

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 SW/S Joppa Road and Avondale Road, \*  
 134' S of C Street \* DEPUTY ZONING COMMISSIONER  
 (3015 E. Joppa Road) \*  
 11th Election District \* OF BALTIMORE COUNTY  
 6th Councilmanic District \*  
 \* Case No. 95-423-SPH  
 Antoni Horodowicz, et ux \*  
 Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3015 East Joppa Road, located in the vicinity of Harford Road in Parkville. The Petition was filed by the owners of the property, Antoni and Bozenna Horodowicz. The Petitioners seek approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit the removal of Condition No. 2 thereof which excluded the performance of body and/or fender work and the storage of damaged or disabled vehicles on the subject property. The property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Antoni Horodowicz, property owner, Albert L. Snyder, Registered Property Line Surveyor, who prepared the site plan for this property, and Martha E. Brune, Esquire and Michael Smith, Esquire, attorneys for the Petitioners. Appearing as a Protestant in the matter was Lawrence W. Eiring, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property consists of 0.334 acres, more or less, zoned B.L.-C.N.S. and is improved with a one-story masonry and stucco building. The property was the subject of prior Case No. 75-262-X in which the Petitioners were granted a

ORDER RECEIVED FOR FILING  
 Date 8/2/95  
 By [Signature]

UNRECORDED

special exception to operate a service garage thereon on June 4, 1974, subject to certain terms and conditions. Mr. Horodowicz testified that when he first purchased the property, it was mainly operated as a gasoline service station. However, the business is now strictly automobile repairs. Mr. Horodowicz testified that he currently concentrates his repair work on German manufactured vehicles and, due to market demands, does a considerable amount of restoration work which includes minor body and fender repair.

Mr. Jeffrey Long, a representative of the Office of Planning and Zoning, appeared to offer testimony on behalf of that agency. Mr. Long testified that the subject property suffers from deferred maintenance and is in need of aesthetic improvements. Many of those needed improvements were outlined within his comments dated June 16, 1995 which are contained within the case file. I agree with Mr. Long that the property needs to be cleaned up and shall so Order as a condition of approval.

Mr. Lawrence Eiring, a nearby resident of the area, also appeared and testified. Mr. Eiring testified that while he is not opposed to body and fender work taking place on the property, he would like to see the property cleaned up and regularly maintained in a neat and orderly fashion. He testified that on several occasions, junked vehicles have been parked outside the fenced area and the property has been allowed to deteriorate. Mr. Eiring would like to see the property cleaned up and kept that way.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested, subject to the restrictions set forth below. In the opinion of this Deputy Zoning Commissioner, the proposed amendment will not result in any detriment to the health, safety and general welfare of the surrounding locale, provided the Petitioner

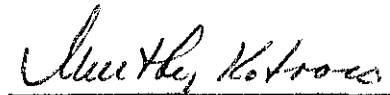
COPIES FOR FILING  
8/2/95  
[Signature]

complies with the restrictions set forth below. Furthermore, the relief requested meets the spirit and intent of the zoning regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2<sup>nd</sup> day of August, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit removal of Condition No. 2 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) The Petitioners shall be permitted to perform body and/or fender work on the premises and store damaged or disabled vehicles on site. However, all wrecked or damaged vehicles must be stored within the fenced/screened area on site.
- 3) The Petitioners shall improve and maintain the property in accordance with the dictates of the Office of Planning and Zoning (OPZ). OPZ shall have complete discretion as to what type of improvements should be made and the time frame for making such improvements. Failure to comply with these requirements shall be deemed a violation of this Order.
- 4) When applying for any permits, the site 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

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Date \_\_\_\_\_  
By \_\_\_\_\_

415



# Petition for Special Hearing

95-423-5PH

## to the Zoning Commissioner of Baltimore County

for the property located at 3015 East Joppa Road, Baltimore, MD 21234

which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an Amendment to the Special Exception granted June 4, 1974. The Petitioner requests that the Special Exception be amended to exclude condition [redacted] which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

MEB

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s):

\_\_\_\_\_  
(Type or Print Name)

Antoni Horodowicz  
(Type or Print Name)

\_\_\_\_\_  
Signature

Antoni Horodowicz  
Signature

\_\_\_\_\_  
Address

Bozena Horodowicz  
(Type or Print Name)

\_\_\_\_\_  
City State Zipcode

Bozena Horodowicz  
Signature

Attorney for Petitioner

12144 Jerusalem Road (410) 592-8949  
Address Phone No

Martha E. Brune  
(Type or Print Name)

Kingsville, Maryland 21087  
City State Zipcode

Martha E Brune  
Signature

Name Address and phone number of representative to be contacted

Bodie, Nagle, Dolina, Smith & Hobbs, P.A.  
Signature

\_\_\_\_\_  
Name

21 W. Susquehanna Ave. (410) 823-1250  
Address Phone No

\_\_\_\_\_  
Address Phone No

Towson, Maryland 21204  
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
By: \_\_\_\_\_



MICRON II M111

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 2, 1995

Martha E. Brune, Esquire  
Michael Smith, Esquire  
Bodie, Nagle, Dolina, Smith & Hobbs  
21 W. Susquehanna Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
SW/S Joppa Road and Avondale Road, 134' S of C Street  
(3015 E. Joppa Road)  
11th Election District - 6th Councilmanic District  
Antoni Horodowicz, et ux - Petitioners  
Case No. 95-423-SPH

Dear Ms. Brune and Mr. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Antoni Horodowicz  
12144 Jerusalem Road, Kingsville, Md. 21087

Mr. Lawrence Eiring  
3016 6th Avenue, Baltimore, Md. 21234

People's Counsel

✓ File

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Applicant stated engineer will come in  
to seal description  
prior to hearing  
(filed at our risk)

A15

A. L. Snyder  
Surveyor, Inc.  
1911 Hanover Pike  
Hampstead, Maryland 21074

95-423-SPH

(410) 239-7744

Zoning Description

(410) 374-9695

#3015 East Joppa Road

January 13, 1995

Beginning for the same on the west side of Avondale Road (60' wide), distant 134'± south from the center line of "C" Street (varying width), thence leaving said right-of-way line of Avondale Road,

- 1.) S 84° 12' 30" W 118.00 feet, thence
- 2.) N 14° 00' 30" W 57.63 feet, thence
- 3.) N 33° 51' 30" W 61.28 feet, thence
- 4.) N 00° 13' 30" W 5.43 feet to the southerly right-of-way line of "C" Street, thence binding thereon,
- 5.) N 86° 25' 50" E 36.36 feet, thence
- 6.) N 88° 12' 47" E 48.00 feet, thence
- 7.) S 86° 28' 20" E 43.19 feet, thence
- 8.) N 88° 12' 47" E 15.00 feet, thence
- 9.) by a line curving to the right, having a radius of 28.00 feet for the distance measured along the arc of 22.08 feet, to the western right-of-way line of Avondale Road, thence with said line,
- 10.) S 1° 58' 30" E 90.87 feet to the place of beginning.

Containing 0.334 Acres of land, more or less.

Being a part of that lot or parcel of land conveyed by Webster H. Mitcherling and Elizabeth Mitcherling to Antoni Horodowicz and Bozenna Horodowicz, his wife,

95-423-3PH

-2-

by deed dated October 12, 1973 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5404 folio 236 etc. Also known as 3015 East Joppa Road and located in the Eleventh Election District of Baltimore County, Maryland.

10/12/73

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

95-473-574

District: W6 Date of Posting: 6/2/95

Posted for: Special Hearing

Petitioner: Toai & Bros., Inc

Location of property: 3015 Esters Rd.

Location of Signs: Facing road on property being zoned

Remarks: \_\_\_\_\_

Posted by: W. H. [Signature] Date of return: 6/9/95  
Signature

Number of Signs: 1





**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 108 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: #95-423-SPH  
(Item 416)  
3016 E. Joppa Road  
(Toni & Bros., Inc.)  
W/S Avondale Road, 194  
S of "C" Street  
11th Election District  
6th Councilmanic  
Legal Owner(s):  
Antoni Horodowicz and  
Bozenna Horodowicz  
Hearing: Tuesday,  
June 20, 1995 at 2:00  
p.m. in Rm. 118, Old  
Courthouse.

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "exclude" condition which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

LAWRENCE E. SCHMIDT  
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.

6/027 June 1.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/11, 1995

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 6/11, 1995

**THE JEFFERSONIAN,**

*A. Henrichson*

**LEGAL AD. - TOWSON**

~~Signature~~



Baltimore County  
 Zoning Administration &  
 Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

receipt

95-423-SPH

Account: R-001-6150

Number 415  
 By JLL

Date

5/18/95

1 NOW RES SPH. 040 \$ 250.00  
 1 SIGN POSTING 080 \$ 35.00  
 285.00

OWNER HORODOWICZ  
 3015 E JOPPARD

Pd By Boelic, Nagle, Dolenic, Smith +  
 Hobbs.

APPROVED [Signature]

01A01#0175MICHR

\$285.00

BA 009#18AM05-18-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/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.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 415

Petitioner: Antoni Horodowicz

Location: 3015 E. Joppa Rd Balto Md 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bode Nagle Dolina Smith + Hobbs. Attn. Martha E. Brune Esq.

ADDRESS: 21 W. Susquehanna Ave

Towson Md 21204

PHONE NUMBER: 410 - 823 - 1250

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY  
June 1, 1995 Issue - Jeffersonian

Please forward billing to:

Martha E. Brune, Esq.  
Bodie, Nagle, Dolina, Smith & Hobbs, P.A.  
21 W. Susquehanna Avenue  
Towson, MD 21204  
823-1250

---

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: 95-423-SPH (Item 415)  
3015 E. Joppa Road  
(Toni & Bros., Inc.)  
W/S Avondale Road, 134' S of "C" Street  
11th Election District - 6th Councilmanic  
Legal Owner(s): Antoni Horodowicz and Bozena orodowicz  
HEARING: TUESDAY, JUNE 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "exclude" condition which states: "No body or fendar work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

LAWRENCE E. SCHMIDT  
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.

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 26, 1995

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: 95-423-SPH (Item 415)

3015 E. Joppa Road

(Toni & Bros., Inc.)

W/S Avondale Road, 134' S of "C" Street

11th Election District - 6th Councilmanic

Legal Owner(s): Antoni Horodowicz and Bozena orodowicz

HEARING: TUESDAY, JUNE 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "exclude" condition which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon  
Director

cc: Antoni and Bozena Horodowicz  
Martha E. Bruna, Esq.

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 15, 1995

Martha E. Brune, Esquire  
Bodie, Nagle, Dolina,  
Smith and Hobbs, P.A.  
21 W. Susquehanna Avenue  
Towson, Maryland 21204

RE: Item No.: 415  
Case No.: 95-423-SPH  
Petitioner: Antoni Horodowicz

Dear Ms. Brune:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director           DATE: June 5, 1995  
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting  
for June 5, 1995  
Items 413, 414, (415), 416, 417, 418 and 419 &

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

To: Joyce Watson

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

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 5/30/95

DATE: 6/2/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

- Item #'s: 413  
414  
415  
417  
418  
419

LS:sp

LETTY2/DEPRM/TXTSBP



Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 05/31/95

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

RE: Property Owner: ANTONI HORODOWICZ & BOENNA HORODOWICZ

LOCATION: W/S AVONDALE RD., 134' S OF "C" STREET (3015 E JOPPA RD.)

Item No.: 415

Zoning Agenda: SPECIAL HEARING

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

RECEIVED

JUN 1 1995

ZADM

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

cc: File

4/10/1995





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary

Hal Kassoff  
Administrator

5-26-95

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

Re: Baltimore County  
Item No.: 415 (JLL)


Dear Ms. Watson:

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,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

MICROFILMED

BALTIMORE COUNTY, MARYLAND

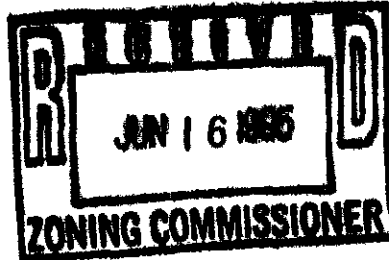
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 16, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 3015 East Joppa Road



INFORMATION:

Item Number: 415  
Petitioner: Horodowicz Property  
Property Size: \_\_\_\_\_  
Zoning: BL-CNS  
Requested Action: Special Hearing  
Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

A site visit at the subject property revealed that the property suffers from deferred maintenance. Old light poles remain from the former automotive service station use, no landscaping or buffering exists, peeling paint was observed on the building housing the service garage, and several junk vehicles were stored on the lot outside of the fenced in area.

Staff does not oppose the applicant's request provided that restrictions be imposed to ensure that site conditions will be improved to meet reasonable standards.

A representative of the community planning division will appear at the hearing should there be any questions regarding our position.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kerns

PK/JL

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
3015 E. Joppa Road (Toni & Bros., Inc.)	*	ZONING COMMISSIONER
W/S Avondale Road, 134' S of "C" Street	*	OF BALTIMORE COUNTY
11th Election District, 6th Councilmanic	*	CASE NO. 95-423-SPH
Antoni Horodowicz and Bozenna Horodowicz	*	
Petitioner	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Martha E. Brune, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 21 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN

BODIE, NAGLE, DOLINA,  
SMITH & HOBBS

A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

21 West Susquehanna Avenue  
Towson, MD 21204-5279  
(410) 823-1250  
Fax: (410) 296-0432

Martin J. Smith  
(1938-1992)

**Reisterstown Office:**

143 Main Street  
Reisterstown, MD 21136  
(410) 833-1221  
Fax: (410) 833-0026

**Harford County Office:**

112 W. Pennsylvania Ave., Suite 103  
Bel Air, MD 21014  
(410) 836-8943  
Fax: (410) 893-9701

Thomas G. Bodie  
John J. Nagle III  
Thomas J. Dolina  
Chester H. Hobbs IV \*  
Winslow Bousecaren Flynn \*  
Michael Paul Smith  
Martha E. Brune

**Of Counsel:**

C. Arthur Eby, Jr.  
Margaret E. Swain  
Wallace Dann  
Robert M. Stahl IV \*\*

\* Also Admitted in DC

\*\* Also Admitted in PA

June 20, 1995

**HAND DELIVERED**

Timothy M. Katroko  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
Old Court House, Room 112  
400 Washington Avenue  
Towson, Maryland 21204

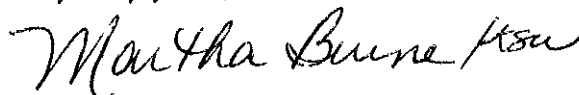
RE: Petitioner: Antoni Horodowicz  
Case Number: 95-423-SPH

Dear Mr. Katroko:

Enclosed, please find the original Special Exception granted on June 4, 1975 regarding the above referenced property. I inadvertently did not provide you with a copy of this Order at the hearing. I apologize for any inconvenience this may have caused.

