

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
W/S York Road, 15' N of		
c/l Highview Street	*	DEPUTY ZONING COMMISSIONER
8th Election District		
4th Councilmanic District	*	OF BALTIMORE COUNTY
(2312 York Road)		
	*	CASE NO. 00-215-X
Louisa Little, Co-Executor of the		
Estate of Sol Goldman	*	
Petitioners		
And	*	
APF, LLC, by Elliott Lee Packer		
Contract Purchaser/Lessee	*	
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Louisa Little, Co-Executor of the Estate of Sol Goldman and the Contract Purchaser/Lessee, APF, LLC by Elliott Lee Packer. The special exception request is for property located at 2312 York Road, which property is zoned BR. The Petitioner is requesting permission to utilize the property as a used motor vehicle, outdoor sales area, separated from sales agency building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special exception request were Richard Sherry on behalf of Al Packer Ford, Tom Kramer, landscape architect with BL Companies and Scott Barhight, attorney at law, representing the Petitioner. Appearing as interested citizens in the matter were Howard Lenderking, Carroll Caslin and Joseph Gehring, all nearby property owners.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of a net area of 0.63 acres, more or less, zoned BR. The subject property is currently improved with an abandoned gasoline service station that has been utilized more recently as a firewood and mulch sales operation. The Petitioner is desirous of tearing

OFFICE OF THE DEPUTY ZONING COMMISSIONER
 Date: 11/2/2000
 By: R. Johnson

down all structures on the subject property and replacing them with a 12 ft. x 56 ft. automobile sales building, along with a paved display area for vehicles to be sold on site. The Petitioner, Al Packer Ford, is interested in opening a small used motor vehicle, outdoor sales area on the subject property. Submitted into evidence as Petitioner's Exhibit No. 1 was a site plan of the property showing the improvements to be made to the site, along with the landscaping proposed. In addition, the Petitioner is proposing to close off the two access points to York Road that were formerly associated with this site. The Petitioner will be utilizing access both from Thelma Street to the north of the site and Highview Street to the south. There will be no direct access to York Road.

In connection with the utilization of the property, Mr. Richard Sherry, appearing on behalf of Al Packer Ford, agreed to the imposition of certain conditions and restrictions on the operation of their used motor vehicle sales business. Those restrictions will be set forth at the end of this Order.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in a BR zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 1 would have any adverse impact above and beyond that

inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this 12th day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to utilize the property as a used motor vehicle, outdoor sales area, separated from the sales agency building, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

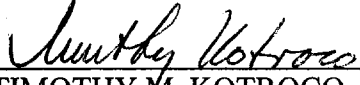
1. The Petitioner may apply for his permit upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioner shall be prohibited from performing automobile service work on vehicles displayed for sale on the subject property.
3. The Petitioner shall be prohibited from performing automobile detailing services on the property and shall not wash any of the vehicles on site. Notwithstanding this restriction, the Petitioner shall be permitted to hose down vehicles in an effort to keep them clean and ready for sale.

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1/12/2000
R. Jameson

4. The Petitioner shall be prohibited from installing any gas tanks or fuel storage tanks on the subject property.
5. The Petitioner shall be prohibited from delivering vehicles to the subject property by way of a car carrier. All inventory offered for sale at the property shall be driven to the site and dropped off for sale.
6. The hours of operation of the used motor vehicle, outdoor sales, establishment shall be 9:00 a.m. to 9:00 p.m., Monday through Saturday.
7. The Petitioner shall be required to submit a lighting and landscape plan to Avery Harden (Landscape Architect for Baltimore County) for his review and approval.
8. The Petitioner shall be required to construct a sales building on the subject property consistent with Petitioner's Exhibit No. 2, the proposed elevation of the building itself. The building shall be stick built and may include appropriate wood siding. The wood siding to be applied to the exterior walls of the building shall be reviewed and approved by the Office of Planning.
9. The Petitioner shall be prohibited from utilizing or installing intercom, loud speaker or outside bells for telephone calls.
10. The sign to be installed on the subject property shall be a ground mounted sign consistent with Petitioner's Exhibit No. 4. In accordance with Petitioner's Exhibit No. 4, the Petitioner may be permitted to internally illuminate the sign which must be turned off at closing.
11. The Petitioner shall be prohibited from displaying automobiles for sale within the landscaped areas of the subject property.
12. The Petitioner shall be required to install an 8 ft. board on board landscaping fence along the rear property line of the subject property, in the area depicted on Petitioner's Exhibit No. 1, the site plan of the property. The location, height and type of fence shall be reviewed and approved by Mr. Avery Harden, Landscape Architect for Baltimore County.
13. The Petitioner shall be prohibited from displaying banners, streamers, balloons and other inflatable devices on the subject property.
14. The Petitioner shall be prohibited from displaying vehicles on any type of rack storage, jacks or lifts.
15. The Petitioner shall be prohibited from providing their own financing for the sale of their vehicles. This operation shall not be a "buy here/pay here" establishment. The Petitioner shall be permitted to offer financing by and through institutional lenders, which financing may take place on the property.

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1/12/2000
R. Jameson

16. When applying for any permits, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECORDED FOR FILING
DATE 1/12/2000
BY R. J. JAMESON



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 12, 2000

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 00-215-X
Property: 2312 York Road

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed 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 from the date of the Order to the office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Ms. Louisa Little
c/o Windsor Place Corporation
640 Fifth Avenue
New York, New York 10019

Mr. Elliott Lee Packer
Mr. Richard Sherry
5665 Belair Road
Baltimore, Maryland 21206

Mr. Tom Kramer
c/o BL Companies
849 International Drive
Linthicum, Maryland 21090

Mr. Howard Lenderking
109 Roosevelt Street
Timonium, Maryland 21093

Mr. Roy Fields
2347 York Road
Timonium, Maryland 21093

Mr. Josef Gehring
518 Virginia Avenue
Towson, Maryland 21286

Mr. Carroll Caslin
4 Roosevelt Street
Timonium, Maryland 21093

Mr. Ken Harm
2323 W. Joppa Road
Towson, Maryland 21204



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2312 York Road
which is presently zoned BR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A used motor vehicle outdoor sales area, separated from sales agency building pursuant to BCZR §236.4.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. 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:

APF, LLC

By: Elliott Lee Packer

Name - Type or Print Authorized Agent

Elliott Lee Packer

Signature

5665 Belair Rd 410-488-5566

Address Telephone No.

Baltimore MD 21206

City State Zip Code

Attorney For Petitioner:

G. Scott Barhight/Julie A. DiGrigoli

Name - Type or Print Thomas C. Barbuti

Julie A. DiGrigoli

Signature

Whiteford, Taylor & Preston LLP

Company

210 W. Pennsylvania Ave. 410/832-2000

Address Suite 400 Telephone No.

Towson MD 21204

City State Zip Code

By [Signature]

Case No. 00-215-X

By [Signature]

Date 11/18/99

By [Signature]

By [Signature]

By [Signature]

By [Signature]

By [Signature]

By [Signature]

By [Signature]

By [Signature]

Legal Owner(s):

Louisa Little, Co-Executor of the

Estate of Sol Goldman

Name - Type or Print

[Signature]

Signature

Jane H. Goldman, Co-Executor of the

Estate of Sol Goldman

Name - Type or Print

[Signature]

Signature

c/o Windsor Place Corp. 212-265-2280

Address 640 Fifth Avenue Telephone No.

New York NY 10019

City State Zip Code

Representative to be Contacted:

Julie A. DiGrigoli

Name

210 W. Pennsylvania Ave. 410-832-2000

Address #400 Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTM Date 11/18/99

ZONING DESCRIPTION FOR 2312 YORK ROAD

Beginning at a point on the west side of York Road, which is 80 feet wide at the approximate distance of 15 feet north of the centerline of the nearest improved intersecting street Highview Street which is 30 feet wide.

