

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – S/S Music Fair Road,
2,180' SE of Painters Mill Road
(55 Music Fair Road) (BJ's Wholesale Club)
3rd Election District
3rd Council District

Natick Fifth Realty Corporation
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-314-SPHA
*

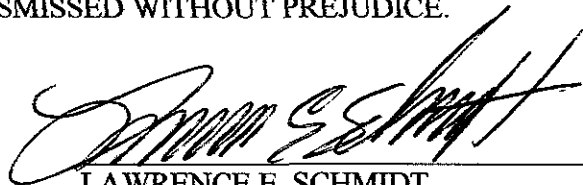
* * * * *

ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing before this Zoning Commissioner on March 6, 2000 to consider Petitions for Special Hearing and Variance filed by the owners of the subject property, Natick Fifth Realty Corporation, through their attorney, Patricia A. Malone, Esquire. The Petitioners sought special hearing and variance relief for a proposed fuel service station as an accessory use to the existing BJ's Wholesale Club. In open hearing on that date, a request for postponement was entered by Counsel for the Petitioners, pending the resolution of some issues that had been raised within the Zoning Advisory Committee (ZAC) comments.

Apparently, the Petitioners were unable to resolve those issues and pursuant to the letter dated July 26, 2000 from Petitioners' Counsel, the Petitioners have requested that the above-captioned matter be dismissed without prejudice.

28th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 2000 that the Petitions for Special Hearing and Variance filed in the above-captioned matter be and the same are hereby DISMISSED WITHOUT PREJUDICE.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Patricia A. Malone, Esquire

Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21285-5517

Mr. George L. Drummey, Senior Vice President, Natick Fifth Realty Corp.

c/o BJ's Wholesale Club, Inc., One Mercer Road, Natick, MA 01760-2400

People's Counsel; Case File



Baltimore County
Zoning Commissioner

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

March 7, 2000

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
S/S Music Fair Road, 2,180' SE of Painters Mill Road (at end of cul-de-sac)
(BJ's Wholesale Club) (55 Music Fair Road)
3rd Election District - 3rd Councilmanic District
Natick Fifth Realty Corporation - Petitioners
Case No. 00-314-SPHA

Dear Ms. Malone:

This letter is to confirm that the above-captioned matter was postponed in open hearing on Monday, March 6, 2000. This matter was postponed at your request until such time as your client determines whether or not it should proceed. Therefore, I have agreed to hold this matter for a period not to exceed sixty (60) days. In the event no word is heard from you at the end of that time frame, I shall dismiss the matter without prejudice.

In the meantime, should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. George L. Drummey, Senior Vice President, Natick Fifth Realty Corp.
c/o BJ's Wholesale Club, Inc., One Mercer Road, Natick, MA 01760-2400
Ms. Sophia Jennings, DPDM; People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 55 Music Fair Road
which is presently zoned BM

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special hearing to approve fuel service station as an accessory use to the existing wholesale club.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patricia A. Malone

Name - Type or Print

Signature

Venable, Baetjer & Howard, LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Natick Fifth Realty Corp.

Name - Type or Print

By:

Signature

GEORGE L. DRUMMEY, SENIOR
VICE - PRESIDENT

Name - Type or Print

Signature

c/o BJ's Wholesale Club, Inc. (508) 651-7400

Address

One Mercer Road

Telephone No.

Natick

MA

01760-2400

City

State

Zip Code

Representative to be Contacted:

Patricia A. Malone

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 2/1/00

Case No. 00-314-SPHA

227 9/15/98

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 55 Music Fair Road

which is presently zoned BM

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 Variance from Section(s)

SEE ATTACHED

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

TO BE DETERMINED AT THE HEARING.

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

I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patricia A. Malone

Name - Type or Print

Signature

Venable, Baetjer & Howard, LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No.

00-314-SPHA

RECEIVED 9/15/98

Legal Owner(s):

Natick Fifth Realty Corp.

Name - Type or Print

By:

Signature

GEORGE L. DEBOMMEY, SENIOR
VICE-PRESIDENT

Name - Type or Print

Signature

c/o BJ's Wholesale Club, Inc. (508) 651-7400

Address

One Mercer Road

Telephone No.

Natick, MA 01760-2400

City

State

Zip Code

Representative to be Contacted:

Patricia A. Malone

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

4 HRS

UNAVAILABLE FOR HEARING

Reviewed By

JL

Date

2/1/00

ORDER RECEIVED FOR FILING

Date

By

PETITION FOR VARIANCES

1. Variance from BCZR Section 409.6 to allow 480 parking spaces to be provided in lieu of the required 585 parking spaces.
2. Variance from BCZR Section 405.4.B to waive the requirement to provide restrooms.

