

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN ROTZ and JUDITH ROTZ
4620 Washington Boulevard
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-6679

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF THOMAS PALACOROLLA, ET
AL -OWNERS /AUTO DEALERS, INC. -
CONTRACT PURCHASERS - FOR A SPECIAL
EXCEPTION AND VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE WASHINGTON
BOULEVARD, 25' SOUTHWEST OF CENTERLINE
WINANS AVENUE (1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-454-XA

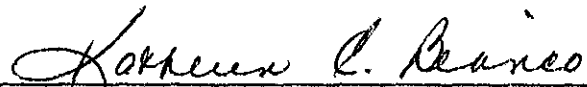
AMENDED CERTIFICATE OF NOTICE
(Heading Amendment Only as Underscored)

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Margaret Worrall and Harry E. Buchheister, Jr., constituting the majority of the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, John Rotz and Judith Rotz, 4620 Washington Boulevard, Baltimore, MD 21227, Petitioners; Auto Dealers, Inc., c/o Brian Isaac, President, 13940 Rover Mill Road, P.O. Box 37, West Friendship, MD 21794; J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, Counsel for Auto Dealers, Inc.; Mr. and Mrs. Thomas A. Palacorolla, 12183 Tridelphia Road, Ellicott City, MD 21042; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Kathleen C. Bianco
Kathleen C. Bianco, Legal Administrator
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Amended Certificate of Notice (heading amended as to relief requested, as underscored) has been mailed to John Rotz and Judith Rotz, 4620 Washington Boulevard, Baltimore, MD 21227, Petitioners; Auto Dealers, Inc., c/o Brian Isaac, President, 13940 Rover Mill Road, P.O. Box 37, West Friendship, MD 21794; J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, Counsel for Auto Dealers, Inc.; Mr. and Mrs. Thomas A. Palacorolla, 12183 Tridelphia Road, Ellicott City, MD 21042;; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204, this 16th day of July, 1996.



Kathleen C. Bianco, Legal Administrator
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

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

July 16, 1996

John Rotz
Judith Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

RE: Civil Action No. 3-C-96-6679
THOMAS PALACOROLLA, ET AL
/AUTO DEALERS, INC.
Amended Certificate of Notice

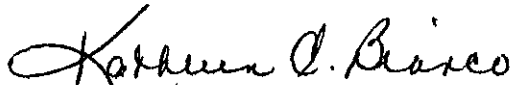
Dear Mr. and Mrs. Rotz:

Enclosed is a copy of the Amended Certificate of Notice which has been filed in the Circuit Court.

Please note that only the heading has been amended to include the words A SPECIAL EXCEPTION, and thus correctly reflect the relief requested in this matter.

Should you have any questions, please do not hesitate to call me at 887-3180.

Very truly yours,


Kathleen C. Bianco
Legal Administrator

Enclosure

cc: J. Neil Lanzi, Esquire
Mr. Brian Isaac, President
Auto Dealers, Inc.
Mr. and Mrs. Thomas A. Palacorolla
Peter Max Zimmerman
People's Counsel for Baltimore County





County Board of Appeals of Baltimore County

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

July 10, 1996

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, MD 21204

RE: Civil Action No. 3-C-96-6679
THOMAS PALACOROLLA, ET AL
/AUTO DEALERS, INC.

Dear Mr. Lanzi:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on July 2, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-6679.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. Brian Isaac, President
Auto Dealers, Inc.
Mr. and Mrs. Thomas A. Palacorolla
Mr. Donald G. Hawkins, President
Civic League of Halethorpe
People's Counsel for Baltimore County
Pat Keller /Planning
Lawrence E. Schmidt /PDM
Arnold Jablon /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

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

July 10, 1996

John Rotz
Judith Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

RE: Civil Action No. 3-C-96-6679
THOMAS PALACOROLLA, ET AL
/AUTO DEALERS, INC.

Dear Mr. and Mrs. Rotz:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

Charlotte E. Radcliffe
Legal Secretary

Enclosure



7-12-76
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN ROTZ and JUDITH ROTZ
4620 Washington Boulevard
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-6679

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF THOMAS PALACOROLLA, ET
AL -OWNERS /AUTO DEALERS, INC. -
CONTRACT PURCHASERS
FOR VARIANCE ON PROPERTY LOCATED ON
THE NORTH SIDE WASHINGTON BOULEVARD,
25' SOUTH WEST OF CENTERLINE WINANS
AVENUE (1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-454-XA

* * * * *

CERTIFICATE OF NOTICE

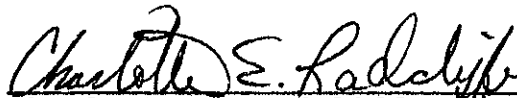
Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Margaret Worrall and Harry E. Buchheister, Jr., constituting the majority of the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, John Rotz and Judith Rotz, 4620 Washington Boulevard, Baltimore, MD 21227, Petitioners; Auto Dealers, Inc., c/o Brian Isaac, President, 13940 Rover Mill Road, P.O. Box 37, West Friendship, MD 21794; J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, Counsel for Auto Dealers, Inc.; Mr. and Mrs. Thomas A. Palacorolla, 12183 Tridelphia Road, Ellicott City, MD 21042; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe
Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

RECEIVED AND FILED
JUL 12 1996
CLERK OF COURT
BALTIMORE COUNTY

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to John Rotz and Judith Rotz, 4620 Washington Boulevard, Baltimore, MD 21227, Petitioners; Auto Dealers, Inc., c/o Brian Isaac, President, 13940 Rover Mill Road, P.O. Box 37, West Friendship, MD 21794; J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, Counsel for Auto Dealers, Inc.; Mr. and Mrs. Thomas A. Palacorolla, 12183 Tridelphia Road, Ellicott City, MD 21042;; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204, this 10th day of July, 1996.



Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

7-5-96

IN THE CIRCUIT COURT OF MARYLAND FOR BALTIMORE COUNTY

PETITION OF:

JOHN ROTZ
JUDITH ROTZ
4620 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21227

FOR JUDICIAL REVIEW OF THE DECISION OF:

THE COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY, MARYLAND
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

IN THE CASE OF: CASE NO. 95-454-XA (THOMAS
PALACOROLLA, ET AL./AUTO DEALERS, INC.)

* JB-C-96-6679
* CIVIL
* Case: 03-C-96-006679
* ACTION
* CF-Civil Filing
* No
* Appearance Fee 80.00
* 10.00
* TOTAL 90.00
* COMMENT:
* Petition of Rotz
* Receipt #199600010000
* Cashier: RG CCBACF067
* 07/02/96 4:06PM

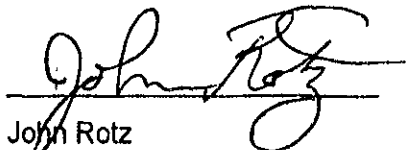
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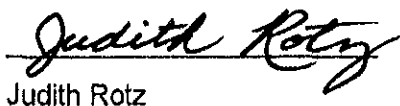
PETITION FOR REVIEW

Comes now John Rotz and Judith Rotz, Petitioners, pro se, and pursuant to Maryland Rule of Procedure 7-202, respectfully file this Petition requesting judicial review of the decision of the County Board of Appeals of Baltimore County, Maryland, in the case of Case No. 95-454-XA (Thomas Palacorolla, et al./Auto Dealers, Inc.) stating as follows:

1. Appellants were parties to the proceedings before the County Board of Appeals in this matter.
2. Appellants are aggrieved by the action of the County Board of Appeals.

cc: Board of Appeals of
Baltimore County, Md.
Thomas Palacorolla, et al/
Auto Dealers, Inc.


John Rotz


Judith Rotz

RECEIVED AND FILED
JUL 12 1996

(KP)

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	
THOMAS PALACOROLLA, ET AL	*	
-OWNERS /AUTO DEALERS, INC.	*	COUNTY BOARD OF APPEALS
CONTRACT PURCHASERS	*	
FOR A SPECIAL EXCEPTION AND	*	
VARIANCE ON PROPERTY LOCATED	*	OF
ON NORTH SIDE WASHINGTON	*	
BOULEVARD, 25' SOUTH WEST OF	*	BALTIMORE COUNTY
CENTERLINE WINANS AVENUE	*	
(1826 WINANS AVENUE)	*	CASE NO. 95-454-XA
13TH ELECTION DISTRICT	*	
1ST COUNCILMANIC DISTRICT	*	

* * * * *

MAJORITY OPINION

This case comes before the Board of Appeals of Baltimore County based on an appeal by Thomas Palacorolla, et al-Owners, and Auto Dealers, Inc. -Contract Purchasers of 1826 Winans Avenue relative to a Special Exception to permit a used motor vehicle sales area accompanied by a Variance request concerning side yard and rear yard setbacks for an existing office/sales building.

On September 7, 1995, the Deputy Zoning Commissioner issued an Order in which the Petition for Special Exception was granted with restrictions and Petitions for Variance were granted in part and denied in part. The hearing in this matter took place on January 23, 1996 and was continued to a second day on January 30, 1996. J. Neil Lanzi, Esquire, represented the Petitioner /Owners, and Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings. John and Judith Rotz, Appellants, also appeared pro se along with Donald S. Hawkins, President, on behalf of the Halethorpe Civic League. Public deliberation was held on Wednesday, March 6, 1996.

Mr. Brian Isaac, President of Auto Dealers, Inc., testified at length. He stated that he was proposing to operate a small used car /sales operation on the premises; which would serve the immediate area. Petitioner's Exhibits Nos. 2, 3A, 4A and 4C were

offered demonstrating the site as it currently existed. The proposed operation would sell about 10 cars per month with 3 to 5 people coming in on a daily basis to examine the vehicles. His testimony was replete with examples as to why this site was a good one for a used car sales operation. He outlined the limited hours of operation (9 a.m. to 7 p.m. /Monday through Friday and 9 a.m. to 3 p.m. /Saturday; with no Sunday sales) and that the usual nuisance factors, so frequently associated with this type of operation, had been eliminated under his proposed use; that was, no outside telephone usage, paging, no car repairs, no car washing with detergent, and the site was to be improved by extensive landscaping. The car sales would all be relatively current models, and he had further contracted with the Reliable Tire Company nearby to perform all service and repair work on the used cars off site. He testified that the present building existing on the location was currently being used as a sales office. Objections, he stated, had been raised by the Appellants over the use of the building due to its advanced age. However, he testified that Baltimore County had examined the building and found it to be structurally sound. Responding to neighborhood concerns, as to crime increases, Mr. Isaac stated that he would be willing to enter into an agreement with off-duty police to monitor the premises during non-business hours; and, would have shielded lighting installed that would not interfere with the neighboring properties but would function as an additional security factor. He testified that the business would be compatible with other commercial businesses in the area.

On cross-examination, by Mr. Zimmerman, Mr. Isaac related the conditions of his agreement to purchase the property subject to zoning approval. He indicated that he resided in Howard County and

that there were currently no other such used car dealerships on Washington Boulevard. He would place advertising in the yellow pages which might produce customers from outside the immediate area. But again, he reiterated that only 15 - 20 cars would be on the lot for sale at any one given time and further that, in his opinion, adequate parking was present. He refuted any suggestion that there was any substantive evidence to prove that crime would increase in the area if the zoning were approved.

Mr. Robert Vogel also testified. He stated that he was licensed by the State of Maryland as a civil engineer, and had developed the site plan. Testimony was permitted by the Board as to his site findings and that Baltimore County had no difficulties with the site plan. He detailed in depth the Petitioner's request for the setback and that the age of the existing building which was estimated to be over 100 years rendered it virtually impossible to move. He went on to explain what he considered to be the uniqueness of the property to justify the variance request i.e. the location, size, commercial nature of property, and intended use. He again restated the improvements which had been agreed to by the Petitioner to alleviate neighboring concerns i.e. additional lighting; 6 ft. privacy fence; and parking adequacy.

On cross-examination by Mr. Zimmerman, the witness stated that the building in question was not a historical one and that he had not researched state guidelines as to noise regulations.

Mr. William Henry also testified. He is in charge of planning for the first councilmanic district and it was mutually stipulated that he was an expert in the field of planning. He related the planning cycle of zoning and in particular the zoning plans for the area in question. He described the area as it related to US Route

40 where the majority of existing used motor car sales are in existence. The proposed site, however, did contain substantially more older homes and it was also considered more residential in area than US 40. While the general consensus of the planning office was to leave existing zoning in place, he stated that the office of Planning and Zoning made a recommendation to approve the Special Exception request subject to certain conditions and restrictions being put in place.

Mr. Brad Hauck, President of the Halethorpe Civic League also testified and that the Petitioner had attended a special meeting of his organization called to consider the proposed use. At that time, Mr. Isaac responded to questions from the members in attendance and his amendatory proposal that would alleviate neighboring concerns as to crime, noise, traffic, parking, etc. At the conclusion of the meeting, his membership voted 18-0 to support the Petitioner's request. Mr. Michael Lettieri, a detective, with the Baltimore County Police Department, testified as to his familiarity with the area that based upon his police experience, car lots do not draw any additional criminal elements to used car sites; and, that the Petitioner intended to utilize off-duty officers to monitor the area during non-business hours.

On cross-examination by Mr. Zimmerman, the witness acknowledged that he was expressing only his opinion based on experience and that he had no statistics or data on which to formulate his conclusions.

Mr. Richard Sturdivant testified on examination by Mr. Lanzi as to the structural capacity of the existing building. He holds a B.S. degree in civil engineering and has 16 years experience in this field. His testimony was essentially that the existing

structure was sound for its present usage but that he seriously doubted because of its advanced age that it could be moved.

On cross-examination by Mr. Zimmerman, he admitted that while no detailed study had been made, the building might be movable. However, numerous problems could be encountered if undertaken; accompanied by very prohibitive costs.

Mr. Michael Cornelius, of The Traffic Group, also testified as an expert traffic engineer. The basic thrust of his testimony was that the proposed used car sales operation would not have any adverse impact on the immediate community or vehicles using Washington Boulevard or Winans Avenue. Mr. Cornelius stated that there was ample unobstructed circulation of traffic on the property given cars entering on Winans Avenue, as well as the main entrance off Washington Boulevard. There would not be, in his opinion, any adverse impact on the surrounding residential community.

Mr. Brian White testified on behalf of the Arbutus Business Association as to the proposed use. He stated that there are no such lots in the Arbutus area and his membership favored the proposed use over a heavy equipment storage lot. He stated that his membership felt that the proposed use was consistent with the goals and intent of present revitalization efforts and that it would provide employment for workers in the area.

Mr. Ron Dorsey also testified. He resides at 1824 Winans Avenue and has lived there since January, 1995. He stated that both he and his wife had no concerns over the proposed use and felt that the proposed use was far more beneficial to him as the owner of the property in the rear of the lot, rather than the existing usage of a storage lot facility.

Mr. Thomas Palacorolla testified. He has owned the subject

property since 1989. He stated that the existing building was one part of a partially razed four-apartment building that had burned down and only the existing portion remained. The untouched section had been rehabilitated and is currently used as an office as an office for heavy equipment storage and leasing. He described the surrounding area as one of commercial usage with a dealership directly across the street from the proposed site along with various liquor stores, a construction company and a fire house in close proximity. During his ownership there had been no complaints relative to crime or traffic.

During cross-examination, the witness acknowledged that he presently lived out of the area and that the land had a residential usage when he purchased it.

Mr. Greg Rotz testified on behalf of the Appellants. He and his wife Judith live next door to the proposed site on Washington Boulevard. They have resided there for 10 years. He is a graduate of the University of Maryland, College Park, and holds a Masters degree in business administration. The Rotz property has been owned since 1940 by his wife's family. He testified at length concerning the nature of the immediate area and its character of older residential dwellings. He emphasized his concerns as to increase in traffic, pollution, crime, and water runoff problems if the Petitioner's request was granted. He stated that he believed additional traffic would occur based on his personal observation and experience as a long-time resident of the area. He testified as to the business traffic on Winans Avenue and the wide swings necessary to negotiate the corner. Additional concerns were expressed as to "test drives" of vehicles by prospective customers in the residential area.

A representative of the Arbutus Community Alliance also testified expressing concerns over the proposed usage. This area group was concerned with the granting of the exception in the area where no such used car facilities are presently located. His group also expressed concern over increased traffic, crime, and the numerous attempts that his group were seeking to maintain the existing integrity of the area.

Mr. Donald S. Hawkins testified on behalf of the Halethorpe Civic League, one of the Appellants. Mr. Hawkins stated that his organization was active in preserving the area and that his membership felt that the property use was inconsistent with the nature of the surrounding neighborhoods which he stated consisted of all individual homes built around 1920 and were essentially residential in character. He expressed serious concerns over crime, flooding, and environmental issues if the proposed use were granted and that it was inconsistent with revitalization plan efforts. He also expressed concern relative to storm water runoff which he stated was already severe in the Halethorpe area. He further stated that the particular property drainage goes into Herberts Run which has entry in the Halethorpe Community and that runoff from this property would exacerbate the problem. Mr. John Stanley Rotz testified on behalf of the Appellant. He has 25 years experience in FBI field work; 14 years as an investigator and claims specialist for the C & P Telephone Company. Mr. Rotz had collected what he considered to be significant crime data in Baltimore County. That data, he stated, proved that the presence of such used motor car operations did cause increases in crime and that the property use should be denied.

The pastor of Ms. Rotz, and Mrs. Judith Moore, both testified

they were long-time friends of Mrs. Rotz and that they were cognizant of what they considered to be serious physical problems encountered by Mrs. Rotz over the proposed use. Both testified as to Mrs. Rotz suffering from migraine headaches and also that she was very sensitive to both lights and noise. They also expressed concerns over Mrs. Rotz's health if the proposed use were to be granted consistent with noise, light, and other problems caused by their perception of such used motor car sales operations.

Mrs. Judith Rotz testified at length concerning her health problems. She stated that she suffers from severe migraine headaches since two separate car accidents. Mrs. Rotz produced numerous slides which were admitted into evidence to demonstrate the essentially residential section of the community along with the general nature of homes in the location of the subject site. She also expressed serious concerns about the effect on the quality of life in the community if the Special Exception was granted. Traffic concerns along Winans Avenue were expressed and, in particular, limited visibility looking north. The road would take away their privacy and cause additional strangers to migrate into the area; noise increases were also cited along with additional water runoff problems. She stated that she was at home a considerable portion of the day working only part-time due to her health limitations. She indicated that she held a B.S. in Library Science and also a Masters degree. The property in question is zoned B.R. and a used car operation is a permitted use under Section 236.4 of the Baltimore County zoning regulations by Special Exception. As a matter of fact, the B.R. zone is the only zone in Baltimore County which permits a used motor car operation with an out door sales area. Any Special Exception which is to be granted

must satisfy the regulations of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). While there are eight specific requirements, this Board needs to focus on three: (1) will the proposed use be detrimental to the health, safety and general welfare of the community; (2) will the proposed use tend to increase congestion on the roads, alleys, etc; and, (3) will the proposed use be inconsistent with the properties zoning classification and the spirit and intent of zoning regulations. The law is well settled in Maryland that a Special Exception is presumed valid in the absence of particular facts or circumstances which negate that presumption. In Schultz v. Pritts 291 MD 1 (1981) the Court of Appeals held that a Special Exception should be denied only if the granting of the Special Exception would have an adverse effect of a unique or different character than the impact if approved elsewhere in the area. Testimony at the hearing, produced evidence that the property consisted of roughly .25 (M/L) of an acre improved with an older building in the rear of the lot. The Petitioner wants to use the property and existing building pursuant to Section 236.4 of B.C.Z.R. (building regulations) and due to the present location of the building, variances are required.

Mr. John Rotz and his wife, Judith, are lot owners of the adjacent lot. The property is an irregular shaped lot, 127 ft. frontage along Washington Boulevard, 62.5 ft. along Winans and 126.5 ft. in the rear. It currently carries a B.R.-CS.1 zoning as does the Rotz property and most others in the area, and the proposed site including that in the rear of the property. Appellants's Exhibit #10 clearly shows other improved properties along Washington Boulevard to be commercial usage in close

proximity to Winans. The Halethorpe Motor Repair Shop lies directly across the street at Winans and Washington Boulevard and there are also presently (2) separate liquor stores, a palm reader, construction equipment sales company and the Halethorpe Fire Department nearby. The Halethorpe revitalization plan acknowledges that Washington Boulevard carries a substantial amount of traffic. On page 10 of that plan appropriate streetscape is considered a critical part of that revitalization plan (planting trees, shrubbery, etc) and indicates that the users of Washington Boulevard could stand apart from adjoining areas by such improvements and such enhancements could even attract community servicing business. While testimony was also produced indicating evidence of an older residential community along Winans Avenue, the property in question is clearly in the midst of a commercial intersection with its presence at that corner not interfering with the residential nature of the area delineated as residential along Winans.

Mr. Brian Isaac, the intended proprietor of the proposed business had made every reasonable effort to be conciliatory to the concerns of the protestants and their objections raised to the Special Exception request. Many of the normal functions inherent with the running of a used motor car operation had voluntarily been relinquished by him. These include limited hours of operation from 9 a.m. to 7 p.m., Monday through Friday; 9 a.m. to 3 p.m. on Saturday, with no Sunday sales. No car repairs were to be performed on the premises and any car servicing was to be done off site under contract with The Reliable Tire Company. There would be no outdoor speakers or telephone paging and any car washing would be with plain water and no detergents. Additional landscaping to

buffer the area would be provided in addition to shield the lighting. Only 15-20 cars would be on sale at any one given time. Mr. Isaac would arrange for off-duty police officers to monitor the premises during off hours. Both the Halethorpe Improvement Association and the Arbutus Business Association offered full support to Mr. Isaac's proposed use. While evidence was submitted in the hearing concerning alleged increases in crime, traffic problems, and additional water runoff, no expert testimony was offered and there were no substantial issues that had been raised by various Baltimore County departments charged with the responsibility of determining whether the proposed use would be detrimental to the welfare of the community. These include the Department of Environmental Protection and Resource Management, Traffic, Fire Department and the noise study conducted by Marks and Vogel.

While J. Stanley Rotz testified as to his findings concerning increases in crime where such lots are located, no real substantive proof was offered. Having considered all the testimony taken and evidence submitted, this Board agrees unanimously that the request for Special Exception should be granted. A review of the testimony clearly shows that the proposed use accompanied with restrictions, and the landscaping proposed by the Petitioner is far more attractive than the lot as it presently exists. Concerns without substantive evidence that vandalism and car thefts at used car lots are more likely to occur are simply not justified objections without substantive proof. These occurrences are no more likely to take place at a used car lot than anywhere else, because they are a part and parcel of life in any modern urban environment. The existence of the everyday normal attributes of a used car lot

cannot justify denial of a Special Exception. It must be presumed that such a use no matter where located will have certain undesirable attributes, but the use is compatible with other uses permitted on land zoned B.R. in Baltimore County. Considering all the relevant factors, if the land owner cannot use this small parcel of land for used motor car sales operation, it is difficult to envision such a use being permitted anywhere in Baltimore County. Therefore, the Special Exception should be granted. As to the request for a Variance from Section 238.2 of the B.C.Z.R., to permit a 1 ft. side yard setback and a "0" ft. rear yard setback in lieu of the required 30 ft. each for an existing office/sales building, the Board concludes that such Variance should be denied. The existing building, which appears to be close to 100 years old is situated only 1 ft. from the side property line adjoining on the Rotz property. It also appears to encroach on the adjacent property owned by Mr. Dorsey. While the building has apparently existed on this site for 100 years, that in itself cannot serve as justification for the granting of the variance request. Mr. and Mrs. Rotz have strenuously objected to the granting of the Variance, accompanied by testimony that questions the soundness of the building. The Board also rejects the Variance request concerning the "0" ft. rear yard setback on the basis that there was no testimony or evidence that substantiates the land as being either unusual or unique as required in *Cromwell v. Ward*, 102 Md., App 691 (1995) nor does the denial of the Variance preclude Petitioner full use of the proposed site for the purposes of a used motor car sales operation, absent the granting of the Variances.

O R D E R

IT IS THEREFORE this 3rd day of June, 1996 by the

County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Exception to permit the use of the subject property as a used motor vehicle outdoor sales area pursuant to Section 236.4 of the B.C.Z.R., in accordance with Petitioner's Exhibit No. 1 be and is hereby GRANTED subject to the following restrictions:

1. The special exception granted herein is limited to the sale of used automobiles only. There shall be no automotive repairs or service work performed on the premises and there shall be no washing of vehicles on the premises with detergents or soaps. However, the Petitioner shall be permitted to rinse off vehicles with water as necessary.
2. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the date of this Order, the Petitioner shall arrange for a representative from the Department of Public Works (DPW) to inspect the property to determine if, in fact, the type of surface he intends to provide meets their requirements for a durable and dustless surface.
3. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
4. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
5. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
6. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
7. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales

building for security purposes.

8. 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 the Order.

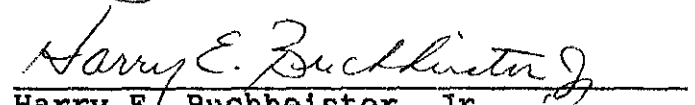
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 238.2 of the B.C.Z.R. to permit a 1 ft. side yard setback in lieu of the required 30 ft. for an existing office/sales building be and is hereby DENIED; and it is further

ORDERED that the Petition for Variance seeking relief from Section 238.2 of the B.C.Z.R. to permit a 0 ft. rear yard setback for an existing office/sales building in lieu of the required 30 ft., be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Margaret Worrall


Harry E. Buchheister, Jr.

IN THE MATTER OF THE
THE APPLICATION OF
THOMAS PALACOROLLA, ET AL
-OWNERS /AUTO DEALERS, INC.
CONTRACT PURCHASERS
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON NORTH SIDE WASHINGTON
BOULEVARD, 25' SOUTH WEST OF
CENTERLINE WINANS AVENUE
(1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-454-XA
*
*

* * * * *

Concurring /Dissenting Opinion

I concur with my fellow Board members in approving the granting of the special exception for use on the proposed site as a used motor car sales operation, and the denial of the variance as to the 1-foot side yard setback for the reasons stated in the Board's Majority Opinion and Order. I respectfully submit this dissenting opinion as to the denial of the variance request seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit a "0" foot rear yard setback for an existing office /sales building in lieu of the required 30 feet subject to the same restrictions encompassed in the Deputy Zoning Commissioner's Order of September 7, 1995, items 1 and 2 as follows:

1. The Petitioners may apply for their razing and building permits 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. The new office/sales building shall be located on the property in such a manner that it provides, at a minimum, the required 30-foot setback from the Rotz property. The old structure located within 1 foot from the Rotz

property shall be razed within sixty (60) days of the date of this Order.

In my mind, there was sufficient testimony to justify the one variance requested as to the "0" foot rear yard setback, as long as the required 30-foot setback was maintained from the Rotz property. The granting of the variance would have required the securing of building permits and the razing of the old structure, with a new office/sales building being located away from the Rotz property. The owner of the property in the rear of the lot where the "0" foot setback was being requested, Mr. Dorsey, had stated in testimony that he had no objections to this variance request. If granted, his property would have been the most visibly affected by the granting of the variance.

Variances may be granted under BCZR Section 307 only where special conditions or circumstances exist that are peculiar to the land or structure which is the subject of the variance request, and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and only if in strict harmony with the spirit and intent of the regulations; and, further, only in such a manner as to grant relief without injury to the public health, safety, and general welfare.

Cromwell v. Ward, 102 Md.App. 691 (1995) first requires a finding that the property "...is -- in and of itself -- unique and unusual in manner and different from the nature of surrounding properties; and, that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately

upon the property."

In North v. St. Mary's County, 99 Md.App. 502 (1994), the Maryland Court of Appeals stated that "...uniqueness of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance...practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions."

The testimony produced at the hearing clearly evidenced that the lot in question was a corner lot located at the intersection of Washington Boulevard and Winans Avenue. Washington Boulevard (Route 1) is a heavily travelled commercial route. The lot in question which is bordered by the Rotz property and the Dorsey property is situated across the street from Halethorpe Motors and in proximity to two liquor stores, a palm reader, a construction sales company, and the Halethorpe Fire Department. The property is an irregularly-shaped lot carrying a B.R.-C.S.1 zoning as does the Rotz property and most others in the area, including the Dorsey property in the rear of the lot. It contains 10,703 sq. ft. and is approximately 1/4 acre, again bounded by a major roadway and two commercially-zoned residences. Its best functional use is clearly as a commercial property, with future contemplation as to any type of residential usage being almost negligible. Indeed, based on the testimony and evidence submitted, the traffic flow and noise levels generated from Washington Boulevard traffic (and proximity to the

fire station) almost completely eliminate that possibility.

The majority of the Board members have already concluded that the special exception should be granted based on statutory and case law. I concur. However, I also believe that this lot "improved" by a building nearly 100 years in age is unique in comparison to surrounding neighboring properties in that it is essentially an "unimproved" lot and that its limited size, shape, and topography severely restrict its development possibilities. There was no testimony or evidence submitted that any other such lots existed in the immediate area. The inherent characteristic in this situation is the uniqueness or unusual nature of this lot presently existing in the midst of a commercially developed district bounded by an older residential area.

The Board in its majority opinion, by granting the special exception, has already been satisfied that the proposed use would not be detrimental to the health, safety and general welfare of the community. Does the denial of the rear yard setback result in practical difficulty or unreasonable hardship? In my mind, it does.

Having granted the special exception, one must conclude that some sort of facility must exist on the premises to service the needs of the proposed used motor car sales operation. The irregular size and shape of the lot pose severe restrictions on where such an office /sales facility can be located. The present building is a partial remnant of a former building, and is close to 100 years in age. While testimony indicated that it might be moved

away from its present location, which by law is too close to the Rotz property, the cost factors were specified as prohibitive; and elements of safety due to its advanced age were also cited.

While the building has no historical significance, I concur with the findings of the Deputy Zoning Commissioner in that the building should be razed with permission for a new office /sales building being located on the property in such a manner that it provides at a minimum the required 30-foot setback from the Rotz property. To grant a special exception for use of the property as a used motor car sales operation and simultaneously deny the variance request for the rear yard setback thwarts the special exception granted in that it provides the Petitioners with no means of providing customers with the safety and protection of a facility in which to reasonably conduct business.

Again, in my opinion, this strict compliance of the rear yard setback requirements does result in practical difficulty and unreasonable hardship due to the size, shape and physical location of the property. As long as the Rotz property is fully protected as to the denial of the side yard variance, I would grant the requested rear yard setback subject to the restrictions encompassed in the Deputy Zoning Commissioner's Order of September 7, 1995, Items 1 and 2.



Charles L. Marks

DATE: June 3, 1996



County Board of Appeals of Baltimore County

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

June 3, 1996

Mr. and Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

RE: Case No. 95-454-XA
Thomas Palacorolla, et al - Owners
/Auto Dealers, Inc. - C.P.

Dear Mr. and Mrs. Rotz:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the County Board of Appeals of Baltimore County and the Concurring /Dissenting Opinion issued by Mr. Marks in the subject matter.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

encl.

cc: Mr. Donald G. Hawkins, President
Halethorpe Civic League
J. Neil Lanzi, Esquire
Mr. & Mrs. Thomas Palacorolla
Mr. Brian Isaac, President
Auto Dealers, Inc.
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Arnold Jablon, Director /PDM



10/18/95 -Letter from J Neil Lanzi, Esquire -Counsel for Petitioners /Contract Purchasers; requesting consideration for early hearing date should one become available; financial impact; unable to conduct business.

11/13/95 -Notice of Assignment for hearing scheduled for Tuesday, January 23, 1996 at 10:00 a.m. sent to the following:

Donald S. Hawkins, President /on
behalf of Halethorpe Civic League
John and Judith Rotz
J. Neil Lanzi, Esquire
Mr. & Mrs. Thomas Palacorolla
Brian Isaac, President
Auto Dealers, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Timothy M. Kotroco /D.Z.C.
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/23/96 -Board concluded Day #1 of hearing; scheduled for Day #2 on Tuesday, January 30, 1996 at 1:00 p.m. (C.W.B.); notice of assignment sent to parties and copies to Board members.

1/30/96 -Concluded day #2. N. Lanzi to provide listing of pertinent cases, * in response to Mr. Zimmerman's submittal of same this date, to the Board. Scheduled for public deliberation on Wednesday, March 6, 1996 at 9:00 a.m. Notice sent to parties and Board (C.W.B.).

2/02/96 -Petitioner's Closing Argument Outline and copies of Maryland cases filed by J. Neil Lanzi as permitted by Acting Chairman Marks at hearing.

3/01/96 -Letter from N. Lanzi providing copy of CSA opinion in County Line case.

3/04/96 -Letter from P. Zimmerman in reference to County Line and Mr. Lanzi's 3/01/96 letter.

3/05/96 -Letter from P. Zimmerman as supplement to letter of March 4 above regarding CSA opinion in Umerley v. People's Counsel filed 3/01/96.

3/06/96 - Deliberation held and concluded by Board. Petition for Special Exception GRANTED; Petition for Variances DENIED (W and B); Minority opinion from C /G -SE; G -one variance; D -one variance. Appellate period to run from date of written Order.

*NOTE: See P. Zimmerman's submission of 1/30/96 in file; need copy of attachments to this submittal, which was given to Board panel at hearing. Copy to be obtained from C B or W after public deliberation on 3/06/96.

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - N/S Washington Blvd.,
25' SW of the c/l of Winans Ave. * DEPUTY ZONING COMMISSIONER
(1826 Winans Avenue)
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 95-454-XA
Thomas A. Palacorolla, et ux - Owners
Auto Dealers, Inc. - Contract Purchasers

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Hallethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla, and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners request a special exception to permit the use of the subject property as a used motor vehicle outdoor sales area, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a variance from Section 238.2 of the B.C.Z.R. to permit a 1-foot side yard setback and a 0-foot rear yard setback in lieu of the required 30 feet each for an existing office/sales building. The subject 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 Petitions were Thomas A. Palacorolla, property owner, Brian and Sharon Isaac, Contract Purchasers, Tim Isaac, Robert H. Vogel, Professional Engineer who prepared the site plan for this property, Mickey Cornelius, Traffic Engineering expert with The Traffic Group, Inc., Brian White, a representative of the Arbutus Business Association, Ronald Dorsey, adjoining property owner to the rear of the property

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for which the 0-foot setback is being requested, and Brad Hauck, President of the Halethorpe Improvement Association. Appearing in opposition to the requests were numerous residents from the surrounding community, including Donald S. Hawkins, President of the Halethorpe Civic League, and John G. and Judith Rotz, adjoining property owners on the northeast side for which the 1-foot setback is being requested.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned BR-CS-1, and is improved with a small, vacant, two-story building in the rear northwest corner of the lot, a macadam paved area for customer and employee parking, and gravel vehicle display parking area. As noted above, the Petitioner requests a special exception to utilize the subject property and the existing building thereon for a used motor vehicle outdoor sales operation, pursuant to Section 236.4 of the B.C.Z.R. Due to the location of the existing building on the property, the requested variances are necessary.

Mr. Brian Isaac, the intended proprietor of the proposed business, testified concerning the sales operation he intends to locate on this property. Mr. Isaac has 20 years experience in the automobile business and has sold many cars during the course of his career. Mr. Isaac testified that he grew up in this area and that he wishes to establish a used car sales operation on the subject property for 15 to 20 used cars. Mr. Isaac testified that his hours of operation would be 9:00 AM to 7:00 PM, Monday through Friday, with hours on Saturday from 9:00 AM to 3:00 PM. Mr. Isaac testified that, initially, he will be the only employee on site and that he will not utilize any type of outdoor paging or intercom system. He estimates that approximately 3 to 5 customers per day will visit the site and that traffic will be minimal.

Mr. Isaac further testified that no automotive repairs or service work would be performed on the premises. He testified that he has a contract with a local service garage in the area who will perform all necessary repairs to his automobiles and that he also has a contract with an automobile detail cleaning service at an off-site location to prepare the automobiles for sale. Mr. Isaac testified that he will only rinse the vehicles with plain water when they are sitting on his lot, and that he does not intend to use any detergents or soaps for cleaning purposes.

As to the variance relief sought, Mr. Isaac testified that this building was originally the old garage to a residence that once occupied the property. The dwelling was removed some time ago and all that exists is the garage which has been converted to office space. According to the site plan, that structure sits one foot off the side property line adjoining Mr. & Mrs. Rotz' property, and appears to actually encroach upon the property to the rear owned by Mr. Ron Dorsey. Mr. Dorsey had no objections to the use of the subject building as a sales office or its location on the property. However, Mr. & Mrs. Rotz strongly oppose the use of the property for a used car lot and the location of the existing building.

Testimony was also offered by Mr. Brad Hauck, President of the Halethorpe Improvement Association. Mr. Hauck testified that his organization specifically called a meeting to discuss the proposed use of the property and that the membership voted 18 to 0 in support of the Petitioner's request.

Mr. Robert Vogel, the professional engineer who prepared the site plan for this property, testified as to the existing improvements on the site and the proposed landscaping and lighting for this project. He testified that the Petitioner proposes to utilize one light standard which is

shown on the plan as being adjacent to the property owned by Mr. Dorsey. The light standard will be 10 feet in height and will only cast light down onto the subject property, so as not to infringe upon any surrounding residential property. He further testified that the existing privacy fence to the rear of the property will remain and that additional landscaping will be utilized to buffer the proposed use from the adjacent property owned by Mr. & Mrs. Rotz. Furthermore, the Petitioner proposes to utilize existing signage on the property to advertise his business.

Mr. Mickey Cornelius, an expert traffic engineer, testified concerning the use of this property as proposed. He testified that a used car sales operation on the subject property will not have any adverse impact upon the surrounding community or those motorists using Washington Boulevard or Winans Avenue. Mr. Cornelius testified that there is a free circulation of traffic on the property, given the entrance off of Winans Avenue, as well as the main entrance off of Washington Boulevard. He testified that in his opinion, the use of the subject property as proposed will have no adverse impact on the surrounding community.

Mr. Ron Dorsey, who resides on Winans Avenue immediately adjacent to the rear of the subject property, testified that he has owned his property for the past two months. He testified that both he and his wife do not object to the use of the property for a used car sales operation and that they offer Mr. Isaac their full support. Mr. Dorsey testified that, in his opinion, the use of the property as proposed is better than the property remaining vacant and unattended.

Mr. Brian White, a representative of the Arbutus Business Association, also testified concerning the proposed use. Mr. White testified that his organization believes that a used automobile sales operation on

the subject property is an appropriate use of the property and they offer their full support of the relief requested.

Limited testimony was elicited from John Sullivan, a representative of Permits and Development Management (PDM) and Bill Hughey a representative of the Office of Planning and Zoning (OPZ). Both gentlemen were called to testify on behalf of the Protestants. The testimony elicited from both Mr. Sullivan and Mr. Hughey was limited; however, it should be noted that OPZ does support approval of the special exception request, subject to certain conditions and restrictions being imposed on the use.

The Protestants also called Mr. Donald Hawkins, President of the Halethorpe Civic League, to testify on their behalf. Mr. Hawkins testified that they are concerned about additional storm water runoff which might be generated by virtue of the proposed use. He testified that the Halethorpe community already has drainage problems and experiences flooding at times of heavy rainfall. He testified that this particular property runs off into Herbert's Run, which flows through the Halethorpe community. Thus, the Protestants are concerned over the additional runoff which might be generated by the proposed use of the subject property.

Mr. J. Stanley Rotz, a retired FBI agent, and special agent for the C & P Telephone Company, testified concerning crime statistics in Baltimore County. It is Mr. Rotz' opinion, and it was his testimony, that utilizing the property as proposed would increase the incidence of crime in this area over and above that which might be generated if the property were used for residential purposes. In his opinion, there will be an increase in crime if the property is used for commercial purposes, and thus, he believes the use proposed is not appropriate.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/2/03 BY [signature]

Mrs. Judith Rotz testified and voiced strong opposition to the Petitioners' request. She testified that the subject property was improved with a residence until it was destroyed by fire in 1989. Mrs. Rotz testified concerning the residential character of the surrounding community, both along Washington Boulevard and Winans Avenue, and stated that while many of the properties along Washington Boulevard are zoned for commercial use, they are, in fact, improved with residences. Mrs. Rotz is also concerned over the fact that Winans Avenue is an MTA bus route and that the bus has great difficulty negotiating the turn from Washington Boulevard to Winans Avenue and is, in fact, unable to make that turn when a vehicle is exiting from Winans Avenue. She testified that the bus must wait for the vehicle to clear the intersection before completing its turn onto Winans Avenue. Mrs. Rotz testified that she and her family, as well as others in the community, would be adversely affected by traffic that would be generated by the proposed use, as well as that additional crime and noise that is anticipated as a result of the use of the property for a used motor vehicle sales operation. Mrs. Rotz testified that she circulated a Petition to many of the residents in the surrounding community who signed in opposition to the proposed use. Mr. John Rotz also testified in opposition to the proposed use of the property and basically, corroborated the testimony given by his wife.

Ms. Judy Morris, a personal friend of Mrs. Rotz, testified in opposition to the Petitioner's request. Ms. Morris is very much concerned over the health of her friend, Judith Rotz, should this property be used in a commercial fashion. She testified that Mrs. Rotz suffers from migraine headaches and must receive shots three times a week due to the severity of those headaches. She testified that Mrs. Rotz is sensitive to both light

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and noise and that any additional stress in her life causes her severe pain. Ms. Morris believes that the commercial use of this property would adversely affect the health and welfare of Mrs. Rotz.

It is clear that the B.C.Z.R. permits the use proposed in a BR-CS-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner has the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. 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, including the comments submitted by the Baltimore County reviewing agencies it appears that the use of the subject property for a used automotive sales operation is appropriate and should be granted. However, the use of

the property in this fashion should be heavily restricted in order to accommodate the residents of the surrounding community.

As to the variances requested by the Petitioner, I find that the relief requested should be denied. The Petitioner wishes to utilize the existing building for office space. This structure has existed on the property for many years -- some accounts have dated the building to be close to 100 years old. However, the building sits only 1 foot from the side property line adjoining the Rotz' property. Furthermore, it appears to encroach upon the adjacent property owned by Mr. Dorsey. The only real justification offered by the Petitioner for the granting of the variance was that this building has existed on the property for approximately 100 years. However, the fact that the building is existing is no justification for the granting of the variance. Testimony offered by Mr. & Mrs. Rotz demonstrated that the soundness of the subject structure is questionable, given its age and the fact that it appears to be somewhat unlevel. Given the close proximity of this building to the Rotz property, I shall deny the variance requested for a 1-foot setback. However, since Mr. Dorsey has no objection to the location of the building, I shall grant that portion of the variance for a 0-foot rear setback. Furthermore, as a condition of the relief granted, I shall require that the existing building be razed and a new building constructed in accordance with the relief granted. Inasmuch as I am granting a 0-foot rear setback to the Dorsey property, but requiring a 30-foot side setback from the Rotz property, I believe that a building can be located on the property in such a manner that it would not interfere with the Petitioner's use of the property as a used car sales operation. Moving the building to a new location will also

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allow the Petitioner to provide additional landscaping to buffer the proposed use from the Rotz property.

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 and variance, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of September, 1995 that the Petition for Special Exception to permit the use of the subject property as a used motor vehicle outdoor sales area, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 238.2 of the B.C.Z.R. to permit a 0-foot rear yard setback for an existing office/sales building in lieu of the required 30 feet, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their razing and building permits 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) The new office/sales building shall be located on the property in such a manner that it provides, at a minimum, the required 30-foot setback from the Rotz property. The old structure located within 1 foot from the Rotz property shall be razed within sixty (60) days of the date of this Order.

3) The special exception granted herein is limited to the sale of used automobiles only. There shall be no automotive repairs or service work performed on the premises and there shall be no washing of vehicles on the premises with detergents or soaps. However, the

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Petitioner shall be permitted to rinse off vehicles with water as necessary.

4) The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the date of this Order, the Petitioner shall shall arrange for a representative from the Department of Public Works (DPW) to inspect the property to determine if, in fact, the type of surface he intends to provide meets their requirements for a durable and dustless surface.

5) The hours of operation for the proposed use is limited to Monday through Friday, 9:00 AM to 7:00 PM, and Saturdays, 9:00 AM to 3:00 PM. There shall be no Sunday hours.

6) There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.

7) There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.

8) The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.

9) Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.

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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 238.2 of the B.C.Z.R. to permit a 1-foot side yard setback in lieu of the required 30 feet, for an existing office/sales building, be and is hereby DENIED.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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9/9/95
9/11/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 7, 1995

(410) 887-4386

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
N/S Washington Boulevard, 25' SW of the c/l of Winans Avenue
(1826 Winans Avenue)
13th Election District - 1st Councilmanic District
Thomas A. Palacorolla, et ux, Owners, and
Auto Dealers, Inc., Contract Purchasers - Petitioners
Case No. 95-454-XA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted and the Petition for Variance granted in part, and denied in part, 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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Thomas A. Palacorolla
12183 Tridelphia Road, Ellicott City, Md. 21042

Mr. Brian Isaac, President, Auto Dealers, Inc.
13940 Rover Mill Road, P.O. Box 37, West Friendship, Md. 21794

Mr. & Mrs. John G. Rotz, 4620 Washington Blvd., Baltimore, Md. 21227

Mr. Donald G. Hawkins, President, Civic League of Halethorpe
1919 Woodside Avenue, Baltimore, Md. 21228

People's Counsel; File



Petition for Special Exception

75-454-XA
to the Zoning Commissioner of Baltimore County

for the property located at 1826 WINANS AVENUE

which is presently zoned BR-CS-1

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

See attached

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.

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:

Auto Dealers, Inc.

(Type or Print Name)

x Brian Isaac, Pres.
Signature Brian Isaac, President

13940 Rover Mill Road

Address P.O. Box 37

West Friendship, MD 21794
City State Zipcode

Legal Owner(s):

Thomas A. Palacorolla

(Type or Print Name)

Thomas A Palacorolla
Signature

Barbara J. Palacorolla

(Type or Print Name)

Barbara J Palacorolla
Signature

12183 Tridelphia Road

Address Phone No.

Ellicott City, MD 21042

City State Zipcode
Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates 7/1 thru 7/21 Next Two Months

ALL OTHER

REVIEWED BY: DATE 6-9-95

only by J.L.L.

Attorney for Petitioner:

J. Neil Lanzi

(Type or Print Name)

J. Neil Lanzi
Signature

300 Allegheny Avenue (410) 337-9039

Address Phone No.

Towson, MD 21204
City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

ORDER RECEIVED FOR FILING

Date



Petition for Special Exception

Petitioner, Auto Dealers, Inc., requests a Special Exception under the Zoning Regulations of Baltimore County to use the property known as 1826 Winans Avenue for a used motor vehicle outdoor sales area, pursuant to Section 236.4 and states the following reasons in support:

1. Petitioner's property is zoned BR-CS-1 and is presently used for the sales and rental of commercial equipment,
2. Section 236.4 of the Baltimore County Zoning Regulations allows a used motor vehicle outdoor sales area by Special Exception.
3. The used motor vehicle sales proposal and associated modernization plans for this commercial business property will improve the property's appearance, while providing an excellent business opportunity for the Petitioner.
4. The proposed used motor vehicle sales area will not be detrimental to the health, safety or general welfare of the community.
5. For these reasons and additional reasons to be provided at the hearing.

448



Petition for Variance

95-454-XA
to the Zoning Commissioner of Baltimore County

for the property located at

1826 WINANS AVENUE

which is presently zoned BR-CS-1

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached

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

See attached

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

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

Contract Purchaser/Lessee

Auto Dealers, Inc.

(Type or Print Name)

Signature *Brian Isaac, Pres.*
Brian Isaac, President

13940 Rover Mill Road
Address P.O. Box 37
West Friendship, MD 21794
City State Zipcode

Attorney for Petitioner

J. Neil Lanzi
(Type or Print Name)

Signature *J. Neil Lanzi*

300 Allegheny Avenue (410) 337-9039
Address Phone No
Towson, MD 21204
City State Zipcode

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.

Legal Owner(s)

Thomas A. Palacorolla

(Type or Print Name)

Signature *Thomas A. Palacorolla*

Barbara J. Palacorolla

(Type or Print Name)

Signature *Barbara J. Palacorolla*

12183 Tridelphia Road

Address Phone No

Ellicott City, MD 21042

City State Zipcode
Name, Address and phone number of representative to be contacted.

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for hearing

the following dates 7/1 + 7/21 Next Two Months

ALL OTHER

REVIEWED BY: *222* DATE 6-9-95

orig. REV. by JLL

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

95-454-XA

Petition for Variance

Petitioner, Auto Dealers, Inc., for the property known as 1826 Winans Avenue, hereby petitions the Zoning Commissioner for the following variances from the Baltimore County Zoning Regulations:

1. Variance from Section 238.2 to allow a 1-foot side setback for the existing office/sales building in lieu of the required 30 feet.
2. Variance from Section 238.2 to allow a 0-foot rear setback for the existing office/sales building in lieu of the required 30 feet.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.

448



MARKS & VOGEL ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

95-454-XA

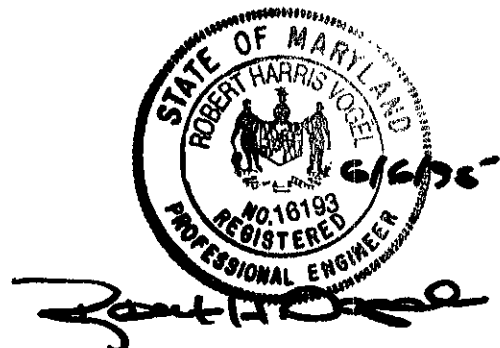
448

ZONING DESCRIPTION

Beginning at a point on the northern side of Washington Boulevard, which is a 50 foot right-of-way, at the distance of 25' southwest of the centerline of Winans Avenue, which is a 50 foot right-of-way. Thence the following courses:

Northwesterly 62.5 feet, southwesterly 146.25 feet, southeasterly 97.5 feet and northeasterly 127 feet to the point of beginning as recorded in deed liber 8195, folio 693.

Being lot numbers 300 and 301 in the subdivision of Hall & Smith Farms as recorded in Baltimore County Plat Book No. JWS 1, Folio 60, containing 0.25 acres +/- . Also known as 1826 Winans Avenue and located in the 13th Election District.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

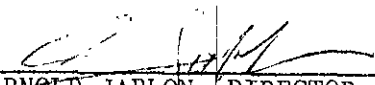
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

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 accessed 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.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____

Item No.: 448

Petitioner: Auto Dealers, Inc.

LOCATION: 1826 Winans Avenue Halethorpe MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J Neil Lanzi

ADDRESS: 300 Allegheny Avenue

Towson MD 21204

PHONE NUMBER: 337-9039

AJ:ggs

(Revised 3/29/93)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-454-VH

District: 1st Date of Posting: 7/7/95

Posted for: Special Exception & Variance

Petitioner: Thomas & Barbara Polocorolla

Location of property: 1806 Winans Ave.

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 7/14/95
Signature

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

H34-X1A

District 13th

Date of Posting 10/19/95

Posted for: THP-2001

Petitioner: Thomas Palacero, ETUX

Location of property: N/S West Blvd at Winans Ave

Location of Signs: Facing roadway on property being approached

Remarks: _____

Posted by M. Shady
Signature

Date of return: 10/27/95

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 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: #95-454-XA
(Item 448)
1818 Winans Avenue
N/S Washington Boulevard, 25' SW of o/l Winans Avenue
13th Election District
1st Councilmanic
Legal Owner(s):
Thomas A. Palacorolla
and Barbara J. Palacorolla
Contract Purchaser(s):
Auto Dealers, Inc.
Hearing: Monday,

July 24, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse

Special Exception for a
used motor vehicle outdoor
sales area. Variance to allow a
1-foot side setback for the exist-
ing office/sales building in lieu
of the required 30 feet and to al-
low a zero-foot rear setback for
the existing office/sales build-
ing in lieu of the required 30
feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
6/263 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 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 6/22, 1995

A. THE JEFFERSONIAN,
A. H. Hemmickson
LEGAL AD. - TOWSON

~~Publisher~~



**Zoning Administration &
Development Management**
211 West Chesapeake Avenue
Baltimore, Maryland 21204

receipt

95-454-XA

Account: B-001-6150

Date 6 9 95

Item Number 448

Issued by [Signature]

Previously reviewed by [Signature]

Owner: Tom A Pulgocorolla

Contract Purchaser: Auto Dealers Inc.
(Erin & Sam M...)