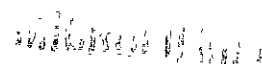
If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Martha E. Brune

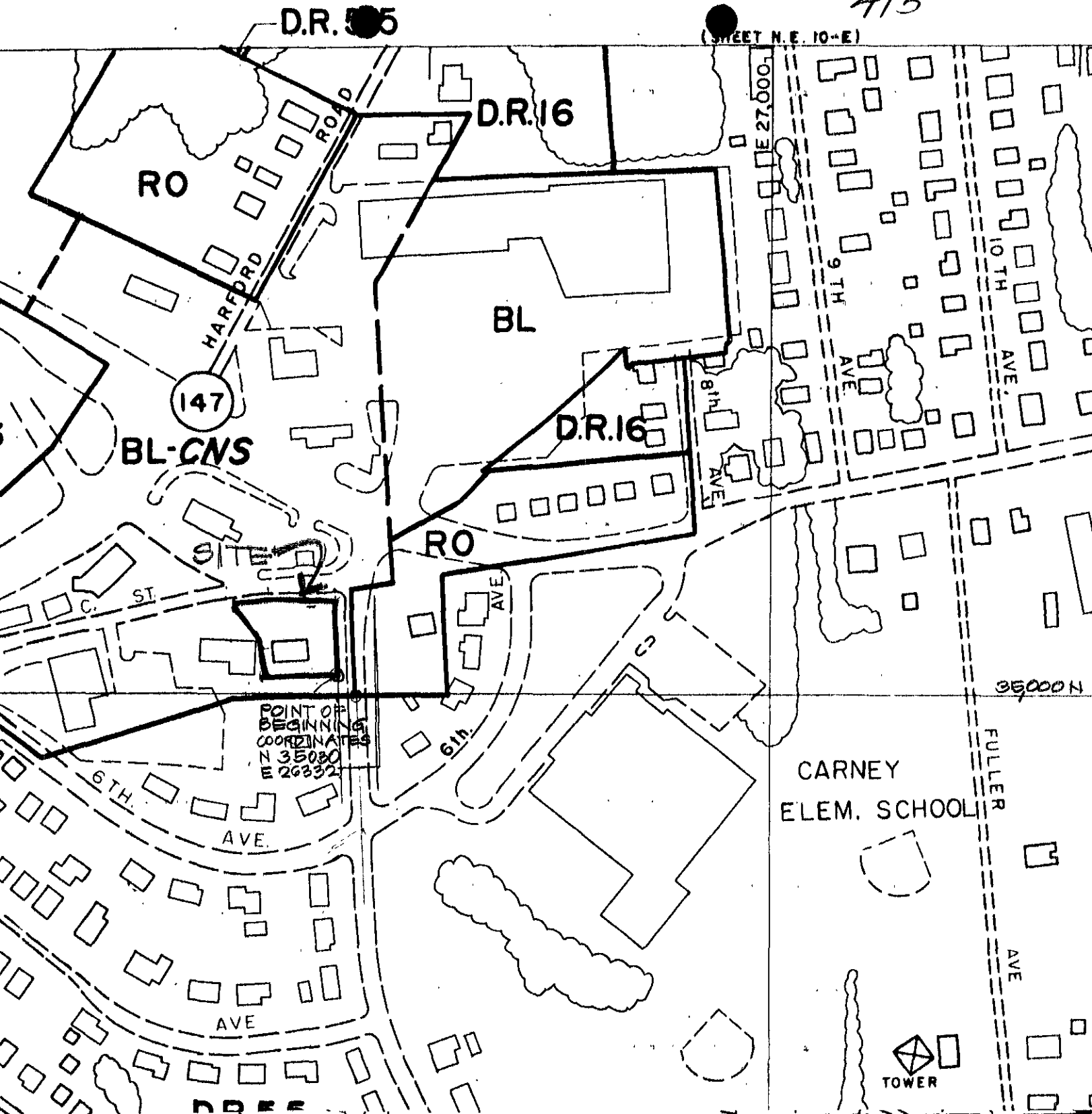
MEB:ksw  
Enclosure





415

(SHEET N. E. 10-E)



**COMPREHENSIVE ZONING MAP**  
**Baltimore County Council**  
**1992**

**SCALE**  
 1" = 200' ±

**LOCATION**  
 PARKVILLE

**SHEET**  
 N. E.

*Howard IV*  
 n, County Council

**DATE OF PHOTOGRAPHY**  
 JANUARY 1986

95-423-SPH

9-E

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE  
 SW/corner of Joppa Road & Avondale ,  
 Road - 11th Election District : DEPUTY ZONING  
 Antoni Horodowicz - Petitioner : COMMISSIONER  
 NO. 75-262-X (Item No. 155) :  
 : OF  
 : BALTIMORE COUNTY

::: ::: ::: ::: ::: ::: :::

This Petition represents a request for a Special Exception to operate a service garage at the southeast corner of Joppa and Avondale Roads in the Eleventh Election District of Baltimore County.

The property in question contains .382 acres of land, more or less, and is improved with an existing two bay service station which had been granted a Special Exception for that use on June 13, 1952 (Case No. 2243 SA).

Testimony by several area residents established that the subject property has, in the past, been a blight on the neighborhood due to maintenance, junk, etc. However, they now feel that the present owner is performing a service that is needed in the community and is maintaining the area in such a manner that it is a credit to the area. Other testimony and evidence presented during the course of the hearing, established that the use, as presently exists, meets requisites of Section 502.1, and the Special Exception can, with certain restrictions, be granted.

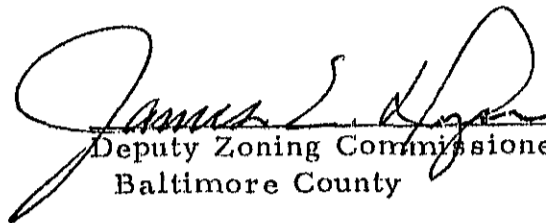
Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4<sup>TH</sup> day of June, 1975, that the herein requested Special Exception should be and the same is hereby GRANTED. Said granting is subject to the following conditions:

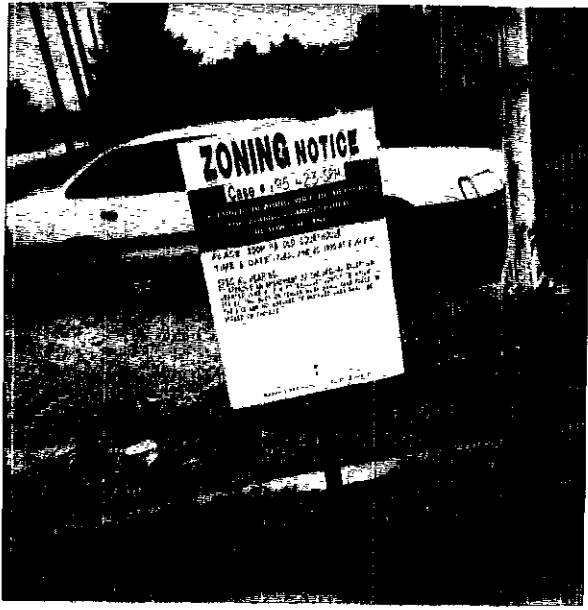
1. The Special Exception granted herein for the use of a service garage shall include the right to continue to sell gas until and unless the service garage use demonstrates that the site is not large enough to accommodate both the service garage and the sale of gas. Said sale of gas shall be terminated only after a Special Hearing or Violation Hearing, either of which may be brought about by citizens' complaint or at the request of the Zoning Commissioner.

MICROFILMED



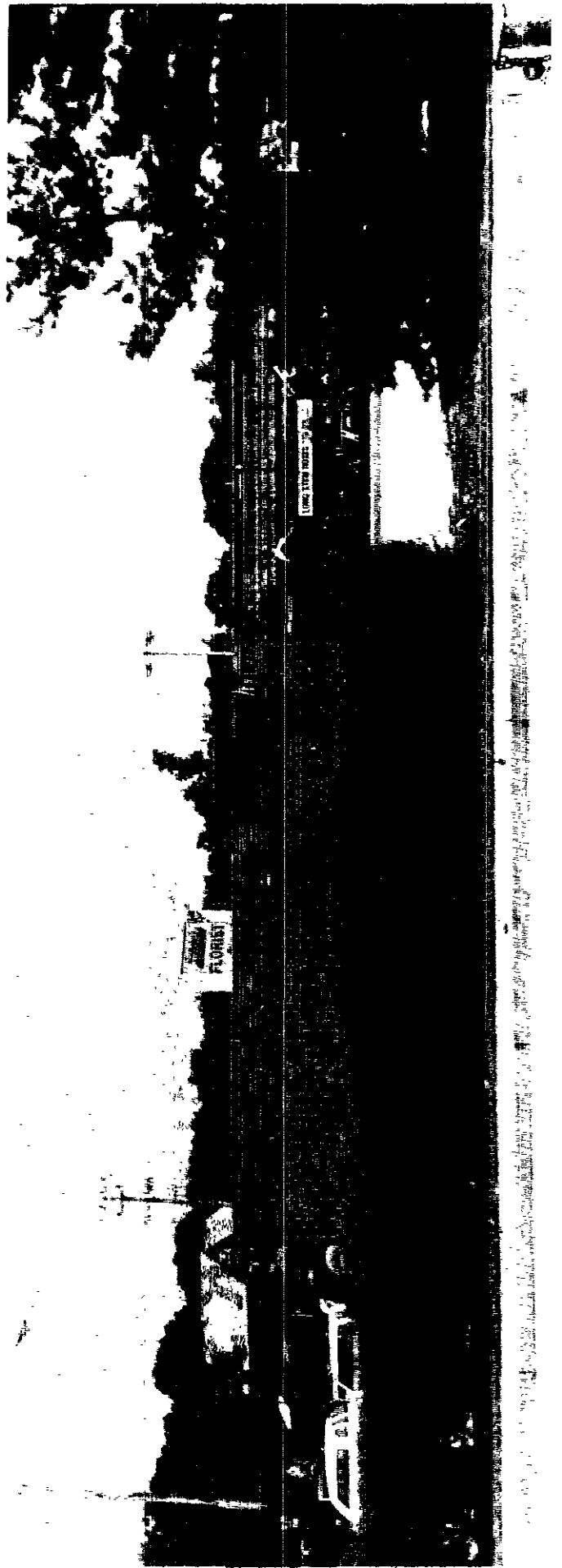
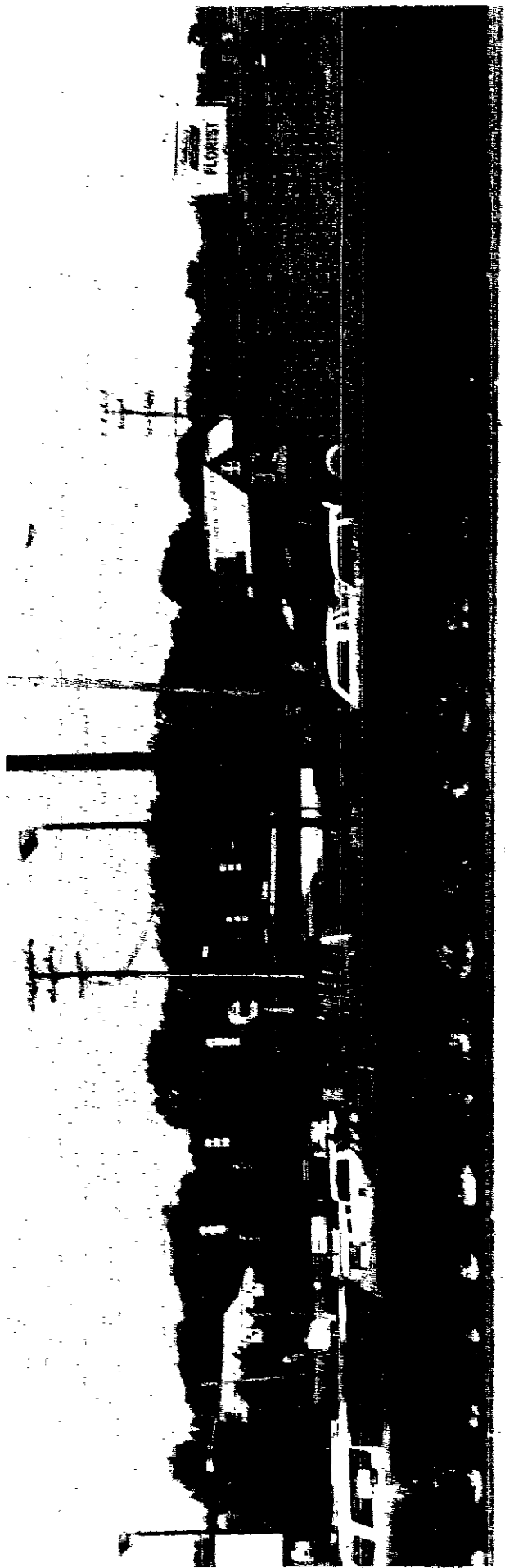
2. No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site.
3. Overnight storage of vehicles awaiting service shall take place only in the compound area behind the eight foot stockade fence indicated on the Petitioner's site plan.
4. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

