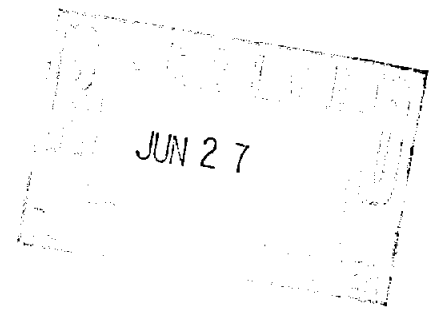


WILLIAM MONK, INC.

ENGINEERS • PLANNERS

June 26, 2000



Mr. Timothy Kotroco
Deputy Zoning Commissioner
for Baltimore County
4th Floor, County Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: 6023 Baltimore National Pike
Baltimore County, MD 00-046

Dear Mr. Kotroco:

On behalf of my client, Enterprise Car Rental, I am requesting an interpretation regarding the ability to convert the existing "service garage" as approved by you in Case #94-438-XA on June 22, 1994 to a "service garage" for purposes of the rental of passenger vehicles by my client. No change in use is required.

The property is situated on the south side of Baltimore National Pike approximately ¼ mile east of Rolling Road and is zoned BL. The property is improved with a three bay masonry building which per your approval in 1994 was utilized as a "service garage". The site, having been a former gasoline service station as approved in Case #2433-RS is paved in its entirety and enjoys vehicular ingress and egress for eastbound traffic on Baltimore National Pike. The most recent approval (94-438XA) was for auto glass repair and replacement.

Enterprise Car Rental proposes to utilize the existing three bay masonry building without any additions. They would be converting one or two of the bays to an office with the remaining area utilized as a vehicle preparation area wherein the washing and vacuuming of cars would take place inside the building. The balance of the site would be utilized for the parking of motor vehicles as reflected on the attached plan as prepared by KCI Technologies and approved as part of the 1994 decision.

It is our belief that the proposed service garage use is consistent with the present approved service garage use in both intensity and scale of operation and therefore would be in keeping with the spirit and intent of your previous approval. We are seeking

concurrence from your office in order that we may apply for the necessary building permit(s) (interior and exterior alterations) without the need for a special hearing.

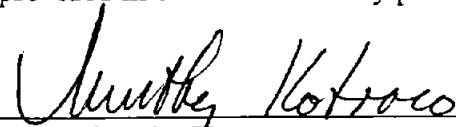
Cordially,

WILLIAM MONK, INC.

A handwritten signature in black ink, appearing to read "W P Monk", written over a horizontal line.

William P. Monk

If you concur with this assessment, we respectfully ask that you sign in the space provided in order that we may proceed in securing our building permits.

A handwritten signature in black ink, appearing to read "Timothy Kotroco", written over a horizontal line.

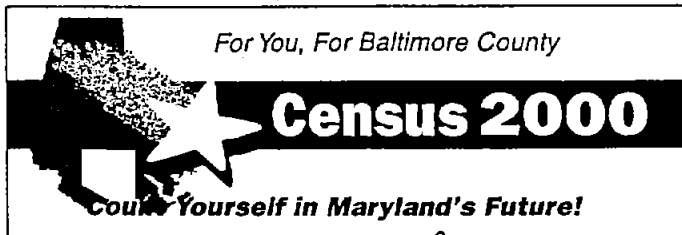
Timothy Kotroco
Deputy Zoning Commissioner

6/27/00
Date

cc: Kevin Molitor



FAX COVER SHEET



Date: *June 30, 2000*

Number of Pages including cover sheet: *3*

Re: 6023 Baltimore National Pike #94-438-XA

To: *Bill Monk*

Phone:

Fax # *410-494-9903*

c:

From: *Robin Jamison*

Spring Commissioner's Office

Phone: *410-887-3868*

Fax #

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

TRANSMISSION VERIFICATION REPORT

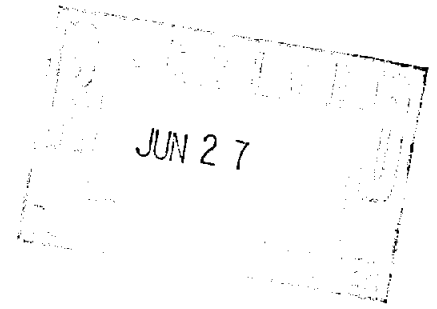
TIME: 06/30/2000 08:32
NAME: JONING COMM OFFICE
FAX : 410-887-3468
TEL :

DATE, TIME	06/30 08:30
FAX NO./NAME	94104949903
DURATION	00:01:20
PAGE(S)	03
RESULT	OK
MODE	STANDARD

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

June 26, 2000



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Deputy Zoning Commissioner
for Baltimore County
4th Floor, County Courts Building
401 Bosley Avenue
Towson, MD 21204

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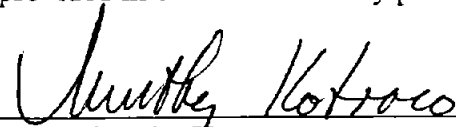
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William P. Monk

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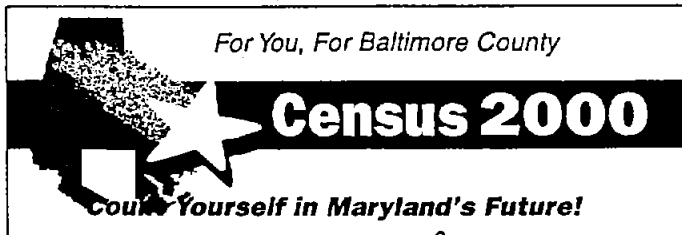
Timothy Kotroco
Deputy Zoning Commissioner

6/27/00
Date

cc: Kevin Molitor



FAX COVER SHEET



Date:

June 30, 2000

Number of Pages including cover sheet: 3

Re: 6023 Baltimore National Pike #94-438-XA

To:

Bill Monk

Phone:

Fax #

410-494-9903

c:

From:

Robin Jamison

Spring Commissioner's Office

Phone:

410-887-3868

Fax #

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment



Census 2000



For You, For Baltimore County



Census 2000



TRANSMISSION VERIFICATION REPORT

TIME: 06/30/2000 08:32
NAME: JONING COMM OFFICE
FAX : 410-887-3468
TEL :

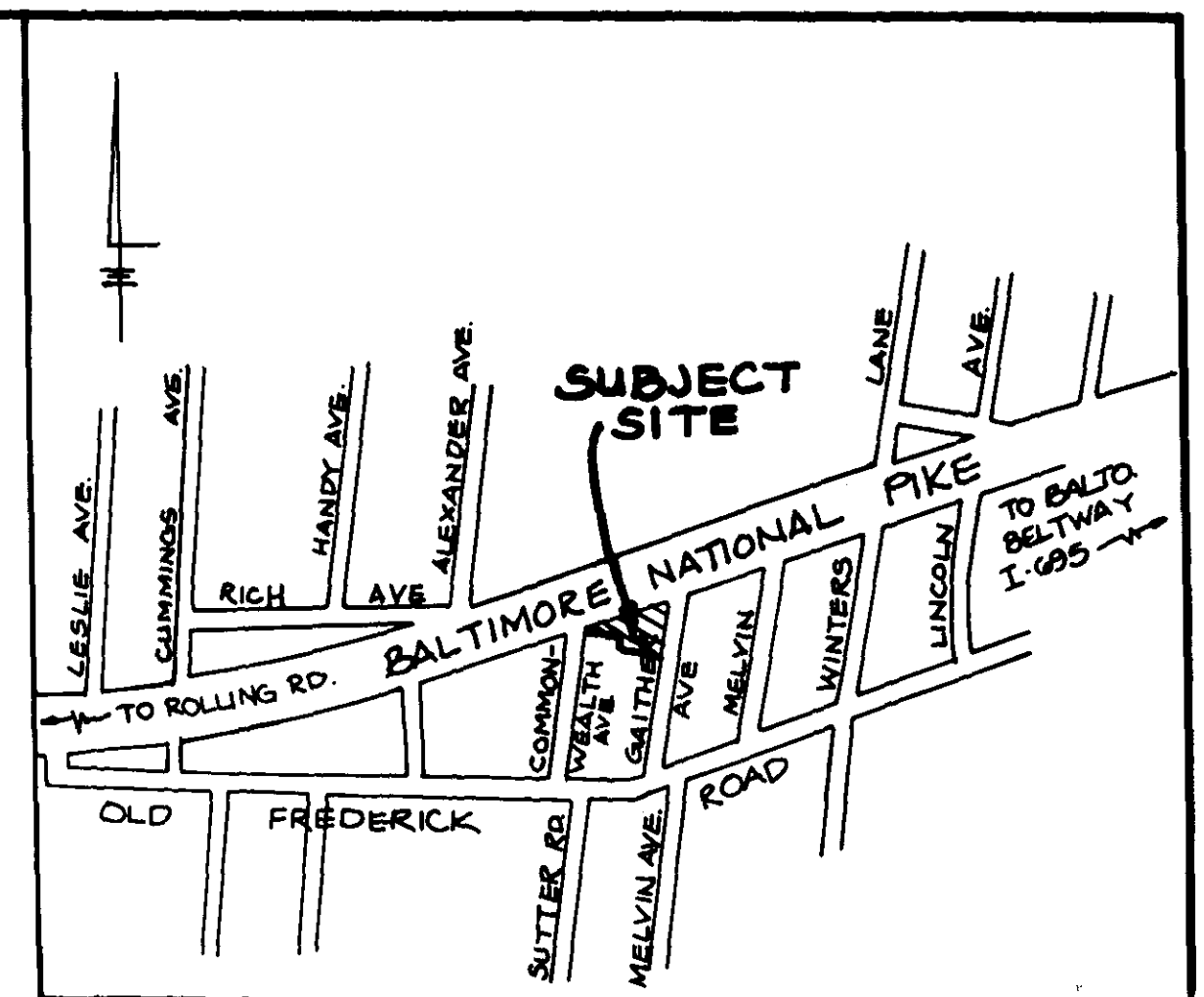
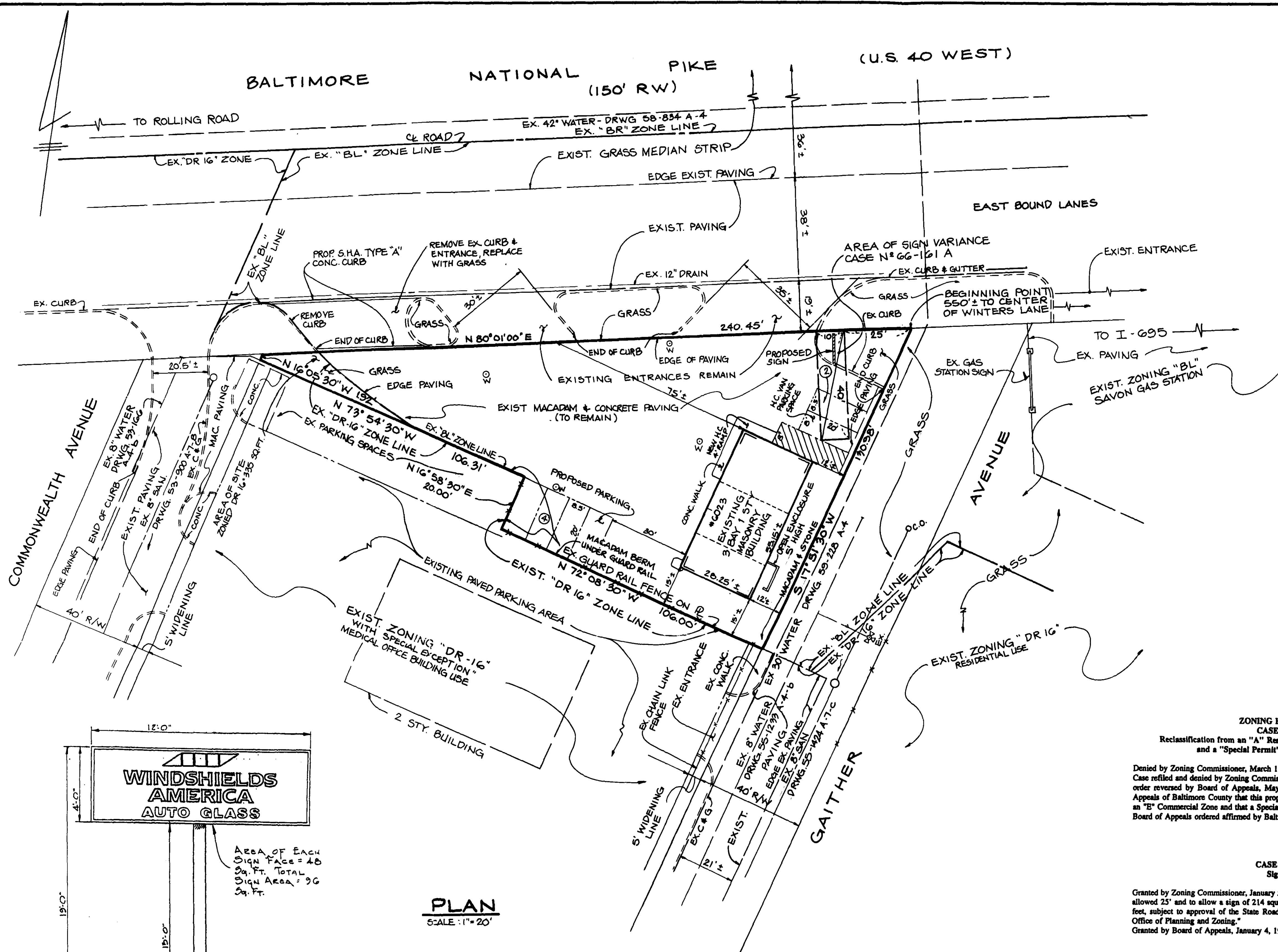
DATE, TIME	06/30 08:30
FAX NO./NAME	94104949903
DURATION	00:01:20
PAGE(S)	03
RESULT	OK
MODE	STANDARD



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	CATONSVILLE	PETITIONER'S EXHIBIT 2
DATE OF PHOTOGRAPHY JANUARY 1986		



LOCATION MAP
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 0.32 AC. ± (13,951 SQ. FT. ±), GROSS AREA = 0.48 AC. ± (21,164 SQ. FT. ±)
2. EXISTING ZONING OF SITE "BL" WITH A SIGN VARIANCE (10.31 AC. ± 13,616 SQ. FT.); "DR 16" (10.01 AC. ± 395 SQ. FT. ±)
3. EXISTING USE OF SITE "CLOSED SERVICE STATION"
4. PROPOSED USE OF SITE "AUTOMOTIVE SERVICE GARAGE" - INSTALLATION OF AUTOMOTIVE GLASS IN VEHICLES.
5. FLOOR AREA RATIO:
 - A. ALLOWED = 60,690 SQ. FT. (20.230 × 3.0)
 - B. EXISTING = 1558 SQ. FT. = 0.77 (1558 ÷ 20.230)
6. AMENITY OPEN SPACE
 - A. REQUIRED = 0
 - B. EXISTING = 1,450 SQ. FT. ±
7. OFF-STREET PARKING
 - A. REQUIRED = 9.1 SPACES + 6.0
 - B. PROPOSED = 9 SPACES (3 SPACES IN 3 SERVICE BAYS AND 6 SPACES OUTSIDE INCLUDING 1 VAN HANDICAPPED PARKING SPACE)
8. PUBLIC UTILITIES EXIST AT THE SITE.
9. SITE IS LOCATED IN THE "DEAD RUN" WATERSHED
10. HOURS OF OPERATION WILL BE:
 - A. MONDAY TO FRIDAY: 7:30 A.M. TO 6:00 P.M.
 - B. SATURDAY: 7:30 A.M. TO 1:00 P.M.
11. PROPOSED NUMBER OF EMPLOYEES IS 4
12. Q INDICATES EXISTING MONITORING WELLS ON THE SITE.