TO1DOCS1/DHK01/#94914 v1

314

Description

To Accompany Special Hearing and Zoning Variance

10.503 Acre Parcel

North side Northwest Expressway (I-795), South side Music Fair Road

Third Election District, Baltimore County, Maryland

DMW

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

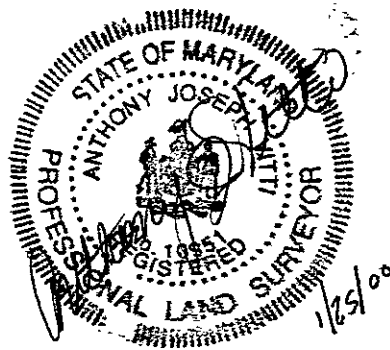
Beginning for the same on the south side of Music Fair Road, at the end of the second of the two following courses and distances, as measured from the intersection of the centerline of Music Fair Road with the centerline of Painters Mill Road, (1) Southeasterly, along the centerline of Music Fair Road, 2130 feet, more or less, and thence (2) Southerly, 50 feet, to the point of beginning at the point designated "699" as laid out and shown on the Plat entitled "Music Fair" dated June 29, 1992 and recorded among the Land Records of Baltimore County, Maryland in Plat Book 64, Folio 132, thence leaving said beginning point and binding on said southeast side of Music Fair Road, (1) Southeasterly by a line curving to the left with a radius of 50.00 feet for a distance of 17.91, thence leaving said Music Fair Road and running the 27 following courses and distances viz: (2) Southwesterly by a line curving to the right with a radius of 311.50 feet for a distance of 112.67 feet, thence (3) Southwesterly by a line curving to the right with a radius of 611.50 feet for a distance of 201.64 feet, thence (4) Southwesterly by a line curving to the right with a radius of 311.50 feet for a distance of 53.87 feet thence (5) Southwesterly by a line curving to the right with a radius of 237.50 feet for a distance of 73.96 feet, thence (6) South 27 degrees 58 minutes 12 seconds East 29.30 feet, thence (7) Southeasterly by a line curving to the right with a radius of 50.00 feet for a distance of 19.69 feet, thence

(8) South 05 degrees 22 minutes 41 seconds East 380.56 feet, thence (9) North 78 degrees 55 minutes 51 seconds West 202.93 feet, thence (10) North 77 degrees 46 minutes 32 seconds West 459.43 feet, thence (11) North 72 degrees 01 minute 32 seconds West 487.24 feet, thence (12) North 79 degrees 44 minutes 35 seconds West 215.00 feet, thence (13) North 19 degrees 18 minutes 30 seconds East 295.75 feet, thence (14) North 38 degrees 39 minutes 03 seconds West 22.76 feet, thence (15) North 43 degrees 56 minutes 05 seconds East 196.50 feet, thence (16) South 53 degrees 21 minutes 08 seconds East 105.61 feet, thence (17) South 52 degrees 53 minutes 09 seconds East 250.05 feet, thence (18) South 46 degrees 03 minutes 11 seconds East 50.43 feet, thence (19) South 53 degrees 27 minutes 31 seconds East 100.00 feet, thence (20) South 61 degrees 33 minutes 30 seconds East, 42.58 feet, thence (21) South 53 degrees 27 minutes 31 seconds East 1.60 feet, thence Northeasterly by a line curving to the left with a radius of 500.00 feet for a distance of 249.65 feet, thence (22) North 84 degrees 37 minutes 19 seconds East 208.33 feet, thence (23) North 84 degrees 37 minutes 19 seconds East 20.09 feet, thence (24) Northeasterly by a line curving to the left with a radius of 220.00 feet for a distance of 202.12 feet, thence (25) Northeasterly by a line curving to the left with a radius of 294.00 feet for a distance of 50.84, thence (26) Northeasterly by a line curving to the left with a radius of 594.00 for a distance of 195.87 feet, and thence (27) Northwesterly by a line curving to the left with a radius of 294.00 for a distance of 109.56 to the point of beginning containing 10.503 acres, more or less. Being known and designated as Lot 1 as laid out and shown on the Plat entitled "Music Fair" dated June 29, 1992 and recorded among the Land Records of Baltimore County, Maryland in Plat Book 64, Plat 132.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 25, 2000

Project No. 99107.Z1 (L99107.Z1)



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: #00-314-SPHA

55 Music Fair Road (BJ's Wholesale Club)

S/S Music Fair Road, 2180' +/- SE of Painters Mill Road
(at end of cul-de-sac)

3rd Election District

3rd Councilmanic District

Legal Owner(s): Natick Fifth Realty Corp.

Special Hearing: to approve a fuel service station as an accessory use to the existing wholesale club. **Variance:** to allow 480 parking spaces in lieu of the required 585 parking spaces and to waive the requirement to provide restrooms.

Hearing: Monday, March 6, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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) 887-4386.

