

MAP 1
E.D. 1
DATE 5/13/86
200
1000
DP

IN RE: PETITIONS SPECIAL EXCEPTION AND SPECIAL HEARING
E/S of Compass Road, 460' N of Martin Boulevard - 15th Election District
Kale Kemp, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-437-XSPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein seek a special exception for a service garage and, additionally, permission to allow for outdoor motor vehicle service instead of within an enclosed building, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Paul Lee, a registered civil engineer, and neighbors in support of the requested use testified on their behalf. Many other neighbors and persons living in the community appeared in opposition, including Joseph Urso and Michael Davis who testified. Phyllis Friedman, People's Counsel, also appeared.

Testimony indicated that the subject property, zoned B.L.-C.N.S. and located between Chandelle Road and Martin Boulevard, off Compass Road, has been used for many years as either a "trucking facility" or a "service garage", depending upon who describes the use. The area, known as Victory Villa, was owned by the government, which divested itself of ownership in 1955 and sold the homes and adjacent property to private individuals. The Petitioners purchased their home on Chandelle Road from the government in 1956. The subject property, containing 3.765 acres and situated behind and adjacent to the Petitioners' residence, was purchased in 1985. It was previously used by the government as a maintenance yard for the homes surrounding it. Access

is from Compass Road. There are two buildings and a number of trailers used for storage on the property. The Petitioners use the property to store and service 8 tractors and 11 trailers. They have also permitted companies with whom they have done business, as well as other individual owners, to store their tractors and trailers on the property.

The Petitioners have performed major and minor mechanical repairs to their trucks but presently perform only minor repairs. Engines and transmissions are sent out. Although the Petitioners could remove these major parts, the tractors are usually towed when this type of work is required.

The Protestants argued that the proposed use is not a service garage but is in fact a trucking facility, a use which is not permitted in a B.L. Zone either by right or by special exception. Numerous photographs presented by both the Petitioners and the Protestants were introduced into evidence.

Mr. Kemp testified that the requested special exception would be limited to his own tractors and trailers and would allow him to continue the type of work he has been performing since he purchased his first tractor trailer in 1966, i.e., brake repairs, oil changes, lubrications, and repairs and replacements to mud flaps, head lights, and springs. All of the mechanical repairs are done on a concrete slab outdoors.

In 1977, the Baltimore County Board of Appeals, in Case No. 77-90-TV, found that this property was being used as a service garage and a trucking facility and ordered both to cease. The Petitioners did not own the property at that time, although they were one of many tenants. Mr. Kemp testified that he was not told of the Board's Order by the owner. The Petitioners seek relief from Section 230.13, pursuant to Section 502, Baltimore County Zoning Regulations (BCZR), and from Section 230.12.a and BCZR.

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PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a service garage. And a special hearing to permit outside motor vehicle service in lieu of the required inside of a building (230.12.a).

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

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: KALE KEMP
(Type or Print Name)
Signature: [Signature]
Address: 63 Chandelle Road
City and State: Baltimore, Maryland 21220
Attorney for Petitioner: J. CARROLL HOLZER
(Type or Print Name)
Signature: [Signature]
Address: 305 W. Chesapeake Avenue
City and State: Baltimore, Maryland 21204
Attorney's Telephone No.: 825-6260
Legal Owner(s): KALE KEMP
(Type or Print Name)
Signature: [Signature]
Address: 63 Chandelle Road
City and State: Baltimore, Maryland 21220
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: KALE KEMP, 63 Chandelle Road, Baltimore, Maryland 21220, 825-6260

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of March, 1986, 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 28th day of April, 1986, at 11:15 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

It is obvious that uses permitted by right or by special exception in any zone are "principal uses", i.e., a main use of the land, as distinguished from an "accessory use". See Section 101-Definitions, BCZR. Mr. and Mrs. Kemp's testimony is clear that the principal use of the property to date has been a "trucking facility", which is defined in pertinent part as "[a] structure or land used or intended to be used primarily...for truck or truck-trailer parking or storage...may include, as incidental uses only...facilities for the service or repair of vehicles..." Section 101-Definitions. It is equally clear that if the relief prayed for here is granted, the existing use will be continued. The only change would be that the storage and repair of tractors and trailers not owned by the Petitioners would cease.

The term "incidental", although not defined by the BCZR, must be given its ordinary meaning. Arundel Supply Corp. v. Cason, 289 A.2d 585 (1972). The New College Edition, The American Heritage Dictionary of the English Language, defines "incidental" as "[o]ccurring as a fortuitous or minor concomitant; refers to what is an adjunct to something else." "Accessory use" is defined by the BCZR as a use which is customarily incident and subordinate to and serves a principal use; is subordinate in area, extent, or purpose; is located on the same lot; and contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served. See Section 101-Definitions.

The description of the proposed use provided by the Petitioners does not satisfy the definition of a service garage, "...where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or use", as a principal use of their property. Section 101-Definitions. Rather, the work performed on the tractors and trailers owned by the Petitioners is incidental, that is, accessory, to their storage and parking. Their

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description of what is proposed satisfies the definition of a "trucking facility", which is not permitted by right or by special exception in a B.L. Zone. Repairs are performed on those tractors and trailers needing such work, but not all of the trucks need work at any given time, although all are parked and stored on this site when not in use. The trucks and trailers are kept nowhere else, except when major mechanical work is required, and a truck is off of the site only during the course of such repair work. The weight of the testimony and evidence presented is clear and convincing that the principal use would not be a service garage.

However, notwithstanding that the proposed use is not a service garage, if the Petitioners should decide to restructure their proposal in line with the above findings, they should be aware that in a B.L. Zone, a service garage must be a building and all work must be performed within that building. Section 230.12.a is not applicable because Section 230.12 specifically makes the conditions delineated thereunder applicable only to those uses cited in Sections 230.1 to 230.11 (uses permitted in a B.L. Zone), BCZR. It is not applicable to Section 230.13 (uses permitted by special exception in a B.L. Zone), BCZR. By definition, a garage is a structure and the work must be performed within that structure. There is no way to exempt a service garage from this requirement so that work may be done outdoors because this would be a request for a use variance, which is not permitted by Section 307, BCZR. No direction is provided here for an outdoor service garage in either a B.M. or B.L. Zone because a different interpretation could be argued from Section 233.1, BCZR.

Pursuant to the advertisement, posting of the property, and public hearing of this Petition held, and for the reasons given above, the special exception and requested relief should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of May, 1986, that the Petition for Special Exception for a service garage is hereby DENIED and, additionally, outdoor motor vehicle service instead of within an enclosed building is not permitted and, as such, the Petition for Special Hearing is hereby DENIED.

AJ/srl
cc: J. Carroll Holzer, Esquire
Mr. Joseph Urso
Mr. Michael Davis
People's Counsel

Zoning Officer of Baltimore County

Paul Leo Engineering Inc.
305 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5261

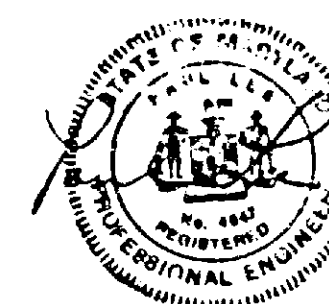
DESCRIPTION

3.765 ACRE PARCEL - EAST SIDE OF COMPASS ROAD, NORTH OF MARTIN BOULEVARD
15TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located on the east side of Compass Road 460 feet ± from the north side of Martin Boulevard, thence binding on the east side of Compass Road by a curve to the left (1) R = 2822.53 feet, L = 110.30 feet thence leaving said east side of Compass Road the five following courses and distances:

- (2) S 71°39'34" East 604.14 feet
- (3) S 11°14'33" West 406.13 feet
- (4) N 64°59'00" West 341.55 feet
- (5) N 25°01'04" East 186.00 feet, and
- (6) N 60°54'24" West 350.27 feet to the point of beginning.

Containing 3.765 acres of land, more or less.
Saving and excepting area designated as DR 16.



January 2 1986

We, the undersigned, do hereby file our complaints in regard to heavy commercial use of property, parcel 4-1iber 6966-folio 216, located between Beacon and Chandlee Roads, because said use of this property will drastically reduce the value of the homes in the surrounding area, due to tractor trailers trafficking directly behind the homes located on Chandlee Rd.

We therefore petition against the use of this property for heavy commercial purposes, since it is zoned for B L, also against any exceptions.

12 Christopher B. Douglas 1504 Pattison Rd. 682-6226
BALTO. MD. 21221
13 Michael B. Douglas 1504 Pattison Rd. 682-6220
Essex MD. 21221
14 Robert A. Douglas 1531 Buckman Ave. 686-6396
BALTO. MD. 21220
15 Robert A. Douglas 1531 Buckman Ave. 687-4011
BALTO. MD. 21221
16 Patricia Wilpat 53 Chandlee Rd. Balto. MD. 21220
17 Grace E. Nelson 59 Chandlee Road. 682-3925
18 Cynthia Maryland 59 Chandlee Rd. 391-4784
19 Arthur Garland 59 Chandlee Rd. 391-4784
20 Anne T. Tabor 1730 Glen Court Rd. 687-6202
21 Mary Brown 708 Madison Rd. 686-3871
22 Catherine L. Dapin 10771 Maple Ave. 686-6045
23 El. Vandervort 10271 Maple Ave. 707-4573
24 Lucille Kerner 1032 Middlebrook Rd. 686-2734
25 Thomas A. Green 145 Bennett Rd. 686-1475
26 H. R. Rapp 1 Coulst
27 Peter H. Brown 8 Coulst 686-1346
28 Lavette Stamp 8 Coulst 686-1346
29 Mrs. Brown 1 Coulst 686-5976

January 2 1986

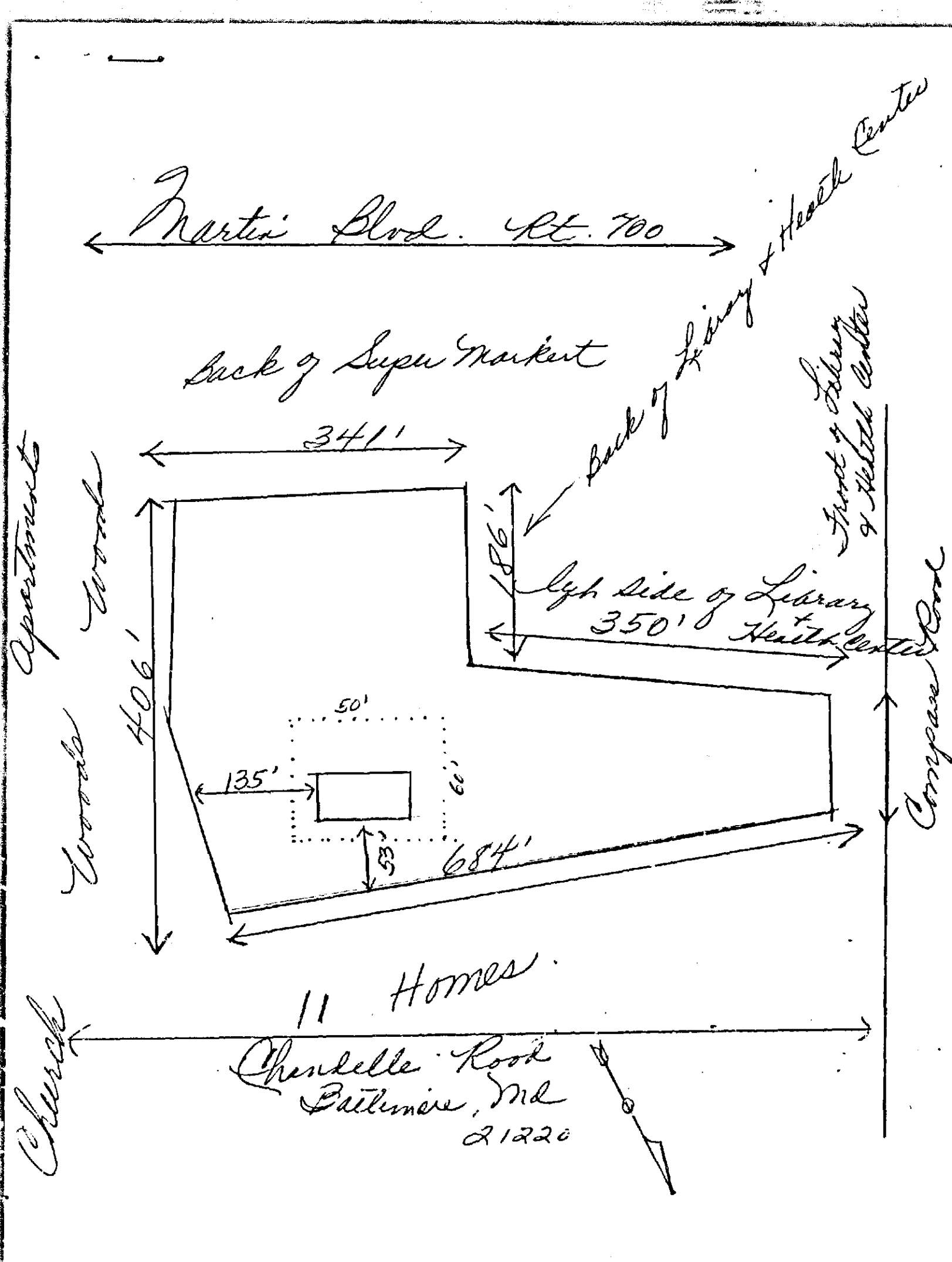
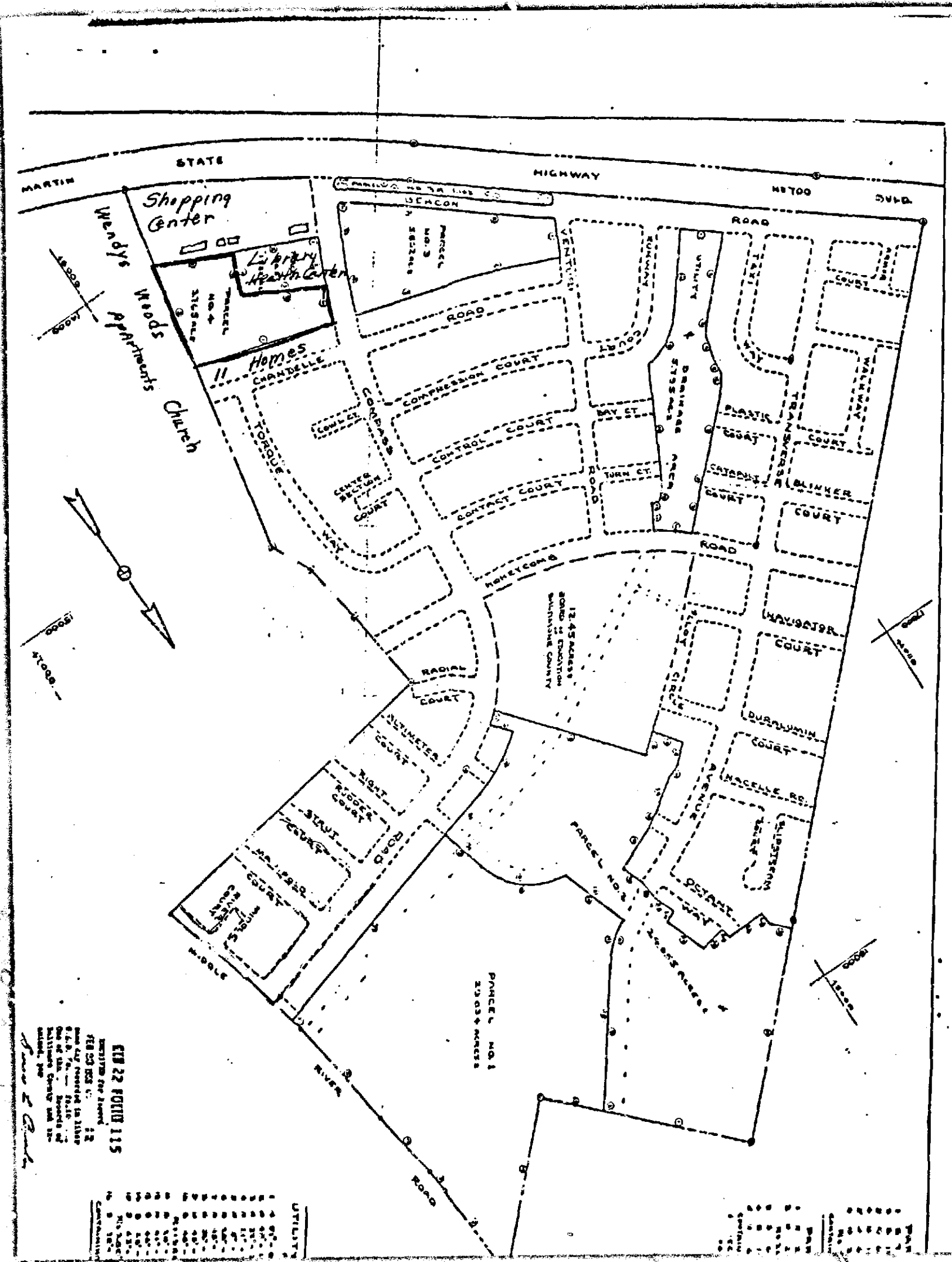
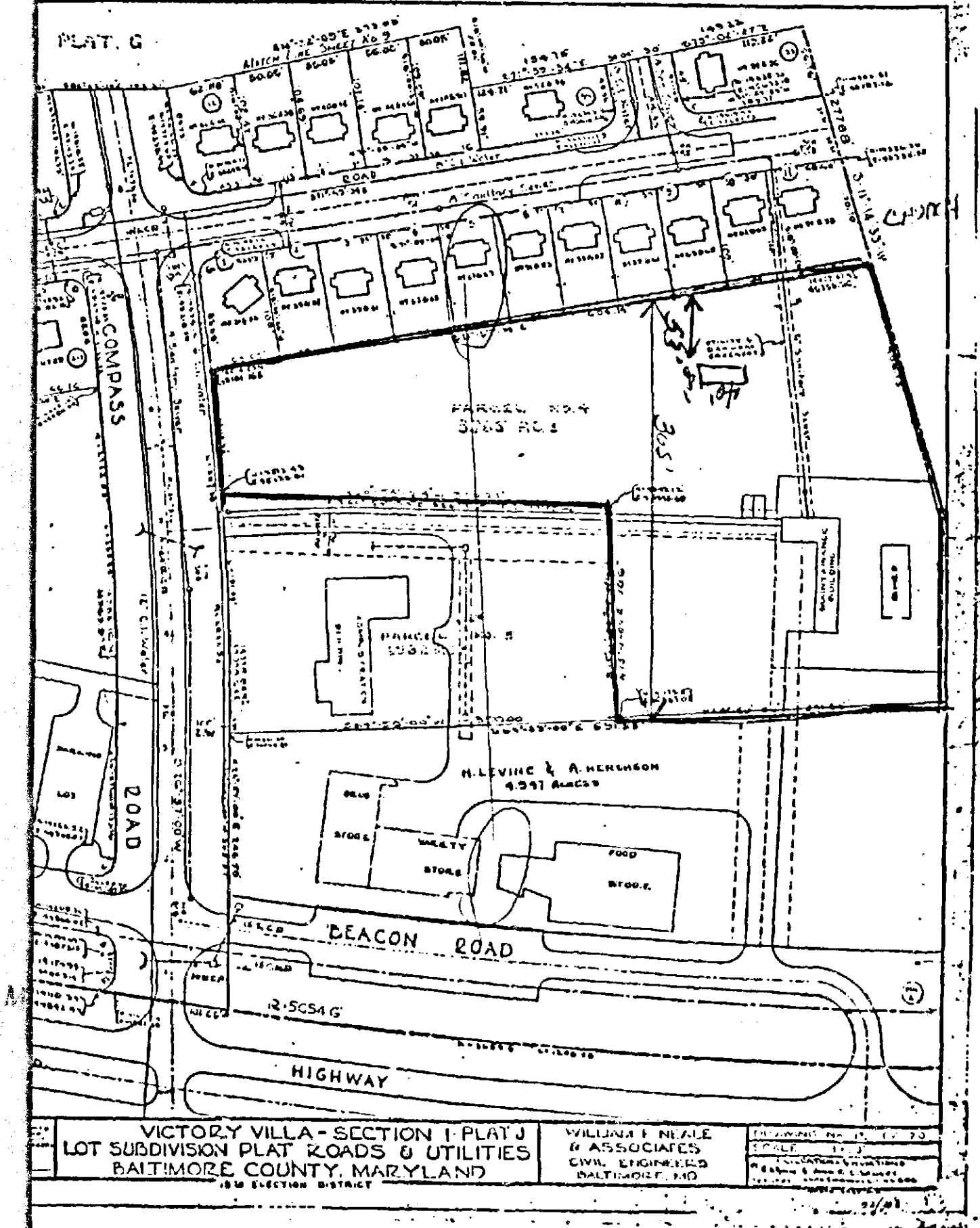
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We therefore petition against the use of this property for heavy commercial purposes, since it is zoned for B L, also against any exceptions.

30 ~~Stacy~~ 3 Compression Ct. 574-3771
31 Charles E. Ray 9 Compression Ct. 687-5613
32 Tracy Lang 13 Compression Ct. 391-7639
33 Bill 97 13 Compression Ct. 391-7639
34 Kenneth E. Luggs 5 turn J. 687-2969
35 William E. Luggs 5 turn J. 687-2969
36 Sandra B. Luggs 1007 Cond St. 391-1992
37 Harry H. Luggs 38 Hydroplane Dr. 574-3569
38 Sue Edwards 38 Hydroplane Dr. 574-3569
39 H. O. Grove 38 " 687-8543
40 Mrs. M. Luggs 38 " 686-4769
41 Mayor E. Luggs 4 Hydroplane Dr. 391-3571
42 Carol L. Luggs 59 Chandlee Rd. 676-6318
43 David A. Luggs 59 Chandlee Rd. 676-6318
44 Martha George heir to 59 Chandlee Rd. 676-6318
45 Bonnie George heir to 59 Chandlee Rd. 676-6318
46 Lynn Hartley 59 Chandlee Rd. (9 Bridge Dr.)
47 Edmund Schick 5 Owner 59 Chandlee Rd.
48 R. W. Gragg 1 Coulst
49 Naomi Chatterbox 11 Coulst
50 Hope Blund 29 Compression Ct.
51 Marie C. Chatterbox 14 Chandlee Rd.

Memorandum
Naomi Chatterbox 11 Coulst
63 Michale Propet 9 Chandlee Rd.

G.L.B. no. 22 108



File Keep
63 Chandlee Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at 71 Chandlee Rd - BALTO MD 21220

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Louisa L. Miller

DEFENDANT'S
EXHIBIT 7

File Keep
63 Chandlee Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at 63 Chandlee Rd - BALTO MD 21220

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Carl Bryant

Essex - Middle River Civic Council, Inc.

POST OFFICE BOX 5031
BALTIMORE, MARYLAND 21220

APRIL 28, 1986

MR. ARNOLD JABLON
ZONING COMMISSIONER
BALTIMORE COUNTY ZONING COMMISSION
TOWSON, MD 21204

DEAR MR. JABLON:

THE ESSEX-MIDDLE RIVER CIVIC COUNCIL BOARD OF DIRECTORS
AT THE APRIL 23 MEETING VOTED TO APPOINT MR. MICHAEL J. DAVIS,
CHAIRMAN OF THE BOARD OF GOVERNORS TO TESTIFY ON BEHALF OF THE
VICTORY VILLA RESIDENTS IN OPPOSITION TO THE PARKING OF TRUCKS
ON THE LOT IN QUESTION AT THE ZONING HEARING APRIL 28, ROOM 106
COUNTY COURT, TOWSON, MD.

Michael J. Davis
MICHAEL J. DAVIS

PROTESTANT'S
SUBMITTAL 9

Case No. 86-437-XSPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of March, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Kale Kemp, et ux
Petitioner's Attorney
J. Carroll Holzer, Esquire

Received by *James E. Dyer*
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner

Date: April 16, 1986

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-437-XSPH

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this
office is not opposed to the granting of the subject request. Some provision
should be made, however, to landscape for the benefit of the existing homes located
along the north side of the subject property.

Norman E. Gerber
NORMAN E. GERBER, AICP, Director
Office of Planning and Zoning

NEG/JGH/dml

CPS-008

BALTIMORE COUNTY DEPARTMENT OF HEALTH

3/17/86
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 315, Zoning Advisory Committee Meeting of March 18, 1986

Property Owner: Kale Kemp et ux

Location: E/S Compass Rd. 460' N Martin Blvd District 15th

Water Supply: Public Sewage Disposal: Public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or
installation of equipment for any existing or proposed food service facility,
complete plans and specifications must be submitted to the Plans Review
Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should
contact the Division of Air Pollution Control, 494-3775, to obtain require-
ments for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required
for such items as spray paint processes, underground gasoline storage tank/s
(5,000 gallons or more) and any other equipment or process which exhausts
into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required
for any charbroiler operation which has a total cooking surface area of five
(5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to exist-
ing or construction of new health care facilities, complete plans and
specifications of the building, food service area and type of equipment to
be used for the food service operation must be submitted to the Plans Review
and Approval Section, Division of Engineering and Maintenance, State Departant
of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming
pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage
facilities or other appurtenances pertaining to health and safety; two (2)
copies of plans and specifications must be submitted to the Baltimore County
Department of Health for review and approval. For more complete information,
contact the Recreational Hygiene Section, Division of Environmental Support
Services.
- () Prior to approval for a nursery school, owner or applicant must comply with
all Baltimore County regulations. For more complete information, contact
the Division of Maternal and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the
method providing for the elimination of waste oil must be in accordance
with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 315 Zoning Advisory Committee Meeting of March 18, 1986
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division
of Water Quality and Waste Management at 494-3768, regarding removal and/or
disposal of potentially hazardous materials and solid wastes.
- (X) Any abandoned underground storage tanks containing gasoline, waste oil, sol-
vents, etc., must have the contents removed by a licensed hauler and either
be removed from the property or properly backfilled. Prior to removal or
abandonment, owner must contact the Division of Water Quality and Waste
Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact
the Division of Environmental Support Services to determine whether
additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting
the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water
well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished
prior to conveyance of property and approval of Building Permit
Applications.
- () Prior to occupancy approval, the potability of the water supply must be
verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-
geological Study and an Environmental Effects Report must be submitted.
- (X) Others Please note that outdoor body work
(i.e. spray painting, etc.) would be prohibited for
more information contact the Division of Air
Pollution Control at 494-3775.

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 9, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue, Suite 110
Towson, Maryland 21204

RE: Item No. 315 - Case No. 86-437-XSPH
Petitioners - Kale Kemp, et ux
Special Exception and Special Hearing
Petition

Dear Mr. Holzer:

The Zoning Plans Advisory Committee has reviewed the plans sub-
mitted with the above-referenced petition. The following comments are
not intended to indicate the appropriateness of the zoning action re-
quested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. The Director of Planning may file a written report with
the Zoning Commissioner with recommendations as to the suitability of
the requested zoning.

Enclosed are all comments submitted from the members of the Com-
mittee at this time that offer or request information on your peti-
tion. If similar comments from the remaining members are received, I
will forward them to you. Otherwise, any comment that is not informa-
tive will be placed in the hearing file. This petition was accepted
for filing on the date of the enclosed filing certificate and a hear-
ing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Paul Lee Engineering, Inc.
304 West Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
JGH:JGH

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

APRIL 10, 1986

Re: Zoning Advisory Meeting of March 18, 1986
Item # 315
Property Owner: KALE KEMP, ET UX
Location: E/S COMPASS RD. 460' N.
MARTIN BLVD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be
forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior
to issuance of a building permit.
- () The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) The parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited
under the provisions of Section 22-99 of the Development
Regulations.
- (X) Development of this site may constitute a potential conflict with
the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board
on _____.
- (X) Landscaping: Must comply with Baltimore County Landscape Manual,
Bill 178-79. To building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is _____.
- (X) The property is located in a traffic area controlled by a "D" level
intersection as defined by Bill 178-79, and its conditions change
are re-evaluated annually by the Traffic Services Area
is _____.
- () Additional comments:

cc: James Hoswell

Eugene A. Sober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 1, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 315 -ZAC- Meeting of March 18, 1986
Property Owner: Kale Kemp, et ux
Location: E/S Compass Road 460' N Martin Boulevard
Existing Zoning: B.L. & D.R. 16
Proposed Zoning: Special Exception for a service garage and
vehicle service in lieu of the required in-
side of a building.

Acres: 3.756
District: 15th

Dear Mr. Jablon:

This site should be requested to meet all county entrance
regulations.

Michael S. Plantgan
Michael S. Plantgan
Traffic Engineer Associate II

MEF/bld



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

April 10, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Kale Kemp, et ux

Location: E/S Compass Road 460' N. Martin Blvd.

Item No.: 315 Zoning Agenda: Meeting of 3/18/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3510

April 14, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 315 Zoning Advisory Committee Meeting are as follows:

Property Owner: Kale Kemp, et ux
Location: E/S Compass Road, 460' N Martin Blvd.
Districts: 15th.

APPLICABLE ITEMS ARE CIRCLED:

(1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980), and other applicable Codes and Standards.

(2) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All the Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 0'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 601, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 601 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are Use _____ to Use _____ or to Mixed Use. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(2) Comments: It appears Section 103.1 as amended would be applicable.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
By: C. D. Burrows, Chief
Building Plans Review

L/22/86

Protestant called 4-7-86 - wanted island signs to be placed where they could be seen more clearly. I called wait. He looked for 15 minutes - this was only place to put signs all ground is covered. Also take a job. The signs are on posts on the property. Please note the above subject location is an active violation case, 85-232-CV, Parcel 4 - Compass Road. Presently, this matter is being addressed within the District Court of Maryland.

When this petition is scheduled please notify:

Joseph Urso
47 Chandelle Road
Baltimore, Maryland 21220

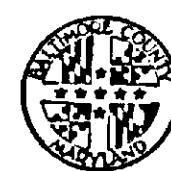
Hana Watson
45 Chandelle Road
Baltimore, Maryland 21220

Michael J. Davis
946 Middlesex Road
Baltimore, Maryland 21221

Essex-Middle River
Civic Council, Inc.
P.O. Box 5031
Baltimore, Maryland 21220

JT/15

CPS-008



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 30, 1986

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 86-437-XSPH
Kale Kemp, et ux

Dear Mr. Holzer:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in the subject case.

Sincerely,

[Signature]
Kathi C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. Kale Kemp/Mrs. Alma Kemp
Mr. Joseph Urso
Ms. Hana Watson
Mr. Michael J. Davis
Essex-Middle River Civic Council, Inc.
Benjamin Bronstein, Esquire
Phyllis C. Friedman, Esquire
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Case No. 86-437-XSPH
Item No. 315
Date: 5/22/86
E/S of Compass Rd., 460' N of Martin Blvd. 15th District
Kale Kemp, et ux - Petitioners
SE -
XSPH-A service garage and a special hearing to permit outside motor vehicle service in lieu of the required inside of a building.

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance
9. Copy of Order - Zoning/Planning Commissioner-5/5/86, DENIED.
10. Copy of Plat of Property [See Petitioner's Exhibit 1]
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
- 15A. Joint Exhibit No. 1 - Plat by Wm. F. Neales & Associates [Orig. to Bd. no copy in Zoning file]
16. Protestants' Exhibits 1 to 9
- Letter of Appeal from J. Carroll Holzer, Esq., for Petitioner.
Protestant's Exhibit No. 1 - List of those in opposition to trucking facility
- Protestant's Exhibit No. 2 - List of those who complain about heavy commercial use of property
- Protestant's Exhibit No. 3 - Color photograph of trailer rigs parked on property [ORIGINAL SENT - NO COPY IN FILE]
- Protestant's Exhibit No. 4 - 3 color photographs of truck cabs and trailer rigs parked on property [ORIGINALS SENT-NO COPY IN FILE]
- Protestant's Exhibit No. 5 - 2 color Polaroid photographs taken 4/28/86, 7:45 a.m. and 1 color Polaroid photograph taken 4/28/86, at 8:15 a.m. [ORIGINALS SENT-NO COPIES IN FILE]
- Protestant's Exhibit No. 6 - color photograph of truck vans parked on property [ORIGINAL SENT - NO COPY IN FILE]
- Protestant's Exhibit No. 7 - 1 Kodak color photograph taken 4/11/86, at 8:30 a.m., 2 color photographs taken 2/16/86, 3 color photographs taken 2/21/86, 2 color photographs dated 1/86, 8 undated color photographs, 6 color photographs dated 3/23/86, 6 color photographs dated 3/25/86, 4 color photographs taken 3/28/86, and 3 color photographs dated 4/86 [ORIGINALS SENT - NO COPIES IN FILE]
- Protestant's Exhibit No. 8 - Letter to Arnold Jablon from Michael J. Davis, Chairman, Essex-Middle River Civic Council, Inc., dated 3/5/86
- Protestant's Exhibit No. 9 - Letter to Arnold Jablon from Michael Davis, dated 4/28/86

IN THE MATTER OF THE : BEFORE
APPLICATION OF :
KALE KEMP, ET UX FOR : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION -SERVICE : OF
GARAGE AND SPECIAL HEARING :
TO PERMIT OUTSIDE MOTOR :
VEHICLE SERVICE : BALTIMORE COUNTY
E/S OF COMPASS ROAD, 460' : CASE NO. 86-437-XSPH
N OF MARTIN BOULEVARD :
15th DISTRICT :

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated May 5, 1986, denying the Petitioner a special exception for service garage and denying the request to service motor vehicles outdoors. Hearing was held this day in its entirety.

Petitioner's attorney in his opening statement stated that the property under the proposed special exception would no longer be used in any way as a truck terminal. He stated the Petitioner purchased the property in August of 1985 and intends to build a metal butler-type building 60 feet by 75 feet as is required for a service garage. He especially noted the long former history of this property and its apparent use as a truck terminal and a collection point for all types of junk and debris. He noted that the present owner has now removed all said material. He also proffered that while the Petitioner has a fleet of tractor-trailers, he has made provisions for their off-site storage at other legal truck terminals and submitted letters attesting to this.

People's Counsel at the onset of this hearing made motion that the case be remanded back to the Zoning Commissioner. Her contention was that the addition of the proposed building to the subject site made the case an entirely new case. This motion was denied since basically the testimony for and against the proposal would be the same today as it was before the Zoning Commissioner and

Kale Kemp
63 Chandelle Rd.
Baltimore, Md. 21220

Nov. 1985 -

To Whom It May Concern:

I live at: 55 Chandelle Rd

The trucks & trailers in back of
my property belonging to the Kemps
do not bother me in anyway.

Signed:

Oval Wilson

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: Bob Carroll 53 Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed:

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 63 Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Charles Carroll

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

November, 1985

TO WHOM IT MAY CONCERN:

I live at: 48 Chandelle Rd. Baltimore 21220 Md

The trucks and trailers across the street from my property belonging
to the Kemps do not bother me in any way.

Signed: Charles Carroll

63 Chandelle Rd.
Baltimore, Maryland 21220

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 37 CHANDELLE ROAD

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed:

Frank Wilson

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 35 Chandelle Rd Baltimore 21220

The trucks and trailers in back of my property belonging to
the Kemps do not bother me in any way.

Signed:

R.H. Kempford

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: Chandelle Rd # 33

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed:

Charles Carroll

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 57 Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed:

Emma Temple

Kale Kemp
63 Chandelle Rd.
Baltimore, Md. 21220

Nov. 1985 -

To whom it may concern:

I live at: 55 Chandelle Rd

The trucks & trailers in back of
my property belonging to the Kemps
do not bother me in anyway.

Signed:
Orval Wilson

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: Bob Arnold 53, Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed:

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 63 Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: James Whit

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

November, 1985

TO WHOM IT MAY CONCERN:

I live at: 48 Chandelle Rd. Baltimore Md

The trucks and trailers across the street from my property belonging
to the Kemps do not bother me in any way.

Signed: Charles C. Smith

63 Chandelle Rd.
Baltimore, Maryland 21220

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 37 CHANDELLE ROAD

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Fred Stojied

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 35 Chandelle Rd Baltimore 21220

The trucks and trailers in back of my property belonging to
the Kemps do not bother me in any way.

Signed: R.H. Kempford

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: Chandelle Rd # 33

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Ernie H. Spencer

Kale Kemp
63 Chandelle Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 27 Chandelle Rd.

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: Emma Temple

Kale Kemp
63 Chandelie Rd.
Baltimore, Maryland 21220

October, 1985

TO WHOM IT MAY CONCERN:

I live at: 73 Chundell Rd

The trucks and trailers in back of my property belonging to the
Kemps do not bother me in any way.

Signed: D.L. Miller

Essex - Middle River Civic Council, Inc.

POST OFFICE BOX 5031
BALTIMORE, MARYLAND 21220

March 5, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Zoning Commission
Towson, MD 21204

Dear Mr. Jablon:

The Essex-Middle River Civic Council voted at its February 19 meeting to send a letter to the Baltimore County Department of Zoning concerning the problems of residents in the Victory Villa neighborhood of the Essex-Middle River area.

For some 10 years a parking lot on Compass Road near Martin Boulevard has been used by Kale Kemp as a limited trucking facility. The residents hesitated to complain of this use in an area zoned BL (business light) because they did not want to arbitrarily cause Mr. Kemp undue hardship as long as he needed to park and service his trucks. However, in the recent past, Mr. Kemp has increased the usage of this parking lot to increase the trucks involved to unacceptable amounts for the safety and neighborhood environment guaranteed to the local residents by the County zoning of this area. (By actual count, there were 17 tractor trailers and two tractor cabs on the lot at 9 a.m., February 24, 1986.)

In addition to the additional tractor trailers being parked on the parking lot, a vacant lot between Mr. Kemp's parking lot and the local residents was purchased by Mr. Kemp recently. The fear is that Mr. Kemp will develop the vacant lot to add more truck parking thus increasing the unacceptable burden on the local residents, and reduce the value of the property.

Residents of the Victory Villa area in the Fall of 1985 approached Baltimore County Zoning Enforcement Officer, James H. Thompson, with their complaint. Mr. Thompson relayed information that Mr. Kemp had scheduled a hearing for the purpose of gaining a variance for an alleged service garage.

Mr. Arnold Jablon

-2-

March 5, 1986

Of course, the issue is not that of a service garage but a zoning violation. Mr. Kemp is using a lot in an area zoned BL as a trucking terminal. The residents found it hard to understand why the County was not more forceful as it seemed to let Mr. Kemp postpone a zoning hearing which he would in all probability be found in violation of zoning statutes.

