IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SE/Corner Baltimore National Pike and Gaither Avenue (6013 Baltimore National Pike) 1st Election District 1st Councilmanic District

Estate of Harry Waller, Legal Owners - Kenneth J. Steinback, Contract Purchaser/Lessee

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-73-SPHXA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 6013 Baltimore National Pike, located in the vicinity of Catonsville, not far from the interchange of Baltimore National Pike (Maryland Route 40) with the Baltimore Beltway (I-695). The Petitions were filed by Kenneth J. Steinbach, Contract Purchaser/Lessee, through his attorney, Michael P. Tanczyn, Esquire, on behalf of the Estate of Harry Waller, Legal Owners of the subject property. Pursuant to the Petition for Special Hearing, the Petitioner seeks approval of an expansion of the special exception relief granted in prior Case No. 63-141-RXV to permit the proposed improvements. In addition to the special hearing relief, the Petitioner seeks a special exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 232.2.B and 3.B of the B.C.Z.R. to permit a side yard lot line setback of 0 feet in lieu of the required 10 feet and a rear yard setback of 0 feet in lieu of the required 20 feet for the proposed building, and from Section 409.8.A.4 of the B.C.Z.R. to permit a distance to the street centerline of 5 feet in lieu of the required 10 feet for parking. The subject property and relief sought are more particularly de-

scribed on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Kenneth J. Steinbach, Contract Purchaser, Herbert Malmud and R. Alonzo Childress, Professional Engineers, Robert B. Sprague, Deborah Friedline, a neighbor, and Michael P. Tanczyn, Esquire, attorney for the Petitioners. Other interested parties who appeared in support of the Petition included Judith Johnson, who resides immediately adjacent to the property at 414 Melvin Avenue, and Lenwood Johnson, a representative of the Office of Planning and Zoning. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.57 acres, more or less, zoned B.L., and is improved with a one-story building which is presently vacant. The property was previously the site of a Savon Gas Station which has been abandoned for some time. As noted above, the property abuts the Baltimore National Pike (Maryland State Route 40). Most of the properties which abut Route 40 in this vicinity are occupied by business, commercial and retail uses. In fact, the Petitioner, Kenneth J. Steinbach, operates the Caton Auto Clinic which is located immediately adjacent to the east side of this site. On the west side of the property is an auto glass repair shop. Mr. Steinbach testified and described the proposed business and improvements to the subject site. As noted above, Mr. Steinbach operates the Caton Auto Clinic immediately adjacent to this property. Apparently, this business has existed at that location for many years and enjoys an excellent reputation in the community. Mr. Steinbach testified that the existing repair shop is approved by AAA and that he services many of the vehicles owned by the residents who

reside in the residential communities to the rear of the commercial properties bounding Maryland Route 40.

Mr. Steinbach proposes to expand his business at the Caton Auto Clinic by opening a service garage on the subject property. The proposed building will be approximately 10,500 sq.ft. in area and will contain 26 automobile service bays. As shown on the site plan, the proposed building is quite large in area and occupies a significant portion of the site. The balance of the property will be improved with a parking lot. The proposed business will also be geared towards auto repair and will include routine maintenance as well as more heavy-duty repairs such as transmission and engine overhauls. There will be no body or fender work, nor painting performed on site. Generally, the proposed hours of operation are consistent with the existing service garage operated by Mr. Steinbach. Those hours are 7:00 AM to 6:00 PM on Monday, Tuesday, Thursday and Friday, and 8:00 AM to 1:00 PM on Saturday, and 7:00 AM to 8:00 PM on Wednesday. The extended hours on Wednesdays are provided to allow long-time working customers an opportunity to pick up their vehicles after work.

The history of the site is also unique. As noted earlier in this opinion, special exception approval for a service garage was granted many years ago, pursuant to Case No. 63-141-RXV, on November 7, 1963. Most recently, however, the site has been used as a gas station. Photographs of the site show that the property is run-down and in need of rehabilitation. The existing macadam parking area needs to be upgraded. Moreover, there is a small building which is boarded up and a deteriorated sign.

The neighbors who appeared and testified are supportive of the Petitioner's plan. Although the proposed building is quite large, they believe that it is consistent with the uses which exist on properties

abutting Route 40. Moreover, they are familiar with Mr. Steinbach, his business, and his reputation. They believe he has been a good neighbor and that he keeps the adjacent property clean and free of debris. A similarly conducted operation on the subject site will remove an eyesore from the neighborhood and will be an improvement to the area.

There are several unique factors relating to the subject property and surrounding neighborhood which need be noted. First, the prior zoning relief granted variances as to the rear and side yard setback requirements for the building constructed in connection with the special exception granted many years ago. The Petitioners wish to utilize that approval in this case. In this regard, it is to be noted that the proposed building is irregularly shaped and abuts the neighboring property along an irregular property line. Also, one of the variances (from Section 409.8.A.4) relates to Gaither Avenue, a public street. As shown on the site plan, the right-of-way for Gaither Avenue abuts the western property line of the subject site; however, the road is not actually improved at that point. Specifically, as shown on the site plans, Gaither Avenue terminates prior to reaching the property line of the subject site. The neighbors expressed a concern that Gaither Avenue not be extended so as to cause additional traffic in the area. Apparently, there are no plans by Baltimore County to extend the roadway in that access to this residential community is available by alternative routes. Similarly, Melvin Avenue is also closed at the request of the community and does not provide access to Route 40.

The neighbors also noted that they support the request in that the large building proposed will screen the residential community to the rear from traffic and associated noise and sights on Baltimore National Pike. In this regard, the Petitioner indicated that no windows or doors

would be installed in the rear or sides of the building facing the community. Also, there will be no lighting on the rear or sides of the building. Lastly, the Petitioner has offered to landscape a portion of the residential property owned by Calvin Johnson (which is occupied by Judith Johnson) located immediately adjacent to the proposed building. In that there is a 0-foot setback, landscaping is not possible on the subject site. However, if agreeable to the property owner and Ms. Johnson, the Petitioner will landscape along the side of the building on the Johnson property to provide additional buffering. Ms. Johnson indicated at the hearing that she would prefer the building to approach the property line rather than require a 10 or 20-foot setback. She feels that the maintenance of such a small strip would only increase the possibility of loitering and accumulation of debris, and prefers facing the building to those alternatives.

The Zoning Plans Advisory Committee (ZAC) has also addressed many of these issues and amended comments from the Developer's Plans Review Division requires the Petitioner to improve the vehicular access point to the property from Baltimore National Pike in a manner consistent with the standards and specifications of the Maryland State Highway Administration (SHA). In this regard, I will condition approval upon and require the Petitioner to make such improvements to the access point as are required by the SHA and Baltimore County. I will also require the Petitioner to construct a turn-around at the end of existing Gaither Avenue in conjunction with any formal requests to close that road.

The Office of Planning and Zoning (OPZ) recommends denial of the Special Exception and Variance requests. Developer's Engineering also recommends denial of the variance requests and seeks landscaping along the rear of the building.

As to the Petition for Special Exception, a review of the standards set forth in Section 502.1 of the B.C.Z.R. and the case law is appropriate. The Court of Special Appeals in a recently issued decision (Mossburg v. Montgomery County, Md. (No. 58, September Term, 1995) recently addressed the special exception standards in Maryland. Citing a long line of cases, including the seminal case of Schultz v. Pritts, 291 Md. 1 (1981), the Court noted that special exceptions are recognized as presumptively proper, absent a showing that such a use would have an adverse effect at a particular location greater than the adverse effects ordinarily associated with such a use. The Court emphasized that the consideration of the Petition should not dwell on whether the use causes an adverse impact, which all special exception uses do to an extent, but whether the impact at the particular location in question is above and beyond that ordinarily associated with such a use. In applying this standard to the instant Petition for Special Exception, it must be concluded that the relief should be granted. The subject property abuts two uses (i.e., the existing Caton Auto Clinic and Auto Glass Repair Shop) which conduct activities substantially similar to what is proposed on the subject site. The proposed use is entirely consistent with the activity which occurs on the neighboring properties. Moreover, U.S. Route 40 at this location is along a more highly commercialized thoroughfare through Baltimore County and is but a short distance from the Baltimore Beltway. In my judgment, the proposed use easily qualifies for special exception approval, particularly since such approval was granted 32 years ago for a similar use.

Consistent with this finding, the Petition for Special Hearing should also be granted. The proposed amendments to the previously approved

plan are designed to upgrade this site and will not be detrimental to the health, safety and general welfare of the locale in accordance with the standards set forth in Section 502.1 of the B.C.Z.R.

The Petition for Variance is a more difficult issue. The Petitioner argues the uniqueness of the property, its irregular shape, the paper streets which exist nearby, and its proximity to Baltimore National Pike. The Petitioner argues that a building complying with all setback requirements would render the site undevelopable, in that it would remove the area required for parking.

The support of the neighbors is also significant here. They support the request, believing that same will be an upgrade to an otherwise debilitated property. Ms. Johnson's support is of particular note, as the most affected property owner. She supports the grant of the variance, believing that same will reduce vandalism and prevent the accumulation of debris on and near her property.

Based on the testimony and evidence offered, I am persuaded to grant the Petition for Variance. The property is indeed irregularly shaped which limits the permissible building envelope and sustains the practical difficulty burden. Moreover, properly restricted, the grant of the variance relief will not detrimentally affect the surrounding properties.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of November, 1995 that the Petition for Special Hearing seeking approval of an expansion of the special exception relief

granted in prior Case No. 63-141-RXV to permit the proposed improvements, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 232.2.B and 3.B of the B.C.Z.R. to permit a side yard lot line setback of 0 feet in lieu of the required 10 feet and a rear yard setback of 0 feet in lieu of the required 20 feet for the proposed building, and from Section 409.8.A.4 of the B.C.Z.R. to permit a distance to the street centerline of 5 feet in lieu of the required 10 feet for parking, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no windows or doors on the rear of the proposed building and no lighting on the side or rear of the building facing the adjoining residential properties.

3) The Petitioner shall landscape the Johnson property adjacent to the common property line in a manner agreed to by and between the parties. Should the parties not agree on a landscaping treatment, the parties can request the Landscape Architect for Baltimore County to assist them in this regard.

5) The Petitioner shall improve the vehicular access point to the subject property from Baltimore National Pike in a manner consistent with the standards and specifications of the Maryland State Highway Administration (SHA) and Baltimore County.

6) The Petitioner shall construct a turn-around at the end of existing Gaither Avenue in conjunction with any formal requests to close that road.

7) 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/22/93
By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 22, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Baltimore National Pike and Gaither Avenue
(6013 Baltimore National Pike)
1st Election District - 1st Councilmanic District
Estate of Harry Waller, Legal Owners -
Kenneth J. Steinback, Contract Purchaser/Lessee
Case No. 96-73-SPHXA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth J. Steinbach
6009 Baltimore National Pike, Baltimore, Md. 21228

People's Counsel

File

Ms. Judith Johnson
414 Melvin Avenue, Baltimore, Md. 21228

Petition for Special Hearing

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at 6013 Baltimore National Pike

which is presently zoned BL

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an expansion of a Special Exception for a service garage previously granted in Case No. 63-141-RXV, by Order November 7, 1963.

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

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

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

Contract Purchaser/Lessee:

KENNETH J. STEINBACH
(Type or Print Name)

Kenneth J. Steinbach
Signature

6009 Baltimore National Pike
Address

288-3838

Baltimore, Maryland 21228
City State Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

#69

Attorney for Petitioner.

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Michael P. Tanczyn
Signature

606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.

Towson, Maryland 21204
State Zipcode

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

HERBERT MALMUD
Name

100 Church Lane
Baltimore, MD 21208 653-9511
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See attached S/EX + VAR

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY: _____ DATE 8-16-95

ORDER RECEIVED FOR FILING
Date 11/22/95
By

Petition for Special Exception

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at 6013 Baltimore National Pike

which is presently zoned BL

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage pursuant to Baltimore County Zoning Regulations, Section 230.13 in a BL zone.

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:

KENNETH J. STEINBACH
(Type or Print Name)

Kenneth J. Steinbach
Signature

6009 Baltimore National Pike
Address

Baltimore, Maryland 21228 788-3838
City State Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Michael P. Tanczyn
Signature

606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.

Towson, Maryland 21204
City State Zipcode

69

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

HERBERT MALMUD
Name

100 Church Lane
Baltimore, MD 21208 653-9511
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hrs See SPH + VAR

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY: DAK DATE 8-16-95

RECEIVED FOR FILING

Zoning Administration & Development Management

Petition for Variance

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

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 232.2.B to provide a sideyard lot line of 0' in lieu of the required 10'; from Section 232.3.B to provide a rearyard of 0' in lieu of the required 20'; and from Section 409.8.A.4, the distance to the streetline of 5' in lieu of the required 10'

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

Unreasonable hardship or practical difficulty to be presented at time of hearing

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.

