

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... 1966, that the herein described property or area should be and the same is hereby reclassified, from... to... and 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... failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations...

the above reclassification should NOT be granted; and the Special Exception should NOT be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 1966, that the subject matter of this petition be advertised as of... 1966, that the subject matter of this petition be advertised as of...

Edward D. Harkley
Deputy Zoning Commissioner of Baltimore County

MI MICROFILMED

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Sheldon H. Bratteman, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from... to the following use: 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...

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... 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: Sheldon H. Bratteman
Address: 433 Tower Building, Baltimore 2, Maryland
Address: SA 7-8020

ORDERED By The Zoning Commissioner of Baltimore County, this... 19th day of... 1966, that the subject matter of this petition be advertised as of... 1966, that the subject matter of this petition be advertised as of... 1966, that the subject matter of this petition be advertised as of...

Zoning Commissioner of Baltimore County

Marilyn Bratteman
Sheldon H. Bratteman
Ben W. Levy
433 Tower Building
Baltimore 2, Maryland
Petitioners
V.
BALTIMORE COUNTY and
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY
County Court House
Towson 4, Maryland

ORDER FOR APPEAL

Mr. Clerk:
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. Bratteman
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 Court House, Towson 4, Maryland.

Sheldon H. Bratteman
Attorney for Petitioners

Copies mailed
Edward W. Smith, Esq.
County Solicitor

PLATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
4330 N. Clark St., Baltimore, Maryland 21208
Phone 3-2200

PART OF PARCEL NO. 4, SECTION ONE, PLAT 1,
VICTORY VILLA, FIFTEENTH ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

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

Beginning from 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 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: (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 the place of beginning.

GAW/jjs

8/31/64

J.O. 64111

RE: PETITION FOR SPECIAL EXCEPTION:
for a Service Garage
E/S Compass Road 210' South of
Chandelle Road,
15th District
Sheldon H. Bratteman, et al,
Petitioners
BALTIMORE COUNTY
No. 65-226-X

BEFORE

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 place 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 owners 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 part of his tenancy to others for various purposes but not for a time long enough to establish a nonconforming 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 approximately six years only at this location.

Many residents of the neighborhood have been complaining about the manner 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 hazards; and that there is only one water spigot 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; obnoxious 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-

- 2 -

Sheldon H. Bratteman - #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 commendable for its frankness, does not impel the Board to grant the special exception requested.

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 the present operation if continued under the granting of a special exception would be detrimental to the health, safety and general welfare of the locality, would tend to create congestion 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 petitioner 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 denied.

ORDER

For the reasons set forth in the foregoing 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, Chairman

W. Giles Foster

R. Bruce Alderman

date 6/10/66

Marilyn Bratteman
Sheldon H. Bratteman
Ben W. Levy
433 Tower Building
Baltimore 2, Maryland
Petitioners
vs
BALTIMORE COUNTY and
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY
County Court House
Towson 4, Maryland

ORDER

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 23rd day 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 affirmed.

JUDGE

Approved as to form and order.

Sheldon H. Bratteman,
Attorney for Petitioners

Edward W. Smith,
County Solicitor

January 25, 1965
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

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

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

TRAFFIC IMPROVEMENT: Access to the site as proposed is satisfactory; however, considering the site as a whole, that section of the property which fronts Compass Road should be developed with access from the existing access drive. Additional entrance on Compass Road would tend to create traffic congestion.

OFFICE OF PLANNING AND ZONING: The subject property is in conflict with the proposed alignment of business boulevard and will probably require a total taking of this property at some future date.

The following committee members have no comment to offer:

Board of Education
Bureau of Engineering
Buildings Department
Health Department
Fire Department
Industrial Commission

Ed. C. Moore-Traffic Engineering
Alfred Quinby-Office of Planning & Zoning
John Moore-State Roads Commission

Yours very truly,

James S. Smith
Chief of Planning and
Zoning Department

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

The above Reclamation should be had, and it further appearing that by reason of...

a Special Exception for... should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 1966, that the herein described property or area should be and the same is hereby reclassified; from... to... and/or a Special Exception for... 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... failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations...

the above reclassification should NOT BE MADE and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 1966, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby confirmed as to remain as... and/or the Special Exception for... be and the same is hereby DENIED.

MICROFILMED

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Sheldon H. Bratteman, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from... to... for the following reason:

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...

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.

Address... Contract purchaser... Address... Protestant's Attorney...