Thence running the following courses and distances:

1. North 82 degrees 20 minutes 55 seconds West, 125.45 feet to the centerline of a 12 foot alley, thence with the centerline of said alley the following:
2. North 18 degrees 04 minutes 55 seconds West, 217.06 feet to the Southerly line of Thelma Street, a variable width right of way, thence with said Southerly line of Thelma Street, the four (4) following courses and distances.
3. North 71 degrees 55 minutes 05 seconds East, 60.34 feet,
4. South 17 degrees 55 minutes 52 seconds East, 4.53 feet,
5. North 72 degrees 23 minutes 05 seconds East, 42.23 feet,
6. 26.70 feet along the arc of a curve to the right having a radius of 17.00 feet, with a chord bearing South 62 degrees 36 minutes 55 seconds East, 24.04 feet to the Westerly right of way line of York Road, thence with the Westerly line of York Road, the two (2) following courses and distances.
7. South 17 degrees 36 minutes 55 seconds East, 101.00 feet,
8. 151.04 feet along the arc of a curve to the right having a radius of 76,604.36 feet, with a chord bearing South 17 degrees 33 minutes 32 seconds East, 151.04 feet to the point of beginning. As recorded in Deed Liber 5843, Folio 893.

Containing an area of 27,606 square feet or 0.634 acres of land, more or less. Also known as 2312 York Road and located in the 8th Election District, 4th Councilmanic District of Baltimore County, Maryland.



Note: This Zoning Description is to accompany a Petition for a Special Exception. It may not be utilized for the transfer of land.

00
215-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 075718

#215

DATE 11/18/77 ACCOUNT 2001 6150

AMOUNT \$ 300.00

RECEIVED
FROM:

OSO SPECIAL EXECUTION

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PROCESS AGENT TIME
11/18/77 11:41AM 150000
ALL 3015 CASHIER PMS FOR 10000
Dept 5 SUP JUDGING VERIFICATION
RECEIVED 11/18/77
OSO SPECIAL EXECUTION
Baltimore County, Maryland

CASHIER'S VALIDATION

June 11/5

**NOTICE OF ZONING
VARIANCE**

The Zoning Commission of Baltimore County, in authority of the zoning and regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-215-X
2312 York Road
W/S York Road, 15' N of
centerline Highview Street
8th Election District
4th Councilmanic District
Legal Owner(s):

Estate of Sol Goldman
Contract Purchaser:

APF, LLC
Special Exception for a
used motor vehicle outdoor
sales area, separated from
sales agency building.

Hearing: Wednesday,
January 5, 2000 at 10:00
a.m. in Room 403, County
Courts Building, 401 Be-
ley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations.
Please Contact the Zoning
Commissioner's Office at
(410) 887-4366.

(2) For information con-
cerning the file and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/12/648 Dec. 21 0353373

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12-28, 201999

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 12-21, 201999

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-215-X
PETITIONER/DEVELOPER
(APF, LLC)
DATE OF Hearing
(Jan 5, 2000)

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

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
2312 York Road Baltimore, Maryland 21093—

The sign(s) were posted on 12-21-99
[Month, Day, Year]

Sincerely,

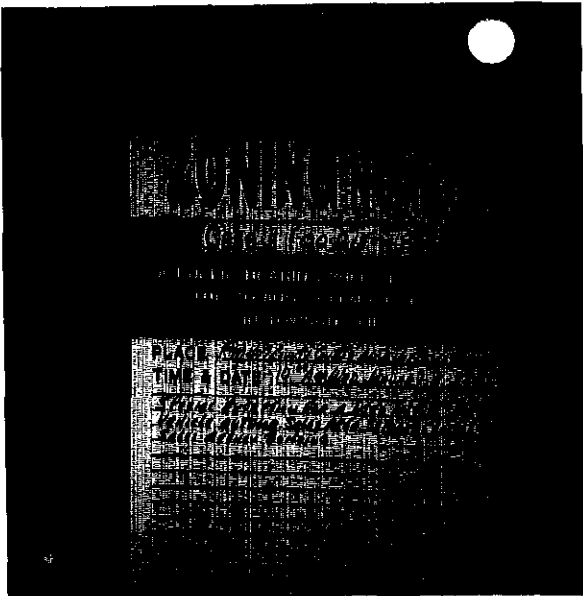

(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
[Telephone Number]



RE: PETITION FOR SPECIAL EXCEPTION
2312 York Road, W/S York Road,
15' N of c/l Highview Street
8th Election District, 4th Councilmanic

Legal Owner: Estate of Sol Goldman
Contract Purchaser: APF, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-215-X

* * * * *

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

29th

I HEREBY CERTIFY that on this 29th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 8, 1999

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: 00-215-X /
2312 York Road
W/S York Road, 15' N of centerline Highview Street
8th Election District - 4th Councilmanic District
Legal Owner: Estate of Sol Goldman
Contract Purchaser: APF, LLC

Special Exception for a used motor vehicle outdoor sales area, separated from sales agency building.

HEARING: Wednesday, January 5, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

- c: G. Scott Barhight & Julie DiGrigoli & Thomas Barbuti, Esquires, Whiteford, Taylor & Preston LLP, 210 W. Pennsylvania Avenue, Suite 400, Towson 21204
Louisa Little & Jane H. Goldman, Co-Executors of the Estate of Sol Goldman,
c/o Windsor Place Corp., 640 Fifth Avenue, New York, NY 10019
Elliott Packer, Authorized Agent, APF, LLC, 5665 Belair Road, Baltimore 21206

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 21, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 21, 1999 Issue – Jeffersonian

Please forward billing to:

Julie DiGrigoli, Esquire
210 W. Pennsylvania Avenue
Suite 400
Towson, MD 21204

410-832-2084

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: 00-215-X
2312 York Road
W/S York Road, 15' N of centerline Highview Street
8th Election District – 4th Councilmanic District
Legal Owner: Estate of Sol Goldman
Contract Purchaser: APF, LLC

Special Exception for a used motor vehicle outdoor sales area, separated from sales agency building.

HEARING: Wednesday, January 5, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 00-215-X

Petitioner: APF, LLC

Address or Location: 5665 Belair Road
Baltimore, MD 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: Julie DiGrigoli

Address: 210 W. Pennsylvania Ave
Suite 400
Towson, MD 21204

Telephone Number: 410-832-2084



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

December 30, 1999

G. Scott Barhight, Esq.
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Barhight:

RE: Case Number 00-215-X , 2312 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/18/99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Elliott Packer
Louisa Little, Co-Executor



INTEROFFICE CORRESPONDENCE

ZAC12699.215



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 17, 1999

~~Department of Permits and~~
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Item No.: 206, 208, 209, 210, 212, 214, 215, 218

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Cc: file



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 6, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JS
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 215
PETITIONER: Estate of Sol Goldman

VIOLATION CASE NO.: 98-5934

LOCATION OF VIOLATION: W/S York Rd., 15'N of centerline Highview Street
(2312 York Road)

DEFENDANT(S): Estate of Sol Goldman

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/js/lmh

Jan
1/5

BALTIMORE COUNTY, MARYLAND

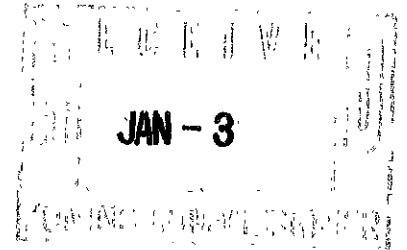
INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 2312 York Road



INFORMATION:

Item Number: 00-215
Petitioner: Elliott Lee Packer
Property Size: .89 acres
Zoning: BR-AS
Requested Action: Special Exception
Hearing Date: January 5, 2000

REQUEST:

The special exception being requested in this case is from Section 236.4 of the BCZR to permit a used motor vehicle outdoor sales area, separated from the sales agency building in the Business Roadside (BR) zoning district.

The subject property is currently unoccupied. Originally constructed as a fuel service station, the fuel service operation was abandoned several years ago, and the site was subsequently used for the sale of mulch and garden supplies. The property is located on the southern edge of the West Timonium Heights community and is included in the boundaries of the Hunt Valley Timonium master plan. Commercial land uses flank the site to the north and south. The land use to the west of the site is residential.

