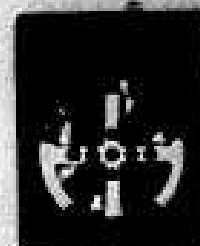


Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 19, 1989



Dennis F. Rasmussen
County Executive

Mr. Donald H. Ready
306 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 88-B4-XA
8024-8028 Liberty Road
2nd Election District

Dear Mr. Ready:

Reference is made to your letter of September 13, 1989, in which you request that this office review the above referenced property for the purpose of determining compliance with Exhibit B of the above referenced Zoning Case as required by the Zoning Commissioner's Order.

Please be advised that Zoning Inspector, Timothy Fitts inspected the subject site on Friday, September 15, 1989, and found that the on site improvements were in compliance with the aforementioned Exhibit B.

Should you have any questions concerning the above or require additional information, please do not hesitate to contact this office at your convenience.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:cer

cc: Timothy Fitts - Zoning Inspector

IN THE MATTER OF :
MORTON J. WEINER, ET AL :
FOR A SPECIAL EXCEPTION FOR :
A SERVICE GARAGE AND VARIANCES :
FOR PARKING SPACES AND SETBACKS :
NORTHEAST CORNER OF LIBERTY ROAD :
AND FLORIDA AVENUE :
(8024-8030 LIBERTY ROAD) :
2nd ELECTION DISTRICT :
2nd COUNCILMANIC DISTRICT :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
CASE NO. 88-84-XA :

OPINION AND ORDER

The Stipulation and Joint Motion for Modification of Zoning Commissioner's Order having been read and considered, and the parties having had the opportunity to present argument at a hearing held at 9:00 a.m. on January 21, 1988, it is this 28th day of January, 1988, by the County Board of Appeals of Baltimore County,

ORDERED, that the September 21, 1987 Order of the Zoning Commissioner of Baltimore County, be, and the same is, hereby modified by adding the following conditions:

- 10.(a) If Petitioner is successful in obtaining a change of zoning for the section of Lot B (Petitioner's Exhibit 2) which is zoned D.R. 5.5, Petitioner shall provide landscaping for the subject property substantially in conformance with Exhibit B to the Stipulation and Joint Motion dated January 21, 1988 and introduced before the County Board of Appeals of Baltimore County on January 21, 1988 (hereafter referred to as the "Stipulation and Joint Motion").
- (b) If Petitioner is not successful in obtaining a change of zoning for the section of Lot B (Petitioner's Exhibit 2) which is zoned D.R. 5.5, Petitioner shall provide landscaping for the subject property substantially in conformance with Exhibit C to the Stipulation and Joint Motion.

FURTHER ORDERED, that the Order of the Zoning Commissioner, as so modified, be and the same is, hereby AFFIRMED.

Case No. 88-84-XA
Morton J. Weiner, et al

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Arnold G. Foreman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCES
N/E Corner of Liberty Road and Florida Road
(8024-8030 Liberty Road)
2nd Election District
2nd Councilmanic District
Donald H. Ready Real Estate

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 88-84-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 35 parking spaces instead of the required 52 and, furthermore, a 50 foot setback in the front in lieu of the required 79 foot, as more particularly described in Petitioner's Exhibit 2.

The Contract Purchaser, Donald H. Ready Real Estate, has purchased the subject property from Morton J. Weiner, contingent upon the granting of the Special Exception and the Variances. Appearing on behalf of the Petitioner was Donald H. Ready who was represented by counsel. Testifying on behalf of the Petitioner was Wes Guckert, an expert traffic engineer, Mr. Cortea of STV/Lyon Associates and Mr. Griffith. The Liberty Communities Development Corporation, Inc., (LCDC) represented by Mr. Jim Janas appeared in opposition to the Special Exception and the Variances.

Testimony indicated that the subject property located on Liberty Road at the corner of Florida Avenue is zoned B.L. and D.R. 5.5 and is presently used as a retail store and a dwelling house. The site is actually two lots which the Petitioner plans to use as one retail building. The dwelling house is to be razed. The retail building will remain and receive an addition of 4224 sq. ft. The addition and approximately one-half of the old retail space will be used as

would result if the instant variance were not granted. It has 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 will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Pursuant to the advertisement, posting of property, and public hearing 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 community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of September, 1987, that a Special Exception for a service garage be and is hereby GRANTED, AND FURTHERMORE, that the Petition for Zoning Variance to permit 35 parking spaces in lieu of the required 52 and to permit a 50 foot setback in lieu of the required 79 foot front yard setback 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 herein granted:

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 returning, said property to its original condition.

a Western Auto Store.

There is no planned parking or retail space to be located in the D.R. 5.5 zoned section of Lot B of this site. The D.R. 5.5 section is to be used in part as a driveway only. The Western Auto Store will contain retail space, office space and service bays. There is to be no overnight storage of automobiles. The remaining retail space, 2400 sq. ft. has not been leased and its use is unknown at this time. The Western Auto will be limited to general retail and service garage activities of tire, battery and accessory work. There will be no major automobile reconstruction or repair work done on this site.

The Petitioner expects an average of 60 vehicles per day. Mr. Guckert and Mr. Griffith believe all of the relevant conditions precedent in Sections 502.1 and 307 are satisfied. Furthermore, the subject property is located in an area where all bordering property is zoned BL. The area is all used in a business manner along Liberty Road.

The Petitioner requests a front foot setback less than required 79 ft. The Petitioner's witness testified that this setback is greater than some for other businesses in the area and not out of character for the area.

Mr. Janas testified that the Special Exception will result in the loss of the furniture store and add another automobile related business. The LCDC is attempting to bring in more non-automobile retail business and this Special Exception is not in keeping with the goals of LCDC. The parking variance is seen as a real problem in light of the Petitioner's problems at the auto park at Liberty and Courtleigh Roads. There are many parking and access problems at that location. There is no need for additional retail space to be used as an auto-park on Liberty Road. There is need for more different kinds of retail space.

-2-

The Petitioner seeks relief from Section 230.13, pursuant to Section 502.1, and from Section 409.2b(5) and (6) and Section 232.1, 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 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 2 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 * 24 1319 (1981)

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

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 other uses 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.

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

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

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

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

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship

2. That the section of Lot B, Petitioner's Exhibit 2 which is zoned D.R. 5.5 will be used to increase the number of parking spaces if the Petitioner is successful in obtaining a change of zoning for that area, otherwise it shall not be used for any other business purpose, except as shown on P.E. 2.
3. That the entrance to Liberty Road, Route 26, shall be 28 ft. as shown on Petitioner's Exhibit 2 and as approved by the Maryland Department of Transportation, State Highway Administration.
4. The proposed landscape plan shall be submitted to the Current Planning and Development Commission, Office of the Planning and Zoning, and said plan shall satisfy the Baltimore County Landscape Manual at the very least, and furthermore, additional landscaping and residential screening on the northernmost side of the site to buffer the adjacent residential area must be dense and at least 5 ft. tall. Likewise, the remaining unpaved section of Lot B in the D.R. 5.5 zone must be planted and landscaped in such a manner as to prevent any parking on that area.
5. Both the northern and eastern property lines must be fenced to a height of 5 ft.
6. The fire hydrant at the corner of Florida Avenue and Liberty Road must be installed.
7. The Comments of the Baltimore County Department of Environmental Protection and Resource Management must be fulfilled.
8. There will be no overnight storage of vehicles on the site, including damaged or disabled vehicles.
9. The site may not be used as an automobile body shop.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert W. Cannon, Esq.
cc: Peoples Counsel
cc: Jim Janas

John W. "Wes" Guckert

Wes Guckert is a recognized expert in the areas of traffic engineering, impact analyses, traffic signal design, circulation and access studies and transportation planning. He has designed dozens of traffic signal projects including major signal systems throughout the State of Maryland. Mr. Guckert has played a major role in transportation planning studies for urban and suburban areas throughout the Baltimore-Washington Metropolitan corridor.

Mr. Guckert served as the Project Manager for several public agency projects including the Maryland 210 Bus Stop Study, the Capital Centre (Largo) Access Study and the University of Maryland (College Park) Access Study. He has 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 regional mixed use projects including the PortAmerica Complex, the 1,000,000 sq. ft. Townscenter - Dulany Centre Project, the Bowie New Town Centre, and the Presidential Corporate Centre. This is just a sample of the projects Mr. Guckert has undertaken while practicing as a consultant since 1977. Prior to providing private consultations, Mr. Guckert served for five years with the Maryland State Highway Administration Traffic Division.

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

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

Places Where Mr. Guckert Has Qualified as an Expert Witness

Maryland	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
2360 W. Joppa Road
Lutherville, Maryland 21093
(301) 583-8405

THE TRAFFIC GROUP, INC.

QUALIFICATIONS
John W. "Wes" Guckert

EDWARD A. GRIFFITH

QUALIFICATIONS OF APPRAISER

EDUCATION

PRINCETON UNIVERSITY, BACHELOR OF ARTS
COMPLETED COURSES I AND II OFFERED BY THE SOCIETY OF REAL ESTATE APPRAISERS
COMPLETED REAL ESTATE BROKERS COURSE AT THE UNIVERSITY OF MARYLAND
COMPLETED REAL ESTATE LAW COURSE AT CATONSVILLE COMMUNITY COLLEGE

MEMBERSHIPS AND LICENSES

THE GREATER BALTIMORE BOARD OF REALTORS
SOCIETY OF REAL ESTATE APPRAISERS
LICENSED REAL ESTATE BROKER IN THE STATE OF MARYLAND
VICE CHAIRMAN OF THE BALTIMORE COUNTY PLANNING BOARD (1968-1978)
VICE CHAIRMAN OF REAL ESTATE BROKERS' ROUND TABLE
BALTIMORE COUNTY APPRAISERS' SOCIETY
AMERICAN APPRAISAL ASSOCIATION
TREASURER OF MARYLAND ENVIRONMENTAL SERVICES
LICENSED MORTGAGE BROKER
VICE CHAIRMAN OF AIRPORT ZONING APPEALS BOARD (1974-1982)

EXPERIENCE

THIS APPRAISER HAS BEEN ACTIVE IN THE REAL ESTATE PROFESSION SINCE 1960 AND HAS BEEN ENGAGED IN APPRAISING SINCE 1974.

