

PETITION FOR SPECIAL EXCEPTION AND VARIANCES 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 502.1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

A special exception for a used car lot, and variances to Sections 238.4 to permit vehicle display 8 ft. from the front property line in lieu of the required 16 ft. setback and 409.2.C.2 to permit compacted stone surface in lieu of the required paving.

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., 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.

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:
Alfred L. Brennan, Jr.
(Type or Print Name)
Signature
825 Eastern Boulevard
Address
Baltimore, Maryland 21221
City and State
Attorney's Telephone No.: 687-3434

Legal Owner(s):
RICHARD SOO KIM
(Type or Print Name)
Signature
BRENDA SOON KIM
(Type or Print Name)
Signature
c/o 39 Eastern Boulevard
Baltimore, MD 21221
Address
686-7140
Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Alfred L. Brennan, Jr.
Name
825 Eastern Blvd., Balto, MD 21221
Address
Phone No. 687-3434

MAP 12E-16
43
E.D. 15
DATE 3-25-87
200
1000
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of June, 1986, 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 14th day of July, 1986, at 11:15 o'clock

Call John
Zoning Commissioner of Baltimore County.

(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 6/18/86
Posted for: Variance - Special Exception
Petitioner: Richard Soo Kim et al.
Location of property: 5000 Eastern Avenue, Baltimore, Md.
Location of Sign: 111 Eastern Ave.
Remarks: on property of Baltimore
Posted by: [Signature] Date of return: 6/20/86
Number of Signs: 2

IN RE: PETITIONS SPECIAL EXCEPTION * BEFORE *
NO VARIANCES * ZONING COMMISSIONER
SW Corner of Eastern and *
Eugene Avenues - *
15th Election District * OF BALTIMORE COUNTY
Richard Soo Kim, et ux, * Case No. 87-16-XA
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a used car lot and, additionally, variances to permit a setback of 8 feet from the front property line in lieu of the required 16 feet for the display of vehicles and a compacted stone surface in lieu of the required impermeable surface, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, located at the corner of Eastern and Eugene Avenues and zoned B.R., has been a used car lot since the early 1950's. See Petitioners' Exhibit 2. The Petitioners purchased the property in 1985, which is adjacent to their service garage, and are requesting that they be permitted to continue the operation which has been in existence continuously for many years. To do so, however, a special exception and variances are needed. There was no opposition from the Essex business community.

The Petitioners seek relief from Section 238.4, pursuant to Section 502.1 and from Sections 238.4 and 409.2.C.2 (Section IX.A.2, Comprehensive Map of Development Policies), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

16 feet for the display of vehicles and a compacted stone surface in lieu of the required impermeable surface be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- The Petitioners shall install barrier curbs, bumper blocks, or railroad ties along Eastern and Eugene Avenues to prevent vehicle parking in the rights of way of either street.

Zoning Commissioner of
Baltimore County

Attest:

cc: Alfred L. Brennan, Jr., Esquire

People's Counsel

It is clear that the BCZR permits the use requested by the Petitioners in a B.R. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 2 -

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

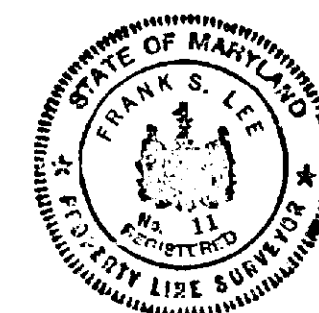
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 8, 1986

Special Exception for a Used Car Lot
No. 41 Eastern Avenue
Lots 16-20 plat of Mount Holly Terrace, 9/34
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the south side of Eastern Avenue with the west side of Eugene Avenue, thence running and binding on the south side of Eastern Avenue South 53 degrees 52 minutes 35 seconds West 125 feet, thence running for two lines of division as follows: South 36 degrees 07 minutes 25 seconds East 125 feet and North 53 degrees 52 minutes 35 seconds East 125 feet to the west side of Eugene Avenue, and thence running and binding on the west side of Eugene Avenue North 36 degrees 07 minutes 25 seconds West 125 feet to the place of beginning.

