TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Jack James Basel

Lor we. Betty Jane Basel legal owners of the property situate in Baltimo 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; for the following reasons

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimer County, to use the herein described property, for ... serwice gavage ...

Property is to be posted and advertised as prescribed by Zoning Regulations. For we, agree to pay expenses of above re-classification and/or Special Exception advertising. etc., upon filing of this petition, and further agree to and are to be bound by the zoning nore County adopted pursuant to the Zoning Law for Baltim

Josh & Boul

3720 Joppa Road Baltimore, Maryland 21236

car la Mensa

George D. Edward

Petitioner's Attorney

Address 6903 Dunz - vay, Balto, Md. 21222

ner of Baltimore County, this 29th

... 197 .1 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 bearing be had before the Zoning Co-samplifoner of Baltimore County in Room 106, County Office Building in Towson, Baltimore timore County in Room 106, County Office Building in Towson, Baltimor _____day of Aupon ._____, 197 _l, at __le99o'clock

REFORE

RE: PETITION FOR SPECIAL EXCEPTION : FEITHON FOR SPECIAL EXCE for a Service Gorage NW/S of Belair Road 713.05' S. of Joppa Road 11th District Jack James Basel and Betty Jane Basel, Petitioners

COUNTY BOARD OF APPEALS OF

RAI TIMORE COUNTY No. 72-42-X

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated August 31, 1971, denying the requested petition. The Petitioner seeks a Special Exception for a Service Garage in an existing Business Local (R 1) Tone

The street address of the subject property is 8862 Belgir Road. It is located in the Eleventh Election District, Parry Hall, Baltimore County, Maryland. It is also designated as lot #10 on the subdivision plat of Bel-Joppa Park, which plat was accepted in evidence as Petitioner's Exhibit No. 1. The site is an unimproved lat, fifty feet wide, fronting on the northwest side of Bei. 'r Road, with a minimum depth of 228 feet along the southeast boundary line and a maximum clepth of 246 feet along the northwest boundary line. An abusting lot to the rear of the subject is also owned by the Petitioner. This lot is approximately 64 feet wide by 202 feet long; extends northerly from the subject lot and fronts on the southeast side of Joppa Road, being known as 4127 East Joppo Road. It is at this location that the Petitioner has a garage building from which he operates his present auto towing and repair service. He now has five tow hucks in use, and regularly tows and services school buses and trucks. If successful in his petition, he plans to use the subject lat for storing disabled vehicles awaiting service in his present garage. There would be no buildings erected on the new site, and the Petitioner is willing to restrict the storage of vehicles to the rear 55 feet of the subject

Under the Zoning Regulations of Baltimore County, the petitioned use is permitted by Special Exception in a B.L. zone subject to satisfying the requirements of Section 502, 1 of said regulations

11119-0-

Jack James Basel - -, 2-42-X

Section 502. i of the Zoning Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- a. Be detrimental to the health, safety, or general velfare of the locality involved:
- Tend to create congestion in roads, streets or
- alleys therein; Create a potential hazard from fire, panic or
- other dangers;
 Tend to overcrowd land and couse undue concentration of population;
 Interfere with adequate provisions for schools,
- parks, water, saverage, transportation or other public requirements, conveniences, or improve Interfere with adequate light and air."

Referring to Exhibit No. 1, it is seen that the subject is located toward the apex of a triangular tract of land formed by the convergence of Belair and Joppa Roads. The subject is approximately 713 feet southwesterly from the intersection. This portion of the triangle, including the subject site, is zoned Business Local in a Commercial, Supporting Area (C.S.A.) District. There is a Shell Oil Co. service station on the corner, followed in a southwestwardly direction by a Gino's Drive-In. properties, shown as lots #1 through #4, extend from Belair Road through to Joppa Road and have fronting on both roads. The next lot, lot \$5, also is shown as fronting or both roads, but may have been subdivided since the Belair Road frontage is improved by a cottage in residential use while the Joppa Road frontage is used for a Cumper-Trailer sales agency. Continuing southwestwardly, as this triangle widens and the distance between betair Road and Jopps Road increases, the land has been subdivided creating iots which front on Belair Road and abut rear lots which front on Josepa Road. Along the Belair Road frontage, between lot #5 and the subject lot #10, there are three cottages in residential use followed by a vacant lot, another residence, the subject property, three more residences, and a property improved with a brick church building. To the rear of the church and fronting on the southeast side of Joppa Road is a miniature galf course. Next going northeastwardly, is the existing service garage owned by the Petitioner, followed by Jock James Basel - #72-42-X

Is a contiguous peripheral area: Perry Hall Elementary School is located cross Belgir Road just partheast of the aforementioned Shell station, followed in a southwardly direction along the southeast side of Belair Road by two service stations and the Parry Hall Shopping Center, which is in a B.L. zone with a C.C.C. District. Next is the property of the proposed Kelly-Hanley Pontiac Agency in a B.M. zone, followed by undeveloped apartment zoned land which is directly across Briair Road from the subject. Then the next property is a decation of the Perry Hall Bootist Church. in a B.L. zone, a used car lot, then the Berg Dairy Form and Drive-In, the frontage of which is located in a B.R. zone and is apposite the Petitioner's existing garage and the other uses described adjacent thereto.

