

12/1/00

IN THE MATTER OF
THE APPLICATION OF
JOHN FIORINI, INC.-PETITIONER
FOR SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE W/S HARFORD ROAD,
194 ' N OF THE C/L OF FORK ROAD
(12600 HARFORD ROAD)

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 00-264-X

* * * * *

OPINION

This matter comes before the Board as a Petition for Special Exception for a service garage in Fork Plaza, located in a split B.L.-C.R. and R.C. 5 zone at 12600 Harford Road in the Eleventh Election District, Sixth Councilmanic District of Baltimore County. Exception relief is requested to approve use of a leased space parcel in the existing premises which requires a special exception under existing zoning pursuant to *Baltimore County Zoning Regulations* ("BCZR"), § 502.1, *et seq.*

This case comes on appeal from a ruling of the Zoning Commissioner on May 17, 2000, in which the Petition for Special Exception was granted by the Zoning Commissioner.

The subject property and the relief sought by Petitioner are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.A:

Appearing at the *de novo* public hearing before the Board in support of the Petition were Petitioner, John Fiorini, owner of the subject property; community residents; Richard E. Matz, Professional Engineer who proposed the site plan for the subject property; and Gerard King Stevens, attorney for the Petitioner. The Appellants, Patricia Garner, Charlotte Pine, Robin Beers, Dorothy Foos, the Greater Kingsville Civic Association, and the Long Green Valley

Association were represented by J. Carroll Holzer and HOLZER AND LEE, attorneys. Mr. Holzer proffered upon the record that Appellant Dorothy Foos was withdrawing her appeal, which the Board accepted.

The subject property is a rectangular shaped, 1.003 acre parcel on the north side of the intersection of Harford Road and Fork Road/Sunshine Avenue in a commercial section of the Fork community, which is split-zoned B.L.-C.R. and R.C. 5. It is improved by a one-story commercial structure of approximately 9,744 square feet, separated internally with multiple, mixed retail uses. The proposed use is a service garage to be located in the existing building with a 360-square foot addition to be occupied by a tenant relocating from across the street, where he has operated a full service gasoline station and repair facility. The proposed use will not have fuel services, painting or body/fender work. The existing zoning requires a special exception for the proposed use.

At the commencement of the testimony, the Petitioners and Appellants offered into evidence a development agreement, Petitioner's Exhibit 1.B, duly executed by the parties of record, which agreement was proffered to address and resolve the Appellants' concerns which gave rise to this proceeding. The agreement places limitations on the service garage activities, hours of operation, vehicle storage, sales of automobile parts, and fuel so long as the service garage use exists. Additionally, the Petitioner agreed to certain limitations as to use, lighting, signage and landscaping of the premises.

In support of the request, Mr. Richard Matz was duly qualified as an expert, and did thereafter testify that the special exception requirements of § 502.1 of the BCZR for use as a service garage were fully satisfied. It was further proffered that, pursuant to advertisement, posting of the property and the public hearing, the notice requirements were satisfied. The

aforegoing was adopted by proffer on behalf o the Petitioner and the proposed Tenant. No testimony in opposition to the Petition for Special Exception being offered or presented, the testimony was concluded.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 1st day of December, 2000, that the Petition for Special Exception to allow a service garage on the subject property, in accordance with Petitioner's Exhibit 1.A, be and is hereby **GRANTED**, subject to the following restrictions, which are set forth in the Development Agreement which is hereby adopted by this Board, and the terms of which are fully incorporated herein and includes the following:

I. Auto Service Garage. The Landowner agrees that the following conditions and limitations shall apply to the use and operation of the Auto Service Garage as the Proposed Use granted by the Special Exception:

1. The hours of operation for the Auto Service Garage shall be limited to 6 a.m. to 7 p.m. Monday through Friday and 8 a.m. to 2 p.m. on Saturday. The Auto Service Garage will not be open on Sunday.

