

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF ELIZABETH BAIRD, ET AL (AUTOBAHN OF TOWSON, INC. - LESSEE) FOR A SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF YORK ROAD AND STEVENSON LANE 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 91-475-SPHA

Based upon a Stipulation of Facts and Agreement between all of the parties in this matter, the County Board of Appeals hereby finds and Orders this day of July, 1992:

The Special Hearing to Approve Petition to permit the overnight parking of vehicles for the use by Autobahn of Towson, Inc. of the property located at SE/corner of York Road and Stevenson Lane known as 7217 York Road and the variance to permit 0 feet parking to the right-of-way in lieu of the required 10 feet setback is GRANTED subject to the following additional conditions and restrictions:

1. This use is based upon the factual representations by AUTOBAHN OF TOWSON, INC. of their method of operation and use of the property and any change of that use by AUTOBAHN OF TOWSON, INC. or upon transfer of ownership of AUTOBAHN OF TOWSON, INC. or termination or modification (other than rent increases) of the Lease to AUTOBAHN OF TOWSON, INC. which is incorporated by reference shall be considered a new use not authorized by this Order.

2. The revised site plan dated June 22, 1992 (hereafter referred to as the "Site Plan") and all notes on same are

Estate of Elizabeth Baird, et al, Case No. 91-475-SPHA 2 incorporated by reference as a part of the terms of this Special Exception except where the Order specifically augments or modifies same.

3. AUTOBAHN OF TOWSON, INC. shall construct a locking board on board fence, eight (8) feet high surrounded by staggered dense evergreen screening around the rear parking area in accordance with the approved landscape plan.

4. Repair services provided by AUTOBAHN OF TOWSON, INC. are limited to mechanical repairs and shall not include body repair and/or painting of motor vehicles.

5. No motor vehicles shall be parked overnight outside of the building or the rear screened parking area.

6. Day time parking shall be limited to those areas where parking is designated on the "Site Plan".

7. AUTOBAHN OF TOWSON, INC. shall keep the property free of trash and debris and maintain all improvements in good order at all times.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

S. Diane Levero

Michael B. Sakey

IN RE: PETITION FOR SPECIAL HEARING & ZONING VARIANCE SMC York Road and Stevenson Lane 7217 York Road 9th Election District 4th Councilmanic District Estate of Elizabeth Baird, et al Legal Owner Autobahn of Towson, Inc. Contract Purchaser/Lessee Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for that property known as 7217 York Road. The property is currently owned by the Estate of Elizabeth Baird and is leased by Autobahn of Towson, Inc. The property owner and lessee (collectively herein referred to as the Petitioner) seek, by way of the request for Special Hearing, permission for the overnight parking of vehicles to be repaired on the subject site and by their variance, an exception from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. parking to right-of-way setback in lieu of the required 10 ft.

Appearing and testifying on behalf of the Petition was Donald M. Evans, President of Autobahn of Towson, Inc. Mr. Evans was represented at the hearing by Robert W. Taylor, Jr., Esquire. Also appearing on behalf of the Petition was James Grammar from McGee and Associates, Inc., the engineering firm which prepared Petitioner's Exhibit No. 1, the site plan for the subject property.

Appearing in opposition and/or as interested parties was Craig W. Parker from the Wiltondale Improvement Association. That community group

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was represented by Michael Tanczyn, Esquire. Also appearing was Jean K. Duvall from the Rodgers Forge Community Association, and Michael Gill, representing the Stoneleigh Improvement Association. In addition to these representatives from the neighboring communities, Steven Morgan from the Baltimore Association for Retarded Citizens, Inc. also appeared. That corporation has offices located nearby. The Office of the Peoples Counsel also appeared in opposition.

As is evident from the testimony presented, the subject property has a long history of commercial use. It has been in the ownership of the Baird family since the early 1800s and has, at different times throughout that lengthy period, housed different commercial uses. In fact, the Blacksmith shop which was located on site has given its name to the Rodgers Forge residential community located nearby. Further, the property is located at the intersections of Stevenson Lane and York Road. The stretch of York Road which fronts the property is highly traveled and a commercial corridor in Towson. However, notwithstanding the commercial nature of this York Road corridor, well maintained residential communities, including Stoneleigh, Wiltondale and Rodgers Forge, are located near the property.

The zoning history of this property is also significant. The record reveals that the matter originally came before the Zoning Commissioner in 1984 as a petition for special exception to permit the use of the subject property as a service garage. In the alternative, the Petitioner, at that time, requested a special hearing to determine that the property was legally permitted as a nonconforming use.

The Zoning Commissioner, in that case, held that the property was not nonconforming but did grant a special exception for use of the property as a service garage with certain restrictions. On a de novo appeal, the Coun-

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ty Board of Appeals reserved on the issue of the nonconforming use, however, the Board granted the Petition for Special Exception for a service garage and imposed several restrictions. The pending Petition for Special Hearing seeks removal of that restriction which prohibits overnight parking. Testimony was also presented that the County Board of Appeals' Order of April 5, 1985, as set forth above, was appealed to the Circuit Court. However, apparently, prior to any decision by the Court, the appeal was dismissed.

There was further evidence presented that the reason behind the dismissal of the appeal was because certain agreements by and between the Petitioner and community associations were reached at that time. I am not privy to the specific terms and conditions of those agreements. Also, there is evidence before me that the Wiltondale Community Association has, at this time, entered into an agreement with the Petitioner which exchanges Wiltondale's support for the subject Petition for certain considerations to be given by the Petitioner. Notwithstanding these negotiations and agreements, my decision must be based upon the Petitions before me as they relate to the relevant portions of the B.C.Z.R. I am not constrained by any agreements that the parties may reach.

Mr. Evans testified as to the nature of the operation presently conducted on site. He stated that he does light engine work for his customers, including tune-ups, brake work and other light service. He does not do major engine overhauls. He further testified that the business operates 8:00 A.M. to 6:00 P.M., Monday thru Friday, and an occasional Saturday, usually from 9:30 A.M. to 1:00 P.M. The business employs 5 full time people. Mr. Evans also testified that many of his customers will leave their vehicles, after hours, on the evening before their scheduled appointment so

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that he can begin work on their cars first thing the next morning. It is due to this practice that he seeks the special hearing to delete the Board's restriction which ordered that "no vehicles may be stored overnight on the site, except inside of the existing building". According to Mr. Evans, his business could not survive if overnight storage is not permitted. Mr. Evans also described the existing property. It is improved by a one story garage which houses 3 bays. There is also parking in the front of the site adjacent to York Road, as well as a storage area in the rear of the lot.

Mr. Grammar, from McGee and Associates, also testified. His testimony primarily concerned a description of the site plan and the requested variance.

The testimony of the community association representative should also be noted. In essence, it appears that they would prefer another use on this site, but recognize the existing special exception. They also testified favorably as to Mr. Evans personally and the nature in which he conducts his business. It seems unanimously agreed that he runs a clean operation for which he is appreciated by his customers and neighbors.

In considering the Petitions before me, I am required to accept the present use of this property as previously permitted under the 1984 Petition for Special Exception. Nonetheless, it is clear to me that the Board of Appeals erred when the Petition was granted. Quite clearly, the size and location of this property is not consistent with the ongoing use. The Board's decision is more egregious by developments which have occurred on the property since the date of their Order. Specifically, Stevenson Lane has been widened since 1985, so as to reduce the side yard distance from the service garage building to the property line. As presently configured,

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the lot and improvements thereon are of such, and situated so, that Mr. Evans is unable to move his customers' cars from the service bays on the front portion of the lot to the rear storage area without going offsite. That is, if a disabled car is brought to his location and stored on the rear portion of the property, that vehicle must be towed either through one of the adjacent residential communities, or along the highly traveled portion of York Road which fronts the property, in order to transport it to one of the service bays. If for no other reason than this one constraint, it seems clear to me that the site is not suited for its present use. This lack of onsite circulation creates a potentially dangerous situation and is clearly a detriment to the surrounding locale.

Notwithstanding my conclusion, however, the question is presented as to how best to address the pending petitions. I am left with the dilemma of to how to best address these Petitions and to make an unacceptable situation better.

As to the parking variance, I am persuaded that it should be granted. I particularly rely upon the report from the State Highway Administration which states that the department has no objection to the variance for so long as all parking remains outside of the proposed 80 ft. right-of-way along York Road. According to Petitioner's Exhibit No. 1, parking would remain outside of that right-of-way. In my view, the variance should be granted and parking permitted as proposed, in part, to help alleviate the unacceptable onsite traffic flow. Strict application of the parking setback requirements would result in practical difficulty to the property owner and, in my view, cause further detriment to the public good. It should be noted that parking will be allowed only as shown on the site plan.