ZONING HISTORY OF SITE

CASE NO. 2433-RS
Reclassification from an "A" Residence Zone to an "E" Commercial Zone and a "Special Permit" for a Gasoline Service Station

Denied by Zoning Commissioner, March 11, 1952.
Case refilled and denied by Zoning Commissioner, February 10, 1953. Zoning Commissioner's order reversed by Board of Appeals, May 7, 1953. "Ordered by the Board of Zoning and Appeals of Baltimore County that this property is reclassified from an "A" Residence Zone to an "E" Commercial Zone and that a Special Permit for Gasoline Service Station is granted." Board of Appeals ordered affirmed by Baltimore County Circuit Court.

CASE NO. 66-161-A

Sign Variance

Granted by Zoning Commissioner, January 5, 1965 "to permit a sign height of 40' instead of the allowed 25' and to allow a sign of 214 square feet in area instead of the allowable 100 square feet, subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning."
Granted by Board of Appeals, January 4, 1967.

CASE NO. 89-370-SPEA

Special Hearing and Zoning Variance for a "Gas and Go Station"

"Dismissed without prejudice by the Deputy Zoning Commissioner, August 24, 1979.

REQUEST FOR VARIANCE

PETITIONER IS REQUESTING A VARIANCE TO SECTION 400.8A.4 OF THE DCZR TO ALLOW AN EXISTING CURB LINE FOR OFF-STREET PARKING TO REMAIN AT THE STREET RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10' SETBACK. A VARIANCE OF 10'.

REASON FOR SPECIAL EXCEPTION

PETITIONER IS REQUESTING A "SPECIAL EXCEPTION" IN ACCORDANCE WITH SECTIONS 210, 220.13 & 502 OF THE DCZR TO ALLOW A SERVICE GARAGE ON THE PROPERTY TO REPAIR, REMOVE & REPLACE AUTOMOTIVE GLASS IN VEHICLES.

PETITIONER'S EXHIBIT 1

423

[Signature]
1979

Drafting	DATE	REVISIONS
Check RLS		
Design RLS		
Check RLS		

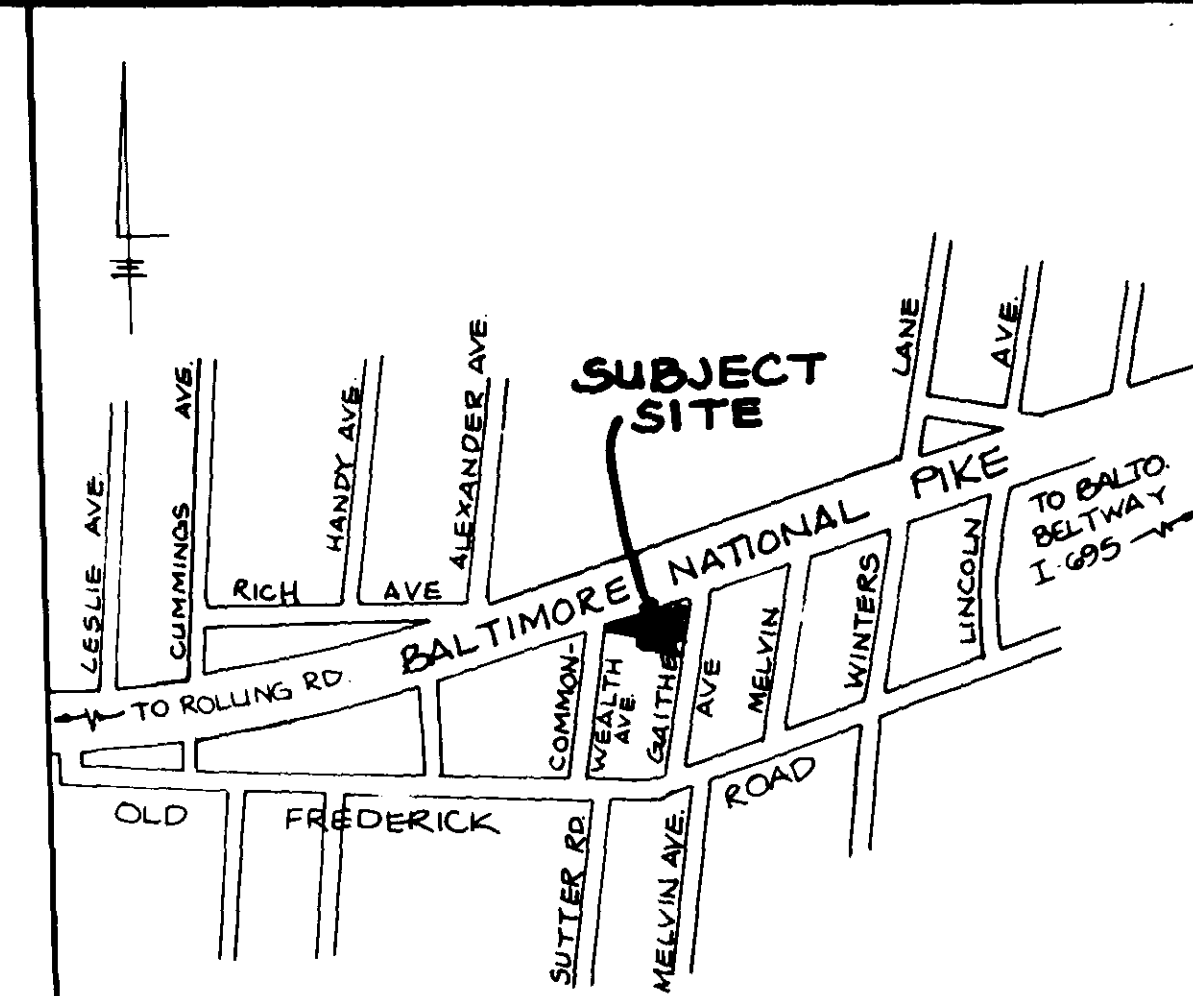
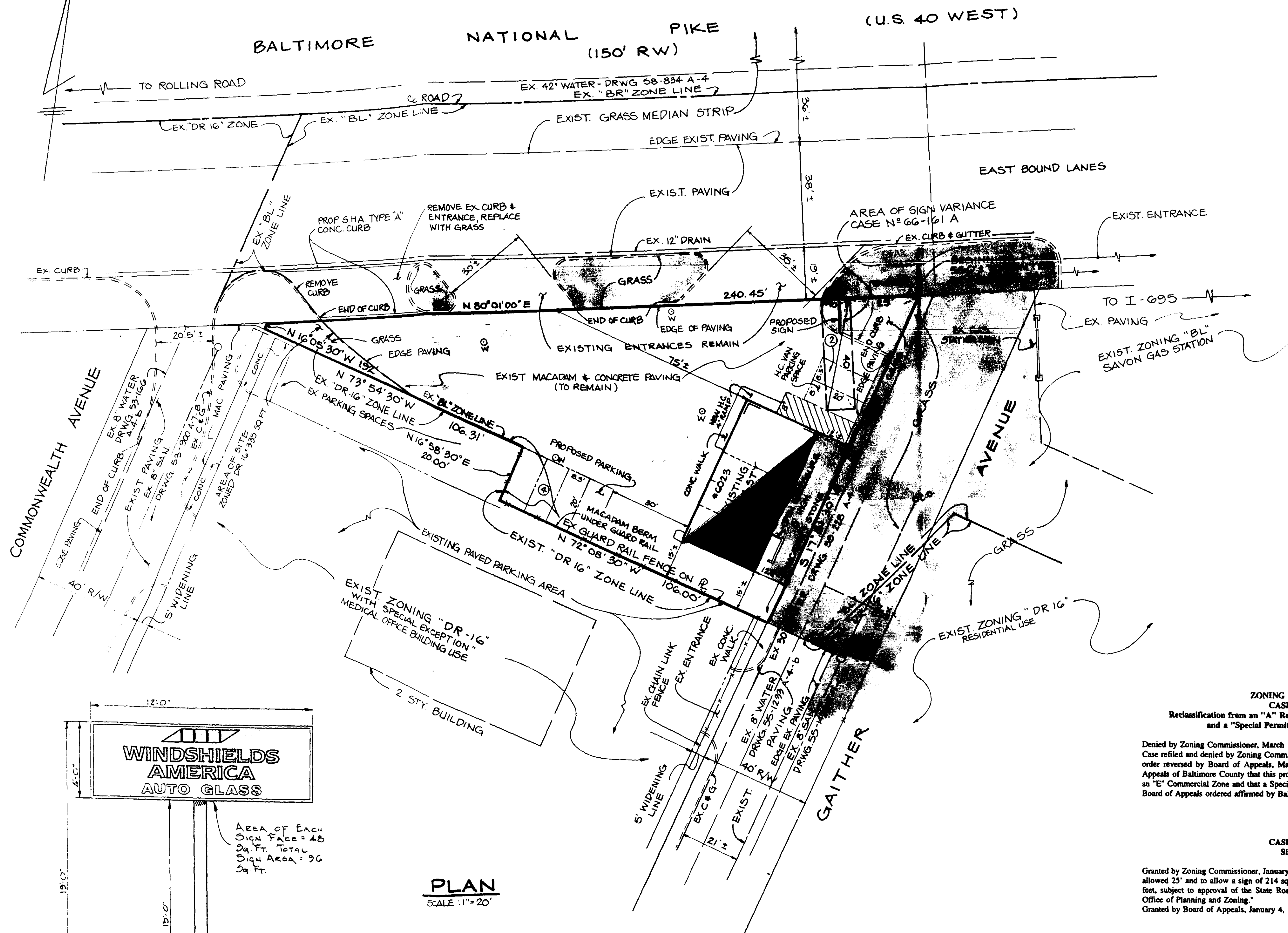
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE, HUNT VALLEY, MARYLAND 21030
(410) 318-7800

OWNER
SHELL OIL COMPANY
ONE SHELL PLAZA
HOUSTON, TEXAS, 77001

SITE DATA
1. DEED REFERENCE 7025-230
2. TAX ACCOUNT NR. 01-01-850050
3. CENSUS TRACT NO. 4009
4. ELECTION DISTRICT NO. 1
5. COUNCILMANIC DISTRICT NO. 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE AT 6023 BALTIMORE NATIONAL PIKE

SHEET	DATE	JOB NUMBER
1	MAY 2, 1994	
OF	SCALE	
1	1" = 20'	04-34013



LOCATION MAP
SCALE: 1"=500'

GENERAL NOTES

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2. EXISTING ZONING OF SITE "BL" WITH A SIGN VARIANCE (10.31 AC ±, 13,416 SQ. FT.), "DR 16" (0.31 AC ±, 935 SQ. FT. ±)
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8. PUBLIC UTILITIES EXIST AT THE SITE
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CASE NO. 89-378-SPEA
Special Hearing and Zoning Variance
for a "Gas and Go Station"

"Dismissed without prejudice by the Deputy Zoning Commissioner, August 24, 1989"

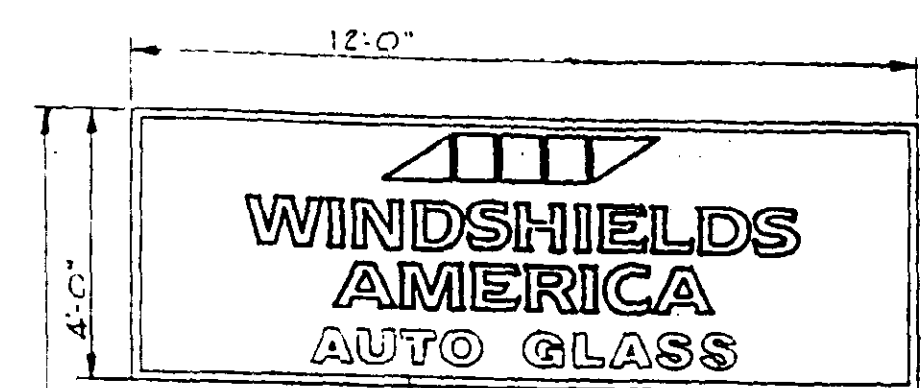
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REASON FOR SPECIAL EXCEPTION

PETITIONER IS REQUESTING A "SPECIAL EXCEPTION" IN ACCORDANCE WITH SECTION 210, 230, 13 & 502 OF THE BCZR TO ALLOW A SERVICE GARAGE ON THE PROPERTY TO REPAIR, REMOVE & REPLACE AUTOMOTIVE GLASS IN VEHICLES.

