

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, New North Point Company, of the property situated in Baltimore County and which is described in the 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 for the operation of a used car lot

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

NEW NORTH POINT COMPANY

By Oscar Meyers, President
Address 3845 North Point Blvd.

Randolph N. Blair, Esquire
Attorney
Address 2 North Dundalk Avenue, 21222

ORDERED By the Zoning Commissioner of Baltimore County, this 29th day of January, 1977, 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of January, 1977, at 10:45 o'clock A.M.

Eric Dikenna
Zoning Commissioner of Baltimore County

(over)

February 16, 1977

Randolph N. Blair, Esquire
2 North Dundalk Avenue
Dundalk, Maryland 21222

RE: Petition for Special Hearing
S/S of North Point Boulevard, 173.28'
E of Rosebank Avenue - 15th Election District
New North Point Company - Petitioner
NO. 77-119-SPH (Item No. 89)

Dear Mr. Blair:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

George J. Martink
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

PETITION FOR SPECIAL HEARING : BEFORE THE
S/S of North Point Blvd, 173.28 feet : ZONING COMMISSIONER
E of Rosebank Ave., 15th District : OF
NEW NORTH POINT COMPANY : BALTIMORE COUNTY
Petitioners : Case No. 77-119-SPH

SUMMARY OF TESTIMONY

On January 10, 1977, a hearing was conducted before George Martink, Deputy Zoning Commissioner of Baltimore County to determine whether or not the New North Point Company enjoys a non-conforming use of property known and designated as 3847, 3849 and 3811 North Point Boulevard, in Baltimore County, Maryland and more fully described in the site plan and meets and bounds description filed.

The first party to testify was one Oscar Meyers, President of the New North Point Company, and he stated that the Company was incorporated in 1949 under the Law of the State of Maryland and he has been President since that time. His office since 1946, has been across from the subject property and on May 18, 1966 the New North Point Company purchased the property.

Mr. Meyers testified that when the property was purchased in 1966 it was being used as a used car lot and that use has continued to the present time. Prior to 1966 one Tommy Hawkins, operated a used car lot on the property under the name of Hawkeye Motors and prior to that one Wade Dillon operated a used car lot on the property under the name of Dillon Auto Sales. Prior to Mr. Dillon, the property was used as a used car lot by one R. B. Lacey. The exact dates these persons operated a used car lot on the property was unknown.

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Attorney at Law
2 North Dundalk Avenue
Dundalk, MD 21222

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Mr. Meyers testified that the property in the late 40's was a Sunoco Service Station and behind the station was the home of Mr. and Mrs. Hogg, previous owners of the property. Mr. Meyers stated that even when the property was being operated as a Sunoco Service Station, Mr. Hogg repaired and sold automobiles on the property and around 1954 the gasoline pumps were removed and the property was converted exclusively to a used car lot.

The second witness for the Petitioner was one Joe Magastile, Lessee of the property and testified that he lived across the street from the subject property for many years. Prior to becoming the Lessee of the property he drove by the property in question almost daily and used cars have been sold from the property since the late 1940's. He further stated that he had been in the used car business in the North Point Road area for several years and that he knew some of the previous occupants of the property as named and described by Mr. Meyers. He stated that the Sunoco gasoline pumps were removed from the property in 1954 and since 1954 the gasoline pumps have continuously and uninterruptedly been used exclusively as a used car lot.

Since there were no protestants and testimony was uncontradicted that this property was in fact zoned B-1, and has been so zoned since prior to 1955; and since the property was in fact used from the late 1940's as a used car lot - service station; and from 1954 exclusively as a used car lot, a permissible use B-1, zone prior to 1955, and a non-conforming use should therefore be determined to exist subject to compliance with the requirements of the various departments of Baltimore County.