2. There shall be no outside storage of vehicles on the Premises other than those that are dropped off in the evening for scheduled service work the next day. In any event, the vehicles dropped off for scheduled service shall not remain outside for longer than 24 hours. There will be no sale of used automobiles or parts; there will be no fuel sales or storage of either gasoline, kerosene, or diesel fuel and there will be no automobile painting or body and fender work performed.

3. Vehicular entrance and exit to the Auto Service Garage building will be on the northeast end of the building as depicted on the red-line site plan marked as Joint Exhibit A (Petitioner's Trial Exhibit 1.A).

4. All automotive repairs will be done within the building in the 13 service bays provided therein and there will be no outside

storage of vehicles other than those dropped off in the evening for scheduled service work the next day.

II. Premises Activity. The Premises, being previously defined as the whole site located at 12600 Harford Road, known as Fork Plaza, shall be limited by this Agreement in the following fashion:

1. There shall be no additional lighting and no additional permanent or temporary signage on the Premises other than what is shown on Joint Exhibit A and/or that which currently exists.

2. The Landlord and/or any tenant/lessee shall be prohibited from utilizing the Premises for the storage or sale of gasoline, kerosene, diesel fuel including underground storage tanks for such fuel. (Specifically excluded, however, from these limitations is the use of propane gas or similar fuel for the actual use by the Premises' tenants/occupants in the operation of their business. By way of example, a current tenant utilizes tank propane gas for cooking and this type of activity is not prohibited.) The Landlord and/or any tenant/lessee/occupant shall be prohibited from performing auto painting or body and fender work and there will be no sale of used automobiles or parts.

3. Installation/maintenance of a commercial cellular or any other type of communications tower is likewise prohibited on the Premises.

III. Premises Common Signage.

1. The "Fork Plaza" sign and the empty "Fork Hardware" sign frame at the top of the existing "High's" sign on the Fork Plaza common signage will be removed and a cap installed.

2. The Landowner will locate new tenant signage at the bottom of the existing sign.

3. The new signposts and crossbar shall be painted in a dark brown color.

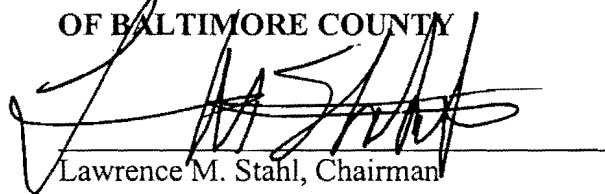
4. The new revised sign shall be as described on Exhibit B-1 attached to the Development Agreement and adopted and incorporated herein as part of this Order. Exhibit B-2 is a conceptual recommendation also attached to the Development Agreement and adopted and incorporated herein as part of this Order.

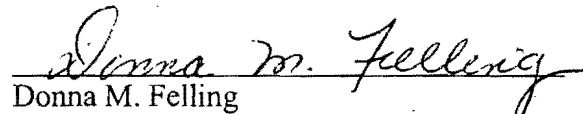
IV. Premises Landscaping. The Landowner shall agree to implement the additional planting which he has proposed as part of Case No. 00-264-X. The plan shall be reviewed by the Appellants and Avery Harden of Baltimore County Government and upon approval of all parties, is attached to the Development Agreement and incorporated herein as part of Exhibit C.

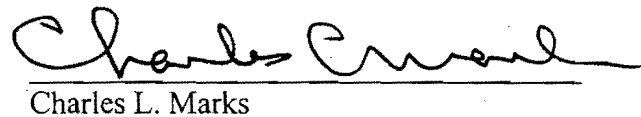
V. Premises Lighting. The exterior lighting for the Premises shall be as described on the lighting plan as reviewed by the Appellants and Avery Harden of Baltimore County Government and upon approval of all parties is attached to the Development Agreement as Exhibit C and incorporated herein as if fully set out.

