

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Prot Ex #8

FRANK

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 24, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E. of Littlewood Road
(1901 E. Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

NATIONAL
TIRE
WHOLESALE

Dear Mr. Hoffman:

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

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Robin Read and James Griffin, and
Ms. Georgeanne Kost, 1911 E. Joppa Road, Parkville, Md. 21234

✓ Mr. Wayne Skinner, TLRCC
1813 Edgewood Road, Baltimore, Md. 21234

Ms. Donna Spicer, Cromwood, Coventry and Satyr Hill Comm. Assoc.
8719 Eddington Road, Baltimore, Md. 21234

People's Counsel; File

IN RE:	PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
	S/S Joppa Road, 250' E of		
	Littlewood Road	*	DEPUTY ZONING COMMISSIONER
	(1909 East Joppa Road)		
	9th Election District	*	OF BALTIMORE COUNTY,
	6th Councilmanic District		
		*	Case No. 94-468-A
	The Essex Company		
	Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1909 East Joppa Road located in the Parkville area of eastern Baltimore County. The Petition was filed by the owner of the property, The Essex Company, by Michael Weinman, Vice Chairman of the Board, and the Contract Purchaser, National Tire Warehouse, Inc., by Brian Sexton, Executive Vice President. The Petitioners seek a special exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Petition were Ted Britt for National Tire Warehouse, Inc., Mickey Cornelius with The Traffic Group, Jean Tansey, a landscape planner with Daft-McCune-Walker, Inc., and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing in opposition to the Petitioners' request were James Griffin, Robin Read, and Georgeanne Kost, members of the adjacent Joppa Gospel Tabernacle Church, Wayne Skinner, President of the Towson, Loch Raven Community Association, and Donna Spicer on behalf of the Cromwood, Coventry and Satyr Hill Community Association.

Testimony and evidence presented revealed that the subject property consists of 1.08 acres, more or less, of which .58 acres are zoned B.L.-C.S.2 (AS) and the remaining .50 acres zoned B.L. The property is located along Joppa Road near its intersection with Perring Parkway and is presently improved with a one-story concrete block building which recently housed a restaurant known as Po' Folks. This restaurant use has ceased to exist and at the present time, the building is vacant. Testimony revealed that National Tire Warehouse (NTW), Inc. is desirous of razing the existing building and constructing a one-story service garage of 10,220 sq.ft. NTW is a national automobile tire distributor which, in addition to the sale of tires, performs various wheel-related services such as wheel balancing and alignments, break jobs, and shock installations. NTW does not engage in heavy mechanical work at their facility nor do they perform any body or fender work.

Mr. Ted Britt, who is employed by Tri-Tech Engineering, a regional consultant for NTW, testified regarding the proposed use of the subject site. Mr. Britt stated that the proposed building is a prototype of those buildings typically used by NTW elsewhere around the country. He offered into evidence as Petitioner's Exhibit 4, a brochure describing the type of operation proposed for this site. Contained within that brochure is a floor plan of the proposed building, which will contain nine (9) service bays. It is to be noted that the proposed bays will face in a southerly direction towards the adjacent one-story brick Church known as the Joppa Gospel Tabernacle. Mr. Britt testified that given the close proximity of the proposed use to the neighboring church, NTW is willing to provide landscaping as necessary to mitigate the effects of noise from their business on the Church property.

A traffic study prepared by Mr. Mickey Cornelius, Vice President of The Traffic Group, was entered into evidence as Petitioner's Exhibit 2. This study indicated that there would be no adverse effect upon the traffic flow along Joppa Road by virtue of the proposed use.

Appearing and testifying in opposition to the Petitioners' request were Robin Read and James Griffin, who appeared on behalf of the Joppa Gospel Tabernacle. The cumulative testimony was that they are opposed to an NTW operation on the subject site. Testimony revealed that the Church has existed on the adjacent property for the past 38 years and that Church services are broadcasted nationally. The sanctuary within the Church is situated in such a manner that it will face the proposed service garage use and the Protestants are concerned over the noise that may emanate from this site. These Church representatives pointed out that the proposed service garage is located approximately 50 feet away from their building. Furthermore, the windows to the Church sanctuary are directly opposite the subject property. Messrs. Read and Griffin testified that any noise generated from adjacent commercial uses easily permeates the windows along the west wall of the Church. Further exacerbating this noise problem is the fact that the proposed building will have nine (9) service bays, all of which will face the Church building. In addition, because there will be no air conditioning units installed within the building, the service bays would remain open during periods of hot weather. The Protestants argue that when taking all of these circumstances into consideration, the noise generated by the proposed use would be devastating to the parishioners of the Church and destroy the peaceful and quiet enjoyment of their property.

Testimony revealed that representatives of NTW took the time to meet with members of the Joppa Gospel Tabernacle prior to this public

hearing. The issue of noise was discussed at that time and extensive landscaping of the site was proposed for the common property line between the two properties. The Church representatives acknowledged the cooperation of NTW and appreciated their efforts in working with the Church. However, the representatives in attendance at the hearing remain skeptical that the proposed landscaping would not be sufficient to effectively buffer the noise that will be generated by NTW at the subject site. Furthermore, in consideration of the Protestants' concerns, NTW agreed to adjust their hours of operation so that no service garage activity would take place on Sundays or Wednesday evenings during Church services. While the Church representatives appreciated NTW's efforts, there remained concern over other activities such as funeral services, weddings, prayer group meetings, or other worshiping times where the noise generated by NTW would disrupt these types of services.

I agree with the argument set forth by the Protestants in this matter that the noise generated by the proposed use would have an adverse impact upon the Joppa Gospel Tabernacle Church. While I believe the site is appropriate for an NTW tire store, I do not believe the Petitioner has developed the site in a fashion that would have the least impact on the neighboring Church. The site plan offered into evidence as Petitioner's Exhibit 1 depicts the nine service bay doors of the proposed building will face the Joppa Gospel Tabernacle Church.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception; however, the Petitioner must also show that the proposed use would not be detrimental to the primary uses in the vicinity and meets the special exception requirements set forth in Section 502.1.

As stated previously, I believe the site is an appropriate candidate for the location of an NTW store. I believe the Petitioner's request for special exception can be granted, provided the Petitioner can redesign the proposed building so that the service garage bay doors face the opposite direction from that proposed on Petitioner's Exhibit 1. That is, the proposed one-story concrete block service building should be redesigned so that the rear wall of the building will be positioned towards the common property line shared with the Joppa Gospel Tabernacle Church. The nine service bay doors would then face in a westerly direction and any noise that would be generated by NTW's operation at this site would be deflected away from the Church. Since there will be no openings on the wall that faces the Church, there would be no detrimental effects caused by noise emanating from this site upon Church activities. Furthermore, the front of the proposed building should be even with the front face of the Joppa Gospel Tabernacle Church. Therefore, the front face of the proposed building shall be no closer to Joppa Road than the Church building. While I have stated that there shall be no windows or openings on the wall facing the Church, the Petitioners shall be permitted to install fire doors as necessary on that side of the structure. Furthermore, to mitigate any visual effects the proposed NTW store shall have on the Church, the Petitioner shall install a landscape buffer along the common property line between the two buildings.



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. In the opinion of this Deputy Zoning Commissioner, the proposed use can be conducted without real detriment to the neighborhood and will not adversely affect the public

interest, provided the site plan is revised as noted above. The facts and circumstances do not show that the proposed use on the subject property 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. Pritts, 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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1994 that the Petition for Special Exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), 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) Prior to the issuance of any permits, the Petitioner shall submit for review and approval by this Deputy Zoning Commissioner a revised site plan which takes into consideration the modified relief granted

herein. Specifically, the proposed one-story building shall be redesigned in such a manner that all service bay doors face in a westerly direction, away from the Joppa Gospel Tabernacle Church. Furthermore, there shall be no openings on the wall facing the Church except for fire exit doors, which are required pursuant to the Baltimore County Code. In addition, the front face of the proposed building shall not be any closer to Joppa Road than the front face of the Joppa Gospel Tabernacle Church.

3) The Petitioner shall install a landscape buffer along the common boundary line between the subject property and the Joppa Gospel Tabernacle Church to mitigate any adverse visual effects the proposed building may have on the Church. A landscape plan taking into consideration these concerns shall be submitted for review and approval by Avery Harden, the Baltimore County Landscape Architect.

4) The hours of operation for the subject business shall be limited to Monday through Saturday, 7:00 AM to 8:00 PM, and Sunday from 12:00 PM to 5:00 PM. NTW shall be closed for business on Sunday mornings until 12:00 PM noon and Wednesday evenings after 8:00 PM during which times the Joppa Gospel Tabernacle Church may be holding services. In addition, there shall be no deliveries of parts or inventories on Sunday mornings or Wednesday evenings.

5) There shall be no outside storage of any tires or automotive parts or supplies on this site.

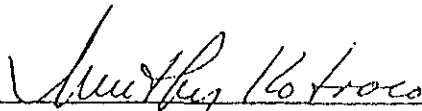
6) The special exception granted herein shall inure to the use and benefit of this Petitioner, NTW, only, and shall cease and terminate at such time as NTW no longer operates its business at this location. This special exception will not be transferable to any other party.

7) The special exception granted herein shall be limited to the normal business activities of NTW, which shall include the sale and installation of automobile tires and accessory wheel-related mechanical repairs. There shall be no body and/or fender work or engine repair work performed on the premises.

8) There shall be no outside paging system on the subject property.

9) The Petitioner shall take appropriate steps to insure that no noise generated from their business on this site shall exceed the maximum permitted levels by Baltimore County and the State of Maryland.

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



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 13, 1994
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief *DK for RWB*
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for June 6, 1994
Item No. 455

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan should be submitted for review and tentatively approved prior to the hearing. Special focus will be given to the Joppa Road streetscape and church buffer.

RWB:aw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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. 445 (W.R.)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access 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. KAHN, ACTING CHIEF*
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

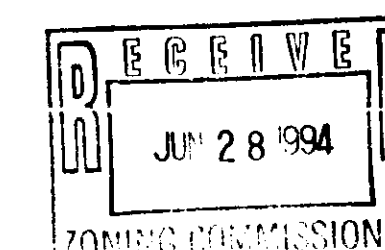
TO: Arnold Jablon, Director DATE: June 27, 1994
ZADM
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
SUBJECT: Zoning Advisory, Landscape Comments For National Tire Warehouse
At 1909 East Joppa Road, Item #455

A schematic landscape plan has been submitted to and tentatively approved by this office. Other options for buffering the church will be considered as further discussions with the church occur.

Any additional conditions that may be required by the Zoning Commissioner will become part of the final landscape plan.

RWB:EAH:slk

cc: File



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning
DATE: June 28, 1994
SUBJECT: 1909 East Joppa Road

INFORMATION:

Item Number: 455
Petitioner: The Essex Company
Property Size: _____
Zoning: B.L.-A.S.
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon an analysis of the information provided, staff offers the following comments:

The site is located along the Joppa Road Commercial Corridor on property previously occupied by a restaurant. The site is immediately adjacent to a retail center to the west and a church (Joppa Gospel Tabernacle) to the east.

In order to enhance the attractiveness of the corridor and ensure that there will be no inadvertent negative impact to the church, staff recommends the agreed upon conditions (see Mr. Hoffman's letter of June 27) be attached to the order should the request be granted.

Prepared by: *Jeffrey W. Long*
Division Chief: *Pat Keller*
PK/JL:LW

ZAC455/PZONE/ZAC1

Pg. 1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

July 6, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-468-X, Item No. 455
Petition for Special Exception

Dear Mr. Hoffman:

Enclosed are copies of comments received from the Office of Planning and Zoning on July 5, 1994, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

May 26, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #455)
Legal Owner: The Essex Company
Contact Purchaser: National Tire
Warehouse, Inc.
1909 East Joppa Road
9th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

Enclosure (recept)

cc: Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
1909 East Joppa Road * ZONING COMMISSIONER
S/S Joppa Road, 250 feet E of Littlewood *
Road, 9th Election Dist., 6th Councilmanic * FOR BALTIMORE COUNTY
The Essex Company *
Petitioners * * * * * CASE NO.: 94-468-X

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. Denilio
CAROLE S. DENILIO
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 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

September 26, 1994

(410) 887-3353

Messrs. Robin Read and James Griffin and
Ms. Georgeanne Kost
1911 East Joppa Road
Baltimore, MD 21234

Mr. Wayne Skinner, TLRC
1813 Edgewood Road
Baltimore, MD 21234

Ms. Donna Spicer
Cromwood, Coventry and Satyr Hill Community Association
8719 Eddington Road
Baltimore, MD 21234

RE: Petition for Special Exception
S/S Joppa Road, 250' E of Littlewood Road
(1901 E. Joppa Road)
9th Election District
6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on September 23, 1994 by Robert A. Hoffman, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:ach

cc: People's Counsel

receipt
74-468-X

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Number: 74-468-X
DROP-OFF PETITION: NO REVIEW

Cashier Validation

VENABLE, BAETJER & HOWARD

OUR REF. NO.	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
	05/09/94	\$335.00				

25428:110605 - National Tire Warehouse/Joppa Road
Baltimore County, Maryland
Special Exception Petition and posting fee

455

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/neighboring 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:

- Posting fees will be assessed and paid to this office at the time of filing.
- 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.: 455
Petitioner: NAT'L TIRE Warehouse, Inc.
Location: 1909 E. Joppa Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: VENABLE, BAETJER & HOWARD ATTN: BARB ORMOED
ADDRESS: 210 ALLEGHENY AVE.
TOWSON, MD. 21204
PHONE NUMBER: 410-620-0

MUST BE SUPPLIED

TO: PUTNAM PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:
Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
410-620-0

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: 94-468-X (Item 455)
1909 East Joppa Road
S/S Joppa Road, 250 feet E of Littlewood Road
9th Election District - 6th Councilmanic
Legal Owner: The Essex Company
Contract Purchaser: National Tire Warehouse, Inc.
HEARING: WEDNESDAY, JUNE 29, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Exception for a service garage.

LAWRENCE E. SCHULDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

May 26, 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:

CASE NUMBER: 94-468-X (Item 455)
1909 East Joppa Road
S/S Joppa Road, 250 feet E of Littlewood Road
9th Election District - 6th Councilmanic
Legal Owner: The Essex Company
Contract Purchaser: National Tire Warehouse, Inc.
HEARING: WEDNESDAY, JUNE 29, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Exception for a service garage.

Arnold Jablon, Director

cc: The Essex Company
Robert A. Hoffman, Esquire
National Tire Warehouse, Inc.

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.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

June 17, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X, Item No. 455
Petition for Special Exception
Petitioner: The Essex Company

Dear Mr. Hoffman:

The above-referenced petition and accompanying plans were accepted for filing on May 10, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties, i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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.

- The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Robert A. Hoffman, Esquire
June 17, 1994
Page 2

- Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. There may be insufficient time, however, to correct the petition after the comments are made; and therefore, if the petition(s) was/were filed incorrectly, there is the possibility that another hearing would be required or that the zoning commissioner would deny the petition.
- Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR:cm
Enclosures

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500

DATE: 05/25/94

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 comments below are applicable and required to be corrected or incorporated into the final plans for the property.

S. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 444, 446, 455, AND 456.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERMAN D
Fire Marshal Office, PHONE 887-4861, RS-1100F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 6, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #455 - National Tire Warehouse
1909 East Joppa Road
Zoning Advisory Committee Meeting of May 31, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

If the service garage in question involves any operation that may create emissions, the State should be contacted at 631-3225 to determine if this operation requires a permit to construct. (For example: a paint spray booth or gasoline storage tanks.)

JLP:SR:sp
NATIONAL/DEPRM/TXTSBP

herein. Specifically, the proposed one-story building shall be redesigned in such a manner that all service bay doors face in a westerly direction, away from the Joppa Gospel Tabernacle Church. Furthermore, there shall be no openings on the wall facing the Church except for fire exit doors, which are required pursuant to the Baltimore County Code. In addition, the front face of the proposed building shall not be any closer to Joppa Road than the front face of the Joppa Gospel Tabernacle Church.

3) The Petitioner shall install a landscape buffer along the common boundary line between the subject property and the Joppa Gospel Tabernacle Church to mitigate any adverse visual effects the proposed building may have on the Church. A landscape plan taking into consideration these concerns shall be submitted for review and approval by Avery Harden, the Baltimore County Landscape Architect.

4) The hours of operation for the subject business shall be limited to Monday through Saturday, 7:00 AM to 8:00 PM, and Sunday from 12:00 PM to 5:00 PM. NTW shall be closed for business on Sunday mornings until 12:00 PM noon and Wednesday evenings after 8:00 PM during which times the Joppa Gospel Tabernacle Church may be holding services. In addition, there shall be no deliveries of parts or inventories on Sunday mornings or Wednesday evenings.

5) There shall be no outside storage of any tires or automotive parts or supplies on this site.

6) The special exception granted herein shall inure to the use and benefit of this Petitioner, NTW, only, and shall cease and terminate at such time as NTW no longer operates its business at this location. This special exception will not be transferable to any other party.

7) The special exception granted herein shall be limited to the normal business activities of NTW, which shall include the sale and installation of automobile tires and accessory wheel-related mechanical repairs. There shall be no body and/or fender work or engine repair work performed on the premises.

8) There shall be no outside paging system on the subject property.

9) The Petitioner shall take appropriate steps to insure that no noise generated from their business on this site shall exceed the maximum permitted levels by Baltimore County and the State of Maryland.

- 7 -

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

TMK:bjs

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

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 24, 1994

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1901 E. Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Hoffman:

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

Very truly yours,

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

TMK:bjs

cc: Messrs. Robin Read and James Griffin, and
Ms. Georgeanne Kost, 1911 E. Joppa Road, Parkville, Md. 21234

Mr. Wayne Skinner, TLRC
1813 Edgewood Road, Baltimore, Md. 21234

Ms. Donna Spicer, Cromwood, Coventry and Satyr Hill Comm. Assoc.
8719 Edgington Road, Baltimore, Md. 21234

People's Counsel; File

Printed with Synpress Ink
on Recycled Paper



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1909 East Joppa Road

which is presently zoned BL-CS2

This Petition shall be filed with the Office of Zoning Administration & Development Management (BL-CSA). The undersigned, legal owner(s) of the property, submit in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

a service garage pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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(s)
National Tire Warehouse, Inc.
(Type or Print Name)
By: *Brian Sexton*
Signature: *Brian Sexton*
Brian Sexton, Executive Vice-President
2359 Research Drive
Woodbridge, Virginia 22192-4607
Date: _____
Printed: _____

Legal Owner(s)
The Essex Company
(Type or Print Name)
By: *Michael Weinman*
Signature: *Michael Weinman*
Michael Weinman, Vice Chairman of the Board
(Type or Print Name)
Date: _____
Printed: _____

106 Old Court Rd., Suite 200
Pikesville, Maryland 21208
City: _____
State: _____
Name: Robert A. Hoffman, Esquire
Address: 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL: _____
REVIEWED BY: _____
DATE: _____

ORDER RECEIVED FOR FILING
Date: 5/20/94
By: *DRP OFF*
REVIEW
5/20/94
WCR



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1909 East Joppa Road

which is presently zoned BL-CS2 and BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. (BL-CSA). The undersigned, legal owner(s) of the property, submit in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

a service garage pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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(s)
National Tire Warehouse, Inc.
(Type or Print Name)
By: *Brian Sexton*
Signature: *Brian Sexton*
Brian Sexton, Executive Vice-President
2359 Research Drive
Woodbridge, Virginia 22192-4607
Date: _____
Printed: _____

Legal Owner(s)
The Essex Company
(Type or Print Name)
By: *Michael Weinman*
Signature: *Michael Weinman*
Michael Weinman, Vice Chairman of the Board
(Type or Print Name)
Date: _____
Printed: _____

106 Old Court Rd., Suite 200
Pikesville, Maryland 21208
City: _____
State: _____
Name: Robert A. Hoffman, Esquire
Address: 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL: _____
REVIEWED BY: _____
DATE: _____

DROP OFF
NO REVIEW
5/20/94 WCR
REVISED - NO REVIEW
5/23/94 WCR



Deft McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax: 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description
To Accompany Petition for Special Exception
1.085 Acre Parcel

The Essex Manufacturing Company

South Side of Joppa Road

West of Pershing Avenue

Ninth Election District, Baltimore County, Maryland

Beginning for the same on the southernmost side of Joppa Road (variable width) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Joppa Road with the centerline of Pershing Avenue (1) Northwesterly along said centerline of Joppa Road 307 feet, more or less, and thence (2) Southerly 35 feet, more or less, to the point of beginning, thence leaving said beginning point and binding on said road (1) Southeasterly by a line curving to the right, having a radius of 744.35 feet for a distance of 126.33 feet (the arc of said curve being subtended by a chord bearing South 87 degrees 07 minutes 21 seconds East 126.18 feet), thence leaving said road and running the three following courses and distances, viz: (2) South 16 degrees 37 minutes 27 seconds East 374.35 feet, (3) South 73 degrees 22 minutes 33 seconds West 118.94 feet, and thence (4) North 16 degrees 37 minutes 27 seconds West 416.47 feet to the place of beginning; containing 1.085 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE
Project No. 94034 (L94034)
March 17, 1994

Page 1 of 1



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland 94-468-X

District: 9th Date of Posting: 5/14/94
Posted for: Special Exception
Petitioner: The Essex Company - National Tire Warehouse, Inc.
Location of property: 1909 E. Joppa Rd., S/S
Location of Sign: Facing road on property being appealed
Remarks: *Michael Weinman*
Signed by: *Michael Weinman* Date of return: 6/10/94
Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland 94-468-X

District: 9th Date of Posting: 5/14/94
Posted for: Appeal
Petitioner: The Essex Company
Location of property: 1909 E. Joppa Rd., S/S
Location of Sign: Facing road on property being appealed
Remarks: *Michael Weinman*
Signed by: *Michael Weinman* Date of return: 6/10/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 3, 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 June 2, 1994.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50203

DATE 5/26/94 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

APPEAL - SIGN

2909 E. JOPPA ROAD - 94-468-X

01A01ND149N1CHRC \$35.00

VALIDATION BY SIGNATURE OF CLERK

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50204

DATE 5/26/94 ACCOUNT R-001-6150

AMOUNT \$250.00

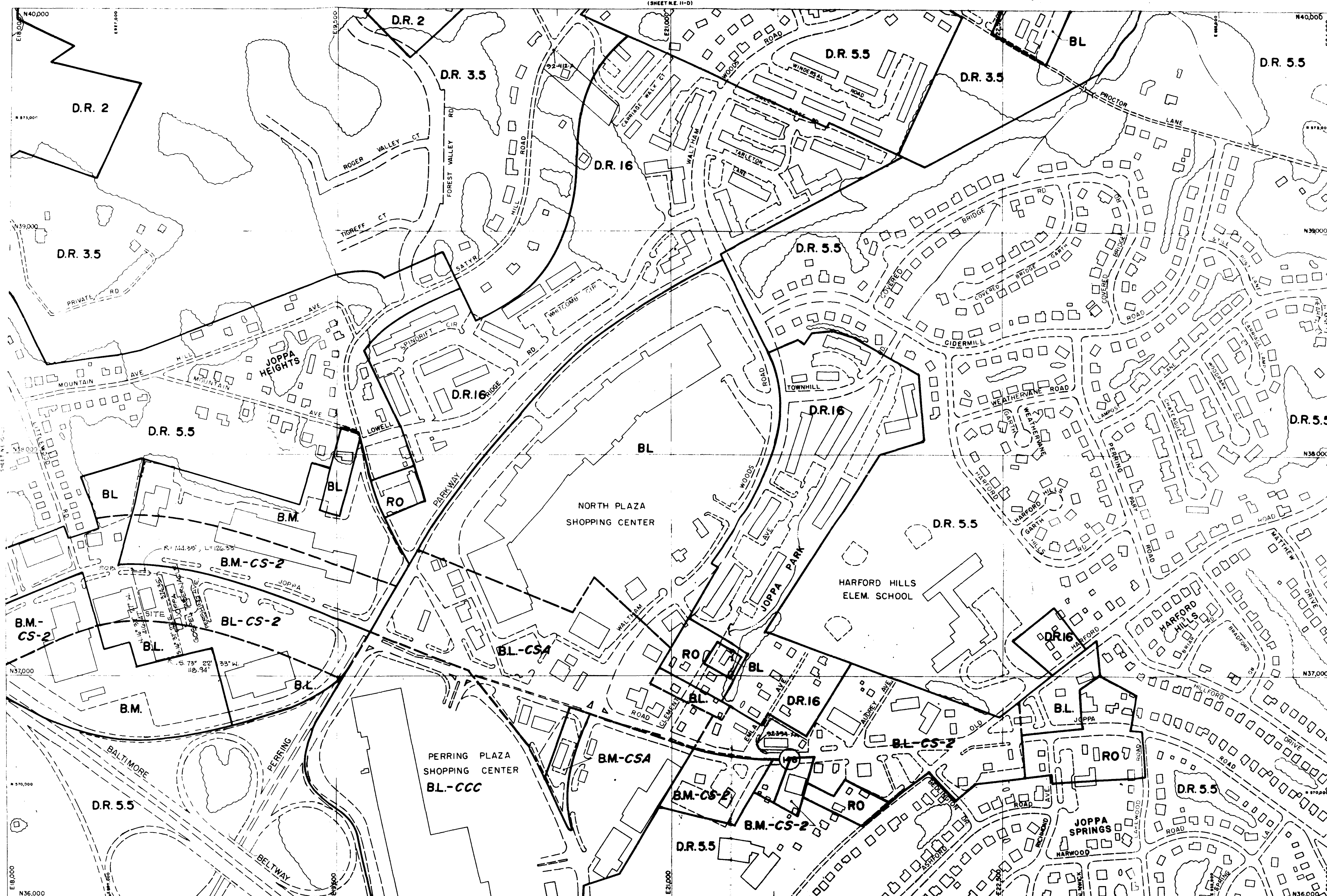
RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

APPEAL FOR SPECIAL EXCEPTION

1909 E. JOPPA ROAD - 94-468-X

01A01ND149N1CHRC \$250.00

VALIDATION BY SIGNATURE OF CLERK



N-NE
R-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Map Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02

William Howard
Chairman, County Council

SCALE

1" = 200'

DATE

OF

PHOTOGRAPHY

JANUARY

1986

LOCATION

CARNEY

SHEET

N.E.

10-D

Zoning Map to Accompany
NATIONAL TIRE
WAREHOUSE
Joppa Road Site

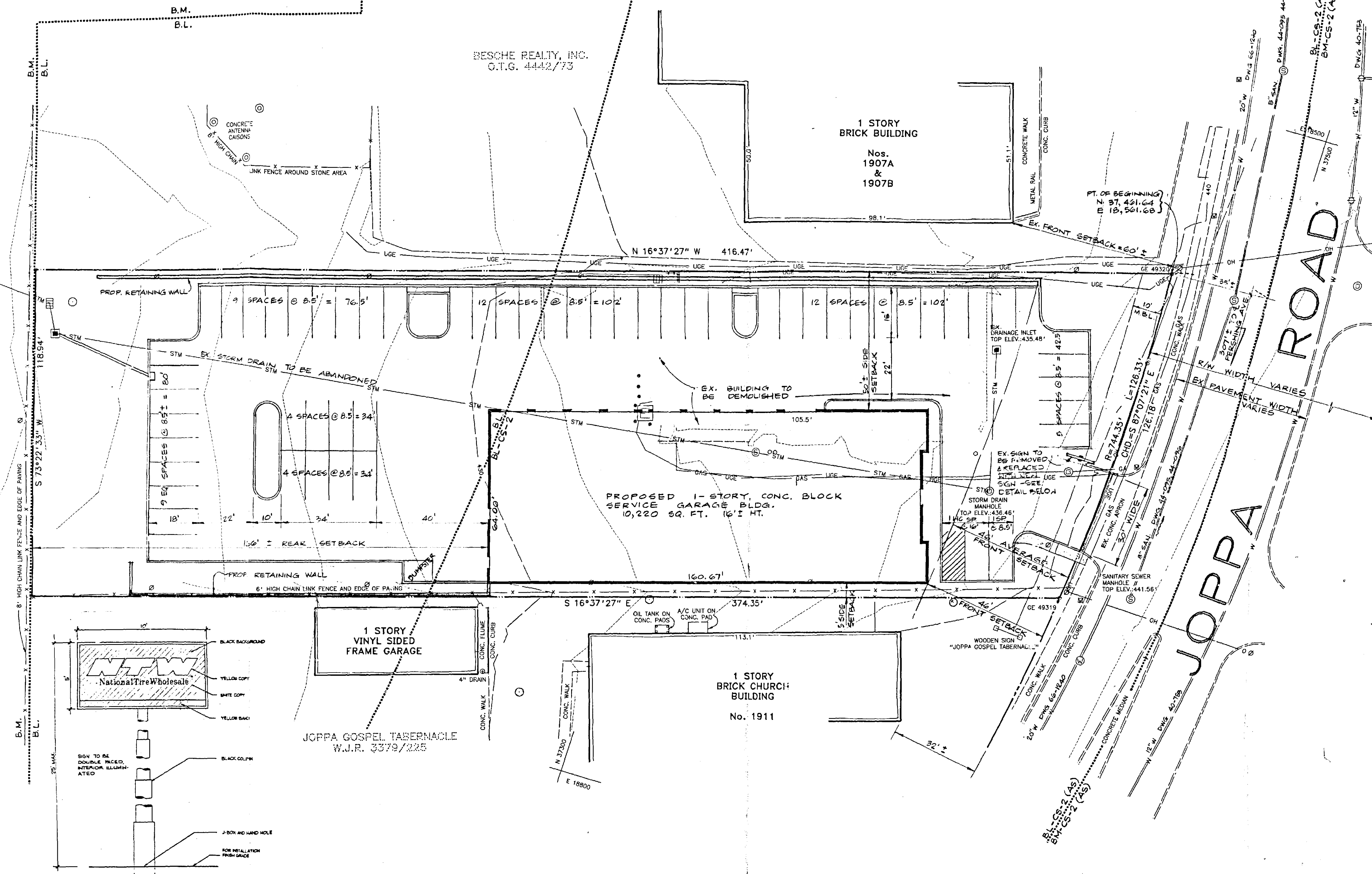
09 MAY 94

94034

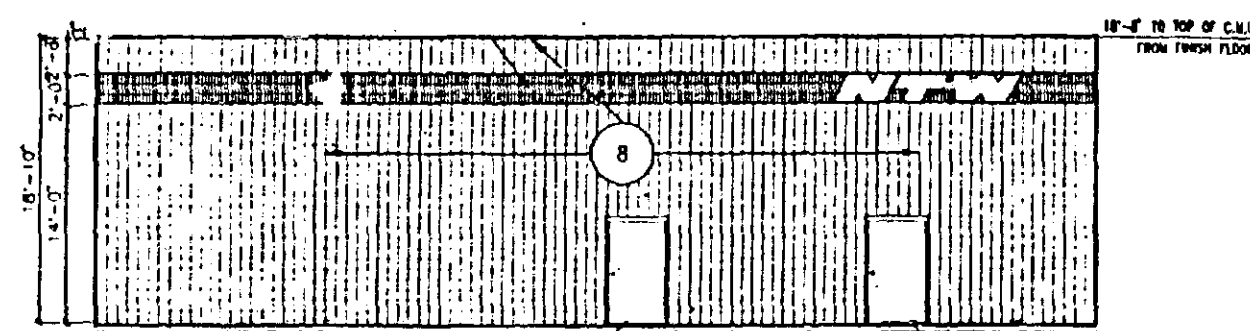
455

X-894-H6

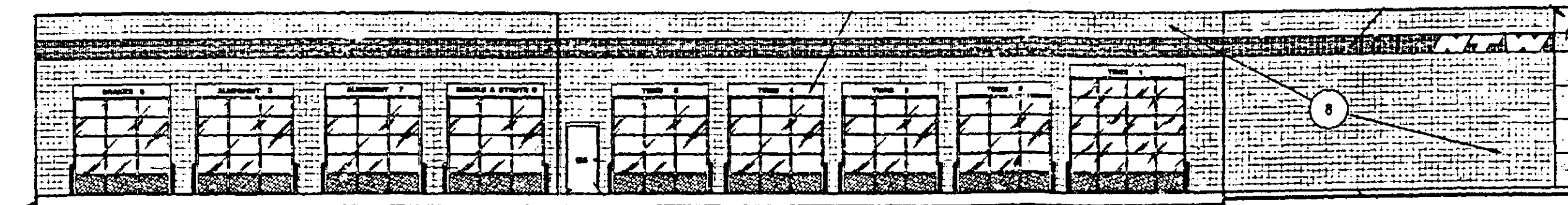
ROBERT G. DAVIDSON, JR.
E.H.K., Jr. 5392/922



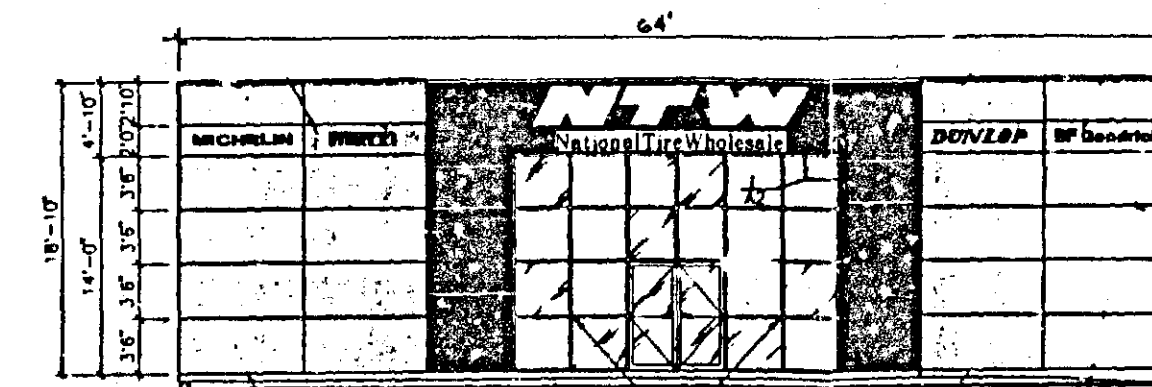
PROPOSED SIGN DETAIL
NTS.



