Ben W. Levy CIRCUIT COURT 433 Tower Building Baltimore 2, , Maryland Petitioners BALTIMORE COUNTY Appeal from the Board of Appeals of Baltimor Case No. 65-266-X BALTIMORE COUNTY and BOARD OF ZONING APPEALS

> ORDER FOR APPEAL

Mr. Clerk:

BALTIMORE COUNTY County Court House Towson 4, Maryland

Please enter an Appeal to the Circuit Court of Baltimore County on behalf of Petitioners from the order by the Board of Zoning Appeals for Baltimore County in Case No. 65-266-X dated February 9, 1966

Sheldon H. Braiterman 433 Tower Building Baltimore 2, Maryland SA 7-8020 Attorney for Petitioners

I certify that on this 4th day of March:, 1966, a copy of the ORDER FOR APPEAL was mailed to the Board of Zoning Appeals for Baltimore County, County Maryland.

Attorney for Petitioners

Copies mailed Edward W. Smith, Esq. County Solicito

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

10 THE ZUNNING COMMISSIONER OF BALTIMORE COUNTY

Low wa. #Boldon. Rt. Boldormon..htgi owner.. of the property situate in Baltimore

map

County and which in described in the description and plat stacked breto and made a part hereo. TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY hereby petition (IF that the coming status of the harder described property to re-classified; put COCCOSCOMMENCOCOCCOCCOCOCO Too the fellowing resent

2/8/65

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H. BRAITERMAN, et al #65-221
pass Rd. 210' S of Chandelle

HC5. 226 K

mip

15-B

" 4

2/8/65

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulat County, to use the herein described property, for. GREATO, GREYLES.

Property is to be posted and advertised as prescribed by Zoning Regulations rroperty is to be possed and advertised as prescribed by zoning negliations.

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.

County.

County. Mode A. Doglow

Contract purchas Deltimore 2. Md.

mmissioner of Baltimore County

Ben W. Legal Owner

19th day isioner of Baltimore County, this. OPDERED By The Zoning Co . 196. . 5 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning onli Danuffiore County, that property of possed, and that the proper fielding in Towson, Baltimore County in Room 105, County Office Building in Towson, Baltimore day of February 1965 at 19100 o'clock County, on the 25th JUN 1 9 85 5W

> TZ, CHILDS & ASSOCIATES. DESCRIPTION

PART OF PARCEL NO. 4, SECTION ONE, PLAT J,

VICTORY VILLA, FIFTEENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Present Zoning: "BL"
Proposed Zoning: "BL with Special Exception"
Garage-Service

Beginning for the same at a point on the outline of Parcel No. 4 as shown on a plat entitled: "Victory Villa, Section 1, Plat J" and recorded among the Land Records of Baltimore County in Plat Book G. L. B. 22, page 108, said point of beginning being S. 60"54'24" E., 350.27 feet from a point on the east side of Compass Road, as shown on said plat, said last mentioned point being distant 210.38 feet as measured southwesterly along said east side of Compass Road from its intersection with the southwest side of Chandelle Road, as shown on said plat, and (1) S. 60°54'24" E., 40 feet, more or less, (2) N. 29°05'36" E., 156 feet, more or less, and (3) S. 71°59'34" E., 204 feet, more or less, to a point on the easternmost outline of said Parcel No. 4, thence binding on the outline of said Parcel No 4 the three following courses and distances: (1) S. 11*14'33" W., 376 feet, more or less, (2) N. 64*59'00" W., 341.55 feet and (3) N. 15*01'00" W., 186 feet, to

GAV/ife

8/31/64 J.O. 64111 RE: PETITION FOR SPECIAL EXCEPTION . for a Service Garage E/S Compass Road 210' South of Chandelle Road. Chandelle 15th Distr

BEFORE COUNTY BOARD OF APPEALS

OPINION

piece of land on the east side of Compass Road south of Chandelle Road in the Fifteenth District of Baltimore County, the land previously having been owned by an agency of the ernment from whom it was purchased by its present owners. The presen we for a number of years leased a portion of this property to a Mr. James Kerley who has actually been operating a Service Garage on the premises as well as subleasing part of his tenancy to others for various purposes but not for a time long enough to establish ing use; the map having been adopted in 1945; the present owners having acquired the property at a later date; and Kerley's operation running back for approxi-

premises made a harboring place for rats.

