

7/13/01

IN RE: PETITIONS FOR SPECIAL HEARING,  
SPECIAL EXCEPTION & VARIANCE  
E/S East Drive, 327' S of the c/l  
Stevens Avenue  
(5413, 5415 & 5417 East Drive)  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 00-407-SPHXA

Robert F. Wolf, et ux, Owners;  
Robert L. Wolf t/a Wolf Cycles, Lessee

\*  
\*  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner pursuant to an Order of Remand dated April 12, 2001 from the County Board of Appeals of Baltimore County for consideration of the Petitions in light of the adoption of the 2000 Comprehensive Zoning Maps. Thereafter, Petitioners have filed an Amended Petition for Special Exception requesting use of the property for a used motor vehicle outdoor sale area pursuant to Baltimore County Zoning Regulation 236.4 for the property which is currently zoned BR. The Petition was filed by the owners of the subject property, Robert F. and Louise A. Wolf and their son, Robert L. Wolf, t/a Wolf Cycles, Lessee, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners also requested by special hearing an amendment to the parking variance granted in prior case 87-138-A; and, approval of an existing single-faced, illuminated identification sign attached to the building as nonconforming, pursuant to Sections 450.8.C(1)A(2)(6) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R). In addition to the foregoing relief, Petitioners also requests variance relief from B.C.Z.R. as follows from Section 409.6A to permit eight (8) parking spaces in lieu of the required fifty-six (56) for multiple uses; from Section 405.4A(3)(D) to permit one (1) space in lieu of the required nine (9) spaces for three (3) service bays; from Section 405.4A(3)(B) and Section 409.8A(4) to permit a

parking space within 0 feet of the right-of-way line in lieu of the required ten (10) feet; and, to amend the parking variance granted in prior Case No. 87-138-A to permit nine (9) parking spaces in lieu of the required twenty-six (26). The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held on behalf of the request were Robert L. Wolf, Lessee. Also present were John C. Mellema, Jr., the Registered Property Land Surveyor who prepared the amended site plan for this property, and Michael P. Tanczyn, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present. Significantly, since the previous Order was entered in this case May 16, 2000, the Baltimore County Council changed the zoning on this parcel to BR, Business Roadside, by the enactment of Bill 87-2000 on October 12, 2000. By proffer from Counsel for the Petitioners, it was noted that recorded covenants (Petitioners' Exhibit 3) were signed by all Petitioners, the Greater Arbutus Community Association and Paula Wolf on October 4, 2000 relating to, in part, hours of operation; location of outdoor display area for new and used motorcycles; and road testing routes for motorcycle test drives. As was stated in the prior Order, Mr. Wolf and his father filed the instant Petition in order to legitimize existing conditions on the property. The younger Mr. Wolf will continue to sell used motorcycles and parts and service same on this site. It was also proffered that the requirements of Section 502.1 of the B.C.Z.R. would be met by this proposal, and that the previously granted Petition for a Service Garage was mooted by the action of the County Council aforesaid.

Pursuant to the advertisement and public hearing on these Petitions held and for the reasons set forth herein, the special exception, special hearing, and variance relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of July, 2001 that the Petition for Special Hearing seeking approval of an amendment to the parking variance granted in the prior Case No. 87-138-A; and, approval of an existing single-faced, illuminated identification sign attached to the building as nonconforming, pursuant to Sections 450.8.C(1)A(2)(6) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as previously granted is Affirmed and in accordance with Petitioners' Exhibit 1; and,

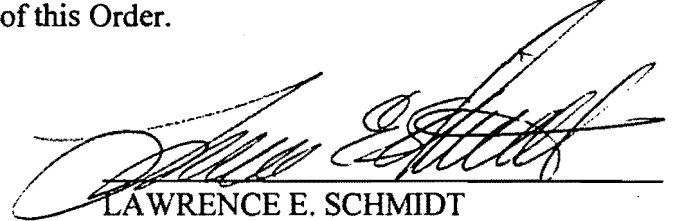
IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area pursuant to Section 236.4 of the B.C.Z.R. and in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the previous Petition for Special Exception to allow a service garage is moot by the actions of the County Council in granting BR zoning for the property on the 2000 Comprehensive Maps; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6A of the B.C.Z.R. to permit eight (8) parking spaces in lieu of the required fifty-six (56) for multiple uses; from Section 405.4A(3)(D) of the B.C.Z.R. to permit one (1) space in lieu of the required nine (9) spaces for three (3) service bays; from Section 405.4A(3)(B) and Section 409.8A(4) of the B.C.Z.R. to permit a parking space within 0 feet of the right-of-way line in lieu of the required ten (10) feet; and, to amend the parking variance granted in prior Case No. 87-138-A to permit nine (9) parking spaces in lieu of the required 26, all in accordance with Petitioners' Exhibit 1, as previously GRANTED, is Affirmed 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 thirty (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) Pursuant to the conditions set forth in the recorded Restrictive Covenants aforesaid.
- a. Petitioner will limit his hours of operation for repairs so that they shall not extend after 9:00 p.m. for the motorcycle sales and service facility.
  - b. Petitioner agrees that the new and used motorcycles for sale on outdoor display will be displayed in the area permitted between the existing brick planter and the store front, which presently houses Wolf Cycles on East Drive.
  - c. So far as road testing any motorcycles which were submitted for evaluation or repair, the Petitioner covenants that he will utilize as a primary driving route for test drives the triangle formed by East Drive, Sulphur Spring Road and Southwest Boulevard, and will further agree that if hill tests are required, to attempt to utilize Elm Road and Francis Road for those purposes as well as Interstate 95.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



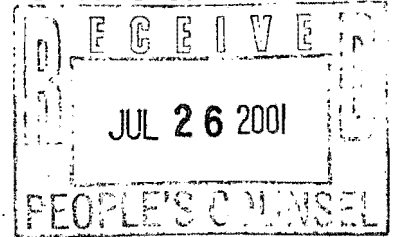
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County



Baltimore County  
Zoning Commissioner

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

July <sup>13</sup> 20, 2001



Michael P. Tanczyn, Esquire  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
E/S East Drive, 327' S of the c/l Stevens Avenue  
(5413, 5415 & 5417 East Drive)  
13th Election District – 1st Councilmanic District  
Robert F. Wolf, et ux, Owners; Robert L. Wolf, t/a Wolf Cycles - Petitioners  
Case No. 00-407-SPHXA

Dear Mr. Tanczyn:

Pursuant to an Order of Remand from the Baltimore County Board of Appeals, enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert F. Wolf  
22-F Deer Run Court, Baltimore, Md. 21227  
Mr. Robert L. Wolf  
5413 East Drive, Baltimore, Md. 21227  
Mr. John C. Mellema, Jr., 5409 East Drive, Baltimore, Md. 21227  
Office of Planning; People's Counsel; Case File

4/12/01

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>ROBERT F. WOLF, T/A WOLF CYCLES</u>	*	COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING, SPECIAL		
EXCEPTION AND VARIANCE ON	*	OF
PROPERTY LOCATED ON THE E/S EAST		
DRIVE, 327' S OF C/L STEVELS AVENUE	*	BALTIMORE COUNTY
(5413, 5415, 5417 EAST DRIVE)		
13 <sup>TH</sup> ELECTION DISTRICT	*	CASE NO. 00-407-SPHXA
1 <sup>ST</sup> COUNCILMANIC DISTRICT		

\* \* \* \* \*

**RULING ON JOINT MOTION FOR REMAND**

This matter comes before this Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated May 16, 2000, in which the subject request for relief was granted with restrictions. On June 9, 2000, People's Counsel noted a timely appeal of the Order of the Zoning Commissioner to this Board.

