

IN THE MATTER OF THE APPLICATION OF PRESTON SNEDEGAR FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE OF MIDDLE RIVER ROAD, 160' SOUTH OF THE CENTERLINE OF CLOVER AVENUE (516 1/2 MIDDLE RIVER ROAD) 15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 89-390-X

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner dated April 5, 1989 denying the requested Special Exception. This case was heard this day in its entirety.

Mr. Preston Snedegar appeared as the Appellant/Petitioner and was represented by Counsel. No Protestants appeared. People's Counsel did not appear. It appears from a study of the case file that far more extensive testimony was presented at this de novo hearing than was before the Zoning Commissioner.

Mr. Snedegar testified that he owns the subject site, zoned B.R., an undeveloped parcel of land. He intends to construct a 1 1/2 story block building and a paved parking area for 20 vehicles in order to lease the site as a used motor vehicle outdoor sales area. Mr. Snedegar testified that he owns property adjoining the subject site on the south side, developed and leased as a service garage, as well as on the west side, a wooded lot. Appellant/Petitioner submitted a survey site plan, photographs, correspondence and comments of various County departmental representatives, a traffic shed map, and a personal survey of used vehicle establishments in the area of the subject site.

Mr. Snedegar additionally testified that the proposed business was in harmony with the surrounding area, particularly the adjacent service garage. The property to the north of the subject site, zoned B.R., is currently vacant; but, the existing building will be developed with offices in keeping with the current zoning. Additionally, Mr. Snedegar testified that his lessee would operate the proposed facility Monday through Friday from 9:00 a.m. until 9:00 p.m. and Saturday

Case No. 89-390-X Preston Snedegar

from 9:00 a.m. until 9:00 p.m. An existing driveway, 26' in width on the subject site, provides traffic access from Middle River Road. Comments and correspondence from County departments indicates no objections to the proposed use.

In reviewing the testimony and evidence in this matter, the Board finds the Appellant/Petitioner's proposed development and use of the subject site conforms to Baltimore County Zoning Regulations as applied in the granting of a Special Exception. The use is not detrimental to the health, welfare or public safety nor will it create additional burdens on public utilities already in place. The absence of Protestants and People's Counsel further convinces the Board that the proposed use is acceptable. In consideration of the testimony and evidence received this day, the Board is of the opinion that the Special Exception as applied for should be granted and will so order.

ORDER

It is, therefore, this 1st day of November, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Special Exception to permit use as a used motor vehicle outdoor sales area be and the same is hereby GRANTED with the following restrictions:

- 1. That the hours of operation be restricted to those indicated in Appellant/Petitioner's testimony.
2. That the landscape plan referred to in Mr. Pat Keller's inter-office correspondence of March 28, 1989, be completed, with special attention to "a good streetscaping along Middle River Road."
3. That all other County departmental comments be incorporated in development of the site.

Case No. 89-390-X Preston Snedegar

4. That all existing setbacks be observed in development of the site. Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Lawrence E. Schmidt, Acting Chairman Lynn B. Moreland John G. Disney

IN RE: PETITION FOR SPECIAL EXCEPTION W/S Middle River Road, 160' S c/l Clover Road (516 1/2 Middle River Rd.) 15th Election District 6th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE #89-390 X Preston Snedegar Petitioner

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner requests approval of a Special Exception for a used motor vehicle outdoor sales area, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Preston Snedegar, appeared, testified and was represented by F. Michael Grace, Esquire. There were no Protestants.

The Petitioner's attorney proffered certain statements concerning the operation of an outdoor used car facilities on the subject property. He stated that he believed the operation would be consistent with the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). However, he did not provide any expert testimony to substantiate the conclusions that he has drawn. The Petitioner did not testify to any of the requirements of Section 502.1 of the B.C.Z.R. in reference to the proposed outdoor used car sales area. The Petitioner testified that he believed the particular used car facility would not be detrimental to the health, safety and general welfare of the community; however, he provided no additional testimony concerning the delineated requirements set forth in Schultz v. Pritts, 432 A2d 1319 (1981).

ORDER RECEIVED FOR FILING Date 11/1/89 By M. Moreland

Upon examination of both Petitioner and the Petitioner's attorney, the Zoning Commissioner has determined that the actual operation of this site has not been established. A Special Exception deals with the use of land and the use of this particular lot is limited to, under this Special Exception, an outdoor used car sales facility. No evidence was provided about the actual operation of this facility, nor was any detailed evidence provided that would establish the appropriateness of the operation on this site. The Petitioner noted that there was no opposition to this project. The Petitioner believes that the Special Exception for an outdoor used car sales facility would cause no problems at its location. The Petitioner's attorney argued that the uses in the immediate area, which were not delineated beyond those shown on Petitioner's Exhibit 1, are consistent with the used car facility.

