shore Road Balto. 20, Md.

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

No. 21637
DATE 3/3/64

TO: Shesbury Youth Center, Inc.,
1312 Shore Road,
Baltimore 20, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.622			
		Advertising and posting of property \$3.20	\$3.20
		3-364 037 • 21637* TYP--	3.200
		3-364 037 • 21637* TYP--	3.200

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. 21574
DATE 3/2/64

TO: Messrs. Sewell & Goldstein
712 Garrett Building
Baltimore 2, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
01.622			
		Petition for Special Hearing for Joseph A. Blazek 25.00	25.00
		1-2704 0100 • 21574* TYP--	25.000

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 A SPECIAL HEARING

In the Matter of : ELICIA T E
Petition of : ZONING COMMISSIONER
JOSEPH A. BLAZEK : OF BALTIMORE COUNTY
AND :
WILMA M. BLAZEK :
For a Special Hearing
To the Zoning Commissioner of Baltimore County

JOSEPH A. BLAZEK AND WILMA M. BLAZEK
Petitioners

hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to store and sell gasoline for marine purposes.

Location of property: 1312 Shore Road Baltimore 20, Maryland Being in the 15th District of Baltimore County and located on the West side of Shore Road 200 feet South of Elm Drive.



Joseph A. Blazek
Petitioner

Wilma M. Blazek
Petitioner

Address: 1312 Shore Road Balto. 20, Md.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Hearing for Joseph A. Blazek

Your petition has been received and accepted for filing this 29th day of January, 1964.

John G. Rose
Zoning Commissioner

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1964

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on: Tuesday, February 11, 1964; Wednesday, February 12, 1964; Thursday, February 13, 1964; Friday, February 14, 1964; Saturday, February 15, 1964; Sunday, February 16, 1964; Monday, February 17, 1964; Tuesday, February 18, 1964; Wednesday, February 19, 1964; Thursday, February 20, 1964; Friday, February 21, 1964; Saturday, February 22, 1964; Sunday, February 23, 1964; Monday, February 24, 1964; Tuesday, February 25, 1964; Wednesday, February 26, 1964; Thursday, February 27, 1964; Friday, February 28, 1964.

THE JEFFERSONIAN
Search [Signature]
Manager

Cost of Advertisement, \$.....

64-56-SPH.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 2/15/64
Posted for: HEARING TUES MARCH 4-64 AT 10:00 AM.
Petitioner: Joseph Blazek
Location of property: 1/2 Shore Rd 200'S OF ELM DRIVE
Location of Signs: APP. 10' FROM DRIVEWAY TO BOAT YD.
AND APP 15' FROM SHORE RD AND APP 10' FROM T.V.
Remarks: Signic Box
Posted by Robert Lee Bull Date of return: 2/16/64
Signature

PETITION FOR A SPECIAL HEARING
15th DISTRICT
ZONING: Petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the Zoning Commissioner of Baltimore County should approve an application for a building permit to Store and Sell gasoline for Marine Purposes.
LOCATION: West side of Shore Road 200 feet South of Elm Drive
DATE AND TIME: TUESDAY, MARCH 3, 1964 at 10:00 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 Fifteenth District of Baltimore County being located on the west side of Shore Road 200 feet south of Elm Drive (known as 1312 Shore Road, Baltimore 20, Maryland). Being the property of Joseph A. Blazek and Wilma M. Blazek, as shown on plat plan filed with the Zoning Department.
BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD., Feb. 24 1964

THIS IS TO CERTIFY, that the annexed advertisement of Joseph A. Blazek was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 1 successive weeks before the 11 day of Feb 1964; that is to say, the same was inserted in the issues of

2-12-64

Stromberg Publications, Inc.

Publisher.