This Board convened for public hearing on the scheduled date of April 10, 2001. Michael P. Tanczyn, Esquire, appeared on behalf of the Petitioners; Peter Max Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that Office. At that time, and for reasons as stated on the record, People's Counsel and Counsel for Petitioner jointly moved for the matter to be remanded to the Zoning Commissioner for consideration of the issues in light of the 2000 Comprehensive Zoning Maps as adopted by the Baltimore County Council.

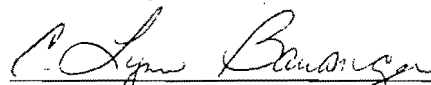
Public deliberation followed the hearing, at which time the Board made a unanimous decision to remand the case back to the Zoning Commissioner for consideration of the issues as stated on the record and in light of the adoption of the 2000 Comprehensive Zoning Maps. The Board notes no objection to this request. Further, the requested remand is required in the manifest interest of justice and would be without injury to any party other than Petitioner, no other interested parties having come forth in these proceedings.


**WHEREFORE**, upon consideration of said Motion to Remand and after public hearing and deliberation, there being no opposition thereto, it is this 12th day of April, 2001, by the County Board of Appeals of Baltimore County


**ORDERED** that the Motion be, and it is hereby **GRANTED**; and it is further

**ORDERED** that the above captioned case is **REMANDED** to the Zoning Commissioner for Baltimore County for consideration of the issues in light of the 2000 Comprehensive Zoning Maps.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
C. Lynn Barranger, Panel Chairman

  
Margaret Worrall

  
Richard K. Irish

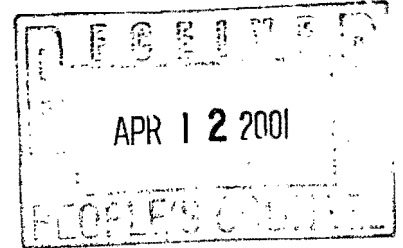
REMANDED TO Z.C.  
BY AGREEMENT



## County Board of Appeals of Baltimore County

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

W/P  
P/M



April 12, 2001

Peter Max Zimmerman  
People's Counsel for Baltimore County  
Room 48, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue  
Suite 106  
Towson, MD 21204

RE: *In the Matter of: Robert L. Wolf, T/A  
Wolf Cycles /Case No. 00-07-SPHXA*

Dear Counsel:

Enclosed please find a copy of the Board's Remand Order issued this date in the subject matter.

Very truly yours,

*Kathleen C. Bianco*

Kathleen C. Bianco  
Administrator

Enclosure

cc: Louise A. Wolf and Robert F. Wolf  
Robert L. Wolf t/a Wolf Cycles  
John Mellema, Sr., Inc.  
Paula W. Wolf, President  
The Greater Arbutus Community Alliance  
Pat Keller, Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney



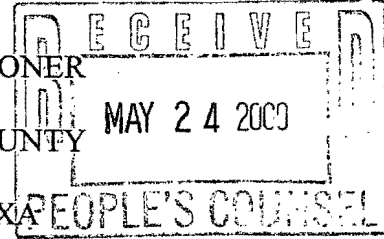


5/16/00

5/16/00

IN RE: PETITIONS FOR SPECIAL HEARING,  
SPECIAL EXCEPTION & VARIANCE  
E/S East Drive, 327' S of the c/l  
Stevens Avenue  
(5413, 5415 & 5417 East Drive)  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 00-407-SPHX



Robert F. Wolf, et ux, Owners;  
Robert L. Wolf t/a Wolf Cycles, Lessee

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Robert F. and Louise A. Wolf, and their son, Robert L. Wolf, t/a Wolf Cycles, Lessee, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners request a special hearing to approve the sale of motorcycles in a B.L. zone; an amendment to the parking variance granted in prior Case No. 87-138-A; and, approval of an existing single-faced, illuminated identification sign attached to the building as nonconforming, pursuant to Sections 450.8.C(1)A(2)(6) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special hearing relief, the Petitioner also requests a special exception, pursuant to Section 230.13 of the B.C.Z.R., to allow a service garage and an outdoor advertising sign as accessory to the permitted use in the zone; and, the storage and display of new and used motorcycles for sale, pursuant to Section 230.12 of the B.C.Z.R. Lastly, the Petitioners request variance relief from the B.C.Z.R. as follows: From Section 409.6A to permit 8 parking spaces in lieu of the required 56 for multiple uses; from Section 405.4A(3)(D) to permit one (1) space in lieu of the required nine (9) spaces for three (3) service bays; from Section 405.4A(3)(B) and Section 409.8A(4) to permit a parking space within 0 feet of the right-of-way line in lieu of the required 10 feet; and, to amend the parking variance granted in prior Case No. 87-138-A to permit 9 parking spaces in lieu of the required 26. 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 held on behalf of the request were Robert F. Wolf, property owner, and his son, Robert L. Wolf, Lessee. Also present were John C. Mellema, Jr., the Registered Property Line Surveyor who prepared the site plan for this property, and Michael P. Tanczyn, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped parcel, approximately .23 acres in area, zoned B.L.-C.C.C., and is located on the southeast side of East Drive, across from its intersection with Maple Avenue in the commercial center of the Arbutus community in southwestern Baltimore County. The property is improved with a series of connected buildings, known as 5413, 5415 and 5417 East Drive, a macadam paved parking lot, a small area of sidewalk and some landscaping. Apparently the senior Mr. Wolf and his wife have owned the subject property for a number of years. Originally, Mr. Wolf operated a hardware store on the premises; however, that store closed a number of years ago and his son, Robert L. Wolf, commenced operating a used motorcycle sales/repair service business thereon.

Presently, there are a series of uses on the property. Specifically, the building known as 5417 East Drive is operated as a television repair business known as Arbutus TV. The building known as 5415 East Drive is jointly occupied by an athletic club and the younger Mr. Wolf's motorcycle business. The third building, known as 5413 East Drive, contains a service garage. It is within this structure that Mr. Wolf services and repairs motorcycles.

Apparently, the younger Mr. Wolf has operated his motorcycle sales/service business on the subject site without complaint since 1987. He testified that he is in the process of obtaining a franchise agreement to sell new Triumph motorcycles from the property; however, in order to move forward with those plans, a rezoning of the property through the County's Comprehensive Rezoning process has been requested. Currently, a change of the zoning of the property from B.L.-

C.C.C. to B.R. is under consideration. Mr. Wolf and his father have filed the instant Petitions in order to legitimize existing conditions on the property.

Substantial testimony and evidence was offered by Counsel for the Petitioners relative to the uses on the property. It is to be noted that no changes are proposed under the Petitions filed. The younger Mr. Wolf will continue to sell used motorcycles and parts and service same on this site. If the property is rezoned to B.R., the Petitioner may seek additional zoning relief at that time, if necessary, to sell new Triumph motorcycles. However, that proposed operation is not under consideration in the instant case.

A series of photographs were submitted at the hearing which depict the subject property and its environs. The site is clearly within the Arbutus commercial core and surrounded by similar retail/commercial uses. Moreover, the property appears to be neat and well-maintained.

