IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S of Thornton Ridge Road, 560'+/- S of Halton Road (1811 Thornton Ridge Road) 8th Election District 4th Councilmanic District

Robert S. Becker, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-288-SPHA

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the use of a portion of the subject property for telephone limousine scheduling as a Home Occupation pursuant to Section 1B01.1A.14d of the Baltimore County Zoning Regulations (B.C.Z.R.) and to determine if the limousines parked on the subject property are "commercial vehicles" as defined in Section 101 of the B.C.Z.R. and, if approved, a variance to permit the parking of seven (7) limousines on the subject residential property, five (5) within a fully enclosed structure, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petitions was Joe Doerfler, Insurance Agent. Numerous individuals appeared and testified as Protestants in the matter and were represented by William M. Hesson, Jr. Esquire. Phyllis Friedman, Esquire, on behalf of the People's Counsel for Baltimore County, also appeared as a Protestant.

Testimony indicated that the subject property, known as 1811 Thornton Ridge Road, consists of 1.2 acres more or less zoned D.R.-1 and is improved with a single family dwelling with attached garage. Testimony indicated that Mrs. Becker has been operating a limousine service from the subject property for approximately one year and is desirous of continuing

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said use. Mrs. Becker testified that her limousine service is available for hire seven days a week, but that the majority of her business occurs Friday through Sunday. She indicated that none of her clients come to her home; that all contacts are made by telephone and mail. Mrs. Becker testified that she keeps seven limousines on the subject property, five of which are kept under cover in the attached garage and two are parked in the driveway. She stated that none of the limousines have any commercial markings. Mrs. Becker testified she pays two neighborhood boys to wash the limousines and that all such washing is done within the confines of the garage. No repair or maintenance work is performed on the limousines on the premises. Mrs. Becker testified she "retains" 10 to 12 drivers, whom she characterized as "subcontractors", on an as-needed basis, and that the drivers leave their personal vehicles in the driveway while chauffering. She stated that she does not have a sign on her property advertising the business, but does advertise in the local newspapers.

Mrs. Becker further testified that she was recently awarded custody of her two grandchildren and that such award was partially contingent upon the fact that her limousine business permits her to be home with the children during the day. Mrs. Becker indicated that should the requested relief be denied, she would suffer a practical difficulty and undue hardship.

Kevin Connor, a Zoning Enforcement Inspector for Baltimore County, testified that he visited the subject property in July 1989 to investigate an alleged limousine business operating in a residential zone. He testified that he issued a citation to Mrs. Becker for operating the limousine business from her home.

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Joe Doerfler testified on behalf of the Petitions that he was the agent who wrote the insurance for Mrs. Becker's limousine business. He testified that Mrs. Becker recently received a reduction in her premiums based upon the company's low claim record.

Dr. Kathryn George appeared as a Protestant and testified that her property adjoins the Petitioners' property. She testified that it is a common occurrence to see limousines parked on the Becker lawn. Dr. George stated that on weekends, the headlights from the limousines and personal vehicles of the drivers often illuminate her bedroom. She testified that the noise generated by the operation of the limousines during early morning hours, including the conversations of the limousine drivers, is very disturbing. Dr. George stated that she frequently finds trash along her property line which she attributes to the limousine drivers. She testified that during the summer months, she frequently observed the limousines being washed and vacuumed in the front yard of the subject property. She further testified that Thornton Ridge Road is a relatively narrow road and that the numerous trips made by the limousines has adversely affected traffic safety in this neighborhood.

Thomas Peace appeared as a Protestant and testified that he lives approximately 100 yards from the subject property on Joppa Road. He testified that his children frequently use Thornton Mill Road to travel to Riderwood Elementary School and that he is concerned for their safety in view of the increased traffic generated by the limousine business. He also testified that he is concerned that property values in this neighborhood may suffer as a result of the limousine business.

Sarah Lord, appearing in her capacity as the Zoning Chairperson of the Ruxton-Riderwood-Lake Roland Improvement Association, appeared to

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note for the record the Association's opposition to the operation of the limousine business in this community.

Pamela Suzuki appeared as a Protestant and testified that the subject limousine business has created a traffic hazard for pedestrians in this community. Further, Ms. Suzuki is concerned that property values in the neighborhood will be adversely affected as a result of this commercial activity.

Michael Merrell appeared as a Protestant and concurred with the testimony of Mr. Peace and Mrs. Suzuki.

Upon careful consideration of the testimony, evidence and briefs, it is clear the Petitioners are operating a "service garage" in a D.R. zone, which is contrary to the letter and spirit of the B.C.Z.R. Section 101 of the B.C.Z.R. defines "service garage" as follows:

> A garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

Mrs. Becker candidly admitted that at least five of her limousines are stored in the garage for hire. The evidence clearly establishes that the Petitioner stores motor-driven vehicles for hire and remuneration on residentially zoned property. Such use of the subject garage clearly renders it a "service garage" as defined in the B.C.Z.R., which is not permitted in the D.R. zone.

Additionally, Petitioners have requested a finding declaring the limousine business a "Home Occupation" as that term is defined by Section 101 of the B.C.Z.R. Section 101 defines "Home Occupation" as follows:

> Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a

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dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling.

The Petitioners' limousine business is clearly not "conducted entirely within" the dwelling on the subject property. On any given day, seven days a week, limousines may be seen parked along the driveway and in the front yard of the subject property. Further, Petitioners concede that said limousines are "commercial vehicles" as defined by the B.C.Z.R. This is clearly "exterior" evidence of the commercial venture. Mrs. Becker testified she "retains" the services of 10 to 12 drivers which she characterizes as "subcontractors" to operate her limousines. While Petitioner's characterization of her drivers as "subcontractors" is not convincing, a finding that the drivers are employees rather than subconstractors is not essential to a finding that Petitioners' operation is not a "home occupation" as that term is defined in the B.C.Z.R. Petitioner conceded that the subject limousines are "commercial vehicles" and are the primary asset of the Admiral Limousine Service. Petitioner also testified that at least two of the seven limousines are regularly parked in her driveway and/or front yard.

The presence of the limousines on the subject property and the coming and going of the numerous drivers who operate the limousines, is clearly not within the purvue of the definition of "home occupation" as set forth in Section 101 of the B.C.Z.R. The evidence clearly establishes that Petitioners' limousine business is not conducted "entirely within a dwelling", is not "incidental to the main use" of the dwelling and that there is substantial "exterior evidence" of the limousine business.

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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 Sections 101 and 1B01.1.A.14.d of the B.C.Z.R. Based upon the testimony, evidence and briefs submitted, it is the opinion of the Zoning Commissioner that the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances clearly show that the limousine business consists of a service garage and is not within the purvue of a "home occupation" as that term is defined in the B.C.Z.R. Clearly, the Petitioners' limousine business is not a permitted use in the D.R. zone and therefore, the Petition for Special Hearing must be denied.

Petitioners also requested a Petition for Zoning Variance from Section 431.B to permit the parking of the subject limousines on their residential property. In reviewing the Petition, it must be kept in mind that "the standard for granting a variance...is...whether strict compliance with the regulations would result in "practical difficulty or unreasonable hardship"; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such a manner as to grant relief without substantial injury to the public health, safety or general welfare." McClean v. Soley, 270 Md. 208 (1973).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would

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unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Zoning Variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of March, 1990 that the Petition for Special Hearing to approve the use of a portion of the subject property for telephone limousine scheduling as a Home Occupation pursuant to Section 1B01.1A.14d of the B.C.Z.R. and to determine if the limousines parked on the subject property are "commercial vehicles" as defined in Section 101 of the B.C.Z.R. be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit the parking of seven (7) limousines, five (5) within a fully enclosed structure, on residential property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the operation of the limousine business from the subject property shall cease on or before August 1, 1990.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

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Date 3/9/90
By JRH

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 2, 1990

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Thornton Ridge Road, 560'+/- S of Halton Road
(1811 Thornton Ridge Road)
8th Election District - 4th Councilmanic District
Robert S. Becker, et ux - Petitioners
Case No. 90-288-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been denied 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 887-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: William M. Hesson, Jr., Esquire
700 Court Towers, 210 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

CERTIFICATE OF RESOLUTION

by

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood Lake Roland Area Improvement Association, Inc. (hereinafter referred to as the "Association"), a Maryland corporation, do hereby certify that at a meeting of the Association, duly and regularly called and held on 17th day of MAY, 1989, a quorum being at all times present, the following resolution was unanimously adopted and recorded in the Minute Book of said corporation; said resolution is in accord with and pursuant to the Articles of Incorporation, Charter and Bylaws of said corporation; and said resolution is now in full force and effect and has not been revoked or amended in any manner:

WHEREAS, the Association desires to be informed of, review and present the position of its members with respect to zoning issues affecting the Association before various officers, administrative agencies, Board of Appeals, and courts where such issues may be heard;

NOW, THEREFORE, BE IT RESOLVED that the responsibility for review and action on all zoning matters is placed on the duly elected Zoning Committee of the Association.

ATTEST: THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

Secretary By: President

Louise W. Schultz
Notary

My Commission expires July 1, 1990

CERTIFICATE OF RESOLUTION

by

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (hereinafter referred to as ("Association"), a Maryland Corporation, do hereby certify that a motion was made to support the position of the residents in opposing the Petition for Zoning Variance and Petition for Special Hearing (both identified as Case #90-288-SPHA).

The motion was passed unanimously.

ATTEST: THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC

Secretary By: President

AS WITNESS my hand and notarial seal:

Louise W. Schultz
Notary Public

My Commission expires: July 1, 1990

CERTIFICATE OF RESOLUTION

by

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (hereinafter referred to as ("Association"), a Maryland Corporation, do hereby certify that a motion was made to support the position of the residents in opposing the Petition for Zoning Variance and Petition for Special Hearing (both identified as Case #90-288-SPHA).

The motion was passed unanimously.

ATTEST: THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC

Secretary By: President

AS WITNESS my hand and notarial seal:

Louise W. Schultz
Notary Public

My Commission expires: July 1, 1990

RIDERWOOD ELEMENTARY SCHOOL
1711 Landrake Road
Baltimore, Maryland 21204

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue
Room 106
Towson, Md. 21204

Re: Variance #90288 SPHA

Dear Mr. Haines,

On behalf of the Riderwood School PTA, we state our firm opposition to a limousine service that is requesting zoning permission to operate from 1811 Thornton Ridge Rd.

Since this dwelling is adjacent to our school campus, child safecy and well being are our major concerns.

Thank you,
Patricia A. Firey
PTA President

RECEIVED
JAN 12 1990
ZONING OFFICE

RECEIVED
JAN 12 1990
ZONING OFFICE

January 11, 1990

J. Robert Haines
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

Enclosed are copies of a letter and a petition circulated in the neighborhood of 1811 Thornton Ridge Road. The owners of this property, the subject of case # 90-288-SPHA, are seeking a zoning variance in order to use their residence to operate a limousine service. All of the signers of this petition are opposed to the variance; however, a great majority will be unable to adjust their schedules in order to attend the hearing January 16. Thank you for your consideration of the strong opposition to this variance as demonstrated by this petition.

Sincerely,

Kathryn T. George
1815 Thornton Ridge Road
Towson, MD 21204

Dear Neighbors,

I am writing about an upcoming hearing with the Zoning Commissioner of Baltimore County which concerns our neighborhood. The residents of 1811 Thornton Ridge Road are currently operating a limousine service from their home and are seeking the zoning board's approval of this commercial activity in a residential zone. We are opposed to such a variance and think that you should be too because of its effect on the neighborhood's appearance, atmosphere, property value, and safety.

First, concerning the effect on the appearance and property value, there are five garage spaces and seven limousines based at this home. The limousines are frequently parked in the yard and driveway, and the garage doors are often left open. There are also multiple other cars, some of which belong to the drivers of the limousines and others to the homeowners. This often leads to the overall appearance of a used car lot. You do not need to live next to such a property to have it affect your own property both in appearance and value.

Secondly, concerning the effect on the neighborhood's atmosphere, the exchange of the limousines and drivers' cars occurs at all times of the day and night. Cars frequently drive up and down the driveway after midnight, doors slam, flood lights are kept on, and conversations are held outside. While this may seem to affect only the houses directly around this property, it indirectly affects the entire, usually quiet neighborhood.

Finally, we should be concerned about the safety factor. As you know, Thornton Ridge Road is a narrow street with no center line, no sidewalks, and no stop signs. It borders the playground of Riderwood Elementary School and accesses only homes. It cannot safely accommodate a wide stretch limousine with other cars, especially if children are on the side of the road or snow accumulation further narrows the street.

The granting of this variance would set a dangerous precedent. If seven limousines are okay, why not ten or fifteen? If a limousine service is acceptable, why not a doctor's office or a law firm's office, or eventually a pizza operation? There are many examples of mixed residential and commercial neighborhoods in Towson, Lutherville, and all of Baltimore County which surely began with a single, seemingly innocent variance. Do not let this happen to our neighborhood. Now is the time to oppose this. You can do so by briefly writing the zoning board before the hearing date and expressing your opposition; by attending the hearing, and by signing the petition that I will circulate in the next two weeks.

Thank you for your time, interest, and efforts.

Sincerely,

Kathryn T. George

We, the undersigned, are opposed to the zoning variance to permit the parking of limousines on and the operation of a limousine service from the residential property of 1811 Thornton Ridge Road. Such a variance causes a disturbance to the neighbors, negatively affects the general appearance of the neighborhood, and leads to the unsafe use of Thornton Ridge Road.

A.C. and Kathryn George	1815 Thornton Ridge Rd
Don Hardesty	1823 Thornton Ridge Rd
Donna Hardesty	" " "
Robert W Bowen	1825 Thornton Ridge Road
Edgar B. Jones	1827 Thornton Ridge Rd
Mr. & Mrs. Edward Johnson	1902 LANDRAKE RD.
Mr. and Mrs. Austin L. Reynolds	1834 Landrake Rd
Mr. & Mrs. Matthew Mayne	1825 Landrake Rd
Annette Silverman	1825 Landrake Rd
Augustus Gregg Jr	1814 Thornton Ridge Rd.
Dr. & Mrs. Clarence W. Athey	1911 Thornton Ridge Rd.
John C Dahne	8215 Cambridge Circle
Ann A Dahne	8215 Cambridge Circle
Pamela R Szczepki	1819 Thornton Ridge Rd.
Mark S Szczepki	1819 Thornton Ridge Rd.
David R Owen	8028 Thornton Road
Eleanor A. Owen	" " "
Mr. & Mrs. Richard A Worrell	1803 Thornton Ridge Rd.
Mimi and Arley Vaughan	1805 Thornton Ridge Rd.
Willie T. King	1807 Thornton Ridge Rd.
Judy Allen Mellin	1820 Thornton Ridge Rd
Stephen Bosley	8102 Hollen Rd

We, the undersigned, are opposed to the zoning variance to permit the parking of limousines on and the operation of a limousine service from the residential property of 1811 Thornton Ridge Road. Such a variance causes a disturbance to the neighbors, negatively affects the general appearance of the neighborhood, and leads to the unsafe use of Thornton Ridge Road.

Hermgham F. George	1813 Thornton Ridge Rd, 21204
Eleanor R. Mann	1801 Thornton Ridge Road 21204
W. Bellamy Mann	1801 Thornton Ridge Rd 21204
James MacDonald	1709 Thornton Ridge Road 21204
Judith Hobbs	8104 Hollen Rd 21204
Mr. + Mrs. Kenneth Stark	8106 Hollen Rd 21204
Mr Jack McGuinness	8110 Hollen Rd 21204
Carolyn O Grimsley	8109 Hollen Rd. 21204
Mr + Mrs Donald Grimsley	8109 Hollen Rd 21204
Robert E. Cole	8107 Hollen Rd 21204
Helen R. Kubisky	8105 Hollen Rd 21204
Carolyn Wood	8200 Burnley Rd 21204
Carol Hyde	8202 Burnley Rd 21204
Janet Meyer	8207 Burnley Rd 21204
Karen Fornwalt	8206 Burnley Rd 21204
Eileen Armstrong	8209 Burnley Rd 21204
Ann Karen	8208 Burnley Rd. 21204
John Karen	8208 Burnley Rd. 21204
Beth Perky	8215 Burnley Rd 21204
John Hutchinson	1808 Landrake Rd
William R. Beers	1818 Landrake Rd 21204
J.J. Beers	1818 Landrake Rd. 21204
Sandy Wolf	1808 Landrake Rd. 21204
Mr. and Mrs. Ronald C. Willard	1805 Landrake Rd. 21204

We, the undersigned, are opposed to the zoning variance to permit the parking of limousines on and the operation of a limousine service from the residential property of 1811 Thornton Ridge Road. Such a variance causes a disturbance to the neighbors, negatively affects the general appearance of the neighborhood, and leads to the unsafe use of Thornton Ridge Road.

B. Bruce	8013 Strauff Rd. 21204
Warren Lodeba	8023 Strauff Rd 21204
Thomas McGinn	8031 Strauff Rd 21204
M C Stone Sr.	8007 Strauff Rd 21204
Alan & Pat Thomas	8001 Strauff Rd 21204
Barbara & Bill Boland	1726 Killington Rd. 21204
Robert W Pierce	6 Hume Ct. 21204
Elizabeth V. Kimball	1728 Killington Rd. 21204
Sandy Lee Mann	8027 Strauff Rd 21204
Carol A. Mann	8021 Strauff Rd 21204
Margarette G. Nuss	8003 Strauff Rd 21204
Mardi Lebon	8005 Strauff R. 21204
Martha G Moore	8011 Strauff Rd. 21204
Barbara Wilson	8017 Strauff Road 21204
Diana Graham	8015 Strauff Rd. 21204
Doyle F. Jones	8025 Strauff Rd. 21204
Penny Harris	8029 Strauff Rd 21204
Cora Davis	8031 Strauff Rd 21204
Clinton Stephenson Sr	1706 Killington Rd

(over)

We, the undersigned, are opposed to the zoning variance to permit the parking of limousines on and the operation of a limousine service from the residential property of 1811 Thornton Ridge Road. Such a variance causes a disturbance to the neighbors, negatively affects tha general appearance of the neighborhood, and leads to the unsafe use of Thornton Ridge Road.

Name	Address
Merle O. Peace	2022 W. Joppa Rd Lutherville MD 21093
Thomas B. Peace	2022 W. Joppa Rd.
Lauren Pierson	2018 West Joppa Rd - 21093
Amelia S. Pierson	2018 West Joppa Rd. 21093
K. Jean Ousler	2020 W. Joppa Rd. 21093
Frederick M Hudson	2110 W. Joppa Rd. 21093
Nancy K. Hudson	2110 W. Joppa Rd. 21093
[illegible]	2100 W Joppa Rd 21093
Maryanne Knott	2100 W. JOPPA RD. 21093
Virginia M. Kerr	2014 W. Joppa Rd - 21093
[illegible]	2006 W. Joppa 21093
[illegible]	2008 West Joppa Rd 21093
[illegible]	2006 W Joppa RD 21093
Alvin R. Isaacs	02 Coniston 21204
Kiley Co Gore	1 Coniston Rd 21204
Ruth E. Marder	

#141

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-288-SPHA

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 the use of a portion of the subject premises for telephone limousine scheduling as a Home Occupation pursuant to BCZR Section 1801.1.A.14.d. and to determine if the limousines parked on the subject property are "commercial vehicles" as defined by the BCZR.

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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Robert S. Becker
(Type or Print Name)

Signature

Rosemary A. Becker
(Type or Print Name)

Signature

MAP NW 11 B
S. D. 8
DATE 11/7/01
200
1000
RP

Attorney for Petitioner:

Howard L. Alderman, Jr.
(Type or Print Name)

Signature

Levin & Gann, P.A.
305 W. Chesapeake Ave., #113
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 321-0600

1811 Thornton Ridge Road
Address — Phone No.

Towson, MD 21204 823-0034
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

H.L. Alderman, Jr., Esq.
Name
Suite 113 305 W. Chesapeake Ave. 321-0600
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1 day of Nov, 19 89, 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 16 day of JAN, 19 90, at 3 o'clock

M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/1/89
By J.H.C.—No. 1

FILED 11/1/89 BY J.H.C.
ONLY TIME OR DAY
CHANGE TIME.

(over)

#141

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-288-SPHA

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 431.B to permit the parking of seven (7) limousines, five(5) within a fully enclosed structure, on residential property, if the Zoning Commissioner determines that such limousines are "commercial vehicles" as defined by the BCZR, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Strict compliance with the BCZR would result in hardship and practical difficulty to Petitioner by requiring the purchase/lease of property for parking of said vehicles.

