[redacted]

PETITION FOR SPECIAL EXCEPTION 84-143-X

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage

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

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

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

Contract Purchaser:
Craig A. Fetter
Patricia A. Fetter
(Type or Print Name)
Craig A. Fetter
Patricia A. Fetter
Signature
1254 Linden Avenue
Address
Baltimore, Maryland 21227
City and State

Attorney for Petitioner:
F. Michael Grace
(Type or Print Name)
F. Michael Grace
Signature
2201 Hammonds Ferry Road
Address
Baltimore, Maryland 21227
City and State
Attorney's Telephone No.: 242-7700

Legal Owner(s):
Nelson Baus
(Type or Print Name)
Nelson Baus
Signature
(Type or Print Name)
Signature
5506 Knollview Court 744-1779
Address Phone No.
Baltimore, Maryland 21228
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
F. Michael Grace
Name
2201 Hammonds Ferry Rd.
Baltimore, Md. 21227 242-7700
Address Phone No.

MAP ELECTION DISTRICT 13 D. TE TYPE HEARING FINAL BY

ORDER RECEIVED FOR FILING
DATE Sept. 26, 1983
BY

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of September, 1983, 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 . Room 106, County Office Building in Towson, Baltimore County, on the 30th day of November, 1983, at 10:30 o'clock A.M.

Arnold Jablon
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

84-143-X
Nelson Baus
W/S Southwestern Blvd., 215' N of Leeds Avenue
13th

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/S of Southwestern Blvd., 215' N of Leeds Ave., 13th District : OF BALTIMORE COUNTY
NELSON BAUS, Petitioner : Case No. 84-143 - X

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 Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 18th day of November, 1983, a copy of the foregoing Order was mailed to F. Michael Grace, Esquire, 2201 Hammonds Ferry Road, Baltimore, MD 21227, Attorney for Petitioner.

John W. Hessian, III

MICROFILMED

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date November 14, 1983

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

SUBJECT Nelson Baus, 84-143-X

Although not opposed to the proposed use in general, the following items should be noted:

1. A C.R.G. meeting will be required.
2. The petitioner's revised plan ("Revised: 9/12/83") does not conform to the State Highway Administration's comments to the ZPAC. This office is strongly supportive of these comments.
3. Details of landscaping should be provided by the petitioner for approval by the Division of Current Planning and Development.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

MICROFILMED

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

cc: McKee & Assoc, Inc.
1717 York Road
Lutherville, Md. 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 26th day of September, 1983.

ARNOLD JABLON
Zoning Commissioner

Petitioner Nelson Baus
Petitioner's Attorney F. Michael Grace

Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Nicholas B. Commodari
Chairman

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

November 25, 1983

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

RE: Case # 84-143-X (Item No. 68)
Petitioner - Nelson Baus
Special Exception Petition

Dear Mr. Grace:

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 may 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.

As you are aware, this property was the subject of a previous violation hearing (#80-173-V), which has since been closed. This petition was scheduled for a hearing, even though the revised plan did not satisfy the comments of the State Highway Administration. I suggest you contact Mr. George Wittman at 659-1351 and resolve this matter prior to submitting for a building permit, if your request is granted.

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 B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mch

Enclosures

cc: McKee & Associates, Inc.
1717 York Road
Lutherville, Maryland 21093

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

G-SW Key Sheet
12 SW 14 Pos.Sheet
SW 4 D Topo
101 Tax Map

October 3, 1983

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

Re: Item #68 (1983-1984)
Property Owner: Nelson Baus
W/S Southwestern Blvd. 215' N. from centerline Leeds Avenue
Acres: 125/98 X 184.68/152.74 District: 13th

Dear Mr. Jablon:

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:

Southwestern Boulevard (U. S. 1) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Baltimore County utility improvements exist and are not directly involved.

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 the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating 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.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: W. Munchel

MICROFILMED

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell, Secretary
M. S. Caltrider, Administrator

October 10, 1983

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 9-13-83
ITEM: #68.
Property Owner: Nelson Baus
Location: W/S Southwestern Blvd. (Route 1-S), 215' N from centerline Leeds Ave.
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage
Acres: 125/98.01 X 184.68/152.74
District: 13th

Dear Mr. Jablon:

On review of the revised site plan of 9-12-83, the State Highway Administration finds comments in our letter have not been addressed (copy attached).

Until revisions are made to reflect the letter comments, the State Highway Administration cannot approve the plan.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

MICROFILMED

My telephone number is (301) 659-1350
Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

FEB 27 1984

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

---

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

September 27, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 9-13-83
ITEM: #68
Property Owner: Nelson Baus
Location: W/S Southwestern Blvd. (Route 1-S), 215' N from centerline Leeds Ave.
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage
Acres: 125/98.01 X 184.68/152.74
District: 13th

Dear Mr. Jablon:

On review of the site plan of August 24, 1983 and field inspection, the State Highway Administration offers the following comments and requests the plan be revised.

The revised plan should show the following:

1. The elimination of the 39' and 28' depressed entrances and the proposed mountable curb southeast of the 6 parking spaces.

2. Show a proposed 35' depressed entrance centered on the zoning line 340'± northeast of Leeds Avenue.

3. Show S.H.A. thpe "A" concrete curb with radii returns on or in back of the S.H.A. Right-of-Way line.

The elimination of the proposed on site curb will allow movement within the site without traveling onto the highway.