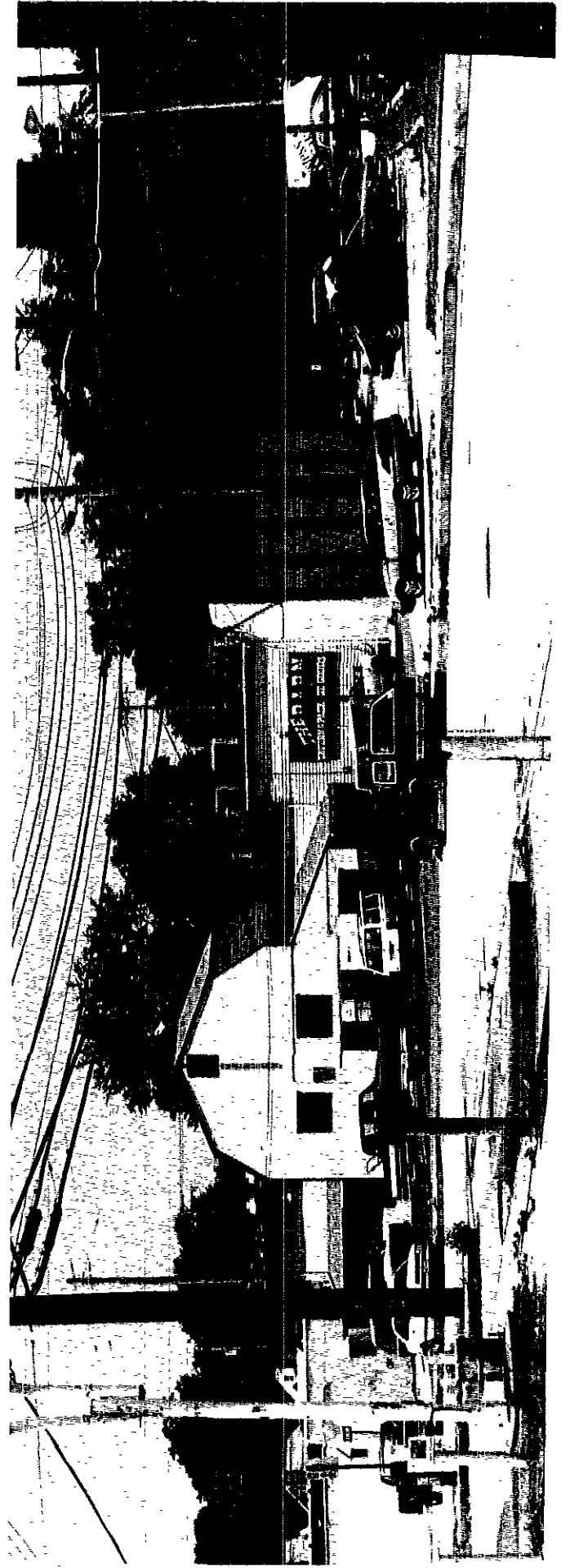
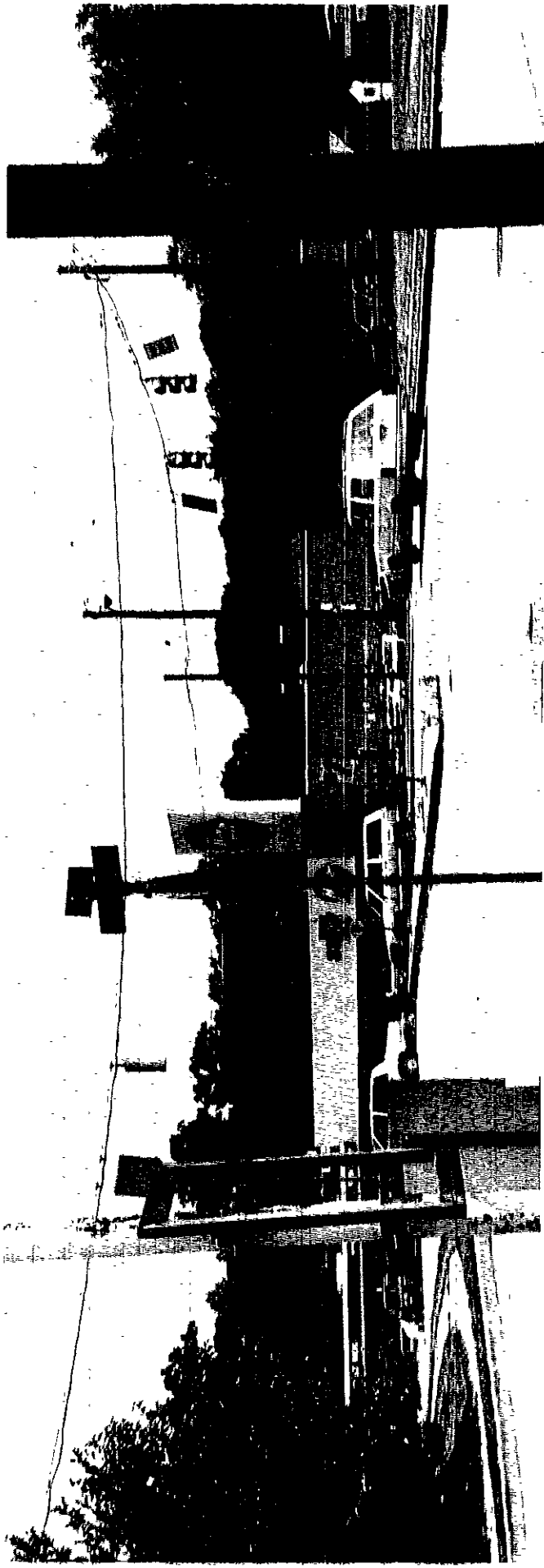
  
Deputy Zoning Commissioner of  
Baltimore County

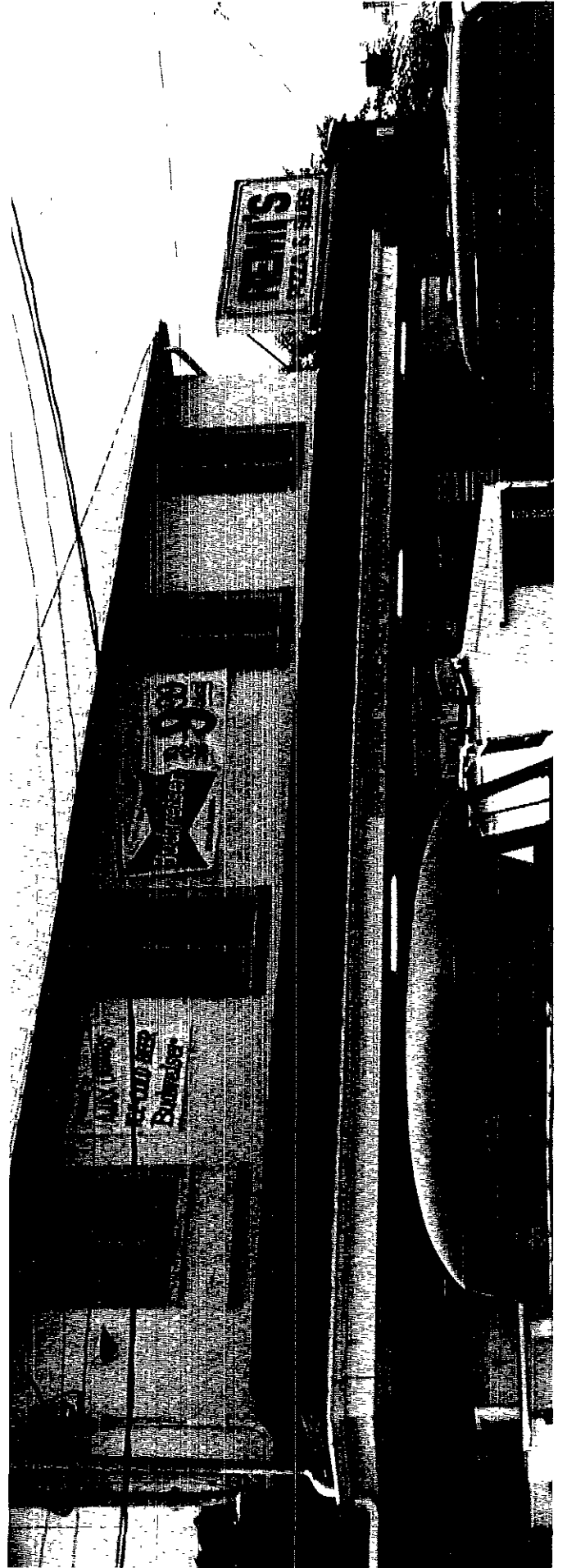


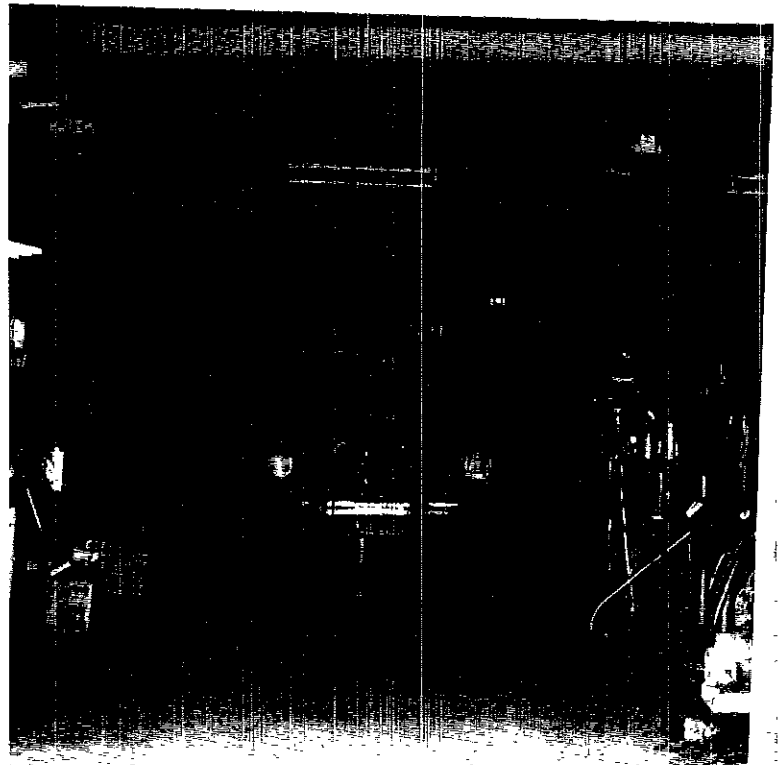
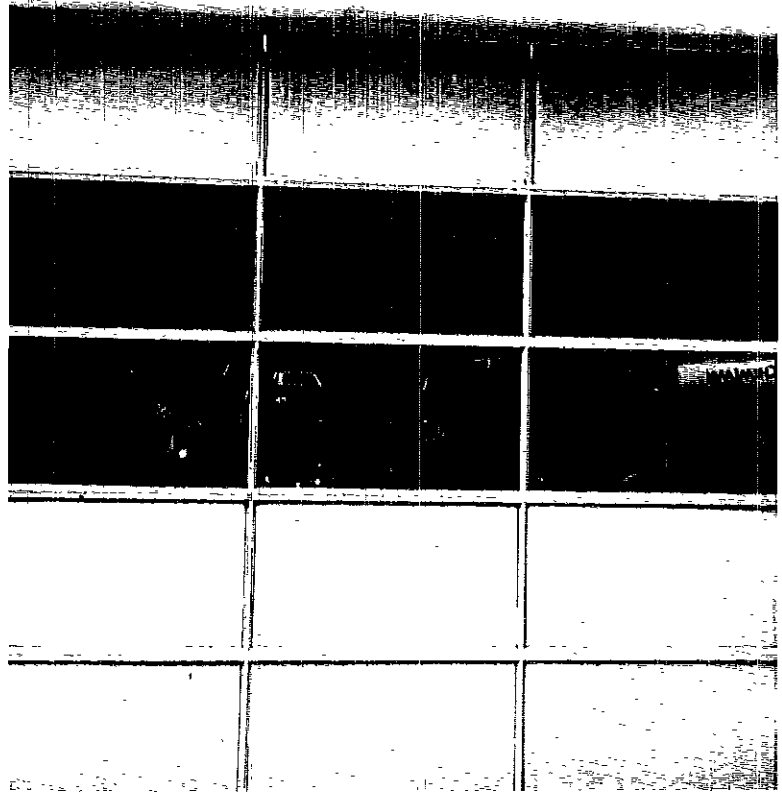
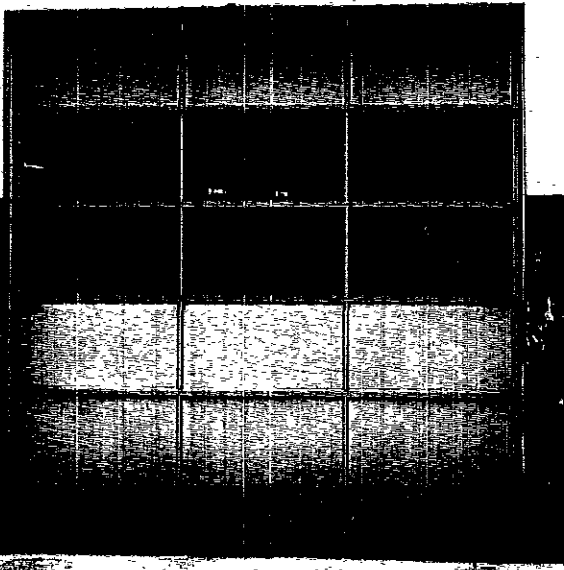
100

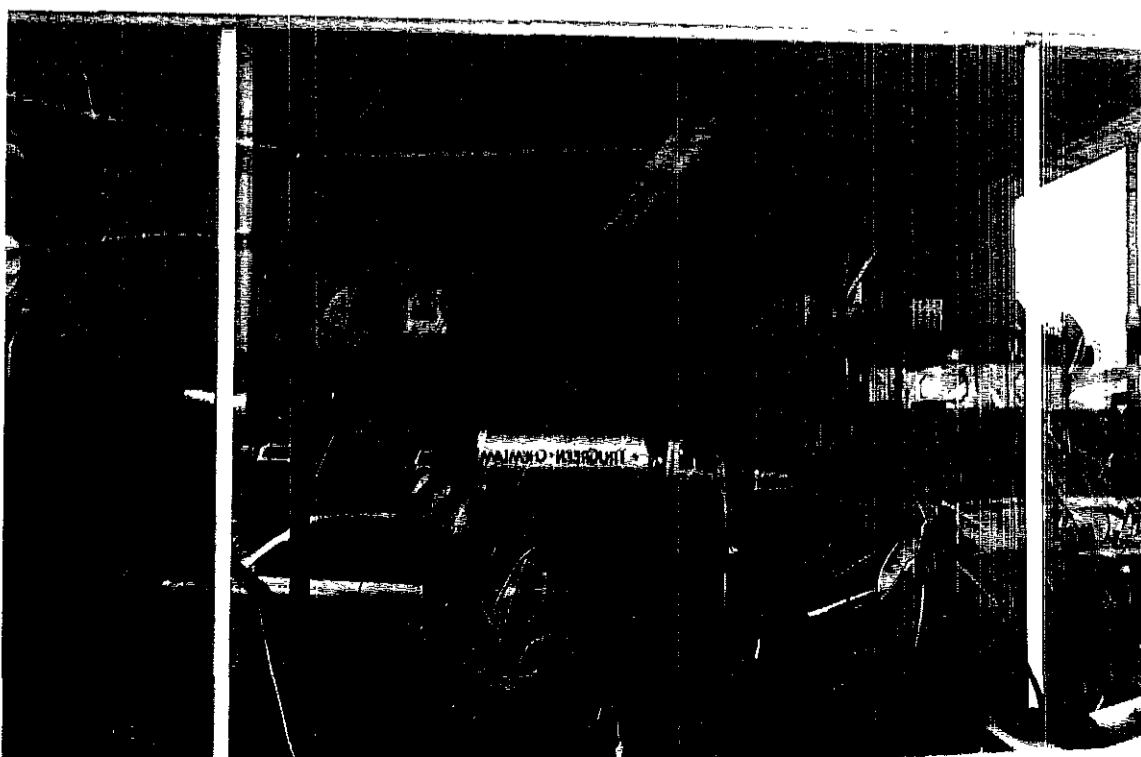
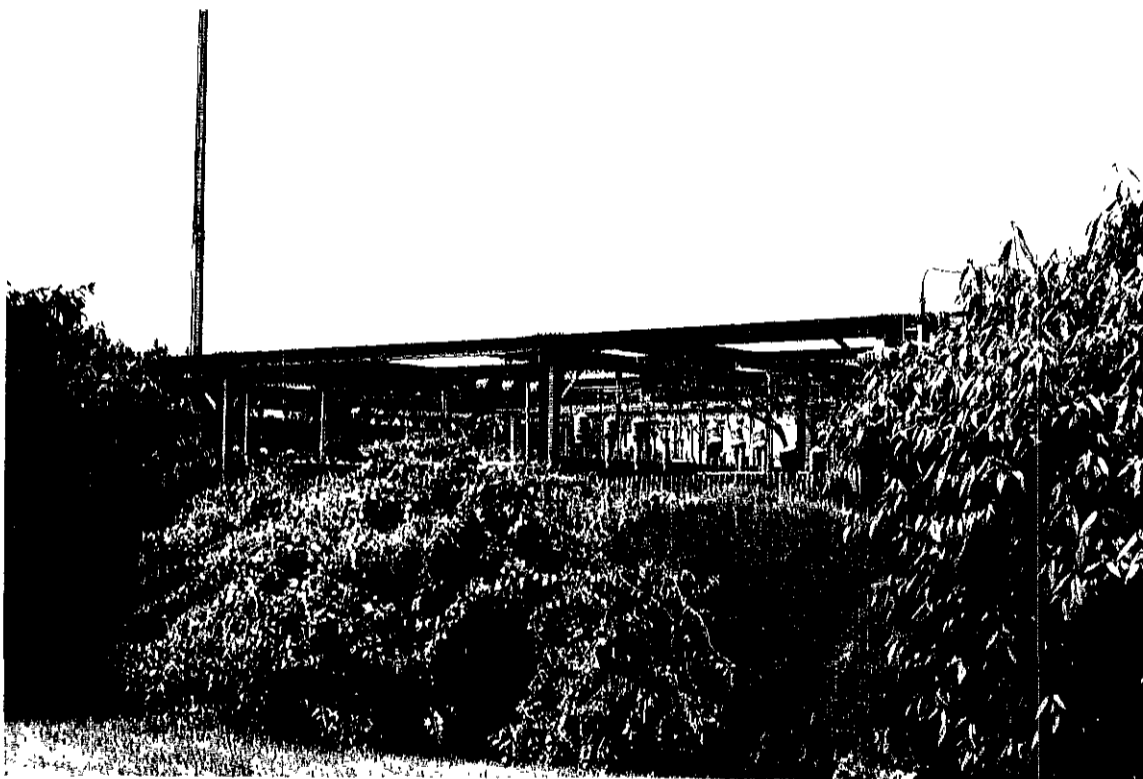
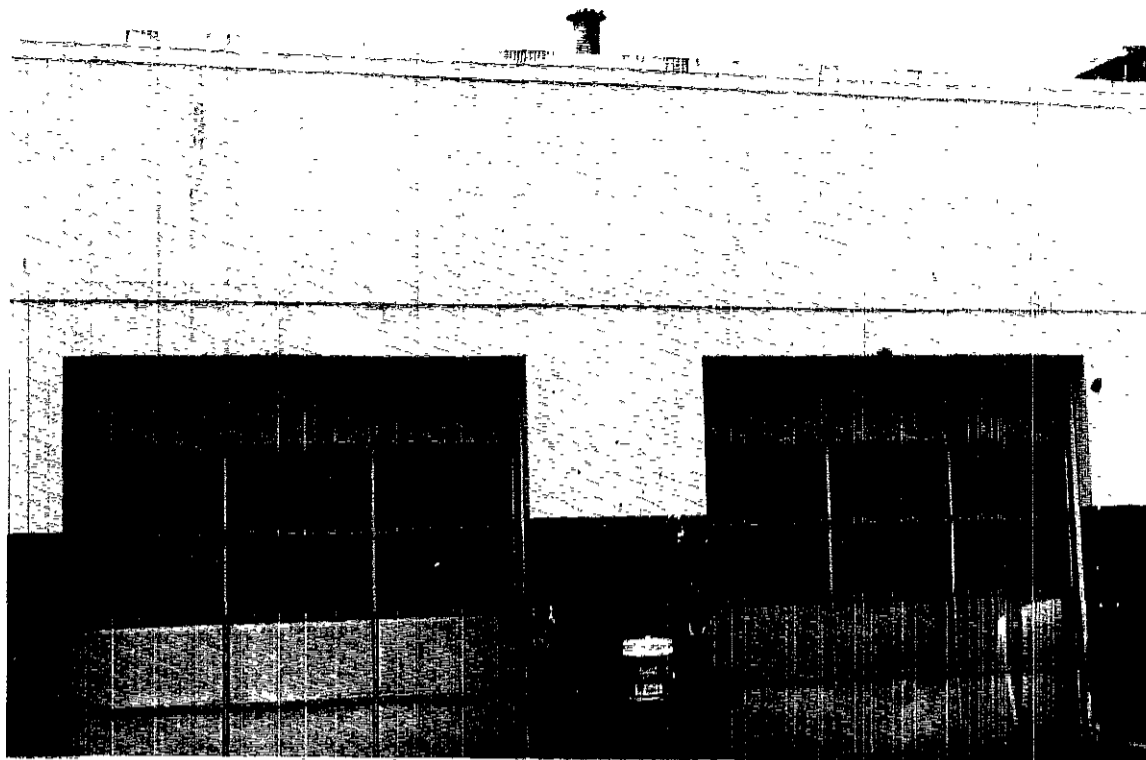