The proposed plan indicates the razing of the existing service station canopy and sales building. A new 672 square foot building will be constructed and used for a sales office, and the site will be resurfaced and striped to accommodate 54 car display spaces, in addition to some employee and customer parking spaces. The attorney for the applicant met with staff and indicated the willingness of the applicant to design the site using building materials, screening, signage, and

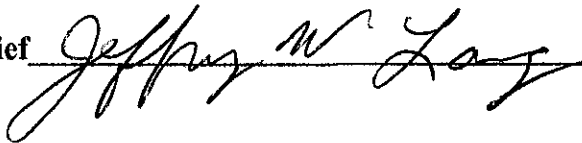
landscaping that is compatible with those design specifications suggested in the Hunt Valley Timonium Master Plan.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the approval of this special exception. A portion of this site is part of CZMP 2000 Staff Issue 4-014 which proposes to rezone the properties between Highview Street and Rose Street from Business Roadside (BR) to Business Local Restricted (BLR), in order to encourage high quality development that is compatible with nearby residential uses. Although the County Council will not adopt the Comprehensive Zoning Maps until October 2000, if the site is rezoned to BLR, and the special exception is granted, the used motor vehicle outdoor sales area would become "grandfathered" as a permitted use. It should be noted however, many of the design elements that the applicant has agreed to comply with would satisfy the intent of the criteria contained in the BLR zoning classification. Therefore, this office requests that the following criteria be incorporated into the zoning commissioners hearing order:

1. The sales building will be stick built, as opposed to a modular building, and will be of masonry construction.
2. Signage will be ground mounted, with a masonry base and appropriate landscaping around the base.
3. A low wrought iron fence will be provided around the perimeter of the site to provide a true edge for car display and to keep cars from being displayed on the landscaped area.
4. Lighting shall be located such that it is as least disruptive to the residential community as possible.
5. Temporary signage, sales advertising, and and banners/streamers will be prohibited on the site.
6. Building elevations and a landscape plan will be submitted to the Office of Planning for review and approval.
7. Rack storage of vehicles shall be prohibited.

Section Chief

A handwritten signature in cursive script, appearing to read "Jeffrey W. Long", is written over a horizontal line.

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Howard Lenderking

109 Roosevelt St. 21093

KEN HARW - SMA DUT

2323 W. Joppa Rd

Roy Fields

2307 YORK RD 21093

JOSEF GEHRING

518 Virginia Pl. 21286

Carroll Caslin

46 ROOSEVELT ST 21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

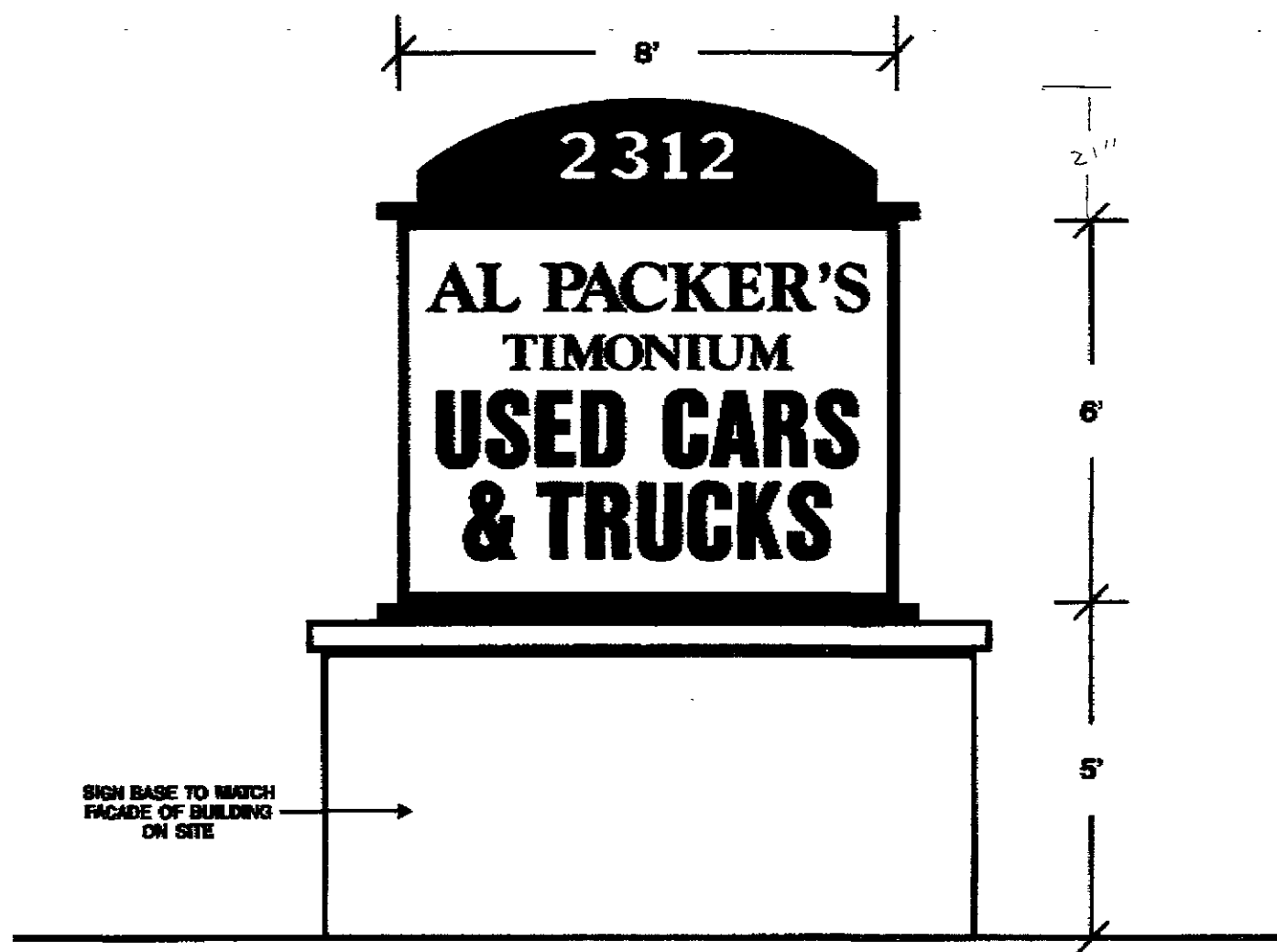
Richard Sherry
Tom Kramer

ADDRESS

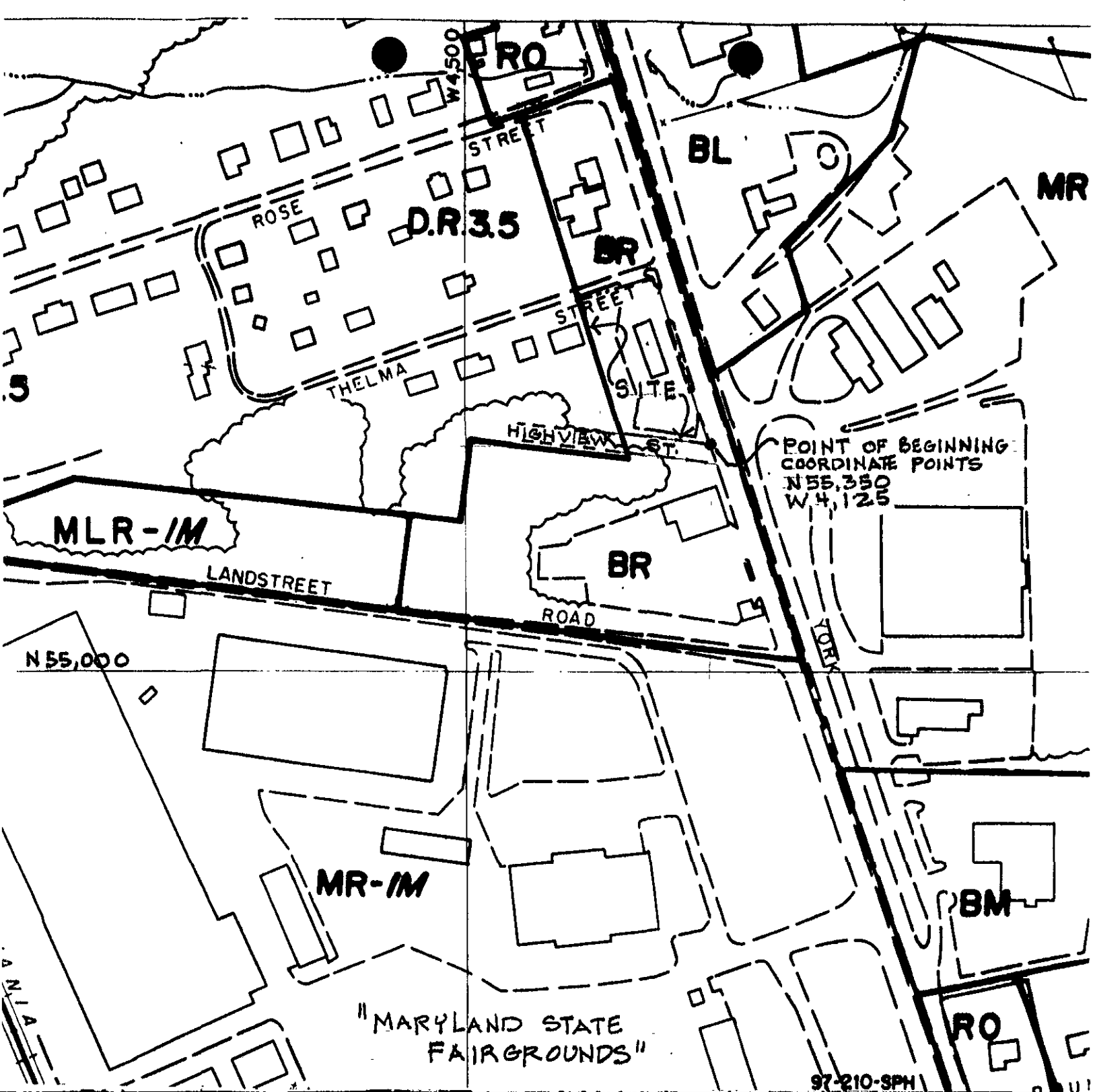
% 5665 Bel Air Rd Balt 21206
849 International Drive Linthicum 21090