Rear

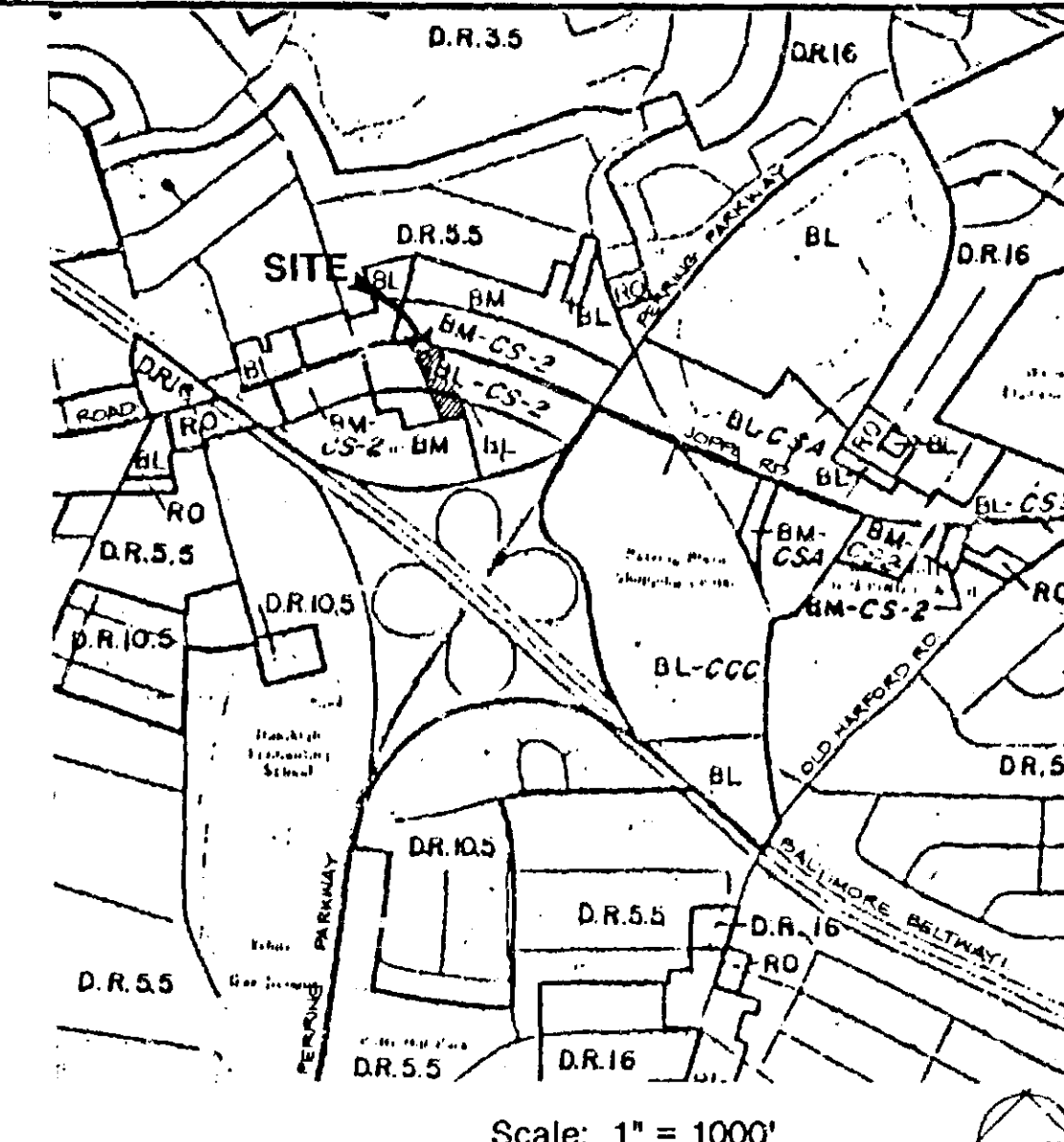


West Side



Front

PROPOSED BUILDING ELEVATIONS
NTS.



VICINITY MAP

- NOTES:
1. Current owner and street address: Essex Manufacturing Company, 311 Park Blvd., Nashville, TN 37217.
 2. Contract purchaser: National Tire Warehouse, 225 Research Drive, Woodbury, NJ 07095.
 3. Site Area and Zoning: Net Acreage: 0.58 AC ± RL CS-2 (AS); Net Total: 1.06 AC ±; Gross Acreage: 0.67 AC ± RL CS-2 (AS); Gross Total: 1.17 AC ± (including 20' of Joppa Rd right-of-way).
 4. Existing use: Vacant warehouse.
 5. Proposed use: Service garage, 10,220 sq ft.
 6. Site data: Street address: 1909 E. Joppa Road; Tax map 71, block 7, parcel 957; Deed reference: 5135651; Tax account: 091915159; Zoning: RL CS-2 (AS); County: Baltimore; Counciling District: 8; Census Tract: 4319.
 7. Floor Area Ratio: Allowed: 3.0 X 1.17 AC = 152,895 sq ft; Proposed: 10,220 sq ft. Service Garage (0.20 FAR).
 8. Parking: Required: 10,220 sq ft. Prop. Service Garage @ 331,000 = 34 spaces; Provided: 53 exterior spaces + 9 service bays. Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8' X 18'.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic areas or underground tanks on the property.
 11. There are no known streams, seeps or 100 year flood plains on the site.
 12. There shall be no outside storage of debris, or of debris vehicles on the site.
 13. Applicant has been made for a waiver from stormwater management for this development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.
- Requested Zoning Action:
Special exception pursuant to BCZR §220.13 to permit a service garage in a RL zone.

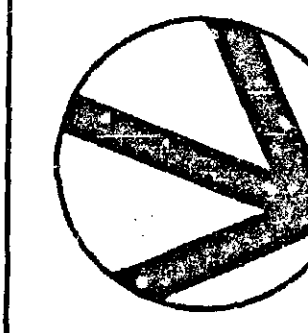
DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Towson, Maryland 21286
410.266.3333
Fax 296.4705

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
Revised pursuant to an Order dated 24 AUG 94 in Case # 94-468-X

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map NE 10-D
9th Election District Baltimore County Maryland



ISSUE DATES	
REVIEW:	03 MAY 94
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	cmh
DRAWN:	D.B.S.
DESIGNED:	
CHECKED BY:	R.G.M.
DATE CHECKED:	
SCALE:	1" = 20'
PROJECT NO.:	94034
DRAWING:	

DATE	BY	REVISIONS
19. SEP 94		PLP BLDG. TO EAST SIDE OF SITE PER ZONING ORDER
4. NOV 94	RDJ	MOVE EAST RETAINING WALL TO E

FILE: BASE D.L. <PLAT>

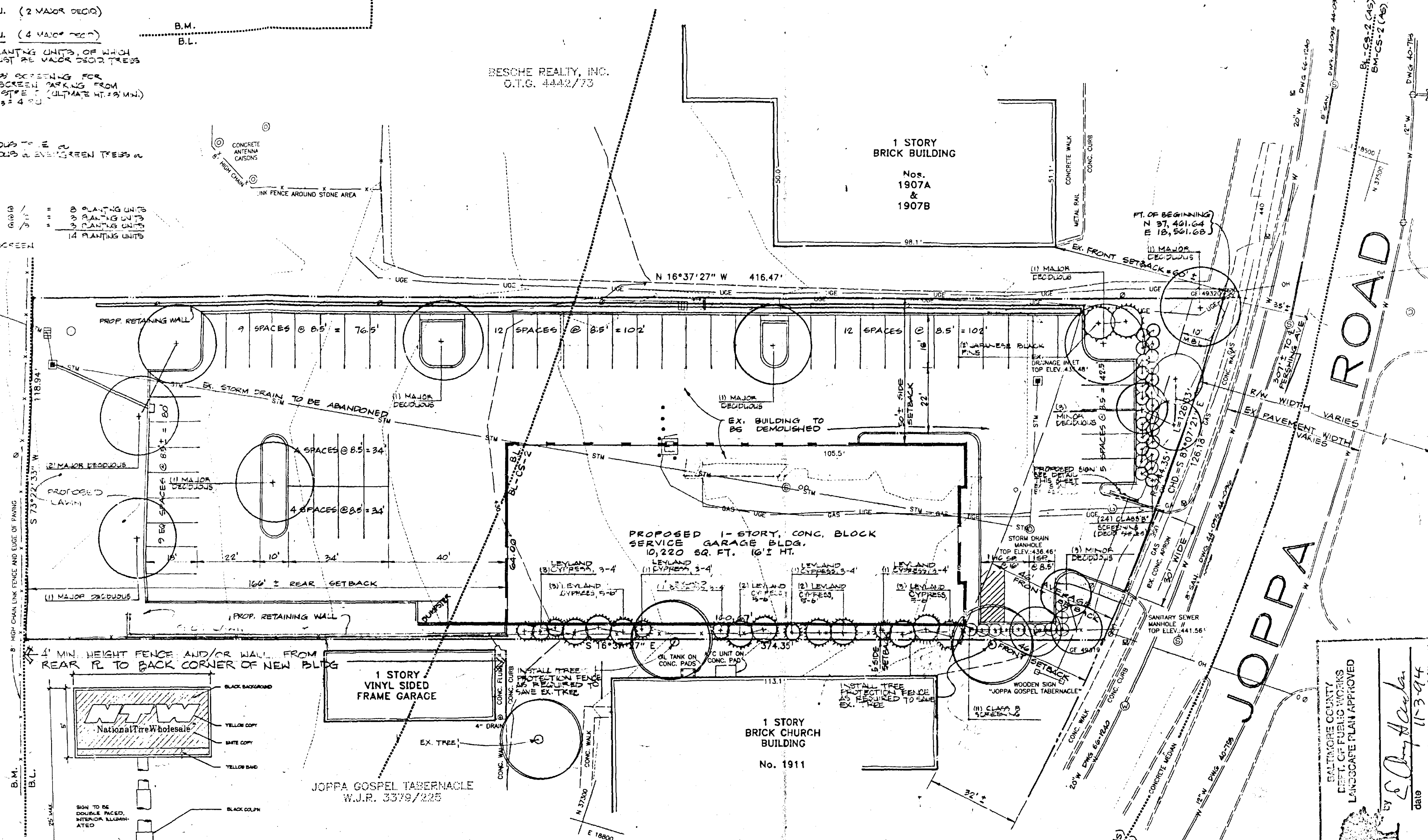
LANDSCAPE REQUIREMENTS

ADJACENT ROAD: 120' ± 1/2" = 4 R.U. (2 MAJOR DECID.)
 INTERIOR ROAD: 50' ± 1/2" = 3 R.U. (2 MAJOR DECID.)
 PARKING SPACES: 57.5' ± 1/2" = 3 R.U. (4 MAJOR DECID.)
 TOTAL: 12 PLANTING UNITS OF WHICH 3 MUST BE MAJOR DECID. TREES
 IN ADDITION: CLASS 'B' SCREENING FOR 30' ± SCREENING FROM PUBLIC STREET (ULTIMATE HT. 12' MIN.)
 CLASS 'B' = 4 R.U.

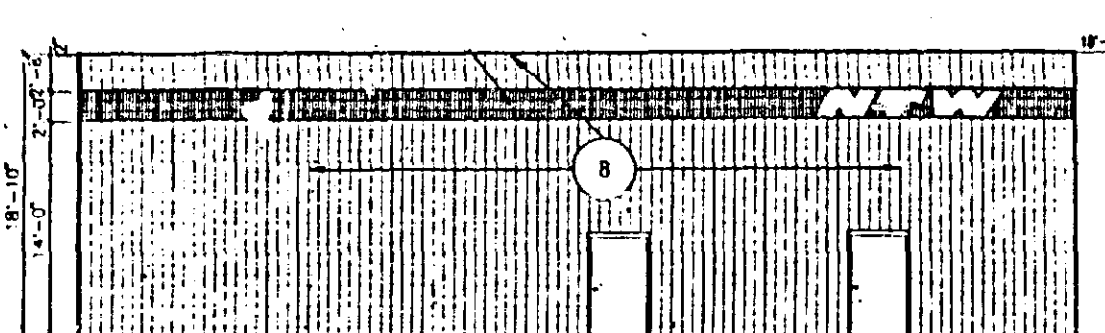
1 PLANTING UNIT =
 1 MAJOR DECID. TREE ± 10'
 2 MINOR DECID. TREES ± 5'
 3 SHRUBS ± 3'

8 MAJOR DECID. TREES ± 10' = 8 PLANTING UNITS
 6 MINOR DECID. TREES ± 5' = 6 PLANTING UNITS
 16 SHRUBS ± 3' = 16 PLANTING UNITS
 TOTAL: 30 PLANTING UNITS
 + CLASS 'B' PARKING SCREEN

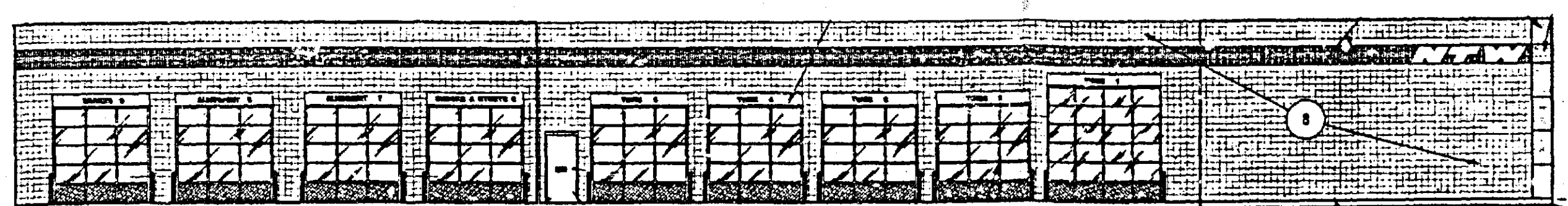
ROBERT G. DAVIDSON, JR.
 E.I.H.K., JR. 5392/922



NOTE: N.T.W. RECENTLY CHANGED ITS NAME FROM 'NATIONAL TIRE WHOLESALE' TO 'NATIONAL TIRE WAREHOUSE'. ALL PROPOSED SIGNS MUST DISPLAY THE NEW NAME.
PROPOSED SIGN DETAIL
 N.T.S.



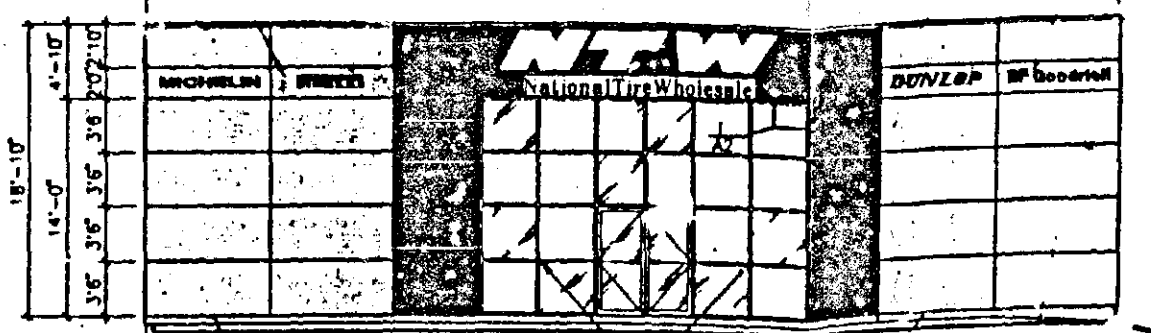
Rear



West Side

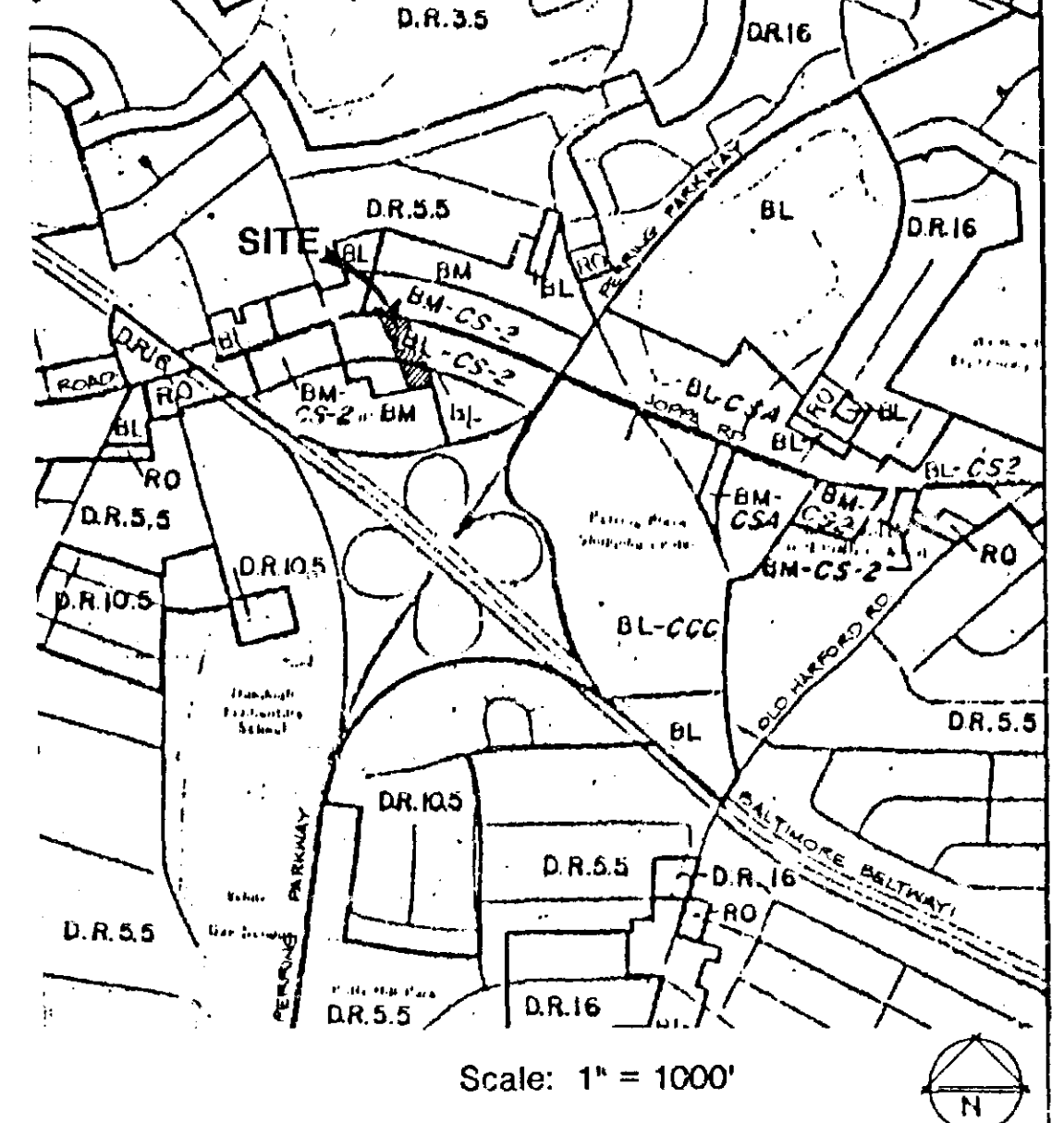
PROPOSED BUILDING ELEVATIONS

N.T.S.



Front

PRINTED
 NOV 03 1994
 DAFT-MCCUNE-WALKER, INC.



VICINITY MAP

- NOTES:
- Current owner and street address: East Manufacturing Company, 311 Park Park Blvd., Baltimore, MD 21207
 - Contract purchaser: National Tire Warehouse, 255 Research Dr., Wood-Ridge, NJ 07075 (703) 643-1700
 - Site Address and Zoning: 10220 E. Joppa Rd., Baltimore, MD 21226. Zoning: BL-CCS-2 (AS). Net Acreage: 3.08 ±. Gross Acreage: 0.67 ±. (BL-CCS-2 (AS) 1.17 ±. (including 30' of Joppa Rd. right-of-way))
 - Existing use: Vacant restaurant
 - Proposed use: Service garage, 10,220 ± s.f.
 - Site data: Street address: 10220 E. Joppa Rd. Tax map: 71, Block 7, Parcel 027. Deed reference: 5131527. Tax account no.: 0810715150. Zoning: BL-CCS-2 (AS). Elected District: 3. Councilmanic District: 8. Census Tract: 49.9
 - Floor Area Ratio: Allowed: 3.0 X 1.17 AC. = 3.51 ±. Proposed: 10,220 s.f. Service Garage (10.20 FAR)
 - Parking: Required: 10,220 s.f. Prop. Service Garage @ 3.3/1000 = 34 spaces. Provided: 52 exterior spaces + 9 service bays = 61 spaces. Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8' x 16'.
 - No portion of the site is located within the Chesapeake Bay Critical Area.
 - There are no known wells, septic areas or underground lakes on the property.
 - There are no known streams, seeps or 100 year flood plains on the site.
 - There shall be no outside storage of damaged or disabled vehicles on the site.
 - Application has been made for a water from sewerage management for the development.
 - Landscape plan will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

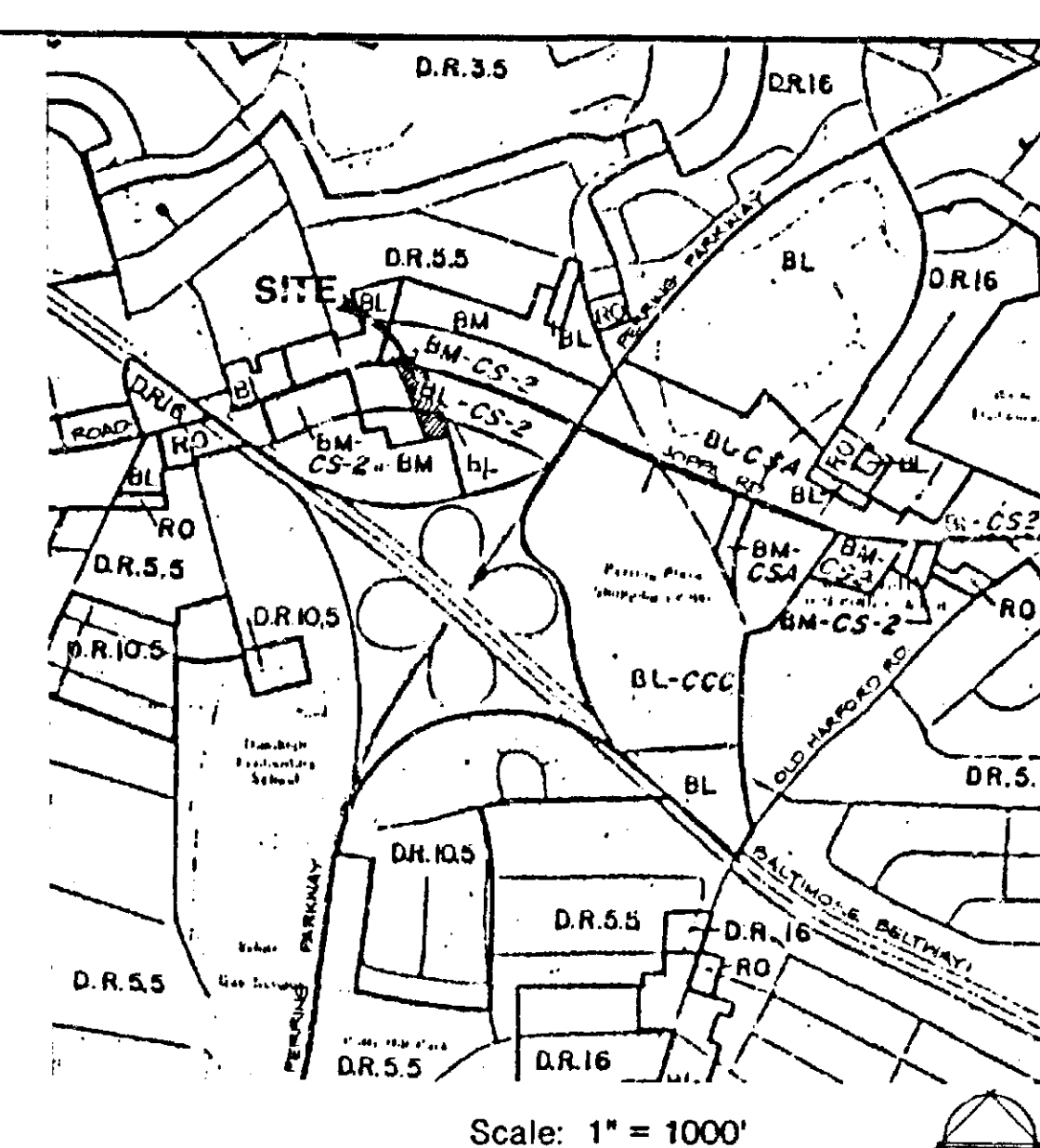
Requested Zoning Action: Special exception pursuant to BCZC §20.13 to permit a service garage in a BL zone.

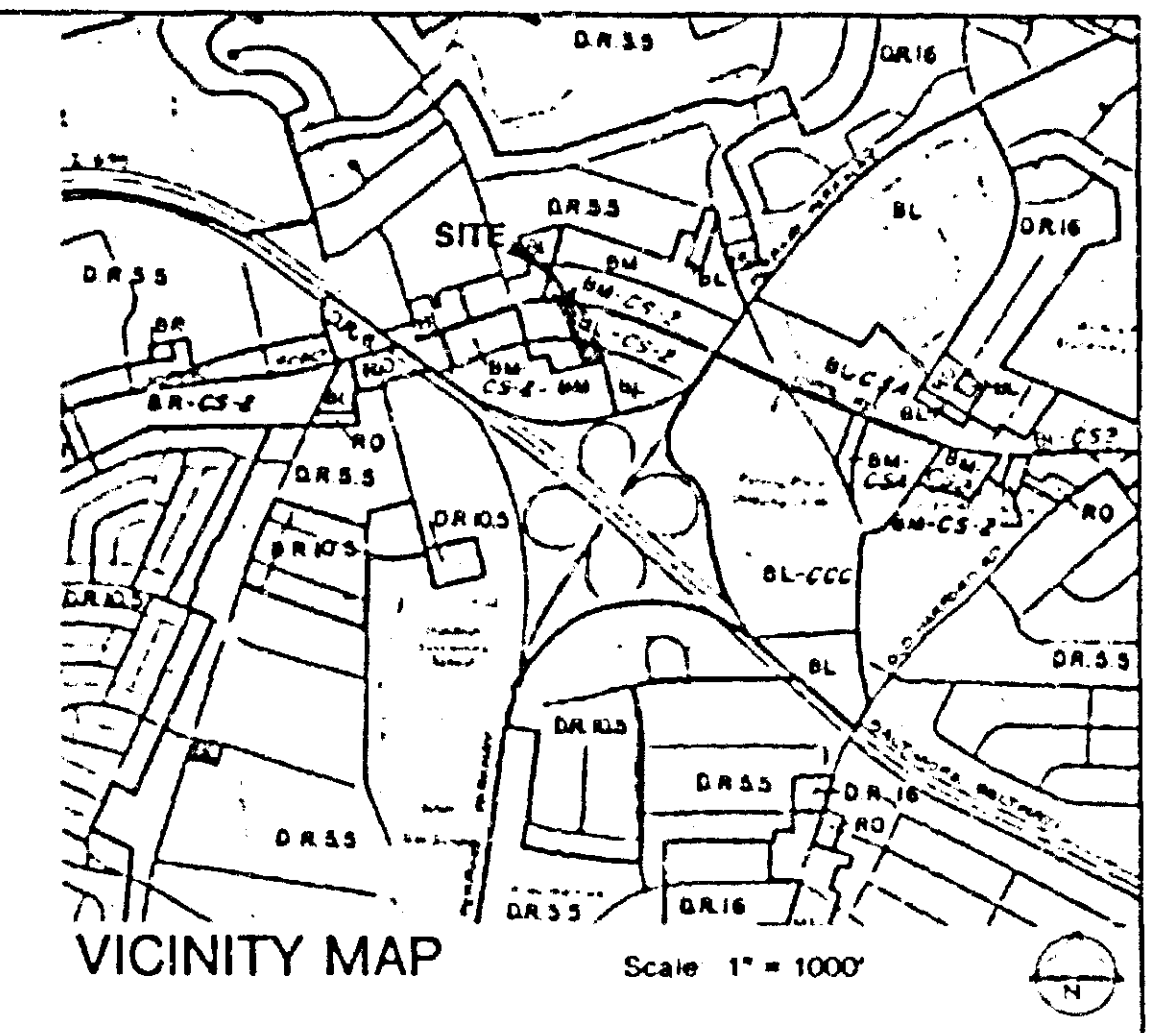
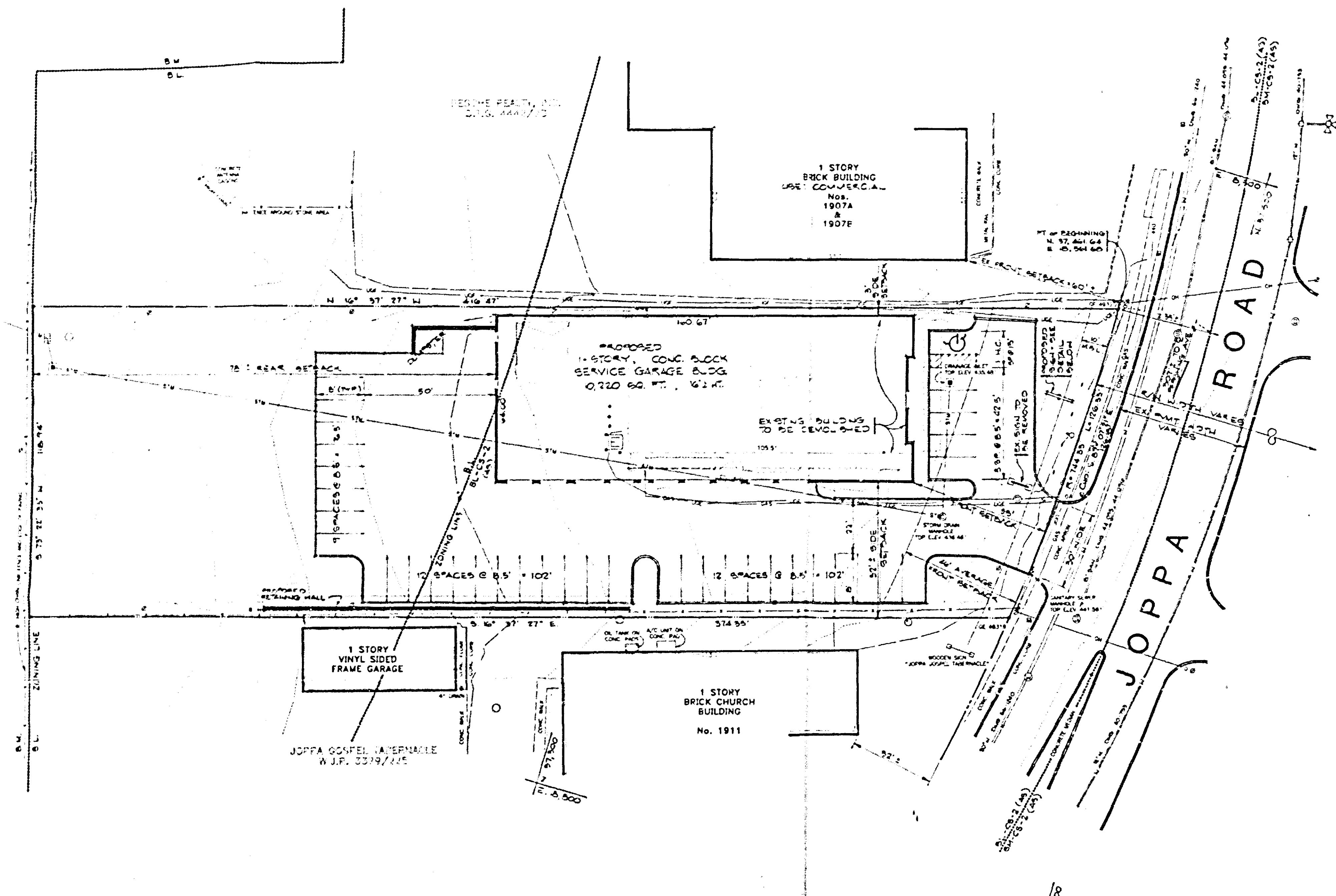
DMW
 Daft · McCune · Walker, Inc.
 A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
 200 East Pennsylvania Avenue
 Towson, Maryland 21206
 410 296 3333
 Fax 296 4705