Handwritten signature and date: 5/14/89



AREA OF EACH SIGN FACE = 48 SQ. FT. TOTAL SIGN AREA = 96 SQ. FT.

PLAN
SCALE: 1"=20'

ELEVATION
Proposed Business Sign
NTS

Drafting	DATE	REVISIONS
Check RLS		
Design RLS		
Check RLS		



KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE, HUNT VALLEY, MARYLAND 21030
(410) 316-7800

OWNER
SHELL OIL COMPANY
ONE SHELL PLAZA
HOUSTON, TEXAS, 77001

SITE DATA
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2. TAX ACCOUNT NO. 01-01-850050
3. CENSUS TRACT NO. 4009
4. ELECTION DISTRICT NO. 1
5. COUNCILMANIC DISTRICT NO. 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE AT 6025 BALTIMORE NATIONAL PIKE

SHEET	DATE	JOB NUMBER
1 OF 1	MAY 2, 1994 SCALE 1"=20'	04-94013

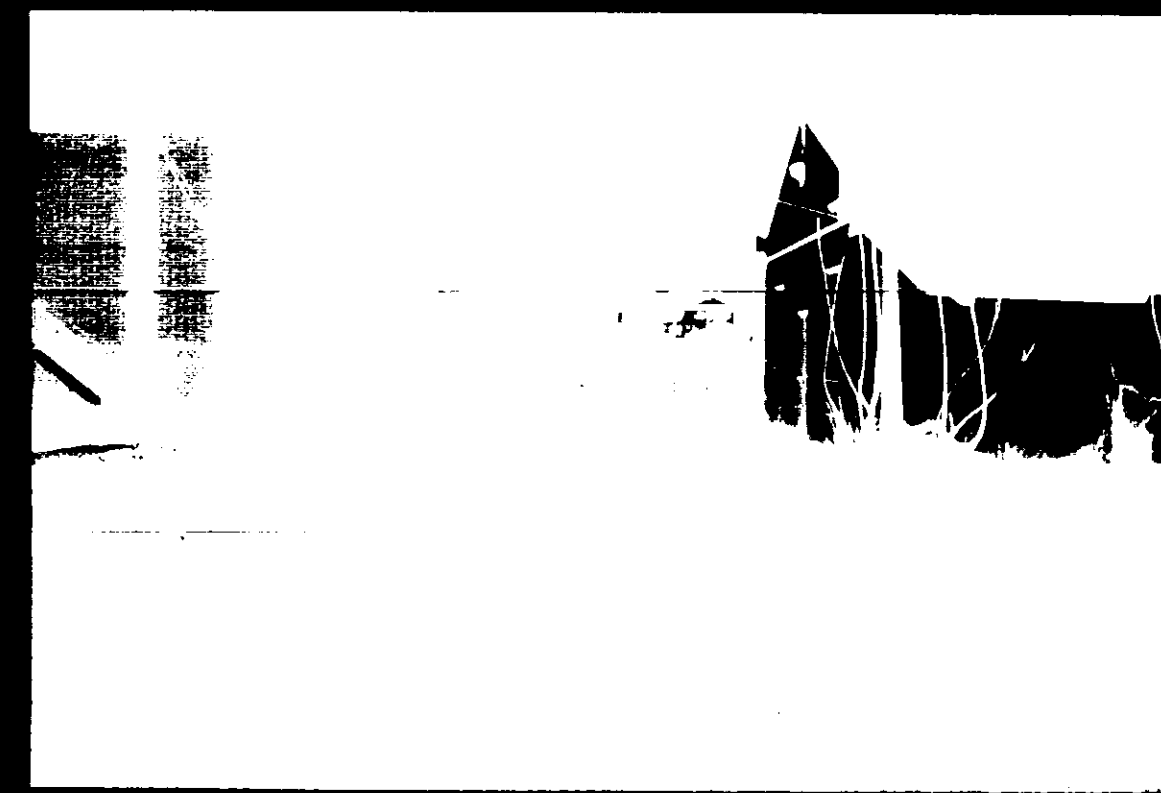
WINDSHIELDS AMERICA (PROPOSED)

LOOKING NORTHERLY AT REAR
OF SITE ALONG GAITHER RD.



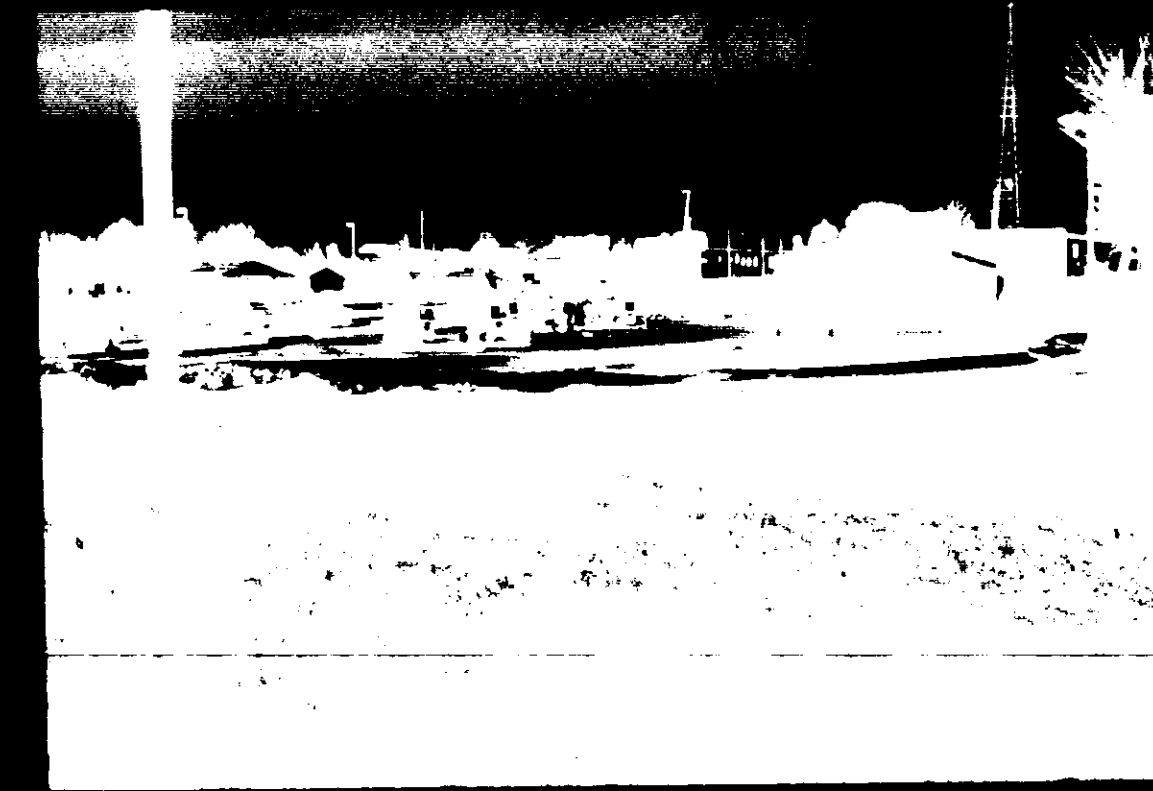
3C

LOOKING WESTERLY FROM DEAD END
IN GAITHER TO AREA BETWEEN
MEDICAL OFFICE BLDG + SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

LOOKING EASTERLY FROM SUBJECT SITE



3D

LOOKING EASTERLY ONTO
SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

REAR OF SUBJECT SITE

LOOKING SOUTH
FROM ROUTE 40 WEST



3E



Vision



PETITIONER'S
EXHIBIT 4

WINDSHIELDS
AMERICA

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL
ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

FOR the purpose of updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy; authorizing locations in which service stations or car washes are permitted by right or by Special Exception; setting performance standards; setting regulations regarding plan approvals, fuel service stations existing prior to the effective date of this bill, abandoned fuel service stations and conversions of abandoned stations; authorizing car washes in certain districts by Special Exception; requiring a site plan for car washes; prescribing the number of stacking and parking spaces required at a car wash site; setting performance standards; exempting car washes legally existing prior to the effective date of this bill; updating the list of district designations and adding the automotive services district; defining terms; stating legislative intent and special regulations for districts;

elimination references to Class I and Class II commercial
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
(brackets) indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

2. IF THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A PERIOD OF 90 DAYS FOLLOWING THE DATE OF THE NOTICE, THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL REFER THE MATTER TO THE ZONING COMMISSIONER FOR A HEARING, PURSUANT TO SECTION 500.7, TO REQUIRE REMOVAL.
3. IF, AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS, IT IS DETERMINED THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND NOT CONTINUOUSLY MAINTAINED AND CORRECTED ACCORDING TO PRIOR NOTICE, AND IF IT IS FURTHER FOUND THAT BY REASON OF THE CONTINUED VACANCY, THE STRUCTURE AND GROUNDS LACK REASONABLE OR ADEQUATE MAINTENANCE, THEREBY CAUSING DETERIORATION AND DILIGHTING INFLUENCE ON NEARBY PROPERTIES AND THEREBY DEPRECIATING THE ENJOYMENT, USE OR VALUE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AN EXTENT THAT IT IS HARMFUL TO THE PUBLIC HEALTH, WELFARE, SAFETY, COMFORT OR CONVENIENCE OF THE NEIGHBORHOOD IN WHICH THE STATION IS SITUATED, THE ZONING COMMISSIONER SHALL ORDER THE STATION'S REMOVAL. FOR PURPOSES OF THIS SUBSECTION, REMOVAL SHALL MEAN THE REMOVAL BY THE OWNER OF ALL ABOVE GROUND STRUCTURES, INCLUDING PAVING, AND REMOVAL OR ABANDONMENT IN PLACE OF UNDERGROUND TANKS IN COMPLIANCE WITH THE PROVISIONS OF COMAR 26.10.10.02 AND SECTION 14-300(b) OF THE BALTIMORE COUNTY CODE.
- 405.8. CONVERSIONS OF ABANDONED STATIONS. ONE OF THE PURPOSES OF THIS SUBSECTION IS TO PROMOTE THE CONVERSION OF VACATED FUEL SERVICE STATIONS TO OTHER USES; THEREFORE, IF A FUEL SERVICE STATION HAS BEEN ABANDONED AS SUCH, BUT IS CONVERTED TO ANOTHER USE, NO FUEL SERVICE STATION STRUCTURE, EQUIPMENT, OR APPURTENANCES NECESSARY OR APPROPRIATE TO THE NEW USE NEED BE REMOVED.

- 15 -

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

ROBERT J. WASSER
Douglas L. Burgess
Richard L. Smith
HOWARD F. REW

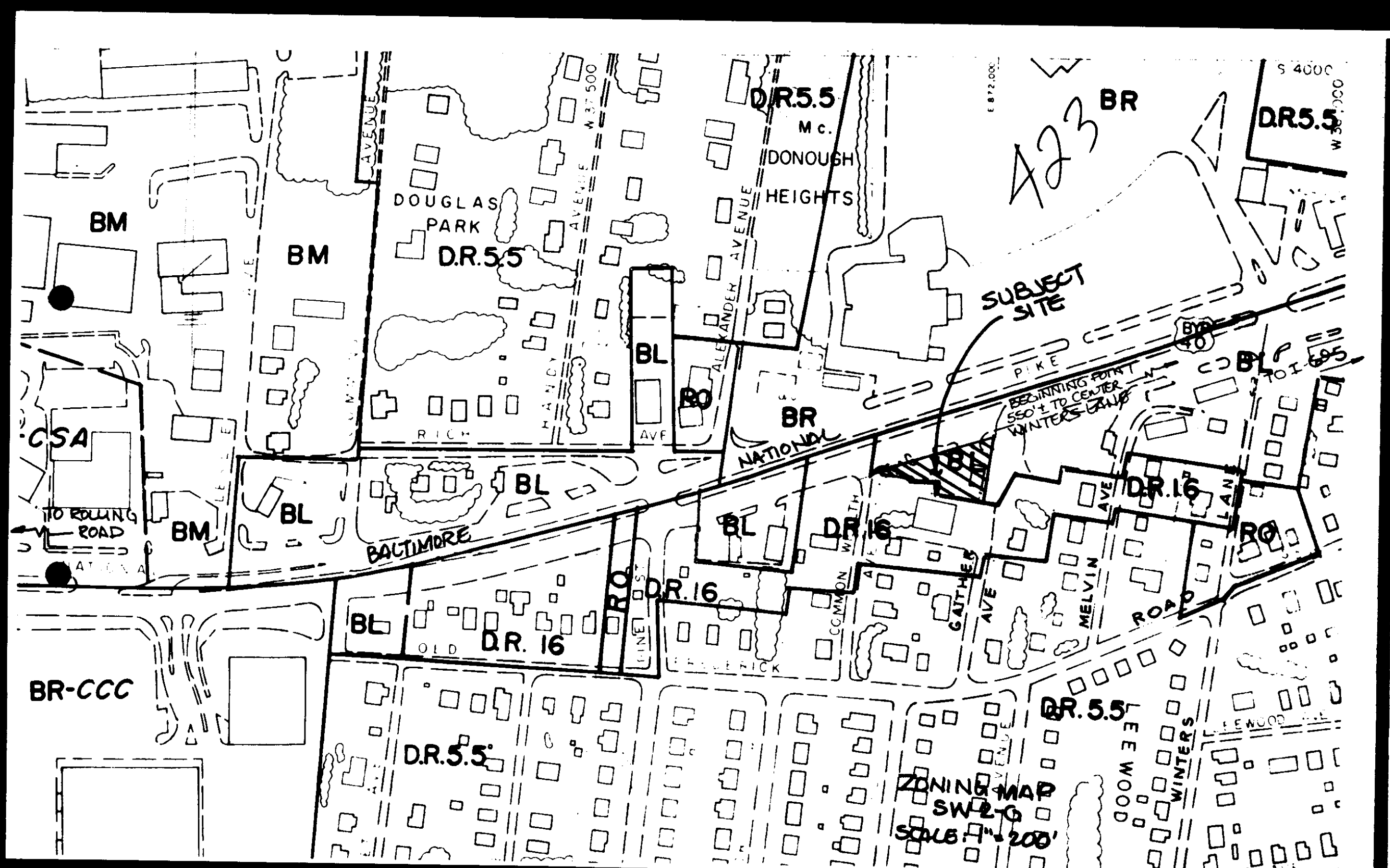
ADDRESS
21 FONTANA L. SUITE #103 BACTO.
210 W. PENNA. AVE, Ste 200, Towson, 21237
10 NORTH PARK DRIVE Hunt Valley 21030
BR DULANEY VALLEY RD BL204 21044

