## FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The Petitioner herein requests, pursuant to the Petition for Special Hearing, a finding that the hereindescribed property known as 11854 Belair Road is a legal nonconforming use as a service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Richard W. Benson, Managing Partner, and represented by David A. Rogers, Esquire, appeared and testified. Also appearing on behalf of the Petition were Robin Beers, John L. Sikalis, George E. Heffner, Kenneth A. Klass, Howard Alderman, Esquire, Edward E. Christhilf and Jeffrey S. Insley. There were no Protestants.

Testimony indicated that the subject property known as 11852-60 Belair Road consists of 1.012 acres +/- zoned B.L.-C.R. and is currently improved with the subject service garage.

Richard Benson testified that he has been one of the owners of the subject property since 1981 and that the Petitioner currently leases the subject site to J.S.I., Inc., who operate a service garage and inspection station. He testified that J.S.I. currently does general mechanical and electrical work but, no body, body/fender or painting work. He indicated that J.S.I. does sell tires, patteries, anti-freeze, etc., from the site.

George E. Heffner, formerly of the House of Delegates, testified that he is 68 years old and has resided in this community his entire life. Mr.

Heffner testified that he has personal recollection of the subject property being utilized as a service garage dating back to 1937-38. He testified that he has no recollection of the subject use ever being discontinued for any period of time.

Kenneth Klass testified that he is currently 69 years of age and has personal recollection of the subject site being used as a service garage since approximately 1932-33. Mr. Klass concurred with the comments of Mr.

Robin Beers appeared on behalf of the Greater Kingsville Community Association. Mrs. Beers testified in support of the Petitioner's request and placed on the record the essence of their agreement between the Greater Kingsville Community Association and Petitioner regarding the subject site. Mrs. Beers' concerns were primarily with the storage of damaged and/or disabled vehicles within the storage area indicated on Petitioner's Exhibit No. 1. Mrs. Beers testified that the Petitioner agreed to maintain a wood privacy fence around the subject storage area and to clean and maintain the grass area indicated on Petitioner's Exhibit No. 1.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

Based on the uncontroverted evidence presented in this case, the subject property was clearly utilized as a service garage as that term is defined in the B.C.Z.R. prior to January 2, 1945.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different

ase, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the testimony and evidence in this case demonstrated that there has been no "change in use of the subject property" from the early

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use." McKemy v. Baltimore County, Md., supra.

Based on the above, the Petitioner has clearly met the requirements of Section 104 of the B.C.Z.R. and, therefore, the requested relief should be

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11 day of 1124, 1991 that the Petition for Special Hearing for a determination and finding that the hereindescribed property known as 11854 Belair Road is a legal nonconforming use as a service garage, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

> 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not store damaged or disabled motor vehicles overnight in front of the subject building.

3. The Petitioner shall store all automotive parts, tires, and recyclable materials inside of the premises or in an enclosed area behind the building.

4. The privacy fence located to the rear of the property shall be maintained and kept in good condition by the Petitioner.

Zoning Commissioner for Baltimore County cc: Peoples Counsel

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 91-257-5124

Dete of Posting 3/15/91

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special 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 NON CONFORMING USE AND SITE LAYOUT OF # 11854 BELAIR ROAD AS A SERVICE GARAGE 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 like the special Hearing advertising advertising advertising to the special Hearing advertising the special Hearing advertising to the special Hearing advertising the special Hearing advertising the special Hearing advertising the special Hearing adve ing 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/ve are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): C.B.S., PARTHERSHIP RICHARD W. BENSON, MANAGING PARTNER Contract Purchaser (Type or Print Name) (Type or Print Name) Signature (Type or Print Name) City and State 516 MIDDLE EINER RD. 686-4303 Attorney for Petitioner: DAVID A. RODGEKS BALTO, MD. Z1220 (Type or Print Name) /7, Name, address and phone number of legal owner, con-100 WEST RD., SUITE 112 tract purchaser or representative to be contacted ZICHARD W. BENSON TOWSON, MD 21204 516 MIDDLE RIVER RD. 686 4303 City and State

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day passary, 1991, that the subject matter of this petition be advertised, as required by the Zorang 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 \_\_\_\_\_ day of \_\_\_\_\_\_ day of \_\_\_\_\_\_ 19\_9/, at \_\_\_\_\_ o'clock

825-4002

Attorney's Telephone No.: \_-

ESTIMATED LENGTE OF MINIMUS - 17000.

Address BALTO, 11717 21220

REVIEWED BY: CAM DAYS ZO Doc 90 91-250-594258

Michael K. Smith, P.L.S. BPS/land technology, inc.

Walter T. Parr

P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

Engineers & Surveyors

ZONING DESCRIPTION

Beginning at a point on the centerline of Sunshine Avenue (19 feet of paving) which is North 05 degrees East - 22.76 feet from the northwesterly right-of-way line of Belair Road (60 feet wide). Thence the following courses and distances:

1.) North 85 degrees 00 minutes West - 17.6 feet 2.) North 85 degrees 00 minutes West - 207.40 feet 3.) South 05 degrees 00 minutes West - 178.00 feet 4.) South 70 degrees 25 minutes East - 57 feet 5.) South 70 degrees 25 minutes East - 83.60 feet 6.) North 30 degrees 01 minutes East - 187.45 feet 7.) North 30 degrees 01 minutes East - 20.57 feet 5.) North 05 degrees 00 minutes East - 22.76 feet to the point of beginning as recorded in Deed Liber E.H.K.Jr.

No.6432, Folio 61.

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeare Avenue in Towson, Maryland 21204 Case number: 91-250-SPH Intersection Sunshine and 11852-50 Belair Road

NOTICE OF HEARING

Posted for: 52-516/ Home

5th Councilmanic Petitioner(s): C.B.S. Partnership Hearing Date: Thursday, March. 28, 1991 at 10:00 Special Hearing: to approve layout as a service garage. J. ROBERT HAINES Zoning Commissioner of Battimore County

2/245 Feb. 28. CERTIFICATE OF PUBLICATION

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 \_\_\_\_ successive 

THE JEFFERSONIAN

5. Zehe Olm Publisher

261.91

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue

Towson, MD 21204

David A. Rodgers, Esquire 100 West Road, Suite 112 Towson, Maryland 21204

RE: Petition for Special Hearing C.B.S. Partnership, Petitioner Case #91-250-SPH

Dear Mr. Rodgers:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391. Very truly yours,

7. Robert Haines Zoning Commissioner for Baltimore County

April 26, 1991

887-3353

cc: Peoples Counsel Mr.Richard W. Benson Mr. Robin Beers, Greater Kingsville Commun. Assoc. Howard Alderman, Esquire

91-249-SPH \$58

N NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of Baltimore County, by authority of the Zoning Act and Regulations the Zc of Baltimore County will hold a public hearing on the property public identified herein in Room 106 of identific the County Office Building, lotted to cated at 111 W. Chesapeake Avenue ir as follows: Case number: 91-250-SPH Case number: 91-250-5PH Intersection Sunshine and Belair Roads 11852-60 Belair Road 11th Election District 5th Councilmanic Petitioner(s): C.B.S. Partnership Hearing Date: Thursday, March, 28, 1991 at 10:00 Special Hearing: to approve the nor-layout as a service garage.

J. ROBERT HAINES

Zoning Commissioner of Baltimore County

2 245 2/245 Feb. 28.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of \_\_\_\_\_successive weeks, the first publication appearing

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S 61.91

Baltimore County Zening Commissioner Account: P-001-5151 County Office Building 2 111 West Chisapeake Avenue Towson, Maryland 21.5 Please Make Checks Payable To: Baltimore County of

Baltimore County

Zoning Commisioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204 Zoning Commisioner

Please Make Checks Payable To: Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE: 3-12-91

C.B. S. Partnership 516 Middle River Road Baltimore, Maryland 21220

Case Number: 91-250-SPH Intersection Sunshine and Belair Roads 11852-60 Belair Road 11th Election District - 5th Councilmanic Petitioner(s): C.B. S. Partnership HEARING: THURSDAY, MARCH 28, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 86.91 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

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

J. Robert Springs

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: David A. Rogers

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 5, 1991

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:

Case Number: 91-250-SPH Intersection Sunshine and Belair Roads 11852-60 Belair Road 11th Election District - 5th Councilmanic Petitioner(s): C.B. S. Partnership HEARING: THURSDAY, MARCH 28, 1991 at 10:00 a.m.

Special Hearing to approve the non-conforming use and site layout as a service garage.

Zoning Commissioner of

cc: C.B.S. Partnership David A. Rodgers, Esq.

Baltimore County

Baltimore County Government
Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

March 18, 1991

David A. Rodgers, Esquire 100 West Road, Suite 112 Towson, MD 21204

RE: Item No. 258, Case No. 91-250-SPH Petitioner: C.B.S. Partnership Petition for Special Hearing

887-3353

Dear Mr. Rogers:

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.

> James & Ny JAMES E. DYER Zoning Plans Advisory Committee

JED:jw

Enclosures cc: Mr. Richard W. Benson C.B.S. Partnership 516 Middle River Road

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 15th day of January, 1990.

> J. ROBERT HAINES ZONING COMMISSIONER

Received By:

Petitioner: C.B.S. Partnership Petitioner's Attorney: David A. Rodgers



Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

January 21, 1991

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

Attn: Mr. James Dyer

Re: Baltimore County C.B.S. Partnership Zoning Meeting of 1-8-91 W/S Belair Road Route 1-N at Sunshine Avenue (Item #258)

Dear Mr. Haines:

We have received the submittal for a special hearing to approve the nonconforming use and site layout as a service garage and have the following comment.

There are three items of concern on this site as follows: -- The number of estrances along Belair Road. We feel one entrance is adequate to provide access to this property and will require closing of the other two.

-- Parking spaces are too close to the existing entrance onto Belair Road causing a traffic conflict.

-- Future right-of-way requirements along Belair Road.

We have forwarded this plan to our Project Planning Division for determination of future right-of-way requirements.

We will forward you a red lined plan showing future rightof-way needs, entrances that should be closed, and parking conflicts, when we receive the Project Planning Division's

Also, we will require the developer's engineer submit two additional copies of the site plan to our office for review.

My telephone number is 333-1350 (Fax  $\pm 333-1041$ ) Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 Mr. J. Robert Haines Page -2-January 21, 1991

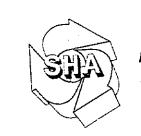
If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

> Very truly yours, John Contestabile, Chief Engineering Access Permits Division

LB:maĸ

cc: BPS Land Technology, Inc. Mr. J. Ogle Mr. Rahee Famili

Baltimore, MD 21220



Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

January 25, 1991

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Attn: Mr. James Dyer Re: Baltimore County C.B.S. Partnership Zoning Meeting of 1-8-91 W/S Belair Road Route 1-N at Sunshine Avenue (Item #258)

Dear Mr. Haines:

This is a follow up to our previous letter of January 21st, concerning future right-of-way for our Belair Road project. We have received a revised plan from our Project Planning

Division showing right-of-way requirements. Also, we will require two of the three entrances onto Belair Road be closed and reconstruction of the third one. There are parking spaces in conflict with the reconstructed 35' entrance. These spaces should be relocated.

We have enclosed a revised plan for your use and request these revisions be made prior to a hearing date being set. If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

Engineering Access Permits Division

LB:maw

cc: BPS Land Technology, Inc. (w-attachment) Mr. J. Ogle Mr. Rahee Famili (w-attachment)

My telephone number is 333-1350 (Fax  $\pm 333-1041$ ) Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 8, 1991 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: C.B.S. Partnership, Item No. 258

In reference to the petitioner's request, staff offers the following comments:

Staff conducted a field analysis of the property and spoke to the applicant at that time. Based upon the site visit and the information provided, this office recommends the petition be granted subject to the following conditions:

J 1. Damaged or disabled motor vehicles should not be stored overnight in front of the building.

 Auto parts, tires, and recyclable materials shall be stored inside the premises or in an enclosed area behind the building.

3. The fence in the rear of the property shall be maintained in good condition.

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 ITEM258/ZAC1

PRIPORTA

PUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS MALTIMORE COUNTY, MARYLAND

DATE: January 31, 1991

Mr. J. Robert Haines Zoning Commissioner

FROM: Rahee J. Famili BUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 8, 1991

ITEM NUMBER: 258

This office strongly supports the SHA's comments dated January 25, 1991.

Traffic Engineer II

RJF/lvd

received

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

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

RE: Property Owner: C.B.S. PARTNERSHIP

#11852-60 BELAIR ROAD Location:

Zoning Agenda: JAMUARY 8, 1991 Item No.:

Gentlemen:

JANUARY 11, 1991

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt Joseph Kelly 1-11-91 Approved Fire Prevention Bureau Special Inspection Division

JK/KEK



BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for January 8, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 244, 249, 250, 251, 252, 253, 256, 258 and 259.

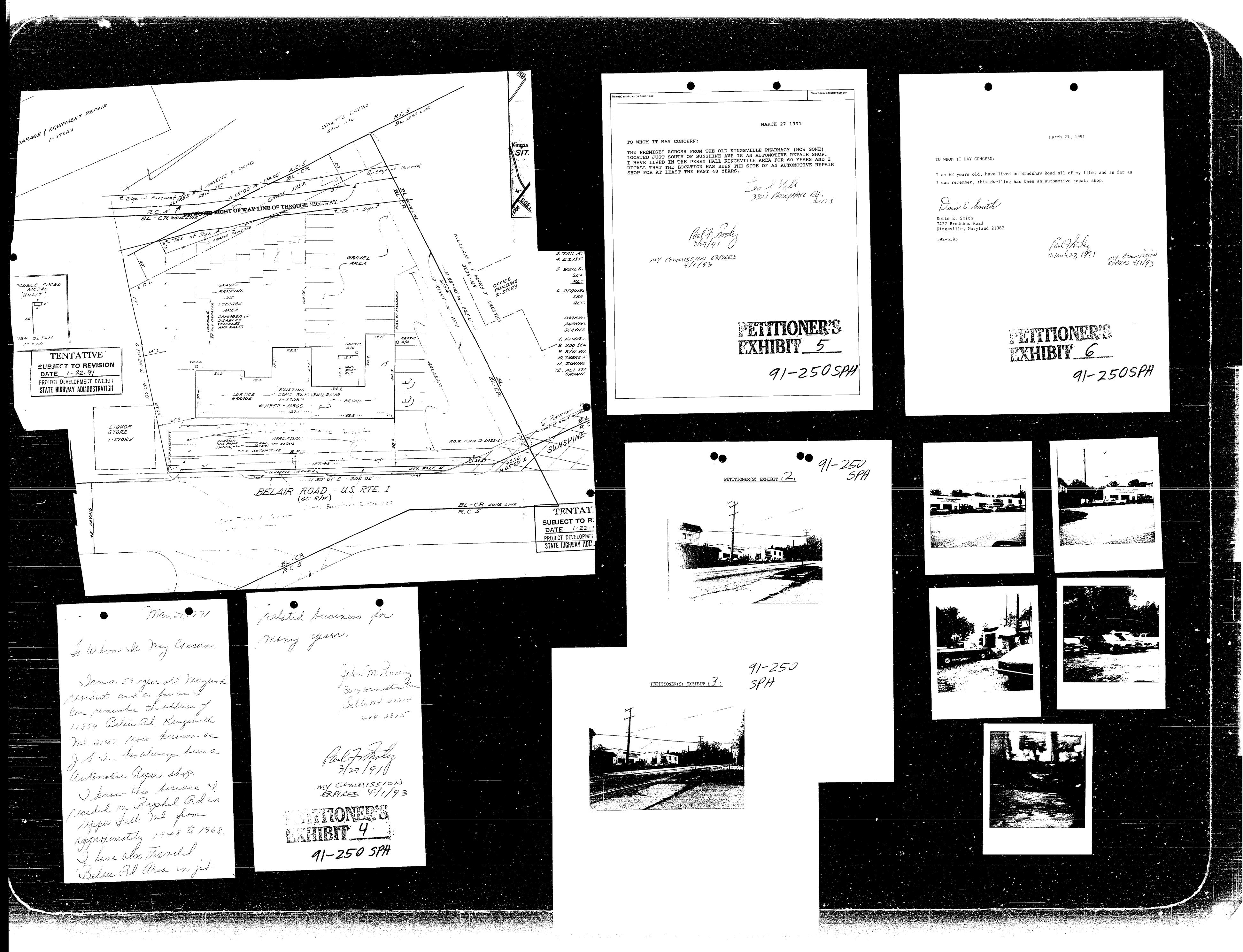
For Items 231 revised (Perring Plaza Shopping Center) and 247, the previous County Review Group comments are applicable.

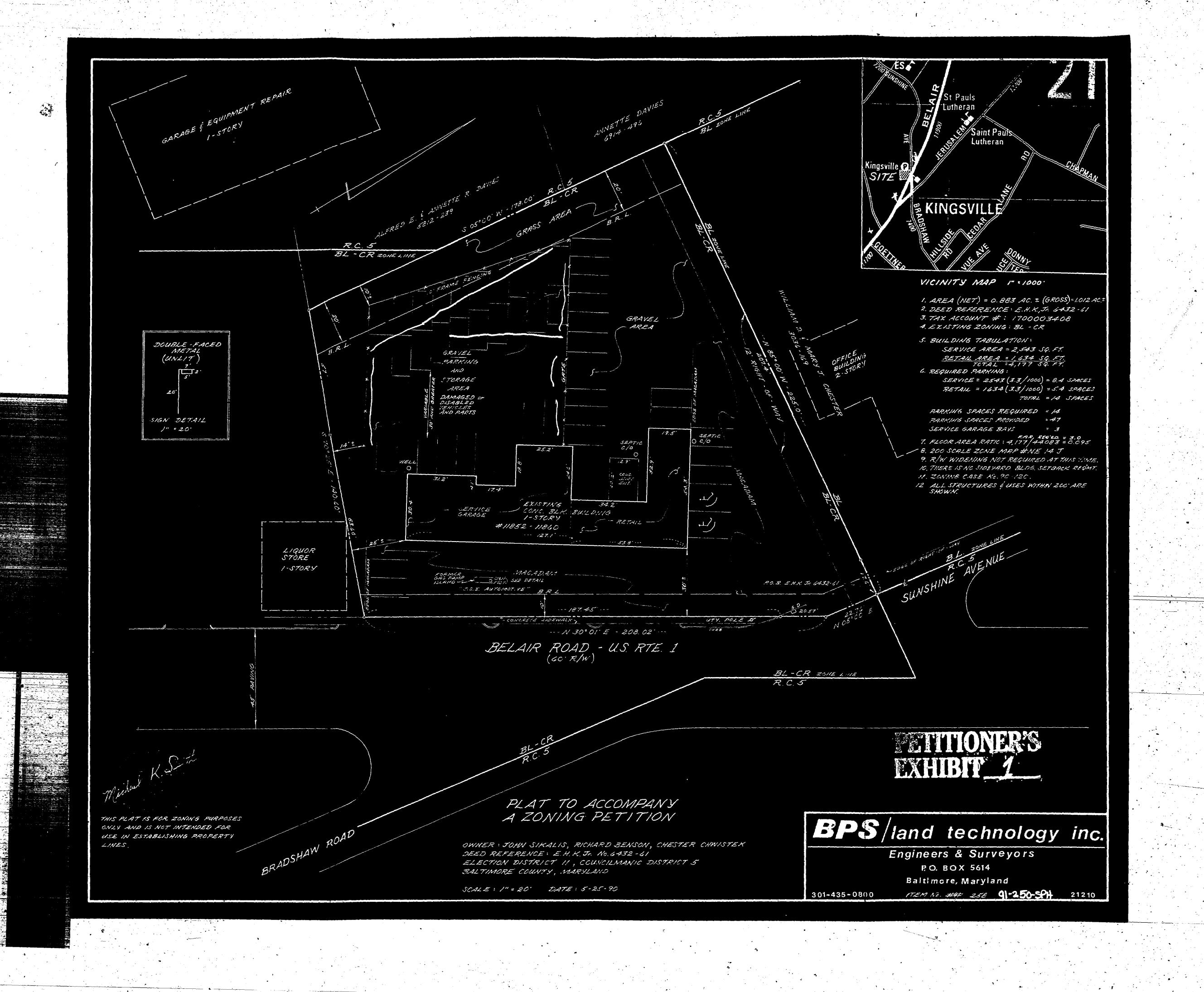
For Items 254 and 255 and 257, County Review Group Meetings may be required.

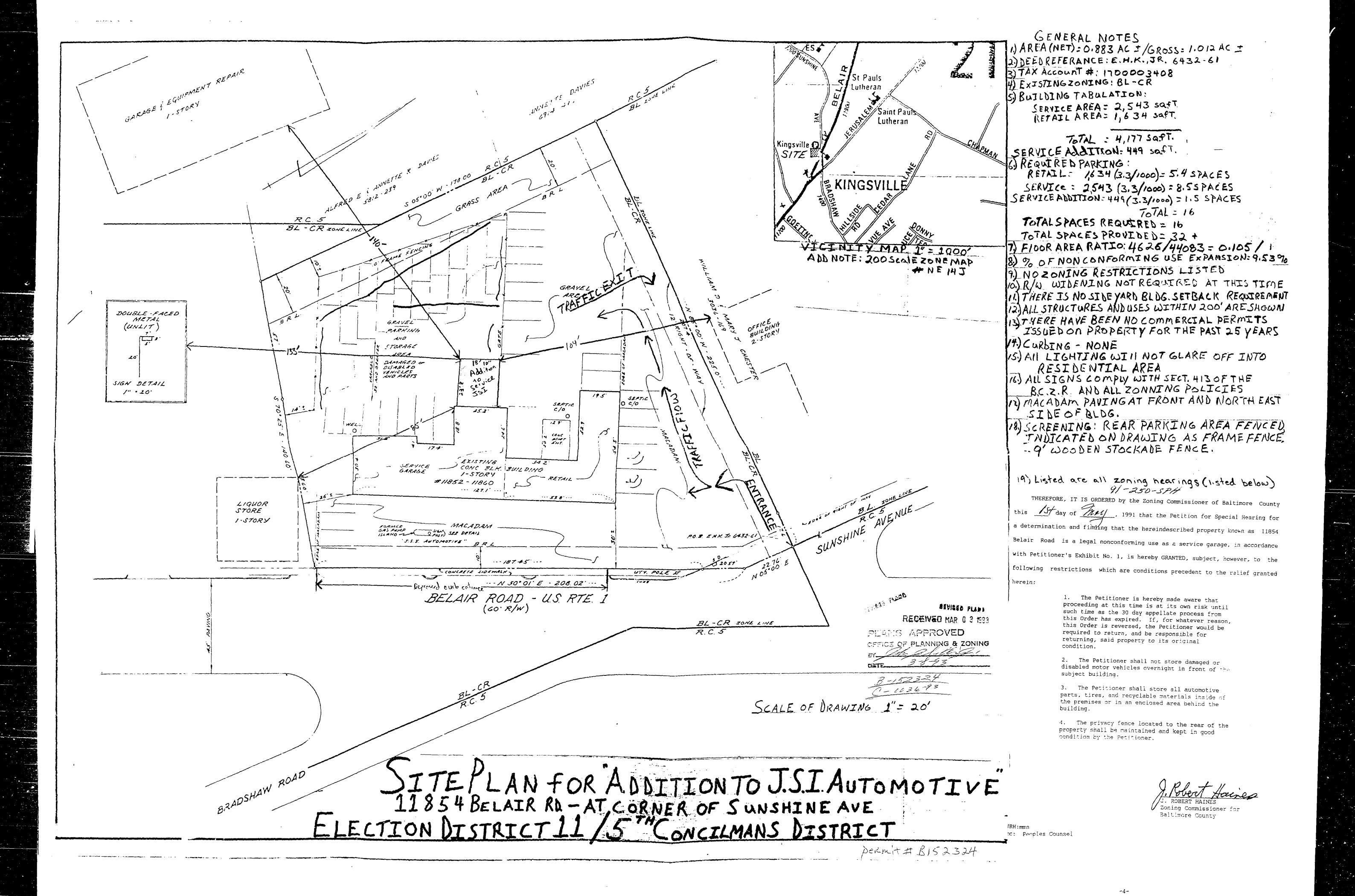
Developers Engineering Division

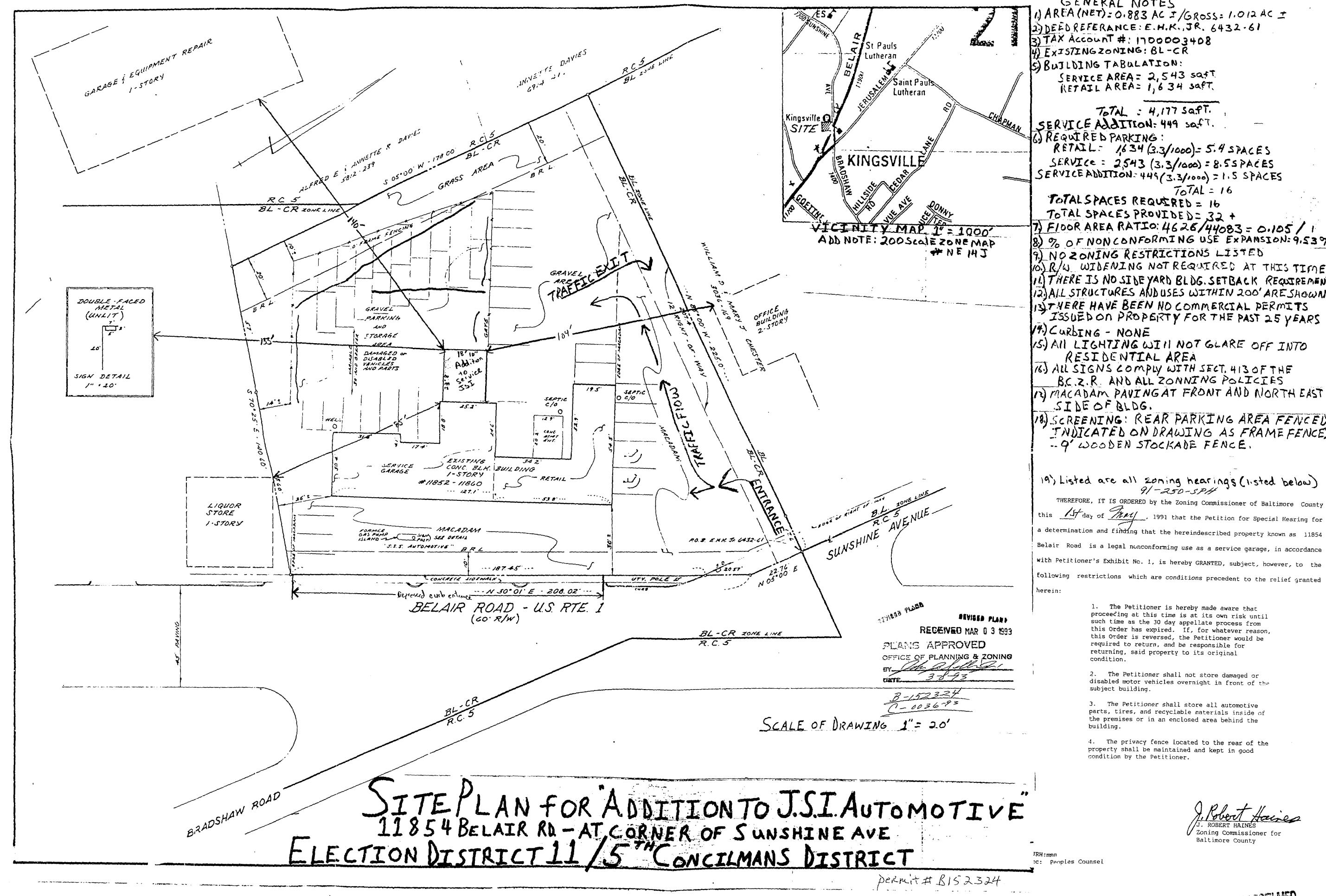
● 91-250 PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 1112 Janice Ct. GEORCE F. HEFFNER 6911 mt. Vista Rd 31087 401 WILGIS RD. 21047 KENNETH a KLASS 7505 MT. Vista Road Bradshaw 21021 Howard L. Alderman, fr., Ess. 6509 FAIRDEL AUG BULTO.M.d. 11527 FRANKLIED JILLE RO

	BALTIMIKI ISMOTE ISMMIR NORMAME MET
R. C. 5	
RD:	RO BM-CR
91-250-5P# 258	R.C. 5









GENERAL NOTES AREA (NET) = 0.883 AC I/GROSS = 1.012 AC I 2) DEED REFERANCE: E.H.K., JR. 6432-61 3) TAX ACCOUNT #: 1700003408 4) Existing zoning: BL-CR S) BUILDING TABULATION: SERVICE AREA = 2,543 saft.
RETAIL AREA = 1,634 saft.

TOTAL : 4,177 Saft. SERVICE AddITION: 449 saft.
6) REQUIRED PARKING:
RETAIL: 1634 (3.3/1000)= 5.4 SPACES

SERVICE = 2543 (3.3/1000) = 8.55 PACES SERVICE ADDITION: 449 (3.3/1000) = 1.5 SPACES TOTAL = 16

TOTAL SPACES PROVIDED = 32 +

7) Floor AREA RATIO: 4626/44083 = 0.105/1

8) % OF NONCONFORMING USE EXPANSION: 9.53% 9) NO ZONING RESTRICTIONS LISTED 10.) R/W WIDENING NOT REQUIRED AT THIS TIME 11) THERE IS NO SIDE YARD BLDG. SETBACK REQUIREMENT 12) ALL STRUCTURES AND USES WITHIN 200' ARE SHOWN

14) CURDING - NONE 15) All LIGHTING WILL NOT GLARE OFF INTO

RESIDENTIAL AREA
16.) ALL SIGNS COMPLY WITH SECT. 413 OF THE
B.C.Z.R. AND ALL ZONNING POLICIES MACADAM PAVINGAT FRONT AND NORTH EAST SIDE OF BLDG.

18) SCREENING: REAR PARKING AREA FENCED INDICATED ON DRAWING AS FRAME FENCE. -9' WOODEN STOCKADE FENCE.

19) Listed are all zoning hearing's (1.sted below)

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County 157 day of Theil . 1991 that the Petition for Special Hearing for a determination and finding that the hereindescribed property known as 11854 Belair Road is a legal nonconforming use as a service garage, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

> 1. The Petitioner is hereby made aware that such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> The Petitioner shall not store damaged or disabled motor vehicles overnight in front of the subject building.

3. The Petitioner shall store all automotive parts, tires, and recyclable materials inside of the premises or in an enclosed area behind the

4. The privacy fence located to the rear of the property shall be maintained and kept in good

91-250-594 258