As to the Petition for Special Hearing, same will be denied. Although, I cannot alter the Board's decision from 1985 which permitted use of this property as a service garage, I will not encourage the expansion of the use which I find to be detrimental to the locale. Likewise, in my view, the restrictions contained within the Board's Order shall continue in full force and effect and if the Petitioner is not in compliance with same, the special exception cannot be continued. That is, in that the Petitions before me address only one of the restrictions in the Board's prior Order and a request for relief from the parking setback requirements, the Board's findings and conclusions remain, except as specifically modified herein.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of Dec, 1991, that the Petition for Special Hearing for permission for the overnight parking of vehicles to be repaired on the subject site be and is hereby DENIED; and,

IT IS FURTHER ORDERED by that the Petition for Zoning Variance from Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 0 ft. parking to right-of-way setback, in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

- 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Parking shall be limited to those areas where parking spaces are designated on Petitioner's Exhibit No. 1.

ORDER RECEIVED FOR FILING Date 12/16/92 By [Signature]

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering



401 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

November 27, 1991

Mr. James D. Grammer  
McKee & Associates, Inc.  
5 Shawan Road  
Hunt Valley, Maryland 21030


RE: 1721 York Road  
Zoning Case No. 91-475-SPH, Item No. 475

Dear Mr. Grammer:

The revised parking layout plan submitted is acceptable to our office as long as the proposed parking spaces are utilized the way that they are shown on this plan. This revision should adequately address the sight distance problems which do currently exist at the southeastern quadrant of the intersection of York Road and Stevenson Lane. The traffic signal at this intersection obviously mitigates some of the sight distance problems. However, it does not adequately protect westbound right-turns-on-red or allow westbound motorists to properly assess whether northbound motorists are going to stop for a red indication when cars on the site are parked too close to the roadway. It should also be noted that our original comments dated June 25, 1991 to the Zoning Commissioner have not yet been compiled with.

Should you have any further questions please let me know.

Very truly yours,

  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEM/RJF/lvd

cc: Mr. Jeffrey Long, Office of Planning & Zoning  
Mr. Arnold Jablon, Director, Office of Zoning Administration & Development Management

RECEIVED  
NOV 28 1991

ZONING OFFICE

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County **91-475-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 petition to permit the overnight parking of vehicles to be repaired at 7217 York Road.

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 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/Leasee: **Autobahn of Towson, Inc.** (Type or Print Name)  
 Signature: *David M. Evans*  
 7217 York Road  
 Baltimore, Maryland 21212  
 City and State

Legal Owner(s): **Estate of Elizabeth Baird** (Type or Print Name)  
 Signature: *W. Falconer Baird*  
 Elizabeth S. Palcho  
 55 Brookside Avenue (215) 688-7432  
 St. Davids, Pennsylvania 19087  
 City and State

Attorney for Petitioner: **Robert W. Taylor, Jr.** (Type or Print Name)  
 Signature: *Robert W. Taylor, Jr.*  
 401 Allegheny Avenue  
 Towson, Maryland 21204  
 City and State  
 Attorney's Telephone No.: (301) 337-0900

OFFICE USE ONLY  
 ESTIMATED LENGTH OF HEARING: -1/2HR. +1HR.  
 AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS  
 ALL OTHER DATE  
 REVIEWED BY: *W. Taylor* DATE: *1/15*

# Petition for Variance

to the Zoning Commissioner of Baltimore County **91-475-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 402 To permit a 0 (zero) foot parking to right of way set back in lieu of the required 10 foot set back.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I 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/Leasee: **Autobahn of Towson, Inc.** (Type or Print Name)  
 Signature: *David M. Evans*  
 401 Allegheny Avenue  
 Towson, Maryland 21204  
 City and State

Legal Owner(s): **Estate of Elizabeth Baird** (Type or Print Name)  
 Signature: *W. Falconer Baird*  
 Elizabeth S. Palcho  
 55 Brookside Avenue (215) 688-7432  
 St. Davids, Pennsylvania 19087  
 City and State

Attorney for Petitioner: **Robert W. Taylor, Jr.** (Type or Print Name)  
 Signature: *Robert W. Taylor, Jr.*  
 401 Allegheny Avenue  
 Towson, Maryland 21204  
 City and State  
 Attorney's Telephone No.: (301) 337-0900

OFFICE USE ONLY  
 ESTIMATED LENGTH OF HEARING: -1/2HR. +1HR.  
 AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS  
 ALL OTHER DATE  
 REVIEWED BY: *W. Taylor* DATE: *1/15*

# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 1, 1992

Robert W. Taylor, Esquire  
Howard, Butler & Melfa, P.A.  
410 Allegheny Avenue  
Towson, Maryland 21204-4256

Re: Case No. 91-475-SPHA (Estate of Elizabeth Baird, et al/  
Autobahn of Towson, Inc. - Contract Purchaser)

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

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

- Enclosure
- cc: Ms. Elizabeth S. Palcho  
 Mr. David M. Evans, President  
 Autobahn of Towson, Inc.  
 Mr. James Grammer  
 Michael P. Tanczyn, Esquire  
 Mr. Michael W. Gill, Vice President  
 Stoneleigh Community Assoc.  
 Jean K. Duvall - The Rodgers Forge  
 Community, Inc.  
 Mr. Stephen Morgan  
 Mr. Craig W. Parker  
 People's Counsel for Baltimore County  
 P. David Fields  
 Lawrence E. Schmidt  
 Timothy M. Kotroco  
 W. Carl Richards, Jr.  
 Docket Clerk - Zoning  
 Arnold Jablon, Director of Zoning  
 Administration

# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180  
Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue  
March 11, 1992

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

CASE NO. 91-475-SPHA ESTATE OF ELIZABETH BAIRD, ET AL (Autobahn of Towson)  
SW/Cor York Rd. & Stevenson Lane (7217 York Road)  
9th E; 4th C

SPH-Overnight parking of vehicles to be repaired;  
VAR-0' parking to right-of-way setback in lieu of required 10'

12/10/91 - Z.C.'s Order DENYING Petition for Special Hearing; GRANTING Petition for Variance with restrictions.

ASSIGNED FOR: WEDNESDAY, JUNE 17, 1992 AT 10:00 a.m.

- cc: Robert W. Taylor, Esquire - Counsel for Petitioner
- Ms. Elizabeth S. Palcho  
 Mr. David M. Evans, President  
 Autobahn of Towson, Inc.  
 Mr. James Grammer  
 Michael P. Tanczyn, Esquire  
 Mr. Michael W. Gill, Vice President  
 Stoneleigh Community Assoc.  
 Jean K. Duvall - The Rodgers Forge  
 Community, Inc.  
 Mr. Stephen Morgan  
 Mr. Craig W. Parker  
 People's Counsel for Baltimore County  
 P. David Fields  
 Lawrence E. Schmidt  
 Timothy M. Kotroco  
 W. Carl Richards, Jr.  
 Docket Clerk - Zoning  
 Arnold Jablon, Director of Zoning  
 Administration
- Linda Lee M. Kuszmaul  
 Legal Secretary

3/11/92 - Following parties notified of hearing set for June 17, 1992 at 10:00 a.m.:

- Robert W. Taylor, Esquire
- Ms. Elizabeth S. Palcho
- Mr. David M. Evans, President  
Autobahn of Towson, Inc.
- Mr. James Grammer
- Michael P. Tanczyn, Esquire
- Mr. Michael W. Gill, Vice President  
Stoneleigh Community Assoc.
- Jean K. Duvall - The Rodgers Forge  
Community, Inc.
- Mr. Stephen Morgan
- Mr. Craig W. Parker  
People's Counsel for Baltimore County
- P. David Fields
- Lawrence E. Schmidt
- Timothy M. Kotroco
- W. Carl Richards, Jr.  
Docket Clerk - Zoning
- Arnold Jablon

# Baltimore County Board of Appeals

111 WEST CHESAPEAKE AVENUE  
TOWSON, MD 21204 (410) 887-3333

February 14, 1992

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

RE: Petition for Special Hearing and Zoning Variance  
SW/C York Road and Stevenson Lane  
(7217 York Road)  
9th Election District, 4th Councilmanic District  
AUTOBahn OF TOWSON, INC. - Petitioner  
Case No. 91-475-SPHA

Dear Board:  
Please be advised that an appeal of the Special Hearing portion of the above-referenced case was filed in this office on December 30, 1991 by Robert W. Taylor, Jr., Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.  
Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
  