The location of the building in which Kerley's operations are conducted is

MARILYN BRAITERMAN SHELDON H. BEAITERMAN BEN W. LEVY 433 Tower Building Balticore 2. Maryland

BALTIMORE COUNTY and

BALT IMORE COUNTY

affirmed.

Approved as to form and order.

Sheldon H. Bralteman,

BALTIMORE COUNTY No. 65-226-X

This is an application for a special exception for a Service Garage on a

Many residents of the neighborhood have been complaining about the m in which the garage has been operated in the past which gave rise to a zoning violation case after inspection by various agencies of Baltimore County some of whom testified before the Board in this case to the effect that Kerley had been operating what was almost an "open dump"; that there are no toilet facilities in the building; there have been numerous violations of the electrical code constituting fire hazords; and that there is only one water spigot available for the entire area. The Health Department inspector reported that the actually constituted a nuisance from a health standpoint in that there are no garbage cans; obnaxious materials are stored on the premises; and trash dumped on the

behind an existing building used for a library and medical center, and the only road enter-

CIRCUIT COURT

This cause having come on for hearing on Appeal

from the County Board of Appeals of Baltimore County,

Argument of Counsel heard, proceedings duly read and considered: WHEREUPON, it is this 23 May of June.

1966, by the Circuit Court for Baltimore County, ADJUDGED,

ORDERED and DECREED that the Order of the County Board of

Appeals of Baltimore County, dated February 9, 1966, be

OF BALTIMORE COUNTY

Appeal from the Board of

Zoning Appeals of Baltimore County Case No. 65-266-X

BALTIMORE COUNTY OFFICE OF PLANKING AND ZONING COUNTY OFFICE BUILDING

-2-

ing the subject property goes right past this library building and constitutes the only access

to the subject property from Compass Road. Mr. Kerley testified that if the special excep

commendable for its frankness, does not impel the Board to grant the special exception

neighborhood) the Board has no hesitation whatever in saying that it finds, as a fact, that

mental to the health, safety and general welfare of the locality, would tend to create

ould be completely unsatisfactory in this particular area. In other words, the petitions

has failed to meet his burden of proving his case under the requirements of Section 502.1 of

the Zoning Regulations and the application for a special exception will, therefore, be

ORDER

of February, 1966 by the County Board of Appeals, ORDERED that the special exception

petitioned for, be and the same is hereby DENIED.

subtitle B of Maryland Rules of Procedure, 1961 edition.

ted it was his intention to continue the present use, which testimony, while

Without going further into the testimony of the protestants (residents of the

peration if continued under the granting of a special exception would be detri-

For the reasons set forth in the aforegoing Opinion, it is this 9th day

Any appeal from this decision must be in accordance with Chapter 1100,

COUNTY BOARD OF APPEALS

William S. Baldwin, Chairman

Sheldon H. Braiterman - \$65-226-X

Sheldon H. Braiterman, 1999 h33 Tower Building Beltimore, Maryland 21202

#65-226 K

PIPE

The Zoning Advisory Committee has reviewed the subject petition

TOUSON 4, MARYLAND

THAPPIC HEDDINGING: Access to the site as proposed is satisfactory; however, considering the site as a whole, that portion of the property which fromts Compans load should be developed with access from the cristing macadam drive. Additional entrance on Compans load would tend to create traffic conjection.

AND ZONING: The subject property is in conflict with the proposed alignment of Mindless Roulevard and tre a total taking of this property at some future date.

Yours very truly,

Chief of Permit and Fetition Processing

the Board of Zoning Appeals for Baltimore County in Case No. 65-266-X dated February 9, 1966-

> Sheldon H. Braiterman 433 Tower Building Baltimore 2. Maryland Attorney for Petitioners

I certify that on this 4th day of March ., 1966, a copy of the ORDER FOR APPEAL was mailed to the Board of Zoning Appeals for Baltimore County, County County April 1946, Towson 4.

