

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 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Amendments to the site plan approved on February 2, 1970 (Case #70-114-A)

To remove part of fencing shown on rear property line.

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.

Lessee:
MIDWAY PETROLEUM CORP.
(Type or Print Name)
BY: Signature Byron B. Barton, III
Vice President
6902 Holabird Avenue
Baltimore, Maryland 21222
City and State

Legal Owner(s):
CHARLES GEBHARD
(Type or Print Name)
Signature Charles Gebhard
MARY L. GEBHARD
(Type or Print Name)
Signature Mary L. Gebhard

Attorney for Petitioner:
S. ERIC DINENNA, P.A.
(Type or Print Name)
Signature S. Eric DiNenna
406 W. Pennsylvania Avenue
Baltimore, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. Eric DiNenna
406 W. Pennsylvania Ave. 825-1630
Baltimore, Maryland 21204
City and State
Telephone No.: 825-1630

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of May, 1982, 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 20th day of July, 1982, at 10:00 o'clock A.M.

Rescheduled to:

Thursday, August 12, 1982
at 10:45 A.M.

ECO-Ma.1

(over)

PETITION FOR ZONING VARIANCE

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 Variance from Section 405.4B2 to permit an opening for access only in lieu of the required wall or fence at least eight (8) feet in height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Present access to property by certain vehicles impossible;
2. Other hardships and difficulty to be exhibited at time of hearing.

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

I, or we, agree to pay expenses of above Variance 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.

Lessee:
MIDWAY PETROLEUM CORP.
(Type or Print Name)
BY: Signature Byron B. Barton, III
Vice President
6902 Holabird Avenue
Baltimore, Maryland 21222
City and State

Legal Owner(s):
CHARLES GEBHARD
(Type or Print Name)
Signature Charles Gebhard
MARY L. GEBHARD
(Type or Print Name)
Signature Mary L. Gebhard

Attorney for Petitioner:
S. ERIC DINENNA, P.A.
(Type or Print Name)
Signature S. Eric DiNenna
406 W. Pennsylvania Avenue
Baltimore, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. Eric DiNenna
406 W. Pennsylvania Ave. 825-1630
Baltimore, Maryland 21204
City and State
Telephone No.: 825-1630

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of May, 1982, 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 20th day of July, 1982, at 10:00 o'clock A.M.

Rescheduled to:

Thursday, August 12, 1982
at 10:45 A.M.

(over)

RE: PETITION FOR SPECIAL HEARING: BEFORE THE ZONING COMMISSIONER

PETITION FOR VARIANCE
N/S of Holabird Ave., 75' E of
the centerline of Tolson Ave.,
12th District

CHARLES GEBHARD, et ux,
Petitioners

Case No. 83-14-SPHA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmernan
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 28th day of June, 1982, a copy of the foregoing Order was mailed to S. Eric DiNenna, P.A. and S. Eric DiNenna, Esquire, 406 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner; and Byron B. Barton, III, Vice President, Midway Petroleum Corporation, 6902 Holabird Avenue, Baltimore, Maryland 21222, Lessee.

John W. Hession, III

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 4, 1982

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

cc: Nicholas P. Commodari
Chairman

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 199 - Case No. 83-14-SPHA
Petitioner - Charles Gebhard et ux
Special Hearing and Variance Petitions

Dear Mr. DiNenna:

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,

Nicholas P. Commodari
NICHOLAS P. COMMODARI
Chairman
Zoning Plans Advisory Committee

HEC:bac

Enclosures

cc: Paul Lee Engineering, Inc.
204 W. Pennsylvania Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

May 19, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #199 (1981-1982)
Property Owner: Charles & Mary L. Gebhard
N/S Holabird Avenue 75' E. from centerline of Tolson Ave.
Acres: 0.39 District: 12th

Dear Mr. Hammond:

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.

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 89 (1969-1970) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 199 (1981-1982).

Very truly yours,

Robert K. Morrison, P.E., Chief
Bureau of Public Services

MM: EAM:FW:iss

cc: Jack Wimbley

P-NE Key Sheet
9 x 10 SE 17 & 18 Pos. Sheets
SE 3 E Topc
103 Ink Map



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

July 7, 1982

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #199, Zoning Advisory Committee Meeting, April 13, 1982, are as follows:

Property Owner: Charles and Mary L. Gebhard
Location: N/S Holabird Avenue 75' E. from centerline of Tolson Avenue
Acres: 0.39
District: 12th

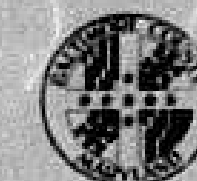
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are aware of plans or problems with regard to development plans that may have a bearing on this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

This office questions the use of a ten foot (10') alley for the use of commercial vehicles. The petition must show what legal rights he has in the alley. Landscaping should be provided.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning & Development

JLW:rh



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

STEPHEN E. COLLINS
DIRECTOR

May 14, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: ZAC Meeting - April 13, 1982 - ITEM #199
PROPERTY OWNER: Charles & Mary L. Gebhard
LOCATION: N/S Holabird Avenue 75' E. from centerline of Tolson Avenue

Existing Zoning: R-1
Proposed Zoning: Special Hearing to amend the site plan approved for Case #70-114 A to remove part of fencing shown on rear property line. Variance to permit an opening for access only in lieu of the required wall or fence at least 8' in height.
Acres: 0.39
District: 12th

Dear Mr. Hammond:

The fence along the rear property line should be constructed around the entire rear of the property to discourage traffic from using the 10 ft. alley. This alley is not conducive to commercial traffic.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer
Planning & Design

CRM/bza

cc - Mr. Jack Thacker
Current Planning

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning

Date: April 22, 1982

FROM: Ian J. Forrest

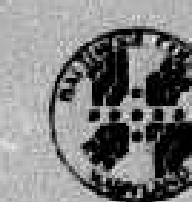
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item # 172 - Salvatore & Deborah A. Frascoketti
- Item # 174 - North Park Associated
- Item # 179 - Abell Communications
- Item # 181 - Dorothy M. Markel
- Item # 185 - Margaret E. Hickey
- Item # 188 - Robert J. Romacka, Jr.
- Item # 191 - Richard W. Ater
- Item # 192 - Vernon E. & Patricia A. Hodges
- Item # 195 - William E. & Jeannette M. Tunney
- Item # 197 - Leonard Gordon
- Item # 199 - Charles & Mary L. Gebhard
- Item # 200 - Raymond A. & Linda M. DeVall
- Item # 202 - William T. & Irene F. McKeever
- Item # 203 - Sheldon S. & Preya H. Satsky
- Item # 207 - James J. Ward, III
- Item # 209 - Charles H. & Ora P. Michael
- Item # 213 - Frank A. & Rosemarie Luca
- Item # 218 - Leonard & Joanne Yaker
- Item # 220 - Joseph Christopher Glomioso
- Item # 221 - H M H Company
- Item # 222 - Belair Beltway Partnership

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7300

PAUL H. RENCKE
CHIEF

April 22, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Charles and Mary L. Gebhard

Location: N/S Holabird Avenue 75' E. from centerline of Tolson Avenue

Item No.: 199

Zoning Agenda: Meeting of April 13, 1982

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

REVIEWED BY: [Signature] 4/27/82 Noted and Approved: [Signature] George M. McConnell
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/ab/cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hammond, Zoning Commissioner
c/o Nick Commodari

Date: May 13, 1982

FROM: Charles E. Burghes
Plans Review

SUBJECT: Zoning Advisory Committee Meeting
of April 13, 1982

- Item #199 - Standard comment.
- Item #200 - See comments.
- Item #201 - See comments.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 13, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chassepeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 13, 1982

RE: Item No: 199, 200, 201
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

WWP/bp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner

Date: July 6, 1982

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

SUBJECT: Zoning Petition No. 83-14-SpHA
Charles Gebhard, et ux

This Office is opposed to the granting of this request. We share the concerns expressed by the Department of Traffic Engineering. Further, the fence is necessary to screen the subject property's operations from the residences located on the opposite side of the alley.

[Signature]
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:slc

cc: Arlene January
Shirley Hess

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and assigned for filing this _____

DATE: _____

FILE NO. _____

FILED IN _____

FILED BY _____

FILED AT _____

FILED FOR _____

FILED BY _____

FILED AT _____

FILED FOR _____

FILED BY _____

FILED AT _____

FILED FOR _____

IN THE MATTER OF
THE APPLICATION OF
CHARLES GEBHARD, ET UX
FOR SPECIAL HEARING TO
APPROVE AMENDMENTS TO THE
SITE PLAN AND VARIANCE
FROM SEC. 405.48.3 TO PERMIT
AN OPENING FOR ACCESS ONLY
IN LIEU OF REQUIRED WALL OR
FENCE AT LEAST 8 FT. IN HEIGHT
On property located on the north side
of Holabird Ave., 75' east of the
center line of Tolson Ave.
12th District

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 83-14-SPHA

OPINION

This matter comes before this Board on Petition for a Special Hearing to amend a site plan dated February 2, 1970, to remove part of the fence on the rear property line and have a Variance from the required 8 ft. fence provision. The subject property is located on the north side of Holabird Avenue, 75 ft. east of the center line of Tolson Avenue, in the 12th Election District of Baltimore County, and is known as 6902 Holabird Avenue. This property consists of 39 acres and is currently zoned B.L. (0.39) U.T.H.

Mr. Paul Lee, a registered engineer in the State of Maryland, testified that a two story building consisting of a package liquor store and parking is located to the west of the subject property and that residential dwellings are located to the east and north of the subject property. The subject property has been used as a service station since 1955 and primarily services large tractor trailers. Mr. Lee testified that in his opinion a practical hardship and unreasonable difficulty would exist if Petitioners' request were not granted, because the tractor trailers would have to enter the subject property by way of Holabird Avenue and also exit subject property by backing out onto Holabird Avenue, because the subject property does not provide enough area to allow these vehicles to turn around. He further testified that the suggested alternative in allowing these vehicles to enter the 11 foot alley adjacent to Petitioners' property and perpendicular to Holabird Avenue is not practical because these vehicles are at least eight feet wide and are mounted with side mirrors which extend approximately two feet out from the vehicles themselves.

RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
N/S of Holabird Ave., 75' E of
the center line of Tolson Ave.
12th Election District
Charles Gebhard, et ux - Petitioners
NO. 83-14-SPHA (Item No. 199)

BALTIMORE COUNTY

Pursuant to the advertisement, posting of property, and public hearing, the petitioners herein seek a special hearing to amend the site plan approved on February 2, 1970 (Case No. 70-114-A) to remove part of the fence on the rear property line and a variance to permit an opening for access only in lieu of the required wall or fence at least eight feet in height.

Testimony indicated that the "Fairlawn" subdivision showing lots, streets, and a ten-foot alley located at the rear of the property was recorded in 1917. Since the 1930's, the site has been used as a gas station. Midway Petroleum Corporation has leased the site since 1956 and has sold diesel fuel since 1959. Following a variance request for a front yard setback for a canopy (Case No. 70-114-A), a site plan was approved on February 2, 1970 in accordance with Bill No. 40-66. The approved plan showed an eight foot high stockade fence erected across the rear of the site, but the fence was never installed. Tractor trailers enter the site from the rear using Tolson Avenue and the alley.

Subsequent to a complaint being filed and a hearing (Case No. 75-128-V), the Deputy Zoning Commissioner found that a violation existed and ordered that the petitioners either comply with the site plan or submit a revised plan for approval, thereby necessitating this petition. However, several letters were submitted from nearby residents to request that the fence requirement be waived.

County agencies submitted the following comments:

Department of Traffic Engineering, dated May 14, 1982,

"The fence along the rear property line should be constructed around the entire rear

Charles Gebhard, et ux
Case No. 83-14-SPHA

2.

He further stated that aside from his consideration, Petitioners would also have to remove an existing canopy which they obtained by Petition filed in 1970. Mr. Lee further testified that for over 30 years, the tractor trailers have entered the subject site by way of an alley perpendicular to Tolson Avenue, which services the rear of subject property. Mr. Lee testified that there would be no detrimental effect in allowing this practice to continue.

Byron B. Barton, Vice President of Midway Enterprises, Inc., Lessee of subject property, testified that Midway Enterprises has been utilizing the property as a gas station since 1955, and that since that time, commercial vehicles have used the alley adjacent to Tolson Avenue, for access, continuously. He further stated that Ms. Doris Koehler, who is owner of property located to the west of the subject property, has granted permission allowing tractor trailers to use the rear of her property as additional access to Petitioners' service pumps. Mr. Barton further testified that the access to this rear alley from Tolson Avenue consists of a 20 foot opening on Tolson Avenue. Mr. Barton testified that no traffic problems have ever existed as a result of these commercial vehicles using the rear alley. Mr. Barton stated that practical hardship and unreasonable difficulty would exist if the requested variance were not approved, as the vehicles that he services would have no practical way of entering the subject site and he would suffer an extreme economic hardship as a result.

Mrs. Josephine Gregg of 6910 Holabird Avenue, located next door to Petitioners, testified that she has resided at this address since 1949. She testified that she prefers the existing four foot fence which is located between her property and the subject site in lieu of an eight foot fence, because an eight foot fence would deprive her of any view to the west.

Ms. Doris Koehler, owner of the property to the immediate west of Petitioners' property, testified that she has given permission to Petitioners to allow the tractor trailers to use 15 feet to the rear of her property for additional access to the service station.

of the property to discourage traffic from
using the 10' alley. This alley is not con-
ducive to commercial traffic."

Current Planning and Development Division, dated July
7, 1982,

"...This office questions the use of a ten
foot (10') alley for the use of commercial
vehicles ..."

Director of Planning and Zoning, dated July 6, 1982,

"This office is opposed to the granting of
this request. We share the concerns expressed
by the Department of Traffic Engineering. Further,
the fence is necessary to screen the subject prop-
erty's operations from the residences located on
the opposite side of the alley."

Although it is recognized that all vehicles, including tractor trailers, would have to enter and exit from Holabird Avenue only if this petition is not granted, it is the opinion of the Deputy Zoning Commissioner that any hardship or practical difficulty that may befall the petitioners is the direct result of the location of the facilities, including gas and diesel pumps. It may be possible for the petitioners to alleviate their problem by removing the frame additions from the rear of the masonry building and establishing a traffic pattern whereby tractor trailers enter the property from Holabird Avenue at the southwestern corner of the property, pass the west then north side of the building, obtain fuel, and exit onto Holabird near the east property line. Further, to grant the requested special hearing and variance would adversely affect the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of November, 1982, that the petitioners for Special Hearing to amend the site plan approved on February 2, 1970 (Case No. 70-114-A) to remove part of the fence on the rear property line and a Variance to permit an opening for access only in lieu of the required wall or fence at least eight feet in height are hereby DENIED.

John M.H. Jung
Deputy Zoning Commissioner of
Baltimore County

Charles Gebhard, et ux
Case No. 83-14-SPHA

3.

She further testified, however, that she was unwilling to allow Petitioners the permission to use any other part of her property for the purpose of constructing a new access to their site.

Mr. James Howell, Planner for Baltimore County, testified that he agreed that it would be unreasonable for the tractor trailers to enter Petitioners' property by way of the 11 foot area or by way of Holabird Avenue because of the potential traffic and safety problems which might result. Mr. Howell further testified that he did not consider access by way of the ten foot alley in the rear to be a viable alternative, because this alley is located to the rear of residential properties. Mr. Howell suggested that Petitioners construct a new entrance to their site by using a portion of Ms. Koehler's property and discontinue use of the ten foot alley altogether. However, Ms. Koehler testified that she would not allow this to take place.

Michael Flannigan, Assistant Traffic Engineer for Baltimore County, testified that in his opinion the use of this ten foot alley for commercial use is highly inappropriate, because the present minimum standard for residential alleys is 20 feet.

This Board is convinced that unless Petitioners requested relief is granted, practical hardship and unreasonable difficulty will exist for the reasons stated above. Therefore, this Board is of the opinion that Petitioners' request should be granted.

The Board would also note for the record that should any circumstance arise whereby access from Tolson Avenue be restricted to only the ten foot alley in the rear, that it would be a virtual impossibility to continue to use this access route to the business. The Board would highly recommend that Mr. Howell's suggestion be considered and that an official easement through Ms. Koehler's property be obtained so that at least the full 20 ft. curb cut provided on Tolson Avenue could be utilized for this access.

SED:wjt
82-2
12-9-82

RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE *
N/S of Holabird Ave., 75' E *
of the center line of Tolson *
Ave. *
12th Election District *
Charles Gebhard, et ux, *
Petitioners *
No. 83-14-SPHA *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

ORDER OF APPEAL

Please enter an Appeal on behalf of Charles Gebhard, et ux, Petitioners, to the Baltimore County Board of Appeals, from the decision rendered by the Deputy Zoning Commissioner in this matter and being dated November 23, 1982.

S. ERIC DINENNA
S. ERIC DINENNA, P.A.
406 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
825-1630

Attorneys for Petitioners

I HEREBY CERTIFY that on this 20th day of December, 1982, a copy of the foregoing Order of Appeal was mailed to John W. Hession, III, People's Counsel for Baltimore County, Courthouse, Towson, Maryland 21204.



Charles Gebhard, et ux
Case No. 83-14-SPHA

4.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of August, 1983 by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated November 23, 1982, BE REVERSED and that the variance to permit an opening for access only in lieu of the required wall or fence at least 8 feet in height, be and the same is GRANTED, and

IT IS FURTHER ORDERED that the Petition for a Special Hearing to amend the site plan approved on February 2, 1970, be GRANTED, said site plan being entered as Petitioners' exhibit No. 1 in this case, and dated February 22, 1982.

Any appeal from this decision must be in accordance with Rules 8-1 through 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John L. Suder

Diana K. Vincent
Diana K. Vincent



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
4-1-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 23, 1982

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing
and Variance
N/S of Holabird Ave., 75' E of
the center line of Tolson Ave.
12th Election District
Charles Gebhard, et ux - Petitioners
NO. 83-14-SPHA (Item No. 199)

Dear Mr. DiNenna:

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

Very truly yours,

John M.H. Jung
JOHN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

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



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 21, 1982

Mrs. Joseph T. Alex
6905 Fifth Avenue
Baltimore, Maryland 21222

Re: Petition for Special Hearing and Variance
N/S of Holabird Ave., 75' E of the c/l of
Tolson Avenue
Charles Gebhard, et ux - Petitioners
Case #83-14-SPHA

Dear Mrs. Alex:

Please be advised that an appeal has been filed by S. Eric DiNenna,
attorney for the petitioners, from the decision rendered by the Deputy Zoning
Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is
scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:aj

c : People's Counsel

July 12, 1982

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

**RESCHEDULED
NOTICE OF HEARING**

Re: Petition for Special Hearing & Variance
N/S Holabird Ave., 75' E of centerline of Tolson Avenue
Charles Gebhard, et ux - Petitioners
Case #83-14-SPHA

TIME: 10:45 A.M.

DATE: Thursday, August 12, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Midway Petroleum Corp.
c/o Byron B. Barton, III
6902 Holabird Avenue
Baltimore, Maryland 21222

ZONING COMMISSIONER OF
BALTIMORE COUNTY

Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.
Towson, Maryland 21204

874-5341

DESCRIPTION

#6902 HOLABIRD AVENUE - TWELFTH ELECTION DISTRICT - BALTIMORE

COUNTY, MARYLAND

This Description is for a Special Hearing and Variance to change
Site Plan.

