

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
N/S WASHINGTON BOULEVARD	*	ZONING COMMISSIONER
25' SW Of The C/L Of WINANS AVENUE	*	
(1826 WINANS AVENUE)	*	OF BALTIMORE COUNTY
13TH ELECTION DISTRICT		
1ST COUNCILMANIC DISTRICT	*	
THOMAS A. PALACOROLLA, ET UX-OWNERS	*	CASE NO. 97-390-SPHA
AUTO DEALERS, INC.-CONTRACT PURCHASERS		

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property. It is noted that Petitioners are not seeking to modify or amend the Special Exception relief previously granted. The Petitioners also seek Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

ORDER RECEIVED FOR FILING
 Date 11/3/97
 By [Signature]

Appearing on behalf of the Petitioner's were Thomas A Palacorolla, property owner, Brian and Sharon Isaac for Auto Dealers, Inc., Contract Purchasers, Rob Vogel, Engineer and Richard Sturtivant, Structural Engineer. Also appearing was the adjacent property, John Rotz. There were no protestants present.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned BR-AS and is improved with a two story building in the rear Southwest corner of the lot, a macadam paved area for customer and employee parking and a gravel vehicle display parking area. It was noted by counsel for the Petitioners that in Case No. 95-454XA a Special Exception to utilize the subject property and the existing building for a used motor vehicle outdoor sales operation pursuant to Section 236.4 of the BCZR had previously been granted by the Deputy Zoning Commissioner for Baltimore County on September 7, 1995 and upheld on Appeal by Order of the County Board of Appeals dated June 3, 1996 subject to eight restrictions which are included on the site plan in this case. It was also noted that the Variances requested and as shown in the site plans filed in Case No. 95-454-XA were granted in part and denied in part by the Deputy Zoning Commissioner and denied on Appeal by the County Board of Appeals by its Order dated June 3, 1996. The new site plan submitted in the case at issue depicts modifications to the plans submitted in Case No. 95-454XA. It is noted the new site plans have been reviewed and approved by the Office of Planning and Zoning.

Significant new evidence was offered by Rob Vogel, Civil

Engineer and Richard Sturtivant, Structural Engineer in support of the relief requested. In addition to testimony that the existing building was approximately 100 years old, new testimony established the building intended for use as the sales office was in fact structurally sound. Additionally expert testimony revealed that special circumstances existed and the property has unique characteristics which cause strict compliance with the BCZR to result in practical difficulty and/or unreasonable hardship to the Petitioner's. The lot in question is small in size, is irregularly shaped, is bound by roadways on two sides and by homes to the rear and side. Clearly, the unique nature of the property substantially restricts the location of the sales display area and existing building. Further testimony from Richard Sturtivant revealed the practical difficulty in attempting to move or relocate the existing building. Testimony also revealed that new screening and a fence were to be installed between the Palacorolla property and the Rotz property. It was noted that John Rotz was a protestant at the previous hearing and Appeal and now testified in favor of Petitioner's proposal. There were no objections from the Baltimore County Agencies and several neighboring businesses and the Halethorpe Improvement Association indicated their approval of the Petitions.

In order to proceed as proposed, a special hearing to amend the previously approved site plan to reflect the proposed improvements is necessary. In addition, the requested variance relief is necessary to bring the property into compliance with

current zoning regulations.

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

- 1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and,
- 2) Whether a grant of the Variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that certain circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will

not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the BCZR.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of July, 1997, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-454-XA to reflect the proposed improvements 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 the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (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 automotive repairs or service work performed on the premises and there shall be no washing of vehicles on the premises with detergents or soaps. However, the Petitioner shall be permitted to rinse off vehicles with water as necessary.
3. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the

ORDER RECEIVED FOR FILING

Date

By

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

4. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
5. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
6. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
7. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
8. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.
9. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of the Order.



Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

7/3/97

By

M. G. Gosh

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE *
1826 Winans Avenue, Corner SW/S Winans * ZONING COMMISSIONER
Avenue, NW/S Washington Boulevard *
13th Election District, 1st Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): Thomas & Barbara Palacorolla
Contract Purchaser: Auto Dealers, Inc.
Petitioners * CASE NO. 97-390-SPHA

* * * * *

ENTRY OF APPEARANCE

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

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

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

HRG. DATE
FRI. 4/18
Lanzi

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

396



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1826 WINANS AVENUE

47-390-3 DHA

which is presently zoned BR

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

Amendment of the previously approved plan in Case No. 95-454XA.

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.

Contract Purchaser/Lessee:

Auto Dealers, Inc.

(Type or Print Name)

Brian Isaac president
Signature Brian Isaac, President

13940 Rover Mill Road
Address P.O. Box 37

West Friendship, MD 21794
City State Zipcode

Attorney for Petitioner:

J. Neil Lanzi

(Type or Print Name)

M. Lanzi
Signature

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

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

Legal Owner(s):

Thomas Palacorolla

(Type or Print Name)

Thomas A. Palacorolla
Signature

Barbara J. Palacorolla

(Type or Print Name)

Barbara J. Palacorolla
Signature

12183 Tridelfhia Road

Address

Phone No.

Ellicott City, MD 21042

City

State

Zipcode

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

J. Neil Lanzi

Name

337-9039
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: DAK DATE 3/15/97

Zoning Administration

Development Management



390

97-390-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1826 WINANS AVENUE

which is presently zoned BR

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

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

See attached

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

See attached

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

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

Contract Purchaser/Lessee:

Auto Dealers, Inc.

(Type or Print Name)

Brian Isaac
Signature Brian Isaac, President

13940 Rover Mill Road

Address P.O. Box 37

West Friendship, MD 21794

City State Zipcode

Attorney for Petitioner:

J. Neil Lanzi

(Type or Print Name)

J. Neil Lanzi
Signature

300 Allegheny Avenue 337-9039

Address Phone No.

Towson, MD 21204

City State Zipcode

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

Legal Owner(s):

Thomas A. Palacorolla

(Type or Print Name)

Thomas A. Palacorolla
Signature

Barbara J. Palacorolla

(Type or Print Name)

Barbara J. Palacorolla
Signature

12183 Tridelphia Road

Address Phone No.

Ellicott City, MD 21042

City State Zipcode

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

J. Neil Lanzi

Name

337-9039

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: 2512 DATE 3/13/97



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

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

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

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

(isaacpet.var)

ZONING DESCRIPTION

BEGINNING at the corner formed by the intersection of the Northwest side of Washington Turnpike Road, which is a 50 foot wide right of way, with the Southernmost side of Winans Avenue, which is a 50 foot right of way. Thence the following courses and distances:

Northwesterly bounding on said side of Winans Avenue sixty-two feet six inches, thence Southwesterly at right angles to Winans Avenue one hundred forty-six feet three inches to the division line between Gables' lot, thence southeasterly bounding on said division line ninety-seven feet six inches, more or less, to said side of Washington Turnpike Road, thence Northeasterly on said side of Washington Turnpike to the place of beginning. Being Lots Nos. 300 and 301 on the Plan of Halethorpe as shown on Plat recorded among the Plat Records of Baltimore County in Plat Book J.W.S. 1, Folio 60, containing 10,703 square feet. Also known as no. 1826 Winans Avenue, And located in the 13th Election District of Baltimore County, Maryland.



CERTIFICATE OF PUBLICATION

97-390-SPHA

TOWSON, MD.,

March 27 1997

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 March 27, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-390-SPHA
1826 Winans Avenue
corner SW/S Winans Avenue,
NW/S Washington Blvd.
13th Election District
1st Councilmanic
Legal Owner(s):

Thomas A. Palaciorolla and
Barbara J. Palaciorolla

Contract Purchaser:
Auto Dealers, Inc.

Special Hearing: to approve an amendment to the previously approved plan in case 95-454-XA. **Variance:** to allow a 1' foot side setback for the existing office/sales building in lieu of the required 30 feet; and to allow a zero foot rear setback for existing office/sales building in lieu of the required 30 feet.

Hearing: Friday, April 18, 1997 at 11:00 a.m. in Rm. 106 County Office Building.

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.

3/351 March 27 C130069

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

No. 028567

47-390-SPHA

DATE ¹³ 3-8-97 ACCOUNT 2-001-6150.

By: MK
Intn: 390 AMOUNT \$ 500⁰⁰⁰

RECEIVED FROM: J. New Lanee. - 1826 Wmmd Ave

020 Com. UAW.	250 ⁰⁰
040 Com. SPEC. HEAL.	250 ⁰⁰
FOR: TOTAL	500 ⁰⁰

03A91H0393MICRC

\$500.00

BA C003-35F003-13-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JMA

396

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-390-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: to permit a 1ft side setback and a 0ft rear
setback for the existing office/sales building in lieu of 30'
and to amend the site plan in Case 95-454-XA

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

390

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

97-390-SPHA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 390

Petitioner: Thomas A. Palcorolla

Location: 1826 WINANS Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. Neil Canzi

ADDRESS: 300 Allegheny Ave

Towson MD 21204

PHONE NUMBER: 337-9039

AJ:ggs

(Revised 09/24/96)

CERTIFICATE POSTING

RE: Case No.: 97-390-SPHA

Petitioner/Developer: THOMAS PALACOROLLA

% J. NEIL LANZI, atty

Date of Hearing/Closing: 4/18/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

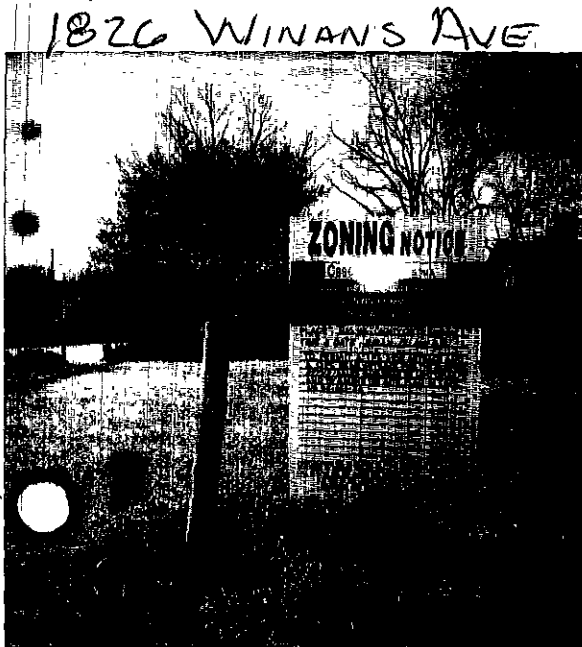
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

1826 WINANS AVE

The sign(s) were posted on APRIL 3, 1997
(Month, Day, Year)



Sincerely,

Richard E. Hoffman 4/3/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD.
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

POSTED 4/3/97

Richard E. Hoffman 4/3/97

97-390-SPHA

TO: PUTUXENT PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

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

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-390-SPHA
1826 Winans Avenue
corner SW/S Winans Avenue, NW/S Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla
Contract Purchaser: Auto Dealers, Inc.

Special Hearing to approve an amendment to the previously approved plan in case #95-454-XA.
Variance to allow a 1 foot side setback for the existing office/sales building in lieu of the required 30 feet; and to allow a zero foot rear setback for existing office/sales building in lieu of the required 30 feet.

HEARING: FRIDAY, APRIL 18, 1997 at 11:00 a.m. in Room 106, County Office Building.

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

97-390-SPHA

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

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-390-SPHA
1826 Winans Avenue
corner SW/S Winans Avenue, NW/S Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla
Contract Purchaser: Auto Dealers, Inc.

Special Hearing to approve an amendment to the previously approved plan in case #95-454-XA.
Variance to allow a 1 foot side setback for the existing office/sales building in lieu of the required 30 feet; and to allow a zero foot rear setback for existing office/sales building in lieu of the required 30 feet.

HEARING: FRIDAY, APRIL 18, 1997 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

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

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 3, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

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

April 10, 1997

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

RE: Item No.: 390
Case No.: 97-390-SPHA
Petitioner: T. Palacorolla, et ux

Dear Mr. Lanzi:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 13, 1997.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

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

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 31, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 31, 1997
 Item No. 390

 The Development Plans Review Division has reviewed the subject zoning item.

 The landscape plan required by Zoning Case No. 95-454XA has not been submitted.

RWB:HJO:cab

cc: File

ZONE331.390

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

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: April 4, 1997

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning's position has not changed from the time of the original submission of the requested special exception in Case No. 95-454XA.

Item No. 390

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-21-97
Item No. 396 MJK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

/s/

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/25/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s:

379

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381

389

382

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383

393

385

394

387

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



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

(410) 887-4500

March 31, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 24, 1997

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.

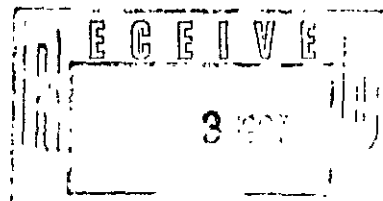
8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1103F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 27, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1826 Winans Avenue

INFORMATION:

Item Number: 448

Petitioner: Palacorolla Property

Property Size: _____

Zoning: BR-AS

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

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

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

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: Jeffrey Long *JL*
Office of Planning

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

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

JL:lw
JLITM448/PZONE/TXTLLF

c: People's Counsel
Neil Lanzi, Esquire

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

(410) 337-9039

FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

DATE: July 1, 1997

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Lawrence E. Schmidt

FIRM: Zoning Commissioner for Baltimore County

CITY: _____

TELECOPIER NO., AREA CODE (410) 887-3468

TELEPHONE NO., AREA CODE ()

FROM: J. Neil Lanzi
(Attorney)

Total Number of Pages, including this page: _____

DOCUMENTS TRANSMITTED:

Enclosed letter and Opinion. (10/1)

If you do not receive all pages, please call back as soon as possible at
(410) 337-9039, Telecopier Number: (410) 337-8932.

ORIGINAL TO BE: MAILED FED EX. HAND-DELIVERED RETAINED

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

FORMS\OFFICE\PAFFORM

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-9039

FAX: (410) 337-8932

July 1, 1997

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

Sent via Fax: 410-887-3468

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. 97-390-SPHA
1826 Winans Avenue
Thomas Palacorolla and Auto Dealers, Inc., Petitioners

Dear Commissioner Schmidt:

Enclosed please find a draft Zoning Opinion as we discussed. Once you have had a chance to review the enclosed, would you kindly give me a call so that we may hopefully finalize the Opinion by the end of this week.

Thank you very much for your cooperation in this matter.

Very truly yours,



J. Neil Lanzi

c.c. Thomas Palacorolla
Auto dealers, Inc.

palacomm.ltz

COLUMBIA

Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
N/S WASHINGTON BOULEVARD	*	ZONING COMMISSIONER
25' SW Of The C/L Of WINANS AVENUE	*	
(1826 WINANS AVENUE)	*	OF BALTIMORE COUNTY
13TH ELECTION DISTRICT		
1ST COUNCILMANIC DISTRICT	*	
THOMAS A. PALACOROLLA, ET UX-OWNERS	*	CASE NO. 97-390-SPHA
AUTO DEALERS, INC.-CONTRACT PURCHASERS		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter ~~comes~~ comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property and Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petitioner's were Thomas A Palacorolla, property owner, Brian and Sharon Isaac for Auto

Dealers, Inc., Contract Purchasers, Rob Vogel, Engineer and Richard Sturtivant, Structural Engineer. Also appearing was the adjacent property, John Rotz. There were no protestants present.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned BR-AS and is improved with a two story building in the rear Southwest corner of the lot, a macadam paved area for customer and employee parking and a gravel vehicle display parking area. It was noted by counsel for the Petitioner⁵ that a Special Exception to utilize the subject property and the existing building for a used motor vehicle outdoor sales operation pursuant to Section 236.4 of the BCZR had previously been granted by the Deputy Zoning Commissioner for Baltimore County on September 7, 1995 and upheld on Appeal by Order of the County Board of Appeals dated June 3, 1996 subject to eight restrictions which are included on the site plan in this case. It was also noted that the Variance request to allow a 0 ft. rear yard setback for an existing office/sales building in lieu of the required 30 ft. was also granted by the Deputy Zoning Commissioner in Case No. 95-454XA, which Variance was denied on Appeal by the County Board of Appeals by its Order dated June 3, 1996. Finally, it was noted the Petitioners request for a 1 ft. side yard setback in lieu of the required 30 ft. was previously denied by the Deputy Zoning Commissioner in Case No. 95-454XA, which denial was also upheld on Appeal by the June 3, 1996 Order of the Board of Appeals.

Significant new evidence was offered by Rob Vogel, Civil Engineer and Richard Sturtivant, Structural Engineer in support of

the relief requested. In addition to testimony that the existing building was approximately 100 years old, new testimony established the building intended for use as the sales office was in fact structurally sound. Additionally expert testimony revealed that special circumstances existed and the property has unique characteristics which cause strict compliance with the BCZR to result in practical difficulty and/or unreasonable hardship to the Petitioner's. The lot in question is small in size, is irregularly shaped, is bound by roadways on two sides and by homes to the rear and side. Clearly, the unique nature of the property substantially restricts the location of the sales display area and existing building. Further testimony from Richard Sturtivant revealed the practical difficulty in attempting to move or relocate the existing building. Testimony also revealed that new screening and a fence were to be installed between the Palacorolla property and the Rotz property. It was noted that John Rotz was a protestant at the previous hearing and Appeal and now testified in favor of Petitioner's proposal. There were no objections from the Baltimore County Agencies and several neighboring businesses and the Halethorpe Improvement Association indicated their approval of the Petitions.

