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IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
DONALD E. WARRENER, JR. -	*	COUNTY BOARD OF APPEALS
LEGAL OWNER /PETITIONER		
FOR SPECIAL HEARING ON	*	OF
PROPERTY LOCATED ON THE E/S		
OLD YORK ROAD, 70' S OF W.	*	BALTIMORE COUNTY
LIBERTY RD (20227 OLD YORK RD)		
7TH ELECTION DISTRICT	*	CASE NO. 99-73-SPHXA
3RD COUNCILMANIC DISTRICT		

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O P I N I O N

This case comes to the Board of Appeals for Baltimore County based on a November 16, 1998 decision of the Zoning Commissioner in which a Petition for Special Exception was denied; Special Hearing was granted; and variance request was dismissed as moot. Francis X. Borgerding, Jr., Esquire, represented the Petitioner /Appellant (hereinafter "Petitioner"); and J. Carroll Holzer, Esquire, represented several Protestants specified in the Notice of Appeal; and Peter Max Zimmerman, People's Counsel for Baltimore County, also appeared in the proceedings.

This case was conducted with public hearings covering three days. Opening statements were tendered by counsel. A considerable portion of that time was expended on precisely what portions of the Zoning Commissioner's Opinion and Order were actually being appealed. The Petitions recite as follows:

> Special Hearing Petition:
>
> ...amend the site plan as approved in zoning case #4483RX and 87-274-SPH and to approve a fuel service station area separate from the service garage and used car sales area and to confirm continuation of existing used car sales in light of overall changes proposed by this hearing request.
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> Special Exception Petition:
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> ...a special exception (with special hearing) to enlarge the approved service garage area and to allow the proposed service station and restrooms...; and...a special exception for a fuel service station use (currently abandoned).

Variance Petition:

> ...to allow a 0' landscape transition area (LTA) along the existing used car sales use area, surrounding the service garage area and along Old York Road in lieu of a 10 ft. LTA.

The Board reviewed the Petitions filed by Mr. Warrener. Cases come before this Board under Section 603 of the Baltimore County Charter. Such appeals are conducted on a "de novo" basis in their entirety, unless the petitioner has specifically crafted his/her appeal so that it is limited in nature. The Board reviewed the appeals and came to the conclusion that, since the Petitioners appealed "...to the County Board of Appeals from the decision rendered by the Zoning Commissioner in the above-captioned matter...," in general terms, the Board would hear the case on a de novo basis.

Mr. Paul Lee was accepted as a registered professional engineer, and he described the site plan [Petitioner's Exhibit #2] in considerable detail, along with its history and proposed uses. The requested site amendments and approval of a fuel service station separate from the service garage and used car area were his suggestions based on what he believed to be correct interpretations of the County zoning regulations. The specific property is located at 20227 Old York Road and is split-zoned B.L.-C.R. consisting of 2.24 acres (Business -Local, Commercial -Rural Overlay District); and R.C. 2 (Agricultural) consisting of .67 acre. Mr. Lee generally described the character of the area for northeastern Baltimore County using a 1,000 scale map. The property he described is close to the Maryland/Pennsylvania line in what admittedly is a low population density, rural area of Baltimore County.

The site is on the Old York Road which is a scenic route that

traverses north in Baltimore County. The site is just one property distant from the West Liberty Road intersection, just 5 miles southeast of the Maryland Line Village. From here, it runs into the jurisdiction of Harford County, where the closest commercial use in that County is located. The smaller portion of the site zoned R.C. 2 is in the rear of the property. The property lies adjacent to another lot zoned B.L.-C.R. located at the corner of Old York Road (Md Route 439) and West Liberty Road. These two properties are the only commercially zoned and used properties between the Maryland Line area and Shane in Harford County. The adjacent property incorporates a multi-family residence, carry-out restaurant, and seasonal snowball stand.

Based on testimony, without dispute, the area is essentially agricultural, with homes dotted about and a small church with a child care center a short distance up West Liberty Road. Mr. Lee stated that it was the Petitioner's intention to sell no more than 20 used cars at any one given time. The service station would consist of two pumps installed, one of which would be for diesel fuel. Additional space was being requested for restrooms to accommodate the customers. Mr. Lee explained the need for a variance from the landscape transition area. Mr. Lee also went into considerable detail relative to the zoning history of the site, referencing Petitioner's exhibit #12 (Note 14). In zoning case No. 4483-RX decided in 1958, the property had been reclassified from R.L. (Residential) to B.L. (Business local with a special exception being granted for a gasoline service station and service garage). An additional case arose in 1987 (Case No. 86-274-SPH) in which a service garage expansion and certain division line corrections were approved as well as permission

granted for the sale of used cars and trucks.

Mr. Borgerding had also submitted inquiries to the Department of Permits & Development Management concerning the Petitioner's continued usage of the premises for the sale of used vehicles (Petitioner's Exhibits No. 5A through E) under a method whereby for a $40.00 fee such permission from the Department of Permits & Development Management can be secured. After subsequent meetings with zoning officials, he had a site plan drawn up to comply with what he believed to be the spirit and intent of the Baltimore County Zoning Regulations (BCZR). The statutory requirements of BCZR Section 405 were individually reviewed by Mr. Borgerding with Mr. Lee, and other than for the landscape transition area being requested, Mr. Lee believed that the proposed fuel service station would be compatible within the immediate area of the subject site.

Mr. Lee explained the necessity for the variance request, stating that the property was unique by reason of its use and boundaries. The present configuration does not permit compliance with current County regulations. The property presently is restricted as to use and cannot be fully landscaped. The requested variance would cause no harm to anyone, in Mr. Lee's opinion.

On cross-examination, Mr. Lee acknowledged his involvement in this matter since 1998. He was not involved in the previous zoning cases. He also was not exceptionally familiar with the general area, but not aware of any particular agricultural concerns. He was aware of an Exxon station presently existing at the I-83 /Parkton interchange. He described the rear R.C. 2 area as being vacant, with vegetative growth. He described the adjoining property to the north as a crab house and residence. He acknowledged no curbs or gutters on the property and that no real

landscaping presently existed.

Mr. Donald Warrener also testified. He lives in Sparks, Maryland, and purchased the site from his father in August of 1997. He has lived in the area since 1980, describing the site and general characteristics of the area. The site is approximately 3 miles from I-83. The property consists of a service garage, used car lot, and a former gas station which was located on the site. He presently operates the service garage and used car/truck lot. He acknowledged the rural nature of the area and that Old York Road was a "busy" road. He also acknowledged the presence of some closed service stations, and those that were active in the immediate area. He described the adjoining property about which there is no dispute as to usage. He expressed his opinion as to the need factor for fuel sales and why he wanted to make such sales. Petitioner's Exhibit No. 6 (ID only) was submitted listing approximately 250 signatures of area residents who expressed an interest in purchasing gas at this site.

Mr. Warrener opined as to the cost that would be necessary to improve the property, if gasoline sales were permitted. Tanks currently existing in the ground had been found suitable by the Maryland Department of the Environment (MDE). He described what he considered to be the practical difficulty if variance relief was not granted. He cited the increases in traffic and population in the north County to justify the gasoline sales and what he considered changes in the overall character of the area. Petitioner's Exhibits No. 7, No. 8 and No. 9 were proffered by Mr. Borgerding.

On cross-examination, Mr. Warrener stated that he had lived in Sparks for about 8 years. He had not brought any business records

with him. An environmental study had been conducted as requested by the proposed financing bank as a requirement for the granting of any loan. He stated the tanks had been inspected by the MDE, but had no documentation. He stated he was not an environmental expert. The proposed gas pumps would be of the "gas and go" variety; and if the gas sales were approved, the existing two 8,000-gallon tanks for regular gas and the one 10,000-gallon tank for diesel fuel would be re-inspected by MDE. Additionally, the Federal and State regulations as applicable to fuel service stations would be satisfied.

Based on his understanding of the BCZR, Mr. Warrener did not believe any negative factors were present that would preclude the Board's favorable consideration of his request. He opined that the Southern Maryland Oil Company was very interested in fuel sales at the subject site. Petitioner's Exhibits No. 7 and No. 8 were admitted for purposes of ID only (later admitted into evidence during the testimony of Mr. William Grevey of the Southern Maryland Oil Company). Those documents related to a letter of intent from the Southern Maryland Oil Company and a gasoline feasibility report conducted by that organization.

Mr. Igor Svec also testified. He lives about one mile from the property and has lived in the general area since 1959. He expressed familiarity with the property and used car sales since the early 1960s when his father had purchased a Rambler from Spicer's Garage, who occupied the property at that time. The witness expressed considerable knowledge concerning gasoline and service stations in the north County during his employment with the Carroll Independent Fuel Company from 1984 - 1986. It was his responsibility to cover the area and determine favorable sites for

new gasoline service stations and to service those existing facilities. He opined as to a property known as Pittman's Store located next to the subject property, and of his belief that the gasoline uses were discontinued when new environmental protection standards came into effect on underground storage tanks.

He opined that in the late 1980s he was contacted by a Steve Lycone, who owned and operated a service station, sold used cars/ trucks and a garage from the property. The Carroll Independent Fuel Company had installed the underground tanks, and their gas was being sold on the premises. Mr. Lycone had leased the property from a Mr. Ralph Coxon, who had previously offered such services at the same location. Apparently in 1991, Mr. Lycone had undergone a divorce, and for financial reasons had to dispose of the property by way of a public auction. At that time, Mr. Donald E. Warrener, Sr., had purchased the property. He continued the service garage facility, used car /truck sales, and gas sales. Subsequently, the site was leased to his daughter and son-in-law. They apparently failed to operate the business in a proper manner, and Mr. Warrener took over control of the business. The senior Mr. Warrener was not enthused about gas sales, and his relationship with the Carroll Independent Fuel Company had not been pleasant and he voluntarily stopped the sale of gasoline in 1993. Mr. Svec opined that, to his knowledge, there were two 8,000-gallon tanks and one 10,000-gallon tank that had been installed by Carroll Independent Fuel Company. He believed the tanks complied with the 1980 EPA regulations and also current regulations, and could handle full truckloads of fuel which he considered essential for the successful operation of gasoline sales.

Mr. Svec cited a number of reasons why the Board should

consider the Petitioner's request:

- Area residents felt a need as ascertained from his former Carroll Oil Independent position;
- Area growth since 1990 (as to population and traffic);
- Customer convenience and consideration of existing stations; and
- Tax impact favorable to the State of Maryland.

Mr. John Sherwood was called as an expert witness for the Petitioner. He is President of the Sherwood Consultancy in Annapolis, Maryland. Based on his educational, work experience and professional criteria, he was accepted as an expert in market analysis after appropriate voir dire. He opined as to how he approaches a gas station "needs" assessment and the standard approaches he uses. These consisted of: (1) is there a need; (2) will sufficient business be generated to support the sales; and (3) the market area from which customer support will be forthcoming. He explained the nature of his reasoning, his investigation as to the site, current stations, abandoned stations, personal visual discovery and analysis while in the area, traveling the roadways; and that he had exchanged information with Bill Grevey of the Southern Maryland Oil Company. To that end, his report of August 4, 1999 was accepted as Petitioner's Exhibit No. 10. That report is a detailed and comprehensive "needs analysis for a gas station at the 439 Service Center - White Hall area of Baltimore County." That report recites the methodology employed by Mr. Sherwood as to trade and market delineation areas, traffic analysis, population and household trends, population and general gasoline retailing in the area, along with future potential.

Mr. Steve Smith was also called by the Petitioner. Mr. Smith essentially testified that he was a licensed car inspector and

serviced this portion of northern Baltimore County. All used cars and trucks must be inspected under Maryland law. He opined that he works on cars and light trucks at the location's service garage. During his employment, he stated that the site had always sold used cars/trucks as well as making repairs and issuing inspection certificates.

On day two of the public hearings, Mr. William Grevey, Glen Arm, Maryland, testified. Mr. Grevey is the General Manager for Southern Maryland Oil Company with 25 years in the field of gasoline sales. Over the years, he had functioned as marketing director seeking out locations for possible gasoline stations (Exxon and Citgo). At the present time, Southern Maryland Oil Company employs him to seek out potential new locations for gasoline sales. Mr. Grevey was well aware of the Petitioner's site. He believed that it had potential for fuel sales. In April 1999, Mr. Warrener met with a potential supplier and considerable aspects of fuel sales were explored. To that end, a "Starfires" report was generated to explore the potential for fuel sales at the location. Preparing the report, the President of Company Sales, John Bennett, visited the site, analyzed competition and also believed the site had potential.

Petitioner's Exhibit No. 7 was admitted evidencing a letter of intent Mr. Grevey sent to Mr. Warrener and Exhibit No. 8 was the "Starfires" report reflecting probable future gasoline sales at the site. Mr. Grevey opined that, based on his experience in the fuel business, a new garage service station would be viable in the area.

On cross-examination, Mr. Grevey acknowledged that he did not presently service any service stations in the general area but a territory 15 to 20 miles away. He stated he was not an expert on

reports, and uses same only for general conclusions and that he had not conducted any analysis of any other sites except by personal observation. He also explained that if sufficient volume was not present, the fuel company could evaluate their position after 90 days. The fuel company was prepared to invest $150,000.00 in the project. The dealer was responsible for tank maintenance. He stated that no study had been conducted within a one-mile radius area.

Mr. Borgerding produced a number of area residents who essentially proffered that they were in support of the proposed fuel service station and their belief of the need for such a facility. They also generally proffered that such a use, if granted, would not be adverse or harmful as to the health, safety or general welfare of residents of the immediate area. These residents concluded Petitioner's case-in-chief.

Mr. Zimmerman introduced People's Counsel Exhibit No. 1. Mrs. Barbara Grzinici, 2501 Meredith Road, testified in opposition to the proposal. She resides about 1/2 mile from the service station site and owns approximately 5-1/2 acres with her husband. People's Counsel Exhibit No. 2 represented a series of photographs taken by her husband on August 4, 1999 which were reviewed in detail under questioning by Mr. Zimmerman. In doing so, the neighborhood was described as rural /agricultural. Her concerns were in the areas of traffic and visibility, fire hazards due to the nearest fire station being over 5 miles away, an abundance of fuel service stations within a 5-mile radius, environmental concerns, aesthetic concerns, sight visibility, and an inconsistency with Smart Growth policies, the presence of a child care center in proximity to the site, along with the scenic route aspects of Old York Road, and a

lack of experience on the part of Mr. Warrener in the operation of a fuel service station.

Mr. William Hughey, Baltimore County Office of Planning, testified. He has 14 years of experience in planning and is the planner for the Third Councilmanic District. People's Counsel Exhibit No. 5 was admitted. Mr. Hughey was concerned relative to Section 405.3 and the criteria for new stations. He cited abandoned stations at West Liberty and Old York Roads, and Old York Road, among others. Also he stated that the Old York Road is considered a scenic route. People's Counsel Exhibit No. 6 was admitted. Mr. Hughey related how scenic routes are formulated by the Planning staff with the County Council ultimately adopting same. He stated that there are no strip commercial centers from the Maryland line to the Harford County line and that the two rural centers for the area are considered to be Hereford and Jarrettsville for the north County population. He opined that, while some small commercial villages exist (such as Parkton), it is in such areas that such stations should be planned and not along scenic routes because of what Planning considered to be "adverse impacts." It was his understanding that the County Council wanted to limit commercial development along scenic routes.

On cross-examination, Mr. Hughey acknowledged that the guidelines for scenic routes from the Planning Office are advisory only and acknowledged that several sections of individually and commercially zoned properties currently exist along Old York Road (Maryland 439) between I-83 and Harford County.

Mrs. Martha Hackett, West Liberty Road, White Hall, Maryland, also testified. She has lived in the area for 21 years and resides about one mile away from the subject property. She owns two acres

and has four children, drives considerably, and believes adequate gas service was already present in the immediate area. She had environmental concerns about drum storage in the R.C. 2 area, traffic issues and that the property would be out of character with the immediate neighborhood.

On day three of the hearings, Dr. Richard McQuaid spoke in opposition to the Petitioner's request. Dr. McQuaid has appeared on a number of occasions before the Board as President of the North County Coalition, which is an umbrella group for 22 community organizations in the north County. He reviewed People's Counsel Exhibits 10A and B which were maps of the general area. It was his belief, based on personal observation as a long-time resident of the area, that no used car/truck sales were made at the location during the period from 1985 through 1987. He was familiar with the chain of title and opined that during the Lycone ownership in January 1989, no used car sales had taken place. It was his belief that used car sales had resurfaced during the past two years and these greatly exceeded the 20-car limit imposed by Deputy Zoning Commissioner Jung.

People's Counsel Exhibit No. 13 was introduced to show past and present service stations in northern Baltimore County and the adjacent Pennsylvania section of I-83. Statistical data was submitted as People's Counsel Exhibit No. and No. 15. Dr. McQuaid commented on each as to his personal observations. Dr. McQuaid's opposition to the Petitioner's request mimicked much of that previously offered by the other Protestants:

- Limited number of residences within the 3 to 5 mile radius of the site
- No need due to proximity of other garage service stations

- Agricultural aspect of the north County area
- The nature of the scenic route
- Traffic concerns /sight distances
- Problems with the manner in which Mr. Warrener presently conducts his business
- Environmental concerns.

Based on cross-examination, it was obvious to the Board that Dr. McQuaid is not highly in favor of any such stations in the north County area, even if located within a rural village area and in general was opposed to an extension of commercial zoning in the north County area. Dr. McQuaid did acknowledge residential growth in the north County and Pennsylvania border areas of I-83, much of which was commuter traffic to the Hunt Valley and Baltimore City areas. These commuters, it was acknowledged, do have a need for gasoline sales, much of which would occur closer to their residences. Dr. McQuaid's testimony was not as precise nor as clear as the Board would have preferred relative to the market analysis he had prepared or the reasons why the acknowledged closed gasoline stations had been abandoned. The question of the barrels stored on the R.C. 2 portion of the property was not definitively resolved as to their removal.

Mr. John Sherwood was recalled by Mr. Borgerding in rebuttal to Dr. McQuaid's testimony and reinforced his belief that his market analysis determined that a need existed and related population figures to prove his point.

On cross-examination by Mr. Zimmerman, he was not deterred from his previous findings.

A public deliberation of this case occurred on December 8, 1999. The first question the Board was compelled to address was

one of the application in Sections 405.3 and 405.7B of the BCZR. These recite as follows:

> 405.3 In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of *one abandoned fuel service station, as defined in* Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market date.
>
> 405.7B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the Director of Permits and Development Management within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.

Was there an abandoned fuel service station within a 1/2-mile radius of the subject property; or two such stations within a 1-mile radius of the site? If so, there is a presumption that no present need exists for a fuel service station and the law dictates that the Petition be denied.

In this case, sufficient testimony and evidence was produced that established that there was at least one abandoned fuel service station within 1/2 mile of the subject property. Indeed, the Petitioner did not dispute this condition, and went into considerable detail by employing Mr. John Sherwood of the Sherwood Consultancy to establish a "need" factor (Petitioner's Exhibit No. 10). The question of "need" becomes a focal point for the Board to assess and finally determine based on the testimony and evidence

produced during the three public hearing days.

Mr. Paul Lee, acknowledged as an expert professional engineer, testified concerning the property, proposed changes, and what he concluded to be the compatibility of the proposed fuel service station as related to the surrounding area. He disagreed that the proposed use was not in character with the area suggested by the comments made by the Baltimore County Planning Office (People's Counsel Exhibit No. 3).

Mr. Donald Warrener expressed his thoughts concerning the "need" factor. This was based on his residency in the general area, discussions with auto repair customers, and a petition executed by approximately 248 residents of the north County area. He recited his observations of population increases in the area of the site in recent years and potential gas suppliers coming to him with various proposals for his consideration to sell gasoline fuel at the location (Petitioner's Exhibits No. 7 and No. 8). To bolster his belief, documents from the Southern Oil Company were produced consisting of a Letter of Intent and feasibility report for gas fuel stations conducted by the Southern Maryland Oil Company.

Mr. Igor Svec, a resident located 1-1/2 miles from the site, opined concerning his experience as an employee of the Carroll Independent Fuel Company, his seeking out potential fuel service stations, limited to the years 1984-1986. He provided a history of past gasoline service uses in the area and on the subject site. While Mr. Svec was a very credible witness concerning the history of gasoline sales in the area and the use of the site for a substantial number of years, his analysis of the "need" factor was similar to that of Mr. Warrener; that is, "need" based on (1)

observations made to him by area residents; (2) population increases; (3) traffic development in the area; (4) inconvenience to other existing sites; (5) lack of existing facilities; and (6) increased tax revenues presently flowing from Maryland residents in the area to Pennsylvania across the Maryland /Pennsylvania state line.

Mr. William Grevey also testified as to his "need" observations. His experience in gasoline sales was much broader than that of Mr. Svec with over 25 years of experience as marketing manager of Southern Maryland Fuel Company and gasoline sales. He was also quite familiar with the site, believed it had great potential for fuel service sales and offered documentation he opined was expressive of the market potential for the Warrener site. A Texaco /Starfires report (Petitioner's Exhibit No. 8) was discussed concerning the appropriateness of the property for gasoline fuel service sales. Letters of Intent (Petitioner's No. 7) and the Starfires report were discussed and admitted into evidence. He also concluded a "need" was present based on his analysis of the "Starfires" report.

The Board believes that the most compelling "need" witness for the Petitioner was Mr. John R. Sherwood III, President of Sherwood Consultancy. After voir dire, Mr. Sherwood was accepted as an expert in market analysis which included fuel service station needs analysis. Mr. Sherwood testified at considerable length concerning his detailed analysis and study. The Board acknowledges the scope and breadth of the report as it approaches the demographics, traffic, primary and target areas, the function of the detailed report was to establish the "need" factor.

As it is with any expert testimony and market report analysis,

the Board is required to give it a superior weight factor, but in the final analysis, the Board members bring their own experiences and value judgements in determining the "need" factor, and these may vary depending on the totality of the testimony and evidence produced. The Petitioner produced several residents of the area who all testified, individually, as to their "need" observations. While the Protestants produced several witnesses in opposition to the proposed changes, the "need" issue was more specifically addressed by Mr. William Hughey, County area planner, and Dr. Richard McQuaid. Mr. Hughey offered portions of the Master Plan for 1989-2000 and what he deemed to be inconsistencies with the addition of gas sales at the subject location, the scenic corridor aspect of York Road, and availability of existing gas stations considered more than adequate for the area.

Dr. McQuaid's testimony was at times somewhat rambling and argumentative. However, the Board recognizes the depth of experience the doctor has in his area of residency and tenure as a member and officer of the Maryland Line Community Association. There is no doubt in the Board's overall consensus that the local community associations and umbrella associations are opposed to significant change in the north County caused by population shifts, now considered "bedroom" communities emerging in north Baltimore County and southern Pennsylvania /Maryland line along I-83. For the most part, such housing consists of larger single-family dwellings accompanied by substantially larger lots than are present in the southern portion of the County.

The Board also recognizes that change is inevitable. However, Dr. McQuaid's testimony was of value in the Board's assessment of the "need" issue comparing the ZIP Code demographics, the various

aerial and zoning maps offered into evidence, the number of active gas stations in proximity to the site (nine active within 3 to 7 miles of the Warrener site, and 11 abandoned stations, including the subject location and the adjoining commercial corner). The Board members reviewed the "need" evidence on an individual basis. Two members, Mr. Marks and Mr. Wescott, did not believe that the "need" factor had been established. Ms. Barranger dissented. The majority considered the large number of gas service stations that have existed through the years and had "abandoned" their operations. Testimony clearly reflected a prior service station directly adjacent to the Warrener property that had been discontinued. Such was also the case with several others that had existed in proximity. Even as to the existing site, gas sales had been prevalent on an "on again /off again" basis clearly closing in 1993. While various reasons were cited as to the abandonment issue (notably inability to satisfy environmental legislation), the reason cited by Mr. Svec was a deteriorating relationship between Carroll Independent Fuel Company and Mr. Warrener, Sr.

Based on the totality of testimony taken, the Board finds that such a reason would not, in and of itself, be sufficient enough to let that factor discourage a profitable commodity being offered in the form of gas sales, particularly when Mr. Svec and Mr. Grevey testified that other suppliers were interested in such sales at the site and saw great opportunities. Additionally, based on a number of other cases which have involved the Board concerning the "need" issue for gasoline sales, the Board has observed that such stations thrive and prosper if the gasoline "need" factor is coupled with customer demand for early morning and late afternoon commuter sales, where additional, limited food /necessity items can be

purchased while waiting for the gas to be pumped. The very limited snack service described by Mr. Warrener did not create any positive reaction on the Board in that such limited offerings would create substantial customer patronage at this location rather than travelling on to other stations that were, in essence, mini-marts with gas pump service.

Of key analysis, however, was Mr. Sherwood's report. While the Sherwood Report reflects a need for gasoline sales on Md. Route 439 to serve residents of this section of Northeast Baltimore County, and those who live east of I-83 and north of the White Hall area, as well as other Md 439 motorists between Harford County and I-83, the Board finds, as fact, that the number of current stations available are more than adequate to serve the needs of this rural community. The report provides data relative to Residential Development in the Northern part of Baltimore County. The report recites that, in the 8 years 1991-1998, 618 residential building permits were issued in RPD 301, or an average of 77 a year (page 5). This area encompasses both the East and the West of I-83. Based on the testimony and evidence, the Board has concluded that the actual market for potential gasoline sales lies to the East of I-83, since residents to the West would find stations more convenient traveling south on I-83, and the food type of service available at those locations would be more conducive for such motorists to utilize those facilities.

Likewise, less convincing is the small number of homes being constructed in the 301 area (618, 1991-1998, or an average of 77 a year), hardly, in this Board's opinion, significant enough to support an additional gasoline station in light of those already existing.

Additionally, the Board was not significantly impressed with the population increases in Regional Planning District 301. From 1990 to 1998 there had been an increase of 1,560 people, or 13.8 percent. While this percentage factor appears large, reconciling the figure with the area involved, the Board was not impressed with the potential created for gasoline sales by such numbers commensurate with the rural character of the area.

The Report established a primary market area with a radius of 2-1/2 miles, and a track area of 4 miles centered on the intersection of Old York Road and W. Liberty Road. Based upon testimony and demographics, the Board is not convinced that such an area would support such sales and that existing facilities are not, at the present time, adequate to serve the public needs. (Reference page 12.)

While the conclusions in Section VIII of the Report are interesting and self-supporting, the Board is not sufficiently convinced, based on the weight of the evidence, that such "need" exists as contemplated by the County Council in enacting legislation relative to same.

Having determined that no need exists, the Board was not required to address the special exception requirements of BCZR 502.1. However, from an argumentative position, the Board will do so, and also consider the implication of Maryland Court decisions. Unquestionably, the property, while situated in what is acknowledged as a rural /agricultural territory, has been zoned B.L.-C.R. (1.57 acres) and R.C. 2 (.67 acre) since 1987. In January 1987, Deputy Commissioner Jung approved correction of divisional lines between the service garage and service station, and accessory use for car sales office and display area for 20

vehicles subject to conditions specified in her Order. Efforts to change the zoning during the Comprehensive Zoning Map Process in 1987-1988 for B.R.-C.R. or M.L. zoning for the entire 2.24 acres did not bear fruit. Interestingly enough, the subject site and the next-door property are the only two parcels between the Maryland Line Village and Shane in Harford County approximately one mile away. Gasoline fuel sales are permitted in the B.L.-C.R. zone provided they satisfy the C.R. overlay requirements, Section 502.1 and the "impact" factor is satisfied as specified in Schultz v. Pritts, et al, 291 Md 1 (1981). The question of the C.R. overlay was not addressed by any of the witnesses for the Petitioners (BCZR 259). In assessing the C.R. requirements, the Board has determined that the proposed fuel gas service station must fail since the Petitioner has not met his burden of establishing that the C.R. criteria has been satisfied.

Significantly, the Board also finds that this failure violates the "spirit and intent" of the zoning regulations. As to the impact factor, the Board must be satisfied that the proposed use (sale of gasoline fuel) would be conducted without real detriment to the neighborhood, and would not adversely affect the public interests (Rockville Fuel and Feed Company v. Board of Appeals of the City of Gaithersburg, 257 Md 1983 (1970). The law presumes that every special exception use has some impacting factor that negatively affects the neighborhood. There must be "probative evidence of harm or disturbance in light of the nature of the zone involved, or factors causing disharmony to the operation of the comprehensive plan...." Turner v. Hammond, 270 Md 41, 54-55 (1973).

While the Petitioner is correct in his Brief relative to no

expert testimony being produced by the Protestants concerning the proposed fuel sales, Martha Hackett and Barbara Grzinici testified relative to residential concerns. Many of their concerns are genuine in nature and the Board finds any impact would be associated with such a use regardless of its location within the zone. The gasoline tanks are already in the ground and would be subject to inspection by local, state, or federal agencies to insure compliance with EPA standards. No testimony was offered relative to groundwater impact, and the County Department of Environmental Protection and Resource Management (DEPRM) could correctly assert any environmental impact before gasoline could be pumped into the existing tanks. The Board could find no greater impact relative to additional lighting, and no greater fire hazard exists that is not only felt by the location of existing fire facilities as they relate to present stations.

The scenic route impact is minimal since a service garage and associated used car lot already exist and the scenic corridor routes are advisory only, with the existing facility being in place for a substantial years. Valid points relative to impact, however, were considered by the Board in its analysis of the case. The addition of another fuel service station in an area that is sparsely populated could have an impact on the economic viability of those stations currently servicing the area. The character and rural nature of the area may well accommodate the continuation of the service garage and accessory auto sales usage, but is totally out of character with the nature of the community relative to any additional fuel sales. The impact of such fuel sales is less impacted in nearby villages such as Maryland Line and Parkton, Harford and Jacksonville. While the subject site and adjoining

property have commercial use designations, the Board considers that "strip commercial zoning on rural routes" is to be discouraged as outlined in the Baltimore County Master Plan [1989-2000]. The Board also has considered the new BCZR regulations 259.3.E which sets standards for special exceptions in C.R. zones, and in particular, subsection 5, which states:

> Any contrary provision of these regulations notwithstanding, the provisions of Sections 259.2.A and 259.3 shall not apply to any building, use or structure in existence or for which a CRG plan has been approved as of the date of the enactment of Bill No. 103-1988 or to any M.L. Zone with C.R. District designation.

There is also present the traffic impact that would be caused by the granting of the special exception as exemplified by People's Counsel's Exhibit No. 2-A1, A2, and A-H. Old York Road is a single lane facility, one progresses without stop lights or left turn lanes except at the I-83 intersection. The photographs produced by the Protestants clearly reflect a sharp bend on Old York Road and that the subject property is lower and in what might be described as a hollow. That land with field crops in summer does limit sight distances, which Petitioner, to a great extent, had acknowledged required a waiver of certain landscaping requirements. The addition of gasoline pumps would undoubtedly cause a severe problem to in and out traffic flow, exacerbating what the Board considers to be an already existing traffic hazard.

O R D E R

IT IS THEREFORE this 14th day of April, 2000 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception, approval for a fuel service station, be and is hereby **DENIED**; and it is further

ORDERED that the requested special hearing relief confirming

continuation of the service garage and accessory existing used car sales operation, as shown on the plan, be and is hereby **GRANTED**; and it is further

ORDERED that the requested special hearing relief to approve a fuel service station area separate from the existing service garage and used car sales area be and is hereby **DENIED**; and it is further

ORDERED that the requested variance relief to allow a 0' Landscape Transition Area (LTA) abutting the existing used car sales use area, surrounding the service garage area, and along Old York Road, in lieu of the required LTA, be and is hereby **DISMISSED AS MOOT.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Panel Chairman

Lawrence S. Wescott

IN THE MATTER OF THE THE APPLICATION OF DONALD E. WARRENER, JR. - LEGAL OWNER /PETITIONER FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE E/S OLD YORK ROAD, 70' S OF W. LIBERTY RD (20227 OLD YORK RD) 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 99-73-SPHXA

* * * * * * * * *

CONCURRING /DISSENTING OPINION

This Board member is in concurrence with the majority of the Board in its Opinion and Order in this matter, but will respectfully dissent from their finding as to the "need" issue. While this element would not change the decision, for the record I must state that, with the findings in the Sherwood Consultancy "Needs Analysis for a Gas Station at the 439 Service Center White Hall Area of Baltimore County" (Petitioner's Exhibit No. 10), sufficient evidence was given in support for a gas station at the site.

The Sherwood Needs Analysis presented evidence for a Primary Market area with a two-and-a-half-mile radius of Old York Road and West Liberty Road based on Demographics, Gasoline Needs, and Potential Sales.

The Demographics reflected on page 9:

> Over the span from 1980-1999, the number of people living in the primary market area has increased by 595 or 33.7%.

The Transient market data stated on page 9:

> These data show that traffic on MD 439 had increased over the past ten years and that it has increased at a faster rate than traffic on nearby thoroughfares for which traffic counts are available.

The "Gasoline needs for Market area Residents" as shown in Table 2 on page 10 of the Report Stated:

> Given the 1999 population in the primary market area of 2,363 and gasoline consumption per person of 441 gallons (as of 1998, the year for which the data are available), residents living in the 439 Service Center primary market in 1999 will need 1,042,000 gallons of gasoline to meet their driving requirements and secondary market residents need 1,601,300 gallons. However, these estimates could well be low given the possibility that motorists in this rural part of Baltimore County do more driving than residents of the state as a whole, from which the 441 figure is derived.

Figures were given for the gasoline retailing in the trade area and potential sales on page 13 of the 439 Service Station were based on only a 50% share of the demand generated by primary market residents, 20% of resident demand in the secondary market and the potential transient market. This total would represent a potential of 1,010,300 gallons/year. Based on the research and analysis resulting from the work summarized in the Final Report of the Needs Analysis, Mr. John Sherwood III, Senior Consultant, concluded that:

> The market will support a moderate sized motor fuel sales operation at this location and a gas station facility is needed on MD 439 to serve residents of northeastern Baltimore County who live east of I-83 and north of the White Hall area as well as other motorists who use MD 439 between Harford County and I-83. There are currently no gas stations on MD 439 in this part of Baltimore County to meet the needs of these residents and other motorists.

The Protestants' witness, Dr. McQuaid (who admitted he did not have an educational background in marketing) did acknowledge residential growth with the development of several "bedroom" communities in the area, such as the Shane Valley Development. The demographics he compiled were from material obtained from the Baltimore County Public Library and the Maryland Department of Planning. His lay presentation reflected similar growth patterns

as in the Sherwood Report where, as he opined, a Station was not needed.

Chief Judge Prescott, speaking for the Maryland Court of Appeals in Miller v. Abrahams, 211 A.2d 309, 314, stated: "[T]he prevailing general rule, almost universally followed, is that an expert's opinion is of no greater probative value than the soundness of his reasons given."

Therefore, this Board member respectfully submits that the experts who compiled the Sherwood Report demonstrated that a "need" does exist as contemplated by the County Council in support of the special exception requirements of BCZR 502.1.

Lynn Barranger

Lynn Barranger

DATE: April 14, 2000

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 14, 2000

Francis X. Borgerding, Jr., Esquire
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: In the Matter of Donald E. Warrener, Jr. -
Owner /Case No. 99-73-SPHXA

Dear Mr. Borgerding:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Also enclosed is a copy of the Dissenting Opinion of Ms. Barranger.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,
Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Donald E. Warrener, Jr.
J. Carroll Holzer, Esquire
Dr. & Mrs. Richard W. McQuaid
Mrs. Martha S. Hackett /Citizens Alliance of North Baltimore County
Barbara Grzincic & John Biretta
Ms. Marie Ward
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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12/2/99

IN RE:	Petitions for Special Hearing, Special Exception And Zoning Variance ES Old York Road, 70 feet S of Liberty W. Liberty Road 20227 Old York Road Seventh Election District 3rd Councilmanic District	*	BEFORE THE
		*	COUNTY BOARD OF APPEALS
		*	FOR
		*	BALTIMORE COUNTY
		*	Case No.: 99-73-SPHXA
	DONALD E. WARRENER, JR.	*	
	Petitioner		

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

PETITIONER'S REPLY MEMORANDUM

People's Counsel's argument that the Board can or should terminate the previously granted special exception approval for the utilization of the subject property as a service garage is neither legally nor factually well founded.

The subject property was granted special exception approval for operation as a service garage originally in 1958 pursuant to Case No. 4483RX. Subsequently, special exception approval was granted in 1987 pursuant to Case No. 87-274-XSPH to permit expansion of the service garage and special hearing was granted to relocate and correct the divisional lines between uses located on the property.

Special exception uses are part of the Comprehensive Zoning Plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md 1, at 11, 432A.2d 1319 (1981). Special exception zoning approval given to a property runs with the land unless otherwise specifically limited.

Although special exception approval was also given for the utilization of the subject property as a gasoline service station pursuant to Case No. 4483RX, all parties in this case agree that gas sales ceased from the subject property after 1993.

Petitioner's desire to resume gasoline sales from the subject property has led him to file the Petitions for Relief originally filed before the Baltimore County Zoning Commissioner in this case and now before the Board on appeal.

> Petitioner's special exception relief, pursuant to its petitions now before the Board, is for a special exception [with special hearing] to enlarge the approved service garage area and to allow proposed service station office and restrooms with water and compressed air for customers in its building, and a special exception for a fuel service station [currently abandoned].

The necessity of the Petitioner to seek a new special exception approval for the resumption of gasoline sales on the subject property is caused specifically by Baltimore County Zoning Regulations (herein "BCZR"), Section 405.7 (b) and (c), which states:

> 405.7 Abandoned fuel service stations
>
> B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service stations has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the Director of Permits and Development Management within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall bean operation as a fuel service station at least eight hours per day, five days per week.
> C. Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.

The above sections of the BCZR, being a part of Bill No. 172-1993 as enacted by the County Council in 1993 and codified into the BCZR as part of section 405 of the BCZR, specifically deal with the termination of special exceptions for fuel service stations.

The BCZR contains no such "termination" provision in relation to special exceptions generally or special exceptions granted specifically for service garage uses. Such special exceptions "run with the land" and are fully transferable to subsequent owners of the property upon which they are granted.

People's Counsel is correct that the present case proceeds on a de novo basis from the decision of the Baltimore County Zoning Commissioner, however, what People's Counsel fails to point out is that the present case proceeds before the Board on a de novo upon the relief requested pursuant to the Petitioner's petition.

The only relief prayed with regard to the Petitioner's service garage use of the property, a use which has existed on the property since the late 1950's, is a special exception to enlarge the approved service garage area and a special hearing to amend the previously approved site plans to change the divisional lines between the proposed uses on the property. Denial of the Petitions presently before the Board does not and should not affect the approvals granted pursuant to Case No. 4483RX and 87-274XSPH for the utilization of the property as a service garage.

Petitioner has not sought nor was Petitioner required to seek as part of its requested relief, a new special exception with regard to the continued operation of the service garage previously approved pursuant to Case Nos. 4483RX and 87-274SPH. People's Counsel's argument that the Board based upon the Petitions filed, can or should terminate the Petitioner's previously granted approval to operate a service garage from the subject property is legally incorrect.

From a factual standpoint, Petitioners produced numerous area residents as referred to in Petitioner's Memorandum, including Igor Svec, Mark Wittstadt, Norman Winstead, John McGuinnis, Stanley Stahl, and William Scmuff, Steve Smith, a mechanic who conduct business at the service garage, and a petition in support of Petitioner's requested relief signed by

approximately 248 individuals residing in the area of the subject property. All of Petitioner's witnesses testified in support of not only the continued utilization of the property as a service garage, but also the resumption of fuel service sales use on the property. The Petitioner's witnesses indicated no detrimental effects on the health, safety or welfare of the community as a result of the Petitioner's operation of a service garage use on the property.

Protestants, through their witnesses, produced no credible evidence of detrimental effects from the Petitioner's present service garage use above and beyond those normally associated with similar uses located elsewhere as required for the denial of an application for special exception approval pursuant to Schultz v. Pritts, 291 Md 1, and Mossberg v. Montgomery County, 107 Md App 1, 666 A.2d 1253, (1995). Indeed, when the record before the Board is analyzed, despite the fact that subject property has been used on a regular basis since the late 1950's for a service garage, Protestants produced absolutely no testimony or evidence of detrimental effects on the surrounding community which have occurred throughout the long history of the property's utilization as a service garage throughout that lengthy period of time.

People's Counsel's position that the Board can or should terminate the Petitioner's previously granted special exception approval for the operation of the subject property as a service garage is neither legally nor factually justified.

In its Memorandum, People's Counsel also asserts that the record before the Board establishes "that the 1987 DZC Coxon approval was never utilized by Coxon (or his successor Lykrone) within the statutory time period for a perfection" pursuant to BCZR Section 502.3. To the contrary of People's Counsel's assertions, the record reveals that the only witness produced by the Protestants who testified in relation to the utilization of the subject property between the period of 1987 to 1989 was Dr. McQuaid. Dr. McQuaid testified he "did not recall" used car

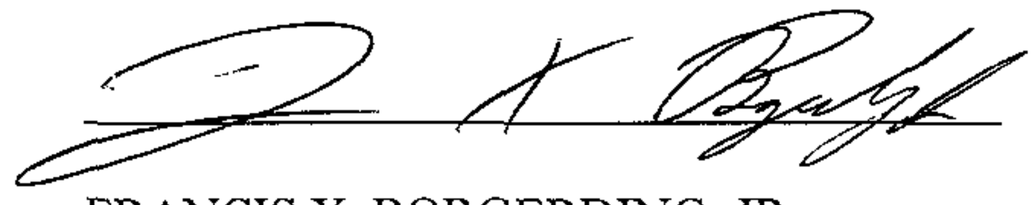
sales occurring on the subject property during that period. Dr. McQuaid gave no testimony as to the utilization or non-utilization of the property during that time as a service garage.

On the contrary, Petitioners produced Igor Svec, a resident of the area since 1959. Mr. Svec indicated that his father had purchased a Rambler automobile from Spicer's garage on the subject property in the early 1960's. Mr. Svec indicated that during the period between 1987 and 1989, both Mr. Coxon and Mr. Lykrone utilized the property for gasoline sales, service garage operation and used car sales.

The testimony and evidence before the Board establishes that special exception granted pursuant to Case No. 87-274XSPH was utilized within the period established pursuant to BCZR Section 502.3.

In conclusion, for the reasons outlined in Petitioner's original and reply memoranda, and based upon the record before the Board, Petitioner's requested special exception, special hearing and variance relief should be granted.

Respectfully submitted,



FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, MD 21204
Attorney for Petitioner,
Donald E. Warrener, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 1999, a copy of the foregoing was ~~mailed, first class postage prepaid~~ Hand delivered, to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Old Court House, Room 48
Towson, Maryland 21204

J. Carroll Holtzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorney for Donald E. Warrener, Jr.
Petitioner

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

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COUNTY BOARD OF APPEALS
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December 2, 1999

County Board of Appeals
of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Case No.: 99-73-SPHXA
Petitioner: Donald E. Warrener, Jr.

Gentlemen/Ladies:

Enclosed please find Petitioner's Reply Memorandum, which is submitted to respond to the assertion of People's Counsel in their Memorandum that the Board, based upon the Petitions for relief now before the Board, can or should terminate the previously granted Special Exception approval for utilization of the subject property as a service garage. This issue was raised for the first time in the above-referenced proceeding in People Counsel's Memorandum.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure
cc: People's Counsel for
Baltimore County
J. Carroll Holtzer, Esquire

12/1/99

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 20227 Old York Road, E/S Old York Road, 70 feet South of West Liberty Road 7th Election District, 3rd Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY
DONALD E. WARRENER, JR. Petitioner	*	Case No. **99-73-SPHXA**

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

PROTESTANTS MEMORANDUM

Maryland Line Area Association and Dr. Richard McQuaid, Protestants, by J. Carroll Holzer, Holzer and Lee, hereby submit this Memorandum as requested by the Board of Appeals and adopts the People's Counsel's Memorandum as their own.

Respectfully submitted,

J. Carroll Holzer

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 1st day of December, 1999, a copy of the foregoing Memorandum was mailed first class, postage pre-paid to Peter Max Zimmerman and to Francis X. Borgerding

J. Carroll Holzer

J. Carroll Holzer

cc: Dr. Richard McQuaid
Marty Hackett

My Documents\Memos\People's Counsel Memo - Warrener

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

1/29/99

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 20227 Old York Road, E/S Old York Road, 70 feet South of West Liberty Road 7th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS FOR
	*	BALTIMORE COUNTY
DONALD E. WARRENER, JR. Petitioner	*	Case No. **99-73-SPHXA**

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

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PEOPLE'S COUNSEL'S MEMORANDUM

STATEMENT OF THE CASE

Introduction

On November 16, 1998, Zoning Commissioner ("ZC") Lawrence Schmidt granted Petitioner a special hearing to allow "continuation" of a special exception for service garage and accessory used car sales operation, but denied a special exception for a fuel service station. He dismissed as moot a variance request relating to the service station landscape transition area.

On December 14, Petitioner appealed "... to the County Board of Appeals from the decision rendered by the Zoning Commissioner in the above-captioned matter..." Because the appeal is framed in general terms, the entire case comes to the CBA *de novo* under Section 603 of the Baltimore County Charter. Indeed, the Board addressed this at the commencement of its hearing and correctly judged the scope of review to encompass all issues.

It is helpful to comment on certain legal points in ZC Schmidt's opinion.

1) The ZC discussed separately the service garage, outdoor used motor vehicle sales area, and service station. But he never focused on the combined or cumulative impact of the three proposed uses. As an integrated whole, the proposal does not satisfy BCZR 502.1.

2) The ZC failed to address new Bill 103-88 statutory use restrictions and special exception standards of the C-R (Commercial Rural) overlay District. The proposal does not meet these standards.

3) The ZC stated, as to used car sales:

> "Interestingly, a used car operation is not permitted as a principal use in this zone (BL-CR), pursuant to the BCZR." Page 4.

But he felt constrained by a January 28, 1987 Order of Deputy Zoning Commissioner ("DZC") Jung to "continue" the "accessory" used car sales for 20 vehicles approved by her. This constraint was unwarranted. The approved "accessory" operation was never utilized, and so lapsed under BCZR 502.3. Moreover, the proposed new use is clearly not accessory, and is disqualified.

4) The ZC focused on the BCZR 405.3 "need" issue relating to the service station. While he correctly found no need, he did not address either the above issues, or others to be identified in this memorandum.

History

Petitioner Donald Warrener, Jr., purchased 20227 Old York Road in 1997. It is 2.24 acres in area, and is split zoned B.L.-C.R. – Business-Local, Commercial-Rural overlay district (1.57 acres) and R.C. 2 – Agricultural (.67 acres).

Since the 1960s, several property owners operated a service garage intermittently. It primarily served the surrounding rural area. There was also a service station, finally abandoned in 1993. There was never a used car sales operation.

In Case 4483-RX (1958), Zoning Commissioner John Rose had reclassified the property from R.6 (Residential) to B.L., with special exceptions for a service garage and service station. The Spicers owned and operated the property from 1962 to 1985. They sold it to the Coxons.

In the Coxon case 87-274-XSPH, DZC Jung clarified the approved uses. The property was by then split zoned B.L.-C.R.. and R.C.2. On January 28, 1987, she approved correction of division lines between the service garage and service station and an accessory used car sales office and area for display of 20 vehicles.

In the 1987-1988 Comprehensive Zoning Map process, the Coxons asked for BR-CR or M.L. zoning for their 2.24 acres (Issue 3-022). But the Council voted in October, 1998 to retain a split between B.L-C.R. and R.C.2, allotting the acreage which still applies today.

Meanwhile, on September 30, 1987, after obtaining the "corrected" special exception approval and filing the rezoning issue, the Coxons sold the property to the Leckrones. Dr. Richard McQuaid testified that the Coxons and Leckrones never utilized the accessory used car sales approval. The Leckrones used the property mainly for their landscaping business, with some gasoline sales. The property began to deteriorate. Junk collected at the rear.

In 1992, Donald Warrener, Sr. purchased the property. He tried to revive the service garage and service station. But he abandoned his service station operation in 1993. By 1995-96, he also shut down the garage.

In 1997, he sold the property to his son, Donald Warrener, Jr., who filed in 1998 the three new zoning petitions here.

Scope of Review; *De Novo*; The Entire Case

The CBA has before it the entire case *de novo*. There is no restriction as to scope of issues which a party may raise. The hearing proceeds anew, as if the ZC decision were nonexistent. Charter Section 603; Boehm v. Anne Arundel County, 54 Md.App. 497 (1983); Hill v. Baltimore County, 86 Md.App. 642 (1991).

There is a way to file an appeal which states and gives notice that the challenge is to a limited part of the ZC Order. See Daihl v. County Board of Appeals, 258 Md. 157 (1970). But the present appeal is not limited. All interested parties were entitled to assume that the entire case came forward, without the necessity for a separate cross-appeal.

The Current Zoning Petitions are Actually New Petitions

Warrener has filed the following zoning petitions:

1. Petition for Special Hearing to:

"amend the site plan as approved in zoning case # 4483RX and 87-274-SPH and to approve a fuel service station area separate from the service garage and used car sales area and to confirm continuation of existing used car sales in light of overall changes proposed by this hearing request."

2. Petition for Special Exception for:

"... a special exception (with special hearing) to enlarge the approved service garage area and to allow the proposed service station office and restrooms...; and... a special exception for a fuel service station use (currently abandoned)."

3. Petition for Variance:

"to allow a 0' landscape transition area (LTA) along the existing used car sales use area, surrounding the service garage area and along Old York Road in lieu of a 10 ft. LTA."

Warrener's petitions actually involve new and revived uses, and a new combination of uses. It is wrong for Petitioner to present this present case as merely a continuation of preexisting or previously approved uses. Moreover, the applicable law and understanding of rural land use has changed. To this, we now turn.

Material Changes in the Zoning Law Since 1987

Since DZC Jung's January 1987 decision, there have been major changes in zoning law *a propos* the issues in this case:

1) In July, 1988, the County Council passed Bill 103-88, a comprehensive ordinance which, sets new use (site) restrictions and special exception standards for the C.R. District. These new District regulations are in BCZR 259.

2) In February, 1990, the County Council adopted the 1989-2000 Master Plan, which targets rural commercial development in village centers and seeks to protect scenic roads.

3) In 1993, the Council passed Bill 172-93, which addresses automotive uses generally and the subject of properties with or near abandoned service stations in particular.

These add significant dimensions to the case, over and above fundamental special exception and variance issues. There is a new appreciation for protection of rural areas and problems caused by proliferation of service stations and other unnecessary strip commercial uses.

Zoning for Used Motor Vehicle Outdoor Sales Area

In the B.R. Zone (Business Roadside), BCZR 236.4 permits by special exception as a principal use a "Used motor vehicle outdoor sales area, separated from sales agency building." This is the only zoning classification which designates this as a permitted main use. It is not in the principal uses enumerated for the B.L. Zone. BCZR 230. The Zoning Commissioner's Policy Manual clearly excludes from the B.L. Zone used car sales areas. See the attached BCZR 270 Chart of uses. The Court of Special Appeals also recognized the particular designation and use limitation in People's Counsel v. County Line, No 1845, Sept. Term, 1994, page 5, attached.

Moreover, there is no proof to link the proposed used car sales with the service garage, or to justify an appellation as "accessory." It is not accessory in character, size, shape, or dimension. Warrener never asserted any connection. Dr. McQuaid aptly observed that the new used car sales operation appears to involve the wholesaling of cars bought at auction. On this record, Warrener

is proposing a separate principal outdoor used car sales area. It is definitely not a continuation of any "accessory" used car sales approved in 1987.

ZC Schmidt had acquiesced to the 1987 approval, as if it "grandfathered" the new use. This also was the impression of current Permit and Development Management ("PDM") staff. Without benefit of a full hearing or legal analysis, PDM issued *pro forma* approval letters. See Petitioner's Exhibit 5.

But, the record shows not only that Warrener's used car sales proposal is new, but also that the 1987 DZC Coxon approval was never utilized by Coxon (or his successor, Leckrone) within the statutory time period for perfection. BCZR 502.3 states:

> "A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void."

The 1987 DZC Order identified the accessory used car sales operation as a distinct element of the approval. It became void because it was not utilized within two years.

The Court of Special Appeals has analyzed utilization or vested rights from this point of view. In Prince George's County v. Equitable Trust Co., 44 Md.App. 272 (1979), the Court held that development and utilization of a commercial building on a .8 acre section of property did not translate to "utilization" of the remaining 11.2 acres. More recently, in Sterling Homes v. Anne Arundel County, 116 Md.App. 190 (1997), the Court held that construction on part of a residential subdivision did not vest the marina proposed for the last stage of the development.

In the present case, there is doubt even as to service garage use by the Leckrones, who took over from the Coxons shortly after the 1987 special exception approval and operated in the 1987-89 time period. There is, in any event, no evidence of any used car operation within the statutory period. Under these circumstances, it is null and void.

1999: A Completely New Case

For all these reasons, and others stated below, the Board of Appeals should approach the current petitions and proposed uses, in combination and separately, as new uses to be evaluated according to current law. Indeed, Petitioner's new site plan, prepared by engineer Paul Lee, sets separate boundaries for each new principal use. Both factually and legally, the Warrener proposal is a new proposal. In form and substance, the current petitions are new petitions.

STATEMENT OF FACTS

The Neighborhood

The property is situated in the rural, sparsely settled area of Trump in northern Baltimore County, close to Pennsylvania. It is on Old York Road (Maryland 439), one property away from the West Liberty Road intersection. It is three miles southeast of the village of Maryland Line. From here, Old York Road runs into Harford County. The closest commercial use in Harford County is about a mile away, in Shane.

Along Old York Road, the subject property and adjoining corner property are the only commercially zoned and used properties between the Maryland Line environs and Shane. The corner property has a multifamily residence, snowball stand, and carryout restaurant. The surroundings are otherwise entirely agricultural, with scattered residences. John Baretta and Barbara Grzincic occupy a nearby residence to the north. There is a church with a child-care facility in the locality, just up West Liberty Road.

A few small residential subdivisions exist in the general area, such as where Martha Hackett lives. But overall, this is a beautiful part of the Maryland Piedmont, with rolling hills and scenic vistas. The Master Plan designates Old York Road as a Scenic Corridor.

Dr. McQuaid used the term "bedroom community". He meant this in the sense that newer residents in this part of the north county tend to commute to Baltimore or Pennsylvania. He did not imply that there is substantial growth in the area, or that it is a high density area.

He produced Zip Code Demographics which reflect the low population. In applicable zip code 21161, the 1997 census projects a 2002 "semi-rural" population of 5490 in a very large section of the northern county. The rate of population growth is nominal.

Moreover, all of the zoning and aerial maps show the rural character in the immediate vicinity of the subject site. The surrounding zoning is RC-2, agricultural, and includes areas dedicated to the Maryland Agricultural Preservation program.

Dr. McQuaid also produced a list and map of 9 active gas stations within 3 to 7 miles of the site, in all directions and with access to convenient destinations, such as Interstate 83, Maryland Line, Parkton, Shrewsbury (Pa.), and New Freedom (Pa.). It shows 11 abandoned stations, including the subject site and the adjoining commercial corner.

Grzincic pointed out that other neighborhood shopping, such as for groceries and convenience items, is situated in village centers and areas close to I-83. For area residents and commuters, these are the customary areas for gasoline and other local shopping.

Particular Adverse Effects

Petitioner's engineer, Paul Lee, gave rote and conclusory testimony that the proposal satisfies BZCR 502.1 special exception standards. He never stated the basis for his conclusions. He never addressed C.R. District use restriction or special exception standards.

Mr. Warrener then gave sketchy testimony as to the proposed uses. He spoke more in terms of hopes or desires rather than specific factual details.

In contrast, citizen protestants -- Grzincic, Baretta, Hackett, and McQuaid -- gave specific testimony to problems particular to this location. Dr. McQuaid also discussed the C.R. District standards. The Board may consult its notes to confirm our observations in this regard. Moreover, Barbara Grzincic, on her own behalf, has prepared a detailed summary or argument, which is attached and incorporated herein by reference.

We may restate the plausible adverse effects in this brief outline:

1. Overcrowding of the property.
2. Inconsistency with the purpose of the surrounding agricultural zone and preservation areas.
3. Visual intrusion in a designated scenic corridor and peaceful rural area, due to the business' size and appearance during the day and disturbing lights at night.
4. Fire hazards to the adjoining residence, nearby farm and downwind rural-residential properties, aggravated by the lack of any nearby fire station.
5. Risks to groundwater, incidental to fuel tank and gasoline use.
6. Vehicular access problems, accentuated by the curve of the road (Maryland 439), limited sight distance to the north, and lack of any shoulders.
7. The danger of test-drives on narrow, winding local roads, especially in view of the church and day care center on West Liberty Road.
8. Depreciation of property values.
9. Offensiveness generally. A nuisance which disturbs enjoyment of property.

C.R. District Impacts

Dr. McQuaid said that the proposal does not meet the general purpose of the C.R. District. It does not function to provide convenience shopping and personal services needed by the rural residential and agricultural population. BCZR 259.2A.

Moreover, he stated (and the site plan confirms) that the proposal fails to satisfy the following specific C.R. District use restrictions found in BCZR 259.3C1-6:

1. The gross floor area is over 6700 square feet, in excess of the 6600 square feet maximum.
2. The side yard use setbacks do not meet (or come close to) the minimum of 15 feet.
3. There is absent the required landscaping.
4. The open and unlimited road access exceeds the limit of two locations.
5. There is no showing that the environmental holding capacity standard is satisfied, either generally or to the satisfaction of DEPRM.
6. There is no showing that the land can support the uses without creating a health or environmental nuisance.
7. The storage area (for vehicles and equipment) exceeds 15% of the lot.
8. The storage area lacks required screening by a fence in association with plantings.

The Master Plan

The Baltimore County Master Plan is required by Section 523 of the Baltimore County Charter. It is adopted by the Council and acts as a guide for the development of the County. It is advisory, and not mandatory. But it is a factor to be considered in zoning cases.

William Hughey, County area planner, discussed the 1989-2000 Master Plan. He pointed to the relevant text and map showing Old York Road as a scenic corridor.

He also introduced page 76, which states there should be only limited urban-type services in rural areas, apart from rural centers (Hereford and Jacksonville) and ten other existing rural villages "to serve as smaller scale nodes for commercial services." The Plan went on:

> "It is important to reassert the policy discouraging "strip" commercial zoning on the rural roads...."

Hughey and others identified Maryland Line and Parkton as villages in northern Baltimore County which provided services, along with Hereford and Jacksonville. Several witnesses also pointed to accessible commercial nodes in western Harford County and southern Pennsylvania.

ARGUMENT

I. The Proposal As a Whole Does Not Satisfy Special Exception Standards

The Law of Special Exceptions: BCZR 502.1

The basic Baltimore County law, BCZR 502.1, is typical of Maryland special exception legislation. It enumerates eight standards (a-h), each of which must be satisfied. It must appear that a proposed use will not, *inter alia*:

> "a. Be detrimental to the health, safety, or general welfare of the locality involved...
>
> b. Tend to create congestion in roads, streets or alleys therein;
>
> c. Create a potential hazard from fire, panic or other dangers;
>
> d. Tend to overcrowd land and cause undue concentration of population;...
>
> g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations..."

Subsections a) and g) are the broadest of these standards, and go further than the more specific standards. They are the foundation for principles developed by the Maryland cases.

The Law of Special Exceptions: BCZR 259.3E

BCZR 259.3E sets new standards for special exceptions in the C.R. District, including:

"1. The Petitioner shall document the need for the development at the proposed location.

2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types, and the configuration of the site. ...

...4. The buildings shall be sited to protect scenic views from public roads...

5. The proposed development will not be detrimental to neighboring uses and the tranquillity of the rural area through excessive noise, and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors."

Special Exceptions in the Court of Appeals

Judge Hall Hammond, later Chief Judge for many years, explained the law of special exceptions in Montgomery County v. Merlands Club, Inc., 202 Md. 279 (1953). It is the seminal case. The more recent decisions are actually restatements or reformations of Judge Hammond's analysis and language. So, in Turner v. Hammond, 270 Md. 41 (1973), Judge McWilliams said:

> "Occasionally the bar and less often the bench lose sight of the concept that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid. *Rockville Fuel and Feed Co. v. Board of Appeals of the City of Gaithersburg*,.257 Md. 183, 187 (1970). The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed, properly albeit *prima facie*, absent any fact or circumstance negating the presumption. *Rockville, supra*. In *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287 (1953), we said:
>
> > '... The duties given the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan.'
>
> While the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements he does not have the burden of showing affirmatively that his proposed use accords with the general

> welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses, is, of course, material but if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an application for a special exception is arbitrary, capricious and illegal. *Rockville, supra.*" 270 Md. 41.

There were many Court of Appeals special exception decisions between 1953 and 1973, all of which followed the path between Merlands Club and Turner v. Hammond.

Chief Judge Hammond's 1970 opinion, Rockville Fuel and Feed Co. v.. City of Gaithersburg, 257 Md. 183 (1970), is also quoted often. Another case, Redden v. Montgomery County, 270 Md. 668 (1974), analyzed particular problems of a proposal for a facility to house the elderly and handicapped. Special exceptions never were routine nor automatic.

More recently, in Board of County Comm'rs. v. Holbrook, 314 Md. 210 (1988), Judge Harry Cole quoted Judge Rita Davidson's landmark opinion in Schultz v. Pritts, 291 Md. 1 (1981):

> "In *Schultz v. Pritts, supra,* this Court determined the applicable standard for judicial review of the grant or denial of a special exception use. We observed:
>
> > 'The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible **absent any fact or circumstance negating the presumption**. The duties given the Board are to judge whether the **neighboring properties in the general neighborhood would be adversely affected** and whether the use in the particular case is in harmony with the general purpose and intent of the plan.'
>
> * * *
>
> 'The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the

matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. *Turner v. Hammond*, 270 Md. 41, 54-55 (1973); *Rockville Fuel and Feed Co. v. Board of Appeals of Gaithersburg*, 257 Md. 183, 187-88 (1970); *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287 (1953); *Anderson v. Sawyer*, 23 Md.App. 612, 617 (1974). These standards dictate that if requested special exception use is properly determined to have an adverse effect upon neighbors properties in the general area, it must be denied.' 291 Md. at 11-13, 432 A.2d 1319 [emphasis in original.]

We then defined the specific nature of the requisite adverse impact required to warrant denial of a special exception application:

> '[A] special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is **whether there are facts and circumstances that show that the particular use proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.**'" 291 Md. at 15 [emphasis supplied]. 314 Md. at 216, 217.

It is important to recall what led Judge Davidson to write the Schultz opinion. She wrote to reject the Court of Special Appeals view that a special exception use must be approved if it can be shown that its adverse effects are no worse than some use permitted by right in the zone. Her simple point was that a special exception use could be denied based on particular problems because the legislature intended stricter scrutiny than that provided for permitted uses.

Schultz did not envision routine or semi-automatic approval of special exceptions. The decision remanded the matter for a review of particular access problems. Similarly, Holbrook respected the Zoning Board's administrative denial of a special exception, based just on a particular visual intrusion and detriment to the character of the neighborhood.

Recent Court of Special Appeals Applications

Since Holbrook, there have been a number of special exception decisions issued by the Court of Special Appeals which apply the above standards and are helpful here.

People's Counsel v. Mangione, 85 Md.App. 738 (1991) sustained this Board's denial of a convalescent home in a residential zone based on particular problems site problems above the norm for residentially zoned properties. It was off the main road and had poor access on narrow winding streets where children played. It would block out light from the west and exacerbate both drainage and erosion problems.

Mangione shows that the proposed use need not give rise to a worst case scenario, or mathematical demonstration, to warrant denial. There were many other residential zones in Baltimore County which also would pose particular and unusual problems.

Mangione, fn. 6, also confirms that under BCZR 502.1:

> "The size and scope of the project are thus relevant considerations. To contend otherwise... is to engage in specious and sophistic reasoning."

The Court likewise sustained a denial of a special exception for a rubble fill. Moseman v. Prince George's County, 99 Md.App. 258 (1994). The factors particular to the site included the presence of an existing rubble fill across the street, a narrow and winding access road, the proximity of single family homes, highly erodible soils, risks to well water, and depreciation of property values.

There was no indication that the Moseman site was the worst site in Prince George's County. There may have been other sites as bad or worse. There could have been proposed a larger or more hazardous landfill. But the potential for worse case or worst case scenarios did not require approval at this location.

Moreover, the cumulative impact of two rubble fills in the same area was a legitimate factor probative of particular adverse effects above the norm.

In Mossburg v. Montgomery County, 107 Md.App. 1 (1995), the Court reversed the denial of a special exception for a solid waste transfer station in a heavy industrial zone. Unlike Mangione, the Southlawn Lane industrial corridor of Rockville at issue was one of only four I-2 heavy industrial zones in the entire county where such a use could be located.

The evidence showed clearly that potential problems associated with this transfer station site were no worse than in any of the other three I-2 zones. The site was on a main road. It drained into the same general watershed as these other industrial zones. It also adjoined heavier industrial uses which drained into the same creek. Mossburg is the classic case of a proposal which did not pose problems uncommon to the use in the zone generally.

In Hayfields, Inc. v. Valleys Planning Council, 122 Md.App. 616 (1998), the Court remanded, on environmental grounds, the Board's approval of a country club/golf course special exception. It rejected the Board's reasoning that the proposal should be approved merely because there were other properties underlain by the Cockeysville Marble aquifer which also could be vulnerable. 122 Md.App., at 649-55.

The Board had granted the special exception because it thought there were other locations in the zone which plausibly could suffer adverse environmental effects equal to or worse than the

subject site. But this is not the standard. The standard is simply whether the subject site poses problems over and above the norm for the entire zone.

Application of the Law to the Present Case

The Warrener proposal, in its entirety, fails to satisfy BCZR 502.1 standards.

First of all, the particular adverse effects listed in the statement of facts are undisputed. The testimony and photographs indicate overcrowding, visual intrusion, disturbing night lights, fire hazards, risks to groundwater, and dangerous road conditions (affecting access and test drives). They are particular to the location for a number of reasons. This is a low density area where agricultural zoning predominates. It is peaceful. This is a scenic corridor. There is a curve in the road. There is a church and day care up West Liberty Road.

Secondly, the adverse effects as a whole show inconsistency with the purposes both of the C.R. District and the surrounding R.C. 2 Zones. The proposal fails to satisfy numerous BCZR 259.3C use restrictions. Moreover, there was no proof to satisfy the additional special exception standards of BCZR 259.3E. *These glaring deviations and omissions are themselves grounds for denial of the special exception.*

Thirdly, the adverse effects associated with this location and site are clearly above and beyond those associated with commercially (B.L.) zoned sites which are in rural centers or villages, are larger in size, are closer to fire companies, are not in the middle of a beautiful part of a scenic agricultural corridor, have better road access, and generally are not offensive. These include Maryland Line, Parkton, Hereford, and Jacksonville. By analogy, there could be added Shane in Harford County, and Shrewsbury and New Freedom in Pennsylvania.

Fourthly, the adverse effects reflect inconsistency with the 1989-2000 Baltimore County Master Plan. *While this does not mandate disapproval of a special exception, it is a legitimate*

factor to be considered. See People's Counsel v. Webster, 65 Md. App. 694 (1986). Here, the inconsistency merely corroborates the particular adverse effects already identified.

Fifthly, the size and scale of the proposal, and its concomitant problems, are reminiscent of the problems in the Mangione case. Meanwhile, the cumulative nature of the uses both onsite and in conjunction with the adjoining site are factors deserving of consideration under Moseman.

From virtually any point of view, the proposed zoning approval in its entirety fails to satisfy BCZR 502.1, together with BCZR 259. It may be that the service garage by itself could be approved under a properly framed site plan. But the plan here for a combination of service garage, used car sales area, and service station does not comply with the law.

II. The Used Car Sales Area Is Not Allowed

BCZR 102.1 provides:

> "No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations."

In Kowalski v. Lamar, 25 Md.App. 493 (1975), the Court of Special Appeals analyzed the structure of the Baltimore County Zoning Regulations. As is customary around the country, there is permitted in each zone only "... those designated as uses permitted as of right and uses permitted by special exception."

Here, for reasons given earlier, the proposal includes a new principal use for outdoor used car sales area. It is separate in function and location from the other uses with which it combines. It is substantial. It contributes to the particular adverse effects in a major way. It is not accessory.

As also shown earlier, the Business-Local Zone does not designate used car sales among its permitted uses by right or special exception. BCZR 230. Rather, it is specifically listed in the special exception category under the B.R. zone. BCZR 236.4.

Under these circumstances, the Court of Appeals has rejected more attractive arguments for "accessory use" or "permitted use" status. See Kowalski, *supra*; Arundel Supply Co. v. Cason, 265 Md. 371 (1972); Smith v. Miller, 249 Md. 390 (1968). Where a specific use is enumerated in a particular zone, especially by special exception, the Court will not allow it to be imported indirectly under the umbrella of some broader category identified in another zone.

The B.L. Zone allows new car dealerships which incidentally sell used cars. But it does not allow the specifically designated use of "Used motor vehicle outdoor sales area..." The BCZR recognize that new and used car sales uses are different in appearance and impact. The Council has chosen a more restrictive approach to used car lots.

Therefore, the used car sales area is not permitted in any event.

III. There Is No Need for the Proposed Uses

Since 1967, BCZR 405 has included a "need" criterion for automotive or fuel service stations. In 1993, Bill 172-93, created a rebuttable presumption that there is "no need for the proposed use" where there is an abandoned service station "within a one-half mile radius, or two such stations within a one mile radius..." BCZR 405.3. BCZR 405.8 states:

> "*One of the purposes of this subsection is to promote the conversion* of vacated fuel service stations to other uses..."

Concomitantly, in BCZR 259.3.E.1 the C.R. District now includes the following requirement for the granting of any special exception:

> "1. The Petitioner shall document the need for the development at the proposed location."

Here, Petitioner attempted to prove the need for the service station. But he ignored the C.R. District requirement to document the need for any proposed special exception use. This failure is yet another reason to reject the service garage and used car sales uses.

As to need for the service station, there was considerable testimony on both sides. The thrust of Petitioner's expert Sherwood was:

1) That there was a demand for gasoline in his defined primary market area, which he defined as extending to a 2.5 mile radius; and in the trade area of 4 miles;
2) That there were no service stations in the primary market area; and
3) That there explanations for the recent closure of service stations at and near the subject site, which had nothing to do with demand.

But there is a difference between "demand" and "need." Even if we assume that a station here could sell gasoline profitably, that does not prove existing service is inadequate. For a station to succeed here, it likely would cut sharply the sales at existing stations. It could force existing stations out of business, causing blight somewhere else.

This is a rural area. There has been little population growth in recent years. Residents travel substantial distances even for convenience shopping. Many residents pass service stations in the course of daily commuting to Baltimore or Pennsylvania.

There are already 9 service stations within 7 miles of the subject site, with several at Maryland Line, Parkton, Shane, Shrewsbury and New Freedom. There are 11 abandoned stations. Petitioner's stories about other reasons for closure of a few of these stations goes only so far.

The sheer number of abandoned area stations suggests that existing stations provide adequate service. There is no evidence of substandard gasoline service, much less any gasoline crisis in northern Baltimore County or the Trump area.

To be sure, some nearby residents might find it convenient to buy gasoline from Petitioner. They may support his request. But that is a far cry from proving that there is an actual need for a service station in the very area where two were so recently closed.

The "need" requirement goes hand in hand with the legislative intent to convert abandoned service stations to more appropriate uses. That is what should happen here.

The Variance

Petitioner has also requested a setback variance from service station landscape transition area standards. But Petitioner has not proven that the property is "unique" under BCZR 307. Cromwell v. Ward, 102 Md.App. 691 (1995). Nor has Petitioner proven "practical difficulty," in line with criteria set forth in McLean v. Soley, 270 Md. 208, 214 (1973). From the point of view of area and setbacks, Petitioner is simply overcrowding the site.

The failure to meet service station area standards adds to, or compounds, the more basic failure to meet special exception standards and use restrictions outlined earlier in this brief.

Conclusion

This is a new case factually and legally. As to all the proposed uses, even the service garage, the 1990 Master Plan and 1988 C.R. District standards add new legal criteria and standards.

Upon this record, the proposed uses and site plan do not meet special exception standards and use restrictions for the B.L. Zone and the C.R. overlay District. The proposed uses fail in combination. They also fail separately for various reasons given above.

The service garage seems the least controversial of the proposed uses. It may be that, with a proper site plan and supporting evidence, the Petitioner could prove compliance with special exception and C.R. District standards for the service garage. But that is for another day, another plan, and another case. He has not proven it here. Moreover, there are legitimate concerns about the dumping of drums, trash, and vehicles at the rear of the site.

In this context, prior 1987 approval and operation of the service garage is immaterial. That approval predates the new legal standards. Petitioner has not asked to establish a nonconforming use vis-à-vis the new standards and restrictions. Rather, he has asked for a new special exception approval. Anyway, the service garage was closed for over a year. This would appear to have terminated any nonconforming use.

To be sure, the more controversial uses are the used motor vehicle sales area and the service station. Upon this record, the CBA should deny them both. Moreover, for all of the legal and mixed legal/factual reasons stated in our argument, it does not appear that any new or amended plan could properly satisfy currently applicable standards.