Beginning for the same at a point located on the north side of
Holabird Avenue said point also being located 75 feet ± easterly
from the centerline of Tolson Avenue, thence leaving said north
side of Holabird Avenue (1) N 05°40'35" W 131.91 feet to the north
side of a 10 foot alley, thence binding on the south side of the 10'
alley (2) N 85°04'25" E 125.00 feet, thence leaving said south side
of 10' alley (3) S 04°55'35" E 130.52 feet to the north side of
Holabird Avenue, thence binding on the north side of Holabird Avenue
(4) S 81°39'25" W 125 feet ± to the point of beginning.

Said description containing 0.39 acres of land more or less.



Engineers - Surveyors - Site Planners 2/24/82

PETITION FOR SPECIAL HEARING AND VARIANCE

12th Election District

ZONING: Petition for Special Hearing and Variance

LOCATION: North side of Holabird Avenue, 75 ft. East of the centerline
of Tolson Avenue

DATE & TIME: Thursday, August 12, 1982 at 10:45 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 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 amendments to
the site plan approved on February 2, 1970 (Case No.
70-114-A) to remove part of fencing shown on rear
property line; and Variance to permit an opening for
access only in lieu of the required wall or fence at
least eight feet in height

The Zoning Regulations to be excepted as follows:
Section 405.4.B.3 - required screening for gas stations adjacent to residential premises

All that parcel of land in the Twelfth District of Baltimore County

Being the property of Charles Gebhard, et ux, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Thursday, August 12, 1982 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

Date: July 6, 1982

SUBJECT: Zoning Petition No. 83-14-SPHA
Charles Gebhard, et ux

This office is opposed to the granting of this request. We share the concerns
expressed by the Department of Traffic Engineering. Further, the fence is necessary to
screen the subject property's operations from the residences located on the opposite side
of the alley.

Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:sc

cc: Arlene January
Shirley Hess

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
February 2, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 83-14-SPHA

CHARLES GEBHARD, ET UX

N/S Holabird Ave., 75' E of the
centerline of Tolson Ave.

12th District

11/23/82 - D.Z.C.'s Order-DENIED

ASSIGNED FOR:

cc: S. Eric DiNenna, Esq. Attorney for Petitioner

Charles & Mary Gebhard Petitioners

Mrs. Joseph Alex Protestant

Midway Petroleum Corp. Lessee

J. W. Hession, Esq. People's Counsel

J. Dyer

J. Hoswell

J. Jung

W. Hammond

N. Gerber

June Holmen, Secy.

April 5, 1983

County Board of Appeals
Room 219, Court House
Towson, MD 21204

Attn: Ms. June Holmen, Secy.

Re: Case No. 83-14-SPHA, Charles Gebhard, Et Ux
Notice of Assignment, Thursday, April 14, 1983, 10 a.m.

Gentlemen:

With reference to the above Notice of Assignment, please be advised
that Mrs. Joseph Alex, protestant, will be unable to attend. Due
to chronic illness and age, Mrs. Alex can not be present on scheduled
date or any future assigned date.

Very truly yours,

Mary D. Baler
(Daughter)

cc sent to S. Hession 4-6-83

RECEIVED
BALTIMORE COUNTY
APR 11 2 14 PM '83
BY CLERK

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
February 4, 1983

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

CASE NO. 83-14-SPHA

CHARLES GEBHARD, ET UX

N/S Holabird Ave., 75' E of the
centerline of Tolson Ave.

12th District

11/23/82 - D.Z.C.'s Order-DENIED

The above case, scheduled for hearing on Thursday, April 14, 1983, at 10 a.m.,
HAS BEEN POSTPONED by the Board at the request of Counsel for the Petitioner,
as he will be in Court that day, and

REASSIGNED FOR: WEDNESDAY, MAY 4, 1983, at 10 a.m.

cc: S. E. DiNenna, Esq. Counsel for Petitioner

Charles & Mary Gebhard Petitioners

Mrs. Joseph Alex Protestant

Midway Petroleum Corp. Lessee

J. W. Hession, Esq. People's Counsel

J. Dyer

J. Hoswell

J. Jung

W. Hammond

N. Gerber

June Holmen, Secretary

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

May 2, 1983

NOTICE OF POSTPONEMENT

CASE NO. 83-14-SPHA CHARLES GEBHARD, ET UX

N/S Holabird Ave. 75' E. of
C/L of Tolson Ave.

12th District

Scheduled for hearing on Wednesday, May 4, 1983 at 10 a.m. has been

POSTPONED by the Board at the request of counsel for the Petitioner

cc: S. Eric DiNenna, Esq.

Charles & Mary Gebhard

Mrs. Joseph Alex

Midway Petroleum Corp.

Helen Freeburger

John W. Hession, III, Esq.

Mr. J. E. Dyer

Mr. W. E. Hammond

Ms. J. Jung

Mr. N. E. Gerber

Mr. J. G. Hoswell

Edith T. Eisenhart, Adm. Secy.

2/2/83 - Following were notified of hearing set for Thurs., Apr. 14, 1983, at 10 a.m.:

Eric DiNenna
Mrs. Jos. Alex
Charles and Mary Gebhard
Midway Petroleum Corp.
J. Hession
J. Dyer
W. Hammond
J. Hoswell
J. Jung
N. Gerber

2/4/83 - Above have been notified of postponement and reassignment for Wed., May 4, 1983, at 10 a.m.

6/17/83 - Above notified of appeal hearing scheduled for THURSDAY, JULY 14, 1983 at 10 a.m.

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

August 2, 1983

S. Eric DiNenna, Esq.
406 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Case No. 83-14-SPHA
Charles Gebhard, et ux

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Charles and Mary Gebhard
Midway Petroleum Corp.
Helen Freeburger
Mrs. Joseph Alex
J. W. Hession, Esq.
J. Dyer
J. Hoswell
J. Jung
N. Gerber
W. Hammond

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

August 4, 1983

S. Eric DiNenna, Esq.
406 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Case No. 83-14-SPHA
Charles Gebhard, et ux

Dear Mr. DiNenna:

We are enclosing herewith the first page of the
Charles Gebhard, et ux, Opinion and Order, that was sent out on
August 2, 1983.

We are sending you this amended page, because
inadvertently the decimal point was omitted in the designation of
0.39 acres.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WH:jh

cc: Mrs. Joseph Alex
Charles and Mary Gebhard
Midway Petroleum Corp.
Helen Freeburger
J. W. Hession, Esq.
J. Dyer
A. Jablon
J. Jung
J. Hoswell
N. Gerber
Arlene January

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
June 17, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #99-79

CASE NO. 83-14-SPHA CHARLES GEBHARD, ET UX

for SPH - to amend site plan in case #70-114-A
" Variance from Section 405.4.B.3 of Z.R.

N/S Holabird Avenue 75'
E. of c/L of Tolson Avenue

12th District

11/23/82 - D.Z.C. DENIED PETITION

ASSIGNED FOR: THURSDAY, JULY 14, 1983 at 10 a.m.

cc: S. Eric DiNenna, Esquire

Counsel for Petitioner

Charles and Mary Gebhard

Petitioners

Byron B. Barton, III, Vice President
Midway Petroleum Corp.

