

IN RE: PETITION FOR ZONING VARIANCE
NE/S Liberty Road, 1040' SE
of Essex Road
2nd Election District
2nd Election District
Sun-Mar Company, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-249-XA

ORDER OF DISMISSAL

Pursuant to the receipt of a written request for withdrawal from Counsel for Petitioners,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of January, 1990 that the Petitions for Special Exception and Zoning Variance in the above-captioned matter be and the same are hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Robert A. Hoffman, Esquire
210 Allegheny Avenue, Towson, Md. 21204
Eric Jacobi
9208 Harvest Rush Road, Owings Mills, Md. 21117
Mr. William A. Scott
7109 Minna Road, Baltimore, Md. 21207
Mr. Charles M. Hardison
3203 Windsor Boulevard, Baltimore, Md. 21207
Mr. Louis M. Ray
3202 Windsor Boulevard, Baltimore, Md. 21207
Mr. Mike A. Morrison
3207 Windsor Boulevard, Baltimore, Md. 21207
People's Counsel
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-249-XA

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 Variance from Section 238.4 of the Zoning Law of Baltimore County, to use the herein described property for a used car sales lot in a BR zone pursuant to Section 238.4 of the B.C.Z.R.

To be determined at hearing

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

I, or we, agree to pay expenses of above Variance 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:

Eric Jacobi
(Type or Print Name)
Signature
9208 Harvest Rush Road
Address
Owings Mills, Maryland 21117
City and State

Legal Owner(s):

Sun-Mar Company
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State

Attorney for Petitioner:

John B. Howard
(Type or Print Name)
Signature
409 Washington Avenue
Address
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
210 Allegheny Avenue
Towson, Maryland 21204
Address
301-823-4111
Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 4 day of Oct, 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 20 day of Dec, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-249-XA

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 a used car sales lot in a BR zone pursuant to Section 238.4 of the B.C.Z.R.

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:

Eric Jacobi
(Type or Print Name)
Signature
9208 Harvest Rush Road
Address
Owings Mills, MD 21117
City and State

Legal Owner(s):

Sun-Mar Company
(Type or Print Name)
Signature
409 Washington Avenue 301-494-0100
Address
Towson, MD 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
210 Allegheny Avenue
Towson, MD 21204
Address
301-823-4111
Telephone No.

Attorney for Petitioner:

John B. Howard
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, MD 21204
City and State
Attorney's Telephone No. 301-823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 4 day of Oct, 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 20 day of Dec, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

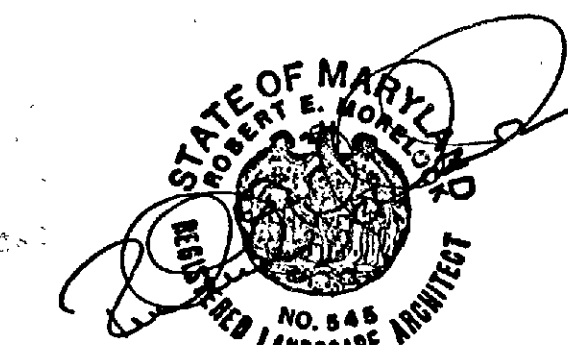
WFK
WILLIAM F. KIRWIN, INC.
28 E. Baltimore Avenue
Towson, MD 21204
Phone 301-237-0010

Zoning Description for the
JACOBI PROPERTY

August 10, 1989

Beginning for the same at a point located on the northeast side of an 80 foot right-of-way for Liberty Road (Md. Rte. 26), said point lying approximately 1040 feet measured southeasterly from centerline of the northeast right-of-way line with the coordinates based on the Baltimore County Grid System, the following beginning and running with the said northeast right-of-way line: 1) South 63 degrees 48 minutes 20 seconds East, 200.00 feet; thence leaving the said right-of-way for Liberty Road and running minutes 35 seconds East, 125.00 feet; 2) North 25 degrees 56 minutes 20 seconds West, 200 feet; and 4) South 25 degrees 56 minutes 33 seconds West, 125.00 feet to the point of beginning.

Containing 0.574 acres more or less lying in the second election district and being all that lot of ground designated as Lot 2 on a plat of "The Sun-Mar Company Property" recorded among the Land Records of Baltimore County in plat book 34, page 84



ORDER RECEIVED FOR FILING
Date 10/20/89
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 10/20/89
By J. Robert Haines

10/20/89
J. Robert Haines

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt
No. 744
90-249-XA

10/20/89

PUBLIC HEARING FEES QTY PRICE
OBS - POSTING SIGNS / ADVERTISING 1 X \$147.32
TOTAL \$147.32

LAST NAME OF OWNER: SUN-MAR COMPANY

8 025 *****1473218 5175F
Please make checks payable to: Baltimore County
County, Maryland

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

J. Robert Haines
Zoning Commissioner

Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21285-5517

ATTN: BARBARA A. WHITE
RE: Case Number: 90-249-XA
Sun-Mar Company, Petitioner
Eric Jacobi, Contract Purchaser

Gentlemen:

This office is in receipt of your recent correspondence wherein you formally withdrew the above-captioned matter.
Please be advised that said request was received too late to halt newspaper advertising of the hearing, as such, the advertising and posting fees must be paid in full. Enclosed please find our billing for same. Additionally, the sign and post set(s) must be returned.