It is clear that the B.C.Z.R. permits the use proposed in a B.R. zone by special exception.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

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 not 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 evidence do not establish that the proposed use at the particular location described by Petitioner's Exhibit 1 would not 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 A2d 1319 (1981).

The Petitioner simply did not provide substantive evidence to demonstrate that the requirements set forth in Section 502.1 of the B.C.Z.R. have been met. Furthermore, the Petitioner failed to establish the burden of evidence and the burden of proof required under the doctrines set forth in Schultz v. Pritts supra, and, therefore, the Special Exception must be denied.

Pursuant to the advertisement, posting of the property, and public hearing held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community will be adversely affected. Therefore, the special exception should be denied.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 1st day of April, 1989 that the Petition for Special Exception for a used motor vehicle outdoor sales area, as more particularly described on Petitioners' Exhibit 1, be and the same is hereby DENIED.

J. Robert Haines ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

JRH:mm cc: Peoples Counsel Preston Snedegar, 4928 Ridge Road, Baltimore, Md. 21237

ORDER RECEIVED FOR FILING Date 4/1/89 By M. Moreland

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-390-X

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 - 236.4 - for a used motor vehicle outdoor sales area -

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: Preston Snedegar (Type or Print Name) Signature: [Signature] Address: [Address] City and State: [City and State]

Legal Owner(s): Preston Snedegar (Type or Print Name) Signature: [Signature] Address: [Address] City and State: [City and State]

Attorney for Petitioner: F. Michael Grace (Type or Print Name) Address: 4928 Ridge Road, Baltimore, Maryland 21237

Attorney's Telephone No.: 744-5724 Address: 4928 Ridge Road, Baltimore, MD 21237

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of July, 1989, 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 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 29th day of March, 1989, at 2 o'clock P.M.

J. Robert Haines Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING Date 3/1/89 By M. Moreland

MICHAEL B. DALLAS Registered Surveyor STATE 200 24 W. PENNSYLVANIA AVENUE TOWSON, MD 21284 494-0020

Zoning Description: 516 1/2 Middle River Road BEGINNING for the same on the westernmost side of Middle River Road (60 feet wide) at a point distant South 19 degrees 17 minutes 40 seconds East 160 feet from the intersection of said westernmost side of Middle River Road with the center line of Clover Road thence binding on said side of Middle River Road South 19 degrees 17 minutes 40 seconds East 63 feet thence leaving said road and running South 70 degrees 42 minutes 20 seconds West 54.19 feet thence South 81 degrees 26 minutes 31 seconds West 133.14 feet to the BR zoning line thence binding on said zoning line North 19 degrees 17 minutes 40 seconds West 73.28 feet thence North 81 degrees 26 minutes 31 seconds East 188.30 feet to the place of beginning.



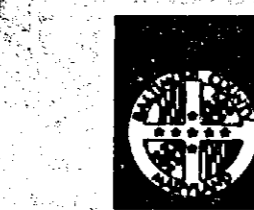
CERTIFICATE OF POSTING 89-390-V ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 5/1/89 Posted for: Appeal Petitioner: Preston Snedegar Location of property: 516 1/2 Middle River Rd, 160' S of Clover Rd Location of Sign: [Address]

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

J. Robert Haines  
Zoning Commissioner

May 9, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Exception  
W/S Middle River Road, 160' S c/1 Clover Road  
(516 1/2 Middle River Road)  
15th Election District, 6th Councilmanic District  
PRESTON SNEDEGAR - Petitioner  
Case No. 89-390-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1989 by F. Michael Grace, Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.

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

Very truly yours,  
J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Preston Snedegar, 4928 Ridge Road, Baltimore, Md. 21237

F. Michael Grace, Suite 3, 583 Frederick Road, Baltimore, MD 21228

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

RE: Petition for Special Exception  
Case #89-390X  
Preston Snedegar, Petitioner

• BEFORE THE  
• ZONING COMMISSIONER  
• BALTIMORE COUNTY

APPEAL

DEAR ZONING COMMISSIONER:

Please enter an appeal to the Board of Appeals for Baltimore County in the above referenced case on behalf of the Petitioner.