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:

KENNETH J. STEINBACH
(Type or Print Name)

Signature

6009 Baltimore National Pike
Address

Baltimore, MD 21228 788-3838
City and State

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Signature

606 Baltimore Avenue, Suite 106
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 296-8823

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

#69

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

HERBERT MALMUD
Name

100 Church Lane
Baltimore, MD 21208 653-9511
Address Phone No.

[redacted] OFFICE USE ONLY [redacted]

See SP.EX + SPH.

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL ✓ OTHER

REVIEWED BY: DATE 8-16-95

ORDER RECEIVED FOR FILING

Date 11/22/95

By

MICROFILMED

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511

96-73-SPHXA

DESCRIPTION FOR SPECIAL HEARING, SPECIAL EXEPTION AND ZONING VARIANCES
CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE
BALTIMORE COUNTY, MARYLAND

69

Beginning for the same at the corner formed by the intersection of the south side of Baltimore National Pike (U.S. Route 40), 150 feet wide, and the southeast side of Gaither Avenue, 40 feet wide, thence binding on Baltimore National Pike:

(1) North 80° 01' 00" East 226.18 feet; thence leaving said road and running the four (4) following courses and distances:

(2) South 17° 51' 30" West 157.75 feet;
(3) North 72° 08' 30" West 100.00 feet;
(4) South 17° 51' 30" West 40.00 feet;
(5) North 72° 08' 30" West 100.00 feet to the southeast side of said Gaither Avenue, thence binding thereon:

(6) North 17° 51' 30" East 92.11 feet to the place of beginning.

Containing 0.57 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud
Registered Land Surveyor
Maryland No 7558

August 11, 1995

STATE OF MARYLAND
HERBERT MALMUD
No. 7558
REGISTERED
LAND SURVEYOR

FILE: CatonAutoPkZon DESC 27

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-73-SPHXA

District 1st. Date of Posting 9/22/95

Posted for: Special Hearing - Special Exception - Variance

Petitioner: Kenneth J. Steinbach

Location of property: 6013 Belle Not Rd.

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. Healy (Signature) Date of return: 10/6/95

Number of Signs: 1

MICROFILMED

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: #96-73-SPHXA
(Item 69)
6013 Baltimore National Pike
Caton Auto Park
SEC Baltimore National Pike and Galtber Avenue
1st Election District-1st Councilmanic
Contract Purchaser:
Kenneth J. Steinbach
Hearing: Friday, October 6, 1995 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage; **Variance** to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streetline of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.

9/108 Sept. 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 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 9/14, 1995.

THE JEFFERSONIAN,

A. Hemelbaum

LEGAL AD. - TOWSON

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

I' NO. 69

004861

DATE 8-16-95 ACCOUNT R-001615.0

96-73-SPHXA

AMOUNT $ 685.00

RECEIVED FROM: Caton Auto Clinic Inc - Owner
Commercial Site 6013 Balto. Nat'l. Pk.

FOR: Sp. Ex., Sp. Hearing & a Variance

#070 — MAX FARE 650.00
#080 — Sign + Post 35.00
Total $685.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be 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.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 69

Petitioner: Herb MALMUD

Location: 6013 BALTO NATL Pike

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herb MALMUD 653-9511

ADDRESS: 100 Church La.

BALTO., MD., 21208

PHONE NUMBER:

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
September 14, 1995 Issue - Jeffersonian

Please foward billing to:

Herb Malmud
100 Church Lane
Baltimore, MD 21208
653-9511

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: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaitber Avenue
1st Election District - 1st Councilmanic
Contract Purchaser: Kenneth J. Steinbach
HEARING: FRIDAY, OCTOBER 6, 1995 at 2:00 p.m. in Room 106 County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 7, 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 hereinin 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: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaitber Avenue
1st Election District - 1st Councilmanic
Contract Purchaser: Kenneth J. Steinbach
HEARING: FRIDAY, OCTOBER 6, 1995 at 2:00 p.m. in Room 106 County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

Arnold Jablon
Director

cc: Kenneth J. Steinbach
Michael P. Tanczyn, Esq.
Herbert Malmud

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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaitber Avenue
1st Election District - 1st Councilmanic
Legal Onwer: Kenneth J. Steinbach

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

HEARING: FRIDAY, OCTOBER 20, 1995 at 9:00 a.m. in Room 106 County Office Building, 111 W. Chesapeake Avenue, Towson MD.

ARNOLD JABLON
DIRECTOR

cc: Kenneth J. Steinbach
Michael P. Tanczyn, Esq.
Herbert Malmud

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 13, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Towson, Maryland 21204

RE: Item No.: 69
Case No.: 96-73-SPHXA
Petitioner: K. J. Steinbach

Dear Mr. Tanczyn:

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 August 16, 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,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 19, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6013 Baltimore National Pike

INFORMATION:

Item Number: 69

Petitioner: Kenneth J Steinbach

Property Size:

Zoning: BL

Requested Action: Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff believes there is no justification to grant the special exception and variance requests. Clearly, the need for variances is a self created hardship. In addition, the proposed service garage is located in close proximity to an established residential community, and the plat accompanying the special exception reveals no provision for buffering the site or mitigation of the impact on the community. Therefore, while a service garage of this scale would be appropriate elsewhere within the zone, the proposed use, in this case, at this particular property, would result in overdevelopment of this .57 acre parcel.

Prepared by: Jeffrey W. Long

Division Chief: Gary L Kerns

PK/JL

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

September 13, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #69 - Caton Auto Park
6013 Baltimore National Pike
Zoning Advisory Committee Meeting of August 28, 1995

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

Waste Management

This facility, Savon Gas Station, has underground storage tanks in the ground which are in compliance with State Regulations COMAR 26.10.01. No reports of tank failure were found.

JLP:EGS:sp

CATON/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: Sept. 7, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 069

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Relocate your directional entrance to the east of the Gaither Avenue right-of-way.

Gaither Avenue is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

This proposal is also subject to Sec. IX.c.2.b.3 of the Landscape Manual, which requires a 10-foot setback for the landscape buffer along the residential property line. This office recommends against granting the variance.

RWB:sw

HEARS 10-20-95 SPHXA
96-73

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Oct. 17, 1995

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

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 069 REVISED

The Development Plans Review Division has re-reviewed the subject zoning item and we revise our comments dated September 7, 1995 as follows:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Baltimore County will require the Petitioner to construct a turnaround at the end of the existing Gaither Avenue in conjunction with a formal request to close Gaither Avenue.

This proposal is also subject to Sec. IX.c.2.b.3 of the Landscape Manual, which requires a 10-foot setback for the landscape buffer along the residential property line. This office recommends against granting the variance.

RWB:sw

PETITION PROBLEMS
AGENDA FOR 8/28/95

#69 --- JJS

1. No legal owner name, signature, address, or telephone number.

#75 --- CAM

1. No telephone number for legal owner.

#78 --- JJS

1. No review information on bottom of petition form.

#80 --- JLL

1. No review information on bottom of petition form.
2. Need attorney's signature.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 16, 1995

TO: Hearing Officer

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

SUBJECT: Item #69
6013 Baltimore National Pike

I advised Mr. Herb Malmud, petitioner, during appointment yesterday that the legal owner information on the petition forms (special exception, special hearing, and variance) must be completed. He insisted on filing without that information and stated that the matter would be addressed later (as the property may be sold by the hearing date).

JJS:scj

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 08/30/95

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 OFAUGUST 28, 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: 66,67,68,69,70,71,73, 74,75,77,79 & 80.

RECEIVED
SEP 5 1995
ZADM

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

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

September 14, 1995

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

RE: Baltimore County
US 40 West (south side)
6013 Baltimore National Pike
Caton Auto Park
Special Hearing
Special exception and
Variance request
Item #069 (JJS)
Mile Post 2.10

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

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

A field inspection of the property reveals the existing curb and gutter along the property frontage on US 40 is in an acceptable condition.

The proposed re-construction of the existing entrances onto US 40 indicated on the plan are generally acceptable to the SHA.

The plantings located on the directional island within the proposed right-in/right-out entrance onto US 40 will require a review and approval by our Landscape Architecture Division prior to the issuance of any permit being issued by this office.

Also, since the proposed entrance re-construction is located within 500' of the existing signalized intersection of US 40/Winters Lane, we have forwarded a copy of the plan to our Traffic Section for their review and comment in order to determine what impact, if any, the proposed entrance improvements would have to the interconnected traffic signal system along US 40 in this area.

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

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

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

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

a. Nine (9) copies of the site plan showing the SHA requirements.
b. Completed application.
c. Performance bond, letter of credit, or certified check **(include Federal ID number or social security number on certified checks only)** in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland **(Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).**
d. An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.
e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

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

We have no objection to approval of the referenced special hearing, special exception and variance request, subject to our aforementioned comments. Should you have any questions, or require additional information, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Randy Brown w/att.
Mr. Kenneth J. Steinbach
Mr. Darrell Wiles

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

September 12, 1995

Baltimore County
ATTN: GWEN STEVENS
Department of Permits and
Development Management
Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 96-73-SPHXA (Item 69)
Caton Auto Park

Dear Gwen:

Per our conversation, I am writing as counsel for the Petitioner to ask that this hearing presently scheduled for Friday, October 6, 1995 at 2:00 p.m. be rescheduled to either October 20, 1995 or October 23, 1995 and that you advise us of which of those dates is set for hearing. My client has a conflict in that prior to the time this hearing was set, he made business commitments to be out of town which he needs to honor if at all possible. Therefore, we appreciate your consideration in agreeing to continue this case to one of the later dates. As soon as you know which date, please let me know.

Thank you for your consideration.

Very truly y ours,

Michael P. Tanczyn

MPT/kr

cc: Mr. Kenneth J. Steinbach
Mr. Herbert Malmud

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
HERBERT MALMUD	
H. MALMUD & ASSO INC	100 CHURCH LA. 21208
Kenneth J. Steinbach	2516 Flagg Meadow Ct 21048
ROBERT B. SPRAGUE	4021 ATLANTIC AVE. OCEAN CITY, MD 21842
Alonzo Childress	713 Pheasant Drive 21053
Deborah FRIEDLINE	415 Melvin Ave 21228
Mike Toncyzyn	

Printed with Soybean Ink on Recycled Paper

MICROFILMED

CATON AUTO CLINIC
6009 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
410-788-3838

10-18-95

To whom it may concern;

I do favor the building to be located on 6013 Baltimore National Pike to be set right on my property line (414 Melvin Ave) for security purposes. I understand the owner will erect a fence right next to the building should I desire it. Please accept this document showing my wishes as I cannot attend in person because of my work schedule.

Sincerely,
Judith R Johnson
Mrs. Johnson

Pet No 4

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME ADDRESS

Deborah A FRIEDLINE 415 Melvin Ave

SIGNATURE

Deborah A Friedline

Pet 5A

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME: BARRY FRIEDMAN
ADDRESS: 415 MELVIN AVE

SIGNATURE: [illegible]

Rit 5B

NAME: Helen Gibson
ADDRESS: 409 Melvin Ave

SIGNATURE: Helen Gibson

NAME: Keisha Booton
ADDRESS: 411 Melvin Ave.

SIGNATURE: Keisha Booton

NAME: Georgia Bland
ADDRESS: 406. Melvin ave

SIGNATURE: Georgia Bland

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME Michael Jones ADDRESS 6006 Old Frederick Rd

SIGNATURE Michael Jones

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

Pet 5C

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME ADDRESS

William Johnson 414 Melvin Ave 21228

SIGNATURE

William W Johnson

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

NAME ADDRESS

SIGNATURE

Pet 5D

MICROFILMED

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING, SPECIAL EXCEPTION
and ZONING VARIANCES