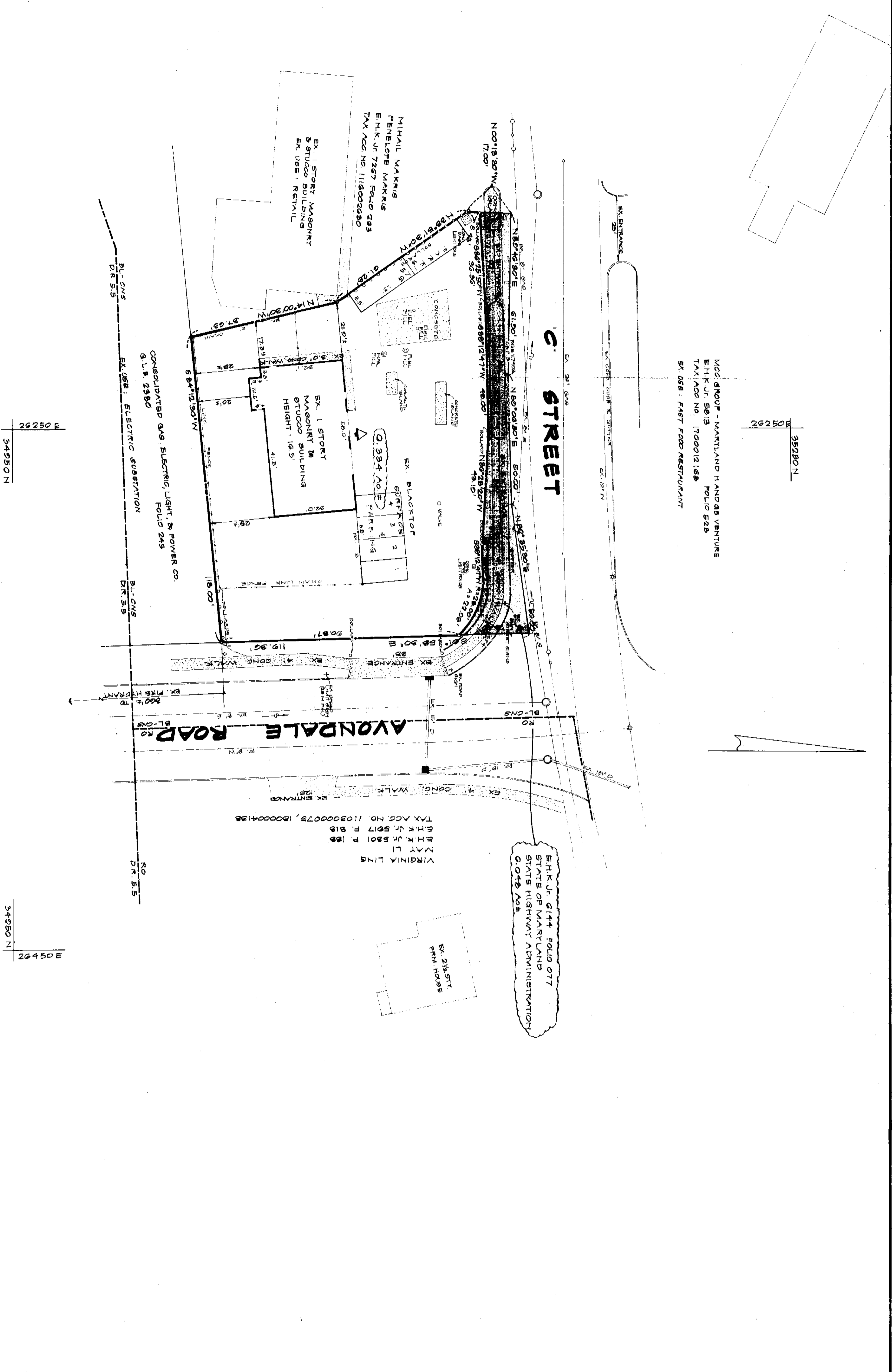












MCC GROUP - MARYLAND HANGAR VENTURE  
 E.H.K. JR. 5013  
 TAX ACQ NO. 1700012168  
 EX USE: FAST FOOD RESTAURANT

**C STREET**

**AVONDALE ROAD**

E.H.K. JR. 6144 POLIO 077  
 STATE OF MARYLAND  
 STATE HIGHWAY ADMINISTRATION  
 0-078 AC

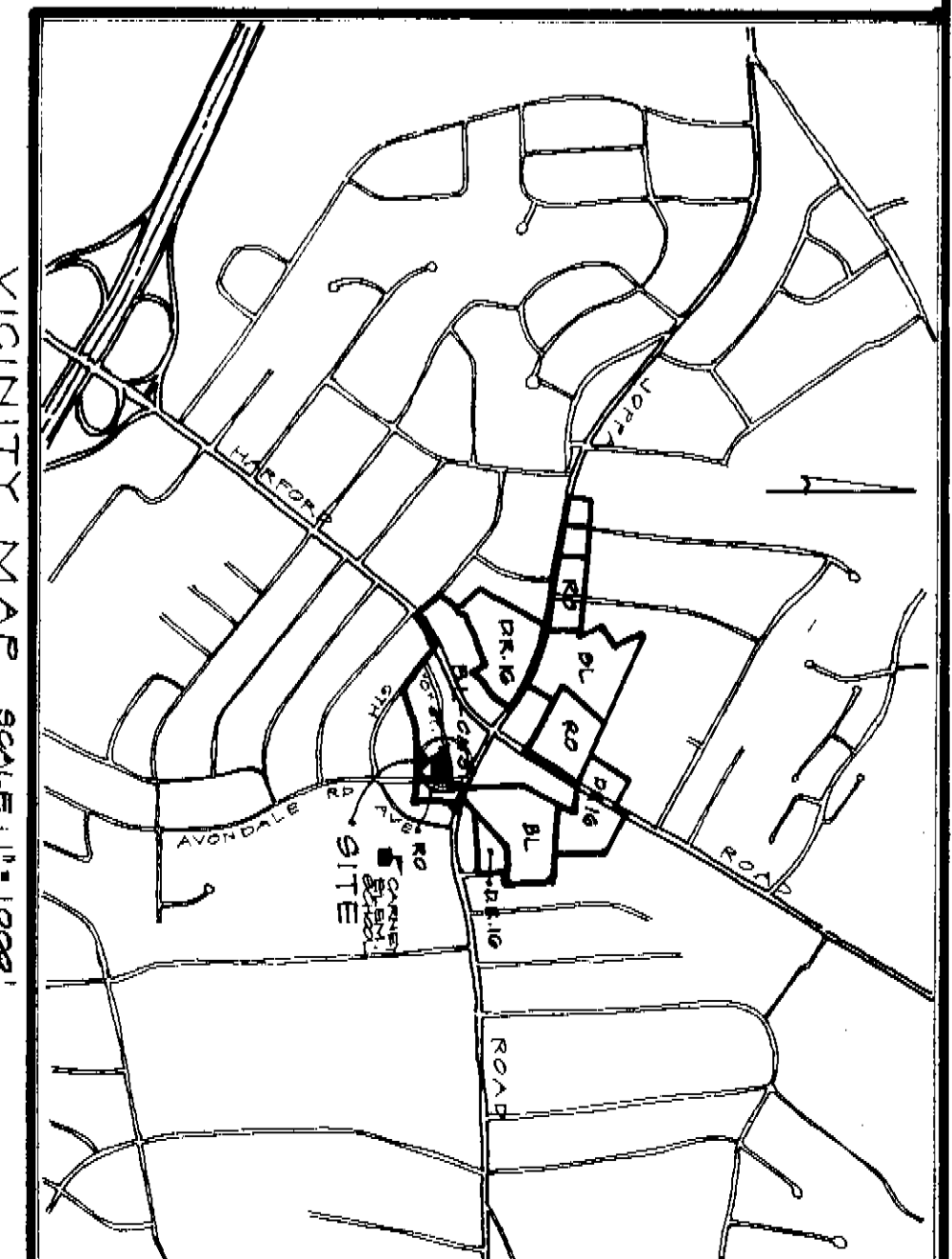
VIRGINIA LING  
 MAT LI  
 E.H.K. JR. 5017 F. 818  
 TAX ACQ NO. 1109000078, 1000004158

MIHAIL MAKRIKIS  
 PENELPE MAKRIKIS  
 E.H.K. JR. 7267 POLIO 283  
 TAX ACQ NO. 1116002080

CONSOLIDATED GAS, ELECTRIC, LIGHT & POWER CO.  
 G.L.B. 2380  
 EX USE: ELECTRIC SUBSTATION

34550 N  
 26250 E

34550 N  
 26450 E



VICINITY MAP SCALE: 1"=1000'

- NOTES:
1. CURRENT TITLE REFERENCE: ANTONI HORODOWICZ AND BOZENNA HORODOWICZ, OCTOBER 12, 1978, E.H.K. JR. 5404 POLIO 289, ETC.
  2. CURRENT ZONING CLASSIFICATION: B.L.C.M.S. (B.C. MAP NO. 2-5)
  3. ZONING CASES:
    - \* CASE NO. 2243 SA, JUNE 13, 1993.
    - \* SPECIAL EXCEPTION FOR TWO DAY SERVICE STATION
    - \* CASE NO. 78-262-X (ITEM NO. 185), JUNE 4, 1978
  4. SPECIAL EXCEPTION FOR SERVICE STATION WITH RIGHT TO SELL GAS, NO BODY OR PENDER WORK ALLOWED, NO WRECKER OR DAMAGED CARS STORED ON SITE. VEHICLES AWAITING SERVICE TO BE STORED IN PERCEP COMPOUND AREA.
    - FLOOR AREA RATIO: 0.078
    - FLOOR AREA: 23,174 SQ. FEET
  5. REQUIRED OFF-STREET PARKING:
    - \* SPACES REQUIRED: 9 (2 SERVICE BAYS X 3 SPACES)
    - \* SPACES PROVIDED: 9

**PETITIONER'S EXHIBIT**

**95-423-SP#**

**PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING 3015 EAST JOPPA ROAD**

11TH ELECTION DISTRICT  
 COUNCILMANIC DISTRICT 6  
 DATE: DECEMBER 22, 1994

BALTIMORE COUNTY, MD.  
 CENSUS TRACT: 4114.02  
 SCALE: 1"=20'

OWNER: ANTONI HORODOWICZ  
 BOZENNA HORODOWICZ  
 12144 JERUSALEM ROAD  
 KINGSVILLE, MD. 21087

PROPERTY ADDRESS:  
 TONI & BOZNA, INC.  
 3015 EAST JOPPA RD  
 BALTIMORE, MD. 21294



PREPARED BY:  
**A.L. SNYDER**  
 SURVEYOR, INC.  
 1211 HANOVER PIKE  
 HAMPSHIRE, MD. 21074  
 410-239-7744

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 SW/S Joppa Road and Avondale Road, \* DEPUTY ZONING COMMISSIONER  
 134' S of C Street \*  
 (3015 E. Joppa Road) \* OF BALTIMORE COUNTY  
 11th Election District \* CASE No. 95-423-SPH  
 6th Councilmanic District \*  
 Antoni Horodowicz, et ux \*  
 Petitioners \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3015 East Joppa Road, located in the vicinity of Harford Road in Parkville. The Petition was filed by the owners of the property, Antoni and Bozena Horodowicz. The Petitioners seek approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit the removal of Condition No. 2 thereof which excluded the performance of body and/or fender work and the storage of damaged or disabled vehicles on the subject property. The property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Antoni Horodowicz, property owner, Albert L. Snyder, Registered Property Line Surveyor, who prepared the site plan for this property, and Martha E. Brune, Esquire and Michael Smith, Esquire, attorneys for the Petitioners. Appearing as a Protestant in the matter was Lawrence N. Eiring, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property consists of 0.334 acres, more or less, zoned B.L.-C.N.S. and is improved with a one-story masonry and stucco building. The property was the subject of prior Case No. 75-262-X in which the Petitioners were granted a

special exception to operate a service garage thereon on June 4, 1974, subject to certain terms and conditions. Mr. Horodowicz testified that when he first purchased the property, it was mainly operated as a gasoline service station. However, the business is now strictly automobile repairs. Mr. Horodowicz testified that he currently concentrates his repair work on German manufactured vehicles and, due to market demands, does a considerable amount of restoration work which includes minor body and fender repair.

