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IN RE: PETITION SPECIAL HEARING BEFORE THE S/S of Hazelwood Avenue, opposite Kelbourne Road ZONING COMMISSIONER (6423 Hazelwood Avenue) -14th Election District OF BALTIMORE COUNTY James W. Lord, et ux, Case No. 86-385-SPH

Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation of a nonconforming use as a service garage, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. George Heffner and James Hallameier, lifetime residents of the area, testified on their behalf. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5 and located on Hazelwood Avenue, has been used as a service garage by the Petitioners since 1944. Counsel for the Petitioners, also a lifelong resident of the area, remembers the property's use as far back as 1914. All of the witnesses remember the use and all confirmed that the site has been continuously used as a service garage and that there has never been a cessation.

The Petitioners seek relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

ne uncontroverted testimony, which was amply supported, conclusively -indicates that the property has been used continuously and without interruption as a service garage since 1944. After due consideration of the testimony and gvidence presented, it is clear that a nonconforming use exists.

pursuant to the advertisement, posting of the property, and public hearing the this Petition held, and for the reasons given above, the approval practal for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9 day of May, 1986, that a nonconforming use as a service garage be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

1. Any existing building which is structurally unstable may be razed and reconstructed to its identi-

Baltimore County

AJ/srl

cc: John E. Bohlen, Jr., Esquire People's Counsel

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine where there or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve zoning for 6423 Mazelwood Avenue, Baltimore, Maryland 21237 should approve the existing sercice garage as a popularing use

Property is to be posted and advertised as prescribed by Zoming Regulations I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., uson fining of this Petition, and further agree to and are to be bound by the zoning regulations and testractions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

> I We do solemaly declare and affirm, under the penalties of perjury, that I we are the legal owner at of the property who has the subject of this Petition

246

Contract Purchaser: legal (homer as (Type or Print Name) Type or Print Name: James in ford I / torethon to there Attorney for Petitioner: - 6823 "azetmant sommun - 964 1115. (Type or Print Name) Caltimate, Maryland 2:238 Signature 37 yr 3 gr. 1 yr 1 yr 1 y 14 to \$ 4 to the parties and process and process acceptant of engage secretary temporal THE PERSON TRANSPORT OF THE PROPERTY OF THE PERSON WAS ASSESSED. City and State Attorney's Telephone No

GRDERED By The Zoning Commissioner of Estimore Causes One of ____ February 18.55 ... that the subject measure of this personal be absentioned as required by the Zoning Law of Bastimore County, in two new equipment of general countries showing the out Baltimore County, that property be present, and that the present meaning he had before the Lorenty Commissioner of Baltimore County in Louis 1th County Office Societing in Termina, Sectionary Continue the state of the same of the same

Iterated in the south side of Pazelwood Avenue opposite Kelhourne Poad

- of 32° 29° or 136° to the place of beginning.

PETITION FOR SPECIAL HEARING 14th Election District

South Side of Hazelwood Avenue, opposite Kelbourne Rd. (6423 Hazelwood Avenue)

DATE AND TIME: Wednesday, April 23, 1986, at 10:30 a.m.

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

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

Petition for Special Hearing for a nonconforming use for a service garage

Being the property of <u>James W. Lord, et ux</u>, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING

- 2 -

14th Election District

LOCATION:

South Side of Hazelwood Avenue, opposite Kelbourne Road (6423 Hazelwood Avenue)

DATE AND TIME: Wednesday, April 2, 1986, at 1:30 p.m.

PUBLIC HEARING: Room 106, 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 hearing:

Petition for Special Hearing for a nonconforming use for a service garage

Being the property of <u>James W. Lord, et ux</u>, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : REPORT THE RESOLUTIONS IND S/S Hazelwood Ave., opposite
Kelbourne Rd. 6413 Hazelwood : OF BULLTONER Client Ave.), 14th District

JAMES W. LORD, et ux, Came to the Fire See

> ::::::: DOTT IT WITHAUT

Please enter the appearance of the People's Carmel in the slavecaptioned matter. Notices should be sent of any heating dates or letter proceedings in this matter and of the passage of any preliminary of final Order.