Upon receipt of the above items, an Order of Dismissal will be issued.

Thank you for your cooperation.

Very truly yours

G. G. Stephens
Baltimore County Zoning Office
(301) 887-3391

GGS:m

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD
WASHINGTON, D. C.
BALTIMORE, MD
BETHESDA, MD
BETHESDA, MD

November 27, 1989

301-823-4111

HAND DELIVERY

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

Re: Case No. 90-249
Petitioner: Sun-Mar Company
Contract Purchaser: Eric Jacobi

Dear Mr. Haines:

On behalf of our client, we are withdrawing the above-captioned matter.

Sincerely,

Barbara A. White
Legal Assistant

BAW:ons

cc: Eric Jacobi
Robert A. Hoffman, Esquire

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

J. Robert Haines
Zoning Commissioner

Eric Jacobi
9208 Harvest Rush Road
Owings Mills, Maryland 21117

Re:

Petition for Zoning Variance and Special Exception
Case Number: 90-249-XA
NE/S Liberty Road, 1,040' SE of Essex Road
2nd Election District - 2nd Class License
Legal Owner(s): Sun-Mar Company
Contract Purchaser(s): Eric Jacobi
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 9:30 a.m.

Dear Mr. Jacobi:

Please be advised that \$ 147.32 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING AND POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH

NOTICE OF HEARING
IN RE: THE ESTATE OF
Baltimore City is by authority of
the Board of Commissioners of
Baltimore County will hold a
public hearing on the property
interest therein in Room 105 of
the County Office Building, Ad-
junct at 111 W. Chesapeake Av-
enue in Towson, Maryland 21204
as follows:

Position for Zoning Variance
Special Exception
ME# Landmark, 1640 SE
ME# Landmark, 1640 SE
2nd Edition United
Development
Lateral Cemetery, San Jose
Contact Purchaser:
626-1402
Hearing Date: Wednesday,
Dec. 20, 1989 at 9:30 A.M.

Special Exception for
Land use sales by: Variance: The
period is now subject for the same
finder of 50 feet in line of the re-
quired to be used and is permitted
to be used in the same manner
as in the case of the same.

In the event it is so that this action
is not a public hearing, the hearing
issued within 15 days of the date
of the hearing. The Zoning Com-
missioner will, however, advise
any request for a new or
extension of use period during this
period for good cause, although
such extension will be in writing
and returned in this office by the
date of the hearing not otherwise
presented at the hearing.

NOTE:
IF PHASE II of the "SNOW
EMERGENCY PLAN" is in effect
in Baltimore County notwithstanding
hearing date, the hearing will be
postponed. In the event of any
telephone 657-5381 to notify
hearing date.)

A FURTHER HEARING
Zoning Commission of
JO 11408 November 18, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 30, 1989

THIS IS, TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper publishd
in Towson, Baltimore County, MD., once in each of 1 successive
weeks, the first publication appearing on November 30, 1989.

THE JEFFERSONIAN.

S. Zebe Oliver

Publisher

[illegible]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 13, 1989

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

000

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 108, Case No. 90-249-XA
Petitioner: Sun-Mar Company
Petition for Special Exception and
Zoning Variance

MEMBERS

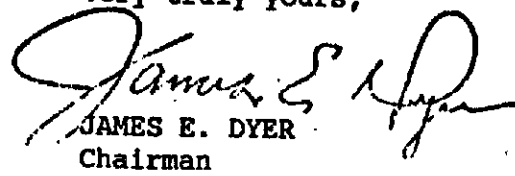
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Dear Mr. Howard:

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 of 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
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Eric Jacobi
Sun-Mar Company

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

J. Robert Haines
Zoning Commissioner


Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
4th day of October, 1989.


J. ROBERT HAINES
ZONING COMMISSIONER

Received By:


Chairman,
Zoning Plans Advisory Committee

Petitioner: Sun-Mar Company, et al
Petitioner's Attorney: John B. Howard

DEC 12 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 12, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sun-Mar Company, Item 108
Zoning Petition No. 30-249-SPX

The Petitioner's requests: 1) a Special Exception to allow a used car sales lot in a B.B. zone; 2) rear yard variances of 20 ft. rather than 30 ft. for a sales territory; and 3) an auto display up to 35 ft. in front of building rather than 15 ft.

