

IN THE MATTER OF THE
THE APPLICATION OF
GEORGE S. REGESTER, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE SOUTH
EAST SIDE BELAIR ROAD, 1900'
NE OF C/L OF SILVER SPRING
ROAD (8833 BELAIR ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-11-SPH

* * * * *

O P I N I O N

This matter comes before this Board on appeal of the Zoning Commissioner's approval for the continuation of use, commencing in 1955, as a non-conforming use. The Special Hearing was granted with restrictions.

The non-conforming use is for the operation of an auto service garage on approximately one acre of land on Belair Road at Silver Spring Road in an area zoned B.L. The site is improved by several inter-connected buildings that include a number of mixed uses in addition to petitioner's florist business. Those uses are an appliance repair shop and an automobile accessory shop. The subject building is one of three separate buildings on the site, the dimensions of which are hereby outlined on Petitioner's Exhibit #1 from the Zoning Commissioner's hearing.

Appearing as Appellant was Ms. Laurie A. Martin, as well as other property owners who live on Treadway Court, which bounds the subject property in the rear. None of these protestants were present at the hearing with the Zoning Commissioner.

Ms. Martin testified to information she learned of a proposed change in the size and extent of automobile services at the property owned and utilized as a retail and wholesale florist

MICROFILMED

business by Mr. Regester since 1952. Appellant protested the addition of another auto service center in the 8600-9300 blocks of Belair Road, presently the location of six existing services. Along with her remarks, Ms. Martin submitted photographs of various garage services, along with a letter (Protestant's Exhibit #3) from Precision Tune, listing the company's services, hours, and volume of service. Upon purchase of her home in 1990, Ms. Martin saw no automotive activity at the site.

Mr. Donald Merson of Treadway Court testified that he was out of the country at the time of the first hearing, and knew very little about the garage services by the florist. He remarked about trucks parked on the property related to the florist's business. He became curious when the sign announcing the zoning hearing was put in place, and the possibility of a rumored Precision Tune garage. He protested the repairs of racing cars on the site and the disturbing noise that arises as the vehicles are "driveway tested". When Mr. Merson bought property he checked the zoning of the site and was convinced by the realtor that it was just a florist shop business.

Ms. Karen Fox of Treadway Court testified that she was concerned over the establishment of a "full blown auto service". She questions why a florist shop should have additional service bays when they don't face Belair Road, but rather the residential homes. Ms. Fox asserted that she has never considered the garage as a repair use in her three years in the neighborhood. The florist shop is now a storage lot for race cars and soon to be an

APPROVED FOR FILING

auto shop.

Mr. George Regester testified that he has owned the one-acre plot of land on Belair Road since 1952. He testified that his retail and wholesale flower business covers the total metropolitan area, with business sites in other communities. He further stated that he had no intentions of expanding the garage, where he services his twenty vans used in the business as they require repairs and are brought to the site.

Mr. Regester traced this aspect of his growing business to 1954 when he hired a mechanic and built the subject building. He has all work done inside the garage by two mechanics, who also do installations and repairs for an automobile accessory business that leases space in the building. Mr. Regester clarified that the three bay doors do not face residential homes. The only complaint he has had was the music of a band leasing space for rehearsals. The law suite filed at the time was dismissed.

In cross-examination since confusion arose among the protestants as to which of two buildings on the one acre site was the subject of the Special Hearing, Mr. Regester clarified by stating that the large blue warehouse (Protestant's Exhibit Nos. 5A & 5B) was not the "garage" of the Special Hearing.

Mr. Regester testified that 50% of the service garage repairs are related to the trucks utilized in his florist business which involves engine and transmission replacement, as well as light maintenance. He assured that all automotive repair activities were done within the three bay building at the rear of the property.

Mr. Register responded to the Protestants complaint of outside engine noise from race cars as a matter he would correct. It was also noted that Petitioner complied with the standards of operating a service garage set forth by the Maryland Department of the Environment.

Although the Petitioner is able to justify the auto service garage on a property historically used for his florist business by obtaining a special exception in a B.L. zone from Section 230.13 of the Baltimore County Zoning Regulations (BCZR), Mr. Register seeks approval of the use as a non-conforming use under Section 104 of the BCZR. A non-conforming use is defined as a legal use that does not conform to the use regulations for the zone (B.L.) in which it is located. A legal non-conforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. Petitioner must show evidence that his non-conforming use existed prior to the effective date of the prohibitive legislation (1955).

Testimony and evidence in this case was uncontradicted that Mr. Register began his florist business in 1952 and built the subject garage for automotive repairs in 1954. Section 104 of the BCZR specifies that the non-conforming use may not be changed, abandoned or discontinued for a year or more since the use began. Mr. Register's testimony was uncontradicted that the use has continued without interruption.

Protestants in this matter did not introduce evidence or any argument as to the repair service garage continuous use since 1954. However, they did testify to engine noise emanating from the

servicing of "racing cars." The Board makes special note that Mr. Register felt obliged to control this nuisance.

The Board will grant the Petition for Special Hearing, subject to the terms and conditions contained in the following Order.

O R D E R

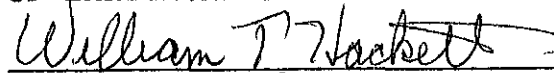
IT IS THEREFORE this 1st day of March, 1995 by the County Board of Appeals of Baltimore County

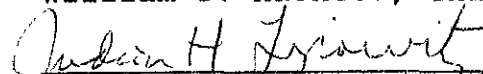
ORDERED, that, pursuant to the Petition for Special Hearing, approval for the continuation of the use commencing in 1954 and ongoing without interruption to the present date of a portion of the property as a service garage be and is hereby GRANTED, subject, however, to the following:

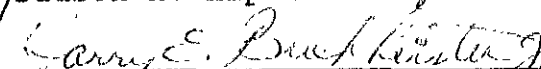
1. The non-conforming use designation for the property known as 8833 Belair Road is restricted to that portion of the site containing the service garage building, as shown in bold markings on Petitioner's Exhibit #1.
2. All repairs and engine tests will be conducted within the confines of the subject garage.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


William T. Hackett, Chairman


Judson H. Lipowitz


Harry E. Buchheister, Jr.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Ms. Laurie A. Martin
19 Treadway Court
Baltimore, MD 21236

RE: Case No. 95-11-SPH
GEORGE S. REGISTER, ET UX

Dear Ms. Martin:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

encl.

cc: Mr. and Mrs. George S. Register
People's Counsel for Balto. County
Pat Keller
Lawrence E. Schmidt
James H. Thompson /Zoning Enforcement
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM



WILLIAMSON

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 SE/S Belair Rd., 1900' +/- *
 NE of c/l Silver Spring Road * ZONING COMMISSIONER
 8833 Belair Road *
 11th Election District * OF BALTIMORE COUNTY
 6th Councilmanic District *
 George S. Regester, et ux * Case No. 95-11-SPH
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 8833 Belair Road near Silver Spring Road, in eastern Baltimore County. The Petitioners request approval for the continuation of the use commencing in 1955 and ongoing without interruption to the present date of a portion of the property as a service garage. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was the property owner, George S. Regester. Also appearing in support of the Petition was F.M. Preston. The Petitioner was represented by Jim Baldwin, Esquire. There were no other interested persons or Protestants present.