COURT TESTIMONY

BALTIMORE COUNTY TAX APPEALS BOARD
BALTIMORE COUNTY CIRCUIT COURT
BOARD OF PUBLIC WORKS, STATE OF MARYLAND
BOARD OF ZONING APPEALS, BALTIMORE COUNTY
BOARD OF ZONING APPEALS, BALTIMORE CITY
CIRCUIT COURT, BALTIMORE COUNTY

Clients

MARYLAND DEPARTMENT OF GENERAL SERVICES
MARYLAND STATE HIGHWAY AUTHORITY
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY OFFICE OF LAW
BALTIMORE COUNTY REGISTER OF WILLS
BALTIMORE COUNTY AND LOAN ASSOCIATIONS
BALTIMORE LAW FIRM

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road
Randallstown, MD 21133 (301) 655-7766

Liberty Communities Development Corporation (LCDC)

RESOLVED: That the position of the Liberty Communities Development Corporation as adopted by the Board of Directors on August 17, 1987 on the zoning matter known as:

Case No. 88-84-XA, Special Exception for service garage and Variance to permit 35 parking spaces in lieu of the required 52 spaces and a front yard 50' setback in lieu of the required 79' setback.

is that: "The Board (L.C.D.C.) oppose this petition." Further, "Jim Janas receive authority, sanction and instructions to testify on behalf of the organization on the zoning request."

AS WITNESS OUR HANDS AND SEAL THIS 26 DAY OF AUGUST 1987.

ATTEST: Liberty Communities Development Corporation

[Signature]
Secretary

PROTESTANT'S
EXHIBIT 1

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road
Randallstown, MD 21133 (301) 655-7766
August, 1987

L.C.D.C. MEMBERSHIP

ABC Rental Center Albert J. Craemer Enterprise Aquarium Center B & B Auto Glass Bank of Baltimore "BEA" Limited Beauty Outlet C.E.S. Insurance Cal Bitner's Restaurant Caplan's Deli & Bakery Century 21 Ben Seaman Realty Charley Rudo Sports, Inc. Citizens Bank & Trust Co. of Md. Columbia Auto Supply Crown Station DP Ltd. Partnership D & S Body & Fender Shop Deer Park Bldg. Supplies, Inc. DiJulius European Salon of Beauty Discount Tire Express Don Flowers Florist, Inc. Ed Vern Company Equitable Bank Eugene Hamilton Insurance Excello Extermination First Federal S&L of Annapolis Franklin Property Company Frank's Nursery & Crafts Furniture and Things Golden Dragon Inn Good Impression Printers Gordon/Kaplan & Associates, Inc. Griffins Shell Hair By Bren-Dia's Hawaiian Sno Hunan Taste Restaurant J & J Enterprise Joe Grimm Ford Jules Bondroff Male Fashions Key Federal Savings Bank Kiner Tire Corp. Klohr's Repair Service Larry's Chevrolet Levin Cleaners, Inc. Liberty Auto Body Liberty Court Shopping Center Liberty Plaza Enterprises, Inc. Liberty Road Volunteer Fire Co. Liberty Savings & Loan Liquor Outlet	Loring Byers Funeral Directors Luma Restaurant Mr. Winkler Hair Salon MARCO Car Center Marriottville Exxon Marshall's Inc. Maryland National Bank McDonald's McDonald's, Randallstown MELCO Locksmiths Milford Car Wash Mr. Anthony Beauty Salon Mr. Tire Nature's Tailors Nickel's Amoco Servicenter Northwest Medical Center Obie A. Sorrell, Sr. Agency Otis Warren & Co. Pahl's Farm Stand Parks Diving Supply Pearle Vision Center Pikesville Lumber Company Pizza Hut Pool and Fireplace Center Precision Tune Randallstown Animal Hospital Randallstown Medical Center Randallstown Shoe Repair Reinhardt Metal Company Richardson's Florist, Inc. Rosario's Total Hair Care Royal Oak Federal S&L Salty Dog Saloon San Bucca's Restaurant Sea King III, Inc. 7-Eleven Dr. Alfred Sherry Signet Bank Singer Sales, Ltd. Southern Seafood Co. Speedy Muffler King State Farm Insurance The Rappaport Co. Toby Travel Service, Inc. Towne Optical Center Transmission Discount Vince's Body Shop W.M. Swanson, D.D.S., P.A. Wilhelm Energy Services, Inc. Yorkridge-Calvert S&L
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STV/LYON ASSOCIATES.

4-5-86

ANTHONY J. CORTEAL

VICE PRESIDENT
DIRECTOR OF SITE DEVELOPMENT
AND PROJECT-MANAGER

EDUCATION: A.A. Maryland Institute Architectural Design
Anne Arundel Community College Land Planning
Business Management, Essex Community College

EXPERIENCE: 13 Years with This Firm, 8 Years with Other Firms

Other Experience and Qualifications relevant to the proposed project:

Mr. Cortéal is currently the Department Head for the Site Development Section of STV/Lyon Associates. From this position, he directs all phases of STV/Lyon Associates' regional efforts in the disciplines of surveys, property line computations, land planning, and the preparation and processing of site development documents.

During his tenure with STV/Lyon Associates, Mr. Cortéal has been in responsible charge of the preparation of over 2,500 individual site development projects, ranging in size from 2,500 square feet to 650 acres.

Preparation and approval of Site Development Documents, whether processed as part of a comprehensive project or a single entity, have given Mr. Cortéal extensive experience in the field and has allowed for optimization of office efficiency under his direction. Mr. Cortéal has repeatedly demonstrated the value of his diverse experience through successful completion of innumerable projects.

The following is a partial list of the projects for which Mr. Cortéal was responsible.

- o Devon Hill, Baltimore County
- o Curtis Bay Coal Facility, Baltimore City, Maryland
- o White Flint Fashion Mall, Rockville, Maryland
- o Rush Field, Baltimore City, Maryland
- o Dundalk Community College, Baltimore County, Maryland
- o Anne Arundel Community College
- o Winter Green, Mountain Lake Resort
- o Aberdeen Proving Grounds, Master Plan
- o B&L, Undeveloped Lands Proposal
- o Exxon, 350 Locations
- o Arco, 90 Locations
- o BP, 25 Locations
- o Shell, 22 Locations
- o Gulf, 24 Locations

With regard to Mr. Cortéal's experience in zoning cases, the following is a list of projects within the past several years in which Mr. Cortéal was directly responsible for preparing the necessary documents. Additionally, Mr. Cortéal has testified as an expert witness for over 600 of the listed projects.

PROTESTANT'S
EXHIBIT 4



Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration

Date: August 18, 1987

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

SUBJECT: Zoning Petition 88-84-XA

This office is concerned with parking variances such as this where the obvious site for overflow parking is in the adjacent residential neighborhood. Even if the parking needs generated by the proposed use can be adequately met on site, a use for which the building may be recycled at some point in the future may generate greater needs. Further, this office cannot recall any instances where buildings were reduced in size by a tenant so as to provide adequate on-site parking when a use is changed. For these reasons, this office is opposed to the granting of the requested variance.

This proposal is subject to CRG review unless a waiver can be obtained. Further, standards set forth in the Baltimore County Landscaping Manual must be met. Finally, if this petition is granted, it is requested that the order be conditioned to require extensive landscaping along the northernmost side of the site so as to buffer the adjacent residential area from the proposed use.

People's Merchandise Mart, Inc.

Furniture and Things
RECEIVED
COUNTY BOARD OF APPEALS
JUL 22 1987

88-84-XA
(not included for hearing yet)

PHONE: 655-7743

8030 LIBERTY ROAD
BALTIMORE, MARYLAND 21207

October 30, 1987

Phyllis is meeting with pet ally, (Cannon) to see if something can be worked out - 11/24/87

The Honorable William T. Hackett
Chairman, The Board of Appeals
The Old Court House
Towson, Maryland 21204

RE: Zoning Variance Appeal
8028-30 Liberty Road
Owner: Morton J. Weiner

Dear Sir:

We have recently been advised of the appeal notice given by the People's Counsel which has resulted in the delay of the sale of our property and therefore, our relocation plans.

As Mr. Morton J. Weiner's children and associates in business, we wanted to apprise the Board of the undue stress placed on our father by what we feel is an unwarranted and arbitrary appeal complaint. The timing of a business move is very critical to the successful relocation of a business via a continuous and uninterrupted operations with a continuity of management and staff. This current delay has crippled our ability to negotiate effectively for new facilities and therefore, has placed our father in an unfair position, one which may prove to be very detrimental to his health and business. We wanted to make the Board aware that having to start this process over at our father's advanced years could result in an extended deferment for his retirement plans and possible negative impairment to his retirement funding.

Further, we would like to mention that we are unaware of any local complaints regarding concerns over inadequate parking for the proposed new use of our Liberty Road property. However, we would like to mention the recent Florida Road Public Works Agreement which was completed at a cost of \$60,000. This widened the road right next to our property with curbing allowing for much additional parking.

Therefore, we are respectfully requesting your kind and immediate consideration of this information so that possibly we can avoid the extended waiting period for a hearing and proceed with a determination as quickly as possible.

Sincerely,
Barbara F. Block, Sect'y

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3534

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

Item No. 518 -ZAC- Meeting of June 23, 1987
Property Owner: Morton J. Weiner, et al
Location: NE/C Liberty Road and Florida Rd.
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Special Exception for a service garage and Variance to permit 35 parking spaces instead of the required 52 and to permit a 50 foot setback instead of the required 79 foot setback
Area: 0.8734 acres
District: 2nd Election District

Dear Mr. Jablon:

All access to this site should be from Florida Road with no access to Liberty Road.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

Maryland Department of Transportation
State Highway Administration

RECEIVED
SEP 3 1987
ZONING OFFICE

September 2, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. J. Dyer

Re: ZAC Meeting of 6-23-87
ITEM: #518.
Proposed Owner: Morton J. Weiner, et al
Location: NE/C Liberty Road, Route 26 and Florida Road
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Special Exception for a service garage and Variance to permit 35 parking spaces instead of the required 52 and to permit a 50 foot setback instead of the required 79 foot setback
Area: 0.8734 acres
District: 2nd Election District
"Addended Comments"

Dear Mr. Haines:

On August 31, 1987 the State Highway Administration - Bureau of Engineering Access Permits received a revised site plan for the proposed Service Garage (Item #518) showing a proposed 28' entrance to Liberty Road, Route 26.

The State Highway Administration finds the proposal generally acceptable, with all reconstruction within the S.H.A. Right-of-Way under S.H.A. permit with the posting of a bond or letter of credit to guarantee construction.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

By: George Wittman

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 1-800-482-5062 Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINOR
Secretary
HAL KASSOFF
Administrator

RECEIVED
JUL 8 1987
ZONING OFFICE

June 29, 1987

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 6-23-87
ITEM: #518.
Proposed Owner: Morton J. Weiner, et al
Location: NE/C Liberty Road, Route 26, and Florida Road
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Special Exception for a service garage and Variance to permit 35 parking spaces instead of the required 52 and to permit a 50 foot setback instead of the required 79 foot setback
Area: 0.8734 acres
District: 2nd Election District

Dear Mr. Jablon:

On review of the submittal of 6-9-87 and field inspection, for Service Garage, the State Highway Administration finds the submittal generally acceptable with a single point of access to Liberty Road - Route 26.