> Little Manuale Board on a Phyllis Cole Prie ban People's Counsel for Baltimore County

Peter Max Timerman Deputy Day In's Canada Born 223, Court House Times, Maryland 21204

I HEREBY CIRTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. James W. Lord, 6423 Hazelwood Ave., Baltimore, MD 21237, Petitioners.

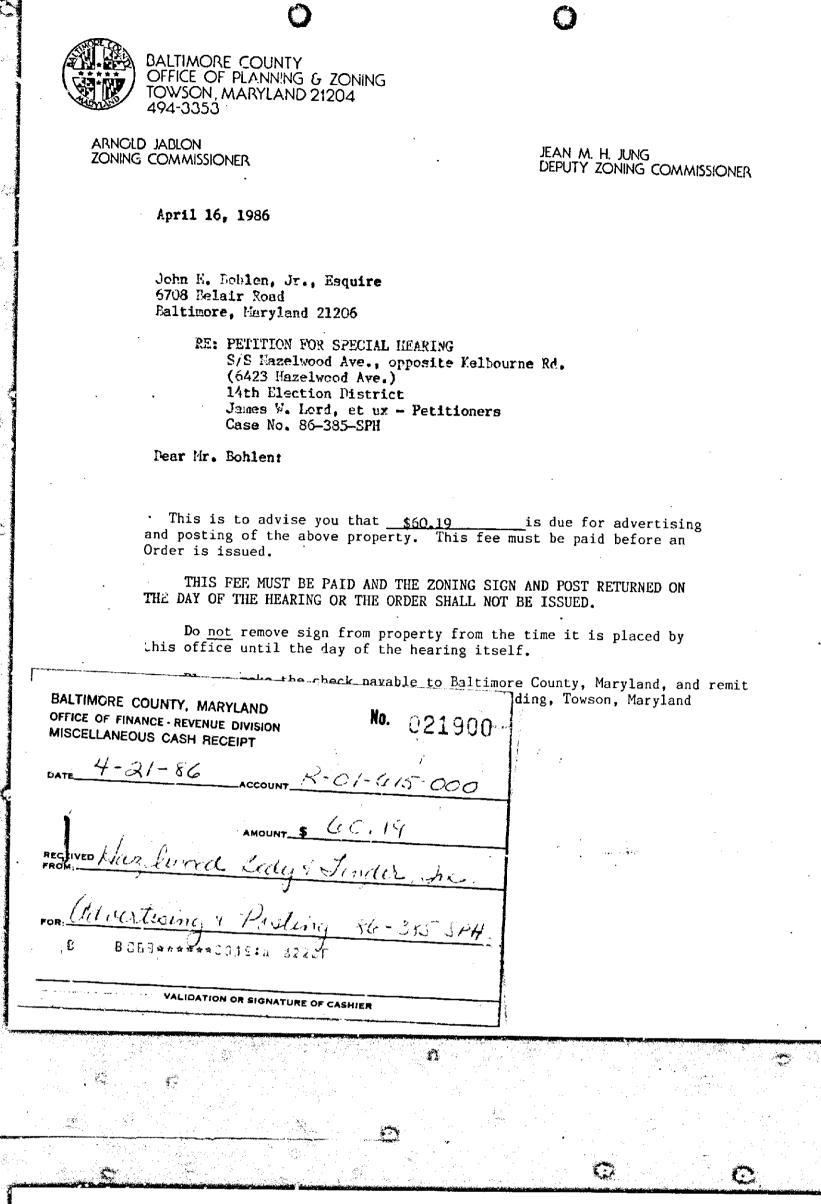
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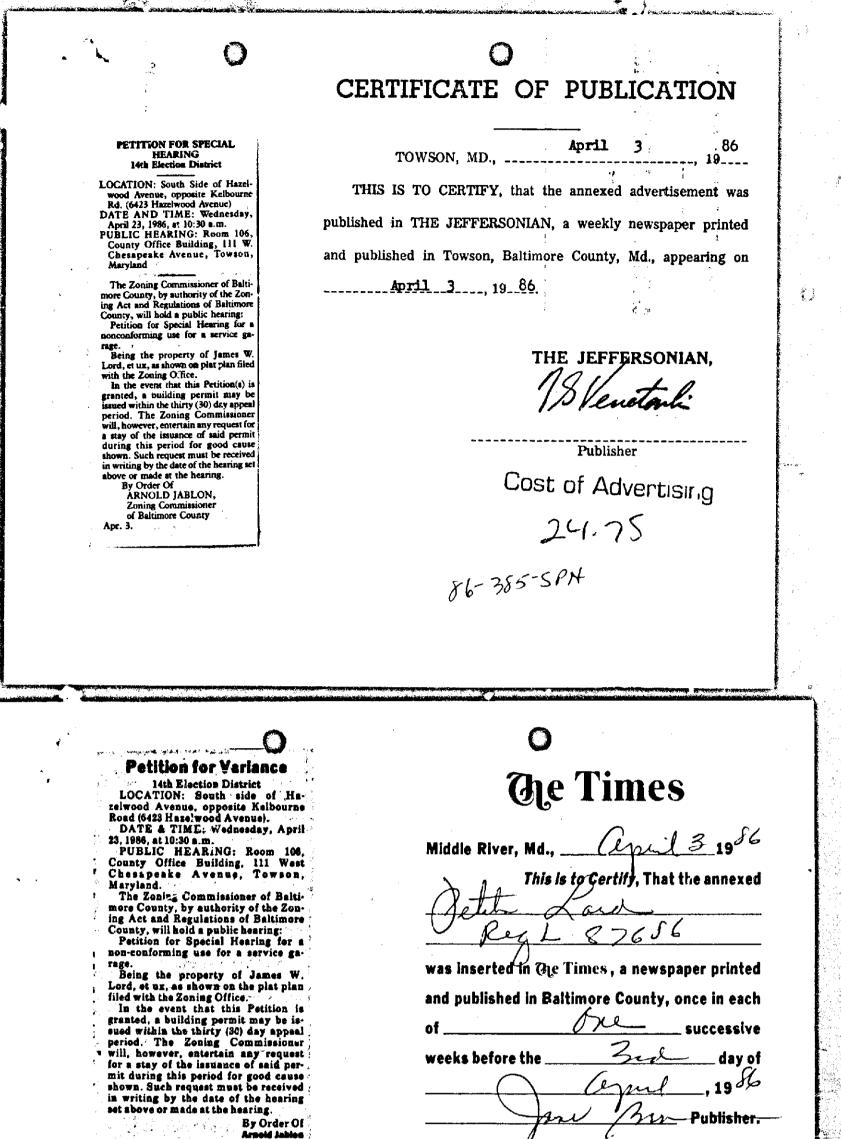
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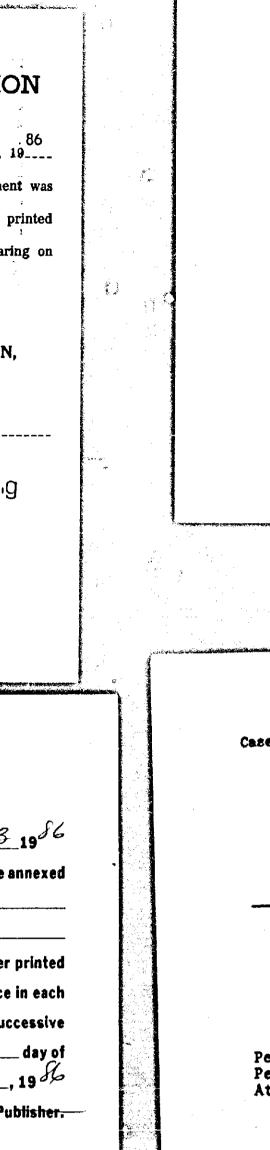
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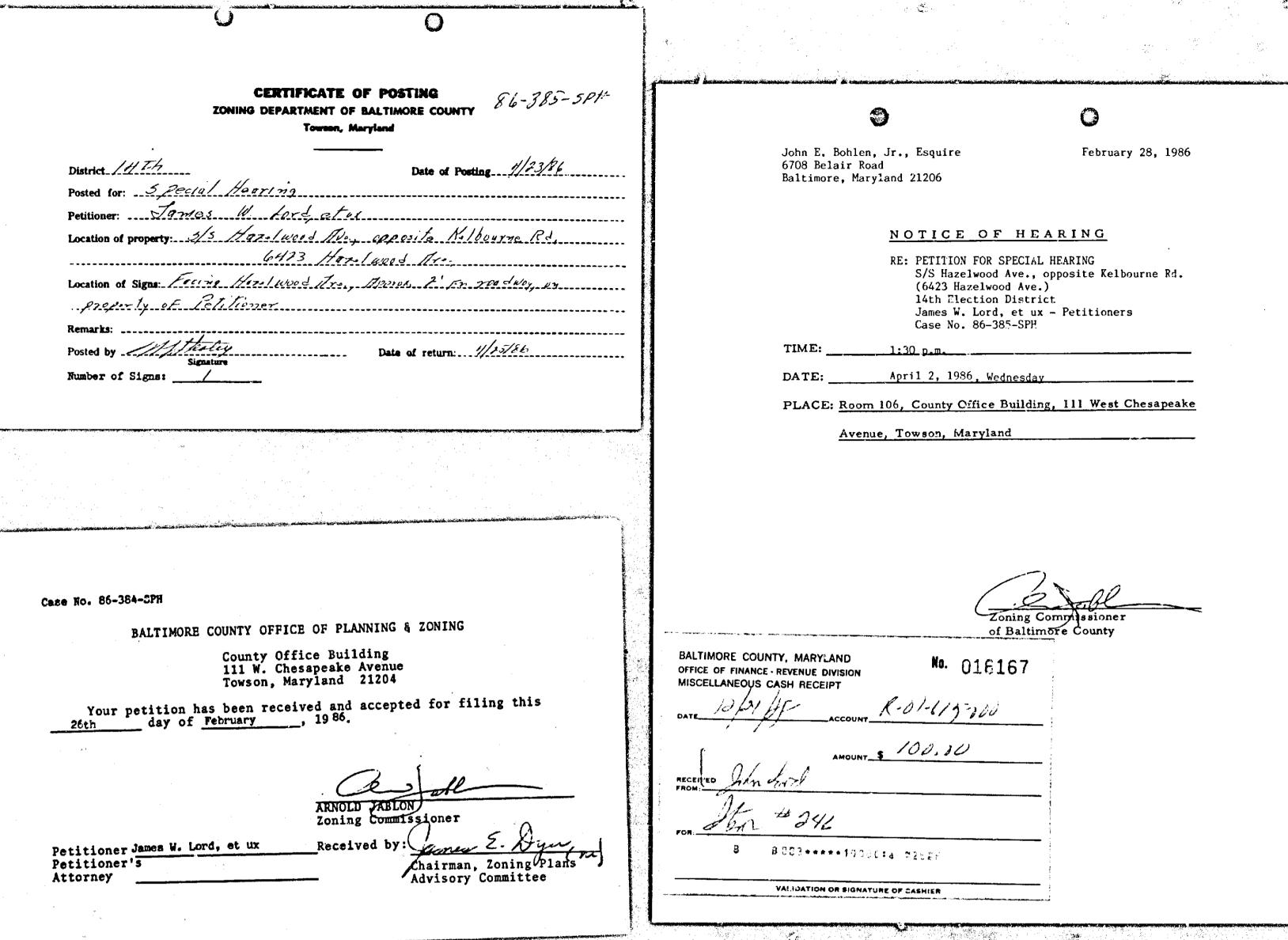