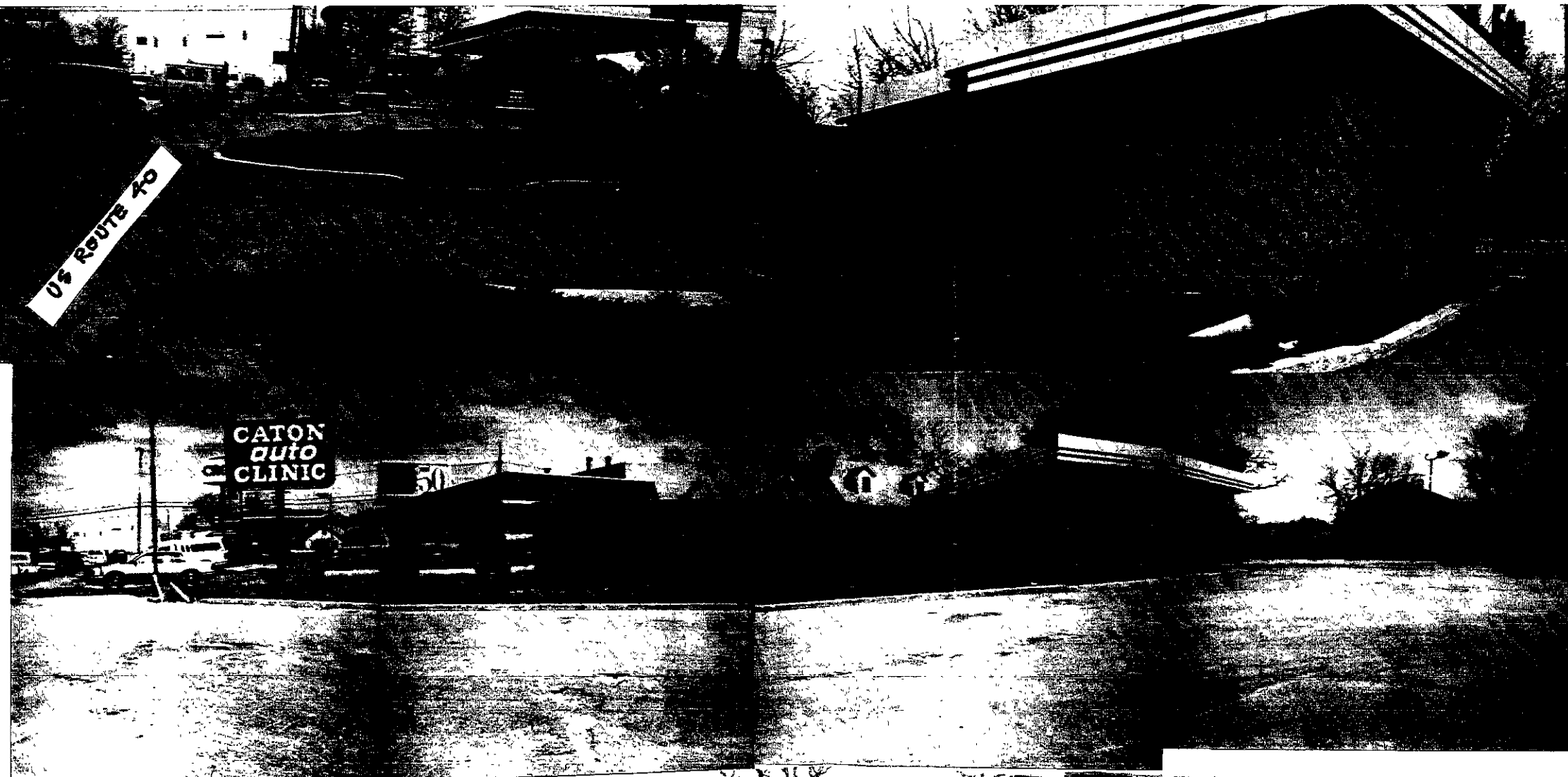
CATON AUTO PARK

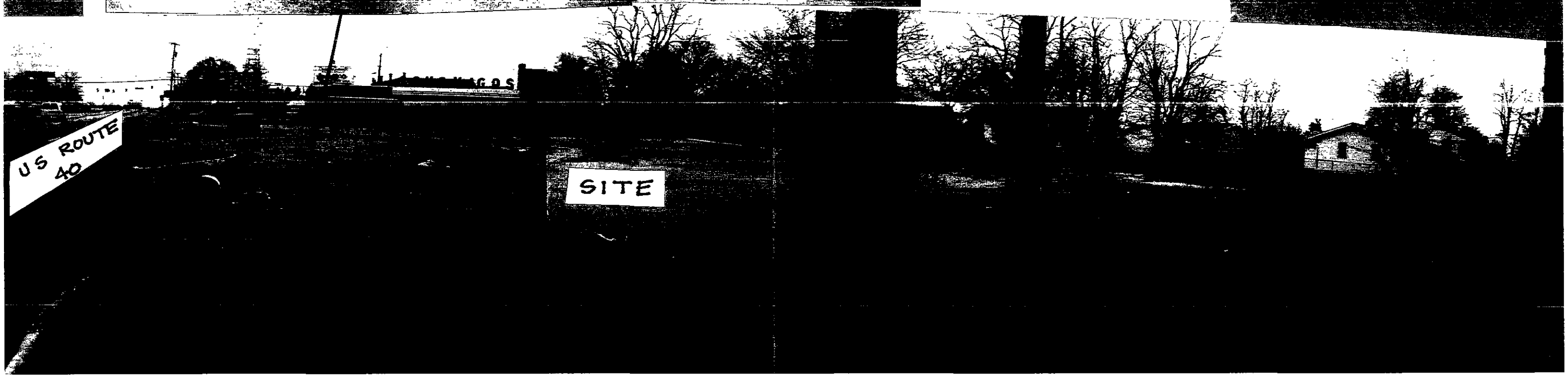
6013 BALTIMORE NATIONAL PIKE

BALTIMORE COUNTY DIST. 1C1 MARYLAND

ENGINEER :
H. MALMUD & ASSOC. INC
100 CHURCH LANE
BALTIMORE, MD. 21208
(410) - 653- 8611

DATE OF PHOTOS
27 APRIL 95





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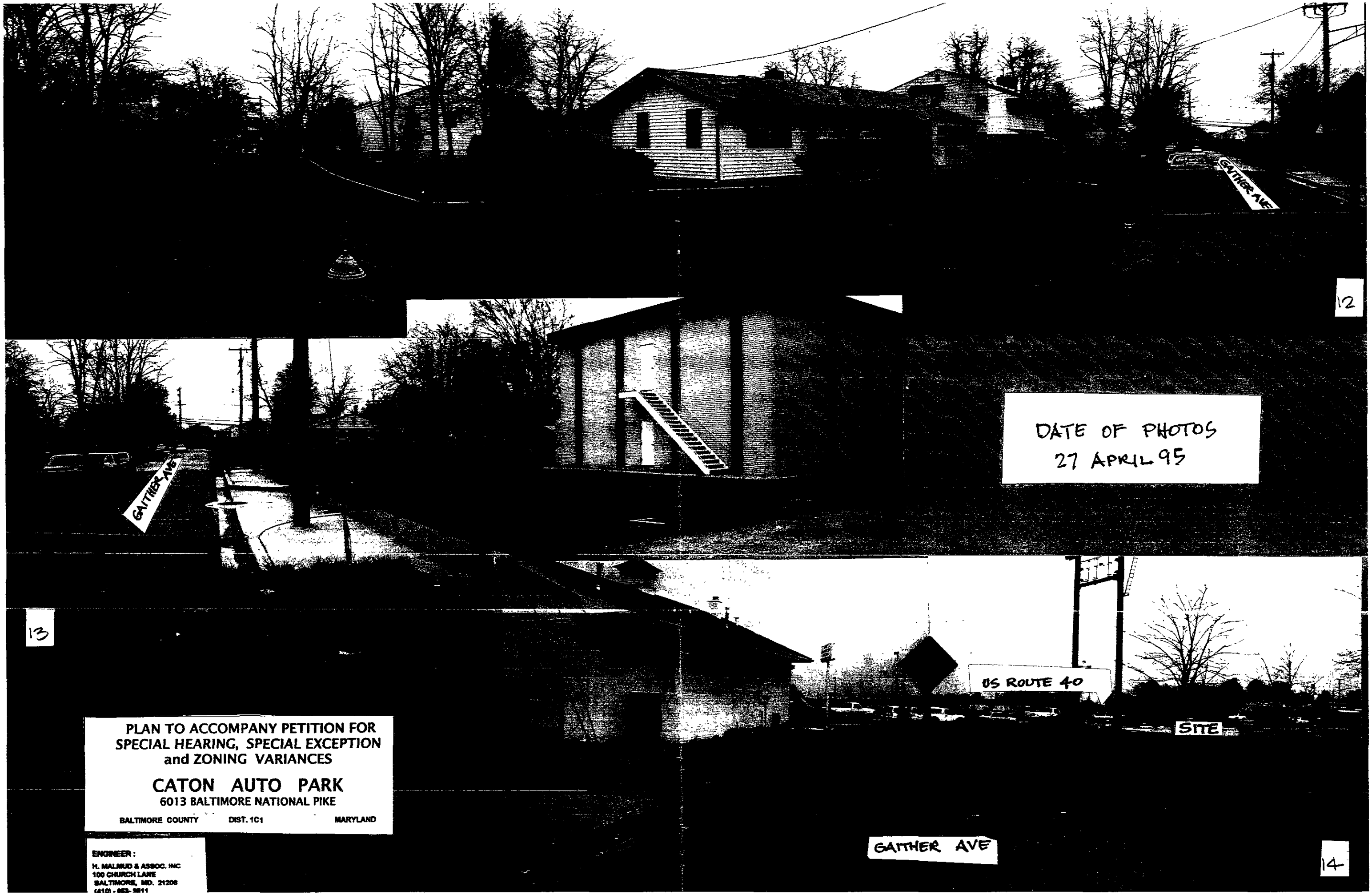


PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING, SPECIAL EXCEPTION
and ZONING VARIANCES

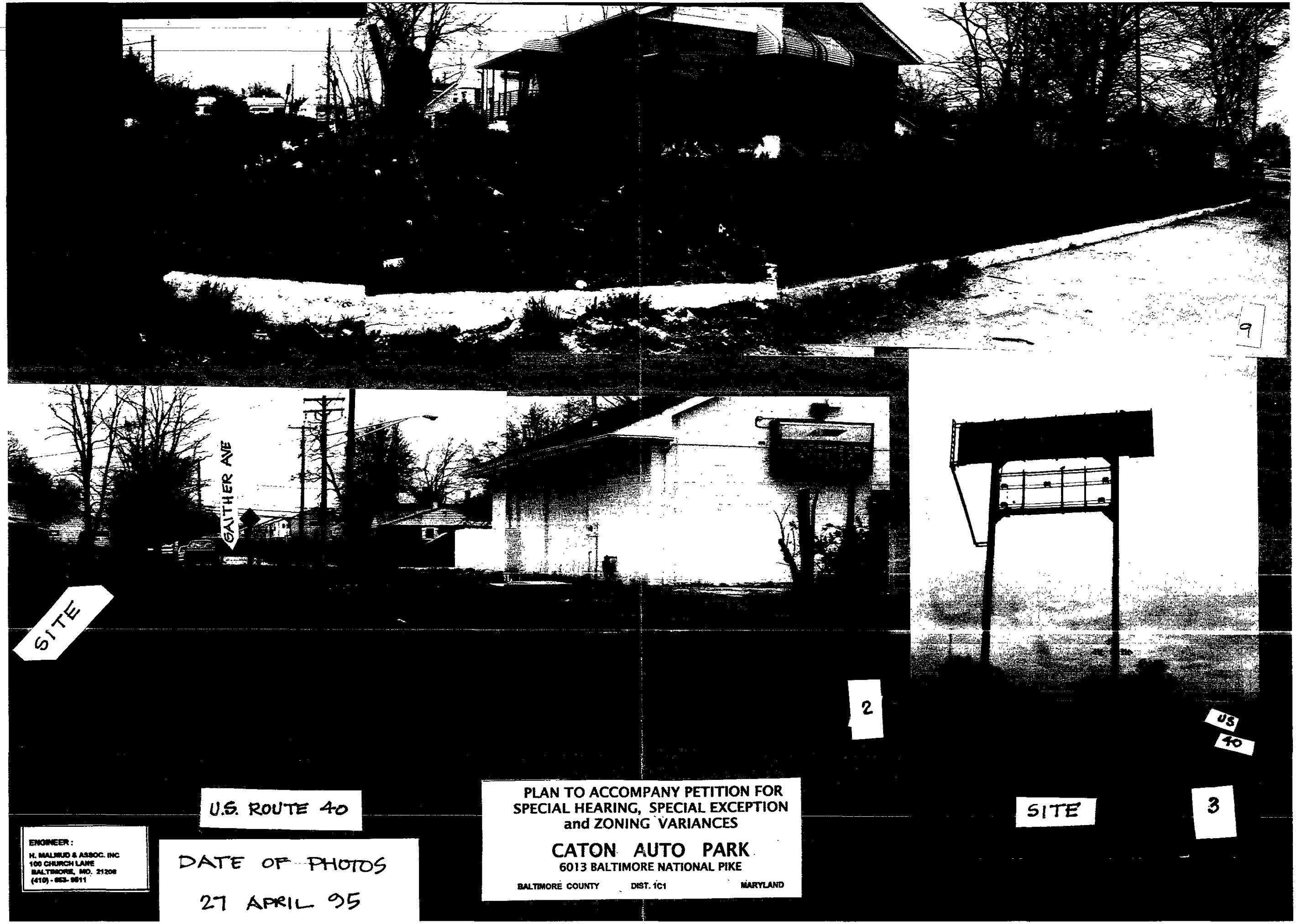
CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE

BALTIMORE COUNTY DIST. 1C1 MARYLAND

ENGINEER:
H. MALMUD & ASSOC. INC
100 CHURCH LANE
BALTIMORE, MD. 21208
(410) - 653- 3811

Ref
3B
193

Pet
3B-
1991



U.S. ROUTE 40

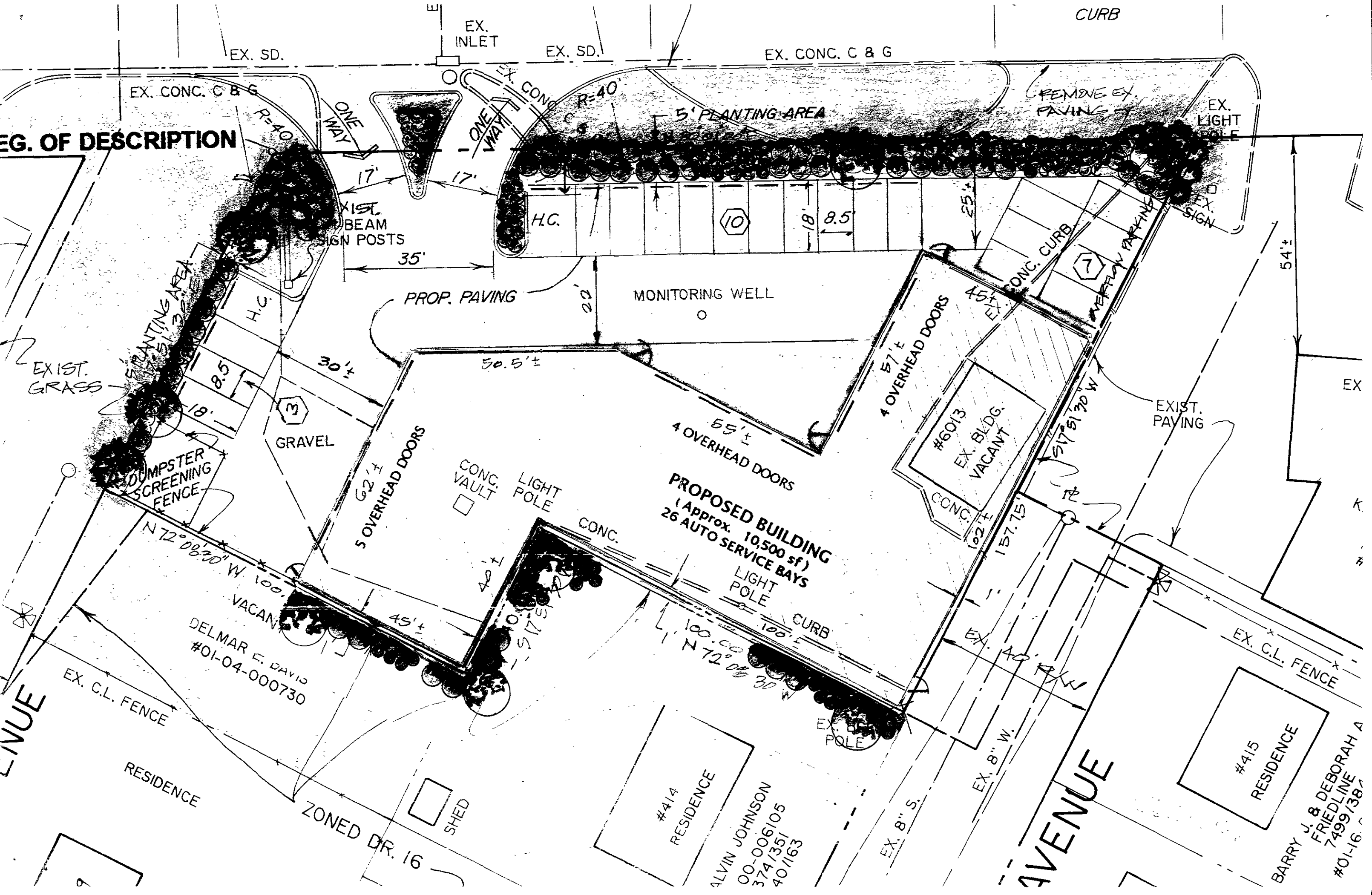
DATE OF PHOTOS
27 APRIL 95

ENGINEER:
H. MALMUD & ASSOC. INC
100 CHURCH LANE
BALTIMORE, MD. 21208
(410) - 653- 9511

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING, SPECIAL EXCEPTION
and ZONING VARIANCES

CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE

BALTIMORE COUNTY DIST. 1C1 MARYLAND


EG. OF DESCRIPTION
EX. INLET
EX. SD.
EX. SD.
EX. CONC. C & G
CURB
EX. CONC. C & G
R=40'
ONE WAY
ONE WAY
EX. CONC. C & G
R=40'
5' PLANTING AREA
REMOVE EX. PAVING
EX. LIGHT POLE
17'
17'
EXIST. BEAM SIGN POSTS
35'
H.C.
10
18'
8.5
25'±
EX. SIGN
CONC. CURB
7
NO PARKING
54'±
PROP. PAVING
22'
MONITORING WELL
5' PLANTING AREA
H.C.
30'±
8.5
18'
EXIST. GRASS
3
GRAVEL
50.5'±
57'±
4 OVERHEAD DOORS
45'±
EX.
55'±
4 OVERHEAD DOORS
62'±
5 OVERHEAD DOORS
CONC. VAULT
LIGHT POLE
PROPOSED BUILDING
(Approx. 10,500 sf)
26 AUTO SERVICE BAYS
#6013
EX. BLDG.
VACANT
CONC.
S17°51'30"W
EXIST. PAVING
DUMPSTER SCREENING FENCE
N 72°08'30" W 100.
CONC.
LIGHT POLE
CURB
100'±
100.00
N 72°08'30" W
157.75'
102'±
45'±
VACANT
DELMAR E. DAVIS
#01-04-000730
EX. C.L. FENCE
EX. 40'
EX. C.L. FENCE
EX. POLE
EX. 8" W.
EX. 8" S.
RESIDENCE
ZONED DR. 16
SHED
#414
RESIDENCE
ALVIN JOHNSON
00-006105
374/351
401/163
#415
RESIDENCE
BARRY J. & DEBORAH A
FRIEDLINE
7499/38
#01-16
EX

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - SE/Corner Baltimore National Pike and Gaither Avenue (6013 Baltimore National Pike) 1st Election District 1st Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-73-SPHXA

Estate of Harry Waller, Legal Owners -
Kenneth J. Steinback, Contract Purchaser/Lessee

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 6013 Baltimore National Pike, located in the vicinity of Catonsville, not far from the interchange of Baltimore National Pike (Maryland Route 40) with the Baltimore Beltway (I-695). The Petitions were filed by Kenneth J. Steinbach, Contract Purchaser/Lessee, through his attorney, Michael P. Tanczyn, Esquire, on behalf of the Estate of Harry Waller, Legal Owners of the subject property. Pursuant to the Petition for Special Hearing, the Petitioner seeks approval of an expansion of the special exception relief granted in prior Case No. 63-141-RXV to permit the proposed improvements. In addition to the special hearing relief, the Petitioner seeks a special exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 232.2.B and 3.B of the B.C.Z.R. to permit a side yard lot line setback of 0 feet in lieu of the required 10 feet and a rear yard setback of 0 feet in lieu of the required 20 feet for the proposed building, and from Section 409.8.A.4 of the B.C.Z.R. to permit a distance to the street centerline of 5 feet in lieu of the required 10 feet for parking. The subject property and relief sought are more particularly de-

scribed on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Kenneth J. Steinbach, Contract Purchaser, Herbert Malmud and R. Alonzo Childress, Professional Engineers, Robert B. Sprague, Deborah Friedline, a neighbor, and Michael P. Tanczyn, Esquire, attorney for the Petitioners. Other interested parties who appeared in support of the Petition included Judith Johnson, who resides immediately adjacent to the property at 414 Melvin Avenue, and Lenwood Johnson, a representative of the Office of Planning and Zoning. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.57 acres, more or less, zoned B.L., and is improved with a one-story building which is presently vacant. The property was previously the site of a Savon Gas Station which has been abandoned for some time. As noted above, the property abuts the Baltimore National Pike (Maryland State Route 40). Most of the properties which abut Route 40 in this vicinity are occupied by business, commercial and retail uses. In fact, the Petitioner, Kenneth J. Steinbach, operates the Caton Auto Clinic which is located immediately adjacent to the east side of this site. On the west side of the property is an auto glass repair shop. Mr. Steinbach testified and described the proposed business and improvements to the subject site. As noted above, Mr. Steinbach operates the Caton Auto Clinic immediately adjacent to this property. Apparently, this business has existed at that location for many years and enjoys an excellent reputation in the community. Mr. Steinbach testified that the existing repair shop is approved by AAA and that he services many of the vehicles owned by the residents who

reside in the residential communities to the rear of the commercial properties bounding Maryland Route 40.

Mr. Steinbach proposes to expand his business at the Caton Auto Clinic by opening a service garage on the subject property. The proposed building will be approximately 10,500 sq.ft. in area and will contain 26 automobile service bays. As shown on the site plan, the proposed building is quite large in area and occupies a significant portion of the site. The balance of the property will be improved with a parking lot. The proposed business will also be geared towards auto repair and will include routine maintenance as well as more heavy-duty repairs such as transmission and engine overhauls. There will be no body or fender work, nor painting performed on site. Generally, the proposed hours of operation are consistent with the existing service garage operated by Mr. Steinbach. Those hours are 7:00 AM to 6:00 PM on Monday, Tuesday, Thursday and Friday, and 8:00 AM to 1:00 PM on Saturday, and 7:00 AM to 8:00 PM on Wednesday. The extended hours on Wednesdays are provided to allow long-time working customers an opportunity to pick up their vehicles after work.

The history of the site is also unique. As noted earlier in this opinion, special exception approval for a service garage was granted many years ago, pursuant to Case No. 63-141-RXV, on November 7, 1963. Most recently, however, the site has been used as a gas station. Photographs of the site show that the property is run-down and in need of rehabilitation. The existing macadam parking area needs to be upgraded. Moreover, there is a small building which is boarded up and a deteriorated sign.

The neighbors who appeared and testified are supportive of the Petitioner's plan. Although the proposed building is quite large, they believe that it is consistent with the uses which exist on properties

fronting Route 40. Moreover, they are familiar with Mr. Steinbach, his business, and his reputation. They believe he has been a good neighbor and that he keeps the adjacent property clean and free of debris. A similarly conducted operation on the subject site will remove an eyesore from the neighborhood and will be an improvement to the area.

There are several unique factors relating to the subject property and surrounding neighborhood which need be noted. First, the prior zoning relief granted variances as to the rear and side yard setback requirements for the building constructed in connection with the special exception granted many years ago. The Petitioners wish to utilize that approval in this case. In this regard, it is to be noted that the proposed building is irregularly shaped and abuts the neighboring property along an irregular property line. Also, one of the variances (from Section 409.8.A.4) relates to Gaither Avenue, a public street. As shown on the site plan, the right-of-way for Gaither Avenue abuts the western property line of the subject site; however, the road is not actually improved at that point. Specifically, as shown on the site plans, Gaither Avenue terminates prior to reaching the property line of the subject site. The neighbors expressed a concern that Gaither Avenue not be extended so as to cause additional traffic in the area. Apparently, there are no plans by Baltimore County to extend the roadway in that access to this residential community is available by alternative routes. Similarly, Melvin Avenue is also closed at the request of the community and does not provide access to Route 40.

The neighbors also noted that they support the request in that the large building proposed will screen the residential community to the rear from traffic and associated noise and sights on Baltimore National Pike. In this regard, the Petitioner indicated that no windows or doors

would be installed in the rear or sides of the building facing the community. Also, there will be no lighting on the rear or sides of the building. Lastly, the Petitioner has offered to landscape a portion of the residential property owned by Calvin Johnson (which is occupied by Judith Johnson) located immediately adjacent to the proposed building. In that there is a 0-foot setback, landscaping is not possible on the subject site. However, if agreeable to the property owner and Ms. Johnson, the Petitioner will landscape along the side of the building on the Johnson property to provide additional buffering. Ms. Johnson indicated at the hearing that she would prefer the building to approach the property line rather than require a 10 or 20-foot setback. She feels that the maintenance of such a small strip would only increase the possibility of loitering and accumulation of debris, and prefers facing the building to those alternatives.

The Zoning Plans Advisory Committee (ZAC) has also addressed many of these issues and amended comments from the Developer's Plans Review Division requires the Petitioner to improve the vehicular access point to the property from Baltimore National Pike in a manner consistent with the standards and specifications of the Maryland State Highway Administration (SHA). In this regard, I will condition approval upon and require the Petitioner to make such improvements to the access point as are required by the SHA and Baltimore County. I will also require the Petitioner to construct a turn-around at the end of existing Gaither Avenue in conjunction with any formal requests to close that road.

The Office of Planning and Zoning (OPZ) recommends denial of the Special Exception and Variance requests. Developer's Engineering also recommends denial of the variance requests and seeks landscaping along the rear of the building.

As to the Petition for Special Exception, a review of the standards set forth in Section 502.1 of the B.C.Z.R. and the case law is appropriate. The Court of Special Appeals in a recently issued decision (Mossburg v. Montgomery County, Md. (No. 58, September Term, 1995) recently addressed the special exception standards in Maryland. Citing a long line of cases, including the seminal case of Schultz v. Pritts, 291 Md. 1 (1981), the Court noted that special exceptions are recognized as presumptively proper, absent a showing that such a use would have an adverse effect at a particular location greater than the adverse effects ordinarily associated with such a use. The Court emphasized that the consideration of the Petition should not dwell on whether the use causes an adverse impact, which all special exception uses do to an extent, but whether the impact at the particular location in question is above and beyond that ordinarily associated with such a use. In applying this standard to the instant Petition for Special Exception, it must be concluded that the relief should be granted. The subject property abuts two uses (i.e., the existing Caton Auto Clinic and Auto Glass Repair Shop) which conduct activities substantially similar to what is proposed on the subject site. The proposed use is entirely consistent with the activity which occurs on the neighboring properties. Moreover, U.S. Route 40 at this location is along a more highly commercialized thoroughfare through Baltimore County and is but a short distance from the Baltimore Beltway. In my judgment, the proposed use easily qualifies for special exception approval, particularly since such approval was granted 32 years ago for a similar use.