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

September 27, 1983

Mr. A. Jablon

If this is unacceptable to the developer then the existing 39' entrance must be reconstructed to meet existing S.H.A. standards.

It is requested that the plan be revised prior to a hearing.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vrd

Attachment

cc: Mr. J. Ogle (w-attachment)

- 2 -

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

STEPHEN E. COLLINS
DIRECTOR

November 14, 1983

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

Item No. 68 -ZAC- Meeting of September 13, 1983
Property Owner: Nelson Baus
Location: W/S Southwestern Boulevard 215' N. from centerline Leeds Avenue
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage

Acres: 125/98.01 X 184.68/152.74
District: 13th

Dear Mr. Jablon:

All entrances to this site will be subject to the State Highway Administration's approval.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

Oct. 19, 1983
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 68, Zoning Advisory Committee Meeting of Sept. 13, 1983
Property Owner: Nelson Baus
Location: W/S Southwestern Blvd. District 13
Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

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

( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

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

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

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

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

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

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

SS 20 1082 (1)

Zoning Item # 68
Page 2

(✓) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

( ) Soil percolation tests have been conducted.
( ) The results are valid until _____.
( ) Revised plans must be submitted prior to approval of the percolation tests.

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

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until _____.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.

( ) All roads and parking areas should be surfaced with a dustless, bonding material.

( ) No health hazards are anticipated.

(✓) Others Owner has been notified to remove or properly backfill existing underground tanks.

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 68 Zoning Advisory Committee Meeting are as follows:

Property Owner: Nelson Baus
Location: W/S Southwestern Blvd. 215' N. from center line Leeds Avenue
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage

Acres: 125/98.01 X 184.68/152.74
District: 13th.

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

X B. A building/alteration permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

X E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 601.

X I. Comments- It appears two walls of the existing structure may have to be upgraded to 1 hour fire rated construction to comply to Section 503.2. Additionally the whole structure would be required to be in compliance to Section 616 and other applicable sections. Plans and a permit shall be required. Provide 1 handicapped parking space.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham, Chief
Plans Review

CEB:rrs

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent — Towson, Maryland – 21204

Date: September 14, 1983

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

Z.A.C. Meeting of: September 13, 1983

RE: Item No: 64, 65, 66, 67, (68) 69, 70, 71, 72, 73, & 74
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,

Mr. Nick Petrovich, Assistant
Department of Planning

NNP/bp

FEB 27 1984

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

oOo

Nicholas B. Commodari
Chairman

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

December 6, 1983

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

RE: Item No. 68 - Case No. 84-143-X
Petitioner - Nelson Baus
Special Exception Petition

Dear Mr. Grace:

Enclosed please find additional comments submitted after my original comments of November 25, 1983. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari /bsc

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: McKee & Associates, Inc.
1717 York Road
Lutherville, Md. 21093

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell, Secretary
M. S. Caltrider, Administrator

November 30, 1983

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 9-13-83
ITEM: #68.
Property Owner: Nelson Baus
Location: W/S Southwestern Blvd. (Route 1-S), 215' N from centerline Leeds Ave.
Existing Zoning: B.L.
Proposed Zoning: Special Exception for service garage
Acres: 125/98.01 X 184.68/152.74
District: 13th

Dear Mr. Jablon:

On review of the revised site plan of September 29, 1983 showing revisions as requested in our letter of September 27, 1983, the State Highway Administration finds the plan generally acceptable.

All construction within the S.H.A. right-of-way must be through permit with the posting of a bond to guarantee construction.

Very truly yours,

Charles Lee

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vrd

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

PETITION FOR SPECIAL EXCEPTION

13th Election District

ZONING: Petition for Special Exception

LOCATION: West side of Southwestern Boulevard, 215 ft. North of Leeds Avenue

DATE & TIME: Wednesday, November 30, 1983 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage

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

Being the property of Nelson Baus, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
1717 YORK RD. LUTHERVILLE, MARYLAND 21093
Telephone: (301) 252-5820

September 1, 1983

DESCRIPTION TO ACCOMPANY SPECIAL EXCEPTION

Beginning for the same at a point on the west side of Southwestern Blvd., said point being 215 feet north of the intersection of Southwestern Blvd. and Leeds Ave. and running thence the following six courses and distances: 1) North 61° 54' 37" West 100.00 feet, thence 2) South 28° 05' 23" West 4.17 feet, thence 3) North 37° 17' 14" West 79.51 feet, thence 4) North 39° 35' 23" East 98.01 feet, thence 5) South 61° 54' 37" East 152.74 feet, thence 6) South 28° 05' 23" West 125.00 feet, to the place of beginning.

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

J. W. McKee
9/1/83

December 2, 1983

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

IN RE: Petition Special Exception
W/S of Southwestern Boulevard,
215' N of Leeds Avenue - 13th Election District
Nelson Baus, Petitioner
Case No. 84-143-X

Dear Mr. Grace:

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

Sincerely,

Arnold Jablon

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

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

IN RE: PETITION SPECIAL EXCEPTION W/S of Southwestern Boulevard, 215' N of Leeds Avenue - 13th Election District
Nelson Baus, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 84-143-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by his Contract Purchasers, Craig A. and Patricia A. Fetter, requests a special exception to operate a service garage on the subject property, as more fully described on Petitioners' Exhibit 1. Since the filing of the petition, the Contract Purchasers finalized the sale of the property and the final transfer was in September, 1983. Hereinafter, for the purpose of brevity, the new owners will be referred to as "Petitioners".

