

N
66-39RX
✓
Baltimore MAP
part hereof. 15-D
pursuant
one to an "X"
BK-
ins s/2/65

I, or we, Norman Eberhart, legal owner, of the property situated 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 M-1 zone to an "X" zone, B-R zone, for the following reasons: Lot No. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 83

County, to use the herein described property, for ~~Weekend Retail or Service~~ Outdoor
~~Used Motor Vehicle Sales Area~~

Norman R. England
Lease Owner
Contract purchaser
Address Rt. 14, Box 24-M
Balto., Md. (21220)
John J. McGee
Protestant's Attorney
Address 809 Eastern Blvd., (21221)

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION :
From M-L Zone to B-R Zone and : BEFORE
Special Exemption for Used : ZONING COMMISSIONER
Motor Vehicle Outdoor Sales :
Area,NW/S Eastern Ave. 1500' : OF
N/E Ebenezer Road, 15th Dist., : BALTIMORE COUNTY
Norman Englert, Petitioner :
No. 66-39-8X

The petitioner has requested reclassification of property from a M-L Zone to a B-R Zone, in the above matter, and a special exception for Used Motor Vehicle Outdoor Sales Area.

As the request is in accordance with current recommendations of the Baltimore County Planning Board, the reclassification should be had and as the petitioner has met the requirements of Section 502.1 of the Baltimore County Zoning Regulations, a special exception for Used Motor Vehicle Outdoor Sales Area should be granted.

It is this 17th day of August, 1965, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from a M-L Zone to a B-R Zone; and a special exception for Used Motor Vehicle Outdoor Sales Area should be and the same is granted, from and after the date of this Order, subject to the following:

1. The area in which the used cars are displayed must conform strictly to the site plan which must be approved by the Office of Planning and Zoning;
2. All lighting erected and any signs erected shall be subject to approval of the Office of Planning and Zoning; and
3. The Used Car lot may not be operated after sundown on Saturday nor at any time on Sundays.

It is further ORDERED that the site plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from an R-L zone to B-R zone. :
 Special Exception for Used : COUNTY BOARD OF APPEALS
 Motor Vehicle Outdoor Sales :
 Area. : OF
 NW 1/3 of Eastern Avenue Extended : BALTIMORE COUNTY
 1500 feet NE of Ebenezer Road :
 15th District. :
 Norman R. Englert, : NO. 66-39-RX
 Petitioner.

Petitioner seeks reclassification and special exception for use of the subject property as a Used Motor Vehicle Outdoor Sales area. The subject property is located in the 15th Election District of Baltimore County on the northwest side of Eastern Avenue Extended, 1500 feet northeast of Ebenezzer Road. It comprises one lot #22, being 100 feet wide by approximately 307.5 feet long, as shown on plat, Petitioner's Exhibit #2. The petition for reclassification is from M-L to B-1 and a special exception for a Used Motor Vehicle Outdoor Sales area.

The Petitioner had used the site for storage of equipment, trucks, bulldozers, etc., and as a Used Car lot for several years in the past, but was advised that such operation was in violation of existing zoning, whereupon he discontinued such uses and filed the instant petition to legalize such uses.

Planning Director, George Gavrells, testified from his written recommendations of July 30, 1965, to the Zoning Commissioner, that the original petition for a Used Car Area on three lots was not in accord with the Planning Department's Comprehensive Plan for the area, but now only one lot is petitioned for such use. He further testified that his recommendation was made prior to a field trip to the site by a Committee of the Planning Board. As a result of the investigation, the Committee

has recommended to the Planning Board that the B-R classification be adopted.

Petitioner, Norman Engler, testified to a number of zoning changes in the area, granted by petition, since the adoption of the present zoning map and stated he believed there was a change toward more business than residential use in the area along Eastern Avenue.

Protestant, George Jones, believes the trend is toward more residential development and objected to the petition because he thinks the granting of same would be detrimental to the whole area and that a Used Car Lot depreciates the value of his home. However, he stated he realized this when he built there and saw the operation then existent on the subject site.

