

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 a revision to the site plan (Case No. 85-136-SPH) to eliminate proposed tar and chip surface on crusher run surface

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

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser: Garrison Auto Parts, Inc. (Type or Print Name) Signature: Stanley Kamnick (Pur.) Address: 9633 Reisterstown Rd. 363-8111 City and State: GARRISON, MD. 21055

85-136-SPH

MAP 2C NW 10G E.D. 3 DATE 9/25

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of September, 1984, 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 12th day of November, 1984, at 10:00 o'clock A.M.

Call John Zoning Commissioner of Baltimore County.

Z.C.O.-No. 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 409.2.C (2) to allow existing storage area and proposed parking area within the fenced in area not to be paved or macadamized but to remain a crusher run surface

Existing use of property does not require use of proposed parking spaces required by Zoning Regulation. Towing of disabled vehicles created gasoline spillage and scouring of paving surface. A paved surface within the storage area would be economically infeasible because of the above mentioned.

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.

Contract Purchaser: Garrison Auto Parts, Inc. (Type or Print Name) Signature: Stanley Kamnick (Pur.) Address: 9633 Reisterstown Rd. 363-8111 City and State: GARRISON, MD. 21055

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of September, 1984, 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 12th day of November, 1984, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County. (over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCE : OF BALTIMORE COUNTY NE Corner of Reisterstown Rd. and Montrose Ave. (9633 Reisterstown Rd.) 3rd District GARRISON AUTO PARTS, INC., : Case No. 85-136-SPH Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 24th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Garrison Auto Parts, Inc., 9633 Reisterstown Rd., Garrison, MD 21055, Petitioner.

Peter Max Zimmerman

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 25th day of September, 1984.

ARNOLD JABLON Zoning Commissioner

Petitioner Garrison Auto Parts, Inc. Petitioner's Attorney

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 7, 1984

County Office Bldg. 111 W. Chesapeake Ave. Towson, Maryland 21204

Chairman Nicholas B. Commodari

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

Mr. Stanley Dansicker Garrison Auto Parts, Inc. 9633 Reisterstown Road Garrison, Maryland 21055

RE: Case No. 85-136 SPHA (Item No. 74) Petitioner - Garrison Auto Parts, Inc. Special Hearing and Variance Petition

Dear Mr. Dansicker:

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 B. Commodari Chairman Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Paul Lee Engineering Inc. 304 W. Pennsylvania Avenue Towson, Maryland 21204



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E. DIRECTOR

November 1, 1984

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

Re: Item #74 (1984-1985) Property Owner: Garrison Auto Parts, Inc. N/E cor. Reisterstown Rd. & Montrose Rd. Acres: 0.45 District: 3rd

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 Comments:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 55 (1983-1984) are referred to for your consideration.

Very truly yours,

James E. Markle, P.E., Chief Bureau of Public Services

JAM:EAM:FWR:iss

Encl.

P-NE Key Sheet 40 NW 7 & 28 Pos. Sheets NW 10G Topo 67 Tax Map



Maryland Department of Transportation State Highway Administration

William K. Helmman Secretary Hal Kassoff Administrator

September 26, 1984

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

Re: ZAC Meeting of 9-25-84 Item: #74. Property Owner: Garrison Auto Parts, Inc. Location: N/E corner Reisterstown Rd. (Route 140) and Montrose Road Existing Zoning: B.S.-CNS Proposed Zoning: Special Hearing to approve revised site plan to eliminate proposed tar and chip surface on crusher run surface. Variance to permit existing storage area and proposed parking area within the fenced in area not to be paved or macadamized but to remain a crusher run surface. Acres: 0.45 District: 3rd

Dear Mr. Jablon:

On review of the revised submittal of August 31, 1984 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits By: George Wittman

CL:GW:vrđ

cc: Mr. J. Ogil

My telephone number is (301)659-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E. DIRECTOR

September 30, 1984

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

Re: Item #55 (1983-1984) Property Owner: Leon Kuryk N/E cor. Reisterstown Rd. & Montrose Avenue Acres: 0.45 District: 3rd

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.

Highways:

Reisterstown Road (Md. 140) 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.

Montrose Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way, with fillet areas for sight distance at the Reisterstown Road intersection.

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

Sediment Control:

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

Storm Drains:

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.