Zoning Commissioner

LES:cer  
Enclosures

cc: Elizabeth S. Palcho - 55 Brookside Avenue, St. Davids, PA 19087  
 David M. Evans, President - Autobahn of Towson, Inc.  
 7217 York Road, Baltimore, MD 21212  
 Robert W. Taylor, Jr. - Howard, Butler & Melfa, P.A.  
 410 Allegheny Avenue, Towson, Maryland 21204-4256  
 James Grammer - 5 Shawan Road, Hunt Valley, MD 21030

Appeal Cover Letter - Case No. 91-475-SPHA  
February 14, 1992  
Page 2

- Michael P. Tanczyn, P.A., 602 Baltimore Ave., Towson, MD 21204
- Michael W. Gill, V.P. - Stoneleigh Community Association  
7117 Oxford Road, Baltimore, MD 21212
- Jean K. Duvall - The Rodgers Forge Community, Inc.  
227 Mardock, Baltimore, MD 21212
- Stephen Morgan - 4800 York Road, Baltimore, MD 21212
- Craig W. Parker - 515 Yarmouth Road, Towson, MD 21204  
Rodgers Forge Association
- People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204
- File

# HOWARD BUTLER & MELFA P.A.

401 ALLEGHENY AVENUE  
TOWSON MARYLAND 21204-4256

Baltimore County Government  
Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing and Zoning Variance  
Estate of Elizabeth Baird, et al., Legal Owner  
Autobahn of Towson, Inc., Contract Purchaser/Lessee  
Case No. 91-475-SPHA

Dear Sir/Madam:  
Please note our appeal from Lawrence E. Schmidt, Zoning Commissioner's decision of November 6, 1991 with respect to the denial of the Petition for Special Hearing. Enclosed please find our check in the amount of \$150.00 to cover the cost of filing the appeal and posting the sign.

Please do not hesitate to call if anything further is required.

Very truly yours,  
HOWARD, BUTLER & MELFA, P.A.  
Robert W. Taylor, Jr.

- RWTJR/trb  
Enclosures
- cc: Michael P. Tanczyn, P.A.  
 Stoneleigh Community Association  
 Rodgers Forge Association  
 Timothy B. Fitts, Zoning Inspector

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DEC 30 1991  
ZONING OFFICE

APPEAL

Petition for Special Hearing and Zoning Variance  
SM/C York Road and Stevenson Lane  
(1217 York Road)  
9th Election District - 4th Councilmanic District  
ESTATE OF ELIZABETH BAIRD, ET AL - Legal Owner  
Autobahn of Towson, Inc. Contract Purchaser/Lessee - Petitioner  
Case No. 91-475-SPHA

Petition(s) for Special Hearing and Zoning Variance (Appeal of Special Portion only)

Description of Property

Certificate of Postings

Certificate of Publication

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

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's and Protestants's Sign-in Sheets

Zoning Enforcement Notice

Petitioner's Exhibits:  
1. Plat to accompany petition  
2. Letter from Stoneleigh Comm.  
3. Letter from Rodgers Forge Comm.

People's Counsel Exhibits: 1. Plat to accompany petition

Zoning Commissioner's Order dated December 10, 1991 (Granted with restrictions)

Notice of Appeal received December 30, 1991 from Robert W. Taylor, Jr., Attorney on behalf of the petitioner.

cc: Elizabeth S. Falcho - 55 Brookside Avenue, St. Davids, PA 19087

David M. Evans, President - Autobahn of Towson, Inc.  
7217 York Road, Baltimore, MD 21212

Robert W. Taylor, Jr. - Howard, Butler & Melfa, P.A.  
410 Allegheny Avenue, Towson, Maryland 21204-4256

James Grammer - 5 Shawan Road, Hunt Valley, MD 21030

Michael P. Tanczyn, P.A., 602 Baltimore Ave., Towson, MD 21204

Michael W. Gill, V.P. - Stoneleigh Community Association  
7117 Oxford Road, Baltimore, MD 21212

Jean K. Duval - The Rodgers Forge Community, Inc.  
227 Murdock, Baltimore, MD 21212

Stephen Morgan - 4800 York Road, Baltimore, MD 21212

Appeal Checklist - Case No. 91-475-SPHA  
February 14, 1992  
Page 2

Craig W. Parker - 515 Yarmouth Road, Towson, MD 21204  
Rodgers Forge Association

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

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
bucket Clerk  
Arnold Jablon, Director of Zoning Administration  
and Development Management  
Public Services

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering



401 Bosley Avenue, Suite 405  
Towson, MD 21204

(410) 887-3554  
Fax (410) 887-5784

June 10, 1992

Mr. James D. Grammer  
McKee & Associates, Inc.  
9 Shawan Road  
Hunt Valley, Maryland 21030

RE: 1721 York Road  
Zoning Case No. 91-475-SPH  
Item No. 475

Dear Mr. Grammer:

The revised plan submitted is acceptable to our office as long as the proposed parking spaces are utilized the way that they are shown on this plan.

Should you have any further questions, please let me know.

Very truly yours,

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RJF/lvd

cc: Mr. Arnold Jablon, Director, Office of Zoning  
Administration and Development Management

RECEIVED  
JUN 12 1992  
ZONING OFFICE

91-475-  
SPHA

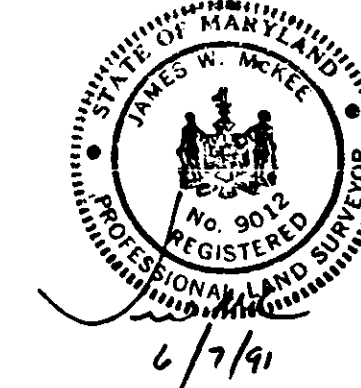
June 7, 1991

DESCRIPTION OF 7217 YORK ROAD  
NINTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being at the southeast intersection of York Road, Maryland State Route 45, being 66 feet wide and Stevenson Lane, being 40 feet wide.

Being known as Parcel "B" as shown on a plat of Stevenson Court, recorded among the land records of Baltimore County in Plat Book 24, folio 27.

Containing 14,285.9 square feet or 0.328 acres of land more or less.



475

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3333

December 6, 1991

Robert W. Taylor, Jr., Esquire  
401 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE  
Estate of Elizabeth Baird, et al, Legal Owner  
Autobahn of Towson, Inc., Contract Purchaser/Lessee  
Case No. 91-475-SPHA

Dear Mr. Taylor:

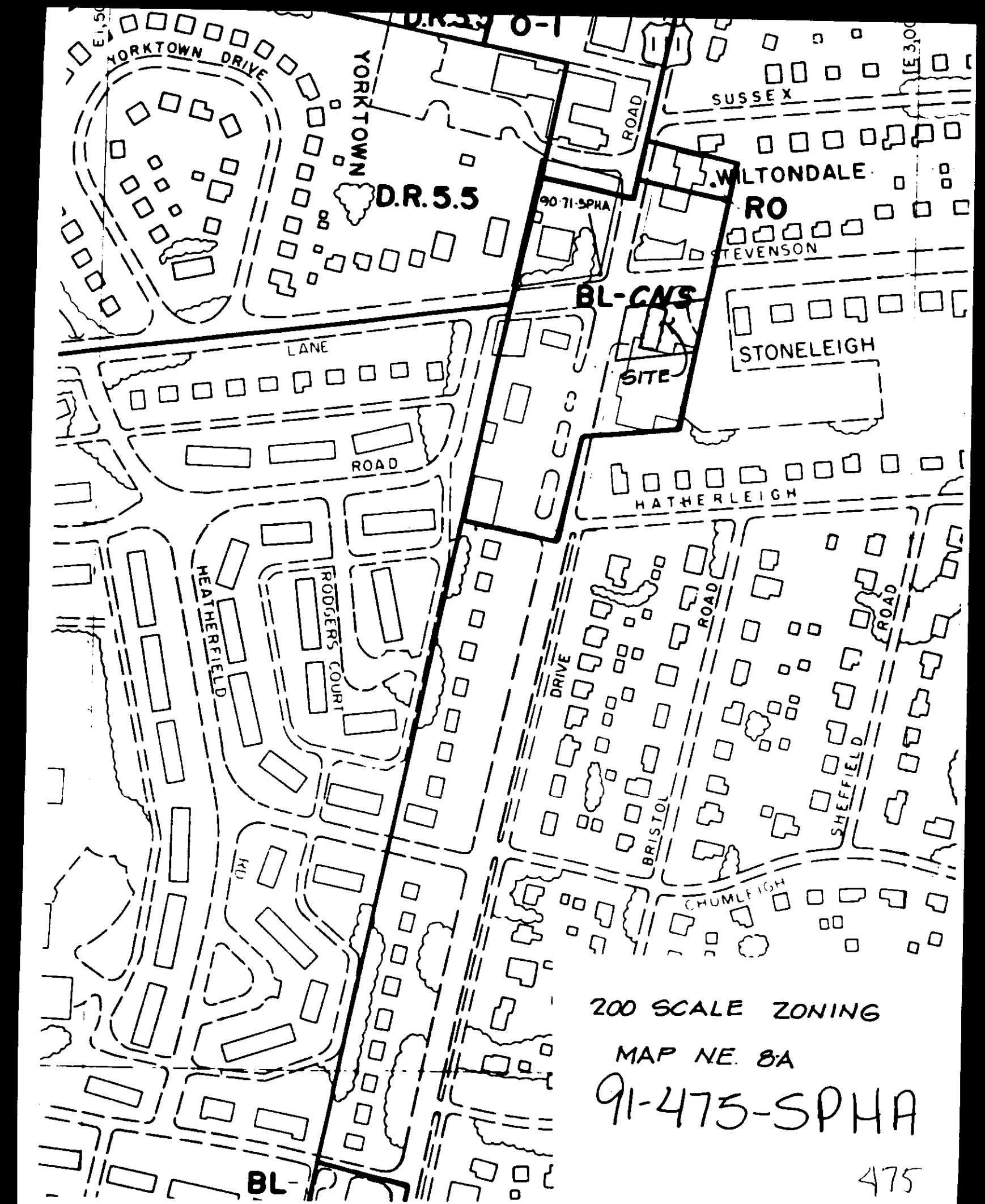
Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing and Zoning Variance have been granted in part and denied in part.

