

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein has requested approval of a Special Exception for a service garage and approval pursuant to Section 500.7 of an amendment to the approved site plan for zoning case #77-215-KSPH and, furthermore, a Petition for Zoning Variance to permit a crusher-run surface in lieu of a desirable and dustless surface as required by Section 405.A.2 of the Baltimore County Zoning Regulations. All of which is more particularly described on Petitioner's Exhibit 1.

The Petitioner, represented by Michael B. Sauer, Esquire, was present and testified. Petitioner was supported in his testimony by the testimony of his surveyor, Mr. A.L. Snyder, and also by Mr. Hatfield, Mr. Bowers, Mr. Hare and Ms. Gordon. Mr. Meistering and Mr. Handelman appeared as Protestants and they were represented by Anthony J. DiPaula, Esquire.

The testimony in this matter tends to indicate that the real property is owned by Mary Ann Gordon and she has joined as Co-Petitioner. The property is under lease to BI and Jim's Body Shop, Inc., hereinafter referred to as BI and Jim's. Both Mr. Ware and Mr. Hatfield are the co-owners of BI and Jim's and are the actual moving party in this case.

BJ and Jim's Body Shop, Inc. is a service garage which has been in operation on the subject property, known as 812 Audrey Avenue, since 1971. The subject site is all zoned B.L.-C.S.2. The existing business establishment is

located in a two story concrete block building which is approximately 60 ft x 145 ft on Lot 3. The existing service garage was permitted pursuant to an order of the Zoning Commissioner in zoning case #71-16-88. That decision permitted a service garage operation on what is shown as lot #3 of petitioner's Exhibit 1. In 1977, the Zoning Commissioner, in matter 77-215-K2M4, allowed the service garage operation to expand to lot 4 as shown on of petitioner's Exhibit 1. The expansion of this project allowed BD and Jim to construct a storage lot on the lot immediately to the rear of the existing service garage building. This lot is now currently used as a storage lot for damaged vehicles.

The conversion of Lot 4 to a storage lot was permitted in the opinion 77-215-3294. The granted authority for the expansion of the service garage use on Lot #4 carried with it the necessity for fencing the property and providing the appropriate storm water management. The development of Lot 4 was restricted to the representations on the site plan and the exhibits in the file.

The testimony of the Petitioner's witnesses indicates that the Petitioner is regularly using Autrey Avenue for the storage of damaged vehicles and for the purposes of loading and unloading damaged vehicle from tow trucks. Further testimony reveals that lot #4 is insufficient in size to handle the large number of damaged vehicles hauled to this location for either storage or repair. The lot is also used for temporary storage while damaged vehicles are in transit to other service garage facilities. The Petitioner's testimony also establishes that the organization known as Pike Way Towing operates from this location. Pike Way Towing also stores damaged vehicles on lot 4 as part of the towing company operation. Pike Way Towing Company currently employs

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especially, those damaged vehicles stored outside of the presently existing fenced area and directly on Audrey Avenue.

More specifically, Dr. Handelman stated that he constructed and has operated his business establishment at the adjacent location since 1954. He said that the dust problem created by the crusher-run parking lot is detrimental to his business. The presently existing fence is in a poor state of repair and, therefore, does not offer adequate screening of the damaged vehicles from his parking lot and businesses. Dr. Handelman stated that there is inadequate storm water drainage on presently existing crusher-run lot and that too much of the storm water is forced to drain onto Audley Avenue causing water runoff problems on his property.

Mr. Weinstein testified that he is the owner of the State Farm building located directly across Aubrey Avenue from the presently existing Bz and Bz's building. He believes that the presently operated service garage is extremely offensive and creates severe dust and dirt problems and large amounts of water runoff. The storm water problem then causes the associated sand and gravel problems in the streets. It is his opinion that the presently existing two story frame house located on lot 5 is extremely bad shape and would not be habitable. He believes it will be converted to additional space for storage of parts and materials to support Bz and Bz's operation and/or a parts' store. He believes that the overflow of dumped vehicles on Aubrey Avenue and the associated problems therewith, have caused a reduction in the value of his property. He stated that the presently existing screening and fencing do little to create a buffer between the damaged vehicles and the neighboring business properties.