Mr. Jeffrey Long, a representative of the Office of Planning and Zoning, appeared to offer testimony on behalf of that agency. Mr. Long testified that the subject property suffers from deferred maintenance and is in need of aesthetic improvements. Many of those needed improvements were outlined within his comments dated June 16, 1995 which are contained within the case file. I agree with Mr. Long that the property needs to be cleaned up and shall so order as a condition of approval.

Mr. Lawrence Eiring, a nearby resident of the area, also appeared and testified. Mr. Eiring testified that while he is not opposed to body and fender work taking place on the property, he would like to see the property cleaned up and regularly maintained in a neat and orderly fashion. He testified that on several occasions, junked vehicles have been parked outside the fenced area and the property has been allowed to deteriorate. Mr. Eiring would like to see the property cleaned up and kept that way.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested, subject to the restrictions set forth below. In the opinion of this Deputy Zoning Commissioner, the proposed amendment will not result in any detriment to the health, safety and general welfare of the surrounding locale, provided the Petitioner

complies with the restrictions set forth below. Furthermore, the relief requested meets the spirit and intent of the zoning regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2<sup>nd</sup> day of August, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved special exception in Case No. 75-262-X to permit removal of Condition No. 2 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) The Petitioners shall be permitted to perform body and/or fender work on the premises and store damaged or disabled vehicles on site. However, all wrecked or damaged vehicles must be stored within the fenced/screened area on site.
- 3) The Petitioners shall improve and maintain the property in accordance with the dictates of the Office of Planning and Zoning (OPZ). OPZ shall have complete discretion as to what type of improvements should be made and the time frame for making such improvements. Failure to comply with these requirements shall be deemed a violation of this Order.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

August 2, 1995

(410) 887-4386

Suite 112 Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

Martha E. Brune, Esquire  
 Michael Smith, Esquire  
 Rodie, Nagle, Dolina, Smith & Hobbs  
 21 W. Susquehanna Avenue  
 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
 SW/S Joppa Road and Avondale Road, 134' S of C Street  
 (3015 E. Joppa Road)  
 11th Election District - 6th Councilmanic District  
 Antoni Horodowicz, et ux - Petitioners  
 Case No. 95-423-SPH

Dear Ms. Brune and Mr. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 Permits 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: Mr. & Mrs. Antoni Horodowicz  
 12144 Jerusalem Road, Kingsville, Md. 21087

Mr. Lawrence Eiring  
 3016 6th Avenue, Baltimore, Md. 21234

People's Counsel

file

ORDER RECEIVED FOR FILING  
 Date: 8/16/95  
 By: [Signature]

ORDER RECEIVED FOR FILING  
 Date: 8/16/95  
 By: [Signature]

ORDER RECEIVED FOR FILING  
 Date: 8/16/95  
 By: [Signature]



**Petition for Special Hearing**  
**to the Zoning Commissioner of Baltimore County**

for the property located at 3015 East Joppa Road, Baltimore, MD 21234  
 which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an Amendment to the Special Exception granted June 4, 1974. The Petitioner requests that the Special Exception be amended to exclude condition [redacted] which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

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

Contact Purchaser/Landlord  
 Legal Owner(s)  
 Antoni Horodowicz  
 Bozena Horodowicz  
 Boguslaw Horodowicz

Attorney for Petitioner  
 Martha E. Brune  
 Rodie, Nagle, Dolina, Smith & Hobbs, P.A.  
 21 W. Susquehanna Avenue  
 Towson, Maryland 21204

ESTIMATED LENGTH OF HEARING  
 The following date is available for hearing  
 ALL OTHER  
 REVIEWED BY: DATE

*Applicant stated engineer will come in to meet exception from hearing*  
*(held at our risk)*  
 A.L. Snyder  
 Surveyor, Inc.  
 1911 Hanover Pike  
 Hampstead, Maryland 21074  
 (410) 239-7744  
 Zoning Description  
 #3015 East Joppa Road  
 January 13, 1995  
 (410) 374-9695

- Beginning for the same on the west side of Avondale Road (60' wide), distant 134'± south from the center line of "C" Street (varying width), thence leaving said right-of-way line of Avondale Road,
- 1.) S 84° 12' 30" W 118.00 feet, thence
  - 2.) N 14° 00' 30" W 57.63 feet, thence
  - 3.) N 33° 51' 30" W 61.28 feet, thence
  - 4.) N 00° 13' 30" W 5.43 feet to the southerly right-of-way line of "C" Street, thence binding thereon,
  - 5.) N 86° 25' 50" E 36.36 feet, thence
  - 6.) N 88° 12' 47" E 48.00 feet, thence
  - 7.) S 86° 28' 20" E 43.19 feet, thence
  - 8.) N 88° 12' 47" E 15.00 feet, thence
  - 9.) by a line curving to the right, having a radius of 28.00 feet for the distance measured along the arc of 22.08 feet, to the western right-of-way line of Avondale Road, thence with said line,
  - 10.) S 1° 58' 30" E 90.87 feet to the place of beginning.

Containing 0.334 Acres of land, more or less.

Being a part of that lot or parcel of land conveyed by Webster H. Mitherling and Elizabeth Mitherling to Antoni Horodowicz and Bozena Horodowicz, his wife,

95-423-SPH

by deed dated October 12, 1973 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5404 folio 236 etc. Also known as 3015 East Joppa Road and located in the Eleventh Election District of Baltimore County, Maryland.

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: *11th* Date of Posting: *8/14/95*  
 Posted for: *Special Hearing*  
 Petitioner: *Antoni & Bozena Horodowicz*  
 Location of property: *3015 East Joppa Rd.*  
 Location of Signs: *Along roadway on property being zoned*  
 Remarks:  
 Posted by: *[Signature]* Date of return: *8/16/95*  
 Number of Signs: *1*

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., *6/11*, 19*95*

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 *6/11*, 19*95*

THE JEFFERSONIAN,  
*A. Henkleman*  
 LEGAL AD. - TOWSON

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein, to determine whether or not the Zoning Commissioner should approve an Amendment to the Special Exception granted June 4, 1974 to "exclude" condition which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."  
 Case: 95-423-SPH  
 (Item #13)  
 3015 East Joppa Road  
 (Towson & Joppa, Md.)  
 11th Election District  
 8 of 12 Street  
 11th Election District  
 111 W. Chesapeake Avenue in Towson, Maryland  
 21204 or Room 116, Old Courthouse, Towson, Maryland 21204 as follows:  
 Date: August 2, 1995  
 Time: 10:00 AM to 2:00 PM in Rm. 116, Old Courthouse  
 Special Hearing to approve an amendment to the Special Exception granted June 4, 1974 to "exclude" condition which states: "No body or fender work shall take place on the site and no wrecked or damaged cars shall be stored on the site."  
 Law Enforcement: [Signature]  
 Zoning Commissioner: [Signature]  
 NOTICE: Although all plans could be available for review at the County Office, please call 887-0200 for information concerning the public hearing. Please call 887-0200, June 1.

**receipt**  
95-423-SPH

Account: R 001 6150  
Number: 415  
By: JLL

Date: 5/18/95

1 NON RES SPH: 040 \$ 250.00  
1 SIGN POSTING: 080 \$ 35.00  
285.00

CWNER HORODOWICZ  
3015 E JOPPA RD  
PO by Bodie, Nagle, Dolina, Smith + Hobbs.

01A01B0175MICHRC \$285.00  
PB 009918A005-18-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/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.: 415  
Petitioner: Antoni Horodowicz  
Location: 3015 E. Joppa Rd. Balt MD 21234

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Bodie Nagle Dolina Smith + Hobbs Attn: Martha E. Brune Esq.  
ADDRESS: 21 W. Susquehanna Ave  
Towson Md 21204  
PHONE NUMBER: 410-823-1250

AJ:gg5 (Revised 04/09/93)

TO: PUPPET PUBLISHING COMPANY  
June 1, 1995 Issue - Jeffersonian

Please forward billing to:  
Martha E. Brune, Esq.  
Bodie, Nagle, Dolina, Smith & Hobbs, P.A.  
21 W. Susquehanna Avenue  
Towson, MD 21204  
823-1250

**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: 95-423-SPH (Item 415)  
3015 E. Joppa Road  
(Thal & Brune, Inc.)  
W/S Avondale Road, 134' S of "C" Street  
11th Election District - 6th Councilmanic  
Legal Owner(s): Antoni Horodowicz and Bozena Horodowicz  
HEARING: TUESDAY, JUNE 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "enclose" condition which states: "No body or feeder work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "enclose" condition which states: "No body or feeder work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

LAWRENCE E. SCHMIDT  
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, 1995 **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: 95-423-SPH (Item 415)  
3015 E. Joppa Road  
(Thal & Brune, Inc.)  
W/S Avondale Road, 134' S of "C" Street  
11th Election District - 6th Councilmanic  
Legal Owner(s): Antoni Horodowicz and Bozena Horodowicz  
HEARING: TUESDAY, JUNE 20, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted June 4, 1974 to "enclose" condition which states: "No body or feeder work shall take place on the site and no wrecked or damaged cars shall be stored on the site."

Arnold Jablon  
Director

cc: Antoni and Bozena Horodowicz  
Martha E. Brune, Esq.

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 15, 1995

Martha E. Brune, Esquire  
Bodie, Nagle, Dolina,  
Smith and Hobbs, P.A.  
21 W. Susquehanna Avenue  
Towson, Maryland 21204

RE: Item No.: 415  
Case No.: 95-423-SPH  
Petitioner: Antoni Horodowicz

Dear Ms. Brune:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: June 5, 1995

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

RE: Zoning Advisory Committee Meeting  
for June 5, 1995  
Items 413, 414, 415, 416, 417, 418 and 419

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:ew

To: Joyce Watson

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

TO: ZADM DATE: 6/2/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 413  
414  
415  
417  
418  
419

LS:sp  
LETTY2/DEPRM/TXTSBP

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-1500

DATE: 05/31/95

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

RE: Property Owner: ANTONI HORODOWICZ & BOENNA HORODOWICZ  
LOCATION: W/S AVONDALE RD., 134' S OF "C" STREET (3015 E JOPPA RD.)

Item No.: 415 Zoning Agenda: SPECIAL HEARING

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.

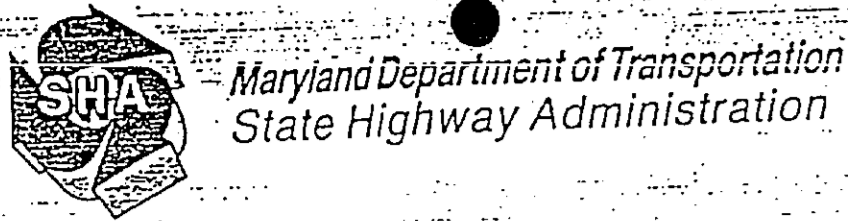
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

RECEIVED  
JUN 1 1995  
ZADM

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

cc: File



O. James Lighthizer  
Secretary  
Hal Kaszoff  
Administrator

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

Re: Baltimore County  
Item No: 415 (JCL)

5-26-95

Dear Ms. Watson:

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 Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 16, 1995

FROM: Pat Keller, Director, OPZ  
SUBJECT: 3015 East Joppa Road



INFORMATION:  
Item Number: 415  
Petitioner: Horodowicz Property  
Property Size: \_\_\_\_\_  
Zoning: BL-CNS  
Requested Action: Special Hearing  
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

A site visit at the subject property revealed that the property suffers from deferred maintenance. Old light poles remain from the former automotive service station use, no landscaping or buffering exists, peeling paint was observed on the building housing the service garage, and several junk vehicles were stored on the lot outside of the fenced in area.

Staff does not oppose the applicant's request provided that restrictions be imposed to ensure that site conditions will be improved to meet reasonable standards.

A representative of the community planning division will appear at the hearing should there be any questions regarding our position.

Prepared by: *Jerry M. Long*

Division Chief: *Carol L. Burns*

PK/JL

ITEM415/PZONE/ZAC1

RE: PETITION FOR SPECIAL HEARING BEFORE THE  
3015 E. Joppa Road (Toni & Bros., Inc.) ZONING COMMISSIONER  
W/S Avondale Road, 134' S of "C" Street 11th Election District, 6th Councilmanic OF BALTIMORE COUNTY  
Antoni Horodowicz and Bozena Horodowicz Petitioner CASE NO. 95-423-SPH

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Martha E. Brune, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 21 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

BODIE, NAGLE, DOLINA,  
SMITH & HOBBS  
A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW  
21 West Susquehanna Avenue  
Towson, MD 21204-5379  
(410) 833-1150  
Fax: (410) 296-0432

Marlin J. Smith  
(938-1992)  
Reference Office:  
143 Main Street  
Baltimore, MD 21176  
(410) 833-1321  
Fax: (410) 833-0076  
Hartford County Office:  
112 W. Pennsylvania Ave., Suite 103  
Bel Air, MD 21014  
(410) 836-8943  
Fax: (410) 893-9701

June 20, 1995

HAND DELIVERED

Timothy M. Katroko  
Deputy Zoning Commissioner  
Zoning Commissioner's Office  
Old Court House, Room 112  
400 Washington Avenue  
Towson, Maryland 21204

RE: Petitioner: Antoni Horodowicz  
Case Number: 95-423-SPH

Dear Mr. Katroko:

Enclosed, please find the original Special Exception granted on June 4, 1975 regarding the above referenced property. I inadvertently did not provide you with a copy of this Order at the hearing. I apologize for any inconvenience this may have caused.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,  
*Martha E. Brune*  
Martha E. Brune

MEB:ksw  
Enclosure

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE  
SW/corner of Joppa Road & Avondale : DEPUTY ZONING  
Road - 11th Election District : COMMISSIONER  
Antoni Horodowicz - Petitioner  
NO. 75-262-X (Item No. 195).  
OF  
BALTIMORE COUNTY

This Petition represents a request for a Special Exception to operate a service garage at the southeast corner of Joppa and Avondale Roads in the Eleventh Election District of Baltimore County.

The property in question contains .382 acres of land, more or less, and is improved with an existing two bay service station which had been granted a Special Exception for that use on June 13, 1952 (Case No. 2243 SA).