In view of the recommendation of the Planning Board and changes that have occurred in the neighborhood, this Board upholds the decision of the Zoning Commissioner to reclassify the subject property from R-L zone to a B-R zone and a special exception for Used Motor Vehicle Outdoor Sales area, subject to the following restrictions:

1. The area in which the used cars are displayed must conform strictly to the site plan, and setbacks be observed as shown on Petitioner's Exhibit #2.
2. All inoperative vehicles and all equipment of any kind whatsoever must be stored and/or parked behind a solid screen, at least six (6) feet in height, located on the rear half of the lot.
3. There is to be no night illumination of the premises nor illumination of any advertising signs thereon, except there may be a night light for security and safety reasons.
4. The glare of the night light shall be directed inward to the lot and the bulb be shielded to prevent casting light toward the street.
5. There is to be no decorative advertising such as pennants or bunting displayed.

R. BRUCE ALDERMAN,
W. GILES PARKER,
JOHN A. SLOWIK,
Constituting the
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

NORMAN ENGLERT and
CAROLINE ENGLERT
(Intervenor)

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Misc. Docket 8
Folio 87
Case No. 3521

MEMORANDUM OPINION
AND ORDER OF COURT

This case involves an appeal from the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board") which by its Order dated April 12, 1986, granted a reclassification of the property described in this proceeding from a M.L. Zone (Manufacturing, Light) to a B.R. Zone (Business, Roadside) and a special exception for the use of the property as a used motor vehicle outdoor sales area. The Zoning Commissioner of Baltimore County had previously made the same determination by his Order dated August 17, 1985.

The Petitioner in the application for reclassification and special exception was Norman R. Engler, who with his wife, Caroline Engler, are the legal owners of the property in question. The property contains 39,850 square feet and is known as lot No. 22, Section B, shown on a recorded plat entitled Twin River Beach. It is approximately rectangular in shape, having a frontage of 190 feet on the north side of Eastern Avenue Extended, with a depth on the west of 307.5 feet and a depth on the east of 309.5 feet, and a width in the rear of 190 feet abutting the right of way of the Pennsylvania Railroad Company. The lot is unimproved. Mr. and Mrs. Engler also are the owners of Lot No. 21 as shown on the plat referred to which is a lot fronting 190 feet on Eastern Avenue

improved by a metal building operated by Mr. Englert as a welding shop and service garage, a use permitted in the existing M.L. Zone. The Engler's are also the owners of Lot No. 20 as shown on the plat referred to which is immediately adjacent to Lot No. 21 on the west and also is a 100 foot lot and on which they have their residence. The welding shop and service garage has been operated by Mr. Englert for approximately 9 years, and he built his home about a year after he started his operation.

On lot No. 19 adjoining the Englert residence on the west is another home owned by Alton W. Morgan, who was not opposed to the reclassification and special exception requested. Immediately adjoining the subject property on the east is Lot No. 23 owned and occupied by Robert H. Snyder as his residence. He testified at the hearing before the Board and was in favor of the rezoning application and that, in his opinion, the same would not be detrimental to the value of his property. Mr. Snyder also testified that Mr. Englert had operated the lot in question as a used car lot for 2 or 3 years and that this use had not been obnoxious to him nor had it created any traffic hazard on Eastern Avenue. The testimony revealed that the prior operation of a used car lot on the property was in violation of the Zoning Regulations and that when so notified, Mr. Englert had ceased this business pending the granting of the proper zoning.

aggravated
The only Protestant appearing before the Board was George C. Jones, who has his residence on the southerly side of Eastern Avenue. Extended directly opposite the subject property and has lived there for 8 years. He did testify that when he purchased his property, he knew that the land on the northerly side of Eastern Avenue was classified for light manufacturing use. The substance of the objection of Mr. Jones is not so much to the reclassification and the proposed use of the property, but he has a feeling that the Englert lot would be operated as it had in the past in the nighttime hours and would be accessible to operators of racing cars and hot-rods. He also testified that, in his opinion, the area had been upgraded in recent years by development for residential use and he

had been in favor of discouraging any further commercialization in the neighborhood. He did admit, however, that some of the recent commercial developments in the area have been an improvement to the community. The only other person appearing in protest of the application was Charles C. Simpson, Sr. who lives in Oliver Beach approximately a mile and a half from the subject property and not within sight distance. His main objection seems to be that the reclassification might result in an increase in traffic on Eastern Avenue Extended which is the only access for the residents of Oliver Beach to Essex and Baltimore City.