In order to proceed as proposed, a special hearing to amend the previously approved site plan to reflect the proposed improvements is necessary. In addition, the requested variance relief is necessary to bring the property into compliance with current zoning regulations.

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

- 1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and,
- 2) Whether a grant of the Variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that certain circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general

welfare and meets the spirit and intent of the BCZR.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ____ day of July, 1997, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-454-XA to reflect the proposed improvements 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 the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (30) day Appellate process from this Order has expired. If for whatever reason this order is reversed, the relief Granted herein shall be rescinded.
2. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the date of this Order, the Petitioner shall arrange for a

representative from the Department of Public Works (DPW) to inspect the property to determine if, in fact, the type of surface he intends to provide meets their requirements for a durable and dustless surface.

3. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
4. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
5. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
6. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
7. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.

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

Lawrence Schmidt
Zoning Commissioner for
Baltimore County

palac.opi
7/1/97

#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

PETITION PROBLEMS

97-890-SP14A

#378 --- MJK

1. Sign form is incomplete/incorrect.

#379 --- JLL

1. Sign form is incomplete/incorrect.

#380 --- RT

1. Folder says zoning is D.R.-3.5; petition says zoning is D.R.-5.5 -- Which is correct?

#382 --- CAM

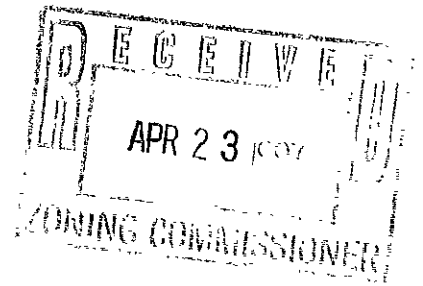
1. Need printed or typed title and authorization of person signing for legal owner.
2. Need printed name and title and authorization of person signing for contract purchaser.
3. No review information on bottom of petition form.

#385 --- MJK

1. Sign form is incomplete/incorrect.
2. No description on folder.
3. No zoning on folder.
4. No acreage on folder.
5. No election district on folder.
6. No councilmanic district on folder.
7. Plan is illegible.

April 15, 1997

Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

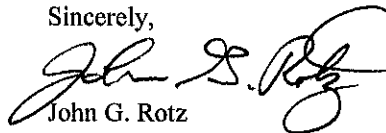


Dear Mr. Schmidt:

We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorolla.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,



John G. Rotz

cc: Mr. J. Niel Lanzi, Attorney for Auto Dealers, Inc
Mr. Thomas Pallacorolla

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

21227

JOHN A. ROTZ

4628 WASHINGTON BLVD

Brian & Sharon 15990

13940 Rover Mill Rd West Friendship

ROBERT VOGL

3691 PARK LANE #101, SUDBURY CITY, MD 21794

Neil Kenzi

300 Allegheny Ave Towson

Richard Sturtevant

2312 Shepherd Ct Jarrettsville, MD 2184

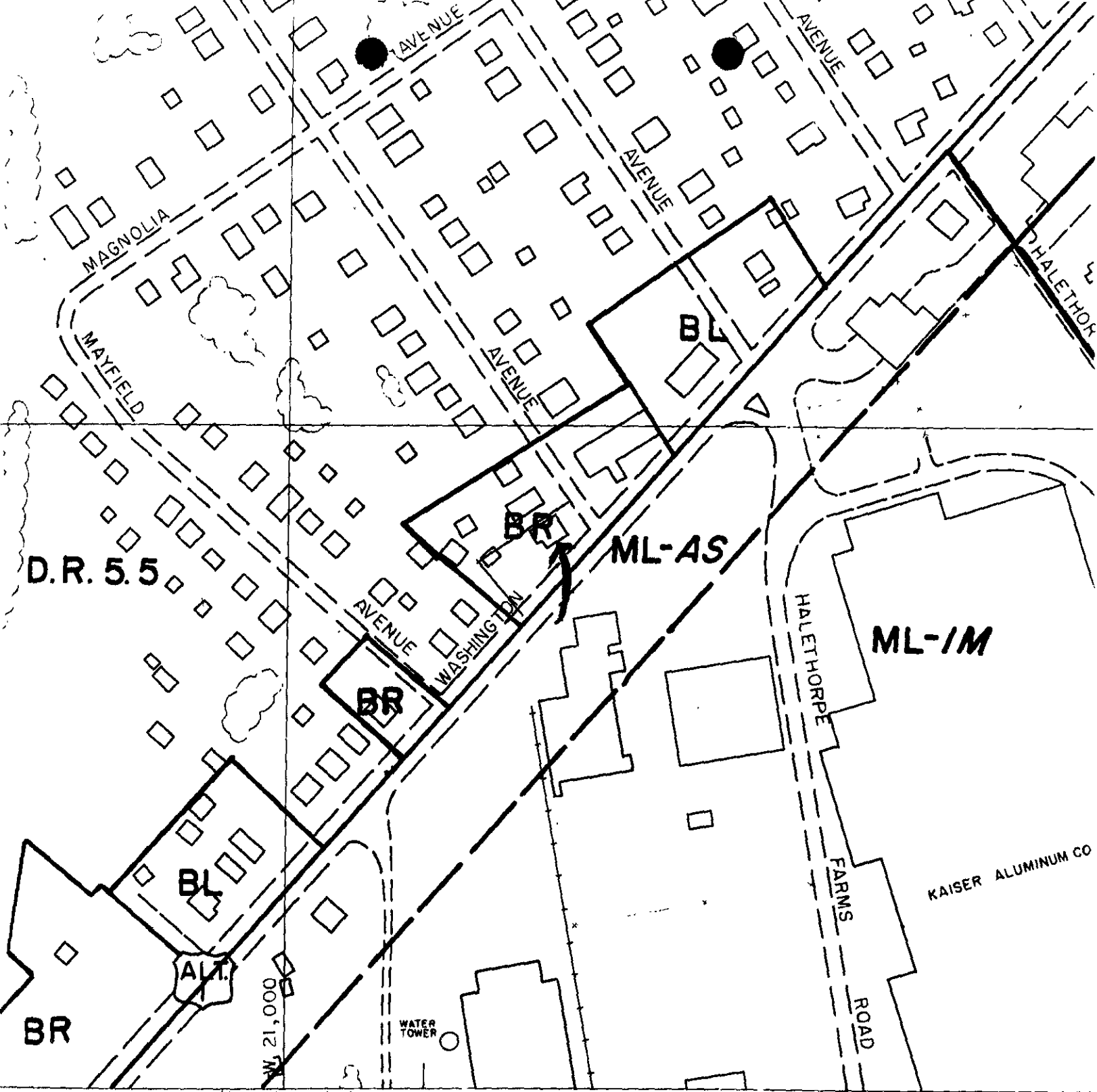
THOMAS A PALACOROLH

12183 TRIADOLPHIA RD

P.O. BOX 37

West Friendship, MD 21794





(SHEET SW-7-D)

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

#390

17-310
SPHA

**Proposed Auto Sales Lot
1826 Winans Avenue**

Biography

Brian Isaac was raised in Baltimore Highlands and graduated from Lansdowne Senior High. He married in 1990 had two children and resided in Relay. He currently lives in Howard County. Brian will be the owner/operator of this business as his primary employment. He has strong ties to the community as well as family residing in the Arbutus area.

Proposed Use

Retail auto sales lot. Cars will be clean and Maryland inspected. Any trade in cars that are in need of repair will be stored at another site. Any repairs will be performed by Reliable Tire Company which is an Arbutus company.

Community Benefits

Transform a heavy equipment sales lot into a retail auto sales lot. Will display clean desirable retail autos in place of heavy commercial equipment. Will be a local source for good quality used autos. Will keep income in the community by employing local residents. Will also be active in the community by joining the Arbutus business and professional association and supporting local sports events. Already has support of local businesses.

Zoning

This property is currently zoned BR-CS1 and has many uses that are not advantageous to the community as where an auto sales lot conforms with this area of US route 1.

Summary

Brian Isaac wants to own and operate a clean used auto lot in an area that he is familiar with. He has roots and many personal friends as well as business associates in the Arbutus area. He will conform to all local zoning laws. This business will have a positive effect on the area. If any one in the community has any concerns please feel free to contact Brian or Sharon Isaac at (410)489-7386.

[Signature] 3

**Brian Isaac
Employment History**

1979-1982	Miller Brothers Chevrolet - Elkridge, Md. Mechanic Md. State Inspector
1982- 1992	Sport Chevrolet - Silver Spring, Md. Mechanic - Md. State Inspector Service Manager Salesperson, Sales Manager
1993- 1995	Miller Brothers Chevrolet - Ellicott City, Md Sales Manager

**Sharon Isaac
Employment History**

1977 - 1986	Sport Chevrolet - Silver Spring, Md. Inventory Clerk, Bookkeeper Salesperson, Sales Manager
1987 - 1990	Fox Mitsubishi - Baltimore, Md. Bookkeeper, Part Time
1990 - Present	Sport Chevrolet, Silver Spring, Md. Bookkeeper, Title Clerk

SPORT



MONTGOMERY AUTOMOBILE SALES PARK, 3101 AUTOMOBILE BLVD., SILVER SPRING, MD. 20904, TEL. 301 890-6000 • ROBERT FOGARTY

July 12, 1995

TO WHOM IT MAY CONCERN:

I have known Sharon and Brian Isaac for well over ten years. In fact, Sharon has been employed by Sport Chevrolet since her high school years. They are both smart, hard-working and honest people who have always impressed me with their desire and ingenuity.

I can only give them the highest recommendation as they embark on their used car business in Baltimore County.

Sincerely,

Robert H Fogarty
Robert H. Fogarty,
President

**Auto Sales Lot
1826 Winans Avenue**

Proposed Hours of Operation:

Summer

Monday - Friday	9:00 A.M. - 7 :00 P.M.
Saturday	9:00 A.M. - 3 :00 P.M.
Sunday	CLOSED

Winter

Monday - Friday	9:00 A.M. - 7 :00 P.M.
Saturday	9:00 A.M. - 3 :00 P.M.
Sunday	CLOSED

Other Conditions:

No outside Phone Ringer or P/A system's will be used
Sign will be located where present sign on building is located

LANDSCAPE SCHEDULE

AREA A:

SAW-CUT ASPHALT ALONG PROPERTY LINE 3' WIDE.
REMOVE ASPHALT AND STONE BASE, REPLACE WITH TOPSOIL.
PLANT: 3 4-5' HT. FLOWERING TREES
18 15-18" SP. EVERGREEN SHRUBS
20 1 GAL PERENNIAL FLOWERS.

AREA B:

IN RETAINING WALL PLANT:

40 1 GAL LOW GROWING PERENNIALS

ON EACH SIDE OF RETAINING WALL PLANT:

15 LOW GROWING EVERGREEN SHRUBS IN GROUPS OF 5 EACH

AREA C:

ON EACH SIDE OF DRIVEWAY ENTRANCE PLANT:

1 4-5' FLOWERING TREE

6 15-18" SP. EVERGREEN SHRUBS

8 1 GAL PERENNIAL FLOWERS

Proposed
C.N. 105

WINANS AVE.

Hallehoge pastors Hogan	Trum shop	Brooks Baby shop	Selma Liquor store
-------------------------------	--------------	------------------------	--------------------------

Hallehoge Farm Rd.

Rich's
Liquor
store

WAS 415-500 5-10

Miller
hose
Horse
Cordier's

McClug
&
Logan

Hill
McClug
Sons

Hallehoge
Farm
Horse

Johnson
Bulldozers

NOT TO SCALE

Hallehoge Farm Rd.

UNIVERSAL
MART

12/10/5



Maryland Department of Transportation
MOTOR VEHICLE ADMINISTRATION
6601 RITCHIE HIGHWAY N.E.
GLEN BURNIE MARYLAND 21062

AUTOMOTIVE REPAIR FACILITY CONTRACT

TYPE OR PRINT
(EXCEPT SIGNATURE)

We, the undersigned Deliable Tire Sales 410-242-4464
NAME OF AUTOMOTIVE REPAIR FACILITY TELEPHONE NO.

Address 4771 Hall's Ferry Rd Baltimore Md. 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

having the necessary facilities and equipment to properly service and repair motor vehicles do hereby agree to reasonably, adequately and properly service and repair motor vehicles sold or to be sold by the dealer named in this contract:

AUTO DEALER INC, T/A HALETHORPE AUTO SALES
NAME OF DEALERSHIP

Address 1826 WINANS AVE BALTIMORE, MD 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

This contract shall be effective on and after _____ 19 ____ and will remain in full force and effect until cancellation of the contract by either party, upon written notice to the Motor Vehicle Administration by Registered or Certified Mail.

We hereby certify, under Penalty of Perjury, that the statements made herein are true and correct, to the best of our knowledge, information and belief.

Witness our Hand(s) and Seal(s)

SIGNATURE OF OWNER OF AUTOMOTIVE REPAIR FACILITY

921 Drohomw Pl Balt Md 21210

HOME ADDRESS OF OWNER OF AUTOMOTIVE REPAIR FACILITY

This _____ day of _____ 19 ____

SIGNATURE OF DEALER

MOTOR VEHICLE ADMINISTRATION USE ONLY

INVESTIGATOR: The Automotive Repair Facility shall be inspected on all new applications. The facility shall be within a five (5) mile radius and cannot be a licensed dealer unless approved by the Administration.

I have this date inspected the above-mentioned Automotive Repair Facility and ☐ WOULD
☐ WOULD NOT recommend approval.

REMARKS _____

DATE OF INSPECTION

SIGNATURE OF M.V.A. INVESTIGATOR

Per No 6

April 15, 1997

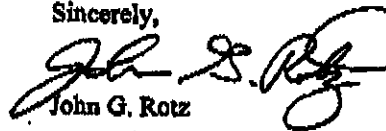
Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorolla.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,


John G. Rotz

cc: Mr. J. Niel Lanzi, Attorney for Auto Dealers, Inc
Mr. Thomas Pallacorolla

No 7

Ronald Dorsey
1824 Winans Avenue
Halethorpe, Maryland 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

Re: 1826 Winans Avenue

Dear Zoning Commissioner:

My wife and I are the owners of 1824 Winans Avenue which is located directly behind the proposed used car lot property. I testified in favor of the proposed used car lot and Special Exception Petition previously and by this letter I am indicating my approval of the Petition for Special Hearing and the Petition For Variances filed for this Property which will allow the building to remain in it's existing location.

Thank you for your consideration.

Very truly yours,


Ronald Dorsey

(palador.ltr)



Brian M. White
1581 Sulphur Spring Road
Baltimore, MD 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

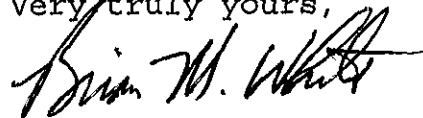
**Re: 1826 Winans Avenue
Case No. 97-390-SPHA**

Dear Zoning Commissioner:

My name is Brian White and I am an active member of the Arbutus Business Association. I testified on behalf of the Association in favor of the used car lot at the prior zoning hearing for Special Exception. Again, on behalf of the Association I am expressing our support for the Petition for Special Hearing and Petition for Variance to allow the existing building to remain in it's present location on the above referenced property. It is our Association's position that a viable business operated by Brian and Sharon Isaac and Auto Dealers, Inc. will be an improvement for the unused lot which has already received Special Exception Approval.

Thank you for your attention.

Very truly yours,



Brian M. White

Let No 9

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed:

James B. [Signature]

Address:

*4610 Washington Blvd
Baltimore Md 21227*

File No 10

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

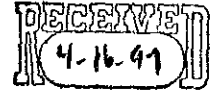
Signed: John McDonald

Address: 4610 Washington Blvd
Baltimore, MD 21227
(410) 242-1166

Ref No 11

April 15, 1997

Universal Contractors, Inc.
5673 Furnace Avenue
Elkridge, Maryland 21227



Attention: Mr. Tom Palacorolla

Re: 1826 Winands Avenue Property
Baltimore County, Maryland

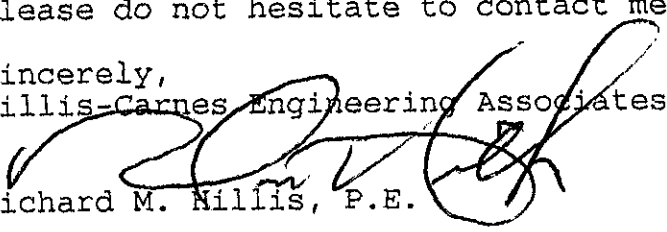
Gentlemen:

Please be advised that I have inspected the surface of the subject site relative to its proposed use as a used car sales lot. I understand that permitting for the proposed use requires that the property have a "dustless, durable surface."

I verified that the southern portion of the lot is covered by bituminous concrete pavement which is generally in a good state of repair. The northern portion of the lot is covered by coarse, clean stone aggregate which contains no dust or stone fines. Accordingly, the existing property surface meets the dustless and durable requirements in its present condition.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
Hillis-Carnes Engineering Associates, Inc.


Richard M. Hillis, P.E.