SCHEMATIC LANDSCAPE PLAN
 CASE #94-468-X
NATIONAL TIRE WAREHOUSE
 1909 E. Joppa Rd. Parkville, MD 21234
 Zoning Map NE 10-D
 9th Election District Baltimore County Maryland

DATE		BY	REVISIONS
10-SEP-94			PLP BLDG. TO EAST SIDE OF SITE FOR ZONING ORDER

FR: BASE DL: PLAT

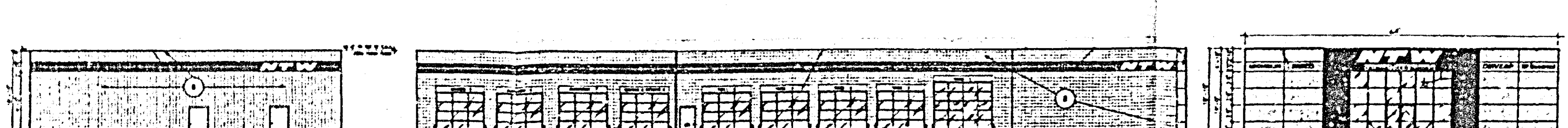




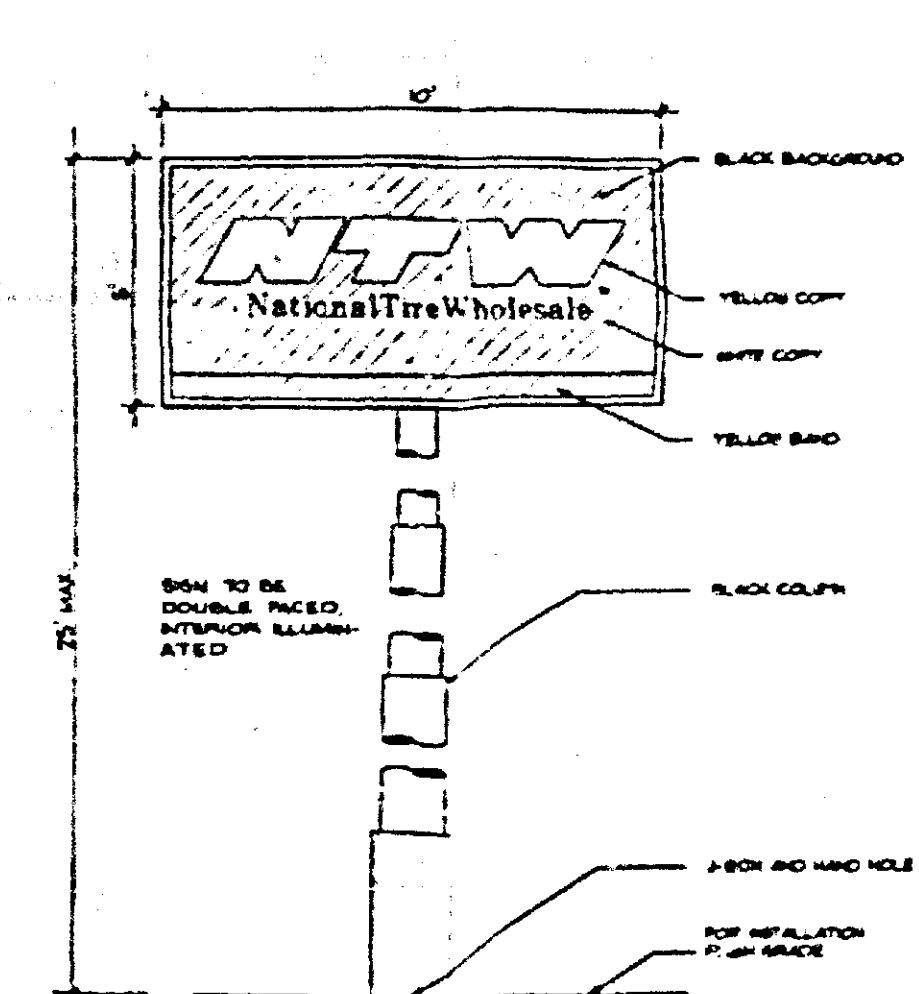
- NOTES**
1. Current owner and street address: Essex Manufacturing Company, 311 Plus Park Blvd, Nashville, TN 37217
 2. Contract purchaser: National Tire Warehouse, 2550 Research Drive, Woodbridge, VA 22192 (703) 543-1700
 3. Site Acreage and Zoning:
 - Net Acreage = 0.58 Ac. ± BL CS 2 (AS)
 - Net Total = 1.08 Ac. ±
 - Gross Acreage = 0.87 Ac. ± BL CS 2 (AS)
 - Gross Total = 2.50 Ac. ±
 - 1.17 Ac. ± (including 30' of Joppa Rd. R/W to west)
 4. Existing use: Vacant lot
 5. Proposed use: Service garage 10,220 sq ft
 6. Site data:
 - Street address: 1909 E. Joppa Road
 - Tax map 71, Block 7, Parcel 91
 - Deed reference: 5131 587
 - Tax account no.: 081915150
 - Zoning: BL-CS-2, BL
 - Election District: 9
 - County: District: 5
 - Census Tract: 4919
 7. Floor Area Ratio:
 - Allowed: 3.0 x 1.17 Ac. = 152,895 sq ft
 - Proposed: 10,220 sq ft Service Garage (0.20 FAR)
 8. Planning:
 - Required: 10,220 sq ft Prop. Service Garage @ 3.5:1000 = 34 spaces
 - Provided: 30 existing spaces + 8 service bays
 - Planning will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8' x 16'.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic areas or underground tanks on the property.
 11. There are no known streams, seeps or 100-year flood plains on the site.
 12. There shall be no outside storage of damaged or disabled vehicles on this site.
 13. Application has been made for a sewer from stormwater management for this development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

Requested Zoning Action:
Special exception pursuant to BCCR §230.13 to permit a service garage in a BL zone.

PRINTED
MAY 19 1994
DAFT-MCCUNE-WALKER, INC.



PROPOSED BUILDING ELEVATIONS
NTS



PROPOSED SIGN DETAIL
NTS

IDMW
Daft · McCune · Walker, Inc.

A Team of Land Planners, Landscape Architects, Engineers, Surveyors, Environmental Professionals

201 East Pennsylvania Avenue
Towson, Maryland 21204
Tel: 410-281-1111 Fax: 410-281-1105

Site Plan to Accompany
Petition for Special Exception

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map: NE 10-D
9th Election District Baltimore County Maryland

ISSUE DATES: MAY 19 1994

REVISED: 5/23/94

DATE BY: 5/23/94

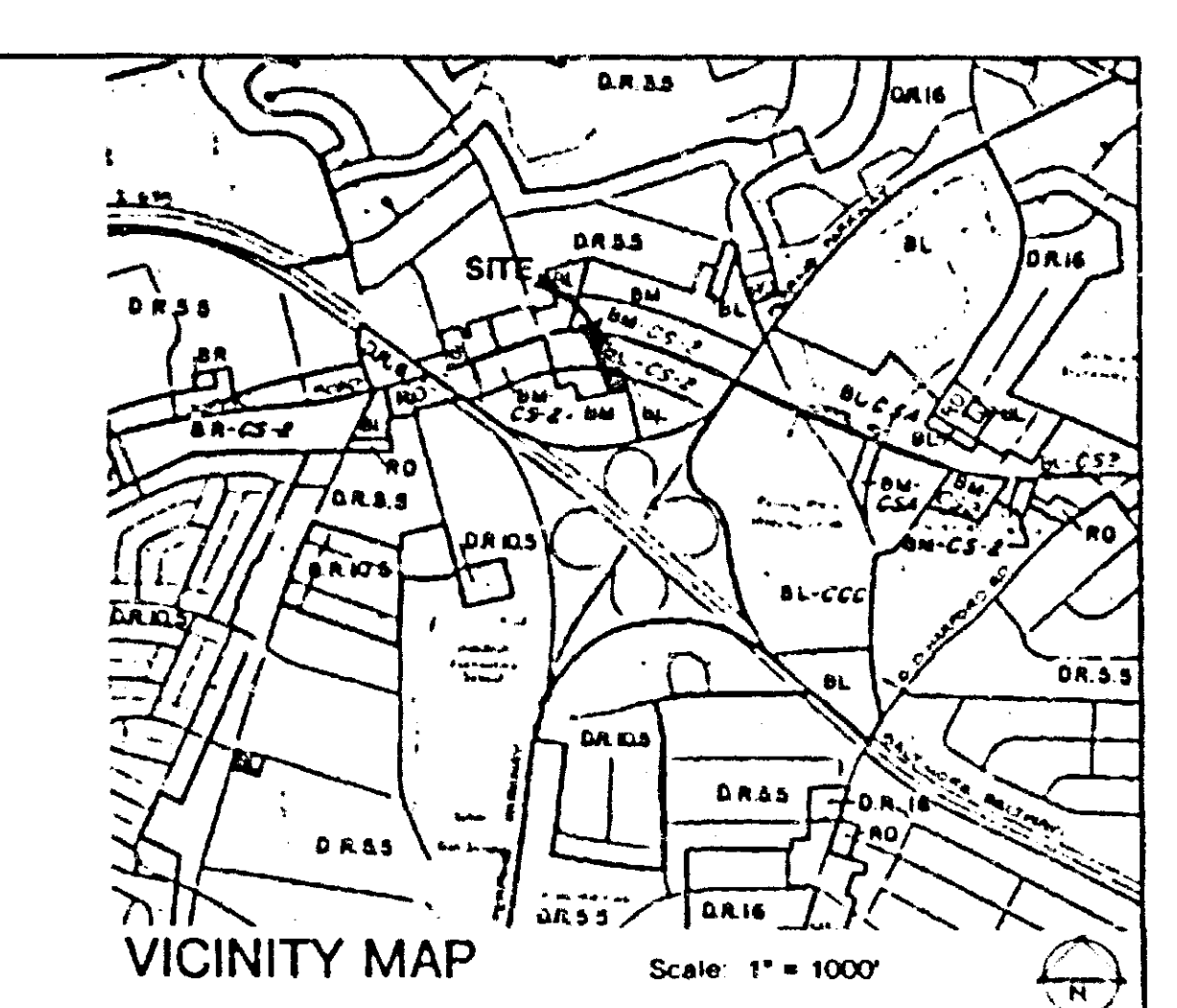
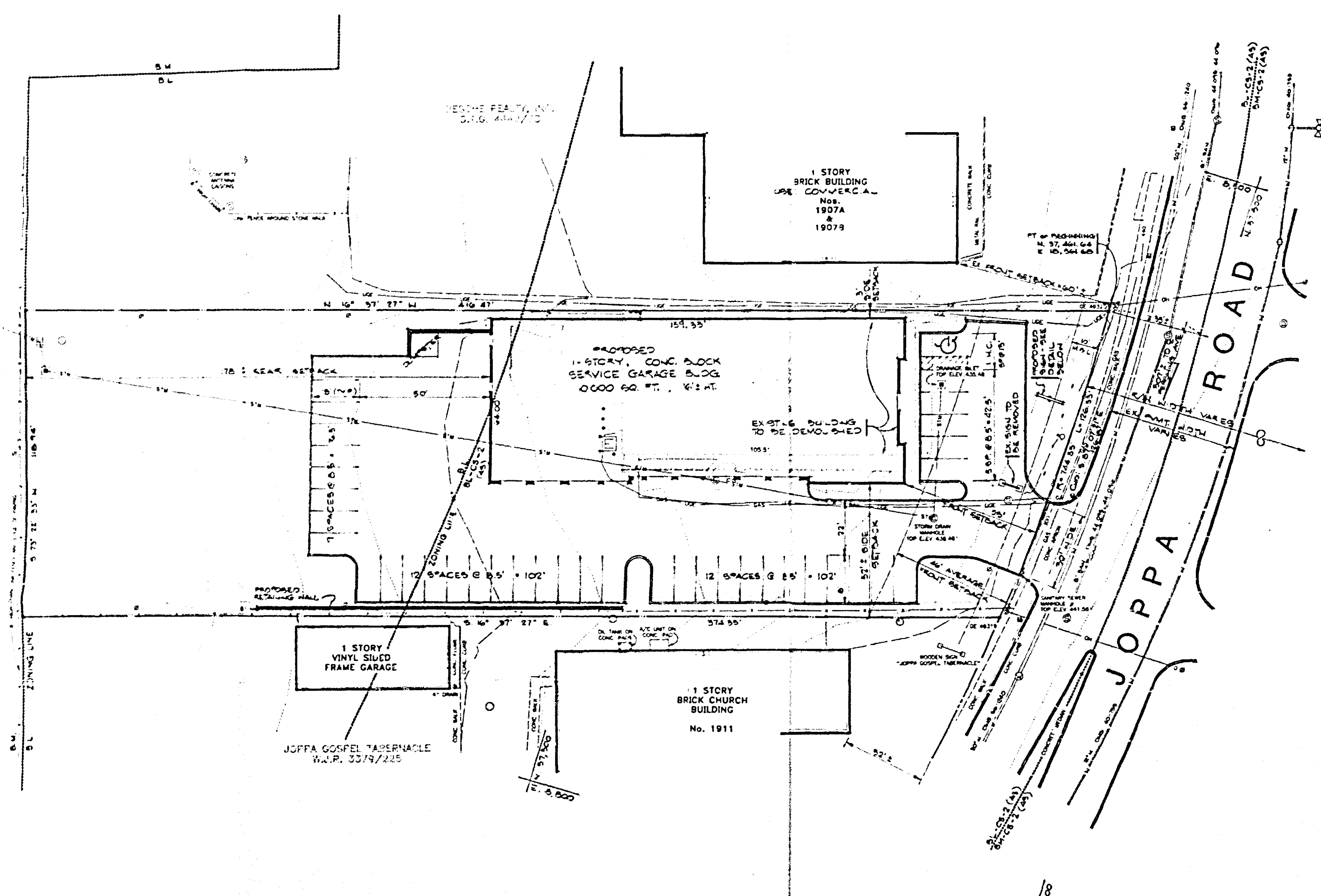
REVISIONS: 1. 5/23/94

DATE CHECKED: 5/23/94

SCALE: 1" = 20'

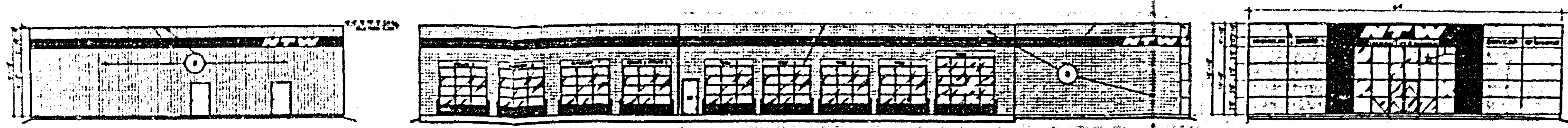
PROJECT NO.: 84034

DRAWING: 1 OF 1

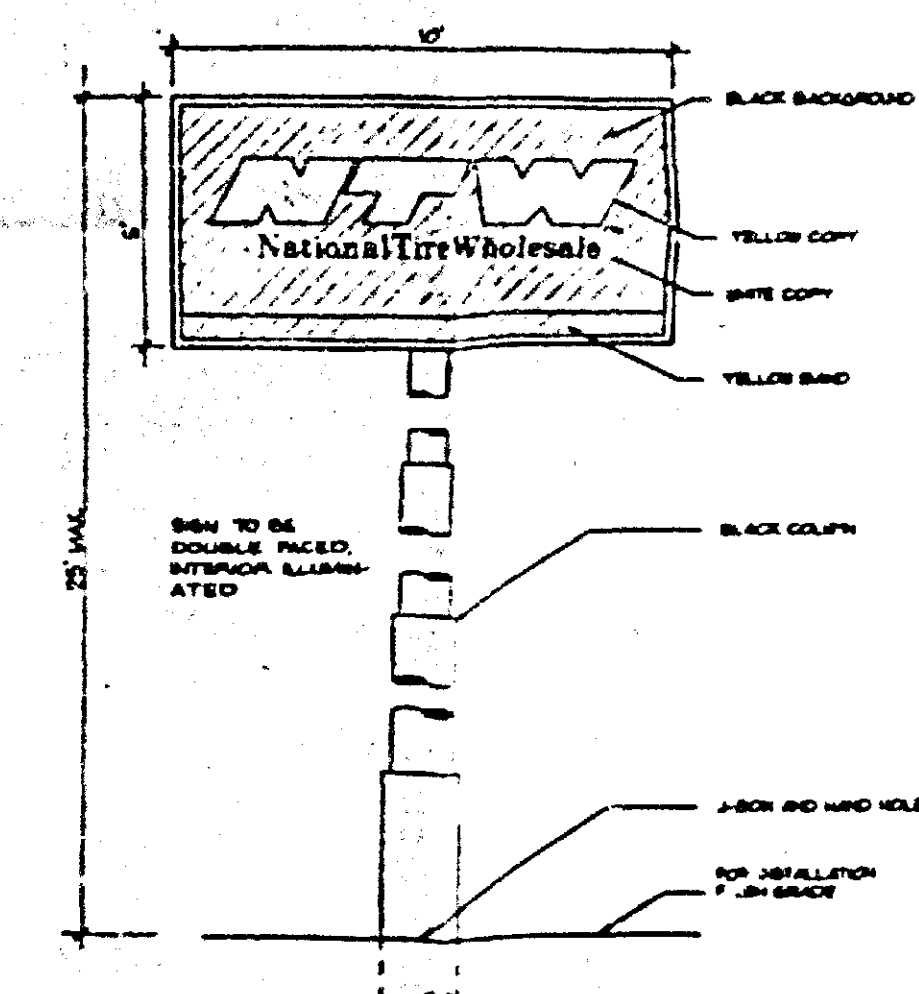


- NOTES:**
1. Current owner and street address:
Essex Manufacturing Company
311 Plus Park Blvd
Nashville, TN 37217
 2. Contract purchaser:
National Tire Warehouse
2204 Research Drive
Woodbridge, VA 22192
(703) 543-1700
 3. See Acreage and Zoning:
Net Acreage = 0.54 Ac ± BL CS-2 (AS)
Net Total = 1.08 Ac ±
Gross Acreage = 0.87 Ac ± BL CS-2 (AS)
Gross Total = 1.17 Ac ± (including 30' of Joppa Rd. right-of-way)
 4. Existing use:
Vacant restaurant
 5. Proposed use:
Service garage, 10,000 ± ft.
 6. Site data:
Street address: 1909 E. Joppa Road
Tax map: 71, parcel 7, parcel 837
Deed reference: 5131-567
Tax account no.: 0818151510
Zoning: BL CS-2, BL
Election District: 9
Councilman District: 8
Census Tract: 4219
 7. Floor Area Ratio:
Allowed: 3.0 X 1.17 Ac = 152,895 ± ft.
Proposed: 10,000 ± ft. Service Garage (10.20 FAR)
 8. Parking:
Required: 10,000 ± ft. Prop. Service Garage @ 3.3/1000 = 33 spaces
Provided: 38 exterior spaces + 3 service bays = 41 spaces
Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8.5' X 18'.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic lines or underground tanks on the property.
 11. There are no known streams, ponds or 100-year flood plains on the site.
 12. There shall be no outside storage of damaged or disabled vehicles on the site.
 13. Application has been made for a waiver from stormwater management for the development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

Requested Zoning Action:
Special exception pursuant to BCZD §20-13 to permit a service garage in a 2b zone.



PROPOSED BUILDING ELEVATIONS
N.T.S.



PROPOSED SIGN DETAIL
N.T.S.

94-468-X-895-46

DMW
Daft · McCune · Walker, Inc.

A Team of Land Planners,
Urban Designers,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Columbia, Maryland 21046
410 268 1533
Fax 268 4700

Site Plan to Accompany
Petition for Special Exception

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map: NE 10-D
9th Election District: Baltimore County Maryland

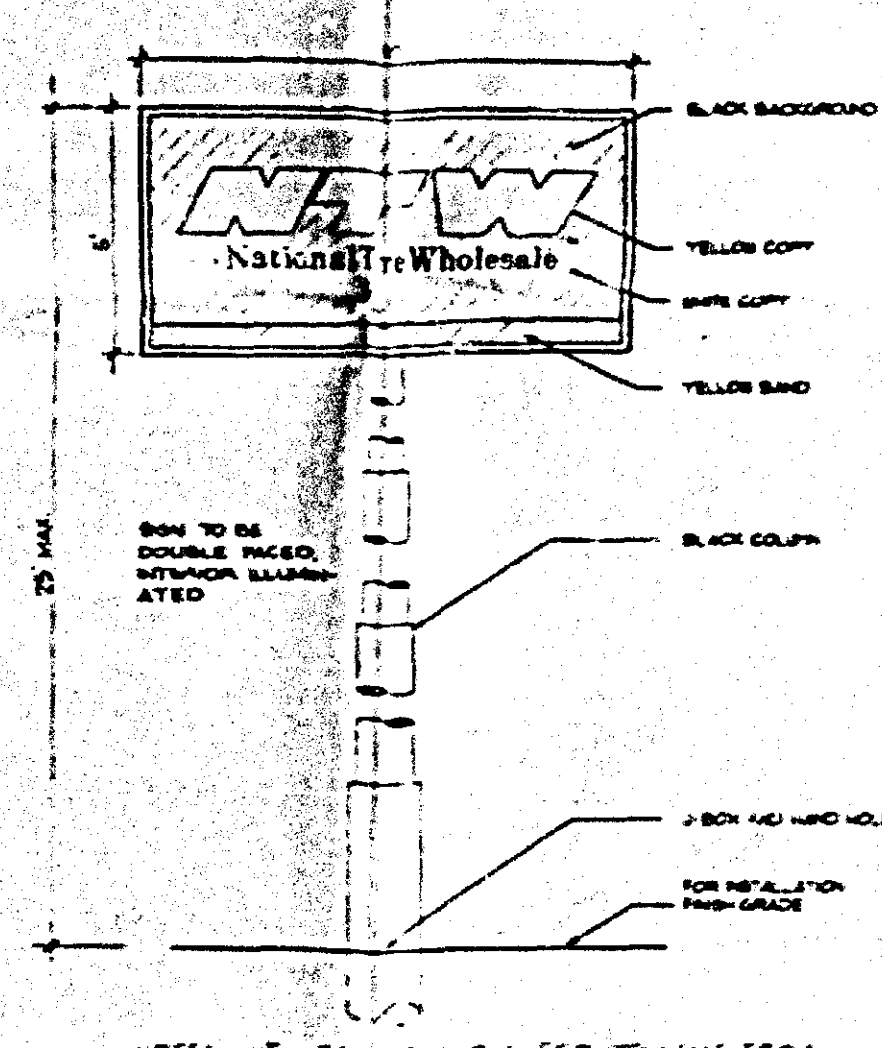
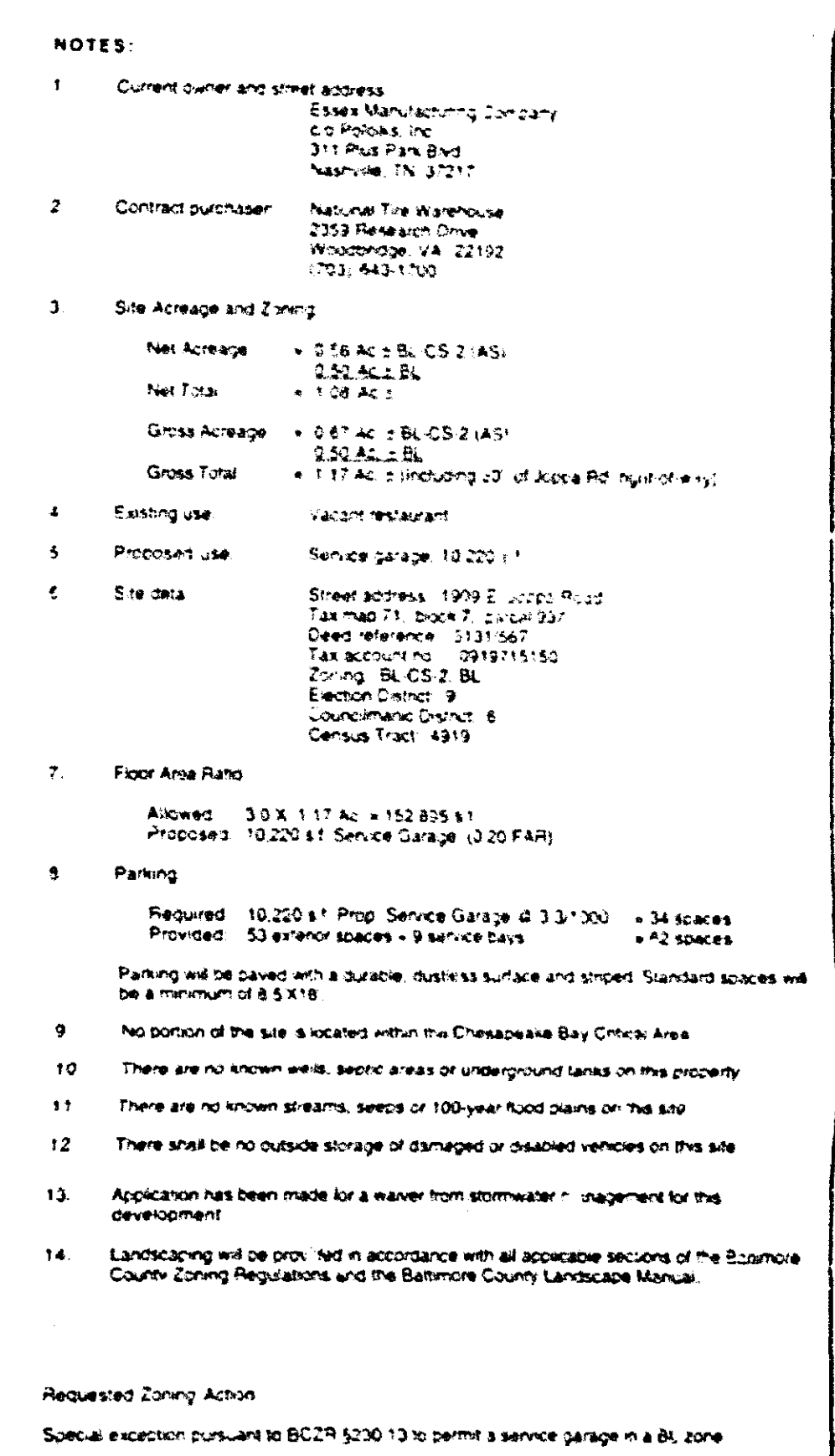
ISSUE DATES: 09 MAY 94

DATE BY: [Signature]
REVISIONS: [Signature]
DATE CHECKED: [Signature]
PROJECT NO.: 84034

1 OF 1

VICINITY MAP

Scale 1" = 1000'



DMW
Daff • McCune • Walker, Inc.

*A Team of Architects,
Engineers, Surveyors &
Environmental Planners*

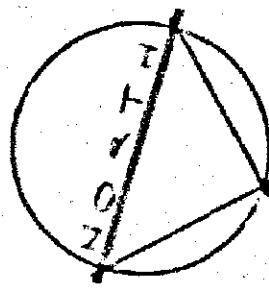
300 East Pennsylvania Avenue
Canton, Maryland 21786
410-268-1513
Fax 268-4705

Site Plan to Company
Petition for Special Exception

NATIONAL TIRE WAREHOUSE

1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map NE 10 D
9th Election District Baltimore County Maryland



DATE BY	REVISIONS
1-14-80	1. PREPARED BY J. M. WALKER
2-14-80	2. REVISED BY J. M. WALKER
3-14-80	3. REVISED BY J. M. WALKER
4-14-80	4. REVISED BY J. M. WALKER
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9-14-80	9. REVISED BY J. M. WALKER
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12-14-88	108. REVISED BY J. M. WALKER
1-14-89	109. REVISED BY J. M. WALKER
2-14-89	110. REVISED BY J. M. WALKER
3-14-89	111



June 28, 1994

Tri-Tek Engineering
Mr. Ted Britt
Suite 300
690 Center Street
Hemdon, Virginia 22072-5003

PETITIONER'S EXHIBIT 2

Re: NTW Site - Joppa Road
Special Exception
Baltimore County, Maryland
Our Job No.: 940608

Dear Mr. Britt:

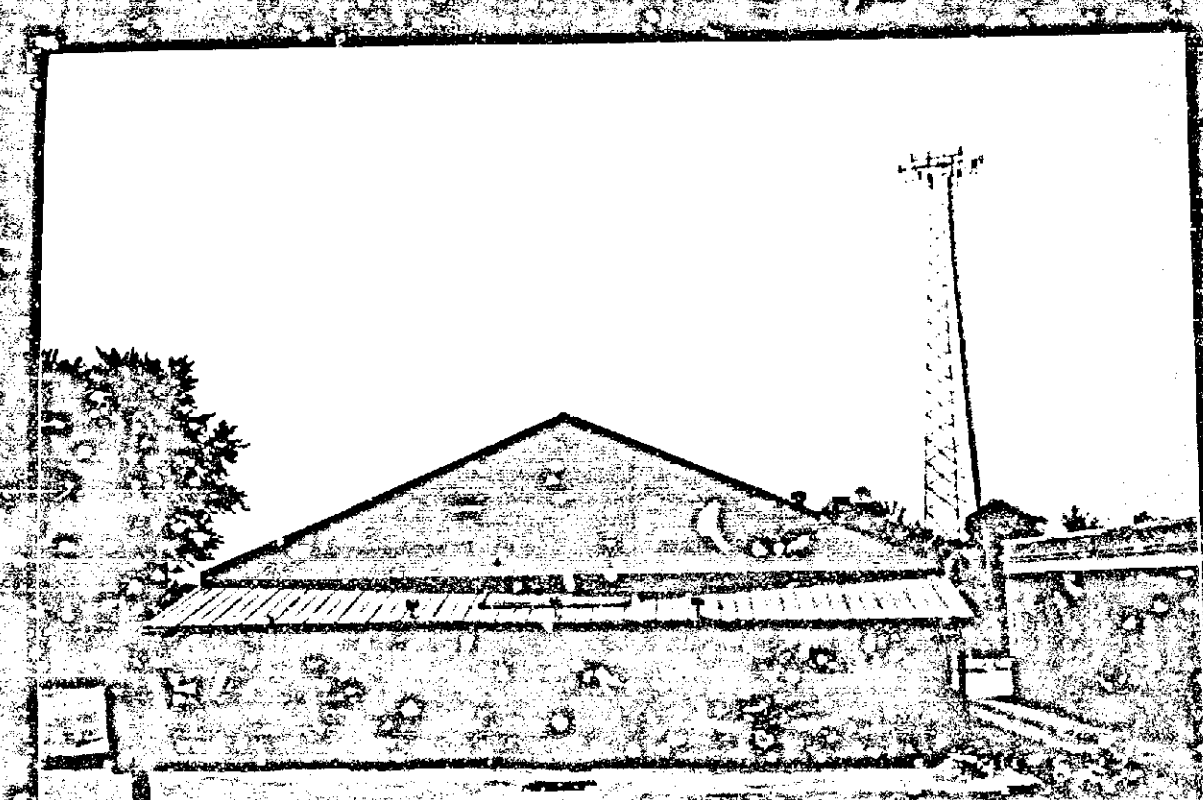
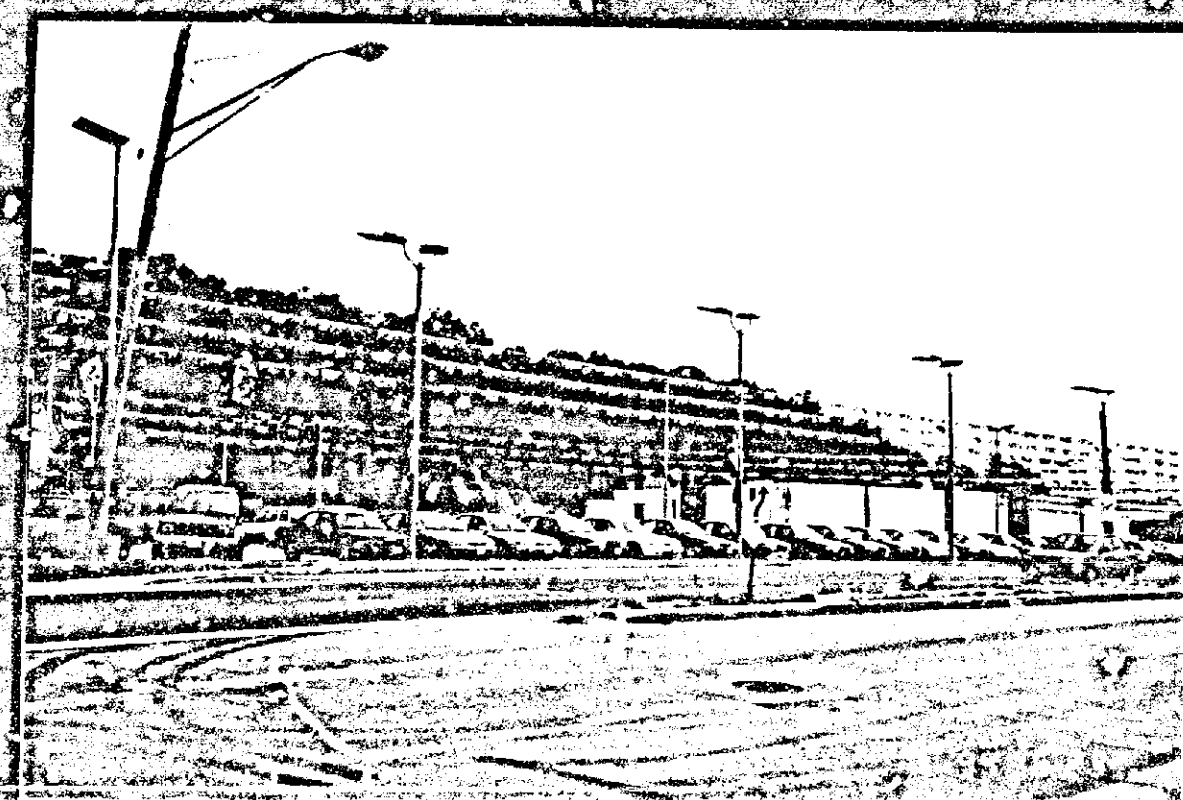
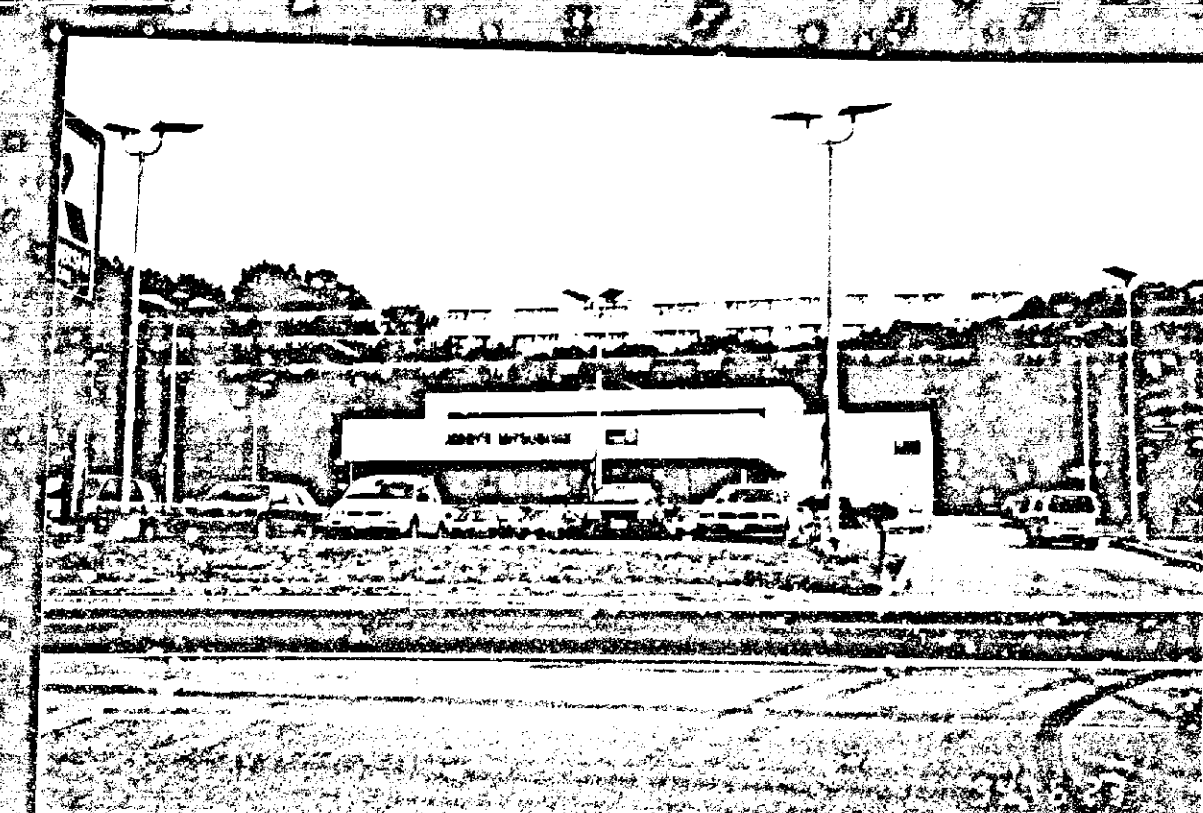
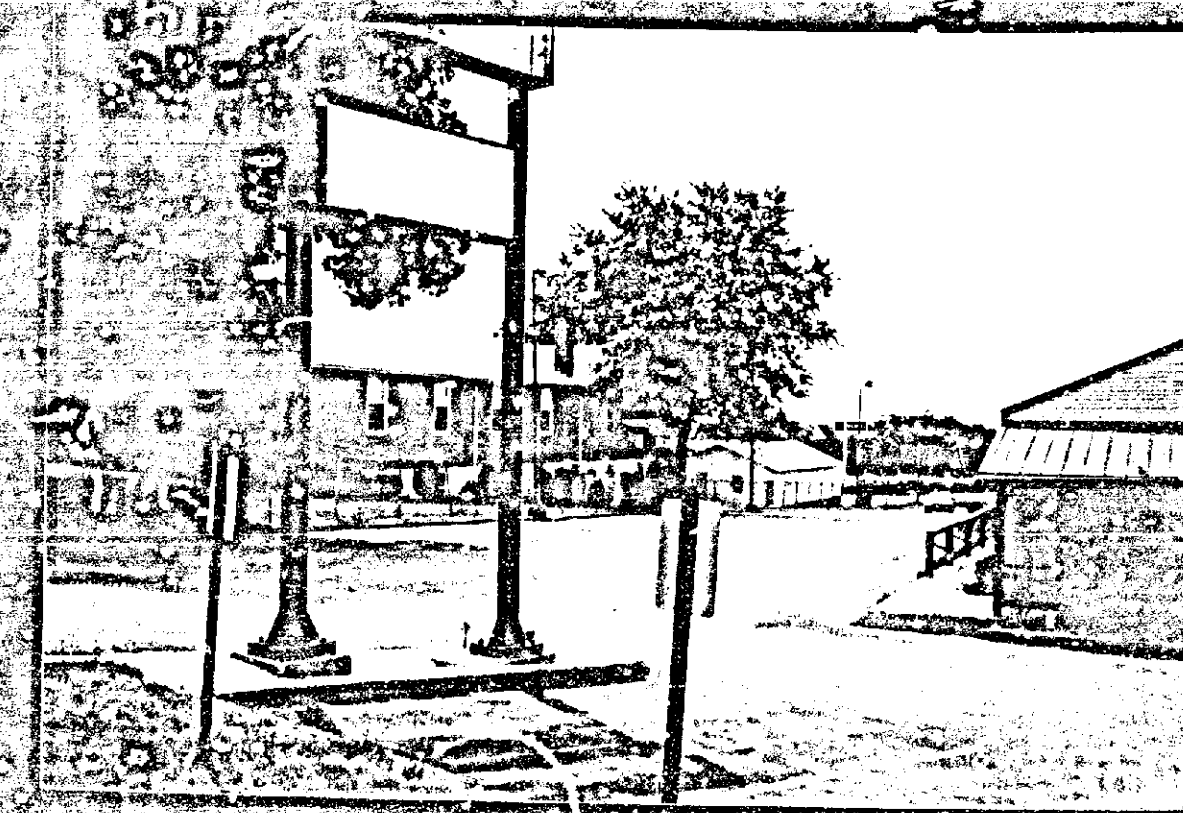
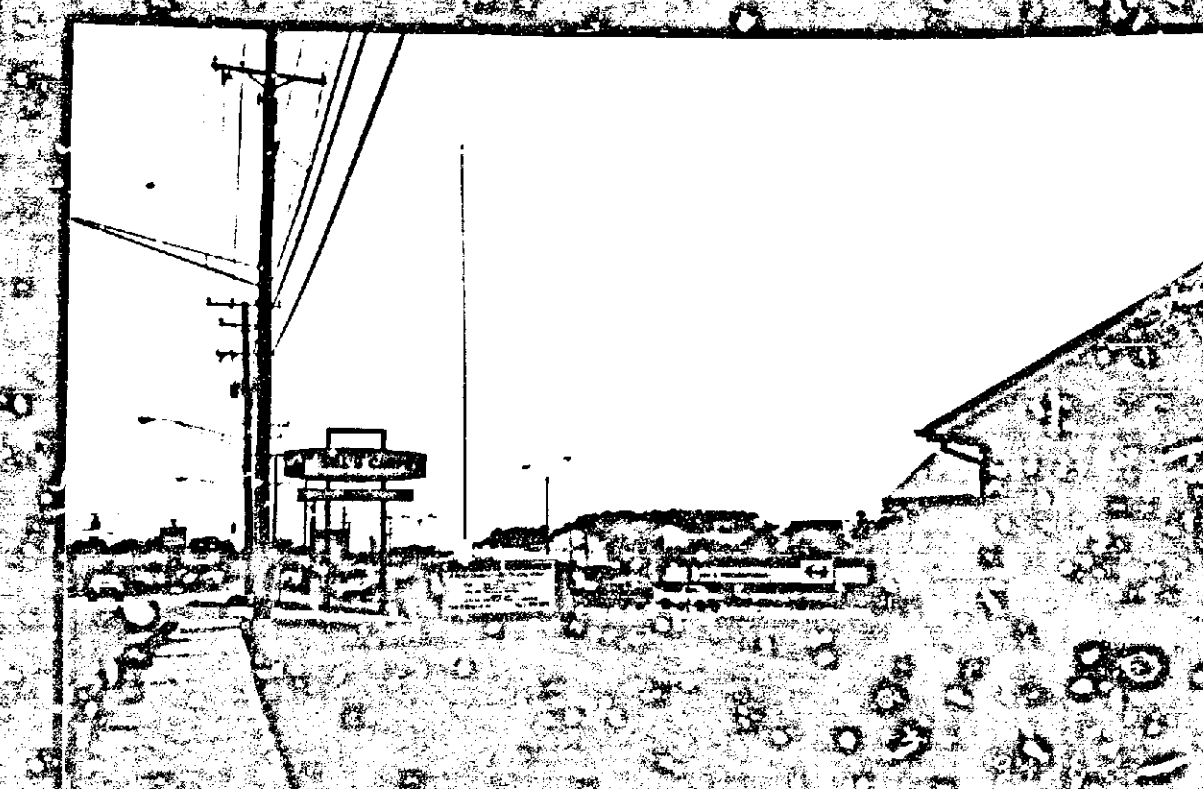
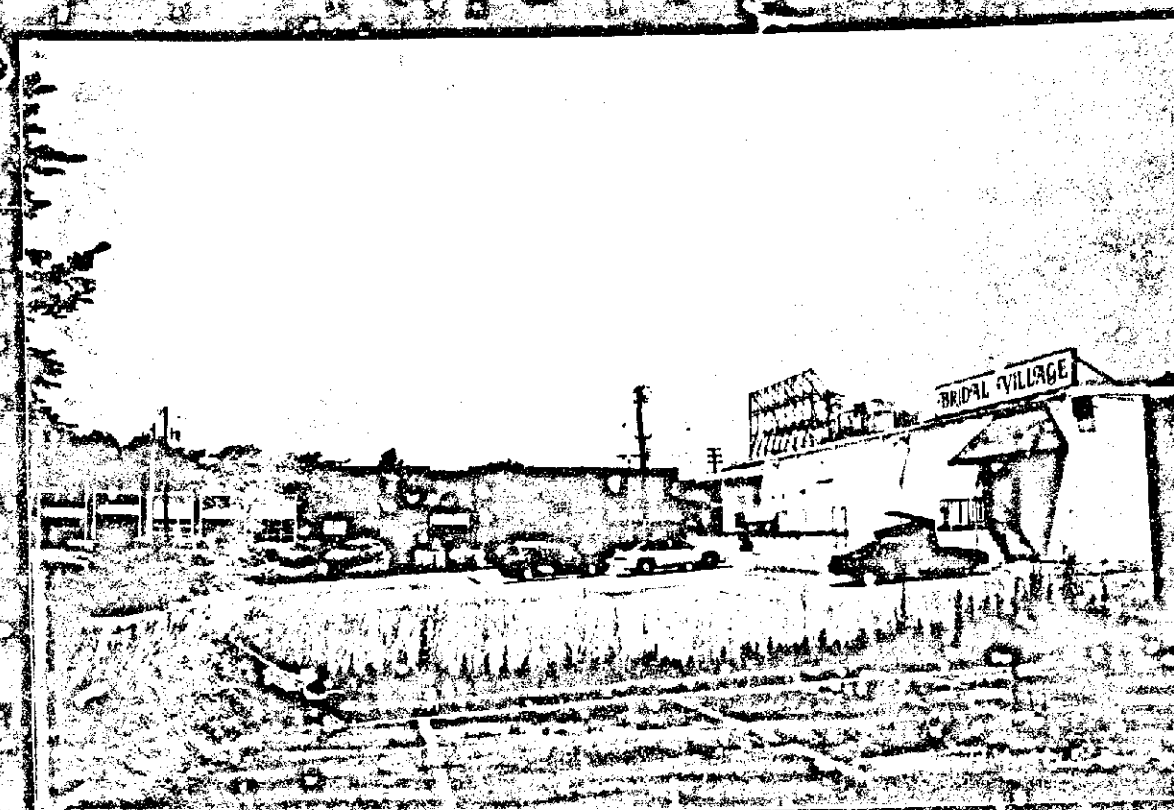
As requested, The Traffic Group, Inc. has conducted an evaluation of the proposed Special Exception Petition for the development of a National Tire Warehouse (NTW) store to be located along Joppa Road in the vicinity of Parkville, Maryland. The primary purpose of this study was to determine the impact of the proposed development of the NTW store on the surrounding area road system. The results of our evaluation show that the surrounding area road system is capable of supporting the proposed development of the site and excellent levels of service will remain during peak time periods.

The site is located along the south side of Joppa Road, west of Perring Parkway in the Parkville vicinity of Baltimore County, Maryland as shown on Exhibit 4. The site is presently developed with a one-story building which previously served as a Po-Pop's restaurant. The Special Exception plan for the NTW store shows the existing building being replaced with a one-story NTW store containing 10,220 sq.ft. of gross floor area, including 9 service bays. Access to the subject property would remain as currently provided with a 30 ft. access along the south side of Joppa Road.

The Traffic Group, Inc.
Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-8400
Fax 410-321-8458

*Petitioner's
Exhibits 3A-3I*

94-468-X



NTW
National Tire Wholesale

**Specialty
Retailing**

PETITIONER'S
EXHIBIT 4

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

FOUR FOUR EIGHT ZERO
FAX (410) 821-0147

ROBERT A. HOFFMAN

June 27, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

Mr. Jeffrey Long
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: NTW - E. Joppa Road
Case No. 94-468-X

Dear Jeff:

This letter will serve as minutes of our meeting last Wednesday morning in which we came to an understanding on certain planning comments for the referenced NTW facility. They were as follows:

1. That site constraints which included but were not limited to changes to the point of access to Joppa Road, grading problems and desirability of the rear of the building facing the adjacent church prevented any adjustment to the building and parking locations on site. Also, it was agreed that there would be no proposed parking space reduction along the eastern boundary of the property.
2. That the existing site design would be properly screened and buffered if a six-foot high board on board fence and significant plantings were installed in general compliance with the site plan you provided. Also, NTW would be permitted but not required to do screening for the church on the church property.
3. That even though the church is in a commercial zone and a commercial corridor, you suggested there should be some restriction on use of the NTW facility during church services. A service occurs Wednesday evening at 8:00 p.m., Sunday morning before 12:00 p.m. and

RECEIVED
JUN 27 1994
OFFICE OF
PLANNING & ZONING

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

FOUR FOUR EIGHT ZERO
FAX (410) 821-0147

ROBERT A. HOFFMAN

September 21, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Suite 113, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: - National Tire Warehouse - Joppa Road
- Petition for Special Exception
- Zoning Case No. 94-468-X

Dear Mr. Kotroco:

Enclosed please find the site plan for the above-referenced case which has been revised in accordance with Restriction No. 2 in your Order, dated August 24, 1994. We would ask that you please review the revised site plan at your earliest convenience to confirm that it contains the changes that you requested.

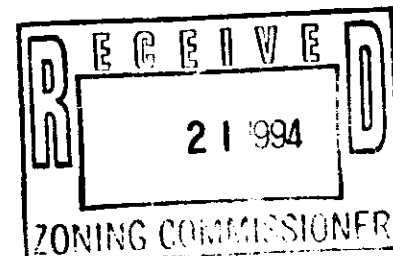
Please call if you have any questions.

Sincerely,

G. Paige Wingert
G. Paige Wingert

GPW/dok
enclosure

cc: Robert A. Hoffman, Esq.



VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

FOUR FOUR EIGHT ZERO
FAX (410) 821-0147

ROBERT A. HOFFMAN

September 23, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-6202

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: - National Tire Warehouse - Joppa Road
- Petition for Special Exception
- Zoning Case No. 94-468-X

Dear Mr. Jablon:

On behalf of our client, National Tire Warehouse, Inc., Petitioner, whose address is 2359 Research Drive, Woodbridge, Virginia 22192, I hereby note an appeal from the decision of the Deputy Zoning Commissioner with regard to the special exception in above-referenced zoning case.

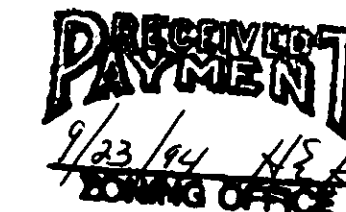
Enclosed is a check payable to Baltimore County in the amount of \$285 to cover the cost of this appeal (\$250.00 for appeal of special exception and \$35.00 for posting of the property). Thank you for your cooperation.

Yours Truly,

Robert A. Hoffman

GPW/dok
enclosure

cc: Theodore D. Britt
Steven Larkin
JABLON@GPW



VENABLE, BAETJER AND HOWARD
A partnership including professional corporations
210 Allegghy Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Direct Dial No.
(410) 494-6201

November 11, 1994

Timothy M. Kotroco,
Deputy Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: National Tire Warehouse ("NTW") - East Joppa Road
Revised Site Plan to Accompany Request for Special Exception
Zoning Case No. 94-468-X

Dear Mr. Kotroco:

Pursuant to your Order in the above-referenced case, dated August 24, 1994, this firm submitted a Revised Site Plan for your approval on September 21, 1994. On September 30, 1994, you confirmed in writing your approval of the Revised Site Plan. See Letters attached hereto. Your Order also required NTW to obtain approval from Mr. Avery Harden of the Department of Public Works of a Landscape Plan for the subject site.

The purpose of this letter is to transmit to you the approved Landscape Plan, which has been signed by Mr. Harden, as well as a slightly different version of the Revised Site Plan to Accompany Request for Special Exception. On this 2nd Revised Site Plan, the location of the retaining wall has been moved several feet to the east so that it now is situated on the property line. We have been told by the engineers that this was done to better accommodate Mr. Harden's landscaping requirements.

We would ask that you please make the approved Landscape Plan a part of your official file and that you approve the "new" Revised Site Plan as consistent with your Order. Should you have any questions, please do not hesitate to give Rob or myself a call.

Yours truly,

G. Paige Wingert
G. Paige Wingert

GPW/dok
enclosures

cc: Steven Larkin
Theodore D. Britt
Robert A. Hoffman, Esq.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegghy Ave
Ed Britt	690 Center St. Hagerstown, MD 21740
MICKY CORNELIUS	40 W. CHESAPEAKE AVE.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John A. Read	1911 E. Joppa Rd 21234
James J. Giffen	1911 E. Joppa Rd 21234
Berthanne Root	1911 E. Joppa Rd 21234
AYNE KINNER	1815 EDDINGWORTH RD 21224
DONNA SPICER	8719 EDDINGWORTH RD 21234

VENABLE
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD, LLP
A partnership including professional corporations
210 Allegghy Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

January 3, 1995

Hand Delivery

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-468-X
National Tire Warehouse, Inc., petitioner/appellant

Dear Mr. Hackett:

On behalf of the appellant in the above-captioned matter, please dismiss the appeal filed on September 23, 1994.

Sincerely,

Robert A. Hoffman

cc: Theodore D. Britt
Steven Larkin
Bradford G.Y. Carney, Esquire

lctr0300.baw

National Tire Warehouse
14m No. 455

Revisions to plan: 5/23/94

1. Building Dimensions + Square Footage
2. Required parking changed from 33 to 34 spaces.

Petition for:

1. Zoning Classification BL, BL-CS2 (BL-A9)

Barbara J. White

Joppa Gospel Tabernacle

1911 East Joppa Road/Baltimore/Maryland/21234 Telephone/301/668-2866 Otis B. Read, Jr., D.D./Pres

Kinship
Ministries
Missionary outreaches
Christian Counseling
Bible Seminars
Cassette Tapes
Radio

PROTESTANT'S EXHIBIT NO. 1

RE: Hearing - Zoning Commissioner
June 29, 1994 - 10 A.M.
Room 118 - Old Court House
Towson
Case No. 94-468-X
National Tire Warehouse

Introduce yourself

The congregation and Board of Directors of Joppa Gospel Tabernacle, 1911 E. Joppa Road, are much opposed to the operation of a service garage next door to our Church. We have been in operation at this location for over 35 years. One of our greatest concerns is the amount of noise produced from nine service bays used in changing tires, etc. with air hammers, with a location directly facing our sanctuary. We have been advised the bays will not be air conditioned, and this will necessitate their being open most of the time.

Our regularly scheduled services, which are year round, include Sunday mornings 10:30 A.M. to 12 noon, Sunday evening at 5:45 P.M., and Wednesday evening at 8 P.M. All of these services are taped, and copies of the tapes are used for weekly radio broadcasts and provided to many people throughout the United States who request them on a regular basis.

Our Church office is in operation Monday through Friday.

APPEAL

Petition for Special Exception
S/S Joppa Road, 250' E of Littlewood Road
(1909 E. Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company-PETITIONER
Case No. 94-468-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Zoning Map to Accompany National Tire Warehouse Site (May 9, 1994)

Miscellaneous Correspondence - 1 - Letter to Robert A. Hoffman,
Esquire from Joseph Merrey, dated May 26, 1994
2 - Comments by Barbara J. White

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Site plan to accompany Petition for Special Exception (May
9, 1994)
2 - Evaluation by the Traffic Group
3 - A through I - Photographs
4 - Brochure - National Tire Wholesale

Protestant's Exhibits: 1 - Letter of Protest - Joppa Gospel Tabernacle

Deputy Zoning Commissioner's Order dated August 24, 1994 (Granted with Restrictions)

Notice of Appeal received on September 23, 1994 from Robert A. Hoffman, Esquire

cc: Robert A. Hoffman Venable, Baetjer & Howard 210 Allegheny Avenue Balto., MD 21204

Theodore D. Britt, National Tire Warehouse, 690 Center Street, Herndon, VA 22070

Brian Sexton, National Tire Warehouse, 2359 Research Drive Woodbridge, VA 22192

Steven Larkin, National Tire Warehouse, 2359 Research Drive Woodbridge, VA 22192

Mickey Cornelius, The Traffic Group, 40 W. Chesapeake Ave. Towson, MD 21204

Messrs. James Griffin and Robin Read and Ms. Georgeanne Kost, Joppa Tabernacle
Church 1911 E. Joppa Road 21234

Mr. Wayne Skinner, TLBC, 1811 Edgewood Road Balto., MD 21234

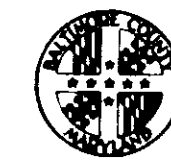
Ms. Donna Spicer, Cromwood, Coventry and Satyr Hill Community Association, 8719
Edlington Road 21234

People's Counsel for Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

11/25/94 - Notice of Assignment for hearing scheduled for Thursday,
February 9, 1995 at 10:00 a.m. sent to the following:

Robert A. Hoffman, Esquire
Michael Weinman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse
Brian Sexton /Steven Larkin
National Tire Warehouse
Mickey Cornelius /The Traffic Group
Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church
Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 25, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE
GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL
NO. 55-79.

CASE NO. 94-468-X THE ESSEX COMPANY -Property Owner;
NATIONAL TIRE WAREHOUSE, INC. -C.P.
S/S Joppa Road, 250' E of Littlewood Road
9th Election District
6th Councilmanic District

SE -To permit service garage in B.L. zone

8/24/94 -D.Z.C.'s Order in which Petition was
GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, FEBRUARY 9, 1995 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Appellants /Petitioners
Michael Weinman, Chairman The Essex Company Petitioner /Property Owner
Theodore D. Britt National Tire Warehouse Petitioner /Contract Purchaser
Brian Sexton /Steven Larkin National Tire Warehouse

Mickey Cornelius /The Traffic Group

Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church

Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco

W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management DATE: March 31, 1995

FROM: Charlotte E. Radcliffe County Board of Appeals

SUBJECT: Closed File: Case No. 94-468-X
THE ESSEX COMPANY -Property Owner
NATIONAL TIRE WAREHOUSE, INC. -Petitioner
9th E; 6th C

As no further appeals have been taken regarding the subject
case, which was dismissed by Order dated January 9, 1995, we are
closing the file and returning same to you herewith.

Attachment



County Board of Appeals of Baltimore County

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

March 31, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X
THE ESSEX COMPANY - Property Owner
NATIONAL TIRE WAREHOUSE, INC. -
Petitioners

Dear Mr. Hoffman:

As no further appeals have been taken regarding the subject
matter, we have closed the file and returned same to the Office of
Zoning Administration and Development Management (ZADM), along with
any exhibits entered in this matter. The Zoning Office maintains
the permanent file.

Anyone interested in this case can contact Gwen Stephens in
Zoning Administration at 887-3391 upon receipt of this letter. By
copy of this letter, all parties of record that may have an
interest in this file have been notified. Please note that
exhibits will not be released by ZADM until after the file has been
microfilmed. Therefore, there may be a considerable time lapse
between the date of this letter and actual retrieval of exhibits.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Michael Weisman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse, Inc.
Brian Sexton /Steven Larkin
National Tire Warehouse, Inc.
People's Counsel for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 30, 1994

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1909 East Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Wingert:

Thank you for your letter dated September 21, 1994 in which you
submitted a revised site plan for the subject property for my review and
approval. This will confirm that the site plan you submitted with a last
revised date of September 13, 1994 meets the requirements of Restriction
No. 2 of my Order and is therefore in compliance.

A copy of this letter with your letter and attached plan shall
be forwarded to the Zoning Administration and Development Management
(ZADM) office for inclusion in the case file.

Should you have any questions on the subject, please do not
hesitate to call.

Very truly yours,

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

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

file

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 1, 1994

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1909 East Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Wingert:

Thank you for your letter dated November 11, 1994 in which you
submitted a second revised site plan for the subject property for my re-
view and approval as well as a copy of the approved Landscaping Plan,
which was signed by Avery Harden of the Department of Public Works. This
will confirm that both the Landscaping plan and the revised site plan with
a last revised date of November 4, 1994 meets the requirements of Restriction
No. 2 of my Order and are therefore in compliance.

A copy of this letter with your letter and attached plan shall
be forwarded to the Zoning Administration and Development Management
(ZADM) office for inclusion in the case file.

Should you have any questions on the subject, please do not
hesitate to call.

Very truly yours,

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

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

file

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
BALTIMORE, MD
WASHINGTON, D.C.
MCKEAN, VA
ROCKVILLE, MD
210 ALLEGHENY AVENUE
P.O. BOX 5817
TOWSON, MARYLAND 21205-5517
(410) 484-8200
FAX (410) 821-0147

May 19, 1994

WRITER'S DIRECT NUMBER IS

Hand Delivered

Mrs. Julie Winiarski
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: National Tire Warehouse
Proposed Site: 1901 East Joppa Road
Petition for Special Exception

Dear Julie:

Enclosed for processing, please find the Petition for Special
Exception for the proposed National Tire Warehouse to be located on
East Joppa Road. Please hold off on distributing the plans to the
various county agencies as we have a filing appointment on Wednesday,
May 25 to review the request and may need to make revisions at that
time.

Should you have any questions, please give me a call.

Yours truly,

Barbara W. Ormord
Barbara W. Ormord
Legal Assistant

Enclosure
cc: Robert A. Hoffman, Esquire
G. Page Wingert, Esquire

IN THE MATTER OF
THE APPLICATION OF
THE ESSEX COMPANY - PROPERTY
OWNER, AND NATIONAL TIRE
WAREHOUSE, INC. - PETITIONER
FOR SPECIAL EXCEPTION ON
PROPERTY LOCATED ON THE SOUTH
SIDE JOPPA ROAD, 250' EAST OF
LITTLEWOOD ROAD
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-468-X

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated August 24, 1994 in which the Petition for Special Exception was granted with restrictions.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Robert A. Hoffman, Esquire, on behalf of National Tire Warehouse, Inc., Petitioner /Appellant, dated January 3, 1995 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed as of January 3, 1995;

IT IS HEREBY ORDERED this 9th day of January, 1995 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Michael B. Schuetz
Michael B. Schuetz
Robert O. Schuetz
Robert O. Schuetz



County Board of Appeals of Baltimore County

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

January 9, 1995

Robert A. Hoffman, Esquire
VENABLE /Attorneys at Law
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X
The Essex Company -Property Owner;
National Tire Warehouse, Inc. -Petitioner

Dear Mr. Hoffman:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Michael Weinman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse, Inc.
Brian Sexton /Steven Larkin
National Tire Warehouse, Inc.
Mickey Cornelius /The Traffic Group
Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church
Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of
Littlewood Road
(1909 East Joppa Road)
9th Election District
6th Councilmanic District
The Essex Company
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-468-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1909 East Joppa Road located in the Parkville area of eastern Baltimore County. The Petition was filed by the owner of the property, The Essex Company, by Michael Weinman, Vice Chairman of the Board, and the Contract Purchaser, National Tire Warehouse, Inc., by Brian Sexton, Executive Vice President. The Petitioners seek a special exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Petition were Ted Britt for National Tire Warehouse, Inc., Mickey Cornelius with The Traffic Group, Jean Tansey, a landscape planner with Daft-McCune-Walker, Inc., and Robert A. Hoffman, Esquire attorney for the Petitioners. Appearing in opposition to the Petitioners' request were James Griffin, Robin Read, and Georgeanne Kost, members of the adjacent Joppa Gospel Tabernacle Church, Wayne Skinner, President of the Towson, Loch Raven Community Association, and Donna Spicer on behalf of the Cromwood, Coventry and Satyr Hill Community Association.

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

Testimony and evidence presented revealed that the subject property consists of 1.08 acres, more or less, of which .58 acres are zoned B.L.-C.S.2 (AS) and the remaining .50 acres zoned B.L. The property is located along Joppa Road near its intersection with Perring Parkway and is presently improved with a one-story concrete block building which recently housed a restaurant known as Po' Folks. This restaurant use has ceased to exist and at the present time, the building is vacant. Testimony revealed that National Tire Warehouse (NTW), Inc. is desirous of razing the existing building and constructing a one-story service garage of 10,220 sq.ft. NTW is a national automobile tire distributor which, in addition to the sale of tires, performs various wheel-related services such as wheel balancing and alignments, break jobs, and shock installations. NTW does not engage in heavy mechanical work at their facility nor do they perform any body or fender work.

Mr. Ted Britt, who is employed by Tri-Tech Engineering, a regional consultant for NTW, testified regarding the proposed use of the subject site. Mr. Britt stated that the proposed building is a prototype of those buildings typically used by NTW elsewhere around the country. He offered into evidence as Petitioner's Exhibit 4, a brochure describing the type of operation proposed for this site. Contained within that brochure is a floor plan of the proposed building, which will contain nine (9) service bays. It is to be noted that the proposed bays will face in a southerly direction towards the adjacent one-story brick Church known as the Joppa Gospel Tabernacle. Mr. Britt testified that given the close proximity of the proposed use to the neighboring church, NTW is willing to provide landscaping as necessary to mitigate the effects of noise from their business on the Church property.

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

- 2 -

A traffic study prepared by Mr. Mickey Cornelius, Vice President of The Traffic Group, was entered into evidence as Petitioner's Exhibit 2. This study indicated that there would be no adverse effect upon the traffic flow along Joppa Road by virtue of the proposed use.

Appearing and testifying in opposition to the Petitioners' request were Robin Read and James Griffin, who appeared on behalf of the Joppa Gospel Tabernacle. The cumulative testimony was that they are opposed to an NTW operation on the subject site. Testimony revealed that the Church has existed on the adjacent property for the past 38 years and that Church services are broadcasted nationally. The sanctuary within the Church is situated in such a manner that it will face the proposed service garage use and the Protestants are concerned over the noise that may emanate from this site. These Church representatives pointed out that the proposed service garage is located approximately 50 feet away from their building. Furthermore, the windows to the Church sanctuary are directly opposite the subject property. Messrs. Read and Griffin testified that any noise generated from adjacent commercial uses easily permeates the windows along the west wall of the Church. Further exacerbating this noise problem is the fact that the proposed building will have nine (9) service bays, all of which will face the Church building. In addition, because there will be no air conditioning units installed within the building, the service bays would remain open during periods of hot weather. The Protestants argue that when taking all of these circumstances into consideration, the noise generated by the proposed use would be devastating to the parishioners of the Church and destroy the peaceful and quiet enjoyment of their property.