Uncontradicted testimony and evidence presented was that the subject site is slightly less than 1 acre in area and is zoned B.L. The property fronts Belair Road north of the interchange with the Baltimore Beltway. The site is improved by a large building which contains a number of mixed uses including a florist shop, an appliance repair shop, an automobile accessory shop and similar uses. The balance of the site is available for parking for these various uses.

Mr. Regester testified that he and his wife have owned the property since 1952. At that time, they began operation of a florist shop on the

ORDER RECEIVED FOR FILING
 Date 8/17/98
 By M. Hovak

premises. The business boomed and, within two years, the Petitioner hired a mechanic to service his small fleet of vehicles which served the florist shop. The Petitioner testified that the mechanic was hired in approximately 1954 and, at that time, a small building was constructed. This building houses the service garage operations and is attached to a larger structure which contains the florist shop and other uses.

Over the years, the business continued to grow and evolve, and other locations were opened. The subject garage business, however, continued to be utilized to service the Petitioner's fleet of vehicles which delivered flowers and were used for similar purposes in connection with the florist business. An additional mechanic was hired and the two mechanics began doing additional work on vehicles other than those associated with Mr. Regester's florist business. Friends and co-workers brought their vehicles in to be serviced at the location and the service garage was available to the public. Presently, Mr. Regester testified that at least 50% of the service garage activities are related to the trucks employed in his operation. The remaining part of the business serves the public. Work done on site includes light and heavy duty operations. These include replacement of engines and transmissions, as well as routine maintenance and oil changes. All work is done within the three bay building located to the rear of the property. Hours of operation are between 8:00 A.M. to 6:00 P.M., Monday through Friday. As before, two mechanics are employed in the business.

Mr. Regester's testimony was corroborated by F.M. Preston, Mr. Regester's Accountant. He stated that he has been keeping the books of the florist business for many years and had personal knowledge of the service garage operation since prior to 1955. He confirmed the balance of Mr. Preston's testimony as it related to the nature of the operation.

COPIES RECEIVED FOR FILING

Date

By

The Baltimore County Zoning Regulations (BCZR) defines a service garage as a building where motor driven vehicles are stored, equipped, repaired or kept for remuneration, hire or sale. Moreover, Section 230.13 of the BCZR allows service garage on a B.L. property by special exception. The Petitioner does not seek relief under this section, however. Rather he seeks approval of the proposed use as a nonconforming use. A nonconforming use is also defined by Section 101 of the BCZR. Therein, the term is defined as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. Nonconforming uses are governed by Section 104 of the BCZR. Therein, it is provided that the Petitioner must adduce testimony and evidence that any such nonconforming use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Moreover, regulations are provided regarding the alteration and/or enlargement of a nonconforming use.

In the instant case, the operative date is 1955, the year in which the first comprehensive zoning regulations were adopted by Baltimore County. The uncontradicted testimony and evidence presented was that the subject service garage has been in existence since prior to this date. Specifically, Mr. Register testified that his florist business has been on the premises since 1952 and the service garage operation began by 1954. Moreover, the testimony was uncontradicted that same has continued uninterrupted since that time. Thus, the Petitioner has satisfied its burden and the Petition for Special Hearing should be granted. The nonconforming use designation of the property is hereby conferred.

8/17/68
Mr. Register

MICROFILMED

Notwithstanding the granting of the special hearing, however, it is to be noted that the nonconforming use designation only applies to that portion of the property devoted to the service garage use. Specifically, that area is designated on the site plan in bold outline and contains the one story building referred to above. Thus, the nonconforming use designation is applicable only to that part of the property wherein the service garage is located and not the balance of the property.

Testimony and evidence was also offered by the Petitioner as it relates to a Zoning Plans Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM). This comment requested that the Petitioner provide plans for the lawful disposal of oil and similar waste products. In this respect, the Petitioner stated that, in fact, waste oil was eliminated in accordance with the standards set forth by the Maryland Department of the Environment. I am satisfied that the Petitioner does comply with this request and note that this issue is not specifically related to the question before me. As I advised the Petitioner on the record, irrespective of the nonconforming use designation, he should make efforts to keep the property clean and to conduct service garage operations in conformance with all Federal, State and County environmental regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of August, 1994, that, pursuant to the Petition for Special Hearing, approval for the continuation of the use commencing in 1955 and ongoing without interruption to the present date of a portion of the property as a service garage be and is hereby GRANTED, subject, howev-

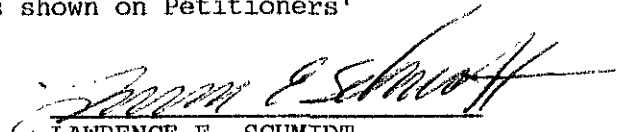
ORDER RECEIVED FOR FILING
Date 8/17/94
By: M. J. [Signature]

6/26/94

er, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The nonconforming use designation for the property known as 8833 Belair Road is restricted to that portion of the site containing the service garage building, as shown on Petitioners' Exhibit No. 1.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

By

8/17/90
M. G. [Signature]

NOV 21 1990

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 17, 1994

Jim Baldwin, Esquire
14 Crain Highway North
Glen Burnie, Maryland 21061

RE: Petition for Special Hearing
Case No. 95-11-SPH
George S. Register, et ux, Petitioners
Property: 8833 Belair Road

Dear Mr. Baldwin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. George S. Register
4510 Buckschool House Road
Baltimore, Maryland 21237

MICROFILMED



Petition for Special Hearing

95-11-SPA

to the Zoning Commissioner of Baltimore County

for the property located at 8833 Belair Road, Baltimore, Maryland 21236

which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the continuation of the use commencing in 1955 and ongoing without interruption to the present date of a portion of the above-referenced property as a service garage. *7/12/94 (C.A.S.P.A.)*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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/We 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/Leasee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

Phone No.