Consistent with this finding, the Petition for Special Hearing should also be granted. The proposed amendments to the previously approved

plan are designed to upgrade this site and will not be detrimental to the health, safety and general welfare of the locale in accordance with the standards set forth in Section 502.1 of the B.C.Z.R.

The Petition for Variance is a more difficult issue. The Petitioner argues the uniqueness of the property, its irregular shape, the paper streets which exist nearby, and its proximity to Baltimore National Pike. The Petitioner argues that a building complying with all setback requirements would render the site undevelopable, in that it would remove the area required for parking.

The support of the neighbors is also significant here. They support the request, believing that same will be an upgrade to an otherwise debilitated property. Ms. Johnson's support is of particular note, as the most affected property owner. She supports the grant of the variance, believing that same will reduce vandalism and prevent the accumulation of debris on and near her property.

Based on the testimony and evidence offered, I am persuaded to grant the Petition for Variance. The property is indeed irregularly shaped which limits the permissible building envelope and sustains the practical difficulty burden. Moreover, properly restricted, the grant of the variance relief will not detrimentally affect the surrounding properties.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of November, 1995 that the Petition for Special Hearing seeking approval of an expansion of the special exception relief

granted in prior Case No. 63-141-RXV to permit the proposed improvements, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 232.2.B and 3.B of the B.C.Z.R. to permit a side yard lot line setback of 0 feet in lieu of the required 10 feet and a rear yard setback of 0 feet in lieu of the required 20 feet for the proposed building, and from Section 409.8.A.4 of the B.C.Z.R. to permit a distance to the street centerline of 5 feet in lieu of the required 10 feet for parking, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no windows or doors on the rear of the proposed building and no lighting on the side or rear of the building facing the adjoining residential properties.

3) The Petitioner shall landscape the Johnson property adjacent to the common property line in a manner agreed to by and between the parties. Should the parties not agree on a landscaping treatment, the parties can request the Landscape Architect for Baltimore County to assist them in this regard.

5) The Petitioner shall improve the vehicular access point to the subject property from Baltimore National Pike in a manner consistent with the standards and specifications of the Maryland State Highway Administration (SHA) and Baltimore County.

6) The Petitioner shall construct a turn-around at the end of existing Gaither Avenue in conjunction with any formal requests to close that road.

7) 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/22/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 22, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Baltimore National Pike and Gaither Avenue
(6013 Baltimore National Pike)
1st Election District - 1st Councilmanic District
Estate of Harry Waller, Legal Owners -
Kenneth J. Steinback, Contract Purchaser/Lessee
Case No. 96-73-SPHXA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth J. Steinbach
6009 Baltimore National Pike, Baltimore, Md. 21228

People's Counsel

File

Ms. Judith Johnson
414 Melvin Avenue, Baltimore, Md. 21228

Petition for Special Hearing

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at 6013 Baltimore National Pike

which is presently zoned BL

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an expansion of a Special Exception for a service garage previously granted in Case No. 63-141-RXV, by Order November 7, 1963.

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

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

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

Contract Purchaser/Lessee: KENNETH J. STEINBACH (Type or Print Name)

Signature

6009 Baltimore National Pike
Address

Baltimore, Maryland 21228 788-3838
City State Zipcode

Attorney for Petitioner: MICHAEL P. TANCZYN, ESQ. (Type or Print Name)

Signature

606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Legal Owner(s): (Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

#69

Name, address and phone number of representative to be contacted: HERBERT MALMUD
Name
100 Church Lane
Address Baltimore, MD 21208 653-9511 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
unavailable for Hearing the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE 8-16-95

ORDER RECEIVED FOR FILING
Date 11/22/95
By

Petition for Special Exception

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at 6013 Baltimore National Pike

which is presently zoned BL

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage pursuant to Baltimore County Zoning Regulations, Section 230.13 in a BL zone.

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: KENNETH J. STEINBACH (Type or Print Name)

Signature

6009 Baltimore National Pike
Address

Baltimore, Maryland 21228 788-3838
City State Zipcode

Attorney for Petitioner: MICHAEL P. TANCZYN, ESQ. (Type or Print Name)

Signature

606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Legal Owner(s): (Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

69

Name, address and phone number of representative to be contacted: HERBERT MALMUD
Name
100 Church Lane
Address Baltimore, MD 21208 653-9511 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HR for the SE SPH + VAR
unavailable for Hearing the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE 8-16-95

ORDER RECEIVED FOR FILING
Date 11/22/95
By

Petition for Variance

96-73-SPHXA

to the Zoning Commissioner of Baltimore County

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 232.2.B to provide a sideyard lot line of 0' in lieu of the required 10'; from Section 232.3.B to provide a rearyard of 0' in lieu of the required 20'; and from Section 409.8.A.4, the distance to the streetline of 5' in lieu of the required 10'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
Unreasonable hardship or practical difficulty to be presented at time of hearing

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.

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:

KENNETH J. STEINBACH (Type or Print Name)

Signature

6009 Baltimore National Pike
Address

Baltimore, MD 21228 788-3838
City and State

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ. (Type or Print Name)

Signature

606 Baltimore Avenue, Suite 106
Address

Towson, MD 21204
City and State

Attorney's Telephone No.: 296-8823

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City and State

#69

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

HERBERT MALMUD
Name
100 Church Lane
Address Baltimore, MD 21208 653-9511 Phone No.

OFFICE USE ONLY SE SPEX + SPH

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE 8-16-95

ORDER RECEIVED FOR FILING
Date 11/22/95
By

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

96-73-SPHXA

TELEPHONE (410) 653-9511

DESCRIPTION FOR SPECIAL HEARING, SPECIAL EXEPTION AND ZONING VARIANCES
CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE
BALTIMORE COUNTY, MARYLAND

69

Beginning for the same at the corner formed by the intersection of the south side of Baltimore National Pike (U.S. Route 40), 159 feet wide, and the southeast side of Gaither Avenue, 40 feet wide, thence binding on Baltimore National Pike:

(1) North 89° 01' 00" East 226.18 feet; thence leaving said road and running the four (4) following courses and distances:

(2) South 17° 51' 30" West 157.75 feet;
(3) North 72° 08' 30" West 100.00 feet;
(4) South 17° 51' 30" West 40.00 feet;
(5) North 72° 08' 30" West 100.00 feet to the southeast side of said Gaither Avenue, thence binding thereon:

(6) North 17° 51' 30" East 92.11 feet to the place of beginning.

Containing 0.57 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud
Registered Land Surveyor
Maryland No 7558

August 11, 1995

STATE OF MARYLAND HERBERT MALMUD No. 7558 REGISTERED LAND SURVEYOR

FILE: CatonAutoPkZon DESC 27

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-73-SPHXA

District 1st Date of Posting 9/29/95
Posted for: Special Hearing, Special Exception, Variance
Petitioner: Kenneth J. Steinbach
Location of property: 6013 Balto. Nat'l Pike
Location of Signs: Facing roadway approximately front feet
Remarks:
Posted by Signature Date of return: 10/6/95
Number of Signs: 1

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

No. 69
004861

DATE 8-16-95 ACCOUNT R-001-6150

96-73-SPHXA AMOUNT $ 605.00

RECEIVED FROM: Caton Auto Park, Inc.
6013 Balto. Nat'l Pike
FOR: SPEX, SP Hearing & Variance

070 — MAX — $500.00
080 — SIGN + POSTING: 17MAR 18 95 — $20.00
Total $605.00

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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: #96-73-SPHXA
(Item 69)
6013 Baltimore National Pike
Caton Auto Park
SEC Baltimore National Pike and Gaither Avenue
1st Election District/1st Councilmanic
Contract Purchaser:
Kenneth J. Steinbach
Hearing: Friday,
October 6, 1995 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage. Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance to the streetline of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3391.
(2) For information concerning the Zoning Hearing, Please Call 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 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 9/14, 1995.

THE JEFFERSONIAN,
A. Hewlett
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be 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.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 69

Petitioner: Herb MALMUD

Location: 6013 BALTO NATL Pike

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herb MALMUD 653-9511

ADDRESS: 100 Church La.
BALTO, MD, 21208

PHONE NUMBER:

AJ:ggs (Revised 04/09/93)

Printed with Soybean Ink on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
September 14, 1995 Issue - Jeffersonian

Please foward billing to:

Herb Malmud
100 Church Lane
Baltimore, MD 21208
653-9511

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: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaither Avenue
1st Election District - 1st Councilmanic
Contract Purchaser: Kenneth J. Steinbach
HEARING: FRIDAY, OCTOBER 6, 1995 at 2:00 p.m. in Room 106 County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 7, 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: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaither Avenue
1st Election District - 1st Councilmanic
Contract Purchaser: Kenneth J. Steinbach
HEARING: FRIDAY, OCTOBER 6, 1995 at 2:00 p.m. in Room 106 County Office Building.

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

Arnold Jablon
Director

cc: Kenneth J. Steinbach
Michael P. Tanczyn, Esq.
Herbert Malmud

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

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-73-SPHXA (Item 69)
6013 Baltimore National Pike - Caton Auto Park
SEC Baltimore National Pike and Gaither Avenue
1st Election District - 1st Councilmanic
Legal Owner: Kenneth J. Steinbach

Special Hearing to approve an expansion of a special exception for a service garage previously granted in case #63-141-RXV.
Special Exception for a service garage.
Variance to provide a side yard lot line of zero feet in lieu of the required 10 feet; to provide a rear yard of zero feet in lieu of the required 20 feet; and the distance of the streeline of 5 feet in lieu of the required 10 feet.

HEARING: FRIDAY, OCTOBER 20, 1995 at 9:00 a.m. in Room 106 County Office Building, 111 W. Chesapeake Avenue, Towson MD.

ARNOLD JABLON
DIRECTOR

cc: Kenneth J. Steinbach
Michael P. Tanczyn, Esq.
Herbert Malmud

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 13, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Towson, Maryland 21204

RE: Item No.: 69
Case No.: 96-73-SPHXA
Petitioner: K. J. Steinbach

Dear Mr. Tanczyn:

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 August 16, 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,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 19, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6013 Baltimore National Pike

INFORMATION:

Item Number: 69

Petitioner: Kenneth J Steinbach

Property Size:

Zoning: BL

Requested Action: Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff believes there is no justification to grant the special exception and variance requests. Clearly, the need for variances is a self created hardship. In addition, the proposed service garage is located in close proximity to an established residential community, and the plat accompanying the special exception reveals no provision for buffering the site or mitigation of the impact on the community. Therefore, while a service garage of this scale would be appropriate elsewhere within the zone, the proposed use, in this case, at this particular property, would result in overdevelopment of this .57 acre parcel.

Prepared by: Jeffrey W Long

Division Chief: Carl Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 13, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #69 - Caton Auto Park
6013 Baltimore National Pike
Zoning Advisory Committee Meeting of August 28, 1995

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

Waste Management

This facility, Savon Gas Station, has underground storage tanks in the ground which are in compliance with State Regulations COMAR 26.10.01. No reports of tank failure were found.

JLP:EGS:sp

CATON/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 069

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Relocate your directional entrance to the east of the Gaither Avenue right-of-way.

Gaither Avenue is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

This proposal is also subject to Sec. IX.c.2.b.3 of the Landscape Manual, which requires a 10-foot setback for the landscape buffer along the residential property line. This office recommends against granting the variance.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Oct. 17, 1995

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

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 069 REVISED

The Development Plans Review Division has re-reviewed the subject zoning item and we revise our comments dated September 7, 1995 as follows:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Baltimore County will require the Petitioner to construct a turnaround at the end of the existing Gaither Avenue in conjunction with a formal request to close Gaither Avenue.

This proposal is also subject to Sec. IX.c.2.b.3 of the Landscape Manual, which requires a 10-foot setback for the landscape buffer along the residential property line. This office recommends against granting the variance.

RWB:sw

PETITION PROBLEMS AGENDA FOR 8/28/95

#69 --- JJS

1. No legal owner name, signature, address, or telephone number.

#75 --- CAM

1. No telephone number for legal owner.

#78 --- JJS

1. No review information on bottom of petition form.

#80 --- JLL

1. No review information on bottom of petition form.
2. Need attorney's signature.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 16, 1995

TO: Hearing Officer

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

SUBJECT: Item #69
6013 Baltimore National Pike

I advised Mr. Herb Malmud, petitioner, during appointment yesterday that the legal owner information on the petition forms (special exception, special hearing, and variance) must be completed. He insisted on filing without that information and stated that the matter would be addressed later (as the property may be sold by the hearing date).