In sum, the CBA should deny the Special Hearing, Special Exception, and Variance. We would not oppose a statement that the denial is without prejudice to Petitioner's filing a new petition and site plan for a special exception for a service garage only.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 1999 a copy of the foregoing People's Counsel's Memorandum was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner, and to J. Carroll Holzer, Esq., 508 Fairmount Avenue, Towson, MD 21286, attorney for Protestants.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

11/22/99

IN RE: Petitions for Special Hearing, Special Exception and Zoning Variance ES Old York Road, 70 feet S of W. Liberty Road 20227 Old York Road Seventh Election District 3rd Councilmanic District	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR
	*	BALTIMORE COUNTY
	*	Case No.: 99-73-SPHXA
DONALD E. WARRENER, JR.	*	
Petitioner	*	

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

MEMORANDUM IN SUPPORT OF PETITIONER'S CASE

Donald E. Warrener, Jr., Petitioner, by and through counsel, Francis X. Borgerding, Jr., submits this Memorandum in Support of his case and says:

I. RELIEF REQUESTED

Petitioner has filed Petitions before the County Board of Appeals requesting the following relief:

1. A Special Hearing to amend the site plan as approved in zoning case number 4483RX and 87-274SPH and to approve a fuel service station area separate from the service garage and used car sales area and to confirm a continuation of the existing used car sales in light of overall changes proposed by this hearing request.

Delivered to CBA 11/22/99 @ 3:45 pm

2. A Special Exception (with Special Hearing) to enlarge the approved service garage area and to allow proposed service station office and restrooms with water and compressed air for customers in its building and a special exception for a fuel service station use (currently abandoned).

3. Variance from Section 405.4.A.2.b of the Baltimore County Zoning Regulations (herein BCZR) to allow a 0 foot landscape transition area (LTA) along the existing used car sales area, surrounding the service garage area and along Old York Road.

II. TESTIMONY

The County Board of Appeals for Baltimore County (herein the "Board") conducted three days of testimony with regard to the above-captioned case. Petitioner produced numerous witnesses, including expert testimony from Mr. Paul Lee, licensed professional engineer, and Mr. John R. Sherwood, III, who was accepted by the Board as an expert in market needs analysis, including fuel service station needs analysis. Petitioner also produced lay testimony from witnesses, including Petitioner, Donald E. Warrener, Jr., Mr. Igor Svec, an area resident, Mr. Steve Smith, a mechanic, who conducts business at the service garage on the subject property, William Grevey,

motor fuels marketing manager for Southern Maryland Oil Company, and numerous residents of the area in which the subject property lies, including Mark Wittstadt, Raymond Winstead, John McGinnis, Stanley Stahl and William Scmuff.

Protestants produced lay residents, Martha Hackett and Barbara Grzincic, Dr. Richard McQuaid of the Maryland Line Association, and William Huey, area planner from the Baltimore County Planning Office.

Mr. Paul Lee was accepted by the Board as an expert professional engineer. After illustrating the property's location on Petitioner's Exhibit Number 1, a copy of the one thousand scale zoning map for northeastern Baltimore County, Mr. Lee explained that the subject property's zoning was B.L.-C.R. with a small area of R.C. 2 in the rear portion of the lot. Mr. Lee indicated that that property was adjacent to another lot zoned B.L.-C.R. which is on the corner of Old York Road (Maryland Route 439) and West Liberty Road. Mr. Lee entered into evidence Petitioner's Exhibit Number 2, a plat he prepared in relation to the subject property and the proposed uses thereon. Mr. Lee referred to the descriptions of the areas of the plat to be used as a service garage, used car and truck sales area, and proposed fuel service station area which are

referred to as descriptions 1 through 4 on his plat. Using his plat Mr. Lee described how the proposed fuel service use would function and illustrated the location of the fuel service pumps, stacking areas for traffic, office and restroom facility, as well as ingress and egress from the site. Using Petitioner's Exhibit Number 2, Mr. Lee explained the areas in which the Petitioner was requesting a variance from the landscaped transition area, as well as the necessity for granting such a variance.

Mr. Lee further testified about the zoning history of the subject property as indicated on General Note 14 of Petitioner's Exhibit Number 2. Mr. Lee explained that pursuant to case number 4483RX, a Special Exception for Gasoline Service Station and Service Garage was granted on the subject property, as well as changing of the property's zoning from R.C. 6 to B.L. in 1958. Mr. Lee further explained that pursuant to case number 87-274SPH Service Garage Expansion and Division Line Corrections were granted, as well as approval given for sales of used cars and trucks. Mr. Lee introduced Petitioner's Exhibits 5a-e which were letters from counsel for the Petitioner to the Director of Department of Permits and Development Management, as well as responses thereto regarding the Department's position as to the

Petitioner's continued utilization of the property for the sale of used vehicles.

Mr. Lee explained that the Petitioner proposed no enlargement of the present structures located on the property pursuant to Petitioner's requested relief. Mr. Lee further testified that the proposed fuel service station use, in his opinion, would be compatible with the surrounding area where the subject property lies. Mr. Lee indicated that the relief requested by the Petitioner meets all the requirements of Section 405 of the BCZR with the exception of the landscape transition area variance being requested. Mr. Lee testified in his opinion that the Petitioner's proposed use of the property, per its requested relief, would not in any way be detrimental to the health, safety or welfare of the surrounding locality. Mr. Lee further testified that in his opinion the Petitioner's proposed use would not create congestion in the roads, streets or alley ways of the area. Mr. Lee testified that the Petitioner's proposed use would not create a potential hazard from fire, panic or other danger. Mr. Lee testified that the Petitioner's proposed use would not tend to over crowd land or cause undue concentration of population, interference with adequate provisions for schools, parks, water, sewerage,

transportation or other public requirements, conveniences or improvements, interfere with adequate light and air, be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations, nor be inconsistent with the impermeable surface or vegetative retention provisions of the BCZR. Mr. Lee testified that Petitioner's proposed use would not conflict with any of the requirements of Section 502.1 of the BCZR. Mr. Lee further reviewed the comment issued by the Baltimore County Office of Planning and Zoning. He indicated after his review that the comment from the Baltimore County Office of Planning and Zoning in no way changed his professional opinion that the proposed fuel service station use was appropriate for the subject location.

In relation to the Petitioner's requested variance from Section 405.1.A.2b of the BCZR, Mr. Lee illustrated on Petitioner's Exhibit Number 2 that the required 15 foot landscape transition area was being fully provided on the southern boundary of the property, as well as on the eastern boundary of the B.L.-C.R. zoned portion of the property and on the northern boundary of the property with the exception of the area of the property used for the sale of used cars which abuts

the adjacent B.L.-C.R. zoned property. Further, Mr. Lee indicated that the variance was being requested in the area of the western boundary of the property which abuts and provides access to Old York Road, as well as between the use division lines on the property. Mr. Lee indicated that a landscape transition area around the service garage area as illustrated on Petitioner's Exhibit Number 2 is not feasible or necessary to fulfill the spirit and intent of Section 405.4.A.2.b In addition, Mr. Lee testified that a variance was required along the northern border of the property only in the area historically used for used car sales which is bordered by similarly zoned B.L.-C.R. property. Mr. Lee further testified that the variance was necessary along the property's frontage along Old York Road to provide for ease of ingress and egress. Mr. Lee testified that the property's unique characteristics relating to its history of utilization for service garage, used car sales and fuel service uses combined with its proximity to adjacent similarly non residential B.L.-C.R. zoned property and Maryland Route 439 necessitated the requested variance request. Mr. Lee testified that if the variance was not granted the Petitioner would suffer practical difficulty and unreasonable hardship. Mr. Lee further testified that the variance would

provide the Petitioner with substantial relief in the utilization of his property. Mr. Lee further testified that if the variance was granted, in his opinion, there would be no harm to the health, safety or welfare of the surrounding community.

Petitioner, Donald E. Warrener, Jr., testified. Mr. Warner indicated he purchased the subject property from his father in August of 1997. Mr. Warrener indicated he had lived in and been familiar with the subject area since 1980. Mr. Warrener described the present use of the subject property as a service garage and used car and truck sales area. Mr. Warrener described the area in which the subject property lies indicating that Maryland Route 439 is a heavily traveled road which runs through the area. Mr. Warrener indicated that he was requesting approval of fuel service sales on the subject property because he felt there was a need in the surrounding area. Mr. Warrener indicated that through discussions with residents of the area, he believes there is a strong demand for gasoline sales at the subject location. Mr. Warrener presented to the Board, marked as Petitioner's Exhibit Number 6, a Petition signed by approximately 248 area residents who support the Petitioner's requested relief for a special exception for a fuel service station at the subject property. Mr. Warrener indicated that if

his requested relief was granted, he would spend over $100,000.00 in improvements on the subject property. Mr. Warrener indicated that the property has two 8,000 gallon gasoline tanks for gasoline service, as well as a 10,000 gallon tank for diesel fuel service. Mr. Warrener indicated that the tanks were previously inspected by Mike Frank, of the Maryland Department of the Environment. Mr. Warrener further indicated that if the requested relief is granted, the property would be reinspected by the Maryland Department of Environment and made to comply with all Maryland Department of Environment regulations, as well as all other federal and state regulations with regard to the operation of a fuel service station. Mr. Warrener indicated he was not aware of any detrimental affects on the surrounding area that were caused by the previous fuel service uses on the subject property. Mr. Warrener further testified that he did not feel that the proposed fuel service use would cause any detrimental affects on the health, safety or general welfare of the surrounding community. Mr. Warrener testified that he did not believe that the proposed use would cause congestion of the roads, streets or alley ways of the surrounding area.

Mr. Warrener testified that if the variance was not granted in relation to the landscape transition area, he would suffer practical difficulty and unreasonable hardship. He testified that the granting of the variance would provide him with substantial relief.

Mr. Warrener indicated that in recent years the area in which the subject property lies had increased in population and traffic. Mr. Warrener indicated that he has been in contact with several potential gasoline suppliers. He testified that he has had serious discussions with Southern Maryland Oil Company. Mr. Warrener produced for the Board's consideration Petitioner's Exhibits 7 and 8 which were marked for ID at the time of his testimony. These documents were later admitted into evidence during the testimony of Mr. William Grevey of Southern Maryland Oil Company. The documents consisted of a letter of intent from Southern Maryland Oil Company, as well as a feasibility report for gasoline sales in the area, conducted by Southern Maryland Oil Company.

Petitioner also called Mr. Igor Svec. Mr. Svec indicated he resided approximately a mile and a half from the subject property. Mr. Svec indicated that he had lived in the area since 1959 and he had been familiar with the subject property

since that time. Mr. Svec, in fact, indicated that his father had purchased a Rambler automobile from Spicer's Garage on the subject property in the early 1960's.

Mr. Svec indicated that he worked for Carroll Independent Fuel Company from 1984 to 1986. He indicated that pursuant to his work with Carroll Independent Fuel he was responsible for evaluating potential new gasoline service sites and servicing existing gasoline service sites. Mr. Svec indicated that his territory covered northern Baltimore County. Mr. Svec testified about past gasoline service uses in the area which were conducted at property known as Pittman's and at a store located adjacent to the subject property. Mr. Svec indicated that from his perception the uses ceased as a result of new Environmental Protection Agency regulations which came effect in the 1980's which imposed new strict standards on gasoline storage tanks. Mr. Svec indicated that he was contacted by Steve Lycrone in his capacity working for Carroll Independent in 1987 or 1988. At that time, Carroll Independent installed gasoline tanks on the subject property and gasoline was sold from the property. Mr. Svec indicated that Mr. Lycrone sold gas from the subject property, operated a service garage, sold used cars and trucks on the property. Mr. Svec indicated that Mr. Lycrone leased the

subject property to Mr. Ralph Coxon for a period of time who conducted similar uses on the property. Mr. Svec indicated that Mr. Lycrone took back the property's operations back from Mr. Coxon and continued gas sales, service garage operations and used car sales from the subject property. Mr. Svec indicated that in approximately 1991, as a result of a divorce, Mr. Lycrone sold the property through public auction. At that time Donald E. Warrener, Sr. purchased the property and continued gasoline sales, service garage operations and the sales of used cars and trucks on the subject property. Mr. Svec indicated that Mr. Warrener leased the gas sales operation to his daughter and son-in-law, and was forced to take the operation back after their failure to operate and conduct the business properly. Mr. Svec further indicated that after taking the gasoline sales operation back from his daughter and son-in-law, Mr. Warrener, was not very enthusiastic about gas sales operations. According to Mr. Svec after some time the relationship between Donald E. Warrener, Sr. and Carroll Independent Fuel deteriorated, Donald E. Warrener, Sr. thereafter ceased the sale of gas on the property in 1993.

Mr. Svec indicated that the tanks on the subject property were two 8,000 gallon gasoline tanks and one 10,000 gallon

diesel tank. Mr. Svec indicated that the tanks were put in by Carroll Independent Fuel and comply with the EPA regulations enacted in the 1980's. Mr. Svec testified that to the best of his knowledge the tanks meet all current EPA requirements. Further, Mr. Svec indicated that the tanks in place can receive full tractor trailer loads of fuel which is important for an effective gasoline sales operation.

Mr. Svec indicated he was in support of the request for a fuel service station on the subject property and he felt there was a need in the community for such use. Mr. Svec indicated that since gasoline fuel service had stopped at the subject property he was approached by many individuals who reside in the area in light of his former position with Carroll Independent Fuel and asked when gasoline sales might resume from the subject property. Mr. Svec indicated that the area had undergone an increase in population and traffic in the recent years which would increase the need for gasoline sales. Mr. Svec indicated that gasoline sales from the subject property would be more convenient than other available locations, including Pennsylvania. He stated that he believed that the lack of fuel service in the area contributed to residents of northeast

Baltimore County spending their tax dollars buying gas in Pennsylvania rather than in Maryland.

Petitioner also called Steve Smith. Mr. Smith indicated his occupation is that of an auto mechanic. Mr. Smith indicated that he works on automobiles and light trucks from the service garage on the subject property. Mr. Smith also indicated that he is a Maryland licensed car inspector. Mr. Smith indicated he is the only Maryland licensed car inspector in the area in northern Baltimore County. Mr. Smith indicated that during the period of time that he has worked on vehicles on the subject site he has consistently worked on vehicles which are eventually sold from the used car sales area on the subject property. Mr. Smith indicated that he customarily inspects vehicles to be sold on the used car sales area, as well as conducts any needed repairs on said vehicles.

Petitioner also called Mr. William Grevey, Motor Fuels Marketing Manager of Southern Maryland Oil Company. Mr. Grevey indicated he had 25 years experience in gasoline sales. Mr. Grevey indicated that part of his responsibilities for Southern Maryland Oil Company is to evaluate potential new locations for fuel service uses. Mr. Grevey indicated that he had become aware of the subject property and its potential for fuel service

use. Mr. Grevey indicated that he had met with Mr. Warrener, and become familiar with the property. He testified he then began to attempt to evaluate the market potential for gasoline sales at the subject site. Mr. Grevey indicated that his review included a Texaco "starfire" report to determine potential gasoline sales from the subject property. Mr. Grevey further indicated that based upon his review, as well as his experience in the field that he believed the subject property was an appropriate location for gasoline fuel service sales. Mr. Grevey identified previously marked Petitioner's Exhibits Nos. 7 and 8 indicating that Petitioner's Exhibit 7 was a letter of intent he had sent to Petitioner after conducting his review of gasoline sales from the subject property. In addition, Mr. Grevey identified Petitioner's Exhibit No. 8 which consists of a cover letter and the starfire report evaluating potential gasoline sales from the subject property. Both exhibits were then entered into evidence.

Mr. Grevey testified, that based on his experience in the fuel service business, he feels that a gasoline service station will be successful from the subject property.

Petitioner also called as an expert witness, Mr. John R. Sherwood, III, President of the Sherwood Consultancy. After

reviewing Mr. Sherwood's education and experience, he was accepted as an expert in market analysis, including fuel service station market needs analysis. Mr. Sherwood testified that he was familiar with the current and intended uses of the property. Mr. Sherwood testified that he discussed the intended uses with Mr. Warrener, the Petitioner. Mr. Sherwood explained that he conducted a market needs analysis for a fuel service station in relation to the subject property. Mr. Sherwood testified extensively about how his analysis was conducted, as well as the results of that analysis. Mr. Sherwood submitted his report detailing the basis and findings of his analysis which was entered into evidence as Petitioner's Exhibit Number 10. Pursuant to Mr. Sherwood's market needs analysis it is his professional opinion that there is a need for a gasoline fuel service station use from the subject property.

Mr. Sherwood was also called as a witness on rebuttal after Protestants' witnesses had testified. At that time he testified that the testimony produced by the Protestants in no way changed his professional opinion that there was a need for a gasoline fuel service station use at the subject site.

Petitioner also produced numerous other residents of the area, including Mark Wittstadt, Raymond Winstead, John McGinnis,

Stanley Stahl and William Scmuff. Said residents testified that they were in support of the proposed gasoline fuel service station use at the subject site and that they felt there was a need in the area for such a use. Further, they testified that they did not feel that the use would be in any way harmful to the health, safety or welfare of the surrounding area.

Protestants produced area residents, Martha Hackett and Barbara Grzincic. Both individuals testified they were opposed to Petitioner's proposed use. Mrs. Hackett expressed general concern for the proposed use's impact on ground water. Ms. Grzincic expressed concern about light coming from the proposed use at night and potential fire danger from the proposed use. Ms. Grincic indicated on cross-examination, however, that if she lived anywhere and was within the same proximity to a proposed fuel service station use she would have similar concerns.

Petitioners also produced William Huey, area planner, with Baltimore County Office of Planning who testified in relation to the office's comment with regard to the subject case. Mr. Huey testified that Maryland Route 439, which the subject property lies, is classified as a scenic corridor. Mr. Huey testified on cross-examination that the guidelines for classifications in the Baltimore County Master Plan such a scenic corridor are advisory

and not mandatory. Further, Mr. Huey referred to the one thousand scale zoning map for the area in which the subject property lies which indicated that there are several pieces of commercial or industrial zoned property along Maryland Route 439 between I-83 and Harford County.

Protestants also called as a witness, Dr. Richard McQuaid, of the Maryland Line Community Association. Dr. McQuaid testified in opposition to Petitioner's proposed use. Dr. McQuaid produced a map marked as People's Counsel Exhibit Number 13 which attempted to illustrate past and present service station uses in northern Baltimore County, as well as the adjacent sections of Pennsylvania. Dr. McQuaid testified about the area surrounding the subject property and produced photos of the subject property. Dr. McQuaid testified that he felt there was no need for a fuel service station use at the subject property. He testified about the potential concern with regard to environmental issues emanating from the proposed use and the potential of fire. Upon questioning by People's Counsel, Dr. McQuaid indicated that he would have similar concerns about fuel service stations located within a rural village, such as the Maryland Line. Dr. McQuaid further indicated that his

association was apparently trying to get rid of some of the commercial zoning in Maryland Line.

Dr. McQuaid testified in regard to the area, that the area was becoming a bedroom community in light of more commuters moving in. Dr. McQuaid testified that most of the commuters worked in the Baltimore area. On cross-examination, Dr. McQuaid conceded that commuters have a greater need for gasoline than individuals who work at or near their homes. Further, Dr. McQuaid indicated that the population and traffic had been increasing in the area for some time.

Dr. McQuaid indicated that he had no educational background or training in market need analysis. In relation to People's Counsel Exhibit Number 13, Dr. McQuaid indicated he had not prepared similar maps for any other areas in Baltimore County and could not testify as to whether or not similar maps of other areas of Baltimore County would indicate similar amounts of abandoned fuel service station uses. Further, Dr. McQuaid testified he did not investigate the circumstance of the closures of abandoned fuel service stations listed on People's Counsel Exhibit Number 13. Dr. McQuaid testified about barrels being stored on the R.C. portion of Petitioner's property and conceded he was unaware of whether or not they had been removed

by the Petitioner as of the time of hearing. Dr. McQuaid further testified that he had no training or educational background with regard to traffic.

III. ARGUMENT

A. Petitioner's Request for Special Exception for Fuel Service Station and to Enlarge the Approved Service Garage Area and to Allow Proposed Service Station Office and Restrooms with Water and Compressed Air for Customers in its Buildings Should be Approved.

Petitioner produced expert testimony from Paul Lee who testified that the Petitioner's proposed use of the property for a fuel service station and to enlarge the approved service garage area meets all the standards in Section 502.1 of the BCZR. Mr. Lee testified the Petitioner's proposed use would not be detrimental to the health, safety or welfare of the locality in which the subject property lies. Mr. Lee testified that Petitioner's proposed use would not tend to create congestion on the roads, streets or alley ways of the subject locale. That the proposed use would not tend to create a potential hazard from fire, panic or other danger. Petitioner's proposed use would not tend to over crowd the land and cause undue concentration of population and that the Petitioner's proposed use would not conflict with any of the other requirements of Section 502.1.

Mr. Lee testified that the Petitioner's proposed use called for no enlargement of the present structures located on the property. Further, Mr. Lee testified that in his opinion the Petitioner's proposed fuel service station use would be compatible with the surrounding area where the subject property lies. Mr. Lee indicated that the relief requested by the Petitioner met all the requirements of Section 405 of the BCZR with the exception for the landscape transition area variance being requested. Mr. Lee testified that in his opinion Petitioner's proposed use of property pursuant to its requested relief would not in any way be detrimental to the health, safety or welfare of the surrounding locale.

The Petitioner, Donald E. Warrener, Jr., testified. Mr. Warrener indicated that he did not feel that the proposed fuel service use would cause any detrimental effects to the health, safety or welfare of the surrounding community. Mr. Warrener testified that he did not believe the proposed use would cause congestion to the roads, streets or alley ways of the surrounding area.

Mr. Warrener indicated that the subject property had previously been inspected by Mike Frank from the Maryland Department of the Environment. Mr. Warrener further indicated that if the

requested relief is granted, the property would be reinspected by the Maryland Department of the Environment and made to comply with all Maryland Department of the Environment regulations, as well as all other federal and state regulations with regard to the operation of a fuel service station.

Mr. Warrener also testified that he was not aware of any detrimental affects that were caused to the area by the previous fuel service station uses on the subject property.

Petitioner's other witnesses, including Igor Svec and other neighbors of the area, including Mark Wittstadt, Raymond Winstead, John McGinnis, Stanley Stahl and William Scmuff testified in support of the Petitioner's requested use of the property as a fuel service station and testified that they did not feel that the Petitioner's proposed use would have detrimental affects on the health, safety, or general welfare of the surrounding community.

> "the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Turner, 270 Md. at 54-55, 310 A.2d at 550-51; Deen, 240 Md. at 330-31, 214 A.2d at 153; Anderson, 23 Md. App. at 617-18, 624-25, 329 A.2d at 720, 724. Schultz v. Pritts, et al ., 291 Md. 1 (1981) at 22-23."

"The legislative body, by designating the special exception, has deemed it to be generally compatible with the other uses. In special exception cases, therefore, general compatibility is not normally a proper issue for the agency to consider. That issue has already been addressed and legislatively resolved. Moreover, it is not whether a use permitted by way of a special exception will had adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency. As Judge Davidson opined in Schultz:

[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Id. at 22-23, 432 A.2d 1319 (emphasis added). The question in the case sub judice, therefore, is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at this proposed location. Certainly, it will and those adverse effects are contemplated by the statute. The proper question is whether those adverse effects are above and beyond, i.e., greater here than they would generally be elsewhere within the areas of the County where they may be established." Mossburg v. Montgomery County, 666 A.2d 1253 (1995) at 8-9.

Protestants produced no expert testimony relating to any asserted detrimental affects from Petitioner's proposed use of the property as a fuel service station. Martha Hackett and

Barbara Grzincic expressed concern about the Petitioner's proposed use relating to issues such as potential impact upon ground water, light emanating from the proposed use at night, potential danger from fire and traffic. Mr. Grzincic indicated on cross-examination, however, that if she lived anywhere and was within a similar proximity to a proposed fuel service station use that she would have similar concerns. Neither Ms. Hackett nor Ms. Grzincic testified as to any credible evidence of detrimental affects from the Petitioner's proposed use of a fuel service station above and beyond those inherently emanating from a fuel service station use located elsewhere.

Dr. Richard McQuaid also testified about concerns relating to the Petitioner's proposed use, such as its visual appearance, environmental concerns and potential of fire. Upon questioning by People's Counsel, Dr. McQuaid indicated he would have similar concerns about fuel service stations located elsewhere, including within rural villages. Dr. McQuaid produced no testimony or evidence of detrimental affects associated with the Petitioner's proposed use of the property as a proposed fuel service station except those normally associated with fuel service station uses located elsewhere.

Petitioner, through the witnesses' testimony and evidence, met their burden to produce evidence that the Petitioner's requested use of the property as a fuel service station and enlargement of the service garage area can be accomplished without causing detrimental affects to the health, safety or welfare of the surrounding community nor violating any of the standards enunciated in the BCZR, Section 502.1. Protestants, on the other hand, only produced testimony relating to the detrimental affects similarly associated with fuel service station uses located elsewhere. Protestants' testimony falls short of establishing any detrimental affects from the Petitioner's proposed use above and beyond those normally associated with fuel service station uses located in other locations.

It is undisputed that gasoline sales commenced on the subject property starting in 1958 as a special exception for fuel service station use was granted pursuant to Case Number 4483-RX, gasoline sales have continued with intermittent interruptions until approximately 1993. Petitioner's position that the proposed fuel service station use on the subject property can be conducted without conflict with the standards enunciated in Section 502.1 of the BCZR was only reinforced by

the fact that despite the lengthy testimony produced in this case, the Protestants failed to produce any testimony or evidence which referred to or in any way indicated that the subject property's prior fuel service station use caused any detrimental affects upon the health, safety or welfare of the surrounding community.

Petitioner has met his burden under the BCZR and relevant Maryland case law. Accordingly, Petitioner's requested special exception relief should be granted.

B. Testimony and Evidence in this Case Before the Board Establishes that the Petitioner has met his Burden under Section 405.3.

Section 405.3 of the BCZR states

> "in addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting an Special Exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one mile radius of the proposed fuel service station use establishes that there is no need for the proposed use unless rebutted to the Zoning Commissioner's satisfaction by market data."

Protestants, through Dr. Richard McQuaid and Martha Hackett, gave lay testimony that in their opinion there is no need for a fuel service station use on the subject property. Protestants, however, failed to produce any expert testimony

regarding the need or lack thereof of a fuel service station use in the area of the subject property.

Petitioner, on the other hand, produced Mr. John R. Sherwood,III, an expert in market analysis, including fuel service station market needs analysis. Mr. Sherwood testified that he performed a market needs analysis with regard to the subject property's proposed fuel service station use. Mr. Sherwood indicated he was familiar with the existing abandoned fuel service stations in the area as identified by the Protestants. Mr. Sherwood indicated that after conducting a market needs analysis, it is his professional opinion that there is a need for a gasoline fuel service station use at the subject property at this time. His analysis and findings are detailed in Petitioner's Exhibit Number 10.

Mr. William Grevey, fuel service marketing manager for Southern Maryland Oil Company, also testified. Mr. Grevey indicated he had 25 years experience in gasoline sales. Mr. Grevey indicated on behalf of Southern Maryland Oil Company, an analysis had been conducted to determine whether or not there was a need for a fuel service station use at the subject property. Mr. Grevey indicated that based upon the analysis performed in his experience, it is his opinion there was a need

for a gasoline fuel service station at the subject property. Mr. Grevey had a "starfire" report conducted on behalf of Southern Maryland Oil Company which is entered as Petitioner's Exhibit Number 8 and Mr. Grevey identified the letter of intent that he had entered into with the Petitioner entered as Petitioner's Exhibit No. 7.

Mr. Igor Svec who has experience with gasoline sales in the area from his former employment with Carroll Independent Fuel Company also testified that he believes there is a need for gasoline fuel service sales from the subject property.

In addition, various other residents, including Mark Wittstadt, Raymond Winstead, John McGinnis, Stanley Stahl and William Scmuff, of the area testified in support of Petitioner's proposed fuel service station use and referenced the convenience of gasoline sales from the subject property would create for them.

All the Petitioner's witnesses and Protestant's witnesses conceded, as well, that the population and traffic in the area has increased in the last decade. In fact, Dr. McQuaid testified that the area was becoming a bedroom community with more commuters moving into the area. He conceded that commuters

have a greater need for gasoline sales than individuals who work at or near their home.

When the testimony and evidence before the Board is reviewed as a whole, it is clear that the Petitioner has met his burden establishing a need for a fuel service station use on the subject property pursuant to Section 405.3 of the BCZR.

C. Petitioner's Requested Variance from Section 405.1.A.2b of the BCZR Should be Granted.

Mr. Paul Lee testified, pursuant to Petitioner's Exhibit Number 2, that the 15 foot landscape transition area required by Section 405.1.A.2.b of the BCZR is complied with on the plat of the Petitioner's proposed use along the southern boundary, as well as the eastern boundary of the B.L.-C.R. zone portion of the Petitioner's property. Mr. Lee further indicated that the areas in which the Petitioner is requesting a variance of the required 15 foot landscape transition area are on the northern boundary of the property only in the area of the used car sales, as well as the divisional lines between the existing service garage use on the property, and on the property's western boundary where it abuts Old York Road. Mr. Lee testified that in light of the property's history of utilization strict enforcement of 405.4.A.2.b in relation to the use divisional lines on the property would have a disproportionate affect upon

the property due to the property's unique history of usage as a service garage, fuel service station and used car sales area.

Mr. Lee testified that the variance request along the northern border of the property in the area of the used car sales area would allow the 15 foot at issue to continue to be utilized as part of the used car sales area. Mr. Lee noted that the adjacent property is zoned B.L.-C.R. rather residential. He noted that the lack of landscape transition area in this area would be minimized due to the adjacent commercial zoning. Mr. Lee further testified that the variance was necessary along the property's frontage of Old York Road to provide ease of ingress and egress.

Mr. Lee testified that if the Petitioner's requested variances were not granted, the Petitioner would suffer practical difficulty and unreasonable hardship. Further, Mr. Lee testified that if the granting of the variance would provide substantial relief to the Petitioner. Mr. Lee also testified that if the variance was granted, in his opinion, there would be no harm to the health, safety or welfare of the surrounding community.

The Petitioner, Donald E. Warrener, indicated if the requested variance was not granted, he would suffer practical

difficulty and unreasonable hardship. That the granting of the variance would provide him substantial relief.

Mr. Lee testified that Petitioner meets all the requirements of Section 405 with the exception of the requested landscape transition area variance. The testimony and evidence in this case indicate that the variance of Section 405.1.A.2.b is necessitated due to the subject property's uniqueness relating to the division lines on the property and the location of its existing used car sales area and frontage along Old York Road.

In addition, the Petitioner will suffer practical difficulty and unreasonable hardship if the requested variance is not granted.

Petitioner's requested variance from Section 405.1.A.2b should be granted.

D. The Petitioner's Special Hearing to Amend the Site Plan as Approved in Zoning Case Number 4483RX and 87-274SPH to Approve Fuel Service Station Area Separate from the Service Garage and Used Car Sales Area and to Confirm a Continuation of the Existing Used Car Sales Area in Light of the Overall Changes Proposed Should be Granted.

Sales of used cars from the subject property have existed since at least the early 1960's as indicated by the testimony of Mr. Igor Svec. He indicated that his father had purchased a

Rambler automobile from the then Spicer's Garage on the subject property in the early 1960's.

In 1987, pursuant to case number 87-274SPH, the sales of used cars and trucks as an accessory use to the service garage with use of the existing accessory structure as a used car sales office was approved.

Prior to filing for the present hearing was before the Board, the Petitioner requested an interpretation from the Department of Permits and Development Management as to his continued utilization of a portion of the property for the sale of used cars and trucks in light of the ruling in case number 87-274SPH. Correspondence from the Petitioner's attorney and responses thereto from the Department of Permits and Development Management were entered into evidence as Petitioner's Exhibits Numbers 5 A-E.

Mr. Steve Smith, an auto mechanic, testified before the Board that he works on automobiles and light trucks from the service garage on the subject property. Mr. Smith indicated he is a Maryland licensed car inspector. Mr. Smith indicated that he is the only licensed car inspector in the area. Mr. Smith indicated that during the period of time he has worked on vehicles on the subject site he has consistently worked on

vehicles eventually sold from the used car sales lot area on the subject property. Mr. Smith indicated that he customarily inspects vehicles to be sold on the used car sales area, as well as conducts any needed repairs on said vehicles.

The testimony and evidence in the case before the Board indicate that the used car sales use on the lot continues as an accessory use to the service garage existing on the subject property. Protestants have produced no testimony or evidence which would justify the extinguishment of said use which was previously approved pursuant to case number 87-274SPH. There was no testimony or evidence produced by the Protestants to indicate that continuation of the use of car sales from the subject property will be detrimental to the health, safety and welfare of the surrounding community. Protestants did assert that they were apprehensive about patrons of the used car sales operation taking test drives on West Liberty Road, however, Protestants failed to produce any testimony or evidence relating to this event having occurred to date or any detrimental affects caused by any patrons of the used car lot.

Accordingly, in light of the approval of the used car sales use on the subject property pursuant to case number 87-274SPH,

as well as the testimony and evidence produced before the Board, Petitioner's Special Hearing should be granted.

CONCLUSION

In light of the above, Petitioner's requested Special Exception, Special Hearing and Variance relief should be granted.

Respectfully submitted,

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONER,
DONALD E. WARRENER, JR.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 1999, a copy of the foregoing was mailed, first-class postage prepaid, to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Old Court House, Room 48
Towson, Maryland 21204

J. Carroll Holtzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

FRANCIS X. BORGERDING, JR.
409 Washington Avenue
Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR DONALD E. WARRENER, JR., Petitioner

IN RE:	PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE ES Old York Rd., 70 ft. S of W. Liberty Road 20227 Old York Road 7th Election District 3rd Councilmanic District Donald E. Warrener, Jr. Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No.: 99-73-SPHXA

NOTICE OF APPEAL TO COUNTY BOARD OF APPEALS

Donald E. Warrener, Jr., Petitioner, pursuant to Section 26-132 of the Baltimore County Code, by and through undersigned counsel, hereby files an appeal to the County Board of Appeals of Baltimore County from the decision rendered by the Zoning Commissioner in the above-captioned matter on November 16, 1998.

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 1998, a copy of the aforegoing was mailed, postage prepaid, to:

Baltimore County Board of Appeals
Room 49, Court House
400 Washington Avenue
Towson, Maryland 21204

Carol J. Holtzer, Esquire
305 Washington Avenue, Suite 502
Baltimore, Maryland 21204-4747

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Court House
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
DEC 14
PDM

FRANCIS X. BORGERDING, JR.

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

12/14/98
8
WCR
Appeal
To: County
12/16/98
99-73
uca

December 11, 1998

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance

Property: 20227 Old York Road
Petitioner: Donald E. Warrener, Jr.
Case No.: 99-73-SPHXA
Before the Zoning Commissioner for Baltimore County

Dear Mr. Jablon:

Enclosed please find a Notice of Appeal of the decision of the Zoning Commissioner for Baltimore County entered in relation to the above-referenced case on November 16, 1998. This Appeal is filed to the County Board of Appeals pursuant to the Baltimore County Code pursuant to Section 26-132.

Please also find a check in the amount of $635.00 to cover the cost of the filing fee for same.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure
cc: Mr. Donald E. Warrener, Jr.

RECEIVED
[redacted]
98-5355
PDM

1/1/98

IN RE: PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & ZONING VARIANCE ES Old York Rd., 70 ft. S of W. Liberty Road 20227 Old York Road 7th Election District 3rd Councilmanic District Donald E. Warrener, Sr., Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 99-73-SPHXA

****

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for a single public hearing, on Petitions for Special Hearing, Special Exception and Zoning Variance, all for the property located at 20227 Old York Road in the White Hall community of northern Baltimore County. The Petitions were filed by Donald E. Warrener, Jr., property owner. Special Exception relief is requested to permit an enlargement of the area of the site for a previously approved service garage. The Petition for Special Exception also seeks approval of a fuel service station on the site and to allow the office, restrooms, and compressed air facility for same to be in the service garage building. Special Hearing relief is requested to amend the site plan approved in zoning cases No. 44-83-RX and 87-274-SPH, and to approve a fuel service station area separate from the existing service garage and used car sales area, and to confirm continuation of the existing used car sales area in light of the overall changes proposed as part of the Petitions.

Variance relief is requested from Section 405.4.A.2.b of the Baltimore County Zoning Regulations (BCZR) to allow a 0 ft. Landscape Transition Area (LTA) abutting the existing used car sales use area, surrounding the service garage area, and along Old York Road; in lieu of the required distances set out in Section 405.4.A.2b. The subject property and requested relief are more particularly shown on the plats to accompany the Petitions for Special Exception, Special Hearing and Variance, received as Petitioner's Exhibit Nos 3 and 3A.

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Date 1/16/98
By

Appearing at the requisite public hearing held for this case was Donald Warrener, Jr., and Sandra Warrener, his wife, property owners. Also appearing in support of the request was Igor Svec, a resident of the area. Also testifying in support of the request was Paul Lee, the engineer who prepared the plan and John Sherwood III, a consultant retained by the Petitioner to produce market data and document the need for the proposed fuel service station at the site. The Petitioner was represented by Francis X. Borgerding, Jr. Appearing in opposition to the request was Martha S. Hackett on behalf of the Citizens Alliance of Northern Baltimore County and Richard W. McQuaid and Gloria M. McQuaid, his wife, as neighbors and on behalf of the Maryland Line Association. The Protestants were represented by J. Carroll Holzer, Esquire.

The matter was originally convened for public hearing on September 23, 1998. At that time, a preliminary issue was raised by the parties relating to the applicability of Sections 405.3 and 405.7 of the BCZR to these Petitions. Section 405 of the BCZR regulates fuel service stations. Section 405.3 requires that the Zoning Commissioner, prior to the granting of any special exception for a fuel service station, consider the presence of abandoned fuel service stations in the vicinity of the subject property. Abandoned fuel service stations are defined more particularly in Section 405.7 of the BCZR. The regulations require that if the Zoning Commissioner finds the presence of one abandoned fuel service station within a 1/2 mile radius of the site, or two stations within a one mile radius of the property, the presumption is established that there is no need for the proposed use, and the subject Petition must be denied. This presumption may be rebutted, however, by market data evidence which establishes a need for a fuel service station.

ORDER RECEIVED FOR FILING
Date 11/6/98
By M. Grant

At the hearing on September 23, 1998, the parties raised the issue of whether there were any abandoned fuel service stations within the requisite distances and whether the "no need" presumption was applicable in this case. Upon consideration of the testimony and evidence presented at that time, I concluded that there was an abandoned fuel service station within 1/2 mile of the site. Thus, I determined that the "no need" presumption had arisen and that in order for the Petitioner's relief to be granted, sufficient market data need be submitted to rebut the presumption. Upon that finding, the Petitioner requested a continuance of the hearing to secure such information, and said continuance was granted.

The hearing was reconvened on October 26, 1998 in order for testimony and evidence on the merits of the proposal to be submitted. In this regard, an examination of the site plan indicates that the property is a rectangularly shaped parcel, split zoned B.L.-C.R. and R.C.2. The property has frontage on Old York Road (Md. Route 439), just south of that roadway's intersection with West Liberty Road in the White Hall community of northern Baltimore County. By and large, this is a rural/agricultural area. The property's frontage on Old York Road measures approximately 248 ft. The property is wider at its rear property line at a distance of approximately 279 ft. The depth of the property arranges from 346.5 ft. on the north side to 383 ft. on the south side.

As noted above, the property is split zoned. The predominant zoning is BL-CR. That zoning encompasses approximately 1.693 acres of the total site. The rear of the site is zoned R.C.2. All of the improvements on the property are within the BL-CR zoned portion. In this regard, there are two existing buildings on the property. The larger of these is centered in the middle of the property and contains an existing service garage building and office. A small building is located near the service garage building and is

ORDER RECEIVED FOR FILING
Date 11/19/98
By

used as a used car sales office. The balance of the property is improved with a macadam parking lot. These improvements were evident to this Zoning Commissioner when I conducted a site visit subsequent to the hearing.

The zoning and historical use of the property is also significant. The first zoning case for this property was case No. 44-83-RX. The hearing on that case was held in 1958 at which time the property was rezoned from R-6 to BL. Also, at that time, special exception relief was granted for a gasoline service station and a service garage. The second and most recent case is No. 87-274-SPH. That case came before Deputy Zoning Commissioner Jean Jung in 1987. Subsequent to the hearing before me, I reviewed that case file. Relief was requested in that case to permit an expansion of the service garage and to correct the division lines for the multiple uses on the site. Also, relief was sought in that case to approve, as an accessory use, the sale of used cars and trucks on a portion of the property. Deputy Zoning Commissioner Jung granted the relief by way of Order dated January 28, 1987. Interestingly, a used car operation is not permitted as a principal use in this zone, pursuant to the BCZR. However, it was allowed by Deputy Zoning Commissioner Jung's Order as an accessory use. Her Order also approved an expansion of the service garage area and approved corrections to the division lines between uses as shown on the site plan submitted in that case.

Additionally, her opinion made a finding that the automotive uses on the property were not consistently carried out over the years. She noted, for example, that sales of gasoline on the property had ceased, and that sales of used cars were intermittent. Also, in granting the relief, Deputy Commissioner Jung incorporated several restrictions. First, she required that no more than 20 used cars could be stored on the property at any one time. Second, she required that no junked cars or used parts could be kept

CERTIFICATE OF PUBLICATION FOR FILING
Date
By

in plain view outside of the building; rather that same must be stored in a dumpster or inside of the building. Third, she required that landscaping be installed along the north boundary of the property in that portion zoned BL-CR and along the southern boundary of the property to a depth of not less than 172 ft. from the centerline of Old York Road. The landscaping was to be installed within two years of her Order. An examination of the current site plan shows, as well as my site visit, that if such landscaping was ever installed, it is not present at this time. Fourth, additionally, compliance with the requirements of State Highway Administration was required. A comment from that agency contained within case file 87-274-SPHX indicates that the construction of a curb and gutter along the property's frontage might be required by that agency.

Testimony offered by Mr. Warrener at the hearing before me was offered about the history of the site. Candidly, I found his testimony to be unreliable as to the historical use of this property. He does not have much personal knowledge of the prior uses of the site and seemed unclear as to the dates and the activities that occurred thereon.

In this regard, more reliable, however contradictory, testimony was received from Ms. Hackett and Messrs Svec and McQuaid. Cumulatively, it seems clear that the property has been used for purposes related to automobiles/trucks since relief was initially granted in 1958. At one time or the other, the property has been used as a service garage for the repair of vehicles, a sales area for used vehicles and a fuel service station. The service garage appears to be the use which has been conducted more consistently over the years. In fact, Mr. Warrener indicated that he conducts a service garage business on the property at the present time, a fact which was corroborated by my site inspection. Apparently, the sales of used cars have been intermittent. Deputy Commissioner Jung's Order in fact notes that

ORDER RECEIVED FOR FILING
Date 11/19/98
By

the sales of used cars were not consistent over the years and that trend has apparently continued since that time. The fuel service station operation has been even less consistent. Presently, there are fuel tanks buried in the ground, however, it was agreed by all witnesses that there have been no fuel sales since 1993. Deputy Commissioner Jung's Order also indicates a cessation of fuel sales prior to the time she issued her Order in 1987.

In addition to the testimony of the lay witnesses, testimony was also received from Mr. Lee. He generally described the site plan which he prepared. As described above, that plan depicts the uses and improvements on the property. Also, Mr. Lee offered expert testimony in support of the Petitions for Special Exception, Special Hearing and Variance.

Testimony was also received from Mr. Sherwood, an expert retained by the Petitioner to provide market data and establish that a need exists for a fuel service station in this area. In addition to his oral testimony, a written report was submitted by Mr. Sherwood which fully explains his findings. Many of these findings were contradicted by the testimony offered by the Protestants.

ORDER RECEIVED FOR FILING
Date 11/6/95
By

Turning first to the Petition for Special Hearing, I will grant relief to the extent to confirm the existence of the service garage and the used car/truck sales operation area. It seems clear that the service garage operation was legitimately established by the original Order issued in case 44-83-RX. Moreover, I am satisfied that the service garage use has continued relatively consistently over the years. Moreover, Deputy Commissioner Jung's findings in 1987 confirming the legitimacy of the service garage operation are persuasive that such use should be confirmed here. I believe that the continued operation of the service garage will not adversely impact the locale.

Moreover, I will not set aside Deputy Commissioner Jung's findings as they relate to the used vehicle sales operation. As noted above, she found that this use was accessory to the service garage operation. I agree. Although I have no doubt that the vibrance of this operation has deviated over the years, there was no compelling testimony or evidence offered which would support a finding that this use should be eliminated. Thus, that portion of the Petition for Special Hearing confirming the viability of the service garage and an accessory used vehicle sales operation, as more particularly delineated and described on the site plan, shall be approved. Moreover Deputy Commissioner Jung's restrictions and conditions attached to the approval of these uses shall remain in effect.

The Petition for Special Hearing also requests an amendment to the previously approved site plans to approve fuel service station, separate from the existing service garage and used car sales operation. Moreover, the Petition for Special Exception requests relief to approve the service station operation. This relief will not be granted. In my judgment, the Petitioner has not satisfied the requirements set forth in Section 502.1 of the BCZR for special exception relief. Likewise, I am not persuaded that the "no need" presumption has been rebutted.

Addressing first that presumption, I am appreciative of Mr. Sherwood's observations and his method of study. However, there are two factors which are persuasive on my judgment that there is no need for a fuel service station here. First is the fact that there have been numerous service stations which have been abandoned in this vicinity. These include a station immediately next door to the subject property and others nearby. Moreover, the historical use of this property (i.e., the series of discontinuances of the fuel service station over the years) is significant. That is, it is uncontradicted that the actual history of the use of this property is

ORDER RECEIVED FOR FILING
Date 11/19/98
By

that sales of fuel from this site have consistently stopped and started over the years. I am appreciative of the fact that Mr. Sherwood believes other factors caused the demise of these fueling operations. However, I believe it certain that if a significant need existed, that need would have overridden the factors which Mr. Sherwood cites and would have mandated the continuing operation of the fuel service station.

The second factor is the proximity of other existing service stations in the area. I drove the area and found two stations in the Maryland Line community within 3-1/2 miles of the subject site. Moreover, when I followed Maryland Route 439 into Harford County, a service station existed at a High's store approximately 4.3 miles away. For this rural area of Baltimore County and the relatively sparse population and land uses in the locale, I do not believe that there is a need for a fuel service station here.

Moreover, I do not find evidence sufficient to satisfy the criteria of Section 502.1 of the BCZR. In this regard, the immediate neighborhood is largely agricultural and rural residential in character. I do not find that the proposed fuel service station to be compatible with these uses. Although one might argue that the existing service garage is not compatible with the rural/agricultural character of the area; the intensification of automotive uses on the property by the addition of a fuel service station is not warranted.

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Date 11/16/94
By

Having determined that the fuel service station should not be approved, that portion of the Petitions for Special Exception and Special Hearing requesting relief for same must be denied. Moreover, such a finding renders the Petition for Variance moot. Variance relief is requested pursuant to Section 405 of the BCZR. Section 405 relates to fuel service stations, not service garages. Thus variance relief is not required from Section 405 in that the underlying use (fuel service station) is not permitted. In this

regard, however, it is to be noted that certain requirements were contained within the Order of Deputy Commissioner Jung in 1987. Certain of those requirements related to landscaping. Although there was no testimony offered on this issue, it does not appear that landscaping was ever installed as required by Deputy Commissioner Jung's Order. Thus, a potential zoning violation exists on the site at the present time. I will not disturb Deputy Commissioner Jung's Order in this request.

As to the State Highway Administration comment at that time, it appears that there were never any frontage improvements. In the instant case, a comment was received from the State Highway Administration indicating that that agency was making no comment on the present Petitions. The comment indicates that no opposition was taken on the requests in that the property does not abut State highway. In fact, it does (Md. Route 439). If State Highway wishes to re-evaluate its position and seek compliance with the former Order, it may do so.

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

ORDER RECEIVED FOR FILING
Date 11/18/98
By Mt

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 16th day of November 1998, that, pursuant to the Petition for Special Exception, approval for a fuel service station be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to amend the site plan approved in zoning cases No. 44-83-RX and 87-274-SPH, confirming continuation of the service garage and accessory existing used car sales operation, as shown on the plan, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.b of the BCZR to allow a 0 ft. Landscape Transition Area (LTA) along the existing used car sales use area, surrounding the service garage area, and along Old York Road; in lieu of the required LTA, be and is hereby DISMISSED AS MOOT.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 20227 Old York Road, E/S Old York Rd, 70' S of W. Liberty Rd, 7th Election District, 3rd Councilmanic	*	BEFORE THE ZONING COMMISSIONER FOR
Legal Owners: Donald E. Warrener, Sr.	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-73-SPHXA

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

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of ~~August~~ Sept., 1998, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

13

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 20227 Old York Road, White Hall, MD 21161

which is presently zoned B.L. - C.R.

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 a special hearing to amend the site plan as approved in zoning case #4483 RX and 87-274 SPH and to approve a fuel service station area separate from the service garage and used car sales area and to confirm continuation of existing used car sales in light of overall changes proposed by this hearing request.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Francis X. Borgerding, Jr.
(Type or Print Name)

Signature

409 Washington Ave., Ste. 600
Address Phone No.

Towson MD 21204 410-296-6820
City State Zipcode

Legal Owner(s):

Donald E. Warrener, Sr.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

P. O. Box 1178
Sparks, MD 21152 410-771-4597
Address Phone No.

Sparks MD 21152
City State Zipcode

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

Francis X. Borgerding, Jr.
Name

409 Wash. Ave., Ste. 600 410-296-6820
Address Towson, Maryland 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HRS

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: JLL DATE 8/12/98

Zoning Administration & Development Management

99-73-SPHXA

73

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20227 Old York Road, White Hall, MD 21161

which is presently zoned B.L.-C.R.

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) 405.4.A.2.b of the B.C.Z.R. to allow a 0' landscape transaction area (LTA) along the existing used car sales use area, surrounding the service garage area and along Old York Road. IN LIEU OF A 10 FT LTA. P.L.

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

1. Shape and configuration of the property;
2. Uniqueness of the property; and
3. Such other and further reasons as will be presented at the time of the hearing.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Donald E. Warrener, Sr.
(Type or Print Name)

Donald E. Warrener Jr.
Signature

(Type or Print Name)

Signature

Attorney for Petitioner.

Francis X. Borgerding, Jr.
(Type or Print Name)

Signature

409 Wash. Ave., Ste. 600 410-296-6820
Address Phone No.

Towson MD 21204
City State Zipcode

P. O. Box 1178 410 771 4597
Address Phone No.

Sparks MD 21152
City State Zipcode

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

Francis X. Borgerding, Jr.
Name

409 Wash. Ave., Ste. 600 410-296-6820
Address Phone No.

Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

99-73-SPHXA

13

#1 DESCRIPTION:
SPECIAL HEARING
TO AMEND THE SITE PLAN
AND CONFIRM CONTINUATION OF USED CAR SALES
(NOTE 8)

BEGINNING for the same at a point in the center of Old York Road at the distance of 70 feet measured Southerly along said centerline from the center of West Liberty Road, thence running Southerly along the center of Old York Road,

(1) South 21 degrees 40 minutes West - 75.00± feet thence leaving said center of Old York Road and running for lines of division as follows:

(2) South 75 degrees 57 minutes 30 seconds East – 98.00± feet to an existing building, thence continuing the same direction along the face of said building South 75 degrees 57 minutes 30 seconds East 20 feet for a total of 118± feet, thence running,

(3) North 14 degrees 02 minutes 30 seconds West – 68± feet (a portion along the face of said building) to meet the Northern boundary line of subject property, thence running with and binding on a portion of said Northern boundary line ,

(4) North 73 degrees 10 minutes West – 109.00± feet to the place of beginning.

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

Wfile\lndwp\OldYorkRd(20227)-9812700-des1

99-73-SPHXA

#2 DESCRIPTION:
SPECIAL HEARING
TO AMEND SITE PLAN
(NOTE 8)

BEGINNING for the same at a point in the center of Old York Road at the distance of 70 feet measured Southerly along said centerline from the center of West Liberty Road, thence running Southerly along the center of Old York Road,

(1) South 21 degrees 40 minutes West – 248± feet to the projected intersection with the Southern boundary of subject property, said Southern boundary also being the division line for the "BL-CR" and "RC-2" Zoning line as shown on Baltimore County Zoning Plat NE 35A, Scale 1" = 200', thence running with and binding on a portion of said southern boundary and Zoning line,

(2) North 68 degrees 20 minutes West – 312± feet, thence leaving said Southern boundary and Zoning line and running with the "BL-CR" and "RC-2" Zoning line as shown on Baltimore County Zoning Maps NE 35 and 36A,

(3) North 13 degrees 30 minutes East – 277± feet to meet the Northern boundary line of subject property, thence running with and binding on a portion of said Northern boundary line

(4) North 73 degrees 10 minutes West – 250± to the place of beginning.

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

Wfile\lndwp\OldYorkRd(20227)-9812700-des2

99-73-SPHXA

#3 DESCRIPTION:
SPECIAL EXEMPTION
FOR FUEL SERVICE STATION WITH VARIANCES
(NOTE 10)

BEGINNING for the same at a point in the center of Old York Road at the distance of 145± feet measured Southerly from the center of West Liberty Road, thence running with the center of Old York Road,

(1) South 21 degrees 40 minutes West – 173± feet to the projected intersection with the Southern boundary of subject property, said Southern boundary line also being the division line for the "BL-CR" and "RC-2" Zoning designation as shown on Baltimore County Zoning Plat NE 35A, Scale 1" = 200', thence running with and binding on a portion of said Southern boundary and Zoning line,

(2) North 68 degrees 20 minutes West – 312± feet, thence leaving said Southern boundary and Zoning line and running with the "BL-CR" and "RC-2" Zoning line as shown on Baltimore County Zoning Maps NE 35 and 36A,

(3) North 13 degrees 30 minutes East – 277± feet to meet the Northern boundary line of subject property, thence running with and binding on a portion of said Northern boundary line

(4) North 73 degrees 10 minutes West – 140± feet, thence leaving said Northern boundary line and running for lines of division as follows:

(5) South 14 degrees 02 minutes 30 seconds West – 68± feet and

(6) North 75 degrees 57 minutes 30 seconds West – 120± feet to the place of beginning.

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

Wfile\lndwp\OldYorkRd(20227)-9812700-des3

99-73SPHXA

#4 DESCRIPTION:
SPECIAL EXEMPTION
WITH SPECIAL HEARING
TO ENLARGE APPROVED SERVICE GARAGE AREA
(NOTE 9)

BEGINNING for the same at a point said point being located from the two following courses and distances:

At a distance of 152± feet measured Southerly along said centerline from the center of West Liberty Road and South 68 degrees 20 minutes East – 61± feet, thence running for lines of division as follows:

(1) Along the face of wall of existing service garage building South 75 degrees 57 minutes 30 seconds East – 115.3± feet to the end of existing building and continuing the same direction South 75 degrees 57 minutes 30 seconds East – 39.7± feet (Total = 155± feet),

(2) South 14 degrees 02 minutes 30 seconds West – 77.00 feet,

(3) North 75 degrees 57 minutes 30 seconds West – 155± feet and

(4) North 14 degrees 02 minutes 30 seconds East – 22.7± feet to the face of wall of said existing building, thence continuing the same direction along the face of the building wall North 14 degrees 02 minutes 30 seconds East – 54.3± feet (Total 77.00 feet) to the place of beginning.

Wfile\lndwp\OldYorkRd(20227)-9812700-des4

99-73-SPHXA

NOTICE OF ZONING 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: #99-73-SPHXA
20227 Old York Road
E/S Old York Road, 70' S of West Liberty Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Donald E. Warrener, Sr.

Special Hearing: to amend the site plan in zoning case numbers 4483-RX and 87-274-SPH and to approve a fuel service station area separate from the service garage and used car sales area and confirm continuation of existing used car sales. **Special Exception:** to enlarge the approved service garage area and to allow the proposed service station and restrooms with water and compressed air for customers in this building; and for a fuel service station use. **Variance:** to allow a zero foot Landscape Transaction Area (LTA) along the existing used car sales area, surrounding the service garage area and along Old York Road, in lieu of a 10-foot LTA.
Hearing: Wednesday, September 23, 1998 at 2:00 p.m., in Room 106, County Office Bldg., 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

9/023 Sept. 3 C255669

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 3, 1998

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 Sept. 3, 1998.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MAI AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 061787

DATE 12/17/98 ACCOUNT R 001 6150

AMOUNT $ 635.00

RECEIVED FROM: 439 Service Center LLC

FOR: APPEAL

99-73-SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
12/21/1998 12/18/1998 16:20:50
REG WS02 CASHIER JRIC JWR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT
Receipt # 074279 OFLN
CR NO. 061787
635.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLA(
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

13 JV

No. 056125

DATE 8/12/98 ACCOUNT R0016150

AMOUNT $ 650.00

RECEIVED FROM: WARRENER

FOR: SPHXA

99.73.SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
8/12/1998 8/12/1998 08:11:57
REG WS01 CASHIER CLUM CHL DRAWER 1
5 MISCELLANEOUS CASH RECEIPT
Receipt # 062817 OFLN
CR NO. 056125
650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 99-73 SPHXA

Petitioner/Developer: DONALD E. WARRENER JR.

Date of Hearing/Closing: _____

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

[redacted]

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 20227 OLD YORK RD

The sign(s) were posted on 2/19/99
(Month, Day, Year)

Sincerely,

Gary C. Freund 2/19/99
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

CERTIFICATE OF POSTING

RE: Case # 99-73-SPHXA
Petitioner/Developer:
(Donald E. Warrener Jr.)
Date of Hearing/Closing:
(Sept. 23, 1998)

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

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

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_____

20227 Old York Road Baltimore, Maryland 21161_____

_____

The sign(s) were posted on_____Sept. 8, 1998_____
(Month, Day, Year)

Sincerely,

9/8/98
(Signature of Sign Poster & Date)

_____Thomas P. Ogle, Sr._____

_____325 Nicholson Road_____

_____Baltimore, Maryland 21221_____

_____(410)-687-8405_____
(Telephone Number)

Exhibit B

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.: 99-73-SPHXA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND THE SITE PLAN IN ZONING CASES 4483 RX AND 87-274-SPH A SPECIAL EXCEPTION TO ENLARGE A SERVICE GARAGE AREA AND TO APPROVE A FUEL SERVICE STATION AND A VARIANCE TO ALLOW A 0 FT. LANDSCAPE TRANSITION AREA IN LIEU OF THE REQUIRED 10 FT. (SEE ZONING CASE FILE FOR DETAILED INFORMATION)

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

9/96
post.4.doc

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-13-SPHXA

Petitioner: DONALD E. WARRENER, SR.

Address or Location: 20227 OLD YORK ROAD, WHITE HALL, MD. 21161

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONALD E. WARRENER, SR.

Address: P.O. BOX 1178

SPARKS, MD. 21152

Telephone Number: 410-771-4597

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 19, 1998

NOTICE OF ZONING 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: 99-73-SPHXA
20227 Old York Road
E/S Old York Road, 70' S of West Liberty Road
7th Election District - 3rd Councilmanic District
Legal Owner: Donald E. Warrener, Sr.

Special Hearing to amend the site plan in zoning case numbers 4483-RX and 87-274-SPH and to approve a fuel service station area separate from the service garage and used car sales area and confirm continuation of existing used car sales. Special Exception to enlarge the approved service garage area and to allow the proposed service station and restrooms with water and compressed air for customers in this building; and for a fuel service station use. Variance to allow a zero foot Landscape Transaction Area (LTA) along the existing used car sales area, surrounding the service garage area and along Old York Road, in lieu of a 10-foot LTA.

HEARING: Wednesday, September 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon
Director

c: Francis X. Borgerding, Jr., Esquire
Donald E. Warrener, Sr.

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 8, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
September 3, 1998 Issue - Jeffersonian

Please forward billing to:
Donald E. Warrener, Sr. 410-771-4597
P.O. Box 1178
Sparks, MD 21152

NOTICE OF ZONING 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: 99-73-SPHXA
20227 Old York Road
E/S Old York Road, 70' S of West Liberty Road
7th Election District - 3rd Councilmanic District
Legal Owner: Donald E. Warrener, Sr.

Special Hearing to amend the site plan in zoning case numbers 4483-RX and 87-274-SPH and to approve a fuel service station area separate from the service garage and used car sales area and confirm continuation of existing used car sales. Special Exception to enlarge the approved service garage area and to allow the proposed service station and restrooms with water and compressed air for customers in this building; and for a fuel service station use. Variance to allow a zero foot Landscape Transaction Area (LTA) along the existing used car sales area, surrounding the service garage area and along Old York Road, in lieu of a 10-foot LTA.

HEARING: Wednesday, September 23, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 16, 1998

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Case No. 99-83-SPHXA
Property: 20227 Old York Road, White Hall
Donald E. Warrener, Jr., Petitioner

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception, Special Hearing and Variance have been denied in part and granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
c: Mr. and Mrs. Donald Warrener, Jr.
P.O. Box 1178
Sparks, Maryland 21152

c: J. Carroll Holzer, Esquire
508 Fairmount Avenue
Baltimore, Maryland 21286

c: Paul Lee
32 West Road
Towson, Maryland 21204

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-73-SPHXA

IN THE MATTER OF: DONALD E. WARRENER, JR. -Owner
20227 Old York Road
7th Election District; 3rd Councilmanic

(11/16/98 decision of Z.C. in which Petition for Special Exception is DENIED; special hearing GRANTED; and variance request dismissed as moot.)

ASSIGNED FOR: TUESDAY, JUNE 15, 1999 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Petitioner: Francis X. Borgerding, Jr., Esquire
Appellant /Petitioner: Donald E. Warrener, Jr.

J. Carroll Holzer, Esquire

Dr. & Mrs. Richard W. McQuaid
Mrs. Martha S. Hackett /Citizens Alliance of North Balto. Co.
Barbara Grzincic & John Biretta
Ms. Marie Ward

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 15, 1999

NOTICE OF ASSIGNMENT /Day #2

CASE #: 99-73-SPHXA **IN THE MATTER OF: DONALD E. WARRENER, JR. -Owner**
20227 Old York Road
7th Election District; 3rd Councilmanic
(Day #2; cont'd from 6/15/99)

(11/16/98 decision of Z.C. in which Petition for Special Exception is DENIED; special hearing GRANTED; and variance request dismissed as moot.)

ASSIGNED FOR: **THURSDAY, AUGUST 5, 1999 at 10:00 a.m. /Day #2**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Petitioner: Francis X. Borgerding, Jr., Esquire
Appellant /Petitioner: Donald E. Warrener, Jr.

J. Carroll Holzer, Esquire

Dr. & Mrs. Richard W. McQuaid
Mrs. Martha S. Hackett /Citizens Alliance of North Balto. Co.
Barbara Grzincic & John Biretta
Ms. Marie Ward

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 6, 1999

NOTICE OF ASSIGNMENT /Day #3

CASE #: 99-73-SPHXA **IN THE MATTER OF: DONALD E. WARRENER, JR. -Owner**
20227 Old York Road
7th Election District; 3rd Councilmanic

(Day #3; cont'd from 8/04/99)

(11/16/98 decision of Z.C. in which Petition for Special Exception is DENIED; special hearing GRANTED; and variance request dismissed as moot.)

ASSIGNED FOR: **TUESDAY, OCTOBER 12, 1999 at 10:30 a.m. /Day #3**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Petitioner: Francis X. Borgerding, Jr., Esquire
Appellant /Petitioner: Donald E. Warrener, Jr.

J. Carroll Holzer, Esquire

Dr. & Mrs. Richard W. McQuaid
Mrs. Martha S. Hackett /Citizens Alliance of North Balto. Co.
Barbara Grzincic & John Biretta
Ms. Marie Ward

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 14, 1999

NOTICE OF DELIBERATION

IN THE MATTER OF:
DONALD E. WARRENER, JR. -Petitioner /Appellant
Case No. 99-73-SPHXA

The above matter having been heard in three days of public hearing (6/15/99; 8/05/99; and 10/12/99), deliberation has been scheduled as follows:

DATE AND TIME : WEDNESDAY, DECEMBER 8, 1999 at 9:15 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: Closing Memorandums due from Counsel on Monday, November 22, 1999 (ORIGINAL AND THREE [3] COPIES)

Kathleen C. Bianco
Administrator

---

c: Francis X. Borgerding, Jr., Esquire
Appellant /Petitioner: Donald E. Warrener, Jr.

J. Carroll Holzer, Esquire

Dr. & Mrs. Richard W. McQuaid
Mrs. Martha S. Hackett /Citizens Alliance of North Balto. Co.
Barbara Grzincic & John Biretta
Ms. Marie Ward

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

copies: C.S.B..

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

September 17, 1998

Francis X. Borgerding, Jr., Esq.
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No.: 73
Case No.: 99-73-SPHXA
Location: 20227 Old York Road

Dear Mr. Borgerding:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 12, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Printed with Soybean Ink

Date: 9/2/98

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/JP

SUBJECT: Zoning Item #99-73-SPWXA

Donald Warrener - 20227 Old York Road

Zoning Advisory Committee Meeting of August 24, 1998

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ GWM: An evaluation of the well and septic systems may be required prior to building permit approval.

S:\DC\DOC5.DOC

Date: 9/2/98

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/JP

SUBJECT: Zoning Item #99-73-SPWXA

Donald Warrener - 20227 Old York Road

Zoning Advisory Committee Meeting of August 24, 1998

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

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_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ GWM: An evaluation of the well and septic systems may be required prior to building permit approval.

S:\DC\DOC5.DOC

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: August 28, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for August 31, 1998
Item Nos. 68, 69, 70, 72, 73, 74
and
Case No. 98-125-SPHXA

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0831.NOC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 8-21-99

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

RE: Baltimore County
Item No. 73 JLL

Dear Ms. Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

December 18, 1998

Mr. Sterling Leese
Citizens Alliance of North Baltimore County
19601 Middletown Road
Freeland, MD 21053

RECEIVED
COUNTY BOARD OF APPEALS
98 DEC 21 PM 3:35

Dear Mr. Leese:

RE: Petitions for Variance, Special Hearing and Special Exception,
Case No. 99-73-SPHXA, 20227 Old York Road, District: 7c3

Please be advised that an appeal of the above referenced case was filed in this office on December 14, 1998 by Francis x. Borgerding, Jr., Esquire on behalf of Mr. Donald E. Warrener, Jr. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:cjs

c: People's Counsel
Dr. and Mrs. Richard W. McQuaid, North County Coalition, Inc., 1501 Harris Mill Road, Parkton, MD 21120
Mrs. Martha S. Hackett, Citizens Alliance of North Baltimore County, 20815 West Liberty Road, White Hall, MD 21161

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petitions for Variance, Special Hearing and Special Exception
E/S Old York Road, 70 ' S of W. Liberty Road
(20227 Old York Road)
7th Election District - 3rd Councilmanic District
Donald E. Warrener, Jr. - Owner
Case Number: 99-73-SPHXA

RECEIVED
COUNTY BOARD OF APPEALS
98 DEC 21 PM 3: 35

Petitions for Variance, Special Hearing and Special Exception

Letter from Francis X. Borgerding, Jr. to Baltimore County PDM dated August 28, 1998

Descriptions of Property (4)

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioner(s) Sign-in Sheets (2)

Citizen Sign-in Sheet

Protestant(s) Sign-in Sheet

Petitioners' Exhibits:	1.	No Exhibit Found
	2A-L	Photographs
	3A &B	Two Plats to accompany Petitions for Variance, Special Hearing and Special Exception
	4a.	Letter from Francis X. Borgerding, Jr. to Arnold Jablon dated February 2, 1998
	4b.	Letter from Francis X. Borgerding, Jr. to Arnold Jablon dated February 4, 1998
	4c.	Letter from John J. Sullivan, Jr. to Francis X. Borgerding, Jr. dated February 10, 1998
	4d.	Letter from Francis X. Borgerding, Jr. to Arnold Jablon dated February 25, 1998
	4e.	Letter from John J. Sullivan, Jr. to Francis X. Borgerding, Jr. dated March 6, 1998
	5.	Property Deed dated August 22, 1997
	6.	Report of Analysis of need for a gas station from The Sherwood Consultancy dated October 22, 1998

✓ E

Protestants' Exhibits: 1. Inter-Office Correspondence from Arnold Keller, III to Arnold Jablon dated 9/15/98

2. No Exhibit Found

3. Fuel Service Stations Report dated October 26, 1998

4A-G. Photographs

Zoning Commissioner's Order dated November 16, 1998 (Denied in Part, Granted in Part, Dismissed as Moot in Part)

Notice of Appeal received on December 14, 1998 from Francis X. Borgerding, Jr. on behalf of Donald E. Warrener, Jr.

c: *Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204
Donald E. Warrener, Jr., P. O. Box 1178, Sparks, MD 21152
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
Dr. and Mrs. Richard W. McQuaid, North County Coalition, Inc., 1501 Harris Mill Road, Parkton, MD 21120
Mrs. Martha S. Hackett, Citizens Alliance of North Baltimore County, 20815 West Liberty Road, White Hall, MD 21161

Barbara Grzincic & John Biretta, 2501 Meredith Road, White Hall MD 21161
(added to file to receive notice -- in opposition)

Added by request (letter):
Marie Ward
20305 W. Liberty Road
White Hall, MD 21161
410-357-4661

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Donald E. Warrener, Jr. -Petitioner
Case No. 99-73-SPHXA

DATE : Wednesday, December 8, 1999

BOARD /PANEL : Charles L. Marks (CLM)
Lawrence S. Wescott (LSW)
Lynn Barranger (LB)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 99-73-SPHXA /Petition for Special Hearing, Special Exception and Variance. Appeal taken by the Donald E. Warrener, Jr., Petitioner. Heard over three days of hearing (6/15/99; 8/05/99; and 10/12/99).

The Board, having convened for public deliberation as scheduled by notice dated October 14, 1999, and upon deliberation between panel members, reached a final decision as follows:

Deliberation took place this date and included recitation of relief requested by the Petitions as filed, discussion relative to appropriate zoning regulations which apply to this case, and the actual deliberation and discussion of testimony, exhibits, notes and briefs filed by counsel.

Determined that abandoned service station issue should be addressed first; discussed Sherwood report and his testimony; discussed whether or not "need" has been proven by Petitioner.

Final decision of Board as to "need" -- CLM and LSW found that need has not been proven; LB disagreed and indicated that "need" had been proven. CLM and LSW agreed that the service garage which currently exists is viable; that the car /truck sales is viable; but that a fuel station should be denied as need had not been proven. LB agreed as to the service garage and car /truck sales issues; but disagreed as to need.

Board moved on to C.R. overlay -- uses allowed by right and by special exception; location of other stations within 3-1/2 miles of the site; discussed market area, number of people, number of additional residents from 1980 to 1999 and gasoline needs; who will utilize the station; issue of scenic area; purpose of C.R. overlay; the fact that the site is zoned B.L. with the overlay to provide services for the community.

Board discussed impact on community; number of gallons to be sold; reasons why gas pumps were discontinued at this site (questioned whether dispute with supplier would be a reason for discontinuing the sale of fuel completely at this site, or simply would have resulted in a change in supplier, if business was indeed viable); and customer base of station at this location.

As to B.L. w/C.R. overlay - reviewed legislation and bulk

regulations; reviewed each aspect of regulations and whether or not this request complied. Also reviewed standards of 502.1 of BCZR and Schultz v. Pritts, as well as the effort put forth by the County Council to protect the integrity of northern Baltimore County.

Final decision included conclusion that this was not appropriate in this place and time; commercial rural overlay has strict requirements; also found problems with size of building. Relief as requested would be denied.

As to issue raised by People's Counsel relative to: do amendments mean these are new petitions? -- Board was not willing to accept that argument; these were not new petitions and the amendments are permitted.

Final decision:
- Special Exception - Denied based on CR overlay and strict guidelines
- Special Hearing - approved in part (as to existing service garage and car sales); but denied in part (as to fuel service station).
- Variance relief - moot point; however, could have been granted - found to be unique for several reasons as discussed. But because of denial of relief as indicated above, this is a moot point.

Majority opinion/order to be issued (CLM and LSW) - no need, in addition to failing as stated above; LB to issue Concurring /Dissenting opinion - agreed with majority in the final decision, but disagreed as to need (found need to exist).

~~~~~~~~~~~~~~~~~~~~

NOTE: Written Opinion and Order (Majority and Concurring/ Dissenting) to be issued by the Board. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

This document confirms for the file that public deliberation was held this date in the subject matter and a final decision rendered as indicated above.

Respectfully submitted,

Kathleen C. Bianco
Administrator
~~~~~~~~~~~~~~~~~~~~

12/01/99 -Protestants Memorandum (adopting the People's Counsel's Memorandum as their own) filed by J. Carroll Holzer, Esquire.

12/02/99 -Petitioner's Reply Memorandum filed by Frank Borgerding (in response to People's Counsel's Memo. Discussed with P. Zimmerman; he indicated he most likely would not file a response to this Reply brief; copies to C.S.B.

12/08/99 -Deliberation held; final decision of Board: fuel station request denied (based both on lack of need and failure to meet requirements of BL with CR overlay by C and S; B to write dissent as to need only, which she did believe existed and found to be proven); special hearing denied as to fuel station; granted as to existing service garage and car sales; variance found to be moot, but indicated that it could have been granted; found to be unique and found practical difficulty. However, again, the variance relief was moot based on balance of decision.