The property in question was placed in a Manufacturing, Light classification on the land use map adopted by the County Commissioners of Baltimore County on January 2, 1945. The manufacturing zone at that time was known as a "F" Industrial Zone. It is part of a large industrial area provided for on the land use map extending about 4,500 feet along the northerly side of Eastern Avenue extended beginning approximately 900 feet east of the intersection of Eastern Avenue and Ebenezer Road and extending on both sides of the Pennsylvania Railroad right of way. No portion of this area, however, has ever been developed for industrial use since the adoption of the map. There was testimony, however, that portions of the industrial area had been reclassified for commercial use and there were several reclassifications for businesses at the intersection of Ebenezer Road and Eastern Avenue. There was also testimony before the Board by George E. Gervais, Planning Director for Baltimore County, relative to the new comprehensive zoning map known as the Eastern Area Zoning Map which includes the subject property. He stated that a Committee of the Planning Board had recommended Business, Roadside Zoning for this particular tract. The Board concluded that based on the changes in the neighborhood and the recommendation of the Planning Board that the reclassification and the special exception applied for should be granted. There was practically no evidence presented by the protestants to the effect that the granting of the special exception would violate any of the requirements provided in Section 62.1 of the Baltimore County Zoning Regulations. It should also be borne in mind that the Board imposed the following

- 3 -

Norman A. Englert - 46-66-39-8X

6. The Used Car Lot shall be operated only during daylight hours.
7. The surface of the lot shall be improved with a dustless type of material.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of April, 1966, by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same are hereby granted subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, Subtitle B, of Maryland Rules of Procedure, 1961 Edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Bruce Alderman

W. Giles Parker

John A. Slowik

restrictions in its Order:

1. The area in which the used cars are displayed must conform strictly to the site plan, and setbacks be observed as shown on Petitioner's Exhibit #2.
2. All inoperative vehicles and all equipment of any kind whatsoever must be stored and/or parked behind a solid screen, at least six (6) feet in height, located on the rear half of the lot.
3. There is to be no night illumination of the premises nor illumination of any advertising signs thereon, except there may be a night light for security and safety reasons.
4. The glare of the night light shall be directed inward to the lot and the bulb be shielded to prevent glaring light toward the street.
5. There is to be no decorative advertising such as pennants or bunting displayed.
6. The Used Car Lot shall be operated only during daylight hours.
7. The surface of the lot shall be improved with a dustless type of material.

It would appear that this restricted use of the property as a used motor vehicle outdoor sales area will afford ample protection to the residents in the neighborhood, especially the main protestant, Mr. Jones. If the restrictions are not observed, there is, of course, a remedy available to those who might be adversely affected.

In matters of judicial review of the action of a zoning authority such as the County Board of Appeals of Baltimore County, the Court is limited in its function. It may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substantial and renders the question of its action reasonably debatable, the Board must be affirmed. The general rule has been recently reiterated by the Court of Appeals in the case of *Motherhead v. Bd. of Commrs.*, 340 Md. 365, at pages 371-372 in which the Court quoted from Judge Hammond's opinion in *Board v. Oak Hill Farms*, 232 Md. 274, at page 283:

"...the courts have exercised restraint so as not to substitute their judgments for that of the agency and not to choose between equally permissible inferences or make independent determinations of fact, because to do so would be exercising a non-judicial role."

Rather, they have attempted to decide whether a reasoning mind could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record.

"In cases dealing with consideration of the weight of the evidence, the matter seems to have come down to whether, all that was before the agency considered, its action was clearly erroneous or, to use the phrase which has become standard in Maryland zoning cases, not fairly debatable."

