

IN THE MATTER OF THE  
THE APPLICATION OF  
KENNETH S. STEINBACH  
FOR A SPECIAL HEARING AND  
SPECIAL EXCEPTION ON PROPERTY  
LOCATED ON THE SOUTH SIDE OF  
BALTIMORE NATIONAL PIKE, 225'  
WEST OF WEST SIDE WINTERS LANE  
(6009 BALTIMORE NATIONAL PIKE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
ZONING CASE NO. 89-424-SPHX

\* ON REMAND  
\* FROM THE CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* CG Doc. No. 71  
\* Folio No. 196  
\* Case No. 89-CG-2996

#### OPINION

This case comes before this Board on a Remand Order from the Circuit Court. The Remand Order specifically notes the reason for the remand is to take additional testimony to address issues raised by the Protestant's attorney in his Memorandum to the Circuit Court.

Prior to the taking of any testimony, it was agreed by the attorneys representing both the Appellant/Protestant and the Petitioner that the only testimony taken would be that testimony addressing the issue of the original site plan and the requirements of Section 502.1 (g) and (h). No other testimony was to be taken.

Herbert Malmud, a professional engineer and surveyor, testified and affirmed all his prior testimony. He then introduced the original plat dated November 19, 1984, revised June 6, 1985, February 12, 1986 and approved on February 14, 1986. This is the approved site plan presently in existence. Mr. Malmud testified that the original case was filed in 1975 and entered as Petitioner's Exhibit No. 2. The original site plan dated November 26, 1975 was revised April 16, 1975, April 23, 1975, and April 25, 1975. This site plan was the original site plan in Case No. 75-93-X. Mr. Malmud was also questioned on the plan's conformity with all Sections of 502.1. Each Section of 502.1 in its entirety was

Kenneth S. Steinbach, Case No. 89-424-SPHX, On Remand 2  
put before Mr. Malmud and he testified that conformity with each and every Section was met. He also testified that a waiver had been granted so that no storm water plan was required. Kenneth Steinbach, the Petitioner and property owner, testified and affirmed all the testimony and evidence he had presented at the June 5, 1990 hearing. He also testified that all Sections of 502.1 on the present plan were in conformity. This concluded the testimony and evidence in this case.

From the testimony and evidence received both today and in the prior hearing, the Board will find as a fact that all the requirements for the granting of the Special Hearing and the granting of the Special Exception have been complied with and that its original Order should be affirmed.

#### ORDER

IT IS THEREFORE this 29th day of November, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Order issued by this Board on the 10th day of July, 1990 be and the same is hereby AFFIRMED.

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  
*William T. Hackett*  
William T. Hackett, Chairman  
*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.  
*John G. Disney*  
John G. Disney

IN THE MATTER OF  
APPLICATION OF  
KENNETH S. STEINBACH  
FOR A SPECIAL HEARING AND  
SPECIAL EXCEPTION ON  
PROPERTY LOCATED ON THE  
SOUTH SIDE OF BALTIMORE  
NATIONAL PIKE, 225' WEST  
OF WEST SIDE WINTERS LANE  
(6009 BALTIMORE NATIONAL  
PIKE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

\* BEFORE THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* CASE NO.: 90CG3122 83/322

#### APPELLANT'S MEMORANDUM

Now comes Harry Waller, Appellant, by S. Eric DiNenna and DiNenna, Mann & Breschi, and pursuant to Maryland Rule B-12 files this Memorandum:

#### BACKGROUND

Petitioner/Appellee, Kenneth J. Steinbach, requested a Special Hearing to approve amendments to a site plan previously approved in Case No. 75-93X and 85-232X, to permit an addition to the existing service garage and to increase the number of parking spaces on the location. Petitioner also asked for a Special Exception to permit a service garage on additional property. On May 24, 1989, the Deputy Zoning Commissioner for Baltimore County granted Petitioner's Request for Special Hearing and Request for Special Exception. Upon appeal and by Opinion and Order dated July 10, 1990, the County Board of Appeals of Baltimore County granted Petitioner's requests subject to certain restrictions. (See Attachment A) It is from that decision that this Appeal reaches this Honorable Court.

The question of judicial review of an administrative

agency's decision is whether or not such action was arbitrary, discriminatory or fairly debatable. Stratakis v. Beauchamp, 268 Md. 643, 304 A.2d 244 (1973).

"It is not the function of the Court to zone or rezone and the Courts will not substitute their judgment for the expertise of the zoning officials. Only when there is no room for reasonable debate or where the record is void of substantial supporting facts, are the Courts justified in reversing the decision of an administrative body or in declaring its action arbitrary, capricious or illegal." Germerko v. County Board of Appeals of Baltimore County, 257 Md. 706, 711 (1970).

In order to justify reversal of an administrative board's decision, the record and the proceedings would have to show that its action was unsupported by competent, material and substantial evidence. Prince George's County v. Meininger, 264 Md. 148, 285 A.2d 649 (1972).

Petitioner/Appellee introduced into evidence a plat dated June 22, 1988, prepared by H. Malmud Associates, Inc. showing the proposed addition and increase in parking but he did not introduce into evidence the original plat to which the requested amendment refers. (T-30-33) The Board exceeded its authority in granting amendments to a plat which was not before it and the Board had never viewed nor reviewed. Petitioner failed to place before the Board competent and substantial evidence to support its request. Counsel for appellant moved for dismissal before the Board based upon those grounds as expounded to the Board in oral argument. (T-47-49)

Additionally, Section 502.1 of the Baltimore County Zoning

- 2 -

Regulations, (B.C.Z.R.) sets forth eight required findings that must be made by the zoning authority before a Special Exception may be granted. The applicant has the burden of adducing testimony which will show that it meets the prescribed standards and requirements. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). Section 502.1 specifically states

"Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

The regulation then proceeds to list the eight required findings. Petitioner/Appellee specifically failed to introduce any evidence to support a finding by the Board in Requirements 502.1(g)(h), specifically that the granting of the Special Exception would not:

g. Be inconsistent with the purposes of the property's zoning classification who are in any way inconsistent with the spirit intent of these zoning regulations.

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. The Petitioner failed to meet his burden producing credible and probative evidence on all issues and requirements as set forth in the Baltimore County Zoning Regulations.

The Board stated its conclusion under each of the categories required under 502.1 of Baltimore County Zoning Regulations without any factual findings whatsoever and despite the fact that Petitioner offered no testimony at all to support these findings (opinion and order p. 3-4). The Board's granting of the Petitioner's request amounted to nothing more than a boilerplate resolution without any facts to support its

- 3 -

determination. See Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973), Ocean Hideaway Condominium Association, et al. v. Boardwalk Plaza Venture, 68 Md. App. 637, 515 A.2d 477 (1986)

The Board's action was not supported by substantial evidence and therefore cannot be said to be "fairly debatable." The Board's finding was arbitrary and capricious and must be reversed. Dundalk Holding Co. v. Horn, 266 Md. 280, 283, 292 A.2d 77 (1972)

WHEREFORE, Appellant respectfully requests this Honorable Court to reverse the decision of the County Board of Appeals of Baltimore County granting Petitioner's Request for Special Exception.

#### Points and Authorities

1. Maryland Rule B-12
2. Stratakis v. Beauchamp, 268 Md. 643, 304 A.2d 244 (1973)
3. Germerko v. County Board of Appeals of Baltimore County, 257 Md. 706, 711, 264 A.2d 825 (1970)
4. Prince George's County v. Meininger, 264 Md. 148, 285 A.2d 649 (1972)
5. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981)
6. Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973)
7. Ocean Highway Condominium Association, et al. v. Boardwalk Plaza Venture, 68 Md. App. 637, 515 A.2d 477 (1986)
8. Dundalk Holding Co. v. Horn, 266 Md. 280, 292 A.2d 77 (1972)

*S. ERIC DINENNA*  
S. ERIC DINENNA  
DINENNA, MANN & BRESCHI  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204  
(301) 296-6820  
Attorney for Appellant,  
Harry Waller

- 4 -

#### CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29th day of October, 1990, a copy of the foregoing Appellant's Memorandum was mailed, postage prepaid to Warren Mix, Esquire, Turnbull, Mix & Farmer, 706 Washington Avenue, Towson, Maryland 21204.

*S. ERIC DINENNA*  
S. ERIC DINENNA

- 5 -

89-424-X Kenneth S. Steinbach  
Circuit Court AFFIRMED C.B. of A.

IN THE MATTER OF  
THE APPLICATION OF  
KENNETH S. STEINBACH  
FOR A SPECIAL HEARING AND SPECIAL  
EXCEPTION ON PROPERTY LOCATED ON THE  
SOUTH SIDE OF BALTIMORE NATIONAL  
PIKE, 225' WEST OF THE WEST SIDE OF  
WINTERS LANE (6009 BALTIMORE  
NATIONAL PIKE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. 89-424-SPHX

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* CASE NO. 89 CG 2996

#### ORDER

For the reasons stated on the record in open Court after reviewing the entire record on appeal and after hearing argument of counsel,

IT IS THIS 2nd DAY OF March, 1990, BY THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDERED that the August 8, 1989 Opinion and Order of the Board of Appeals in Case No. 89-424-SPHX be and the same is hereby AFFIRMED; and it is further

ORDERED that the same be and hereby is REMANDED to the Board of Appeals for a hearing on the merits.

*J. M. Waller*  
JUDGE  
cc: app/pend 2  
Mix  
DiNenna

FILED 10-6-90

IN THE MATTER OF THE \* IN THE CIRCUIT COURT  
APPLICATION OF \* FOR  
KENNETH S. STEINBACH, ET AL \* BALTIMORE COUNTY  
CASE NO. 90CG3122

ORDER

The Court has reviewed the record made in this case before the Board of Appeals of Baltimore County, has reviewed and considered memoranda, arguments of counsel for Appellant and Appellee, and has concluded, pursuant to its authority under Maryland Rule B-13 that this matter should be, and it is hereby, REMANDED to the Board of Appeals of Baltimore County for the taking of additional testimony by that Board to establish factual bases for its findings and conclusions, most specifically with respect to those determinations enumerated by Appellant in his memorandum filed herein on October 29, 1990.

Christian M. Kahl  
Date 12/5/90

CMK:emb

cc: S. Eric DiNenna, Esquire  
G. Warren Mix, Esquire  
Arnold Jablon, Esquire

FILED DEC 6 1990

IN THE MATTER OF THE \* BEFORE THE  
APPLICATION OF \* CIRCUIT COURT  
KENNETH S. STEINBACH \* FOR  
FOR A SPECIAL HEARING AND \* BALTIMORE COUNTY  
SPECIAL EXCEPTION ON \* CASE NO. 89-424-SPHX  
PROPERTY LOCATED ON THE \* 90-CG-3122 8/322  
SOUTH SIDE OF BALTIMORE \*  
NATIONAL PIKE, 225' WEST \*  
OF WEST SIDE WINTERS LANE \*  
(6009 BALTIMORE NATIONAL \*  
PIKE) \*  
1ST ELECTION DISTRICT \*  
1ST COUNCILMANIC DISTRICT \*

ORDER OF APPEAL

NOW COMES HARRY WALLER, Protestant, contiguous property owner and aggrieved party, by S. Eric DiNenna and DiNenna, Mann & Breschi, his attorneys, files this Order of Appeal from the decision of the County Board of Appeals of Baltimore County dated July 10, 1990.

S. ERIC DINENNA  
DINENNA, MANN & BRESCHI  
409 Washington Avenue  
Suite 600  
Towson, Maryland 21204  
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of August, 1990, a copy of the foregoing Order of Appeal was mailed, postage prepaid, to Warren Mix, Esquire, Turnbull, Mix & Farmer, 706 Washington Avenue, Towson, Maryland 21204; County Board of Appeals, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

S. ERIC DINENNA

RECEIVED  
COUNTY BOARD OF APPEALS  
AUG 13 1990

IN THE MATTER OF THE \* BEFORE THE  
APPLICATION OF \* CIRCUIT COURT  
KENNETH S. STEINBACH \* FOR  
FOR A SPECIAL HEARING AND \* BALTIMORE COUNTY  
SPECIAL EXCEPTION ON \* CASE NO. 89-424-SPHX  
PROPERTY LOCATED ON THE \*  
SOUTH SIDE OF BALTIMORE \*  
NATIONAL PIKE, 225' WEST \*  
OF WEST SIDE WINTERS LANE \*  
(6009 BALTIMORE NATIONAL \*  
PIKE) \*  
1ST ELECTION DISTRICT \*  
1ST COUNCILMANIC DISTRICT \*

PETITION ON APPEAL

NOW COMES HARRY WALLER, contiguous property owner and aggrieved party, in support of its Order of Appeal, by S. Eric DiNenna and DiNenna, Mann & Breschi, his attorneys, files this Petition for Appeal and states the following reasons:

1. That the County Board of Appeals in its Opinion and Order dated July 10, 1990, did not consider the totality of the evidence in rendering its decision;
2. That your Appellant raised specific issues before the Board that it did not consider and ruled upon contrary to the law;
3. That pursuant to the testimony presented to the County Board of Appeals, the approved plan as originally submitted was never presented to the Board for consideration in its review of the Petition to amend said plan;
4. That the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations were not met nor totally presented and testified too;
5. That pursuant to other reasons to be

RECEIVED  
COUNTY BOARD OF APPEALS  
AUG 13 1990

presented at time of hearing, the Board was otherwise arbitrary and capricious and exceeded its authority in rendering the decision as presented in its Opinion and Order dated July 10, 1990.