State

Zipcode

Legal Owner(s):

George S. Regester

(Type or Print Name)

Signature

Carolyn D. Regester

(Type or Print Name)

Signature

Carolyn G. Regester

H: 668-6830

4510 Buckschool House Road

Address

W: 766-3960

Phone No.

Baltimore, Maryland 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name:

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

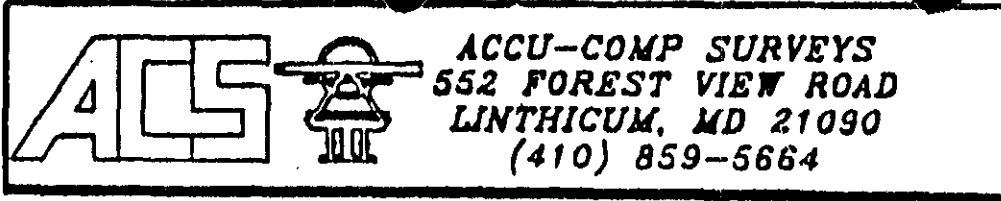
the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T.C. DATE 7-12-94

MICROFILMED # 11





95-11-SPH

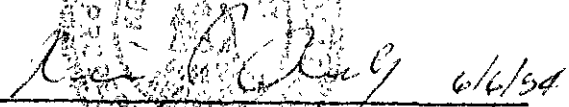
ZONING DESCRIPTION

Beginning at a point on the southeast side of BELAIR ROAD, which is 70 feet wide, at the distance of 1900 feet, more or less, northeast from the north side of SILVER SPRING ROAD, thence the following courses and distances;

- (1) S45 30 20E 200' (feet)
- (2) S50 38 37W 200' "
- (3) N45 30 20W 200' "
- (4) N50 38 37E 200' " to the point of beginning.

See liber 3055, folio 429 as recorded among the land records of Baltimore County. Containing 40,000 square feet, more or less and being known as **8833 BELAIR ROAD.**

NOTE: This description is for the purpose of simplifying the complete legal description of this property for use by the Baltimore County Zoning Office in any hearings or action in which they may be involved relative to this property. This description is not to be used for any purpose other than stated.


 Kevin J. Ready, Maryland Reg. PLS #442

ITEM # 11

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-11-3 P#

District 11th

Date of Posting 2/22/94

Posted for: Special Hearing

Petitioner: Geo. & Carolyn Popert

Location of property: 8833 Belair Rd, SE/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Popert
Signature

Date of return: 2/29/94

Number of Signs: 1

2/29/94



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-11-A (Item 11)

8833 Belair Road

85/8 Belair Road, 190

+/- NE of c/t

Silver Spring Road

11th Election District

6th Councilmanic

Repetition(s):

George S. Register and

Carolyn G. Register

HEARING: MONDAY,

AUGUST 16, 1994 at 2:00

p.m. in Rm. 118, Old

Courthouse.

Special Hearing: to approve the continuance of the use commencing in 1985 and on-going without interruption to the present date of a portion of the above-referenced property as a service garage.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

7/308 July 28.

TOWSON, MD.,

July 29, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 28, 1994.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-11-SPH

District 11th

Date of Posting 9/23/94

Posted for: Appeal

Petitioner: George S. Regester, Jr. Tax

Location of property: 8883 Belair Rd, SE/S

Location of Signs: Facing road way, on property being appealed

Remarks:

Posted by M. Stacey
Signature

Date of return: 9/30/94

Number of Signs: 1



NOT RECORDED



City of Baltimore
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Baltimore, Maryland 21201

receipt
 95-11-SPH

Account: R-001-6150

Number 11
 R.T.

Date 7-12-94

C. REGISTER
 # 8833 Belair Rd.

040 - SPH	-----	\$ 250 ⁰⁰
080 - 11' 0" Sign	---	\$ 35 ⁰⁰
TOTAL -		\$ 285 ⁰⁰

RECORDED

017011#040.SPH.CHRC

4205.00

By: E.O. 12835 PMD/ 12-94

Please Make Checks Payable To: Baltimore County

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

No. 30200

DATE 9/19/94 ACCOUNT R-001-6150

AMOUNT \$ 175.00

RECEIVED FROM: LAURIE ANN MARTIN

FOR: ~~XXXX~~ 95-11-SPH-Special Hearing Appeal
8833 Belair Road

03A03M0003MICHR0 \$175.00
BA 6002137PM09-12-94

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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

No. 30201

DATE 9/19/94 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED FROM: laurie ann Martin

FOR: 95-11-SPH - Sign - Appeal

03A03M0003MICHR0 \$35.00
BA 6002137PM09-12-94

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 11

Petitioner: George Rzesutko

Location: 8833 BOGAR ROAD 21236

PLEASE FORWARD ADVERTISING BILL TO:

NAME: George Rzesutko

ADDRESS: 4510 BOOKSCHOOL HSE RD

BALTIMORE MD 21237

PHONE NUMBER: 668-6830 RES.
766-3960 - OFF.

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
July 28, 1994 Issue - Jeffersonian

Please forward billing to:

George Register
4510 Buckschool House Road
Baltimore, Maryland 21237
668-6830

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-11-SPH (Item 11)
8833 Belair Road
SE/S Belair Road, 1900'+/- NE of c/l Silver Spring Road
11th Election District - 6th Councilmanic
Petitioner(s): George S. Register and Carolyn G. Register
HEARING: MONDAY, AUGUST 15, 1994 at 2 p.m. Rm. 118 Old Courthouse.

Special Hearing to approve the continuance of the use commencing in 1955 and on-going without interruption to the present date of a portion of the above-referenced property as a service garage.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-11-SPH (Item 11)
8833 Belair Road
SE/S Belair Road, 1900'+/- NE of c/l Silver Spring Road
11th Election District - 6th Councilmanic
Petitioner(s): George S. Regester and Carolyn G. Regester
HEARING: MONDAY, AUGUST 15, 1994 at 2 p.m. Rm. 118 Old Courthouse.

Special Hearing to approve the continuance of the use commencing in 1955 and on-going without interruption to the present date of a portion of the above-referenced property as a service garage.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: George and Carolyn Regester
Jim Baldwin, Esq.
Irvin J. Brodsky, Esq.
Don Merson

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 25, 1994

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-11-SPH

GEORGE S. REGISTER, ET UX
SE/s Belair Road, 1900' +/- NE of c/l of
Silver Spring Road (8833 Belair Road)
11th Election District
6th Councilmanic District

SPH -Approval of continuation of use
commencing in 1955 /nonconforming use.