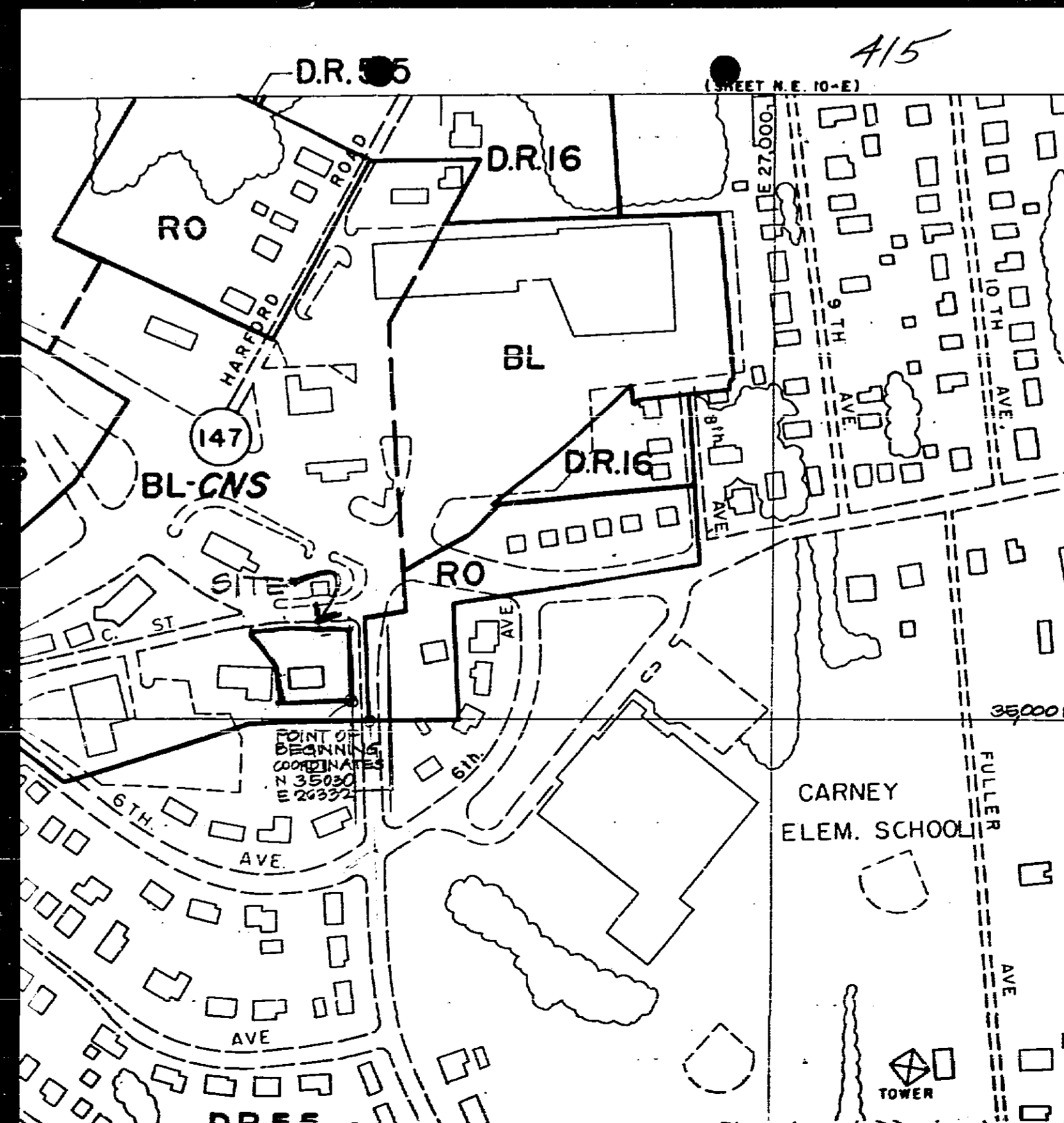
Testimony by several area residents established that the subject property has, in the past, been a blight on the neighborhood due to maintenance, junk, etc. However, they now feel that the present owner is performing a service that is needed in the community and is maintaining the area in such a manner that it is a credit to the area. Other testimony and evidence presented during the course of the hearing, established that the use, as presently exists meets requisites of Section 502.1, and the Special Exception can, with certain restrictions, be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4<sup>th</sup> day of June, 1975, that the herein requested Special Exception should be and the same is hereby GRANTED. Said granting is subject to the following conditions:

1. The Special Exception granted herein for the use of a service garage shall include the right to continue to sell gas until and unless the service garage use demonstrates that the site is not large enough to accommodate both the service garage and the sale of gas. Said sale of gas shall be terminated only after a Special Hearing or Violation Hearing, either of which may be brought about by citizens' complaint or at the request of the Zoning Commissioner.

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME: *A. N. EIRING* ADDRESS: *3016 SINT LAVE 21234*



COMPREHENSIVE ZONING MAP Baltimore County Council 15, 1992 92,185-92,186-92,187-92,188-92,189-92	SCALE 1" = 200' ±	LOCATION PARKVILLE	SHEET N. E. 9-E
<i>John Howard</i> County Council	DATE OF PHOTOGRAPHY JANUARY 1986	95-423-SPH	