Copies mailed Edward W. Smith, Esq. County Solicitor

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1, or we. Shouldon, it is not been supported and bon it. Love the state of the stat to the Zoning Love of Battimure County, from an occopion occopion TOCKOOSCOCKERESCOCKOCKCOCKSCOCK for The fallowing remark 2/8/05

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltis County, to use the herein described property, for SANASSALESTYLES

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 posting, etc., upon nung of this petition, and further agree to and are to be bound by the rotation regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Rotller H. Drutterman

Ben W. Lagarouner talalance t. M.

19th ODDERED By The Zoning Co , 196... 5 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through required by the Zoning Law of Battmore County, in two newspapers of speneral circulation through out 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 1965 at 10:00 o'clock day of February County, on the 25th TH 10 KE 10

Zoning Commissioner of Baltimore County

Rd. 210' S of Ch

du:6/10/66

OZ. CHILDS & ASSOCIATES DESCRIPTION

PART OF PARCEL NO. 4, SECTION ONE, PLAT J.

VICTORY VILLA, FIFTEENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Present Zoning: "BL"
Proposed Zoning: "BL with Special Exception"

Beginning for the same at a point on the outline of Parcel No. 4 as shown on a plat entitled: "Victory Villa, Section 1, Plat J" and recorded among the Land Records of Baltimore County in Plat Book G. L. B. 22, page 108, said point of beginning being S. 60°54'24" E. . 350, 27 feet from a point on the east side of Compass Road, as shown on said plat, said last mentioned point being distant 210, 38 feet red southwesterly along said east side of Compass Road from its intersection with the southwest side of Chandelle Road, as shown on said plat, and running thence for new lines of division the three following courses and distances (1) S. 60*54'24" E., 40 feet, more or less, (2) N. 29*05'36" E., 156 feet, more or less, and (3) S. 71°59'34" E., 204 feet, more or less, to a point on the easternmost outline of said Parcel No. 4, thence binding on the outline of said Parcel No. 4 the three following courses and distances: (I) S. 11°14'33" W., 376 feet, more or less, (2) N. 64°59'00" W., 341.55 feet and (3) N. 15°01'00" W., 186 feet, to

8/31/64

J.O. 64111

RE: PETITION FOR SPECIAL EXCEPTION : tor a Service Garage E/S Compass Road 210' South of Chandelle Road

REFOR COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY No. 65-226-X

OPINION

This is an application for a special exception for a Service Garage on a piece of land on the east side of Compass Road south of Chandelle Road in the Fifteenth District of Baltimore County, the land previously having been owned by an agency of the United States Government from whom it was purchased by its present owners. The present wners have for a number of years leased a portion of this property to a Mr. James Kerley who has actually been operating a Service Garage on the premises as well as subleasing rming use; the map having been adopted in 1945; the present owners havin; acquired the property at a later date; and Kerley's operation running back for approximately six years only at this location

Many residents of the neighborhood have been complaining about the mo in which the garage has been operated in the past which gave rise to a zoning violation case after inspection by various agencies of Baltimore County some of whom testified before the Board in this case to the effect that Kerley had been operating what was almost an "open dump"; that there are no toilet facilities in the building; there have been violations of the electrical code constituting fire hazards; and that there is only one water spigat available for the entire area. The Health Department inspector reported that the operation actually constituted a nuisance from a health standpoint in that there are no garbage cans; obnaxious materials are stored on the premises; and trash dumped on the premises made a harboring place for rats.

The location of the building in which Kerley's operations are conducted is behind an existing building used for a library and medical center, and the only road enter-

IN THE

ORDER

from the County Board of Appeals of Baltimore County,

Argument of Counsel heard, proceedings duly read and con-

sidered: WHEREUPON, it is this 23 May of June.