*Ref No
12*

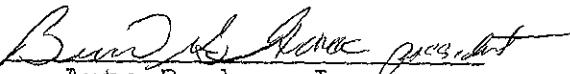
LETTER OF INTENT TO LEASE

It is mutually agreed between Thomas Pallacorolla and Auto Dealers, Inc. that the property known as 1826 Winans Ave., Baltimore, Md. will be leased for a term of two years contingent upon the Special Exception hearing to determine that the property can be used for an auto sales facility.

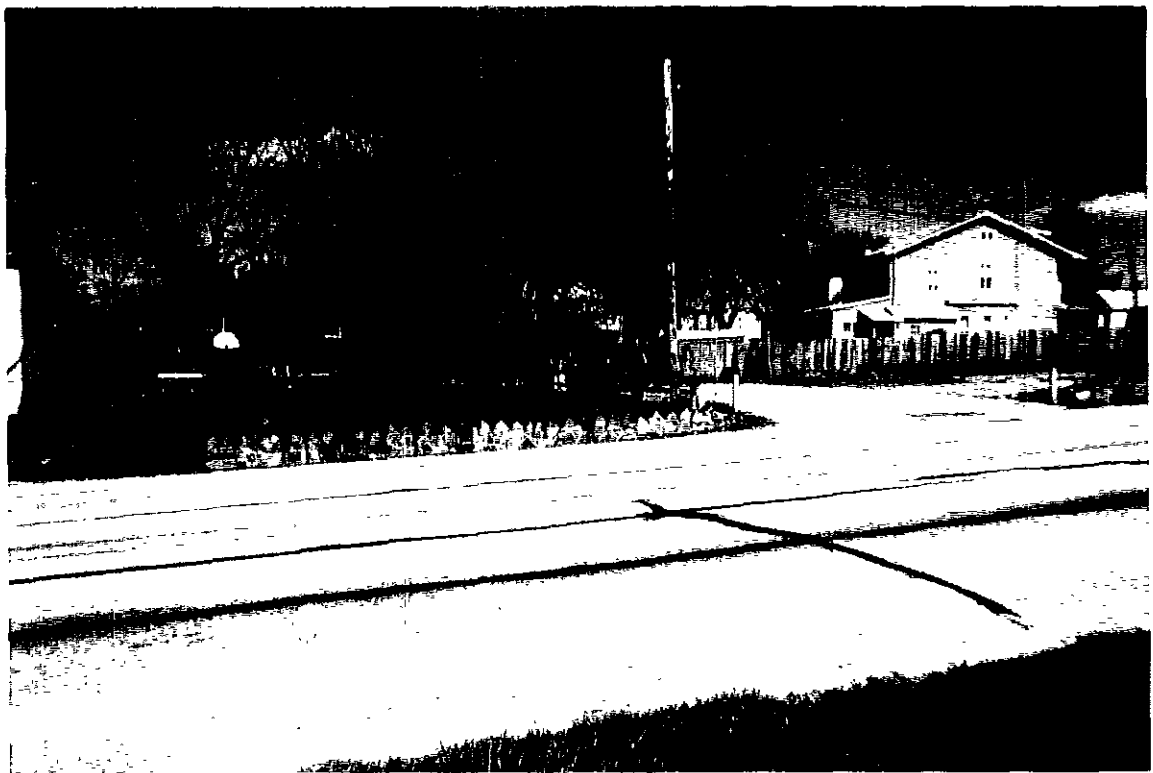
Signed:


Thomas Palacorolla

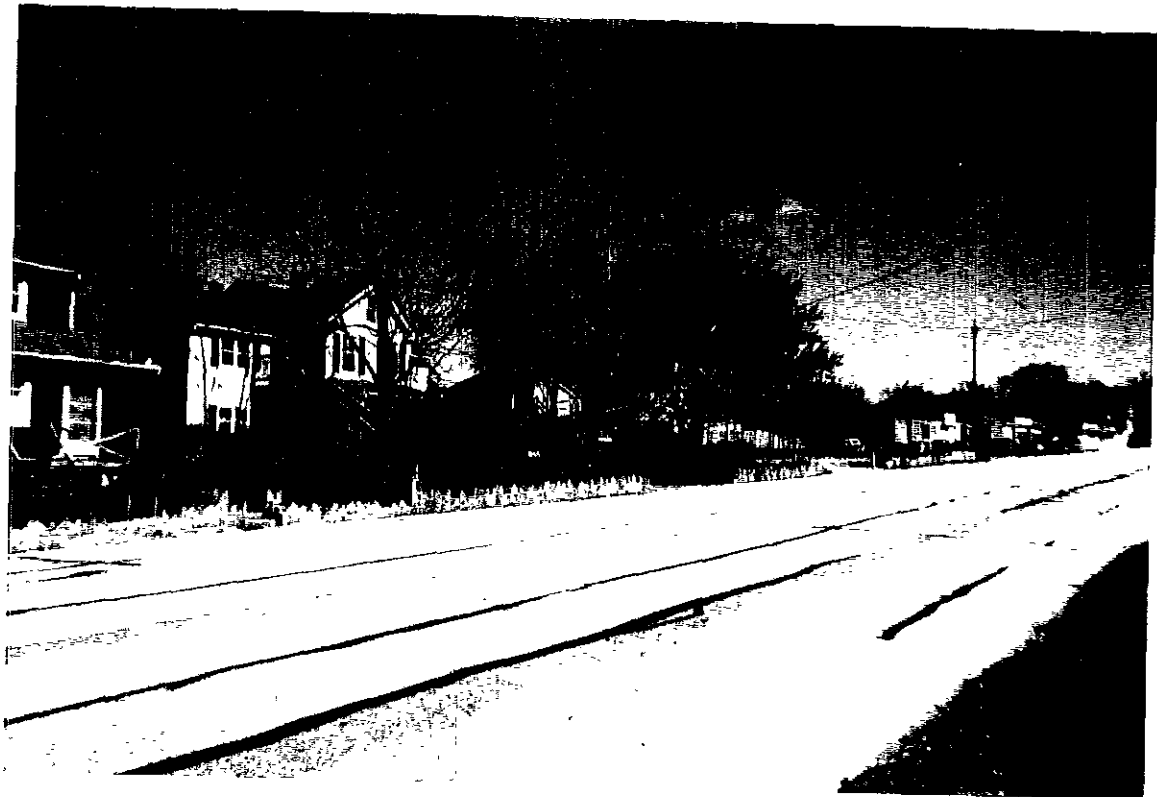
Signed:


Auto Dealer, Inc.

No 12

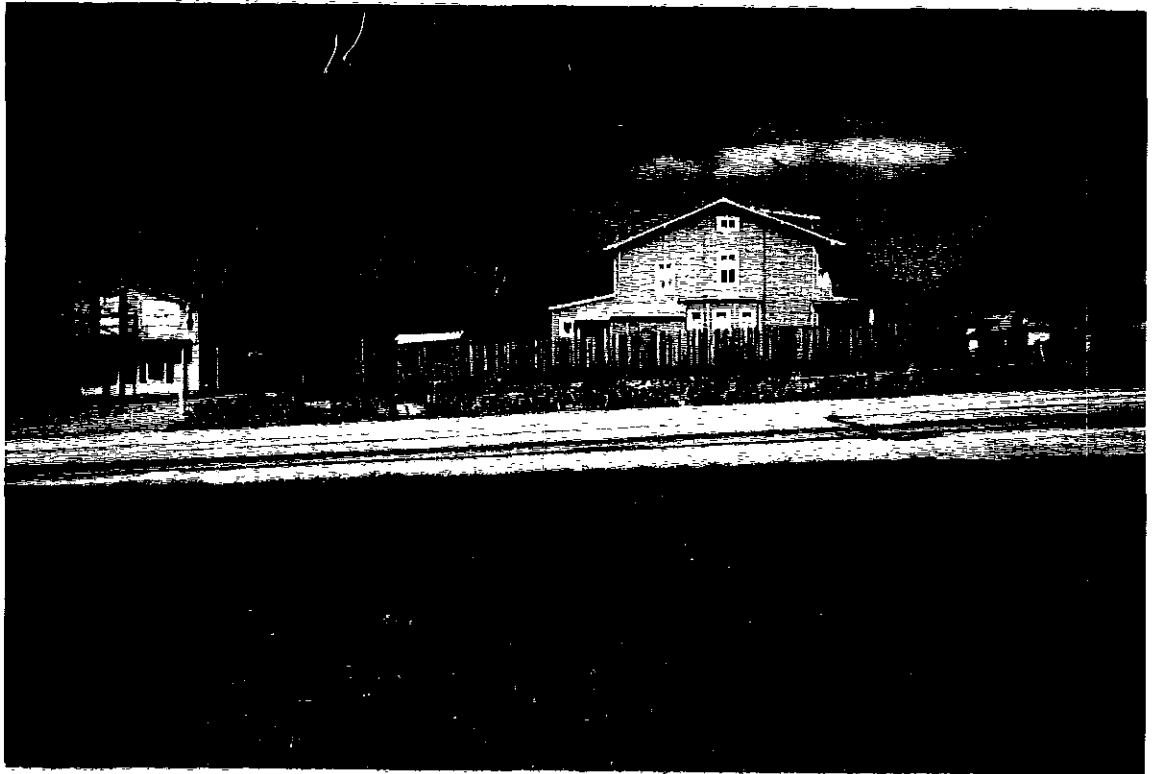


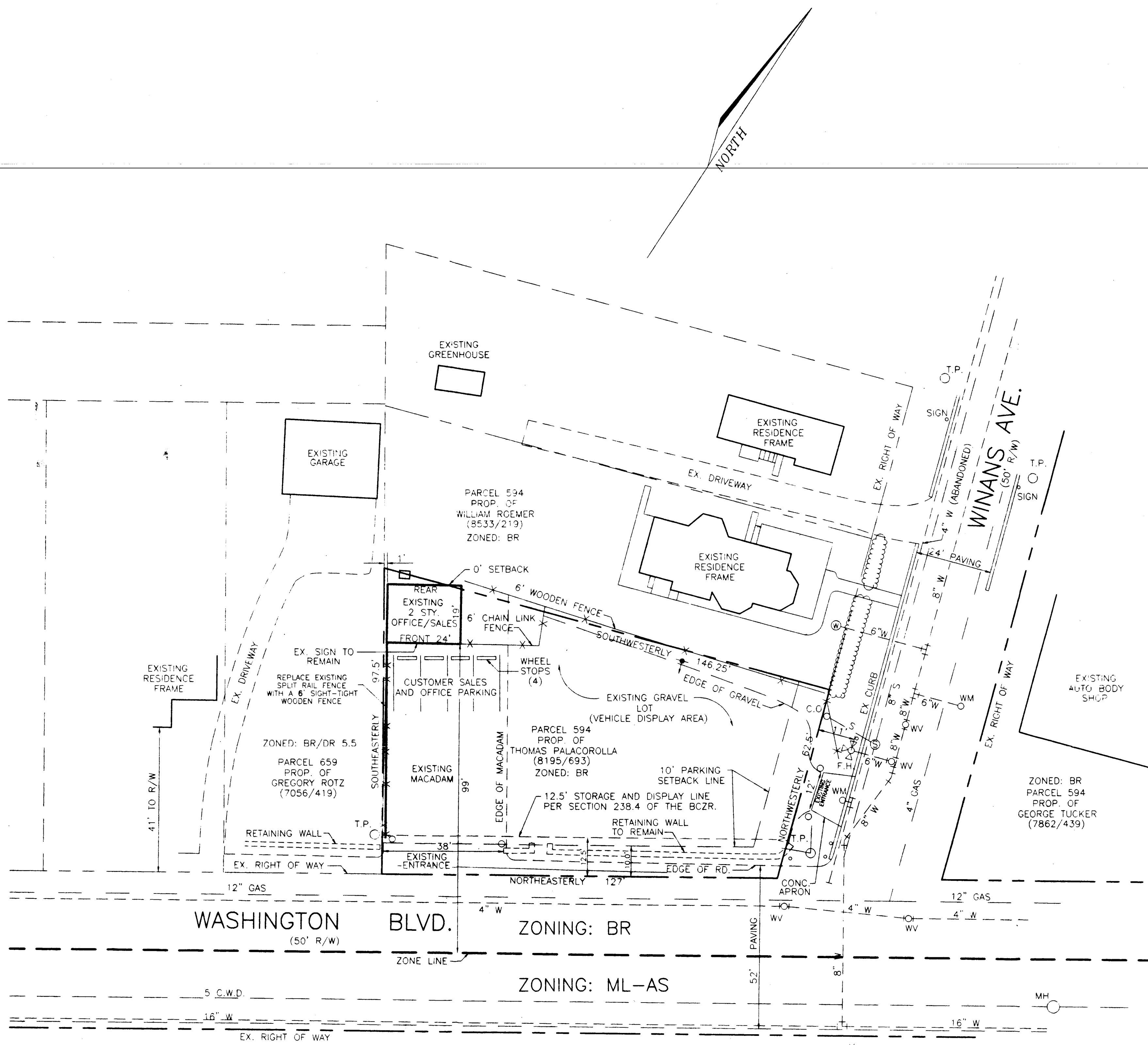












PLAN: 1" = 20'

NOTES

PROPERTY ZONED: BR (BASED ON ZONING MAP NO. S.W. 6-D)
 13TH ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT
 PROPERTY: .25 AC± OR 10,703 SQ. FT. ±
 BR GROSS AREA = .25 AC ±
 PARKING DATA
 EXISTING:
 SALES OFFICES: 228 SQ. FT.
 5 SPACES FOR EACH 1,000 SQ. FT.
 .23 X 5 = 1.2 SPACES REQUIRED
 BUSINESS AREA: 228 SQ. FT.
 5.3 SPACES FOR EACH 1,000 SQ. FT.
 .23 X 3.3 = .76 SPACES REQUIRED
 TOTAL REQUIRED = 1.2 + .76 = 1.96 (2) SPACES
 TOTAL PROVIDED = 4 SPACES

TYPICAL SPACE SIZE: 8.5' X 18' (TO BE STRIPED)
 PAVING TYPE: MACADAM

F.A.R. = 456 / 10,703 = .43 ; F.A.R. ALLOWED = 2:1
 A.O.S. = NONE REQUIRED
 ADDRESS: 1826 WINANS AVE

PETITIONER:
 AUTO DEALERS, INC. THOMAS PALACOROLLA
 13940 ROVER MILL ROAD 12183 TRIDELPHIA ROAD
 WEST FRIENDSHIP, MD. 21794 ELLICOTT CITY, MD 21042

ATTORNEY:
 J. NEIL LANZI
 300 ALLEGHENY AVE.
 TOWSON, MD. 21204

10' SHIELDED LIGHT STANDARD AND DIRECTION OF LIGHT SHOWN THUS: ↑

PROPERTY LINES SHOWN HEREON WERE RE-CREATED WITHOUT THE BENEFIT OF A BOUNDARY SURVEY.

PREVIOUS COMMERCIAL PERMIT:
 TAP EQUIPMENT SALES AND RENTAL, INC. PERMIT NO. 135070

LANDSCAPING AS SHOWN ON SEPERATE EXHIBIT.

EXISTING SURFACE GRAVEL AND MACADAM, DURABLE AND DUSTLESS.

ZONING REQUESTS:

- VARIANCE FROM SECTION 238.2 TO ALLOW A 1-FOOT SIDE SETBACK FOR THE EXISTING OFFICE/SALES BUILDING IN LIEU OF THE REQUIRED 30 FEET.
- VARIANCE FROM SECTION 238.2 TO ALLOW A 0-FOOT REAR SETBACK FOR THE EXISTING OFFICE/SALES BUILDING IN LIEU OF THE REQUIRED 30 FEET.
- SPECIAL HEARING TO ALLOW AMENDMENT OF THE PREVIOUSLY APPROVED PLAN IN CASE NO. 95-454XA.

HOURS OF OPERATION:
 9AM TO 7PM MONDAY THRU FRIDAY
 9AM TO 3PM SATURDAY

HALETHORPE



VICINITY MAP

SCALE: 1"=1000'

NOTES (CONT)

ZONING HISTORY: CASE NO. 95-454XA

PETITION FOR SPECIAL EXCEPTION TO PERMIT USE OF THE SUBJECT PROPERTY AS A USED MOTOR VEHICLE OUTDOOR SALES AREA PURSUANT TO SECTION 238.4 OF THE BCZR WAS GRANTED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY ON SEPTEMBER 7, 1995 AND BY THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY ON JUNE 3, 1996, SUBJECT TO THE LISTED RESTRICTIONS.