The exhibits in the file, specifically the Protestant's Exhibits 2 and 1 and the Petitioner's Exhibit 2, indicate that the Petitioner is already

approximately seven individuals and is licensed to tow vehicles for Baltimore County and the State of Maryland.

BI and Jim's have been operating at 8902 Audrey Avenue since 1971. The business has continued to grow during the past 16 years. At present, there are 9 body and fender repair men and approximately 14 support employees working for BI and Jim's.

The Petitioner's testimony establishes the scope of business activities by both Hi and Jim's and Pike Way Towlay have outstripped the capacity of lots 3 and 4. The overflow is currently being accommodated by damaged vehicles being stored on Audrey Avenue and outside of the fenced area of lot 4.

The testimony of Mr. Hatfield, one of the Co-Owners and a Petitioner, is that HI and Jim's operation carries with it a backlog of damaged vehicles of approximately three weeks. These damaged vehicles are normally awaiting parts and/or authorization from insurance company for repairs. The additional storage area on lot 5 would allow for growth of the business and the space is already needed. His testimony was that some vehicles are towed to the site, stored, then transferred to other repair shops or junk yards. Some are repaired by HI and Jim's.

The Petitioner's testimony indicates that the new storage lot will encircle the existing frame dwelling house and that approximately 6,000 square feet of unused yard area will be retained around the house. The intention is to place a stone crusher-run parking lot, for the storage of these vehicles on lot 5. Lot 4 is currently used as a stone storage lot.

Testimony from the Petitioner's witnesses, including the Petitioner's contractor, indicates that the purpose for the stone storage lot, as opposed to a macadam or concrete durable and dustless surface, is required by the damage caused to macadam surfaces by damaged vehicles and, also, the excessive

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The Petitioner has subjected this entire operation to the present review and jurisdiction of the Zoning Commissioner by filing a petition for Special Hearing to amend the previous granted Special Exception for a service garage operation. In light of that petition, the Zoning Commissioner, clearly, has the authority to address any issue, including the requirements of the special exception for a service garage. This review includes any part or issue on the subject site.

The entire service garage operation known as Hi and Jim's would be contained within lots 3, 4 and 5 if permitted. In light of the issues raised by the Petition for Special Hearing and the amendment of the previously existing Special Exception for a service garage operation, it is incumbent upon the Zoning Commissioner to address any issue raised involving the requirements of Section 502.1 and/or the requirements of Section 405end 405A of the B.C.S.R.

Clearly, the Baltimore County Council has found that automobile service stations and service garages are, by their very nature, incompatible with certain neighborhoods and result in depreciation of properties and jeopardize the public investment in commercial development. For these reasons and the reasons set forth in Section 405.1, the Baltimore County Council has required that all service garage operations be permitted by Special Exception in a R-1 zone. There are numerous additional requirements placed upon their operations which are found within the paragraphs contained in Section 405.2 through and including Section 405.9.

The site has been and will be used as a towing operation and for the storage of both damaged and disabled motor vehicles. All of these activities require compliance with Section 405A of the B.C.E.R.

costs of building a durable and dustless lot. The Petitioner's contractor testified that the proposed methodology to be used for construction of the stone lot would not create a great deal of dust. He believes that when the appropriate treatments are done to the stone lot, and given the type of stone to be used, which does not contain crushed dust, there will be no dust. He believes that the stone lot will be used infrequently. It will not be used as regular customer parking or as a regularly traveled lot which means there will be little dust.

The testimony of Mr. Snyder substantiated that the requirements of Section 502.1 of the B.C.T.R. are met by this project. He indicated that he believes that the requested project complies with all of the prerequisites of that section and of Sections 405 and 405A. He testified that the prerequisites for a variance, pursuant to Section 307 of the B.C.T.R., are fulfilled by this project.

The variance for a stone lot in lieu of the required durable and dustless surface is proper, pursuant to Section 307, in his opinion. He believes a stone lot is more desirable, from an ecological point of view and from an operational point of view, for the storage of damaged vehicles. He further stated that the leaching of oils and fluids into the soil, as opposed to into storm water run-off, as when a durable and dustless surface is used and, also, the extensive damage to the parking surface by damaged vehicles are very good reasons to permit the variance.

The testimony of the Protestants tends to indicate that the now existing service garage is the source of disagreement between neighboring business properties. Both Mr. Meistering and Dr. Wendelman testified to the dust problems created by the presently existing crude-run stone lot on lot 4. They also complained of the unsightly nature of the business operation.