By Betty Paris

Appeal

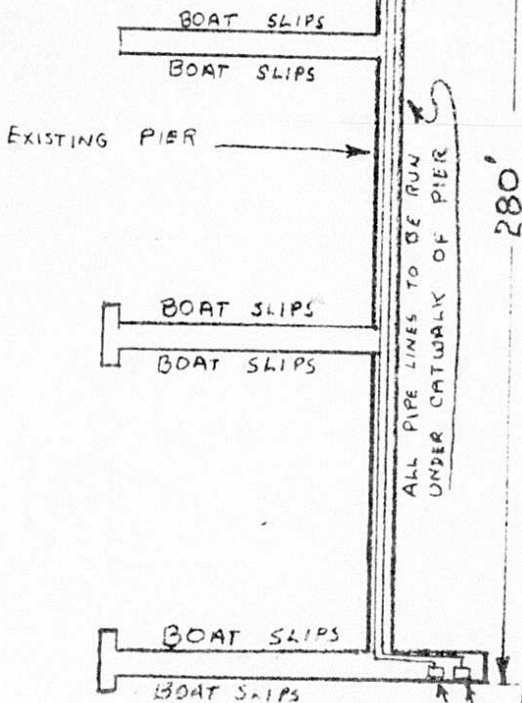
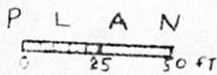
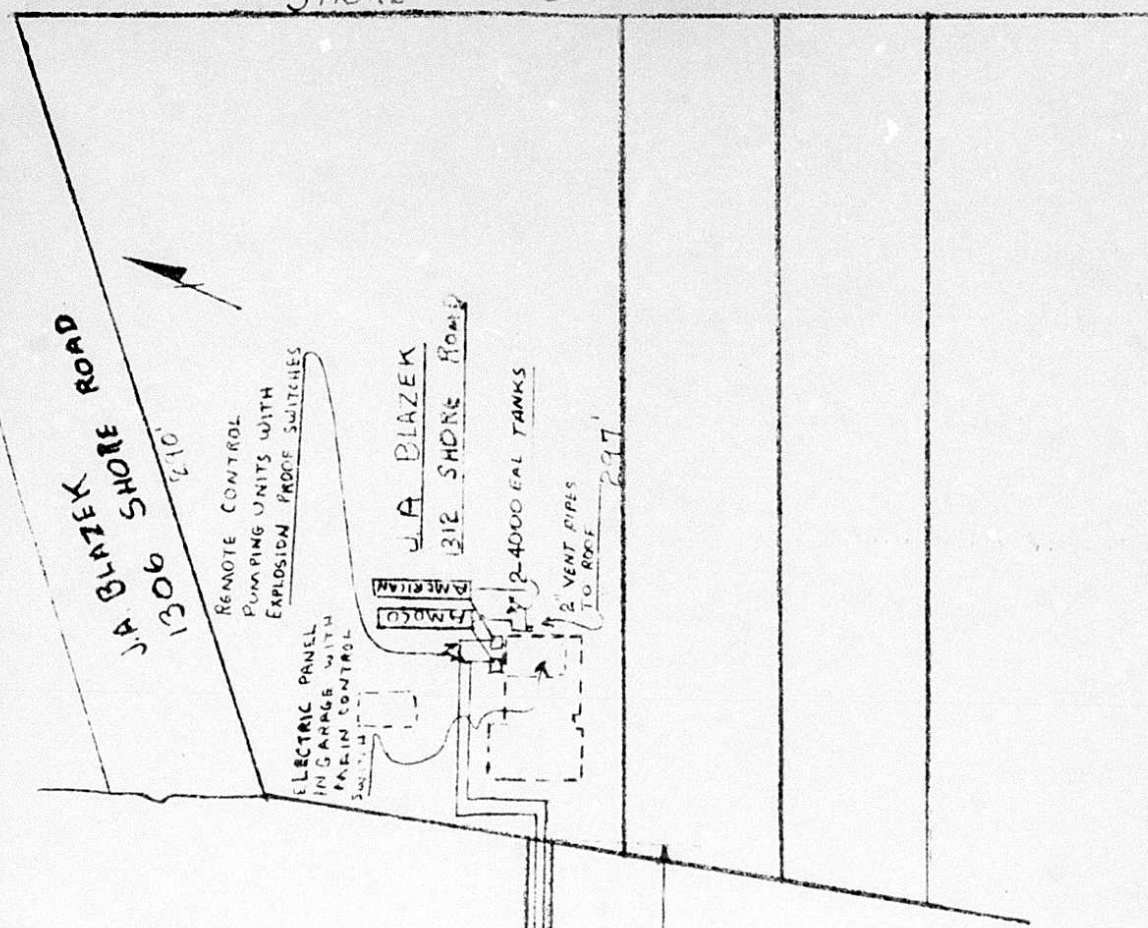
64-56-Sph

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 2/13/64
Posted for: _____
Petitioner: Joseph A. Blazek
Location of property: 1/2 OF SHORE RD. 200 S OF ELM DRIVE
Location of Signs: APP. 10' FROM DRIVEWAY TO BOAT YD.
AND CROSS FROM SHORE RD. AND APP 10' FROM T.V. BOAT.
Remarks: _____
Posted by Robert Lee Bull Date of return: 2/13/64
Signature

