



Hess Realty Corporation  
Case No. 37-43-XA

to turn six different directions, with no signal controls, presents a very dangerous situation at the proposed garage location.

Of particular concern was the required U turn necessary for eastbound cars on Route 40 at the Pine Street intersection desiring to enter business locations via the westbound lanes of the highway. Mr. Hooper also stated that the Jiffy Lube Center would be adding to a problem recently compounded by the opening of a small strip shopping center just east of the Pine Street and Route 40 crossover.

Acknowledging the caution required for vehicular traffic at the Pine Street and Route 40 intersection, the designation for commercial zoning along this heavily traveled highway is obviously correct, and the Special Exception granted for a service garage is as proper a use for the subject site as the operation of the previous service station. The traffic passing by the location will not likely present any different patterns than those that already exist, and the activity planned for the subject property should not be detrimental to the conditions that are presently in existence.

After considering the ability of the property configuration to adequately service vehicles, and in view of restrictions applied to the special exception, this Board is of the opinion that the requested special exception complies with all sections of 502 and therefore should be granted with the following restrictions and will so order:

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
2. No temporary signs shall be permitted.
3. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comments prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

February 2, 1987

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

Dear Mr. DiNenna:

Re: Case No. 87-43-XA  
Hess Realty Corp.

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

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.

cc: James and Linda Tony  
Otis Hooper  
George Christian  
Miriam Gaskins  
Calvin Thomas  
Benjamin Bronstein, Esq.  
Phyllis C. Friedman  
Norman Gerber  
James Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Betty du Bois



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

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

October 20, 1986

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Room 223 Court House  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Ms. Friedman and Mr. Bronstein:

Please be advised that on October 6, 1986 an appeal was filed by the Protestants, James and Linda Tony, Otis Hooper, George Christian, Miriam Gaskins, and Calvin Thomas, from my decision which was rendered in this case on September 8, 1986.

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

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ:med

cc: S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA  
DATE APPEALED: October 6, 1986

- SE-Service Garage; Var.-Double face free standing sign with sq. footage of 120 sq. ft. in lieu of the allowed 100 sq. ft.
1. Copy of Petition
  2. Copy of Description of Property
  3. Copy of Certificate of Posting
  4. Copies of Certificates of Publication
  5. Copy of Zoning Advisory Committee Comments
  6. Copy of Comments from the Director of Planning
  7. Copy of Order to Enter Appearance
  8. Copy of Order of Zoning Commissioner - 9/8/86, GRANTED w/restrictions
  9. Copy of Plat of Property
  10. Copy of Order of Appeal filed by Protestants
  11. Copy of Appeal Notification Letter - 10/6/86 by S. Eric DiNenna, Esq., on behalf of Protestants
  12. Petitioner's Exhibits Nos. 1 to 5

- No. 1 - Plat, dated 4/22/86 for 6116 Baltimore National Pike)  
No. 2 - 9 color photographs  
No. 3 - Jiffy Lube Traffic Study, 8/5/86  
No. 4 - Qualifications of John W. "Wes" Guckert  
No. 5 - Color photograph of site view

13. Protestants' Exhibits Nos. 1A to 1Q - (17 Color Photographs)

James and Linda Tony  
6204 Baltimore National Pike  
Baltimore, Maryland 21228

Appellant/Protestant

Otis Hooper  
1016 Alexander Avenue  
Catonsville, Maryland 21228

Appellant/Protestant

George Christian  
1012 Handy Avenue  
Baltimore, Maryland 21228

Appellant/Protestant

Miriam Gaskins  
1019 Handy Avenue  
Baltimore, Maryland 21228

Appellant/Protestant

Calvin Thomas  
1104 Handy Avenue  
Baltimore, Maryland 21228

Appellant/Protestant

\*S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204  
296-6820

Attorney for Appellants/Protestants

Benjamin Bronstein, Esquire  
Suite 200, 102 W. Pennsylvania Ave.  
Towson, Maryland 21204  
828-4442

Attorney for Appellee/Petitioner

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.  
TOWSON, MARYLAND 21204  
(301) 296-6820

October 3, 1986

Zoning Commissioner  
for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 87-43-XA  
6116 Baltimore National Pike

Dear Mr. Commissioner:

Enclosed herewith please find my appeal concerning the above-captioned matter.

Very truly yours,

*S. Eric DiNenna*  
S. ERIC DINENNA

SED:kar  
Enclosure

cc: Benjamin Bronstein, Esquire  
Ms. Phyllis Friedman  
Mr. and Mrs. James Tony

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

DATE 10/20/86 ACCOUNT 01-015-000

AMOUNT \$100.00  
S. Eric DiNenna, Esquire, 406 West Pennsylvania Avenue, Towson, Maryland 21204

RECEIVED FROM APPEAL AND SIGN POSTING FEE RE CASE #87-43-XA

FOR \$ 8087\*\*\*\*\*190001a \$2087

VALIDATION OF SIGNATURE CASHIER

RECEIVED  
OCT 16 1986  
ZONING OFFICE

10/22/86 - Following notified of hearing set for Wed. Dec. 31, 1986, at 10 a.m.

James and Linda Tony  
Otis Hooper  
Geo. Christian  
M. Gaskins  
Calvin Thomas  
S. Eric DiNenna  
Ben. Bronstein  
Phyllis Friedman  
Norman Gerber, James Hoswell  
Arnold Jablon, Jean Jung, James Dyer  
Margaret DuBois

10/28/86 - Above individuals notified of new hearing date on Tuesday, January 6, 1987 at 1:00 p.m.

Hess Realty Corporation  
Case No. 87-43-XA

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of February, 1987, by the County Board of Appeals, ORDERED that the Special Exception petitioned for, be and the same is GRANTED with the following restrictions:

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
2. No temporary signs shall be permitted.
3. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comments prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.

IT IS FURTHER ORDERED that a variance to permit other business signs totaling 120 square feet in lieu of the permitted 100 square feet be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

*LeRoy T. Spurrer*  
LeRoy T. Spurrer

Phyllis Cole Friedman, Esquire

People's Counsel

Norman E. Gerber  
James Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Margaret E. du Bois, Appeals  
Clerk, Zoning Office

Request Notification  
"  
"  
"  
"  
"  
"  
"

IN RE: PETITION SPECIAL  
EXCEPTION AND VARIANCE  
NW/cor. of Baltimore  
National Pike and Pine  
Avenue (6116 Baltimore  
National Pike) - 1st  
Election District

Hess Realty Corporation,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY

Case No. 87-43-XA

ORDER OF APPEAL

MR. COMMISSIONER:

Please enter an appeal on behalf of the below named  
Protestants from your decision of September 8, 1986:

James and Linda Tony  
6204 Baltimore National Pike  
Baltimore, Maryland 21228

Otis Hooper  
1016 Alexander Avenue  
Catonsville, Maryland 21228

George Christian  
1012 Handy Avenue  
Baltimore, Maryland 21228

Miriam Gaskins  
1015 Handy Avenue  
Baltimore, Maryland 21228

Calvin Thomas  
1104 Handy Avenue  
Baltimore, Maryland 21228

RECEIVED  
OCT 6 1986

ZONING OFFICE

ERIC DINENNA  
DINENNA, MANN & BRESCHI  
406 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 296-6820  
Attorney for Appellants

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
294-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

October 20, 1986

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Room 223 Court House  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Ms. Friedman and Mr. Bronstein:

Please be advised that on October 6, 1986 an appeal was filed  
by the Protestants, James and Linda Tony, Otis Hooper, George Christian,  
Miriam Gaskins, and Calvin Thomas, from my decision which was rendered  
in this case on September 8, 1986.

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

Sincerely,

Arnold Jablon  
ARNOLD JABLON  
Zoning Commissioner

AJ:med

cc: S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

will have two bays, each able to handle two vehicles. Access to the site is  
only from Route 40. The vehicles will enter the building and park over a pit  
in which an employee will then lubricate the vehicle and change the oil.  
There are no lifts. The Petitioner expects an average of 60 vehicles per  
day. Mr. Guckert testified that Route 40 averages approximately 46,000 trips  
per day, and although no studies have been conducted, they expect most of the  
business to derive from normal traffic flow. Both Mr. Guckert and Mr. Smith  
believe all of the relevant conditions precedent in Sections 502.1 and 307  
will be satisfied. Mr. Moeslein testified that there will be no damaged or  
disabled vehicles on the site and that the effectiveness of the business  
derives from the quick servicing, limited to lubrications, oil and other  
fluid changes, and accessory services, of its customers' vehicles.

Mr. Tony testified that he is opposed because he is concerned about  
traffic congestion caused by the proposed use. He argued that there are  
already many service garages in the area. He also owns a service garage near  
the subject site, a transmission repair facility, and is preparing to open his  
own quick lube and oil change facility there.

Mr. Hooper and many of his neighbors in the residential community to the  
rear of the site also testified. Some were concerned about screening, others  
about traffic, and still others about litter and crime. All expressed their  
concerns clearly and concisely, but none as eloquently as Mr. Hooper. The  
love he described for his community underscores the obvious point-counterpoint  
of commercial development against a residential back-drop. Unfortunately,  
there is no means by which the clock can be rolled back and the creeping  
commercialism that is the bane of our urban areas be diminished. We can,  
however, attempt to slow it down.

- 2 -

What must be considered in light of the above is how the subject property  
could be used. Either by right or by special exception. It is clear that the  
proposed use would be preferable to many and would create a minimum negative  
impact to the community. Also, it is equally obvious that the proposed use  
would create no more of a problem in this location than in any B.L.-zoned  
site in the County. An analysis of the effect of the proposed use on the  
nearby residential area leads to the conclusion that with the restrictions  
added hereinafter, this use would not create the adverse impact that most  
other uses would. In fact, if a commercial use must be permitted, then the  
proposed use is as good as any when measured against the concerns of its resi-  
dential neighbors.

The Petitioner also requests a sign variance to permit the erection of  
the Jiffy Lube logo and a readerboard, both totaling 120 square feet. There  
was no testimony presented as to the need for the readerboard.

An area variance may be granted where strict application of the zoning  
regulation would cause practical difficulty to the petitioner and his prop-  
erty. *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 unreason-  
ably 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).

- 4 -

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6<sup>th</sup> day of October  
1986, a copy of the foregoing Order of Appeal was mailed, postage  
prepaid, to Benjamin Bronstein, Suite 200, 102 West Pennsylvania  
Avenue, Towson, Maryland 21204; to Phyllis Friedman, People's  
Counsel for Baltimore County, Room 223, Court House, Towson,  
Maryland 21204.

ERIC DINENNA

IN RE: PETITION SPECIAL EXCEPTION  
AND VARIANCE  
NW/cor. of Baltimore  
National Pike and Pine  
Avenue (6116 Baltimore  
National Pike) - 1st  
Election District  
Hess Realty Corporation,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-43-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage  
and, additionally, a variance to permit other business signs totaling 120  
square feet in lieu of the permitted 100 square feet, as more particularly  
described on Petitioner's Exhibit 1.

The Contract Purchaser, JAC/PAC Partnership, has purchased the subject  
property at this time. Appearing on behalf of JAC/PAC were Robert Levine and  
Pacy Odetsky, General Partners, who were represented by Counsel. Testifying  
on behalf of the Petitioners were Wes Guckert, an expert traffic engineer;  
David Moeslein, Jr., property manager for Jiffy Lube, International (Jiffy  
Lube); and John Smith, a registered civil engineer. James Tony appeared in  
opposition and was represented by Counsel. Otis Hooper, a nearby resident,  
and other residents also appeared in opposition.

Testimony indicated that the subject property, located on U.S. 40 (Route  
40) at Pine and Rich Avenues and zoned B.L., is presently an abandoned gas  
station. The site is unusual in that it is shaped like a long triangle  
bounded by Route 40 and Rich Avenue, with access to Rich Avenue from Route 40  
by Pine Avenue. The Petitioner proposes to raze the existing gas station and  
construct a new 2,024 square foot structure for a Jiffy Lube, providing rapid  
lubrication and oil changes, which average about 15 minutes. The building

The Petitioner seeks relief from Section 230.13, pursuant to Section  
502.1, and from Section 413.2.f, pursuant to Section 307, Baltimore County  
Zoning Regulations (BCZR).

It is clear that the BCZR permits the use requested by the Petitioner 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 in Section 502.1 are  
satisfied by the Petitioner.

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 Petitioner had the burden of adducing testimony and evidence which  
would show that the proposed use met the prescribed standards and require-  
ments set forth in Section 502.1. In fact, the Petitioner has shown that  
the proposed use would be conducted without real detriment to the neigh-  
borhood 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 Petitioner's Exhibit 1 would have any adverse impact above and  
beyond that inherently associated with such a special exception use, irrespec-  
tive 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 gen-  
eral 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 be inconsistent with  
the spirit and intent of the BCZR.

It is clear from the testimony that if the variance were granted, such  
use as proposed would be contrary to the spirit of the BCZR and would result  
in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is  
clear that no practical difficulty or unreasonable hardship would result if  
the instant variance were not granted. It has not been established that the  
requirement from which the Petitioner seeks relief would unduly restrict the  
use of the land due to the special conditions unique to this particular  
parcel. In addition, the variance requested would be detrimental to the  
public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hear-  
ing held, 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 com-  
munity not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,  
this 9<sup>th</sup> day of September, 1986, that a special exception for a service  
garage be and is hereby GRANTED, from and after the date of this Order, sub-  
ject, however, to the following restrictions which are conditions precedent to  
the relief granted herein:

1. The Petitioner may apply for its building permit  
and be granted same upon receipt of this Order;  
however, Petitioner is hereby made aware that  
proceeding at this time is at its own risk until  
such time as the applicable appellate process from  
this Order has expired. If, for whatever reason,  
this Order is reversed, the Petitioner would be  
required to return, and be responsible for return-  
ing, said property to its original condition.
2. The hours of operation shall be from 8:00 a.m. to  
6:00 p.m., Monday through Saturday.
3. No temporary signs shall be permitted.

- 5 -

4. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comment prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.

It is FURTHER ORDERED that a variance to permit other business signs totaling 120 square feet in lieu of the permitted 100 square feet be and is hereby DENIED.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

AJ/srl  
cc: Benjamin Bronstein, Esquire  
S. Eric DiNenna, Esquire  
People's Counsel

RECEIVED FOR FILING  
DATE *5/29/86*  
BY *[Signature]*

PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
1st Election District  
Case No. 87-43-XA

LOCATION: Northwest Corner of Baltimore National Pike and Pine Avenue  
(6116 Baltimore National Pike)

DATE AND TIME: Monday, August 18, 1986, at 10:15 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 and Variance for a service garage and to permit a free-standing, double-faced sign totaling 120 sq. ft. in lieu of the permitted 100 sq. ft. sign

Being the property of Hess Realty Corporation, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353  
ARNOLD JABLON  
ZONING COMMISSIONER  
August 14, 1986

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Mr. Bronstein:

This is to advise you that \$77.50 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 property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 021826  
DATE 8/18/86 ACCOUNT R-01-615-000  
SIGN AND POSTS RETURNED  
AMOUNT \$ 77.50  
Benjamin Bronstein, Esq., Suite 200, Alex Brown Bldg., 102 W. Pennsylvania Ave., Towson, Md. 21204  
ADVERTISING & POSTING COSTS RE CASE #87-43-XA  
FOR \$ 8024\*\*\*\*\*77501a \$108F  
VALIDATION OR SIGNATURE OF CASHIER

County, Maryland, and remitt  
ing, Towson, Maryland

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

July 7, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Balto. Nat'l Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

TIME: 10:15 a.m.

DATE: Monday, August 18, 1986

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

*[Signature]*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 021662  
DATE 5/29/86 ACCOUNT 01-615  
AMOUNT \$ 200.00  
RECEIVED BENJAMIN BRONSTEIN  
FOR FILING FEE - SPX - VAR ITEM No 445  
HESS REALTY CORP - PET  
B 008\*\*\*\*\*20001a 6282F  
VALIDATION OR SIGNATURE OF CASHIER

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
P.O. BOX 8828, TOWSON, MARYLAND 21204

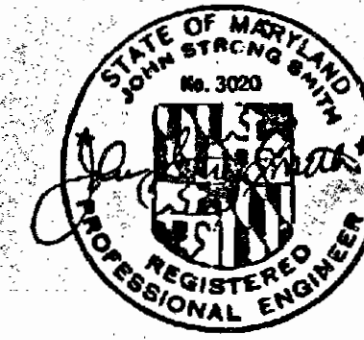
Description To Accompany A Petition  
For A Special Exception For  
A Service Garage And A Sign  
Variance In A RL Zone.

May 26, 1986

RE: Jiffy Lube  
U.S. Route 40

Point of beginning being located on the north side of U.S. Route 40 at its intersection with the west side of Pine Avenue, 200' ± easterly from the point of intersection of the centerlines of Rich Avenue and Handy Avenue, thence in a clockwise direction:

- 1) A line having a radius of 3,744.72 feet ±, a length of 367.71 feet ± and a chord of South 15° 16' 52" West 367.56 feet ±
  - 2) North 02° 48' 20" East 99.9' feet
  - 3) North 89° 13' 20" East 350.49 feet and
  - 4) South 00° 46' 40" East 11.22 feet to the place of beginning.
- Containing 0.47 acres of land more or less.



(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCE : OF BALTIMORE COUNTY  
NW Corner of Balto. Nat'l Pike :  
& Pine Ave. (6116 Balto. Nat'l Pike), 1st District :  
HESS REALTY CORP., Petitioner : Case No. 87-43-XA

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

I HEREBY CERTIFY that on this 25th day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; JAC/PAC Partnership, 201 N. Charles St., Baltimore, MD 21201, Contract Purchaser; and Mr. John Smith, G. W. Stephens & Assocs., 303 Allegheny Ave., Towson, MD 21204, who requested notification.

