

Petition for Zoning Re-Classification

To The County Commissioners of Baltimore County:

~~James W. Miller and Dorothy Miller~~ William H. Miller and Dorothy Miller of the property situate in the north side of Old Eastern Ave., at the intersection of the 10th Station District of Baltimore Co. Beginning 800' westerly from the northeast corner of Marlyn and said Old Eastern Ave., (as located prior to the opening of New Eastern Ave.), thence northerly, at right angles to said Old Eastern Ave., 751' to the south right-of-way line of New Eastern Ave., thence easterly, thence 100' thence southerly, parallel to the right-of-way line of said New Eastern Ave., 190' to the said north side of Old Eastern Ave. and thence westerly thence 90' to beginning.

herby petition that the above described property or area, ~~hereinafter referred to as "the property"~~ (as to zoning pursuant to Zoning Act of 1941) ~~be changed or re-classified from residential use area, R-1, to commercial use area, C-1.~~

Reasons for Re-Classification: Adjacent to commercial area

Character of commercial use for which above property is to be used: Fruit & Produce Store

Material of Construction of Building:

Size and height of building: front: 30.2 feet, depth: 50.3 feet, height: 15 feet.

Front and side set backs of building from street lines: front 19.2 feet, side 16.0 feet.

Property to be posted as prescribed by Zoning Department.

Now we, agree to pay expenses of above re-classification, advertising, etc., upon filing of this petition, not to exceed three and further agree to and are to be bound by the rules, regulations, provisions and requirements herein set forth and as set forth in the regulations and orders of the County Commissioners of Baltimore County, pursuant to the Zoning Act for Baltimore County and as prescribed by or referred to in the "Applications for Building Permits" may adopted and used in the Baltimore County Administration.

William H. Miller
County Commissioner
Address 2800 Guilford Rd.
Baltimore, Md.

Zoning

ORDERED by The County Commissioners of Baltimore County, this 21st day of

July 1944, that the subject matter of this petition be advertised, as required pursuant to the "Zoning Act" in a newspaper of general circulation throughout the Metropolitan District of Baltimore County, that the public hearing herein be had in the office of the County Commissioners of Baltimore County, in the Court House in Towson, Baltimore County, on the 10th day of July 1944, at 2 o'clock P.M.

John H. Miller
County Commissioner
Zoning

disapprove the granting of the above Re-Classification

(over)

(over)

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of Location and adjacent to commercial area

Zoning

It is Ordered by the County Commissioners of Baltimore County, this 21st day of July 1944, that the above described property or area should be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, ~~hereinafter referred to as "the property"~~ subject to the following covenants and conditions, to wit:

1. That any display of produce, fruits, etc., for sale or otherwise, shall not extend beyond 8 ft. from the rear of the dwelling now on said property, that is toward New Eastern Ave.
2. That any display of produce, fruits, etc., for sale or otherwise, shall not extend beyond the distance of 10 ft. from the westernmost side of said dwelling, that is toward the junction of New and Old Eastern Aves.
3. That any display of produce, fruits, etc., for sale or otherwise to the front of said dwelling and toward Old Eastern Ave. shall not extend more than 15 ft. from said front line of dwelling.
4. That all garbage, including decayed fruit, produce or fruit trimmings and all other waste matter, shall daily be removed from the above premises.

John H. Miller
County Commissioner of Baltimore County.

To County Commissioners for Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION

PETITION NO. _____

Location: _____

Post: _____

Post: _____

Location: _____

PETITION NO. _____

PETITION FOR ZONING RE-CLASSIFICATION

To County Commissioners for Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of Location and adjacent to commercial area

the above re-classification should NOT be had.

It is Ordered by the County Commissioners of Baltimore County, this 21st day of July 1944, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby confirmed as and to remain residential use area, duplex or division, subject, however, to the further order of the County Commissioners of Baltimore County.

County Commissioners of Baltimore County

COMMISSIONER
E. B. BROWN, CHAIRMAN
H. WATSON, MEMBER
W. FRANK THOMAS

DEPARTMENT OF PUBLIC WORKS
STATE OF MARYLAND
STATE ROADS COMMISSION
100 EAST LEXINGTON STREET
BALTIMORE, MD.

Contract 1-10-4
William H. Miller Property
File #1113

Mr. John H. Miller
Spring House
Court House
Towson, Maryland

Dear Mr. Thomas:

In response to your phone request of last night I attach a copy of plat #4774 upon which I have approximately indicated in yellow the position of the Miller H. Miller property on the north side of the old Eastern Avenue in the point above the new Eastern Avenue leaving the old road.

You will notice that the right of way for the new Eastern Avenue and the then connection between the old and new Eastern Avenue runs right up to the westward end of the Miller property and therefore to all practical purposes this particular road is bounded on 3 sides by highway.

If you require any further information as to the actual physical location of the actual surface of the zone between the new and old road this information could readily be obtained by you from our District Engineer, Mr. W. P. Campbell whose office is in the inside building.