Testimony revealed that representatives of NTW took the time to meet with members of the Joppa Gospel Tabernacle prior to this public

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

- 3 -

hearing. The issue of noise was discussed at that time and extensive landscaping of the site was proposed for the common property line between the two properties. The Church representatives acknowledged the cooperation of NTW and appreciated their efforts in working with the Church. However, the representatives in attendance at the hearing remain skeptical that the proposed landscaping would not be sufficient to effectively buffer the noise that will be generated by NTW at the subject site. Furthermore, in consideration of the Protestants' concerns, NTW agreed to adjust their hours of operation so that no service garage activity would take place on Sundays or Wednesday evenings during Church services. While the Church representatives appreciated NTW's efforts, there remained concern over other activities such as funeral services, weddings, prayer group meetings, or other worshiping times where the noise generated by NTW would disrupt these types of services.

I agree with the argument set forth by the Protestants in this matter that the noise generated by the proposed use would have an adverse impact upon the Joppa Gospel Tabernacle Church. While I believe the site is appropriate for an NTW tire store, I do not believe the Petitioner has developed the site in a fashion that would have the least impact on the neighboring Church. The site plan offered into evidence as Petitioner's Exhibit 1 depicts the nine service bay doors of the proposed building will face the Joppa Gospel Tabernacle Church.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception; however, the Petitioner must also show that the proposed use would not be detrimental to the primary uses in the vicinity and meets the special exception requirements set forth in Section 502.1.

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

- 4 -

As stated previously, I believe the site is an appropriate candidate for the location of an NTW store. I believe the Petitioner's request for special exception can be granted, provided the Petitioner can redesign the proposed building so that the service garage bay doors face the opposite direction from that proposed on Petitioner's Exhibit 1. That is, the proposed one-story concrete block service building should be redesigned so that the rear wall of the building will be positioned towards the common property line shared with the Joppa Gospel Tabernacle Church. The nine service bay doors would then face in a westerly direction and any noise that would be generated by NTW's operation at this site would be deflected away from the Church. Since there will be no openings on the wall that faces the Church, there would be no detrimental effects caused by noise emanating from this site upon Church activities. Furthermore, the front of the proposed building should be even with the front face of the Joppa Gospel Tabernacle Church. Therefore, the front face of the proposed building shall be no closer to Joppa Road than the Church building. While I have stated that there shall be no windows or openings on the wall facing the Church, the Petitioners shall be permitted to install fire doors as necessary on that side of the structure. Furthermore, to mitigate any visual effects the proposed NTW store shall have on the Church, the Petitioner shall install a landscape buffer along the common property line between the two buildings.

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. In the opinion of this Deputy Zoning Commissioner, the proposed use can be conducted without real detriment to the neighborhood and will not adversely affect the public

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

- 5 -

interest, provided the site plan is revised as noted above. The facts and circumstances do not show that the proposed use on the subject property 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. Pritts, 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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1994 that the Petition for Special Exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), 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) Prior to the issuance of any permits, the Petitioner shall submit for review and approval by this Deputy Zoning Commissioner a revised site plan which takes into consideration the modified relief granted

ORDER RECEIVED FOR FILING
Date 8/24/94
By [Signature]

- 6 -

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 13, 1994
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief *DK for RWB*
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for June 6, 1994
Item No. 455

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan should be submitted for review and tentatively approved prior to the hearing. Special focus will be given to the Joppa Road streetscape and church buffer.

RWB:aw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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. 445 (W.R.)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access 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. KAHN, ACTING CHIEF*
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

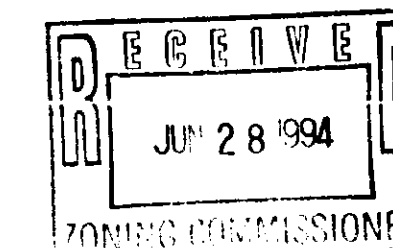
TO: Arnold Jablon, Director DATE: June 27, 1994
ZADM
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
SUBJECT: Zoning Advisory, Landscape Comments For National Tire Warehouse
At 1909 East Joppa Road, Item #455

A schematic landscape plan has been submitted to and tentatively approved by this office. Other options for buffering the church will be considered as further discussions with the church occur.

Any additional conditions that may be required by the Zoning Commissioner will become part of the final landscape plan.

RWB:EAH:slk

cc: File



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning
DATE: June 28, 1994
SUBJECT: 1909 East Joppa Road

INFORMATION:

Item Number: 455
Petitioner: The Essex Company
Property Size: _____
Zoning: B.L.-A.S.
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon an analysis of the information provided, staff offers the following comments:

The site is located along the Joppa Road Commercial Corridor on property previously occupied by a restaurant. The site is immediately adjacent to a retail center to the west and a church (Joppa Gospel Tabernacle) to the east.

In order to enhance the attractiveness of the corridor and ensure that there will be no inadvertent negative impact to the church, staff recommends the agreed upon conditions (see Mr. Hoffman's letter of June 27) be attached to the order should the request be granted.

Prepared by: *Jeffrey W. Long*
Division Chief: *Pat Keller*
PK/JL:LW

ZAC455/PZONE/ZAC1

Pg. 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

July 6, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-468-X, Item No. 455
Petition for Special Exception

Dear Mr. Hoffman:

Enclosed are copies of comments received from the Office of Planning and Zoning on July 5, 1994, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 26, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #455)
Legal Owner: The Essex Company
Contact Purchaser: National Tire
Warehouse, Inc.
1909 East Joppa Road
9th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

Enclosure (recept)

cc: Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
1909 East Joppa Road * ZONING COMMISSIONER
S/S Joppa Road, 250 feet E of Littlewood *
Road, 9th Election Dist., 6th Councilmanic * FOR BALTIMORE COUNTY
The Essex Company *
Petitioners * CASE NO.: 94-468-X

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. Denilio
CAROLE S. DENILIO
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 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

September 26, 1994

(410) 887-3353

Messrs. Robin Read and James Griffin and
Ms. Georgeanne Kost
1911 East Joppa Road
Baltimore, MD 21234

Mr. Wayne Skinner, TLRC
1813 Edgewood Road
Baltimore, MD 21234

Ms. Donna Spicer
Cromwood, Coventry and Satyr Hill Community Association
8719 Eddington Road
Baltimore, MD 21234

RE: Petition for Special Exception
S/S Joppa Road, 250' E of Littlewood Road
(1901 E. Joppa Road)
9th Election District
6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on September 23, 1994 by Robert A. Hoffman, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:ach

cc: People's Counsel

Printed with Soy-based Ink
on Recycled Paper

54 SEP 27 PM 2:20

receipt
74-468-X

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Number: 74-468-X
DROP-OFF PETITION: NO REVIEW

Date: _____

Please Make Checks Payable To Baltimore County

Cashier Validation

VENABLE, BAETJER & HOWARD

OUR REF. NO.	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
	05/09/94	\$335.00				

25428:110605 - National Tire Warehouse/Joppa Road
Baltimore County, Maryland
Special Exception Petition and posting fee

455

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/neighboring 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.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 455
Petitioner: *NAT'L TIRE Warehouse, Inc.*
Location: *1909 E. Joppa Rd.*

PLEASE FORWARD ADVERTISING BILL TO:
NAME: *VENABLE, BAETJER & HOWARD ATTN: BARB ORMOED*
ADDRESS: *210 ALLEGHENY AVE.*
TOWSON, MD. 21204
PHONE NUMBER: *410-620-0*

MUST BE SUPPLIED

TO: PUTNAM PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:
Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
410-620-0

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: 94-468-X (Item 455)
1909 East Joppa Road
S/S Joppa Road, 250 feet E of Littlewood Road
9th Election District - 6th Councilmanic
Legal Owner: The Essex Company
Contract Purchaser: National Tire Warehouse, Inc.
HEARING: WEDNESDAY, JUNE 29, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Exception for a service garage.

LAWRENCE E. SCHULDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

May 26, 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:

CASE NUMBER: 94-468-X (Item 455)
1909 East Joppa Road
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Legal Owner: The Essex Company
Contract Purchaser: National Tire Warehouse, Inc.
HEARING: WEDNESDAY, JUNE 29, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Exception for a service garage.

Carl Jablon
ARNOLD JABLON, DIRECTOR

cc: The Essex Company
Robert A. Hoffman, Esquire
National Tire Warehouse, Inc.

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.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

June 17, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X, Item No. 455
Petition for Special Exception
Petitioner: The Essex Company

Dear Mr. Hoffman:

The above-referenced petition and accompanying plans were accepted for filing on May 10, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties, i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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 the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Robert A. Hoffman, Esquire
June 17, 1994
Page 2

2. Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. There may be insufficient time, however, to correct the petition after the comments are made; and therefore, if the petition(s) was/were filed incorrectly, there is the possibility that another hearing would be required or that the zoning commissioner would deny the petition.
3. Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR:cm
Enclosures

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500

DATE: 05/25/94

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 comments below are applicable and required to be corrected or incorporated into the final plans for the property.

S. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 444, 456, 458, AND 455.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERMAN D
Fire Marshal Office, PHONE 887-4861, RS-1100F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 6, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #455 - National Tire Warehouse
1909 East Joppa Road
Zoning Advisory Committee Meeting of May 31, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

If the service garage in question involves any operation that may create emissions, the State should be contacted at 631-3225 to determine if this operation requires a permit to construct. (For example: a paint spray booth or gasoline storage tanks.)

JLP:SR:sp
NATIONAL/DEPRM/TXTSBP

herein. Specifically, the proposed one-story building shall be redesigned in such a manner that all service bay doors face in a westerly direction, away from the Joppa Gospel Tabernacle Church. Furthermore, there shall be no openings on the wall facing the Church except for fire exit doors, which are required pursuant to the Baltimore County Code. In addition, the front face of the proposed building shall not be any closer to Joppa Road than the front face of the Joppa Gospel Tabernacle Church.

3) The Petitioner shall install a landscape buffer along the common boundary line between the subject property and the Joppa Gospel Tabernacle Church to mitigate any adverse visual effects the proposed building may have on the Church. A landscape plan taking into consideration these concerns shall be submitted for review and approval by Avery Harden, the Baltimore County Landscape Architect.

4) The hours of operation for the subject business shall be limited to Monday through Saturday, 7:00 AM to 8:00 PM, and Sunday from 12:00 PM to 5:00 PM. NTW shall be closed for business on Sunday mornings until 12:00 PM noon and Wednesday evenings after 8:00 PM during which times the Joppa Gospel Tabernacle Church may be holding services. In addition, there shall be no deliveries of parts or inventories on Sunday mornings or Wednesday evenings.

5) There shall be no outside storage of any tires or automotive parts or supplies on this site.

6) The special exception granted herein shall inure to the use and benefit of this Petitioner, NTW, only, and shall cease and terminate at such time as NTW no longer operates its business at this location. This special exception will not be transferable to any other party.

7) The special exception granted herein shall be limited to the normal business activities of NTW, which shall include the sale and installation of automobile tires and accessory wheel-related mechanical repairs. There shall be no body and/or fender work or engine repair work performed on the premises.

8) There shall be no outside paging system on the subject property.

9) The Petitioner shall take appropriate steps to insure that no noise generated from their business on this site shall exceed the maximum permitted levels by Baltimore County and the State of Maryland.

- 7 -

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

TMK:bjs

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

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 24, 1994

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1901 E. Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Hoffman:

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

Very truly yours,

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

TMK:bjs

cc: Messrs. Robin Read and James Griffin, and
Ms. Georgeanne Kost, 1911 E. Joppa Road, Parkville, Md. 21234

Mr. Wayne Skinner, TLRC
1813 Edgewood Road, Baltimore, Md. 21234

Ms. Donna Spicer, Cromwood, Coventry and Satyr Hill Comm. Assoc.
8719 Edgington Road, Baltimore, Md. 21234

People's Counsel; File

Printed with Synchro Ink
on Recycled Paper



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1909 East Joppa Road

which is presently zoned BL-CS2

This Petition shall be filed with the Office of Zoning Administration & Development Management (BL-CSA). The undersigned, legal owner(s) of the property, submit in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

a service garage pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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(s)
National Tire Warehouse, Inc.
(Type or Print Name)
By: *Brian Sexton*
Signature
Brian Sexton, Executive
Vice-President
2359 Research Drive
Woodbridge, Virginia 22192-4607
Date: _____
Printed: _____

Legal Owner(s)
The Essex Company
(Type or Print Name)
By: *Michael Weinman*
Signature
MICHAEL WEINMAN, Vice Chairman of the Board
(Type or Print Name)
Date: _____
Printed: _____

Attorney for Petitioner
Robert A. Hoffman, Esquire
(Type or Print Name)
By: *Robert A. Hoffman*
Signature
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____

Address
106 Old Court Rd., Suite 200
Pikesville, Maryland 21208
City
Name, Address and phone number of legal owner, or if not a purchaser or representative for the landowner
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: _____
Next Two Months
ALL OTHER: _____
REVIEWED BY: _____
DATE: _____

ORDER RECEIVED FOR FILING
Date: 5/20/94
By: *DRP OFF*
REVIEW
5/20/94
WCR



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1909 East Joppa Road

which is presently zoned BL-CS2 and BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. (BL-CS2 and BL-CSA). The undersigned, legal owner(s) of the property, submit in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

a service garage pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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(s)
National Tire Warehouse, Inc.
(Type or Print Name)
By: *Brian Sexton*
Signature
Brian Sexton, Executive
Vice-President
2359 Research Drive
Woodbridge, Virginia 22192-4607
Date: _____
Printed: _____

Legal Owner(s)
The Essex Company
(Type or Print Name)
By: *Michael Weinman*
Signature
MICHAEL WEINMAN, Vice Chairman of the Board
(Type or Print Name)
Date: _____
Printed: _____

Attorney for Petitioner
Robert A. Hoffman, Esquire
(Type or Print Name)
By: *Robert A. Hoffman*
Signature
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____

Address
106 Old Court Rd., Suite 200
Pikesville, Maryland 21208
City
Name, Address and phone number of legal owner, or if not a purchaser or representative for the landowner
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Date: _____
Printed: _____

DATE: 5/20/94
By: *DRP OFF*
REVIEW
5/20/94
WCR



Deft McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax: 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description
To Accompany Petition for Special Exception

1.085 Acre Parcel

The Essex Manufacturing Company

South Side of Joppa Road

West of Pershing Avenue

Ninth Election District, Baltimore County, Maryland

Beginning for the same on the southernmost side of Joppa Road (variable width) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Joppa Road with the centerline of Pershing Avenue (1) Northwesterly along said centerline of Joppa Road 307 feet, more or less, and thence (2) Southerly 35 feet, more or less, to the point of beginning, thence leaving said beginning point and binding on said road (1) Southeasterly by a line curving to the right, having a radius of 744.35 feet for a distance of 126.33 feet (the arc of said curve being subtended by a chord bearing South 87 degrees 07 minutes 21 seconds East 126.18 feet), thence leaving said road and running the three following courses and distances, viz: (2) South 16 degrees 37 minutes 27 seconds East 374.35 feet, (3) South 73 degrees 22 minutes 33 seconds West 118.94 feet, and thence (4) North 16 degrees 37 minutes 27 seconds West 416.47 feet to the place of beginning; containing 1.085 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES

ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE

Project No. 94034 (L94034)

March 17, 1994

Page 1 of 1



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *9th* Date of Posting: *5/19/94*
Posted for: *Special Exception*
Petitioner: *The Essex Man. Co. - National Tire Warehouse, Inc.*
Location of property: *1909 E. Joppa Rd., 9th*
Location of Sign: *Facing road on property being appealed*
Remarks: *See map*
Posted by: *M. McCune* Date of return: *6/10/94*
Number of Signs: *1*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *9th* Date of Posting: *5/19/94*
Posted for: *APPEAL*
Petitioner: *The Essex Company*
Location of property: *1909 E. Joppa Rd., 9th*
Location of Sign: *Facing road on property being appealed*
Remarks: *See map*
Posted by: *M. McCune* Date of return: *6/10/94*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD., *June 3*, 19*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 *June 2*, 19*94*.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/26/94 ACCOUNT: R-001-6150

AMOUNT: \$ 35.00

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

APPEAL - SIGN

FOR: 2909 E. JOPPA ROAD - 94-468-X

01A01ND149N1CHRC \$35.00

VALIDATION BY SIGNATURE OF CLERK

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/26/94 ACCOUNT: R-001-6150

AMOUNT: \$250.00

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE

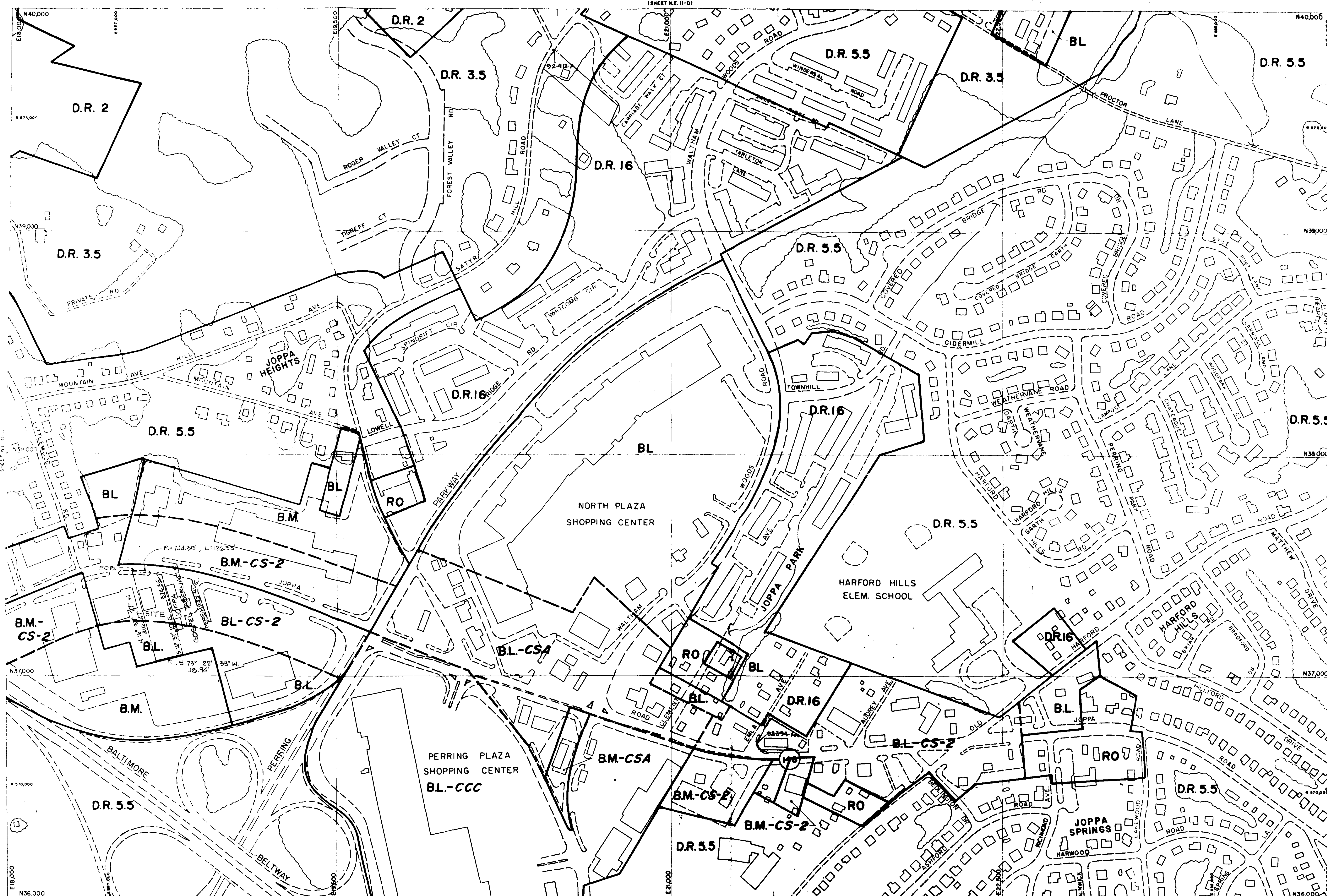
APPEAL FOR SPECIAL EXCEPTION

FOR: 1909 E. JOPPA ROAD - 94-468-X

01A01ND149N1CHRC \$250.00

VALIDATION BY SIGNATURE OF CLERK

RECEIVED FROM: ROBERT A. HOFFMAN, ESQUIRE



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William Howard
Chairman, County Council

SCALE 1" = 200'	LOCATION CARNEY	SHEET N.E. 10-D
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

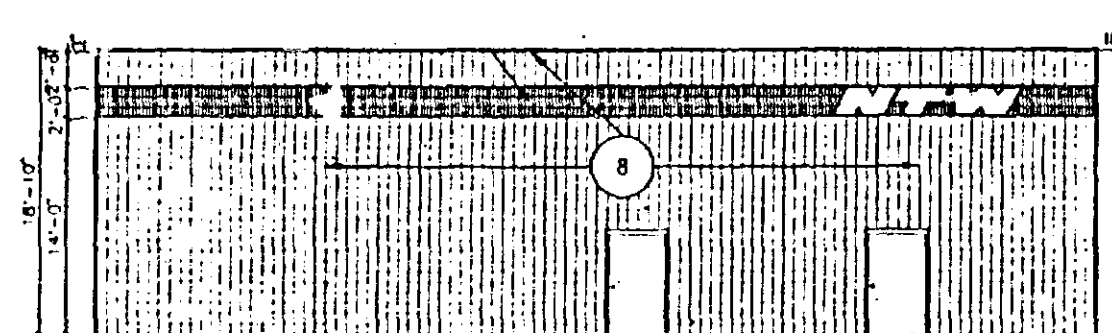
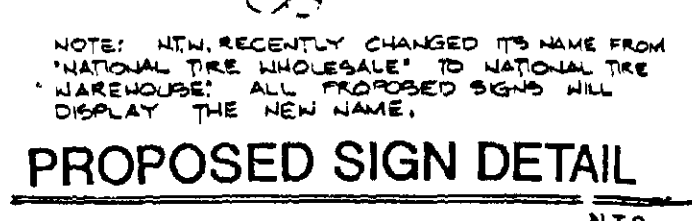
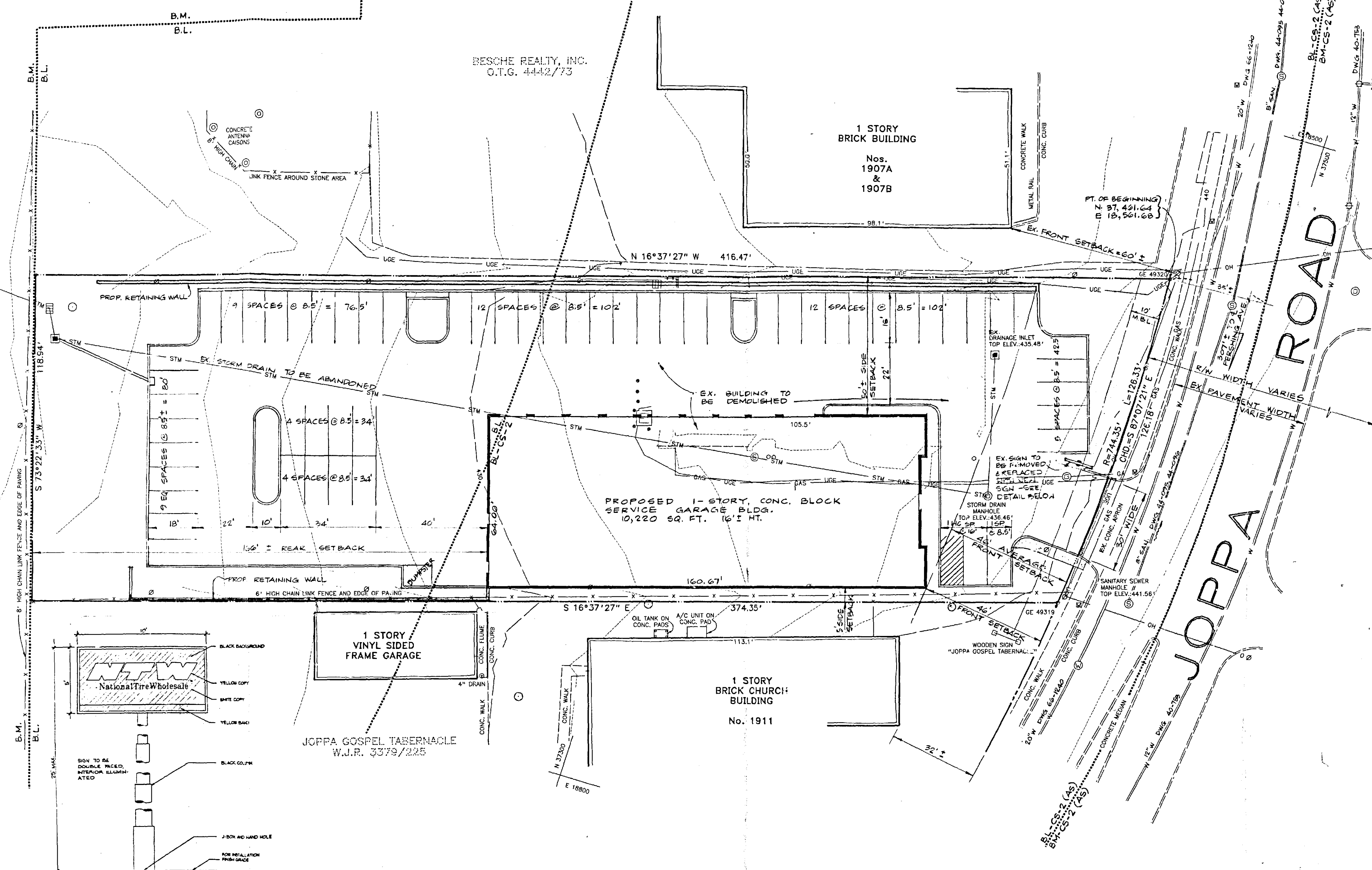
Zoning Map to Accompany
**NATIONAL TIRE
WAREHOUSE**
Joppa Road Site

09 MAY 94 94034

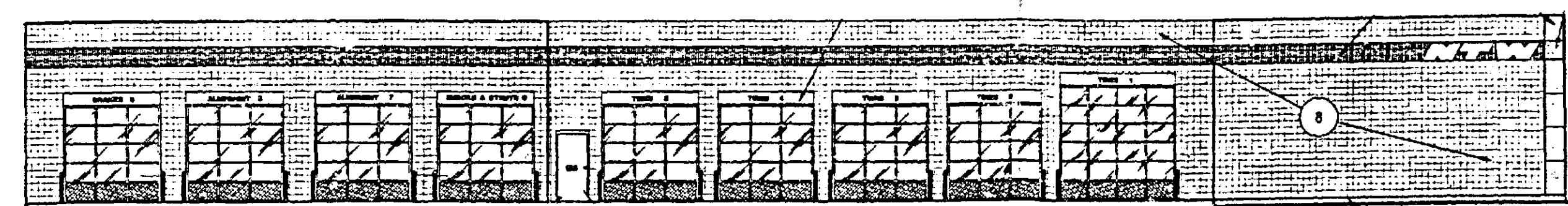
455

X-894-H6

ROBERT G. DAVIDSON, JR.
E.H.K., Jr. 5/22/92



Rear



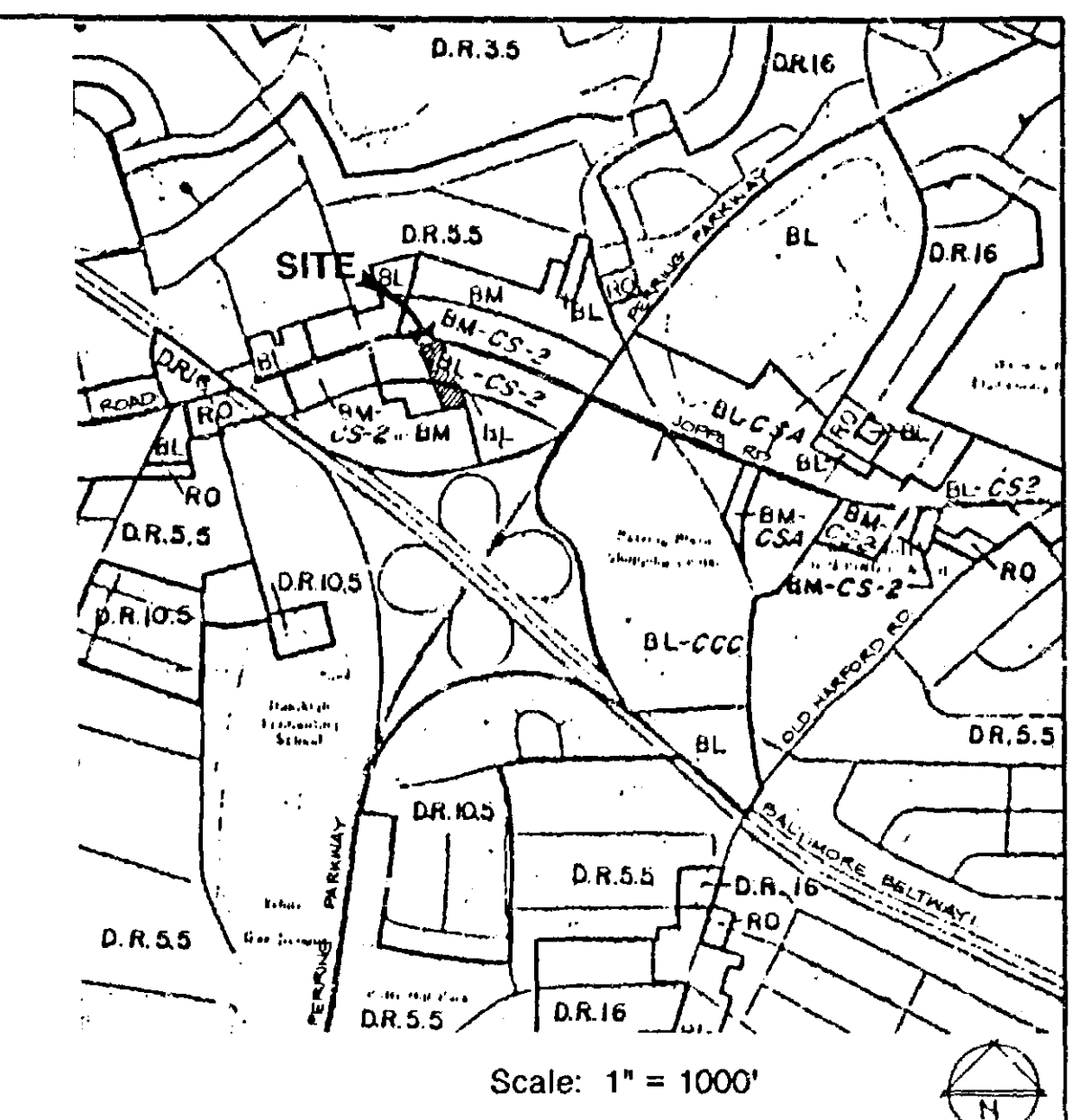
West Side



Front

PROPOSED BUILDING ELEVATIONS

N.T.S.



VICINITY MAP

- NOTES:
1. Current owner and street address: Essex Manufacturing Company, 311 Park Blvd., Nashville, TN 37217
 2. Contract purchaser: National Tire Warehouse, 225 Research Drive, Woodbury, TN 37190 (703) 643-1700
 3. Site Area and Zoning:
Net Acreage: 0.58 AC ± RL CS-2 (AS)
Net Total: 1.06 AC ±
Gross Acreage: 0.67 AC ± RL CS-2 (AS)
Gross Total: 1.17 AC ± (including 20' of Joppa Rd right-of-way)
 4. Existing use: Vacant warehouse
 5. Proposed use: Service garage, 10,220 sq ft
 6. Site data:
Street address: 1909 E. Joppa Road
Tax map 71, block 7, parcel 957
Deed reference: 5135651
Tax account: 091915159
Zoning: RL CS-2 (AS)
County: Baltimore
Circuiting District: 8
Census Tract: 4319
 7. Floor Area Ratio:
Allowed: 3.0 X 1.17 AC = 3.51 AC
Proposed: 10,220 sq ft Service Garage (0.20 FAR)
 8. Parking:
Required: 10,220 sq ft Prop. Service Garage @ 331/1000 = 34 spaces
Provided: 53 exterior spaces + 9 service bays
Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8' X 18'
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic areas or underground tanks on the property.
 11. There are no known streams, seeps or 100 year flood plains on the site.
 12. There shall be no outside storage of debris, or of debris vehicles on the site.
 13. Applicant has been made for a waiver from stormwater management for this development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.
- Requested Zoning Action:
Special exception pursuant to BCZ 22R 13 to permit a service garage in a RL zone.