Containing 15,625 square feet of land more or less.



- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1986, that the Petition for Special Exception for a used car lot and, additionally, the Petition for Zoning Variances to permit a setback of 8 feet from the front property line in lieu of the required

- 3 -

PETITION FOR SPECIAL EXCEPTION AND VARIANCES

15th Election District

Case No. 87-16-XA

LOCATION: Southwest Corner of Eastern Avenue and Eugene Avenue (41 Eastern Avenue)

DATE AND TIME: Monday, July 14, 1986, at 11:15 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 Exception for a used car lot

Petition for Zoning Variances to permit vehicle display 8 feet from the front property line in lieu of the required 16 feet and a compacted stone surface in lieu of the required paving

Being the property of Richard Soo Kim, 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 EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
SW/Corner of Eastern Ave. &
Eugene Ave. (41 Eastern Ave.)
15th District
RICHARD SOO KIM, et ux,
Petitioners
Case No. 87-16-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in 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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Alfred L. Brennan, Jr., Esquire, 825 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 7, 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 June 26 19 86

THE JEFFERSONIAN,

Lisa Stedman O'Brien
Publisher
Cost of Advertising

24.75

PETITION FOR SPECIAL EXCEPTION AND VARIANCES
15th Election District
Case No. 87-16-XA
LOCATION: Southwest Corner of Eastern Avenue and Eugene Avenue (41 Eastern Avenue)
DATE AND TIME: Monday, July 14, 1986, at 11:15 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: Petition for Special Exception for a use or lot.
Petition for Zoning Variance to permit vehicle display 8 feet from the front property line in lieu of the required 16 feet and a compacted stone surface in lieu of the required paving.
Being the property of Richard Soo Kim, et ux, as shown on plat filed with the Zoning Office.
In the event that this Petitioner(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, smother 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 down or made at the hearing.
By Order of the Zoning Commissioner of Baltimore County
6/24/86 June 26



Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

June 13, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCES
SW/Cor. of Eastern Ave. and Eugene Ave.
(41 Eastern Ave.)
15th Election District
Richard Soo Kim, et ux - Petitioners
Case No. 87-16-XA

TIME: 11:15 a.m.

DATE: Monday, July 14, 1986

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

Alfred L. Brennan, Jr.
Zoning Commissioner
of the County

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

No. 020690

DATE: 5/4/86 ACCOUNT: 01-615-000
AMOUNT: \$ 200.00

RECEIVED FROM: Brennan & Brennan
FOR: SE & Vignettes # 417

VALIDATION OR SIGNATURE OF CASHIER

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 9, 1986

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCES
SW/Cor. of Eastern Ave. and Eugene Ave.
(41 Eastern Ave.)
15th Election District
Richard Soo Kim, et ux - Petitioners
Case No. 87-16-XA

Dear Mr. Brennan:

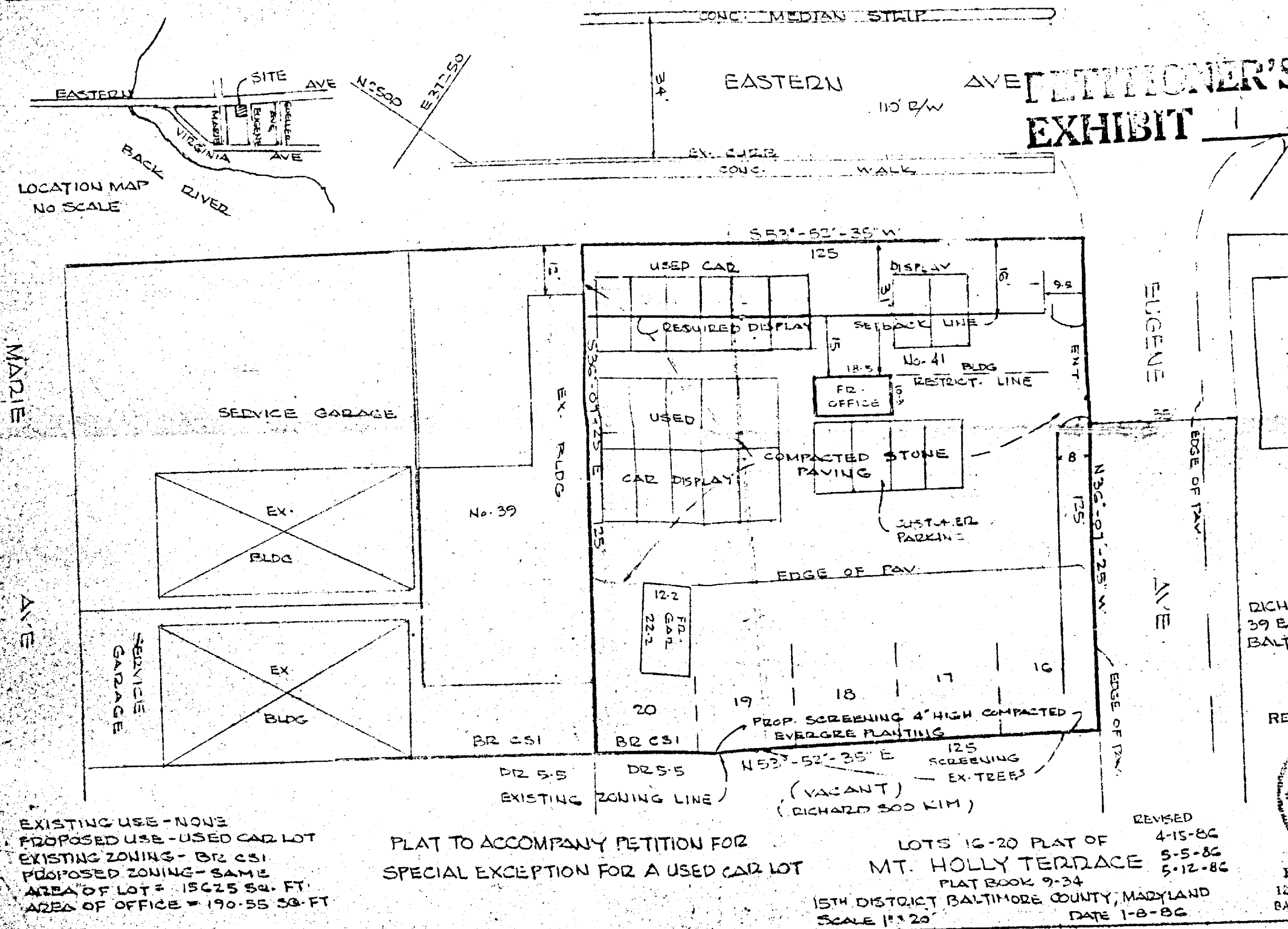
This is to advise you that \$78.80 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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 until time it is placed by this office.

County, Maryland, and remitting, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 7/14/86 ACCOUNT: P-01-615-000
SIGN & POST TO BE RETURNED
AMOUNT: \$ 78.80
RECEIVED FROM: Brennan & Brennan, 825 Eastern Blvd., Baltimore, MD 21221
FOR: Advertising & Posting re Case #87-16-XA
FOR: B040*****78801a 8142F
VALIDATION OR SIGNATURE OF CASHIER



EXISTING USE - NONE
PROPOSED USE - USED CAR LOT
EXISTING ZONING - BR CS1
PROPOSED ZONING - SAME
AREA OF LOT = 15615 SQ. FT.
AREA OF OFFICE = 19055 SQ. FT.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION FOR A USED CAR LOT

LOTS 16-20 PLAT OF
MT. HOLLY TERRACE
PLAT BOOK 9-34
15TH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20'
DATE 1-8-86

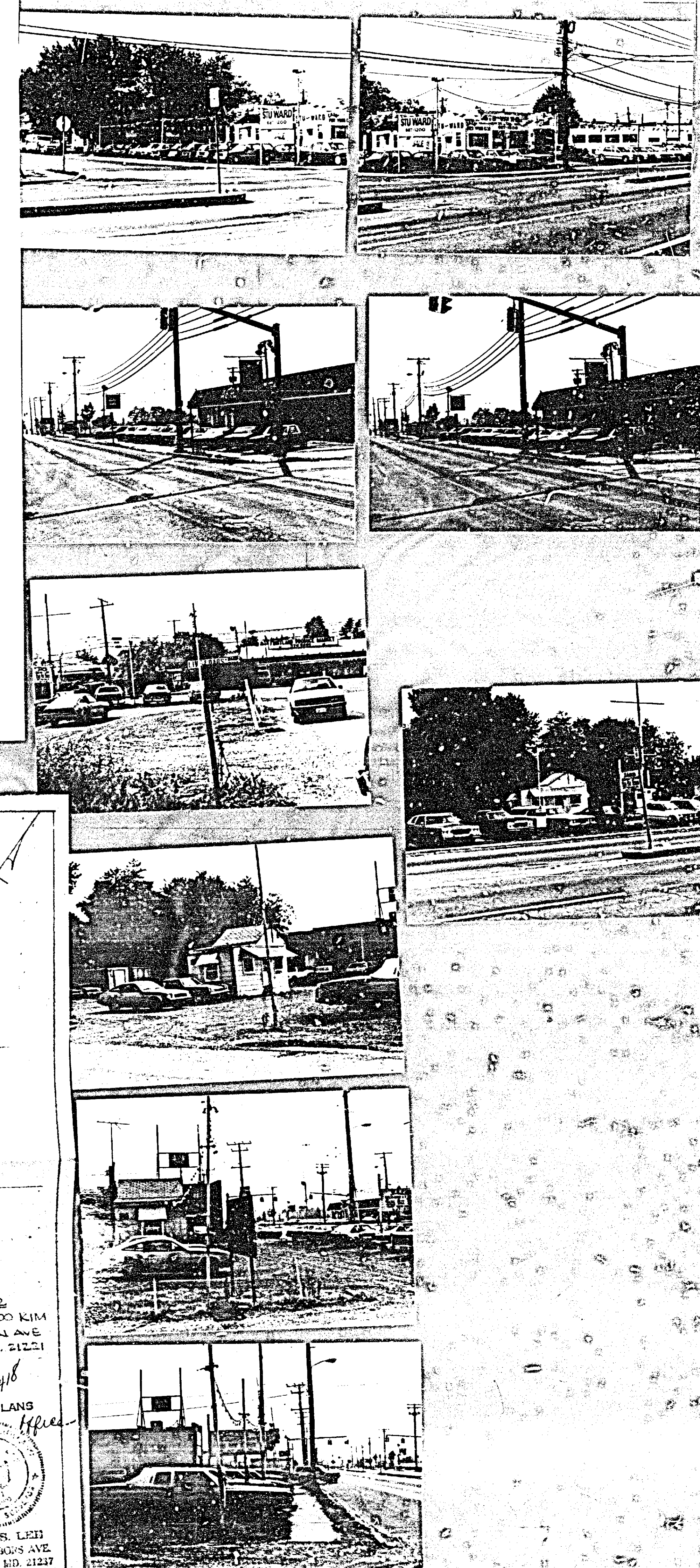
REVISED
4-15-86
5-5-86
5-12-86

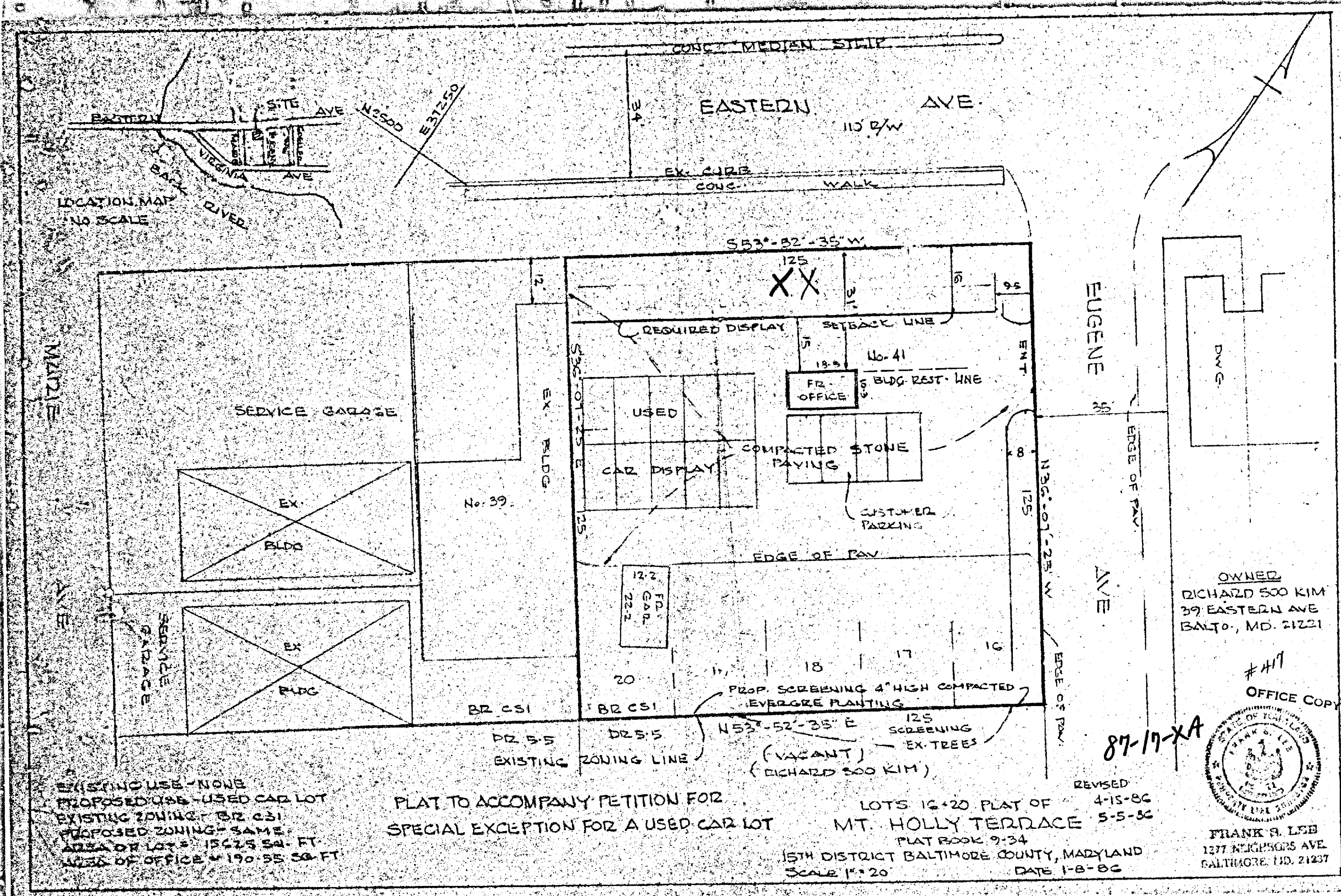
OWNED
RICHARD SOO KIM
39 EASTERN AVE
BALTO., MD. 21221
5/18/86

REVISED PLANS



FRANK S. LEE
127 NECHES AVE
BALTIMORE, MD. 21237





COUNT NO. 15, DISTRICT 15, OWNER COHAN, ADDRESS 115 EASTERN AVE. (21)

ASSESSMENT SHEET BALTIMORE COUNTY RESIDENTIAL

NAME COHAN, ADDRESS 115 EASTERN AVE. (21)

DEVELOPMENT NO. HOLLY TERRACE 913b BLOCK SECTION

DATE 7/7/81

16-17-18-19-20

ASSESSMENT	1959	1963	1967	1971	1975	1979	1983	1987	1991	1995	1999	2003	2007	2011	2015	2019	2023
LAND	9200	11350	11825	14500	13000												
DWELLING																	
GARAGE																	
TOTAL	9200	11350	11825	14500	13000												
ASSESSMENT CHANGES																	
ASSESSMENT VALUE																	
TRANSFERRED FROM																	
TRANSFERRED TO																	
REMARKS																	

