

Henry Materniak
647-4488

7/22/87 -Spoke w/Hennessey's secretary -she advised that he is not representing the Petitioner in this case; will call back.

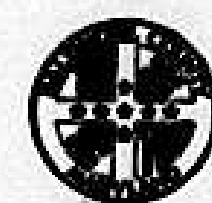
Per Peter Zimmermann, contacted Eric DiNenna (DiNenna entered appearance as Counsel for Petitioner at Zoning level; file is incorrect). Will set for November hearing -possible settlement.

7/22/87 -Following notified of hearing set for Tuesday, November 24, 1987 at 10:00 a.m.:

Eric DiNenna, Esq.
Amoco Oil Company
Thomas Howell
Phyllis C. Friedman, Esq.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 6/19/87
Posted for: Amoco Oil Co.
Petitioner: Amoco Oil Co.
Location of property: SW/cor. Loch Raven Blvd. & Yakona Rd.
Location of Signs: 15' x 15' signs at each corner of property
Remarks: 15' x 15' signs at each corner of property
Posted by: [Signature] Date of return: 6/24/87
Number of Signs: 4



County Board of Appeals of Baltimore County

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

July 22, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-419-X AMOCO OIL COMPANY
SW/cor. Loch Raven Boulevard and Yakona Road
(8618 Loch Raven Boulevard)
9th Election District
4th Councilmanic District
SE -for service garage
4/28/87 -Z.C. GRANTED Special Exception.

ASSIGNED FOR:

cc: S. Eric DiNenna, Esquire	Counsel for Petitioner
Thomas Howell	Contract Purchaser
Amoco Oil Company	Owner/Petitioner
Phyllis Cole Friedman, Esquire	People's Counsel

TUESDAY, NOVEMBER 24, 1987 at 10:00 a.m.

Kathi Weidenhammer
Administrative Secretary

LAW OFFICES

Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21205-5473

July 22, 1987

Baltimore County Board of Appeals
Old Court House, Room 205
Towson, Maryland 21204

Re: Petition for Special Exceptions
S/W Corner of Loch Raven Boulevard and Yakona Road
(8618 Loch Raven Boulevard)
Amoco Oil Company - Petitioner
Zoning Case No: 87-419-X

Gentlemen:

In accordance with today's (7/22/87) phone inquiry from Kathy, please be advised that this office is no longer involved in the above-entitled matter. Mr. Eric DiNenna replaced the writer with his letter of March 13, 1987 and forwarded me a copy. My appearance was stricken with my consent, in accordance with the attached letter. For your file, please find a copy of Mr. DiNenna's letter of March 13, 1987 to Arnold Jablon.

I am sending a copy of this letter to Mr. DiNenna so that he might be aware of our communication.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH:ntm
Enclosure

cc: S. Eric DiNenna, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
JUL 27 1987

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

March 13, 1987

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

RE: Zoning - Special Exception
Service Garage
8618 Loch Raven Boulevard
My File No.: 87-17

Dear Mr. Commissioner:

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

It is my understanding that the hearing concerning this matter shall take place on Monday, April 20, 1987, at 3:30 p.m.

Thank you for your cooperation.

Very truly yours,

Eric DiNenna
ERIC DINENNA

SED:kar

cc: Mr. Terrance Materniak
Thomas L. Hennessey, Esquire

Please strike the appearance of Thomas L. Hennessey, Esquire.

Thomas L. Hennessey
THOMAS L. HENNESSEY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Arnold Jablon
Zoning Commissioner

May 28, 1987



Dennis F. Fasmus
County Executive

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Exception
SW/Cor. Loch Raven Boulevard and Yakona Road (8618 Loch Raven Boulevard)
Amoco Oil Company - Petitioner
Case No. 87-419-X

Dear Board:

Please be advised that on May 27, 1987 an appeal of the decision rendered in the above-referenced case was filed by the People's Counsel for Baltimore County.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Amoco Oil Company
200 East Randolph Drive, Chicago, Illinois 60680

Mr. Thomas Howell
838 S. Ritchie Highway, Severna Park, Md. 21146

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue, Towson, Md. 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