Mr. Fetter appeared and testified and was represented by Counsel. There were no Protestants.

The subject property is zoned B.L. The Petitioners own two adjoining lots by two separate deeds. One, which is the subject of this special exception, is zoned B.L. and the other is zoned B.R. The two lots happen to be divided in fact by the zoning line. The B.R. zoned property, as shown on Petitioners' Exhibit 1, will be used for used car sales, pursuant to a special exception granted by Case No. 6?-211-RX. The Petitioners want to operate the service garage on the B.L. zoned property. Presently, a one-story frame building exists on the property which at one time was used as a service station and more recently as a welding service company not involving automobiles. The building needs renovation and will require conversion for use as a service garage. An eight-foot-high fence surrounds an area to be used for storage of disabled vehicles, as more accurately shown on Petitioners' Exhibit 1. Also shown are six spaces for customer parking. Ingress and egress will be via Southwestern Boulevard.

ORDER RECEIVED FOR FILING
DATE December 2, 1983
BY Sheila L. Lasyczek

The Petitioners seek relief from Section 230.13, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR).

It is clear that the zoning regulations permit the use requested by the Petitioners in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary business uses in the vicinity of the proposed service garage. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

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

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

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

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1

ORDER RECEIVED FOR FILING
DATE December 2, 1983
BY Sheila L. Lasyczek, Administrative Assistant

---

having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of December, 1983, that the Petition for Special Exception for a service garage, in accordance with the site plan introduced and accepted into evidence as Petitioners' Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments as set forth in the Baltimore County Zoning Plans Advisory Committee report, which is adopted in its entirety by this Order. No landscaping plan shall be required.

3. The parking area for the damaged and disabled vehicles shall be tar and chip.

Arnold Jablon
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE December 2, 1983
BY Sheila L. Lasyczek, Administrative Assistant

FEB 27 '84

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

ARNOLD JABLON
ZONING COMMISSIONER

November 22, 1983

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

Re: Petition for Special Exception
W/S Southwestern Blvd., 215' N of
Leeds Avenue
Nelson Baus - Petitioner
Case No. 84-143-X

Dear Mr. Grace:

This is to advise you that $50.55 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 122995

DATE 12/2/83 ACCOUNT R-01-615-000

AMOUNT $50.55

RECEIVED FROM: Craig Fetter's Auto & Truck Center, Inc.

FOR: Advertising & Posting Case ~~XXX~~ No. 84-143-X

C 011******505510 502eA

VALIDATION OR SIGNATURE OF CASHIER

November 1, 1983

F. Michael Grace, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227

NOTICE OF HEARING

Re: Petition for Special Exception
W/S of Southwestern Blvd., 215' N
of Leeds Avenue
Nelson Baus - Petitioner
Case No. 84-143-X

TIME: 10:30 A.M.

DATE: Wednesday, November 30, 1983

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

cc: Mr. & Mrs. Craig Fetter
1254 Linden Avenue
Baltimore, Maryland 21227

ARNOLD JABLON
Zoning Commissioner
Baltimore County

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

No. 121588

DATE 9/1/83 ACCOUNT 01-615-000

AMOUNT $100.00

RECEIVED FROM: Craig Fetter's Auto + Truck

FOR: Filing Fee for Item #68

C 062******100001b 601eA

VALIDATION OR SIGNATURE OF CASHIER

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: [illegible]

Revised Plans:
Change in outline or description ___Yes
___No

Previous case: 1723-S
61-211 ex

Map # 2A

Item #68

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-143-X

District 13th Date of Posting 11-15-83

Posted for: Special Exception

Petitioner: Nelson Baus

Location of property: W/S of Southwestern Blvd. 215' N of Leeds Avenue

Location of Signs: West side of Southwestern Blvd. Approx. 225' North of Leeds Avenue

Remarks:

Posted by [signature] Signature Date of return: 11-18-83

Number of Signs: 1

PETITION FOR SPECIAL EXCEPTION
13th Election District

ZONING: Petition for Special Exception
LOCATION: West side of Southwestern Boulevard, 215 ft. North of Leeds Avenue
DATE & TIME: Wednesday, November 30, 1983 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage.

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

Beginning for the same at a point on the west side of Southwestern Blvd., said point being 215 feet north of the intersection of Southwestern Blvd. and Leeds Ave. and running thence the following six courses and distances: 1) North 61° 54' 27" West 100.00 feet, thence 2) South 28° 05' 33" West 4.17 feet, thence 3) North 27° 17' 14" West 79.51 feet, thence 4) North 28° 05' 33" East 96.01 feet, thence 5) South 61° 54' 27" East 152.74 feet, thence 6) South 28° 05' 33" West 125.00 feet, to the place of beginning.