1-Sign

SHORE ROAD

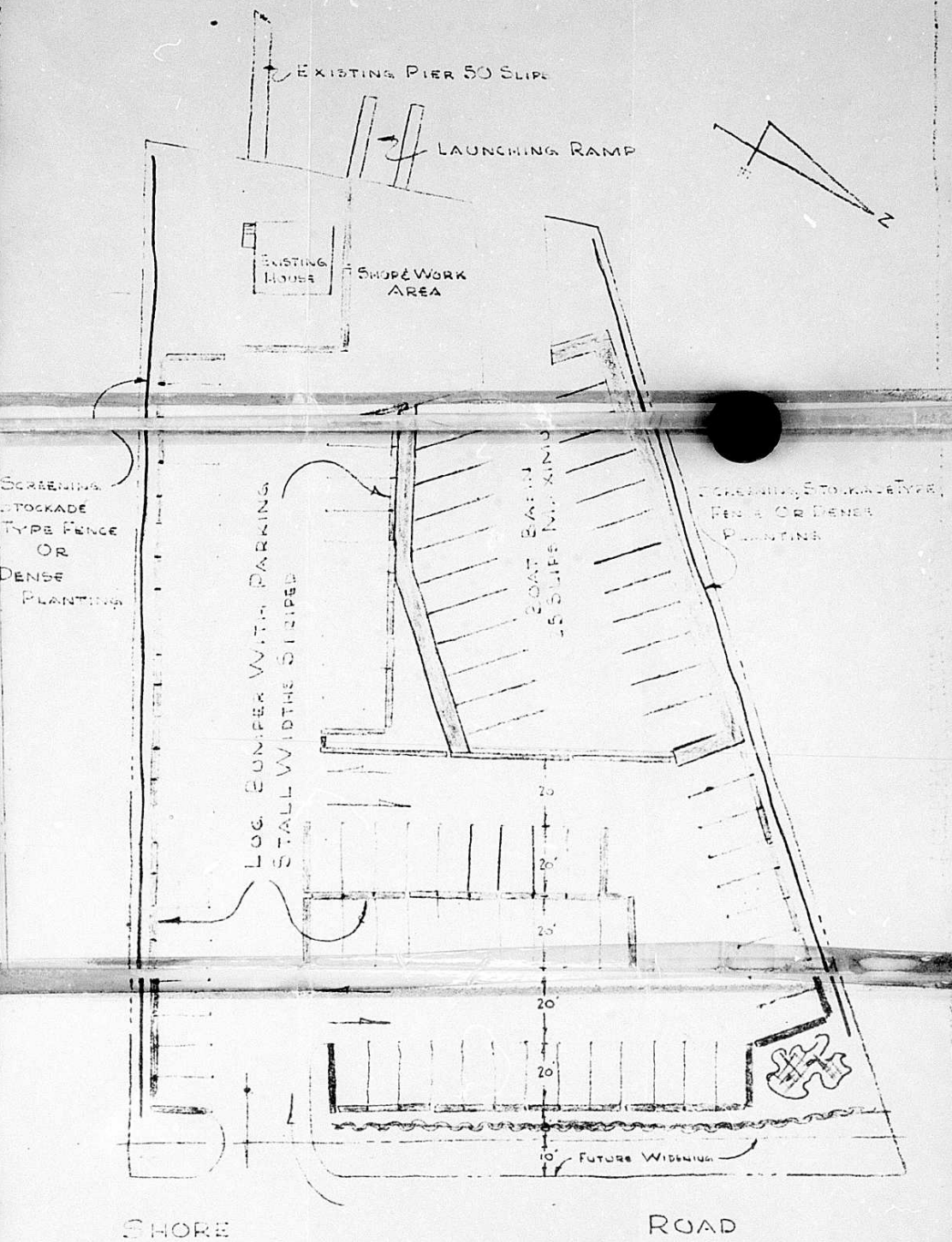


PROPOSED

INSTALLATION OF GASOLINE PUMPS
ON EXISTING PIER IN BOAT YARD
FOR WHICH WAS GRANTED A SPECIAL
EXCEPTION NUMBER 4019X
IN DARK CREEK AT MIDDLE
RIVER, BALTIMORE COUNTY, MARYLAND
APPLICATION BY J. A. BLAZEK
1312 SHORE ROAD, BALTIMORE 20

H.I. TEST DISPENSER
REGULAR GASOLINE DISPENSER

"MIDDLE RIVER"
JUNCTION ON DARKHEAD CREEK



STANSBURY YACHT BASIN INC.
SUGGESTED LAYOUT

DATA
NO. OF BOAT SLIPS - 75 MAX
NO. OF PARKING SPACES - 75

NOV. 25, 1957
REV. JAN. 8, 1958
SCALE 1" = 20'
PREPARED BY: OFF. OF PLANNING