Property, as 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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Robert S. Becker
(Type or Print Name)

Signature

Rosemary A. Becker
(Type or Print Name)

Signature

Attorney for Petitioner:

Howard L. Alderman, Jr.
(Type or Print Name)

Signature

Levin & Gann, P.A.
305 W. Chesapeake Ave., #113
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 321-0600

1811 Thornton Ridge Road
Address — Phone No.

Towson, MD 21204 823-0034
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

H.L. Alderman, Jr., Esq.
Name
Suite 113 305 W. Chesapeake Avenue 321-0600
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1 day of Nov, 19 89, 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 16 day of JAN, 19 90, at 3 o'clock

M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/1/89
By J.H.C.—No. 1

(over)

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
4932 HAZELWOOD AVENUE
BALTIMORE, MD 21206
866-2001

141

90-288-SPHA

ZONING DESCRIPTION

BEGINNING on the south side of Thornton Ridge Road, variable width, at the distance of 560 feet, more or less, in a southerly direction from the center of the intersection of said Thornton Ridge Road and Halton Road, 50 feet wide, as shown on Baltimore County Bureau of Engineering Road Drawing No. 65-1454 (1 of 2). Being known and designated as Lot 1 as shown on a plat entitled Section One "Woods Oak" which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 42 folio 122. The improvements thereon being known as No. 1811 Thornton Ridge Road.

STATE OF MARYLAND
DONALD SCOTT DALLAS
No. 468
PROFESSIONAL LAND SURVEYOR

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
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(301) 922-2121

WRITER'S DIRECT DIAL
823 - 7854

February 9, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition of Robert S. Becker, et ux.
Case No.: 90-288-SPHA

Dear Commissioner Haines:

Please file the enclosed Protestant's Memorandum in the above captioned case.

Sincerely,

William M. Hesson Jr.

William M. Hesson Jr.

WMHJr/psk

Enclosure

cc: Kathryn George, M.D.
w/enc.
Howard Alderman, Esquire
w/enc.
Phyllis Cole Friedman, Esquire

RECEIVED
FEB 9 1990
ZONING OFFICE

IN THE MATTER OF THE PETITION OF ROBERT S. BECKER AND ROSE BECKER 1811 THORNTON RIDGE ROAD TOWSON, MARYLAND 21204
FOR SPECIAL HEARING AND VARIANCE
8th Election District
4th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
CASE NO.: 90-288-SPHA

PROTESTANT'S MEMORANDUM

Now comes KATHRYN GEORGE, Protestant, by her attorneys William M. Hesson, Jr. and Nolan, Plumhoff & Williams, Chartered, and submits this Memorandum in opposition to the relief prayed by the Petitioner herein. Phyllis Friedman, Esquire, Baltimore County People's Counsel, joins in this Memorandum.

STATEMENT OF FACTS

Petitioner has requested relief under the Baltimore County Zoning Regulations (BCZR) to:

1. Determine the use of a portion of the property for telephone limousine scheduling as a Home Occupation under the BCZR; and to
2. Determine if the limousines parked on the subject property are "commercial vehicles" under the BCZR; and for a
3. Variance to permit parking of seven (7)

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limousines, five (5) of which are within a fully-enclosed structure, on residential property, if such vehicles are determined to be "commercial vehicles."

At the hearing on the Petition, held on January 16, 1990, the Petitioner appeared with counsel to present her case. Petitioner's counsel conceded that the limousines in question are commercial vehicles under the BCZR. The Protestant also appeared with counsel and with thirty-seven (37) neighborhood residents who opposed the Petition.

Petitioner's testimony revealed that she is the owner of Admiral Limousine Service which she has operated for 3 1/2 years. Before moving to her present address at 1811 Thornton Ridge Road on December 22, 1988, she operated this business from her residence in Baldwin, Maryland where she had less than half the number of vehicles she now has.

She testified that upon receiving calls from customers for limousine service, she calls her drivers to schedule the service requested. Petitioner said that when drivers appeared at her residence to pick up a limousine, they would pull a limousine out of a garage and replace it with their own vehicle. Occasionally, the drivers wait in her house for a call. The Protestant stated that drivers often left their cars on the lawn along side the driveway to the residence.

Petitioner said she purchased this property because there are garages for five (5) vehicles and she cannot afford to garage the vehicles elsewhere. Petitioner currently owns seven

-2-

(7) limousines which are kept on the premises. Although when new these vehicles cost between $40,000.00 and $60,000.00, she conceded that they were purchased "used" for much less money.

Petitioner characterizes her drivers as independent contractors, not employees. This characterization permits Petitioner to avoid withholding income taxes, carrying workers' compensation insurance and unemployment insurance and paying the employer's share of Social Security. She issues IRS Form 1099s each year to the drivers, not Form W-2. She also testified that she schedules all drivers, interviews prospective drivers for employment at her residence on the property and currently has 10 to 12 drivers working for her. She establishes work policies for all drivers, pays her drivers by the hour, requires her drivers to log their time in and time out, provides money to drivers for gas and other expenses related to the limousine service and generally exercises complete control over the drivers in the performance of their duties.

Petitioner stated that all mechanical servicing of the limousines occurred off premises, and she produced a number of invoices intended to prove this point. She said that the vehicles were washed and cleaned on the driveway until she learned of the zoning problem after which this activity was carried on inside the garages. She further stated that the hours of operation of her business often extended into the

-3-

early morning hours, some limousines being returned at 2:00, 3:00 or 4:00 a.m.

After Petitioner testified, she produced two (2) other witnesses, Kevin Connor, a Zoning Enforcement Inspector, who testified about the complaint his office received about this business and the inspections of the property which he made. Joseph Doerfler, Petitioner's insurance agent, testified regarding the type of insurance coverage which Petitioner carries on the vehicles.

The Protestant then presented five witnesses: the Protestant, Kathryn George, M.D.; Thomas Peace; Michael Merrill; Pamela Suzuki; and Sara Lord. The Protestant, whose property adjoins Petitioner, testified about the existence of the limousines on the property and the level of disturbance which their use creates. She testified that vehicles are often parked in or along side the driveway and that the drivers often congregate at early hours of the morning when they are returning vehicles to the premises. She is opposed to the operation of this business in this location, as it is an incursion of commercial activity into a stable residential community with high property values and conducted on property zoned for residential purposes, not commercial. Other testimony adduced the traffic hazard posed by these large vehicles using a relatively narrow public street and in particular, a "near-miss" wherein a limousine being driven out

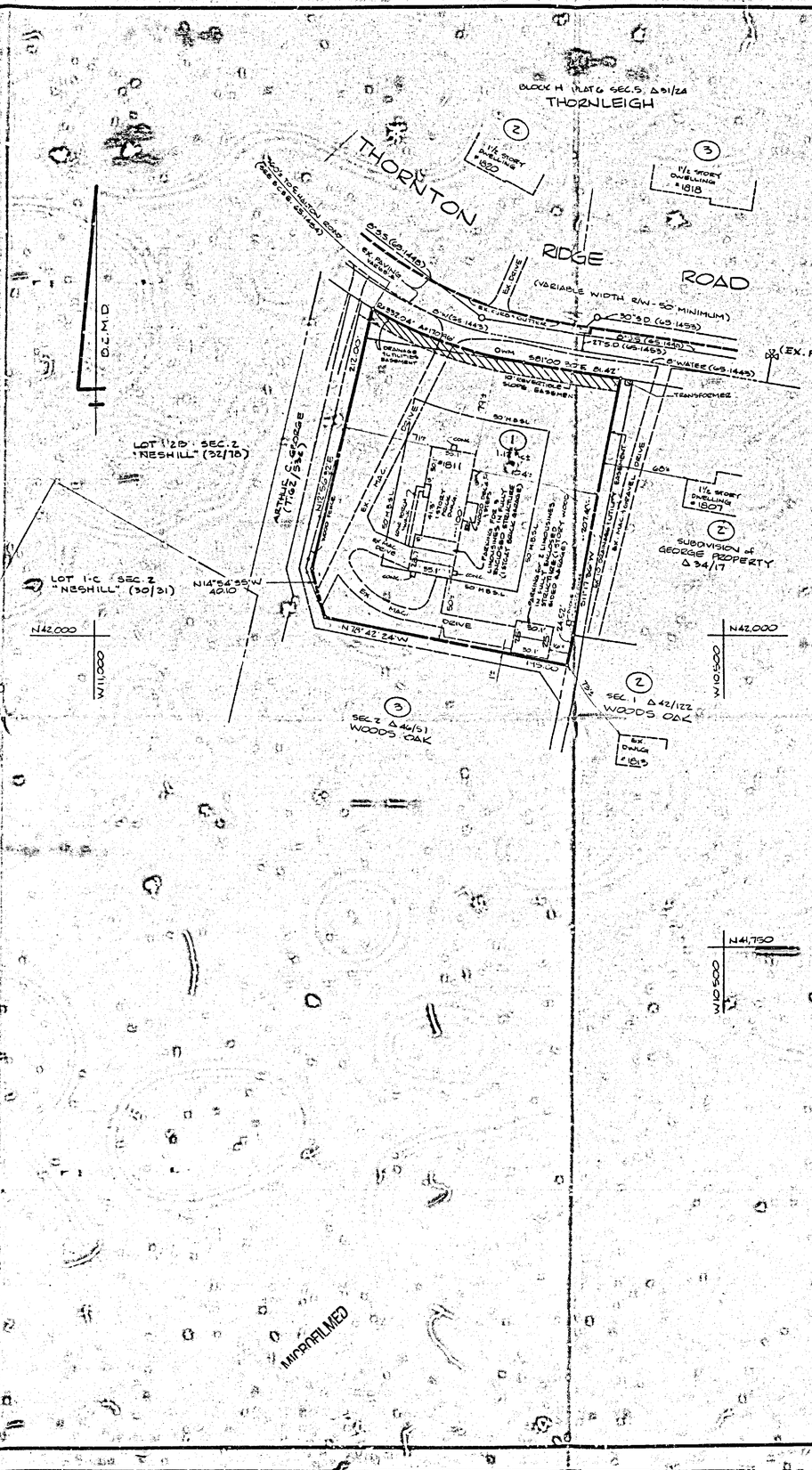
-4-

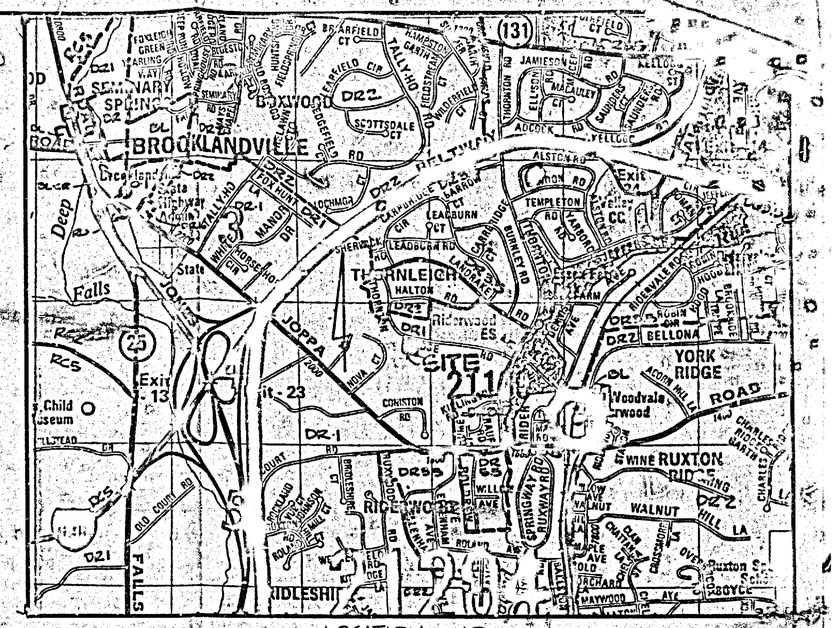
GENERAL NOTES:

1. ZONING OF SITE: I ADJACENT PROPERTIES: DR 1
2. AREA OF SITE: 1.12 Ac±
3. PUBLIC WATER & SEWER IN THORNTON RIDGE ROAD

NOTE: PER PLAT of SECTION ONE, WOODS OAK (42/122) NOTE #1: "UNLESS OTHERWISE SHOWN, 5 FOOT WIDE DRAINAGE & UTILITIES EASEMENTS ARE HEREBY RESERVED ALONG THE REAR AND SIDE LINES OF ALL LOTS."

NOTE: ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN HEREON.





LOCATION MAP
SCALE 1"=1000'
(ZONING DIVISION LINES PER BALTO. CO. O.P.Z. 1980 1"=1000' COMP. ZONING MAP 3C "TOWSON")

90-288-SPHA

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND/OR ZONING VARIANCE

1. PURPOSE OF SPECIAL HEARING: TO USE OF A PORTION OF THE SUBJECT PREMISES FOR A TELEPHONE LIMOUSINE SCHEDULING AS A HOME OCCUPATION PURSUANT TO B.C.Z.R. SECTION 1 B01.1.A.14 AND TO DETERMINE IF THE LIMOUSINES PARKED ON THE SUBJECT PROPERTY ARE "COMMERCIAL VEHICLES" AS DEFINED BY THE B.C.Z.R.

2. PURPOSE OF ZONING VARIANCE: TO ALLOW A VARIANCE FROM SECTION 431.D TO PERMIT THE PARKING OF SEVEN LIMOUSINES, FIVE WITHIN A FULLY ENCLOSED STRUCTURE, ON RESIDENTIAL PROPERTY, IF THE ZONING COMMISSIONER DETERMINES THAT SUCH LIMOUSINES ARE "COMMERCIAL VEHICLES" AS DEFINED BY THE B.C.Z.R.

BECKER PROPERTY

AT 1811 THORNTON RIDGE ROAD
BEING KNOWN AS LOT 1, SECTION ONE
WOODS OAK Δ 42/122
8th ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=50' OCTOBER 18, 1989
REVISED 10-19-89

BA 5141

WELLS, INC.
Surveying & Engineering
1602 Hazelwood Avenue
Baltimore, Md. 21239
(301) 435-2801

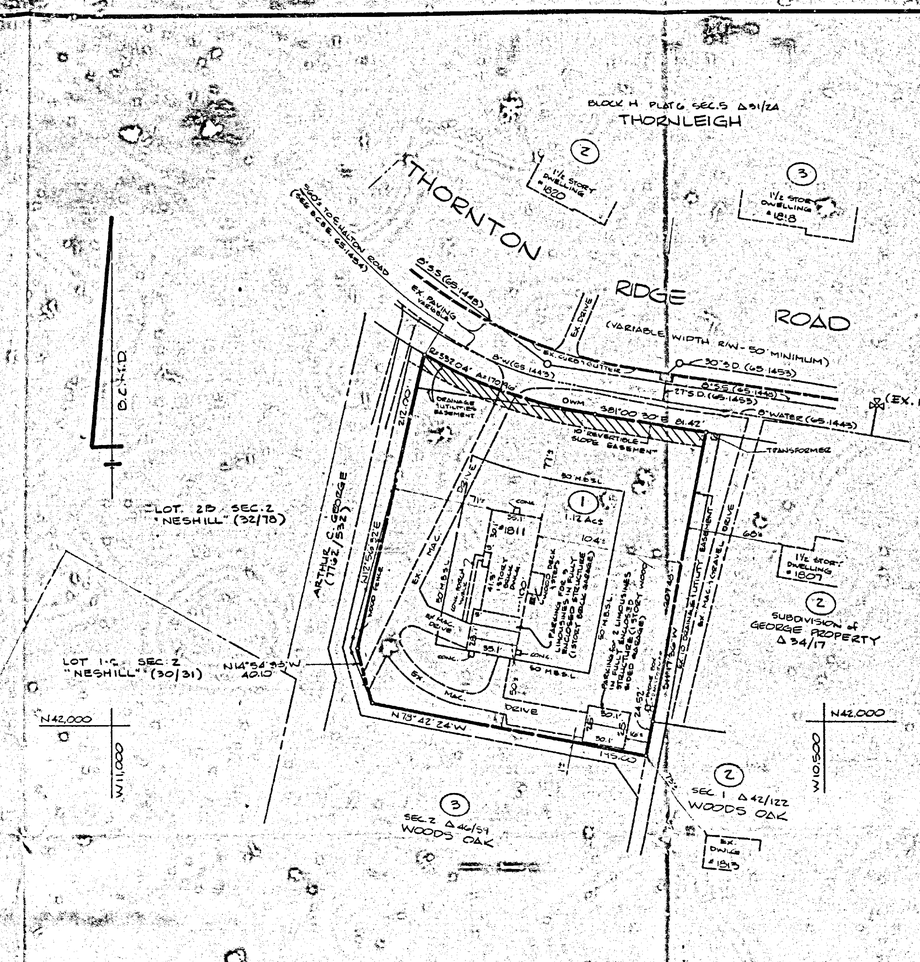
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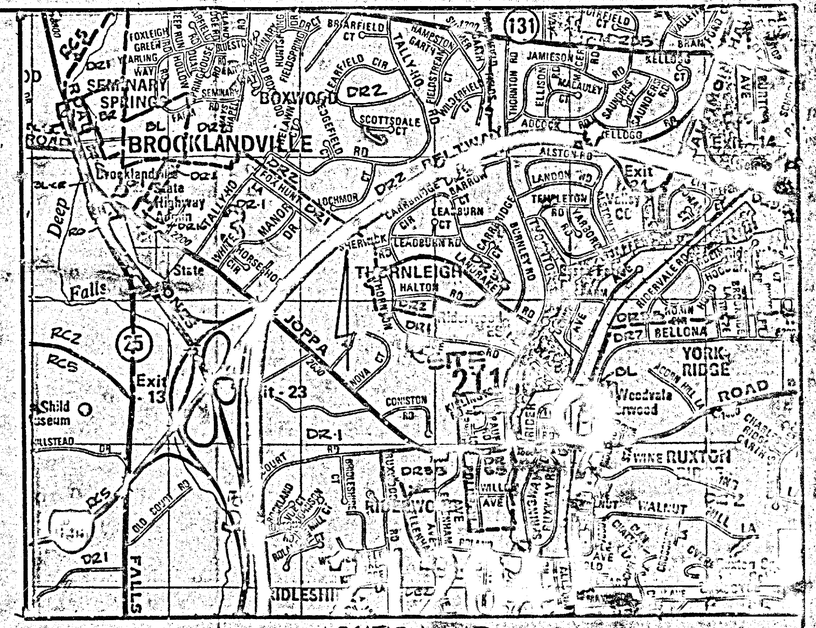
GENERAL NOTES:

1. ZONING OF SITE : ADJACENT PROPERTIES : DR 1
2. AREA of SITE : 1.12 Ac±
3. PUBLIC WATER & SEWER IN THORNTON RIDGE ROAD.

NOTE: PER PLAT of SECTION ONE, WOODS OAK, A42/122.
NOTE #4: "UNLESS OTHERWISE SHOWN, 5 FOOT WIDE DRAINAGE & UTILITIES EASEMENTS ARE HEREBY RESERVED ALONG THE REAR AND SIDE LINES OF ALL LOTS."

NOTE: ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN HEREON.





LOCATION MAP
SCALE 1"=1000'
(ZONING DIVISION LINES PER BALTO. CO. C.P.Z. 1988 1"=1000' COMP. ZONING MAP 3C, TOWSON.)

PETITIONER'S EXHIBIT 1

90-288-SPHA

#1941

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND ZONING VARIANCE

1. PURPOSE of SPECIAL HEARING:
TO ALLOW THE USE OF A PORTION OF THE SUBJECT PREMISES FOR TELEPHONE LIMOUSINE SERVICING AS A HOME OCCUPATION PURSUANT TO B.C.Z.R. SECTION 1801.1.A.14.d AND TO DETERMINE IF THE LIMOUSINES PARKED ON THE SUBJECT PROPERTY ARE "COMMERCIAL VEHICLES" AS DEFINED BY THE B.C.Z.R.

2. PURPOSE of ZONING VARIANCE:
TO ALLOW A VARIANCE FROM SECTION 409.8.A.1 TO PERMIT THE PARKING OF SEVEN LIMOUSINES, FIVE WITHIN A FULLY ENCLOSED STRUCTURE, ON RESIDENTIAL PROPERTY, IF THE ZONING COMMISSIONER DETERMINES THAT SUCH LIMOUSINES ARE "COMMERCIAL VEHICLES" SO DEFINED BY THE B.C.Z.R.