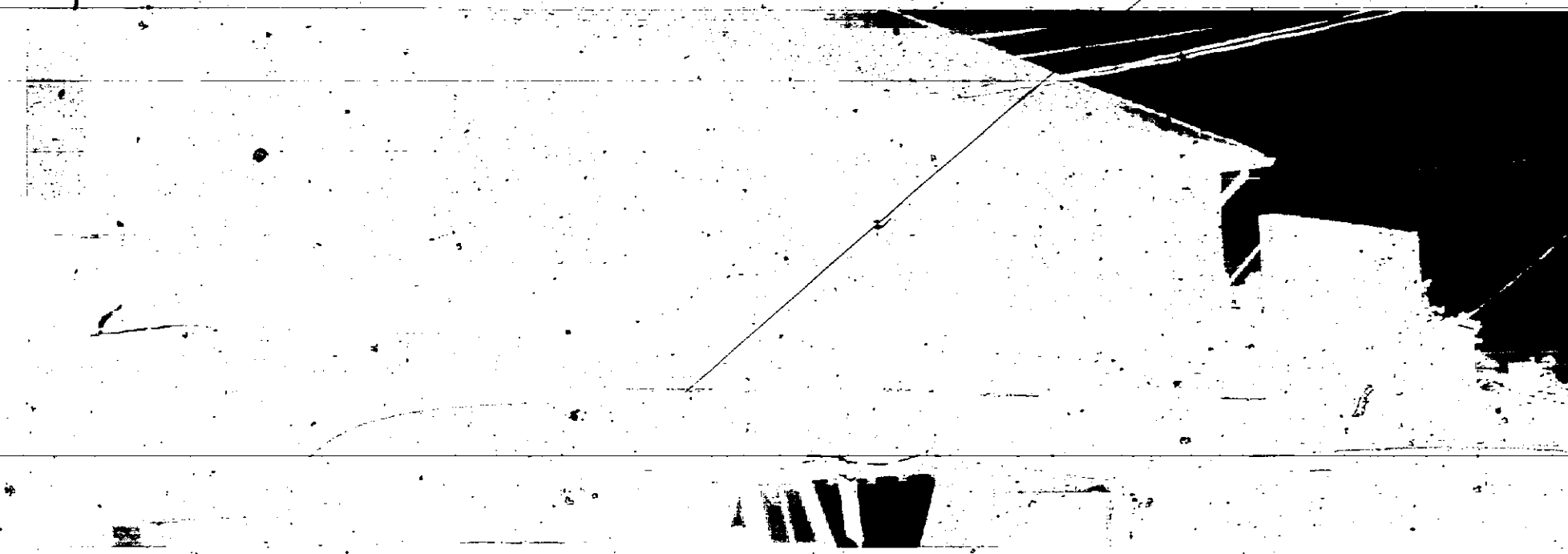
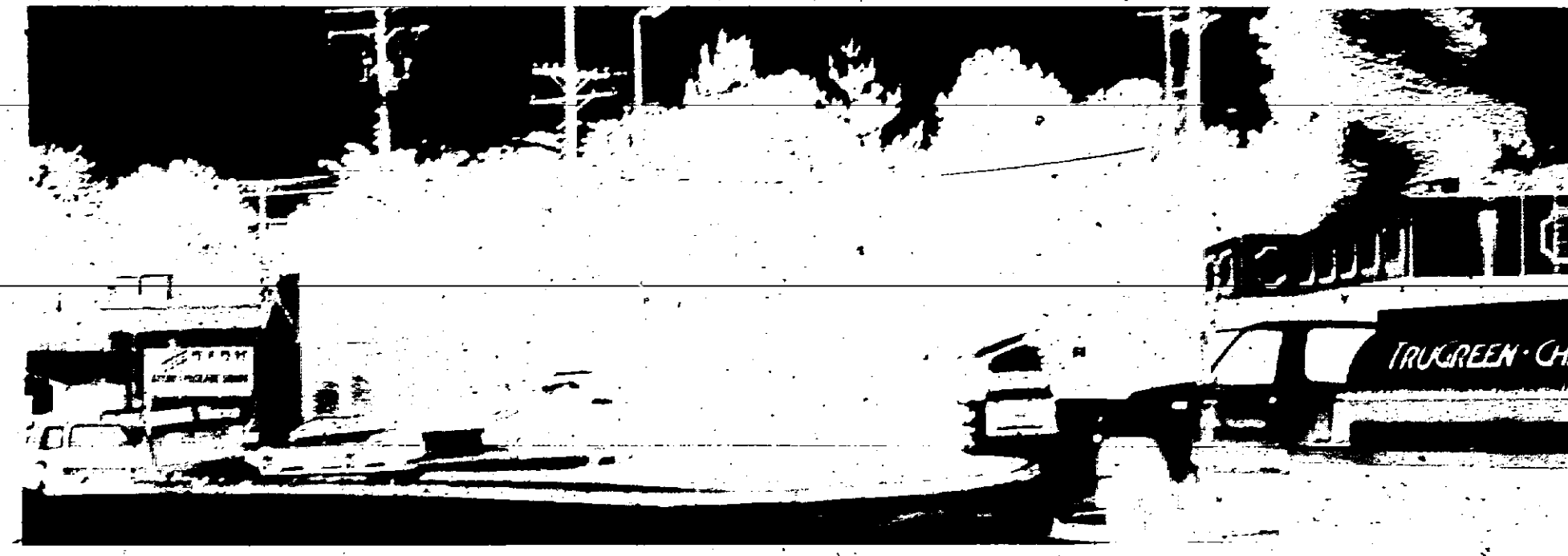
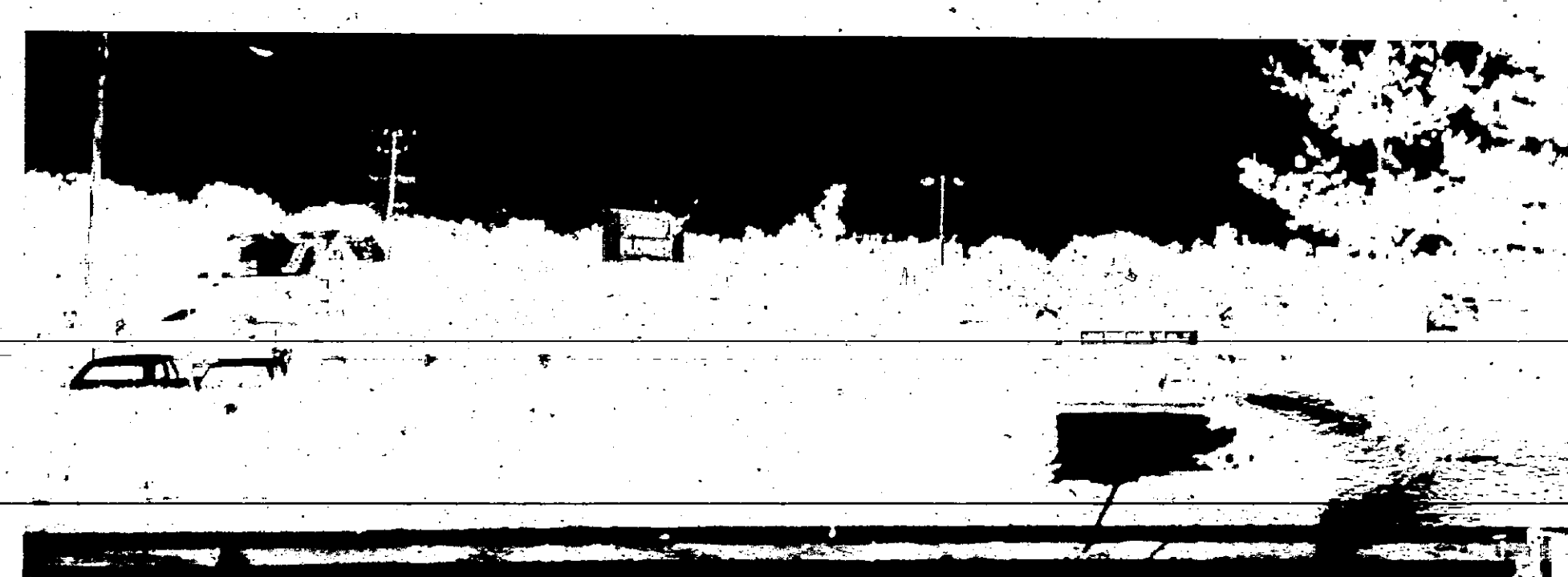
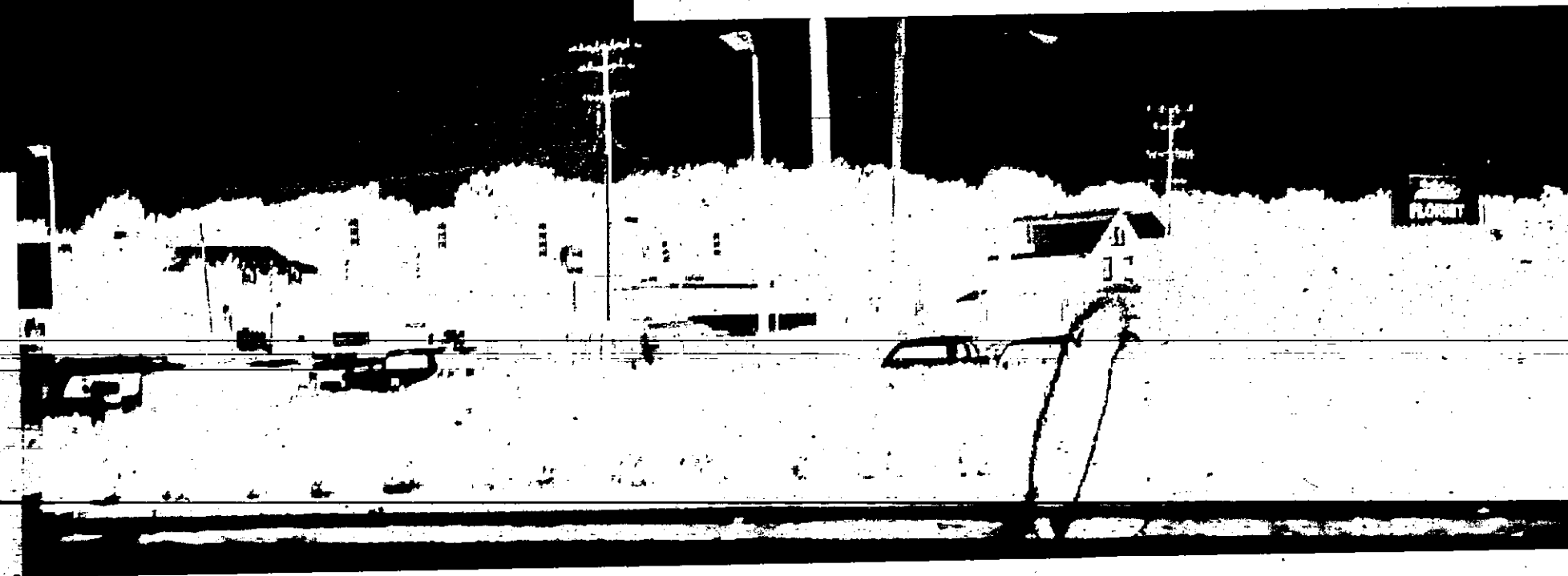
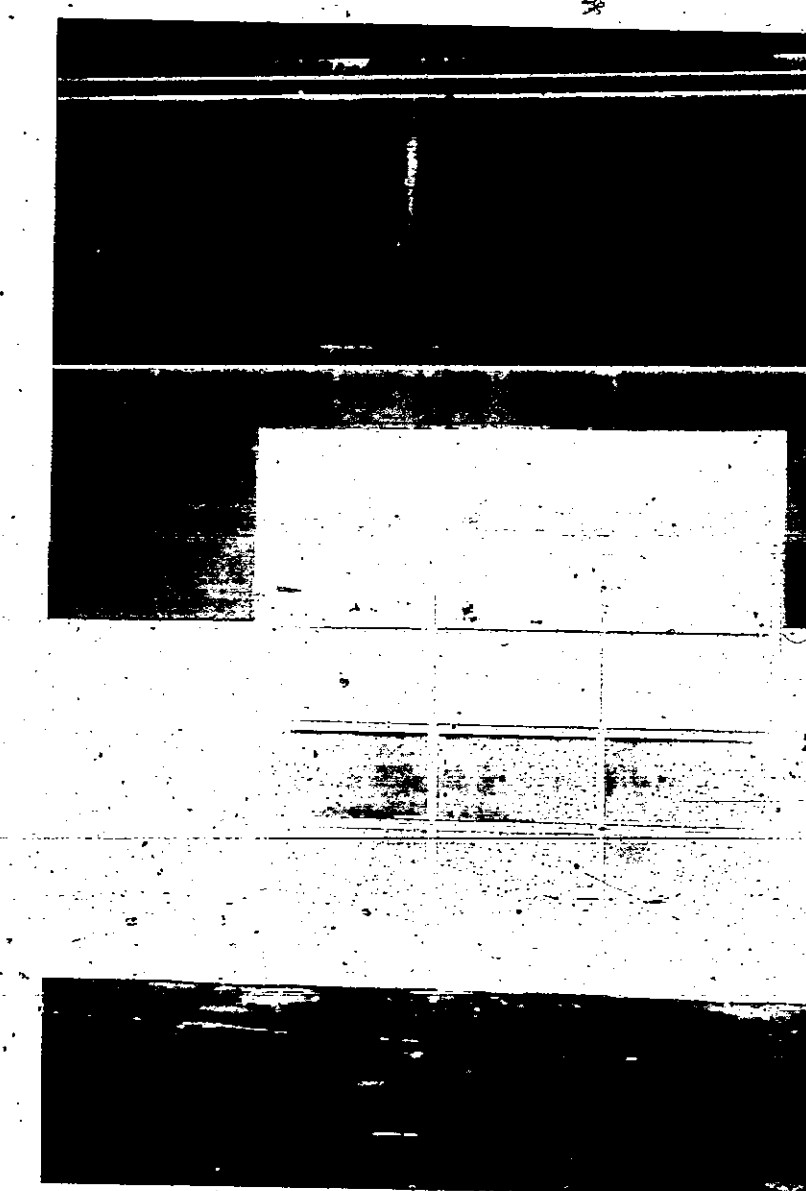
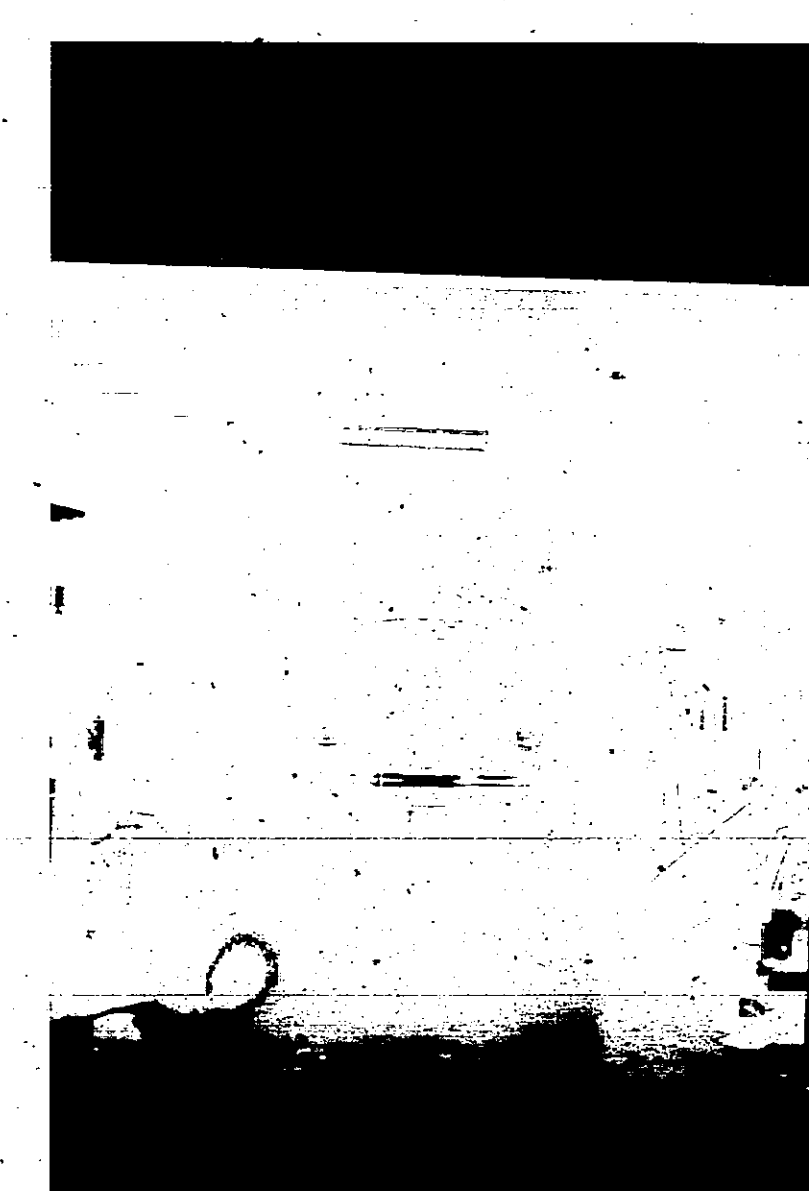
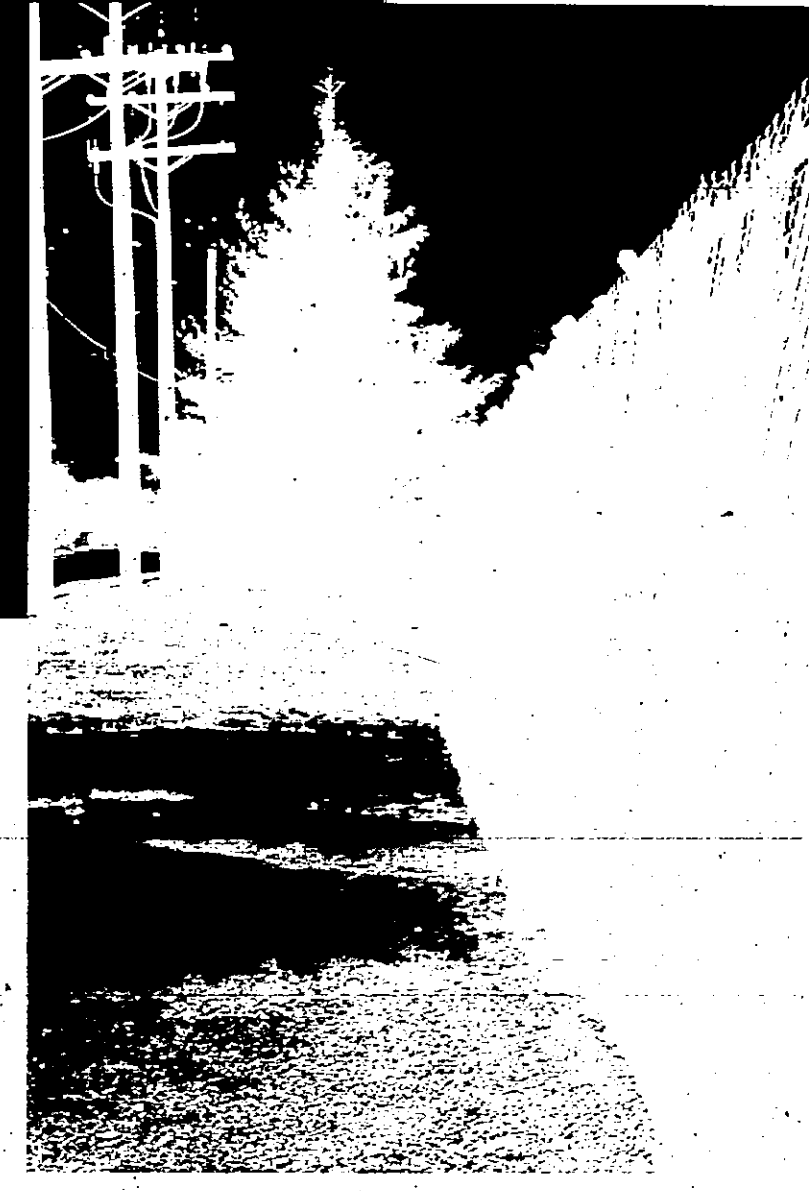
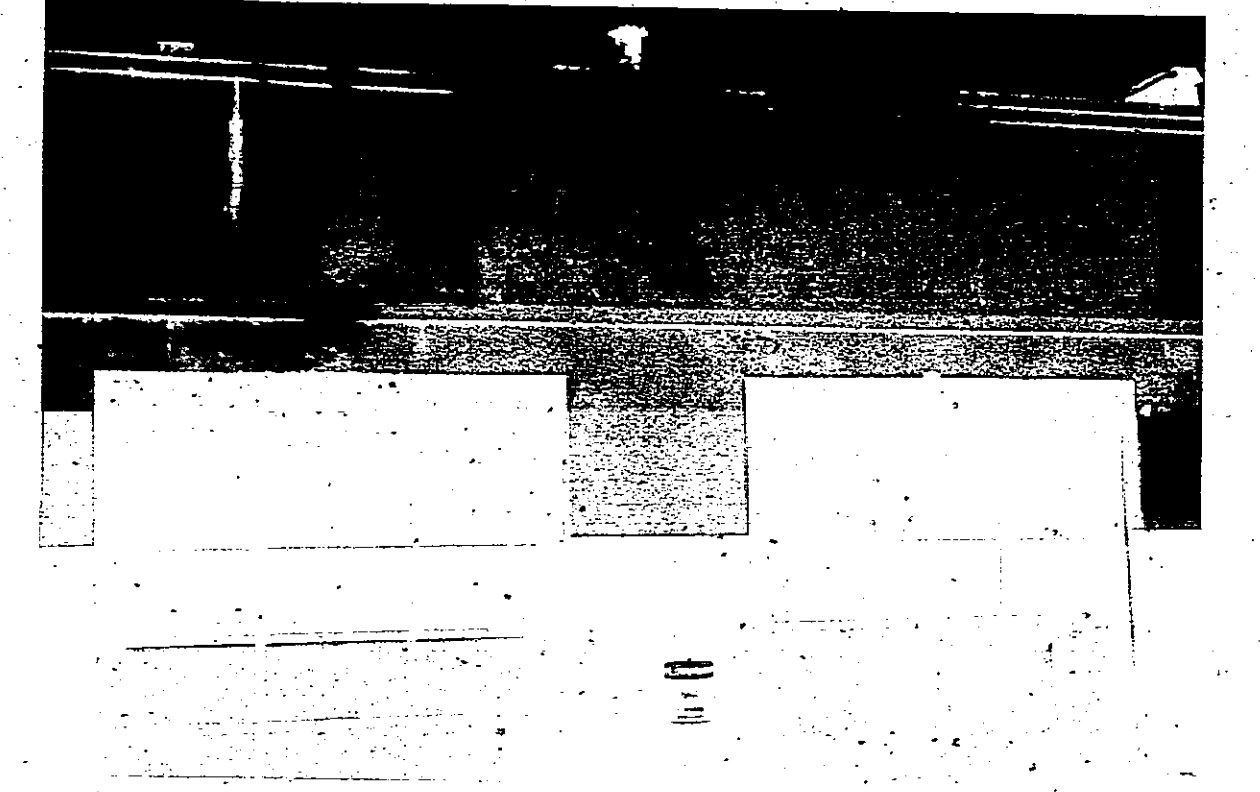
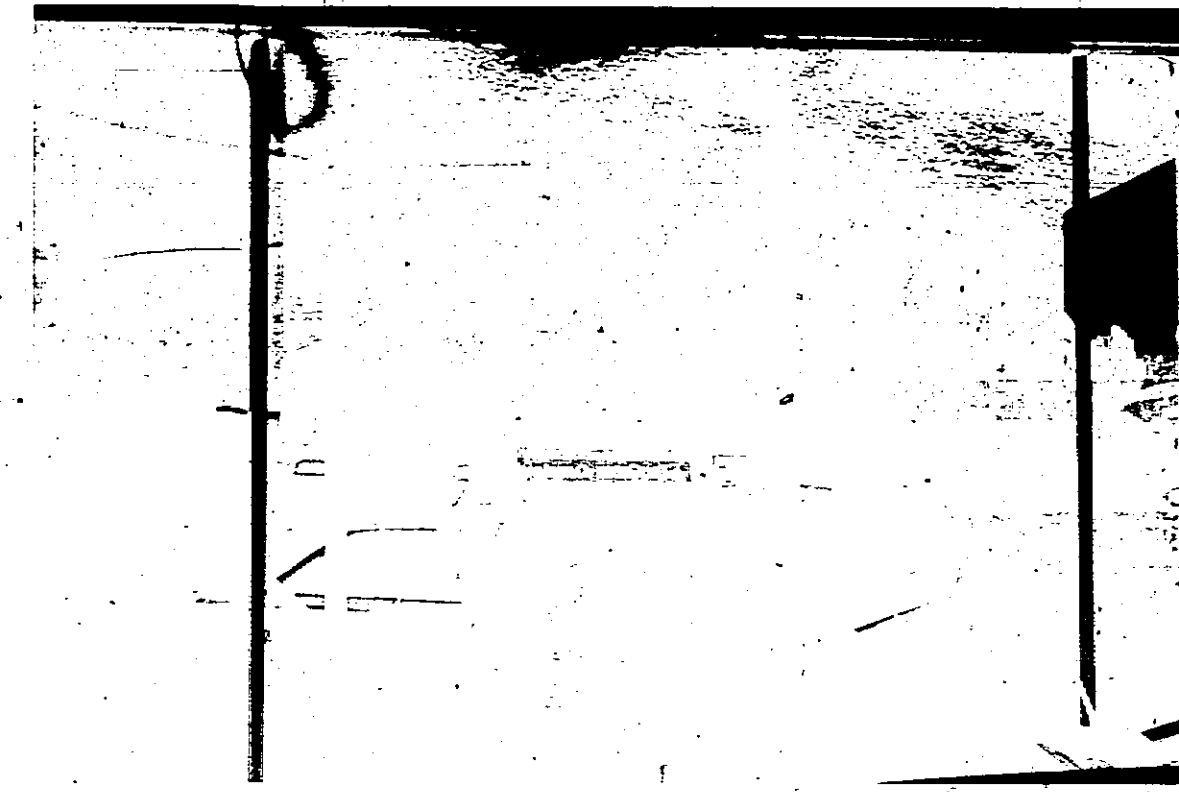
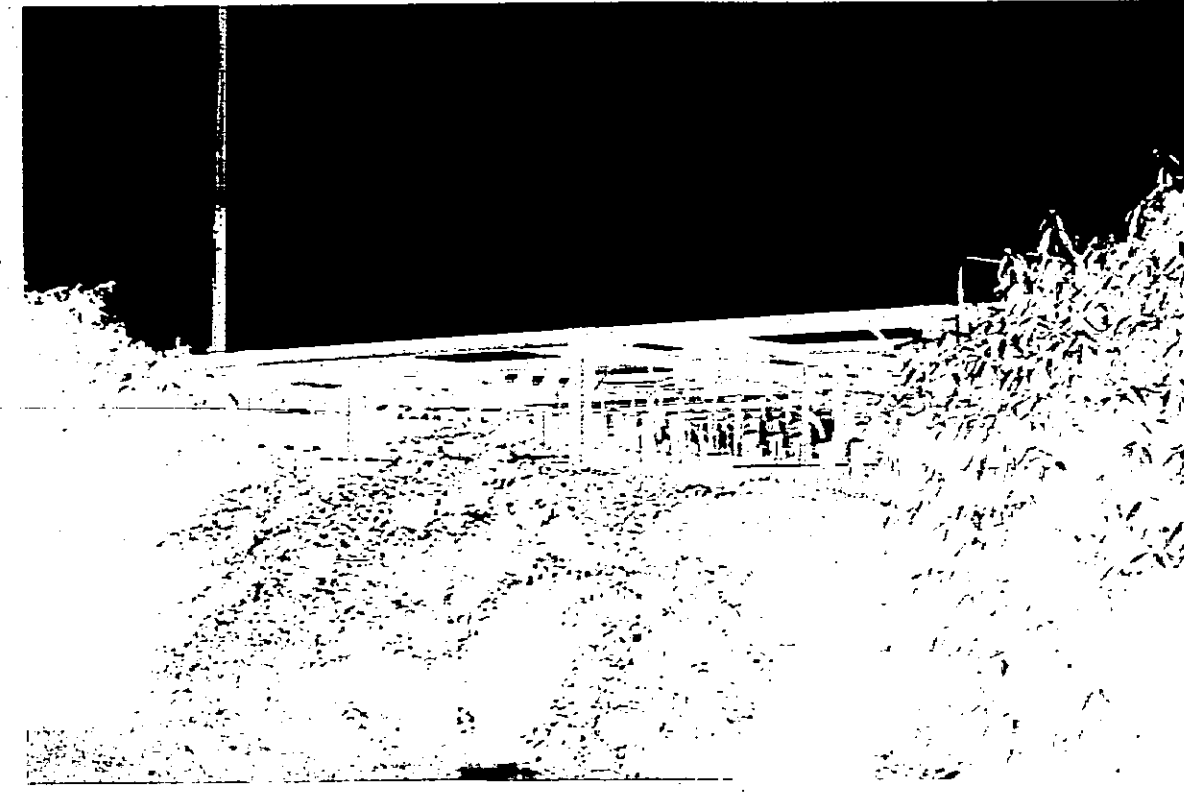
95-423-SPH