However, we (State Highway Administration) strongly recommend the proposed access be no less than 35' in width.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,

John Hoyer per Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 1-800-482-5062 Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 13, 1987

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

Chairman

Robert W. Cannon, Esquire
Weinerg and Gree.
100 S. Charles Street
Baltimore, Maryland 21201

RE: Item No. 518 - Case No. 88-84-XA
Petitioner: Morton J. Weiner, et al
Petitions for Special Exception and Zoning Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

JED:bjb

Enclosures

cc: Donald H. Ready
306 W. Pennsylvania Avenue
Towson, Maryland 21204

File

Zoning Item # 518 Zoning Advisory Committee Meeting of June 23, 1987
Page 2

- (✓) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- (✓) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
 - { } The results are valid until
 - { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (✓) Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator

WWQ 2 4/86

Kevin D. Murray, Water & Sewer Division
Dept. of Environmental Protection and Resource Management

Baltimore County
Fire Department
Towson, Maryland 21204-2525
494-4800

Paul H. Reiche

June 19, 1987

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

Re: Property Owner: Morton J. Weiner, et al
Location: NE/C Liberty Road and Florida Road

Item No.: 518

Zoning Agenda: Meeting of 6/23/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Fire hydrant required at Florida Ave. & Liberty Road.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neil Noted and Approved: John F. O'Neil
Planning Group
Special Inspection Division
Fire Prevention Bureau

/31

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 518, Zoning Advisory Committee Meeting of June 23, 1987
Property Owner: Morton J. Weiner, et al

Location: NE/C Liberty Rd. and Florida Rd. District: 2

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (✓) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (✓) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

8/31



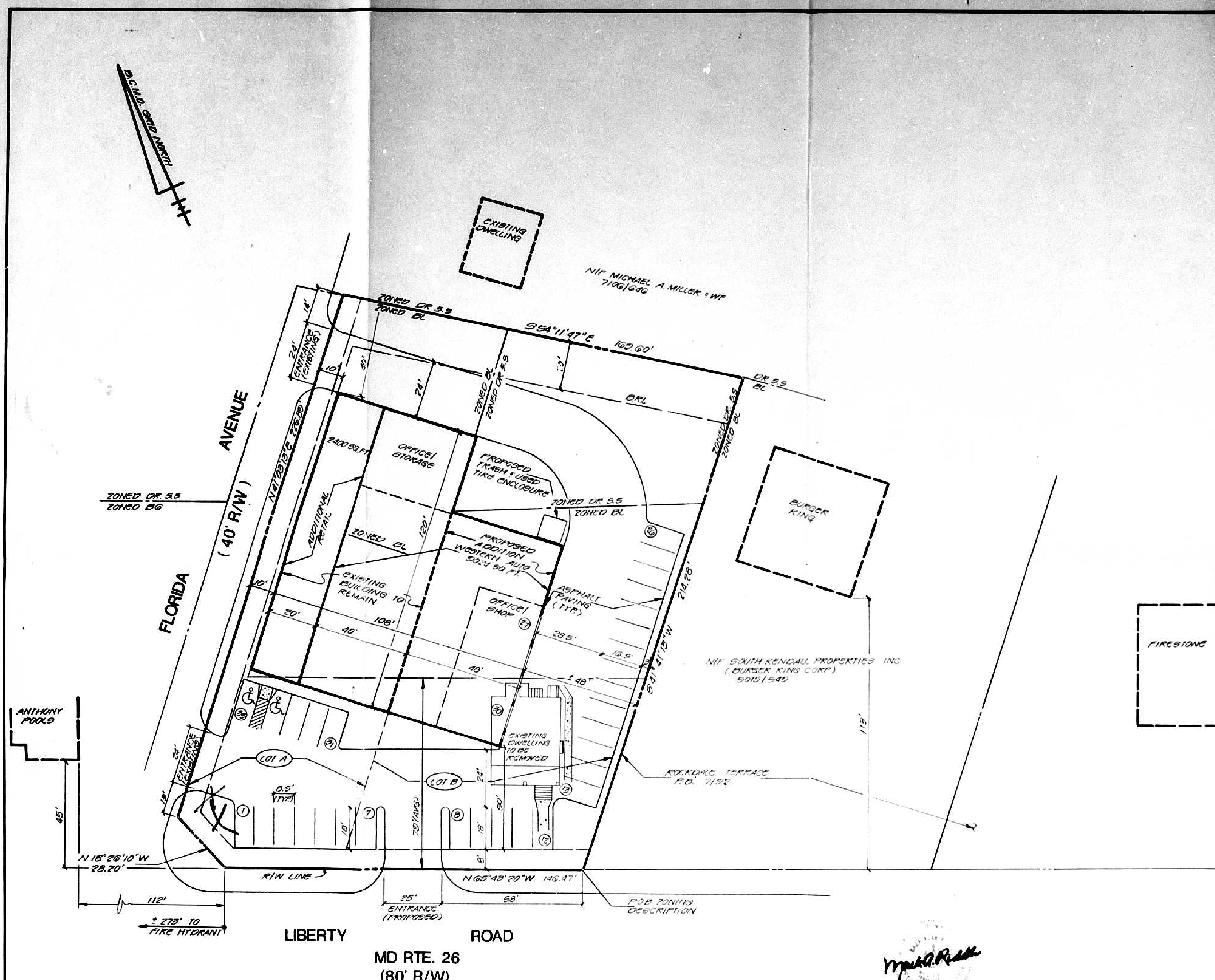
LOCATION MAP
SCALE: 1"=2000'

GENERAL NOTES:

- OWNER: LOT A- HORTON J. WEINER
5362/346
LOT B- LEVITT-PEARLSTEIN INVESTMENTS
6861/269
- CONTRACT PURCHASER: DONALD H. READY
386 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21284
(301) 821-1935
- EXISTING ZONING: BL/DRC.5 (SEE PLAN)
PROPOSED ZONING: NO CHANGE
- PARKING REQUIREMENTS:
WESTERN AUTO:
RETAIL 5936 S.F. @ 1/200 = 29.8
OFFICE/STORAGE 1368 S.F. @ 1/300 = 4.5
OFFICE/SHOP 1708 S.F. @ 1/300 = 5.7
OTHER RETAIL USE 2400 S.F. @ 1/200 = 12.0
TOTAL REQUIRED: 52.0
TOTAL PROVIDED: (INCL. 2 HANDICAPPED) 35
- SITE AREA: 38,844.56 S.F. OR 0.87 ACRES
- EXISTING BUILDING TO BE REMODELLED WITH A 4,224 S.F. ADDITION ON THE SOUTH SIDE.
- PUBLIC UTILITIES EXIST ON SITE.
- NO IDENTIFICATION SIGNS TO BE APPLIED FOR UNDER THIS PLAN.
- VARIANCES REQUIRED:
A) FROM SECTION 409.20(3) TO ALLOW 35 PARKING SPACES IN LIEU OF THE REQUIRED 52.
B) FROM SECTION 303.2 TO ALLOW A FRONT YARD SETBACK OF 50' IN LIEU OF THE REQUIRED 79' (AVERAGE SETBACK).