F. Michael Grace, Esquire  
Law Office of Edward J. Brush  
Suite 3  
583 Frederick Road  
Baltimore, Maryland 21228

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 088171  
DATE 5-7-89 ACCOUNT R-01-615-000  
AMOUNT \$ 115.00  
RECEIVED FROM PRESTON SNEDEGAR (F. MICHAEL GRACE) ATTORNEY  
FOR APPEAL FILING - CASE # 89-390X  
PRESTON SNEDEGAR - PETITIONER  
0 034\*\*\*\*\*15004\*804\*

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

J. Robert Haines  
Zoning Commissioner

April 4, 1989



Dennis F. Rasmussen  
County Executive

F. Michael Grace, Esquire  
Law Office of Edward J. Brush  
Suite 3  
583 Frederick Road  
Baltimore, Maryland 21228

RE: Petition for Special Exception  
Case #89-390X  
Preston Snedegar, Petitioner

Dear Mr. Grace:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been denied, 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 887-3391.

Very truly yours,  
J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner

JRH:mmm

cc: Peoples Council  
Mr. Preston Snedegar, 4928 Ridge Road, Baltimore, Md. 21237

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-390-X

District: 15th Date of Posting: 3/10/89  
Posted for: Special Exception  
Petitioner: Preston Snedegar  
Location of property: W/S Middle River Rd, 160' S c/1 Clover Rd  
516 1/2 Middle River Rd  
Location of Sign: W/S Middle River Rd, 160' S c/1 Clover Rd, 15th Election District  
Remarks:  
Posted by: J. Robert Haines  
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 10, 1989  
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 March 9, 1989.

NORTHEAST TIMES  
THE JEFFERSONIAN,

S. Zabe Olson  
Publisher

PO 10473  
reg M27065  
ca 89-390-X  
price \$71.10

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date and time:  
Special Exception For a used motor vehicle outdoor sales area  
Case No. 89-390-X  
W/S Middle River Road, 160' S c/1 Clover Road  
516 1/2 Middle River Road  
15th Election District, 6th Councilmanic District  
Petitioner(s): Preston Snedegar  
Hearing Date: Wednesday, March 29, 1989 at 2:00 p.m.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the appeal period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner  
BALTIMORE COUNTY

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 3-13-89



Dennis F. Rasmussen  
County Executive

Mr. Preston Snedegar  
4928 Ridge Road  
Baltimore, Maryland 21237

Re: Petition for Special Exception  
W/S Middle River Road, 160' S c/1 Clover Road  
516 1/2 Middle River Road  
15th Election District - 6th Councilmanic District  
Petitioner(s): Preston Snedegar  
HEARING SCHEDULED: WEDNESDAY, MARCH 29, 1989 at 2:00 p.m.

Please be advised that \$86.12 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 087522  
DATE 3-13-89 ACCOUNT R-01-615-000  
AMOUNT \$ 86.12  
RECEIVED FROM Preston Snedegar  
FOR Post (G-C89-390-X)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

February 27, 1989



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception  
W/S Middle River Road, 160' S c/1 Clover Road  
516 1/2 Middle River Road  
15th Election District - 6th Councilmanic District  
Petitioner(s): Preston Snedegar  
HEARING SCHEDULED: WEDNESDAY, MARCH 29, 1989 at 2:00 p.m.

Special Exceptions For a used motor vehicle outdoor sales area

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Preston Snedegar  
F. Michael Grace  
File

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180 887-3180  
June 13, 1989

HEARING ROOM -  
Room 301, County Office Building

NOTICE OF ASSIGNMENT

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

CASE NO. 89-390-X PRESTON SNEDEGAR  
W/S Middle River Road, 160' S c/1 Clover Road (516 1/2 Middle River Road)  
15th Election District  
6th Councilmanic District  
SE - for a used motor vehicle outdoor sales area  
04/05/89 - Z.C. Order DENYING Petition for Special Exception.

ASSIGNED FOR: TUESDAY, OCTOBER 24, 1989 at 10:00 a.m.

cc: Mr. Preston Snedegar Appellant/Petitioner  
F. Michael Grace, Esq. Counsel for Appellant/Petitioner

People's Counsel  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney  
LindaLee M. Kuszaul  
Legal Secretary

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

J. Robert Haines  
Zoning Commissioner

May 9, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Exception  
W/S Middle River Road, 160' S c/1 Clover Road  
(516 1/2 Middle River Road)  
15th Election District, 6th Councilmanic District  
PRESTON SNEDEGAR - Petitioner  
Case No. 89-390-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1989 by F. Michael Grace, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

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

Very truly yours,  
J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Preston Snedegar, 4928 Ridge Road, Baltimore, Md. 21237

F. Michael Grace, Suite 3, 583 Frederick Road, Baltimore, MD 21228

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

RECEIVED  
COUNTY BOARD OF APPEALS  
MAY 11 AM 11 16

89-390-I  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21284

Your petition has been received and accepted for filing this  
1st day of February, 1989.