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As such, the site must have the required screening walls or fences. The walls and fences facing residential property must be finished with vine covering or improved with planting.

The properties to the west are all zoned D.S.-16 and improved with homes. The site plan, Petitioner's Exhibit 1, calls for an 8' foot fence with wood slats. There is no planting strip. There is no provision for storm water run off. Therefore, proper drainage cannot take place and the residential properties will be harmed.

Likewise, the fence on lot 4 does not comply with the requirements of Section 405A.1 for screening. There is no proper planting or drainage. The testimony establishes the drainage problems.

There is no doubt that the operation of this service garage, with the storage lots, is a problem. However, the problems are not any different than this type operation causes at any other location. These are problems that are inherent with this operation and may be corrected by compliance with the requirements of both Sections 405 and 405A.

This site is as acceptable for this operation as any other B.L. zoned property and this location will not create excessive traffic congestion. There will be no harm to the school or playground. There is no evidence that there is any harm to the general welfare from the present operation that is not inherent in the operation of a service garage. There is no evidence that any adverse effect on the general welfare, or orderly development of the land will take place. (see Section 405.1.B.) The evidence shows that the addition to this service garage is needed from the current business.

The Zoning Commissioner is satisfied that all of the requirements of the C.Z.M. can be met by the operation of this service garage, if the plans are followed and the site is improved to meet the requirements of Section 405A.

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This site must be developed consistent with the requirements of the B.C.L.R. Strict compliance must be demanded of this site developer.

The evidence is clear that a towing operation is taking place at this location. The towing operation and storage yard are in conjunction with a service garage which is on B.L. road property. Therefore, it must comply with the requirements of Section 405A of the B.C.L.R.

The Petitioner has argued that the Zoning Commission has a limited scope of review in this matter. That he may not direct his attention to either lot 3 or 4, only lot 5. That the Zoning Commission shall simply rule on the amendment to zoning case #77-215-KRM.

I disagree. First and foremost, a Special Hearing allows the Zoning Commission to pass such orders as may be required. Furthermore, this is an amendment to the prior granted Special Exception and the Petition for amendment responds all issues under Sections 405, 405A, 500 and 502 of the B.C.L.R.

The site has been and will be used as a towing operation and for the storage of both damaged and disabled motor vehicles. All of these activities require compliance with Section 405A of the B.C.L.R.

As such, the site must have the required screening walls or fences. The walls and fences facing residential property must be finished, vine covered or improved with plantings.

Pursuant to the advertising, posting of the property and the public hearing on this Petition held, and for the reasons given above, the Special Exception, Special Hearing and Variance should be granted subject to the additional restrictions.

WHEREFORE, IT IS ORDERED by the Zoning Commission of Baltimore County this 5th day of December, 1987 that the approval of a Special Exception for a service garage and approval, pursuant to Section 500.7, of an amendment to approved site plan in case number 77-215-KRM

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to the approved site plan for zoning case #77-215-KRM and a petition for zoning variance to permit a crusher-run surface in lieu of a durable and dustless surface, as required by Section 405A.2, 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 shall provide landscaping and fencing as set forth on the attached landscaping plan marked Zoning Commission Landscaping Plan, to be further approved by the Baltimore County Landscaping Planner.
2. The Petitioner shall fence, in accordance with the following specifications:

- A. Fabric Material:
 - (1) vinyl coated steel chain link fabric in accordance with ASTM - 668 - type 2B,
 - (2) steel core wire shall be galvanized in accordance with ASTM - 641 - 71A,
 - (3) Color shall be a dark, earth tone.
- (4) The fabric type shall be:
 - a. standard industrial type
 - b. 2" x 1 1/2"
 - c. 9 gauge 8, 0.146" core wire diameter
 - d. 1290 lbs. breakload
- (5) The fabric selvage shall be knuckled on the top and bottom.

- B. Post and Fencing - all steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 15-14 mills applied by fusion bonding.

- C. Glazing specifications -
 - a. Poly. (Privacy Decorative Blatting) or equal, 0.951 density polycarbonate hollow rectangular tube that fits snugly into the seams of chain link fabric. The melt index value is >75.40 environmental stress crack resistance (ESCR). The low temperature brittle point is -76 degrees Fahrenheit.