Being the property of Nelson Baus, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

TO A-Nov. 19

November 7, 1983
THE JEFFERSONIAN

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

November 10 19 83

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION
50046

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for ___one___ successive weeks before the ___12___ day of ___November___ 19 83, that is to say, the same was inserted in the issues of

November 10, 1983

PATUXENT PUBLISHING CORP.
By [signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

84-143-X

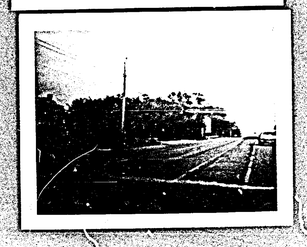
CERTIFICATE OF PUBLICATION

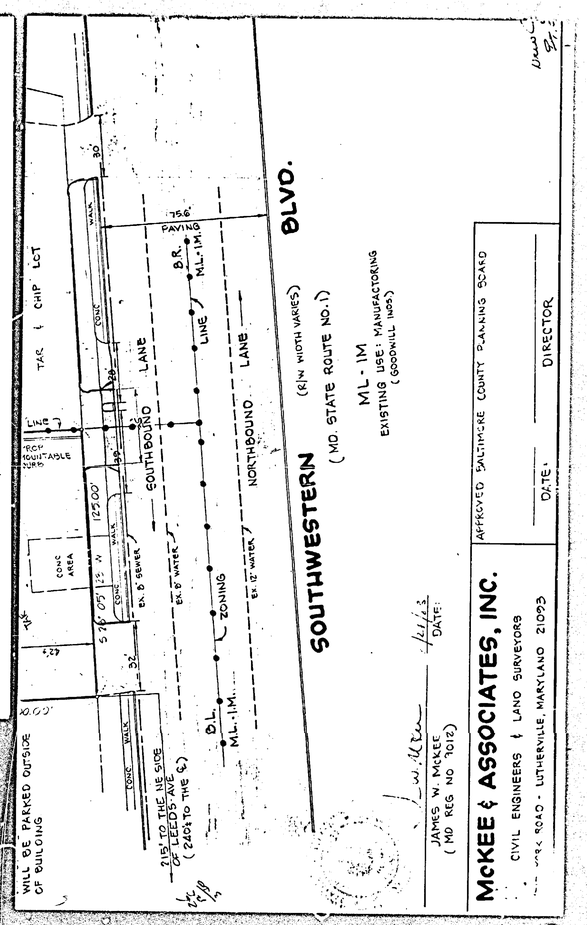
TOWSON, MD., November 10, 19 83

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each~~ of one time ~~successive weeks~~ before the 30th day of November, 19 83, the first publication appearing on the 10th day of November 19 83.

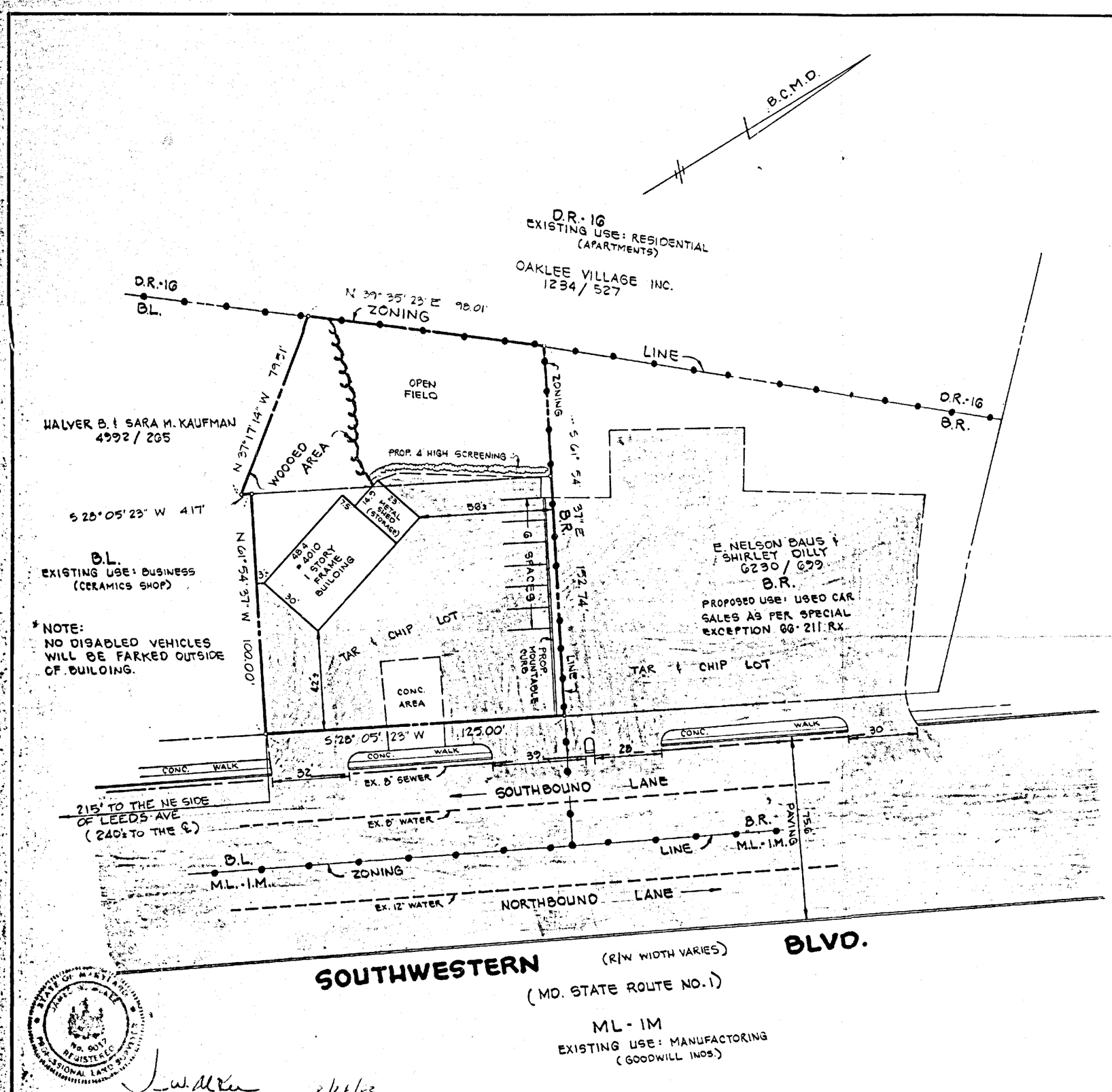
THE JEFFERSONIAN,
L. Frank Griffin
Manager.