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**


Lawrence M. Stahl, Chairman


Donna M. Felling

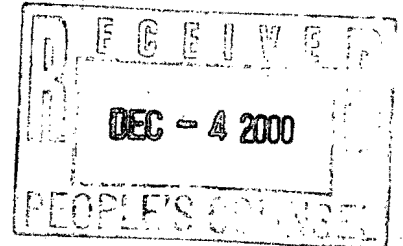

Charles L. Marks



County Board of Appeals of Baltimore County

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

December 1, 2000



J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

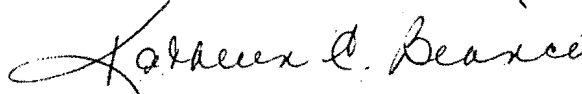
RE: In the Matter of John Fiorini, Inc.
Case No. 00-264-X

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

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*, 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,

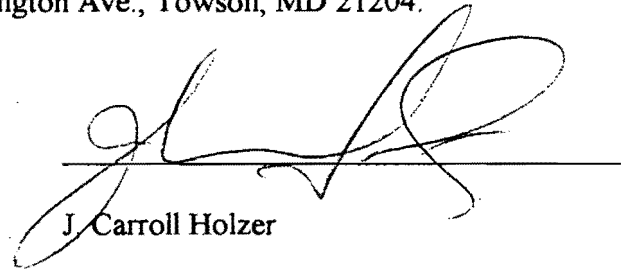

Kathleen C. Bianco
Administrator

Enclosure

c: Patricia Garner, Charlotte Pine, Robin Beers,
the Greater Kingsville Civic Assn., and the
Long green Valley Assn.
Gerard Stevens, Esquire
John Fiorini, Inc.
Richard Matz /Colbert Matz Rosenfelt
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 2000, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Gerard Stevens, Esquire, Fisher & Winner, 315 N. Charles Street, Baltimore, MD 21202, and the County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204, and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.



J. Carroll Holzer

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
W/S Harford Road, 194' N of the c/l of		
Fork Road	*	ZONING COMMISSIONER
(12600 Harford Road)		
11 th Election District	*	OF BALTIMORE COUNTY
6 th Councilmanic District		
	*	Case No. 00-264-X
John Fiorini, Inc.		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by John Fiorini and John Fiorini, Inc., owners of the subject property, through their attorney, Gerard Stevens, Esquire. The Petitioners request a special exception to allow a service garage on the subject property, zoned B.L.-C.R. and R.C.5. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Petition were John Fiorini, owner of the subject property, and numerous residents from the surrounding community. Also appearing on behalf of the Petitioners were Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Gerard K. Stevens, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Patricia Garner and Charlotte Pine, nearby residents of the area, and J. Carroll Holzer, Esquire who appeared on behalf of the Greater Kingsville Civic Association and Long Green Valley Association. Robin Beers and Dorothy Foos appeared as interested persons.

The subject property is a rectangular shaped parcel located on the north side of the intersection of Harford Road and Fork Road/Sunshine Avenue in a commercial section of the rural community of Kingsville. The property consists of a gross area of 1.003 acres, more or less, split zoned B.L.-C.R. and R.C.5 and is improved with a one-story commercial building containing a

Exh. A

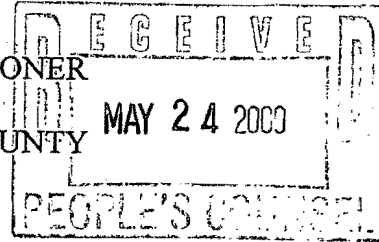
5/17/00

5/17/00

IN RE: PETITION FOR SPECIAL EXCEPTION
W/S Harford Road, 194' N of the c/l of
Fork Road
(12600 Harford Road)
11th Election District
6th Councilmanic District