The Court is of the opinion that there was substantial evidence before the Board to justify its decision and that its action was not clearly erroneous but to the contrary was fairly debatable.

For the reasons stated and in conformity with the foregoing opinion, it is this 27th day of July, 1966, by the Circuit Court for Baltimore County ORDERED that the Order of the County Board of Appeals of Baltimore County dated April 12, 1966, be and the same is hereby affirmed.

/s/ Walter M. Jenifer
Walter M. Jenifer
JUDGE

GEORGE C. JONES
VS.
R. BRUCE ALDERMAN
W. GILES PARKER
JOHN A. SLOWIK,
Constituting the COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 66-39-RX

MR. CLERK:

Please enter an Order of Appeal in the above entitled matter.

John H. Maguire
John H. Maguire
Maguire & Brennan
Attorneys for Petitioner
825 Eastern Avenue (21221)
687-3434

I HEREBY CERTIFY that in compliance with Rule 110j, Section B, paragraph 3, of the Maryland Rules of Procedure, a copy of this Order was mailed to the County Board of Appeals of Baltimore County on this 25th day of April, 1966.

John H. Maguire
John H. Maguire
Maguire & Brennan
Attorneys for Petitioner

I HEREBY CERTIFY that a copy of this Order was mailed to Robert J. Romadka, Esq., Attorney for the Applicant, 809 Eastern Boulevard, Baltimore, Maryland 21221, on this 25th day of April, 1966.

John H. Maguire
John H. Maguire
Maguire & Brennan
Attorneys for Petitioner

APR 13, 1966
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

SUBJECT: Reclassification From M1 to M2
And Special Exception for Used
Motor Vehicle Outdoor Sales Area
For Norman Englert, Located
1500' N/E Ebenezer Road, 15th District
(Item 2 July 6, 1965)

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF TRAFFIC ENGINEERING: This bureau will submit comments at a later date.

OFFICE OF PLANNING AND ZONING: The Bureau of Engineering has indicated that Eastern Avenue will ultimately be widened to a 60 foot right of way with 40 feet of paving. The petitioner's engineer should indicate the proposed widening and paving and submit revised plans prior to the hearing.

FIRE BUREAU—PLANS REVIEW: This bureau will submit comments at a later date.

BUREAU OF ENGINEERING:

Water - Plans for extension of a 16" water main to and beyond this site in Eastern Avenue. Extended are under design at this time.
Sewer - Not available.
Storm Drain - Ditches exist along Eastern Avenue Extended on both sides. However, should parking areas shown on the site plan be paved to any extent, an enclosed system of drains may be required.
Road - Eastern Avenue Extended is to be ultimately improved with a 40' curb and gutter cross-section on a 60' foot right of way.

The following members had no comment to offer:

Board of Education
State Roads Commission
Health Department
Buildings Department
Industrial Development Commission

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commission's hearing.

cc: Carlyle Brown-Bureau of Engineering
Albert Quibby-Office of Planning and Zoning
Lt. Morris-Fire Bureau-Plans Review
Richard Moore-Bureau of Traffic Engineering

Very truly yours,

James E. Boyd
James E. Boyd, Chief
Petition and Permit Processing

MAGUIRE AND BRENNAN
ATTORNEYS AT LAW
825 EASTERN AVENUE
BALTIMORE 21221
EST. 1934

September 3, 1965

Hon. John G. Rose,
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Rose:

Re: Petition for Reclassification
and Special Exception - M1/S
Eastern Ave., 1500' N/E Ebenezer
Road, 15th Dist. Norman Englert,
Petitioner - No. 66-39-RX

On September 1, 1965, we notified you that on behalf of our clients, George C. Jones, et al, we were requesting an appeal from your decision dated August 17, 1965.

Enclosed herewith is our check in the amount of \$75.00 to cover the cost of this appeal.