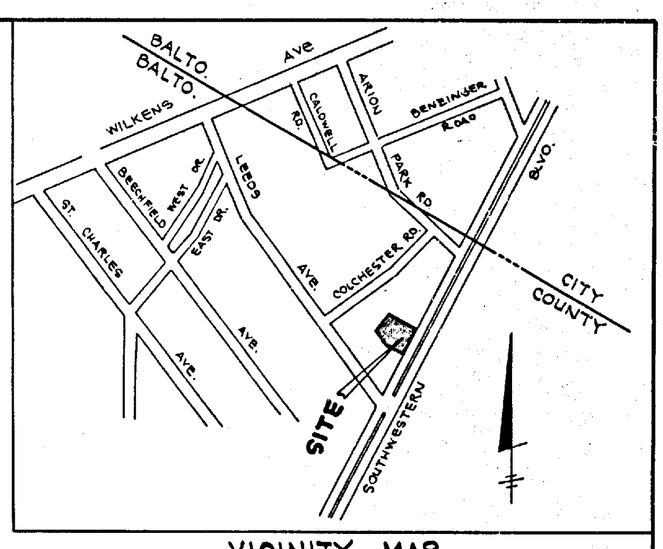
Cost of Advertisement, $ 22.75





FEB 27 1984





VICINITY MAP
SCALE: 1" = 500'

NOTES:

1. EX. ZONING OF PARCELS: B.L.
2. THIS PLAT IS TO ACCOMPANY A SPECIAL EXCEPTION TO SECTION 230.13 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW AN AUTO SERVICE REPAIR FACILITY.

PARKING DATA:

1. FLOOR AREA = 1452 sq. ft.
2. NO. OF SPACES REQ'D. = 1452 ÷ 300 = 5 SPACES
3. NO. OF SPACES PROPOSED - 6 SPACES (9'×18' EACH)

MAP:
ELECTION DISTRICT: 13
D.R.: 9/12
TYPE: X
HEARING:
BY:
FINAL:
BY:

PLAT TO ACCOMPANY
PETITION FOR

SPECIAL EXCEPTION

AT

*** 4010 SOUTHWESTERN BLVD.**

Old Plat

1st ELECTION DISTRICT — BALTIMORE COUNTY, MD.

