

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for use as a Used Auto Sales and Storage Area in a S. B. Zone under Section 236.4 of the Baltimore County Zoning Regulations.

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 the date 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 of Baltimore County.

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner
Julius M. Lichter, Esq.
(Type or Print Name)
Signature
Suite 113, 305 W. Chesapeake Ave.
Towson, Maryland 21204
City and State
Attorney's Telephone No. 321-0600

Legal Owner(s):
Nationwide Motor Sales, Inc.
Address
2085 York Road
Lutherville, Maryland 21093
City and State
Name, address and phone number of legal owner, owner, purchaser or representative to be contacted
Julius M. Lichter, Esq.
Suite 113, 305 W. Chesapeake Ave.
Towson, Maryland 21204
Phone No. 321-0600

ORDERED: By the Zoning Commissioner of Baltimore County, this 3rd day of November, 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 throughout Baltimore County, that the property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of December, 1987, at 9:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

REC-10-1 (over)

IN RE: PETITION FOR SPECIAL EXCEPTION
KS York Road, opposite
Cinder Road
(2070 York Road)
4th Election District
4th Councilmanic District
Nationwide Motor Sales
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE #88-239X

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception to use the subject property as a Used Auto Sales and Storage Area in a S.B. zone under Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, William Schaefer, Jr. appeared and testified. His son, Charles Schaefer, also appeared. They were represented by Julius Lichter, Esquire. There were no Protesants.

The Petitioner provided evidence through a proffer by his attorney and his own testimony. That the subject location, zoned S.B., is currently used as a new car and truck and a used car and truck facility. This facility was accomplished by a 1985 special exception. The purpose of this special exception is to allow this facility to be used only as a Used Car facility to support the Nationwide Motor's new car facility which is across York Road from the subject site.

The Petitioner has provided an approved landscape plan which incorporate the restrictions set forth in the various comments of the Zoning Advisory Committee Report. That document is marked as Petitioner's Exhibit A which was provided at the direction of the Zoning Commissioner.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
694-3533
J. Robert Haines
Zoning Commissioner

June 8, 1988

DESCRIPTION FOR PETITION FOR SPECIAL EXCEPTION TO PERMIT USED CAR SALES IN A S. B. ZONE LOCATED 2070 YORK ROAD, 4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point distant the two following courses and distances from the intersection formed by the center line of Cinder Road (40 foot Right of Way) the center line of York Road (80' Right of Way) 1.) N 18° 44' 34" W 8' 2.) S 71° 15' 26" W 40' to the West side of said York Road thence running along the west side of said Road S 18° 44' 34" E 190.00 feet, thence S 70° 06' 45" W 194.00 feet, thence N 18° 44' 34" W 190.00 feet, thence N 70° 06' 45" E 194.00 feet to the place of beginning. Containing 0.85 acres of land more or less:



Malcolm E. Hudkins
Registered Surveyor #5095

A review of Petitioner's new site plan (Petitioner's Exhibit A) indicates that the landscape plan is acceptable. However, the plan violates Section 236.4 which requires minimum display setbacks for new and used automobiles from street right of ways. This matter will be corrected and a new site plan filed.

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 Exhibits 1 and A, would have any adverse impact shown and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pruitt, 412 A2d 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 Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the 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.

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
694-3533
J. Robert Haines
Zoning Commissioner

August 12, 1988

Julius W. Lichter, Esquire
Suite 113
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 88-239X

Dear Julius:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 694-1391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm

JRH:mm
att.
cc: Peoples Counsel

Very truly yours,
J. Robert Haines
Zoning Commissioner

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 12th day of August, 1988 that the Petition for Special Exception for a used motor vehicle outdoor sales area separated from the sales agency building in a S.B. zone under Section 236.4 of the Baltimore County Zoning Regulations, as more particularly described on Petitioner's Exhibit A, be and the same is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. That the Petitioner shall comply with all comments set forth in the Baltimore County Zoning Plans Advisory Committee Report.
3. That the official site plan for this location shall be the officially approved landscape plan marked Petitioner's Exhibit A.
4. In accordance with the requirements of the S.B. as set forth in their comments dated September 15, 1987, attached hereto and made a part hereof, the Petitioner shall permanently restrict and barricade an area along the south property line of the subject site, from the York Road property line into the south side display area to provide adequate and proper ingress and egress through the south entrance and exit to the property. Said barricade shall prevent parking or storage of any automobiles or trucks within the 30-foot entranceway and allow proper ingress and egress to the subject site.
5. The Petitioner shall prepare and file a new site plan which complies with Section 236.4 of the B.C.Z.R. and the restrictions set forth herein on or before January 15, 1989.