3. The stone parking lot shall not be constructed of crusher run, but shall be stone and the stone shall be dustless and of a size and depth to fulfill the needs of this type parking lot, as approved by the Baltimore County Department of Environmental and Resource Management.

4. The Petitioner shall improve the curbs and gutters, and the entrances to comply with the standards of Baltimore

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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situated in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405A.2 to permit crusher run surface in lieu of paving.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

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

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

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

DATE: 11/14/87
AMOUNT: \$ 430.69
RECEIVED FROM: Mayor & Council
FOR: Special Hearing & Posting

Signature: J. Robert Spence
Address: 802 Equitable-Townson Building
Towson, Maryland 21204
City and State: Baltimore, Maryland 21204
Attorney's Telephone No.: 296-2151

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of December, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of December, 1987, at 2:00 o'clock.

J. Robert Spence
Zoning Commissioner of Baltimore County

County and must be approved as to type, kind and quality by the Baltimore County Department of Public Works, Bureau of Traffic Engineering.

5. The Petitioner shall treat all stone parking areas as stated in Environment Article 10-18.03, D1) (a) & (b), in order to prevent particulate matter from becoming airborne twice a year. The Petitioner shall maintain written proof of all treatments and provide copies of the written proof to the Baltimore County Office of Zoning upon demand.

6. The Petitioner shall not allow, permit or cause any damaged or disabled automobile or truck to be stored or stored outside of the fenced lots or on the right-of-way of Aubrey Avenue.

7. The Petitioner shall place all dumpsters inside the fenced area of either lot 4 or 5.

8. The Petitioner shall maintain the area outside the fenced parking area on lot 4 and 5 debris free and no junk or auto parts shall be stored outside the fenced parking area.

J. Robert Spence
ZONING COMMISSIONER OF
BALTIMORE COUNTY

200000
cc: Peoples Council

COPIES RECEIVED FOR FILES
Date: 11/14/87
By: J. Robert Spence

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PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situated 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 STATION.

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

LEGAL OWNER(S):
Ed & Jean's Andy Shop, Inc.
(Type or Print Name)
By: Charles E. Spence
Address: 802 Aubrey Avenue
Baltimore, Maryland 21204
City and State: Baltimore, Maryland 21204
Attorney for Petitioner: Michael R. Sauer, Esquire
(Type or Print Name)
Address: 802 Equitable-Townson Building
Towson, Maryland 21204
City and State: Baltimore, Maryland 21204
Attorney's Telephone No.: 296-2151

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of December, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of December, 1987, at 2:00 o'clock.

J. Robert Spence
Zoning Commissioner of Baltimore County

COPIES RECEIVED FOR FILES
Date: 11/14/87
By: J. Robert Spence

E.C.O.-No. 1

(over)

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

J. ROBERT SPENCE
ZONING COMMISSIONER

11/14/87-1744

July 16, 1986

Description to accompany Zoning Petition
for
Special Hearing to allow Aubrey Area
at
#802, #802B, and #802 Aubrey Avenue

Beginning for the same at the intersection of the west side of Aubrey Avenue, 10 feet wide, and the north side of Joppa Road, 70 feet wide, and running thence:

- 1.) W 89° 16' 55" N 102.0 feet
- 2.) S 31° 31' 05" N 300.31 feet
- 3.) S 69° 59' 23" N 100.41 feet
- 4.) S 31° 31' 05" N 290.58 feet
- 5.) Southwesterly, by a line curving to the left, with a radius of 450.00 feet and a distance, measured along the arc of 19.99 feet, which arc, is subtended by a chord bearing S 20° 03' 12" W 19.99 feet, and thence
- 6.) S 14° 28' 31" W 19.05 feet to the place of beginning.

Containing 1.14 acres of land more or less.

What City of Baltimore
J. Robert Spence

RECEIVED FROM: Mayor & Council
FOR: Special Hearing & Posting

RE: Petition for Special Exception/ Special Hearing and Variance
802 of Aubrey Avenue, 875 of Joppa Road
(802, 802B, 802C Aubrey Avenue)
Case No. 86-234-SPEX Charles E. Spence, et al

Dear Mr. Spence:
This is to advise you that \$430.69 is due for advertising and posting of the above property. This must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING STICK AND POST RETURNED ON THE DAY OF THE HEARING. ON 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

DATE: 11/14/87
AMOUNT: \$ 430.69
RECEIVED FROM: Mayor & Council
FOR: Special Hearing & Posting

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of December, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of December, 1987, at 2:00 o'clock.