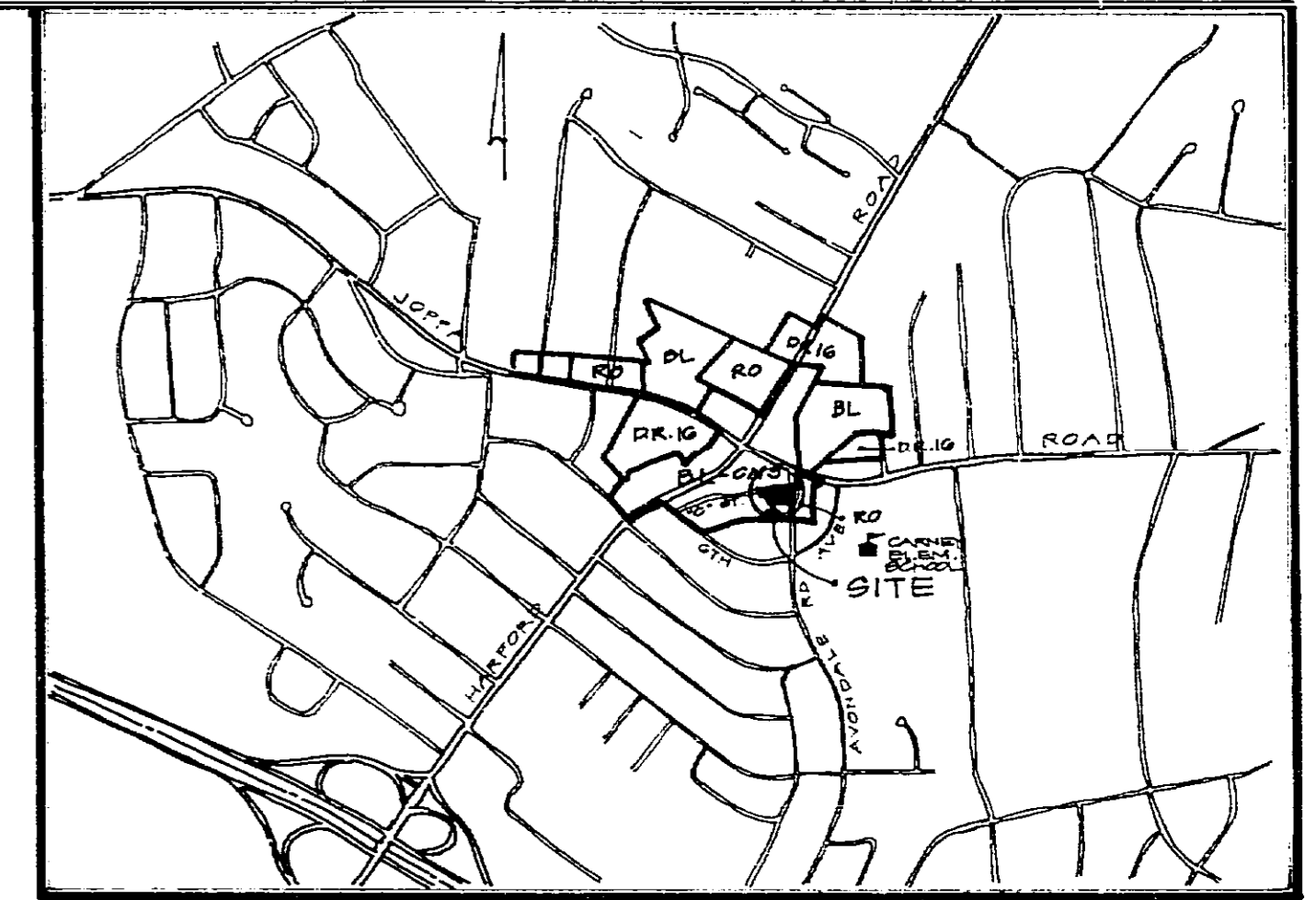


Planning and Zoning Commission  
Office Building  
Suite 112 Court House  
400 Washington Avenue  
Tucson, Arizona 85701

*Petitioner's  
Exhibits 2A-2K*

*Case 95-423-SPH*

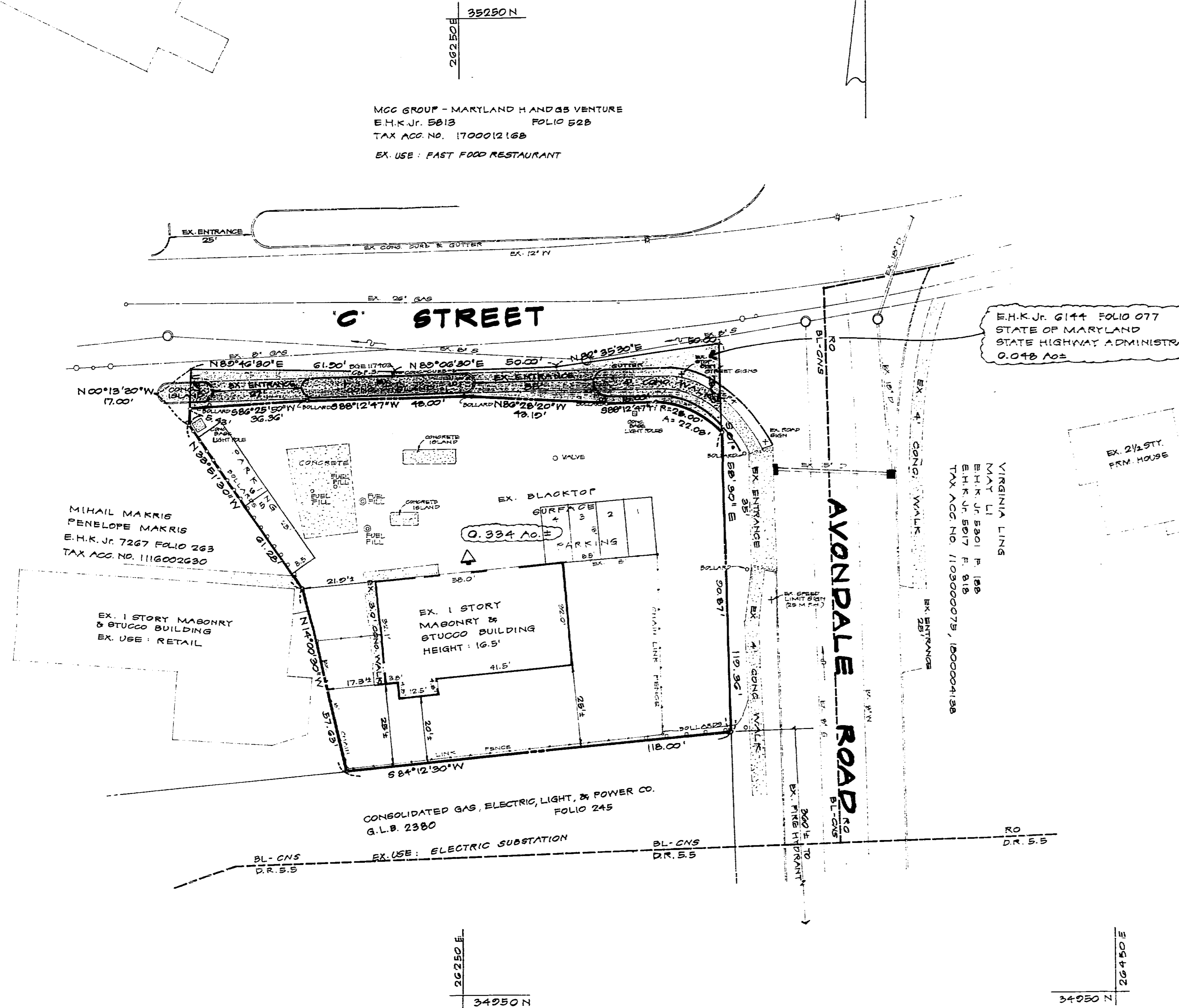




VICINITY MAP SCALE: 1"=1000'

**NOTES:**

1. CURRENT TITLE REFERENCE: ANTONI HORODOWICZ AND BOZENNA HORODOWICZ, OCTOBER 12, 1978, E.H.K. JR. 5494 FOLIO 236, ETC.
2. CURRENT ZONING CLASSIFICATION: BL-CNS (B.C. MAP NO. 5-E)
3. ZONING CASES:
  - CASE NO. 2249 SA, JUNE 13, 1959
  - SPECIAL EXCEPTION FOR TWO BAY SERVICE STATION
  - CASE NO. 78-262-X (ITEM NO. 185), JUNE 4, 1975
  - SPECIAL EXCEPTION FOR SERVICE STATION WITH RIGHT TO SELL GAS. NO BODY OR FENDER WORK ALLOWED, NO WRECKED OR DAMAGED CARS STORED ON SITE. VEHICLES AWAITING SERVICE TO BE STORED IN FENCED COMPOUND AREA.
4. FLOOR AREA RATIO:  $\frac{1016 \text{ GROSS FLOOR AREA}}{23174 \text{ GROSS SITE AREA}} = 0.043$
5. REQUIRED OFF-STREET PARKING:
  - SPACES REQUIRED: G (2 SERVICE BAYS + 3 SPACES)
  - SPACES PROVIDED: G



MCC GROUP - MARYLAND HANDS VENTURE  
 E.H.K. JR. 5613 FOLIO 52B  
 TAX ACC. NO. 1700012168  
 EX. USE: FAST FOOD RESTAURANT

E.H.K. JR. 6114 FOLIO 077  
 STATE OF MARYLAND  
 STATE HIGHWAY ADMINISTRATION  
 0.048 Acs

MIHAIL MAKRIK  
 PENELOPE MAKRIK  
 E.H.K. JR. 7247 FOLIO 283  
 TAX ACC. NO. 1116002630

VIRGINIA LING  
 MAY LI 5801 F. 188  
 E.H.K. JR. 5801 F. 188  
 TAX ACC. NO. 1103000073, 1000004138

CONSOLIDATED GAS, ELECTRIC, LIGHT, & POWER CO.  
 FOLIO 245  
 G.L.B. 2380  
 EX. USE: ELECTRIC SUBSTATION

**PETITIONER'S EXHIBIT 1**

**95-423-SPH**

**PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING 3015 EAST JOPPA ROAD**

11TH ELECTION DISTRICT BALTIMORE COUNTY, MD.  
 COUNCILMANIC DISTRICT: G CENSUS TRACT: 4114.02  
 DATE: DECEMBER 22, 1994 SCALE: 1"=20'

OWNER: ANTONI HORODOWICZ  
 BOZENNA HORODOWICZ  
 12144 JERUSALEM ROAD  
 KINGSVILLE, MD. 21087  
 PROPERTY ADDRESS:  
 TONI & BROS. INC.  
 3015 EAST JOPPA RD.  
 BALTIMORE, MD. 21234



PREPARED BY:  
**A.L. SNYDER**  
 SURVEYOR INC.  
 1911 HANOVER PIKE  
 HAMPSTEAD, MD. 21074  
 410-239-7744

A15