# 050	Special Exception (summer) Filing Fee	\$ 200.00
# 020	Commercial Variance	\$ 200.00
# 080	Sign & posting fee	\$ 185.00

Total \$ 585.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

010956

DATE 8/16/95 ACCOUNT 001-6150

AMOUNT \$ 9.00

RECEIVED
FROM:

FOR: COPIES - 9

0280280076310HP0 49.00
BA 00041214001 18 95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

010957

DATE 10/12/95 ACCOUNT R-001-6150

AMOUNT \$ 460.00

RECEIVED
FROM:

Halethorpe Civic League + John + Judith
Rofz

FOR:

Appt Petition for Special Exception + Variance
Case # 95-454-XA

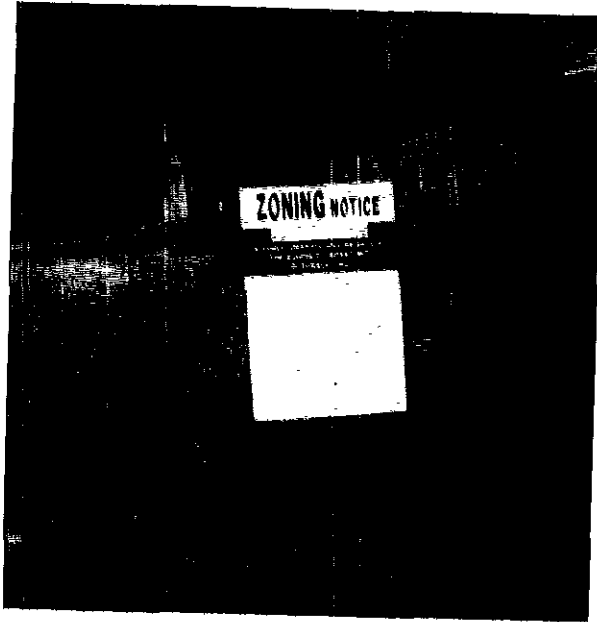
DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

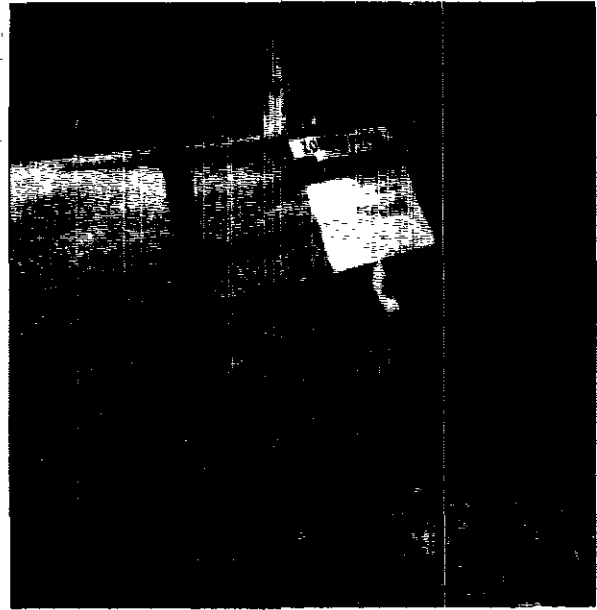
VALIDATION OR SIGNATURE OF CASHIER

95-454-XA

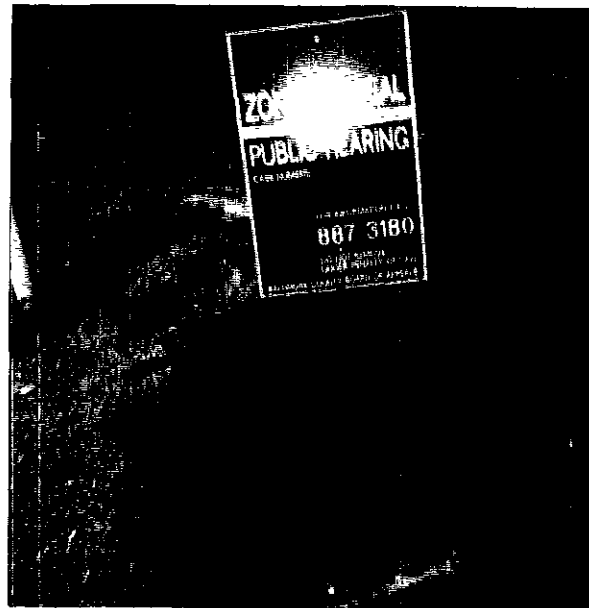


454-

7/14/95



454



PETITION OF: JOHN ROTZ AND JUDITH ROTZ
CIVIL ACTION # 3 - C - 96 - 6679
IN THE MATTER OF THOMAS PALACOROLLA

RECEIVED FROM THE COUNTY BOARD OF
APPEALS ~~EXHIBITS~~, BOARD'S* RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, ~~AND ZONING~~
~~COMMISSIONER'S FILE AND EXHIBITS~~

*SUPPLEMENTAL

Loretta Winley
Clerk's Office

Date: _____

PETITION OF: John and Judith Rotz
CIVIL ACTION # 3-C-96-6679
IN THE MATTER OF THOMAS PALACOROLLA

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT ~~& TRANSCRIPT~~ FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

*NOT REQUESTED

Amy Saunders
Clerk's Office

Date: 9/3/96

TO: PUTOXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi, Esq.
300 Allegheny Avenue
Towson, MD 21204
337-9039

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: 95-454-XA (Item 448)

1826 ~~1816~~ Winans Avenue

N/S Washington Boulevard, 25' SW of c/l Winans Avenue

13th Election District - 1st Councilmanic

Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla

Contract Purchaser(s): Auto Dealers, Inc.

HEARING: MONDAY, JULY 24, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a used motor vehicle outdoor sales area.

Variance to allow a 1-foot side setback for the existing office/sales building in lieu of the required 30 feet and to allow a zero-foot rear setback for the existing office/sales building in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 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: 95-454-XA (Item 448)

1826

1816 Winans Avenue

N/S Washington Boulevard, 25' SW of c/l Winans Avenue

13th Election District - 1st Councilmanic

Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla

Contract Purchaser(s): Auto Dealers, Inc.

HEARING: MONDAY, JULY 24, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a used motor vehicle outdoor sales area.

Variance to allow a 1-foot side setback for the existing office/sales building in lieu of the required 30 feet and to allow a zero-foot rear setback for the existing office/sales building in lieu of the required 30 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas and Barbara Palacorolla
Auto Dealers, Inc.
J. Neil Lanzi, 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

August 2, 1995

NOTICE OF REASSIGNMENT

COPY

Rescheduled from 7/24/95
CASE NUMBER: 95-454-XA (Item 448)
1816 Winans Avenue
N/S Washington Boulevard, 25' SW of c/l Winans Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla

Special Exception for a used motor vehicle outdoor sales area.
Variance to allow a 1-foot side setback for the existing office/sales building in lieu of the required 30 feet and to allow a zero-foot rear setback for the existing office/sales building in lieu of the required 30 feet.

HEARING: TUESDAY, AUGUST 22, 1995 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, MD.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

cc: J. Neil Lanzi, Esq./300 Allegheny Avenue/Towson 21204
Judith and John Rotz/4620 Washington Blvd./21227
Brad Hauck/4605 Ridge Ave/21228
Auto Dealers, Inc./13940 Rover Mill Rd/West Friendship 21794
Thomas A. Palacorolla/12183 Tridelphia Rd/Ellicott City 21042
Donald Hawkins/1919 Woodside Avenue/21227





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 13, 1995

NOTICE OF ASSIGNMENT

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

CASE NO. 95-454-XA

THOMAS PALACOROLLA, ET AL -Owners
AUTO DEALERS, INC. -Contract Purchasers
N/s Washington Boulevard, 25' SW of c/l of
Winans Avenue (1826 Winans Avenue)
13th E; 1st C

Day #1

To 1/30/96 - #2

SE -To permit used motor vehicle outdoor sales area; VAR -Side yard and rear yard setbacks for existing office/sales building.

9/07/95 -D.Z.C.'s Order in which Petition for Special Exception GRANTED with restrictions; Petition for Variances DENIED.

ASSIGNED FOR

TUESDAY, JANUARY 23, 1996 at 10:00 a.m.

cc: Donald S. Hawkins, President /on
behalf of Halethorpe Civic League
John and Judith Rotz

Appellants /Protestants

Appellants /Protestants

J. Neil Lanzi, Esquire
Mr. & Mrs. Thomas Palacorolla
Brian Isaac, President
Auto Dealers, Inc.

Counsel for Petitioners
Petitioners /Owners

Petitioner /C.P.

People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant





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

January 23, 1996

NOTICE OF ASSIGNMENT /Day #2

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

CASE NO. 95-454-XA

THOMAS PALACOROLLA, ET AL -Owners
AUTO DEALERS, INC. -Contract Purchasers
N/s Washington Boulevard, 25' SW of c/l of
Winans Avenue (1826 Winans Avenue)
13th E; 1st C

Continued from 1/23/96

SE -To permit used motor vehicle outdoor sales
area; VAR -Side yard and rear yard setbacks
for existing office/sales building.

9/07/95 -D.Z.C.'s Order in which Petition for
Special Exception GRANTED with restrictions;
Petition for Variances GRANTED in part with
restrictions and DENIED in part.

ASSIGNED FOR

TUESDAY, JANUARY 30, 1996 at 1:00 p.m.

cc: Donald S. Hawkins, President /on
behalf of Halethorpe Civic League
John and Judith Rotz

Appellants /Protestants

Appellants /Protestants

J. Neil Lanzi, Esquire
Mr. & Mrs. Thomas Palacorolla
Brian Isaac, President
Auto Dealers, Inc.

Counsel for Petitioners
Petitioners /Owners

Petitioner /C.P.

People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant



Assistant Clerk

PETITION OF JOHN ROTZ
AND JUDITH ROTZ
4620 Washington Boulevard
Baltimore, Maryland 21227

Appellants

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY

Appellee

* IN THE CIRCUIT COURT

* FOR BALTIMORE COUNTY

* Case No. 03-C-96-6679

*

*

* * * * *

ORDER

John and Judith Rotz, Appellants, have filed a "Motion To Extend Time For Transmitting The Record." The Court held a hearing on the Motion on Friday, August 30, 1996. Appellants argue that they need additional time in which to pay the \$1300.00 required to begin the process of having the record of the proceedings below transcribed. Appellee argues that the request is no more than a delaying tactic. The Court has considered the arguments of counsel and Appellants and finds that the Motion should be granted. Accordingly, it is this 4th day of September 1996 by the Circuit Court for Baltimore County, Maryland,

ORDERED that the time to transmit the record is extended until Friday, September 20, 1996.



JUDGE

FILED SEP 05 1996

True Copy Test
SUZANNE MENSCH, Clerk

2006 SEP 05 11:00 AM

Appellate Clerk

12-3-96
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN ROTZ AND JUDITH ROTZ
4620 Washington Boulevard
Baltimore, MD 21227

FOR JUDICIAL REVIEW OF THE DECISION
OF THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE CASE OF: THOMAS PALACOROLLA, ET AL.
OWNERS/AUTO DEALERS, INC.
CONTRACT PURCHASERS

AGENCY CASE NO. 95-454-XA

*
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*
* CIVIL ACTION
* No. 03-C-96-6679
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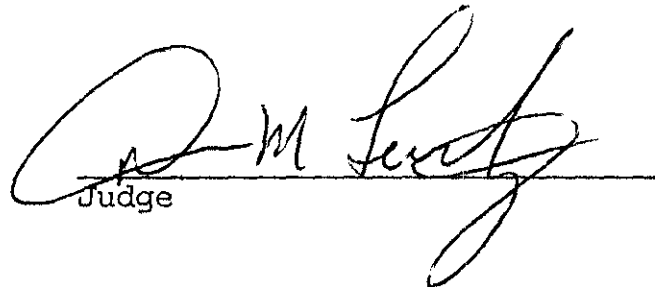
* * * * *

ORDER

Upon consideration of Appellee's Motion to Extend Time for Filing Of
Answering Memorandum, it is this 3rd day of December, 1996, by
the Circuit Court for Baltimore County,

ORDERED, that Appellee's Motion be and is hereby granted, and it is
further,

ORDERED, that the time for filing Appelles' Answering Memorandum is
hereby extended from December 13, 1996 until January 13, 1997.


Judge

True Copy Test

SUZANNE MENSCH, Clerk

Per



Assistant Clerk

(lsacres4.ord)

FILED DEC 6 1996

-cc: J. Rotz / J. Rotz / County / LANZI / PALACOROLLA

I certify that on _____, served upon the

following party or parties, or counsel by (hand delivery/mailling first class mail, postage prepaid) to

name

address

name

address

name

address

ORDER

C 96-11216

Upon consideration of the foregoing Application to Extend Time,

IT IS THIS 27th DAY OF December, 1996 BY THE CIRCUIT COURT FOR
BALTIMORE COUNTY

ORDERED that the date by which the Clerk of the District Court for
Baltimore County shall transmit the Record to this Court be and the same is
hereby extended to 60 days.



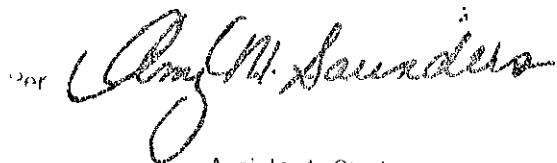
Judge

Mr. Clerk:

Mail true test copies of this Order to:

True Copy Test

SUZANNE MENSCH, Clerk



Assistant Clerk

FILED JAN 02 1997

CASE NO. 95-454-XA

N/S Washington Avenue, 25' SW of the c/l of
Winans Avenue (1826 Winans Avenue)

13th Election District

Appealed: 10/6/95

JOHN ROTZ, ET AL.
Petitioners

v.

THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY, MARYLAND
Defendants

IN THE CASE OF: CASE NO. 95-454-XA (THOMAS
PALACOROLLA, ET AL/AUTO DEALERS, INC.)

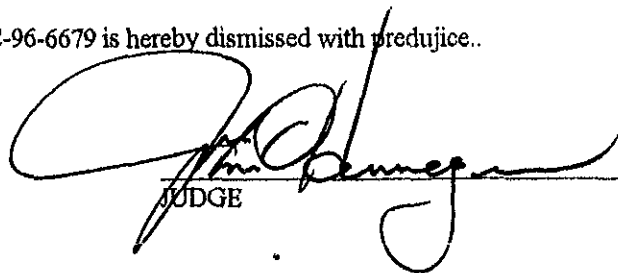
* CIVIL
* ACTION
*
* NO. 3-C96-6679
*
*

* * * * *

ORDER

Upon consideration of the petitioners notice of dismissal, it is, by the Circuit Court for Baltimore
County, this 7th day of January, 1997,

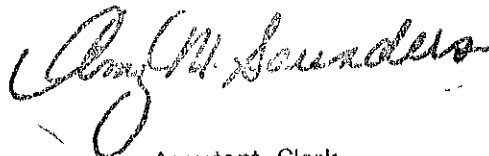
Ordered that case number 3-C-96-6679 is hereby dismissed with prejudice..


JUDGE

True Copy Test

SUZANNE MENSCH, Clerk

Per


Assistant Clerk

RECEIVED

JAN 08 1997

BS *not mine*
not nancy!

IN THE CIRCUIT COURT OF MARYLAND FOR BALTIMORE COUNTY

JOHN ROTZ, ET AL.
Petitioners

* CIVIL

v.

* ACTION

THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY, MARYLAND
Defendants

*

* NO. 3-C96-6679

*

IN THE CASE OF: CASE NO. 95-454-XA (THOMAS
PALACOROLLA, ET AL./AUTO DEALERS, INC.)

*

* * * * *

NOTICE OF DISMISSAL

We, the Rotz's, petitioners, herein voluntarily file this notice of dismissal for Case No. 3-C96-6679 with prejudice.

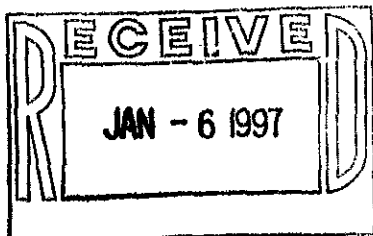
John Rotz
John Rotz

John Rotz FOR
Judith Rotz *Judith Rotz*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of January, 1997, a copy of the foregoing Motion to Dismiss was mailed postage prepaid to William O. Jensen, Esq., Assistant County Attorney, County Courts Building, Room 202, 401 Bosley Avenue, Towson, Maryland 21285-6754; and J. Neil Lanzi, Esq., (Attorney for Auto Dealers Inc.), 300 Allegheny Avenue, Towson, Maryland 21204.

John Rotz
John Rotz



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 448
Case No.: 95-454-XA
Petitioner: T. Palacorolla, et ux

Dear Mr. Lanzi:

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 June 6, 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 (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.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 27, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1826 Winans Avenue

INFORMATION:

Item Number: 448

Petitioner: Palacorolla Property

Property Size: _____

Zoning: BR-AS

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff has met with the applicant's attorney, Neil Lanzi, and supports the requested action subject to the following agreed upon conditions:

- 1) Evening hours of operation should not extend beyond 8:00 pm.
- 2) No outdoor paging equipment will be installed on site.
- 3) The applicant should submit a landscape plan for review and approval by the Baltimore County Landscape Planner.
- 4) The use of seasonal streamers and banners should not be permitted.
- 5) The height of any proposed lighting should be limited to ensure that no illumination is cast onto adjacent residential properties.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

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

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #448 - Auto Dealers, Inc. (Palacorolla)
1826 Winans Avenue
Zoning Advisory Committee Meeting of June 19, 1995

PALACORO/DEPRM/TXTSBP

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 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Item No. 448

The Development Plans Review Division has reviewed the subject zoning item. This office recommends that the Hearing Officer require conformance with the Landscape Manual's streetscape and residential buffer requirements to the extent possible.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-13-95

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.: 448 (JJS)

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/

Jw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 06/14/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446,
447, 448 AND 449.

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

cc: File



Printed on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Robert O. Schuetz, Chairman DATE: January 18, 1996
 Baltimore Co. Board of Appeals

FROM: Jeffrey Long *JL*
 Office of Planning

SUBJECT: ITEM NO. 448 (1826 Winans Avenue-Palacorolla Property)

Please be advised that irrespective of the fact that the subject property has been raised as an Issue through the Comprehensive Zoning Map Process (Issue 1-005), the position expressed in our comments of June 27, 1995 remains unchanged (see attached comments).

JL:lw
JLITM448/PZONE/TXTLLF

c: People's Counsel
 Neil Lanzi, Esquire

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
1826 Winans Avenue, N/S Washington Blvd.,	*	ZONING COMMISSIONER
25' SW of c/l Winans Avenue, 13th		
Election District - 1st Councilmanic	*	OF BALTIMORE COUNTY
Thomas A. and Barbara J. Palacorolla	*	CASE NO. 95-454-XA
Petitioners		
* * * * *		

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 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

**PETITION PROBLEMS
AGENDA OF JUNE 19, 1995**

437 --- MJK

1. Notary section is incorrect.

#439 --- MJK

1. Need power of attorney for person signing for legal owner.

#441 --- MJK

1. Legal owner's name does not agree on petition and plat. Petition says Garland & Carnether Hurt; plat says Sparrows Point Lodge #3339 G.W.O. of Odd Fellows. Which one is correct?

#445 --- CAM

1. Legal owner's name does not agree on petition and plat. Petition says David M. Zwald, Regional Admin.; plat says North Oaks R.E. Part. Which one is correct?

#448 --- JJS

1. No telephone number on petition form for legal owner.

#449 --- JJS

1. Notary section is incomplete.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

October 11, 1995

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, MD 21204

Mr. and Mrs. Thomas A. Palacorolla
12183 Tridelphia Road
Ellicott City, MD 21042

Re: Petition for Special Exception and
Variance, 1826 Winans Avenue, N/S
Washington Boulevard, 25' SW of
the c/l of Winans Avenue,
13th Election District,
1st Councilmatic District
Thomas Palacorolla, et al.,
Petitioners
Case No. 95-454-XA

Dear Mr. Lanzi and Mr. and Mrs. Palacorolla:

Please be advised that an appeal of the above-referenced case was filed in this office on October 6, 1995 by Mr. Donald S. Hawkins, President on behalf of the Halethorpe Civic League and John and Judith Rotz. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: Mr. Brian Isaac, President
Mr. and Mrs. G. Rotz
People's Counsel



APPEAL

Petition for Special Exception and Variance
1826 Winans Avenue,
N/S Washington Boulevard,
25 ft. SW of the c/l of Winans Avenue
13th Election District
1st Councilmatic District
Thomas Palacorolla, et ux - Owners
Auto Dealers, Inc. - Contract Purchasers
Case No. 95-454-XA

Petition for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plan to Accompany a Petition for Special Exception and Variance Application
2 - Biography of the Proposed Owner and Information on the Auto Sales Lot
3A - 3N - Eight Photographs of the Proposed Site
4A - 4C - Three Photographs of the Proposed Site
5 - Letter of Intent to Lease Signed by Thomas Palacorolla and Brian Isaac, President of Auto Dealer, Inc.
6 - Automotive Repair Facility Contract between Reliable Tire Sales and Auto Dealer Inc., T/A Halethorpe Auto Sales
7A - 7B - Two Petition Letters of Support from John McDonald and James Byrd
8 - Photogrammetric Topography Map of the Location, SW-6D
9 - Letter to Auto Dealers, Inc. from Officer Tim Isaac dated May 1, 1995
10 - Site Plan of the Commercial Businesses in the General Area
11 - Letter from Stephen E. Griffity of Universal Contractors, Inc. dated June 5, 1995 Referencing the Stone Cover on the Property
12A - 12B - Letter to J. Neil Lanzi from Brad Hauck of the Halethorpe Improvement Association, Inc. dated August 22, 1995; Letter to Brad Hauck from J. Neil Lanzi dated August 11, 1995
13 - Landscape Computations for Plan to Accompany Special Exception and Variance Application

Protestant's Exhibits: 1 - Baltimore County Crime Study for 1994
2 - Halethorpe Community Petition Against Zoning Variance of Proposed Used Motor Vehicle Lot at 1826 Winans Avenue in Halethorpe
3 - Comprehensive Zoning Map of the Proposed Location, SW 6D
4A - 4C - Memo from Judith A. Morris regarding Judith Rotz; Letter to Laurence Schmidt from Maureen Moriarty-Sheehan CRNP dated July 20, 1995; Memo from Maureen Moriarty-Sheehan CRNP dated June 22, 1995

HIGHLIGHTED SHEET 1-671 - NOT MARKED AS EXHIBIT
Letter to Tim Kotroco from J. Neil Lanzi dated September 21, 1995

Deputy Zoning Commissioner's Order dated September 7, 1995 (Special Exception Granted with Restrictions and Variance Denied)

Notice of Appeal received on October 6, 1995 from Mr. Donald S. Hawkins, President, on behalf of The Halethorpe Civic League and John and Judith Rotz

cc: J. Neil Lanzi, 300 Allegheny Avenue, Towson, MD 21204
Mr. and Mrs. Thomas A. Palacorolla, 12183 Tridelphia Road, Ellicott City, MD 21042
Mr. Brian Isaac, President, Auto Dealers, Inc., 13940 Rover Mill Road, P.O. Box 37, West Friendship, MD 21794
Mr. and Mrs. John G. Rotz, 4620 Washington Boulevard, Baltimore, MD 21227
Mr. Donald G. Hawkins, President, Civic League of Halethorpe, 1919 Woodside Avenue, Baltimore, MD 21228
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director, PDM

/nmn

Sent 9 miscellaneous letters to CoA, 1/26/95

October 4, 1995

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Variance
1826 Winans Avenue, N/S Washington Blvd.
25' SW of the c/l of Winans Avenue
13th Election District, 1st Councilmatic
THOMAS PALACOROLLA, et al., Petitioners
Caes No. 95-454-XA

Dear Mr. Jablon:

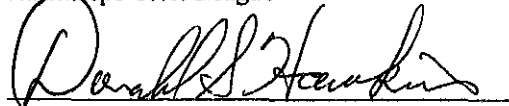
Please enter an appeal of the Halethorpe Civic League and John & Judith Rotz to the County Board of Appeals from the order dated September 7, 1995 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case. We are specifically appealing the granting of a "special exception to permit the use of the subject property as a used motor vehicle outdoor sales area" and the granting of a "variance seeking relief from section 238.2 of the B.C.Z.R. to permit a 0-foot rear yard setback for an existing office/sales building in lieu of the required 30 feet".

Enclosed is our check in the amount of \$460.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

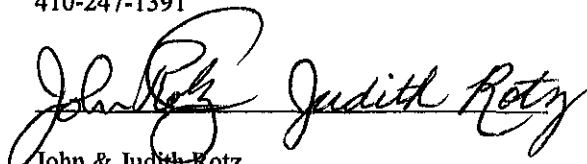
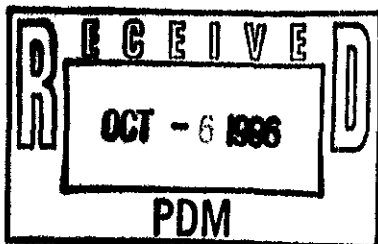
Very truly yours,

Halethorpe Civic League

By:



Mr. Donald S. Hawkins PRESIDENT
1919 Woodside Avenue
Baltimore, Maryland 21227
410-247-1391



John & Judith Rotz
4620 Washington Blvd
Baltimore, Maryland 21227
410-242-1778

cc: J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204, Attorney for Contract Purchaser Auto Dealers, Inc.

Mr. and Mrs. Thomas A. Palacorolla
12183 Tridelphia Road, Ellicott City, Maryland 21042, Legal Owners
The People's Council, Mr. Peter Zimmerman Towson, Md 21204

SUMMATION OF OBJECTIONS

I. Review of Plan

inaccurate account of square footage for building

Clarification of "Shop"

Inaddequate parking spaces

Surface study done by universal

II. Special Exception

No unique features that make used vehicle lot "highest and best" use

Proposed usage will be detrimental to the health and well-being of the community

1. Crime stats, show this
2. There has been traffic congestion at this corner before and it will only get worse
3. Noise, light, and ground pollution
4. Over 100 members of the Halethorpe community have signed petitions against this proposed usage

This year's comprehensive zoning plan has identified this area to be down zoned to residential to maintain the residential character of this neighborhood. Any special exception would frustrate the intention of the zoning commission.

(Also, storm water and drainage problems for eastern area of the Halethorpe Community known as Halethorpe Terrace subdivision.)

III. 30-foot set back variance

No unique feature of the property requiring a variance

No practical difficulty or unreasonable hardship

1. The building is not an issue
2. The lot is comparable to other lots on Washington Blvd and zoning regulations do not treat this lot differently.
3. To grant a 30' variance would mean that the intended "buffer zone" would be on our property (that would be an undue hardship),

Respectfully submitted
Judith and John Rotz
8/22/95

PEOPLE'S COUNSEL'S ORAL ARGUMENT OUTLINE
PALACOROLLA USED CAR FACILITY - CASE 95-454-XA
CORNER WASHINGTON BOULEVARD AND WINANS AVENUE

1. Zoning: BR; Special Exception required, BCZR 236.4
2. Area of Site: Approximately .25 acre
3. History: Residential, with barn, for 100 years; house burned down; in 1989 purchased and converted to contractor's equipment sales and/or storage, but WITHOUT documented zoning review and/or required area variances or Special Exception (for any used equipment sales).
4. Area Limitations: Side and rear setbacks, 30'. BCZR 238.2
5. Application: Used car facility
 - A. Special exception
 - B. Side and rear yard setbacks 0' instead of 30' for office
6. Zoning Commissioner grants Special Exception and rear yard variance, but denies side yard variance (next to Rotz property).
7.
 - A. John and Judy Rotz and Halethorpe Civic League appeal Special Exception and rear yard variance.
 - B. No appeal filed from denial of side yard variance.
8. Jurisdiction of Board of Appeals
 - A. Appellate jurisdiction: UPS v. People's Counsel, 336 Md. 569 (1994).
 - B. Jurisdiction only over specific matters appealed: Daihl v. County Board of Appeals, 258 Md. 157 (1970); Application of Shriver, Circuit Court, 90-CG-2543.
9. Board of Appeals case on merits: Combination Special Exception/Variance

Problem: Special Exception is "Conditional use". Schultz v. Pritts, 291 Md. 1 (1982).

Special Exceptions must comply with area conditions, and variances not normally allowed. Chester Haven Beach Partnership v. Board of Appeals, 103 Md.App. 324 (1995).
10. Variances: 238.2

Property does not meet "uniqueness" test. Old barn accessory to burned out residence is not justification for new commercial setback variances.

PEOPLE'S COUNSEL'S ORAL ARGUMENT OUTLINE - Page 2

Nor is conversion to equipment sales office, without necessary Variances and/or Special Exception. Cromwell v. Ward, 102 Md.App. 691 (1995).

11. Special Exception: Particular adverse effects, with or without variances. BCZR 502.1; People's Counsel v. Mangione, 85 Md.App. 738 (1991).

A. Proximity to residences

- Residential block includes stretch of homes to south on Washington Blvd
- Uniformly residential neighborhood to rear, up Winans Avenue, and Mayfield Avenue
- Day care centers

B. Vulnerability of car dealership to crime, auto theft

C. Test-drives of non-residents in residential area; commercialization; traffic safety

D. Intersection of Winans Avenue and Washington Blvd.; sight distance; bus route; cars already parked by auto repair facility opposite; overflow parking

E. Noise

F. Drainage: Herbert Run generally; particular downhill slope from Winans Avenue south; motor oil

12. Recognition of Planning Office of particular residential character of this stretch of Washington Blvd, 1996 Comprehensive Zoning Map Issue 1-005.

13. Comparison of other B.R. zones with auto facilities: Route 40 West; larger sites; buffered; not so close to single-family homes; or with such residential histories.

14. No other approved used car lots on Washington Blvd.

15. Sensitivity of Residents: Not only children, but also residents who are elderly or with health problems (Mrs. Rotz).

16. Mitigation Proposals (Security, lighting, signs, etc.):

A. Do not solve basic problems enumerated above

B. Depend anyway on vagaries of day-to-day operation and are uncertain

PEOPLE'S COUNSEL'S ORAL ARGUMENT OUTLINE - Page 3

17. Alternative illustration of special exception without variances (Pet. Exh. 19)

- A. Last-minute proposal, not reviewed by county zoning staff for compliance
- B. Poor access, circulation, parking
- C. Failure to comply with parking law, BCZR 409
 - The vehicular travelway (aisle) at the near right corner of the building is not 12 feet. BCZR 409.4A requires 12 feet for one-way movements
 - The Winans Avenue access is not marked one-way. It does not have the 20 feet required to two-way movements. BCZR 409.4A
 - The plan does not show the limits of paving. BCZR 409.8
 - The calculations for parking are incorrect because fractions must be rounded to the next highest number. At least 3 parking spaces are required. BCZR 409.6
 - The dead-end parking spaces to the left end of the site are partly covered by the building and landscaping. They also lack the required turnaround. BCZR 409.8A5.
 - The new 45° angled parking spaces on the left end of the site lack the required 14 feet of aisle space to the building, even for one-way aisles. BCZR 409.4C
- D. Under these circumstances, numerous parking and circulation variances are required.

In any event, the plan illustration was not made an amendment and was not presented in time to give proper opportunity for review. See People's Counsel v. Mangione, 85 Md.App. 738 (1991).

contact Sampson during that hiatus. Whack's request for the court to "initiate judicial compulsory process," while relevant, fails under the circumstances of this case to demonstrate or establish the requisite diligence necessary to reverse the trial court.

Appellant, despite being afforded an opportunity to do so, failed to even proffer the first and third prong of the requirements we iterated in *Whack, i.e.*, (1) that he had a reasonable expectation of securing the witness within a reasonable time; and (2) that he had been diligent in his efforts to obtain the presence of Ms. Ferguson.

Neither Judge Howe nor Judge Cahill erred.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANT.

053 A.2d 532

CHESTER HAVEN BEACH PARTNERSHIP

v.

BOARD OF APPEALS FOR QUEEN ANNES COUNTY.

No. 794, Sept. Term, 1991.

Court of Special Appeals of Maryland.

Feb. 9, 1995.

Property owner sought review of decision of County Board of Appeals denying requests for conditional use and for several variances in order to construct clustered units in residential area. The Circuit Court, Queen Anne's County, J. Owen Wise, J., affirmed, and property owner appealed. The Court of Special Appeals, Calliehl, J., held that: (1) offer to build below density, if conditional use acceptable to environmental regulators is granted, does not satisfy requirement of

variance law that land itself be inherently unique; (2) property owner's failure to produce evidence meeting essential elements required for obtaining variances in first instance supported denial of variances; and (3) absence of existing houses on property to which proposed cluster units could be compared did not create "unique" circumstance which would justify granting variance.

Affirmed.

1. Zoning and Planning §503

(offer to build below density, if conditional use acceptable to environmental regulators changing character of use of property is granted, does not satisfy requirement of variance law that land itself be inherently unique and different from remainder of land in area.

2. Zoning and Planning §503

County board of appeals acted appropriately in denying property owner's requests for variances to allow "clustering" in planned residential development absent any evidence, other than nonexpert opinion, that property was "unique" as essential to granting requested variances; fact that property owner could not do what he wished to do with property did not make it "unique."

3. Zoning and Planning §503

Fact that property on which clustering of housing units was proposed had no existing houses to which to compare proposed cluster units did not make property "unique" as necessary to grant variance.

4. Zoning and Planning §503

In determining appropriateness of area variance, court considers whether subject property is so inherently unique that impact of ordinance on property would be disproportionate when compared to other lands in district.

5. Zoning and Planning § 382

Where property owner had not formally requested variance, zoning authority could not comply with specific conditions with which ordinance required compliance before grant of conditional use could be made, even if those conditions could legally be avoided by variance.

6. Zoning and Planning § 14

It was not legislative intention in passing state or local critical area legislation that zoning variance procedures be proscribed in order to alleviate harshness of environmental regulation, and, thus, staff of area commission considering conditional use request should not recommend allowing construction despite apparent conflict between environmental regulations and zoning regulations.

7. Zoning and Planning § 186

Until appropriate legislative bodies make consideration of appropriate reasons for granting of variance, zoning critics lack administrative authority to broaden, by ad hoc administrative acts, power they possess to grant variances.

8. Zoning and Planning § 193, 503

In area of variance issues, stringent unnecessary hardship standard applies, while, for use variances, seemingly even more stringent extraordinary hardship standard applies.

Howard L. Alderman, Jr. (Julius W. Lichter and Levin & Gann, P.A., on the brief), Townson, for appellant.

No brief or appearance by appellee.

Argued before CATHELL, HARRELL, and MURPHY, JJ.

CATHELL, Judge.

Appellant, Chester Haven Beach Partnership, appeals a judgment of the Circuit Court for Queen Anne's County (Wise, J.), affirming the denial by appellee, the Queen Anne's County Board of Appeals (Board), of appellant's requests for a condi-

tional use and for several variances. Appellant presents three issues:

1. Whether the Board of Appeals may deny a request for (i) a variance and (ii) a conditional use approval, both under the Queen Anne's County Zoning Ordinance, without delineating or applying any decisional standard, and even though Appellant presented uncontroverted testimony and evidence to support all statutory prerequisites with no countervailing evidence presented.

11. Whether the Board of Appeals may interpret § 5000 of the Queen Anne's County Critical Area Ordinance in a manner at odds with the intent of the provision as manifested by the plain meaning of the ordinance, the testimony of a drafter of part of the provision from the Office of Planning and Zoning and the testimony of Appellant's expert.

111. Whether the Board's finding, that the Appellant had not satisfied its burden of proving that it was the owner of land subdivided and recorded as of 1959 was arbitrary, capricious and illegal in light of the evidence presented.

The Facts

As this case was presented to the Board, much of the information submitted on behalf of appellant was by way of an opening statement by appellant's counsel. In his opening statement, counsel gave a history of his knowledge of certain land planning legislative processes in Queen Anne's County and then informed the Board, while still in opening statement, of some of the history of the property, including a statement that the property at issue was subject to a prior recorded plat. Counsel then introduced (apparently in evidence) certain deeds in the chain of title to the property. He then asked to introduce a memorandum of arguments applicant desired to present in respect to the application, stating: "[T]his will be my memorandum as far as the legal authority ... this has nothing to do with testimony."

The Board then introduced, as applicant's exhibits, a copy of the sectional zoning map and a letter from a Mr. Nickerson,

Director of Environment Health Services. The letter, on Health Department stationery contained the following language: "There are no objections to this proposal by the 'Approving Authority' if the project is served by public water and public sewer." The Board, with the concurrence of appellant's counsel, then introduced a letter from the State Highway Administration, Engineering Access Permits Division, stating that it similarly had no objection, "as there are no State highways involved." Also introduced was the note of the staff of the Chesapeake Bay Critical Area Commission, stating that "[t]here are no comments at this time."

Counsel, resuming his opening statement, then informed the Board that the developing coordinator for the partnership might be called upon to testify. Counsel then described the partnership to the Board and counsel's past and present relationship to that partnership and its various partners. He then told the Board how the partnership operated.

Until this point, other than the exhibits offered, nothing was in evidence. Counsel's opening comments, for the most part, lacked relevance in respect to the issues now asserted on appeal. Thereafter, counsel called as a witness Mr. Michael Whitehill, the branch manager of McCrone, Inc., engineers, planners, and surveyors for the project. Mr. Whitehill described, *inter alia*, the type of subdivision sought to be established and the history of percolation tests. A letter dated June 7, 1976, was introduced through him, informing the owners of the property of serious percolation problems and noting therein that "even though this is a subdivision of record in Queen Anne's County, each application for a septic tank permit must be evaluated on its own merit." Mr. Whitehill then discussed the new developmental planning process, i.e., from an older subdivision plan to the one then being submitted.

Appellant attempted to assert at oral argument that the previous recordation of a subdivision on the subject site prior to the enactment of zoning is what made this property unique

for variance purposes. This argument, as we shall explain, is proffered for the first time on appeal.

Initially, we note that appellant's application stated:

Conditional use approval is sought to permit planned residential development in the existing NC-15 zone for Section 7203B of Q.A. Co. zoning ordinance and a variance from Section 7203B condition 1 is sought to permit more than six (6) units per "cluster" and delete conversion density percentages as being uniquely inapplicable.

No assertion was made as to any denial by zoning authorities of the claimed grandfathered density. Rather, appellant merely submitted a request to vary the percentage conversion in the code relating to planned and/or clustered development. This does not translate into any uniqueness caused by the inherent character of the property or the overall density requirement relevant thereto. In fact, as far as we can discern from the record in this case, for zoning purposes, the property, though perhaps non-conforming, has, through grandfathering, retained its density and single family lot status, i.e., an 186 lot subdivision for detached single family units.

Mr. Whitehill testified before the agency that:

These were single family lots that are below the 15,000 square feet that is now called for in the current zoning.... At that time, an attempt was made in 1976 to have some percolation tests run on these lots.... [T]here were some problems with some of the areas.... At that time ... it was recommended ... that they wait for public sewer....

... This project at one time was intended to be an adjunct type community [adjunct to White's Heritage Continuing Care Community] which would be [a] retirement type of a project without the confining care. They [the developers] have since changed that.... In the beginning of 1985 McCrone, Inc. did a survey ... with the intent to come up with a new development plan that would offer an alternative to this subdivision ... in hopes of taking the

existing subdivision and replacing it with a planned type of housing style as the new zoning was brought into place. The idea ... was to ... hopefully get a limited development area criteria for the overall property and ... making the new zoning such as suburban estate zoning which would have allowed the planned housing styles we seek today by virtue of conditional use.... [Suburban estate was inapplicable to a recorded subdivision. They couldn't re-zoned the subdivision ... because they would not have only lost the grandfathering ... they would have ... to start over.... Professor Lichter here has wrote many letters ... trying to get that LIDA designation on the property, and [it] represents one of his few failures.... [I]t was suggested ... that ... we could combine lots ... and go back and re-perk the lots. So we made an application.... That was an 88 lot combination plan dated 5/16/89 which was withdrawn. I hate to lose and so I withdrew these when things are going south on me in the middle of the operation....

... Since that time [1976] we have been making continuous applications to the County ... to amend this property into the master water and sewer plan so we could apply for sewer for the original lots. Then the mostly, the critical areas designation of RCA ... [it] did grandfather single family lots which brings us up to our third application ... for ... retirement community rental apartments.... We submitted a concept plan ... that would take this grandfathered density of 186 single family units and convert it to a planned housing style.... We applied to the Planning Commission for approval ... and ... there was a glitch in the new critical area ordinance.... So this plan ... was withdrawn....

... [T]he County proceeded with the rewording of that so that Section 5000 Critical Area Ordinance would be amended to include the other housing styles besides the single

family. The subject of tonight's hearing, now we have moved through nearly a decade of shenanigans.

Applicant's Exhibit No. 11 is the biggy. Our application ... that we were forced to withdraw was basically subject to the conditional use.... Section 7203E. refers to ... the ... cluster.... [T]he first condition ... asks that the cluster and planned development shall be scattered within surrounding single family homes. These ... shall not consist of more than 6 units per cluster, nor more than 30% of the dwelling units in any block. This is the section from which we are seeking a variance.... [F]rom the Critical Areas perspective, ... we are only discharging 7 acres of land.... In order to do this ... we ... requested a shore buffer reduction that was granted in a unique fashion.... So that anything we granted here would permit the development to be out where the ground is more suitable, which is higher land toward the water; but we would expand the shore buffer for the entire balance of the property....

... The requirement of the RCA ... ties us down to 15% impervious areas in the RCA.... [T]he impervious area that we are creating is half of that which is allowed by the Critical Areas RCA designation. [Emphasis added.]

[I] At that point, Mr. Whitehill testified as to various technical aspects of the project and then presented testimony that we shall discuss elsewhere in our opinion. His testimony as to the recorded subdivision plat was merely by way of giving a historical perspective of the land and the various projects proposed therefor. No claim was made below that these previous lots were in any way unique. Moreover, there is no indication that the density he claims was grandfathered has been denied him and, even if the authorities have chal-

1. A fair reading of the ordinance indicates that cluster units were originally perceived as low income housing. The conditions as to number and percentages appear to have been intended to limit the amount of such housing in any given neighborhood.

lenged his claim as to grandfathered density—and we find no indication that they have—appellant never requested a variance from any overall density requirement. All of its variance requests concern what it perceives to be necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property owner caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted, does not make the property itself be inherently unique and different from the remainder of the land in the area.

We now continue our discussion of what did occur below. Applicant's Exhibit No. 11 was then introduced with, as we have said, the comment that "No. 11 is the biggy." It is a surveyor's or planner's (unrecorded) plan of the proposed project. Thereafter, Mr. Whitehill testified, initially and apparently referring to the requirements for the granting of conditional uses under the ordinance:

The first condition of that section asks that the cluster and planned development shall be scattered within surrounding single family homes. These planned developments shall not consist of more than 6 units per cluster, nor more than 30% of the dwelling units in any block.

Mr. Whitehill then noted:

This is the section from which we are seeking a variance. He later continued, in relevant part: So these units as you are seeing them here are essentially clustered together. These are a planned housing style, apartments are a planned housing style, according to the zoning ordinance in Section 5105.J., that we would have to

provide in order to meet the general zoning criteria for apartments, we would have to provide a lot, if we were to put all these on one lot, that lot would only have to be 6.83 acres. But we actually have a much larger lot than that so we are actually conforming in excess of the minimum lot size that would be required under the zoning ordinance. This plan complies as a condominium project, this plan would comply with the requirements of virtually every planned housing style [and] ... as a rental project, it ... will all be privately owned and privately maintained.... Mr. Whitehill then introduced certain exhibits, not relevant to the issues on this appeal, stating that he did so "so we can go into juicier topics which are the variance and conditional use."

Then, continuing his comments, Whitehill noted:

Relative to the conditional use ... this is where we run into the request for the variance [but then, addressing the conditional use requirements]. If we were doing this in Cloverfields or Harbor View [other neighborhoods] ... where there are surrounding houses that have already been built and there is an established architectural texture ... then this special condition of the conditional use would certainly be applicable. At that point you are starting to say that if you take 30% of the dwelling units ... or 20% ... unfortunately, within this development itself, ... there is no architectural, there is nothing there ... so we find it difficult to apply that particular standard. In Condition 2 ... we certainly do comply with. Number 3, ... [same sort of problem, there is nothing ... that we can compare this to....] [S]o we are actually less dense than this would permit. And that the cluster lots shall follow the same standards as village houses, we are not proposing cluster lots.... So what we have is kind of an interesting situation.... What we find is, by not developing 102 acres, by developing only ... 7 acres ... this is certainly more environmentally sound.... The single family issue has been resolved so that the grandfathering would be allowed to take those single family lots and convert them to the multifamily and planned housing styles.... [D]epending

on the outcome of the conditional use, [we] would like to go in and apply for our sewer....

The following exchange then occurred between Mr. Whitehill and applicant's counsel:

[APPLICANTS COUNSEL]: ... With regard to the requirements for variances ..., can you advise the Board, in your opinion professionally, whether a literal enforcement of the ordinance would result in unnecessary hardship as a result of the specified conditions[?] ¹²¹

WHITEHILL: Yes, it would, because we have nothing to compare, we have nothing to derive both the housing style ... from, and we have nothing on the basis of the existing architecture ... in this particular instance.

[APPLICANTS COUNSEL]: Are the conditions that are present on the property peculiar to this property[?]

WHITEHILL: They are very unique to this particular piece of property.

[APPLICANTS COUNSEL]: Can you tell what they are[?]

WHITEHILL: The uniqueness is ... that this recorded subdivision since 1955 has no houses built in it to establish community character. ¹²¹

[APPLICANTS COUNSEL]: Can you tell us whether any of the conditions that are present are the result of any action taken by the petitioner....

WHITEHILL: No....

Thereafter, there was some testimony as to the engineering aspects of the project not relevant to the appellate issues at

2. Mr. Whitehill was not explicitly offered or accepted as an expert on any subject matter, though he purported to have testified before the Board "on a number of occasions over the last 20 years" and did respond to a number of opinion solicitation questions.

3. Here, particularly, Mr. Whitehill confuses the standard for conditional uses and variances. The existence *vel non* of houses, while perhaps relevant to conditional uses, is not normally relevant to variances; uniqueness of a particular property is relevant to variances.

bar. The applicant then rested. There were no protestants. Planning and zoning staff then testified in support of the project, stating: "Staff would support the conditional use approval, and we don't have any objection at all to the variance request."

The Board, in its Finding and Decision, noted, first of all, that the County had adopted a new comprehensive plan (zoning map) and zoning ordinance in 1987, which zoned the subject property NC-15, radically departing from the County's previous ordinance; that the County adopted its Chesapeake Bay Critical Area Program in 1988 and its Critical Area Ordinance in 1989; and that the Critical Area maps delineated the subject property as a Resource Conservation Area. Thereafter, an amendment was adopted to the Critical Area Ordinance that provided for a new Section 5000 c modifying density requirements and, in effect, grandfathering in the previous density provisions and resulting in a density of 186 units for the subject property. The Board noted, however, that, in order to avail itself of the 186-unit density, applicant, in addition to satisfying critical area concerns and other environmental matters, or because of those requirements, had to obtain a conditional use to permit clustering.

The conditional use provisions limited the clustering of units to *six units per cluster*, subjected the perimeter of the clustered units to the setbacks of the underlying zoning district, required the dwelling units to be in keeping with the architectural character of the area, and *required the density to be determined in relation to the minimum lot size for the cluster*. All of these conditions had to be met in order for the conditional use to be permitted.

The Board noted that, in addition to the conditional use—or really, in order to qualify to apply for the conditional use—the applicants had to get a variance from the six unit per cluster condition and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correct-

ly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom.

The attempt to follow this procedure creates fundamental and conceptual problems with the generally accepted proposition that, if the express conditions necessary to obtain a conditional use are met, it is a permitted use because the legislative body has made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of the conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute—not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails.

The Board initially addressed (apparently, presuming for the purposes of its discussion a project in which the variances had been approved) whether the proposed development could meet, even then, the more general requirements of a conditional use. It answered this in the negative, citing the following findings that we perceive to be supported by the evidence:

These districts [Neighborhood Conservation Districts] are intended to preserve the character of the existing neighborhoods.... [T]his area is dominated by single family residential structures and farmland. [T]he ... Ordinance clearly intend[ed] that the character of the existing neighborhood was to be preserved.... Clearly, the Applicant envisions an apartment complex in an area where apartments do not exist.

The Board then noted that which we have indicated above, "applicant not only wants the Board to grant a conditional use, but also to totally ignore the express conditions attached to that conditional use [i.e., combining the application with a request for a variance in order to remove the express conditions]. It then found that such a conditional use would permit the area to be dominated by the proposed apartment complex, despite the fact that apartments do not now exist in the neighborhood. Thereafter, the Board addressed other general conditions, the consideration of which is required in cases of requests for conditional uses, and extensively discussed the testimony and evidence in regards to, *inter alia*, traffic, harmony, purpose and goals of the ordinance.

[2] We do not choose to review each challenged evidential inference made by the Board. The Board properly denied the variances, penultimately, because of the abject failure of applicant to produce evidence (as opposed to non-expert opinion) meeting the essential elements required for obtaining variances in the first instance. We hold that the Board's findings and decisions arising out of its consideration of the general and special conditions, and Judge Wise's well-considered opinion affirming the Board's decision, were correct.

[3] The only evidence proffered in support of showing the property's "uniqueness," a showing essential to the grant of the requested variances, was Mr. Whitehill's testimony that it was unique. His testimony in this regard can be paraphrased as "it is unique because the property owner can't do what he wants to do," i.e., that the proposed property was unique because it had no existing houses thereon to which the proposed cluster units could be compared. That position has been consistently rejected as a reason to grant variances by the appellate courts of this and most foreign jurisdictions.⁴

4. The fact that nothing existed on nearby properties to which a comparison of the proposed cluster units can be made is proof that the instant property in its unimproved state is, for variance purposes, similar, not dissimilar or unique in respect to the neighboring properties. In any

[4] We recently discussed the issue of the grants and denials of variances in our case of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995). We there described the initial and essential first step in the determination of the appropriateness of an area variance:⁵ the subject property must be so inherently unique that the ordinance's impact thereon would be disproportionate when compared to other lands in the district. See, generally, our decision in *Cromwell* for a full and complete discourse on the subject of variance law.

In the case *sub judice*, not one minute speck of evidence was produced indicating that this property is inherently unique as compared to other properties in the area or that the zoning ordinance's impact on other properties in the neighborhood, area, or district was in any way different than its impact on the subject property. The evidence was to the contrary. It may be that other similar properties in the vicinity are not affected by the stringent requirements of critical area legislation, and it may be, though we do not now so hold, that, if only one property in a neighborhood is subject to stringent environmental restrictions, that property may be unique for variance purposes. That, however, is an issue for another case, or for the legislature, or regulators. In the case *sub judice*, there is no factual predicate therefor.

We said in *Cromwell*:

[T]he variance process . . . is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is—in and of itself—unique and unusual in a manner different from the

event, that was only one of the mandatory conditions that had to be met in order for a conditional use to be granted.

5. The variances requested were specific area variances needed in order to remove conditions statutorily attached to the conditional use sought. Had appellant attempted to get a variance (as opposed to a conditional use) in order to develop the whole project as proposed, the change from a single family to retirement apartments, would have also involved a "use" variance.

nature of surrounding properties. . . . Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied. . . .

Opinion, at 694, 651 A.2d at 426. We concluded in *Cromwell*.

There was no evidence submitted to the Board that the subject site was in any way peculiar, unusual, or unique when compared to other properties in the neighborhood such that the ordinance's . . . restriction's impact upon the subject property would be different than the restriction's impact upon other neighboring properties. In essence, the impact would be the same. The first step of the variance process was thus not met.

Opinion, at 726, 651 A.2d at 441.