*Peter Max Zimmerman*  
Peter Max Zimmerman

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

July 31 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR SPECIAL EXCEPTION  
77999

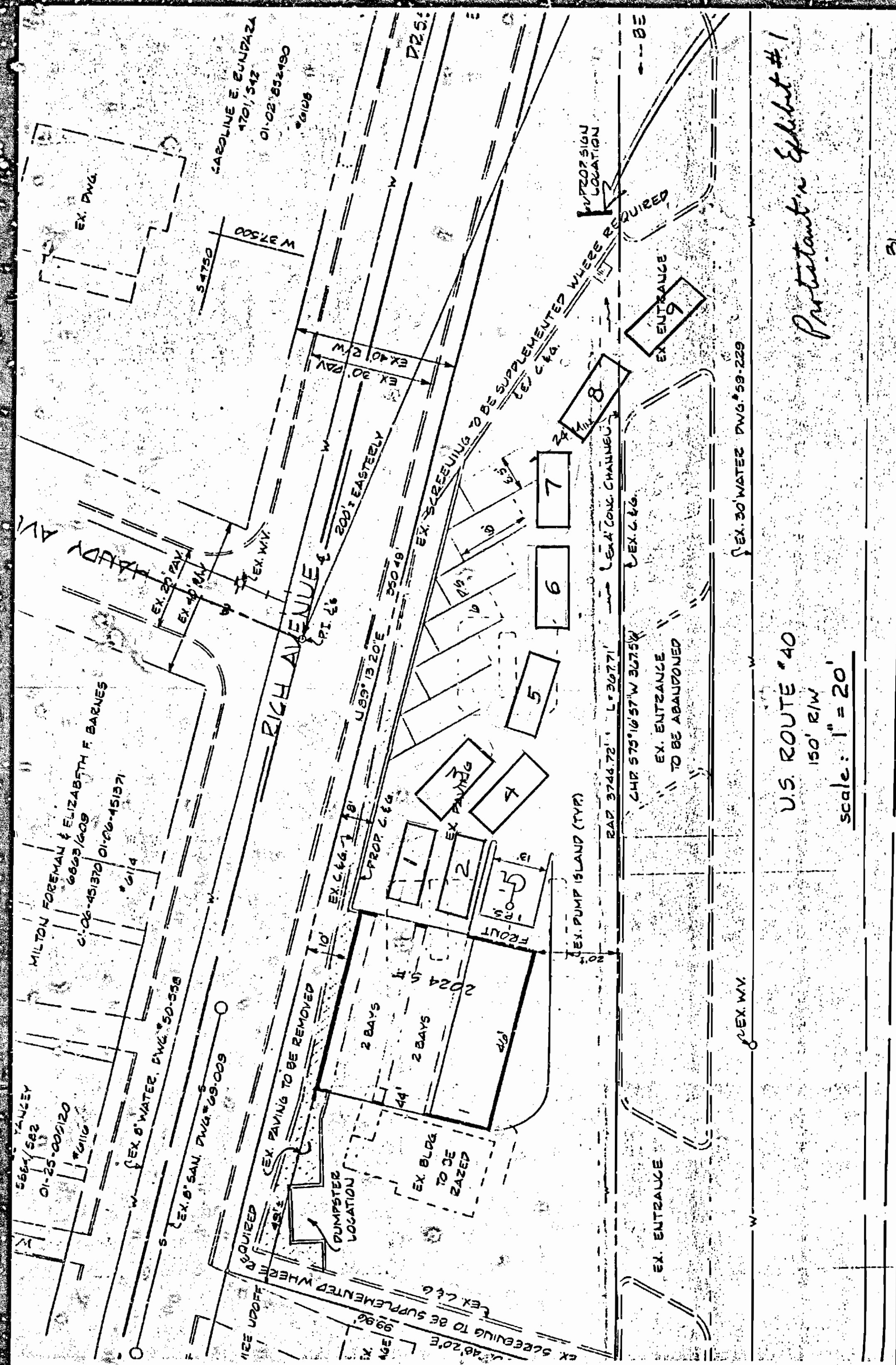
was inserted in the following:  
Catonsville Times  
Arbutus Times  
weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 2 day of August 19 86, that is to say, the same was inserted in the issues of

July 31, 1986

PATUXENT PUBLISHING CORP.  
By *[Signature]*

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY  
Plaintiff  
vs.  
Defendant  
CERTIFICATE OF PUBLICATION OF





# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 87-43-XA

Date: July 21, 1986

This office is opposed to the granting of a variance for a sign of this size and height. It is particularly offensive in view of the residences along the north side of the site. Further, this office is opposed to reader-boards, viewing them as nothing more than non-portable portable signs.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm

CPS-008

BENJAMIN BRONSTEIN  
ATTORNEY AT LAW  
SUITE 200  
102 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 628-4442

October 10, 1986

The Honorable William T. Backett, Chairman  
Board of Appeals for Baltimore County  
Court House  
Towson, MD 21204

RE: Case No. 87-43-XA  
6116 Baltimore National Pike  
Hess Realty Corp., Petitioner

Dear Mr. Backett:

I have received a copy of an Order of Appeal filed on behalf of the protestants by S. Eric DiNenna from the decision of the Zoning Commissioner dated September 8, 1986 in the above entitled case. This property is vacant and my client is eager to proceed with its development. I am respectfully requesting that this case be set in at the earliest possible date available.

Thank you for your kind attention to this matter.

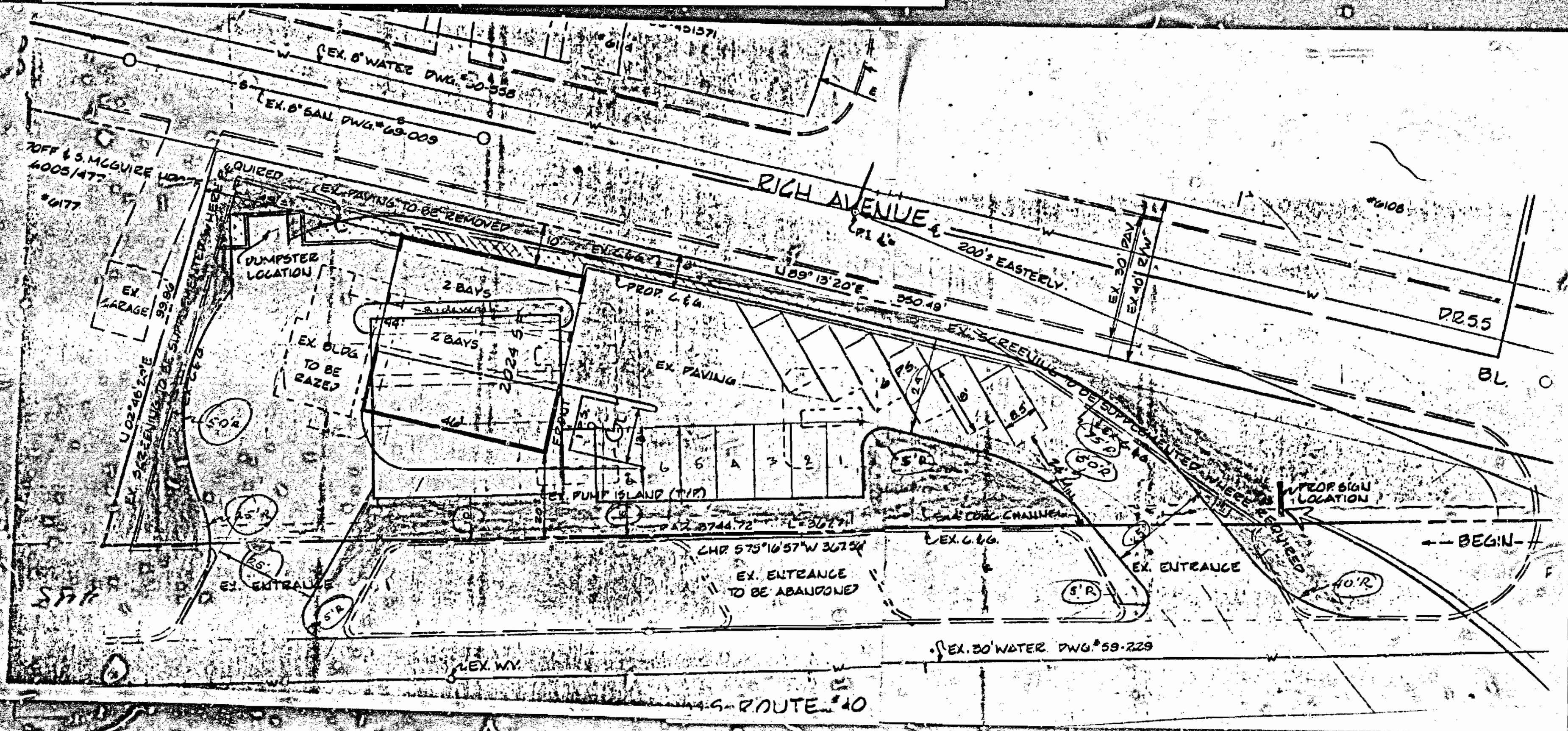
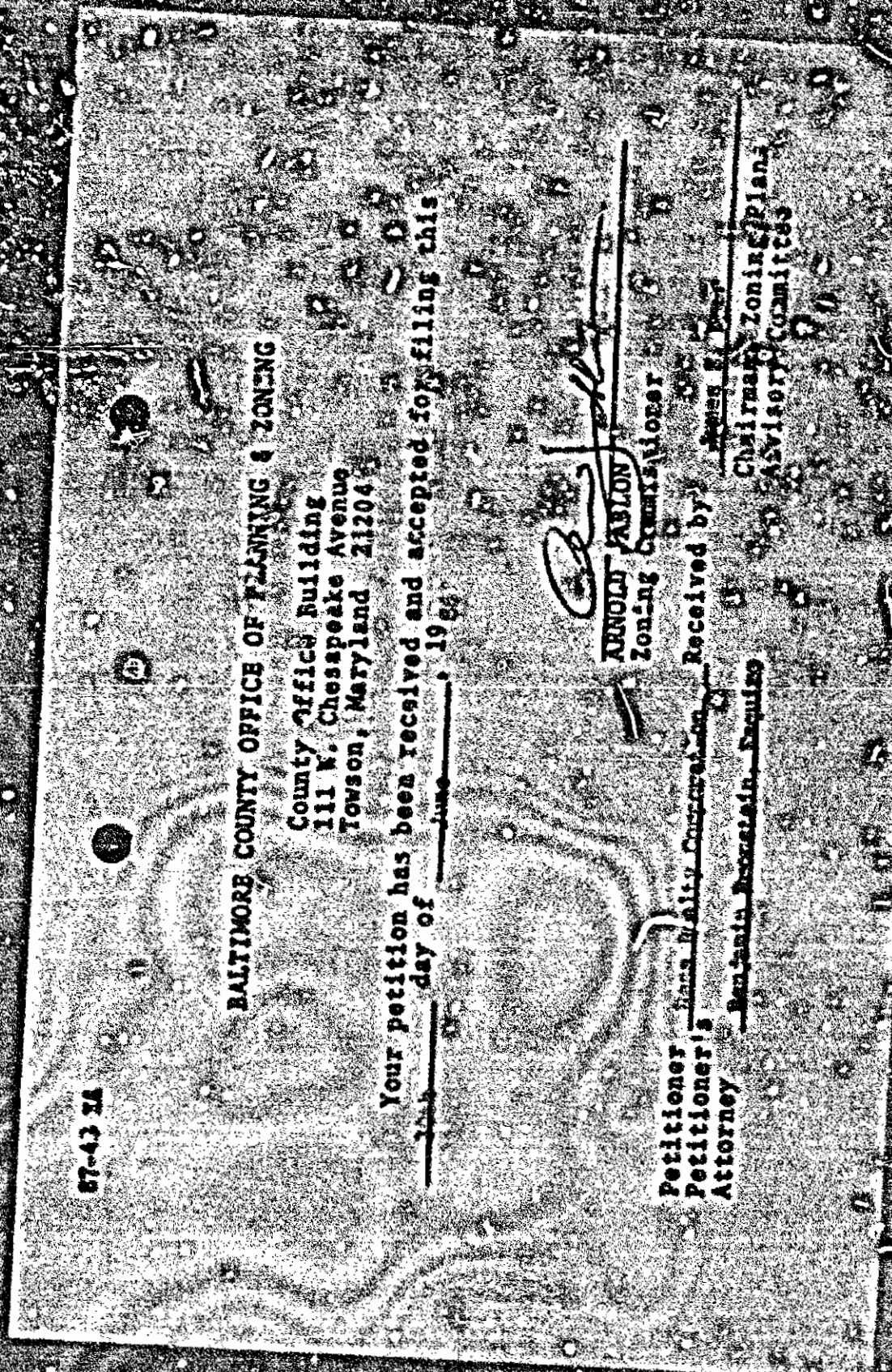
Very truly yours,

*Benjamin Bronstein*  
Benjamin Bronstein

BB/jaa  
cc: S. Eric DiNenna, Esquire  
Phyllis Friedman, People's Counsel

17-206  
60

21  
Dec 31



DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
ROBERT A. BRESCHI

July 28, 1986

Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 87-43XA  
Petitioner: Hess Realty Corp.

Dear Mr. Jablon:

Please enter my appearance on behalf of Protestants concerning the above-captioned matter.

It is my understanding that this matter is set for hearing for August 18, 1986 at 10:15 A.M.

Please address any correspondence concerning this matter to my attention.

Very truly yours,

*S. Eric DiNenna*  
S. ERIC DINENNA

SED:kb  
cc: Benjamin Bronstein, Esquire  
Mr. James Tony

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 23, 1986

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

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

Benjamin Bronstein, Esquire  
102 W. Pennsylvania Avenue, Suite 200  
Towson, Maryland 21204

RE: Item No. 445 - Case No. 87-43-XA  
Petitioner: Hess Realty Corporation  
Petitions for Special Exception and Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plan submitted with the above referenced petition. The comments from the CRG have been added to those of the Zoning Plans Advisory Committee and are part of this case file. They 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 Commission with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kb

Enclosures

cc: Mr. John Smith  
George William Stephens, Jr.  
and Associates, Inc.  
303 Allegheny Avenue  
Towson, Maryland 21204



# John W. "Wes" Guckert

Wes Guckert is a recognized expert in the areas of traffic engineering, impact analysis, traffic signal design, circulation, and access studies and transportation planning. He has designed numerous traffic signal projects including a 10-intersection system in the city of Laurel, Maryland. Mr. Guckert played a major role in the planning study for the revitalization of Pikesville, in Baltimore County, Maryland.

Mr. Guckert served as the project manager for several public agency projects including the Maryland 210 Bus Stop Study, the Capital Center (Largo) Access Study, and the University of Maryland (College Park) Access Study. He also served as the principal traffic engineer responsible for the conduct of over 30 traffic safety studies for numerous municipalities throughout Maryland. He has directed the design and implementation of traffic access systems for several local and regional mixed-use projects including the 1,500,000 square foot Townsontown Centre, Port America and recently the Bowie New Town Center. This is just a sample of the projects Mr. Guckert has undertaken while practicing as a consultant since 1977, subsequent to his five years of experience with the Maryland State Highway Administration, Traffic Division.

Mr. Guckert has qualified and been accepted as an expert in the field of traffic engineering before numerous County and Municipal Planning and Zoning Boards in Maryland, Virginia, and Pennsylvania, as well as the Baltimore County Circuit Court.

|                                                                                                              |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1977-present<br>Consultant                                                                                   | Educational Background                                                                                                                                                                                                                                            | Affiliations                                                                                                                                                                                                                                                |
| 1972-1977<br>Maryland State Highway Administration - Traffic Division<br>Assistant Regional Traffic Engineer | Civil Engineering Preparation:<br>Johns Hopkins University, Towson State University, and Essex Community College<br>Traffic Engineering Courses: Northwestern University Traffic Institute, University of Tennessee Transportation Center, University of Maryland | Institute of Transportation Engineers<br>Urban Land Institute (ULI)<br>I.T.E. Professional Committee<br>Traffic Considerations for Special Events<br>Parking Facilities for Industrial Plants<br>Internal Transportation Systems for Major Activity Centers |

|                                                                                            |                                                                |                                                               |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------|
| Places Where Mr. Guckert Has Qualified as an Expert Witness                                | Planning Commission, City of Frederick                         | Park and Planning Commission, Prince Georges County           |
| Planning Board, Allegany County                                                            | Planning Board, Frederick County                               | Planning Board, St. Mary's County                             |
| Zoning Hearing Examiner and Board of Appeals, Anne Arundel County                          | Zoning Hearing Examiner, Harford County                        | New Jersey                                                    |
| Planning Commission and City Council, City of Annapolis                                    | Planning Board and Zoning Board, Howard County                 | Holmdel Township Planning Board, Virginia                     |
| City Council, Baltimore                                                                    | Zoning Hearing Examiner, Montgomery County                     | Arlington County Board of Supervisors                         |
| Board of Appeals, Circuit Court, Planning Board, Zoning Hearing Examiner, Baltimore County | Board of Appeals, Montgomery County                            | Loudoun County Planning Board                                 |
| Planning Board, Town Commissioners, Town of Bel Air                                        | Park and Planning Commission, Montgomery County                | Prince William County Planning Board and Board of Supervisors |
| Planning Board and Board of Appeals, Carroll County                                        | Planning Board, Zoning Hearing Examiner, Prince Georges County | Pennsylvania                                                  |
| Planning Board and Board of Appeals, Charles County                                        |                                                                | West Whiteland Township Planning Board, Town Council          |

Suite 220  
Greenspring Station  
2550 W. Joppa Road  
Lutherville, Maryland 21093  
(301) 583-8405

THE TRAFFIC GROUP, INC.

QUALIFICATIONS  
John W. "Wes" Guckert

THE TRAFFIC GROUP, INC. THE TRAFFIC GROUP, INC.