Lessee

Mrs. Joseph T. Alex

Protestant

Helen Freeburger

People's Counsel

John W. Hession, III, Esquire

Mr. W. E. Hammond

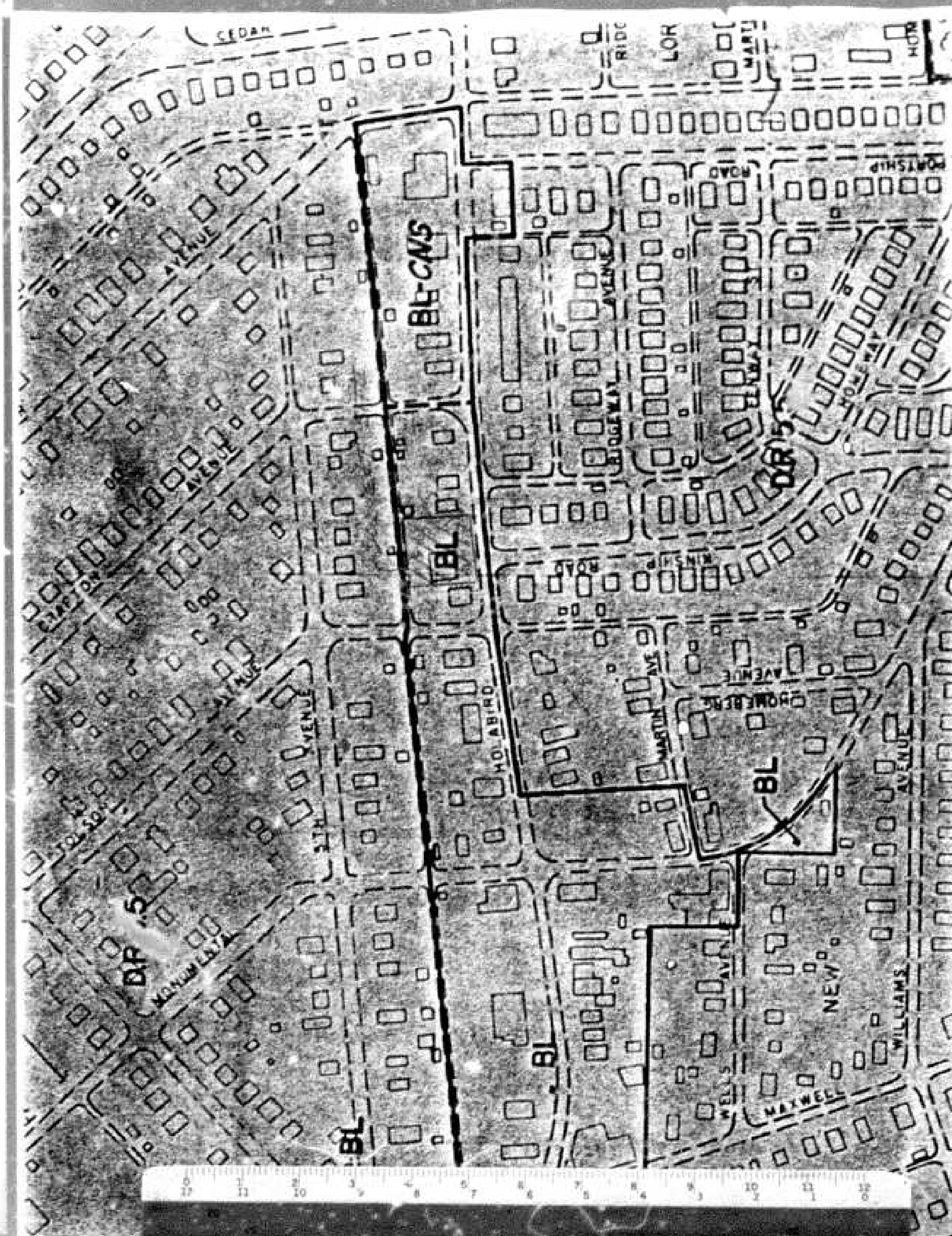
Mr. J. E. Dyer

Mr. Jean M. H. Jung

Mr. N. E. Gerber

Mr. J. G. Hoswell

Edith T. Eisenhart, Adm. Secretary



12-17-83

6905 E. Holabird Avenue
Towson, Maryland 21204
August 7, 1983

William E. Hammond
Zoning Commissioner
Towson, Maryland 21204

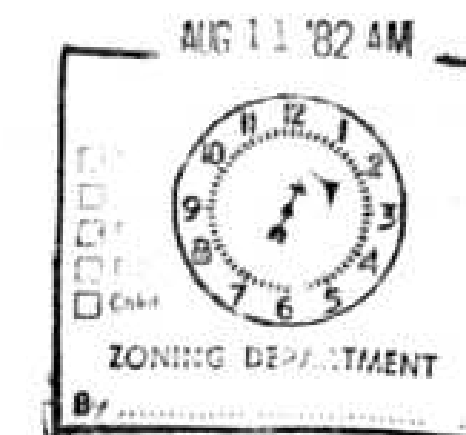
Re: 6905 Holabird Ave.
Case No. 83-32-X, 8/2/83
83-14-SPHA
CHARLES GEBHARD, et ux

Dear Sir:

The 40ft fence which Midway had
erected and now wishes to remove, did
not comply with the ruling given by
the Zoning Commission (copy of letter
enclosed).

If this fence is removed, the tractor-
trailers will be riding over my property,
creating a problem which I tolerated
for twenty years; my reason for filing a
complaint with the Zoning Commission in
April, 1981.

For the past week, 30 to 40 tractor-
trailers have entered the 10ft wide
private alley in the rear of my home.
They must turn off of Holabird Avenue
onto Tolson Avenue (a residential neighborhood).



Drive one half block and then turn
into the private alley to get to the
fuel pumps on the side of the Midway
garage. These tractor trailers are extremely
noisy and the pollution is unbearable.
Any assistance which you can
render to help alleviate this situation
not only for me, but for my neighbors as
well, will be greatly appreciated.

Very truly yours,
(Mrs. J. Alex)

Enclosure

Letters from
Protestants

CLARENCE D. LONG
201 FLYING BUILDING
WASHINGTON, D.C. 20518
(202) 425-1630
(202) 425-6420
DISTRICT OFFICE:
200 POST OFFICE BUILDING
CHESAPEAKE AND
WASHINGTON AVENUES
TOWSON, MARYLAND 21204
(301) 825-1630
"OFFICE ON WHEELS"

Congress of the United States
House of Representatives
Washington, D.C. 20515

REPLY:

August 12, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

I am writing on behalf of several residents of the 6900 block of Holabird Avenue.

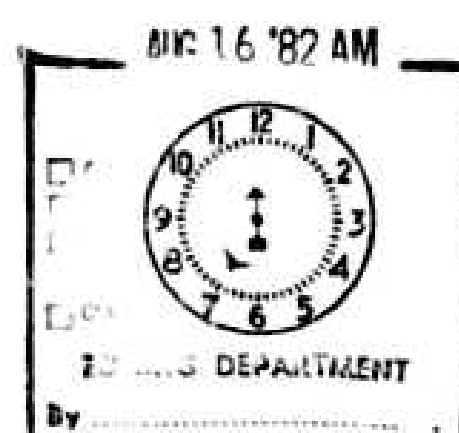
These residents have been in touch with me concerning a requirement that the Midway Service Station, 6902 Holabird Avenue construct a tall, stockade-type fence between the station and the residential properties. These residents are most anxious that this fence not be constructed for reasons of view and security. They indicate that a harmonious relationship exists between the Station and the residents, and that this would be undermined by such a barrier.

I should appreciate your consideration of the sentiment expressed by these residents, and letting me know the outcome of the scheduled hearing.

Sincerely,

Clarence D. Long
CLARENCE D. LONG

CDL:cw
Enclosure
cc: Constituents



THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

Congressman Long
P.O. Box-200
Post Office Building
Baltimore, Maryland 21204

Dear Sir:

August 2, 1982.

The Midway Service Station located on commercial property at 6902 Holabird Avenue, Dundalk, Maryland, 21222 has served the surrounding area and has developed a harmonious relationship almost without exception, with its neighbors since its incorporation back in 1936.

A complaint, however, has been filed with the Zoning Commission that we feel will have a negative, perhaps even catastrophic effect on the welfare of not only Midway's operations but also on its surrounding neighbors, customers, and indeed the very traffic that travels that portion of Holabird Avenue immediately to Midway's front.

It has been proposed that Midway erect a stockade fence around the side and rear of its property in compliance with its approved site plan of October 8, 1969.

The construction of this screening would obstruct the view from adjoining properties and would hinder the visual securities that both Midway and its neighbors now enjoy.

About six weeks ago on or about Wednesday June 9, 1982 a Midway Employee, Mr. Dennis Long, saw smoke coming from the house of Mrs. Gregg that is immediately adjacent to Midway's property. Mr. Long grabbed a fire-extinguisher and put out a fire that had started in Mrs. Gregg's house (kitchen area). If a fence larger than the existing five foot fence had been installed, it is possible the fire would have gone unnoticed resulting in serious damage to property and possibly a loss of life.

The erection of a fence along the entire rear of Midway's property would also result in dire consequences. The visual security between Midway and its neighbors to the rear would be lost. In the past both Midway and the neighbors behind its property have alerted each other whenever suspicious persons have been seen in the area, especially at night. This is also true with Midway's neighbor, Ken's Liquor's, which is adjacent to Midway on the west side of its property. Vandalism, which is high in the outlying surrounding areas has been drastically curtailed because of Midway and its neighbor's watchfulness. An extension of the fence at the rear of Midway's property would also create a hazard since gasoline tankers which service Midway and Midway's truck trade both of which enter Midway's property from the rear, would then be forced to drive directly into Midway's property from Holabird Ave. and then be forced to back out onto Holabird Ave. thus causing an extremely hazardous situation to

cont.



ENTERPRISES, INC.

6902 HOLABIRD AVENUE
BALTIMORE, MARYLAND 21222
(301) 825-1630

404 CHASE BUILDING
TOWSON, MARYLAND 21204
(301) 296-6420

To Whom it May Concern

I, Doris Koehler, owner and proprietor of Ken's Liquors situated on the West side of and adjacent to the property leased by Midway Enterprises at 6902 Holabird Avenue, Baltimore, Maryland 21222, do hereby authorize Midway and its customers to use as an ingress to Midway's property the rear area of my property that abuts with Tolson Avenue on the West side and the alley way immediately to the rear.

I am in agreement with the principals of Midway that the area between our two buildings should not be used as an ingress for Midway and its customers because of the limited size of the area which would preclude most standard trucks from entering, but would also cause traffic congestion by forcing waiting truck customers to lineup on Holabird Avenue thus blocking both of our businesses from the front and also creating a hazardous traffic condition.

Witness: *Doris Koehler*

Signed: *Doris Koehler*

10-29-82

10-29-82

the heavy traffic there. Midway has applied for a variance that, if approved, will allow Midway and its neighbors to continue to enjoy the reciprocal protection that heretofore each has been able to provide the other.

The zoning hearing will be held in room 106, County office building, Towson, 10:45 AM on August 12, 1982. We pray that this variance be approved.

signed *Josephine H. Gregg*, address *6910 Holabird Ave*

signed *Catharine Goodwin*, address *6919-5th Ave*

signed *Margaret Rite*, address *6912 Holabird Ave*

signed *Michael C. Shultz*, address *6911 5th Ave*

William T. Upshoff *6903 Holabird Ave.*
Louise C. Upshoff *6903 Holabird Ave.*
Rose M. Upshoff *6903 Holabird Ave.*

S. Eric DiNenna, P.A.
Attorney at Law

404 W. Pennsylvania Avenue
Towson, Maryland 21204

301-825-1630
301-296-6420

August 24, 1982

Mr. C. Richard Moore
Assistant Traffic Engineer
Planning & Design
Baltimore County Department
of Traffic Engineering
County Courts Building
Towson, Maryland 21204

RE: Property Owner: Charles & Mary Gebhard
Item # 199
N/s Holabird Avenue, 75' east of
centerline of Tolson Avenue

Dear Mr. Moore:

Please be advised that I represent the Petitioners concerning the above captioned matter which was heard before the Deputy Zoning Commissioner on August 12, 1982.