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John E. Bohlen, Jr., Esquire March 21, 1986 6708 Belair Road Baltimore, Maryland 21206 NOTICE OF HEARING RE: PETITION FOR SPECIAL HEARING S/S Hazelwood Ave., opposite Kelhourne Rd. (6423 Hazelwood Ave.) 14th Election District James W. Lord, et ux - Petitioners Case No. 86-385-SPH Wednesday, April 23, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland Zoning Compassioner of Baltimore County AJ:med cc: Mr. James W. Lord Mrs. Dorothea A. Lord 6423 Hazelwood Avenue Baltimore, Maryland 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353 ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER April 22, 1986 John E. Bohlen, Jr., Esquire 6708 Belair Road Baltimore, Maryland 21206 Re: Petition for Special Hearing
S/S Hazelwood Ave., opposite Kelbourne Rd.
(6423 Hazelwood Ave.) 14th Election District James W. Lord, et ux - Petitioners Case No. 86-385-SPH Dear Mr. Bohlen: This letter is to confirm the fact that the above-entitled case has been postponed for a hearing from Wednesday, April 23, 1986, at 10:30 a.m. to Wednesday, May 7, 1986, at 2:00 p.m. before Commissioner Arnold Jablon. This postponement was necessary in order for our office to properly post the property with a zoning sign 15 days before the hearing.