WHEREFORE, your Appellant respectfully requests that the Petition as requested and the Opinion and Order of the Board of Appeals hereby be reversed.

S. ERIC DINENNA  
DINENNA, MANN & BRESCHI  
409 Washington Avenue  
Suite 600  
Towson, Maryland 21204  
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of August, 1990, a copy of the foregoing Order of Appeal was mailed, postage prepaid, to Warren Mix, Esquire, Turnbull, Mix & Farmer, 706 Washington Avenue, Towson, Maryland 21204; County Board of Appeals, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

S. ERIC DINENNA

- 2 -

IN THE MATTER OF THE \* ON REMAND FROM THE  
THE APPLICATION OF \* CIRCUIT COURT  
KENNETH S. STEINBACH \* FOR  
FOR A SPECIAL HEARING AND \* BALTIMORE COUNTY  
SPECIAL EXCEPTION ON PROPERTY \*  
LOCATED ON THE SOUTH SIDE OF \*  
BALTIMORE NATIONAL PIKE, 225' \*  
WEST OF WEST SIDE WINTERS LA. \*  
(6009 BALTIMORE NATIONAL PIKE) \*  
1ST ELECTION DISTRICT \*  
1ST COUNCILMANIC DISTRICT \*  
HARRY WALLER, PLAINTIFF \* File No. 90-CG-3122  
ZONING CASE NO. 89-424-SPHX \* Remand File No. 89-CG-2996

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Harry E. Buchheister, Jr., and John G. Disney, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 89-424-SPHX

March 2, 1990 Order of the Circuit Court AFFIRMING County Board of Appeals; REMANDING case to the Board to be heard on merits. (Hon., Joseph F. Murphy)  
Record of Proceedings filed in the Circuit Court on September 6, 1989 (Case No. 89-CG-2996).  
April 3 Case postponed on the record at request of Counsel for Mr. Waller due to recent surgery; reset for June 5, 1990.  
June 5 Hearing before the Board of Appeals.  
July 10 Opinion and Order of the County Board of Appeals GRANTING Petitions with restrictions.  
August 2 Order for Appeal filed in the Circuit Court for Baltimore County by S. Eric DiNenna, Esquire, Counsel for Mr. Waller, Plaintiff; Petition to accompany appeal also filed in Circuit Court.

Kenneth S. Steinbach, File No. 90-CG-3122  
Case No. 89-424-SPHX

August 3, 1990 Certificate of Notice sent to interested parties.  
August 30 Transcript of testimony filed.

Petitioners' Exhibit No. 1 -Letter 8/23/88 to Steinbach from Haines.  
2 -Letter 6/19/87 to N. Gerber from J. Schatz.  
3 -Application for bldg. permit.  
4 -Flat of service garage.  
5 -Letter to Mr. Mahmud from G. Kerns.  
6 -Deed to Steinbach from Tarasca.

Protestants' Exhibit No. 1 -Deed to Waller for property.

August 30 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuzmaul  
Linda Lee M. Kuzmaul, Legal Secretary  
County Board of Appeals, Room 315  
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180

cc: S. Eric DiNenna, Esquire  
Mr. Harry Waller  
G. Warren Mix, Esquire  
Mr. Kenneth S. Steinbach

IN RE: PETITIONS FOR SPECIAL \* BEFORE THE  
HEARING AND SPECIAL \* BOARD OF APPEALS  
EXCEPTION - S/S Baltimore \*  
National Pike, 225' W of \* OF  
the W/S of Winters Lane \*  
(6009 Baltimore National \*  
Pike) \* BALTIMORE COUNTY  
1st Election District \*  
1st Councilmanic District \* Case No.: 89-424-SPHX  
Kenneth S. Steinbach \*  
Petitioner \*

ORDER OF APPEAL

MR. CLERK:

Please enter an Appeal from the decision of the Deputy Zoning Commissioner dated May 24, 1989, to the County Board of Appeals on behalf of:

Mr. Harry Waller  
360 Great Mills Road  
Lexington Park, Maryland 20653

S. ERIC DINENNA  
DINENNA, MANN & BRESCHI  
P.O. Box 10508  
Towson, Maryland 21285-0508  
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12<sup>th</sup> day of June, 1989, a copy of the foregoing Order of Appeal was mailed, postage prepaid, to Warren G. Mix, Esquire, 706 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioner; Phyllis Friedman, People's Counsel, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

S. ERIC DINENNA

IN THE MATTER OF THE \* BEFORE THE  
THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
KENNETH S. STEINBACH \* OF  
FOR A SPECIAL HEARING AND \*  
SPECIAL EXCEPTION ON PROPERTY \*  
LOCATED ON THE SOUTH SIDE OF \*  
BALTIMORE NATIONAL PIKE, 225' \* BALTIMORE COUNTY  
WEST OF WEST SIDE WINTERS LA. \*  
(6009 BALTIMORE NATIONAL PIKE) \* CASE NO. 89-424-SPHX  
1ST ELECTION DISTRICT \*  
1ST COUNCILMANIC DISTRICT \*

OPINION

This case comes before the Board on appeal from the actions of the Deputy Zoning Commissioner granting amendments to a site plan previously approved in Case No. 75-93X, to permit an addition to the existing service garage building, to increase the number of parking spaces and their location. In addition, a special exception was granted to permit a service garage on the property.

This is the second case brought before the Board as a result of the prior hearing before the Deputy Zoning Commissioner. In the prior case before this Board, the Petitioner/Appellee requested that Melvin Avenue be closed at the southern lot line. This request was made because of restriction #4 in the Order of that hearing (see Order of Case No. 89-424-SPHX):

4) Prior to the issuance of any permit Petitioner must make application to Baltimore County for the closing of Melvin Avenue at the southern lot line of the property that adjoins Melvin Avenue.

The closing of Melvin Avenue was granted by Baltimore County and was appealed to this Board, which again granted the request to close Melvin Avenue.

On June 14, 1989, Mr. Harry Waller, through his attorney, S. Eric DiNenna, filed an appeal to the Deputy Zoning Commissioner's decision.

ATTACHMENT A

Kenneth S. Steinbach, Petitioner/Appellee, represented by G. Warren Mix, his attorney, was called as the first witness. Mr. Steinbach restated his request and why he needed to expand his business; that he had been in the auto repair business for 15 years and had owned this property since 1986.

The next witness called was Herbert Malmud, a Certified Land Surveyor. Mr. Malmud testified that Mr. Steinbach was the owner of that portion of Melvin Avenue that is being closed. He further testified to the size of the lot and why the improvements were positioned on this specific lot.

Mr. Barry L. Friedland, a resident of Melvin Avenue to the southwest of Mr. Steinbach's property, testified that the auto repair shop's expansion would not cause any problems; that the expansion would not cause any congestion of the land, cause any traffic problems, or cause any other problems or dangers to the area.

Mr. William Cook was called as a witness for Mr. Steinbach. Mr. Cook testified that he operated a musical instrument repair business across the street from Mr. Steinbach's business. He had been at this site since 1960 and the auto repair business operating at this site had never caused any problems in the area. He further testified that he foresaw no problems or dangers occurring because of the proposed expansion of the auto repair business.

S. Eric DiNenna called Mr. Harry Waller, the Protestant/Appellant. Mr. Waller testified that the expansion of the auto repair business was no great concern to him, but that he

owned half of Melvin Avenue and he needed Melvin Avenue to stay open in order for him to be able to use his commercial property which bordered on Melvin Avenue to its fullest.

Both Mr. Waller and Mr. Steinbach provided the Board with deeds to their respective property in order to prove ownership of Melvin Avenue.

Although this Board does not have jurisdiction over land ownership disputes, a reading of the deeds leads this Board to believe that Mr. Steinbach is the owner of that portion of Melvin Avenue to be closed. The meets and bounds in the Steinbach deed are very clear. In addition, Mr. Steinbach had Herbert Malmud, a Certified Land Surveyor, testify as to Mr. Steinbach's ownership of the part of Melvin Avenue being closed.

After reviewing all of the testimony, exhibits, evidence and arguments presented to the Board, it appears that the use for which the special exception is requested will not be detrimental to the health, safety, or general welfare of the locality; tend to create congestion in roads, streets or alleys therein; create a potential hazard from fire, panic or other dangers; tend to overcrowd land nor cause undue concentration of population; interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; interfere with adequate light and air; be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning regulations; nor be inconsistent with the

impermeable surface and vegetative retention provisions of the zoning regulations.

The Board is of the opinion that the Petition for a Special Hearing to approve amendments to the site plan previously approved in Cases No. 75-93X and 85-232X to permit an addition to the existing service garage building and to increase the number of parking spaces and their location; and a Petition for Special Exception to permit a service garage on the subject property, all in accordance with the Petitioner/Appellee's Exhibit No. 4 should be granted with certain restrictions and will so order.

#### ORDER

IT IS THEREFORE this 10th day of July, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve amendments to the site plan previously approved in Cases No. 75-93X and 85-232X to permit an addition to the existing service garage building and to increase the number of parking spaces and their location, and a Petition for Special Exception to permit a service garage on the subject property, all in accordance with Petitioner's Exhibit No. 4, be and are hereby GRANTED, subject to the following restrictions:

1. Prior to the issuance of any permits, Petitioner must obtain County Review Group (CRG) approval for this project. Petitioner may resubmit a waiver application to the Office of Planning for a determination as to whether or not the waiver granted on June 19, 1987 shall continue and/or whether a full CRG meeting should be held.

2. If the CRG requires changes to the site plan submitted herein, the Petitioner shall submit the approved CRG plan to the Deputy Zoning Commissioner for final approval. It shall not be necessary for

Petitioners to file either a motion or petition to amend if the Deputy Zoning Commissioner finds the revised plan to be within the spirit and intent of the regulations and contains no material changes.

3. Petitioner shall comply with the requirements of the State Highway Administration as set forth in their comments dated April 26, 1989 which have been incorporated into the file.

4. In the event that Melvin Avenue is subsequently closed, Petitioner will provide a minimum of eight (8) parking spaces for the Route 40 access in addition to the nine (9) service bays that would exist with the proposed addition.

5. The owner and all employees of the service garage shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the site.

6. The relief granted herein is limited to the addition of three (3) new service bays subject to the restrictions set forth herein. In the event that Petitioner desires any additional bays within the confines of the proposed addition, such use is not permitted without an additional special exception request for such use.

7. Compliance with the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 29, 1988, attached hereto and made a part hereof.

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

*William T. Hackett*  
William T. Hackett, Chairman

*Harry E. Buchheister, Jr.*  
Harry E. Buchheister, Jr.

*John G. Disney*  
John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION-S/S Baltimore National Pike, 225' W of the W/S of Winters Lane (6009 Baltimore National Pike) 1st Election District 1st Councilmanic District Kenneth S. Steinbach Petitioner

#### MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

On May 24, 1989, the Deputy Zoning Commissioner for Baltimore County rendered a decision granting your Petitioner, Kenneth S. Steinbach, his Petition for Special Hearing to approve amendments to a site plan previously approved to permit an addition to the existing service garage building and to increase the number of parking spaces at the location and further granted a Special Exception to permit a service garage on the subject property. At the time of the Hearing before the Deputy Zoning Commissioner, there were no protestants, nor did anyone testify in opposition thereto nor was any correspondence received in the record from anyone protesting the Petitioner's case. Although Peoples Counsel had entered his appearance in said case, he did not participate nor did he file a timely Appeal to the decision rendered by the Deputy Zoning Commissioner. The only other person present other than the Engineer was Mr. Barry Friedline who testified on behalf of the Petitioner.