SCALE: 1" = 30' — AUGUST 24, 1983

Item #61

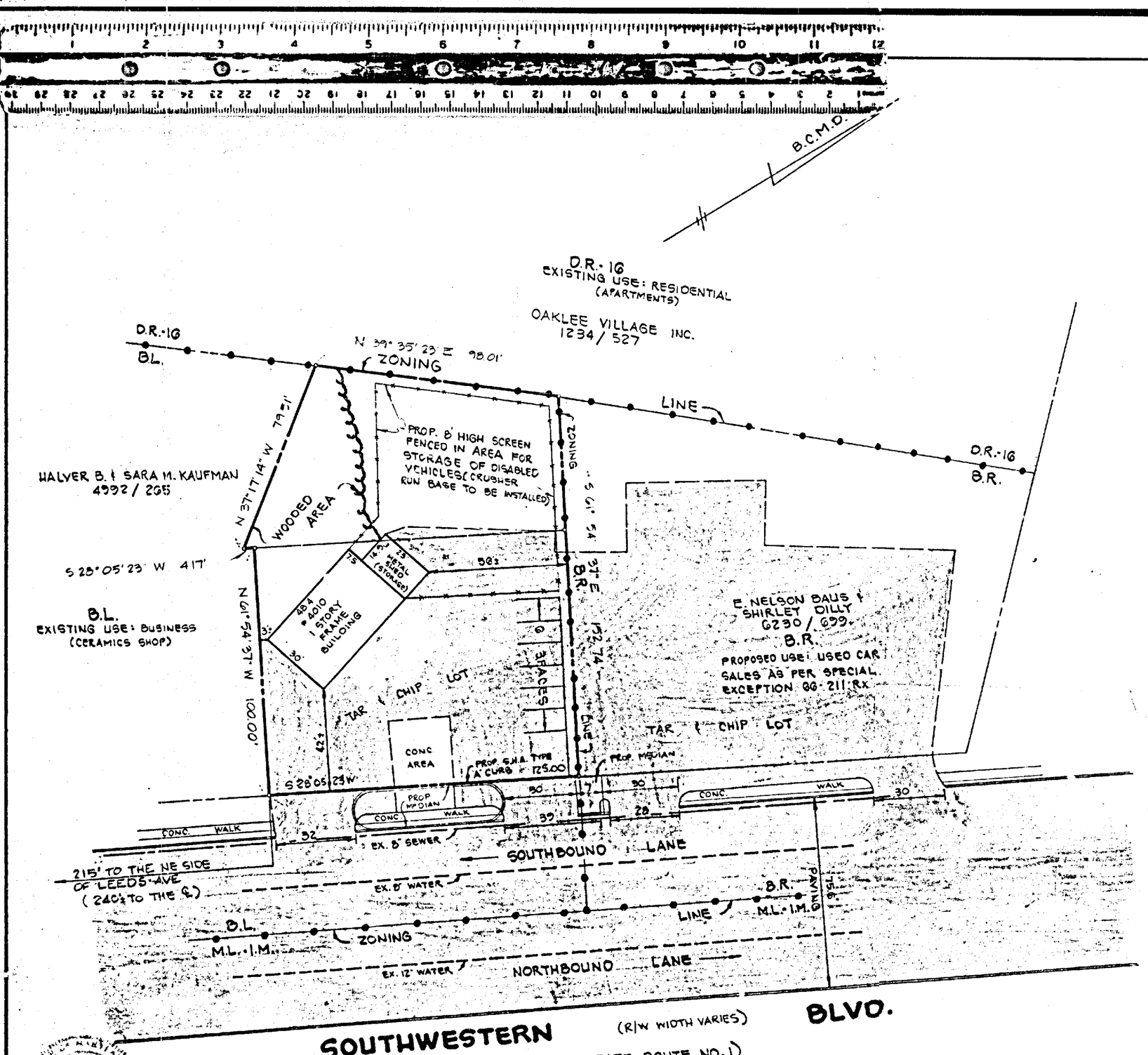
OWNERS
E. NELSON BAUS & SHIRLEY DILLY
DEED REFERENCES: 6230/694, 6230/696

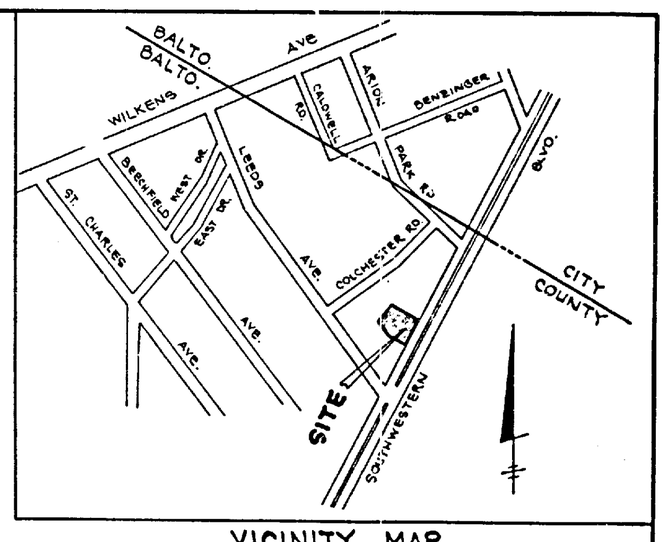
STATE OF MARYLAND — JAMES W. MCKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

J. W. McKee — 2/24/83
JAMES W. McKEE (MD. REG. NO. 9012) — DATE:

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1717 YORK ROAD - LUTHERVILLE, MARYLAND 21093

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE: — DIRECTOR





VICINITY MAP
SCALE: 1" = 500'

NOTES:

1. EX. ZONING OF PARCELS: B.L.
2. THIS PLAT IS TO ACCOMPANY A SPECIAL EXCEPTION TO SECTION 230.13 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW AN AUTO SERVICE REPAIR FACILITY.

PARKING DATA:

1. FLOOR AREA = 1452 sq. ft.
2. NO. OF SPACES REQ'D. = 1452 ÷ 300 = 5 SPACES
3. NO. OF SPACES PROPOSED = 6 SPACES (9'×18' EACH)

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY
PETITION FOR

SPECIAL EXCEPTION

AT

*** 4010 SOUTHWESTERN BLVD.**

1ST. ELECTION DISTRICT — BALTIMORE COUNTY, MD.