In the event any party finds the decision rendered 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 the Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

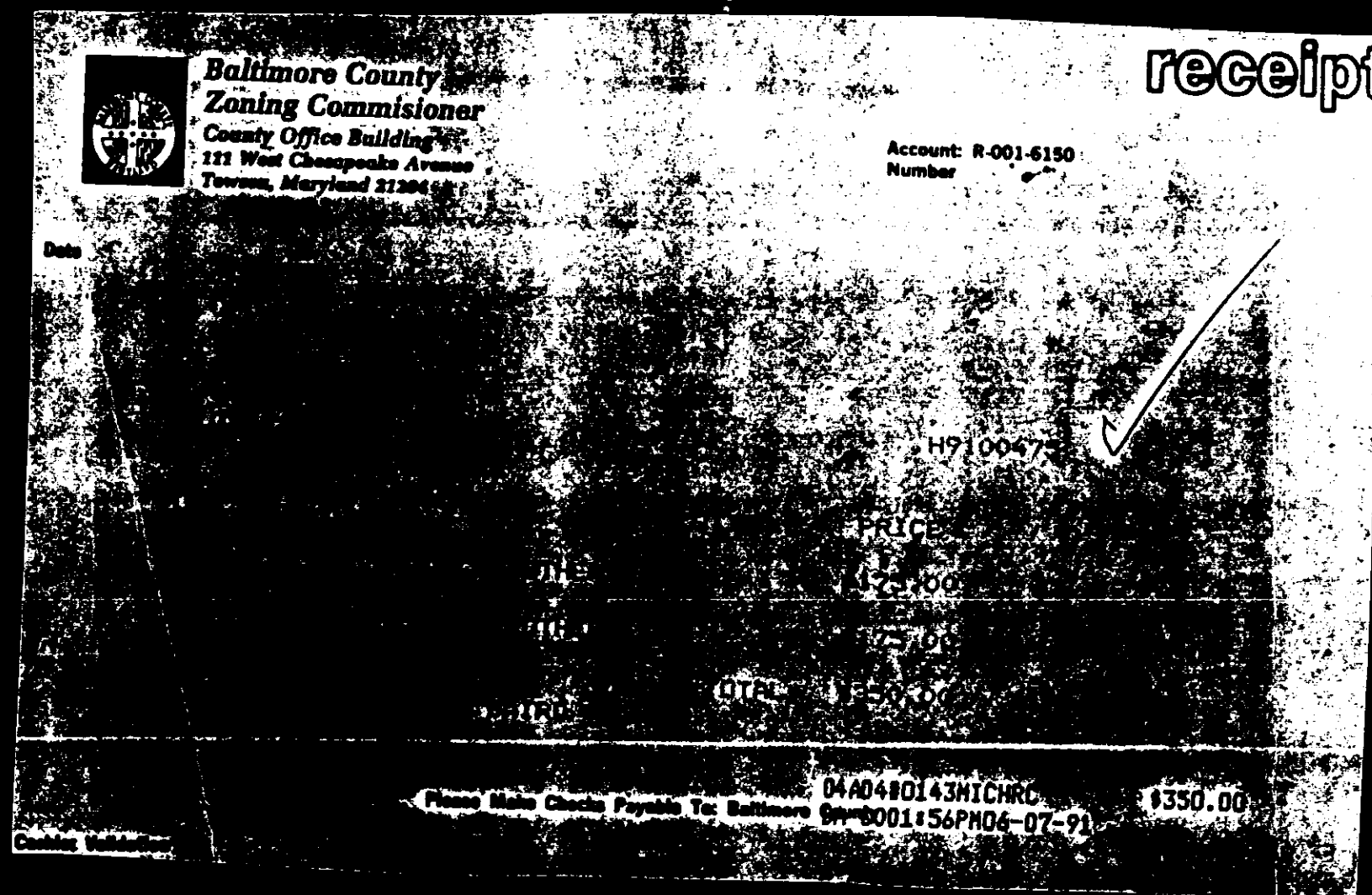
LES:mmm  
encl.  
cc: Petitioner  
cc: Protestants



receipt

91-475-SPHA

Account # 001-6150  
Number



receipt

91-475-SPHA 8-15-91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 22, 1991  
Zoning Commissioner

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

SUBJECT: Estate of Elizabeth Baird, Item No. 475

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

The subject site is located at a prominent location along the east side of the York Road commercial corridor. For many years this particular site has been used for various service garage-type uses and related activities - storage of damaged motor vehicles, for example. These uses have, at times, been incompatible with the predominant residential land use located to the east of the site. On numerous occasions conditions at the property have become so egregious that complaints were to be filed by residents of the Wiltondale community.

The applicant's site is bordered by attractive office buildings to the north and south; a well maintained Crown Service Station is located directly to the west; and the residential communities of Wiltondale and Stoneligh are situated just east of the site. These communities are characterized by well maintained detached single-family homes. As a part of the review process of this request, staff visited the applicant's site and found that the rear of the property is beginning to take on the character of a junk yard. Several unlicensed, damaged motor vehicles, which appeared to have been stored for an extended period of time, were observed. The area where the cars are stored is identified on the site plan accompanying the petition as an "Existing Private Storage Area." The plan indicates this area has a macadam surface - that is not the case because half of the lot is improved with a crusher run surface. Also, this portion of the site is not screened and vehicles are in plain view of the homes located along Stevenson Lane. Further, no delimitation exists between an existing parking and driveway area to the rear of the site and the applicant's property.

Rec'd 7/24/91

Estate of Elizabeth Baird, Item No. 475  
Page Two  
July 22, 1991

Based upon an analysis of the petitioner's request and a site inspection, it is clear to this office that the contract purchaser's use of the property has grown to an extent beyond which the site with its inherent limitations can handle. The proposed landscaping (as shown on the plan) would be ineffectual in terms of screening the view of the proposed overnight storage of motor vehicles.

In conclusion, due to the difficulty of providing an adequate buffer and the problems associated with obvious site constraints, this office recommends the petitioner's request be denied.

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  
ITEM475/ZAC1

Law Offices  
Michael P. Tanczyn, P.A.  
Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(301) 296-8823 • (301) 296-8824  
Fax: (301) 296-8827

August 7, 1991

Office of Zoning Commissioner  
Attention: Gwen Stephens  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Item No. 475  
Case No. 91-475-SPHA & Variance

Dear Ms. Stephens:

Please enter my appearance on behalf of the Wiltondale Improvement Association and Craig Parker, Protestants, and send me notices of all scheduled hearing dates.

To confirm our verbal conversation of August 6, 1991, I understand that the postponement request of the Petitioner's counsel has been granted and that the matter will be rescheduled from its first scheduled hearing date of August 15, 1991. If I am in error, please notify me at once. Otherwise, I would appreciate receiving notice of any and all future hearing dates as well as copies of all correspondence to the file.

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: Robert W. Taylor, Jr., Esq.  
Mr. Craig W. Parker

RECEIVED  
AUG 7 1991  
ZONING OFFICE

LAW OFFICES  
HOWARD, BUTLER & MELFA P.A.  
401 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204-4250

August 7, 1991

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stevens

Re: Owner: Estate of Elizabeth Baird, et al.  
Purchaser/Lessee: Autobahn of Towson, Inc.  
Case Number: 91-475-SPHA

Dear Ms. Stevens:

This is to confirm your telephone conversation with my secretary today, in which you advised her that the postponement requested for August 15, 1991 in the above-referenced matter has been granted.