NEW EXHIBIT 1 C. 6/28/52

STATE TAX 3.05 TRANSFER NO. 2089 DEED REF. DATE

TRANSFER NO. DATE

REMARKS

PETITIONER'S EXHIBIT 3

ACCOUNT NO. 47151

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Norman E. Gerber, AICP
FROM: Director, Office of Planning & Zoning

Date: July 8, 1986

SUBJECT: Petition for Zoning Variance No. 87-16-XA

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to granting of the subject request.

NEG:JG:bjs

Norman E. Gerber, AICP

NEG:JG:bjs

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Norman E. Gerber, AICP
FROM: Office of Planning & Zoning

Date: July 7, 1986

SUBJECT: Chesapeake Bay Critical Area Findings--Isabel E. Sevier (87-22-SphMA, Item 432) and Richard Soo Kim, et ux (87-16-XA, Item 417)

It has been determined that the petition of Isabel E. Sevier will satisfy the requirements of the Chesapeake Bay Critical Area statute provided that the number of existing major and minor deciduous trees are maintained on the lot. The number of existing trees satisfy the current policy of tree cover or plantings in the Critical Area.

In regard to the petition of Richard Soo Kim, it has been determined that it meets the Critical Area requirements without mitigation. The lot contains little or no vegetation and is part of a commercial strip. The planting of trees may be impractical due to the nature of a used car lot. In determining the type of parking surface, a more pervious surface would be desirable as runoff would be reduced and water quality enhanced.

Norman E. Gerber, AICP

NEG:PJS:eds

cc: T. Dugan
J. Houswell
A. Van Arsdale
S. Carrell
Peoples Council

CPS-008

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 417, Zoning Advisory Committee Meeting of May 20, 1986

Property Owner: Richard Soo Kim

Location: SW Corner of Eastern Ave & Eugene Ave District 15-15

Water Supply: Public Sewage Disposal: Public

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 194-3775, to obtain requirements for such installation/s before work begins.

(X) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. Division of Air Pollution - 494-3775

() A permit to construct from the Division of Air Pollution Control is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

87-16-XA
7-14-86

SS 20 1082 (1)

Zoning Item # 417 Zoning Advisory Committee Meeting of May 20, 1986

Page 2

() Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

(X) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.

() Soil percolation tests (have been/must be) conducted.

() The results are valid until

() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() shall be valid until

() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others

Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 30, 1986

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

cc:

Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial DevelopmentAlfred L. Brennan, Jr., Esquire
855 Eastern Boulevard
Baltimore, Maryland 21221Re: Item No. 417 - Case No. 87-16-XA
Petitioner: Richard Soo Kim, et ux
Petitions for Special Exception and
Variance

Dear Mr. Brennan:

The Zoning Plans Advisory Committee has reviewed the plans submitted 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 the requested zoning.

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
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Frank S. Lee

87-16-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your petition has been received and accepted for filing this
12th day of June, 1986

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Richard Soo Kim, et ux
Petitioner's Attorney: Alfred L. Brennan, Jr., Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Petition for Special Exception
and Variance

15th Election District
Case No. 87-16-XA
LOCATION: Southwest Corner of
Eastern Avenue and Eugene Avenue
41 Eastern Avenue
DATE & TIME: Monday, July 14,
1986, 10:00 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 a special exception for a
used car lot.
Petition for Zoning Variance to permit
vehicle display 8 feet from the
front property line in lieu of the
required 16 feet and a compacted stone
surface in lieu of the required paving.
Being the property of Richard Soo
Kim, et ux, as shown on plat plan filed
with the Zoning Office.
In the event that this Petitioner is
granted a building permit may be
granted 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