ORDERED BY The Zoning Commissioner of Baltimore County, this... day of... 1966, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the... day of February 1966, at 10:00 o'clock A.M.

Marilyn Bratteman
Sheldon H. Bratteman
Ben W. Levy
433 Tower Building
Baltimore 2, Maryland
Petitioners
V.
BALTIMORE COUNTY and
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY
County Court House
Towson 2, Maryland

ORDER FOR APPEAL

Mr. Clerk:
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. Bratteman
433 Tower Building
Baltimore 2, Maryland
SA 7-1020
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 Court House, Towson 4, Maryland.

Sheldon H. Bratteman
Attorney for Petitioners

Copies mailed
Edward W. Smith, Esq.
County Solicitor

NAVY, CHILDS & ASSOCIATES, INC.
Engineers & Surveyors - Sea Plans
2700 S. Clark St., Baltimore, Maryland 21206
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 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: (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 the place of beginning.

GAV/jls 8/31/64 J.O. 64111

RE: PETITION FOR SPECIAL EXCEPTION
for a Service Garage
E/S Compass Road 210' South of
Chandelle Road,
15th District
Sheldon H. Bratteman, et al,
Petitioners
BALTIMORE COUNTY
No. 65-266-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 owners 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 part of his tenancy to others for various purposes but not for a time long enough to establish a nonconforming 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 approximately six years only at this location.

Many residents of the neighborhood have been complaining about the manner 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 hazards; and that there is only one water spigot 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; obnoxious 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 entering

date 10/66

MARILYN BRATTEMAN
SHELDON H. BRATTEMAN
BEN W. LEVY
433 Tower Building
Baltimore 2, Maryland
Petitioners
vs
BALTIMORE COUNTY and
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY
County Court House
Towson 4, Maryland

ORDER

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 23rd day 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 affirmed.

Approved as to form and order.

Sheldon H. Bratteman,
Attorney for Petitioners

Edward W. Smith,
County Solicitor

Sheldon H. Bratteman - 645-226-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 commendable for its frankness, does not impel the Board to grant the special exception requested.

Without going further into the testimony of the protestors (residents of the neighborhood) the Board has no hesitation whatever in saying that it finds, as a fact, that the present operation if continued under the granting of a special exception would be detrimental to the health, safety and general welfare of the locality, would tend to create congestion 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 petitioner 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 denied.

ORDER

For the reasons set forth in the foregoing 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, Chairman

W. Allen Parker

R. Bruce Alderman

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

OFFICE OFFICE BUILDING
TOWSON 4, MARYLAND
Special Exception for a
Service Garage for
Sheldon H. Bratteman,
located 1/4 of Compass Rd 210'
S of Chandelle Rd

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

TRAFFIC IMPEDIMENT Access to the site as proposed is satisfactory; however, considering the site as a whole, that portion of the property which fronts Compass Road should be developed with access from the existing access drive. Additional entrance on Compass Road would tend to create traffic congestion.

OFFICE OF PLANNING AND ZONING The subject property is in conflict with the proposed alignment of Wireless Boulevard and will probably require a total taking of this property at some future date.