RECEIVED
COUNTY BOARD OF APPEALS
JUN 1 1987

APPEAL

Petition for Special Exception
SW/cor. Loch Raven Boulevard and Yakona Road
(8618 Loch Raven Boulevard)
9th Election District - 4th Councilmanic District
Amoco Oil Company - Petitioner
Case No. 87-419-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Plat of Property dated 11/17/86

Zoning Commissioner's Order dated April 28, 1987

Notice of Appeal received May 27, 1987 from People's Counsel

Amoco Oil Company, Petitioner
200 East Randolph Drive, Chicago, Illinois 60680

Thomas Howell, Contract Purchaser
838 S. Ritchie Highway, Severna Park, Maryland 21146

Thomas L. Hennessey, Esquire, Attorney for Petitioner
407 W. Pennsylvania Avenue, Towson, Maryland 21204

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

S. Eric DiNenna
409 Wash. Ave.
St. Leo
Entered appearance
before Z.C.
Hennessey not
involved.

Per Zimmermann
Hennessey & DiNenna
7/22/87

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

IN RE: PETITION SPECIAL EXCEPTION
SW/cor. of Loch Raven
Boulevard and Yakona Road
(8618 Loch Raven Boulevard) -
9th Election District
Amoco Oil Company,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-419-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage, as more particularly described on Petitioner's Exhibit 1.

Prior to the hearing, the Petition was amended to reflect that a new property owner was to be substituted for Amoco Oil Company. SP Partnership, the legal owner, by Thomas Howell, General Partner and President, appeared and testified and was represented by Counsel. John Strong Smith, a registered civil engineer, also testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, located on the corner of Loch Raven Boulevard and Yakona Road and zoned S.L., is presently improved with a closed gasoline service station. The Petitioner proposes to rehabilitate the existing building into an All-Tune and Lube facility which will provide specialty service garage work limited to tune-ups, lubrications, oil changes, tires, batteries, and accessories. No heavy mechanical work will be performed, and no damaged or disabled vehicles will be stored on the property. The average time required per vehicle would be approximately 55 minutes, which includes a tune-up, lubrication, and oil change. Based on the experience of other similar locations, it is expected that the proposed use would generate about 20 to 25 vehicles per weekday and 25 to 30 on Saturdays. All parking and other zoning regulations will be satisfied.

ORDER RECEIVED FOR FILING
Date: April 28, 1987
By: [Signature]

Mr. Smith testified that all of the requirements of Section 502.1, Baltimore County Zoning Regulations (BCZR), will be satisfied. He also pointed out that the Department of Traffic Engineering's recommendation to eliminate one of the two access points on Loch Raven Boulevard is not necessary. They have existed for over 20 years, and the proposed use would generate considerably less traffic than an average gas station would or did at this site.

The Petitioner requests relief from Section 230.13, pursuant to Section 502.1, 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 requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of April, 1987, that the Petition for Special Exception for a service garage be and is hereby GRANTED from and after the date of this Order.

cc: S. Eric DiNenna, Esquire
People's Counsel

#87-419-X

9th District

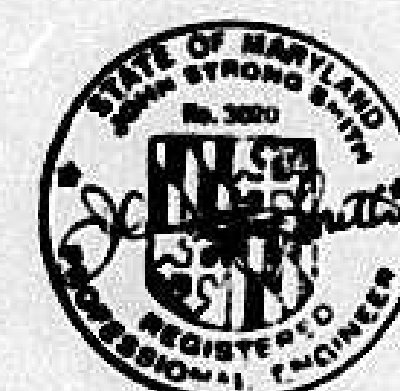
SM/cor. Loch Raven Blvd. and Yakona Rd.
(8618 Loch Raven Blvd.)