## JIFFY LUBE TRAFFIC STUDY JOPPA RD. - EAST OF PERRING PKWY. Number of Cars Serviced August 5, 1986 8:00am - 6:00pm

| Time        | # Cars Serviced | Time        | # Cars Serviced |
|-------------|-----------------|-------------|-----------------|
| AM          |                 | PM          |                 |
| 08:00-08:15 | 1               | 01:00-01:15 | 3               |
| 08:15-08:30 | 1               | 01:15-01:30 | 2               |
| 08:30-08:45 | 0               | 01:30-01:45 | 0               |
| 08:45-09:00 | 1               | 01:45-02:00 | 2               |
| 09:00-09:15 | 1               | 02:00-02:15 | 1               |
| 09:15-09:30 | 2               | 02:15-02:30 | 0               |
| 09:30-09:45 | 0               | 02:30-02:45 | 0               |
| 09:45-10:00 | 1               | 02:45-03:00 | 1               |
| 10:00-10:15 | 2               | 03:00-03:15 | 1               |
| 10:15-10:30 | 0               | 03:15-03:30 | 2               |
| 10:30-10:45 | 1               | 03:30-03:45 | 3               |
| 10:45-11:00 | 0               | 03:45-04:00 | 4               |
| 11:00-11:15 | 4               | 04:00-04:15 | 1               |
| 11:15-11:30 | 2               | 04:15-04:30 | 2               |
| 11:30-11:45 | 2               | 04:30-04:45 | 2               |
| 11:45-12:00 | 2               | 04:45-05:00 | 0               |
| 12:00-12:15 | 2               | 05:00-05:15 | 1               |
| 12:15-12:30 | 1               | 05:15-05:30 | 1               |
| 12:30-12:45 | 2               | 05:30-05:45 | 0               |
| 12:45-01:00 | 3               | 05:45-06:00 | 1               |
| PM          |                 | PM          |                 |

8 Hour Totals 55

THE TRAFFIC GROUP, INC.

THE TRAFFIC GROUP, INC.



ARNOLD JARON, ZONING COMMISSIONER  
BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204

PRESORTED  
FIRST-CLASS



JAC/PAC Partnership  
201 North Charles Street  
Baltimore, Maryland 21201

Rec'd  
8/6/86  
Tud

THE TRAFFIC GROUP, INC. THE TRAFFIC GROUP, INC.

## JIFFY LUBE TRAFFIC STUDY JOPPA RD. - EAST OF PERRING PKWY. Number of Cars Meeting to be Serviced August 5, 1986 8:00am - 6:00pm

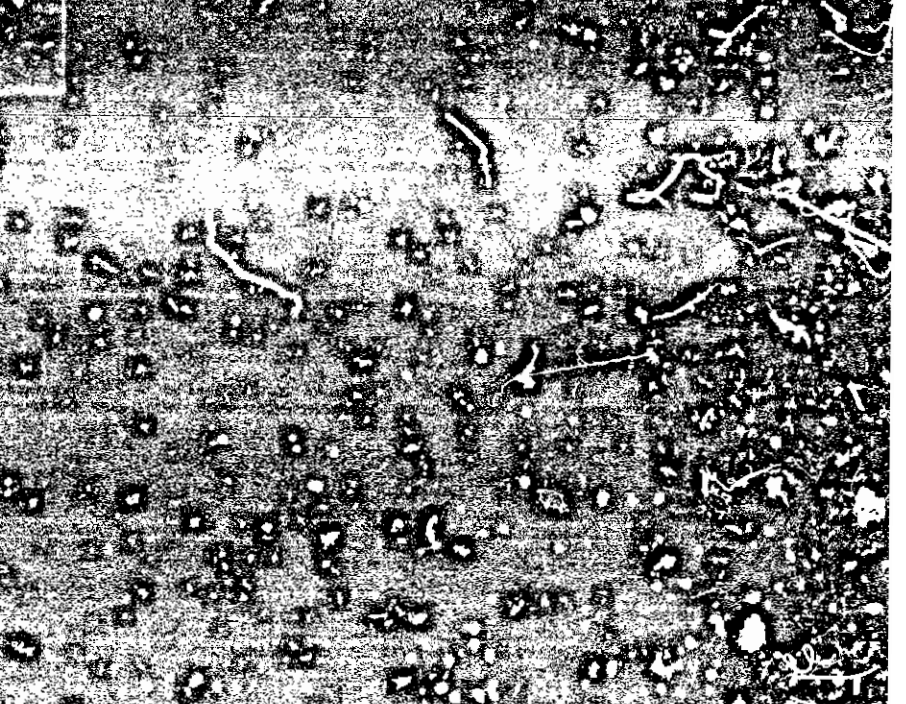
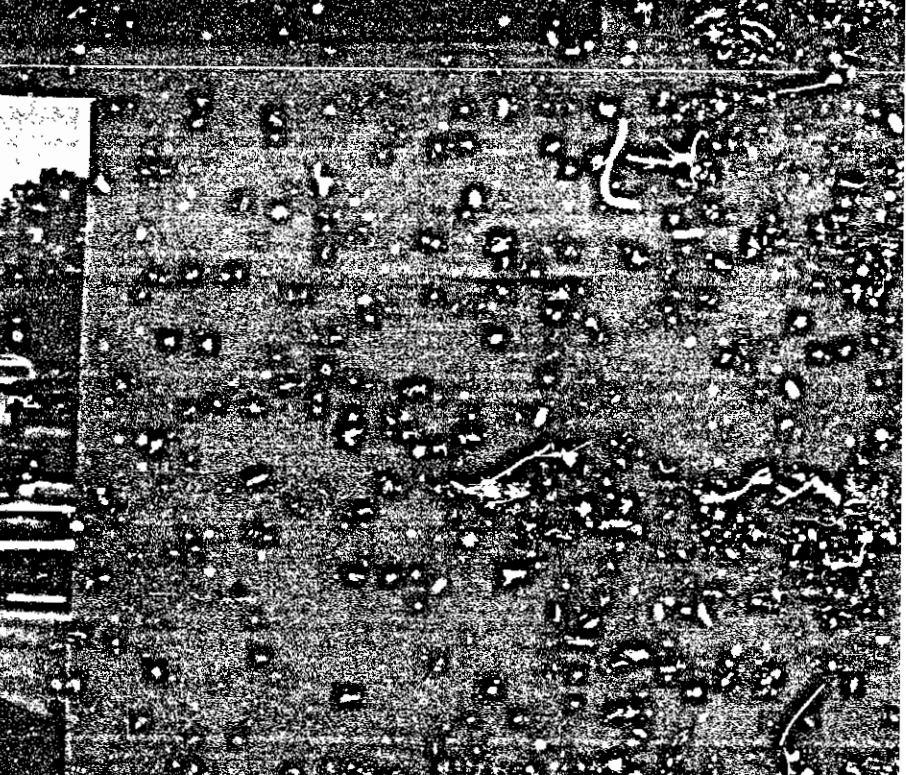
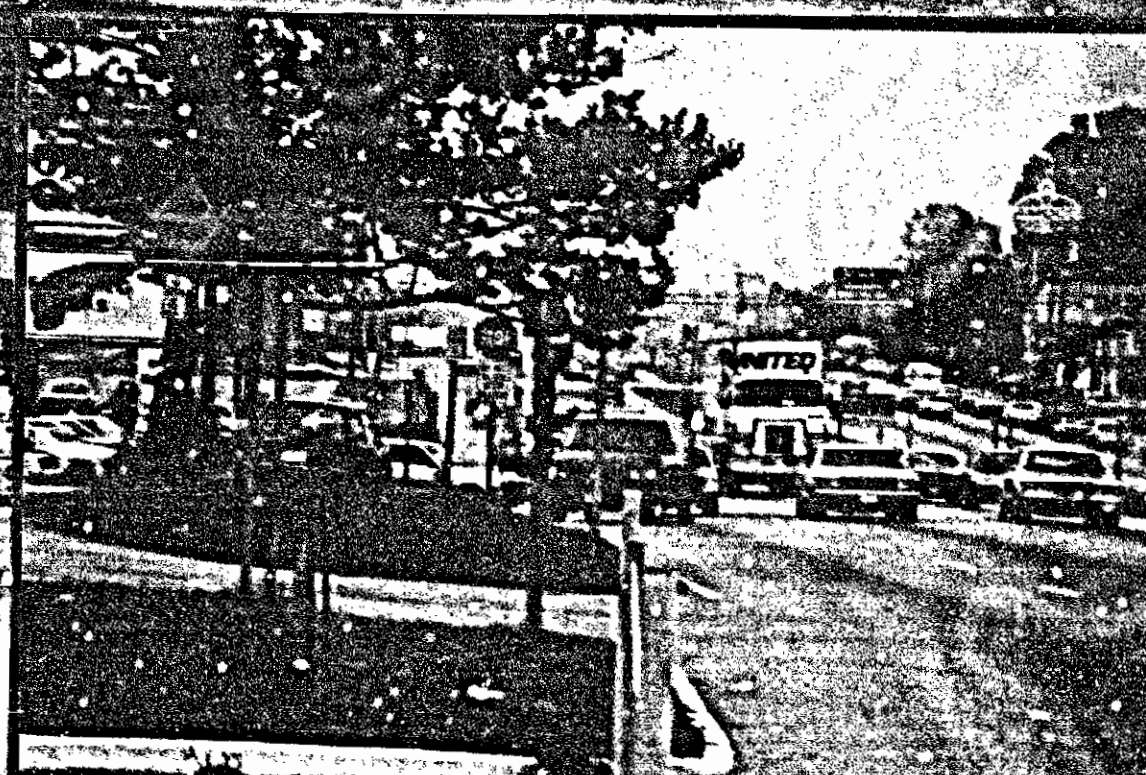
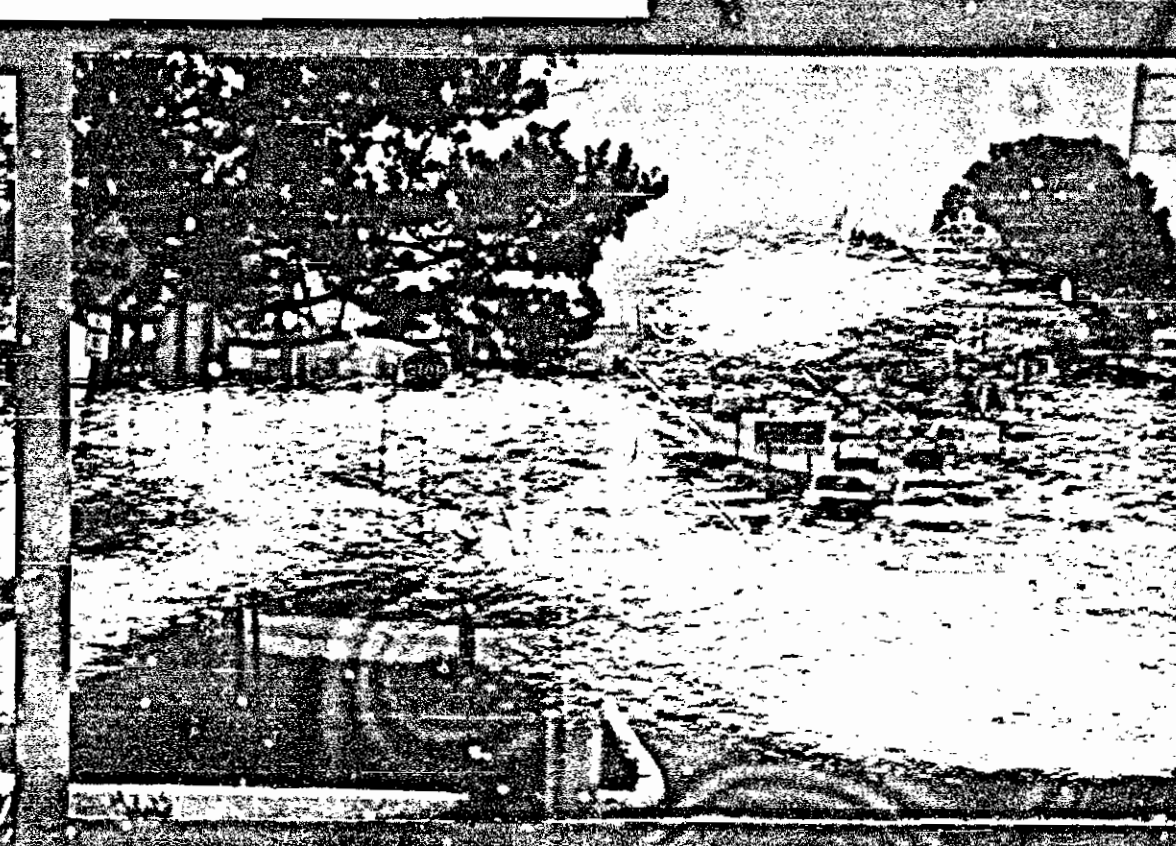
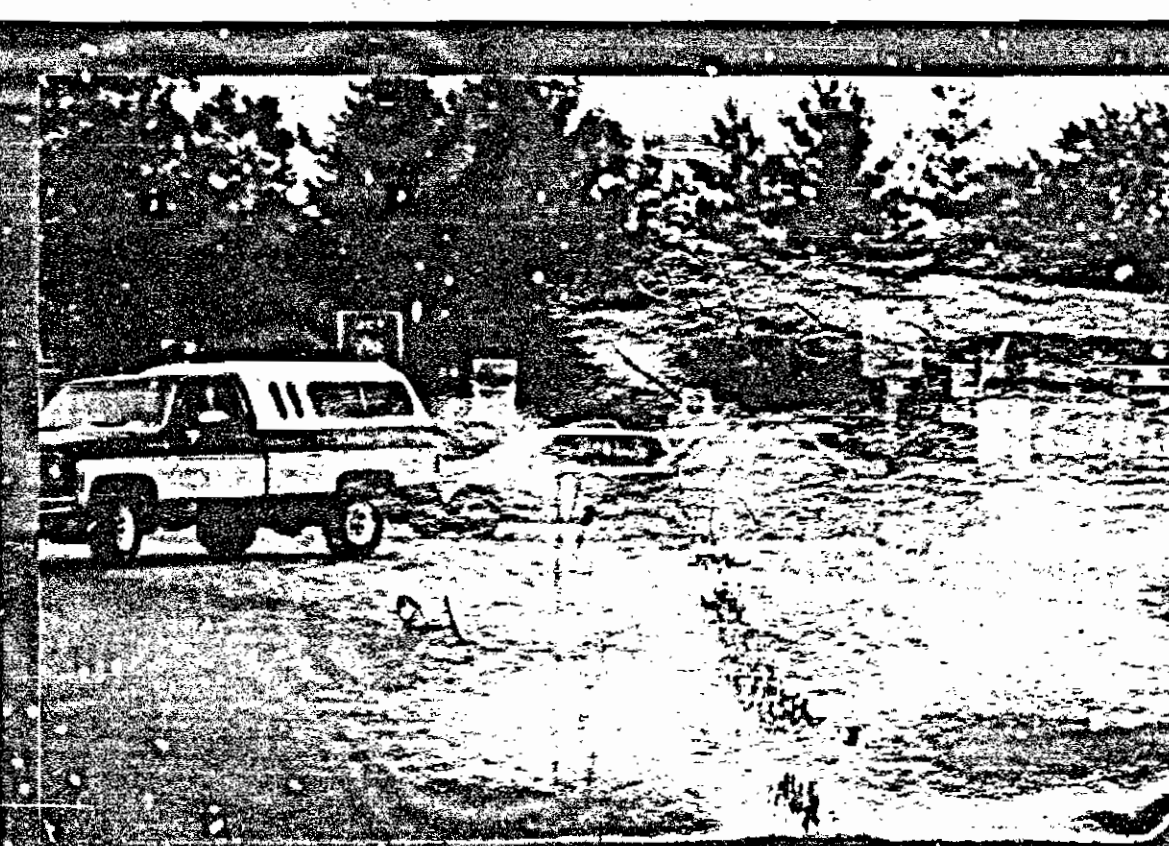
| Time        | # Cars Meeting | Time        | # Cars Meeting |
|-------------|----------------|-------------|----------------|
| AM          |                | PM          |                |
| 08:00-08:15 | 0              | 01:00-01:15 | 0              |
| 08:15-08:30 | 0              | 01:15-01:30 | 0              |
| 08:30-08:45 | 0              | 01:30-01:45 | 0              |
| 08:45-09:00 | 0              | 01:45-02:00 | 0              |
| 09:00-09:15 | 0              | 02:00-02:15 | 0              |
| 09:15-09:30 | 0              | 02:15-02:30 | 0              |
| 09:30-09:45 | 0              | 02:30-02:45 | 0              |
| 09:45-10:00 | 0              | 02:45-03:00 | 0              |
| 10:00-10:15 | 0              | 03:00-03:15 | 0              |
| 10:15-10:30 | 0              | 03:15-03:30 | 0              |
| 10:30-10:45 | 0              | 03:30-03:45 | 0              |
| 10:45-11:00 | 0              | 03:45-04:00 | 0              |
| 11:00-11:15 | 0              | 04:00-04:15 | 0              |
| 11:15-11:30 | 0              | 04:15-04:30 | 0              |
| 11:30-11:45 | 0              | 04:30-04:45 | 0              |
| 11:45-12:00 | 0              | 04:45-05:00 | 0              |
| 12:00-12:15 | 0              | 05:00-05:15 | 0              |
| 12:15-12:30 | 0              | 05:15-05:30 | 0              |
| 12:30-12:45 | 0              | 05:30-05:45 | 0              |
| 12:45-01:00 | 0              | 05:45-06:00 | 0              |
| PM          |                | PM          |                |

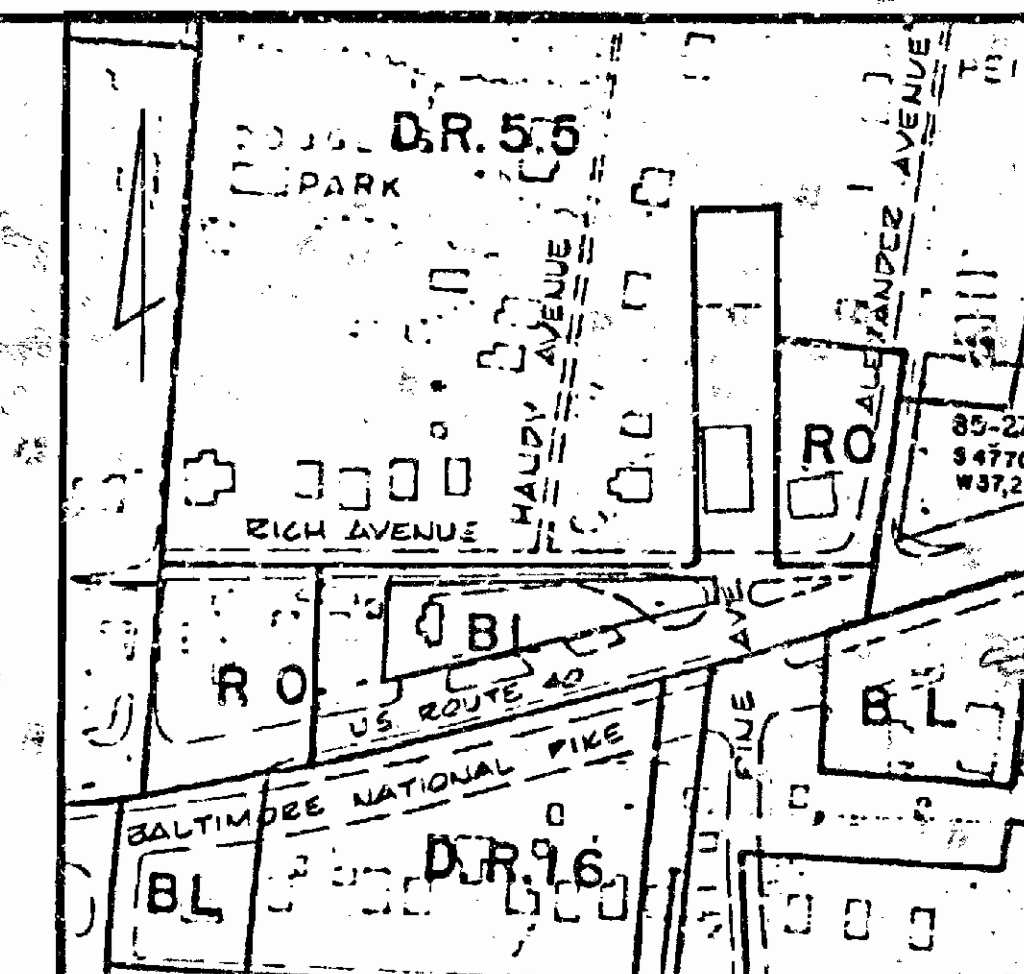
8 Hour  
At Stage  
8 Hour  
At Stage

THE TRAFFIC GROUP, INC.

