

RE: PETITION FOR SPECIAL
EXCEPTION FOR GARAGE
FOR FUNERAL HOME
rear of 4105 Wilkens
Ave. - 13th District,
Howard Hubbard, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
August 13
SEC. 2-A
83 A

OPINION

The petitioner in this case seeks a special exception for a five car garage in the rear of 4105 Wilkens Avenue. The garage is to be used for the storage of motor vehicles used in connection with the funeral parlor operated by the petitioner at 4107 Wilkens Avenue, immediately adjacent to the subject property.

The petitioner testified that his vehicles are kept at three different locations at the present time. He also stated that no repairs or lubrication work would be done on the premises; no maintenance other than the washing and waxing of the cars.

The funeral parlor at 4107 Wilkens Avenue was established approximately five years ago with the first floor and basement used for business purposes and the second floor used as living quarters for the petitioner and his family. Mr. Hubbard acquired the adjoining property at 4105 Wilkens Avenue in May, 1958, and, after alterations are completed, plans to occupy it as a residence and use 4107 exclusively for funeral purposes.

The protestants, who reside at 4109 Wilkens Avenue, testified that, in their opinion, the granting of this special exception would increase the traffic of funeral vehicles and would create a traffic hazard on Wilkens Avenue. The petitioner contended that there would be less vehicular movement in and out of the property if all of the cars were stored on the premises.

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
HOWARD & LOUISE HUBBARD
For a Special Exception
To the Zoning Commissioner of Baltimore County

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Legal Counsel
Contract
Purchaser

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now on the land) erected thereon hereinafter described for to use a lot of ground erected as follows: Beginning on the southeasterly corner of the property known as 4105 Wilkens Avenue and running thence north 17 degrees 10 minutes west 150 feet thence north 72 degrees 11 minutes east 123 feet more or less thence south 17 degrees 10 minutes east 98 feet thence north 72 degrees 11 minutes east 87 feet thence south 17 degrees 10 minutes east 57 feet thence south 72 degrees 11 minutes west 50 feet to the place of beginning; and the garage erected thereon to house the motor vehicles owned by the petitioner and used in the operation of a funeral establishment owned by the petitioner on the property known as 4107 Wilkens Avenue, which property adjoins on the west the property hereby petitioned for a Special Exception.

Contract Purchaser

Howard & Louise Hubbard
Legal Counsel
Contract Purchaser
5 South St
Baltimore

AUG 7 1958

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It is the opinion of this Board, based on the testimony before it, that the use sought by the petitioner in no way violates any of the provisions of Section 502.1 of the Baltimore County Zoning Regulations, and that it should, therefore, be granted.

ORDER

For the reasons set forth in the foregoing opinion, it is this 13th day of December, 1958, by the County Board of Appeals, ORDERED that the special exception herein petitioned for be and the same is hereby granted; subject, however, to the restriction that no repair or maintenance work shall be performed at the subject location except washing and waxing.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

JULIUS G. MAURER
ATTORNEY AT LAW
405 WESTFARE BUILDING
BALTIMORE 12, MARYLAND

September 21st, 1958.

Wilsie H. Adams, Esq.,
Zoning Commissioner,
County Office Building,
Towson 4, Maryland.

Dear Mr. Adams: - Re: Petition for Special Exception for funeral home - 4105 Wilkens Avenue - 13th Election District, Howard Hubbard, Petitioner.

On behalf of Joseph H. Hister, who with his wife owns the property at 4109 Wilkens Avenue, as well as on behalf of other neighbors similarly aggrieved, please enter an appeal to the Board of Zoning Appeals from the Order passed on September 19th, 1958, in the above-mentioned case.

My check for \$30.00 to cover the cost of the appeal is enclosed herewith.

I shall appreciate it if you will acknowledge the receipt of this appeal.

Yours very truly,

JULIUS G. MAURER

JGM:K



ORDERED BY the Zoning Commissioner of Baltimore County this 21st day of August, 1958, that the subject matter of this petition be referred in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 17th day of September, 1958, at 2 o'clock P.M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition for a special exception to conduct a funeral home on the property described therein, and it appearing that by reason of location, the safety, health and the general welfare of the community not being detrimentally affected, the said special exception should be granted IN PART.

That portion covering the existing garage structure to be used only for the storage of the vehicles connected with the operation of a funeral home, and there shall be no repairing or washing of cars on this property.

It is this 21st day of September, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception be and the same is hereby granted, subject however, to the above mentioned restrictions.

John A. Adams
Zoning Commissioner
of Baltimore County

September 22, 1958

\$20.00

RECEIVED of Julius G. Maurer, Attorney for Joseph H. Hister, et al, protestants, the sum of Thirty (\$30.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Zoning Commissioner granting a special exception for a funeral home, 4105 Wilkens Avenue, 13th District of Baltimore County.

Zoning Commissioner

September 17, 1958

\$2.50

RECEIVED of Albert W. Styles, Esquire, for petitioner, Howard Hubbard, the sum of Two Dollars and fifty cents (\$2.50) to cover cost of advertising the property situate on the Southwest corner of Wilkens Avenue.

Thank you.

Zoning Commissioner
of Baltimore County

RECEIVED
SEP 17 1958
COMPTROLLER'S OFFICE

RECEIVED

AUG 25 1958
COMPTROLLER'S OFFICE

RECEIVED

SEP 23 1958
COMPTROLLER'S OFFICE

ZONING DEPARTMENT OF
BALTIMORE COUNTY
PETITION FOR SPECIAL
EXCEPTION
13th DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for a Special Exception to use the property hereinafter described for a Funeral Establishment, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Wednesday, September 17, 1958 at 2:00 P.M.

In determining whether or not the Special Exception petitioned for as aforesaid should be granted, the property in said petition being particularly described as follows:
All that parcel of land in the Thirteenth District of Baltimore County beginning on the Southwesterly corner of the property known as 4105 Wilkens Avenue and running thence North 17 degrees 48 minutes West 150 feet; thence North 72 degrees 11 minutes East 12 1/2 feet, more or less; thence South 17 degrees 49 minutes East 98 feet; thence North 72 degrees 11 minutes East 47 1/2 feet; thence South 17 degrees 49 minutes East 52 feet; thence South 72 degrees 11 minutes West 50 feet to the place of beginning, as shown on plat plan filed with the Zoning Department, being property of Howard and Louise Hubbard.

By Order of
Walter H. Adams
Zoning Commissioner
of Baltimore County
Aug. 29 - Sept. 5

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.

THE HERALD - ARGUS
Catonsville, Md.

THE COMMUNITY PRESS
Dundalk, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

September 6, 1958

CERTIFY, that the annexed advertisement of
H. Adams, Zoning Commissioner
of Baltimore County

THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 6th day of September 1958, that is to say the same was inserted in the issues of

August 29 and September 5, 1958

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

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THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting 9-3-58
Posted for Special Exception for a Funeral Establishment
Petitioner: Howard and Louise Hubbard
Location of property: S.W. corner of the property known as 4105 Wilkens Avenue, etc.; see plat
Location of Signs: Posted on property known as 4105 Wilkens Avenue
Remarks: _____
Posted by George K. Hummel Date of return: 9-4-58
Sig