PETITIONER'S
EXHIBIT 1

OFFICE COPY J. Signo
88 54-XA



STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

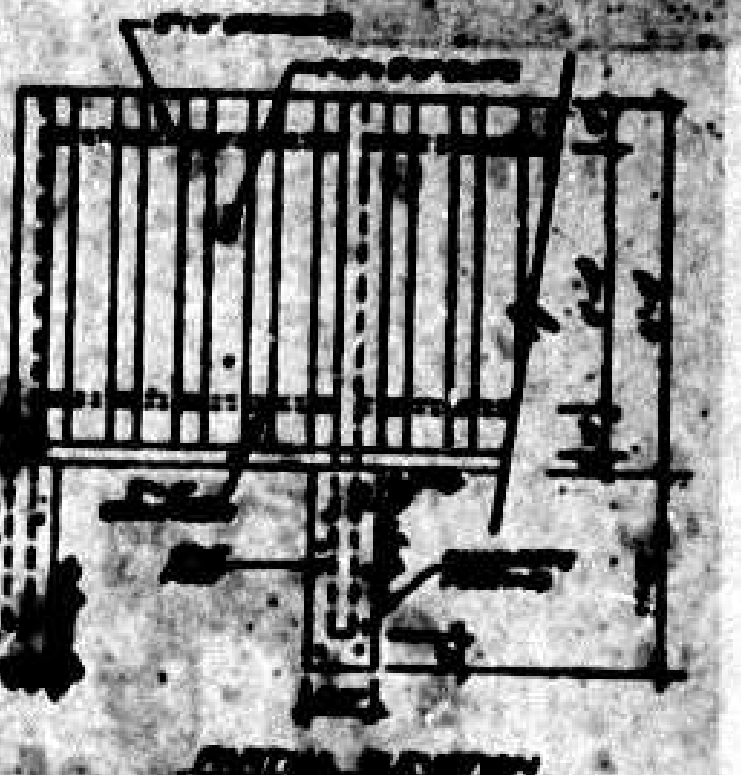
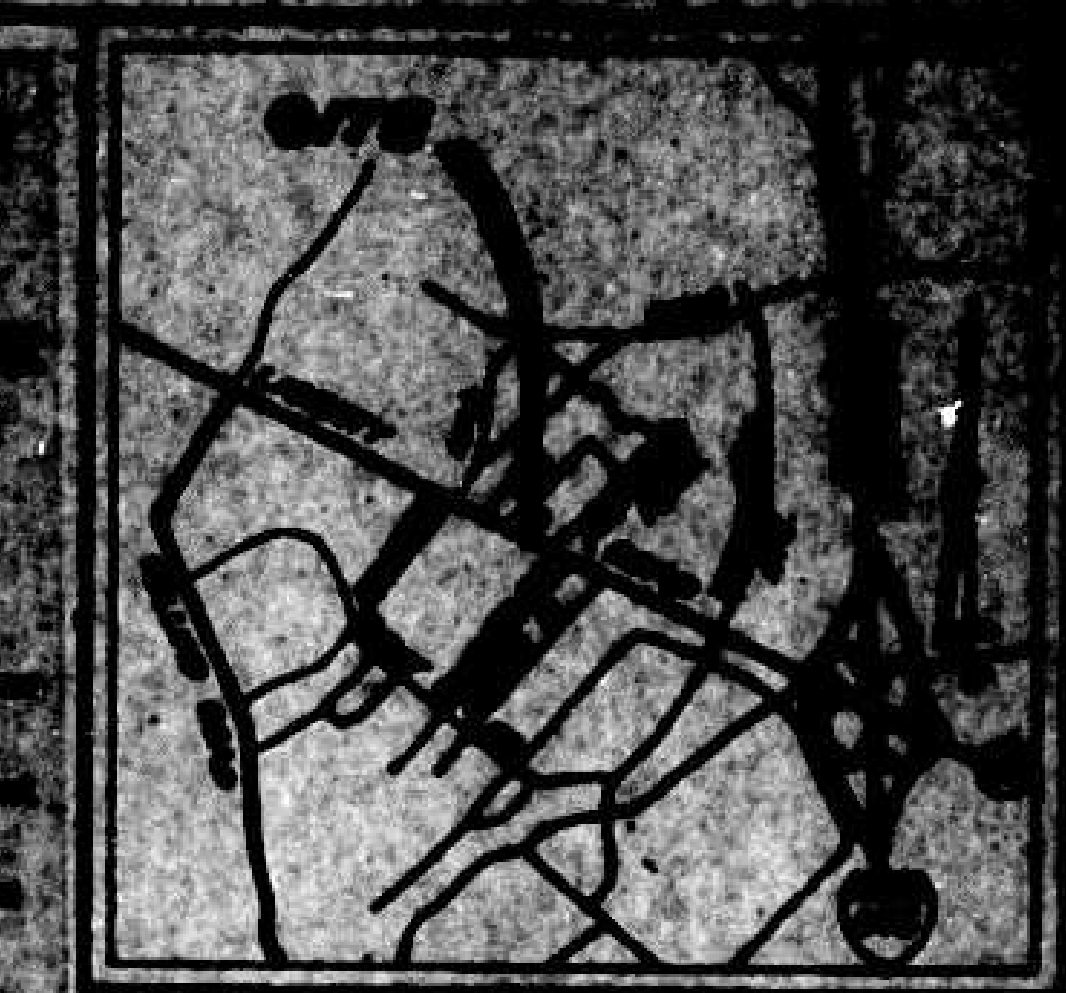
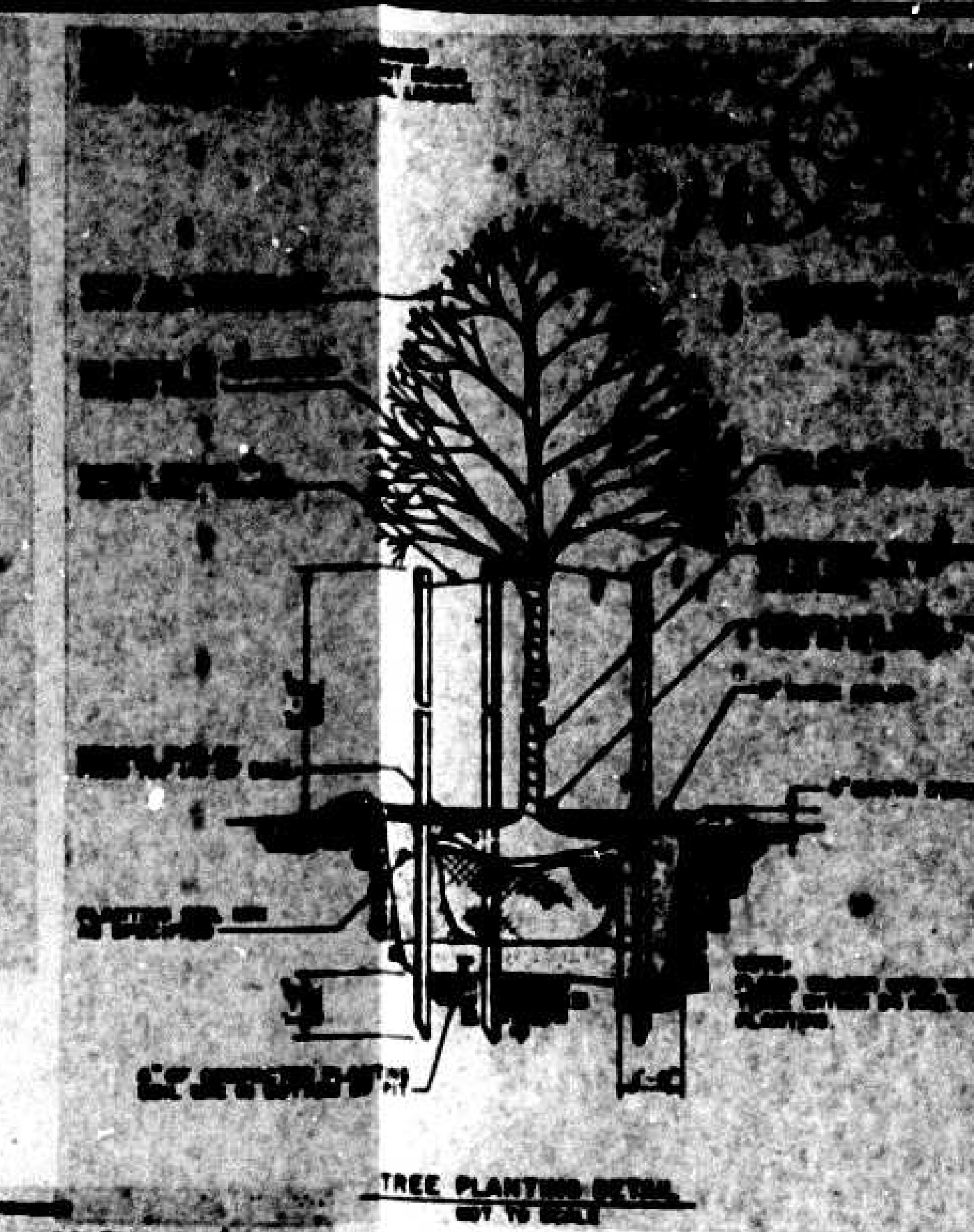
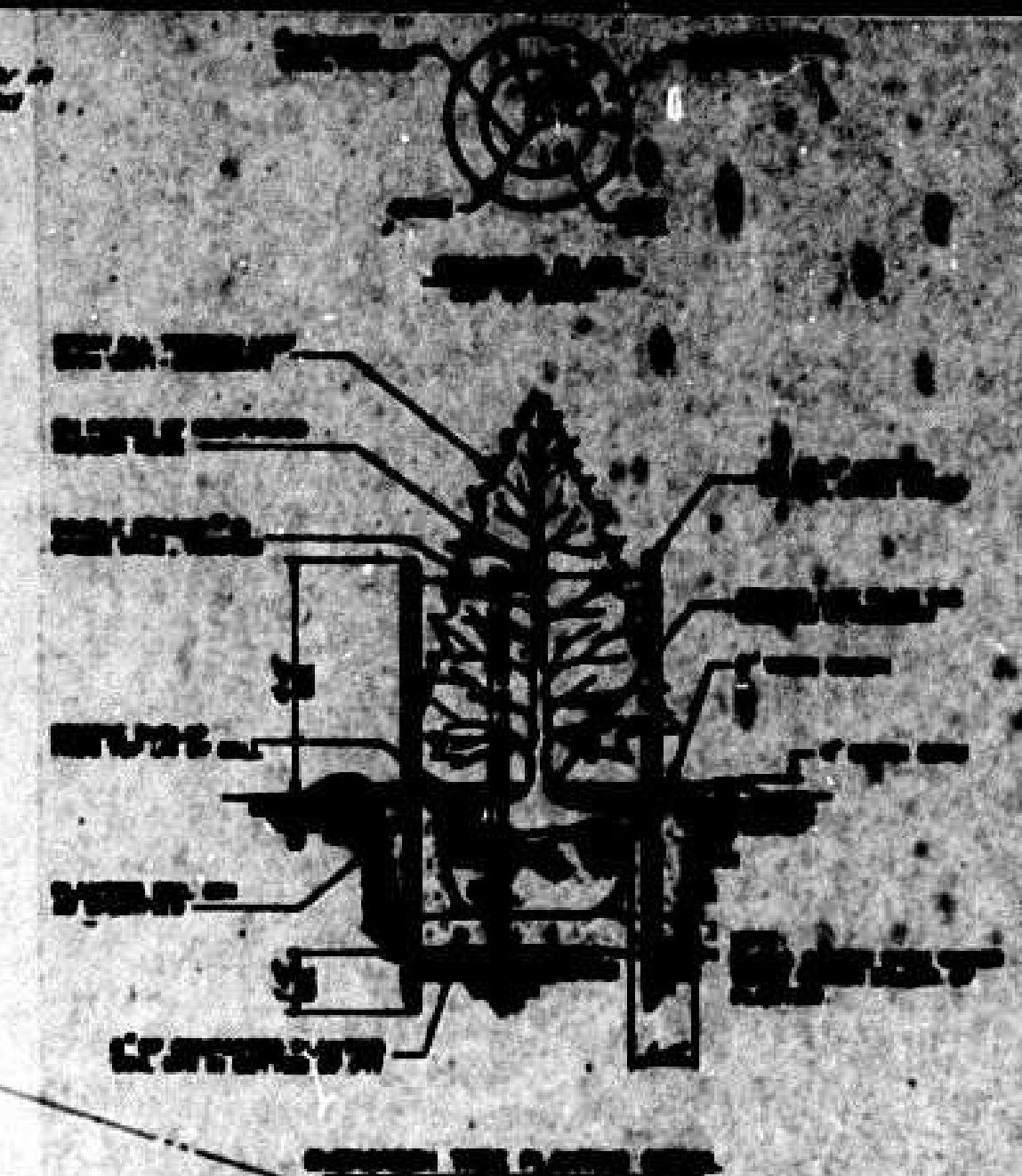
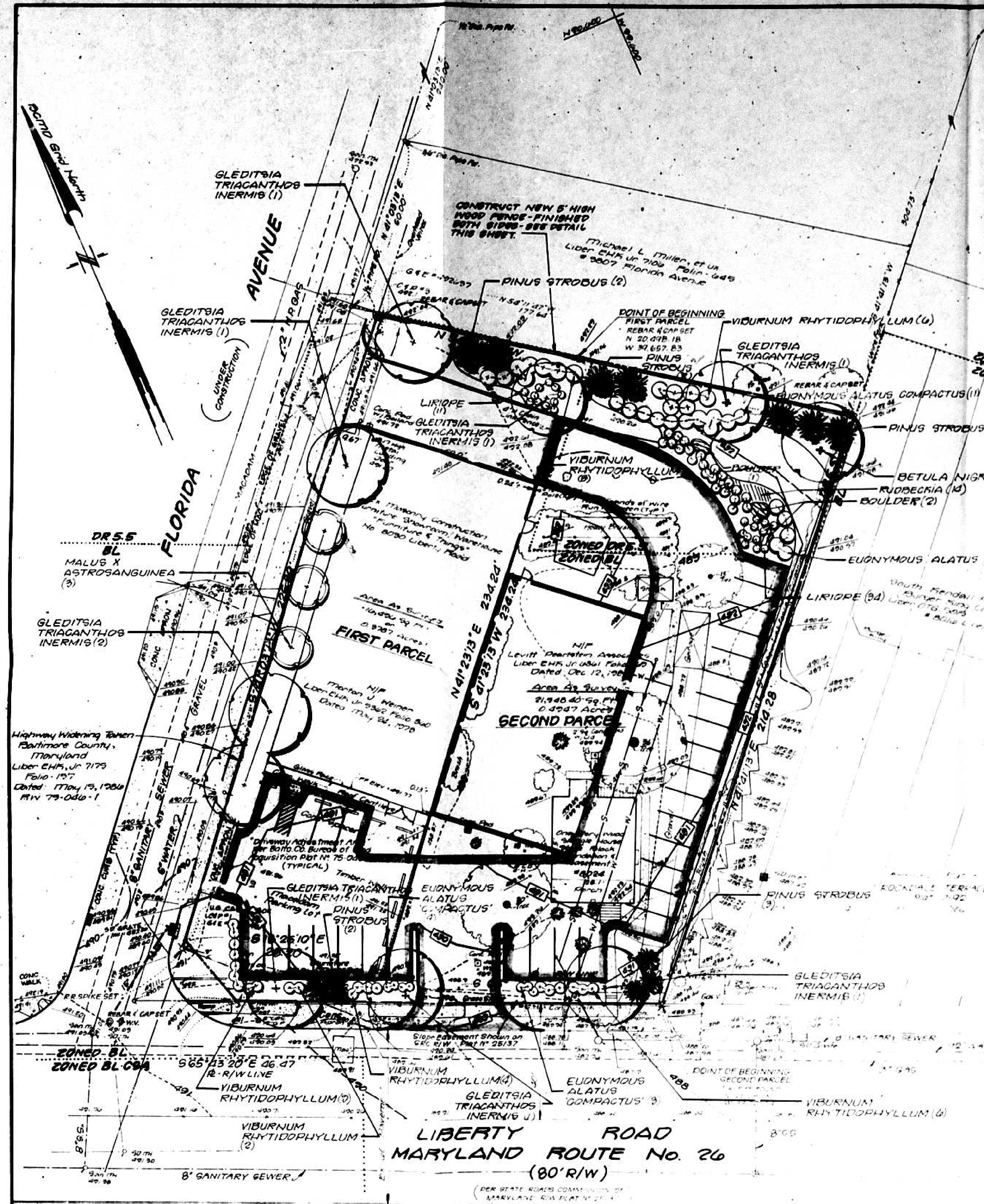
REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION		
DRAWN BY	TLB	DATE JUNE 9, 1987
DESIGNED BY	AKG	SCALE 1" = 20'
CHECKED BY		JOB# 8025