Special hearing relief is requested to approve the sale of used motorcycles in a B.L. zone. Additionally, an amendment to the parking variance granted in prior Case No. 87-138-A is requested. In that case, a variance was granted to permit 26 parking spaces in lieu of the required 56. In this regard, it is to be noted that a public parking lot is located nearby, there is parking available on the street immediately fronting the subject property, and the small lot on site is sufficient to handle the traffic generated by Mr. Wolf's by-appointment service garage.

Special exception relief is requested to legitimize the service garage for the repair of motorcycles as described above. Relief is also requested to approve the existing sign package. No new signage is proposed; however, several signs are affixed to the buildings on the property, advertising the businesses located therein. These signs are visible in the photographs submitted at the hearing. Additionally, the Petitioner indicated that he routinely displays up to six (6) motorcycles for sale in the front of 5415 East Drive. These vehicles are displayed during the day and then taken inside for security purposes during the evening. Special exception relief is requested to legitimize this practice and allow the continued display of motorcycles in this area.

In addition to the special hearing/special exception relief, variance relief is requested as set out above. Again, it is to be noted that sufficient parking exists on the site and in the

immediate area to accommodate the businesses thereon. The property has been used in its current fashion for a number of years without complaint that parking was problematic in the area. To the contrary, a letter of support was received from the Greater Arbutus Community Alliance indicating that they have no objections to the Petitioners' requests.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, the proposed use is appropriate at this location and will not cause detrimental impacts to the health, safety or general welfare of the surrounding locale. In my view, the Petitioners have satisfied the requirements of Section 502.1 of the B.C.Z.R. for special hearing and special exception relief to be granted. A grant of the requested variance relief is also appropriate. In this regard, the Petitioners have satisfied their burden as set out in Section 307 of the B.C.Z.R.

Although there were no Protestants present, a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning indicating that they have no objections to the special hearing and special exception relief, provided that all motorcycle sales are ancillary to the service garage. That appears to indeed be the case. Additionally, the Office of Planning does not object to the existing sign package. As noted above, there is no new signage proposed and the relief requested is only to legitimize existing conditions on the property. The Office of Planning also suggested that the area identified as Parking Space No. 1 on the plan be eliminated to allow for additional landscaping on the property. Mr. Wolf indicated that he had no objections to that request; however, the senior Mr. Wolf indicated that he had landscaped the property a number of years ago as part of the efforts by the Arbutus business community to improve the appearance of the area. The most appropriate resolution of this request is to require the Petitioner dedicate that area marked as Parking Space No. 1 for landscaping, in the event that such streetscaping is brought to this business community. That is, if the County implements a broad plan for landscaping of this commercial corridor, the Petitioners should dedicate that area identified as Parking Space No. 1 for landscaping purposes. However, to require only that area to be landscaped at this time, absent a comprehensive landscape plan, would serve no useful purpose.

The Office of Planning also requested that the outdoor display area be shown on the plan. In this regard, that area was described at the hearing as the concrete walk immediately in front of 5415 East Drive. Apparently, this area was used for display of items sold by the senior Mr. Wolf when he operated the hardware store many years ago. Therefore, the display of motorcycles shall be limited to that area. Finally, the Office of Planning requested that the hours of operation of the motorcycle sales/service business be limited to 9:00 PM on any given evening, and that no additional signs be permitted. The Petitioner indicated his agreement to these requirements; thus, they shall be incorporated as restrictions at the end of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the special hearing, special exception and variance relief shall be granted.

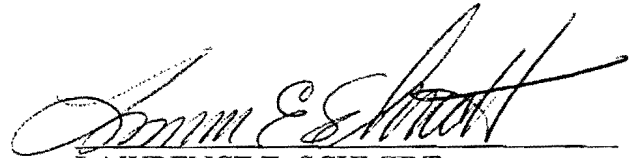
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16<sup>th</sup> day of May, 2000 that the Petition for Special Hearing seeking approval of the sale of motorcycles in a B.L. zone; an amendment to the parking variance granted in prior Case No. 87-138-A; and, approval of an existing single-faced, illuminated identification sign attached to the building as nonconforming, pursuant to Sections 450.8.C(1)A(2)(6) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a service garage and an outdoor advertising sign as accessory to the permitted use in the zone; and, the storage and display of new and used motorcycles for sale, pursuant to Sections 230.12 and 230.13 of the B.C.Z.R. and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6A of the B.C.Z.R. to permit 8 parking spaces in lieu of the required 56 for multiple uses; from Section 405.4A(3)(D) of the B.C.Z.R. to permit one (1) space in lieu of the required nine (9) spaces for three (3) service bays; from Section 405.4A(3)(B) and Section 409.8A(4) of the B.C.Z.R. to permit a parking space within 0 feet of the right-of-way line in lieu of the required 10

feet; and, to amend the parking variance granted in prior Case No. 87-138-A to permit 9 parking spaces in lieu of the required 26, all in accordance with Petitioner's Exhibit 1, 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) Compliance with the requirements of the Office of Planning relative to landscaping, hours of operation, and storage/display area, as set forth in the ZAC comment dated April 28, 2000, a copy of which is attached hereto and made a part hereof. Moreover, there shall be no additional signs permitted on the property.
- 3) 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

Handwritten initials and date: "KJ 5/8"

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** April 28, 2000

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

**SUBJECT:** 5413-5417 East Drive

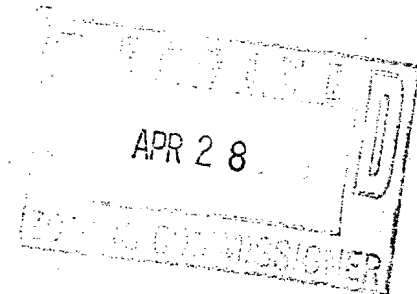
**INFORMATION:**

**Item Number:** 407

**Petitioner:** Robert F. and Louise A. Wolf

**Zoning:** BL - CCC

**Requested Action:** Variance/Special Hearing/Special Exception



**SUMMARY OF RECOMMENDATIONS:**

The subject property is located within the Arbutus Revitalization area and is a part of a proposed streetscape project. A change in zoning classification from BL – CCC to BR has been requested for the subject property under issue 1-071.

The Office of Planning has no objection with regards to the requested special exception for the service garage or the special hearing for the sales of motorcycles, provided such sales are ancillary to the service garage. If the special exception is intended to legitimize outdoor advertising signs that are already in place on the building, then this office has no objection. However, this office does not support the special exception if a new freestanding sign is proposed. Visual clutter resulting from too many signs is a major concern in the streetscape area. It should be noted that sign details were not provided as part of the petition.

With regard to the parking variance, the space labeled #1 should be eliminated in order to provide adequate landscaping in accordance with the Arbutus streetscape plan. The variance is acceptable if it is for eight (8) parking spaces in lieu of the required twenty six (26), considering that a County parking lot is within walking distance of the site.

The Office of Planning recommends approval of the request subject to the following conditions:

1. Any outdoor display area should be shown on the plan. Said area must not conflict with either required parking spaces or streetscape;
2. A landscape plan should be submitted to Ray Heil, manager of the Baltimore County Streetscape program and Avery Harden, Baltimore County landscape architect for review and approval prior to the issuance of any building permits;

3. Hours of operation for the motorcycle sales, and service garage should not be conducted any later than 9:00 PM; and,
4. No additional signs should be permitted.

