

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: Legal Owner(s): William E. Brauer, Jr. (Type or Print Name) (Type or Print Name) Millian El Trailer Signature Terry L. Taylor (Type or Print Name) City and State Signature Attorney for Petitioner: HEARPIGL 🔀 John O. Hennegan 2621 Taylor Avenue (Type of Print Vame) Phone No. Baltimore, MD 21204 Tom V Remer 809 Eastern Blvd. Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, MD 21221 City and State

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_14th\_\_\_\_ day of \_\_October\_\_\_\_, 19\_85\_, 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 Faltimore 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 on the \_\_\_\_18th \_\_\_\_\_ day of \_\_\_\_November \_\_\_\_, 19\_85\_, at 1:00\_ o'clock

Attorney's Telephone No.: 686-8274

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FRANK S. LEE 1277 Neighbors Avenue Baltimore, Maryland 21237 687-6922

DESCRIPTION

BECINNING FOR THE SAME on the southwest side of Taylor Avenue, 40 feet wide, at a point distant 830 feet southeasterly from the corner formed by the intersection of the southwest side of Taylor Avenue and the southeast side of Park Drive, 50 feet wide, said point being at the division line between Lot No. 1 and Lot No. 94 in Block No. 1, as laid out on the Plat of Section A of Harford Park, recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 62; and running thence binding on the southwest side of Taylor Avenue, South 51 degrees 01 minute East 125 feet to the Northwest side of Old Harford Road; thence binding on the northwest side of Old Harford Road, South 35 degrees 5 minutes West 125.29 feet to the division line between Lot No. 6 and Lot No. 7, in Block No. 1, as laid out on said Plat; thence binding on said last mentioned division line and parallel with Taylor Avenue, North 51 degrees Ol minute West 133.54 feet to the division line between Lot No. 6 and Lot No. 94 in Block No. 1, as laid out on said Plat; and thence binding on said Lot No. 94, and parallel with Park Drive North 38 degrees 59 minutes East 125 feet to the place of beginning. Being all of Lors Nos. 1, 2, 3, 4, 5 and 6 in Block No. 1, on the Plat of Section A of Harford Park, hereinbefore referred to. The improvements thereon being known as No. 7720 old Harford Road.

Containing 0.37 acres of land, more or less.

0 IN RE: PETITION SPECIAL EXCEPTION BEFORE THE SW/corner of Taylor Avenue and Old Harford Road -ZONING COMMISSIONER 9th Election District OF BALTIMORE COUNTY William E. Brauer, Jr., Case No. 86-206-X Petitioners \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a service garage as is more particularly described on Petitioners' Exhibit 1.

The Petitioners, by William E. Brauer, Jr., appeared and testified and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned B.L., is improved with a full service station, including a 76' x 30' four-bay building with a 40' x 10' storage room on the rear. The service station has been in continuous operation since 1941, and in 1945, a special permit for a gasoline service station was granted in Case No. 419-S. The Petitioners propose to eliminate the sale of gasoline, to have the pumps and storage tanks removed, and to convert to a service garage for the repair and maintenance of automobiles. There will be no physical expansion of or alteration to the property.

The property is located at the corner of Old Harford Road and Taylor  $lacklacklacklacklack}$  Avenue and is surrounded by commercial uses, although there is an adjacent

Athough the Department of Traffic Engineering has made certain recommendations as to ingress and egress and on-site parking, Mr. Brauer stated that they could be unable to follow through with their proposal if they were Led to implement these recommendations because the cost involved would make the project impractical. He also stated that there has never been a

PETITION FOR SPECIAL EXCEPTION

Monday, November 18, 1985 at 1:00 p.m.

Petition for Special Exception for a service garage in a BL Zone; to be converted from an automotive service station pursuant to a

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, enter-

tain any request for a stay of the issuance of said permit during this period for

BY ORDER OF

ARNOLD JABLON

ZONING COMMISSIONER OF BALTIMORE COUNTY

good cause shown. Such request must be received in writing by the date of the

Southwest corner of Taylor avenue and Old Harford Road

Room 106, County Office Building, 111 West Chesapeake

9th Election District

(7720 Taylor Avenue)

Avenue, Towson, Maryland

Special Exception granted in case #419 to a garage.

Regulations of Baltimore County, will hold a public hearing:

Being the property of <u>William F. Brauer. Jr., et al</u> the plat filed with the Zoning Office.

hearing set above or made at the hearing.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and

LOCATION:

DATE AND TIME:

PUBLIC HEARING:

serious traffic problem at the site, and if anything, traffic to and from the site will diminish because no gasoline deliveries will occur and the constant ingress and egress of customers purchasing gasoline will cease. automobiles brought in for repairs and maintenance will not be as constant as those requiring gasoline.