- Written Opinion and Order (Concurring /Dissenting Opinion by Lynn) to be issued; appellate period to run from date of written Order. (Marks, Wescott and Barranger)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: C. Marks
L. Barranger
L. Wescott

DATE: November 24, 1999

FROM: Kathi

SUBJECT: Case No. 99-73-SPHXA /Donald E. Warrener, Jr.
Closing Memos filed by Counsel

The subject matter is scheduled for deliberation on Wednesday, December 8, 1999 at 9:15 a.m. A copy of that notice was sent to you on October 14, 1999.

Attached are the following copies:

1. People's Counsel's Memorandum; and

2. *Memorandum in Support of Petitioner's Case filed by Frank* X. Borgerding, Jr., Esquire.

If you have any questions regarding the attached or need any additional information, please call me.

kathi

Attachments

NOTE: Copies to L. Barranger and C. Marks in office 11/24/99;
to L. Wescott by mail this date.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: C. Marks
L. Barranger
L. Wescott

DATE: December 2, 1999

FROM: Kathi

SUBJECT: Case No. 99-73-SPHXA /Donald E. Warrener, Jr.
Petitioner's Reply Memorandum

As you know this case is scheduled for deliberation on Wednesday, December 8, 1999 at 9:15 a.m. A copy of that notice and copies of the memos filed by counsel have been forwarded to you.

The attached Reply Memorandum was filed this date by Frank Borgerding on behalf of the Petitioners. I've spoken with Peter Zimmerman, and he has indicated that he does not believe he will file a response to this Reply brief. Call me if you have any questions.

kathi

Attachment

NOTE: Copy to C. Marks in office 12/02/99

FILE

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 14, 1999

Charles L. Marks, Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204
Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
99 OCT 14 PM 4:06

Re: Petitions for Special Hearing, Special Exception and Variance - 20227 Old York Road,
E/S Old York Rd, 70' S of W. Liberty Rd,
7th Election District, 3rd Councilmanic
DONALD E. WARRENER, SR., Petitioner
Case No.: 99-73-SPHXA

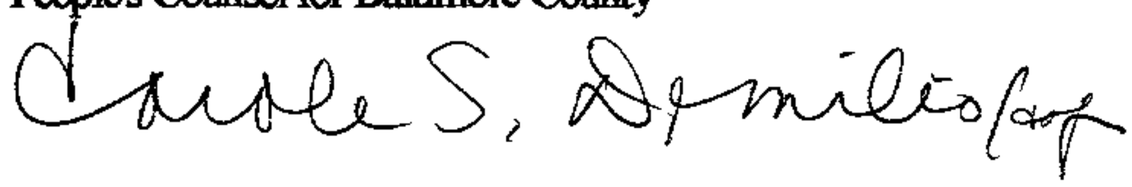
Dear Chairman Marks:

This is to confirm that Dr. Richard McQuaid delivered the enclosed excerpt from The Sourcebook of Zip Code Demographics: Pages 139B, 139C, 397, 646 and 647. Please recall that the CBA accepted People's Counsel's Exhibit 14, Dr. McQuaid's summary of the demographics, subject to production of the source materials. I trust this is satisfactory to confirm admission of the exhibit.

A copy is also being enclosed to Francis X. Borgerding, Jr., Esq.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosure

cc: Francis X. Borgerding, Jr., Esq., Attorney for Petitioners
(With enclosure)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 12, 2002

Frances X. Borgerding, Jr.
Mercantile Building, Suite 600
409 Washington Avenue
Towson, MD 21204

Dear Mr. Borgerding:

RE: Spirit and Intent Letter
20227 Old York Road, White Hall, MD
Hearing Case # 99-73-SPHXA
7th Election District

Please be advised that, after careful review of your amended site plan, the Department of Permits and Development Management, Zoning Review Section, has considered the accessory use of the three underground storage tanks located on the above referenced property to be used for the accessory fueling of vehicles being repaired by the service garage or vehicles sold on the used car lot is permitted as an accessory use within the spirit and intent of case # 99-73-SPHXA. This approval is not for retail or wholesale fuel sales and other agencies (i.e. Dept. of Environment Protection and Resource Management) requirements must be met also. Lastly, this is subject to inspection by Baltimore County Code Enforcement to insure compliance with the restriction.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jun R. Fernando
Jun R. Fernando
Planner II
Zoning Review

JRF:rlh

Enclosure

c: Letter File

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

August 25, 1998

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

RE: Case No.: 99-73-SPHXA
20227 Old York Road
Legal Owner: Donald E. Warrener, Jr.

Gentlemen/Ladies:

I am writing to request that a typographical error which appears on the above-referenced Petition be corrected. On the Petition filed in the above-referenced case, the legal owner and Petitioner appears as Donald Warrener, Sr. Please be advised, however, that the Petitioner and legal owner is in fact Donald E. Warrener, Jr. I will bring this typographical error to the attention of the Zoning Commissioner prior to the hearing now scheduled in regard to the above-referenced case on Wednesday, September 23, 1998, at 2:00 P.M.

In the meantime, if further action is required to correct this typographical error, please advise. Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. Donald E. Warrener, Jr.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: June 5, 2000

TO: Arnold Jablon, Director
Permits & Development Management

FROM: Charlotte E. Radcliffe
Board of Appeals

SUBJECT: **CLOSED FILES:**

99-11-SPH –Robert F. Webbert, et ux
99-54-SPHXA –David M. Coleman-LO; Francis Honeywell-CP
99-57-A –Stamatios Papastefanou, et ux
99-73-SPHXA –Donald E. Warrener, Jr.
99-113-A – Emil A. Budnitz, Jr. –LO;Jeff Budnitz-CP
99-215-SPH – Ida A & Benjamin A. Petrilli
99-242-XA –Ernest Diegert-LO; Eller Media Co.-CP
99-279-A – Ruth Phillips & Andrew Erdman
99-291-SPH –Schoolden's Automotive Repair, Inc.
99-310-X – Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)
99-318 –Roddick Realty Partnership I-LO;
and Cloverland Farms Dairy, Inc.-CP
99-359-A –Shirley & David Morrison-LO; David Waldhauser-CP
99-492-SPH –William A. and Mary H. Kraft
99-504-SPHXA –Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
PAUL LEE	32 WEST RD 21204
DONALD WARRENER JR	P.O. BOX 1178 SPARKS, MD 21152
Sandra Warrener	P.O. Box 1178 Sparks, Md. 21152
Frances X Borgerding Jr.	

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Martha Slade Hackett for myself and The Citizens Alliance of Northern Balto Co.	20815 West Liberty Rd, White Hall 21161
Gloria McDanal MALAA	1501 Harris Mill Rd. Parkton Md. 21120
Richard W. McDanal MALAA MCC	1501 Harris Mill Rd. Parkton 21120, Md.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN SUTERWOOD, III	51 SOUTHGATE AVE, ANNAP. 21401
PAUL LEE	32 WEST RD 21201
Igor Svec	2629 Openshaw Rd White Hall, 21161
Sandra Warrener	P.O Box 1178 Sparks, Md. 21152
DONALD WARRENER JR	P.O. BOX 1178 SPARKS MD 21152

Printed with Soybean Ink
on Recycled Paper

9/23/98

Warriner Case # 97-73-SPHXA

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Sterling Leese Jr. Citizens Alliance of N. Balto Co.	19601 Middletown Rd. Freeland, MD 21053
Richard W. McQuaid North County Coalition Inc.	1501 Harris Mill Rd Parkton, MD 21120
Martha Slade Hackett Citizens Alliance of N. Balto Co. and myself	20815 West Liberty Rd. White Hall, MD. 21161
Mary McQuaid M.L.A.M.	1501 Harris Mill Rd Parkton Md 21120

Section 236
Business, Roadside (B.R.) Zone Use Regulations
[BCZR 1955]

The following uses only are permitted:

236.1 Uses permitted and as limited in the B.M. Zone.

236.2 Animal boarding place, Class A **[Bill No. 85-1967]**
Animal boarding place, Class B **[Bill No. 85-1967]**
Bottling establishment, soft drink
Brewery, Class 7, if within the urban rural demarcation line **[Bill No. 185-1995]**
Greenhouse
Laboratory
Motel or motor court
Printing, lithographing or publishing plant employing over 25 persons
Volunteer fire company

236.3 The following uses when located at least 50 feet from the residential zone boundaries at the ends of the commercially zones frontages: **[Resolution, November 21, 1956]**

Building materials storage and sales yard
Farm implements, sales and service
Feed and grain sales and storage
Kennel
Lumberyard
Public utility storage yard
Stone or monument works
Storage of inflammable liquids and gases underground (see Baltimore County Building Code for requirements)
Tire retreading or recapping

236.4 Special exceptions. The following uses when permitted as special exceptions (Sections 270 and 502):

After-hours club, provided it is located at least 1,000 feet from any residentially used dwelling, residential zone line, church, park, child care center or school existing prior to the filing of the application for special exception **[Bill No. 85-1994]**
Airport
Amusement park
Arcade, subject to the provisions of Section 423B **[Bill No. 29-1982]**
Automotive-service station, subject to the provisions of Section 405 **[Bill Nos. 40-1967; 85-1967]**[39]
Bus terminal
Car wash **[Bill Nos. 108-1964; 85-1967]**

---

[39] **Editor's Note: The entry entitled "Boat yard," which originally followed, was omitted from the draft of Bill No. 85-1967 through the copying of an apparently incomplete list of special exceptions as it appeared in a post-1955 edition of the zoning regulations. It is assumed, therefore, that the omission of the entry from the bill as enacted was inadvertent. (No intent regarding the regulation of boat yards is reflected in either the title of the bill or in any record pertaining to the bill.) The words "and/or marine railway" were previously repealed by Bill No. 64-1963.**

Cemetery (Section 401)
Contractor's equipment storage yard
Drive-in restaurant **[Bill Nos. 40-1967; 85-1967]**
Excavations, controlled (Section 403)[40]
Golf driving range, miniature golf and baseball batting range
Heliport, Type I **[Bill No. 85-1967]**
Heliport, Type II **[Bill No. 85-1967]**[41]
Living quarters in a commercial building
Moving and storage establishments **[Bill No. 18-1976]**
Pawnshop **[Bill No. 112-1995]**
Poultry, commercial killing of
Public utility uses other than those noted in Sections 200.11,[42] 230.9 and 236.3 (Section 411)
Racetrack, commercial
Riding stable, commercial
Sanitary or rubble landfills (Section 412) **[Bill No. 97-1987]**
Shooting range
Signs, outdoor advertising, subject to Section 450 **[Bill No. 89-1997]**[43]
Sludge disposal facility – co-landfilling (Section 412A.2.A) **[Bill No. 46-1982]**
Sludge disposal facility – composting (Section 412A.2.B) **[Bill No. 46-1982]**
Sludge disposal facility – handling in general (Section 412A.2.C) **[Bill No. 46-1982]**
Sludge disposal facility – incineration (Section 412A.2.D) **[Bill No. 46-1982]**
Sludge disposal facility – landspreading (Section 412A.2.E) **[Bill No. 46-1982]**
Storage of inflammable liquids and gases aboveground (see Baltimore County Building Code for requirements)
Striptease business **[Bill No. 137-1990]**
Theater, drive-in
Trailer park (Section 414)
Truck stops **[Bill No. 18-1976]**[44]
* Used motor vehicle outdoor sales area, separated from sales agency building

---

40 **Editor's Note: "Filling station," which originally followed, was repealed by Bill No. 85-1967.**

41 **Editor's Note: "Hospital, Class B," which originally followed, was repealed by Bill No. 37-1988.**

42 **Editor's Note: Section 200.11 [BCZR 1955] was repealed by Bill No. 100-1970. It read as follows:**
"Public utility uses as follows:
"a. Telephone and telegraph lines.
"b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous to public highways, alleys, rear lot lines, railroad rights-of-way or if carrying less than 35,000 volts.
"c. Conduits, cables; gas, sewer, storm drain, and water mains, all located underground.
"d. Railroad."

43 **Editor's Note: A previous entry for outdoor advertising signs was inserted in the draft of Bill No. 85-1967 through the copying of an apparently erroneous entry in a post-1955 edition of the zoning regulation. It is assumed, therefore, that the inclusion of the entry in the bill as enacted was inadvertent. (No intent regarding the regulations of outdoor advertising signs is reflected in either the title of the bill or in any record pertaining to the bill.) Pursuant to Bill No. 212-1992, the deletion of outdoor advertising signs in the BR Zone shall not affect or apply to any special exception granted prior to the effective date of Bill No. 87-1991, or to any petition for special exception filed prior to the effective date of Bill No. 87-1991.**

44 **Editor's Note: "Truck terminal," which originally followed, was repealed by Bill No. 19-1976.**

Wireless telecommunications towers, subject to Section 426 **[Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]**

Section 237
B.R. Zone Height Regulations
[BCZR 1955]

Same as in B.L. Zones.

Section 238
B.R. Zone Area Regulations
[BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

238.1 Front yard for residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway; and not less than 25 feet from the front property line and not less than 50 feet from the center line of any other street, except as specified in Section 303.2.

238.2 Side and rear yards for residences, as in Section 302; for other buildings, 30 feet.

238.3 Parking areas and loading space in accordance with the provisions of Section 409.

238.4 Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 15 feet in front of the required front building line.

238.5 Floor area ratio. The maximum permitted floor area ratio for any site in a B.R. Zone, except in C.C.C. and C.T. Districts, shall be 2.0. **[Bill Nos. 7-1962; 111-1968; 100-1970]**

Section 238A
Special Regulations for C.C.C. Districts
[Bill Nos. 111-1968; 100-1970;[45] 26-1988; 36-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.R. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

238A.1 Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

238A.2 No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

---

45 **Editor's Note: This bill redesignated former Section 238A as Section 238B.**

P : Use Permitted
C : Use Permitted Subject to Conditions
@ : Permitted as Accessory Use Subject to Limitations
SE: Use Permitted Only by Special Exception
X : USE PROHIBITED

M.H.	M.R.	M.L.R.	M.L.	B.R.	B.M.	B.L.	O.T.	O-2	O-1	R.O.	R.A.E.-2	R.A.E.-1	D.R.-16	D.R.-10.5	D.R.-5.5	D.R.-3.5	D.R.-2	D.R.-1	R.C.-50	R.C.-20	R.C.C.	R.C.-5	R.C.-4	R.C.-3	R.C.-2	
				SE	SE	SE																				ARCADE (see 423)
				SE	SE	SE														P						ARTS AND CRAFT STUDIO
																				P						AUCTION BUILDING/SALES
				P	P	P																				AUTO ACCESSORY SHOP
				P	P																					AUTOMOBILE SALES (new & used cars)
				SE																						AUTOMOBILE SALES (used cars only)
			@																							AUTOMOBILE/TRUCK RENTALS
		SE	@ SE	SE	SE	SE	@	@	@	@			@	@	@	@	@	@								AUTOMOTIVE SERVICE STATION (see 405)
P	P	P	P								@															BAKERY OR BAKERY OUTLET
				P	P	P	@	@																		BANKS - DRIVE THRU WINDOW OR ATM'S
P	P	C	@	P	P	P	@	@			@									P						BANKS & OTHER FINANCIAL INSTITUTIONS
			@	P	P	P					@	@								P						BARBER SHOP/BEAUTY SHOP
																										BASEBALL BATTING RANGE (SEE GOLF)
				P	P	SE																				BEACH, COMMERCIAL
								C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	BED & BREAKFAST HOME (see 402D)
								C	C	C			C	C	C	C	C	C	C	C	C	C	C	C	C	BED & BREAKFAST INN (see 402D)
				P	P	P																				BILLIARD & POOL ROOM
				P	P	P		SE	SE	SE			SE	SE	SE	SE	SE	SE								BOARDING HOUSE
P		C		P	P	SE		SE	SE	SE			SE	SE	SE	SE		SE				SE		SE		BOAT YARDS (also see Marina)
											@															BOOK STORE

2-89

1992 Edition

Baltimore County
Zoning Commissioner's Policy Manual

Zoning Administration & Development Management

BALTIMORE COUNTY MARYLAND

amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning Regulations

IN RE: Zoning Commissioner's Policy Manual (ZCPM)

PURSUANT TO: Sections 2-416 thru 422 and 26-135 of the Baltimore County Code

WHEREAS, on August 13, 1990, Baltimore County Council Bill No. 88-90 became effective establishing a Code of Baltimore County Regulations and the method for adoption and amendment of same; and

WHEREAS, on March 26, 1992, the Zoning Commissioner's Policy Manual (ZCPM) amendments received the approval of the County Attorney; and

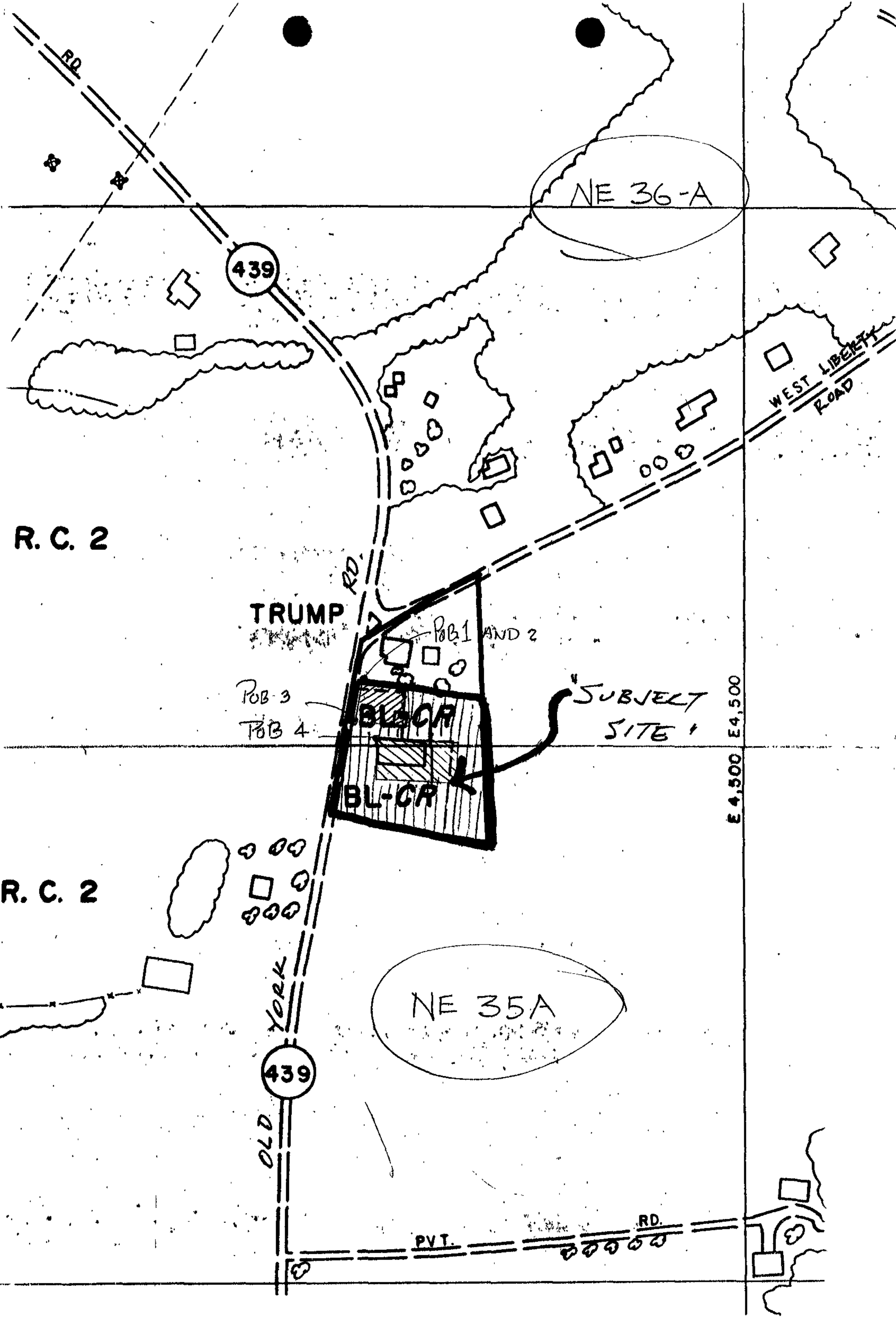
WHEREAS, a public hearing was scheduled, and advertised in two newspapers of general circulation, and copies of the amendments to the Zoning Commissioner's Policy Manual (ZCPM) were made available for review; and

WHEREAS, on May 13, 1992, the Director of the Office of Zoning Administration and Development Management held a Public Hearing on the Zoning Commissioner's Policy Manual (ZCPM); and

WHEREAS, there being no adverse testimony submitted either written or verbal; and

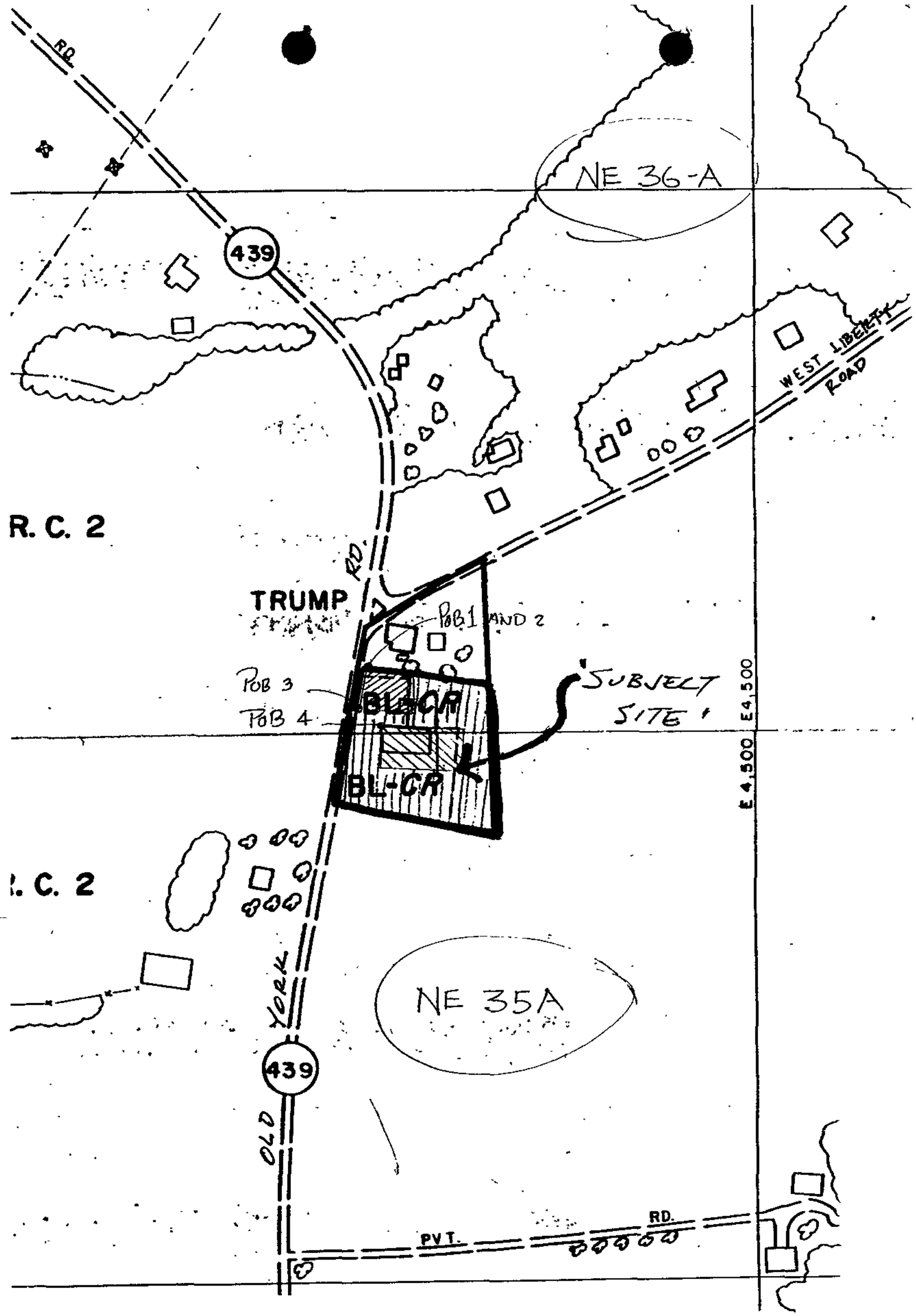
NOW THEREFORE, IT IS ORDERED by the Director of the Office of Zoning Administration and Development Management, this 13th day of May, 1992, that the Zoning Commissioner's Policy Manual as Amended, be and is hereby **ADOPTED** and shall be incorporated into the Code of Baltimore County Regulations.

Arnold Jablon, Director
Zoning Administration &
Development Management



73

99.73.SPHXA

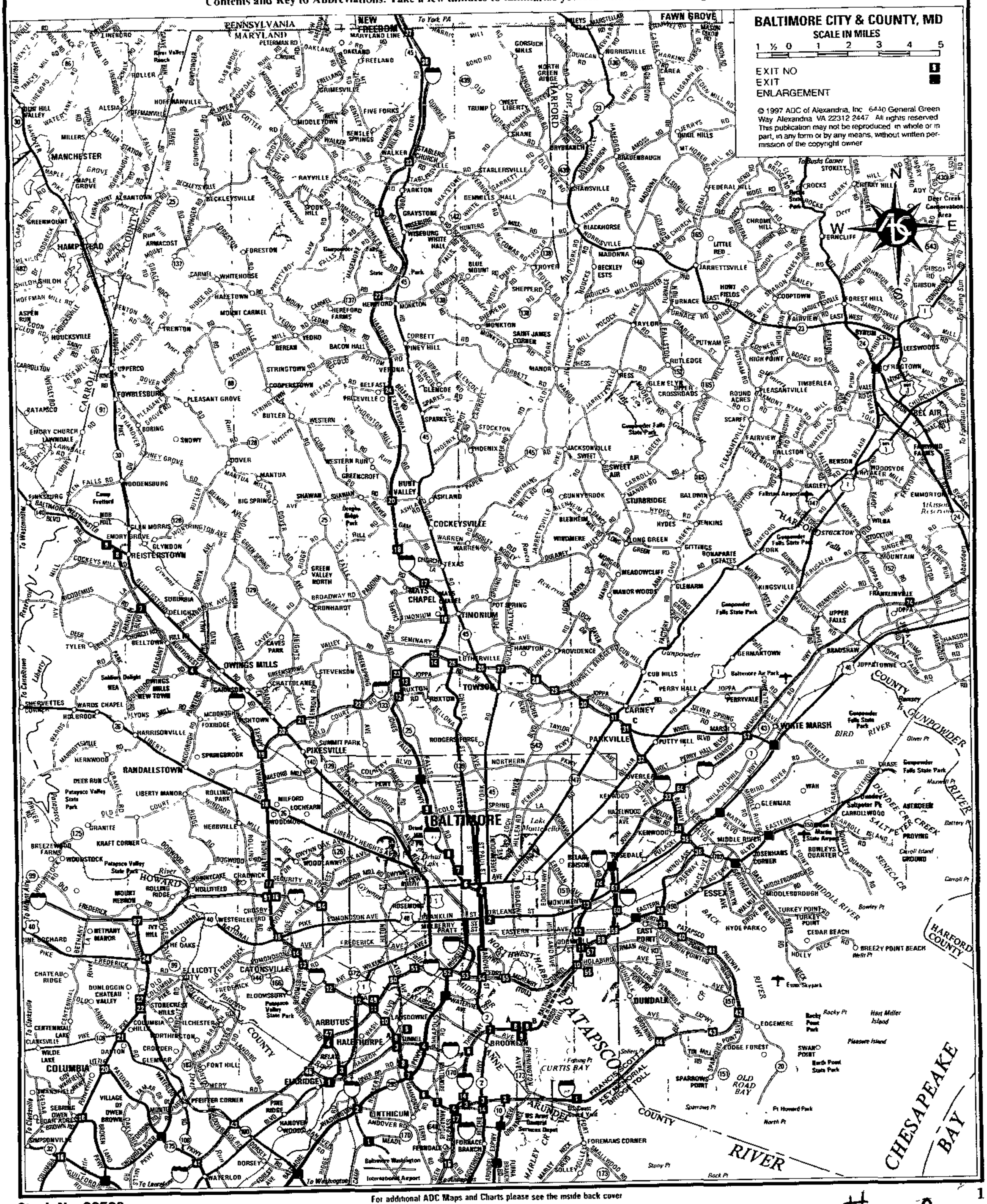


73

99.73.SPHXA DC4

BALTIMORE CITY & COUNTY, MD

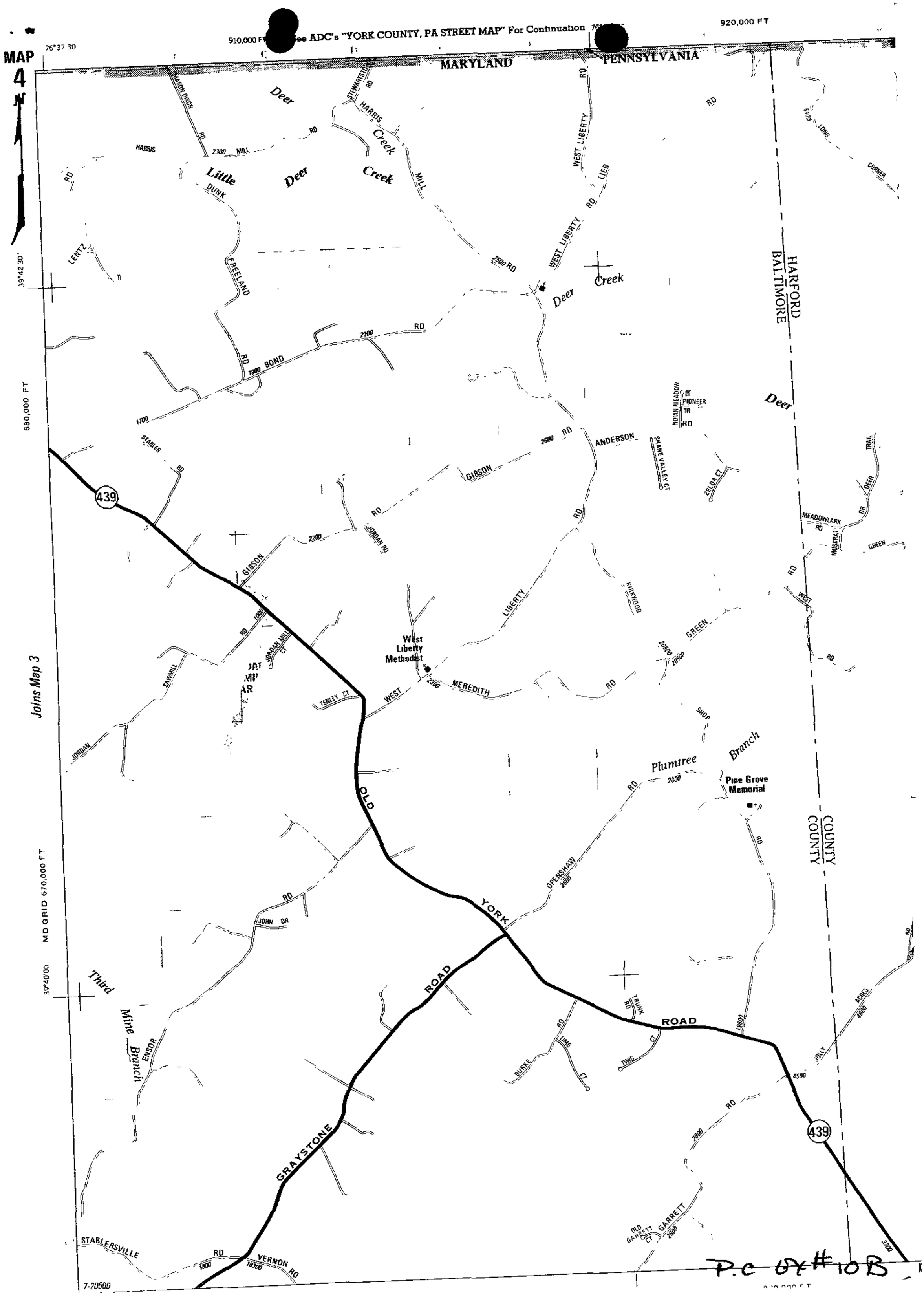
Pages 2, 3 and 4 provide you a complete Step-by-Step guide to using your Street Map Book, Map Legend, Table of Contents and Key to Abbreviations. Take a few minutes to familiarize yourself with this time saving information.



For additional ADC Maps and Charts please see the inside back cover

Stock No. 20500

P.C Ex # 10 A

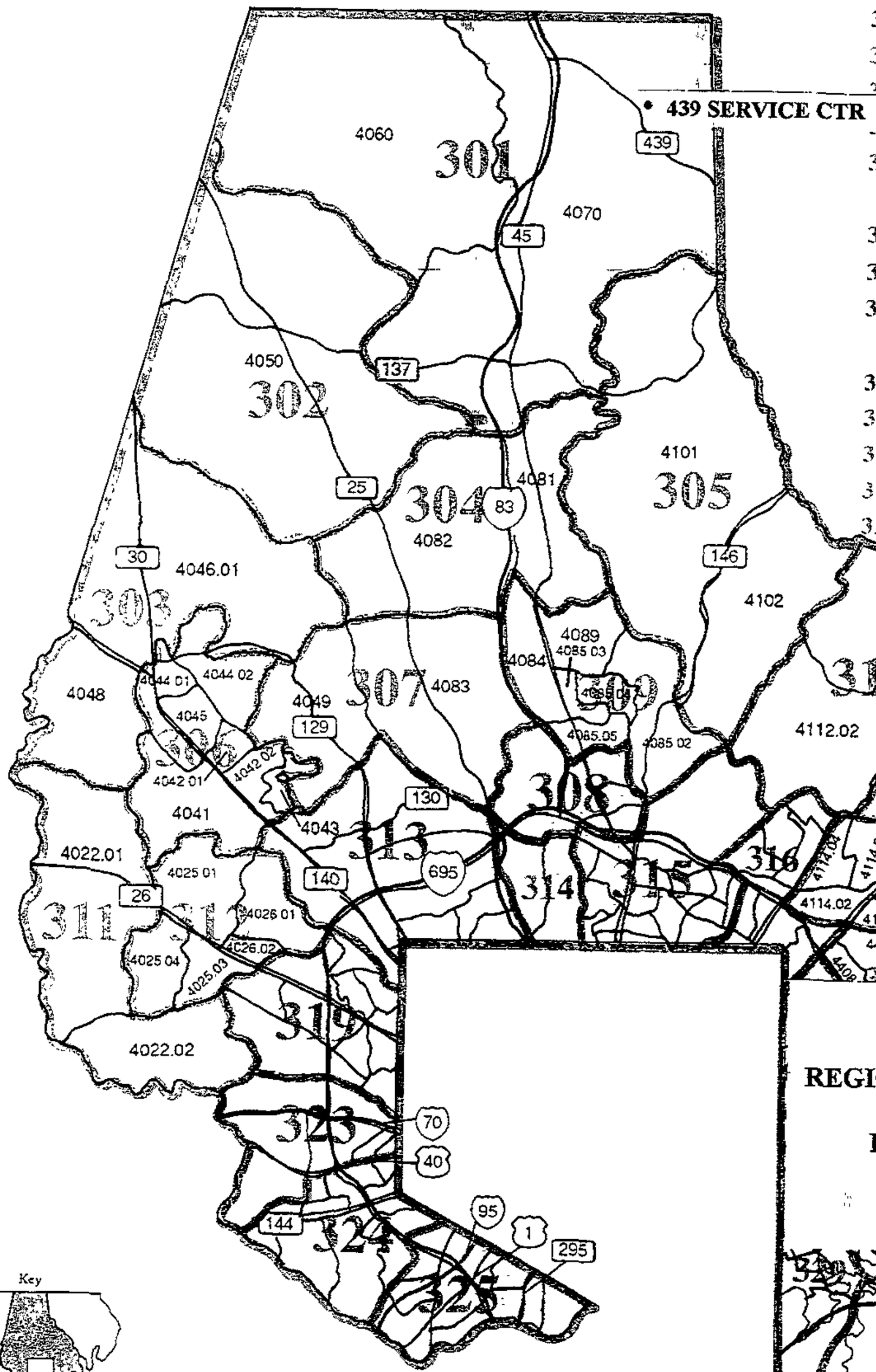

MAP 4
See ADC's "YORK COUNTY, PA STREET MAP" For Continuation
910,000 FT
920,000 FT
76°37 30
MARYLAND
PENNSYLVANIA
MASON DIXON RD
Deer
Creek
HARRIS
Little Deer Creek
DUNK
LENTZ
FREELAND
MILL
STEWARTSTOWN RD
WEST LIBERTY RD
LIEB RD
2500 RD
HARFORD
BALTIMORE
BOND RD
STABLER RD
GIBSON RD
ANDERSON RD
SHANE VALLEY CT
ZELDA CT
INDIAN MEADOW TR
PIONEER TR
MEADOWLARK RD
MUSKRAT
GREEN
TRAIL
DEER
LONG
CORNER
JORDAN RD
LIBERTY
KIRKWOOD
West Liberty Methodist
MEREDITH RD
JORDAN MILL CT
SAWMILL
TERLEY CT
JORDAN
SHOP
Plumtree Branch
Pine Grove Memorial
OLD YORK ROAD
OPENSHAW
JOHN DR
Joins Map 3
MD GRID 670,000 FT
680,000 FT
39°42 30
39°40'00
Third Mine Branch
ENSOR
GRAYSTONE ROAD
TRUNK RD
BURKE
LIMB CT
TWIG CT
ACRES
JOLLY
OLD GARRETT CT
GARRETT
STABLERSVILLE RD
VERNON RD
COUNTY
439
7-20500

P.C 67 #10B

Baltimore County

Regional Planning Districts

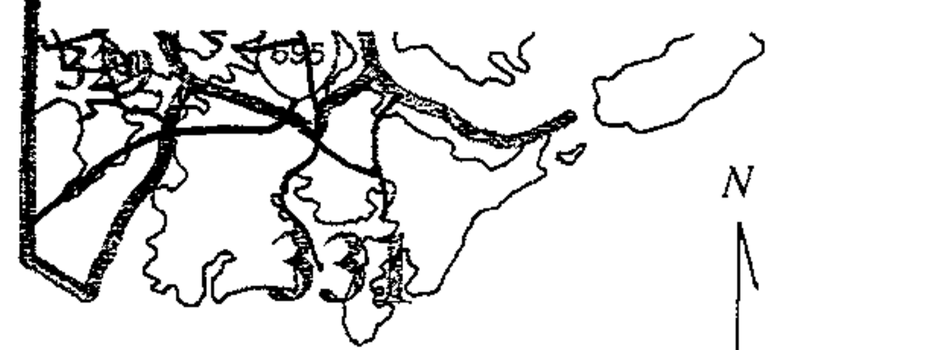
301 Hereford-Maryland Line
302 Prettyboy
303 Fowblesburg
304 Sparks
305 Jacksonville
306 Reisterstown-Owings Mills
307 Chestnut Ridge
308 Lutherville
309 Cockeysville-Timonium
310 Fork
311 Harrisonville
312 Randallstown
313 Pikesville
314 Ruxton
315 Towson
316 Parkville
317 Perry Hall-White Marsh
318 Kingsville
319 Lochearn
320 Overlea
321 Rossville
322 Windlass
323 Security
324 Catonsville
325 Arbutus-Lansdowne
326 Rosedale
327 Middle River
328 Essex
329 Dundalk-Turners Station
330 North Point
331 Edgemere



MAP 2

REGIONAL PLANNING DISTRICTS AND CENSUS TRACTS IN BALTIMORE COUNTY

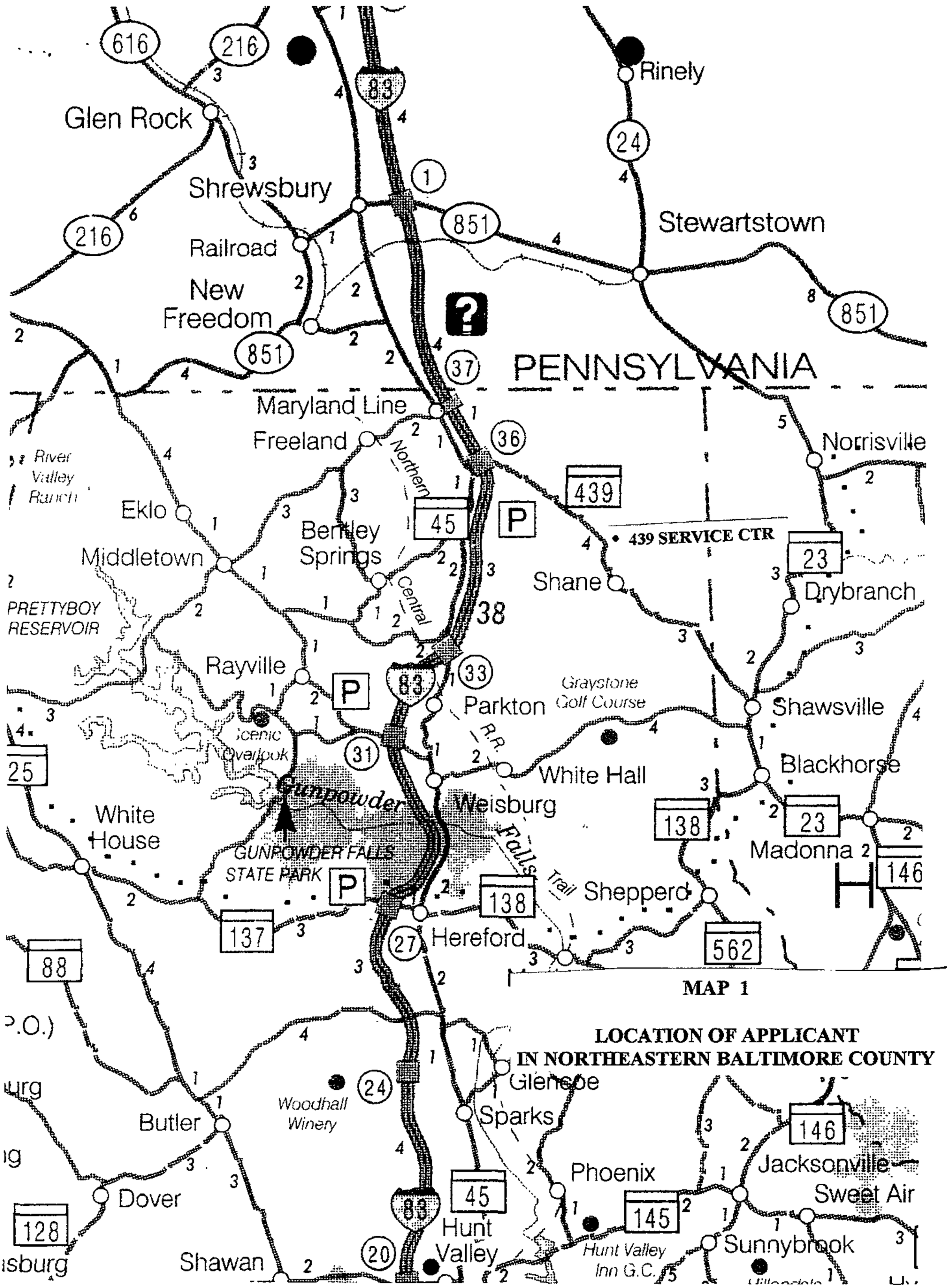
Census Tract 4070



000 = Regional Planning Districts

0000 = Census Tracts

Baltimore Metropolitan Council


616
216
Glen Rock
Shrewsbury
Railroad
New Freedom
851
83
1
Rinely
24
Stewartstown
PENNSYLVANIA
Maryland Line
Freeland
Northern Central
36
River Valley Ranch
Eklo
Middletown
Bentley Springs
45
439
439 SERVICE CTR
Shane
Norrisville
23
Drybranch
PRETTYBOY RESERVOIR
38
Rayville
33
Parkton
Graystone Golf Course
Shawsville
Scenic Overlook
31
R.R.
White Hall
Blackhorse
25
Gunpowder
Weisburg
Falls Trail
White House
GUNPOWDER FALLS STATE PARK
138
Madonna
146
Shepperd
137
27
Hereford
562
88
MAP 1
LOCATION OF APPLICANT
IN NORTHEASTERN BALTIMORE COUNTY
Glencoe
Woodhall Winery
Butler
Sparks
Dover
Phoenix
Jacksonville
Sweet Air
128
Hunt Valley
145
Sunnybrook
Shawan
20
Hunt Valley Inn G.C.

PETITION PLY

IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING - SE/S of Old York Road, 70' S of the c/l of W. Liberty Road 7th Election District	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Ralph Coxon, et ux	*	Case No. 87-274-XSPH
Petitioners	*	

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

The Petitioners herein request a special exception to permit the expansion of a service garage, and additionally, a special hearing to determine if approval should be granted to relocate and correct the division lines between the service garage and service station originally granted in Special Exception Case #4483-RX, to approve an accessory use to the service garage for the sale of used cars and trucks with the use of an existing accessory structure as the used car sales office and with the continuous display of ten or more used motor vehicles, to provide access to the existing service garage and to continue parking within the original B.L.-zoned area now zoned RC-2 or to permit parking in a residential zone.

Testimony by and on behalf of the Petitioners indicates that the subject property, zoned BL-CR and RC 2, has been used as a service garage/service station since the granting of the original Special Exception (Case #4483-RX) as shown on the plan submitted, prepared by John Dew, dated 9/10/86, and identified as Petitioner's Exhibit 1. The original plans placed the building incorrectly on this property. At one time, the BL zoning extended to the southern boundary where there has been and still exists a parking area. Gasoline was available until three months ago when one company removed its pumps; another company is expected to use the same space and configuration in the near future. The previous owner sold new and used trucks under Department of Motor Vehicles licenses. The current owner plans to purchase, restore and sell classic, exotic, luxury and sports automobiles with no more than two salespersons, an office and

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Date 1/28/87
By Betty Schlueter

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Date 1/28/87

outside display area, all in the northwest corner of the property. The garage provides tune-ups and engine work, sells shocks, tires, batteries and other accessories, and performs a small amount of body work. Most of its customers live within a 10-mile radius. Over the years, the amount of service garage work has decreased; an expansion of the service garage area would allow the former quantity of such work. Currently the service station and garage have five employees.

There were no Protestants.

Pursuant to the advertisement, posting and public hearing on the subject property, and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, granting approval of the expansion requested in the Petition for Special Exception, to approve the relocation and correction of the division lines between the service garage and service station, and additionally, to approve the use permit for parking in a residential zone and the sale of used cars and trucks as accessory uses to the service garage as requested in the Petition for Special Hearing, would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 28th day of January, 1987, that the service garage expansion as requested in the Petition for Special Exception, and additionally, the relocation and correction of the division lines between the service garage and service station, the sale of used cars and trucks as accessory uses to the service garage with both the use of the existing accessory structure as the used car sales office and the continuous display of ten or more used motor vehicles, and the use permit for parking in a residential zone, as requested in the Petition for

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Date 1/28/87
By Betty Schulman

ORDER RECEIVED FOR FILING
Date 1/28/87

Special Hearing, [illegible] indicated in [illegible]

such, the [illegible] Special Exception [illegible]

are hereby [illegible] on the [illegible]

1) [illegible] used [illegible]

[illegible] display [illegible]

[illegible] be kept. The display [illegible] indicated on

[illegible] Exhibit 1.

2) Used parts and other junk shall be stored inside [illegible] dumpster shall be provided, and its location noted on [illegible] revised plan or in a letter to the file.

3) Landscaping shall be installed along the [illegible] boundary of the property, namely that portion [illegible] CR, and along the southern portion of the property [illegible] depth of not less than 172 feet from the centerline of [illegible] Old York Road, within two years of the date of this [illegible] Order.

4) Compliance with State Highway Administration (SHA) requirements.

IT IS FURTHER ORDERED that approval to provide access to the existing service garage and to confirm the use and parking originally located within a BL zone but now within property zoned RC-2, as additionally requested in the Petition for Special Hearing, is no longer needed and therefore, is dismissed.

Dean M. Ging
Deputy Zoning Commissioner
of Baltimore County

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Date 1/18/82
By [illegible]

#86

PETITION FOR SPECIAL EXCEPTIONS AND SPECIAL HEARING

87-274-XSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

SEE ATTACHED

MAP NE 36A
36
E. D. 7
DATE 6/5/87
200
1000
DP

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

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

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

N 4,120
E 3,765

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

JEAN ANN COXON
(Type or Print Name)

Jean Ann Coxon
Signature

RALPH COXON
(Type or Print Name)

Ralph Coxon
Signature

Attorney for Petitioner:
Newton A. Williams and
Nolan, Plumhoff & Williams
(Type or Print Name)

Newton A. Williams and
Nolan, Plumhoff & Williams
Signature

204 W. Pennsylvania Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-7800

20701 W. Liberty Road 357-5327
Address Phone No.

White Hall, Maryland 21161
City and State

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

Newton A. Williams, Esquire
Name

204 W. Pennsylvania Ave. 823-7800
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of November, 19 86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in) newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of December, 19 86, at 11:00 o'clock A. M.

Zoning Commissioner of Baltimore County

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1882

Z.C.O.—No. 1

(over)

ADDENDUM TO PETITION FOR
SPECIAL EXCEPTIONS AND SPECIAL HEARING

SPECIAL HEARING

1. The relocation and correction of the Special Exception for service station granted in case No. 4483RX for parcel no. 1 to properly include the front of the building and site.

SPECIAL HEARING TO RELOCATE/ADJUST & SPECIAL EXCEPTION TO EXPAND SERVICE GARAGE

2. The relocation and extension of the ~~service garage~~ special exception, originally parcel no. 2, to cover the entire BL-CR part of the site, except that covered by the corrected special exception for service station in (1.).

SPECIAL HEARING FOR SERVICE GARAGE ACCESSORY USE CAR SALES

3. The sale of used cars and trucks as an accessory use to an existing, corrected and proposed expanded service garage special exception use, (Case No. 4483RX), with the use of an existing accessory structure as the used car sales office, with the continuous display of ten (10) or more used motor vehicles, all as shown on this site plan.

SPH FOR ACCESS ROAD TO SERVICE GARAGE

4.) TO RELOCATE AND PROVIDE AN ACCESS ROAD AS ORIGINALLY APPROVED IN THE BL ZONE ALONG THE SOUTH SIDE OF THE BL-CR ZONING LINE, PARTIALLY WITHIN THE CURRENT RC-2 ZONE, TO REACH THE REAR SERVICE GARAGE PARCEL AS ORIGINALLY PROVIDED FOR IN CASE NO.4483RX, AND THE CONTINUANCE OF A PARKING LOT AND CAR STORAGE IN THE RC-2 ZONE, ALSO ORIGINALLY WITHIN THE APPROVED BL ZONE

SPH FOR USE PERMIT FOR BUSINESS PARKING IN A RESIDENTIAL ZONE

5.) TO CONFIRM USE AND PARKING WITHIN THE ORIGINAL BL ZONE AS GRANTED IN CASE NO. 4483RX, AND/OR A USE PERMIT FOR PARKING IN A RESIDENTIAL ZONE ,I.E. IN RC-2 ZONE: TO PERMIT PARKING FOR THE SERVICE STATION AND SERVICE GARAGE WITH ACCESSORY SALE OF USED CARS AND TRUCKS, AS IN NOS. 1.) TO 4.) HEREOF (NO DISPLAY VEHICLES)

REVISED PLANS
OFFICE COPY

[illegible]

[illegible]

[illegible]

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for [illegible]
and Special [illegible]
Mid Lots [illegible]
of M. [illegible]
[illegible] County

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered [illegible] enced case. Your Petitions for Special Exception and Special [illegible] Granted, in part, in accordance with the attached Order.

If you have any questions on the subject, please do not [illegible] tact this office.

Very truly yours,

JOHN [illegible]
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: Mr. & Mrs. Ralph Coxon
20701 W. Liberty Road
White Hall, Maryland 21161

People's Counsel

Maryland Department of Transportation MOTOR VEHICLE ADMINISTRATION 6601 BALTIMORE NATIONAL PIKE	LICENSING & CONSUMER SERVICES DIVISION (301) 787-7849	ZONING APPROVAL FORM CS-53 (3-86)

SECTION A: TO BE COMPLETED BY APPLICANT AND PRESENTED FOR APPROVAL TO THE LOCAL ZONING AUTHORITIES IN THE COUNTY OR TOWN IN WHICH THE BUSINESS IS TO BE CONDUCTED.

COMPANY NAME (INCLUDING TRADE NAMES)			PHONE NUMBER
The Collectors Choice Ltd.			329-6350
BUSINESS STREET ADDRESS			
20227 Old York Rd.	White Hall,	MD	21161
CITY	COUNTY	STATE	ZIP
PROPERTY OWNER'S NAME			PROPERTY OWNER'S TELEPHONE #
Ralph Coxon			357-4210
PROPERTY OWNER'S STREET ADDRESS			
20701 W. Liberty Rd.	White Hall,	MD	21161
CITY	COUNTY	STATE	ZIP

TYPE OF BUSINESS (CHECK APPROPRIATE BLOCK)

VEHICLE DEALERS

- [ ] NEW
- [x] USED
- [ ] TRAILER
- [ ] MOTORCYLE

TRANSPORTER OF VEHICLES

- [x] INSPECTION STATION
- [ ] VEHICLE PAINTING
- [ ] REMODELING OF VEHICLES
- [x] VEHICLE REPAIRS
- [ ] INSTALLATION OF EQUIPMENT
- [ ] OTHER _____

SECTION B: TO BE COMPLETED BY ZONING OFFICIAL TO VERIFY APPLICANT HAS MET ALL LOCAL ZONING REQUIREMENTS TO CONDUCT THE TYPE OF BUSINESS SPECIFIED ABOVE.

I CERTIFY, THAT THE BUSINESS OF _____
TYPE OF BUSINESS

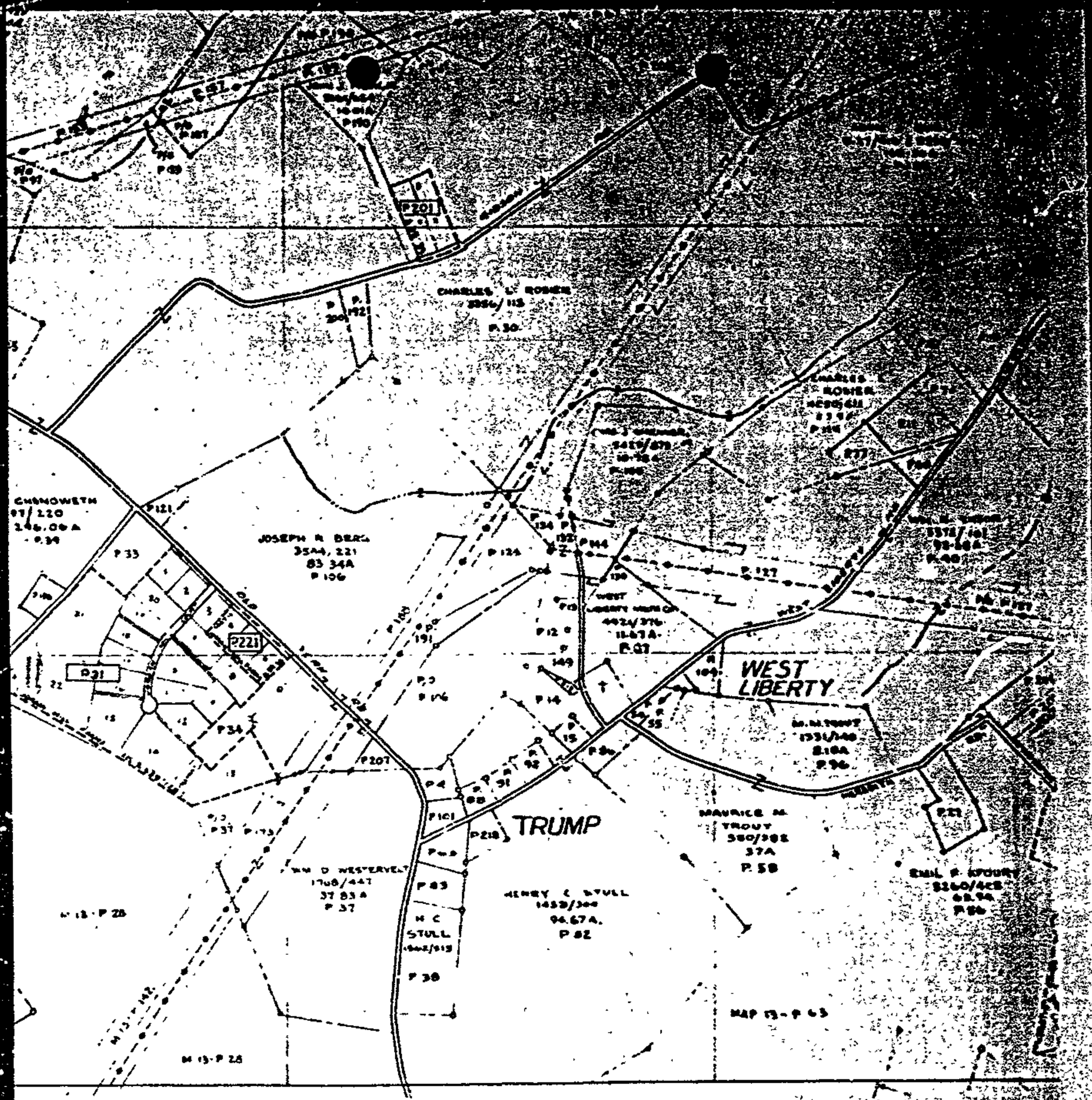
DOES ____ DOES NOT ____ MEET ALL LOCAL ZONING REQUIREMENTS, INCLUDING THE ISSUANCE OF A USE AND OCCUPANCY PERMIT, IF REQUIRED.

SIGNED _____

OFFICIAL CAPACITY _____

TELEPHONE NUMBER _____

DATE



1977 - Map. 81.

MAP COORDINATE BLOCK NUMBER SEQUENCE

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24

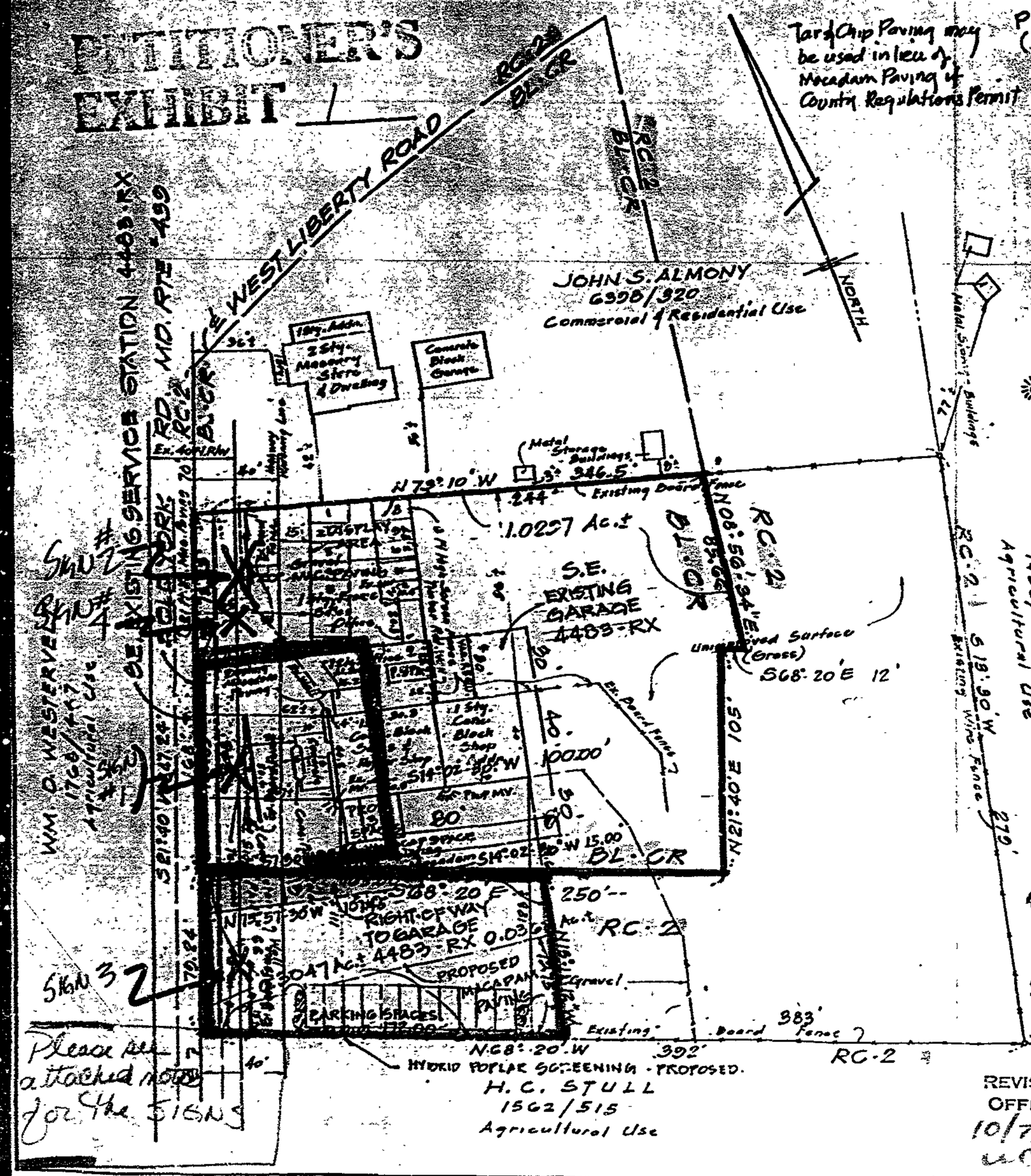
SCALE

1" = 900'

COPYRI
MD DEF

PETITIONER'S EXHIBIT 1

Tar & Chip Paving may be used in lieu of Macadam Paving if County Regulations Permit



PARKING NOTES: (Section 409.4)

A.) THE LAND TO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY DEVELOPED.

B.) NO T PASSENGER VEHICLES, EXCLUDING BUSSES, MAY USE THE PARKING AREA.

C.) NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.

D.) LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED.

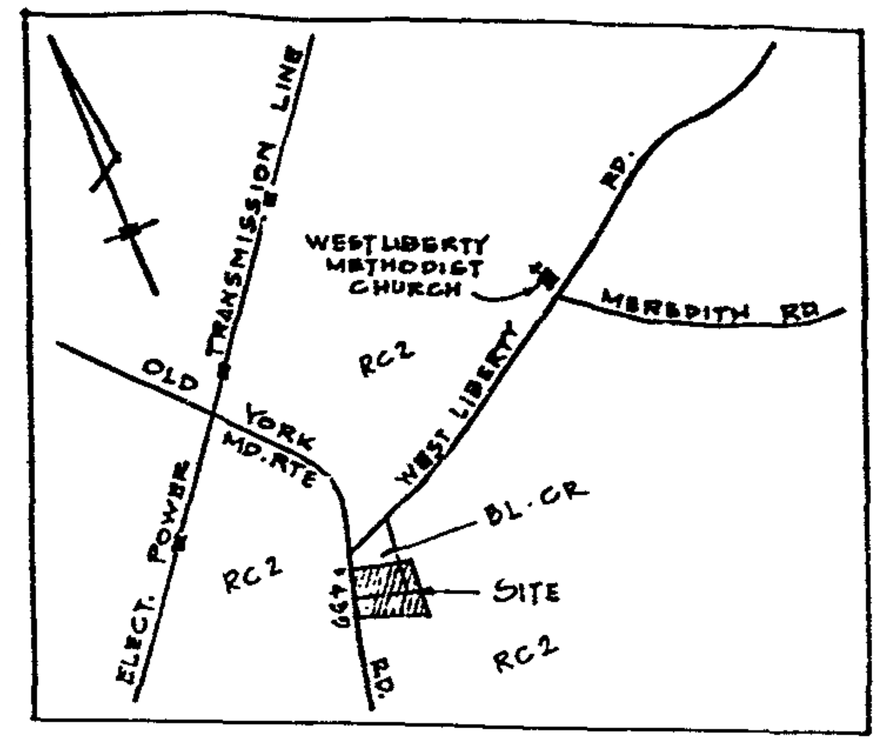
E.) SCREENING BY A WALL, FENCE, PLANTING AND/OR OTHERWISE SHALL BE REQUIRED AS DEEMED ADVISABLE BY THE OFFICE OF PLANNING.

F.) A PAVED SURFACE, PROPERLY DRAINED, SHALL BE REQUIRED.

G.) A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.

H.) METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE, AND PERMITTED HOURS OF USE SHALL BE SPECIFIED, AND REGULATED AS REQUIRED.

Indicates Mercury Vapor Lamp



VICINITY SKETCH
SCALE: 1" = 1000'

NOTES:

Parking Req'd. (All Spaces 9' x 20')

Office 10.4' x 20.3' = 211/300 = 1 Space
Office 16.2 x 12.3' = 199/300 = 1 Space
Sales: 14' x 40.2 = 563/200 = 3 Spaces
Shop: 76.9 x 40.2 = 3091/200 = 11 Spaces
Total = 16 Spaces - 16 Spa. Provided

Employees: 5, Hours 9 to 5

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING, FOR:

1.) THE RELOCATION AND CORRECTION OF THE SPECIAL EXCEPTION FOR SERVICE STATION GRANTED IN CASE NO. 4483RX FOR PARCEL NO. 1 TO PROPERLY INCLUDE THE FRONT OF THE BUILDING AND SITE.

2.) THE RELOCATION AND EXTENSION OF THE SERVICE GARAGE SPECIAL EXCEPTION, ORIGINALLY PARCEL NO. 2, TO COVER THE ENTIRE BL-CR PART OF THE SITE, EXCEPT THAT COVERED BY THE CORRECTED SPECIAL EXCEPTION FOR SERVICE STATION IN (1.)

3.) THE SALE OF USED CARS AND TRUCKS AS AN ACCESSORY USE TO AN EXISTING CORRECTED AND PROPOSED EXPANDED SERVICE GARAGE SPECIAL EXCEPTION USE, (CASE NO. 4483RX), WITH THE USE OF AN EXISTING ACCESSORY STRUCTURE AS THE USED CAR SALES OFFICE, WITH THE CONTINUOUS DISPLAY OF TEN (10) OR MORE USED MOTOR VEHICLES, ALL AS SHOWN ON THIS SITE PLAN.

4.) TO RELOCATE AND PROVIDE AN ACCESS ROAD AS ORIGINALLY APPROVED IN THE BL ZONE, ALONG THE SOUTH SIDE OF THE BL-CR LINE, PARTIALLY WITHIN THE CURRENT RC-2 ZONE, TO REACH THE REAR SERVICE GARAGE PARCEL AS ORIGINALLY PROVIDED FOR IN CASE NO. 4483RX

5.) TO CONFIRM USE AND PARKING WITHIN THE ORIGINAL BL ZONE AS GRANTED IN CASE NO. 4483RX, AND/OR A USE PERMIT FOR PARKING IN A RESIDENTIAL ZONE, I.E. IN RC-2 ZONE,; TO PERMIT PARKING FOR THE SERVICE STATION AND SERVICE GARAGE WITH ACCESSORY SALE OF USED CARS AND TRUCKS AS IN NOS. (1.) TO (4.) IN AN RC-2 ZONE

COXON PROPERTY

7TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

SCALE 1" = 50' SEPTEMBER 10, 1986

3RD COUNCILMANIC DIST.

VARIANCE REQUESTED FROM SECTIONS 238.2 AND 102.2 TO PERMIT A DISTANCE BETWEEN EXISTING STRUCTURES OF 29.7 FEET IN LIEU OF THE REQUIRED 60 FEET.

NOTE: SPECIAL EXCEPTION GRANTED FOR SERVICE STATION & SERVICE GARAGE: Nº 4483-RX

STATE OF MARYLAND — JOHN DEW — REGISTERED PROFESSIONAL LAND SURVEYOR

#86

REVISED PLANS
OFFICE COPY
10/7/86
UCR

OWNER:
RALPH COXON
20701 WEST LIBERTY ROAD
WHITE HALL, MD. 21161

SURVEYOR
JOHN DEW
16350 MATTHEWS RD
MONKTON, MD. 21111

87-274-X SPH

PETITIONER P6
ID ONLY

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

We, the undersigned, hereby sign this Petition to support the relief requested by Donald Warrener, Jr. in relation tot he above-referenced matter. Further, we feel that the addition of fuel service at the above-referenced property will be of benefit to the community and will not be in any way harmful to the health, safety or welfare of the community.

NAME	ADDRESS
Rodney O. Kurtz	17825 Falls Rd. 21155
Sharon Faulkner	2901 Church Lane 21161
[illegible]	20622 W. Liberty 21161
[illegible]	19600 Old York Rd 21161
Brian L. Morrow	19532 Kirkwood Shop 21161
[illegible]	20418 Old York Rd 21161
Brian Bale	4736 Plank Rd Stew. Mt. 17363
JOE LONSDALE	20004 KIRKWOOD SHOP RD. W.H.
Leigh M. Sistek	20622 West Liberty Rd, White Hall, 21161
Norma Lam	2830 Lieb RD PARKTON MD 21120
Tracy Weinberger	3159B Troyer Rd Whitehall 21161

ID

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
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NAME	ADDRESS
G of E Napier Jr.	2401 RR2 GLEN ROCK PA
Joanne Napier	2401 RR2 GLEN ROCK PA
Ed Eifert	4612 Tous Acres Rd 21161
Greg Kahl	2613 MOORE AVE BALTO
Jeanne Reesey	19706 Old York Rd. WHITE HALL 21161
Angela Poe	19335 Grayston Rd White Hall 21161
Linda Moore	21002 W. HIBERT 21161
Joseph A Martin	3229 OLD YORK RD WHITE HALL MD 21161
[illegible]	19607 Bunke Rd 21161
William Dye	17 COLLEGE AVE PA 17363
Pat Lacey	19861 Old York Rd 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
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NAME	ADDRESS
Keith Tallent	706 Miller Rd Parkton MD 21120
DeeAnna McNutt	19411 Craystone Rd White Hall
Mike Cole	2815-A Greenhill Rd Whitehall 21161
Todd Rae	2710 Meredith Rd. Whitehall 21161
Joe [illegible]	20334 W. Liberty Rd Whitehall 21161
[illegible]	3122 Old York Rd. Whitehall 21161
Wayne R. McClurain	20429 OLD YORK RD, [illegible]
Albert Harris	20004 Kirkwood Shop Rd
[illegible]	47183 Monrisville Rd.
Earl Brooks	2721 Garrett Rd. 21161
Henry [illegible]	2702 Meredith Rd 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
MICHAEL HAAVERSEN	19945 ENSOR RD. WHITE HALL
Paul Lacey	19861 Old York Rd. White Hall 21161
RAYMOND WINSTEAD	20700 WEST LIBERTY Rd. WHITE HALL 21161
W. A. Rowlett	3132 DRY BRANCH 21161
JON J. HERCULSON	19535 GRAMSTON RD. 21161
Robert Miller	19929 Grave Run Rd
Kenny Horton	20011 Kirkwoodshop RD. Whitehall MD 21161
Andrew McConnell	2613 Garrett Rd 21161
[illegible]	4800 List Rd. 17356
Francis R. Nines	16335 Markoe Rd 21111
Alan Bunn	RD3 Glen Rock, Pa.