Your comments to the Deputy Zoning Commissioner as of concern and it is respectfully requested that you contact me concerning this matter.

I had indicated to Mrs. Jung that I would contact you for clarification relative to these comments.

Expecting to hear from you shortly, I remain

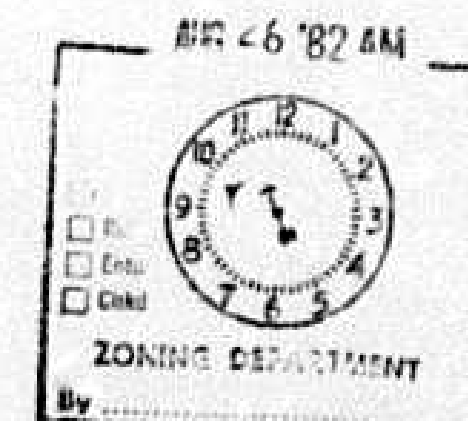
Very truly yours,

S. ERIC DINENNA

SED:wjt

cc: Mrs. Jean M.H. Jung,
Deputy Zoning Commissioner

Mr. Byron B. Barton, III
Midway Petroleum Corporation



82-2458
89-14

S. Eric DiNenna, P.A.
Attorney at Law

404 W. Pennsylvania Avenue
Towson, Maryland 21204

November 16, 1982

301-825-1630
301-296-6420

Mrs. Jean M.H. Jung
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No.: 83-146/PHA
Charles Gebhard, et ux., Petitioners
My File No.: 82-2

Dear Commissioner Jung:

This is to supplement the discussion concerning the above-captioned matter on site with People's Counsel Assistant, Mr. Richard Moore, you and myself. I feel that you can see from a visual observation the uniqueness of this request in that it would benefit the whole area if this Petition were granted in that it would give free-circulation to trucks coming on the property.

My clients are prepared to maintain that portion of the alley and their property and you are in receipt of the letter from the adjoining property owner giving permission to my client to cross her land.

I would say, under normal circumstances, pursuant to Bill 40 this would be an inappropriate request, but based on a particular set of circumstances, the very long-term age of this automotive service station, I feel would be the best interest of everyone if you were to grant this Petition.

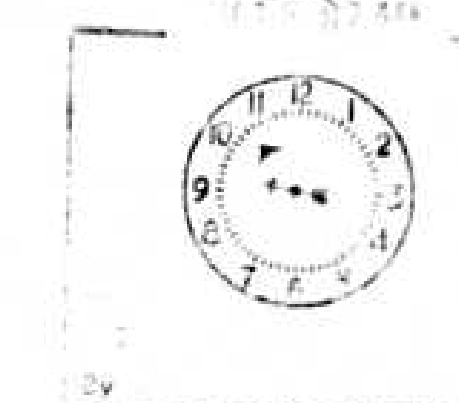
Thank you for your cooperation.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED/neb

cc: Mr. Byron B. Barton, III



S. Eric DiNenna, P.A.
Attorney at Law

404 W. Pennsylvania Avenue
Towson, Maryland 21204

301-825-1630
301-296-6420

November 3, 1982

Mrs. Jean M.H. Jung,
Deputy Zoning Commissioner
for Baltimore County
Office of Zoning
County Office Building
Towson, Maryland 21204

RE: Petitioners, Charles & Mary Gebhard, et ux.,
Item #199
N/s Holabird Avenue, 75' east of
centerline of Tolson Avenue

Dear Deputy Commissioner Jung:

Enclosed herewith please find a copy of Mrs. Koehler's statement concerning the above captioned matter. By copy of this letter, I am forwarding same to Mr. C. Richard Moore.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

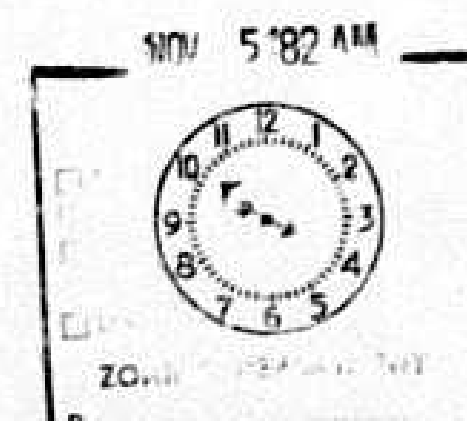
SED:wjt

Enc.

cc: Mr. C. Richard Moore

Mr. Byron B. Barton, III

Letter from
Petitioners' attorney,
Eric DiNenna



S. Eric DiNenna, P.A.
Attorney at Law

404 W. Pennsylvania Avenue
Towson, Maryland 21204

301-825-1630
301-296-6420

November 16, 1982

Mrs. Jean M.H. Jung
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No.: 83-146/PHA
Charles Gebhard, et ux., Petitioners
My File No.: 82-2

Dear Commissioner Jung:

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My clients are prepared to maintain that portion of the alley and their property and you are in receipt of the letter from the adjoining property owner giving permission to my client to cross her land.

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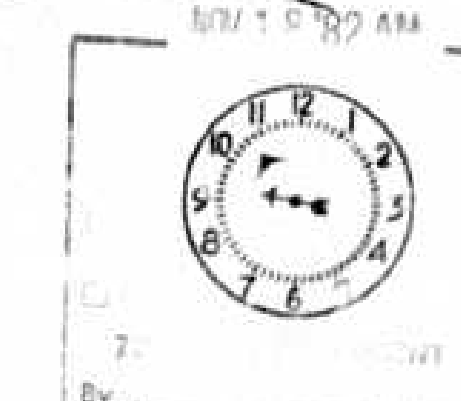
Thank you for your cooperation.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED/neb

cc: Mr. Byron B. Barton, III



August 16, 1982

Midway Enterprises, Inc.
c/o Barale Barton
6902 Holabird Avenue
Dundalk, Maryland 21222

Refund of Cash Receipt No. 108940 \$ 157.38

3 01-662 \$ 157.38 33

Zoning Office

William F. Hammond, Zon. Com. August 16, 1982

S. Eric DiKenna
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Sir:

August 2, 1982

The Midway Service Station located on commercial property at 6902 Holabird Avenue, Dundalk, Maryland, 21222 has served the surrounding area and has developed a harmonious relationship almost without exception, with its neighbors since its incorporation back in 1956.

A complaint, however, has been filed with the Zoning Commission that we feel will have a negative, perhaps even catastrophic, effect on the welfare of not only Midway's operations, but also on its surrounding neighbors, customers, and indeed the very traffic that travels that portion of Holabird Avenue immediately to Midway's front.

It has been proposed that Midway erect a stockade fence around the side and rear of its property in compliance with its approved site plan of October 8, 1969.

The construction of this screening would obstruct the view from adjoining properties and would hinder the visual securities that both Midway and its neighbors now enjoy.

About six weeks ago, on or about Wednesday, June 9, 1982, a Midway employee, Mr. Dennis Long, saw smoke coming from the house of Mrs. Gregg that is immediately adjacent to Midway's property. Mr. Long grabbed a fire extinguisher and put out a fire that had started in Mrs. Gregg's house (kitchen area). If a fence larger than the existing five foot fence had been installed, it is possible the fire would have gone unnoticed, resulting in serious damage to property and possibly a loss of life.

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PETITIONER'S
EXHIBIT 2

Midway has applied for a variance that, if approved, will allow Midway and its neighbors to continue to enjoy the reciprocal protection that heretofore each has been able to provide the other.

The zoning hearing will be held in room 106, County Office Building, Towson, 10:45 AM on August 12, 1982.

We pray that this variance will be approved.

COPY: Congressman Long
P.O. Box 200
Post Office Building
Baltimore, Maryland 21204

signed Dennis Long, address 6902 Holabird Ave. 21222
signed Josephine Long, address 6902 Holabird Ave.
signed Margaret Long, address 6912 Holabird Ave.
signed John Goodman, address 6919-5th Ave.

Kenneth A. Roth 1645 5th St. 21222
William F. Uphoff 6903 Holabird Ave.
Rose Uphoff 6903 Holabird Ave.
Louise Uphoff 6903 Holabird Ave.
Betty Uphoff 6919 5th Ave.
Karen Dunn 9 Breaker Court

Philip Davis 135 1935 Walnut Ave 21222

Byron B. Barton, III 6902 Holabird Avenue

James Ruffolo 6902 Holabird Ave 21222

Doug Barton 6902 Holabird Ave 21222

Marie E. Jones 6902 Holabird Ave 21222

Louis W. James 6907 Holabird Ave 21222

88 83-14-SPHA
82-1836

S. Eric DiKenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-253-1630
301-296-6220

August 24, 1982

Mr. C. Richard Moore
Assistant Traffic Engineer
Planning & Design
Baltimore County Department
of Traffic Engineering
County Courts Building
Towson, Maryland 21204

RE: Property Owner: Charles & Mary Gebhard
Item # 199
N/S Holabird Avenue, 75' east of
centerline of Tolson Avenue

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Your comments to the Deputy Zoning Commissioner became of concern and it is respectfully requested that you contact me concerning this matter.

I had indicated to Mrs. Jung that I would contact you for clarification relative to these comments.