EXHIBIT LIST
Case No. 94-438-XA Item No. 423

Exhibit #	DESCRIPTION
1	SITE PLAN
2	AERIAL
3	PHOTOS
4	WINDSHIELD AMERICA BROCHURE

LEGAL AUTHORITIES

BILL 172-93



LOOKING EASTWARD ONTO
SUBJECT SITE + RTE 40 WEST



PETITIONER'S
EXHIBIT 3A

LOOKING EASTWARD ONTO SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

LOOKING WESTWARD TO PARKING
AREA OF SITE AND ROUTE 40 WEST



3B



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 10, 1994

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd.
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-438-XA, Item No. 423
Petitioner: Shell Oil Company, et al.
Petitions for Special Exception and Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 5, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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 petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 23, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 23, 1994
Item No. 423

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the State Highway Administration requirements for improvements in the State right-of-way. In addition, the site is subject to the landscape manual requirements to the extent possible.

RWB:ew



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

- B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

RECEIVED
MAY 18 1994
ZADM

REVIEWER: LT. ROBERT P. SOVERGAUD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 24, 1994

SUBJECT: Shell Oil Company/Windshields America

INFORMATION:

Item Number: 423

Petitioner: 6023 Baltimore National Pike

Property Size:

Zoning:

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Home Depot center located directly across Baltimore National Pike from the applicant's property was recently revitalized. As a part of that effort, London Plane (*Platanus acerifolia*) street trees were planted along Baltimore National Pike. In an effort to reinforce and continue these improvements to the corridor, staff recommends 2-1/2" 3" caliper London Plane trees be planted along the frontage of the subject property.

Prepared by: *Jeffrey M. La...*

Division Chief: *Carol L. Keller*

PK/JL:lw

ZAC.423/PZONE/ZAC1

Pg. 1



August 19, 1994

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

Re: Baltimore County
US 40
Windshields America
Special Exception and
Variance request
Item # +423 (JLL)
Mile Post 2.75

Dear Ms. Winiarski:

This office has reviewed the plan for the referenced development and we offer the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that US 40 is not identified for future roadway improvements in this area.

A field inspection of the site reveals the existing entrances and curb and gutter to be in an acceptable condition. Also, the proposed entrance improvements are generally acceptable to the SHA subject to closing the westernmost entrance on the property frontage using SHA Type "A" curb and gutter.

Therefore, we have no objection to approval of the special exception for service garage and variance request to allow an existing curb-line for off-street parking to remain at the street right-of-way line of a public street in lieu of the required 10' setback.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Julie Winiarski
Page Two
August 19, 1994

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Also, it has come to our attention that Baltimore County's Office of Planning is requesting the developer to plant street trees within the SHA right-of-way along the property frontage of US 40. All landscaping and tree planting will require a review and approval by our Landscape Architecture Division. Upon receiving two (2) copies of a landscaping plan indicating the type and locations of the proposed street trees, this office will forward them to our Landscape Architecture Division for review and comment.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

Ms. Julie Winiarski
Page Three
August 19, 1994

cc: Mr. Dick Smith

RE: PETITION FOR SPECIAL EXCEPTION*
PETITION FOR VARIANCE
S/S Baltimore National Pike *
550' W of Winters Lane *
(6023 Baltimore National Pike)*
1st Election Dist., *
1st Councilmanic Dist. *
SHELL OIL COMPANY *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-438-XA

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

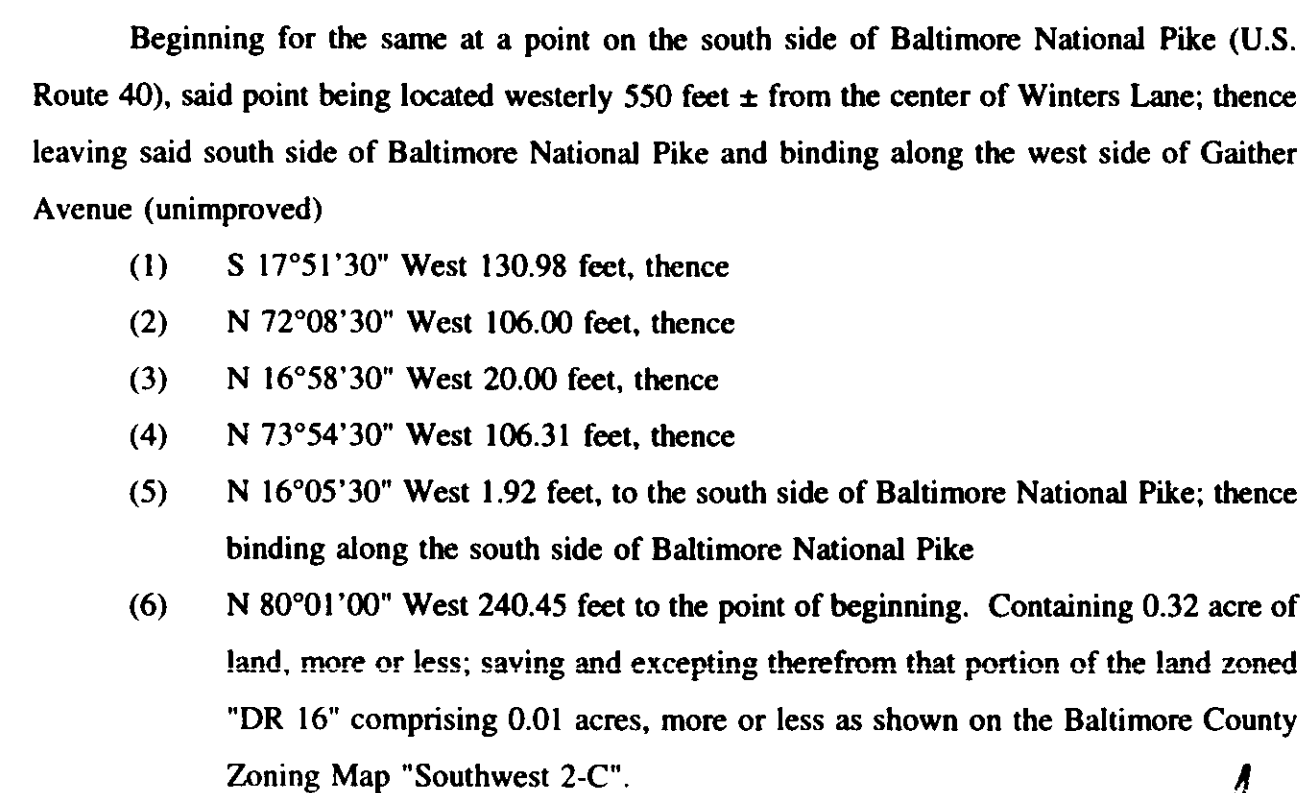
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, Chtd., 700 Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

6963C



District: 1st Date of Posting: 7/21/84
 Posted for: Shell, Eucalypt & Voiceless
 Petitioner: Spall Oil Company - Wheelock & Francis
 Location of property: 6023 Bolla Nat. Park, Id.
 Location of Signs: Trucks, road ways, e.g. property being taxed
 Remarks: _____
 Posted by: Robt. Stucke Date of return: 8/2/84
 Number of Signs: 2

TOWSON, MD., 5/20, 1914

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 5/19, 1914

A. Henikson
LEGAL AD. - TOWSON

NOTICE OF MEETING

THE BOARD OF GOVERNORS OF THE
The Board of Governors of the
of the Zoology and Anthropology
of Baltimore, Inc. will hold a
public hearing at the
Hilton Hotel, Room 1110
Baltimore, located at 1111 W.
Baltimore Avenue, Baltimore,
Town, Maryland 21201 on
June 19, 1984 at 10:00 AM.
600 Westview Avenue, Suite
Town, Maryland 21284 and
admission.

AGENDA:

400-200-214 (Room 402)
1. Presentation of the
National Film
2. B&G Residents National
3. Presentation of the
1st Beethoven District
4. Presentation of the
Largest Orchestra
5. Brief City Company
6. Presentation of the
National Film
7. Presentation of the
JUNE 26, 1984 at 2:00 PM
to June 27, 1984

Meeting Location: Inc.
The meeting will be held at the
Hilton Hotel, Room 1110, 1111
W. Baltimore Avenue, Baltimore,
Town, Maryland 21201. The
admission is \$5.00 per person.
The meeting is open to the
public. 10-1000 seats.

LAURENCE E. SCHWARTZ
Zoology and Anthropology
of Baltimore, Inc.

NOTES: (Hearings are held
on the 19th of each month.)
Interested persons should
contact the Planning
Department, Room 402,
600 Westview Avenue,
Baltimore, Maryland 21284
for information.

5/29/84 May 19, 1984

MUST BE SUPPLIED

Descriptions, including accurate beginning point
 Actual address of property
 Zoning
 Acreage
 Plats (need 12, only ___ submitted)
 200 scale zoning map with property outlined
 Election district
 Councilmanic district
 EC2R section information and/or wording
 Hardship/practical difficulty information
 Owner's signature (need minimum 1 original signature) and/or
 printed name and/or address and/or telephone number
 Contract purchaser's signature (need minimum 1 original
 signature) and/or printed name and/or address
 Signature (need minimum 1 original signature) and/or
 printed name and/or title of person signing for legal
 owner/contract purchaser
 Power of attorney or authorization for person signing for
 legal owner and/or ~~contract purchaser~~
 Attorney's signature (need minimum 1 original signature)
 and/or printed name and/or address and/or telephone number
 Notary Public's action is incomplete and/or incorrect
 and/or commission has expired
OWNER'S ZIP CODE

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

 Printed with Soybean Ink on Recycled Paper

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Baltimore National Pike, 550' W of Winters Lane (6023 Baltimore National Pike) 1st Election District 1st Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 94-438-XA

Shell Oil Company
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6023 Baltimore National Pike, located in the Catonsville area of western Baltimore County. The Petitions were filed by the owners of the property, Shell Oil Company, by Jerome Deaver, Real Estate Manager, and the Contract Purchaser/Lessee, Windshields America, by Robert Wajer, Real Estate Manager, through their attorney, Newton A. Williams, Esquire. The Petitioners seek a special exception for a service garage on the subject site, i.e. auto glass repair and replacement, and variance relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing curb line for off-street parking to remain at the street right-of-way line in lieu of the required setback of 10 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Robert Wajer, Real Estate Manager for Windshields America, Richard Smith, Registered Professional Engineer with KCI Technologies, Inc., Howard Rew, Licensed Real Estate Agent, and Douglas L. Burgess, Esquire, who represented the Petitioners. There were no Protestants present.

Testimony revealed that the subject property consists of 0.48 acres, more or less, split zoned B.L. with a small portion zoned D.R. 16 in the northwest corner of the subject site. The property is improved with a one-story masonry building which was formerly the site of a Shell gasoline service station. The property has not been used for approximately the past three years and is currently boarded up with the entrances staked off. The Petitioners are desirous of establishing a windshield repair and replacement business on the subject site, utilizing the existing building. The Petitioners testified as to the proposed improvements and their efforts to revitalize the property and indicated the variance relief sought is necessary due to existing site constraints. Further testimony and evidence presented indicated that the use proposed is consistent with other uses in the area and will not result in any detriment to the surrounding locale.

It should be noted that the Office of Planning and Zoning submitted comments dated May 24, 1994 in which they recommended London Plane street trees be planted along the frontage of the subject property as part of an on-going revitalization project in this area. The Petitioners indicated that because Baltimore National Pike is a State Highway, they might not be permitted to plant trees along that right-of-way. After further discussion on the subject, it was agreed that the Petitioners would plant the trees as recommended if the State Highway Administration (SHA) will permit planting in the right-of-way.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore,

- 2 -

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. Schultz v. Pritte, 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 reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 3 -

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of June, 1994 that the Petition for Special Exception for a service garage use of the subject site, specifically,

- 4 -

auto glass repair and replacement, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing curb line for off-street parking to remain at the street right-of-way line in lieu of the required setback of 10 feet, 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) Pursuant to the comments submitted by the Office of Planning and Zoning dated May 24, 1994, the Petitioners shall be required to plant London Plane trees along the frontage of the property on Baltimore National Pike, provided that such planting is permitted by the State Highway Administration.

- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 22, 1994

(410) 887-4386

Douglas L. Burgess, Esquire
Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Baltimore National Pike, 550' W of Winters Lane
(6023 Baltimore National Pike)
1st Election District - 1st Councilmanic District
Shell Oil Company - Petitioner
Case No. 94-438-XA

Dear Messrs. Burgess & Williams:

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Robert Wajer, Windshields America
21 Fontana Lane, Suite 103, Baltimore, Md. 21237

People's Counsel
File

TMK:bjs

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6023 Baltimore National Pike
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for service garage, i.e. auto glass repair and replacement.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Windshields America

(Type or Print Name)

Robert Wajer

21 Fontana Lane, Suite 103
Baltimore, Maryland 21237

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

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Zipcode

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Zipcode

With an attorney's declaration and affidavit, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Shell Oil Company

(Type or Print Name)

Jerome Deaver

210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

City

State

Zipcode

Address

City

State

Zipcode

Address

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Address

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6023 Baltimore National Pike
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 409.8.A.4. to allow an existing curb line for off street parking to remain at the street right of way line of a public street, in lieu of the required 10 foot setback, a variance of 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached list hereto.

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.

Contract Purchaser/Lessee:

Windshields America

(Type or Print Name)

Robert Wajer

21 Fontana Lane

Baltimore, Maryland 21237

City

State

Zipcode

Address

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With an attorney's declaration and affidavit, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Shell Oil Company

(Type or Print Name)

Jerome Deaver

210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

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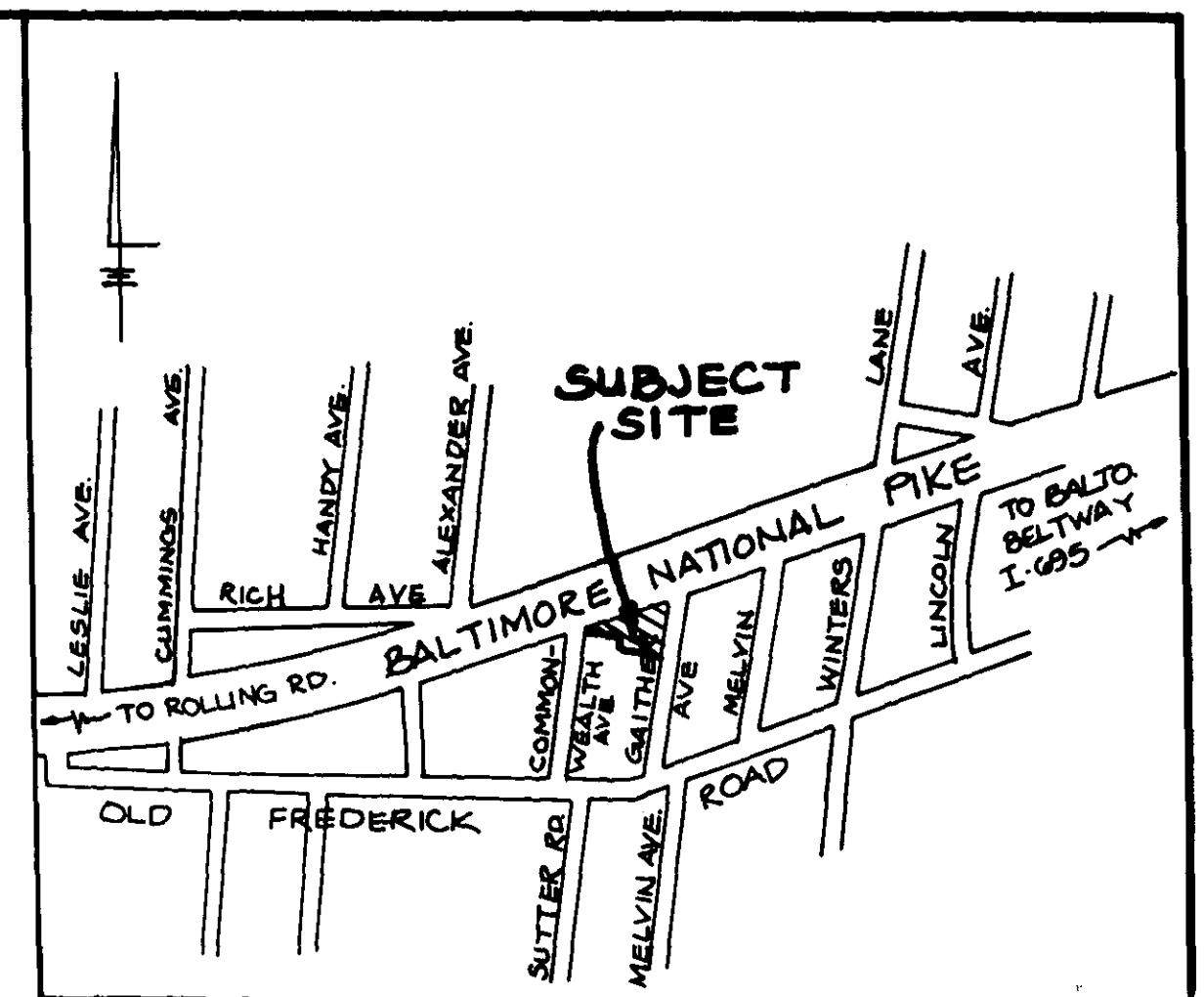
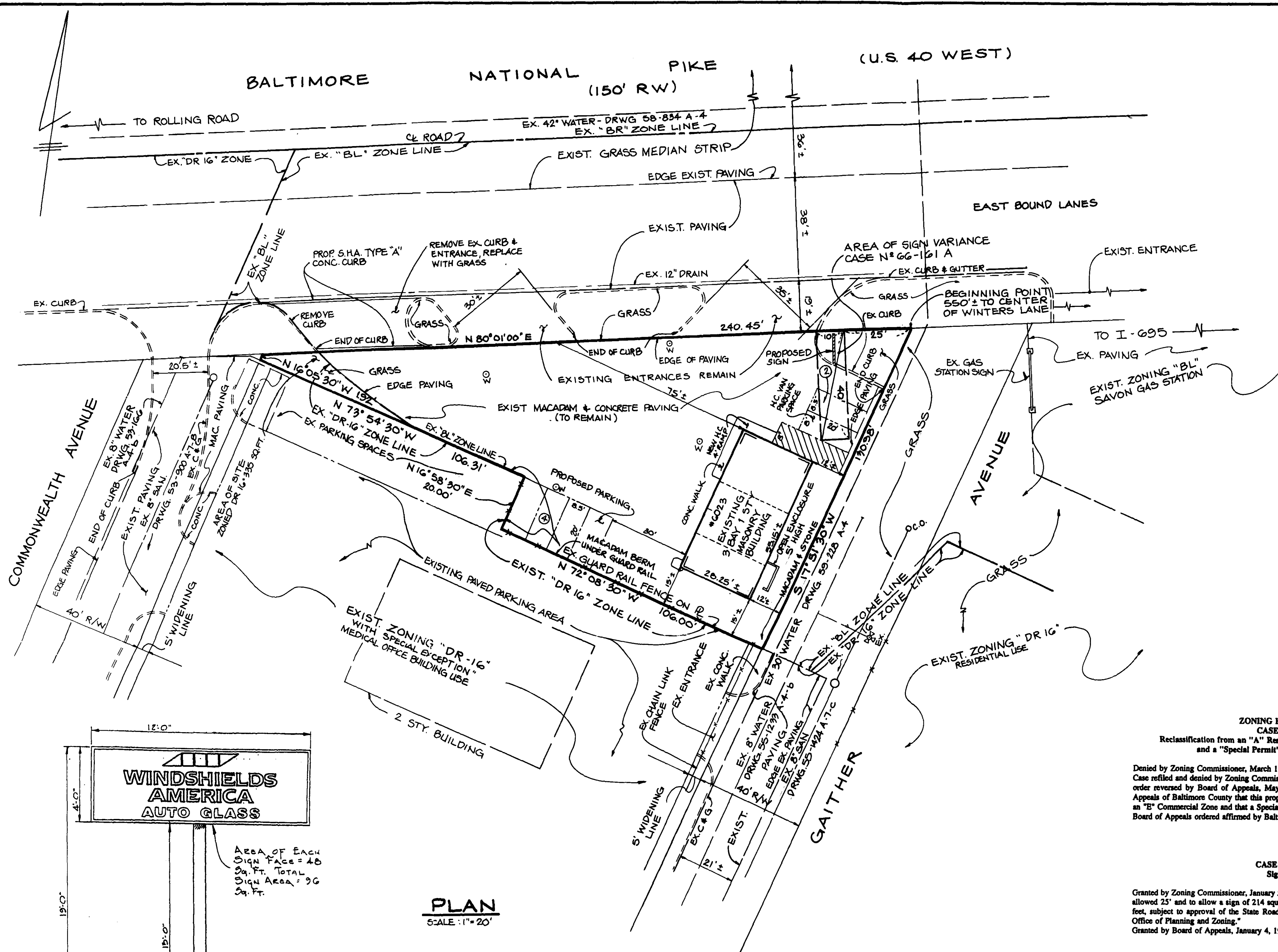
Zipcode



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	CATONSVILLE	PETITIONER'S EXHIBIT 1
DATE OF PHOTOGRAPHY JANUARY 1986		2



LOCATION MAP
SCALE: 1"=500'

GENERAL NOTES

- AREA OF PROPERTY EQUALS 0.32 AC. ± (13,951 SQ. FT. ±), GROSS AREA = 0.48 AC. ± (21,164 SQ. FT. ±)
- EXISTING ZONING OF SITE "BL" WITH A SIGN VARIANCE (10.31 AC. ± 13,616 SQ. FT.); "DR 16" (10.01 AC. ± 395 SQ. FT. ±)
- EXISTING USE OF SITE "CLOSED SERVICE STATION"
- PROPOSED USE OF SITE "AUTOMOTIVE SERVICE GARAGE" - INSTALLATION OF AUTOMOTIVE GLASS IN VEHICLES.
- FLOOR AREA RATIO:
 - ALLOWED = 60,690 SQ. FT. (20.230 × 3.0)
 - EXISTING = 1558 SQ. FT. = 0.77 (1558 ÷ 20.230)
- AMENITY OPEN SPACE
 - REQUIRED = 0
 - EXISTING = 1,450 SQ. FT. ±
- OFF-STREET PARKING
 - REQUIRED = 9 SPACES + 6.0
 - PROPOSED = 9 SPACES (3 SPACES IN 3 SERVICE BAYS AND 6 SPACES OUTSIDE INCLUDING 1 VAN HANDICAPPED PARKING SPACE)
- PUBLIC UTILITIES EXIST AT THE SITE.
- SITE IS LOCATED IN THE "DEAD RUN" WATERSHED
- HOURS OF OPERATION WILL BE:
 - MONDAY TO FRIDAY: 7:30 A.M. TO 6:00 P.M.
 - SATURDAY: 7:30 A.M. TO 1:00 P.M.
- PROPOSED NUMBER OF EMPLOYEES IS 4
- Q INDICATES EXISTING MONITORING WELLS ON THE SITE.

ZONING HISTORY OF SITE

CASE NO. 2433-RS
Reclassification from an "A" Residence Zone to an "E" Commercial Zone and a "Special Permit" for a Gasoline Service Station
Denied by Zoning Commissioner, March 11, 1952.
Case refilled and denied by Zoning Commissioner, February 10, 1953. Zoning Commissioner's order reversed by Board of Appeals, May 7, 1953. "Ordered by the Board of Zoning and Appeals of Baltimore County that this property is reclassified from an "A" Residence Zone to an "E" Commercial Zone and that a Special Permit for Gasoline Service Station is granted." Board of Appeals ordered affirmed by Baltimore County Circuit Court.

CASE NO. 66-161-A

Sign Variance
Granted by Zoning Commissioner, January 5, 1965 "to permit a sign height of 40' instead of the allowed 25' and to allow a sign of 214 square feet in area instead of the allowable 100 square feet, subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning."
Granted by Board of Appeals, January 4, 1967.

CASE NO. 89-370-SPEA

Special Hearing and Zoning Variance for a "Gas and Go Station"
Dismissed without prejudice by the Deputy Zoning Commissioner, August 24, 1979.

PETITIONER'S EXHIBIT 1

423

REQUEST FOR VARIANCE

PETITIONER IS REQUESTING A VARIANCE TO SECTION 400.8A.4 OF THE DCZR TO ALLOW AN EXISTING CURB LINE FOR OFF-STREET PARKING TO REMAIN AT THE STREET RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10' SETBACK. A VARIANCE OF 10'.

REASON FOR SPECIAL EXCEPTION

PETITIONER IS REQUESTING A "SPECIAL EXCEPTION" IN ACCORDANCE WITH SECTIONS 210, 220.13 & 502 OF THE DCZR TO ALLOW A SERVICE GARAGE ON THE PROPERTY TO REPAIR, REMOVE & REPLACE AUTOMOTIVE GLASS IN VEHICLES.

