

79-144-X #790 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FRANKLIN F. FOULKE legal owner... 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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone, for the following reasons:

MADE: 1/1/79
RECEIVED: 1/1/79
FILED: 1/1/79
BY: [Signature]
BALTIMORE COUNTY

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for: a USED CAR LOT

I, or we, agree to pay expenses of above re-classification and/or Special Exception 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.

Franklin F. Foulke
Contract purchaser
Address: 8101 Willow Street
Sarasota, Florida 33590
Legal Owner
Petitioner's Attorney
Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
Protestant's Attorney

BE ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of January, 1979, 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 held before the Zoning Commissioner of Baltimore County in Room 146, County Office Building in Towson, Baltimore County, on the 3rd day of January, 1979, at 1:00 o'clock P.M.

Eric DiNanna
Zoning Commissioner of Baltimore County
(over)
1:30 PM
1/1/79

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NW corner of Eastern Ave. and Terrace Rd., 15th District : OF BALTIMORE COUNTY
FRANKLIN F. FOULKE, Petitioner : Case No. 79-144-X

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of December, 1978, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237
August 7, 1978

Northwest corner of Eastern Avenue and Terrace Road
15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the north side of Eastern Avenue (80 feet wide) with the west side of Terrace Road (80 feet wide), and thence running and binding on the north side of Eastern Avenue by a line curving to the right with a radius of 11,419.16 feet for a distance of 160.06 feet to the east side of Wagner Avenue (30 feet wide), thence running and binding on the east side of Wagner Avenue North 40 degrees 16 minutes 30 seconds West 200 feet, thence running for a line of division North 56 degrees 34 minutes East 176.08 feet to the west side of Terrace Road, thence running and binding on the west side of Terrace Road the three following courses and distances; (1) by a line curving to the right with a radius of 149.44 feet for a distance of 36.98 feet (:) South 35 degrees 54 minutes 30 seconds East 142.18 feet and (3) by a line curving to the right with a radius of 40 feet for a distance of 20.84 feet to the place of beginning.

Containing 0.70 acres of land more or less.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNanna
Zoning Commissioner
TO: Leslie H. Crowl Date: December 27, 1978
FROM: Director of Planning and Zoning
SUBJECT: Petition 79-144X, Item 90
Petition for Special Exception for a used car lot and service garage
Northwest corner of Eastern Avenue and Terrace Road
Petitioner - Franklin F. Foulke

15th District
HEARING: Wednesday, January 3, 1979 (1:00 P.M.)

If granted, it is suggested that the petitioner be required to submit details of landscaping to the Division of Current Planning and Development for their approval.

Leslie H. Crowl
Director of Planning

LPG:JGH:rw

baltime county
office of planning and zoning
TOWSON, MARYLAND 21204
(410) 494-3300
S. ERIC DINANNA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

January 5, 1979

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Exception
NW corner of Eastern Avenue
and Terrace Road - 15th
Election District
Franklin F. Foulke - Petitioner
NO. 79-144-X (Item No. 90)

Dear Mr. Romadka:

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

Very truly yours,
George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Chairman
Nicholas B. Commodari
809 Eastern Boulevard
Baltimore, Maryland 21221

MEMBERS
Bureau of Engineering
Department of Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

December 21, 1978

RE: Item No. 90
Petitioner - Foulke
Special Exception & Variance
Petition

Dear Mr. Romadka:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. 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.

Located on the northwest corner of Eastern Avenue and Terrace Road in the 15th Election District, the subject property is presently improved with your client's service garage. At the time of field inspection, used motor vehicles were displayed immediately to the front of the existing building along Eastern Avenue. Since this is only a temporary situation, as you explained, a Variance to allow this was not requested. Because of your client's proposal to sell these cars from this facility, this Special Exception is required.

In view of the fact that revised plans were submitted subsequent to the review of the Department of Traffic Engineering, the initial Variance request has been withdrawn.

Item No. 90 - Foulke
Page 2
December 21, 1978

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sl

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a used car lot and service garage should be granted.

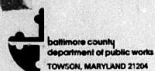
It IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of January, 1979, that the herein Petition for Special Exception for a used car lot and service garage should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning. Said Special Exception must be utilized within five years or become null and void.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of January, 1979, 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 to remain a _____ zone, and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



THOMSON M. MOURING, P.E.
DIRECTOR

December 19, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #90 (1978-1979)
Property Owner: Franklin F. Foulke
N.W. cor. Eastern Ave. & Terrace Rd.
Existing Zoning: B.R.-C.S. 1 & B.L.
Proposed Zoning: Special Exception for a used car lot and Variance to permit 36 parking spaces in lieu of the required 38 spaces.
Acres: 0.70 District: 15th

Dear Mr. DiNenna:

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:

Eastern Boulevard (M.L. 150) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Terrace Road is an existing County road; no further highway improvements are proposed at this time.

Wagner Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way (minimum). Right-of-way widening, including a fillet area for sight distance at the intersection and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

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

Item #90 (1978-1979)
Property Owner: Franklin F. Foulke
Page 2
December 18, 1978

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

There is an existing 48-inch storm drain within a 10-foot right-of-way at the rear of this site, which has not been indicated on the submitted plan, see Drawings #51-0604 and #52-0098, File 4.

The petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within County rights-of-way or utility easements.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent causing any nuisances or damages 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.

The property to be developed is located adjacent to the water front. The petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels and other special construction features are required.

Water and Sanitary Sewer:

There are public 8 and 12-inch water mains in Terrace Road and Eastern Boulevard, respectively, and 8-inch public sanitary sewers in Wagner Avenue and Eastern Boulevard.