BECKER PROPERTY
AT 8101 THORNTON RIDGE ROAD
BEING KNOWN AS LOT 1 SECTION ONE
WOODS OAK A 41/122
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
SCALE: 1"=50' OCTOBER 13, 1989
REVISED 10-19-89

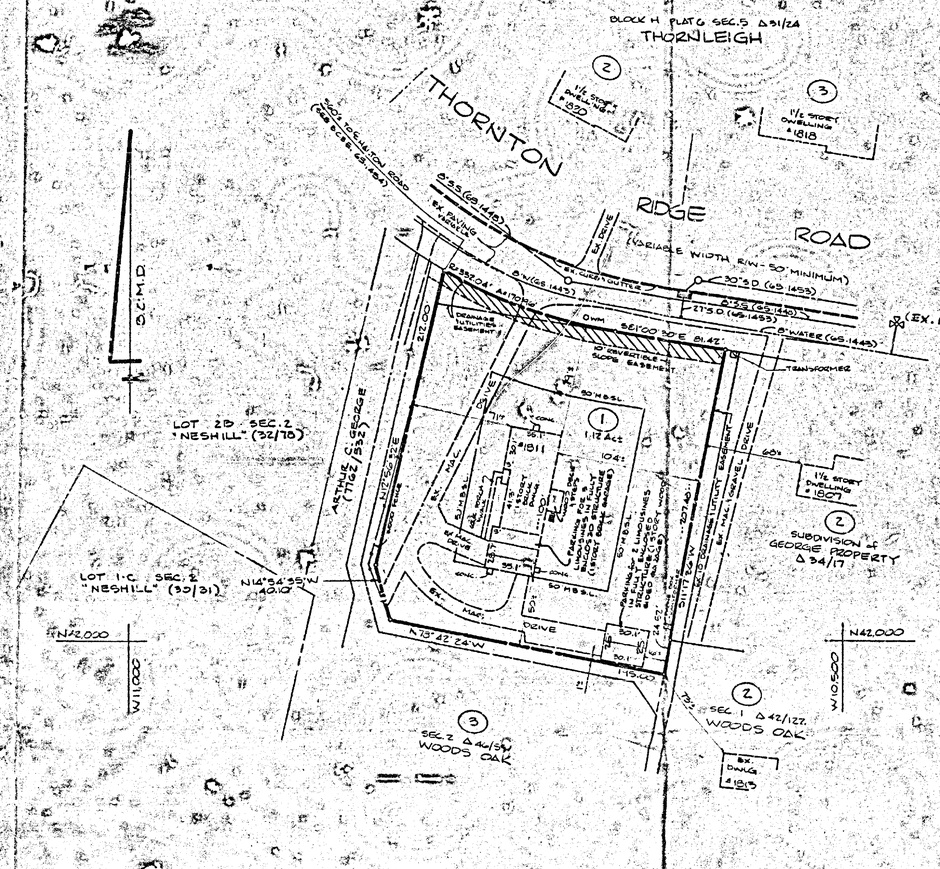
J. B. BALLAS, INC.
Surveying & Engineering
4222 Hastings Avenue
Baltimore, Md. 21206
(301) 866-2061

GENERAL NOTES:

1. ZONING OF SITE: D.R.1
ADJACENT PROPERTIES: D.R.1
2. AREA OF SITE: 1.112 Ac±
3. PUBLIC WATER & SEWER IN THORNTON RIDGE ROAD.

NOTE 1: PLAT OF SECTION ONE, WOODS OAK, 42/122.
NOTE 2: UNLESS OTHERWISE SHOWN, 5 FOOT WIDE DRAINAGE / UTILITIES EASEMENTS ARE HEREBY RESERVED ALONG THE REAR AND SIDE LINES OF ALL LOTS.

NOTE: ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN HEREON.



of the driveway of Petitioner's property nearly struck a resident in his vehicle.

Ms. Lord testified as zoning chair of the Ruxton-Riderwood-Lake Roland Area Improvement Association and stated her organization's opposition to Petitioner's activity on the grounds that the activity is commercial in nature and therefore offensive and that traffic concerns and safety issues (Petitioner's property is across the street from the property of the Riderwood Elementary School) should preclude this activity at this location.

At the conclusion of the hearing, the Zoning Commissioner requested counsel to submit Memoranda on the following issues:

1. Whether commercial vehicles are "external evidence" within the definition of home occupation under the BCZR;
2. Whether the limousine drivers are independent contractors or employees; and
3. Whether Petitioner's property is being used as a service garage under the BCZR.
4. Any other issues which counsel desire to address.

ARGUMENT

I

WHETHER COMMERCIAL VEHICLES ARE "EXTERNAL EVIDENCE" WITHIN THE DEFINITION OF HOME OCCUPATION UNDER THE BCZR.

Section 101 of the BCZR defines "Home Occupation" as follows:

> Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not

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have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling. (Emphasis supplied.)

Petitioner concedes that the limousines which she uses in the conduct of Admiral Limousine Service are "commercial vehicles" as defined by the BCZR. She also concedes that she utilizes her home, in part, to conduct that business, specifically by telephone scheduling of limousine service and for interviewing prospective drivers. Admittedly, the interior use of the dwelling for Admiral Limousine Service purposes seems to be incidental to its main use as a dwelling. However, the presence of seven (7) limousines on the property taken together with the interior, incidental use for the Admiral Limousine Service presents clear and obvious exterior evidence of the activities being carried on inside.

The BCZR have been adopted pursuant to the authority granted under the Annotated Code of Maryland, Article 25A, Section 5 and the Baltimore County Code, Section 22-19 et seq. That the BCZR are intended to be applied in the strictest fashion to promote the public health, safety, convenience and general welfare is clear from the language of BCZR, Section 600. However, strict application and interpretation in this

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case does not mean "narrow" application and interpretation. Indeed, Section 600 states that the "greater restriction" on use of buildings and other regulated elements shall be favored in the interpretation of the BCZR. In this context, then, "any exterior evidence" must mean any tangible material or thing, any use or activity and any persons on the property, other than the residents, which indicates, suggests or might otherwise lead one to conclude that a use other than for dwelling purposes is being conducted on the premises.

The evidence in this case clearly falls within the proscription of the BCZR definition.

II

WHETHER THE LIMOUSINE DRIVERS ARE INDEPENDENT CONTRACTORS OR EMPLOYEES

It is well settled under Maryland law that the existence of the employer-employee relationship and the existence of the status of independent contractor are questions of fact. Perhaps, the most important fact on which such determinations may turn is whether there exists "the right to control and direct the one employed in the performance of his work and the manner in which it is to be done." See Maryland Law Encyclopedia, Employment, Work and Labor, Section 3. A review of the facts in this case shows that while the Petitioner refers to the limousine drivers as independent contractors, Petitioner's practice of dealing with the drivers leads to a

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different conclusion. The drivers are called by Petitioner and advised of the time of day to report for a job; the drivers are given money by Petitioner for gas and other expenses; the drivers drive vehicles owned by Petitioner; the drivers account to Petitioner for the time spent on the job and are, indeed, paid by the hour, not by the job; and the Petitioner instructs the drivers about her policies of business, which she said she has to cover practically every issue -- from emergencies to excessive alcohol consumption by customers. The Petitioner directs and controls virtually every aspect of the drivers' work. The drivers provide only their personal licenses to operate the limousines. The Petitioner selects and engages the drivers through interviews which she conducts on the property. She has the power to fire or discharge the drivers. The work performed by the drivers is part of the regular business of the Petitioner.

The Court of Appeals in Keitz v. National Paving and Contracting Company, et al., 214 Md. 479, 491 (1957), using language that is applicable in this case, stated:

> "Coming now to the main question involved herein, it has been stated by this Court that there are at least five criteria that may be considered in determining the question whether the relationship of master and servant exists. These are: (1) the selection and engagement of the servant, (2) the payment of wages, (3) the power to discharge, (4) the power to control the servant's conduct, (5) and whether the work is a part of the regular

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business of the employer. Standing alone, none of these indicia, excepting (4), seem controlling in the determination as to whether such relationship exists. The decisive test in determining whether the relation of master and servant exists is whether the employer has the right to control and direct the servant in the performance of his work and in the manner in which the work is to be done. It will be noted from the above, it is not the manner in which the alleged master actually exercised his authority to control and direct the action of the servant which controls, but it is his right to do so that is important." (Emphasis in original).

Clearly, the Petitioner here not only had and has the right to control the activities of her drivers, in most instances she has exercised that degree of control. For these reasons, the limousine drivers must be considered employees and not independent contractors.

It should also be noted that the BCZR do not require a strict legal test under the tax or wage and hour law to determine who constitutes an "employee." The Regulations require only the ordinary meaning from Webster's New International Dictionary (Section 101) be used. So defined, an employee is only "one employed by another usually in position below the executive level and usually for wages." The facts in this case certainly indicate that the drivers are employees for the purposes of the BCZR.

III

WHETHER PETITIONER'S PROPERTY IS BEING USED AS A SERVICE GARAGE UNDER THE BCZR.

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Section 101 of the BCZR defines "Service Garage" as follows:

> A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

Generally, a service garage is a use that may be permitted by special exception or a matter of right in business zones. See BCZR sections 230.13, 233.2 and 236.1. The distinction imposed by the definition, supra, relates to the characterization of the garage as "residential," presumably as opposed to "commercial." A residential garage is a building or part of a building "used for the storage of private motor vehicles." BCZR Section 101. Thus, for so long as the garages on the subject premises are used for the storage of limousines, which are commercial vehicles as conceded by the Petitioner, the garages are not residential garages.

From this logic, Protestant urges the conclusion that the definition of service garage applies since the commercial vehicles in question are stored and are kept for hire in the garages on the Petitioner's property.

IV

WHETHER SECTION 431 OF THE BCZR MAY BE THE SUBJECT OF A VARIANCE UNDER SECTION 307 OF THE BCZR.

Section 431 of the BCZR provides essentially that a commercial vehicle may not be parked on a residential lot except if that vehicle weighs less than 10,000 pounds, the

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owner of the vehicle resides on the lot and the vehicle is parked within a fully enclosed structure. If the conditions are met, one commercial vehicle may be so parked. There was no evidence in this case of the weight of any of the seven commercial vehicles owned and stored by the Petitioner or her residential premises.

Variances may only be granted from the operation and effect of regulations regarding height and area requirements, off-street parking requirements and sign requirements. BCZR, Section 307. No increase in residential density may result from any such variances and no variances other than those specified in the BCZR may be granted. Since the requested variance relates to parking Petitioner must rely on the authority of the Commissioner to grant variances from the off-street parking regulations. Off-street parking regulations are however, established only in the BCZR, Section 409 et seq. These regulations govern the number of spaces that must be provided for enumerated uses, the size and location of those spaces, design and paving standards, and use permits for business parking in residential zones. Interestingly, in those situations where a use permit for parking in a residential zone is appropriate and required, only passenger vehicles may use the parking facility so recognized and the facility must adjoin the business or industry involved, thus implying that the parking must be associated with a legal business use. BCZR,

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Section 409.8(B)(2)(b).

In this case, there exists no commercial zoning or a recognized nonconforming use to which the parking use may attach. The vehicles in question here are commercial vehicles bringing the variance request within the ambit of Section 431 not Section 409 et seq. of the BCZR. Protestant concludes that the off-street parking regulations affect the parking of passenger vehicles, not commercial vehicles and, thus, there is no authority to grant a variance from Section 431. The "greater restriction" rule of construction based on Section 600 of the BCZR and discussed previously in part I of this Argument would seem to favor a determination by the Commissioner that Section 431 is not an off-street parking regulation within the meaning of Section 307 but rather a proscription on use that applies to all commercial zones. Therefore, a variance is not possible under Section 307 since the power to grant variances is specifically limited.

V

WHETHER THE LIMOUSINES ARE "MECHANICAL EQUIPMENT" WITHIN THE DEFINITION OF HOME OCCUPATION UNDER THE BCZR

This issue arises out of the language of the definition of "Home Occupation" as more particularly discussed in Part I of this Argument. Protestant argues that a limousine is "mechanical equipment" with no use for domestic purposes, and therefore, is barred from the Petitioner's premises. The BCZR

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provide no aid in the interpretation of "mechanical equipment." Logic suggests that limousines, as commercial vehicles, are indeed, the kind of personal property that the BCZR attempts to limit or prohibit through the home occupation definition for the purpose of protecting residential communities from incursions of commercial activities under the guise of an otherwise permitted activity.

VI

WHETHER PETITIONER HAS MET THE REQUISITE SHOWING UNDER SECTION 307 OF THE BCZR FOR A VARIANCE FROM SECTION 431.

Even assuming arguendo that a variance under Section 431 may be granted, Petitioner has failed to make the requisite showing of hardship or practical difficulty required under Section 307. The only reason Petitioner has given for wishing to park these vehicles on her property is that it is too costly to garage them elsewhere. This argument as to the cost of the lease of space for any business falls far short of the standard set forth in McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973), where the Court established the tests to be applied:

1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

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3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Moreover, it is well settled that a variance cannot be granted for the convenience of the applicant. See Cromwell v. City of Baltimore, 201 Md. 130, 137, 93 A.2d 74 (1952).

CONCLUSION

For all of the foregoing reasons, the Protestant urges that the relief prayed by the Petitioner herein be denied and that Petitioner's use of her property be declared to be in violation of the Baltimore County Zoning Regulations.

William M. Hesson, Jr.

WILLIAM M. HESSON, JR.

Nolan Plumhoff & Williams

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

Attorneys for Protestant

Phyllis Cole Friedman

PHYLLIS COLE FRIEDMAN, ESQUIRE
People's Counsel
For Baltimore County
Room 304,
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

(Joining in this Memorandum to Oppose Petitioner's Request)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 1990, a copy of the foregoing Protestant's Memorandum was mailed, postage prepaid to Howard Alderman, Esquire, Suite 113, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Petitioner.

William M. Hesson, Jr.

WILLIAM M. HESSON, JR.

2071B

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Thornton Ridge Road, 560' ± South of Halton Road
1811 Thornton Ridge Rd.
8th Election District
4th Councilmanic District
Robert S. Becker, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 90-288-SPHA

PETITIONER'S POST-HEARING MEMORANDUM

Robert S. Becker and Rosemary A. Becker, by Howard L. Alderman, Jr., and Levin and Gann, P.A., their attorneys, hereby submit this Post-Hearing Memorandum in lieu of closing argument as directed by the Zoning Commissioner for Baltimore County.

STATEMENT OF THE CASE

Robert and Rosomary Becker, Petitioners herein, have lived on the subject property since 1988. Former residents of Baldwin, Maryland, the Beckers determined that they needed a larger house in the County due to their obtaining legal custody of their two grandchildren. Since acquiring the subject property, no structural alterations have been made. Ms. Becker has a home occupation of scheduling limousines for the corporation Admiral Limousine Services, Inc., which she owns. In addition to the scheduling of limousines, the seven limousines utilized by customers of Ms. Becker are parked on-site.

Testimony at the hearing indicated that the approximate cost of the limousines is between $[illegible],000 and $60,000. Ms. Becker

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testified that there are five "stretch" limousines parked completely within the existing garages on the property and that two "formal" limousines are parked on the property and are not enclosed within any structure. There are no exterior markings, signs, lights, radios, etc. that would indicate that the limousines are anything other than automobiles parked on the property. The testimony showed that in many instances these very same types of automobiles are used by individuals for their daily transportation.

Apparently, the existing use of the subject property has caused some concern among some of the residents of the community. However, rather than approach the Beckers, a request for assistance was filed with Baltimore County. Mr. Kevin Connor, the Zoning Inspector for this area of the County, visited the site and found no evidence of a commercial business being operated as alleged. After continued calls and letters from a resident, Mr. Connor began preparation of a District Court Citation alleging the operation of a business in a D.R. zone and for the storage of commercial vehicles on the property. There was never issued a Correction Notice regarding the allegation of storage of commercial vehicles.

To ensure that all issues were fairly and accurately addressed, a Petition for Special Hearing and a Petition for Variance were filed with the Zoning Office. The Petition for Special Hearing sought confirmation of the scheduling of limousines as a valid "home occupation," as defined in the Baltimore County Zoning Regulations ("BCZR"), and a determination of the Zoning

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Commissioner as to whether or not the subject limousines were "commercial vehicles" as defined in the Zoning Ordinance. The Petition for Variance sought, if the limousines were determined to be commercial vehicles, a relaxation of the restriction of one commercial vehicle on a residential lot, in order to alleviate the real practical difficulty that would otherwise result.

At the hearing before the Zoning Commissioner for Baltimore County, the Petitioner stipulated that due to licensing and other regulatory requirements, the subject limousines were commercial vehicles as defined in the BCZR. The Commissioner was urged to treat the two issues before him independently -- the first being the confirmation of a valid home occupation, and the second being the granting of the variance as applied to the limousines.

Ms. Becker testified her typical day in scheduling as follows:

- A telephone call is received requesting limousine service.
- Her calendar is checked for the availability of the date type, and color of limousine requested.
- When a limousine is to be dispatched, a driver arrives, obtains the keys to the appropriate limousine, removes the limousine from the garage (if a stretch limousine) and replaces his personal car in the garage, then leaves with the limousine and returns when the contract with the customer is completed.

Ms. Becker introduced evidence of her charitable contributions of limousine service for charities such as The Children's Cancer Foundation, Inc., Mercy High School and Children and Family Services. Ms. Becker also introduced photographs of her property indicating the dense landscaping and privacy fence which exist on

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the property, as well as the immaculate condition in which the property is kept. The testimony of both the Petitioner and the Protestants confirmed that previous owners of the subject site had maintained the property in a deplorable condition.

Testimony on behalf of the Petitioner indicated that the drivers of the limousines were independent contractors, each of whom had perfect driving records and that no insurance claims had been filed since Ms. Becker had been scheduling her limousine service over the past three years. A Baltimore County Zoning Official testified as to the complete lack of any exterior evidence of Ms. Becker's occupation and the absence of any service garage as defined by the BCZR. Ms. Becker presented substantial evidence to justify the confirmation of the home occupation and the granting of the requested variance.

At the conclusion of the protestants presentation, the Zoning Commissioner directed that in lieu of closing argument, post-hearing memoranda be prepared and submitted. The Commissioner asked that a minimum of the following three questions be addressed in the memoranda to be submitted by the parties to the case:

1. Are the drivers of the limousines employees or independent contractors?
2. Is the presence of commercial vehicles on the subject property external evidence of the home occupation?
3. Does a service garage, as defined by the Zoning Regulations, exist on the subject property?

Each of the issues raised by the Commissioner, as well as other issues are discussed completely below and supported by applicable law and County policy/interpretation of the Zoning Regulations.

THE SCHEDULING OF LIMOUSINES IS A VALID HOME OCCUPATION

The Petitioners seek a determination pursuant to BCZR Section 500.7 that the scheduling of limousines as practiced at the subject site is a valid home occupation as defined in the BCZR. As stated in opening argument, the home occupation issue is one of two issues presented to the Commissioner. As such it must be evaluated on its own merits. The remaining issue, the requested variance, is subject to its own analysis and application of applicable law. Either issue can be raised in any residential zone, independent of the other.

In support of her petition for special hearing relating to the home occupation, testimony was presented by Ms. Becker and by Mr. Kevin Connor, Zoning Inspector for Baltimore County. Ms. Becker testified that all limousine scheduling was conducted at her home which enabled her to supervise adequately her two grandchildren of which she and her husband have legal custody. Additionally, Ms. Becker testified that the fact that she was able to work at home was a material factor relied upon by the late Master Judith Ritchie in awarding legal custody of the Beckers grandchildren to Mr. and Mrs. Becker.

Ms. Becker testified that the scheduling operation

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conducted entirely within her dwelling and that such scheduling is incidental to the main residential use of the dwelling for her and her family. Further testimony indicated that there were no signs or other exterior evidence and that no articles for sale were kept on the premises. Ms. Becker stated that she uses a telephone, calendar, pen and paper in her scheduling activities and that no obnoxious odors emanate from her home as a result of her occupation. Finally, Ms. Becker testified that she did not employ any person on the premises in connection with the subject limousine scheduling.

Kevin Connor, Zoning Inspector for Baltimore County concurred with the facts as related by Ms. Becker. Based on an independent, physical inspection of the site and the interior of the dwelling, Mr. Connor testified that:

- the use of portion of the premises for scheduling of limousines was incidental to the dwelling use;
- scheduling is conducted entirely within the dwelling, within the kitchen area specifically;
- no mechanical equipment is used for scheduling different than that used for ordinary domestic purposes;
- no emplcyees were on the premises; and
- there was no exterior evidence.

The protestants failed to establish any credible evidence in opposition to the requested approval of home occupation. A letter of oppofition was introduced from the Valleys Planning Council and

supported by testimony of an official thereof. Neither this letter or the testimony of Sarah Lord, on behalf of the Valleys Planning Council, offered any opposition to the approval of the home occupation. All opposition was directed to the requested variance, addressed separately in this memorandum. In fact, one of the opponents, Mr. Thomas Peece, whose opposition was focused on the requested variance, testified that he has the equivalent of an office in his own home -- a use for which no zoning approval has apparently been obtained.

Petitioner has met the burden of showing compliance with Section 101 of the BCZR for a home occupation. There was no opposition to Petitioner's request for confirmation of a use of an incidental portion of the subject premises for use by Petitioner in pursuit of a home occupation.

THE EXISTING PARKING OF LIMOUSINES IS NOT A "SERVICE GARAGE" UNDER THE BCZR

At the hearing held before the Zoning Commissioner the Petitioners stipulated to the classification of the seven (7) limousines parked on the subject site as "commercial vehicles" under the Baltimore County Zoning Regulations (BCZR). Section 101 of the BCZR defines "Commercial Vehicle" as:

> Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds, or any vehicle, regardless of weight which:
>
> (1) is used for the transportation of materials,

products, freight, other vehicles, or equipment in furtherance of any commercial activity; or

(2) is used "for hire"; or

(3) displays advertising thereon.