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

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NAME	ADDRESS
Joseph Sagal	306 Mt. Carmel Rd. Parkton MD
T. Edwards	306 MT. CARMEL RD. PARKTON MD
[illegible]	19641 Graystone Road White Hall
Mark Pe	19335 Graystone Road White Hall MD
Kris L. Foster	3077 Whitford Rd. Sykesville, MD 21132
Christina D. Carr	5242 Buttermilk Rd, Sykesville MD 21132
Scott A. Thackeraff	PO Box 713 Sparks MD 21152
Christie Hamerster	4056 Old York Rd. Monkton MD 21111
[illegible]	13181 W. LIBERTY PARKTON
Adolf Salinger	3915 Mary Ave
John Whitcraft	20705 W. LIBERTY Rd, W/Hall 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

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NAME	ADDRESS
[illegible]	919 Bentley Rd. Freeland MD. 21053
[illegible]	19329 Burke Rd. White Hall MD. 21161
[illegible]	156 E Fig EST New Park - 17349
David Dietz	2768 E. Chandler White MD. 21161
Roger [illegible]	1826 Greeland Rd Greeland MD. 21053
[illegible]	19617 BURKA RD WHITEHALL
Gary Wilson	20418 Kirkwood Shop White Hall Md 21161
Gage Phillips	16878 New Freedom PA
[illegible]	1220 Dairy Rd Parkton MD 21120
Michael Beinl	20910 York Rd Parkton, Md 21120
Larry Warfe	1124 Freeland Rd-

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

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NAME	ADDRESS
J E Knightsman	504 Wheel Rd.
Ray Powers	17830 Bacon Rd.
Roger Peak	2823 Openshaw Rd. Whitehall MD
Janet Barenam	1314 Jordan Sawmill Rd. Parkton.
George Muller	21320 Lentz Rd. Parkton, Md.
Tim Saxon	18911 Graystone Rd Whitehall Md
E D Smith	1521 Stablestown Rd. White Hall Md
[illegible]	4430 Amos rd - Whitehall 21161
Kelly Sloman	19836 Graystone Whitehall MD
[illegible]	2106 Monkton Rd
[illegible]	205 Kaufman

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

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NAME	ADDRESS
[illegible]	19831 Graystone Rd White Hall MD
[illegible]	19832 Graystone Rd White Hall MD
[illegible]	17036 Big Tall Rd., Monkton MD 21111
Charles Jones	Troyer Rd - White Hall MD
Ron Bogen	2201 New Park Rd New Park MD
[illegible]	4 Old Rudolph Rd 21053
Harold Brub	1216 Forest Hill Rd 21050
Samuel F. Mello	Parkton 20840 old Road
[illegible]	2517 Openshaw Rd White Hall, MD 21161
Robert E. Hellebrudt Sr	7554 Spring Rd Seven Valleys PA 17360
Ronald E. Openshaw	2510 OPENSHAW RD WHITE HALL MD 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

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NAME	ADDRESS
Tony Kreeger	2140 Harris Mill RD. Parkton Md.
Kathryn Powers	20410 Kirkwood Shop Road White Hall, MD 21161-9002
Shirley A Brown	19832 Graystone Rd. White Hall, Md. 21161
John J Badders	4618 Jolly Acres rd. White Hall MD 21161
Timothy Main	P.O. Box 271 Parkton MD. 21120
Chris Schmitz	19 Brandywine Dr Shrewsbury PA 17361
John M Sommer Jr.	18123 Schoolhouse Rd. White Hall 21161
Michael Abney	PO Box 415 New Freedom PA. 17349
Daniel S Martin	1922 Nevil Rd Baltimore Md 21222
Daniel Cosgrove	2499 Meredith Rd. White Hall MD 21161
Corinne Sommer	18123 Schoolhouse Rd. White Hall MD 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

We, the undersigned, hereby sign this Petition to support the relief requested by Donald Warrener, Jr. in relation tot he above-referenced matter. Further, we feel that the addition of fuel service at the above-referenced property will be of benefit to the community and will not be in any way harmful to the health, safety or welfare of the community.

NAME	ADDRESS
Steve Smith	17118 Prettyboy Dam Rd. Parkton MD 21120
FRED GRAEFE III	915 WISEBURG RD WHITEHALL MD 21161
Lisa Wilson	21319 Lentz Rd Parkton MD 21120
Chas. E. Amberman	19016 Greystone Rd. White Hall 21161
ROBERT C. BALDWIN	19828 OLD YORK ROAD WHITE HALL 21161
Owen P. Brister	2632 White Hall Rd, White Hall, MD 21161
John J. Elberfeld	2121 Aberhurst Rd, Sparks, Md. 21152
Len Brookhart	4435A Norrisville Rd, White Hall, MD 21161
Patrick Kelley	19638 GRAYSTONE RD White Hall MD 21161
Dale W. [illegible]	18518 York Road Parkton MD 21120
Burn Blizzard	19422 Burke Rd White Hall 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

RE: Zoning Case No.: 99-73-SPHXA
20227 Old York Road

We, the undersigned, hereby sign this Petition to support the relief requested by Donald Warrener, Jr. in relation tot he above-referenced matter. Further, we feel that the addition of fuel service at the above-referenced property will be of benefit to the community and will not be in any way harmful to the health, safety or welfare of the community.

NAME	ADDRESS
[illegible]	4841 AMOS RD WHITEHALL MD 21161
Lloyd E Benedict	19004 Graystone Rd White Hall, Md 21161
Robert W. Sick	19703 Graystone Rd. White Hall.
Donald Warrener Jr.	19865 Old York Rd White Hall Md 21161
[illegible]	2629 Ogenshaw Rd White Hall Md.
Robert E Smith Sr.	3036 Saddlery Church Rd. Sturgeotown PA 17363
Gerry M Robinson	1124 Freeland Rd. Freeland, MD 21053
Kurt Powers	17830 Bacon Rd Whitehall, Md 21161
Lisa Pennington	19416 Burke Rd. Whitehall, Md 21161
L H Arnold	19705 TRUNK RD WHITE HALL 21161
Jason L Tom	2830 Lieb Rd PARKTON MD 21120

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Lynn Yeager	White Hall MD
Robert Gardner	Sparrows Ville rd.
Edna Ledford	Parkton Md. 21120
[illegible]	18 Jordan Mill Ct Whitehall 21161
[illegible]	White Hall MD.
[illegible]	Pelta Pa
Steve Vann	White Hall MD
[illegible]	1542 Jordan Sawmill RD Parkton MD 21120
[illegible]	White Hall MD 21161
[illegible]	White Hall MD 21161
Julie Kurman	1314 Jordan Sawmill Rd Parkton MD 21120

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Barry Cappellari	Whitehall Maryland 21161
[illegible]	Whitehall Maryland 21161
Grover Gardner	White Hall Maryland 21161
Mark H. Witthoeft	White Hall MD 21161
Scott Stegman	Parkton MD. 21161
Pete Wright	White Hall md. 21161
Frank Smith Jr.	Whitehall MD. 21161
Lester Brown III	White Hall MD. 21161
Charles Cook Jr	Whitehall MD 21161
Don Del Gavio	Monkton MD 21111
Ron Schnoklopf	19610 Old York Rd 21161

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Dave Carter	12332-A Troyer Rd. Monkton 21111
[illegible]	6 LOMB CT., WHITE HALL 21161
Anna M. Anderson	17211 Big Falls Rd Monkton, Md 21111
Robert Anderson	17211 BIG FALLS Rd MONKTON MD 21111
Melissa Baker	19828 Old York Rd Whitehall Md 21161
Jay Hendrix	16135 BOLMAN SCHOOL RD NEW FREEDOM PA 17349
John McGinnis	19220 Graystone Rd White Hall Md 21161
Frank W Anglin	19701 Old York Rd
Bill Schuff	19620 Old York Rd. 21161
James W. Dillon	935 Miller Rd. Parkton Md 21120
Mark E. Nil	21422 York RD Maryland Line MD 21105

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NAME	ADDRESS
Donna Wilson	21422 York Rd. Maryland Line Md
Mike Poe	21213 Ridge Rd Freeland Md
MARLENE SCHMUFF	19620 OLD YORK ROAD, WHITE HALL 21161
Henry Frankovitch	21133 Old York Rd PARKTON MD 21120
Joey Cochran	21619 Burke Rd Whitehall MD 21161
Cathy Laughman	18100 Nelson Ave. White Hall MD 21161
Steve Cochran II	19619 Burke Rd. White Hall, MD 21161
CALVIN PALMER	20515 SAMPSON RD PARKTON MD 21120
Robert Hall	14319 Thornton mill Rd Sparks MD
[illegible]	18101 School House R White Hall MD 21161
C Comodo	344 Boo Tree

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Sharon Huebschman	8727 Avondale Rd Balto., Md 21234
Lynn Cunningham	424 Overbrook Rd Balto. md 21212
Bernadette Pennek	25 Mill Pond Ct, Owings Mills MD 21117
Barbara Dabrowska	429 Cornwall St. Balti. MD 21224
Rose ZARBA	18 Starwood Ct. Balt. MD 21220
Lester E. Wacker	289 Scotts Blvd. Glen Burnie MD 21061
Cecilia A. Demerais	5442 King Arthur Cir. Baltimore MD 21237
Wanda Hale	14319 Thornton Mill Rd Sparks Md 21152
Pam Lover	405 Chapelwood Ln. 21093
Sandra Warrener	14503 Thornton Mill Rd. Sparks, Md. 21152

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Robin Price	20907 West Liberty Rd White Hall MD 21161
Jane Browne	6629 Whitegate Rd CLARKSVILLE MD 21029
[illegible] Kelly	RD1 Box 1485E Spring Grove, Pa 17362
[illegible]	RD1 Box 1139B Spring Grove, PA 17362
[illegible]	Rd#1 Box 1139B Spring Grove, Pa 17362
Gordon W Browne	7576 Browns Bridge Rd. Highland MD 20777
[illegible]	14537 Quaker Bottom Rd#2 Sparks, MD 21152
Mary A. Young	527 Morris Ave. Lutherville, Md. 21093
[illegible]	527 Morris Ave Lutherville MD 21093
Gordon W [illegible]	6629 Whitegate Rd, Clarksville MD 21029

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
Kathy Widemer	1320 Mt. Carmel Rd Parkton, Md 21120
Tami Eichhorn	7632 Spring rd Seven Valleys PA 17360
[illegible]	1320 MT CARMEL RD [illegible] 21120.
Kelley Wisnieski	14A Breezy Tree Ct Timonium, MD
Linda Roberts	1618 Providence Rd Towson
Linda Myers	Hampstead MD 21030
Sammy Roberts	15 Springhead Ct. Cockeysville
Kenneth Myers	Hampstead Md.
Bonnie Enson	17573 Wesley Chapel Rd
Jasin Blankenship	2210 Bond Rd Parkton, Md. 21120

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NAME	ADDRESS
BARRY ALMONY	205 KAUFFMAN RD. PARKTON MD.
Ed Fennell	20772 OLD York Rd
K.C. Doss	19535 Graystone RD White Hall, MD
DAVE BENSER	19 Court Drive Joppa, MD 21085
Paul Hendrickson	19520 BURKE RD. WHITE HALL MD 21161
Steve Rinks	19704 TRUNK RD WHITE HALL MD 21161

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NAME	ADDRESS
[illegible]	19308 York Rd Parkton MD 21120
Robert W Sroc	2629 Openshaw Rd White Hall 21161
Jeff Cummings	20840 Old York Rd PARKton 21120
[illegible]	5030 [illegible] Rd
Cheryl Bompa	19912 Old York Rd. Whitehall 21161

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NAME	ADDRESS
Lester P. Brown Sr.	19607 KIRKWOOD SHOP RD. WHITE HALL, MD. 21161
Rick Bennill	21320 DUNKFREELAND ROAD PARKTON MARYLAND 21120
[illegible]	463 White Hall Md 21161
Steve Sackler	1324 esther lane Parkton Md. 21152
Lester P Brown Jr	19420 Buckeye Rd. White Hall, Md.

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NAME	ADDRESS
Oscar Sommer	Old Belfast R, Sparks, Md.
Linda Mapenokow	Opensberw Rd White Hall Md
Robert M Taylor	Kirkwood Shop Rd white Hall md

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NAME	ADDRESS
Frank Woods	21100 W. Liberty Rd
Richard Troyer	20030 Ensor Rd

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NAME	ADDRESS
Matthew W. Bay	20301 Kirkwood Shop Rd. Whitehall
Sam Geel	4718 Norrisville Rd. White Hall, Md. 21161
DAN SANTORO	2320 Wilson Rd. Whitehall Md. 21161
Kevin Ferguson	3232 Old York Rd Whitehall MD 21161
Claudia Shirley	2703 Moreledge RD 21161
Todd M. Garrett	2300 GARRETT Rd 21161
Daniel M Bay	2811 McLomas Rd Monkton Md 21111
Tim Saxon	18811 Graystone Rd 21161

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NAME	ADDRESS
Laura Velinski	4718 Mellow Rd Whitehall MD 21161
Shirley A. Cochran	3611 Jarrettsville Pk. 21111
Jodi L. Hughes	5941 Norrisville Rd. White Hall 21161
[illegible]	20220 Old York Rd White Hall 21161
[illegible]	4559 NORRISVILLE RD WHITEHALL 21161

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NAME	ADDRESS
Joseph W Reichert	297 Niner's Private Rd Westminster Md 21157
Denise Reichert	14505 Thornton Mill Rd Sparks MD 21152
Charles Reichert	14505 Thornton Mill Rd Sparks MD 21152
Gary Reier	14505 Thornton Mill Rd
Lilli Rhoads	14505 Thornton Mill Rd
Dale J Rabitt	14513 Thornton Mill Rd 21152
Thomas E Stewart Sr	14511 Thornton Mill Rd 21152
Martha Stewart	14511 Thornton Mill Rd Sparks 21152

PETITION IN SUPPORT OF SPECIAL EXCEPTION FOR FUEL SERVICE STATION AND SPECIAL HEARING AND VARIANCE

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NAME	ADDRESS
KAREN CHILCOAT	3004 ANDERSON RD WHITEHALL 21161
Dave Clayville	2111 Benson Mill Rd Sparks. 21152
[illegible]	1918 Gibson Rd. Whitehall MD 21161
W. A. Coyle	3132 DRY BRANCH WHITEHALL 21161
[illegible]	2612 OPENSHAW RD WHITE HALL 21161
[illegible]	19757 Ridge Rd Stewartstown
MARSHALL	19941 Old York Rd WHITE HALL MD 21161
Bill Bidwell	2949 Freeway
Donald Preston	4451 Norrisville Rd White Hall MD 21161
Charles L Hatle	4343 NORRISVILLE RD White Hall 21161.
Don Davidson	2837 Braenborough Rd. White Hall MD 21161

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: September 15, 1998

Prot No
1

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 20227 Old York Road

INFORMATION

Item Number:	73
Petitioner:	Donald E. Warrener, Jr.
Zoning:	BL-CR
Requested Action:	Special Exception and Variance

Summary of Recommendations:

Based on a site visit and a review of the information provided, the Office of Planning offers the following comments:

1) There are two abandoned fuel service stations near the proposed fuel service site. One abandoned station is located at the corner of Old York Road and West Liberty Road. The second abandoned station is located at the intersection of Old York Road and Graystone Road. Both abandoned stations are within a one mile radius of the proposed use . Section 405.3 of the B.C.Z.R. states the presence of " two such stations within a one mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commisioner's satisfaction by market data."

2) Old York Road is a Baltimore County Master Plan designated scenic corridor. The Office of Planning is concerned the proposed fuel service station will negatively impact the rural character and scenic views along Old York Road.

For the reasons stated above, this office recommends that the applicant's request be denied; moreover, the attempt to variance the required landscape transition area is inconsistent with the intent of the CR district.

Section Chief: Jeffrey W. Long

AFK/JL

M:\DEVREV\ZAC\73.doc

October 26, 1998

Re: Petition for Special Hearing, Special Exceeption and Variance
Case No. 99-73-SPHXA
Property: 20227 Old York Road
Donald E. Warrener, Sr., Petitioner

FUEL SERVICE STARTIONS IN VICINITY OF 20227 OLD YORK ROAD

ACTIVE STATIONS

Location	road distance from 20227 Old York Rd.
Maryland Line Service Station	3.2 miles
Maryland Line Garage	3.7 miles
Stewartstown, Pa.	4.7 miles
York Road at I-83 (exit # 33)	5.7 miles
Shrewsbury, Pa. York Rd.	6.0 miles
Shrewsbury, Pa. York Rd.	6.0 miles
New Freedom, Pa.	6.1 miles
Madonna, Md. (Route #23)	6.7 miles

ABANDONED STATIONS

West Liberty Rd.	at site
West Liberty Rd.	50 yards
Greystone Rd. (Shane)	1.1 mile
York Rd. near Bee Tree Rd.	3.7 miles
White Hall	5.5 miles
Freeland	6.1 miles

Prot No 3

DEED

THIS DEED, made this 22nd day of August, 1997, by and between DONALD E. WARRENER, SR., party of the first part, "Grantor" and DONALD E. WARRENER, JR., Grantee", party of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED SEVENTY THOUSAND DOLLARS AND 00/100 ($170,000.00) and being the actual consideration paid and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, his personal representative and assigns, in fee simple, forever;

ALL that lot or parcel of land situate and lying in the SEVENTH ELECTION DISTRICT of BALTIMORE COUNTY, Maryland and being more particularly described as follows:

BEGINNING for the same at a stone a common corner of the land now owned by C.W. McCullough and the herein described lot, said stone being on and 330 feet from the end of the north 6 degrees east 79 perches line of the land described in a Deed dated April 12, 1927 from, Simon J. Van Trump and wife to George E. Green and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 641, folio 591, and running thence reversely by part of said north 6 degrees east line and bounding on the land of Luke Ensor south 13 degrees 30 minutes west 279 feet thence for line of division from the remaining part of the land of Horace Koller north 68 degrees 20 minutes west 383 feet to a point about 10 feet from the center of the Old York Road thence north 21 degrees 40 minutes east 248 feet to a point 9 feet from the center of the Old York Road, thence by the land of C.W. McCullough south 73 degrees 10 minutes east 346-5/10 feet to the place of beginning. Containing 2-2/10 acres of land, more or less. The improvements thereon being known as **No. 20227 Old York Road.**

BEING the same land described in and conveyed by a Deed dated September 22, 1989 and recorded among the Land Records of Baltimore County at Liber S. M. No. 8314, folio 274, which was granted and conveyed by Reda Jean Warrener unto Donald E. Warrener, Sr.

SAVING AND EXCEPTING that land conveyed in a Deed dated June 25, 1992 and recorded among the Land Records of Baltimore County at Liber S. M. 9249, folio 251, which was granted and conveyed by Donald E. Warrener, Sr., unto the State Highway Administration of the Department of Transportation.

RECEIVED FOR
State Department of
Assessments & Taxation
for Recording
By [illegible] Date 8/29/97

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE [illegible] DATE 8/29/97

DP

Ret #5

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, his personal representative and assigns, in fee simple, forever;

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor.

Witness:

(SEAL)
DONALD E. WARRENER, SR., Grantor

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, That on this 22nd day of August, 1997, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared DONALD E. WARRENER, SR., Grantor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public: GREGORY A. SZOKA

NOTARY PUBLIC GREGORY A. SZOKA HARFORD COUNTY, MD.

My commission expires: 02-01-99

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.

GREGORY A. SZOKA, Esquire

AFTER RECORDING, RETURN TO:
STARK AND KEENAN, P.A., 30 OFFICE STREET, BEL AIR, MD 21014
PHONE (401) 838-2224 FILE # 97-568 WARRENER

MARYLAND *Office of Planning*

Parris N Glendening
Governor

Ronald M. Kreitner
Director

October 12, 1999

Dr. Richard W McQuaid
1501 Harris Mill Road
Parkton, MD

Dear Dr. McQuaid:

This is to confirm that the property data and maps provided to you on June 30, 1999 for the Route 439 and study area were derived from the Maryland Office of Planning's *MdProperty View* CD-ROM for Baltimore County, 1999 Edition

Should there be any questions about the data or its derivation please contact Shahbaz Raza on our staff, 410-767-4474.

Sincerely,

Michel A Lettré
Director

PC. EX 17

ID

Planning Data Services: 410-767-4450 Fax: 410-767-4480
301 West Preston Street • Baltimore, Maryland 21201-2305

NORWEST BANKS

Securities Administration Services

Norwest Bank Minnesota, NA
11000 Broken Land Parkway
Columbia, Maryland 21044
(410)884-2000 (phone)
(410) 884-2360 (fax)

To: Court of Appeals
Company:
Phone:
Fax:

From: Eric Cellitto
Company:
Phone: 410 884 2191
Fax:

Date: 10/11/99
Pages including this cover page: 2

Comments:
Please apply this document to Case 99-73-SPHXA, Donald Warren I

Thank you

October 11,1999

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED POST-HEARING
DAY ONE

COUNTY BOARD OF APPEALS
RECEIVED
99 OCT 12 AM 8:52

RE: Case 99-73-SPHXA

To Whom It May Concern,

This letter is in reference to Donald Warrener Jr.'s request for gas sales at his property located on MD Rt. 439.

I am currently in lease negotiation with Mr. Warrener to open a convenience store at the location in question and feel that gas sales would not only increase taxable revenue but also provide the area with a convenient one-stop establishment. Customers would be able to purchase fuel and also pick-up a number of other items such as bread, milk, soda, chips, etc. With over twenty years experience as a Service Station Attendant/ Mechanic and having recently studied the area's traffic patterns/volume, and surrounding residential areas I do feel that the area is in need of such a business.

With existing tanks and the fact that the property was previously an approved gas facility the location, in my opinion, appears to be an ideal candidate for approval. In addition, having studied the area's demographics, traffic patterns/volume, as well as, the distance of any similar operation I do not feel that the addition of gas would undermine any existing businesses. This business would create a healthy more competitive environment, which would provide the consumer with more variety and better prices.

If you have any questions, please feel free to call myself at (717) 235-5069, or my son Eric Cellitto at (h) (410) 239-5068 (w) (410) 884-2191.

Sincerely,

Dale Cellitto

Dale Cellitto

RECEIVED POST-HEARING
DAY ONE

Monkton Automotive Inc.

♦♦♦

20227 Old York Road ♦ White Hall, Maryland 21161
Phone 410-329-6388 ♦ Fax 410-329-6440

September 28, 1999

RE: case # - 99-73-SPHXA
Hearing Room 48
Old Courthouse
400 Washington Avenue

RECEIVED POST-HEARING
DAY ONE

RECEIVED
COUNTY BOARD OF APPEALS
99 OCT -1 PM 5:04

To Whom It May Concern:

I own and operate Monkton Automotive Inc. - a full service auto repair facility and a licensed State of MD. motor vehicle inspection station. The majority of our customers are local residents. We also work closely with several wholesale and retail car dealers including, but not limited to 439 Auto Sales, who bring vehicles in for Maryland inspections and/or mechanical repairs.

Dealers' vehicles that are awaiting repairs or inspections are parked behind the garage to avoid confusion with our local customers' vehicles which are parked in front of the garage.

I would also like to add that I have been a resident of Northern Baltimore County for twenty-five years. I have watched in disappointment as community farm fields have become housing developments and shopping centers. For this reason I support and appreciate any development or redevelopment of existing commercial properties. Frankly, I feel it is completely practical and economically and environmentally sound to serve fuel from the property located at 20227 Old York Road. It would be a disservice to the community to not allow fuel service where it previously existed for many years.

I hope this answers any questions or concerns related to the vehicles which are parked at the rear of my service facility. Feel free to contact me if I can be of any further assistance.

Sincerely,

Stephen M. Smith - President

RECEIVED POST-HEARING
DAY ONE

WHITCRAFT SERVICES, INC.

TRANSPORTATION SPECIALISTS

20756 Old York Road • Parkton, Maryland 21120 • 410-343-2565

Mr Donald Warrener, Jr.
439 SERVICE CENTER, L.L.C.
MONKTON AUTOMOTIVE, INC.
20227 Old York Road
White Hall, MD 21161

August 4, 1999

Dear Mr. Warrener,

In response to our recent conversation regarding the purchase of fuels from your business, I am very much interested in this possibility. Your business location is quite convenient to us and the fact that you have parking and fuel pump access that will be large enough for our school buses is a plus. I understand that your business is not selling fuels at this time, but when that time does arrive, please contact us.

Thank you for your interest in our companies fuel needs.

Sincerely,

Ron Prettyman, Operations Manager
Whitcraft Services, Inc.

P 11 A

7-30-99
John C. Morgan
20772 Old York Rd
Parkton, Md 21120

To whom it may concern,
I have been a resident of Parkton-Whitehall area for the past 9 1/2 years. I live at 20772 Old York Rd, Parkton, Md 21120. I have a small farm with 18 acres. The farm is about 1 mile from which was once a nice neighborhood gas + service station. There also was a little country store next to the station on West Liberty Rd, but both are closed now. When I first moved to the area both were up and running and I patronized both until they closed. It sure would be nice to have a full service gas station with a convience store in the neighborhood. If heading towards Belair or Jarettsville across Rt 439 this gas stop would be most beneficiac to those travelers + farmers in the area. If forgotten to fuel when in town you would have

P 11 B

to back track to Parkton, or Md line for gas. The Citco was always a nice clean + friendly place to stop. So as far as Im concerned I would like to see the place back in business as a gas + convience store.

Thank You
John C Morgan
7-30-99

John Brown's Auto Parts, Inc.

USED CARS - PARTS - TOWING

Box 88 Rt. 439
White Hall, MD 21161

(301) 343-0011
357-8342

To Whom It May Concern:

I would like to represent my business and state that we feel that the "439 Service Center L.L.C." would be a certain advantage for our area. Due to the type business we have (Recylcling) we need to refuel our trucks and equipment quite often. We have no facilities for this close by and with easy access.

In addition to the advantages to our business, Mr. Donald Warrener, Jr. has been a good neighbor to us and has always been ready to give us any assistance in any way. I feel that his business would help the area and he would certainly be a welcome plus.

Cordially,

Joel D. Brown Sr. Pres.

Mr. Joel D. Brown, Sr.
President

P 11 C

WARREN & DIANA HEALEY
19828 Old York Rd.
White Hall, MD. 21161

Telephone 410-329-2661
Fax 410-357-4300

TO WHOM IT MAY CONCERN.

We wholeheartedly approve the installation of gas pumps at:

Monkton Automotive Inc.
20227 Old York Rd.
White Hall, Md. 21161

and

439 Service Ceenter L.L.C.
20227 Old York Rd.
White Hall, MD 21161

Since this location is a Maryland inspection station, it only makes sense to also have gas pumps which are sorely needed in this community.

Diana M. Healey

Diana M. Healey

Warren A. Healey

Warren A. Healey

P 11 D

James Lee Trucking, Inc.
20616 West Liberty Road
White Hall, Maryland 21161
(410) 357-4635

August 2, 1999

To Whom It May Concern:

I would like to see the pumps back in at 439 Service Center, L.L.C. I only live less than a mile and I have always used the gas station In the past when it was open. It was convenient for me to stop at 20227 Old York Road for fuel. I feel a station in the area would Help the community.

Sincerely,

James Lee

Jim Lee

P11 E

8-4-99

Case #99-73-SPHXA

To whom it may Concern,

We would like to have gas returned to 439 Service Center Monkton Automotive L.L.C. There are so few gas stations in this area. Most are between six to ten miles away.

Thank you

Phone#
410-357-8710

Vernon J. Holloway
Charlotte L. Holloway
20728 Old York Rd.
Parkton Md. 21120

PIIF

8/4/99

Re case #99-73-SPHXA

Our family, like many others here in Shane Valley, would like to be able to get our gas at 20227 Old York Rd, White Hall (as we did in the past). Please grant zoning to put back gas & diesel at that location.

Mary E. Ross
J. David Ross

20710 Kirkwood Shop Rd
White Hall, Md. 21161

P116

June 14, 1999

Approximately two months ago Donald Warrener contacted me. Mr. Warrener was looking a distributor to supply a location he hoped to open for the sale of motor fuels. A mutual business acquaintance had recommended SMO to Mr. Warrener. I met with Mr. Warrener on a Saturday morning. I explained to Mr. Warrener SMO's program for determining if SMO would have an interest in investing and supplying the location at 20227 Old York Road with motor fuels. Those requirements are:

1. Establish a profile to determine volume potential if location does not have a history of motor fuel sales. I accomplish this by ordering a market survey. For this location I used Texaco's "Starfires". This volume site potential determines the amount SMO is willing to invest in the site.

2. I find out the traffic count for the location. I do this by contacting the Maryland State Highway Department.

3. I make sure the property owner has the needed zoning to open this type of business and that he controls the real estate.

4. Establish supply contract terms and conditions with the potential dealer.

To date I am satisfied that conditions 1 and 2 have been met to a point that SMO is willing to make an investment in the site, conditions 3 and 4 are yet to be determined.

I have supplied the "Starfires" to Mr. Warrener for supportive documentation.

It is SMO's hope that you will render a favorable decision on behalf of Mr. Warrener in the matter before you.

Respectfully,

William Grevey
SMO Motor Fuels Marketing Manager

PETITIONERS
P8A

BOX E, LA PLATA, MARYLAND 20646 • 301/932-3600 • FAX 301/932-3668

LETTER OF INTENT

Mr. Donald Warrener
C/O 439 Service Center
20227 Old York Road
White Hall, MD 21161

June 10,1999

Don,

SMO, Inc. is desirous to enter into a petroleum supply agreement with you at your property 20227 Old York Road.

SMO's market survey, prepared by Equiva Services, indicates a site volume potential at the above-mentioned location of 87,000 gallons of fuel per month. Based on this information SMO is prepared to invest in upgrading the facility to comply with all EPA Regulations. SMO will also invest in petroleum equipment to meet the site potential.

This intention is contingent upon you receiving the necessary zoning and permits as well as you entering into a petroleum supply contract with SMO for the location. Terms and conditions yet to be determined.

Sincerely,

Willliam Grevey
SMO Motor Fuels Marketing Manager

PETITIONERS
P7

BOX E, LA PLATA, MARYLAND 20646 • 301/932-3600 • FAX 301/932-3668

BARBARA GRZINCIC
JOHN BIRETTA
2501 MEREDITH RD.
WHITE HALL, MD 21161

March 30, 1999

Baltimore County Board of Zoning Appeals
ATTEN: Kathleen Bianco
Old Courthouse, Room 49
400 Washington
Towson, MD 21204

VIA FAX TO: 410/887-3182

Re: Case 99-73-SPH-X-A, Donald Warrener (20227 Old York Road)

Dear Ms. Bianco:

Thank you for your time on the phone this morning. As we discussed, please add my name and my husband's to the Warrener file immediately and send us notices of any action taken or to be taken in this matter. We oppose the proposed amendments and confirmation of used-car sales for reasons to be set forth in a later letter

If you have any questions or need to contact me by telephone, please call 410/752-3849 (ext 126).

Yours truly,

Barbara Grzincic

Original to follow by U.S. Mail

99 MAR 30 PM 1:52

KIS

MARYLAND'S BUSINESS & LEGAL NEWS

THE DAILY RECORD

INCORPORATING WARFIELD'S BUSINESS RECORD

FAX COVER SHEET

IF YOU HAVE ANY QUESTIONS OR PROBLEMS RECEIVING THIS MATERIAL PLEASE CALL (410) 752-3849

DATE: 3/30 TIME: _____ NUMBER OF PAGE(S): 2 (incl cover)

TO: Kathleen Bianco

FROM: Barbara Grzincic

MESSAGE: Re: Warrener
Per T/C this morning

ELEVEN EAST SARATOGA STREET · BALTIMORE · MARYLAND 21202 · 410·752·3849 · FAX 410·752·2394

CA. -99-738PHXA
Old York Road (439)

Kathleen

To whom it may concern,

I would like to go to this hearing. My only concern is that they already have alot of business there for one small area. Including this is the country and not Baltimore City.

1. Garbage business
2. Used Cars (lot)
3. Automotive business
4. Extra Tracker & Trailers park here and have loaded car trailers all the time.

with all this a gas station too.

Thank you
Marie Ward

Please let me know when the court hearing is

Thanks

Marie Ward
2305 W Liberty Rd.
Whitehall Md.
21161

(410) 357-4661

P.S. Could they please get a fence so the neighborhood doesn't have to look at all this junk.

BARBARA GRZINCIC
JOHN BIRETTA
2501 MEREDITH RD.
WHITE HALL, MD 21161

March 30, 1999

Baltimore County Board of Zoning Appeals
ATTEN: Kathleen Bianco
Old Courthouse, Room 49
400 Washington
Towson, MD 21204

VIA FAX TO: 410/887-3182

Re: Case 99-73-SPH-X-A, Donald Warrener (20227 Old York Road)

Dear Ms. Bianco:

Thank you for your time on the phone this morning. As we discussed, please add my name and my husband's to the Warrener file immediately and send us notices of any action taken or to be taken in this matter. We oppose the proposed amendments and confirmation of used-car sales for reasons to be set forth in a later letter.

If you have any questions or need to contact me by telephone, please call 410/752-3849 (ext. 126).

Yours truly,

Barbara Grzincic

Original to follow by U.S. Mail

(Sent via fax 3/30/99 ~12:30 pm)

99 APR -1 AM 10:57
COUNTY BOARD OF APPEALS

THE SHERWOOD CONSULTANCY

Annapolis Business Park
2128 Renard Court
Annapolis, Maryland 21401-6755
tel: 410-841-0090
email: jrsherw@ibm.net

October 22, 1998

Mr. Donald E. Warrener, Jr.
20227 Old York Road
White Hall, Maryland 21161

SUBJECT: REPORT OF ANALYSIS OF NEED FOR A GAS STATION AT 439 SERVICE CENTER, 20227 OLD YORK ROAD (MD 439)

Dear Mr. Warrener:

Pursuant to our agreement and my discussions with you and your attorney Frank Borgerding, I am pleased to provide this letter summarizing the results of my analysis of the need for motor fuel sales at your existing 439 Service Center business on Maryland Route 439 (MD 439 - Old York Road) in the community of White Hall, Baltimore County, Maryland.

> **In my professional judgment, there is need for a moderate sized motor fuel sales operation at this location due to the amount of vehicular traffic on MD 439, residential demand in this part of Baltimore County and the total absence of gas stations on MD 439 in Baltimore County to meet the needs of motorists.**

I. NATURE OF ASSIGNMENT

Application has been made to Baltimore County for a special exception to permit reestablishing a fuel service operation at 20227 Old York Road (MD 439) in the White Hall area of the county. This location is identified on **Map 1** (page 2). A truck repair and used automobile sales business currently operates as "439 Service Center" at this location. In inter-office correspondence dated September 15, 1998, the Baltimore County Office of Planning recommended that the request for the special exception be denied based on its finding that there were two abandoned fuel service stations within a one mile radius of the proposed use and that, as set forth in the county's zoning regulations, "two such stations within a one mile radius of the proposed fuel service station establishes that there is no need for the proposed use." However, the regulations permit the applicant to rebut such a position before the Zoning Commissioner. The Sherwood Consultancy (TSC) has been retained by you to conduct market research and analysis aimed at assessing the need for a fuel service station ("gas station") at this location.

TSC has substantial experience conducting gas station needs analyses, mostly in Howard County but also in Anne Arundel and Baltimore counties. Our approach to such studies is typically to determine the gasoline purchase needs of the residential and transient motorist markets that would be served by a facility at the applicant site. That will be done in this instance. However, a key

Pet. #6

element in the situation of this proposed station is the closing ("abandonment") of gasoline stations at two locations near the subject site. The county regulations seem to presume that if gas stations formerly operated nearby but now are closed, these stations must have closed through lack of business and thus there is no need for a new station because there is insufficient market support in the area. However, over the past twenty years gas stations have been closing for many reasons other than lack of customer support. Consequently, a portion of this analysis focuses on the experience of these former stations and the basis for their closings.

II. DEVELOPMENT CONTEXT

The 439 Service Center is located on MD 439 (Old York Road) in northeastern Baltimore County at the intersection of MD 439 and West Liberty Road, which has its western terminus at MD 439. This area, which is in the portion of the county generally referred to as White Hall, is about four miles south of the Maryland/Pennsylvania state line. MD 439 has an interchange with Interstate Route 83 (I-83) about three miles to the northwest of the site, and the county line with Harford County is located about five miles to the southeast. The nearest commercial centers, and they are modest, are Maryland Line, about five miles to the northwest on MD 45 west of I-83 and Jarretsville in Harford County about ten miles to the southeast on MD 23 and MD 165.

While northeastern Baltimore County remains substantially rural, it has been experiencing residential development. This is a result of the growth of jobs in the southern part of the county's I-83 corridor from Towson to Cockeysville as well as the generally satisfactory commute using I-83 to other parts of Metropolitan Baltimore. Subdivisions comprised of large homes on large lots and "gentleman farms" are typical of the residential trend. The development pressures on the area are clear as the experience in Pennsylvania shows. There, less restrictive development controls have permitted a large amount of residential development, much of it serving households having jobs in Maryland.

The stretch of MD 439 in Baltimore County east of I-83 currently supports some commercial activity. At West Liberty Road, in addition to the 439 Service Center, there is the Crab Happy seafood carryout. "Grandpa's Farm", a self pick operation, is located next door. About one mile south, in the crossroads community of Shane, there is Don's Place deli and grill and Lacy's Liquors. The Graystone Golf Course is located just off MD 439

III. THE MARKET FOR MOTOR FUEL IN THIS AREA

In this part of Baltimore County there are two principal markets generating demand for gasoline: residents of northeastern Baltimore County and transient motorists passing through the area on MD 439. Both of these markets have grown over the past decade and are expected to continue to grow in the foreseeable future.

A. Demand from Market Area Residents

The applicant facility is located in Census Tract 4070, which is part (with Census Tract 4060) of Regional Planning District 301 (RPD 301) as defined by the Baltimore Metropolitan Council (BMC) and used by Baltimore County for statistical purposes. The census tracts and RPD are shown in **Map 2** (page 5). For this analysis the focus is on CT 4070 as a reasonable surrogate for the trade area (comprised of primary and secondary market areas) that would be served by the applicant station. Most of CT 4070 is located east of I-83 but it includes the Maryland Line community west of I-83. It also extends south to MD 137 and the community of Hereford. TSC recognizes, therefore, that CT 4070, because of its large geographic area, contains residents who would not be likely customers for the applicant gas operation. Nevertheless, there are no smaller statistical areas in this part of the county to serve as a data resource, and TSC believes that CT 4070 provides reasonable guidance with regard to trends in population and households in this part of Baltimore County. Thus CT 4070 will be used as our trade area for this analysis. In addition, some data, like building permits trends and projections of population and households, are available only for RPDs. Consequently, we will look at trends and projections for certain data for all of RPD 301.

As of July 1998, Baltimore County estimates that 7,960 people live in CT 4070 out of a total of 12,964 in all of RPD 301. The population in CT 4070 has grown by 331 people or 4.3% since 1995 while the population in the entire RPD has grown by 461 people. At the time of the 1990 Census, the population in CT 4070 was 6910, so it has increased by 1,050 people or 15% since then. This population growth is linked to the growth in households, which is the same as occupied housing units. As of July 1998 there were 2,912 households in CT 4070, an increase of 170 since July 1995. Over the past decade there has been gradual growth in the number of moderate sized subdivisions in this area at locations such as the Francis Farm, the Berg Farm and Graystone. Such development is driving the increase in households, population and motorists in the applicant gas station's trade area.

To estimate demand, TSC multiplies the number of people living in a trade area by the average number of gallons of gasoline consumed per person in the state of Maryland. Given the 1998 population in CT 4070 of 7,960 and the gasoline demand per person figure of 435 gallons (as of 1996, the last year for which the data are available) the total demand for gasoline in CT 4070 as of July 1998 was 3,462,600 gallons. If only one-third of this demand is applicable to the northern part of the census tract around the applicant station, the demand from nearby residents would be for over 1.1 million gallons of gasoline per year, and that demand requirement is growing.

B. Demand from Transient Motorists

According to Maryland State Highway Administration (SHA) traffic count data, average daily traffic (ADT) on MD 439 just west of West Liberty Road was 5,350 vehicles in 1996, the most recent year for which the data are available. That is a strong increase of 2,550 vehicles or 91%

since 1987 when the ADT was 2,800, by far the highest traffic growth rate in this part of Baltimore County. For instance, traffic on MD 45 south of MD 439 grew by only 650 vehicles or 29.5% and on MD 45 at Maryland Line by 3,425 vehicles or 54.4% during the same period. TSC assumes that most of the traffic on MD 439 consists of motorists who live in the trade area and whose demand for gasoline is accounted for in the residential demand analysis reported on above. However, if only 1,000 of the 5,350 vehicles per day are transients, and if it is assumed that some of these motorists will need gas, especially before they get on I-83, it can be seen that the transient market will provide a reasonable source of demand for gasoline at this location.

IV. GASOLINE RETAILING IN THE MD 439 CORRIDOR

There are currently no gas stations on MD 439 from the county line (with Harford County) to MD 45 south of Maryland Line. This was not the case as recently as the early 1990s when there were two stations on MD 439 and the mid-1980s when there were three. Each is reported to have had two pumps. The names and other characteristics of these three stations are set forth below.

- **439 Service Center.** Gasoline was sold at the applicant location from 1958 until 1993. The operation was doing a volume of about 40,000 gallons per month when it closed. The closing was a result of a dispute between the operator and the wholesale dealer who supplied product with regard to the wholesale price of the gasoline. .

- **Cornwell's (Brown's) General Store.** This business was located next door to 439 Service Center at the current location of the Crab Happy seafood carryout. It sold BP gasoline and then unbranded product until it closed about 1990. The supplier of gasoline owned the tanks. When that business was bought by another company, the new supplier refused to accept responsibility for the tanks and thus would no longer provide gasoline to the site. As a result, the gasoline sales operation ceased and the tanks were removed. Monthly volume had been about 30,000 gallons.

- **Pitman's Store.** Pitman's was located in Shane about one mile south of the applicant location. The situation here was similar to Cornwell's. The station was branded Exxon (Esso) with Exxon owning the tanks. Volume was about 20,000 gallons per month. In the early 1980s Exxon installed new tanks but then made a corporate decision that it would not own tanks on other people's property. As a result the tanks were removed. Subsequently, the buildings on the property burned, and there are no improvements on the site today.

As a group these three stations had gasoline sales of about 90,000 gallons per month or about 1.08 million gallons a year when all three were operating. That was during a period when there was only about half the vehicular traffic on MD 439 that there is today and when there was much less residential development in the area. It is consistent with TSC's estimate of current residential demand of about 1.1 million gallons a year. In each instance the closing of the station had nothing to do with market need. Rather, structural changes in the nature of gasoline retailing and in

corporate liability concerns related to environmental matters resulted in these sites becoming functionally obsolete. Their closings left many motorists in this part of the county with no gasoline station near their home or convenient to them on their way to and from work via I-83.

While there are currently no gas stations on MD 439 in Baltimore County, there are two stations west of I-83 in Maryland Line. One is a garage selling Citgo branded product. It has two pumps and is estimated to be doing about 40,000 gallons in sales. The other (Sub Stop) is unbranded and is estimated to be selling about 95,000 gallons a month. TSC regards these stations as not directly competitive with the applicant due primarily to the fact that they are located west of I-83, are not on MD 439, and thus serve markets that are different from the applicant's.

IV. CONCLUSIONS

The analysis above assesses factors relating to the need for establishing a gasoline sales operation at the 439 Service Center location. Based on the research and analysis, it is the conclusion of The Sherwood Consultancy that there is a clear need for a motor fuel sales facility on MD 439 and that the applicant site is suitable for such an operation. This conclusion is based on the following findings resulting from the research and analysis.

- There used to be three gas stations selling about 90,000 gallons of gas monthly on MD 439 in Baltimore County.
- The three stations closed over a period from the early 1980s to early 1990s because the nature of gasoline retailing changed, especially the relationship between wholesalers and retailers, and because companies were unwilling to accept liability for underground tanks.
- There is nothing to indicate that the three stations closed because they did not have enough business, given the scale of these particular operations. While they were small and never going to achieve high volumes, they were serving a market need. When able to purchase product from wholesalers at reasonable prices, they are reported to have made money on their gasoline operations.
- Since these stations closed, there has been increased residential development in the MD 439 corridor with a concomitant increase in the number of households and population and resident motorists. Consequently, the need for gasoline for residents has grown.
- The volume of traffic on MD 439 has also grown, nearly doubling from 1987 to 1996, thus indicating a need for gas for transient motorists.
- There are no gas stations on MD 439 in Baltimore County to serve these motorists.
- The association of the proposed gasoline station with an automotive repair facility will fill a need for people living in the MD 439 corridor west of I-83 for a fuel and service facility convenient to their homes.

Respectfully submitted,

John R. Sherwood, III
Senior Consultant

Baltimore County
Department of Permits and
Development Management

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

March 6, 1998

Francis X. Borgerding, Jr., Esquire
Mercantile Building, Suite 600
409 Washington Avenue
Towson, Maryland 21204

RE: Zoning Verification
20227 Old York Road
Zoning Case No. 87-274-SPHX
7th Election District

Dear Mr. Borgerding:

I am in receipt of your latest letter dated February 25, 1998 in reference to the sale of trucks at the above location. The sale of used trucks in the area highlighted in blue on the site plan submitted with your February 4, 1998 letter is also permitted per granted zoning hearing case number 87-274-SPHX.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:ch

Enclosure

Zoning Case No. 87-274-SPHX

Pet # 4e

received
3/9/98

Printed with Soybean Ink
on Recycled Paper

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

February 25, 1998

John J. Sullivan, Jr., Planner II
Zoning Review
Baltimore County Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Zoning Verification
20227 Old York Road
7th Election District

Dear Mr. Sullivan:

I am writing in relation to your correspondence of February 10, 1998 with regard to the above-referenced zoning verification. The purpose of this correspondence is to clarify that pursuant to my request in my correspondence of February 4, 1998, a copy of which is attached hereto for your reference, that my client may engage in the sale of used cars and trucks in the area highlighted in blue on the plat from case number 87-274-SPHX which accompanied my previous correspondence.

If you have any questions with regard to this requested clarification, please do not hesitate to contact me.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure
cc: Mr. Donald Warrener

Pet. #4d

Baltimore County
Department of Permits and
Development Management

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

February 10, 1998

Francis X. Borgerding, Jr., Esquire
Mercantile Building, Suite 600
409 Washington Avenue
Towson, MD 21204

RE: Zoning Verification
20227 Old York Road
7th Election District

Dear Mr. Borgerding:

Your letters to Arnold Jablon, Director of Permits and Development Management, dated February 2, 1998 and February 4, 1998 have been referred to me for reply. Your clients' request is for written verification that the property may now be used for a service garage use and for the accessory sales of used cars. You have submitted a copy of the site plan approved in zoning hearing case #87-274-SPHX. Highlighted in red is the area of the existing and proposed service garage use and highlighted in blue is the proposed area of used car sales. The aforementioned proposals are permitted provided that there is compliance with the restrictions in the latest zoning order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning case 87-274-SPHX

Enclosure

Printed with Soybean Ink
on Recycled Paper

Pet # 4C

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

February 4, 1998

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 20227 Old York Road
Seventh Election District
Baltimore County, Maryland

Dear Mr. Jablon:

This correspondence is being written on behalf of my client, Donald E. Warrener, Jr., as a follow-up to my previous correspondence of February 2, 1998, also concerning the above-referenced property. As a point of clarification, my client is requesting as to area outlined in blue on the plat attached to my previous correspondence the accessory sales of used cars and trucks. Would you please consider the above when issuing the opinion requested pursuant to my correspondence of February 2, 1998.

If you have any questions in relation to this matter, please do not hesitate to contact me. Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. Donald Warrener

Pet # 4b

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

Member of Maryland and District of Columbia Bar

February 2, 1998

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 20227 Old York Road
7th Election District
Baltimore County, Maryland

Dear Mr. Jablon:

I am writing on behalf of my client, Donald E. Warrener, Jr., in relation to the proposed utilization of the above-referenced property. This correspondence is being written to request an interpretation that under the above-referenced property's B.L.-C.R. zoning and in light of previous hearings concerning the property in case numbers 4483-RX and 87-274-XSPH that the above-referenced property may now be used for a service garage use and for the accessory sales of used cars. For your reference, I have attached a copy of the plat made a part of case number 87-274-XSPH and on the plat outlined in red the existing and proposed service garage use and in blue the proposed area of used car sales. I have also enclosed for your reference copies of the decisions rendered in both case number 4483-RX and case number 87-274-XSPH. Also please find a check in the amount of $40.00 made payable to Baltimore County to cover the cost of this request.

Pet #4a

If you have any questions in relation to the above, please do not hesitate to contact me. Thank you very much for your cooperation with regard to this matter.

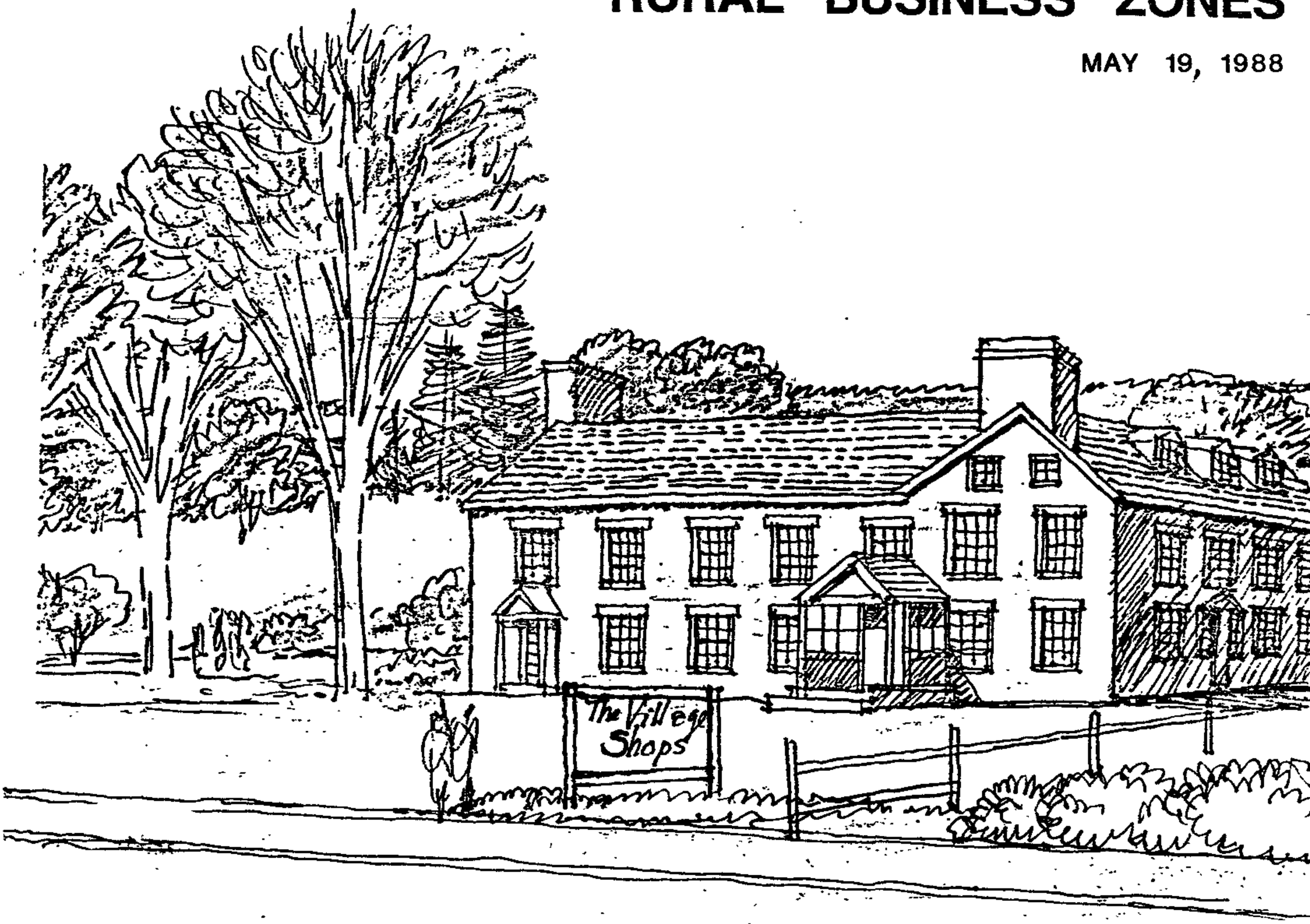
Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure
cc: Mr. Donald Warrener

RURAL BUSINESS ZONES

MAY 19, 1988



A FINAL REPORT OF THE BALTIMORE COUNTY PLANNING BOARD REGARDING THE C.R. DISTRICT AND A NEW RESOURCE CONSERVATION COMMERCIAL ZONE

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Pc ex 19

Dennis F. Rasmussen
County Executive

Published by the Baltimore County Office of Planning and Zoning
Towson, Maryland 21204

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Baltimore County Office of Central Services

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS AND THE DEVELOPMENT REGULATIONS CONCERNING THE C.R. DISTRICT AND NEW RESOURCE CONSERVATION COMMERCIAL ZONE

A Final Report of the Baltimore County Planning Board
(Adopted May 19, 1988)

Project Description

Subject: Resolution No. 17-88, requests the Baltimore County Planning Board to consider amendments to the Baltimore County Zoning Regulations in order to create a rural commercial zone.

Attachments: Attachment A - Proposed Rural Conservation Commercial Zone and Commercial Rural District
Attachment B - Resolution No. 17-88
Attachment C - Illustrations

Introduction

In 1979 the urban/rural demarcation line was created to address special land-use needs in the rural area. Resource conservation zones were developed to protect agricultural land and watershed areas, to reserve areas for future use, and to allow for limited rural residential development.

It was also recognized that there was need for commercial zoning in rural areas to meet the needs of residents and tourists. In the absence of a rural commercial zoning category, Business Local (B.L.), Business Major (B.M.) and Business Roadside (B.R.) were applied to rural areas. These zones, provided in larger centers such as Hereford and Jacksonville, at smaller crossroads or strip centers and on "spot" locations scattered throughout the rural areas are the same zones that are applied to urban areas of the County.

The range of permitted uses in these zones and the floor area ratios allowed (B.L. 3.0, B.M. 4.0, and B.R. 2.0) are inappropriate for rural areas.* Full utilization of the zone has been physically impossible to achieve, however, due to physical constraints such as streams and soil types, the requirement that water and sewerage systems be required on-site and inadequate road capacity. The lack of effective market demand due to the low density of the rural population also reduces the size of developments.

As long as development is limited to sites of one acre or less, the environmental constraints, development regulations and market factors result in a scale generally in keeping with surrounding development (see site plan for Four Corners Craftsman Village). However, once larger lots are developed and parking for commercial uses are permitted in adjacent R.C. zones (see site plan for Monkton Center) the pattern of building begins to disappear and any local sense of identity is lost.

In order to permit development for commercial use at an appropriate intensity and scale in rural areas, the proposed R.C.C. zone and the revised C.R. District both propose strict limitations on lot size and building area compared to the existing Business zones. Parking for commercial uses would not be permitted in adjacent R.C. zones. In the C.R. District buildings which exceed the proposed limits could only be built by special exception and only if in accord with site specific guidelines or standards which are part of an approved Master Plan for the area.

*Permitted Development on One Acre of Land

B.R.	87,120 square feet
B.L.	130,680 square feet
B.M.	174,240 square feet

The R.C.C. zoning classification could be placed on any land included in the 1988 Log of Issues if the County Council enacts the proposed R.C.C. zone in time for the 1988 Comprehensive Rezoning. The proposed amendments to the C.R. District would apply to all existing C.R. Districts. The designation could also be applied to any land in the 1988 Log of Issues if the Council enacts the legislation before the maps are adopted.

R.C.C. - Resource Conservation-Commercial Zone.

In response to the need for small commercial developments in the rural areas, staff is proposing the creation of the R.C.C. zone in which development and uses would be strictly limited. The proposed zone includes a range of retail and personal service uses designed to serve agricultural needs, residential communities and tourists. The size and scale of the development allowed would also determine, to a certain extent, the types of uses that would locate in the zone.

The total building area permitted on a lot is to be limited to 3,000 square feet, which provides sufficient area for the type of uses proposed, while ensuring a degree of compatibility with existing buildings in rural areas. Compatibility will be achieved by the provision of setbacks and landscaped buffers; the location of parking to the rear and side of buildings; control over the design and materials of buildings and signs; and limits on the area of outside storage (10% of total lot area) and on impervious surface (20% of total lot area). In addition, maximum lot size will be restricted to two acres to ensure that adequate provision is made for on-site water supply and sewage disposal, while limiting the extent of outside storage and impervious surfaces to appropriate proportions of the site. Although lot size requirements for adequate environmental controls vary with soils, slopes, streams, vegetation and other physical characteristics of the site, the two acre limit will provide efficient use of land both for commercial development and for effective environmental protection.

In summary, the R.C.C. zone proposes to:

(1) limit development to 3,000 square feet of building and 10% of lot area for outside storage;

(2) limit impervious surface to 20% of lot area;

(3) provide an acceptable range of uses for agricultural, rural residential and tourists needs;

(4) ensure that sites, buildings and signs are designed in a manner consistent with rural character;

(5) provide for effective environmental protection for the site and adjacent properties.

C.R. Districts

While the proposed R.C.C. zone is aimed primarily at addressing the needs of small scale, scattered commercial enterprises in a variety of locations throughout the rural area of the County, the C.R. District is intended for use in those rural locations, usually villages or small towns which already

function as commercial service centers. These areas which provide a wider range of commercial services then the R.C.C. zone, are now in danger of losing their local identities due to rapid development, permitted by existing zoning patterns.

It is essential that if growth is to occur it should only do so in a manner appropriate to local scale and tradition and within the context of a duly adopted Master Plan.

The C.R. District may be applied to land zoned B.L., B.M., B.R., R.O. and to adjacent land zoned R.C. 5. Application of the District designation will not change the base zoning. However, all uses permitted in any zone in the district may be allowed in a base zone subject to the following conditions:

1. Uses permitted as of right in the base zone will be limited by the bulk regulations and site design controls set out in this legislation.

2. Uses permitted in the District, but not in the base zone may only be permitted by Special Exception as limited by the bulk regulations and site design controls.

3. Development larger than that allowed by the bulk and site design regulations may only be permitted by special exception and only in accordance with site specific design guidelines and performance standards which are included in an adopted Master Plan for the District.

4. The criteria for granting special exceptions will be strengthened to include firmer environmental and design standards and "proof of need" for the uses proposed.

Recommendations

The Baltimore County Planning Board recommends that the Baltimore County Zoning Regulations, 1955, as amended, and the Baltimore County Code, 1978, as amended, be further amended as set forth below.

1. In Section 1A00, Resource Conservation Zones, add a new Subsection 1A06, Resource Conservation, Commercial:

Section 1A06 - R.C.C. -- Resource Conservation, Commercial

1A06.1 -- General Provisions

A. Legislative Statement of Findings.

1. Declaration of Findings. It is found that:

a. there is a demand for commercial development in the rural areas of Baltimore County to serve the needs of rural residential and agricultural communities as well as tourists; and

b. the existing Business zoning designations (B.L., B.M., B.R.) permit uses at a scale that are not desirable in the rural parts of the County and the height, bulk, floor area and setback requirements of these zones permit an intensity of development that is not appropriate in scale or appearance with the character of a rural setting; and

c. the rural areas lack the road, water and sewerage capacity to handle the intensity of development permitted by the existing Business zones.

2. Purposes: The R.C.C. zoning classification is established pursuant to the legislative findings stated above to:

a. provide small areas of commercial development that will meet the shopping and personal service needs of rural residents and tourists;

b. permit such facilities, but only at an intensity and scale appropriate to rural areas.

1A06.2 -- Use Regulations. The following uses are permitted subject to the limitations set forth in Section 1A06.3.

A. Uses permitted as of right.

1. Agriculturally related retail, office and services uses:

Agricultural supply and feed store;
Auction building;
Farmers' co-op;
Farmers' market;
Garden Center;
Veterinary Services;

2. Commercial and Service Uses:

Retail establishments selling such items as gifts, jewelry, hardware, drugs, groceries, sporting equipment (except boats and vehicles), antiques;
Arts and crafts studios;
Barber shops, beauty shops and other personal service establishments;
Banks;
Offices, provided that medical offices are limited to 25% of the total floor area;
Restaurants and bars (except drive-in or drive-through facilities);
Small appliance repair.

3. Residential, Lodging and Institutional Uses:

Single-family detached dwellings;
Residences above the first floor of commercial buildings;
Bed and breakfasts, tourists homes;
Educational and social service facilities;
Class A and Class B child care centers.

B. Uses permitted by special exception:

Agricultural machinery and equipment repair;
Public utilities, public utility service centers;
Volunteer fire companies;
Conversions of existing buildings which do not conform to the use limitations of 1A06.3.

C. Accessory Uses or Structures. The following uses, only, are permitted as an accessory use:

1. Agricultural related uses.
   Farmers roadside stands;
   Intermittent outdoor sales;
     Cut flower or live plants;
     Farmer's Co-op roadside stand;
     Fish, shellfish and meat;
     Fruit and vegetable.

2. Amusement devices (subject to provisions of Section 422);
   Picnic groves;
   Satellite receiving dish (subject to provisions of Section 429).

3. Home occupations.

4. Parking to be located to the side and rear of the building only, but not in the required setback and must be located within the R.C.C. Zone.

5. Signs.

6. Outside storage of material or equipment.

1A06.3 -- Use Limitations. All of the uses in Section 1A06.2 are subject to the following limitations.

A. The applicant shall prove to the satisfaction of the Director of the Department of Environmental Protection and Resource Management that the land can support the proposed development without overburdening the required private sewerage disposal system, the potable water supply, endangering the Metropolitan District reservoirs or adversely affecting neighboring properties.

B. Outside Storage. Outside storage of equipment and material shall be permitted only on the lot subject to the following requirements:

1. The storage area must be located to the side or rear of the building, outside of the required setbacks.

2. The storage area shall not cover more than 10% of the lot, except as determined by the Zoning Commissioner in a special exception hearing.

3. All outside storage of fuels, chemicals or other potentially harmful materials must be located on impervious pavement and completely enclosed by an impervious wall high enough to contain the total volume of liquids kept in the storage area, plus accumulated rainfall.

4. The storage area shall be screened by a fence in association with plantings.

C. Signs and Displays. In addition to signs permitted under subsection 413.1, the following are also permitted:

1. one stationary outside identification sign which does not project more than 6 inches from the building and does not have a surface area exceeding 8 square feet;

2. one free-standing sign with a surface area of no more than 15 square feet per side; the sign shall be integrated with the landscaping, and the location shall be approved by the Director of the Office of Planning and Zoning;

3. no sign shall be illumuninated.

D. Relationship to Surrounding Neighborhoods. New buildings or additions shall be appropriate pursuant to Section 22-104(c) of the Baltimore County Code, as amended.

E. Production Restrictions.

1. Not more than 5 persons shall be engaged in the repair or fabrication of goods on the premises;

2. Not more than 5 horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines;

1A06.4 -- Bulk Regulations of R.C.C. Zones.

A. Uses permitted in R.C.C. zones are governed by the following bulk regulations:

1. Front yard setback: the front building line shall be not less than 15 feet from the right of way line of the street and not more than the average setback of the adjacent lots;

2. Minimum side and rear yard setback: 15 feet;

3. Maximum height of new buildings or additions: 25 feet;

4. Floor Area Restrictions. The gross floor area of all buildings on the lot shall not exceed 3,000 square feet;

5. Maximum lot size: 2 acres;

6. Coverage. No more than 20 per cent of any lot may be covered by impervious surface, including buildings, parking facilities and storage areas.

B. Landscape Areas. In keeping with the rural character the front, side and rear yards shall be landscaped to adequately screen the parking area from the roadway and adjacent uses, in accordance with the Landscape Manual requirements for commercial zones.

2. Delete Paragraph A in Subsection 259.2, "C.R. Districts".

   A. C.R. District--Commercial, Rural. C.R. Districts may be applied only to certain areas of contiguous commercial development which are on land zoned B.L., B.M., B.R., and/or M.L. at intersections of paved roads each at least 2 miles in length, and which lie beyond the urban-rural demarcation line, or to certain other commercially or industrially zoned areas of substantial, established business activity beyond the urban-rural demarcation line.

3. Add a new paragraph A to Subsection 259.2 and a new Subsection 259.3 "Special Regulations for C.R. Districts".

259.2 Statement of Legislative Intent for Districts

   A. C.R. District - Commercial Rural

      The C.R. District is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. It is intended that the C.R. District be applied only to areas where such facilities are not available within a reasonable distance; where sewerage treatment and a potable water supply can be provided without an adverse affect on the environment and neighboring uses and where public roads are capable of handling the anticipated increase in traffic without adverse impacts on surrounding areas. The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area.

      C.R. Districts may be assigned to areas of commercial development beyond the urban-rural demarcation line zoned as of the date of this legislation as B.L., B.M., B.R., or R.O. Effective with this legislation, the uses permitted in an M.L. zone will no longer be permitted in a C.R. District except if the underlying zone is M.L. The C.R. District may also be applied to land zoned R.C. 5 which is adjacent to a C.R. District provided that the location, configuration and physical characteristics of the site and the potential for access to an adequate public road make the land suitable for commercial development.

259.3 -- Special Regulations for C.R. Districts

   A. Uses Permitted by Right. Any use permitted by right in the underlying zone on which the C.R. District is applied and which meets the bulk regulations of Paragraph 1 of 259.3.C. is permitted by right.

   B. Uses Permitted By Special Exception.

      1. Any use permitted by special exception in the underlying zone on which the C.R. district designation is applied and which meets the bulk regulations of Paragraph 1 of 259.3.C. is permitted by special exception.

      2. Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3.C. is permitted by special exception.

3. Buildings which exceed the requirements of Paragraph 1 of 259.3.C may be permitted by special exception only when the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the District.

4. In addition to the requirements generally imposed by 502.1, any use permitted by special exception in C.R. Districts shall meet the requirements of Paragraph E below.

C. Use Restrictions

1. Bulk Regulations.

   a. The gross floor area for all buildings on a lot shall not exceed 8,800 square feet of which no more than ~~4,400~~ 6,600 square feet shall be on the ground floor.

   b. The floor area ratio shall not exceed 0.20.

   c. Building height shall not exceed ~~25~~ 30 feet.

2. Setbacks

   a. The front yard setback shall be not less than 15 feet from the street right-of-way line, or greater than the average of the setbacks of adjacent buildings.

   b. The rear and side yard setbacks shall be not less than 15 feet.

3. Landscaping. In addition to the requirements of the Landscape Manual for commercial zones, the following landscape standards shall apply to uses in C.R. Districts:

   a. The entire required front, side and rear setbacks shall be landscaped.

   b. A minimum of 7% of the parking lot shall be pervious surface with a minimum of one tree per eight parking spaces provided.

4. Parking. Parking shall be located in a manner appropriate and consistent with adjoining development and must be located within the C.R. district. Access onto roadways shall be limited to no more than two locations. Except where physical constraints, site configuration or safety preclude compliance, parking must be accessible to the parking lots of adjacent non-residential uses and zones.

5. Environmental Holding Capacity

   The applicant shall prove to the satisfaction of the Director of the Department of Environmental Protection and Resource Management that the land can support the proposed development without overburdening the required private sewerage disposal system, the potable water supply, endangering the Metropolitan District reservoirs or adversely affecting neighboring properties.

6. Outside Storage. Outside storage of equipment and material shall be permitted only on the lot subject to the following requirements:

   a. the storage area must be located to the side or rear of the building, outside of the required setbacks;

   b. the storage area shall not cover more than 15% of the lot, except as determined by the Zoning Commissioner in a special exception hearing;

   c. the storage area shall be screened by a fence in association with plantings;

   d. all outside storage of fuels, chemicals or other potentially harmful materials must be located on impervious pavement and completely enclosed by an impervious wall high enough to contain the total volume of liquids kept in the storage area, plus accumulated rainfall.

7. Signs and Displays. In addition to signs permitted under subsection 413.1, the following are also permitted:

   a. one stationary outside identification sign which does not project more than 6 inches from the building and does not have a surface area exceeding 8 square feet;

   b. one free-standing sign with a surface area of no more than 25 square feet per side; the sign shall be integrated with the landscaping and the location shall be approved by the Director of the Office of Planning and Zoning;

   c. no sign shall be illuminated.

8. Relationship to Surrounding Neighborhoods. New buildings or additions shall be appropriate pursuant to Section 22-104(c) of the Baltimore County Code, as amended.

D. Procedure for Obtaining Plan Approval in a C.R. District.

1. A CRG plan shall be approved prior to the granting of a special exception in a C.R. district.

2. When a special exception is required, the CRG shall also find that the proposed development satisfies the requirements of Paragraph E below.

E. Additional requirements for the granting of a special exception in a C.R. district. In addition to the requirements generally imposed on the issuance of special exceptions by 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts.

1. The petitioner shall document the need for the development at the proposed location; that the commercial services proposed are not duplicated elsewhere and that there is a population

within the trade area with adequate buying power to support the proposed facility.

2. The proposed development shall take into account topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25%; will minimize disturbance to vegetated areas, wetlands and streams and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.

3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.

4. The existing roads shall accommodate the anticipated traffic without the addition of new traffic lanes.

5. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.

6. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise, or the emission of dust, fumes, vapors, gases and odors.

4. Amend Section 22-104 of the Baltimore County Code 1978 as amended, as follows: (underlining shows text to be added)

Section 22-104. Development in <u>R.C.C.</u>, R-0, 0-1, 0-2, or OT zone <u>and C.R. districts</u>.

Add a new Subparagraph (c) as follows:

(c) Development of property in an R.C.-C. zone:

(1) Development shall be appropriate to the specific circumstances of the site taking into account surrounding uses; tree preservation; protection of watercourses and bodies of water from erosion and siltation; protection of groundwater resources; safety, convenience, and amenity for the surrounding neighborhood.

(2) In determining the appropriateness of buildings, design elements of proposed buildings shall be evaluated in relation to existing adjacent or surrounding buildings. In most cases, to be considered appropriate, new buildings shall be rural in character and similar to existing buildings in the following respects:

(i) Height;
(ii) Bulk and general massing;

(iii) Major divisions or rhythms of the facade;
(iv) Proportion of openings, i.e. window to wall relationships;
(v) Roof treatment;
(vi) Materials, colors, and textures of buildings and signage: In general, natural materials such as stone, brick, wood-siding, shingles, slate, etc. are preferred to industrial or artificial materials such as raw or exposed aggregate concrete, annodized or galvanized metal, tinted glass, plastics, vinyls, etc.
(vii) General architectural character:
a) Horizontal or vertical emphasis;
b) Scale;
c) Stylistic features and themes i.e. porches, colonades, pediments, cupolas, cornices, coins, detail and ornament;
(viii) Relation to street.
(ix) Except where physical constraints, site configuration or safety considerations preclude strict compliance, all parking must be accessible by driveway to the parking lots to adjacent non-residential uses and land zoned for non-residential uses.

5. In Paragraph 100.1.A. (Zones) revise subparagraph 2 by adding a new zone as follows:

R.C.C. (Resource Conservation, Commercial)

ATTACHMENT B

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 7

RESOLUTION NO. 17-88

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 4, 1988

A RESOLUTION to request the Planning Board to consider proposing amendments to the Baltimore County Zoning Regulations in order to create a rural business zone.

WHEREAS, the Baltimore County Planning Board from time to time considers certain revisions to the Baltimore County Zoning Regulations; and

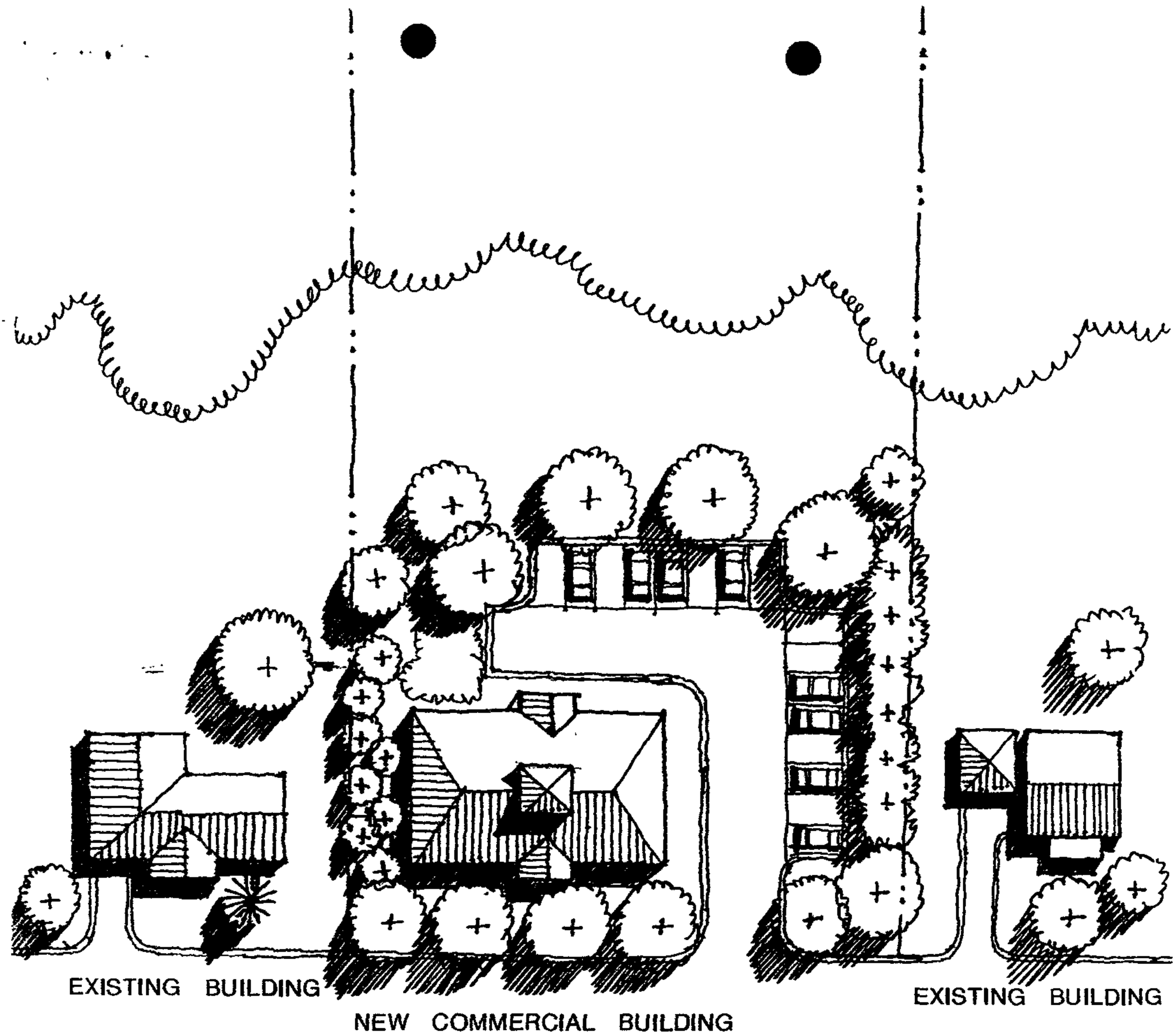
WHEREAS, a recurring problem which Baltimore County faces is that the Baltimore County Zoning Regulations do not provide for a business zone which permits only those uses and buildings which are compatible with the agricultural uses, and scenic beauty of the surrounding area; and

WHEREAS, the present practice of designating Business-Local zones beyond the urban rural demarcation line to provide land to meet the retail and service needs of the rural population permits uses and buildings which are incompatible with the surrounding area; and

WHEREAS, the rural areas require specific types of retail and service uses to meet their needs and these uses could be permitted in such a way as to promote and protect the surrounding rural area.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the Baltimore County Planning Board be and it is hereby requested to consider proposing amendments to the Baltimore County Zoning Regulations in order to create a rural business zone which will provide for the retail, business and service needs of these areas while protecting and promoting agricultural uses and their scenic beauty, and create a village atmosphere reminiscent of New England.