On June 14, 1989, an Order for Appeal was filed from the decision of the Deputy Zoning Commissioner to the Board of Appeals by a Mr. Harry Waller. Such an Appeal was filed by his counsel, S. Eric DiNenna, Esquire.

Your Petitioner strongly asserts that Mr. Waller is not an aggrieved party pursuant to the regulations and the case law in the State of Maryland and therefore, has no standing in which to take such an Appeal. The "B" Rules of the Maryland Rules of Procedure set forth the procedures governing Appeals to Courts from the Administrative Agencies. The right of such an Appeal must be authorized by statute regardless of the form of such review. Although it is obviously permissible to file an Appeal from the decision rendered by the Deputy Zoning Commissioner by any person, taxpayer, official, department or board feeling aggrieved, that person, in order to be aggrieved must have been a participant in some manner at the time of the hearing before the Deputy Zoning Commissioner.

A person need not testify before an administrative agency in order to be "a party to the proceeding" before the agency, and indeed there is no requirement that he do so provided that the record shows he was, in fact, a party. See Largo Civic Association vs. Prince George's County, 21 Md App 76 (1974); Port Administration vs. C.J. Langenfelder & Son, 50 Md App 525 (1982).

In cases where a zoning ordinance provides for an Administrative Appeal in accordance with the Maryland Rules of Procedure such as in the case here, a person, in order to be a party to the proceedings before the Board or its hearing officer must be present at the hearing and/or testify as a witness and/or make statements or arguments as to why he is in opposition and/or must submit some type of registration and/or letter to the hearing that he is in opposition to the requested proposal. In the case of Morris vs. Howard Research and Development Corporation, 278 Md App 423, the Court of Appeals indicated as follows;

"bearing in mind that the format for proceedings before administrative agencies is intentionally designed to be informal so as to encourage citizen participation, we think that absent a reasonable agency or other regulation providing for a more formal method of becoming a party, anyone clearly identifying himself to the agency for the record as having an interest in the outcome of the matter being considered by that agency, thereby becomes a party to the proceedings." Such is not the case here. In the case in which Mr. Waller has taken an Appeal, the record of the Deputy Zoning Commissioner will reveal that the property in question was properly posted with the notice for the date of the hearing of Special Exception. Mr. Waller is the owner of the business immediately adjacent to the property and certainly had ample time to participate or to attend the hearing if he so desired. Not only did Mr. Waller nor any representative on his behalf appear at the hearing before the Deputy Zoning Commissioner but he never even sent any type of correspondence to the Deputy Zoning Commissioner that he was the least bit interested in the Petition filed by Mr. Steinbach. Now, after an Order is passed, he suddenly decides he does not like what has been granted and chooses to delay further your Petitioner's plans by filing an Appeal in which he has absolutely no standing whatsoever to do.

In the case of Ginn vs. Farley, 43 Md App 229 (1979), the Court stated "in order to Appeal an Administrative Zoning Board decision in a charter County the party appealing must have been a party before the administrative body (i.e., a signing sheet appears sufficient), and must be aggrieved by the decision, (i.e., where a property right or specific interest is affected differently by a zoning decision than is the general public)."

In order to have standing to Appeal two (2) conditions must be met:

1. Appellant must have been a party to proceeding before the Zoning Body;
2. Appellant must be aggrieved by the decision of the Zoning Body.

This is quoted in the case of Northampton Corporation vs. Prince George's County, 21 Md App 625 (1974). That case also goes on to State that there is no rule or law that mandates that a party in a Zoning case must be present at a hearing before an Examiner, Zoning Board or Counsel, and be subject to Cross Examination in order to be a "aggrieved party" when the record shows he was a party. Such is not the case here involving Mr. Waller as he was never a party in any form, before the Deputy Zoning Commissioner and, therefore, has absolutely no standing whatsoever in order to take this Appeal and your Petitioner moves that said Appeal be dismissed with proper costs.

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER  
706 Washington Avenue  
Towson, Maryland 21204  
(301) 825-1517  
Attorney for Petitioner

# CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 3rd day of July, 1989, a copy of the foregoing was mailed to S. Eric DiNenna, Esquire, P.O. Box 10508, Towson, Maryland 21285-0508.

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER

LAW OFFICE  
TURNBULL, MIX  
& FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204  
825-0700

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION-S/S Baltimore National Pike, 225' W of the W/S of Winters Lane (6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District  
Kenneth S. Steinbach  
Petitioner

## MOTION TO DISMISS APPEAL OF HARRY WALLER, APPELLANT

TO THE HONORABLE, BOARD OF APPEALS OF BALTIMORE COUNTY:

Now comes Kenneth S. Steinbach, Petitioner, by G. Warren Mix and Turnbull, Mix and Farmer, his attorneys, and moves to dismiss the Appeal taken by Harry Waller, dated June 14, 1989 from the decision of the Deputy Zoning Commissioner dated May 24, 1989 and for reasons says:

1. That on May 24, 1989, a decision was rendered by Ann M. Nastarowicz, Deputy Zoning Commissioner for Baltimore County, granting the Petitioner's request for Special Hearing and Special Exception.
2. That on June 14, 1989, a Mr. Harry Waller through his attorney, S. Eric DiNenna, Esquire, filed an Appeal from the above decision of the Deputy Zoning Commissioner to the Board of Appeals.
3. Although the Appeal was timely taken by Mr. DiNenna on behalf of his client, Mr. Waller, it is the position of your Petitioner that the said Harry Waller does not have standing to file such an Appeal.
4. That the Zoning Rules and Regulations permit an Appeal from any decision of the Zoning Commissioner or Deputy Zoning Commissioner by "any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to Appeal therefrom to the Board of Appeals." Although Mr. Waller, obviously, is a person and perhaps is a taxpayer, he cannot feel aggrieved by the decision in that he never participated nor took part in the hearing before the Deputy Zoning Commissioner. The property had properly been posted and there were no protestants at the hearing before the Deputy Zoning Commissioner although there had been an appearance entered by Peoples Counsel. Peoples Counsel did not see fit to take such an Appeal. The record of the Zoning Commissioner clearly indicates that Mr. Waller was not present nor did he participate at the hearing and the only other person who

RECEIVED  
COUNTY CLERK  
89 AUG -1 PM 12:30

LAW OFFICE  
TURNBULL, MIX  
& FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204  
825-0700

received notice of the decision of the Deputy Zoning Commissioner was Mr. Barry L. Friedline, who appeared and testified on behalf of the Petitioner.

5. Therefore, since Mr. Harry Waller, by law, cannot be an aggrieved party, he has no standing in which to file said Appeal and therefore, his Appeal to this Honorable Board should be dismissed.

WHEREFORE, your Petitioner prays that this Honorable Board pass an Order dismissing the Appeal of the said Harry Waller from the decision rendered by the Deputy Zoning Commissioner dated May 24, 1989.

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, Maryland 21204  
(301) 825-1517  
Attorney for Petitioner

## CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 3rd day of July, 1989, a copy of the foregoing was mailed to S. Eric DiNenna, Esquire, P.O. Box 10508, Towson, Maryland 21285-0508.

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER

LAW OFFICE  
TURNBULL, MIX  
& FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204  
825-0700

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION-S/S Baltimore National Pike, 225' W of the W/S of Winters Lane (6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District  
Kenneth S. Steinbach  
Petitioner

## POINTS AND AUTHORITIES IN SUPPORT OF SAID MOTION TO DISMISS

1. Baltimore County Zoning Regulations Section 500.10
2. Rule B3 of the Maryland Rules of Procedure
3. Largo Civic Association vs. Prince George's County, 21 Md App 76 (1974)
4. Morris vs. Howard Research and Development Corporation, 278 Md 417 (1976)
5. Ginn vs. Farley 43 Md App 229 (1979)

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, Maryland 21204  
(301) 825-1517  
Attorney for Petitioner

## CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 3rd day of July, 1989, a copy of the foregoing was mailed to S. Eric DiNenna, Esquire, P.O. Box 10508, Towson, Maryland 21285-0508.

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER

LAW OFFICE  
TURNBULL, MIX  
& FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204  
825-0700

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - S/S Baltimore National Pike, 225' W of the W/S of Winters Lane (6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District  
Kenneth S. Steinbach  
Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve amendments to the site plan previously approved in Case No. 75-93-X to permit an addition to the existing service garage building and to increase the number of parking spaces and their location, and a special exception to permit a service garage on the subject property, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by William E. Hammond, Esquire. Also appearing on behalf of the Petition were Albert M. Steinbach, Petitioner's father; Herbert Malmud, Registered Land Surveyor; and Barry L. Friedline, an adjoining property owner. There were no Protestants.

Testimony indicated that the subject property, known as 6009 Baltimore National Pike, consists of 18,295 sq.ft. zoned B.L., and is improved with a two story service garage and office building. Testimony indicated the subject property was granted a special exception for the existing service garage in Case No. 75-93-X, subject to certain restrictions. Thereafter, the property was granted a special exception in Case No. 85-232-X for the service garage with an amendment to the originally approved site plan to permit an addition to the existing building, subject to certain restrictions. The then property owners appealed the decision

ORDER RECEIVED FOR FILING  
Date 8/1/89  
By Barry J. Friedline

ORDER RECEIVED FOR FILING  
Date 8/1/89  
By Barry J. Friedline

rendered in said case and the Board of Appeals granted the relief requested subject to additional restrictions on August 6, 1985. The Petitioner purchased the subject property in September 1986. No applications were made for any permits to construct the proposed addition until the Summer of 1988, at which time the Zoning Office determined that the special exception previously granted in Case No. 85-232-X had not been utilized within two years of the date of the Order, as required by Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) Petitioner then filed the instant Petitions.

Testimony indicated that the subject property, which is located off of Baltimore National Pike (Route 40) between Melvin Avenue and Winters Lane is the same property as that presented in the 1985 hearing with the addition of Lots 56, 57 and 58, known as 405 Winters Lane, also zoned B.L., which was purchased by Petitioner in February 1985 for the purpose of creating additional parking spaces as shown in Petitioner's Exhibit 1. Testimony presented indicated that the plan is otherwise almost identical to the plan submitted in Case No. 85-232-X, with the exception of a minor reduction in the size of the proposed addition. Testimony further indicated that the Petitioner has voluntarily incorporated the restrictions imposed by the Board of Appeals' Order dated August 6, 1985 and have set forth those conditions on the plan. Mr. Steinbach testified by proffer that all the conditions as delineated in Section 502.1 of the B.C.Z.R. would be satisfied by this project if the special exception were granted. To support his contention that the request would have no adverse effect on the health, safety or general welfare of the community, Petitioner noted the appearance and testimony of Barry J. Friedline, the nearest adjoining residential property owner.

Mr. Friedline testified that he has experienced no problems with the operation of the service garage at the subject location and emphasized Mr. Steinbach's cooperation and interest in knowing the concerns of his neighbors.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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 B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

ORDER RECEIVED FOR FILING  
Date 8/1/89  
By Barry J. Friedline

ORDER RECEIVED FOR FILING  
Date 8/1/89  
By Barry J. Friedline

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of May, 1989 that the Petition for Special Hearing to approve amendments to the site plan previously approved in Case Nos. 75-93-X and 85-232-X to permit an addition to the existing service garage building and to increase the number of parking spaces and their location, and a special exception to permit a service garage on the subject property, all in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, 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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner must obtain County Review Group (CRG) approval for this project. Petitioner may resubmit a waiver application to the Office of Planning for a determination as to whether or not the waiver granted on June 19, 1987 shall continue and/or whether a full CRG meeting should be held.
- 3) If the CRG requires changes to the site plan submitted herein, the Petitioner shall submit the approved CRG plan to the Deputy Zoning Commissioner for final approval. It shall not be necessary for Petitioners to file either a motion or petition to amend if the Deputy Zoning Commissioner finds the revised plan to be within the spirit and intent of the regulations and contains no material changes.
- 4) Prior to the issuance of any permits, Petitioner must make application to Baltimore County for the closing of Melvin Avenue at the southern lot line of the property that adjoins Melvin Avenue.

5) Petitioner shall comply with the requirements of the State Highway Administration as set forth in their comments dated April 26, 1989 which have been incorporated into the file.

6) In the event that Melvin Avenue is subsequently closed, Petitioner will provide a minimum of eight (8) parking spaces for the Route 40 access in addition to the nine (9) service bays that would exist with the proposed addition.