8/17/94 -Z.C.'s Order in which Petition for
Special Hearing was GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, FEBRUARY 7, 1995 at 10:00 a.m.

cc: Ms. Laurie A. Martin Appellant /Protestant
Mr. & Mrs. George S. Register Petitioners
~~Jim Baldwin, Esquire~~ Counsel for Petitioners
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Withdrew
appearance 1/04/95

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

MICROFILMED

CASE NO. 95-11-SPH

George S. Register, et ux - Petitioner

SE/s Belair Road, 1900' +/- NE of c/l
Silver Spring Road (8833 Belair Road)

11th Election District

Appealed: 9/16/94

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 2, 1994

James Baldwin, Esquire
14 Crain Highway North
Glen Burnie, MD 21061

RE: Item No. 11, Case No. 95-11-SPH
Petitioner: George S. Register, et ux
Petition for Special Hearing

Dear Mr. Baldwin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 12, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

Zoning Plans Advisory Committee Comments

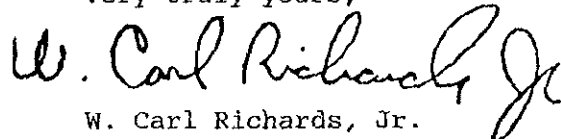
August 2, 1994

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 29, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP/Am's*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #11 - Register Property
8833 Belair Road
Zoning Advisory Committee Meeting of July 25, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

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 the State Department of the Environment.

JLP:SF:sp

REGISTER/DEPRM/TXTSBP

4/21/94 11:30 AM



Maryland Department of Transportation
State Highway Administration

James Lightizer
Secretary
Hal Kassoff
Administrator

7-20-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: + 11 (R?)
95-11-SPH

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for *DAVID N. RAMSEY, ACTING CHIEF*
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 27, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 9, 11, 16, 17, 18 and 22.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kerns

PK/JL:lw

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 19, 1994

Jim Baldwin, Esquire
14 Crain Highway North
Glen Burnie, MD 21061

RE: Petition for Special Hearing
8833 Belair Road, Se/S Belair Road
1900' +/- NE of c/l of Silver Spring Road
11th Election District
6th Councilmanic District
George S. Register, et ux, - Petitioners
Case No. 95-11-SPH

Dear Mr. Baldwin:

Please be advised that an appeal of the above-referenced case was filed in this office on September 16, 1994 by Laurie Ann Martin. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

A handwritten signature in cursive script that reads "Arnold Jablon/es".

ARNOLD JABLON
Director

AJ:eoh

cc: Mr. and Mrs. George S. Register

People's Counsel

94 SEP 22 PM 2:38

COUNTY CLERK



APPEAL

Petition for Special Hearing
SE/S Belair Road 1900' +/- NE of c/l
Silver Spring Road
(8833 Belair Road)
11th Election District - 6th Councilmanic District
George S. Regester, et ux-PETITIONERS
Case No. 95-11-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner Sign-In Sheet

Miscellaneous map showing zoning classification

Petitioner's Exhibit: 1 - Plat to accompany Petition

Zoning Commissioner's Order dated August 17, 1994 (GRANTED)

Notice of Appeal received on September 16, 1994 from Laurie Ann Martin

cc: George S. and Carolyn G. Regester 4510 Buckschool House Road Balto., MD 21237
Jim Baldwin, Esquire 14 Crain Highway North Glen Burnie, MD 21061
Laurie A. Martin 19 Treadway Court Balto., MD 21236
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

Kathy / Charlotte
Enclosed is a
corrected check list
Lawyer's name is
Jim Baldwin not
Brown
Thanks Etc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: June 7, 1995

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Closed File: Case No. 95-11-SPH
George S. Register, et ux -Petitioners
11th E; 6th C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

11/25/94 -Notice of Assignment for hearing scheduled for Tuesday,
February 7, 1995 at 10:00 a.m. sent to following:

Ms. Laurie A. Martin
Mr. & Mrs. George S. Register
Jim Baldwin, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

1/04/95 -Letter from Jim Baldwin, Esquire - withdrawing appearance as Counsel
for Petitioners in this matter.

VIOLATION
See Case 94-114
Cathy Freed.
(Zoning Infringement)

MICROFILMED

RE: PETITION FOR SPECIAL HEARING *
8833 Belair Road, SE/S Belair Road,
1900'+/- NE of c/l Silver Spring Rd,*
11th Election Dist., 6th Councilmanic *
George S. Register, et ux. *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-11-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Jim Baldwin, Esquire, 14 Crain Highway North, Glen Burnie, MD 21061, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

GEORGE REGISTER

ADDRESS

4510 Buck Schothouse Rd
~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ Balt Md
21237



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

JIM BALDWIN

ATTORNEY AT LAW

April 25, 1994

Mr. George S. Register
4510 Buckschool House Road
Baltimore, Maryland 21237

re: Baltimore County Zoning Matter

Dear Mr. Register:

Enclosed please find a package prepared for filing pursuant to our earlier meetings.

Please add a copy of the appropriate zoning map, sign each of the three Petitions where indicated, and enclose a check made payable to the Baltimore County Office of Zoning in the amount of two hundred and fifty dollars (\$250.00) to complete the filing.

Thank you for your attention.

Very truly yours,


Jim Baldwin

JB/sd

Enclosures

ITEM # 11

JIM BALDWIN

ATTORNEY AT LAW

December 29, 1994

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

95 JAN -4 PM 3:57
COUNTY BOARD OF APPEALS

re: GEORGE S. REGISTER ET UX
Case no. 95-11 SPH
Hearing Date: 2/7/95, 10 am

Dear Mr. Hackett:

This letter and copies will serve as a request for and notice of the withdrawal of my appearance in the captioned matter as Counsel for Petitioners.

Thank you kindly for your attention.

Very truly yours,


Jim Baldwin

JB/sd

cc: George S. Register
People's Counsel for Baltimore County
Laurie A. Martin

Dear Sirs,

Please accept this letter of appeal on behalf of my neighbors and myself whose property is adjacent to 8833 Belair Rd. This is in regards to George Register's Body Shop.

Thank You,

Laurie A. Martin

Laurie A. Martin

*19 Meadoway Court
Psalto. MD 21236*

CASE #
95-11-SPH

RECEIVED

SEP 16 1994

ZADM

SEP 16 1994

GEORGE S. REGESTER

**4510 Buckschool House Road
Baltimore, Maryland 21237**

ITEM# 11

April 25, 1994

Baltimore County Office of Zoning
111 West Chesapeake Avenue, Room 109
Towson, Maryland 21204

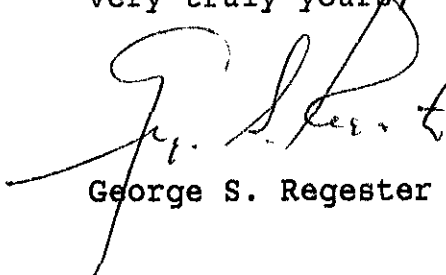
re: Petition for Special Hearing
8833 Belair Road
Baltimore, Maryland 21236

Dear Sir/Madam:

Enclosed please find a Petition for Special Hearing and attachments with respect to the captioned property.