Thank you very much for your cooperation in this matter.

Very truly yours,

Margaret E. du Bois

Zoning Office

cc: Mr. James W. Lord

Mrs. Dorothea A. Lord

6423 Hazelwood Avenue Baltimore, Maryland 21237

LAW OFFICES John E. Bohlen, Jr. BALTIMORE, MARYLAND 21206 NORTHFIELD 5 9427 April 18, 1986 Baltimore County Office of Planning and Zoning Room 113, County Office Building Towson, Maryland 21204 Re: Petition for Special Hearing 6423 Hazelwood Ave. Case No. 86-385-SPH James W. LORD Gentlemen: Per your letter of April 16, 1986, enclosed please find a check for \$60.19 due for advertising and posting of the above property. Thank you. Very truly yours,

John E. Bobien, Jr.

LAW OFFICES John E. Bohlen; fr.

March 5, 1986

Zoning Commissioner Baltimore County Office of Planning and Zoning County Office Building lll West Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 86-385-SPH James W. Lord, et ux 6423 Hazelwood Avenue

Dear Sir:

1.75° y S

My office represents Mr. and Mrs. Lord in the above captioned case. Hearing is scheduled for April 2, 1986, at 1:30 p.m.

I will be on vacation that week, and kindly request a postponement in the above captioned case. I am available for a hearing date on April 14, 15, or 23, 1986, at your convenience. Thank you.

JEBJRijib cc: Mr. and Mrs. Lord

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SEE-

LAW OFFICES John E. Bohlen, Jr. 6708 BELAIR ROAD BALTIMORE, MARYLAND 21206 NORTHFIELD 5-9477 665-947

January 8, 1986

Office of the Zoning Commissioner Zoning Enforcement Section 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Case Number C-86-364 James Lord 6423 Hazelwood Avenue

Dear Sir:

Please enter my appearance for Mr. Lord in the above alleged zoning violation.

We have ample proof that this is a legitimate non-conforming use since late 1944.

Please have someone contact me in order that we might discuss this matter.

John E. Bohlen, Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date March 10, 1986 Norman E. Gerber, AICP, Director

SUBJECT Zoning Petition No. 86-385-SpH

FROM Office of Planning and Zoning

In view of the subject of this petition, this office offers no

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE March 7, 1986

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Zoning Administratio

Development

Mr. and Mrs. James W. Lord 6423 Hazelwood Avenue Baltimore, Maryland 21237

> RE: Item No. 246 - Case No. 86-384-SPH Petitioners - James W. Lord, et ux Special Hearing Petition

Bureau of Dear Mr. and Mrs. Lord: Engineering

The Zoning Plans Advisory Committee has reviewed the plans sub-Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention **Health Department** Project Planning the requested zoning. Building Department Board of Education

JED:nr

Enclosures

mitted with the above-referenced petition. The following 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer James e. Dyer 1 (nu) Chairman Zoning Plans Advisory Committee

February 11, 1986

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204
494-J211

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 212C4

Dear Mr. Jablon:

MARCH 5, 1986

Re: Zoning Advisory Heating of JANUARY 7, 1986 Item + 246 Property Gener: JAMES W. LORD, RTUX Location: S/S HAZELWOOD AUE, OPPOSITE KELBOURNE RO .

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

There are no site planning factors requiring comment.

A County Review Group Meeting is required.

A County Review Group meeting was held and the minutes will be forward by the Burgu of Public Services.

Subdivision. The plan must show the entire tract.

to issuance of a building permit.

The access is not satisfactory.

The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

development on these soils which are defined as wetlands.)This property contains soils which are defined as wetlands, and Jinis property contains solls which are defined as wetlands, and development on these soils is prohibited. JConstruction in or alteration of the floodolain is prohibited under the provisions of Section 22-93 of the Development Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Soard on
)Landscaping: Must comply with dailinore County Landscape Manual.
)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "O" level intersection as defined by Sill 179-79, and as conditions change traffic capacity may become none limited. The Basic Services Areas are re-evaluated annually by the County Council. Additional coments:

ANY FUTURE EXPANSION OF SITE MUST COMPLY

TO ALL APPLICABLE CAUNTY REGULATIONS

cc: James Hoswell

Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

January 16, 1986

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 246 Property Owner:

Meeting of January 7, 1986 James Lord, et ux

Location: Existing Zoning: Proposed Zoning: S/S Hazelwood Avenue, opposite kelbourne Road Speacial Hearing to approve zoning for 6423 Hazelwood Avenue to approve the existing

service garage as a nonconforming use.

Dear Mr. Jablon:

District:

This petitioner is requesting a nonconforming use, and it is is found to be nonconforming than this Department is not commenting, if this site is found to be not nonconforming then the site will be expected to meet all the County's standards.

Traffic Engineer Associate II

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204-2586

January 10, 1986

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

PAUL H. REINCKE CHIEF

Attention: Nick Commodari, Chairman Zoning Plans Advi⇔ry Committee

RE: Property Owner: James W. Lord, et ux Location: SS Hazelwood Avenue, opp. Kelbourne Road

Item No.: 246 Zoning Agenda: Meeting of 1-7-86

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

to be corrected or incorporated into the final plans for the property.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

Fire Prevention Bureau

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204 494-3610

TED ZALESKI, JR. DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204 Dear Mr. Jablon:

Comments on Item # 246 Zoming Advisory Committee Meeting are as follows: Property Owner: James W. Lord, et ux S/S Hazelwood Avenue, opposite Kelbourne Road

Districts APPLICABLE ITEMS ARE CIRCLED:

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.E.S.I. #117-1 - 1980) and other applicable Codes and Standards.

B A building and other miscellaneous permits shall be required before the start of any construction. C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1606.2 and Table 1402. So openings are permitted in an exterior wall within 3'-0 of an interior lot line.

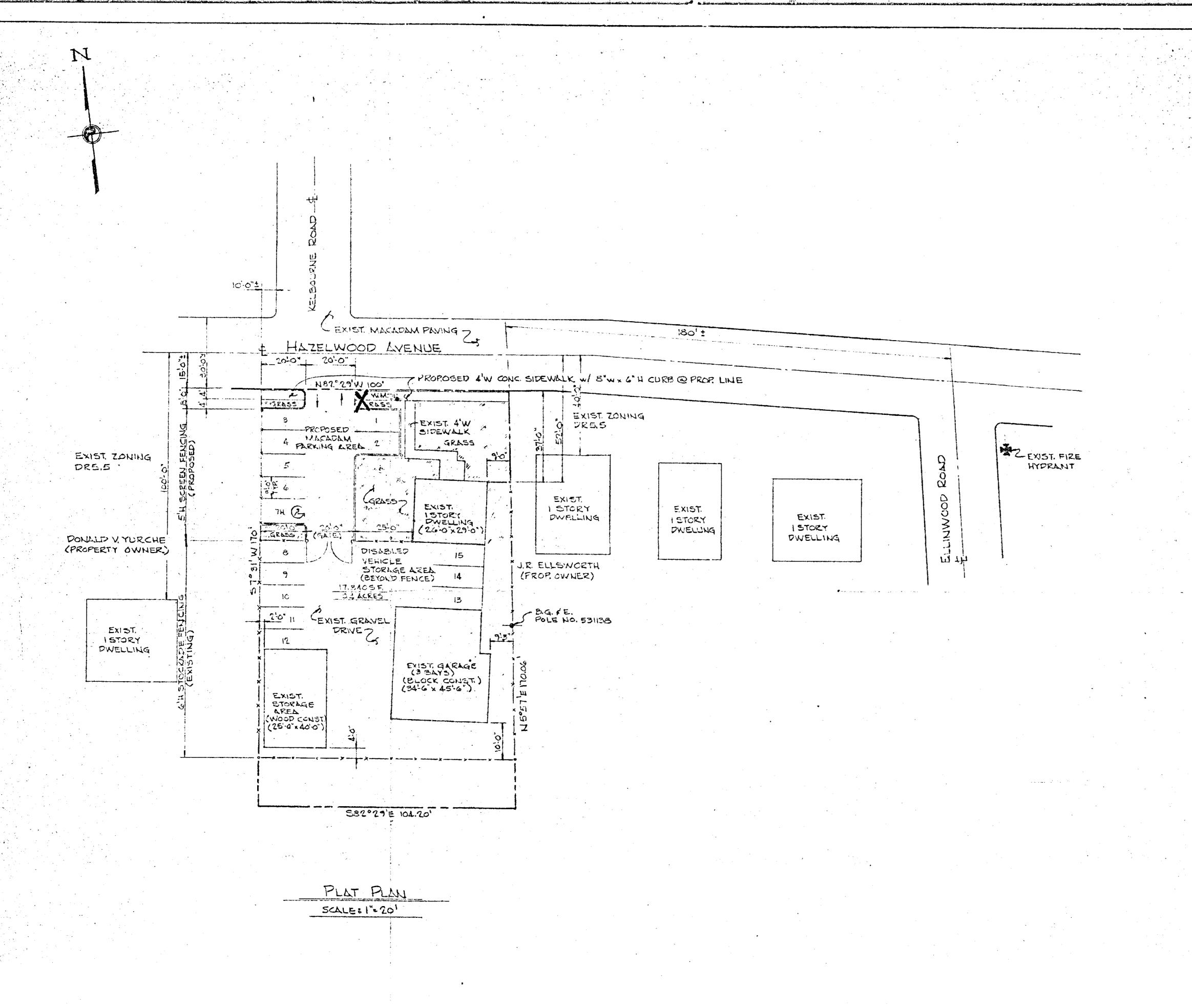
F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