- THE SPECIAL EXCEPTION GRANTED HEREIN IS LIMITED TO THE SALE OF USED AUTOMOBILES ONLY. THERE SHALL BE NO AUTOMOTIVE REPAIRS OR SERVICE WORK PERFORMED ON THE PREMISES AND THERE SHALL BE NO WASHING OF VEHICLES ON THE PREMISES WITH DETERGENTS OR SOAPS. HOWEVER, THE PETITIONER SHALL BE PERMITTED TO RINSE OFF VEHICLES WITH WATER AS NECESSARY.
- THE PETITIONER SHALL PROVIDE A DURABLE AND DUSTLESS SURFACE ON THE PROPERTY. WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER, THE PETITIONER SHALL ARRANGE FOR A REPRESENTATIVE FROM THE DEPARTMENT OF PUBLIC WORKS (DPW) TO INSPECT THE PROPERTY TO DETERMINE IF, IN FACT, THE TYPE OF SURFACE HE INTENDS TO PROVIDE MEETS THEIR REQUIREMENTS FOR A DURABLE AND DUSTLESS SURFACE.
- THE HOURS OF OPERATION FOR THE PROPOSED USE ARE LIMITED TO MONDAY THROUGH FRIDAY, 9:00 A.M. TO 7:00 P.M., AND SATURDAYS, 9:00 A.M. TO 3:00 P.M. THERE SHALL BE NO SUNDAY HOURS.
- THERE SHALL BE NO OUTDOOR PAGING OR INTERCOM SYSTEM, NOR SHALL THE PETITIONER ALLOW ANY TELEPHONES TO RING OUTSIDE THE OFFICE.
- THERE SHALL BE NO STREAMERS OR BANNERS LOCATED ANYWHERE ON THE PROPERTY. FURTHERMORE, ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE B.C.Z.R.
- THE PETITIONER SHALL SUBMIT A LANDSCAPE PLAN FOR REVIEW AND APPROVAL BY THE BALTIMORE COUNTY LANDSCAPE ARCHITECT. SAID PLAN SHALL TAKE INTO CONSIDERATION ADDITIONAL LANDSCAPING NECESSARY TO SUFFICIENTLY BUFFER THE PROPERTY FROM THE ADJOINING ROTZ PROPERTY.
- OUTDOOR LIGHTING OF THE PREMISES SHALL BE LIMITED TO THE PROPOSED ONE LIGHT STANDARD. THE ILLUMINATION OF WHICH SHALL BE DIRECTED AWAY FROM ANY ADJOINING RESIDENTIAL PROPERTY. HOWEVER, THE PETITIONER SHALL BE PERMITTED TO HAVE OUTDOOR LIGHTING AROUND THE NEW SALES BUILDING FOR SECURITY PURPOSES.
- WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN AND LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THE ORDER.



EXHIBIT NO. 2



Marks & Vogel Associates, Inc.
 Engineers-Surveyors-Planners
 3691 Park Avenue Suite 101
 Ellicott City, Maryland 21043
 Telephone: (410) 461-5828

DES:					
DRN: M.D.M.					
CHK: R.H.V.					
DATE: 3-7-97	BY	NO.	REVISION	DATE	TAX MAP NO. 108, GRID 12, PARCEL NO. 594

PLAN TO ACCOMPANY SPECIAL HEARING
 AND VARIANCE APPLICATION
 THOMAS A. and BARBARA J. PALACOROLLA
 1826 WINANS AVENUE, HALETHORPE MD. 21227

SCALE
 AS
 SHOWN
 SHEET
 1 OF 1

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S WASHINGTON BOULEVARD
25' SW OF THE C/L OF WINANS AVENUE
(1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
THOMAS A. PALACOROLLA, ET UX-OWNERS
AUTO DEALERS, INC.-CONTRACT PURCHASERS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property. It is noted that Petitioners are not seeking to modify or amend the Special Exception relief previously granted. The Petitioners also seek Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

ORDER RECEIVED FOR FILING
Date 3/3/97
By J. Neil Lanzi

Appearing on behalf of the Petitioner's were Thomas A. Palacorolla, property owner, Brian and Sharon Isaac for Auto Dealers, Inc., Contract Purchasers, Rob Vogel, Engineer and Richard Sturtivant, Structural Engineer. Also appearing was the adjacent property, John Rotz. There were no protestants present.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned BR-AS and is improved with a two story building in the rear Southwest corner of the lot, a macadam paved area for customer and employee parking and a gravel vehicle display parking area. It was noted by counsel for the Petitioners that in Case No. 95-454XA a Special Exception to utilize the subject property and the existing building for a used motor vehicle outdoor sales operation pursuant to Section 236.4 of the BCZR had previously been granted by the Deputy Zoning Commissioner for Baltimore County on September 7, 1995 and upheld on Appeal by Order of the County Board of Appeals dated June 3, 1996 subject to eight restrictions which are included on the site plan in this case. It was also noted that the Variances requested and as shown in the site plans filed in Case No. 95-454-XA were granted in part and denied in part by the Deputy Zoning Commissioner and denied on Appeal by the County Board of Appeals by its Order dated June 3, 1996. The new site plan submitted in the case at issue depicts modifications to the plans submitted in Case No. 95-454XA. It is noted the new site plans have been reviewed and approved by the Office of Planning and Zoning.

Significant new evidence was offered by Rob Vogel, Civil

2

Engineer and Richard Sturtivant, Structural Engineer in support of the relief requested. In addition to testimony that the existing building was approximately 100 years old, new testimony established the building intended for use as the sales office was in fact structurally sound. Additionally expert testimony revealed that special circumstances existed and the property has unique characteristics which cause strict compliance with the BCZR to result in practical difficulty and/or unreasonable hardship to the Petitioner's. The lot in question is small in size, is irregularly shaped, is bound by roadways on two sides and by homes to the rear and side. Clearly, the unique nature of the property substantially restricts the location of the sales display area and existing building. Further testimony from Richard Sturtivant revealed the practical difficulty in attempting to move or relocate the existing building. Testimony also revealed that new screening and a fence were to be installed between the Palacorolla property and the Rotz property. It was noted that John Rotz was a protestant at the previous hearing and Appeal and now testified in favor of Petitioner's proposal. There were no objections from the Baltimore County Agencies and several neighboring businesses and the Halethorpe Improvement Association indicated their approval of the Petitions.

In order to proceed as proposed, a special hearing to amend the previously approved site plan to reflect the proposed improvements is necessary. In addition, the requested variance relief is necessary to bring the property into compliance with

ORDER RECEIVED FOR FILING
Date 3/3/97
By J. Neil Lanzi

3

current zoning regulations.

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

- 1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and,
- 2) Whether a grant of the Variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that certain circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will

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Date 3/3/97
By J. Neil Lanzi

4

not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the BCZR.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of July, 1997, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-454-XA to reflect the proposed improvements 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 the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (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 automotive repairs or service work performed on the premises and there shall be no washing of vehicles on the premises with detergents or soaps. However, the Petitioner shall be permitted to rinse off vehicles with water as necessary.
3. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the

ORDER RECEIVED FOR FILING
Date 3/3/97
By J. Neil Lanzi

5

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

4. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
5. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
6. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
7. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
8. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.
9. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of the Order.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

6

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1826 Winans Avenue, Corner SW/S Winans
Avenue, NW/S Washington Boulevard
13th Election District, 1st Councilmanic
Legal Owner(s): Thomas & Barbara Palacorolla
Contract Purchaser: Auto Dealers, Inc.
Petitioners
CASE NO. 97-390-SPHA

ENTRY OF APPEARANCE

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

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

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

HRG. DATE
FRI. 4/18
2:01



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1826 WINANS AVENUE

which is presently zoned BR
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment of the previously approved plan in Case No. 95-454XA.

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.

Control Purchaser/Lessee:
Auto Dealers, Inc.
(Type or Print Name)
Signature: Brian Isaac, President
13940 Rover Mill Road
Address: P.O. Box 37
West Friendship, MD 21794
City State Zipcode
Attorney for Petitioner:
J. Neil Lanzi
(Type or Print Name)
Signature: J. Neil Lanzi
300 Allegheny Ave (410) 337-9039
TOWSON, MD 21204
City State Zipcode
Legal Owner(s):
Thomas Palacorolla
(Type or Print Name)
Signature: Thomas A. Palacorolla
Barbara J. Palacorolla
(Type or Print Name)
Signature: Barbara J. Palacorolla
12183 Tridelphia Road
Address: Ellicott City, MD 21042
City State Zipcode
Name: J. Neil Lanzi
Phone No: 337-9039
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: 2 hr.
the following date: 4/18/97
ALL OTHER: 3/3/97
REVIEWED BY: J. Neil Lanzi DATE: 3/3/97

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S WASHINGTON BOULEVARD
25' SW OF THE C/L OF WINANS AVENUE
(1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
THOMAS A. PALACOROLLA, ET UX-OWNERS
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IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (30) day Appellate process from this Order has expired. If for whatever reason this order is reversed, the relief granted herein shall be rescinded.
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Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

6

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1826 Winans Avenue, Corner SW/S Winans
Avenue, NW/S Washington Boulevard
13th Election District, 1st Councilmanic
Legal Owner(s): Thomas & Barbara Palacorolla
Contract Purchaser: Auto Dealers, Inc.
Petitioners
CASE NO. 97-390-SPHA

ENTRY OF APPEARANCE

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

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

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 300 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

HRG. DATE
FRI. 4/18
2:01



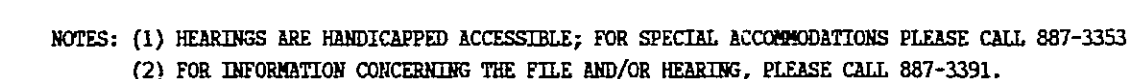
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1826 WINANS AVENUE

which is presently zoned BR
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment of the previously approved plan in Case No. 95-454XA.

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.

Control Purchaser/Lessee:
Auto Dealers, Inc.
(Type or Print Name)
Signature: Brian Isaac, President
Address: 13940 Rover Mill Road
P.O. Box 37
West Friendship, MD 21794
City State Zipcode
Attorney for Petitioner:
J. Neil Lanzi
(Type or Print Name)
Signature: J. Neil Lanzi
Address: 300 Allegheny Ave (410) 337-9039
TOWSON, MD 21204
City State Zipcode
Legal Owner(s):
Thomas Palacorolla
(Type or Print Name)
Signature: Thomas A. Palacorolla
Barbara J. Palacorolla
(Type or Print Name)
Signature: Barbara J. Palacorolla
Address: 12183 Tridelphia Road
Ellicott City, MD 21042
City State Zipcode
Name: J. Neil Lanzi
Address: 300 Allegheny Ave (410) 337-9039
TOWSON, MD 21204
City State Zipcode
OFFICIAL USE ONLY
ESTIMATED LENGTH OF HEARING: 2 hr.
the following date: 3/3/97
ALL OTHER: 3/3/97
REVIEWED BY: DATE 3/3/97





Baltimore County
Department of Permits and
Development Management

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-390-SPHA

1826 Winans Avenue
corner SW/S Winans Avenue, NW/S Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla
Contract Purchaser: Auto Dealers, Inc.

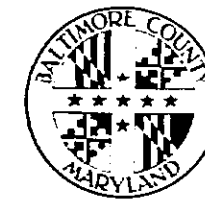
Special Hearing to approve an amendment to the previously approved plan in case #95-454-XA. Variation to allow a 1 foot side setback for the existing office/sales building in lieu of the required 30 feet; and to allow a zero foot rear setback for existing office/sales building in lieu of the required 30 feet.

HEARING: FRIDAY, APRIL 18, 1997 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Arnold Jablon
Director

cc: Thomas A. Palacorolla
Auto Dealers, Inc.
J. Neil Lanzi, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 3, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(3) FOR INFORMATION CONCERNING 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

April 10, 1997

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

RE: Item No.: 390
Case No.: 97-390-SPHA
Petitioner: T. Palacorolla, et ux

Dear Mr. Lanzi:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 13, 1997.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

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

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 390

The Development Plans Review Division has reviewed the subject zoning item.

The landscape plan required by Zoning Case No. 95-454XA has not been submitted.

RWB:HJO:cab

cc: File

ZONE331.390

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: April 4, 1997
FROM: Pat Keller, Director
Office of Planning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning's position has not changed from the time of the original submission of the requested special exception in Case No. 95-454XA.

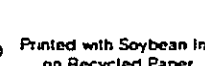
Item No. 390

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

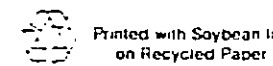
Prepared by: *Jeffrey W. Long*
Division Chief: *Jeffrey W. Long*

PK/JL

ITEM390/PZONE/ZAC1



Printed with Soybean Ink
on Recycled Paper



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7-21-97
Item No. 390 MJK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM
DATE: 3/25/97
FROM: R. Bruce Seelye
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s:	379	388
	381	389
	382	390
	383	393
	385	394
	387	

RBS:sp
BRUCE2/DEPRM/TXTSBP

Baltimore County Government

Fire Department

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

(410) 887-4500

March 31, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: SEE BELOW

Zoning Agenda:

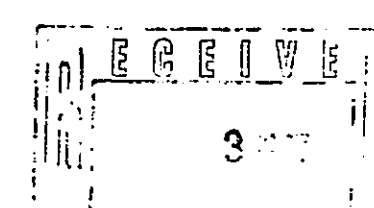
Gentlemen:

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:

380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392

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



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM
DATE: June 27, 1995
FROM: Pat Keller, Director, OP
SUBJECT: 1826 Winans Avenue

INFORMATION:

Item Number: 448
Petitioner: Palacorolla Property
Property Size: _____
Zoning: BR-AS
Requested Action: Special Exception & Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

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

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

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Robert O. Schuetz, Chairman DATE: January 18, 1996
Baltimore Co. Board of Appeals
FROM: Jeffrey Long
Office of Planning
SUBJECT: ITEM NO. 448 (1826 Winans Avenue-Palacorolla Property)

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

JL:lw
JLTM448/PZ02E/TKULLF
c: People's Counsel
Neil Lanzi, Esquire

J. NEIL LANZI
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932
COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044
Reply in Towson
J. Neil Lanzi
OF COUNSEL
Fred L. Crover
*Also Admitted in District of Columbia
DATE: July 1, 1997
PLEASE DELIVER THE FOLLOWING PAGE(S) TO:
NAME: Lawrence E. Schmidt
FIRM: Zoning Commissioner for Baltimore County
CITY:
TELESCOPIER NO.: AREA CODE (410) 887-3468
TELEPHONE NO.: AREA CODE ()
FROM: J. Neil Lanzi
(Attorney)
Total Number of Pages, including this page:
DOCUMENTS TRANSMITTED:
Enclosed letter and opinion (2/11)
If you do not receive all pages, please call back as soon as possible at:
(410) 337-9039, Telecopier Number: (410) 337-8932.
ORIGINAL TO BE: MAILED FED. EX. HAND-DELIVERED RETAINED
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.
FONDS/FFI:CE/PA/PO/SH

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:17PM;JLTM448/PZ02E/TKULLF Page 1/9

Dealers, Inc., Contract Purchasers, Rob Vogel, Engineer and Richard Sturtivant, Structural Engineer. Also appearing was the adjacent property, John Rotz. There were no protestants present.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned BR-AS and is improved with a two story building in the rear Southwest corner of the lot, a macadam paved area for customer and employee parking and a gravel vehicle display parking area. It was noted by counsel for the Petitioners that a Special Exception to utilize the subject property and the existing building for a used motor vehicle outdoor sales operation pursuant to Section 236.4 of the BCZR had previously been granted by the Deputy Zoning Commissioner for Baltimore County on September 7, 1995 and upheld on Appeal by Order of the County Board of Appeals dated June 3, 1996 subject to eight restrictions which are included on the site plan in this case. It was also noted that the Variance request to allow a 0 ft. rear yard setback for an existing office/sales building in lieu of the required 30 ft. was also granted by the Deputy Zoning Commissioner in Case No. 95-454XA, which Variance was denied on Appeal by the County Board of Appeals by its Order dated June 3, 1996. Finally, it was noted the Petitioners request for a 1 ft. side yard setback in lieu of the required 30 ft. was previously denied by the Deputy Zoning Commissioner in Case No. 95-454XA, which denial was also upheld on Appeal by the June 3, 1996 Order of the Board of Appeals.

Significant new evidence was offered by Rob Vogel, Civil Engineer and Richard Sturtivant, Structural Engineer in support of

2

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:18PM;JLTM448/PZ02E/TKULLF Page 4/9

the relief requested. In addition to testimony that the existing building was approximately 100 years old, new testimony established the building intended for use as the sales office was in fact structurally sound. Additionally expert testimony revealed that special circumstances existed and the property has unique characteristics which cause strict compliance with the BCZR to result in practical difficulty and/or unreasonable hardship to the Petitioner's. The lot in question is small in size, is irregularly shaped, is bound by roadways on two sides and by homes to the rear and side. Clearly, the unique nature of the property substantially restricts the location of the sales display area and existing building. Further testimony from Richard Sturtivant revealed the practical difficulty in attempting to move or relocate the existing building. Testimony also revealed that new screening and a fence were to be installed between the Palacorolla property and the Rotz property. It was noted that John Rotz was a protestant at the previous hearing and Appeal and now testified in favor of Petitioner's proposal. There were no objections from the Baltimore County Agencies and several neighboring businesses and the Halethorpe Improvement Association indicated their approval of the Petitions.

In order to proceed as proposed, a special hearing to amend the previously approved site plan to reflect the proposed improvements is necessary. In addition, the requested variance relief is necessary to bring the property into compliance with current zoning regulations.