7) The owner and all employees of the service garage shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the site.

8) The relief granted herein is limited to the addition of three (3) new service bays subject to the restrictions set forth herein. In the event that Petitioner desires any additional bays within the confines of the proposed addition, such use is not permitted without an additional special exception request for such use.

9) Compliance with the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated August 29, 1988, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:hjs

- 5 -

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
AND SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
S/S Baltimore Nat'l Pike, 225' :  
W of W/S Winters Lane, 6009 Balt. :  
Nat'l Pike, 1st Election Dist. :  
1st Councilmanic Dist. :  
KENNETH S. STEINBACH, Petitioner : Case No. 89-424-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing date or other proceeding 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  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 15th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Kenneth J. Steinbach, 6009 Baltimore National Pike, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: April 10, 1989  
Posted for: Special Hearing, Special Exception  
Petitioner: Kenneth S. Steinbach  
Location of property: S/S Baltimore National Pike, 225' W of W/S Winters Lane, 6009 Baltimore National Pike  
Location of Sign: South side of Baltimore National Pike in front of subject property  
Remarks:  
Posted by: J. J. Bratton  
Number of Signs: 2  
Date of return: April 14, 1989

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

No. 059132  
DATE: 11 Aug 1988 ACCOUNT: R-01-G15-000  
AMOUNT: \$ 200.00

RECEIVED FROM: SCHWARTZ BROS.  
FOR: Special Hearing + Special Exception

VALIDATION OR SIGNATURE OF CARRIER  
B 610\*\*\*\*\*10000: a 5224F

DATE: 6-15-87 ACCOUNT: R-01-G15-000  
AMOUNT: \$ 100.00

RECEIVED FROM: D. NENNA MANN + BRESCHI  
FOR: APPEAL FILING - CS # 89-424-SPHX

VALIDATION OR SIGNATURE OF CARRIER  
B 610\*\*\*\*\*10000: a 5224F

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

No. 068063  
DATE: 6-21-89 ACCOUNT: R-01-G15-000  
AMOUNT: \$ 105.00

RECEIVED FROM: D. NENNA MANN + BRESCHI  
FOR: APPEAL FILING - CS # 89-424-SPHX

VALIDATION OR SIGNATURE OF CARRIER  
B 610\*\*\*\*\*10000: a 5224F

DATE: 5/2/89 ACCOUNT: R-01-G15-000  
AMOUNT: \$ 106.47

RECEIVED FROM: Kenneth Steinbach  
FOR: APPEAL FILING - CS # 89-424-SPHX

VALIDATION OR SIGNATURE OF CARRIER  
B 610\*\*\*\*\*10000: a 5224F

PETITION FOR SPECIAL EXCEPTION #61

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-424-SPHX

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 Service Garage (as granted in special exception).

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: Legal Owner(s):  
(Type or Print Name) Kenneth J. Steinbach  
Signature (Type or Print Name)  
Address (Type or Print Name)  
City and State Signature  
Attorney or Petitioner: Turnbull, Mix & Farmer, William E. Hammond and Gregory E. Hammond  
(Type or Print Name) Address Phone No.  
Signature City and State  
705 Washington Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Towson, Maryland 21204 Name  
City and State 825-1517 or  
Attorney's Telephone No.: 825-1522 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of MARCH, 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 2nd day of MAY, 1989, at 10:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

EXCISE No. 1 (over)  
SCHEDULED LENGTH OF HEARING - 1/2HR. (1/2HR.)  
AVAILABLE FOR HEARING  
OTHER - NEXT TWO MONTHS  
RECEIVED BY: DATE 3/10/89

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-424-SPHX

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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendments to site plan in Case #75-92-X to provide for an addition to existing service garage building and to increase the number of parking spaces and their location.

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

I, or we, agree to pay expenses of the 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/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: Legal Owner(s):  
(Type or Print Name) Kenneth J. Steinbach  
Signature (Type or Print Name)  
Address (Type or Print Name)  
City and State Signature  
Attorney or Petitioner: Turnbull, Mix & Farmer, William E. Hammond and Gregory E. Hammond  
(Type or Print Name) Address Phone No.  
Signature City and State  
705 Washington Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Towson, Maryland 21204 Name  
City and State 825-1517 or  
Attorney's Telephone No.: 825-1522 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of MARCH, 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 2nd day of MAY, 1989, at 10:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

EXCISE No. 1 (over)  
SCHEDULED LENGTH OF HEARING - 1/2HR. (1/2HR.)  
AVAILABLE FOR HEARING  
OTHER - NEXT TWO MONTHS  
RECEIVED BY: DATE 3/10/89

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208  
TELEPHONE (301) 653-9511

DESCRIPTION FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
CATON AUTO CLINIC  
6009 BALTIMORE NATIONAL PIKE  
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the south side of Baltimore National Pike (U.S. Route 40), 150 feet wide, at a point measured westerly 225.09 feet from the west side of Winters Lane, 40 feet wide, thence leaving said Baltimore National Pike and running the four (4) following courses and distances:

(1) South 10 16' 10" West 18.55 feet;  
(2) South 79 31' 13" East 99.92 feet;  
(3) South 10 10' 00" West 39.95 feet;  
(4) South 79 50' 00" East 99.85 feet to intersect the west side of the said Winters Lane, thence binding on said Lane;

(5) South 09 57' 01" West 40.00 feet, thence leaving Winters Lane and running the four (4) following courses and distances:

(6) North 79 50' 00" West 100.00 feet;  
(7) South 10 10' 00" West 20.24 feet;  
(8) North 79 50' 00" West 140.10 feet;  
(9) North 10 16' 09" East 97.60 feet to intersect the south side of said Baltimore National Pike, thence binding on said Pike;

(10) North 72 22' 39" East 45.26 feet to the place of beginning, Containing 0.42 of an acre of land, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Robert Haines  
Registered Land Surveyor  
Maryland No 7558  
July 28, 1988

FILE: CA DESC 15

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 21204 on the 6th day of May, 1989 at 10:30 a.m.

Petition for Special Hearing and Special Exception  
Case Number: 89-424-SPHX  
S/S Baltimore National Pike, 225' W of W/S Winters Lane, 6009 Baltimore National Pike, 1st Election District  
1st Councilmanic District  
Petitioner(s): Kenneth S. Steinbach  
Hearing Date: Tuesday, May 2, 1989 at 10:30 a.m.

Special Hearing: Amendments to site plan in Case #75-92-X to provide for an addition to existing service garage building and to increase the number of parking spaces and their location. Special Exception: Service Garage (as granted in special exception). In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, determine any required for a day of the issuance of said permit during the appeal period. Such required must be in writing and received in the office by the date of the hearing or above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

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 21204 on the 6th day of May, 1989 at 10:30 a.m.

Petition for Special Hearing and Special Exception  
Case Number: 89-424-SPHX  
S/S Baltimore National Pike, 225' W of W/S Winters Lane, 6009 Baltimore National Pike, 1st Election District  
1st Councilmanic District  
Petitioner(s): Kenneth S. Steinbach  
Hearing Date: Tuesday, May 2, 1989 at 10:30 a.m.

Special Hearing: Amendments to site plan in Case #75-92-X to provide for an addition to existing service garage building and to increase the number of parking spaces and their location. Special Exception: Service Garage (as granted in special exception). In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, determine any required for a day of the issuance of said permit during the appeal period. Such required must be in writing and received in the office by the date of the hearing or above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

Office of  
PATUXENT  
Publishing Company

10750 Little Patuxent Pkwy.  
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: X THE JEFFERSONIAN  
Catonsville Times  
Arbutus Times  
Reporter Weekly  
Booster Weekly  
Owings Mills Flier  
Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for successive weeks before the day of 1989, that is to say, the same was inserted in the issues of

April 6, 1989

PATUXENT PUBLISHING COMPANY

S. Zobe Olson

PO 10915  
NY 12716  
CO 89-424SPHX  
price \$ 76.47

CERTIFICATE OF PUBLICATION OF

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

J. Robert Haines  
Zoning Commissioner

Date: 4/10/89

Kenneth J. Steinbach  
6009 Baltimore National Pike  
Baltimore, Maryland 21228

Re:

Petition for Special Hearing and Special Exception  
CASE NUMBER: 89-424-SPHX  
S/S Baltimore National Pike, 225' W of W/S Winters Lane, 6009 Baltimore National Pike, 1st Election District - 1st Councilmanic District  
Petitioner(s): Kenneth S. Steinbach  
HEARING SCHEDULED: TUESDAY, MAY 2, 1989 at 10:30 a.m.

Dear Mr. Steinbach:

Please be advised that \$106.47 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.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of Baltimore County

JRH:gs  
cc: Turnbull, Mix & Farmer ...  
File

|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| IN THE MATTER OF                      | : | BEFORE                  |
| THE APPLICATION OF                    | : |                         |
| KENNETH S. STEINBACH                  | : | COUNTY BOARD OF APPEALS |
| FOR A SPECIAL HEARING AND SPECIAL     | : |                         |
| EXCEPTION ON PROPERTY LOCATED ON THE: | : | OF                      |
| SOUTH SIDE OF BALTIMORE NATIONAL      | : |                         |
| PIKE, 225' WEST OF THE WEST SIDE OF : | : | BALTIMORE COUNTY        |
| WINTERS LANE (6009 BALTIMORE          | : |                         |
| NATIONAL PIKE)                        | : | CASE NO. 89-424-SPHX    |
| 1st ELECTION DISTRICT                 | : |                         |
| 1st COUNCILMANIC DISTRICT             | : |                         |

: : : : : : : : : : : : : : : : : : : : : :

RULING ON MOTION TO DISMISS APPEAL  
OF HARRY WALLER, APPELLANT

The Board has before it from the law offices of Turner, Mix & Farmer a Motion to Dismiss the Appeal of Harry Waller in Case No. 89-424-SPHX. Mr. Waller is the owner of the adjoining property to Kenneth S. Steinbach, Petitioner. Mr. Waller actively participated in Case No. CBA-88-137 regarding the closing of Melvin Avenue which affects both properties. Mr. Waller has appealed the Board's ruling in Case No. CBA-88-137 to the Circuit Court.

In any decision regarding the Steinbach property, Mr. Waller certainly meets the requirements of an aggrieved party. The cases heard by the Board are of a de novo nature, and anyone who is aggrieved by the decision of this Board or of the Zoning Commissioner is therefore due the right of appeal from that decision. Whether Mr. Waller attended the Deputy Zoning Commissioner's hearing or did not attend the Deputy Zoning Commissioner's hearing is, in the opinion of this Board, not relevant to his right to appeal that decision to this Board.

In consideration of these circumstances, the Board is of the opinion it must deny the Motion to Dismiss the Appeal of Harry Waller and will set the case for hearing in its normal sequence.

Case No. 89-424-SPHX  
Kenneth S. Steinbach

2.