On January 29, 1986, however, the Baltimore County Department of Zoning remanded the case to District Court to be adjudicated by the County against Mr. Kemp.

The position of the Essex-Middle River Civic Council is in total support of the residents of Victory Villa against Kale Kemp and in total support of the Baltimore County government in their action to bring this matter to justice.

Thank you for your efforts in this matter. Please process this complaint to its fullest and advise this body and other interested parties in the area of hearings, court appearances and other information concerning this issue.

Sincerely,

Michael J. Davis
Michael J. Davis, Chairman
Essex-Middle River Civic Council, Inc.
Board of Directors

MJD/jb

Case No. 86-437-XSPH
Kale Kemp, et ux

2.

that the proposal to erect the building did not materially alter the request for the service garage.

Petitioner's first witness was Mr. Kale Kemp, property owner. He testified that he has lived 32 years at 63 Chandelie Road which residence directly abuts the subject site. He testified that he purchased this site in 1985. He noted the history of the site as being a storage yard by the government up until 1955, and since then the property has been used as an area to park tractors and trailers, school buses, do auto repairs, and collect large amounts of junk and debris. It was his testimony that since his purchase in 1985 he has removed all this junk and debris. At this time, he submitted as Petitioner's Exhibit #2 his plat showing the proposed building and other lot improvements. He stated that he had no intention to park tractors and trailers on this lot nor to permit anyone else's tractor-trailers to be stored on this lot. He wanted the service garage strictly to work on normal repairs on his own tractor-trailers and would not do work on anyone else's. Upon cross-examination, he testified that he now owns six tractors and nine trailers, all of which are available for his contract use or lease to anyone who has use for them. He also testified that, if it became necessary, he could get four tractor-trailers inside the proposed building at one time but did not anticipate the need for this crowding. There was testimony from nine neighbors directly abutting the property in favor of the proposal and many others in the area in favor of the proposal whose names and addresses are made a part of the record.

Petitioner's next witness was Mr. Paul Lee, a registered, professional engineer, who was hired to prepare the plat. He noted that access to the subject site is by way of a 50-foot easement from Compass Road. He testified that the proposed building was positioned on the lot in order to have access to the

Case No. 86-437-XSPH
Kale Kemp, et ux

3.

public facilities, that it conforms to all setback requirements, and that the plat indicates a proposed eight-foot privacy fence which would screen those vehicles awaiting service from view by the neighborhood. He also noted that, in compliance with Baltimore County regulations, the proper number of parking spaces were shown. This concluded Petitioner's case.

Protestants' first witness was Mr. Gregory Jones, a traffic engineer for Baltimore County. He testified that, if this special exception was granted, Baltimore County would probably require the entrance to be redesigned to meet County radii standards. He also testified there was adequate room for this to be accomplished.

Mr. Urso, who lives at 47 Chandelie Road, testified in opposition to the special exception. He specifically objected to the tractor-trailer traffic, the smoke and noise created by them, and the fear that this use would reduce his property value. Mr. Durwood Hart who lives at 21 Stabilizer Drive, President of Victory Villa Improvement Association; Mr. Michael Davis, who lives at 946 Middlesex Road, representing the Essex-Middle River Civic Association; and Ms. Hana Watson, who lives at 45 Chandelie Road, all testified in opposition to the petition. This concluded testimony and evidence in this case.

It is clear to this Board from the testimony and evidence received and from the enormous interest in the use of this property - not only the abutting neighbors but by the entire neighborhood that this property use over the last thirty years has been sadly abused. There is no doubt that its use, at least some of the time, has been that of a truck terminal. There is no doubt that repairs have been conducted on vehicles on this site, nor is there any doubt that trash and debris were allowed to collect there. It is very apparent that the fear both of those protesting the special exception and those supporting

Case No. 86-437-XSPH
Kale Kemp, et ux

4.

the special exception is that this truck terminal use will continue. While Mr. Kemp's testimony that he would use the service garage strictly to service his own vehicles is probably sincere, there is no foreseeable way in which this could be policed. Once a tractor-trailer was inside the building, no one could possibly know for sure who the owner was. The fear also was evident that if the service garage was permitted any number of tractor-trailers could be parked on the lot under the pretense that they were awaiting service. The Board finds that the requirements for a service garage in a B.L. zone under §502.1 have been complied with. The Board is also empowered to place reasonable restrictions on any special exception that it grants. In the subject case, the Board will attempt to place restrictions on the use of the special exception that will allow all the neighborhood to police the special exception and see that the proposed use is strictly that of a service garage and in no way becomes a truck terminal.

The Board is therefore of the opinion that the special exception for a service garage shall be granted.

ORDER

It is therefore this 30th day of October, 1986, by the County Board of Appeals ORDERED that the petition for special exception for a service garage be and is the same hereby GRANTED with the following conditions precedent:

- 1) The proposed service garage building must be placed as shown on the plat entered as Petitioner's Exhibit #2 and that it be no larger than the size shown on the plat.
- 2) That the fenced-in area as shown on the plat be installed to screen the vehicles awaiting service.

Case No. 86-437-XSPH
Kale Kemp, et ux

5.

- 3) That no more than two tractors, trailers and/or either be permitted in the screened-in area awaiting service at any one time. If there are more vehicles needing service, they must be stored off this site until there is room for them to be stored outside. This stored-outside number must never exceed two.
- 4) The Petitioner must understand that, while a special exception use runs with the land and not with the property owner, any violation of the conditions precedent to the granting of this special exception may be due cause for the rescinding of the special exception.

It is further ORDERED that since the special exception has been granted for a service garage no outside motor vehicle servicing is permitted.

Any appeal to this decision must be made in accordance with Rules R-1 through R-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Patricia Phipps
Patricia Phipps

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILLO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER & DEMILLO
309 W. CHESAPEAKE AVENUE
SUITE 110
TOWSON, MARYLAND 21204
(410) 253-6960
WASHINGTON, D.C. OFFICE
SHOREHAM BUILDING
15TH STREET N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO
ZONING DEPARTMENT
TOWSON

May 21, 1986

Arnold Jablon,
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception
and Special Hearing
Kale Kemp, et al.
Case No.: 86-437-XSPH

Dear Mr. Jablon:

Enclosed please find Notice of Appeal and our check in the amount of \$150.00 payable to Baltimore County, Maryland to cover the fee for said Appeal in the above-captioned case.

Thank you for your attention to this matter.

Very truly yours,

J. Carroll Holzer
J. Carroll Holzer

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021720

DATE 5/22/86 ACCOUNT 3-01-615-110

RECEIVED J. Carroll Holzer, Esquire
FROM Arnold Jablon, Zoning Commissioner

FOR APPEAL FEE IN CASE #86-437-XSPH

" BT13*****150000 5-22-86

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITIONS SPECIAL
EXCEPTION AND SPECIAL
HEARING
E/S of Compass Road, 460' N
of Martin Boulevard -
15th Election District
Kale Kemp, et al.
Petitioners

IN THE
BOARD OF APPEALS
FOR
BALTIMORE COUNTY
CASE NO. 86-437-XSPH

NOTICE OF APPEAL

Kale Kemp, by J. Carroll Holzer, Holzer, Maher & Demilio,
hereby enters an appeal in the above-captioned case tried before
the Zoning Commissioner of Baltimore County, whose Order is dated
May 5, 1986. Petitioner alleges the Zoning Commissioner erred in
denying his Request for Special Exception and Special Hearing and
encloses a check in the amount of One Hundred and Seventy-five
Dollars (\$175.00).

WHEREFORE, the Petitioner requests the appeal be noted before
the Board of Appeals, and a hearing held on the above-captioned
appeal.

J. CARROLL HOLZER

JCH/dw

cc: People's Counsel
Arnold Jablon, Zoning Commissioner



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 23, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-437-XSPH KALE KEMP, ET UX
FOR SE-SERVICE GARAGE
" SPH-TO PERMIT OUTSIDE MOTOR VEHICLE SERVICE
IN LIEU OF THE REQUIRED INSIDE OF A BUILDING
E/S COMPASS ROAD 460'
N. OF MARTIN BLVD.
15th DISTRICT
(5/5/86 - Z.C. DENIED PETITION)

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 24, 1986 at 10 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Petitioners-Appellants
Mr. and Mrs. Kale Kemp Petitioners-Appellants
Mr. Joseph Urso Protestants
Ms. Hana Watson "
Mr. Michael J. Davis "
Essex-Middle River Civic Council, Inc. "
Phyllis Cole Friedman People's Counsel
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 29, 1986

Mr. Joseph Urso
47 Chandelle Road
Baltimore, Maryland 21220

Essex-Middle River Civic
Council, Inc.
P.O. Box 5031
Baltimore, Maryland 21220

Ms. Hana Watson
45 Chandelle Road
Baltimore, Maryland 21220

Mr. Michael J. Davis
946 Middlesex Road
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING
E/S of Compass Rd., 460' N of Martin Blvd.
15th Election District
Kale Kemp, et ux - Petitioners
Case No. 86-437-XSPH

Lady and Gentlemen:

Please be advised that on May 22, 1986, an appeal was filed
by the Appellants/Petitioners Kale Kemp, et ux from the decision
rendered by the Zoning Commissioner of Baltimore County in the
above-captioned matter.

You will be notified of the date and time of the appeal
hearing when it is scheduled by the County Board of Appeals.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Mr. Kale Kemp
Mrs. Alma G. Kemp
J. Carroll Holzer, Esquire

Phyllis C. Friedman, Esquire
People's Counsel
Baltimore County Board of Appeals

RONALD L. MAHER
J. CARROLL HOLZER
GERALD D. GLASS
CAROL S. DEMILIO
DAVID F. HENNINGER
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, GLASS, MAHER, HENNINGER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15th STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

September 19, 1986

Baltimore County Board of Appeals
Old Courts Building
Towson, Md 21204

re: Kale Kemp Appeal
Hearing Date: 9/24/86

Gentlemen:

The Appellant Kale Kemp would request a postponement in the
above captioned matter on the basis that a key witness will not be
available to testify at the hearing.

I have discussed the request with People's Council, Phyllis
Friedman, and she has agreed to the postponement request.

Mrs. Friedman and I have agreed to call all the witnesses to
notify them of the postponement.

Very truly yours,

J. Carroll Holzer

JCH:hr

copy to: Phyllis Friedman
People's Council

RECEIVED
COUNTY BOARD OF APPEALS
SEP 19 1986

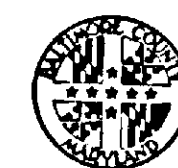
6/23/86 - Notified of appeal hearing scheduled for WEDNESDAY, SEPTEMBER 24, 1986 at 10 a.m.

J. Carroll Holzer, Esq.
Mr. Kale Kemp
Mr. Joseph Urso
Ms. Hana Watson
Mr. Michael J. Davis
Essex-Middle River Civic Council, Inc.
Phyllis Cole Friedman

9/24/86 - PER W.T.H. - CASE POSTPONED IN OPEN HEARING.

ABOVE NOTIFIED OF REASSIGNMENT FOR THURSDAY, OCTOBER 16, 1986 at 10 a.m.

It is the Board's intention that no further postponements be granted in
this case. These intentions were made known to all persons present in
the hearing room.



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 19, 1986

NOTICE OF POSTPONEMENT

CASE NO. 86-437-XSPH

KALE KEMP, ET UX

FOR SE-SERVICE GARAGE
" SPH-TO PERMIT OUTSIDE MOTOR VEHICLE SERVICE
IN LIEU OF THE REQUIRED INSIDE OF A BUILDING

E/S COMPASS ROAD 460'
N. OF MARTIN BLVD.

15th DISTRICT

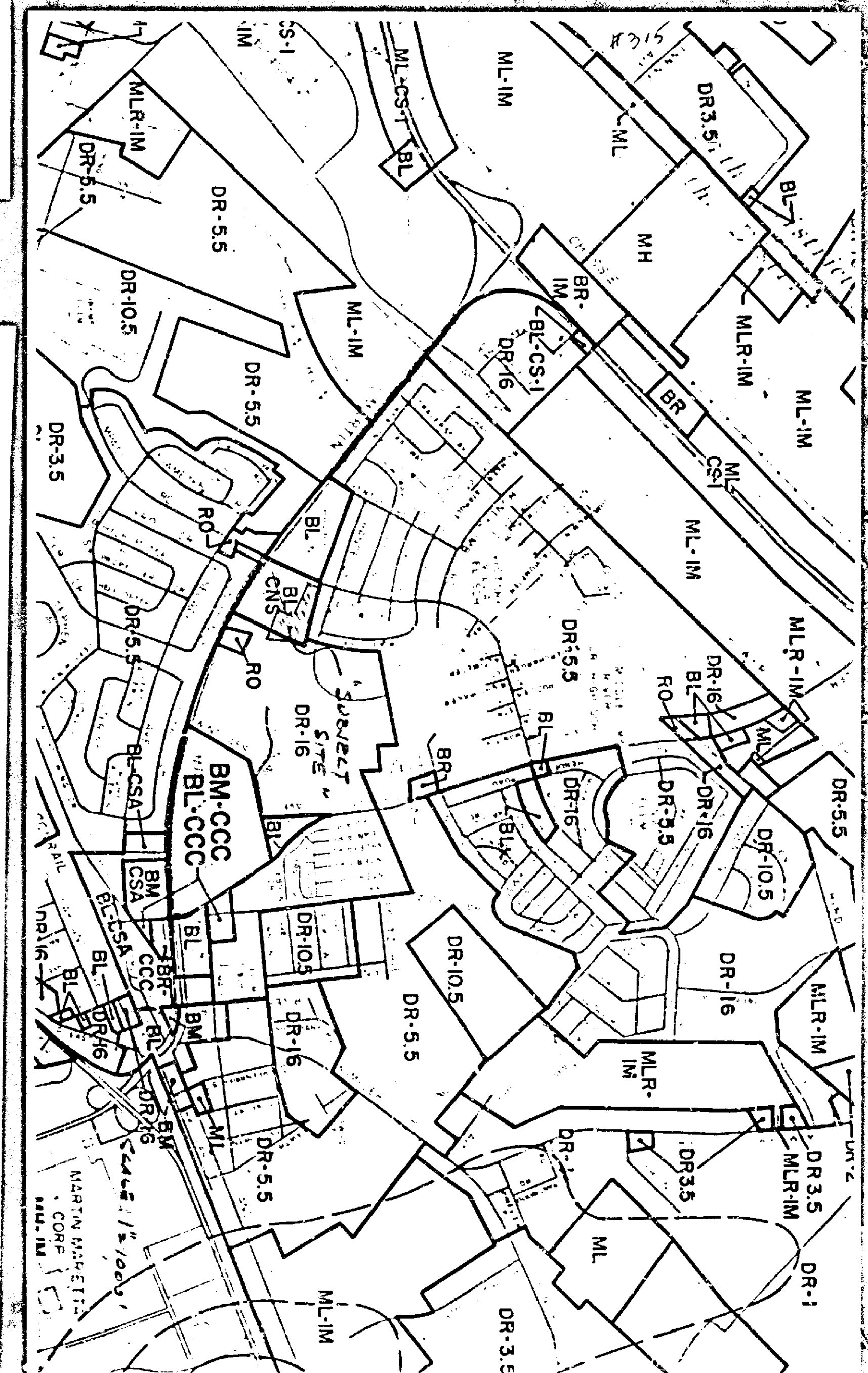
scheduled for hearing on WEDNESDAY, SEPTEMBER 24, 1986 at 10 a.m. has been
POSTPONED at the request of the Counsel for Petitioners.

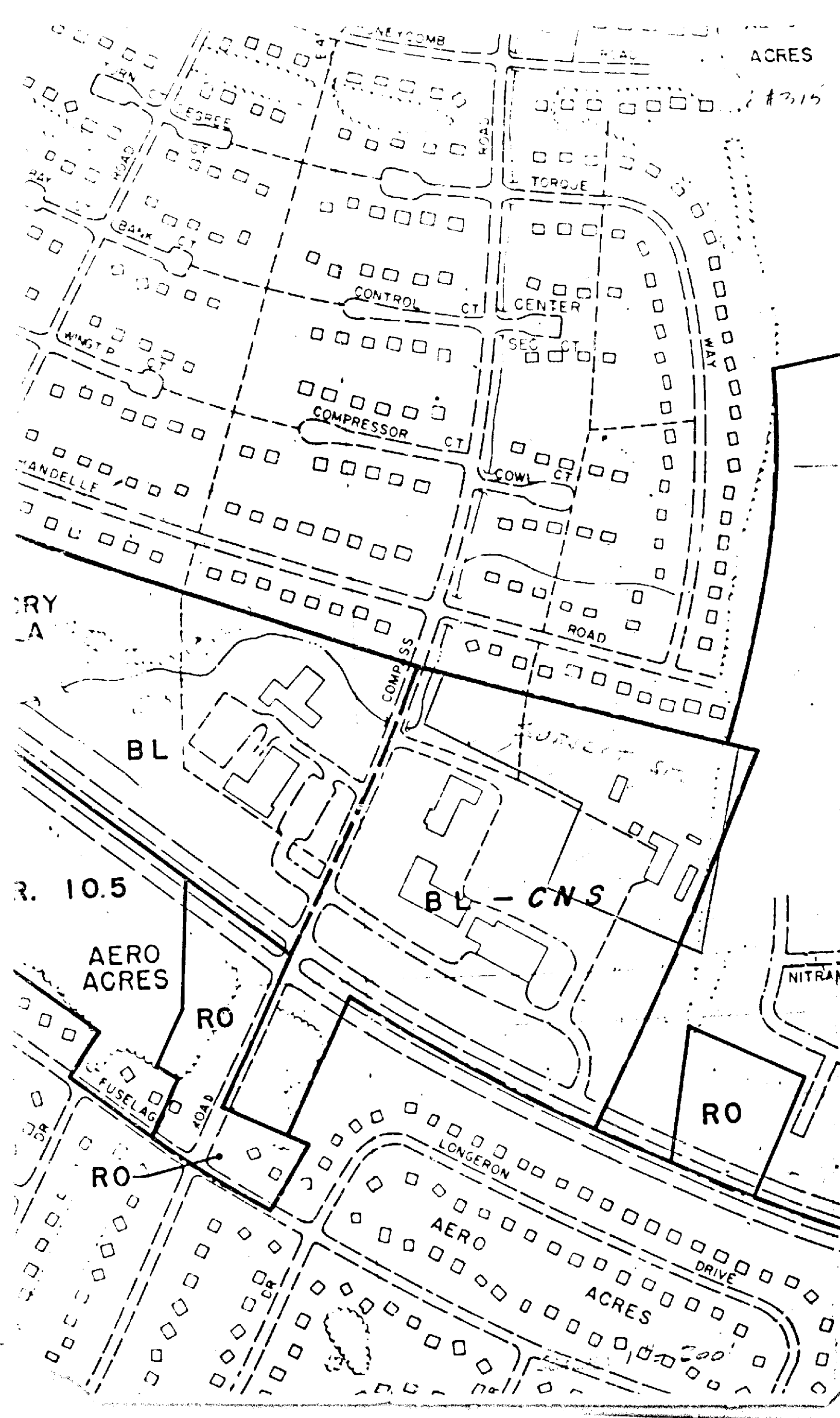
cc: J. Carroll Holzer, Esquire
Mr. and Mrs. Kale Kemp
Mr. Joseph Urso
Ms. Hana Watson
Mr. Michael J. Davis
Essex-Middle River Civic Council, Inc.
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Kathi C. Weidenhammer
Administrative Secretary

