

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION - SE/Corner
Joppa Road & Sater Hill Road
(2029 East Joppa Road)
9th Election District
6th Councilmanic District
Sater Limited Partnership
Petitioner
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-280-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitioner for Special Hearing and Special Exception for the subject property, known as 2029 East Joppa Road, located in the Parkville area of northeastern Baltimore County. The Petitions were filed by the owner of the property, Sater Limited Partnership, by Linda G. Schneider, a General Partner, and the Contract Lessee, Enterprise Rent-A-Car, by Kevin J. Mollitor, Vice President. The Petitioners seek a special hearing to approve an amendment to the previously approved site plan in Case No. 93-176-SPHX and a special exception for a rental car agency on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Linda G. Schneider of the Sater Limited Partnership, Kevin Mollitor with Enterprise Rent-A-Car, and William P. Monk, Land Planning and Zoning Consultant. There were no Protestants.

Testimony and evidence presented revealed that the subject property consists of 5.25 acres, more or less, split zoned B1-C.C.C., R.M.-C.S.2, and D.R. 5.5. The property is improved with a variety of commercial and retail business establishments, including the Sater Hill Shopping

Center, a Goodyear Service Garage, a High's convenience store, and a Yemaco Gasoline Station. Enterprise Rent-A-Car has entered into a contract to lease a portion of the site for an agency office. On behalf of Enterprise Rent-A-Car, Mr. Kevin Mollitor testified that a mail office will be located within the shopping center and five (5) permanent parking spaces set aside for the storage of the rental cars used in the business. The five (5) spaces to be used are more particularly depicted on Petitioner's Exhibit 1. Mr. Mollitor testified that at any one time, there would be no more than five (5) rental cars stored on the premises; however, on some occasions, it may be necessary to temporarily store additional vehicles. Mr. Mollitor stated that Enterprise Rent-A-Car has a continuous turn-over of vehicles, which is the nature of the rental car business, and that it is unlikely that additional temporary spaces would have to be utilized. However, he would like the flexibility of additional parking in the event the need would arise.

Pursuant to the comment dated February 2, 1994 from the Office of Planning and Zoning, I was asked to limit the total number of vehicles that could be stored on the site at any one time. Based upon the testimony and evidence presented, I have determined that the Petitioners shall be permitted five (5) permanent parking spaces and fifteen (15) temporary parking spaces for the storage of vehicles. Mr. Monk testified that he would submit a revised site plan depicting these temporary parking spaces that would be utilized only should the need arise.

Inasmuch as the proposed use of the property is technically classified as a service garage, a special exception is necessary in order to proceed with the proposed improvements. It should be noted that this special exception is for an automobile rental office only, and there shall

be no service performed on the site.

It is clear that the B.C.Z.R. permits the use proposed in the R.M.-C.S.2, R.M.-C.S.2 and D.R. 5.5 zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Shelley v. Prillie*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing and special exception were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In

addition, the relief requested would not be detrimental to the public health, safety, and general welfare.

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 special hearing and special exception should be granted.

THEFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1994 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 93-176-SPHX and a special exception for a rental car agency on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that, proceeding at this time is at their 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 relief granted herein shall be rescinded.
- 2) All rental vehicles associated with Enterprise Rent-A-Car shall be parked in the five (5) permanent parking spaces depicted on Petitioner's Exhibit 1. A revised site plan shall be submitted depicting the fifteen (15) additional parking spaces approved herein that may be used for the temporary storage of vehicles.
- 3) The special exception granted herein is limited to an automobile rental agency. There shall be no service garage work performed on any of the vehicles stored at this site.
- 4) When applying for any permits, the site plan filed must reference this Order and set forth and address the restrictions of this Order.

John H. Korman
Deputy Zoning Commissioner
for Baltimore County

TM:hjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

March 14, 1994

(410) 867-4386

Ms. Linda Schneider
334 Cranbrook Road
Cockeysville, Md. 21039

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
SE/Corner Joppa Road & Sater Hill Road
(2029 East Joppa Road)
9th Election District - 6th Councilmanic District
Sater Limited Partnership - Petitioner
Case No. 94-280-SPHX

Dear Mr. Schneider:

Enclosed please find a copy of the Decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the Decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-3391.