There was little, if any, evidence presented below as to differences, if any, between other properties in the neighborhood (or area or district) and the subject property. Presumably, the provisions of the zoning ordinance would similarly impact on such nearby properties. We note, as we did in *Cromwell*, that

the variance that is desired (and the difficulties that would exist if it is not granted) cannot be the source of the first prong of the variance process—an inherent uniqueness of the subject property not shared by surrounding properties.

Opinion, at 695, 651 A.2d at 426.

[5] In the case *sub judice*, unlike the zoning authorities in the *Cromwell* case, the zoning entity—the Board of Appeals—displayed an understanding of the variance process and applied that understanding as they were required to do, denying the variance. That denial was legally correct. Given the failure of the request for a variance, it was impossible for appellants to comply with the specific conditions with which the ordinance required compliance before a grant of a conditional use could be made, even if such conditions could legally be avoided by variance. Thus, in addition to failing to meet the general conditions necessary for the approval of a conditional use, appellants also failed to meet the specific conditions. The Board did not err; its actions were not arbitrary

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[103 Md.App. 324 (1995).]

and capricious. It correctly rejected the applications for the conditional use and the variances.

[6, 7] Before concluding, we have two observations. First, the professional staff abdicated its responsibility in its role in respect to conditional uses and variances. It recommended favorably that, which, if granted, would have been clearly illegal and arbitrary. We can understand, however, that, in areas where severe environmental regulation, i.e., critical area regulations, overlay zoning regulations, the two statutory schemes can be in irreconcilable conflict. What is permitted by one scheme may be prohibited by the other. When that occurs—and it may well have occurred here—we perceive that there can exist extreme pressure within the staff to attempt to reconcile the irreconcilable. While the desire to rectify the problem is understandable, planning staff should not put itself in a position, or allow itself to become so positioned, of recommending that which the zoning code prohibits. The problems that may exist in the interplay between environmental and zoning regulations may well call for legislative attention. It is not, however, the function of staff to make such policy decisions in the absence of legislative action. We do not perceive that it was the legislative intention in passing the State or local critical area legislation that zoning variance procedures would be proscribed in order to alleviate the harshness of environmental regulation. If that is the intention of the legislative entities, they have the power to express clearly that intention. It may well be that the legislature should direct its attention to amending the variance provisions of Art. 66B to include the effect of subjection to environmental regulations as a unique quality of property so as to enable local jurisdictions to provide by ordinance for such consideration. It may be that charter counties need to consider amending their ordinances to allow environmental regulatory impact to be considered as an appropriate reason for the granting of a variance. Until the appropriate legislative bodies make that consideration, zoning entities lack the administrative authority to broaden, by *ad hoc* administrative acts, the power they possess to grant variances.

GOODWICH v. SINAI HOSPITAL 341

[103 Md.App. 341 (1995).]

Second, we wish to note that Judge Wise, in his opinion and affirmation of the Board's decision, displayed a complete understanding of the nature of the zoning variance and conditional use law and procedure. His decision was correct.

[8] We conclude by noting that appellant further asserts that, because the Queen Anne's County's ordinance contains both the unnecessary hardship standard and an extraordinary hardship standard, the County must have intended to equate unnecessary hardship to practical difficulty. We do not agree. The only standards in Queen Anne's County are those that have been stated. They do not include practical difficulty. Thus, even in area variance issues, the stringent unnecessary hardship standard applies. In use variances (if same are even permitted under the Queen Anne's County ordinance), the seemingly even more stringent extraordinary hardship would apply. See *Cronwell, supra*. In that respect, the Queen Anne's County ordinance is a tough ordinance.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANT.

653 A.2d 541

Kenneth GOODWICH

v.

THE SINAI HOSPITAL OF BALTIMORE, INC.

No. 797, Sept. Term, 1994.

Court of Special Appeals of Maryland.

Feb. 9, 1995.

Reconsideration Denied March 6, 1995.

Licensed physician sued hospital for breach of contract, intentional interference with contractual relations, and tortious



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 21, 1995

Mr. and Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

Re: Case No. C-96-1216
1826 Winans Avenue
13th Election District

Dear Mrs. and Mrs. Rotz:

Per your request within my office on August 18, 1995, the code enforcement division has established the above-referenced case number.

Inspector Joseph Schrack will investigate this site relative to the existing use, office setbacks, landscaping, and the condition of the parking lot.

Please note that some of these issues may be resolved in public hearing 95-454-X scheduled for August 22, 1995.

This office will most certainly keep you informed of the results of our inspection.

Sincerely,

JAMES H. THOMPSON
Code Enforcement Supervisor
887-3351

JHT/hek

Inspector Joseph Schrack

Post-It™ brand fax transmittal memo 7671		# of pages
To	John G. Rotz	1
Co.		From Jim Thompson
Dept.		Co. BALTO. COUNTY
Fax #	787-5883	Phone # 887-3351
		Fax #

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



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 25, 1991

Ms. Alice V. Kurnans
Mr. Charles B. Barber
2750 Ridge Road
Baltimore, Maryland 21207

RE: Case No. C-91-2784
Property behind 4610 Washington Blvd.
(1819 Winans Avenue)
13th Election District

Dear Ms. Kurans and Mr. Barber:

Please be advised that this office has received a complaint as to the parking of unlicensed/inoperative motor vehicles associated with Halethorpe Motors on your property.

While your property has B.L zoning which would permit a parking lot under Section 230.9 of the Baltimore County Zoning Regulations, it cannot be utilized by Halethorpe Motors since this use would require a special exception.

Therefore, within thirty (30) days from the date of this letter, please remove all motor vehicles associated with Halethorpe Motors from the above referenced property. Failure to comply will result in the issuance of a citation wherein you will be subject to a civil penalty of \$200.00 per day.

If further questions remain, please contact this office at 887-3351.

Sincerely,


KEVIN R. CONNOR
Zoning Inspector

KRC:ljs

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



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 26, 1991

Senator Nancy L. Murphy
1330 Sulphur Spring Road
Baltimore, Maryland 21207

RE: Case No. C-91-2784
1319 Winans Avenue
13th Election District

Dear Senator Murphy:

Per your request, Inspector ~~Kevin~~ Connor will investigate the above referenced property no later than the week of July 8, 1991.

If it is determined that 1319 Winans Avenue (tax account number 13-19-480160) lacks the proper zoning to support the parking of motor vehicles associated with Halethorpe Motors and no evidence of a use permit does exist per Section 409.8.B of the Baltimore County Zoning Regulations, a correction notice will be issued allowing ten days to remove such vehicles. An initial review of the 1000 scale 1988 Baltimore County Zoning Maps does in fact show that the property is zoned residential, D.R. 5.5.

Inspector Kevin Connor will certainly update you of the results of his inspection and all subsequent developments in this matter. Furthermore, if future questions should exist, he can be contacted directly at 887-8092.

Sincerely,

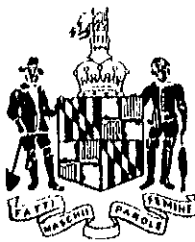
A handwritten signature in black ink, appearing to read "J. H. Thompson", is written over the typed name.

JAMES H. THOMPSON
Zoning Enforcement Coordinator

JHT:ljs

cc: Inspector Kevin Connor

Traffic



SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401-1991

NANCY L. MURPHY
12TH LEGISLATIVE DISTRICT
BALTIMORE COUNTY
COMMITTEES:
BUDGET & TAXATION

June 20, 1991

□ DISTRICT OFFICE:
1330 SULPHUR SPRING ROAD
ARBUTUS, MARYLAND 21227
242-5699
□ ANNAPOLIS OFFICE:
SENATE OFFICE BUILDING
SUITE 205
ANNAPOLIS, MARYLAND 21401-1991
841-3653

Owner
Halethorpe Motors
4610 Washington Boulevard
Baltimore, Maryland 21227

Dear Sir:

My office has received some complaints from residents who live on Winans Avenue regarding your business. Rather than contact Baltimore County Zoning, I appeal to you to address the concerns of your neighbors.

It has been reported that where previously, your dumpster was kept in front of your business on Washington Boulevard, it has now been moved to the side of your business on Winans Avenue. In addition to the dumpster being an eyesore for residents wishing to enjoy sitting outdoors, residents complain of the trash from the overflowing and/or opened container being blown over the homeowners' properties.

Further, I have been advised that the streetside location of the dumpster and cars parked on your property obstructs the view of motorists wishing to enter or leave Winans Avenue at Washington Boulevard. Normally, sidewalks, curbs, or gutters would allow enough setback from the street where a motorist's vision would not be obstructed. Since these do not exist, this does not hold true in your area.

I am sure that you wish to have a good relationship with the property owners surrounding your business and probably had no idea that the situations described above were a nuisance to your neighbors. In areas where businesses and residences abut, it is very important to have a harmonious relationship for all concerned. Therefore, I am requesting that you look into these complaints and see if it would not be possible to provide a satisfactory solution, instead of my reporting these complaints to Zoning. Perhaps moving the dumpster back against the building, parking the cars a few feet back from Winans Avenue and making sure trash and debris is contained in the dumpster would be all that is needed.

Page Two
Halethorpe Motors
June 20, 1991

Thank you for your anticipated cooperation. Should you wish to discuss this or any other matter, please do not hesitate to contact me.

Sincerely,

/s/

Nancy L. Murphy
State Senator

NLM:acs

✓ bcc: Mrs. Emma McIntyre



SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401-1991

NANCY L. MURPHY
12TH LEGISLATIVE DISTRICT
BALTIMORE COUNTY
COMMITTEES:
BUDGET & TAXATION

July 15, 1991

Mrs. Emma McIntyre
1822 Winans Avenue
Baltimore, Maryland 21227

Dear Emma:

The Zoning Inspector has made an inspection of 1819 Winans Avenue and has advised that the property is zoned "BR" (Roadside Business) and, therefore, the cars are parked there legally.

The inspector did say that they would speak to the owner of Halethorpe Motors about requiring tags on parked vehicles.

If you have any questions, please don't hesitate to call the office.

Sincerely,

Nancy L. Murphy
State Senator

NLM:acs

☒ DISTRICT OFFICE:
1330 SULPHUR SPRING ROAD
ARBUTUS, MARYLAND 21227
242-5699
☐ ANNAPOLIS OFFICE:
SENATE OFFICE BUILDING
SUITE 205
ANNAPOLIS, MARYLAND 21401-1991
841-3653



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

October 11, 1995

J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, MD 21204

Mr. and Mrs. Thomas A. Palacorolla
12183 Tridelphia Road
Ellicott City, MD 21042

Re: Petition for Special Exception and
Variance, 1826 Winans Avenue, N/S
Washington Boulevard, 25' SW of
the c/l of Winans Avenue,
13th Election District,
1st Councilmatic District
Thomas Palacorolla, et al.,
Petitioners
Case No. 95-454-XA

Dear Mr. Lanzi and Mr. and Mrs. Palacorolla:

Please be advised that an appeal of the above-referenced case was filed in this office on October 6, 1995 by Mr. Donald S. Hawkins, President on behalf of the Halethorpe Civic League and John and Judith Rotz. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:mn

cc: Mr. Brian Isaac, President
Mr. and Mrs. G. Rotz
People's Counsel



October 4, 1995

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Exception and Variance
1826 Winans Avenue, N/S Washington Blvd.
25' SW of the c/l of Winans Avenue
13th Election District, 1st Councilmatic
THOMAS PALACOROLLA, et al., Petitioners
Caes No. 95-454-XA

Dear Mr. Jablon:

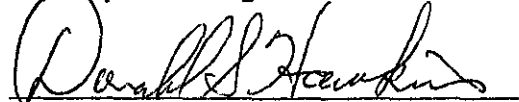
Please enter an appeal of the Halethorpe Civic League and John & Judith Rotz to the County Board of Appeals from the order dated September 7, 1995 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case. We are specifically appealing the granting of a "special exception to permit the use of the subject property as a used motor vehicle outdoor sales area" and the granting of a "variance seeking relief from section 238.2 of the B.C.Z.R. to permit a 0-foot rear yard setback for an existing office/sales building in lieu of the required 30 feet".

Enclosed is our check in the amount of \$460.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

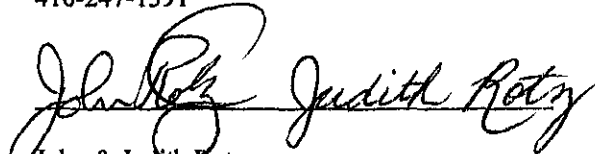
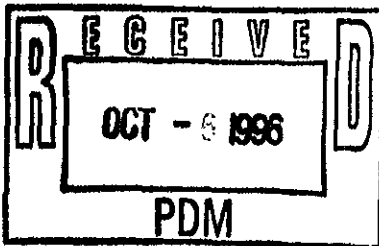
Very truly yours,

Halethorpe Civic League

By:



Mr. Donald S. Hawkins PRESIDENT
1919 Woodside Avenue
Baltimore, Maryland 21227
410-247-1391



John & Judith Rotz
4620 Washington Blvd
Baltimore, Maryland 21227
410-242-1778

cc: J. Neil Lanzi, Esquire
300 Allegheny Avenue
Towson, Maryland 21204, Attorney for Contract Purchaser Auto Dealers, Inc.

Mr. and Mrs. Thomas A. Palacorolla
12183 Tridelphia Road, Ellicott City, Maryland 21042, Legal Owners
The People's Council, Mr. Peter Zimmerman Towson, Md 21204

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: THOMAS PALACOROLLA, ET AL -OWNERS;
Auto Dealers, Inc., C.P. /Petitioners
Case No. 95-454-XA

DATE : Wednesday, March 6, 1996 @ 9:10 a.m.

BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
Margaret Worrall (MW)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Those present included J. Neil Lanzi, Esquire, Counsel for Petitioners; Brian Isaac, Petitioner; Donald Hawkins, Appellant /Protestant; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for special exception and variances presented to the Board; testimony and evidence received January 30, 1996.

CLM: We are here this morning to deliberate under Maryland law the case of Thomas Palacorolla, et al; Auto Dealers, Inc. relative to a request for special exception and variances after hearing the matter at length several weeks ago. This public deliberation is in accordance with Maryland's open meeting law, and I would like to stress for the record that this is not the official record of the Board. The Board, subsequent to this meeting, will issue a written Opinion and Order and subsequent thereto any petition for judicial review can be applied for as of that date, and not today's date.

Let me just say that I appreciate counsel's presence, and that of Mr. Hawkins and Mr. Isaac.

The Board members have individually reviewed the testimony, exhibits and evidence presented at the hearing and also statutory and case law that may apply independently. We are here to reach a conclusion of the individual members.

HEB: For the benefit of those who may not know, normally when we would deliberate or discuss such a case, we would do it back in this room here. Now, it has to be publicly done. I have no idea what my fellow Board members feel about this case. Therefore, as I review my feelings and my thoughts, I feel that because of the opinion and viewpoint of my fellow Board

members, what I have to say may be subject to change.

This special exception that requires a granting of variances of side and rear yard setbacks for operation of a used car shop in a B.R. zone requires numerous considerations before this Board all of which have been reviewed extensively by both sides in the hearing. For those of you familiar with US Route 1, which we all know extends from Maine to Florida, but especially from the County line at Catonsville Avenue to College Park on the other side of Washington, the road side is predominantly commercial, and really has been an embarrassment in many locations for decades because of poorly maintained commercial sites, which I know because I've travelled it thousands of times. From Halethorpe to Laurel, there has been a tremendous improvement along US 1 in new commercial development, particularly in Howard County. Unlike the subject site, residential communities do not bound commercial properties. The subject location, on 1/4 acre property, is comparatively similar to an adjacent auto repair shop and two liquor stores within a block of the site. Across US 1 are business major properties of large corporations. Although traffic is occasionally heavy in the daylight hours, alternate interstate routes, such as I-95 and the Baltimore-Washington Parkway, have decreased and lightened the traffic on US 1.

Expert testimony regarding review of traffic effects in the neighborhood likely to be brought by a used car shop indicates it would not be a problem, contrary to the concerns of residents who daily observe traffic in the intersection of Winans Avenue and US 1. It is noted that overflow parking occurs at the auto repair facility situated on the opposite corner directly across Winans Road from the subject site.

Except for the block, very short block, from Winans to Halethorpe Road, residential at that intersection where there's a traffic light - there's a liquor store on either corner, same side of Washington Boulevard as the subject site, and across US 1, a large complex, a fire department station, heavy equipment company, from this intersection, residential single family homes exist along US 1, and the block south of Winans has always had residential homes prior to the fire that destroyed the house on the subject site. So picture this block of Halethorpe Motors and liquor store, across the intersection, a second liquor store. Going into Baltimore, everything is residential; all the houses, all structures are residential to Ridge Avenue, approximately 1/2 mile from the subject site going toward the City. South of the subject site, where the protestants' house is located, are also all residential homes. So you have in this midsection three

commercial sites - auto repair; two liquor stores. Everything else on that side is residential.

It has been noted by Bill Hughey, area planner for Baltimore County, who favors plan, no other similar site approved. Other BR zones in southwest area are larger sites that are not close to single-family homes. Immediately to the rear of the BR zone in this case is a large community of single family residences known as Halethorpe, many dating from early in the century, I would presume. The Halethorpe Community Association approved the proposal by an 18 to 2 vote, as did the Arbutus Business Association. I personally have some questions regarding the last minute manner it seems in which members came to arrive at the vote approval, representing 20 households in a community of hundreds. In consideration of Mr. Rice's testimony for Arbutus Alliance, one must respect their concern for what he termed a domino effect of families leaving the area because of decline of the neighborhood. The Alliance voted unanimously against use car lot.

The Halethorpe Civic League comprised of 200 households has concerns for the area. Mr. Hawkins acknowledged Baltimore County's attention to drainage problems that affect that side of Washington Boulevard in particular. Also opposes increased development in this US 1 corridor.

Mr. Palacorolla purchased the property in 1989, which for many years was the site of large dwelling with barn-like accessory building in rear resting on the property line shared by the protestants in this case. He used the property for storage of construction equipment and in the process restored the barn-like building for office use. As a used car lot, the business would function as a daylight operation with noticeable restrictions and conditions regarding telephones, pagers, landscaping, position of vehicles, lighting, and security. Appears to be well planned business venture. The special exception is a workable use based on a 0' side and rear yard setback as in Petitioner's plan, Exhibit 17. With a 30' side yard setback, which was denied, from the protestants' property line, the plan for parking, access and egress is possible. But moving the office building, the barn-like building, would obviously be hardship. The special exception without the 30' side and 30' rear yard variance, the site may be usable with the elimination of the barn building for some smaller structure. This plan which was plan #19 of the three plans, 17, 18 and 19, however, would first have to be reviewed by the County. And I understand this was never done.

In consideration of the request for variances, Section 307

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- Owners; Auto Dealers, Inc., CP /Case No. 95-454-XA

permits the Board to grant variances where special circumstances exist peculiar to the land or structure and where strict compliance would result in practical difficulty or unreasonable hardship. The property should have some unique characteristics that, without the variance, would cause a hardship or difficulty. The unique characteristic appears to be, to me, the unfortunate location of the 100-year-old barn-like building to residences that sit on the site. That house is 70 years old or older. Because of the area limitations of the zoning regulations, the special exception, without the variances, makes the site questionable as a used car lot. With or without the variances, there are disadvantages to the small property due to the use of the owner's accessory building and adjacent single-family dwellings close by and immediately next door, and opposition coming from the community.

Baltimore County Zoning Regulations Section 238, I feel, should be applied to this matter requiring 30' side and rear yard setbacks. Variances should be denied. The special exception for the used car lot in BR zone should consequently be denied in that the proposed plan with the 30' setbacks has not been approved previously and reviewed by the County to determine its correctness.

MW: You did not make it any easier. This has been a very difficult case to decide because both sides certainly have valid questions and valid concerns, and I feel exactly the way Mr. Buchheister mentioned in the beginning, that this is something I am perfectly willing for us to discuss and open to be convinced.

Taking the special exception first, it is my opinion that a special exception for a used car lot should be granted with the restrictions that have been set forth within the evidence presented, namely the special exception would be limited to used automobiles only; no automotive repairs or services; no washing of vehicles on premises with soaps or detergents; the hours of operation limited to daylight hours 9 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 3 p.m. on Saturday; no Sunday hours; no outdoor paging or intercom systems; no noise from telephones to be heard outside; no streamers or banners; one sign permitted; approved landscape plan; outdoor lighting limited to security lights and one list structure; and site plan must meet approvals of County agencies, whichever plan is determined.

The business road side zoning is the most intense zoning in Baltimore County, and when I reviewed this and looked at the

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other permitted uses, I feel that the other permitted uses, not special exceptions but permitted, such as volunteer fire company, motels, class 7 brewery with possibly restaurant accompanying it, or a bottling establishment, publishing/printing-type activity, which would create traffic, that these other permitted uses would have an equal, if not more, active use than what is proposed by the small automotive sales lot.

Looking at this, I leaned on Schultz v. Pritts as one of the most important cases on this issue. Special exception has adverse use and must be denied if the grant would result in adverse effect upon adjoining properties unique and different from that which would otherwise result from such a special exception located anywhere else in the zone. It is my opinion that the effects of this proposed use would have no unique or different effects than anywhere else in the B.R. zone.

This brings us to the variance issue. I really struggled with how this works out. Looking at Chesterhaven, that case indicates that the land itself must be inherently unique from land in the area. Even more to the point is what the upper courts have said in Cromwell v. Ward which reads in part:

"...We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been--a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists."

After reading that about 10,000 times, it appears to me that the first thing you have to have before granting a variance is something different than any other B.R. zoned property in the neighborhood; then on to the second test. The first is the one I dealt with initially. This means, as the Cromwell case further points out, is that the variance is rarely granted. Only 5 reported Maryland cases in which the grant of a variance has been affirmed or denial has been reversed.

It is therefore my opinion and decision that the special exception with restrictions may be granted; but there is no uniqueness about this property which justifies the variances, and the variances should be denied.

CLM: This is an appeal from the Deputy Zoning Commissioner's order in which a Petition for Special Exception was granted with restrictions, and Petition for Variances granted in part with restrictions and denied in part. It was heard on a de novo basis. This Board does not create zoning laws; the County Council does. This Board consists of lay persons and some lawyers appointed by County Council members. We relate facts heard to law and the interpretation of that law by the courts of the State.

The property is zoned B.R. and used car operation is permitted use under 236.4 of the Baltimore County Zoning Regulations by special exception. As a matter of fact, the B.R. zone is the only zone in Baltimore County which permits used motor car operation with an outdoor sales area. Any special exception which is to be granted must satisfy the requirements of 502.1 of the zoning regulations. While there are eight specific requirements, this Board needs to focus on three: (1) will the proposed use be detrimental to health, safety and general welfare of the community; (2) will proposed use tend to create congestion on roads, alleys, etc; and (3) be inconsistent with property's zoning classification or be inconsistent with the spirit and intent of the zoning regulations.

The law is well-settled in Maryland that a special exception is presumed valid in the absence of particular facts or circumstances which negate that presumption. In Schultz v. Pritts, the Court held that a special exception should be denied only if the granting of the special exception would have an adverse effect of a unique or different character than the impact which would result if approved elsewhere in the area. The property consists of 1/4 acre improved with building in rear of lot. Petitioner wants to use subject property and existing building pursuant to 236.4 of the zoning regulations, and due to the present location of the building, variances are needed. Mr. John Rotz and his wife are the owners of adjacent lot. The property itself is an irregularly shaped lot 94.5 along Halethorpe Road; 126.5' in the rear; 62.5' along Winans and 127' front along Washington Boulevard. It carries a B.R.-C.S.1 zoning district as does the Rotz property and most others in the area of the proposed site, including to the rear.

#10 clearly shows other improved properties along Washington Boulevard are commercial; have proximity to Winans and Washington Boulevard: the Halethorpe Motor Repair Shop lies directly across the street at Winans and Washington Boulevard; two liquor stores; a palm reader; construction equipment sales company; and a fire department. The Halethorpe Revitalization

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Plan acknowledges that Washington Boulevard carries large amount of traffic. On page 10 of plan, street scape along Washington Boulevard is critical part of revitalization plan; planting trees, etc. The users of Washington Boulevard can stand apart from adjoining areas and may even attract community serving businesses.

Mr. Isaac has 20 years experience in car dealerships. In order to accommodate local residents, he has volunteered to eliminate any elements found on such lots. Limited hours of operation 9 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 3 p.m. on Saturday; and no Sunday sales. He has offered to eliminate car repairs; any such servicing will be done off-site under contract with Reliable Tire Company. Proposed contract admitted as an exhibit. No outdoor speakers or pagers; lighting shielded; six parking spaces; all car washing will be done free of detergent; promised landscaping to buffer Rotz property; limited operation /15 to 20 cars at a time; limited number of customers on site during hours of operation.

Based on photographs submitted by both sides, this is a community that is both residential and commercial in nature; possibly more commercial in the area of Winans Road and Washington Boulevard. Would clearly enhance the subject property from present usage as sales storage facility for construction vehicles. And again, if the special exception were granted, it would, in my opinion submit property would be used in best use in an area already zoned heavy commercial. Compare effect of proposed use on community to other permitted uses allowable as special exception. While the Board heard from several community groups, we need to make a special note that the Halethorpe Improvement Association is in support of the project. They originally opposed the plan, but special consideration must be given to the neighbors who appeared at a meeting on August 8th to hear both sides. I take special note of Mr. Lanzi's August 4th letter to the president of the organization; copy went to all parties in the organization who had singed against the proposal. Those who attended meeting voiced very little opposition. Mr. White of Arbutus Business Association and the Association offered full support.

While I appreciate Mr. Hawkins' testimony with respect to the Halethorpe Civic League, the property in question does not appear to be within the boundaries of that league. There was no testimony to indicate an adverse impact on this community if the special exception use were granted.

Testimony taken at hearing regarding increased crime, traffic and water runoff should the special exception be granted,

there were no substantive issues raised by various Baltimore County departments charged with the responsibility of deciding whether the proposed use would be detrimental to the welfare of the community. This includes DEPRM, traffic department, fire department and noise study conducted by Marks & Vogel. While Mr. Rotz testified as to crime, no substantive evidence that crime would increase in residential area adjoining the proposed site, and this Board is not permitted to base its findings on unsupported conjecture. I would like to quote from part of the conclusion that was reached in a case just recently decided, and is unreported by the Court of Special Appeals, that bears some similar features to the case at hand:

"Conclusion: A review of the testimony before the Board shows that County Line's proposed used-car lot has unattractive attributes and it would be an unwelcome addition to the neighborhood. But the unattractive attributes about which the opponents complain (test drives, vandalism and theft from the lot, etc.) are features that would likely be present anywhere in a B.R.-A.S. zone. People driving from their homes who pass a used-car lot are almost bound to see it. Moreover, in this age, vandalism and car thefts at used-car lots are likely to occur because they are a part of life in any modern urban environment. The existence of such every-day, normal attributes of a used-car lot does not justify denial of a special exception. It is presumed that such a use, no matter where located, will have these undesirable attributes, but the use is nevertheless compatible with other uses permitted on any land zoned B.R. in Baltimore County."

In reviewing application for special exception, the Petitioner does not need to prove practical difficulty, etc., but only that the use will be in general harmony with the zoning plan and will not affect the neighbors' property and the general neighborhood. Test is whether this use would have any adverse effects above and beyond such special exception use irrespective of location in the zone. Based upon a complete review of testimony and evidence presented, it is difficult to see where the proposed usage would be detrimental to the health, safety and general welfare of the community. The law presumes that a business zone and its associated usages allowed by special exception are permitted and shall be a valid part of a comprehensive zoning plan. There was no

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evidence of harm, and the application for special exception must be granted. This is in an area zoned commercial, and while it might be described as commercial /residential, Washington Boulevard is heavily commercial. The lot is "improved" by what was formerly a garage converted to sales office. Based on proposals, it will be enhanced by landscaping and void of features that usually accompany this site.

Taking into consideration all the aspects, I must conclude that, taking into consideration all relevant features, that if the land owner could not use his used car sales area, it would be difficult to see this being permitted anywhere else in B.R. It's reasonableness both supports and justifies approving of the special exception subject to restrictions already agreed to by the Petitioner, to be included in the Order issued by the Board.

Regarding Section 238.2 and the variances, to permit 1' side yard setback in lieu of required 30' existing sales office should be denied. This denial is based on age of structure and vicinity it already sits on from side property adjoining Rotz's property. However, as Mr. Dorsey has indicated, he has no objection to the location of the building; the current building should be razed and a new building constructed in accordance with relief granted.

A variance may be granted in Baltimore County where special circumstances are existing peculiar to the land or structure, where strict compliance would result in practical difficulty. The Court of Special Appeals, in Cromwell v. Ward, construes this regulation to mean that a variance is a two-step process. First step requires a finding that the property is unusual in a manner different from surrounding properties. Second, that the denial of the requested variance would result in practical difficulty or unreasonable hardship. In my opinion, the Petitioner has met the burden by presenting evidence and testimony that this small lot currently improved by what was a garage to a residence is unusual and unique in that it sits for the most part in commercial properties, and those residential in nature are indeed zoned commercial.

Future prospects of any purely residential being constructed on the site is almost negligible since the use of the land is more commercial in value. It's 1/4 acre, oblong and bounded by two residences zoned commercial.

The granting of the special exception has established no injury caused by the granting of that special exception.

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Evidence and testimony demonstrated that the proposed use can best be exercised if the standing building were relocated. In light of the Deputy Zoning Commissioner's order, relocated with setback requirements. It is difficult to envision this operation functioning without an outdoor sales office facility to accommodate customers. The safety of customers must be taken into consideration. There is hardship and practical difficulty considering size of lot, location, limited access, etc., problems for customers, pedestrians, for the granting of one variance.

I would therefore affirm the Deputy Zoning Commissioner's decision in its entirety subject to any further restrictions the Board might wish to impose.

HEB: I think that, in view of what Ms. Worrall and you have covered regarding the special exception, and I can see that, but as far as the variances, I thought you made a comment that they would raze the present barn-like office building -- and put a new building in that location. New building according to the Deputy Zoning Commissioner's order would be located 30' away. Two adjacent properties are zoned commercial; they are residences in a commercial zone.

CLM: Zoned commercial.

HEB: But the house immediately behind the rear setback is not commercial.

CLM: It's zoned commercial.

HEB: It is?

CLM: Looking at the maps....

HEB: I thought there is a privacy fence to the rear of this lot but that the house immediately on the other side was a residential zone. It may not be.

CLM: It's zoned commercial.

MW: I'm sure Chuck's right. But I would like to look.

HEB: I think that the special exception was a reasonable thing to grant, but these variances are a little bit much. And with the 30' set back both rear and side yard, and plan 19...

Panel members at this point gathered together and reviewed the plan, discussing various

aspects of same among themselves.

HEB: The 30' setback would appear from the rear of the parking line is still a viable location for a used car lot. The plan that we had, which I call plan 19, was never really even seen by the Planning Department.

MW: That's why I mentioned that it would have to be approved.

HEB: It's workable and I think the special exception could be granted without the variances because 30' requirement both rear and side, a much smaller building -- that this existing barn office building is too large for what needs to be there.

It was mentioned in the testimony about Route 40 - one place where there's a lot of used car lots. At Ingleside and Route 40, they do not have a large building to service used car lot. Mr. Isaac could use a much smaller office building right in the middle of the lot which would put a greater strain on access, etc., but we would not have to grant those variances.

I would definitely concede that the special exception should be granted. I'm still not certain about the rear yard variance. And I would guess that's the key to this. A used car lot without variances.

MW: The testimony from the contract purchaser was that it was possible. Detrimental effect if you grant the variance so the building is up against the property. Even if the current owner says okay, even though it's zoned for business, you are pushing that property for the subsequent owners to say - we are looking right at this building; we may as well roll over.

HEB: Are we assuming that this barn is going to be moved?

CLM: It will be razed.

HEB: Any new building put up would be undoubtedly smaller. Assuming that the building could be put in position where plan 19 shows it - submitted at the last minute this third possibility; this third option.

I think People's Counsel brought out a lot of points that that plan would have difficulties because of positioning of vehicles.

Two people against variance; one is confirming, affirming the Zoning Commissioner. I would make a definite acceptance of argument for the special exception, but I think that we have

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- Owners; Auto Dealers, Inc., CP /Case No. 95-454-XA

this community, the protestants, and I have to say that this Halethorpe community association by an 18-2 vote is hilarious. There are hundreds of homes. They were canvassed by telephone; contacted 57 people. The HCA approves -weak approval.

CLM: I don't agree. I've attended lots of meetings; people sign and are not really aware of this. But I think here - Mr. Lanzi did send a letter to everyone who signed the petition and they were advised of opportunity. Only 18 people show up - those are the people, in my opinion, who were serious enough to come and listen. After hearing both sides, they voted for the proposal.

HEB: At the same time - number of letters -- in the community of Halethorpe, many are far removed from this site.

MW: Relative to the variances, Bill Hughey from Planning said that regarding reviewing neighborhood and neighborhood plan for current zoning - indicated that although they would not take away the zoning from properties which already were zoned business, they were reviewing concept of any more commercial zonings in that area. Also made me feel that the variances are there - the variance law is there to protect neighborhood and residential aspect. If the County is already questioning how much commercial zoning is there - also concern that residential part of neighborhood be protected.

HEB: Talking about heavy commercial zoning - both sides of road, but main number of business enterprises on both sides of the road; not sure about the east side of the road, but even there, from the subject site south, 1/2 dozen private dwellings. North of the Halethorpe Motors and liquor store, both in one block. Across the street, a busy intersection, another liquor store. From then on, on that whole side of the road, there's not another commercial business property. Seems rather strange. There's some open land before you get to what's Ridge Avenue, about 1/2 mile from the subject site, where you have a Royal Farm Store and other businesses, from there to the subject site, one little spot of commercial activity. Everything else is residential. These people want to limit any more commercial, to preserve this residential atmosphere. On this lot, I agree that Mr. Isaac is going to make it an attractive business location. It would enhance that location. But I think he can accomplish this without our going against the understanding of granting a variance to permit the special exception, which was People's Counsel's main argument. The special exception would not need variances.

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- Owners; Auto Dealers, Inc., CP /Case No. 95-454-XA

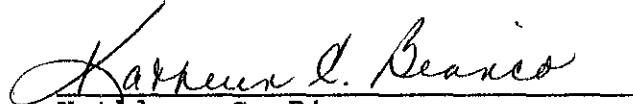
MW: I agree.

CLM: The Board's conclusion will be that the special exception should be granted and the variances should be denied. For the record, I will write a minority opinion.

There being no further business before the Board, we will adjourn. For the record, the Board will be issuing a formal opinion and a minority opinion concerning the case. Any petition for judicial review must be taken within 30 days from the date of the written order which will be forthcoming in the very near future.

This hearing is adjourned.

Respectfully submitted,


Kathleen C. Bianco
Administrative Assistant

ms per

No. _____

BALTIMORE COUNTY, MARYLAND
EXECUTIVE OFFICE
TRANSMITTAL MEMORANDUM/CONSTITUENT REQUEST FOR ASSISTANCE

TO: Sella DATE: July 12, 1995
FROM: Rank SUBJECT: Attached
4463

- Please review attached correspondence, investigate complaint and prepare letter of response for Executive's signature.
- Please review attached correspondence, investigate complaint and respond directly to constituent with copy to Executive.
- Please review attached correspondence and offer to meet with constituent to discuss complaint and resolution of same. Prepare letter for Executive's signature confirming results of meeting and action taken.
- ✓ Other. Could you please have someone
contact or would you. Thanks

CONSTITUENT PROBLEM TRACKING NOTES: _____

DATE LETTER MAILED TO CONSTITUENT: _____

FOLLOW UP NEEDED: YES _____ NO _____

COMMITMENT OF CAPITAL BUDGET FUNDING
NEEDED TO RESOLVE PROBLEM: _____

7-18
Phone ☒

Mail ☐

Walk In ☐

Case# _____
Const.# _____

Constituent Information

Title _____ Salutation Ms.

First Name Stella MI _____ Last Name Rotz

Spouse's Name _____

Address 4620 Washington Blvd

City Balto. State md Zipcode _____

Home Phone 242-1778 Work Phone _____ Other _____

Organization/Business _____

Community _____

Precinct _____ Cong. District _____ Leg. District _____

Complaint Information

Name _____

Address of Complaint _____

Subject Code _____ Subject _____

Description _____

Date Called _____ Status (P/C) _____ Date Closed _____

Follow Up (Y/N) _____ Follow-Up Date _____

Notes Zoning: Zoning notice posted

1826 Winans Ave - Old Barn corner of

properties 100 yrs old. being used to

store equipment. Proposal lease with

options, variance 10-1' set back

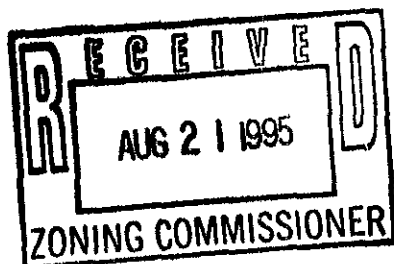
used car lot. Hearing July 24th.

Stella Lowery

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
1816 Winans Avenue, N/S Washington	*	ZONING COMMISSIONER
Blvd, 25' SW of c/l Winans Avenue		
13th Elec. Dist., 1st Councilmanic	*	OF BALTIMORE COUNTY
THOMAS AND BARBARA PALACOROLLA	*	CASE NO.: 95-454-XA
Petitioners		
* * * * *	*	* * *

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on the 18th day of August, 1995, at 12:15 p.m., I served copy of the attached Subpoena upon MR. JOHN J. SULLIVAN, JR., Planner II, Baltimore County Department of Permits and Development Management, at Baltimore County Department of Permits and Development Management, County Office Building, Room 111, 111 W. Chesapeake Avenue, Towson, MD 21204, by leaving copy of said Subpoena with TARA MELVH. Said Subpoena directed said witness to personally appear before the Baltimore County Zoning Commissioner at the hearing for the matter captioned above on Tuesday, August 22, 1995, at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and to bring any and all documents pertaining to the 1826 Winans Avenue property.




 AMY E. STEALEY
 Private Process Server
 8031 Del Haven Road
 Baltimore, MD 21222
 (410) 284-5428

IN RE: PETITION FOR

Case Number: 95-454-XA (Item 448)
1816 Winans Avenue (should be 1826)
N/S Washington Boulevard, 25' SW of c/l
Winans Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and
Barbara J. Palacorolla

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-454-XA (Item 484)

* * * * *

SUBPOENA

To: Mr. John J. Sullivan, Jr.
Planner II
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
AUG 18 1995

ZADM

You are hereby summoned and commanded to be and appear personally
before the zoning commissioner/deputy zoning commissioner of Baltimore County
in room 118 Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204

and to bring Any and all documents (correspondents, memos, maps, data etc.)
pertaining to the 1826 Winans Avenue property, at 2:00 p.m.

on the 22nd day August 1995, regarding the above captioned

case, for the purpose of testifying at the request of the protestants, Judith K.
and John G. Rotz, 4620 Washington Blvd. Baltimore, Maryland
21227 Phone: 242-1778

Judith K. and John G. Rotz

Mr. Sheriff/Private Process Server:

Please process in accordance with zoning Commissioner's Rule IV(c).

Anthony Kotrow
Zoning Commissioner/Deputy
Zoning Commissioner
For Baltimore County

Issued: 8/18/95

RECEIVED
AUG 21 1995
ZONING COMMISSIONER

Frank [Signature]

HAZARD
MATERIAL



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 9, 1995

TO: Hearing Officer

FROM: John J. Sullivan Jr.
Planner II, ZADM

SUBJECT: Item #448
1826 Winans Avenue

I met with Neil Lanzi, attorney for petitioner, this morning regarding a commercial special exception and variance. I advised him to bring to the hearing a copy of the site plan with the traffic flow approved by Rahee Famili, plus a landscape plan approved by Avery Harden. I also advised Mr. Lanzi to address the "gravel lot" shown on the plan. Mr. Lanzi agreed and stated all items would be addressed prior to, or at, the hearing.

JJS:scj

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 15, 1995

Mr. & Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

RE: Your Objections to
Zoning Hearing,
Case No. 95-454-X
Hearing Date August 22, 1995
13th Election District

Dear Mr. & Mrs. Rotz:

Your letter to Arnold Jablon, Director of Department of Permits and Development Management, was referred to me on August 14, 1995 for reply. Per the 1971, 1 in. = 200 ft. scale zoning map, No. SW, 6-D, there are no prior zoning hearings on this site. Enclosed is a copy of a portion of this map with the site highlighted in yellow. A copy of this map is also in the hearing file. A review of this office's commercial building permit files found no (construction) building permits for this location. Per a discussion yesterday with James H. Thompson, Supervisor of the Zoning Code Enforcement Office, there are no zoning violation cases at this site. Per my call to J. Neil Lanzi, Esquire, the petitioners' attorney, the "Permit No. 135070" referenced on the submitted hearing site plan is not a building permit no. but a traders license no. Lastly, please note my memo to the file dated June 9, 1995 (copy enclosed) regarding traffic flow, landscaping and the parking lot surface.

If you have any questions, please contact me at 887-3391.

Sincerely,

A handwritten signature in cursive script, reading "John J. Sullivan, Jr.", written in dark ink.

John J. Sullivan, Jr.
Planner II
Department of Permits and
Development Management

JJS:bb
C: James H. Thompson
Enclosures

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

In Re: Petitions for Special
Exception and Variance

Case Number 95-454-XA

Thomas A. Palacorolla, et ux. -- Owners
Auto Dealers, Inc. -- Contract Purchaser

SUBPOENA

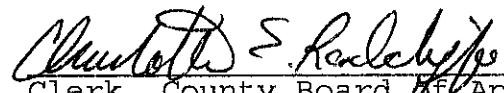
TO: Ron Dorsey
1824 Winans Avenue
Baltimore, MD 21227
Baltimore County

YOU ARE HEREBY COMMANDED TO: (XX) Personally appear; () Produce documents and/or objects only; () Personally appear and produce documents or objects; at: **Room 48, Old Court House, 400 Washington Avenue, Towson, MD 21204 on Tuesday, the 23rd day of January, 1996, at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by (XX) Plaintiff/Petitioner; () Defendant; and any questions should be referred to: J. Neil Lanzi, 300 Allegheny Avenue, Towson, MD 21204, 410/337-9039, attorney for Petitioner.

Date Issued 1/14/96


Clerk, County Board of Appeals of
Baltimore County

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.

(2) This Subpoena shall remain in effect until you are granted leave to depart by the County Board of Appeals or by an officer acting on behalf of the County Board of Appeals.

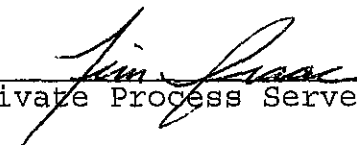
(3) If this Subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

RETURN OF SERVICE

(X) Served and copy delivered on date indicated below.

() Unserved, by reason of _____
_____.

Date: 1-16-96 Fee: _____



Private Process Server

Original and one copy needed for each witness.

(isaac1.sub)

240 1-16-96

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

In Re: Petitions for Special
Exception and Variance

Case Number 95-454-XA

Thomas A. Palacorolla, et ux. -- Owners
Auto Dealers, Inc. -- Contract Purchases

SUBPOENA

TO: Brad Hauck, President
Halethorpe Improvement Association
4605 Ridge Avenue
Baltimore, MD 21228
Baltimore County

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (XX) Personally appear and produce documents or objects; at: **Room 48, Old Court House, 400 Washington Avenue, Towson, MD 21204 on Tuesday, the 23rd day of January, 1996, at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects:
(1) Minutes and/or Board Resolutions of Halethorpe Improvement Association: documenting your authority to speak on behalf of the Association, documenting the responsibility for review and action on all the zoning matters that is placed on the Board of Directors or Zoning Committee, and documentation of the position of the Association with regard to this Appeal; (2) written Affidavit confirming you are currently a duly elected member of the Board of Directors or the Zoning Committee of the Halethorpe Improvement Association.

Subpoena requested by (XX) Plaintiff/Petitioner; () Defendant; and any questions should be referred to: J. Neil Lanzi, 300 Allegheny Avenue, Towson, MD 21204, 410/337-9039, attorney for Petitioner.

Date Issued 1/4/96

Charlotte E. Radcliffe
Clerk, County Board of Appeals of
Baltimore County

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.

(2) This Subpoena shall remain in effect until you are granted leave to depart by the County Board of Appeals or by an officer acting on behalf of the County Board of Appeals.

(3) If this Subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

RETURN OF SERVICE

(X) Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: 1-16-96 Fee: _____

Jim Frazer
Private Process Server

Original and one copy needed for each witness.

(isaac2.sub)

STC 11 1-17-96

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

In Re: Petitions for Special
Exception and Variance

Case Number 95-454-XA

Thomas A. Palacorolla, et ux. -- Owners
Auto Dealers, Inc. -- Contract Purchases

SUBPOENA

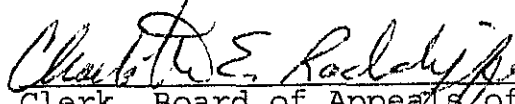
TO: Sargeant James Smith
Wilkins Avenue Precinct
Baltimore County Police
Baltimore County, MD

YOU ARE HEREBY COMMANDED TO: (XX) Personally appear; () Produce documents and/or objects only; () Personally appear and produce documents or objects; at: Room 48, Old Court House, 400 Washington Avenue, Towson, MD 21204 on Tuesday, the 23rd day of January, 1996, at 10:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by (XX) Plaintiff/Petitioner; () Defendant; and any questions should be referred to: J. Neil Lanzi, 300 Allegheny Avenue, Towson, MD 21204, 410/337-9039, attorney for Petitioner.

Date Issued _____


Clerk, Board of Appeals of
Baltimore County

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.

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(3) If this Subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

RETURN OF SERVICE

() Served and copy delivered on date indicated below.

() Unserved, by reason of _____
_____.

Date: _____ Fee: _____

Private Process Server

Original and one copy needed for each witness.

(isaac3.sub)

010301-1-11PSS



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 4, 1996

Mr. Charles L. Marks, Acting Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: 1816 Winans Avenue, N/S Washington
Boulevard, 25' SW of c/l Winans Ave
13th Election Dist, 1st Councilmanic
THOMAS A. PALACOROLLA, ET UX./
AUTO DEALERS, INC., Petitioners
Case No. 95-454-XA

Dear Chairman Marks:

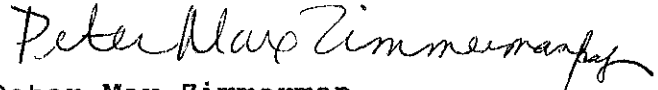
In reference to the County Line, Inc. case, and Mr. Lanzi's March 1 letter, please note that the facts are distinguishable. The location there, on Liberty Road, is on an exclusively commercial corridor (both sides of the road). In addition, the next property in on Flannery Lane is a Volvo service garage. Moreover, there are no variances, the site being almost 1 acre in size (.943 acres).

In the present case, the northwest side of Washington Boulevard is residential, from the subject property south, and Winans Avenue is all residential. The planning office has recognized this by making the stretch a zoning issue. (There has never been any question about Liberty Road's commercial status in County Line.) Moreover, the present case has variances, resulting from the location and the smaller size of the site.

The bottom line is that the proximity to residences, the small size of the site, the variances, and the other particular factual problems presented in the evidence make this a difficult case, to be reviewed on its own merits.

Mr. Charles L. Marks, Acting Chairman
Board of Appeals of Baltimore County
March 4, 1996
Page Two

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: J. Neil Lanzi, Esquire
Attorney for Auto Dealers, Inc.

Mr. and Mrs. Thomas Palacorolla

Mr. and Mrs. John Rotz



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 5, 1996

Mr. Charles L. Marks, Acting Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: 1816 Winans Avenue, N/S Washington
Boulevard, 25' SW of c/l Winans Ave
13th Election Dist, 1st Councilmanic
THOMAS A. PALACOROLLA, ET UX./
AUTO DEALERS, INC., Petitioners
Case No. 95-454-XA

Dear Chairman Marks:

Subsequent to our preparation of this office's letter to you dated March 4 (commenting on the unreported Court of Special Appeals decision in People's Counsel v. County Line submitted by Mr. Lanzi on March 1), we received the attached reported decision from the Court of Special Appeals in Leo J. Umerley, et ux. v. People's Counsel, filed March 1, 1996.

We believe the Umerley decision more closely approximates the relief requested by the Petitioner in the instant case. The Umerley decision determined that the Petitioner was not entitled to Special Exception relief because he could not comply with certain conditions unless variances were granted. The Court of Special Appeals followed the variance standards established in Cromwell v. Ward, 102 Md.App. 691 (1995) and determined that the site was not unique, and moreover, that there existed no undue hardship nor practical difficulty. In other words, the fact that variances were requested indicated that the use was not appropriate for the site.

This same argument was made in the instant case by our office and the protestants, referring to Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md.App. 324 (1995), cited to this Board in People's Counsel's Oral Argument Outline, submitted at the conclusion of the case. The decision in Umerley affirmed the Court's holding in Chester Haven.

Mr. Charles L. Marks, Acting Chairman
Board of Appeals of Baltimore County
March 5, 1996
Page Two

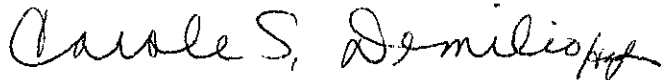
Although the County Line case did involve a used car dealership, the posture of the instant case differs from the facts in County Line. Both Chester Haven and Umerley are more appropriate comparisons in that both cases involved requests for special exception and variance(s) as does this Petitioner. In both Chester Haven and Umerley, the Court of Special Appeals denied a special exception use when coupled with variance relief.

It is submitted that the same decision must be rendered in Palacorolla.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosure

cc: J. Neil Lanzi, Esquire
Attorney for Auto Dealers, Inc.
(Hand-delivered)

Mr. and Mrs. Thomas Palacorolla

Mr. and Mrs. John Rotz

REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 802

September Term, 1995

LEO J. UMERLEY, et ux.

v.

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.

Moylan,
Bishop,
Eyler,

JJ.

Opinion by Bishop, J.

Filed: March 1, 1996

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

ELLICOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

July 20, 1995

HAND DELIVERED

Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
Attention: Gwen Stephens

Re: Case No. 95-454-XA
1826 Winans Avenue

Dear Gwen:

Please be advised that I represent Auto Dealers, Inc., the contract purchaser in the above-referenced case. This case is presently scheduled for hearing on Monday, July 24, 1995, at 9:00 a.m. before Deputy Zoning Commissioner Timothy M. Kotroco. The purpose of this letter is to request a postponement of this case until after August 8, 1995. Brad Hauck, President of the Halethorpe Improvement Association, joins me in the postponement request.

On July 20, 1995, I spoke with Deputy Zoning Commissioner Kotroco, who indicated the requested postponement was acceptable and that a new hearing date should be scheduled for an agreed date after August 8, 1995. Finally, in accordance with the Deputy Zoning Commissioner's instructions, I have instructed my client to indicate the case has been postponed on the sign posted on the subject property.

Thank you very much for your consideration in this matter.

Very truly yours,

J. Neil Lanzi

J. Neil Lanzi

cc: Timothy M. Kotroco, Deputy Zoning Commissioner
People's Counsel
Brad Hauck, President, Halethorpe Improvement Association
Stephanie Keech, Secretary, Halethorpe Improvement Association
Auto Dealers, Inc.
Thomas & Barbara Palacorolla

File

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

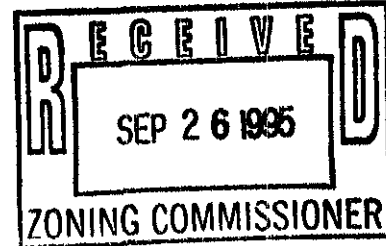
ELLICOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043

*Also Admitted in District of Columbia

September 21, 1995

Reply to Towson

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112, Court House
400 Washington Avenue
Towson, MD 21204



Re: My Client: Auto Dealers, Inc., Petitioner
Case No.: 95-454-XA

Dear Mr. Kotroco:

Receipt of your decision in the above-listed case is hereby acknowledged. On behalf of the Petitioner, I am hereby requesting an extension from two of the restrictions contained in your Order dated September 7, 1995.