John Fiorini, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-264-X
*



* * * * *

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Follow, appealed. No master plan in area, but seems to be agreement with community, represented by council. DMC

gross floor area of 9,774 sq.ft. The Petitioner has owned the property for the past 24 years. Presently, the building contains a mix of retail uses, including a High's store, a pizza shop, and a dry cleaning business. A vacancy within the building was previously occupied by a hardware store that was operated by the Petitioner; however, that business closed and the Petitioner is now desirous of converting that area for use as a service garage. Specifically, he proposes constructing a 360 sq.ft. addition to the existing building and combining same with the space previously occupied by the hardware store. Testimony indicated that the Proprietor of the service garage will be John Gordon, who presently operates the Fork Citgo gasoline service station located immediately across the street from the subject site. Mr. Gordon would like to move the service garage portion of his business to the subject site. Mr. Gordon has been a businessman in this area for a number of years and enjoys the support of many of his neighbors. The proposed service garage will generally be an extension of the service he has provided at the Citgo station for many years. However, there will be no fuel service, painting or body/fender work done on the premises; only engine and transmission repairs. Due to the zoning of the property, the requested special exception relief is necessary in order to proceed as proposed.

As a result of conversations with the community, the Petitioners have agreed to a series of restrictions and limitations as to the use of the property. One of those limitations relates to the vehicular entrance to the service garage building. Rather than facing the front (Harford Road) as originally proposed, the Petitioners have agreed to relocate the entrance to the side of the building, as shown on the revised site plan submitted into evidence as Petitioner's Exhibit 1A. All other access points will remain the same. In addition, the Petitioners have agreed to limit the hours of operation from 6:00 AM to 7:00 PM, Monday thru Friday, and from 8:00 AM to 2:00 PM on Saturdays. The service garage will not be open on Sundays. Moreover, all repairs will be done within the 13 service bays to be provided, and there will be no outside storage of vehicles, other than those that are dropped off in the evening for scheduled service work the next day. There will be no sale of used automobiles, parts, or fuel, and there will be no additional lighting. In addition, the Petitioner proposes to utilize an existing sign, which currently identifies the other three tenants

in the building. The top portion of the sign will be removed and the section which formerly identified the hardware store will now identify the service garage. In addition, the Petitioner proposes to provide additional landscaping along the front of the site.

In support of the request, Mr. Richard Matz testified as to the special exception requirements of Section 502.1 of the B.C.Z.R. and indicated that the proposed service garage use will meet those requirements.

As to the Protestants who appeared, Ms. Charlotte Pine indicated that there was no "need" for a service garage in this area. It is to be noted that Section 405 of the B.C.Z.R. is not applicable here. That Section regulates fuel service stations and does contain a requirement that the need for such use must be shown in some cases; however, the subject proposal is for a service garage, not a fuel service station. Thus, Section 405 is not applicable.


Based upon the testimony and evidence presented, I am persuaded to grant the special exception request. I find that the proposed service garage meets the requirements of Section 502.1 of the B.C.Z.R. and that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale. Thus, the relief requested shall be granted, subject to the restrictions set forth below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of May, 2000 that the Petition for Special Exception to allow a service garage on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 hours of operation for the service garage shall be limited to 6:00 AM to 7:00 PM, Monday thru Friday, and 8:00 AM to 2:00 PM on Saturdays. The service garage will not be open on Sundays.
- 3) There will be no outside storage of vehicles, other than those that are dropped off in the evening for scheduled service work the next day. There will be no sale of used automobiles or parts, and there will be no fuel sales of either gasoline, kerosene or diesel fuel.
- 4) There shall be no additional lighting on the property and no additional signage except as described herein.
- 5) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect, Avery Harden. All landscaping shall be installed within six (6) months of the date of the approved landscape plan.
- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

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

May 17, 2000

Gerard Stevens, Esquire
Fisher & Winner
315 N. Charles Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
W/S Harford Road, 194' N of the c/l of Fork Road
(12600 Harford Road)
11th Election District – 6th Councilmanic District
John Fiorini, Inc. - Petitioners
Case No. 00-264-X

Dear Mr. Stevens:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John Fiorini, P.O. Box 96, Fork, Md. 21051
Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, #G, Baltimore, Md. 21209
J. Carroll Holzer, Holzer & Lee, 508 Fairmount Avenue, Towson, Md. 21286
Ms. Patricia Garner, 12535 Merritt Avenue, Fork, Md. 21051
Charlotte Pine, Esquire, 607 Baltimore Avenue, Towson, Md. 21204
Ms. Robin Beers, 12442 Jerusalem Road, Kingsville, Md. 21087
Ms. Dorothy E. Foos, 6403 Lewis Road, Baldwin, Md. 21013
People's Counsel; Case File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 12600 Harford Road

which is presently zoned BL-CR & RC-5

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 service garage.

