



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 18, 1998

Joseph W. McGraw, Jr., President
JST Engineering Company, Inc.
6912 North River Drive
Baltimore, MD 21220

RE: Zoning Verification
3945 North Point Blvd.
15th Election District

Dear Mr. McGraw:

This letter responds to your correspondence and plans submitted for zoning review concerning the intensity of the used car sales use as approved on the above referenced site by certain zoning hearings.

A review of the provided information by staff, as well as a discussion with Mr. Chen of the Code Enforcement Office, reveals that the number of cars to be sold is shown as "approx. 25" on the site plan in case #4547. The subsequent zoning case #5563 requested "an extension of the previous used car business" and certain variances. The Zoning Commissioner granted the variances and a special exception for "a used motor vehicle outdoor sales area".

The question concerning the allowed number of used vehicles permitted for sale on site is not resolved by case #5563. An extension was requested and the special exception for the used car sales area was granted, but it left intact the limiting number of used cars on the #4547 site plan. Due to the fact that the number as approved remained unchanged at approximately 25 vehicles, staff can only give administrative confirmation that no more than 30 used vehicles can be located on the site for sale at any one time.

Should you disagree with this response, staff suggests that a zoning special hearing could be requested to allow a determination of this question by the zoning commissioner or alternatively, a request could be made to amend the prior site plan cases to allow an increased number of used vehicles for sale. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II, Zoning Review

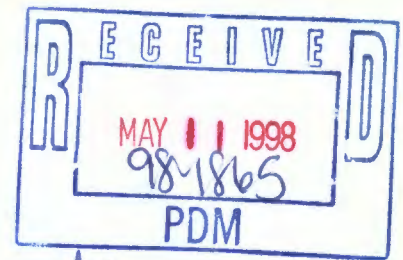
c: Jerry Chen, Code Enforcement
Zoning Case #4547-RX & #5563-RXV

MICROFILMED



5/12/98
WCR
please review & let me know for response

J.S.T. Engineering Co., Inc.
Professional Land Surveyors
6912 North River Drive
Baltimore, Maryland 21220
Phone: 410-335-9142 / Fax: 410-335-9144



May 7, 1998

Mr. Arnold Jablon
Director of Baltimore County PADM
Room 111
111 W. Chesapeake Avenue
Towson, MD. 21204

Re:3945 North Point Boulevard

Dear Mr. Jablon,

I am writing to you on behalf of my client Ed Parlier. Mr. Parlier is the owner and operator of Good Used Cars at 3945 North Point Boulevard. The property is in the 15TH Election District of Baltimore County, MD. The owner of the property is Mrs. Alvina Lusk. Mr. Parlier has recently been cited with a zoning violation notice and has been told by Mr. Chen of zoning enforcement he must reduce the number of vehicles for sale on his lot to 25 based upon a zoning hearing for case #4547-RX that was held December 17, 1958.

On November 16, 1958 the then owner of the property petitioned "(1) that the zoning status of the above described property be reclassified, pursuant in the Zoning Law of Baltimore County, from an BL Zone to an BR Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Used Car Lot and Gasoline Service Station". The site plan in the case file designates an area 85 feet wide as "Used Car Lot - Approx. 25 cars". The only other specific mention of a limit on the number of cars in the case file is in an inter-office correspondence from the Office of Planning in which Mr. George E. Gavrelis states "The Office of Planning has reviewed a "concept" site plan for the subject petition which delineates the area that would be used for (a) a used car lot with a maximum of 25 cars and (b) a service garage on the northerly portion of the property." The order by Deputy Zoning Commissioner John T. Rose does not mention a specific number of used cars allowed. It merely orders that "the petition should be and the same is hereby granted . . . and second for a special exception to use that part of the above described property delineated on the plat for a Used Car Lot, subject, however, to the approval of the site plan for the development of said property by the Office of Planning and the Bureau of Land Development of Baltimore County, and, . . .". On December 22, 1958 a letter was sent to Zoning Commissioner Wilsie H. Adams from Mr. John H. Whitney stating that his client was withdrawing his petition for the Gasoline Service Station.

On January 26, 1962 Mr. William F. Lusk filed a Petition for Zoning Re-Classification

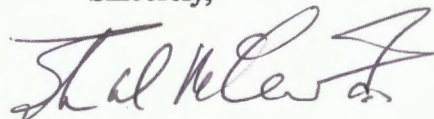
MICROFILMED

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In lieu of the above information, I cannot understand the reasoning behind limiting Mr. Parlier to any number of cars much less 25 cars. The original plat to accompany the 1958 petition showed an area 85 feet wide and labeled Used Car Lot-Approx. 25 cars. It did not state there would only be 25 cars on the lot. Instead it said approximately 25 cars. Even so, the original 1958 petition and order do not specifically limit the number of cars on the lot. The 1962 petition and order also do not specifically limit the number of cars on the original lot or on the triangular lot which the petition is concerned with. The worst case scenario would be to limit the 85 foot wide area on the original plat to 25 cars. However, since no order has mentioned a limit on the number of cars, I find this to be farfetched also.