THE TRAFFIC GROUP, INC.

EXHIBIT 2





LOCATION MAP  
SCALE 1"=200'

GENERAL NOTES

1. PAVING SHALL BE BITUMINOUS CONC SURFACE
2. A LANDSCAPE PLAN INCORPORATING SCREENING WHERE REQUIRED SHALL BE PREPARED IN ACCORDANCE WITH THE LANDSCAPE MANUAL OF BALTIMORE COUNTY ADOPTED MAY 7, 1984
3. HOURS OF OPERATION: 8AM TO 8PM MONDAY THROUGH SATURDAY, (POSSIBLE INCLUSION OF SUNDAY)
4. ANY LIGHTING FIXTURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS
5. NO BODY WORK TO BE DONE ON SITE. THE PRIMARY USE OF THE PROPERTY SHALL BE FOR RAPID LUBRICATION AND OIL CHANGE SERVICES FOR AUTOMOTIVE VEHICLES AND RELATED SERVICES INCLUDING THE REPLACEMENT OF OIL AND AIR FILTERS, CHECKING AND LEVELING OF TRANSMISSION, BRAKE, DIFFERENTIAL AND BATTERY FLUIDS, AND COURTESY SERVICES.
6. NO PERMANENTLY DAMAGED OR 7 SEVERELY DAMAGED VEHICLES TO BE STORED ON SITE.
7. SPECIAL EXCEPTIONS IN BL ZONES - 8622, 8623, 8624, 8625, 8626, 8627, 8628, 8629, 8630, 8631, 8632, 8633, 8634, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655, 8656, 8657, 8658, 8659, 8660, 8661, 8662, 8663, 8664, 8665, 8666, 8667, 8668, 8669, 8670, 8671, 8672, 8673, 8674, 8675, 8676, 8677, 8678, 8679, 8680, 8681, 8682, 8683, 8684, 8685, 8686, 8687, 8688, 8689, 8690, 8691, 8692, 8693, 8694, 8695, 8696, 8697, 8698, 8699, 8700, 8701, 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8711, 8712, 8713, 8714, 8715, 8716, 8717, 8718, 8719, 8720, 8721, 8722, 8723, 8724, 8725, 8726, 8727, 8728, 8729, 8730, 8731, 8732, 8733, 8734, 8735, 8736, 8737, 8738, 8739, 8740, 8741, 8742, 8743, 8744, 8745, 8746, 8747, 8748, 8749, 8750, 8751, 8752, 8753, 8754, 8755, 8756, 8757, 8758, 8759, 8760, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8775, 8776, 8777, 8778, 8779, 8780, 8781, 8782, 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IN THE  
CITY OF BALTIMORE  
COUNTY OF BALTIMORE  
ELECTION DISTRICT

BEFORE THE  
ZONING COMMISSION  
OF BALTIMORE COUNTY  
Case No. 87-43-75

That, IT IS ORDERED by the Zoning Commission of Baltimore County, this 22nd day of September, 1986, that a special exception for a service garage be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk, well such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner will be liable to restore and be responsible for returning, said property to its original condition.

2. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.

3. No temporary signs shall be permitted.

4. The proposed landscape plan shall be submitted to the Capital Park Community Association for its comments prior to submission to the Zoning Commission and Development Division, Office of Planning and Development, and said plan shall satisfy the Baltimore City Landscaping Manual at the very least.

It is FURTHER ORDERED that a variance to permit other business totaling 100 square feet in lieu of the permitted 50 square feet be and is hereby GRANTED.

By the  
Zoning Commission of  
Baltimore County

### MINIMUM PLANTING REQUIREMENTS

#### Trees

Parking Spaces - 7 @ 1 tree/12 spaces - 1  
Interior Road - 151' @ 1 tree/20' - 8  
Exterior Road - 729' @ 1 tree/40' - 18  
Total major deciduous or equivalent - 28

### PLANT LIST

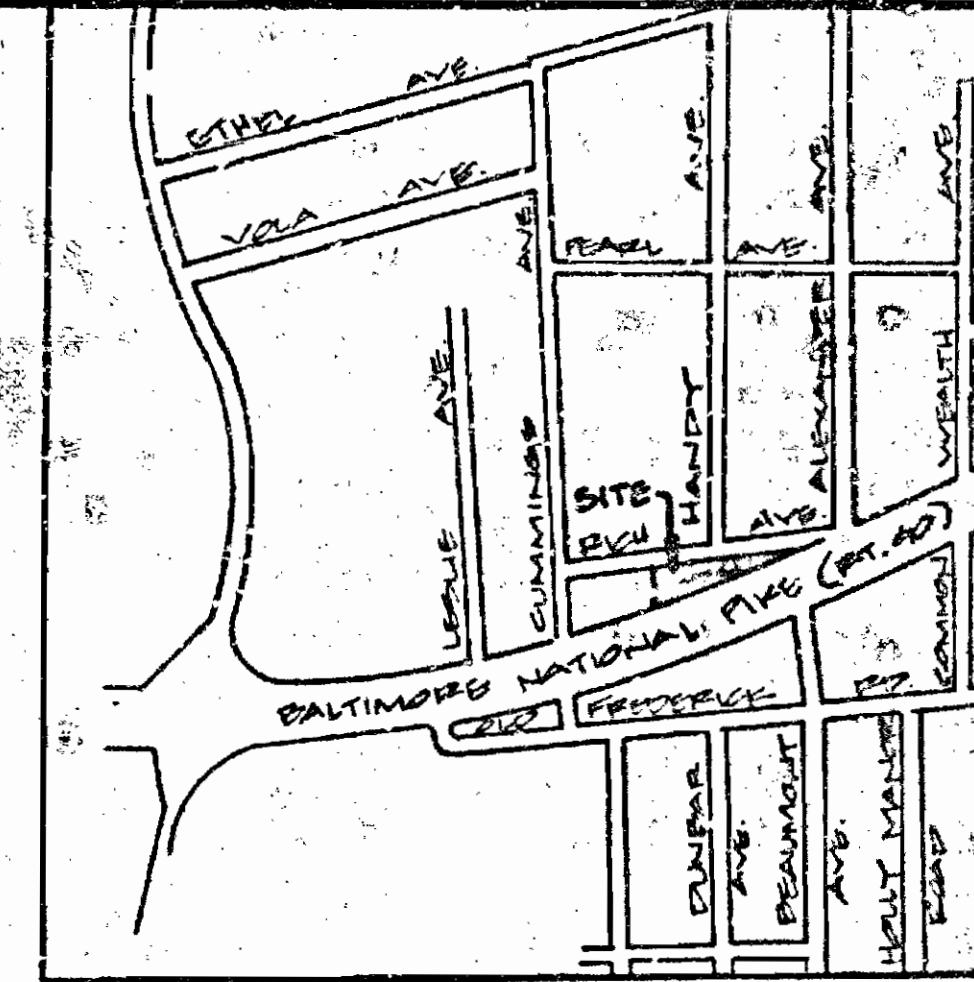
| KEY | QTY | BOTANICAL NAME                   | COMMON NAME           | SIZE/COOD.        | SPACING |
|-----|-----|----------------------------------|-----------------------|-------------------|---------|
| C   | 73  | Cotoneaster apiculatus           | Cranberry Cotoneaster | 12 can            | 3' O.C. |
| G   | 9   | Gleditsia triacanthos inermis    | Thornless Honeylocust | 2-2 1/2" cal. B&B | A.S.    |
| J   | 293 | Juniperus chinensis wiltoni      | Blue Ray Juniper      | 12 can            | 3' O.C. |
| P   | 1   | Pyrus calleryana 'Bradford'      | Bradford Pear         | 2-2 1/2" cal. B&B | A.S.    |
| T   | 17  | Thuja occidentalis 'Rosendallii' | Eastern Arborvitae    | 4-5' B&B          | 4' O.C. |

### Screening and Other Planting

Low shrubs will be planted in the right-of-way adjacent to the property in accordance with the State Highway Administration permit requirements; the plants shall be maintained to a maximum height of 18" from the ground line and shall be planted 26" from the edge of the curb facing Baltimore National Pike.

#### Trees Given

Major deciduous equivalent  
9 Major deciduous - 9  
1 Minor deciduous - 0.5  
17 Evergreen - 17  
Total major deciduous equivalent - 18



### LOCATION MAP

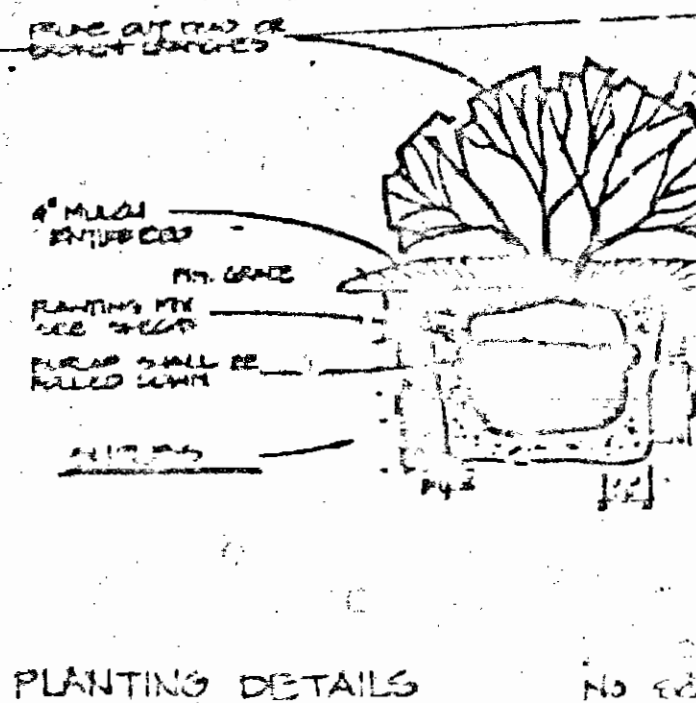
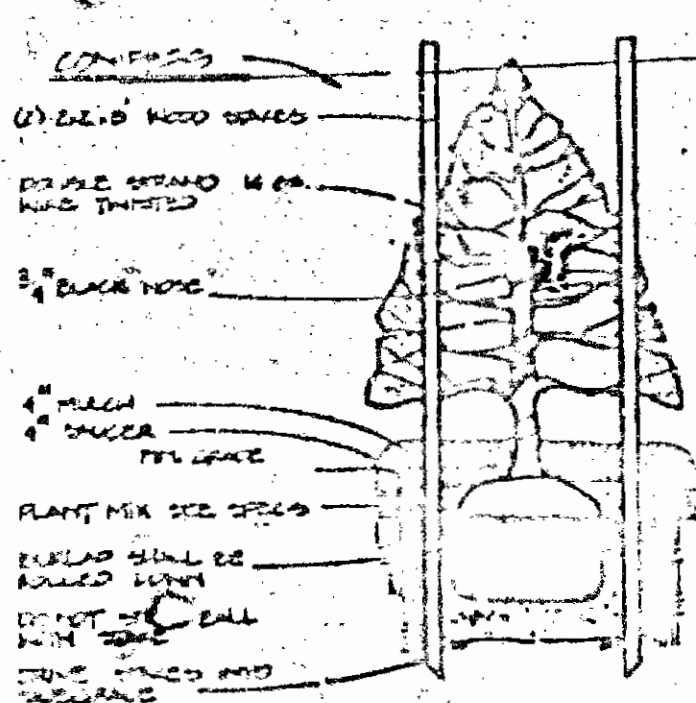
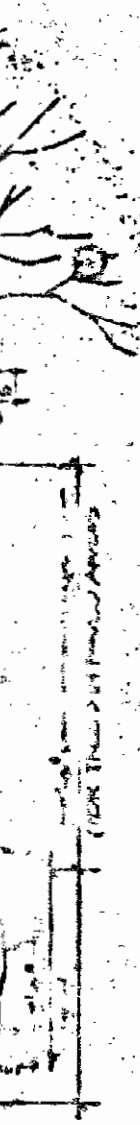
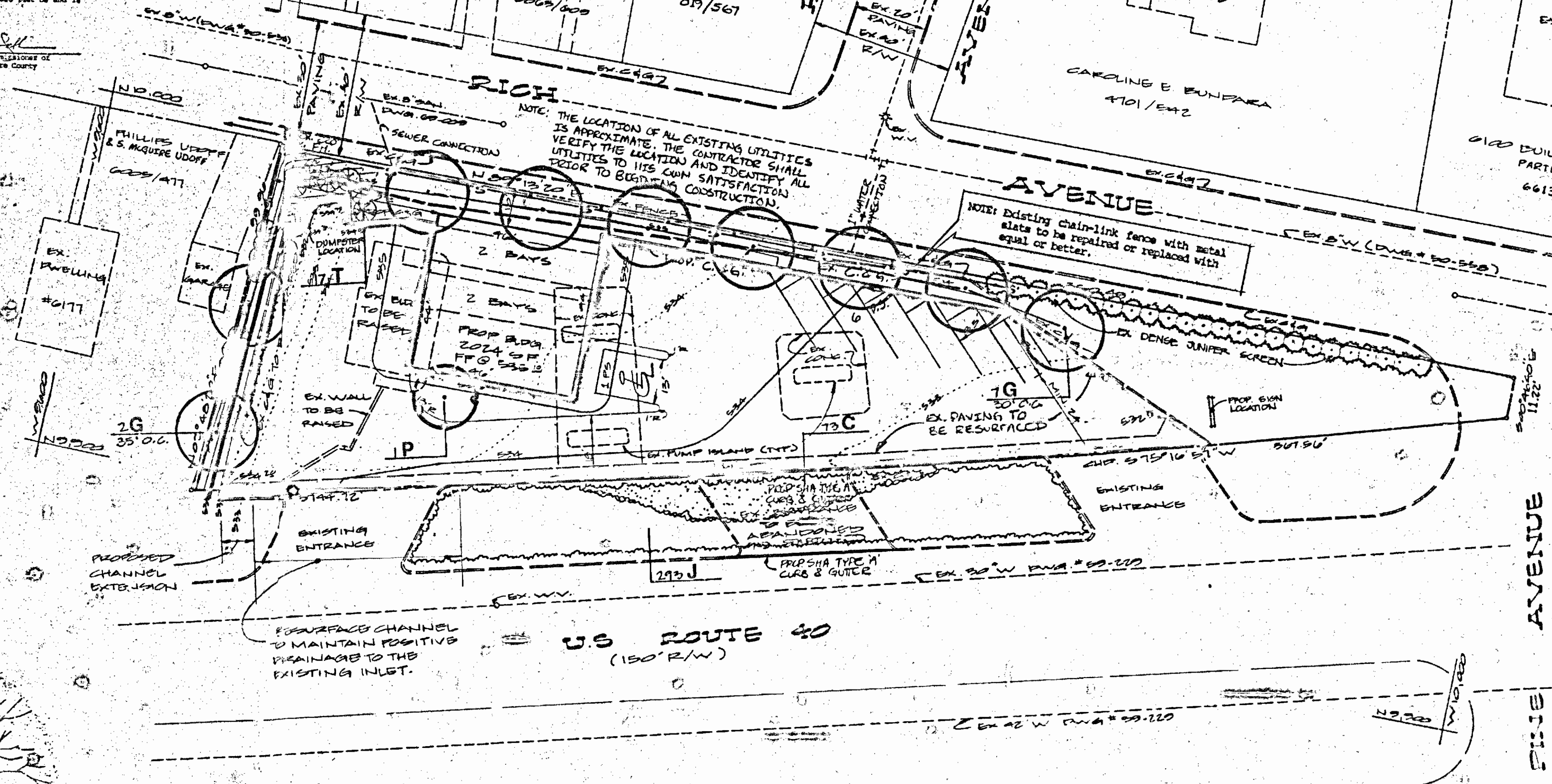
SCALE: 1" = 500'  
BENCH MARK: ELEVATION 50.00  
PIPE FOUND NORTH EAST PROPERTY CORNER.