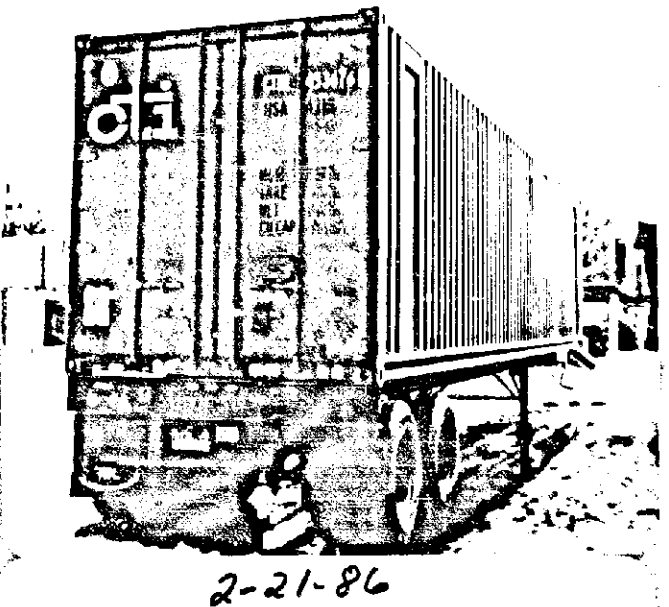
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Appeal
Petitioner: Kale Kemp, et ux
Location of property: E/S Compass Rd., 460' N. Martin Blvd.
Location of Signs: E/S Compass Rd., approx. 11' fr. driveway
on property of petitioner.
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 9/2/86
Number of Signs: 1