Thank you for your assistance in this matter.

Very truly yours,

HOWARD, BUTLER & MELFA, P.A.

Robert W. Taylor, Jr.

RWTJR/trb

RECEIVED  
AUG 7 1991  
ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

COPY

888 28, 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: 91-475-SPHA  
506 York Road and Stevenson Lane  
7217 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Estate of Elizabeth Baird, et al.  
Contract Purchaser(s)/Lessee: Autobahn of Towson, Inc.  
HEARING: THURSDAY, AUGUST 15, 1991 at 10:30 a.m.

Special hearing to approve the petition to permit the overnight parking of vehicles to be repaired at 7217 York Road

Variance to permit a 100 ft. parking to right-of-way setback in lieu of the required 10 ft. setback.

Zoning Commissioner of  
Baltimore County

Autobahn of Towson, Inc.  
Robert W. Taylor, Jr., Esq.  
Personal Representative/Trustee  
Craig Parker

LAW OFFICES  
HOWARD, BUTLER & MELFA P.A.  
401 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204-4250

DICKIE M. HOWARD  
WILLIAM H. BUTLER  
LAWRENCE A. MELFA  
ROBERT W. TAYLOR, JR.

TELEPHONE  
(301) 337-0900  
FAX NO.  
(301) 337-0916

July 31, 1991

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Owner: Estate of Elizabeth Baird, et al.  
Purchaser/Lessee: Autobahn of Towson, Inc.  
Case Number 91-475-SPHA

Dear Sir/Madam:

I am requesting a postponement in the above-referenced matter, as I have previously been scheduled for a 6-week trial in the Circuit Court for Baltimore County starting July 29, 1991 in Gloria King, et al. v. Amerada Hess Corporation, et al. Case No.: 88CG3627/60/27.

Please advise if there are any problems in postponing this hearing.

Thank you for your assistance.

Very truly yours,

Robert W. Taylor, Jr.

RWTJR/trb

91-475-  
SPHA

Baltimore County Government  
Fire Department

501 East Eppes Road, Suite 101  
Towson, MD 21204-5501

(301) 887-1500

JUNE 14, 1991

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

Re: Property Owner: ESTATE OF ELIZABETH BAIRD AND ELIZABETH S. BALCHO

Location: 47217 YORK ROAD

Item No.: 475 Zoning Agenda: JUNE 14, 1991

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.

Noted and  
Reviewed: [Signature] Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JR/FFB

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Robert W. Taylor, Jr.

SUBJECT: J.A.M. Pomsenti

DATE OF HEARING: June 10, 1991

ITEM NUMBER: 475

The proposed site should be located approximately 20 feet back from the edge of present of Eppes Lane.

[Signature]  
Robert W. Taylor, Jr.  
Traffic Engineer II

RWTJR



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21286

August 7, 1991

**COPY**

Robert W. Taylor, Jr., Esq.  
Howard, Butler & Mella, P.A.  
401 Allegheny Avenue  
Towson, Maryland 21286-4296

See Case Number(s): 91-475-SPHA  
7217 York Road  
Petitioner(s): Elizabeth R. Baird, et al and  
Autobahn of Towson, Inc.

Dear Mr. Taylor:

This office is in receipt of your written request for postponement of the August 15, 1991 hearing in the above referenced matter. Please be advised of the following:

- 1) The postponement has been granted.
- 2) The zoning sign on the property has been so noted.
- 3) In an effort to give community notice, your client may not remove the sign before August 16, 1991. The sign and post must be returned to this office and your client may do so anytime after August 16, 1991.
- 4) Advertising and posting fees associated with the August 15, 1991 date are now due. Please see that a check in the amount of \$145.53 is forwarded via return mail or hand delivered when the sign and post are returned.

Page #2

To: Robert W. Taylor, Esq.  
Re: Postponement of 91-475-SPHA  
August 7, 1991

Written notification of the new hearing date will be sent to you as soon as the case is rescheduled. The property will be reposted and your client will be charged for same. Provided no change is made in the requested relief prior to the new hearing date, there will be no additional advertising fees.

Should you have any questions, do not hesitate to contact us.

Very truly yours,

G. C. Stephens  
(301) 897-3191

cc: Craig Parker  
Autobahn of Towson, Inc.  
W. Falconer Baird/ Elizabeth S. Palcho

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21286

**COPY**

DATE: 7-25-91

Autobahn of Towson, Inc.  
80 Allegheny Avenue  
Towson, Maryland 21284

ATTN: DAVID M. EVANS, PRESIDENT

RE:  
Case Number: 91-475-SPHA  
367 York Road and Stevenson Lane  
7217 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Estate of Elizabeth Baird, et al  
Contract Purchaser(s)/Lessee: Autobahn of Towson, Inc.  
HEARING: THURSDAY, AUGUST 15, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$145.53 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.

*J. Robert Haines*

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Robert W. Taylor, Jr., Esq.

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180

April 9, 1991

Austin W. Brizendine, Jr., Esquire  
396 Worthington Road  
Towson, MD 21286

Re: Case No. 83-45-XSPH  
Elizabeth R. Baird, et al

Dear Mr. Brizendine:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*Edith T. Eisenhart*  
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Elizabeth R. Baird, et al  
Mrs. Jean Duvall  
Mr. Bernard Brune  
Douglas M. Brown  
Phyllis Cole Friedman  
Norman E. Gerber  
James G. Howwell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer

Law Offices  
Michael P. Tanczyn, P.A.  
Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21284  
(301) 296-8823 • (301) 296-8824  
Fax: (301) 296-8827

September 13, 1991

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

Re: Case No. 91-475-SPHA - Baird/Autobahn

Dear Mr. Haines:

I have received the Notice of Hearing for October 8, 1991 in the above matter and would ask that this case be postponed to the next available hearing date. I have previously paid in May of 1991 for an anniversary trip out of the country and will not return to my office until October 9, 1991.

Please let me know if this postponement is granted.

Very truly yours,

*Michael P. Tanczyn*  
Michael P. Tanczyn

MPT/ed

cc: Mr. Craig W. Parker  
Robert W. Taylor, Jr., Esq.

**RECEIVED**  
SEP 16 1991  
ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21286

August 21, 1991

Autobahn of Towson, Inc.  
401 Allegheny Avenue  
Towson, Maryland 21284

ATTN: DAVID M. EVANS, PRESIDENT

Re: Case numbers: 91-475-SPHA

Dear Sirs:

Please be advised that \$50.00 is due for reposting of the above-referenced property, relative to the October hearing date.

Please bring your check made payable to Baltimore County, Maryland, as well as the sign and post on the day of the hearing to 111 W. Chesapeake Avenue, Room 113.

Your anticipated cooperation is appreciated.

Very truly yours,

J. ROBERT HAINES,  
ZONING COMMISSIONER of  
BALTIMORE COUNTY  
887-3391

P.S. The \$50.00 charge is only to the October 8, 1991 hearing date. Currently there is an outstanding charge of \$143.53 for advertising and posting of the August 15, 1991 date.

cc: Robert W. Taylor, Jr., Esq.

**ZONING ENFORCEMENT** Baltimore County  
Zoning Office  
Towson, Maryland 21284

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer  
Zoning Supervisor

DATE: June 10, 1991

FROM: David M. Evans  
Zoning Enforcement Coordinator

RE: Item No. 175 (if known)  
Petitioner: Robert W. Taylor, Jr., Esq.  
Attorney for the Estate of Elizabeth R. Baird and  
Autobahn of Towson, Inc.

VIOLATION CASE # 0-91-1704

LOCATION OF VIOLATION 7217 York Road

DEFENDANT Elizabeth R. Baird, et al, Trustees

ADDRESS c/o Robert W. Taylor, Jr., Esquire  
Howard, Butler and Mella, P.A.  
401 Allegheny Avenue  
Towson, MD 21284

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
Craig Parker	815 Yarmouth Road 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.

esh/

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21286

August 21, 1991

**COPY**

OFFICE 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 21284 as follows:

Case Number: 91-475-SPHA  
367 York Road and Stevenson Lane  
7217 York Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Estate of Elizabeth Baird, et al  
Contract Purchaser(s)/Lessee: Autobahn of Towson, Inc.  
HEARING: THURSDAY, OCTOBER 8, 1991 AT 10:30 A.M.

Special Hearing to approve the petition to permit the overnight parking of vehicles to be repaired at 7217 York Road.  
Variance to permit a zero ft. parking to right-of-way setback in lieu of the required 10 ft. setback.