1X 4



3/8" SCALE
GARDENVILLE SIGNS
4622 HAZELWOOD AVENUE
BALTIMORE, MD 21206



00-215-X

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET N.W. 14-A
DATE OF PHOTOGRAPHY JANUARY 1986		

97-210-SPH



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

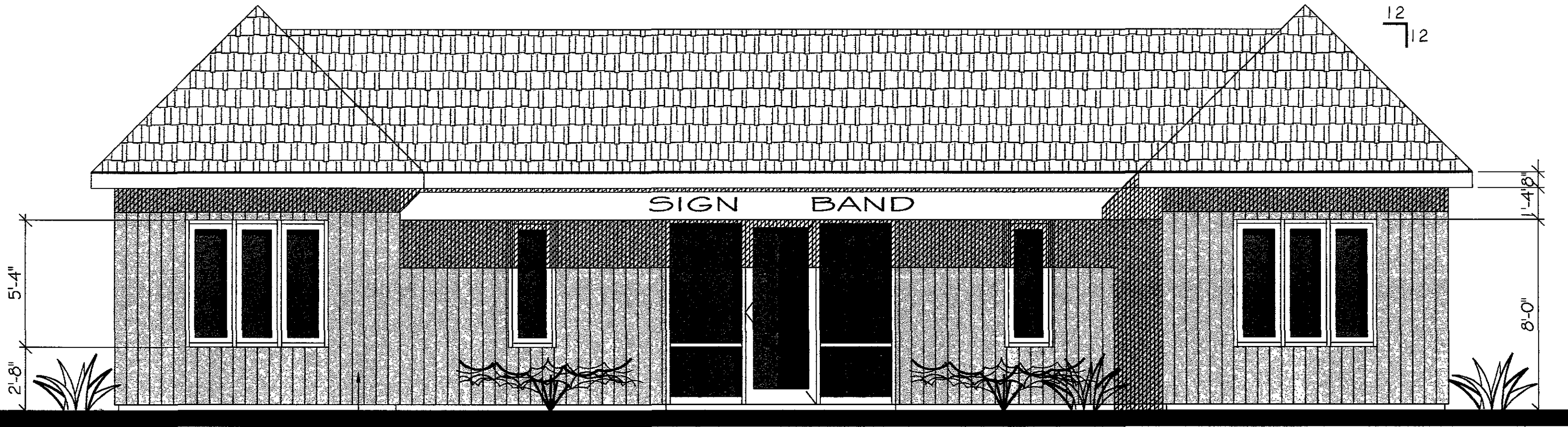
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Photographs
#00-215-X







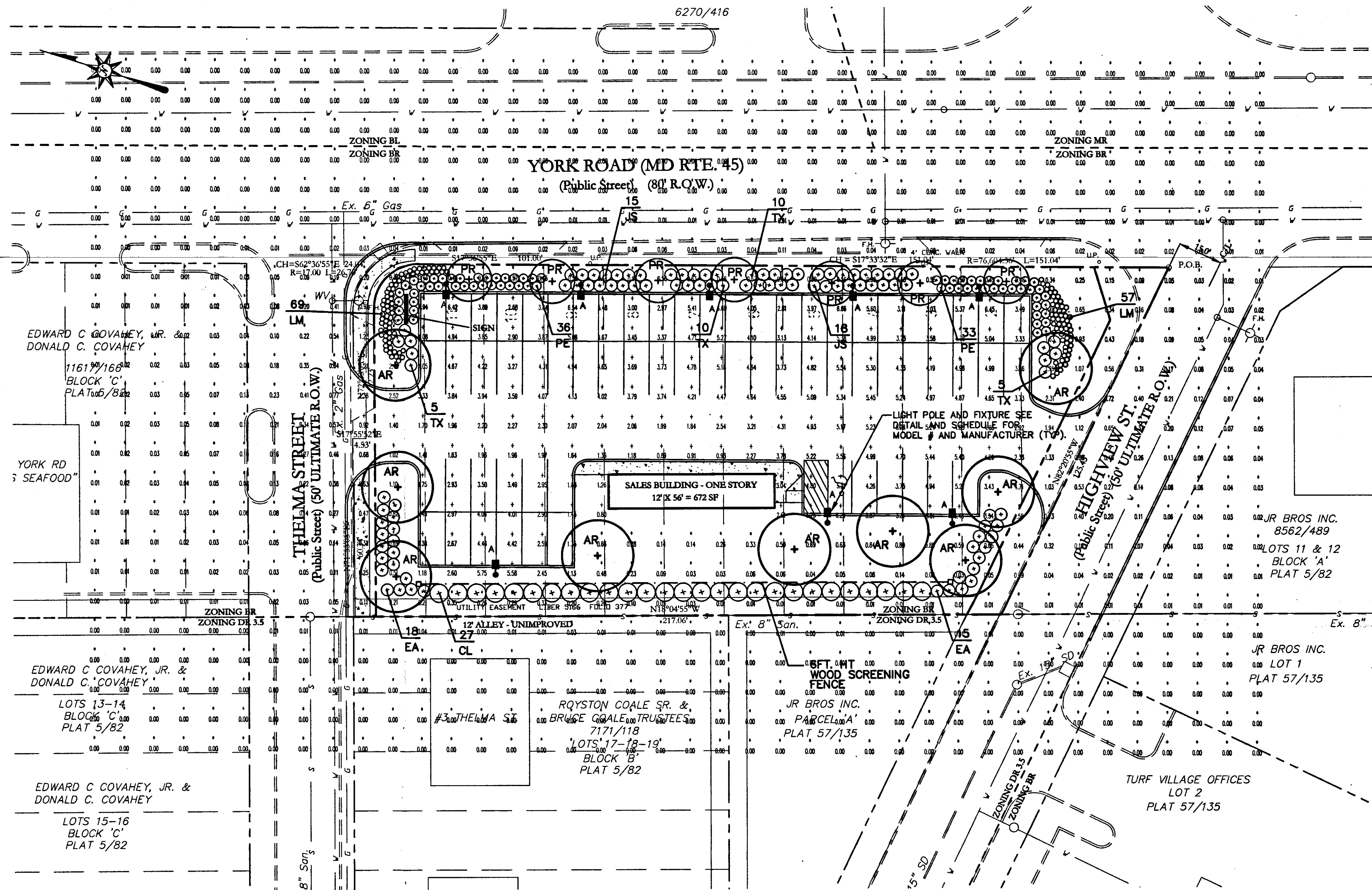


wood siding
typ.

PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION STUDY
2312 York Road
Timonium, Maryland

APF, L.L.C. - Applicant
case number 00-215-X



LANDSCAPE PLANTING SCHEDULE

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	ROOT	SIZE	COMMENTS
MAJOR TREES						
AR	9	Acer Rubrum 'Red Sunset'	Red Sunset Maple	B&B	2-2.5" CAL.	min. 6' branch height
MINOR TREES						
PR	7	Prunus 'Accolade'	Accolade Cherry	B&B	1.75" CAL.	tree form
EVERGREEN TREES						
CL	27	x Cupressocyparis leylandii	Leyland Cypress	cont.	5' ht.	dense
SHRUBS						
EA	33	Euonymus alatus 'Compacta'	Compact Winged Euonymus	B&B	24-30"	4' o/c
TX	30	Taxus x media 'Green Wave'	Green Wave Yew	B&B	24-30"	4' o/c
JS	33	Juniperus Sargentii 'Viridis'	Viridis Sargent Juniper	B&B	18-24"	4' o/c
PERENNIALS, GROUND COVERS & ORNAMENTAL GRASSES						
PE	69	Pennisetum alopecuroides 'Hamelii'	Dwarf Fountain Grass	cont.	1 gal.	30" o/c
LM	126	Liriope muscari 'Big blue'	Big blue Liriope	cont.	1 gal.	18" o/c

LIGHTING SCHEDULE

TYPE	LUMS	WATTS	DIST.	POLE HEIGHT	MOUNT	MANUFACTURER	FIXTURE MODEL #
A	1	400 MH	IV	18'	POLE	LITHONIA	KSF2 400M R4 XXX SP09

MH = METAL HALIDE
HPS = HIGH PRESSURE SODIUM

AVERAGE MAINTAINED FOOTCANDLE LEVELS ON WALK WAYS, AND PARKING ARE 3.72 FC

PLANTING CALCULATIONS

ADJACENT ROADS -
THELMA ST. - 85 LF @ 1:40 = 2.1
YORK RD - 230 LF @ 1:40 = 5.75
HIGHVIEW ST - 80 LF @ 1:40 = 2.0
8.85 PU

INTERIOR ROADS -
30 LF @ 1:20 = 1.5 PU

PARKING AREAS - 12 SPACES @ 1:12 = 1 PU
(not including car display spaces)

SCREENING
PARKING FROM R/W'S - 395 LF @ 1:15 = 28.3 PU

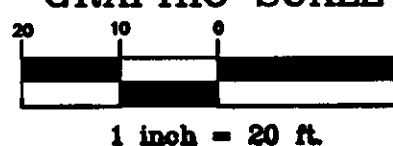
SCREENING FROM RESIDENTIAL "CLASS A" -
200 LF @ 1:15 = 13.3 PU

TOTAL REQUIRED = 51.95 PU

PLANTING PROVIDED

MAJOR TREES 9 @ 1:1 = 9 PU
MINOR TREES 7 @ 2:1 = 3.5 PU
EVERGREEN TREES 27 @ 2:1 = 13.5 PU
SHRUBS 96 @ 5:1 = 19.2 PU
ORNAMENTAL GRASS 69 @ 10:1 = 6.9 PU
GROUND COVERS 285 SF @ 1:500 = 0.6 PU
TOTAL 52.7 PU

GRAPHIC SCALE



FURNISHED TOPSOIL

Furnish and place topsoil for all areas proposed for lawn and planting beds to a minimum settled depth of 4".

Islands located within parking lot areas shall be prepared as follows:
Remove crushed stone paving base if applicable and replace with free-draining soil.
Fill remainder of island with furnished topsoil.
Provide additional topsoil to allow mounding of islands at a slope of 1 vertical:10 horizontal.

Furnished topsoil shall be natural loam topsoil that is free-draining. Physical properties must meet or exceed MSHA standard specifications for furnished topsoil.

LEAF COMPOST

Furnish and place "Leaf-Gro" shredded leaf compost to a depth of 2" over all planting beds, grass, Roto-Rill leaf compost into top 6" of topsoil. Leaf-Gro available from Maryland Environmental Service.

PLANTING NOTES

- Plant locations shall be field adjusted to avoid utilities. Contractor is responsible for locating utilities prior to start of work.
- All trees and shrubs shall be mulched to a minimum of 18" beyond the edge of the root ball.
- Shrub masses shall be planted in continuous mulch beds.
- All wire, plastic and twine ties shall be removed from top of root ball.

LANDSCAPE SPECIFICATIONS

Landscape specifications shall conform to 3rd edition of the "LCA Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area", including planting procedures and soil preparation for shrub and perennial beds.
A one-year warranty period shall be required. Maintenance required to honor the one-year warranty shall be performed as part of this contract.

Special Provisions to LCA Standard Specifications
Contractor is encouraged to perform soil testing. Test results shall be submitted 30 days before planting. Failure to perform testing will not void guarantee provisions.

Contractor shall review and test subsoil drainage characteristics 30 days prior to planting and notify owner of unacceptable conditions.

Landscape Contractor shall review irrigation scheduling to verify that proper watering levels are maintained. No exceptions to the guarantee provisions are allowed unless agreed to in writing prior to planting.

ONE-YEAR ANNIVERSARY FOLLOWUP REQUIREMENTS

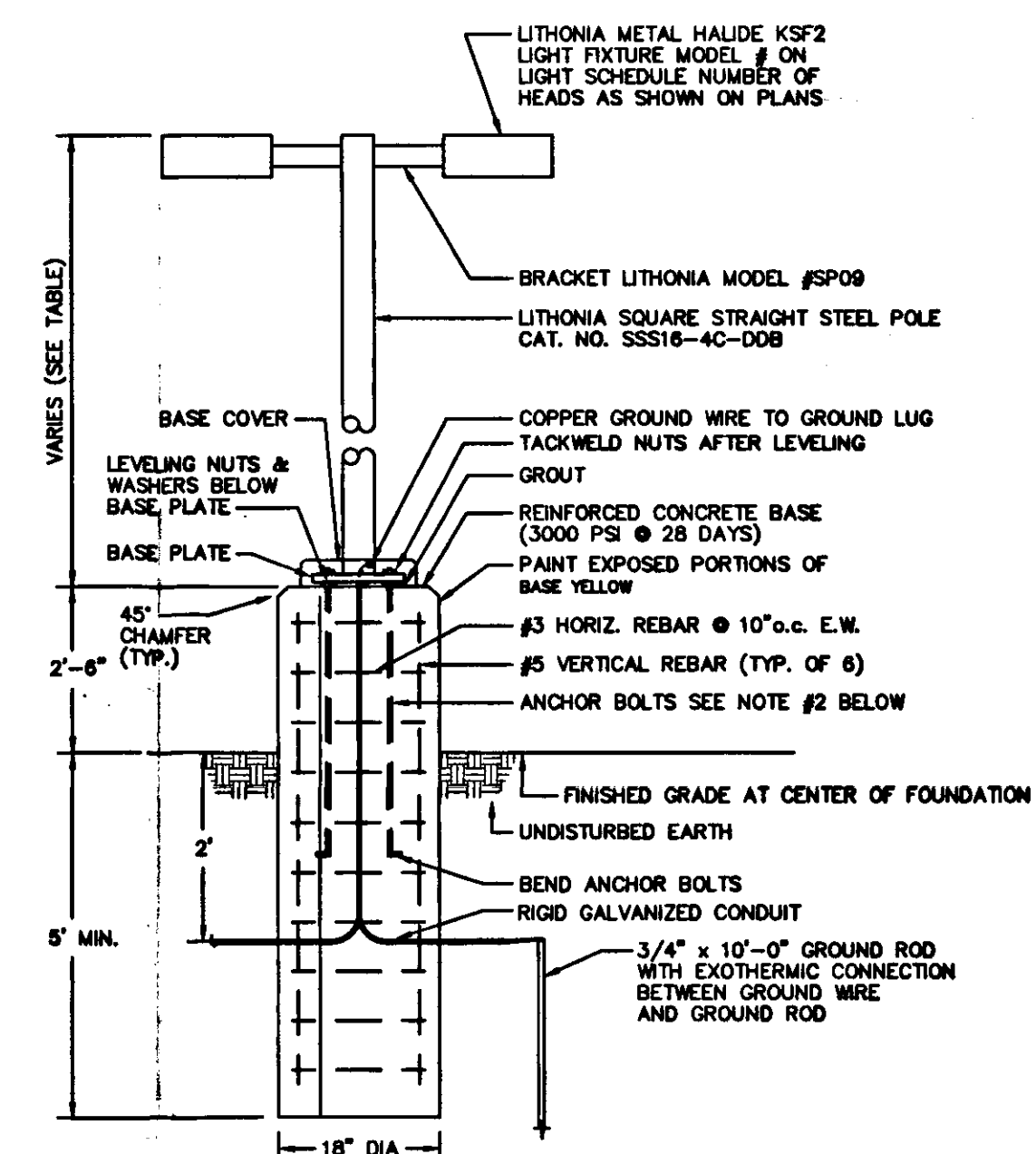
Contractor shall schedule site walk thru with owner's representative prior to end of warranty period. As part of the walk thru remove stakes and gues, prune dead wood and make necessary replacements.