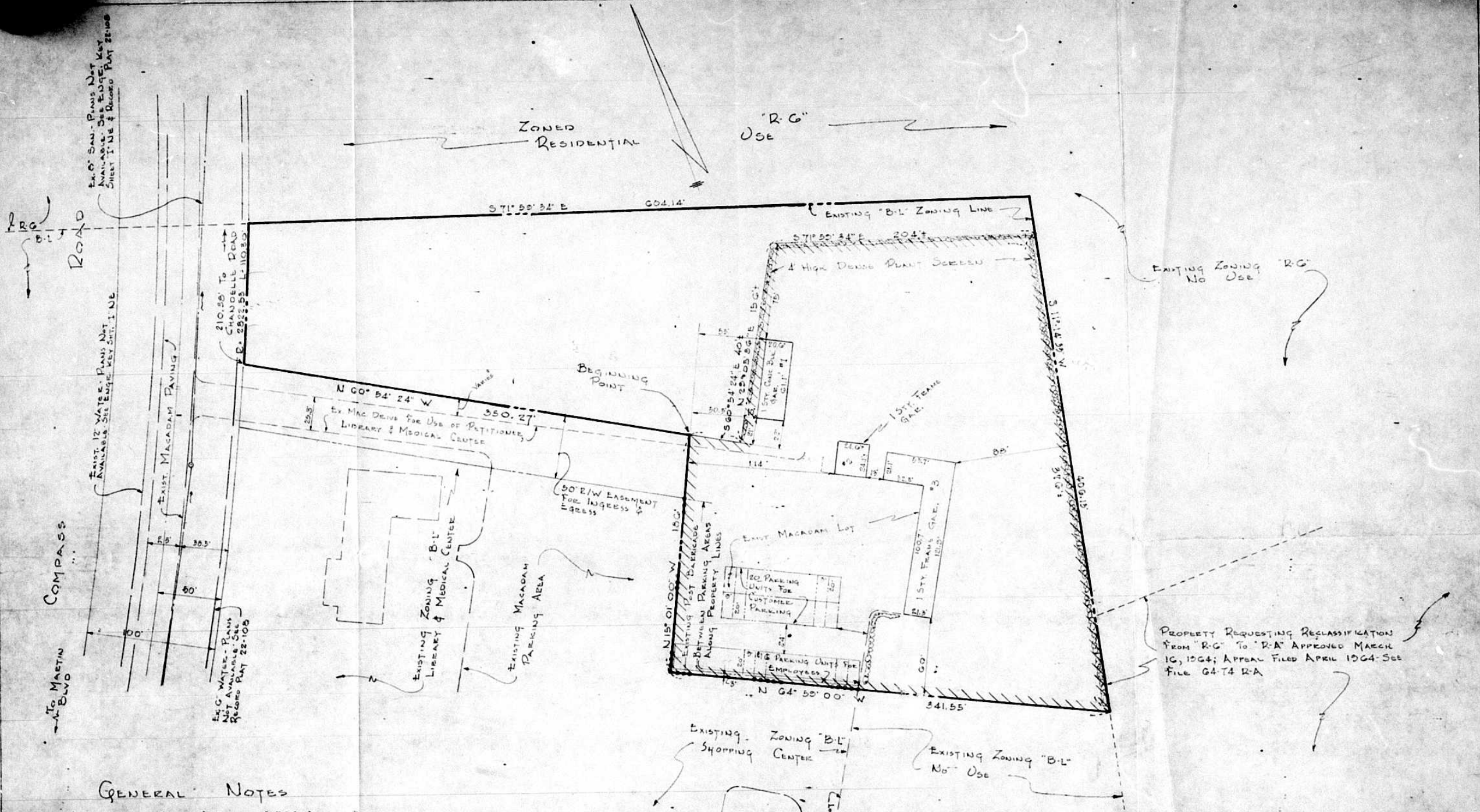
The following committee members have no comment to offer:

Board of Education
Bureau of Engineering
Buildings Department
Health Department
Fire Department
Industrial Commission

cc: C. R. Moore-Traffic Engineering
Albert Quinby-Office of Planning & Zoning
John Innes-Cable Road Commission

Yours very truly,

Sheldon H. Bratteman
Chief of Permit and
Petition Processing



PROPERTY REQUESTING RECLASSIFICATION FROM "R-G" TO "R-A" APPROVED MARCH 10, 1964; APPEAL FILED APRIL 1964-SEE FILE G4-T4 R-A

GENERAL NOTES

1. TOTAL ACRES OF TRACT EQUALS 3.765 ACRES ±
2. PRESENT ZONING OF TRACT "B-L"
3. PRESENT USE OF TRACT "AUTOMOTIVE REPAIR GARAGE"
4. PROPOSED ZONING OF TRACT "B-L WITH SPECIAL EXCEPTION"
5. PROPOSED USE OF TRACT "AUTOMOTIVE REPAIR GARAGE"
6. EXISTING STRUCTURES TO REMAIN ON PROPERTY IN PRESENT USE
7. TOTAL AREA OF STRUCTURES:
 Bldg. No. 1 EQUALS 1230 SQ. FT.
 Bldg. No. 2 EQUALS 593 SQ. FT.
 Bldg. No. 3 EQUALS 3273 SQ. FT.
8. [Hatched Box Symbol] INDICATES PORTION OF PROPERTY REQUESTING SPECIAL EXCEPTION

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION OF PROPERTY VICINITY
 COMPASS ROAD & CHANDELLE ROAD
 ELECTION DISTRICT 15
 SCALE: 1"=50'
 BALTIMORE COUNTY, MD.
 SEPT. 2, 1964

MAP 15-B "X"

