

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of Section 592.1 of the Baltimore County Zoning Regulations having been met.

The above reclassification should be held and it is further ordered that the same be

A Special Exception for a Service Garage should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of November, 1970, that the above described property and the same is hereby

granted a Special Exception for a Service Garage, should be and the same is

granted from and after the date of this order, subject to approval of the site plan by the

State Roads Commission, the Bureau of Public Services and the Office of Planning and

Zoning.

Edward R. Hinder, Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition

and it appearing that by reason of

BY

the above reclassification should NOT BE MADE, and or the Special Exception should NOT BE

GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of November, 1970, that the above reclassification be and the same is hereby

DENIED and that the above described property or area be and the same is hereby continued as and

to remain a Service Garage, and or the Special Exception for

be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

(d) That there was no evidence to support the finding by the Board that the requirements of the Zoning Regulations had been satisfied, to the extent that the granting of the Special Exception could be allowed.

WHEREFORE, Protestants pray:

A. That this Honorable Court may pass its Order reversing the Order of the County Board of Appeals of Baltimore County dated August 3, 1971 in Case No. 70-230-X.

B. That the County Board of Appeals be required to file in this appeal proceeding the original or certified copies of the original record, papers, plats, exhibits and memoranda acted upon by it.

C. And for such other and further relief as the nature of this Appeal may require.

MARVIN I. SINGER

1010 One Charles Center
Baltimore, Maryland 21201
752-1122

Attorney for Protestants

I HEREBY CERTIFY that on this 15th day of September, 1971, prior to filing the foregoing Petition, a copy of said Petition for Appeal, together with a copy of the Order for Appeal, was served upon the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204. I also certify

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Service Garage :
N/S Padonia Road, 190' : COUNTY BOARD OF APPEALS
E. of York Road, :
8th District : OF
Towik Realty Company, : BALTIMORE COUNTY
Petitioner :
No. 70-230-X

ORDER FOR APPEAL BY CARL JULIO
AND EDWARD J. SINGER, PROTESTANTS

Mr. Clerk:

Please enter an appeal on behalf of Carl Julio and Edward Julio, Protestants, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on August 3, 1971.

MARVIN I. SINGER
1010 One Charles Center
Baltimore, Maryland 21201
752-1122

Attorney for Protestants

I HEREBY CERTIFY that on this 15th day of September, 1971, prior to filing the foregoing Order, a copy of said Order for Appeal, together with a copy of the Petition for Appeal, was served upon the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204. I also certify that a copy of the foregoing Order for Appeal was mailed this 15th day of September, 1971 to M. William Adelson, Esquire and Eugene P. Smith, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, attorneys for Petitioner.

MARVIN I. SINGER

that a copy of the foregoing Petition for Appeal was mailed this 15th day of September, 1971, to M. William Adelson, Esquire and Eugene P. Smith, Esquire, 1035 Maryland National Bank Building, Baltimore, Maryland 21202, attorneys for Petitioner.

MARVIN I. SINGER

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Service Garage :
N/S Padonia Road, 190' : COUNTY BOARD OF APPEALS
E. of York Road, :
8th District : OF
Towik Realty Company, : BALTIMORE COUNTY
Petitioner :
No. 70-230-X

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Carl Julio and Edward Julio, Protestants, by Marvin I. Singer, their attorney, pursuant to the Maryland Rules of Procedure, respectfully represents unto Your Honor:

1. That this is an Appeal from the decision of the County Board of Appeals of Baltimore County rendered on August 3, 1971, in Case No. 70-230-X, with respect to the granting of a Special Exception to construct a Service Garage on a parcel of land consisting of 0.7 acres, and generally located on the north side of Padonia Road, approximately 190 feet east of York Road, in the Eighth Election District of Baltimore County.

2. That Protestants are the owners of property contiguous to the subject property, located on the north and south sides of Parks Avenue, respectively.

3. That Protestants were and are aggrieved parties whose property interests are and will be adversely affected by the Board's Order.

4. That Protestants have actively opposed the granting of said Special Exception on the subject property and were parties of record before the County Board of Appeals in these proceedings.