PLANT STANDARDS

All nursery stock shall be top quality and in accordance with the American Association of Nurserymen, Inc., "American Standards for Nursery Stock", latest edition. Plants of each species shall be provided as matched items. Inferior nursery stock will be subject to rejection by the Landscape Architect. Bare-root shall not be allowed for any tree defined as major deciduous, minor deciduous or evergreen.

CHANGES MAY IMPACT REQUIRED CERTIFICATIONS

Plant types (deciduous trees, evergreen, etc.), quantities, spacing, locations, and species shown on the approved landscape plan are based on requirements stated in the latest Baltimore County Landscape Manual. Any change in these items may affect the required approval and certification of the installed planting. Owner is required to arrange and pay for certification by Landscape Architect.



NOTES:
1. FOUNDATIONS MAY BE REVISED BASED ON SOIL CONDITIONS AS APPROVED BY THE ENGINEER.
2. ANCHOR BOLTS FURNISHED WITH POLE. BOLT PATTERN, SIZE AND LENGTH AS SPECIFIED BY MANUFACTURER.

LIGHT POLE AND BASE

NOT TO SCALE

Laton3.dwg



ARCHITECTURE
ENGINEERING
PLANNING
LANDSCAPE ARCHITECTURE
LAND SURVEYING
ENVIRONMENTAL SCIENCES
ANALYTICAL SERVICES

849 International Drive, Suite 215
Linthicum, MD 21090
(410) 859-9100
(410) 859-9858 Fax

CONCEPTUAL LANDSCAPE AND LIGHTING
PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
2312 YORK ROAD
8TH ELECTION DISTRICT - 4TH COUNCIL DISTRICT
TIMONIUM, BALTIMORE COUNTY, MARYLAND

REVISIONS	No.	Date	Desc.

Designed T.G.K.
Drawn J.E.T.
Checked D.H.
Approved R.A.L.
Scale 1" = 20'
Project No. 998138
Date 1/4/2000
CAD File 811813801.dwg
Xref(s) 811813802.dwg
811813803.dwg
811813811.dwg
811813812.dwg

Drawing Title
LANDSCAPE + LIGHTING
CONCEPT
(W/ FOOTCANDLE DATA)

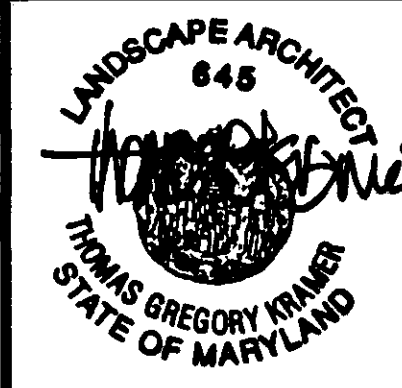
Sheet No.

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PLAN TO ACCOMPANY PETITION
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2312 YORK ROAD
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TIMONIUM, BALTIMORE COUNTY, MARYLAND

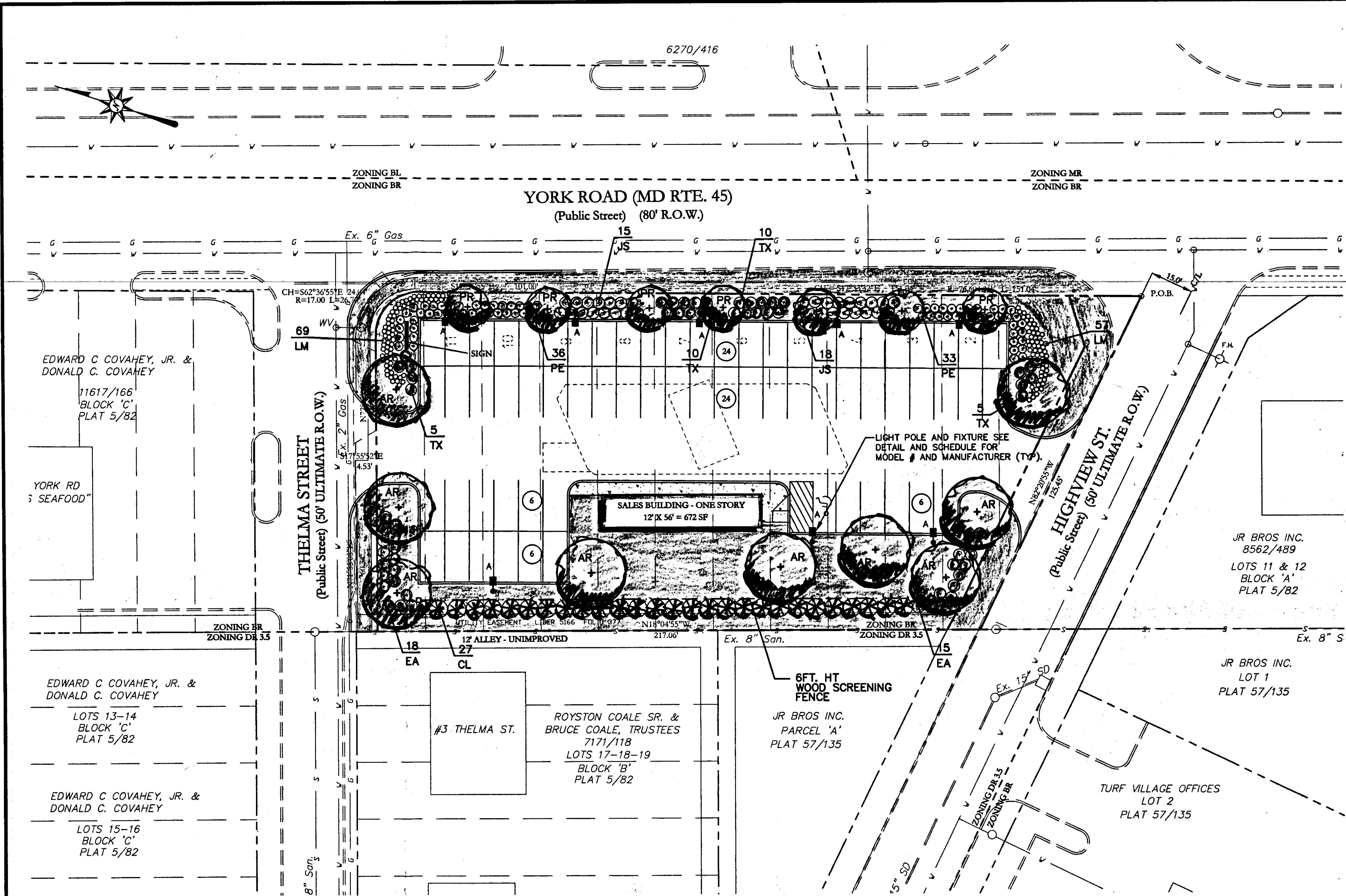
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CAD File 8LB13801.dwg
Xref (s) XRB13802.dwg
XRB13810.dwg
XRB13811.dwg

Drawing Title
LANDSCAPE + LIGHTING
CONCEPT

Sheet No.