J. Robert Spence
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING

Seems Department of Baltimore City-17
Towson, Maryland

District: 9-16 Date of Posting: 11/13/87
 Location: Spaulding Avenue, Towson, Maryland
 Petitioner: Charles E. Hare, et al.
 Location of property: 111 W. Chesapeake Avenue, Towson, Md.
 Location of Sign: Spaulding Avenue, Towson, Md.
 Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov. 19, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 19, 1987

THE JEFFERSONIAN,

Steven Andrew Christ

Publisher

NOTICE OF HEARING

Petitions for Special Exception, Special Hearing and Zoning Variance
 Case No. 88-234-S298A

9th Election District 6th Councilmanic District

LOCATION: W/S of Audrey Avenue, S/S of Joppa Road
 (8902, 8912, 8912 Audrey Avenue)

DATE AND TIME: Friday, December 11, 1987 at 2:00 PM

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 to permit a service garage use at the subject property special hearing to approve and amend to a previously approved site plan in Case No. 87-215-S298 and Variance to permit a greater run surface in line of the required parking.

Being the property of Charles E. Hare, et al. 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, not make 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.

JRH:js

J. ROBERT HAINES
 Zoning Commissioner
 of BALTIMORE COUNTY

cc: Michael B. Sauer, Esquire
 802 Spittable-Town Building
 Towson, Maryland 21204

Ed & Jim's Body Shop, Inc.
 8902 Audrey Avenue, Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 4, 1987

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

MEMORANDUM

Subject: Michael B. Sauer, Esquire
 802 Spittable-Town Building
 Towson, Maryland 21204

Re: Item No. 62 - Case No. 88-234-S298A
 Petitioner: Charles E. Hare, et al.
 Petition for Special Exception, Special Hearing and Special Variance.

Dear Mr. Sauer:

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 comment from the remaining members are received, I will forward them to you. Otherwise, any comment that is not information 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
 Chairman
 Zoning Plans Advisory Committee

JRH:js

Enclosures

cc: A.L. Snyder, Surveyor
 1911 Banner Pike
 Huntsgrove, Maryland 21074

NOTICE OF HEARING
 Case No. 88-234-S298A
 9th Election District 6th Councilmanic District
 LOCATION: W/S of Audrey Ave., S/S of Joppa Road
 (8902, 8912, 8912 Audrey Avenue)
 DATE AND TIME: Friday, December 11, 1987 at 2:00 PM
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

IN THE CIRCUIT COURT
 FOR BALTIMORE COUNTY IN EQUITY

NOTICE OF HEARING
 Case No. 88-234-S298A
 9th Election District 6th Councilmanic District
 LOCATION: W/S of Audrey Ave., S/S of Joppa Road
 (8902, 8912, 8912 Audrey Avenue)
 DATE AND TIME: Friday, December 11, 1987 at 2:00 PM
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 805
 Towson, Maryland 21204
 894-5554

Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 62
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Dear Zoning Commissioner:

The entire frontage of Audrey Avenue, should be improved with curb and gutters, and the entrances should meet county standards.

Very truly yours,

Michael E. Flanagan
 Traffic Engineer Associate II

MSF:ab

Office of PATUXENT

1670 Life Science Plaza
 Columbia, MD 21046

November 27 19 87

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following

☐ Calendar Times
☐ Annapolis Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Orange Mills Flyer
☐ Towson Flyer

weekly newspapers published in Baltimore County, Maryland once a week for _____ successive weeks before the _____ day of _____, 19____ that is to say the same was inserted in the issues of _____

November 19, 1987

PATUXENT PUBLISHING COMPANY

By _____

CERTIFICATE OF PUBLICATION OF

RE: PETITION FOR SPECIAL EXCEPTION, BEFORE THE ZONING COMMISSIONER
 SPECIAL HEARING & VARIANCE
 W/S of Audrey Ave., S/S of Joppa Rd. (8902, 8912 & 8912 Audrey Ave.), 9th District
 Charles E. Hare, et al., Case No. 88-234-S298A
 Petitioners

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 221, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 23rd day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Michael B. Sauer, Esquire, 802 Equitable Bldg., 401 Washington Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
 Peter Max Zimmerman

88-234-S298A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 3rd day of November, 1987.