3

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:18PM;JLTM448/PZ02E/TKULLF Page 5/9

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932
July 1, 1997
COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044
Reply in Towson
J. Neil Lanzi
OF COUNSEL
Fred L. Crover
*Also Admitted in District of Columbia
Sent via Fax: 410-887-3468
Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204
Re: Case No. 97-390-SPHA
1826 Winans Avenue
Thomas Palacorolla and Auto Dealers, Inc., Petitioners
Dear Commissioner Schmidt:
Enclosed please find a draft Zoning Opinion as we discussed. Once you have had a chance to review the enclosed, would you kindly give me a call so that we may hopefully finalize the Opinion by the end of this week.
Thank you very much for your cooperation in this matter.
Very truly yours,
J. Neil Lanzi
c.c. Thomas Palacorolla
Auto dealers, Inc.
palacorolla-1c

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:17PM;JLTM448/PZ02E/TKULLF Page 2/9

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

- 1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and,
- 2) Whether a grant of the Variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that certain circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general

4

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:18PM;JLTM448/PZ02E/TKULLF Page 6/9

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
N/S WASHINGTON BOULEVARD * OF BALTIMORE COUNTY
25' SW of The C/L of WINANS AVENUE
(1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
THOMAS A. PALACOROLLA, ET UX-OWNERS * CASE NO. 97-390-SPHA
AUTO DEALERS, INC.-CONTRACT PURCHASERS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property and Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petitioner's were Thomas A Palacorolla, property owner, Brian and Sharon Isaac for Auto

welfare and meets the spirit and intent of the BCZR.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ___ day of July, 1997, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-454-XA to reflect the proposed improvements 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 the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (30) day Appellate process from this Order has expired. If for whatever reason this order is reversed, the relief Granted herein shall be rescinded.
2. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the date of this Order, the Petitioner shall arrange for a

5

Sent By: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:18PM;JLTM448/PZ02E/TKULLF Page 7/9

representative from the Department of Public Works (DPW) to inspect the property to determine if, in fact, the type of surface he intends to provide meets their requirements for a durable and dustless surface.

3. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
4. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
5. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
6. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
7. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.

6

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

Lawrence Schmidt
Zoning Commissioner for
Baltimore County

DATE: 09/11/97

PETITION PROBLEMS

97-390-SPHA

#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

3/19/97

April 15, 1997

Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

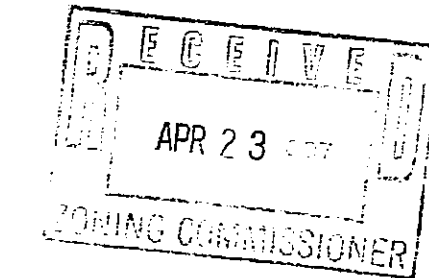
We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorella.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,

John G. Rotz
John G. Rotz

cc: Mr. J. Niel Lanzi, Attorney for Auto Dealers, Inc.
Mr. Thomas Palacorella



DATE: 07/10/97 5:20PM; 410 337 8922; Sent By: 300 ALLEGHENY AVE

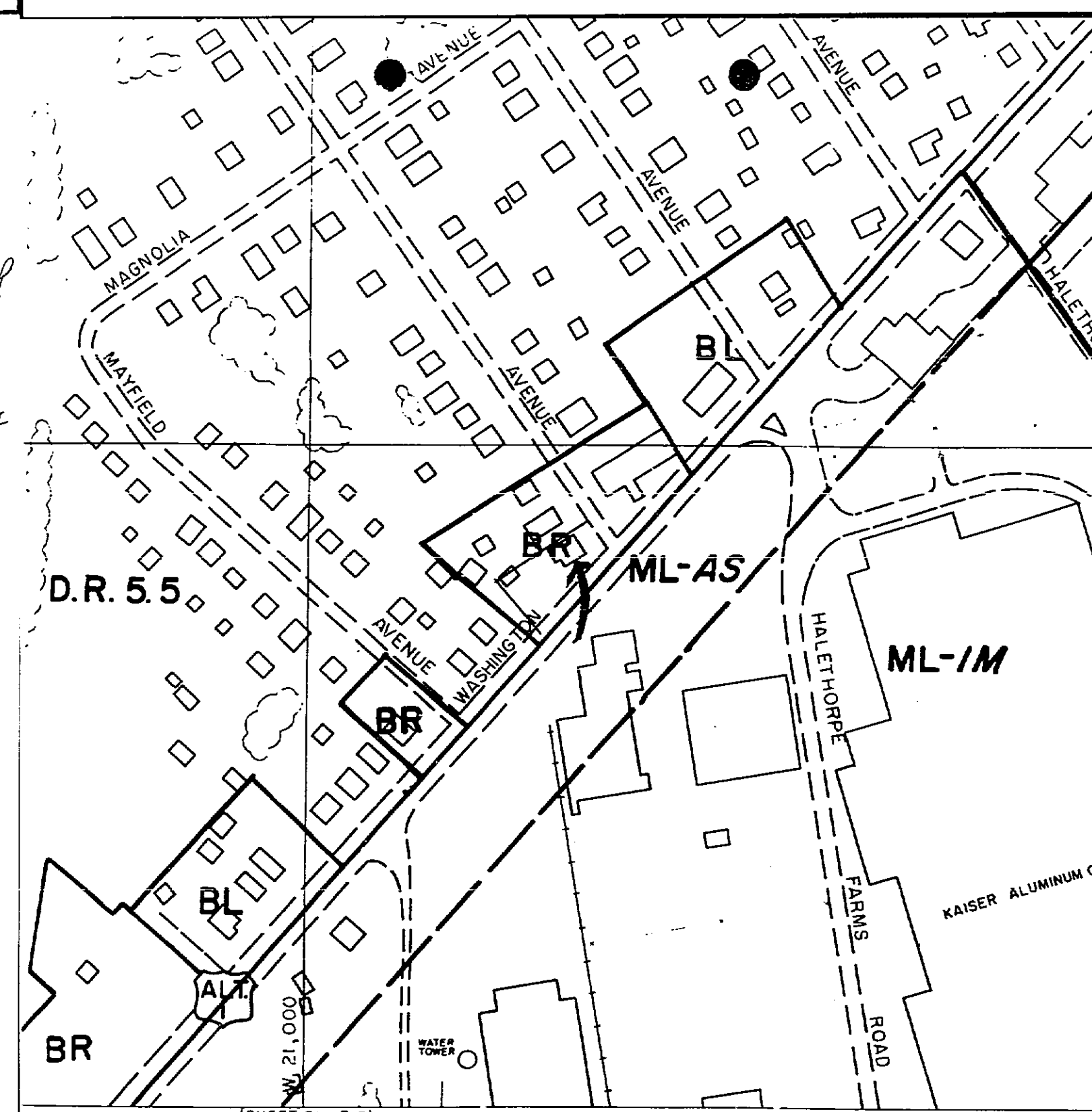
DATE: 07/10/97 5:20PM; 410 337 8922; Sent By: 300 ALLEGHENY AVE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN G. ROTZ	4620 WASHINGTON BLVD
Brian Isaac	13406 Route 111 West Friendship
Robert Vogel	3591 Fox Lane #101, Suit 101, MD 21794
Niel Lanzi	300 Allegheny Ave Towson
Richard Sturkman	2312 Shepherd Ct. Jettettville, Ind 4684
Thomas A. Palacorella	12127 Philadelphia Rd

P.O. Box 37
West Friendship, MD 21794



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP #390
SPHA

Proposed Auto Sales Lot
1826 Winans Avenue

Biography

Brian Isaac was raised in Baltimore Highlands and graduated from Lansdowne Senior High. He married in 1990 had two children and resided in Relay. He currently lives in Howard County. Brian will be the owner/operator of this business as his primary employment. He has strong ties to the community as well as family residing in the Arbutus area.

Proposed Use

Retail auto sales lot. Cars will be clean and Maryland inspected. Any trade in cars that are in need of repair will be stored at another site. Any repairs will be performed by Reliable Tire Company which is an Arbutus company.

Community Benefits

Transform a heavy equipment sales lot into a retail auto sales lot. Will display clean desirable retail autos in place of heavy commercial equipment. Will be a local source for good quality used autos. Will keep income in the community by employing local residents. Will also be active in the community by joining the Arbutus business and professional association and supporting local sports events. Already has support of local businesses.

Zoning

This property is currently zoned BR-CSI and has many uses that are not advantageous to the community as where an auto sales lot conforms with this area of US route 1.

Summary

Brian Isaac wants to own and operate a clean used auto lot in an area that he is familiar with. He has roots and many personal friends as well as business associates in the Arbutus area. He will conform to all local zoning laws. This business will have a positive effect on the area. If any one in the community has any concerns please feel free to contact Brian or Sharon Isaac at (410)489-7386.

Brian Isaac
Employment History

1979-1982	Miller Brothers Chevrolet - Elkridge, Md. Mechanic Md. State Inspector
1982-1992	Sport Chevrolet - Silver Spring, Md. Mechanic - Md. State Inspector Service Manager Salesperson, Sales Manager
1993-1995	Miller Brothers Chevrolet - Ellicott City, Md Sales Manager

Sharon Isaac
Employment History

1977-1986	Sport Chevrolet - Silver Spring, Md. Inventory Clerk, Bookkeeper Salesperson, Sales Manager
1987-1990	Fox Mitsubishi - Baltimore, Md. Bookkeeper, Part Time
1990-Present	Sport Chevrolet, Silver Spring, Md. Bookkeeper, Title Clerk

SPORT



MONTGOMERY AUTOMOBILE SALES PARK, 3101 AUTOMOBILE BLVD., SILVER SPRING, MD. 20904, TEL. 301 880-6000 • ROBERT FOGARTY

July 12, 1995

TO WHOM IT MAY CONCERN:

I have known Sharon and Brian Isaac for well over ten years. In fact, Sharon has been employed by Sport Chevrolet since her high school years. They are both smart, hard-working and honest people who have always impressed me with their desire and ingenuity.

I can only give them the highest recommendation as they embark on their used car business in Baltimore County.

Sincerely,

Robert H. Fogarty
Robert H. Fogarty,
President

Auto Sales Lot
1826 Winans Avenue

Proposed Hours of Operation:

Summer

Monday - Friday 9:00 A.M. - 7:00 P.M.
Saturday 9:00 A.M. - 3:00 P.M.
Sunday CLOSED

Winter

Monday - Friday 9:00 A.M. - 5:00 P.M.
Saturday 9:00 A.M. - 3:00 P.M.
Sunday CLOSED

Other Conditions:

No outside Phone Ringer or P/A system's will be used
Sign will be located where present sign on building is located

LANDSCAPE SCHEDULE

AREA A:
SAW-CUT ASPHALT ALONG PROPERTY LINE 3' WIDE.
REMOVE ASPHALT AND STONE BASE, REPLACE WITH TOPSOIL.
PLANT: 3 4-5' HT. FLOWERING TREES
18 15-18" SP. EVERGREEN SHRUBS
20 1 GAL. PERENNIAL FLOWERS.

AREA B:
IN RETAINING WALL PLANT:
20 1 GAL. LOW GROWING PERENNIALS
ON EACH SIDE OF RETAINING WALL PLANT:
15 LOW GROWING EVERGREEN SHRUBS IN GROUPS OF 5 EACH

AREA C:
ON EACH SIDE OF DRIVEWAY ENTRANCE PLANT:
1 4-5' FLOWERING TREE
6 15-18" SP. EVERGREEN SHRUBS
8 1 GAL. PERENNIAL FLOWERS

01/14/1995 17:33 418-787-2863 SHA MCD PAGE 02

April 15, 1997

Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorella.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,

John G. Rotz
John G. Rotz

cc: Mr. J. Niel Lantz, Attorney for Auto Dealers, Inc.
Mr. Thomas Palacorella

No7

Handwritten notes and signatures on a form, including "Proposed", "Winans Ave", "Hollings", "Ricks", "Liquor", "Store", "McGUG", "Logo", "SOS", "Hollings", "Fine", "Plants", "Industrial", "Building", "NOT TO SCALE", "UNAPPROVED", "MANAGE", "Pet No 5".

MONTGOMERY AUTOMOBILE SALES PARK
MOTOR VEHICLE ADMINISTRATION
1826 WINANS AVENUE
BALTIMORE, MARYLAND 21227

AUTOMOTIVE REPAIR
FACILITY CONTRACT

TYPE OR PRINT
(EXCEPT SIGNATURE)

We, the undersigned Debbie Sue Sales 410-247-4464
NAME OF AUTOMOTIVE REPAIR FACILITY TELEPHONE NO.

Address 4771 Hollins Ferry Rd Baltimore Md 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

having the necessary facilities and equipment to properly service and repair motor vehicles do hereby agree to reasonably, adequately and properly service and repair motor vehicles sold or to be sold by the dealer named in this contract:

AUTO DEALER, INC. T/A HALETHORPE AUTO SALES
NAME OF DEALERSHIP

Address 1826 WINANS AVE BALTIMORE, MD 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

This contract shall be effective on and after 19 and will remain in full force and effect until cancellation of the contract by either party, upon written notice to the Motor Vehicle Administration by Registered or Certified Mail.

We hereby certify, under Penalty of Perjury, that the statements made herein are true and correct, to the best of our knowledge, information and belief.

Witness our Hand(s) and Seal(s)

Debbie Sue Sales
SIGNATURE OF OWNER OF AUTOMOTIVE REPAIR FACILITY

921 Drabowell Rd Baltimore Md 21210
HOME ADDRESS OF OWNER OF AUTOMOTIVE REPAIR FACILITY

This day of 19

SIGNATURE OF DEALER

MOTOR VEHICLE ADMINISTRATION USE ONLY

INVESTIGATOR: The Automotive Repair Facility shall be inspected on all new applications. The facility shall be within a five (5) mile radius and cannot be a licensed dealer unless approved by the Administration.

I have this date inspected the above-mentioned Automotive Repair Facility and ☐ WOULD ☐ WOULD NOT recommend approval.

REMARKS

DATE OF INSPECTION

SIGNATURE OF M.V.A. INVESTIGATOR

Pet No 6

CS-125 (11-93)

Ronald Dorsey
1824 Winans Avenue
Halethorpe, Maryland 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

Re: 1826 Winans Avenue

Dear Zoning Commissioner:

My wife and I are the owners of 1824 Winans Avenue which is located directly behind the proposed used car lot property. I testified in favor of the proposed used car lot and Special Exception Petition previously and by this letter I am indicating my approval of the Petition for Special Hearing and the Petition for Variances filed for this Property which will allow the building to remain in its existing location.

Thank you for your consideration.

Very truly yours,
Ronald Dorsey
Ronald Dorsey

(palador.11c)

Det
No 8

Brian M. White
1581 Sulphur Spring Road
Baltimore, MD 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

Re: 1826 Winans Avenue
Case No. 97-390-SPHA

Dear Zoning Commissioner:

My name is Brian White and I am an active member of the Arbutus Business Association. I testified on behalf of the Association in favor of the used car lot at the prior zoning hearing for Special Exception. Again, on behalf of the Association I am expressing our support for the Petition for Special Hearing and Petition for Variance to allow the existing building to remain in its present location on the above referenced property. It is our Association's position that a viable business operated by Brian and Sharon Isaac and Auto Dealers, Inc. will be an improvement for the unused lot which has already received Special Exception Approval.

Thank you for your attention.

Very truly yours,
Brian M. White
Brian M. White

(palawhite.11c)

Det No 9

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed: *James B. [Signature]*
Address: 4610 Washington Blvd
Baltimore, MD 21227

Det No 10

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed: *John McDonald*
Address: 4610 Washington Blvd
Baltimore, MD 21227
(410) 242-1166

Det No 11

HILLIS-CARNES ENGINEERING ASSOCIATES INC.

April 15, 1997

Universal Contractors, Inc.
5673 Furnace Avenue
Elkridge, Maryland 21227

Attention: Mr. Tom Palacorolla

Re: 1826 Winans Avenue Property
Baltimore County, Maryland

Gentlemen:

Please be advised that I have inspected the surface of the subject site relative to its proposed use as a used car sales lot. I understand that permitting for the proposed use requires that the property have a "dustless, durable surface."

I verified that the southern portion of the lot is covered by bituminous concrete pavement which is generally in a good state of repair. The northern portion of the lot is covered by coarse, clean stone aggregate which contains no dust or stone fines. Accordingly, the existing property surface meets the dustless and durable requirements in its present condition.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
Richard M. Hillis
Richard M. Hillis, P.E.