1966, by the Circuit Court for Baltimore County, ADJUDGED,

ORDERED and DECREED that the Order of the County Board of

Edward Wn. Satth,

Appeals of Baltimore County, dated February 9, 1966, be

This cause having come on for hearing on Appeal

CIRCUIT COURT

OF BALTIMORE COUNTY

Appeal from the Board of Zeaing Appeals of Baltimor County Case No. 65-266-X

MARILYN BRAITERPAN SHELDON H. BRAITERPAN BRH W. LEVY 433 Tower Building Baltimore 2, Maryland Petitioners

BALTIMORE COUNTY and BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Sheldon H. Braiternin, Attorney for Petitioners

Sheldon H. Braitermon - \$65-226-X

ing the subject property goes right past this library building and constitutes the only access to the subject property from Compass Road. Mr. Kerley testified that if the special exception were granted it was his intention to continue the present use, which testimony, while

Without going further into the testimony of the protestants (residents of the neighborhood) the Board has no hesitation whatever in saying that it finds, as a fact, that eration if continued under the granting of a special exception would be detriental to the health, safety and general welfare of the locality, would tend to create con gestion in the streets or alleys, would create a potential hazard from fire, and otherwise would be completely unsatisfactory in this particular area. In other words, the petitions has failed to meet his burden of proving his case under the requirements of Section 502.1 of the Zoning Regulations and the application for a special exception will, therefore, be

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 9th day of February, 1966 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 S. Baldwin, Chairma

W. Giles Parker

BALTINGRE DUGLTY OFFICE OF FLACIETIES AND ZONING

COUNTY OFFICE BUILDING

TOUSON L. MARYLAND

Sheldon H. Braiterman, Esq. 433 Tower Building Baltimore, Maryland 21202

January 25, 1965

#65-226 X

The Zoning Advisory Committee has reviewed the subject petition makes the following comments.

TRAPPIC HNDDHEFING: Access to the site as proposed is satisfactory; however, considering the site as a whole, that portion of the property which fronts Compans Hoad should be developed with access from the existing median drive. Additional entrance on Compans Food would tend to create traffic compostions.

RGIC COPPLANTING AND ZONING:
RGIES COPPLES(CH)
proposably require a total taking of this procepty at some future date.

Board of Education

C. R. Hoore-Traffic Engineering Albert Quinby-Office of Planning & Zoning

Yours very truly

HC5. 2365

mip

15-B

.. .

2/8/65

A.M

OFFICE OF PLANNING AND ZONING Inter -Office Correspondence

Date Feb. 9, 1965

To: Mr. John G. Rose, Zoning Commissioner From:_ George_E_ Gavedis,_ Director. _ - - -

Subject: # 65-226-X . Special Exception for a Garage, Service. East side of Compass Road

- 210 feet South of Chandelle Road. Being the property of Sheldon H. Braiterman, et al.

HEARING: Thursday, February 25, 1965 (10:00 A. M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following advisory comments with respect to planning factors:

- As noted in the comments submitted to the Zoning Advisory Committee, the subject property is in the path of the proposed alignment for Windlass Boulevard. Construction of this road will probably require a total taking of the property in
- 2. It is noted that the buildings to be used for the repair garage are already in place, and probably well adopted to the proposed use. However, in view of the proximity of R-6 and R. A. zoning, it is strongly recommended that if the petition is granted, a condition should be attached that would prohibit any parking, repair services, a condition should be not advisable to require adequate screening (walls with planting would be most advisable to require adequate screening (walls with planting would be best) from the "beginning point" shown on the petitioner's plot to the southwest comer of structure \$1; from the northeast corner of structure \$2 to the northwest corner of structure \$2; and from the southwest corner of structure \$2 to the northwest corner of structure \$2; and from the southwest corner of structure \$2 to the northwest and south along the edge of the existing macadam paving shown on the plat.



BALTINDRE COUNTY, MARYAND No.34545 TELEPHONE OFFICE OF FINANCE

Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204

DEPOSIT TO ACCOUNT NO. 91.712 SUAMTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE				
- GUARTIN	Cost of Contified Copies -	F65-226-X Sholdon H. Builterman, of al E/S Compan Read 210° South of Chamiello Read 15th District	\$9.00	
		PND-trope Control of - Officer	David .	
	4	4-1866 1500 • 36545 1/4-	8.00	

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.