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

2/21/00 February 17

C370439

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/17, 2000

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 2/17, 2000.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

LANG 414
JL

No. 078657

DATE 2/1/00 ACCOUNT ROU/6/30

AMOUNT \$ 500.00

RECEIVED
FROM: V. B. H. L. F.

FOR: STAN FLIN (COP)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

RESEARCH

201200 201200 1-1-12

1956 1957 1958 1959 1960

DATE: 11/11/2011

Page 1048 025

30 000

RESEARCH DESIGN

500.00	00	00	00
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(continued)

00-314-5PHA

CERTIFICATE OF POSTING

RE Case No

00-314-SPHA

Petitioner/Developer

B.J.S. - WHOLESALE CLUB
ETAL
% PATRICIA MALONE, ESQ

Date of Hearing/Closing

3/6/00

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

@ 9 AM
RM 407-CCB

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 #55 MUSIC FAIR RD.

The sign(s) were posted on

2/18/00
(Month/Day, Year)

Sincerely,

Patrick M. O'Keefe 2/21/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



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

February 9, 2000

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: 00-314-SPHA

55 Music Fair Road (BJ's Wholesale Club)

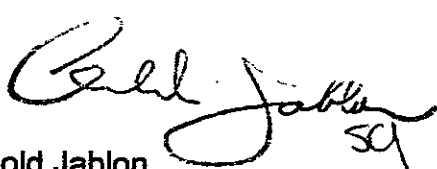
S/S Music Fair Road, 2180' +/- SE of Painters Mill Road (at end of cul-de-sac)

3rd Election District – 3rd Councilmanic District

Legal Owner: Natick Fifth Realty Corp.

Special Hearing to approve a fuel service station as an accessory use to the existing wholesale club. Variance to allow 480 parking spaces in lieu of the required 585 parking spaces and to waive the requirement to provide restrooms.

HEARING: Monday, March 6, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

c: Patricia Malone, Esquire, 210 Allegheny Avenue, Towson, MD 21204
Natick Fifth Realty Corp., c/o BJ's Wholesale Club, Inc., One Mercer Road,
Natick, MA 01760-2400

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 20, 2000.**
- (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
Thursday, February 17, 2000 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord 410-494-6201
210 Allegheny Avenue
Towson, MD 21204

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: 00-314-SPHA

55 Music Fair Road (BJ's Wholesale Club)

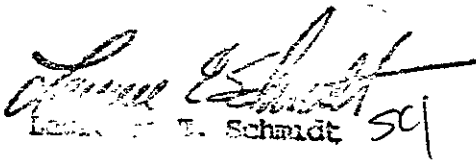
S/S Music Fair Road, 2180' +/- SE of Painters Mill Road (at end of cul-de-sac)

3rd Election District – 3rd Councilmanic District

Legal Owner: Natick Fifth Realty Corp.

Special Hearing to approve a fuel service station as an accessory use to the existing wholesale club. Variance to allow 480 parking spaces in lieu of the required 585 parking spaces and to waive the requirement to provide restrooms.

HEARING: Monday, March 6, 2000 at 9:00 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: 00-314-SPHA

Petitioner: Natick Fifth Realty Corp.

Address or Location: 55 Music Fair Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormord

Address: 210 Allegheny Avenue
Towson MD 21204

Telephone Number: (410) 494-6201



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

February 25, 2000

Attorney Patricia A. Malone
Venable, Baetjer & Howard, LLP
Towson MD 21204

Dear Attorney Malone:

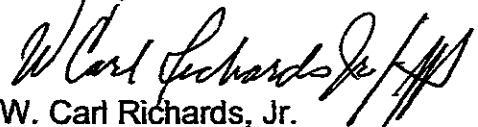
RE: Case Number 00-314-SPHA , 55 Mute Fair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2000.

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,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

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

February 17, 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 25 2000

ATTENTION: Gwen Stephens

RE: Property Owner: NATICK FIFTH REALTY CORP. - 314
746 ASSOCIATES, LLC - 320

Location: DISTRIBUTION MEETING OF February 14, 2000

Item No.: 314 and 320

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.

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB*

DATE: February 16, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 14, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
314	55 Music Fair Road
315	16 Trojan Horse Drive
316	201 N. Tyrone Road
317	12 Barthel Court
318	24 Sagewood Court
319	9644 Dixon Avenue
320	14 - 28 Melrose Avenue
287	5780 Baltimore National Pike

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 22, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for *February 22, 2000*
Item Nos. *314*, 315, 316, 317, 318, 320

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

RWB:HJO:jrb

cc: File

HS
3/6

FEB 16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 14, 2000

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

SUBJECT: 55 Music Fair Road

INFORMATION:

Item Number: 314

Petitioner: Natick Fifth Realty Corporation

Zoning: BM

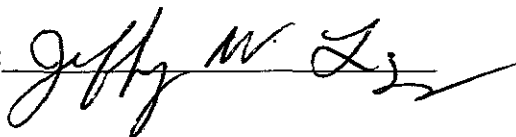
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

BJ's Wholesale Club, Inc. as part of the Comprehensive Zoning Map Process has raised an issue on the subject property (see Issue No. 3-075). In that issue BJ's requests an IM District overlay be placed on the existing BM zoning in order to improve the property with fuel service pumps.