Prepared by:

Mac

Section Chief:

Jeffrey W. Long

AFK: MAC:





Baltimore County  
Zoning Commissioner

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

May 15, 2000

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
E/S East Drive, 327' S of the c/l Stevens Avenue  
(5413, 5415 & 5417 East Drive)  
13th Election District – 1st Councilmanic District  
Robert F. Wolf, et ux, Owners; Robert L. Wolf, t/a Wolf Cycles - Petitioners  
Case No. 00-407-SPHXA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert F. Wolf  
22-F Deer Run Court, Baltimore, Md. 21227  
Mr. Robert L. Wolf  
5413 East Drive, Baltimore, Md. 21227  
Mr. John C. Mellema, Jr., 5409 East Drive, Baltimore, Md. 21227  
Office of Planning; People's Counsel; Case File



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For You, For Baltimore County



Census 2000



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# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

*CRD follow PMJ*

for the property located at 5413 - 5417 East Drive  
which is presently zoned BL-CCC

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

1. For the Hearing Officer to approve sale of motorcycles in a BL Zone.
2. To amend the parking variance granted in Case No. 87-138A.
3. To approve a nonconforming single faced illuminated identity sign attached to the buildings and pursuant to Baltimore County Zoning Regulations 450.8(C)(1A)(2)(6) and pursuant to Section 500.7 of the Regulations.

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:

Robert L. Wolf t/a Wolf Cycles  
 Name - Type or Print  
 Robert L Wolf  
 Signature  
 5413 - 5415 East Drive 410-247-7420  
 Address Telephone No.  
 Baltimore, MD 21227  
 City State Zip Code

### Legal Owner(s):

Robert F. Wolf  
 Name - Type or Print  
 Robert F Wolf  
 Signature  
 Louise A. Wolf  
 Name - Type or Print  
 Louise A Wolf  
 Signature  
 22 Deer Run Ct. Apt. F 410-242-2620  
 Address Telephone No.  
 Baltimore MD 21227  
 City State Zip Code

### Attorney For Petitioner:

Michael P. Tanczyn, Esq.  
 Name - Type or Print  
 Michael P Tanczyn  
 Signature  
 Law Offices of Michael P. Tanczyn  
 Company  
 Ste. 106, 606 Balto. Ave. 410-296-8823  
 Address Telephone No.  
 Towson MD 21204  
 City State Zip Code

### Representative to be Contacted:

John C. Mellema, Jr., Engineer  
 John C. Mellema, Sr., Inc. Land Surv.  
 Name  
 5409 East Drive 410-247-7488  
 Address Telephone No.  
 Baltimore MD 21227  
 City State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
 UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 00-407-SPHYA

Reviewed By uc Date 3/30/00

RD 9/15/98

**DROP OFF**

**No Review**



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

5413 - 5417 East Drive

for the property located at Baltimore, MD 21227

which is presently zoned BL-CCC

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

Requesting a Special Exception pursuant to Baltimore County Zoning Regulations 230.13 for a service garage, and for an outdoor advertising sign, and for, as an accessory to the permitted use in the zone, storage and display of new and used motorcycles for sale in accordance with the limitations of Baltimore County Zoning Regulations Section 230.12.

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:**

Robert L. Wolf t/a Wolf Cycles  
Name - Type or Print  
Robert L Wolf  
Signature  
5413 - 5415 East Drive 410-247-7420  
Address Telephone No.  
Baltimore, MD 21227  
City State Zip Code

**Legal Owner(s):**

Robert F. Wolf  
Name - Type or Print  
Robert F Wolf  
Signature  
Louise A. Wolf  
Name - Type or Print  
Louise A Wolf  
Signature  
22 Deer Run Ct. Apt. F 410-242-2620  
Address Telephone No.  
Baltimore, MD 21227  
City State Zip Code

**Attorney For Petitioner:**

Michael P. Tanczyn, Esq.  
Name - Type or Print  
Michael P Tanczyn  
Signature  
Law Offices of Michael P. Tanczyn  
Company  
Ste. 106, 606 Baltimore Ave. 410-296-8823  
Address Telephone No.  
Towson MD 21204  
City State Zip Code

**Representative to be Contacted:**

John C. Mellema, Jr., Engineer  
John C. Mellema, Sr., Inc. Land Surv.  
Name  
5409 East Drive 410-247-7488  
Address Telephone No.  
Baltimore, MD 21227  
City State Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By WCA Date 3/30/00

Case No. 00-407-SPH XA

REU 09/15/98

Drop Off No Review

VARIANCE

PET

MISSING



County Board of Appeals of Baltimore County

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

Handwritten initials: 'cd' and 'SPW'

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 5, 2000

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 00-407-SPHXA IN THE MATTER OF: LOUISE A. WOLF & ROBERT F. WOLF -
Legal Owners; Robert L. Wolf t/a Wolf Cycles -C.P.
5413, 5415, 5417 East Drive 13th E; 1st C

5/16/2000 - ZC's Order in which Petitions for Special Hearing, Special
Exception and Variance were GRANTED.

which was scheduled to be heard on 1/04/01 has been POSTPONED at the request of Counsel for Petitioners due to
Court of Special Appeals schedule conflict; and has been

REASSIGNED FOR: TUESDAY, APRIL 10, 2001 at 10:00 a.m.

Handwritten note: 'on calendar of' with a checkmark

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

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

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

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Peter Max Zimmerman /People's Counsel for
Baltimore County

Counsel for Petitioners : Michael P. Tanczyn, Esquire
Petitioners /Legal Owners : Louise A. Wolf and Robert F. Wolf
Petitioner /Contract Purchaser : Robert L. Wolf t/a Wolf Cycles

John Mellema, Sr., Inc.
Paula W. Wolf, President
The Greater Arbutus Community Alliance

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

PMZ

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management **DATE:** April 28, 2000

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

**SUBJECT:** 5413-5417 East Drive

**INFORMATION:**

**Item Number:** 407

**Petitioner:** Robert F. and Louise A. Wolf

**Zoning:** BL - CCC

**Requested Action:** Variance/Special Hearing/Special Exception

**SUMMARY OF RECOMMENDATIONS:**

The subject property is located within the Arbutus Revitalization area and is a part of a proposed streetscape project. A change in zoning classification from BL – CCC to BR has been requested for the subject property under issue 1-071.

The Office of Planning has no objection with regards to the requested special exception for the service garage or the special hearing for the sales of motorcycles, provided such sales are ancillary to the service garage. If the special exception is intended to legitimize outdoor advertising signs that are already in place on the building, then this office has no objection. However, this office does not support the special exception if a new freestanding sign is proposed. Visual clutter resulting from too many signs is a major concern in the streetscape area. It should be noted that sign details were not provided as part of the petition.

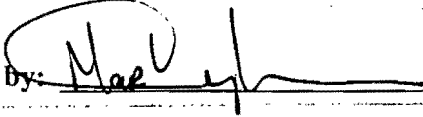
With regard to the parking variance, the space labeled #1 should be eliminated in order to provide adequate landscaping in accordance with the Arbutus streetscape plan. The variance is acceptable if it is for eight (8) parking spaces in lieu of the required twenty six (26), considering that a County parking lot is within walking distance of the site.