12011 Guilford Road • Suite 106 • Annapolis Junction, MD 20701
Baltimore (410) 880-4788 • DC Metro (301) 470-4237 • Fax (410) 880-4098

Det No
12

LETTER OF INTENT TO LEASE

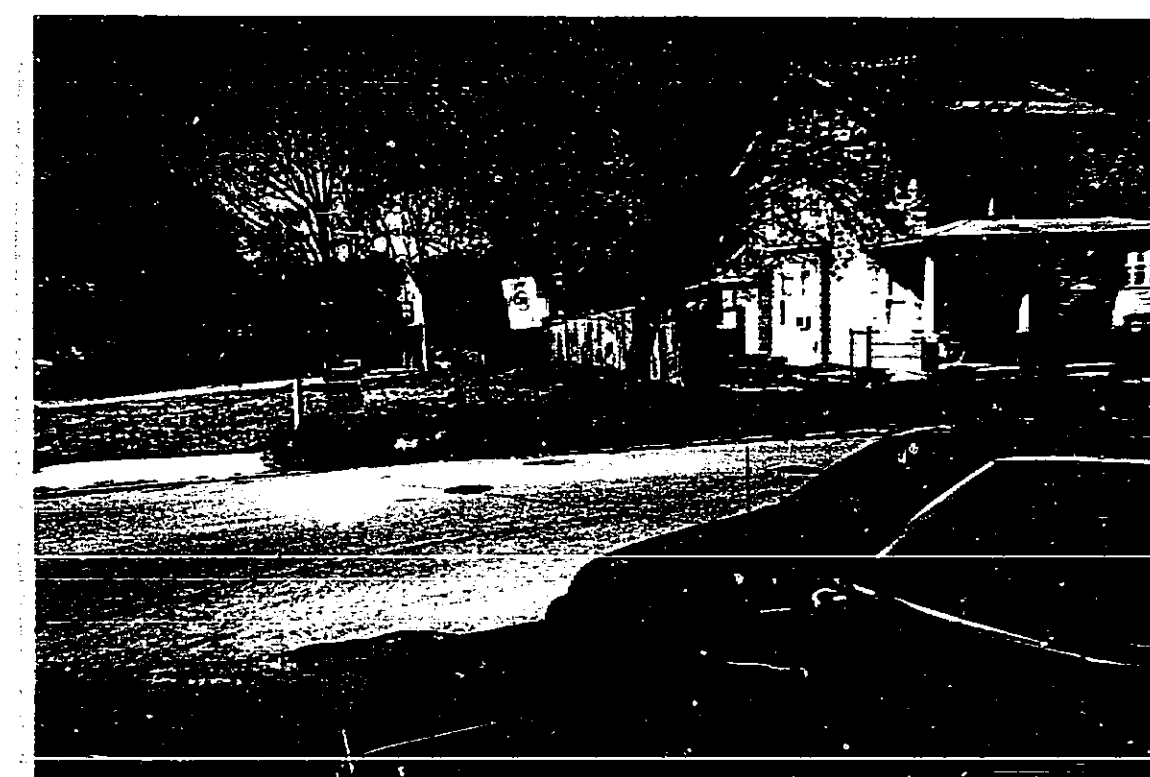
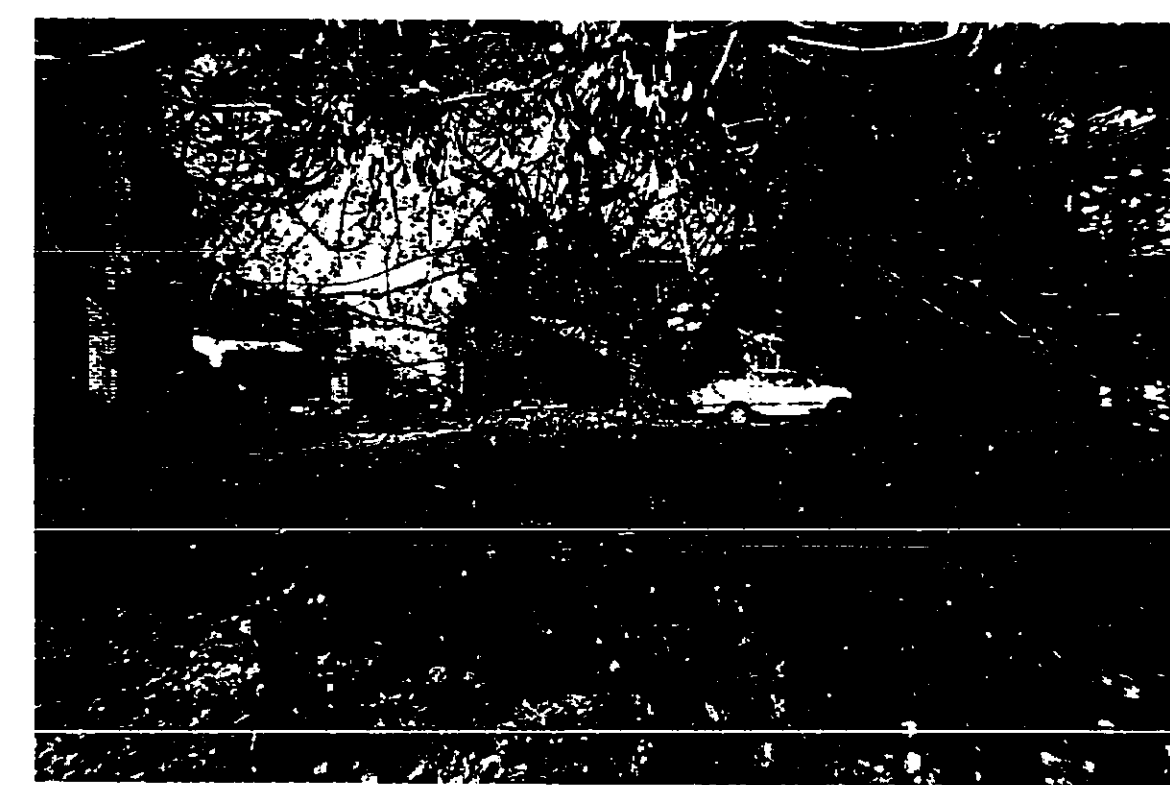
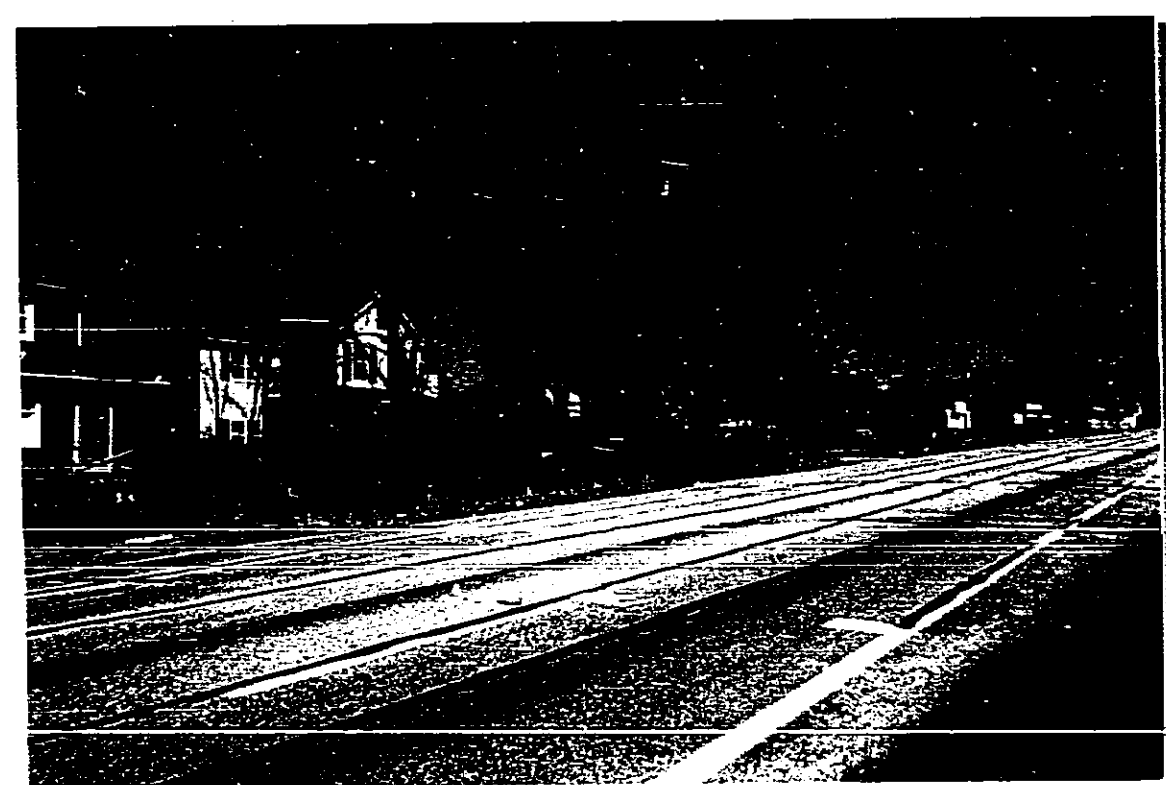
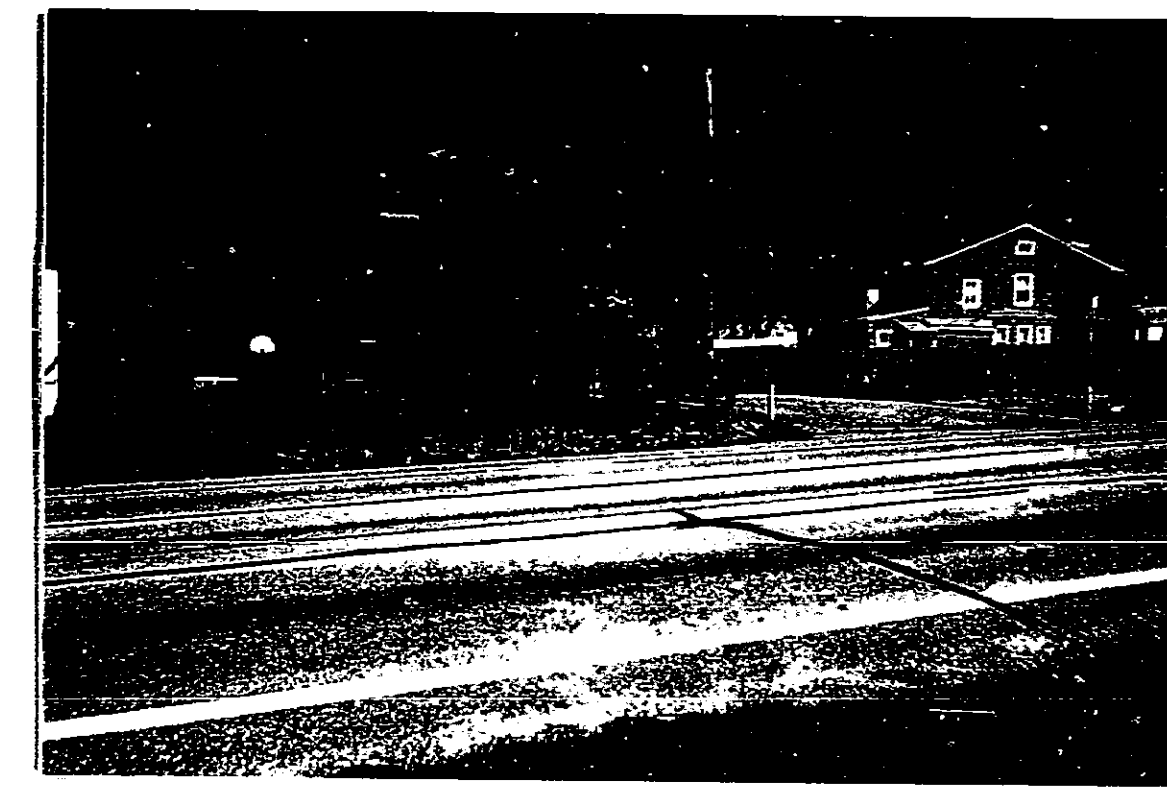
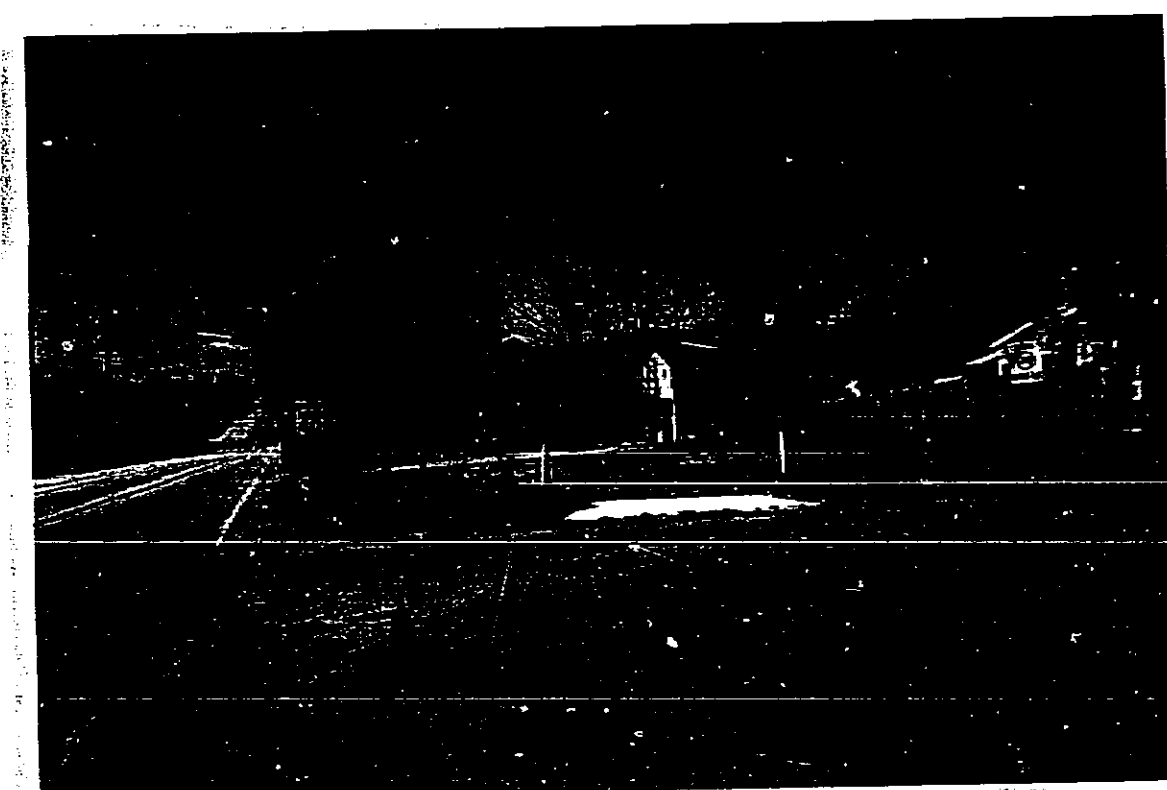
It is mutually agreed between Thomas Palacorolla and Auto Dealers, Inc. that the property known as 1826 Winans Ave., Baltimore, Md. will be leased for a term of two years contingent upon the Special Exception hearing to determine that the property can be used for an auto sales facility.

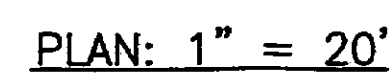
Signed: *Thomas Palacorolla*
Thomas Palacorolla

Signed: *Brian M. White*
Auto Dealer, Inc.

No 12







SHEET
1 OF 1



Baltimore County
Department of Permits and
Development Management

March 21, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-390-SPHA

1826 Winans Avenue
corner SW/S Winans Avenue, NW/S Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Thomas A. Palacorolla and Barbara J. Palacorolla
Contract Purchaser: Auto Dealers, Inc.

Special Hearing to approve an amendment to the previously approved plan in case #95-454-XA. Variation to allow a 1 foot side setback for the existing office/sales building in lieu of the required 30 feet; and to allow a zero foot rear setback for existing office/sales building in lieu of the required 30 feet.

HEARING: FRIDAY, APRIL 18, 1997 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Arnold Jablon
Director

cc: Thomas A. Palacorolla
Auto Dealers, Inc.
J. Neil Lanzi, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 3, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(3) FOR INFORMATION CONCERNING 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

April 10, 1997

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

RE: Item No.: 390
Case No.: 97-390-SPHA
Petitioner: T. Palacorolla, et ux

Dear Mr. Lanzi:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 13, 1997.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

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

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 31, 1997
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 390

The Development Plans Review Division has reviewed the subject zoning item.

The landscape plan required by Zoning Case No. 95-454XA has not been submitted.

RWB:HJO:cab

cc: File

ZONE331.390

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: April 4, 1997
FROM: Pat Keller, Director
Office of Planning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning's position has not changed from the time of the original submission of the requested special exception in Case No. 95-454XA.

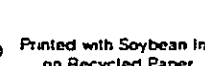
Item No. 390

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

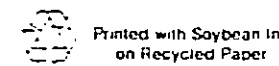
Prepared by: *Jeffrey W. Long*
Division Chief: *Jeffrey W. Long*

PK/JL

ITEM390/PZONE/ZAC1



Printed with Soybean Ink
on Recycled Paper



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7-21-97
Item No. 390 MJK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM
DATE: 3/25/97
FROM: R. Bruce Seelye
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

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

Item #'s:	379	388
	381	389
	382	390
	383	393
	385	394
	387	

RBS:sp
BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

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

(410) 887-4500

March 31, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: SEE BELOW

Zoning Agenda:

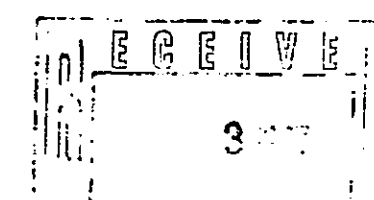
Gentlemen:

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:

380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392

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



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM
DATE: June 27, 1995
FROM: Pat Keller, Director, OP
SUBJECT: 1826 Winans Avenue

INFORMATION:

Item Number: 448
Petitioner: Palacorolla Property
Property Size: _____
Zoning: BR-AS
Requested Action: Special Exception & Variance
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

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

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

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

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

FROM: Jeffrey Long *JL*
Office of Planning

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

JL:lw
JL:TM448/PZONE/TXTLLF
c: People's Counsel
Neil Lanzi, Esquire

DATE: July 1, 1977

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Lawrence F. Schmidt

FIRM: Zoning Commissioner for Baltimore County

CITY: _____

TELESCOPE NO.: AREA CODE (410) 887-3468

TELEPHONE NO.: AREA CODE ()

FROM: J. Neil Langi
(Attorney)

Total Number of Pages, including this page: _____

DOCUMENTS TRANSMITTED:

Enclosed letter and opinion. (2/141)

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE AT:
 (410) 337-9039, Teletypewriter Number: (410) 337-8932.