First, I hereby request an extension of 60 additional days for the razing of the existing structure, as required in restriction #2. Second, I also request an additional 30 days for the durable and dustless surface inspection, as required in restriction #4. These requests are necessary in light of the 30-day appeal period.

Thank you very much for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Neil Lanzi".

J. Neil Lanzi

cc: Auto Dealers, Inc.

(isaackot.ltr)

*OK to Extend
JMK*

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

October 16, 1995

ELLICOTT CITY

3460 Ellicott Center Drive

Suite 101

Ellicott City, Maryland 21043

Reply to Towson

Board of Appeals
of Baltimore County
Room 49
Old Court House
400 Washington Avenue
Towson, MD 21204
Attention: Kathleen C. Weidenhammer

Re: Appeal of Case No. 95-454-XA
My Client: Auto Dealers, Inc.

Dear Ms. Weidenhammer:

Please be advised that I represent Auto Dealers, Inc., the Petitioner before the Baltimore County Zoning Commissioner. It is my understanding the above-referenced case has been appealed and the appeal is now being processed.

On behalf of my client, I respectfully request that this appeal be expedited for the following reasons. First, Auto Dealers, Inc. was established to sell used cars as a family business with Brian and Sharon Isaac as its sole shareholders. Brian Isaac is currently the President of the company and is unemployed. Mr. Isaac testified before the Zoning Commissioner that the used car business is his livelihood. Mr. Isaac has not been working for an extended period of time, with all of his efforts devoted to establishing his new business. The protestants filed their appeal on the last day of the appeal period, and an expedited hearing will help minimize the substantial adverse financial impact on the Isaac family.

Your consideration will be greatly appreciated.

Very truly yours,

J. Neil Lanzi

J. Neil Lanzi

cc: People's Counsel for Baltimore County

(autodelr.app)

1/23/96
@ 10 am

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

March 1, 1996

ELLCOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

HAND DELIVERED

Board of Appeals
of Baltimore County
Room 49
Old Court House
400 Washington Avenue
Towson, MD 21204
Attention: Charles Marks, Chairman

Re: Appeal of Case No. 95-454-XA - DEUB- 3/6/96 9:00 am
My Client: Auto Dealers, Inc.

Dear Chairman Marks:

Enclosed please find a copy of the recent Opinion of the Court of Special Appeals of Maryland for the case titled People's Counsel for Baltimore County, et al. v. County Line, Inc. During the course of the proceedings of my client's case, you may recall People's Counsel referring to this case on numerous occasions in support of its position. Please note this recent decision was contrary to the position of the People's Counsel.

Thank you for your kind attention.

Very truly yours,

J. Neil Lanzi

J. Neil Lanzi

cc: People's Counsel for Baltimore County (hand delivered)
Auto Dealers, Inc.

{autodel2.app}

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1845

September Term, 1994

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, ET AL.

V.

COUNTY LINE, INC.

Bishop,
*Alpert,
Salmon,

JJ.

Per Curiam

Filed: February 7, 1996

*Alpert, J., participated in the argument and decision in this case but retired from the Court prior to the filing of the opinion.

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

February 2, 1996

ELLCOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

HAND DELIVERED

Board of Appeals
of Baltimore County
Room 49
Old Court House
400 Washington Avenue
Towson, MD 21204
Attention: Kathleen C. Bianco

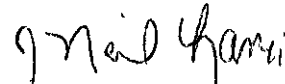
Re: Appeal of Case No. 95-454-XA
My Client: Auto Dealers, Inc.

Dear Ms. Bianco:

Enclosed please find Petitioner's Closing Argument Outline and copies of Maryland cases for filing in this Appeal. Chairman Marks had provided Petitioner leave to file this information within ten days from the second day of testimony (1/30/96).

Thank you for your assistance in this matter.

Very truly yours,



J. Neil Lanzi

cc: People's Counsel for Baltimore County
Auto Dealers, Inc.

(autodelr.app)

AUTO DEALERS, INC. -- CLOSING ARGUMENTS OUTLINE

Petitioner: Auto Dealers, Inc.

Property: 1826 Winans Avenue

A. INTRODUCTION

1. Auto Dealers, Inc. -- family business

- A. attempt to pursue American dream by owning their own used car business
- B. goal to improve existing property and preserve historic 100-year-old building
- C. enhance landscaping to make site more attractive and buffer adjacent properties

2. Agreed conditions for used car business

- A. agreed restrictions able to be made part of special exception order, which restrictions would be the responsibility of Petitioner and any subsequent owner/lessee and the property

3. Petitioners have gone above and beyond County requirements

- A. limited hours
- B. no outdoor loud speakers, no outdoor paging system
- C. no repairs, repairs off site, no auto part storage
- D. no detergent carwash, car wash off-site
- E. no streamers
- G. private security patrol
- H. addition of 1 shielded light only
- I. 6 parking spaces, when only 2 required

4. Goal to provide quality used vehicles for sale

xx TABLE OF CASES REPORTED

	Page
Stillman v. Commission On Medical Discipline of the State of Maryland	390
St. Paul Fire and Marine Insurance Company v. Molloy	139
Sullivan and A-1 Insurance Agency, Inc. v. Insurance Commissioner of the State of Maryland and Aetna Casualty & Surety Company	277
The Derby Steel Company, Inc., Coffey v.	241
Valentine v. Board of License Commissioners of Anne Arundel County	523
Webb, Nationwide Mutual Insurance Company v.	721
Washington Suburban Sanitary Commission v. Pride Homes, Inc.	537

MARYLAND REPORTS

ROGER SCHULTZ ET AL. v. ROBERT K. PRETTS ET AL.

[No. 153, September Term, 1979]

Decided July 16, 1981.

ADMINISTRATIVE LAW — APPEAL — Final Judgment — Circuit Court's Order Remanding Proceeding To Administrative Agency Is A Final Appealable Order. Where Circuit Court, in appeal from denial of special exception by Board of Zoning Appeals, remanded the case for further proceedings, the Court held that the Circuit Court's order was a "final judgment" and was appealable. Code (1974, 1980 Paul, Vol.) § 12-301 of Courts and Judicial Proceedings Article.
pp. 5-6

ADMINISTRATIVE LAW — Due Process — Administrative Agencies Must Observe Basic Rules Of Fairness To Parties Appearing Before Them.
p. 7

ADMINISTRATIVE LAW — Due Process — Reliance On Evidence Submitted After Close Of Hearing — Due Process May Be Violated If No Opportunity Is Provided To Challenge Post-Hearing Evidence By Cross-Examination Or Rebuttal — But Due Process May Not Be Violated When Parties Are Aware That Post-Hearing Evidence Will Be Considered, But Make No Objection Prior To Agency's Decision — No Due Process Violation By Receipt Of Post-Hearing Evidence In Instant Case. Where evidence, consisting of written compilation of data testified to by traffic expert, submitted after the close of the hearing was duplicative in nature, and where applicants for special exception were aware that the post-hearing evidence would be considered by the Board of Zoning Appeals prior to its decision, but raised no objection and did not promptly request a further hearing, the Court held that the applicants were not denied procedural due process by the Board's consideration of the post-hearing evidence, or by the Board's denial of a request for a rehearing made after the Board's decision, denying the special exception, had been made.
pp. 7-10

ZONING — Special Exception — Judicial Review — Board's Granting Or Denial Of Special Exception Will Be Sustained If Evidence Is Fairly Debatable On Whether Proposed Use Will Adversely Affect Neighboring Properties Or Is In Harmony With General Purpose And Intent Of Comprehensive Zoning Plan.
pp. 11-13

LOUIS E. ANDERSON ET AL. v.
EUGENE SAWYER ET AL.

[No. 98, September Term, 1971]

Decided December 16, 1971.

ZONING — Special Exception For Construction Of Funeral Home In Residential Use Zone — Conditional Use Or Special Exception Is Part Of Comprehensive Zoning Plan Sharing Presumption That As Such It Is In Interest Of General Welfare And Therefore Valid — While Applicant For Special Exception Has Burden Of Showing His Use Will Meet Prescribed Standards And Requirements, He Has No Burden Of Establishing Affirmatively His Proposed Use Would Benefit Community And If He Shows Proposed Use Would Be Conducted Without Real Detriment To Neighborhood And Would Not Actually Adversely Affect Public, He Has Met His Burden — Extent Of Any Harm Or Disturbance To Neighboring Area Is Material But If There Is No Probative Evidence Of Harm Or Disturbance In Light Of Nature Of Zone Involved Or Of Factors Causing Disharmony To Operation Of Comprehensive Plan, Denial Of Application For Special Exception, As In Circumstances Here, Is Arbitrary, Capricious And Illegal.

pp. 616-617

ZONING — Special Exception — Funeral Home — Opinion Or Conclusion Of Witness — Probative Value — Opinion Or Conclusion Of Expert Or Lay Witness Is Of No Greater Probative Value Than Warranted By Soundness Of His Underlying Reasons And Facts — Unsupported Conclusions To Effect Proposed Use Will Or Will Not Result In Harm Amount To Nothing More Than Vague And Generalized Expressions Of Opinion Lacking In Probative Value — In Instant Case, There Was No Probative Evidence Proposed Funeral Home Would Be Detrimental To General Welfare Of Locality Involved And Grant Of Special Exception Use Cannot Constitute Change In Character Of A Neighborhood Sufficient To Justify Reclassification Of Adjoining Property.

pp. 617-624

ZONING — Special Exception — Funeral Home — Local Legislative Declaration — In Light Of Local Legislative Determination That As Part Of Its Comprehensive Plan Funeral Homes Are To Be Allowed In Residential Zones Notwithstanding Their Inherent Depressing Effects And Do Promote Health, Safety And General Welfare Of Community, If Requirements Of Ordinance Are Satisfied, Such Legislative Declaration Stares In A Presumption Of Validity — Such Presumption Cannot Be Overcome Unless Substantial Facts Or Circumstances Show Proposed Use Has Detrimental Effects Above And Beyond Inherent Ones Ordinarily Associated With Funeral Homes — In Case Here, Evidence Against

Granting Requested Special Exception Was Insubstantial And Inapplicable Of Raising A Debatable Issue.

pp. 621-626

J. A. R.

Appeal from the Circuit Court for Baltimore County (MacDANIEL, J.).

Eugene Sawyer and others petitioned the Zoning Commissioner for a special exception to construct a funeral home in a residential zone. From the grant of a special exception the protestants appealed to the Board of Appeals, and from a reversal of the Commissioner and denial of a special exception, the petitioners for a special exception appealed to the Circuit Court. From an order reversing the Board of Appeals and granting a special exception, the protestants appeal.

Order affirmed. Costs to be paid by the appellants.*

The cause was argued before THOMPSON, MOWAN and DAVIDSON, JJ.

Randolph N. Blair and John S. Arnick for appellants.

William F. Mosner, with whom were *Louis L. DePuzzo* and *John R. Cicero* on the brief, for appellees.

DAVIDSON, J., delivered the opinion of the Court.

This appeal is from an order of the Circuit Court for Baltimore County, reversing a decision of the Baltimore County Board of Appeals (Board) which had denied a special exception for the construction of a funeral home on land zoned for residential use. We shall affirm the order of the Circuit Court requiring the grant of the Special exception.

The record shows that the subject property lies in a block bounded by Merritt Boulevard on the South, Merritt Avenue on the west, Sunberry Road on the north, and Meadow Lane on the east.¹ (See location plan, Exhibit 2, attached hereto.) The parcel, consisting of 1.5 ± acres of land, is

* Note: *Certiorari* denied. Court of Appeals of Maryland, May 5, 1975.

1. For purposes of this appeal, Merritt Boulevard and Sunberry Road are treated as running in an east-west direction.

REPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 58

SEPTEMBER TERM, 1995

WILLIAM H. MOSSBURG JR.
et al.

v.

MONTGOMERY COUNTY, MARYLAND,
et al.

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Moylan,
Wenner,
Cathell,

JJ.

Opinion by Cathell, J.

Filed: October 2, 1995



McLEAN v. SOLEY

[No. 23, September Term, 1973.]

Decided November 7, 1973.

ZONING — Variances — Need Sufficient To Justify An Exemption Must Be Substantial And Urgent, And Not Merely For The Convenience Of The Applicant. pp. 212-213

ZONING — Variances — Requirements Of "Practical Difficulty Or Unreasonable Hardship" Are In The Disjunctive — No Reason To Construe "Practical Difficulty" As The Equivalent Of A Taking In The Constitutional Sense. pp. 213-214

ZONING — Variances — Criteria For Determining Whether Practical Difficulty Has Been Established. pp. 214-215

ZONING — Variances — Facts Which Meet Criteria For Granting Exception To Sideyard Requirements Where Strict Compliance Would Result In Destruction Of Trees. p. 215

ZONING — Estoppel — Variances — Rule That One Is Charged With Knowledge Of Zoning Regulations When Property Is Purchased And Therefore Precluded From Asserting Hardship Is Significant For Use Variances But Not Area Variances. p. 215

ZONING — Appeal — Fairly Debatable — A Zoning Body's Decision Will Be Sustained Where Reasonable Persons Could Have Reached Differing Conclusions On The Evidence So That The Issues Were Fairly Debatable. Even If A Court Might Have Reached A Contrary Result On The Evidence. pp. 215-216

R. L. H.

Appeal from the Circuit Court for Baltimore County (MacDANIEL, J.).

Appeal by William H. McLean, Jr., from granting of a sideyard variance to Joseph L. Soley by the Board of Appeals of Baltimore County. From a judgment affirming the action of the Board, the protestant appeals.

Judgment affirmed; appellant to pay costs.

The cause was argued before MURPHY, C. J., and BARNES, McWILLIAMS, SANCLEY, SMITH, DEGES and LEVINE, JJ.

Richard F. Cadigan for appellant.

W. Lee Harrison, with whom was Cooper C. Crutium on the brief, for appellee.

LEVINE, J., delivered the opinion of the Court.

This appeal is from an order of the Circuit Court for Baltimore County which affirmed a decision of the County Board of Appeals of Baltimore County (the Board) granting a variance from the side yard window setback requirement contained in the county zoning regulations. Appellee, Joseph L. Soley (Soley), had applied for the variance in connection with his proposed apartment house-office building project, and appellant, William H. McLean, Jr. (McLean), who lives in a house adjacent to the Soley property, was the only protestant.

The property in question is located on the north side of Aigburth Road approximately 324 feet east of York Road. Immediately to its west is a development previously built by Soley known as Cardiff Hall East Apartments, which also combines apartment units and office space. The McLean property, including his residence, is situated immediately to the east and fronts on Aigburth Road. The subject property, consisting of 2.43 acres, is rectangularly-shaped with the south end also fronting on Aigburth Road. The rear end of the parcel backs up on an alley which separates it from a development of detached homes called "Burkleigh Square."

Soley proposes to erect two rectangularly-shaped buildings, each to contain 20 dwelling units, positioned upon the parcel in a north-south direction. In other words, the south end of one building would front on Aigburth Road and the north end of the second would back up on the alley.

The adjacent parcel to the west, previously developed by Soley, consists of 4.44 acres and is improved by 60 units. Since the property is in the D.R. 16 classification, as is the

of a conviction because of the incompetence of counsel—a view which does not seem to depend upon whether counsel was employed by the defendant or was appointed by the court. *Cordova v. State*, 190 S. W. 2d 826 (Tex. Crim. App.); *Sayre v. Commonwealth*, 194 Ky. 338, 238 S. W. 737; *State v. Dreher*, 137 Mo. 11, 38 S. W. 567; *State v. Bengt*, 61 Ia. 638, 17 N. W. 100. Massachusetts has taken the view that the alleged incompetence of trial counsel is usually largely a question of trial tactics and that there should not be a reversal for any errors therein. *Commonwealth v. Dascalakis*, 246 Mass. 12, 27, 140 N. E. 470. The court there observed: "Perfection cannot be demanded even if a standard of perfection could be formulated."

In *Madison v. State*, 200 Md. 1, 8-9, 87 A. 2d 593, this Court has taken the view, where as a matter of trial tactics, objections were not made during the trial, that it is "without authority to review errors in trial tactics of defense counsel or to speculate as to possibilities that different tactics might have produced a different result." And see *Gronmer v. State*, 203 Md. 200, 215, 100 A. 2d 257.

The appellant has not made any contention that he has been denied due process, unless it can in some manner (not apparent) be extracted from his invocation of Article 21 of the Declaration of Rights. (See Note 1, *supra*.) He makes no mention of Article 23 or of the Fourteenth Amendment. Assuming, however, that the absence of due process might be considered, notwithstanding the lack of proper objection below, and notwithstanding failure to raise it by his brief in this Court, we find nothing to suggest that he has been deprived of due process through the alleged incompetence of his trial counsel in not renewing the motion for a directed verdict. The only claimed defect in the proof is lack of identification of the surveying instruments stolen as those described by serial numbers in the indictment. We think the evidence was sufficient, for this purpose, if such identification was required.

The appellant asks us to review the propriety of a question asked of the defendant by the trial judge, notwithstanding the absence of any objection to the question at the time or motion

to declare a mistrial. The basis for this requested review is that the question is alleged to have been so prejudicial to the defendant that no objection could have cured it—only declaring a mistrial would have sufficed. The short answer is that a mistrial was not requested. Cf. *Brown v. State*, 220 Md. 29, 150 A. 2d 895. A longer answer is that we do not agree with the appellant's contention that the question did necessarily indicate the judge's disbelief in one of the appellant's answers or her belief in his guilt. We are, therefore, not persuaded that the defendant suffered any such prejudice from the question (if any at all) as would have called for granting a motion for a mistrial, or that failure to object was anything more than a matter of trial tactics, which would afford no ground for reversal. See the *Dascalakis*, *Madison* and *Gronmer* cases, above cited.

As to failure to object to the court's instructions the attack shifts to the provisions of Rule 739 g, under which this Court may correct any plain error material to the rights of the accused, even though not included in the assignment of errors. We have examined the court's instructions and find no occasion for the application of the Rule sought to be invoked.

Judgment affirmed.

FRANKEL v. MAYOR AND CITY COUNCIL OF
BALTIMORE

[No. 236, September Term, 1959.]

Zoning—Ordinance, Although Not Invalid Per Se, May Be Found Arbitrary And Unreasonable In Application—Rule Applied In Baltimore City Zoning Case. Although a zoning ordinance may not be invalid *per se*, it may, nevertheless, be found to be clearly arbitrary and unreasonable when applied to particular premises. And, if a property owner be unable, permanently, to use his property for any of the permitted purposes and is therefore deprived of all beneficial use thereof and has been refused a variation by an administrative board in the exercise of

[227] ME

brown gloves which had been introduced in evidence, one pair of which had previously been identified by the witness Sargus as a pair of gloves which he had worn in the course of the burglary to prevent the leaving of fingerprints.

Appellant denied participation in the burglary, any knowledge of the crowbar or screw driver, and testified that he had purchased three pairs of gloves after the burglary for Isaac Feinstein, and Suggs to keep their hands warm in the cold weather. He admitted he summoned a police officer to check the restaurant "to look the place over." Sergeant Serra further testified that at the time the appellant was arrested in his apartment the "radioed."

This Court has held on many occasions that when an accomplice's testimony is introduced not much in the way of corroboration is required: *Forrester v. State*, 224 Md. 337, 345, 167 A. 2d 878, and cases cited therein; *Gray v. State*, *supra*; that it is not necessary for corroborating testimony to be sufficient in itself to convict, and that it need only support some of the material points of the accomplice's testimony. The record does not disclose that the

The record does not disclose the accomplice's testimony, for severance made by appellant's counsel, nor does it show that there was ever a motion made by him, seasonably or otherwise, that the testimony as to the confessions or admissions of appellant's codefendants be limited solely to those codefendants and not be considered in any way in regard to appellant. *Jones v. State*, 185 Md. 481, 490, 45 A. 2d 350. The confessions or admissions might have been, of course, admissible against the codefendants who made them. Such general objections as were made by counsel for all three defendants to the admission into evidence of the confessions or admissions were made on the basis of their supposed involuntary character. This contention might be proper to be entertained by the Court if the appeal were one involving either or both of those codefendants but as stated in *Fries and Demery v. State*, 187 Md. 7, 14, 48 A. 2d 586, since they did not appeal, the question of whether their statements were properly obtained is not before us on this appeal.

Thyagarathar

Syllabus:

TOYOTA FEDERAL SAVINGS AND LOAN ASSOCIATION v. BUSCHMAN ET AL.

No. 97 September Term, 1961.

2. *Even if Evidence Sufficient to Make Board's Finding*
Erroneous, Detachable Trial Court Should Affirm-- Where Can
 it be shown is sufficient to make the finding of a Board of Zoning
 Appeals fairly ascertainable the trial court, on appeal, should affirm.
 In this zoning case, it was held that the evidence that a variance
 granted by a Board caused no substantial injury to the public
 health, safety and general welfare, as the trial judge had found,
 to make that question before the Board fairly ascertainable. It was
 also held that evidence was persuasive to establish compliance
 with the spirit and intent of the zoning regulations. pp. 246-247

ZONING VARIANCES GOING TO AREA, HEIGHT OR SETBACKS ARE MUCH LESS DRASTIC THAN THOSE AFFECTING USE—BALTIMORE COUNTY VARIANCES FROM HEIGHT RESTRICTION FOUND JUSTIFIED. VARIANCES GOING TO SUCH MATTERS AS AREA, HEIGHT OR SETBACKS ARE MUCH LESS DRASTIC THAN THOSE AFFECTING THE USE OF PROPERTY. SECTION 307 OF THE BALTIMORE COUNTY ZONING REGULATIONS (1955) AUTHORIZES VARIANCES FROM AREA AND HEIGHT RESTRICTIONS WHERE STRICT COMPLIANCE WITH THE REGULATIONS WOULD RESULT IN A PRACTICAL DIFFICULTY OR UNREASONABLE BURDEN. THE APPELLANT HAD SUCCEED AND WAS GRANTED BY THE ZONING COMMISSIONER AND THE BOARD A VARIANCE AS TO THE HEIGHT RESTRICTIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A BUILDING IT PROPOSED TO ERECT IN TYSON. THE COURT HELD THAT THE EVIDENCE WAS SUFFICIENT TO MAKE THE QUESTION OF PRACTICAL DIFFICULTY A DEBATABLE ONE AND TO PROVE THAT THERE WOULD HAVE BEEN AN UNREASONABLE INTERFERENCE IF THE APPELLANT HAD BEEN MADE TO STRICTLY COMPLY WITH THE REGULATIONS.

Decided December 13, 1961.

25-251

Specimen from the Circuit Court for Baltimore County
(Kearse, Jr., T.).

help the trier of facts appreciably are largely in the discretion of the trial court.

The premises of fact may, or may not, include some of the reasons upon which the expert bases his opinion. And they must disclose that the expert is sufficiently familiar with the subject matter under investigation to elevate his opinion above the realm of conjecture and speculation, for no matter how highly qualified the expert may be in his field, his opinion has no probative force unless a sufficient basis to support a rational conclusion is shown.² The opinion of an extremely competent real estate appraiser as to the value of a certain tract of land, for instance, would have little, if any, probative force, if the expert had never seen the tract and had no knowledge of its location, or the properties surrounding it. The premises of fact may be within the personal knowledge of the expert, or an assumed set of facts (resulting in a hypothetical question). *Marshall v. Sellers*, 188 Md. 508, 519, 53 A. 2d 5. Ordinarily, the premises of fact are adduced before the expert is permitted to state his opinion. *Mangione v. Sneed*, 173 Md. 33, 195 A. 329. However, they may be contained in a proffer of proof to follow, which proffer, of course, must be fulfilled, otherwise the opinion will be subject to a motion to strike it out. 32 C.J.S. *Evidences*, § 552.

In the instant case, the photographs disclosed a scene of the overturned jeep and the creek just about as it had been described by Sergeant Fickes. Captain Merson, apparently, examined the jeep after it had been moved, and also the photographs. The Captain did not point out what he saw in the photographs or in his examination of the jeep that enabled him, as an expert, to arrive at a conclusion of who was its driver. He also stated that he had interviewed the appellee, but again there

1. *Acme Poultry Corp. v. Melville*, 188 Md. 505, 57 A. 2d 1; *Harper v. Higgs*, 225 Md. 34, 169 A. 2d 661; *State v. Gray*, 227 Md. 319, 176 A. 2d 567; *Red v. Humphreys*, 210 Md. 175, 122 A. 2d 735.

2. *Fink v. Steele*, 166 Md. 354, 563, 171 A. 49; *Bethlehem Steel Co. v. Munday*, 212 Md. 214, 129 A. 2d 193; *Marshall v. Sellers*, 188 Md. 508, 53 A. 2d 5; *West v. Fidelity-Bailo Bank*, 210 Md. 251, 325, 147 A. 2d 519.

is no intimation in the proffer or his testimony as to what this interview produced, and how it enabled him to formulate an opinion (that would not be purely speculative) as to who was operating the jeep. With the record in this state, it is obvious that the opinion of the witness would have been based largely, if not wholly, upon conjecture. We, therefore, hold that the trial court did not abuse her discretion in excluding the proffered evidence.

What we have said above is in no way derogatory to Captain Merson. He is acknowledged to be an experienced and valuable member of the force, and the trial judge recognized his qualifications as an expert.

The case at bar is so readily and easily distinguishable from such cases as *Acme Poultry Corp. v. Melville*, 188 Md. 505, 53 A. 2d 1; *Harper v. Higgs*, 225 Md. 34, 169 A. 2d 661; *State v. Gray*, 227 Md. 319, 176 A. 2d 567, wherein certain testimony of police officers was stated to have been admissible, that we do not deem it desirable to elaborate upon them in this opinion.

Judgment affirmed, with costs.

MAYOR AND CITY COUNCIL OF BALTIMORE

v. SAPERO ET AL.

[No. 81, September Term, 1962.]

Zoning—Baltimore C.J.—Variance Or Exemption—No Discretion. In Baltimore City, there is no market distinction between a variance and an exemption. p. 295

Zoning—Appeal From Board Of Zoning Appeals—Statistical Evidence Test—Test Not Met In Baltimore City Case. The substantial evidence test means the reviewing court's inquiry is whether on the record the agency could reasonably make the finding. The Court of Appeals applying this test in a Baltimore City zoning case, held that the Board of Zoning Appeals could not reasonably make a finding that applicants for rezoning of their property are not entitled to a variance from the zoning ordinance

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

08/23/96

Case Number: 03-C-96-006679 AE
Date Filed: 07/03/96
Status: Open/Active
Previous Case ID:
Reference Number: 95-454-xa
Judge Assigned: To Be Assigned,

In The Matter of: John Rotz , et al

C A S E H I S T O R Y

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title) / Dispo	Entered
PET	001	Rotz, John 4620 Washington Blvd Baltimore, MD 21227	07/03/96
PET	002	Rotz, Judith 4620 Washington Blvd Baltimore, MD 21227	07/03/96
ITP	001	County Board Of Appeals Of Baltimore County Maryland Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204	07/03/96
ITP	002	Palacorolla, Thomas	07/03/96
ITP	003	Auto Dealers Inc Attorney: 0010054 Lanzi, John Neil 300 Allegheny Ave Towson, MD 21204 (410)337-9039	07/03/96

55 AUG 26 PM 11:37

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA To Be Assigned,	J	07/03/96		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Tickle	For	Party	Routed	D Closed	User ID
001000	Petition for Judicial Review	07/03/96	07/02/96	07/02/97	TBA	PET001			KP KP
001001	Answer **NO DCM!!!	07/18/96	07/17/96	07/17/96	TBA	ITP003			JMG JMG
002000	certificate of notice	07/10/96	07/10/96		TBA	000			CG CG
003000	Amended Certificate of Notice	07/22/96	07/16/96		TBA	000			DFF DFF
004000	Motion to Extend Time with Order of Court extending the time for transmitting the record to 11/1/96, fd. (JNB)	08/16/96	08/16/96	09/07/96	JNB	PLT001		G 08/16/96	MR MR

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT	One Year Tickle (Jud	OPEN	07/02/97	365	no	no	DAAA	D
1ANS	1st Answer Tickle	OPEN	07/17/96	0	no	no	DANS	D
SLTR	Set List For Trial	OPEN	07/17/96	0	yes	no	1ANS	T
SLMR	Set List For Motions	OPEN	09/07/96	22	no	no	MEXT	D

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN

 TBA To Be Assigned, J 07/03/96

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Tickle	For	Party	Routed	D Closed	User ID
001000	Petition for Judicial Review	07/03/96	07/02/96	07/02/97	TBA	PET001			KP KP
001001	Answer **NO DCM!!!	07/18/96	07/17/96	07/17/96	TBA	ITP003			JMG JMG
002000	certificate of notice	07/10/96	07/10/96		TBA	000			CG CG
003000	Amended Certificate of Notice	07/22/96	07/16/96		TBA	000			DFF DFF
004000	Motion to Extend Time with Order of Court extending the time for transmitting the record to 11/1/96, fd. (JNB)	08/16/96	08/16/96	09/07/96	JNB	PLT001		G 08/16/96	MR MR
004001	Answer*	08/26/96	08/23/96		TBA	ITP003			KP KP
005000	* Motion for Reconsideration	08/26/96	08/26/96		JNB	ITP003		G 08/23/96	PS PS
006000	Transcript of Record from Adm Agency 9/13/96 ENTERED IN ERROR*	09/03/96	09/03/96		TBA	000			DFF PH
007000	Notice - Recpt of Record of Proceedings Copies Sent.9/13/96 NOTICES SENT IN ERROR	09/03/96	09/03/96		TBA	000			DFF PH
008000	Notice of Appeal Sent	09/03/96	09/03/96		TBA	PET001	09/03/96	M 09/03/96	DFF DFF
009000	Notice of Appeal Sent	09/03/96	09/03/96		TBA	PET002	09/03/96	M 09/03/96	DFF DFF
010000	Notice of Appeal Sent	09/03/96	09/03/96		TBA	ITP001	09/03/96	M 09/03/96	DFF DFF
011000	Notice of Appeal Sent	09/03/96	09/03/96		TBA	ITP002	09/03/96	M 09/03/96	DFF DFF
012000	Notice of Appeal Sent	09/03/96	09/03/96		TBA	ITP003	09/03/96	M 09/03/96	DFF DFF
013000	Addendum to Motion to Extend Time for Transmitting and Filing the Record	09/05/96	09/04/96	09/26/96	JNB	PET001		G 09/04/96	JMG JMG
014000	Order extending time to process the record,etc	09/12/96			JNB	000		G 09/12/96	PH PH
015000	Exhibits Filed	09/13/96	09/03/96		TBA	000			PH PH

TICKLE

Code Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT One Year Tickle (Jud	OPEN	07/02/97	365	no	no		DAAA D
1ANS 1st Answer Tickle	OPEN	07/17/96	0	no	no		DANS D
SLTR Set List For Trial	OPEN	07/17/96	0	yes	no		1ANS T
SLMR Set List For Motions	CANCEL	09/17/96	32	no	no		DANS D
SLMR Set List For Motions	OPEN	09/26/96	22	no	no		MEXT D

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 County Board Of Appeals Of Ba								
000		B	BOX 437 Transcript			0		

June 9, 1995 Petition for Special Exception and Variance filed by J. Neil Lanzi, Esquire, on behalf of Auto Dealers, Inc., Contract Purchasers, and Thomas A. and Barbara J. Palacorolla, Legal Owners: SE /to permit the use of used motor vehicle outdoor sales area; VAR /to permit a 1-foot side yard setback and a 0-foot rear yard setback in lieu of required 30 feet each for existing office/sales building.

June 26 Entry of Appearance filed by People's Counsel.

July 24 Hearing held on Petition by the Deputy Zoning Commissioner.

September 7 Order of the DZC; Petition for Special Exception GRANTED w/ restrictions; Petition for Variance to permit 0-foot setback GRANTED w/ restrictions; Petition for Variance to permit 1-foot setback DENIED.

October 6 Notice of Appeal filed by the Halethorpe Civic League and John & Judith Rotz.

January 23, 1996 Hearing before the Board of Appeals (Day #1).

January 30 Hearing before the Board of Appeals (Day #2 /concluded).

February 2 Petitioner's Closing Argument Outline filed by J. Neil Lanzi, Esquire. (Permitted by Acting Chairman Marks at hearing)

March 1 Letter from J. Neil Lanzi, Esquire RE: CSA County Line opinion.

March 4 Letter from People's Counsel RE: County Line and Mr. Lanzi's 3/1/96 letter.

March 5 Letter from People's Counsel supplementing 3/4/96 letter Re: CSA Umerley v. People's Counsel opinion.

March 6, 1996 Deliberation conducted by the Board.

June 3 Majority Opinion and Order of the Board in which the Petition for Special Exception was GRANTED; Petition for Variances was DENIED. Concurring/Dissenting Opinion issued by Marks.

July 2 Petition for (Judicial) Review filed in the Circuit Court for Baltimore County by John Rotz and Judith Rotz.

July 5 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

July 10 Certificate of Notice sent to interested parties.

July 16 Amended Certificate of Notice sent to interested parties (amended only to include the words "FOR A SPECIAL EXCEPTION AND" in the heading to correctly reflect requested relief).

August 16 Motion to Extend Time with Order of Court extending time for transmitting the record to 11/1/96, filed by J. Rotz; Motion GRANTED. (J. Norris Byrnes, J.)

August 23 Appellant's Motion for Reconsideration, filed by J. Neil Lanzi, Esquire, GRANTED by the Circuit Court (J. Norris Byrnes, J.); Order allowing time for transmitting the Record to be extended to 11/1/96 RESCINDED.

September 3 ✓ Record of proceedings filed in the Circuit Court.
NOTE: Said Record does not include the transcript of the proceedings before the County Board of Appeals; transcript was not requested by Petitioner; and therefore not submitted for timely filing with balance of record (see above entries dated 8/16 and 8/23/96).

September 5 Order of the Circuit Court; that Motion to Extend time is granted; record to be submitted by September 20, 1996. (J. Norris Byrnes, Judge)

September 11 Amended Order of the Circuit Court; that Appellants request for additional time to pay \$1300 required to begin process of having record transcribed is granted; time in which to pay the \$1300 required to begin process of having record transcribed is extended to September 20, 1996. (J. Norris Byrnes, Judge)

October 11 Completed transcript rec'd by CBA. Supplement to Record of Proceedings filed in the CCT this date consisting only of transcript to complete previously filed record on 9/3/96.

January 2, 1997 Order issued by CCT; Application to Extend time 60 days granted by Judge Cadigan.

January 6 Notice of Dismissal with prejudice filed in the CCT by John and Judith Rotz.

January 8 ✓ Order issued by the CCT; case DISMISSED WITH PREJUDICE. (John Hennegan, J.)

10/18/95 -Letter from J Neil Lanzi, Esquire -Counsel for Petitioners /Contract Purchasers; requesting consideration for early hearing date should one become available; financial impact; unable to conduct business.

11/13/95 -Notice of Assignment for hearing scheduled for Tuesday, January 23, 1996 at 10:00 a.m. sent to the following:

Donald S. Hawkins, President /on
behalf of Halethorpe Civic League
John and Judith Rotz
J. Neil Lanzi, Esquire
Mr. & Mrs. Thomas Palacorolla
Brian Isaac, President
Auto Dealers, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Timothy M. Kotroco /D.Z.C.
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/23/96 -Board concluded Day #1 of hearing; scheduled for Day #2 on Tuesday, January 30, 1996 at 1:00 p.m. (C.W.B.); notice of assignment sent to parties and copies to Board members.

1/30/96 -Concluded day #2. N. Lanzi to provide listing of pertinent cases, * in response to Mr. Zimmerman's submittal of same this date, to the Board. Scheduled for public deliberation on Wednesday, March 6, 1996 at 9:00 a.m. Notice sent to parties and Board (C.W.B.).

2/02/96 -Petitioner's Closing Argument Outline and copies of Maryland cases filed by J. Neil Lanzi as permitted by Acting Chairman Marks at hearing.

3/01/96 -Letter from N. Lanzi providing copy of CSA opinion in County Line case.

3/04/96 -Letter from P. Zimmerman in reference to County Line and Mr. Lanzi's 3/01/96 letter.

3/05/96 -Letter from P. Zimmerman as supplement to letter of March 4 above regarding CSA opinion in Umerley v. People's Counsel filed 3/01/96.

3/06/96 - Deliberation held and concluded by Board. Petition for Special Exception GRANTED; Petition for Variances DENIED (W and B); Minority opinion from C /G -SE; G -one variance; D -one variance. Appellate period to run from date of written Order.

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

N O T I C E O F R E C O R D

Case Number: 03-C-96-006679
Old Case number:
C I V I L

In The Matter of: John Rotz , et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 15th day of October, 1996.


Suzanne Mensh
Clerk of the Circuit Court, per  PLS

Date issued: 10/15/96

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY MARYLAND
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN ROTZ and JUDITH ROTZ
4620 Washington Boulevard
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-6679

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF THOMAS PALACOROLLA, ET
AL -OWNERS /AUTO DEALERS, INC. -
CONTRACT PURCHASERS - FOR A SPECIAL
EXCEPTION AND VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE WASHINGTON
BOULEVARD, 25' SOUTHWEST OF CENTERLINE
WINANS AVENUE (1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-454-XA

* * * * *

SUPPLEMENTAL RECORD OF PROCEEDINGS (TRANSCRIPT)
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Margaret Worrall and Harry E. Buchheister, Jr.,
constituting a majority of the County Board of Appeals of Baltimore
County, and herewith supplement the previously filed record with
the following entries and/or documents:

September 5, 1996 Order of the Circuit Court; that Motion to
Extend time is granted; record to be submitted
by September 20, 1996. (J. Norris Byrnes,
Judge)

September 11 Amended Order of the Circuit Court; that
Appellants' request for additional time to pay
\$1300 required to begin process of having
record transcribed is granted; time in which
to pay the \$1300 required to begin process of
having record transcribed is extended to
September 20, 1996. (J. Norris Byrnes, Judge)

October 11 Completed transcript received by Board of

RECEIVED AND FILED
96 OCT 11 PM 3:00
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Appeals from Court Reporters (hearing dates of January 23, 1996 and January 30, 1996).

October 11, 1996

Supplement to Record of Proceedings filed in the Circuit Court this date consisting only of the transcript of proceedings before the Board to complete record previously filed in the Circuit Court on September 3, 1996, Case No. 03-C-96-006679.

Transcript of proceedings before the County Board of Appeals filed as supplement herewith pursuant to Order of the Circuit Court for Baltimore County dated September 11, 1996.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted has now been fully forwarded to the Court with the supplemental filing of the attached transcript of proceedings.

Respectfully submitted,

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: John & Judith Rotz
J. Neil Lanzi, Esquire
Brian Isaac, President
/Auto Dealers, Inc.
Mr. and Mrs. Thomas A. Palacorolla
People's Counsel for Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN ROTZ and JUDITH ROTZ
4620 Washington Boulevard
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-6679

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF THOMAS PALACOROLLA, ET
AL -OWNERS /AUTO DEALERS, INC. -
CONTRACT PURCHASERS - FOR A SPECIAL
EXCEPTION AND VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE WASHINGTON
BOULEVARD, 25' SOUTHWEST OF CENTERLINE
WINANS AVENUE (1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-454-XA

* * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Margaret Worrall and Harry E. Buchheister, Jr.,
constituting the majority of the County Board of Appeals of
Baltimore County, and in answer to the Petition for Judicial Review
directed against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the
Department of Permits and Development Management and the Board of
Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY RECEIVED AND FILED

No. 95-454-XA

96 SEP -3 AM 10:52

June 9, 1995

Petition for Special Exception and Variance
BALTIMORE COUNTY

filed by J. Neil Lanzi, Esquire, on behalf of Auto Dealers, Inc., Contract Purchasers, and Thomas A. and Barbara J. Palacorolla, Legal Owners: SE /to permit the use of used motor vehicle outdoor sales area; VAR /to permit a 1-foot side yard setback and a 0-foot rear yard setback in lieu of required 30 feet each for existing office/sales building.

June 22, 1995	Publication in newspapers.
June 26	Entry of Appearance filed by People's Counsel.
July 7	Certificate of Posting of property.
July 17	ZAC Comments.
July 24	Hearing held on Petition by the Deputy Zoning Commissioner.
September 7	Order of the Deputy Zoning Commissioner; Petition for Special Exception GRANTED w/ restrictions; Petition for Variance to permit 0-foot setback GRANTED w/ restrictions; Petition for Variance to permit 1-foot setback DENIED.
October 6	Notice of Appeal filed by the Halethorpe Civic League and John & Judith Rotz.
January 23, 1996	Hearing before the Board of Appeals (Day #1).
January 30	Hearing before the Board of Appeals (Day #2 /concluded).
February 2	Petitioner's Closing Argument Outline filed by J. Neil Lanzi, Esquire. (Permitted by Acting Chairman Marks at hearing)
March 1	Letter from J. Neil Lanzi, Esquire RE: <u>CSA County Line</u> opinion.
March 4	Letter from People's Counsel RE: County Line and Mr. Lanzi's 3/1/96 letter.
March 5	Letter from People's Counsel supplementing 3/4/96 letter Re: <u>CSA Umerley v. People's Counsel</u> opinion.

March 6, 1996	Deliberation conducted by the Board.
June 3	Majority Opinion and Order of the Board in which the Petition for Special Exception was GRANTED; Petition for Variances was DENIED. Concurring/Dissenting Opinion issued by Marks.
July 2	Petition for (Judicial) Review filed in the Circuit Court for Baltimore County by John Rotz and Judith Rotz.
July 5	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
July 10	Certificate of Notice sent to interested parties.
July 16	Amended Certificate of Notice sent to interested parties (amended only to include the words "FOR A SPECIAL EXCEPTION AND" in the heading to correctly reflect requested relief).
August 16	Motion to Extend Time with Order of Court extending time for transmitting the record to 11/1/96, filed by J. Rotz; Motion GRANTED. (J. Norris Byrnes, J.)
August 23	Appellant's Motion for Reconsideration, filed by J. Neil Lanzi, Esquire, GRANTED by the Circuit Court (J. Norris Byrnes, J.); Order allowing time for transmitting the Record to be extended to 11/1/96 RESCINDED.
September 3	Record of proceedings filed in the Circuit Court. NOTE: Said Record does <u>not</u> include the transcript of the proceedings before the County Board of Appeals; transcript was not requested by Petitioner; and therefore not submitted for timely filing with balance of record (see above entries dated 8/16 and 8/23/96).

Petitioner's Exhibits No. 1-13 -From below
14 -Photo Map 1986
15 -200 scale map 1971
16 -Comp. Zone Map 1992

17A-Initial Plat of Site
17B-Plat of Site with alternative
office locat.
18-Plat of site (smaller drawing)
19-Plat showing bldg in center of
lot satisfying B.C. zone.
setbacks
20A-Bldg on Site (Front View)
20B-Bldg on Site
21-Noise study by Marks & Vogel
22-Letter (6/27/95) Keller to
Jablon
23-Letter (1/18/96) Long to Schuetz
24-Rule 8 for Bradley Hauck &
Halethorpe Imp. Assn.
25A-I-Photos of Bldg. on subject
site
26-Letter from Lanzi to Brad Hauck
27-Miscel. Comments from County
agencies in the record

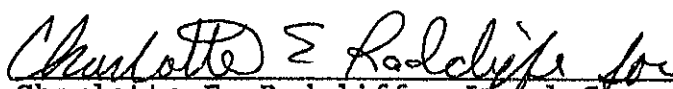
Protestant's Exhibits No. 1-4-Exh. from below

5A-ADC Map
5B-Map close-up of Halethorpe
6A-Tax Computer Printout
6B-Tax Map
7-Letter from S. Weber to P.
Zimmerman
8-Comp. Zoning Map Application
9-Halethorpe Area zoning proposal
for M.P.
10A-Subdivision Plan of Halethorpe
10B-Subdivision Plan (Mayfield
Terrace)
11-I.D. letter -Arbutus Com. Alliance
12-Document for Rule 8 (Hawkins)
13-Letter from M. Kelly & attached
info.
14A-Topographical Map -Herbert Run
B-Topographical Map -Herbert Run
15-Halethorpe Revitalization Plan
16-Series of slides described by
Mrs. Rotz (in box)
17-(info.) Petition of signed
opponents
18-(for info. in file) Letter from
J. Rotz to A. Jablon
19-Letter from A & J Nielson to CBA

September 3, 1996 Record of Proceedings filed in the Circuit Court for Baltimore County (not including transcript of proceedings before the County Board of Appeals; transcript was not requested and therefore not submitted to this agency in time for filing within requisite 60 days pursuant to Maryland Rules of Procedure).

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,


Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: John & Judith Rotz
J. Neil Lanzi, Esquire
Brian Isaac, President
/Auto Dealers, Inc.
Mr. and Mrs. Thomas A. Palacorolla
People's Counsel for Baltimore County

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

County Board Of Appeals Of Baltimore Assignment Date: 09/19/96
Old Courthouse, Room 49 Case Title: In The Matter of: John Rotz , et
400 Washington Avenue Case No: 03-C-96-006679 AE
Towson MD 21204

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 10/04/96
 2. All Motions (excluding Motions in Limine) are due by..... 11/09/96
 3. TRIAL DATE is..... 12/19/96
- Civil Non-Jury Trial: Start Time: 09:30AM, To Be Assigned: APPEAL: 1/2 HOUR
(or within 4 court days thereafter)

Honorable Barbara Kerr Howe
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial

cc: John Rotz
cc: Judith Rotz
cc: Thomas Palacorolla
cc: John Neil Lanzi
Issue Date 09/19/96

6-13695

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

N O T I C E O F R E C O R D

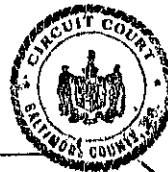
Case Number: 03-C-96-006679
Old Case number:
C I V I L

In The Matter of: John Rotz , et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 3rd day of September, 1996.

Suzanne Mensh



Suzanne Mensh
Clerk of the Circuit Court, per D.F.

Date issued: 09/03/96

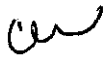
TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY MARYLAND
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED - SEP 96

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 14, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: Case No. 95-454-XA
Thomas Palacorolla, et al - Owners
Auto Dealers, Inc. - ontract Purchasers
13th E; 1st C

As no further appeals have been taken in the upper courts, we have closed the Board's file and are returning same to you herewith. The original file and exhibits will be returned to your office by John Almond, Records Manager /Cct.

Attachment (CBA Case File No. 95-454-XA)

* Pls, keep in Za's file

Universal Contractors, Inc.

5673 FURNACE AVENUE

BALTIMORE, MARYLAND 21227

(410) 796-7878

448

June 5, 1995

TO WHOM IT MAY CONCERN:

Ref: Stone cover on lot at 1826 Winans Avenue, Baltimore, MD 21227

After visiting the above referenced site, it has been determined that there is approximately six (6) inches of No. 57 stone on the ground. No. 57 stone is 3/4 inches in size with no dust. Also, no fines are apparent.

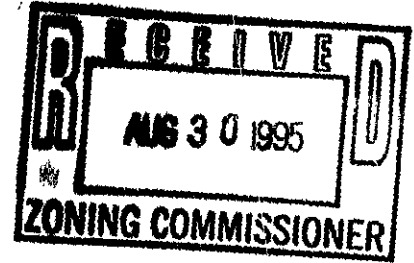
Sincerely,

UNIVERSAL CONTRACTORS, INC.

Stephen E. Griffith
STEPHEN E. GRIFFITH
Manager

4620 Washington Blvd.
Halethorpe, Md. 21227
August 25, 1995

Mr. Timothy Kotroco
Deputy Zoning Commissioner Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204



Dear Mr. Kotroco:

In response to the outcome of the Halethorpe Improvement Association's August 8, 1995 meeting, we feel it is in the best interest of the Halethorpe citizens to clarify the following facts and observations. First, the petitioners for the proposed used motor vehicle lot and their attorney were given the exclusive opportunity to present their plans for this site in every detail. Furthermore, their presentation represented the entire agenda for the meeting, with the exception of 3 brief calendar items mentioned at the beginning of the meeting by Mr. Hauck. Although we were invited to attend this meeting, along with other concerned residents of Halethorpe who had signed petitions against the used vehicle lot; we and the neighbors who came with us were not given an opportunity to give a presentation in opposition to the petitioner's vehicle sales lot proposal. In addition, we were denied membership in the community group even though we had been told there would be membership forms there at the meeting. Finally, after the petitioner's complete presentation with questions and some objections voiced by us and our neighbors concerning the developers' allegations that this proposal would in no way harm the health and well-being and the integrity of our residential community, we were asked to leave the room so that the members could vote. In summary, the Halethorpe Improvement Assn. acted unilaterally without regard to our group's concerns. Furthermore, it is our position that their vote of 18 members does not in any way represent the actual concerns of neighbors and community members on this issue. There are presently over 110 citizens of Halethorpe who have signed petitions against case #95-454. These are submitted here as evidence that the opinion of the Halethorpe Improvement Association is not universally held.

Respectfully submitted,

Judith & John Rotz and
citizens against case 95-454 item 448

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~Robert H. Vogler~~

ROBERT H. VOGEL

Sharon Isaac

MICKEY CORNELIUS

BRIAN WHITE

Ronald Dorsey

Thomas A Palacorolla

Tim Isaac

BRAD HAUCK 4605 RIDGE AVE

BALTO. MD. 21227

13940 ROVER MILL RD. 21794

3691 PARK AVE ELICOTT CITY, MD.

13940 ROVER MILL RD 21794

40 W. CHESAPEAKE AVE SUITE 600

5920 FOXHALL MANOR DR. BALTO MD. 21228

1824 WINANS AVE

12183 TRIADOLPHIA RD

124 LAMPORT RD Reisterstown MD 21176



OPP-031710N

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

J. STANLEY ROTZ

9013 FERRING PARK RD, BALT, MD. 21234



NAME John H. Ross
Ronald S. Barker Civic League
Pres. Nat'l League

ADDRESS
4620 Washington Blvd
1919 Woodside Ave

1404 Lincoln Wds. Dr. 21228

4620 Washington Blvd.

1816 WINDHRS 1905 21227

1822 WINANS AVE 21227

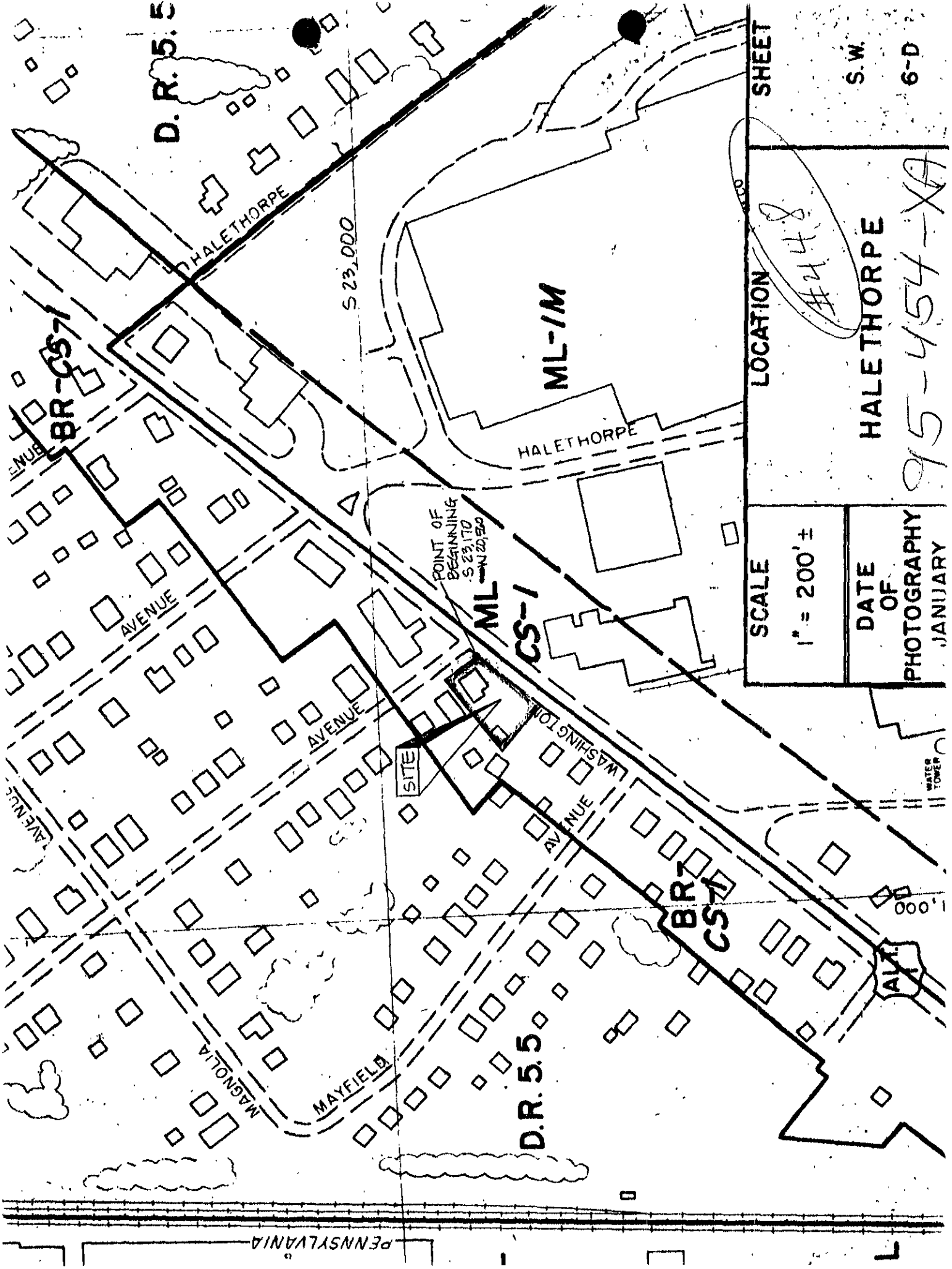
1816 Winona Ave 21227

1821 Mayfield Ave 31227

1823 Mayfield Ave. 21227

1823 Mayfield Ave. 21227

D.R. 5.5



SHEET

S.W.