Without taking a position on the need for fuel pumps at this location, the Office of Planning believes that the appropriate means to enable the desired improvement is through the Comprehensive Zoning Map Process. The Baltimore County Zoning Regulations simply do not permit fuel service pumps at this location under the current BM zoning classification; therefore, the Office of Planning recommends that the applicant's request be denied.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.14.00

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

RE: Baltimore County
Item No. 314

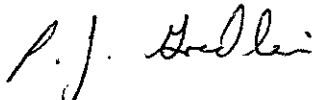
JLL

Dear Ms. Jackson:

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,


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, MARYLAND
Inter-Office Memorandum

DATE: February 1, 2000

TO: Hearing Officer

FROM: John L. Lewis
Planner II, Zoning Review

SUBJECT: Case Number 00-314-SPHA
55 Music Fair Road

I advised attorney at filing application that Section 405.2, BCZR, "Locations in which fuel service stations are permitted" does not allow for this use on this site.

This is neither a planned shopping center, a planned industrial park or planned drive-in cluster, nor is this an individual site and it has no district for a special exception if it were.

I had asked for this to be made clear in the special hearing wording as this office reads Section 405 to apply to service stations as principal uses and makes no allowances for "accessory" use to another principal use.



**Baltimore County
Zoning Commissioner**

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

July 25, 2000

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
(BJ's Wholesale Club, 55 Music Fair Road), Case No. 00-314-SPHA; and,
PETITION FOR ADMIN. VARIANCE (14 Marks Manor Court) Case No. 00-113-A

Dear Ms. Malone:

This letter is to follow-up on our recent telephone conversation concerning the status of the above-captioned matters.

As you are aware, the matter regarding BJ's Wholesale Club, Case No. 00-314-SPHA, was scheduled for a public hearing before me on March 6, 2000. At that hearing, you requested a postponement of the case, pending a resolution of some issues raised within the Zoning Advisory Committee comments. You also indicated at that time the possibility that the request might be withdrawn.

As to the Administrative Variance request filed by Mark Andrews in Case No. 00-113-A, a request for public hearing was entered by Malcolm and Thomasine Dates, nearby property owners, and several other residents of the Marks Manor Community. A hearing was scheduled for November 8, 1999, but was postponed at the request of co-Counsel for the Petitioner, Robert A. Hoffman, Esquire. Apparently, Mr. Hoffman was not retained to represent Mr. Andrews until five days prior to the hearing and needed time to prepare his case. When I spoke with Mr. Hoffman on January 6, 2000, he indicated that his client may wish to withdraw his request. However, as of this date, no formal written request for disposition has been received on either case.

Therefore, in order to resolve these matters, please advise me, in writing, within fifteen (15) days of the date of this letter whether your client(s) wish to proceed with their respective requests so that the matters can either be rescheduled for further proceedings or dismissed without prejudice. Thank you for your prompt attention.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case Files



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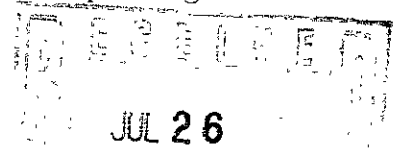
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July 26, 2000



HAND-DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Music Fair Road, 2,180' SE of Painters Mill Road
BJ's Wholesale Club – 55 Music Fair Road
3rd Election District – 3rd Councilmanic District
Natick Fifth Realty Corporation – Petitioner
Case No.: 00-314-SPHA

Dear Mr. Schmidt:

This letter should confirm that the Petitioner Natick Fifth Realty Corporation has decided to withdraw its Petitions for Special Hearing and Variance in the above-referenced case. This withdrawal is, of course, without prejudice to Petitioner's right to refile the petitions at a later date.

Very truly yours,

Patricia A. Malone

PAM/sm

cc: Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County

Note to take:

00-314-SP1A

Patricia Malone appeared in open hearing on this case on Monday 3/6/00. There were no protestants or other interested persons present. Based on the EAC comments + other reasons, Ms Malone asked for a postponement, which was granted in open hearing. She will advise when she wants it set back in although she indicated it will probably be withdrawn. It is to be noted that TIMK has had couple of hearings on the same issue last week.

Hold this case until we hear from Patsy Malone about setting this back in + if we don't hear from her in 60 days, we can contact her + confirm the dismissal w/o prejudice.

JS

(Do a letter confirming to her)

3/6/00



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