### LEGEND

|                     |     |
|---------------------|-----|
| EX. CURB & GUTTER   | --- |
| EX. WATER           | --- |
| EX. SAN. SEWER      | --- |
| EX. COUNTRY         | --- |
| PROP. CONTOUR       | --- |
| PROP. PAVING        | --- |
| EXIST. FENCE        | --- |
| PROP. CURB & GUTTER | --- |

### GENERAL NOTES

- 1) PAVING SHALL BE BITUMINOUS CONCRETE SURFACE.
- 2) A LANDSCAPE PLAN INCORPORATING SCREENING WHERE REQUIRED SHALL BE PREPARED IN ACCORDANCE WITH THE LANDSCAPE MANUAL OF BALTIMORE CO. ADOPTED MAY 7, 1984.
- 3) HOURS OF OPERATION: 8 A.M. TO 6 P.M. MONDAY THROUGH SATURDAY. (POSSIBLE INCLUSION OF SUNDAY)
- 4) ANY LIGHTING FIXTURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS.
- 5) NO BODY WORK TO BE DONE ON-SITE. THE PRIMARY USE OF THE PROPERTY SHALL BE FOR RAPID LUBRICATION AND OIL CHANGE SERVICES FOR AUTOMOTIVE VEHICLES AND RELATED SERVICES INCLUDING THE REPLACEMENT OF OIL AND AIR FILTERS, CHECKING AND LEVEEING OF TRANSMISSION, BRAKE, DIFFERENTIAL AND BATTERY FLUIDS, AND COURTESY SERVICES.
- 6) NO PERMANENTLY DAMAGED OR DISABLED VEHICLES TO BE STORED ON-SITE.
- 7) SPECIAL EXCEPTIONS IN BL ZONES - B.C.Z.R. SECTION 230-13.
- 8) EXISTING SERVICE STATION (HESS) SEE CASE NO. 65-77-RX.
- 9) PARKING REQUIRED - 2024 + 300 = 6.7 (7P.S.), PARKING PROVIDED - 7 P.S. OUTSIDE (INCL. 1 HAND. 1) AND 4 INTERIOR BAYS - 11 P.S.
- 10) EXISTING SITE INFORMATION TAKEN FROM HESS OIL COMPANY SITE PLAN DATED 4-23-65.
- 11) VARIANCE REQUESTED TO PERMIT A SIGN HAVING A TOTAL SQUARE FOOTAGE OF 120 S.F. IN LIEU OF THE PERMITTED 100 S.F. PER B.C.Z.R. SECTION 413.2F.



### PLANTING NOTES

1. Plant locations may be field adjusted to avoid final utility placements.
2. All trees and shrubs shall be mulched to a minimum of 18" beyond the edge of the root ball.
3. All shrub masses shall be planted in continuous mulch beds.
4. All wire and non-biodegradable plastic ball ties shall be removed.

### LANDSCAPE SPECIFICATIONS

Landscape specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area." A one-year maintenance and warranty period shall be required.

### PLANTING STANDARDS

All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc., "American Standards for Nursery Stock," latest edition.

Bare-root shall not be allowed for any tree defined as major deciduous, minor deciduous or evergreen.

### CERTIFICATION

I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinance, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscaping Manual, 1983, dated May 7, 1984.

Signature of Applicant: [Signature]  
Date: 9/22/86

### SITE DATA

|                |                   |
|----------------|-------------------|
| EX. ZONING     | BL                |
| AREA OF TRACT  | 04121AC.2         |
| EX. USE        | VACANT            |
| PROP. USE      | SERVICE GARAGE    |
| FLASK AREA     | 1024 S.F.         |
| DEED REFERENCE | 424/150           |
| PLAT REFERENCE | COULAS PARK-7/178 |

NOTES:  
1) VARIANCE FOR GRANTED 9-18-86  
2) VARIANCE FOR GRANTED 9-22-86  
3) LANDSCAPE MODIFICATION GRANTED 9-22-86  
4) APPROVAL RECEIVED FROM COULAS PARK IMPROVEMENT ASSOCIATION AT MEETING ON 10-2-86

### LANDSCAPE PLAN FOR

JEFFY-LUBE

6110 BALTIMORE NATIONAL PIKE  
BALTIMORE COUNTY, MD 21206  
ELECTION DISTRICT #1  
DATE: OCT 8, 1986  
SCALE: 1" = 500'  
PL 02401

PETITIONER EXHIBIT #6

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
303 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204  
(410) 225-6100

WILLIAM R. KIMMEL, INC.  
Land Planning & Landscape Architecture  
23 E. Saratoga Avenue  
Towson, MD 21204  
Phone 301-237-0275

OWNER  
"SAC/PAO PARTNERSHIP"  
SUITE 1200  
CENTRAL SAVINGS BUILDING  
201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

### REVISIONS

10-23-86

# 445 PETITION FOR SPECIAL EXCEPTION AND 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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for service garage (230.13) and Variance from Section 412.2f to permit a double face free standing sign with a total square footage of 120 feet in lieu of the allowed 100 sq. feet.

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:

JAC/PCS Partnership  
(Type or Print Name)

By: Benjamin Bronstein  
Signature (Type or Print Name)

201 N. Charles Street  
Address

Baltimore, Md 21201  
City and State

Attorney for Petitioner:

Benjamin Bronstein  
(Type or Print Name)

Signature  
Suite 200

102 W. Pennsylvania Avenue  
Address

Towson MD 21204  
City and State

Attorney's Telephone No.: 828-4442

Legal Owner(s):

Hess Realty Corporation  
(Type or Print Name)

By: Douglas E. Friedman  
Signature (Type or Print Name)

Assistant Secretary  
Address

City and State

Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted

John Smith, G.W. Stephens & Associates  
Name

303 Allegheny Avenue  
Address

825-8120  
Phone No.

Address

City and State

Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted

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Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted

John Smith, G.W. Stephens & Associates  
Name

303 Allegheny Avenue  
Address

825-8120  
Phone No.

Address

City and State

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John Smith, G.W. Stephens & Associates  
Name

Hess Realty Corporation  
Case No. 37-43-XA

to turn six different directions, with no signal controls, presents a very dangerous situation at the proposed garage location.

Of particular concern was the required U turn necessary for eastbound cars on Route 40 at the Pine Street intersection desiring to enter business locations via the westbound lanes of the highway. Mr. Hooper also stated that the Jiffy Lube Center would be adding to a problem recently compounded by the opening of a small strip shopping center just east of the Pine Street and Route 40 crossover.

Acknowledging the caution required for vehicular traffic at the Pine Street and Route 40 intersection, the designation for commercial zoning along this heavily traveled highway is obviously correct, and the Special Exception granted for a service garage is as proper a use for the subject site as the operation of the previous service station. The traffic passing by the location will not likely present any different patterns than those that already exist, and the activity planned for the subject property should not be detrimental to the conditions that are presently in existence.

After considering the ability of the property configuration to adequately service vehicles, and in view of restrictions applied to the special exception, this Board is of the opinion that the requested special exception complies with all sections of 502 and therefore should be granted with the following restrictions and will so order:

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
2. No temporary signs shall be permitted.
3. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comments prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

February 2, 1987

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

Dear Mr. DiNenna:

Re: Case No. 87-43-XA  
Hess Realty Corp.

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

Very truly yours,

*June Holmen*  
June Holmen, Secretary

Encl.

cc: James and Linda Tony  
Otis Hooper  
George Christian  
Miriam Gaskins  
Calvin Thomas  
Benjamin Bronstein, Esq.  
Phyllis C. Friedman  
Norman Gerber  
James Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Betty du Bois



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

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

October 20, 1986

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Room 223 Court House  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Ms. Friedman and Mr. Bronstein:

Please be advised that on October 6, 1986 an appeal was filed by the Protestants, James and Linda Tony, Otis Hooper, George Christian, Miriam Gaskins, and Calvin Thomas, from my decision which was rendered in this case on September 8, 1986.

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

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ:med

cc: S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA  
DATE APPEALED: October 6, 1986

- SE-Service Garage; Var.-Double face free standing sign with sq. footage of 120 sq. ft. in lieu of the allowed 100 sq. ft.
1. Copy of Petition
  2. Copy of Description of Property
  3. Copy of Certificate of Posting
  4. Copies of Certificates of Publication
  5. Copy of Zoning Advisory Committee Comments
  6. Copy of Comments from the Director of Planning
  7. Copy of Order to Enter Appearance
  8. Copy of Order of Zoning Commissioner - 9/8/86, GRANTED w/restrictions
  9. Copy of Plat of Property
  10. Copy of Order of Appeal filed by Protestants
  11. Copy of Appeal Notification Letter - 10/6/86 by S. Eric DiNenna, Esq., on behalf of Protestants
  12. Petitioner's Exhibits Nos. 1 to 5

- No. 1 - Plat, dated 4/22/86 for 6116 Baltimore National Pike)  
No. 2 - 9 color photographs  
No. 3 - Jiffy Lube Traffic Study, 8/5/86  
No. 4 - Qualifications of John W. "Wes" Guckert  
No. 5 - Color photograph of site view

13. Protestants' Exhibits Nos. 1A to 1Q - (17 Color Photographs)  
James and Linda Tony  
6204 Baltimore National Pike  
Baltimore, Maryland 21228

Otis Hooper  
1016 Alexander Avenue  
Catonsville, Maryland 21228

George Christian  
1012 Handy Avenue  
Baltimore, Maryland 21228

Miriam Gaskins  
1019 Handy Avenue  
Baltimore, Maryland 21228

Calvin Thomas  
1104 Handy Avenue  
Baltimore, Maryland 21228

\*S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204  
296-6820

Benjamin Bronstein, Esquire  
Suite 200, 102 W. Pennsylvania Ave.  
Towson, Maryland 21204  
828-4442

DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.  
TOWSON, MARYLAND 21204  
(301) 296-6820

October 3, 1986

Zoning Commissioner  
for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 87-43-XA  
6116 Baltimore National Pike

Dear Mr. Commissioner:

Enclosed herewith please find my appeal concerning the above-captioned matter.

Very truly yours,

*S. Eric DiNenna*  
S. ERIC DINENNA

SED:kar  
Enclosure

cc: Benjamin Bronstein, Esquire  
Ms. Phyllis Friedman  
Mr. and Mrs. James Tony

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

DATE 10/20/86 ACCOUNT 01-015-000

AMOUNT \$100.00  
S. Eric DiNenna, Esquire, 406 West Pennsylvania Avenue, Towson, Maryland 21204

RECEIVED FROM  
APPEAL AND SIGN POSTING FEE RE CASE #87-43-XA

FOR \$ 8087\*\*\*\*\*190001a \$2087

VALIDATION OF SIGNATURE CASHIER

RECEIVED  
Oct 16 1986  
ZONING OFFICE

10/22/86 - Following notified of hearing set for Wed. Dec. 31, 1986, at 10 a.m.

James and Linda Tony  
Otis Hooper  
Geo. Christian  
M. Gaskins  
Calvin Thomas  
S. Eric DiNenna  
Ben. Bronstein  
Phyllis Friedman  
Norman Gerber, James Hoswell  
Arnold Jablon, Jean Jung, James Dyer  
Margaret DuBois

10/28/86 - Above individuals notified of new hearing date on Tuesday, January 6, 1987 at 1:00 p.m.

Hess Realty Corporation  
Case No. 87-43-XA

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of February, 1987, by the County Board of Appeals, ORDERED that the Special Exception petitioned for, be and the same is GRANTED with the following restrictions:

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
2. No temporary signs shall be permitted.
3. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comments prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.

IT IS FURTHER ORDERED that a variance to permit other business signs totaling 120 square feet in lieu of the permitted 100 square feet be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

*LeRoy T. Spurrer*  
LeRoy T. Spurrer

Phyllis Cole Friedman, Esquire

Norman E. Gerber  
James Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
Margaret E. du Bois, Appeals  
Clerk, Zoning Office

People's Counsel

Request Notification  
" "  
" "  
" "  
" "  
" "

IN RE: PETITION SPECIAL  
EXCEPTION AND VARIANCE  
NW/cor. of Baltimore  
National Pike and Pine  
Avenue (6116 Baltimore  
National Pike) - 1st  
Election District

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY

Hess Realty Corporation,  
Petitioner

Case No. 87-43-XA

ORDER OF APPEAL

MR. COMMISSIONER:

Please enter an appeal on behalf of the below named  
Protestants from your decision of September 8, 1986:

James and Linda Tony  
6204 Baltimore National Pike  
Baltimore, Maryland 21228

Otis Hooper  
1016 Alexander Avenue  
Catonsville, Maryland 21228

George Christian  
1012 Handy Avenue  
Baltimore, Maryland 21228

Miriam Gaskins  
1015 Handy Avenue  
Baltimore, Maryland 21228

Calvin Thomas  
1104 Handy Avenue  
Baltimore, Maryland 21228

RECEIVED  
OCT 6 1986

ZONING OFFICE

ERIC DINENNA  
DINENNA, MANN & BRESCHI  
406 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 296-6820  
Attorney for Appellants

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
294-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

October 20, 1986

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire  
People's Counsel for Baltimore County  
Room 223 Court House  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Ms. Friedman and Mr. Bronstein:

Please be advised that on October 6, 1986 an appeal was filed  
by the Protestants, James and Linda Tony, Otis Hooper, George Christian,  
Miriam Gaskins, and Calvin Thomas, from my decision which was rendered  
in this case on September 8, 1986.

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

Sincerely,

Arnold Jablon  
ARNOLD JABLON  
Zoning Commissioner

AJ:med

cc: S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
406 West Pennsylvania Avenue  
Towson, Maryland 21204

will have two bays, each able to handle two vehicles. Access to the site is  
only from Route 40. The vehicles will enter the building and park over a pit  
in which an employee will then lubricate the vehicle and change the oil.  
There are no lifts. The Petitioner expects an average of 60 vehicles per  
day. Mr. Guckert testified that Route 40 averages approximately 46,000 trips  
per day, and although no studies have been conducted, they expect most of the  
business to derive from normal traffic flow. Both Mr. Guckert and Mr. Smith  
believe all of the relevant conditions precedent in Sections 502.1 and 307  
will be satisfied. Mr. Moeslein testified that there will be no damaged or  
disabled vehicles on the site and that the effectiveness of the business  
derives from the quick servicing, limited to lubrications, oil and other  
fluid changes, and accessory services, of its customers' vehicles.

Mr. Tony testified that he is opposed because he is concerned about  
traffic congestion caused by the proposed use. He argued that there are  
already many service garages in the area. He also owns a service garage near  
the subject site, a transmission repair facility, and is preparing to open his  
own quick lube and oil change facility there.

Mr. Hooper and many of his neighbors in the residential community to the  
rear of the site also testified. Some were concerned about screening, others  
about traffic, and still others about litter and crime. All expressed their  
concerns clearly and concisely, but none as eloquently as Mr. Hooper. The  
love he described for his community underscores the obvious point-counterpoint  
of commercial development against a residential back-drop. Unfortunately,  
there is no means by which the clock can be rolled back and the creeping  
commercialism that is the bane of our urban areas be diminished. We can,  
however, attempt to slow it down.

- 2 -

What must be considered in light of the above is how the subject property  
could be used, either by right or by special exception. It is clear that the  
proposed use would be preferable to many and would create a minimum negative  
impact to the community. Also, it is equally obvious that the proposed use  
would create no more of a problem in this location than in any B.L.-zoned  
site in the County. An analysis of the effect of the proposed use on the  
nearby residential area leads to the conclusion that with the restrictions  
added hereinafter, this use would not create the adverse impact that most  
other uses would. In fact, if a commercial use must be permitted, then the  
proposed use is as good as any when measured against the concerns of its resi-  
dential neighbors.

The Petitioner also requests a sign variance to permit the erection of  
the Jiffy Lube logo and a readerboard, both totaling 120 square feet. There  
was no testimony presented as to the need for the readerboard.

An area variance may be granted where strict application of the zoning  
regulation would cause practical difficulty to the petitioner and his prop-  
erty. *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 unreason-  
ably 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).

- 4 -

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6<sup>th</sup> day of October  
1986, a copy of the foregoing Order of Appeal was mailed, postage  
prepaid, to Benjamin Bronstein, Suite 200, 102 West Pennsylvania  
Avenue, Towson, Maryland 21204; to Phyllis Friedman, People's  
Counsel for Baltimore County, Room 223, Court House, Towson,  
Maryland 21204.

ERIC DINENNA

IN RE: PETITION SPECIAL EXCEPTION  
AND VARIANCE  
NW/cor. of Baltimore  
National Pike and Pine  
Avenue (6116 Baltimore  
National Pike) - 1st  
Election District  
Hess Realty Corporation,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-43-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage  
and, additionally, a variance to permit other business signs totaling 120  
square feet in lieu of the permitted 100 square feet, as more particularly  
described on Petitioner's Exhibit 1.

The Contract Purchaser, JAC/PAC Partnership, has purchased the subject  
property at this time. Appearing on behalf of JAC/PAC were Robert Levine and  
Pacy Odetsky, General Partners, who were represented by Counsel. Testifying  
on behalf of the Petitioners were Wes Guckert, an expert traffic engineer;  
David Moeslein, Jr., property manager for Jiffy Lube, International (Jiffy  
Lube); and John Smith, a registered civil engineer. James Tony appeared in  
opposition and was represented by Counsel. Otis Hooper, a nearby resident,  
and other residents also appeared in opposition.

Testimony indicated that the subject property, located on U.S. 40 (Route  
40) at Pine and Rich Avenues and zoned B.L., is presently an abandoned gas  
station. The site is unusual in that it is shaped like a long triangle  
bounded by Route 40 and Rich Avenue, with access to Rich Avenue from Route 40  
by Pine Avenue. The Petitioner proposes to raze the existing gas station and  
construct a new 2,024 square foot structure for a Jiffy Lube, providing rapid  
lubrication and oil changes, which average about 15 minutes. The building

The Petitioner seeks relief from Section 230.13, pursuant to Section  
502.1, and from Section 413.2.f, pursuant to Section 307, Baltimore County  
Zoning Regulations (BCZR).

It is clear that the BCZR permits the use requested by the Petitioner 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 in Section 502.1 are  
satisfied by the Petitioner.