-3-

J. Robert Haines
ZONING COMMISSIONER
OF BALTIMORE COUNTY

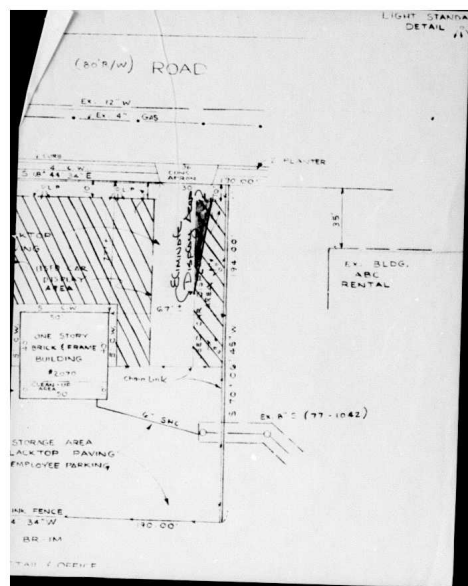
JRH:mm
cc: Peoples Counsel



Charles F. Rasmussen
County Executive

COPY SENT TO J. Robert Haines
J. Robert Haines
J. Robert Haines

-4-



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/O York Rd. opposite Clinder Rd.
(2070 York Rd.), 8th District : OF BALTIMORE COUNTY
NATIONWIDE MOTOR SALES, INC. : Case No. 88-239-X
Petitioner

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.

RECEIVED
NOV 24 1987
ZONING OFFICE

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
48-2188

I HEREBY CERTIFY that on this 24th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, Suite 113, 305 W. Chesapeake Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
48-3333
J. ROBERT HAINES
ZONING COMMISSIONER

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
RE: Petition for Special Exception
W/O York Road opposite Clinder Road
(2070 York Road)
8th Election District, 4th Councilmanic District
Nationwide Motor Sales, Inc. - Petitioner
Case No. 88-239-X

Dear Mr. Lichter:

This is to advise you that **4836** is due for advertising Order is issued. This fee must be paid before a

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to the Office, Room 113, County Office Building, Towson, Maryland.

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

DATE 7/20/88 ACCOUNT 88-239-X
AMOUNT \$ 88.56
RECEIVED Nationwide Motor Sales
FOR Peter W. Lichter 10/18/87
VALIDATION OF SIGNATURE OF CLERK

PLAND
Division
No. 41465
ACCOUNT 88-239-X
AMOUNT \$ 100.00
FOR Julius W. Lichter, Esquire
SIGNATURE OF CLERK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-239-X

Date: November 23, 1987

Any proposal must conform to the standards set forth in the Baltimore County Zoning Ordinance. It is requested that the plan be revised accordingly prior to the hearing. For details concerning this matter, please contact the Division of Current Planning and Development.

RE: JCR:mdc

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

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JWB:js
cc: Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Nationwide Motor Sales, Inc.
2085 York Road, Lutherville, Md. 21093
Attn: William Schaeffer, Jr., President

RECEIVED
NOV 30 1987
ZONING OFFICE

Office of PATUENT

1070 Life Pattern Hwy
Columbia, MD 21046
November 30 19 87

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:
☐ Baltimore Times
☐ Adams Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Dignity Mills Flyer
☐ Towson Free

weekly newspapers published in Baltimore County, Maryland
the week of November 19, 1987, that is to
say, the same was inserted in the issues of

November 26, 1987

PATUENT PUBLISHING COMPANY
By *J. Robert Haines*

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: Nationwide Motor Sales, Inc.
Petitioner's Julius W. Lichter, Esquire
Attorney: J. Robert Haines, Esquire
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1987

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

Julius W. Lichter, Esquire
Suite 113, 305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 43 - Case No. 88-239-X
Petitioner: Nationwide Motor Sales, Inc.
Petition for Special Exception

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are requested, to indicate the appropriateness of the Zoning 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 advisability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information or 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

Enclosures

cc: MHI Development Engineers, Inc.
200 Best Jogan Road
Room 101, Shell Building
Towson, Maryland 21204