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

Item #55 (1983-1984)
Property Owner: Leon Ruryk
Page 2
September 30, 1983

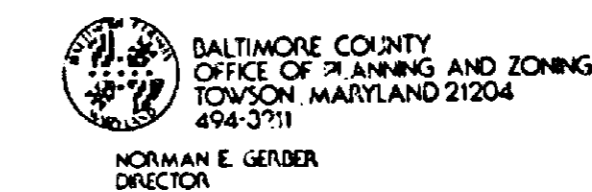
Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Montrose Avenue and Reisterstown Road.

Very truly yours,
(SIGNED) ROBERT A. MORTON
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:sa

P-NE Key Sheet
40 NW 27 & 28 Pos. Sheets
M 10 G Topo
67 Tax Map



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

10/13/84
Re: Zoning Advisory Meeting of 9/15/84
Item # 74
Property Owner: Garrison Auto Parts, Inc.
Location: NE/Cor. Reisterstown Rd. & Montrose Rd.

Dear Mr. Jablon:

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

- There are no site planning factors requiring comment.
- A County Review Group meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on _____.
- Landscaping should be provided on this site and shown on the plan.
- The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic services areas are re-evaluated annually by the County Council.
- Additional comments: _____

Eugene A. Boher
Eugene A. Boher
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon
Zoning Commissioner
Date: September 16, 1983

FROM: Stephen E. Collins

SUBJECT: Item No. 55 - ZAC Meeting of August 30, 1983

Property Owner: Leon Ruryk
Location: NE Cor. Reisterstown & Montrose Rds.
Existing Zoning: B.R. - QNS
Proposed Zoning: Special Exception for Used Car Sales
Acres: 0.45
District: 3rd

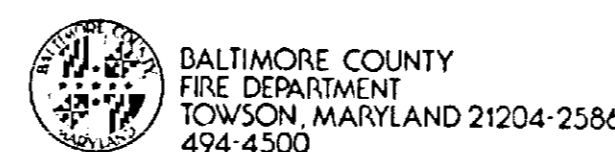
After a more detailed review of the subject site, it is recommended that our department's correspondence of September 1, 1983 be revised to indicate that the entrance may be located as shown on the plat accompanying the petition for special exception dated July 26, 1983 and revised August 12, 1983.

At this time, portable concrete vehicle stops may be used as shown on the plat, rather than permanent concrete curb and gutter along the entire length of the eastern property line adjacent to Montrose Road. To further assure that the entrance on Montrose Road will be located as indicated on the plat, a permanent fence should be erected adjacent to the concrete vehicle barriers.

It should be clear that if there are any more used car displays than shown on the aforementioned plat, or if expanded building improvements take place, then the permanent curb and gutter improvements will be necessary.

Stephen E. Collins
Stephen E. Collins
Director of Traffic Engineering

cc: Mr. B. Melvin Cole
Mr. C. Richard Moore
Mr. Michael S. Flanigan



PAUL H. REINCKE
CHIEF

September 27, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Garrison Auto Parts, Inc.

Location: NE/Cor. Reisterstown Road and Montrose Road

Item No.: 74 Zoning Agenda Meeting of 9/25/84

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.

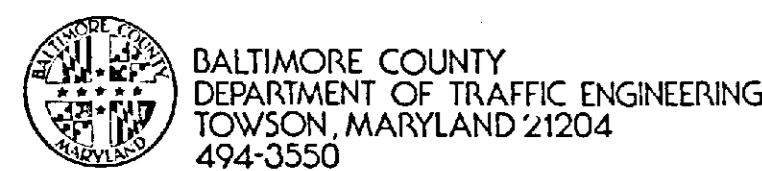
() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

Reviewed by: [Signature] 9-27-84 Noted and Approved: George M. Maganoff
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



STEPHEN E. COLLINS
DIRECTOR

October 8, 1984

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

Item No. 74 -ZAC- Meeting of September 25, 1984
Property Owner: Garrison Auto Parts, Inc.
Location: NE/Cor. Reisterstown Road and Montrose Road
Existing Zoning: B.R.-QNS
Proposed Zoning: Special Hearing to approve revised site plan to eliminate proposed tar and chip surface on crusher run surface. Balance to permit existing storage area and proposed parking area within the fenced in area not to be paved or macadamed but to remain a crusher run surface.