Very truly yours,

John H. Maguire
John H. Maguire

JMM:mo
Encl



Robert J. Romadka, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221

APR 14, 1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
6th day of July, 1965

Owners Name: Norman R. Englert
Reviewed by: *James E. Boyd*

John G. Rose
JOHN G. ROSE
Zoning Commissioner

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 31972
DATE 7/15/65

TO: Robert J. Romadka, Esq.
809 Eastern Blvd.
Baltimore, Md. 21221
BILLED BY: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$50.00
		Petition for Reclassification & Special Exception for Norman Englert #66-39-RX	\$0.00
			\$0.00

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, MARYLAND 21204
No. 33409
DATE 9/16/65

TO: John H. Maguire, Esq.
825 Eastern Avenue,
Baltimore, Maryland 21221
BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$75.00
		Cost of appeal - Norman Englert - No. 66-39-RX	\$70.00
		posting	\$5.00
			\$75.00

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, MARYLAND 21204
No. 32037
DATE 8/10/65

TO: Norman R. Englert
Route 14, Box 244
Baltimore, Md. 21220
BILLED BY: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$47.20
		Advertising and posting of property for reclassification & Special Exception	\$47.20
			\$47.20

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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9-23-65
Posted for: Norman R. Englert
Petitioner: Norman R. Englert
Location of property: 1500' N/E Ebenezer Road
Location of Signs: 2 signs on lot corner 30' from
corner of lot to west side of road
Remarks: *See above*
Posted by: *James E. Boyd* Signature Date of return: 9-30-65

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9-23-65
Posted for: Norman R. Englert
Petitioner: Norman R. Englert
Location of property: 1500' N/E Ebenezer Road
Location of Signs: 2 signs on lot corner 30' from
corner of lot to west side of road
Remarks: *See above*
Posted by: *James E. Boyd* Signature Date of return: 9-30-65

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John G. Rose, Zoning Commissioner Date: July 30, 1965

FROM: George E. Gavrelli, Director of Planning

SUBJECT: Petition No. 66-39-RX. "M.L. to B.R. Special Exception for Used Motor Vehicle Outdoor Sales Area: Northwest side of Eastern Avenue Extended 1500 feet Northeast of Ebenezer Road. Being the property of Norman R. Englert."

15th District

HEARING: Wednesday, August 11, 1965 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. The subject proposal for reclassification is not in accord with the Comprehensive Rezoning Map proposed by the Planning Board for the Eastern Planning Area. B.R. zoning would be totally incompatible with the proposed zoning (R-6) for surrounding properties.
2. The incompatibility of B.R. zoning would be compounded by the establishment of a used car lot. Certainly such a use does not belong in the midst of residential properties, particularly when the properties are as well kept up as those which surround the subject property on either side of Eastern Avenue Extended. We believe that a used car lot would be entirely contradictory to the letter, spirit, and intent of Section 302 of the Zoning Regulations.

INTER-OFFICE CORRESPONDENCE
BUREAU OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson, Maryland, 21204

TO: Mr. James E. Dyer

FROM: Jostein Risa

SUBJECT: SAC - July 6, 1965 - Item 2 - Used Car Lot
NW/5 Eastern Avenue 1500' north of Ebenezer Road
District 15

Eastern Avenue north of Ebenezer Road is considered a collector road and should be improved at least as a 40 foot roadway on a 60 foot right-of-way.

The layout shall be planned to allow proper interior traffic circulation between lot 21 and lot 22. Only one entrance should be permitted from Eastern Avenue.

Jostein Risa
Assistant Traffic Engineer

JR:ne

TELEPHONE
823-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 34549

DATE 8/4/65

TO: John N. Maguire, Esq.
425 Eastern Avenue
Baltimore, Maryland 21221BILLED BY: County Board of Appeals
(Zoning)

DEPOSIT TO ACCOUNT NO.	01.712	TOTAL
QUANTITY	DETAILS UPPER SECTION AND REMIT WITH YOUR REMITTANCE	COST
Cost of Certified Documents -	No. 66-39-RX Norman R. Englert NW/5 Eastern Ave. Ext. 1500' NE of Ebenezer Road 15th District	\$6.00
		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.