CD / PMV

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 bounded 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:

Legal Owner(s):

Name - Type or Print

John Fiorini, Inc.
Name - Type or Print

Signature

Signature
John Fiorini, President
Name - Type or Print

Address Telephone No.

Signature
P. O. Box 96 410-592-6233
Address Telephone No.
Fork, MD 21051
City State Zip Code

City State Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Gerard Stevens, Esq.
Name - Type or Print

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.
Name 410-484-8157
2835 G Smith Ave. 410-653-3838
Address Telephone No.
Baltimore, MD 21209
City State Zip Code

Signature

Fisher & Winner
Company

315 N. Charles St. 410-385-2000
Address Telephone No.

Baltimore MD 21202
City State Zip Code

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 12/20/99

Case No. 00-264-X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 19, 2000

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

RECEIVED JAN 24 2000

SUBJECT: 12600 Harford Road

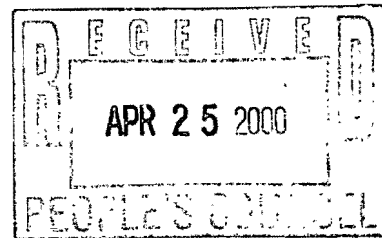
INFORMATION:

Item Number: 264

Petitioner: John Fiorini, Inc.

Zoning: BL-CR & RC-5

Requested Action: Special Exception



SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception for a service garage in a BL-CR zone. The service garage would be attached to an existing retail use. Both uses would be housed within a 9,774 sq. ft., one-story building. The building exceeds the permitted 8,800 square foot limitation; however, Section 259.F of the BCZR appears to allow existing buildings in a CR district to exceed the 8,800 sq. ft. limitation.

Section 259.3 of the BCZR imposes additional regulations for CR Districts which include landscaping standards, parking location and accessibility to adjacent nonresidential uses.

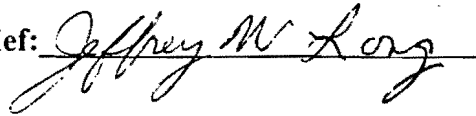
Section 259.3.C.4 of the BCZR states that parking shall be located in a manner appropriate and consistent with adjoining development and must be located with the CR district. Access onto roadways shall be limited to no more than two locations. Except where physical constraints, site configuration or safety preclude compliance, parking must be accessible to the parking lots of adjacent uses and zones.

The CR District requires that the entire front, rear, and side yard setbacks be landscaped. In addition, Class A screening is required adjacent to residentially zoned or used properties. Landscaping should address screening of parking areas and dumpster, street trees, foundation plantings, and enhanced landscaping at the driveway entries, and the proposed sign location.

Signs are permitted subject to Section 450 and subject to the limitations outlined in Section 259.C.7. The applicant should demonstrate that the site is in compliance with these sections.

Finally, the Office of Planning does not oppose the instant request provided that the applicant can demonstrate full compliance with Section 259.E. of the BZCR.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey M. Long", is written over a horizontal line.

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 20, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

RECEIVED JAN 24 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 17, 2000
Item Nos. 262, 263, 264, 269, 270
and CR 99-411 (Vandermaast Property)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC01170.NOC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: January 6, 2000

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

RE: Baltimore County
Item No. 264 (BR)
12600 Harford Road

RECEIVED JAN 10 2000

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Exception to permit property use as a service station. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

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



Baltimore County
Fire Department

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

January 21, 2000

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

RECEIVED FEB 04 2000

ATTENTION: Gwen Stephens

RE: Property Owner: JOHN FIORINI, INC.