My question to you, Mr. Jablon, is whether Mr. Chen is interpreting the 1958 and 1962 Zoning Orders correctly or incorrectly? I would appreciate your response in this matter as quickly as possible since Mr. Chen has imposed a deadline of February 14, 1998 for my client to comply with his instructions.

Sincerely,



Joseph W. McGraw, Jr.
President

MICROFILMED

**J.S.T. Engineering Co., Inc.
Professional Land Surveyors
6912 North River Drive
Baltimore, Maryland 21220
Phone: 410-335-9142 / Fax: 410-335-9144**

May 8, 1998

**Mr. Chen
c/o Zoning Enforcement for
Baltimore County
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204**

Re: 3945 North Point Boulevard

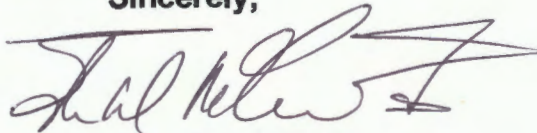
Dear Mr. Chen,

Attached is a copy of a letter to Mr. Arnold Jablon, Director of Baltimore County PADM in which I ask him to verify your interpretation of Zoning cases #5563 RXV and #4547 RX.

My client, Mr. Parlier, has tried to reduce the number of used cars on the property to comply with your order. However, reducing to 25 cars overnight is not economically possible for him. It is our hope that you will recognize his attempt to comply while at the same time asking for an interpretation from Mr. Jablon.

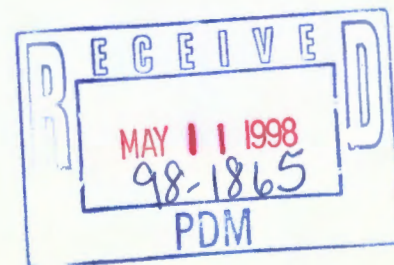
If you have any questions or if I can be of any farther service in this matter, please do not hesitate to contact me.

Sincerely,



**Joseph W. McGraw, Jr.
President**

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 18, 1998

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JST Engineering Company, Inc.
6912 North River Drive
Baltimore, MD 21220

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3945 North Point Blvd.
15th Election District

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A review of the provided information by staff, as well as a discussion with Mr. Chen of the Code Enforcement Office, reveals that the number of cars to be sold is shown as "approx. 25" on the site plan in case #4547. The subsequent zoning case #5563 requested "an extension of the previous used car business" and certain variances. The Zoning Commissioner granted the variances and a special exception for "a used motor vehicle outdoor sales area".

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Very truly yours,

John L. Lewis
Planner II, Zoning Review

c/ Jerry Chen, Code Enforcement
Zoning Case #4547-RX & #5563-RXV

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 048766

DATE 5/14/98 ACCOUNT 001-6150

AMOUNT \$ 40.00 (JLS)

RECEIVED FROM JST ENGINEERING CO INC

FOR YERP. #98-1865

3945 North Point Blvd

DESCRIPTION WHITE CASHIER PINK AGENCY YELLOW CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

PROCESSED 5/15/98 ACTUAL 5/14/98 TIME 14:45:36

REASON 0001 CASHIER CLINICAL DRIVER

5 MISCELLANEOUS CASH RECEIPT

REMARKS 000362

CASHIER 048766

40.00 CHECK

Baltimore County, Maryland

Mr. Arnold Jablon
Director of Baltimore County PADM
Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

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and/or Special Exception & Variance with Baltimore County. The case number for this petition was #5563-RXV. The petition was for a triangular shaped parcel of land (101.00 feet by 68.04 feet by 121.77 feet) southwest of and immediately adjacent to the property which was the subject of the 1958 zoning hearing mentioned above. The purpose of this petition was to reclassify the existing zoning of said triangular shaped parcel of land, obtain a special exception for a Used Motor Vehicle Outdoor Sales Area on it and to have a rear and side yard requirement reduced for an existing building on it. This petition was also granted under Order dated May 2, 1962. In the order as in everywhere else in the case file there is no mention of any limit to the number of cars allowed on the triangular shape lot of this petition or on the original parcel from the 1958 petition.