Thank you for your attention.

Very truly yours,

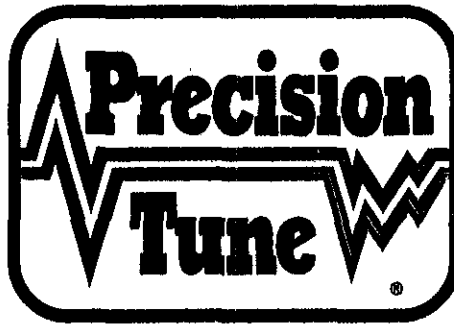


George S. Regester

GSR/sd

Enclosures

RECEIVED
APR 27 1994



Prot. Exh # 3

PRECISION FRANCHISES, INC.
Area Sub-Franchisor

January 23, 1995

Mrs. Laurie Martin
19 Treadway Court
Baltimore, Md. 21236

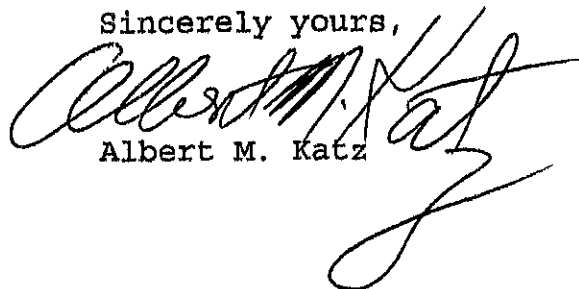
Dear Mrs. Martin:

Per your request, here is some information regarding the Precision Tune being built at the corner of Blakely Ave. and Belair Road.

1. The building is a 4 bay structure containing approximately 2200 sq. ft.
2. Precision Tune's typical hours of operation are Mon.-Fri. 8:00 AM to 6:00PM and Sat. 8:00AM to 5:00PM.
3. An average car count for a 4 bay center is 25 cars/day or 150 cars/week.
4. Most cars spend around 1 1/2 hours at a center being worked on.
5. Usually cars are not left for any length of time on our parking lots.
6. Delivery of materials and parts is usually done once per week by either common carrier or bulk product carrier during working hours.
7. A 4 bay center will usually have 5 - 6 employees.

I hope this information is a help to you.

Sincerely yours,



Albert M. Katz

JIM BALDWIN

ATTORNEY AT LAW

Att. Gpb #4

October 17, 1994

Mr. and Mrs. John Martin
19 Treadway Court
Baltimore, Maryland 21236

re: 8833 Belair Road

Dear Mr. and Mrs. Martin:

As you know, I represent Mr. and Mrs. George Register. You last heard from me following the unsuccessful effort to have Mr. Register convicted of disorderly conduct and maintaining a disorderly house. At that time, I indicated that, while Mr. Register's posture then was to take no issue with what we believed were continuing efforts by you and others to interfere with his commercial relations with his tenants at 8833 Belair Road, any further interference with his commercial relations, or other tortious conduct relative to Mr. Register would be met with an appropriate response.

Our investigation has revealed that a continuing effort to undermine Mr. Register's business relationships with his commercial trading partners, and a continuing defamatory course has proceeded notwithstanding my earlier letter.

This letter is your formal notice that suit will be filed against you within thirty (30) days of the date of this letter in the Circuit Court for Baltimore County. Should you retain counsel in response to this notice, please advise him or her of my address below.

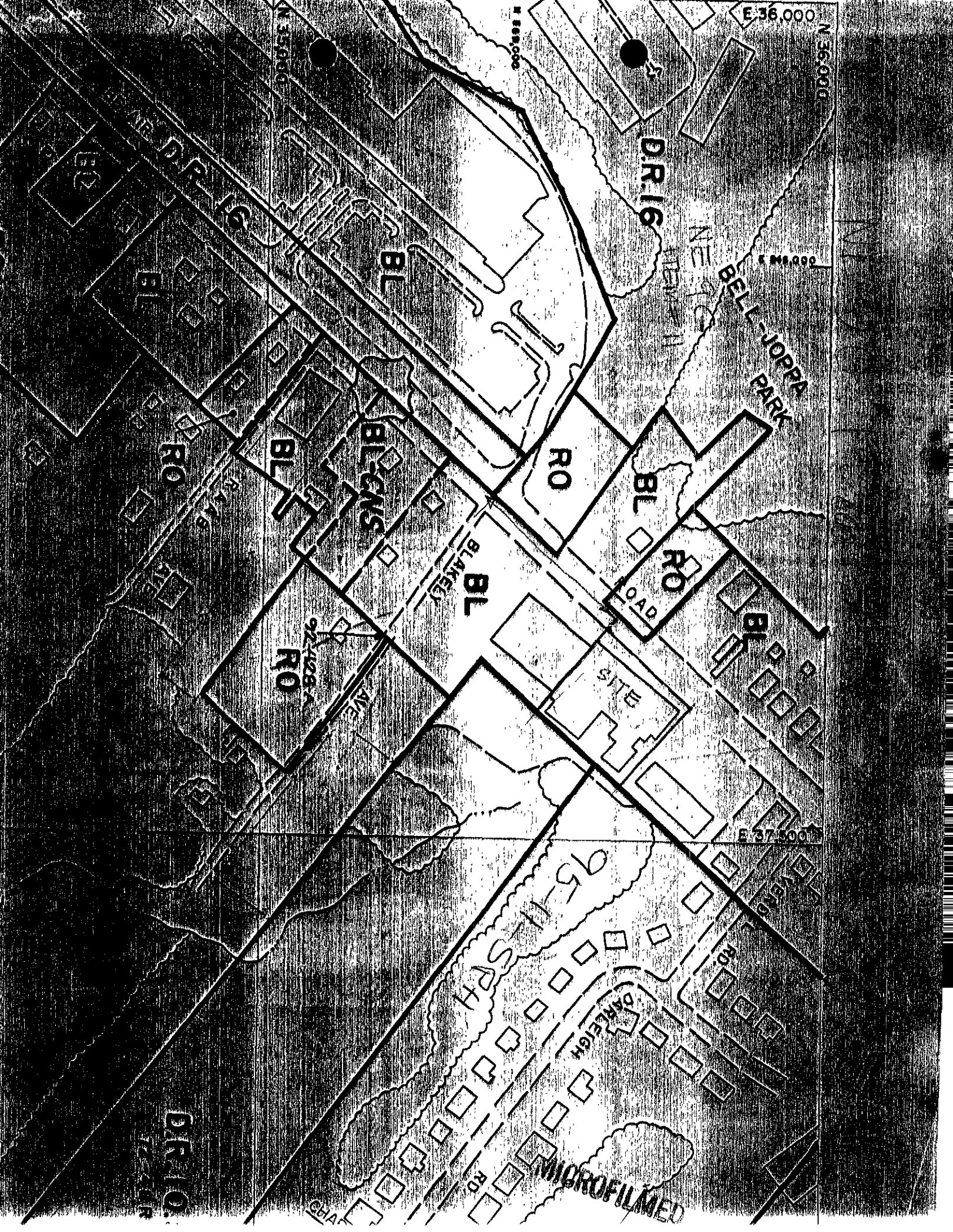
Thank you for your attention.