ATTACHMENT C



TYPICAL SITE PLAN
RURAL COMMERCIAL ZONE

MAXIMUM FLOOR AREA 3000 SQ FT

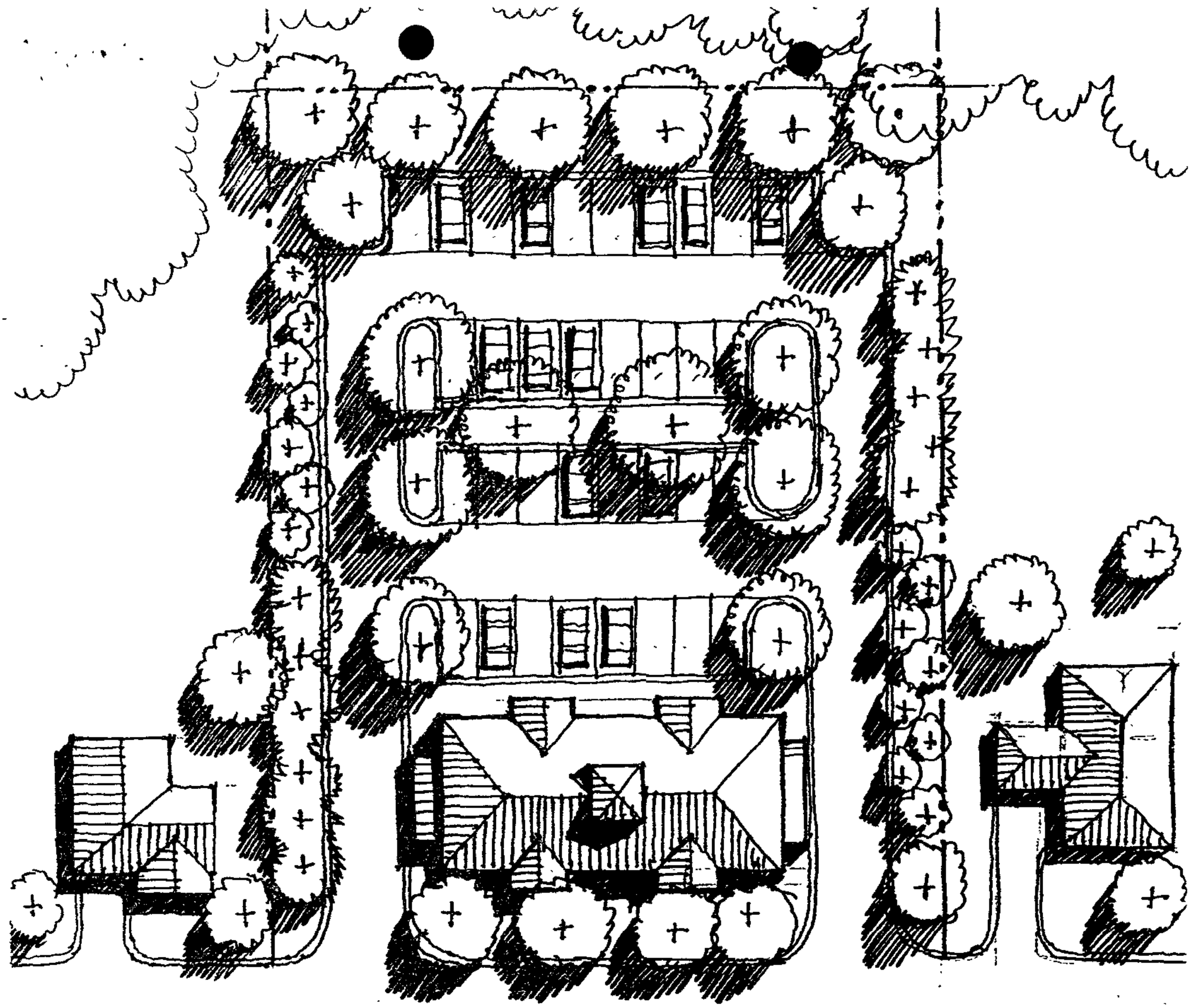
1 INCH = 40 FEET

FRONT SET BACK; 15 FT FROM R.O.W. OR

AVERAGE OF ADJACENT SET BACKS

SIDE AND REAR SET BACKS 15 FT

PARKING AT SIDE AND REAR OF BUILDING



TYPICAL SITE PLAN

MAXIMUM FLOOR AREA 8800 SQ FT

RURAL COMMERCIAL DISTRICT

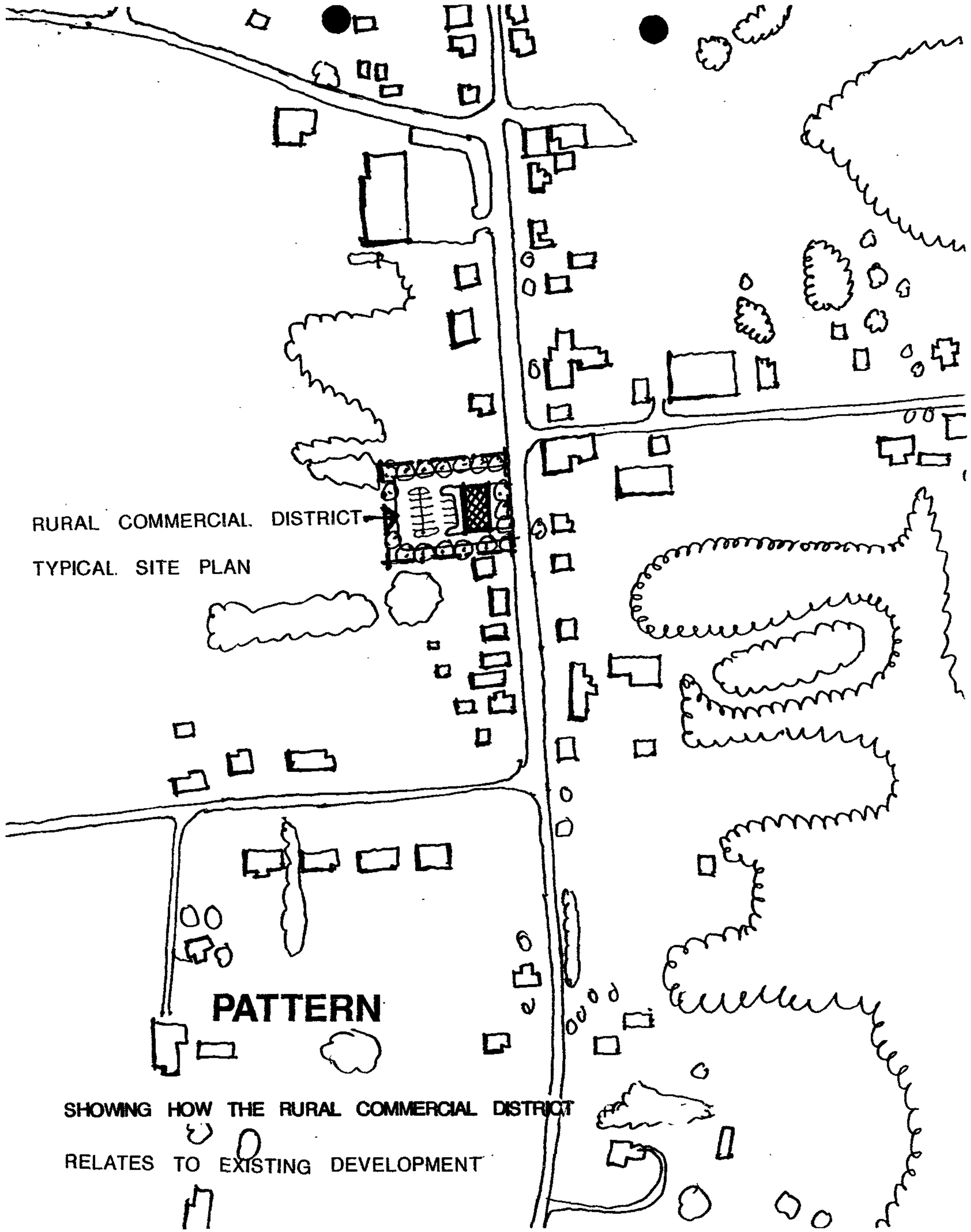
1 INCH = 40 FEET

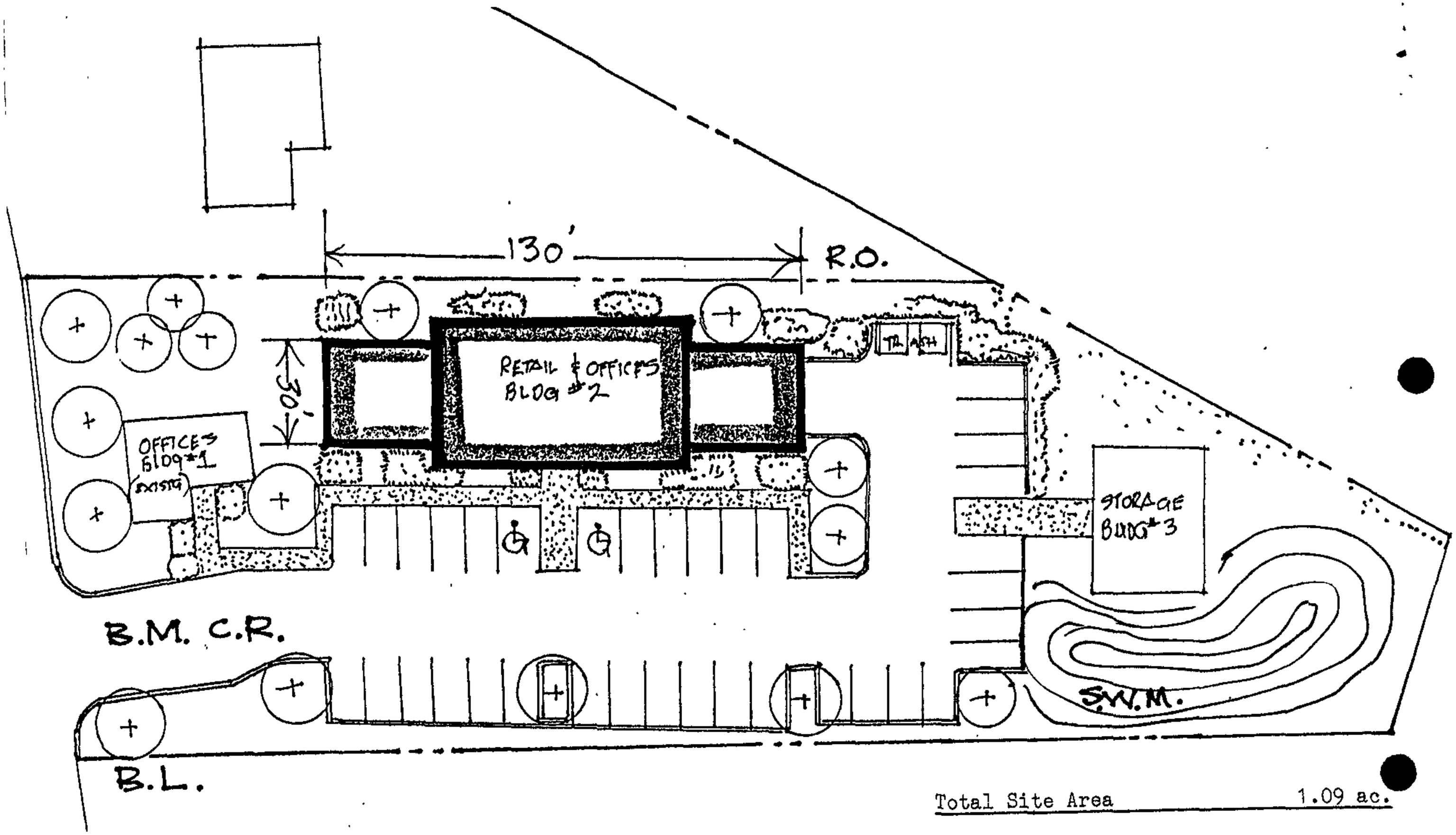
FRONT SET BACK; 15 FT FROM R.O.W OR

AVERAGE OF ADJACENT SET BACKS

SIDE AND REAR SET BACKS 15 FT

PARKING AT SIDE AND REAR OF BUILDING


RURAL COMMERCIAL DISTRICT
TYPICAL SITE PLAN
PATTERN
SHOWING HOW THE RURAL COMMERCIAL DISTRICT
RELATES TO EXISTING DEVELOPMENT



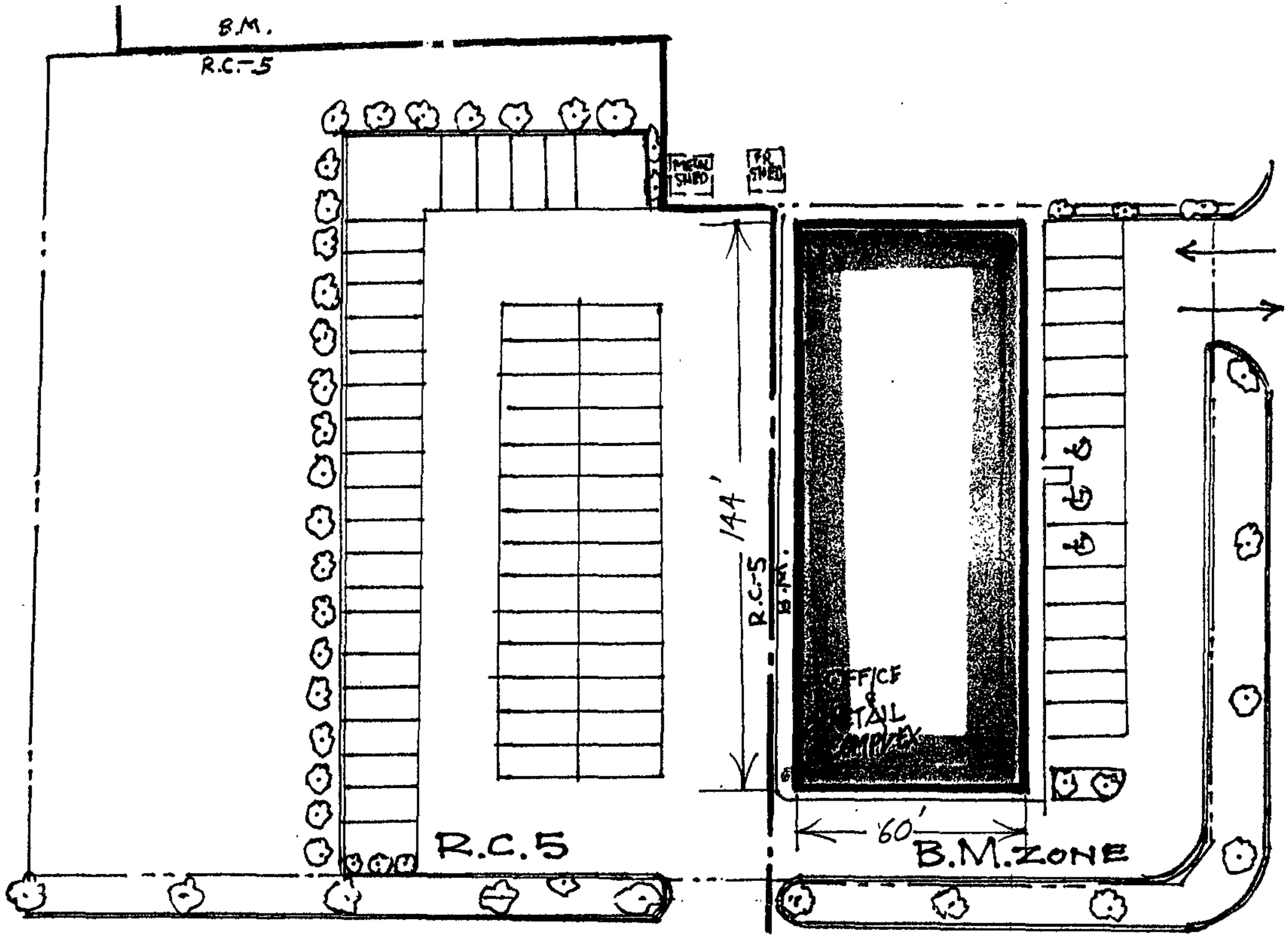
JARRETTSVILLE PIKE

Total Site Area	1.09 ac.
Zoning B.M.-CR	1.09 ac.
Permitted F.A.R.	4.0
Total Permitted Building	189,920 sq. ft.
Proposed F.A.R.	0.19
Proposed Building	9,300 sq. ft.
Proposed Parking	33 spaces (all on site)

PROPOSED C.R.G. PLAN

FOUR CORNERS CRAFTSMAN VILLAGE

NO SCALE



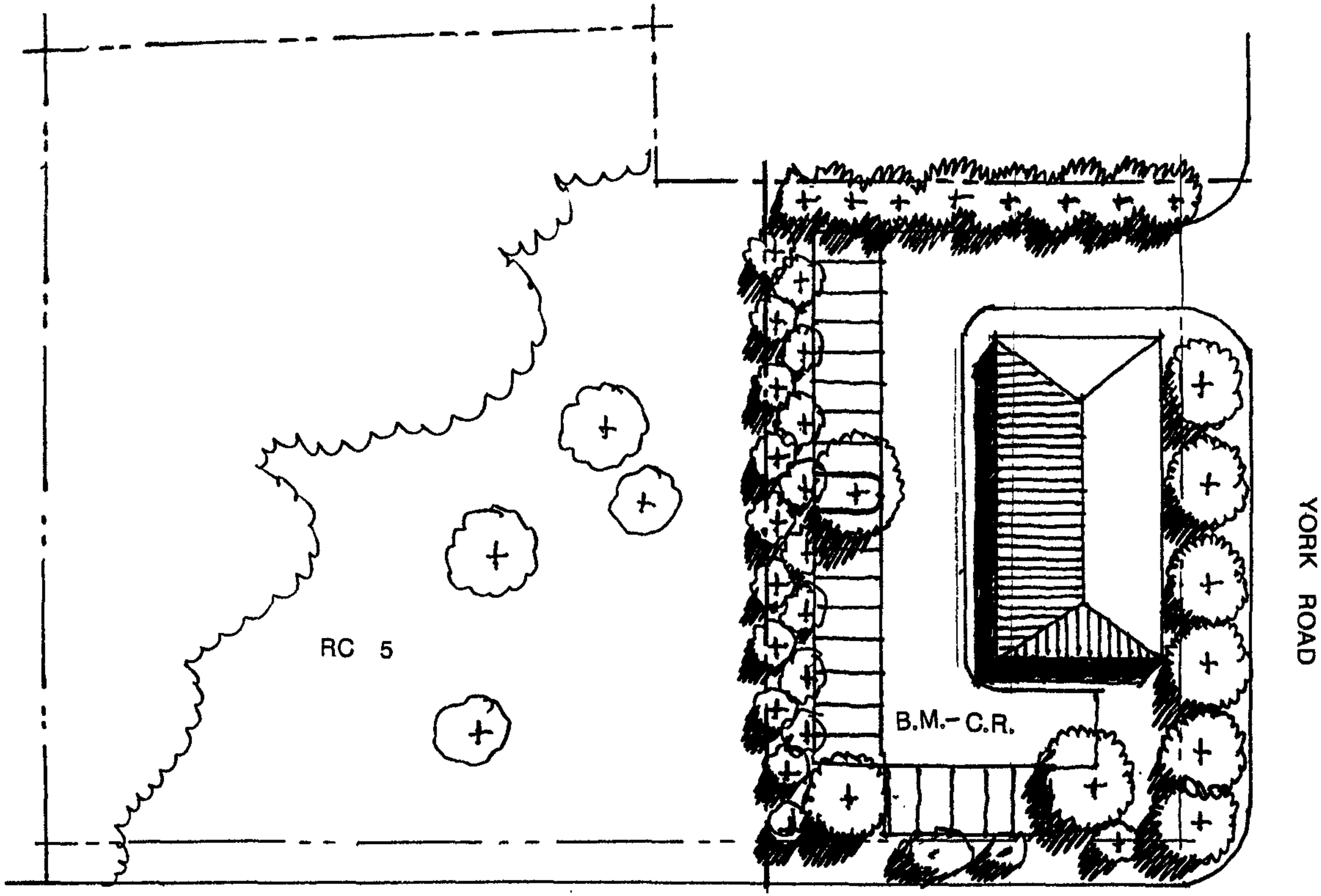
EVERETT AVENUE

Total Site Area	1.38 ac.
B.M.	0.48 ac.
R.C.5	0.90 ac.
Proposed Building	17,280 sq. ft.
Proposed Parking	67 spaces
Proposed Parking in R.C.5	52 spaces

PROPOSED C.R.G. PLAN

MONKTON CENTER : HEREFORD

NO SCALE



TOTAL SITE AREA 1.38 AC

B.M.-C.R. 0.48 AC

HC. 5. 0.90 AC

PROPOSED BLDG 4,179 SQ FT

PROPOSED PARKING 20 CARS

PPOPOSED CRG PLAN C.R. DISTRICT CRITERIA

MONKTON CENTER HERFORD

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 14

BILL NO. 103-88

MR. C.A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, JULY 5, 1988

A BILL ENTITLED

AN ACT concerning

Rural Business Zones

FOR the purpose of amending the Baltimore County Zoning Regulations in order to establish a Resource Conservation-Commercial Zone, stating the purpose of the zone and specifying the uses permitted, establishing the Commercial Rural District, providing for the permitted uses therein, and amending the Baltimore County Development Regulations in order to specify the requirements for development of property in an R.C.C. Zone or C.R. District, and generally relating to the establishment of rural business zones in Baltimore County, and providing for the uses permitted therein and the limitations imposed thereon.

BY repealing and re-enacting, with amendments,

Section 100.1.A.2.

Baltimore County Zoning Regulations, as amended

BY adding

Section 1A06

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 259.2.A.

Baltimore County Zoning Regulations, as amended

BY adding

Section 259.3

Baltimore County Zoning Regulations, as amended

BY adding

Section 22-104(c)

Title 22 - Planning, Zoning and Subdivision Control

Article IV. Development Regulations of Baltimore County

Baltimore County Code, 1978, 1986 Supplement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

P.C EX 18

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning this subject legislation and has held a public hearing thereon, now, therefore,

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 100.1.A.2 of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Article I—General Provisions

Section 100—Zones and Districts: Boundaries.

100.1—Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones.

2. Zones are classified as follows:

R.C. 2	(Resource Conservation—agriculture)
R.C. 3	(Resource Conservation—deferral of planning and development)
R.C. 4	(Resource Conservation—watershed protection)
R.C. 5	(Resource Conservation—rural-residential)
R.C.C.	(RESOURCE CONSERVATION —COMMERCIAL)
D.R. 1	(Density Residential, 1.0 dwelling unit per acre)
D.R. 2	(Density Residential, 2.0 dwelling units per acre)
D. R. 3.5	(Density Residential, 3.5 dwelling units per acre)
D.R. 5.5	(Density Residential, 5.5 dwelling units per acre)
D.R. 10.5	(Density Residential, 10.5 dwelling units per acre)
D.R. 16	(Density Residential, 16.0 density units per acre)
R.A.E. 1	(Residential, 40.0 density units per acre)
R.A.E. 2	(Residential, 80.0 density units per acre)
R-O	(Residential-Office, 5.5 dwelling units per acre)
O-1	(Office Building)
O-2	(Office Park)
O.T.	(Office and Technology)
B.L.	(Business, Local)
B.M.	(Business, Major)
B.R.	(Business, Roadside)
M.R.	(Manufacturing, Restricted)
M.L.R.	(Manufacturing, Light, Restricted)
M.L.	(Manufacturing, Light)
M.H.	(Manufacturing, Heavy)

SECTION 2. And be it further enacted that Section 1A06 be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 1A06 - R.C.C. — RESOURCE CONSERVATION --COMMERCIAL

1A06.1--GENERAL PROVISIONS.

A. LEGISLATIVE STATEMENT OF FINDINGS.

1. DECLARATION OF FINDINGS. IT IS FOUND THAT:

A. THERE IS A DEMAND FOR COMMERCIAL DEVELOPMENT IN THE RURAL AREAS OF BALTIMORE COUNTY TO SERVE THE NEEDS OF RURAL RESIDENTIAL AND AGRICULTURAL COMMUNITIES AS WELL AS TOURISTS; AND

B. THE EXISTING BUSINESS ZONING DESIGNATIONS (B.L., B.M., B.R.) PERMIT USES THAT ARE NOT DESIRABLE IN THE RURAL PARTS OF THE COUNTY AND THE HEIGHT, BULK, FLOOR AREA AND SETBACK REQUIREMENTS OF THESE ZONES PERMIT AN INTENSITY OF DEVELOPMENT THAT IS NOT APPROPRIATE IN SCALE OR APPEARANCE WITH THE CHARACTER OF A RURAL SETTING; AND

C. THE RURAL AREAS LACK THE ROAD, WATER AND SEWERAGE CAPACITY TO HANDLE THE INTENSITY OF DEVELOPMENT PERMITTED BY THE EXISTING BUSINESS ZONES.

2. PURPOSES: THE R.C.C. ZONING CLASSIFICATION IS ESTABLISHED PURSUANT TO THE LEGISLATIVE FINDINGS STATED ABOVE TO:

A. PROVIDE SMALL AREAS OF COMMERCIAL DEVELOPMENT FOR A LIMITED RANGE OF RURAL, RESIDENTIAL AND TOURIST-RELATED NEEDS; ~~THAT WILL MEET THE SHOPPING AND PERSONAL SERVICE NEEDS OF RURAL RESIDENTS AND TOURISTS;~~

B. PERMIT SUCH FACILITIES, BUT ONLY AT AN INTENSITY AND SCALE APPROPRIATE TO RURAL AREAS.

1A06.2—USE REGULATIONS. THE FOLLOWING USES ARE PERMITTED SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 1A06.3.

A. USES PERMITTED AS OF RIGHT.

1. AGRICULTURALLY RELATED RETAIL, OFFICE AND SERVICES USES:

AGRICULTURAL SUPPLY AND FEED STORE;
AUCTION BUILDING;
FARMERS' CO-OP;
FARMERS' MARKET;
GARDEN CENTER;
VETERINARIAN'S OFFICE;
VETERINARIUM.

2. COMMERCIAL AND SERVICE USES:

RETAIL ESTABLISHMENTS SELLING SUCH ITEMS AS GIFTS, JEWELRY, HARDWARE, DRUGS, GROCERIES, SPORTING EQUIPMENT (EXCEPT BOATS AND VEHICLES), ANTIQUES;
ARTS AND CRAFTS STUDIOS;
BARBER SHOPS, BEAUTY SHOPS AND OTHER PERSONAL SERVICE ESTABLISHMENTS;
BANKS;
~~OFFICES, PROVIDED THAT MEDICAL OFFICES ARE LIMITED TO 25% OF THE TOTAL FLOOR AREA;~~ OFFICES AND MEDICAL OFFICES;
RESTAURANTS AND BARS (EXCEPT DRIVE-IN OR DRIVE-THROUGH FACILITIES);
SMALL APPLIANCE REPAIR.

3. RESIDENTIAL, LODGING AND INSTITUTION USES:

SINGLE-FAMILY DETACHED DWELLINGS;
RESIDENCES ABOVE THE FIRST FLOOR OF COMMERCIAL BUILDINGS;
BED AND BREAKFASTS, TOURISTS HOMES;
EDUCATIONAL AND SOCIAL SERVICE FACILITIES;
CLASS A AND CLASS B CHILD CARE CENTERS.

B. USES PERMITTED BY SPECIAL EXCEPTION:

AGRICULTURAL MACHINERY AND EQUIPMENT REPAIR;
PUBLIC UTILITIES, PUBLIC UTILITY SERVICE CENTERS;
VOLUNTEER FIRE COMPANIES;
~~CONVERSIONS OF EXISTING BUILDINGS WHICH DO NOT CONFORM TO THE BULK REGULATIONS OF 1A06.4.~~

C. ACCESSORY USES OR STRUCTURES. THE FOLLOWING USES, ONLY, ARE PERMITTED AS AN ACCESSORY USE:

1. AGRICULTURAL RELATED USES.

FARMERS' ROADSIDE STANDS;
INTERMITTENT OUTDOOR SALES;
CUT FLOWER OR LIVE PLANTS;
FARMERS' CO-OP ROADSIDE STAND;

FISH, SHELLFISH AND MEAT;
FRUIT AND VEGETABLE.

2. AMUSEMENT DEVICES (SUBJECT TO PROVISIONS OF SECTION 422);
PICNIC GROVES;
SATELLITE RECEIVING DISH (SUBJECT TO PROVISIONS OF SECTION 429).

3. HOME OCCUPATIONS.

4. PARKING TO BE LOCATED TO THE SIDE AND REAR OF THE BUILDING ONLY, BUT NOT IN THE REQUIRED SETBACK AND MUST BE LOCATED WITHIN THE R.C.C. ZONE.

5. SIGNS.

6. OUTSIDE STORAGE OF MATERIAL OR EQUIPMENT.

1A06.3 -- USE LIMITATIONS. ALL OF THE USES IN SECTION 1A06.2 ARE SUBJECT TO THE FOLLOWING LIMITATIONS:

A. THE APPLICANT SHALL PROVE TO THE SATISFACTION OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT THAT THE LAND CAN SUPPORT THE PROPOSED DEVELOPMENT WITHOUT OVERBURDENING THE REQUIRED PRIVATE SEWERAGE DISPOSAL SYSTEM, THE POTABLE WATER SUPPLY, ENDANGERING THE METROPOLITAN DISTRICT RESERVOIRS OR ~~CREATE~~ CREATING A HEALTH OR ENVIRONMENTAL NUISANCE FOR NEIGHBORING PROPERTIES.

B. OUTSIDE STORAGE. OUTSIDE STORAGE OF EQUIPMENT AND MATERIAL SHALL BE PERMITTED ONLY ON THE LOT SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. THE STORAGE AREA MUST BE LOCATED TO THE SIDE OR REAR OF THE BUILDING, OUTSIDE OF THE REQUIRED SETBACKS.

2. THE STORAGE AREA SHALL NOT COVER MORE THAN 10% OF THE LOT, EXCEPT AS DETERMINED BY THE ZONING COMMISSIONER IN A SPECIAL EXCEPTION HEARING.

~~3. ALL OUTSIDE STORAGE OF FUELS, CHEMICALS OR OTHER POTENTIALLY HARMFUL MATERIALS MUST BE LOCATED ON IMPERVIOUS PAVEMENT AND~~

~~COMPLETELY ENCLOSED BY AN IMPERVIOUS WALL HIGH ENOUGH TO CONTAIN THE TOTAL VOLUME OF LIQUIDS KEPT IN THE STORAGE AREA, PLUS ACCUMULATED RAINFALL.~~

~~4~~ 3. THE STORAGE AREA SHALL BE SCREENED BY A FENCE IN ASSOCIATION WITH PLANTINGS.

C. SIGNS AND DISPLAYS. IN ADDITION TO SIGNS PERMITTED UNDER SUBSECTION 413.1, THE FOLLOWING ARE ALSO PERMITTED:

1. ONE STATIONARY OUTSIDE IDENTIFICATION SIGN WHICH DOES NOT PROJECT MORE THAN 6 INCHES FROM THE BUILDING AND DOES NOT HAVE A SURFACE AREA EXCEEDING 8 SQUARE FEET;

2. ONE FREE-STANDING SIGN WITH A SURFACE AREA OF NO MORE THAN ~~15~~ 25 SQUARE FEET PER SIDE; THE SIGN SHALL BE INTEGRATED WITH THE LANDSCAPING, AND THE LOCATION SHALL BE APPROVED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING;

3. NO SIGN SHALL BE ILLUMINATED, UNLESS APPROVED BY THE ZONING COMMISSIONER AFTER HEARING.

4. DISPLAY OF GOODS, VEHICLES AND EQUIPMENT IS PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN FIVE FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

D. RELATIONSHIP TO SURROUNDING NEIGHBORHOODS. NEW BUILDINGS OR ADDITIONS SHALL BE APPROPRIATE PURSUANT TO SECTION 22-104(c) OF THE BALTIMORE COUNTY CODE, AS AMENDED.

E. PRODUCTION RESTRICTIONS.

1. NOT MORE THAN 5 PERSONS SHALL BE ENGAGED IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES;

2. NOT MORE THAN 5 HORSEPOWER SHALL BE EMPLOYED IN THE OPERATION OF ANY ONE MACHINE USED IN REPAIR OR FABRICATION, AND NOT MORE THAN 15 HORSEPOWER IN THE OPERATION OF ALL SUCH MACHINES;

1A06.4 — BULK REGULATIONS OF R.C.C. ZONES.

A. USES PERMITTED IN R.C.C. ZONES ARE GOVERNED BY THE FOLLOWING BULK REGULATIONS, EXCEPT THAT THE FOLLOWING SETBACK, HEIGHT AND FLOOR AREA RESTRICTIONS DO NOT APPLY TO EXISTING BUILDINGS:

1. FRONT YARD SETBACK: THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 15 FEET FROM THE RIGHT OF WAY LINE OF THE STREET AND NOT MORE THAN THE AVERAGE SETBACK OF THE ADJACENT LOTS;

2. MINIMUM SIDE AND REAR YARD SETBACK: 15 FEET;

3. MAXIMUM HEIGHT OF NEW BUILDINGS OR ADDITIONS: 30 FEET;

4. FLOOR AREA RESTRICTIONS. THE GROSS FLOOR AREA OF ALL BUILDINGS ON THE LOT SHALL NOT EXCEED 3,000 SQUARE FEET;

5. MAXIMUM LOT SIZE. 2 ACRES;

6. COVERAGE. NO MORE THAN 20 PERCENT OF ANY LOT MAY BE COVERED BY IMPERVIOUS SURFACE, INCLUDING BUILDINGS, PARKING FACILITIES AND STORAGE AREAS.

B. LANDSCAPE AREAS. IN KEEPING WITH THE RURAL CHARACTER THE FRONT, SIDE AND REAR YARDS SHALL BE LANDSCAPED TO ADEQUATELY SCREEN THE PARKING AREA FROM THE ROADWAY AND ADJACENT USES, IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR COMMERCIAL ZONES.

SECTION 3. AND BE IT FURTHER ENACTED THAT SECTION 259.2.A. OF THE BALTIMORE COUNTY ZONING REGULATIONS, AS AMENDED, BE AND IT IS HEREBY REPEALED AND RE-ENACTED, WITH AMENDMENTS, TO READ AS FOLLOWS:

259.2 — Statements of Legislative Intent for Districts.

(Compliance with a statement of legislative intent shall not, in itself, be sufficient cause to classify property within the district to which such statement applies.)

[A. C.R. District -- Commercial Rural. C.R. Districts may be applied only to certain areas of contiguous commercial development which are on land zoned B.L., B.M., B.R., and/or M.L. at intersections of paved roads each at least 2 miles in length, and which lie beyond the urban-rural demarcation line, or to certain other commercially or industrially zoned areas of substantial, established business activity beyond the urban-rural demarcation line.]

A. C.R. DISTRICT - COMMERCIAL RURAL

1. THE C.R. DISTRICT IS ESTABLISHED TO PROVIDE OPPORTUNITIES FOR CONVENIENCE SHOPPING AND PERSONAL SERVICES THAT ARE CUSTOMARILY AND FREQUENTLY NEEDED BY THE RURAL RESIDENTIAL AND AGRICULTURAL POPULATION AND TOURISTS. IT IS INTENDED THAT THE C.R. DISTRICT BE APPLIED ONLY TO AREAS WHERE SUCH FACILITIES ARE NOT AVAILABLE WITHIN A REASONABLE DISTANCE; WHERE SEWERAGE TREATMENT AND A POTABLE WATER SUPPLY CAN BE PROVIDED WITHOUT AN ADVERSE EFFECT ON THE ENVIRONMENT AND NEIGHBORING USES AND WHERE PUBLIC ROADS ARE CAPABLE OF HANDLING THE ANTICIPATED INCREASE IN TRAFFIC WITHOUT ADVERSE IMPACTS ON SURROUNDING AREAS. THE COMMERCIAL CENTERS WITHIN C.R. DISTRICTS ARE NOT INTENDED TO BE REGIONAL FACILITIES PROVIDING SPECIALTY GOODS TO A POPULATION OUTSIDE OF THE RURAL AREA.

2. C.R. DISTRICTS MAY BE ASSIGNED TO AREAS OF COMMERCIAL DEVELOPMENT BEYOND THE URBAN-RURAL DEMARCATION LINE FOR WHICH C.R. DISTRICT DESIGNATION IS RECOMMENDED IN THE MASTER PLAN. THE UNDERLYING ZONE MAY BE ~~ZONED~~ B.L., B.M., B.R., OR R.O. THE C.R. DISTRICT MAY ALSO BE APPLIED TO LAND ZONED R.C. 5 WHICH IS ADJACENT TO A C.R. DISTRICT PROVIDED THAT THE LOCATION, CONFIGURATION AND PHYSICAL CHARACTERISTICS OF THE SITE AND THE POTENTIAL FOR ACCESS TO AN ADEQUATE PUBLIC ROAD MAKE THE LAND SUITABLE FOR COMMERCIAL DEVELOPMENT.

1. SECTION 4. And be it further enacted that Section 259.3 be and it is
2. hereby added to the Baltimore County Zoning Regulations, as amended, to read as
3. follows:

4. *259.3 — SPECIAL REGULATIONS FOR C.R. DISTRICTS*

5. A. USES PERMITTED BY RIGHT. ANY USE PERMITTED BY RIGHT IN THE
6. UNDERLYING ZONE ON WHICH THE C.R. DISTRICT IS APPLIED AND WHICH MEETS THE BULK
7. REGULATIONS OF PARAGRAPH 1 OF 259.3.C. IS PERMITTED BY RIGHT.

8. B. USES PERMITTED BY SPECIAL EXCEPTION.

9. 1. ANY USE PERMITTED BY SPECIAL EXCEPTION IN THE UNDERLYING
10. ZONE ON WHICH THE C.R. DISTRICT DESIGNATION IS APPLIED AND WHICH MEETS THE BULK
11. REGULATIONS OF PARAGRAPH 1 OF 259.3.C. IS PERMITTED BY SPECIAL EXCEPTION.

12. 2. ANY USE PERMITTED (BY RIGHT OR BY SPECIAL EXCEPTION)
13. WITHIN THE C.R. DISTRICT BUT WHICH IS NOT PERMITTED IN THE UNDERLYING ZONE AND
14. WHICH MEETS THE BULK REGULATIONS OF PARAGRAPH 1 OF 259.3.C. IS PERMITTED BY
15. SPECIAL EXCEPTION.

16. 3. BUILDINGS WHICH EXCEED THE REQUIREMENTS OF PARAGRAPH 1
17. OF 259.3.C MAY BE PERMITTED BY SPECIAL EXCEPTION ONLY WHEN THE PROPOSED
18. DEVELOPMENT IS IN COMPLIANCE WITH SITE DESIGN GUIDELINES AND PERFORMANCE
19. STANDARDS WHICH ARE PART OF A DULY ADOPTED MASTER PLAN FOR THE DISTRICT.

20. 4. IN ADDITION TO THE REQUIREMENTS GENERALLY IMPOSED BY
21. 502.1, ANY USE PERMITTED BY SPECIAL EXCEPTION IN C.R. DISTRICTS SHALL MEET THE
22. REQUIREMENTS OF PARAGRAPH E BELOW.

23. C. USE RESTRICTIONS

24. 1. BULK REGULATIONS.

A. THE GROSS FLOOR AREA FOR ALL BUILDINGS ON A LOT SHALL NOT EXCEED 8,800 SQUARE FEET OF WHICH NO MORE THAN ~~4,400~~ 6,600 SQUARE FEET SHALL BE ON THE GROUND FLOOR.

B. THE FLOOR AREA RATIO SHALL NOT EXCEED 0.20.

C. BUILDING HEIGHT SHALL NOT EXCEED 30 FEET.

2. SETBACKS

A. THE FRONT YARD SETBACK SHALL BE NOT LESS THAN 15 FEET FROM THE STREET RIGHT-OF-WAY LINE, AND NOT MORE THAN THE AVERAGE OF THE SETBACKS OF ADJACENT BUILDINGS.

B. THE REAR AND SIDE YARD SETBACKS SHALL BE ~~NO~~ NOT LESS THAN 15 FEET.

3. LANDSCAPING. IN ADDITION TO THE REQUIREMENTS OF THE LANDSCAPE MANUAL FOR COMMERCIAL ZONES, THE FOLLOWING LANDSCAPE STANDARDS SHALL APPLY TO USES IN C.R. DISTRICTS:

A. THE ENTIRE REQUIRED FRONT, SIDE AND REAR SETBACKS SHALL BE LANDSCAPED.

B. A MINIMUM OF 7% OF THE PARKING LOT SHALL BE PERVIOUS SURFACE WITH A MINIMUM OF ONE TREE PER EIGHT PARKING SPACES PROVIDED.

4. PARKING. PARKING SHALL BE LOCATED IN A MANNER APPROPRIATE AND CONSISTENT WITH ADJOINING DEVELOPMENT AND MUST BE LOCATED WITHIN THE C.R. DISTRICT. ACCESS ONTO ROADWAYS SHALL BE LIMITED TO NO MORE THAN TWO LOCATIONS. EXCEPT WHERE PHYSICAL CONSTRAINTS, SITE CONFIGURATION OR SAFETY PRECLUDE COMPLIANCE, PARKING MUST BE ACCESSIBLE TO THE PARKING LOTS OF ADJACENT NON-RESIDENTIAL USES AND ZONES.

5. ENVIRONMENTAL HOLDING CAPACITY. THE APPLICANT SHALL PROVE TO THE SATISFACTION OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL

PROTECTION AND RESOURCE MANAGEMENT THAT THE LAND CAN SUPPORT THE PROPOSED DEVELOPMENT WITHOUT OVERBURDENING THE REQUIRED PRIVATE SEWERAGE DISPOSAL SYSTEM, THE POTABLE WATER SUPPLY, ENDANGERING THE METROPOLITAN DISTRICT RESERVOIRS OR ~~CREATE~~ CREATING A HEALTH OR ENVIRONMENTAL NUISANCE FOR NEIGHBORING PROPERTIES.

6. OUTSIDE STORAGE. OUTSIDE STORAGE OF EQUIPMENT AND MATERIAL SHALL BE PERMITTED ONLY ON THE LOT SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. THE STORAGE AREA MUST BE LOCATED TO THE SIDE OR REAR OF THE BUILDING, OUTSIDE OF THE REQUIRED SETBACKS;

B. THE STORAGE AREA SHALL NOT COVER MORE THAN 15% OF THE LOT, EXCEPT AS DETERMINED BY THE ZONING COMMISSIONER IN A SPECIAL EXCEPTION HEARING;

C. THE STORAGE AREA SHALL BE SCREENED BY A FENCE IN ASSOCIATION WITH PLANTINGS;

~~D. ALL OUTSIDE STORAGE OF FUELS, CHEMICALS OR OTHER POTENTIALLY HARMFUL MATERIALS MUST BE LOCATED ON IMPERVIOUS PAVEMENT AND COMPLETELY ENCLOSED BY AN IMPERVIOUS WALL HIGH ENOUGH TO CONTAIN THE TOTAL VOLUME OF LIQUIDS KEPT IN THE STORAGE AREA, PLUS ACCUMULATED RAINFALL.~~

7. SIGNS AND DISPLAYS. IN ADDITION TO SIGNS PERMITTED UNDER SUBSECTION 413.1, THE FOLLOWING ARE ALSO PERMITTED:

A. ONE STATIONARY OUTSIDE IDENTIFICATION SIGN WHICH DOES NOT PROJECT MORE THAN 6 INCHES FROM THE BUILDING AND DOES NOT HAVE A SURFACE AREA EXCEEDING 8 SQUARE FEET;

B. ONE FREE-STANDING SIGN WITH A SURFACE AREA OF NO MORE THAN 25 SQUARE FEET PER SIDE; THE SIGN SHALL BE INTEGRATED WITH THE LANDSCAPING AND THE LOCATION SHALL BE APPROVED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING;

C. NO SIGN SHALL BE ILLUMINATED, UNLESS APPROVED BY THE ZONING COMMISSIONER AFTER HEARING.

D. DISPLAY OF GOODS, VEHICLES AND EQUIPMENT IS PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN FIVE FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

8. RELATIONSHIP TO SURROUNDING NEIGHBORHOODS. NEW BUILDINGS OR ADDITIONS SHALL BE APPROPRIATE PURSUANT TO SECTION 22-104(c) OF THE BALTIMORE COUNTY CODE, AS AMENDED.

9. AUTO SERVICE STATIONS ARE SUBJECT TO THE PROVISIONS OF SECTION 405.

D. PROCEDURE FOR OBTAINING PLAN APPROVAL IN A C.R. DISTRICT.

1. ~~A CRG~~ IF A CRG PLAN IS REQUIRED, THE PLAN SHALL BE APPROVED PRIOR TO THE GRANTING OF A SPECIAL EXCEPTION IN A C.R. DISTRICT.

2. WHEN A SPECIAL EXCEPTION IS REQUIRED, THE CRG SHALL ALSO FIND THAT THE PROPOSED DEVELOPMENT SATISFIES THE REQUIREMENTS OF PARAGRAPH E BELOW.

E. ADDITIONAL REQUIREMENTS FOR THE GRANTING OF A SPECIAL EXCEPTION IN A C.R. DISTRICT. IN ADDITION TO THE REQUIREMENTS GENERALLY IMPOSED IN THE ISSUANCE OF SPECIAL EXCEPTIONS BY 502.1, THE FOLLOWING REQUIREMENTS SHALL APPLY TO THE GRANTING OF SPECIAL EXCEPTIONS IN C.R. DISTRICTS.

1. THE PETITIONER SHALL DOCUMENT THE NEED FOR THE DEVELOPMENT AT THE PROPOSED LOCATION. ~~; THAT THE COMMERCIAL SERVICES PROPOSED ARE NOT DUPLICATED ELSEWHERE AND THAT THERE IS A POPULATION WITHIN THE TRADE AREA WITH ADEQUATE BUYING POWER TO SUPPORT THE PROPOSED FACILITY.~~

2. THE PROPOSED DEVELOPMENT SHALL TAKE INTO ACCOUNT EXISTING AND PROPOSED ROADS, TOPOGRAPHY, EXISTING VEGETATION, SOIL TYPES AND

THE CONFIGURATION OF THE SITE. THE PROPOSED DEVELOPMENT WILL NOT DISTURB SLOPES WITH GRADES EXCEEDING 25%; WILL MINIMIZE DISTURBANCE TO VEGETATED AREAS, WETLANDS AND STREAMS AND WILL NOT RESULT IN UNDUE SITE DISTURBANCE OR EXCESSIVE EROSION AND SEDIMENT LOSS. INFILTRATION WILL BE MAXIMIZED AND STORMWATER MANAGEMENT DISCHARGE WILL BE DECENTRALIZED.

3. ARCHITECTURALLY OR HISTORICALLY SIGNIFICANT BUILDINGS AND THEIR SETTINGS SHALL BE PRESERVED AND INTEGRATED INTO THE SITE PLAN.

~~4. THE EXISTING ROADS SHALL ACCOMMODATE THE ANTICIPATED TRAFFIC WITHOUT THE ADDITION OF NEW TRAFFIC LANES, EXCEPT AS NEEDED FOR SAFE INGRESS AND EGRESS.~~

~~5~~ 4. THE BUILDINGS SHALL BE SITED TO PROTECT SCENIC VIEWS FROM PUBLIC ROADS AND SO THAT THE NATURAL RURAL FEATURES, INCLUDING BUT NOT LIMITED TO PASTURES, CROPLANDS, MEADOWS AND TREES ARE PRESERVED TO THE EXTENT POSSIBLE. ADDITIONAL OPEN SPACE MAY BE REQUIRED TO PRESERVE AND ENHANCE THE ENJOYMENT OF THE NATURAL AMENITIES AND VISUAL QUALITY OF THE SITE.

~~6~~ 5. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO NEIGHBORING USES AND THE TRANQUILITY OF THE RURAL AREA THROUGH EXCESSIVE NOISE, ~~OR WILL~~ AND WILL NOT RESULT IN A NUISANCE OR AIR POLLUTION FROM DUST, FUMES, VAPORS, GASES AND ODORS.

F. ANY CONTRARY PROVISION OF THESE REGULATIONS NOTWITHSTANDING, THE PROVISIONS OF SUBSECTION 259.2.A AND 259.3 SHALL NOT APPLY TO ANY BUILDING, USE OR STRUCTURE IN EXISTENCE OR FOR WHICH A CRG PLAN HAS BEEN APPROVED AS OF THE DATE OF THE ENACTMENT OF BILL NO. 103-88 OR TO ANY M.L. ZONE WITH C.R. DISTRICT DESIGNATION.

Section 5. And be it further enacted, that Section 22-104(c) be and it is hereby added to Title 22 - Planning, Zoning and Subdivision Control, Article IV. Development Regulations of Baltimore County, Baltimore County Code, 1978, 1986 Supplement, to read as follows:

Sec. 22-104. Development in R.C.C., R-O, O-1, O-2, or O-T Zone and C.R. DISTRICTS.

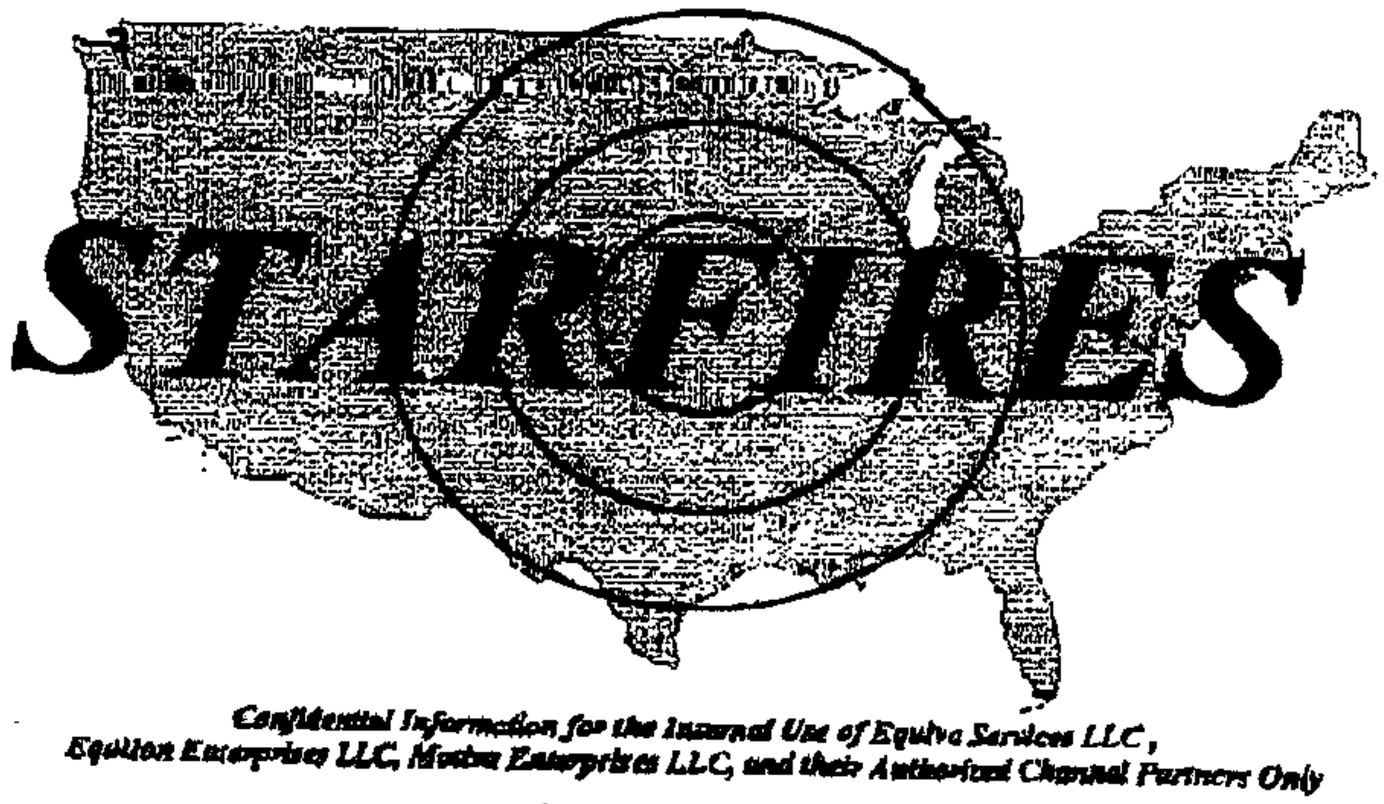
(C) DEVELOPMENT OF PROPERTY IN AN R.C.C. ZONE AND C.R. DISTRICT:

(1) DEVELOPMENT SHALL BE APPROPRIATE TO THE SPECIFIC CIRCUMSTANCES OF THE SITE TAKING INTO ACCOUNT SURROUNDING USES; TREE PRESERVATION; PROTECTION OF WATERCOURSES AND BODIES OF WATER FROM EROSION AND SILTATION; PROTECTION OF GROUNDWATER RESOURCES; SAFETY, CONVENIENCE, AND AMENITY FOR THE SURROUNDING NEIGHBORHOOD.

(2) IN DETERMINING THE APPROPRIATENESS OF BUILDINGS, DESIGN ELEMENTS OF PROPOSED BUILDINGS <u>AND SIGNS</u> SHALL BE EVALUATED IN RELATION TO EXISTING ADJACENT OR SURROUNDING BUILDINGS. NEW BUILDINGS SHALL BE RURAL IN CHARACTER. UNLESS DETERMINED OTHERWISE BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, NEW BUILDINGS SHALL BE SIMILAR TO EXISTING BUILDINGS IN THE FOLLOWING RESPECTS:

(i) HEIGHT;
(ii) BULK AND GENERAL MASSING;
(iii) MAJOR DIVISIONS OR RHYTHMS OF THE FACADE;
(iv) PROPORTION OF OPENINGS, I.E. WINDOW TO WALL RELATIONSHIPS;
(v) ROOF TREATMENT;
(vi) MATERIALS, COLORS, AND TEXTURES OF BUILDINGS AND SIGNAGE: IN GENERAL, NATURAL MATERIALS SUCH AS STONE, BRICK, WOODSIDING, SHINGLES, SLATE, ETC. ~~ARE PREFERRED TO INDUSTRIAL OR ARTIFICIAL MATERIALS SUCH AS RAW OR EXPOSED AGGREGATE CONCRETE, ANNODIZED OR GALVANIZED METAL, TINTED GLASS, PLASTICS, VINYLS, ETC.~~
~~(vii) GENERAL ARCHITECTURAL CHARACTER:~~
~~a) HORIZONTAL OR VERTICAL EMPHASIS;~~
~~b) SCALE;~~
~~c) STYLISTIC FEATURES AND THEMES I.E. PORCHES, COLONNADES, PEDIMENTS, CUPOLAS, CORNICES, COINS, DETAIL AND ORNAMENT;~~
~~(viii) RELATION TO STREET.~~
~~(ix) EXCEPT WHERE PHYSICAL CONSTRAINTS, SITE CONFIGURATION OR SAFETY CONSIDERATIONS PRECLUDE STRICT COMPLIANCE, ALL PARKING MUST BE ACCESSIBLE BY DRIVEWAY TO THE PARKING LOTS TO ADJACENT NON-RESIDENTIAL USES AND LAND ZONED FOR NON-RESIDENTIAL USES.~~

SECTION 6. And be it further enacted, that this Act shall take effect forty-five days after its enactment.



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5/4/1999

20227 Old York Rd, White Hall, MD 21161

HIGHLIGHTS

Total Site Potential Gasoline Volume/Month..... 87,000 Gals

Number of Households	1,050
Median Household Income	$58,634
Population per Square Mile	111
Brand	Texaco
Island Card Readers	Yes
Number of Self Serve Fueling Places	6
Number of Full Serve Fueling Places	0
C-Store (Yes/No)	Yes
Car Wash (Yes/No)	No
Type of Operation	OD
Hours M - Fr	16
# of Competitors within a three mile radius of the site	0

PETITIONERS
JB (1D)

AREA PROFILE:

Demographics – 1, 3, and 5 mile radii

Tue May 4, 1999

CUSTOM SUMMARY REPORT
(POP FACTS: PROFILE REPORT)
BY NATIONAL DECISION SYSTEMS 800-866-6510

PREPARED FOR
SMO, INC.

20227 OLD YORK RD
WHITEHALL, MD 21161

COORD: 39.6802 76.6028

DESCRIPTION	1.00 MILE RADIUS	3.00 MILE RADIUS	5.00 MILE RADIUS
POPULATION			
2003 PROJECTION	383	3,077	10,578
1998 ESTIMATE	378	3,037	10,296
1990 CENSUS	360	2,919	9,488
1980 CENSUS	308	2,478	9,141
GROWTH 1980 - 1990	16.96%	17.80%	3.80%
HOUSEHOLDS			
2003 PROJECTION	133	1,081	3,792
1998 ESTIMATE	129	1,050	3,626
1990 CENSUS	120	978	3,216
1980 CENSUS	97	789	2,991
GROWTH 1980 - 1990	23.80%	23.98%	7.54%
1998 ESTIMATED POPULATION BY RACE	378	3,037	10,296
WHITE	97.49%	97.51%	97.19%
BLACK	1.74%	1.61%	1.75%
ASIAN & PACIFIC ISLANDER	0.63%	0.72%	0.79%
OTHER RACES	0.14%	0.15%	0.27%
1998 ESTIMATED POPULATION	378	3,037	10,296
HISPANIC ORIGIN	0.70%	0.77%	0.74%
OCCUPIED UNITS	120	978	3,216
OWNER OCCUPIED	84.62%	85.14%	86.45%
RENTER OCCUPIED	15.38%	14.86%	13.55%
1990 AVERAGE PERSONS PER HH	3.00	2.98	2.95
1998 ESTIMATED HOUSEHOLDS BY INCOME	129	1,050	3,626
$150,000 +	6.81%	5.89%	5.20%
$100,000 TO $149,999	10.61%	10.80%	11.10%
$ 75,000 TO $ 99,999	11.00%	11.75%	13.66%
$ 50,000 TO $ 74,999	33.14%	32.84%	29.22%
$ 35,000 TO $ 49,999	16.49%	15.86%	15.62%
$ 25,000 TO $ 34,999	6.92%	7.15%	8.63%
$ 15,000 TO $ 24,999	7.38%	7.00%	7.18%
$ 5,000 TO $15,000	5.98%	7.18%	7.93%
UNDER $ 5,000	1.67%	1.53%	1.45%
1998 EST. AVERAGE HH INCOME	$70,455	$69,001	$68,337
1998 EST. MEDIAN HH INCOME	$58,807	$58,634	$57,358
1998 EST. INCOME PER CAPITA	$24,079	$23,844	$24,094

AREA PROFILE:

Consumer Segment and Area Demand Information

CUSTOM SUMMARY REPORT

BY NATIONAL DECISION SYSTEMS 800-866-6510

PREPARED FOR
SMO, INC.

20227 OLD YORK RD
WHITEHALL, MD 21161

	COORD:	39.6802	76.6028
DESCRIPTION	1.00 MILE RADIUS	3.00 MILE RADIUS	5.00 MILE RADIUS
HI - END COMMUTER	5	43	142
PROFESSIONAL DRIVER	50	446	1,408
YOUNG & ON THE MOVE	63	482	1,822
WORKING WOMEN	0	0	0
URBAN PERFORMANCE SEEKER	0	0	0
WC AUTO ENTHUSIASTS	8	62	191
RETIREES	2	17	63
OTHER	0	0	0
TOTAL HOUSEHOLDS	129	1,050	3,626
# GRP 5	0.00%	0.00%	0.00%
TOTAL STAR TARGET HH#	127	1,033	3,562
% STAR SEGS TO TOTAL	98.33%	98.43%	98.24%
WEEKLY DEMAND / HOUSEHOLD	14.38	14.40	14.35
WEEKLY DEMAND / TRADE AREA	1,856	15,112	52,033
ANNUAL DEMAND / TRADE AREA	96,507	785,847	2,705,717
MONTHLY DEMAND / TRADE AREA	8,042	65,487	225,476
#EMPLOYEES	19	856	2,304
ADDITIONAL POP FROM EMPLOYMENT	-110	-194	-1,322
WEEKLY DEMAND EMPLOY POP	-1,583	-2,787	-18,973
ANNUAL DEMAND EMPLOY POP	-82,298	-144,904	-986,596
MONTHLY DEMAND EMPLOY POP	-6,858	-12,075	-82,216
MONTHLY EMPLOY + HOUSEHOLD DEMAND	1,184	53,412	143,260

CUSTOM SUMMARY REPORT
(POP FACTS: PROFILE REPORT)
BY NATIONAL DECISION SYSTEMS 800-866-6510

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DESCRIPTION	1.00 MILE RADIUS	3.00 MILE RADIUS	5.00 MILE RADIUS
1998 ESTIMATED POPULATION BY SEX			
MALE	378	3,037	10,296
FEMALE	49.67%	49.70%	49.74%
	50.33%	50.30%	50.26%
1998 ESTIMATED POPULATION BY AGE			
UNDER 5 YEARS	378	3,037	10,296
5 TO 9 YEARS	7.23%	7.19%	6.81%
10 TO 14 YEARS	7.73%	7.74%	7.27%
15 TO 17 YEARS	8.19%	8.10%	7.44%
18 TO 20 YEARS	4.21%	4.24%	4.35%
21 TO 24 YEARS	3.46%	3.33%	3.51%
25 TO 29 YEARS	4.16%	4.22%	4.57%
30 TO 34 YEARS	5.52%	5.50%	5.78%
35 TO 39 YEARS	5.81%	5.84%	5.46%
40 TO 49 YEARS	8.00%	7.98%	7.55%
50 TO 59 YEARS	17.24%	17.56%	18.21%
60 TO 64 YEARS	13.78%	13.48%	13.57%
65 TO 69 YEARS	4.44%	4.47%	4.47%
70 TO 74 YEARS	3.45%	3.42%	3.46%
75 + YEARS	2.70%	2.78%	2.87%
MEDIAN AGE	4.07%	4.17%	4.68%
AVERAGE AGE	37.26	37.42	38.18
	36.06	36.15	36.84
1998 HISPANICS BY RACE: BASE	3	23	76
WHITE	85.98%	85.09%	78.02%
BLACK	0.00%	0.07%	2.72%
ASIAN & PACIFIC ISLANDER	4.67%	4.83%	3.58%
OTHER RACE	9.35%	10.00%	15.67%
POP. 25+ BY EDUCATION LEVEL	242	1,939	6,281
ELEMENTARY (0-8)	11.82%	11.56%	9.79%
SOME HIGH SCHOOL (9-11)	7.76%	8.14%	9.40%
HIGH SCHOOL GRADUATE (12)	29.79%	29.93%	32.03%
SOME COLLEGE (13-15) NO DEGREE	23.43%	23.64%	21.56%
ASSOCIATES DEGREE ONLY	4.87%	5.02%	5.77%
BACHELORS DEGREE ONLY	14.35%	13.65%	13.88%
GRADUATE DEGREE	7.97%	8.06%	7.58%

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DESCRIPTION	1.00 MILE RADIUS	3.00 MILE RADIUS	5.00 MILE RADIUS
YEAR ROUND UNITS IN STRUCTURE	123	1,002	3,316
SINGLE UNITS DETACHED	91.39%	91.46%	89.73%
SINGLE UNITS ATTACHED	1.36%	1.27%	2.04%
DOUBLE UNITS	3.71%	3.22%	2.20%
3 TO 9 UNITS	0.89%	0.93%	1.53%
10 TO 19 UNITS	0.00%	0.00%	0.02%
20 TO 49 UNITS	0.00%	0.00%	0.00%
50 + UNITS	0.00%	0.00%	0.00%
MOBILE HOME OR TRAILER	1.74%	2.21%	3.69%
ALL OTHER	0.91%	0.91%	0.79%
SINGLE/MULTIPLE UNIT RATIO	20.17	22.32	24.48
HOUSING UNITS BY YEAR BUILT	119	969	3,183
BUILT 1989 TO MARCH 1990	2.98%	2.81%	2.60%
BUILT 1985 TO 1988	10.50%	13.10%	14.40%
BUILT 1980 TO 1984	11.39%	11.06%	9.69%
BUILT 1970 TO 1979	27.46%	24.39%	27.60%
BUILT 1960 TO 1969	6.97%	7.68%	8.90%
BUILT 1950 TO 1959	7.29%	7.37%	8.11%
BUILT 1940 TO 1949	3.57%	3.65%	4.16%
BUILT 1939 OR EARLIER	29.85%	29.95%	24.55%
POPULATION 16+ BY OCCUPATION	196	1,591	5,169
EXECUTIVE AND MANAGERIAL	18.09%	16.65%	15.41%
PROFESSIONAL SPECIALTY	15.61%	15.96%	15.34%
TECHNICAL SUPPORT	3.63%	3.46%	3.64%
SALES	8.89%	9.21%	10.56%
ADMINISTRATIVE SUPPORT	13.54%	13.69%	14.98%
SERVICE: PRIVATE HOUSEHOLD	0.35%	0.59%	0.43%
SERVICE: PROTECTIVE	1.08%	1.24%	1.69%
SERVICE: OTHER	7.80%	7.97%	7.59%
FARMING FORESTRY & FISHING	5.39%	5.23%	4.24%
PRECISION PRODUCTION & CRAFT	11.96%	13.44%	12.96%
MACHINE OPERATOR	2.76%	2.90%	4.36%
TRANSPORTATION AND MATERIAL MOVIN	9.08%	7.97%	6.23%
LABORERS	1.81%	1.69%	2.56%

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DESCRIPTION	1.00 MILE RADIUS	3.00 MILE RADIUS	5.00 MILE RADIUS
HOUSEHOLDS BY NUMBER OF VEHICLES			
NO VEHICLES	119	969	3,183
1 VEHICLE	2.03%	2.29%	2.83%
2 VEHICLES	12.19%	12.11%	15.17%
3+ VEHICLES	50.21%	49.52%	46.25%
ESTIMATED TOTAL VEHICLES	35.58%	36.09%	35.75%
	270	2,196	7,069
POP. BY TRAVEL TIME TO WORK			
WORK AT HOME	189	1,539	5,076
UNDER 9 MINUTES	5.31%	4.71%	3.68%
10 TO 29 MINUTES	6.80%	6.29%	6.49%
30 TO 59 MINUTES	33.19%	33.78%	35.12%
60 TO 89 MINUTES	47.61%	46.99%	44.78%
90+ MINUTES	6.80%	7.63%	8.71%
AVERAGE TRAVEL TIME IN MINUTES	0.29%	0.60%	1.28%
	28.61	29.60	30.46
POP. BY TRANSPORTATION TO WORK			
DRIVE ALONE	189	1,539	5,076
CAR POOL	76.67%	78.21%	79.82%
DRIVE MOTORCYCLE	13.68%	13.53%	13.85%
PUBLIC TRANSPORTATION	0.00%	0.00%	0.02%
WALKED ONLY	0.50%	0.38%	0.55%
OTHER MEANS	2.82%	2.43%	1.65%
WORKED AT HOME	1.01%	0.74%	0.42%
	5.31%	4.71%	3.68%
FEMALES 16+ WITH CHILDREN 0-18: BASE	135	1,082	3,569
WORKING WITH CHILD < 6	10.08%	10.24%	7.22%
NOT WORKING WITH CHILD < 6	0.00%	0.01%	0.20%
NOT IN LABOR FORCE WITH CHILD < 6	3.94%	3.81%	4.09%
WORKING WITH CHILD 6-17	13.66%	13.51%	14.30%
NOT WORKING WITH CHILD 6-17	0.46%	0.52%	0.35%
NOT IN LAB. FORCE WITH CHILD 6-17	3.38%	3.70%	4.46%
WORKING WITH CHILD 0-5 & 6-18	4.18%	4.00%	3.79%
NOT WORKING WITH CHILD 0-5 & 6-18	0.00%	0.00%	0.00%
NOT IN LAB. FORCE W/CHILD 0-5 &6-	3.57%	3.60%	4.03%
WORKING WITH NO CHILDREN	33.36%	34.53%	35.95%
NOT WORKING WITH NO CHILDREN	0.82%	0.77%	0.50%
NOT IN LAB. FORCE WITH NO CHILD.	26.54%	25.31%	25.12%

SOURCE BOOK OF ZIPCODE DEMOGRAPHICS
12th. EDITION 1997

Zip Code	1997 Population	# of Households	Average Household Population	Predicted Rate of Increase
21120	5717	1936	2.95	1.0
21161	5490	1756	3.0	0.8
Total	11207			

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Zip Code	Spending Potential	Per Capita Income	Consumer Type *
21120	115% of U.S. Average	$21,818	77% semi-rural
21161	104% of U. S. Average	$21,500	80% semi-rural

* The Consumer Type in both Zip Codes is listed as semi-rural lifestyle. This means that the population lives in a rural area, but derives their principal income in suburban and urban areas.