PETITION FOR
RECLASSIFICATION AND
SPECIAL EXCEPTION
15th DISTRICT
ZONING: From M.L. to B.R.
Zone: Exception for Special Excep-
tion for Used Motor Vehicle
Outdoor Sales Area.
LOCATION: Northwest side of
Eastern Avenue Extended 1500
feet Northeast of Ebenezer Road.
DATE & TIME: WEDNES-
DAY, AUGUST 11, 1965 at 10:00
A.M.
PUBLIC HEARING: Room
108, County Office Building, 111
W. Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of
Baltimore County,
by authority of the Zoning Act
and Regulations of Baltimore
County, will hold a public hear-
ing.

Present Zoning: M.L.
Proposed Zoning: B.R. with
Special Exception for Used Mo-
tor Vehicle Outdoor Sales Area.
All that parcel of land in the
Fifteenth District of Baltimore
County,
Beginning for the same on the
northwest side of Eastern Ave-
nue Extended at the distance of
1500 feet measured along the
northwest side of Eastern Ave-
nue Extended from the northeast
side of Ebenezer Road, said point
of beginning being at the divi-
sion line between lots numbered
21 and 22 as shown on the plat
of Section B "Twin River Beach"
said plat being recorded among
the land records of Balto. Co. in
Plat Book 8 folio 20 and thence
running and binding on the
northwest side of Eastern Ave-
nue Extended North 40 degrees
40 minutes East 100 feet to said
division line between lots 22 and
23 thence binding on said divi-
sion line between lots 22 and 23
North 49 degrees 20 minutes
West 307.50 feet to the northeast
Right of Way line of the Penn.
Railroad thence binding on the
northeast Right of Way line of the
said Railroad and on the rear of
lot 22 South 30 degrees 31 min-
utes West 100 feet to the divi-
sion line between lots 21 and 22 first
line above referred to and thence run-
ning and binding on said division
line between lots 21 and 22 South
49 degrees 20 minutes East
307.50 feet to the place of begin-
ning.

Containing 30,850 square feet
of land.
Being the property of Norman
R. Englert as shown on plat plan
filed with the Zoning Depart-
ment.
Hearing Date: Wednesday, Au-
gust 11, 1965 at 10:00 A.M.
Public Hearing: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.
BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press

DUNDALK, MD., July 21, 1965

THIS IS TO CERTIFY, that the annexed advertisement of
"Norman R. Englert"
was inserted in THE COMMUNITY PRESS, a weekly news-
paper published in Baltimore County, Maryland, once a week
for 1 successive week before the
20th day of July 1965; that is to say,
the same was inserted in the issues of 7-21-65

Stromberg Publications, Inc.
Publisher.

By Mrs. Palmer Price

Lot 22
Special Exception for Used Car Sales Lot
Beginning for the same on the northwest side of Eastern Avenue Extended
at the distance of 1500 feet measured along the northwest side of Eastern
Avenue Extended from the northeast side of Ebenezer Road, said point of
beginning being at the division line between lots numbered 21 and 22 as
beginning being at the division line between lots numbered 21 and 22 as
shown on the plat of Section B "Twin River Beach" said plat being recorded
among the land records of Balto. Co. in Plat Book 8 folio 20 and thence
among the land records of Balto. Co. in Plat Book 8 folio 20 and thence
running and binding on the northwest side of Eastern Avenue Extended North
40 degrees 40 minutes East 100 feet to the division line between lots 22 and
23 thence binding on said division line between lots 22 and 23 North 49
degrees 20 minutes West 307.50 feet to the northeast Right of Way line of
the Penn. Railroad thence binding on the northeast Right of Way line of
the Penn. Railroad and on the rear of lot 22 South 39 degrees 31 minutes West 100 feet
to the division line between lots 21 and 22 first above referred to and
thence running and binding on said division line between lots 21 and 22
South 49 degrees 20 minutes East 307.50 feet to the place of beginning.

Containing 30,850 square feet of land.