The Office of Planning recommends approval of the request subject to the following conditions:

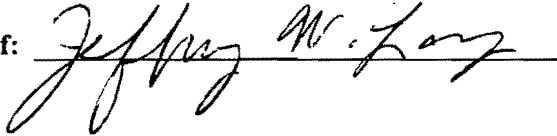
1. Any outdoor display area should be shown on the plan. Said area must not conflict with either required parking spaces or streetscape;
2. A landscape plan should be submitted to Ray Heil, manager of the Baltimore County Streetscape program and Avery Harden, Baltimore County landscape architect for review and approval prior to the issuance of any building permits;

3. Hours of operation for the motorcycle sales; and service garage should not be conducted any later than 9:00 PM; and,
4. No additional signs should be permitted.

Prepared by:

A handwritten signature in black ink, appearing to be the name 'Mac', written over a horizontal line.

Section Chief:

A handwritten signature in black ink, appearing to be 'Jeffrey W. Long', written over a horizontal line.

AFK: MAC:



Baltimore County  
Fire Department

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

April 18, 2000

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

Location: DISTRIBUTION MEETING OF APRIL 10, 2000

Item No.: 400, 404, 407

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







**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 4.10.00

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

RE: Baltimore County  
Item No. 407

WCR

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,

A handwritten signature in black ink, appearing to read 'K. J. McDonald', is written over the typed name.

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

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE

5413-5417 East Drive, SE/S East Dr,  
300' N of c/l Sulphur Spring Rd  
13th Election District, 1st Councilmanic


Legal Owner: Robert F. & Louise A. Wolf  
Contract Purchaser: Robert L. Wolf, T/A Wolf Cycles  
Petitioner(s)

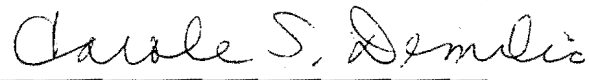
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\*  
\* Case No. 00-407-SPHXA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates 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 17<sup>th</sup> day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioner(s).

  
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  
410-887-3391

June 23, 2000

Michael P. Tanczyn, Esquire  
606 Baltimore avenue  
Suite 106  
Towson, MD 21204

Dear Mr. Tanczyn:

*ROBERT WOLF*

RE: Case No.00-407-SPHXA, Address – 5413, 5415, 5417 East Drive

Please be advised that an appeal of the above-referenced case was filed in this office on June 9, 2000 by People's Counsel for Baltimore County. 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,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive.

Arnold Jablon  
Director

AJ:scj

C: Louise & Robert F. Wolf, 22 Deer Run Court, Apartment F, Baltimore 21227  
Robert L. Wolf, t/a Wolf Cycles, 5413-5415 East Drive, Baltimore 21227  
John Mellema, Sr., Inc. 5409 East Drive, Baltimore 21227  
People's Counsel



## APPEAL

Petitions for Special Hearing, Special Exception, and Variance  
5413, 5415, 5417 East Drive  
E/S East Drive, 327' S of centerline Stevens Avenue  
13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District  
Louise A. Wolf & Robert F. Wolf- Legal Owner  
Robert L. Wolf, T/A Wolf Cycles- Contract Purchaser  
Case Number: 00-407-SPHXA

Petitions for Special Hearing, Special Exception, and Variance (filed 3/30/00)

Description of Property

Notice of Zoning Hearing (dated 4/11/00)

Certification of Publication (4/20/00 – The Jeffersonian)

Certificate of Posting (4/21/00 – Thomas Ogle, Sr.)

Entry of Appearance by People's Counsel (4/17/00)

Petitioner(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat to Accompany Special Exception and Parking Variance (dated 2/00)
- 1A. 200' Scale Zoning Map, Sheet S.W. 5-D (dated 1/86)
2. Photographs
3. Photographs
4. Photographs
5. Photographs
6. Photographs

Misc. (Not Marked as Exhibits):

- Letter from Paula Wolf to Zoning Commissioner (dated 5/5/00)

Zoning Commissioner's Order dated May 16, 2000 (granted)

Notice of Appeal received on June 9, 2000 from People's Counsel for Baltimore County

C: Michael Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson 21204  
People's Counsel of Baltimore County, MS #2010  
Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

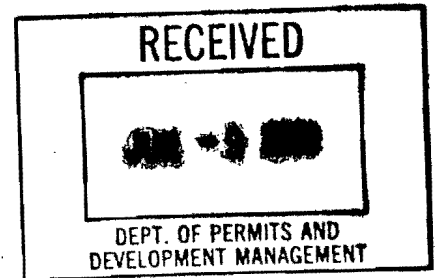


*Baltimore County, Maryland*

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188



PETER MAX ZIMMERMAN  
People's Counsel

June 9, 2000

CAROLE S. DEMILIO  
Deputy People's Counsel

Arnold Jablon, Director  
Department of Permits and  
Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
5413-5417 East Drive, SE/S East Drive,  
300' N of c/l Sulphur Spring Road,  
13th Election Dist., 1st Councilmanic  
**Legal Owners: Robert F. & Louise A. Wolf**  
**Contr. Purchaser: Robert L. Wolf, T/A Wolf Cycles**  
**Case No.: 00-407-SPHXA**

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated May 16, 2000 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/caf

cc: Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204,  
Attorney for Petitioners

FREQUENTLY CALLED NUMBERS

- Community Planners.. 410-887-3480
- Comprehensive Zoning Map Process  
Al Svehla ..... 410-887-3211
- Development Review, Cycle Zoning  
Jeffrey Long ..... 410-887-3480
- Capital Programming, Census 2000  
Ervin McDaniel,  
Jeff Mayhew ..... 410-887-3521
- Population Data  
Kui Zhao ..... 410-887-3521
- Permit Data, Historic Aerial Photos  
Sherry Hankins ..... 410-887-3521
- Landmarks Preservation Commission  
Administrative Secretary  
Kimberly Abe ..... 410-887-3495
- County Historian  
John McGrain ..... 410-887-3495
- Legislative Projects  
Jackie MacMillan ..... 410-887-3495

## Regional Pedestrian, Bicycle, and Greenways Planning Effort Underway

The Baltimore Metropolitan Council (BMC), the Baltimore area's regional planning agency, is developing a pedestrian, bicycle, and greenways transportation plan. The year-long project will include four phases: 1) an analysis of existing conditions, including the physical condition of the region's pedestrian, bicycle, and greenway facilities, as well as each local jurisdiction's policies and regulations regarding the development of these facilities; 2) policy formulation and creation of a vision plan; 3) development of a network facilities plan; and 4) implementation, action, and funding recommendations.



The BMC has contracted with Sprinkle Consulting, Inc. (SCI) as the planning consultant. SCI previously prepared regional bicycle level-of-service and potential demand studies that will be used in the analysis phase of the plan. Community participation will be elicited during the second phase of the planning process through a series of forums and focus group meetings.

Information about the progress of the plan will be posted on the Internet in September at [www.bikemap.com](http://www.bikemap.com). For additional information, contact Kathy Schlabach at 410-887-3495.