O R D E R

It is therefore this 8th day of August, 1989 that the Motion to Dismiss the Appeal of Harry Waller in Case No. 89-424-SPHX be and the same is DENIED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

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

June 29, 1989



Dennis F. Rasmussen  
County Executive

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

RE: Petition for Special Hearing and Special Exception  
S/S Baltimore National Pike, 225' W of the W/S of Winters Lane  
(6009 Baltimore National Pike)  
1st Election District, 1st Councilmanic District  
KENNETH S. STEINBACK - Petitioner  
Case No. 89-424-SPHX

Dear Board:

Please be advised that on appeal of the above-referenced case was filed in this office on June 14, 1989 by S. Eric DiNenna, Attorney on behalf of Harry Waller. 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: Mr. Kenneth S. Steinback  
2516 Flagg Meadow Court, Finksburg, MD 21048

William E. Hammond, 706 Washington Avenue, Towson, MD 21204

Appeal - Case No. 89-424-SPHX  
KENNETH S. STEINBACK - Petitioner  
June 29, 1989  
Page 2

S. Eric DiNenna, DiNenna, P.O. Box 10508 Towson, MD 21285-0508

Harry Waller, 360 Great Mills Road, Lexington Park, MD 20653

Albert M. Steinbach  
6009 Baltimore National Pike, Baltimore, MD 21228

Herbert Malmud, 100 Church Lane, Baltimore, MD 21208

Barry L. Friedline, 415 Melvin Avenue, Baltimore, MD 21228

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

#### APPEAL

Petition for Special Hearing and Special Exception  
S/S Baltimore National Pike, 225' W of the W/S of Winters Lane  
(6009 Baltimore National Pike)  
1st Election District - 1st Councilmanic District  
KENNETH S. STEINBACK - Petitioner  
Case No. 89-424-SPHX

Petitions for Special Hearing and Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat to accompany Petitions

2) Copy of letter from Director of Planning regarding the waiver of CRG Plan

3) Copy of Deed for lots 56, 57, and 58 of McDonough Heights

Deputy Zoning Commissioner's Order dated May 24, 1989 (Granted with Restrictions)

Notice of Appeal received June 14, 1989 from S. Eric DiNenna, Attorney on behalf of Harry Waller.

cc: Mr. Kenneth S. Steinback  
2516 Flagg Meadow Court, Finksburg, MD 21048

William E. Hammond, 706 Washington Avenue, Towson, MD 21204

S. Eric DiNenna, DiNenna, P.O. Box 10508 Towson, MD 21285-0508

Harry Waller, 360 Great Mills Road, Lexington Park, MD 20653

Albert M. Steinbach  
6009 Baltimore National Pike, Baltimore, MD 21228

Herbert Malmud, 100 Church Lane, Baltimore, MD 21208

Barry L. Friedline, 415 Melvin Avenue, Baltimore, MD 21228

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

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

July 10, 1990

RECEIVED  
JUL 11 1990

ZONING OFFICE

S. Eric DiNenna, Esquire  
Post Office Box 10508  
Towson, MD 21285-0508

RE: Case No. 89-424-SPHX  
Kenneth S. Steinbach

Dear Mr. DiNenna:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Mr. Harry Waller  
G. Warren Mix, Esquire  
William E. Hammond, Esquire  
Mr. Kenneth S. Steinbach  
Mr. Albert M. Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

August 23, 1989

S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
P.O. Box 10508  
Towson, Maryland 21285-0508

Re: Case No. 89-424-SPHX  
Kenneth S. Steinbach

Dear Mr. DiNenna:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Encl.

cc: Mr. Harry Waller  
Albert M. Steinbach  
Herbert Malmud  
Barry L. Friedline  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

August 3, 1990

G. Warren Mix, Esquire  
Turnbull, Mix & Farmer  
706 Washington Avenue  
Towson, Maryland 21204

Re: Case No. 89-424-SPHX (Kenneth S. Steinbach)

Dear Mr. Mix:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Enclosure

cc: Mr. Kenneth S. Steinbach  
William E. Hammond, Esquire  
Mr. Albert M. Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

November 29, 1991

DiNenna and Breschi  
Suite 600, Mercantile Building  
409 Washington Avenue  
Towson, Maryland 21204

Re: Case No. 89-424-SPHX (Kenneth S. Steinbach)

Gentlemen:

Enclosed please find a copy of the final Opinion and Order, pursuant to the Circuit Court Remand, issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Enclosure

cc: Mr. Harry Waller  
G. Warren Mix, Esquire  
William E. Hammond, Esquire  
Mr. Kenneth Steinbach  
Mr. Albert Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields  
Pat Keller  
Lawrence E. Schmidt  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director  
Zoning Administration

RECEIVED  
DEC 2 1991

ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

September 12, 1988

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

Re: Property Owner: Kenneth J. Steinbach

Location: S/S of Balto. Nat'l. Pike, 225' W. of W/S of Winters Lane  
Item No.: 61

Zoning Agenda: Meeting of 8/30/88

Gentlemen:

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

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional fire hydrant required at entrance on Rt. 40.

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

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

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

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

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

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

REVIEWER: *John F. O'Neil* NOTED & APPROVED: *John F. O'Neil*  
Planning & Zoning Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: 5/2/89  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-424-SPHX  
Item No. 61

Re: Kenneth J. Steinbach

The Petitioner requests a special exception for a service garage and a special hearing to approve an expired special exception (Case No. 85-232-X). In reference to this request, staff offers the following comment:

This office has serious concerns regarding the building layout, site circulation, parking layout, setbacks adjacent to residential zone and use, and landscaping. Due to the nature and extent of these concerns, this office recommends deferral of a decision until a CRG meeting is held and determined.

A:5289.txt pg. 1

RECEIVED  
MAY 1 1989  
ZONING OFFICE



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 424-3180 887-3180

HEARING ROOM - Room 301,  
County Office Building

April 3, 1990  
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. 89-424-SPHX KENNETH S. STEINBACH  
S/s Baltimore National Pike, 225' W of W/s  
Winters Lane (6009 Baltimore National Pike)  
1st Election District; 1st Councilmanic District  
SE -Service Garage  
SPH -Addition to existing service garage  
and increased parking spaces  
5/24/89 - D.Z.C.'s Order which GRANTED  
Petitions with restrictions

which had been scheduled for hearing on April 3, 1990 was POSTPONED on the record at the request of Counsel for Appellant and rescheduled to the mutually agreed-to date of June 5, 1990 at 11:30 a.m.; and has been

REASSIGNED FOR: TUESDAY, JUNE 5, 1990 at 11:30 a.m.

cc: Mr. Kenneth S. Steinbach Petitioner /Appellee  
G. Warren Mix, Esquire Counsel for Petitioner /Appellee  
William E. Hammond, Esquire " " "  
Mr. Harry Waller Appellant /Protestant  
S. Eric DiNenna, Esquire Counsel for Appellant /Protestant  
Mr. Albert M. Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk -Zoning  
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 424-3180 887-3180

HEARING ROOM -  
Room 301, County Office Bldg.

September 26, 1989  
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. 89-424-SPHX KENNETH S. STEINBACH  
S/s Baltimore National Pike, 225' W of the  
W/s of Winters La. (6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District

SE: service garage  
SPH: addition to existing service garage and  
increased parking spaces

5/24/89 - D.Z.C.'s Order GRANTING Petitions  
with restrictions

ASSIGNED FOR: THURSDAY, JANUARY 18, 1990 at 10:00 a.m.

cc: Mr. Kenneth S. Steinbach Petitioner  
G. Warren Mix, Esquire Counsel for Petitioner  
William E. Hammond, Esquire " " "  
Mr. Harry Waller Appellant  
S. Eric DiNenna, Esquire Counsel for Appellant  
Mr. Albert M. Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
People's Counsel for Baltimore County  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

RECEIVED  
SEP 27 1989  
ZONING OFFICE

LindaLee M. Kuszmaw  
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 424-3180 887-3180

HEARING ROOM -  
Room 301, County Office Bldg.

October 26, 1989  
NOTICE OF POSTPONEMENT AND REASSIGNMENT

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. 89-424-SPHX KENNETH S. STEINBACH  
S/s Baltimore National Pike, 225' W of the  
W/s Winters Lane (6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District

SE: service garage  
SPH: addition to existing service garage and  
increased parking spaces

5/24/89 - D.Z.C.'s Order GRANTING Petitions  
with restrictions

which was assigned for hearing on January 18, 1990 has been POSTPONED at the request of Counsel for Petitioner and with no objection by Counsel for Appellant has been

REASSIGNED FOR: TUESDAY, APRIL 3, 1990 at 10:00 a.m.

cc: Mr. Kenneth S. Steinbach Petitioner  
G. Warren Mix, Esquire Counsel for Petitioner  
William E. Hammond, Esquire " " "  
Mr. Harry Waller Appellant  
S. Eric DiNenna, Esquire Counsel for Appellant  
Mr. Albert M. Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

RECEIVED  
OCT 30 1989  
ZONING OFFICE

LindaLee M. Kuszmaw  
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

Hearing Room -  
Room 301, County Office Bldg. August 21, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH 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. 89-424-SPHX KENNETH S. STEINBACH  
S/s Baltimore National Pike, 225'  
W of W/s of Winters Lane  
(6009 Baltimore National Pike)  
1st Election District  
1st Councilmanic District  
SPH -Addition to existing service garage  
and increased parking spaces; and  
SE -Service garage  
7/10/90 -Order of Board of Appeals  
GRANTING Petitions w/restrictions  
12/6/90 -Order of Circuit Court REMANDING  
to Board of Appeals

which was scheduled for hearing on October 18, 1991 has been POSTPONED at the request of Counsel for Petitioner and has been

REASSIGNED FOR: THURSDAY, NOVEMBER 21, 1991 AT 10:00 a.m.

cc: S. Eric DiNenna, Esquire Counsel for Appellant/Protestant  
Mr. Harry Waller Appellant/Protestant  
G. Warren Mix, Esquire Counsel for Petitioner  
William E. Hammond, Esq. " " "  
Mr. Kenneth S. Steinbach Petitioner  
Mr. Albert Steinbach  
Mr. Herbert Malmud  
Mr. Barry L. Friedline  
P. David Fields, Pat Keller  
Public Services  
J. Robert Haines, Timothy M. Kotroco  
James E. Dyer, W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of  
Zoning Administration

LindaLee M. Kuszmaw  
Legal Secretary

KENNETH S. STEINBACH  
S/s Baltimore National Pike, 225' W of W/s  
of Winters Lane  
(6009 Baltimore National Pike)

CASE NO. 89-424-SPHX  
1st District

Appealed: 6/14/89

KENNETH S. STEINBACH #89-424-SPHX  
S/s Baltimore National Pike, 225' 1st Election District  
W of W/s of Winters La. 1st Councilmanic District  
(6009 Baltimore National Pike)

SPH-Addition to existing service garage and increased parking  
spaces; AND SE-Service Garage

March 22, 1989

Petition filed by Turnbull, Mix & Farmer on  
behalf of Mr. Kenneth S. Steinbach for  
Special Hearing to approve amendments to  
site plan in Case No. 75-93-X to provide for  
an addition to existing service garage  
building and to increase the number of  
parking spaces and their location.

March 22, 1989  
Petition also filed for Special Exception  
for service garage (area granted in expired  
case no. 85-232-X plus additional requested  
area not included in expired special  
exception).

May 24  
Order of the Deputy Zoning Commissioner that  
Petition for Special Hearing and Petition  
for Special Exception are GRANTED with  
restrictions.

June 14  
Order for Appeal received from S. Eric  
DiNenna, Esquire on behalf of Mr. Harry  
Waller, Protestant/Appellant.

August 1  
Motion to Dismiss Appeal of Harry Waller  
filed with the Board of Appeals by G. Warren  
Mix, Esquire, Counsel for Mr. Steinbach.

August 8  
Ruling of the Board on Motion to Dismiss  
Appeal of Harry Waller DENYING said Motion.

August 23  
Order for Appeal filed in the Circuit Court  
for Baltimore County by G. Warren Mix,  
Esquire, Counsel for Mr. Steinbach.

September 6  
Record of Proceedings filed in the Circuit  
Court for Baltimore County (Case No. 89-  
CG-2956).

March 2, 1990  
Order of the Circuit Court AFFIRMING County  
Board of Appeals; REMANDING case to the  
Board to be heard on merits. (Hon., Joseph  
F. Murphy)

July 10  
Opinion and Order of the County Board of  
Appeals GRANTING Petitions with  
restrictions.

KENNETH S. STEINBACH #89-424-SPHX  
S/s Baltimore National Pike, 225' 1st Election District  
W of W/s of Winters La. 1st Councilmanic District  
(6009 Baltimore National Pike)

SPH-Addition to existing service garage and increased parking  
spaces; AND SE-Service Garage

August 2, 1990

Order for Appeal filed in the Circuit Court  
for Baltimore County by S. Eric DiNenna,  
Esquire, Counsel for Mr. Waller, Plaintiff;  
Petition to accompany appeal also filed in  
Circuit Court.

August 3  
Certificate of Notice sent to interested  
parties.

AUGUST 30  
Transcript of testimony filed; Record of  
Proceedings filed in the Circuit Court for  
Baltimore County.

December 6  
Order of CCT REMANDING case to Board for further  
testimony. (The Hon. Christian M. Kahl).

July 22, 1991  
-Letter from G. Warren Mix, Counsel for Mr. Steinbach, requesting  
that matter be scheduled for additional testimony per Cct's Order.  
T/C to S. DiNenna's office; he will provide copy of his Memorandum  
filed in Circuit Court by him (referenced in Judge Kahl's Order).

PAGE 2

10/26/89 - Notice of Postponement and Reassignment sent to above parties reset for April 3, 1990 at 10:00 a.m.

3/2/90 - Order of the CCT, ECo AFFIRMING C.B. of A. (Joseph F. Murphy, The Hon.)

4/03/90 - POSTPONED on the record at request of Counsel for Appellant due to illness of Appellant and recent surgery; reset to June 5, 1990. Above parties notified of date

*Karen M. Murray*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

RECEIVED  
JUN 14 1983  
ZONING OFFICE  
(O.K.-aw)

DiNENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

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

GERALDINE A. KLAUBER  
FRANCIS X. BORGERDING, JR.