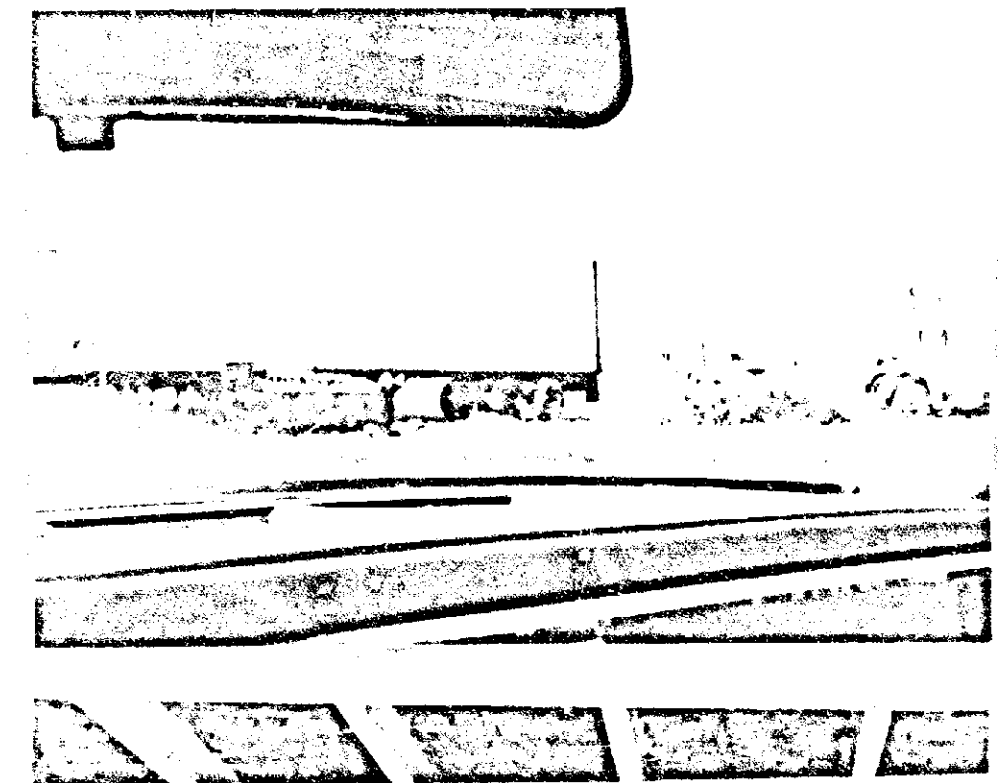
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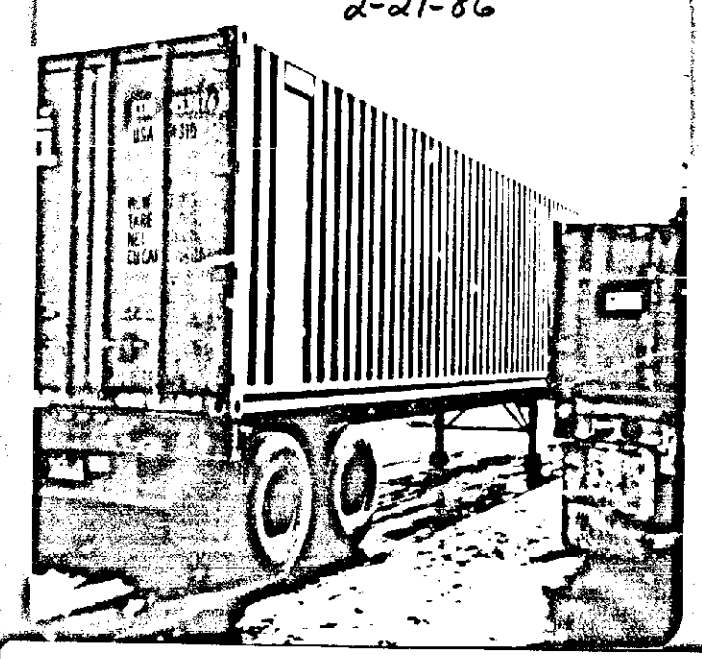
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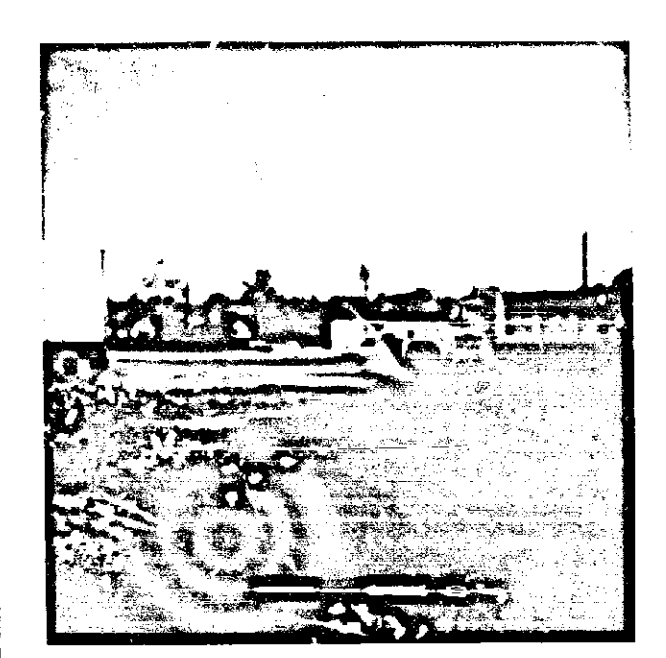
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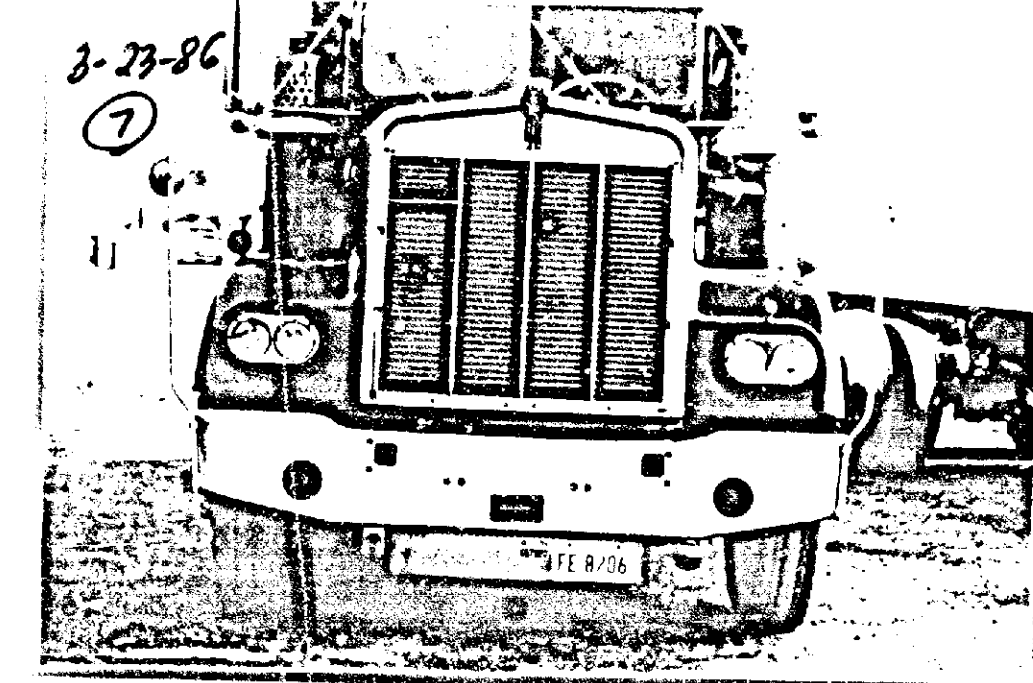
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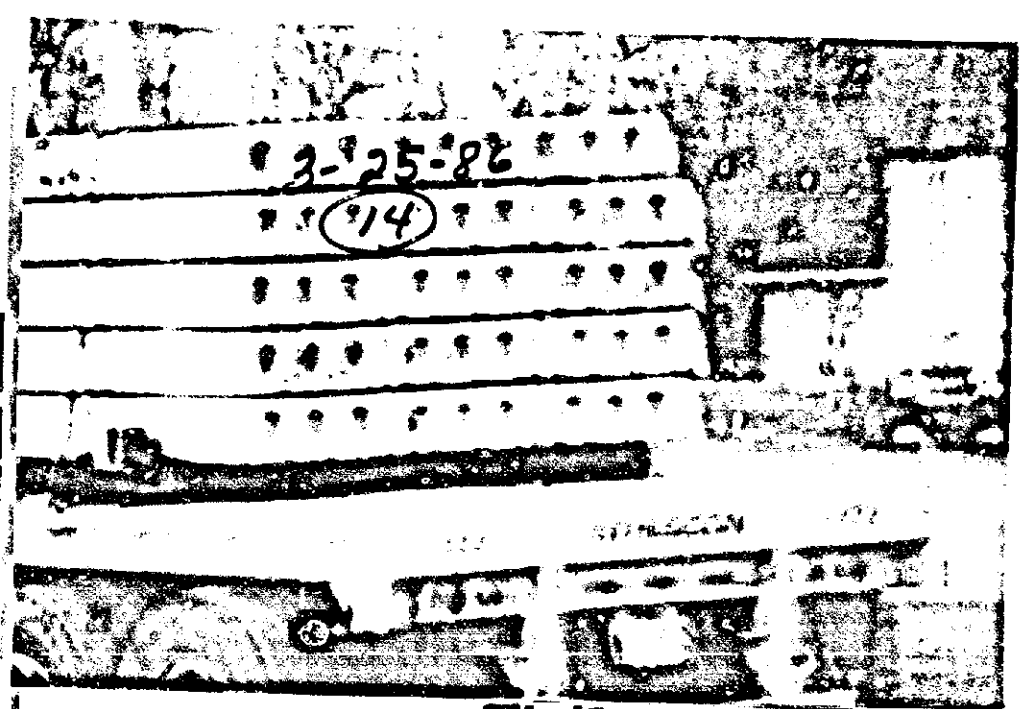
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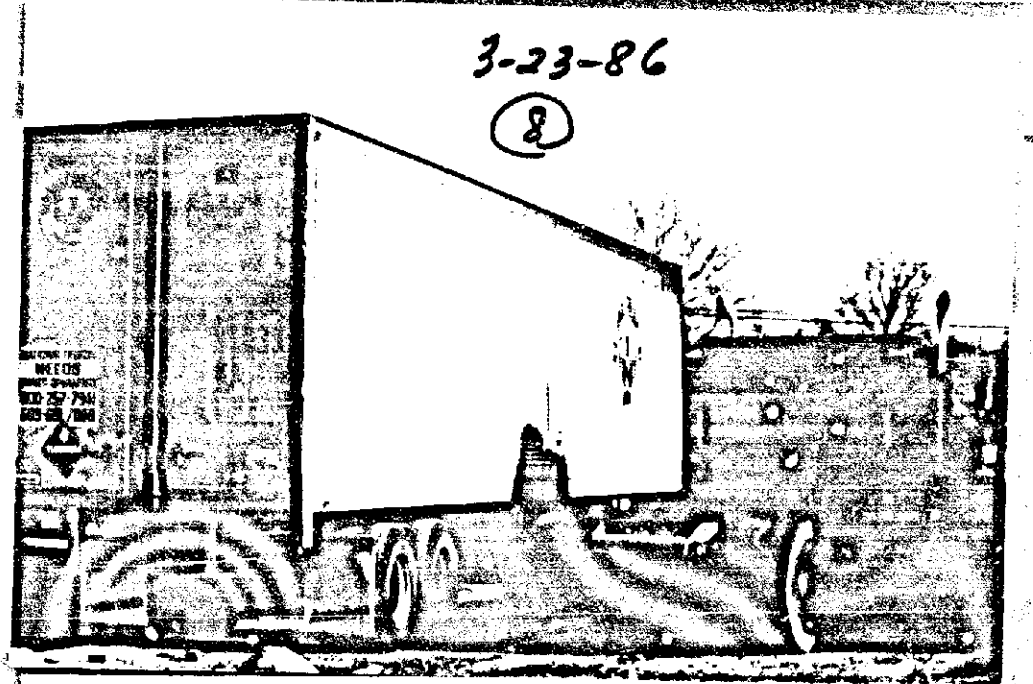
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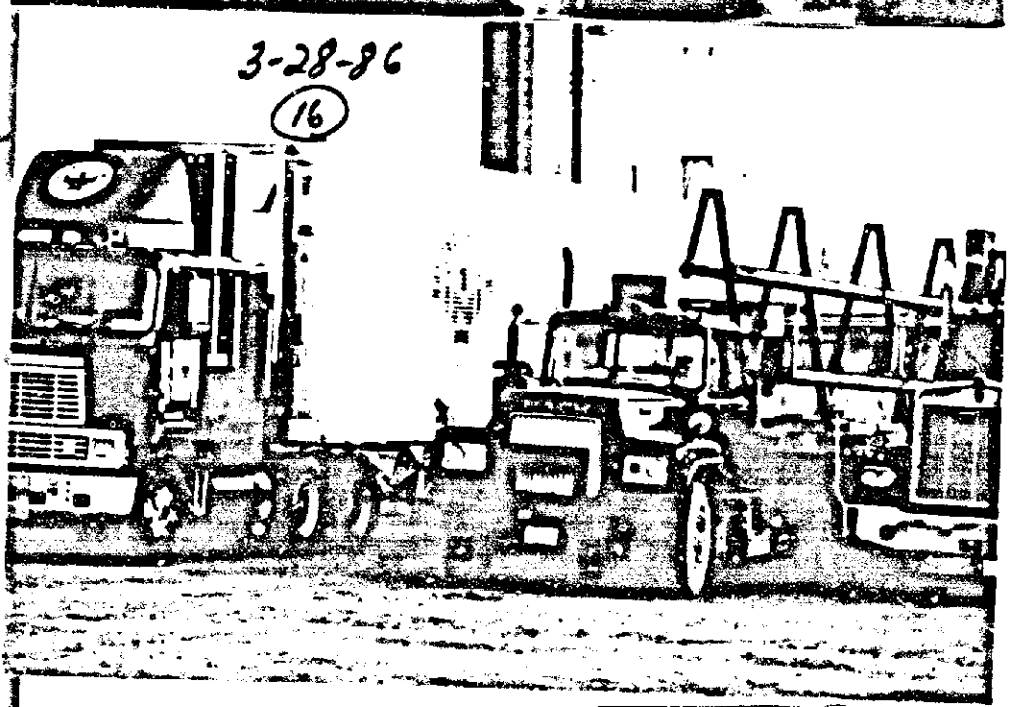
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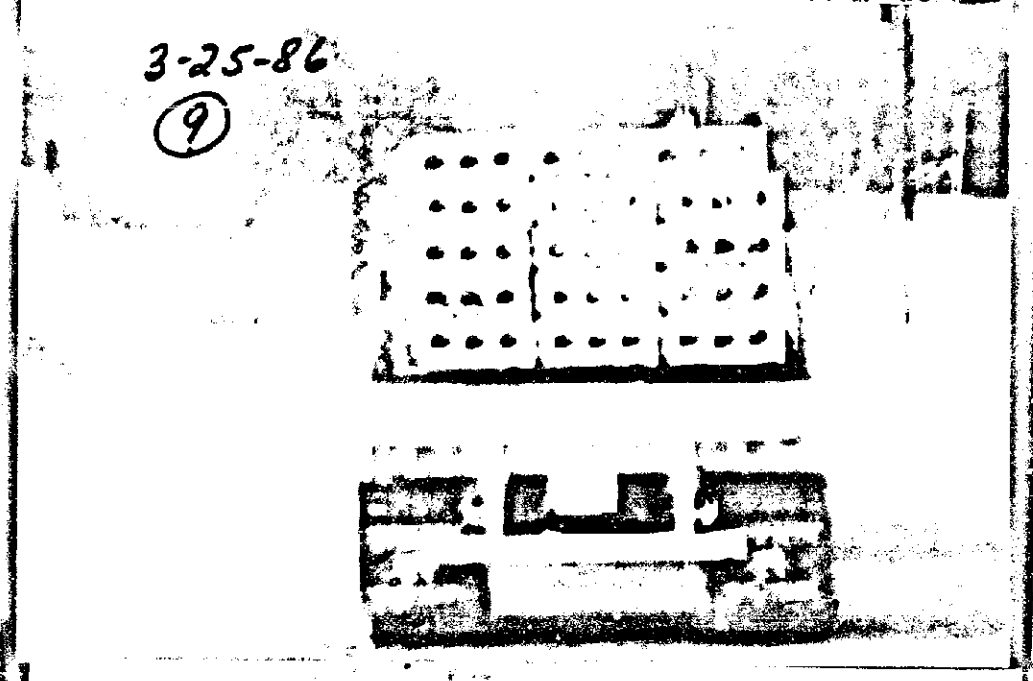
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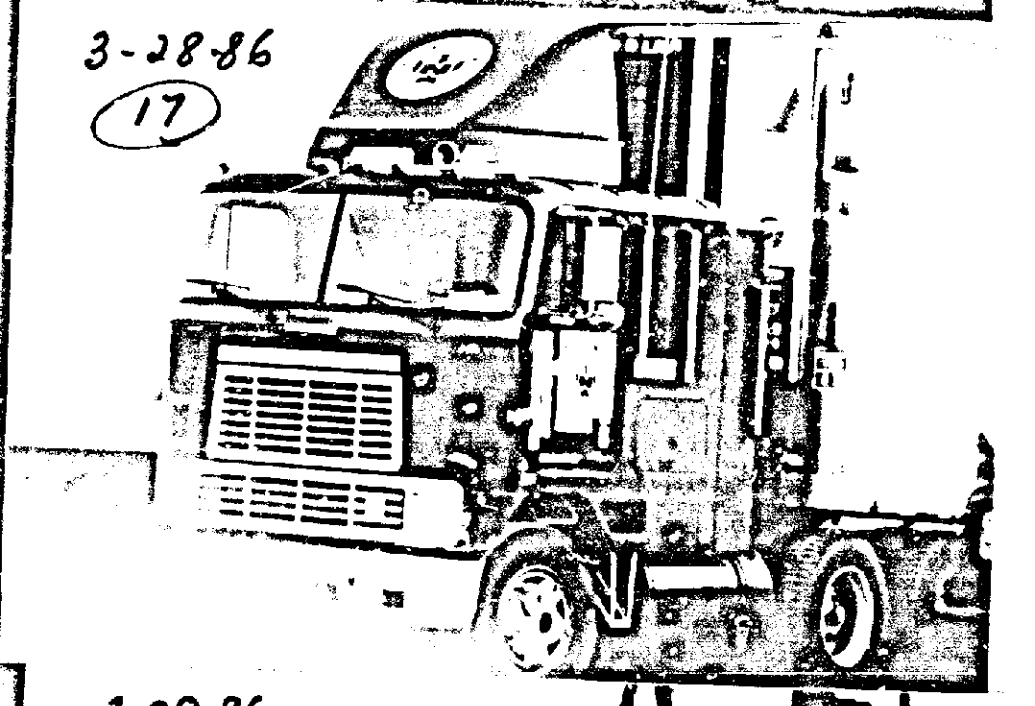
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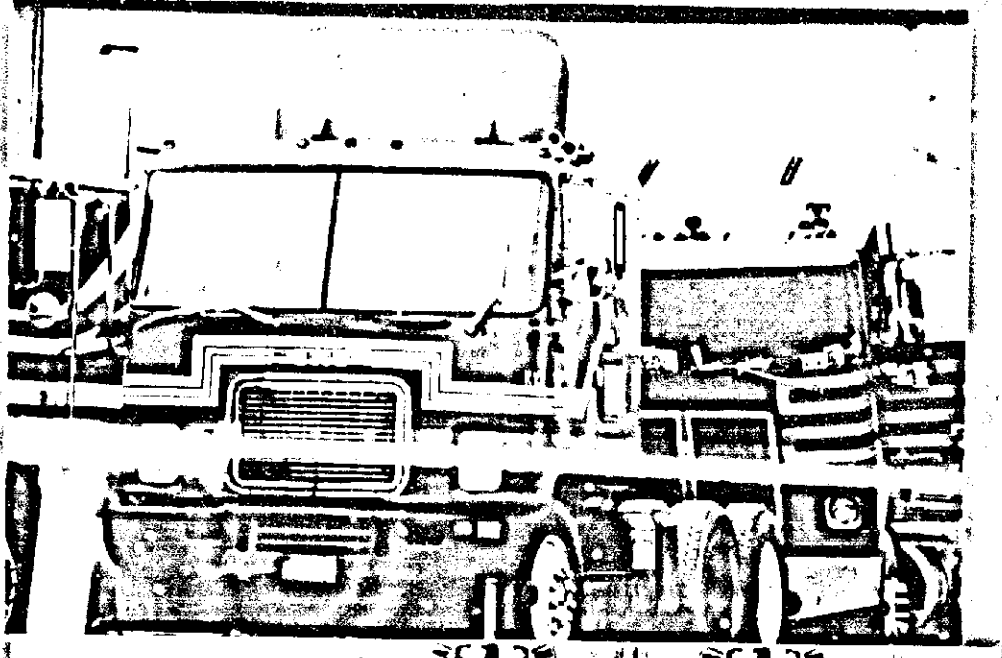
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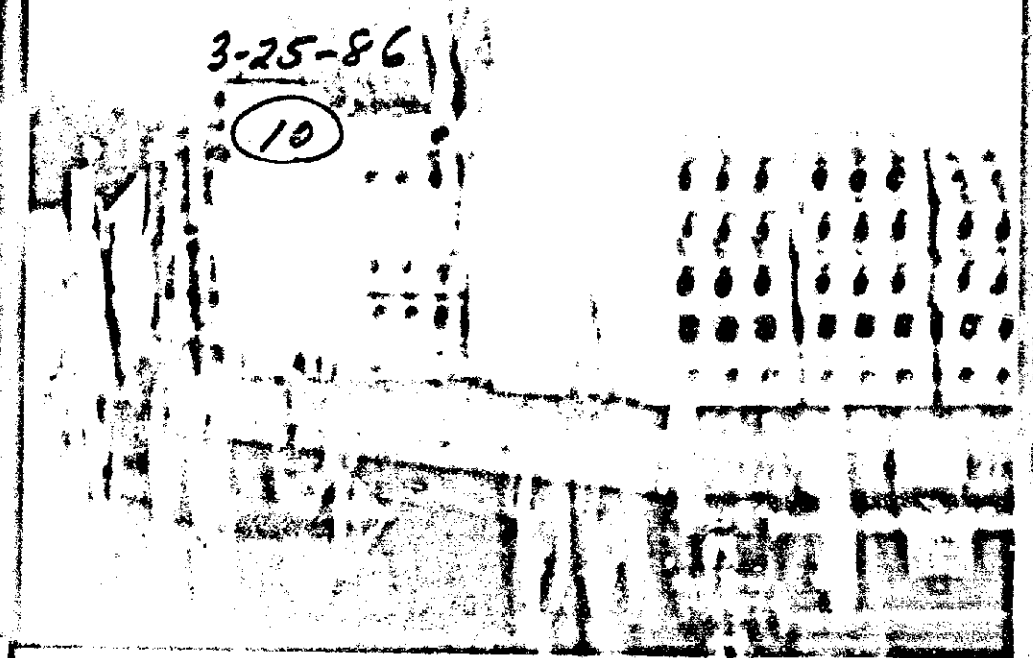
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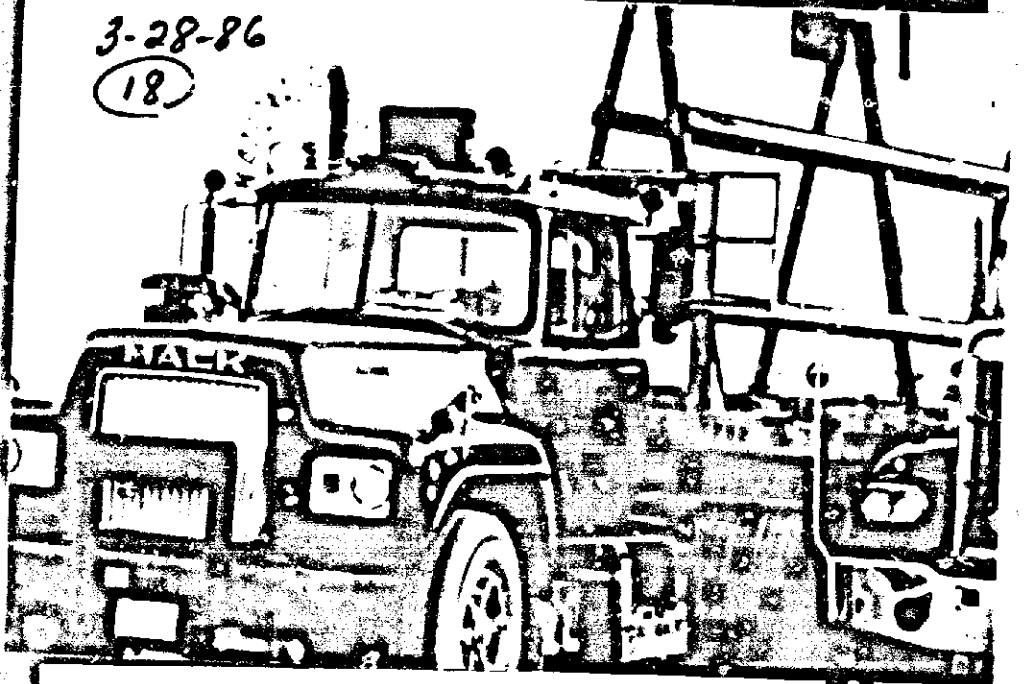
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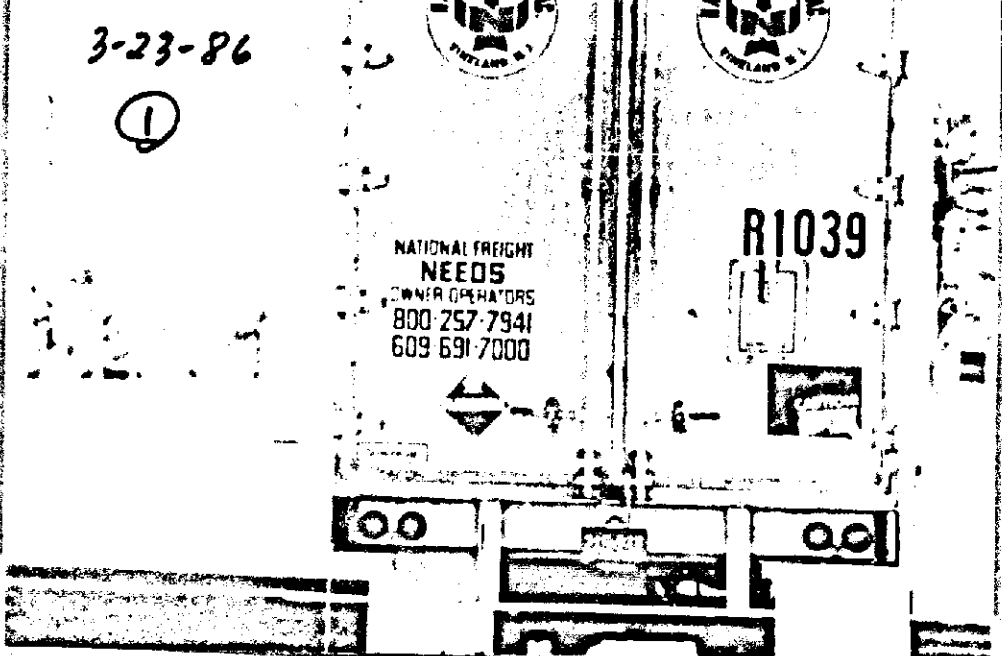
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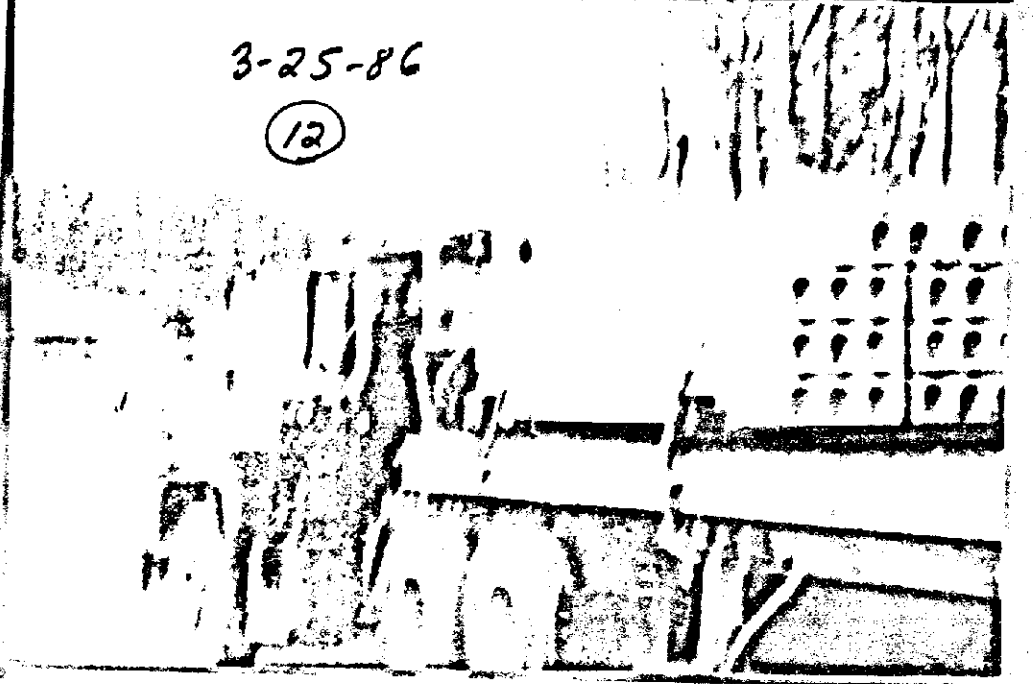