Acres: 0.45
District: 3rd

Dear Mr. Jablon:

Please see comments from previous case #84-97-X.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSE/czm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas Commodari, Zoning Department Date: September 24, 1984

FROM: C. E. Burnham, Chief, Building Plans Review C-5-B

SUBJECT: Zoning Advisory Committee Meeting
Scheduled 9/25/84

- Item #72 Standard Comments
- Item #73 See Comments
- Item #74 No Comment
- Item #75 Standard Comment
- Item #76 See Comment (no plans)
- Item #77 No Comment
- Item #78 See Comment
- Item #79 See Comment
- Item #307 (revised) See Comment

CEB/vv

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NE corner of Reisterstown Road and Montrose Avenue (9633 Reisterstown Road) - 3rd Election District
Garrison Auto Parts, Inc.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-136-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to allow a crusher run surface rather than a durable and dustless surface, and if granted, permission to amend the site plan approved in Case No. 84-97-X, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by Stanley Dansicker, its President, appeared and testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the site plan approved in Case No. 84-97-X shows a tar and chip surface for the customer parking area within the fenced-in area adjacent to Montrose Road. The subject property, zoned B.R.-C.N.S., was granted a special exception for a used car dealership and, in addition, has a service garage as a matter of right. Adjunct thereto is an area, of which the subject parking area is a part, for the parking of damaged and disabled vehicles. The entire fenced-in area has a crusher run surface. The Petitioner requests permission to maintain the entire area with crusher run.

Dansicker testified that there are only ten spaces reserved for customer parking, and the cost of tar and chip would be immense and impractical since the area to be paved is only 18% of the entire parking lot. Inasmuch as the remainder would be maintained as crusher run for the storage of damaged and disabled vehicles, to pave such a small area which is not separate and distinct

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DATE 11/13/84
BY [Signature]

would serve no useful purpose. Additionally, the need to maneuver the tow vehicles bringing damaged and disabled vehicles to this business by utilizing the entire parking area is paramount. If only a small area were paved, the tow vehicles would take their toll and make it difficult to maintain that area in a durable manner.

Further, he pointed out that the area reserved for customer parking behind the fence, although open and available to the public during the workday, is seldom utilized. Paving would not have any effect on the reasoning behind requiring such by the Baltimore County Zoning Regulations (BCZR), namely the alleviation of a dust problem caused by traffic using the parking area. Also, the Department of Public Works pointed out that any stripping, grading, and stabilization could result in a sediment pollution problem, thereby damaging private and public holdings downstream of the property.

The Petitioner seeks relief from Section 409.2.c.(2), BCZR, and Section IX.A.2.a, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR, and to amend the site plan approved in Case No. 84-97-X pursuant to Sections 500.7 and 500.9, BCZR.

The BCZR do not define "durable and dustless". Webster's New Collegiate Dictionary defines "durable" as being able to endure; lasting; enduring; not wearing out. "Dustless" obviously would mean to be dust free—to prevent fine dry pulverized particles of earth or fine powder of any kind; to prevent a cloud of dust. By analogy, reference to the BCZR limiting the parking surfaces of trucking facilities to particular types of paving, specifically in Sections 410.3 and 410A.3.B.5, can be utilized to clarify the County Council's intent and which conforms to the reasonableness of the use of the terms "durable and dustless" as intended by Section 409.2.c.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all of its parts harmonize with

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DATE 11/13/84
BY [Signature]

each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466. The intent of the BCZR must be determined as being construed as a whole. Smith v. Miller, 249 Md. 390. The specific language delineating the requirement for a durable and dustless surface in Section 409.2.c.(2) must be construed in light of all of the provisions concerning the surface area for parking lots so that the various parts of the BCZR are given their intended effect. Moreover, the relationship between these various provisions regulating the surface area for parking lots must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners, 295 Md. 381; Anderson, American Law of Zoning, Section 16.08.

In response to the trucking-facilities legislation, the Baltimore County Planning Board introduced and adopted, by resolution dated February 17, 1983, an amendment to the CMDP, Section IX—Miscellaneous Adopted Design Provisions, pursuant to the authority vested in it by Section 504, BCZR. This amendment promulgates trucking-facility paving standards, which were intended to assure that parking areas are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected. Section IX.A.2 sets forth the standards to be applied:

- (1) a bituminous concrete surface over a suitable base;
- (2) a Portland-cement concrete surface over a suitable base; or
- (3) two (2) or more applications of bituminous surface treatment over a suitable base.