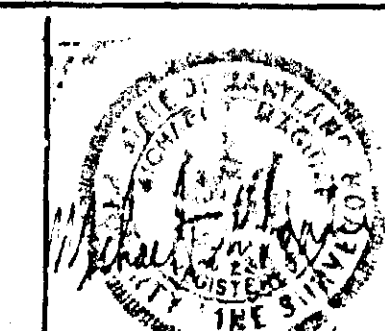
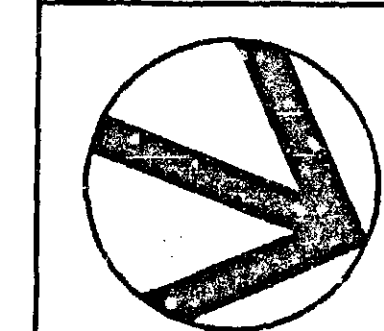
DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 266 3333
Fax 296 4705

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
Revised pursuant to an Order dated 24 AUG 94 in Case # 94-468-X

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map NE 10-D
9th Election District Baltimore County Maryland

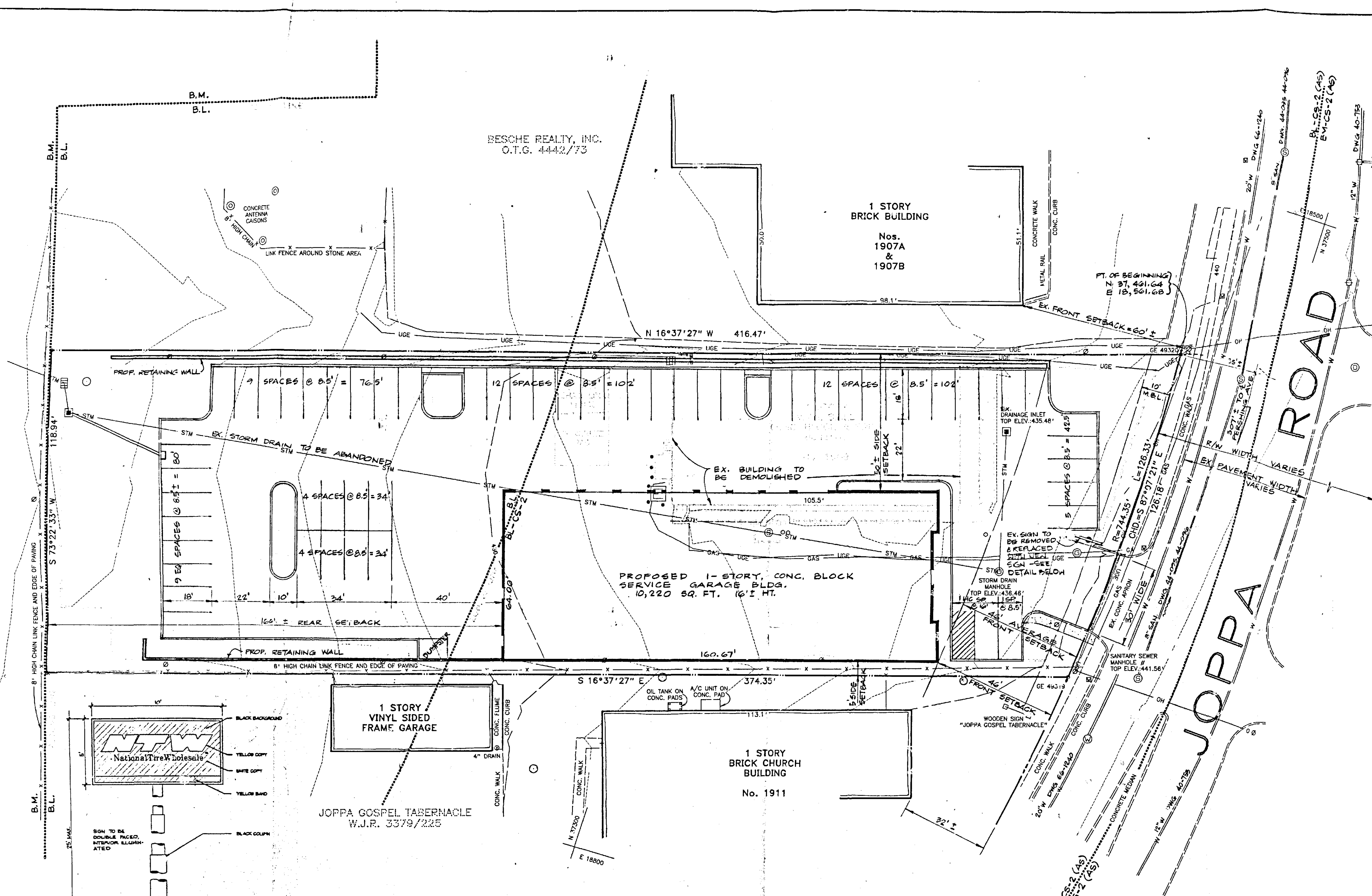


ISSUE DATES	
REVIEW:	03 MAY 94
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	cmh
DRAWN:	D.B.S.
DESIGNED:	
CHECKED BY:	R.G.M.
DATE CHECKED:	
SCALE:	1" = 20'
PROJECT NO.:	94034
DRAWING:	

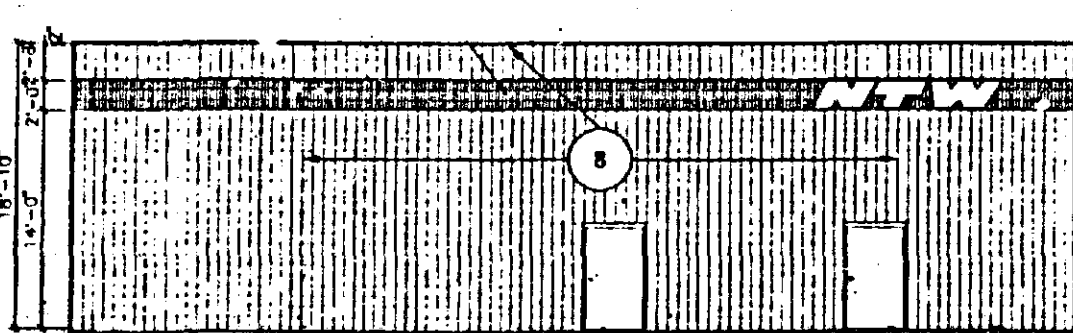
DATE	BY	REVISIONS
19 SEP 94	RDJ	PLP BLDG. TO EAST SIDE OF SITE PER ZONING ORDER
4 NOV 94	RDJ	MOVE EAST RETAINING WALL TO E

FILE: BASE D.L.: <PLAT>

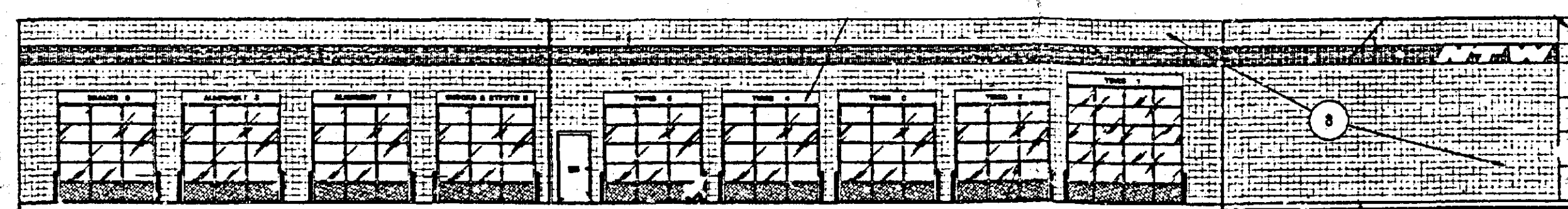
ROBERT G. DAVIDSON, JR.
E.H.K., Jr. 5392/9222



PROPOSED SIGN DETAIL
N.T.S.



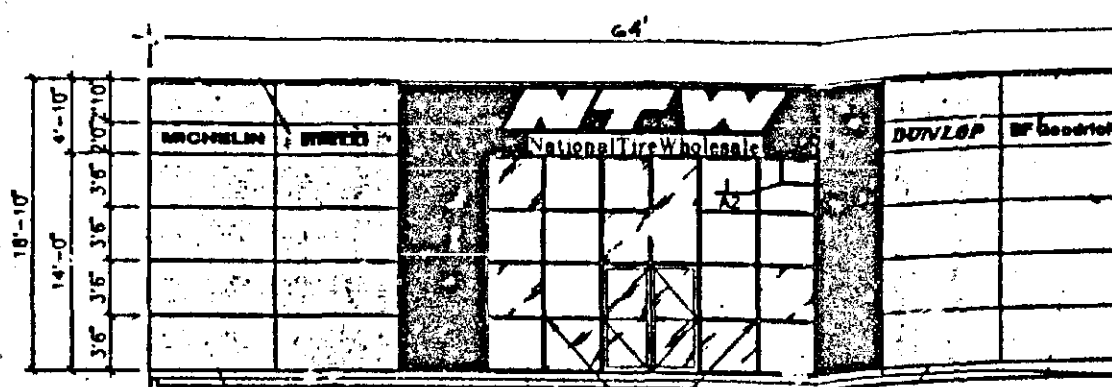
Rear



West Side

PROPOSED BUILDING ELEVATIONS

N.T.S.

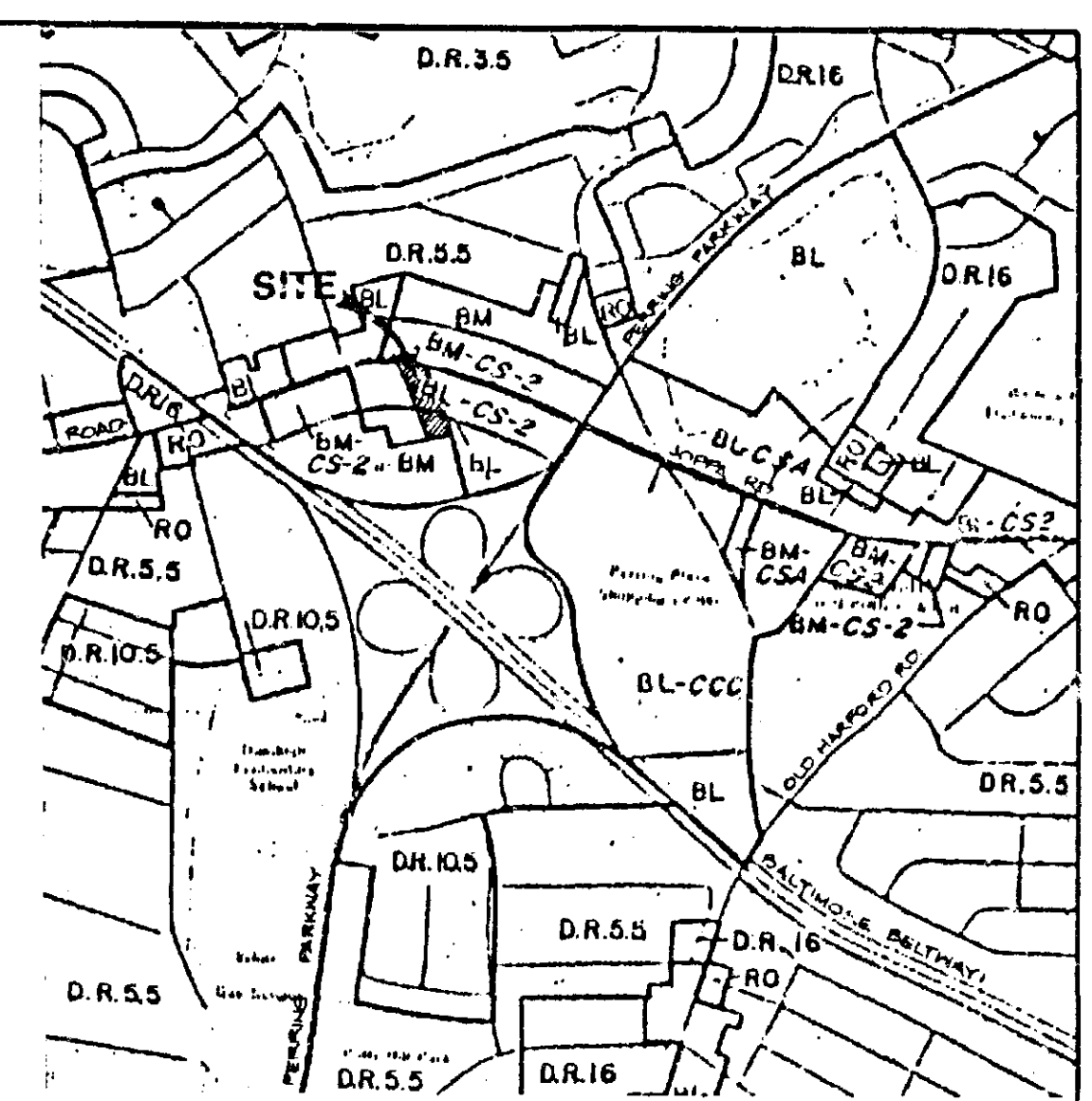


Front

PRINTED

SEP 20 1994

DAFT-MCCUNE WALKER, INC.



VICINITY MAP

- NOTES:
1. Current owner and street address: State Manufacturing Company, 311 First Park Blvd., Nashville, TN 37217
 2. Contract purchaser: National Tire Warehouse, 220 East Pennsylvania Avenue, Towson, MD 21204
 3. See Acreage and Zoning:
Net Acreage: 0.55 Ac. ± BL-C5-2 (AS)
Net Total: 1.08 Ac. ±
Gross Acreage: 0.87 Ac. ± BL-C5-2 (AS)
Gross Total: 1.17 Ac. ± (including 37' of Joppa Rd. right-of-way)
 4. Existing Use: Vacant/Industrial
 5. Proposed Use: Service garage, 10,220 s.f.
 6. Site data:
Street address: 1909 E. Joppa Road
Tax map 71, block 7, parcel 937
Zoning: BL-C5-2 (BL)
Election District: 9
County: Harford
 7. Floor Area Ratio:
Allowed: 3.0 X 1.17 Ac. = 152,965 s.f.
Proposed: 10,220 s.f. Service Garage (0.20 FAR)
 8. Parking:
Required: 10,220 s.f. Prop. Service Garage @ 3.3/1000 = 34 spaces
Provided: 53 interior spaces + 9 service bays = 62 spaces
Parking will be paved with a durable, curbside surface and marked. Standard spaces will be a minimum of 8.5' x 18'.
No portion of the site is located within the Chesapeake Bay Critical Area.
There are no known wetlands, septic areas or underground tanks on the property.
There are no known streams, seeps or 100-year flood plains on the site.
There shall be no outside storage of materials or debris on the site.
The applicant has been made for a waste management plan for the development.
 14. Landscaping will be provided in accordance with applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

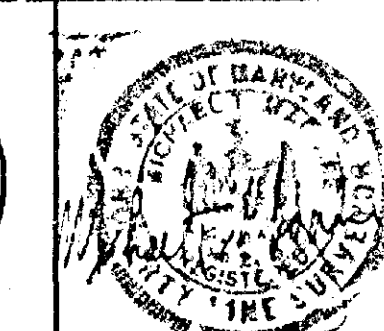
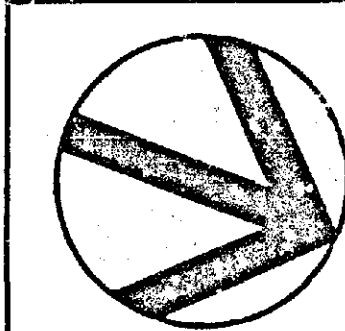
Requested Zoning Action:
Special exception pursuant to BCZM §20.13 to permit a service garage in a BL zone.

DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
Revised pursuant to an Order dated 24 AUG 94 in Case # 94-468-X

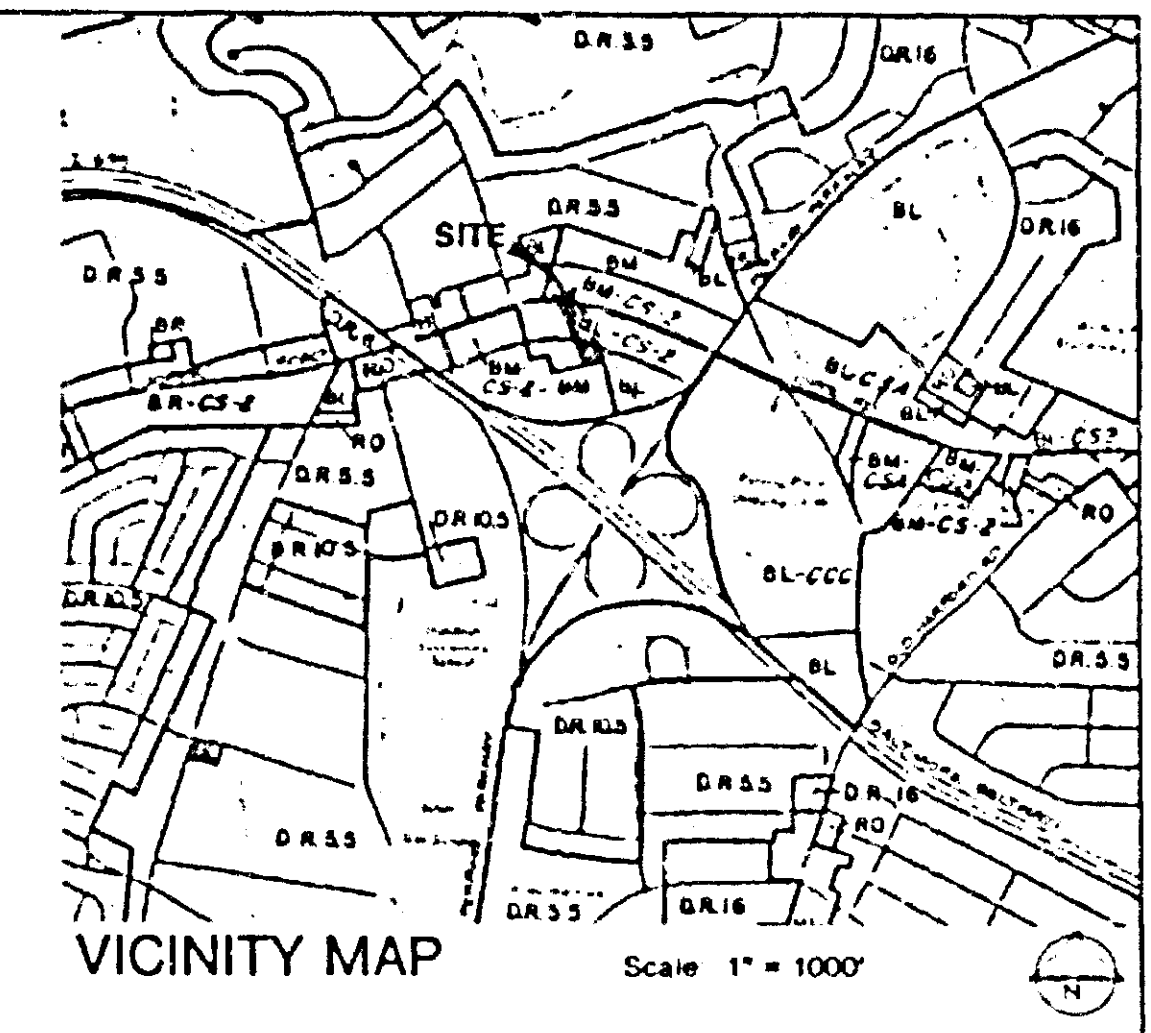
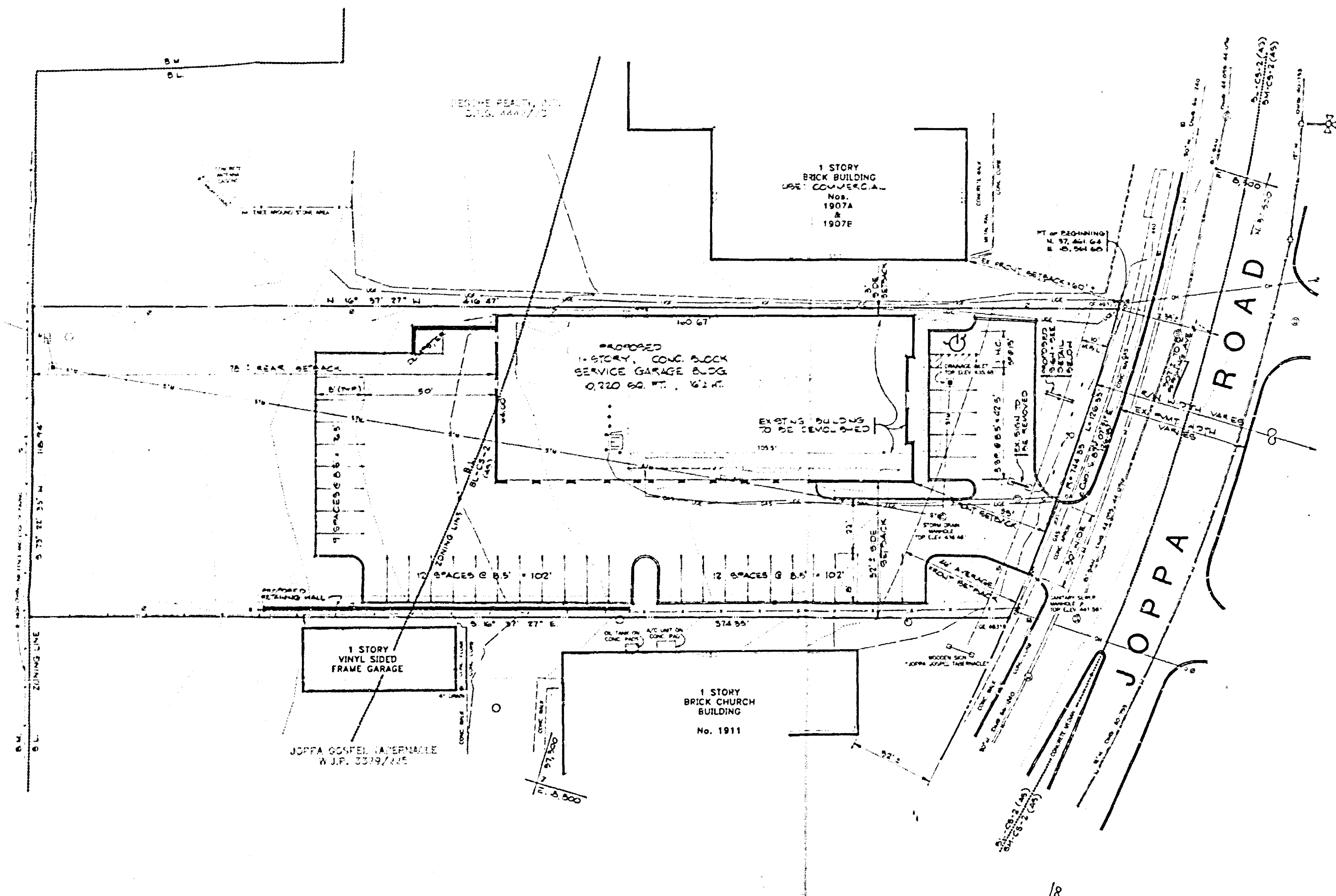
NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map: NE 10-D
9th Election District Baltimore County Maryland



ISSUE DATES	
REVIEW:	09 MAY 94
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	cmh
DRAWN:	D.B.G.
DESIGNED:	
CHECKED BY:	R.E.M.
DATE CHECKED:	
SCALE:	1" = 20'
PROJECT NO.:	94031
DRAWING:	

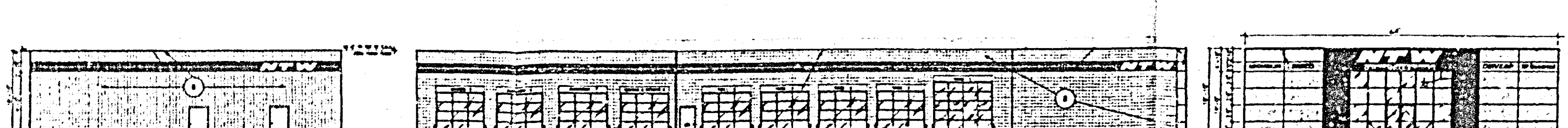
REVISIONS	
DATE BY	DESCRIPTION
10-SEP-94	PLP BLDG. TO EAST SIDE OF SITE PER ZONING ORDER



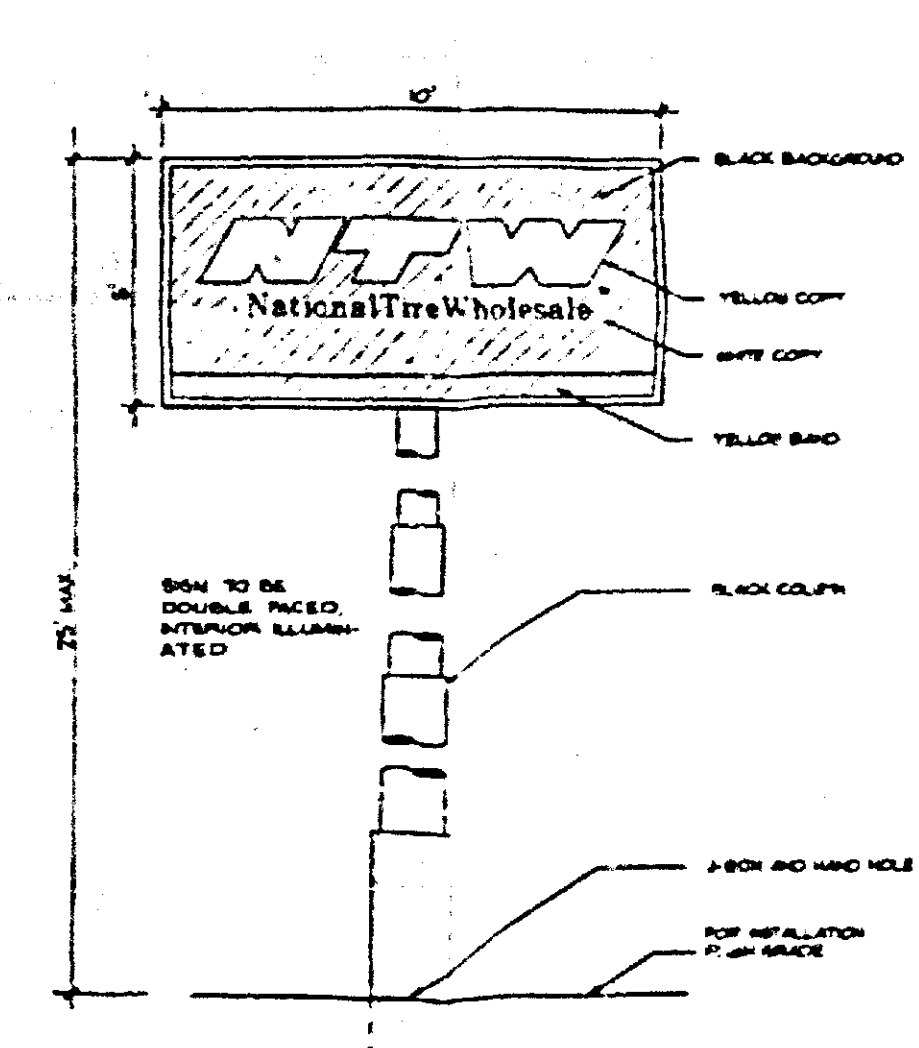
- NOTES**
1. Current owner and street address: Essex Manufacturing Company, 311 Plus Park Blvd, Nashville, TN 37217
 2. Contract purchaser: National Tire Warehouse, 2550 Research Drive, Woodbridge, VA 22192 (703) 543-1700
 3. Site Acreage and Zoning:
 - Net Acreage = 0.58 Ac. ± BL CS 2 (AS)
 - Net Total = 1.08 Ac. ±
 - Gross Acreage = 0.87 Ac. ± BL CS 2 (AS)
 - Gross Total = 2.50 Ac. ± BL
 - 1.17 Ac. ± (including 30' of Joppa Rd. R/W to west)
 4. Existing use: Vacant lot
 5. Proposed use: Service garage 10,220 sq ft
 6. Site data:
 - Street address: 1909 E. Joppa Road
 - Tax map 71, Block 7, Parcel 91
 - Deed reference: 5131 587
 - Tax account no.: 081915150
 - Zoning: BL-CS-2, BL
 - Election District: 9
 - County: District: 5
 - Census Tract: 4919
 7. Floor Area Ratio:
 - Allowed: 3.0 X 1.17 Ac. = 152,895 sq ft
 - Proposed: 10,220 sq ft Service Garage (0.20 FAR)
 8. Planning:
 - Required: 10,220 sq ft Prop. Service Garage @ 3.5:1000 = 34 spaces
 - Provided: 30 existing spaces + 8 service bays
 - Planning will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8' X 16'.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic areas or underground tanks on the property.
 11. There are no known streams, seeps or 100-year flood plains on the site.
 12. There shall be no outside storage of damaged or disabled vehicles on this site.
 13. Application has been made for a sewer from stormwater management for this development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

Requested Zoning Action:
Special exception pursuant to BCCR §230.13 to permit a service garage in a BL zone.

PRINTED
MAY 19 1994
DAFT-MCCUNE-WALKER, INC.



PROPOSED BUILDING ELEVATIONS
NTS



PROPOSED SIGN DETAIL
NTS

IDMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors, Environmental Professionals

201 East Parkersburg Avenue
Towson, Maryland 21204
Tel: 410-281-1111 Fax: 410-281-1105

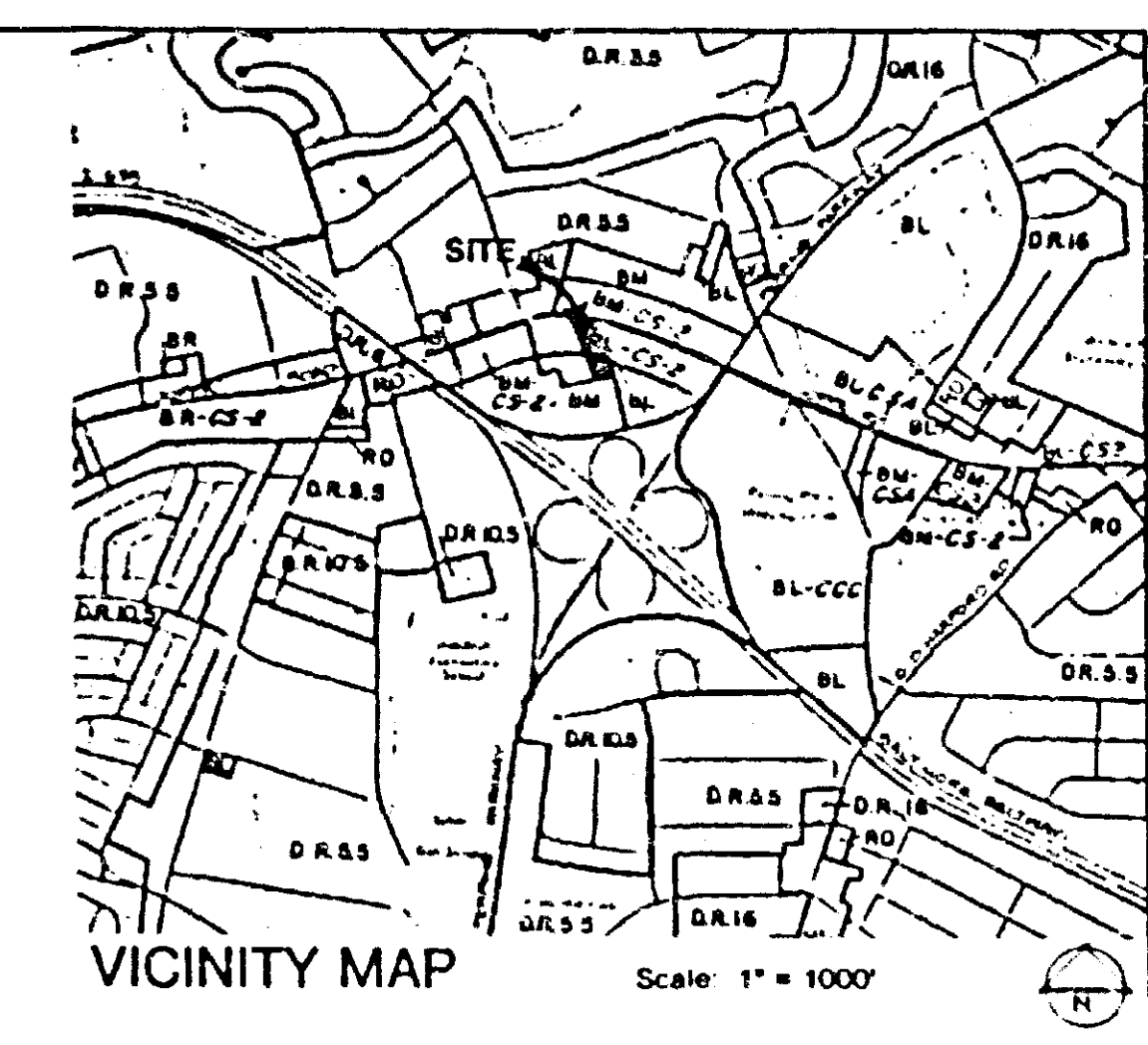
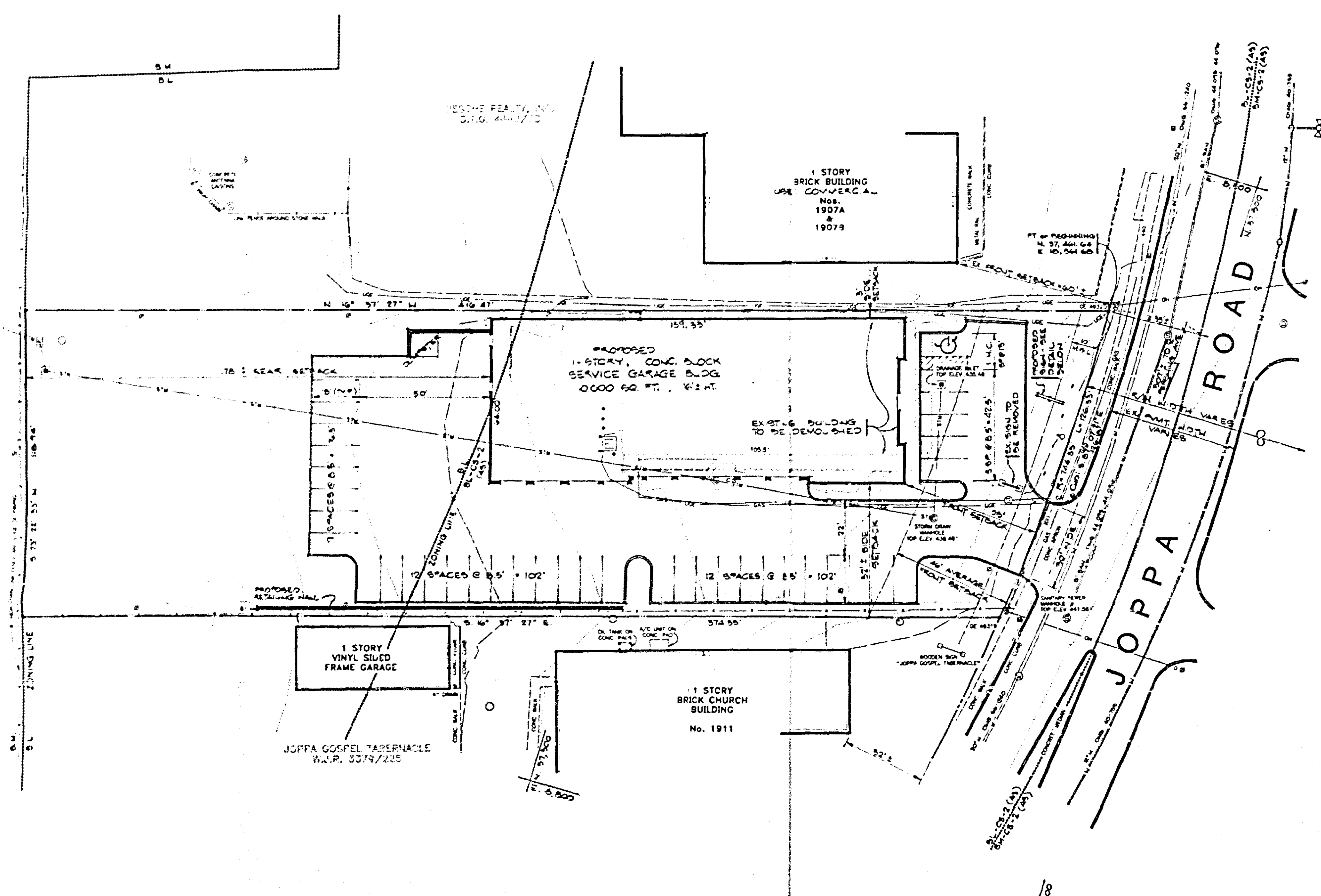
Site Plan to Accompany
Petition for Special Exception