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Sincerely,

Joseph W. McGraw, Jr.
President

J.S.T. Engineering Co., Inc.
Professional Land Surveyors
6912 North River Drive
Baltimore, Maryland 21220
Phone: 410-335-9142 / Fax: 410-335-9144

May 8, 1998

Re: 3945 North Point Boulevard

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c/o Zoning Enforcement for
Baltimore County
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

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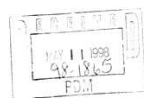
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May 7, 1998

Re: 3945 North Point Boulevard

Mr. Arnold Jablon
Director of Baltimore County PADM
Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

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On January 26, 1962 Mr. William F. Lusk filed a Petition for Zoning Re-Classification

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION & VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William F. Lusk, legal owner... 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-10 zone for the following reasons:

To permit extension of garage and car driveway

Section 23-2, 4 - Side & Rear Yards - 30' Requesting side yard on the S/W 1/4, instead of the required 30'; and to permit rear yard of 2-5' instead of the required 30'

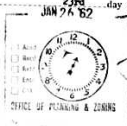
See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for, Shed Motor Vehicle

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

Contract purchaser William F. Lusk legal owner
Address 4153 Lyndhurst Rd.
Petitioner's Attorney George D. Edwards
Address 6903 Dromedary Dr.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of January, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County in a newspaper 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 3rd day of May, 1962, at 2:00 o'clock P.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 11, 1962
FROM: Mr. George F. Gervell, Deputy Director
SUBJECT: #5563-RV

C. The Variance

Insofar as, can be determined by the Planning staff, a Building permit has not been issued authorizing the construction of a service garage in the manner indicated on the petitioner's plat, and for which variances to the side and rear yards are being sought. Erection of the garage as shown is a flagrant violation of the Zoning Regulations inasmuch as the permit was for an accessory structure with no principal building on the lot. It represents a back door means of getting relief from the requirements of the Regulations by disregarding them. Seeking a variance on allegations of practical hardship and difficulty - nonsensical. Granting of the variance here certainly would set an absurd precedent.

The Planning staff recommends that the variance be denied and that proceedings on a violation on the zoning setback requirements be instituted.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of... location, the safety, health and the general welfare of the locality involved not being detrimentally affected,

the above Re-classification should be had; and it further appearing that by reason of... location,

a Special Exception for a Shed Motor Vehicle Outdoor Sales Area should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of May, 1962, that the herein described property or area should be and the same is hereby reclassified; from R-6 zone to an R-10 zone and a Special Exception for a Shed Motor Vehicle Outdoor Sales Area should be and the same is granted, from and after the date of this order. The variance requested is also granted which permits a side yard on the south side of 3-5 feet instead of the required 30 feet and a rear yard of 2-5 feet instead of the required 30 feet.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of May, 1962, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for zone be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

JOHN ALLEN DIVEN B.S. in C.E.

Professional Engineer and Land Surveyor No. 1003

11 ST. MICHAELS WA BALTIMORE 12, MD

LUK

March 10, 1962

PROPERTY TO BE ZONED FROM R-6 TO R-10 & SPECIAL EXCEPTION FOR USE

Beginning for the same at the intersection of the line of division between Lots 91 and 92, Battle Grove, with the north side of Battle Grove Road, said point of beginning being situated westerly 205' from the cutoff angle at North Point Boulevard and running thence South 82 degrees 31 minutes East 98.35 feet to the line of division between Lots 92 and 93, Battle Grove, thence binding thereon North 7 degrees 29 minutes East 249.74 feet to intersect the southwest side of North Point Boulevard, thence binding thereon North 26 degrees 29 minutes East 150.69 feet, thence North 82 degrees 31 minutes West 114.16 feet to intersect the line of division between Lots 90 and 91, Battle Grove, thence binding thereon South 7 degrees 29 minutes West 200 feet, thence South 82 degrees 31 minutes East 100.00 feet, thence South 7 degrees 29 minutes West 175.00 feet to the place of beginning. Saving and excepting therefrom the land already zoned R-10.

SPECIAL EXCEPTION on the above described parcel, save and excepting therefrom the following: Beginning for the same at the end of the 5th line of the above described parcel and running thence binding on a part of the 6th line thereof South 82 degrees 31 minutes East 68.04 feet to intersect a line drawn 150 feet southeasterly from and parallel with North Point Boulevard, thence binding thereon North 26 degrees 29 minutes West 121.77 feet to intersect the 5th line first hereinbefore referred to, thence binding thereon South 7 degrees 29 minutes West 101.00 feet to the place of beginning.

Associate Member A.S.C.E.

PETITION FOR ZONING RE-CLASSIFICATION, EXCEPTION AND VARIANCE TO THE ZONING REGULATIONS 10th District

ZONING: From R-6 Zone to R-10 Zone. Petition for Special Exception for Use of Motor Vehicle, Outdoor Sales Area. Petition for a Variance to permit side yard of the south side 15 feet instead of the required 30 feet, and to permit rear yard of 2-5 feet instead of the required 30 feet.