In other words, Section IX.A.2 requires a durable and dustless surface for trucking-facility parking areas. If Section 409.2.c and Section IX.A.2 are construed as a whole, it is evident that the Council intended for the paving

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BY [Signature]

standards for trucking facilities to be imposed for all parking areas for more than five vehicles when it used the term "durable and dustless".

Certainly, the clear and plain meaning of the term requires application of the standards required by Section IX.A.2. In order to deviate from those standards, a variance is necessary.

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

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

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

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

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

For the reasons given above, the requested variance should be granted.

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DATE 11/13/84
BY [Signature]

Further, it is determined that the requested amendment to the site plan would not adversely affect the health, safety, and general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request to amend the site plan should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of November, 1984, that the Petition for Zoning Variance to allow a crusher run surface rather than a durable and dustless surface and, additionally, the Petition for Special Hearing to amend the site plan approved in Case No. 84-97-X to reflect same be and are hereby GRANTED, from and after the date of this Order, subject to the following:

1. The conditions and restrictions delineated in Case No. 84-97-X are hereby adopted in their entirety and shall continue to be enforced.

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 11/13/84
BY [Signature]

PETITION FOR SPECIAL HEARING AND VARIANCE
3rd Election District

LOCATION: Northeast corner of Reisterstown Road and Montrose Avenue (9633 Reisterstown Road)

DATE AND TIME: Tuesday, November 13, 1984 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 a revision to the site plan (Case No. 84-97-X) to eliminate proposed tar and chip surface on crusher run surface, and Variance to allow existing storage area and proposed parking area within the fenced in area not to be paved or macadamized but to remain a crusher run surface.

Being the property of Garrison Auto Parts, Inc., as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are 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

Paul Lee P.E.
Paul Lee Engineering Inc.
308 W. Pennsylvania Ave.
Towson, Maryland 21284
821-5941

DESCRIPTION

#9633 REISTERSTOWN ROAD - THIRD ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point said point being located at the intersection of the north side of Montrose Road and the east side of Reisterstown Road, thence binding on the east side of Reisterstown Road (1) N 41° W 105.76 feet ±, thence leaving said east side of Reisterstown Road (2) N 49° 24' E 198.99 feet ± and (3) S 26° 23' E 109.10 feet ± to the north side of Montrose Road, thence binding on the north side of Montrose Road (4) S 49° 24' W 171.46 feet ± to the place of beginning. Containing (19,552 S.F.) 0.45 acres of land, more or less.



Engineers — Surveyors — Site Planners 8/12/83 ✓

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

ARNOLD JABLON
ZONING COMMISSIONER

November 5, 1984

Mr. Stanley Dansicker
Garrison Auto Parts, Inc.
9633 Reisterstown Road
Garrison, MD 21055

RE: Petition for Special Hearing and Variances
NE/cor. Reisterstown Rd. & Montrose Ave. (9633 Reisterstown Rd.)
Garrison Auto Parts, Inc. - Petitioner
Case No. 85-136-SPHA

Dear Mr. Dansicker:
This is to advise you that \$60.33 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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.

Baltimore County, Maryland No. 135853
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Nov. 13, 1984 ACCOUNT 8-C1-615-111

AMOUNT 760.33

RECEIVED FROM Stanley Dansicker
FOR Garrison Auto Parts, Inc.

045*****603316 1134f
VALIDATION OR SIGNATURE OF CASHIER

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

October 11, 1984

Mr. Stanley Dansicker
Garrison Auto Parts, Inc.
9633 Reisterstown Road
Garrison, MD 21055

NOTICE OF HEARING

RE: Petition for Special Hearing
and Variance
NE/cor. Reisterstown Rd. &
Montrose Ave. (9633 Reisterstown Rd.)
Garrison Auto Parts, Inc.-Petitioner
Case No. 85-136-SPHA

TIME: 10:45 A.M.

DATE: Tuesday, November 13, 1984

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

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

No. 133283

DATE: 7/13/84 ACCOUNT: R-01-615-200

AMOUNT: 200.00

RECEIVED FROM: Stanley Dansicker
FOR: Planning fee for plan # 74

VARIANCE SPECIAL HEARING

042*****2000018 8134F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: November 8, 1984

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

No. 85-136-SPHA
SUBJECT: Garrison Auto Parts, Inc.