(Emphasis added.)

Such stipulation by Petitioner resolved one of the questions presented for resolution pursuant to the Petition for Special Hearing filed. Recognizing that commercial vehicles are a part of our everyday life, the County Council permitted as of right, the parking of commercial vehicles in residential districts subject to specific conditions. Section 431.B of the BCZR expressly permits one commercial vehicle per dwelling unit to be parked on a residential lot for a period of time exceeding that necessary for immediate use of the vehicle. Petitioner has sought a variance from this section of the BCZR to allow the parking of seven commercial vehicles, thereby eliminating the practical difficulty that would otherwise result.

The Zoning Commissioner for Baltimore County ("Commissioner") in Case No. 90-84-SPHA, Larry Vandergrift and wife as Petitioners, conducted a special hearing pursuant to BCZR Section 500.7, and held that BCZR Section 431.B was subject to the granting of a variance. In that case, the Commissioner contrasted Baltimore County Code Section 17-36 which makes it unlawful to park a commercial vehicle on a public road within any residential zone.

Protestants in this case suggest that since the subject

vehicles are classified by the State Department of Transportation as "for hire" that the attached and accessary residential garages located on the subject site are to be considered "service garages" as defined in the BCZR. Recognizing the circuitous nature of this argument, the Zoning Commissioner denied Protestant's Motion for Dismissal.

To accept the premise suggested by protestants would render the permitted use as outlined in BCZR Section 431.B a nugatory by giving precedence to a strained interpretation of a defined term within the BCZR. Such a construction of statutes that are plain on their face ignores all canons of statutory construction. The Maryland principles of statutory construction were comprehensively stated by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1978), cert. denied, 425 U.S. 942 (1976). The Fabritz Court stated:

> The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc.-Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County 244 Md. 98, 223 A.2d 151 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be 'considered in its entirety and in the context of the purpose underlying [its] enactment.' Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 246, at

432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature., Purifoy v. Merc.-Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), '[a]dherence to the meaning of words does not require or permit isolation of words from their context'***[since] the meaning of the plainest words in a statute may be controlled by the context....' In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sauza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra. Fabritz, p. 421-422. Accord, Wynn v. State, 313 Md. 533 (1988).

Thus, common sense, as well as principles of statutory construction, make evident the fact that BCZR Section 431.B permits commercial vehicles to be parked on a residential lot without the structure housing the vehicle being termed a "service garage." The residential nature of the garages which existed on the subject

property when purchased by Petitioners is not altered by the parking of commercial vehicles pursuant to BCZR 431.B or the variance as to total number of vehicles sought therefrom. Protestants, in an attempt to cloud evident statutory purpose, cannot undo what the legislative body of this County has done pursuant to its State delegated authority. Instructive in this regard is the decision of the U.S. Supreme Court in U.S. v. Brown, where the Court stated:

> The canon in favor of strict construction is not an inexorable command to override common sense and evident statutory purpose. It does not require magnified emphasis upon a single ambiguous word in order to give it a meaning contradictory to the fair import of the whole remaining language.... 333 U.S. 18, 25-26 (1948). (Emphasis added.)

Finally, the Office of Zoning was preparing a formal citation to the Petitioners regarding alleged zoning violations. However, during cross-examination of Mr. Kevin Connor, the Zoning Inspector for Baltimore County, Mr. Connor was asked by protestant's counsel:

> Q: Why didn't you issue a citation for the illegal operation of a service garage?
>
> A: There was no evidence of a service garage in operation.

Baltimore County Zoning Inspectors are highly trained in the application of the BCZR and its requirements to existing uses. The County has predetermined, via a physical, on-site inspection that no service garage is being operated at this location.

For the above stated principles and reasons, the Commissioner should reject protestant's assertion of Service Garage use in favor of commercial parking on a residential lot permitted as of right by the County Council.

THERE EXISTS NO "EXTERIOR EVIDENCE" OF THE VALID HOME OCCUPATION BEING CONDUCTED ON THE SUBJECT SITE

The protestants, together with the County office of Planning in their written comments regarding this case, suggest that there exists exterior evidence of an otherwise valid home occupation being conducted on the subject property. At the hearing held on this mater, Ms. Becker was emphatic that she intentionally prohibits any exterior evidence of her occupation. Ms. Becker testified, in response to a question posed by the Zoning Commissioner, that her only form of advertising was in the "yellow pages" and by word of mouth. The testimony indicated that her home address was not shown in the yellow page advertisement.

At the hearing, the Zoning Inspector for this area of the County, Mr. Kevin Connor, testified that he physically inspected the subject site. Mr. Connor's testimony was that the site was well screened, and that there was no exterior evidence of the existing use of a portion of the premises for a home occupation.

Protestants suggest that the mere presence of the limousines and the incidental movement of vehicles as they enter and leave the neighborhood is somehow exterior evidence of the interior home occupation use. If such were the standard it is doubtful that any

home occupation use would be permitted in Baltimore County.

The most logical analogy to protestant's suggestions is the arrival and departure of delivery trucks. The Zoning Commissioner has held recently that delivery trucks associated with home occupations are not "exterior evidence". Absent such a holding there would have been no alternative but to deny the requested confirmation of home occupation in the recent case of Harold Joseph Miller, et al, Case No. 89-160-SPH. In that case, the petitioner sought confirmation of cannon construction, in an accessory building, as a valid home occupation. The Commissioner's Order indicates that there was no "business outside of the construction cannons" conducted on the site and that customers do not come to the subject property to make purchases.

The Commissioner found that all the Petitioner in that case did was make wooden [illegible] paint iron parts, and assemble the cannons. There was found to be no iron foundry or forge on the property. Obviously, since the barrels and mortars sold by the Petitioner in that case could not be actually made on the property due to the lack of an iron foundry or forge, these bulky and extremely heavy pieces of working cannons had to be delivered by truck to the property. Clearly if the regular delivery of parts, which potentially may weigh several thousand pounds each, for the construction of military grade cannons is not "exterior evidence", the movement of passenger vehicles and limousines do not constitute the exterior evidence suggested.

The Zoning Commissioner should be reminded that restriction number 5 of the Miller decision expressly acknowledges the fact that customers are authorized to come to the Miller property and pick up the cannons. In the instant case there is direct testimony that never has a customer come to the home of petitioner.

Petitioner Becker has no signs posted on the property. With the exception of two "formal" limousines, which according to the testimony are only slightly larger than a standard four door automobile, all limousines are kept within the existing residential garages on the site. The County's own inspector has testified that there exists no evidence of the home occupation being conducted on this property.

THE DRIVERS OF THE LIMOUSINES ARE INDEPENDENT CONTRACTORS

At the hearing on the subject petitions, Ms. Becker testified that she has verbal contracts with 10-12 people who drive her limousines. Ms. Becker stated that all drivers currently used by her were interviewed at her kitchen counter after she had placed an advertisement for drivers. The drivers are paid by the hour for the driving services performed from the time the customer is picked up until the customer is dropped off.

Ms. Becker has certain policies regarding the drivers and their dealings with customers. However, drivers can refuse to drive a particular job and drivers exercise independent discretion. The policies established by Ms. Becker pertain to no drinking in the limousines by under age people, how to handle vehicle

breakdowns, etc. Moreover, drivers often make independent arrangements with customers such as leaving a particular location during the time that a customer will be in an establishment.

Although Ms. Becker is solely responsible for the scheduling of limousine use, it is the responsibility of the driver to deliver the end product or result -- a happy, satisfied customer. Absent direction by a driver regarding safe operation of the vehicle and policies mentioned previously, the driver determines "how" the customers needs are satisfied and other than the starting time of pick-up, "when" the customers needs are completed. The customer has the ability to direct the driver, his route, his destinations and other aspects of limousine transportation.

In the instant case, the drivers are paid by the hour and responsible for completing a specific task. It is where a "workman is paid by the hour and is not required to complete a definite task" that such is an indication that the workman is an employee. Williams Construction Company v. Dahlen, 189 Md. 576,582, 56 A.2d 694 (1948). (Emphasis added.) Likewise, where a truck driver agreed to haul material as it became available and the driver's contract did not call for completion of a certain task, the Court of Appeals of Maryland has held that such was a circumstance indicating an employer/employee relationship rather than that of an independent contractor. Id.

There are two contracts involved with consideration of the status of the subject drivers. One is the oral contract to which

Ms. Becker testified that she has with each driver. The second is the contract with the customer. It is the latter contract about which suggestions have been made that the drivers of the subject limousines are employees rather than independent contractors. In ruling on a case which originated in the United States District Court for the District of Maryland, the U.S. Court of Appeals for the Fourth Circuit stated clearly the applicable principle of law in this area:

> Complete control over the result to be accomplished is not enough to make an independent contractor an employee. As stated in National Labor Relations Board v. Steinberg, 182 F.2d 850, 856-857 (5 Cir. 1950):
>
> "* * * * an employer has a right to exercise such control over an independent contractor as is necessary to secure the performance of the contract according to its terms, in order to accomplish the results contemplated by the parties in making the contract, without thereby creating such contractor an employee."

Even some reservation of control to supervise the manner in which the work is done, or to inspect the work during its performance does not destroy the independent contractor relationship where the contractor is not deprived of his judgment in the execution of his duties. Conasauga River Lumber Company v. Wade, 221 F.2d 312 (6 Cir. 1955), cert. denied 350 U.S. 949, 76 S.Ct. 324, 100 L.Ed. 827. The determination as to whether or not sufficient control has been retained rests upon the peculiar facts of each case and no one fact is controlling; the "totality of the circumstances must be considered." N.L.R.B. v. A.S. Abell Co., 327 F.2d 1,5 (4 Cir. 1964).

Taylor v. Local No. 7, International Union of Journeymen Horseshoers, 353 F.2d 593 (1965).

Here, Ms. Becker does not tell her drivers how to drive or where to drive. General, administrative policies have been

established which guide the drivers in the performance of their contractual obligations. Absent the ability to tell the drivers what to do, and how and when to do it, there exists no employer/employee relationship. L.M.T. Steel Products, Inc., v. Peirson, 47 Md. App. 633,636, 425 A.2d 242 (1981). It is the power to control the activities of the driver "with some immediacy and directness" which is conclusive of an employer and employee. This direct control of activities would negate the "independence" or autonomy presumed to exist with an independent contractor. "L.M.T. v. Peirson at 635. Once a driver leaves the Becker residence he or she operates independently and autonomously, except for vehicular failure and general policy guidelines. Due to the fact that Ms. Becker does not leave her home she is physically incapable of exercising control or supervision over her drivers. Nor is the fact that each of the drivers delivers the completed 'contract' form to Ms. Becker in any way persuasive that the drivers are employees. The Maryland Court of Appeals has held that:

> [T]he mere rendition of reports to an employer does not establish that the employee is under such control as to make him a servant. It has been held that the fact that an employer reserves the right to supervise the work of an employee merely for the purpose of determining whether it is being done in accordance with the contract does not preclude the relationship of independent contractor.

Globe Indemnity Co. v. Victill Corp., 208 Md. 573,584, 119 A.2d 423 (1956).

Finally, the "obligations of master are not assumed by one who merely directs the operator of a hired vehicle where and when it

could be driven .... Clemons v. P.& O. Bullock, Inc. 250 Md. 586, 600, 244 A.2d 240 (1968).

The testimony and the applicable law are clear -- in this situation the relationship between Ms. Becker and her drivers is one of individual contractor. As such, the restrictions imposed regarding employees and valid home occupations have been met.

THE PETITIONER HAS MET THE LEGAL REQUIREMENTS NECESSARY FOR THE GRANTING OF THE REQUESTED VARIANCE

The Petitioner seeks a variance from BCZR Section 431.B to permit the parking of 7 limousines, 5 within a fully enclosed structure, on residentially zoned property in lieu of the one permitted as of right. As noted above, the Zoning Commissioner has determined previously that BCZR Section 431.B is subject to the variance provisions of BCZR Section 307.1. The Petitioner's burden was to establish practical difficulty or unreasonable hardship resulting from a strict application of the requirements of the BCZR. Petitioner, through oral testimony and demonstrative evidence has met the burden of proving practical difficulty.

As determined by the Commissioner in the Vandergrift case (Case No. 90-84-SPHA), the type of variance sought by the present petitioner is an area variance versus a variance as to use. The Maryland Court of Special Appeals has held that one must prove "practical difficulty" to justify such an area variance. As stated in Anderson v. Board of Appeals, an applicant for an area variance must show:

1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial injustice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, 22 Md. App. 28, 39 (1974)

Ms. Becker testified that strict compliance with the BCZR permitting only 1 limousine on the property would be unnecessarily burdensome and would work a substantial hardship and difficulty on her due to the cost of locating these very expensive vehicles elsewhere, subjecting the vehicles to greater potential for damage, and requiring her to leave her home to inspect the vehicles. Leaving her home would obviously require outside supervision for Ms. Becker's grandchildren of which she has legal custody. Further, it was Ms. Becker's testimony that the relief requested can be granted within the spirit and intent of the Zoning regulations and that public safety and welfare will continue to be secure as it has over the past year.

Ms. Becker further testified that the relief sought is the

minimum variance necessary to grant substantial relief to her as a property owner. The protestants cited concerns over traffic, safety of children and decrease of property values as potential consequences of continued parking of the limousines on the subject property. The limousines have been operating from the subject site for over one year. The protestants were unable to show negative impacts on property values or deprivation of their children's safety which result from the existing situation. Ms. Becker and her insurance agent, Mr. Joseph Doerfler, testified to the exemplary driving records of the drivers of the limousines and the fact that no damage claims have been made during the three years that Ms. Becker has been scheduling the limousines. Mrs. Pamela Szuziki, one of the protestants, produced unsubstantiated heresay testimony that her husband had to stop in front of the Becker driveway to enable a limousine to exit from the site and travel down Thornton Ridge Road. On cross-examination, Mrs. Szuziki was unable to say whether or not the same situation would exist regardless of whether the exiting car was a large station wagon or a standard size, four door vehicle.

Finally, Dr. Kathryn George, the complainant in this case, testified as to how she perceived the ramifications of the limousines being parked on the subject site. After acknowledging that the subject site was well screened, both by planted materials and by fencing, Dr. George grossly misstated the distance between her drive and that of the Petitioners. Notwithstanding the fact

that Ms. Becker produced a voluminous and representative sample of repair records from private garages facilities for repairs to the limousines, Dr. George suggested that repairs to these vehicles such as the changing of tires was being conducted on the subject property. Direct testimony from Ms. Becker as to the size of the vehicle tires and the lack of any suitable jack that would be necessary to raise one of the vehicles was dispositive of the errors contained in Dr. George's testimony. Dr. George's mere allegations of being awakened "at all hours" due to loud conversations, slamming doors etc. cannot be considered seriously given the efficient operation and exchange of vehicles described by Ms. Becker.

In short, the protestants could not describe in credible quantitative or qualitative terms how they would be affected negatively if the requested relief is granted. Mere speculations as to potential safety problems, decreases in property values etc. are so nebulous as to negate any serious consideration of such bald claims. The Petitioner has, on the other hand, demonstrated as a matter of law as to the unjustified, harsh result that would be imposed upon her if the former variance is not granted. The Petitioner has met her legal burden; the protestants have failed to establish any credible reasons why the requested relief cannot be granted.

CONCLUSION

There are two separate and independent questions before the

TITANIUM SHELL
2101 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8597

DATE 12/1/89

SOLD TO: Admiral Limo
ADDRESS 1811 Thornton Ridge Rd
CITY Balto STATE MD
PHONE 823-0034
CUST. ORDER NO. 47437
TAG NO. 135H
SALESMAN Mike
SERVICEMAN Cory
CHARGE
CASH

QUAN.	PART NO. / PRODUCT CODE	SIZE	DESCRIPTION	PRICE UNIT	EXTENSION
2	20-915	235/75R15	RIKEN CLASSICS	78 96	157 92
2	40-VALVE	—	VALVE STEMS	1 50	3 00
1	OR-000	—	CASING REMOVAL	1 00	1 00
					161 92
			PAID IN FULL		
			CHECK # 1324		
			Cash Customer		
2	68-350	—	COMPUTER BALANCE	5 95	11 90

TREADWEAR LIMITED WARRANTY → IF APPLICABLE OVER FOR DETAILS 50000 MILES

REFUND POLICY*

All refund claims must be made within 30 days of purchase and accompanied by this invoice. All returns will be made by check within seven working days. Refunds are subject to delivery charges and a handling charge of 10% or the total price. No refunds are given on used or opened wheels, special order merchandise, and used or mounted tires or wheels.

I have been explained the optional, road hazard, extended warranty and decline to purchase.
Customer's Initials

	PRODUCT	SERVICE	SALES TAX	TOTAL
	161 92	11 90	8 03	181 45

MOUNTING INSTRUCTIONS:

AFTER WARNING: LUG NUTS MUST BE RETIGHTENED AFTER 3 MILES OR 24 HOURS. IF THIS INVOICE DATE: _____

Customer Understands Driving Warning

Customer

THANK YOU!

SEE BACK OF INVOICE FOR LIMITED WARRANTY DETAILS AND TIRE/WHEEL CARE INFORMATION

Received by Jeff Decker

CUSTOMER'S COPY

DISCOUNT TIRE EXPRESS Mag Wheels

6503 Belair Road
Baltimore, MD. 21229
301-254-6698

Check appropriate block if not immediate sale:
- ☐ Received on Account
- ☐ Lay-a-way
- ☐ Lay-a-way Pick-up
- ☐ Special Order Deposit
- ☐ Special Order Pick-up
- ☐ CHARGE PAYMENT

YOUR RECEIPT

DATE 12/1/89
SALESMAN MIKE
CUSTOMER PHONE NO. 823-0034
SERVICEMAN CORY
CHARGE
CASH
TAG NO. 135H
CUST. ORDER NO. 47437
NAME Admiral Limo
ADDRESS 1811 Thornton Ridge Rd
CITY, COUNTY Balto
STATE MD ZIP 21207

QUAN. ORD.	PART NO. / PRODUCT CODE	SIZE	DESCRIPTION	PRICE UNIT	EXTENSION
2	20-915	235/75R15	RIKEN CLASSICS	78 96	157 92
2	40-VALVE	—	VALVE STEMS	1 50	3 00
1	OR-000	—	CASING REMOVAL	1 00	1 00
					161 92
			PAID IN FULL		
			CHECK # 1324		
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	PRODUCT	SERVICE	SALES TAX	TOTAL
	161 92	11 90	8 03	181 45

MOUNTING INSTRUCTIONS:

AFTER WARNING: LUG NUTS MUST BE RETIGHTENED AFTER 3 MILES OR 24 HOURS. IF THIS INVOICE DATE: _____

Customer Understands Driving Warning

Customer

THANK YOU!

SEE BACK OF INVOICE FOR LIMITED WARRANTY DETAILS AND TIRE/WHEEL CARE INFORMATION

Received by Jeff Decker

JACKSONVILLE EXXON
A Division of Storto Enterprises, Inc.
14205 Jarrettsville Pike
PHOENIX, MARYLAND 21131
Phone 666-8744

No 11359

DATE PROMISED 3-23-89 A.M. P.M.
CUSTOMER'S ORDER NO.
PHONE
CAR/UNIT NO. Truck
TAG NO.
SERIAL NUMBER
DISTRIBUTOR
ODOMETER
TRUCK USAGE PERFORMED WHITE CAB

NAME Admiral Limousine
ADDRESS
CITY
STATE

QTY	PART NO. AND DESCRIPTION	PRICE
1	Drive belt	38 01
1	Check out A/C	600
4	Enzyme Cleaner Deodorizer	3 16 00

DESCRIPTION OF WORK — AMOUNT

Found A/C Blower motor to be out
Replaced A/C Blower motor
Found A/C to be low
Replaced A/C Compressor

TOTAL LABOR	57 95
TOTAL PARTS	44 01
ACCESSORIES	31 60 00
SUB-TOTAL	
LESS INSURANCE	
RETURN REFUNDS	
TAX	18 00
TOTAL	453 56

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the vehicle on roads, highways or elsewhere for the purpose of testing and inspection. I agree that you are not responsible for damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control.

SIGNATURE

TOTAL ACCESSORIES 31 60 00 — TOTAL PARTS

ALSO CONTINUED ON OTHER SIDE

TITANIUM SHELL
2101 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8650

DATE 12/14/89

SOLD TO: Admiral Limo
ADDRESS 1811 Thornton Ridge Rd
CITY Balto STATE MD
CUST. ORDER NO. 47437
TAG NO. 135H
SALESMAN Mike
SERVICEMAN Cory
CHARGE
CASH

QUAN.	PART NO. / PRODUCT CODE	SIZE	DESCRIPTION	PRICE UNIT	EXTENSION
1	20-915	235/75R15	RIKEN CLASSICS	78 96	78 96
					78 96
			PAID IN FULL		
			CHECK # 1324		
			Cash Customer		
2	68-350	—	COMPUTER BALANCE	5 95	11 90

TREADWEAR LIMITED WARRANTY → IF APPLICABLE OVER FOR DETAILS 50000 MILES

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I have been explained the optional, road hazard, extended warranty and decline to purchase.
Customer's Initials

	PRODUCT	SERVICE	SALES TAX	TOTAL
	78 96	11 90	4 16	95 02

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Customer Understands Driving Warning

Customer

THANK YOU!