Very truly yours,

ELLSWORTH W. DAVIS, P.E.
Chief, Bureau of Engineering

2ND EAM:FWH:es

cc: J. Somers
D. Grise

1-5W Key Sheet
HE 1 C Top
3 HE 25 Pos. Sheet
97 Tax Map



LESLIE H. GRAFF
DIRECTOR

December 11, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #90, Zoning Advisory Committee Meeting, October 17, 1978, are as follows:

Property Owner: Franklin F. Foulke
Location: NW/C Eastern Avenue and Terrace Road
Existing Zoning: B.R.-C.S. 1 & B.L.
Proposed Zoning: Special Exception for a used car lot and Variance to permit 36 parking spaces in lieu of the required 38 spaces.
Acres: 0.70
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may be in bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development



Paul H. Reinecke
Chief

December 14, 1978

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

Attention: N. Commodari, Chairman

Re: Property Owner: Franklin F. Foulke

Location: NW/C Eastern Ave. & Terrace Rd.

Item No. 90 Revised Zoning Advisory Meeting of 10/17/78

Comments:

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 _____

violates the maximum allowed by the Fire Department.

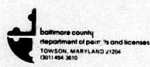
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(X) 5. The buildings and structure existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 Life Safety Code, 1975 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

Reviewed by: [Signature] Method and [Signature]
Planning Division Approved: Fire Prevention Bureau
Special Inspection Division



JOHN B. SEVITT
DIRECTOR

November 2, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 90, Zoning Advisory Committee Meeting, October 17, 1978

Property Owner: Franklin F. Foulke
Location: NW/C Eastern Ave. & Terrace Road
Existing Zoning: B.R.-C.S. 1 & B.L.
Proposed Zoning: Special Exception for a used car lot and Variance to permit 36 parking spaces in lieu of the required 38 spaces.
Acres: 0.70
District: 15th

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1975 Edition and the 1971 Supplement, State of Maryland Code for the Building and code and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional _____ permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

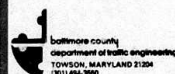
X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 10' of a property line. Concrete Building Footings 12' distance is between 10' and 15' of property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____

I. No Comment.

X J. Comments: Show Handicapped parking spaces, curb cuts, etc.



STEPHEN S. COLLINS
DIRECTOR

November 22, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 90 - B.C. - Meeting of October 17, 1978
Property Owner: Franklin F. Foulke
Location: NW/C Eastern Ave. & Terrace Road
Existing Zoning: B.R.-C.S. 1 & B.L.
Proposed Zoning: Special Exception for a used car lot and Variance to permit 36 parking spaces in lieu of the required 38 spaces.

Acres: 0.70
District: 15th

Dear Mr. DiNenna:

The requested special exception for a used car lot is not expected to cause a major increase in traffic.

This department does not feel the variance to the parking is necessary since the parking lot can be redesigned to provide the needed space.

The entrance on the east side of Terrace Road just north of Eastern Avenue, and the entrance on the north side of Eastern Avenue just west of Terrace Road should be closed.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

NSF/jjm



Norman K. Starnes
Secretary
M. S. Callender
Administrator

October 31, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, October 17, 1978
Item: 90
Property Owner: Franklin F. Foulke
Location: NW/C Eastern Ave. (Rte. 150) & Terrace Road
Existing Zoning: B.R.-C.S. 1 & B.L.
Proposed Zoning: Special Exception for a used car lot and Variance to permit 36 parking spaces in lieu of the required 38 spaces.
Acres: 0.70
District: 15th

Dear Mr. DiNenna:

Although the plan indicates the auto display area as being along Wagner Ave. exclusively, an inspection of the site revealed vehicles being displayed along Eastern Blvd. A standard 8' high concrete curb must be constructed between the area fronting the building along Eastern Blvd. and the right of way line.

The plan must be revised prior to the hearing.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Myers

My telephone number is (301) 383-5320



DIVERSE

OUTCANTOP BOOP STORAGE YAGD

7.00, 7.25 N

TERACE

VACANT

SEQUENCE
STATION

EASTERN

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AERO MOTORS
USED CARS & SERVICE GARAGE

THE UNIVERSITY OF CHICAGO

THIS OFFICE IS NOT RESPONSIBLE FOR

1570 CONTACT BATTAGE CO, MARYLAND
DATE: 9-7-19

EXISTING CASE - NONE

EXTENDED USE - ZONE
PROPOSED USE - 0-100 GPM 2-4 LBS. 1 SERVICE CISTERN

EXISTING FOUND - 1951 - 1952

PROF. ZONING - SAME, WITH A SPECIALLY EXCEPTION FOR A USED CAR LOT

 $\Delta Q_{\text{E4}} \text{ of LOT} = 0.70 \Delta \text{e.v.}$

AREA OF BLEED = 10,000 SQ. FT.

PUBLIC WORKS AND SERVICES DIVISION, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, ALBANY, NEW YORK.

NO. OF SPACES GATED - SHOW 2001 (240 SPACES) (126)

- SERVICE AREA OFFICE, 7010 50 FT. (1/200) - 16 SPACES

TOTAL

NO OF SPACES PROVIDED (INCLUDING 5 IN SHOW ROOM)

$$\sqrt{\Delta Z_{\text{INTEGR}}^2} = 2.5 \text{ SPACES}$$

THE ENTIRE LOT IS MACADAM PAVING.

THERE WILL BE NO OUTSIDE STORAGE OF DISABLED OR DAMAGED VEHICLES



STATION 2, LANE
1000 1000000 AVE.
BOLTON, MD. 21237