This office is opposed to the requested variance. The recent Circuit Court decision, Szyman v. County Board of Appeals, Ct. Case No. 84-M-159, states the Court's approval of the County policy which defines macadam as a durable, dustless surface, but which prohibits crusher run.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

PETITION FOR SPECIAL HEARING AND VARIANCE
3rd Election District

LOCATION: Northeast corner of Reisterstown Road and Montrose Avenue (9633 Reisterstown Road)
DATE AND TIME: Tuesday, November 13, 1984 at 10:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21286

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 a revision to the site plan (Case No. 84-97-X) to eliminate proposed bar and ship surface on crusher run surface, and Variance to allow existing storage area and proposed parking area within the fenced in area not to be paved or macadamized but to remain a crusher run surface.

Being the property of Garrison Auto Parts, Inc., as shown on plat filed with the Zoning Office.

In the event that these Petitions are 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
Oct. 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 25, 1984

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 25, 1984.

THE JEFFERSONIAN,

W. Kenton
Publisher

Cost of Advertising 24.00

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Oct. 25, 1984

THIS IS TO CERTIFY that the annexed advertisement was published for one (1) day of October, 1984, in the 25th day of October, 1984, in the

- Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- South Carroll Herald, a weekly newspaper published in Eldersburg, Carroll County, Maryland.
- Community Times, a weekly newspaper published in Reisterstown, Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per *Donald Keiper*

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Being the property of Garrison Auto Parts, Inc., as shown on plat filed with the Zoning Office.

In the event that these Petitions are 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 10-26-84

Posted for: Special Hearing

Petitioner: Garrison Auto Parts, Inc.

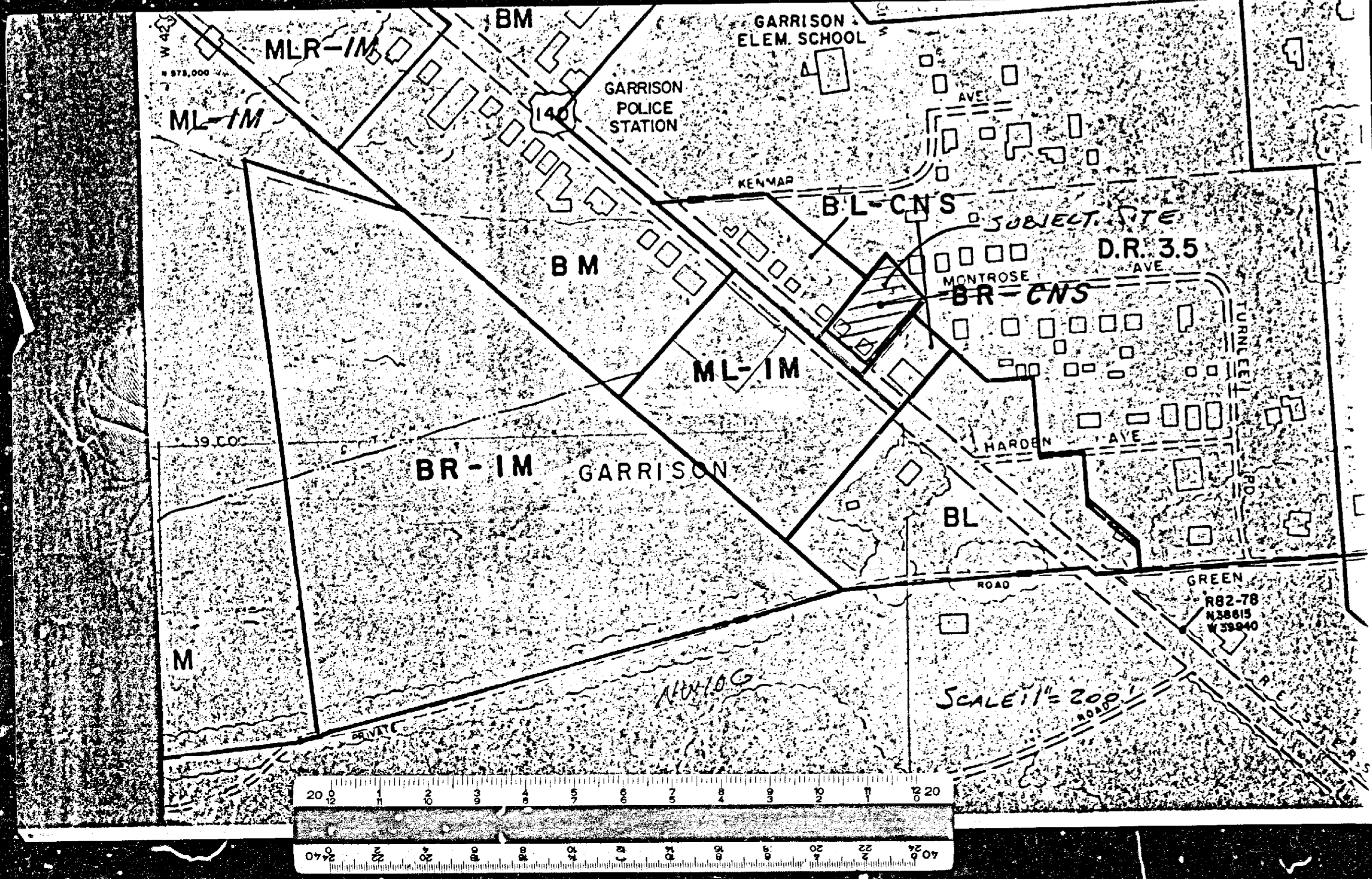
Location of property: N.E. cor. Reisterstown Rd. & Montrose Ave. (9633 Reisterstown Rd.)