SEE BACK OF INVOICE FOR LIMITED WARRANTY DETAILS AND TIRE/WHEEL CARE INFORMATION

Received by Jeff Decker

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2101 YORK ROAD
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301/252/2500

No. 8597

DATE 12/1/89

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ADDRESS 1811 Thornton Ridge Rd
CITY Balto STATE MD
CUST. ORDER NO. 47437
TAG NO. 135H
SALESMAN Mike
SERVICEMAN Cory
CHARGE
CASH

QUAN.	PART NO. / PRODUCT CODE	SIZE	DESCRIPTION	PRICE UNIT	EXTENSION
1	20-915	235/75R15	RIKEN CLASSICS	78 96	78 96
					78 96
			PAID IN FULL		
			CHECK # 1324		
			Cash Customer		
2	68-350	—	COMPUTER BALANCE	5 95	11 90

TREADWEAR LIMITED WARRANTY → IF APPLICABLE OVER FOR DETAILS 50000 MILES

REFUND POLICY*

All refund claims must be made within 30 days of purchase and accompanied by this invoice. All returns will be made by check within seven working days. Refunds are subject to delivery charges and a handling charge of 10% or the total price. No refunds are given on used or opened wheels, special order merchandise, and used or mounted tires or wheels.

I have been explained the optional, road hazard, extended warranty and decline to purchase.
Customer's Initials

	PRODUCT	SERVICE	SALES TAX	TOTAL
	78 96	11 90	4 16	95 02

MOUNTING INSTRUCTIONS:

AFTER WARNING: LUG NUTS MUST BE RETIGHTENED AFTER 3 MILES OR 24 HOURS. IF THIS INVOICE DATE: _____

Customer Understands Driving Warning

Customer

THANK YOU!

SEE BACK OF INVOICE FOR LIMITED WARRANTY DETAILS AND TIRE/WHEEL CARE INFORMATION

Received by Jeff Decker

THACKER OLDSMOBILE-CADILLAC Inc.
ANNAPOLIS 224-3400
BALTIMORE 841-6533
WASHINGTON 261-8244

THACKER OLDSMOBILE - CADILLAC Inc.
MADISON STREET
ANNAPOLIS, MARYLAND 21401

R.O. No. 70175
DATE 12-13-89
CUSTOMER'S ORDER NO.
YEAR 1990 MAKE Cad MODEL Lmo
STOCK NO. 190A6E
VIN 1G6KF5
CUSTOMER NOTIFIED BY Phone DATE 12-13-89 TIME 11:30 AM/PM
CUSTOMER'S NAME Robert E Rosemary
ADDRESS 4940 Sweet Air
CITY-STATE-ZIP Baldwin Md 21013
HOME PHONE 592-6782 BUSINESS PHONE 592-7161 EXT. 18
CUSTOMER NOTIFIED BY Phone DATE 12-14-89 TIME 10:00 AM/PM
CUSTOMER'S NAME Robert E Rosemary
ADDRESS 4940 Sweet Air
CITY-STATE-ZIP Baldwin Md 21013
HOME PHONE 592-6782 BUSINESS PHONE 592-7161 EXT. 18

TERMS-STORES LABOR CHARGES ARE BASED ON A RATE OF $ 42.00 PER FLAT RATE HOUR.
ALL BILLS CARRY A CHARGE OF 18% PER ANNUM ON PAST DUE ACCOUNTS.

CUSTOMER'S INSTRUCTIONS
1. Excessive noise Rear
Adjust suspension Lmo
2. Drivers door lock sw is
RR inoperative
3. Replaces seat control sw
RR seat not operative
4. Inspect exhaust for
leaks

AUTHORIZED BY Robert E Rosemary
DATE 12-13-89 TIME 11:30 AM/PM
WORK TO BE COMPLETED BY DATE 12-14-89 TIME 10:00 AM/PM
ESTIMATED CHARGES $ 148.73
DEPOSIT $
BALANCE DUE ON DELIVERY $ 148.73

ESTIMATE TOTAL

	PARTS	LABOR
ESTIMATE AMOUNT	120.00	28.00
ADD'L AUTH. AMT.		
ADD'L AUTH. AMT.		
ADD'L AUTH. AMT.		
TOTAL AMOUNT	120.00	28.00
STATE TAX	7.20	
TOTAL AMOUNT	127.20	28.00

TOTAL GAS, OIL AND GREASE

GAS GALLONS	
GAS $	
OTHER $	
LUB. GREASE $	

	AMOUNT
LABOR MECH.	280.00
LABOR BODY SHOP	
LABOR REFINISH	
PARTS & ACCESS.—MECH.	720.00
PARTS & ACCESS.—BODY SHOP	
TIRES	
OIL, GREASE	10.50
PAINT MATERIAL	
BODY—BUMPER	
SHOP SUPPLIES 10%	100.00
DEDUCTIBLE	
TAX	72.00
CASH	
CHARGE	1182.50

ESTIMATOR

THACKER OLDSMOBILE-CADILLAC Inc.
ANNAPOLIS 224-3400
BALTIMORE 841-6533
WASHINGTON 261-8244

THACKER OLDSMOBILE - CADILLAC Inc.
MADISON STREET
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TOTAL GAS, OIL AND GREASE

GAS GALLONS	
GAS $	
OTHER $	
LUB. GREASE $	

	AMOUNT
LABOR MECH.	280.00
LABOR BODY SHOP	
LABOR REFINISH	
PARTS & ACCESS.—MECH.	720.00
PARTS & ACCESS.—BODY SHOP	
TIRES	
OIL, GREASE	10.50
PAINT MATERIAL	
BODY—BUMPER	
SHOP SUPPLIES 10%	100.00
DEDUCTIBLE	
TAX	72.00
CASH	
CHARGE	1182.50

ESTIMATOR

© Jiffy Lube International, Inc. 1989

0519 York Road
Cockeysville, MD 21030
(301) 666-7600

278-086911

DATE 12/28/89 TIME 5:20 AM/PM
MAKE Chev MODEL Lum YEAR 90
MILEAGE 47437
VIN 1GBKR
DATE 12/28/89 TIME 3:49 AM/PM
MAKE Chev MODEL Lum YEAR 90
MILEAGE 50439
VIN 1GBKR

CUSTOMER TELEPHONE 592-0334
SERVICE TIME IN
SERVICE TIME OUT

14 POINT FULL SERVICE
10W30 QTS. 5½
FILTER # 23
CHANGE
OIL FILTER
LUBRICATE
DRAIN
TRANSMISSION (FLUID)
DIFFERENTIAL (FLUID)
BRAKE FLUID
POWER STEERING
WINDOW WASHER FLUID
BATTERY
FILTER
BREATHER
PCV VALVE
WIPER BLADES
VACUUM
WASH EXTERIOR WINDOW(S)
WAX EXTERIOR
VACUUM INTERIOR
COMPLETE
FILLED
RPLD
N/A
SENSOR QTY.
MAINTENANCE MINDER
PART QTY.

ROUTINE INSPECTIONS
ADDITIONAL SERVICES
FLUSH AND FILL
AIR CONDITIONING RECHARGE
ADDITIONAL OIL
GREASE FITTINGS
OIL TYPE
WHERE AVAILABLE

RECOMMENDED REPLACEMENT
RPLD = REPLACED
N/A = NOT APPLICABLE / NOT ACCESSIBLE

(NOTE MANUFACTURERS REC. BASED ON "SEVERE DRIVING CONDITIONS.")

	NO.	WEIGHT	PAGE	SERVICE INTERVAL	DATE/MI
TRANSMISSION / TRANSAXLE					
TRANSFER CASE					
DIFFERENTIAL					

METHOD OF PAYMENT ☐ CASH ☐ CHECK ☐ CHARGE ☐ FLEET BILLED TOTALS $

TOTAL PARTS LABOR
COUPONS (IF APPLICABLE)
SUB TOTAL
SALES TAX
TOTAL

LEASING COMPANY:
VEHICLE #
P.O. #
C.C. #
SERIAL #

LAST FIRST
CUSTOMER PLEASE SIGN
PARTS TO BE RETURNED

NO.-

© Jiffy Lube International, Inc. 1989

0519 York Road
Cockeysville, MD 21030
(301) 666-7600

278-086235

DATE 7/20/89 TIME AM/PM
MAKE Chev MODEL Lum YEAR 87
MILEAGE 47437
VIN 1GBKR
DATE 12/28/89 TIME 3:49 AM/PM
MAKE Chev MODEL Lum YEAR 90
MILEAGE 50439
VIN 1GBKR

CUSTOMER TELEPHONE
SERVICE TIME IN
SERVICE TIME OUT

14 POINT FULL SERVICE
10W30 QTS. 5½
FILTER # 23
CHANGE
OIL FILTER
LUBRICATE
DRAIN
TRANSMISSION (FLUID)
DIFFERENTIAL (FLUID)
BRAKE FLUID
POWER STEERING
WINDOW WASHER FLUID
BATTERY
FILTER
BREATHER
PCV VALVE
WIPER BLADES
VACUUM
WASH EXTERIOR WINDOW(S)
WAX EXTERIOR
VACUUM INTERIOR
COMPLETE
FILLED
RPLD
N/A
SENSOR QTY.
MAINTENANCE MINDER
PART QTY.

ROUTINE INSPECTIONS
ADDITIONAL SERVICES
FLUSH AND FILL
AIR CONDITIONING RECHARGE
ADDITIONAL OIL
GREASE FITTINGS
OIL TYPE
WHERE AVAILABLE

RECOMMENDED REPLACEMENT
RPLD = REPLACED
N/A = NOT APPLICABLE / NOT ACCESSIBLE

(NOTE MANUFACTURERS REC. BASED ON "SEVERE DRIVING CONDITIONS.")

	NO.	WEIGHT	PAGE	SERVICE INTERVAL	DATE/MI
TRANSMISSION / TRANSAXLE					
TRANSFER CASE					
DIFFERENTIAL					

METHOD OF PAYMENT ☐ CASH ☐ CHECK ☐ CHARGE ☐ FLEET BILLED TOTALS $

TOTAL PARTS LABOR
COUPONS (IF APPLICABLE)
SUB TOTAL
SALES TAX
TOTAL

LEASING COMPANY:
VEHICLE #
P.O. #
C.C. #
SERIAL # 356-397 823-0034

LAST FIRST
CUSTOMER PLEASE SIGN
PARTS TO BE RETURNED

NO.-

TITANIUM SHELL
2101 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8163

DATE 12/14/89

SOLD TO: Admiral Limo Inc
ADDRESS 1811 Thornton Ridge Rd
CITY Balto STATE MD
CUST. ORDER NO. 47437
TAG NO. 135H
SALESMAN Mike
SERVICEMAN Cory
CHARGE
CASH

QUAN.	PART NO. / PRODUCT CODE	SIZE	DESCRIPTION	PRICE UNIT	EXTENSION
1	20-915	235/75R15	RIKEN CLASSICS	78 96	78 96
					78 96
			PAID IN FULL		
			CHECK # 1324		
			Cash Customer		
2	68-350	—	COMPUTER BALANCE	5 95	11 90

TREADWEAR LIMITED WARRANTY → IF APPLICABLE OVER FOR DETAILS 50000 MILES

REFUND POLICY*

All refund claims must be made within 30 days of purchase and accompanied by this invoice. All returns will be made by check within seven working days. Refunds are subject to delivery charges and a handling charge of 10% or the total price. No refunds are given on used or opened wheels, special order merchandise, and used or mounted tires or wheels.

I have been explained the optional, road hazard, extended warranty and decline to purchase.
Customer's Initials

	PRODUCT	SERVICE	SALES TAX	TOTAL
	78 96	11 90	4 16	95 02

MOUNTING INSTRUCTIONS:

AFTER WARNING: LUG NUTS MUST BE RETIGHTENED AFTER 3 MILES OR 24 HOURS. IF THIS INVOICE DATE: _____

Customer Understands Driving Warning

Customer

THANK YOU!

SEE BACK OF INVOICE FOR LIMITED WARRANTY DETAILS AND TIRE/WHEEL CARE INFORMATION

Received by Jeff Decker

Zoning Commissioner. As to the validity of the home occupation, without consideration of the limousines being present on-site, the Petitioner has shown that she meets the requirements of the BCZR. The innocuous use of scheduling of limousines is certainly less impact on a residential community than the delivery of cannon barrels, and the assembly of cannons and mortars.

As to the requested variance, the Petitioner has met the burden for proving the practical difficulty associated with strict compliance with the requirements of the BCZR. As in every zoning hearing where there are protestants present, unsubstantiated claims of traffic, safety and negative impacts on property values were raised. Such claims are insufficient to overcome the strong showing of the Petitioner in this case.

Applicable law is clear as to the classification of the drivers of the limousines as independent contractors. The drivers' ability to exercise discretion and freedom of choice of assignments and routes indicate clearly that no employer/employee relationship exists.

Protestant's claim of operation of a service garage ignores all evidence in the case, past and present County policy and interpretation of the BCZR, and basic canons of statutory construction. Likewise, the claim of the limousines constituting exterior evidence of the home occupation ignores the domestic character of the vehicles and the testimony of a Baltimore County Zoning official whose job it is to make independent, learned

judgments of such situations.

Based upon the testimony and exhibits offered at the hearing before the Commissioner and the facts and applicable law as described herein, the Petitioner requests that the scheduling of limousines as described be determined to be a valid "home occupation" and that the variance for the parking of the limousines of five within two existing residential garages, be granted without delay.

Respectfully submitted,

Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
Suite 113
305 West Chesapeake Avenue
Towson, Maryland 21204
(301) 321-0600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 1990, a copy of the foregoing Petitioner's Post-Hearing Memorandum was mailed via First-Class, postage prepaid, United States Mail to William M. Hesson, Jr., Nolan, Plumhoff & Williams, Suite 700 Court Towers, 210 West Pennsylvania Avenue, Towson, Maryland 21204-5340, and to Phyllis Cole Friedman, People's Counsel for Baltimore County, 111 East Chesapeake Avenue, Towson, Maryland 21204.

Howard L. Alderman, Jr.

90-288

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Howard L. Alderman, Jr., Esq.	Suite 113, 305 W. Chesapeake Ave. Towson
Robert S. Becker	1811 Thornton Ridge Rd.
ROBERT S BECKER	1811 THORNTON RIDGE RD.

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

Board of Governors
Christopher R. West, President
Louise H. Hildreth, 1st Vice President
Nancy Worden Horst, 2nd Vice President
John C. Rouston, Treasurer
E. Richard Watts, Jr., Secretary

Betty C. Bisker
Richard C. Burch
Nancy Cammack
Suzanne E. Chapelle
Hobart V. Fowlkes
Dorothy S. Fravel
Edith Hoyt Garrett
Robert O. Kan
Sarah F. Lord
Joan Swift Lucas
James H. Magee, III
Herbert B. Mittenthal
William D. Naughton
Paula Dunn Noell
Gail S. O'Donovan
Roy C. Parsons
Bonnie S. Serpick
Gordon B. Shelton
Marjorie Simon

Robert E. Scott, Ex Officio

16 January, 1990

J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Baltimore, MD 12204

Dear Commissioner Haines:

The Ruxton-Riderwood-Lake Roland Area Improvement Association strongly opposes the zoning variance, requested in Case # 90-288, by Robert and Rosemary Becker, 1811 Thornton Ridge Road. The Beckers' residence is within the boundaries of the RRLRA Improvement Association, in a zone subject to DR regulations. The parking, storage, and operation of seven limousines on and from this location is entirely inappropriate.

Chauffeurs arriving, parking nearby, and departing in their vehicles, as well as the fleet of limousines arriving and departing on assignment from this location are incompatible and intrusive in this residential neighborhood. Additional undue traffic is generated by this activity. This should not be condoned, and most assuredly a variance should not be granted to allow its continuance.

The neighborhood surrounding 1811 Thornton Ridge Road finds Mr. and Mrs. Becker's commercial enterprise unsuitable and intrusive in their residential community. The Baltimore County Office of Planning and Zoning concurred, in its December 15, 1989 recommendation.

The Ruxton-Riderwood-Lake Roand Area Improvement Association respectfully requests that the Baltimore County Zoning Commissioner deny the Mr. and Mrs. Becker's petition for a variance in Case # 90-288.

Sincerely,

Sarah F. Lord
RRLRA Impr. Assoc. Zoning Chairman

6219 Falls Road
Baltimore, MD 12104

PROTESTANT'S EXHIBIT 1

3138.17

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 20, 1989.

TOWSON TIMES,

S. Zeke Orlan

Publisher

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ 12/10 December 20.

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 as follows:

Petition for Special Hearing
CASE NUMBER: 90-288-SPHA
S/S Thornton Ridge Road, 560' ± S of Halton Road
1811 Thornton Ridge Road
8th Election District - 4th Councilmanic
Petitioner(s): Robert S. Becker, et ux
HEARING: TUESDAY, JANUARY 16, 1990 at 3:00 p.m.

Special Hearing: The use of a portion of the subject premises for telephone limousine scheduling as a home occupation pursuant to BCZR Section 101.1.A.14.d and to determine if the limousines parked on the subject property are "commercial vehicles" as defined by the BCZR.

Variance to permit parking of seven (7) limousines, five (5) within a fully enclosed structure, on residential property, if the Zoning Commissioner determines that such limousines are "commercial vehicles" as defined by the BCZR.

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.

NOTE: IF PHASE II OF THE "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Becker
Howard L. Alderman, Jr., Esq.
File

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

receipt

Account: R-001-6150
Number: No. 988

Date: 1/16/90

90-288-SPHA

PUBLIC HEARING FEES	QTY	PRICE
080 POSTING SIGNS / ADVERTISING	1	$183.17
	TOTAL:	$183.17

LAST NAME OF OWNER: BECKER

B 01146******18317:a 5174F

Please make checks payable to: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 21, 1989.

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

NOTICE OF HEARING

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ 12/21 December 20.

90-288-SPHA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Date of Posting: December 21/1989
Posted for: Special Hearing and Variances
Petitioner: Robert S. Becker, et ux
Location of property: S/S Thorton Ridge Road, 560' S of Halton Road
Location of Signs: In front of 1811 Thornton Ridge Road
Remarks:
Posted by: E.J. Prater (Signature)
Number of Signs: 2
Date of return: December 29, 1989

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

J. Robert Haines
Zoning Commissioner

DATE 1/2/90

Dennis F. Rasmussen
County Executive

Mr. & Mrs. Robert S. Becker
1811 Thornton Ridge Road
Towson, Maryland 21204

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-288-SPHA
S/S Thorton Ridge Road, 560'± S of Halton Road
1811 Thornton Ridge Road
8th Election District - 4th Councilmanic
Petitioner(s): Robert S. Becker, et ux
HEARING: TUESDAY, JANUARY 16, 1990 at 3:00 p.m.

Dear Mr. & Mrs. Becker:

Please be advised that $ 188.17 is due for advertising and posting of the above captioned property.

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

Be advised that should you fail to return the sign & post set(s), there will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

cc: Howard L. Alderman, Jr., Esq.

NOTE: (IF "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

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

J. Robert Haines
Zoning Commissioner

December 8, 1989

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

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

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-288-SPHA
S/S Thorton Ridge Road, 560'± S of Halton Road
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NOTE: (IF "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County, on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Becker
Howard L. Alderman, Jr., Esq.
File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
S/S Thornton Ridge Rd., 560'± : OF BALTIMORE COUNTY
S of Halton Rd. (1811 Thornton Ridge Rd.) :
8th Election District :
4th Councilmanic District :

ROBERT S. BECKER, et ux, : Case No. 90-288-SPHA
Petitioners

: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 20th day of December, 1989, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Ave., #113, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

Peter Max Zimmerman

90-288-SPHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer DATE: 10/19/89
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 141 (if known)
Petitioner: Robert & Rosemary Becker (if known)

VIOLATION CASE # C-89-1679

LOCATION OF VIOLATION 1811 Thornton Ridge Rd

DEFENDANT Robert & Rosemary Becker

ADDRESS 1811 Thornton Ridge Rd.
Baltimore,Md.21204

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
* Ms. Katherine George	1825 Thornton Ridge Rd. Baltimore,Maryland 21204
* Ms. Judith Merrill	1803 Thornton Ridge Rd. Baltimore,Maryland 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ooh/

* NOTE: Hearing Notice Mailed 12/8/89

DULANEY MOTOR CO., INC., TIMONIUM, MD.
DULANEY MOTOR COMPANY, INC.
1801 N. YORK RD.
TIMONIUM, MARYLAND 21093
667-1700
AUTHORIZED
PETITIONER'S EXHIBIT
Thank you for this opportunity to serve you.
Our aim is to perform all the repairs requested on this repair order to your complete satisfaction.
If our service was satisfactory, tell your friends, if not, please tell us immediately. Thank You
CUSTOMER COPY
DESCRIPTION
LABOR REPAIR SHOP
TOWING
PARTS REPAIR SHOP
CHARGE SALES
CASH SALES
CUSTOMER TOTAL
SALE
DULANEY MOTOR CO INC
1801 NORTH YORK ROAD
TIMONIUM MD 21093
WASH LT 10018-8
Admiral Lincoln
Mercury
Body Shop
Estimate
Parts
Labor
Total
Repair Order — Labor Instructions
Customer's Signature
Authorized By
Date
Time
Total Labor
Total Parts
Outside Work
Sub Total
Tax
Total
Destroy Parts
Customer Refuses Parts
Customer Requests Parts to be Returned
No. 8577
TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252-2500
Admiral Lincoln
Phone
Date
Make
Model
Year
Serial No.
Odometer
Gas Gauge
Oil
Water
Battery
Air Cleaner
Fan Belts
Hoses
Spare Tire
Jack
Lug Wrench
Radio
Heater
Windshield Wipers
Windshield Washer
Dome Light
Cigarette Lighter
Floor Mats
Mats
Trunk Mat
Hub Caps
Wire Wheel Covers
Tape Player
Body Chips
Scratches
Dents
Rust
Upholstery
Other
Estimate Total
Total Parts
Total Labor
Total Amount
Sales Tax
Total Outside Work
Gal. Gasoline
Gal. Oil
Gal. Grease
Total Gal. Oil Grease
Outside Work
Customer Instructions
Repair Order — Labor Instructions
Authorized Signature
Revised Estimate/Additional Work
Parts
Labor
Total
Customer Signature
Date
Time
Called By
By Phone
By Person
Phone No.
Original Estimated Costs
Parts
Labor
Total
Total Labor
Total Parts
Outside Work
Sub Total
Tax
Total
Estimated Amount
Actual Amount
Business Phone
Residence Phone
Description of Work
Make
Model
Year
Serial No.
Odometer
Date Promised
Time
AM
PM
Estimated Amount
Actual Amount
Total Labor
Total Parts
Outside Work
Sub Total
Tax
Total
Destroy Parts
Customer Refuses Parts
Customer Requests Parts to be Returned

TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8517

REPAIR ORDER - LABOR INSTRUCTIONS

Name: Admiral Limo Inc
Date: 4/26/89
Year: 88 Make: Lincoln Model: Town Car
Customer's Phone No.:
Serial Number:
Odometer: 32579

1 oil filter 8.75
1 P.S. filter 3.50
Charge oil & filter 5.00
P.O. by check

TOTAL PARTS	12.25
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	5.00
TOTAL PARTS	12.25
GAS, OIL, GREASE	15.13
OUTSIDE WORK	
STATE TAX	1.37
TOTAL AMOUNT	33.50
GAL. GASOLINE	
QTS. OIL	Super 4 Qts 15.13
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU ARE ALSO AUTHORIZED TO OPERATE ABOVE VEHICLE FOR PURPOSE OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC'S LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THEREON. I GRANT YOU PERMISSION TO OPERATE THE VEHICLE ON STREETS, HIGHWAYS OR ELSEWHERE AS NECESSARY IN THE PERFORMANCE OF THE WORK AUTHORIZED. YOU WILL NOT BE HELD RESPONSIBLE FOR LOSS OF OR DAMAGE TO VEHICLE OR ANY PART THEREOF BY FIRE, THEFT, ACCIDENT OR ANY OTHER CAUSE BEYOND YOUR CONTROL.

AUTHORIZED BY: Jeff R Dukin
RECEIVED BY:

ANY WARRANTIES ON THE PRODUCTS SOLD HEREBY ARE THOSE MADE BY THE MANUFACTURERS. THE SELLER (SERVICE RANGER DEALERSHIP) HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF SAID PRODUCTS.

SEMINARY HILL SERVICE CENTER, Inc.
"HOME OF THE PROFESSIONALS"
1420 YORK ROAD
LUTHERVILLE, MARYLAND 21093
TEL: (301) 825-7100
24 HR. ROAD SERVICE & TOWING

07579

Date of Purchase: 8/23/89
Name: Admiral Limo
Address:
City:
Zip:
Phone - Home:
Phone - Work:
Speedometer:
License Number:
Year, Make and Model:
Car Color:
NEXT OIL CHANGE DUE: DAY / MILEAGE
FUTURE NEEDS: Tire on Right Front
TIRE CONDITION: LF / RF / LR / RR / SPARE

REPAIR ORDER - LABOR INSTRUCTIONS

Tire Repair Right Front 6.00

I hereby authorize the above repair work to be done along with necessary mat'erials. You and your employees may operate above vehicle for purpose of test, inspection or delivery at my risk. An express mechanic's lien is acknowledged on above vehicle to secure the amount of repairs thereon. I grant you permission to operate the vehicle on streets and highways in the event it is necessary to road test. Terms are cash or approved credit. OK.

CUSTOMER INSIGHTS
1. DO YOU WANT A WRITTEN ESTIMATE, SINCE IT EXCLUDES SUB LET? YES ___ NO ___
2. CUSTOMER HONESTLY THAT HE MAY BE CHARGED NOT MORE THAN 10% OF THE AMOUNT OF THE WRITTEN ESTIMATE WITHOUT HIS CONSENT? YES ___ NO ___
3. CUSTOMER WANTS REPLACED PARTS? IF NOT RETURNED FOR LIABILITY? YES ___ NO ___
4. CUSTOMER CONSENT FOR ADDITIONAL REPAIRS? YES ___ NO ___

X

GASOLINE
LABOR
PARTS
SUBLET
ANTI-FREEZE
TAX
TOTAL 6.00
6.00

TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8518

REPAIR ORDER - LABOR INSTRUCTIONS

Name: Admiral Limo Inc
Date: 4/27/89
Year: 88 Make: Lincoln Model: Town Car
Customer's Phone No.:
Serial Number:
Odometer: 32579

1 oil filter 8.75
Charge oil & filter 5.00
P.O. by check

TOTAL PARTS	8.75
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	5.00
TOTAL PARTS	8.75
GAS, OIL, GREASE	13.75
OUTSIDE WORK	
STATE TAX	1.13
TOTAL AMOUNT	28.63
GAL. GASOLINE	
QTS. OIL	Super 5 Qts 13.75
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

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AUTHORIZED BY: Jeff R Dukin
RECEIVED BY:

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TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21033
301/252/2500

No. 8059

ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE

1 Battery Holddown 14.45

Name: Admiral Limousine Inc
Date: 10/4/89
Address: PO Box 96
City: Riderwood State: Md Zip:
Year: 85 Make: Cad Model: Fleetwood
Customer's Phone No.:
Serial Number:
Odometer:

REPAIR ORDER - LABOR INSTRUCTIONS

•3 Install Battery Holdo 10.80
P.O. cash

TOTAL PARTS	14.45
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	10.80
TOTAL PARTS	14.45
GAS, OIL, GREASE	
OUTSIDE WORK	
STATE TAX	.72
TOTAL AMOUNT	25.97
GAL. GASOLINE	
QTS. OIL	
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU ARE ALSO AUTHORIZED TO OPERATE ABOVE VEHICLE FOR PURPOSE OF TESTING, INSPECTION OR DELIVERY AT MY RISK. AN EXPRESS MECHANIC'S LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THEREON. I GRANT YOU PERMISSION TO OPERATE THE VEHICLE ON STREETS, HIGHWAYS OR ELSEWHERE AS NECESSARY IN THE PERFORMANCE OF THE WORK AUTHORIZED. YOU WILL NOT BE HELD RESPONSIBLE FOR LOSS OF OR DAMAGE TO VEHICLE OR ANY PART THEREOF BY FIRE, THEFT, ACCIDENT OR ANY OTHER CAUSE BEYOND YOUR CONTROL.

AUTHORIZED BY: Jeffrey H Dukin
RECEIVED BY:

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TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8514

1 oil filter 8.75

Name: Admiral Limousine
Date: 4/26/89
Address: 1811 Thornbury Ridge Rd
City: Towson State: Md Zip: 21204
Year: 85 Make: CAD Model: Fleetwood Limo
License Number: Hardward 75 045-678
Customer's Phone No.:
Serial Number:
Odometer: 46413

REPAIR ORDER - LABOR INSTRUCTIONS

Charge oil & filter 5.00
P.O. by Check

TOTAL PARTS	8.75
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	5.00
TOTAL PARTS	8.75
GAS, OIL, GREASE	19.25
OUTSIDE WORK	
STATE TAX	1.40
TOTAL AMOUNT	34.40
GAL. GASOLINE	
7 QTS. OIL	Super 7 Qts 19.25
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

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AUTHORIZED BY: Jeff R Dukin
RECEIVED BY:

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DULANEY MOTOR CO., INC., TIMONIUM, MD.

Limo Rose 2137 100128

ORDER WRITER: MS
LICENSE NO.: 675338
MODEL OF MAKE: 7-CAD
TIME RCVD.:
TIME PROM.: 523-6634
PHONE NUMBER:
SERVICE TAG NO.:
LIFTING CHARGE:
REFERENCE TO:

CUSTOMER'S RIGHTS
1. DO YOU WANT A WRITTEN ESTIMATE, SINCE YES ___ NO ___ IT EXCLUDES SUB LET?
2. CUSTOMER AGREES THAT HE MAY BE CHARGED YES ___ NO ___ NOT MORE THAN 10% OF THE AMOUNT OF THE WRITTEN ESTIMATE WITHOUT HIS CONSENT?
3. CUSTOMER WANTS REPLACED PARTS IF NOT YES ___ NO ___ RETURNED FOR LIABILITY?
4. CUSTOMER CONSENT FOR ADDITIONAL YES ___ NO ___ REPAIRS.

X CUST. SIGN.

Admiral Limo
ADDRESS
CITY & STATE
ZIP CODE

IDENTIFICATION (WARRANTY) NUMBER: 1GNEK26Z6FJ161620
COLOR: Blue
ESDO:

37024 10016-8
WASH 17

DULANEY MOTOR CO INC
1801 NORTH YORK ROAD
TIMONIUM MD 21093

OPERATION CHARGE CD.
CHG. OIL FILTER
INT. SHOP
CHG. BODY SHOP
LUBE MILE
INSPECTION

QTY.	NUMBER	PART NAME	PRICE	POLICY CODE	OPERATION NO.	TIME
1	15W-40	MIRRO	1.89	40		

DATE OF SALE: MO. 8 DAY 29 YR. 89
TRANS. NO.: 262674
DATE OF DELIVERY: MO. 8 DAY 29 YR. 89
TRANS. NO.: 262674
DELIVERED BY: MILEAGE OUT (TENTH)

REPAIR PROBLEM 1: Replace R/F & LEFT Door Mirror
R/F Door Panel
REPAIR PROBLEM 2: Replace Passenger Electrical Mirror
REPAIR PROBLEM 3:

CUSTOMER COPY

PRICE	DESCRIPTION	SALE
	LABOR REPAIR SHOP	20.50
	TOWING	
	PARTS REPAIR SHOP	169.40
	FISON GAS	
	SUBLET REPAIRS	
	GAS, OIL, GREASE	
	MISC. SHOP EXPENSE	2.45
	TAX	1.69
	CHARGE SALES	
	CASH SALES	
	CUSTOMER TOTAL	225.94

SUBLET REPAIRS
GAS: GAL. GAS
OTS. OIL
LBS. GREASE

DULANEY MOTOR COMPANY, INC.
1801 N. YORK RD.
TIMONIUM, MARYLAND 21093
667-1700

Thank you for this opportunity to serve you. Our aim is to perform all the repairs requested on this repair order to your complete satisfaction. If your service was satisfactory, tell your friends. If not, please tell us immediately. Thank You

---

TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8515

1 oil filter 8.75

Name: Admiral Limousine
Date: 4/28/89
Address: 1811 Thornbury Ridge Rd
City: Towson State: Md Zip: 21204
Year: 86 Make: CAD Model: Fleetwood
License Number: Hardward 20 078-240
Customer's Phone No.:
Serial Number:
Odometer: 27944

REPAIR ORDER - LABOR INSTRUCTIONS

Charge oil & filter 5.00
P.O. by check

TOTAL PARTS	8.75
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	5.00
TOTAL PARTS	8.75
GAS, OIL, GREASE	17.88
OUTSIDE WORK	
STATE TAX	1.33
TOTAL AMOUNT	32.96
GAL. GASOLINE	
6½ QTS. OIL	Super 6½ Qts 17.88
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

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AUTHORIZED BY: Jeff R Dukin
RECEIVED BY:

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TIMONIUM SHELL
2161 YORK ROAD
TIMONIUM, MARYLAND 21093
301/252/2500

No. 8062

ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE

1 Battery Holdo 14.45
1 Stud Leak 1.50

Name: Admiral Limousine
Date: 10/4/89
Address: PO Box 96
City: Riderwood State: Md Zip:
Year: 8 Make: Cad Model: Fleetwood
Customer's Phone No.:
Serial Number:
Odometer:

REPAIR ORDER - LABOR INSTRUCTIONS

•3 Install Battery Holdo 10.80
P.O. cash

TOTAL PARTS	15.95
ESTIMATE AMOUNT	PARTS / LABOR
ESTIMATE TOTAL	
TOTAL LABOR	10.80
TOTAL PARTS	15.95
GAS, OIL, GREASE	
OUTSIDE WORK	
STATE TAX	.80
TOTAL AMOUNT	27.55
GAL. GASOLINE	
QTS. OIL	
LBS. GREASE	
TOTAL GAS - OIL - GREASE	

RETAIN PARTS ☐ DESTROY PARTS ☐

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1-10-90

To Whom it May Concern,

I Brad Harter, Manager of Jacksonville Estates State that our team Maintains & Repairs all vehicles for Admiral Limousine from 3-88 - 1-89. With all of my Dealings with his Rosemary Beaver. She has proved time after time to be a very Honorable, Fair, Honest, Hardworking and Classy Business lady.

Bradley V. Harter

PETITIONER'S EXHIBIT 3

TIMONIUM SHELL
2181 YORK ROAD
TIMONIUM, MD 21093
(301) 252-3500

1/11/90

To whom it may concern:
Admiral Limo. Inc. Is regularly doing business with us for all of their automotive needs for approx. 2 year. If Needed we have receipts to show business conducted. If there are any question please contact:

Thank You
Abdul Sachak
252-3500

PETITIONER'S EXHIBIT 4

PETITIONER'S EXHIBIT 5

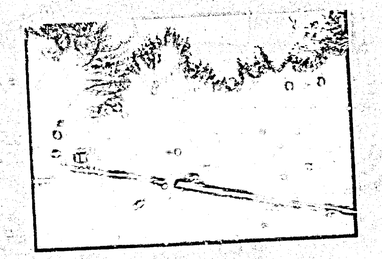
PETITIONER'S EXHIBIT NO. A

CASE NO. 90-288-SPHA

PROPERTY POSTED



LOOKING EAST ON THORNTON RIDGE RD



ENTRANCE DRIVE SHOWN

PETITIONER'S EXHIBIT 5

PETITIONER'S EXHIBIT NO. B

CASE NO. 90-288-SPHA

EAST ALONG THORNTON RIDGE ROAD



PROPERTY AS SEEN THROUGH LANDSCAPING ALONG THORNTON RIDGE RD



PETITIONER'S EXHIBIT 5

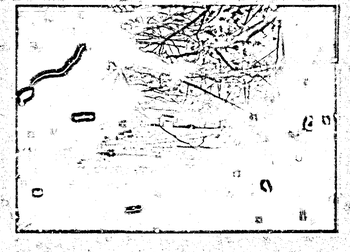
PETITIONER'S EXHIBIT NO. C

CASE NO. 90-288-SPHA

FROM THORNTON RIDGE RD LOOKING SOUTH INTO PROPERTY



LOOKING SOUTH INTO PROPERTY THROUGH LANDSCAPING

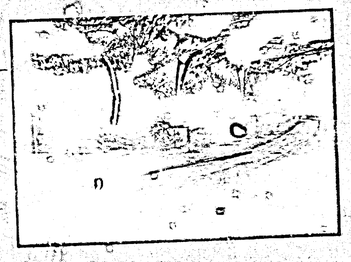


PETITIONER'S EXHIBIT 5

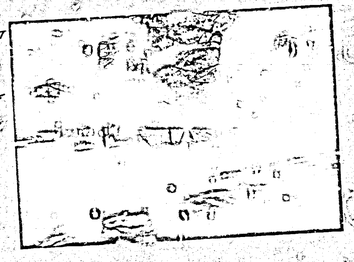
PETITIONER'S EXHIBIT NO. D

CASE NO. 90-288-SPHA

LOOKING SOUTH ALONG LANE OF ARTHUR GEORGE - FORMAL LIMO INDICATED BY ARROW AS SEEN THROUGH BOUNDARY LANDSCAPING



LOOKING SOUTHWEST INTO PROPERTY FROM THORNTON RIDGE ROAD - DETACHED GARAGE INDICATED BY ARROW ON LEFT. REAR OF HOUSE SHOWN BY ARROW ON RIGHT

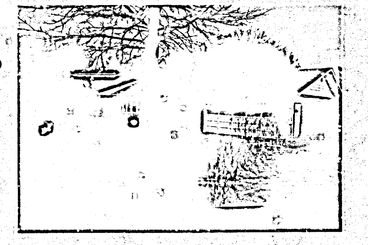


PETITIONER'S EXHIBIT 5

PETITIONER'S EXHIBIT NO. E

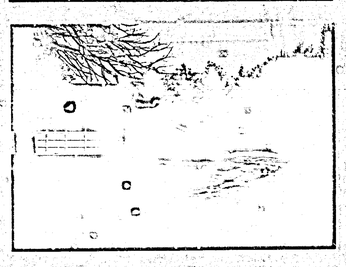
CASE NO. 90-288-SPHA

FRONT OF HOUSE AND GARAGE (ATTACHED)



FORMAL LIMO OUTSIDE OF ATTACHED GARAGE

DETACHED GARAGE IN REAR



PETITIONER'S EXHIBIT 5

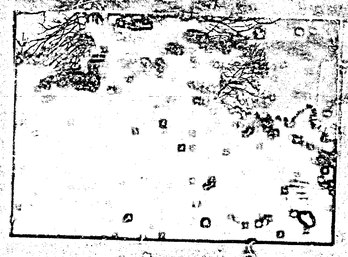
PETITIONER'S EXHIBIT NO. F

CASE NO. 90-288-SPHA

LOOKING EAST AT DETACHED GARAGE AND REAR YARD AREA



LOOKING WEST AT BOUNDARY FENCES ALONG ARTHUR GEORGE DRIVE



PETITIONER'S EXHIBIT 5

PETITIONER'S EXHIBIT

NO. 6

CASE NO. 90-288-SPHA



WEST ON THORNTON RIDGE ROAD - REAR OF HOUSE VISIBLE BEHIND MATURE TREES - NOTE THAT SOME TREES ARE DECIDUOUS



LOOKING SOUTH ALONG PROPERTY LINES

PETITIONER'S EXHIBIT 5

PETITIONER'S EXHIBIT

NO. 4

CASE NO. 90-288-SPHA



EAST OF SITE LOOKING EAST ALONG THORNTON RIDGE ROAD SCHOOL PROPERTY ON LEFT



LOOKING WEST TOWARD APPROX. LOCATION OF PROPERTY BEHIND SCHOOL PROPERTY TO RIGHT

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

000

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

Howard L. Alderman, Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No. 141, Case No. 90-288-SPHA
Petitioner: Robert S. Becker, et ux
Petition for Special Hearing and Zoning Variance

Dear Mr. Alderman:

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

cc: Mr. & Mrs. Robert S. Becker
1811 Thornton Ridge Road
Towson, MD 21204

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 1st day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert S. Becker, et ux

Petitioner's Attorney: Howard L. Alderman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 15, 1989

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

SUBJECT: Robert S. Becker, Item 141
Zoning Petition No. 90-288

The Petitioner requests a variance to permit the parking of seven limousines on residential property should the Zoning Commissioner determine that limousines are "commercial vehicles," as defined by the Baltimore County Zoning Regulations; and a Special Hearing to approve the use of a portion of the subject premises for tele-phone limousine scheduling as a Home Occupation and to determine if the limousines parked on the subject property are "commercial vehicles," as defined by the Baltimore County Zoning Regulations.

In reference to this request, staff offers the following comments:

Regarding the issue of a Home Occupation, staff views the parking of limousines and telephone scheduling as a single issue and believes these aspects of the use should not be bifurcated.

Section 101 of the Baltimore County Zoning Regulations defines a Home Occupation as "any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes."

Clearly, the parking of seven limousines and the resulting traffic they would generate constitutes exterior evidence. Staff also has concerns regarding employees entering the Petitioner's property to pick up the limousines. Obviously, if chauffeurs report to the property, increased traffic would be generated and additional vehicles would be parked at the property, thereby exacerbating the impact of such a use.