JJS:scj

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 08/30/95

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 OFAUGUST 28, 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: 66,67,68,69,70,71,73, 74,75,77,79 & 80.

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

RECEIVED
SEP 5 1995
ZADM

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

September 14, 1995

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

RE: Baltimore County
US 40 West (south side)
6013 Baltimore National Pike
Caton Auto Park
Special Hearing
Special exception and
Variance request
Item #069 (JJS)
Mile Post 2.10

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

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

A field inspection of the property reveals the existing curb and gutter along the property frontage on US 40 is in an acceptable condition.

The proposed re-construction of the existing entrances onto US 40 indicated on the plan are generally acceptable to the SHA.

The plantings located on the directional island within the proposed right-in/right-out entrance onto US 40 will require a review and approval by our Landscape Architecture Division prior to the issuance of any permit being issued by this office.

Also, since the proposed entrance re-construction is located within 500' of the existing signalized intersection of US 40/Winters Lane, we have forwarded a copy of the plan to our Traffic Section for their review and comment in order to determine what impact, if any, the proposed entrance improvements would have to the interconnected traffic signal system along US 40 in this area.

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

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

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

Ms. Joyce Watson
Page Two
September 14, 1995

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

a. Nine (9) copies of the site plan showing the SHA requirements.
b. Completed application.
c. Performance bond, letter of credit, or certified check **(include Federal ID number or social security number on certified checks only)** in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland **(Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).**
d. An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.
e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

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

Ms. Joyce Watson
Page Three
September 14, 1995

We have no objection to approval of the referenced special hearing, special exception and variance request, subject to our aforementioned comments. Should you have any questions, or require additional information, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Randy Brown w/att.
Mr. Kenneth J. Steinbach
Mr. Darrell Wiles

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

September 12, 1995

Baltimore County
ATTN: GWEN STEVENS
Department of Permits and
Development Management
Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 96-73-SPHXA (Item 69)
Caton Auto Park

Dear Gwen:

Per our conversation, I am writing as counsel for the Petitioner to ask that this hearing presently scheduled for Friday, October 6, 1995 at 2:00 p.m. be rescheduled to either October 20, 1995 or October 23, 1995 and that you advise us of which of those dates is set for hearing. My client has a conflict in that prior to the time this hearing was set, he made business commitments to be out of town which he needs to honor if at all possible. Therefore, we appreciate your consideration in agreeing to continue this case to one of the later dates. As soon as you know which date, please let me know.

Thank you for your consideration.

Very truly y ours,

Michael P. Tanczyn

MPT/kr

cc: Mr. Kenneth J. Steinbach
Mr. Herbert Malmud

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
HERBERT MALMUD	
H. MALMUD & ASSO. INC	100 CHURCH LA. 21208
Kenneth J. Steinbach	2516 Flagg Meadow Ct 21048
ROBERT B. SPRAGUE	1021 FIRMITE AVE TOWSON, MD 21042
Alonzo Childress	713 Pheasant Drive 21237
Deborah FRIEDINE	415 Melvin Ave 21228
Mike Tonevgyn	

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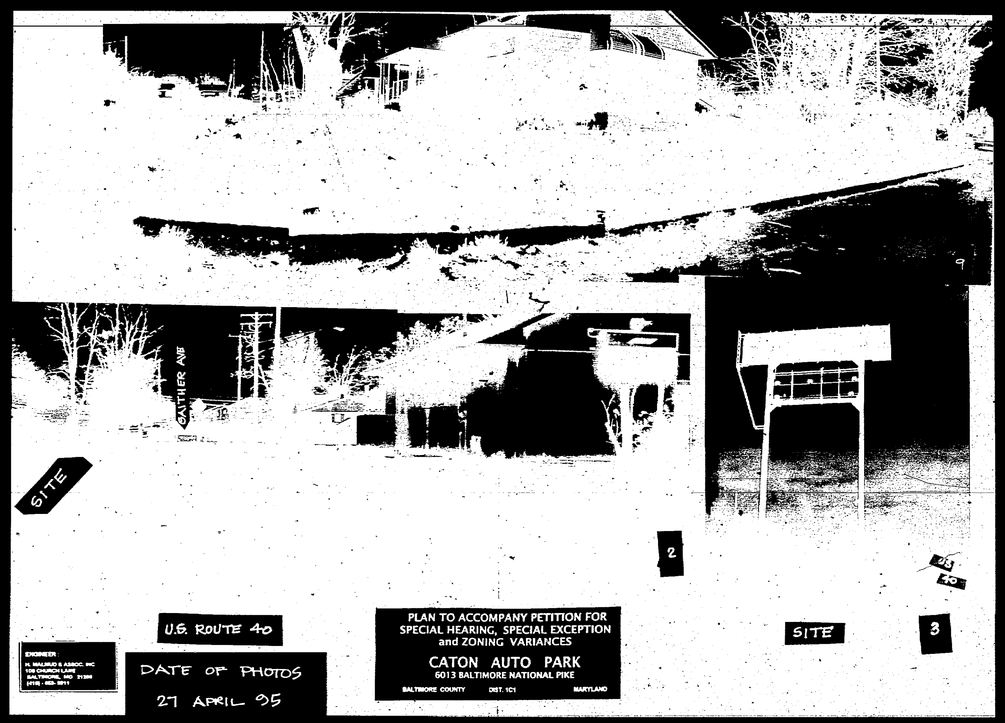
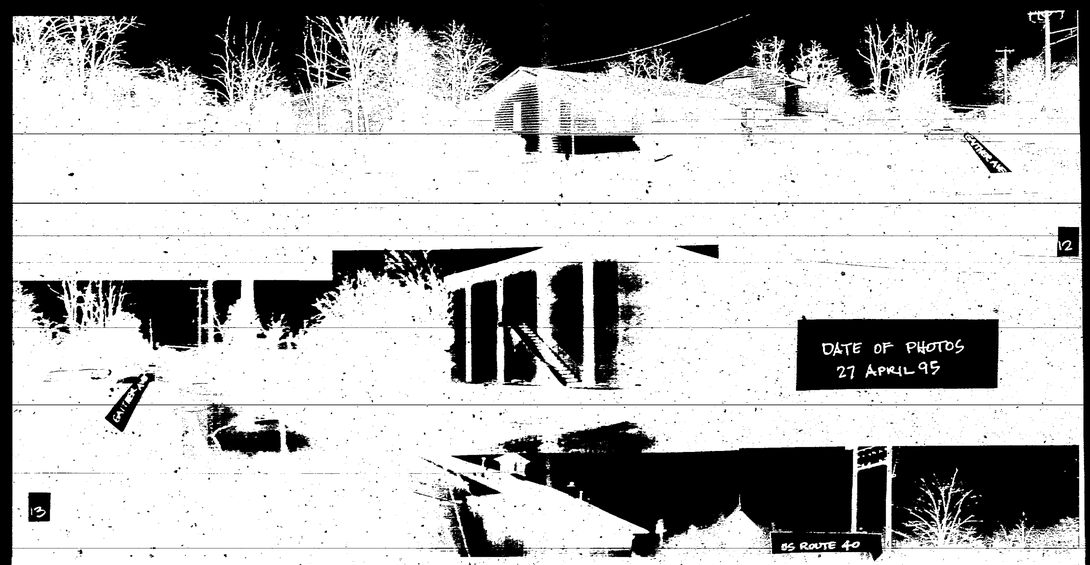
63-141-RXV





CATON AUTO CLINIC
6009 BALTIMORE NATIONAL PIKE
BALTIMORE, MARYLAND 21228
410-788-3838

10-18-95

To whom it may concern:

I do favor the building to be located on 6013 Baltimore National Pike to be set right on my property line (414 Melvin Ave) for security purposes. I understand the owner will erect a fence right next to the building should I desire it. Please accept this document showing my wishes as I cannot attend in person because of my work schedule.

Sincerely,
Jessie P. Johnson
Mrs. Johnson

Petition

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME	ADDRESS
DEBORAH A FRIEDLINE	415 Melvin Ave

SIGNATURE
Deborah A Friedline

NAME	ADDRESS

SIGNATURE

NAME	ADDRESS

SIGNATURE

NAME	ADDRESS

SIGNATURE

NAME	ADDRESS

SIGNATURE

Pet 5A

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME	ADDRESS
BARRY FRIEDLINE	415 MELVIN AVE

SIGNATURE

NAME	ADDRESS
Helen Gibson	408 Melvin Ave

SIGNATURE
Helen Gibson

NAME	ADDRESS
Keesha Booton	411 Melvin Ave

SIGNATURE
Keesha Booton

NAME	ADDRESS
Georgia Bland	406 Melvin ave

SIGNATURE
Georgia Bland

Pet 5B

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME	ADDRESS
Michael Jones	6006 Old Frederick Rd

SIGNATURE
Michael Jones

NAME	ADDRESS

SIGNATURE

NAME	ADDRESS

SIGNATURE

NAME	ADDRESS

SIGNATURE

Pet 5C

CATON AUTO PARK

To whom it may concern,

We as neighbors do support the building of an automotive service center on the property known as 6013 Baltimore National Pike which used to be the Savon Gas Station. We understand the owners of Caton Auto Clinic will manage the new center and keep it neat and clean as they do the existing center.