*J. Robert Haines*  
Zoning Commissioner of  
Baltimore County

cc: Autobahn of Towson, Inc.  
Robert W. Taylor, Jr., Esq.  
Personal Representative/Trustee  
Craig Parker  
Michael P. Tanczyn, Esq.  
James Morgan  
David Dyerling

**Stoneleigh Community Association, Inc.**  
Baltimore, Maryland 21212

October 1, 1991

Baltimore County Government  
Office of the Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Attn: Mr. Robert Haines, Zoning Commissioner

Subj: Zoning Variance Appeal  
Case No. 91-475-SPHA  
Baird/Autobahn-7217 York Road

Gentlemen:

The board of governors of the Stoneleigh Community Association met on September 25, 1991 to review and discuss the case for request of zoning variance at 7217 York Road.

Upon review of all the pertinent data, the board of Governors unanimously voted that the following restrictions be strictly observed in regards to the subject appeal:

1. Absolute observance of the 10' setback distances presently in effect for the York Road and Stevenson Lane boundaries.
2. No variation in the requirement of the "No Overnight Parking" restriction on the West and North property lots.

In that the Stoneleigh Community Association wishes to maintain the posture of a "Good Neighbor", we suggest the following to aid the profitability of the current tenant:

1. Removal of apparent abandoned vehicles presently stored in what is known as the rear lot, clean lot.
2. Construction of a natural, aesthetically pleasing barrier around perimeter of rear lot. This barrier to be constructed with coordination of closest neighbors.
3. Storage of vehicles to be permitted in rear lot for reasonable period of time for each vehicle.

The Association must also insist that the easements as mentioned above shall be in effect for the current tenant/lease only.

Please contact the undersigned for any additional information which you may require.

Very truly yours,  
*Michael W. Gill*  
Michael W. Gill  
First Vice President

**RECEIVED**  
OCT 4 1991  
**ZONING OFFICE**

**The Rodgers Forge Community, Inc.**

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE  
BALTIMORE, MD. 21212  
November 3, 1991

Zoning Commissioner  
Baltimore County Courthouse  
Towson, Maryland 21204

Dear Sir:

This is to certify that **Joe K. Duvall** of the Rodgers Forge Board of Governors is authorized to speak on behalf of the Rodgers Forge Community Association, Inc. regarding:

Case # 91-475-SPHA  
Autobahn of Towson  
7217 York Road

At our meeting of September 18, 1991, the board voted to oppose the granting of a variance to permit a zero foot parking to the right-of-way setback in lieu of the required 10 foot setback.

We also supported the Zoning Commissioner's opinion on case # 85-45-XSPH item # 3, page 7 regarding landscaping.

Sincerely,

*Honey Holston*  
Honey Holston  
Secretary

**PETITIONER'S EXHIBIT #3**

**MEMORANDUM OF AGREEMENT**

WHEREAS, the parties to Baltimore County Zoning Case Number 91-475 SPHA, namely, Autobahn of Towson, Inc. and the Estate of Elizabeth R. Baird, Petitioners, and the Wiltondale Improvement Association, Inc., Protestant, have resolved the issues between them concerning the property located at 7217 York Road, and

WHEREAS, the parties desire to memorialize the terms of their Agreement and certain promises have been made in consideration of said Agreement, the sufficiency of which promises are hereby acknowledged.

The parties agree as follows:

The Wiltondale Improvement Association, Inc. agrees not to oppose the Petitioner's Request to allow overnight parking on the site at 7217 York Road, despite the parking restriction contained in the Order of April 9, 1985, in the Baltimore County Board of Appeals Case No. 85-45 XSPPH. Said waiver of the Parking Restriction would be temporary and restricted to the lease(s) of Autobahn of Towson, Inc. Should the property be sold, or the lease of Autobahn of Towson, Inc. not be renewed or Autobahn of Towson, Inc. abandon the use of the premises as a service garage, or the present stock ownership of Autobahn of Towson, Inc. change from the 100% ownership of David M. Evans (not to include a transfer of a tenants by entireties interest to the spouse of David M. Evans) or should Autobahn of Towson, Inc. sublet the site or joint venture the site, then at such time, the waiver would automatically expire.

**PETITIONER'S EXHIBIT**

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - (410) 887-3180  
Room 48, Old Courthouse  
400 Washington Avenue March 11, 1992

**NOTICE OF ASSIGNMENT**  
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.  
CASE NO. 91-475-SPHA ESTATE OF ELIZABETH BAIRD, ET AL (Autobahn of Towson) SW/cor York Rd. & Stevenson Lane (7217 York Road) 9th E; 4th C  
SPH-Overnight parking of vehicles to be repaired; VAR-0' parking to right-of-way setback in lieu of required 10'  
12/10/91 - Z.C.'s Order DENYING Petition for Special Hearing; GRANTING Petition for Variance with restrictions.

**ASSIGNED FOR:** WEDNESDAY, JUNE 17, 1992 AT 10:00 a.m.  
cc: Robert W. Taylor, Esquire - Counsel for Petitioner  
Ms. Elizabeth S. Palco  
Mr. David M. Evans, President  
Autobahn of Towson, Inc.  
Mr. James Grammer  
Michael P. Tanczyn, Esquire  
Mr. Michael W. Gill, Vice President  
Stoneleigh Community Assoc.  
Jean K. Duvall - The Rodgers Forge Community, Inc.  
Mr. Stephen Morgan  
Mr. Craig W. Parker  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning Administration  
Arnold Jablon, Director of Zoning Administration  
LindaLee M. Kuszmaul  
Legal Secretary

**PETITIONER'S EXHIBIT**



Baltimore County Government  
Office of Zoning Administration and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
February 14, 1992  
Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204  
RE: Petition for Special Hearing and Zoning Variance  
SW/C York Road and Stevenson Lane  
(7217 York Road)  
9th Election District, 4th Councilmanic District  
AUTOBAHN OF TOWSON, INC. - Petitioner  
Case No. 91-475-SPHA  
Dear Board:  
Please be advised that an appeal of the Special Hearing portion of the above-referenced case was filed in this office on December 30, 1991 by Robert W. Taylor, Jr., Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.  
Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.  
Very truly yours,  
*Robert W. Taylor, Jr.*  
Zoning Commissioner  
LES:cer  
Enclosures  
cc: Elizabeth S. Palco - 55 Brookside Avenue, St. Davids, PA 19087  
David M. Evans, President - Autobahn of Towson, Inc.  
7217 York Road, Baltimore, MD 21212  
Robert W. Taylor, Jr. - Howard, Butler & Melfa, P.A.  
410 Allegheny Avenue, Towson, Maryland 21204-4256  
James Grammer - 5 Shawan Road, Hunt Valley, MD 21030

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - (410) 887-3180  
Room 48, Old Courthouse  
400 Washington Avenue March 11, 1992  
**NOTICE OF ASSIGNMENT**  
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.  
CASE NO. 91-475-SPHA ESTATE OF ELIZABETH BAIRD, ET AL (Autobahn of Towson) SW/cor York Rd. & Stevenson Lane (7217 York Road) 9th E; 4th C  
SPH-Overnight parking of vehicles to be repaired; VAR-0' parking to right-of-way setback in lieu of required 10'  
12/10/91 - Z.C.'s Order DENYING Petition for Special Hearing; GRANTING Petition for Variance with restrictions.  
**ASSIGNED FOR:** WEDNESDAY, JUNE 17, 1992 AT 10:00 a.m.  
cc: Robert W. Taylor, Esquire - Counsel for Petitioner  
Ms. Elizabeth S. Palco  
Mr. David M. Evans, President  
Autobahn of Towson, Inc.  
Mr. James Grammer  
Michael P. Tanczyn, Esquire  
Mr. Michael W. Gill, Vice President  
Stoneleigh Community Assoc.  
Jean K. Duvall - The Rodgers Forge Community, Inc.  
Mr. Stephen Morgan  
Mr. Craig W. Parker  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning Administration  
Arnold Jablon, Director of Zoning Administration  
LindaLee M. Kuszmaul  
Legal Secretary

LAW OFFICES  
**HOWARD BUTLER & MELFA P.A.**  
401 ALLEGHENY AVENUE  
TOWSON MARYLAND 21204-4256  
June 25, 1992  
County Board of Appeals of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204  
RE: Autobahn of Towson, Inc.  
Case No.: 91-475-SPHA  
Ladies and Gentlemen:  
Per our discussion, enclosed please find a copy of the proposed opinion and order stipulated to by all parties to be submitted to the Board of Appeals.  
Thank you for your attention to this matter.  
Very truly yours,  
*Robert W. Taylor, Jr.*  
Robert W. Taylor, Jr.  
RWTJR:law  
Enclosure  
cc: Jean K. Duvall  
The Rodgers Forge Community, Inc.  
Michael W. Gill  
Stoneleigh Community Center  
Michael P. Tanczyn, Esquire  
Attorney for Wiltondale Improvement Assoc.  
Phyllis Cole Friedman  
People's Counsel for Baltimore County



RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
 SW/Corner York Rd. and Stevenson Lane (7217 York Rd.) : Zoning Case No. 91-475-SPHA  
 9th Election District :  
 4th Councilmanic District :  
 ESTATE OF ELIZABETH BAIRD, et al., Legal Owner :  
 AUTOBAHN OF TOWSON, INC., Contract Purchaser/Lessee, Appellant :

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 Zimmernan*  
 Peter Max Zimmernan  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, Maryland 21204  
 (410) 887-2188

I HEREBY CERTIFY that on this 20th day of February, 1992, a copy of the foregoing Entry of Appearance was mailed to Robert W. Taylor, Jr., Howard, Butler & Melfa, P.A., 410 Allegheny Ave., Towson, MD 21204-4256, Attorney for Appellant, Autobahn of Towson, Inc.; Michael P. Tanczyn, P.A., 602 Baltimore Ave., Towson, MD 21204, Attorney for Wiltondale Improvement Assn.; Michael W. Gill, V.P., Stoneleigh Community Assn., 7117 Oxford Rd., Baltimore, MD 21212; Jean K. Duvall, The Rodgers Forge Community, Inc.,

227 Murdock Rd., Baltimore, MD 21212, and Stephen Morgan, Baltimore Assn. for Retarded Citizens, Inc., 4800 York Rd., Baltimore, MD 21212, Protestants.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
 Posted for: \_\_\_\_\_  
 Petitioner: \_\_\_\_\_  
 Location of property: \_\_\_\_\_  
 Location of Signs: \_\_\_\_\_  
 Remarks: \_\_\_\_\_  
 Posted by: \_\_\_\_\_ Date of return: \_\_\_\_\_  
 Number of Signs: \_\_\_\_\_  
 CASE POSTPONED TO 11/5/91 - STICKER NOTING SAME PLACES ON SIGNS 10/3/91 BY Tim Flitts

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 9th Date of Posting: 1/24/92  
 Posted for: Special Hearing re Variance  
 Petitioner: Estate of Elizabeth Baird, et al. Autobahn of Towson, Inc.  
 Location of property: 227 Murdock Rd. & Stevenson Lane  
 7217 York Rd.  
 Location of Signs: East York Rd., across R.F. Taylor Hwy  
 on property of B. K. Brown  
 Remarks: \_\_\_\_\_  
 Posted by: M. Friedman Date of return: 8/14/91  
 Number of Signs: 2 AUGUST 15 HEARING POSTPONED - STICKERS NOTING SAME PLACES ON SIGNS 8/8/91 BY Tim Flitts

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/18, 1991

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 7/18, 1991.

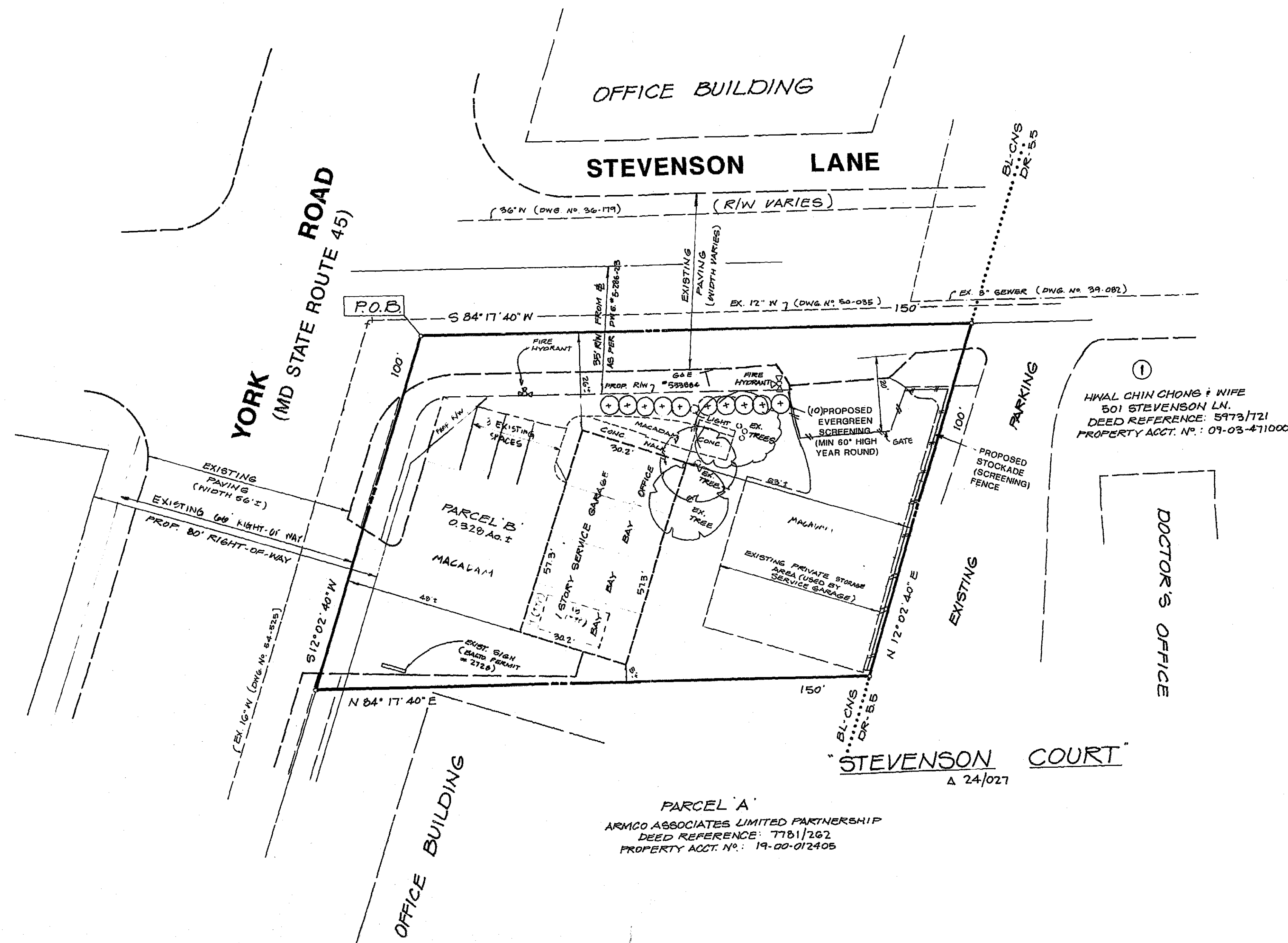
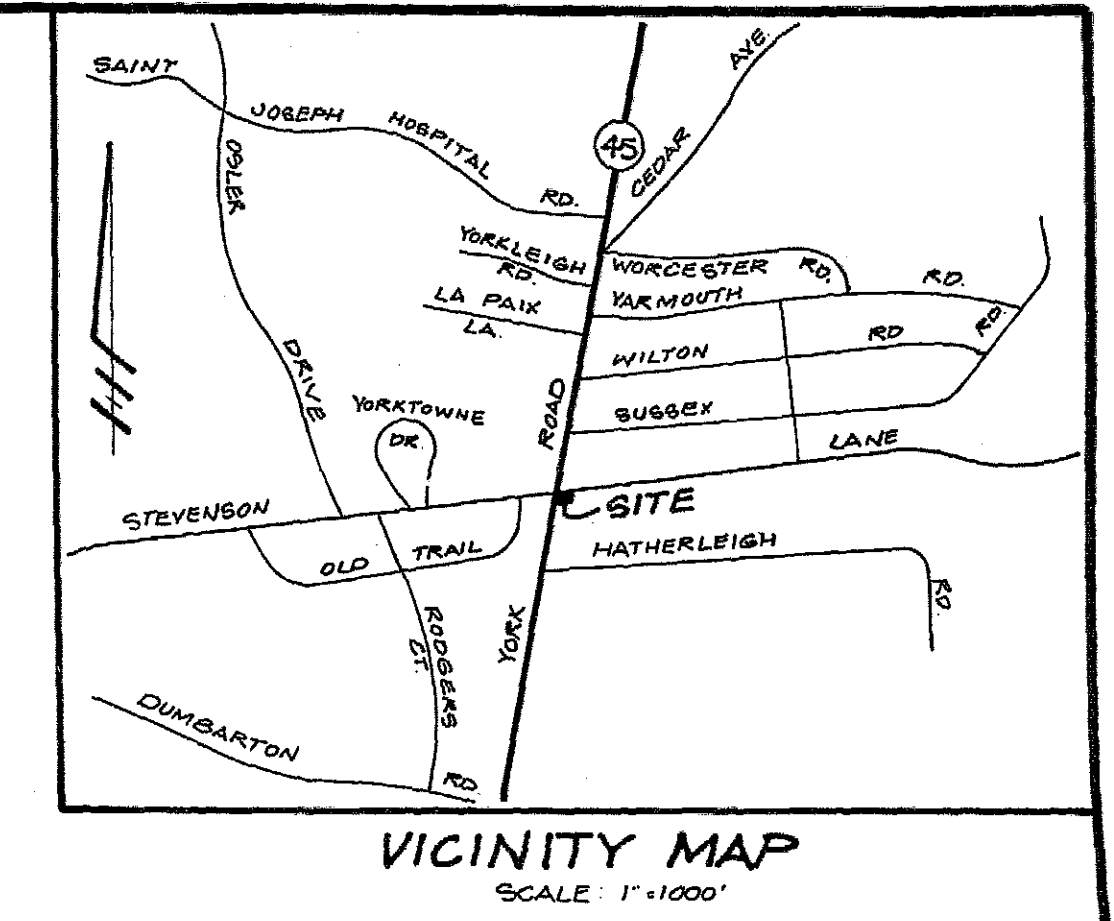
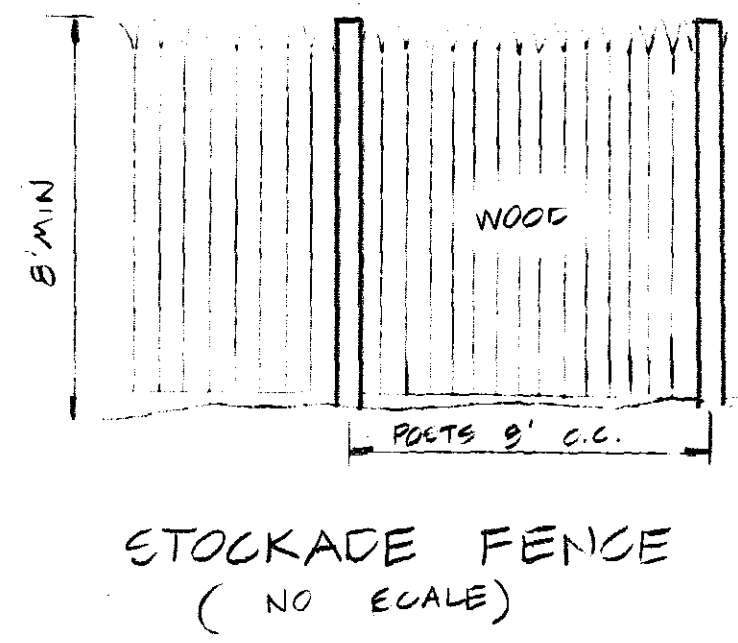
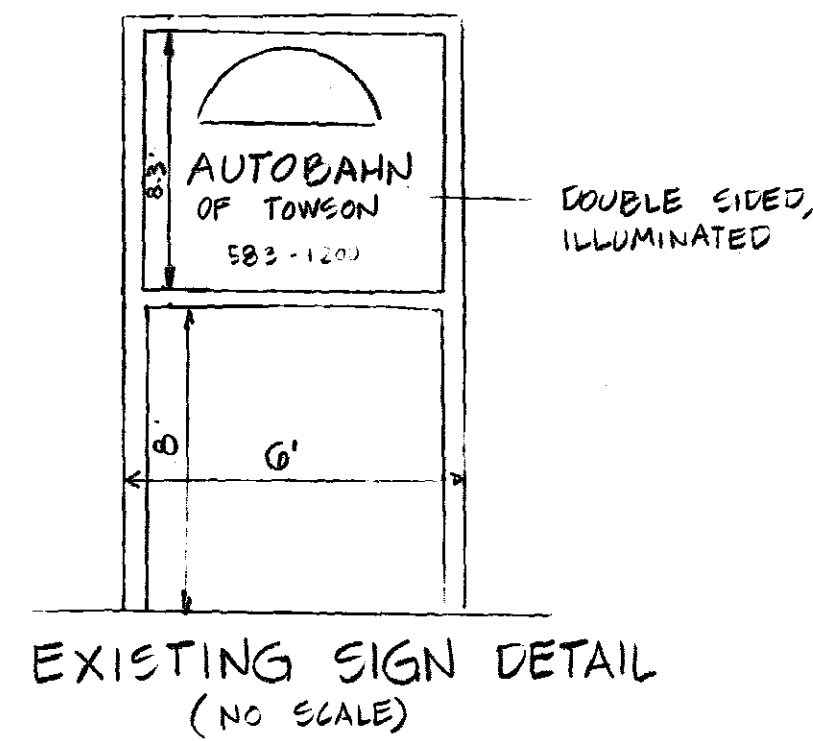
THE JEFFERSONIAN,