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 Petitioner had the burden of adducing testimony and evidence which  
would show that the proposed use met the prescribed standards and require-  
ments set forth in Section 502.1. In fact, the Petitioner has shown that  
the proposed use would be conducted without real detriment to the neigh-  
borhood 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 Petitioner's Exhibit 1 would have any adverse impact above and  
beyond that inherently associated with such a special exception use, irrespec-  
tive 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 gen-  
eral 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 be inconsistent with  
the spirit and intent of the BCZR.

It is clear from the testimony that if the variance were granted, such  
use as proposed would be contrary to the spirit of the BCZR and would result  
in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is  
clear that no practical difficulty or unreasonable hardship would result if  
the instant variance were not granted. It has not been established that the  
requirement from which the Petitioner seeks relief would unduly restrict the  
use of the land due to the special conditions unique to this particular  
parcel. In addition, the variance requested would be detrimental to the  
public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hear-  
ing held, 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 com-  
munity not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,  
this 9<sup>th</sup> day of September, 1986, that a special exception for a service  
garage be and is hereby GRANTED, from and after the date of this Order, sub-  
ject, however, to the following restrictions which are conditions precedent to  
the relief granted herein:

1. The Petitioner may apply for its building permit  
and be granted same upon receipt of this Order;  
however, Petitioner is hereby made aware that  
proceeding at this time is at its own risk until  
such time as the applicable appellate process from  
this Order has expired. If, for whatever reason,  
this Order is reversed, the Petitioner would be  
required to return, and be responsible for return-  
ing, said property to its original condition.
2. The hours of operation shall be from 8:00 a.m. to  
6:00 p.m., Monday through Saturday.
3. No temporary signs shall be permitted.

- 5 -

4. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comment prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.

It is FURTHER ORDERED that a variance to permit other business signs totaling 120 square feet in lieu of the permitted 100 square feet be and is hereby DENIED.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

AJ/srl  
cc: Benjamin Bronstein, Esquire  
S. Eric DiNenna, Esquire  
People's Counsel

RECEIVED FOR FILING  
DATE *5/29/86*  
BY *[Signature]*

PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
1st Election District  
Case No. 87-43-XA

LOCATION: Northwest Corner of Baltimore National Pike and Pine Avenue  
(6116 Baltimore National Pike)

DATE AND TIME: Monday, August 18, 1986, at 10:15 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 and Variance for a service garage and to permit a free-standing, double-faced sign totaling 120 sq. ft. in lieu of the permitted 100 sq. ft. sign

Being the property of Hess Realty Corporation, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353  
ARNOLD JABLON  
ZONING COMMISSIONER  
August 14, 1986

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Baltimore National Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

Dear Mr. Bronstein:

This is to advise you that \$77.50 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 property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 021826  
DATE 8/18/86 ACCOUNT R-01-615-000  
SIGN AND POSTS RETURNED  
AMOUNT \$ 77.50  
Benjamin Bronstein, Esq., Suite 200, Alex Brown Bldg., 102 W. Pennsylvania Ave., Towson, Md. 21204  
ADVERTISING & POSTING COSTS RE CASE #87-43-XA  
FOR \$ 8024\*\*\*\*\*77501a \$108F  
VALIDATION OR SIGNATURE OF CASHIER

County, Maryland, and remitt  
ing, Towson, Maryland

Benjamin Bronstein, Esquire  
Suite 200  
102 West Pennsylvania Avenue  
Towson, Maryland 21204

July 7, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE  
NW/cor. of Balto. Nat'l Pike and Pine Ave.  
(6116 Balto. Nat'l Pike)  
1st Election District  
Hess Realty Corporation - Petitioner  
Case No. 87-43-XA

TIME: 10:15 a.m.

DATE: Monday, August 18, 1986

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

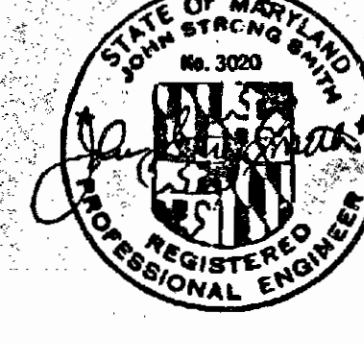
*[Signature]*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 021662  
DATE 5/29/86 ACCOUNT 01-615  
AMOUNT \$ 200.00  
RECEIVED BENJAMIN BRONSTEIN  
FOR FILING FEE - SPX - VAR ITEM No 445  
HESS REALTY CORP - PET  
B 008\*\*\*\*\*20001a 6282F  
VALIDATION OR SIGNATURE OF CASHIER

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
P.O. BOX 8828, TOWSON, MARYLAND 21204

Description To Accompany A Petition  
For A Special Exception For  
A Service Garage And A Sign  
Variance In A RL Zone.  
May 26, 1986  
RE: Jiffy Lube  
U.S. Route 40

Point of beginning being located on the north side of U.S. Route 40 at its intersection with the west side of Pine Avenue, 200' ± easterly from the point of intersection of the centerlines of Rich Avenue and Handy Avenue, thence in a clockwise direction:  
1) A line having a radius of 3,744.72 feet ±, a length of 367.71 feet ± and a chord of South 15° 16' 52" West 367.56 feet ±  
2) North 02° 48' 20" East 99.9' feet  
3) North 89° 13' 20" East 350.49 feet and  
4) South 00° 46' 40" East 11.22 feet to the place of beginning.  
Containing 0.47 acres of land more or less.



(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCE : OF BALTIMORE COUNTY  
NW Corner of Balto. Nat'l Pike :  
& Pine Ave. (6116 Balto. Nat'l Pike), 1st District :  
HESS REALTY CORP., Petitioner : Case No. 87-43-XA

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

I HEREBY CERTIFY that on this 25th day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; JAC/PAC Partnership, 201 N. Charles St., Baltimore, MD 21201, Contract Purchaser; and Mr. John Smith, G. W. Stephens & Assocs., 303 Allegheny Ave., Towson, MD 21204, who requested notification.  
*Peter Max Zimmerman*  
Peter Max Zimmerman

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

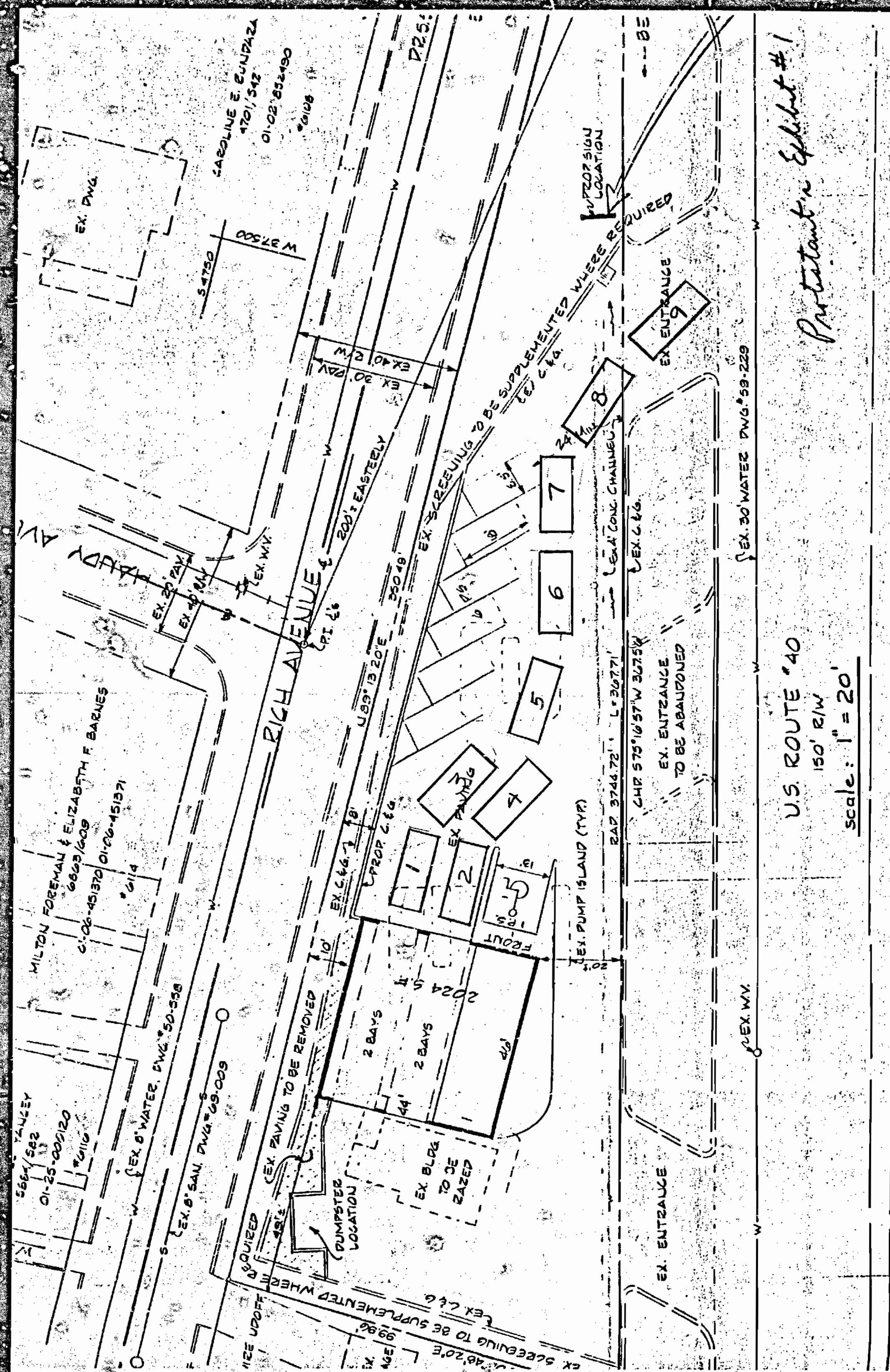
July 31 19 86

THIS IS TO CERTIFY, that the annexed advertisement of  
PETITION FOR SPECIAL EXCEPTION  
77999  
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 2 day of August 19 86, that is to say, the same was inserted in the issues of  
July 31, 1986

PATUXENT PUBLISHING CORP.  
By *[Signature]*

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY  
Plaintiff  
vs.  
Defendant  
CERTIFICATE OF PUBLICATION OF





# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Date: July 21, 1986  
Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 87-43-XA

This office is opposed to the granting of a variance for a sign of this size and height. It is particularly offensive in view of the residences along the north side of the site. Further, this office is opposed to reader-boards, viewing them as nothing more than non-portable portable signs.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm

CPS-008

BENJAMIN BRONSTEIN  
ATTORNEY AT LAW  
SUITE 200  
102 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 628-4442

October 10, 1986

The Honorable William T. Backett, Chairman  
Board of Appeals for Baltimore County  
Court House  
Towson, MD 21204

RE: Case No. 87-43-XA  
6116 Baltimore National Pike  
Bess Realty Corp., Petitioner

Dear Mr. Backett:

I have received a copy of an Order of Appeal filed on behalf of the protestants by S. Eric DiNenna from the decision of the Zoning Commissioner dated September 8, 1986 in the above entitled case. This property is vacant and my client is eager to proceed with its development. I am respectfully requesting that this case be set in at the earliest possible date available.

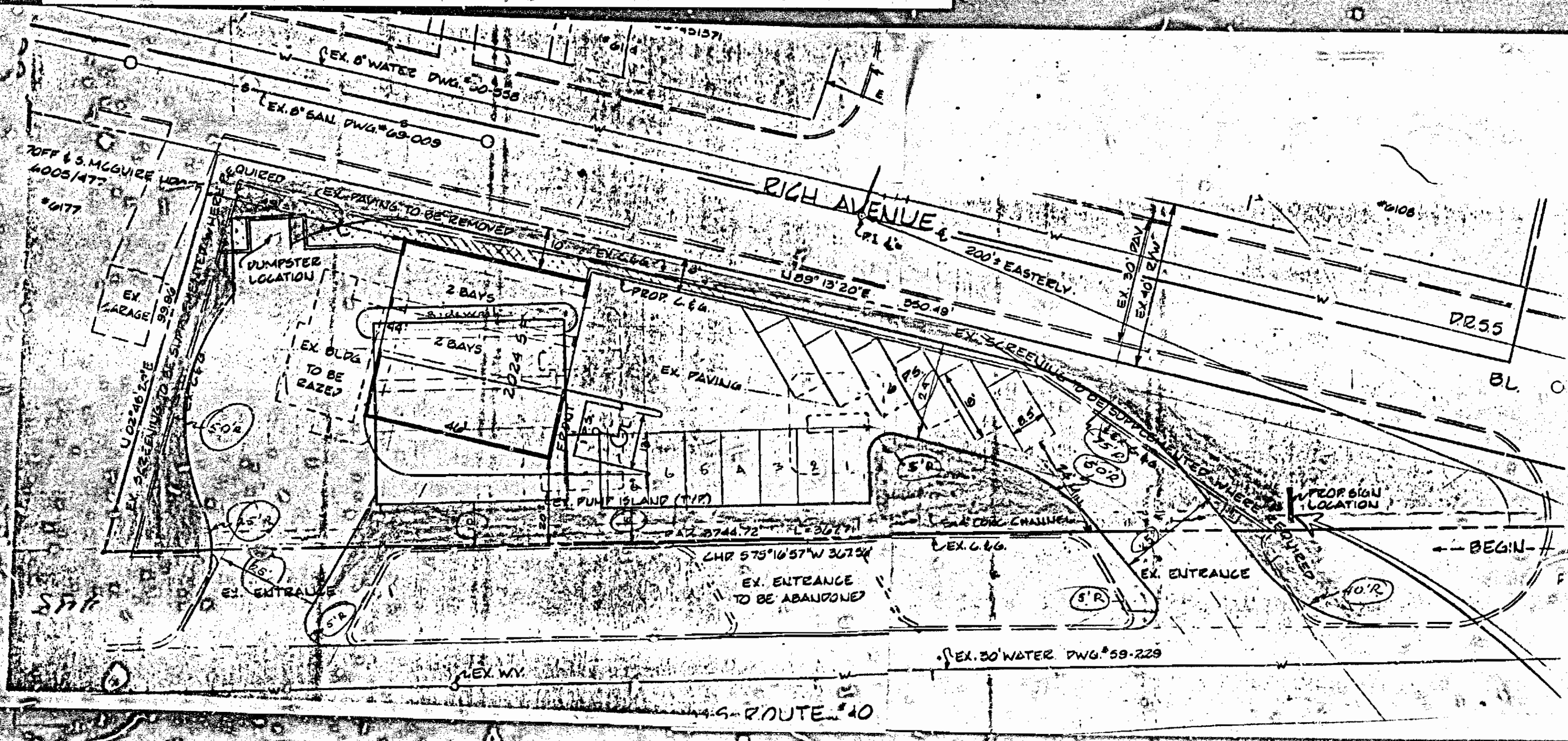
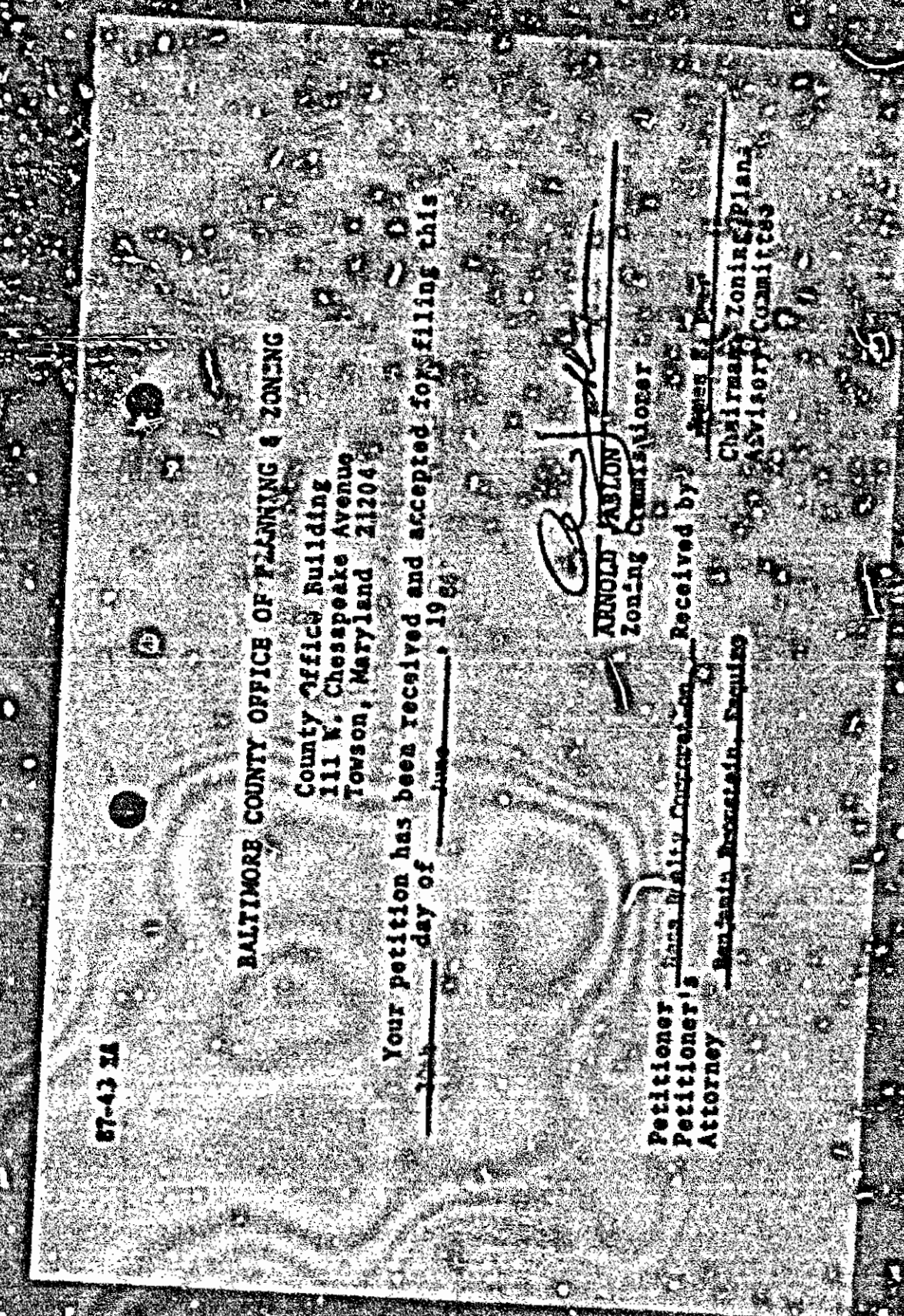
Thank you for your kind attention to this matter.