6-D

LOCATION

HALETHORPE

SCALE

1" = 200' ±

DATE OF

PHOTOGRAPHY

JANUARY

#2448

95-454-XA

WATER TOWER

PENNSYLVANIA

Plot #19

EXISTING GREENHOUSE

EXISTING GARAGE

PARCEL 594
PROP. OF
WILLIAM ROEMER
(8533/219)

ZONED: BR-CS-1

EXISTING RESIDENCE FRAME

EXISTING RESIDENCE FRAME

EX. RIGHT OF WAY

WINANS AVE.
(50' R/W)

T.P. SIGN

EX. DRIVEWAY

EX. SIGN TO REMAIN

SPLIT RAIL FENCE
ZONED: BR-CS-1

PARCEL 659
PROP. OF
GREGORY ROTZ
(7056/419)

SOUTHEASTERLY

CUSTOMER SALES AND OFFICE PARKING

EXISTING FENCE

6' WOODEN FENCE

WHEEL STOPS (4)

EXISTING GRAVEL LOT (VEHICLE DISPLAY AREA)

PARCEL 594
PROP. OF
THOMAS PALACOROLLA
(8195/693)

ZONED: BR-CS-1

EDGE OF MACADAM

12.5' STORAGE AND DISPLAY LINE PER SECTION 238.4 OF THE BCAR

RETAINING WALL TO REMAIN

10' PARKING SETBACK LINE

NORTHWESTERLY

EX CURB

EX. RIGHT OF WAY

EXISTING AUTO BOD SHOP

ZONED: BR-CS-1

PARCEL 594
PROP. OF
GEORGE TUCKER
(7862/439)

EX. RIGHT OF WAY

RETAINING WALL

12" GAS

WASHINGTON

BLVD.

(50' R/W)

ZONING: BR-CS-1

4" W

NORTHEASTERLY 127'

EDGE OF RD.

PAVING

WV

4" W

WV

12" GAS

19

for Transmitting and Filing the Record

Num/Seq	Description	Filed	Received	Tickle	For	Party	Routed	D Closed	User	ID
014000	Order extending time to process the record,etc	09/12/96			JNB	000		G 09/12/96	PH	PH
015000	Exhibits Filed	09/13/96	09/03/96		TBA	000			PH	PH
016000	Scheduling Order	09/19/96	09/19/96		TBA	000	09/19/96	M 09/19/96	JD	JD

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT	One Year Tickle (Jud	OPEN	07/02/97	365	no	no		DAAA D
1ANS	1st Answer Tickle	OPEN	07/17/96	0	no	no		DANS D
SLTR	Set List For Trial	DONE	07/17/96	0	yes	yes		1ANS T
SLMR	Set List For Motions	CANCEL	09/17/96	32	no	no		DANS D
SLMR	Set List For Motions	CANCEL	09/26/96	22	no	no		MEXT D

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
--------	--------	------	-------------	-----	------	----------	---------	--------

Entered By: ITP 001 County Board Of Appeals Of Ba
 000 B BOX 437 EXHIBITS F 0

DIFFERENTIATED CASE MANAGEMENT TRACKS AND MILESTONES

Track : Expedited Appeal Track Custom: Yes
 Assign Date: 09/19/96 Order Date : 09/19/96
 Start Date : 09/19/96 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		10/04/96		OPEN
All Motions (excluding Motions in Limine		11/09/96		OPEN
TRIAL DATE is	12/19/96	12/18/96		OPEN

IN THE MATTER OF * BEFORE THE

THOMAS PALACOROLLA, et al, * BOARD OF APPEALS

Owners, and * OF BALTIMORE COUNTY

AUTO DEALERS, INC. * Case No. 95-454-XA

 * January 30, 1996

* * * * *

The above-entitled matter came on for hearing

before the County Board of Appeals of Baltimore County at

Room 4B, Old Courthouse, Towson, Maryland 21204 at 1

o'clock p.m., January 30, 1996.

* * * * *

BOARD MEMBERS:

CHARLES L. MARKS, Chairman

HARRY E. BUCCHEISTER

MARGARET WORRALL

Reported by:
C.E. Peatt

In the Matter of * BEFORE THE
THOMAS PALACOROLLA, et al,
Owners, and * BOARD OF APPEALS
AUTO DEALERS, INC.,
Contract Purchaser, * OF BALTIMORE COUNTY
N/S Washington Boulevard
Winans Avenue * Case No. 95-454-XA
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT * January 23, 1996

* * * * *

The above-entitled matter came on for hearing before

the County Board of Appeals of Baltimore County at Room 48,

Old Courthouse, Towson, Maryland at 10:00 a.m., January 23,

1996.

* * * * *

BOARD MEMBERS:

CHARLES L. MARKS, Chairman

HARRY E. BUCHHEISTER

MARGARET WORRALL

Reported by:

Barbara Longo Ely, CSR

**Proposed Auto Sales Lot
1826 Winans Avenue**

Biography

Brian Isaac was raised in Baltimore Highlands and graduated from Lansdowne Senior High. He married in 1990 had two children and resided in Relay. He currently lives in Howard County. Brian will be the owner/operator of this business as his primary employment. He has strong ties to the community as well as family residing in the Arbutus area.

Proposed Use

Retail auto sales lot. Cars will be clean and Maryland inspected. Any trade in cars that are in need of repair will be stored at another site. Any repairs will be performed by Reliable Tire Company which is an Arbutus company.

Community Benefits

Transform a heavy equipment sales lot into a retail auto sales lot. Will display clean desirable retail autos in place of heavy commercial equipment. Will be a local source for good quality used autos. Will keep income in the community by employing local residents. Will also be active in the community by joining the Arbutus business and professional association and supporting local sports events. Already has support of local businesses.

Zoning

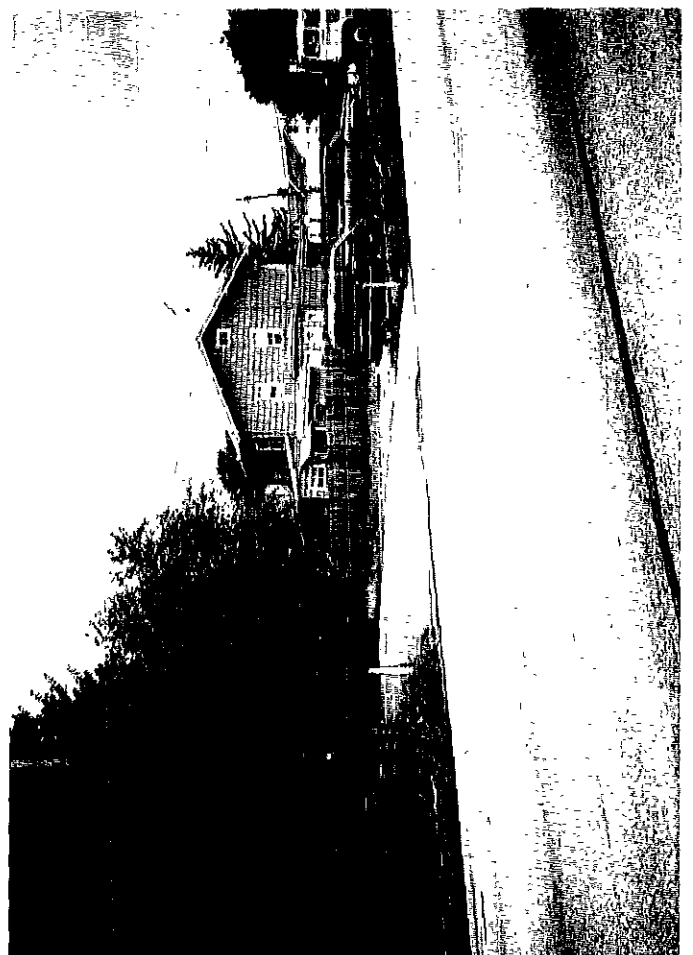
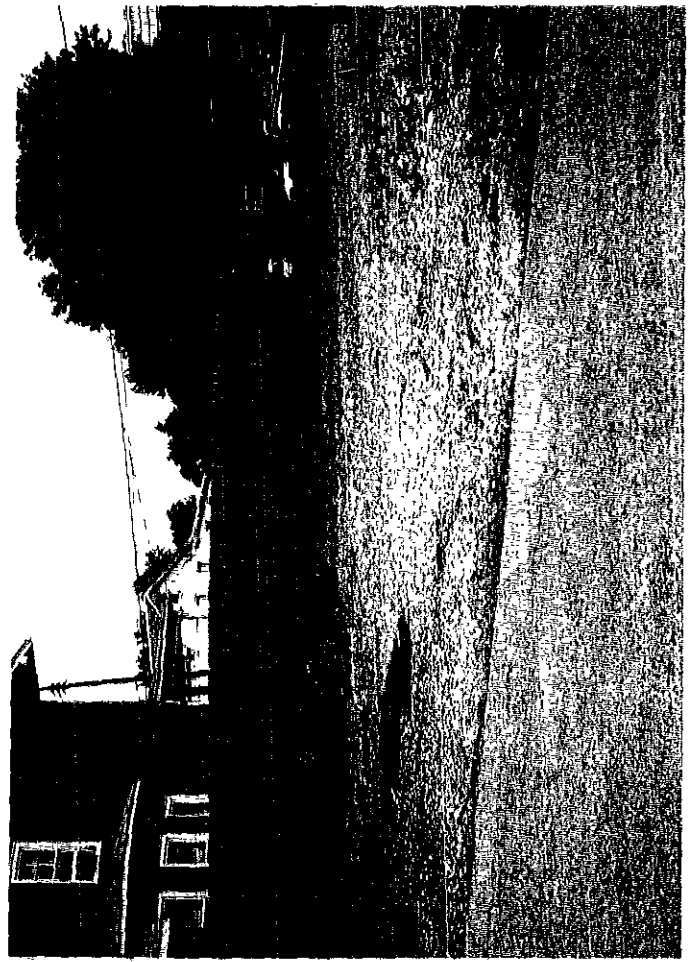
This property is currently zoned BR-CS1 and has many uses that are not advantageous to the community as where an auto sales lot conforms with this area of US route 1.

Summary

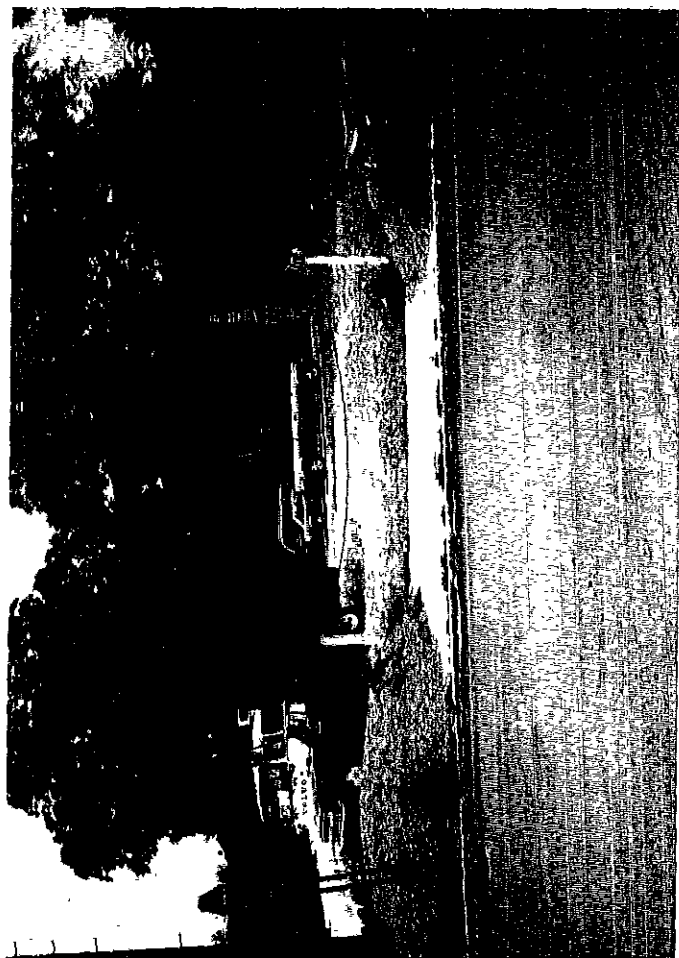
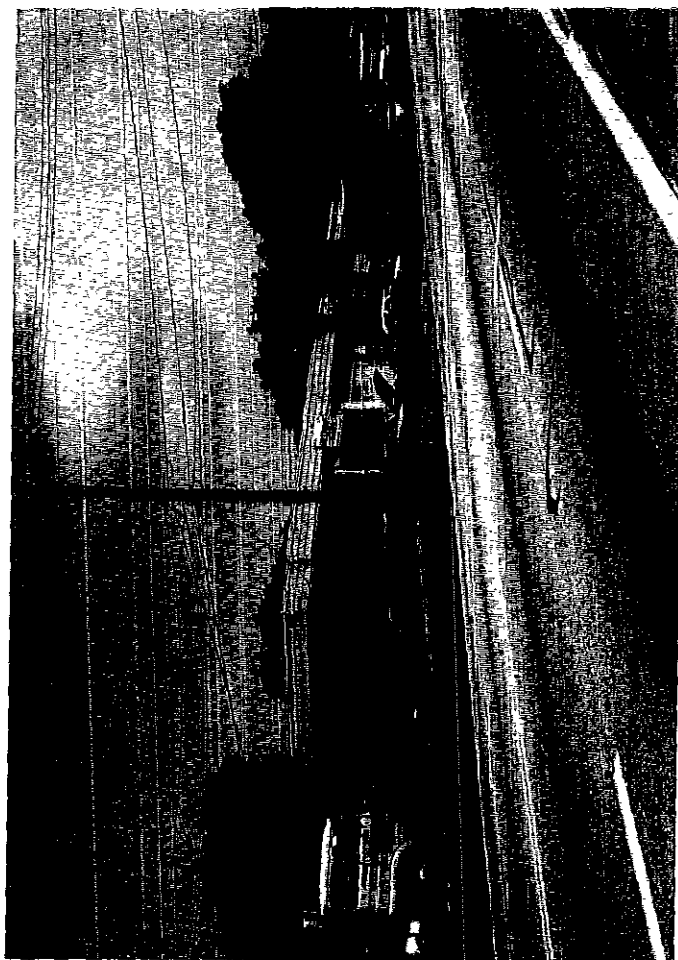
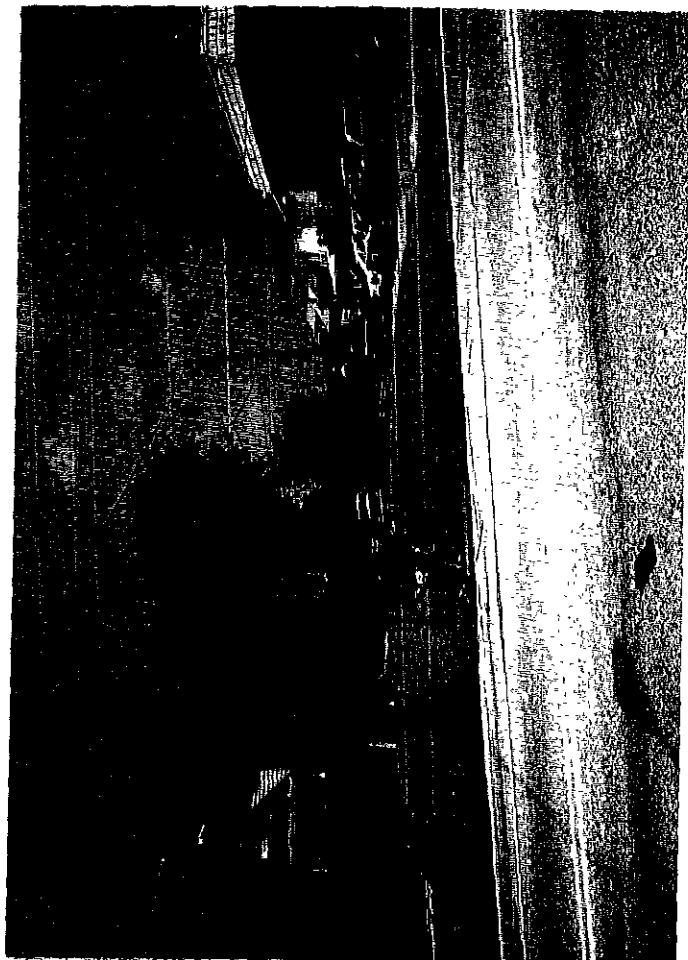
Brian Isaac wants to own and operate a clean used auto lot in an area that he is familiar with. He has roots and many personal friends as well as business associates in the Arbutus area. He will conform to all local zoning laws. This business will have a positive effect on the area. If any one in the community has any concerns please feel free to contact Brian or Sharon Isaac at (410)489-7386.

**PETITIONER'S
EXHIBIT 2**

PETITIONER'S EX
3



PET. Ex #3



PETITIONER'S EX #4



4A



4B



4C

LETTER OF INTENT TO LEASE

It is mutually agreed between Thomas Pallacorolla and Auto Dealers, Inc. that the property known as 1826 Winans Ave., Baltimore, Md. will be leased for a term of two years contingent upon the Special Exception hearing to determine that the property can be used for an auto sales facility.

Signed: Thomas A. Pallacorolla
Thomas Pallacorolla

Signed: Ben E. Gnoc Pres.
Auto Dealer, Inc.

PETITIONER'S
EXHIBIT 5



Maryland Department of Transportation
MOTOR VEHICLE ADMINISTRATION
6601 RITCHIE HIGHWAY, N.E.
GLEN BURNIE, MARYLAND 21067

AUTOMOTIVE REPAIR FACILITY CONTRACT

TYPE OR PRINT
(EXCEPT SIGNATURE)

We, the undersigned Deleable Tire Sales 410-242-4464
NAME OF AUTOMOTIVE REPAIR FACILITY TELEPHONE NO.

Address 4771 Hallens Ferry Rd Baltimore Md. 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

having the necessary facilities and equipment to properly service and repair motor vehicles do hereby agree to reasonably, adequately and properly service and repair motor vehicles sold or to be sold by the dealer named in this contract:

AUTO DEALER INC, T/A HALETHORPE AUTO SALES
NAME OF DEALERSHIP

Address 1826 WINANS AVE BALTIMORE, MD 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

This contract shall be effective on and after _____ 19 ____ and will remain in full force and effect until cancellation of the contract by either party, upon written notice to the Motor Vehicle Administration by Registered or Certified Mail.

We hereby certify, under Penalty of Perjury, that the statements made herein are true and correct, to the best of our knowledge, information and belief.

SIGNATURE OF OWNER OF AUTOMOTIVE REPAIR FACILITY

921 Drohorew Pl Balt Md 21210

HOME ADDRESS OF OWNER OF AUTOMOTIVE REPAIR FACILITY

Witness our Hand(s) and Seal(s)

This _____ day of _____ 19 ____

SIGNATURE OF DEALER

MOTOR VEHICLE ADMINISTRATION USE ONLY

INVESTIGATOR: The Automotive Repair Facility shall be inspected on all new applications. The facility shall be within a five (5) mile radius and cannot be a licensed dealer unless approved by the Administration.

I have this date inspected the above-mentioned Automotive Repair Facility and ☐ WOULD ☐ WOULD NOT recommend approval.

REMARKS _____

DATE OF INSPECTION _____ INVESTIGATOR _____

PETITIONER'S EXHIBIT 6

May 1, 1995

Auto Dealer, Inc.
P.O. Box 37
West Friendship, Md. 21794

Dear Sir:

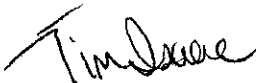
Thank you for your interest in our off-duty security patrol. Our organization consists of off duty police officers available for 24 hour security service. We can design your security program to fit the needs of your business hours and other concerns you might have.

I have taken the liberty to drop by the address in question, 1826 Winans Ave., I feel this sight poses no unusual circumstances that might require special attention.

I will be able to meet with you and discuss our fees and any other questions you may have at your convenience.

Once again, thank you for you interest. I look forward to meeting you.

Sincerely,



Officer Tim Isaac
Baltimore County Police

PETITIONER'S
EXHIBIT 9

Propose
CAR LOT

WINANS AVE.

Halethorpe
Motors
Repair

Tire
shop

Bryds
Body
shop

Selling
10000T
store

Halethorpe Town del.

Rick's
Liquor
store

WILSONS

3-10

Pol
10000T

Miller
hose
Aircraft
Construction

McClure
&
10000T

W.D.
Fitzgerald
Sons

Halethorpe
Tire
place

Robinson
Boys

PETITIONER'S EXHIBIT 10

UNIVERSAL
AMERICAN

NOT TO SCALE

Universal Contractors, Inc.

5673 FURNACE AVENUE

BALTIMORE, MARYLAND 21227

(410) 796-7676

June 5, 1995

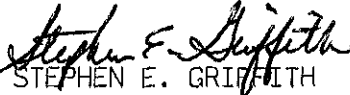
TO WHOM IT MAY CONCERN:

Ref: Stone cover on lot at 1826 Winans Avenue, Baltimore, MD 21227

After visiting the above referenced site, it has been determined that there is approximately six (6) inches of No. 57 stone on the ground. No. 57 stone is 3/4 inches in size with no dust. Also, no fines are apparent.

Sincerely,

UNIVERSAL CONTRACTORS, INC.


STEPHEN E. GRIFFITH
Manager

**PETITIONER'S
EXHIBIT 11**

Halethorpe Improvement Association, Inc.

P. O. BOX 7306
HALETHORPE, MARYLAND 21227

August 22, 1995

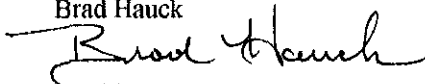
J. NEIL LANZI
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Dear Mr. Lanzi:

On behalf of the Halethorpe Improvement Association, I want to extend our thanks to you and your client for taking the time to address our membership and respond to our questions. We have reviewed your letter of August 11, 1995 and are appreciative of the concessions your client has agreed to as stated in your letter.

In consideration of the concessions your client has agreed to as well as their overall willingness to work with the community in general, we are in support of your clients request for the special exception and variances required to establish a pre owned car lot located at 1826 Winans Avenue.

Brad Hauck



President,

Halethorpe Improvement Association, Inc.

**PETITIONER'S
EXHIBIT** 12A

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL,
Fred L. Coover*

*Also Admitted in District of Columbia

ELLCOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043

Reply to Towson

August 11, 1995

Brad Hauck, President
Halethorpe Improvement Association
4605 Ridge Avenue
Baltimore, MD 21228

Re: My Client; Auto Dealers, Inc.,
Zoning Case No.; 95-454-XA
1826 Winans Avenue

Dear Mr. Hauck:

On behalf of my client, I would like to thank the Halethorpe Improvement Association for providing my client an opportunity to present its proposal to the Association at large. My client was very pleased with the outcome of this past Tuesday evening's meeting.

This letter is to confirm that the Halethorpe Improvement Association has decided to support the special exception and variances requested for my client's proposed used car business at 1826 Winans Avenue, subject to the following conditions as agreed by my client:

1. Eliminate the reference to "shop area" on the Site Plan. This will be done both on the record at the zoning hearing and by amendment to the Site Plan previously filed in this case.
2. No seasonal streamers or banners will be permitted.
3. Security patrol will be provided for the business for after-business hours.
4. Any lighting provided will be limited in height to insure that there is no illumination cast upon adjacent residential properties.

PETITIONER'S
EXHIBIT 12B

Brad Hauck, President
August 11, 1995
Page Two

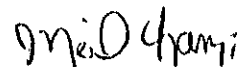
The above items were requested by your Association at the previously mentioned meeting. As a result of meetings with the Office of Planning, my client has also agreed to the following:

1. Limit the hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 3:00 p.m. on Saturday.
2. No outdoor paging system.

Finally, a number of your members expressed concern whether the special exception, if granted, would be limited to a used car lot use only. My client has no objection to any order approving such special exception to be limited in scope to such a use containing the agreed upon conditions.

Once you have had a chance to review this letter with members of the Association's Board, would you kindly contact me to confirm the conditions are acceptable. A letter in favor of the zoning requests necessary for this project would be greatly appreciated.

Very truly yours,



J. Neil Lanzi

cc: Auto Dealers, Inc,
Thomas & Barbara Palacorolla
Stephanie Keech, Secretary,
Halethorpe Improvement Association

(isaachau.ltr)

**LANDSCAPE COMPUTATIONS
FOR
PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION**

**1826 WINANS AVENUE
HALETHORPE, MARYLAND**

**PETITIONER:
AUTO DEALERS, INC.
13940 ROVER MILL ROAD
WEST FRIENDSHIP, MARYLAND**

LANDSCAPE TYPE	PLANTING UNITS REQUIRED	PLANTING UNITS PROVIDED
Adjacent Road (Route 1) 127' + 40 = 3 P.U.	3 P.U.	3 P.U.
Adjacent Road (Winans Ave) 625' + 40 = 1.5 P.U.	1.5 P.U.	1.5 P.U.
Rear Yard Screen (Class A) 146.25' + 15 = 10 P.U.	10 P.U.	10 P.U.
Side Yard Screen (Class A) 175' + 15 = 6.5 P.U.	6.5 P.U.	6.5 P.U.
Parking Lot Screen (Route 1) 80 + 15 = 5.5 P.U.	5.5 P.U.	5.5 P.U.
Parking Lot Screen (Winans Ave.)	<u>1.5 P.U.</u>	<u>1.5 P.U.</u>
TOTAL	28 P.U.	28 P.U.

Route 1 Landscape Strip - 8' Minimum
Winans Ave. Landscape Strip - 10' Minimum
Rear Yard Landscape Strip - 5' Minimum
Side Yard Landscape Strip - 3' Minimum

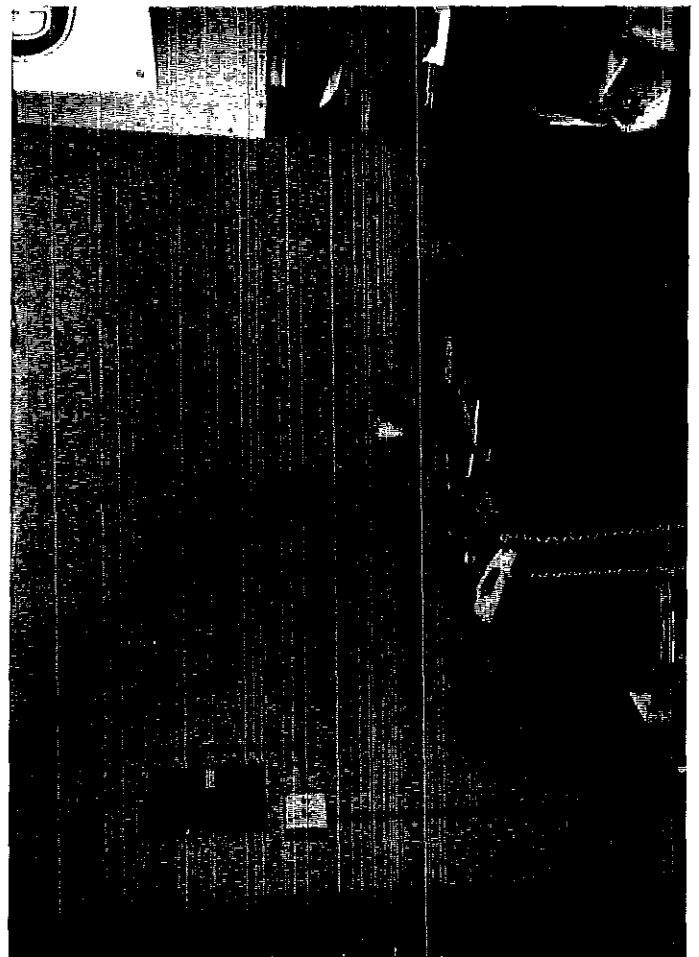
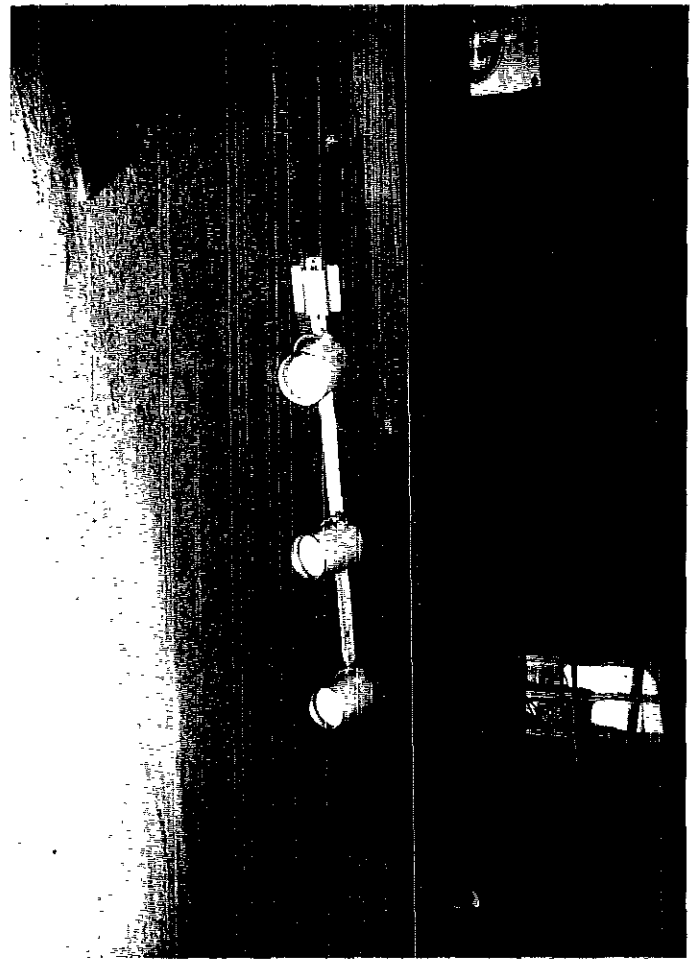
No Internal Parking Lot Landscaping Required (less than 15 spaces)

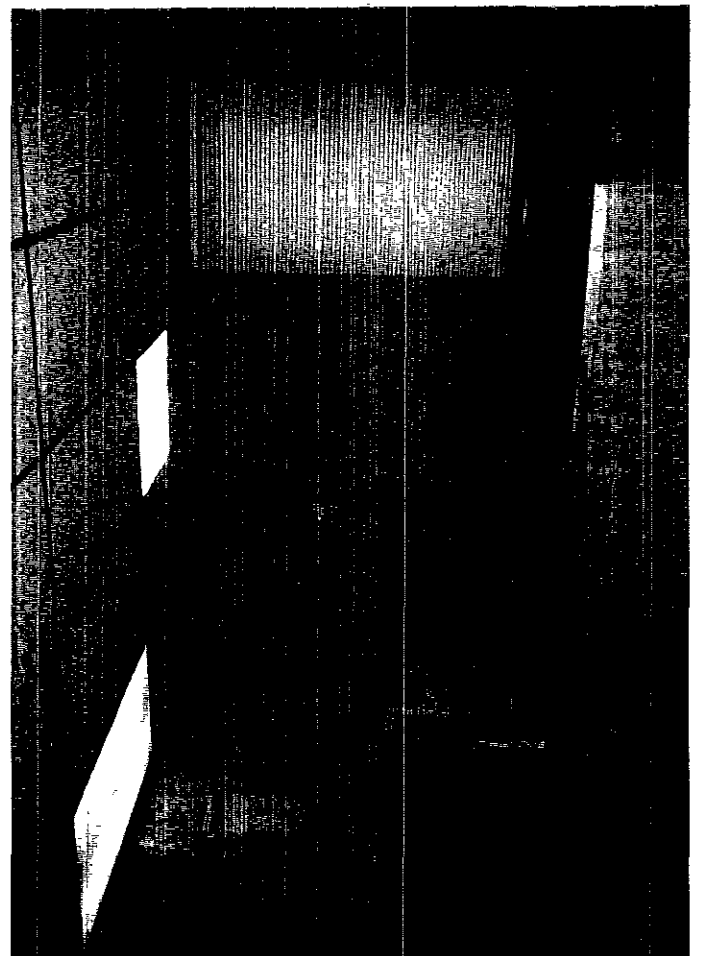
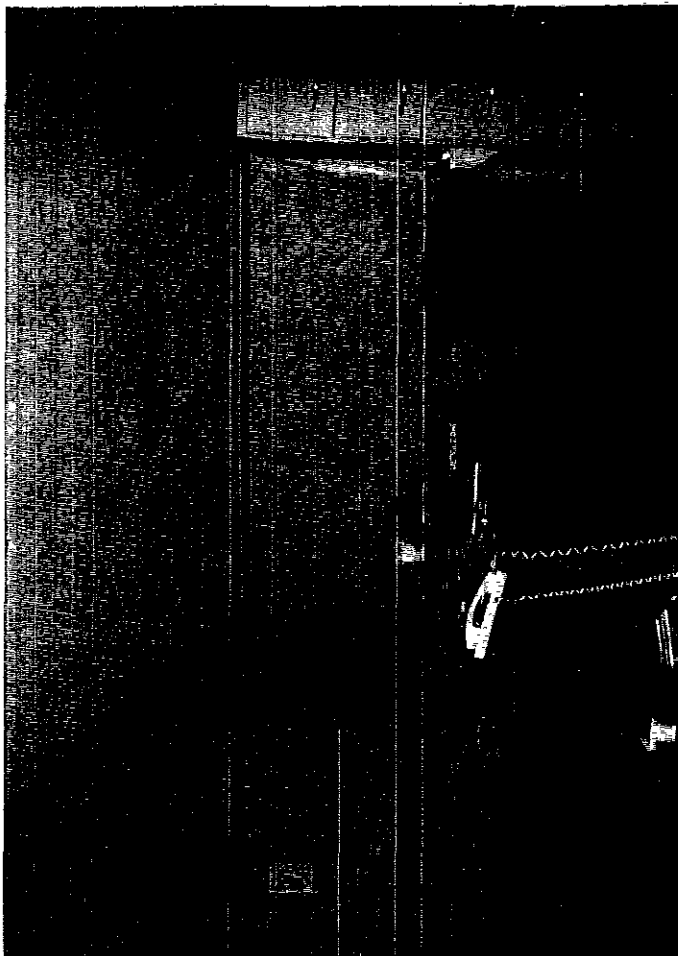
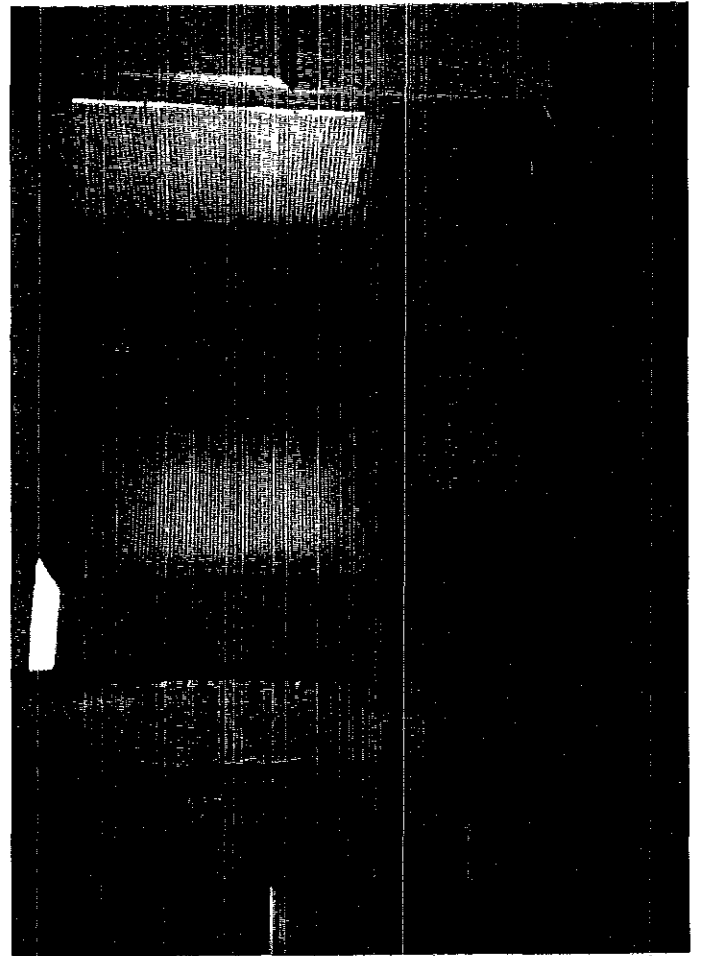
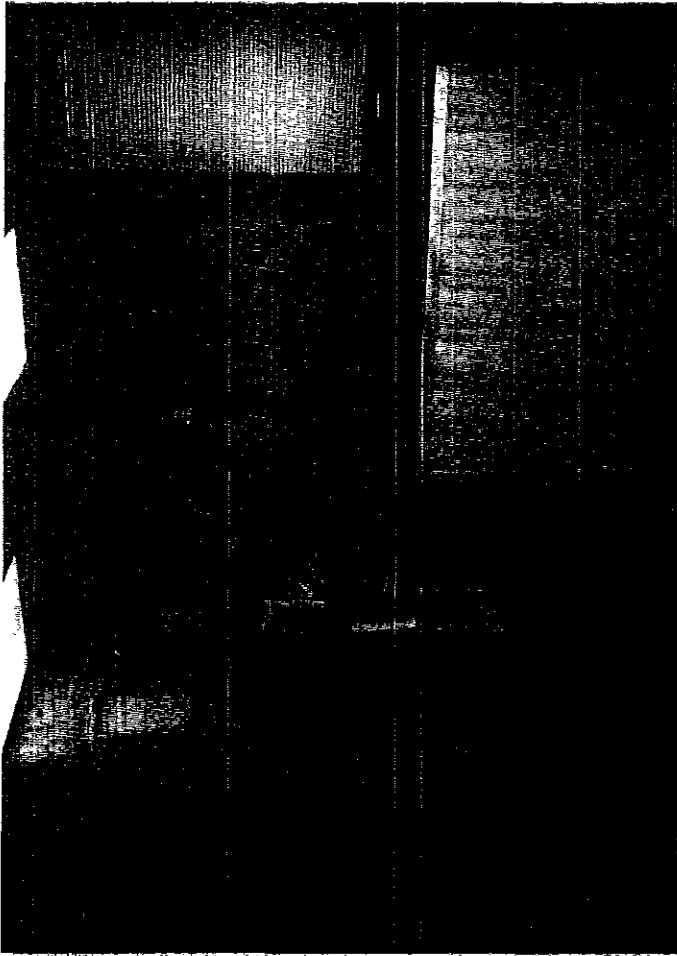
PLANTING PROVIDED

6 - Major Deciduous Trees (1/P.U.)	6 P.U.
8 - Evergreen Trees (2/P.U.)	4 P.U.
90 - Shrubs (5/P.U.)	<u>18 P.U.</u>
TOTAL	28 P.U.

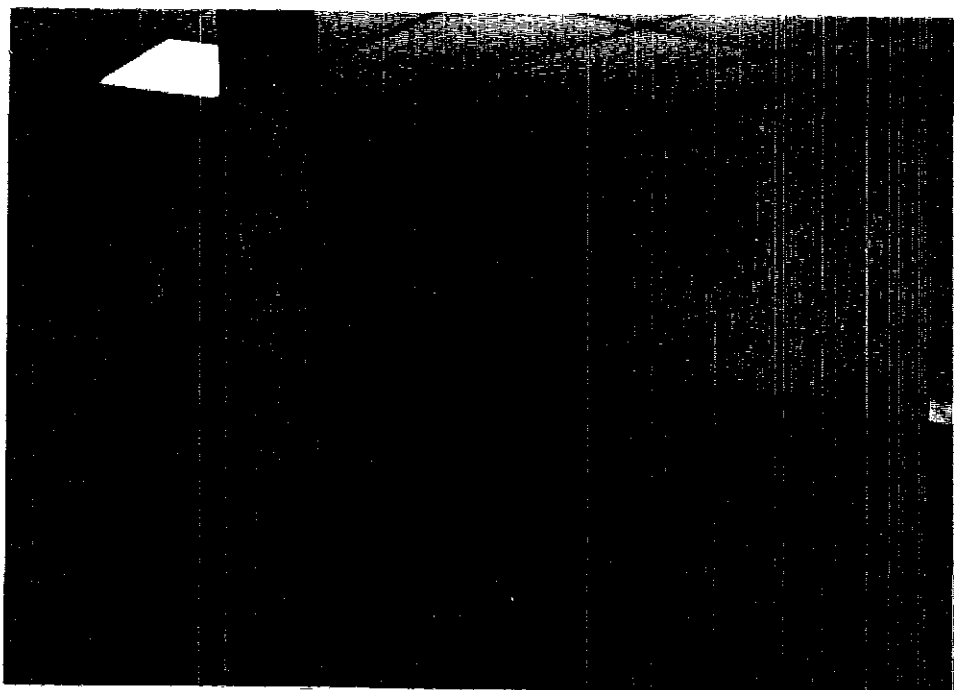
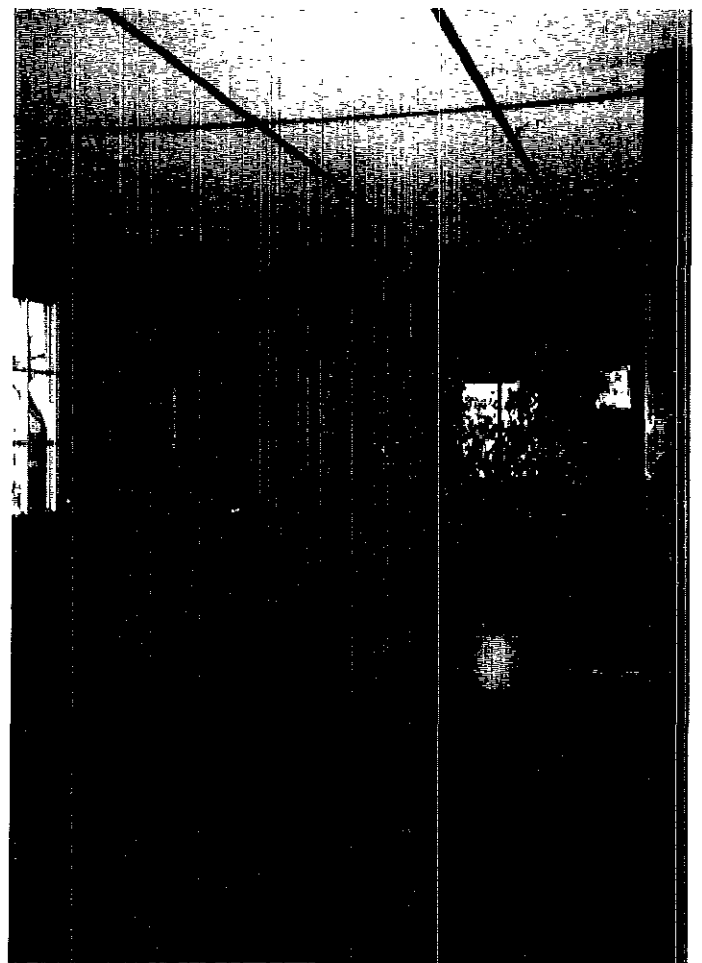
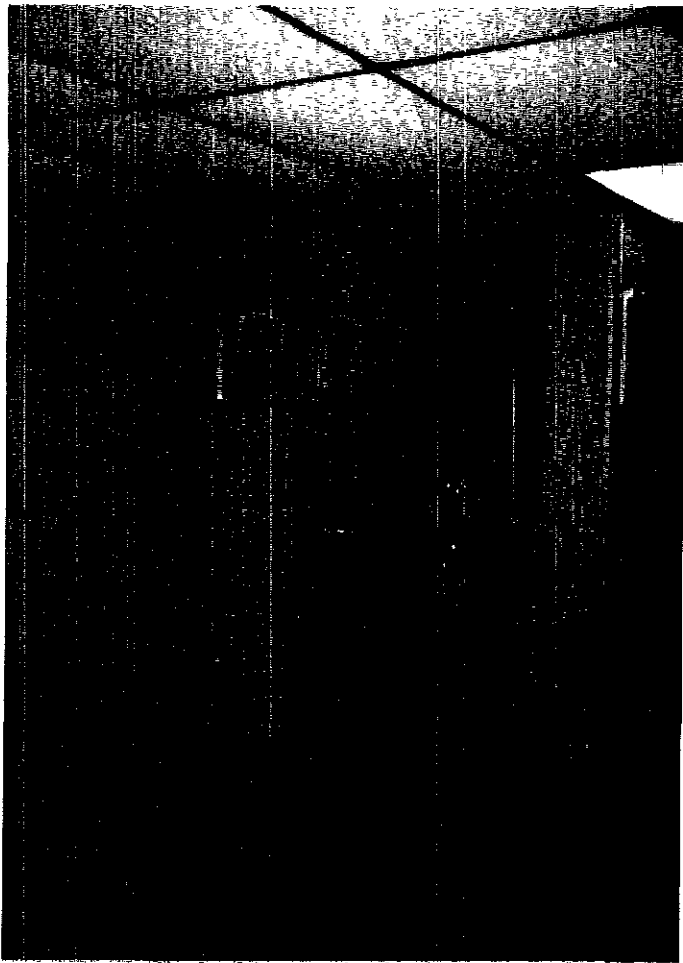
**PETITIONER'S
EXHIBIT 13**

PETITIONER'S
Ex #20, 25





PETITIONER'S EX
#25



Cont. Sph #21

**WINANS AVENUE AND WASHINGTON BOULEVARD
BALTIMORE COUNTY, MARYLAND
NOISE STUDY**

January 17, 1996

Prepared by:
MARKS & VOGEL ASSOCIATES, INC.
3691 Park Avenue, Suite 101
Ellicott City, Maryland 21043

Prepared for:
AUTO DEALERS, INC.
13940 Rover Mill Road
West Friendship, Maryland 21794

Halethorpe Improvement Association
1995 Membership List*Out. 3rd # 24*

Jesse H.	Albright	1821 Fairview Avenue	242-9685	yes
Mr. & Mrs. Ray	Allen	1704 Lincoln Drive	242-9264	no
Mr. & Mrs. C.	Anderson	5716 Second Avenue	242-2764	yes
Mr. & Mrs. John	Arold	1547 Sulphur Spring Road	242-6546	yes
Mr. & Mrs. W.	Aydlett	1406 Avon Court	242-2845	no
Mr. & Mrs. Robert	Bacquol	1562 Sulphur Spring Road	no number listed	no
Mrs. Ruth	Banks	1561 Lister Road	247-8691	yes
Mr. & Mrs. Ron	Barnett	1619 Sulphur Spring Road	242-1967	no
Mr. Myers P.	Barton Sr.	1703 Fairview Avenue	242-9288	yes
Mr. Charles	Bendt	1712 Summit Avenue	242-3439	yes
Mr. & Mrs. A.	Birgel	4601 Poplar Avenue	247-0244	yes
Frances M.	Blob	5600 Ashbourne Road	242-4432	yes
Mr. & Mrs. Allen	Bosley	4319 Ridge Avenue	247-4866	yes
Virginia	Buenger	1821 Selma Avenue	242-0643	yes
Mrs. & Mrs. J.	Byers	5541 Oregon Avenue	no number listed	no
Mr. & Mrs. Frank	Cavey	1558 Sulphur Spring Road	242-3203	no
Mr. & Mrs. Austin	Chambers	4500 Rehbaum Avenue	242-2718	yes

Halethorpe Improvement Association
1995 Membership List

Mr. & Mrs. J.	Christopolis	1559 Sulphur Spring Road	247-1580	no
Glenn A.	Claycomb	4415 Maple Avenue	242-9129	yes
The Hon. & Mrs. J.	Coolahan	4625 Magnolia Avenue	242-5924	yes
Mr. & Mrs. P.	Cugle	5556 Southwestern	247-1489	yes
Mrs. John	Cullen	1603 Claridge Avenue		
Mr. & Mrs. William	Davey	1508 Claridge Avenue	247-0167	yes
Mr. & Mrs. P.	Deibel	1555 Sulphur Spring Road	242-3285	yes
Anthony J.	Dinicolo	4314 Ridge Avenue	no number listed	no
Lucille M.	Duvall	4413 Maple Avenue	242-3146	no
Mr. & Mrs. H.	Easton	1557 Sulphur Spring Road	242-1502	yes
Mr. & Mrs. Paul	Falk	1732 Winans Avenue	no number listed	no
Mr. & Mrs. M.	Filar	1812 Winans Avenue	no number listed	no
Mr. & Mrs. G.	Fuller	1722 Winans Avenue	no number listed	yes
Theresa	Garvey	4503 Rehbaum Avenue	no number listed	no
Mr. & Mrs. E.	Godman, Sr.	1737 Winans Avenue	no number listed	yes
Jesse & Ann	Goodrich	1801 Woodside Avenue	247-0115	yes
Mr. & Mrs. Jesse	Goodrick	1801 Woodside Avenue	247-0115	yes

Halethorpe Improvement Association
1995 Membership List

Mr. & Mrs. K.	Green	1813 Summit Avenue	536-9322	no
Mr. & Mrs. C.	Griffin	5706 First Avenue	242-1669	yes
Mr. & Mrs. F.	Hansom	4603 Rehbaum Avenue	no number listed	no
Mr. Paul	Hayes	4401 Ridge Avenue	242-0012	yes
Mr. & Mrs. F. J.	Heird	5232 DeWitt Road	242-9391	no
Mr. & Mrs. J.	Herbert	4417 Linden Avenue	247-3497	yes
Howard H.	Hine	5557 Oregon Avenue	242-9557	no
R. Gordon	Hoddinott	1811 Winans Avenue	242-7026	yes
Mr. & Mrs. Brad	Houck	4605 Ridge Avenue		
Mr. & Mrs. Brad	Houck	4605 Ridge Avenue		
Mr. & Mrs. William	Itzel	1809 Woodside Avenue	242-3066	yes
Mr. Douglas	Itzel	4422 Ridge Avenue	242-4161	yes
Mr. & Mrs. Joseph	Keech	1711 Selma Avenue	247-7868	yes
Katherine	Keech	1711 Selma Avenue	242-2996	yes
Kent B.	Keene	5633 Oregon Avenue	242-6913	yes
Mr. & Mrs. E.	Kempf	4323 Ridge Avenue	no number listed	no
Mr. & Mrs. Ellis	Kincer	4601 Lincoln Drive	no number listed	no

