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IN RE: PETITION SPECIAL HEARING * BEFORE THE
S/S of Hazelwood Avenue, * ZONING COMMISSIONER
opposite Kelbourne Road * OF BALTIMORE COUNTY
(6423 Hazelwood Avenue) - *
14th Election District *
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 Hallmeier, 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 1944. 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).

The 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 evidence presented, it is clear that a nonconforming use exists.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th 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 identical dimensions.

[Signature]
Zoning Commissioner of
Baltimore County

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

ORDER RECEIVED FOR FILING
DATE 5/9/86
BY *[Signature]*
CLERK OF BALTIMORE COUNTY

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 whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the proposed use of the property as a nonconforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., which are the legal order of the property and are the subject of this Petition.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 10th day of May, 1986, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, and that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, and that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, and that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County.

ORDER RECEIVED FOR FILING
DATE 5/9/86
BY *[Signature]*
CLERK OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING
14th Election District

LOCATION: 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,
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 James W. Lord, et ux, 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
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 James W. Lord, et ux, 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
S/S of Hazelwood Avenue, opposite Kelbourne Rd.
(6423 Hazelwood Avenue), 14th District
JAMES W. LORD, et ux,
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the parties to the above captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friebohn
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 213, Court House
Towson, Maryland 21204
444-2188

I HEREBY CERTIFY 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.

[Signature]
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 16, 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 is to advise you that \$60.19 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please check payable to Baltimore County, Maryland, and remit to: Baltimore County, Maryland, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021900
DATE 4-21-86 ACCOUNT R-01-915-000
AMOUNT \$ 60.19
RECEIVED *John E. Bohlen, Jr.*
FOR *Advertising & Posting 86-385-SPH*
B 0003*****000000 021900
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 3 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 3, 1986.

THE JEFFERSONIAN,

W. Kent

Publisher

Cost of Advertising

24.75

86-385-SPH

PETITION FOR SPECIAL HEARING

14th Election District

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

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

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 on the Petition for Special Hearing for a non-conforming use for a service garage.

Being the property of James W. Lord, et ux, as shown on plat filed with the Zoning Office.

In the event that this Petition 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

Apr. 3 1986

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The Times

Middle River, Md., April 3 1986

This is to certify, That the annexed

John E. Bohlen, Jr.

Reg. 27656

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of *one* successive

weeks before the *2nd* day of

April, 1986.

John E. Bohlen, Jr. Publisher.

John E. Bohlen, Jr.

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John E. Bohlen, Jr.

Case No. 86-384-CPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 26th day of February, 1986.

Petitioner James W. Lord, et ux
Petitioner's Attorney

ARNOLD JABLON
Zoning Commissioner

Received by: *James E. Dwyer, Jr.*
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District *14th* Date of Posting *4/23/86*

Posted for: *Special Hearing*

Petitioner: *James W. Lord, et ux*

Location of property: *S/S Hazelwood Ave., opposite Kelbourne Rd.*

6423 Hazelwood Ave.

Location of Signs: *Route 106, Towson, Md. 21204*

posted by: Baltimore

Remarks:

Posted by: *John E. Bohlen, Jr.* Date of return: *4/23/86*

Number of Signs: *1*

John E. Bohlen, Jr., Esquire
6708 Belair Road
Baltimore, Maryland 21206

February 28, 1986

NOTICE OF HEARING

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

TIME: 1:30 p.m.

DATE: April 2, 1986, Wednesday

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

John E. Bohlen, Jr.
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016167

DATE *4/21/86* ACCOUNT *R-01-117-200*

AMOUNT \$ *100.10*

RECEIVED FROM *John E. Bohlen, Jr.*

FOR *John E. Bohlen, Jr.*

B 0003*****000000 016167

VALIDATION OR SIGNATURE OF CASHIER

John E. Bohlen, Jr., Esquire
6708 Belair Road
Baltimore, Maryland 21206

March 21, 1986

NOTICE OF HEARING

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

TIME: 10:30 a.m.

DATE: Wednesday, April 23, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

John E. Bohlen, Jr.
Zoning Commissioner
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.
6708 BELAIR ROAD
BALTIMORE, MARYLAND 21206
NOT RECORDED 5-10-86

April 18, 1986

Baltimore County
Office of Planning and Zoning
Room 113,
County Office Building
Towson, Maryland 21204

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. Bohlen, Jr.
John E. Bohlen, Jr.

JEBJR:jb
enc.