NAME	ADDRESS
William Johnson	414 Melvin Ave 21228

SIGNATURE
William P. Johnson

NAME	ADDRESS

SIGNATURE

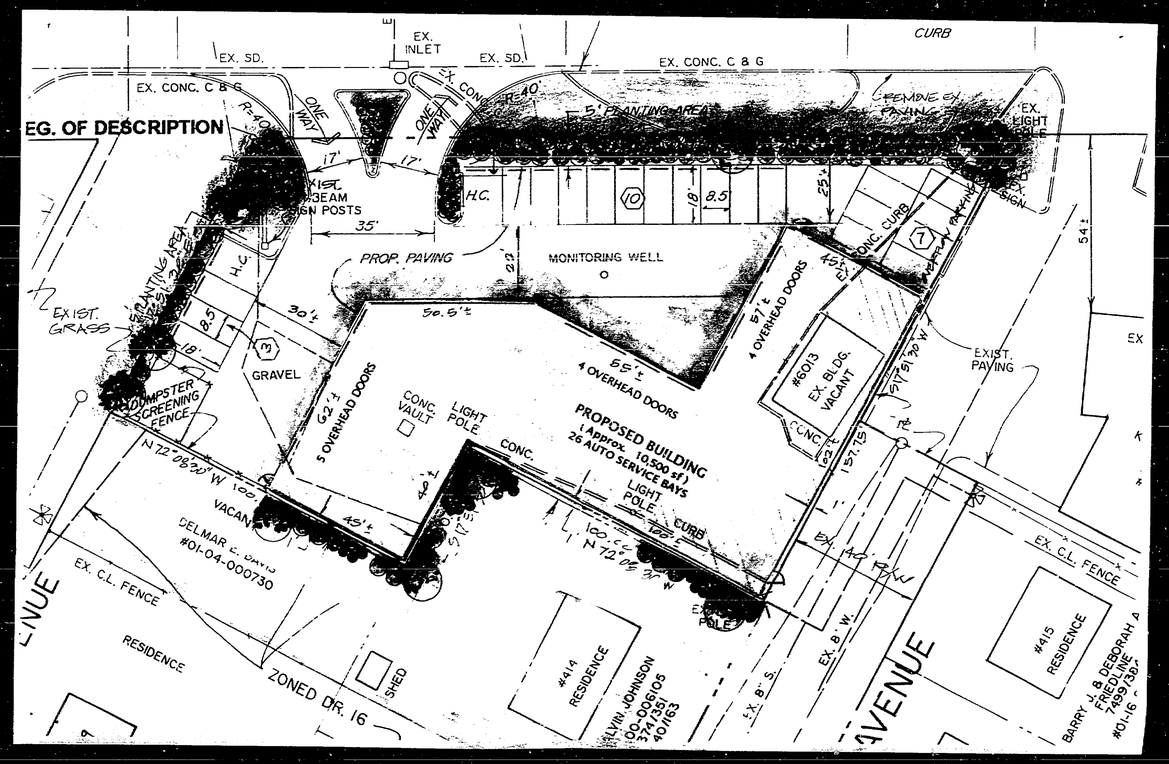
NAME	ADDRESS

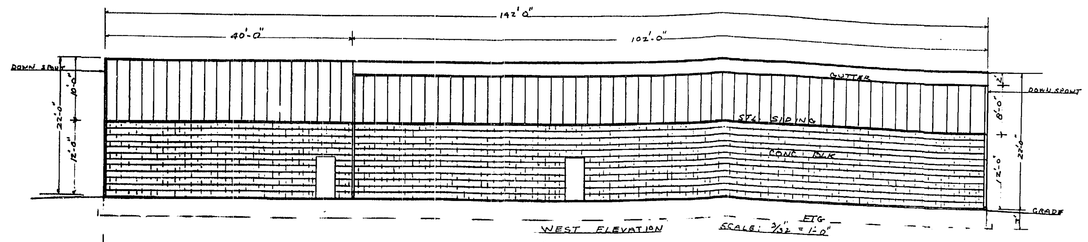
SIGNATURE

NAME	ADDRESS

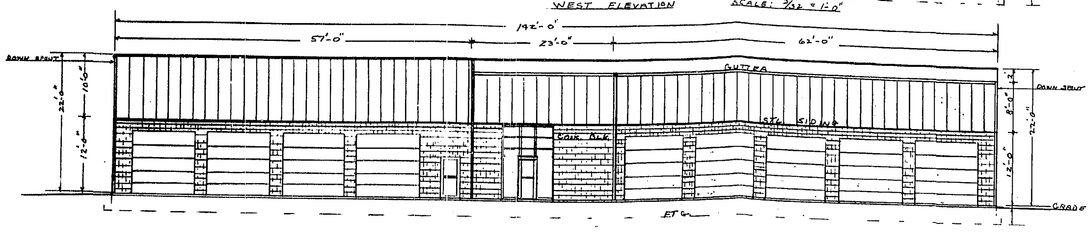
SIGNATURE

Pet 5D

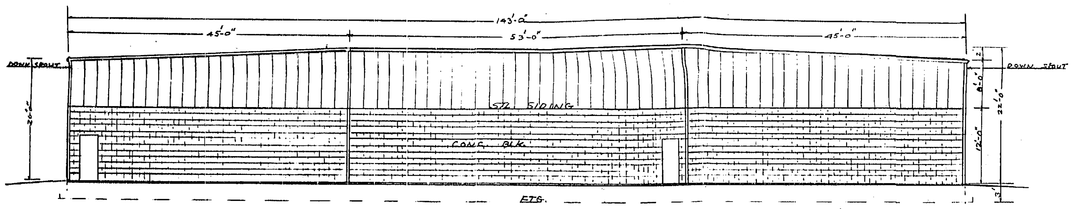




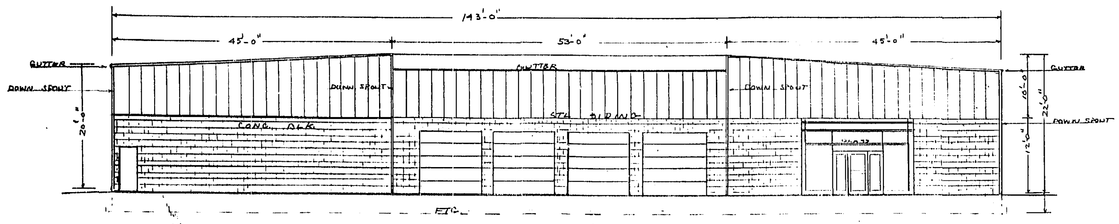
WEST ELEVATION
SCALE: 3/32" = 1'-0"



EAST ELEVATION
SCALE: 3/32" = 1'-0"



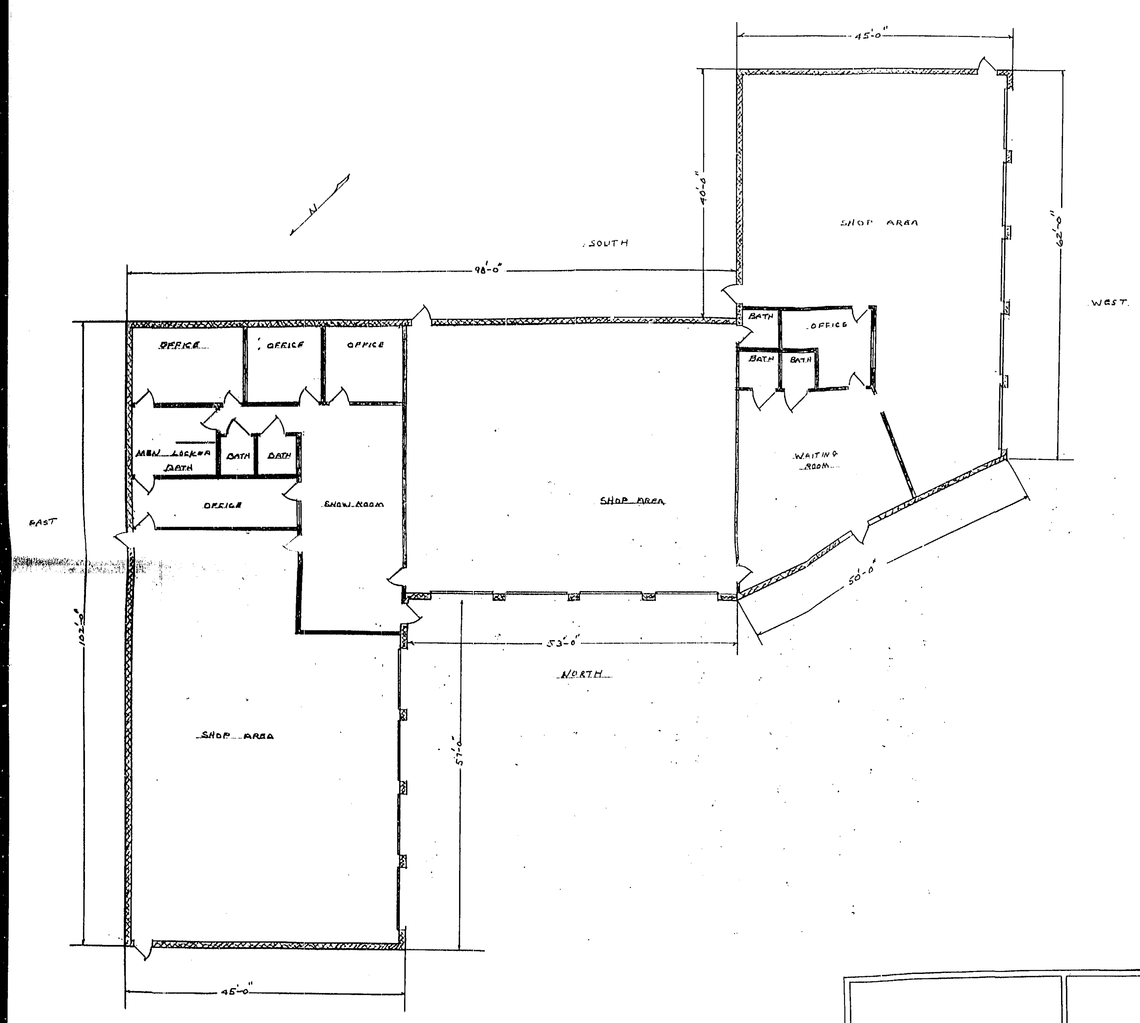
NORTH ELEVATION
SCALE: 3/32" = 1'-0"



SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

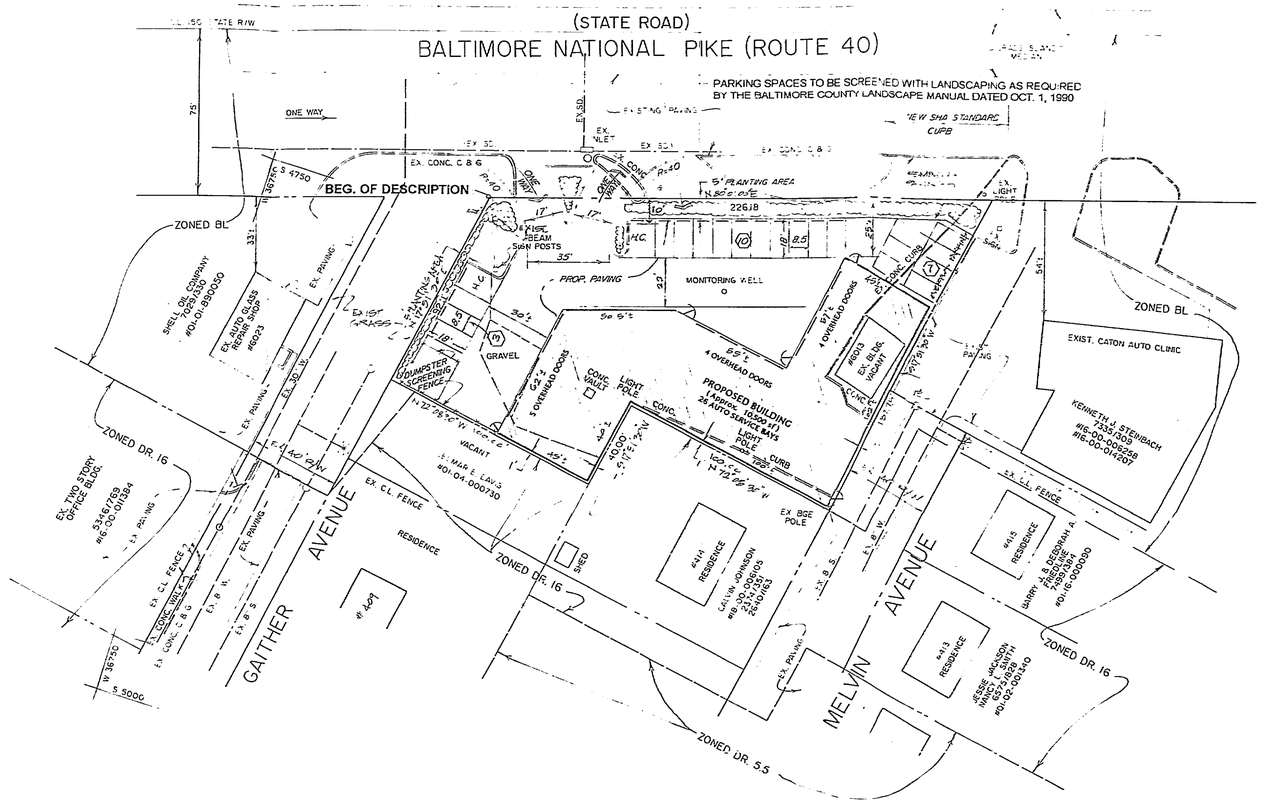
		CATON AUTO PARK BALTO. NATIONAL PIKE ELEVATIONS: DATE: OCTOBER 18, 1995 SCALE: 3/32" = 1'-0" DRAWN BY: JOHN F. SCHATZ

2 of 6

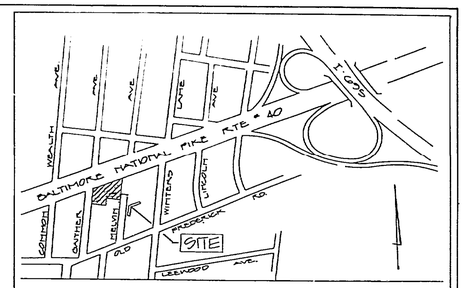


		CATON AUTO PARK BALTO. NATIONAL PIKE ELEVATIONS DATE: OCTOBER 18, 1995 SCALE: 3/32" = 1'-0" DRAWN BY: JOHN F. SCHATZ

2 of 6



SITE PROPOSAL MAP
SCALE 1" = 30'



LOCATION MAP
SCALE: 1" = 500'

GENERAL NOTES

1 SITE SIZE APPROX 0.57 acres
2 EXISTING ZONING BL
3 EXISTING USE VACANT / ABANDONED GAS STATION
4 PROPOSED USE AUTO REPAIR SHOP
ONE STORY - APPROX. 10,500 s.f. BUILDING (26 BAYS)
PROPOSED MAX. BUILDING HEIGHT = 25 '
6 PARKING REQUIRED 3.3 SPACES PER 1,000 s.f.
3.3 x 10.500 sf = 35 SPACES
7 PARKING PROVIDED
INSIDE BUILDING 26 SPACES
OUTSIDE CUSTOMER 15 SPACES
OUTSIDE EMPLOYEE & OVERFLOW 7 SPACES
TOTAL 48 SPACES INCLUDING 2 H.C. SPACES
8 PUBLIC WATER AND SEWER AVAILABLE TO SITE
9 ESTIMATED ADT 16 TRIPS PER 1,000 s.f.
10,500 s.f. = 168 ADT
10 DRIVEWAY AND PARKING AREA TO BE BITUMINOUS PAVING. ALL PARKING SPACES TO BE PAINTED ON PAVING & SHALL HAVE PRECAST CONC. CURB AT END. ALL EXIST PAVING BEYOND THE PROP. PAVEMENT SHALL BE REMOVED
11 PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE INFORMATION AND NOT FROM A PROPERTY LINE SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT OF WAY AND /OR COVENANTS OF RECORD AND LAW.
12 FLOOR AREA RATIO FLOOR AREA 10,500 s.f.
SITE 24,830 s.f. + 1/2 R/W (MAX. 30') 6,785 s.f.
= 31,615 s.f.
F.A.R. =10,500/31,615 = 0.33
ALLOWED F.A.R. = 3.0
13 AMENITY OPEN SPACE NONE REQUIRED
14 TIME OF BUSINESS DAILY 7 am TO 8 pm
15 SIGN THE EXISTING " SAVON GAS STATION " SIGN FRAME AND SUPPORT POSTS LOCATED AT THE NORTH-WEST CORNER OF THE SITE WILL BE USED FOR THE PROPOSED " CATON AUTO PARK " SIGN.