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE

DONALD H. READY
8024-30 LIBERTY ROAD
ELECTION DISTR. 2C2 BALTIMORE CO., MD.

DRAWING NO.
V-1
SHEET NO.
1 of 1



LANDSCAPING REQUIRED

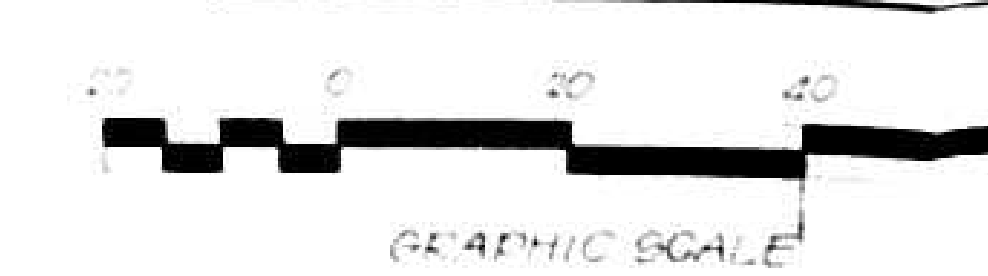
- 1 Tree / 40' R/W 40' x 40' (at least 4 to be planted)
- 1 Tree / 12' Parking Spaces 12' x 12' (all to be major trees)
- Screen Along Public R/W
- 8' Wide Planting Area Along Property Line Abutting Residential Zone
- Screen Dumpster

LANDSCAPING PROVIDED

- 10 Major Deciduous Trees
- 12 Evergreen Trees
- 5 Minor Deciduous Trees
- Mixed Deciduous & Evergreen Shrubs

PLANT SCHEDULE

Qty	Botanical Name	Common Name	Size	Notes
14	Rudbeckia	Black-eyed Susan	6" Pots	Space 1 1/2' apart
2	Gleditsia triacanthos Inermis	Thornless Honeylocust	2'-2 1/2' Cal.	050
1	Betula Nigra	River Birch	2'-2 1/2' Cal.	050
12	Pinus Strobus	Eastern White Pine	5'-6'	050
13	Malus X Astrosanguinea	Carmine Crabapple	1 1/2'-2' Cal.	050
23	Viburnum Rhytidophyllum	Leatherleaf Viburnum	8'-9 1/2'	050
23	Eucymous Alatus Compactus	Dwarf Winged Eucymous	2'-3'	050
49	Liriodendron	Green Liriodendron	1 Gallon	Container



I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, Chapter 1.