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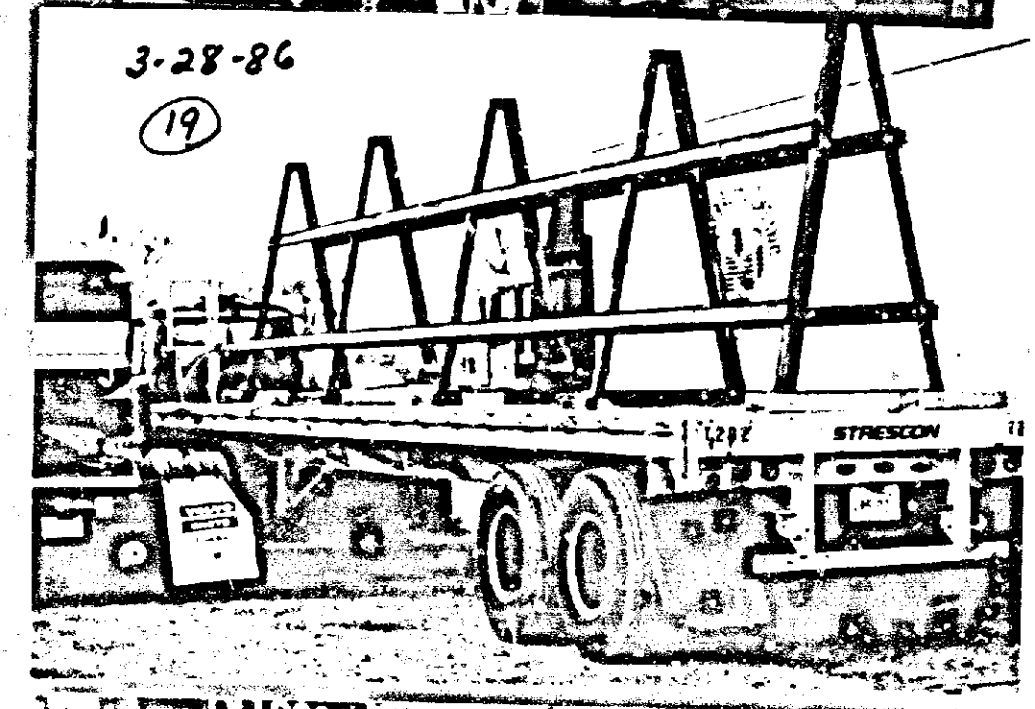
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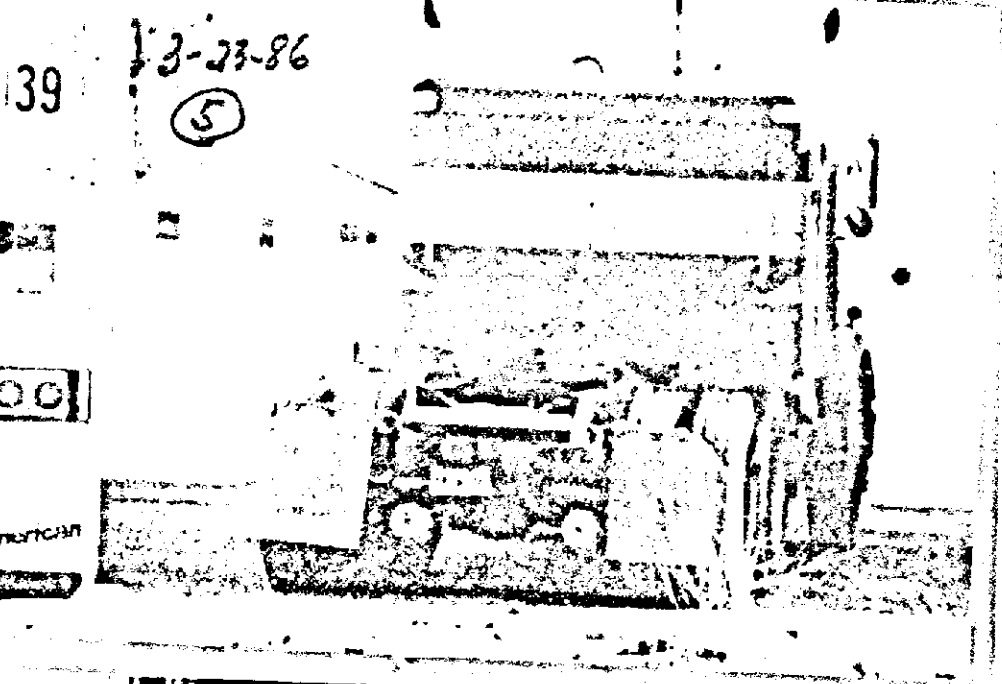
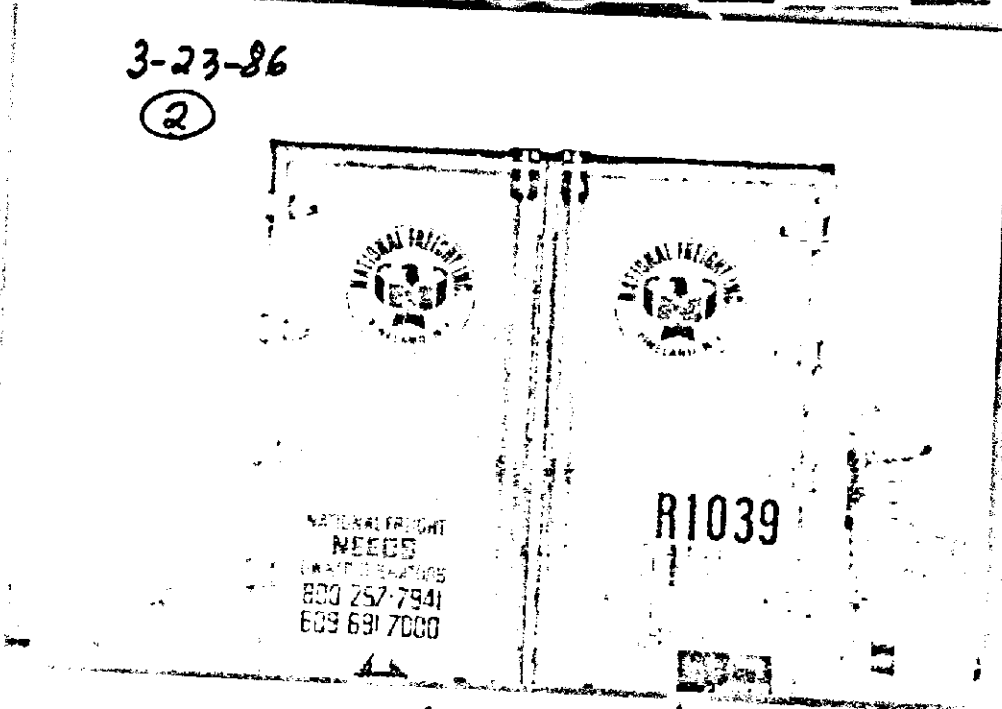
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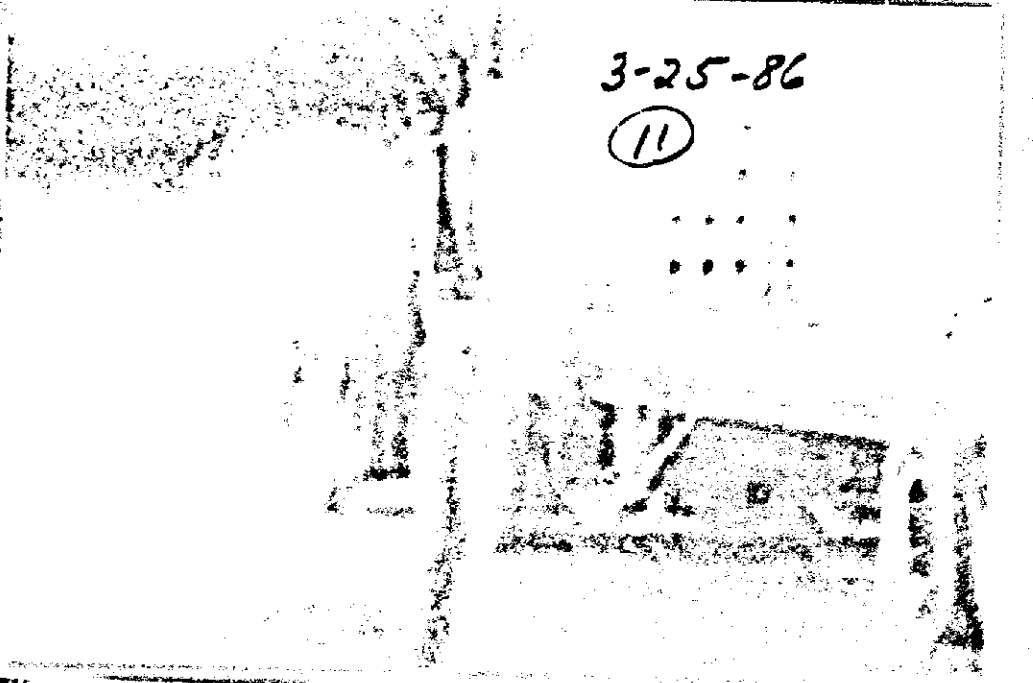
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3-28-86
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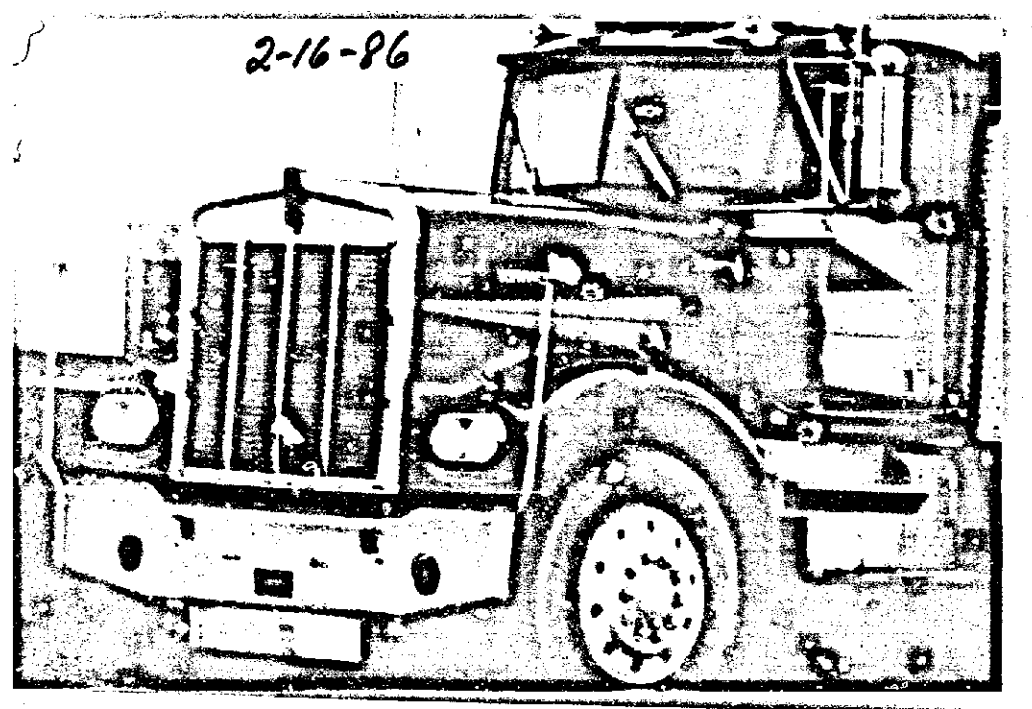
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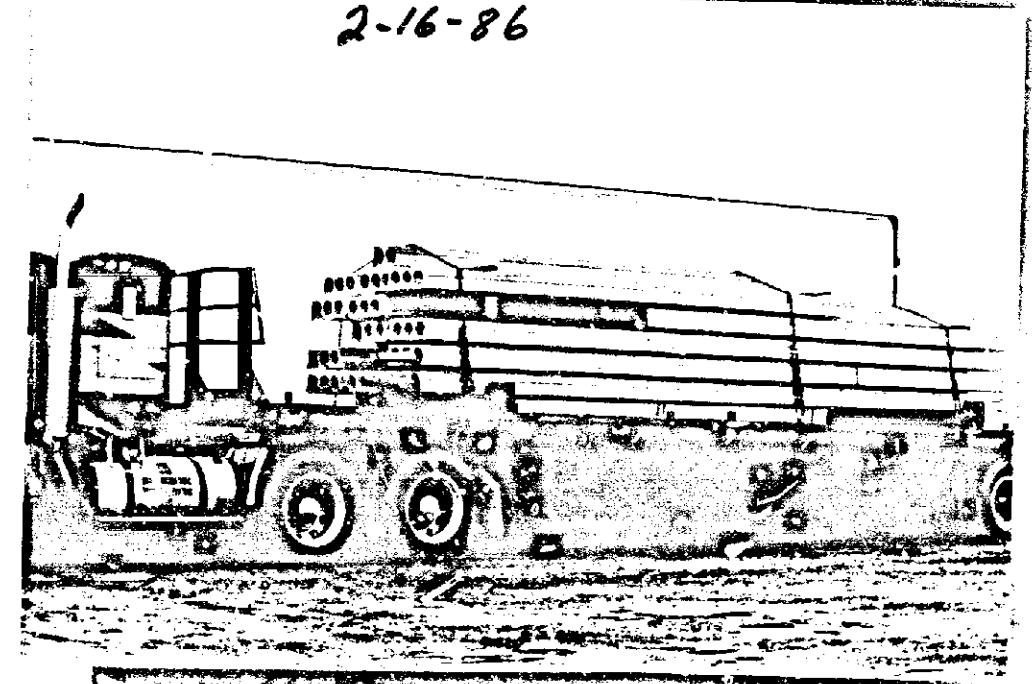
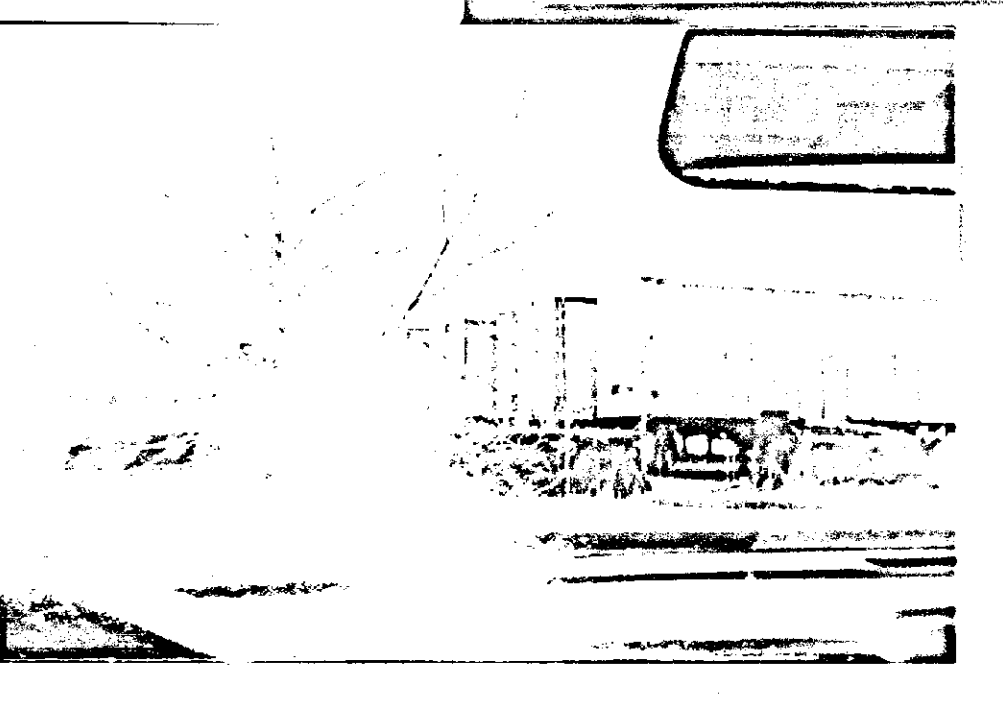
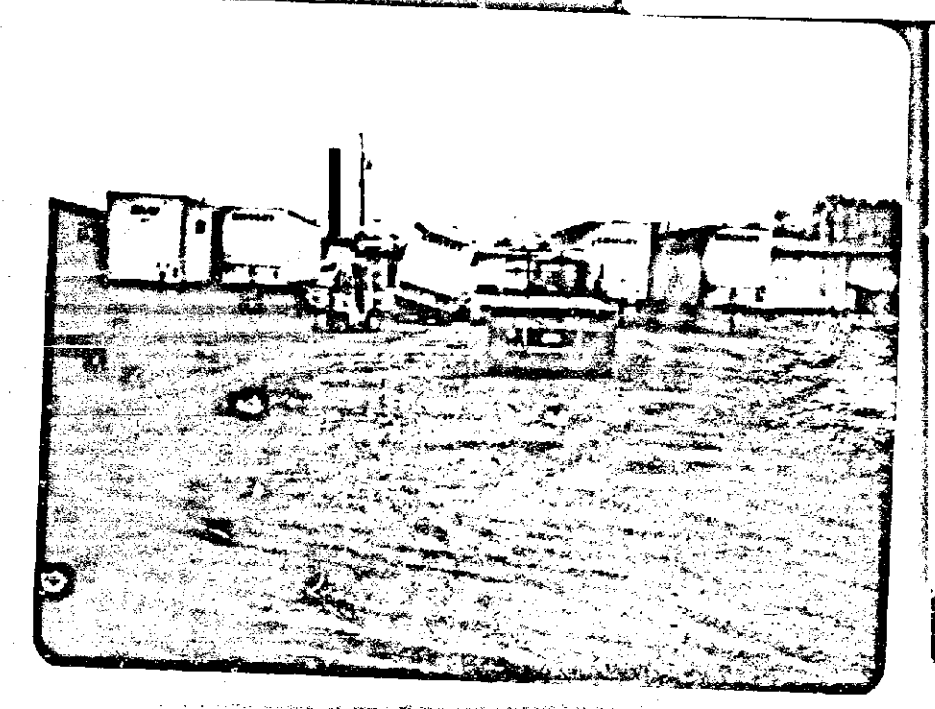
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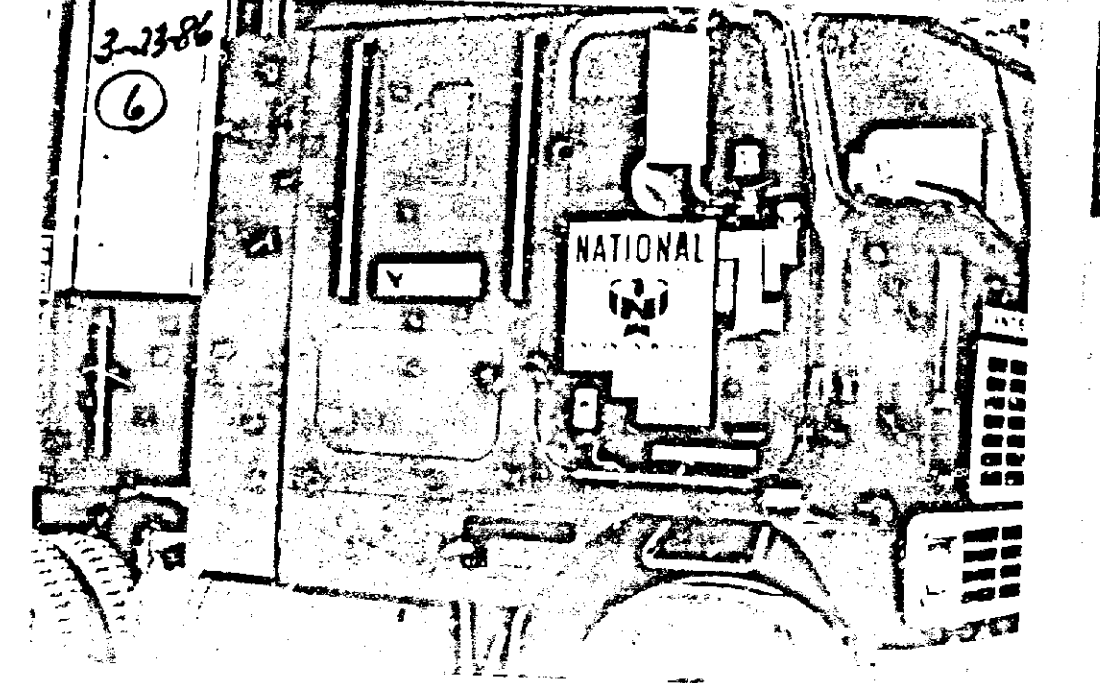
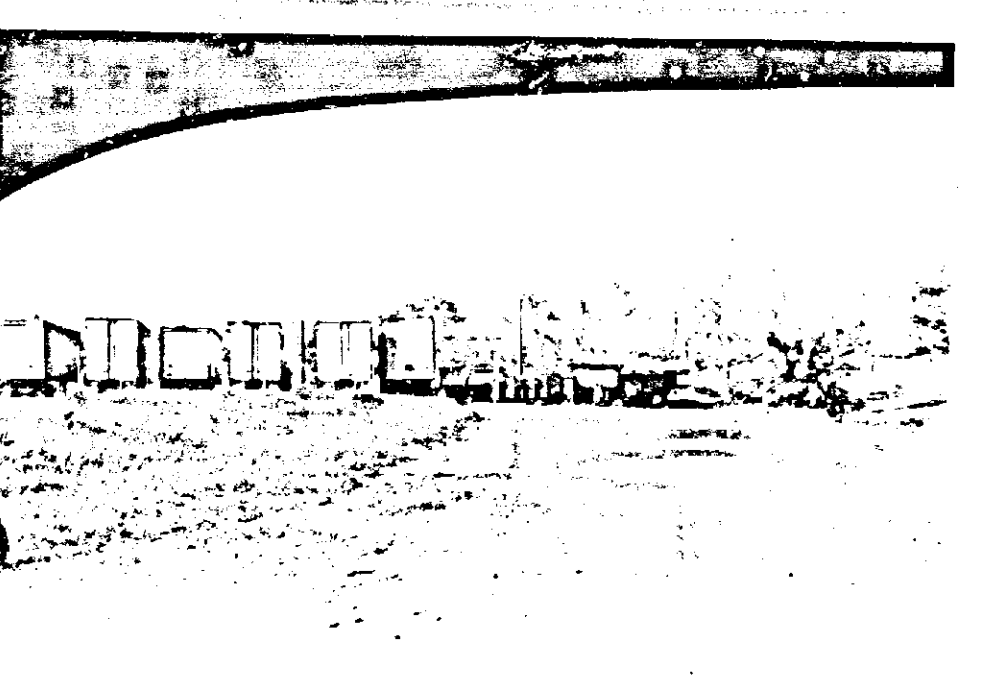
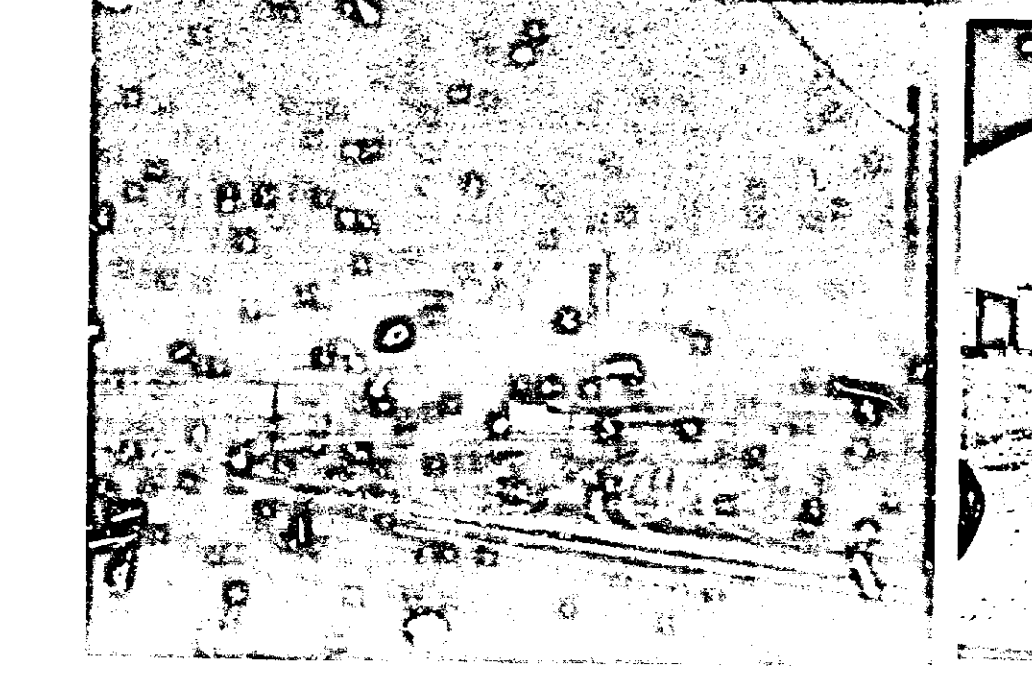
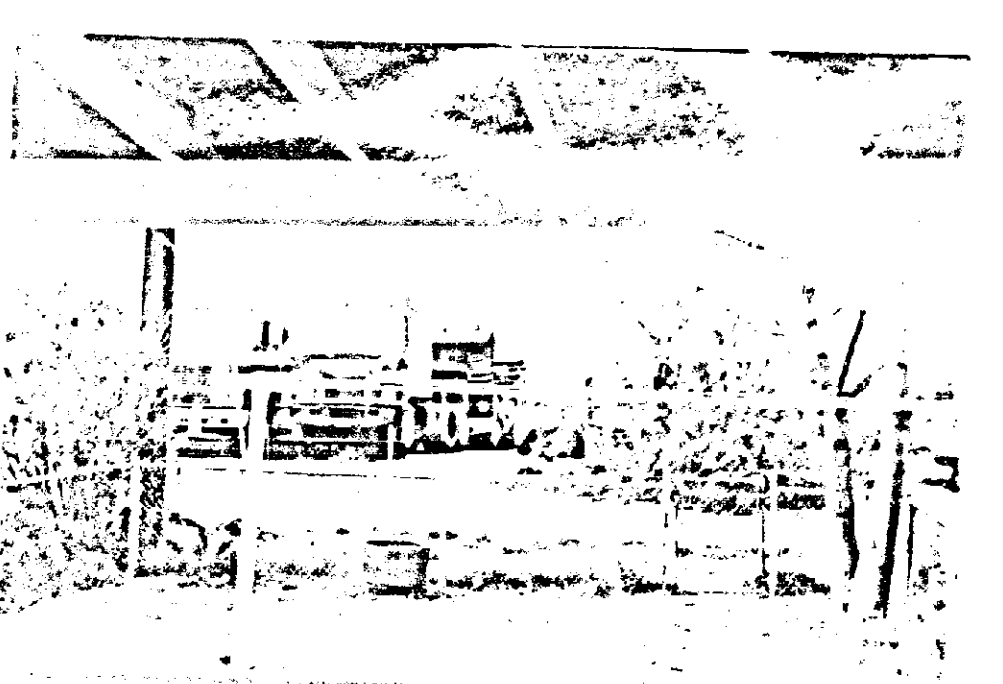
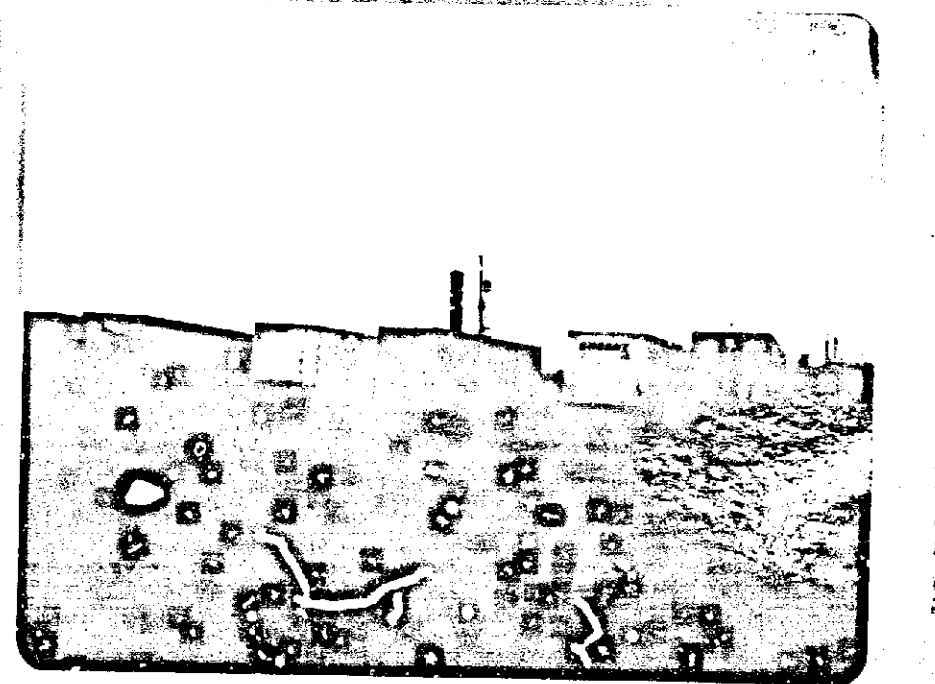
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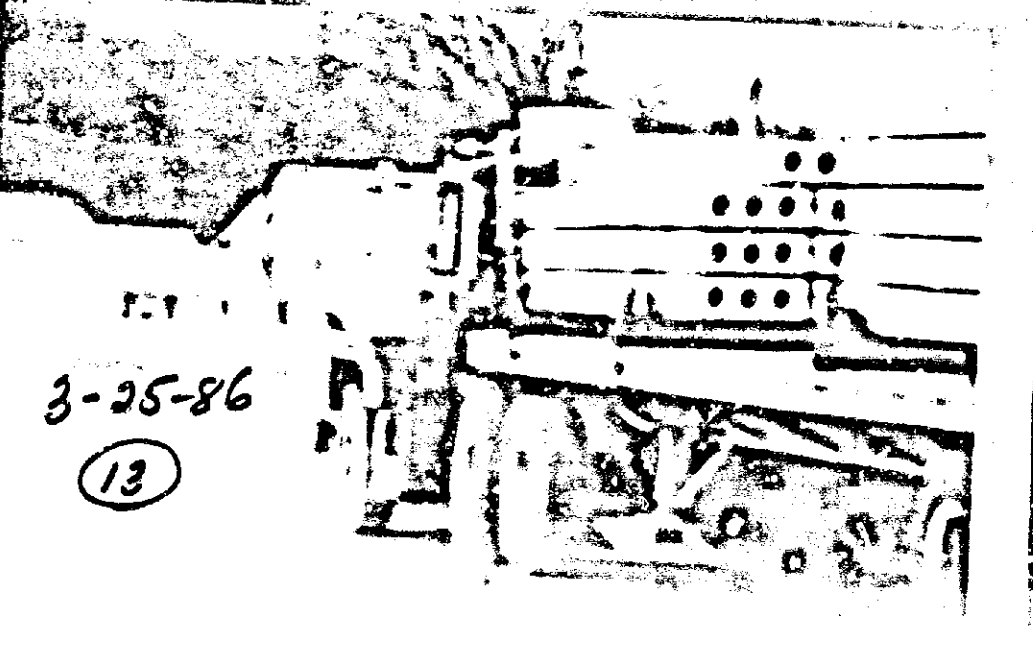
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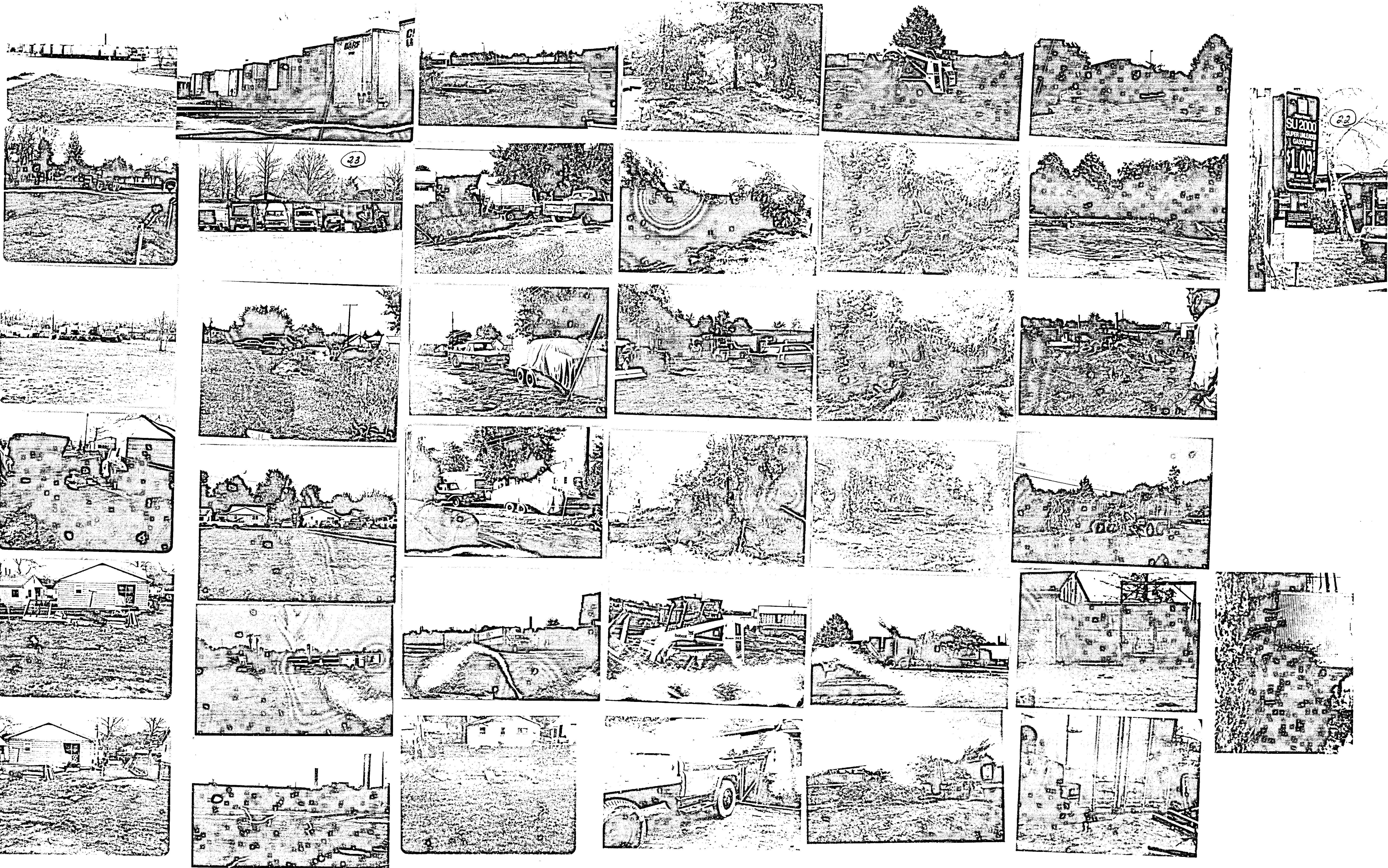
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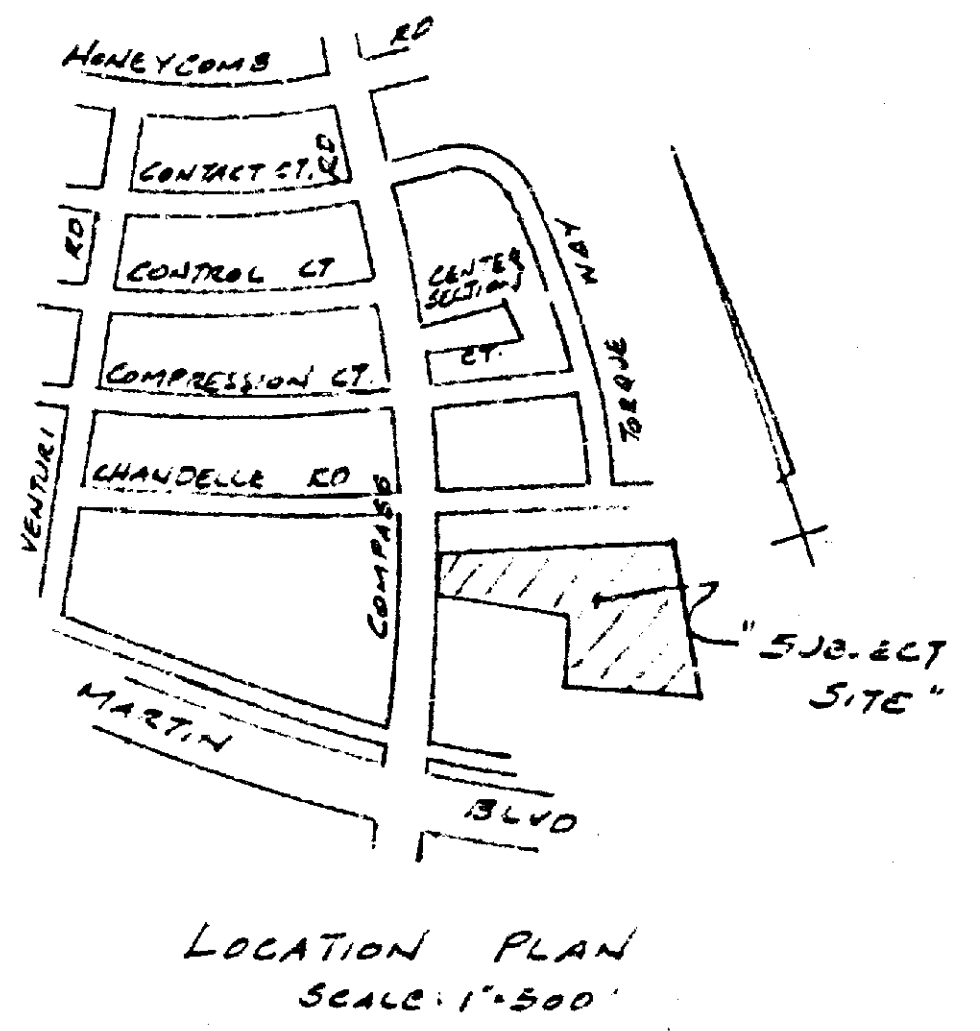
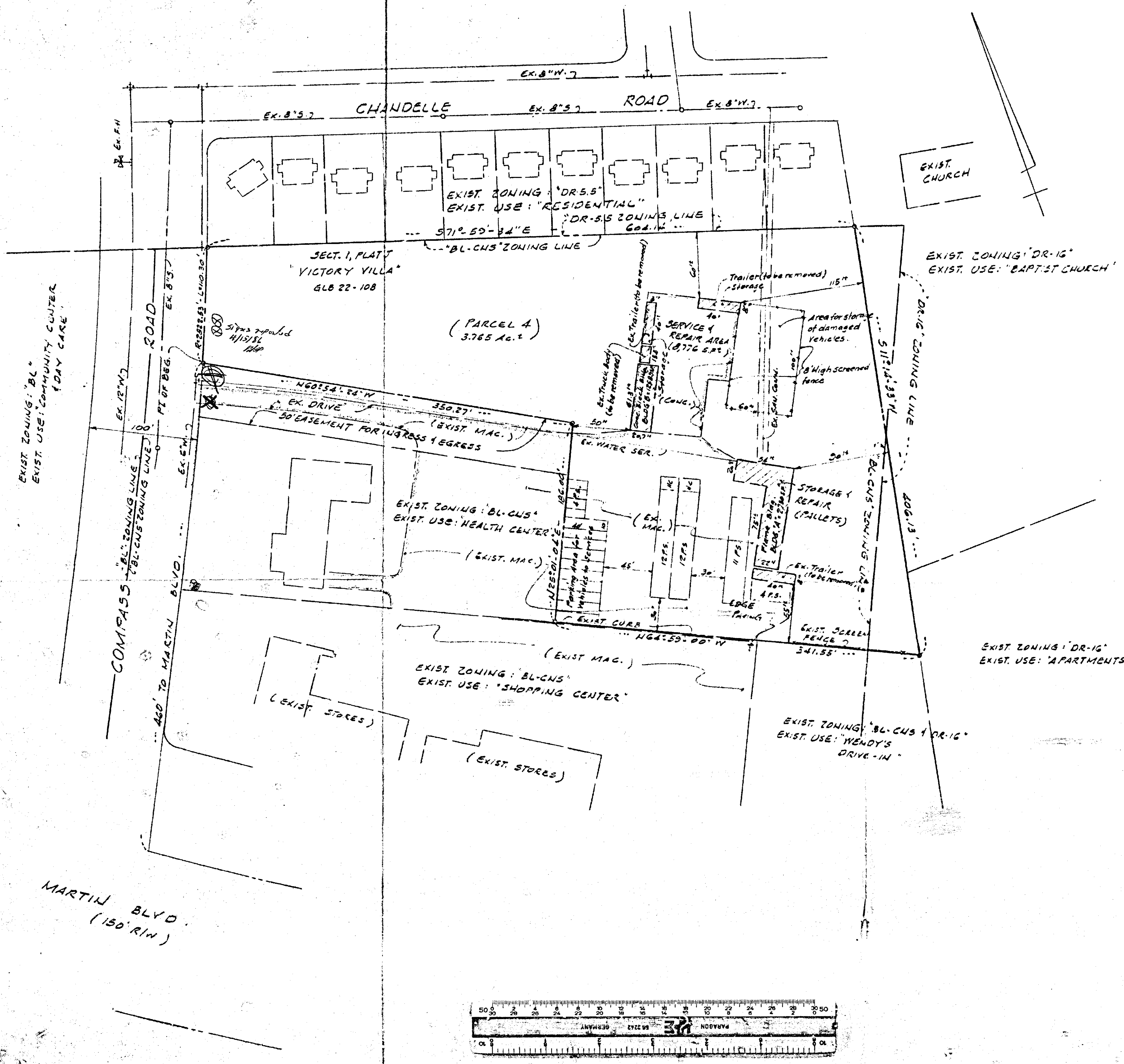