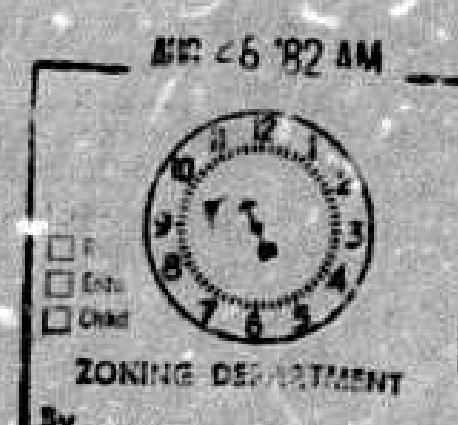
Expecting to hear from you shortly, I remain

Very truly yours,

S. ERIC DIKENNA

SED:wjt

cc: Mrs. Jean M.E. Jung,
Deputy Zoning Commissioner
Mr. Byron B. Barton, III
Midway Petroleum Corporation



82-1706

1605 5th Avenue
Baltimore, Maryland 21222
August 7, 1982

William E. Hammond
Zoning Commissioner
Towson, Maryland 21204

Re: 6902 Holabird Ave.
Case No. 83-32-X, 8/12/82

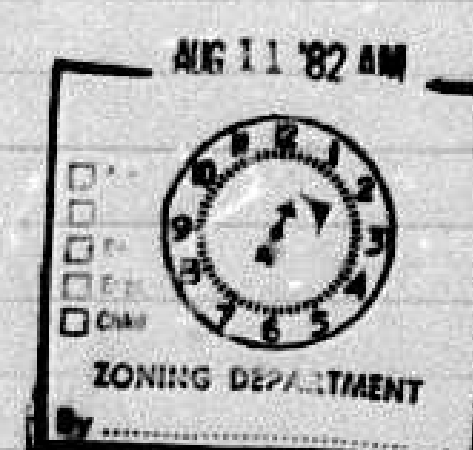
83-14-SPHA
CHARLES & MARY GEBHARD, Sup

Dear Sir:

The 40ft fence which Midway had erected and now wishes to remove, did not comply with the ruling given by the Deputy Zoning Commissioner (copy of letter enclosed).

If this fence is removed, the tractor-trailers will be riding over my property, recreating a problem which I tolerated for twenty years; my reason for filing a complaint with the Zoning Commission in April, 1981.

For the past week, 30 to 40 tractor-trailers have entered the 10ft. wide private alley in the rear of my home. They must turn off of Holabird Avenue onto Tolson Avenue (a residential neighborhood)



drive one half block and then turn into the private alley to get to the fuel pumps on the side of the Midway garage. These tractor-trailers are extremely noisy, and the pollution is unbearable. Any assistance which you can render to help alleviate this situation not only for me, but for my neighbors as well, will be greatly appreciated.

Very truly yours,
Mrs. J. Long

Enclosure

CLARENCE D. LONG
As Chairman
COMMITTEE ON APPROPRIATIONS
CHAIRMAN:
SUBCOMMITTEE ON FOREIGN OPERATIONS
MEMBER:
SUBCOMMITTEE ON INTERIOR
MILITARY CONSTRUCTION

30-1711-1-1
Congress of the United States
House of Representatives
Washington, D.C. 20515

REPLY:

August 12, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: CHARLES & MARY GEBHARD, Sup
83-14-SPHA

Dear Mr. Hammond:

I am writing on behalf of several residents of the 6900 block of Holabird Avenue.

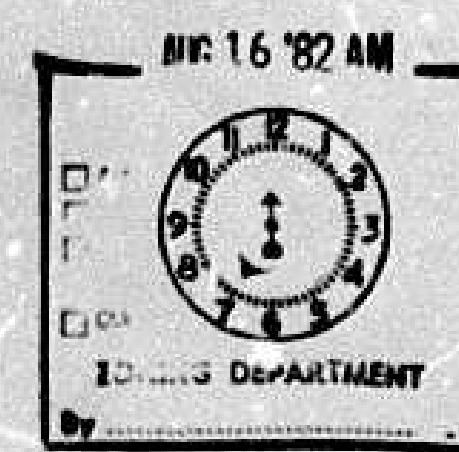
These residents have been in touch with me concerning a requirement that the Midway Service Station, 6902 Holabird Avenue construct a tall, stockade-type fence between the station and the residential properties. These residents are most anxious that this fence not be constructed for reasons of view and security. They indicate that a harmonious relationship exists between the Station and the residents, and that this would be undermined by such a barrier.

I should appreciate your consideration of the sentiment expressed by these residents, and letting me know the outcome of the scheduled hearing.

Sincerely,

CLARENCE D. LONG

CDL:cm
Enclosure
cc: Constituents



Congressman Long
P.O. Box-200
Post Office Building,
Baltimore, Maryland. 21204

11/15/82

Dear Sir:

August 2, 1982.

The Midway Service Station located on commercial property at 6902 Holabird Avenue, Dundalk, Maryland, 21222 has served the surrounding area and has developed a harmonious relationship almost without exception, with its neighbors since its incorporation back in 1956.

A complaint, however, has been filed with the Zoning Commission that we feel will have a negative, perhaps even catastrophic effect on the welfare of not only Midway's operations but also on its surrounding neighbors, customers, and indeed the very traffic that travels that portion of Holabird Avenue immediately to Midway's front.

It has been proposed that Midway erect a stockade fence around the side and rear of its property in compliance with its approved site plan of October 8, 1969.

The construction of this screening would obstruct the view from adjoining properties and would hinder the visual securities that both Midway and its neighbors now enjoy.

About six weeks ago on or about Wednesday June 9, 1982 a Midway Employee, Mr. Dennis Long, saw smoke coming from the house of Mrs. Gregg that is immediately adjacent to Midway's property. Mr. Long grabbed a fire-extinguisher and put out a fire that had started in Mrs. Gregg's house (kitchen area). If a fence larger than the existing five foot fence had been installed, it is possible the fire would have gone unnoticed resulting in serious damage to property and possibly a loss of life.

The erection of a fence along the entire rear of Midway's property would also result in dire consequences. The visual security between Midway and its neighbors to the rear would be lost. In the past both Midway and the neighbors behind its property have alerted each other whenever suspicious persons have been seen in the area, especially at night. This is also true with Midway's neighbor, Ken's Liquors, which is adjacent to Midway on the west side of its property. Vandalism, which is high in the outlying surrounding areas has been drastically curtailed because of Midway and its neighbor's watchfulness. An extension of the fence at the rear of Midway's property would also create a hazard since gasoline tankers which service Midway and Midway's truck trade both of which enter Midway's property from the rear, would then be forced to drive directly into Midway's property from Holabird Ave. and then be forced to back out onto Holabird Ave. thus causing an extremely hazardous situation to

cont.

the heavy traffic there.

Midway has applied for a variance that, if approved, will allow Midway and its neighbors to continue to enjoy the reciprocal protection that heretofore each has been able to provide the other.

The zoning hearing will be held in room 106, County office building, Towson, 10:45 AM on August 12, 1982.
We pray that this variance be approved.

signed Josephine H. Gregg, address 6910 Holabird Ave

signed Catherine Goodwin, address 6919-5th Ave

signed Margaret Kite, address 6912 Holabird Ave

signed Michael C. Shundy, address 6911 5th Ave.

William F. Uphoff 6903 Holabird Ave.
Louise C. Uphoff 6903 Holabird Ave.
Rose M. Uphoff 6903 Holabird Ave.

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-823-1630
301-296-6820

November 3, 1982

Mrs. Jean M.H. Jung,
Deputy Zoning Commissioner
for Baltimore County
Office of Zoning
County Office Building
Towson, Maryland 21204

RE: Petitioners, Charles & Mary Gebhard, et ux
Item #199
N/S Holabird Avenue, 75' east of
centerline of Tolson Avenue

Dear Deputy Commissioner Jung:

Enclosed herewith please find a copy of Mrs. Koehler's statement concerning the above captioned matter. By copy of this letter, I am forwarding same to Mr. C. Richard Moore.

Very truly yours,

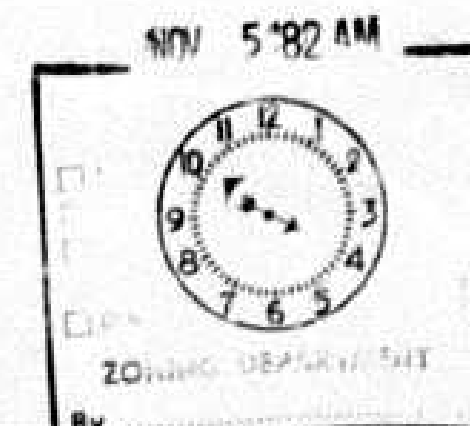
S. ERIC DINENNA

SED:wjt

Enc.

cc: Mr. C. Richard Moore

Mr. Byron B. Barton, III



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12 Date of Posting 11/11/82
Posted for: Appeal of appeals
Petitioner: Charles Gebhard, et ux
Location of property: N/S Holabird Ave., 75' E of
the N/S of Tolson Ave
Location of Signs: Facing Holabird at front of property
2 facing alley at rear of property
Remarks:
Posted by William E. Hammond Date of return: 11/14/82
Number of Signs: 2

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 11, 1982

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
N/S Holabird Ave., 75' E of c/l of
Tolson Avenue
Charles Gebhard, et ux - Petitioners
Case #83-14-SPHA

Dear Mr. DiNenna:

This is to advise you that \$112.75 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

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

DATE 8/18/82 ACCOUNT 01-662

AMOUNT \$112.75

RECEIVED FROM Midway Enterprises, Inc.
FOR Advertising & Posting Case #83-14-SPHA
(Charles Gebhard, et ux)

6 031-1127510 8182A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12 Date of Posting 7/25/82
Posted for: Petition for Special Hearing & Variance
Petitioner: Charles Gebhard, et ux
Location of property: N/S Holabird Ave., 75' E of centerline of Tolson Ave.
Location of Signs: 2 facing Holabird Ave.; 2 facing alley at rear of property
Remarks:
Posted by William E. Hammond Date of return: 7/30/82
Number of Signs: 4

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>AM</u>	Revised Plans: Change in outline or description <u>Yes</u> <u>No</u>									
Previous case:	Map #									



ENTERPRISES, INC.