Very truly yours,  
*Benjamin Bronstein*  
Benjamin Bronstein

BB/jaa  
cc: S. Eric DiNenna, Esquire  
Phyllis Friedman, People's Counsel

17-206  
60

21  
Dec 31



DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
ROBERT A. BRESCHI

July 28, 1986

Zoning Commissioner for  
Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Case No. 87-43-XA  
Petitioner: Bess Realty Corp.

Dear Mr. Jablon:

Please enter my appearance on behalf of Protestants concerning the above-captioned matter.

It is my understanding that this matter is set for hearing for August 18, 1986 at 10:15 A.M.

Please address any correspondence concerning this matter to my attention.

Very truly yours,  
*S. Eric DiNenna*  
S. ERIC DINENNA

SED:kb  
cc: Benjamin Bronstein, Esquire  
Mr. James Tony

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 23, 1986

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

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

Benjamin Bronstein, Esquire  
102 W. Pennsylvania Avenue, Suite 200  
Towson, Maryland 21204

RE: Item No. 445 - Case No. 87-43-XA  
Petitioner: Bess Realty Corporation  
Petitions for Special Exception and Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plan submitted with the above referenced petition. The comments from the CRG have been added to those of the Zoning Plans Advisory Committee and are part of this case file. They 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 Commission with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
James E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kb

Enclosures

cc: Mr. John Smith  
George William Stephens, Jr.  
and Associates, Inc.  
303 Allegheny Avenue  
Towson, Maryland 21204



# John W. "Wes" Guckert

Wes Guckert is a recognized expert in the areas of traffic engineering, impact analysis, traffic signal design, circulation, and access studies and transportation planning. He has designed numerous traffic signal projects including a 10-intersection system in the city of Laurel, Maryland. Mr. Guckert played a major role in the planning study for the revitalization of Pikesville, in Baltimore County, Maryland.

Mr. Guckert served as the project manager for several public agency projects including the Maryland 210 Bus Stop Study, the Capital Center (Largo) Access Study, and the University of Maryland (College Park) Access Study. He also served as the principal traffic engineer responsible for the conduct of over 30 traffic safety studies for numerous municipalities throughout Maryland. He has directed the design and implementation of traffic access systems for several local and regional mixed-use projects including the 1,500,000 square foot Townsontown Centre, Port America and recently the Bowie New Town Center. This is just a sample of the projects Mr. Guckert has undertaken while practicing as a consultant since 1977, subsequent to his five years of experience with the Maryland State Highway Administration, Traffic Division.

Mr. Guckert has qualified and been accepted as an expert in the field of traffic engineering before numerous County and Municipal Planning and Zoning Boards in Maryland, Virginia, and Pennsylvania, as well as the Baltimore County Circuit Court.

|                                                                                                              |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1977-present<br>Consultant                                                                                   | Educational Background                                                                                                                                                                                                                                            | Affiliations                                                                                                                                                                                                                                                |
| 1972-1977<br>Maryland State Highway Administration - Traffic Division<br>Assistant Regional Traffic Engineer | Civil Engineering Preparation:<br>Johns Hopkins University, Towson State University, and Essex Community College<br>Traffic Engineering Courses: Northwestern University Traffic Institute, University of Tennessee Transportation Center, University of Maryland | Institute of Transportation Engineers<br>Urban Land Institute (ULI)<br>I.T.E. Professional Committee<br>Traffic Considerations for Special Events<br>Parking Facilities for Industrial Plants<br>Internal Transportation Systems for Major Activity Centers |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Places Where Mr. Guckert Has Qualified as an Expert Witness                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                          |
| Maryland<br>Planning Board, Allegany County<br>Zoning Hearing Examiner and Board of Appeals, Anne Arundel County<br>Planning Commission and City Council, City of Annapolis<br>City Council, Baltimore<br>Board of Appeals, Circuit Court, Planning Board, Zoning Hearing Examiner, Baltimore County<br>Planning Board, Town Commissioners, Town of Bel Air<br>Planning Board and Board of Appeals, Carroll County<br>Planning Board and Board of Appeals, Charles County | Planning Commission, City of Frederick<br>Planning Board, Frederick County<br>Zoning Hearing Examiner, Harford County<br>Planning Board and Zoning Board, Howard County<br>Zoning Hearing Examiner, Montgomery County<br>Board of Appeals, Montgomery County<br>Park and Planning Commission, Montgomery County<br>Planning Board, Zoning Hearing Examiner, Prince Georges County | Park and Planning Commission, Prince Georges County<br>Planning Board, St. Mary's County<br>New Jersey<br>Holmdel Township Planning Board<br>Virginia<br>Arlington County Board of Supervisors<br>Loudoun County Planning Board<br>Prince William County Planning Board and Board of Supervisors<br>Pennsylvania<br>West Whiteland Township Planning Board, Town Council |

Suite 220  
Greenspring Station  
2550 W. Joppa Road  
Lutherville, Maryland 21093  
(301) 583-8405

THE TRAFFIC GROUP, INC.

QUALIFICATIONS  
John W. "Wes" Guckert

THE TRAFFIC GROUP, INC. THE TRAFFIC GROUP, INC.

## JIFFY LUBE TRAFFIC STUDY JOPPA RD. - EAST OF PERRING PKWY. Number of Cars Serviced August 5, 1986 8:00am - 6:00pm

| Time        | # Cars Serviced | Time        | # Cars Serviced |
|-------------|-----------------|-------------|-----------------|
| AM          |                 | PM          |                 |
| 08:00-08:15 | 1               | 01:00-01:15 | 3               |
| 08:15-08:30 | 1               | 01:15-01:30 | 2               |
| 08:30-08:45 | 0               | 01:30-01:45 | 0               |
| 08:45-09:00 | 1               | 01:45-02:00 | 2               |
| 09:00-09:15 | 1               | 02:00-02:15 | 1               |
| 09:15-09:30 | 2               | 02:15-02:30 | 0               |
| 09:30-09:45 | 0               | 02:30-02:45 | 0               |
| 09:45-10:00 | 1               | 02:45-03:00 | 1               |
| 10:00-10:15 | 2               | 03:00-03:15 | 1               |
| 10:15-10:30 | 0               | 03:15-03:30 | 2               |
| 10:30-10:45 | 1               | 03:30-03:45 | 3               |
| 10:45-11:00 | 0               | 03:45-04:00 | 4               |
| 11:00-11:15 | 4               | 04:00-04:15 | 1               |
| 11:15-11:30 | 2               | 04:15-04:30 | 2               |
| 11:30-11:45 | 2               | 04:30-04:45 | 2               |
| 11:45-12:00 | 2               | 04:45-05:00 | 0               |
| 12:00-12:15 | 2               | 05:00-05:15 | 1               |
| 12:15-12:30 | 1               | 05:15-05:30 | 1               |
| 12:30-12:45 | 2               | 05:30-05:45 | 0               |
| 12:45-01:00 | 3               | 05:45-06:00 | 1               |
| PM          |                 | PM          |                 |

8 Hour  
Totals 55

THE TRAFFIC GROUP, INC.

THE TRAFFIC GROUP, INC.



ARNOLD JARON, ZONING COMMISSIONER  
BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204

PRESORTED  
FIRST-CLASS



JAC/PAC Partnership  
201 North Charles Street  
Baltimore, Maryland 21201

Rec'd  
8/6/86  
Tud

THE TRAFFIC GROUP, INC. THE TRAFFIC GROUP, INC.

## JIFFY LUBE TRAFFIC STUDY JOPPA RD. - EAST OF PERRING PKWY. Number of Cars Meeting to be Serviced August 5, 1986 8:00am - 6:00pm

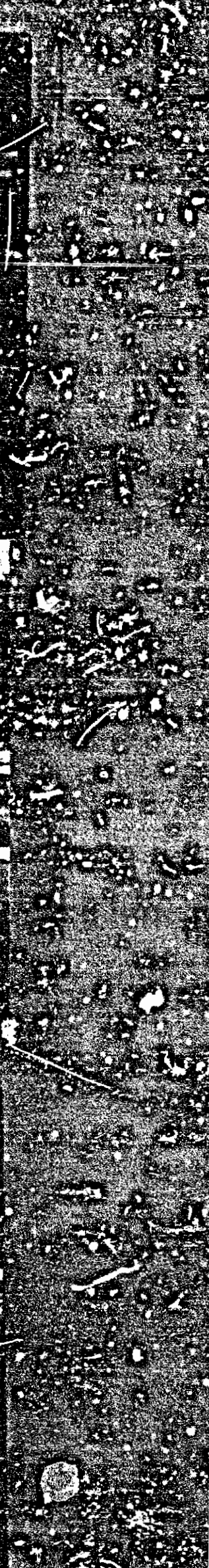
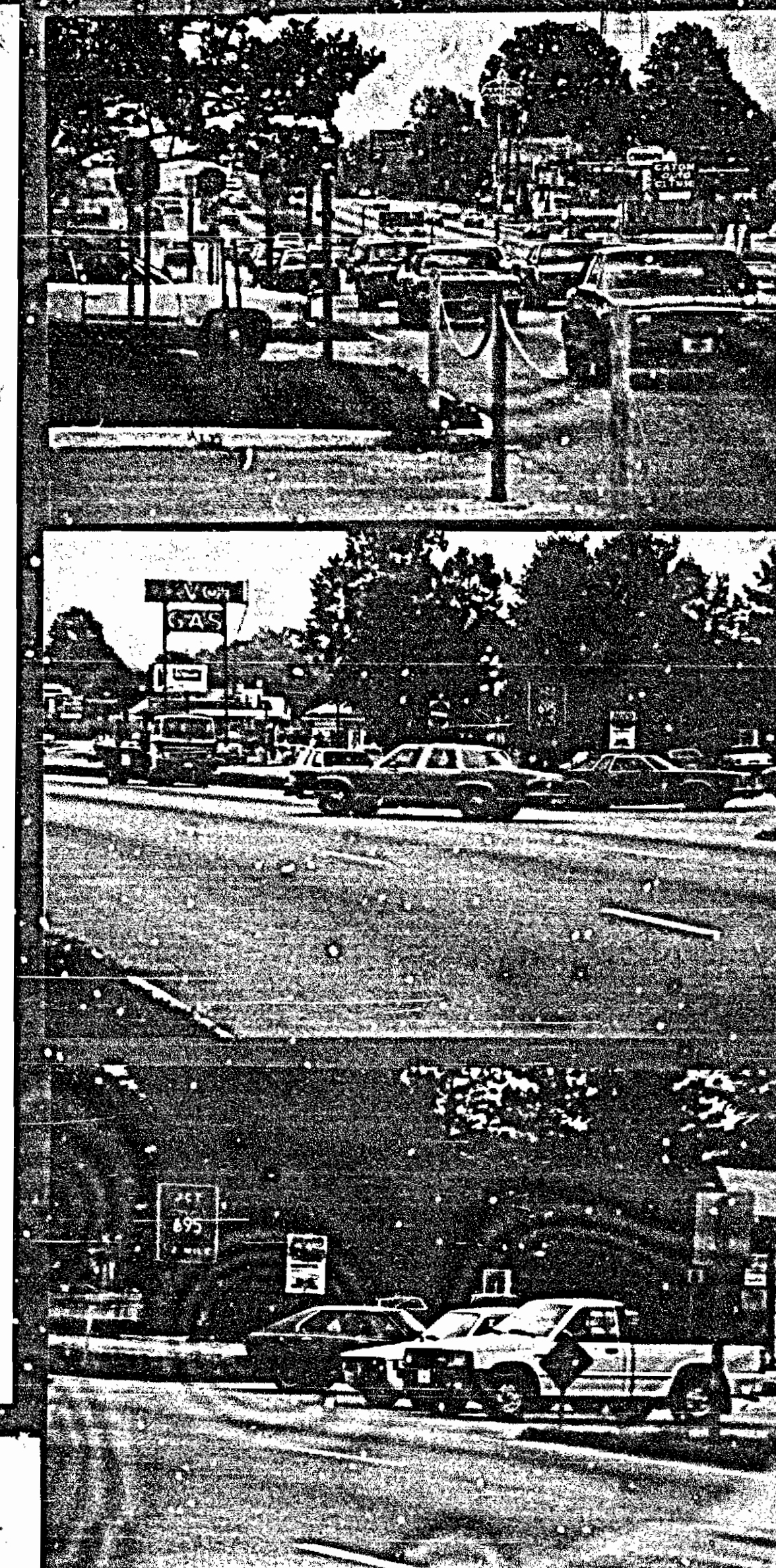
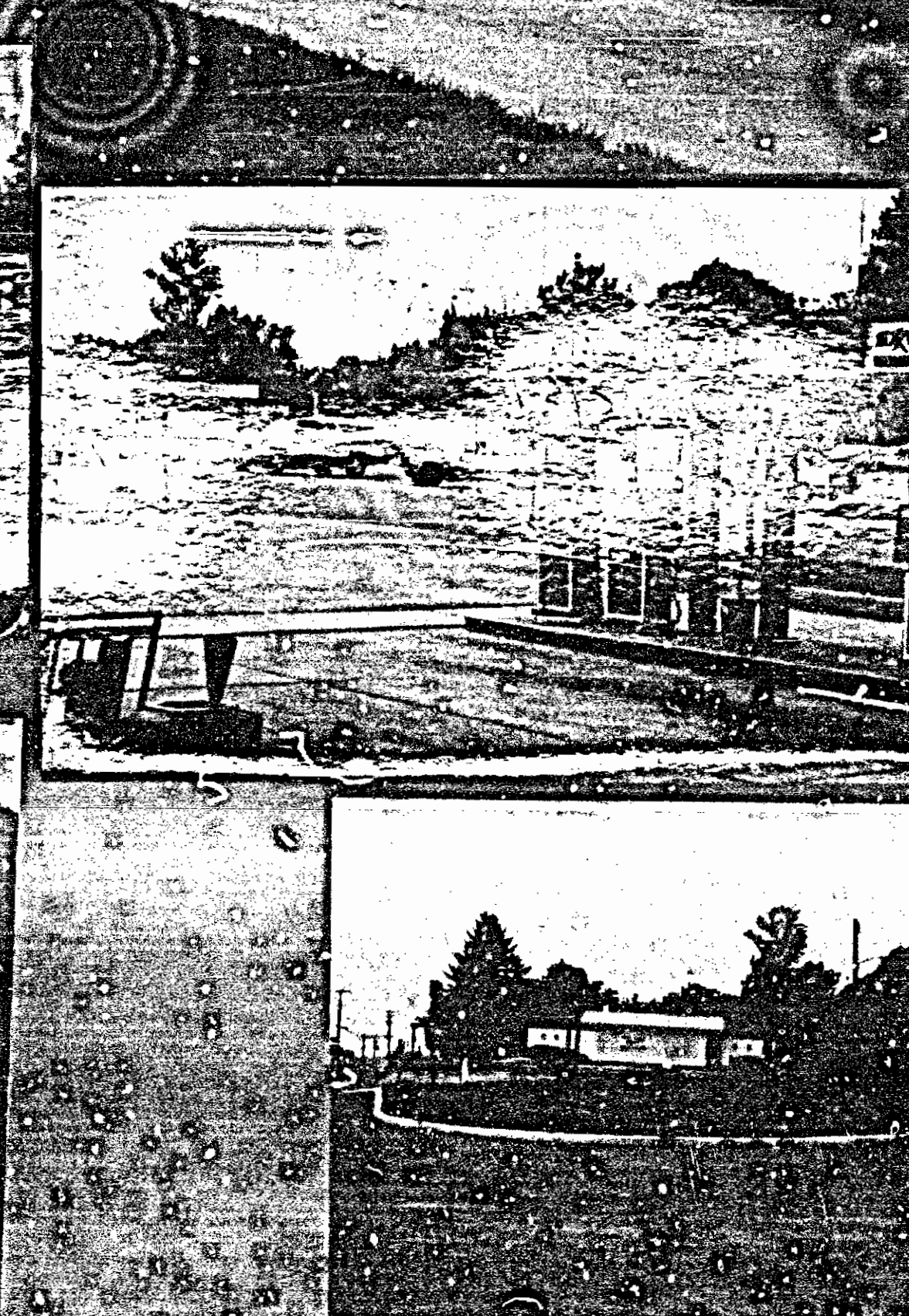
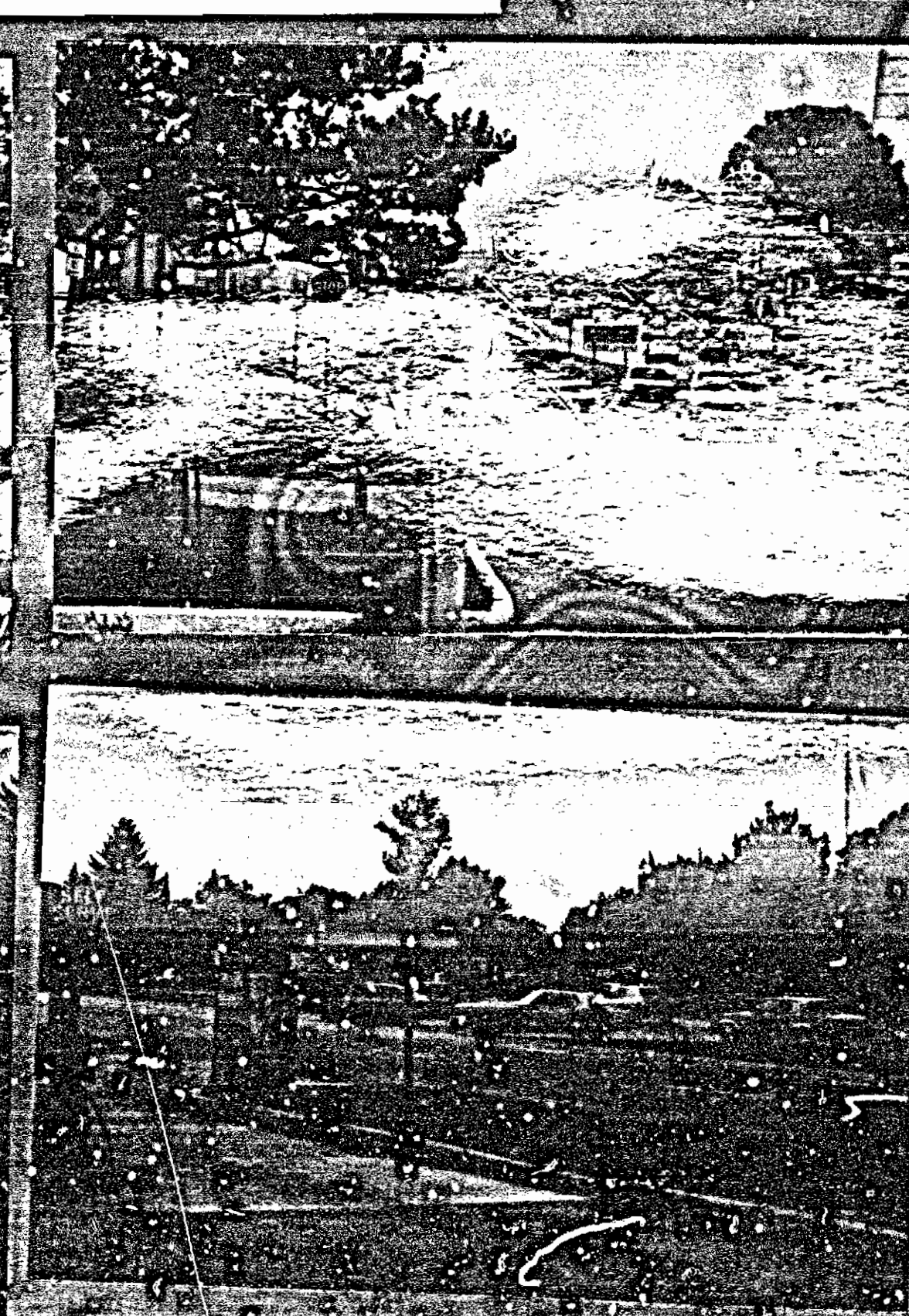
| Time        | # Cars Meeting | Time        | # Cars Meeting |
|-------------|----------------|-------------|----------------|
| AM          |                | PM          |                |
| 08:00-08:15 | 0              | 01:00-01:15 | 0              |
| 08:15-08:30 | 0              | 01:15-01:30 | 0              |
| 08:30-08:45 | 0              | 01:30-01:45 | 0              |
| 08:45-09:00 | 0              | 01:45-02:00 | 0              |
| 09:00-09:15 | 0              | 02:00-02:15 | 0              |
| 09:15-09:30 | 0              | 02:15-02:30 | 0              |
| 09:30-09:45 | 0              | 02:30-02:45 | 0              |
| 09:45-10:00 | 0              | 02:45-03:00 | 0              |
| 10:00-10:15 | 0              | 03:00-03:15 | 0              |
| 10:15-10:30 | 0              | 03:15-03:30 | 0              |
| 10:30-10:45 | 0              | 03:30-03:45 | 0              |
| 10:45-11:00 | 0              | 03:45-04:00 | 0              |
| 11:00-11:15 | 0              | 04:00-04:15 | 0              |
| 11:15-11:30 | 0              | 04:15-04:30 | 0              |
| 11:30-11:45 | 0              | 04:30-04:45 | 0              |
| 11:45-12:00 | 0              | 04:45-05:00 | 0              |
| 12:00-12:15 | 0              | 05:00-05:15 | 0              |
| 12:15-12:30 | 0              | 05:15-05:30 | 0              |
| 12:30-12:45 | 0              | 05:30-05:45 | 0              |
| 12:45-01:00 | 0              | 05:45-06:00 | 0              |
| PM          |                | PM          |                |