5. That subsequent to the hearing before it, said County Board of Appeals filed a written Opinion and Order, dated August 3, 1971, wherein it made certain findings of fact and granted the Special Exception for a Service Garage; a copy of said Opinion and Order is attached hereto, marked Exhibit "A" and prayed to be made a part hereof.

6. That Protestants have filed their Order for Appeal, simultaneously with the Petition, both within thirty (30) days of the said Order of the County Board of Appeals.

7. That the said Opinion and Order of the County Board of Appeals of Baltimore County, in granting the aforesaid Special Exception, is erroneous, invalid, illegal, arbitrary, capricious, discriminatory and without support of any evidence, for the following reasons:

- That the testimony and evidence adduced by the Petitioner for the Special Exception did not establish the legal requisites for the granting thereof
- That the testimony and evidence offered by the Petitioner for the Special Exception were inadequate in substance and insufficient in law to provide a substantial basis for the decision and order rendered by the County Board of Appeals.
- That the action of the County Board of Appeals is against the evidence.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hordesty Date: April 28, 1970
ATTN: Oliver L. Myers
FROM: Ellsworth N. Myers, P.E.

SUBJECT: Item 2.2 (1969-1970)
Property Owner: Towik Realty Corp.
N/S Padonia Rd., 190' E. of York Rd.
Present Zoning: R-1
Proposed Zoning: Special Exception for Service Station
District: 8th
No. Acres: 0.734

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

Highways:

All required highway improvements have been constructed or are secured by Public Works Agreement #85021, executed in conjunction with the development of the Padonia Shopping Plaza.

Entrance locations are subject to the approval of the Department of Traffic Engineering and the Office of Planning and Zoning.

Storm Drains:

Storm drain facilities and easements will be required in connection with the proposed improvements to this property.

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

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public facilities downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Item 2.2 (1969-1970)
Property Owner: Towik Realty Corp.
Page 2
April 28, 1970

Sanitary Sewer and Water:

Public sanitary sewerage and public water supply are available to serve this property.

Ellsworth N. Myers, P.E.
Chief, Bureau of Engineering

END:RAM:REC:iss

NW 15-4 Reps
CAR Key Sheet
CR NW 3 Position Sheet

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Service Garage : COUNTY BOARD OF APPEALS
N/S Padonia Road, 190' :
E. of York Road, : OF
8th District :
Towik Realty Company, : BALTIMORE COUNTY
Petitioner :
No. 70-230-X

OPINION

This case comes before the Board on an appeal by the Petitioners from a decision of the Zoning Commissioner, dated November 20, 1970, granting the requested petition. The Petitioner seeks a Special Exception to construct a Service Garage, which would be leased to Goodyear Tire and Rubber Company to operate.

The property, consisting of 0.7 acres, is presently zoned Business Local (B.L.) in a Commercial Town (C.T.) District, according to Baltimore County Zoning Map 3-D adopted by the County Council on March 24, 1971. The original Petitioner, Towik Realty Company, merged with Padonia Village, Inc. on September 30, 1970, the present titleholders. The same principals are involved in both firms, and they are pursuing their petition. The property is located on the north side of Padonia Road 190 feet east of York Road, in the Eighth Election District of Baltimore County.

The zoning and land uses surrounding the subject property consist of a Phillips 66 gasoline service station in a B.L. zone adjacent to the west side of the property and fronting on York Road; a B.L. zoned shopping center of approximately fifteen stores, located across Padonia Road on the south side; a D.R. 16 zone is on the north side on which a modern office building has been constructed under a special exception authorization, and to the east is a small triangle of County public land, a B.L. zone and a B.R. zone.

The proposed Service Garage would be a one story building, 40 feet by 150 feet, containing a total of 6,000 square feet of floor space. There would be four bays in which automobiles would be repaired and serviced. A maximum of twenty autos per day is anticipated to be serviced. Each bay would have a lift, engine tune-up equipment and lubrication equipment. Typically, tires, batteries, mufflers, brakes, and major household appliances and television sets would be sold. Such sales are permitted as

Towik Realty Co. - #70-230-X

2.

a matter of right in the present B.L. zone, but the proposed repairing, installation of parts, and servicing of autos require the Special Exception authorization.