*J. Robert Haines*  
ZONING COMMISSIONER

Petitioner: Preston Snedegar  
Petitioner's Attorney: F. Michael Grace

Received by: James E. Oyer  
CHAIRMAN, ZONING PLANS ADVISORY COMMITTEE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines, Zoning Commissioner, Date: March 28, 1989  
From: Pat Keller, Deputy Director, Office of Planning and Zoning  
Subject: Gary E. Simpson, Zoning Petition No. 89-390-A

The Office of Planning and Zoning has no comment on the above petition.

PK/sf

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21284  
494-3554

March 1, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21284

Dear Mr. Haines,  
The Bureau of Traffic Engineering has no comments for item number 275, 299, 300, 301, 302, 303, 304, 305, 306, 307, & 308.

Very truly yours,  
*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

HSP/lab

Baltimore County  
Fire Department  
Towson, Maryland 21284-2286  
494-6200

Paul H. Rotzko  
Chief

February 14, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21284

Re: Property Owner: Preston Snedegar  
Location: W/S of Middle River Road, 160'S of the centerline of Clover Road.  
Item No.: 304. Zoning Agenda: Meeting of January 31, 1989

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 100 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.
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.

APPROVED: *Paul H. Rotzko*  
Special Inspection Division  
FIRE PREVENTION BUREAU

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines, Zoning Commissioner, Date: March 28, 1989  
From: Pat Keller, Deputy Director, Office of Planning and Zoning  
Subject: Preston Snedegar, Zoning Petition No. 89-390-I

The petitioner is requesting a special exception to provide on outdoor sales area for used motor vehicle sales. In reference to this request, staff notes the following:

- Criteria for evaluating special exceptions and hearings by the Office of Planning and Zoning include the criteria listed below:

| Criteria                     | Comments  |
|------------------------------|---|
| 1. Health, Safety, Welfare   | The project does not appear to be infringing upon the general health, safety and welfare. The rear of the lot is zoned RM 10.5. There are no residences, however immediately adjoining the rear of this property.   |
| 2. Surrounding Properties    | The surrounding properties to the north and south are used for commercial purposes.   |
| 3. Site Design and Layout    | The specificity of the site is fairly general. The area has developed informally, resulting in an ambiguous outdoor sales area. The relationship to the service garage is uncertain but the two uses are related. The entire site should be laid out more carefully, showing driveways, car display or storage areas, landscaping, etc. |
| 4. Building Design           | Elevations for the proposed structure have not been provided, however, due to the size and scale of the building design is not a critical element.  |
| 5. Landscaping and Buffering | A landscape plan for the project should be completed. Buffering along the rear of the parcel is not as critical as providing a good streetscape along Middle River Road.  |

PK/sf

89-390-I  
Page Two

6. Hours of Operation, Lighting, Noise  
The hours of operation appear to be compatible with adjoining uses. Lighting and noise should be regulated so that impacts are limited from spreading beyond the rear of the commercial zoning on the property.

7. Parking, Access  
Shared access is being provided with the adjoining service garage. Parking appears to be adequate, however, an integrated driveway, parking area, aisle and storage area cannot be effectively evaluated due to an inadequate site plan.

Based upon the information provided and analysis conducted, staff recommends that an upgraded site plan be reviewed and approved prior to approval. In addition:

- A landscape plan approved by the County Landscape Planner should be provided.
- Lighting, noise (paging system if applicable) should be limited to the site.
- A site plan showing car storage, display areas, aisles, driveways and number of cars on site should be provided by the petitioner, showing both existing service garage lot and car sales lot.

PK/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE  
March 15, 1989

F. Michael Grace, Esquire  
583 Frederick Road, Suite 3  
Catonsville, MD 21228

RE: Item No. 304, Case No. 89-390-I  
Petitioner: Preston Snedegar  
Petition for Special Exception

Dear Mr. Grace:

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 made aware of plans or problems with regard to the development 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 comment that is not informative will be placed in the hearing enclosed filing certificate with the Zoning Commissioner on the date of the hearing.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINKLERSKI, IF YOU HAVEN'T ALREADY DONE SO. PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Oyer*  
James E. Oyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures  
cc: Mr. Preston Snedegar