Location of Signs: N.E. corner Reisterstown & Montrose Ave.

Remarks:

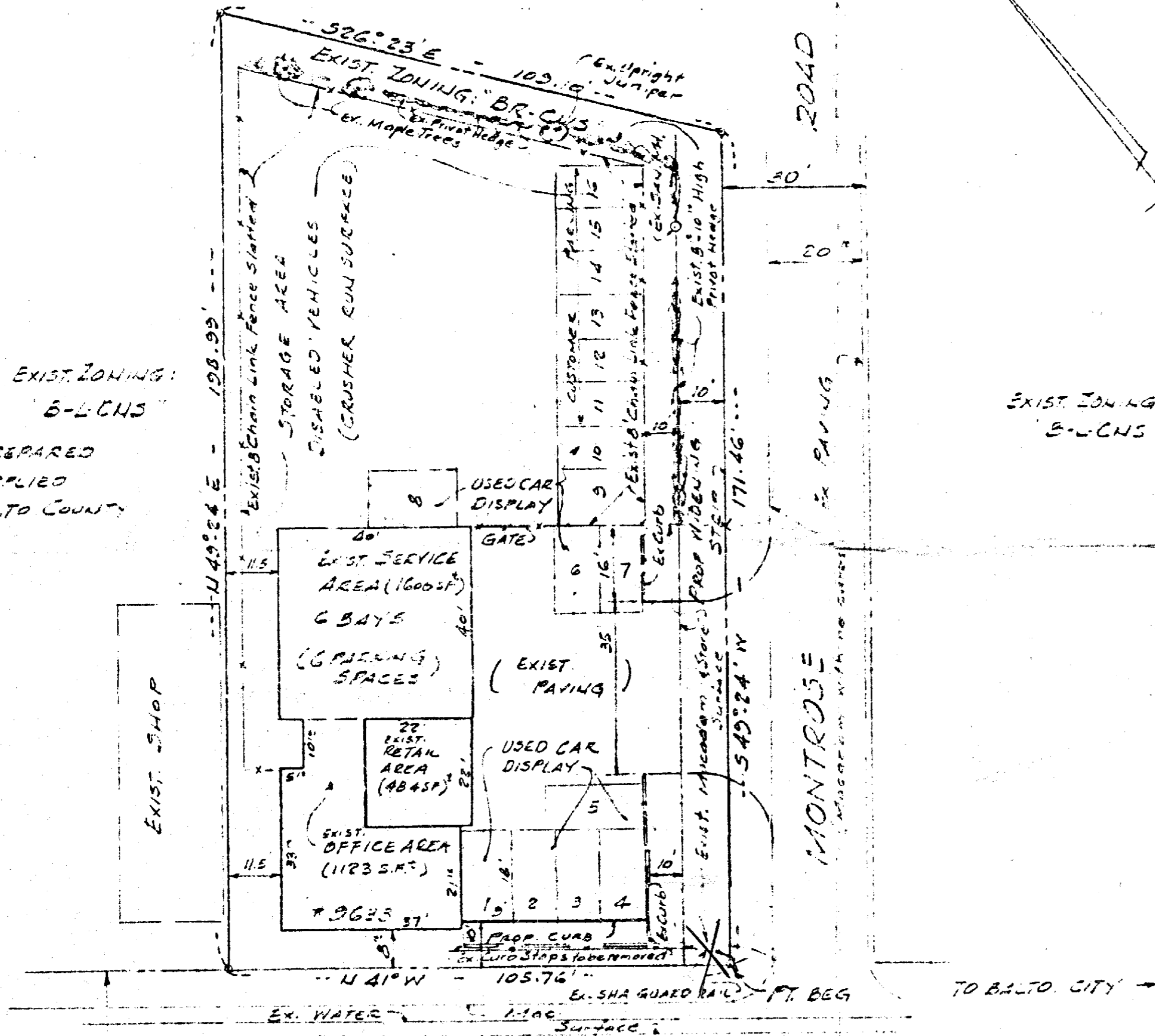
Posted by: *A. J. Smith* Date of return: 11-2-84