Very truly yours,

John H. Korman
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Kevin Mollitor
2301 Dorsey Road, Suite 208, Glen Burnie, Md. 21061

Mr. William P. Monk
222 Bosley Avenue, Suite B-7, Towson, Md. 21204

People's Counsel
Date



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 2029 Joppa Road
which is presently zoned B.C.Z.R. 94-280-SPHX

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property, do hereby certify that the information contained herein is true and correct, and that the information is not being submitted for the purpose of obtaining a special hearing and special exception to the Zoning Regulations of Baltimore County, and that the information is not being submitted for the purpose of obtaining a special hearing and special exception to the Zoning Regulations of Baltimore County.

Amend the approved plan for the Sater Hill Shopping Center per Case 93-176 SPHX

Property is to be printed and advertised as prescribed by Zoning Regulations.
I, or an agent, agree to pay expenses of above Special Hearing, including, but not limited to, the cost of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County imposed pursuant to the Zoning Law for Baltimore County.

Enterprise Rent-A-Car
Sater Limited Partnership
Linda G. Schneider, VP
Linda G. Schneider, VP
Glen Burnie, MD 21061

334 Cranbrook Road
Cockeysville, MD 21039

William Monk, Inc.
222 Bosley Ave., Towson, MD 21204
Phone: 894-0931

People's Counsel
Date



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 2029 E. Joppa Road
which is presently zoned B.C.Z.R. 94-280-SPHX

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property, do hereby certify that the information contained herein is true and correct, and that the information is not being submitted for the purpose of obtaining a special hearing and special exception to the Zoning Regulations of Baltimore County, and that the information is not being submitted for the purpose of obtaining a special hearing and special exception to the Zoning Regulations of Baltimore County.

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Enterprise Rent-A-Car
Sater Limited Partnership
Linda G. Schneider, VP
Linda G. Schneider, VP
Glen Burnie, MD 21061

334 Cranbrook Road
Cockeysville, MD 21039

William Monk, Inc.
222 Bosley Ave., Towson, MD 21204
Phone: 894-0931

People's Counsel
Date

ZONING DESCRIPTION
SATER HILL SHOPPING CENTER
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

280
94-280-SPHX
BEGINNING FOR THE SAME IN THE SOUTHERLY RIGHT OF WAY LINE OF JOPPA ROAD HAVING A RIGHT OF WAY WIDTH OF 80.00 FEET, SAID POINT BEING SOUTHEAST 70 FEET PLAS ON HIGH FROM THE INTERSECTION OF JOPPA ROAD AND SATER HILL CUT-OFF; THENCE DEPARTING SAID POINT SO FIXED AND BEING ON SAID SOUTHERLY RIGHT OF WAY WITH BEARING AND DISTANCE TO MARYLAND STATE GRID NORTH (1) SOUTH 70 DEGREES 16 MINUTES 13 SECONDS EAST 594.00 FEET; THENCE (2) SOUTHEAST 44.30 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,081.74 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 71 DEGREES 39 MINUTES 41 SECONDS EAST 44.30 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE AND BEING ON (3) SOUTH 21 DEGREES 21 MINUTES 00 SECONDS WEST 594.00 FEET; THENCE (4) SOUTH 67 DEGREES 13 MINUTES 33 SECONDS WEST 144.92 FEET TO INTERSECT WITH THE SOUTHERLY RIGHT OF WAY LINE OF SATER HILL ROAD; THENCE BEING ON SAID SOUTHERLY RIGHT OF WAY LINE (5) NORTHWEST 90.97 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 479.50 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 11 DEGREES 54 MINUTES 13 SECONDS WEST 90.95 FEET; THENCE (6) SOUTH 31 DEGREES 28 MINUTES 52 SECONDS EAST 5.95 FEET; THENCE (7) NORTH 28 DEGREES 16 MINUTES 50 SECONDS WEST 117.11 FEET; THENCE (8) NORTHWEST 316.14 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 480.00 FEET; WITH A CHORD BEARING AND DISTANCE OF NORTH 02 DEGREES 28 MINUTES 20 SECONDS WEST 307.98 FEET; THENCE (9) NORTH 20 DEGREES 00 MINUTES 11 SECONDS EAST 194.75 FEET AND (10) NORTH 64 DEGREES 44 MINUTES 25 SECONDS EAST 30.01 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 5.254 ACRES OF LAND, MORE OR LESS.

