

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mahlon S. Eccleston, 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 for a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the zoning Commissioner and/or Deputy Zoning Commissioner should approve a Non-Conforming Use Service Garage for the property located at 1422 Old Eastern Avenue, corner of Ann Avenue, known as No. 1422 Old Eastern Avenue, Essex, Baltimore County, Maryland.

See attached description

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Mahlon S. Eccleston
Address: 1422 Old Eastern Avenue, Baltimore, Maryland, 21221
George L. Lohbocker, Petitioner's Attorney
3020 East Monument Sta., Baltimore, Maryland, 21205 - Phone: 276-7040

On the 15th day of December, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers 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 22nd day of December, 1972, at 10:00 o'clock P.M.

Alvin L. Hanna
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL HEARING
NW Corner of Ann and Old Eastern Avenue - 15th District
Mahlon S. Eccleston - Petitioner
NO. 73-106-SPH (Item No. 32)
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioner requests a Special Hearing to determine whether or not the property located on the northwest corner of Ann and Old Eastern Avenues, in the Fifteenth District of Baltimore County, containing the improvement known as 1422 Old Eastern Avenue and enjoys a non-conforming use for a Service Garage.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner of Baltimore County, the Service Garage enjoys a non-conforming use because said garage has been operated since 1925 without interruption and without change.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of December, 1972, that the herein Petition for Special Hearing should be and the same is GRANTED, from and after the date of this Order, subject to:

1. The Petitioner and/or property owners installing standard entrances to the subject property with the approval of the Bureau of Public Services, State Highway Administration and the Office of Planning and Zoning.
2. The customer parking area being of a macadam or black-top type construction.
3. Proper screening in accordance with the Baltimore County Zoning Regulations be installed on the property lines adjoining the residential zones.
4. Proper screening, structure or compound for the storage of damaged motor vehicles be constructed.
5. All repair and storage of automobiles take place on the subject property.

6. A site plan being submitted to this Zoning Commissioner for approval, showing all the aforementioned, prior to the issuance of an Occupancy Permit from Baltimore County.

John P. Lohbocker
Zoning Commissioner of Baltimore County

Description of remaining property of Mahlon S. Eccleston, located at the corner of Old Eastern Avenue and Ann Avenue, Essex, Baltimore County, Maryland.

Beginning for the same at the northwest corner of Ann Avenue and Old Eastern Avenue, thence running on the north side of Old Eastern Avenue westerly forty six feet thence northwesterly one hundred and sixty five feet more or less thence easterly parallel with Old Eastern Avenue seventy eight feet more or less to the west side of Ann Avenue, thence southerly binding on the west side of Ann Avenue one hundred and fifty five feet to the place of beginning.

The improvements thereon being known as 1422 Old Eastern Avenue.

June 29th, 1972.

My name is William Josenhans and I live at 1509 Old Eastern Avenue. I have known Mahlon S. Eccleston for over forty years. I remember when he built the present garage and dwelling at 1422 Old Eastern Avenue back in the 1920's. From that period of time up to and including the present date, Mr. Eccleston has always operated an automobile repair shop for the general repair of automobiles at that location and on that property, using the second floor part of the premises as a dwelling for his wife and himself. The said property has never been used for any other purpose for the the purposes above stated.

State of Maryland, Baltimore County, to wit:

I hereby certify that on this 29th day of June, 1972, before the subscriber a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared William Josenhans and he made oath in due form of law that the above matters and facts are true and correct.

My Commission expires: July 1, 1974

June 29th, 1972

My name is Irene Milke and I live at 1421 Old Eastern Avenue, Essex, Maryland. I live directly across the road from Mr. Eccleston's garage and dwelling, 1422 Old Eastern Avenue. I remember that shortly after World War No. 1, Mr. Mahlon Eccleston and his brother opened an automobile repair garage in the neighborhood, and a few years after that Mr. Mahlon Eccleston bought the property 1422 Old Eastern Avenue and built the present garage and dwelling structure and from that point of time to the present, continuously, has been and is operating the property for the general repair of automobiles and has a gasoline pump for the sale of gasoline.