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Zip Code	% of Population Earning Less Than $25,000	Population Earning Less Than $25,000
21120	14.4	823
21161	15.0	824
Total		1647

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subject to objects submitted

P.C ex 14

Zip Code	% Of Population Over 18 yrs. Of Age	Population Over 18 Years Of Age
21120	73.9	4225
21161	73.2	4018
Total		8244

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Zip Code	% Of Population Ages 65-84	Population Ages 65-84
21120	9.4	537
21161	17.4	955
Total		1492

Principal Driving Population-- 6752

THE SOURCEBOOK OF ZIP CODE DEMOGRAPHICS

TWELFTH EDITION

CACI

MARKETING SYSTEMS

ZIP CODE / POST OFFICE NAME	RACE (%) White 1990	White 1997	Black 1990	Black 1997	Asian/Pacific 1990	Asian/Pacific 1997	% Hispanic Origin 1990	% Hispanic Origin 1997	1997 AGE DISTRIBUTION (%) 0-4	5-9	10-14	15-19	20-24	25-44	45-64	65-84	85+	18+	MEDIAN AGE 1990	MEDIAN AGE 1997	1997 Males/ Females (×100)
FOREST HILL	97.4	95.8	1.9	3.0	0.5	0.8	0.5	1.0	6.9	8.6	8.1	6.7	4.6	32.5	23.2	8.5	0.9	72.4	34.3	36.1	96.9
YORK	99.3	99.2	0.0	0.0	0.7	0.8	0.7	1.5	6.1	6.9	7.6	7.6	3.8	28.2	28.2	10.7	0.8	74.8	38.4	39.8	104.7
FREELAND	98.6	98.1	0.4	0.5	0.7	1.0	0.6	0.9	7.1	8.8	8.2	6.2	3.9	34.7	22.7	8.1	0.5	72.2	35.0	36.5	103.6
DAUBRILLS	87.9	81.6	9.7	14.9	1.8	2.6	1.3	2.1	6.4	8.1	8.9	7.1	5.2	34.7	22.9	5.8	0.8	72.3	32.9	34.5	99.2
BISON ISLAND	98.8	98.2	0.3	0.3	0.6	0.9	0.9	1.5	5.0	5.9	7.7	6.5	4.1	29.3	29.3	10.9	1.2	76.6	38.1	40.5	98.8
GLEN ARM	95.6	93.9	1.5	2.0	2.7	3.9	0.6	1.0	4.5	6.6	7.8	5.8	3.6	25.4	31.2	13.0	2.2	77.3	42.1	43.1	95.7
GLEN BURNIE	84.8	80.3	13.1	16.8	1.5	2.2	1.1	1.8	6.9	6.9	6.3	5.1	5.7	33.1	23.1	11.9	0.9	77.0	33.1	35.6	96.3
GLEN BURNIE	86.9	82.3	9.2	12.1	3.1	4.5	1.8	2.8	7.5	7.2	6.4	5.4	6.8	35.1	20.8	10.1	0.7	75.9	31.1	33.4	94.0
LONDON	92.0	88.6	4.1	5.6	3.2	4.9	1.3	2.2	8.6	9.7	8.1	5.5	3.4	37.9	19.3	6.9	0.6	70.2	33.7	34.7	99.2
HAMPSTEAD	96.6	98.4	0.5	0.7	0.5	0.7	0.6	1.0	8.0	7.6	7.5	6.0	5.0	34.2	22.0	8.8	0.9	73.2	33.2	34.8	96.6
HANOVER	71.4	64.9	23.8	28.9	3.9	5.2	2.4	3.5	8.3	8.6	8.0	7.6	5.3	35.3	20.2	6.2	0.4	70.4	30.0	32.1	101.6
HAVRE DE GRACE	83.5	76.9	14.6	20.3	1.4	2.0	1.0	1.7	6.7	6.9	6.9	6.2	5.4	29.7	22.2	14.2	1.8	76.1	34.5	37.0	93.3
HYDES	98.5	97.9	0.5	0.6	0.8	1.2	0.7	1.2	5.4	7.3	7.8	7.1	3.8	27.6	28.6	11.4	0.9	74.6	39.1	40.5	100.2
JARRETTSVILLE	97.4	95.9	1.9	2.9	0.5	0.8	0.4	0.8	7.3	8.1	7.9	6.6	4.2	33.2	23.2	8.7	0.8	72.7	34.8	36.4	100.6
JESSUP	90.1	86.0	7.7	10.7	1.3	2.0	1.7	2.9	7.2	7.3	6.9	6.4	6.4	35.5	22.9	6.9	0.3	75.0	31.6	33.4	99.4
LANSDOWNE	98.2	97.4	0.7	1.0	0.8	1.3	0.7	1.1	5.2	7.2	6.7	5.3	4.1	28.0	27.9	14.8	0.9	77.8	39.6	41.0	96.8
LINTHICUM HEIGHTS	96.6	95.0	1.3	1.8	1.8	2.8	0.6	1.0	5.7	6.4	5.9	4.7	3.8	29.0	27.0	16.4	1.0	79.1	38.9	41.2	95.4
LUTHERVILLE TIMONIUM	93.5	90.9	1.3	1.7	5.1	7.2	1.3	2.1	5.6	6.4	6.3	5.1	3.9	29.0	27.2	15.1	1.5	78.4	40.6	41.6	90.5
MANCHESTER	98.4	97.8	0.9	1.2	0.5	0.7	0.3	0.5	7.0	8.3	8.4	6.5	4.8	32.5	22.6	8.9	1.0	72.3	34.0	35.6	99.7
MARRIOTTSVILLE	91.9	89.1	5.7	7.3	2.1	3.1	0.9	1.4	6.0	7.9	7.8	7.2	3.7	28.5	29.6	8.5	0.8	73.7	36.6	39.1	101.6
MARYLAND LINE	90.9	87.7	6.1	7.9	2.5	3.7	1.4	2.2	6.8	8.2	9.0	7.0	4.5	34.3	24.4	5.2	0.5	71.6	32.9	35.3	96.7
MIDDLE RIVER	96.7	95.3	1.6	2.3	1.6	2.3	0.8	1.2	6.1	8.2	7.8	5.8	3.5	32.4	24.8	9.8	1.6	74.3	36.9	38.5	97.7
MILLINGTON	83.1	78.2	12.5	16.0	2.6	3.6	3.0	4.3	7.1	8.3	7.8	6.2	6.2	33.4	22.4	8.2	0.5	73.3	31.9	33.7	99.8
MONKTON	93.5	91.1	4.7	6.3	1.4	2.1	1.6	2.7	7.1	7.7	7.8	5.8	4.9	37.3	21.4	6.9	1.1	73.7	32.7	34.6	95.6
NEW WINDSOR	82.0	77.3	14.6	17.9	2.8	3.9	1.7	2.7	7.8	8.3	7.4	5.6	5.3	38.8	18.3	7.8	0.7	73.1	32.0	33.5	92.7
OWINGS MILLS	97.7	96.8	1.6	2.1	0.6	0.9	0.6	1.0	7.1	8.4	7.6	5.9	3.5	33.8	23.4	9.4	0.9	73.2	35.7	37.1	100.0
PARKTON	95.3	93.4	3.2	4.4	1.0	1.5	0.8	1.4	7.6	7.7	7.2	5.8	4.6	35.8	21.8	8.8	0.6	73.9	32.5	34.4	101.2
PASADENA	94.3	91.9	2.1	3.0	3.2	4.7	1.4	2.2	6.2	6.9	7.3	5.8	4.2	34.5	23.7	10.6	0.7	76.1	36.2	37.4	95.5
PERRY HALL	97.0	95.7	0.8	1.1	2.1	3.0	0.9	1.5	5.7	8.7	9.3	5.9	3.5	29.6	27.1	9.4	0.9	72.5	38.1	39.4	98.0
PHOENIX	98.2	97.3	1.3	1.9	0.3	0.5	0.4	0.7	7.1	8.0	7.8	6.6	4.4	32.6	23.3	9.4	0.9	73.0	34.2	36.0	101.7
PIKESVILLE	60.8	53.3	36.2	42.9	2.5	3.2	1.4	2.0	6.0	6.9	6.7	6.5	5.1	32.8	23.4	11.0	1.7	76.5	35.4	37.4	89.8
RANDALLSTOWN	88.1	84.4	8.7	11.1	2.6	3.7	1.6	2.5	7.3	8.2	7.5	6.0	5.0	35.9	20.6	8.5	0.9	73.4	32.9	34.7	94.8
REISTERSTOWN	96.8	95.6	1.9	2.6	0.9	1.3	1.1	2.0	6.5	7.6	8.3	6.0	4.4	33.6	25.1	7.6	1.0	73.8	35.0	36.9	101.5
RIVA	71.5	65.3	23.3	27.8	4.3	5.7	2.4	3.5	8.3	9.4	9.2	7.0	5.0	35.8	20.0	5.0	0.4	68.9	30.2	32.0	97.2
SEVERN	93.6	91.3	4.6	6.1	1.5	2.2	1.0	1.7	6.2	7.6	7.9	5.8	3.6	31.0	26.9	10.1	0.9	74.7	36.8	38.6	99.1
SEVERNA PARK	95.2	93.4	2.6	3.5	1.9	2.7	0.6	1.0	5.7	6.7	5.9	4.4	3.7	35.6	21.2	13.0	3.8	79.1	36.7	38.7	91.8
SPARKS GLENCOE	96.1	94.3	3.2	4.7	0.4	0.6	0.3	0.6	6.9	8.3	7.6	6.3	4.6	31.9	23.7	10.0	0.8	73.6	34.0	36.0	102.9
STREET	98.0	97.3	1.1	1.5	0.6	0.9	0.6	0.9	6.1	6.9	7.3	5.3	3.8	31.8	26.0	11.6	1.2	76.6	37.7	39.2	100.4
UPPERCO	98.1	97.2	1.1	1.4	0.6	0.9	0.9	1.6	4.8	6.0	6.0	6.0	4.4	26.7	29.3	16.1	0.7	79.5	40.7	42.4	95.5
UPPER FALLS	96.5	95.2	2.5	3.4	0.6	0.9	0.8	1.3	7.1	7.6	7.4	6.7	5.8	31.5	21.7	10.8	1.4	74.1	33.8	35.4	93.6
WESTMINSTER	97.1	96.0	2.0	2.9	0.5	0.7	0.7	1.2	6.8	7.3	7.4	9.5	8.5	29.5	20.7	9.2	1.2	74.8	32.0	33.1	96.7
WESTMINSTER	98.4	97.7	1.1	1.7	0.3	0.4	0.2	0.4	6.8	8.3	8.0	6.5	4.6	32.2	23.1	9.5	0.9	73.1	33.7	35.7	101.8
WHITEFORD	97.5	96.4	1.8	2.6	0.6	0.9	0.6	1.0	7.3	8.1	7.6	6.2	3.7	33.1	23.8	9.4	0.9	73.2	35.4	36.9	100.2
WHITE HALL	95.9	94.6	3.2	4.3	0.6	0.7	0.5	0.8	4.8	5.7	6.5	5.0	4.1	27.6	27.8	17.4	1.2	80.3	40.8	42.4	97.4
WHITE MARSH	86.1	87.1	12.2	10.9	1.3	1.5	0.9	1.1	6.0	6.7	6.7	8.3	4.7	30.7	24.5	11.2	1.3	76.0	35.6	37.5	99.0
WOODSTOCK	28.1	20.7	69.4	76.5	1.8	2.1	1.2	1.6	7.2	7.3	6.5	5.4	8.6	34.5	15.8	12.4	2.2	76.1	30.5	32.7	91.5
BALTIMORE	20.3	13.7	78.0	84.5	1.1	1.2	1.0	1.2	6.9	6.9	6.0	6.8	9.4	41.9	14.2	7.1	0.9	77.0	29.4	31.1	143.1
BALTIMORE	94.0	92.0	3.9	4.9	1.9	2.7	1.4	2.3	3.4	3.9	3.6	8.5	9.6	24.0	20.7	21.6	4.7	86.7	40.0	42.7	81.0
BALTIMORE	29.8	26.0	68.8	72.6	0.7	0.6	0.9	1.1	9.4	10.0	8.7	7.6	5.9	30.7	17.1	9.6	1.0	67.2	29.5	30.9	86.4
BALTIMORE	63.5	54.3	35.0	43.9	1.0	1.2	1.1	1.6	7.7	7.5	6.8	6.0	6.0	33.5	18.6	12.6	1.3	74.7	33.1	35.0	90.1
BALTIMORE	31.0	26.4	67.5	71.9	1.0	1.2	0.9	1.2	7.1	7.0	7.1	6.1	5.4	33.8	22.2	10.2	1.0	75.3	34.0	35.9	87.4
BALTIMORE	80.2	73.9	18.2	23.8	1.3	1.9	1.0	1.5	5.4	5.8	5.8	4.9	3.8	29.0	23.9	18.8	2.6	79.9	41.4	42.2	88.0
BALTIMORE	88.2	82.5	9.8	14.7	1.6	2.4	1.1	1.8	6.7	6.0	5.7	4.3	4.3	34.4	20.5	15.8	2.2	78.6	37.6	38.9	88.2
BALTIMORE	93.1	87.4	4.2	8.1	2.4	3.9	1.5	2.6	4.3	4.5	4.2	9.2	10.1	28.0	22.0	15.3	2.5	84.6	37.6	39.4	84.9
BALTIMORE	91.5	85.4	6.0	10.7	1.9	2.8	1.5	2.4	6.0	5.8	5.3	5.3	5.6	32.3	19.6	16.3	3.8	80.1	36.5	38.6	86.2
BALTIMORE	59.1	54.7	39.3	43.3	1.1	1.4	1.3	1.8	6.7	6.5	6.3	7.3	5.8	32.3	19.5	13.2	2.4	77.3	35.0	37.0	80.3
BALTIMORE	23.8	18.9	75.5	80.3	0.5	0.5	0.9	1.2	8.7	9.3	8.2	6.7	5.2	30.8	17.9	12.2	1.2	70.0	31.7	33.1	85.2
BALTIMORE	81.3	70.3	17.0	27.4	1.1	1.6	1.5	2.2	7.5	6.8	5.4	4.7	4.8	35.6	18.5	14.5	2.1	77.5	35.1	36.8	91.8
BALTIMORE	18.9	14.6	80.4	84.7	0.4	0.4	0.8	1.0	7.4	7.4	7.4	6.8	5.4	29.3	21.0	13.1	2.1	73.7	34.3	36.3	83.4
BALTIMORE	1.0	0.5	98.6	99.2	0.2	0.2	0.6	0.7	7.4	7.8	7.5	6.8	5.5	30.0	19.8	13.8	1.3	73.4	34.0	35.7	81.9
BALTIMORE	6.8	4.4	92.4	94.9	0.5	0.4	0.6	0.7	8.5	8.3	7.6	7.0	6.0	31.1	17.6	12.1	1.8	71.6	31.7	33.5	85.7
BALTIMORE	30.7	22.2	65.7	73.3	3.1	4.0	1.0	1.4	6.8	6.7	6.8	9.6	8.8	33.4	17.6	9.1	1.3	76.3	30.6	32.2	91.7
BALTIMORE	92.0	90.0	7.2	9.0	0.3	0.5	0.9	1.6	5.2	6.8	6.8	5.7	4.4	30.1	24.9	14.8	1.3	77.8	37.3	39.3	104.5
BALTIMORE	88.8	85.9	9.8	12.3	0.8	1.1	0.7	1.1	8.2	8.6	7.3	5.7	5.3	34.1	19.9	10.0	0.7	72.5	31.9	33.5	98.4
BALTIMORE	90.5	87.8	7.9	10.1	0.9	1.3	1.2	1.9	7.4	7.6	6.7	5.9	6.1	32.1	20.7	12.4	1.1	75.1	33.2	35.1	94.3
BALTIMORE	92.2	90.9	6.7	7.7	0.4	0.6	0.9	1.5	6.0	6.8	6.4	5.5	5.0	29.7	23.5	15.9	1.1	77.6	36.5	38.5	93.5
BALTIMORE	35.7	29.6	62.8	68.5	1.1	1.5	0.6	0.8	8.9	9.5	8.7	7.1	5.9	30.7	17.8	10.3	1.0	68.6	30.4	31.7	93.0
BALTIMORE	90.4	84.5	6.9	11.8	0.9	1.3	1.9	3.0	7.0	7.2	6.6	5.6	5.0	30.1	20.6	16.3	1.6	76.1	35.8	37.4	90.1
BALTIMORE	62.7	60.7	35.8	37.4	0.8	1.2	0.7	1.1	8.6	8.2	7.7	6.2	5.9	30.0	19.3	13.1	1.0	72.0	31.3	33.6	88.3
BALTIMORE	88.3	83.8	10.7	14.8	0.6	0.9	1.0	1.6	8.6	8.4	6.9	5.9	5.5	32.0	19.9	11.9	0.8	73.0	31.5	33.9	96.2
HALETHORPE	91.2	87.8	6.0	8.3	2.3	3.2	1.3	2.2	7.2	7.7	6.4	5.4	5.7	35.6	19.8	11.3	0.9	75.6	32.2	34.1	99.4
BALTIMORE	83.7	80.4	12.9	15.0	3.0	4.0	1.1	1.7	5.8	6.1	5.7	4.7	4.2	31.2	20.9	18.1	3.3	79.6	37.8	40.1	87.4
BALTIMORE	34.9	28.0	63.3	69.9	1.3	1.6	0.8	1.1	7.7	7.6	6.8	6.3	5.7	33.4	19.1	12.0	1.6	74.5	33.1	35.0	85.6
BALTIMORE	77.9	69.5	20.4	28.1	1.2	1.7	1.0	1.7	7.2	7.4	6.9	6.1	6.0	33.6	18.9	12.5	1.5	74.9	32.8	34.7	92.1
BALTIMORE	59.9	52.5	34.3	40.3	2.1	2.7	3.8	5.8	6.4	6.5	6.3	5.1	6.0	35.8	19.8	12.4	1.6	77.9	33.7	36.0	96.1
BALTIMORE	85.5	82.8	11.5	12.9	2.6	3.8	1.2	1.8	6.9	6.8	6.2	5.4	5.1	34.4	19.4	14.3	1.5	76.8	34.6	36.3	89.9
BALTIMORE	93.5	90.8	2.7	3.7	3.5	5.1	1.3	2.2	8.1	7.8	7.1	5.1	4.7	39.9	17.8	9.1	0.6	74.0	32.6	33.8	93.5
BALTIMORE	81.5	79.0	15.5	16.9	2.4	3.3	1.2	1.8	6.7	7.3	6.6	5.5	5.4	33.2	21.2	12.8	1.3	76.3	34.2	36.1	92.8
BALTIMORE	38.7	29.0	58.6	68.0	2.3	2.6	1.0	1.3	6.1	5.8	6.3	6.9	6.5	33.7	20.2	13.0	1.5	78.3	34.8	37.0	81.4
BALTIMORE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BALTIMORE	41.3	35.3	55.1	60.4	2.8	3.5	1.4	1.9	8.0	7.1	6.7	5.1	6.4	38.3	18.1	9.1	1.3	75.2	31.6	33.1	88.2
BALTIMORE	72.5	65.4	18.4	22.6	8.0	10.5	2.1	3.0	0.1	0.0	0.1	63.0	34.2	1.7	0.7	0.2	0.0	99.4	19.5	19.0	82.6
BALTIMORE	17.3	9.1	81.9	90.0	0.4	0.4	1.2	1.7	5.8	4.1	5.3	21.4	11.5	27.6	17.3	6.2	0.8	81.5	25.5	27.3	85.5
BALTIMORE	91.3	88.4	6.2	8.2	1.9	2.7	1.7	2.8	2.4	2.1	1.8	26.4	24.5	16.4	9.9	12.8	3.7	92.7	23.4	23.5	75.5
BALTIMORE	93.3	90.8	2.8	3.7	3.6	5.0	1.4	2.2	4.4	4.5	4.4	5.2	6.2	23.6	22.7	25.3	3.8	84.6	43.8	46.3	77.3
ANNAPOLIS	80.2	75.6	18.2	22.1	1.1	1.6	1.3	2.0	6.3	7.2	6.2	5.5	4.7	31.3	23.9	13.5	1.3	77.1	36.0	38.4	95.0
ANNAPOLIS	85.2	80.0	8.6	11.5	4.0	5.6	5.0	7.5	4.7	5.1	2.8	23.3	39.4	16.5	5.3	2.6	0.2	86.1	21.9	21.8	304.3
MARYLAND	71.0	67.5	24.9	27.0	2.9	4.0	2.6	3.9	7.2	7.6	7.0	6.2	5.6	34.0	21.0	10.2	1.1	74.8	33.0	35.0	94.8
UNITED STATES	80.3	78.4	12.1	12.4	2.9	3.7	9.0	10.8	7.2	7.4	7.1	7.1	6.5	31.4	20.5	11.3	1.4	74.3	32.9	34.8	95.9

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ZIP CODE #	POST OFFICE NAME	1997 Per Capita Income	1997 HH Income Base	1997 HOUSEHOLD INCOME DISTRIBUTION (%) Less than $15,000	$15,000 to $24,999	$25,000 to $49,999	$50,000 to $99,999	$100,000 to $149,999	$150,000 or More	MEDIAN HOUSEHOLD INCOME 1997	2002	1997 National Centile	1997 State Centile	1997 AVERAGE DISPO BY AGE OF HOUS All Ages	<35	35-44	T 45-54
21050	FOREST HILL	20943	3649	5.6	7.3	30.2	45.2	9.4	2.4	54761	61692	93	75	44879	40168	48183	[illegible]
21051	FORK	26832	51	7.8	5.9	25.5	39.2	15.7	5.9	59001	63124	95	80	51428	38750	54034	[illegible]
21053	FREELAND	23307	902	5.7	6.0	26.4	45.7	12.9	3.4	60674	63302	95	83	48586	41996	52409	[illegible]
21054	GAMBRILLS	23513	4017	3.1	6.0	23.2	49.7	13.7	4.3	63020	69995	96	87	51624	42734	52424	[illegible]
21056	GIBSON ISLAND	29223	136	5.9	5.1	24.3	44.9	11.0	8.8	62867	69507	96	86	54781	52255	54727	[illegible]
21057	GLEN ARM	33875	1410	4.9	7.1	23.6	36.4	13.8	14.2	65150	67394	97	90	61620	48129	65999	[illegible]
21060	GLEN BURNIE	18355	10610	10.9	11.3	38.0	35.6	3.7	0.5	42913	48307	81	48	35386	34521	39845	[illegible]
21061	GLEN BURNIE	19486	20341	8.9	11.3	39.5	34.9	4.8	0.6	43248	48659	82	49	36447	33345	40456	[illegible]
21071	GLYNDON	33226	743	5.0	5.9	28.3	36.5	14.5	9.8	60860	64124	96	83	56646	44862	56304	[illegible]
21074	HAMPSTEAD	21808	4350	8.1	6.6	30.2	45.9	7.4	1.8	52763	60695	92	69	42679	40613	46655	[illegible]
21076	HANOVER	18793	3310	8.2	9.7	34.3	38.0	8.5	1.4	48210	53911	88	58	40539	33990	44324	50740
21078	HAVRE DE GRACE	17916	5526	16.3	15.5	35.8	27.0	3.2	2.2	36133	41654	66	26	33470	26316	37295	44222
21082	HYDES	25808	296	7.1	6.8	25.7	38.2	15.5	6.8	59625	62747	95	81	52624	46155	53314	65040
21084	JARRETTSVILLE	21698	2385	7.1	7.5	30.1	42.6	9.9	2.8	53721	61011	92	72	44708	43353	47287	54876
21085	JOPPA	20112	5647	6.5	9.7	34.7	41.4	5.9	1.8	49315	55744	89	60	40758	36534	42028	50966
21087	KINGSVILLE	21433	1575	6.2	9.8	31.2	39.8	9.7	3.4	52134	56362	91	68	44115	45161	49895	55557
21090	LINTHICUM HEIGHTS	22033	3629	6.0	10.4	29.3	44.0	8.5	1.8	52870	58986	92	70	42867	42007	49574	54055
21093	LUTHERVILLE TIMONIUM	31706	12650	4.8	7.7	26.4	38.0	14.6	8.4	61038	64153	96	84	54469	46745	58742	64791
21102	MANCHESTER	20288	3471	7.6	6.5	33.2	42.5	8.1	2.1	51701	59415	91	66	43025	39160	47194	51354
21104	MARRIOTTSVILLE	29108	642	5.8	4.2	19.5	45.2	17.1	8.3	69335	76358	98	92	58445	50090	55917	69259
21108	MILLERSVILLE	25436	5598	3.2	4.6	22.1	49.0	15.5	5.6	66493	75026	97	91	54069	43663	55088	63100
21111	MONKTON	31486	1722	6.5	5.8	21.5	39.6	15.3	11.3	65155	69421	97	90	59311	47002	62040	70890
21113	ODENTON	19632	4668	5.5	8.7	33.4	43.4	8.6	0.4	51344	56674	91	65	41115	36075	44148	49712
21114	CROFTON	27364	6854	2.2	4.7	23.8	48.0	16.3	5.0	63962	71568	97	88	53052	45130	52288	66301
21117	OWINGS MILLS	26991	11338	9.0	11.6	32.3	30.6	8.2	8.2	46918	49950	87	55	47499	36350	51331	57658
21120	PARKTON	21818	1937	7.4	7.0	31.9	39.2	10.4	4.2	52478	55311	92	68	46075	41503	48646	55926
21122	PASADENA	21407	19362	5.2	7.1	31.0	46.2	7.8	2.6	53839	60471	92	72	44509	42167	48949	53883
21128	PERRY HALL	22316	2502	5.4	7.8	33.7	44.2	8.0	0.9	51954	55260	91	67	41794	40160	45793	50800
21131	PHOENIX	34197	2230	3.5	4.9	17.9	38.4	17.7	17.5	75485	78430	98	96	68679	58771	68954	79244
21132	PYLESVILLE	19747	1033	10.9	8.6	34.0	38.3	6.3	1.8	47028	53928	87	56	39681	38020	39814	49651
21133	RANDALLSTOWN	20966	9919	7.3	9.0	33.7	40.8	7.6	1.6	49985	52441	89	61	41051	36183	44194	49814
21136	REISTERSTOWN	22574	9659	7.3	9.4	34.9	36.0	8.4	4.1	48466	51718	88	58	43522	35998	47257	54056
21140	RIVA	30585	1165	3.3	4.9	18.5	46.3	16.7	10.2	68248	76321	97	92	60911	43202	62065	73211
21144	SEVERN	18546	7931	6.7	8.7	29.9	44.7	9.2	0.7	53213	59875	92	70	42232	36035	44880	51807
21146	SEVERNA PARK	27813	8535	3.6	4.3	21.3	44.4	18.0	8.5	70049	77837	98	93	57374	46492	58854	71911
21152	SPARKS GLENCOE	33459	2144	8.1	7.1	24.9	41.2	12.5	6.3	58447	61336	95	79	51329	44470	52774	61892
21154	STREET	17716	1834	13.2	11.6	35.9	32.4	5.0	1.8	42373	49365	80	47	36821	34361	38940	46528
21155	UPPERCO	28229	908	8.8	8.3	30.9	35.4	9.8	6.8	51546	55103	91	65	48792	36245	46308	59065
21156	UPPER FALLS	20676	150	7.3	11.3	32.0	38.0	8.0	3.3	49279	50833	89	60	42247	36591	48515	56111
21157	WESTMINSTER	21246	12983	10.8	7.5	32.7	38.8	7.8	2.4	49165	56459	89	60	41172	37416	46554	53279
21158	WESTMINSTER	19941	7966	6.3	7.9	33.2	42.0	7.9	2.7	51603	59428	91	66	42731	39028	45325	53038
21160	WHITEFORD	17622	668	12.4	9.9	35.0	35.8	5.2	1.6	44716	52088	84	51	38121	34813	38234	47321
21161	WHITE HALL	21506	1756	8.2	6.8	32.1	39.5	9.3	4.0	51768	56313	91	67	45319	42673	45970	56728
21162	WHITE MARSH	17965	1015	7.7	17.6	39.1	29.8	5.3	0.5	39446	42258	75	36	34140	36089	38413	44404
21163	WOODSTOCK	23478	1063	6.9	6.1	31.0	42.1	10.2	3.8	53501	55385	92	71	46176	42636	49163	59207
21201	BALTIMORE	13647	6881	45.8	16.4	22.6	11.9	2.1	1.1	16829	18462	2	0	21657	21311	26598	27891
21202	BALTIMORE	10587	7878	45.0	16.6	23.7	11.6	1.7	1.4	17183	18847	3	0	21709	19071	24564	29356
21204	BALTIMORE	30998	6022	9.1	9.2	33.1	28.1	10.3	10.2	48510	51598	88	59	51001	38970	60586	65018
21205	BALTIMORE	9771	6724	33.6	21.5	31.6	12.5	0.8	0.1	21708	24213	13	1	21497	18915	25379	25771
21206	BALTIMORE	16040	18193	15.8	16.5	38.5	25.7	3.2	0.3	35327	37560	63	24	30621	28650	34332	38765
21207	BALTIMORE	17490	17908	12.1	13.0	37.6	32.3	4.4	0.6	40435	43414	77	40	34456	30157	36575	43400
21208	BALTIMORE	31502	12314	10.5	10.2	29.5	31.8	8.7	9.3	49795	52358	89	61	49980	39472	51738	64658
21209	BALTIMORE	31620	8953	9.6	8.7	33.1	31.6	9.8	7.1	48548	51661	88	59	47453	38960	50778	61803
21210	BALTIMORE	40496	5285	9.7	9.3	22.5	30.6	12.7	15.2	59730	61690	95	81	60053	33339	64871	74616
21211	BALTIMORE	17173	7578	18.7	18.4	36.4	22.4	3.1	0.9	31619	34349	53	19	29456	29254	34390	36442
21212	BALTIMORE	23534	13165	13.1	11.4	32.6	30.7	7.3	4.9	43058	45897	82	49	41597	36490	44849	52074
21213	BALTIMORE	11510	13719	29.6	17.0	32.6	19.1	1.5	0.2	26616	28648	31	8	25014	22492	28934	31243
21214	BALTIMORE	18729	7596	13.9	14.6	35.5	31.1	4.3	0.6	39887	42831	76	38	33663	33608	38347	43942
21215	BALTIMORE	14444	24275	23.1	16.7	34.4	22.0	2.9	1.0	30761	33315	50	17	28971	23998	31860	35211
21216	BALTIMORE	12426	13209	24.4	18.8	37.1	16.7	2.5	0.5	28471	30898	40	12	26352	22055	29033	31808
21217	BALTIMORE	10749	17915	43.2	17.2	26.1	11.4	1.5	0.5	17937	19783	4	0	20853	17726	26295	25983
21218	BALTIMORE	16613	20883	25.6	16.3	32.6	20.1	3.8	1.7	29458	31820	44	14	29865	23012	33587	38162
21219	BALTIMORE	16311	2979	14.2	11.1	41.4	28.7	4.5	0.2	39011	41899	74	35	33520	32932	41249	40179
21220	BALTIMORE	15585	13934	14.0	14.6	41.8	27.0	2.4	0.3	36831	39206	68	29	31170	29809	34504	39247
21221	BALTIMORE	15248	16916	20.9	15.4	38.2	22.8	2.4	0.3	32497	35049	55	20	28659	25452	33656	38048
21222	BALTIMORE	15531	21145	16.1	16.0	40.0	25.5	2.3	0.1	35156	37349	63	24	29722	30016	34660	38981
21223	BALTIMORE	9414	11538	39.2	19.2	27.9	12.4	1.0	0.4	19555	21704	7	0	21127	18830	23878	26823
21224	BALTIMORE	14119	19410	24.3	17.3	36.2	19.9	1.8	0.4	29290	31772	44	13	26769	27000	31493	35285
21225	BALTIMORE	13058	11746	24.5	17.8	35.5	19.9	2.3	0.1	28566	31906	40	12	26373	24764	30369	31910
21226	BALTIMORE	14446	2096	18.8	18.1	39.8	20.3	2.7	0.2	31416	35859	52	18	28214	28400	30629	34560
21227	HALETHORPE	18369	18207	9.5	12.7	38.6	34.8	3.9	0.6	42434	46827	81	47	35444	35542	39583	44297
21228	BALTIMORE	21927	17163	8.9	11.1	32.6	37.4	8.0	2.0	47567	50587	87	57	40259	38803	44569	53935
21229	BALTIMORE	15414	18610	18.0	17.0	36.4	25.2	2.9	0.5	34002	36583	60	22	30044	27855	33537	38884
21230	BALTIMORE	15495	12565	25.0	14.7	33.2	22.6	3.4	1.0	30359	32936	48	16	29096	30999	35503	36003
21231	BALTIMORE	15891	6682	34.7	15.4	27.9	17.6	3.1	1.3	24858	26580	22	4	26027	27117	31715	30038
21234	BALTIMORE	18869	25895	10.6	13.1	39.7	31.8	4.2	0.6	40328	43139	77	40	34374	33756	39398	43506
21236	BALTIMORE	20733	13717	5.6	8.9	36.7	41.9	6.2	0.7	49019	51932	89	59	39762	38050	43783	48625
21237	BALTIMORE	17572	9494	13.5	12.5	38.7	31.2	3.5	0.5	39728	42496	76	37	33194	31764	35270	42218
21239	BALTIMORE	18396	11397	13.3	14.4	37.6	29.7	4.1	0.9	38178	40581	72	32	33405	30760	37301	41213
21240	BALTIMORE	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	0	0	0
21244	BALTIMORE	18749	16740	9.3	11.4	44.4	31.2	3.0	0.6	40783	43520	78	41	34561	32327	37244	41606
21250	BALTIMORE	5420	134	10.4	51.5	38.1	0.0	0.0	0.0	21242	25362	11	1	19683	19004	34167	0
21251	BALTIMORE	13978	71	12.7	18.3	33.8	26.8	5.6	2.8	38331	43281	73	32	36042	22500	34500	38250
21252	BALTIMORE	17247	672	15.9	11.8	28.7	27.1	11.6	4.9	41987	44485	80	45	42119	32001	50775	62179
21286	BALTIMORE	27038	13420	12.0	12.0	29.3	32.9	8.4	5.4	46445	49019	86	54	43189	35526	54683	58372
21401	ANNAPOLIS	29473	18656	9.8	8.3	23.8	37.3	12.5	8.3	57880	64296	94	78	51892	38753	54812	67189
21402	ANNAPOLIS	13756	640	5.0	9.1	35.5	36.3	9.1	5.2	50387	57298	90	62	46978	30346	44679	72207
	MARYLAND	21234		11.5	10.8	32.2	34.7	7.7	3.2	45907	50902			40786	34716	44286	51518
	UNITED STATES	18100		17.7	14.4	33.5	26.5	5.4	2.6	36961	42042			35584	30999	40281	45940

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ZIP CODE	TOP ACORN CONSUMER TYPE	% 1997 HOUSE-HOLDS
20708	3B Enterprising Young Singles	79.8
20710	5C Military Proximity	57.5
20711	1F Semirural Lifestyle	30.8
20712	5A Twentysomethings	33.6
20714	2B Baby Boomers with Children	33.2
20715	1B Wealthy Seaboard Suburbs	80.4
20716	1E Prosperous Baby Boomers	73.5
20720	1D Successful Suburbanites	64.7
20721	1D Successful Suburbanites	54.7
20722	6B Middle Class Black Families	53.1
20723	1E Prosperous Baby Boomers	47.4
20724	2A Urban Professional Couples	36.6
20732	2B Baby Boomers with Children	42.3
20733	2A Urban Professional Couples	48.5
20735	1F Semirural Lifestyle	72.9
20736	1F Semirural Lifestyle	58.7
20737	2C Thriving Immigrants	61.5
20740	3A High Rise Renters	26.4
20742	5B College Campuses	55.5
20743	6B Middle Class Black Families	43.2
20744	1F Semirural Lifestyle	36.1
20745	8E Urban Working Families	41.9
20746	5C Military Proximity	41.1
20747	5C Military Proximity	34.0
20748	8E Urban Working Families	33.8
20751	2A Urban Professional Couples	47.7
20754	1D Successful Suburbanites	65.9
20755	5C Military Proximity	98.2
20758	7B Young Frequent Movers	30.6
20759	1D Successful Suburbanites	91.3
20762	5C Military Proximity	100.0
20763	1E Prosperous Baby Boomers	96.1
20764	2A Urban Professional Couples	48.6
20769	1D Successful Suburbanites	69.0
20770	3B Enterprising Young Singles	40.4
20772	1F Semirural Lifestyle	64.8
20774	2B Baby Boomers with Children	40.2
20776	1C Upper Income Empty Nesters	49.4
20777	1D Successful Suburbanites	96.2
20778	2A Urban Professional Couples	47.6
20779	7B Young Frequent Movers	30.8
20781	2A Urban Professional Couples	22.2
20782	3B Enterprising Young Singles	32.0
20783	6A East Coast Immigrants	23.6
20784	2E Older Settled Married Couples	26.6
20785	8E Urban Working Families	65.9
20794	1E Prosperous Baby Boomers	34.6
20812	1A Top One Percent	63.5
20814	3A High Rise Renters	48.4
20815	1A Top One Percent	39.7
20816	1A Top One Percent	60.5
20817	1A Top One Percent	51.2
20818	1A Top One Percent	63.4
20832	1D Successful Suburbanites	46.7
20833	4A Retirement Communities	49.0
20837	1D Successful Suburbanites	42.2
20838	1C Upper Income Empty Nesters	100.0
20839	1D Successful Suburbanites	41.2
20841	1C Upper Income Empty Nesters	53.0
20842	1C Upper Income Empty Nesters	50.0
20850	1B Wealthy Seaboard Suburbs	30.4
20851	2C Thriving Immigrants	31.3
20852	3A High Rise Renters	34.0
20853	1B Wealthy Seaboard Suburbs	60.8
20854	1A Top One Percent	81.6
20855	1D Successful Suburbanites	61.0
20860	4A Retirement Communities	100.0
20861	4A Retirement Communities	100.0
20862	4A Retirement Communities	100.0
20866	3B Enterprising Young Singles	48.7
20868	1D Successful Suburbanites	68.4
20871	1F Semirural Lifestyle	61.6
20872	1E Prosperous Baby Boomers	55.3
20874	1E Prosperous Baby Boomers	71.6
20876	1E Prosperous Baby Boomers	73.8
20877	3B Enterprising Young Singles	43.9
20878	3B Enterprising Young Singles	42.5
20879	4A Retirement Communities	32.5
20882	1D Successful Suburbanites	60.8
20895	1B Wealthy Seaboard Suburbs	48.4
20901	1B Wealthy Seaboard Suburbs	37.2
20902	2C Thriving Immigrants	35.1
20903	6A East Coast Immigrants	60.3
20904	3B Enterprising Young Singles	36.5
20905	1D Successful Suburbanites	66.8
20906	3B Enterprising Young Singles	19.6
20910	3A High Rise Renters	50.3
20912	3A High Rise Renters	28.0
21001	5C Military Proximity	18.5
21005	5C Military Proximity	98.9
21009	1E Prosperous Baby Boomers	69.0
21010	5C Military Proximity	100.0
21012	1F Semirural Lifestyle	53.2
21013	1F Semirural Lifestyle	57.9
21014	1F Semirural Lifestyle	38.1
21015	1E Prosperous Baby Boomers	39.5
21017	1E Prosperous Baby Boomers	72.8
21021	4C Prosperous Older Couples	45.0
21028	1F Semirural Lifestyle	36.9
21029	1D Successful Suburbanites	87.0
21030	3B Enterprising Young Singles	51.0
21031	7F Rustbelt Neighborhoods	84.0
21032	1F Semirural Lifestyle	57.6
21034	7A Middle America	70.6
21035	1F Semirural Lifestyle	50.5
21036	1D Successful Suburbanites	97.4
21037	2E Older Settled Married Couples	30.4
21040	5C Military Proximity	37.2
21042	1D Successful Suburbanites	58.9
21043	1E Prosperous Baby Boomers	25.8
21044	1D Successful Suburbanites	22.0
21045	3B Enterprising Young Singles	29.6
21046	1E Prosperous Baby Boomers	83.1
21047	1F Semirural Lifestyle	52.8
21048	1F Semirural Lifestyle	87.5
21050	1F Semirural Lifestyle	71.5
21051	1F Semirural Lifestyle	46.2
21053	1F Semirural Lifestyle	77.5
21054	1F Semirural Lifestyle	39.6
21056	1F Semirural Lifestyle	56.5
21057	4A Retirement Communities	66.1
21060	2E Older Settled Married Couples	70.3
21061	2E Older Settled Married Couples	32.2
21071	1E Prosperous Baby Boomers	36.3
21074	2B Baby Boomers with Children	41.5
21076	2B Baby Boomers with Children	25.1
21078	2E Older Settled Married Couples	25.7
21082	1F Semirural Lifestyle	40.5
21084	1F Semirural Lifestyle	90.7
21085	2E Older Settled Married Couples	21.9
21087	1C Upper Income Empty Nesters	59.6
21090	4C Prosperous Older Couples	49.4
21093	2A Urban Professional Couples	24.4
21102	1F Semirural Lifestyle	64.3
21104	1D Successful Suburbanites	54.8
21108	1D Successful Suburbanites	34.8
21111	1D Successful Suburbanites	38.2
21113	2B Baby Boomers with Children	49.2
21114	1D Successful Suburbanites	35.8
21117	3B Enterprising Young Singles	24.2
21120	1F Semirural Lifestyle	77.0
21122	2E Older Settled Married Couples	36.0
21128	1F Semirural Lifestyle	32.6
21131	1D Successful Suburbanites	54.3
21132	1F Semirural Lifestyle	47.6
21133	2E Older Settled Married Couples	24.2
21136	2B Baby Boomers with Children	21.7
21140	1D Successful Suburbanites	36.0
21144	2B Baby Boomers with Children	33.9
21146	1D Successful Suburbanites	25.4
21152	4A Retirement Communities	53.5
21154	7A Middle America	54.0
21155	1F Semirural Lifestyle	41.5
21156	4C Prosperous Older Couples	44.7
21157	1F Semirural Lifestyle	42.6
21158	1F Semirural Lifestyle	56.4
21160	7A Middle America	52.0
21161	1F Semirural Lifestyle	80.6
21162	7F Rustbelt Neighborhoods	44.1
21163	7A Middle America	34.0
21201	5A Twentysomethings	36.2
21202	8C Distressed Neighborhoods	33.7
21204	1C Upper Income Empty Nesters	23.6
21205	8E Urban Working Families	28.4
21206	7F Rustbelt Neighborhoods	22.6
21207	6B Middle Class Black Families	30.4
21208	4B Active Senior Singles	24.5
21209	4B Active Senior Singles	23.1
21210	3A High Rise Renters	36.6
21211	7F Rustbelt Neighborhoods	24.2
21212	2A Urban Professional Couples	26.5
21213	7F Rustbelt Neighborhoods	21.2
21214	6C Newly Formed Households	45.5
21215	8E Urban Working Families	31.8
21216	6B Middle Class Black Families	53.7
21217	8D Low Income Southern Blacks	38.2
21218	8E Urban Working Families	31.4
21219	7F Rustbelt Neighborhoods	34.3
21220	6C Newly Formed Households	23.3
21221	7F Rustbelt Neighborhoods	29.2

Consumer Type 1E: Prosperous Baby Boomers

Prosperous Baby Boomers set the trend for working wives, especially working mothers. They are Baby Boomers with families, and the youngest among Affluent consumer groups.

Demographic:

The age profile of this market is singular: Baby Boomers aged 30-44 years with young, primarily preschool and elementary school children. Almost 20 percent of the population is under 9 years old. Median age is 31.9 years. Typical of the generation, these families are very mobile. More than 35 percent of the population has moved in the past 5 years, double the national mobility rate.

Socioeconomic:

Median household income is about $51,000. This segment's median household income is much higher than the U.S., a result of two salaries. Prosperous Baby Boomers have the highest labor force participation rate for men and second highest for women (second only to single women in the same age group). More than 70 percent of the households have 2 or more workers. Also, typical of this cohort is educational attainment: two-thirds have attended college or completed a degree.

Residential:

Prosperous Baby Boomers own homes (78 percent) in new housing developments (75 percent built since 1980) with an average value of $127,000. Primarily suburban, their neighborhoods are located within commuting distance of metropolitan job centers in the Sunbelt.

Buying Habits:

Prosperous Baby Boomers pursue an active lifestyle through participation in sports, especially court sports like tennis or racquetball, golf, pool/billiards, swimming, camping, jogging/running, and weight training. They drive new cars. Top expenditures include camera and film purchases, but also other electronics like camcorders and personal computers. They also spend money on sports equipment, home furnishings, and children's toys. Leisure pursuits include going to the movies and the beach or lake. Prosperous Baby Boomers rank among the highest to dine at family restaurants for dinner and to order takeout pizza. They do not invest or save in proportion to their income, but they do carry a lot of insurance. Media preferences include watching cable television such as Comedy Central and ESPN, and reading magazines such as *Parents Magazine*. They are top-ranked for listening to album-oriented/classic rock radio.

Consumer Type 1F: Semirural Lifestyle

Semirural Lifestyles are a prosperous population who have opted for semirural locales and lifestyles. They maintain their livelihood by self-employment, working at home and commuting.

Demographic:

Older and married, this market includes couples aged 35 to 64 years with and without children living at home. About 35 percent of the households are empty nesters; 40 percent have school-age children living at home. The median age is 35.5 years.

Socioeconomic:

This is the largest, although not the wealthiest, affluent market, with a median household income of $48,800. It includes 4.6 percent of all households. Unemployment is low, but the sources of income are more varied in this affluent market, including self-employment income (both farm and nonfarm) with the usual wage and salary sources plus interest and dividend income. Although many Semirural Lifestyles work at home, most are commuters. More than 30 percent of the labor force cross county lines to get to work.

Residential:

Semirural Lifestyles live in semirural areas or on the urbanized fringe of metropolitan areas. Many of the homes are newer, built since 1970, and home value is above average, $135,000. The majority of homes are valued between $100,000 and $150,000. These neighborhoods are scattered throughout the United States, with a particularly high concentration in New Hampshire.

Buying Habits:

Semirural Lifestyles are homebodies—interested in home projects, reading books, needlework, and cooking. Outside the home, their activities include golf, tennis and racquetball, weight training, biking, camping, hiking, and jogging/running. Although their residence is more rural, they have retained some urbane preferences like visiting museums. They spend on children's apparel and toys, home furnishings and improvement, and the latest electronic gadgets: personal computers, stereos, televisions, videos, and camcorders. They are more likely to have 2 cars, with one being new. Semirural Lifestyles also read books specifically romance and mysteries, and magazines such as *Consumer Digest* and *Family Circle*.

Group 2. UPSCALE HOUSEHOLDS

Consumer Type 2A: Urban Professional Couples

Urban Professional Couples are the yuppies of the 1980s, matured to middle age. Most of the households are married couples, although the traces of the 1980s remain with higher numbers of single-person and shared households.

Demographic:

This market is slightly older and includes the first cohorts of the baby boom. The Median age for the Urban Professional Couples is 36.7 years. Households are predominantly married-couple families, with few or no children, but the mix also includes the aftermath of high divorce rates through the 1980's with single-person and shared households.

Socioeconomic:

Median household income is slightly over $42,600. Labor force participation is high; unemployment low. The labor force is well-educated and well-employed, mainly in professional or managerial positions. More than 35 percent of adults (age 25+) have earned a college degree.

Residential:

The urban residential profile is a high-density mix of single-family homes and townhouses with smaller (two to five units) rentals. Most homes are owner-occupied, including condominiums (twice the national average). Home value is above average, $148,500. These neighborhoods are located inside

Maryland Line Area ASSOCIATION Inc.

RESOLVED: That at the General meeting of the Maryland Line Area Association held on December 9, 1998, it was decided by the Association that responsibility for review and action on all zoning matters for the period Dec 1, 1998 - Dec 1, 1999 be placed in the (Board of Directors) (~~Zoning Committee~~) consisting of the following members:

Dr. Richard W. McQuaid
Robert Leonard
Richard Jiranek
Mary Wallace
LuAnn Ensor
Christine Plettenberg
Walter K. Gettle
Bruce Guthrie

AS WITNESS OUR HANDS AND SEAL THIS 9 day of December, 19 99.

ATTEST: Maryland Line Area Association Inc.

LuAnn Christine Plettenberg
Secretary

Richard W. McQuaid
President

PEOPLE'S COUNSEL
EX # 9

MARYLAND LINE AREA ASSOCIATION, INC.

The Maryland Line Area Association, Inc. has a paid member ship of 229 families. The Organization 's geographic limits are:

North --Mason-Dixon Line
East -- Harford County
South -- Belfast Road
West -- Carroll County

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (~~Zoning Committee~~) of the Maryland Line Area Association, Inc.

Richard W. McGrand

ATTEST:

Maryland Line Area Association Inc.

Joanna Christine Pottenger
Secretary

Richard W. McGrand
President

DATE: April 5, 1999

Maryland Line Area ASSOCIATION Inc

RESOLVED: That the position of the Maryland Line Area Association Inc Association as adopted by the (Board of Directors) ~~(Zoning Committee)~~ on the zoning matter known as:

Donald E Warrener, Jr - Owner 20227 Old York Rd.
Case No. 99-73-SPHXA

is that:

The Board of Directors of the Maryland Line Area Association, Inc. voted unanimously to oppose the granting of a Special Exception for a fuel service station on the site of the service garage at 20227 Old York Rd.

AS WITNESS OUR HANDS AND SEAL THIS 9th day of December, 19 99.

ATTEST: Maryland Line Area Association Inc.

Johanna Christine Pfellenberg
Secretary

Richard W. McIntosh
President

History of Warrener Property
Rt. #439 and West Liberty Rd.

Land Records of Baltimorre County

Date	Grantor	Grantee	Liber	Folio
Oct. 5, 1962	Lillian Kelly	Robert L. & Nancy Spicer	4055	221
April 8, 1985	Robert L. & Nancy Spicer	Ralph & Jeanne Coxon	6902	222
Sept. 30, 1987	Ralph & Jeanne Coxon	Steven & Kathy Leckrone	7695	418
Jan. 19, 1989	Steven & Kathy Leckrone	Donald E. Warrener Sr. & Reda Jean Warrener	8116	141
Sept. 22, 1989	Reda Jean Warrener	Donald E. Warrener Sr.	8314	274
Aug. 1997	Donald E. Warrener, Sr.	Donald E. Warrener Jr.	12356	116

* Gasoline service began in 1963 and was terminated in 1993.

P.C. ex #11

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

MD
NOV 0 1 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

PC 5

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

COUNCIL LINE
3
DISTRICT

3rd Councilmanic District

BALTIMORE COUNTY
1988 COMPREHENSIVE ZONING MAP ISSUES

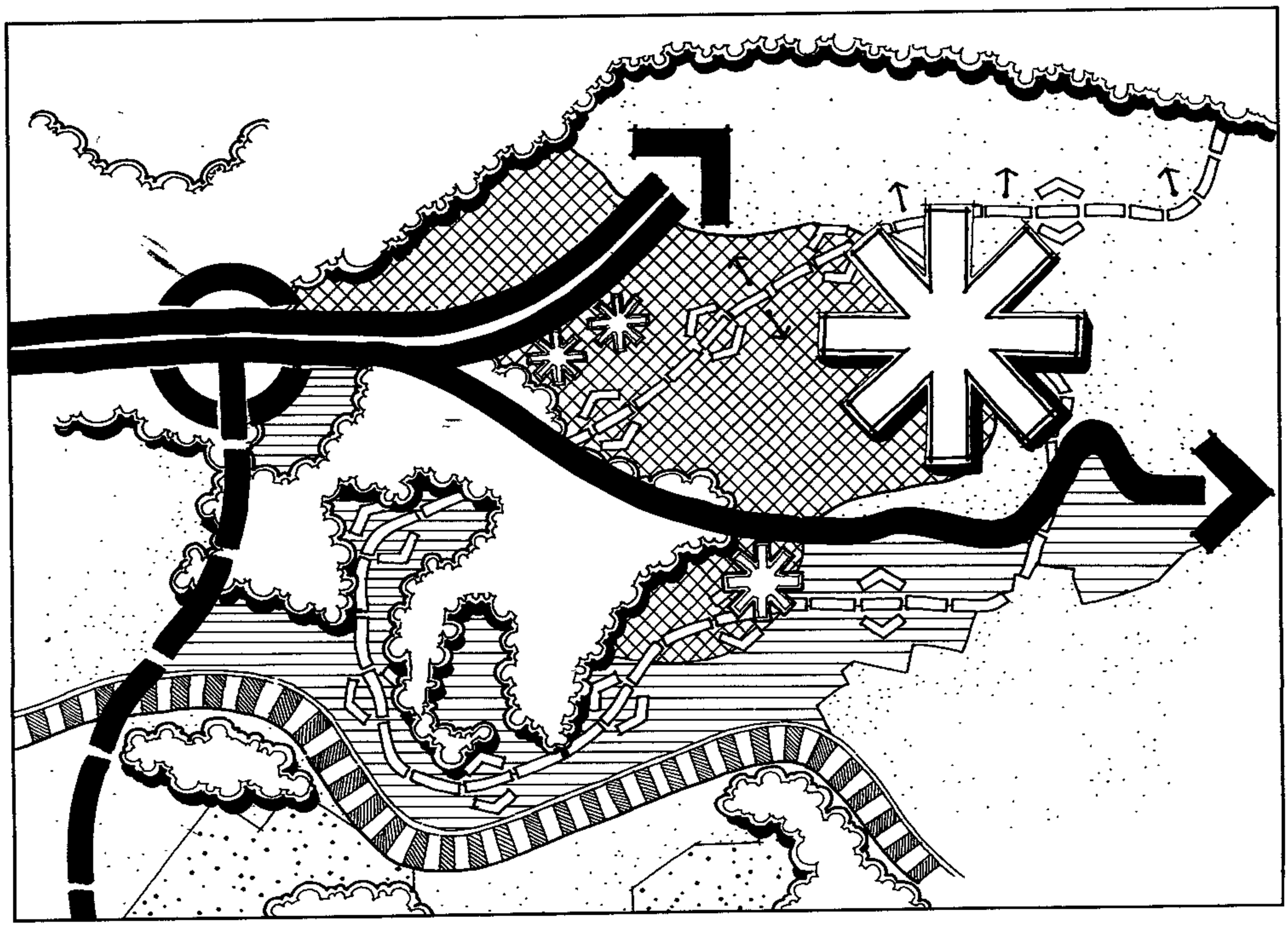
Date: 06/24/88
Sheet: 4

NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING and ACRES	REQUESTED ZONING and ACRES	ZONING PLAN BD RECOMMEN-DATIONS	ZONING COUNTY COUNCIL DECISIONS	COMMENTS
3-021	Daniel & Jean Gordon	200' SW of Cradock La & Greenspring Valley Rd (6 Cradock La)	0.58	DR 1 0.58	RO 0.58	RO 0.58		Reisterstown Road Corridor Study
3-022	Ralph Coxon, etux by Newton A Williams, Esq	E Side Old York Rd (Rt 439) 77' SW of Centerline of W Liberty Rd	2.24	BL-CR 1.03 RC 2 1.21	BR-CR or ML 2.24	BL-CR 1.57 RC 2 0.67		II-7 R86-341 CBA-Dismissed 5/18/86 Request amended from BR-CR (2.24 ac), 2/16/88
3-023	Dickee Howard Goodman by Newton A. Williams	NE Side Thorton Mill Rd 2400' NW of York Rd	68.59	RC 4 67.34 ML 1.25	DR 5.5, O-2, O-1 or DR 10.5 68.59	RC 4 68.59	RC 4	See Issues 3-125,3-295,3-318
3-024	Donald & Anne Foster	SE Cor York & Monkton Rds (16925 York Rd)	0.33	RC 5 0.33	BM-CR 0.33	RC 5 0.33	BM-CR	Hereford Study Area
3-025	Huntingdon Dev Corp by DS Thaler & Assoc Inc	E of Garrison Forest Rd & S of Walnut Ave	73.36	RC 2 73.36	RC 5 73.36	RC 2 39.36 RC 5 34.00	RC 2 RC 5	3-031, 1980; 3-241, 1984 See Issues 3-004, 3-270
3-026	John & Dixie Nacincik by DS Thaler & Assoc Inc	N & S Side of Garrets Road between Old Garret Ct & Old York Rd	130.19	RC 2 130.19	RC 4 130.19	RC 2 130.19		
3-027	William Mitcherling	E Side York Rd Opposite McCann Ave (10737 York Rd)	0.33	BL-CNS 0.33	BM-CNS 0.33	BM-CNS 0.33		

Shirley Ness

Master Plan

Baltimore County 1989–2000



As adopted February 5, 1990

DC 6

ISSUE: Appropriate Rural Development

POLICIES:

1. The rural landscape of Baltimore County represents a precious heritage containing some of the oldest cultivated landscapes in the New World. The site layout and architectural quality of new development should incorporate design principles which will help retain the essential visual, spatial and environmental qualities of the traditional landscape. The primary intent of the Master Plan for rural areas is that new development be very carefully adjusted to the visual and environmental character of the area. New buildings should fit in to their surroundings rather than stand out from them.
2. In rural towns new development should respect the scale, siting pattern, streetscape and architectural character of the traditional town.

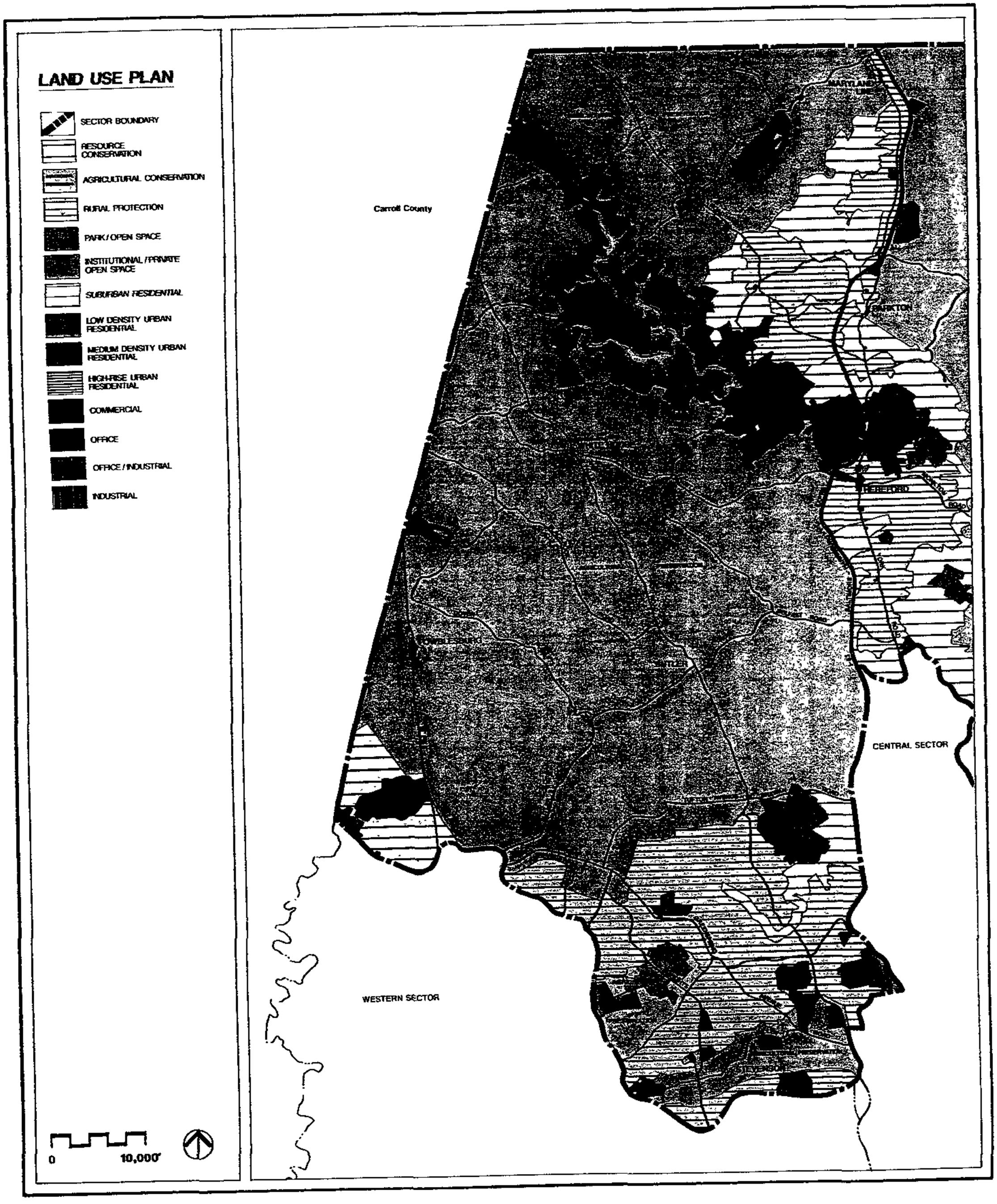
ISSUE: Infill - Building in Context

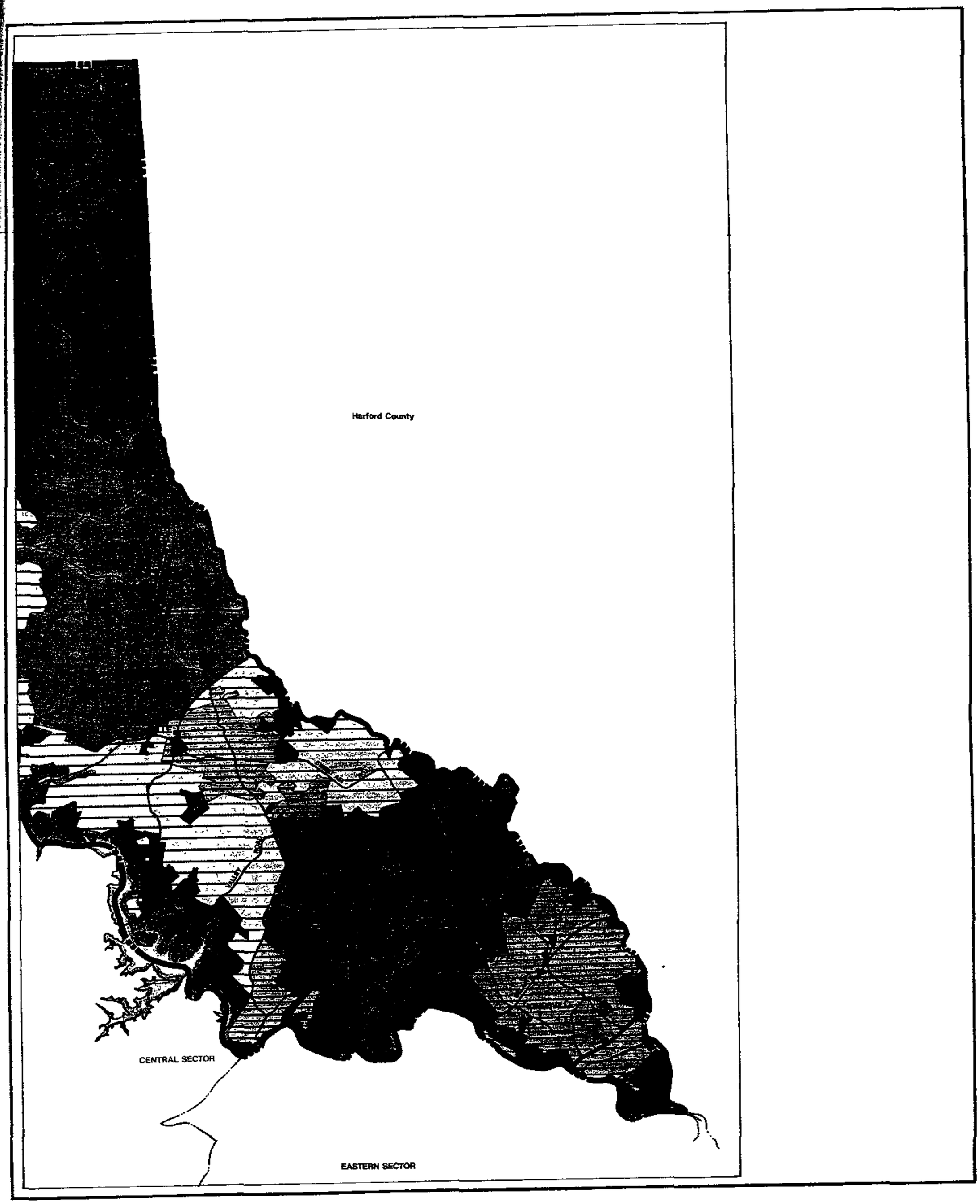
New development should be compatible with its surroundings. Compatibility implies the design of projects in built up areas should begin with a thorough and comprehensive analysis of the surrounding environment.

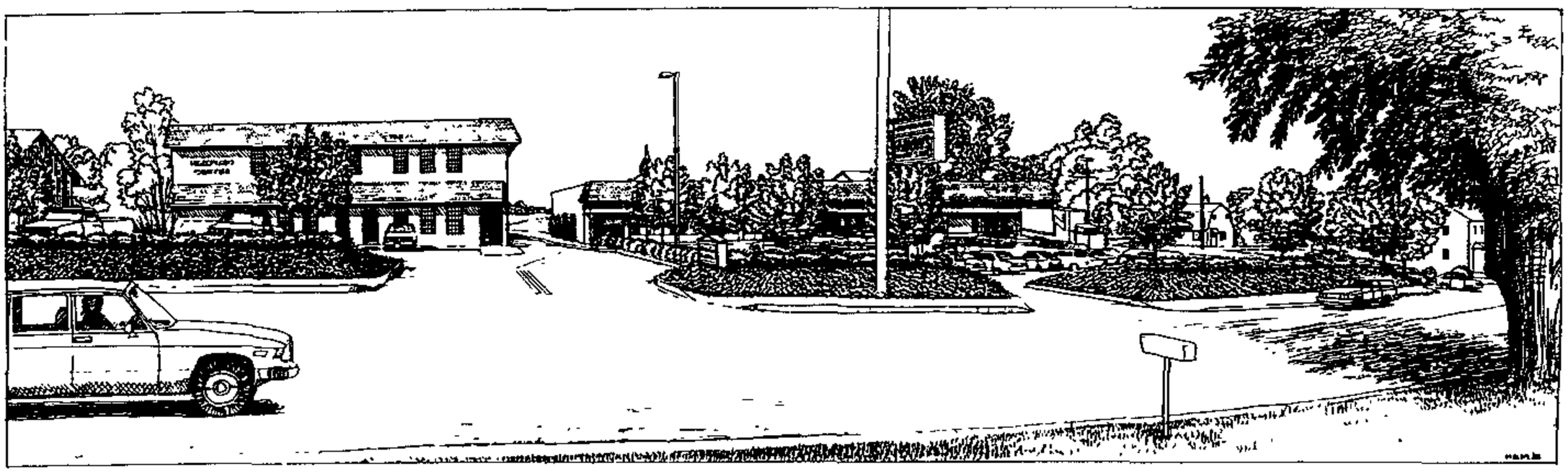
POLICIES:

1. The development of difficult infill sites, often wooded stream valleys, should be controlled by performance standards based upon reasonable protection of site features and a pleasing architectural relation between new and existing buildings. The interpretation of these performance standards should be the task of a Design Review Board.
2. Where multiple units are proposed as fill in single-family neighborhoods a review for compatibility would be made by the Design Review Board amid recommendations submitted to the CRG.
3. The use of traditional local house designs should be encouraged, particularly where compatibility of design is an issue.
4. In townhouse developments, the use of rear parking, garages and alley access should be encouraged.
5. Rear parking is preferred in "Residential Office" development.
6. The protection of landmark buildings and places should be extended to include their sites. Grounds, gardens, important trees and significant views should be treated as integral with the Landmark itself.
7. New buildings adjacent to Historic Landmarks should not overpower or clash stylistically with the building to be protected.
8. Scenic landscape areas and features, scenic routes, vistas, and "gateways" as designated on the Master Plan Maps should be taken into account as part of the plan approval process. A Design Review Board may be empowered to review plans for these sensitive areas.

Policies 2 - 5 are supplemented by the Baltimore County Neighborhood Design Guidelines. These Guidelines encourage a "street-positive" approach to the design of new residential neighborhoods. Included are design standards for open spaces, squares and parks, as well as for shopping areas. The examples and techniques are intended to reinforce street spaces as a major community design element providing orientation and a sense of identity to residential areas. Given increasingly limited land resources and the tendency toward higher densities, this seems a sensible and timely way to provide attractive public area design and give focus to residential developments.


LAND USE PLAN
SECTOR BOUNDARY
RESOURCE CONSERVATION
AGRICULTURAL CONSERVATION
RURAL PROTECTION
PARK/OPEN SPACE
INSTITUTIONAL/PRIVATE OPEN SPACE
SUBURBAN RESIDENTIAL
LOW DENSITY URBAN RESIDENTIAL
MEDIUM DENSITY URBAN RESIDENTIAL
HIGH-RISE URBAN RESIDENTIAL
COMMERCIAL
OFFICE
OFFICE/INDUSTRIAL
INDUSTRIAL
0
10,000'
Carroll County
MARYLAND LINE
BARKTON
HEREFORD
CENTRAL SECTOR
WESTERN SECTOR


Harford County
CENTRAL SECTOR
EASTERN SECTOR



In looking to the year 2000, both urban and rural interests in the County agree that it is necessary to reassess the vision for the rural areas. Issues of growth and change that have surfaced over the past decade must be addressed. The appropriate goals, policies and strategies of the 1979 Master Plan must be reaffirmed and most importantly, more precise mechanisms for implementation must be utilized.

AGRICULTURE

Agriculture remains the fundamental economic activity in the Northern Sector. It is a Master Plan priority to retain and support agriculture as an important industry in the County, which will also result in maintaining and protecting the rural character of the Northern Sector.

The agricultural industry includes small woodlots, family farms and corporate farms. The smaller farms often depend on the larger agribusinesses for the processing, marketing and distribution of their products. In turn, the large farms may need to rent acreages for economic efficiency, and prefer to operate in a supportive environment. It is in this way that the idea of a large "critical mass" of prime agricultural land, relatively free from the intrusions of nonagricultural uses and residents, is especially pertinent for application in the Northern Sector. The proposed Land Use Map in this Master Plan designates several very large portions of the Northern Sector as Agricultural Preservation areas for the specific purpose of assuring these areas will be preserved for continuing use now and as a legacy for the future.

All of the County-wide recommendations in the Rural Development and Agricultural Preservation Section apply to the Northern Sector.

RURAL LANDSCAPES

The County has an exceptionally rich scenic heritage in its rural landscapes. These areas are clearly distinguishable from the urban and suburban portions of the County. The old estates of the western Valleys, working dairies of the Long Green, large grain operations of White Hall and old farms and mills of the Kingsville area are memorable examples of the rural character.

These features form a complex landscape providing a visual character unique to each area. New development in much of the Northern Sector has not, as a rule, been sensitive to protecting the features that give each particular area its distinctive visual value. This results in a conflict between long-term residents and virtually all new proposed developments. Even in the cases where the developers and landowners have tried to protect features of the sites, the zoning regulations and public works standards often have obstructed their good intentions.

The issues of resource protection are further complicated by concerns for protecting the natural resource base and not exceeding the carrying capacity of the land. Development in reservoir protection areas usually leads to the construction of roads on steep grades and in proximity to important surface water systems. Residential densities, even as low as 0.667 units per acre, have raised concerns about the adequacy of those areas for meeting well and septic needs.

The increased number of residents in the rural areas has led to an increase in demand for commercial services. This demand has too often resulted in the loss of the traditional architectural and visual character of the centers and villages.

ISSUE: Development In Harmony With Rural Character

It is essential a clear difference be retained between the Rural Protection areas and the urban and suburban portions of the County. Similarly, each Rural Protection area embodies its own special character. For example, the Kingsville Rural Protection area as shown on the Proposed Land Use Plan has extensive farms and woodlands as well as many historic cultural features. Since the farms are not in Agricultural Preservation areas, they are not targeted for long-term preservation. Development of houses in the centers of the fields and the clearing of woodlands for houses would dramatically and irreparably damage the visual character of the entire area. This loss in character should at least be minimized if it cannot be entirely avoided. To accomplish this it is necessary to identify the special features the citizens of the Rural Protection areas of the Northern Sector hold dear, and protect them through appropriate design standards for proposed developments.

ACTION:

The County will prepare a number of rural community plans over the next decade, beginning with "Hanover Pike", "North-Central Rural Study", "Kingsville-Fork", and "Jacksonville". All the plans will focus on developing performance standards and regulations that implement the rural protection actions of the Master Plan. Other issues such as commercial development, industrial development or agricultural use will be examined depending upon the study area.

ISSUE: Expectations of Services and Standards

It is an appropriate policy to provide only limited urban-type services to the basically sparse population of the rural areas, and to depend upon those citizens to be relatively self-reliant. Even services that should be supplied would most efficiently be targeted principally to the Rural Protection areas. These services, particularly as reflected in public work standards, should be of appropriate scale.

ACTIONS:

1. Survey areas identified on the Proposed Land Use Map as resource residential for deficiencies in services such as schools, roads and emergency services.
2. Develop programs to inform new residents of their responsibilities with respect to the reduced level of services provided and the constraints of on-site well and septic systems.
3. Review public work standards to determine appropriate scale for rural projects.
4. Develop rural fire protection standards which place the burden for maintenance and responsibility for fire protection on homeowners.
5. Provide legal and outreach assistance to communities to help them develop local land trusts to acquire and provide for the management of open space lands, historic estates and other features important to the community.

ISSUE: Accommodating Commercial Services

The Development Policy Map for the Northern Sector identifies two locations, Hereford and Jacksonville, for implementing the concept of rural centers, and ten other existing rural villages to serve as smaller scale nodes for commercial services. With appropriate design standards and careful limits on the amount of commercial zoning, growth of these areas can be accomplished in a manner which retains their traditional rural scale and character. It is important to reassert the policy discouraging "strip" commercial zoning on the rural roads, not only to maintain safe and efficient roads but to discourage actions that will result in the need to either build new roads or widen existing rural roads.

ACTIONS:

1. The County will prepare and adopt community based plans for Hereford and Jacksonville that provide for growth in a manner which protects and enhances the unique character of each town and is also environmentally responsible.
2. Some of the villages lie within the areas included under the initial community planning work program. Others affected by *Commercial Rural Zoning Districts* will be studied as promptly as possible for appropriate zoning recommendations in the 1992 Comprehensive Process.
3. The County's capital budgeting process will be used to channel County funds for appropriate services such as libraries, senior centers and governmental offices to the areas designated as rural centers.

ISSUE: Transportation

Trip demands are channelled onto the existing road network, and are mostly associated with the travels of the Sector's residents.

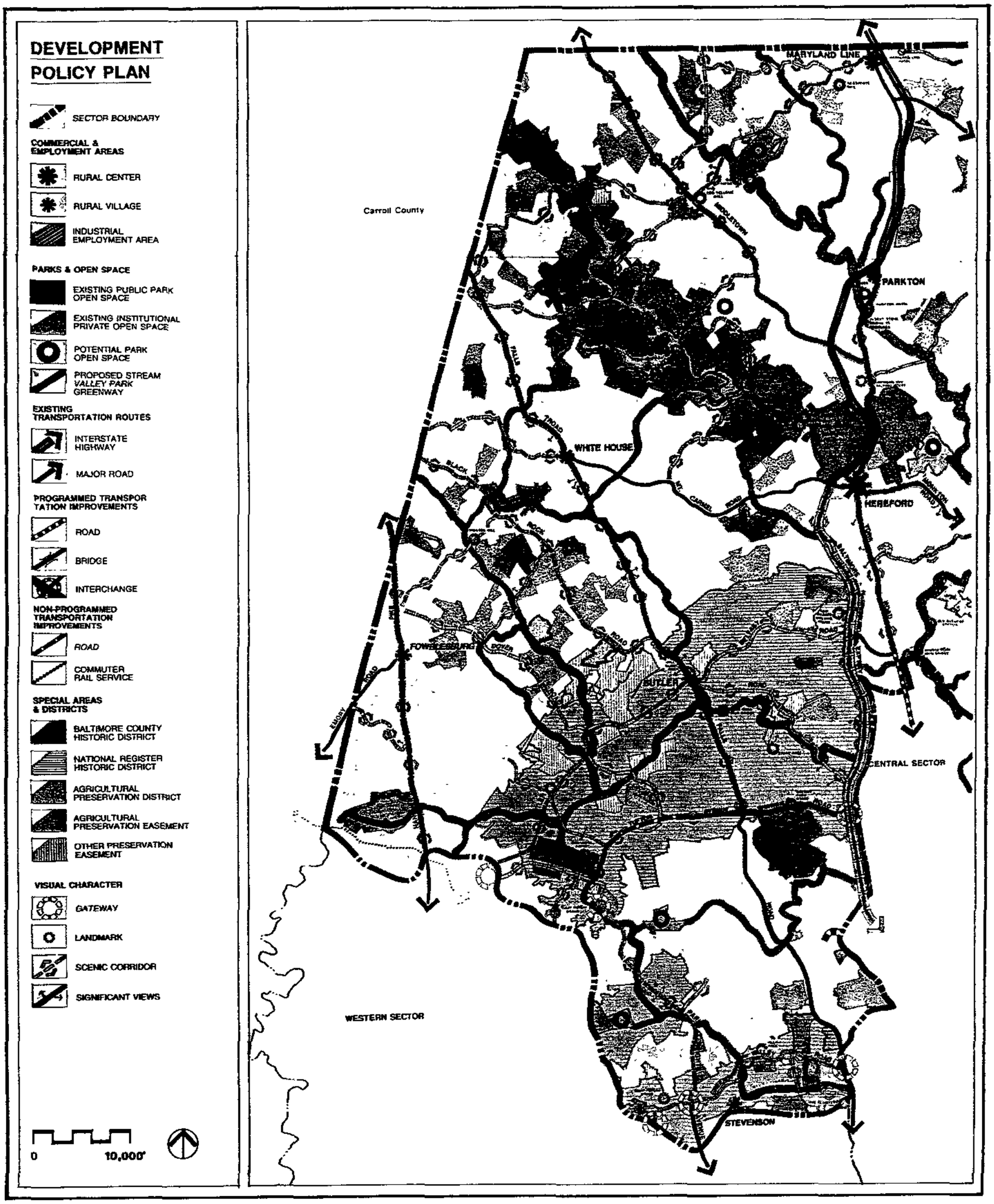
In many places the travel lines cross the Northern Sector between points of origin and destination that lie entirely outside the Sector. Where the road network is sparse and its capacity limited by width, curvature and gradient, the traffic can cause congestion and related demand for widening or other improvements.