J. Robert Haines
 Zoning Commissioner

Petitioner: Charles E. Hare, et al. Received by: James E. Dyer
 Petitioner's Attorney: Michael B. Sauer, Esquire Chairman, Zoning Plans Advisory Committee

Baltimore County
 Department of Environmental Protection
 & Resource Management
 Courthouse Mountain
 Towson, Maryland 21204
 894-5723

Robert W. Shinsky
 Director

Bureau of Air Quality Management
 300 East Towson Road
 Towson, Maryland 21204

September 25, 1987

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

Dear Mr. Haines:

Comments on Zoning Advisory Committee Meeting, Item #62 are as follows:

Property Owner: Mary Ann Gordon, et al.
 Location: W/S of Audrey Avenue and Joppa Road
 Existing Zoning: R-1
 Proposed Zoning: Special Exception for a service garage and Special Hearing to approve amendment to approved site plan in case #87-215-S298 and a variance to permit greater run surface in line of paving 1.34 acres
 9th Election District

This office recommends approval of a stone paving surface in line of the required double and dentless surface. All ingress/egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to storage and parking areas.

All traffic and parking areas not be treated as stated in Environment Article 10.18.03.01(a) & (b) in order to prevent particulate matter from becoming airborne.

No less than once/year, crusher-run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

Very truly yours,

Robert E. Meyer, Jr.
 Robert E. Meyer, Jr., Director
 Division of Support Services
 Bureau of Air Quality Management

RHM:ra/s

RECEIVED

SEP 30 1987

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204
494 4900

Paul H. Rains

August 27, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Mary Ann Gordon et al
Location: 88-234-259A and Joppa Road

Item No. 1: 62 Zoning Agenda: Meeting of 8/25/87

Item No. 1: 62 Zoning Agenda: Meeting of 8/25/87
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCERPT: The maximum allowed by the Fire Department.

() 4. The site shall be allowed to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

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

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

REVIEWED: *[Signature]* dated and approved by *[Signature]*
Special Inspection Division
Fire Prevention Bureau

* NFPA Standard 30, 1981 Flammable & Combustible Liquid Code and also NFPA Standard 31, 1977 Spray Application shall apply.



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines

TO: Zoning Commissioner

Date: November 23, 1987

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

SUBJECT: Zoning Petition No. 88-234-259A

This office is concerned with the lack of greenery along the north and west property lines adjacent to the County owned property and the loss along Joppa Avenue. Unless adequate landscaping is provided, this office is opposed to the granting of the subject request. For details as to landscaping, please contact the Division of Current Planning and Development.

[Signature]
Director

NEB:JCH:dmh

cc: Mr. Shirley M. Reese, Legal Assistant, People's Counsel
File

RECEIVED
NOV 30 1987
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494 4933

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

March 15, 1988

Michael R. Sauer, Esquire
802 Equitable-Towson Building
Towson, Maryland 21204

Re: Petition for Special Exception, Special Hearing and Variance
Case No. 88-234-259A
Charles E. Hare, et al, Petitioners

Dear Mr. Sauer:

Pursuant to the recent hearing held on the subject case, please be advised that the Petition for Special Exception, Special Hearing and Variance has been granted.

If you have any questions, concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:dmh
cc: Anthony J. DiPaola, Esquire
614 Bayley Avenue
Towson, MD 21204

Baltimore County, Maryland
Executive Office
Courthouse Annex
Towson, Maryland 21204
494 5720 (TTY)

December 17, 1987

Michael R. Sauer, Esq.
802 Equitable-Towson Building
Towson, Maryland 21204

and

Anthony J. DiPaola, Esq.
614 Bayley Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
N/S of Audrey Ave., N/S of Joppa Road
9902, 9902, 9902 Audrey Avenue
Case number: 88-234-259A

Dear Sirs:

Confirming your respective telephone conversations with my office, hearing of the above captioned matter has been continued to December 21, 1987 at 1:30 P.M.

Thank you for your kind cooperation.