LOCATION: 200 feet West from the intersection of the Road with the southwest side of North Point Boulevard.

DATE & TIME: WEDNESDAY, MAY 23, 1962 at 2:00 P.M.

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

The Zoning Regulations to be reviewed as follows: Section 23-2 - Side and Rear Yards - 30 feet.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Concerning all that parcel of land in the Tenth District of Baltimore County.

Beginning for the same at the intersection of the line of division between Lots 91 and 92, Battle Grove, with the north side of Battle Grove Road, said point of beginning being situated westerly 205' plus or minus from the Boulevard and running thence South 82 degrees 31 minutes East 98.35 feet to the line of division between Lots 92 and 93, Battle Grove, thence binding thereon North 7 degrees 29 minutes East 249.74 feet to intersect the southwest side of North Point Boulevard, thence binding thereon North 26 degrees 29 minutes East 150.69 feet, thence North 82 degrees 31 minutes West 114.16 feet to intersect the line of division between Lots 90 and 91, Battle Grove, thence binding thereon South 7 degrees 29 minutes West 200 feet, thence South 82 degrees 31 minutes East 100.00 feet, thence South 7 degrees 29 minutes West 175.00 feet to the place of beginning. Saving and excepting therefrom the land already zoned R-10.

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Being the property of William Lusk, as shown on plat plan filed with the Zoning Department.

BY ORDER OF JOHN G. ROSE ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 10th Date of Posting: 5-3-62
Posted for: William F. Lusk
Petitioner: William F. Lusk
Location of property: 11504 Bay Rd. 200 ft. from the intersection of North Point Blvd. & Bay Rd. on the S.W. 1/4 of Mt. Park Blvd. 305 ft. N.W. of Battle Grove Road.
Remarks: George D. Edwards
Posted by: George D. Edwards Date of return: 5-4-62

OFFICE OF The Community Press

DUNDALK, MD. May 24 1962

THIS IS TO CERTIFY, that the annexed advertisement of William F. Lusk was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for one day of May 1962; that is to say, the same was inserted in the issues of 5-2-62

ESTATE OF P. G. STROMBERG
Stromberg Publications
Publisher.

By Betty Price Office Manager

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 11, 1962
FROM: Mr. George F. Gervell, Deputy Director

SUBJECT: #5563-RV. L-6 to R-10, Special Exception for Use of Motor Vehicle, Outdoor Sales Area and Variance to permit side yard of the south side 3-5 feet instead of the required 30 feet, and to permit rear yard of 2-5 feet instead of the required 30 feet. 250 feet West from the intersection of the southwest side of Battle Grove Road with the east side of North Point Boulevard. Being property of William F. Lusk.

10th District

REMARKS: Wednesday, May 23, 1962 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification, special exception and variance. It has the following advisory comments to make with respect to pertinent planning factors:

A. The Reclassification

The Patapago Neck Master Plan proposes Business Roadside zoning along the North Point Boulevard frontage of this property. The recommendations for zoning were transmitted to Council, a hearing was held thereon, and the Council is in the final stages of making its legislative decision on zoning here. In light of the imminent action on Comprehensive zoning by the County Council, it is not a petition for reclassification of the subject property premature.

The recommendations for R-10 zoning as prepared by the Planning staff and approved by the Planning Board do not envision commercial zoning to the depth proposed by the petitioner. Rather, the map as now being considered by Council indicates a uniform depth of commercial zoning along North Point Boulevard with some screening-off of the zoning boundary at Battle Grove Road.

B. Special Exception

The Planning staff does not believe that a used-car sales facility is appropriate or desirable within the entirety of the petitioner's property. It would strongly recommend that the special exception not be granted southerly from an extension of the N 82° 31 min. west 100 ft. boundary line of the subject petition. In other words, used-car sales and display should not be permitted alongside the lots fronting on Battle Grove Road. Elimination of used-car sales and display here would be, in our judgment, more consistent with the general health, safety, and welfare of the residential area on Battle Grove Road.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 10287
DATE 1/26/62

TO: George D. Edwards, Esq.
6903 Dromedary
Baltimore 22, Md.
BILL TO: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	CL622	TOTAL AMOUNT DUE
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	CITY
Petition for Re-classification, Variance & Special Exception for William Lusk		\$0.00
1-2662 163 * * * TEL -		6.00

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 11685
DATE 5/23/62

TO: Boulevard Motor Sales
3045 North Point Blvd.
Baltimore 22, Md.
BILL TO: Zoning Department of Baltimore County

REPORT TO ACCOUNT NO.	CL622	TOTAL AMOUNT DUE
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	CITY
Advertising and posting of property for William F. Lusk		\$2.55
1-2662 4876 * * * TEL -		255
1-2662 4876 * * * TEL -		255

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