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 11-27-87
Posted for: Special Exception
Petitioner: Nationwide Motor Sales, Inc.
Location of property: W/O York Rd. opposite Clinder Rd. (2070 York Rd.)
Location of Sign: on front of only one property on W/O York Rd.
Remarks: See plan of only one property on W/O York Rd.
Posted by: J. Robert Haines Date of return: November 27, 1987
Number of Signs: 1

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov. 26, 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. 26, 1987

THE JEFFERSONIAN,

Sharon Leuker Abbott
Publisher

\$33.96

NOTICE OF HEARING
The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the petition for special exception filed by Julius W. Lichter, Esquire, for Nationwide Motor Sales, Inc., on the 11th day of December, 1987, at 2:00 PM, in the County Office Building, Room 113, 111 W. Chesapeake Avenue, Towson, Maryland 21204. The petition is for a special exception to the Zoning Ordinance, Chapter 21-1, Section 21-101, to allow the use of a building for the sale and storage of motor vehicles on a lot zoned R-1. The petition is for a special exception to the Zoning Ordinance, Chapter 21-1, Section 21-101, to allow the use of a building for the sale and storage of motor vehicles on a lot zoned R-1. The petition is for a special exception to the Zoning Ordinance, Chapter 21-1, Section 21-101, to allow the use of a building for the sale and storage of motor vehicles on a lot zoned R-1.

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reiche
Chief

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

August 27, 1987



Dennis F. Haines
County Engineer

Re: Property Owner: Nationwide Motor Sales, Inc.
Locations: W/S York Road off Cinder Road

Item No.: 63

Zoning Agenda: Meeting of 8/25/87

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.

- () 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 _____

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.

REVIEWED: *John F. O'Neill*
Noted and Approved: _____
Special Inspection Division

7/31

PETITIONER(S) EXHIBIT (2)



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 400
Towson, Maryland 21204
494-3334

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 60, 61, (x) 63, 64, 65, 66, 67, 68, 69, and 70.

Very truly yours,

Michael D. Flanigan
Michael D. Flanigan
Traffic Engineer Associate II

MDF:ab

RECEIVED
SEP 30 1987

ZONING OFFICE

September 23, 1987

Dennis F. Haines
County Engineer



Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINOR
MDOT 07
HAL KASSOFF
Administrator

September 15, 1987

RE: Baltimore County
Item #63
Property Owner:
Nationwide Motor Sales
Incorporated
Locations: W/S York Road
Maryland Route 45
off Cinder Road
Proposed Zoning: B.B.
Existing Zoning: B.B.
Proposed Zoning: Special
Exception for use as a
used auto sales and
storage area.
Area: 0.85 acres
District: 8th

Dear Mr. Haines:

On review of the zoning submittal of August 22, 1987 (item #63) for Special Exception, The State Highway Administration-Bureau of Engineering Access Permits offers the following comments:

The proposed location of the display areas 10' beyond the State Highway Administration right-of-way is generally acceptable to the State Highway Administration, however, we strongly recommend the display area on the south side of the sales lot be required to show all display areas outside the existing 30' entrance area.

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

Very truly yours,

George Witten
George Witten, Jr.
Acting Chief-Bureau of
Engineering Access Permits

by: George Witten

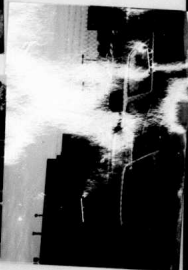
CJN-GH/es
attachment

My telephone number is 331-1350

Noted/forwarded by: Hearing or Speech
393-7555 Baltimore Metro - 845-0451 D.C. Metro - 332-8325 Baltimore Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0712

ZONING OFFICE

PETITIONER(S) EXHIBIT (2)



PETITIONER(S) EXHIBIT (2)

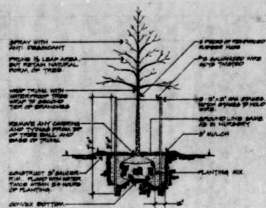


[illegible][illegible]

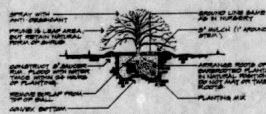
KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	COMPOSITION	REMARKS
(+)	5	PERSEA GALLICANA 'KEDDIPKE' KEDDIPKE PEAR	2-2 1/2' H.	D.C.B.	
SSB	40	PIRACALATHA COCCINEA 'KUTTERS' KUTTERS PIRETHORI	15-18" H.	CAN.	SPACE 3' 0" STAGGER

1. CONTRACTOR SHALL NOTIFY 'MISS UTILITY' A MIN. OF 72 HOURS PRIOR TO DIGGING.
2. LOCATION OF ALL PLANT MATERIAL TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
3. THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HRS. BEFORE PLANTING BEGINS.