Drafting	DATE	REVISIONS
Check RLS		
Design RLS		
Check RLS		

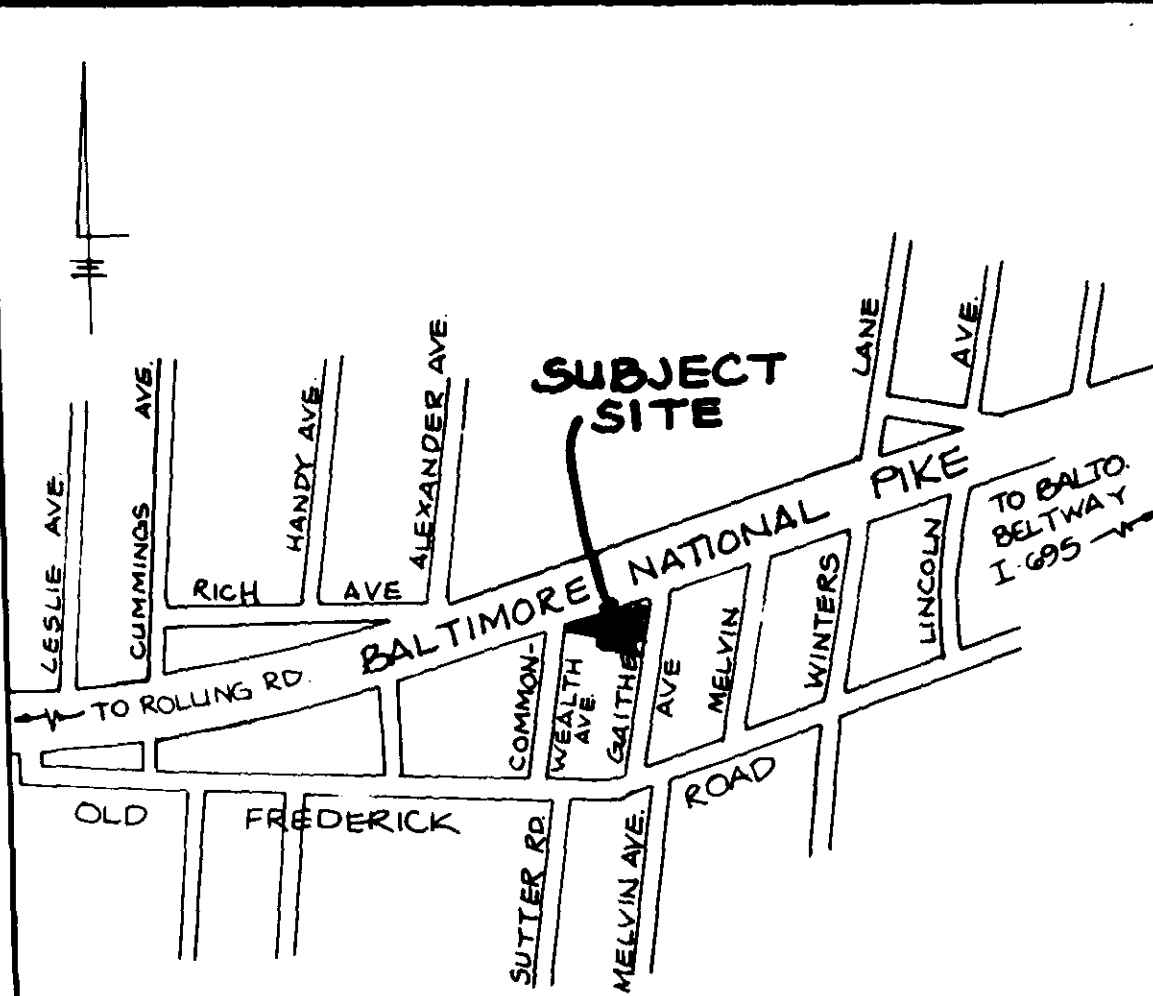
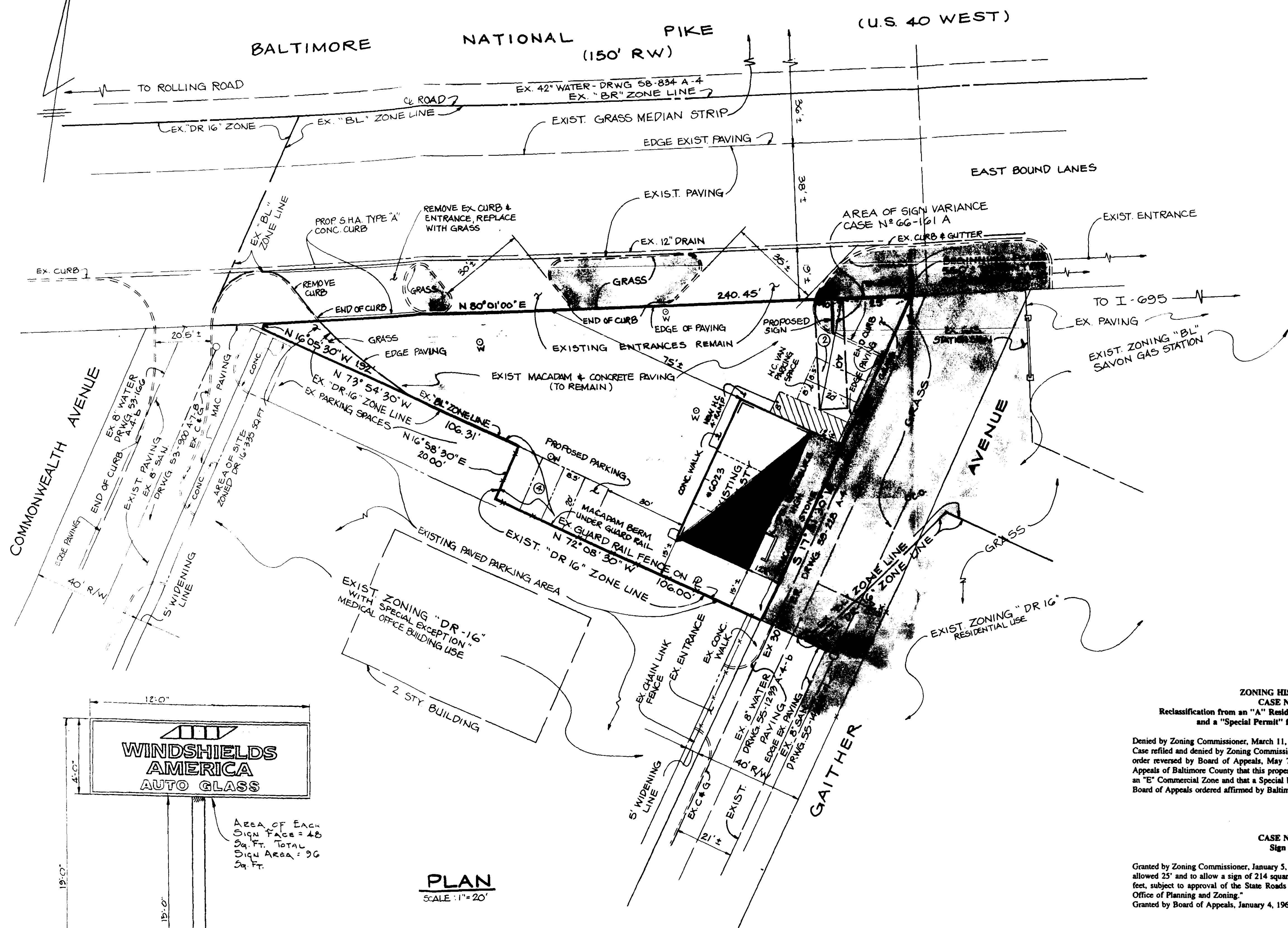
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE, HUNT VALLEY, MARYLAND 21030
(410) 318-7800

OWNER
SHELL OIL COMPANY
ONE SHELL PLAZA
HOUSTON, TEXAS, 77001

SITE DATA
1. DEED REFERENCE 7025-230
2. TAX ACCOUNT NR. 01-01-850050
3. CENSUS TRACT NO. 4009
4. ELECTION DISTRICT NO. 1
5. COUNCILMANIC DISTRICT NO. 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE AT 6023 BALTIMORE NATIONAL PIKE

SHEET	DATE	JOB NUMBER
1	MAY 2, 1994	
OF	SCALE	
1	1" = 20'	04-34013



LOCATION MAP
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 0.32 AC ± (13,951 SQ. FT. ±), GROSS AREA = 0.48 AC ± (21,164 SQ. FT. ±)
2. EXISTING ZONING OF SITE "BL" WITH A SIGN VARIANCE (10.31 AC ±, 13,416 SQ. FT.), "DR-16" (0.31 AC ±, 935 SQ. FT. ±)
3. EXISTING USE OF SITE: "CLOSED SERVICE STATION"
4. PROPOSED USE OF SITE: "AUTOMOTIVE SERVICE GARAGE" - INSTALLATION OF AUTOMOTIVE GLASS IN VEHICLES
5. FLOOR AREA RATIO:
A. ALLOWED = 60,690 SQ. FT. (20,230 × 3.0)
B. EXISTING = 1558 SQ. FT. = 0.77 (1558 ÷ 20,230)
6. AMENITY OPEN SPACE:
A. REQUIRED = 0
B. EXISTING = 1,450 SQ. FT. ±
7. OFF-STREET PARKING:
A. REQUIRED = 51 SPACES + 60
B. PROPOSED = 9 SPACES (3 SPACES IN 3 SERVICE BAYS AND 6 SPACES OUTSIDE INCLUDING 1 VAN HANDICAPPED PARKING SPACE)
8. PUBLIC UTILITIES EXIST AT THE SITE
9. SITE IS LOCATED IN THE "DEAD RUN" WATERSHED
10. HOURS OF OPERATION WILL BE:
A. MONDAY TO FRIDAY: 7:30 A.M. TO 6:00 P.M.
B. SATURDAY: 7:30 A.M. TO 1:00 P.M.
11. PROPOSED NUMBER OF EMPLOYEES IS 4
12. "W" INDICATES EXISTING MONITORING WELLS ON THE SITE

ZONING HISTORY OF SITE
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Sign Variance

Granted by Zoning Commissioner, January 5, 1965 "to permit a sign height of 40' instead of the allowed 25' and to allow a sign of 214 square feet in area instead of the allowable 100 square feet, subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning."
Granted by Board of Appeals, January 4, 1967.

CASE NO. 89-378-SPEA
Special Hearing and Zoning Variance
for a "Gas and Go Station"

"Dismissed without prejudice by the Deputy Zoning Commissioner, August 24, 1989"

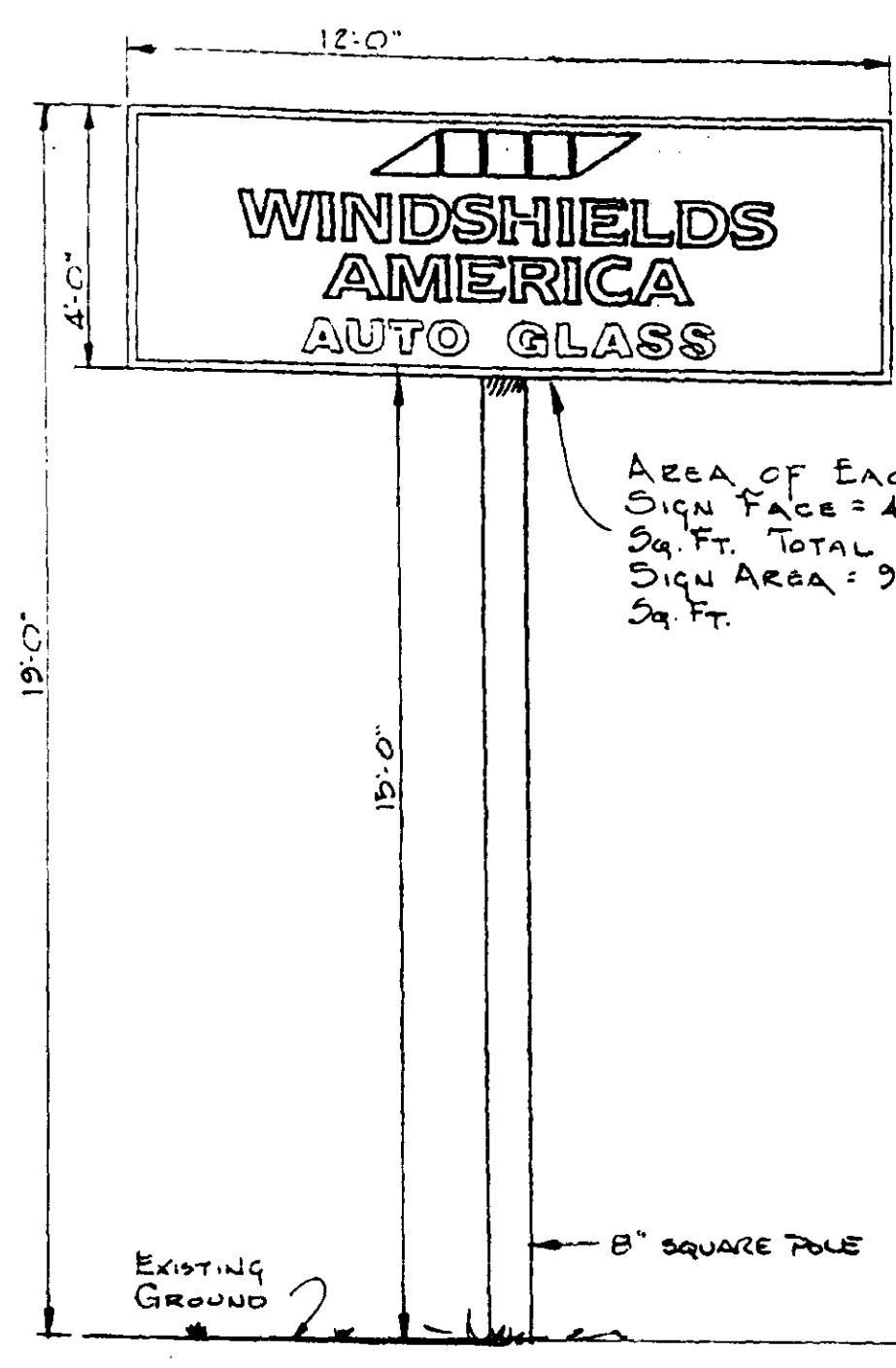
REQUEST FOR VARIANCE

PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.8A+ OF THE BCZR TO ALLOW AN EXISTING CURB LINE FOR OFF-STREET PARKING TO REMAIN AT THE STREET RIGHT OF WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10' SETBACK, A VARIANCE OF 10'.

REASON FOR SPECIAL EXCEPTION

PETITIONER IS REQUESTING A "SPECIAL EXCEPTION" IN ACCORDANCE WITH SECTION 4.502 OF THE BCZR TO ALLOW A SERVICE GARAGE ON THE PROPERTY TO REPAIR, REMOVE & REPLACE AUTOMOTIVE GLASS IN VEHICLES.