P.O. BOX 10500  
TOWSON, MARYLAND 21285-0500

SUITE 600  
MERCANTILE TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

(301) 296-6820  
TELEFAX (301) 296-6884

June 15, 1989

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

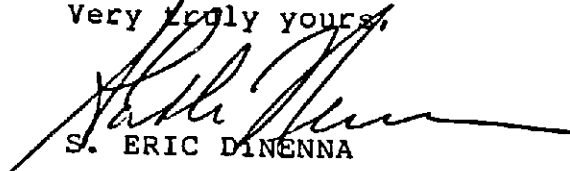
RE: Case No.: 89-424SPHX

Dear Mr. Commissioner:

By letter of June 13, 1989 and by pleading of even date, an Order of Appeal was filed in the above-captioned matter on behalf of my client.

I enclosed a check in the amount of \$100.00 and I have been informed that I inadvertently did not include another \$105.00 for the total cost of the Appeal.

Accordingly, enclosed herewith please find my check in the amount of \$105.00 covering the additional cost of the Appeal.

Very truly yours,  
  
S. ERIC DiNENNA

SED:cjc  
Enclosure  
cc: Mr. Harry Waller  
Warren Mix, Esquire  
Phyllis Friedman, Esquire

RECEIVED  
COUNTY BOARD OF ADJUTANTS  
91 JUL 24 PM 12:52

RECEIVED  
COUNTY BOARD OF APPEALS  
91 JUL 22 PM 2:27

RECEIVED  
COUNTY BOARD OF APPEALS  
91 JUL 31 PM 12:51

[illegible]

PP - 11/21/91  
Thurs @ 10<sup>00</sup>

Form CA4

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
 ASSIGNMENT OFFICE  
 COUNTY COURTS BUILDING  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, Maryland 21285-6754

**Kathy Rushlon — 887-2660**  
 Jury Assignments—Civil  
 General Settlement Conferences

**Irene Summers — 887-2660**  
 Civil Assignment Commissioner

**Tina Campbell — 887-2661**  
 Non-Jury Assignments—Civil  
 Special Settlement Conferences

TO: **G. WARREN MIX, ESQ.**  
**SEPTEMBER 11, 1989**  
**COUNTY BOARD OF APPEALS**  
**S. ERIC DI NENNA, ESQ.**

RE: **NON JURY — 89-CG-2996 — IN THE MATTER OF KENNETH S. STEINBACH**

HEARING DATE: **TUESDAY, JANUARY 9, 1990 @ 9:30 a.m.**

ON THE FOLLOWING: **APPEAL: 1/2 hour**

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendar. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 12 AM 11:48

Form CA4

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
 ASSIGNMENT OFFICE  
 COUNTY COURTS BUILDING  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, Maryland 21285-6754

**Kathy Rushlon — 887-2660**  
 Jury Assignments—Civil  
 General Settlement Conferences

**Irene Summers — 887-2660**  
 Civil Assignment Commissioner

**Margo Tyler — 887-2661**  
 Non-Jury Assignments—Civil  
 Special Settlement Conferences

TO: **S. Eric Dinenna, Esq.**  
**County Board of Appeals**  
**Arnold Jablon, Esq.**  
**Warren Mix, Esq.**

RE: **NON JURY 90-CG-3122 IN THE MATTER OF — KENNETH S. STEINBACH**

HEARING DATE: **WEDNESDAY, DECEMBER 5, 1990 @ 9:30 A.M.**

ON THE FOLLOWING: **APPEAL: 1 HOUR**

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendar. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 20 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 20 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

RECEIVED  
 COUNTY BOARD OF APPEALS  
 90 SEP 21 PM 12:09

**89-424-SPHX**  
**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  
 22nd day of March, 1989.

**J. Robert Haines**  
 Zoning Commissioner

Petitioner: **Kenneth J. Steinbach**  
 Petitioner's Attorney: \_\_\_\_\_

Received by: **James E. Dyer**  
 Chairman, Zoning Plans  
 Advisory Committee

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

**J. Robert Haines**  
 Zoning Commissioner

**March 15, 1989**

**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:

Petitions for Special Hearing and Special Exception  
 CASE NUMBER: 89-424-SPHX  
 S/S Baltimore National Pike, 225' W of W/S Winters Lane  
 6009 Baltimore National Pike  
 1st Election District - 1st Councilmanic  
 Petitioner(s): Kenneth S. Steinbach  
 HEARING SCHEDULED: TUESDAY, MAY 2, 1989 at 10:30 a.m.

Special Hearings Amendments to site plan in Case #75-93-X to provide for an addition to existing service garage building and to increase the number of parking spaces and their location.  
 Special Exception Service Garage (area granted in expired Case 85-232-X plus additional requested area not included in expired special exception).

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**  
 Zoning Commissioner of Baltimore County

cc: Kenneth J. Steinbach  
 Turnbull, Mix, & Farmer,....  
 File

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

April 17, 1989

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

000

Mr. Kenneth J. Steinbach  
 6009 Baltimore National Pike  
 Baltimore, MD 21228

RE: Item No. 61, Case No. 89-424-SPHX  
 Petitioner: Kenneth J. Steinbach  
 Petition for Special Exception and  
 Special Hearing

MEMBERS  
 Bureau of Engineering  
 Department of Traffic Engineering  
 State Roads Commission  
 Bureau of Fire Prevention  
 Health Department  
 Project Planning  
 Building Department  
 Board of Education  
 Zoning Administration  
 Industrial Development

Dear Mr. Steinbach:

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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
**James E. Dyer**  
 JAMES E. DYER  
 Chairman  
 Zoning Plans Advisory Committee

JED:jw

Enclosures

**1908 - 1988**  
**SHA**  
**20 YEARS OF SERVICE**

**Maryland Department of Transportation**  
**State Highway Administration**

**Richard H. Trainor**  
 Secretary  
**Hal Kassoff**  
 Administrator

August 31, 1988

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

Re: Baltimore County  
 Caton Auto Clinic  
 Zoning Meeting of 8-30-88  
 S/S Baltimore National  
 Pike (Route 40-W) 225'  
 West of Winters Lane  
 (Item #61)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal of Caton Auto Clinic, we find the plan must be revised to show a 25' entrance.

This entrance is to use the existing curb and gutter at the western property line and construct a 25' entrance eastward.

Also, we recommend a permanent barrier be placed along the property line at Melvin Avenue so as to prevent vehicles on Melvin Avenue from using this entrance.

It is requested these revisions be made prior to a hearing date being set.

If you have any questions, please call Larry Brocato at 333-1350.

Very truly yours,  
**Creighton J. Mills, Jr.**  
 Creighton J. Mills, Jr., Chief  
 Bureau of Engineering  
 Access Permits

LB:maw

cc: H. Malmud & Assoc., Inc.  
 Mr. J. Ogle

RECEIVED  
 SEP 7 1988  
 ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
 707 North Calvert St., Baltimore, Maryland 21203-0717

**89-424-SPHX** **10:30**

**SHA**

**Maryland Department of Transportation**  
**State Highway Administration**

**Richard H. Trainor**  
 Secretary  
**Hal Kassoff**  
 Administrator

**RECEIVED**  
 MAY 1 1989

**ZONING OFFICE**

April 26, 1989

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

Re: Baltimore County  
 Caton Auto Clinic  
 Zoning Meeting of 8-30-88  
 S/S Baltimore National  
 Pike (Route 40-W)  
 225' West of Winters Lane  
 (Item #61)

Attn: Mr. James Dyer

Dear Mr. Haines:

We are forwarding revised comments concerning the permanent barrier at Melvin Avenue.

We are agreeable to the development of this site prior to closing Melvin Avenue, however, once this public street is formally closed, we will require a permanent barrier be placed along the property line at Melvin Avenue.

If you have any questions, please call Larry Brocato at 333-1350.

Very truly yours,  
**Charles J. Hill**  
 Charles J. Hill, Jr., Chief  
 Engineering Access Permits  
 Division

LB:maw

cc: Mr. Ken Steinbach  
 Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
 707 North Calvert St., Baltimore, Maryland 21203-0717

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

**J. Robert Haines**  
 Zoning Commissioner

**May 24, 1989**

**William E. Hammond, Esquire**  
 706 Washington Avenue  
 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
 S/S Baltimore National Pike, 225' W of the W/S of Winters Lane  
 (6009 Baltimore National Pike)  
 1st Election District - 1st Councilmanic District  
 Kenneth J. Steinbach - Petitioner  
 Case No. 89-424-SPHX

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,  
**ANN M. NASTAROWICZ**  
 Deputy Zoning Commissioner  
 for Baltimore County

AMN:bjs

cc: Mr. Barry L. Friedline  
 415 Melvin Avenue, Baltimore, Md. 21228

People's Counsel  
 File

1. The applicant has applied to Baltimore County for a building permit for the proposed addition to the property at 6009 Baltimore National Pike.

2. In the event that the subject property is not subsequently closed, the applicant will provide a minimum of eight parking spaces for the proposed addition to the property.

3. That the owner and all employees of the service station shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the subject property.

4. This Order specifically approves three (3) new bays only subject to the within restrictions. In the event that the applicant desires any additional bays within the confines of the proposed addition, such a use is not permitted absent an additional special exception for such use.

**GENERAL CONSTRUCTION NOTES**

1. TOPOGRAPHIC SURVEY DATED JAN. 1988
2. CONSTRUCTION SHALL OBTAIN ALL PERMITS FROM BALTIMORE COUNTY
3. ALL EXCAVATIONS TO THE SUB-LEVEL SHALL BE REPAIRED AT THE CONSTRUCTION'S EXPENSE
4. PROPOSED SITE CONSTRUCTION
  - A. PROPOSED CURB SHALL BE BALTIMORE COUNTY "PORTABLE CURB" (SEE DETAIL 10-2-1) USING NO. 40 IRON, 24"
  - B. PROPOSED PARKING LOT PAVING SHALL BE 1" 12" BITUMINOUS CONCRETE (NO. 100, 1000 - 100) ON 4" 12" BASE (NO. 100, 1000 - 100) ON 4" 12" BASE
  - C. CONCRETE - 4" AND 12" THICKNESS WITHIN THE 12" THICKNESS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SHA PERMIT AND SPECIFICATIONS
5. PARKING SPACE - 12' WIDE MINIMUM WITHIN THE 12' THICKNESS SHALL BE PAVED WITH 12" THICKNESS BITUMINOUS CONCRETE (NO. 100, 1000 - 100) ON 4" 12" BASE
6. CONTRACTOR SHALL CALL "MISS UTILITY" 24 HOURS PRIOR TO STARTING CONSTRUCTION

DATE: \_\_\_\_\_ REVISION: \_\_\_\_\_

**PLAT TO ACCOMPANY APPLICATION FOR SPECIAL HEARING & SPECIAL EXEMPTION**

**CATON AUTO CLINIC**

**PROPOSED ADDITION**

**6009 BALTIMORE NATIONAL PIKE**

**ELECTION DIST. NO. 1**

**CATONSVILLE BALTIMORE CO., MD**

**SCALE: 1"=20' DATE: JUNE 22, 1988**

Prepared By: **H. MALMO & ASSOCIATES, INC.** DRAWING NO. \_\_\_\_\_

Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3211

Norman E. Gerber  
Director

June 19, 1987

Mr. John F. Schatz  
400 Frederick Road  
Baltimore, Maryland 21228

Re: Canton Auto Clinic  
6009 Baltimore National Pike  
W-87-185

Dear Mr. Schatz:

We have reviewed your waiver application for the above property and have determined that a waiver of CRG Plan and CRG (meeting/process) would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51). Should you have any questions, please contact David Fields, Acting Chief, Current Planning and Development at 494-3333.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,  
SIGNED: *Norman E. Gerber*

Norman E. Gerber, AICP  
Director of Planning and Zoning

NEG:rh

cc: James A. Markle  
Edward A. McDonough  
File

**PETITIONER'S EXHIBIT 2**

**BALTIMORE NATIONAL PIKE (66 ROUTE 40)**

**MELVIN AVENUE**

**WINTERS LANE**

**PROPOSED ADDITION**

**GENERAL NOTES**

1. The applicant has applied to Baltimore County for a building permit for the proposed addition to the property.
2. In the event that the subject property is not subsequently closed, the applicant will provide a minimum of eight parking spaces for the proposed addition to the property.
3. That the owner and all employees of the service station shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the subject property.
4. This Order specifically approves three (3) new bays only subject to the within restrictions. In the event that the applicant desires any additional bays within the confines of the proposed addition, such a use is not permitted absent an additional special exception for such use.