Very truly yours,
Stephen
RIGHT OF WAY DIVISION

10/1/44

See Re-Class # 374
Wm H. Miller

ZONING DEPARTMENT - BALTIMORE COUNTY, MD.

Certificate of Posting of Re-Classification Notice

District: 10th Station Date of Return: July 21, 1944
Date of Posting Property: July 16, 1944
Location of Sign on Property: On front of property
Location of property: North side of Old Eastern Avenue, 10th Station District of Baltimore County, "Recess"
Re-Classification Petitioned for: From Residential to Commercial
Petitioner: William H. Miller and Dorothy Miller
Remarks: _____
Inspector making return: John H. Miller

June 21, 1944.

\$8.00

RECEIVED of William H. & Dorothy Miller, the sum of Eight (\$8.00) Dollars, being cost of advertisement and posting of property, North side Old Eastern Avenue, 10th Station District of Baltimore County, "Recess" pursuant to petition being filed for re-classification.

Zoning Commissioners

Hearing:
July 10, 1944
at 2:00 o'clock p.m.

PAID
JUN 21 1944
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY John H. Miller

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 30/44 1944

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 10th day of July, 1944, the first publication appearing on the 10th day of June 1944.

THE JEFFERSONIAN,
John H. Miller
Manager.

Cost of Advertisement, \$

ZONING DEPARTMENT - BALTIMORE COUNTY, MD.

CERTIFICATE OF PUBLICATION

Pursuant to petition filed with the Zoning Department of Baltimore County, Maryland, on the 10th day of June, 1944, for the re-classification of the property situate in the north side of Old Eastern Avenue, at the intersection of the 10th Station District of Baltimore County, from residential use area, R-1, to commercial use area, C-1, the following advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 10th day of June, 1944, the first publication appearing on the 10th day of June, 1944.

JOHN H. MILLER, Manager.

WHEREAS, the State Roads Commission of Maryland, acting on behalf of the State of Maryland, finds it necessary to acquire land, easements, and/or rights, etc. shown and/or indicated on State Roads Commission of Maryland's Plat No. 4774, which is duly recorded, or intended to be recorded, among the Land Records of Baltimore County in the State of Maryland, in order to lay out, open, establish, construct, extend, widen, straighten, grade and improve, etc. under its Contract No. 333, and/or improve in any manner a highway and/or bridge, together with the appurtenances thereto belonging known as the Eastern Avenue, Back River to Middle River, as a part of the Maryland State Roads System, and, therefore, we, maintain and/or further improve said highway and/or bridge, and

WHEREAS, the laying out of said highway and/or bridge and/or improvements, in addition to being required for public convenience, necessity and safety, is a material benefit to the undersigned.

NOW, THEREFORE, THIS DEED AND RELEASE WITNESSETH: That for and in consideration of the above premises, One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, we do hereby grant and convey unto the State of Maryland, to the use of the State Roads Commission of Maryland, its successors and assigns, forever in fee simple, of our right, title, and interest, free and clear of all liens and encumbrances, in and to all the land, together with the appurtenances thereto belonging, or in any way appurtenant, lying between the lines designated "Right of Way Line" as shown and/or indicated on the aforesaid plat, all of which plat is made a part hereof, so far as our property and/or our rights may be affected by the said proposed highway and/or bridge and the appurtenances thereto belonging, or in any way appurtenant, and, we, for ourselves, our heirs and assigns, do further release the State of Maryland and the State Roads Commission of Maryland, their members, officers, agents, and employees, from any and all claims or demands, both present and future, for any damages and/or injuries whatsoever caused directly or indirectly by the taking, and use, or improvement, etc. of the land, easements, and/or rights, etc. for a public highway and/or bridge and their necessary appurtenances, including the creation or extension of ditches, embankments or excavations in connection therewith or of any other matter or things, arising out of or caused by the laying out, opening, establishing, constructing, extending, widening, straightening, grading, improving, further improving, use and maintenance, etc. of the said State Highway and/or bridge and their necessary appurtenances within the area of the land, easements and/or rights, etc. hereby granted together with any change of grade therein or drainage thereon.

AND do grant to the State of Maryland to the use of the State Roads Commission of Maryland, its successors and assigns, the right to create, use and maintain on the land shown hatched thus [XXXXXX] on the above mentioned plat, such drainage structures, stream charges and facilities as are necessary in the opinion of the State Roads Commission to adequately drain the highway and/or adjacent property and such slopes as are necessary to create the said highway and/or adjacent property, it being understood between the parties hereto, however, that at such time as the contour of the land over which this easement is granted is changed so that the easement required for slopes is no longer necessary to support or protect the property conveyed in fee simple, then said easement for slopes shall cease to be effective.

AND the grantor do further grant to the State of Maryland to the use of the State Roads Commission of Maryland, its successors and assigns, the right to create, use and maintain on or across the adjacent land of the grantor such waterways and/or ditches and outlets as are necessary in the opinion of the State Roads Commission for the drainage structures indicated in the legend shown in the left hand corner of the above mentioned plat.