LAW OFFICES

John E. Bohlen, Jr.
6708 BELAIR ROAD
BALTIMORE, MARYLAND 21206
NOT RECORDED 5-10-86

March 5, 1986

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

Dear Sir:

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

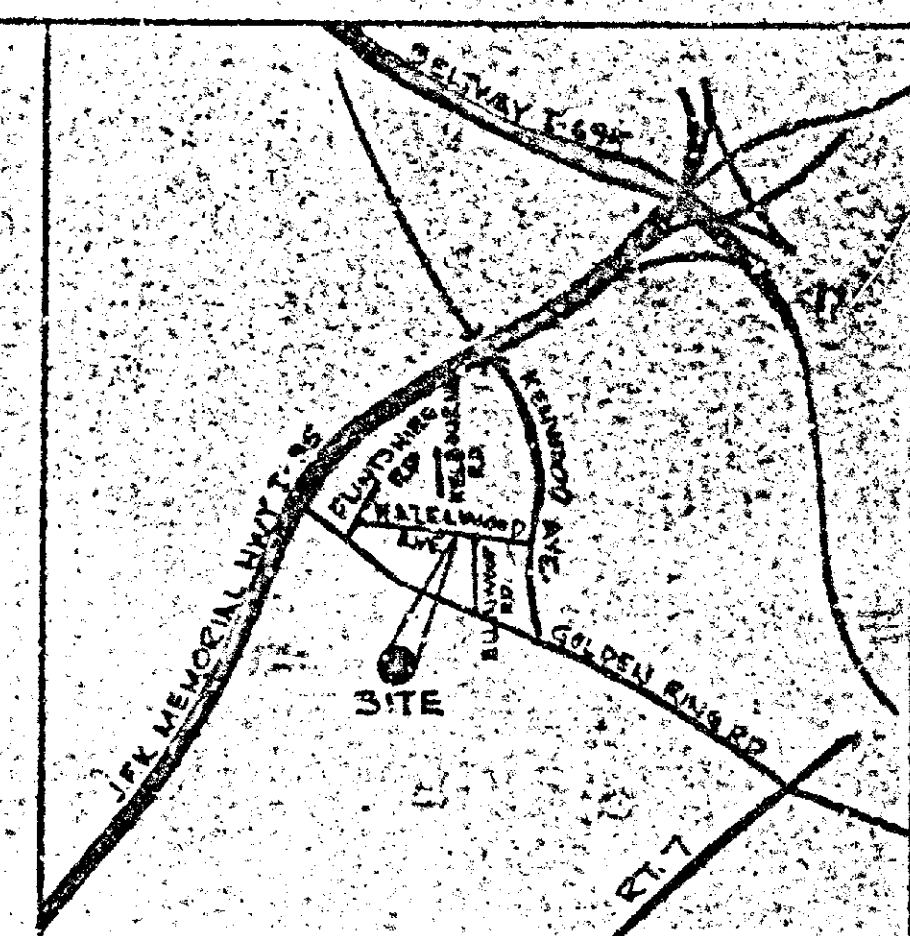
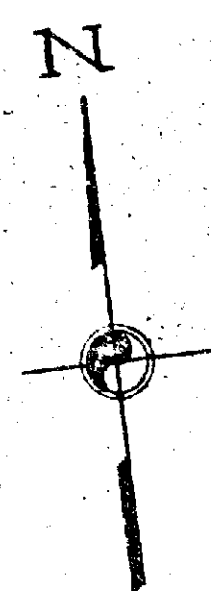
I will be on vacation that week, and kindly request a postponement in the above captioned case. I am available for a hearing date on April 14, 15, or 23, 1986, at your convenience.

Thank you.