**PLANS APPROVED**

**NOTE-ESTIMATED SEWAGE FLOW**

**3 BAY X 100 GAL/DAY = 300 GAL**

**PLAT TO ACCOMPANY APPLICATION FOR BUILDING PERMIT**

**BUILDING PERMIT**

**MELVIN AVENUE & 0.3 ROUTE 40**

**ELECTION DISTRICT NO. 1 BALTIMORE CO. MARYLAND**

**SCALE 1"=20'**

**NOV 25, 1986**

**REV. 4/15/87**

**REV. 4/15/87**

**REV. 4/15/87**

**11-21-87**

**11-21-87**

**11-21-87**

KGF 503-55,963

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

**PETITIONER'S EXHIBIT 3**

This Deed, Made This Fifth day of February

in the year one thousand nine hundred and eighty five by and between

JACOB H. FRANCE, JR.,

of Baltimore County, Maryland, party of the first part, and

KENNETH JOHN STEINBACH, party of the second part.

Witnesseth, That in consideration of the sum of TWENTY SIX THOUSAND NINE HUNDRED DOLLARS (\$26,900.00), THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

the said party of the first part

do as grant and convey to the said party of the second part, his

personal representatives successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED AS Lots Nos. 56, 57, and 58, Block A, of McDonough Heights, as shown on a Plat of McDonough Heights, which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book WFC No. 5, folio 69.

SAVING AND EXCEPTING, HOWEVER, all that property described in a Deed dated November 24, 1971 and recorded among the Land Records of Baltimore County, Maryland at Liber 5242, folio 196, for the County Highway Administration.

THE said property having a street address of 405 Winters Lane.

BEING THE SAME PROPERTY described in a Deed dated October 3, 1982 and recorded among the Land Records of Baltimore County, Maryland at Liber 6706, folio 137, from K & S Development, a Maryland General Partnership, also and correctly known as K & S Developers, a Maryland General Partnership, to Jacob H. France, Jr., the party of the first part herein.

ASSIGNED TO & RECEIVED

CLERK DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

SIGNATURE DATE

B 8132\*\*\*\*\*3060\* 3112A

BALTIMORE NATIONAL PIKE  
(U.S. ROUTE 40)

EAST BOUND  
LANE

SHOULDER

ZONED BL

SERVICE STATION  
CASE NO. 93-141 FAX

ENTRANCE TO  
REMAIN OPEN  
SO AS TO ALLOW  
ACCESS FROM  
MELVIN AVENUE

PLANS APPROVED  
OFFICE OF PLANNING & ZONING  
BY [Signature]  
DATE 2/14/86  
BY [Signature]  
ZONING COMMISSIONER  
DATE 2/14/86

Calvin E. Hudkins  
11-20-84



HUDKINS ASSOCIATES, INC.  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204

C-003-86

MELVIN AVENUE

AVENUE

ZONED BL

SERVICE STATION

N 79° 50' 00" W 100.00'

MUSIC WORKSHOP

N 79° 50' 00" W 100.00'

7 EXIST. SPACES

EX. PAVING

EX. CHAIN GATE

EX. 40' RW

ZONED BL

ZONED DR 16

EX. 6' HIGH WOOD SCREEN FENCE

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

EX. DWLG.

COUNTY HAS THE WHOLE  
LOT DR-16

THIS LOT OWNED  
BY CATON AUTO  
CLINIC  
CHECK ZONING  
USE PARKING

ZONED BL

WINTERS LANE

ZONED BL

ZONED BL

ZONED BL

ZONED BL

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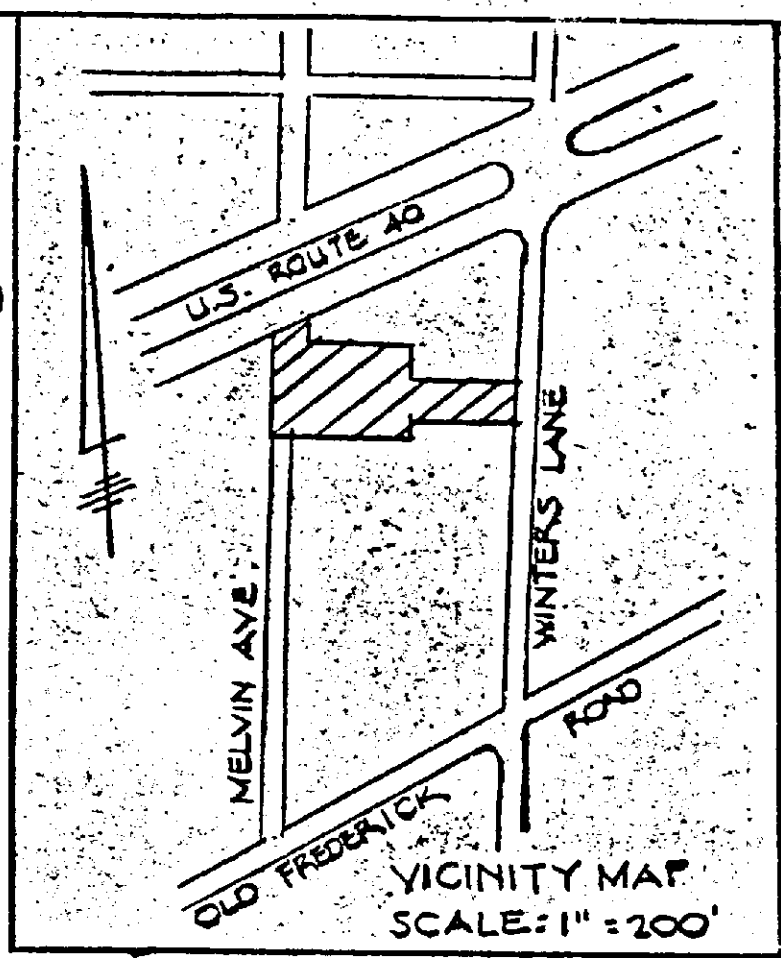
ZONED BL

ZONED BL

ZONED BL

NOTES

1. AREA OF SITE = 0.34 AC
2. EX. ZONING - B.L. AND BL WITH SPECIAL EXCEPTION FOR SERVICE GARAGE (CASE NO. 75-73X ITEM 4T)
3. PROP. ZONING - B.L. WITH SPECIAL EXCEPTION FOR SERVICE GARAGE
4. BLDG. AREA = 2400 S.F. EXIST., 2884 S.F. PROP. (TOTAL 5284 SF)
5. PARKING DATA  
REQUIRED = 5284 SF / 300 = 18 SPACES  
PROVIDED = 12 SPACES + 9 BAYS = 21 SPACES



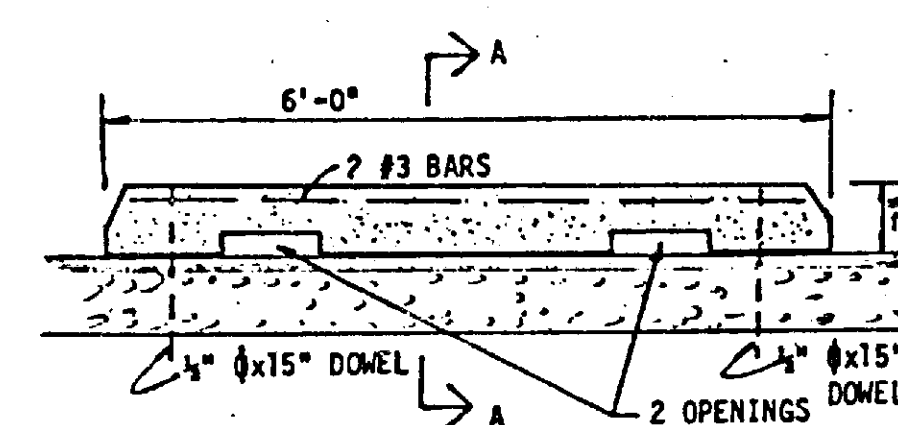
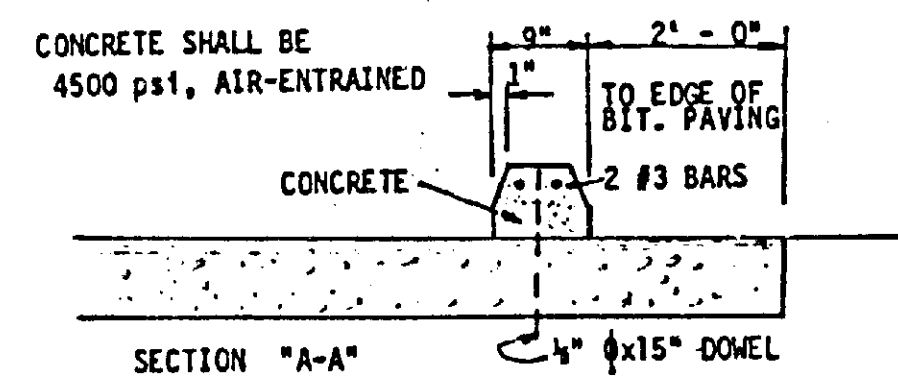
1. Petitioner must obtain approval of the site plan from the County Review Group (CRG).
2. If the County Review Group requires changes to the site plan submitted herein, the Petitioner shall submit the approved CRG plan to the Zoning Commissioner for final approval without the necessity of filing either a motion or petition to amend.
3. A building permit may be issued only after obtaining CRG approval.
4. No petition for a building permit may be issued until Petitioners have applied to Baltimore County for the closing of Melvin Avenue at the southern lot line of property that adjoins Melvin Avenue.
5. In the event that Melvin Avenue is subsequently closed, Petitioners will provide a minimum of eight parking spaces for the Route 40 access in addition to the nine service bays that would exist with the proposed addition.
6. That the owner and all employees of the service station shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the subject property.
7. This Order specifically approves three (3) new bays only subject to the within restrictions. In the event that Petitioners desire any additional bays within the confines of the proposed addition, such a use is not permitted absent an additional special exception for such use.

2) 3 Bay  
Note closing Melvin Avenue  
Ref. drain to Winters  
no easement

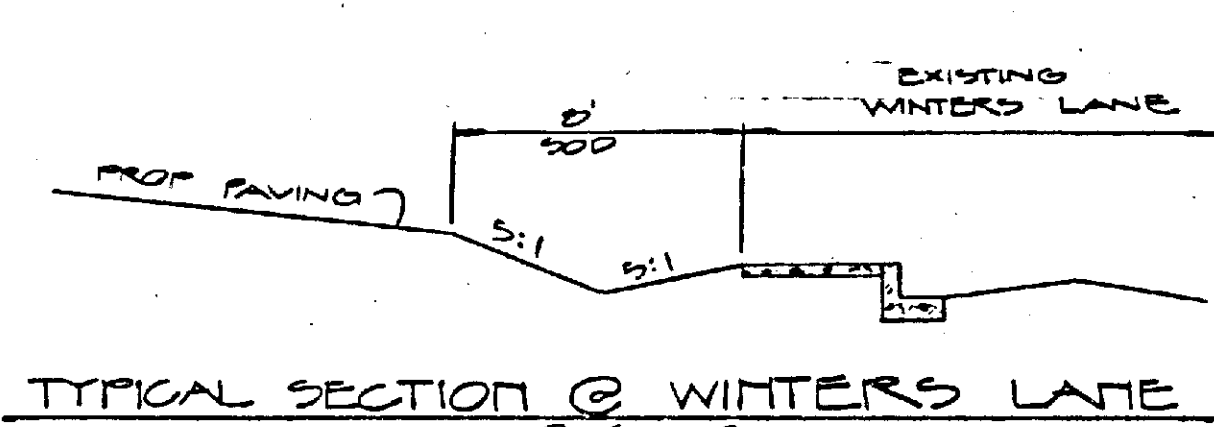
PLAN TO ACCOMPANY APPLICATION  
FOR SPECIAL HEARING AND  
SPECIAL EXCEPTION  
6003 BALTIMORE NATIONAL PIKE  
ELECTION DISTRICT 1  
BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 20' NOV. 19, 1984  
REV. JUNE 6, 1985  
FEB 12, 1986