Handwritten signature and date: 5/14/94



PLAN
SCALE: 1"=20'

ELEVATION
Proposed Business Sign
NTS

DATE	REVISIONS
10/1/89	1. Initial Design
11/1/89	2. Final Design
12/1/89	3. Final Design

KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE, HUNT VALLEY, MARYLAND 21030
(410) 316-7800

OWNER
SHELL OIL COMPANY
ONE SHELL PLAZA
HOUSTON, TEXAS, 77001

SITE DATA
1. DEED REFERENCE 7025-390
2. TAX ACCOUNT NO. 01-01-890050
3. CENSUS TRACT NO. 4009
4. ELECTION DISTRICT NO. 1
5. COUNCILMANIC DISTRICT NO. 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE AT 6025 BALTIMORE NATIONAL PIKE

SHEET	DATE	JOB NUMBER
1 OF 1	MAY 2, 1994 SCALE: 1"=20'	04-94013

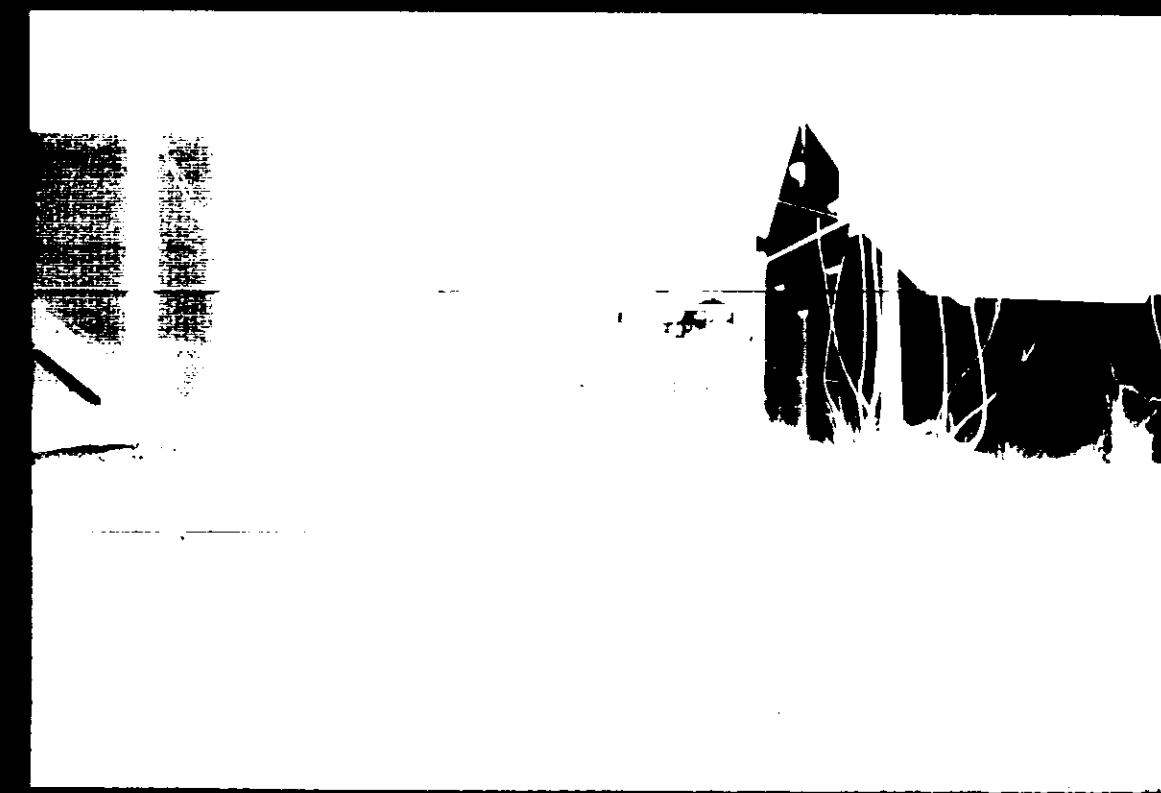
WINDSHIELDS AMERICA (PROPOSED)

LOOKING NORTHERLY AT REAR
OF SITE ALONG GAITHER RD.



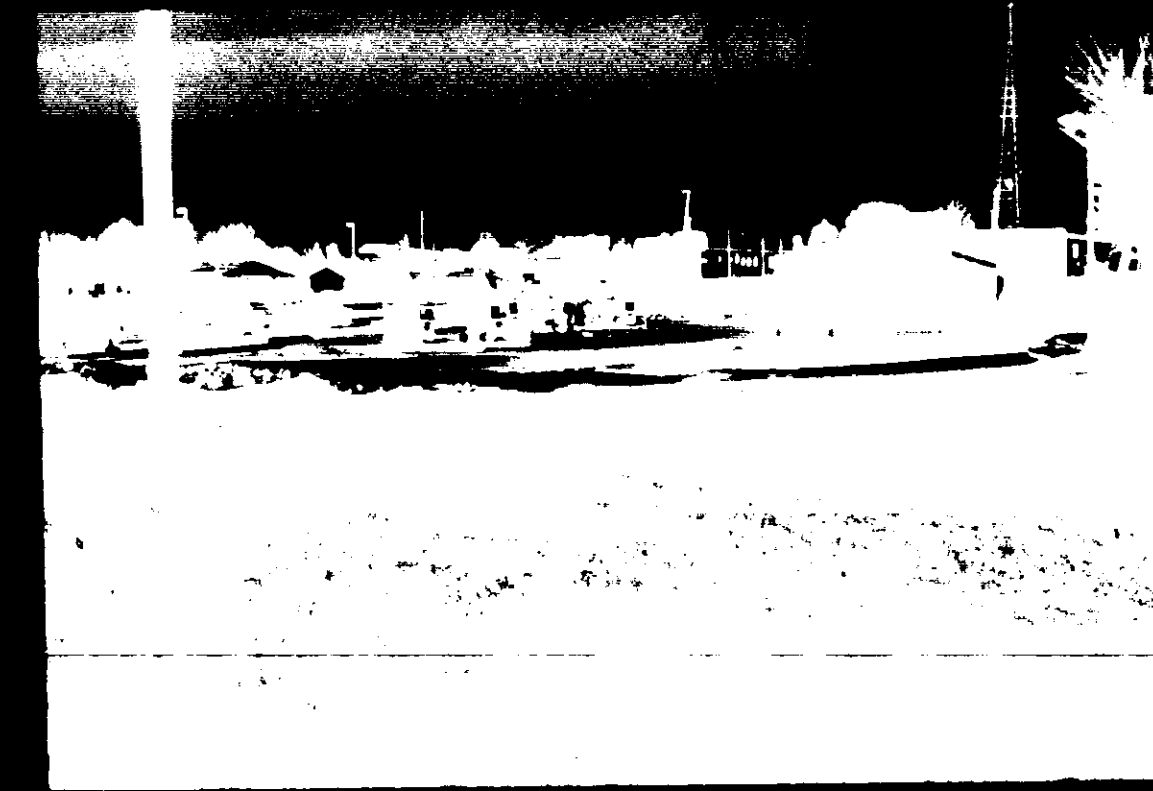
3C

LOOKING WESTERLY FROM DEAD END
IN GAITHER TO AREA BETWEEN
MEDICAL OFFICE BLDG + SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

LOOKING EASTERLY FROM SUBJECT SITE



3D

LOOKING EASTERLY ONTO
SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

REAR OF SUBJECT SITE

LOOKING SOUTH
FROM ROUTE 40 WEST



3E



Vision



PETITIONER'S
EXHIBIT 4

WINDSHIELDS
AMERICA

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL
ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

FOR the purpose of updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy; authorizing locations in which service stations or car washes are permitted by right or by Special Exception; setting performance standards; setting regulations regarding plan approvals, fuel service stations existing prior to the effective date of this bill, abandoned fuel service stations and conversions of abandoned stations; authorizing car washes in certain districts by Special Exception; requiring a site plan for car washes; prescribing the number of stacking and parking spaces required at a car wash site; setting performance standards; exempting car washes legally existing prior to the effective date of this bill; updating the list of district designations and adding the automotive services district; defining terms; stating legislative intent and special regulations for districts;

elimination references to Class I and Class II commercial
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
(brackets) indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

2. IF THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A PERIOD OF 90 DAYS FOLLOWING THE DATE OF THE NOTICE, THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL REFER THE MATTER TO THE ZONING COMMISSIONER FOR A HEARING, PURSUANT TO SECTION 500.7, TO REQUIRE REMOVAL.
3. IF, AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS, IT IS DETERMINED THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND NOT CONTINUOUSLY MAINTAINED AND CORRECTED ACCORDING TO PRIOR NOTICE, AND IF IT IS FURTHER FOUND THAT BY REASON OF THE CONTINUED VACANCY, THE STRUCTURE AND GROUNDS LACK REASONABLE OR ADEQUATE MAINTENANCE, THEREBY CAUSING DETERIORATION AND DILIGHTING INFLUENCE ON NEARBY PROPERTIES AND THEREBY DEPRECIATING THE ENJOYMENT, USE OR VALUE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AN EXTENT THAT IT IS HARMFUL TO THE PUBLIC HEALTH, WELFARE, SAFETY, COMFORT OR CONVENIENCE OF THE NEIGHBORHOOD IN WHICH THE STATION IS SITUATED, THE ZONING COMMISSIONER SHALL ORDER THE STATION'S REMOVAL. FOR PURPOSES OF THIS SUBSECTION, REMOVAL SHALL MEAN THE REMOVAL BY THE OWNER OF ALL ABOVE GROUND STRUCTURES, INCLUDING PAVING, AND REMOVAL OR ABANDONMENT IN PLACE OF UNDERGROUND TANKS IN COMPLIANCE WITH THE PROVISIONS OF COMAR 26.10.10.02 AND SECTION 14-300(b) OF THE BALTIMORE COUNTY CODE.
- 405.8. CONVERSIONS OF ABANDONED STATIONS. ONE OF THE PURPOSES OF THIS SUBSECTION IS TO PROMOTE THE CONVERSION OF VACATED FUEL SERVICE STATIONS TO OTHER USES; THEREFORE, IF A FUEL SERVICE STATION HAS BEEN ABANDONED AS SUCH, BUT IS CONVERTED TO ANOTHER USE, NO FUEL SERVICE STATION STRUCTURE, EQUIPMENT, OR APPURTENANCES NECESSARY OR APPROPRIATE TO THE NEW USE NEED BE REMOVED.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

ROBERT J. WASSER
Douglas L. Burgess
Richard L. Smith
HOWARD F. REW

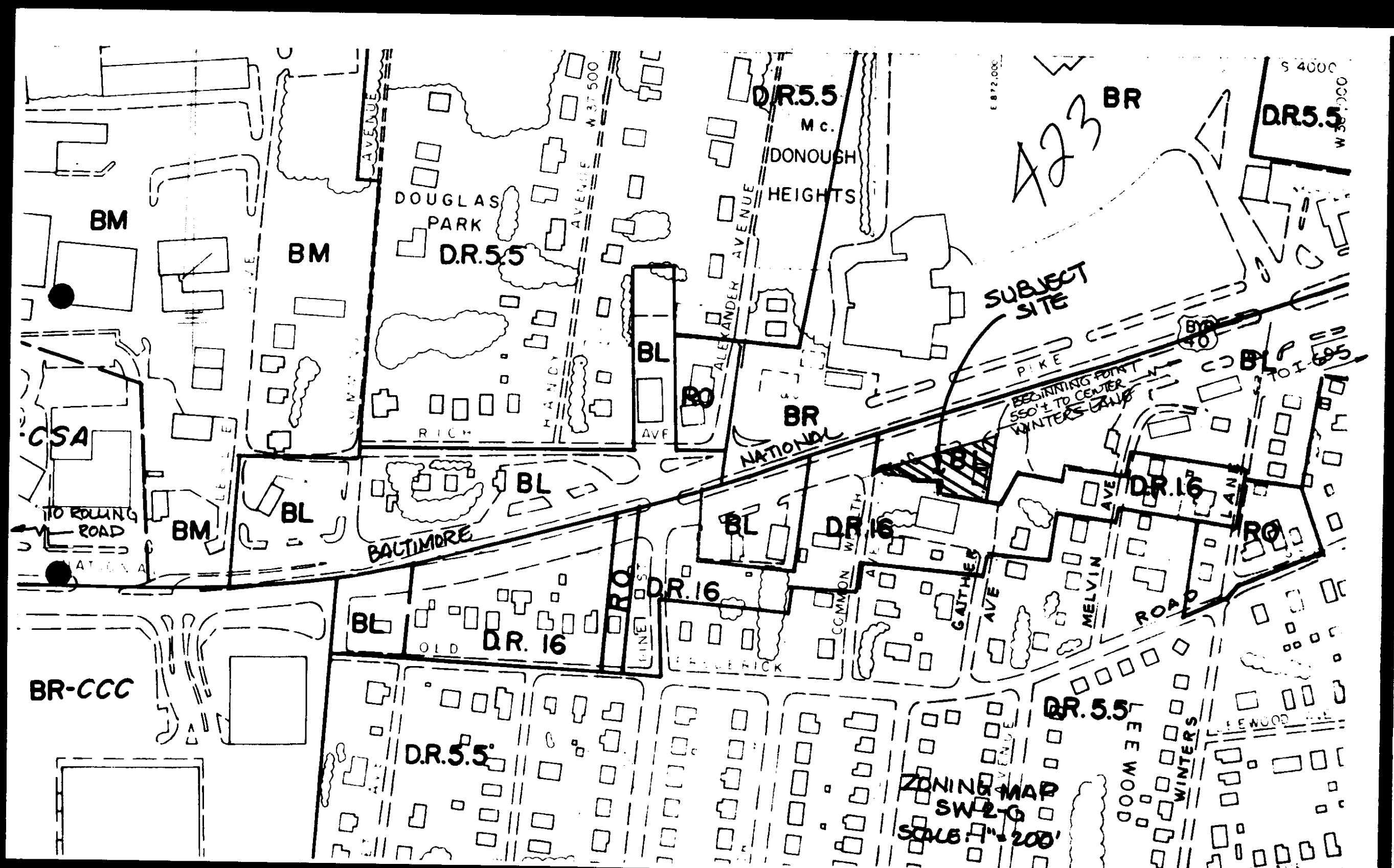
ADDRESS
21 FONTANA L. SUITE #103 BACTO.
210 W. PENNA. AVE, Ste 200, Towson, 21237
10 NORTH PARK DRIVE Hunt Valley 21034
BR DULANEY VALLEY RD #1204

EXHIBIT LIST
Case No. 94-438-XA Item No. 423

Exhibit #	DESCRIPTION
1	SITE PLAN
2	AERIAL
3	PHOTOS
4	WINDSHIELD AMERICA BROCHURE

LEGAL AUTHORITIES

BILL 172-93



WINDSHIELDS AMERICA (PROPOSED)

LOOKING EASTERNLY ONTO
SUBJECT SITE + RTE 40 WEST



PETITIONER'S
EXHIBIT 3A

LOOKING EASTERNLY ONTO SUBJECT SITE



WINDSHIELDS AMERICA (PROPOSED)

LOOKING WESTERNLY TO PARKING
AREA OF SITE AND ROUTE 40 WEST





111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 10, 1994

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd.
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-438-XA, Item No. 423
Petitioner: Shell Oil Company, et al.
Petitions for Special Exception and Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 5, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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 petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 23, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 23, 1994
Item No. 423

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the State Highway Administration requirements for improvements in the State right-of-way. In addition, the site is subject to the landscape manual requirements to the extent possible.