Location: DISTRIBUTION MEETING OF JANUARY 10, 2000

Item No.: 264

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.
11. IF THE BUILDING PERMITS FOR THIS DEVELOPMENT ARE ISSUED AFTER JUNE 30, 1998; THE DEVELOPER SHALL PROVIDE A RURAL WATER SUPPLY FOR FIRE FIGHTING PURPOSES, OR INSTALL SPRINKLER SYSTEMS COMPLYING WITH NFPA 13D IN ALL HOUSES. AS PER FIRE DEPARTMENT REQUIREMENTS, IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE; SECTION F-517.12.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL EXCEPTION
12600 Harford Road, W/S Harford Rd,
194' N of c/l Fork Rd
11th Election District, 6th Councilmanic

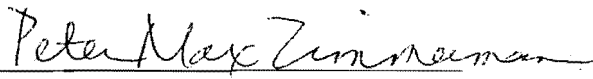
Legal Owner: John Fiorini, Inc.
Petitioner(s)

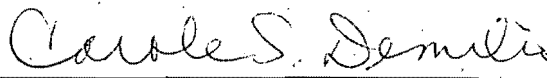
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-264-X

* * * * *

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
People's Counsel for Baltimore County


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 24th day of January, 2000 a copy of the foregoing Entry of Appearance was mailed to Gerard Stevens, Esq., Fisher & Winner, 315 N. Charles Street, Baltimore, MD 21202, attorney for Petitioners.


PETER MAX ZIMMERMAN

PMZ



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
410-887-3391

June 23, 2000

Gerard Stevens, Esquire
Fisher & Winner
315 N. Charles Street
Baltimore, MD 21202

Dear Mr. Stevens:

JOHN FIORINI, INC.

RE: Case No.00-264-X, Address – 12600 Harford Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 6, 2000 by J. Carroll Holzer, Esquire, on behalf of Patricia Garner, Charlotte Pine, Robin Beers, Dorothy Foos, the Greater Kingsville Civic Association, and the Long Green Valley Association. 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 at 410-887-3180.

NOTE: The subject property will be posted with the date, time, and location of the appeal hearing. If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

Sincerely,

Arnold Jablon
Director

AJ:

C: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson 21286
John Fiorini, Inc., P.O. Box 96, Fork 21051
Richard Matz, Colbert Matz Rosenfelt, 2835G Smith Avenue, Baltimore 21209
People's Counsel



APPEAL

Petition for Special Exception
12600 Harford Road
W/S Harford Road, 194' N of centerline Fork Road
11th Election District – 6th Councilmanic District
John Fiorini, Inc. - Legal Owner
Case Number: 00-264-X

Petition for Special Exception (filed 12/20/99)

Description of Property

Notice of Zoning Hearing (dated 1/4/00)

Letter Rescheduling Hearing (dated 3/20/00)

Certification of Publication (1/13/00 – The Jeffersonian)

Certificate of Posting (1/10/00 – Patrick O'Keefe)

Entry of Appearance by People's Counsel (1/24/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to Accompany Hearing for Special Exception (dated 11/2/98)
- 1A. Plan to Accompany Hearing for Special Exception (dated 11/2/98)
2. Letter with Attachments from Gerard Stephens to The Greater Kingsville Civic Association (dated 2/8/00)
3. Minutes of Meeting from Long Green Valley Association (dated 2/17/00)
4. Photograph
5. Photograph
6. Photograph

Protestants' Exhibits:

1. Letter from Douglas Behr to Zoning Commissioner. (dated 4/25/00)

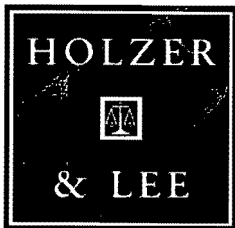
Misc. (Not Marked as Exhibits):

- Photograph
- Letter from J. Carroll Holzer to Lawrence Schmidt (dated 1/21/00)
- Note to File from Robin Jameson (dated 1/24/00)
- Note from Robin (dated 1/27/00)
- Letter from Gerard Stevens to Lawrence Schmidt (dated 3/21/00)
- Letter from Gerard Stevens to Arnold Jablon (dated 3/28/00)