5042

11-21-91

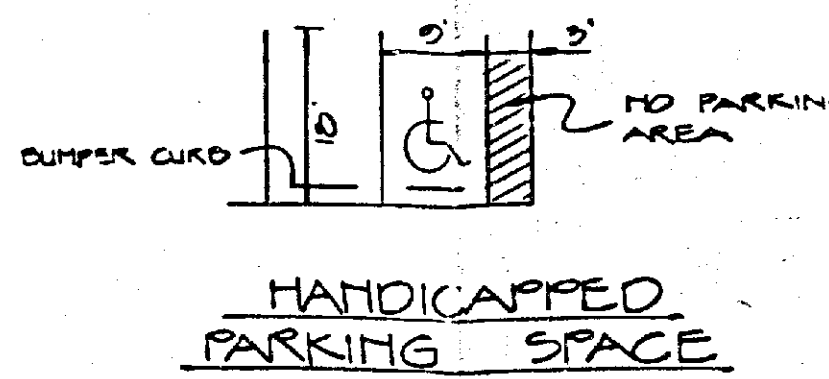
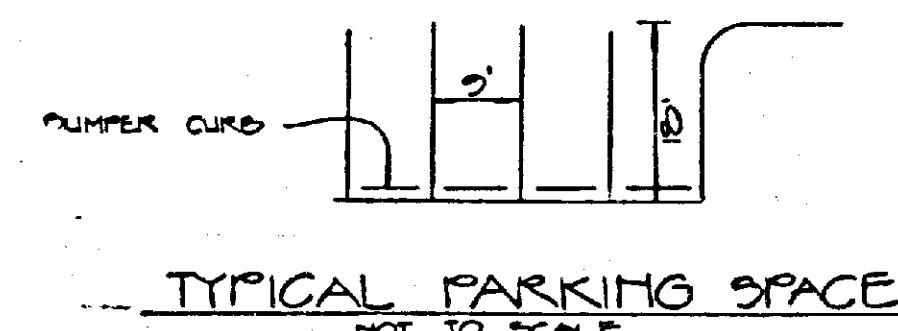
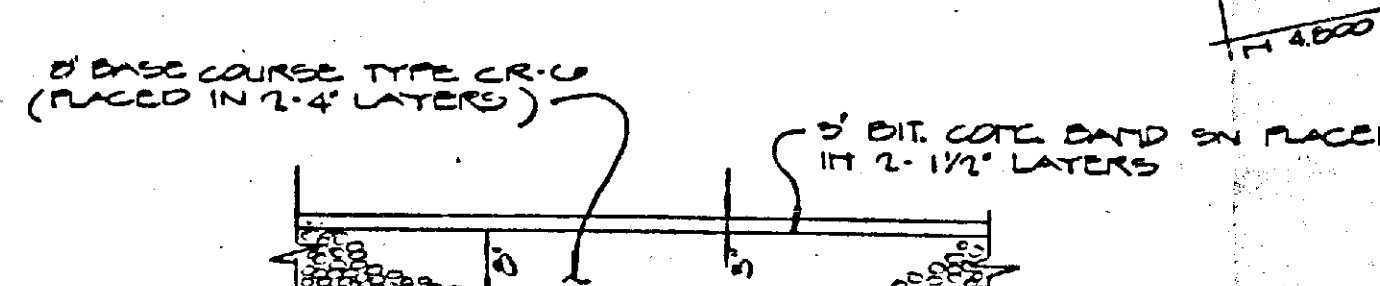


CONCRETE BUMPER CURB



LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- NO PARKING AREA
- PROPOSED PAVING
- PROPOSED ADDITION



NOTE: MELVIN AVENUE ROAD CLOSING HAS BEEN APPLIED FOR (See Note 18)

DEED 2977-0509  
01-19-001230

DEED 2977-0509  
01-19-001230

BARRY J. FRIEDLINE  
DEED 7499-0384  
01-16-000090

BURNEY KEENE  
DEED 2882-0134  
01-11-500000

WM. COOK  
DEED 6625-0175  
01-12-002242

ELMER D. JOHNSON  
405 WINTERS LANE  
DEED 7649-0118  
01-13-007400

WILLIAM ELLERRE  
DEED 6510-0475  
01-18-654020

SITE PLAN

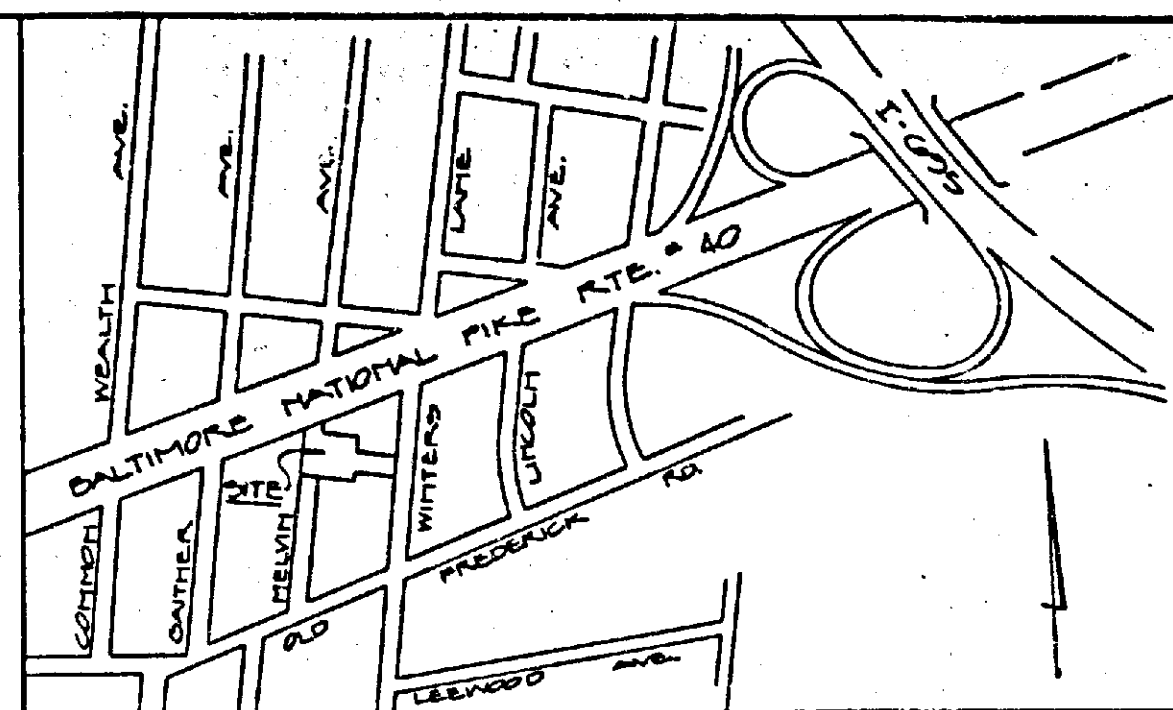
SCALE 1" = 20'

REASON FOR SPECIAL EXCEPTION & HEARING, SEE NOT'S BELOW.

AREA OF SPECIAL EXCEPTION REQUESTED FOR THIS HEARING SHOW SHADED, THUSLY

NOTE: THIS AREA WAS NOT INCLUDED IN CASE 75-73X

AREA SHOWN HATCHED: SPECIAL HEARING NOTE: AMENDMENT 85-232X EXPIRED FOR THIS PORTION.



GENERAL DEVELOPMENT NOTES

1. SITE AREA: APPROX. 18,295 s.f. (0.42 ACRE)
2. EXISTING ZONING: BL
3. DEED REF.: 7335-309
4. TAX ACCT. NUMBER: 16-00-006258 and 16-00-014207
5. COUNCILMANIC DISTRICT: 1, C1
6. CENSUS TRACT: 4007.01
7. WATERSHED: 25
8. EXISTING USE: SERVICE STATION - 4 BAYS - 2,400 s.f.
9. PROPOSED ADDITION: 3 BAYS - 2,798 s.f.
10. PROPOSED USE: SERVICE GARAGE - 7 BAYS - 5,198 s.f.
11. NO BODY, FENDER OR PAINTING TO BE DONE PREMISES.
12. PARKING REQUIREMENTS: 5,198 s.f. / 300 = 17.33 SPACES
13. USE 18 SPACES (INCLUDING 1 N.C.)
14. PARKING PROVIDED: 30 SPACES (INCLUDING 1 N.C.)
15. 21 SPACES OUTSIDE + 9 INSIDE
16. SOILS: C18 - CHILLUM - URBAN LAND COMPLEX 9 TO 5% SLOPE
17. LIMITATIONS - PARKING LOTS - MODERATE, SLOPE
18. BUILDING - BLIND
19. NOTE: SITE IS PRESENTLY PAVED. PROPOSED ADDITION TO BE PLACED ON EXISTING PAVING.
20. STORM WATER MANAGEMENT: WAIVER TO BE REQUESTED
21. EXISTING ON-SITE WATER AND SEWER CONNECTIONS TO BE USED
22. ESTIMATED A.D.T.: 5,198 s.f. (SERVICE GARAGE) x 10/1000 = 52 A.D.T.
23. CRB WAIVER GRANTED
24. PETITIONS FOR SPECIAL EXCEPTION CASE #75-93X, 85-232X & CASE #C-003-86
25. NOTES: EMPLOYEES SHALL PARK ON WINTERS LANE PARKING AREA.
26. PROPOSED ADDITION LIMITED TO 3 SERVICE BAYS
27. PETITION TO CLOSE WINTERS LANE IS BEING PROCESSED BY BALTIMORE COUNTY

SUBJECT TO THE FOLLOWING RESTRICTIONS AS PER SPECIAL EXCEPTION GRANTED AUGUST 6, 1985

1. Petitioner must obtain approval of the site plan from the County Review Group (CRG).
2. If the County Review Group requires changes to the site plan submitted herein, the Petitioners shall submit the approved CRG plan to the Zoning Commissioner for final approval without the necessity of filing either a motion or petition to amend.
3. A building permit may be issued only after obtaining CRG approval.
4. No petition for a building permit may be issued until Petitioners have applied to Baltimore County for the closing of Melvin Avenue at the southern lot line of their property plus adjacent Melvin Avenue.
5. In the event that Melvin Avenue is subsequently closed, Petitioners will provide a minimum of eight parking spaces for the Route 40 access in addition to the nine service bays that would exist with the proposed addition.
6. That the owner and all employees of the service station shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the subject property.
7. This Order specifically approves three (3) new bays only subject to the within restrictions. In the event that Petitioners desire any additional bays within the confines of the proposed addition, such a use is not permitted absent an additional special exception for such use.

GENERAL CONSTRUCTION NOTES

1. TOPOGRAPHIC SURVEY DATED JAN. 1980
2. CONTRACTOR SHALL OBTAIN ALL PERMITS FROM BALTIMORE COUNTY
3. ALL DAMAGES TO THE SMA RIGHT-OF-WAY SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
4. PROPOSED SITE CONSTRUCTION:
  - A. PROPOSED CURB SHALL BE BALTIMORE COUNTY "MOUNTABLE CURB" (SEE DETAIL 8-28) 1' HIGH MIN. DIA. SAND - 3"
  - B. PROPOSED PARKING LOT PAVING SHALL BE 5" BITUMINOUS CONCRETE (MID. GRA. SAND - 3") ON 8" BASE COURSE (MID. GRA. SAND - 3")
  - C. CONCRETE CURB AND BITUMINOUS PAVING WITHIN THE SMA RIGHT-OF-WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SMA PRIORITY AND SPECIFICATIONS.
5. PARKING SPACE FOR HANDICAPPED PERSON SHALL HAVE SIGN AND POST. PAVING SHALL BE PRINTED WITH "HANDICAPPED SYMBOL - WHEELCHAIR".
6. CONTRACTOR SHALL CALL "WATER UTILITY" 24 HOURS PRIOR TO STARTING CONSTRUCTION.

PLAT TO ACCOMPANY APPLICATION FOR SPECIAL HEARING & SPECIAL EXCEPTION

CATON AUTO CLINIC

PROPOSED ADDITION

6009 BALTIMORE NATIONAL PIKE

ELECTION DIST. NO. 1

CATONVILLE BALTIMORE CO., MD

SCALE: 1" = 20' DATE: JUN. 22, 1988

CONTRACTOR  
JACK SCHATZ  
400 FREDERICK ROAD  
BALTIMORE MD. 21228  
PHONE 747-8280

OWNER  
KENNETH J. STEINBACH  
6009 BALTIMORE NATIONAL PIKE  
BALTIMORE MD. 21228  
PH. 788-3838

Prepared By:  
H. MALMUD & ASSOCIATES, INC.  
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