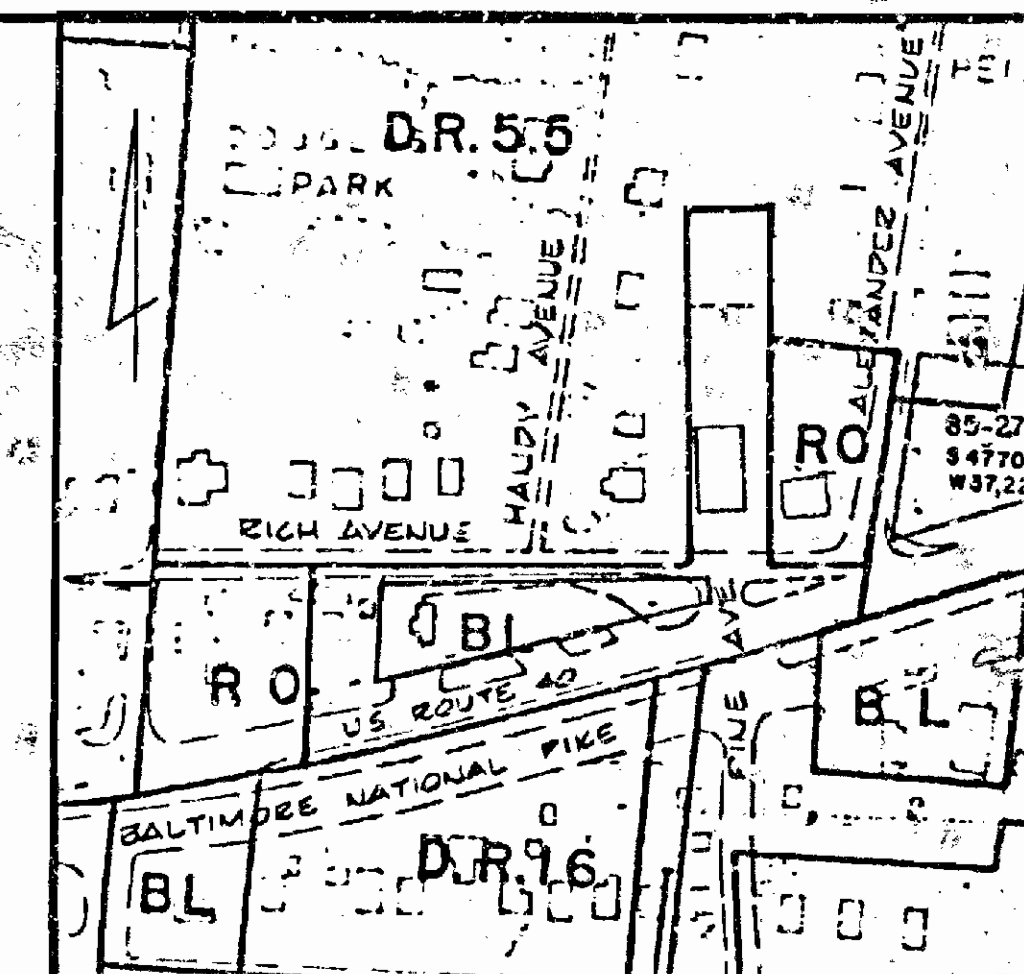
8 Hour  
At Stage  
8 Hour  
At Stage

THE TRAFFIC GROUP, INC.

THE TRAFFIC GROUP, INC.

EXHIBIT 2





LOCATION MAP  
SCALE 1"=200'

GENERAL NOTES

1. PAVING SHALL BE BITUMINOUS CONC SURFACE
2. A LANDSCAPE PLAN INCORPORATING SCREENING WHERE REQUIRED SHALL BE PREPARED IN ACCORDANCE WITH THE LANDSCAPE MANUAL OF BALTIMORE COUNTY ADOPTED MAY 7, 1984
3. HOURS OF OPERATION: 8AM TO 8PM MONDAY THROUGH SATURDAY, (POSSIBLE INCLUSION OF SUNDAY)
4. ANY LIGHTING FIXTURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS
5. NO BODY WORK TO BE DONE ON SITE. THE PRIMARY USE OF THE PROPERTY SHALL BE FOR RAPID LUBRICATION AND OIL CHANGE SERVICES FOR AUTOMOTIVE VEHICLES AND RELATED SERVICES INCLUDING THE REPLACEMENT OF OIL AND AIR FILTERS, CHECKING AND LEVELING OF TRANSMISSION, BRAKE, DIFFERENTIAL AND BATTERY FLUIDS, AND COURTESY SERVICES.
6. NO PERMANENTLY DAMAGED OR 7 SEVERELY DAMAGED VEHICLES TO BE STORED ON SITE.
7. SPECIAL EXCEPTIONS IN BL ZONES - 8622, 8623, 8624, 8625, 8626, 8627, 8628, 8629, 8630, 8631, 8632, 8633, 8634, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655, 8656, 8657, 8658, 8659, 8660, 8661, 8662, 8663, 8664, 8665, 8666, 8667, 8668, 8669, 8670, 8671, 8672, 8673, 8674, 8675, 8676, 8677, 8678, 8679, 8680, 8681, 8682, 8683, 8684, 8685, 8686, 8687, 8688, 8689, 8690, 8691, 8692, 8693, 8694, 8695, 8696, 8697, 8698, 8699, 8700, 8701, 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8711, 8712, 8713, 8714, 8715, 8716, 8717, 8718, 8719, 8720, 8721, 8722, 8723, 8724, 8725, 8726, 8727, 8728, 8729, 8730, 8731, 8732, 8733, 8734, 8735, 8736, 8737, 8738, 8739, 8740, 8741, 8742, 8743, 8744, 8745, 8746, 8747, 8748, 8749, 8750, 8751, 8752, 8753, 8754, 8755, 8756, 8757, 8758, 8759, 8760, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8775, 8776, 8777, 8778, 8779, 8780, 8781, 8782, 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9779, 9780, 9781, 9782, 9783, 9784, 9785, 9786, 9787, 9788, 9789, 9790, 9791, 9792, 9793, 9794, 9795, 9796, 9797, 9798, 9799, 9800, 9801, 9802, 9803, 9804, 9805, 9806, 9807, 9808, 9809, 9810, 9811, 9812, 9813, 9814, 9815, 9816, 9817, 9818, 9819, 9820, 9821, 9822, 9823, 9824, 9825, 9826, 9827, 9828, 9829, 9830, 9831, 9832, 9833, 9834, 9835, 9836, 9837, 9838, 9839, 9840, 9841, 9842, 9843, 9844, 9845, 9846, 9847, 9848, 9849, 9850, 9851, 9852, 9853, 9854, 9855, 9856, 9857, 9858, 9859, 9860, 9861, 9862, 9863, 9864, 9865, 9866, 9867, 9868, 9869, 9870, 9871, 9872, 9873, 9874, 9875, 9876, 9877, 9878, 9879, 9880, 9881, 9882, 9883, 9884, 9885, 9886, 9887, 9888, 9889, 9890, 9891, 9892, 9893, 9894, 9895, 9896, 9897, 9898, 9899, 9900, 9901, 9902, 9903, 9904, 9905, 9906, 9907, 9908, 9909, 9910, 9911, 9912, 9913, 9914, 9915, 9916, 9917, 9918, 9919, 9920, 9921, 9922, 9923, 9924, 9925, 9926, 9927, 9928, 9929, 9930, 9931, 9932, 9933, 9934, 9935, 9936, 9937, 9938, 9939, 9940, 9941, 9942, 9943, 9944, 9945, 9946, 9947, 9948, 9949, 9950, 9951, 9952, 9953, 9954, 9955, 9956, 9957, 9958, 9959, 9960, 9961, 9962, 9963, 9964, 9965, 9966, 9967, 9968, 9969, 9970, 9971, 9972, 9973, 9974, 9975, 9976, 9977, 9978, 9979, 9980, 9981, 9982, 9983, 9984, 9985, 9986, 9987, 9988, 9989, 9990, 9991, 9992, 9993, 9994, 9995, 9996, 9997, 9998, 9999, 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10069, 10070, 10071, 10072, 10073, 10074, 10075, 10076, 10077, 10078, 10079, 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087, 10088, 10089, 10090, 10091, 10092, 10093, 10094, 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BEFORE THE  
FINDING COMMISSIONERS  
OF BALTIMORE COUNTY  
Case No. 87-12-13

1. The Petitioner may apply for its building permit to be granted even upon receipt of this Order. However, Petitioner is hereby made aware that processing at this time is at its own risk, not such time as the applicable appellate process for this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner will be required to return, and be responsible for returning, said property to its original condition.

4. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.

3. No temporary signs shall be permitted.

6. The proposed landscape plan shall be submitted to the Douglas Park Community Association for its comments prior to submittal to the Current Planning and Development Division, Office of Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least.

It is FURTHER ORDERED that a variance to permit other business signs totaling 120 square feet in lieu of the permitted 100 square feet be and is hereby DENIED.

Zoning Commission  
Baltimore County

14

Parking Spaces --7 @ 1 tree/22 spaces --  
Interior Road --151' @ 1 tree/20' -----  
Exterior Road --729' @ 1 tree/40' -----  
Total major deciduous or equivalent -----2

KEY QUAN

### Screening and Other Flankin

Low shrubs will be planted in the right-of-way adjacent to the property in accordance with the State Highway Administration permit requirements; the plants shall be selected for a maximum height of 18" from the ground line and shall be planted 26" from the edge of the curb facing Baltimore National Pike.

2005 23:1

|   |                       |            |
|---|-----------------------|------------|
|   | Major deciduous       | equivalent |
| 9 | Major deciduous       | -----9     |
| 1 | Minor deciduous       | -----0.5   |
| 1 | Evergreen             | -----0.5   |
|   | Total major deciduous |            |
|   | equivalent            | -----12    |

## LOCATION MAP

BENCH MARK: ELEV. 531.55  
PIPE FOUND NORTH EAST PROPERTY  
CORNER.

### LEGEND

EX. CURB & GUTTER.  
EX. WATER  
EX. SAN. SEWER  
EX. CONTOUR  
PROP. CONTOUR  
PROP. PAVING  
WILT FENCE  
EX. FENCE  
PROP. CURB & GUTTER

### GENERAL NOTES

- 1) PAVING SHALL BE BITUMINOUS CONCRETE SURFACE.
- 2) A LANDSCAPE PLAN INCORPORATING SCREENING WHERE REQUIRED SHALL BE PREPARED IN ACCORDANCE WITH THE LANDSCAPE MANUAL OF BALTIMORE CO. ADOPTED MAY 7, 1984.
- 3) HOURS OF OPERATION: 8 A.M. TO 8 P.M. MONDAY THROUGH SATURDAY. (POSSIBLE INCLUSION OF SUNDAY)
- 4) ANY LIGHTING FIXTURE USED TO ILLUMINATE ANY OFFSTREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM RESIDENTIAL LOTS.
- 5) NO BODY WORK TO BE DONE ONSITE. THE PRIMARY USE OF THE PROPERTY SHALL BE FOR RAPID LUBRICATION AND OIL CHANGE SERVICES FOR AUTOMOTIVE VEHICLES AND RELATED SERVICES INCLUDING THE REPLACEMENT OF OIL AND AIR FILTERS, CHECKING AND LEVEEING OF TRANSMISSION BRAKE, DIFFERENTIAL AND BATTERY FLUIDS, AND COURTESY SERVICES.
- 6) NO PERMANENTLY DAMAGED OR DISABLED VEHICLES TO BE STORED ONSITE.
- 7) SPECIAL EXCEPTIONS IN BL ZONES- B.C.Z.R. SECTION 230-13.
- 8) EXISTING SERVICE STATION (HESS) SEE CASE NO. 65-77-RX.
- 9) PARKING REQUIRED----- 2024 +300=6.7 (7P.S.). PARKING PROVIDED----- 7 P.S. OUTSIDE (INCL. 1 HAND. ) AND 4 INTERIOR BAYS= 11 P.S.
- 10) EXISTING SITE INFORMATION TAKEN FROM HESS OIL COMPANY SITE PLAN DATED 4-23-65.
- 11) VARIANCE REQUESTED TO PERMIT A SIGN HAVING A TOTAL SQUARE FOOTAGE OF 120 S.F. IN LIEU OF THE PERMITTED 100 S.F. PER B.C.Z.R. SECTION 413.2F.

## SITE DATA

|                |                   |
|----------------|-------------------|
| EX. ZONING     | BL                |
| AREA OF TRACT  | 04121 AC. ±       |
| EX. USE        | VACANT            |
| PROP. USE      | SERVICE GARAGE    |
| FLOOR AREA     | 1024 S.F.         |
| DEED REFERENCE | 1244/ES           |
| PLAT REFERENCE | DOUGLAS PARK-7/11 |

NOTES:

- 1) WAIVER OF C.R. GRANTED 7-18-86
- 2) WAIVER OF SWIM. GRANTED
- 3) LANDSCAPE MODIFICATION GRANTED 7-22-86
- 4) APPROVAL RECEIVED FROM COASTAL HARBOR IMPROVEMENT ASSOCIATION AT MEETING ON 10-2-86

## LANDSCAPE PLAN 1A

NEW LIFE

6116 BALTIMORE NATIONAL PKWY  
BALTIMORE COUNTY, MD DATE: OCT. 2, 1970  
ELECTION DISTRICT #1 SCALE: 1" = 20'

RETURNED EXHIBIT 46

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

CIVIL ENGINEERS &amp; LAND SURVEYOR

303 ALLEGHENY AVENUE  
TOWSON, MARYLAND 2120  
TELEPHONE 825-8120

**WILLIAM F. KENNEDY, INC.**  
Land Planning and Landscape Architecture  
22 E. Sunnyside Avenue  
Tomball, TX 77551  
Phone 281/341-0075

OWNER  
"Sax/Fac Partnership"

CENTRAL SAVINGS BUILDING  
201 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201

## REVISIONS

10-23-80

LANDSCAPE PLAN 1A

NEW LIFE

6116 BALTIMORE NATIONAL PKWY  
BALTIMORE COUNTY, MD DATE: OCT. 2, 1970  
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