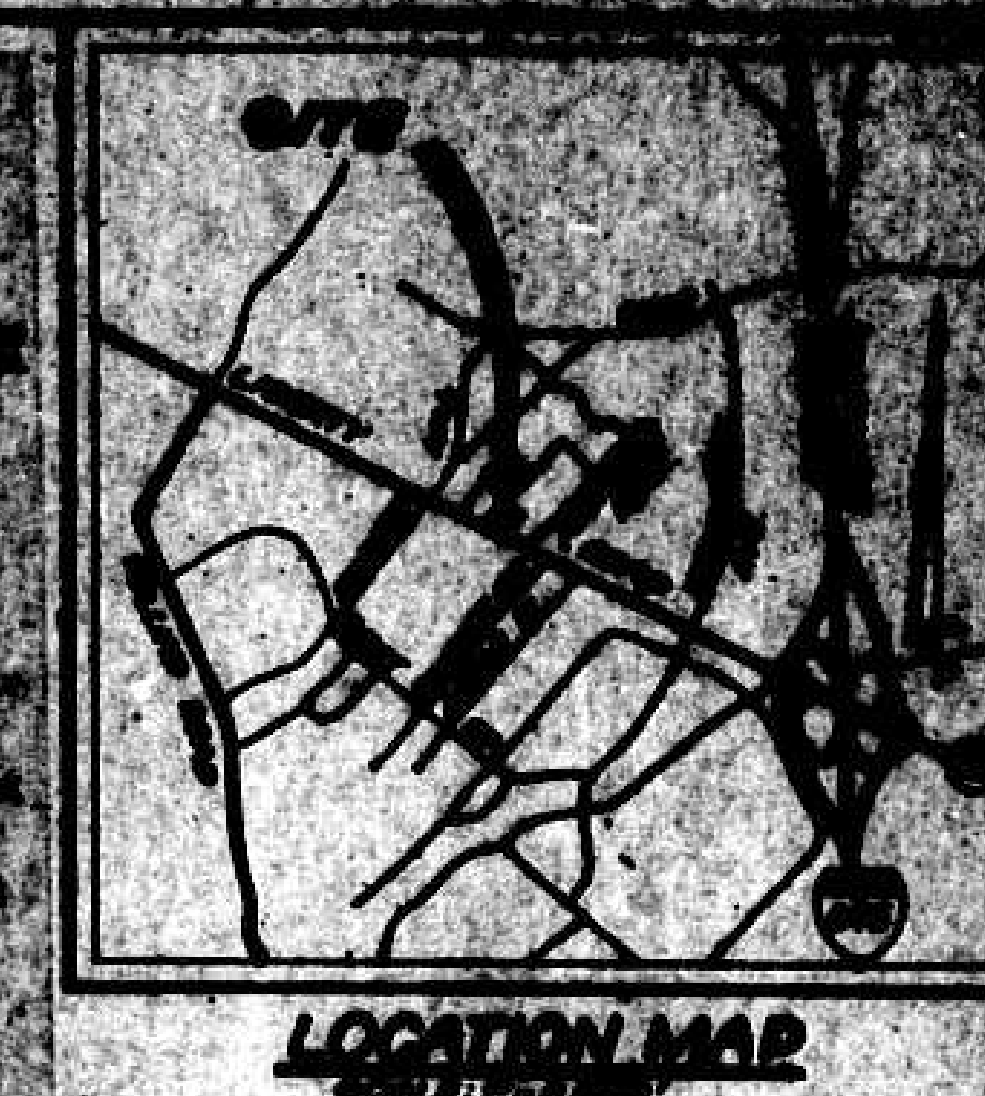
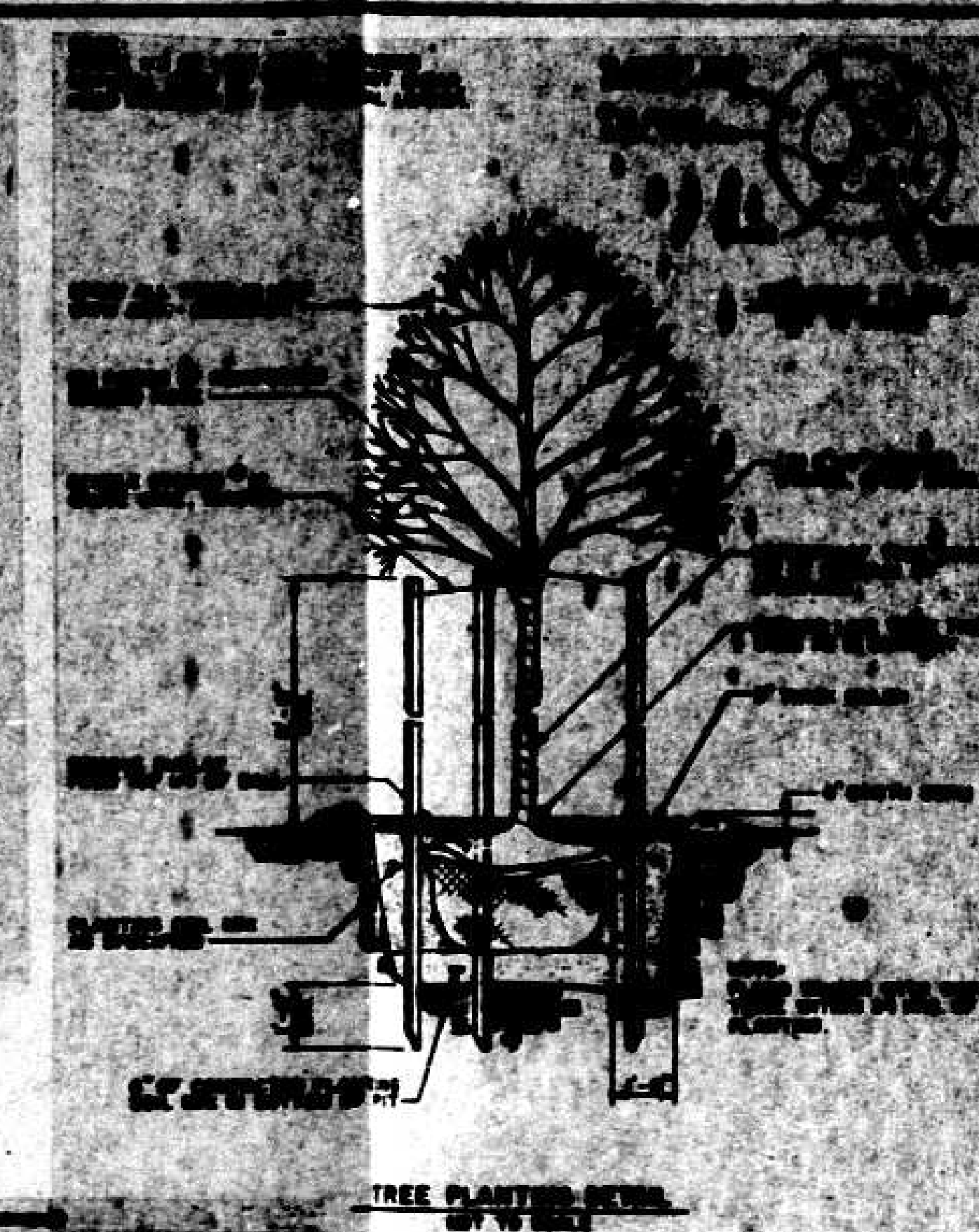
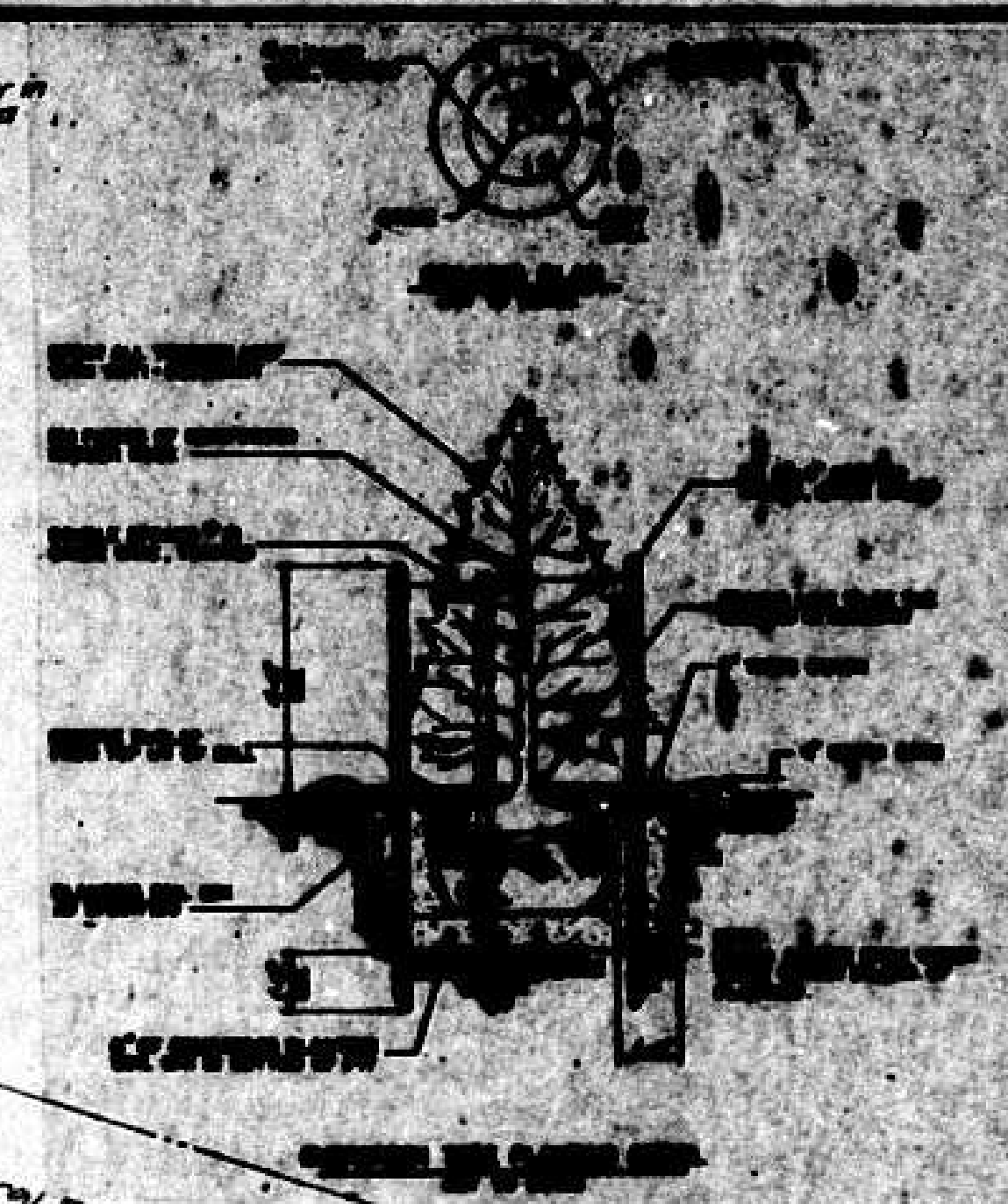
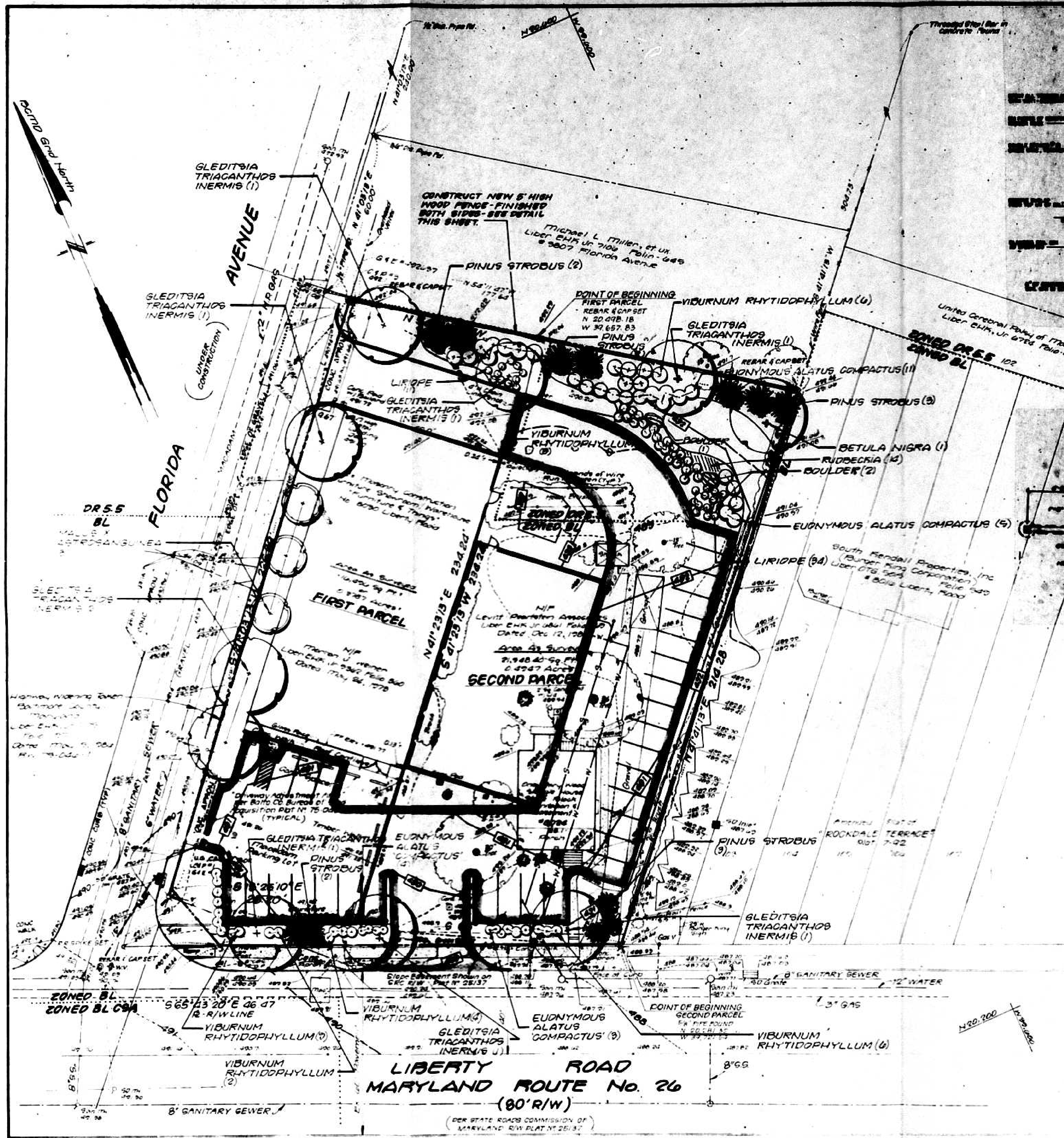
Signature of Applicant _____

STV / LYON ASSOCIATES
 Engineers Surveyors Planners
 21 Governor's Court Baltimore, Maryland 21207
 Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY	DATE 1/15/88
DESIGNED BY S.T.M.	SCALE 1"=20'
CHECKED BY	61-8025

LANDSCAPE PLAN WESTERN AUTO 8024-30 LIBERTY ROAD ELECTION DISTRICT NO.2,C2 BALTIMORE COUNTY,MARYLAND	DRAWING NO. SD-5 SHEET NO. 5 of 5
--	--



LANDSCAPING REQUIRE

- 1 Tree/40' R/W 40' x 40' Trees (at least 9 to be major dec)
- 1 Tree/12' Parking Spaces 91 Spaces - 12-25 Trees (all to be major dec)
- Green Along Public R/W
- 8' Wide Planting Area Along Property Line Abutting Residential Zone
- Screen Dumpster

LANDSCAPING PROVIDED

- 10 Major Deciduous Trees
- 10 Evergreen Trees
- 5 Minor Deciduous Trees
- Mixed Deciduous & Evergreen Shrubs

PLANT SCHEDULE

Qty	Botanical Name	Common Name	Size	Notes
14	Rudbeckia	Black-Eyed Susan	6" Pots	Space 1 1/2' apart
2	Gleditsia triacanthos Inermis	Thornless Honeylocust	2'-2 1/2' Cal.	D 10
1	Betula Nigra	River Birch	2'-2 1/2' Cal.	D 10
12	Pinus Strobus	Eastern White Pine	5'-6'	D 10
3	Malus X Astrosanguinea	Carmine Crabapple	1 1/2'-2' Cal.	D 10
25	Viburnum Rhytidophyllum	Leatherleaf Viburnum	3'-3 1/2'	D 10
25	Euonymus Alatus Compactus	Dwarf Winged Euonymus	2'-3'	D 10
45	Liriope Muscari	Green Liriope	1 Gallon	Container