> #65.226-1 CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY

	Tourson, Marylana		
15th	Date of Posting		
District 15th	7 0		
Posted for	H. Braiterman et al.		
Petitioner Sherelon.	per Red 310's francille Per		
Location of property E/S COM	Chandelle Ref		
	1 2 1 S & Chandle to an on		
Location of Signs:	hand in for path that leads		
Conjun pr an	210'S of Chandle to and one		
Remedis 4	Bull & Date of return X-15-65		
Posted by Abut Land	Date of return		
Signature			

MICHAEL . MILTON



SUITE 40 TOWER BUILDING LIMORE STREET & GUILFORD AVENUE BALTIMORE 2, MARYLAND Toursens SAmore 2ACC

March 17, 1965

Zoning Commissioner Baltimore County 119 Court House

> Re: Petition for Special Exception for Garage, Service
> E/S of Compass Road, 210' South of
> Chandelle Road - 15th Dist.
> Sheldon H. Braiterman, et al No. 65- 466- W

Please enter an appeal in the above entitled case from the Order dated March 4, 1965 to the Appeals Court. Please enter my appearance as attorney for the protestants, sheldon H. Braiterman, Ben d. Levy and Marilyn s. Braiterman s. Braiterman.

Miller House

cc: Edward Wm. Smith, Esq. 202 Eastern Avenue Baltimore, Maryland 21221

Enclosed is check for \$75.00 to cover cost of appeal and posting notice. Please let me know in advance of posting the date of the hearing.

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

15		Data a	of Posting	
District	Thurs		p+10:00 M	100
Posted for:	****************			
Petitioner:	11 2			
Location of property	Landor.	Par All		
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Kemerks	2.11	Date of retu	2 11 6	7
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RTIFICATE OF PUBLICATION

CONTONE East and of Compass Road 210 feet South
Chamble Fuller. THURSDAY,
FRIRICARY 25, 1965 at 1950

AM.
CUBLIC HEARING: ROSSIA 1050

AM.
CUBLIC HEARING: ROSSIA 1050

AM.
CUBLIC HEARING: ROSSIA 1050

The Zoning Commissioner of Italiance County, by authority of the Zoning: RL.
The Zoning Rat.
Proposed Zoning: Special Experience of Italiance County, by authority of the Zoning: RL.
Proposed Zoning: Special Experience of Italiance County, by authority of the Zoning: RL.
Proposed Zoning: Special Experience of Garge, Seption.
All that part of the same at a point on the outline of Parcel
Rossia R 1965 ; that is to say, 2nd day of February the same was inserted in the issues of 2-3-65

Stromberg Publications, Inc.

By Mrs. Palmer Price
Mrs. Palmer Price

BALTITORE COUNTY, MARELAND Ma. 28516 OFFICE OF FINANCE PHR - Billiam Courts AtL-Office WI

1-2960 9628 . 28516 HP-IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIFTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Sheldon H. Braiterman, Esq. 433 Touch Building Baltimore, Nd. 21202 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

etition has been received and accepted for filing this

Owners Name: Sheldon Braitermen

Reviewed by Anna Share

BAL MORE COUNTY, MAT LAND OFFICE OF FINANCE 4.30 PART - Editores Courts, Mil. - Office of The 2-2665 731 · 28571 11P-IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE BALTIMORE COUNTY MARYLAND No. 28639 OFFICE OF FINANCE

119 County Office Sidges Teams, Rayland 21204 3-2465 2366 * 28537 TIE-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.

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

PETITION FOR SPECIAL EXCEPTION POR SPECIAL EXCEPTION DAMP OF DESIGN PROPERTY OF THE PORT O

THE PLANT OF PUBLICATION OFFICE OF

The Community Press

DUNDALK, MD., February 8,

THIS IS TO CERTIFY, that the annexed advertisement of "Theldon F . Braiterman"

was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week 1 successive weeks before the

2nd day of February

 19^{65} ; that is to say, the same was inserted in the issues of 2-3-65

Stromberg Publications, Inc.

19 65

By Mrs. Palmer Price