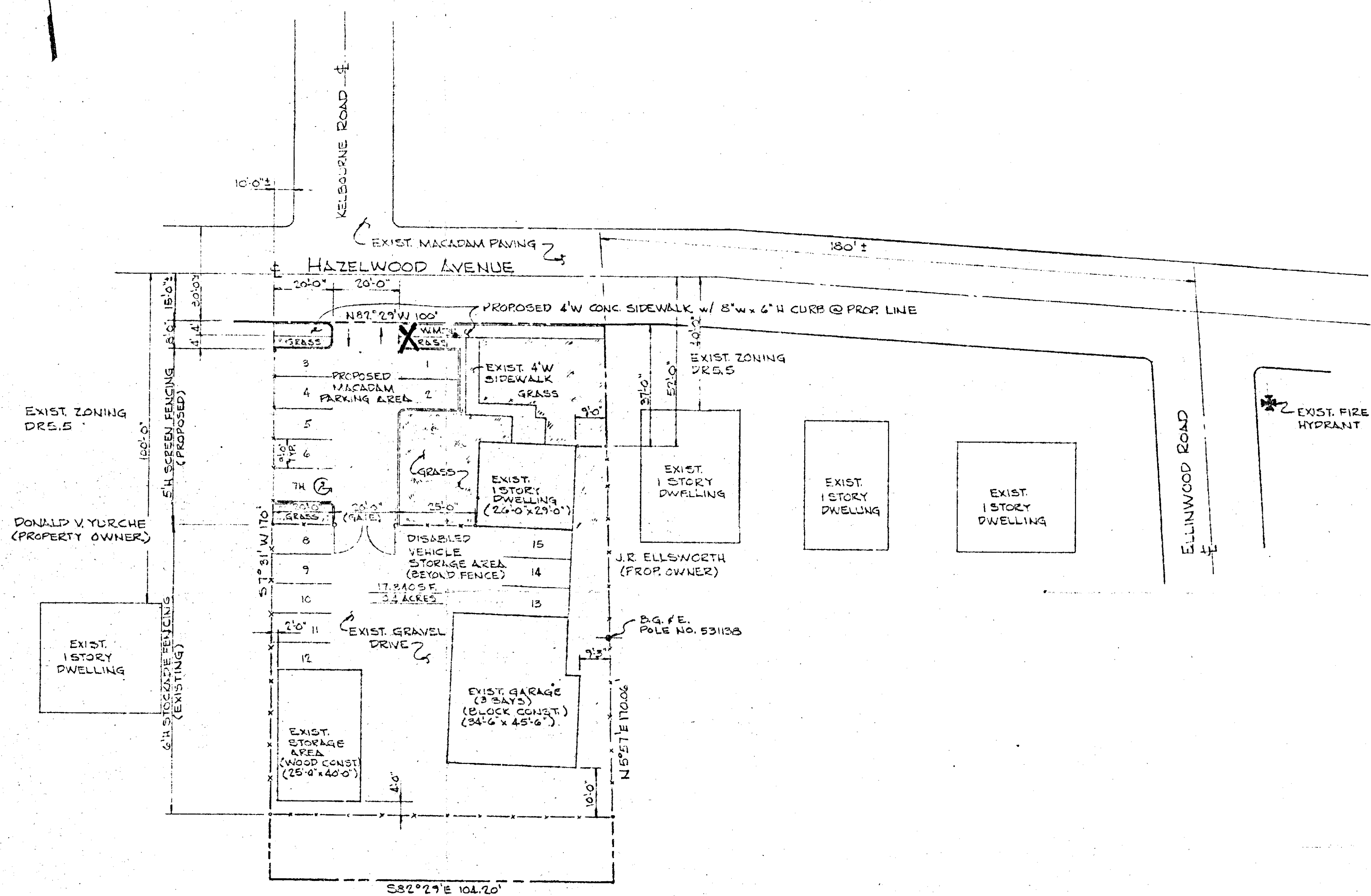
Very truly yours,

John E. Bohlen, Jr.
John E. Bohlen, Jr.

JEBJR:jb
cc: Mr. and Mrs. Lord



VICINITY MAP
SCALE: 1" = 200'

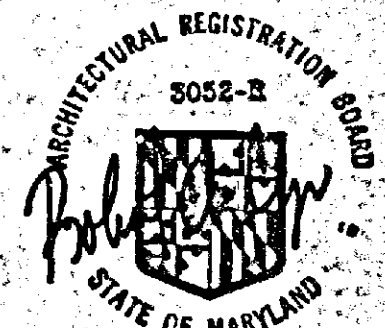


PLAT PLAN
SCALE: 1" = 20'

OFF STREET PARKING CRITERIA:

AREA OF EXISTING STRUCTURES = 2,570 S.F.
PARKING REQUIRED = 2,570 ÷ 300 = 9 SPACES
PARKING PROVIDED = 15 SPACES

PETITIONER'S
EXHIBIT 1



#246 1-2-85
OFFICE OF 86-985-514
21 DEC 1985

14th ELECTION DISTRICT
EXISTING ZONING: DRE-5
PROPOSED ZONING: SAME
GROSS AREA: 0.4 ACRES

SURVEYED BY: DOLLENBURG & SONS
UNRECORDED PLAT
DEED DATED 4-24-1939
BALTO. CO. LIBER C.W.E.
JR. NO 1062 FOLIO 135

PLAT PLAN & VICINITY MAP

SCALE: AS NOTED
JAMES W. LORD
6423 HAZELWOOD AVE.
BALTIMORE, MARYLAND
21206

RT09025 12-12-85