PETITION FOR :

SPECIAL HEARING: TO EXPAND THE SPECIAL EXCEPTION FOR A SERVICE GARAGE PREVIOUSLY GRANTED IN CASE No. 63-141-RXV, BY ORDER NOV. 7, 1963.

SPECIAL EXCEPTION: FOR A SERVICE GARAGE IN A BL ZONE

VARIANCES: TO ALLOW :
1. SIDE YARD BUILDING SETBACK OF 0' IN LIEU OF REQUIRED 10'.
2. REAR YARD OF 0' IN LIEU OF REQUIRED 20'.
3. PARKING SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.
4. FRONT YARD BUILDING SETBACK OF 25' IN LIEU OF AVERAGE SETBACK OF EXISTING BUILDINGS, 33' & 54' (AVERAGE 43.5')

ZONING HISTORY SPECIAL EXCEPTION FOR A SERVICE GARAGE WAS GRANTED IN CASE NO. 63-141-RXV, BY ORDER NOV. 7, 1963

96-73-SPHXA

69

PETITIONER'S EXHIBIT NO. 1

PETITIONER
KENNETH J. STEINBACH
6009 BALTO. NATIONAL PIKE
BALTIMORE, MD. 21228
(410) - 788 - 3838

OWNER
SAVON GAS STATION INC.
DEED REF. 2977 - 0509
ACCT. No. 01-19-001230

DATE	REVISION DESCRIPTION

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION and ZONING VARIANCES

CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE

BALTIMORE COUNTY DIST. 1C1 MARYLAND

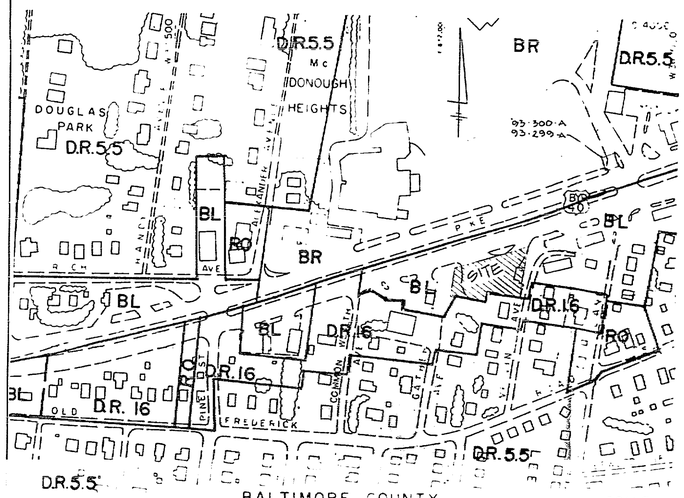
SCALE : AS SHOWN DATE : AUGUST 16, 1995

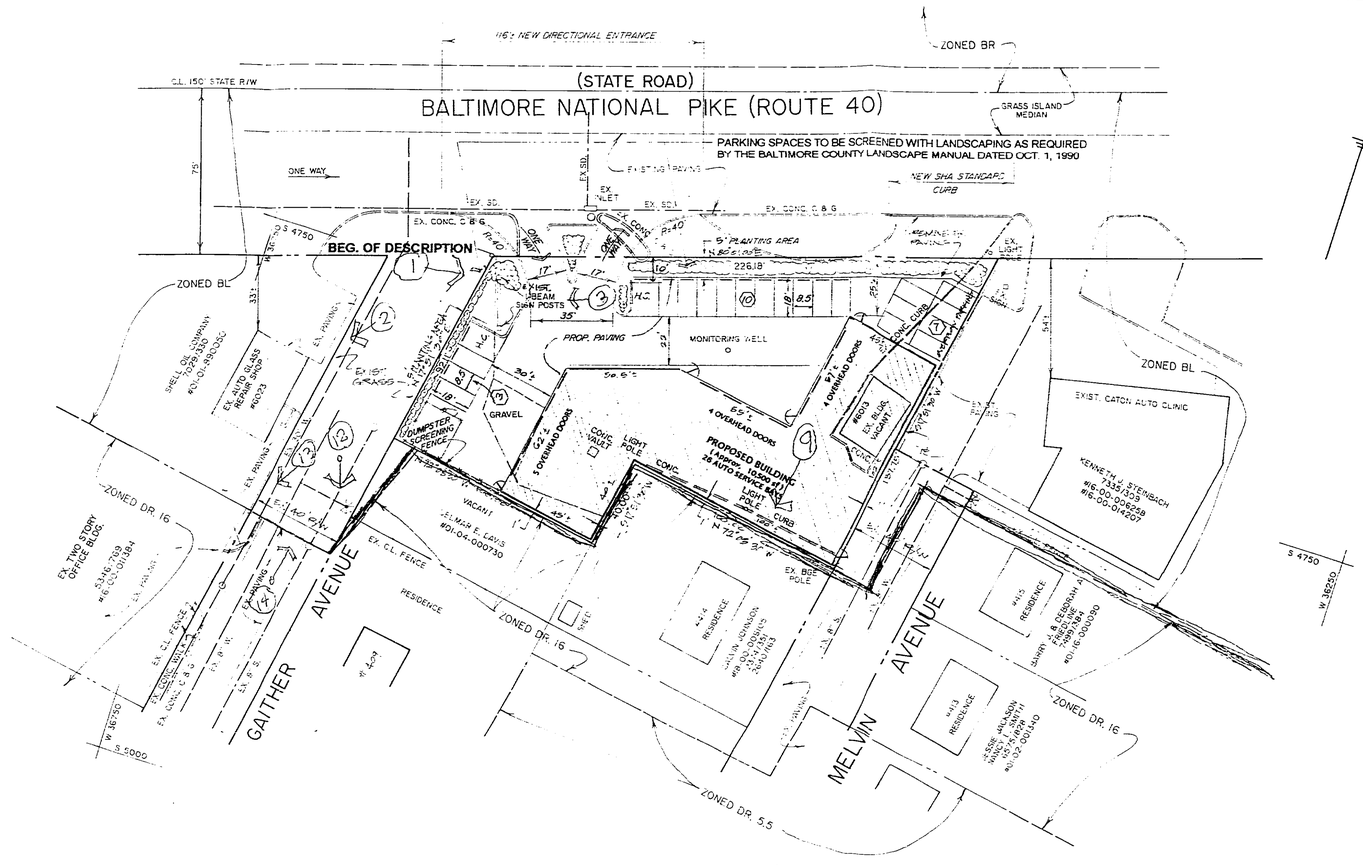
ENGINEER
H. MALMUD & ASSOC. INC.
100 CHURCH LANE
BALTIMORE, MD. 21208
(410) - 653 - 9011

CONTRACTOR
JACK SCHATZ
400 FREDERICK ROAD
BALTIMORE, MD. 21228
(410) 747 - 8200

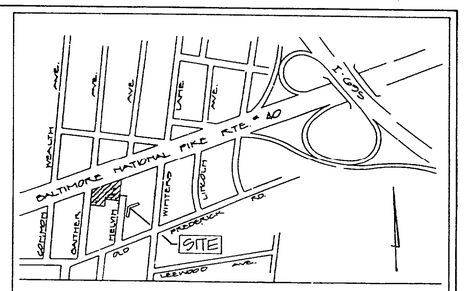
CONTRACT PURCHASER
KENNETH J. STEINBACH
6009 BALTO. NATIONAL PIKE
BALTIMORE, MD. 21228
(410) - 788 - 3838

DRAWING No.
ZP-1
SHEET 1 OF 1





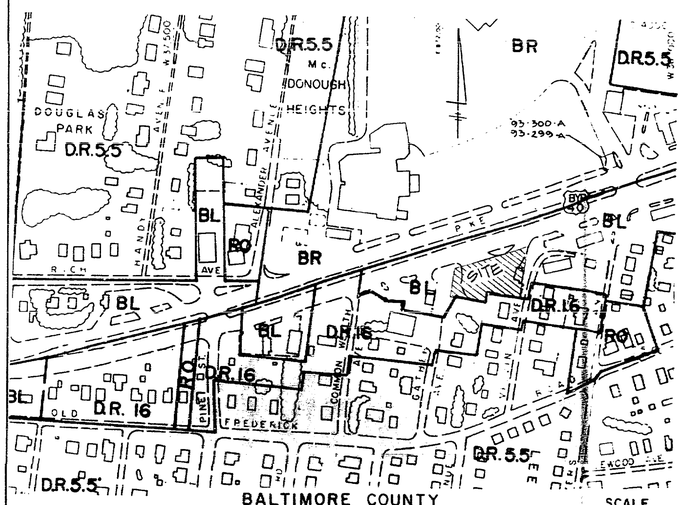
SITE PROPOSAL MAP
SCALE 1" = 30'



LOCATION MAP
SCALE : 1" = 200'

GENERAL NOTES

1. SITE SIZE : APPROX. 0.57 acres
2. EXISTING ZONING : BL
3. EXISTING USE : VACANT / ABANDONED GAS STATION
4. PROPOSED USE : AUTO REPAIR SHOP
   ONE STORY - APPROX. 10,500 s.f. BUILDING (26 BAYS)
   PROPOSED MAX. BUILDING HEIGHT = 25 '
6. PARKING REQUIRED 3.3 SPACES PER 1,000 s.f.
   3.3 x 10,500 sf = 35 SPACES
7. PARKING PROVIDED
   INSIDE BUILDING 26 SPACES
   OUTSIDE CUSTOMER 15 SPACES
   OUTSIDE EMPLOYEE & OVERFLOW 7 SPACES
   TOTAL 48 SPACES INCLUDING 2 H.C. SPACES
8. PUBLIC WATER AND SEWER AVAILABLE TO SITE
9. ESTIMATED ADT : 16 TRIPS PER 1,000 s.f.
   10,500 s.f. = 168 ADT
10. DRIVEWAY AND PARKING AREA TO BE BITUMINOUS PAVING. ALL PARKING SPACES TO BE PAINTED ON PAVING & SHALL HAVE PRECAST CONC. CURB AT END. ALL EXIST PAVING BEYOND THE PROP. PAVEMENT SHALL BE REMOVED
11. PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE INFORMATION AND NOT FROM A PROPERTY LINE SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHT OF WAY AND /OR COVENANTS OF RECORD AND LAW.
12. FLOOR AREA RATIO : FLOOR AREA : 10,500 s.f.
    SITE 24,830 s.f. + 1/2 R/W (MAX. 30') 6,785 s.f.
    = 31,615 s.f.
    F.A.R. =10,500/31,615 = 0.33
    ALLOWED F.A.R. = 3.0
13. AMENITY OPEN SPACE : NONE REQUIRED
14. TIME OF BUSINESS : DAILY 7 am TO 8 pm
15. SIGN : THE EXISTING " SAVON GAS STATION " SIGN FRAME AND SUPPORT POSTS LOCATED AT THE NORTHWEST CORNER OF THE SITE WILL BE USED FOR THE PROPOSED " CATON AUTO PARK " SIGN.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP (SW. 2-6)
SCALE 1" = 200'

PETITION FOR :

SPECIAL HEARING: TO EXPAND THE SPECIAL EXCEPTION FOR A SERVICE GARAGE PREVIOUSLY GRANTED IN CASE No. 63-141-RXV, BY ORDER NOV. 7, 1963.

SPECIAL EXCEPTION: FOR A SERVICE GARAGE IN A BL ZONE

VARIANCES: TO ALLOW :
1. SIDE YARD BUILDING SETBACK OF 0' IN LIEU OF REQUIRED 10'.
2. REAR YARD OF 0' IN LIEU OF REQUIRED 20'.
3. PARKING SETBACK OF 5' IN LIEU OF THE REQUIRED 10'.
4. FRONT YARD BUILDING SETBACK OF 25' IN LIEU OF AVERAGE SETBACK OF EXISTING BUILDINGS. 33' & 54' (AVERAGE 43.5')

ZONING HISTORY: SPECIAL EXCEPTION FOR A SERVICE GARAGE WAS GRANTED IN CASE NO. 63-141-RXV, BY ORDER NOV. 7, 1963

Pet 36
35 ED

PETITIONER
KENNETH J. STEINBACH
6009 BALTO. NATIONAL PIKE
BALTIMORE, MD. 21228
(410) - 788 - 3838

OWNER
SAVON GAS STATION INC.
DEED REF. 2977 - 0509
ACCT. No. 01-19-001230

DATE	REVISION DESCRIPTION

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION and ZONING VARIANCES

CATON AUTO PARK
6013 BALTIMORE NATIONAL PIKE

BALTIMORE COUNTY DIST. 1C1 MARYLAND

SCALE : AS SHOWN DATE : AUGUST 16, 1995

ENGINEER :	CONTRACTOR	CONTRACT PURCHASER	DRAWING No.
H. MALJEUD & ASSOC. INC 906 CHURCH LANE BALTIMORE, MD. 21208 (410) - 653- 9011	JACK SCHATZ. 404 FREDERICK ROAD BALTIMORE, MD. 21228 (410) 747 - 8280	KENNETH J. STEINBACH 6009 BALTO. NATIONAL PIKE BALTIMORE, MD. 21228 (410) - 788 - 3838	ZP-1 SHEET 1 OF 1