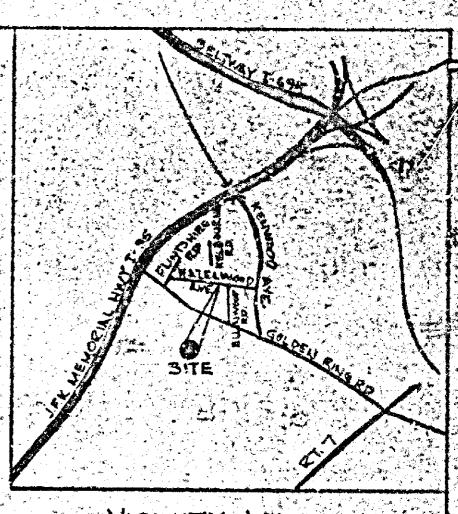
H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use ________ to Use ________, or to Mixed Uses _______. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(J.) Comments: Section 103.1 as amended by Bill #17-85 would appear applicable.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Boom 122 of the County Office Building at 111 W. Chesapeake Avinue, Towson, Maryland 21204. Minds 9 Sumbon BY: C. E. Burnhan, Chief Building Plans Review



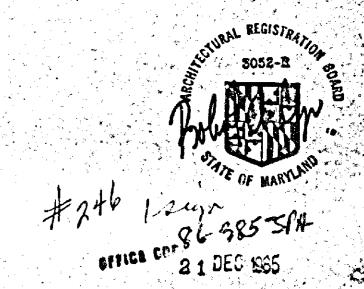


VICINITY MAP

OFF STREET PARKING CRITERIA:

AREA OF EXISTING STRUCTURES . 7,570 S.F.
PARKING REQUIRED : 2,570 + 300 . 9 SPACES
PARKING PROVIDED . 15 SPACES

PELL



14th Election District Existing Zoning: Drs.6 Proposed Zoning: Same Gross Area: 0.4 Acres

Surveyed by: Dollenburg Beds Unrecorded Plat Deed Dated 4.24.1939 Balto, Co. Liber Cwie JR No 1062. Folio 155 PLAT PLAN & VICINITY MAP

AS NOTED JAMES

JAMES W. LORD
6423 HAZELWOOD AVE.
BALTIMORE, MARYLAND
21206

R.TROHRS 12-12-85