6902 HOLABIRD AVENUE
BALTIMORE, MARYLAND 21222
(301) 282-0309

Area Code 301
Telephone 282-0309

To Whom it May Concern

I, Doris Koehler, owner and proprietor of Ken's Liquors situated on the West side of and adjacent to the property leased by Midway Enterprises at 6902 Holabird Avenue, Baltimore, Maryland 21222, do hereby authorize Midway and its customers to use as an ingress to Midway's property the rear area of my property that abuts with Tolson Avenue on the West side and the alley way immediately to the rear.

I am in agreement with the principals of Midway that the area between our two buildings should not be used as an ingress for Midway and its customers because of the limited size of the area which would preclude most standard trucks from entering, but would also cause traffic congestion by forcing waiting truck customers to lineup on Holabird Avenue thus blocking both of our businesses from the front and also creating a hazardous traffic condition.

Witness: Doris Koehler

Signed: Louise C. Uphoff

10-29-82

10-29-82

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

Aug 4, 19 82

THIS IS TO CERTIFY, that the annexed advertisement of William E. Hammond, Zon. Comm of Baltimore County in matter of petition of Charles Gebhard was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week

on the 23rd day of July, 1982; that is to say, the same was inserted in the issue of

July 22, 1982

Kimbel Publication, Inc.

Publisher.

By Kimbel J. Oller

#83-14-SPHA

12th District

Charles Gebhard, et ux
N/S of Holabird Ave., 75' E of
the centerline of Tolson Ave.

4 SIGNS

April 13-1983

Dear Sir:

I am writing in reference to the hearing in the County Appeals - Case #83-14-SPHA on May 4, 1983 at 10 A.M. At the present time I don't think I am aware in person to protect the removal of existing fence, and so I write you this note. I would greatly appreciate any consideration you can give this matter.

Thank you,

Seline Greubergs

6909 Ripton

Baltimore

21222

281-8590

RECEIVED FOR RECORD
MAY 9 1961
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS
BUREAU OF LAND ACQUISITION
HW 58-201

Paul Lee

HW 58-201

PLAT OF
FAIRLAWN
M.D. 1961

FIFTH AVE.
TOLSON AVE.
HOLABIRD AVE.

ROAD BFD
HW 58-201
D-0020

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

APPROVED AND ACCEPTED MAY 5 1961
MAY 12 8 1960

FOR THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BY: [Signature]
CLERK

FOR THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BY: [Signature]
CLERK

County Highway Deed.

THIS DEED, Made this 27th day of April, in the year 1961,
BY HARRY F. SCHUBERT, WIDOW, of Baltimore County, State of Maryland, GRANTOR.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey unto BALTIMORE COUNTY, MARYLAND, a municipal corporation, its successors and assigns, in fee simple, for public highway purposes, all that lot of ground situate, lying and being in the [unclear] Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

XX AND TO the aforesaid [unclear] of the lot of FIVE DOLLARS, immediately adjacent to Lot No. 20, Block 2, as shown on the Plat of Fairlawn, which Plat is recorded among the Plat Records of Baltimore County in Liber B-274, folio 42, and as further shown on the Baltimore County Bureau of Land Acquisition drawing No. 500 (Sheet 1), which is attached hereto and made a part hereof.

BEING a portion of [unclear] property which by Deed dated February 7, 1950, and recorded among the Plat Records of Baltimore County in Liber B-274, folio 42, was granted and conveyed by F. Louis Robt, Jr., et al, to Harry F. Schubert for life, with full power to sell, lease, mortgage, grant or convey, at pleasure and forth, his executors being heirs to the aforesaid property.

TOGETHER with the appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above granted property unto Baltimore County, Maryland, a municipal corporation, its successors and assigns, in fee simple, for public highway purposes.

AND the said Grantor, hereby covenants, that [unclear] and that [unclear] will warrant and defend the title to the above granted property unto the Baltimore County, Maryland, its successors and assigns, in fee simple, forever.

D-018 HW 58-201

AS WITNESS the due execution hereof by the aforementioned Grantor.

TEST.

Notary Public *May 3 1961* (SEAL)

State of Maryland, Baltimore County, to WIT:
I HEREBY CERTIFY that on the 27 day of April, in the year 1961, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared HARRY F. SCHUBERT, WIDOW, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my Hand and Notarial Seal.

State of Maryland, Baltimore County, to WIT:
I HEREBY CERTIFY that on the [unclear] day of [unclear], in the year 19[unclear], before me, the undersigned, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared [unclear] and she acknowledged the foregoing Deed to be her act.

AS WITNESS my Hand and Notarial Seal.

Notary Public

Approved and Accepted this 5 day of May 1961
[Signature]
BALTIMORE COUNTY, MARYLAND
CLERK

HW 58-201

*Filed for Record
May 8th 1917
Wm. P. Cole
Clerk*

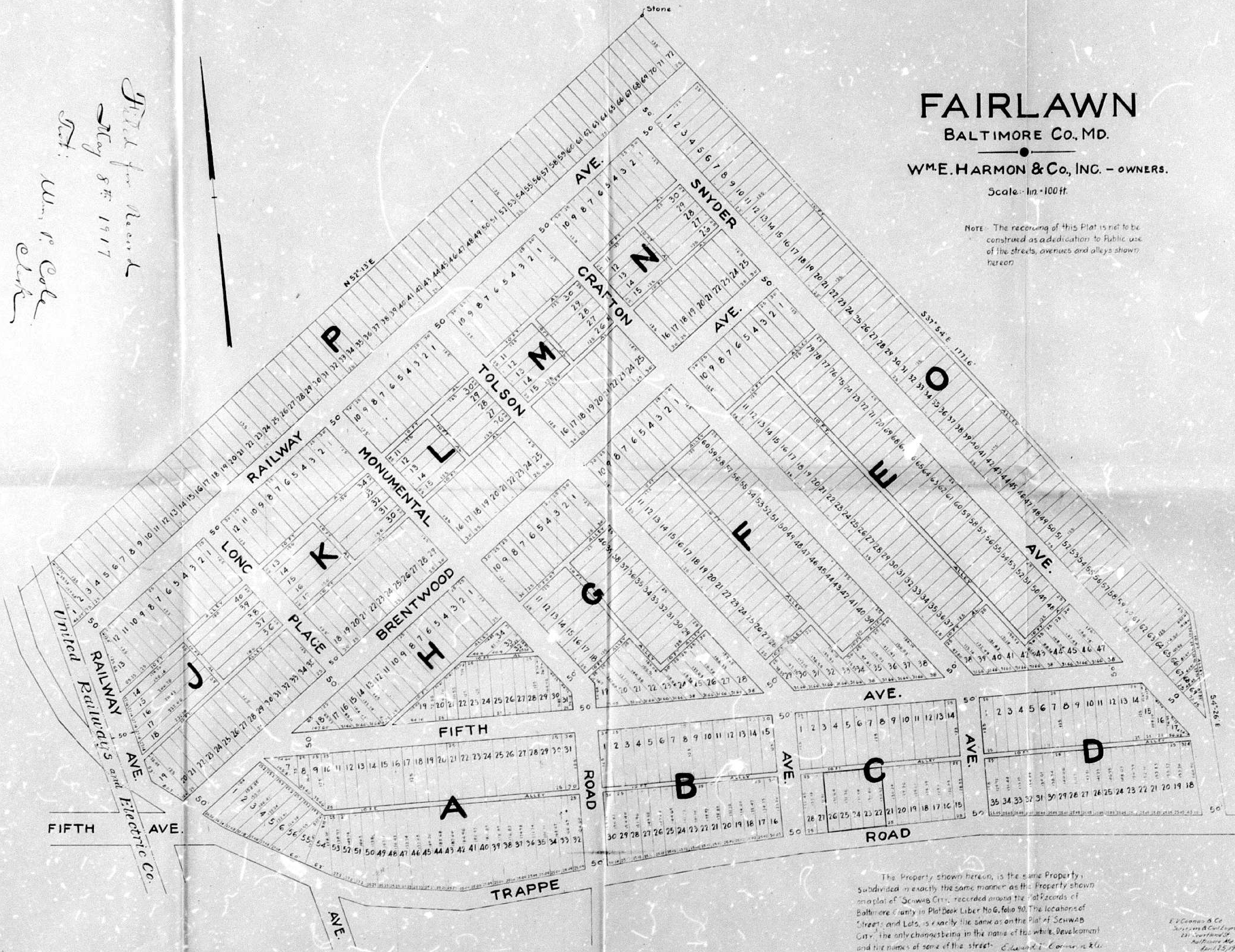
FAIRLAWN

BALTIMORE CO., MD.

W.M.E. HARMON & Co., INC. - OWNERS.

Scale: 1 in. = 100 ft.

NOTE: The recording of this Plat is not to be construed as a dedication to Public use of the streets, avenues and alleys shown hereon.