1 OF 2



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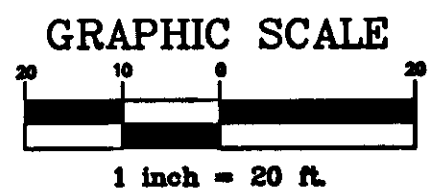
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30 LF @ 1:20 = 1.5 PU
PARKING AREAS - 12 SPACES @ 1:12 = 1 PU
(not including car display spaces)
SCREENING
PARKING FROM R/W'S - 385 LF @ 1:15 = 26.3 PU
SCREENING FROM RESIDENTIAL 'CLASS A' -
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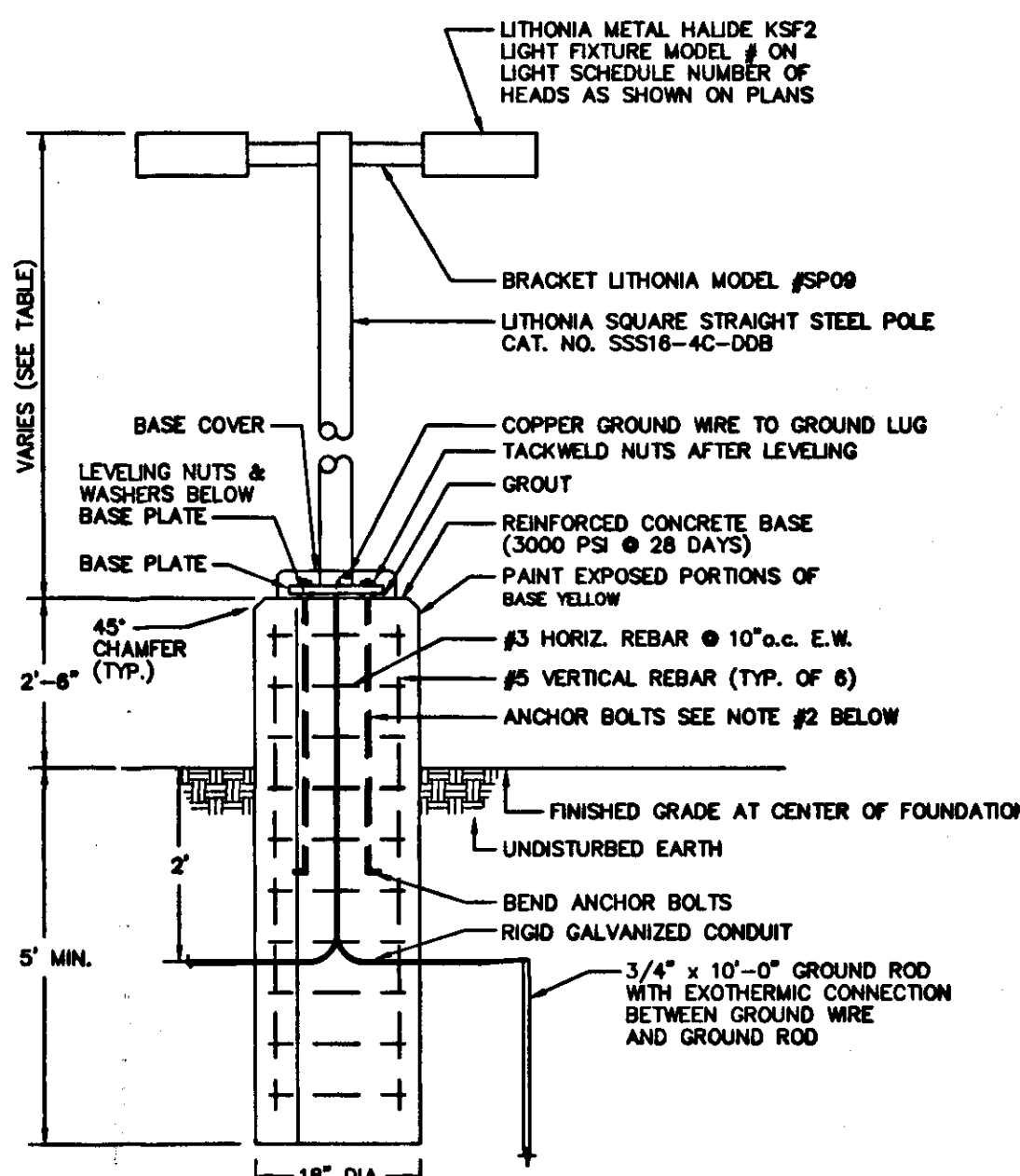
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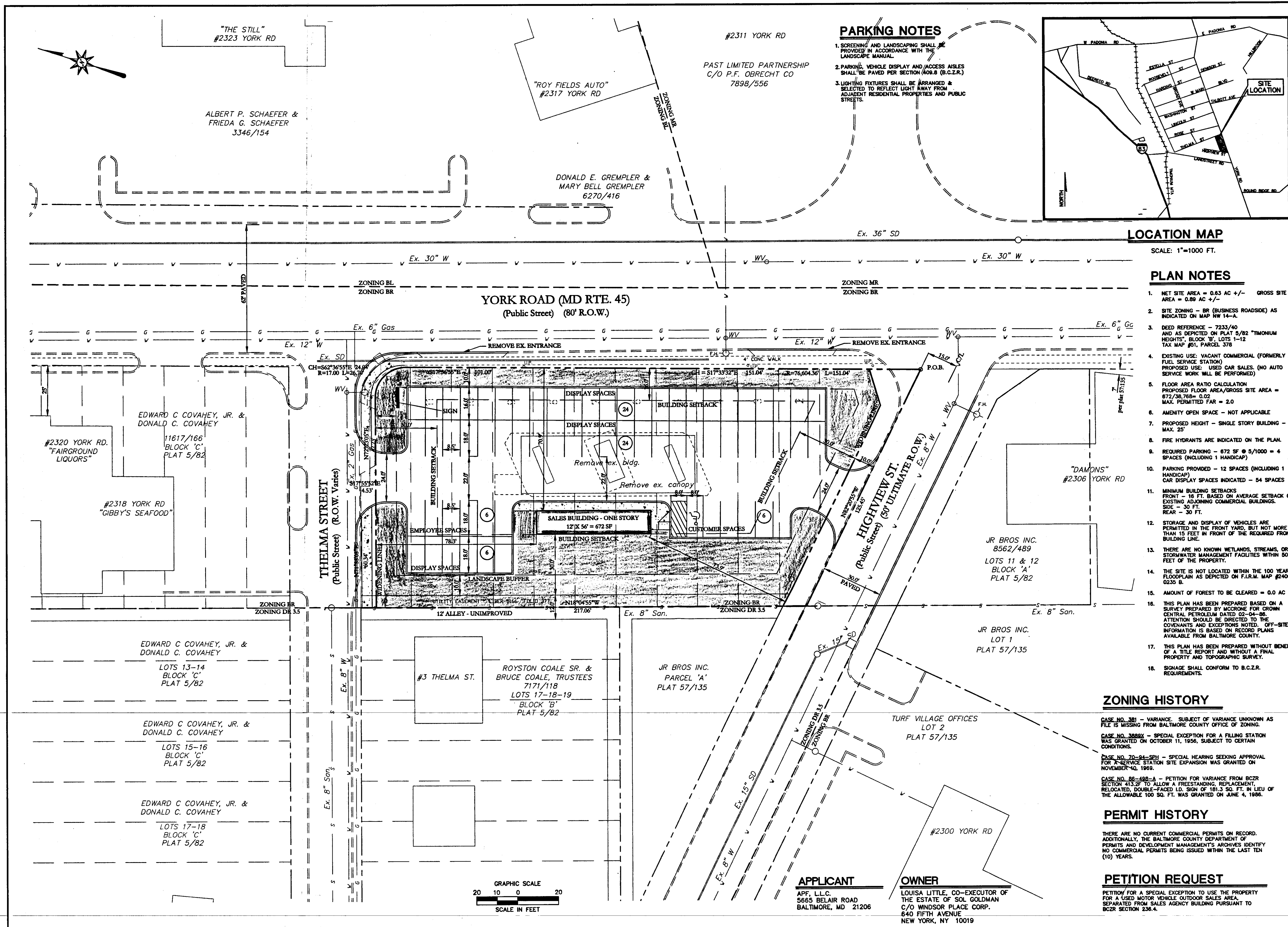