*S. Zeke Orlin*  
 Publisher

79553

NOTICE OF HEARING  
 The Zoning Commission 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 at 10:00 a.m.  
 Case Number 91-475-SPHA  
 SW/ York Road and Stevenson Lane  
 7217 York Road  
 9th Election District  
 4th Councilmanic District  
 Estate of Elizabeth Baird, et al.  
 Contract Purchaser(s): Autobahn of Towson, Inc.  
 Hearing Date: Thursday, August 15, 1991 at 10:00 a.m.  
 Special Hearing: to approve the petition to permit the overnight parking of vehicles to be allowed at 7217 York Road. Variance: to permit a zero ft. setback to heighten setbacks in lieu of the required 10 ft. setback.  
 Zoning Commissioner of Baltimore County  
 TTJ7157 July 18

BCMD



**DENSITY NOTES**

- Councilmanic District: 4
- Existing Area of Property: 0.328 Ac + (14,285.9 SF)
- Floor Area Ratio (F.A.R.):  
Maximum F.A.R. permitted = 3.0  
F.A.R. proposed 1,730.46 SF = 0.12  
14,285.9 SF
- Parking Tabulation:  
Minimum parking spaces required = 3.3/1000 SF  
Minimum parking spaces = 1,730 x 3.3 = 6 spaces  
1,000  
Number of parking spaces existing = 6 spaces + STORAGE AREA  
(\*NOTE: 3 spaces are included within the service bays)

**PETITIONER'S EXHIBIT 1**

**OWNERS**  
ESTATE OF ELIZABETH BAIRD  
ELIZABETH S. PALCHO  
DEED REFERENCE: 7121/505  
PROPERTY ACCT. NO.: 09-02-002180

**LEASEE**  
AUTOBAHN OF TOWSON, INC.  
7217 YORK ROAD  
TOWSON, MD 21284

**91-475-SPHA**

**PLAT TO ACCOMPANY PETITION REQUESTING AMENDED SPECIAL HEARING AND VARIANCE REQUEST AT**

**#7217 YORK ROAD (AUTOBAHN OF TOWSON)**

9TH ELECTION DISTRICT BALTIMORE CO., MD  
SCALE: 1"=20' MAY 8, 1991

DEED REFERENCE: 7121/583  
PROPERTY ACCT. NO.: 09-02-002180

**BEING**  
PARCEL 'B'  
"STEVENSON COURT"

Δ 24/027

MILKUFILMED

**\* NOTE:**  
The existing building is currently operating as a service garage. There are no improvements proposed on the site except for the addition of landscaping and screening details. All other existing improvements are to remain at this time.

**PREVIOUS HEARINGS**  
1. PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION CASE # 85-45-XSPH  
2. ZONING APPEAL HEARING CASE # 85-46-XSPHA

**REQUESTED AMENDMENT**

REQUESTING AN AMENDMENT TO SPECIAL HEARING 85-45-XSPH TO PERMIT THE OVERNIGHT PARKING OF VEHICLES TO BE REPAIRED.

**REQUESTED VARIANCE**

TO PERMIT A 0 (ZERO) FOOT PARKING TO RIGHT-OF-WAY SETBACK IN LIEU OF THE REQ'D 10'

\* ZONING ENFORCEMENT  
CASE NO. C-91-1504

**McKEE & ASSOCIATES, INC.**

Engineering - Surveying - Real Estate Development  
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
(301) 527-1555

Computed by J.D.G.  
Drawn by B.A.D.  
Checked by J.D.G.  
Job Number 91-52  
James W McKee Date  
(Maryland Registered No 9012)