Number of Signs: 2



PETITIONER'S EXHIBIT 1

EXIST. ZONING "D.R.3.5"



EXIST. ZONING: "B-LCHS"

NOTE: SITE PLAN PREPARED FROM PLATS SUPPLIED BY OWNER & BALTO COUNTY

EXIST. ZONING: "B-LCHS"

GENERAL NOTES

1. AREA OF PROPERTY = (19,552 S.F.) = 0.45 AC.
2. EXISTING ZONING PROPERTY = "BR-CMS / SPECIAL EXCEPTION"
3. EXISTING USE OF PROPERTY = "RETAIL SALES, TOWING & SERVICE CENTER & USED CAR"
4. REQUIRED OFFSTREET PARKING:

| | |
|-------------------------------------|----------------|
| a. OFFICE = 1123 S.F. @ 1/300 | = 3.7 P.S. |
| b. SERVICE AREA = 1600 S.F. @ 1/300 | = 5.3 P.S. |
| c. RETAIL AREA = 4845 S.F. @ 1/100 | = 48.4 P.S. |
| d. USED CAR SALES DISPLAY AREA | = 2 |
| | <hr/> |
| | 13.4 P.S. + 14 |
| | = 27.4 |
5. TOTAL SPACES SHOWN = 27.4
* (includes 6 spaces in service area & 10 spaces for Used Car Sales Area)
6. PETITIONER REQUESTING SPECIAL HEARING TO REVISE SITE PLAN APPROVED 10-19-83
7. PROPOSED TAR & CHIP PAVING AREA TO BE ELIMINATED. STORAGE & PARKING AREA BEHIND FENCE AREA TO REMAIN CRUSHER RUN SURFACE
8. PROPERTY HAS PUBLIC SEWER & WATER
9. PARKING AREA FOR USED CAR SALES AS SHOWN
10. EXISTING LANDSCAPING & SCREENING AS SHOWN HAS BEEN APPROVED BY DEPT. OF CURRENT PLANNING
11. PETITIONER REQUESTING VARIANCE TO SECTION 400.3.6 (7) OF THE ZONING REGULATION TO ALLOW EXISTING STORAGE AREA & PROPOSED PARKING AREA WITHIN THE FENCED IN AREA NOT TO BE PAVED OR MACADAMED BUT TO REMAIN A CRUSHER RUN SURFACE

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

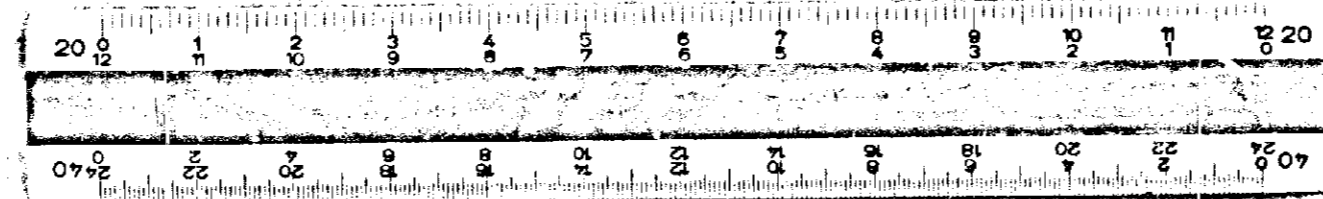
#9633 REISTERSTOWN ROAD
RETAIL SALES, TOWING & SERVICE CENTER & USED CAR SALES

ELECT. DIST. 3

BALTIMORE COUNTY, MD

SCALE: 1" = 20'

JULY 6, 1984
AUG 31, 1984



Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21284