Halethorpe Improvement Association
1995 Membership List

Mr. & Mrs. J. P.	Kinsey	1519 Woodside Avenue	242-6697	yes
J. G.	Klein, Sr.	1509 Vera Avenue	247-4336	yes
N. Brannen	Knight	4505 Rehbaum Avenue	243-7348	no
Mr. & Mrs. C.	Kokoski	4504 Maple Avenue	247-1296	yes
Mr. & Mrs. A.M.	Link	4616 Magnolia Avenue	247-4336	yes
Mr. & Mrs. B.	Lloyd	4507 Maple Avenue	247-2670	yes
Mr. & Mrs. Bud	Lucas	4420 Linden Avenue	242-2246	yes
L.	Maus	1560 Sulphur Spring Road	242-6910	yes
Ms. Elsa	McGumbe	4417 Poplar Avenue	242-5144	yes
Mr. & Mrs. Kenneth	McDaniel	4611 Ridge Avenue		yes
Mr. & Mrs. O.	McGowan	4419 Linden Avenue	no number listed	yes
Terrance	McGowan	1741 Winans Avenue	no number listed	no
Mr. & Mrs. Donald	Merson	1517 Woodside Avenue	242-8746	yes
Mrs. & Mrs. David	Mocko	1560 Lister Road	242-5481	yes
Mr. & Mrs. J.	Morrissett	1713 Summit Avenue	no number listed	no
Mr. & Mrs. Douglas	Mox	5514 Selma Avenue	no number listed	no
Mrs. Florence	Norris	5707 First Avenue	242-1768	yes

Halethorpe Improvement Association
1995 Membership List

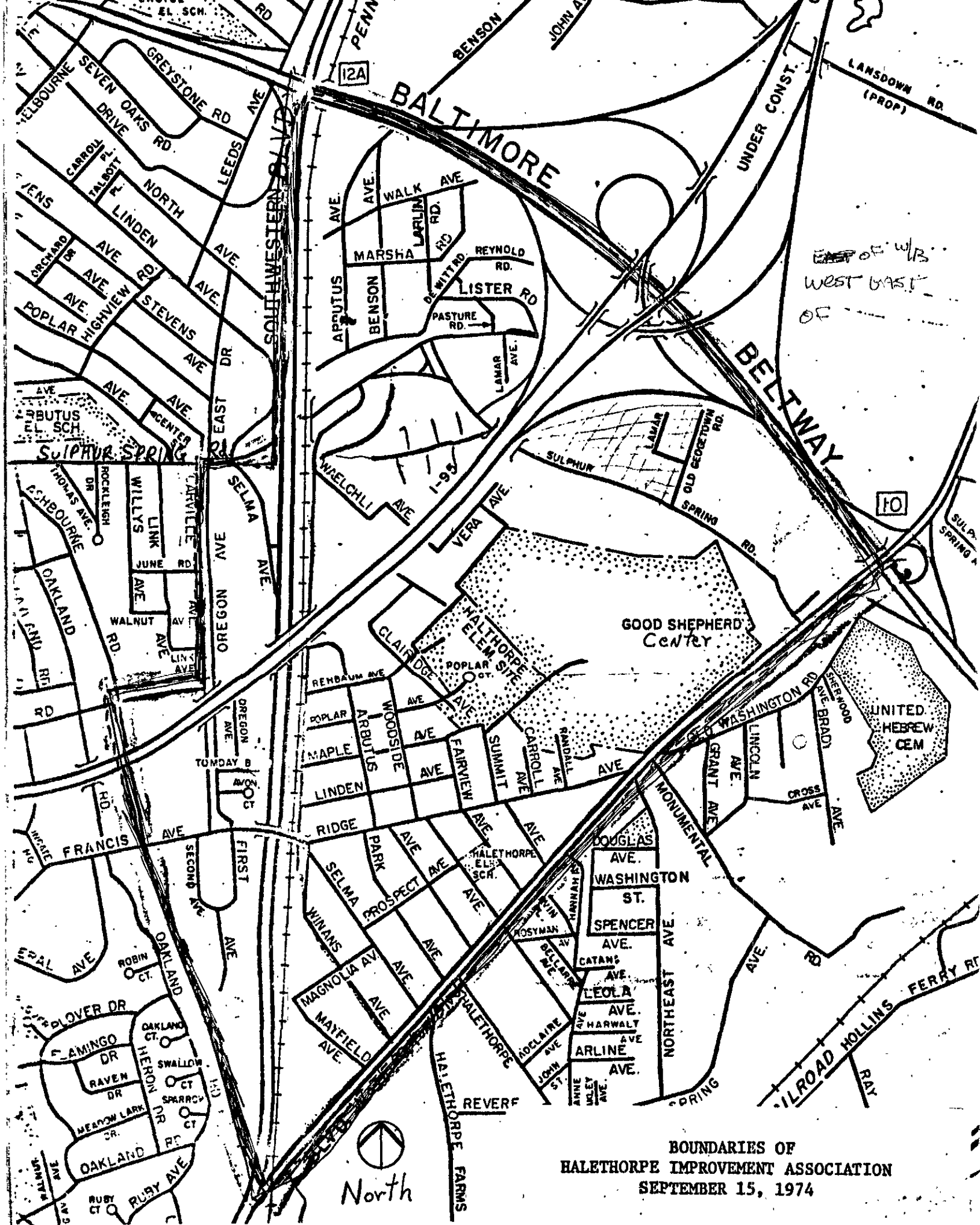
Mrs. Linda S.	Orr	4321 Ridge Avenue	242-6445	yes
Mr. & Mrs. C.	Parr, Sr.	1815 Mayfield Avenue	no number listed	no
Wendell	Phillips	1818 Park Avenue	no number listed	no
Mr. & Mrs. J.	Pickett	4419 Maple Avenue	242-0834	yes
Mr. & Mrs. G. W.	Reagan	4325 Ridge Avenue	no number listed	no
Mrs. Betty	Reidel	1728 Selma Avenue	242-5147	yes
Sr. Mary	Rosaria	4100 Maple Avenue	no number listed	no
Mr. & Mrs. Henry	Roth	5535 Oregon Avenue	no number listed	yes
Mr. & Mrs. N.	Rozanski	1504 Claridge Avenue	242-8846	yes
Mr. & Mrs. H.	Ruckert	1807 Winans Avenue	no number listed	no
Franklin	Schaefer	4613 Maple Avenue	242-6215	yes
Mr. & Mrs. Franklin	Schaefer	4624 Magnolia Avenue	no number listed	no
Mrs. Helen E.	Schaeffer	4604 Rehbaum Avenue	no number listed	yes
Mr. William	Schmelyun	1538 Sulphur Spring Road	242-1030	yes
Helen J.	Schmidt	1617 Summit Avenue	no number listed	yes
Mrs. Hilda	Schwartz	4411 Ridge Avenue	242-3084	yes
Mr. & Mrs. E. D.	Seymour	1700 Summit Avenue	no number listed	no

Halethorpe Improvement Association
1995 Membership List

Mr. & Mrs. S.	Shatz	1615 Sulphur Spring Road	no number listed	no
Mr. & Mrs. F.	Smith	1545 Lister Road	242-3410	yes
Mr. & Mrs. W.	Sompayrac	1814 Park Avenue	242-3007	yes
Mr. & Mrs. W.	Sompayrac	1814 Park Avenue	no number listed	no
Mr. & Mrs. C.	Speelman, Sr.	5616 First Avenue	242-4684	yes
Mr. & Mrs. N. J.	Spindler	1600 Sulphur Spring Road	no number listed	no
Mr. & Mrs. J.	Stallings	1719 Park Avenue	no number listed	no
Mr. & Mrs. R.	Stiebing, Sr.	1819 Fairview Avenue	242-1619	yes
Mr. Joseph J.	Stilling	4629 Magnolia Avenue	242-2586	yes
Mr. & Mrs. T.	Sullivan	1513 Arbutus Avenue	247-0681	yes
Mr. & Mrs. William	Szymanski	1550 Lister Road	247-3343	yes
Mr. & Mrs. William	Thomas	1711 Summit Avenue	242-6241	yes
Mr. & Mrs. C.	Thompson	5741 First Avenue	no number listed	no
Mr. & Mrs. N.	Tyler	1512 Woodside Avenue	242-6902	yes
Elvira	Uhlig	1726 Selma Avenue	247-0036	yes
C. Coulter/	W. Urbanski	1506 Claridge Avenue	no number listed	yes
Mr. & Mrs. R.	Wagner	1510 Claridge Avenue	no number listed	no

Halethorpe Improvement Association
1995 Membership List

Paula W.	Wolf	5524 Selma Avenue	no number listed	no
Lillian	Wolfe	5527 Oregon Avenue	242-6389	yes
Mr. & Mrs. James	Yeager, Sr.	1515 Marsha Road	242-6479	yes
William T.	Zirkel	1804 Summit Avenue	242-0001	yes



EAST OF WB
WEST BAST
OF

BOUNDARIES OF
HALETHORPE IMPROVEMENT ASSOCIATION
SEPTEMBER 15, 1974

MINUTES FROM HALETHORPE IMPROVEMENT ASSOCIATION

MEETING OF OCTOBER 11, 1994

A meeting of the Halethorpe Improvement Association was called to order at 7:10 p.m., October 11, 1994, at the House of Good Shepherd.

Members present 19.

Officers present: Joe Kinsey (Vice President)
Stephanie Keech (Recording Secretary)
Susan Mocko (Corresponding Secretary)
Agnes Syzmanski (Treasurer)
Charles Kokoski, Betty Link, John Arold,
and Ada Birgel (Board Members)

1. Minutes of the March 2, 1993 meeting were approved as read.
2. Treasurer's report of bank account balances:

Chesapeake Federal Savings & Loan (money market)	\$14,284.97
Leed's Federal Combined Checking Accounts	2,151.12
Petty Cash	13.15

Total assets:	\$16,449.24
---------------	-------------

Agnes received notification from Mr. Ercole at Chesapeake Federal on the money market account. She returned a form along with a letter to Mr. Ercole indicating this money is a reserved fund for the Halethorpe Improvement Association and asked him to notate this. She will advise at the next meeting.

3. Under old business Joe reported that he and Charles Kokoski looked into other area banking facilities and as a result, the Association's checking account is now with Leed's Federal.

4. Under old business Joe reported the water runoff from the steps of the former TJ Longhorn property cannot be corrected by the new owner and Baltimore County is not sure they can do anything about it. Leonard Weinberg contacted Joe regarding another project at which time Joe expressed his disappointment on behalf of the Association on the less-than-promised landscaping of the shopping center and the larger than expected signs. The new project Mr. Weinberg wants to undertake is the former Echo Products building on the corner of Sulphur Spring Road & Washington Boulevard. The property is currently zoned ML (manufacturing light). Joe questioned him as to what he will put there and Mr. Weinberg replied that he did not know at this time. Some discussion ensued as to commercial and ML zoning in this area.
 5. Joe brought up the fact that we are still in need of a new president. Joe said in talking to Jackie recently she thought that Brad Hauck, her neighbor, might be interested in the position. Mr. Hauck was present at the meeting. He addressed the membership by asking what their thoughts were and what direction the Association was taking. Joe and other members pointed out previous Association presidents and some of the Association's successful undertakings. Mr. Hauck said he would be glad to accept this position. A vote was taken and all were in favor of Mr. Hauck becoming the next president of the Halethorpe Improvement Association. The following officers and board members agreed to return for another year:
 - Joe Kinsey as Vice President
 - Agnes Syzmanski as Treasurer
 - Stephanie Keech as Recording Secretary
 - Susan Mocko as Corresponding Secretary
 - Ron Barnett as Zoning Chairman
 - Charles Kokoski, John Arold, Betty Link, & Ada Birgel as Board Members
- Joe will call Jackie Allen and Tom Sullivan to see if they want to stay on as board members.
6. There was no old business to report.
 7. Under new business, Joe received a letter from the Arbutus Athletic Association asking for a donation. A \$10.00 donation was suggested; however, Agnes said that we should keep donations to a minimum as this time. Joe said we should reserve our funds for future zoning fights. A motion to skip any unnecessary donations this year except to the Good Shepherd Center for use of meeting room was voted on and all were in favor.

Eastern Waste Industries, an Annapolis-based commercial trash hauler, located in the 1900 block of Halethorpe Farms Road wants to set up a garbage transfer station in Halethorpe. Discussion ensued regarding the unsightly condition of the exterior of the premises as well as future odor problems. Everyone voted in favor of extending our support to the Halethorpe Civic Association. Joe and Brad will contact their president, Mr. Hawkins, and see what kind of support we can give them.

Joe will call Ron regarding unsightly signs of the 2 liquor stores on the corners of Selma Avenue and Washington Boulevard and report on this at the next meeting.

Susan Mocko reported on increased traffic as a result of the new Movie Time video store on Sulphur Spring Road and Benson Avenue. She also reported on the increased traffic violations at this intersection particularly Maryland Beverage Company truck drivers not yielding to oncoming traffic from Sulphur Spring Road. After some discussion it was decided that Susan should contact Ron and they should call on Maryland Beverage Company to try to resolve this problem. A stop sign and speeding sign at Pastore Road was voted on and all were in favor. Ron will look into the signs. Several members complained about speeding on Ridge, Winans and Benson Avenues. A call to Berchie Manley's office was suggested and Brad volunteered to make the call.

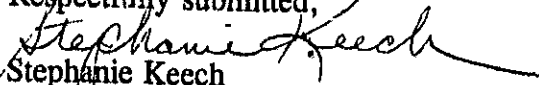
There will be no sound barriers in Halethorpe as there are no funds at this time.

Agnes needs to reorder stamped envelopes. Joe said to reorder-no motion necessary.

Susan suggested at the next meeting we compile a list of Association success stories in order to bring in new membership. All were in favor.

8. The meeting adjourned at 8:20 p.m.

Respectfully submitted,


Stephanie Keech
Recording Secretary

Halethorpe Improvement Association, Inc.

P.O. BOX 7808
HALETHORPE, MARYLAND 21227

August 22, 1993

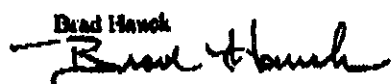
J. NEIL LANZI
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Dear Mr. Lanzi:

On behalf of the Halethorpe Improvement Association, I want to extend our thanks to you and your client for taking the time to address our membership and respond to our questions. We have reviewed your letter of August 11, 1993 and are appreciative of the concessions your client has agreed to as stated in your letter.

In consideration of the concessions your client has agreed to as well as their overall willingness to work with the community in general, we are in support of your clients request for the special exception and variances required to establish a pre owned car lot located at 1826 Winans Avenue.

Brad Hancock


President,

Halethorpe Improvement Association, Inc.

MINUTES FROM HALETHORPE IMPROVEMENT ASSOCIATION

Meeting of August 8, 1995

A meeting of the Halethorpe Improvement Association was called to order at 7:15 p.m., August 8, 1995, at the House of Good Shepherd.

Officers present: Brad Hauck, President
Joe Kinsey, Vice President
Stephanie Keech, Recording Secretary
Susan Macko, Corresponding Secretary
Ron Barnett, Zoning Chairman

Board members present: Charles Koskoski
Betty Link

1. Brad opened the meeting by introducing himself. He said the usual meeting of the Halethorpe Improvement Association would be rescheduled for October 3, 1995. Topics for October 3rd meeting would be:
 - a.) regimented cycle of association meetings
 - b.) membership drive/committee
 - c.) better communications with other organizations in the area

The purpose of tonight's meeting would be to discuss the plan for a proposed used motor vehicle business to be located at 1826 Winans Avenue.

2. Brad introduced Neil Lanzi, attorney for Auto Dealers, Incorporated, Thomas and Barbara Palacorolla, owners of property at 1826 Winans Avenue, and Sharon and Brian Isaacs, Neil Lanzi's clients.

Brian and Sharon Isaacs, Auto Dealers, Incorporated, spoke about their roots to this area and how they want to open their business here. Brian and Sharon promised to comply with Baltimore County zoning regulations and to be a good neighbor.

Thomas Palacorolla, owner of property, spoke of how he came to purchase the property and how he was approached by the Isaacs to buy his property for the purpose of opening a used car dealership. He also stated he had a dealership in Elkridge which was kept neat and clean and anyone was free to visit.

Neil Lanzi, attorney for Auto Dealers, Incorporated, spoke about the County's requirement of 18-20 cars, landscaping, signs and a P A system. He also brought with him a blueprint. He said there was no association with Boyd's Body Shop and that there would be no junk cars, no repairs, no storing of cars, and no tenant in the building which would be for office use only.

Judith Rotz, the neighbor whose property is next to 1826 Winans Avenue facing Route 1, gave an emotional response against Auto Dealers, Incorporated. Both John and Judith Rotz brought up existing traffic visibility problems from Boyd's Body Shop as well as reported information from Lynwood Johnson of the Baltimore County Zoning Office, regarding the barn to be used as a repair shop.

Neil Lanzi said there will be no repair shop on the premises only a sales office and he will ask the zoning commissioner to eliminate any repair shop at the hearing.

Another neighbor who was a petitioner against the dealership spoke out about parking on Winans Avenue. He became very angry about existing parking and traffic problems and what would more traffic and parking mean to this area.

Another neighbor who lives next door to the 1826 Winans Avenue property, who recently moved in, gave his support to the Isaacs plan.

Much heated discussion ensued regarding increased crime, rezoning of Washington Boulevard on this side from BR to DR which is residential, security, shielded lighting and hours to be open.

Brad interjected to ask that members of the Halethorpe Improvement Association be able to take a vote on this matter. Everyone else left the room. The vote was taken: 18 for, zero against, and 3 abstained.

Brad called everyone back into the room and gave them the results. There was a stipulation; however, in that Brad asked Neil Lanzi for a document with the following concerns to be sent to him and officers of the H.I.A. before the hearing on 8/22/95:

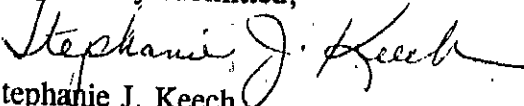
- a.) to eliminate the reference to "repair shop" on the Site Plan both on the record at the zoning hearing and by amendment to the previous site plan filed in this case.
- b.) no streamers or banners on premises
- c.) security patrols be provided after business hours
- d.) lighting not to cast illumination upon adjacent residential properties
- e.) no outdoor P A system

Joe Kinsey expressed concern that the special exception, if granted, would be limited to a used car lot use only. It was followed by concern on the part of other members as well.

Neil Lanzi said his client had no objection to any order approving special exception to be limited to such a use containing the agreed upon conditions.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,


Stephanie J. Keech

CONSTITUTION AND BY-LAWS
OF
THE HALETHORPE IMPROVEMENT ASSOCIATION, INC.

Adopted September 10, 1957--Revised March 31, 1964

ARTICLE 1 - NAME

The name of the association shall be The Halethorpe Improvement Association, Inc., hereinafter called the Association.

ARTICLE 11 - PURPOSE

It shall be the purpose of the Association to promote the general welfare of the community and shall be non-political and non-sectarian.

ARTICLE 111 - MEMBERSHIP

Section 1 - Membership in the Association shall be limited to members over 18 years of age. *and living in the following bounded area (see attached map)*

Section 2 - All persons eligible for membership in the Association who shall become members on or before the December 1957 meeting shall be known as charter members. After the December 1957 meeting, membership shall be by written application and election at meeting of the Association by the majority of those present.

ARTICLE 1V - DUES 1/

Section 1 - The annual minimum dues shall be \$3.00^{3.50}, the payment of which shall entitle any two (2) eligible members of a household to all privileges of membership; an additional fee of \$1.00^{1.50} shall be charged annually for each additional person of that household who becomes a member of the Association.

Section 2 - Special assessments may be made at any meeting of the Association by a majority of votes of the members present. Such assessments shall be payable as provided at the time they are authorized.

Section 3 - If the dues or special assessments of any member remain unpaid for more than 30 days from the date upon which they become due, a written notice of such delinquency shall be sent to the member by the treasurer. If at the end of 30 days of such notice the dues or special assessment remain unpaid, the membership shall be temporarily suspended pending payment or final action of the Board of Directors.

ARTICLE V - OFFICERS

Section 1 - The officers shall consist of a president, vice-president, ^{recording} secretary, and treasurer, who shall be elected by and hold office at the discretion of the membership. Their terms of office shall begin immediately after election and shall continue until their successors are duly elected by the membership of the Association.

Section 2 - Each of the officers shall perform the duties customary to their respective offices.

Section 3 *The president may hold office for two consecutive years only. All other officers may hold office indefinitely.*

*correction
of final
version*

ARTICLE VI - BOARD OF DIRECTORS 2/

Section 1 - The Board of Directors shall consist of the four (4) officers and five (5) members elected from the membership, and in addition, the past president shall automatically become a member of the Board for a period of two years. Each elected member of the Board of Directors shall hold office until the election of a successor.

Section 2 - Meetings of the Board of Directors shall be called by the president or at the request of the majority of the Board. Notice of the time and place of the meeting shall be given each member of the Board by the secretary. Five members of the Board shall constitute a quorum for the transaction of business, and every act of the Board approved by a majority of those present at any meeting shall be valid.

Section 3 - The Board shall act for the Association in its interest between its meetings in all matters which are not expressly required to be acted upon by the entire membership under the provision of these by-laws, but shall report all its acts at the next meeting of the Association.

ARTICLE VII - MEETINGS 3/

Section 1 - Regular meetings shall be held on the first Tuesday of February, April, June, August, October, and December of each year.

Section 2 - A special meeting of the Association may be called at any time by the president. The president shall also call a special meeting within ten (10) days of receipt by him of a request in writing for such a meeting from a majority of the Board of Directors, or from one third of the members entitled to vote at any meeting.

Section 3 - Each member in good standing shall be entitled to one (1) vote on all questions coming before the Association membership.

Section 4 - Ten (10) percent of the members entitled to vote shall constitute a quorum for the transaction of business at any meeting of the Association.

ARTICLE VIII - ELECTION

Section 1 - The election of the officers and the Board of Directors shall be held at the June meeting of each year.

Section 2 - At least 30 days before the date of the election, the president shall appoint a nominating committee composed of not less than three (3) members. Nominations for each of the officers and for the Board of Directors shall be presented to the Association. However, nomination for any office or for the Board of Directors may be made from the floor.

Section 3 - All voting and election shall be by ballot. No proxy shall be allowed. A majority of the votes shall constitute an election.

1975
105
MEMBERS
10 MEMBERS
Quorum

ARTICLE IX - PROCEDURE

Section 1 - The proceedings of the Association and the Board of Directors meetings shall be governed by and conducted according to the latest edition of Roberts' Rules of Order.

ARTICLE X - COMMITTEES

Section 1 - The president shall appoint within 30 days from the date of his election the following standing committees:

Membership - not less than five (5)

Ways and Means - It shall be the duty of the Ways and Means Committee to raise funds when necessary for purposes of the organization.

Section 2 - The president may also from time to time appoint such other or special committees as may be directed by the membership or the Board of Directors.

ARTICLE XI - AMENDMENTS OR ALTERATIONS

Section 1 - These by-laws may be repealed, amended or additional ones adopted at any meeting of the Association by vote of 51 percent of the members present entitled to vote.

AMENDMENTS TO CONSTITUTION AND BY-LAWS

1/ Dues. When originally adopted, Article IV provided that the annual dues for two members of a household would be \$2.00.

May 3, 1960. The annual dues amount was raised from \$2.00 to \$3.00, effective July 7, 1960.

2/ Board of Directors. When adopted in 1957 Article VI, Section 1, provided that the Board of Directors shall consist of the four officers and five members elected from the membership.

July 5, 1960. Section 1 was changed to provide that the past president will automatically become a member of the Board for a period of two years.*

3/ Meetings. As adopted in 1957, Article VII, Section 1, provided that regular meetings shall be held on the first Tuesday of March, June, September, and December of each year.

March 1, 1960. Section 1 was changed to provide for regular meetings every two months instead of every three months, starting the first Tuesday of May 1960.

March 7, 1961. The meeting nights were changed from the first Tuesday of January, March, May, July, September, and November, to the first Tuesday of the opposite months, February, April, June, August, October, and December.

* March 31, 1964. Section 1, second sentence, the word "elected" was added for clarity by the editor.

Excerpts from By-Laws of The Halethorpe Improvement Assn.

Article VIII - Election

Section 1 - The election of the officers and the Board of Directors shall be held at the June meeting of each year.

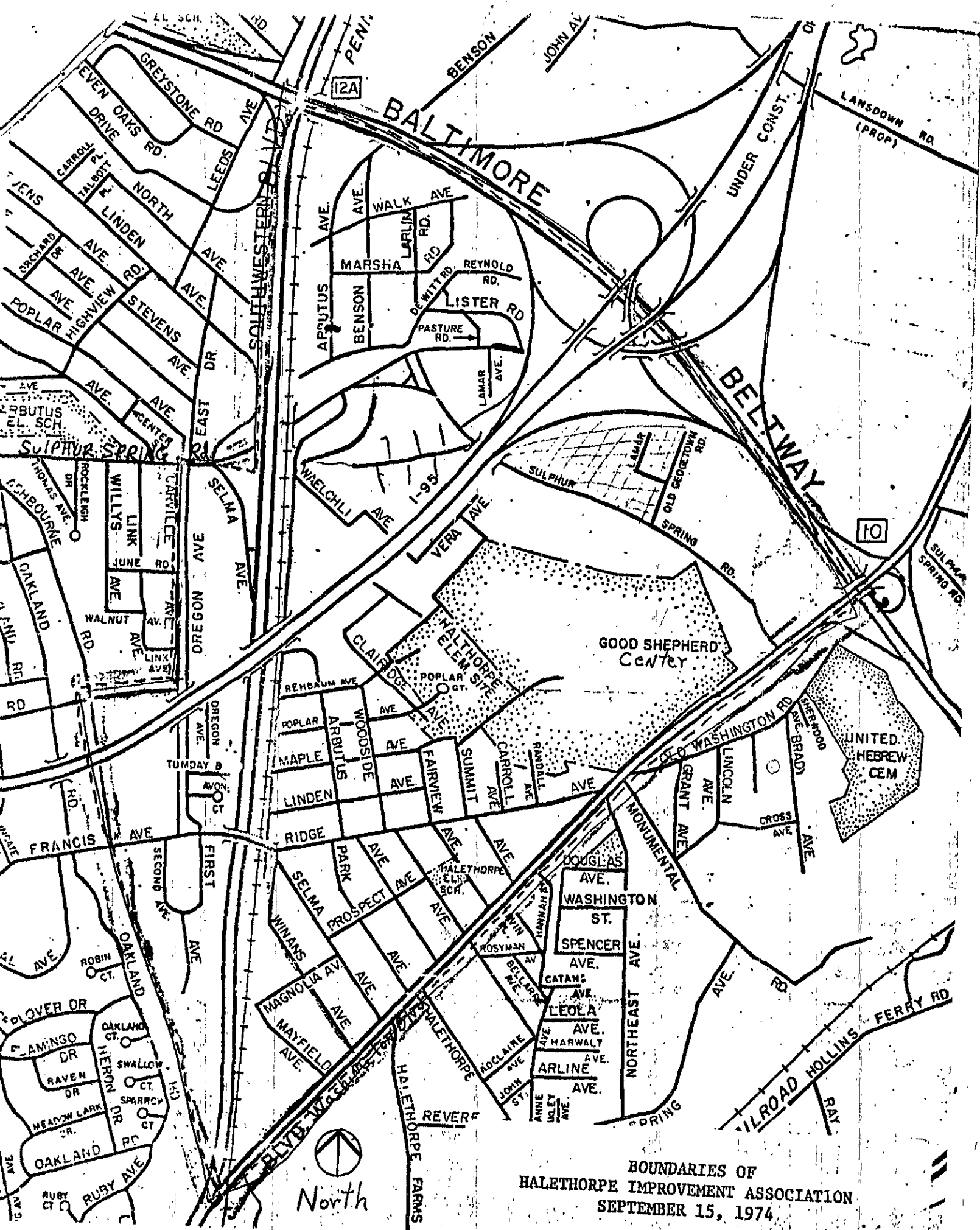
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shall

Article V - Officers - Section 1 - The officers ~~will~~ consist of a President, Vice President, Secretary and Treasurer, who shall be elected by and hold office at the discretion of the membership. Their terms of office shall begin immediately after election and shall continue until their successors are duly elected by the membership of the Association.

Article VI - Board of Directors - Section 1 - The Board of Directors shall consist of the four (4) officers and five (5) members elected from the membership. Each member of the Board of Directors shall hold office until the election of a successor.



BOUNDARIES OF
HALETHORPE IMPROVEMENT ASSOCIATION
SEPTEMBER 15, 1974

Halethorpe Improvement Association, Inc.

P. O. BOX 7306
HALETHORPE, MARYLAND 21227

1/22/95

I HEREBY AFFIRM THAT I AM A DULY
ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE HALETHORPE
IMPROVEMENT ASSOCIATION, INC.

W. B. Hank
PRESIDENT -

Stephen J. Keech
Secretary

Halethorpe Improvement Association
1995 Membership List

Jesse H.	Albright	1821 Fairview Avenue	242-9685	yes
Mr. & Mrs. Ray	Allen	1704 Lincoln Drive	242-9264	no
Mr. & Mrs. C.	Anderson	5716 Second Avenue	242-2764	yes
Mr. & Mrs. John	Arold	1547 Sulphur Spring Road	242-6546	yes
Mr. & Mrs. W.	Aydlett	1406 Avon Court	242-2845	no
Mr. & Mrs. Robert	Bacquol	1562 Sulphur Spring Road	no number listed	no
Mrs. Ruth	Banks	1561 Lister Road	247-8691	yes
Mr. & Mrs. Ron	Barnett	1619 Sulphur Spring Road	242-1967	no
Mr. Myers P.	Barton Sr.	1703 Fairview Avenue	242-9288	yes
Mr. Charles	Bendt	1712 Summit Avenue	242-3439	yes
Mr. & Mrs. A.	Birgel	4601 Poplar Avenue	247-0244	yes
Frances M.	Blob	5600 Ashbourne Road	242-4432	yes
Mr. & Mrs. Allen	Bosley	4319 Ridge Avenue	247-4866	yes
Virginia	Buenger	1821 Selma Avenue	242-0643	yes
Mrs. & Mrs. J.	Byers	5541 Oregon Avenue	no number listed	no
Mr. & Mrs. Frank	Cavey	1558 Sulphur Spring Road	242-3203	no
Mr. & Mrs. Austin	Chambers	4500 Rehbaum Avenue	242-2718	yes

Halethorpe Improvement Association
1985 Membership List

Mr. & Mrs. J.	Christopolis	1559 Sulphur Spring Road	247-1580	no
Glenn A.	Claycomb	4415 Maple Avenue	242-9129	yes
The Hon. & Mrs. J.	Coolahan	4625 Magnolia Avenue	242-5924	yes
Mr. & Mrs. P.	Cugle	5556 Southwestern	247-1489	yes
Mrs. John	Cullen	1603 Claridge Avenue		
Mr. & Mrs. William	Davey	1508 Claridge Avenue	247-0167	yes
Mr. & Mrs. P.	Deibel	1555 Sulphur Spring Road	242-3285	yes
Anthony J.	Dinicolo	4314 Ridge Avenue	no number listed	no
Lucille M.	Duvall	4413 Maple Avenue	242-3146	no
Mr. & Mrs. H.	Easton	1557 Sulphur Spring Road	242-1502	yes
Mr. & Mrs. Paul	Falk	1732 Winans Avenue	no number listed	no
Mr. & Mrs. M.	Filar	1812 Winans Avenue	no number listed	no
Mr. & Mrs. G.	Fuller	1722 Winans Avenue	no number listed	yes
Theresa	Garvey	4503 Rehbaum Avenue	no number listed	no
Mr. & Mrs. E.	Godman, Sr.	1737 Winans Avenue	no number listed	yes
Jesse & Ann	Goodrich	1801 Woodside Avenue	247-0115	yes
Mr. & Mrs. Jesse	Goodrick	1801 Woodside Avenue	247-0115	yes

Halethorpe Improvement Association
1995 Membership List

Mr. & Mrs. K.	Green	1813 Summit Avenue	536-9322	no
Mr. & Mrs. C.	Griffin	5706 First Avenue	242-1669	yes
Mr. & Mrs. F.	Hamsom	4603 Rehbaum Avenue	no number listed	no
Mr. Paul	Hayes	4401 Ridge Avenue	242-0012	yes
Mr. & Mrs. F. J.	Heird	5232 DeWitt Road	242-9391	no
Mr. & Mrs. J.	Herbert	4417 Linden Avenue	247-3497	yes
Howard H.	Hinc	5557 Oregon Avenue	242-9557	no
R. Gordon	Hoddinott	1811 Winans Avenue	242-7026	yes
Mr. & Mrs. Brad	Houck	4605 Ridge Avenue		
Mr. & Mrs. Brad	Houck	4605 Ridge Avenue		
Mr. & Mrs. William	Itzel	1809 Woodside Avenue	242-3066	yes
Mr. Douglas	Itzel	4422 Ridge Avenue	242-4161	yes
Mr. & Mrs. Joseph	Keech	1711 Selma Avenue	247-7868	yes
Katherine	Keech	1711 Selma Avenue	242-2996	yes
Kent B .	Keene	5633 Oregon Avenue	242-6913	yes
Mr. & Mrs. E.	Kempf	4323 Ridge Avenue	no number listed	no
Mr. & Mrs. Ellis	Kincer	4601 Lincoln Drive	no number listed	no

Halsethorpe Improvement Association
1995 Membership List

Mr. & Mrs. J. P.	Kinsey	1519 Woodside Avenue	242-6697	yes
J. G.	Klein, Sr.	1509 Vera Avenue	247-4336	yes
N. Brannen	Knight	4505 Rehbaum Avenue	243-7348	no
Mr. & Mrs. C.	Kokoski	4504 Maple Avenue	247-1296	yes
Mr. & Mrs. A.M.	Link	4616 Magnolia Avenue	247-4336	yes
Mr. & Mrs. B.	Lloyd	4507 Maple Avenue	247-2670	yes
Mr. & Mrs. Bud	Lucas	4420 Linden Avenue	242-2246	yes
J.	Mays	1560 Sulphur Spring Road	242-6910	yes
Ms. Elsa	McCumbie	4417 Poplar Avenue	242-5144	yes
Mr. & Mrs. Kenneth	McDaniel	4611 Ridge Avenue		yes
Mr. & Mrs. O.	McGowan	4419 Linden Avenue	no number listed	yes
Terrance	McGowan	1741 Winans Avenue	no number listed	no
Mr. & Mrs. Donald	Merson	1517 Woodside Avenue	242-8746	yes
Mrs. & Mrs. David	Mocko	1560 Lister Road	242-5481	yes
Mr. & Mrs. J.	Morrissett	1713 Summit Avenue	no number listed	no
Mr. & Mrs. Douglas	Mox	5514 Selma Avenue	no number listed	no
Mrs. Florence	Norris	5707 First Avenue	242-1768	yes

Halethorpe Improvement Association
1995 Membership List

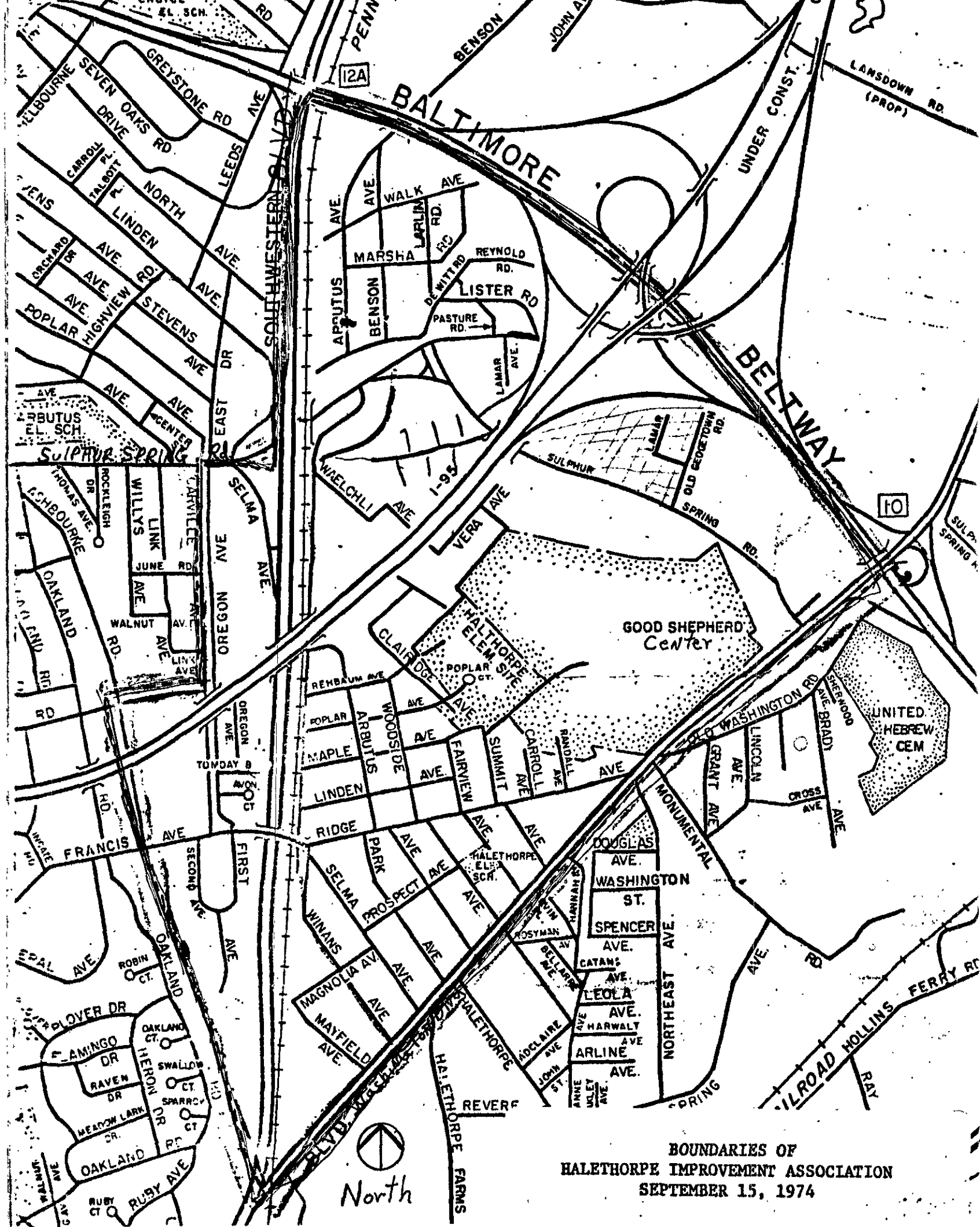
Mrs. Linda S.	Orr	4321 Ridge Avenue	242-6445	yes
Mr. & Mrs. C.	Parr, Sr.	1815 Mayfield Avenue	no number listed	no
Wendell	Phillips	1818 Park Avenue	no number listed	no
Mr. & Mrs. J.	Pickett	4419 Maple Avenue	242-0834	yes
Mr. & Mrs. G. W.	Reagan	4325 Ridge Avenue	no number listed	no
Mrs. Betty	Reidel	1728 Selma Avenue	242-5147	yes
Sr. Mary	Rosaria	4100 Maple Avenue	no number listed	no
Mr. & Mrs. Henry	Roth	5535 Oregon Avenue	no number listed	yes
Mr. & Mrs. N.	Rozanski	1504 Claridge Avenue	242-8846	yes
Mr. & Mrs. H.	Ruckert	1807 Winans Avenue	no number listed	no
Franklin	Schaefer	4613 Maple Avenue	242-6215	yes
Mr. & Mrs. Franklin	Schaefer	4624 Magnolia Avenue	no number listed	no
Mrs. Helen E.	Schaeffer	4604 Rehbaum Avenue	no number listed	yes
Mr. William	Schmelyun	1538 Sulphur Spring Road	242-1030	yes
Helen J.	Schmidt	1617 Summit Avenue	no number listed	yes
Mrs. Hilda	Schwartz	4411 Ridge Avenue	242-3084	yes
Mr. & Mrs. E. D.	Seymour	1700 Summit Avenue	no number listed	no

Halethorne Improvement Association
1995 Membership List

Mr. & Mrs. S.	Shatz	1615 Sulphur Spring Road	no number listed	no
Mr. & Mrs. F.	Smith	1545 Lister Road	242-3410	yes
Mr. & Mrs. W.	Sompayrac	1814 Park Avenue	242-3007	yes
Mr. & Mrs. W.	Sompayrac	1814 Park Avenue	no number listed	no
Mr. & Mrs. C.	Speelman, Sr.	5616 First Avenue	242-4684	yes
Mr. & Mrs. N. J.	Spindler	1600 Sulphur Spring Road	no number listed	no
Mr. & Mrs. J.	Stallings	1719 Park Avenue	no number listed	no
Mr. & Mrs. R.	Stiebing, Sr.	1819 Fairview Avenue	242-1619	yes
Mr. Joseph J.	Stilling	4629 Magnolia Avenue	242-2586	yes
Mr. & Mrs. T.	Sullivan	1513 Arbutus Avenue	247-0681	yes
Mr. & Mrs. William	Szymanski	1550 Lister Road	247-3343	yes
Mr. & Mrs. William	Thomas	1711 Summit Avenue	242-6241	yes
Mr. & Mrs. C.	Thompson	5741 First Avenue	no number listed	no
Mr. & Mrs. N.	Tyler	1512 Woodside Avenue	242-6902	yes
Elvira	Uhlig	1726 Selma Avenue	247-0036	yes
C. Coulter/	W. Urbanski	1506 Claridge Avenue	no number listed	yes
Mr. & Mrs. R.	Wagner	1510 Claridge Avenue	no number listed	no

Halethorpe Improvement Association
1995 Membership List

Paula W.	Wolf	5524 Selma Avenue	no number listed	no
Lillian	Wolfe	5527 Oregon Avenue	242-6389	yes
Mr. & Mrs. James	Yeager, Sr.	1515 Marsha Road	242-6479	yes
William T.	Zirkel	1804 Summit Avenue	242-0001	yes



BOUNDARIES OF
HALETHORPE IMPROVEMENT ASSOCIATION
SEPTEMBER 15, 1974

MINUTES FROM HALETHORPE IMPROVEMENT ASSOCIATION

MEETING OF OCTOBER 11, 1994

A meeting of the Halethorpe Improvement Association was called to order at 7:10 p.m., October 11, 1994, at the House of Good Shepherd.

Members present 19.

Officers present: Joe Kinsey (Vice President)
Stephanie Keech (Recording Secretary)
Susan Mocko (Corresponding Secretary)
Agnes Syzmanski (Treasurer)
Charles Kokoski, Betty Link, John Arold,
and Ada Birgel (Board Members)

1. Minutes of the March 2, 1993 meeting were approved as read.
2. Treasurer's report of bank account balances:

Chesapeake Federal Savings & Loan (money market)	\$14,284.97
Leed's Federal Combined Checking Accounts	2,151.12
Petty Cash	13.15

Total assets:	\$16,449.24
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Agnes received notification from Mr. Ercole at Chesapeake Federal on the money market account. She returned a form along with a letter to Mr. Ercole indicating this money is a reserved fund for the Halethorpe Improvement Association and asked him to notate this. She will advise at the next meeting.

3. Under old business Joe reported that he and Charles Kokoski looked into other area banking facilities and as a result, the Association's checking account is now with Leed's Federal.

Eastern Waste Industries, an Annapolis-based commercial trash hauler, located in the 1900 block of Halethorpe Farms Road wants to set up a garbage transfer station in Halethorpe. Discussion ensued regarding the unsightly condition of the exterior of the premises as well as future odor problems. Everyone voted in favor of extending our support to the Halethorpe Civic Association. Joe and Brad will contact their president, Mr. Hawkins, and see what kind of support we can give them.

Joe will call Ron regarding unsightly signs of the 2 liquor stores on the corners of Selma Avenue and Washington Boulevard and report on this at the next meeting.

Susan Mocko reported on increased traffic as a result of the new Movie Time video store on Sulphur Spring Road and Benson Avenue. She also reported on the increased traffic violations at this intersection particularly Maryland Beverage Company truck drivers not yielding to oncoming traffic from Sulphur Spring Road. After some discussion it was decided that Susan should contact Ron and they should call on Maryland Beverage Company to try to resolve this problem. A stop sign and speeding sign at Pastore Road was voted on and all were in favor. Ron will look into the signs. Several members complained about speeding on Ridge, Winans and Benson Avenues. A call to Berchie Manley's office was suggested and Brad volunteered to make the call.

There will be no sound barriers in Halethorpe as there are no funds at this time.

Agnes needs to reorder stamped envelopes. Joe said to reorder-no motion necessary.

Susan suggested at the next meeting we compile a list of Association success stories in order to bring in new membership. All were in favor.

8. The meeting adjourned at 8:20 p.m.

Respectfully submitted,


Stephanie Keech

Recording Secretary

Halethorpe Improvement Association, Inc.

P.O. BOX 7806
HALETHORPE, MARYLAND 21227

August 22, 1995

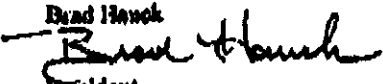
J. NEIL LANZI
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Dear Mr. Lanzi:

On behalf of the Halethorpe Improvement Association, I want to extend our thanks to you and your client for taking the time to address our membership and respond to our questions. We have reviewed your letter of August 11, 1995 and are appreciative of the concessions your client has agreed to as stated in your letter.

In consideration of the concessions your client has agreed to as well as their overall willingness to work with the community in general, we are in support of your clients request for the special exception and variances required to establish a pre owned car lot located at 1826 Winona Avenue.

Brad Hancock


President,

Halethorpe Improvement Association, Inc.

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

August 11, 1995

ELLCOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

Brad Hauck, President
Halethorpe Improvement Association
4605 Ridge Avenue
Baltimore, MD 21228

Re: My Client: Auto Dealers, Inc.
Zoning Case No.: 95-454-XA
1826 Winans Avenue

Dear Mr. Hauck:

On behalf of my client, I would like to thank the Halethorpe Improvement Association for providing my client an opportunity to present its proposal to the Association at large. My client was very pleased with the outcome of this past Tuesday evening's meeting.

This letter is to confirm that the Halethorpe Improvement Association has decided to support the special exception and variances requested for my client's proposed used car business at 1826 Winans Avenue, subject to the following conditions as agreed by my client:

1. Eliminate the reference to "shop area" on the Site Plan. This will be done both on the record at the zoning hearing and by amendment to the Site Plan previously filed in this case.
2. No seasonal streamers or banners will be permitted.
3. Security patrol will be provided for the business for after-business hours.
4. Any lighting provided will be limited in height to insure that there is no illumination cast upon adjacent residential properties.

Brad Hauck, President
August 11, 1995
Page Two

The above items were requested by your Association at the previously mentioned meeting. As a result of meetings with the Office of Planning, my client has also agreed to the following:

1. Limit the hours of operation from 9:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 3:00 p.m. on Saturday.
2. No outdoor paging system.

Finally, a number of your members expressed concern whether the special exception, if granted, would be limited to a used car lot use only. My client has no objection to any order approving such special exception to be limited in scope to such a use containing the agreed upon conditions.

Once you have had a chance to review this letter with members of the Association's Board, would you kindly contact me to confirm the conditions are acceptable. A letter in favor of the zoning requests necessary for this project would be greatly appreciated.

Very truly yours,



J. Neil Lanzi

cc: Auto Dealers, Inc.
Thomas & Barbara Palacorolla
Stephanie Keech, Secretary,
Halethorpe Improvement Association

(isaachau.ltr)

MINUTES FROM HALETHORPE IMPROVEMENT ASSOCIATION

Meeting of August 8, 1995

A meeting of the Halethorpe Improvement Association was called to order at 7:15 p.m., August 8, 1995, at the House of Good Shepherd.

Officers present: Brad Hauck, President
 Joe Kinsey, Vice President
 Stephanie Keech, Recording Secretary
 Susan Macko, Corresponding Secretary
 Ron Barnett, Zoning Chairman

Board members present: Charles Koskoski
 Betty Link

1. Brad opened the meeting by introducing himself. He said the usual meeting of the Halethorpe Improvement Association would be rescheduled for October 3, 1995. Topics for October 3rd meeting would be:
 - a.) regimented cycle of association meetings
 - b.) membership drive/committee
 - c.) better communications with other organizations in the area

The purpose of tonight's meeting would be to discuss the plan for a proposed used motor vehicle business to be located at 1826 Winans Avenue.

2. Brad introduced Neil Lanzi, attorney for Auto Dealers, Incorporated, Thomas and Barbara Palacorolla, owners of property at 1826 Winans Avenue, and Sharon and Brian Isaacs, Neil Lanzi's clients.

Brian and Sharon Isaacs, Auto Dealers, Incorporated, spoke about their roots to this area and how they want to open their business here. Brian and Sharon promised to comply with Baltimore County zoning regulations and to be a good neighbor.

Thomas Palacorolla, owner of property, spoke of how he came to purchase the property and how he was approached by the Isaacs to buy his property for the purpose of opening a used car dealership. He also stated he had a dealership in Elkridge which was kept neat and clean and anyone was free to visit.

Neil Lanzi, attorney for Auto Dealers, Incorporated, spoke about the County's requirement of 18-20 cars, landscaping, signs and a P A system. He also brought with him a blueprint. He said there was no association with Boyd's Body Shop and that there would be no junk cars, no repairs, no storing of cars, and no tenant in the building which would be for office use only.

Judith Rotz, the neighbor whose property is next to 1826 Winans Avenue facing Route 1, gave an emotional response against Auto Dealers, Incorporated. Both John and Judith Rotz brought up existing traffic visibility problems from Boyd's Body Shop as well as reported information from Lynwood Johnson of the Baltimore County Zoning Office, regarding the barn to be used as a repair shop.

Neil Lanzi said there will be no repair shop on the premises only a sales office and he will ask the zoning commissioner to eliminate any repair shop at the hearing.

Another neighbor who was a petitioner against the dealership spoke out about parking on Winans Avenue. He became very angry about existing parking and traffic problems and what would more traffic and parking mean to this area.

Another neighbor who lives next door to the 1826 Winans Avenue property, who recently moved in, gave his support to the Isaacs plan.

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Brad interjected to ask that members of the Halethorpe Improvement Association be able to take a vote on this matter. Everyone else left the room. The vote was taken: 18 for, zero against, and 3 abstained.

Brad called everyone back into the room and gave them the results. There was a stipulation; however, in that Brad asked Neil Lanzi for a document with the following concerns to be sent to him and officers of the H.I.A. before the hearing on 8/22/95:

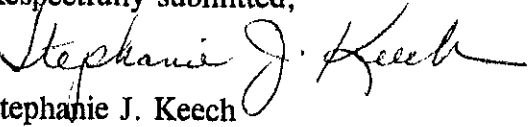
- a.) to eliminate the reference to "repair shop" on the Site Plan both on the record at the zoning hearing and by amendment to the previous site plan filed in this case.
- b.) no streamers or banners on premises
- c.) security patrols be provided after business hours
- d.) lighting not to cast illumination upon adjacent residential properties
- e.) no outdoor P A system

Joe Kinsey expressed concern that the special exception, if granted, would be limited to a used car lot use only. It was followed by concern on the part of other members as well.

Neil Lanzi said his client had no objection to any order approving special exception to be limited to such a use containing the agreed upon conditions.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,


Stephanie J. Keech

Sign In - 8/8/95 Meeting

Joe Kinsley - 1519 Woodside Ave

Allen Ruckert

Harvey Ruckert

Lou Lenz

Betty Lenz

Bill & Catherine Davey

~~Simon~~ ~~Truman~~

Rebecca Schoepke

Paul Hayes

Betty Zuer

May Seymour

Don Seymour

Bice Zittle

Mary Sullivan

Thomas Sullivan

Betty Riedel

Linda Fittle

Bill Fittle

Ernest Isaac

Brian Isaac

Nel Hany

Thomas Bulwa & Lisa Placout

Cherrie J. Kokeske

John E. Caplan

John & Judy Roth

Raeel Hank

Stephanie Kesch
Susan Mocks

Bill Jaquet
1816 Wmms Ave

247-1954
Ron Barnett 242-1967

CONSTITUTION AND BY-LAWS
OF
THE HALETHORPE IMPROVEMENT ASSOCIATION, INC.