State of Maryland, Baltimore County, Maryland, to wit:

I hereby certify that on this 25th day of June, 1972, before the subscriber, a Notary Public of the State of Maryland, Baltimore County, personally appeared Irene Milke, and she made oath in due form of law that the above matters and facts are true and correct.

My Commission expires: July 1, 1974

June 29th, 1972.

My name is Agnes Kellner and I live at Back and Middle River Building Association, 1520 Old Eastern Avenue. Ever since I was a little child, (over) thirty years ago, I knew Mr. Mahlon Eccleston, who lives at 1422 Old Eastern Avenue. He had a garage at that location, where he made general repairs to all makes of automobiles and has continued to do general automobile repairs up to and including the present time, at that location. The property has never been used for any other purpose than for general automobile repairs and living quarters on the second floor for himself and his wife, who is now deceased.

State of Maryland, Baltimore County, to wit:

I hereby certify that on this 29th day of June, 1972, before the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Agnes Kellner, and she made oath in due form of law that the matters and facts stated hereinabove are true and correct.

My Commission expires: July 1, 1974

June 29th, 1972.

My name is Anton Hubers and I am an officer and director of the Back and Middle River Building Association. I am familiar with the property, 1422 Old Eastern Avenue, corner of Ann Avenue. This property is owned by Mahlon S. Eccleston, who built an automobile repair garage and dwelling (second floor) on the property, and has been operating the same as a general automobile service repair garage for more than forty years at that location and is still operating the same for general automobile repairs. I have known him for more than forty years.

State of Maryland, Baltimore County, to wit:

I hereby certify that on this 29th day of June, 1972, before the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Anton Hubers, and he made oath in due form of law that the above matters and facts are true and correct.

My Commission expires: July 1, 1972

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts:

the above Special Hearing for

by reason of

should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 196, that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 196, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 13, 1972

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.,
Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

George L. Lochboehler, Esq.,
3020 East Monument Street
Baltimore, Maryland 21205

Re: Special Hearing Petition
Item 32
Mahon S. Eccleston - Petitioner

Dear Mr. Lochboehler:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the northwest corner of Old Eastern Avenue and Ann Avenue, in the 15th District of Baltimore County. The 0.16 property is improved with a two story stone structure of which the first floor is used as a service garage. The second floor is apparently being used as an apartment. At the rear of this property and on the west side of Ann Avenue is a 20 x 30 bay garage. Each bay appears to be about 11 feet wide and is divided by a black wall. There appears to be no connection between the service garage and this structure other than possibly storage. There are two gas pumps in front of the service garage. Ann Avenue is developed with residential homes on each side; however, no curb and gutter exist on this street.

Although the nature of this petition is to determine whether the use of this garage meets the requirements of a non-conforming use. The Committee feels that certain minimum standards should be complied with should the use of a service garage be allowed to continue. We base this on the assumption that whether Mr. Eccleston continues the use, or some other party, that it is continued for the purpose of some financial success. At any rate, we could anticipate an increase in business, thus the necessity of standard entrances, a proper surfaced customer parking area, proper screening from the adjoining residential neighbors, a proper compound for the storage of damaged and disabled motor vehicles, and an approved site plan.

Also, we recommend that should a non-conforming use be determined the Zoning Commissioner specifically outline the

George L. Lochboehler, Esq.,
Item 32
Page 2
September 13, 1972

types of service work that may be performed on this site, the type of vehicles that may be worked on and the hours of the day work may be done on these premises.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman
Zoning Advisory Committee

JJD:JD

Enclosure



August 23, 1972

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Re: Item 32
Z. A. C. Meeting Aug. 22, 1972
Property Owner: Mahlon S. Eccleston
Location: 1422 Old Eastern Avenue
Present Zoning: D-16
Proposed Zoning: Special
Hearing for non-conforming
use service garage for
general automobile repairs
District: 15
No. Acres: 46' x 155'
SOUTHEAST FREEWAY

The right of way for the Southeast Freeway is correctly indicated on the subject plan, however, the denial of access across the Old Eastern Avenue frontage is not indicated. At such time as the highway improvement is made, all access to the subject site must be by way of Ann Avenue.

Transmitted herewith is a copy of State Highway Administration Right of Way plat on which is noted the denial of access.

Very truly yours,
Charles Lee, Chief
Development Engineering
Section
John E. Mayers
by John E. Mayers
Asst. Development Engineer

CL:EMH
Encl.

P.O. Box 717 / 200 West Preston Street, Baltimore, Maryland 21203

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Branch of Engineering
ELLENOR W. H. DIVER, P.E., Chief

September 1, 1972

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 32 (1972-1-73)
Property Owner: Mahlon S. Eccleston
1422 Old Eastern Avenue
Present Zoning: D-16
Proposed Zoning: Special Hearing for non-conforming
use service garage for general automobile repairs
District: 15th No. Acres: 46' x 155'

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The plan does not indicate existing physical features, i.e., houses, garages, fuel pumps, drives, walks, roadways, utilities, adjacent property outlines, ownership, use, location plan, etc., as required per the Check List.

Highways:

The proposed Southeast Freeway is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Eastern Avenue is an existing County maintained road, improved with a minimum of a 18-foot closed-type roadway cross-section on a 50-foot right-of-way.

Ann Avenue is an existing partially improved public street, proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements will be required in connection with any grading or building permit application.

Also, construction or reconstruction of any sidewalk, curb and gutter, entrance, apron, etc., in connection with the further improvement of this property will be the full financial responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Item 32 (1972-1-73)
Property Owner: Mahlon S. Eccleston
Page 2
September 1, 1972

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are available and serving this property.

Very truly yours,

Ellenor W. H. Diver
ELLENOR W. H. DIVER, P.E.
Chief, Bureau of Engineering

END:HW:PH:es

1-SE Key Sheet
7 NO 31 Position Sheet
NO 2 H Tape
NO 4 97 Tax Maps

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
KUBERN J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

September 16, 1972

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 32 - ZAC - August 22, 1972
Property Owner: Mahlon S. Eccleston
1422 Old Eastern Avenue
Special hearing for non-conforming use service
garage for general automobile repairs
District 15

Dear Mr. DiMenna:

The driveway to this site does not meet County Standards and should this be granted, it should be required that the driveway meet County Standards.

Very truly yours,

Richard S. Flanagan
Richard S. Flanagan
Traffic Engineer Associate

MSF:nc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

August 31, 1972

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item 32, Zoning Advisory Committee Meeting, August 29, 1972, are as follows:

Property Owner: Mahlon S. Eccleston
Location: 1422 Old Eastern Avenue
Present Zoning: D-16
Proposed Zoning: Special Hearing for non-conforming
use service garage for general automobile repair.
District: 15
No. Acres: 46' x 155'

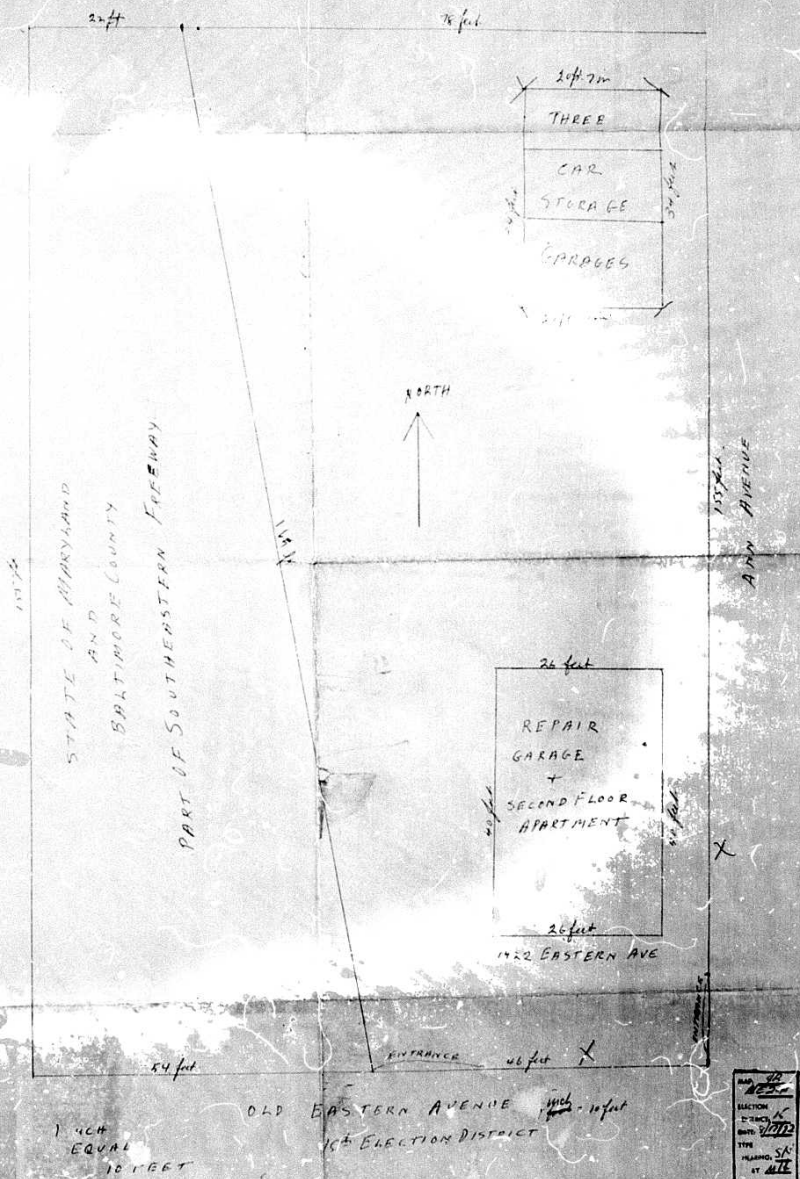
Since metropolitan water and sewer are available, no health hazards are anticipated.

Very truly yours,

Thomas H. Davis
Thomas H. Davis, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:nn

4750 PSC
Crab Pd





Δ - 65°29'55"
 Ea. 9°12'00"
 Ls. 400.00'
 Δc. 50°29'55"
 Δc. 1°36'00"
 Lc. 3,623.68'
 Ts. 2,504.49'
 Ea. 673.01'
 Xc. 302.87'
 Y. 7.44'
 R. 3,560.35'
 H. 120.38'
 LT. 266.71'
 ST. 193.972'
 F. 1.86'

LEGEND REVERTIBLE EASEMENT FOR SUPPORTING SLOPES. REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT. PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT. PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT. (ARROW INDICATES GENERAL DRAINAGE FLOW PATTERN) PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE. PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND. APPROPRIATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE, FOR EXPLANATORY PURPOSE ONLY).	THIS IS AN EXPRESSWAY, AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED "RIGHT OF WAY LINE OF THROUGH HIGHWAY" EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS THE COMMISSION MAY CONSTRUCT OR PERMIT TO BE CONSTRUCTED. VALUES OF REVERTIBLE PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION; THE APPROXIMATE PROPERTY LINES SHOWN HEREIN HAVE BEEN ESTABLISHED BY ACTUAL SURVEY, BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY. SENT TO RECORD OFFICE JULY 1, 1971 FINALIZED BY CHAIRMAN AND DIRECTOR JUNE 15, 1971	REVISIONS Replaces Part of Plat No. 37840	LOCATED IN BALTIMORE COUNTY PREPARED BY RUMMEL, KLEPPER & KAHL PROJECT ENGINEER <i>[Signature]</i> CONSTRUCTION PROJECT: SOUTHEAST FREEWAY MACE AVE TO OLD EASTERN AVE. CONSTRUCTION PROJECT NO. B-938-10-428	STATE ROADS COMMISS' N OF MARYLAND RIGHT OF WAY PROJECT: SOUTHEAST FREEWAY RIGHT OF WAY PROJECT NO. U.S. RTE. 40 TO OLD EASTERN AVE. S 938-1-428 FEDERAL AID PROJECT NO. ISSUED January 11, 1971 <i>[Signature]</i> CHIEF, RIGHT OF WAY DIVISION SCALE 1"=50' PLAT No. 41619
--	--	--	---	--