Section 101 of the Baltimore County Zoning Regulations defines a Service

Garage as:

"A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale."

Section 502.1 of the Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

The only Proponent who testified was a resident of Westminster, Maryland.

He is the Comptroller of the Julia brothers' firm, which owns the office building adjacent to the north of the subject property. He testified as a personal representative of the Julia brothers. His primary objections to granting the petition were a fear of increased traffic congestion; noise from pneumatic air tools that would be used, and having the back side of a building facing the front of his office building.

As to the traffic issue, the Proponent's expert traffic witness concurred, at least in part, with the Petitioner's expert traffic witness that the proposed use would generate a minimal amount of traffic, and that such use would be less innocuous than many of the uses permitted as a matter of right in the present B.L. zone. There was no contradictory testimony offered by the Baltimore County Traffic Department.

As to noise, all work will be performed indoors, and the Proponent acknowledged he hears no noise emanating from the nearby Phillips 66 station, which presumably also uses pneumatic impact wrenches and air hoses. As to the rear of a building facing the front of his, this could occur without restraint if the property were developed in

Towik Realty Co. - #70-230-X

3.

its existing B.L. category. It is further noted that no testimony was presented from the Office of Planning.

The uses surrounding the subject are of a business-commercial nature. The zoning of the subject is already B.L. in a C.T. District. There are no residential uses bounding the subject, nor did any local resident testify in protest to granting the petition.

Without going into further detail, the Board finds, from the testimony heard and evidence presented, that the proposed use is compatible with its surroundings; that it complies with the zoning plan for the area, and that the requirements of Section 502.1 of the Zoning Regulations are satisfied. Therefore, the Special Exception requested will be and is hereby granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of August, 1971, by the County Board of Appeals, ORDERED that the Special Exception for a Service Garage petitioned for, be and the same is hereby GRANTED, subject to approval of the site plan by the proper Baltimore County departments.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Chairman
W. Giles Parker
William H. Gaffney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: May 28, 1970

FROM: Mr. George F. Gavalis, Director of Planning

SUBJECT: Petition #70-230-X, North side of Padonia Road 190 feet East of York Road
Petition for Special Exception for Garage, Service
Towik Realty, Inc. - Petitioners

8th District

HEARING: Thursday, June 4, 1970 (11:00 A.M.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a Service Garage.

We offer no adverse comment on the request as such. If granted, the granting should be conditioned upon a requirement that the wall of the proposed structure adjacent to Parks Avenue be finished with a brick facing (or some other suitable material not including block or painted block) and that landscaping and screening be provided in front of the parking adjacent to Parks Avenue. Granting also should be conditioned upon compliance with an approved plan including points of access to be approved by the appropriate County agencies.

GEG:msh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Planning Date: April 21, 1970

FROM: Everett B. Reed, Plans Review

SUBJECT: #262 Towik Realty Corp.
N/S Padonia Road
190' W. of York Road
District: 8

Petitioner to comply with all applicable requirements of Baltimore County Building Code, Rules and Regulations when plans are submitted. Also see Section 179.5B

Everett B. Reed
Plans Review

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21284

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Attn: Oliver L. Myers

Date: April 22, 1970

FROM: C. Richard Moore

SUBJECT: Item 262 - ZAC - April 21, 1970
Property Owner: Towik Realty Corp.
Padonia Road E. of York Road
S.E. for service station

Since the subject petition is presently zoned B.L. no increased trip density is expected from the subject petition.

C. Richard Moore
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY BOARD OF EDUCATION

142

ZONING ADVISORY COMMITTEE MEETING OF APRIL 21, 1970

Petitioner: Towik Realty Corp.

Location: N/S Padonia Rd., 190' W. of York Rd.

District: 8

Present Zoning: B.L.

Proposed Zoning: S.E. FOR SERVICE STATION

No. of Acres: 0.734

Comments: NO RESIDING IN STUDENT POPULATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: April 22, 1970

Attn: Mr. Myers

FROM: Inspector Thomas E. Kelly
Fire Department

SUBJECT: PROPERTY OWNER: Towik Realty Corp.