Generally, the roads in the Northern Sector are not yet at this latter stage, but the threat is emerging. As congestion worsens on the roundabout expressway links from Bel Air or Westminster to Hunt Valley or Towson, the shortcut rural roads will become increasingly congested and unsafe.

The issues of new roads, through routes, extraneous traffic and land use impact are not new in the Northern Sector. In theory, the demand for roads can be lessened through trip management, attractive alternatives, land use policies, etc. In practice, responsibly reconciling the inherently conflicting demands for travel and for resource protection in the Northern Sector will require extraordinary patience and creativity.

ACTION:

The County will perform transportation studies for the Owings Mills - Hunt Valley and Towson - Bel Air corridors. The studies will comprehensively examine the land use, community and environmental implications of a full range of options for accommodating anticipated trip demands, including "no build" options, means of overall trip reduction, and competitive public transportation alternatives. The study process will be designed to encourage responsible participation by all interested parties.


DEVELOPMENT POLICY PLAN
SECTOR BOUNDARY
COMMERCIAL & EMPLOYMENT AREAS
RURAL CENTER
RURAL VILLAGE
INDUSTRIAL EMPLOYMENT AREA
PARKS & OPEN SPACE
EXISTING PUBLIC PARK OPEN SPACE
EXISTING INSTITUTIONAL PRIVATE OPEN SPACE
POTENTIAL PARK OPEN SPACE
PROPOSED STREAM VALLEY PARK GREENWAY
EXISTING TRANSPORTATION ROUTES
INTERSTATE HIGHWAY
MAJOR ROAD
PROGRAMMED TRANSPORTATION IMPROVEMENTS
ROAD
BRIDGE
INTERCHANGE
NON-PROGRAMMED TRANSPORTATION IMPROVEMENTS
ROAD
COMMUTER RAIL SERVICE
SPECIAL AREAS & DISTRICTS
BALTIMORE COUNTY HISTORIC DISTRICT
NATIONAL REGISTER HISTORIC DISTRICT
AGRICULTURAL PRESERVATION DISTRICT
AGRICULTURAL PRESERVATION EASEMENT
OTHER PRESERVATION EASEMENT
VISUAL CHARACTER
GATEWAY
LANDMARK
SCENIC CORRIDOR
SIGNIFICANT VIEWS
0
10,000'
Carroll County
MARYLAND LINE
PARKTON
WHITE HOUSE
HERBFORD
FOWNESBURG
BUTLER
CENTRAL SECTOR
WESTERN SECTOR
STEVENSON

Harford County
JACKSONVILLE
BALDWIN
CENTRAL SECTOR
EASTERN SECTOR

LAND USE PLAN

PURPOSE: The maps show the proposed geographic pattern of residential, commercial and other future uses of land in the Sectors. A comparison with the current zoning maps will show a very close match in the patterns. However, classifications may differ to reflect proposed changes to the Zoning Regulations to make zoning more responsive to County needs, as recommended in the Regulations and Standards section. The match is intentional, in accordance with the fundamental conclusion that the overall structure of development in the County as envisioned by the 1979 Master Plan was soundly conceived and remains generally appropriate for guiding development into the 1990s.

The Land Use Plan will be updated with information from the 1990 Census and the Legg Mason Economic Forecasts Study at least one year prior to the 1992 Comprehensive Zoning process to help provide all the information the Council will need to guide their 1992 zoning decisions.

EFFECT: The maps present overall guidance about the future relationships among generalized categories of land uses. They are subject to interpretation and modification in three ways:

- The text below describes the concepts intended to be achieved through each of the various land use categories. Further detail on broader land use concepts spanning a multitude of categories and areas, such as community conservation and greenways may be found elsewhere in this Master Plan. In particular, the Land Use Map should always be viewed in conjunction with the complementary Development Policy Plan for the Sector.
- Further detailing and refinement of the Master Plan will be achieved through Community Plans and special studies to be conducted by the County in coming years. Each of these, when adopted by the County Council, will supersede the respective portion of these Sector Plans.
- Most importantly, the zoning for the area, as comprehensively reviewed and enacted every four years by the County Council, constitutes the definitive expression of County land use policy. Although the zoning should generally be consistent with the patterns on the Land Use Plan, the details of particular land use circumstances might lead to the enactment of different zoning, thereby superseding the patterns on this Plan.

CATEGORIES: Subject to clarifications as described in the Development Policy Plan and elsewhere in the Master Plan, the sources and purposes of the Land Use categories are:

Agricultural Protection: Land in agricultural use is not only the chief component of Baltimore County's refreshing rural landscape but is also the basis for a major part of County economic activity. The future economic viability of agriculture depends on the availability of land that is both inherently productive and substantially free from intrusions by incompatible suburban uses. This category on the map consists principally of land zoned RC 2 but also encompasses most of the RC 4 acreages. It is an area in which resource based and resource conserving uses (agriculture, forestry and the like) should have clear preference over all other uses. Proposals for other kinds of uses, including nonfarm residential, should prove there will be no immediate or cumulative adverse effects on the primary resource preservation purposes of the area. Those purposes include protecting groundwater reserves and surface water flows to the reservoirs and Chesapeake Bay, as well as conserving historic rural landscapes and the soil's natural productive capability.

Resource Conservation: The Resource Conservation category is applied to large adjoining acreages which warrant long-term protection as irreplaceable resources. In these areas the development of land for any purpose, especially residential, should be allowed only if the proposal meets strict standards for proving the development would not hinder the long-term use of neighboring areas for resource based purposes.

Rural Protection: The understandable desire for individual residences in this County's exceptionally attractive rural landscape is expected to continue strongly into the 1990s. Rather than further jeopardize the primary Resource Conservation and Agricultural Preservation areas, the Plan proposes to accommodate most of the demand in areas already committed to this type of development through RC 5 zoning. As indicated in the Master Plan section on Rural Development, these developments should achieve much better visual and functional compatibility with their rural setting.

Park/Open Space: The recreation and open space goals of the Master Plan can be achieved in a variety of ways, but not ordinarily through the zoning maps resulting from a Land Use Plan. This map gives only a partial image of the intended eventual open space pattern because it shows only the existing public parklands. Some additional detail about future recreation land is shown on the Development Policy Plan for each Sector. The overall future pattern is shown on the County-wide Parks and Open Space Plan.

Institution/Open Space: The comments in the preceding paragraph apply equally to this category. As mapped, it covers only those larger institutional properties (colleges, hospitals, cemeteries, country clubs, etc.) which currently provide a significant open space value for neighboring residential areas.

Suburban Residential: This category consists mostly of land now zoned DR 1 or DR 2. It is the lowest density of development, up to two dwellings per gross acre, within the urbanized portion of the County. It accommodates only residential and related uses such as churches and schools. Detached single-family dwellings on individual lots are the preferred form of residential development. Other forms might be approved if the strict standards for community impact evaluation are met.

Low Density Urban Residential: The majority of the residentially zoned land inside the Urban-Rural Demarcation Line (URDL) falls within this category, consisting of DR 3.5 and DR 5.5 acreages, but it is important to note the actual average density in many communities may be substantially below what is permitted by the current zoning. Most of this land is already developed as mature, stable communities. Single-family dwellings on individual lots are the predominant form, but duplex and townhouse developments are common. Until such discrepancies can be addressed through the detailed community plans, the community impact evaluations should be used to prevent excessive or incompatibly designed development on infill properties.

Medium Density Urban Residential: Encompassing the land zoned DR 10.5 or DR 16, this category includes the more intensive townhouse developments and low-rise apartments serving the increasingly urban areas of the County. As in the preceding two categories, it allows only residential and directly related uses, and can serve effectively as a buffer between lower intensity residential neighborhoods and commercial or industrial areas, major highways, etc. All forms of residential structures are permitted, but it is most unlikely any reasonable amount of residential site amenity can be retained in a townhouse development averaging more than about ten units to the gross acre. The community impact evaluations should be particularly sensitive to this condition.

High-Rise Urban Residential: The highest residential densities in the County are covered by the 440 acres in this category. Permitting apartment or condominium towers of up to eighty units per acre, plus a limited amount of retail and office floor space, these RAE 1 and RAE 2 zones can be accommodated

by the services associated with the designated "town centers" such as Towson, Owings Mills and Pikesville.

Commercial: Beginning in 1955, the County's Zoning Regulations provided three different kinds of business zones--"Local", Roadside", and "Major". The zones have become indistinguishable from each other, limiting their ability to control development and protect neighboring residential areas. Pending a thorough rewrite of these regulations, the Land Use Map shows all of the business zoning in a single category. This Master Plan repeats the philosophy of prior plans by opposing the further proliferation of commercial zoning along the County's major highways with the consequent adverse effects on appearance and the capacity and safety of the roads.

Office: Among the newer elements in the County's inventory of land use tools for implementing the Master Plan are the *Office Zones (RO, O-1 and O-2) enacted in 1980. An additional* zone (OT - Office and Technology) was enacted in 1984 for attracting "high-tech" research and development enterprises. The service businesses accommodated in office centers have become an important component of the County's employment base. This trend is expected to continue. It should be encouraged not just for its employment advantages but also because "business parks" have generally been among the best designed of the recent additions to the County's built environment. With the substantial reform of the RO regulations enacted in 1988, the Office Zones as a group probably have the best standards in terms of landscaping and appearance. Coupled with the usual hours of operation, this category is the most compatible with residential areas.

Office/Industrial: Before the enactment of the specific office zones, office development was accommodated in the manufacturing zones. Certain areas zoned for industrial uses have developed with a mixed character containing or predominated by offices. This category identifies such areas, and also those such as the Hunt Valley - Timonium corridor where future development is expected to shift from low intensity *manufacturing* and warehouse uses into more intensive office and other service uses, and perhaps higher density residential.

Industrial: The final category on the Land Use Plan covers the areas in which manufacturing, trucking, and other heavy industrial activity is or planned to be the predominant use. Although the County appears to have a relatively tight supply of available land in certain of the manufacturing zones, significant additions of industrial acreage have not been proposed pending the completion of economic forecasts plus an assessment of the extent to which the County's initiative in obtaining surplus industrial land at Sparrows Point can meet demand. As a general policy, the County should be cautious about industrially zoned land being pre-empted by other uses such as offices and mobile home parks which should be accommodated in other areas.

highways and utility lines) which would jeopardize its historical integrity, including its site.

Agricultural Preservation District: By voluntary agreement with the State and County, the owner of eligible productive farm or forest land can establish binding restrictions for an open-ended term to prevent, absolutely, the subdivision or development of his land for nonfarm purposes. A District Agreement is the prerequisite to an Easement on the property. It is a clear expression of joint public-private intent for the property to remain agricultural indefinitely.

Agricultural Preservation Easement: The final step for permanent protection of agricultural land is the transfer of its nonagricultural development rights to a State or private organization. The State, through the Maryland Agricultural Land Preservation Foundation, and with direct financial participation by Baltimore County, has already purchased the easements on 6300 acres of prime agricultural land in Baltimore County (with another 1700 acres pending).

Other Preservation Easement: Besides the joint State-County agricultural easement purchase program, protective covenants or easements could be held by other entities for other resource protection purposes. Currently in Baltimore County only the Maryland Environmental Trust controls such acreage but organizations such as the Maryland Historical Trust, The Nature Conservancy, The Trust for Public Lands, etc., could become involved in implementing the Master Plan's conservation policies.

Chesapeake Bay Critical Area: Adopted by the County Council in 1988 in compliance with an exceptionally strong and complex mandate legislated by the State, the Critical Area Program substantially downzoned about 12,500 acres of land and imposed stringent performance standards on new development in this and an approximately equal acreage of already developed land adjoining the County's 173 miles of shoreline along the Bay and its tributaries.

Study Area: This symbol represents the 8600-acre study area known as Granite/Patapsco.

VISUAL CHARACTER: This final group of policy elements involves concepts that are relatively more subjective and judgmental than most of the preceding topics. A distinguishing feature of this Master Plan, however, is its recognition of the distinctive visual elements which make Baltimore County so desirable to residents and attractive to visitors, and the Plan's strong concern that these quality-of-life components should not only be identified but should also be integrated into the County's ongoing development in a positive way that enhances and protects them as a legacy for posterity. The detailed mechanisms by which this ambitious goal might be achieved are still being formulated. This section of the Policy Plan serves principally as an initial inventory of the landscape features that might be involved in such programs.

Gateway: The underlying concept of this term refers not to a particular man-made structure (such as at the southern entrance to Druid Hill Park, on Madison Street) but, instead, to the area where one type of physical surroundings change clearly and fairly abruptly to a very different type. The clearest examples are the entry to the Cromwell Valley outbound from Towson past the Beltway, crossing the ridge southbound on I-83 towards Shawan Road, and crossing the Back River bridge into Essex. The specific design treatment of these visually sensitive localities will vary greatly but the basic objective would be to emphasize the distinctive character on each side of the gateway so the sense of transition becomes stronger. Special review of the design aspects of proposed development would be advisable.

Landmark: As mapped, this symbol identifies some of the significant properties which have been placed either on the Baltimore County Landmarks List or on the National Register of Historic Places, plus certain other structures. The concept is much broader, and could include prominent natural features (such as waterfalls). A landmark, in this sense, is any structure or feature which the residents of an area regard as important to its identity and sense of place, and which might be used as a reference point for giving directions. A landmark structure usually has at least local historical significance, and should receive the protection of being entered on the County's Landmarks List.

Scenic Corridor: Repeatedly in studies and surveys, "driving for pleasure" has ranked among the most popular of recreational activities in America. The scenic corridor symbol on the Policy Plan indicates a series of roads which, for the most part, are bordered by views and rural landscapes that are particularly scenic. An early action measure in conjunction with the County's tourism initiatives could be a series of brochures for self-guided driving tours on some of these routes. The ultimate goal would be special standards for design review as part of the approval of new development visible in these corridors, and, where technically justified, establishment of Historic Districts.

Significant View: The small arrow symbols adjoining the scenic corridor routes indicate the location and general direction of particularly attractive views or vistas. In at least some of these places, exceptional protective measures such as the acquisition of view easements should be considered.

Rural Edge: This conceptual line, which generally matches the location of the Urban-Rural Demarcation Line, might be thought of as a linear and usually less dramatic form of "gateway". It is the place at which the more urban-suburban part of the County meets the rural landscape. In a very few places, as along I-83 at Hunt Valley, it is a dramatic contrast of opposites. For most of its length, however, it is a very soft, almost undistinguishable transition between uses of very similar character. Typically it merges from the lowest suburban densities to the almost equivalent Resource Residential. For much of the eastern half, the edge is further diffused by transition through the public, forested land in the Loch Raven Reservoir and Gunpowder State Park.

NEW 3A-L

99-93-SPHXA

Pets. Exh. #5

3A-L - PHOTOS

Pet #2a / NOW 3A

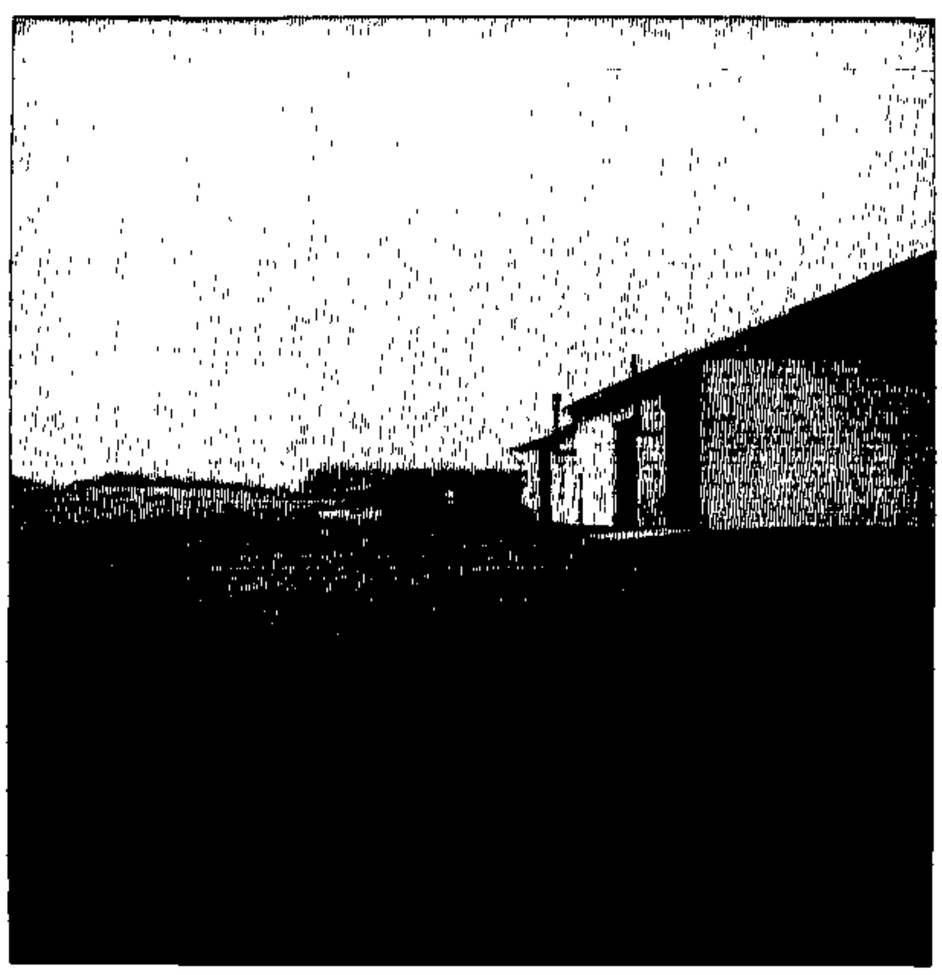
Pet #2b / NOW 3B

Pet #2c / NOW 3C

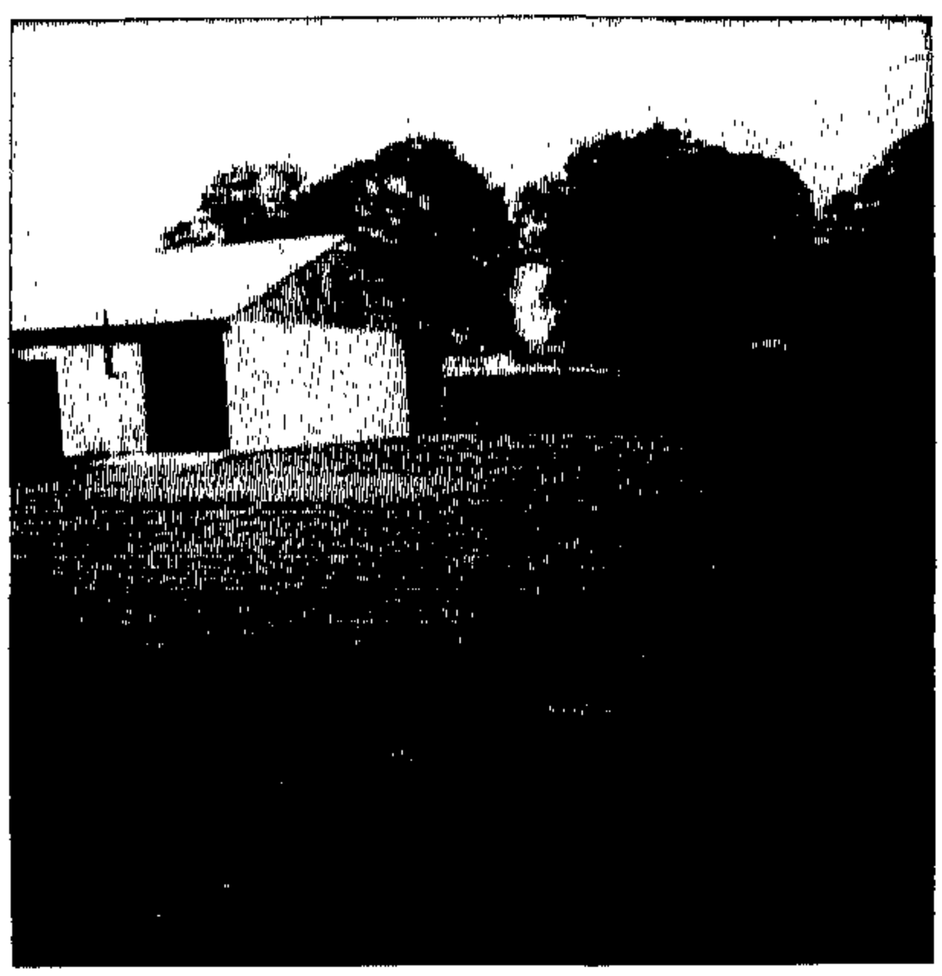
Pet #2d / NOW 3D

Pet #2e / NOW 3E

Pet #2f / NOW 3F

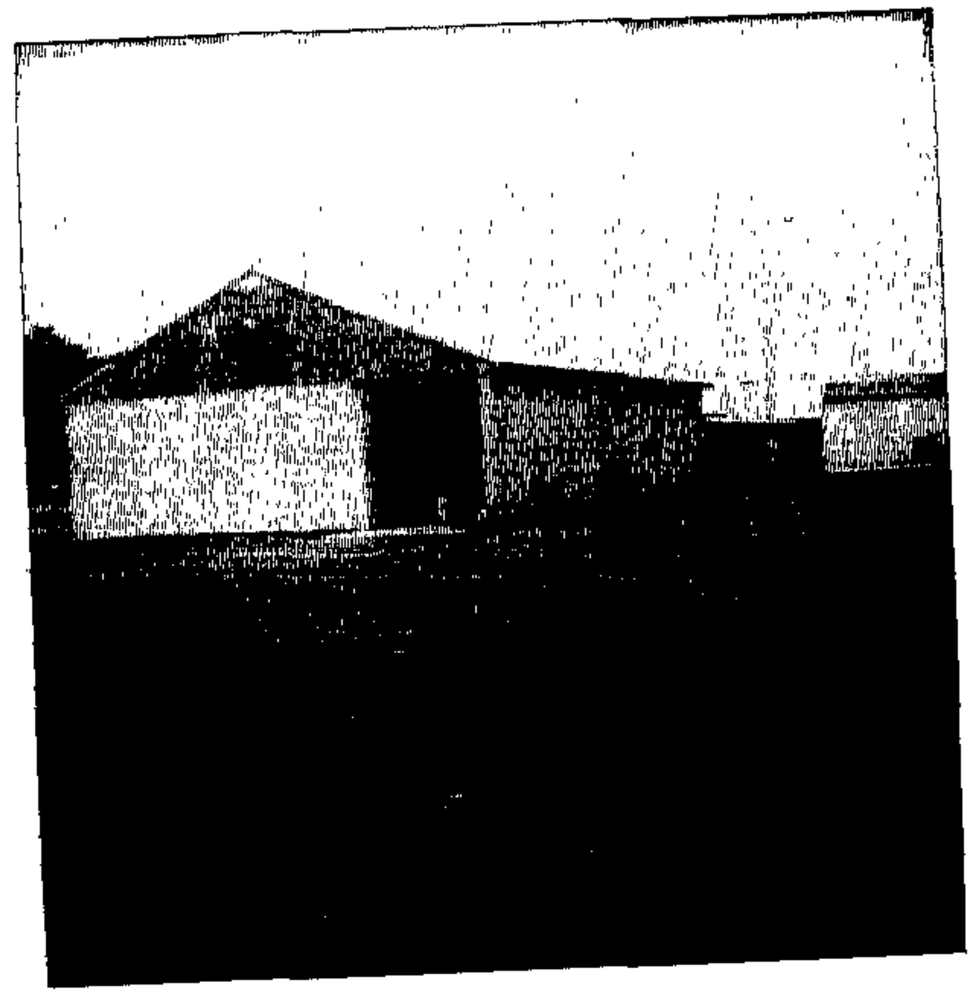


Pet #2g / 3G

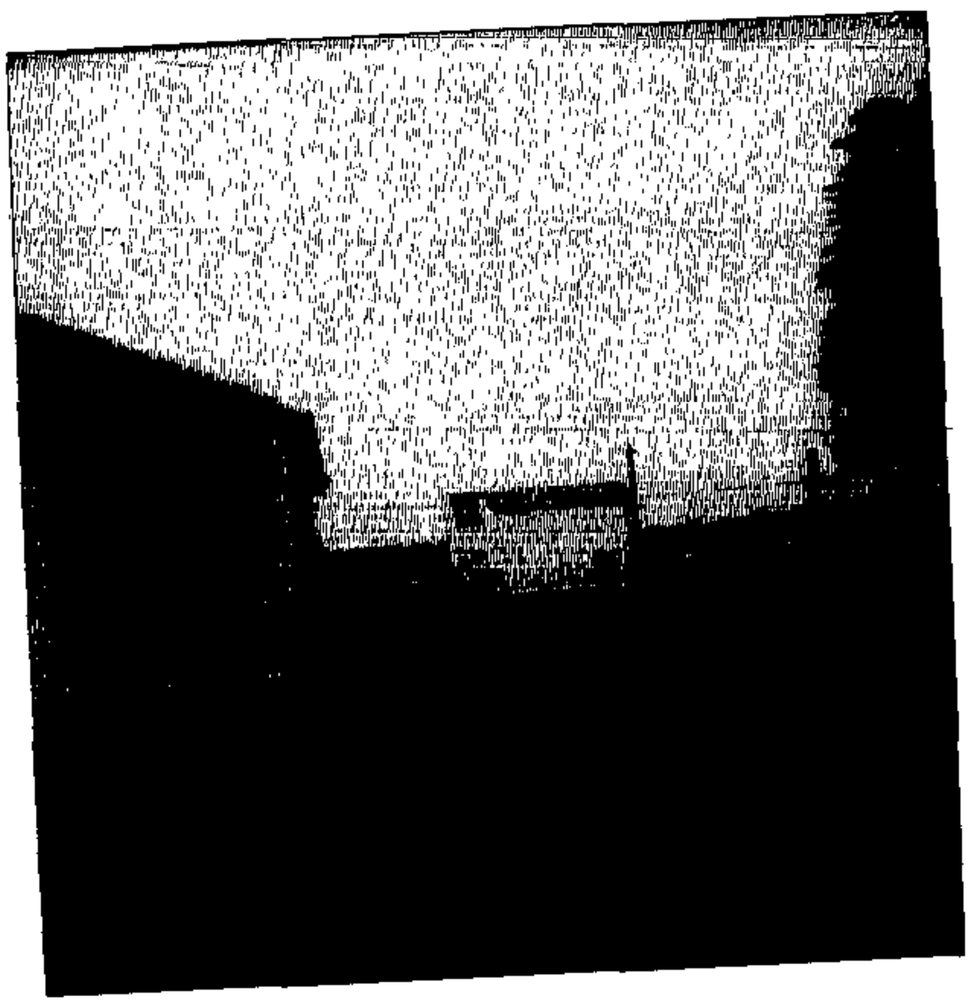


Pet #2h / NOW 3H

Pet #2; / 3I Non



Pet #2; / 3J



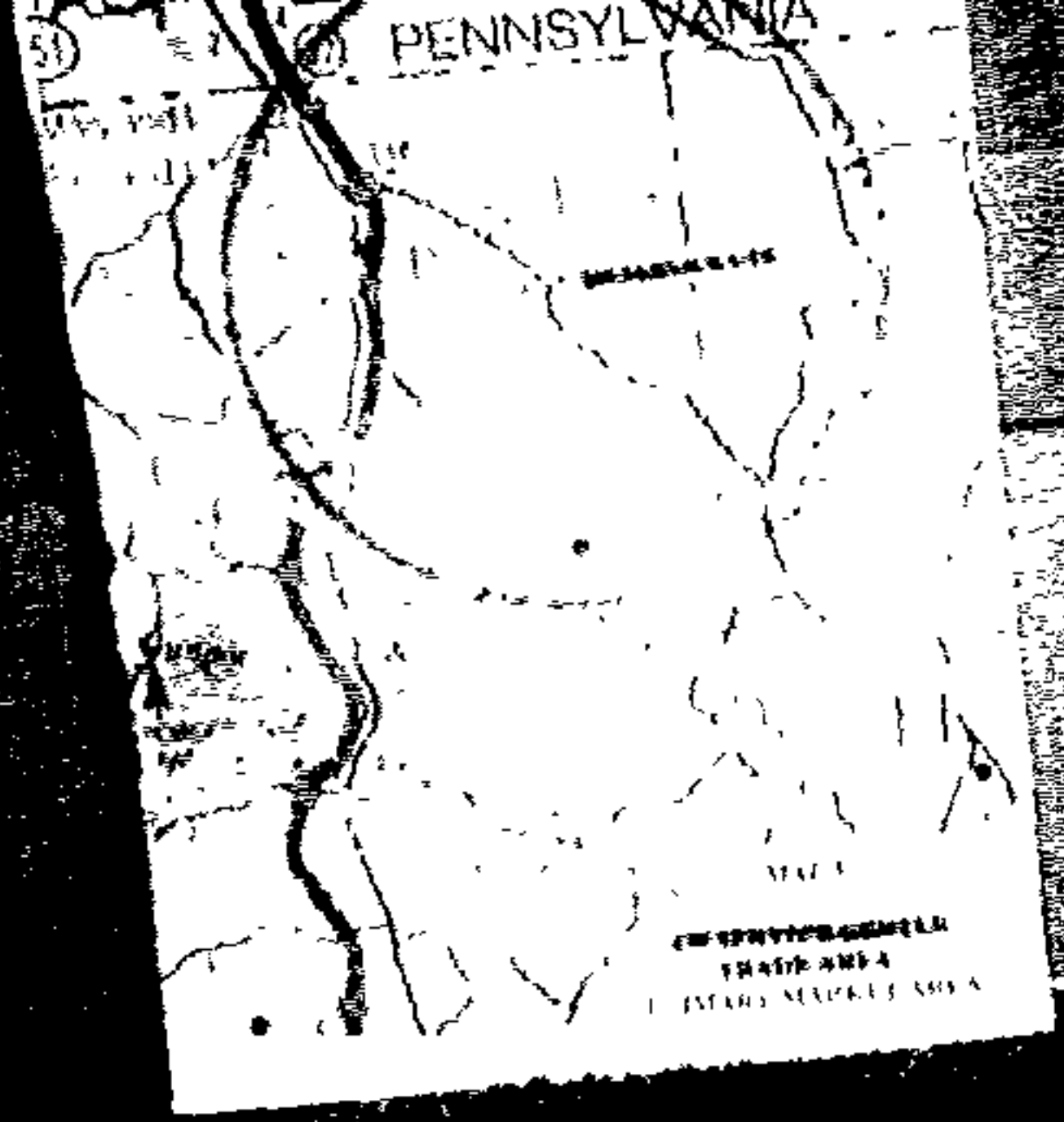
Pet #2K / 3K

Pet. #2L / 3L

County Board of Appeals
~~Room 219~~, Court House
Towson, Maryland 21204

99-73-SPHXA
Warrener

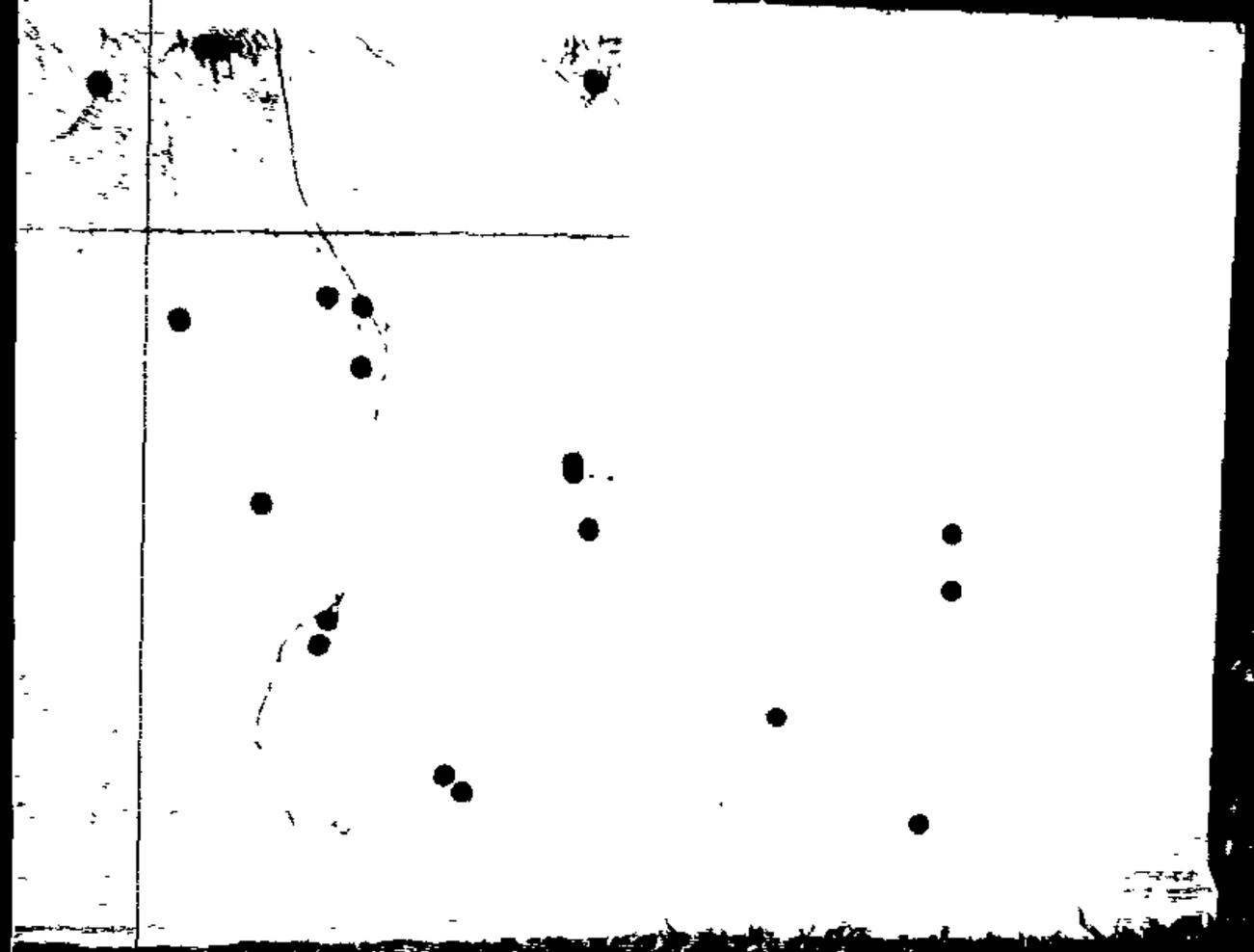
P.C. 8A-L (12 photos)


PENNSYLVANIA

Petitioners' Exhibit 99-73-SPHx/A

TRADE AREA

Petitioner's Exhibit 99-73-SPHXA



Protestant's

Exhibit 99-73-SPHXA

Residential Properties in 3 miles circle east I-83 Baltimore County

Protestant's

Exhibit 99-73-SPHXA

Residential Properties in 5 miles circle Harford County

Protestant's

Exhibit 99-73-SPHXA

Residential Properties in 3 miles circle east I-83 Baltimore County

Protestant's
Exhibit 99-73-SPHX1

Residential Properties in 5 miles circle east I-83 Baltimore County

Protestant's
Exhibit = 99-73-SPHXA

Residential Properties in 3 miles circle Harford County

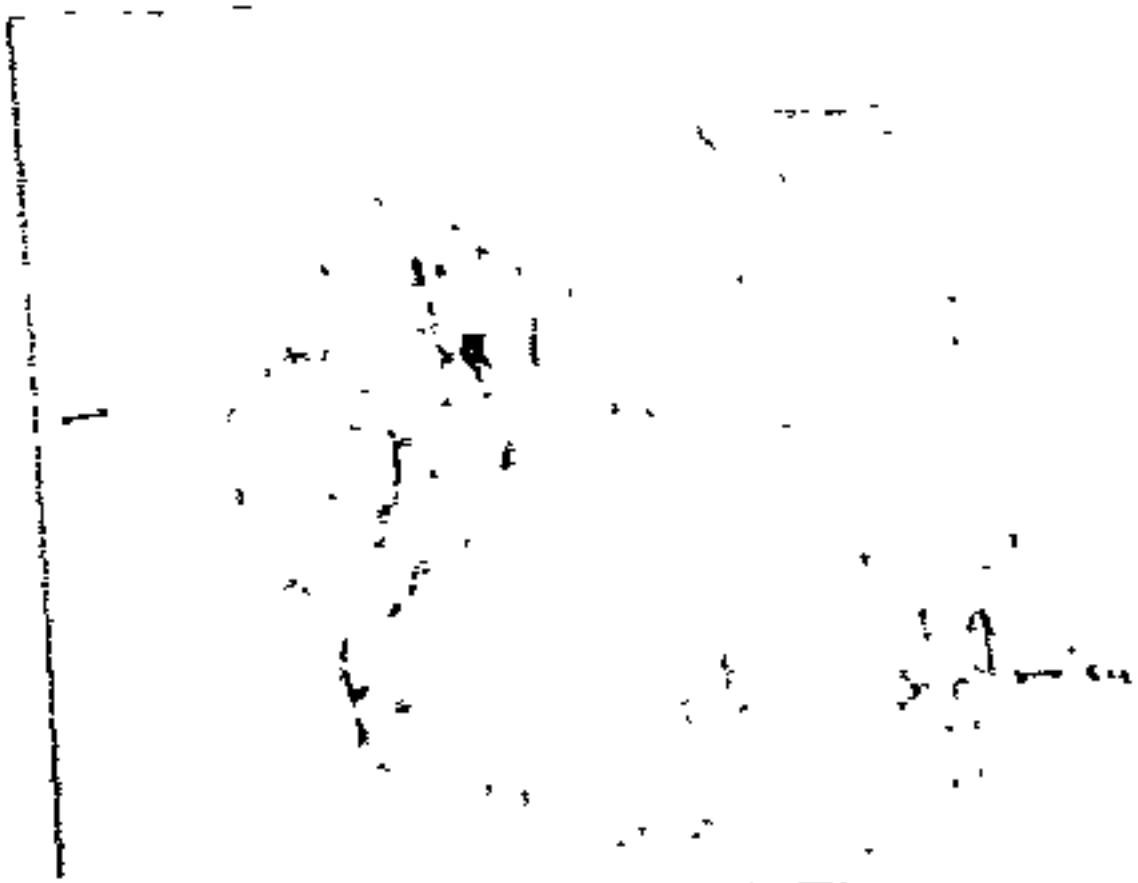
Protestant's
Exhibit 99-73-SPHXA

Residential Properties in 5 mins circle

Protestant's

Exhibit 99-73-5PHXA

Residential Properties in 5 miles circle around Subject



Protestant's
Exhibit 99-73-SPHXA

Residential Properties in 5 miles circle east I-83 Baltimore County

Protestant's

Exhibit 99-73-SPHXA

8/2/99

A Left side

pc8 north side looking east from 439

17 cars parked on this side

B/PC8

from 439
looking east

8/2/99

8/2/97

D
pc 8

looking at right edge of property

13 cars parked on this side
(3 next to building and 10 on south edge)

E 8/12/99 south west side of property

pc 8

F 8/2/99 south east corner of property

pc 8

trailer in RC2

G 8/2/99
pl 8 Looking north at property from Farm next door

H 8/2/99

PC8 north east corner of property

trash trucks in RC 2

I 8/2/99

PC8 rear of building
looking north

J 8/2/99

pc8 looking west from building at south west corner

329 6398
Bostik GTX
Service Center LLC.
TRUCK BRAKE • WELDING • HYDRAULIC

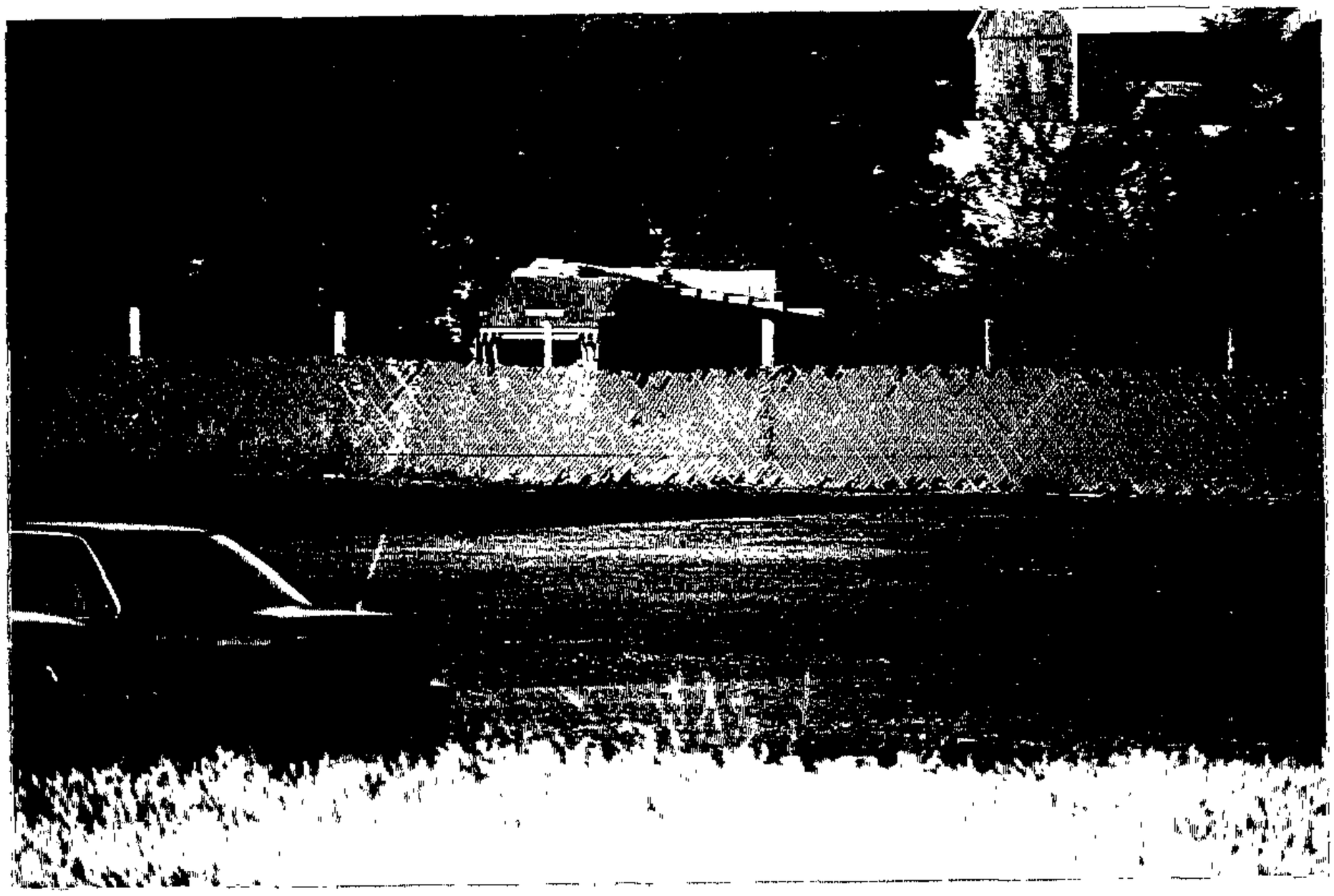
K 8/2/99

pc8 front of building from 439

L 8/2/99

pc8 front of building and right side from 439

E



F

E.

Two trash trucks – one brown, one white – visible from Old York.
(at east edge of property, abutting treed area –
barn in background.)

F.

View of West Liberty, looking North/East. Likely test route for vehicles. Church steeple marks intersection of Meredith (obscured by hills and trees); day care center operates out of church. Note lack of sidewalks/shoulder.

A

B

A.

View of Property In Question (PIQ) from about 200 feet away on Old York Road, heading South/East. Driveway is completely obscured.

(Taken from passenger seat of Dodge Caravan, 6/13/99.)

B.

Same, slightly closer to PIQ at intersection of West Liberty and Old York Road. Driveway to PIQ still obscured; top portion of SUV parked at driveway entrance visible.

C

D

C.

View of PIQ approaching West Liberty, heading North/West on Old York. View of West Liberty obscured. Rear of SUV visible. Clutter of signs makes it difficult to see vehicles parked near the road.

D.

Direct view of back of PIQ taken from our property on Meredith, with Cornwell's hayfields between.

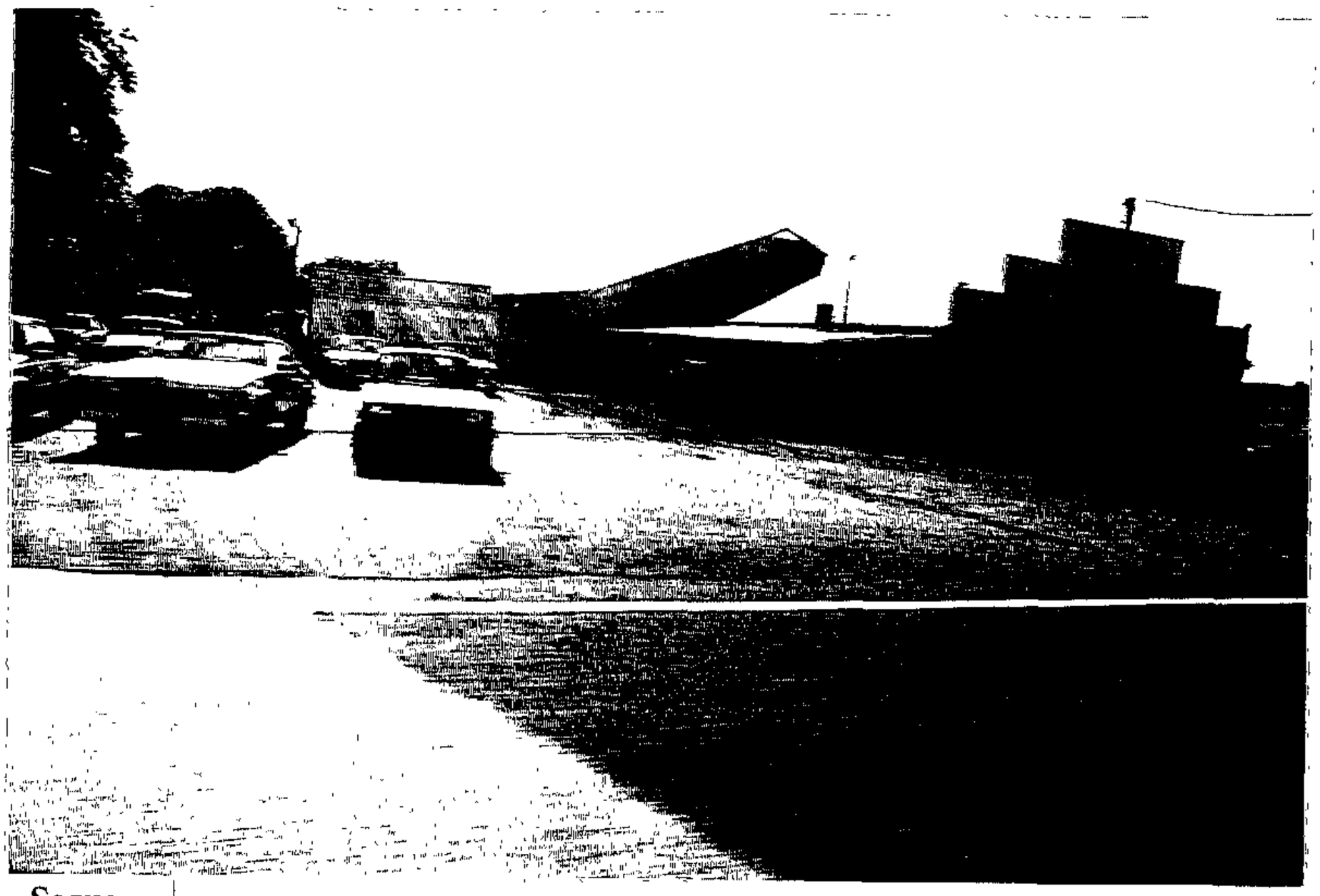
A1

~200 ft from P/Q to "orange" pole (est. based on phone poles)
(Driveways not visible)

A2

~300 ft. from P/Q to pole in foreground
(Driveways not visible)

G



Sequence
Photo #3.

Sequence
Photo #4.

G.

Sequence
Photo #5.

H.

Photo of PIQ as seen from south on Old York Road.

(Photos taken 8/4/99)

G.
(1-5)

Sequence of photos of PIQ as seen driving south / east on Old York Road.
Photo #1.

Sequence
Photo #2.

(all open to street except planter)

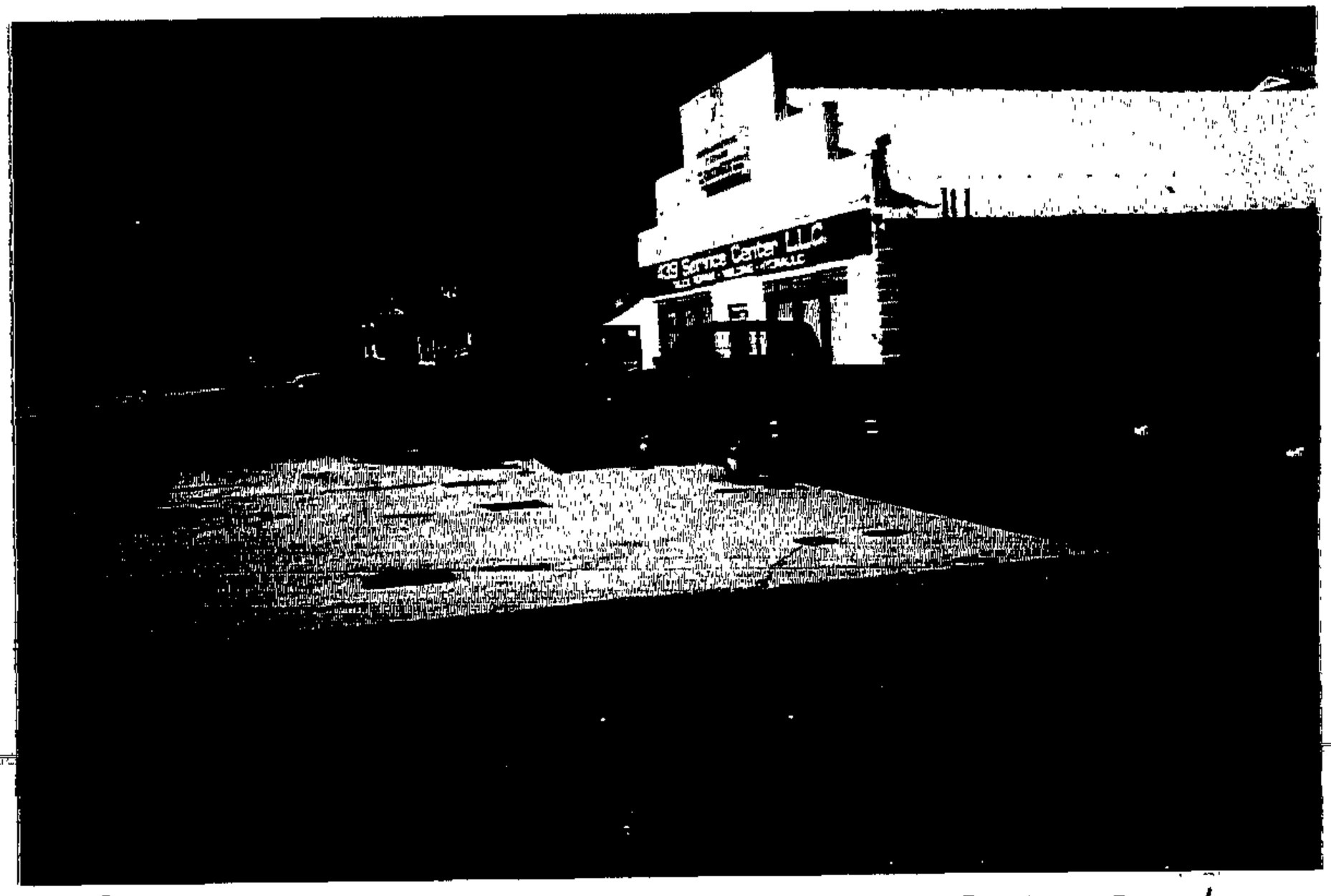
3.

June 11, 1999 Vehicles stored on Garage parking lot. One is obviously disables

4.

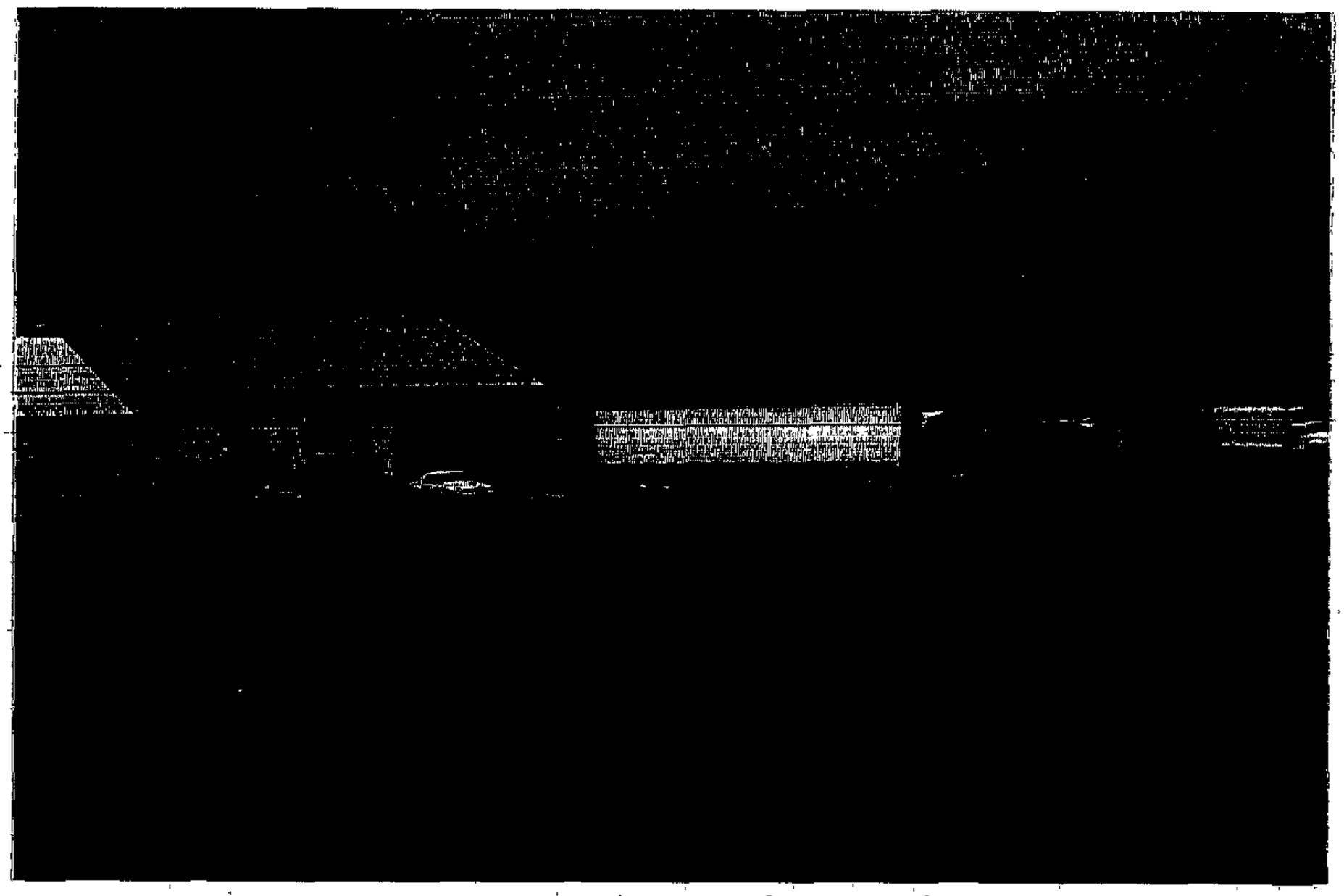
June 11, 1999 Vehicle For Sale on Garage Parking Lot. Farm fields with crop in background

1.



June 11, 1999 439 Service Center
Used Car Lot in Background. Note Fuel
Tank

2.



June 11, 1999 East side of Garage.
Trucks stored in rear

(C)

Oct. 1998 · Former West Liberty General Store and residence of storekeeper

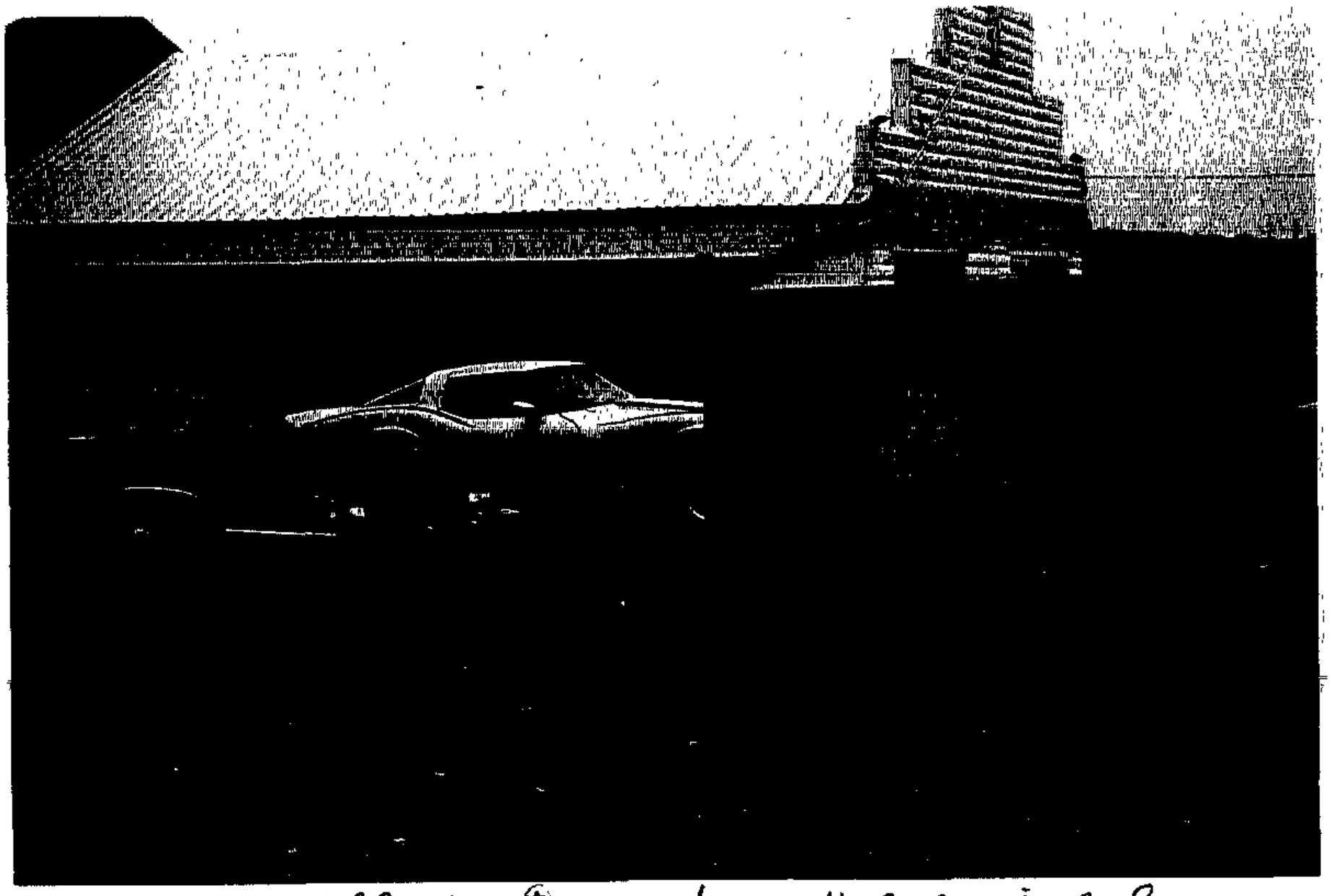
(D)

Oct. 1998 · Fuel service pump stand at West Liberty General Store

Prot 4

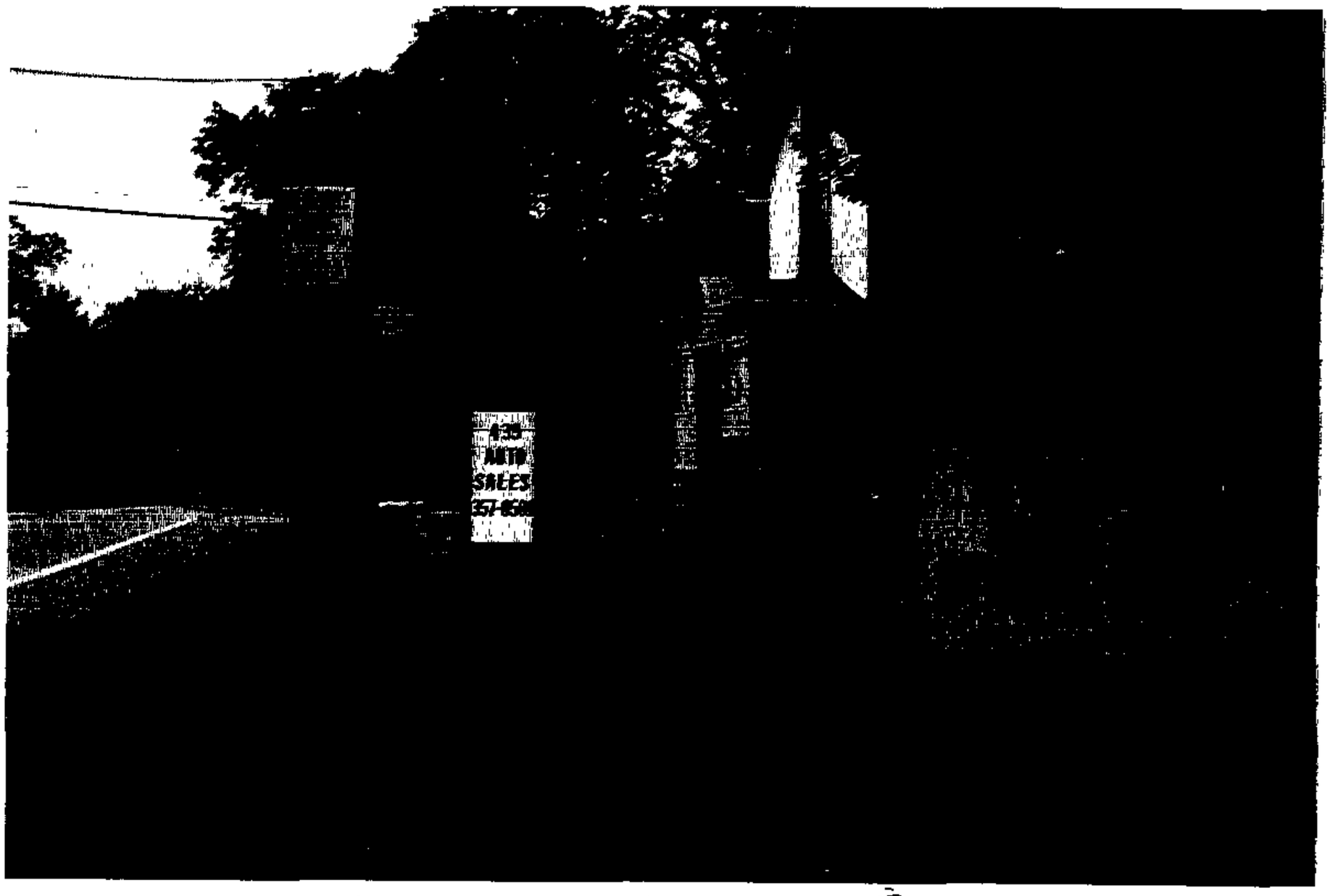
PC 7A-G

(A)



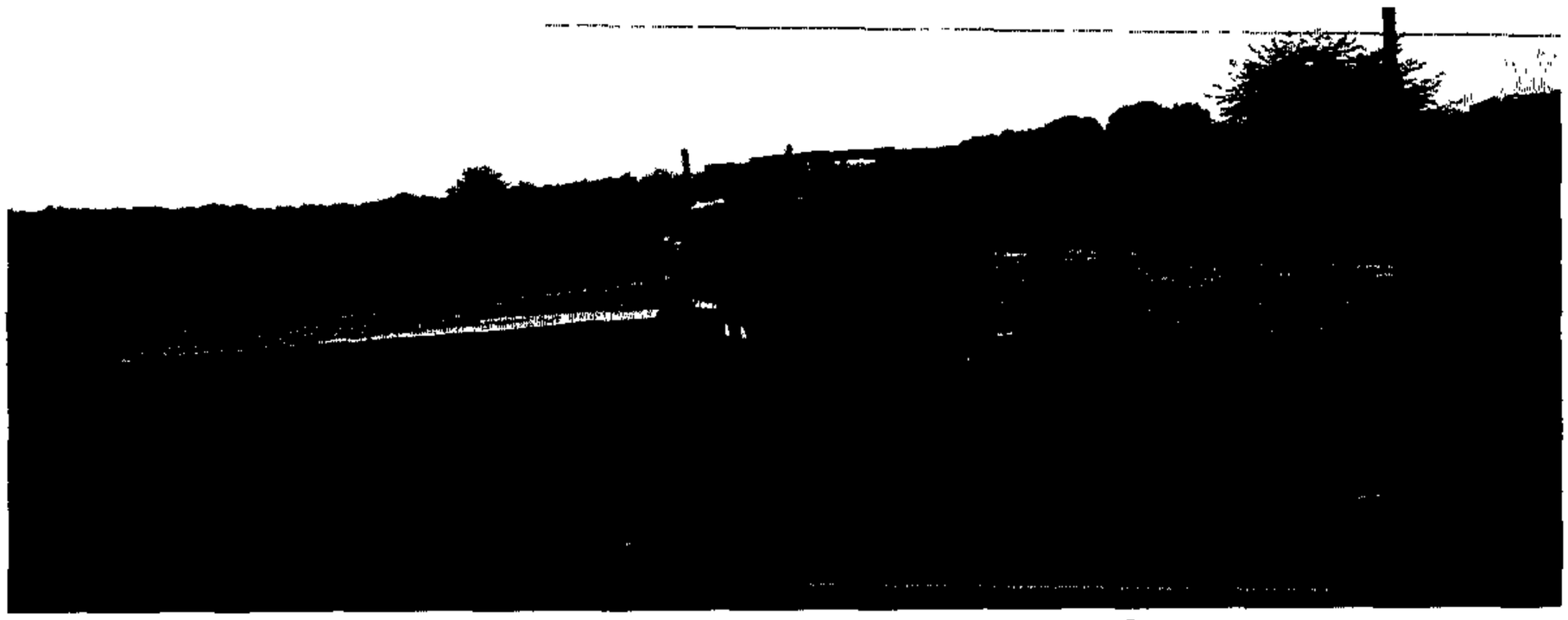
Oct. 1998 Effort to portray 439 Service Garage as an active Used Car Sales Lot. Note Temporary Sign.

(B)



Oct. 1998 Another View of Temporary Signs for 439 Auto Sales

6

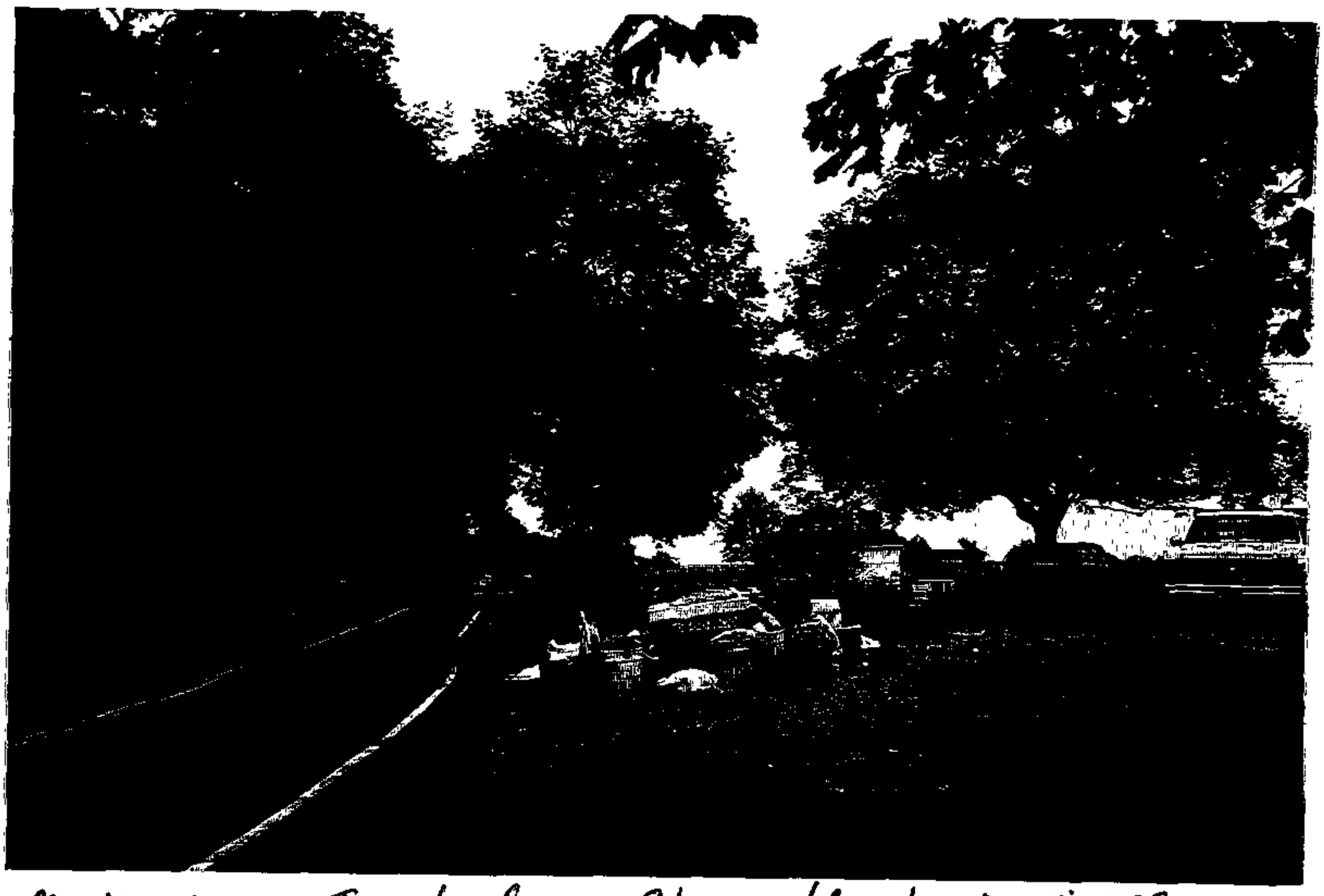


Oct. 1998 View of the Lot of 439 Service Garage. The large truck could not fit in 439 Service Garage.