ORIGINAL TO BE: MAILED FED. EX. HAND-DELIVERED RETAINED

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SENDER. PERMISSION IS GRANTED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM THE MESSAGE IS ADDRESSED. ANY DISSEMINATION OF THIS INFORMATION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

DISPATCH INFORMATION

Sent by: 300 ALLEGHENY AVE
410 337 8932;
07/01/97 5:17PM; Jettax #719; Page 1/9

Significant new evidence was offered by Rob Vogel, Civil Engineer and Richard Sturtivant, Structural Engineer in support of

2

Sent by: 300 ALLEGHENY AVE
410 337 8932;
07/01/97 5:18PM; Jettax #179; Page 4/9

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

FAX: (410) 337-8932
July 1, 1997

*Also Admitted in District of Columbia
Sent via Fax: 410-887-3468

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. 97-390-SPHA
1826 Winans Avenue
Thomas Palacorcholla and Auto Dealers, Inc., Petitioners

Enclosed please find a draft Zoning Opinion as we discussed. Once you have had a chance to review the enclosed, would you kindly give me a call so that we may hopefully finalize the Opinion by the end of this week.

Thank you very much for your cooperation in this matter.

Very truly yours,

 J. Neil Lanzi

c.c. Thomas Palacorolla
Auto dealers, Inc.

palacomp.15:

410 337 8932; 07/01/97 5:17PM; Jettax #719; Page 2/9

- 1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and,
- 2) Whether a grant of the Variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that certain circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general

•

ent by: 300 ALLEGHENY AVE
410 337 8932;
07/01/97 5:19PM; Jeyax #719, Page 6/9

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
N/S WASHINGTON BOULEVARD * ZONING COMMISSIONER
25' SW OF The C/L OF WINANS AVENUE *
(1826 WINANS AVENUE) * OF BALTIMORE COUNTY
13TH ELECTION DISTRICT *
1ST COUNCILMANIC DISTRICT *

THOMAS A. PALACOROLLO, ET UX-OWNERS * CASE NO. 97-390-SPHA
AUTO DEALERS, INC.-CONTRACT PURCHASERS *

This matter ~~is~~ comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzii, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petitioner's were Thomas A Palacorolla, property owner, Brian and Sharon Isaac for Auto

Sent by: 300 ALLEGHENY AVE
410 337 8932;
07/01/97 5:18PM; Jettax #719; Page 3/9

welfare and meets the spirit and intent of the BCZR.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ____ day of July, 1997, that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-454-XA to reflect the proposed improvements 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 the Baltimore County Zoning Regulations as follows:

From Section 238.2 to allow a 1 ft. side yard setback and 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft., for an existing office/sales building be and are hereby, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted the 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 thirty (30) day Appellate process from this Order has expired. If for whatever reason this order is reversed, the relief Granted herein shall be rescinded.
2. The Petitioner shall provide a durable and dustless surface on the property. Within thirty (30) days of the date of this Order, the Petitioner shall arrange for a

1

Sent by: 300 ALLEGHENY AVE 410 337 8932; 07/01/97 5:19PM; Jeffery #719; Page 7/9

representative from the Department of Public Works (DPW) to inspect the property to determine if, in fact, the type of surface he intends to provide meets their requirements for a durable and dustless surface.

3. The hours of operation for the proposed use are limited to Monday through Friday, 9:00 a.m. to 7:00 p.m., and Saturdays, 9:00 a.m. to 3:00 p.m. There shall be no Sunday hours.
4. There shall be no outdoor paging or intercom system, nor shall the Petitioner allow any telephones to ring outside the office.
5. There shall be no streamers or banners located anywhere on the property. Furthermore, all signage shall be in accordance with the B.C.Z.R.
6. The Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Said plan shall take into consideration additional landscaping necessary to sufficiently buffer the property from the adjoining Rotz property.
7. Outdoor lighting of the premises shall be limited to the proposed one light standard, the illumination of which shall be directed away from any adjoining residential property; however, the Petitioner shall be permitted to have outdoor lighting around the new sales building for security purposes.

6

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

Lawrence Schmidt
Zoning Commissioner for
Baltimore County

DATE: 09/17/97

PETITION PROBLEMS

97-390-SPHA

#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

3/19/97

April 15, 1997

Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

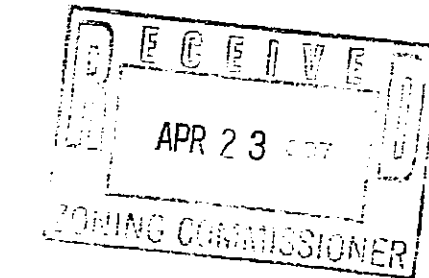
We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorella.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,

John G. Rotz
John G. Rotz

cc: Mr. J. Niel Lanzi, Attorney for Auto Dealers, Inc.
Mr. Thomas Palacorella



DATE: 07/10/97 5:20PM; 410 337 8922; Sent By: 300 ALLEGHENY AVE

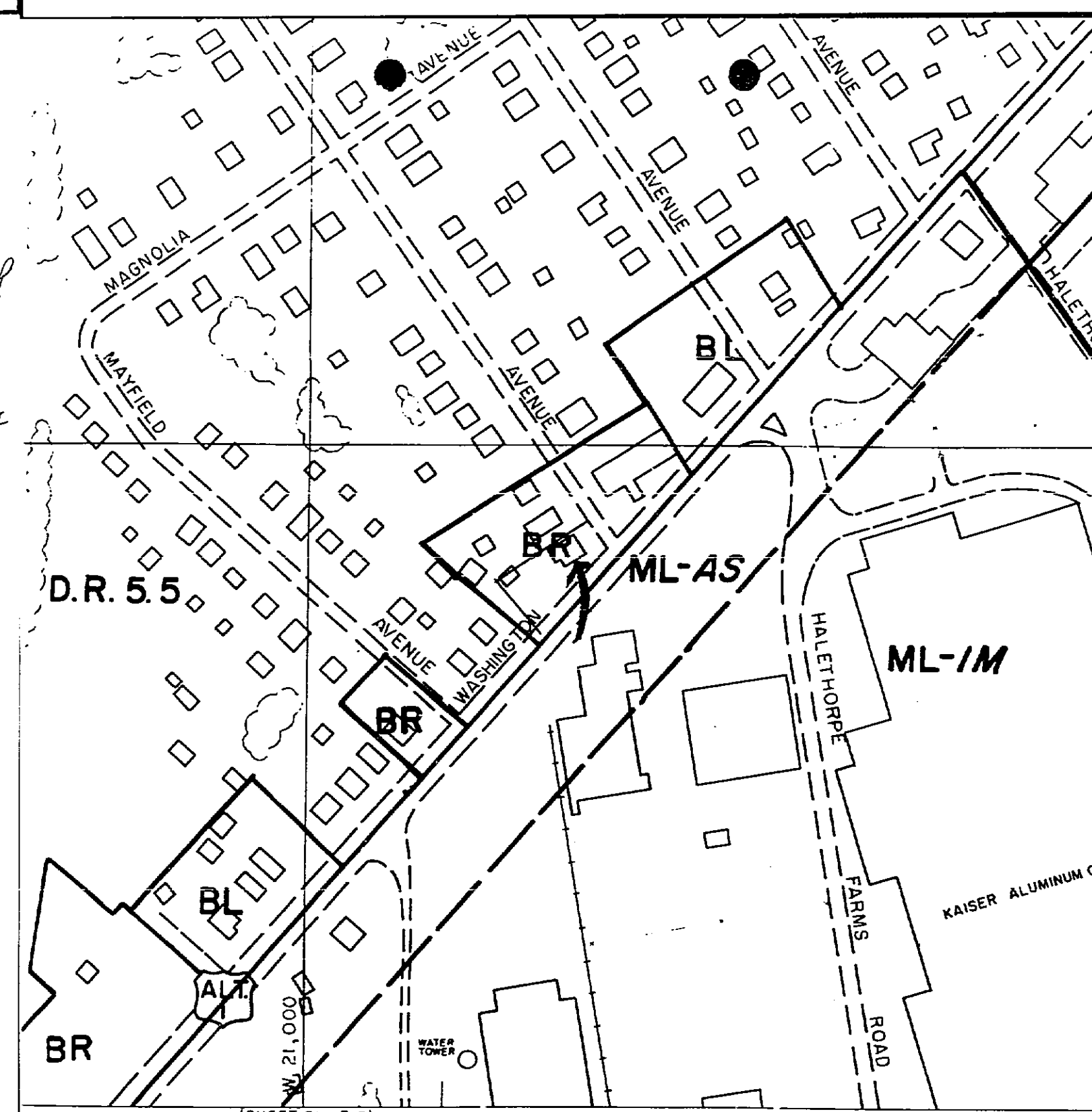
DATE: 07/10/97 5:20PM; 410 337 8922; Sent By: 300 ALLEGHENY AVE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN G. ROTZ	4620 WASHINGTON BLVD 21227
Brian Isaac	13406 Route Mill Rd West Friendship 21794
Robert Vogel	3591 Fox Lane #101, Suit 101, MD 21794
Niel Lanzi	300 Allegheny Ave Towson
Richard Sturkman	2312 Shepherd Ch. Jernettville, Ind 489
Thomas A. Palacorella	12127 Philadelphia Rd

P.O. Box 37
West Friendship, MD 21794



BALTIMORE COUNTY
PLANNING AND ZONING
OFFICE
ZONING MAP #390 SPHA

Proposed Auto Sales Lot
1826 Winans Avenue

Biography

Brian Isaac was raised in Baltimore Highlands and graduated from Lansdowne Senior High. He married in 1990 had two children and resided in Relay. He currently lives in Howard County. Brian will be the owner/operator of this business as his primary employment. He has strong ties to the community as well as family residing in the Arbutus area.

Proposed Use

Retail auto sales lot. Cars will be clean and Maryland inspected. Any trade in cars that are in need of repair will be stored at another site. Any repairs will be performed by Reliable Tire Company which is an Arbutus company.

Community Benefits

Transform a heavy equipment sales lot into a retail auto sales lot. Will display clean desirable retail autos in place of heavy commercial equipment. Will be a local source for good quality used autos. Will keep income in the community by employing local residents. Will also be active in the community by joining the Arbutus business and professional association and supporting local sports events. Already has support of local businesses.

Zoning

This property is currently zoned BR-CSI and has many uses that are not advantageous to the community as where an auto sales lot conforms with this area of US route 1.

Summary

Brian Isaac wants to own and operate a clean used auto lot in an area that he is familiar with. He has roots and many personal friends as well as business associates in the Arbutus area. He will conform to all local zoning laws. This business will have a positive effect on the area. If any one in the community has any concerns please feel free to contact Brian or Sharon Isaac at (410)489-7386.

Brian Isaac
Employment History

1979-1982	Miller Brothers Chevrolet - Elkridge, Md. Mechanic Md. State Inspector
1982-1992	Sport Chevrolet - Silver Spring, Md. Mechanic - Md. State Inspector Service Manager Salesperson, Sales Manager
1993-1995	Miller Brothers Chevrolet - Ellicott City, Md Sales Manager

Sharon Isaac
Employment History

1977-1986	Sport Chevrolet - Silver Spring, Md. Inventory Clerk, Bookkeeper Salesperson, Sales Manager
1987-1990	Fox Mitsubishi - Baltimore, Md. Bookkeeper, Part Time
1990 - Present	Sport Chevrolet, Silver Spring, Md. Bookkeeper, Title Clerk

SPORT



MONTGOMERY AUTOMOBILE SALES PARK, 3101 AUTOMOBILE BLVD., SILVER SPRING, MD. 20904, TEL. 301 890-6000 • ROBERT FOGARTY

July 12, 1995

TO WHOM IT MAY CONCERN:

I have known Sharon and Brian Isaac for well over ten years. In fact, Sharon has been employed by Sport Chevrolet since her high school years. They are both smart, hard-working and honest people who have always impressed me with their desire and ingenuity.

I can only give them the highest recommendation as they embark on their used car business in Baltimore County.

Sincerely,

Robert H. Fogarty
Robert H. Fogarty,
President

Auto Sales Lot
1826 Winans Avenue

Proposed Hours of Operation:

Summer

Monday - Friday 9:00 A.M. - 7:00 P.M.
Saturday 9:00 A.M. - 3:00 P.M.
Sunday CLOSED

Winter

Monday - Friday 9:00 A.M. - 5:00 P.M.
Saturday 9:00 A.M. - 3:00 P.M.
Sunday CLOSED

Other Conditions:

No outside Phone Ringer or P/A system's will be used
Sign will be located where present sign on building is located

LANDSCAPE SCHEDULE

AREA A:
SAW-CUT ASPHALT ALONG PROPERTY LINE 3' WIDE.
REMOVE ASPHALT AND STONE BASE, REPLACE WITH TOPSOIL.
PLANT: 3 4-5' HT. FLOWERING TREES
18 15-18" SP. EVERGREEN SHRUBS
20 1 GAL. PERENNIAL FLOWERS.

AREA B:
IN RETAINING WALL PLANT:
20 1 GAL. LOW GROWING PERENNIALS
ON EACH SIDE OF RETAINING WALL PLANT:
15 LOW GROWING EVERGREEN SHRUBS IN GROUPS OF 5 EACH

AREA C:
ON EACH SIDE OF DRIVEWAY ENTRANCE PLANT:
1 4-5' FLOWERING TREE
6 15-18" SP. EVERGREEN SHRUBS
8 1 GAL. PERENNIAL FLOWERS

01/14/1995 17:33 418-787-2863 SHA MCD PAGE 02

April 15, 1997

Mr. Lawrence Schmidt
Commissioner
Baltimore County Zoning
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

We own and occupy the property at 4620 Washington Blvd., adjacent to the south of 1826 Winans Ave. We have no objections to and are in support of the new variance petitions and Petition for Special Hearing by Auto Dealers, Inc. and Mr. Thomas Palacorella.

Once again we request your expedient approval of the Petitioners request and thank you for your consideration in this matter.

Sincerely,

John G. Rotz
John G. Rotz

cc: Mr. J. Niel Lantz, Attorney for Auto Dealers, Inc.
Mr. Thomas Palacorella

Handwritten notes and signatures on a form, including "Proposed", "Winans Ave", "Hollings", "Ricks", "Liquor", "Store", "McGUG", "Logo", "SOS", "Hollings", "Fine", "Plants", "Industrial", "Building", "NOT TO SCALE", "Pet No 5", "Pet No 6".

MOTOR VEHICLE ADMINISTRATION
AUTOMOTIVE REPAIR FACILITY CONTRACT
TYPE OR PRINT (EXCEPT SIGNATURE)

We, the undersigned Debbie Sue Sales 410-247-4464
NAME OF AUTOMOTIVE REPAIR FACILITY TELEPHONE NO.

Address 4771 Hollins Ferry Rd Baltimore Md 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

having the necessary facilities and equipment to properly service and repair motor vehicles do hereby agree to reasonably, adequately and properly service and repair motor vehicles sold or to be sold by the dealer named in this contract:

AUTO DEALER, INC. T/A HALETHORPE AUTO SALES
NAME OF DEALERSHIP

Address 1826 WINANS AVE BALTIMORE, MD 21227
(STREET & NUMBER) (CITY OR TOWN) (STATE) (ZIP CODE)

This contract shall be effective on and after 19 and will remain in full force and effect until cancellation of the contract by either party, upon written notice to the Motor Vehicle Administration by Registered or Certified Mail.

We hereby certify, under Penalty of Perjury, that the statements made herein are true and correct, to the best of our knowledge, information and belief.

Witness our Hand(s) and Seal(s)

Debbie Sue Sales
SIGNATURE OF OWNER OF AUTOMOTIVE REPAIR FACILITY
921 Drabow Rd Baltimore Md 21210
HOME ADDRESS OF OWNER OF AUTOMOTIVE REPAIR FACILITY

This day of 19

SIGNATURE OF DEALER

MOTOR VEHICLE ADMINISTRATION USE ONLY

INVESTIGATOR: The Automotive Repair Facility shall be inspected on all new applications. The facility shall be within a five (5) mile radius and cannot be a licensed dealer unless approved by the Administration.

I have this date inspected the above-mentioned Automotive Repair Facility and ☐ WOULD NOT recommend approval.

REMARKS

DATE OF INSPECTION

SIGNATURE OF M.V.A. INVESTIGATOR

Pet No 6

Ronald Dorsey
1824 Winans Avenue
Halethorpe, Maryland 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

Re: 1826 Winans Avenue

Dear Zoning Commissioner:

My wife and I are the owners of 1824 Winans Avenue which is located directly behind the proposed used car lot property. I testified in favor of the proposed used car lot and Special Exception Petition previously and by this letter I am indicating my approval of the Petition for Special Hearing and the Petition for Variances filed for this Property which will allow the building to remain in its existing location.

Thank you for your consideration.