Very truly yours,

J. ROBERT HAINES,
Zoning Commissioner of
Baltimore County

file

COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW
200 WOLFE AVENUE
TOWSON, MARYLAND 21204
AREA CODE (410) 281-2444

December 17, 1987

EDWARD J. COVAHEY
P. BOOZER
MARCUS & COVENS
ATTORNEYS AT LAW

LETTER TO
ZONING OFFICE
DATE: 12/17/87
FROM: BALTIMORE COUNTY
TOWSON, MD 21204
AREA CODE (410) 281-2444

RECEIVED
DEC 17 1987
ZONING OFFICE

RE: Zoning Hearing
Ed & Jim's Body Shop, Inc.
Case 88-234-259A

Dear Mr. Haines:

A few days ago, I received a call requesting that the above matter be continued to December 21 at 1:30 P.M. in lieu of December 15 as originally planned. While same was agreeable with my schedule, I had to confirm it with my clients, protestants in the above matter. I have just learned that Dr. Mayer Handelman is totally unable to appear at the hearing on December 21 and would very much like to be present to express his views and reasons for protesting the petitioners' requests. In as much as Dr. Handelman owns the majority of the commercial property located on the other side of Audrey Avenue, I believe that to continue the hearing in his absence would be a disservice to him.

I would appreciate having the matter rescheduled at your earliest convenience. I apologize for any problem this may cause your office or that of the petitioners.

Very truly yours,

[Signature]
Anthony J. DiPaola

AJD:dmh
cc: Michael B. Sauer, Esquire
Dr. Mayer Handelman
Mr. Robert Weistering

MICHAEL B SAUER

ATTORNEY AT LAW

35750 ROUTE 208 FORT WASHINGTON, MARYLAND, MD 20745
NEW YORK, NY 10001

December 17, 1987

Mr. J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Hearing
Ed & Jim's Body Shop, Inc.
Case 88-234-259A

Dear Mr. Haines:

I am in receipt of a copy of Mr. DiPaola's letter to you dated December 17, 1987, requesting a postponement of the above-captioned matter, which is presently set for Monday, December 21, 1987 at 1:30 P.M.

I am requesting that a postponement not be granted on this matter, since we are prepared and ready for trial, and more importantly, I fail to see where Dr. Handelman's position would in any way be prejudiced, as a protestant, in his not being present on December 21, 1987, for the reason below.

Mr. DiPaola represents both Dr. Handelman and Mr. Weistering. They are both commercial property owners on the other side of Audrey Avenue at the same location. In speaking with Mr. DiPaola, Dr. Handelman and Mr. Weistering prior to the beginning of this hearing, it was learned that their complaints are one in the same. On the 21st, Mr. Weistering would be present to testify, and since his complaints are the same, the testimony of Dr. Handelman would be merely cumulative and I would have no objections to stipulating that his testimony would be the same as Mr. Weistering's.

I offer the above resolution, since it would not prejudice Mr. DiPaola's clients in this matter and would not require rescheduling or any further delays in this matter. My witnesses are available to testify on the 21st, and any continuance granted to another date could bring in additional scheduling problems which my clients may have.

RECEIVED
DEC 17 1987
ZONING OFFICE

Mr. J. Robert Haines
December 17, 1987
Page Two

Your anticipated cooperation in this matter is most appreciated.

Very truly yours,

[Signature]
MICHAEL B. SAUER
(Roth)

MBS/ams
cc: Anthony J. DiPaola, Esq.
Ed & Jim's Body Shop, Inc.

PROTESTANT(S) EXHIBIT 1



PROTESTANT(S) EXHIBIT 2





● Proposal ●
CONCRETE, BLACK TOP
AND BACK HOE SERVICE
256-6014

LOU BOWERS

110 41937

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Ed & Jim's Body Shop
Jesse Rd. & Annapolis Rd.
Baltimore County, Md.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

THE NAME

100

Remove soil and top soil from Lot d. 5
Install 4" # 2 washed stone 4775 sq ft.
Sewer to be retched
At 2" # 2 washed stone and rock

PETITIONER'S
EXHIBIT 4
If let H.S. have to do black top \$3850.00

Mc Nemee desires to furnish material and labor, consisting of, in accordance with other considerations, for the same.

4. Check to state govt
Payment to be made as follows
Percent on bill submitted

Acceptance of Unemployment

and conditions are satisfactory and are hereby accepted. You are

Date of Acceptance _____