E

Oct 1998 Steamed Crab business at rear of West Liberty General Store. Note blight on scenic view along West Liberty Road

F



Oct. 1998 Trash from Steamed Crab business on West Liberty Road as seen from Old York Rd, Rt 439

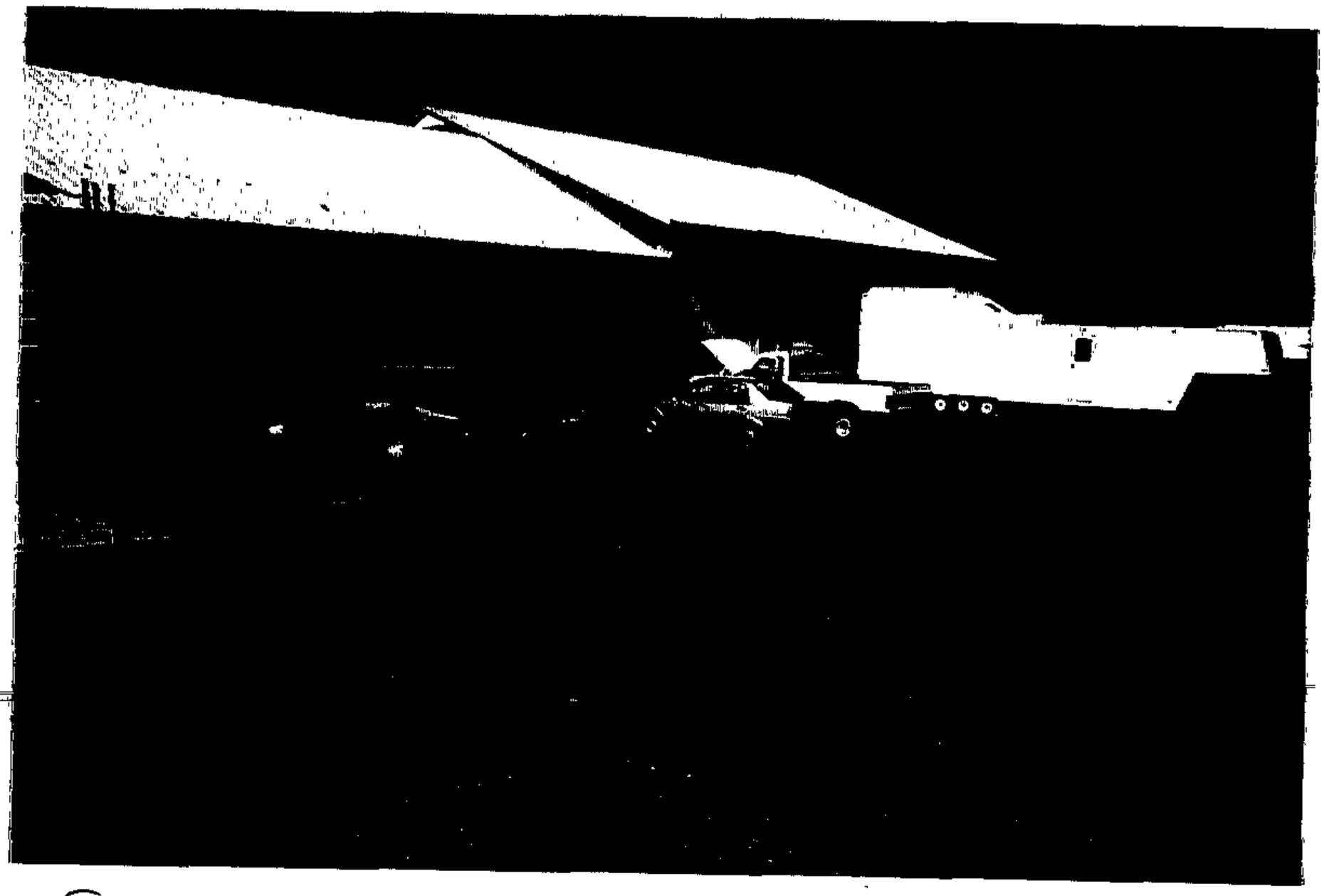
7.

June 11, 1999 Rear of Garage as seen from West Liberty Rd. Note more stored cars and Trucks.

8.

June 11, 1999 Close up of rear of Garage Stored tank truck screened from view from road.

5.



June 11, 1999 East Side of Garage as seen from Rt 439

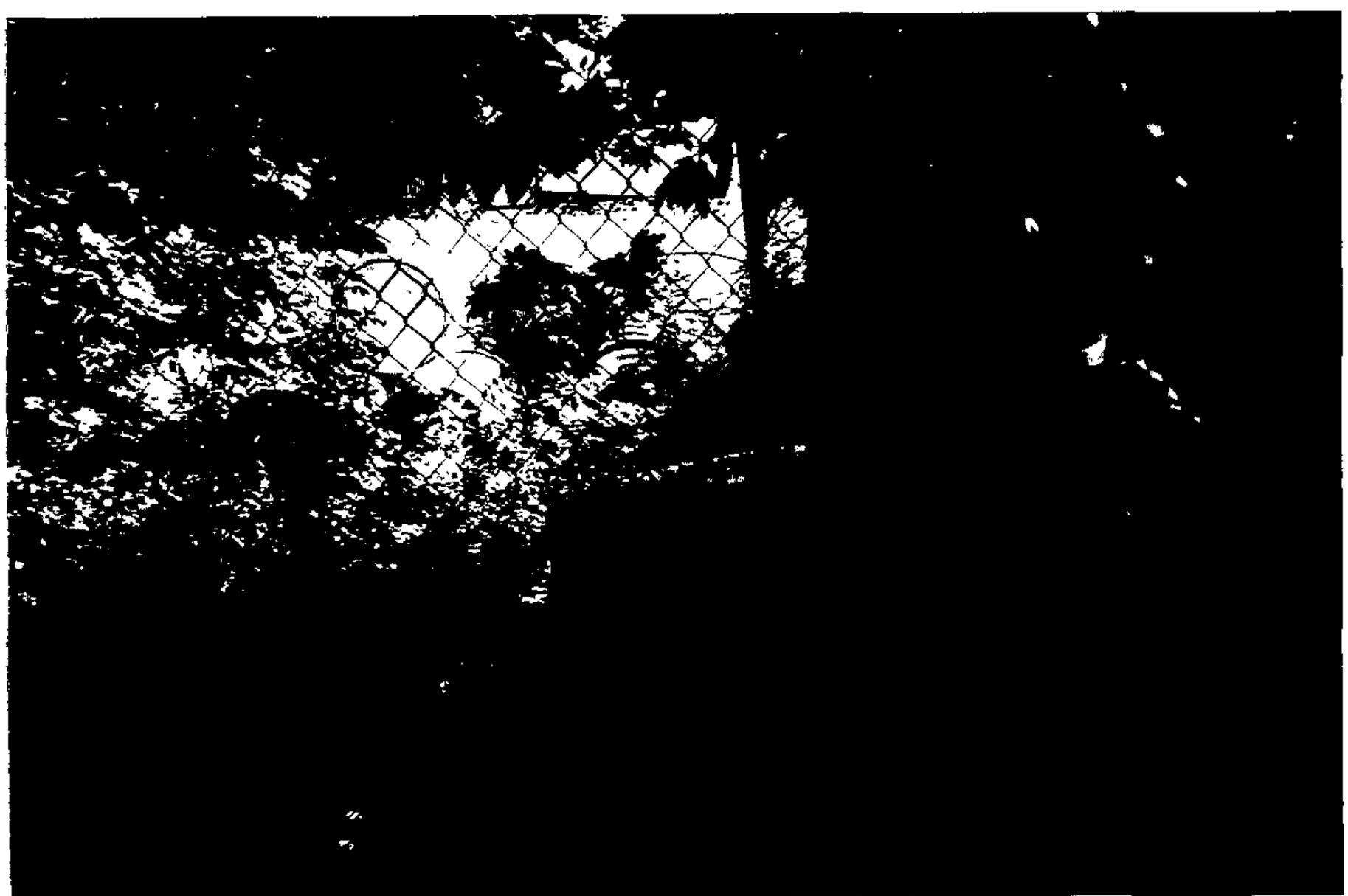
6.

June 11, 1999 Trucks in rear of Garage not visible from Rt. 439

11.

June 11, 1999 RC-2 Land at rear of Warrener Property behind Garage, More drums and abandoned Vehicles in Background

12.



June 11, 1999 RC-2 Land in rear of Warrener Property Still more drums. A bumper crop of drums on that RC-2 land

9.

June 11, 1999 RC-2 land at rear of Warrener Property as seen from West Liberty Rd. Material and vehicles stored on RC-2

10.

June 11, 1999 Close up of RC-2 Land. Showing garbage truck and drums from unknown uses dumped on Property

13.

June 11, 1999 Mound of soil at Rear of RC-2 Land on Warrener property. Something buried?

14.

June 11, 1999 Used car lot. 15 cars were on the lot. Note stand in background in front of old West Liberty store. That was where the gas pumps were located

FINAL REPORT

NEEDS ANALYSIS FOR A GAS STATION AT THE 439 SERVICE CENTER WHITE HALL AREA OF BALTIMORE COUNTY

Prepared for:
439 Service Center, LLC
20227 Old York Road
White Hall, MD 21161

Prepared by:
The Sherwood Consultancy
2128 Renard Court
Annapolis, MD 21401

August 4, 1999

THE SHERWOOD CONSULTANCY

Petitioners
P 10

THE SHERWOOD CONSULTANCY

Annapolis Business Park
2128 Renard Court
Annapolis, Maryland 21401-6755
tel: 410-841-0090
email: jrsherw@ibm.net

August 4, 1999

Mr. Donald E. Warrener, Jr.
20227 Old York Road
White Hall, Maryland 21161

SUBJECT: REPORT OF ANALYSIS OF NEED FOR A GAS STATION AT 439 SERVICE CENTER, 20227 OLD YORK ROAD (MD 439)

Dear Mr. Warrener:

Pursuant to our agreement, I am pleased to transmit herewith the report of The Sherwood Consultancy (TSC) presenting the results of TSC's research into and analysis of the need for motor fuel sales at your existing 439 Service Center business on Maryland Route 439 (Old York Road) in the community of White Hall, Baltimore County, Maryland.

The study program carried out by TSC to complete this assignment included, but was not limited to, the work elements set forth below.

- Interviews were held with you and your attorney to obtain an understanding of your business objectives for the proposed project and your investment goals.
- Interviews were held with Mr. Igor Svec concerning the history of gasoline retailing in the Old York Road corridor and the status of certain existing stations.
- TSC inspected the site and drove many of the roads in northeastern Baltimore County and adjacent areas of Harford County and Pennsylvania.
- Existing gas stations and the sites of former gas stations were identified and observed.
- Market areas were defined.
- Demographic data were obtained from Baltimore County, the Baltimore Metropolitan Council, and National Decision Systems, a commercial data provider.
- Traffic data were obtained from the Maryland State Highway Administration.
- Selected demographic and traffic data were tabulated and analyzed.
- Findings and conclusions were reached concerning the market for gasoline in the MD 439 corridor in Baltimore County.
- This report was written.

Based on the research and analysis resulting from the work summarized above, I have reached the following conclusion regarding the proposed motor fuel sales operation at the 439 Service Center location.

> **The market will support a moderate sized motor fuel sales operation at this location and a gas station facility is needed on MD 439 to serve residents of northeastern Baltimore County who live east of I-83 and north of the White Hall area as well as other motorists who use MD 439 between Harford County and I-83. There are currently no gas stations on MD 439 in this part of Baltimore County to meet the needs of these residents and other motorists.**

It has been our pleasure being of service to you in connection with this project.

Respectfully submitted,

John R. Sherwood, III
Senior Consultant

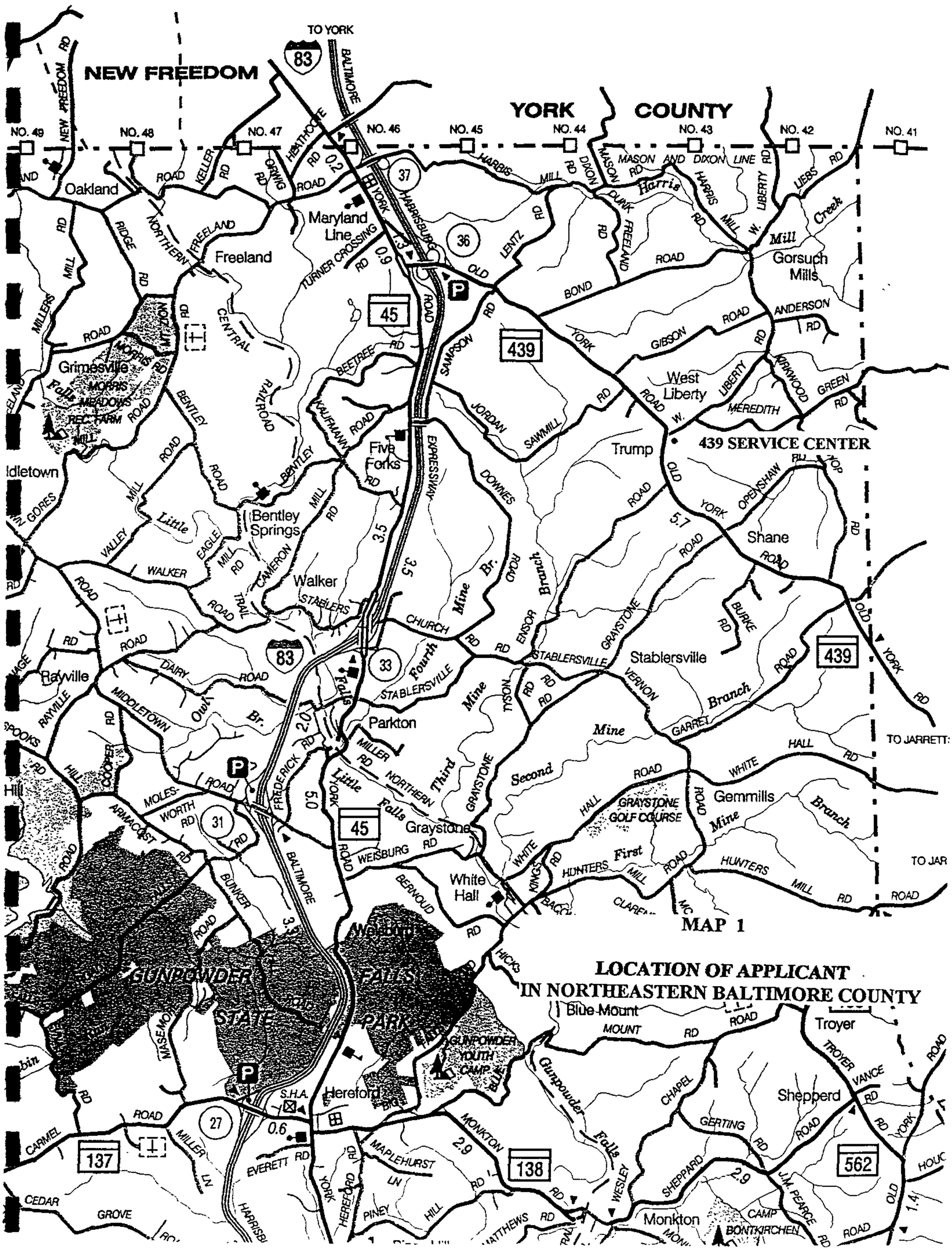
I. NATURE OF ASSIGNMENT

Application has been made to Baltimore County for a special exception to permit reestablishing a fuel service operation at 20227 Old York Road (MD 439) in the White Hall area of the county. The location of this property in northeastern Baltimore County is identified on **Map 1** (page 2). Truck repair, auto repair, and used automobile sales businesses currently operate as "439 Service Center" at this location, and it is our understanding that those uses would continue if the gas station is established. In inter-office correspondence dated September 15, 1998, the Baltimore County Office of Planning recommended that the request for the special exception be denied based on its finding that two fuel service station operations had been abandoned within a one mile radius of the proposed use and that, as set forth in the county's zoning regulations, "two such stations within a one mile radius of the proposed fuel service station establishes that there is no need for the proposed use." However, the regulations permit the applicant to rebut such a position. The Sherwood Consultancy (TSC) has been retained by 439 Service Center to assess the need for motor fuel sales ("gas station") at this location.

TSC has substantial experience conducting gas station needs analyses in the Baltimore Metropolitan Area, mostly in Howard County but also in Anne Arundel and Baltimore counties. TSC's approach to such studies is to determine the gasoline purchase needs of the residential and transient motorist markets that would be served by a facility at the applicant site and to compare these market needs with the ability of existing gas stations to serve the market. That will be done in this instance. A key additional element in the situation of this proposed station is the closing ("abandonment") of gasoline stations at locations near the subject site. The county regulations seem to presume that if gas stations formerly operated nearby but now are closed, these stations must have closed through lack of business and thus there is no need for a new station because the closed stations show that there is insufficient market support in the area. However, over the past twenty years gas stations have closed for many reasons other than lack of customer support. Consequently, a portion of this analysis focuses on the experience of these former stations and the basis for their closings.

II. DEVELOPMENT CONTEXT

The 439 Service Center is located on MD 439 (Old York Road) in the eastern part of northern Baltimore County at the intersection of MD 439 and West Liberty Road. West Liberty Road has its western terminus at MD 439. This northeastern corner of the county is generally referred to as White Hall as it is served by the White Hall Post Office (Zip Code 21161). The Old York/West Liberty intersection is about four miles northeast of White Hall, about three miles south of the Maryland/Pennsylvania state line, 2.8 miles to the southeast of the MD 439 interchange with Interstate Route 83 (I-83), and about three miles to the northwest of the Baltimore County/Harford County line. The White Hall area is generally


NEW FREEDOM
YORK COUNTY
TO YORK
83
BALTIMORE
NO. 49
NO. 48
NO. 47
NO. 46
NO. 45
NO. 44
NO. 43
NO. 42
NO. 41
Oakland
Maryland Line
Freeland
Grimesville
Five Forks
Bentley Springs
Walker
Trump
West Liberty
Gorsuch Mills
439 SERVICE CENTER
Shane
Stablersville
Rayville
Parkton
Graystone
Gemmills
White Hall
Shepperd
Monkton
Troyer
Blue Mount
Hereford
GUNPOWDER FALLS STATE PARK
GUNPOWDER YOUTH CAMP
GRAYSTONE GOLF COURSE
TO JARRETT
MAP 1
LOCATION OF APPLICANT
IN NORTHEASTERN BALTIMORE COUNTY

rural/suburban with a large portion of the land in agricultural use. However, suburban development is increasing with new residential communities and the recent development of the Graystone Golf Course. An overview of development trends is set forth below.

A. Residential Development

The northern part of Baltimore County has experienced steady residential growth in recent years. This is a result of the combination of the area's attractiveness for housing, the increased availability of jobs in the southern part of the county's I-83 corridor from Towson to Cockeysville, and the generally satisfactory commute to those jobs and others in Metropolitan Baltimore and southern Pennsylvania via I-83. Moderate size subdivisions comprised of good sized homes on large lots and large estate homes on rural land typify the residential trend. There has also been a substantial amount of residential renovation of older homes and conversion of working farms to "gentleman farms" involving less commercial farming and more "recreational agricultural" such as horses. The residential development pressures on the area are clearly shown by the experience in nearby parts of Pennsylvania. There, less restrictive development controls have permitted a large amount of residential development, much of it generally held to be serving households having jobs in Maryland.

This trend is documented by the following data. The northern roughly 20% of Baltimore County is included in the Baltimore Metropolitan Council's Regional Planning District (RPD) 301. (See **Map 2** on page 5.) The RPD is the smallest statistical unit for which building permit data are available from the Baltimore Metropolitan Council. In the eight years 1991 through 1998, residential building permits were issued for 618 houses in RPD 301, an average of 77 a year. Looking at the data for the past three years, the average construction value of the houses for which permits were requested was a very high $168,382. As will be shown below, the trade area of 439 Service Center is located primarily in RPD 301. The housing development data show that the broad area of which the 439 Service Center trade area is a part, while generally rural, is adding homes at a steady pace and that these homes tend to be large, expensive ones likely to be occupied by families with multiple vehicles.

B. Commercial Development

There is a moderate amount of commercial development in northern Baltimore County. The commercial facilities nearest the 439 Service Center are located in the community of Maryland Line, 3 1/2 miles to the northwest of the subject property on MD 45 west of I-83. The stretch of MD 439 in Baltimore County east of I-83 currently supports some commercial and institutional activity. At West Liberty Road, in addition to the 439 Service Center, a seasonal seafood carryout formerly occupied an adjacent location, while "Grandpa's Farm", a self-pick operation, is located next door. The West Liberty United Methodist Church is located about ¼ mile east of the subject site on West Liberty Road.

About one mile south, in the crossroads community of Shane, there is Don's Place deli and grill and Lacy's Liquors. The Graystone Golf Course is located on White Hall Road between Shane and White Hall.

III. DELINEATION OF TRADE AND MARKET AREAS

439 Service center is located at the intersection of two of northeastern Baltimore County's most important roads. On Old York Road it is half way between I-83 to the northwest and the Harford County line to the southeast, and it is at the terminus of West Liberty Road heading north. There are no gas stations on the six mile stretch of Old York Road from I-83 to Harford County or on West Liberty Road in Baltimore County. Consequently, this location is well positioned to serve residents of a relatively large part of Baltimore County south of Pennsylvania, east of I-83 and west of Harford County. This analysis looks at the location in terms of statistical areas and specific market areas.

A. The Broader Geographic Context

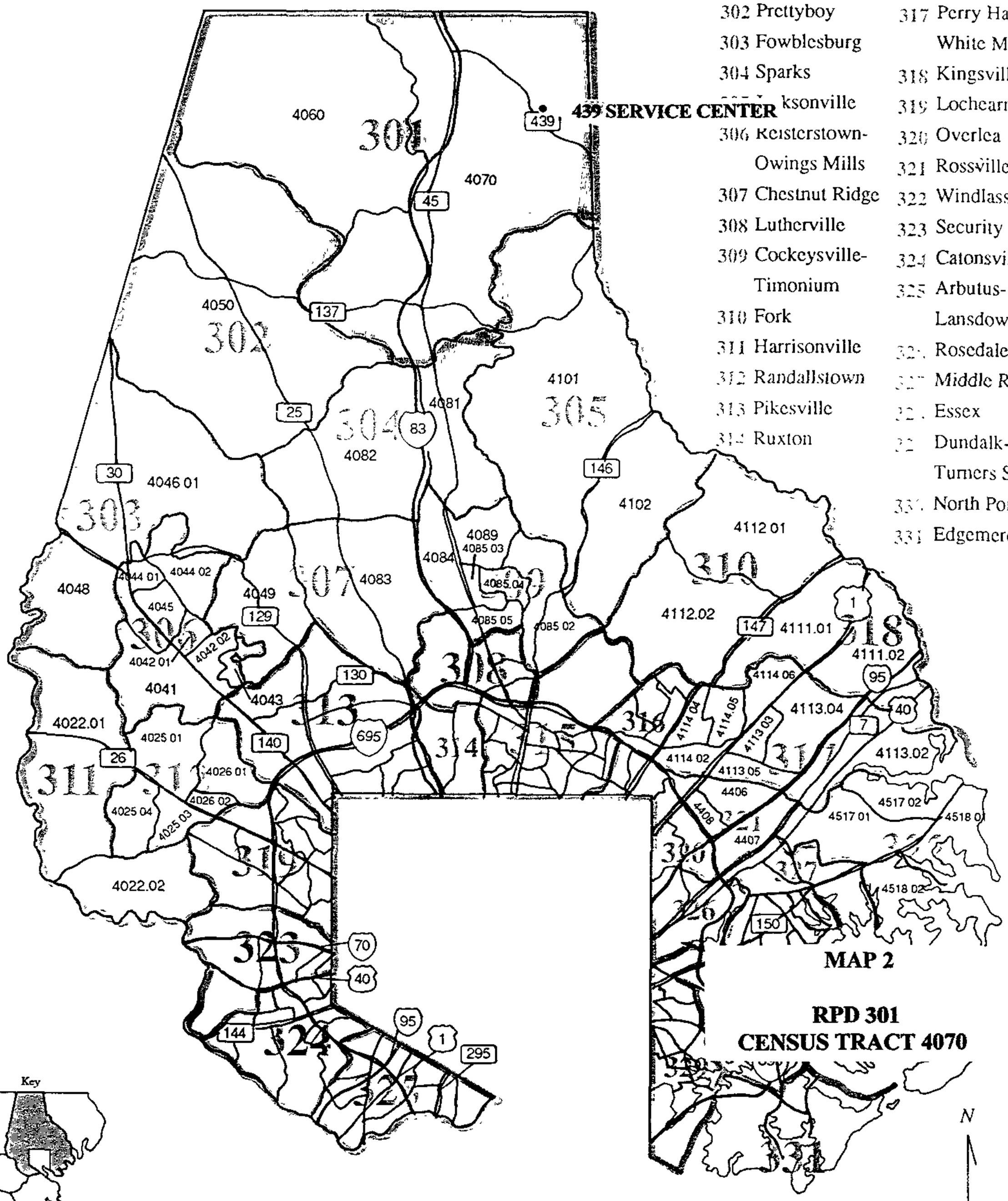
TSC has assembled demographic data and analyzed trends for several different areas of northern Baltimore County appropriate to understanding growth in the area within which 439 Service Center is located. These areas are established based on government defined statistical areas. The Baltimore Metropolitan Council's Regional Planning District (RPD) 301 and U. S. Census Tract (CT) 4070, are shown on **Map 2** on the next page. The larger of these areas is ***Regional Planning District 301***. Baltimore County estimated that as of July, 1998, 12,964 people lived in RPD 301. This is an increase of 1,570 people or 13.8% since the 1990 Census. This relatively strong population growth is consistent with the amount of new home construction based on the number of residential building permits issued, as documented earlier in this report. It is clear from the data that there is steady residential and population growth in RPD 301.

The next smaller sized area within which the applicant site is located is ***Census Tract 4070***. Most of CT 4070 is located east of I-83. However, it also includes the Maryland Line community west of I-83 and extends south to MD 137 and the community of Hereford. Data for CT 4070 provide a useful overview of growth trends in northern Baltimore County. As of July 1998, Baltimore County estimates that 7,960 people lived in CT 4070. The population in the census tract has grown a strong 1,050 people or 15% since 1990. This population growth is linked to the growth in households, which is the same as occupied housing units. Between July 1995 and July 1998 the number of households in the census tract grew by 170. Households have increased as a result of the gradual growth in the number of moderate sized subdivisions in this area at locations such as the Francis Farm, the Berg Farm and Graystone. Such development is driving the increase in households, population and motorists in the applicant gas station's trade area.

Baltimore County

Regional Planning Districts

301 Hereford-Maryland Line
302 Prettyboy
303 Fowblesburg
304 Sparks
[illegible] ksonville
306 Reisterstown-Owings Mills
307 Chestnut Ridge
308 Lutherville
309 Cockeysville-Timonium
310 Fork
311 Harrisonville
312 Randallstown
313 Pikesville
314 Ruxton
315 Towson
316 Parkville
317 Perry Hall-White Marsh
318 Kingsville
319 Lochearn
320 Overlea
321 Rossville
322 Windlass
323 Security
324 Catonsville
325 Arbutus-Lansdowne
326 Rosedale
327 Middle River
328 Essex
329 Dundalk-Turners Station
330 North Point
331 Edgemere



000 = Regional Planning Districts

0000 = Census Tracts

Baltimore Metropolitan Council

B. Trade Area and Market Areas Served by 439 Service Center

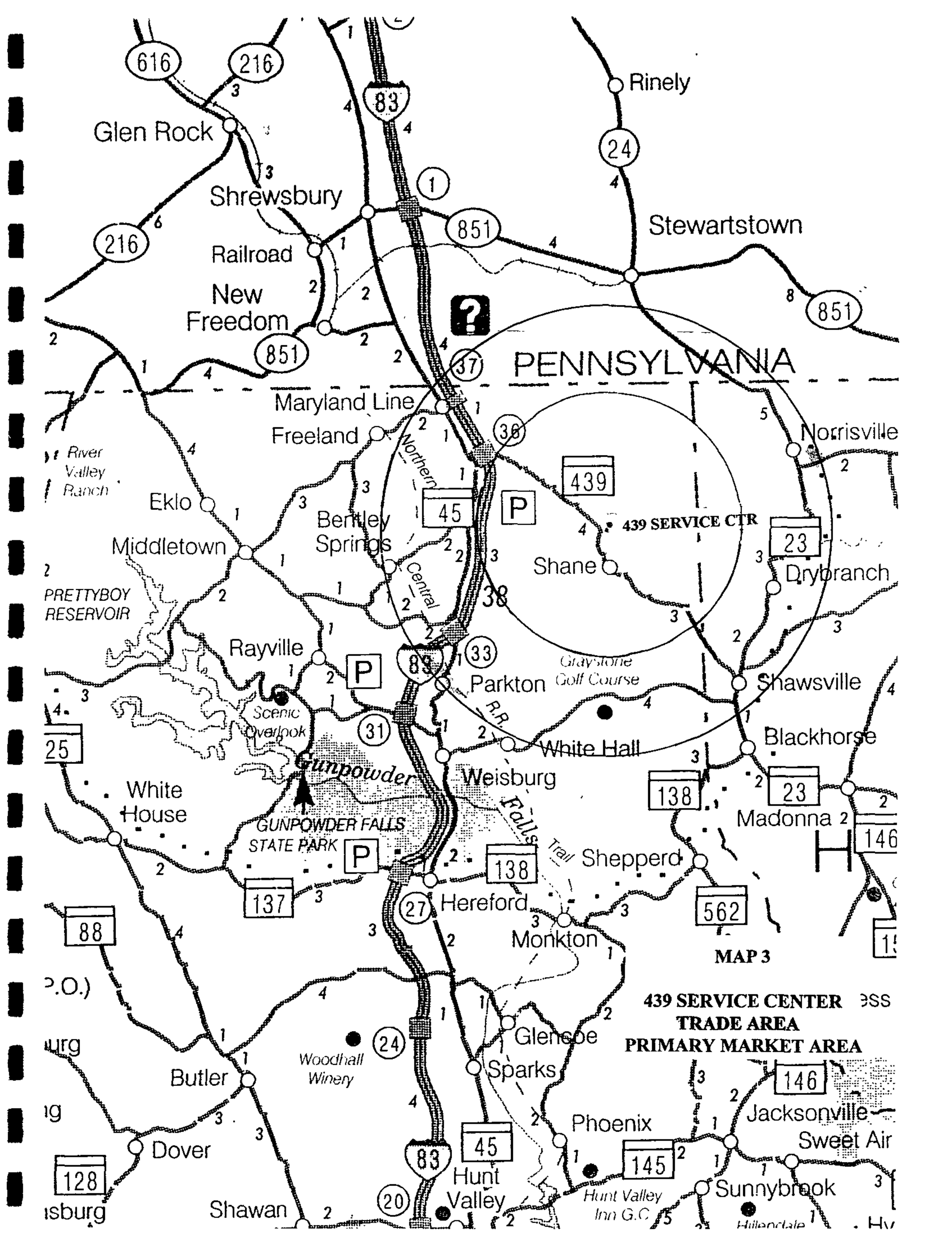
A gas station at 439 Service Center would obtain most of its customer support from people living in CT 4070. However, the proposed station's trade area does not encompass the entire census tract. Consequently, TSC has defined smaller areas that represent the nearby markets that would specifically provide the bulk of the station's customers. The geographic scope of these smaller areas is based on the road patterns, residential distribution, and the competitive environment in this part of the county and reflect TSC's judgments regarding the way these factors affect the demand for gasoline in the MD 439 corridor. For this analysis TSC has established a ***primary market area*** encompassed by a circle with a radius of *two and one half miles* and a ***trade area*** with a radius of *four miles* centered on the intersection of Old York Road and West Liberty Road. The land between the trade area and the primary market area is the ***secondary market area***. The trade and market areas are shown in **Map 3** (page 7) and **Map 4** (page 8.) The most distant residents of the two and one half mile primary market area are estimated to be only 4 to 7 minutes driving time from the proposed gas station depending on the routes used by the driver. The secondary market residents may be 5 to 10 minutes distant. For most of the residents of the primary market a gas station at 439 Service Center would be the closest such facility to their place of residence. For many of the secondary market residents it would be a very convenient facility, especially for those who use MD 439 in the course of their travels.

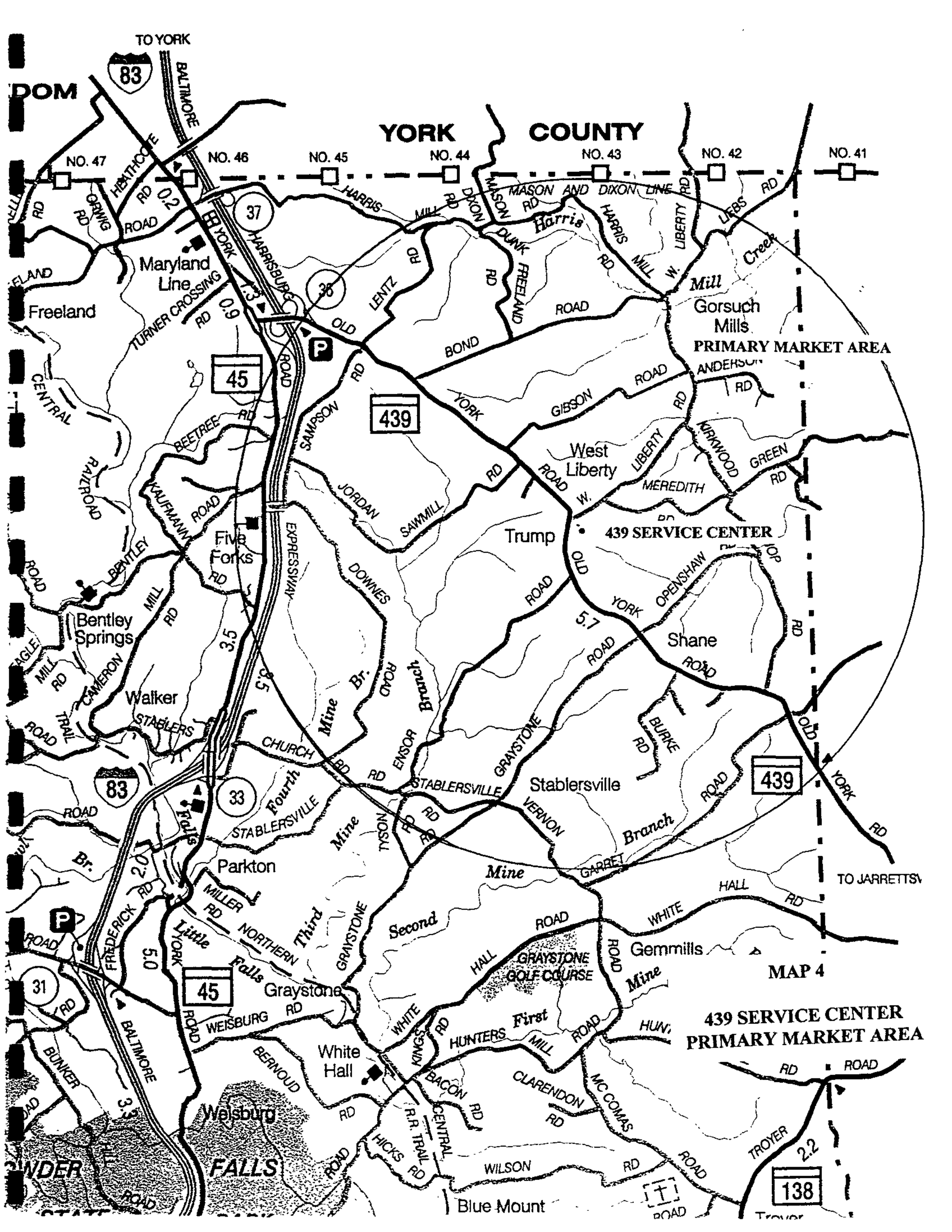
IV. DEMOGRAPHIC AND TRAFFIC TRENDS

There are two principal markets for the gasoline that would be sold at 439 Service Center: resident and transient. The resident market is a function of the number of people who live in the station's trade and market areas. The transient market is a function of the amount of traffic on MD 439 that is not generated by residents. The analysis below focuses on dimensioning these markets.

A. Population Growth in the Market Areas

Trends in the growth of population and households in the proposed station's trade and market areas are shown in **Table 1** on page 9. As noted above, the primary market area is encompassed by a circle with a radius of two and one half miles from the intersection of Old York and West Liberty roads. The trade area is a circle with a four mile radius and the secondary market area is the area between the two circles. The data for the 2 ½ and 4 mile areas were provided by a commercial data provider, National Decision Systems, and include data from the 1980 and 1990 censuses. The data show steady, moderate growth in the number of people living in the 439 Service Center's trade and market areas. Population growth is a function of household growth which is linked to increases in residential units. The number of households is gradually increasing as new homes are built in the northeastern part of Baltimore County. The result is growth in population -- the number of people


616
216
83
Rinely
Glen Rock
24
Shrewsbury
1
851
Stewartstown
216
Railroad
New
Freedom
851
8
851
PENNSYLVANIA
37
Maryland Line
Freeland
36
Norrisville
River
Valley
Ranch
439
Northern
45
P
439 SERVICE CTR
Eklo
Bentley
Springs
Middletown
23
Drybranch
Shane
Central
PRETTYBOY
RESERVOIR
38
Rayville
P
89
33
Graystone
Golf Course
Parkton
Shawsville
Scenic
Overlook
31
R.R.
White Hall
Blackhorse
25
Gunpowder
Weisburg
White
House
GUNPOWDER FALLS
STATE PARK
P
138
23
Madonna
146
Falls
Trail
Shepperd
138
137
27
Hereford
562
88
Monkton
MAP 3
439 SERVICE CENTER
TRADE AREA
PRIMARY MARKET AREA
24
Glenede
Woodhall
Winery
Sparks
Butler
146
Jacksonville
Phoenix
Sweet Air
Dover
45
145
128
83
Hunt
Valley
Sunnybrook
Shawan
20
Hunt Valley
Inn G.C.
Hilendale


YORK COUNTY
TO YORK
83
BALTIMORE
NO. 47
NO. 46
NO. 45
NO. 44
NO. 43
NO. 42
NO. 41
MASON AND DIXON LINE
HARRIS MILL RD
DIXON RD
MASON RD
DUNK FREELAND RD
HARRIS MILL RD
W. LIBERTY RD
LIBS RD
Harris Creek
Mill
Gorsuch Mills
PRIMARY MARKET AREA
Maryland Line
Freeland
TURNER CROSSING RD
HARRISBURG ROAD
YORK
37
36
LENTZ RD
OLD BOND ROAD
45
439
YORK GIBSON ROAD
ANDERSON RD
KIRKWOOD GREEN RD
West Liberty
LIBERTY RD
MEREDITH
SAMPSON RD
BEETREE RD
JORDAN SAWMILL RD
KAUFMANN ROAD
Five Forks
EXPRESSWAY
Trump
439 SERVICE CENTER
OLD YORK ROAD
OPENSHAW
Shane
BENTLEY ROAD
Bentley Springs
MILL RD
DOWNES ROAD
3.5
5.7
CAMERON MILL RD
Walker
STABLERS TRAIL ROAD
Mine Br.
Branch
CHURCH RD
ENSOR RD
GRAYSTONE ROAD
BURKE RD
Stablersville
STABLERSVILLE RD
VERNON ROAD
Fourth Falls
Parkton
Mine Br.
TYSON RD
Mine Branch
GARRET HALL RD
TO JARRETTSV
MILLER RD
NORTHERN
Third
Second
WHITE ROAD
Gemmills
MAP 4
Little YORK Falls
Graystone
GRAYSTONE GOLF COURSE
Mine
WEISBURG RD
WHITE KINGS RD
HUNTERS MILL ROAD
First
439 SERVICE CENTER
PRIMARY MARKET AREA
White Hall
BERNOUD RD
BACON RD
CLARENDON RD
MC COMAS ROAD
BUNKER HILL ROAD
Weisburg
FALLS
HICKS RD
R.R. TRAIL
CENTRAL
WILSON RD
TROYER ROAD
138
Blue Mount
31
FREDERICK RD
5.0
2.0
3.3
0.2
0.9
1.3
8.5
2.2

residing in the market. It is particularly illuminating to look at the change that has occurred since 1980. Over the span 1980-1999, the number of people living in the primary market area has increased by 595 or 33.7%. During the later portions of this period there have been no gas stations on MD 439 between I-83 and the Harford County line.

TABLE 1
POPULATION AND HOUSEHOLDS
TRENDS AND PROJECTIONS
439 SERVICE CENTER TRADE AND MARKET AREAS

	Prim. Mkt Area	Sec. Mkt Area	Trade Area
Population			
1980	1,768	3,794	5,562
1990	2,092	3,192	5,284
1999	2,363	3,631	5,994
2000	2,385	3,655	6,040
2004	2,460	3,763	6,223
Households			
1980	561	1,255	1,816
1990	699	1,076	1,775
1999	793	1,240	2,033
2000	801	1,254	2,055
2004	834	1,301	2,135

Source Table prepared by The Sherwood Consultancy using National Decision Systems and Census data; year 2000 calculated by The Sherwood Consultancy

B. The Transient Market

The transient market consists of motorists who drive by 439 Service Center but who do not live in the trade area. This market is a function of total traffic on MD 439 and West Liberty Road less an estimated portion of that traffic generated by residents. Maryland State Highway Administration traffic count maps show that in 1997, on an average day, 5,425 vehicles used MD 439 at a point about one mile east of I-83. That volume compares very favorably with 2,925 vehicles on MD 45 just south of MD 439 and 9,275 on MD 45 at the Pennsylvania line. The 1997 count is substantially higher than the count shown for 1987, which was 2,800. For the other two locations, the 1987 counts were 2,200 and 6,300, respectively. These data show that traffic on MD 439 had increased over the past ten years and that it has increased at a faster rate than traffic on those nearby thoroughfares for which traffic count data are available.

C. Summary

Both demographic and traffic trends are very favorable for the market for gasoline at the 439 Service Center location.

V. DEMAND FOR GASOLINE IN THE TRADE AREA

The purpose of this analysis is to derive the demand for gasoline in the 439 Service Center trade and market areas and in the MD 439 corridor based on the market factors for the resident and transient markets identified above. Both of these markets have grown over the past decade and are expected to continue to grow at a moderate rate in the foreseeable future.

A. Gasoline Needs of Market Area Residents

The amount of gasoline needed by primary and secondary market area residents, which is also referred to as "resident demand" for gasoline, is shown in **Table 2** below for selected years. To estimate resident demand, TSC multiplies the number of people living in a market area by the average number of gallons of gasoline consumed per person in the state of Maryland. Given the 1999 population in the primary market area of 2,363 and gasoline consumption per person of 441 gallons (as of 1998, the last year for which the data are available), residents living in the 439 Service Center primary market in 1999 will need 1,042,100 gallons of gasoline to meet their driving requirements and secondary market residents need 1,601,300 gallons. However, these estimates could well be low given the possibility that motorists in this rural part of Baltimore County do more driving more than residents of the state as a whole, from which the 441 gallons figure is derived.

TABLE 2
TOTAL NEED FOR GASOLINE GENERATED BY PRIMARY AND SECONDARY MARKET AREA RESIDENTS OF THE PROPOSED 439 SERVICE CENTER GAS STATION TRADE AREA
(Gallons per Year)

	Market Area Residents		Trade Area
Year	Primary	Secondary	Total
1999	1,042,100	1,601,300	2,643,400
2000	1,051,800	1,611,800	2,663,600
2004	1,084,900	1,659,400	2,744,300
Gallonage Growth			
1999-2004	42,800	58,100	100,900

Source. The Sherwood Consultancy

B. Needs of Transient Motorists

TSC estimates that 50% of the vehicles using MD 439 in the vicinity of 439 Service Center are driven by residents of the trade area and the remaining **50%** by **transients**. MD 439 is a principal thoroughfare providing access between I-83 and northwestern and central Harford County. This pattern is reinforced by the "park and ride" site located at the MD 439/I-83 interchange. Consequently, the 50% estimate could be low but will be used here. According to Maryland State Highway Administration (SHA) traffic count data, average daily traffic (ADT) on MD 439 between West Liberty Road and I-83 was 5,425 vehicles in 1997. If 2,700 of the 5,425 vehicles per day are transients, and if it is assumed that these motorists would buy an average of 5 gallons a month at a gas station on MD 439, then the transient market will generate a demand for 162,000 gallons of fuel in the corridor.

VI. GASOLINE RETAILING IN THE TRADE AREA

The purpose of this analysis is to review the history of gasoline retailing in the primary market and the competitive environment for gasoline sales in the trade area.

A. Gas Stations in the Primary Market Area

There are currently no gas stations in the primary market area. However, this was not the case as recently as the early 1990s when there were two stations on MD 439 and the mid-1980s when there were three. Each is reported to have had two pumps. The characteristics of these three stations are set forth below. This information was provided to The Sherwood Consultancy primarily by Mr. Igor Svec.

- **439 Service Center.** Gasoline was sold at the applicant location from 1958 until 1993. The operation was doing a volume of about 40,000 gallons per month when it closed. The closing was a result of a dispute between the operator and the wholesale dealer who supplied product with regard to the wholesale price of the gasoline.
- **Cornwell's (Brown's) General Store.** This business was located next door to 439 Service Center at the location of the Crab Happy seafood carryout. It sold BP gasoline and then unbranded product until it closed about 1990. The supplier of gasoline owned the tanks. When that business was bought by another company, the new supplier refused to accept responsibility for the tanks and thus would no longer provide gasoline to the site. As a result, the gasoline sales operation ceased and the tanks were removed. Monthly volume had been about 30,000 gallons.
- **Pitman's Store.** Pitman's was located in Shane about one mile south of the applicant location. The situation here was similar to Cornwell's. The station was branded Exxon (Esso) with Exxon owning the tanks. Volume was about 20,000 gallons per month. In the early 1980s Exxon installed new tanks but then made a corporate

decision that it would not own tanks on other people's property where volumes were below 100,000 gallons per month. As a result the tanks were removed. Subsequently, the buildings on the property burned. There are no improvements on the site today.

As a group these three stations had gasoline sales of about 90,000 gallons per month or about 1.08 million gallons a year when all three were operating. That was during a period when there was less vehicular traffic on MD 439 than there is today and when there was less residential development in the area. This total volume is consistent with TSC's estimate of the current demand of about one million gallons a year in the MD 439 corridor. In each instance the closing of the station appears to have not been directly linked to market need. Rather, structural changes in the nature of gasoline retailing and in corporate liability concerns related to environmental matters as well as the personal interests of the operators resulted in these sites becoming functionally obsolete or a burden to the owners. Their closings left many motorists in this part of the county with no gasoline station near their home or convenient to them on their way to and from work via MD 439.

B. Gas Stations in the Secondary Market

An inventory of gas stations in the secondary market area is set forth in **Table 3** below.

TABLE 3
INVENTORY OF GAS STATIONS
IN AND NEAR THE 439 SERVICE CENTER TRADE AREA

Gas Station/Brand	Road Miles from Subject	MPDs	Other Characteristics
Baltimore County			
Maryland Line Service Ctr/Unbranded	3.2	2	Sub Stop; deep discount
Maryland Line Garage/Citgo	3.7	2	Garage with gas
Exit 33 of I-83/Exxon #	5.7	2	I-83 oriented
Harford County			
High's/Texaco #	4.2	3	Convenience store
Pennsylvania			
Wiley's Station/Exxon #	6.0	2	Convenience store
Shrewsbury/Getty #	7.0	3	
Shrewsbury/Rutters #	7.0	2	Convenience store

These stations lie outside the trade area but are included as a matter of reference.

Source: The Sherwood Consultancy field inspection; October 26,1998 table presented by protestants at Zoning Commissioner hearing

Only two of the above stations are in Baltimore County, and they are located west of I-83 in Maryland Line. TSC regards these two stations as marginally competitive for business generated by the MD 439 traffic that passes by the applicant site. One is a garage selling Citgo branded product. It has two pumps and is estimated to be doing about 40,000 gallons in sales. The other (Sub Stop) is unbranded and is estimated to be selling about 95,000 gallons a month. To the southeast of the site, a Texaco branded station is located at a High's store on MD 23 in Shawsville. This is a modern and attractive facility that has some impact on the 439 Service Center market because it is on the route of motorists using MD 439 between Harford County and I-83.

The other stations in the secondary market are viewed by TSC as competitive for the portions of the secondary market near them but not as factors in attracting the 439 Service Center's primary market residents or transient motorists using MD 439. The competitive impact of these various stations will be taken into account in the derivation of demand available to 439 Service Center as set forth below. TSC feels that even though there are no competitive stations in the primary market, that the three nearest Maryland stations in Maryland Line and Shawsville will have some impact on the market available to 439 Service Center and that other stations in the secondary market will capture a significant portion of secondary market demand.

VII. GASOLINE SALES POTENTIALS AT 439 SERVICE CENTER

The potential for gasoline sales at 439 Service Center is a direct function of the needs of resident and transient motorists as derived above after taking into account the competitive environment represented by existing gas stations. In past times there were several gas stations in this northeastern corner of the county, but now there are none. Residents and transient travelers must purchase gas in Maryland Line or patronize stations that are outside the trade area.

A. Resident Demand Available to 439 Service Center

TSC typically assumes that 100% of the demand generated by primary market residents is available to existing and proposed gas stations located in that primary market since these stations would be the ones located closest to the place of residence of these motorists. At present there are **no gas stations in the primary market** and the 439 Service Center facility is the only proposed station. However, because there are several stations on the perimeter of the primary market, TSC assumes that only **50%** of the demand generated by primary market residents will be *available to the 439 Service Center*. This results in a sales potential from primary market residents of 525,900 gallons in the year 2000, the first year in which the facility would operate.

The secondary market is larger in geographic scope, population, and gasoline demand. There are two existing gas stations in the secondary market and others close to it. While several of these stations are in Pennsylvania and two are in Harford County, which diminish their relevance to an analysis of need for a station in Baltimore County in Maryland, TSC will assume that these stations are going to attract much of the demand generated by residents of the secondary market area, especially those living in Pennsylvania and in Baltimore County west of I-83 and in Harford County. The portion of the secondary market that would be most readily served by the applicant station would be the southern part. Based on these observations, TSC assumes that **20%** of resident demand in the secondary market will be available to a gas station at the 439 Service Center location. That would result in demand from this part of the trade area of 322,400 gallons per year.

B. Transient Demand Available to 439 Service Center

It is presumed that, as the only gas station on MD 439 from Harford County to I-83, all of the transient demand derived above in Section IV for this stretch of highway will be available to 439 Service Center -- 162,000 gallons in 2000.

C. Total Available Demand

Total demand for gasoline at the 439 Service Center location is derived from demand generated by primary and secondary market area residents and transients (motorists who do not live in the trade area). The summary of demand set forth in **Table 4** below shows that in the year 2000 the demand applicable to a gas station at the 439 Service Center will be 1,010,300 gallons. TSC believes that the above analysis provides a reasonable model of the way the market for gasoline is working in this part of Baltimore County and that the conclusion regarding potential demand is accurate as based on that model.

TABLE 4

SUMMARY OF GASOLINE DEMAND
APPLICABLE TO 439 SERVICE CENTER
FROM RESIDENT AND TRANSIENT MARKETS
2000

Source of Demand	Gallons/Year
Primary Market	525,900
Secondary Market	322,400
Transient Market	162,000
Year 2000 Total	1,010,300

Source: The Sherwood Consultancy as set forth in text above

D. 439 Service Center Sales Potential

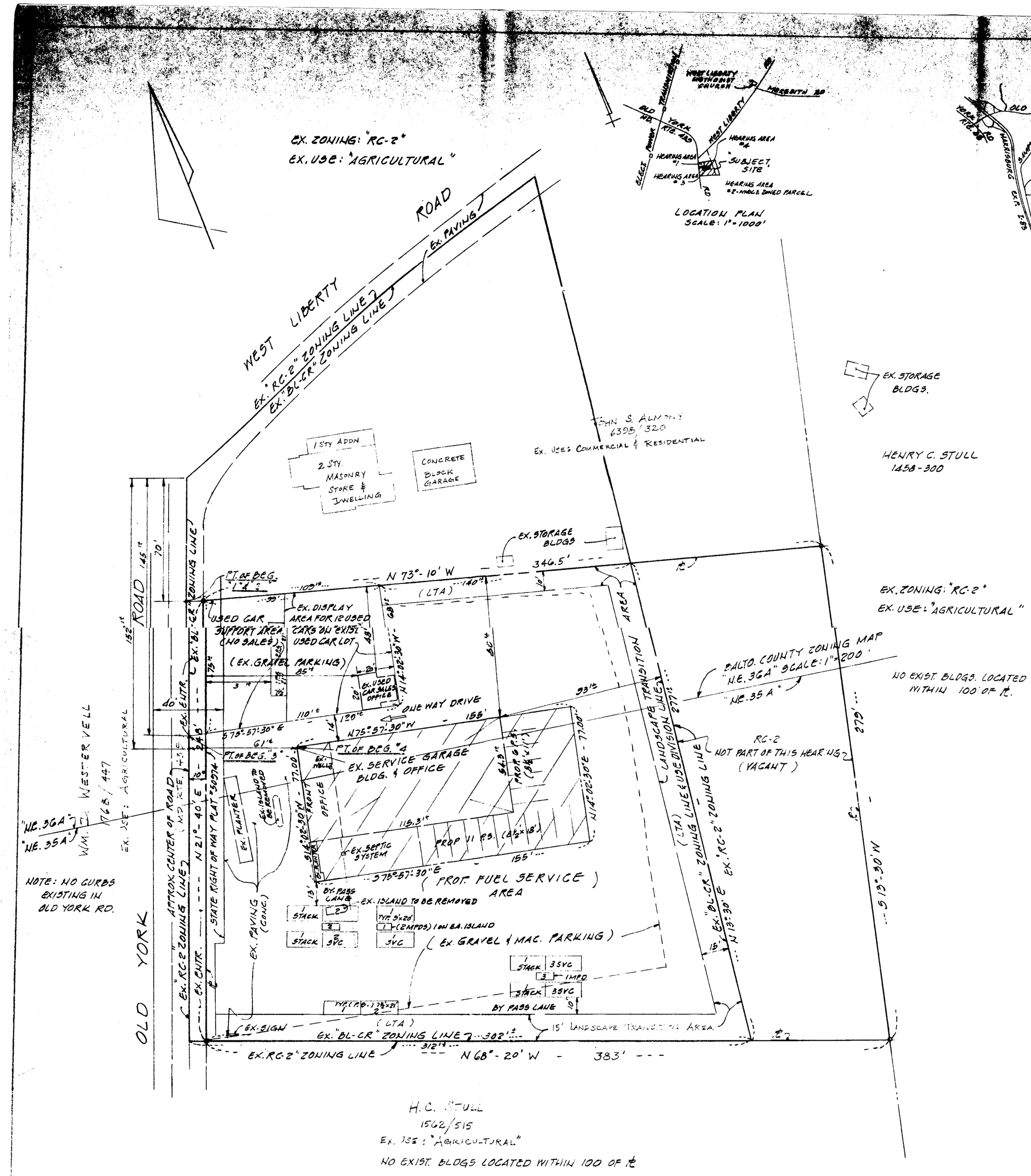
Given the absence of nearby competition, the importance of MD 439 as a carrier of traffic in this part of Baltimore County, and the experience of the closed gas stations, it is the judgment of The Sherwood Consultancy that a gasoline sales operation at 439 Service Center will be able to capture the bulk of the demand available to that location. However, actual sales will depend on marketing and the quality of service provided. TSC estimates that a gas station at 439 Service Center will initially achieve sales levels of 700,000 to 900,000 gallons of gasoline sales annually with volumes increasing by about 20% over the next five years. This would be a lower volume than current sales at the Maryland Line Service Center but higher than sales that were being generated by any one of the former stations in the primary market area.

VIII. CONCLUSIONS

The analysis above assesses factors relating to the need for establishing a gasoline sales operation at the 439 Service Center location. Based on the research and analysis, The Sherwood Consultancy finds that there is sufficient market demand available to a gas station at the 439 Service Center location to support the conclusion that there is a need for a motor fuel sales facility at that location to serve these markets. This conclusion is based on the following findings resulting from the research and analysis.

- Using reasonable assumptions, market analysis demonstrates that there is demand for approximately 1,010,300 gallons of gasoline in the applicant's market in the year 2000 from residents of the trade area and transient motorists and that the applicant gas station would capture 70%-90% of this demand in that year.
- Three gas stations selling about 1,000,000 gallons of gas annually once served MD 439 motorists in Baltimore County. The three stations closed over a period from the early 1980s to early 1990s because the nature of gasoline retailing changed, especially the relationship between wholesalers and retailers, and because companies were unwilling to accept liability for underground tanks.
- Within the context of the modest scale of these particular operations, there is nothing to indicate that the three stations closed because they did not have enough business. While they were small and never going to achieve high volumes, they were serving a real market. When able to purchase product from wholesalers at reasonable prices, they are reported to have made money on their gasoline operations.
- Residential development in this part of the county continues at a modest but steady pace. The result is an increase in the number of households and population and resident motorists. Consequently, the need for gasoline for residents of this part of the county has grown since the gas stations referenced above closed.
- The volume of traffic on MD 439 has also grown, nearly doubling from 1987 to 1997, thus supporting need for gas for transient motorists.

- There are no gas stations on MD 439 in Baltimore County to serve these motorists.
- There are no gas stations in the applicant station's primary market area.
- There are several small, existing stations in the applicant station's secondary market area. These stations impact demand at the 439 Service Center location and this impact has been taken into account in the demand projections.
- The association of the proposed gasoline station with an automotive repair facility will fill a need for people living in the MD 439 corridor west of I-83 for a fuel and service facility convenient to their homes.



LOCATION PLAN
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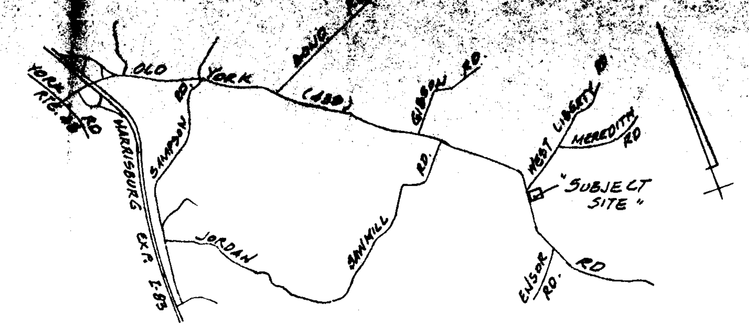

VICINITY SKETCH
No SCALE

LEGEND:

MPD - MULTI-PRODUCT DISPENSERS

LTA - LANDSCAPE TRANSITION AREA

*THE USE DIVISION LINES FOR THE USED CAR SALES, SERVICE GARAGE AND FUEL SVC. STATION ARE FOR ZONING PURPOSES ONLY AS SHOWN.

SPECIAL EXCEPTION SERVICE GAR AREA

DESCRIPTIONS:

PT. OF BEG. "1" - SPECIAL HEARING - USED CAR SALES AREA "

PT. OF BEG. "2" - "SPECIAL HEARING TO AMEND SITE PLAN "

PT. OF BEG. "3" - "SPECIAL EXCEPTION FOR FUEL SVC. STATION AREA "

PT. OF BEG. "4" - "SPECIAL EXCEPTION & SPECIAL HEARING TO ENLARGE SERVICE GARAGE AREA."

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      ORIGINAL FUEL SVC STA. APPROVED SITE AREA = 8,000 S.F.
      ORIGINAL STATION COMPRESSED AIR, WATER AND RESTROOMS FOR CUSTOMERS FROM SERVICE GARAGE BUILDING.
   B. EXISTING SERVICE GARAGE AREA INCLUDING R/W AS PREVIOUSLY APPROVED = 8,750 S.F.
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      NUMBER P.S. PROVIDED 17 + 5 BAYS = 22 P.S.
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73
Pet. No. 3

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING, SPECIAL EXCEPTION
AND VARIANCES

20227 OLD YORK ROAD

ELECT. DIST. 7C3 — BALTIMORE COUNTY, MD.
SCALE: 1"=30' — AUG. 10, 1998

OWNER:
DONALD E. WARRENER, JR.
P.O. BOX 1178
SPARKS, MARYLAND 21152

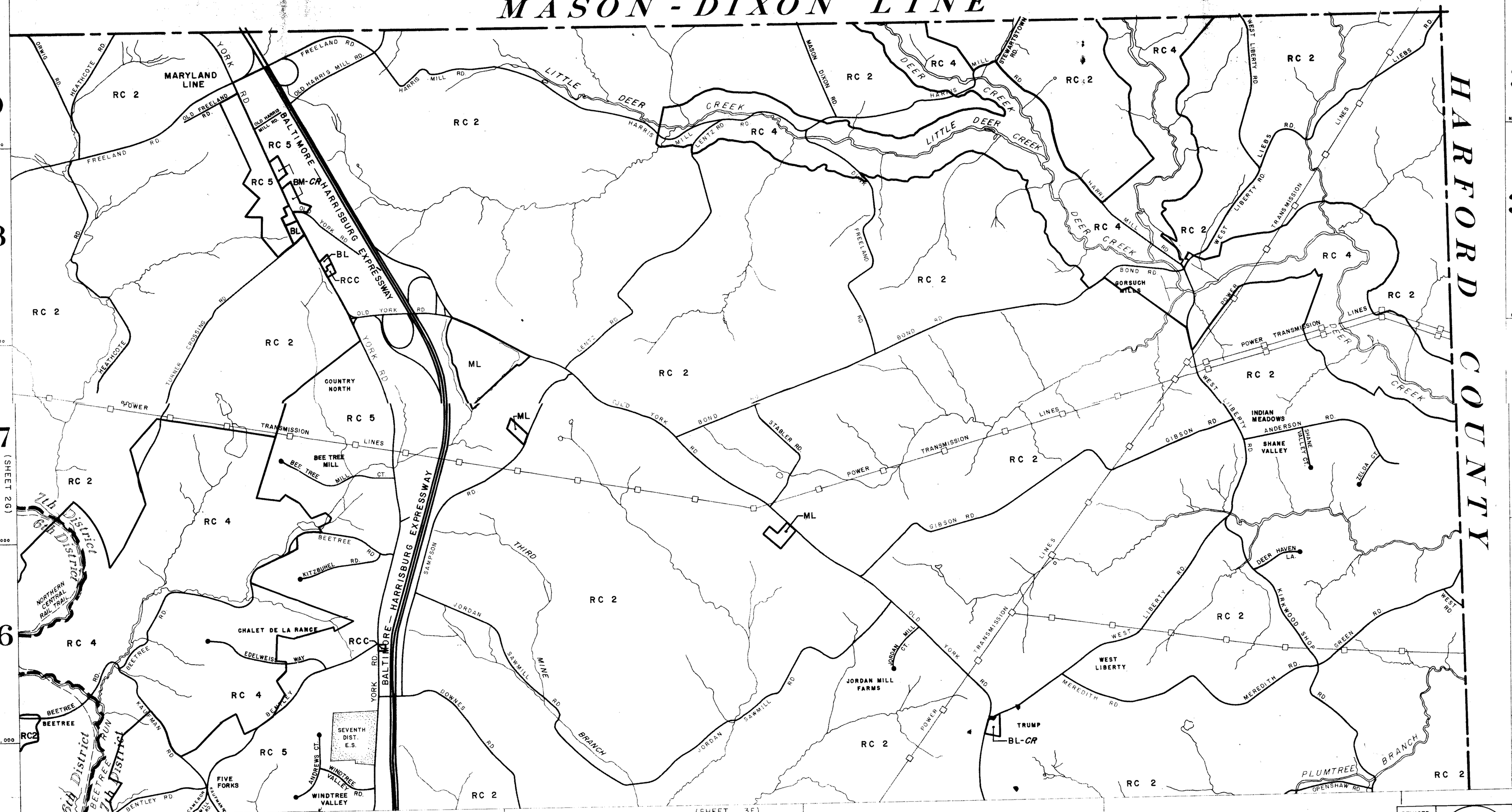
99-73-SPHXA

ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

YORK COUNTY, PENNSYLVANIA

MASON-DIXON LINE



SCALE 1" = 1000'

0 1/4 1/2 3/4 1 MI.

0 1000 3000 5000 FT.

MAP INDEX

BALTIMORE COUNTY OFFICE OF PLANNING

MARYLAND LINE

BALTIMORE COUNTY BASE MAP SERIES

REVISED DATE SEP. '94

3G

PETITIONER P1

C B A A B C

YORK COUNTY, PENNSYLVANIA

MASON - DIXON LINE

39 38 37 36

HARFORD COUNTY

MARYLAND LINE

BALTIMORE — HARRISBURG EXPRESSWAY

LITTLE DEER CREEK

COUNTRY NORTH

BEE TREE MILL

CHALET DE LA RANCE

SEVENTH DIST. E.S.

FIVE FORKS

WINDTREE VALLEY

BORSUCH MILLS

INDIAN MEADOWS

SHANE VALLEY

DEER HAVEN

WEST LIBERTY

JORDAN MILL FARMS

TRUMP

BL-CR

PLUMTREE BRANCH

6th District

7th District

(SHEET 3F)

SCALE 1" = 1000'

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0 1000 3000 5000 FT.

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MARYLAND LINE

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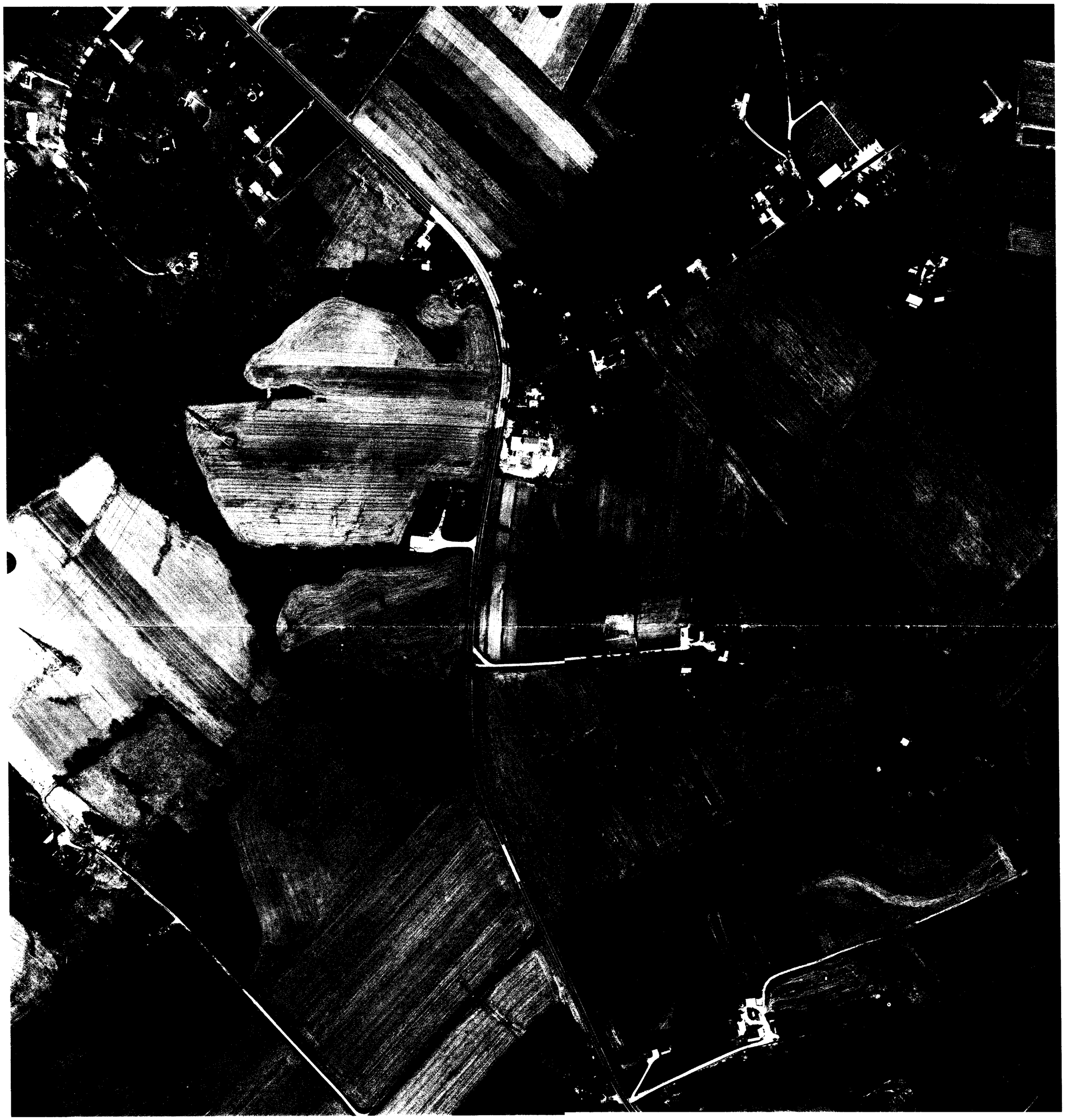

Baltimore County-GIS Services Unit

Source Scale: 1" = 500'

Date of Photo: March 24, 1997

Index Number: 6-35

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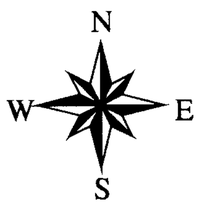

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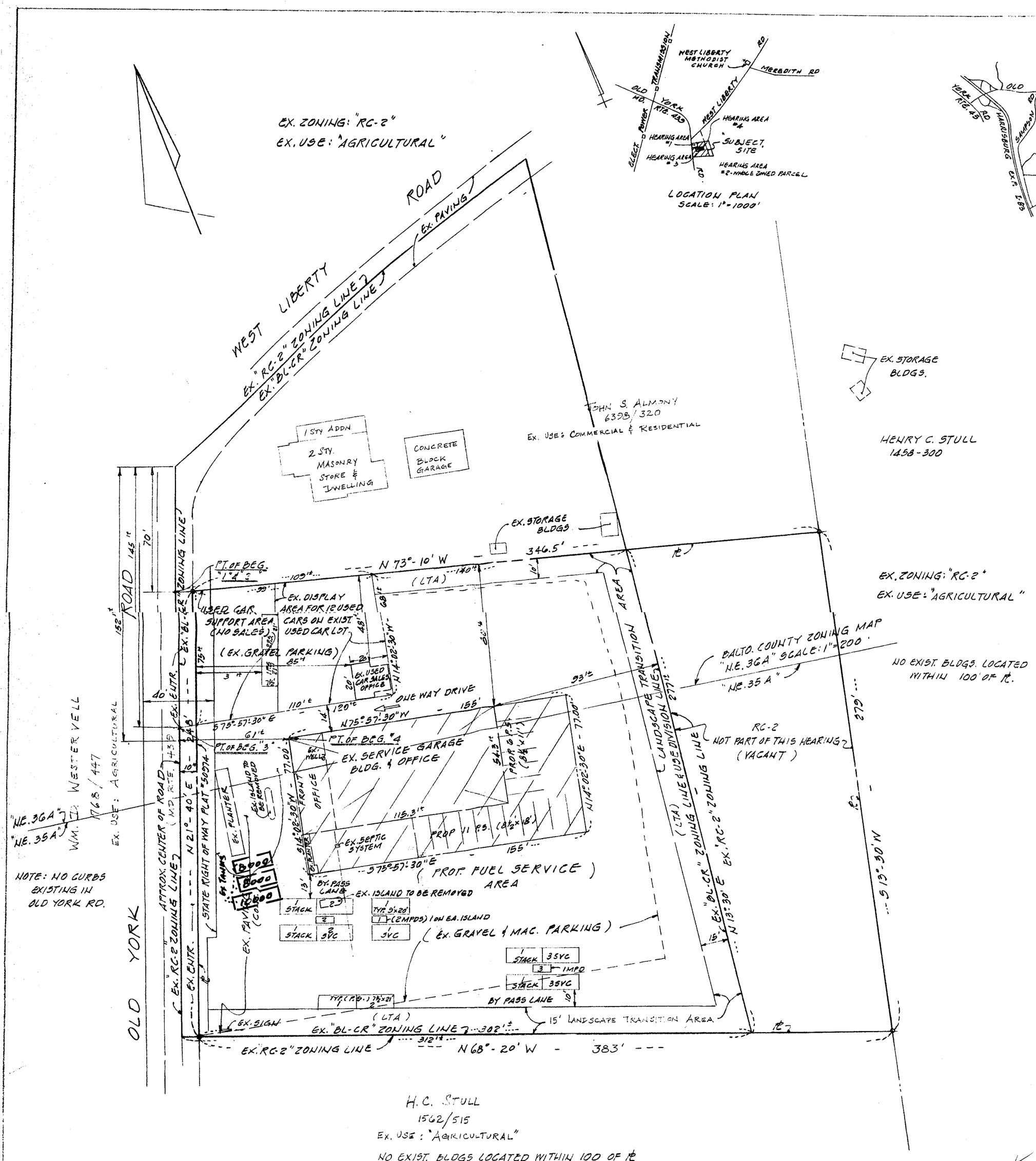

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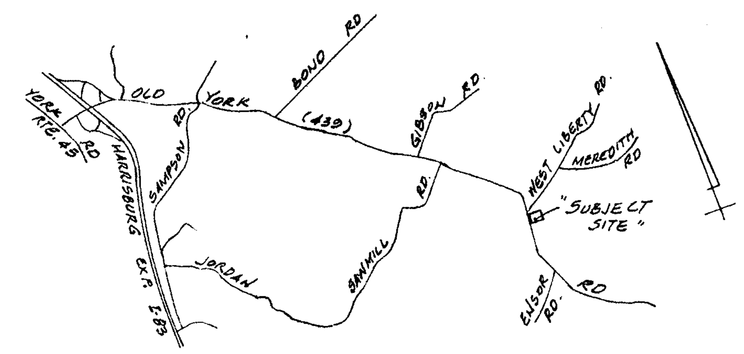

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FROM SPIRIT AND INTENT LETTER 7/21/02

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FOR

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TOWSON, MARYLAND 21204
(410) 823-8070

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

96-1140