NOTES:
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LIGHT POLE AND BASE

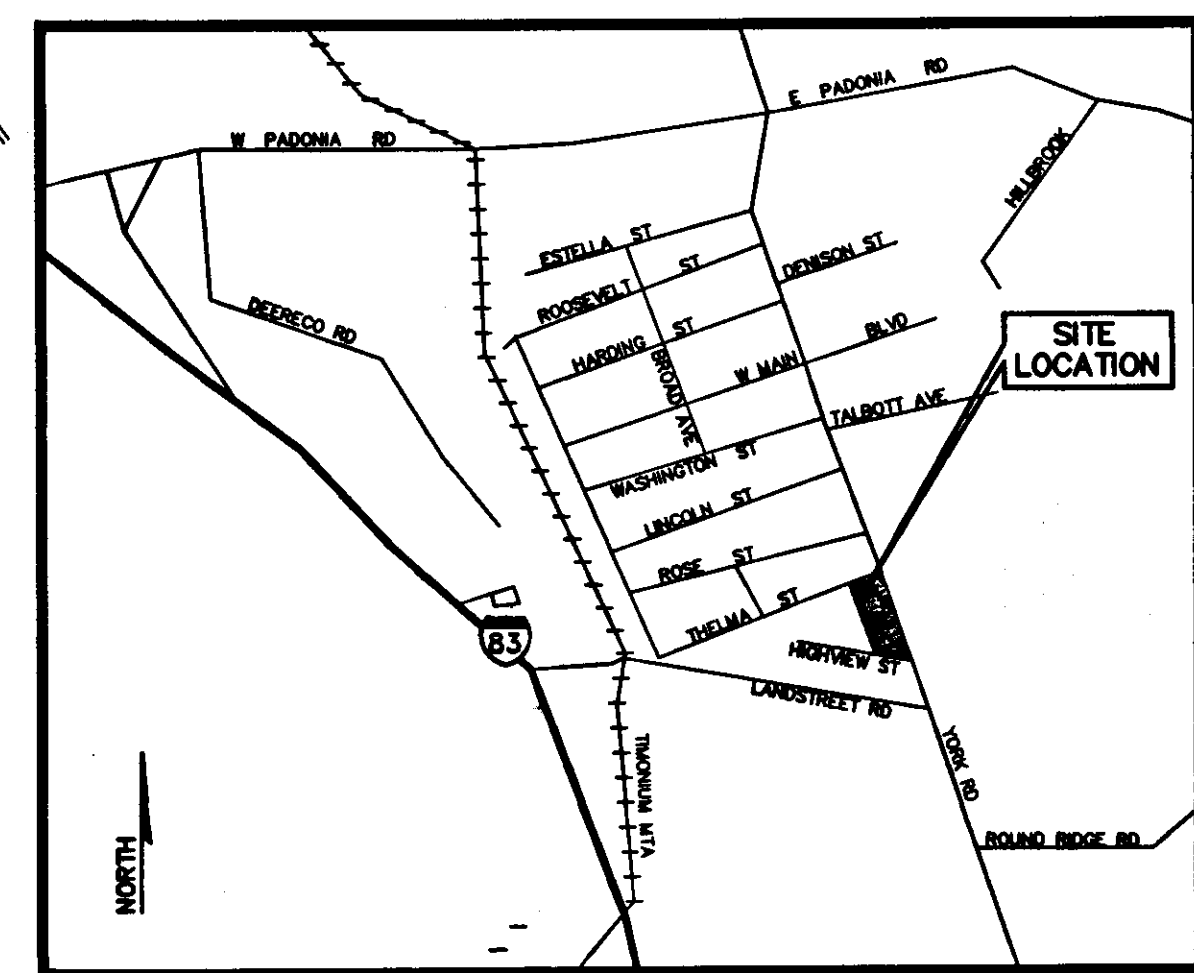
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PT 5



PARKING NOTES

1. SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.
2. PARKING, VEHICLE DISPLAY AND ACCESS AISLES SHALL BE PAVED PER SECTION 409.8 (B.C.Z.R.)
3. LIGHTING FIXTURES SHALL BE ARRANGED & SELECTED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.



PLAN NOTES

1. NET SITE AREA = 0.83 AC +/- GROSS SITE AREA = 0.89 AC +/-
2. SITE ZONING - BR (BUSINESS ROADSIDE) AS INDICATED ON MAP NW 14-A.
3. DEED REFERENCE - 7233/40 AND AS DEPICTED ON PLAT 5/82 "TIMONIUM HEIGHTS" BLOCK 'B' LOTS 1-12 TAX MAP #51, PARCEL 378
4. EXISTING USE: VACANT COMMERCIAL (FORMERLY A FUEL SERVICE STATION)
PROPOSED USE: USED CAR SALES. (NO AUTO SERVICE WORK WILL BE PERFORMED)
5. FLOOR AREA RATIO CALCULATION
PROPOSED FLOOR AREA/GROSS SITE AREA = 672/78,788 = 0.02
MAX. PERMITTED FAR = 2.0
6. AMENITY OPEN SPACE - NOT APPLICABLE
7. PROPOSED HEIGHT - SINGLE STORY BUILDING - MAX. 25'
8. FIRE HYDRANTS ARE INDICATED ON THE PLAN.
9. REQUIRED PARKING - 672 SF @ 5/1000 = 4 SPACES (INCLUDING 1 HANDICAP)
10. PARKING PROVIDED - 12 SPACES (INCLUDING 1 HANDICAP)
CAR DISPLAY SPACES INDICATED - 54 SPACES
11. MINIMUM BUILDING SETBACKS
FRONT - 15 FT. BASED ON AVERAGE SETBACK OF EXISTING ADJACENT COMMERCIAL BUILDINGS.
SIDE - 30 FT.
REAR - 30 FT.
12. STORAGE AND DISPLAY OF VEHICLES ARE PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN 15 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.
13. THERE ARE NO KNOWN WETLANDS, STREAMS, OR STORMWATER MANAGEMENT FACILITIES WITHIN 50 FEET OF THE PROPERTY.
14. THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS DEPICTED ON F.I.R.M. MAP #240010 0235 B.
15. AMOUNT OF FOREST TO BE CLEARED = 0.0 AC
16. THIS PLAN HAS BEEN PREPARED BASED ON A SURVEY PREPARED BY MICRONE FOR CROWN CENTRAL PETROLEUM DATED 02-04-88. ATTENTION SHOULD BE DIRECTED TO THE COVENANTS AND EXCEPTIONS NOTED. OFF-SITE INFORMATION IS BASED ON RECORD PLANS AVAILABLE FROM BALTIMORE COUNTY.
17. THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND WITHOUT A FINAL PROPERTY AND TOPOGRAPHIC SURVEY.
18. SIGNAGE SHALL CONFORM TO B.C.Z.R. REQUIREMENTS.

ZONING HISTORY

CASE NO. 381 - VARIANCE. SUBJECT OF VARIANCE UNKNOWN AS FILE IS MISSING FROM BALTIMORE COUNTY OFFICE OF ZONING.

CASE NO. 3888X - SPECIAL EXCEPTION FOR A FILLING STATION WAS GRANTED ON OCTOBER 11, 1956, SUBJECT TO CERTAIN CONDITIONS.

CASE NO. 70-84-SEH - SPECIAL HEARING SEEKING APPROVAL FOR A SERVICE STATION SITE EXPANSION WAS GRANTED ON NOVEMBER 10, 1969.

CASE NO. 86-498-A - PETITION FOR VARIANCE FROM BCZR SECTION 413.2F TO ALLOW A FREESTANDING, REPLACEMENT, LOCATED, DOUBLE-FACED I.D. SIGN OF 161.3 SQ. FT. IN LIEU OF THE ALLOWABLE 100 SQ. FT. WAS GRANTED ON JUNE 4, 1986.

PERMIT HISTORY

THERE ARE NO CURRENT COMMERCIAL PERMITS ON RECORD. ADDITIONALLY, THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT'S ARCHIVES IDENTIFY NO COMMERCIAL PERMITS BEING ISSUED WITHIN THE LAST TEN (10) YEARS.

PETITION REQUEST

PETITION FOR A SPECIAL EXCEPTION TO USE THE PROPERTY FOR A USED MOTOR VEHICLE OUTDOOR SALES AREA, SEPARATED FROM SALES AGENCY BUILDING PURSUANT TO BCZR SECTION 236.4.

APPLICANT

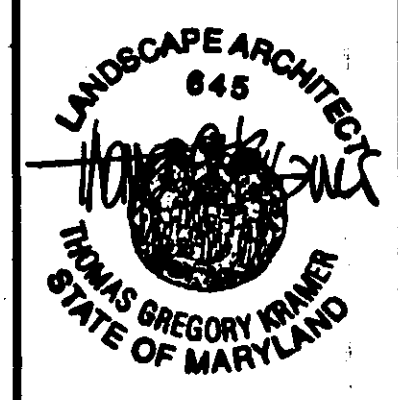
APF, L.L.C.
5665 BELAIR ROAD
BALTIMORE, MD 21206

OWNER

LOUISA LITTLE, CO-EXECUTOR OF
THE ESTATE OF SOL GOLDMAN
C/O WINDSOR PLACE CORP.
640 FIFTH AVENUE
NEW YORK, NY 10019

BL Companies
ARCHITECTURE
ENGINEERING
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PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

2312 YORK ROAD
8TH ELECTION DISTRICT - 4TH COUNCIL DISTRICT
TIMONIUM, BALTIMORE COUNTY, MARYLAND

REVISIONS	Date	No.	Designed	T.G.K.
			Drawn	J.T.
			Checked	T.G.K.
			Approved	D.H.
			Scale	1"=20'
			Project No.	998138
			Date	1/4/2000
			CAD File	PLAT.DWG
			Sheet No.	1
			Of One	