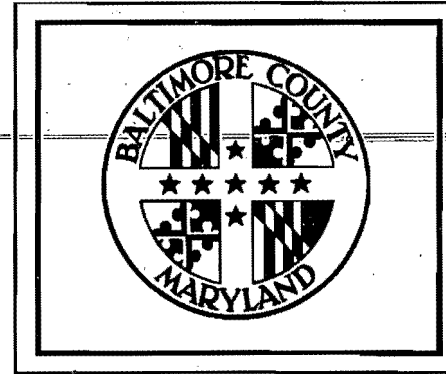
### Baltimore County Office of Planning

401 Bosley Avenue, Room 406  
Towson, Maryland 21204-4486  
<http://www.co.ba.md.us>

Mr. Pete Zimmerman  
People's Counsel  
MS 2010

If your address has changed,  
please notify Sherry Hankins at  
410-887-3521.

Bulk Rate  
U.S. Postage  
**PAID**  
BALTIMORE, MD  
Permit No. 7639



7-days -  
Oct 24  
AFTERNOON

*Baltimore County Office of Planning*  
**Newsletter**

RECEIVED

Volume V, No. 3

SEP 6 2000

August 2000

## Harley Dealer Finds Success in Baltimore County, Credits PUD-C Process

Jim Foster likes to think big, but even he is surprised by the success of his Harley-Davidson store in Middle River.

Three years after moving his motorcycle dealership to Pulaski Highway from Loch Raven Boulevard in Baltimore City, Foster's sales have doubled and his workforce has increased from 18 to 31.

"Any time you make a change, it's a little scary because you're facing the unknown and you have no guarantee on anything," Foster said. "But this move has worked out very well for us."

With its red brick facade, creative landscaping and prominent hilltop location,

the 17,000 square foot retail store and repair shop has caught the eye of many motorists (and motorcyclists) on U.S. 40. It has also garnered the attention of planners who consider the project to be one of Baltimore County's most successful commercial planned unit developments (PUD-C), combining good design with a profitable use that draws shoppers to northeast Baltimore County.

"I consider this a model project," said Ervin McDaniel, head of the Office of Planning's Capital Budget/Information Systems Division, who led the office's development review team when the project was proposed. The Harley

project, McDaniel said, receives good marks for design, landscaping, and architectural details.

"Usually, there's some degree of conflict in the (development) process and it gets to be a battle, but this was one of the more enjoyable projects I've had an opportunity to work on," he said. "The whole process was very smooth."

By moving to Baltimore County, Foster, who has owned the dealership since 1986, sought to expand his market area, increase his visibility, and reach customers who were unwilling to travel to his Loch Raven store.

Foster was not familiar with the county's zoning regulations when he purchased an option on the Pulaski Highway property in 1995, but in time he came to appreciate the PUD-C process, he said. A dilapidated tavern had occupied the 2.7 acre site, which was zoned Business Local (BL) and Manufacturing Light (ML). The zoning would have allowed Foster to develop more than 300,000 square feet of retail uses, but did not permit motorcycle sales or repair by right.

Instead of seeking a zoning change, Foster decided to follow the PUD-C process. The PUD-C regulations require the highest quality design for a site, with standards higher than the ones applied by the conventional zoning regulations,



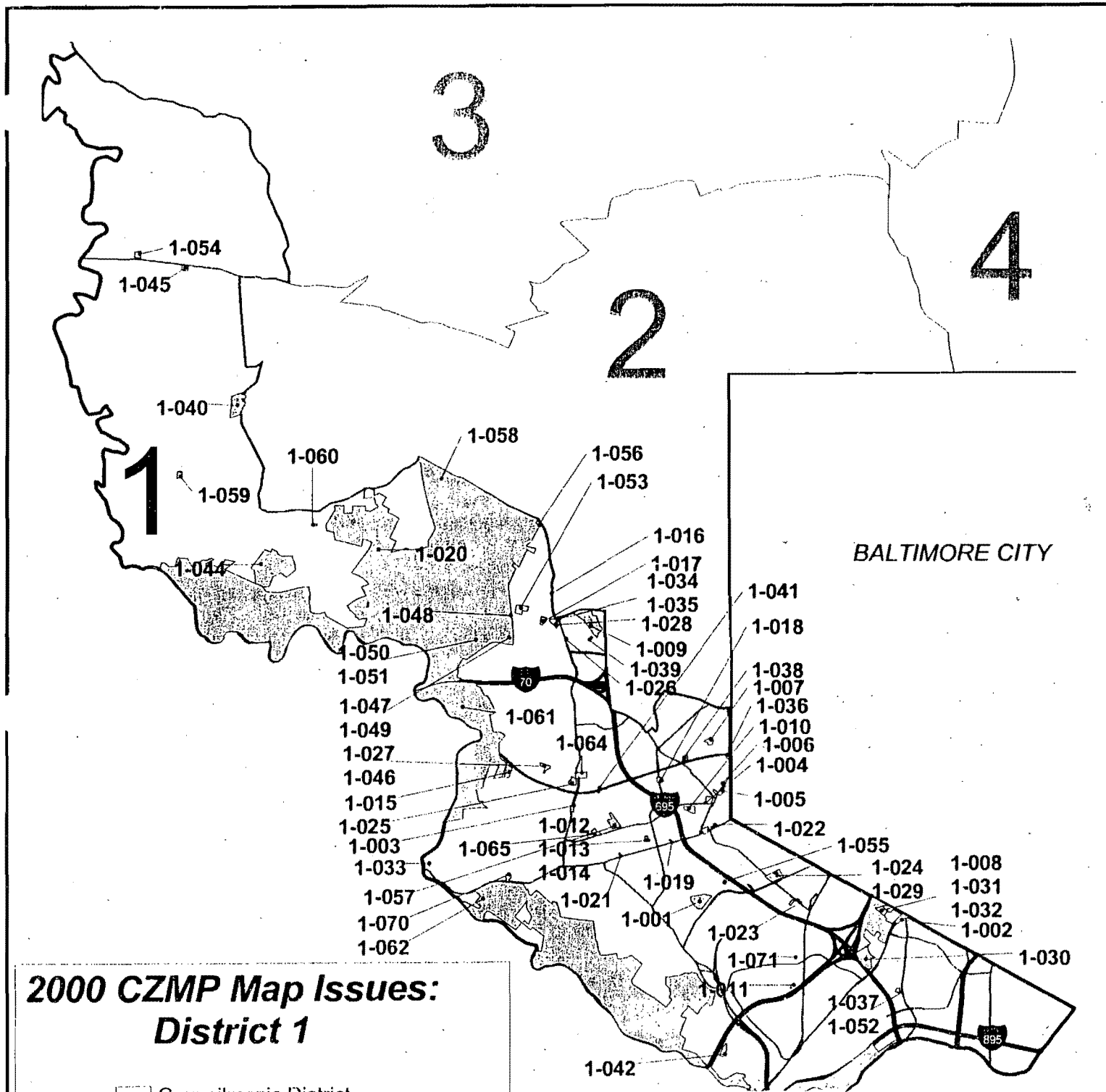
Harley-Davidson sets new standards along Pulaski Highway.

Continued on page 3

# BALTIMORE COUNTY COMPREHENSIVE ZONING MAP



*Final Log of Issues  
Adopted October 10, 2000*



BALTIMORE CITY

**2000 CZMP Map Issues:  
District 1**

City Councilmanic District



# Baltimore County 2000 Comprehensive Zoning Map Issues

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Planning Board Recommendations	County Council Decisions	Comments		
1-070	County Council	Northeast corner of Frederick Rd and Oella Ave	DR 2	3.0	DR 1	3.0	DR 2	3.0	
			Total	3.0	Total	3.0	Total	3.0	
1-071	County Council	5413, 5415, 5417 East Dr	BL	CCC	0.3	BR	0.3	BR	0.3
			Total	0.3	Total	0.3	Total	0.3	Covenant Agreement

## RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT made this 4th day of October, 2000 is entered into by and between **ROBERT F. WOLF** and **LOUISE A. WOLF**, Legal Owners, and **ROBERT L. WOLF t/a WOLF CYCLES**, Contract Purchaser, and **MRS. PAULA WOLF** individually and as President of the Greater Arbutus Community Alliance.