AND the grantor do further grant to the State of Maryland to the use of the State Roads Commission of Maryland, its successors and assigns, the perpetual right to erect and maintain between October 1st and April 1st, of each and every year, since fences, within 100 feet of the land hereby granted in fee simple, provided that said new fences shall not interfere with the construction and use of buildings now erected hereafter erected, or with growing crops.

AND the grantor covenant that they have neither done, nor suffered to be done, anything to encumber the property, easements and/or rights, etc. hereby conveyed, and that they will execute such other and further assurances of same as may be required.

AND

join in this conveyance for the purpose of releasing the land, easements and/or rights, herein conveyed from the operation and effect of any mortgage and/or lien which they hold upon the property of the grantee, retaining their rights as mortgagees and/or lienors in and to the remainder of the land not affected by this conveyance.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____

Witness: (S)AL
Witness: (S)AL
Witness: (S)AL
Witness: (S)AL
Witness: (S)AL
Witness: (S)AL
Witness: (S)AL

STATE OF MARYLAND, IN AND FOR _____ COUNTY:
Before me, a Notary Public of the State and County aforesaid, personally appeared _____

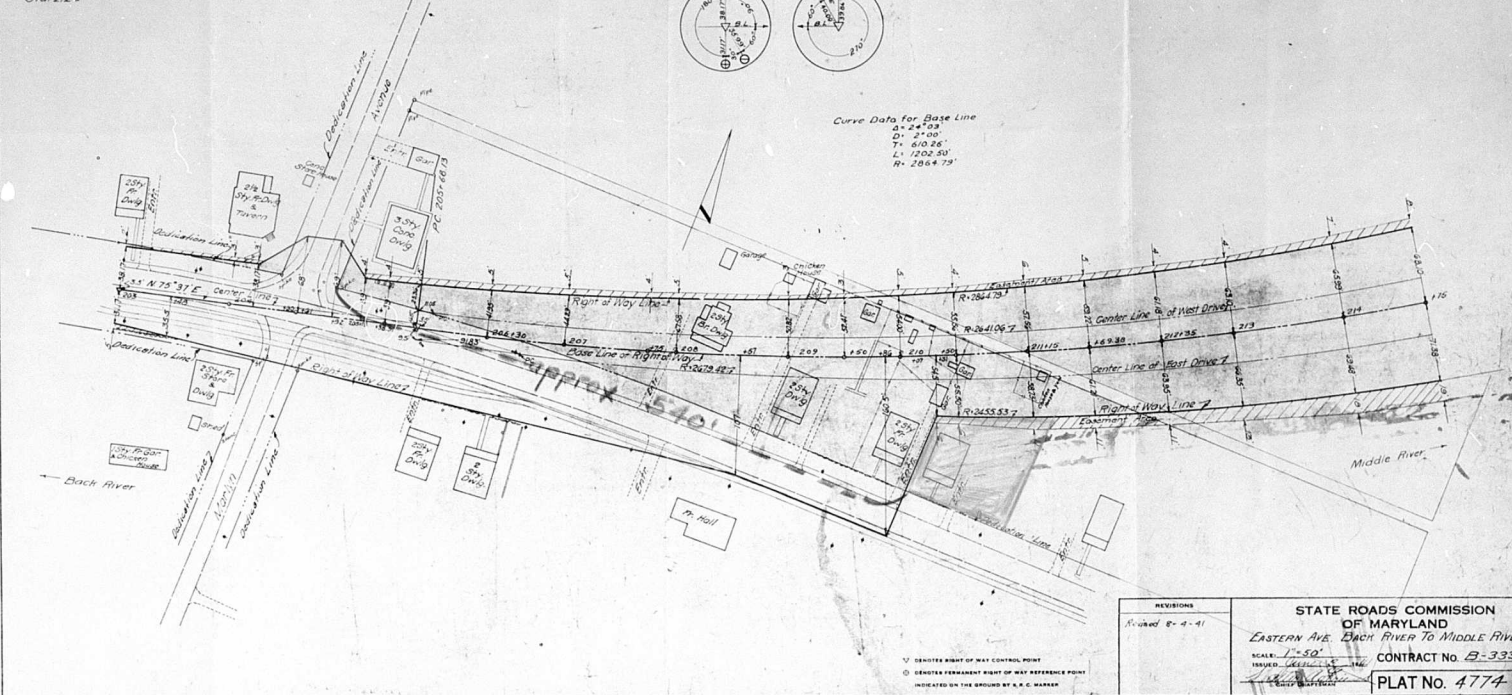
and acknowledged the foregoing deed to be their act

WITNESS my hand and Notarial Seal this _____ day of _____, 19 _____

Notary Public
My Commission expires _____

Note: Among the drainage structures for the proposed improvement are included structures as the following stations:

Sta. 202+2



REVISIONS	
1	Revised 8-4-41

STATE ROADS COMMISSION OF MARYLAND
EASTERN AVE. BACK RIVER TO MIDDLE RIVER
SCALE: 1"=50'
ISSUED: 8-4-41
CONTRACT NO. B-333
PLAT NO. 4774