The Times

Middle River, Md., June 26, 1986

This is to Certify, that the annexed

Richard Soo Kim
Richard Soo Kim
855 Eastern Avenue
Baltimore, Maryland 21221

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

weeks before the 26th day of
June, 1986
James E. Dyer
Publisher.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550STEPHEN E. COLLINS
DIRECTOR

June 19, 1986

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

Item No. 417 -ZAC- Meeting of May 20, 1986
Property Owner: Richard Soo Kim, et ux
Location: SW corner Eastern Avenue and Eugene Ave.
Existing Zoning: B.R.
Proposed Zoning: Special Exception for a used car lot and
variances to permit vehicle display 8 feet
from the front property line in lieu of the
required 16 feet setback and to permit
compacted stone surface in lieu of the
required paving
Acres: 15,625 square feet
District: 15th Election District

Acres:
District:

Dear Mr. Jablon:

The site plan is not an accurate rendering of the operations of the
site.

The used cars are being displayed along the edge of the sidewalk on
Eastern Avenue with the State right-of-way. There is more than one entrance
on Eugene Avenue.

Should this special exception be granted, barrier curbs should be
installed at the setback line to prevent parking cars in the setback and
right-of-way on both streets. This site should have only one point of
access and that point should be as far as possible from Eastern Avenue.
Sidewalks should be provided along Eugene Avenue.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury
to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal
knowledge of the affiant and affiant is competent to testify thereto
in the event that a public hearing is scheduled in the future with
regard thereto;

Michael S. Flanigan
Affiant

I have personal knowledge that the property located at 41 Eastern
Boulevard, Essex, Baltimore County, Maryland has been used as a Used
Car Lot since EARLY FIFTIES. I also have personal knowledge
(month) (year)
that said property has been utilized as such continuously and
uninterruptedly since EARLY FIFTIES.
(month) (year)

This personal knowledge is based upon: LIVED IN
AREA ALL MY LIFE

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of June, 1986, before
me, a Notary Public of the State of Maryland, in and for the County
aforesaid, personally appeared Michael S. Flanigan,
the affiant herein, personally known or satisfactorily identified to
me as such affiant, and made oath in due form of law that the matters
and facts hereinabove set forth are true and correct to the best of
knowledge and belief.

AS WITNESS my hand and Notarial Seal

Michael S. Flanigan
NOTARY PUBLIC
BALTIMORE COUNTY, MD.
PETITIONER'S
EXHIBIT 2

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury
to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal
knowledge of the affiant and affiant is competent to testify thereto
in the event that a public hearing is scheduled in the future with
regard thereto;

Richard Soo Kim
Affiant

I have personal knowledge that the property located at 41 Eastern
Boulevard, Essex, Baltimore County, Maryland has been used as a Used
Car Lot since APRIL, 1959. I also have personal knowledge
(month) (year)
that said property has been utilized as such continuously and
uninterruptedly since APRIL, 1959.
(month) (year)

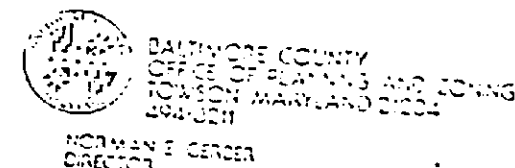
This personal knowledge is based upon: WE HAVE HAD BUSINESS ACCESS
TO THE STREET ON EASTERN BLVD SINCE THIS DATE. THERE WAS A CAR LOT
BEFORE WE CAME, BUT I DON'T KNOW WHEN IT WAS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of December, 1985, before
me, a Notary Public of the State of Maryland, in and for the County
aforesaid, personally appeared R. E. HARRIS,
the affiant herein, personally known or satisfactorily identified to
me as such affiant, and made oath in due form of law that the matters
and facts hereinabove set forth are true and correct to the best of
knowledge and belief.

AS WITNESS my hand and Notarial Seal

Richard E. Harris
NOTARY PUBLIC
BALTIMORE COUNTY, MD.

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

JULY 1, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of May 20, 1986
Item # 417 RICHARD SOO KIM, et al
LOCATION: SW CORNER EASTERN AVE.
+ EUGENE AVE.