WHEREAS, **ROBERT F. WOLF** and **LOUISE A. WOLF** are the legal owners of 5413, 5415, and 5417 East Drive ("the Property") pursuant to Deeds recorded in the Land Records of Baltimore County in Liber 6758, folio 598 and Liber 5393, folio 385; and

WHEREAS, as part of the Comprehensive Zoning Map Process, the Petitioner is requesting in Issue 1-071 introduced by the County Council that three-tenths of an acre constituting the Property be rezoned BR, Business Roadside, and proposed to be used for the operation of a motorcycle sales and service facility, both new and used; and

WHEREAS, Legal Owners and Petitioner have promised **MRS. PAULA WOLF** individually and as President of the Greater Arbutus Community Association who resides at 5524 Selma Avenue, Halthorpe, Maryland, 21227, that they will maintain the exterior of the premises in good condition as it presently exists.

NOW, THEREFORE, in consideration of the foregoing, the parties do hereby covenant and agree as follows:

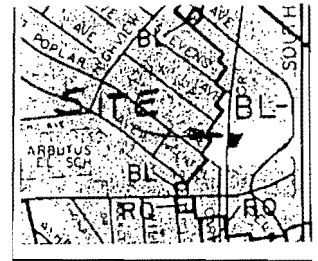
1. The Petitioner executes this Agreement and agrees to these Deed restrictions binding on the Petitioner and on the Petitioner's successor(s) in title, in accordance with the terms of this Agreement, and further agrees to record the Deed restrictions and this Agreement, at the Petitioner's cost, within one hundred and twenty (120) days from the date when the requested zoning becomes final ("Final Approval"). The Petitioner reserves the right to develop or use the Property for uses allowed by present and future regulations of Baltimore County in accordance with the zoning and uses permissible as a matter of right or by special exception with the following limitations: Petitioner shall be entitled to make use of the Property for all uses permitted of right in BR zones under Section 236 of the Baltimore County Zoning Regulation and for the following uses only as permitted as special exceptions if zoning approval is obtained:

- Arcade
- Drive-In Restaurant
- Living Quarters in a Commercial Building
- Moving and Storage Establishments
- Signs/Outdoor Advertising
- Used Motor Vehicle Outdoor Sales Area

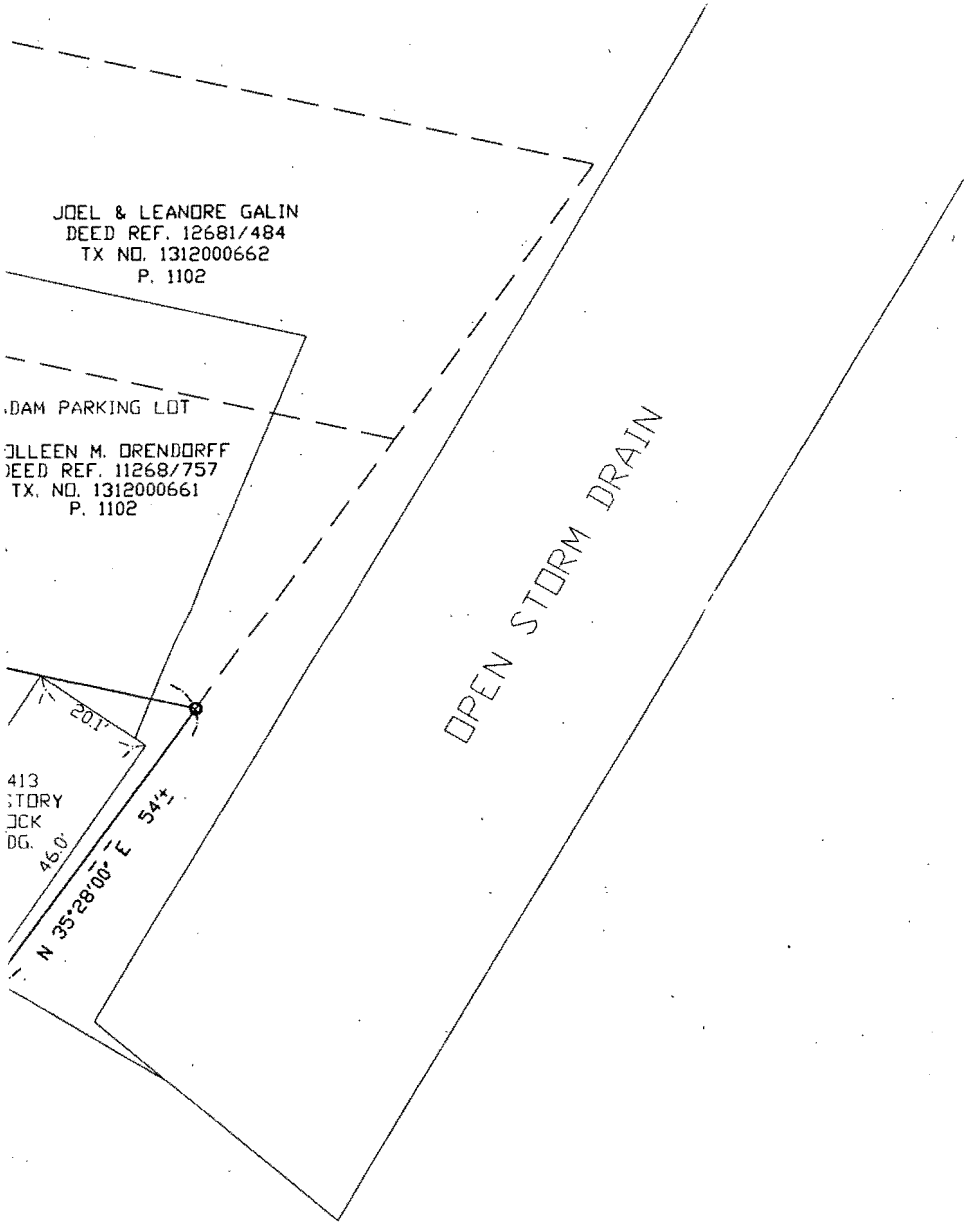
Petitioners and Legal Owners expressly covenant that they will not apply for any other special exception uses as now provided in the Baltimore County Zoning Regulations, and the Petitioner acknowledges that Baltimore County has not committed to support any variances, special exceptions, plan developments or other actions involving discretionary County approval to this time.

2. At any time the Petitioner prepares to file for any permits with Baltimore County, or files any requests for zoning relief, waivers or variances from Baltimore County in connection with any use of the Property, the Petitioner agrees to provide to the County:

- a. A copy of this Agreement, and the recorded Deed restrictions; and
- b. Copies of the plans which are to be submitted to the County and if appropriate, the Master Plan for the entire property.