Very truly yours,


Jim Baldwin

JB/sd

cc: George Register



E 36,000

N 36,000

DR 16

BELL-JOPPA PARK

RO

BL

RO

BL

BL

BLANKS

RO

SITE

E 37,500

95th SPH

CARLEIGH

DR 10

MICROFILMED

N 35,000

N 35,000

DR 16

BL

RO

BL

BL

BL

BL

95-11-SPH

PROT. EX. #1A-14
#2
#5A
#5B

MICROFILMED



Prot E 1A



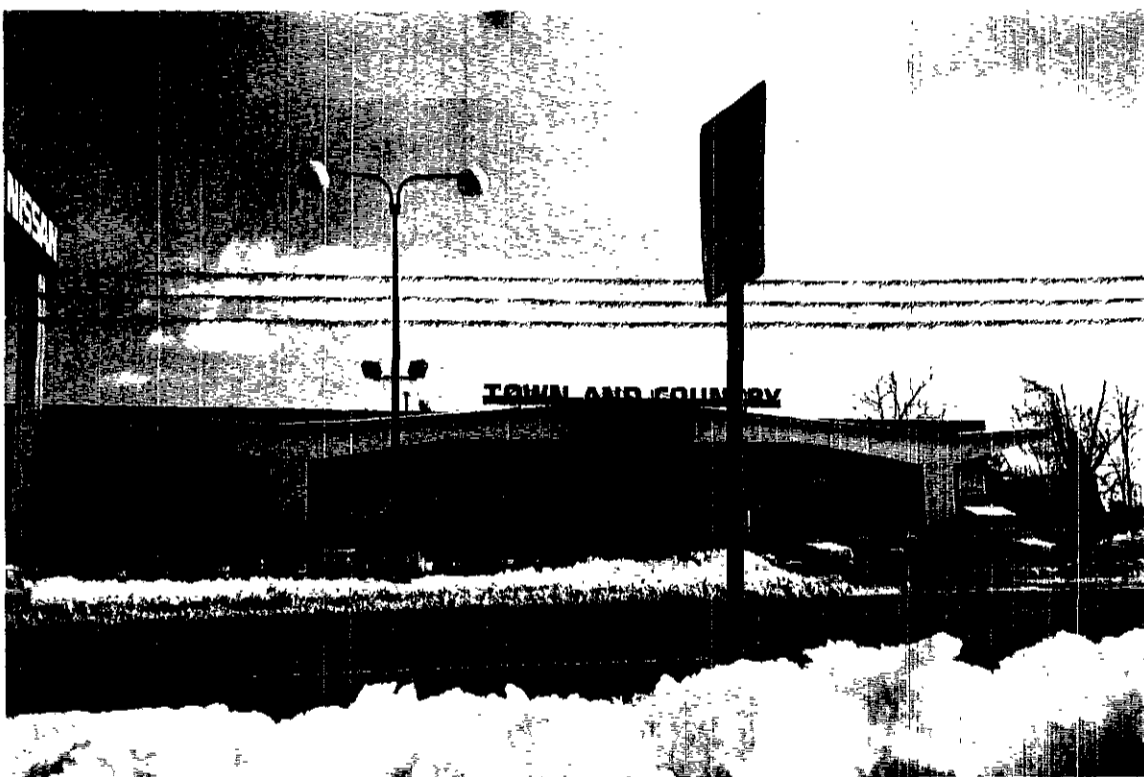
Prot Ex 1B



Prot Ex 1C



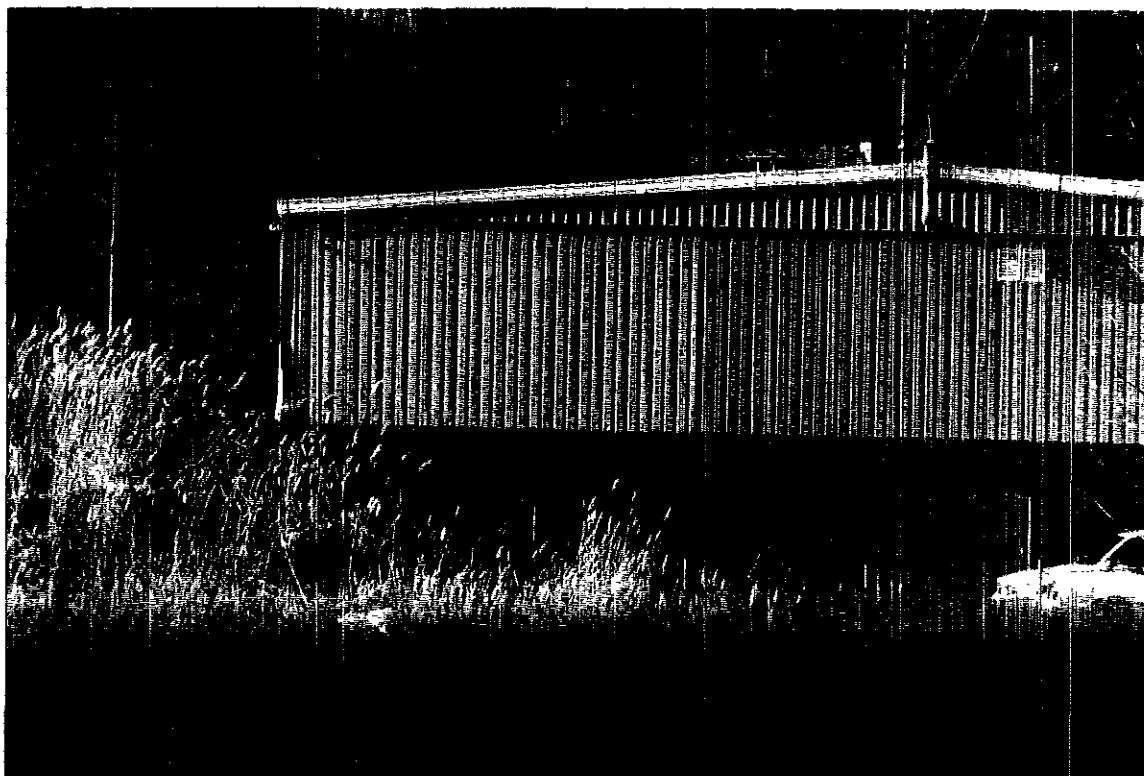
Prot Ex 1D



Prot Ex 1E



Prot Ex 1F



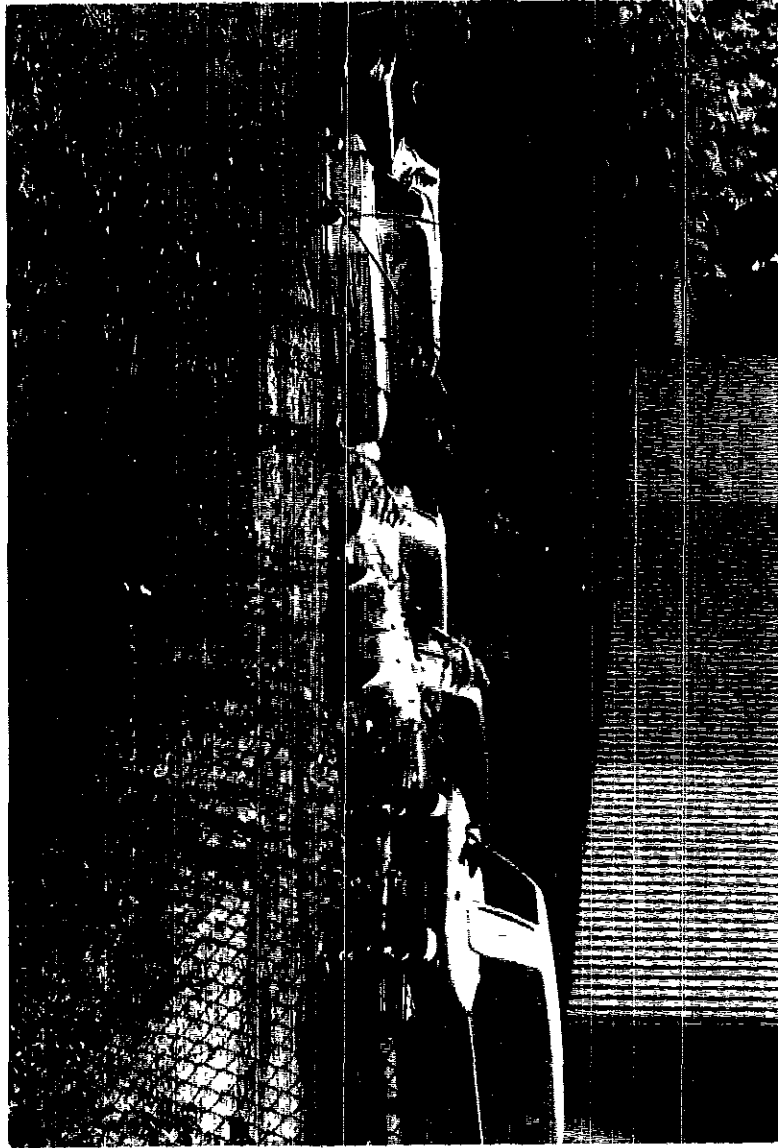
Prot Ex 5A



Prot Ex 1G

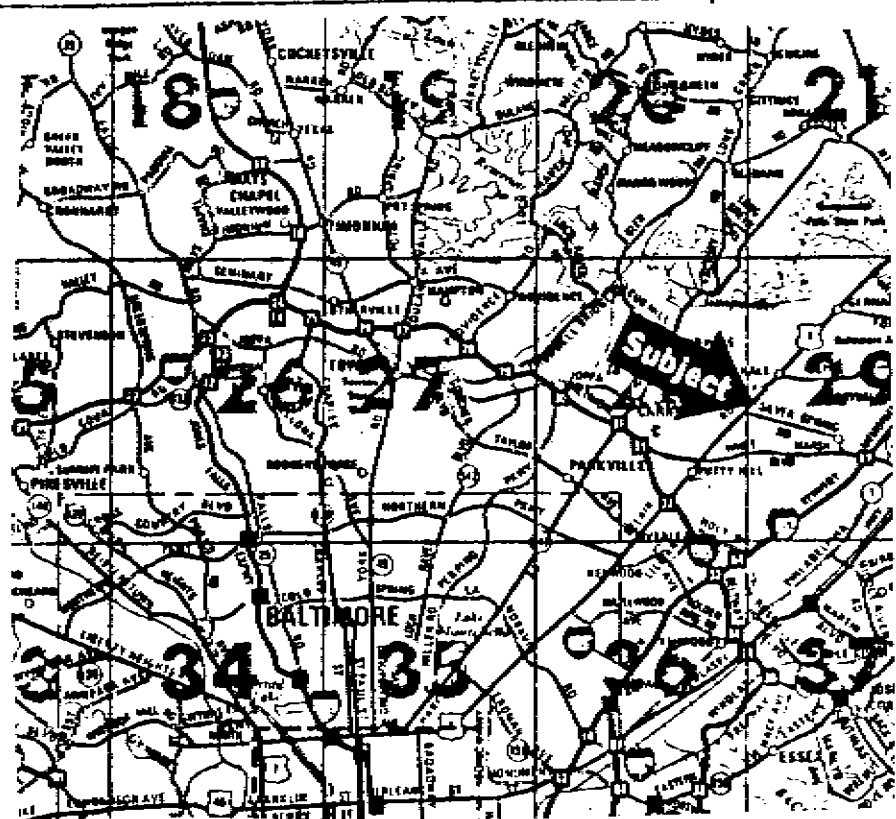


Prot Ex 1H

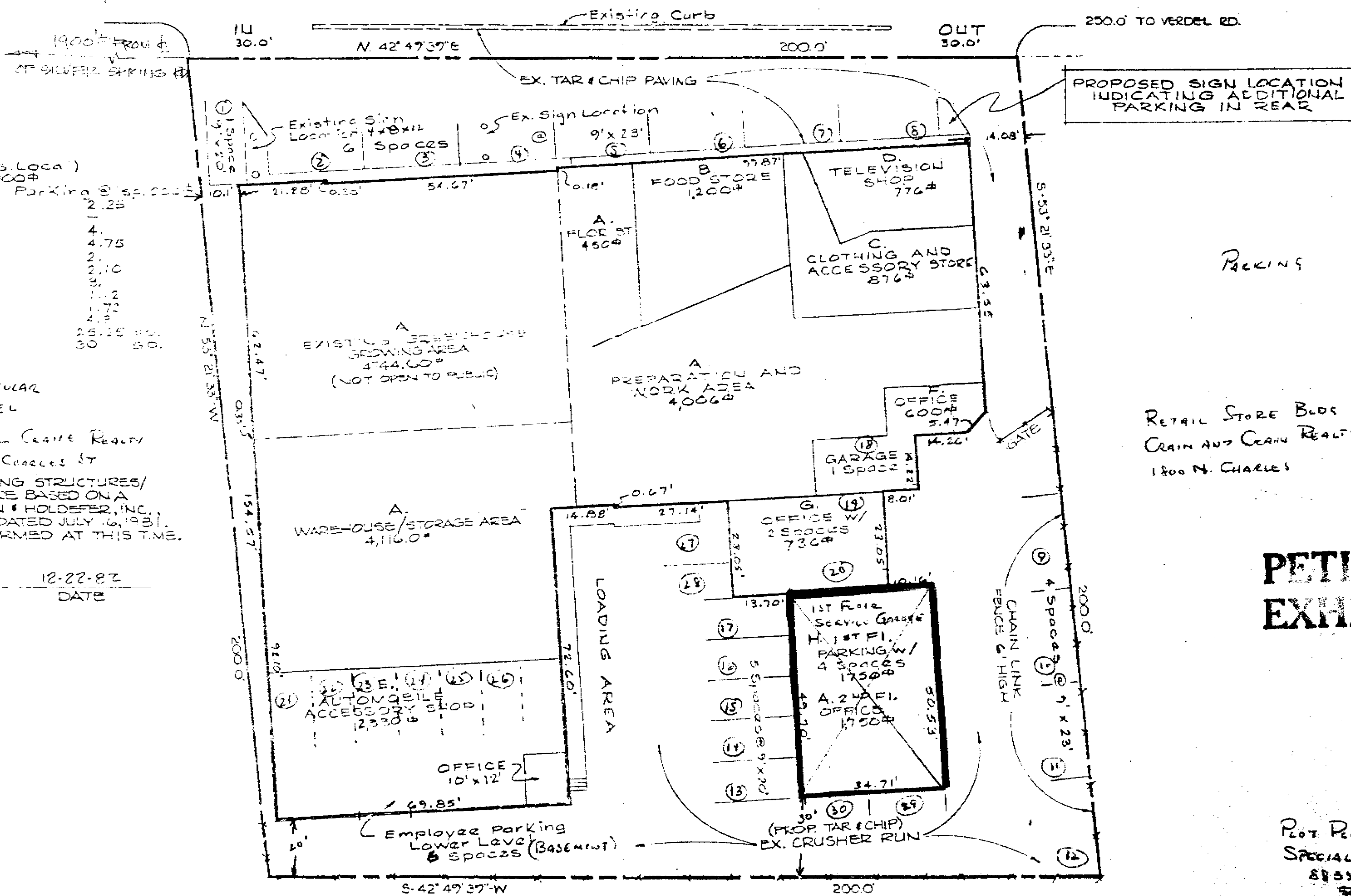