EXHIBIT C
to the Stipulation and Joint Motion dated January 1, 1988 and introduced before the County Board of Appeals of Baltimore County on January 21, 1988

Zoning Commissioner's Case No. 88-84-XA

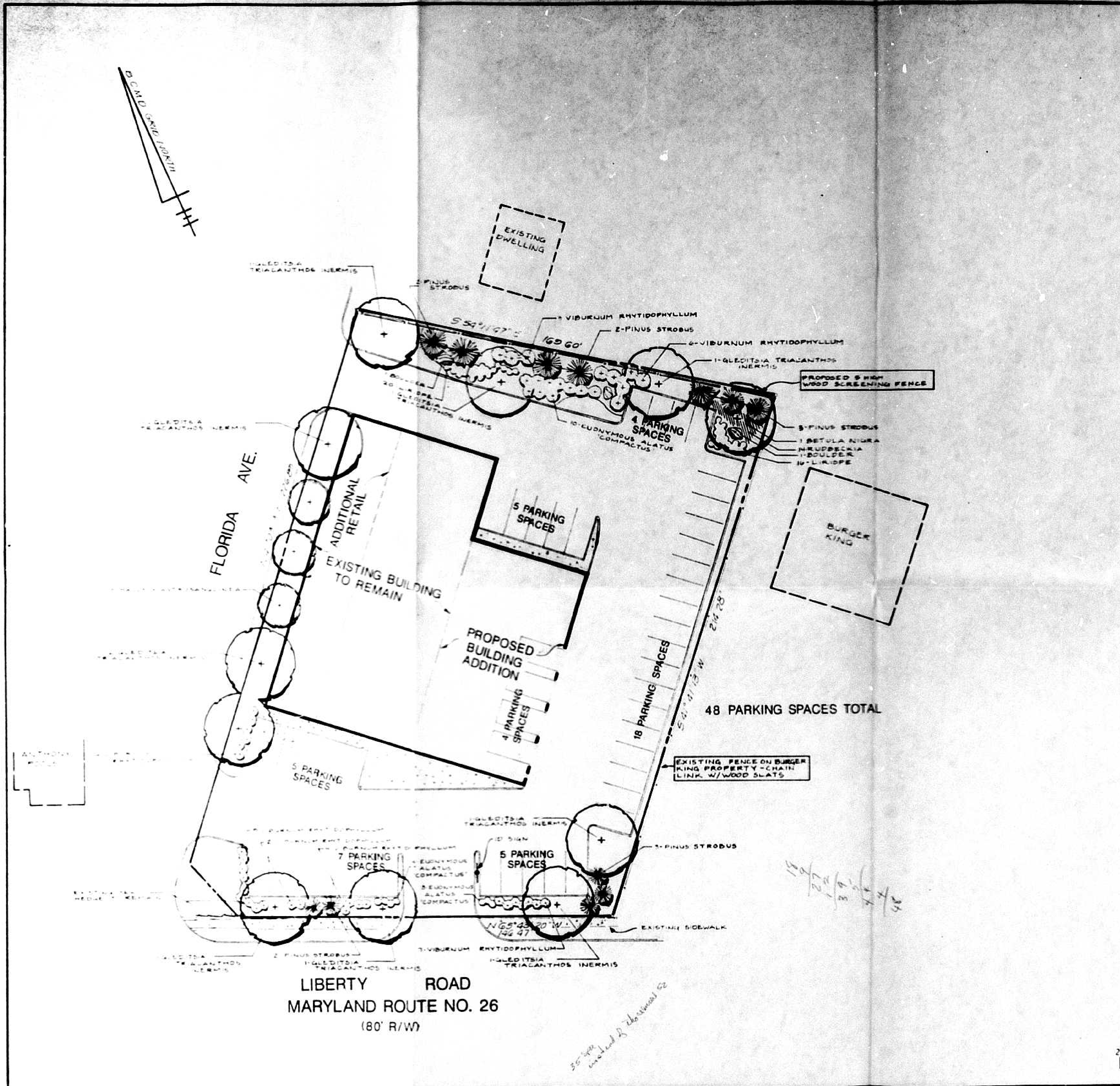
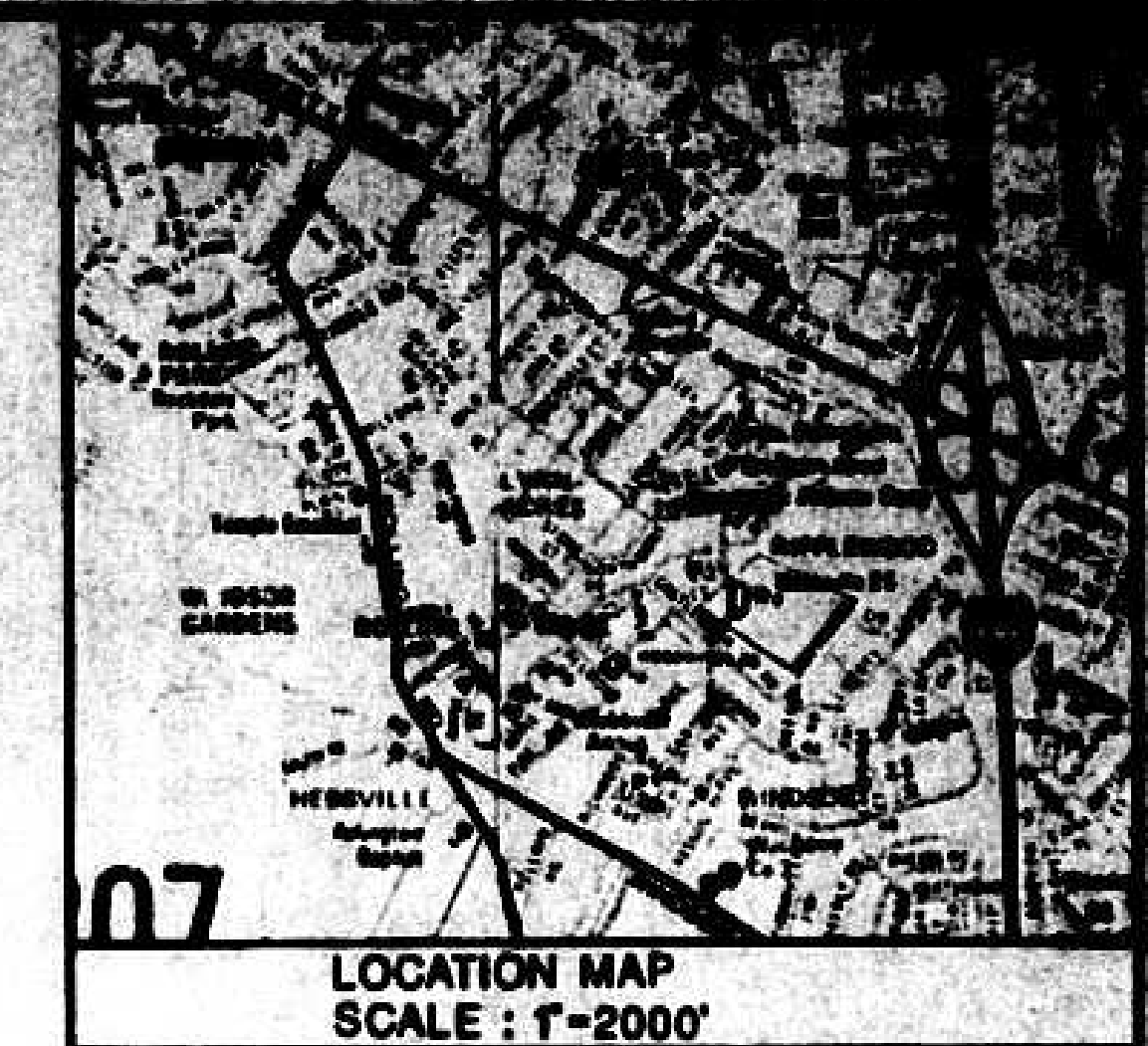
STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY	DATE 1/15/88
DESIGNED BY S.T.M.	SCALE 1"=20'
CHECKED BY	61-8025

LANDSCAPE PLAN
WESTERN AUTO
8024-30 LIBERTY ROAD
ELECTION DISTRICT NO. 2, C2
BALTIMORE COUNTY, MARYLAND

DRAWING NO.
SD-5
SHEET NO.
5-6



LANDSCAPING REQUIRED

- 1 TREE / 40 R/W - 100' - 110' TREES (AT 50' SPACING)
- 1 TREE / 12 PARKING SPACES - 40' SPACES - 210' TREES (AT 50' SPACING)
- SCREEN ALONG PUBLIC R/W
- 2' WIDE PLANTING AREA ALONG PROPERTY LINE ABUTTING RESIDENTIAL ZONE
- SCREEN DUMPSTER

LANDSCAPING PROVIDED

- 11 MAJOR DECIDUOUS TREES
- 3 MINOR DECIDUOUS TREES
- 12 EVERGREEN TREES
- MINOR DECIDUOUS & EVERGREEN SHRUBS

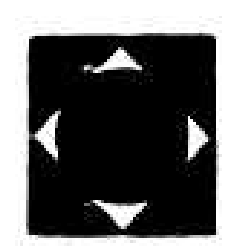
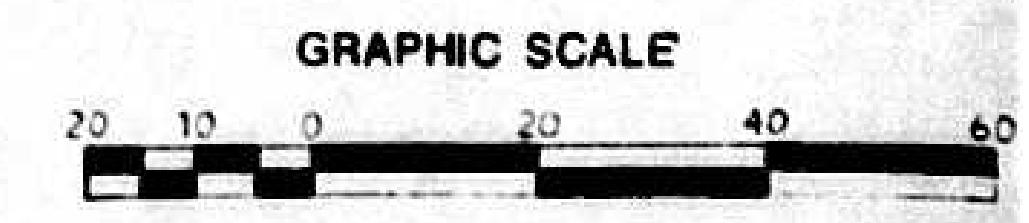
PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
14	RUDBECKIA	BLACK EYED SUSAN	3" POTS	
10	QUERCUS TRIACANTHOS INERMIS	THORNLESS HONEYLOCUST	2" - 2 1/2" cal	D&B
1	BETULA NIGRA	RIVER BIRCH	2" - 2 1/2" cal	D&B
12	PINUS STROBUS	EASTERN WHITE PINE	5' - 6'	D&B
3	MALUS FALSTROUSANGUINEA	CARMINE CRABAPPLE	1 1/2" - 2" cal	D&B
37	VIBURNUM RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM	3" - 3 1/2"	D&B
17	EUNYMIUS ALATUS COMPACTUS	DWARF WINGED EUNYMIUS	2" - 3"	D&B or container
36	LIRIOPE MUSCARI	GREEN LIRIOPE	1 gallon	container