Dear Mr. Jablon:

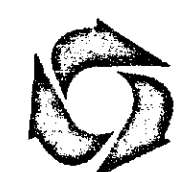
The Division of Current Planning and Development has reviewed the subject
petition and offers the following comments. The items checked below are
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Survey Group Meeting is required.
- ☒ A County Review Group Meeting is required.
- ☒ This site is part of a larger tract; therefore it is defined as a
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior
to issuance of a building permit.
- ☒ The access to the site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ This property contains soils which are defined as wetlands, and
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited
under the provisions of Section 22-53 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 Board.
- ☒ Landscaping: Just comply with Baltimore County Landscape Manual,
8111 128-09. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The deficient service
is:
- ☒ The property is located in a critical area controlled by a 10' level
intersection as defined by Bill 172-73, and its conditions change
are regulated annually by the County Council.

**NOTE: SITE IS LOCATED IN THE CHESAPEAKE
CRITICAL AREA. ADDITIONAL COMMENTS
WILL BE PROVIDED BY THE COMPREHENSIVE
PLANNING DIVISION.**

cc: James Dyer

Eugene A. Harris
Chairman, Current Planning and Development



Maryland Department of Transportation

State Highway Administration

May 22, 1986
RE: Baltimore County
Item # 417

Property Owner: Richard
Soo Kim, et ux
Location: SW Corner Eastern
Avenue (Route 150) and
Eugene Avenue
Existing Zoning: B.R.
Proposed Zoning:
Special Exception for
a Used Car Lot and
Variance to permit
vehicle display 8'
from front property
line in lieu of the
required 16' setback and
to permit compacted
stone surface in lieu of
the required paving.
Acres: 15,625 feet
District: 15th

William K. Hellmann
Secretary
Hal Kassoff
Administrator

ATTENTION JAMES DYER

Dear Mr. Dyer:

On review of the submittal for Special Exception,
the State Highway Administration finds the request for
Variance generally acceptable.

However, the S.H.A. will require the owner of the
site to install bumper blocks and/or Railroad ties
along the S.H.A. Right-of-Way line to eliminate encroach-
ment into the S.H.A. Right-of-Way.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350

Typewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. REINCKE
CHIEF

May 20, 1986

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

Re: Property Owner: Richard Soo Kim, et ux
Location: SW corner Eastern Avenue and Eugene Avenue
Item No.: 417 Zoning Agenda: Meeting of 5/20/86

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

- () 1. Fire hydrants for the referenced property are required and shall be
located at intervals of 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.
- () 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.

REVIEWER: *Paul H. Reincke* 5-22-86
Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

CHARLES ANDERSON INSURANCE AGENCY

201 Eastern Blvd.
Essex, Md. 21221
Phone 687-8200



NATIONWIDE
INSURANCE
HOME OFFICE • COLUMBUS, OHIO

November 18, 1985

TO WHOM IT MAY CONCERN :

This is to certify that I, Charles E. Anderson, 201 Eastern Blvd, Essex, Maryland have owned the property and operated my insurance agency at this location since November 30, 1945.

Sometime during the early 50's, a used car sales agency was opened at 41 Eastern Blvd, corner of Eugene Ave, but I have no record of the exact date.

As a business man in this community, I have no objection for this location to be reopened for the same purpose. It has been vacant for about a year, and a going business is an asset to the community.

Respectfully submitted,


Charles E. Anderson

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of November, 1985, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared CHARLES E. ANDERSON, the affiant herein, personally known to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal


NOTARY PUBLIC

My Commission expires: 7-1-86

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;


Affiant

I have personal knowledge that the property located at 41 Eastern Boulevard, Essex, Baltimore County, Maryland has been used as a Used Car Lot since , 1950. I also have personal knowledge (month) (year) that said property has been utilized as such continuously and uninterruptedly since , 1950. (month) (year)

This personal knowledge is based upon: I have lived in Essex in Eastern Terrace since 1946.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of November, 1985, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Freida F. Gorman, the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