The Peth loner sigimes that the requirements of Section 502.1 of the Zoning ons would be satisfied and that the petition should be granted. several neighboring property owners, as well as the Pastor of the nearby Baptist Church and the President of the Perry Hall Improvement Association, appeared in appearing They testified that the Petitioner specializes in towing large bases and of the site, and when accomplishing this in past performances the Petitioner has regularly transgressed on Protestant Berg's property. They cited that on at least one other towing maneuver, the Petitioner blocked traffic in both directions on heavily traveled Belair Road ore, they stated that his existing operation looks like a junk yard, and that granting the petition would aggravate and compound existing problems resulting in a diminution in the value of their respective properties, as well as causing a downgrading of the surrounding commercial and residential neighborhood. They claimed that the expanded operation would increase convestion in the streets and endanger pedestrian school children.

The Board is impressed with the testimony of the Protestants regarding the com plex channelization pattern and congestion of traffic at and near the subject site, and the adverse impact that granting the petition would have on the general welfare and safety of the

Jack James Base! - #72-42-X

36

The convergence of Relair, Ebenezer and Joppa Roads; the proximity of the ntal entrance to the shapping center just several hundred feet east of the subject; the existing high volume and congest on of traffic on the local streets; the nearness of schools and churches, and the nature of the Petitioner's operation convinces the Board that the proposed Special Exception use would violate the requirements of Section 502,1 of the Zoning Regulations. The Petitioner has not overcome the burden of proving otherwise.

Therefore, for these reasons and from all the testimony presented, the Board affirms the Order of the Zoning Commissioner and hereby denies the petitioned Specia Exception for a Service Garage.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this of January, 1972, by the County Board of Appeals, OR DERED that the Order of the Zoning Commissioner, dated September 14, 1971, is hereby affirmed and that the Special Exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter . 100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

GEORGE D. EDWARDS

September 7, 1971

S. Eric DiNenna Zoning Commissi County Office Building Towson, Maryland 212-4

Dear Mr. DiNenna:

I am chelosing herewith my check in the amount of \$70,00, representing the costs of security.

Thank you for your coperation.

Very truly yours gran DEdura George J. Edwards

~ 14/11/4 -

DENT

CC: Gerald V. Caldwell, Esq. 27:4 Belair Ed., 221236

Wase F. Creswell President Ferry Hall In, resement Assn.

remy Hall lagr-terment Assn. r.c. Box 60 remy Hall, Maryland 20178

r. W. J. Davison Provident Junier J. Samor (Page of the Community Assoc. Inc., and Vale Brise 3:17)

2 ____

ZONING DETCRIPTION

8062 BELAIR ROAD

MEDINITIO for the same on the northwesternment side of Selsir Road (70 feet wide) at a point distant 711.05 feet measured in a month-westerly direction along the northwesternment side of said Selsir Road from the point formed by the intersection of the northwesternment side of said Selsir Road from the point formed by the intersection of the northwesternment side of said Selsir Road said point of beginning being size at the division line between Lets No. 3 and No. 10 as simulon on the Piet of Bel jopp Perk as filled Lets No. 3 and No. 10 as simulon on the Piet of Bel jopp Perk as filled 40, thence lewing said division line and birding book No. 3 folice carmont side of said Selsir Road south 40 outgrees 12 distincts west 50.00 feet, thence leaving said Selsir Road sout following on the division line between Lets No. 10 and No. 11 as shown on said Plat north Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the between Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the between Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the between Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the between Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the between Lets No. 10 and No. 15; shown on said 175:t, thence binding on said five fine in the said division line south 41 degrees 04 induces said 223,55 feet to the said division line south 41 degrees 04 induces said 223,55 feet to the said division line south 41 degrees 04 induces said 223,55 feet to the said division line south 41 degrees 04 induces said 223,55 feet to the said

CONTAINING 0.272 scres of land more or less.

BEING Lot No. 10 as shown on the Plet of Bel Joppa Park as filed among the Land Records of Saltimore county in that Book No. 9 folio AD.

March 5, 1971



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PETITION PER SPECIAL EXCEPTION IN LOS PRINCIPAL IN LOS PRINCIPAL IN LOS PETITION IN LOS PETITI	CRITINAL
LOCATION: Northwest side of LOCATION: Northwest side of side Band 712.05 feet South of sape Band.	OFFICE OF
DATE & TIME: THURSDAY, UGUST 26, 1971 at 1:00 P.M. PUBLIC HEARING: Room 106, county Office dubling, 111 W. hospecake Avenue, Towner,	ESSEX TIMES
laryland. The Zoning Commissioner of altimum County, by anthority of the Estimate Act and Regulations of	ESSEX, MD. 21221 August 9 - 19 71
Polition for Special Exception for Service Garage. All that purced of land in the	THIS IS TO CERTIFY, that the annexed advertisement of ZONING CONSTITUTION OF BAILTHOUR COUNTY
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heren leaving said Relair Re-1	STROMBERG PUBLICATIONS, Inc

By Buth Morgan

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 29, 1971

COUNTY OFFICE DEDI-III # Christmate Ass. Toward, Marsland 21/04

OLIVER L MYERS

BUREAU OF

DEPARTMENT OF TRAFFIC ENGINEERIN

STATE ROADS COME

BUREAT OF FIRE PROVENTION

REALTH DEPARTURN

PROJECT PLANSING

BOARD OF EDUCATION INDUSTRIAL DEVILOPMENT

George ", Edwards, Esq., 6903 Outmankoy Bultimore, Maryland 21222 MEMBERS

RE: Type of Hearing: Special Exception Location: MM/S Belair Road, 713: Sw of Jopps Road Pattioner: Jack J. and Betty J. Sasel Committee Heating of June 29, 1971 11th District Item 191

Dear S'r:

The Zening Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a cwelling and a small out building which will be removed at the time that the proposed strengy and is constructed. The property to the east is improved with a dwelling however, if is zoned commercial, the property to the wast is also steppy and in the work is also steppy and in the property to the wast is also improved with a church and several commercial was. The property to the north it signerved with come ricial was, ranging from a grape to several stores and used car lot, select Post in this location is improved itselfer as a concrete curb and guiter a., concerned, however, Jappa Road is not,

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plot substitud to this office for review by the Zoning Advisory Committee in connection with the subject item.

The comments supplied in conjunction with Item 143 (1970-1971), copy attached, remain valid and applicable to this peti.ion, Item 191 (1970-1971).

George D. Edwards, Esq., Item 191 July 29, 1971

DEPT. OF TRAFFIC ENGINEERING:

This item was reviewed as Item 143 and the following comment remains valid.

The plan as shown is not satisfactory since it shows no circulation and all vahicles parking, as shown will be required to back into Baleir Road,

PROJECT PLANNING:

This office has reviewed the subject site plan and offers the following comments. The plan must be revised to show the method of circulation.

STATE ROADS COMMISSION:

The subject plan indicate; no provision for jurning of vehicles to back ou: onto Bolair Road, This situation would be extremely hazardous, therefore the plan must be revised.

It is our opinion that the revision should be made prior to a bearing date being assigned.

The entrance will be subject to State Roads Commission approval and

FIRE PREVENTION BUREAU

Fire mydrants for the proposed site shall be in accordance with Be'timore County Standards.

The comer shall be required to comply with all applicable requirements of the 101 Life Safity Code, 1967 Edition, and the fire Prevention Code when construction plans are submitted for approval.

BOARD OF EDUCATION:

No bearing on student population.

BUILDINGS ENGINEER'S OFFICE:

Petitioner to comply with nil applicable requirements of Bultimore County Building Sode and regulations. Asta, see Section Mag. 5 and 91%, h on service stations.

ZONING ADMINISTRATION DIVISION:

(See next page)

George D. Edwards, Esq. Item 191 July 29, 1971

ZONING ADMINISTRATION DIVISION:

This office is accepting the subject petition based on revised comments that will be forwarded to the petitioner by the Department of Traffic Engineering, Project Planning Division and State Roads Commission.

We would request that the Zoning Commissioner consider limiting the Special Exception by requiring all valicular traffle from Deleir Road to be in a one way northwesterly direction and permit no backing of cars onto Deleir Road.

This patition is accepted for filling on the date of the enclosed filling certificate. Notice of the bearing date and time which will be hold not less than 30, nor more tipen 96 days after the date on the filling certificate, will be femanded to you in the main future.

OLM: JO

PETITION FOR SPECIAL EXCEPTION—110 DISTRICT
ZONING: Petition for Special I ception for a Service Garage LOCATION: Northwest side of B or Road 7135 feet South 2 pps Raad. JA X & TIME Thursday, Aug. 21, 1911 in 198 F.M. PURLIC HEARING. Room 1
Chesapeake Avenue, Towson, M
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All that parcel of land in the Ele
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by the intersection of the nort westernmost ride of said Bels Road with the southernmost side
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Co. tainh. t 0. "I seres of in more or ires. Being Let No. 10 as shown on t Plat of Bel. Joppa Park as ri among the Land Records of Es moreCounty in Pial Book No.
Being the property of Jack
shown on plat plan filed with I Zoning Department. Hearing Date: Thursday, Aug.
Public Hearing Room 106, C. Office Euilding, 11: W. Chessper Avenue, Towner, Md. By order of the Zoning Commissioner Entitioner Cour
Ball'imore Cou

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper printed appearing on the day of day of

THE JEFFERSONIAN, L. Leank Streeting

Cost of Advertisement. \$...

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was day of 19. 14. the first publication appearing on the day of day of

> THE JEFFERSONIAN, Li Leank Street

Cost of Advertisement \$

CERTIFICATE OF POSTING	0.00	
ING DEPARTMEN' OF BALTIMORE COUNTY	72-	12
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Posted by Merl A

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