EXHIBIT B
to the Stipulation and Joint Motion dated
January 1, 1988 and introduced before
the County Board of Appeals of Baltimore
County on January 21, 1988

Zoning Commissioner's Case No. 88-84-XA

MICROFILMED



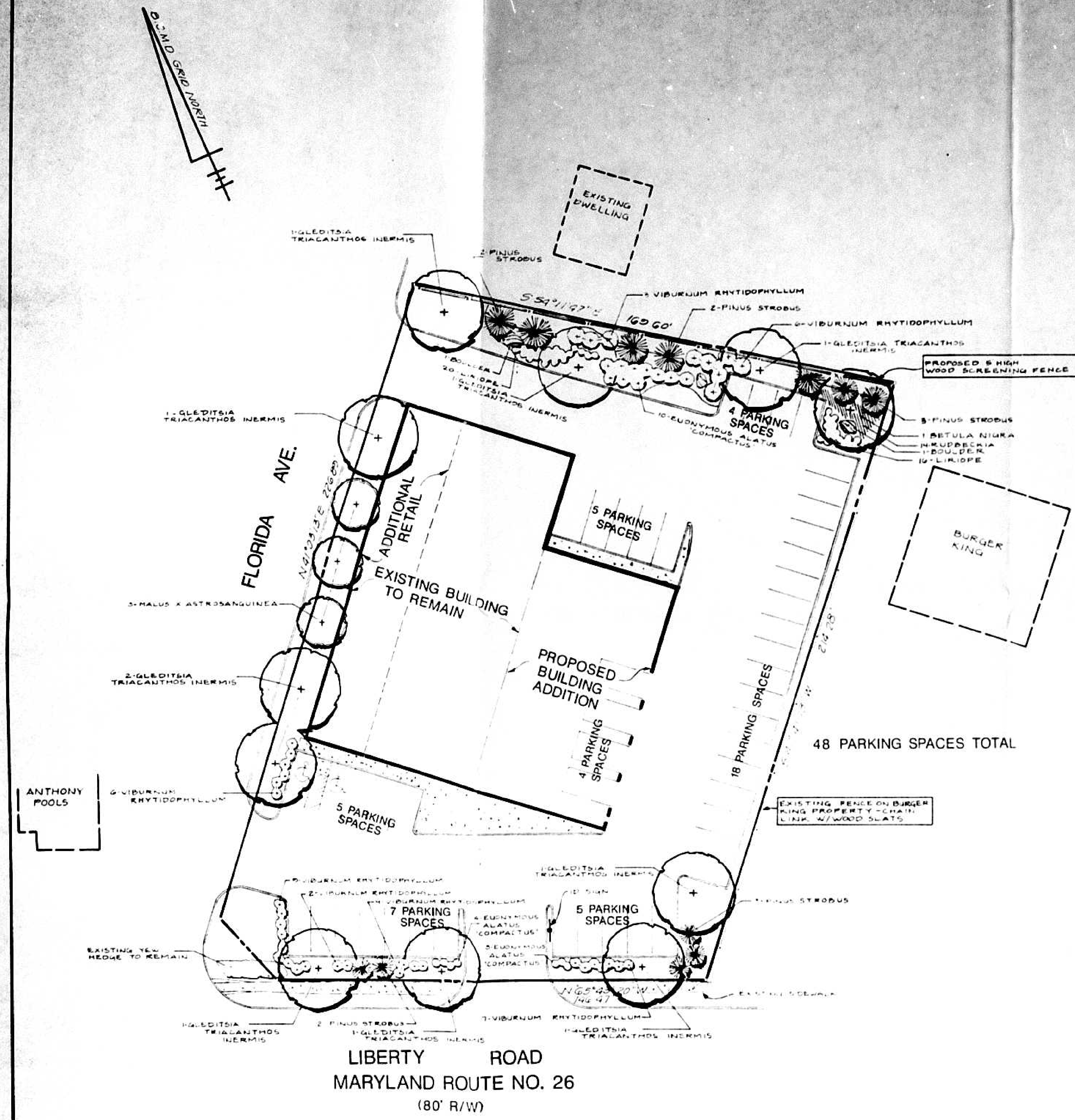
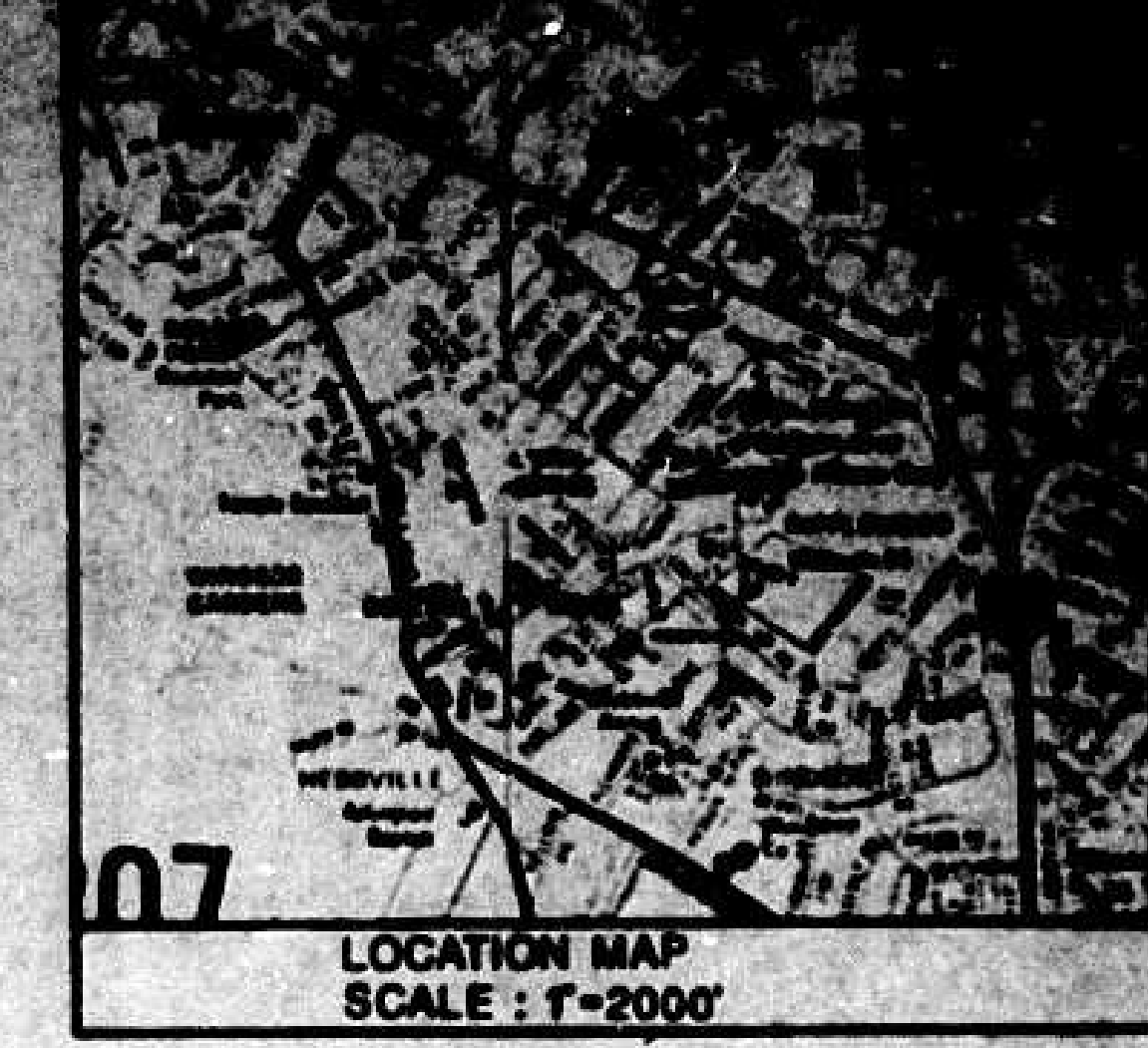
STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS	
NO	DATE DESCRIPTION

PLAN PREPARATION	
DRAWN BY	STM
DATE	11/8/87
DESIGNED BY	STM
SCALE	1"=20'
CHECKED BY	

DONALD H. READY
WESTERN AUTO
8024-30 LIBERTY ROAD, DISTRICT 2C2,
BALTIMORE COUNTY, MARYLAND

DRAWING NO.
8025-59-003
SHEET NO.
1 of 1



LANDSCAPING REQUIRED

- 1 TREE / 40' R/W - 40'S - 40' & 10' TREES (AT LEAST 5' TO 10' MAJOR DEC.)
- 1 TREE / 12 PARKING SPACES - 40'S - 40' & 10' TREES (AT LEAST 5' TO 10' MAJOR DEC.)
- 1 SCREEN ALONG PUBLIC R/W
- 1 2' WIDE PLANTING AREA ALONG PROPERTY LINE ABUTTING RESIDENTIAL ZONE
- 1 SCREEN DUMPSTER

LANDSCAPING PROVIDED

- 18 MAJOR DECIDUOUS TREES
- 3 MINOR DECIDUOUS TREES
- 12 EVERGREEN TREES
- MINOR DECIDUOUS & EVERGREEN SHRUB

PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
14	RUPECKIA	BLACK-EYED SUSAN	6" POTS	
10	GLEDITSIA TRIACANTHOS INERMIS	THORNLESS HONEYLOCUST	2" - 2 1/2" CAL	6 & 8
1	BETULA NIGRA	RIVER BIRCH	2" - 2 1/2" CAL	6 & 8
12	PINUS STROBUS	EASTERN WHITE PINE	6" P	6 & 8
3	MALUS X ASTROSANGUINEA	CARMINE CRABAPPLE	1 1/2" - 2" CAL	6 & 8
37	VIBURNUM RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM	5" - 5 1/2"	6 & 8
17	EUONYMUS ALATUS	DWARF WINGED EUONYMUS	2" S	6 & 8 or container
30	LIRIOPE MUSCARI	GREEN LIRIOPE	1 gallon	container

EXHIBIT B
to the Stipulation and Joint Motion dated
January 1, 1988 and entered into before
the County Board of Appeals of Baltimore
County on January 21, 1988.

Zoning Commission's Case No. 88-84-NV

GRAPHIC SCALE



STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS	
NO.	DATE DESCRIPTION

PLAN PREPARATION	
DESIGNED BY	STM
DATE	11/6/87
DRAWN BY	STM
SCALE	1"=20'
CHECKED BY	

DONALD H. READY
WESTERN AUTO
8024-30 LIBERTY ROAD DISTRICT 2C2
BALTIMORE COUNTY, MARYLAND

DRAWING NO.
8025-59-003

SHEET NO.
1 of 1