Zoning Commissioner's Order dated May 17, 2000 (granted, with restrictions)

Notice of Appeal received on June 6, 2000 from J. Carroll Holzer, Esquire on behalf of Patricia Garner, Charlotte Pine, Robin Beers, Dorothy Foos, the Greater Kingsville Civic Association, and the Long Green Valley Association

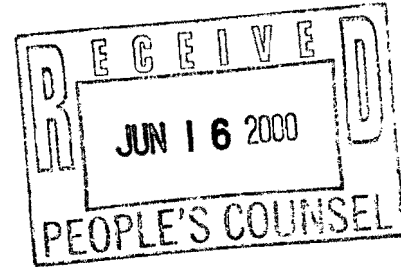
C: Gerard Stevens, Esquire, 315 N. Charles Street, Baltimore 21202
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson 21286
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



LAW OFFICES
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THOMAS J. LEE
OF COUNSEL

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pmr
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(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

June 13, 2000
7190



VIA FAX 410-887-3182
Kathleen Bianco, Administrator
County Board of Appeals
Old Courthouse, Room 49
Towson, Maryland 21204

**Re: Petition for Special Exception
12600 Harford Road
John Fiorini, Inc., Petitioner
Case No. 00-264-X**

Dear Ms. Bianco:

Please delete the name of Dorothy Foos as a party Appellant in the above captioned matter because she was inadvertently included. In all other respects, the appeal to the Board of Appeals remains as filed with PDM. The appeal was taken on June 6, 2000 from the final decision of the Zoning Commissioner in Fiorini's Petition for Special Exception, a copy of which is attached hereto.

If you have any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: Dorothy Foos
Gerard Stevens, Esq.
People's Counsel for Baltimore County

C:\letters\Bianco Fiorini

col/klp

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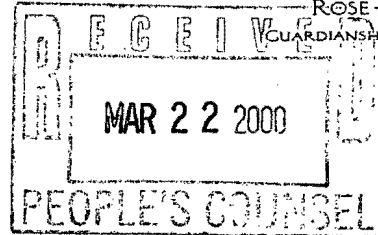
NORMAN L. SMITH
ERIC M. NEWMAN
TERRY L. TRIMBLE

OF COUNSEL
DAVID W. BRITTON, JR.

BETTY D. YOST-PRESSER
PARALEGAL

JUNE L. COLDWELL
ROSE-ANN KIRBY
GUARDIANSHIP ADMINISTRATORS

March 21, 2000



* ALSO ADMITTED IN D.C.

Lawrence E. Schmidt, Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: Case No. 00-264-X *FIORINI*
12600 Harford Road
Special Exception for Service Garage
Proposing Hearing: April 26, 2000 at 2:00 p.m.

Dear Commissioner Schmidt:

This letter is a follow-up to my conversation with your office after consultation with J. Carroll Holzer, Esquire, regarding the scheduling of the above-captioned hearing. This is to confirm I have cleared the date with Mr. Holzer, and the date is by mutual agreement of the parties. I understand a formal notice will be issued by your office.

Very truly yours,

Gerard King Stevens

GKS/klp

cc: J. Carroll Holzer, Esquire
People's Counsel ✓
Colbert, Matz, Rosenfelt, Inc.
Mr. John Fiorini

FAWPDOCS\GKS\FIORINI\ZONING\SCHMIDT.LTR
This letter is a follow-up to my conversation with your office after consultation with J. Carroll Holzer, Esquire, regarding the scheduling of the above-captioned hearing. This is to confirm I have cleared the date with Mr. Holzer, and the date is by mutual agreement of the parties. I understand a formal notice will be issued by your office.

Fiorini 00-264 7/28/2000

259.3 F - with existing buildings,
exempt from C.R. standards

Minor addition - 360 feet

let CBA decide if addition
makes any difference, appears
incidental - (less than 25% by volume)
BCCR 104 01

existing ~~shopping~~ ^{commercial building} center with vacancy

center of Kingsville

community business owner

Tentative Decision:

Attorneys on both sides, no participation
necessary