VICINITY MAP  
SCALE: 1"=2000'



JOEL & LEANDRE GALIN  
DEED REF. 12681/484  
TX NO. 1312000662  
P. 1102

DAM PARKING LOT  
OLLEEN M. DRENDORFF  
DEED REF. 11268/757  
TX. NO. 1312000661  
P. 1102

413  
STORY  
JACK  
DG.  
20'  
46.0'  
N 35°28'100" E 54'

OPEN STORM DRAIN

LOCATION INFORMATION	
COUNCILMANIC DIST.:	1
ELECTION DIST.:	13
ZONING:	BL-CCC
1"=200' SCALE MAP =	S.W. 5
LOT SIZE:	0.23 ACRES
PUBLIC SEWER	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PUBLIC WATER	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CHESAPEAKE BAY CRITICAL AREA:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SUBDIVISION NAME:	ARBUTUS TERRACE
DEED REFERENCE:	#5413 = 6758/598 #5415 & 5417 = 5393/3
OWNER:	ROBERT F. WOLF & LOUISE A. WOLF 22 DEER RUN CT. AP1 BALTIMORE MD. 21227
TAX NO.:	1311470120
TAX NO.:	1311470121
DATE:	FEBRUARY 16, 2000
SCALE:	1"=20'
ZONING OFFICE USE ONLY	
REVIEWED BY:	ITEM # CA:

PARKING TABULATION

DAM PARKING LOT

#5413: SERVICE AREA WITH 3 BAYS 1008 SQ. FT.  
3 x 3 = 9 SPACES + 1 SPACE FOR EMPLOYEE = 10 SPACES  
#5415: RETAIL AREA 2206 SQ. FT. X 5 PER 1000 SQ. FT. = 12 SPACES REQUIRED  
#5417: SECOND FLOOR APARTMENT = 1 SPACE REQUIRED  
#5417: FIRST FLOOR (ARBUTUS TV REPAIR) 1873 SQ. FT. 3.3 PER 1000 = 6 SPACES REQUIRED  
#5417 & #5415: BASEMENT ARBUTUS HEALTH & FITNESS 2376 SQ. FT. + 300 SQ. FT. BOXING RING  
10 PER 1000 SQ. FT. = 24 SPACES REQUIRED +3 FOR BOXING RING = 27 SPACES REQUIRED  
TOTAL SPACES REQUIRED = 56  
TOTAL SPACES PROVIDED = 8

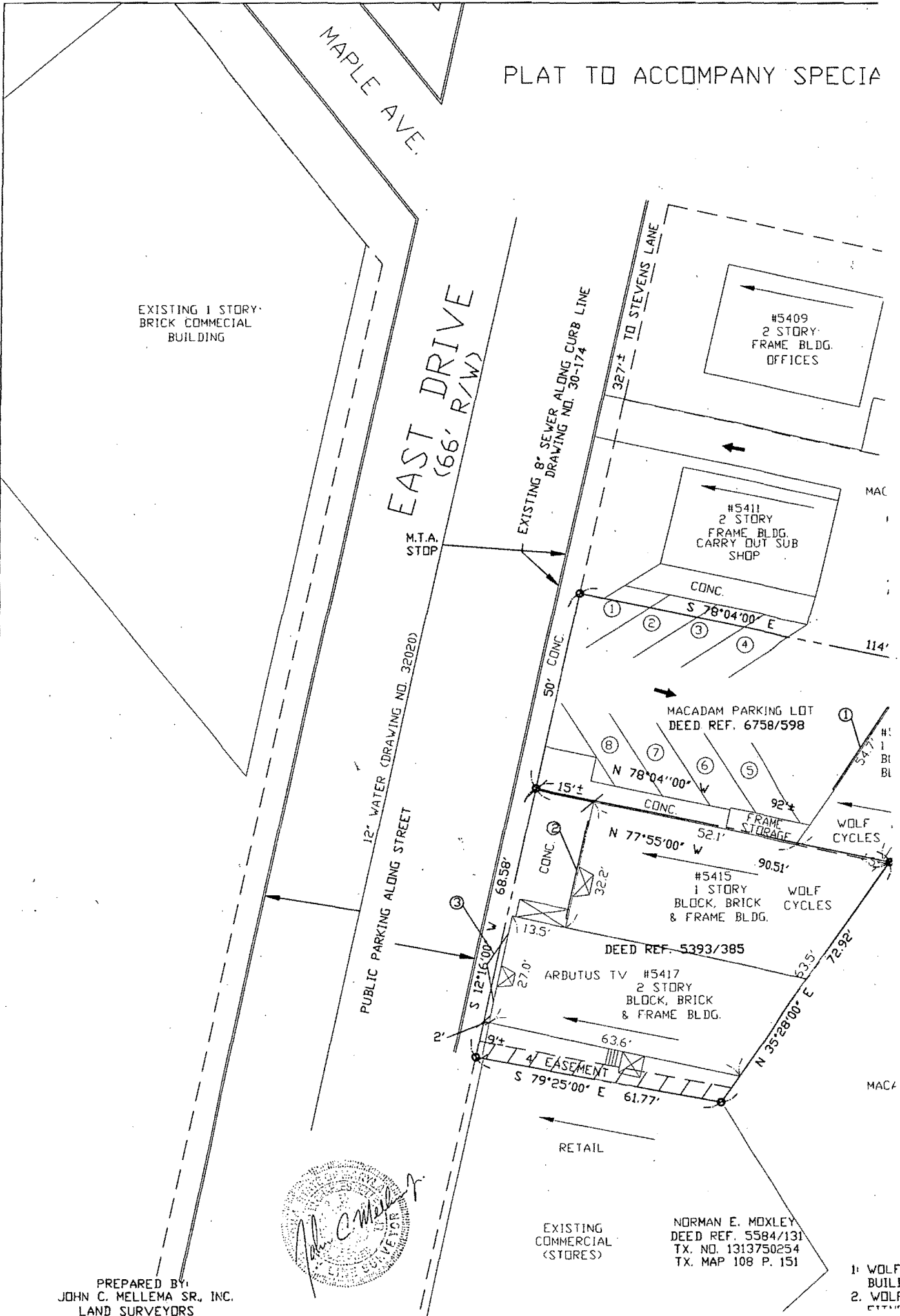
SIGNS

CYCLES 3' X 24.4' ATTACHED TO  
ING 11' FROM GROUND (73 SQ. FT.)  
CYCLES / ARBUTUS HEALTH &  
SS (75 SQ. FT.)  
BUS TV PERMIT #3734 & #3733  
SQ. FT.)

PREVIOUS ZONING VARIANCE  
CASE NO. 87-138-A (REDUCTION  
OF PARKING REQUIREMENT FROM  
26 SPACES TO 9 SPACES)

5413, 5415 AND 5417 EAST DRIVE  
BALTIMORE CO., MD. 21227  
TAX MAP 101 GRID 23 PARCEL 11  
DEED REF.: 5393/385 & 6758/5'  
SCALE 1"=20' DATE: FEBRUARY, 20

PLAT TO ACCOMPANY SPECIA



PREPARED BY:  
 JOHN C. MELLEMA SR., INC.  
 LAND SURVEYORS  
 5409 EAST DR. BALTIMORE, MD. 21207

NORMAN E. MOXLEY  
 DEED REF. 5584/131  
 TX. NO. 1313750254  
 TX. MAP 108 P. 151

- 1: WOLF BUILT
- 2: WOLF BUILT