WPK:4



People's Counsel
Date

CERTIFICATE OF POSTING
BALTIMORE COUNTY GOVERNMENT
TOWSON, MARYLAND

Chapter: 7th Date of Posting: 2/18/94
Posted for: Special Hearing to Special Exception
Location of property: 2029 E. Joppa Rd. Towson, Maryland 21204
Location of sign: 2029 E. Joppa Rd. Towson, Maryland 21204
Amount: 100.00 Date of return: 2/18/94
Number of signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 2/18 1994
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 2/13 1994

A. HENRIKSON
LEGAL AD., TOWSON

receipt
94-280-SHXX
Amount: \$0.00
Date: 1-14-94
Item Number: 280
To: 2029 E. Joppa Rd. (21204)
#240 Special Hearing (Commercial) - \$250.00
050 Special Exception (") - 300.00
080 Signs (2nd) @ 35.00 - 140.00
Total - \$690.00
Please Make Checks Payable To Baltimore County
Custody: Validation

111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL BEAT ISSUANCE OF ZONING ORDERS.

Arnold J. Jolson
ARNOLD J. JOLSON, BY SIGN

For newspaper advertising:

Item No.: 280
Petitioner: _____
Location: _____
PLEASE FORWARD ADVERTISING BILL TO:
NAME: WILLIAM WALKER, INC.
ADDRESS: 222 POLLEY AVENUE, SUITE B-7
TOWSON, MD 21204
PHONE NUMBER: 410-4-9924

AJ:pps (Revised 04/09/93)

TO: HOFFMAN PUBLISHING COMPANY
FEB 3, 1994 Issue - Advertisement
Please forward billing to:
William Walk, Inc.
222 Polley Avenue
Towson, Maryland 21204
894-8912

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on
Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on the following:

CASE NUMBER: 94-280-SHXX (Item 280)
2029 E. Joppa Road
Betsy Hill Shopping Center
SBC Joppa and Betsy Hill Roads
9th Election District - 6th Councilmanic
Legal Owner(s): Betsy Limited Partnership
Lessee: Enterprise Rent-A-Car
HEARING: WED., FEB. 23, 1994 at 11:00 a.m. in Room 116, Old Courthouse.

Special Hearing to amend the approved plan for the Betsy Hill Shopping Center per case 89-176-SHXX.
Special Exception for automobile rental agency office.

LANDLORD'S S. SCHWARTZ
ADMIN. COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING ARE NON-COPIED ACCORDING TO THE SPECIAL ADVERTISING PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE NUMBER HEARING, PLEASE CALL 867-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353
JANUARY 27, 1994

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Special Exception for automobile rental agency office.

Arnold J. Jolson

Arnold Jolson
Director

cc: Betsy Limited Partnership
Enterprise Rent-A-Car
William Walk, Inc.

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(2) HEARING ARE NON-COPIED ACCORDING TO THE SPECIAL ADVERTISING PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE NUMBER HEARING, CONTACT THIS OFFICE BY 867-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353
February 16, 1994

Re: Linda N. Schneider
General Partner
Betsy Limited Partnership
334 Cranbrook Road
Cockeysville, Maryland 21030

Re: Case No. 94-280-SHXX, Item No. 280
Petitioner: Betsy Limited Partnership, et al.
Petitions for Special Exception and Special Hearing

Dear Mr. Schneider:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e., zoning commission, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 January 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration
O. James Lightner
Secretary
Hal Kassoff
Administrator
1-31-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 4280 (JJS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not cross a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for *DAVID N. RANNEY, ACTING CHIEF*
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jolson, Director
Zoning Administration &
Development Management

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

DATE: February 2, 1994

SUBJECT: 2029 E. Joppa Road

INFORMATION:

Item Number: 280
Petitioner: Betsy Limited Partnership/Enterprise Rent-A-Car
Property Size: _____
Zoning: BC-COC
Requested Action: _____
Hearing Date: 2/23/94

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment:

Consideration should be given to specifying the maximum number of rental cars that can be parked at the shopping center. A reasonable limitation could be determined by the zoning commission based upon input from the applicant at the time of the hearing.