The state of the s

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

It is clear that the BCZR permits 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 uses in the vicinity. 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 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 adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d

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 or the

- 2 -

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER

Harford Rd. (7720 Taylor Ave.) : OF BALTIMORE COUNTY

::::::

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman

Peter Max Zimmerman

Rm. 223, Court House

Towson, MD 21204

494-2188

Deputy People's Counsel

People's Counsel for Baltimore County

Please enter the apportance of the People's Counsel in the above-

WILLIAM E. BRAUER, JR., et al., Case No. 86-206-X

SW/Corner Taylor AVe. & Old

9th District

Petitioners

property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

to the advertisement, posting of property, and public and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of November, 1985, that the Petition for Special Exception for a service garage be and is hereby GRANTED, from and after the date of this Order, subject to the following restriction which is a condition precedent to the relief granted herein:

> 1. An eight-foot-high fence or concrete block wall shall be erected around the 80' x 37' area used for the storage of damaged or disabled vehicles. If a concrete block wall is constructed, no screening will be required; however, if fencing is installed, the surface of the fence shall be vine-covered or otherwise improved by the use of planting, unless the adjacent residential property owner waives such covering in writing to the Zoning Commissioner.

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Zoning Commissioner of Baltimore County

cc: John O. Hennegan, Esquire Heople's Counsel

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

November 14, 1985

John O. Hennegan, Esquire 809 Eastern Avenue Baltimore, Maryland 21221

RE: Petition for Special Exception SW/corner Taylor and Old Harford Rd. (7720 Taylor Avenue) 9th Election District William E. Brauer, Jr., et al-Petitioners Case No. 86-206-X

This is to advise you that \$50.15 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

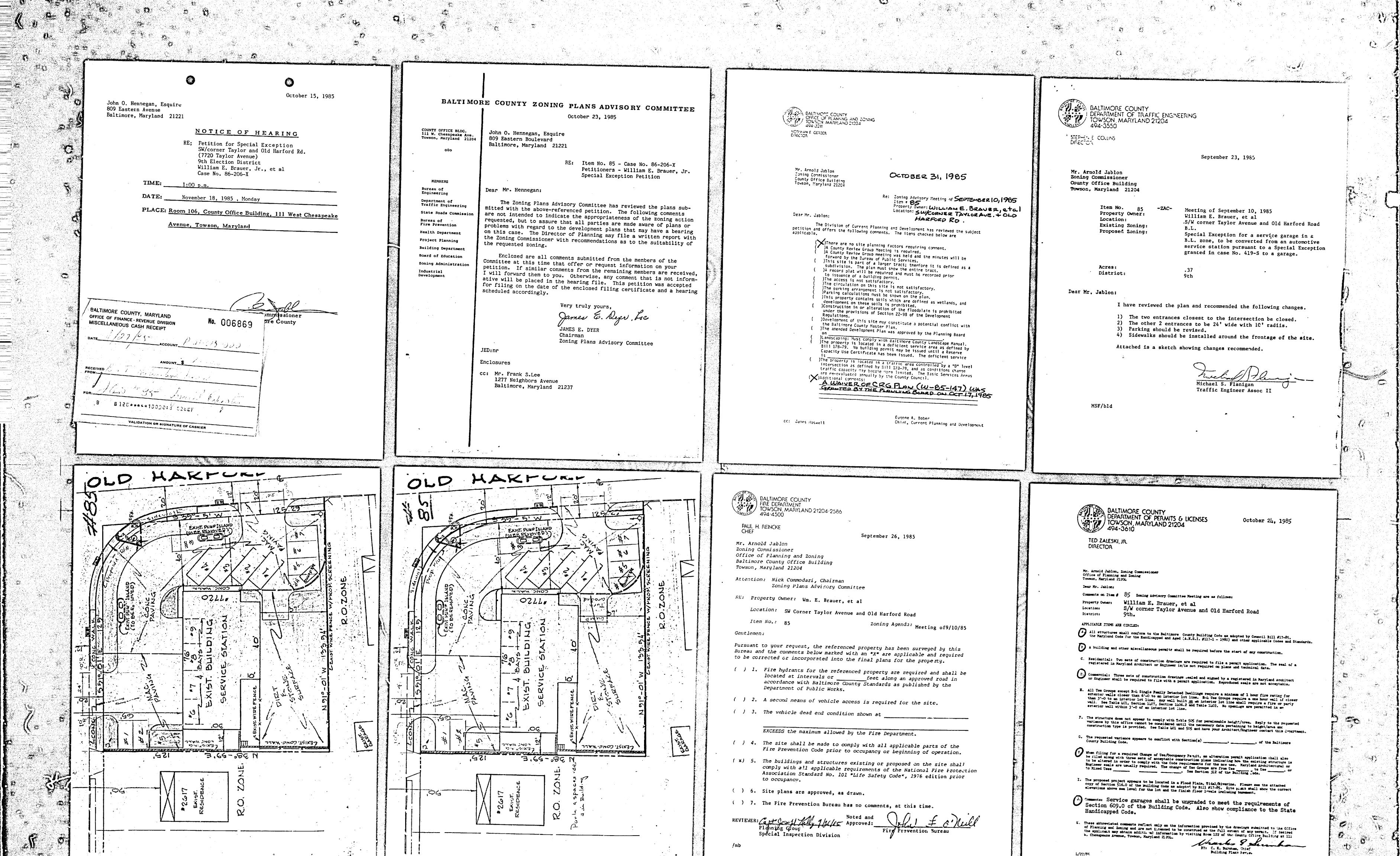
Do not remove sign from near the time it is placed by