DEC 18 1989

Robert S. Becker, Item 141
Zoning Petition No. 90-288
Page 2

Bill No. 70, 1988 was recently enacted by the Baltimore County Council. This legislation limits the storage of commercial vehicles to one such vehicle. Commercial vehicles are defined in Section 101 as follows:

"Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds, or any vehicle, regardless of weight, which:
1) is used for the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or
2) is used for hire . . . "

The limousines apparently will be for hire (a check of Department of Motor Vehicles records would reveal how the vehicles are tagged) and for this reason, staff believes these vehicles meet the definition of a commercial vehicle.

In cases such as these, staff has consistently opposed the granting of variances when complete compliance with Section 431 is in question.

Home Occupations are intended to be accessory uses. The Petitioner's request involves a significant number of vehicles and the anticipated negative impact daily trips to and from the property.

In the matter of Larry Vandergrift, Case No. 90-845PHA, another case that involved a commercial vehicle, the Zoning Commissioner stated, "The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome." The Office of Planning and Zoning believes this same logic should be applied to the instant case.

Finally, based upon the information provided and the analysis conducted, staff opposes the commercial intrusion that would result from this proposed use and believes that the granting of the Petitioner's request would set an undesirable precedent.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DEC 18 1989

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

Paul H. Reincke
Chief

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: Robert S. Becker et ux

Location: S/S of Thorton Ridge Road

Item No.: 141 Zoning Agenda: 10/31/89

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: Lt. Joseph Kelly 11-3-89
Planning Group
Special Inspection Division

Noted and Approved: Capt Wm Brady Jr
Fire Prevention Bureau

NOV 07 1989

JANUARY 16, 1990
IN OPPOSITION TO LIMOUSINE SERVICE AT 1811 THORNTON RIDGE RD.

NAME	ADDRESS
Michael + Judy Morrill	1803 Thornton Ridge Rd.
Connie Schulz	1711 Thornton Ridge Rd, 21204
Angie + Vivian Pierson	2018 W. Joppa Rd., Lutz. 21093
Carlie Armstrong	8209 Burnley Rd. 21204
Eleanor Rath Mann	1801 Thornton Ridge Rd 21204
Thomas B Peace	2022 W. Joppa Road 21093
Lintay + Chang	8229 Burnley Rd- 21204
Margaret McEnroe	8231 Burnley Rd- 21204
Pamela Rozzelle	1809 Thornton Ridge Rd- 21804
Mary Kennedy	2019 W. Joppa Rd 21093
Grace Kerr	2019 W. Joppa Rd 21093
Ruth Williams	2238 Burnley Rd 21204
Thomas White	8223 Burnley Rd. 21204
Ann [illegible]	8227 Burnley Rd 21204
Rose Tardell (FAMILY)	8204 Burnley Rd 21204
Jay Wei	2009 W. Joppa 21093
James MacDonald	1709 Thornton Ridge Rd 21204
Helen MacDonald	1709 Thornton Ridge 21204
[illegible]	1815 Thornton Ridge Rd
[illegible]	1815 Thornton Ridge Rd
[illegible]	1815 Thornton Ridge Rd
Robert M. Miller	8330 Carrbridge Circle
John E Balme	8215 Cambridge Circle
Rory BIXLER	8108 Hatton Rd.
Frances Grazzani	1830 Davidsonville Rd

Name	Address
Sigmund L. Seward	8112 Halton Rd
Mary C. Wirth	8304 Carrbridge Cir 21204
W. Berkeley Mann	Thornton Ridge Rd.
DAVID L. SULLIVAN	8237 BURNLEY RD. 21204
Nancy Whitesite	7819 Ellenham Ave 21204
Louise M. Schulz	Rixton-Riderwood Rd 21139
Dick May	8306 Carrbridge Circle Towson 21204
Kenneth C. Buck	8306 Carrbridge Circle 21204
M.D.T. Perrigo	1813 Thornton Ridge
Sharon Jones H Cook	1828 Candlewick Rd

Trial 37

January 11, 1990

Dear Mr Haines

My husband and I are unable to attend the zoning hearing concerning the variance for the operation of a limousine service on Thornton Ridge Road. (The hearing is to be on 1/16 at 3:00 PM.)

We are therefore taking this opportunity to express the fact that we are adamantly

1826 Jamieson Rd
Lutherville Md. 21093
January 15, 1990

Dear Mr. J. Robert Haines,

We wish to express our opposition to the Zoning variance on Thornton Ridge Road. The operation of a limousine service from a home with one of seven vehicles, would present a danger to the children of Riderwood School, including ours. In addition, we feel that it would adversely change the nature of the area and encourage additional unwanted commercial establishments.

Sincerely,
Mary Jane Beede
Steven B. Beede Jr.

DAVID R. OWEN
8028 THORNTON ROAD
TOWSON, MARYLAND 21204

January 12, 1990

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

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Sir:

A hearing is scheduled for this case on January 16, 1990, to act upon a petition for a variance by the owner of residential property who seeks to operate a commercial limousine service out of his residence. This will involve the parking of seven (7) stretch limos, usir Thornton Ridge Road for this commercial traffic, and operating a dispatching service out of the home. We believe that this concept is absolutely outrageous.

For 18 years we have owned the property at the SW corner of Thornton Ridge Road and Thornton Road. In other words we are the entrance to Thornton Ridge Road; every one of these seven limos will pass in front of our house, night and day. We protest against any such invasion of our privacy and our legal rights.

The whole area between Joppa Road and Seminary Avenue along the Thornton Road corridor has always been a quiet, stable residential community. Just one commercial enterprise such as this limousine service would be bad enough. But the precedent set by breaking zoning in this instance would be catastrophic. If limousines are permitted to carry passengers for hire, the next step could be a petition for leave to operate limousines in connection with a funeral home.

The only way to maintain our neighborhood as residential is to prohibit all commercial enterprises here. And if the petitioner is contending that his limousine service is not "commercial", then he is simply insulting our intelligence. This is a business, pure and simple, and one that is not confined to the home. It would directly impact all of the neighbors.

DAVID R. OWEN
8028 THORNTON ROAD
TOWSON, MARYLAND 21204

-2-

Incidentally, it would adversely affect Baltimore County's tax base. We have recently received notice of substantial increases in assessments for 1990-92. We can assure you that if the present petition were granted, we would appeal and vigorously urge that the value of our property has been depreciated by the introduction of a commercial enterprise into our community.

We urge you to deny this petition. We regret our inability to attend the hearing.

Yours truly,

David R. Owen
David R. Owen

Eleanor A. Owen
Eleanor A. Owen

/dbj

Dr. and Mrs. Stanley Katula
8105 Halton Road
Towson, Maryland 21204

case no. 90-288 SPHA

J. Robt. t Haines
Zoning Commissioner
Baltimore County
Dear Sir.

We appose the zoning variance for 1811 Thornton Ridge Rd. It would affect our neighborhood's safety and appearance.

Sincerely,

Dr and Mrs Stanley Katula

RECEIVED
JAN 16 1990
ZONING OFFICE

Daniel C. Hardesty
1823 Thornton Ridge Road
Towson, Maryland 21204

January 10, 1990

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

RE: 90-288-SPHA

Dear Mr. Haines:

I absolutely object to any Variance to allow a limousine service to function out of a residential neighborhood!

1. They should have checked the zoning first.
2. This is a totally-residential neighborhood.
3. The street is a low-traffic, 25 mph, child-active side street.
4. Riderwood Elementary School backs to this street. Children play in an area approximately .1 to .2 of a mile along the street. There are no sidewalks!
5. The Towsontowne Recreation Council holds sports programs year round at Riderwood School on the fields and around the school. There is no way to justify allowing limousines to run out of that property onto Thornton Ridge Road.
6. Additional large buildings and/or parked cars would not fit into this area.
7. A business of this nature has no "business" on this street!

Sincerely yours,

Daniel C. Hardesty

DCH:dh

Thursday, January 11, 1990

Dear Mr. Haines,

It is my understanding that on Tuesday, January 16, 1990, there will be a hearing regarding a zoning variance applied for by a homeowner on 7 Halton Ridge Road.

We are parents of several Riderwood elementary students who do not wish to see any sort of business being created from this residential area. Limos are traveling transportation vehicles.

Furthermore, we believe we know from which residence this is requested. My husband and I viewed this home while it was for sale about a year ago. At that time it looked like an illegal gaming facility. Several rooms were lined with electrical outlets to enroll electrical equipment. The basement looked like a bingo hall with many tables stacked against one wall. Additionally, there were several garages capable of housing many cars +/- limousines.

13 Wandsworth Bridge Way
Lutherville, MD 21093
January 14, 1990

Mr. J. Robert Haines
Zoning Commissioner of Baltimore
County Office Building, Room 106
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines,

Since we cannot appear in person, my husband and I are writing to voice our opposition to a zoning variance applied for by a homeowner on Thornton Ridge Road in Towson, Maryland to operate a seven-vehicle limousine service from his home.

Since this commercial business would be right next to Riderwood Elementary School, we feel it would be quite unsafe to the children who attend and play at the school. Also, this limousine service has no place in the quiet residential area that surrounds the school. As there is already a problem with speeding traffic on Thornton Road, the addition of a commercial limousine service would only add to the traffic safety problem that is in existence. Before Christmas, we were informed that more police monitoring of Thornton Road would be in effect to protect the safety of the children. How can you consider a limousine service, when obviously the children of the school and neighborhood would be endangered?

Once again Mr. Mullan and I strongly object to the approval of this zoning variance.

Thank you for your time.

Sincerely,

Kathryn P. Mullan
Kathryn P. Mullan

RECEIVED
JAN 16 1990
ZONING OFFIC

J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 8023 Strauff Rd. located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my strenuous opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. This is clearly a commercial activity which should not be permitted in a residential zone. The parking of multiple vehicles on the subject property and the traffic and noise generated by this activity is not in keeping with the residential character of our neighborhood and therefore depreciates the value as well as the use and enjoyment of surrounding residential properties, including my home.

A limousine service at this location also poses a significant safety hazard. Thornton Ridge Road is a narrow street with no centerline, no sidewalks and no stop signs. It borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I urge you to deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of the neighborhood.

Thank you for your consideration.

Very truly yours,

Warren Updike
Warren Updike

January 9, 1990

RECEIVED
JAN 12 1990
ZONING OFFICE

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

Re: Case # 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 8007 Strauff Road located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. In my opinion, this is a commercial activity which should not be allowed in a residential zone. The traffic and noise generated by this activity is not consistant with the residential character of our neighborhood and therefore depreciates the value of our neighborhood.

In addition to the nuisance factor, a limousine service could also be a significant safety hazard. Thornton Ridge Road is narrow and has no sidewalks or stop signs. It also borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I feel strongly that you should deny the petition to use 1811 Thornton Ridge Road for a limousine service and also deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of our neighborhood.

Thank you for your cooperation.

Sincerely,
Norman C. Sheeler

Norman C. Sheeler
8007 Strauff Road
Towson, Maryland 21204

Mrs. Florence T. Squire
1807 Leadburn Road
Towson, Maryland 21204

January 9, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Case number 90-288-SPHA
8th Election District

Dear Mr. Haines:

This is to inform you that I am opposed to the zoning variance request of Robert S. and Rosemary becker of 1811 Thornton Ridge Road, to use a portion of their premises for the purpose of conducting a telephone limousine scheduling service. The property in question, is a curved narrow road, without sidewalks and, is almost directly opposite the Riderwood elementary school. As a resident of the community I am concerned that this type of commercial activity will have adverse effects on our residential neighborhood in terms of safety, appearance and property values. Although I realise that this property is outside the jurisdiction of the Village Green Community, and its covenants, the adjacent location has a great impact on those residents who are interested in protecting our citizens while maintaining an attractive community.

I trust that you will give my opposition request your utmost consideration.

Thankyou.

Sincerely,
Florence T. Squire

(Mrs.) Florence T. Squire

1805 Leadburn Road
Baltimore, MD 21204
January 9, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

Mr. J. Robert Haines,
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Commissioner Haines:

Please accept this as our letter of opposition to the above petition. The use of 1811 Thornton Ridge Road for commercial purposes is, in our opinion, unconscionable. The property is situated in a quiet residential neighborhood, across the street from a public elementary school. The street which provides the only vehicle access to the property is only one lane wide, with no center line. For purposes of safety, maintaining community property values and protecting the right of neighborhood citizens to enjoy the peaceful residential character of the area (we would think those to be among the intended purposes of zoning ordinances in this County), the request for a variance should be denied.

We understand the definition of limousines as "commercial vehicles" may be challenged. That does not seem supportable. By any reasonable definition, any vehicle which is used to transport persons or property for a fee must be considered a "commercial" conveyance. Any property used to garage, dispatch, or otherwise support a business which offers commercial vehicles for hire is clearly being used for commercial purposes. Such use of the above property is not permitted by Baltimore County zoning regulations, and there is no compelling reason for any variance to even be considered. The only reason one is requested is the private profit motive of the owners of 1811 Thornton Ridge Road. We urge the Commission to protect our lawful property rights and those of our neighbors.

If there is any question of whether "limousines" are customarily classified as "commercial vehicles", we would suggest the petitioners be required to produce the insurance policy under which these vehicles are covered. It will be found to be a "Commercial Auto Policy", or similar title of the same meaning. There are only two types of vehicle insurance policies, and limousines offered for hire cannot be insured under a "personal" or "family" auto policy (neither can taxicabs or delivery trucks). They are "commercial autos", and they are a zoning violation.

Beverly A. Wohlust

Ronald E. Wohlust

RIDERWOOD ELEMENTARY SCHOOL
1711 Landrake Road
Baltimore, Maryland 21204

January 10, 1990

Zoning Commissioner
Room 106
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for zoning variance at 1811 Thornton Ridge Road

I am the principal of The Riderwood School located at 1711 Landrake Road and bordered on the south boundary of the school campus by Thornton Ridge Road.

At a recent Riderwood PTA Executive Board Meeting (January 2, 1990) area residents presented their concerns about the above mentioned variance request. Their opposition included its effect on the school community's appearance, atmosphere, property values, and safety.

All of the issues expressed greatly concern the area residents. I am most especially concerned about the safety factor. Thornton Ridge Road forms the southern boundary to The Riderwood School campus. Play activities include the use of playground balls that bound down the incline roward Thornton Ridge Road. Occassionally the balls are retrieved on the road or after they have crossed the road. Thornton Ridge Road is a very narrow roadway with no sidewalks, curbing, or stop signs. Traffic on this narrow street over the years is of a local nature and nearly non-existent during the typical school day. It has always been considered very safe. The public school authorities have never considered fencing in the school campus on this boundary. Increased traffic flow by large/wide limousines would dramatically decrease the safety of our playground participants, student walkers, and student bicycle riders. It might also require the installation of an unsightly chain-link fence along this boundary in order to keep students from retrieving a playground ball.

I sincerely hope the safety of the students, and the natural beauty of the school campus are given very serious consideration.

Thank you for your consideration of these important school-based concerns.

Sincerely,
Donald L. Rollins, Principal
The Riderwood School

cc: The Riderwood PTA Executive Board
Attn: Mrs. Pat Firey, President

RECEIVED
JAN 11 1990
ZONING OFFICE

J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RECEIVED
JAN 11 1990
ZONING OFFICE

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 1726 Killington Rd located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my strenuous opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. This is clearly a commercial activity which should not be permitted in a residential zone. The parking of multiple vehicles on the subject property and the traffic and noise generated by this activity is not in keeping with the residential character of our neighborhood and therefore depreciates the value as well as the use and enjoyment of surrounding residential properties, including my home.

A limousine service at this location also poses a significant safety hazard. Thornton Ridge Road is a narrow street with no centerline, no sidewalks and no stop signs. It borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I urge you to deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of the neighborhood.

Thank you for your consideration.

Very truly yours,

January 9, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

Zoning Commissioners Office
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204
Attn: J. Robert Haines

Dear Mr. Haines:

This letter is in regards to a public hearing scheduled on Jan. 16, 1990 at 3:00 P.M. case number: 90-288-SPHA.

Unfortunately we are not able to attend this hearing because of our working schedule. We want to go on record that we are very much AGAINST Mr. Becker's petition.

Sincerely,

Mr. & Mrs. Edgar B. Jones
1827 Thornton Ridge Road
Towson, Maryland 21204
301-823-1827

PUBLIC NOTICES

Petitioner(s): Robert S. Frank, et ux
Hearing Date: Tuesday, Jan. 16, 1990 at 2:00 p.m.

Petition to permit a 30 foot rear yard setback in lieu of the minimum 40 ft.

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.

NOTE: IF YOU HAVE A SPECIAL NEED DURING THE "SNOW EMERGENCY PLAN" as in effect in Baltimore County on the date of the hearing date, the Hearing will be rescheduled. To be aware of status, telephone 887-3391 for updated hearing date.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

TA/128/90 Dec. 28.

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 Ave. in Towson, Maryland 21204 as follows:

Petitioner: Robert S. Frank, et ux
Case number: 90-288-SPHA
S/S Thornton Ridge Road, SW c/line of Haven Road
1811 Thornton Ridge Road
8th Election District
4th Councilmanic
Petitioner(s): Robert S. Becker, et ux
Hearing Date: Tuesday, Jan. 16, 1990 at 3:00 p.m.

Special Hearing: The use of a portion of the subject premises for telephone limousine scheduling as a Home Occupation pursuant to BCZR Section 1801.1.A.14.d and to disassemble if the limousine/corporation business property are "commercial vehicles" as defined by the B.C.Z.R.

Variance: to permit a parking area of seven (7) limousines (to be within a fully enclosed structure) on property zoned D.R.5.5.

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.

NOTE: IF YOU HAVE A SPECIAL NEED DURING THE "SNOW EMERGENCY PLAN" as in effect in Baltimore County on the date of the hearing date, the Hearing will be rescheduled. To be aware of status, telephone 887-3391 for updated hearing date.

6 Hume Court
Towson, Maryland 21204

January 10, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

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

RE: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 6 Hume Court located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my strenous opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. This is clearly a commercial activity which should not be permitted in a residential zone. The parking of multiple vehicles on the subject property and the traffic and noise generated by this activity is not in keeping with the residential character of our neighborhood and therefore depreciates the value as well as the use and enjoyment of surrounding residential properties, including my home.

A limousine service at this location also poses a significant safety hazard. Toornton Ridge Road is a narrow street with no centerline, no sidewalks and no stop signs. It borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I urge you to deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of the neighborhood.

Thank you for your consideration.

Very truly yours,
Robert W. Pierce

January 10, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Ave. Rm 106
Towson, MD. 21204

Dear Mr. Haines:

I am opposed to the variance #90 288 SPHA which would license a limousine service to operate 7 limousines from: 1811 Thornton Ridge Road in the Riderwood Community.

I am a home owner and a parent in the Riderwood Community. Thornton Ridge Road had been a very quiet(up until January 1989) part of the Riderwood Community. Property size varies from 1/2 to 3 1/2 acres. The residents are single families who enjoy the rural family atmosphere free from commerical or individual business in our immediate area. Our property values range from $ 200,000.00 to $ 2,000,000.00.

I am opposed for the following reasons:

A. This is a direct violation to the residential character by nonconforming with the nature of the immediate community.

B. Safety of all school age children (other walkers, joggers bike riders and small animals) walking and riding to and from school daily. Riderwood Elementary is on Thornton Ridge Road.

C. The impact of such a commerical service on property values to the individual homeowners.

I have watched this service go back and forth on Thornton Ridge for over 15 years. I have listened to the noise at 2:30am, 3:00am, 4:00am and all other times of the day and night. I have seen and over heard quarrelling at all hours of the night and day. Flood lights left on all night long which shine into our bedroom window. Groups of people at varies hours day and night. Sometimes making a lot of noise yelling and playing music lending while they are waiting for rides. My greatest concern is the the speeding up and down Thornton Ridge on occasion. The road is narrow, offers no sidewalks and has no center line. The limousines are very large and on occasion have not been very cooperative in sharing the road way.

I feel this is an inappropriate location for such a commerical service and for the safety and well being of our community residents and in all fairness to the Limousine service for all intense purposes to pursue their goals and endeavors at a more suitable location would be in order.

Thank You.
Mrs. Jon B Suzuki
1819 Thornton Ridge Road
RiderwoodMD 21204

Kirvan H. Pierson, Jr.
2018 West Joppa Road
Lutherville, Maryland 21093

January 9, 1990

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Re: Case # 90-288-SPHA S/S Thornton Ridge Rd., 1811 Thornton Ridge Rd., 8th Elec. Dist., 4th Councilmanic, Petitioner Robert S. Becker, et ux

Dear Mr. Haines,

The property in question, as noted above, is in the middle of a total residential area, and as such, there is absolutely no reason a commercial venture should be allowed to continue much less be expanded. The road is a narrow, unlined road with no shoulders, and ordinarily lightly used. Children frequent this route to and from the elementary school on foot and on bikes. The playground and fields are used year-round by all residents. There is no way to step off this road too quickly or completely to allow heavy traffic by multiple large limousines and the cars of the limo drivers as they go back and forth. Furthermore, the noise of people yelling back and forth, tires squealing, etc., goes on at all hours of the night. (We back up to this property one acre removed to the west and can still hear the disturbance.)