Randolph N. Blair
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dikenna, Zoning Commissioner Date: January 4, 1977
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-119-SPH, Petition for Special Hearing to approve a Non-Conforming use for the operation of a Used Car Lot. South side of North Point Boulevard (also known as New North Point Road) 173.28 feet East of Rosebank Avenue. Petitioner - New North Point Company

15th District

HEARING: Monday, January 10, 1977 (10:45 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEG:JGR:rw

RE: PETITION FOR SPECIAL HEARING
S/S of North Point Blvd, 173.28 feet
E of Rosebank Ave., 15th District
NEW NORTH POINT COMPANY,
Petitioners
Case No. 77-119-SPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 4th day of January, 1977, a copy of the foregoing Order was mailed to Randolph Blair, Esquire, 2 N. Dundalk Avenue, Baltimore, Maryland 21222, Attorney for Petitioners.

John W. Hession, III
John W. Hession, III
County Office Building
Towson, Maryland 21204
494-2188

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received. This 25 day of Jan 1977. Filing Fee \$ 25. Received check
Cash
Other

S. Eric Dikenna
S. Eric Dikenna
Zoning Commissioner

Petitioner New North Point Co. Submitted by William E. Gerber
Petitioner's Attorney Charles E. Kuntz, Jr. Reviewed by SPD

This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 12-22-76
Posted for Charles E. Kuntz, Jr.
Petitioner New North Point Co.
Location of property S/S of North Point Blvd, 173.28 feet East of Rosebank Ave.
Location of Signs 1 sign at S/S of North Point Blvd, 173.28 feet East of Rosebank Ave.

Remarks
Posted by Charles E. Kuntz, Jr. Date of return 12-22-76

MAY 17 1977

ORDER RECEIVED FOR FILING
DATE 12/23/76 BY [Signature]

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 that in accordance with the power granted unto the Deputy Zoning Commissioner by Section 500.7 of the Baltimore County Zoning Regulations, it is hereby determined that the use, as herein submitted, is a nonconforming use and is otherwise not detrimental to the health, safety, and general welfare of the community, and would be within the spirit and intent of said regulations and, therefore, the Special Hearing to approve a nonconforming use for the operation of a used car lot should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15th day of February, 1976, that the herein Petition for Special Hearing should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

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 that in accordance with the power granted unto the Deputy Zoning Commissioner by Section 500.7 of the Baltimore County Zoning Regulations, it is hereby determined that the use, as herein submitted, is a nonconforming use and is otherwise not detrimental to the health, safety, and general welfare of the community, and would be within the spirit and intent of said regulations and, therefore, the Special Hearing to approve a nonconforming use for the operation of a used car lot should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of February, 1976, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

OFFICE OF THE TIMES
TOWSON, MD. 21204 Dec. 23, 1976

THIS IS TO CERTIFY that the annexed advertisement of Petition for Special Hearing was inserted in the following:

- ☒ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for 20 successive weeks before the 10th day of January 1977, that is to say, the same was inserted in the issues of Dec. 23, 1976.

STROMBERG PUBLICATIONS, INC.
BY [Signature]

15621 AM 230
15621 AM 230
15621 AM 230

This Deed, Made this 18th day of May, 1976, in the year one thousand nine hundred and sixty-six, by and between CATHERINE F. HOGG, Widow, of Baltimore County,

in the State of Maryland, of the first part, and THE NEW NORTH POINT COMPANY, a body corporate, duly incorporated under and by virtue of the laws of the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, receipts of which is hereby acknowledged, the said Catherine F. Hogg, Widow,

does hereby grant and convey unto the said The New North Point Company, its successors

heirs and assigns,

in fee simple, all that parcel of ground, situate, lying and being in the Fifteenth Election District of Baltimore County,

State of Maryland, and described as follows, that is to say:-

Beginning for the first at a point located easterly 173.28 feet along the south side of North Point Boulevard (also known as New North Point Road) 150 feet wide from the center of Rosebank Avenue as laid out 30 feet wide; and running thence from said place of beginning by a curve to the right with a radius of 3,744.72 feet southeasterly for a distance of 100.18 feet; thence leaving the new state road and running South 40 degrees 46 minutes West 115.13 feet; thence North 49 degrees 14 minutes West 100 feet; thence North 40 degrees 46 minutes East 120 feet to the place of beginning. Being the 4th and 5th lots on the south side of North Point Boulevard east of Rosebank Avenue as laid out in the survey of J. Spence Howard. Being a part of the land described in a Deed from John Page, also known as John Pogowski, to Thomas H. Buehler and wife, dated December 16, 1974 and recorded among the Land Records of Baltimore County in Liber WPC No. 604, folio 577. The improvements thereon being known as No. 3807 North Point Boulevard.

BEGINNING FOR THE SECOND at a point on the northeast side of Old North Point Road, situate southeasterly 165.27 feet along the northeast side of said Road from a point where the northeast side of said Road would be intersected by the 1st line of the land described in a Deed from John Page, also John Pogowski, to Thomas H. Buehler and Anne R. Buehler, his wife, dated December 16, 1974 and recorded among the Land Records of Baltimore County in Liber WPC No. 604, folio 577; and running thence from said place of beginning, being also the center of Rosebank Avenue, along the northeast side of Old North Point Road, South 53 degrees 5 minutes East 50.18 feet; thence leaving said road and

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 23, 1976

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once a week, at one time successively before the 10th day of January 1977, that is to say, the same publication appearing on the 23rd day of December 1976.

THE JEFFERSONIAN
[Signature]
Manager.

Cost of Advertisement, \$.....

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42820

DATE Dec. 16, 1976 ACCOUNT 01-662
AMOUNT \$55.09

RECEIVED Randolph S. Hairy, 2 North Dundalk Ave.,
Dundalk, Md. Petition For Variance For New North Pt. Co
#7-113-078

394 0285 17 250 CMC
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42870

DATE January 20, 1977 ACCOUNT 01-662
AMOUNT \$55.05

RECEIVED New North Point Co., Inc., 3807 North Point
Rd., Baltimore, Md.
Substantiating posting of property
#7-113-078

3845 0285 24 5525 CMC
VALIDATION OR SIGNATURE OF CARRIER

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said parcel of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said The New North Point Company, its successors

heirs and assigns, in fee simple.

And the said part of the first part hereby covenant that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

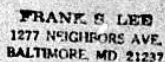
TEST: Anne M. O'Connell, Notary Public for Baltimore County, Maryland, dated and recorded among the Land Records of Baltimore County in Liber WPC No. 604, folio 577. The improvements thereon being known as No. 3807 North Point Boulevard.