this office until imore County, Maryland, and remit BALTIMORE COUNTY, MARYLAND Building, Towson, Maryland

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Peter Max Zimmerman

I HEREBY CERTIFY that on this 22nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to John O. Hennegan, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioners.



## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner	Date November 1, 1985
Norman E. Gerber, Director FROM Office of Planning and Zoning	

SUBJECT Zoning Petition No. 86-206-X

This office is not opposed to the conversion to a service garage provided that the plan is revised in accordance with the comments of the Department of Traffic Engineering dated September 23, 1985 (Michael S. Flanigan to Arnold Jablon).

CERTIFICATE OF POSTING

Location of Signe: Facing Insection of Taylor & Old Horford, approx,

William E. Brauer, fr., et al

Location of property: 5W/cox. Toylor Ara + Old Horford Rd.

2' FT. TORD Way, on proporty UF Potitionin

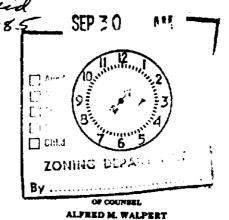
ZONING DEPARTMENT OF BALTIMORE COUNTY 86-206-X

Date of return: 11/1/85

NEG:JGH:slm

nadka, Gontrum, Hennegan & Toos

GERMANIA FEDERAL BUILDING 809 EASTERN BOULEVARD E88EX, MARYLAND 21221 TELEPHONE (301) 686-8274



Robert J. Romadka JOHN B. GONTRUM JOHN O. HENNEGAN CHARLES E. POOS, III DONALD B. BRAND

September 25, 1985

Mr. James Dyer 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Item No. 85 - 2621 Taylor Avenue Petition for Special Exception

Dear Mr. Dyer:

Please be advised that I represent William E. Brauer and Terry L. Taylor in the above referenced item and by this letter hereby request an early hearing date in order to avoid any unnecessary hardships on my clients.

Thank you for your cooperation in this matter and if you have any questions concerning estimated time or the number of witnesses, please do not hesitate to contact me.

ery truly yours,

JOH: kb

86-206-X

## Petition Of Special Exception 9th Election District

LOCATION: Southwest corner of Taylor avenue and Old Harford Road. (7720 Taylor Avenue)
DATE AND TIME: Monday, November 18, 1985 at 1:00 p.m.

PUBLIC HEARING: Room 198,
County Office Building, 111 West
Chesapeake Avenue, Towson,

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 in a BL Zone; to be converted from an automobile service states. verted from an automobile service sta-tion pursuant to a Special Exception granted in case #419 to a garage. Being the property of William E. Brauer, Jr., et al as shown on the plat

Brauer, Jr., et al as shown on the plat filed with the Ecology Office.

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 issuence 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.

BYORDEROF Arneld Jablea
Zoning Commissioner
Of Baltimore County

## **Times**

Middle River, Md., _	Oct 3/191
This is	to Certify, That the annexed
- Pelilm Reg	4 8 3488
was inserted in Ope I	imes, a newspaper printed
	imore County, once in each
of	successive
weeks before the	day of
<u> </u>	Oct , 1985
June	/m Publisher

-86-206-X CERTIFICATE OF PUBLICATION

TOWSON, MD., October 31 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 October 31

THE JEFFERSONIAN,

Publisher

Cost of Advertising

22.00

Case No. 86-206-X

PETITION FOR SPECIAL.
EXCEPTION
9th Election District

LOCATION: Southwest corner of Taylor Avenue and Old Harford Road (7720 Taylor Avenue)
DATE AND TIME: Monday, November 18, 1985 at 1:00 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeaks Avenue, Towson, Maryland

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore

ing Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Special Exception for a service garage in a BL Zone; to be converted from an automotive service station pursuant to a Special Exception granted in case #419 to a garage.

Being the property of William E. Brauer, Jr., et al as shown on the plat filed with the Zoning Office.

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 Commissions of Baltimore County

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 the day of October , 1985.

Zoning Commissioner

Petitioner William E. Brauer, Jr., et akeceived by: Qurey E. A. Petitioner's Attorney John O. Hennegan, Esquire

Chairman, Zoning Plans Advisory Committee

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