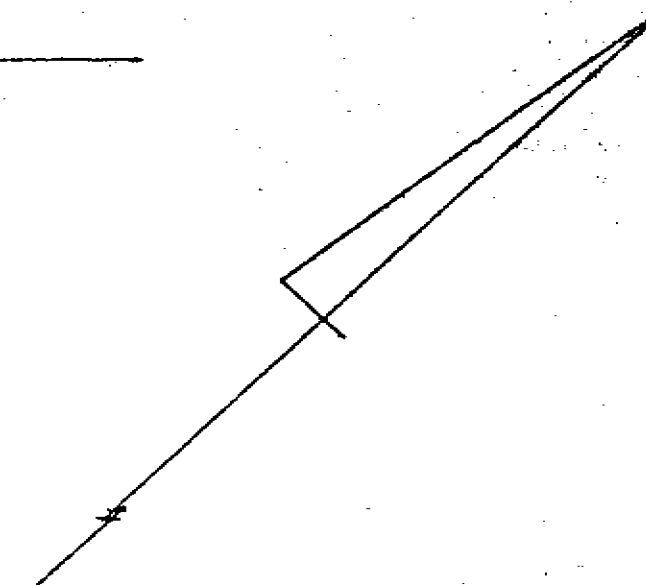


Phot Ex 2

Phot Ex
5 B



BELAIR RD (TO R/W)



NOTES

1. Existing Zoning: BL (Business Local)
2. Total Area: 200' x 200' = 40,000 sq ft
3. Use: Sales Area Parking @ sp. 2000
4. Florist Greenhouse Work Area 4 persons 4.75
5. Food Store 1/1000 400 sq ft 2.70
6. Clothing 420 sq ft 2.70
7. Television 600 sq ft 3.75
8. Auto 225 sq ft 1.42
9. Office 345 sq ft 2.15
10. Office 8625 sq ft 53.25
11. Parking 1500 sq ft 9.37
12. Parking 3000 sq ft 18.75
13. Existing Public Water

1. Standard PS Size 18x20 Perpendicular
2. 18x24 Parallel

CRANE & CRANE REALTY
1800 N. CHARLES ST

BOUNDARY AND LOCATION OF EXISTING STRUCTURES/ FEATURES SHOWN ON THIS PLAN ARE BASED ON A PLAN PREPARED BY EVANS, HAGAN & HOLDEFER, INC., SURVEYORS AND CIVIL ENGINEERS DATED JULY 16, 1981. NO FIELD SURVEY HAS BEEN PERFORMED AT THIS TIME.

Gerald P. Morgan
GERALD P. MORGAN
R.L.S. NO. 10729
12-22-82
DATE



PARKING

RETAIL STORE BLDG
CRANE AND CRANE REALTY
1800 N. CHARLES

PETITIONER'S EXHIBIT No 1

MICROFILMED

ITEM # 11

Plot Plan for
SPECIAL HEARING
8835 BELAIR ROAD
SITE PLAN

OF
JOHN J. KILIAN
PROPERTY
11th Election District C.D. 6
Baltimore County, Md.
SCALE 1"=200' JULY 1982
George Register

95-11-SPH

GREEN AREA
CRANE & CRANE
1800 N CHARLES ST