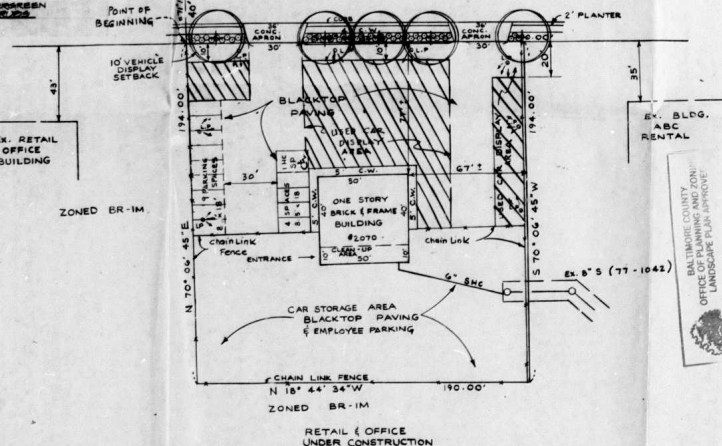
(1) TREE PER 40 LF. OF ROAD FRONTAGE -
 $190 \text{ LF.} \div 40 = 5 \text{ TREES}$



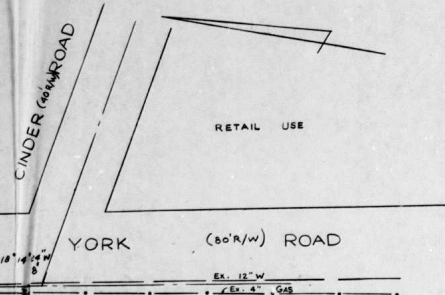
PLANTING DETAIL FOR TREES - 1/4" - 4" CALIBER



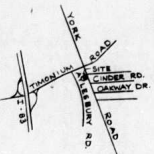
PLANTING DETAIL FOR EVERGREEN
AND DECIDUOUS SHRUBS



M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204



LIGHT STANDARD
DETAIL



LOCATION MAP SCALE: 1" = 2000

1. ZONING : BR
2. AREA : 0.85 AC. ±
3. EX. USE : USED CAR SALES
4. PARKING DATA
BLDG. AREA = 2500 S.F.
2500 / 200 * 13 SP REQUIRED
13 SP. PROVIDED (1 HANDICAPPED)
5. 10 EMPLOYEE PARKING SPACES

"I certify that the automatic planting plan shown herein is consistent with the goal and intent of the Baltimore County Landscape Manual, 1985, and ~~meets~~ applicable policy.

signature of applicant 6-13-8
date

*I certify that the planting plan shown herein is complete

all plant material to be furnished will be nursery-grown

accordance with the specifications stated in the Baltimore County Landowner Manual, dated November 18, 1995.

6/17/8

4085 Yucca Road, Longmont CO 252-8000
Address 21093 Telephone

1/2 PLAL 6-9-88

TO ACCOMPANY PETITION

EXCEPTION TO PERMIT

SALES IN A B.R. ZONE.

70 YORK ROAD
ELECT DIST BALTO CO MD

E: 1° 30' JULY 22, 1987.

PETITIONER'S

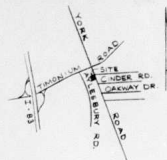
EXHIBIT A

WETA-TV

NWIDE MOTOR SALES, INC.
YORK ROAD

ZVILE, MARYLAND

21093



NOTES

1. ZONING : BR
2. AREA : 0.85 AC. ±
3. EX. USE : USED CAR SALES
4. PARKING DATA
BLDG. AREA = 2500 S.F.
2500 / 200 = 13 SP REQUIRED
13 SP. PROVIDED (1 HANDICAPPED)
5. 10 EMPLOYEE PARKING SPACES

PETITIONER'S
EXHIBIT 1

• 2070 YORK ROAD
8TH ELECT. DIST. BALTO. CO, MD.
SCALE: 1" = 30' JULY 22, 1987.