RWB:ew



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

- B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

RECEIVED
MAY 18 1994
ZADM

REVIEWER: LT. ROBERT P. SOVERGAUD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 24, 1994

SUBJECT: Shell Oil Company/Windshields America

INFORMATION:

Item Number: 423

Petitioner: 6023 Baltimore National Pike

Property Size:

Zoning:

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Home Depot center located directly across Baltimore National Pike from the applicant's property was recently revitalized. As a part of that effort, London Plane (*Platanus acerifolia*) street trees were planted along Baltimore National Pike. In an effort to reinforce and continue these improvements to the corridor, staff recommends 2-1/2-3" caliper London Plane trees be planted along the frontage of the subject property.

Prepared by: *Jeffrey M. La...*

Division Chief: *Carol L. Keller*

PK/JL:lw

ZAC.423/PZONE/ZAC1

Pg. 1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

August 19, 1994

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

Re: Baltimore County
US 40
Windshields America
Special Exception and
Variance request
Item #423 (JLL)
Mile Post 2.75

Dear Ms. Winiarski:

This office has reviewed the plan for the referenced development and we offer the following:

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that US 40 is not identified for future roadway improvements in this area.

A field inspection of the site reveals the existing entrances and curb and gutter to be in an acceptable condition. Also, the proposed entrance improvements are generally acceptable to the SHA subject to closing the westernmost entrance on the property frontage using SHA Type "A" curb and gutter.

Therefore, we have no objection to approval of the special exception for service garage and variance request to allow an existing curb-line for off-street parking to remain at the street right-of-way line of a public street in lieu of the required 10' setback.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Julie Winiarski
Page Two
August 19, 1994

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Also, it has come to our attention that Baltimore County's Office of Planning is requesting the developer to plant street trees within the SHA right-of-way along the property frontage of US 40. All landscaping and tree planting will require a review and approval by our Landscape Architecture Division. Upon receiving two (2) copies of a landscaping plan indicating the type and locations of the proposed street trees, this office will forward them to our Landscape Architecture Division for review and comment.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for your cooperation.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

Ms. Julie Winiarski
Page Three
August 19, 1994

cc: Mr. Dick Smith

RE: PETITION FOR SPECIAL EXCEPTION*
PETITION FOR VARIANCE
S/S Baltimore National Pike *
550' W of Winters Lane *
(6023 Baltimore National Pike)*
1st Election Dist., *
1st Councilmanic Dist. *
SHELL OIL COMPANY *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-438-XA

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, Chtd., 700 Court Towers, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PETITION FOR VARIANCE REASONS

1. That the site is a wedge shaped, former service station site on Route 40 West, that is narrow, and functions well in field.
2. That there are three grass islands in the right-of-way more than ten feet in width.
3. That an additional ten feet of non-paved area would substantially interfere with the parking and maneuvering areas on site, particularly at the west end, the tip of the triangle.
4. That paved areas conform with the paved areas on commercial properties on Route 40 West on both sides of the subject property.
5. That without the requested variance, which will allow this former service station site to be recycled as an auto glass operation, the owners and lessees will suffer practical difficulty and unreasonable hardship. That the requested variance will not be detrimental to the health, safety and welfare of the area, and it is in harmony with the spirit and intent of the Regulations.

6963C



DESCRIPTION

#6023 Baltimore National Pike

FIRST ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

This Description is for a Special Exception and Variance

Beginning for the same at a point on the south side of Baltimore National Pike (U.S. Route 40), said point being located westerly 550 feet ± from the center of Winters Lane; thence leaving said south side of Baltimore National Pike and binding along the west side of Gaither Avenue (unimproved)

- (1) S 17°51'30" West 130.98 feet, thence
- (2) N 72°08'30" West 106.00 feet, thence
- (3) N 16°58'30" West 20.00 feet, thence
- (4) N 73°54'30" West 106.31 feet, thence
- (5) N 16°05'30" West 1.92 feet, to the south side of Baltimore National Pike; thence binding along the south side of Baltimore National Pike
- (6) N 80°01'00" West 240.45 feet to the point of beginning. Containing 0.32 acre of land, more or less; saving and excepting therefrom that portion of the land zoned "DR 16" comprising 0.01 acres, more or less as shown on the Baltimore County Zoning Map "Southwest 2-C".

[Handwritten signature]
4/1/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-438-XA
Towson, Maryland

District: 1st Date of Posting: 5/1/94
Posted for: Special Exception & Variance
Petitioner: Shell Oil Company - Windshields America
Location of property: 6023 Balto Natl Pike, 1st
Location of Sign: Gaither Ave, property being zoned
Remarks:
Posted by: [Signature] Date of return: 4/1/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

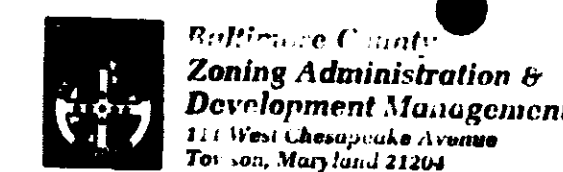
TOWSON, MD., 5/20/94

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 5/19/94

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

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 May 20, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-438-XA (Item 423)
6023 Baltimore National Pike
S/S Baltimore National Pike, 550' W of Winters Lane
1st Election District - 1st Councilmanic
Legal Owner(s): Windshields America
Contract Purchaser(s): Windshields America
HEARING: MONDAY, JUNE 20, 1994 at 9:00 a.m. in Room 118 Old Courthouse.
Special Exception for service garage.
Variance to allow an existing curb line for off-street parking to remain at the street right-of-way line of a public street in lieu of the required 10-foot setback.
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.



receipt

Date 5/5/94

Account: R 0014150

Number 423

SPECIAL EX. NEW RES. 050. \$ 300.00
VARIANCE. NEW RES. 020. 250.00
(2) S/N RES. 080. 70.00
\$ 620.00

OWNER: SHELL OIL CO.

LOC: 6023 BALTO NATL PIKE

U1A018062MICHPL
EA 1910:38A05-05-94

\$620.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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 STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 423

Petitioner: SHELL OIL CO

Location: 6023 BALTO NATL PIKE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WINDSHIELDS AMERICA c/o ROBERT WAJER

ADDRESS: 21 FONTANA LA SUITE 103

BALTO MD 21237

* PHONE NUMBER: ATTY 823-7800 NEWTON WILLIAMS

*MUST BE SUPPLIED

Item Number: 423
Planner: JLL
Date Filed: 5-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCEZ section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect
- and/or commission has expired
- OWNER'S ZIP CODE

PET-FLAG (TYSOPH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
May 19, 1994 Issue - Jeffersonian

Please forward billing to:

Windshields America
c/o Robert Waier
21 Fontana Lane, Suite 103
Baltimore, Maryland 21237
822-7800

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-438-XA (Item 423)
6023 Baltimore National Pike
S/S Baltimore National Pike, 550' W of Winters Lane
1st Election District - 1st Councilmanic
Legal Owner(s): Shell Oil Company
Contract Purchaser(s): Windshields America
HEARING: MONDAY, JUNE 20, 1994 at 9:00 a.m. in Room 118 Old Courthouse.

Special Exception for service garage.
Variance to allow an existing curb line for off-street parking to remain at the street right-of-way line of a public street in lieu of the required 10-foot setback.

LANEY & SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MAY 12, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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[Handwritten signature]

ARNOLD JABLON
Director

cc: Shell Oil Company
Windshields America
Newton A. Williams, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Printed with Soy-based Ink
on Recycled Paper

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Baltimore National Pike, 550' W of Winters Lane (6023 Baltimore National Pike) 1st Election District 1st Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 94-438-XA

Shell Oil Company
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 6023 Baltimore National Pike, located in the Catonsville area of western Baltimore County. The Petitions were filed by the owners of the property, Shell Oil Company, by Jerome Deaver, Real Estate Manager, and the Contract Purchaser/Lessee, Windshields America, by Robert Wajer, Real Estate Manager, through their attorney, Newton A. Williams, Esquire. The Petitioners seek a special exception for a service garage on the subject site, i.e. auto glass repair and replacement, and variance relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing curb line for off-street parking to remain at the street right-of-way line in lieu of the required setback of 10 feet. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Robert Wajer, Real Estate Manager for Windshields America, Richard Smith, Registered Professional Engineer with KCI Technologies, Inc., Howard Rew, Licensed Real Estate Agent, and Douglas L. Burgess, Esquire, who represented the Petitioners. There were no Protestants present.

Testimony revealed that the subject property consists of 0.48 acres, more or less, split zoned B.L. with a small portion zoned D.R. 16 in the northwest corner of the subject site. The property is improved with a one-story masonry building which was formerly the site of a Shell gasoline service station. The property has not been used for approximately the past three years and is currently boarded up with the entrances staked off. The Petitioners are desirous of establishing a windshield repair and replacement business on the subject site, utilizing the existing building. The Petitioners testified as to the proposed improvements and their efforts to revitalize the property and indicated the variance relief sought is necessary due to existing site constraints. Further testimony and evidence presented indicated that the use proposed is consistent with other uses in the area and will not result in any detriment to the surrounding locale.

It should be noted that the Office of Planning and Zoning submitted comments dated May 24, 1994 in which they recommended London Plane street trees be planted along the frontage of the subject property as part of an on-going revitalization project in this area. The Petitioners indicated that because Baltimore National Pike is a State Highway, they might not be permitted to plant trees along that right-of-way. After further discussion on the subject, it was agreed that the Petitioners would plant the trees as recommended if the State Highway Administration (SHA) will permit planting in the right-of-way.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore,

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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. Schultz v. Pritte, 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 reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of June, 1994 that the Petition for Special Exception for a service garage use of the subject site, specifically,

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auto glass repair and replacement, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing curb line for off-street parking to remain at the street right-of-way line in lieu of the required setback of 10 feet, 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) Pursuant to the comments submitted by the Office of Planning and Zoning dated May 24, 1994, the Petitioners shall be required to plant London Plane trees along the frontage of the property on Baltimore National Pike, provided that such planting is permitted by the State Highway Administration.

- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 22, 1994

(410) 887-4386

Douglas L. Burgess, Esquire
Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Baltimore National Pike, 550' W of Winters Lane
(6023 Baltimore National Pike)
1st Election District - 1st Councilmanic District
Shell Oil Company - Petitioner
Case No. 94-438-XA

Dear Messrs. Burgess & Williams:

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Robert Wajer, Windshields America
21 Fontana Lane, Suite 103, Baltimore, Md. 21237

People's Counsel
File

TMK:bjs

Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at 6023 Baltimore National Pike
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for service garage, i.e. auto glass repair and replacement.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Windshields America

Type or Print Name

Robert Wajer

Address

21 Fontana Lane

Baltimore, Maryland 21237

City State Zipcode

Attorney for Petitioner:

Newton A. Williams, Esquire

NOLAN, PLUMHOFF & WILLIAMS, CHTD.

Address

700 Court Towers

210 W. Pennsylvania Avenue; 823-7800

Towson, Maryland 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for hearing

on following date

ALL OTHER DATE

REVIEWED BY: DATE

With its necessary disclosure and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Shell Oil Company

Type or Print Name

Jerome Deaver

Address

11921 Freedom Road, 1-703-707-5630

City State Zipcode

Reston, Virginia

City State Zipcode

Name, Address and phone number of representative to be contacted

Newton A. Williams, Esquire

NOLAN, PLUMHOFF & WILLIAMS, CHTD.

Address

700 Court Towers

210 W. Pennsylvania Avenue; 823-7800

Towson, Maryland 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for hearing

on following date

ALL OTHER DATE

REVIEWED BY: DATE

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 6023 Baltimore National Pike
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 409.8.A.4. to allow an existing curb line for off street parking to remain at the street right of way line of a public street, in lieu of the required 10 foot setback, a variance of 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached list hereto.

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.

Contract Purchaser/Lessee:

Windshields America

Type or Print Name

Robert Wajer

Address

21 Fontana Lane

Baltimore, Maryland 21237; 687-5660

City State Zipcode

Attorney for Petitioner:

Newton A. Williams, Esquire

NOLAN, PLUMHOFF & WILLIAMS, CHTD.

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