SCALE: 1" = 30' — AUGUST 24, 1983
REVISED: 9/12/83

OWNERS
E. NELSON BAUS & SHIRLEY DILLY
DEED REFERENCES: 6230/694, 6230/696

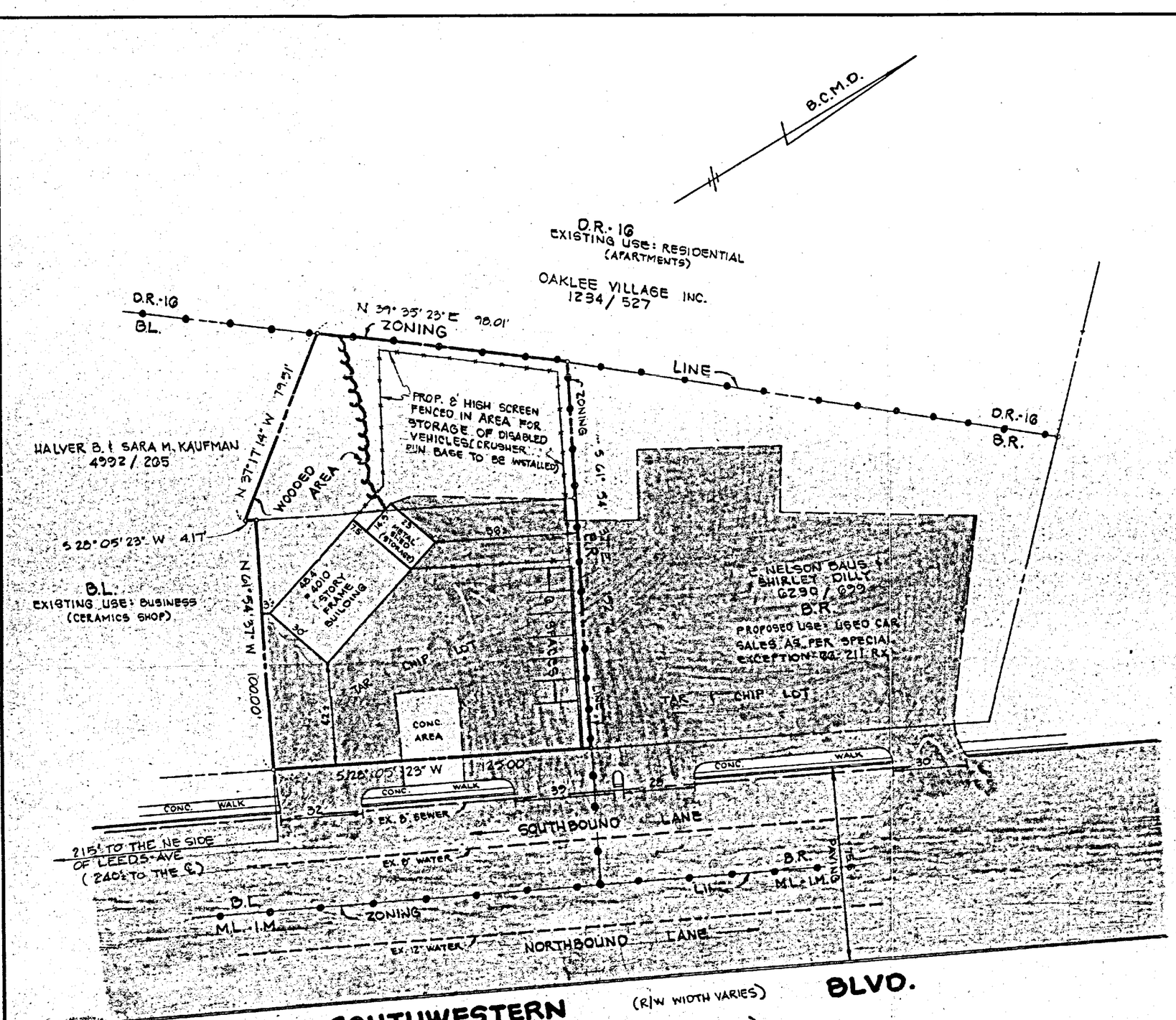
STATE OF MARYLAND — JAMES W. MCKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

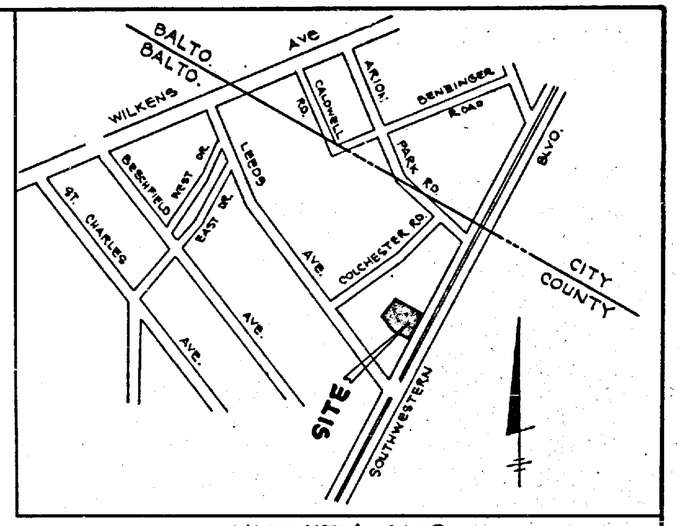
J. W. McKee — 2/24/83
JAMES W. McKEE (MD. REG. NO. 9012) — DATE:

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1717 YORK ROAD - LUTHERVILLE, MARYLAND 21093

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE: — DIRECTOR

DATE	REVISION
9/12/83	ADDED AREA FOR DISABLED VEHICLES
9/29/83	PER SHA





VICINITY MAP
SCALE: 1" = 500'

NOTES:

1. EX. ZONING OF PARCELS: B.L.
2. THIS PLAT IS TO ACCOMPANY A SPECIAL EXCEPTION TO SECTION 230.13 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW AN AUTO SERVICE REPAIR FACILITY.

PARKING DATA:

1. FLOOR AREA = 1452 sq. ft.
2. NO. OF SPACES REQ'D. = 1452 ÷ 300 = 5 SPACES
3. NO. OF SPACES PROPOSED = 6 SPACES (9'×18' EACH)

REVISED PLANS
SEP 26 REC'D
Item #67

PLAT TO ACCOMPANY
PETITION FOR

SPECIAL EXCEPTION

AT

 # 4010 SOUTHWESTERN BLVD.

1ST. ELECTION DISTRICT — BALTIMORE COUNTY, MD.