Adopted September 10, 1957--Revised March 31, 1964

ARTICLE 1 - NAME

The name of the association shall be The Halethorpe Improvement Association, Inc., hereinafter called the Association.

ARTICLE 11 - PURPOSE

It shall be the purpose of the Association to promote the general welfare of the community and shall be non-political and non-sectarian.

ARTICLE 111 - MEMBERSHIP

Section 1 - Membership in the Association shall be limited to members over 18 years of age. *and living in the following boundaries (see attached map)*

Section 2 - All persons eligible for membership in the Association who shall become members on or before the December 1957 meeting shall be known as charter members. After the December 1957 meeting, membership shall be by written application and election at meeting of the Association by the majority of those present.

ARTICLE 1V - DUES 1/

Section 1 - The annual minimum dues shall be \$3.00, ^{3.50} the payment of which shall entitle any two (2) eligible members of a household to all privileges of membership; an additional fee of \$1.00 shall be charged annually for each additional person of that household who becomes a member of the Association.

Section 2 - Special assessments may be made at any meeting of the Association by a majority of votes of the members present. Such assessments shall be payable as provided at the time they are authorized.

Section 3 - If the dues or special assessments of any member remain unpaid for more than 30 days from the date upon which they become due, a written notice of such delinquency shall be sent to the member by the treasurer. If at the end of 30 days of such notice the dues or special assessment remain unpaid, the membership shall be temporarily suspended pending payment or final action of the Board of Directors.

ARTICLE V - OFFICERS

Section 1 - The officers shall consist of a president, vice-president, ^{recording} secretary, and treasurer, who shall be elected by and hold office at the discretion of the membership. Their terms of office shall begin immediately after election and shall continue until their successors are duly elected by the membership of the Association.

Section 2 - Each of the officers shall perform the duties customary to their respective offices.

Section 3 *The president may hold office for two consecutive years only. All other officers may hold office indefinitely.*

ARTICLE VI - BOARD OF DIRECTORS 2/

Section 1 - The Board of Directors shall consist of the four (4) officers and five (5) members elected from the membership, and in addition, the past president shall automatically become a member of the Board for a period of two years. Each elected member of the Board of Directors shall hold office until the election of a successor.

Section 2 - Meetings of the Board of Directors shall be called by the president or at the request of the majority of the Board. Notice of the time and place of the meeting shall be given each member of the Board by the secretary. Five members of the Board shall constitute a quorum for the transaction of business, and every act of the Board approved by a majority of those present at any meeting shall be valid.

Section 3 - The Board shall act for the Association in its interest between its meetings in all matters which are not expressly required to be acted upon by the entire membership under the provision of these by-laws, but shall report all its acts at the next meeting of the Association.

ARTICLE VII - MEETINGS 3/

Section 1 - Regular meetings shall be held on the first Tuesday of February, April, June, August, October, and December of each year.

Section 2 - A special meeting of the Association may be called at any time by the president. The president shall also call a special meeting within ten (10) days of receipt by him of a request in writing for such a meeting from a majority of the Board of Directors, or from one third of the members entitled to vote at any meeting.

Section 3 - Each member in good standing shall be entitled to one (1) vote on all questions coming before the Association membership.

Section 4 - Ten (10) percent of the members entitled to vote shall constitute a quorum for the transaction of business at any meeting of the Association.

ARTICLE VIII - ELECTION

Section 1 - The election of the officers and the Board of Directors shall be held at the June meeting of each year.

Section 2 - At least 30 days before the date of the election, the president shall appoint a nominating committee composed of not less than three (3) members. Nominations for each of the officers and for the Board of Directors shall be presented to the Association. However, nomination for any office or for the Board of Directors may be made from the floor.

Section 3 - All voting and election shall be by ballot. No proxy shall be allowed. A majority of the votes shall constitute an election.

1975
105
MEMBERS
10 MEMBERS
(Quorum)

ARTICLE IX - PROCEDURE

Section 1 - The proceedings of the Association and the Board of Directors meetings shall be governed by and conducted according to the latest edition of Roberts' Rules of Order.

ARTICLE X - COMMITTEES

Section 1 - The president shall appoint within 30 days from the date of his election the following standing committees:

Membership - not less than five (5)

Ways and Means - It shall be the duty of the Ways and Means Committee to raise funds when necessary for purposes of the organization.

Section 2 - The president may also from time to time appoint such other or special committees as may be directed by the membership or the Board of Directors.

ARTICLE XI - AMENDMENTS OR ALTERATIONS

Section 1 - These by-laws may be repealed, amended or additional ones adopted at any meeting of the Association by vote of 51 percent of the members present entitled to vote.

AMENDMENTS TO CONSTITUTION AND BY-LAWS

1/ Dues. When originally adopted, Article IV provided that the annual dues for two members of a household would be \$2.00.

May 3, 1960. The annual dues amount was raised from \$2.00 to \$3.00, effective July 7, 1960.

2/ Board of Directors. When adopted in 1957 Article VI, Section 1, provided that the Board of Directors shall consist of the four officers and five members elected from the membership.

July 5, 1960. Section 1 was changed to provide that the past president will automatically become a member of the Board for a period of two years.*

3/ Meetings. As adopted in 1957, Article VII, Section 1, provided that regular meetings shall be held on the first Tuesday of March, June, September, and December of each year.

March 1, 1960. Section 1 was changed to provide for regular meetings every two months instead of every three months, starting the first Tuesday of May 1960.

March 7, 1961. The meeting nights were changed from the first Tuesday of January, March, May, July, September, and November, to the first Tuesday of the opposite months, February, April, June, August, October, and December.

* March 31, 1964. Section 1, second sentence, the word "elected" was added for clarity by the editor.

Excerpts from By-Laws of The Halethorpe Improvement Assn.

Article VIII - Election

Section 1 - The election of the officers and the Board of Directors shall be held at the June meeting of each year.

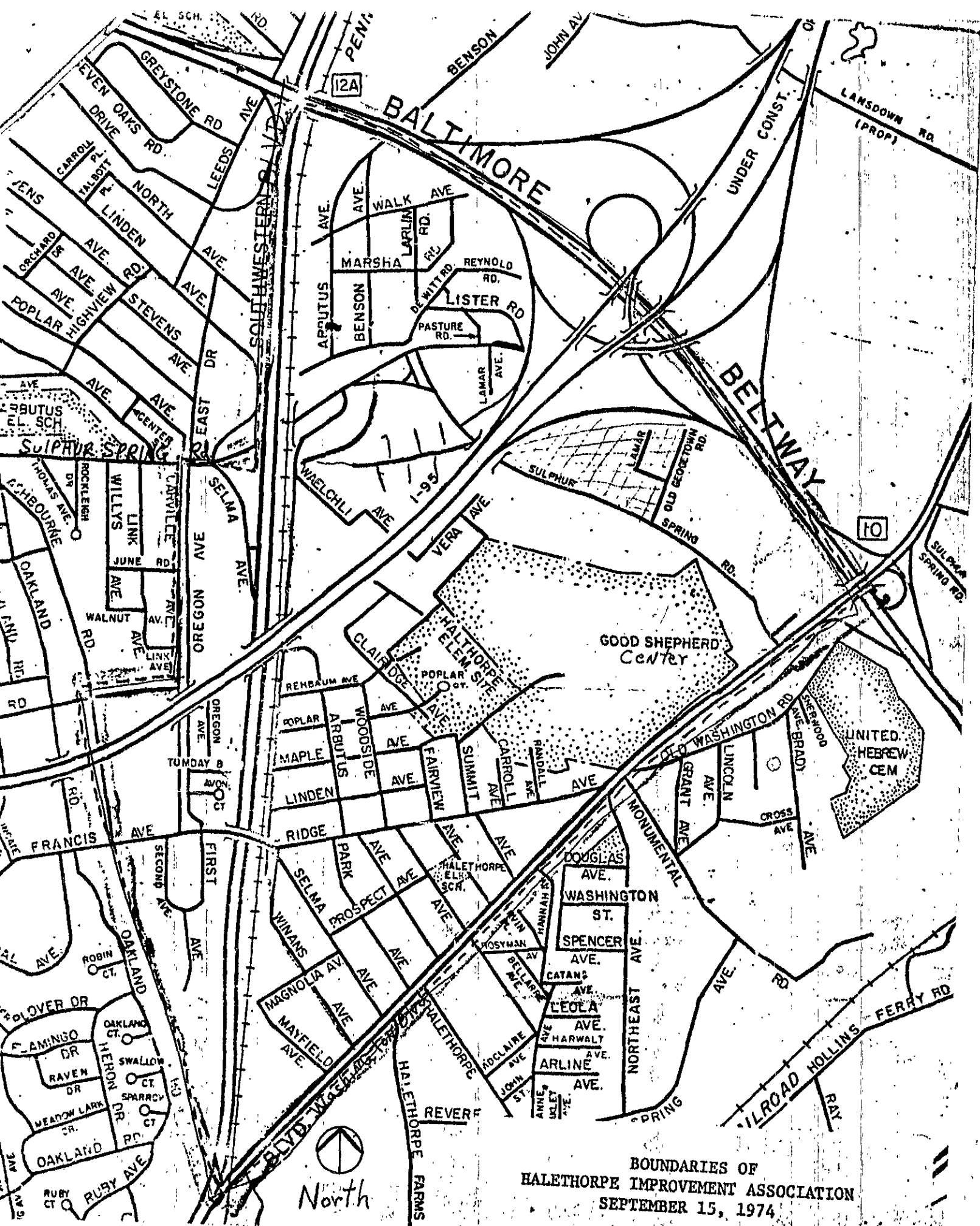
Section 2 - At least 30 days before the date of the election, the president shall appoint a nominating committee composed of not less than three (3) members. Nominations for each of the officers and for the Board of Directors shall be presented to the Association. However, nomination for any office or for the Board of Directors may be made from the floor.

Section 3 - All voting and election shall be by ballot. No ~~proxy~~ proxy shall be allowed. A majority of the votes shall constitute an election.

shall

Article V - Officers - Section 1 - The officers ~~will~~ consist of a President, Vice President, Secretary and Treasurer, who shall be elected by and hold office at the discretion of the membership. Their terms of office shall begin immediately after election and shall continue until their successors are duly elected by the membership of the Association.

Article VI - Board of Directors - Section 1 - The Board of Directors shall consist of the four (4) officers and five (5) members elected from the membership. Each member of the Board of Directors shall hold office until the election of a successor.



BOUNDARIES OF
HALETHORPE IMPROVEMENT ASSOCIATION
SEPTEMBER 15, 1974

Cut by # 26

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

August 4, 1995

ELLICOTT CITY
3460 Ellicott Center Drive
Suite 101
Ellicott City, Maryland 21043
Reply to Towson

Brad Hauck, President
Halethorpe Improvement Association
4605 Ridge Avenue
Baltimore, MD 21228

Re: My Client: Auto Dealers, Inc.
Zoning Case No.: 95-454-XA
1826 Winans Avenue

Dear Mr. Hauck:

As you know, I represent Auto Dealers, Inc. with reference to its Petition with the Baltimore County Zoning Commissioner for a proposed used motor vehicle business to be located at 1826 Winans Avenue.

This letter is to thank you in advance for providing my client with an opportunity to meet with you and other members of your Association to discuss my client's proposed plans for this location. It is my understanding a meeting of the Halethorpe Improvement Association has been scheduled to discuss this proposal on **Tuesday, August 8, 1995 at 7:00 p.m. at the Good Shepherd Center**. My client plans to attend and would like to answer any questions there may be regarding the proposal.

A copy of this letter is being sent to those members of your community who signed a Petition in Opposition to my client's proposal with the hope that they will be able to attend the August 8th meeting.

Finally, the hearing has been rescheduled to **Tuesday, August 22, 1995 at 2:00 p.m.** and will be held in Room 118 of the Old Court House located at 400 Washington Avenue in Towson, Maryland.

PROTESTANTS EXHIBIT NO. 1

The following study of crime in Baltimore County was developed using:

1. Crime statistics for 1994 from the Baltimore County Police Department
2. Number of county residents from the Demographics Dept. of Baltimore County
3. Number of car repair/dealerships from the American Business Disc on CD ROM at the Baltimore County Library in Towson

Incidents of Crime reported at:

	Residential Sites 300,690	Car Repair/Dealership Sites $416 + 190 = 606$
Breaking & Entering	4648 (1.5%)	91 (15%)
Auto Theft	421 (.14%)	180 (30%)
Robbery	16 (.005%)	1 (.17%)

What these numbers indicate is that crime is more likely to happen at the site of a car repair business or dealership than at the site of a residence.

Breaking and Entering:	10 times more likely
Auto theft:	21 times more likely
Robbery:	34 times more likely

(Petition)

PROTESTANTS
EXHIBIT NO. 2

Halethorpe Community Petition

Against Zoning Variance Of Proposed Used Motor Vehicle Lot At 1826 Winans Avenue

In Halethorpe.

Case # 95-454-XA Item # 448

Print Name	Address	Phone	Signature
1. BARNWICK	1736 Winans Ave	536-4071	Basilina Barnwick
2. Sears	4608 Lincoln Dr.	247-8852	Leann Sears
3. RIEDEL	1728 SELMA	242-5147	OT Riedel
4. Von Hagel	1807 Selma	536-0281	Donald W. Von Hagel
5. SCHAEFER	1816 Park Ave	247-4436	Clyde R. Schaefer
6. AIRD	1808 PARK Ave	247-1115	Jimmie Aird
7. Paxton	1718 Park Ave	242-0414	Fannie C. Paxton
8. Lopez	1714 Park Ave	347-0462	Charlotte Lopez
9. STILWELL	3523 Henshaw Way	242-2653	Engel Stilwell
10. LESTER	4600 LINCOLN DR	247-2084	Tom Lester
11. HOSE	1820 ARBUTUS ^{Dr}	242-3590	Janet Hose
12. HARTMAN	1821 ARBUTUS	242-7781	Janet Hartman

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

01/22/96

PRIMARY SCREEN

Prot. Esh
6A

DISTRICT: 13 ACCT NO: 1313750950

SUBDIST:

OWNER NAME / MAILING ADDRESS

PALACOROLLA THOMAS A
PALACOROLLA BARBARA J
12183 TRIADELPHIA RD
ELLICOTT CITY

MD 21042-1009

DEED REF 1) / 8195/ 693

2)

PLAT REF 1) 1/ 60

EXEMPT STATUS/CLASS

0 000

PRINCIPAL
RESIDENCE

NO

PREMISE ADDRESS

1826 WINANS AVE

TOWN GEO ADVAL TAX LAND COUNTY

CODE CODE CODE CLASS USE USE

000 81 000 C 06

LEGAL DESCRIPTION

LT 300-301

SW COR WASHINGTON

HALETHORPE

MAP GRID PARCEL SUB-DIV PLAT SECT BLOCK LOT

108 12 594

TRANSFERRED FROM: ELINE WILLIAM F

06/12/89

\$36,000

PRESS: <F1> VALUES SCRN <F2> RETURN TO LIST SCRN <F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

01/22/96

VALUES SCREEN

DISTRICT: 13 ACCT NO: 1313750950

SUBDIST:

OWNER NAME: PALACOROLLA THOMAS A

TOWN CODE: 000

CURRENT VALUE

PHASE-IN VALUE

PHASE-IN ASSESSMENTS

BASE VALUE

AS OF

AS OF

AS OF

AS OF

01/01/96

07/01/96

07/01/95

07/01/96

LAND : 85.480 98.740

IMPT : 23.660 23.390

TOTAL : 109.140 122.130

113.470

43.650

45.380

PREF LAND: 0 0

0

0

0

PRIMARY STRUCTURE DATA

PARTIAL EXEMPT ASSESSMENTS

YEAR BUILT ENCLOSED AREA

CODE

07/01/95

07/01/96

00

COUNTY 000

0

0

STATE 000

0

0

LAND AREA: 10.744.00 SF

MUNICIPAL 000

0

0

PRESS: <F1> PRIMARY SCRN <F2> RETURN TO LIST SCRN <F3> SELECT NEXT PROPERTY

513

513

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 16, 1996

TO: Peter Zimmerman
People's Counsel

FROM: Stephen E. Weber, P.E., Chief
Division of Traffic Engineering *SE Weber*

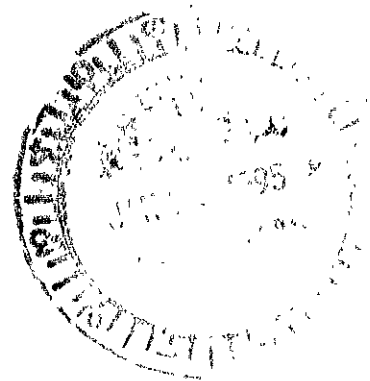
RE: Case No. 95-454-XA
Thomas Palacorolla, et. al. - Owners
Auto Dealers, Inc.

Thank you for giving our office the opportunity to review the above referenced project. After reviewing the site plan and the testimony provided by Mr. Palacorolla, the petitioner, and Mr. Cornelius, of The Traffic Group, we tend to agree that this site will not have an adverse traffic impact on the surrounding community and it will provide adequate internal traffic flow. However unless the individual parking spaces for the 15 to 20 vehicles for sale are shown on the plan, we cannot be certain. The construction of a new office on the site could likewise present some circulation problems depending on where it is located.

We should mention that we strongly oppose any off-site parking for customers or employees. The surrounding residential community should not be burdened with the proposed site's parking.

We hope these comments have been helpful. If you have any questions, please contact Keith Link at ext. 3554.

SEW/WKL/lvd



To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed: John McDonald

Address: 4610 Washington Blvd
Baltimore, MD 21227
(410) 242-1166

PETITIONER'S
EXHIBIT 7A

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed:

James B. [Signature]

Address:

4610 Washington Blvd
Baltimore Md 21227

PETITIONER'S
EXHIBIT 7B

Re: Judith Rotz
4620 Washington Blvd.
Halethorpe, Md. 21227

PROTESTANT'S EXHIBIT NO. 4A

Mrs. Rotz and I have been friends for almost 21 years, and during that time, I have seen her in good health and poor health. Within a period of 7 years she was twice a victim of car accidents. The combination of injuries sustained in these accidents has caused her to suffer with intractable post-traumatic migraine headaches, the kind of headaches which she may always have.

Mrs. Rotz has been hospitalized for these headaches and needs to take shots three times a week for them. A sensitivity to light and increased noise levels affects her headaches, and any kind of stress can send her into severe pain. Her doctors have recommended that she reduce her hours of work or even stop working altogether. She has already reduced her work week from five to three days.

I can empathize with her suffering as I too, have experienced chronic pain over the years. We have encouraged and supported each other throughout our health problems. And so, like her family, I am concerned that a used car lot immediately next door to her home and yard will not be compatible with her medical condition and that she might be forced to leave the house which has been in her family for 50 years.

Mrs. Rotz fears that the bright lights, the increased traffic next door and the noise pollution created by car engines would likely increase her pain level. In addition, she and her daughter Christine are susceptible to allergies. Mrs. Rotz fears these allergies might be aggravated by exhaust fumes, oil, cleaning fluids and toxic chemicals which would likely be in the air or drain onto her property. Such an environment would create further stress and discomfort for her and her family.

Judith A. Morris

4B

SPEED HEADACHE ASSOCIATES P.A.

HEADACHE EVALUATION & MANAGEMENT
INTERNAL MEDICINE
6701 NORTH CHARLES STREET, STE. 5140
BALTIMORE, MARYLAND 21204 - 6808
TEL # (410) 826 9898 FAX # (410) 826 7964

W. ROBERT LANGE M.D. F.A.C.P.
WILLIAM G. SPEED III M.D. F.A.C.P.
MAUREEN MORIARTY-SHEEHAN M.S. C.R.N.P.
SHERI B. STERN M.S. C.R.N.P. C.S-P

July 20, 1996

Laurence Schmidt
Zoning Commissioner-Baltimore County
Room 118 Old Courthouse
Towson, Md. 21202

Re: Judy Rotz
4620 Washington Blvd.
Halethorpe, Md. 21227

Dear Mr. Schmidt,

Mrs. Rotz is followed by this office for the treatment of post-traumatic migraine headache. At her request this letter is sent regarding proposed construction of a used car lot at 1826 Winans Avenue in Halethorpe. Mrs. Rotz has noted that her head pain is aggravated by bright lights and loud noises. Construction of a car lot at this location would in all likelihood increase the occurrence of these factors in her area and possibly increase her pain level.

Sincerely,



Maureen Moriarty-Sheehan CRNP

4C

SPEED HEADACHE ASSOCIATES P.A.

**HEADACHE EVALUATION & MANAGEMENT
INTERNAL MEDICINE**

**6701 NORTH CHARLES STREET, STE. 6140
BALTIMORE, MARYLAND 21204 - 6808
TEL # (410) 825 9595 FAX # (410) 825 7964**

**W. ROBERT LANGE M.D. F.A.C.P.
WILLIAM G. SPEED III M.D. F.A.C.P.
MAUREEN MORIARTY-SHEEHAN M.S. C.R.N.P.
SHERI B. STERN M.S. C.R.N.P. C.S-P**

June 22, 1996

To whom it may concern:

Judith Rotz is followed by this office for the treatment of post-traumatic migraine. An increase in headache intensity as well as post-traumatic syndrome symptoms occurred following an automobile accident February 18, 1992. Due to the intensity of symptoms it is difficult for Mrs. Rotz to continue to work 30 hours each week. Time lost from employment this year has necessitated consideration of filing for disability related to the aforementioned condition. This will be addressed at her next office visit in July 1995.

Sincerely,



Maureen Moriarty-Sheehan CRNP



ARBUTUS COMMUNITY ALLIANCE
C/O Robert Latham
Arbutus Middle School
5525 Shelbourne Road
Baltimore, Maryland 21227

*Prot. Sept 11
2000 minutes*

January 22, 1996
Baltimore County Planning Board
Towson, MD

Re: Zoning Variance Case # 95-454-XA, Item # 448

Please be advised, the Leadership Council of the Arbutus Community Alliance has reviewed the referenced variance request and is unanimous that the request for variance is inconsistent with the goals and priorities of the community consensus. Our review included analysis of documents submitted by Mr. Greg Rotz and verbal discussion with Mr. Rotz and Mr. Donald Hawkins, President of the Halethorpe Civic Association.

Denial of this request is in keeping with the mission statement of the Arbutus Community Alliance and supports the County wide thrust to downgrade zoning in District one.

Sincerely,



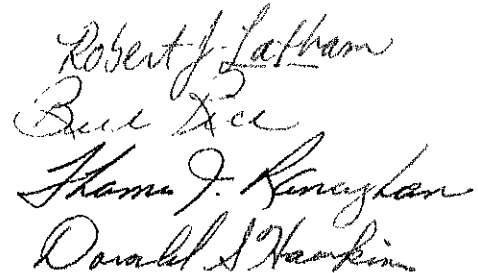
Ed Hardester, Chairman
Planning, Zoning and Economic Development Committee

Leadership Council:

Printed Name

Robert T. Latham
William E. Rice
THOMAS J. RONAGHAN
DONALD S. HAWKINS

Signature



4620 Washington Blvd
Baltimore, Maryland 21227
July 17, 1995

*P.C. + Prot.
Exh #18*

Mr. Arnold Jabalon
Director of Zoning
Baltimore County
401 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Jablon:

We the homeowners of 4620 Washington Blvd., are opposed to the special exception and setback variance for the property at the corner of Washington Blvd. and Winans Avenue in the case #95-454-XA, Item 448. We are very concerned about the current building setbacks for the old barn on this property being referred to as an "existing 2 story office/sales building". We feel they are currently in violation of the building code for present use and the majority of the property owners in the immediate area are against the proposed new usage as a used motor vehicle lot.

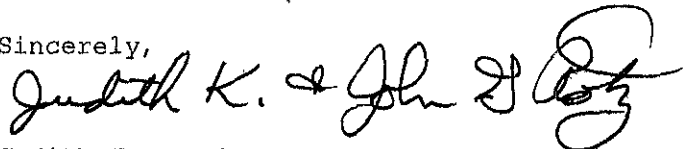
Furthermore, we question whether the property owner had a building permit and the required special exception variance to allow the current use of the barn on this property for the TAP Center Equipment Sales. (Please refer to the section 238.2 of the Baltimore County Zoning Regulations.)

Therefore, we request that the Baltimore County Zoning Office investigate the following:

1. to determine if the existing barn structure was issued a building permit and subsequent occupancy permit. (required for commercial use)
2. to determine if there was a violation of zoning regulations section 238.4 for storage and display of materials and vehicles and equipment which requires a special exception variance for the current use.
3. to determine whether a special exception variance was received for using the barn as "living quarters in a commercial building". (Section 236.4 of Baltimore County Zoning Regulations.)

Finally, we have never had any opportunity to address this issue in a public hearing in the past. We are not aware of any previously posted zoning notices or building permits having been displayed anywhere on this property in the past. Please address these concerns by the July 24th zoning hearing date for the case #95-454-XA, Item 448.

Sincerely,



Judith K. & John G. Rotz

cc: Mr. Donald Hawkins, President, Halethorpe Civic League
Mr. Brad Houc, President, Halethorpe Improvement Assn.
Mr. Larry Schmidt, Zoning Commissioner

Cont. Zpb #19

January 28, 1996

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case # 95-454-XA

To Whom It May Concern:

We do not want a used car lot at the corner of Washington Boulevard and Winans Avenue because we feel it would be contrary to the residential character of the community and detrimental to the safety and well being of the residents. This business would negatively effect traffic at an intersection that has already been a problem. We are against it.

Sincerely,

Al & Juliet Nielsen

Al & Juliet Nielsen
1829 Woodside Ave.
Baltimore, Maryland 21227

we live in F&K 0500, Mt.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 27, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1826 Winans Avenue

Post. Exh # 22

INFORMATION:

Item Number: 448
Petitioner: Palacorolla Property
Property Size: _____
Zoning: BR-AS
Requested Action: Special Exception & Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff has met with the applicant's attorney, Neil Lanzi, and supports the requested action subject to the following agreed upon conditions:

- 1) Evening hours of operation should not extend beyond 8:00 pm.
- 2) No outdoor paging equipment will be installed on site.
- 3) The applicant should submit a landscape plan for review and approval by the Baltimore County Landscape Planner.
- 4) The use of seasonal streamers and banners should not be permitted.
- 5) The height of any proposed lighting should be limited to ensure that no illumination is cast onto adjacent residential properties.

Prepared by: Jeffrey W. Long

Division Chief: John J. Waller

PK/JL

Cont. Exh #23

B A L T I M O R E C O U N T Y , M A R Y L A N D

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: Robert O. Schuetz, Chairman DATE: January 18, 1996
 Baltimore Co. Board of Appeals

FROM: Jeffrey Long *JL*
 Office of Planning

SUBJECT: ITEM NO. 448 (1826 Winans Avenue-Palacorolla Property)

Please be advised that irrespective of the fact that the subject property has been raised as an Issue through the Comprehensive Zoning Map Process (Issue 1-005), the position expressed in our comments of June 27, 1995 remains unchanged (see attached comments).

JL:lw
JLITM448/PZONE/TXTLLF

c: People's Counsel
 Neil Lanzl, Esquire



Baltimore County Office of Planning
401 Bosley Avenue Towson Maryland 21204
(410) 887-3480

P.C. #
Prot. Exp.
#8

1996 COMPREHENSIVE ZONING MAP APPLICATION

This form and required material must be presented in person

OFFICE USE ONLY

Issue No. 1-005
Council District 137
Planner Hughes

Received on 1/1/
Fee (non-refundable) N/A
Receipt No. N/A

APPLICANT INFORMATION

1. Name Planning Staff
2. Organization (if applicable)
3. Mailing Address
4. City, State, Zip
H ()
B ()
5. Home, Business Phone

6. Attorney or Representative
Firm name (if applicable)
Address
City, State, Zip
Business Phone Number

PROPERTY INFORMATION

7. Property Owner's Name See attached

9. Acreage of Property

11. Election Dist. (2 digit) See attached
Property tax number (10 digit)

Election Dist. (2 digit) Property tax number (10 digit)

Election Dist. (2 digit) Property tax number (10 digit)

8. Property Street Address Zip

West side Washington Blvd, Between Ridge Ave & S.W. Blvd.

10. Distance to nearest street/intersection (name street)

Map 108
12. Property tax map number / parcel number

Property tax map number / parcel number

Property tax map number / parcel number

RECLASSIFICATION INFORMATION

13. Acreage of land requested for rezoning 18.8 acres

18.8 acres BR-AS

15. Existing zoning (acres per zone)

14. Zoning History (Issue/case #, year, type)

BR-AS, BL, and DR5.5

16. Requested zoning (acres per zone)

Mixed residential/commercial

18. Proposed Use of Site

17. Existing Use of Parcel

G1 SW 6D, 7D

19. 1000' scale zoning map no. 200' scale zoning map no.

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

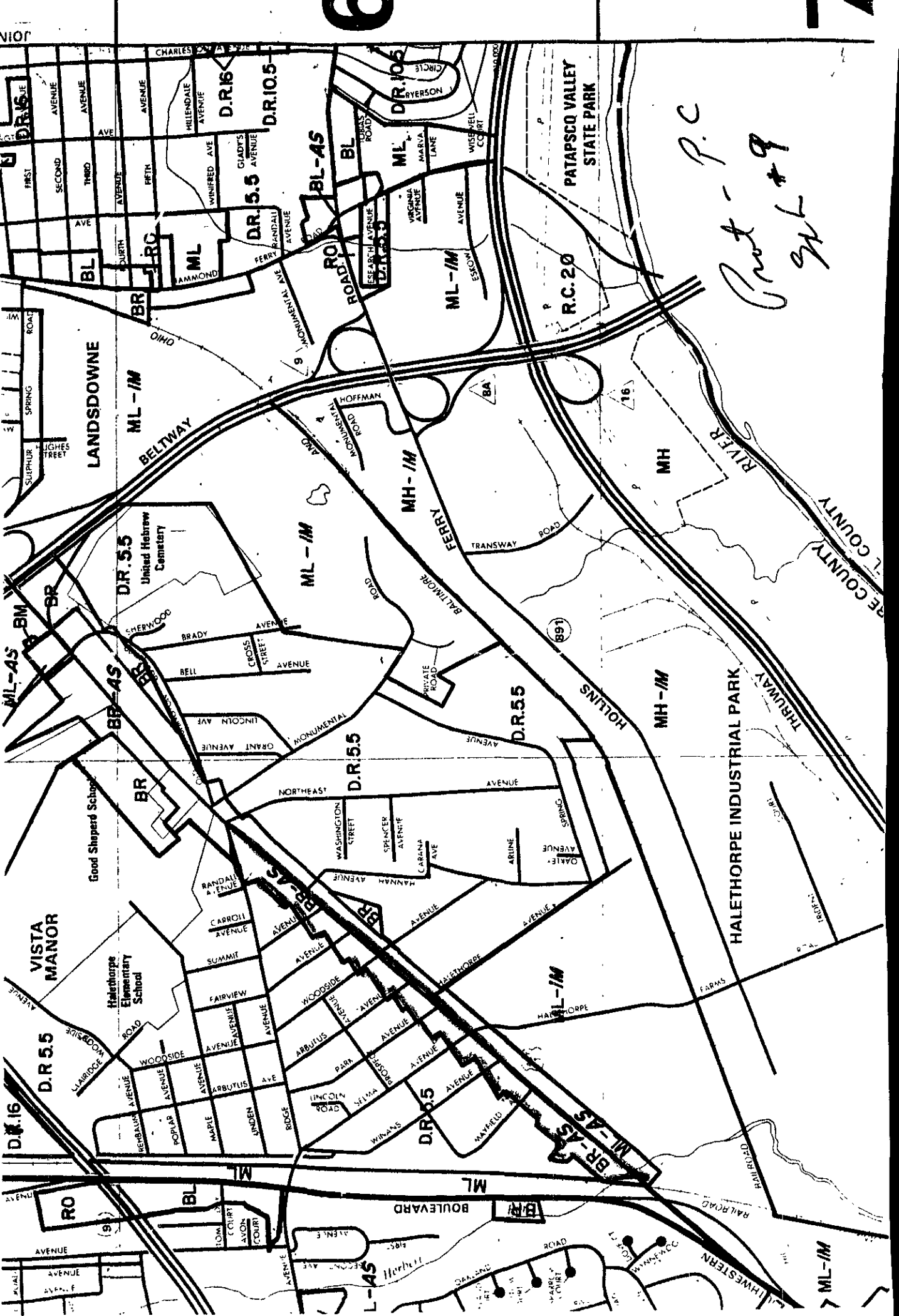
(SIGNATURE)

OWNER ACKNOWLEDGEMENT: Are you the owner? N ☐ Y ☐ If yes, review and sign below.

- I hereby grant permission to Baltimore County for any required inspections of my property in regard to the subject zoning request.
- I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible. Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State, and Federal requirements in effect at that time must be satisfied.
- I hereby acknowledge that the raising of an issue in no way guarantees that the requested zoning will be applied to the parcel by the County Council upon adoption of the Comprehensive Zoning Map.

Owner Name (Please Print)

Signature



ARBUTUS COMMUNITY ALLIANCE
C/O Robert Latham
Arbutus Middle School
5525 Shelbourne Road
Baltimore, Maryland 21227

*P.C. Prot
Exh #11
for I.D.*

January 22, 1996
Baltimore County Planning Board
Towson, MD

Re: Zoning Variance Case # 95-454-XA, Item # 448

Please be advised, the Leadership Council of the Arbutus Community Alliance has reviewed the referenced variance request and is unanimous that the request for variance is inconsistent with the goals and priorities of the community consensus. Our review included analysis of documents submitted by Mr. Greg Rotz and verbal discussion with Mr. Rotz and Mr. Donald Hawkins, President of the Halethorpe Civic Association.

Denial of this request is in keeping with the mission statement of the Arbutus Community Alliance and supports the County wide thrust to downgrade zoning in District one.

Sincerely,



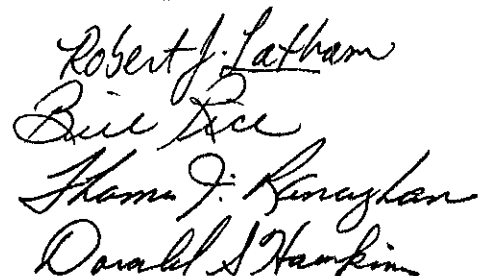
Ed Hardester, Chairman
Planning, Zoning and Economic Development Committee

Leadership Council:

Printed Name

Robert J. Latham
William E. Rice
THOMAS J. RONAGHAN
DONALD S. HAWKINS

Signature



AFFIDAVIT

C.C. + Cont. Sub # 14

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the (Board of Directors) ~~XXXXXXXXXXXXXXXXXXXX~~
of the Halethorpe Civic League, Inc. Association.

Donald S. Hawkins

Donald S. Hawkins

ATTEST:

Halethorpe Civic League Association Inc.

Darcel M. Cuthrell

Secretary

Darcel M. Cuthrell

Donald S. Hawkins

President

Donald S. Hawkins

DATE: January 22, 1996

Baltimore County Government
Administrative Office



Prot. & P.C. Ehl
13

400 Washington Avenue
Towson, MD 21204

(410) 887-2460
Fax (410) 887-5781

November 30, 1994

Mr. Donald S. Hawkins, President
Halethorpe Civic League
1919 Woodside Avenue
Halethorpe, Maryland 21227

Dear Don,

Thank you for attending the meeting in Towson on November 18th with County staff to discuss proposed improvements in Halethorpe.

I am pleased to confirm the following:

1. The County will carry out improvements to Arline, Catanna, Leola and Woodside Avenues as originally proposed.

County staff understand your position regarding a revised priority list for Phase 1, but are of the opinion that the inclusion of Spencer Avenue and Washington Street may result in excessive run-off onto downstream properties. As the question of storm drain flow and capacity on the former Kaiser plant site is not yet resolved, we must remain with our initial proposal.

2. The improvements proposed will include road replacement/repair as appropriate, installation of curb, gutter and storm drains. Sidewalks will only be provided if requested by residents on a street by street basis.
3. Street widths will be kept to a minimum and will not exceed 24 feet paved width. This may be reduced depending on site conditions and safety and every effort will be made to avoid impacting fences, trees, hedges, entrance ways and front yards.
4. The County will be responsible for all construction costs, including sidewalks if requested, on condition that any land for rights-of-way needed for the road improvements are given to the County at no cost.
5. An evaluation of the former Kaiser property will be undertaken by the Department of Public Works early in 1995 in order to determine storm drain and outfall capacities as a pre-requisite for further road improvement projects in Halethorpe.

P.C. Gosh 10

Halethorpe Revitalization Plan

Baltimore County, Maryland

Prepared for:

Halethorpe Civic League
Halethorpe, Maryland

Prepared by:

The Neighborhood Design Center
Baltimore, Maryland

September 1, 1993

16 O



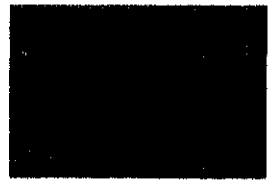
16 P



16 Q



16 R



16 S



16 T



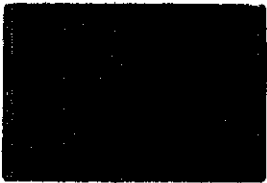
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16 V



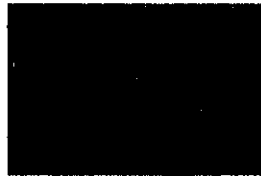
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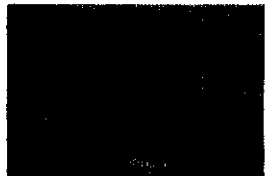
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16 Y



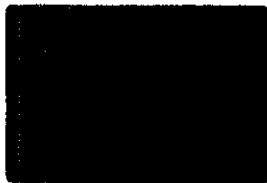
16 Z



16 AA



16 BB



16 CC



Case
#95-454-XA

People's
Council
Exhibits

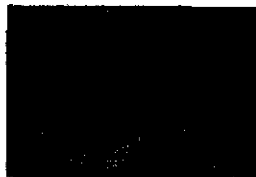
16 A



16 B



16 C



16 D



16 E



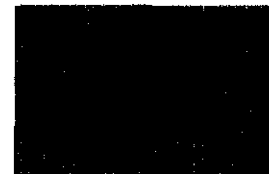
16 F



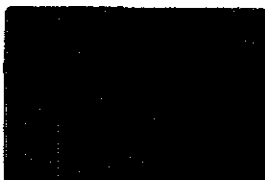
16 G



16 H



16 I



16 J



16 K



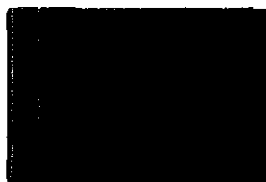
16 L



16 M



16 N



Case

#95-454-XA

People's
Council
Exhibits

(Petition)

PC 6/17

Halethorpe Community Petition

Against Zoning Variance Of

Proposed Used Motor Vehicle

Lot At 1826 Winans Avenue

In Halethorpe.

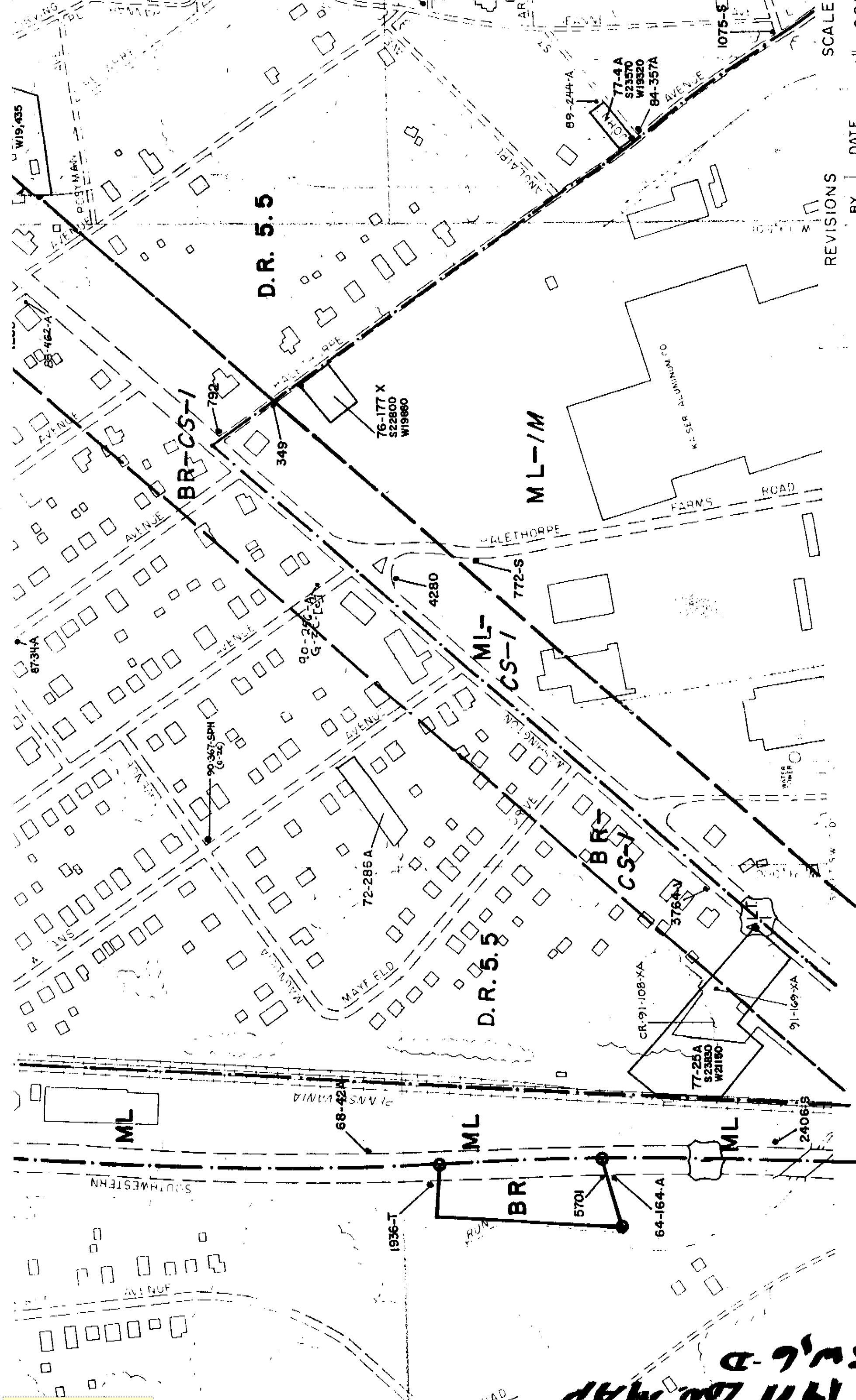
Case # 95-454-XA Item # 448

	Print Name	Address	Phone	Signature
3.	JAN BURKE	1821 Woodside	247-3117	JAN BURKE
4.	WANDA BURKE	1821 Woodside	347-3117	Wanda Burke
15.	LEON F. BUCK	1425 Southwick	217-5185	Leon F. Buck
6.	Theresa F. Jones	1822 Woodside	242-4577	Theresa F. Jones
7.	Theresa F. Jones	1822 Woodside Ave	242-4577	Theresa F. Jones
8.	Karen Glover	1802 Woodside Ave	242-2263	Karen Glover
19.	Bryan Glover	1802 Woodside Ave	242-2263	Bryan Glover
10.	CAROL E. GEORGE	1800 FAIRVIEW AVE	247-3175	Carol E. George
31.	JERRY WEBER	1800 FAIRVIEW AVE	247-3175	Jerry Weber
12.	Carol S. George	1800 Fairview Ave	242-1714	Carol S. George
33.	M. J. Bagnasco	1800 Fairview Ave	536-8148 247-0965	M. J. Bagnasco
34.	M. J. Bagnasco	14404 Ridgeview		M. J. Bagnasco

4. Under old business Joe reported the water runoff from the steps of the former TJ Longhorn property cannot be corrected by the new owner and Baltimore County is not sure they can do anything about it. Leonard Weinberg contacted Joe regarding another project at which time Joe expressed his disappointment on behalf of the Association on the less-than-promised landscaping of the shopping center and the larger than expected signs. The new project Mr. Weinberg wants to undertake is the former Echo Products building on the corner of Sulphur Spring Road & Washington Boulevard. The property is currently zoned ML (manufacturing light). Joe questioned him as to what he will put there and Mr. Weinberg replied that he did not know at this time. Some discussion ensued as to commercial and ML zoning in this area.
5. Joe brought up the fact that we are still in need of a new president. Joe said in talking to Jackie recently she thought that Brad Hauck, her neighbor, might be interested in the position. Mr. Hauck was present at the meeting. He addressed the membership by asking what their thoughts were and what direction the Association was taking. Joe and other members pointed out previous Association presidents and some of the Association's successful undertakings. Mr. Hauck said he would be glad to accept this position. A vote was taken and all were in favor of Mr. Hauck becoming the next president of the Halethorpe Improvement Association. The following officers and board members agreed to return for another year:

Joe Kinsey as Vice President
Agnes Syzmanski as Treasurer
Stephanie Keech as Recording Secretary
Susan Mocko as Corresponding Secretary
Ron Barnett as Zoning Chairman
Charles Kokoski, John Arold, Betty Link, & Ada Birgel as Board Members

Joe will call Jackie Allen and Tom Sullivan to see if they want to stay on as board members.
6. There was no old business to report.
7. Under new business, Joe received a letter from the Arbutus Athletic Association asking for a donation. A \$10.00 donation was suggested; however, Agnes said that we should keep donations to a minimum as this time. Joe said we should reserve our funds for future zoning fights. A motion to skip any unnecessary donations this year except to the Good Shepherd Center for use of meeting room was voted on and all were in favor.



PHOTOGRAMMETRIC MAP OF

NCIL

DAITMAN COUNTY MONTANA AREA

Date of Photography 1953

PHOTOGRAPH

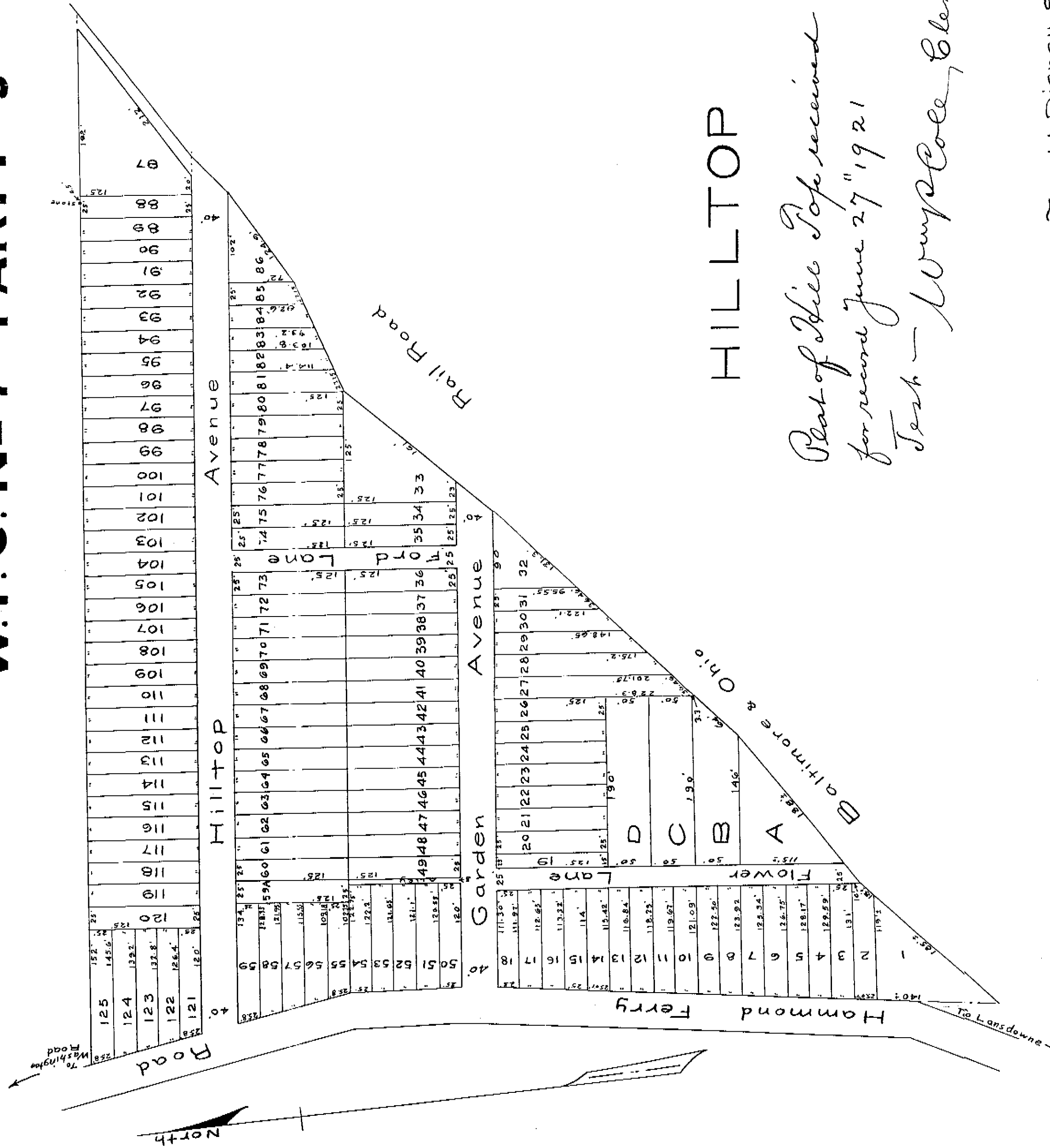
DATE 00

REVISIONS
BY
DATE

SCALE
1" = 200'

1971 ZONE MAP
SW, 6-D

W.P.C. No 7 PART 1-3



Thos. H. Disney, Syr.
Jan. 6, 1921.

PLAT
of
Land belonging
JOSEPH J. BENSON
AND
DORA BENSON

Scale, 1" = 100

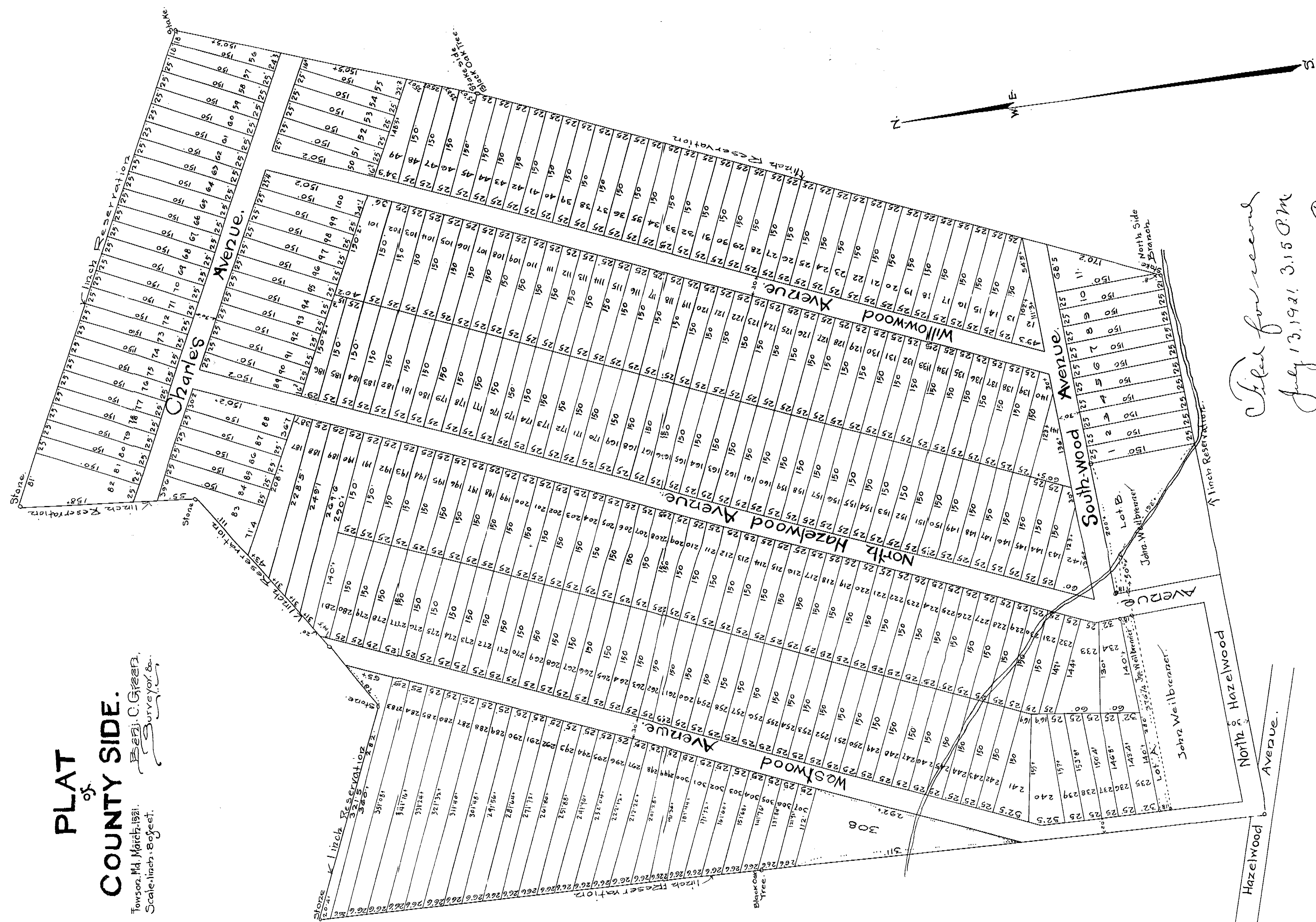
Map of Mayfield Terrace area showing streets: Mayfield Terrace, Mayfield Avenue, and Washington Boulevard. Includes a scale of 1 inch = 100 feet and a north arrow.