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map: NE 10-D
9th Election District Baltimore County Maryland

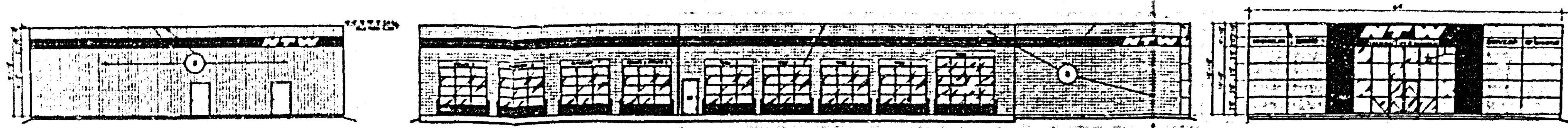
DATE: 5/23/94
REV: 5/23/94

ISSUE DATES
REVISED: 08 MAY 94
BY: [Signature]
FOR: [Signature]
CONV: [Signature]
BASE: [Signature]
DESIGNED: [Signature]
CHECKED BY: [Signature]
DATE CHECKED: [Signature]
SCALE: 1" = 20'
PROJECT NO.: 84034
DRAWING: 1 OF 1

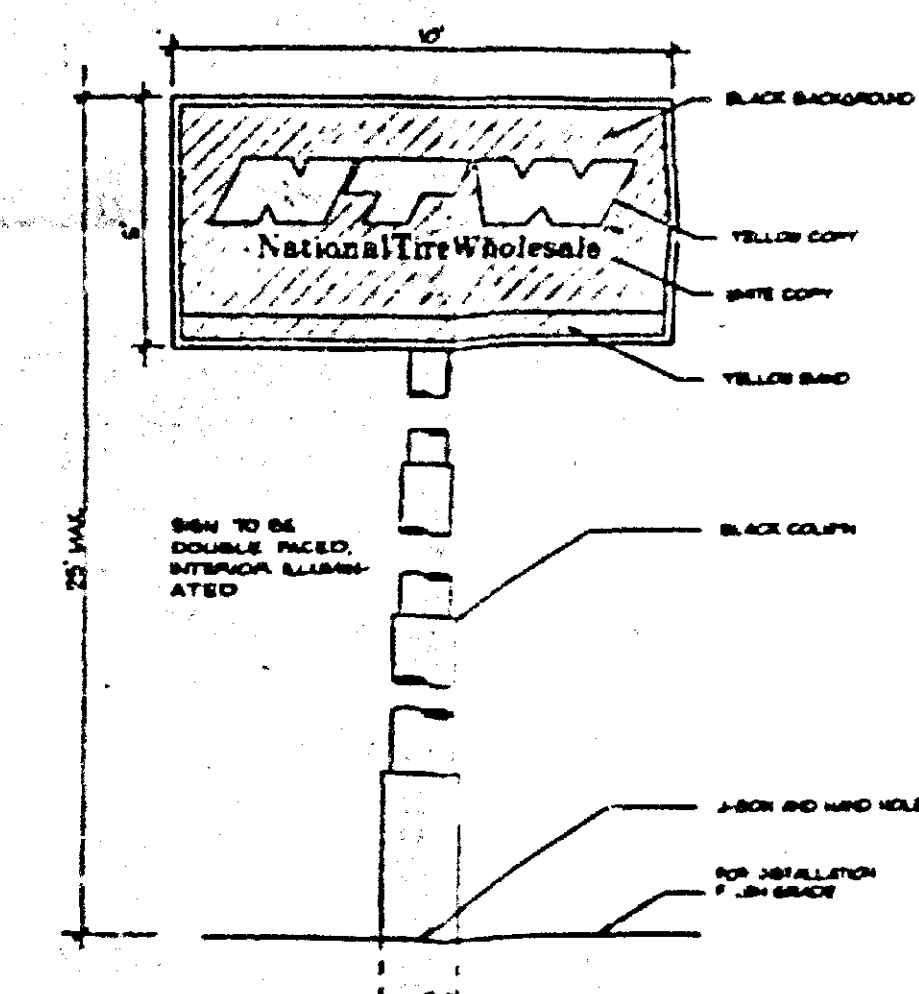


- NOTES:**
1. Current owner and street address:
Essex Manufacturing Company
311 Plus Park Blvd
Nashville, TN 37217
 2. Contract purchaser:
National Tire Warehouse
2204 Research Drive
Woodbridge, VA 22192
(703) 543-1700
 3. See Acreage and Zoning:
Net Acreage = 0.54 Ac ± BL CS-2 (AS)
Net Total = 1.08 Ac ±
Gross Acreage = 0.87 Ac ± BL CS-2 (AS)
Gross Total = 1.17 Ac ± (including 30' of Joppa Rd. right-of-way)
 4. Existing use:
Vacant restaurant
 5. Proposed use:
Service garage, 10,000 ± ft.
 6. Site data:
Street address: 1909 E. Joppa Road
Tax map: 71, parcel 7, parcel 837
Deed reference: 5131-567
Tax account no.: 0818151510
Zoning: BL CS-2, BL
Election District: 9
Councilman District: 8
Census Tract: 4219
 7. Floor Area Ratio:
Allowed: 3.0 X 1.17 Ac = 152,895 ± ft.
Proposed: 10,000 ± ft. Service Garage (10.20 FAR)
 8. Parking:
Required: 10,000 ± ft. Prop. Service Garage @ 3.3 X 1000' = 33 spaces
Provided: 38 interior spaces + 8 service bays = 46 spaces
Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8.5 X 18'.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic lines or underground tanks on the property.
 11. There are no known streams, ponds or 100-year flood plains on the site.
 12. There shall be no outside storage of damaged or disabled vehicles on the site.
 13. Application has been made for a waiver from stormwater management for the development.
 14. Landscaping will be provided in accordance with all applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Landscape Manual.

Requested Zoning Action:
Special exception pursuant to BCZD §20-13 to permit a service garage in a 2b zone.



PROPOSED BUILDING ELEVATIONS
N.T.S.



PROPOSED SIGN DETAIL
N.T.S.

DMW
Daft · McCune · Walker, Inc.

A Team of Land Planners,
Urban Designers,
Engineers, Surveyors &
Environmental Professionals

200 East Pennsylvania Avenue
Columbia, Maryland 21046
410 268 1333
Fax 268 4700

Site Plan to Accompany
Petition for Special Exception

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

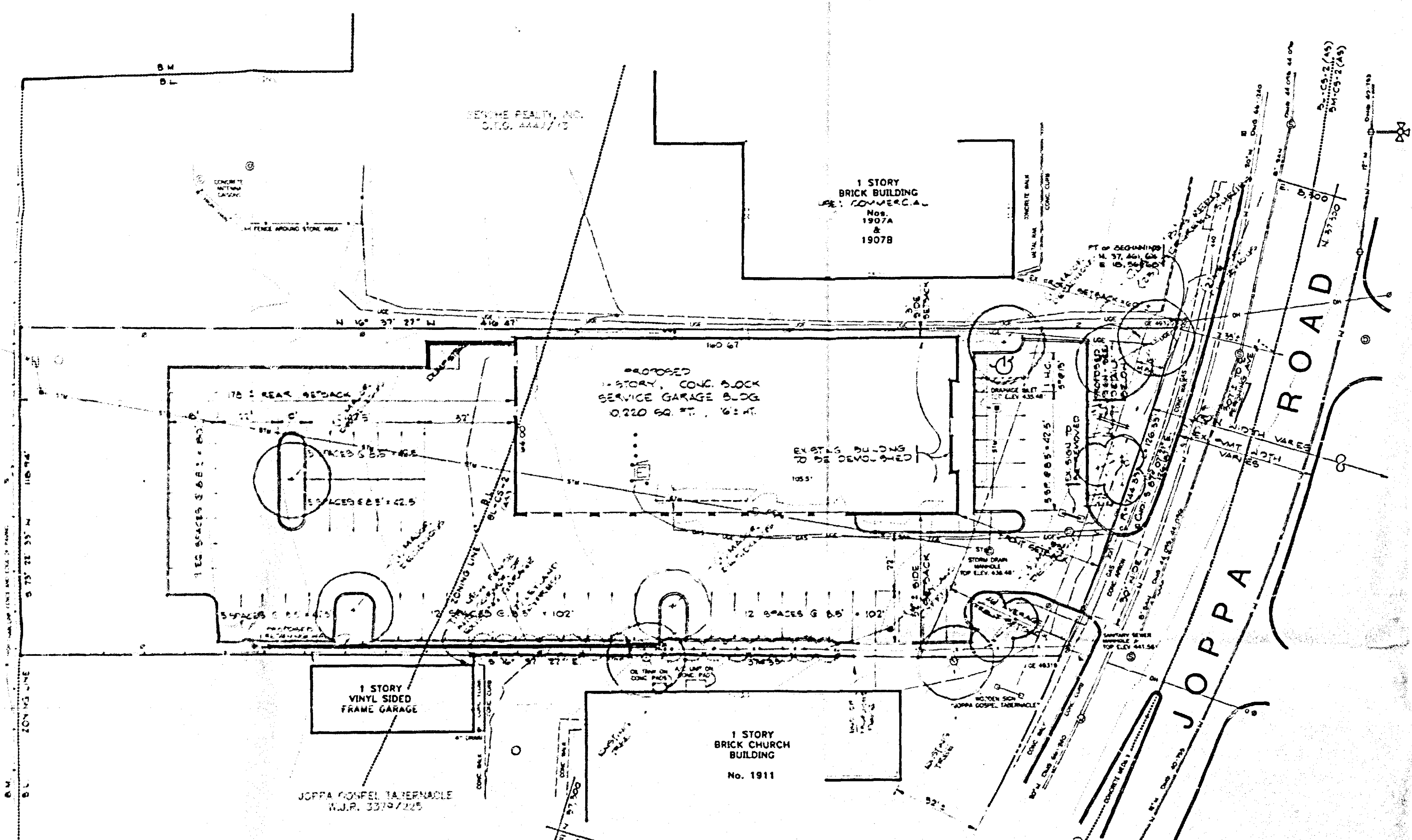
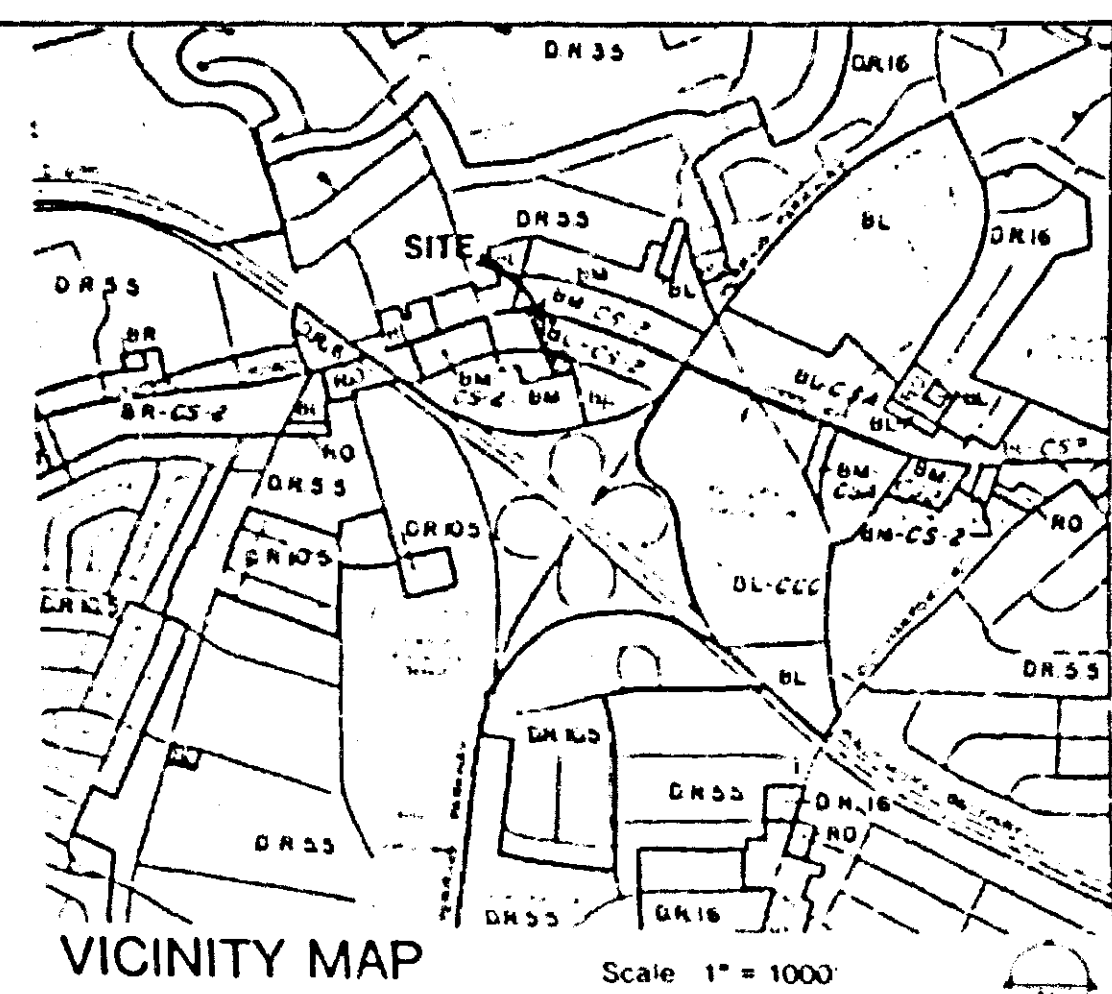
Zoning Map: NE 10-D
9th Election District: Baltimore County Maryland

ISSUE DATES: 09 MAY 94

DATE BY: [Signature]
REVISIONS: [Signature]
DATE CHECKED: [Signature]
PROJECT NO.: 84034
DRAWING: 1 OF 1

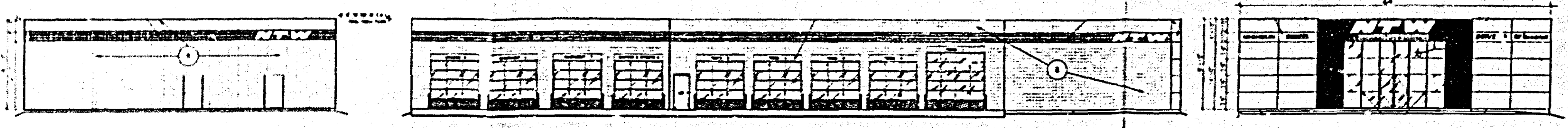
PRINTED: MAY 1 1994
DAFT-MCCUNE

Petitioner
EX 1



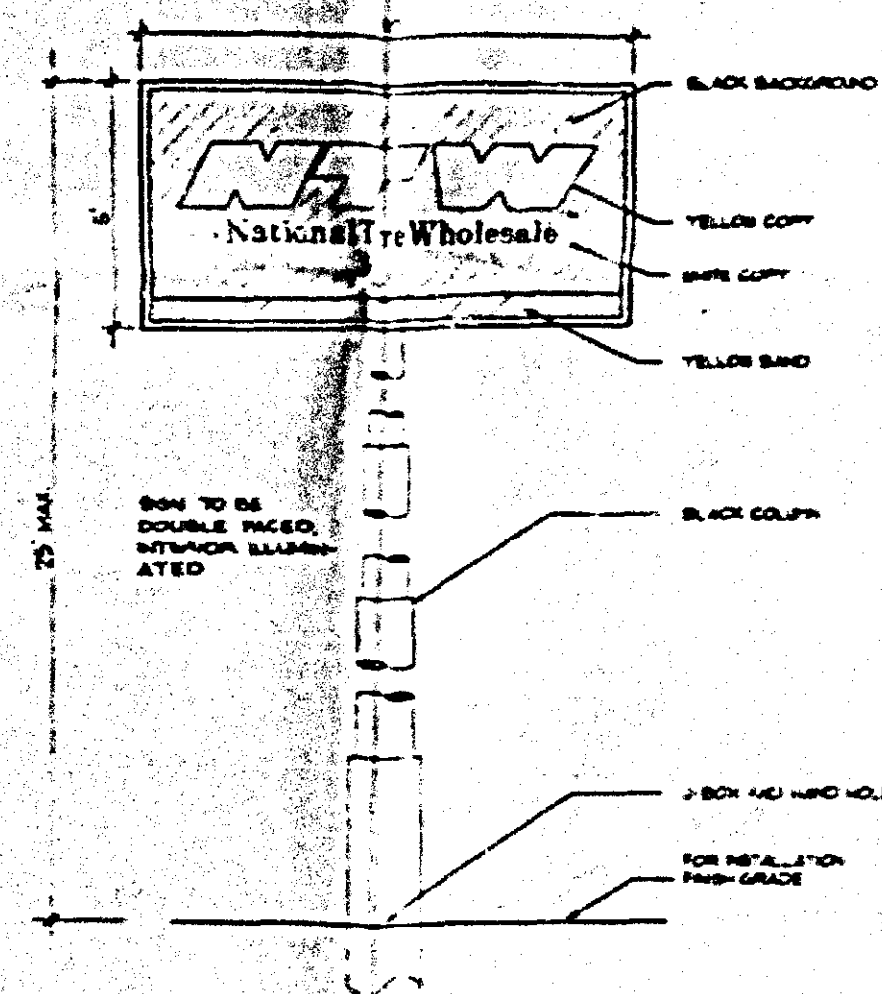
SCHEMATIC LANDSCAPING

- NOTES:
1. Current owner and street address:
Essex Manufacturing Company
C/O HOBAS, INC.
371 Plus Park Blvd.
Nashville, TN 37217
 2. Contract purchaser:
National Tire Warehouse
2233 Franklin Drive
Woodstock, VA 22192
703-943-1700
 3. Site Acreage and Zoning:
Net Acreage: 0.16 AC ± BL CS 2 (AS)
0.52 AC ± BL
Net Total: 1.08 AC ±
Gross Acreage: 0.67 AC ± BL CS 2 (AS)
2.52 AC ± BL
Gross Total: 1.17 AC ± including 0.27 of Acres Rd right of way
 4. Existing use:
Vacant restaurant
 5. Proposed use:
Service garage 10,220 sq ft
 6. Site data:
Sheet address: 1909 E. Joppa Rd.
Tax map: 71, Block 7, 2-16-197
Deed reference: 1131567
Tax account no.: 039315150
Zoning: BL CS 2, BL
Election District: 9
Countywide District: 6
Census Tract: 4919
 7. Floor Area Ratio:
Allowed: 3.0 X 1.17 AC = 3.51 AC
Proposed: 10,220 sq ft Service Garage (0.20 FAR)
 8. Parking:
Required: 10,220 sq ft Prop. Service Garage @ 131/300 = 34 spaces
Provided: 53 exterior spaces + 9 service bays = 62 spaces
Parking will be paved with a durable, dustless surface and proper, standard spaces will be a minimum of 8.5 x 18.
 9. No portion of the site is located within the Chesapeake Bay Critical Area.
 10. There are no known wells, septic areas or underground tanks on this property.
 11. There are no known streams, levees or 100-year flood plains on this site.
 12. There shall be no outside storage of damaged or disabled vehicles on this site.
 13. Application has been made for a waiver from stormwater management for this development.
 14. Landscaping will be done in accordance with all applicable sections of the Esomere County Zoning Regulations and the Baltimore County Landscaping Manual.
- Requested Zoning Action:
Special exception pursuant to BCZR §20-13 to permit a service garage in a BL zone.



PROPOSED BUILDING ELEVATIONS

NTS



DMW
Daft · McCune · Walker, Inc.

A firm of, and planners,
architects, engineers,
interior designers, and
landscape architects.

200 East Pennsylvania Avenue
Baltimore, Maryland 21202
410-268-1573
Fax 268-4700

Site Plan to Accompany
Petition for Special Exception

NATIONAL TIRE WAREHOUSE
1909 E. Joppa Rd. Parkville, MD 21234

Zoning Map: NE 10 D
9th Election District Baltimore County Maryland

ISSUE DATES	
REVIEW:	09 MAY 94
REVISION:	
CONSTRUCTION:	
DRAWN:	W.P.W.
DESIGNED:	W.P.W.
CHECKED BY:	W.P.W.
DATE CHECKED:	
SCALE:	1" = 20'
PROJECT NO.:	54034
DRAWING:	

PETITIONER'S EXHIBIT

1 of 1



June 28, 1994

Tri-Tek Engineering
Mr. Ted Britt
Suite 300
690 Center Street
Herdon, Virginia 22072-5003

PETITIONER'S EXHIBIT 2

Re: NTW Site - Joppa Road
Special Exception
Baltimore County, Maryland
Our Job No.: 940608

Dear Mr. Britt:

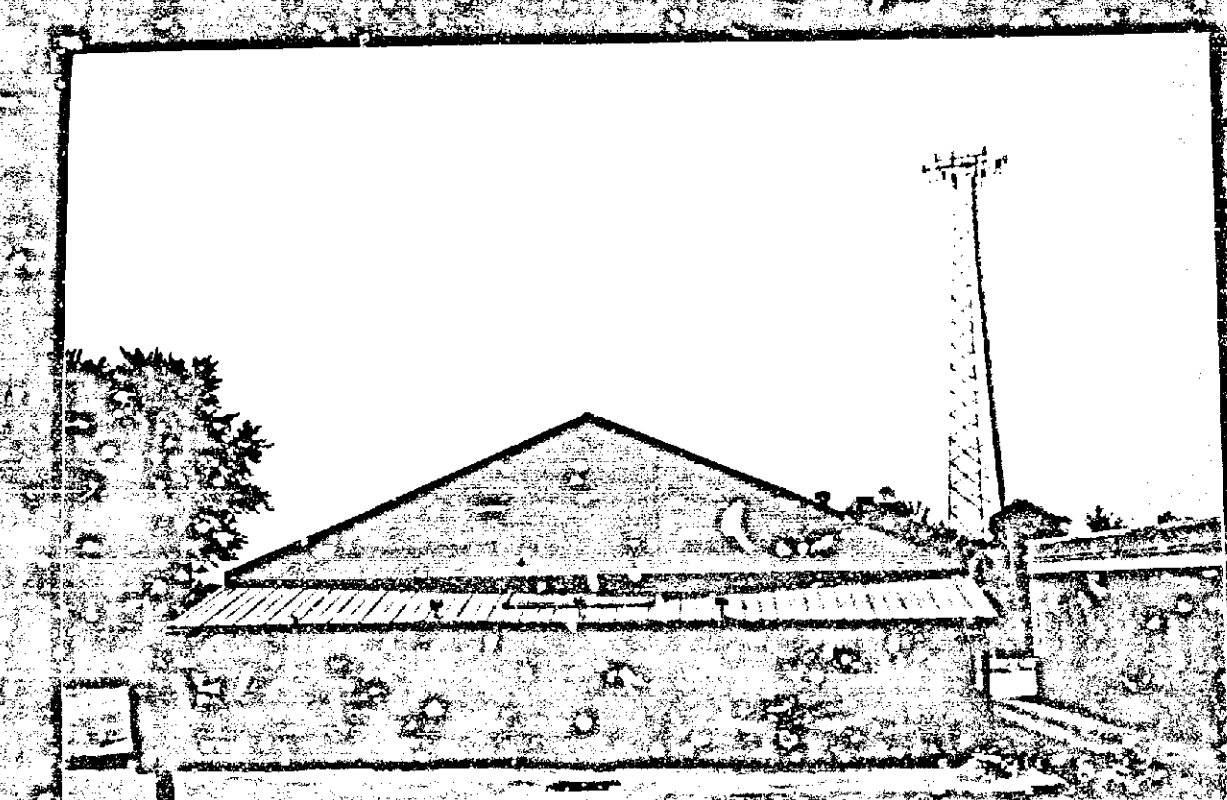
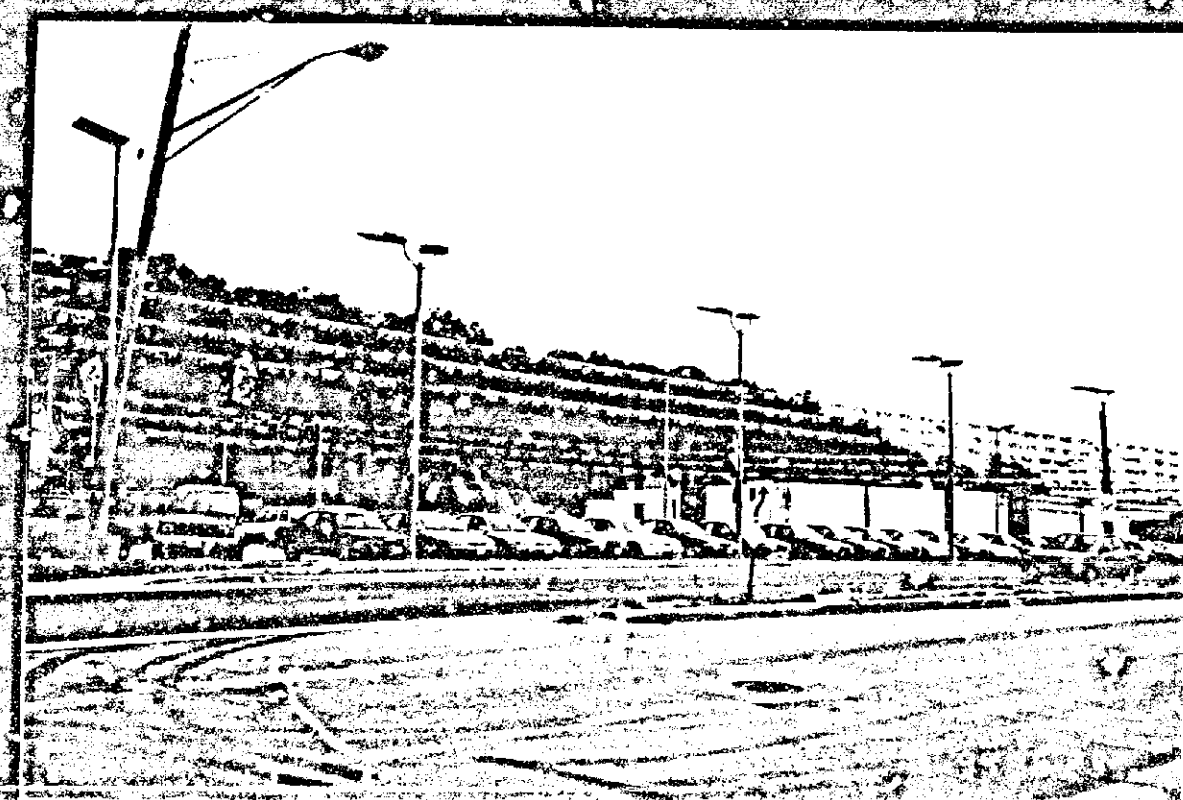
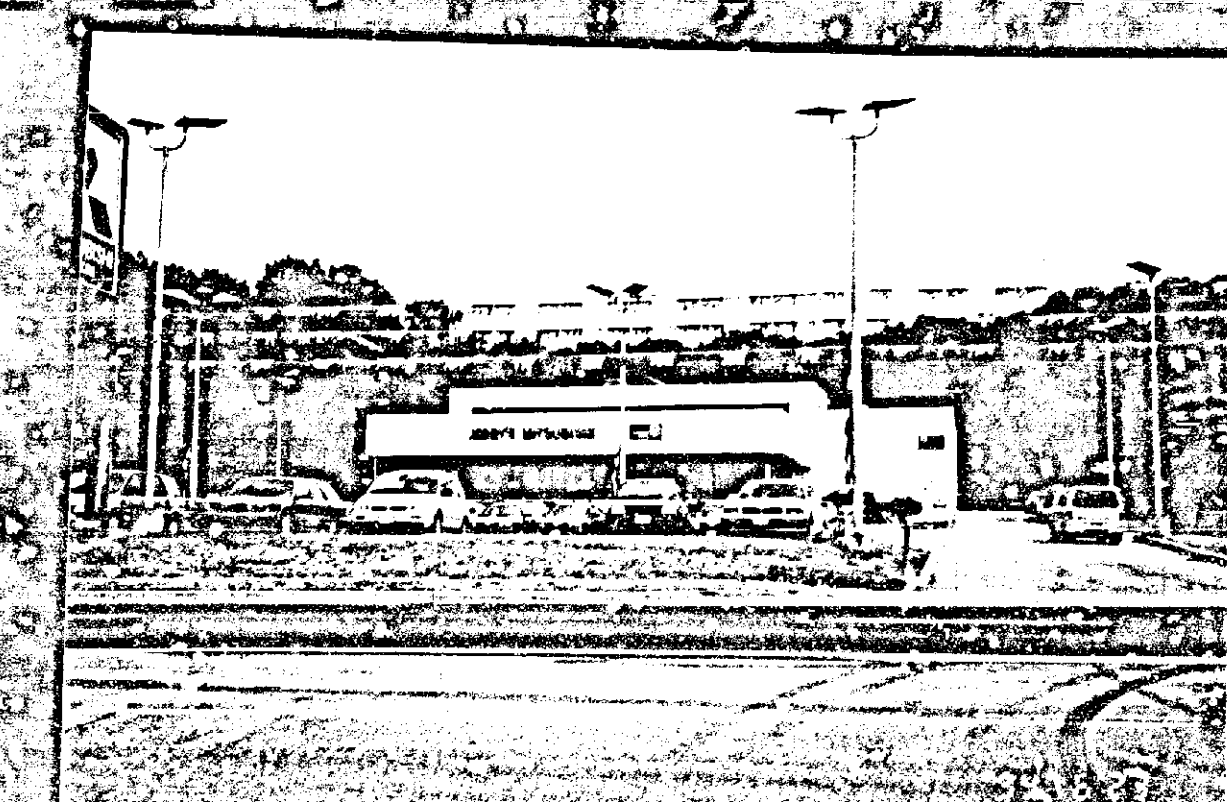
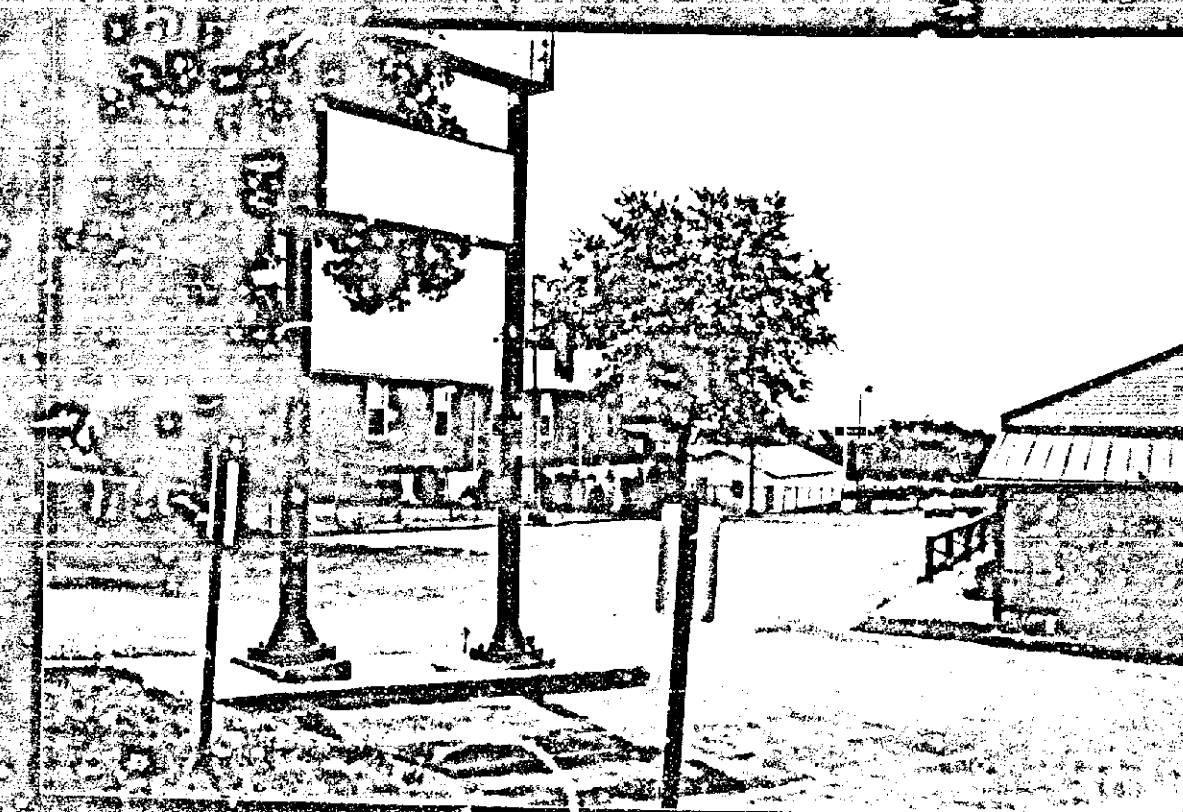
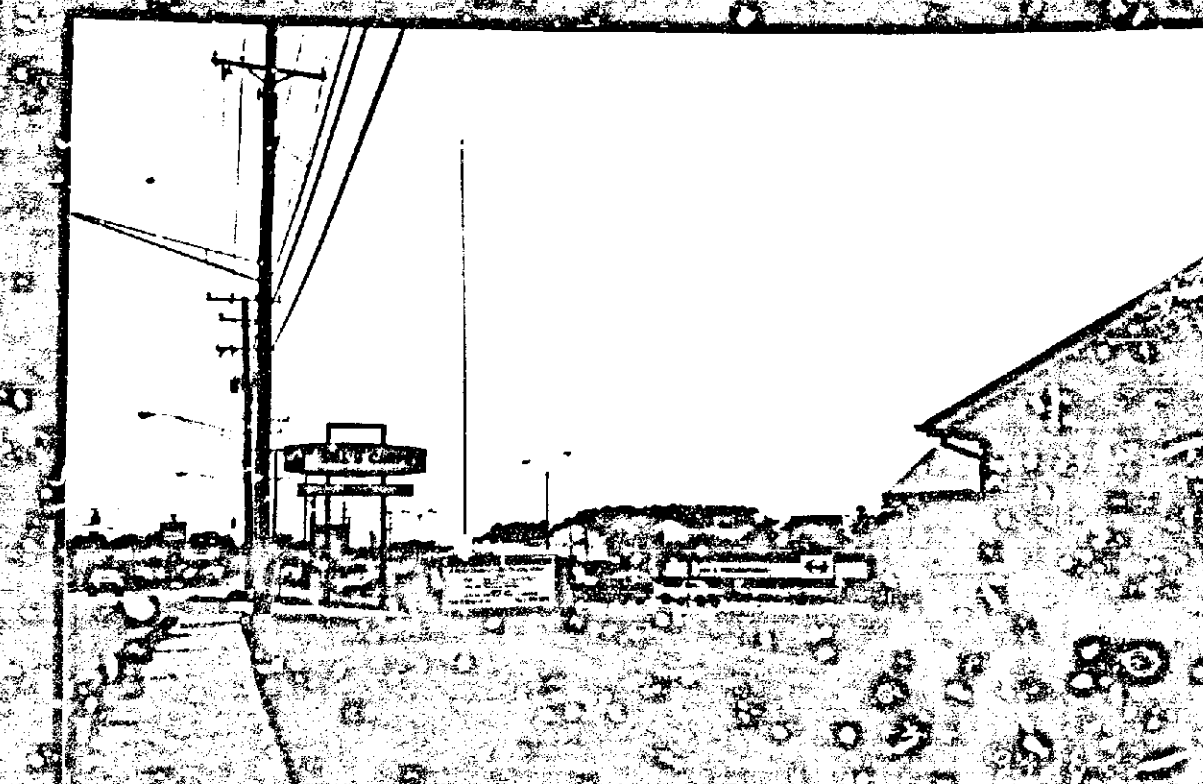
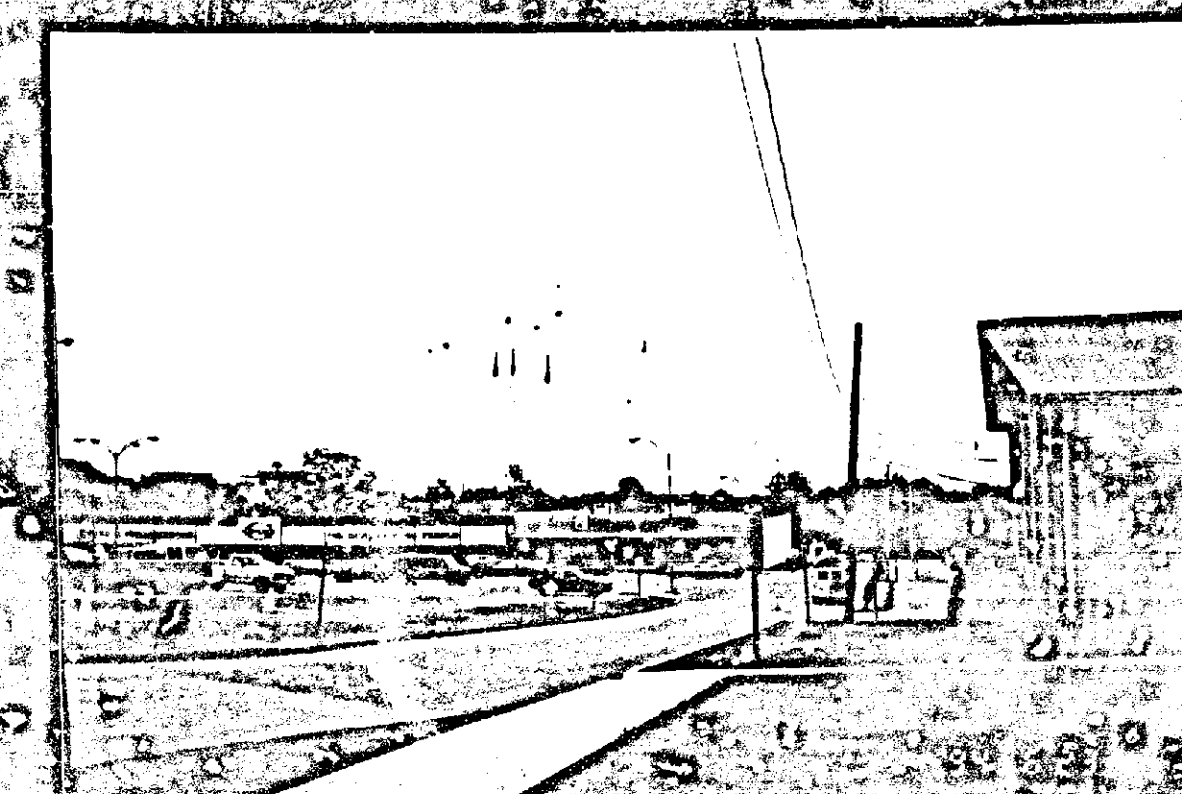
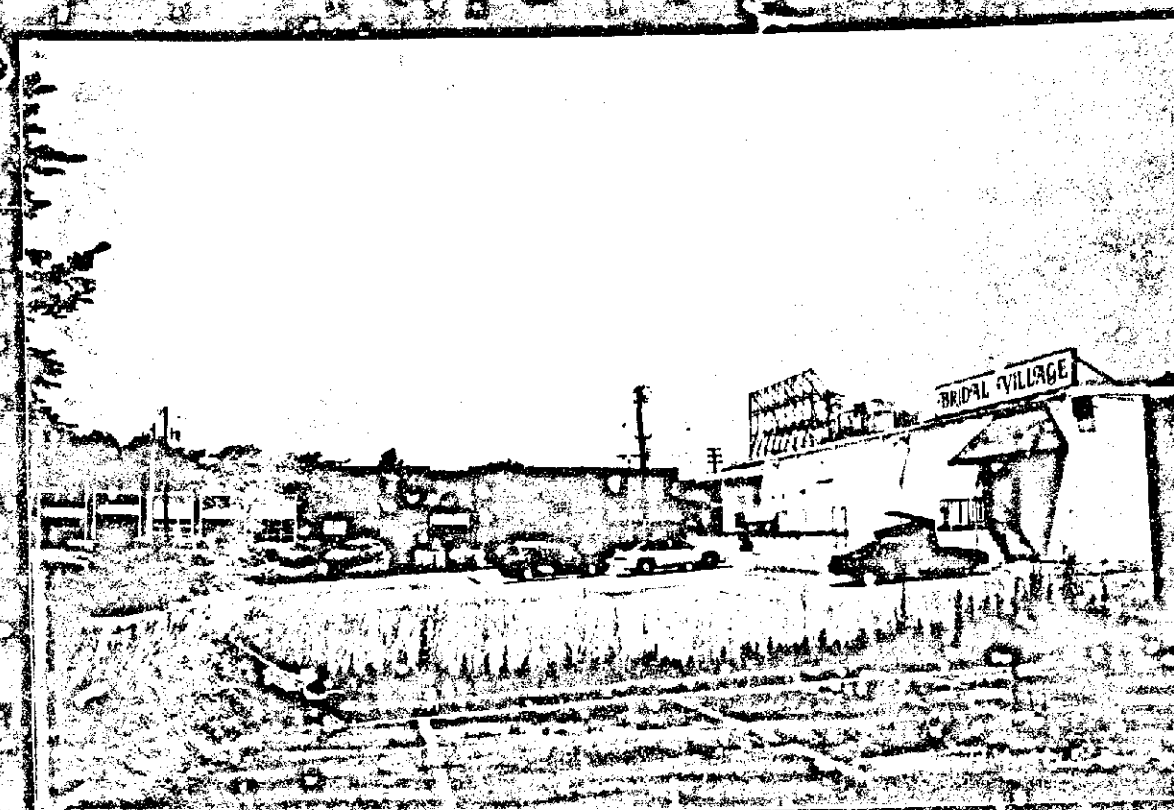
As requested, The Traffic Group, Inc. has conducted an evaluation of the proposed Special Exception Petition for the development of a National Tire Warehouse (NTW) store to be located along Joppa Road in the vicinity of Parkville, Maryland. The primary purpose of this study was to determine the impact of the proposed development of the NTW store on the surrounding area road system. The results of our evaluation show that the surrounding area road system is capable of supporting the proposed development of the site and excellent levels of service will remain during peak time periods.

The site is located along the south side of Joppa Road, west of Perring Parkway in the Parkville vicinity of Baltimore County, Maryland as shown on Exhibit 4. The site is presently developed with a one-story building which previously served as a Po-Pop's restaurant. The Special Exception plan for the NTW store shows the existing building being replaced with a one-story NTW store containing 10,220 sq.ft. of gross floor area, including 9 service bays. Access to the subject property would remain as currently provided with a 30 ft. access along the south side of Joppa Road.

The Traffic Group, Inc.
Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-8402
Fax 410-321-8458

*Petitioner's
Exhibits 3A-3I*

94-468-X



NTW
National Tire Wholesale

**Specialty
Retailing**

PETITIONER'S
EXHIBIT 4

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

TELEPHONE (410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS
(410) 494-6202

ROBERT A. HOFFMAN

June 27, 1994

Mr. Jeffrey Long
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: NTW - E. Joppa Road
Case No. 94-468-X

Dear Jeff:

This letter will serve as minutes of our meeting last Wednesday morning in which we came to an understanding on certain planning comments for the referenced NTW facility. They were as follows:

1. That site constraints which included but were not limited to changes to the point of access to Joppa Road, grading problems and desirability of the rear of the building facing the adjacent church prevented any adjustment to the building and parking locations on site. Also, it was agreed that there would be no proposed parking space reduction along the eastern boundary of the property.
2. That the existing site design would be properly screened and buffered if a six-foot high board on board fence and significant plantings were installed in general compliance with the site plan you provided. Also, NTW would be permitted but not required to do screening for the church on the church property.
3. That even though the church is in a commercial zone and a commercial corridor, you suggested there should be some restriction on use of the NTW facility during church services. A service occurs Wednesday evening at 8:00 p.m., Sunday morning before 12:00 p.m. and

RECEIVED
JUN 27 1994
OFFICE OF
PLANNING & ZONING

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

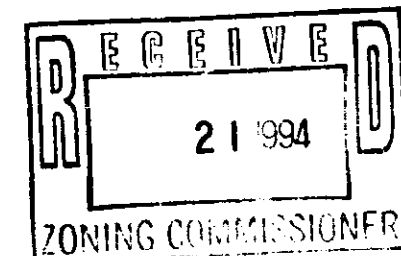
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

TELEPHONE (410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS
(410) 494-6202

ROBERT A. HOFFMAN

September 21, 1994



Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Suite 113, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: - National Tire Warehouse - Joppa Road
- Petition for Special Exception
- Zoning Case No. 94-468-X

Dear Mr. Kotroco:

Enclosed please find the site plan for the above-referenced case which has been revised in accordance with Restriction No. 2 in your Order, dated August 24, 1994. We would ask that you please review the revised site plan at your earliest convenience to confirm that it contains the changes that you requested.

Please call if you have any questions.

Sincerely,

G. Paige Wingert
G. Paige Wingert

GPW/dok
enclosure

cc: Robert A. Hoffman, Esq.

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD.
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD.

210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21285-5517

TELEPHONE (410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS
(410) 494-6202

ROBERT A. HOFFMAN

September 23, 1994

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: - National Tire Warehouse - Joppa Road
- Petition for Special Exception
- Zoning Case No. 94-468-X

Dear Mr. Jablon:

On behalf of our client, National Tire Warehouse, Inc., Petitioner, whose address is 2359 Research Drive, Woodbridge, Virginia 22192, I hereby note an appeal from the decision of the Deputy Zoning Commissioner with regard to the special exception in above-referenced zoning case.

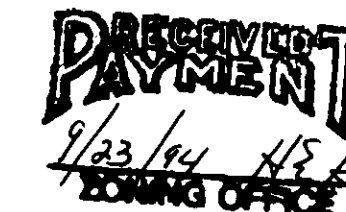
Enclosed is a check payable to Baltimore County in the amount of \$285 to cover the cost of this appeal (\$250.00 for appeal of special exception and \$35.00 for posting of the property). Thank you for your cooperation.

Yours Truly,

Robert A. Hoffman

GPW/dok
enclosure

cc: Theodore D. Britt
Steven Larkin
JABLON@GPW



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegany Ave
Ed Behr	690 Center St. Haverhill, MA 01830
MICKY CORNELIUS	40 W. CHESAPEAKE AVE.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John A. Reed	1911 E. Joppa Rd 21234
James J. Giffen	1911 E. Joppa Rd 21234
Berthanne Root	1911 E. Joppa Rd 21234
AYNE KINNER	1815 EDDINGWORTH RD 21224
DONNA SPICER	8719 EDDINGWORTH RD 21234

VENABLE
ATTORNEYS AT LAW

VENABLE, BAETJER AND HOWARD, LLP
A Partnership Including Professional Corporations
210 Allegany Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

January 3, 1995

Hand Delivery

William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-468-X
National Tire Warehouse, Inc., petitioner/appellant

Dear Mr. Hackett:

On behalf of the appellant in the above-captioned matter, please dismiss the appeal filed on September 23, 1994.

Sincerely,

Robert A. Hoffman

cc: Theodore D. Britt
Steven Larkin
Bradford G.Y. Carney, Esquire

lctr0300.baw

National Tire Warehouse
14m No. 455

Revisions to plan: 5/23/94

1. Building Dimensions + Square Footage
2. Required parking changed from 33 to 34 spaces.

Petition for:

1. Zoning Classification BL, BL-CS2 (BL-A9)

Barbara J. White

Joppa Gospel Tabernacle

1911 East Joppa Road/Baltimore/Maryland/21234 Telephone/301/668-2866 Otis B. Reed, Jr., D.D./Pres

Kinship
Ministries
Missionary outreaches
Christian Counseling
Bible Seminars
Cassette Tapes
Radio

PROTESTANT'S EXHIBIT NO. 1

RE: Hearing - Zoning Commissioner
June 29, 1994 - 10 A.M.
Room 118 - Old Court House
Towson
Case No. 94-468-X
National Tire Warehouse

Introduce yourself

The congregation and Board of Directors of Joppa Gospel Tabernacle, 1911 E. Joppa Road, are much opposed to the operation of a service garage next door to our Church. We have been in operation at this location for over 35 years. One of our greatest concerns is the amount of noise produced from nine service bays used in changing tires, etc. with air hammers, with a location directly facing our sanctuary. We have been advised the bays will not be air conditioned, and this will necessitate their being open most of the time.

Our regularly scheduled services, which are year round, include Sunday mornings 10:30 A.M. to 12 noon, Sunday evening at 5:45 P.M., and Wednesday evening at 8 P.M. All of these services are taped, and copies of the tapes are used for weekly radio broadcasts and provided to many people throughout the United States who request them on a regular basis.

Our Church office is in operation Monday through Friday.

APPEAL

Petition for Special Exception
S/S Joppa Road, 250' E of Littlewood Road
(1909 E. Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company-PETITIONER
Case No. 94-468-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Zoning Map to Accompany National Tire Warehouse Site (May 9, 1994)

Miscellaneous Correspondence - 1 - Letter to Robert A. Hoffman,
Esquire from Joseph Merrey, dated May 26, 1994
2 - Comments by Barbara J. White

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Site plan to accompany Petition for Special Exception (May
9, 1994)
2 - Evaluation by the Traffic Group
3 - A through I - Photographs
4 - Brochure - National Tire Wholesale

Protestant's Exhibits: 1 - Letter of Protest - Joppa Gospel Tabernacle

Deputy Zoning Commissioner's Order dated August 24, 1994 (Granted with Restrictions)

Notice of Appeal received on September 23, 1994 from Robert A. Hoffman, Esquire

cc: Robert A. Hoffman Venable, Baetjer & Howard 210 Allegheny Avenue Balto., MD 21204

Theodore D. Britt, National Tire Warehouse, 690 Center Street, Herndon, VA 22070

Brian Sexton, National Tire Warehouse, 2359 Research Drive Woodbridge, VA 22192

Steven Larkin, National Tire Warehouse, 2359 Research Drive Woodbridge, VA 22192

Mickey Cornelius, The Traffic Group, 40 W. Chesapeake Ave. Towson, MD 21204

Messrs. James Griffin and Robin Read and Ms. Georgeanne Kost, Joppa Tabernacle
Church 1911 E. Joppa Road 21234

Mr. Wayne Skinner, TLRC, 1811 Edgewood Road Balto., MD 21234

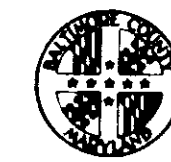
Ms. Donna Spicer, Cromwood, Coventry and Satyr Hill Community Association, 8719
Edlington Road 21234

People's Counsel for Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

11/25/94 - Notice of Assignment for hearing scheduled for Thursday,
February 9, 1995 at 10:00 a.m. sent to the following:

Robert A. Hoffman, Esquire
Michael Weinman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse
Brian Sexton /Steven Larkin
National Tire Warehouse
Mickey Cornelius /The Traffic Group
Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church
Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 25, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE
GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL
NO. 55-79.

CASE NO. 94-468-X THE ESSEX COMPANY -Property Owner;
NATIONAL TIRE WAREHOUSE, INC. -C.P.
S/S Joppa Road, 250' E of Littlewood Road
9th Election District
6th Councilmanic District

SE -To permit service garage in B.L. zone

8/24/94 -D.Z.C.'s Order in which Petition was
GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, FEBRUARY 9, 1995 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Appellants /Petitioners
Michael Weinman, Chairman The Essex Company Petitioner /Property Owner
Theodore D. Britt National Tire Warehouse Petitioner /Contract Purchaser
Brian Sexton /Steven Larkin National Tire Warehouse

Mickey Cornelius /The Traffic Group

Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church
Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration &
Development Management DATE: March 31, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-468-X
THE ESSEX COMPANY -Property Owner
NATIONAL TIRE WAREHOUSE, INC. -Petitioner
9th E; 6th C

As no further appeals have been taken regarding the subject
case, which was dismissed by Order dated January 9, 1995, we are
closing the file and returning same to you herewith.

Attachment



County Board of Appeals of Baltimore County

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

March 31, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X
THE ESSEX COMPANY - Property Owner
NATIONAL TIRE WAREHOUSE, INC. -
Petitioners

Dear Mr. Hoffman:

As no further appeals have been taken regarding the subject
matter, we have closed the file and returned same to the Office of
Zoning Administration and Development Management (ZADM), along with
any exhibits entered in this matter. The Zoning Office maintains
the permanent file.

Anyone interested in this case can contact Gwen Stephens in
Zoning Administration at 887-3391 upon receipt of this letter. By
copy of this letter, all parties of record that may have an
interest in this file have been notified. Please note that
exhibits will not be released by ZADM until after the file has been
microfilmed. Therefore, there may be a considerable time lapse
between the date of this letter and actual retrieval of exhibits.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Michael Weisman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse, Inc.
Brian Sexton /Steven Larkin
National Tire Warehouse, Inc.
People's Counsel for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 30, 1994

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1909 East Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Wingert:

Thank you for your letter dated September 21, 1994 in which you
submitted a revised site plan for the subject property for my review and
approval. This will confirm that the site plan you submitted with a last
revised date of September 13, 1994 meets the requirements of Restriction
No. 2 of my Order and is therefore in compliance.

A copy of this letter with your letter and attached plan shall
be forwarded to the Zoning Administration and Development Management
(ZADM) office for inclusion in the case file.

Should you have any questions on the subject, please do not
hesitate to call.

Very truly yours,

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

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204
file

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 1, 1994

G. Page Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Joppa Road, 250' E of Littlewood Road
(1909 East Joppa Road)
9th Election District - 6th Councilmanic District
The Essex Company - Petitioner
Case No. 94-468-X

Dear Mr. Wingert:

Thank you for your letter dated November 11, 1994 in which you
submitted a second revised site plan for the subject property for my re-
view and approval as well as a copy of the approved Landscaping Plan,
which was signed by Avery Harden of the Department of Public Works. This
will confirm that both the Landscaping plan and the revised site plan with
a last revised date of November 4, 1994 meets the requirements of Restriction
No. 2 of my Order and are therefore in compliance.

A copy of this letter with your letter and attached plan shall
be forwarded to the Zoning Administration and Development Management
(ZADM) office for inclusion in the case file.

Should you have any questions on the subject, please do not
hesitate to call.

Very truly yours,

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

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204
file

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455

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
BALTIMORE, MD
WASHINGTON, D.C.
MCKEAN, VA
ROCKVILLE, MD
210 ALLEGHENY AVENUE
P.O. BOX 5817
TOWSON, MARYLAND 21205-5517
(410) 484-8200
FAX (410) 821-0147

May 19, 1994

WRITER'S DIRECT NUMBER IS

Hand Delivered

Mrs. Julie Winiarski
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: National Tire Warehouse
Proposed Site: 1901 East Joppa Road
Petition for Special Exception

Dear Julie:

Enclosed for processing, please find the Petition for Special
Exception for the proposed National Tire Warehouse to be located on
East Joppa Road. Please hold off on distributing the plans to the
various county agencies as we have a filing appointment on Wednesday,
May 25 to review the request and may need to make revisions at that
time.

Should you have any questions, please give me a call.

Yours truly,

Barbara W. Ormord
Barbara W. Ormord
Legal Assistant

Enclosure

cc: Robert A. Hoffman, Esquire
G. Page Wingert, Esquire

IN THE MATTER OF
THE APPLICATION OF
THE ESSEX COMPANY - PROPERTY
OWNER, AND NATIONAL TIRE
WAREHOUSE, INC. - PETITIONER
FOR SPECIAL EXCEPTION ON
PROPERTY LOCATED ON THE SOUTH
SIDE JOPPA ROAD, 250' EAST OF
LITTLEWOOD ROAD
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-468-X

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated August 24, 1994 in which the Petition for Special Exception was granted with restrictions.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Robert A. Hoffman, Esquire, on behalf of National Tire Warehouse, Inc., Petitioner /Appellant, dated January 3, 1995 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed as of January 3, 1995;

IT IS HEREBY ORDERED this 9th day of January, 1995 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Michael B. Schuetz
Michael B. Schuetz
Robert O. Schuetz
Robert O. Schuetz



County Board of Appeals of Baltimore County

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

January 9, 1995

Robert A. Hoffman, Esquire
VENABLE /Attorneys at Law
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-468-X
The Essex Company -Property Owner;
National Tire Warehouse, Inc. -Petitioner

Dear Mr. Hoffman:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Michael Weinman, Chairman
The Essex Company
Theodore D. Britt
National Tire Warehouse, Inc.
Brian Sexton /Steven Larkin
National Tire Warehouse, Inc.
Mickey Cornelius /The Traffic Group
Messrs. James Griffin & Robin Read
and Ms. Georgeanne Kost /Joppa Tabernacle Church
Mr. Wayne Skinner
Ms. Donna Spicer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards /ZADM
Docket Clerk /ZADM
Arnold Jablon /ZADM

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IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Joppa Road, 250' E of * DEPUTY ZONING COMMISSIONER
Littlewood Road * OF BALTIMORE COUNTY
(1909 East Joppa Road) * Case No. 94-468-X
9th Election District
6th Councilmanic District
The Essex Company
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1909 East Joppa Road located in the Parkville area of eastern Baltimore County. The Petition was filed by the owner of the property, The Essex Company, by Michael Weinman, Vice Chairman of the Board, and the Contract Purchaser, National Tire Warehouse, Inc., by Brian Sexton, Executive Vice President. The Petitioners seek a special exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Petition were Ted Britt for National Tire Warehouse, Inc., Mickey Cornelius with The Traffic Group, Jean Tansey, a landscape planner with Daft-McCune-Walker, Inc., and Robert A. Hoffman, Esquire attorney for the Petitioners. Appearing in opposition to the Petitioners' request were James Griffin, Robin Read, and Georgeanne Kost, members of the adjacent Joppa Gospel Tabernacle Church, Wayne Skinner, President of the Towson, Loch Raven Community Association, and Donna Spicer on behalf of the Cromwood, Coventry and Satyr Hill Community Association.

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Date 8/24/94
By [Signature]

Testimony and evidence presented revealed that the subject property consists of 1.08 acres, more or less, of which .58 acres are zoned B.L.-C.S.2 (AS) and the remaining .50 acres zoned B.L. The property is located along Joppa Road near its intersection with Perring Parkway and is presently improved with a one-story concrete block building which recently housed a restaurant known as Po' Folks. This restaurant use has ceased to exist and at the present time, the building is vacant. Testimony revealed that National Tire Warehouse (NTW), Inc. is desirous of razing the existing building and constructing a one-story service garage of 10,220 sq.ft. NTW is a national automobile tire distributor which, in addition to the sale of tires, performs various wheel-related services such as wheel balancing and alignments, break jobs, and shock installations. NTW does not engage in heavy mechanical work at their facility nor do they perform any body or fender work.

Mr. Ted Britt, who is employed by Tri-Tech Engineering, a regional consultant for NTW, testified regarding the proposed use of the subject site. Mr. Britt stated that the proposed building is a prototype of those buildings typically used by NTW elsewhere around the country. He offered into evidence as Petitioner's Exhibit 4, a brochure describing the type of operation proposed for this site. Contained within that brochure is a floor plan of the proposed building, which will contain nine (9) service bays. It is to be noted that the proposed bays will face in a southerly direction towards the adjacent one-story brick Church known as the Joppa Gospel Tabernacle. Mr. Britt testified that given the close proximity of the proposed use to the neighboring church, NTW is willing to provide landscaping as necessary to mitigate the effects of noise from their business on the Church property.

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Date 8/24/94
By [Signature]

- 2 -

A traffic study prepared by Mr. Mickey Cornelius, Vice President of The Traffic Group, was entered into evidence as Petitioner's Exhibit 2. This study indicated that there would be no adverse effect upon the traffic flow along Joppa Road by virtue of the proposed use.

Appearing and testifying in opposition to the Petitioners' request were Robin Read and James Griffin, who appeared on behalf of the Joppa Gospel Tabernacle. The cumulative testimony was that they are opposed to an NTW operation on the subject site. Testimony revealed that the Church has existed on the adjacent property for the past 38 years and that Church services are broadcasted nationally. The sanctuary within the Church is situated in such a manner that it will face the proposed service garage use and the Protestants are concerned over the noise that may emanate from this site. These Church representatives pointed out that the proposed service garage is located approximately 50 feet away from their building. Furthermore, the windows to the Church sanctuary are directly opposite the subject property. Messrs. Read and Griffin testified that any noise generated from adjacent commercial uses easily permeates the windows along the west wall of the Church. Further exacerbating this noise problem is the fact that the proposed building will have nine (9) service bays, all of which will face the Church building. In addition, because there will be no air conditioning units installed within the building, the service bays would remain open during periods of hot weather. The Protestants argue that when taking all of these circumstances into consideration, the noise generated by the proposed use would be devastating to the parishioners of the Church and destroy the peaceful and quiet enjoyment of their property.

Testimony revealed that representatives of NTW took the time to meet with members of the Joppa Gospel Tabernacle prior to this public

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Date 8/24/94
By [Signature]

- 3 -

hearing. The issue of noise was discussed at that time and extensive landscaping of the site was proposed for the common property line between the two properties. The Church representatives acknowledged the cooperation of NTW and appreciated their efforts in working with the Church. However, the representatives in attendance at the hearing remain skeptical that the proposed landscaping would not be sufficient to effectively buffer the noise that will be generated by NTW at the subject site. Furthermore, in consideration of the Protestants' concerns, NTW agreed to adjust their hours of operation so that no service garage activity would take place on Sundays or Wednesday evenings during Church services. While the Church representatives appreciated NTW's efforts, there remained concern over other activities such as funeral services, weddings, prayer group meetings, or other worshiping times where the noise generated by NTW would disrupt these types of services.

I agree with the argument set forth by the Protestants in this matter that the noise generated by the proposed use would have an adverse impact upon the Joppa Gospel Tabernacle Church. While I believe the site is appropriate for an NTW tire store, I do not believe the Petitioner has developed the site in a fashion that would have the least impact on the neighboring Church. The site plan offered into evidence as Petitioner's Exhibit 1 depicts the nine service bay doors of the proposed building will face the Joppa Gospel Tabernacle Church.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception; however, the Petitioner must also show that the proposed use would not be detrimental to the primary uses in the vicinity and meets the special exception requirements set forth in Section 502.1.

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Date 8/24/94
By [Signature]

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As stated previously, I believe the site is an appropriate candidate for the location of an NTW store. I believe the Petitioner's request for special exception can be granted, provided the Petitioner can redesign the proposed building so that the service garage bay doors face the opposite direction from that proposed on Petitioner's Exhibit 1. That is, the proposed one-story concrete block service building should be redesigned so that the rear wall of the building will be positioned towards the common property line shared with the Joppa Gospel Tabernacle Church. The nine service bay doors would then face in a westerly direction and any noise that would be generated by NTW's operation at this site would be deflected away from the Church. Since there will be no openings on the wall that faces the Church, there would be no detrimental effects caused by noise emanating from this site upon Church activities. Furthermore, the front of the proposed building should be even with the front face of the Joppa Gospel Tabernacle Church. Therefore, the front face of the proposed building shall be no closer to Joppa Road than the Church building. While I have stated that there shall be no windows or openings on the wall facing the Church, the Petitioners shall be permitted to install fire doors as necessary on that side of the structure. Furthermore, to mitigate any visual effects the proposed NTW store shall have on the Church, the Petitioner shall install a landscape buffer along the common property line between the two buildings.

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. In the opinion of this Deputy Zoning Commissioner, the proposed use can be conducted without real detriment to the neighborhood and will not adversely affect the public

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Date 8/24/94
By [Signature]

- 5 -

interest, provided the site plan is revised as noted above. The facts and circumstances do not show that the proposed use on the subject property 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. Pritts, 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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1994 that the Petition for Special Exception to permit a service garage on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), 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) Prior to the issuance of any permits, the Petitioner shall submit for review and approval by this Deputy Zoning Commissioner a revised site plan which takes into consideration the modified relief granted

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Date 8/24/94
By [Signature]

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