Very truly yours,
Ronald Dorsey
Ronald Dorsey

(palador.11c)

Det
No 8

Brian M. White
1581 Sulphur Spring Road
Baltimore, MD 21227

March 28, 1997

Zoning Commissioner
for Baltimore County
401 Washington Avenue
Old Court House
Towson, MD 21204

Re: 1826 Winans Avenue
Case No. 97-390-SPHA

Dear Zoning Commissioner:

My name is Brian White and I am an active member of the Arbutus Business Association. I testified on behalf of the Association in favor of the used car lot at the prior zoning hearing for Special Exception. Again, on behalf of the Association I am expressing our support for the Petition for Special Hearing and Petition for Variance to allow the existing building to remain in its present location on the above referenced property. It is our Association's position that a viable business operated by Brian and Sharon Isaac and Auto Dealers, Inc. will be an improvement for the unused lot which has already received Special Exception Approval.

Thank you for your attention.

Very truly yours,
Brian M. White
Brian M. White

(palawhite.11c)

Det No 9

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed: *James B. [Signature]*
Address: 4610 Washington Blvd
Baltimore, MD 21227

Det No 10

To Whom It May Concern:

We have no objection to a used car sales lot located at 1826 Winans Ave. It would be an improvement to the condition that exists now.

Signed: *John M. [Signature]*
Address: 4610 Washington Blvd
Baltimore, MD 21227
(410) 242-1166

Det No 11

HILLIS-CARNES ENGINEERING ASSOCIATES INC.

April 15, 1997

Universal Contractors, Inc.
5673 Furnace Avenue
Elkridge, Maryland 21227

Attention: Mr. Tom Palacorolla

Re: 1826 Winans Avenue Property
Baltimore County, Maryland

Gentlemen:

Please be advised that I have inspected the surface of the subject site relative to its proposed use as a used car sales lot. I understand that permitting for the proposed use requires that the property have a "dustless, durable surface."

I verified that the southern portion of the lot is covered by bituminous concrete pavement which is generally in a good state of repair. The northern portion of the lot is covered by coarse, clean stone aggregate which contains no dust or stone fines. Accordingly, the existing property surface meets the dustless and durable requirements in its present condition.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
Richard M. Hillis
Richard M. Hillis, P.E.

12011 Guilford Road • Suite 106 • Annapolis Junction, MD 20701
Baltimore (410) 880-4788 • DC Metro (301) 470-4237 • Fax (410) 880-4098

Det No
12

LETTER OF INTENT TO LEASE

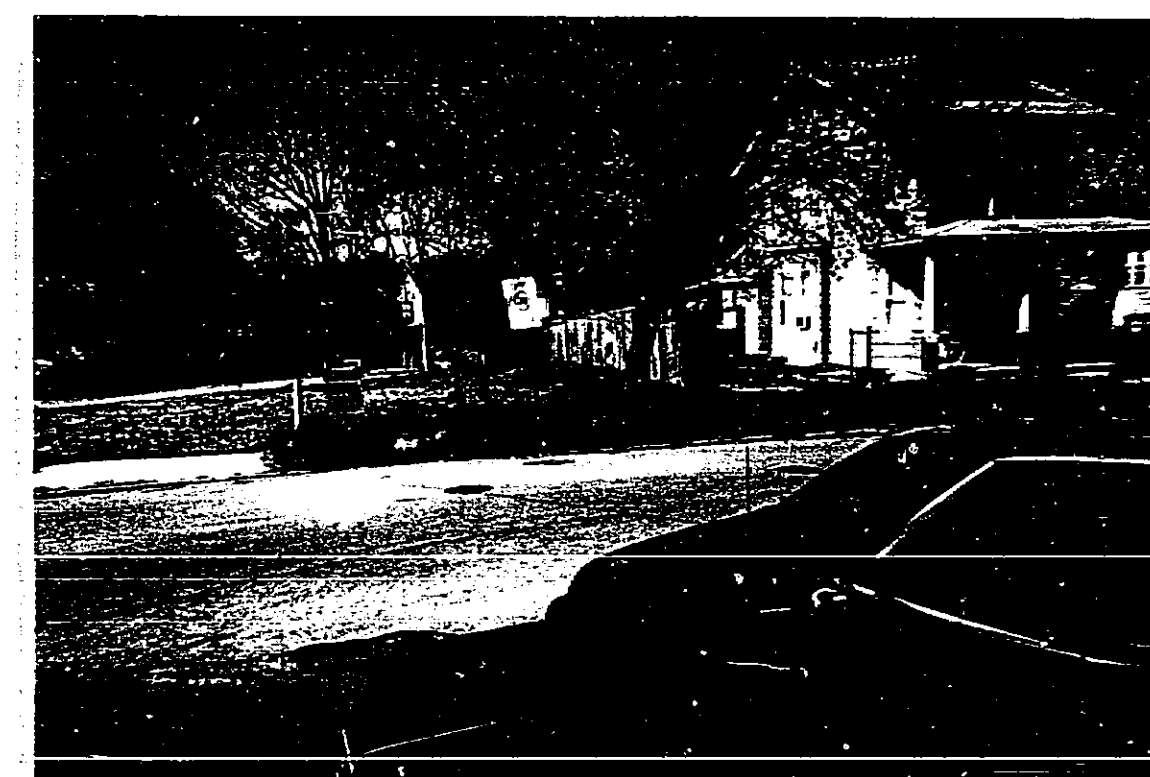
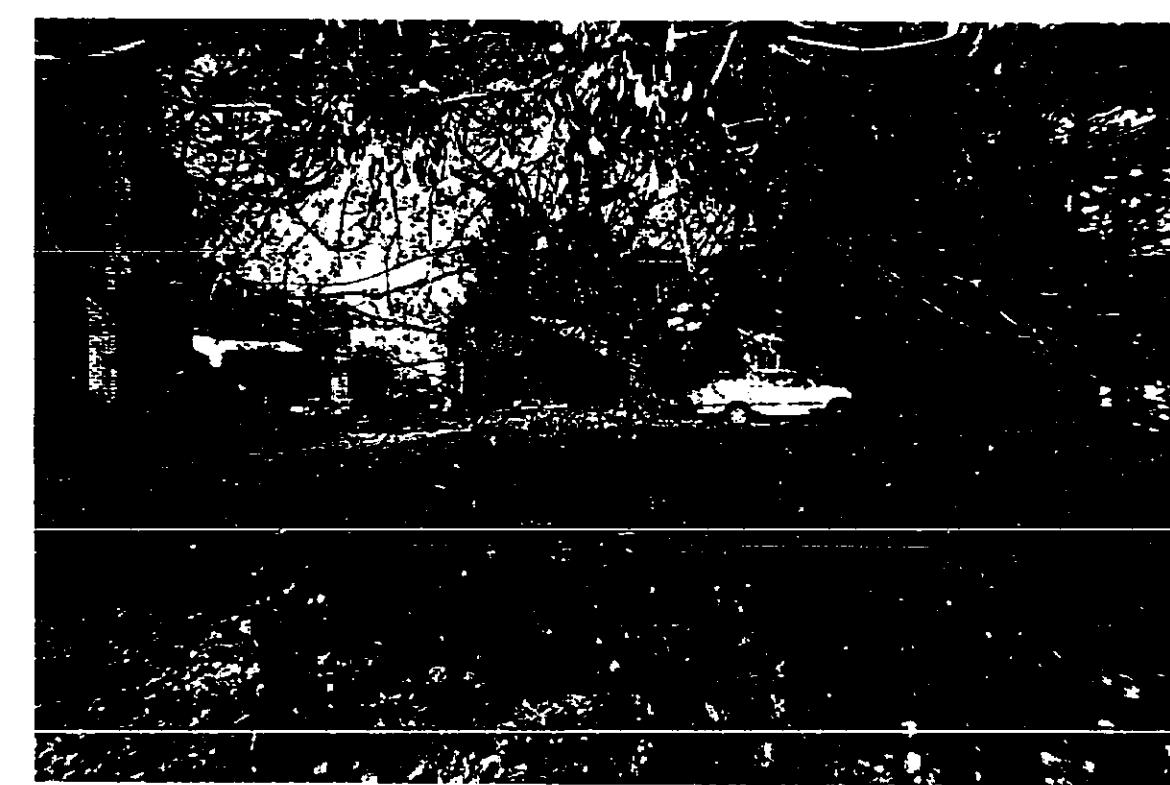
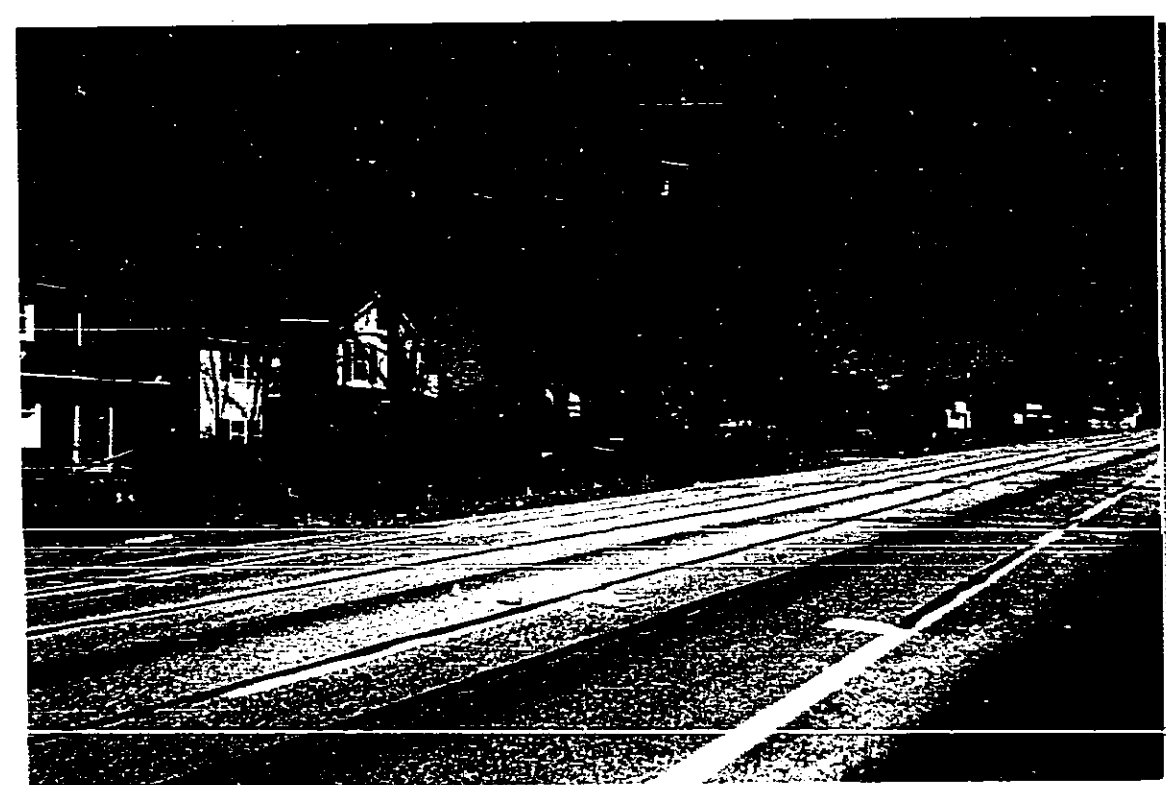
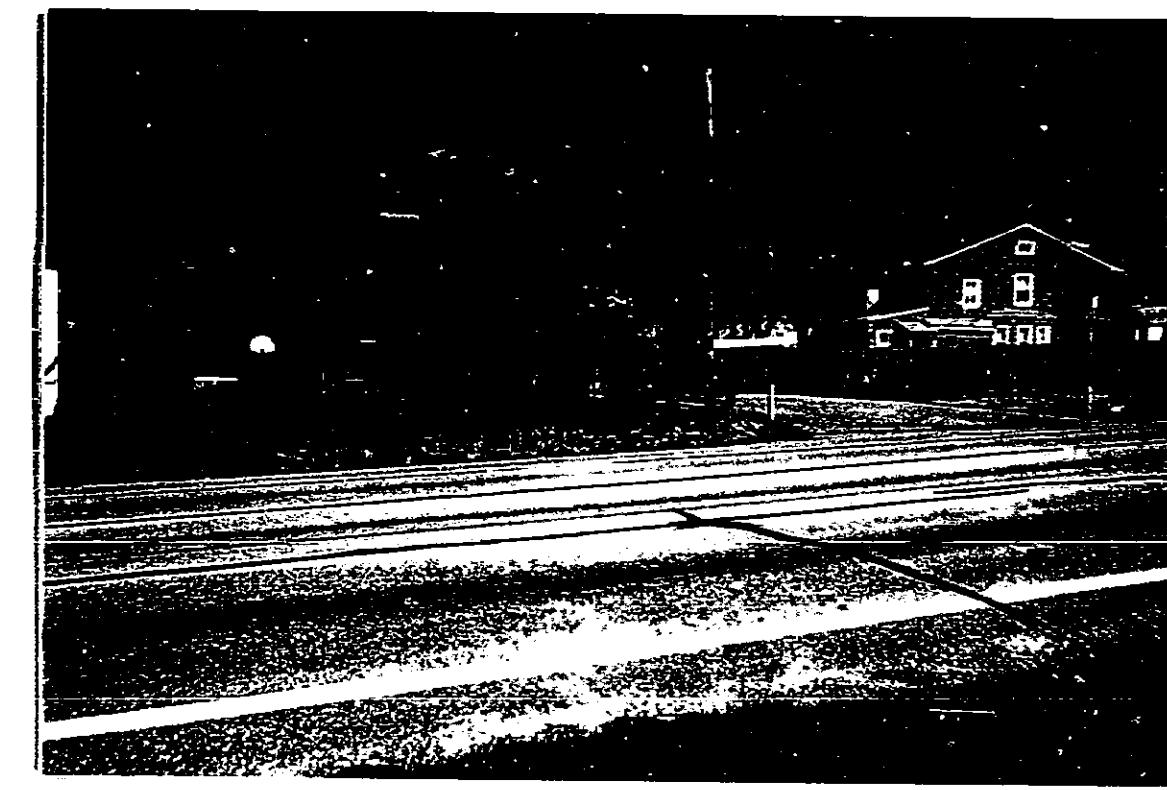
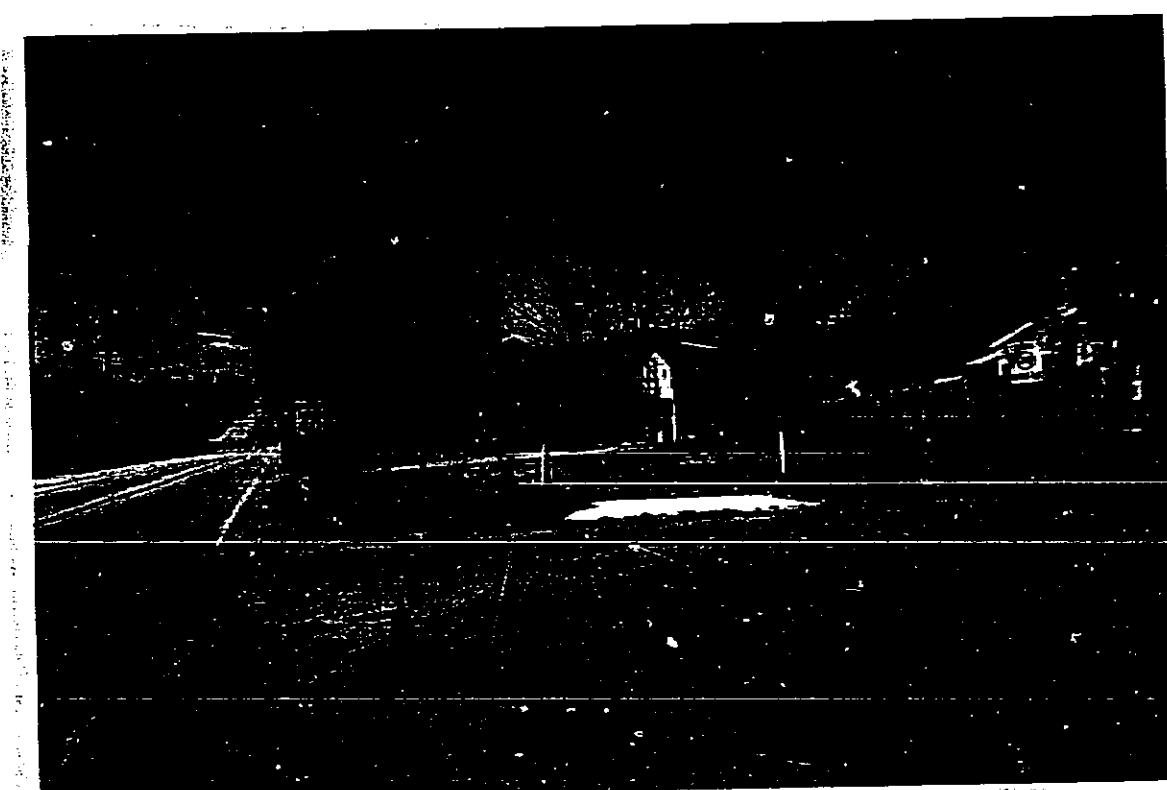
It is mutually agreed between Thomas Palacorolla and Auto Dealers, Inc. that the property known as 1826 Winans Ave., Baltimore, Md. will be leased for a term of two years contingent upon the Special Exception hearing to determine that the property can be used for an auto sales facility.

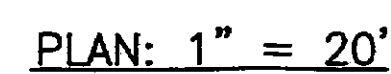
Signed: *Thomas Palacorolla*
Thomas Palacorolla

Signed: *Brian M. White*
Auto Dealer, Inc.

No 12







SHEET
1 OF 1