The Property shown hereon, is the same Property subdivided in exactly the same manner as the Property shown on a plat of 'Schwab City', recorded among the Plat Records of Baltimore County in Plat Book Liber No. 6, folio 90. The location of Streets and Lots, is exactly the same as on the Plat of 'Schwab City', the only change being in the name of the whole Development and the names of some of the streets. Edward J. Connelley

E. J. Connelley & Co.
Surveyors & Civil Engineers
23 - North Howard St.
Baltimore, Md.
April 25, 1917

*Part Exhibit
#2*

Filed for Record
May 8th 1917
Wm. P. Cole
Clerk

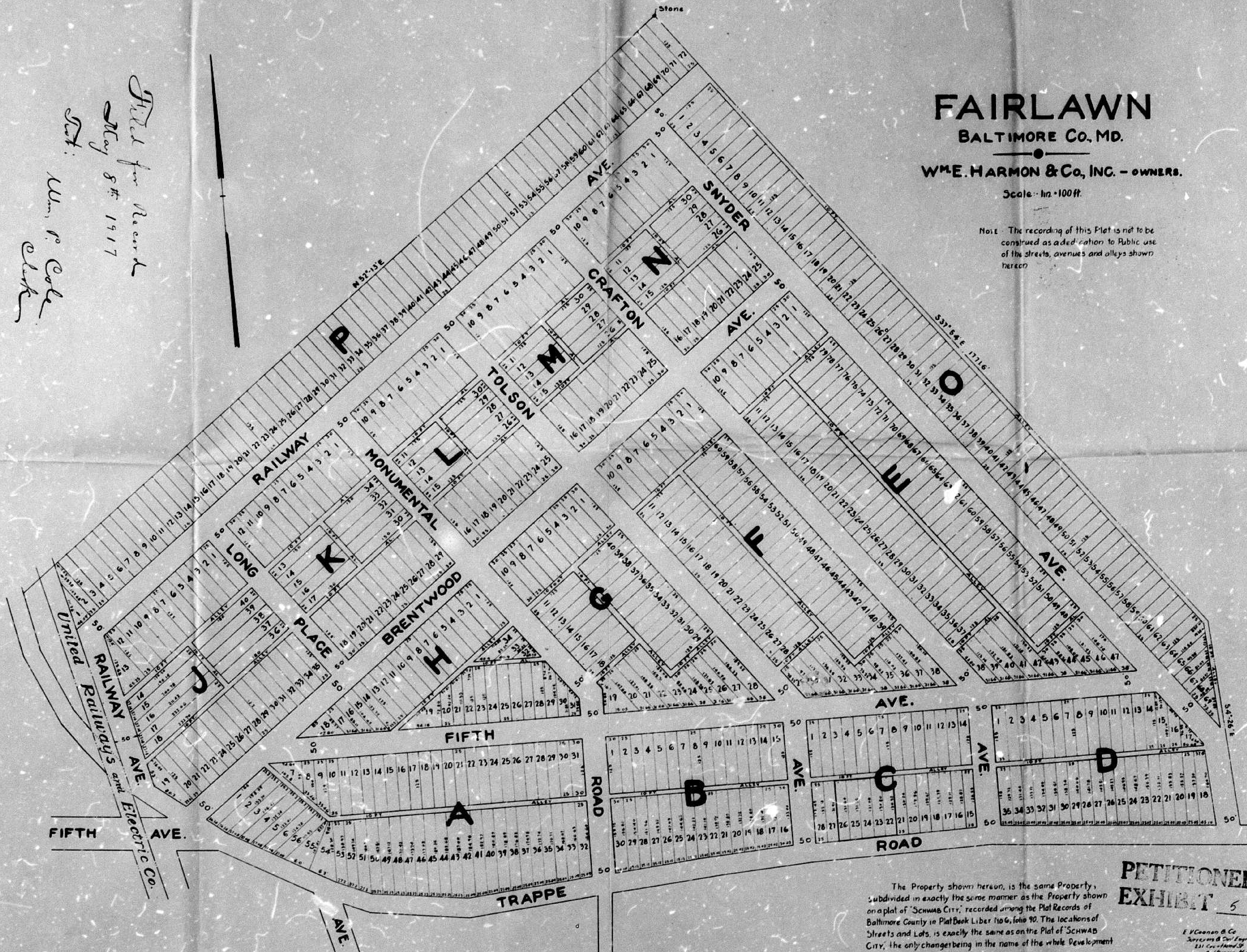
FAIRLAWN

BALTIMORE CO., MD.

WME. HARMON & Co, INC. - OWNERS.

Scale: 1 in. = 100 ft.

NOTE: The recording of this Plat is not to be construed as a dedication to Public use of the streets, avenues and alleys shown hereon.



The Property shown hereon, is the same Property, subdivided in exactly the same manner as the Property shown on a plat of "Schwab City," recorded among the Plat Records of Baltimore County in Plat Book Liber 106, folio 90. The locations of Streets and Lots, is exactly the same as on the Plat of "Schwab City," the only changes being in the name of the whole Development and the names of some of the streets. Edward V. Coonan & Co.

PETITIONER'S
EXHIBIT 5

E. V. Coonan & Co.
Surveyors & Civil Engineers
231 Calver Street
Baltimore, Md.
May 12, 1917

Ref. Ex. #1

TOLSON AVE. (50')

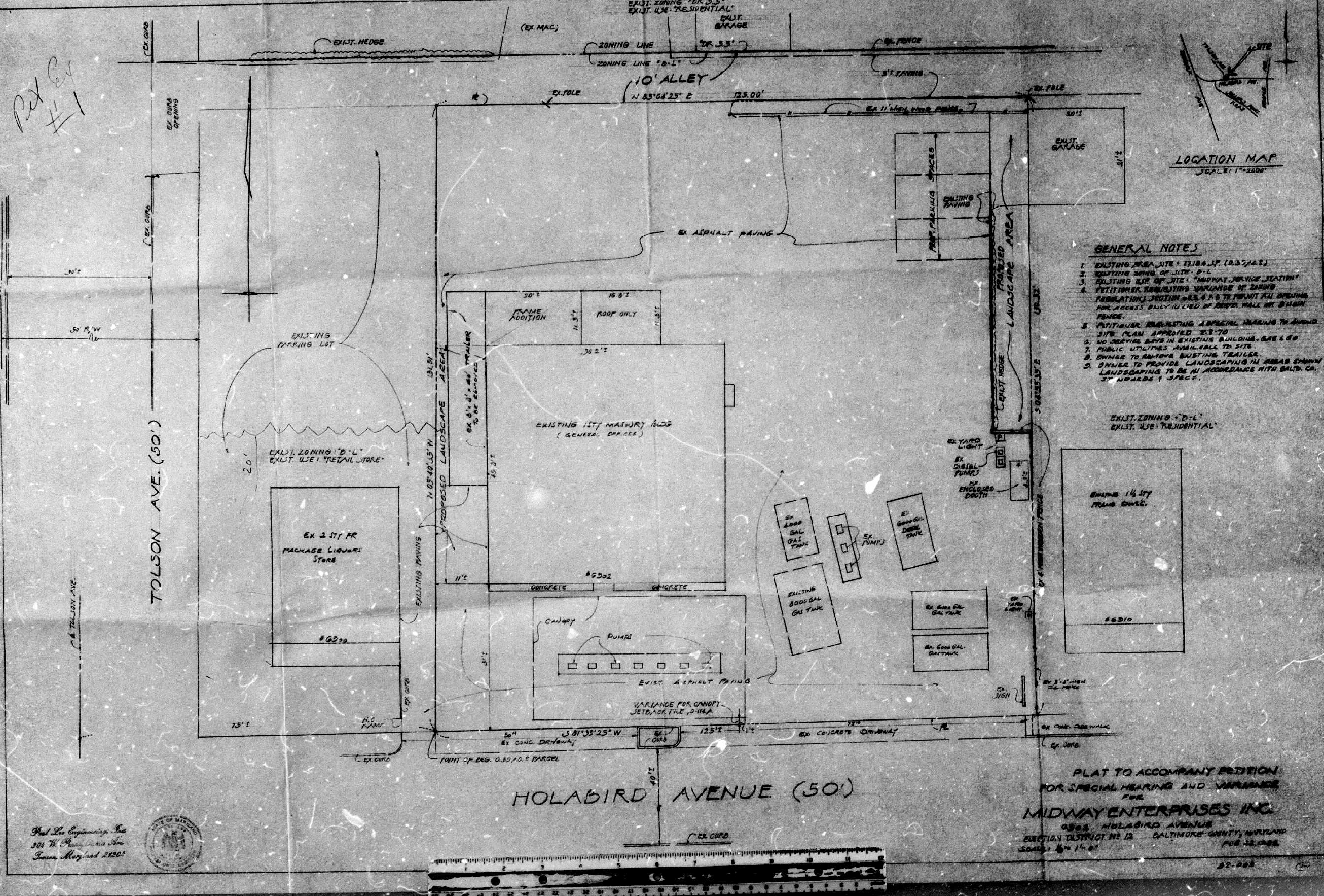
HOLABIRD AVENUE (50')

LOCATION MAP
SCALE: 1"=200'

GENERAL NOTES

1. EXISTING AREA SITE = 17,184 SF (0.37 AC.)
2. EXISTING ZONING OF SITE: D-L
3. EXISTING USE OF SITE: "MIDWAY SERVICE STATION"
4. PETITIONER REQUESTING VARIANCE OF ZONING REGULATION SECTION 12.5.4.1.5 TO PERMIT ALL OPENING FOR ACCESS ONLY TO USED BY DRIVE WALL BY OTHER FENCE.
5. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND SITE PLAN APPROVED 3-8-70
6. NO SERVICE BAYS IN EXISTING BUILDING. GAS & EO
7. PUBLIC UTILITIES AVAILABLE TO SITE.
8. OWNER TO REMOVE EXISTING TRAILER.
9. OWNER TO PROVIDE LANDSCAPING IN AREAS SHOWN LANDSCAPING TO BE IN ACCORDANCE WITH BALTO. CO. ST. 10-10-1.1 SPEC.

EXIST. ZONING: "D-L"
EXIST. USE: "RESIDENTIAL"



Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204



PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING AND VARIANCE
FOR
MIDWAY ENTERPRISES INC.
8383 HOLABIRD AVENUE
ELECTION DISTRICT NO. 12 BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'

82-003



- EXIST. ZONING - "B-1"
EXIST. USE - "RESIDENTIAL"

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING AND VARIANCE
FOR
MIDWAY ENTERPRISES INC.
9302 HOLABIRD AVENUE
ELECTION DISTRICT NO. 12 BALTIMORE COUNTY, MARYLAND
SCALE: $\frac{1}{8}$ " = 1'-0" FEB 23, 1992