Lot	Area
1	1.50
2	1.50
3	1.50
4	1.50
5	1.50
6	1.50
7	1.50
8	1.50
9	1.50
10	1.50
11	1.50
12	1.50
13	1.50
14	1.50
15	1.50
16	1.50
17	1.50
18	1.50
19	1.50
20	1.50
21	1.50
22	1.50
23	1.50
24	1.50
25	1.50

BOULEVARD
Washington
Boulevard
Baltimore
County
Task - Wm P Cole, Clerk

PLAT
of
COUNTY SIDE.

Town of Md. March 1921.
Surveyor Gen.
Scale 1 inch = 80 feet.



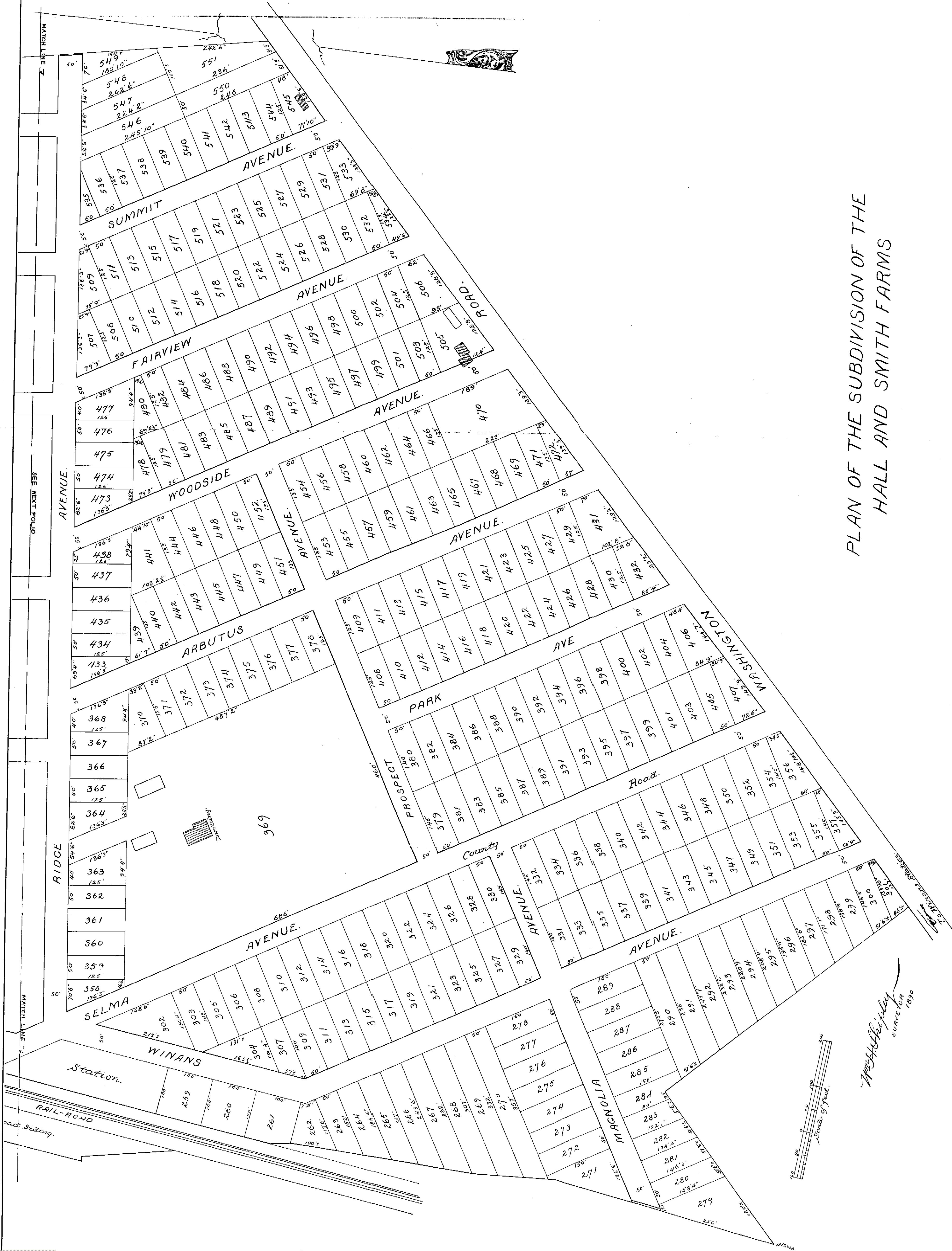
Task for record
July 13, 1921, 3:15 PM
Task - Wm P Cole, Clerk



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'		
<i>JSB</i>	<i>2/25/85</i>			
		DATE OF PHOTOGRAPHY APRIL 1953	HALETHORPE	S.W. 7-D
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.				

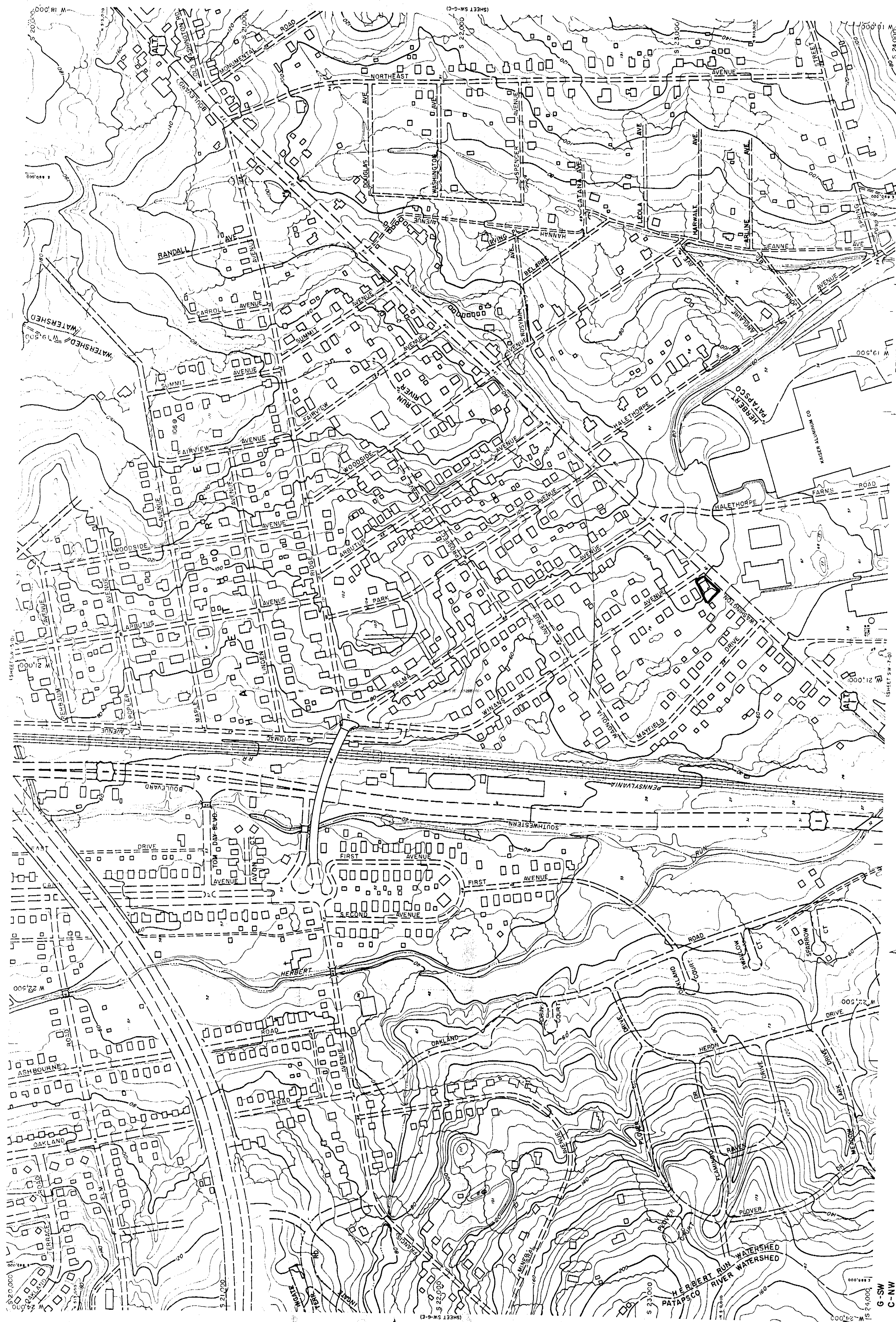
PC 14B



PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS

Owned by
James Rittenhouse and Oregon R. Benson.

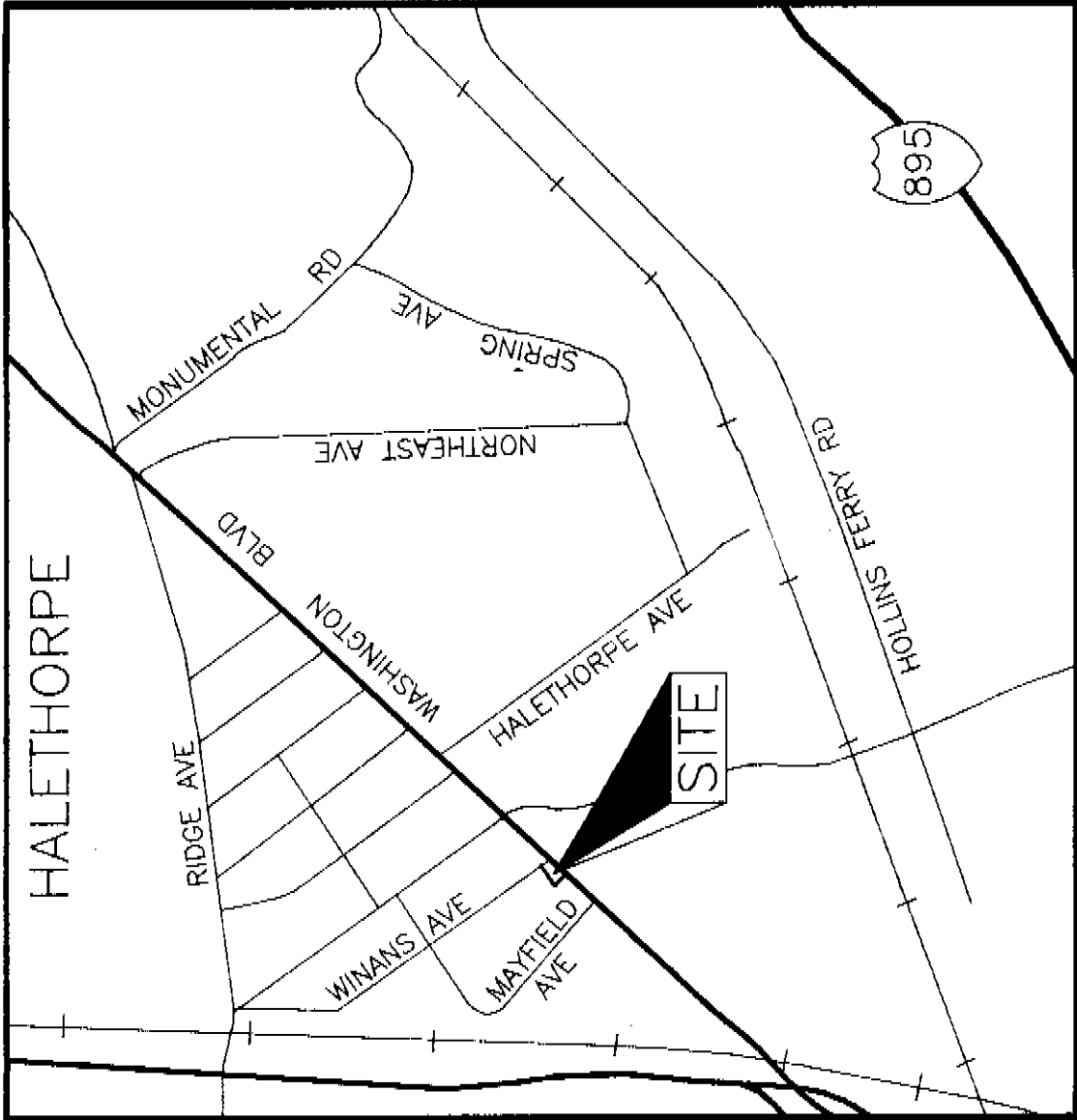
PC 6A 10A



REVISIONS		SCALE 1" = 200'	LOCATION HALETHORPE	SHEET S.W. 6-D
BY	DATE			
	4/2/55			
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.				

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

144



VICINITY MAP
SCALE: 1"=1000'

NOTES

PROPERTY ZONED: BR-CS-1 (BASED ON ZONING MAP NO. S.W. 6-D)
13TH ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT
PROPERTY: .25 AC. OR 10,703 SQ. FT. ±
BR-CS-1 GROSS AREA = .25 AC ±
PARKING DATA
EXISTING:
SALES OFFICES: 228 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
.23 X 5 = 1.2 SPACES REQUIRED

SHOP AREA + BUSINESS AREA: 228 SQ. FT.
3.3 SPACES FOR EACH 1,000 SQ. FT.
.23 X 3.3 = .76 SPACES REQUIRED
TOTAL REQUIRED = 1.2 + .76 = 1.96 (2) SPACES
TOTAL PROVIDED = 4 SPACES

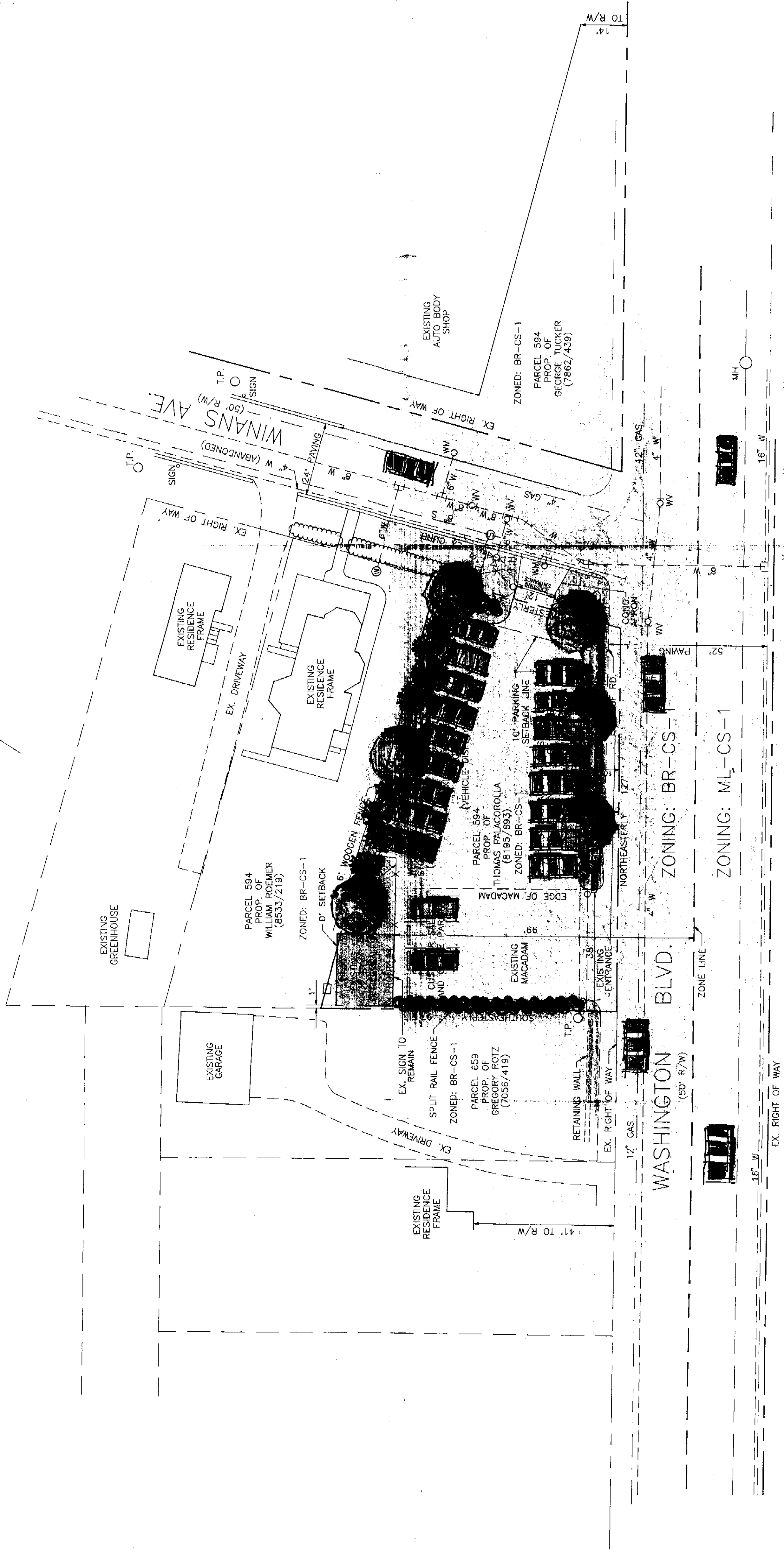
TYPICAL SPACE SIZE: 8.5' X 18' (TO BE STRIPED)
PAVING TYPE: MACADAM
F.A.R. = 456 / 10,703 = .43 ; F.A.R. ALLOWED = 2:1
A.O.S. = NONE REQUIRED
ADDRESS: 1826 WINANS AVE
PETITIONER:
AUTO DEALERS, INC.
13940 ROVER MILL ROAD
WEST FRIENDSHIP, MD. 21794

ATTORNEY:
J. NEIL LANZI
300 ALLEGHENY AVE.
TOWSON, MD. 21204

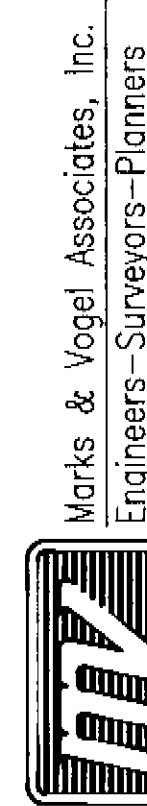
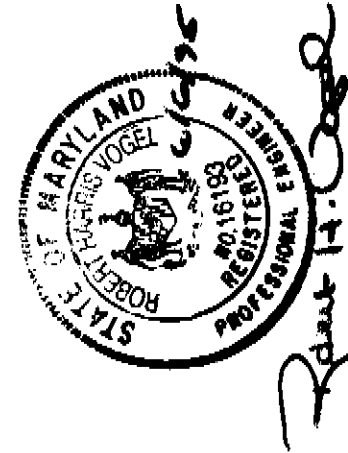
10' SHIELDED LIGHT STANDARD AND DIRECTION OF LIGHT SHOWN THUS:
PROPERTY LINES SHOWN HEREON WERE RE-CREATED WITHOUT
THE BENEFIT OF A BOUNDARY SURVEY.
PREVIOUS COMMERCIAL PERMIT:
TAP EQUIPMENT SALES AND RENTAL, INC. PERMIT NO. 135070
LANDSCAPING AS SHOWN ON SEPARATE EXHIBIT.
EXISTING SURFACE GRAVEL AND MACADAM, DURABLE AND DUSTLESS.
ZONING HISTORY: NONE SHOWN

ZONING REQUESTS:
i) PETITION FOR SPECIAL EXCEPTION TO ALLOW A USED
MOTOR VEHICLE OUTDOOR SALES AREA PURSUANT TO
SECTION 236.4 OF THE BCZR.
ii) VARIANCE FROM SECTION 238.2 TO ALLOW A 1-FOOT SIDE
SETBACK FOR THE EXISTING OFFICE/SALES BUILDING IN
LIEU OF THE REQUIRED 30 FEET; AND
iii) VARIANCE FROM SECTION 238.2 TO ALLOW A 0-FOOT REAR
SETBACK FROM THE EXISTING OFFICE/SALES BUILDING IN
LIEU OF THE REQUIRED 30 FEET.

HOURS OF OPERATION:
9AM TO 7PM MONDAY THRU FRIDAY
9AM TO 3PM SATURDAY



PLAN: 1" = 20'



Marks & Vogel Associates, Inc.
Engineers-Surveyors-Planners

3691 Park Avenue Suite 101
Ellicott City, Maryland 21043
Telephone: (410) 461-5828

DES:
DRN: M.D.M.
CHK: R.H.V.
DATE: 5-1-95

BY NO.

REVISION

DATE

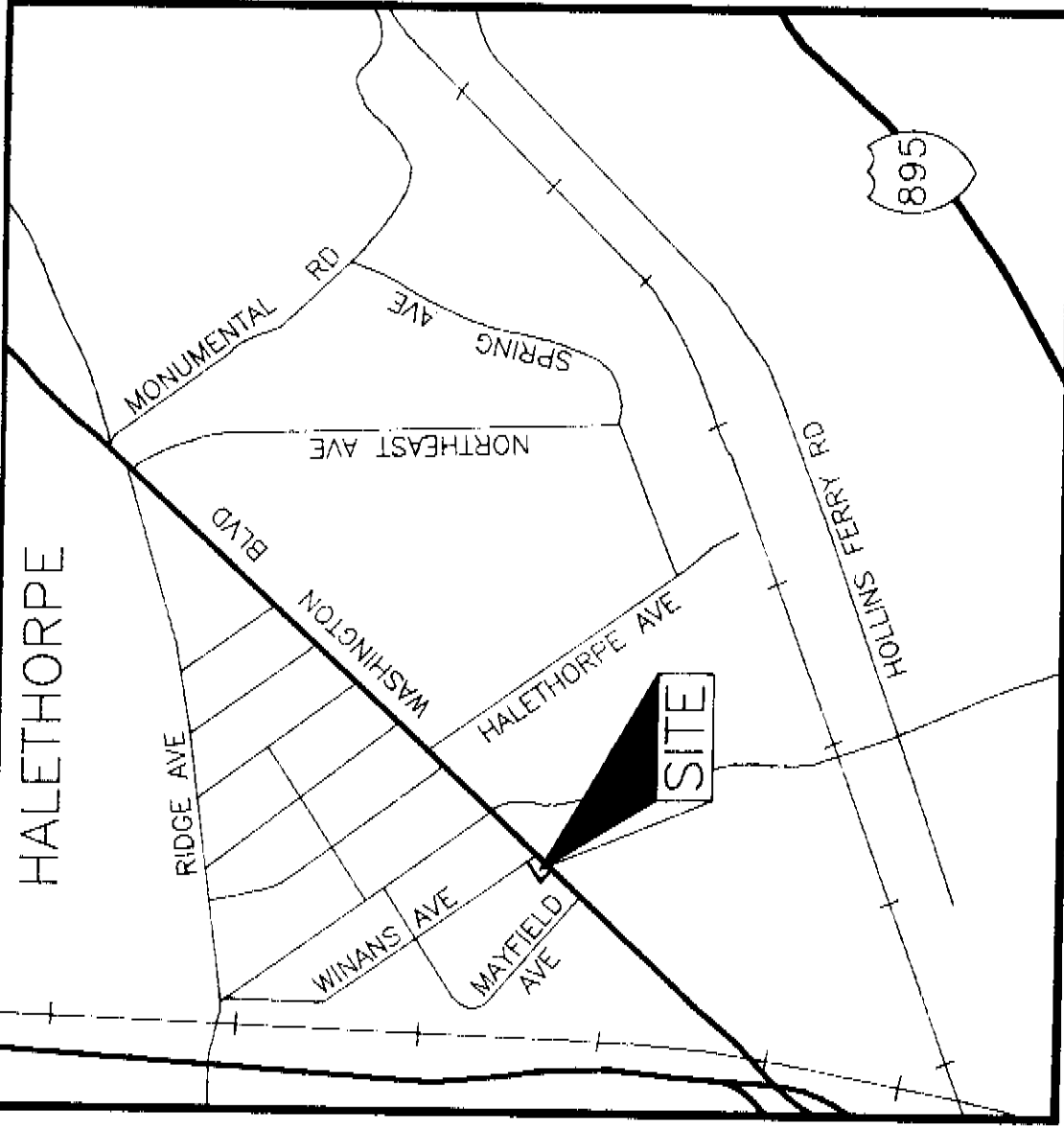
TAX MAP NO. 108, GRID 12, PARCEL NO. 594

PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION

THOMAS A. and BARBARA J. PALACOROLLA
1826 WINANS AVENUE, HALETHORPE MD. 21227

SCALE
AS
SHOWN

SHEET
1 OF 1



VICINITY MAP
SCALE: 1" = 1000'

NOTES

PROPERTY ZONED: BR-CS-1 (BASED ON ZONING MAP NO. S.W. 6-D)
SECTION DISTRICT 1ST COUNCILMANIC DISTRICT
PROPOSED LOT AREA: 10,703 SQ. FT. ±
BR-CS-1 GROSS AREA = 25 AC ±
PARKING DATA
EXISTING:
SALES OFFICES: 228 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
25 X 5 = 12 SPACES REQUIRED

BUSINESS AREA: 228 SQ. FT.
3.3 SPACES FOR EACH 1,000 SQ. FT.
23 X 3.3 = 76 SPACES REQUIRED
TOTAL REQUIRED = 12 + 76 = 198 (2) SPACES
TOTAL PROVIDED = 4 SPACES

TYPICAL SPACE SIZE: 8.5' X 18' (TO BE STRIPED)
PAVING TYPE: MACADAM

F.A.R. = 456 / 10,703 = .43 ; F.A.R. ALLOWED = 2:1
A.G.S. = NONE REQUIRED
ADDRESS: 1826 WINANS AVE

PETITIONER:
AUTO DEALERS, INC.
13940 ROVER WILL ROAD
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ATTORNEY:
J. NEIL LANZI
300 ALLEGHENY AVE
TOWSON, MD. 21204

10' SHIELDED LIGHT STANDARD AND DIRECTION OF LIGHT SHOWN THUS: ↑
PROPERTY LINES SHOWN HEREON WERE RE-CREATED WITHOUT
THE BENEFIT OF A BOUNDARY SURVEY.

PREVIOUS COMMERCIAL PERMIT:
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EXISTING SURFACE GRAVEL AND MACADAM, DURABLE AND DUSTLESS.
ZONING HISTORY: NONE SHOWN

ZONING REQUESTS:
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HOURS OF OPERATION:
9AM TO 7PM MONDAY THRU FRIDAY
9AM TO 3PM SATURDAY

PLAN: 1" = 20'

DATE: 5-1-95

BY: NO.

REVISION

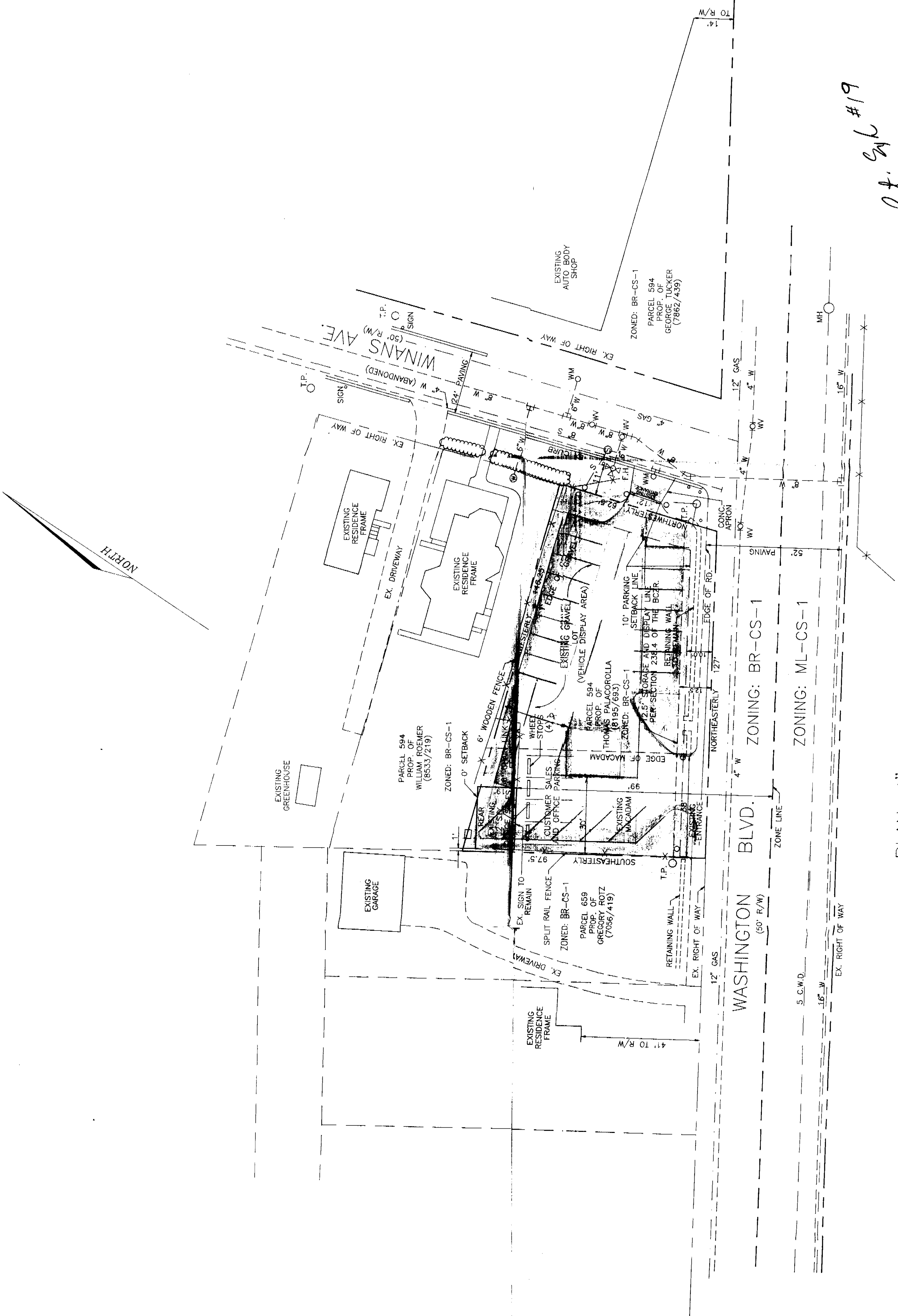
TAX MAP NO. 108, GRID 12, PARCEL NO. 594

SCALE AS SHOWN

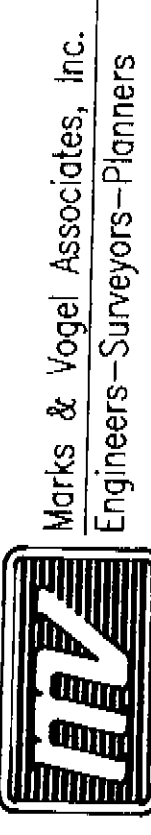
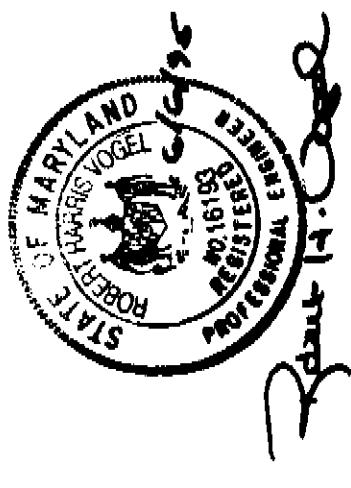
SHEET 1 OF 1

PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION

THOMAS A. and BARBARA J. PALACOROLLA
1826 WINANS AVENUE, HALETHORPE MD. 21227



pt. 594 #19



3691 Park Avenue Suite 101
Clicquot City, Maryland 21043
Telephone: (410) 461-5828

DES: DRN: M.D.M.
CHK: R.H.V.
DATE: 5-1-95

BY: NO.

REVISION

TAX MAP NO. 108, GRID 12, PARCEL NO. 594

SCALE AS SHOWN

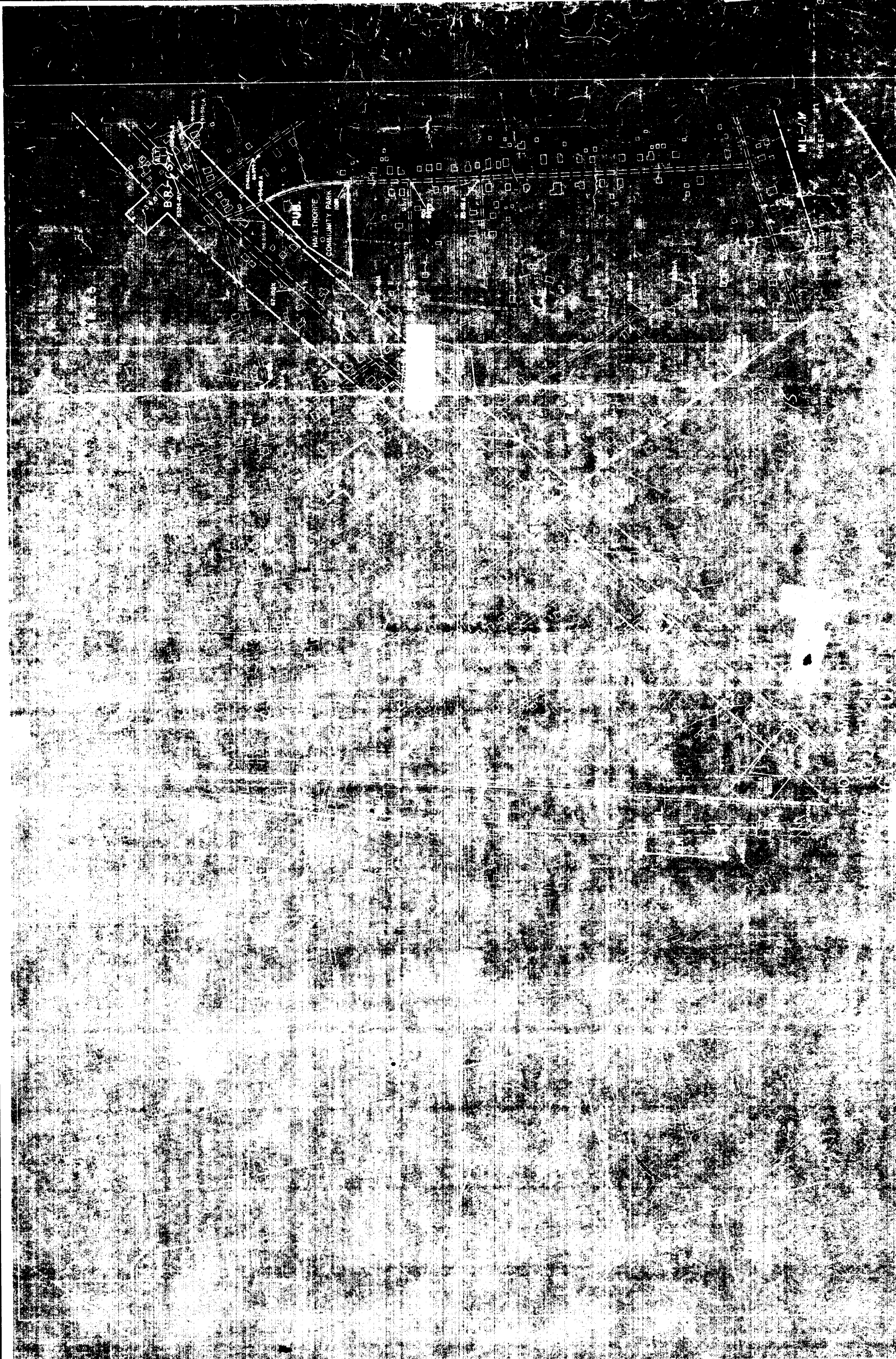
SHEET 1 OF 1

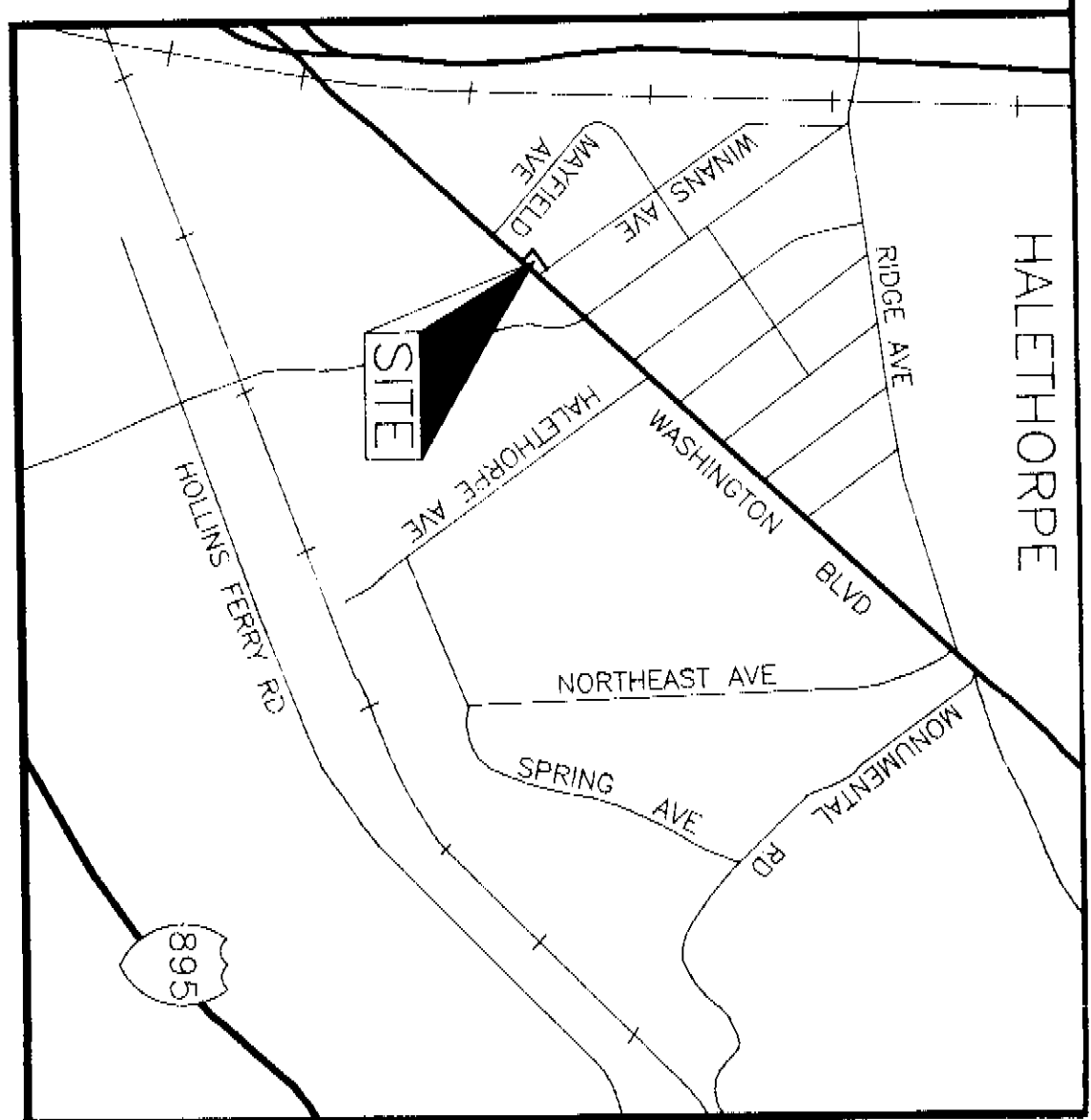


PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS
BY DATE
SCALE 1" = 200'
LOCATION
DATE OF PHOTOGRAPHY
S.W.
6-D
SHEET

PT. TONER'S
EXHIBIT 8





VICINITY MAP
SCALE: 1"=1000'

NOTES

PROPERTY ZONED: BR-CS-1 (BASED ON ZONING MAP NO. S.W. 6-0)
13TH ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT
PROPERTY: 25 AC ± OR 10,703 SQ. FT. ±
BR-CS-1 GROSS AREA = 25 AC ±
PARKING DATA
EXISTING OFFICES: 228 SQ. FT.
SALES OFFICES: 1,000 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
23 X 5 = 112 SPACES REQUIRED
BUSINESS AREA: 228 SQ. FT.
23 X 3.3 = 76 SPACES REQUIRED

TOTAL REQUIRED = 12' ± .76 = 1.96 (2) SPACES
TOTAL PROVIDED = 4 SPACES
TYPICAL SPACE SIZE: 8.5' X 18' (TO BE STRIPED)
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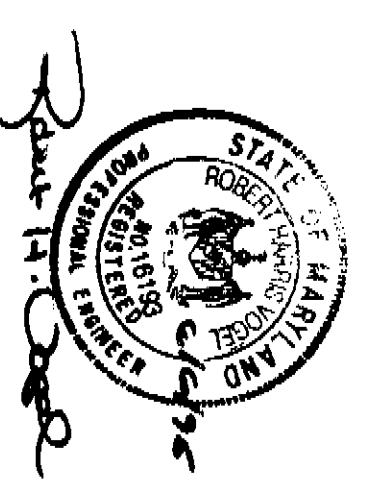
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HOURS OF OPERATION:
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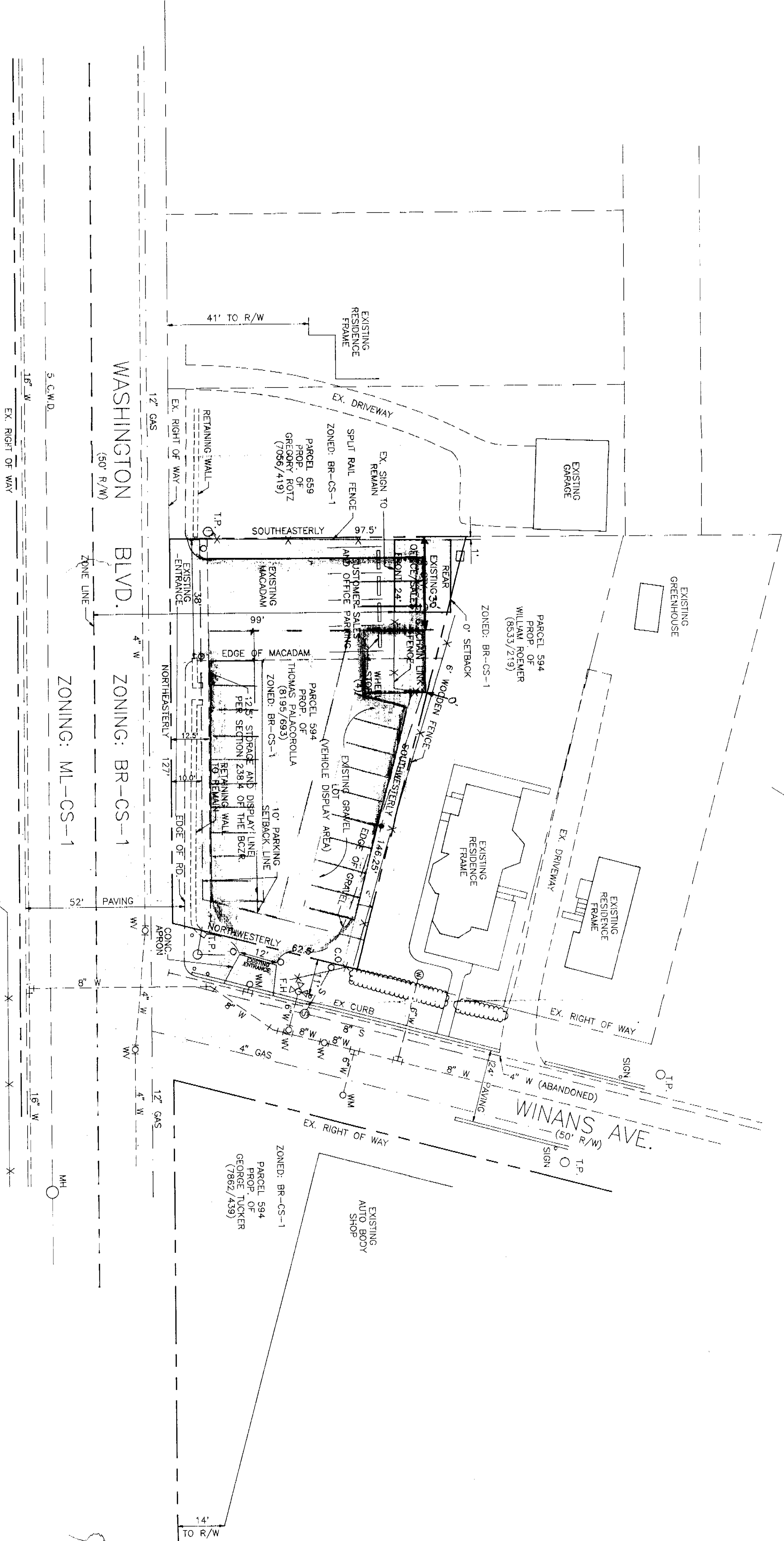


PLAN TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION

THOMAS A. and BARBARA J. PALACOROLLA
1826 WINANS AVENUE, HALETHORPE MD. 21227

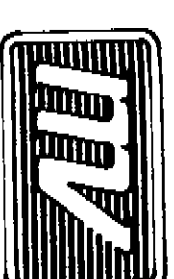
SCALE
AS
SHOWN

SHEET
1 OF 1



PLAN: 1" = 20'

Pt. 2/17/95



Works & Vogel Associates, Inc.
Engineers-Surveyors-Planners
3691 Park Avenue Suite 101
Ellicott City, Maryland 21043
Telephone: (410) 461-5828

DES:
DRN: M.D.M.
CHK: R.H.V.

DATE: 5-1-95
BY NO.

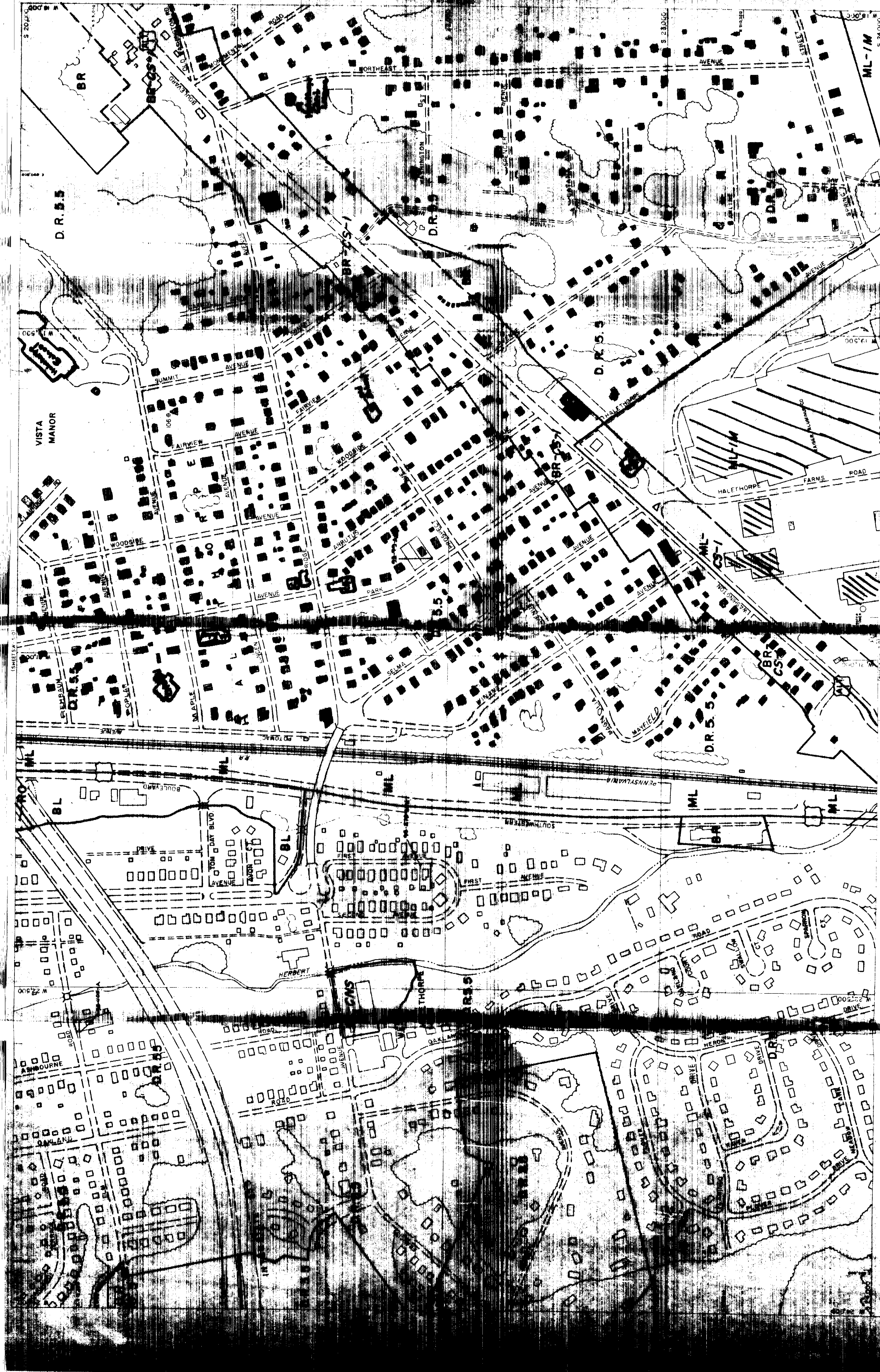
REVISION

DATE TAX MAP NO. 108, GRID 12, PARCEL NO. 594



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	SW 6-D Sht #14
DATE OF PHOTOGRAPHY JANUARY 1986		



BALTIMORE COUNTY	
OFFICE OF PLANNING AND ZONING	
OFFICIAL ZONING MAP	
LOCATION HALETHORPE 95-184-XA	SCALE 1" = 200'
DATE OF PHOTOGRAPHY JANUARY 1986	SHEET S.W. 6-D

1971 COMPREHENSIVE ZONING
Adopted by the Baltimore County Council
Ord. 15, 1973
Map No. 102-02, 104-02, 106-02, 108-02, 110-02, 112-02, 114-02, 116-02, 118-02, 120-02, 122-02, 124-02, 126-02, 128-02, 130-02, 132-02, 134-02, 136-02, 138-02, 140-02, 142-02, 144-02, 146-02, 148-02, 150-02, 152-02, 154-02, 156-02, 158-02, 160-02, 162-02, 164-02, 166-02, 168-02, 170-02, 172-02, 174-02, 176-02, 178-02, 180-02, 182-02, 184-02, 186-02, 188-02, 190-02, 192-02, 194-02, 196-02, 198-02, 200-02

John A. Hensley
Baltimore County Council

[illegible]