Location: N/S Padonia Road, 190' W. of York Road

Item #262 Zoning Agency April 21, 1970

Owner shall be required to comply to all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Inspector T. E. Kelly

cc: Mr. Hanna

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: April 28, 1970
FROM: Ian J. Forrest
SUBJECT: Item 142 - Zoning Advisory Committee Meeting, April 21, 1970

242. Property Owner: Towick Realty Corp.
Location: S/W Padonia Rd. 190' W. of York Rd.
Present Zoning: BL
Proposed Zoning: Special Exception for service station
District: 8th
No. Acres: 0.734

Public water and sewer are available.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

13F/ta

OFFICE OF
THE TOWSON TIMES

May 18, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner for Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 18th day of May, 1970 that is to say, the same was inserted in the issue of May 14, 1970.

STROMBERG PUBLICATIONS, Inc.

By: *Rich Morgan*

PETITION FOR SPECIAL EXCEPTION - 80-230-X
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND 21204
The undersigned, Edward D. Hardesty, Zoning Commissioner of Baltimore County, do hereby certify that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner for Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 18th day of May, 1970 that is to say, the same was inserted in the issue of May 14, 1970.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 14, 1970
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 in each of one week before the 14th day of June, 1970 the first publication appearing on the 14th day of May, 1970.

THE JEFFERSONIAN
L. L. L. L.
Manager

Cost of advertisement, \$.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 74013
DATE 5/7/71
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
BILLED BY: County Board of Appeals (Zoning)
TO: Marvin L. Sager, Esq.
Sole 1010 C/O Charles Center
Baltimore, Maryland 21201
TOTAL AMOUNT \$2.00
REPORT TO ACCOUNT NO. 01-712
QUANTITY 1
Cost of Certified Documents - Case No. 70-230-X
N/S Padonia Road 190' E.
of York Road
8th District
Towick Realty Company, Petitioner
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 75448
DATE 12/28/70
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
BILLED BY: Zoning Office
119 County Office Bldg.
Towson, Md. 21204
TO: Lee Stuart Thomson, Esq.
Jefferson Building
Towson, Md. 21204
TOTAL AMOUNT \$70.00
REPORT TO ACCOUNT NO. 01-62
QUANTITY 1
Cost of appeal - Towick Realty Co.
No. 70-230-X
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 78313
DATE 2/2/71
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
BILLED BY: Zoning Office
119 County Office Bldg.
Towson, Md. 21204
TO: Lee Stuart Thomson, Esq.
Jefferson Building
Towson, Md. 21204
TOTAL AMOUNT \$5.00
REPORT TO ACCOUNT NO. 01-62
QUANTITY 1
Cost of posting property of Towick Realty for appeal hearing
No. 70-230-X
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 71264
DATE June 5, 1970
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
BILLED BY: Zoning Dept. of Baltimore County
TO: Towick Realty, Inc.
100 York Road
Lutherville, Md.
TOTAL AMOUNT \$75.00
REPORT TO ACCOUNT NO. 01-62
QUANTITY 1
Advertising and posting of property
70-230-X
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 71224
DATE May 11, 1970
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
BILLED BY: Zoning Dept. of Baltimore County
TO: Towick Realty, Inc.
100 York Road
Lutherville, Md.
TOTAL AMOUNT \$25.00
REPORT TO ACCOUNT NO. 01-62
QUANTITY 1
Petition for Special Exception
70-230-X
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 8
Date of Posting May 14, 1970
Poster for: Hearing - June 4, 1970
Petitioner: Towick Realty, Inc.
Location of property: N/S Padonia Rd. 190' East of York Rd.
Location of Sign: 2 Signs - 1 Sign on Padonia Rd. facing Padonia
1 Sign on York Rd. facing Towick Realty
Remarks: None
Posted by: *Paul H. Hines*
Signature
Date of return: 5/21/70

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 8
Date of Posting Jan. 2, 1971
Posted for: Towick Realty, Inc.
Petitioner: Towick Realty, Inc.
Location of property: N/S Padonia Rd. 190' East of York Rd.
Location of Sign: 1 Sign - 1 Sign on Padonia Rd. facing Padonia
1 Sign on York Rd. facing Towick Realty
Remarks: None
Posted by: *Paul H. Hines*
Signature
Date of return: Jan. 25, 1971