AMOCO OIL COMPANY

1 SIGN

- 3 -

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



OFFICE 440

RECEIVED
MAY 27 1967
ZONING OFFICE

I HEREBY CERTIFY that on this 27th day of May, 1987, a copy of the foregoing Notice of Appeal was mailed to S. Eric DiNenna, Esquire, Suite 600, Mercantile-Towson Bldg., 409 Washington Ave., Towson, MD 21204,
Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

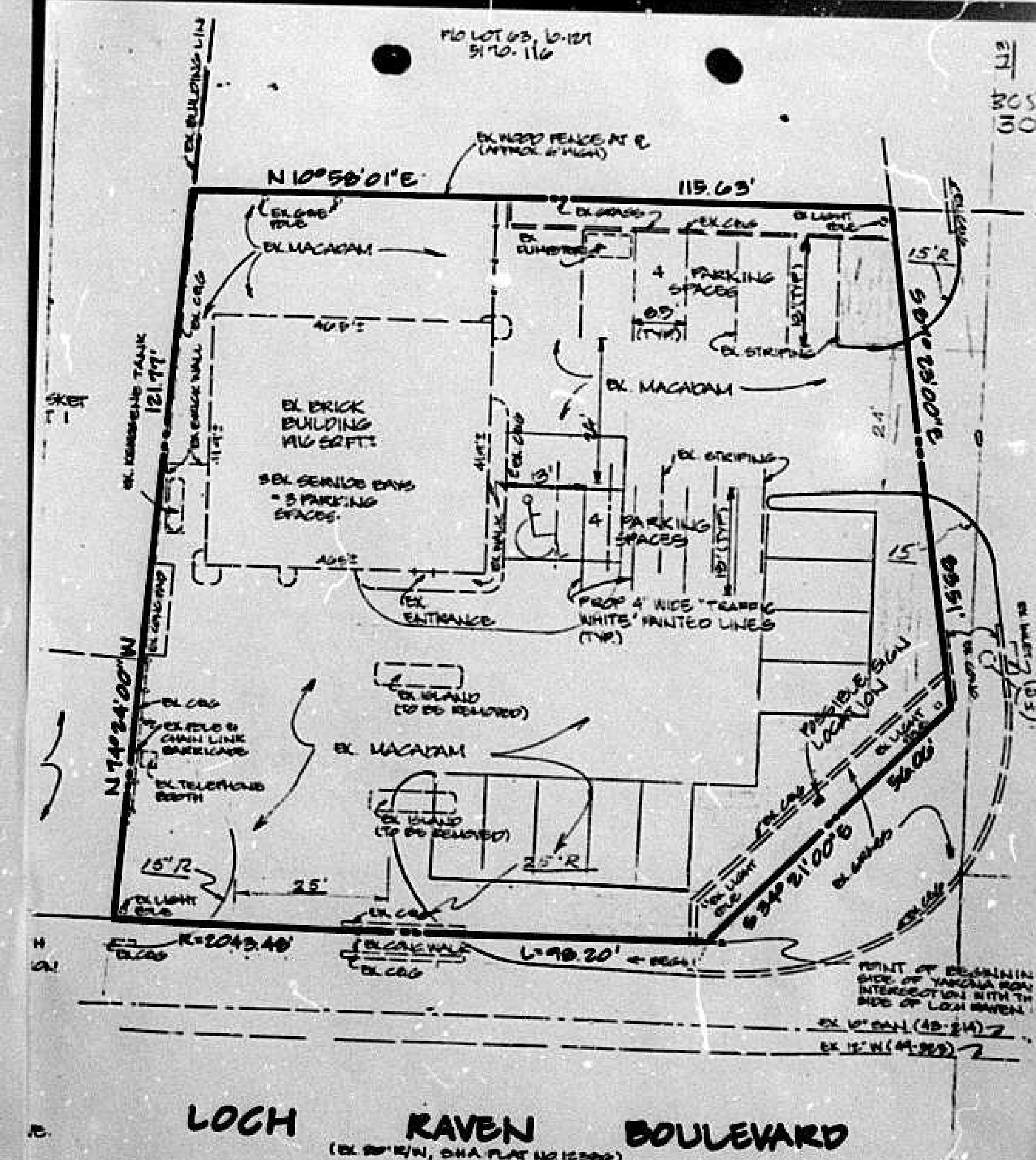
Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

41

A:1:000

I HEREBY CERTIFY that on this 30th day of March, 1987, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Hennessey, P.A., 407 W. Pennsylvania Ave., P. O. Box 5473, Towson, MD 21285-5473, Attorney for Petitioner; and Thomas Howell, 838 S. Ritchie Hwy., Severna Park, MD 21466, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman



gone RT in and out
across on Loch Raven Blvd
"here Rb"

305