3-25-86
⑬



3-28-86
⑮





GENERAL NOTES

1. AREA OF SITE: 3.765 Ac.
2. EXISTING ZONING OF SITE: "BL-CNS" & "DR-1G"
3. EXISTING USE OF SITE: "SERVICE GARAGE, REPAIR & STORAGE AREA"
4. PROPOSED ZONING OF SITE: "BL-CNS" w/ SPECIAL EXCEPTION & "DR-1G"
5. PROPOSED USE OF SITE: "SERVICE GARAGE"
6. OFF-STREET PARKING DATA: BLDG. "A" = 2,730 S.F. @ 1/300 = 9.1 P.S.
BLDG. "B" = 1,265.98 S.F. + SERVICE AREA = 8,776 S.F. @ 1/300 = 33.5 P.S.
7. NUMBER OF PARKING SPACES REQUIRED: 43 P.S.
8. NUMBER OF PARKING SPACES SHOWN: 53 P.S. (INCL 10 SERVICE SPACES)
9. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL-CNS ZONE.
10. PETITIONER REQUESTING A SPECIAL HEARING TO SECTION 230.12 a OF THE ZONING REGULATIONS TO PERMIT OUTSIDE SERVICE AREA IN LIEU OF REQUIRED ENCLOSED AREA IF REQUIRED.
11. SITE SUBJECT TO REQUIREMENT OF BALTIMORE COUNTY LANDSCAPE MANUAL.
12. VEHICLES TO BE SERVICED TO BE PARKED IN DESIGNATED AREA
13. EXIST. UTILITIES AVAILABLE TO SITE.
14. ALL PARTS & MATERIALS TO BE STORED IN AN ENCLOSED AREA
15. NO MORE THAN 5 PERSONS SHALL BE ENGAGED IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES
16. NO MORE THAN 3 H.P. SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION, AND NOT MORE THAN 15 H.P. IN THE OPERATION OF ALL SUCH MACHINES
17. STORAGE & DISPLAY OF MATERIALS, VEHICLES & EQUIPMENT WILL NOT BE MORE THAN 5' IN FRONT OF THE REQ'D. FRONT BUILDING LINE.
18. ALL PROPOSED IMPROVEMENTS ARE WITHIN THE "BL-CNS" ZONE.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
 AND
SPECIAL EXCEPTION
3.765 AC. PARCEL (PARCEL 4)

EAST SIDE COMPASS RD. SOUTH OF CHANDELLEY RD.
 ELECT. DIST. 15 BALTIMORE COUNTY, MD.
 SCALE: 1"=50' MAR. 4, 1986

PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204

PETITIONER'S EXHIBIT

Design
 86-1137-X-SPH

NO.	R	Δ	L	T
A	15'	96° 03'	23.75	16.67
B	15'	83° 27'	21.99	15.5
C	15'	79° 03'	23.13	16.67
D	15'	90°	23.24	15'
E	15'	80°	23.54	15'
F	15'	90°	23.56	15'
G	15'	90°	23.56	15'

NOTE:
COORDINATES SHOWN HEREON ARE EXTENSIONS
MADE FROM BALTIMORE CITY COORDINATES.
BEARINGS REFER TO TRUE NORTH AT BALTIMORE CITY

K	15'	90°	23.56'	15'
L	15'	90°	23.56'	15'