This is a current and on-going violation of the law as well as a dangerous intrusion into a heretofore quiet and family oriented neighborhood and should be officially discontinued.

Respectfully,

Kirvan H. Pierson, Jr.

Amelia S. Pierson

RECEIVED
JAN 11 1990
ZONING OFFICE

Jan 9, 1990

To: J. Robert Haines
To: The Zoning Commissioner of Baltimore County

Re: Case No. 90-288-SPHA
811 Thornton Ridge Road
Robert S. Baker, et ux

RECEIVED
JAN 11 1990
ZONING OFFICE

Dear Sir,

I am vehemently opposed to any zoning change on or near the above noted residense that could allow a commercial enterpeise such as a limosine service. The company has been operating this business illegally and it should be stopped at once.

As residents of the Village Green neighborhood, we are determined to maintain the integrity of this residential area and the safety of our children.

I strongly urge you to deny the request for a zoning change and to enforce the existing regulations.

Mr. & Mrs. Kenneth C. Buck
8206 Carrbridge Circle
Towson, Md. 21204

Alexander
Alexander

RECEIVED
JAN 11 1990
ZONING OFFICE

January 9, 1990

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

Re: Case # 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 8003 Strauff Road located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am strongly oppposed to the continuation of a limousine service at 1811 Thornton Ridge Road. I feel that this is a commercial activity which should not be allowed in a residential zone. The traffic and noise caused by this business activity is not consistent with the residential character of our neighborhood and therefore could ultimately depreciate the value of our homes.

I am also concerned about the potential safety hazard for the children who go to school at Riderwood Elementary. Thornton Ridge Road is narrow and has no sidewalks or stop signs.

I feel strongly that you should deny the petition to use 1811 Thornton Ridge Road for a limousine service and also deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of our neighborhood.

Thank you for your cooperation.

Sincerely,

Margaretta T. Hirsh

Margaretta T. Hirsh
8003 Strauff Road
Towson, Maryland 21204

8287 Burnley Road
Towson, Maryland 21284
January 9, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

J. Robert Haines
Zoning Commissioner of
Baltimore County
111 W. Chesapeake Avenue
Room 139
Towson, Maryland 21284

Dear Mr. Haines:

RE: Petition for Special Hearing
and Zoning Variance
Case No.: 90-288-SPHA
1811 Thornton Ridge Road
8th Election District
4th Councilmanic
Petitioner(s):
Robert S. Becker, et ux
Hearing Date: Tuesday,
Jan. 16, 1990 at 3:00 p.m.

The above Petition for a Zoning Variance is a request to allow a commercial activity NEAR AN ELEMENTARY SCHOOL IN A QUIET, SECLUDED RESIDENTIAL COMMUNITY which is working hard to preserve the safety and quality of life for all its residents, and certainly the many children who walk to and play near the school. I am a member of this neighborhood. THIS PETITION COULD SET A VERY UNDESIRABLE PRECEDENT AND PRESENTS A DANGER TO THE NEARBY SCHOOL AND SURROUNDING NEIGHBORHOOD!

The Petitioner, Robert S. Becker, has already been unlawfully operating Admiral Limousine Service for a number of months from the above address. THE ZONING BOARD HAS BEEN VERY TARDY IN RESPONDING TO NEIGHBORHOOD PROTESTS. A commercial activity bringing wide stretch limousines operating at all times of the day and night HAS NO PLACE IN A RESIDENTIAL NEIGHBORHOOD.

BALTIMORE COUNTY MUST BE A PLACE WHERE THE INTEGRITY OF NEIGHBORHOODS IS PROTECTED FROM UNDESIRABLE AND UNWANTED COMMERCIAL ACTIVITY!

THIS PETITION MUST AND SHOULD BE DENIED!

Respectfully,

Janet R. Mayer

(Mrs. Richard F. Mayer)

January 9, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 8031 Strauff Road located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my strenuous opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. This is clearly a commercial activity which should not be permitted in a residential zone. The parking of multiple vehicles on the subject property and the traffic and noise generated by this activity is not in keeping with the residential character of our neighborhood and therefore depreciates the value as well as the use and enjoyment of surrounding residential properties, including my home.

A limousine service at this location also poses a significant safety hazard. Thornton Ridge Road is a narrow street with no centerline, no sidewalks and no stop signs. It borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I urge you to deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of the neighborhood.

Thank you for your consideration.

Very truly yours,

Evan A. Chriss

RECEIVED
JAN 11 1990
ZONING OFFICE

January 9, 1990

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

Re: Case # 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

We are the owners and residents of 8001 Strauff Road located in Thornton Wood. We are in the neighborhood which is immediately to the south of 1811 Thornton Ridge Road.

We are opposed to the limousine service at 1811 Thornton Ridge Road. We believe this is a commercial activity which should not be allowed in a residential zone.

In addition to the nuisance factor, a limousine service could also be a significant safety hazard. Thornton Ridge Road is narrow and has no sidewalks or stop signs. It also borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

We feel strongly that you should deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. Our neighborhood is zoned for residential purposes and we want to keep it that way.

Sincerely,

Alan H. Thomas
Patricia A. Thomas
8001 Strauff Road
Towson, Maryland 21204

January 8, 1990

RECEIVED
JAN 11 1990
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner,
Baltimore County
County Office Bldg
Towson, Md. 21204

Ref: Case # 90-288 SPHA Thronton Ridge Rd.

Dear Commissioner Haines

As a property owner approximately two blocks from this site, we are writing to advise you of our opposition to this proposed zoning change. As I am employed I will be unable to attend the hearing on January 16.

The reasons for our opposition include:

1. Thronton Ridge Rd is an extremely narrow road, adjoining Riderwood Elementary School. Parking along this road is impossible and many people park on the school property on the grass.

2. This neighborhood is residential, and should not forced to accept commercial, traffic, noise and clutter.

3. This type of operation, by it nature will evolve into a auto service hazard, and is little different from a taxi service.

We request that this petition be rejected in total.

Diane A. White
Diane A. White
8205 Carrbridge Circle
Baltimore, MD 21204

Robert J. White
Robert J. White
8205 Carrbridge Circle
Baltimore, MD 21204

Samuel A. Hearn
Attorney at Law
8027 Strauff Road
Rixon, Maryland 21704
301 752-4000
Res. 321-1177

J. Robert Haines
Zoning Commissioner for
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

I am the owner and resident of 8027 Strauff Rd located in Thornton Wood, the neighborhood which lies immediately to the south of 1811 Thornton Ridge Road.

I am writing to express my strenuous opposition to the continuation of a limousine service at 1811 Thornton Ridge Road. This is clearly a commercial activity which should not be permitted in a residential zone. The parking of multiple vehicles on the subject property and the traffic and noise generated by this activity is not in keeping with the residential character of our neighborrod and therefore depreciates the value as well as the use and enjoyment of surrounding residential properties, including my home.

A limousine service at this location also poses a significant safety hazard. Thornton Ridge Road is a narrow street with no centerline, no sidewalks and no stop signs. It borders the playground of Riderwood Elementary School, which is diagonally across the road from the subject property.

I urge you to deny the petition to use 1811 Thornton Ridge Road for a limousine service and also to deny permission for the parking of limousines on this property. These requests are totally inconsistent with the residential character and zoning of the neighborhood.

Thank you for your consideration.

Very truly yours,

Samuel A Hearn

SAMUEL A HEARN

RECEIVED
JAN 11 1990
ZONING OFFICE

Thomas B. Peace
2022 West Joppa Road
Lutherville, Maryland 21093

January 8, 1990

Zoning Commissioner
Room 106,
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

RECEIVED
JAN 11 1990
ZONING OFFICE

Re: Petition for Commercial Use of 1811 Thornton Ridge Road

Dear Commissioner:

I reside at 2022 W. Joppa Road with my wife and four children. I am writing to express my extreme opposition to the zoning variance requested by the residents of, nearby, 1811 Thornton Ridge Road. In short, such a variance poses a conflict with the existing zoning requirements as well as the fine residential integrity of the neighborhood. Specifically, audible and visible disturbances, created by the presence of a limousine service, would undermine property values, while creating an unsafe environment for families who live on or near Thornton Ridge Road, which itself is located at the southern end of the Riderwood Elementary School campus.

2

I urge that this request be rejected in its entirety.

Sincerely,
Thomas B. Peace

Mr. Harry E. Karr, Jr.
2014 West Joppa Road, Lutherville, Maryland 21093

Jan 6, 1989

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

RECEIVED
JAN 9 1990
ZONING OFFICE

Dear Mr. Haines:

I am writing to you concerning Case #: 90-288 SPHA - 1811 Thornton Ridge Rd - Petitions for Special Hearing and Zoning Variance. I would like to register a strong NO on this request for variances. I do not think a Commercial activity is appropriate in this residential community. It would have an adverse effect on appearances and value of properties; it would change the "quiet atmosphere" of the neighborhood; it would cause a conflict concern for safety with a school and bus zones in the immediate area.

I think the granting of this variance

Law Offices
JOHN MARTIN JONES, JR.
711 S. Central Avenue
Baltimore, Maryland 21202
(301) 276-8087

January 8, 1990

J. Robert Haines, Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue - Room 109
Towson, Maryland 21204

RECEIVED
JAN 9 1990
ZONING OFFICE

RE: Case No.: 90-288-SPHA
S/S Thornton Ridge Road
560'+/- S of Halton Road
1811 Thornton Ridge Road
8th Election District
4th Councilmanic
Petitioner(s):
Robert S. Becker, et ux.
Hearing Date: 1/16/90 at 3 p.m.

Dear Mr. Commissioner:

I live in, and own, the residence known as 8025 Strauff Road, Towson, Maryland 21204. My home is very close to the subject property.

I vehemently oppose the granting of any zoning variance with regard to the subject property and the use of the subject property for limousine service of any kind. I do not see how there can be any question but that limousines are commercial vehicles and that their use on the subject property is, and should continue to be, prohibited.

A simple viewing of the subject property and the surrounding neighborhood will clearly establish the damage which the petitioner seeks to inflict on the neighborhood. The area is entirely residential and the operation of a limousine business is clearly inappropriate. In addition to the disruptive aspect of the number of vehicles, the long hours of operation and the noise involved, such operation likewise constitutes a safety hazard. Thornton Ridge Road is a narrow street without sidewalks or stop signs. The hazards of the proposed operation are obvious, both to residents of the area and to the school children of the Riderwood Elementary School which borders Thornton Ridge Road.

January 8, 1990
Page Two . . .

I expect to be out of town on the scheduled hearing date and therefore am writing this letter since I will be unable to appear in person.

Very truly yours,

John Martin Jones, Jr.

JMJ:cfa

cc: J. Robert Haines
Zoning Commissioner
of Baltimore County
Room 106 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

January 9, 1990

RECEIVED
JAN 9 1990
ZONING OFFICE

Zoning Commissioner
J.Robert Haines
111 W. Chesapeake Ave.
Rm. 106
Towson, MD 21204

Dear Ladies and Gentlemen:

I am writing in strong opposition to the petition and case #90-288-SPHA S/S Thorton Ridge Rd, 8th Election district. As you are aware, this zoning variance deals with the approval of permission to park and operate a commercial limosine service from a residential property. Not only would this pose a "variance" to the quiet ambience of the Riderwood-Ruxton neighborhood, but, more importantly, this would pose a major risk to the elementary school (Riderwood elementary) children directly across the street from the proposed limosine service.

This limosine service has been operating allegedly illegally since the summer, and I wonder whether the real estate firm who sold the property, O'Conner, Piper, and Flynn, did so with full knowledge of the intention of the purchasers, Robert and Rosemary Backar.

My resience is 1819 Thornton Ridge Rd. and my dining/family room area directly faces the property in question. It has been quite easy to monitor the activities of this illegal limosine service and have observed transportation activities virtually 24 hours a day. Nocturnal activity after midnight is most noticeable since the neighborhood is extremely quiet and the roar of car engines and supervisors barking orders and even profanity to each other disrupts the silence.

If this is approved, will this set a precedence for other commercial endeavors? I am a periodontist (surgery for infections of the jawbones) and I treat trauma, cancer, and AIDS patients. If I petition for a commercial clinic in my home, I don't believe that even this benevolent factor is a consideration for a commercial conversion.

I urge your commission to reject Case number 90-288-SPHA which will prevent the establishment of a commercial limosine service on Thornton Ridge.

Sincerely,
Jon B. Barkey, D.D.S., Ph.D.
Professor
1819 Thornton Ridge Rd.
Towson, MD. 21204

xc. Helen Bentley, Esq.

Rosenberg Proutt Funk & Greenberg
Attorneys at Law
2115 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201
(301) 727-6400
Telecopier (301) 727-1118
Benjamin Rosenberg
(301) 727-6423

RECEIVED
JAN 9 1990
ZONING OFFICE

January 8, 1990

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

Re: Case No. 90-288-SPHA
1811 Thornton Ridge Road

Dear Mr. Haines:

This letter is written on behalf of the Thornton Wood Condominium Association as evidence of our strong opposition to the above-captioned application for zoning variance. The applicants are seeking permission to use their property which lies within a neighborhood that is exclusively residential as a commercial garage. This use is completely inconsistent with the character of the neighborhood and it is not authorized under the existing zoning. To permit the parking of seven limousines and the erection of a five car garage would not simply degrade the neighborhood, but would have a serious adverse affect on the safety of residents and neighbors of Thornton Ridge Road.

I urge you to deny this application and to advise me of your decision.

Very truly yours,

Benjamin Rosenberg

BR:jmm
9994711.1
cc: Ms. Katherine T. George
Evan A. Chriss, Esquire
Ms. Tina Jasion
Mr. Robert Pierce

1811 Thornton Ridge Road
Baltimore, Maryland 21204
January 6, 1990

Mr. J. Robert Haines
Zoning Commissioner of
Baltimore County
111 West Chesapeake Ave.
Room 106
Towson, Maryland 21204

Re: Case number 90-288-SPHA
1811 Thornton Ridge Road

RECEIVED
JAN 9 1990
ZONING OFFICE

Dear Commissioner Haines,

We are writing to express our outrage at the continuing conduct of a business in our neighborhood. This activity has been protested by concerned residents and the matter is now finally coming before you for a hearing on January 16th.

After having looked for two years for property in a desirable residential neighborhood to build a home, we were later shocked to see limousines going up and down Thornton Ridge Road. As new homeowners, we are quite concerned about the adverse effect of the commercial activity on our property's value and on the character of the neighborhood in general. The additional traffic engendered by this commercial activity, both by the limousines themselves and the arrival and departure of their drivers, also poses an increased safety hazard,

January 8, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

RECEIVED
JAN 9 1990
ZONING OFFICE

Dear Sir:

This is to violently protest the request for variance at 1811 Thornton Ridge Road.

It appalls me to think that such activity could be given consideration in our quiet and tranquil residential neighborhood. Further, I fail to address how such an undertaking could be allowed in this area because the law is there to protect the quiet peace and tranquility of our families. I have spent your entire adult life working and saving to buy our property. Although I realize that there are other possible locations, I cannot believe on earth cannot find commercial property for their use. There is certainly plenty of space in the county. Why this business cannot be conducted without it

particularly to the children who live in the area and to those who attend Riderwood Elementary School. Thornton Ridge Road runs along the playground of the school. Our home is directly across from one of the play areas and we regularly witness young children running across the road, often without looking for vehicles, to retrieve balls from our front lawn. And during the various little league games, when vehicles are parked along the road near the playing field, there is barely room for other vehicles to pass, especially a wide stretch limousine.

We believe this variance would set a very dangerous precedent for this otherwise all residential (and scholastic) neighborhood. If limousines are permitted to operate from a home in a residentially-zoned neighborhood, then why not dump trucks or why not the operation of a motorcycle repair shop.

Sincerely,

James M. MacDonald

Colleen R. MacDonald

cc: Mr. Christopher R. West, President
Mrs. Louise M. Schultz, Executive Director
Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.

2020 W. Joppa Rd.
Lutherville, Md. 21093
823-3712
January 7, 1990

RECEIVED
JAN 9 1990
ZONING OFFICE

Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Gentlemen:

RE: Case #90-288-SPHA

We are opposed to the granting of a zoning variance at 1811 Thorton Ridge Road for the following reasons:

1. The property is in a strictly residential community of long standing in an upper-income neighborhood. Using the house to operate a limo business and to build a garage to house the limos necessary for such a business (which is the purpose of the request before your zoning commission) will render surrounding properties unsalable and consequently affect the county's tax base.

2. It is not prudent to have limos coming and going at all hours of the day and night in a residential community.

3. The noise from this house is already beyond accepted neighborhood standards, and will only get worse with the granting of this variance.

4. Thornton Ridge Road is a narrow two-lane road with no shoulders, and it is a road children usd to get to Riderwood Elementary School.

5. Granting this variance will set a precedent which will open up the area in the future for other undesirable changes.

Wd are to be out of the state the week of Jan. 16 and therefore cannot attend the special hearing, but will be happy to talk with you on our return Jan. 24 if desired.

It is imperative for the sake of neighborhood stability that you deny this requested zoning variance.

Thank you.

David A. Oursler

Jean Oursler

RECEIVED
JAN 25 1990
ZONING OFFICE

January 24, 1990

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

Re: Zoning Variance - Thornton Ridge Road

Dear Mr. Haines:

At its regularly scheduled meeting, the officers and Board of the Thornleigh Improvement Association discussed an application which has been made by a homeowner on Thornton Ridge Road, behind Riderwood Elementary School, for a zoning variance to operate a seven-vehicle limousine service from his home.

The Officers and Board unanimously object to the granting of this zoning variance on behalf of the entire Thornleigh Improvement Association. The operation of a business in this neighborhood is entirely out of character and inappropriate. Also, the additional traffic could be a danger to children, whether walking to and from Riderwood or using the playground for school or recreational activities.

Because we were unable to obtain the action of the Officers and Board prior to the hearing on January 16, 1990, we request that this written objection be accepted and considered part of the record related to the application.

Thank you for your kind assistance.

Very truly yours,

THE THORNLEIGH IMPROVEMENT ASSOCIATION

By: James J. Nolan, Jr.
Member of the Board

JJNJr:sbs
cc: Mrs. Carol Seward, President
Thornleigh Improvement Association

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.
Box 204
Riderwood, Md. 21139

January 18, 1990

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

RE: Case #90-288 SPHA
1811 Thornton Ridge Road

Dear Commissioner Haines:

Please find enclosed (3) resolutions relating the above mentioned case.

I apologize for being late, however logistics prevented me from having them signed and available at the hearing, January 16, 1990.

Best wishes.

Sincerely,

Louise

Louise M. Schulz
Executive Director

RECEIVED
JAN 19 1990
ZONING OFFICE

Enclosures: (3)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THAT ON THIS 17th day of January, 1990, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County personally appeared Christopher R. West and E. Richard Watts, Jr. and made oath in due form as follows:

1. SARAH FENNO LORD is Chairman of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

2. She is currently a duly elected member of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., she is authorized to speak for and present the views of the Association, and has accurate knowledge of number of members in the Association, and the geographical limits of the Association.

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

ATTEST:

E. Richard Watts
Secretary

By: Christopher R. West
President

AS WITNESS my hand and notarial seal:

Louise M. Schulz
Notary Public

My Commission expires: July 1, 1990

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THAT ON THIS 17th day of January, 1990, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County personally appeared Christopher R. West and E. Richard Watts, Jr. and made oath in due form as follows:

1. SARAH FENNO LORD is Chairman of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

2. She is currently a duly elected member of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., she is authorized to speak for and present the views of the Association, and has accurate knowledge of number of members in the Association, and the geographical limits of the Association.

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

ATTEST:

E. Richard Watts
Secretary

By: Christopher R. West
President

AS WITNESS my hand and notarial seal:

Louise M. Schulz
Notary Public

My Commission expires: July 1, 1990

CERTIFICATE OF RESOLUTION

by

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood Lake Roland Area Improvement Association, Inc. (hereinafter referred to as the "Association"), a Maryland corporation, do hereby certify that at a meeting of the Association, duly and regularly called and held on 17th day of MAY, 1989, a quorum being at all times present, the following resolution was unanimously adopted and recorded in the Minute Book of said corporation; said resolution is in accord with and pursuant to the Articles of Incorporation, Charter and Bylaws of said corporation; and said resolution is now in full force and effect and has not been revoked or amended in any manner:

WHEREAS, the Association desires to be informed of, review and present the position of its members with respect to zoning issues affecting the Association before various officers, administrative agencies, Board of Appeals, and courts where such cases may be heard;

NOW, THEREFORE, BE IT RESOLVED that the responsibility for review and action on all zoning matters is placed on the duly elected Zoning Committee of the Association.

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

ATTEST:

E. Richard Watts
Secretary

By: Christopher R. West
President

Louise M. Schulz
Notary

My Commission expires July 1, 1990