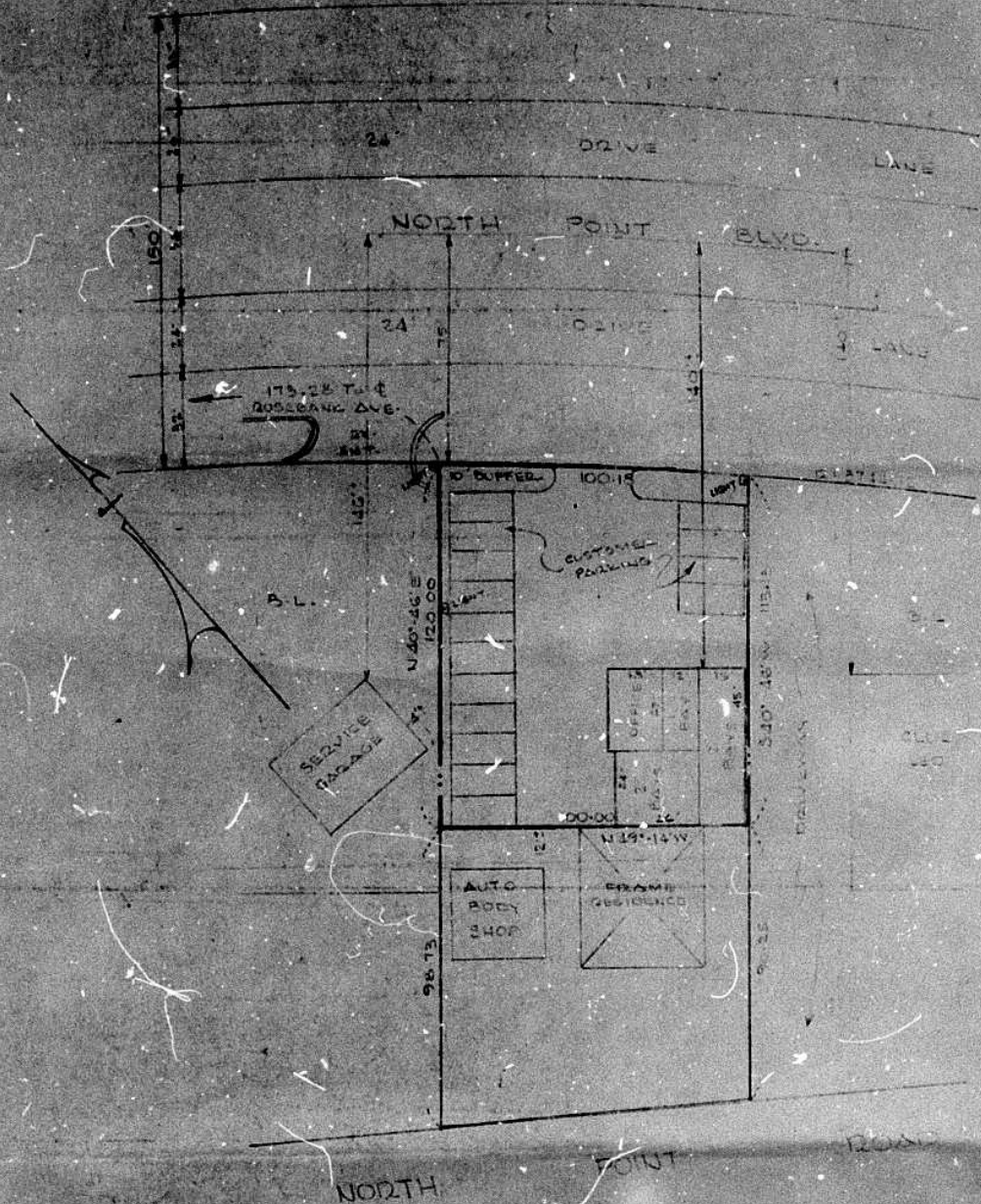
State of Maryland, County of Baltimore, to wit: I Henry Carver, That on this 18th day of May, 1976, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared CATHERINE F. HOGG, Widow,

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument; and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires: 1st day of May, 1977
Notary Public for Baltimore County, Maryland, dated and recorded among the Land Records of Baltimore County in Liber WPC No. 604, folio 577. The improvements thereon being known as No. 3807 North Point Boulevard.





EX. USE - USED CAR LOT
 PROP. USE - SAME
 EX. ZONING - B.L.
 PROP. ZONING - B.L. WITH A NON CONFORMING USE.

AREA OF LOT - 11,700 SQ. FT.
 AREA OF BLDG - 2340 SQ. FT. (TOTAL)

PARKING

NO. OF CUSTOMER SPACES REQ. (1/500 SQ. FT.) (1 FOR OFFICE) = 6 SPACES
 NO. OF SPACES PROVIDED = 6 SPACES
 NO. OF USED CAR SPACES PROVIDED (5 OUTSIDE) (5 INSIDE) = 14 SPACES

15TH DISTRICT BA. TIMOR CO, MARYLAND
 SCALE: 1" = 30'

DATE: 9-5-76

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: *[Signature]*
 DATE: 7-19-77



FRANK S. LEE
 1277 NEIGHBORS AVE.
 BALTIMORE, MD. 21227