BLU 22 FOLIO 108

RECEIVED for Record

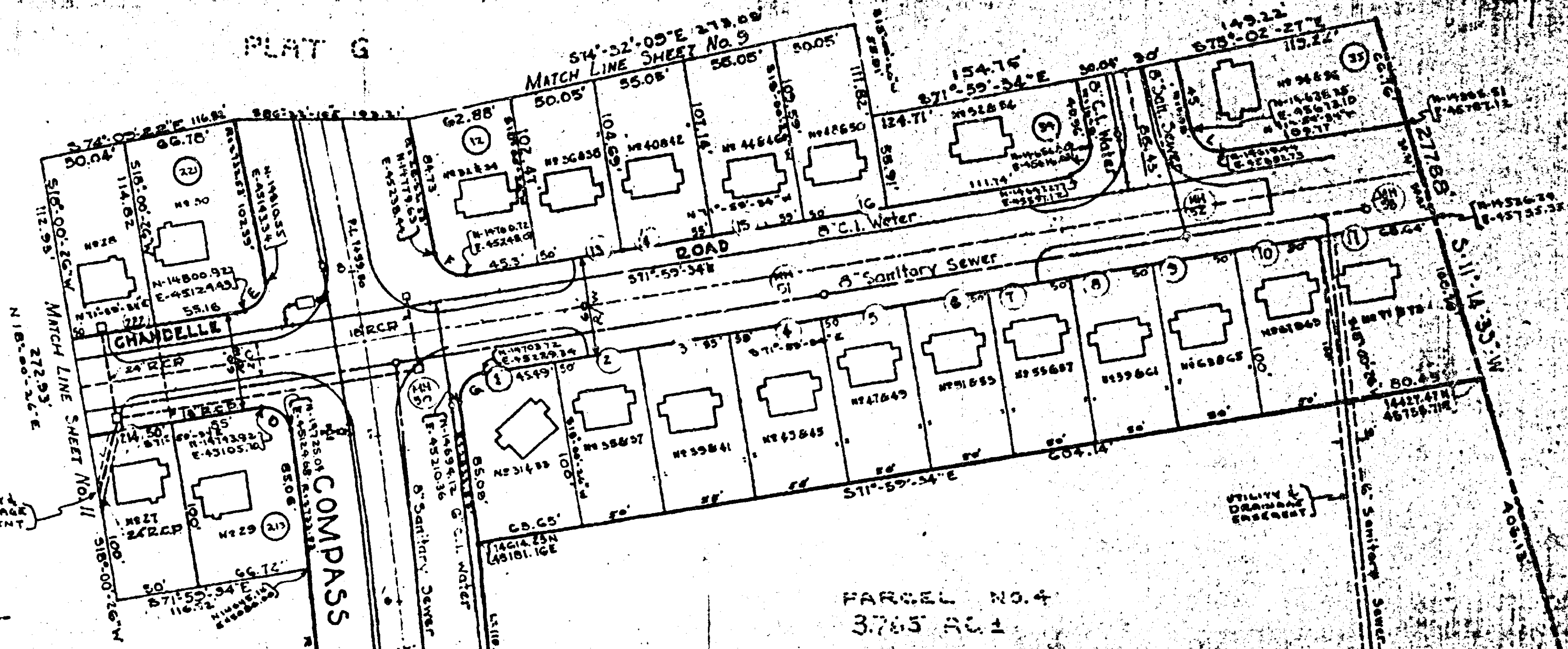
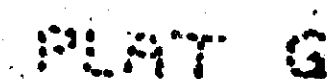
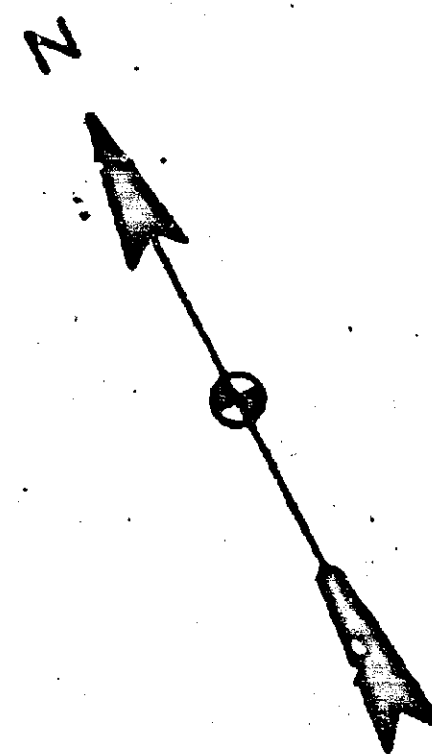
FEB 28 1958

same day recorded in Liber
G.L.B. No. _____ folio _____
One of the _____ Records of
Baltimore County and ex-
amined. per _____

Sergeant to Bunker

Close

PLAT 1



PARCEL NO. 4
3765 504

PARCEL NO.3
5A62 ASBP1

NURSE

TENNIS

5103

PARKING

COMMUNITY
BUILDING

ATTN:

PARCE
1982

W. E. HERSHSON

4.947 Acres

STORE

11

VARIETY.

STORE

20

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

BEACON ROAD

STATE

NO. 700

MARTIN

1844

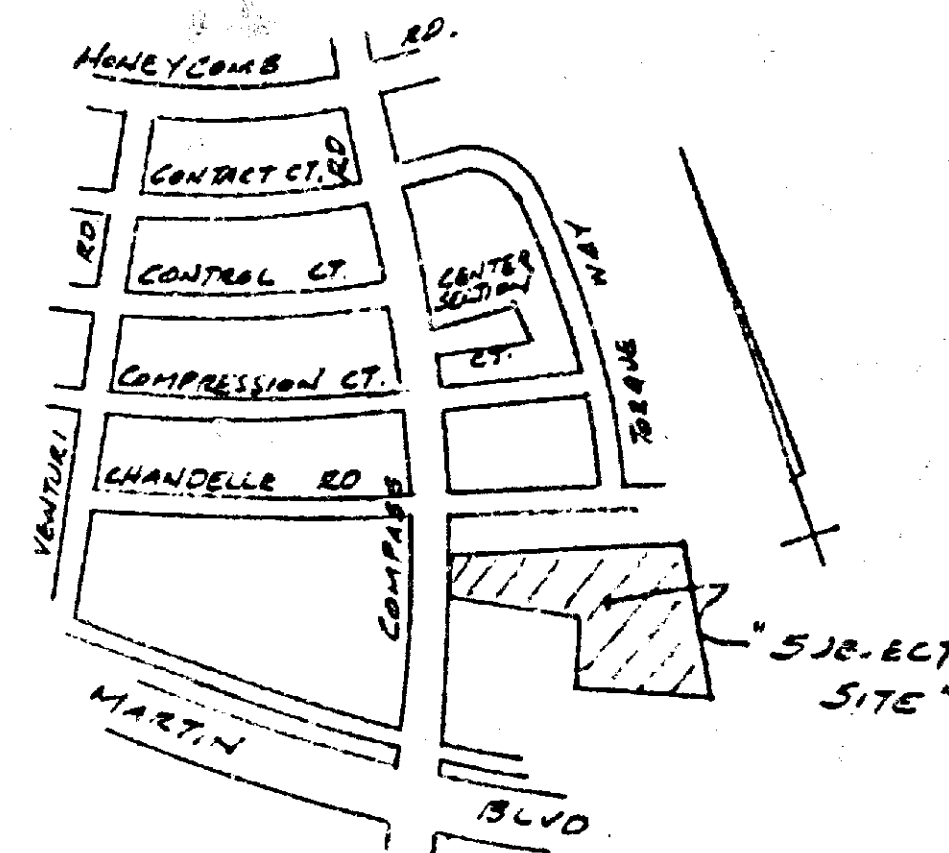
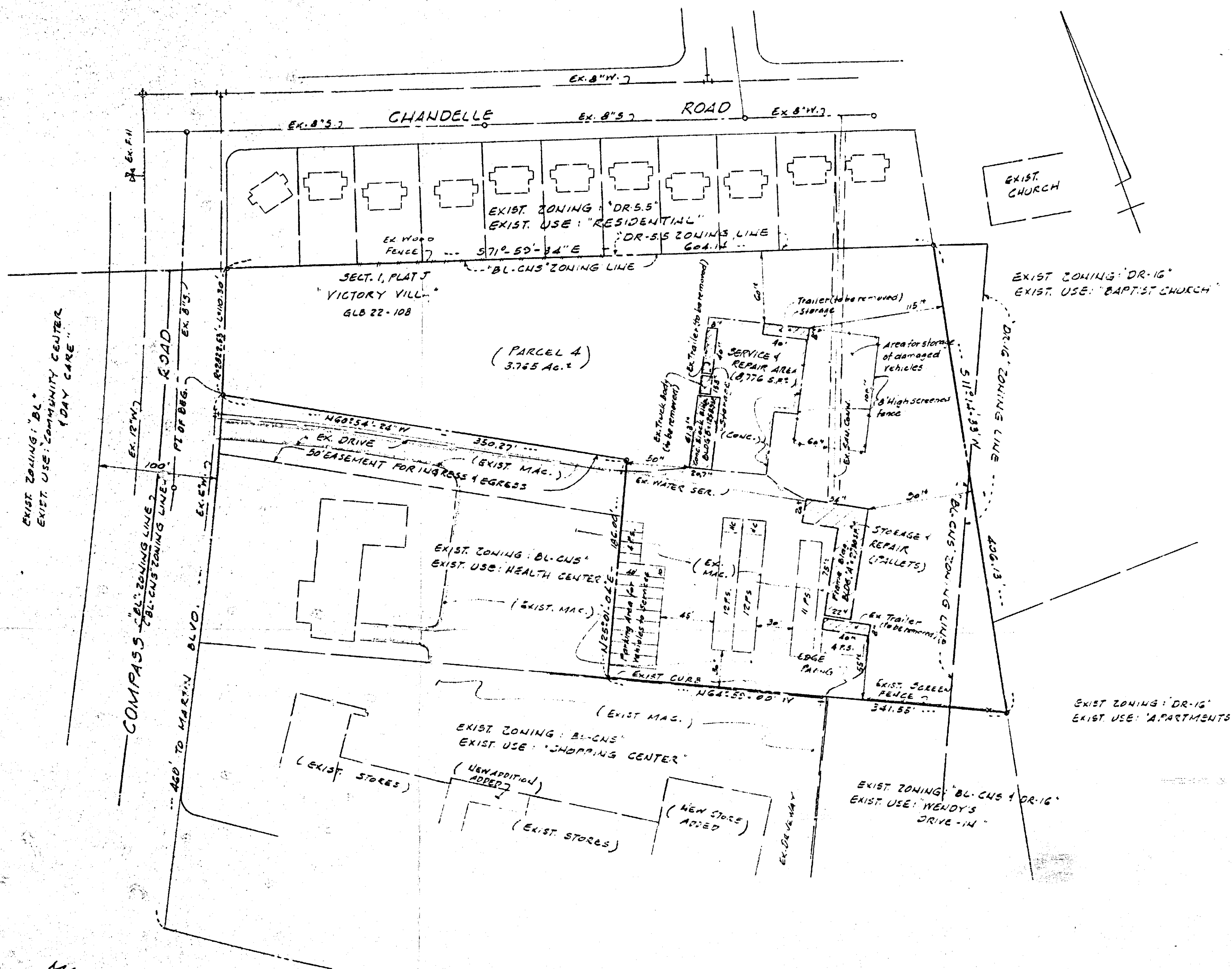
HIGHWAY

VICTORY VILLA - SECTION 1 - PLAT J
LOT SUBDIVISION PLAT ROADS & UTILITIES
BALTIMORE COUNTY, MARYLAND

WILLIAM F. NEALE
& ASSOCIATES
CIVIL ENGINEERS
BALTIMORE, MD.

DRAWING No. 12 OF 12
SCALE 1"=50'
ALTERNATIVE SECTION
OF RAMP & JUMP & DELIVERY
FROM RAMP TO JUMP & DELIVERY

Ref. Exh. #
50



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF SITE: 3.765 Ac.
2. EXISTING ZONING OF SITE: "BL-CNS" & "DR-16"
3. EXISTING USE OF SITE: "SERVICE GARAGE, REPAIR & STORAGE AREA"
4. PROPOSED ZONING OF SITE: "BL-CNS W/ SPECIAL EXCEPTION" & "DR-16"
5. PROPOSED USE OF SITE: "SERVICE GARAGE"
6. OFF-STREET PARKING DATA: BLDG. "A" = 2,730 S.F. @ 1300 = 2.1 FS
BLDG. "B" = 1265.9 S.F. + SERVICE AREA = 8,776 S.F. @ 1300 = 33.5 FS
7. NUMBER OF PARKING SPACES REQUIRED = 43 FS.
8. NUMBER OF PARKING SPACES SHOWN = 53 FS. (INCL 10 SERVICE SPACES)
9. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL-CNS ZONE
10. PETITIONER REQUESTING A SPECIAL HEARING TO SECTION 230.12 a OF THE ZONING REGULATIONS TO PERMIT OUTSIDE SERVICE AREA IN LIEU OF REQUIRED ENCLOSED AREA IF REQUIRED.
11. SITE SUBJECT TO REQUIREMENT OF BALTIMORE COUNTY LANDSCAPE MANUAL.
12. VEHICLES TO BE SERVICED TO BE PARKED IN DESIGNATED AREA.
13. EXIST. UTILITIES AVAILABLE TO SITE.
14. ALL PARTS & MATERIALS TO BE STORED IN AN ENCLOSED AREA.
15. NO MORE THAN 5 PERSONS SHALL BE ENGAGED IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES
16. NO MORE THAN 3 H.P. SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION, AND NOT MORE THAN 15 H.P. IN THE OPERATION OF ALL SUCH MACHINES.
17. STORAGE & DISPLAY OF MATERIALS, VEHICLES & EQUIPMENT WILL NOT BE MORE THAN 5' IN FRONT OF THE REQ'D FRONT BUILDING LINE.
18. ALL PROPOSED IMPROVEMENTS ARE WITHIN THE "BL-CNS" ZONE.

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION

3.765 AC. PARCEL (PARCEL 4)
EAST SIDE COMPASS RD. SOUTH OF CHANDELLEY RD.

ELECT. DIST. 15 BALTIMORE COUNTY, MD.

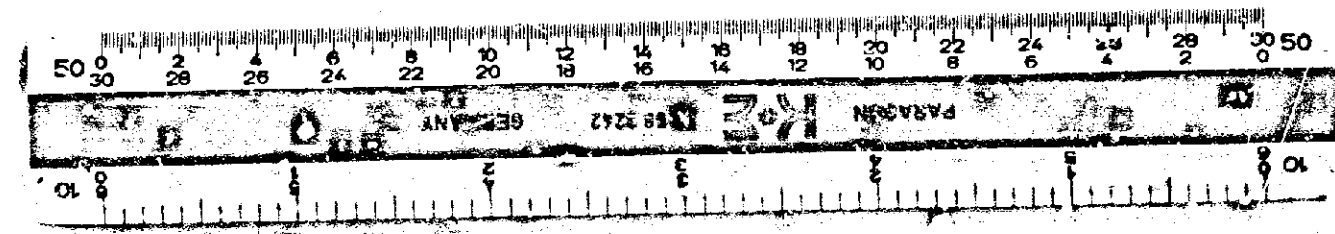
SCALE: 1"=50'

MAR. 4, 1986

AUG. 18, 1986 ADDED 4-1/2" SIZES & FENCES

Pet. Exhibit #1

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING
15th Election District

LOCATION: East Side of Compass Road, 460 feet North of Martin Boulevard

DATE AND TIME: Monday, April 28, 1986, at 11:15 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:

Petition for Special Exception for a service garage and Petition for Special Hearing to permit outside motor vehicle service in lieu of the required inside of a building

Being the property of Kale Kemp, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Petition
For Special Exception
and Special Hearing

15th Election District

LOCATION: East Side of Compass Road, 460 feet North of Martin Boulevard

DATE AND TIME: Monday, April 28, 1986, at 11:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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Being the property of Kale Kemp, et ux as shown on the plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
Zoning Commissioner
Of Baltimore County

The Times

Middle River, Md., April 10, 1986

Peter Max Zimmer
Pg. 1 87700

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of one successive

weeks before the 10th day of

April, 19 86

Janet M. Ross Publisher.

86-437-XSPH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 86-437-XSPH

District: 15th Date of Posting: 4/11/86

Posted for: Special Exception & Special Hearing

Petitioner: Kale Kemp, et ux

Location of property: E/S Compass Rd., 460' N of Martin Blvd.

Location of Signs: At the intersection of Compass Rd. and Martin Blvd. at the intersection of Compass Rd. and Martin Blvd.

Remarks: Both signs are 12' x 18' and are placed on the corners of the intersection.

Posted by: Janet M. Ross Date of return: 4/11/86

Number of Signs: 2

4/11/86 Replicate with signs on front of car.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
E/S Compass Rd. 460' N of Martin Blvd., 15th District

KALE KEMP, et ux, Petitioners : Case No. 86-437-XSPH
: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmer
Peter Max Zimmer
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of April, 1986, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 110, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmer
Peter Max Zimmer

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 23, 1986

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING
E/S Compass Rd., 460' N of Martin Blvd.
15th Election District
Kale Kemp, et ux - Petitioners
Case No. 86-437-XSPH

Dear Mr. Holzer:

This is to advise you that \$77.60 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 021876

DATE: 5-21-86 ACCOUNT: R-01-615-000

AMOUNT: \$ 77.60

RECEIVED: Cash of Baltimore

FOR: Advertising and Posting 86-437-XSPH

VALIDATION OR SIGNATURE OF CASHIER

J. Carroll Holzer, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

March 31, 1986

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING
E/S Compass Rd., 460' N of Martin Blvd.
15th Election District
Kale Kemp, et ux - Petitioners
Case No. 86-437-XSPH

TIME: 11:15 a.m.

DATE: Monday, April 28, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Carroll Holzer
Zoning Commissioner
Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 019807

DATE: 3/6/86 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED: 1/1/86, Holzer + Davis

FOR: SPH # 315

VALIDATION OR SIGNATURE OF CASHIER

Mr. Michael J. Davis
946 Middlesex Road
Baltimore, Maryland 21221
Middlesex-Middle River
ivic Council, Inc.
P.O. Box 5031
Baltimore, Maryland 21220

THOSE IN OPPOSITION TO
TRUCKING FACILITY

MICHAEL J. DAVIS 946 MIDDLESEX RD 666-7501
Hanna Watson 45 Chandelle Rd. 686-2996
Tammy Watson 45 Chandelle Rd. 686-2996
Shirley Stitt 41 Chandelle Rd. 682-3493
Clyde Woff 22 Chandelle Rd. 687-9158
William Myers 30 Chandelle Rd. 682-2012
Norma Clatschuck 11 Central Ct. 687-4476
Marcia Clatschuck 14 Chandelle Rd. 687-4827
Hope Blund 29 Compression Rd. 686-0805
Gisby Garland 59 Chandelle Rd. 391-4784
Edward Schisler 59 Chandelle Rd. 391-4784
Carl Harting 9 Bridge Dr. 679-2319
Rose Gilbert 44 Chandelle Rd. 681-5265
Anthony Diked 40 Chandelle Rd. 687-5265
Hanna Watson 85 Chandelle Rd. 686-2996
Charlotte Elmer 47 Chandelle Rd. 686-2153

PROTESTANT'S
EXHIBIT

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 10, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 10, 1986

THE JEFFERSONIAN.

Phyllis Cole Friedman
Publisher

Cost of Advertising

24.75

86-437-XSPH