Prepared by: *Jeffrey M. Long*
Division Chief: *Barry Kern*
PK/Jls

RECEIVED
FEB 3 1994
ZONING COMMISSIONER

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2266 Shadedale Toll Free
Building Address: P.O. Box 717 • Baltimore, MD 21208-0717
Street Address: 737 North Calvert Street • Baltimore, Maryland 21208

ZAC:280/PZOML/ZAC1

5/11/94

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21206-5500

(410) 887-4500

DATE: 01/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners SATVR LIMITED PARTNERSHIP

LOCATION: SEC JOPPA AND SATVR HILL ROADS,
10000 EAST JOPPA RD., SATVR HILL SHOPPING CENTER

Item No.: 280-1236 Zoning Agenda: SPECIAL HEARING
SPECIAL EXCEPTION

Comments:

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 this 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. 301 "Life Safety Code", 1991
edition prior to occupancy.

RECEIVED

JAN 27 1994

ZADM

REVIEWER: LT. ROBERT F. GALEWALD
Fire Prevention, PHONE 887-4881, MS-1102P

cc: File

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 26, 1994

Mr. William F. Monk
William Monk, Inc.
Courthouse Commons
222 Bowley Avenue
Suite B-7
Towson, MD 21204

Subject: Limited Exemption Approval
Satvr Hill Shopping Center
2079 E. Joppa Road
DNC No. 01240, 606

Dear Mr. Monk:

On January 24, 1994, the Development Review Committee reviewed
the plan submitted on the above referenced project and determined it
to be a limited exemption under Section 20-273(a)(1) of the Baltimore
County Development Regulations. This exempts your development from
the requirements for a Community Input Meeting (CIM), a Hearings
Official's Hearing (HOH), and the requirement to submit a development
plan for review and approval; however, compliance with all county
design standards and requirements for private and public improvements
are still required, as is compliance with all applicable zoning
regulations.

The following requirements are necessary to further process your
project:

- Any additional engineering plans which may be required by
the County:

Please contact the Environmental Impact Review (EIR) of
the Department of Environmental Protection and Resource
Management (DERM) at 887-3900 to determine whether or
not these plans will be required; critical areas, storm
water management, sediment and erosion control, forest
buffer, forest conservation, etc.

Please contact Development Plans Review (DPR) of the
Department of Public Works (DPW) at 887-3351 to
determine whether or not a landscape plan will be
required.

Mr. William F. Monk
Page 2
January 26, 1994

- A copy of this Limited Exemption Approval letter must
accompany the plan.
- After you have complied with all necessary requirements, you
may apply for a building permit with the Department of
Permits and Licenses, in the County Office Building, Room
109, 111 West Chesapeake Avenue, Towson, MD.

If you have any questions, please feel free to call me at
410-887-3353.

Respectfully,

Donald T. Rance
Donald T. Rance, Manager
Development Management

DPR:RAN:jaw

c: Larry Wilson
Carolyn Beatty
Enterprise Rent-A-Car

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-18 (REV)

NAME

Bill Monk

Kevin Mallick

Linda Schneider

ADDRESS

222 Bowley Ave

Suite B-7 21204

222231 Bowley Rd

301225 Glen Burnie 21061

334 Cranbrook Rd

Pockeysville, MD 21080

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-18 (REV)

NAME

Roge Sullivan, Jr

Shane Bradley

Robert G. Gagnier, Jr

Michael J. Jones

Thomas A. Jones

ADDRESS

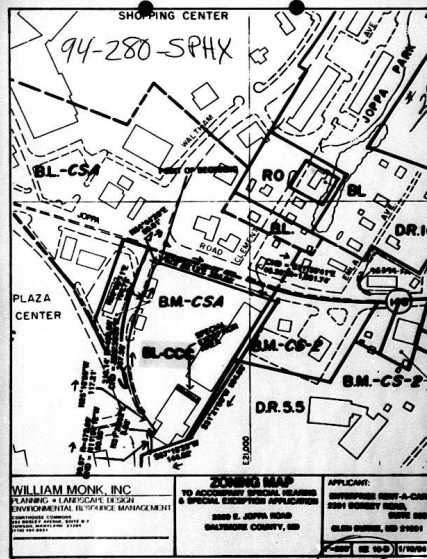
614 3rd Ave Towson 21204

4973 Elmhurst Rd 21043

2702 O-G North Dr, MD 21227

2723 Oak Ct 21222

1233 27th Rd, 21217



WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN • ENVIRONMENTAL RESOURCE MANAGEMENT



PETITIONER'S
EXHIBIT 2

WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN • ENVIRONMENTAL RESOURCE MANAGEMENT