SCALE: 1" = 30' — AUGUST 24, 1983
REVISED: 9/12/83

OWNERS
E. NELSON BAUS & SHIRLEY DILLY
DEED REFERENCES: 6230/694, 6230/696

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

JAMES W. McKEE
(MD. REG. NO. 9012)

9/24/83
DATE:

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1717 YORK ROAD - LUTHERVILLE, MARYLAND 21093

APPROVED: BALTIMORE COUNTY PLANNING BOARD

DATE: DIRECTOR

DATE	REVISION
9/12/83	ADDED AREA FOR DISABLED VEHICLES

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 10, 1998

Mr. Craig Fetter
Fetter's Auto Repair
4010 Southwestern Bc 'evard
Arbutus, Maryland 21229

Dear Mr. Fetter:

RE: 4010 Southwestern Boulevard, Zoning Case #84-143-X, 13th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for approval of a 2,900- square foot service garage granted by zoning hearing case #84-143-X, as shown on the submitted site plan. The zoning of this site per the 1"= 200' scale zoning map #SW 3-D is still Business, Local (B.L.). This matter has been reviewed by staff and it has been determined that this proposed expansion of over 200% will require a special hearing to amend the prior zoning hearing. Enclosed are the petition forms, as well as a self explanatory sample procedure booklet.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:cjs

Enclosures

c: zoning case 84-143-X

Come visit the County's Website at www.co.ba.md.us

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060382

DATE 11/30/98 ACCOUNT 001-6150

AMOUNT $ 40.00 (JJS)

RECEIVED FROM: KJ Wells Inc

FOR: VERIFICATION #98-5220
4010 Southwestern Boulevard

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
12/02/1998 12/01/1998 16:24:32
RSG WS03 CASHIER FWES PEW DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 067505 OFLH
CK NO. 060382
40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

FETTER'S AUTO REPAIR
4010 SOUTHWESTERN BOULEVARD
ARBUTUS, MARYLAND 21229
(410) 242-6575
FAX (410) 242-6911

11/25/98
To: JJS
11/27/98
S+I
non

RECEIVED
NOV 24 1998
98-5220
PDM

November 4, 1998

Mr. Arnold Jablon, Director
Baltimore County Department of Permits and
Development Management
County Office Bldg., Room 109
Towson, Maryland 21204

Re: Fetter's Auto Repair
4010 Southwestern Boulevard

Dear Mr. Jablon,

This shall serve as a request to expand our present 1,400 square foot Service Garage Facility at the above address by 2,900 square foot to total 4,300 square foot.

This facility presently exists as a special exception in a BL zone by virtue of a 1984 hearing (case 84-143x, Item 68) granting special exceptions for a service garage. Since 1984 this facility has existed harmoniously and in full compliance with zoning requirements in this commercially underutilized area of Southwestern Boulevard.

Fetter's Auto Repair provides a much needed and well respected auto care to this area. However, with the increasing complexity and sophistication of newer cars, additional and more sophisticated equipment is required to properly service these newer autos and their attendant requirements.

Further, it is an economic reality that a larger facility is required to support the cost of these expensive service tools.

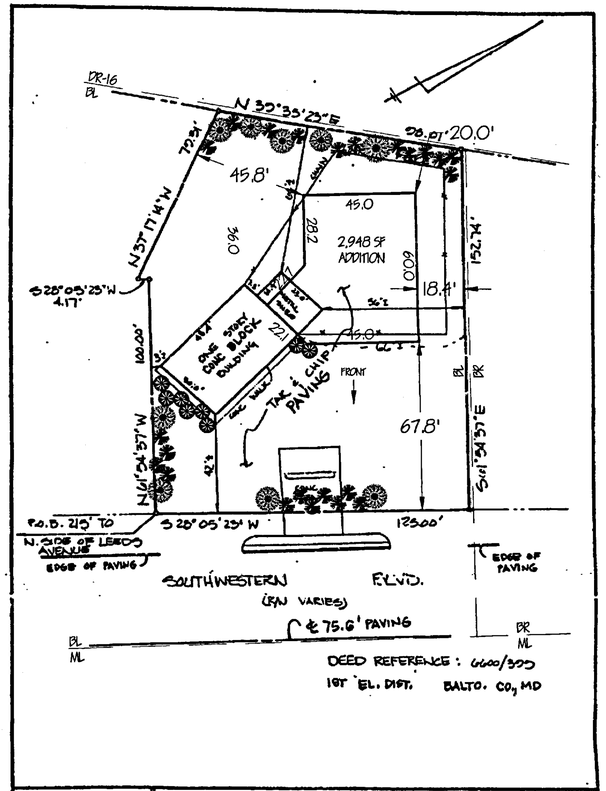
In addition, we plan to concurrently "spruce up" and landscape the existing property with the planned improvements.

We therefore respectfully request that you concur with our judgement that the planned expansion is within the spirit and intent for which the original special exception was granted. And that we may go directly to the permit process for our improvements.

Sincerely,

Craig Fetter, Owner
FETTER'S AUTO REPAIR

cc: Mr. Donald Rascoe, Baltimore County
Mr. Kenneth Wells



	CONCEPT PLAN #4010 SOUTHWESTERN BOULEVARD	scale: 1"=30'
	kjWellsInc LAND SURVEYORS & SITE PLANNERS KINGSVILLE, MARYLAND 21087 410-592-8800	date: 10/21/98 job no:
drawn by KJW	checked by	