In reference to these requests, staff provides the following information:

The Petitioner's property lies within an historically critical planning area, as defined by: 1) 1977 Master Plan; 2) 1980 Liberty Action Plan; and 3) proposed 1989 Master Plan. A great deal of county time and effort has been, and is currently being, spent in this particular community.

1979 County Master Plan - The current County Master Plan set out several major objectives for two areas bordering on Liberty Road (Woodmoor-Woodlawn and Lochearn). The plan stated reinforcement of the Community Commercial Center. "Sixty-two centers are located to serve the needs of residents within a small radius of the centers. The typical neighborhood center is built around a supermarket. . . they serve to minimize necessary transportation time by providing convenience goods outlets near the home." p. 57, 1979 Master Plan. In addition, the plan also stated the County should "undertake revitalization programs for older commercial areas which may in some cases entail redevelopment of some commercial land as other uses. . .". p. 30, 1979 Master Plan. As a growth management-oriented plan the 1979 Master Plan established a vision of controlled growth through the use of growth areas and the revitalization or reinforcement of existing commercial areas to serve adjacent residential uses. The provision of car dealers (new or used) is not a neighborhood service use.

1980 Liberty Action Plan - The Liberty Plan identified five primary commercial activity nodes, one of which was identified as Woodmoor, the area in which this request is located. The

J. Robert Haines
Sun-Mar Company, Inc., Item 108
Page 2
December 12, 1989

comprehensive goals of the plan stressed increased quality of development and increased economic viability of uses. One of the goals on p. 2 states:

- "- Promote an appropriate land use pattern for convenient services."

With a strong emphasis on quality design for now development or redevelopment the plan on p. 25 noted the following:

- "- Woodmoor: This portion of Liberty Road is highly visible because it is entered from atop a hill in either direction. Only a generation ago, this area was still composed of a beautiful setting along a wooded stream, Gwynns Falls. Today, rows of utility poles, expansive street and parking pavements and excessive signage fill the eye, without the relief of once-superlative tree cover. Such negative conditions can contribute to the decline of not only the immediate commercial facilities, but nearby neighborhoods as well. Extensive streetscape improvements are essential, especially a planted median and the elimination of poles and wires. Extensive planting of high-growing areas should be a priority. The Woodmoor Shopping Center is in need of: (1) a renovated front facade and canopy, (2) reduced and coordinated signage, (3) extensive landscaping and perimeter tree buffering at the residential edges, and (4) pedestrian links, stairs, walkways and lighting with adjacent residential areas."

The 1980 Plan in summary (p. 26) stated that "additional office development should be fostered in the area, as well as non-convenience oriented, quality retail." The Plan attempted to foster a general upgrade of uses within the area, as well as qualitative aspects of development.

Proposed 1989 County Master Plan - This site is located within a Priority Planning Area, as outlined in the 1989 Proposed Master Plan (p. 37) and p. 4 of the Master Plan Amendment. This priority planning area is entitled the Woodmoor-Lochearn-Woodlawn Area. To this end, staff has already commenced work (prior to adoption of 1989 County Master Plan) on this priority area which will be completed in-house.

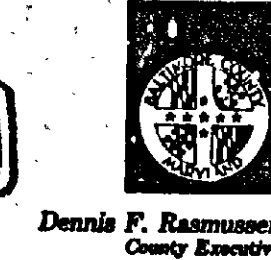
The purpose of targeting this area for study is to prepare a community plan that will examine the community in a comprehensive manner. One of the many issues that this plan will examine is land use. This plan will establish land use recommendations and design guidelines for the commercial corridor of Liberty Road within this study area. Also, during the last two years, at various meetings, the community has expressed to the Administration their concern about

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

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

RECEIVED
NOV 16 1989



ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number 171, 91, 103, 105, 106, 107 and 108.

Very truly yours,

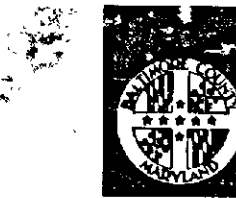
Michael S. Flanigan
Michael S. Flanigan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

SEPTEMBER 28, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: SUN-MAR COMPANY
Location: NE/S LIBERTY ROAD
Item No.: 108 Zoning Agenda: OCTOBER 3, 1989

Gentlemen:

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

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

REVIEWER: *Capt. Jeff Kelly* 10-3-89
Planning Group
Special Inspection Division

Noted and
Approved

Capt. William J. Bragg
Fire Prevention Bureau

JR/KEK

OCT 09 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION

OCT 4 1989

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

Zoning Item # 108, Zoning Advisory Committee Meeting October 3, 1989
Property Owner: Sun-Mar Company
Location: NE/S Liberty Rd, 1/4 MI SE of Essex Rd District: 2
Water Supply: metro Sewage Disp. sal: metro
COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

C. D. Flanigan
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT