IN THE MATTER OF THE APPLICATION OF SARANDOS AND EVA MACRIS - LEGAL OWNERS; THOMAS S. MACRIS THROUGH POA – PETITIONER FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NW/COR JOPPA ROAD AND LACKAWANNA AVE (1722 E. JOPPA ROAD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CR-02-457-XA Out-of-Cycle 2002 (Formerly Cycle III)

* * * * * * * * *

OPINION

This case comes before the Baltimore County Board of Appeals on a reclassification request relative to a property located at 1722 East Joppa Road, Ninth Election District, Fourth Councilmanic District. The existing zoning is B.L.R.; the requested reclassification is for B.L. The Petitioner also requests a Special Exception with a documented site plan (Petitioner's Exhibits #1A and 1B) to permit a service garage (rental car facility) pursuant to Section 230.13 of the *Baltimore County Zoning Regulations* (BCZR).

The Petitioner had previously requested a variance to allow a freestanding sign of 80 square feet in lieu of the 75 square foot size permitted. The variance request has been withdrawn.

Robert A. Hoffman, Esquire, represented the Petitioner, Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA. Carole Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of the Office of People's Counsel.

Background

The subject property at 1722 East Joppa Road is approximately one-third acre, improved by an existing building, currently used as Vito's Pizza. Paved parking surrounds the building. The site is bounded on the east side by Lackawanna Avenue and an auto repair facility. Property to the rear of the site is residential, plus an assisted living facility. To the west the adjoining property serves a retail seafood carryout store.

Until the 2000 Comprehensive Zoning Map Process (CZMP), the subject property was zoned B.R. As part of a larger issue raised by the Office of Planning, which included 24.75 acres of BR zoned property in the area, the subject property was rezoned to B.L.R. (business local restricted).

During approximately this same period of time, the Petitioners entered into negotiations with Enterprise Car Rental to lease the property for their use. The parties found, however, that the new zoning classification would not permit Enterprise to operate at the subject property.

It is the position of the Petitioners that a mistake was made in the rezoning of their property. They contend that the County Council was unaware of the proposed service garage planned for the site because the lease for Vito's Pizza had not expired and that was the business visibly operating on the site. Inasmuch as other properties in the area were zoned in accordance with the current but least intensive use, the Petitioners believe the Council would have zoned the property B.L. to accommodate the Enterprise use. Furthermore, the Petitioners assert that they were not notified that their property was part of the larger Planning Office issue, and therefore could not inform the proper persons of the Enterprise proposal.

The position of the People's Counsel is that the County Council may not rezone property based on the owner's proposed use. Rezoning must be reviewed comprehensively and the Petitioners will have a chance to request a change to the zoning on the subject property under the CZMP 2004.

On June 11, 2002 the Planning Board certified this reclassification petition to the Baltimore County Council that early action is required in the public interest. On July 1, 2002 the County Council approved an out of cycle exemption for this Petition for Reclassification (Resolution # 63-02). On September 26, the Board of Appeals accepted an amended petition and plan in open hearing and on the record. A hearing was held before the Board on February 13, 2003. Public deliberation was held on February 26, 2003 and continued on March 20, 2003.

Testimony

Sarandos Macris, son of the owners of the subject property and authorized to speak for them, was the first witness. Mr. Macris indicated that the property had been owned by the family since the 1970s. It had been used as a residence and then as a carryout food store.

Mr. Macris related that in 1996 he sought relief to expand the site to allow for a service garage. He said he met with Wayne Skinner, a local resident and community representative, to discuss his plans. While waiting for the lease on the carryout store to terminate, Mr. Macris states that in 1999 he was granted approval by the Deputy Zoning Commissioner (Petitioner's Exhibit #2) for a larger building. He did not, however, proceed immediately because of his tenant's occupancy.

Mr. Macris testified that he subsequently applied for a razing permit (Petitioner's Exhibit #3) and a Building Permit (Petitioner's Exhibit #4). Neither activity had been completed because of preliminary actions necessary to cap a sewer line and address sediment control on the site.

Mr. Macris further states that he did not become aware of the change in zoning on his property until December 2001 when Enterprise Car Rental sought to verify the zoning in order to proceed with their proposal. Mr. Macris met with Wayne Skinner, now the Councilman for his district, and explained the situation. He also made the local community association aware of his plans for the site.

Mr. Macris opined that the Enterprise use would be compatible with the area which has 12 auto repair shops and two body shops in the immediate vicinity. The car rental business would be a convenience for the local citizens having their cars worked on. He also testified that he believed the car rental facility would have the same effect on the residential properties nearby as any other permitted commercial use.

On cross-examination by Ms. Demilio, Mr. Macris affirmed that the property is suitable for commercial uses other than the car rental proposed.

Next to testify before the Board was Jeffrey Long, Chief of Community Planning and Design for the Baltimore County Office of Planning. Mr. Long explained that he is also involved in the CZMP and represents the Office of Planning on requests for reclassification. Mr. Long appeared before the Planning Board to recommend that the subject property be taken out of cycle.

Mr. Long explained that he had reviewed CZMP 2000 Issue 4-009 which included multiple community properties along the Joppa Road corridor. As Petitioner's Exhibit #6 Mr. Long submitted the CZMP application and 1000-scale zoning map prepared by the Planning staff. He testified that this map

does not show the Macris property and there is no record that Mr. and Mrs. Macris were sent notification that the subject property would be an issue for possible rezoning.

Mr. Long further explained that Petitioner's Exhibit #10, the official 2000 Comprehensive Zoning Map, shows the changes in zoning that occurred in that corridor. He opined that the map reflected the existing uses on each property. For example, Joppa Seafood and Vito's Pizza (the subject property) were rezoned B.L.R. Next door the existing Precision Tune business was zoned B.R. There are also several nearby auto-related businesses that are now zoned B.R.-A.S., such as Midas Muffler.

Mr. Long continued to explain that the community planners for each district work with the individual councilperson to give him or her all the information they have. They also drive to the sites with the councilperson. In this case, however, the community planner was new to this district and was unaware of the zoning history on the subject property as well as the future plans. Therefore, she did not apprise Councilman Skinner about the Macris property.

In contrast, however, the Planning Office was aware, for example, according to Mr. Long, of the plans to build a "Public Storage" facility in the Joppa Road corridor. The community planner gave the councilman full information on this project and the property was subsequently downzoned to B.M. which permits storage facilities.

The basic theme in this area, said Mr. Long, was to reflect existing uses but to insure that the zoning would not maximize the intensity of the use. In other words, the Planning Office recommendations tried to provide for reasonable uses that would not overwhelm the communities. Mr. Long reiterated that the ordinary practice was for councilmen to visit various sites under review for rezoning, talk with owners, and consider their future plans

In conclusion, Mr. Long stated that it is the opinion of the Office of Planning that a mistake was made on the subject property in CZMP 2000. They did not provide the councilman with all the relevant facts, such as two hearings about the subject site, so that he could make an informed decision. Mr. Long emphasized that the Office of Planning takes responsibility for this error.

On cross-examination by Ms. Demilio, Mr. Long testified that the ultimate zoning on any property in the course of CZMP is decided by the County Council. The recommendations of the Office of Planning are indeed recommendations and need not be followed by the Council. In fact, Mr. Long added, the original recommendation for the subject property listed several alternatives including B.L.R. and B.L.

He further indicated that if the Petitioners were to file for a change from B.L.R. to B.L. in CZMP 2004, the Office of Planning would support their request. At this point, however, according to Mr. Long, the Office of Planning feels a sense of obligation to rectify the problem they created. That's why they agreed to support the out of cycle reclassification request.

Bryan McVicker was the next witness. Mr. McVicker is the area manager for Enterprise Car Rental, covering northeast Baltimore County. Mr. McVicker stated that Enterprise believes that there is a demand for their service in the community. They would deliver rental cars to local body/ repair shops, dealerships, and individual homes. Enterprise cars are delivered to the customer; very few are picked up on site.

Mr. McVicker indicated that the hours of operation would be 7 a.m. to 7 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturdays and Sundays. There would be no trucks and the maximum number of cars on the lot would be 10. There would be no repairs on site, although an area would be reserved to hand wash and vacuum the cars. He indicated that the size of the existing building would not change, although Enterprise did plan on "dressing it up" to look nice.

Vincent Moskunas testified next. Mr. Moskunas is the owner of Site Rite Surveying, Inc., and prepared the site plan for the subject property. He indicated that public water and sewer are available to the site, and the car rental agency would use less water than the current tenant, Vito's Pizza.

Joe Caloggero of The Traffic Group appeared next for the Petitioners as an expert in traffic engineering. Mr. Caloggero determined that the roads in the corridor would be sufficient for the Enterprise use. Sight distance is adequate in both directions and many customers would already be in the Enterprise area because of other auto-related uses such as repair.

Mitchell Kellman was accepted as an expert in zoning and planning. Mr. Kellman did not create the documented site plan but he testified that he reviewed the plan in evidence and visited the site. He offered into evidence (Petitioners Exhibits 15 A-I), photographs which he took of the subject property and its surroundings. Mr. Kellman opined that the corridor is a mix of commercial establishments, retail and office use, fronting the major artery, Joppa Road. These uses are supported by the current Master Plan 2010.

Mr. Kellman then testified on the appropriateness of a Special Exception for a service garage under the B.L. zoning as requested by the Petitioner for the subject property and permitted under Section 230.13.

To be granted a Special Exception, the use must comply with Section 502.1 as follows:

502.1—Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

A. Be detrimental to the health, safety, or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other dangers;

D. Tend to overcrowd the land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations;

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5, or R.C. 7 zone. inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations;

J. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5, or R.C. 7 zone.

In reviewing each of the above standards, Mr. Kellman stated that in his expert opinion the granting of the Special Exception would have no adverse impact and was consistent with the spirit and intent of the regulations and was in no way detrimental to the welfare of the community. He noted that Enterprise planned no change to the site, had public water and sewer service, and the community was further protected by a documented site plan.

Under cross-examination by Ms. Demilio, Mr. Kellman agreed that there are also compatible uses for the subject property under the B.L.R. classification. He also agreed that it is the prerogative of the County Council to make zoning classification decisions under the CZMP.

The final witness for the Petitioners was Donna Spicer. She is the executive director of the Loch Raven Community Council, and she presented the Rule 8 papers (Petitioners' Exhibit 16) authorizing her to speak on behalf of the organization. Ms. Spicer also stated that she lives in the neighborhood at 8719 Eddington Road, Baltimore, MD 21234.

Ms. Spicer testified that she had worked with the Macris' on the criteria and restrictions when they received earlier approval for a service garage on their property in 1999 (Petitioners' Exhibit #2). At that time, the subject property was zoned B.R. and the use was allowed by right, although the owners needed a variance to enlarge the building. The Loch Raven Community Council supported the variance at that time because the Macris' agreed to the restrictions which made it acceptable to the neighbors. These same restrictions are part of the current documented site plan for the property (Petitioners' Exhibits 1A and1B).

Ms. Spicer also testified in detail about her involvement with the CZMP 2000, representing the Loch Raven Community Council. She said that she was aware of Issue 4-009 and attended both the Planning Board hearings and the County Council hearings on this issue. She explained that she knew that the Macris' had earlier planned a service garage for the subject property, but she assumed that they weren't going forward because the pizza shop continued to occupy the site. She was unaware of the Enterprise Car Rental proposal at that time.

Ms. Spicer testified that she did not contact the Macris' nor did they contact the Loch Raven Community Council relative to the rezoning issue. She opined that if her group had reviewed the subject property, "we might have changed our minds. We wanted downzoning, but we were willing to consider individual issues. Our committee would have supported B.L."

On cross-examination by Ms. Demilio, Ms. Spicer reiterated that B.L.R. for the subject site was acceptable to the Loch Raven Community Council, but they had no objection to B.L. What they did object to was B.M. or B.R.

Ms. Demilio asked the witness why this change from B.L.R. to B.L. couldn't occur as part of the CZMP 2004. Ms. Spicer answered that this section is part of a Community Revitalization area and they are looking for redevelopment. She opined that allowing the subject property to "sit for two years" during the rezoning process would be detrimental to the community. Her community group could support the proposed use as a car rental agency with B.L. zoning, a Special Exception and a documented site plan which includes restrictions to protect the neighborhood.

Opinion

In the case before us, the Board finds that there is strong and probative evidence that there was "mistake" or "error" in the CZMP 2000, regarding the subject property. To make this decision we find that the presumption of validity accorded to comprehensive zoning is overcome and error or mistake is established when the evidence shows that the information relied upon by the County Council at the time of their decision was invalid, or that the Council failed to take into consideration then existing facts, or projects which were reasonably foreseeable in the future.

We were particularly persuaded by the testimony and evidence presented by Jeffrey Long, Chief of Community Planning for the Baltimore County Office of Planning. Mr. Long was firm in his conviction that the new district planner dealing with issue 4-009 did not convey any zoning history on the subject property to the councilman, although that information existed in the county land records. In addition, Mr. Long testified that he could not find any evidence in the county files that the owners of the subject property had ever been notified that their land was under consideration for rezoning in the CZMP

2000. Furthermore, the subject property is not delineated on the 1000-scale zoning map (Petitioners' Exhibit #6) which is one of the tools that was used in the study of issue 4-009.

Mr. Long also explained the process by which data is supplied to the County Council to aid them in arriving at CZMP decisions. It was Mr. Long's opinion that the Council's action was based on a misapprehension relative to the subject property because they were lacking significant information about the owners' proposal for a service garage. He places the blame on his department for this error.

The Board was similarly persuaded by the testimony of Ms. Spicer, speaking on behalf of her community organization. Ms. Spicer spoke of the spirit and intent of the zoning classification requested, stating that the proposed B.L. zoning would not have any adverse effect on the neighborhood, and in fact, leaving the site without a tenant for the two year cycle of CZMP 2004 would be detrimental to the area. Similarly Ms. Spicer strongly supported the Petitioners' request for a Special Exception because the documented site plan protects the neighboring residences with restrictions which will shield them from the adjacent commercial uses.

Mr. Kellman's delineation of the standards of Section 502.1 also effectively supported the request for the Special Exception.

Having reviewed all testimony and evidence, the Board finds unanimously that the Petitioners have met the burden necessary under § 2-356(J) of the *Baltimore County Code*, which states:

> Before any property is reclassified pursuant to this section, the board of appeals must find:
>
> (1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.
>
> (2) That the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including but not limited to all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the

> present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program.

. We will therefore grant a reclassification of the zoning on the subject property from B.L.R. to B.L. We will also unanimously grant a Special Exception for a service garage, accompanied by the documented site plan as presented, having found that the Petitioners have met their burden for this request under the standards of Section 502.1.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 28th day of May, 2003, that the Petitioner's request to reclassify the subject property from B.L.R. to B.L. be and the same is hereby **GRANTED**; and it is further

ORDERED that the Petition for Special Exception for a service garage in the B.L. zone as shown on Petitioner's Documented Site Plan submitted as Petitioners' Exhibits 1A and 1B be and the same is hereby **GRANTED**.

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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Melissa Moyer Adams, Panel Chair

Margaret Worrall

Richard K. Irish

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 1722 East Joppa Road
which is presently zoned/districted B.L.R. and D.R.5.5

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: (1) that the zoning/district status of the herein described property be reclassified.

pursuant to the zoning law of Baltimore County from a B.L.R. zone/district to a B.R. zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

02 FEB 28 AM 10: 3

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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

Legal Owner(s):

Thomas S. Macris, through power of attorney (Sarandos and Eva Macris, owners)
Name - Type or Print

Signature

Name - Type or Print

Signature

14 Kincaid Court — 410-592-2757
Address — Telephone No.

Baldwin — MD — 21013
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esq.
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esq.
Name

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

REV 9/18/98

(See revised material)

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 1722 East Joppa Road
which is presently zoned/districted B.L.R.

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: (1) that the zoning/district status of the herein described property be reclassified, pursuant to the zoning law of Baltimore County from a B.L.R. zone/district to a B.L. zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

Special Exception to permit a service garage (rental car facility) pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

Variance from BCZR Section 450.4.5.b to allow a freestanding enterprise sign of 80 square feet in lieu of the permitted 75 square feet.

02 FEB 28 AM 10:31

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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

Legal Owner(s):

Thomas S. Macris, through power of attorney (Sarandos and Eva Macris, owners)
Name - Type or Print

Signature

Name - Type or Print

Signature

14 Kincaid Court — 410-592-2757
Address — Telephone No.

Baldwin — MD — 21013
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esq.
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esq.
Name

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

REV 9/18/98

Revised

CR-02-457-XA

ZONING DESCRIPTION FOR #1722 EAST JOPPA ROAD

Beginning at a point on the north side of Joppa Road which is 70 feet wide at the distance of 20 feet west of the centerline of Lackawanna Avenue which is 40 feet wide. As recorded in a Deed Liber 5467, folio 164 and running thence S 23 degrees 46 minutes 17 seconds W, 35.53 feet; thence S 88 degrees 30 minutes 20 seconds W, 42.17 feet; thence N 26 degrees 22 minutes 45 seconds W, 178.00 feet; thence N 69 degrees 04 minutes 15 seconds E, 84.03 feet and thence S 20 degrees 55 minutes 45 seconds E, 151.00 feet to the PLACE OF BEGINNING. Containing 13,503 square feet, more or less, Also known as #1722 E. Joppa Road and located in the 9th. Election District, 4th. Councilmanic District.

STATE OF MARYLAND
J. TILGHMAN DOWNEY, JR.
114
REGISTERED
PROPERTY LINE SURVEYOR

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

R-02-457

ZONING DESCRIPTION FOR #1722 EAST JOPPA ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF JOPPA ROAD WHICH IS 70 FEET WIDE AT THE DISTANCE OF 20 FEET WEST OF THE CENTERLINE OF LACKAWANNA AVENUE WHICH IS 40 FEET WIDE. AS RECORDED IN A DEED LIBER 5467, FOLIO 164 AND RUNNING THENCE S 23 DEGREES 46 MINUTES 17 SECONDS W, 35.53 FEET; THENCE S 68 DEGREES 30 MINUTES 20 SECONDS W, 42.17 FEET; THENCE N 26 DEGREES 22 MINUTES 45 SECONDS W, 136.00 FEET; THENCE N 20 DEGREES 55 MINUTES 45 SECONDS W, 23.00 FEET; THENCE N 69 DEGREES 04 MINUTES 15 SECONDS E, 81.00 FEET AND THENCE S 20 DEGREES 55 MINUTES 45 SECONDS E, 132.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.275 OF AN ACRE OF LAND, MORE OR LESS. ALSO KNOWN AS #1722 EAST JOPPA ROAD AND LOCATED IN THE 9TH. ELECTION DISTRICT, 4TH. COUNCILMANIC DISTRICT.

STATE OF MARYLAND
J. TILGHMAN DOWNEY, JR.
No 114
REGISTERED
PROPERTY LINE SURVEYOR

J. TILGHMAN DOWNEY, JR.

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060

Revised

CR-02-457-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5758

DATE 2/28/02 ACCOUNT 001-6181

AMOUNT $ 535.00

RECEIVED FROM: DAVID RICHARDSON - VENABLE #3

FOR: RECLASS [redacted], SIGN [redacted]

1722 E. JOPPA RD., BY : THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

R-02-457 #3

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10419

DATE ~~7-29-02~~ 8-13-02 ACCOUNT R-01-111

AMOUNT $ 650.00

RECEIVED FROM: Venable Baetjer & Howard LLP
for 1722 E. Joppa Rd.

FOR: Bulk cycle Review Revised plus a Commercial Variance & Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT
BUSINESS ACTUAL TIME
8/15/2002 8/15/2002 10:04:11
[illegible] WALK-IN PAY PMD DRAWER 2
RECEIPT # 111586 8/15/2002 OFLR
[illegible] CHECK ZONING [illegible]
CP 30. [illegible]
Paid 101 $650.00
650.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #R-02-467
NW corner Joppa Road and Lackawanna Avenue
(1722 E Joppa Road)
9th Election District
4th Councilmanic District
Legal Owner(s): Sarandos & Eva Macris

Reclassification: of the property from B.L.R. to B.M. or B.R.

Hearing: Tuesday, October 29, 2002 at 10:00 a.m. in Room 48 of the Old Courthouse, 400 Washington Avenue.

LAWRENCE S. WESCOTT
Chairman

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please call 410-887-3180.
(2) For information concerning the File and/or Hearing, Contact this Office at (410) 887-3180.

JT10/720 Oct.15 C568769

CERTIFICATE OF PUBLICATION

10/17/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/15/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING RECLASSIFICATION HEARING OUT OF CYCLE

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(a) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #R-02-457
1722 E. Joppa Road
NW/corner Joppa Road & Lackawanna Avenue
9th Election District
4th Councilmanic District
Legal Owner(s): Sarandos & Eva Macris
Reclassification: from B.L.R. to B.R.
Hearing: Thursday, September 26, 2002 at 1:00 p.m. in Room 48 of the Old Courthouse, 400 Washington Avenue.

LAWRENCE S. WESCOTT
Chairman

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please call 410-887-3180.
(2) For information concerning the File and/or Hearing, Contact this Office at (410) 887-3180.

9/104 Sept. 12 C561800

CERTIFICATE OF PUBLICATION

9/12, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/12, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

RECEIVED

JAN 3 0 2003

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF POSTING

Date: 1/28/03

RE: Case Number CR 02-457

Petitioner/Developer: _____

Date of Hearing/Closing: February 13, 2003 11:00

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1722 E. TOPPA RD.

The sign(s) were posted on 1/28/03
(Month, Day, Year)

1/28/03

Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name of Sign Poster)

(Street Address of Sign Poster)

(City, State, Zip Code of Sign Poster)

X 8093
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

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: 3

Petitioner: SARANDOS AND EVA MACRIS

Address or Location: 1722 EAST JOPPA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVE
TOWSON, MD 21204

Telephone Number: 410-494-6200

Revised 2/20/98 - SCJ

R-02-457

CANCEL

County Board of Appeals of Baltimore County

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

CHANGE TO OUT OF CYCLE

April 23, 2002

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-02-457
NW/corner Joppa Road and Lackawanna Avenue (1722 E Joppa Road)
9th Election District – 4th Councilmanic District
Legal Owner: Sarandos & Eva Macris

Reclassification of the property from B.L.R. to B.M. or B.R.

HEARING: Tuesday, October 29, 2002 at 10:00 a.m. in Room 48, Old Courthouse Building, 400 Washington Avenue

Lawrence S. Wescott

Lawrence S. Wescott
Chairman GDZ

c: Mr. Robert A Hoffman Esquire, Venable Baetjer & Howard LLP,
210 Allegheny Avenue, Towson 21204
Mr. & Mrs. Sarandos Macris, 14 Kincaid Court, Baldwin 21013

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

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CANCEL 8-19

CHANGE TO

OUT OF

CYCLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2002 Issue - Jeffersonian

Please forward billing to:
Baltimore County Zoning
W. Carl Richards, Jr.
111 W Chesapeake Avenue, Room 111
Towson MD 21204

410 887-3391

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-02-457
NW/corner Joppa Road and Lackawanna Avenue (1722 E Joppa Road)
9th Election District – 4th Councilmanic District
Legal Owner: Sarandos & Eva Macris

Reclassification of the property from B.L.R. to B.M. or B.R.

HEARING: Tuesday, October 29, 2002 at 10:00 a.m. in Room 48, Old Courthouse Building, 400 Washington Avenue

Lawrence S. Wescott

Lawrence S. Wescott
Chairman GDZ

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 12, 2002 Issue - Jeffersonian

Please forward billing to:
Robert A Hoffman Esquire
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6262

NOTICE OF ZONING RECLASSIFICATION HEARING
OUT OF CYCLE

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-02-457
1722 E Joppa Road
NW/corner Joppa Road & Lackawanna Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Sarandos & Eva Macris

Reclassification from B.L.R. to B.R.

HEARING: Thursday, September 26, 2002 at 1:00 p.m. in Room 48 of the Old Courthouse, 400 Washington Avenue

Lawrence S. Wescott
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

County Board of Appeals of Baltimore County

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

August 19, 2002

NOTICE OF ZONING RECLASSIFICATION HEARING
OUT OF CYCLE

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-02-457
1722 E Joppa Road
NW/corner Joppa Road & Lackawanna Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Sarandos & Eva Macris

Reclassification from B.L.R. to B.R.

HEARING: Thursday, September 26, 2002 at 1:00 p.m. in Room 48 of the Old Courthouse, 400 Washington Avenue

Lawrence S. Wescott

Lawrence S. Wescott GDZ
Chairman

c: Mr. Robert A Hoffman Esquire, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
Mr. & Mrs. Sarandos Macris, 14 Kincaid Court, Baldwin 21013

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

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County Board of Appeals of Baltimore County

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

Notice sent 9/26/02 to all parties for 10/29/02 hearing date

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 20, 2002

NOTICE OF ASSIGNMENT

CASE #: CR-02-457-XA
(out of cycle, 2002)

IN THE MATTER OF: ***Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA***
1722 East Joppa Road
9th Election District; 4th Councilmanic District

RE: Petition for Reclassification, Special Exception, and Variance / /Documented Site Plan

ASSIGNED FOR: **** THURSDAY, SEPTEMBER 26, 2002 at 1:00 p.m. /Submit Amendment**
TUESDAY, OCTOBER 29, 2002 at 10:00 a.m. /Hearing on the merits

**** To accept amended Plan and Petition (Documented) in open hearing as required; no evidence or testimony to be received on 9/26/02; hearing on the merits scheduled for 10/29/02 at 10 a.m.**

NOTICE: **This 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: Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioners : Mr. and Mrs. Sarandos Macris c/o Thomas S. Macris

Site Rite Surveying, Inc.

Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 2002

NOTICE OF ASSIGNMENT /Hearing on merits

CASE #: CR-02-457-XA
(out of cycle, 2002)

IN THE MATTER OF: ***Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA*** 1722 East Joppa Road
9th Election District; 4th Councilmanic District

RE: Petition for Reclassification, Special Exception, and Variance / /Documented Site Plan

Amended Petition for Reclassification and accompanying documentation having been accepted by the Board in public hearing on 9/26/02, the following date and time, as previously assigned, is scheduled for public hearing on the merits:

ASSIGNED FOR: **TUESDAY, OCTOBER 29, 2002 at 10:00 a.m. /Hearing on the merits**

NOTICE: **This 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: Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire

Petitioners : Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris

Site Rite Surveying, Inc.
Donna Spicer
Tommy Nuckolls

Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

ppd on record
no additional
testimony.

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County Board of Appeals of Baltimore County

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

*** **HEARING ROOM** – ***Room 48*** ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF **SEPTEMBER 23, 2002**

TUESDAY **9/24** **10:00 am** **Case No.: CBA-02-137** **/HEARING**

In the Matter of:
Oella Mill LLP – Owner
Forest City Residential Group – Developer
1st Election District; 1st Councilmanic

RE: *Final Development Plan Approval / PDM I-498*

AND **Case No.: 02-412-SPH**

RE: *SPH – to permit renovation of historic structure*
SPH – to permit wooden steps in riverine floodplain
VAR – Parking and window location

WEDNESDAY **9/25** **10:00 am** **Case No.: 02-159-A** **/HEARING**

In the Matter of:
Back River LLC, Buck Jones, President – Legal Owner
Sprint PCS – Contract Purchaser
810 Back River Neck Road
15th Election District; 5th Councilmanic

RE: *VAR – To accommodate construction of 115' tall wireless telecomm tower / setbacks*

SCHEDULE CONTINUED ON NEXT PAGE
FOR THURSDAY – SEPTEMBER 26TH

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SCHEDULE CONTINUED

THURSDAY 9/26 9:30 am Case No.: CBA-02-103 /HEARING

In the Matter of:
Rosedale Car Wash
6317 Kenwood Avenue, Baltimore, MD 21237

RE: False Alarm Fee / Reg # C 962896 3

11:00 am Case No.: CBA-02-114 /HEARING

In the Matter of:
Brink's Incorporated
3610 Commerce Drive, Suite 801, Baltimore, MD 21227

RE: False Alarm Fee / Reg # C 965814 3

1:00 am Case No.: CR-02-457-XA /HEARING

In the Matter of:
Sarandos and Eva Macris – Legal Owners / Petitioners
1722 E. Joppa Road
9th Election District; 4th Councilmanic

RE: Reclassification from B.L.R. to B.R. – to submit amendment only; no evidence / testimony this date

1:30 am Case No.: CBA-02-133 /HEARING

In the Matter of:
Michael Edgar Shamleffer
7124 Olivia Road, Baltimore, MD 21220

RE: AHB Decision / DD 2542 / Dangerous Animal

---

c:

Executive Office	People's Counsel	County Council
Law Office	Planning Office	Board Members
Director /PDM	Court Info. Desk	Court Reporter

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 26, 2002

NOTICE OF ASSIGNMENT /Hearing on merits

CASE #: CR-02-457-XA
(out of cycle, 2002)

IN THE MATTER OF: ***Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA*** 1722 East Joppa Road
9th Election District; 4th Councilmanic District

RE: Petition for Reclassification, Special Exception, and Variance / /Documented Site Plan

Amended Petition for Reclassification and accompanying documentation having been accepted by the Board in public hearing on 9/26/02, the following date and time, as previously assigned, is scheduled for public hearing on the merits:

ASSIGNED FOR: **TUESDAY, OCTOBER 29, 2002 at 10:00 a.m. /Hearing on the merits**

NOTICE: **This 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: Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire

Petitioners : Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris

Site Rite Surveying, Inc.
Donna Spicer
Tommy Nuckolls

Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 10, 2002

NOTICE OF ASSIGNMENT /Hearing on merits

CASE #: CR-02-457-XA
(out of cycle, 2002)

IN THE MATTER OF: ***Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA*** 1722 East Joppa Road
9th Election District; 4th Councilmanic District

RE: Petition for Reclassification, Special Exception, and Variance / /Documented Site Plan

(Amended Petition for Reclassification and accompanying documentation was accepted by the Board in public hearing on 9/26/02)

ASSIGNED FOR: **THURSDAY, FEBRUARY 13, 2003 AT 11:00 a.m. /Hearing on the merits**

NOTICE: **This 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: Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire

Petitioners : Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris

Site Rite Surveying, Inc.
Donna Spicer
Tommy Nuckolls

Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

February 14, 2003

NOTICE OF DELIBERATION

IN THE MATTER OF:

Sarandos and Eva Macris through
Thomas Macris, P.O.A. **–Petitioner**
Case No. CR-02-457-XA

Having heard this matter on 2/13/03, public deliberation has been assigned as follows:

DATE AND TIME : **WEDNESDAY, FEBRUARY 26, 2003 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

c: Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire

Petitioners : Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris

Site Rite Surveying, Inc.
Donna Spicer
Tommy Nuckolls

Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

FYI copy: M.W.R.

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on Recycled Paper

County Board of Appeals of Baltimore County

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

March 20, 2003

NOTICE OF LIMITED DELIBERATION
(Reconvened for continued deliberation only as to special exception request)

IN THE MATTER OF:

Sarandos and Eva Macris through
***Thomas Macris, P.O.A.* –Petitioner**
Case No. CR-02-457-XA

Having begun deliberation in this matter on 2/26/03, the Board will reconvene for continued deliberation on the following date and time for the purpose of deliberating only the special exception relief requested (the requested reclassification having been granted during the 2/26/03 public deliberation; the Board to reconvene as follows:

DATE AND TIME : **THURSDAY, APRIL 3, 2003 at 9:30 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

c: Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
Petitioners : Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris

Site Rite Surveying, Inc.
Donna Spicer
Tommy Nuckolls

Carol Saffran-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

FYI copy: M.W.R.

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Baltimore County
Planning Board

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

Advance Tentative Agenda*
for the
Thursday, June 6, 2002
MEETING
beginning at 4:00 p.m.,
in
Room 407, County Courts Building
401 Bosley Avenue
(enter from the Courthouse Plaza)
Towson, Maryland

****

Meeting
of the
Baltimore County Planning Board
Mr. Klein, Chairman

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the May 16, 2002 meeting

Items for initial or continued discussion

1. Extension of the Honeygo Overlay District (Council Resolution 12-02): Introduction of the staff report; scheduling of a public hearing (on July 18, 2002)

Items for vote by the Planning Board

** 2. Out-of-cycle action on zoning reclassification petition – Macris property (1722 East Joppa Road): Certification to the County Council

02 MAY 30 PM 3:25

RE: PETITION FOR ZONING RECLASSIFICATION 1722 E. Joppa Road, NW Cor E. Joppa Rd and Lackawanna Ave 9th Election District, 4th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR
Legal Owner: Sarandos & Eva Macris, Thomas S. Macris Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. R-02-457

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

02 MAY -5 PM 3:56

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zim

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 17, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For Reclassification Cycle 3
Item No. 454, 455, 456 & 457

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

RWB:CEN:cab

cc: File

ZAC-RECLASS CYCLE 3-NO COMMENT ITEMS-05172002.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: April 24, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 4
Case No. R-02-457

Dear. Mr. Zahner:

This office has reviewed the referenced Zoning Reclassification Petition and we have no objection to approval.

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

Malling 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

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

April 22,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: Zoning Reclass Cycle 3 OF April 2002 - October 2002

Item No.: See Below

Dear Mr. Zahner:

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

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

R-02-454
R-02-455
R-02-457

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

cc: File
{PRIVATE}

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 8, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
Out-of-Cycle Documented Zoning
Reclassification Petition
For August 19, 2002
Case Number R-02-457
1722 E. Joppa Road
NW/corner Joppa Road and
Lackawanna Avenue
District 9C4

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

RWB:CEN:jrb

cc: File

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: August 21, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 457
Case No. R-02-457

Dear. Mr. Zahner:

This office has reviewed the referenced Zoning Reclassification Petition and we have no objection to approval.

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 CORRESPONDENCE

TO: Mr. Lawrence S. Wescott, Chairman
Baltimore County Board of Appeals

DATE: October 23, 2002

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

SUBJECT: Case # CR-02-457
Sarandos and Eva Macris
1722 East Joppa Road

At its regularly scheduled monthly meeting on June 6, 2002, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for Zoning Reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on June 17, 2002.

Enclosed herewith is a copy of the report of the Office of Planning.

Pat Keller

Arnold F. 'Pat' Keller, III

AFK:LL:kma

RECEIVED
OCT 24 2002
BALTIMORE COUNTY
BOARD OF APPEALS

W:\DEVREV\CR-02-457letter.doc

2/27/03

NOTE TO ME:

Discuss Macris with Margaret –

specifically, the service station as proposed by Petitioner is permitted in B.L. zone ONLY BY SPECIAL EXCEPTION – see attached paperwork – copy of regulations.

Also attached – 502.1 language.

Would require reassigned additional deliberation time for the Board to reach decision re: was 502.1 met by Petitioner in his case.

Spoke with C. Demilio and D. Karceski – Parties agree that the requirements of 502.1 were met by Petitioner during hearing; concerned that SE was dismissed as moot by Board; requires decision as to SE; runs with Documented Plan.

Additional deliberation to be rescheduled (deliberation re-opened?) as to special exception only?

Discuss with Missy Yes

Margaret Yes

Rick OK

4/03/03 @ 9:30 a.m.

Note on notice – Inadvertently Mar 6 e.

CBA may have authority to hear SE – only jur. when SE rules up & of nuclear.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 13
Resolution No. 63-02

Mr. Wayne M. Skinner, Councilman

By the County Council, June 17, 2002

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Sarandos and Eva Macris for the property located at 1722 East Joppa Road MD 702 and situated in the Fourth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 6, 2002, has certified that early action on the Petition for Zoning Reclassification filed by Sarandos and Eva Macris, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Sarandos and Eva Macris is manifestly required in the public interest, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

r06302.bil

CR-02-457-XA

TRANSMISSION VERIFICATION REPORT

TIME: 01/27/2003 15:56
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE,TIME	01/27 15:55
FAX NO./NAME	5708
DURATION	00:00:53
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Telephone call from Rose — Thank David for phone — never received fax —

re-sent

TRANSMISSION VERIFICATION REPORT

TIME: 01/27/2003 11:42
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE,TIME	01/27 11:41
FAX NO./NAME	5708
DURATION	00:01:08
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Got to call Richards re re-posting

FAX to Carl Richards

FAX #: 5708

Carl:

Per our conversation -- Attached is a copy of the Notice of Assignment which went out in December regarding the hearing on the merits, as well as a copy of the note which resulted from David Karceski's telephone call this morning – regarding the Macris reclass scheduled for hearing on 2/13/03.

I've since spoken to David and told him that you will have Gary post the property today – so it meets the 15-day requirement for posting.

kathi

PS Thank you for your help on this. I know I appreciate it – and I'm sure David does as well.

Thomas S Macris through POA
(Sarandos and Eva Macris)
CR-02-457-XA

Originally posted as B.R. with open plan

Should be posted as:

From B.L.R. to B.L.
Special Exception: To permit service garage (rental car facility) pursuant to § 230.13 of BCZR
Variance: To allow a freestanding enterprise sign of 80 square feet in lieu of permitted 75 square feet

TO BE REPOSTED FOR 15 DAYS PRIOR TO HEARING

HEARING SCHEDULED FOR THURSDAY, FEBRUARY 13, 2003

15 DAYS FROM WEDNESDAY, JANUARY 29

NEEDS TO BE POSTED TODAY OR TOMORROW AT THE LATEST.
(1/27) (1/28)

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

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

DATE: September 26, 2002

FROM : Kathleen C. Bianco
County Board of Appeals

SUBJECT: Amendment to Petition for Reclassification /Case No. CR-02-457-XA
In the Matter of: Sarandos and Eva Macris, Owners, through Thomas S. Macris, POA

Pursuant to the appropriate sections of the *Baltimore County Code*, the attached amended Petition and accompanying Documented Site Plan were submitted to the County Board of Appeals on the record and at a public hearing this date. Additional copies of this amended petition, and accompanying documentation, were previously filed with your office for processing.

This case will be heard before the Board on the merits of the request on Tuesday, October 29, 2002 at 10:00 a.m. as previously assigned. A copy of the Notice of Assignment is attached reflecting this hearing date. Should you require any additional information regarding this matter, please contact this office.

Attachment

c: David Karceski, Esquire
Robert A. Hoffman, Esquire
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning

RECEIVED
SEP 27 2 9
DEPT. O
DEVELOPM

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF AUGUST 19, 2002

* Agenda Only
\+ Agenda and Petition
& Agenda and Plat
\# Agenda, Petition and Plat

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
#	PDM, Zoning Review H.O. Hearing File (George Zahner)
#	PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
*	PDM, Code Enforcement (Helene Kehring)
*	PDM, Building Inspection (Karen Hopkins)
&	PDM, Development Plans Review (Robert W. Bowling)
#	Planning Office (Mark Cunningham); *Director (Pat Keller)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Bruce Seeley) - 2 plats
&	State Highway Administration, Access Permits Division (Michael M. Lenhart)
&	PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Charles Armstrong)
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS #1315
*	IF FLOODPLAIN, Permits (John Reisinger)
*	IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
#	IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
*	IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: George Zahner. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-5708).

Revised 8/11/00

CR-02-457-XA

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 19, 2002

TO: Baltimore County Zoning Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Review Supervisor (410-887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number R-02-457
Legal Owner: Sarandos & Eva Macris
Contract Purchaser: None
Address: 1722 E. Joppa Road
Description: NW/corner Joppa & Lackawanna Avenue
9th Election District; 4th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON JUNE 06, 2002 AND BY RESOLUTION OF THE BALTIMORE COUNTY COUNCIL DATED JUNE 17, 2002. PURSUANT TO SECTION 2-356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:

ZONING ADVISORY COMMITTEE
MEETING OF AUGUST 19, 2002

Case Number: R-02-457

Item Number: 457

Hearing Date/Time: Tuesday, October 29, 2002 at 10:00 a.m. in Room 48, Old Court House Building, 400 Washington Avenue

Legal Owner: Sarandos & Eva Macris

Contract Purchaser: None

Location: NW/corner Joppa Road & Lackawanna Avenue, (1722 E Joppa Road)

Existing Zoning: B.L.R.

Proposed Zoning: B.R.

Area: .31 acres

District: 9th Election District
4th Councilmanic District

Attorney: Robert A. Hoffman, Esquire
Venable Baetjer & Howard

Miscellaneous:

TO: W. Carl Richards, Jr. , PDM, MAIL STOP-1105
August 26, 2002

FROM: LIEUTENANT JIMMIE MEZICK
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME:Sarandos & Eva Macris

PROJECT NUMBER: R-02-457

LOCATION: 1722 E. Joppa Rd.

DISTRICT: 09

COMMENTS:

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", 2000 edition prior to occupancy

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

DATE: July 14, 2003

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton trs
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
CR-02-457-XA	***RELCASS OUT OF CYCLE (FORMERLY CYCLE III) FROM B.L.R. TO B.L.***	MACRIS	JOPPA ROAD AND LACKAWANNA AVENUE

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

THOMAS S. MACRIS THROUGH POA
(SARANDOS AND EV ACRIS –LO) –
Petitioner

#CR-02-457-XA

NW/cor Joppa Road and Lackawanna Avenue
(1722 E. Joppa Road)

Out of Cycle
2002 (formerly Cycle III)

9th Election District; 4th Councilmanic District

From: B.L.R. to ~~B.R.~~ B.L.
13,506 square feet (0.31 acre)
Documented Site Plan
SE – To permit a service garage (rental car facility) pursuant to § 230.13 of the BCZR;
VAR – To allow a freestanding enterprise sign of 80 sq ft ilo permitted 75 sq ft

---

February 28, 2002	Petition for Reclassification filed by Robert A. Hoffman, Esquire, on behalf of Thomas S. Macris through Power of Attorney (Sarandos and Eva Macris, Legal Owners)
June 11, 2002	Certification on Reclassification Petition from Planning Board to Baltimore County Council that early action is required in public interest.
July 1, 2002	County Council passed Resolution # 63-02 approving out-of-cycle exemption.

---

*Robert A. Hoffman, Esquire & David Karceski → Counsel for Petitioner
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Thomas S. Macris, POA
for Sarandos and Eva Macris, Owners
14 Kincaid Court
Baldwin, MD 21013

Petitioner

J. Tilghman Downey, Jr.
Site Rite Surveying, Inc.
Shell Building, Room 101
Towson, MD 21286

Robert J. Haines, Assistant County Attorney
Baltimore County Board of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

Added to file 9/26/02 – in support of Petition as submitted at public hearing 9/26/02:

DONNA SPICER
8719 EDDINGTON ROAD
BALTIMORE MD 21234

TOMMY NUCKOLLS
8919 SATYR HILL ROAD
BALTIMORE MD 21234

Case No. CR-02-457-XA

In the Matter of: Thomas S. Macris through
POA (Sarandos and Eva Macris –LO)
Petitioners /Legal Owners

Out of cycle /approved 7/01/02 by County Council
2002 (formerly Cycle III 2002)

Reclassification from B.L.R. to B.L. /**Documented Site Plan**
SE – To permit a service garage (rental car facility) pursuant to § 230.13 of the BCZR;
VAR – To allow a freestanding enterprise sign of 80 sq ft ilo permitted 75 sq ft

---

6/11/02 – Certification on Reclassification Petition from Planning Board to Baltimore County Council that early action is required in public interest.

7/01/02 – County Council approved out of cycle exemption for this Petition for Reclassification (Resolution No. 63-02). To be scheduled for hearing no less than 30 days (7/31/02) and no more than 90 days (9/29/02) from the date of the Council's approval.

8/20/02 – Notice of Assignment sent to following parties; assigned for hearing on Thursday, September 26, 2002 at 1:00 p.m. for the purpose of submitting the amended Petition and Plan on the record and in open hearing as required by BCC. Also, scheduled Tuesday, October 29, 2002 at 10 a.m. for hearing on the merits.

Robert A. Hoffman, Esquire
Mr. and Mrs. Sarandos Macris
c/o Thomas S. Macris
Site Rite Surveying, Inc.
Robert J. Haines, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

9/26/02 – Board convened (2 member: Marks and Irish) to accept amended petition and plan in open hearing and on the record; memo to PDM with one set of amended petition and accompanying documentation; required number of amended plans /documentation previously filed with PDM; fyi copy to D. Karceski.
-- Notice of Assignment sent to all parties reflecting acceptance of amended petition and added to file: Donna Spicer 8719 Eddington Road 21234 and Tommy Nuckolls 8919 Satyr Hill Road 21234.

10/25/02 – T/C from David Karceski, Esquire, regarding out-of-cycle reclass and hearing for 10/29/02 (questions re advertising and posting).

10/28/02 – Per conversations with D. Karceski, C. Demilio, and C. Richards, Board will convene on 10/29/02 as scheduled and postpone this matter on the record. Posting and advertising were done but with information for the original open plan and reclass request. To be re-posted, etc., and reassigned a hearing date. No evidence or testimony as to the merits of the case to be received on 10/29/02.

10/29/02 – Board convened for hearing; postponed on the record; to be reassigned.

12/10/02 –Notice of Assignment /Hearing on the Merits; assigned for Thursday, February 13, 2003, at 11:00 a.m. sent to above.

1/27/03 – T/C from David Karceski – will property be re-posted to reflect documented plan – and requested B.L. zoning along with SE and Var relief? Hearing is scheduled for 2/13/03 – would need to be posted by 1/28/03 at the latest to meet 15-day requirement. T/C to Carl Richards – can this be done? Is it in the process of being done?

-- T/C w/Carl Richards; sent to him via FAX this date: notice of assignment dated 12/10/02 for hearing date of February 13, 2003; also copy of note regarding requirement to post this no later than Tuesday, 1/28/03 (he will have Gary post the property today; needed written confirmation of date, time, and zoning being requested, etc.).

1/30/03 – Received Certificate of Posting with attached photograph from Gary Freund – property posted on 1/28/03.

2/13/03 – Hearing concluded before Board (Adams, Worrall, Irish); deliberation to take place on 2/26/03 and notice to be sent.

2/14/03 – Notice of Deliberation sent to parties; scheduled for Wednesday, February 26, 2003 at 9:00 a.m. FYI copy to M.W.R.

2/26/03 – Board convened for deliberation (M.W.R.); unanimous decision – reclassification granted; Board also determined that special exception was moot; previously granted. Order to be issued; appellate period to run from date of written Order.

-- Per C. Demilio and D. Karceski /comments to kcb – decision required as to special exception; had never been granted; error in Planning comments. Reviewed file; to reconvene M.W.R. for continued deliberation as to this issue alone. Upon confirmation of date for Board panel, notice to be sent.

3/20/03 – Notice of Continued Deliberation – as to special exception request only – sent to the parties in this matter; Board to reconvene on Thursday, April 4, 2003 at 9:30 a.m. for the purpose of reaching a final decision in the matter of Petitioner's special exception request (reclassification granted at prior deliberation on 2/26/03); Counsel for Petitioner and People's Counsel in agreement with this continued deliberation. FYI copy to Adams, Worrall, and Irish.

4/03/03 – Board convened for continued, limited deliberation as to special exception issue only; G –special exception; to be included in Board's final Opinion and Order in which Reclassification request and special exception are granted. (M.W.R.) Appellate period to run from date of written Order.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

FILE COPY

IN THE MATTER OF: Sarandos and Eva Macris
through Thomas Macris, POA
CR-02-457-XA

DATE: February 26, 2003

BOARD/PANEL:

Melissa Moyer Adams	MMA
Margaret Worrall	MW
Richard K. Irish	RKI

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the Petitioner's request for Reclassification from B.L.R./Business Local Restricted [Bill No. 86-1994] to B.R. /Business, Roadside and Special Exception

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Sec. 2-356. - method for early action on reclassification due to public interest
- Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors. In this case the zoning maps do not concur (1K scale and 2K scale). Office of Planning admitted error.
- pertinent information/recommendation of the office of planning was not presented to the County Council
- burden is on owner, but Planning did not present information to County Council
- the County Board of Appeals shall consider in evidence without testimony thereto, absent objection by any party to the case, any report of the planning board of comments from the Director of Planning and Zoning or other officer of the Office of Planning and Zoning relating to the petition
- that the last classification of the property was established in error. That the prospective reclassification of the property is warranted by that change or error.
- Special exceptions and variances. The Board of Appeals, subject to the appropriate principles, standards, rules, conditions, and safeguards as set forth in the zoning regulations, shall have original jurisdiction for the purpose of hearing and deciding petitions for special exceptions and/or variances, the granting of which is dependent upon the reclassification of the property involved in the petition for reclassification. If BL granted then Special Exceptions is Moot.
- Variance was withdrawn
- There is no adverse impact on residence zoning in project use
- Boyce case sets forth to look at error or mistake

FILE COPY

- Presumption of correctness is hard to overturn
- tests for error discussed / process for Relcassification when there is an error
- to leave property empty for two (2) years does not enhance the neighborhood

DECISIONS BY BOARD MEMBERS: Unanimous decision by the Board Members to GRANT the Reclassification.

FINAL DECISION: That the Petitioner's request for Reclassification from B.L.R./ Business Local Restricted [Bill No. 86-1994] to B.R. /Business, Roadside is GRANTED and thereby rendering the Special Exception – MOOT. The Petition for Variance was withdrawn.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF LIMITED DELIBERATION

IN THE MATTER OF:	Sarandos and Eva Macris through Thomas Macris, POA CR-02-457-XA	
DATE:	April 3, 2003	
BOARD/PANEL:	Melissa Moyer Adams Margaret Worrall Richard K. Irish	MMA MW RKI
RECORDED BY:	Theresa R. Shelton / Legal Secretary	
PURPOSE:	To deliberate the Petitioner's request as to special exception only.	

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Special exceptions and variances. The Board of Appeals, subject to the appropriate principles, standards, rules, conditions, and safeguards as set forth in the zoning regulations, shall have original jurisdiction for the purpose of hearing and deciding petitions for special exceptions and/or variances, the granting of which is dependent upon the reclassification of the property involved in the petition for reclassification. The Board was under the impression that the special exception had been previously approved and was a moot point at the previous deliberation with regards to the reclassification. However, the Special Exception had not been addressed and since the Board's decision on the Reclassification from B.L.R./ Business Local Restricted [Bill No. 86-1994] to B.R. /Business, Roadside was GRANTED, the Board needs to decide the request for Special Exception.
- Elements of 502.1 presented.

  Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

  A. Be detrimental to the health, safety or general welfare of the locality involved;
  B. Tend to create congestion in roads, streets or alleys therein;
  C. Create a potential hazard from fire, panic or other danger;
  D. Tend to overcrowd land and cause undue concentration of population;
  E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
  F. Interfere with adequate light and air; [Bill No. 45-1982]

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000]

- The Special Exception meets 502.1
- The community supports the Special Exception

DECISIONS BY BOARD MEMBERS: Unanimous decision by the Board Members to GRANT the Special Exception request.

FINAL DECISION: That the Petitioner's request for Special Exception is GRANTED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

June 7, 2002

The Hon. John Olszewski, Sr.
Chairman, Baltimore County Council
County Courthouse
Towson, MD 21204

Re: Certification on Reclassification Petition -
Macris Property

Dear Councilman Olszewski:

At its meeting on June 6, 2002, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the Macris property at 1722 East Joppa Road is manifestly required in the public interest.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Secretary

AFK:TD:td

Enclosure

c: Members, Baltimore County Council
Thomas J. Peddicord, Jr., Legislative Counsel/Secretary
Brian J. Rowe, County Auditor
John M. Wasilisin, Administrative Officer
Edward J. Gilliss, County Attorney
Lawrence S. Wescott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Arnold Jablon, Director, Permits & Development Management
Robert A. Hoffman, Petitioner's Representative

CR-02-457-XA

Baltimore County
Office of Planning

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3211
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

Date: May 28, 2002

To: Baltimore County Planning Board

From: Arnold F. 'Pat' Keller, III

Re: Exemption from Cyclical Procedure – 1722 East Joppa Road – Thomas S. Macris, through power of attorney (Sarandos and Eva Macris, owners)

The attached letter requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, the Office of Planning recommends to the Planning Board that certification for early action upon this zoning reclassification petition is required.

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Director

AFK/JL
Attachment

C:\My Documents\1722ejoppa.doc

Printed with Soybean Ink

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

June 4, 2002

HAND-DELIVERED

Baltimore County Planning Board
c/o Mr. Arnold F. "Pat" Keller, III, Director
Baltimore County Office of Planning
County Courts Building, Room 406
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
Property: 1722 East Joppa Road
Owners: Sarandos and Eva Macris

Dear Planning Board Members:

Pursuant to Section 2-356(i) of the Baltimore County Code ("BCC"), I respectfully request an expedited hearing for the above-referenced zoning reclassification request. Due to the unusual circumstances leading to the filing of this Petition, we feel that expedited treatment by both the Planning Board and the County Board of Appeals is warranted. We, therefore, request the Planning Board to include this reclassification request as part of the agenda for its meeting scheduled for June 6, 2002.

Sarandos and Eva Macris, legal owners of 1722 East Joppa Road, filed a Petition for Reclassification accompanied by an undocumented site plan on February 28, 2002. The Macris property is presently zoned B.L.R. (approximately 0.27 acres) and D.R.5.5 (approximately 0.04 acres). Mr. and Mrs. Macris seek to rezone the B.L.R. portion of the property to B.L.[1]

---

[1] Please note that the Petition for Reclassification, as filed with the County Board of Appeals, requests a zoning change from B.L.R. to B.R. or B.M. An amended site plan will be filed formally requesting a B.L. zoning designation.

The Macris property was rezoned from B.R. to B.L.R. during the 2000 Comprehensive Zoning Map Process. Although they were entitled to written notification, Mr. and Mrs. Macris did not become aware of the zoning change until January of 2002 – after they had applied for and received permits to raze existing structures on the property and to construct a five-bay service garage.

The Petitioners had long planned to develop the property for a service garage use. As early as 1996, the Zoning Commissioner for Baltimore County approved the Petitioners' request to construct a service garage (Case No. 97-101-A). In 1999, after determining that the design of the garage was too narrow to accommodate large vehicles, the Petitioners requested and later received approval by the Deputy Zoning Commissioner to amend their previously approved site plan (Case No. 99-473-SPH). It is extremely unfortunate that, after many years of trying to develop the parcel to accommodate a service garage, the property was rezoned to B.L.R., which does not permit such a use.

The Petitioners seek an expedited hearing for their reclassification request largely because of the interest recently expressed by Enterprise, a national rental car company, to lease the property for a local operation. Given the above-outlined circumstances that led to the filing of this Petition, we feel early action on this reclassification request is "manifestly required in the public interest," as required by BCC Section 2-356(i).

Although formally considered a service garage, which is permitted by special exception in the B L. Zone, a rental car operation is a lighter commercial use and generally less intrusive to neighbors than traditional service garages. The Petitioners have met with Donna Spicer of the Towson – Loch Raven Community Council regarding the proposed rental car agency, and, at Ms. Spicer's request, will incorporate a number of the restrictions imposed by the Zoning Commissioner in Case No. 97-101-A on the documented site plan to accompany the Petition for Reclassification. Due to the less intrusive nature of the use and inclusion of the agreed upon restrictions, the Petitioners have received favorable comments from both their neighbors and the Towson-Loch Raven Community Council through Ms. Spicer.

For these reasons, we respectfully request an expedited hearing before the Planning Board. Any assistance you can provide in adding this reclassification request to the agenda of the Planning Board's meeting on June 6, 2002, would be greatly appreciated.

VENABLE
ATTORNEYS AT LAW

Thank you, in advance, for your consideration of this request. If you have any questions or need further information, please call me at any time.

Very truly yours,

Robert A. Hoffman

RAH/

cc: The Honorable Wayne M. Skinner
Mr. and Mrs. Sarandos Macris
Mr. Thomas S. Macris
Ms. Donna Spicer, Towson-Loch Raven Community Council
Mr. Jeffrey W. Long, Division Chief of Community Planning

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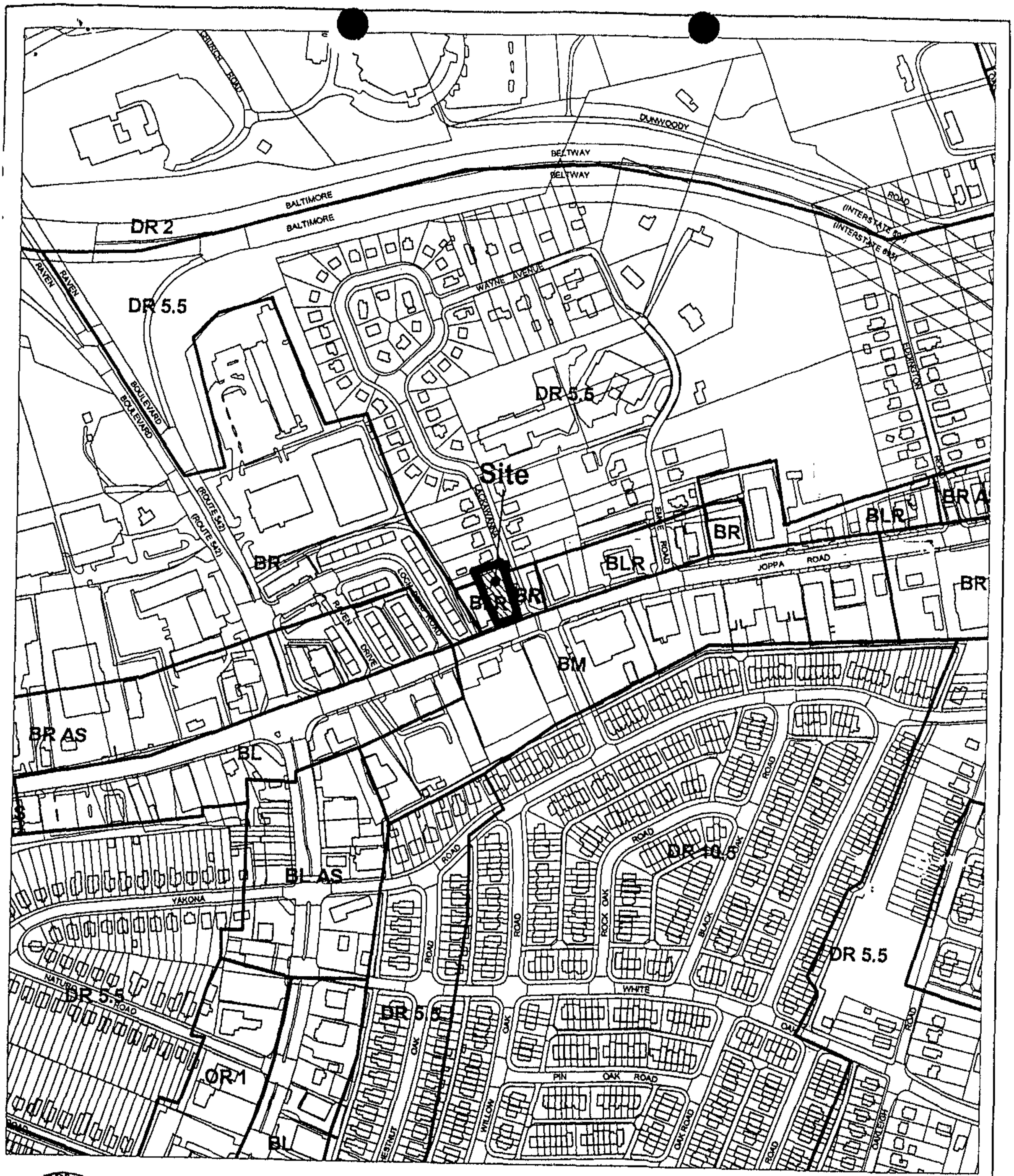

Baltimore County
Office of Planning
May, 2002

N

1:4800

100 0 100 200 Feet

Case Number R-02-457
Sarandos
1722 East Joppa Road

URDL Buildings

Issue Zoning

Parcel Boundaries

Zoning: Baltimore County Office of Planning
1:2400
Parcel Boundaries: Baltimore County OIT
1:2400
Planimetric Data: Baltimore County OIT
1:2400
URDL: Baltimore County Office of Planning
1:12000

Note:
This map is for display purposes only. Land use decisions involving zoning designations should be verified with the zoning office.

w8/wrkgrps/opz/jen/av_projects2002/lynn/properties.apr

Baltimore County
Planning Board

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

July 29, 2002

Mr. Charles L. Marks, Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Dear Mr. Marks:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 2002.

After discussion in the Board's meeting on July 18, 2002, the May 31, 2002 report by the Office of Planning was adopted, without change, by the Planning Board. The Board's action recognizes that Case No. R-02-457 (1722 East Joppa Road) is being processed under the out-of-cycle schedule.

The report is hereby published and submitted to the Board of Appeals in accordance with County Code Section 2-356(f).

Sincerely,

Pat Keller

Arnold F. 'Pat' Keller, III
Secretary

AFK:TD:td

Enclosure

c: Peter Max Zimmerman, People's Counsel

02 JUL 31 AM 10:45

Approved for hearing out of cycle

W \PLANBRD\TIM\Cycle III to CBA -072302.doc

CR-02-457-XA

Report by the
Baltimore County
Planning Board
to the
Baltimore County
Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 2002

July 31,2002

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Case No. R-02 457..... 27

Baltimore County
Office of Planning

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3211
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

TO: Members
Baltimore County Planning Board

DATE: May 31, 2002

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

In the current cycle, the Baltimore County Board of Appeals accepted four reclassification petitions. In compliance with the Baltimore County Code, recommendations on the petitions are submitted in the attached report.

The Planning Board is scheduled to review the petitions on June 20, 2002 and to make final recommendations on July 18, 2002. The Planning Board's report must be submitted to the Baltimore County Board of Appeals no later than July 31, 2002.

The Board of Appeals has tentatively scheduled hearing dates on these petitions and will advertise these hearing as required. Hearings are set to take place during the period from September 1, 2002 through December 31, 2002.

Pat Keller

Arnold F. 'Pat' Keller, III

AFK:LL:kma
Attachment

Printed with Soybean Ink on Recycled Paper

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

PETITIONS FOR RECLASSIFICATION
CYCLE III, 2002

Assigned Hearing Dates
County Board of Appeals

Case No. R-02-454
Elizabeth Ann Parham and Duane L. Ritter
N/S of Johnnycake Road, approximately 300 feet W of Fairbrook Road
Tuesday, November 19, 2002 at 10:00 a.m.

Case No. R-02-455
Lyons Mill Associates, L.P. withdrawn 8/23/02
S/S Lakeside Boulevard, approximately 600 feet E of Owings Mills Boulevard
Tuesday, October 8, 2002 at 10:00 a.m.

Case No. CR-02-456 SPH
Kenneth E. Schwartz
NW/S Hooks Lane, 350 feet SW of River Oaks Circle (112 Hooks Lane)
Tuesday, December 10, 2002 at 10:00 a.m.

Case No. R-02-457
Sarandos and Eva Macris out of cycle - County Council approved exemption for o/c status 7-01-02
NW/corner Joppa Road and Lackawanna Avenue (1722 E. Joppa Road)
Tuesday, October 29, 2002 at 10:00 a.m.

SOURCE MATERIAL

Recommendations for the four petitions filed are based on the following:

1. Information compiled during the processing of the Comprehensive Zoning Map adopted by the County Council on October 10, 2000;
2. Capital Budget and 5-Year Capital Program;
3. Zoning Plans Advisory Committee comments;
4. Discussions with other governmental agencies;
5. Field inspections of subject sites; and
6. Baltimore County Master Plan.

CASE NO:
R-02-457

PETITIONER:
Sarandos and Eva Macris

REQUESTED ACTION:
Reclassification to BR (Business Roadside)

EXISTING ZONING:
BLR (Business Local Restricted)

LOCATION:
1722 East Joppa Road, on the corner of Joppa Road and Lackawanna Avenue

AREA OF SITE:
0.31 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR 5.5	Residential
South:	BM	Public Road
East:	BR	Commercial
West:	BLR	Retail

SITE DESCRIPTION:
The .31 acre parcel of land subject to reclassification is a corner lot located along Joppa Rd (commercial corridor). The area consist of mixed commercial and residential uses, with retail and service uses along Joppa Rd and single family dwellings (to the rear) along Lackawanna Ave

WATER AND SEWERAGE:
The site is served by public water and sewer and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:
The site has direct access to Joppa Road, which is designated as a principal arterial on the 1992 Federal Highway Functional Classification Map for the Baltimore UrbanizedArea.

ZONING HISTORY:
The subject property was rezoned from BR to BLR. during the 2000 Comprehensive Zoning Map Process (Issue # 4-009).

Site

DR 5.5

BLR

BR

BR

BLR

BR

BLR

BR AS

BM

BL

BL AS

DR 10.5

DR 5.5

Joppa Rd

Joppa Rd

Raven

Yokano

Road

Case Number R-02-457
Sarandos
1722 East Joppa Road

N

1:2400

50 0 50 100 Feet

Parcel Boundaries

Buildings

Site

Zoning

Zoning: Baltimore County Office of Planning
1:2400
Parcel Boundaries: Baltimore County OIT
1:2400
Planimetric Data: Baltimore County OIT
1:2400
URDL: Baltimore County Office of Planning
1:12000

Note:
This map is for display purposes only. Land use decisions involving zoning designations should be verified with the zoning office.

Baltimore County
Office of Planning
May, 2002

w8/wrkgrps/opz/jen/av_projects2002/lynn/properties.apr

Case Number R-02-457
Sarandos
1722 East Joppa Road

N

1:2400

50 0 50 100 Feet

Contour Line
Buildings
Site
Parcel Boundaries

Parcel Boundaries: Baltimore County OIT 1:2400
Planimetric Data: Baltimore County OIT 1:2400

Baltimore County
Office of Planning
May, 2002

w8/wrkgrps/opz/jen/av_projects2002/lynn/properties.apr

BALTIMORE COUNTY

TRANSMITTAL MEMO

TO	Lawrence Wescott
FROM	Lynn Lanham (Planning)
DATE	10/30/02
SUBJECT	R-02-457- Macris

Please substitute the attached pages (2) in the previously transmitted report for R-02-457, Out-of Cycle Documented Reclass.

FOR YOUR	COMMENTS		TAKE APPROPRIATE ACTION	✓
	INFORMATION	✓	INVESTIGATE AND REPORT	
	APPROVAL		SUBMITTED PER YOUR REQUEST	
	SIGNATURE		DATE	
	TRANSMITTAL		A.M. / P.M.	
NOTE AND	FILE		SEE ME / CALL ME / WHEN POSSIBLE	
	RETURN TO ME		AT YOUR CONVENIENCE	
PREPARE REPLY FOR	MY SIGNATURE		DATE	
	YOUR SIGNATURE		NEED BY A.M. / P.M.	

RECEIVED
OCT 30 2002
BALTIMORE COUNTY
BOARD OF APPEALS

887-3480

CPS-005

Recycled Paper

CASE NO:

R-02-457
Out-of-Cycle Documented Zoning Reclassification Petition

PETITIONER:

Sarandos and Eva Macris (legal owner)

REQUESTED ACTION:

Reclassification to BL (Business Local)
Special Exception to permit a service garage (rental car facility) pursuant to Section 230.12 of the Baltimore County Zoning Regulations.

EXISTING ZONING:

BLR (Business Local Restricted)

LOCATION:

1722 East Joppa Road, on the corner of Joppa Road and Lackawanna Avenue

AREA OF SITE:

0.31 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR 5.5	Residential
South:	BM	Public Road
East:	BR	Commercial
West:	BLR	Retail

SITE DESCRIPTION:

The .31 acre parcel of land subject to reclassification is a corner lot located along Joppa Rd (commercial corridor). The area consist of mixed commercial and residential uses, with retail and service uses along Joppa Rd and single family dwellings (to the rear) along Lackawanna Ave

WATER AND SEWERAGE:

The site is served by public water and sewer and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site has direct access to Joppa Road, which is designated as a principal arterial on the 1992 Federal Highway Functional Classification Map for the Baltimore UrbanizedArea.

ZONING HISTORY:

The subject property was rezoned from BR to BLR during the 2000 Comprehensive Zoning Map Process (Issue # 4-009).

MASTER PLAN/COMMUNITY PLAN:

The proposed Land Use Map (map 39) in *Master Plan 2010*, adopted by the County Council on February 22, 2000, indicates the proposed land use for the subject site is designated commercial. The site is located within a community conservation area.

PROPOSED vs. EXISTING ZONING:

Regulations for BLR and BL zones may be found in Sections 229 and 230 respectively, in the Baltimore County Zoning Regulations (BCZR)

The BLR zone permits various retail and service uses, some of which may be of a larger scale such as a supermarket, up to 80,000 sq. ft.

The BL zone permits development of a wide range of commercial and non-commercial uses in addition to those permitted in the residential zone immediately adjoining the property.

BACKGROUND

This property was raised as an issue as part of the 2000 Comprehensive Zoning Map Process (issue #4-009). The owner of the property sought and received a special exception for a service garage prior to the adoption of the 2000 comprehensive zoning maps. The Council did not know this information at the time that the maps were adopted. Therefore, based on the information provided and the analysis conducted, the Office of Planning recommended that the zoning be changed to the BM classification.

DOCUMENTED SITE PLAN:

1. Provide a pedestrian ramp in the sidewalk at the corner of Lackawanna Avenue and Joppa Road.
2. Provide a lighting plan with the Final Landscape Plan. The existing exterior building mounted lights, which are in disrepair, should be replaced with cut-off type fixtures. Any exterior pole mounted lights should be cut-off type fixtures that are not angled above the horizontal.
3. Designate an area for vacuuming and washing cars.
4. The plan should designate the method for delivery and pickup of vehicles via delivery truck that avoids the use of Lackawanna Avenue and backing out onto Joppa Road.

Special Exception

The Office of Planning supports the petitioner's requests subject to the listings above.

1722 East Joppa Road
Environmental Impact Statement

prepared for:

Site Rite Surveying, Inc.
200 East Joppa Road, Suite 101
Towson, Maryland 21286

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, Maryland 21057
(410) 592-6752

July 26, 2002

CR-02-457-XA

1722 East Joppa Road
Environmental Impact Statement

Introduction

Eco-Science Professionals, Inc. has completed a field review of the 1722 East Joppa Road property. The purpose of this review was to complete an environmental impact statement which will discuss probable impacts to the environment; alternative development plans which could minimize adverse environmental impacts; cumulative impacts associated with the proposed development; and the irreversible commitment of resources associated with the proposed use of the site. This assessment is required to accompany the Petition for Reclassification.

Site Description

The subject property is a 0.31 acre parcel that is located in the northwest corner of the intersection of Joppa Road and Lackawanna Avenue in the Towson section of Baltimore County, Maryland. The site currently contains two vacant buildings, one home and one business, paved parking and limited lawn area. The existing commercial portion of the site is entirely impervious and the residential portion is predominately impervious. A house home, driveway, stone parking areas and sidewalk comprise the majority of this portion of the site. One mature tree is located in the rear of the home lot and a forsythia hedge separates the house from Lackawanna Avenue.

The site is served by public water and sewer.

Proposed Development

It is our understanding that the project will involve the conversion of the existing, vacant, business, to a rental car facility and the removal of the existing house. Additional paving/parking area is proposed in the location of the existing house and driveway/parking area. A small amount of lawn, roughly 500 sq.ft. will be impacted by the proposed development. No significant increase in impervious surface is proposed.

The proposed use will require a zoning change from BLR to BL to allow the property to be used as a rental car facility.

Probable Environmental Impact

No direct environmental impact would be expected by the proposed conversion of the use of the facility as no significant increase in impervious surface and no loss of natural habitat is proposed.

Indirect impacts associated with the proposed use include the possibility of petroleum product/fluid leakage from cars stored on the property. This possibility is not likely to exceed the conditions that existed on the site prior to the vacancy of the building as the parking facilities appear to have been heavily utilized. Further, the potential for leakage would not be greater under the proposed use than other uses that would be permitted under the current zoning classification.

Since adjacent properties are fully developed for either commercial or residential use, no indirect impacts of natural habits would occur from the proposed use.

It is likely that water usage on the site will be reduced for the proposed use versus the previous use as a carry-out food store. This represents a reduction in resource consumption and the required treatment of wastewater from the site.

Adverse Environmental Impacts

The proposed use of the site will not create any conditions that will result in adverse environmental impacts that cannot be avoided. Proper care and maintenance of vehicles in the rental car facility can minimize the potential for leakage. A response plan for any such leaks or spills can insure that offsite properties are not impacted by any such events.

Site Development Alternatives

Since no adverse impacts to the environmental condition on and adjacent to the site are anticipated by the proposed development alternative, alternate use/development investigations to avoid/minimize impacts cannot be developed.

Long Term Effects

The continued use/redevelopment of this property will not alter the short term commitment of resources and the proposed use of the site does not create any long term impacts that are unique to this type of development or different from the long term impacts that would be associated with uses permitted under current zoning.

Irreversible Commitment of Resources

The resources on the subject property have been committed to development of the existing facilities. As such, no further commitment of resources will occur as a result of the proposed use.

Conclusion

Based on our review of the subject property and its current use, it has been determined that the proposed use will not create any adverse environmental conditions that are unique to the requested zoning classification The existing environmental conditions of the site and adjacent properties will be only slightly altered as a result of the proposed use.

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
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Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

August 12, 2002

HAND-DELIVERED

Charles L. Marks, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
Property: 0.275 acres of land located
at 1722 East Joppa Road
Owners: Sarandos and Eva Macris
Case No. R-02-457

Dear Mr. Marks:

I am representing Sarandos and Eva Macris, legal owners of 1722 East Joppa Road, with respect to the above-referenced zoning reclassification request as identified on the attached site plan, entitled "DOCUMENTED PLAN TO ACCOMPANY PETITIONS FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE." The Macris property is presently zoned B.L.R. (approximately 0.275 acres) and D.R.5.5 (approximately 0.035 acres). Mr. and Mrs. Macris seek to rezone the B.L.R. portion of the property to B.L and obtain a special exception for an Enterprise rental car facility and sign variance for the proposed freestanding sign. The purpose of this letter is to set forth the reasons why the requested reclassification should be granted, as required under Section 2-356(b) of the Baltimore County Code.

The Petitioners seek a hearing before the County Board of Appeals, whereby they intend to demonstrate that the current B.L.R. zoning is in error and that a B.L. reclassification is warranted. To show this, the Petitioners will present evidence addressing the factors outlined in Section 2-356(j)(2), including the "compatibility of uses

generally allowable under the prospective classification with the present and projected development or character of the surrounding area."

By way of background, the property under petition was rezoned from B.R. to B.L.R. during the 2000 Comprehensive Zoning Map Process (Issue No. 4-009). The Petitioners did not participate in or receive notification of the zoning change. In fact, the Petitioners were completely unaware of the new zoning designation until January 2002, after they had already applied for and received permits to raze existing structures on the property (Permit No. B462646) and to construct a five-bay service garage (Permit No. B462647).

In prior years, the Petitioners had expended a considerable amount of time and money in attempting to develop this property for a service garage use. On October 23, 1996, the Zoning Commissioner approved the Petitioners' request to tear down the existing carry-out restaurant and construct a service garage in its place (Case No. 97-101-A). The Zoning Commissioner also granted a variance from the side and rear yard setback requirements of the Baltimore County Zoning Regulations. After determining that the design of the previously approved garage was too narrow to accommodate larger vehicles, the Petitioners requested a special hearing to amend the approved site plan. On July 16, 1999, the Deputy Zoning Commissioner granted the Petitioners' special hearing request (Case No. 99-473-SPH). After many years of attempting to develop this parcel for a service garage use, the property was rezoned to B.L.R., which does not permit service garages.

We intend to prove that, at the time the property was rezoned to B.L.R., the Councilman was unaware of the above-discussed approvals, and, if the Councilman had been aware, the property would not have been reclassified.

Although formally considered a service garage, which is permitted by special exception in the B.L. Zone, a rental car operation is a lighter commercial use and generally less intrusive to neighbors than traditional service garages. The Petitioners have met with Donna Spicer of the Towson – Loch Raven Community Council regarding the proposed rental car agency and, at Ms. Spicer's request, have incorporated a number of the restrictions imposed by the Zoning Commissioner in Case No. 97-101-A into the documented site plan. Because of the nature of the proposed use and inclusion of the

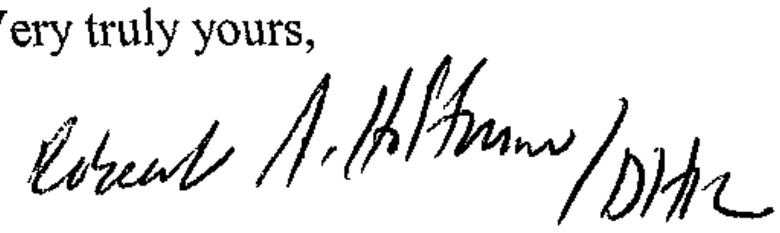
VENABLE
ATTORNEYS AT LAW

agreed upon restrictions, the Petitioners have received favorable comments from both their neighbors and the Towson-Loch Raven Community Council through Ms. Spicer.

For these reasons and for other reasons as may be presented at the hearing before the County Board of Appeals, it is respectfully submitted that the present zoning of B.L.R. is in error and the subject property should be reclassified to B.L. to permit the proposed rental car facility as a service garage by special exception.

Thank you for your consideration of this request. If you have any questions or need further information, please contact me at any time.

Very truly yours,



Robert A. Hoffman

RAH/dhk

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OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

February 27, 2002

HAND-DELIVERED

Lawrence S. Wescott, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
Property: 1722 East Joppa Road
Owners: Sarandos and Eva Macris

Dear Mr. Wescott:

I represent Sarandos and Eva Macris with respect to the above-referenced zoning reclassification request. The Macris property is presently zoned as B.L.R. (approximately 0.27 acres) and D.R.5.5 (approximately 0.04 acres). Mr. and Mrs. Macris seek to rezone the B.L.R. portion of the property to B.R. or B.M. The purpose of this letter, therefore, is to set forth the reasons why the requested reclassification should be granted, as required under Section 2-356(b) of the Baltimore County Code.

The Petitioners seek a hearing before the County Board of Appeals, where they intend to demonstrate that the current B.L.R. zoning is in error and that a B.R. or B.M. reclassification is warranted. To show this, the Petitioners will present evidence addressing the factors outlined in Section 2-356(j)(2), including the "compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area."

By way of background, the property under petition was rezoned from B.R. to B.L.R. during the 2000 Comprehensive Zoning Map Process (Issue No. 4-009). The Petitioners did not participate in or receive notification of the zoning change. In fact, the Petitioners were completely unaware of the new zoning designation until January 2002, after they had already applied for and received permits to raze existing structures on the property (Permit No. B462646) and to construct a five-bay service garage (Permit No. B462647).

R-02-457

VENABLE
ATTORNEYS AT LAW

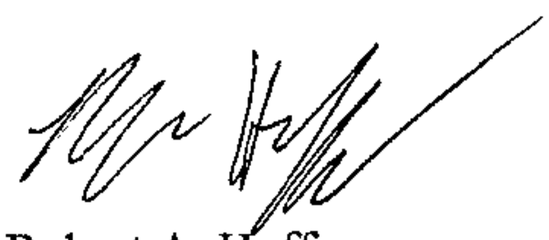
In prior years, the Petitioners had expended a considerable amount of time and money in attempting to develop this property for a service garage use. On October 23, 1996, the Zoning Commissioner for Baltimore County approved the Petitioners' request to tear down the existing carryout restaurant and construct a service garage in its place (Case No. 97-101-A). The Zoning Commissioner also granted a variance from the side/rear yard setback requirements of the Baltimore County Zoning Regulations. After determining that the design of the previously approved garage was too narrow to accommodate larger vehicles, the Petitioners requested a special hearing to amend the approved site plan. On July 16, 1999, the Deputy Zoning Commissioner granted the Petitioners' special hearing request (Case No. 99-473-SPH). Now, after many years in attempting to develop this parcel for a service garage use, the property was rezoned to B.L.R., which does not permit the service garage use.

For these reasons and for other reasons as may be presented at the hearing before the County Board of Appeals, it is respectfully submitted that the present zoning of B.L.R. is in error and the subject property should be reclassified to B.R. or B.M.

Accompanying this Petition for Reclassification is an "open" site plan, which does not indicate any proposed use of the property under petition. Please note that we intend to amend the site plan on a later date, at which time we will provide a more detailed explanation of the reasons why the requested reclassification should be granted.

Thank you for your consideration of this request. If you have any questions or need further information, please contact me at any time.

Yours truly,



Robert A. Hoffman

RAH/dmr
TO1DOCS1/PAM01/#132311 v1

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, EVA MACRIS, of Baltimore County, Maryland, desiring to execute a General Power of Attorney, have made, constituted and appointed, and by these presents, do make constitute and appoint THOMAS S. MACRIS, my Attorney-in-Fact, for me and in my name, place and stead to do and perform all acts, deeds, matters and things whatsoever concerning my property and personal affairs necessary and desirable in the judgment of my said Attorney-in-Fact as fully and effectually to all intents and purposes as I could do if personally present and acting, including but not limited to, each and every one of the following matters:

1. REAL PROPERTY TRANSACTIONS:

(a) To buy, contract to buy, receive, lease or rent for any term, accept or otherwise acquire real estate or any options thereon or interests therein, including any and all rights for the development of oil, gas or other mineral deposits, wherever situated, on such terms, conditions and considerations as my Attorney-in-Fact shall deem proper, in my name or jointly in my name and that of any other party or parties including my Attorney-in-Fact;

(b) To sell, contract to sell, mortgage or encumber, exchange, lease or rent for any term, grant options to purchase or otherwise dispose of any or all real estate in which I now have or may hereafter acquire any right, title or interest, including any and all rights for the development of oil, gas or other mineral deposits, whether such real estate be homestead or non-homestead, or whether such real estate be owned as community property in joint tenancy, tenancy by the entireties, tenancy in common or in any other party or parties, including my Attorney-in-Fact on such terms, conditions, and considerations as my Attorney-in-Fact shall deem proper; to sign, seal, execute,

acknowledge and deliver any and all instruments in writing of any kind and nature, as may be necessary or convenient, containing such terms and conditions, and such warranties and covenants, if any, as my said Attorney-in-Fact shall deem advisable, and further to waive, release, relinquish and convey any homestead estates, rights, under homestead exemption laws, dower or courtesy estates, and all other rights or interests to which I may at any time be entitled;

(c) To manage, utilize, conserve, demolish, repair, rebuild, alter or improve any real estate or structure thereon, owned or claimed to be owned by me, in whole or in part, and to protect the same by actions, proceedings, or otherwise, including, but not limited to, the recovery of possession thereof and the removal of tenants or other persons, animals or objects therefrom.

2. PERSONAL PROPERTY TRANSACTIONS:

(a) To buy, contract to buy, sell, exchange, mortgage, pledge, lease or rent, contract for the repair of, and in any and every manner deal in and with any and all personal property, of every kind whatever tangible or intangible, which I may own or in which I now have or hereafter may acquire, any right, title or interest, on such terms, conditions and considerations as my Attorney-in-Fact shall deem proper;

(b) To execute and deliver to the proper persons and authority any and all documents, instruments and papers necessary to effect the proper registration and licensing of any automobiles in which I now or may hereafter have an interest;

(c) To enter into contracts for the storage of tangible personal property of every kind;

(d) To take possession and order the removal and shipment of any of my property from or to any station, post warehouse, depot, dock or other place of storage, safekeeping or use

governmental or private, and to execute and deliver any release, voucher, receipt shipping ticket, certificate or other instrument necessary or convenient for such purposes.

3. BUSINESS TRANSACTIONS:

To demand, sue for, recover, receive, compromise, settle adjust and pay all accounts, legacies, bequests, interest, dividends, annuities, demands, debts, taxes and any and all other obligations which may now or hereafter be due, owing or payable by or to me, and to carry on and transact every kind of business on my behalf, in my name or jointly in my name and that of any other person or persons, including my Attorney-in-Fact, and including, but not limited to, transactions concerning any and all investments and shares of stock, bonds, securities, certificates of deposit, on such terms, considerations and conditions as my Attorney-in-Fact may deem proper and to invest and reinvest and exchange investments, and to execute and deliver good and sufficient instruments for the accomplishment thereof and to act as my Attorney or Proxy with respect to any stocks, shares, bonds, or other investments, rights or interests as I may now or hereafter hold.

4. BANKING TRANSACTIONS:

(a) To deposit or withdraw for any purposes, in or from any bank, building and loan association, trust company or other financial institution, any funds, checks or other credits which I now or hereafter may have on deposit or be entitled to, and to endorse, cash and receive the proceeds of any and all checks, vouchers, or other orders for money, to open or close accounts, and to receive statements, vouchers, notices or other documents from any bank or other financial institution concerning any and all accounts or banking transactions in my name or in which I may have an interest;

(b) To have access for all purposes to any or all safe deposit boxes, vaults rented in my name or in the names of any other person or persons and myself, with full power to use the same for safekeeping any property or papers, and to remove therefrom at any time, or from time to time, all or any part of the contents of any such box or vault;

5. TAXES:

To make, execute and file income and other tax returns and declarations of estimated tax required to be made by me by any law or regulation of any government or governmental authority, to represent and act for me in all tax matters in dispute or litigation, in any governmental department, board or Court, to receive, endorse and collect checks in settlement of any refund of taxes to execute consents agreeing to a later determination of taxes than is provided by statute of limitation, to execute closing agreements relative to tax liabilities, to file claims for abatement, refund or credit taxes, to make any adjustments or settlements and to sign any and all receipts, waivers, settlements or agreements pertaining to all income or other taxes assessed against me or my property by statute.

6. GOVERNMENT DOCUMENTS, VOUCHERS AND CHECKS:

(a) To execute, sign and deliver any and all government reports, applications, requests, vouchers and demands on my behalf including, but not limited to those for any and all allowances and reimbursements properly payable to me by the United States such as for the transportation of dependents or for the shipment of household effects or other property as authorized by law or regulations;

(b) To receive, endorse and collect the proceeds of checks payable to my order drawn on the Treasurer of the United States for whatever account, including agencies of instrumentalities of the United States Government, and to execute in my name and or my behalf, all bonds,

indemnities, applications or other documents which may be required by law or regulations to secure the issuance of substitutes for such checks, and to give full discharge for the same;

(c) To file claims, receive, endorse and collect the proceeds and benefits receivable under Federal, State or Local Laws, or from any agency or corporation or individual whatsoever.

7. INSURANCE TRANSACTIONS:

(a) To pay the premiums on, modify, rescind, release, terminate, or execute any rights, privileges, or options on any contract of life, accident, health, disability, liability, property or other insurance presently owned by me or by any person on my behalf, or hereafter acquired;

(b) To procure new, different or additional contracts of insurance on my life with respect to protecting me or my property from ill health, disability, accident, liability or loss;

(c) To apply for, and receive, any loan on the security of any contract of insurance, to surrender and receive the cash surrender value, to exercise any election of conversion rights, and to demand, receive or obtain any money, divided or other thing of value to which I am or to which I may become entitled as the proceeds or other return or profit arising out of any contract of insurance or of any one or more of the insurance transactions herein enumerated.

8. PERSONAL TRANSACTIONS:

(a) To do all acts necessary for maintaining the customary living standard of myself and my dependents, including, by way of illustration, but not limitation, provisions for such living quarters and their maintenance and operation, food, clothing, medical, surgical and dental care, educational facilities and other incidentals to which me and my dependents are accustomed;

(b) To make all health care decisions for me to the same extent I could do if personally acting, including my desires concerning the withholding or withdrawal of life sustaining

procedures or artificially administered sustenance as might be contained in any declaration executed by me at any time;

(c) To disclaim on my behalf, in whole or in part, the right of succession or transfer of any property or interest in any property in accordance with Section 9-201(c), Estates and Trusts Article, Annotated Code of Maryland, as the same may be amended from time to time hereafter, or a similar act of another State having jurisdiction;

(d) To make gifts on my behalf to continue any program of gift giving or to make gifts to my family, relatives or friends who would be the natural objects of my bounty, as my Attorney-in-Fact shall deem proper and to the best interests of myself and my dependents; and

(e) To continue or discharge any service or duties assumed by me to my family, relatives or friends, and to continue payments incidental to my membership in or affiliation with, any church, club, society or other organization.

9. REPRESENTATION AND EMPLOYMENT OF ASSISTANCE:

(a) On my behalf and in my name or the name of my Attorney, to institute, prosecute, appear in, defend, compromise, arbitrate, settle or dispose of any legal, equitable or administrative hearings, actions, suits, attachments, claims or other proceedings, to which I am or may become a party or in which I have an interest, and to engage and dismiss counsel in connection therewith, authorizing my Attorney-in-Fact to assent or to waive any or all rights, privileges, and defenses available to me under the Laws of the United States of America, State Laws and Ordinances of Local Subdivision of the various States and Amendments thereto.

(b) To hire, engage, employ and appoint agents, employees and counsel upon such terms and conditions and at such compensation as my said Attorney-in-Fact shall deem proper in the

exercise of the powers herein granted, to dismiss and remove at pleasure any such agents, employees and counsel as well as any agents, employees and counsel heretofore or hereafter employed by me or on my behalf.

10. MISCELLANEOUS:

(a) To sign, seal, acknowledge and deliver any instrument necessary to accomplish any of the powers herein granted;

(b) To modify, reform, renegotiate or rescind any contract or obligation heretofore or hereafter made by me on my behalf.

11. GENERAL PROVISIONS:

(a) All business transacted hereunder for me or for my account shall be transacted in my name, and all endorsements and instruments executed by my Attorney-in-Fact and with the designation "Attorney-in-Fact";

(b) I hereby ratify and confirm all lawful acts done and caused to be done by my said Attorney-in-Fact pursuant to this Power of Attorney, and I direct that it shall continue in effect until terminated by me or by operation of law;

(c) If the authority contained herein shall be revoked or terminated by operation of law without notice, I hereby agree for myself, executors, administrators, heirs and assigns, in consideration of my Attorney's willingness to act pursuant to this Power of Attorney, to save and hold harmless from any loss suffered or any liability incurred by my Attorney in so acting after such revocation or termination without notice;

(d) This Power of Attorney shall not be affected by my subsequent disability or incapacity, and the power and authority conferred herein on my said Attorney shall continue in full

force and effect, and shall be exercisable by said Attorney notwithstanding my later disability or incapacity or later uncertainty as to whether I am dead or alive.

12. CAPACITY

I hereby certify that as of this date of the execution of this instrument, I am of sound and disposing mind and capable of executing a valid deed or contract. I hereby further certify that I am not under any medical treatment for mental disability or disorder, or subject to any type of mental disability or disorder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21st day of _____, 2002.

WITNESS:

_____ _____(SEAL)
EVA MACRIS

STATE OF MARYLAND, COUNTY OF Baltimore

I, Amina Feathers, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 21st day of February, 2002, before me, personally appeared EVA. MARIS, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, (he/she) personally acknowledged to me that (he/she) signed and sealed the same on the date it bears and is (his/her) true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public

My Commission Expires: 6-19-05

S:\JesSettle\Jes97-98\JES\MACRIS.POWER.ATT.wpd

200' SCALE MAP: N.E. 10-C
#1722 E. JOPPA ROAD
"OAKLEIGH/
BAYNESVILLE"

Revised Code
CR-02-457-XA

200' SCALE MAP: N. E. 10-C
#1722 E. JOPPA ROAD
"OAKLEIGH/
BAYNESVILLE"

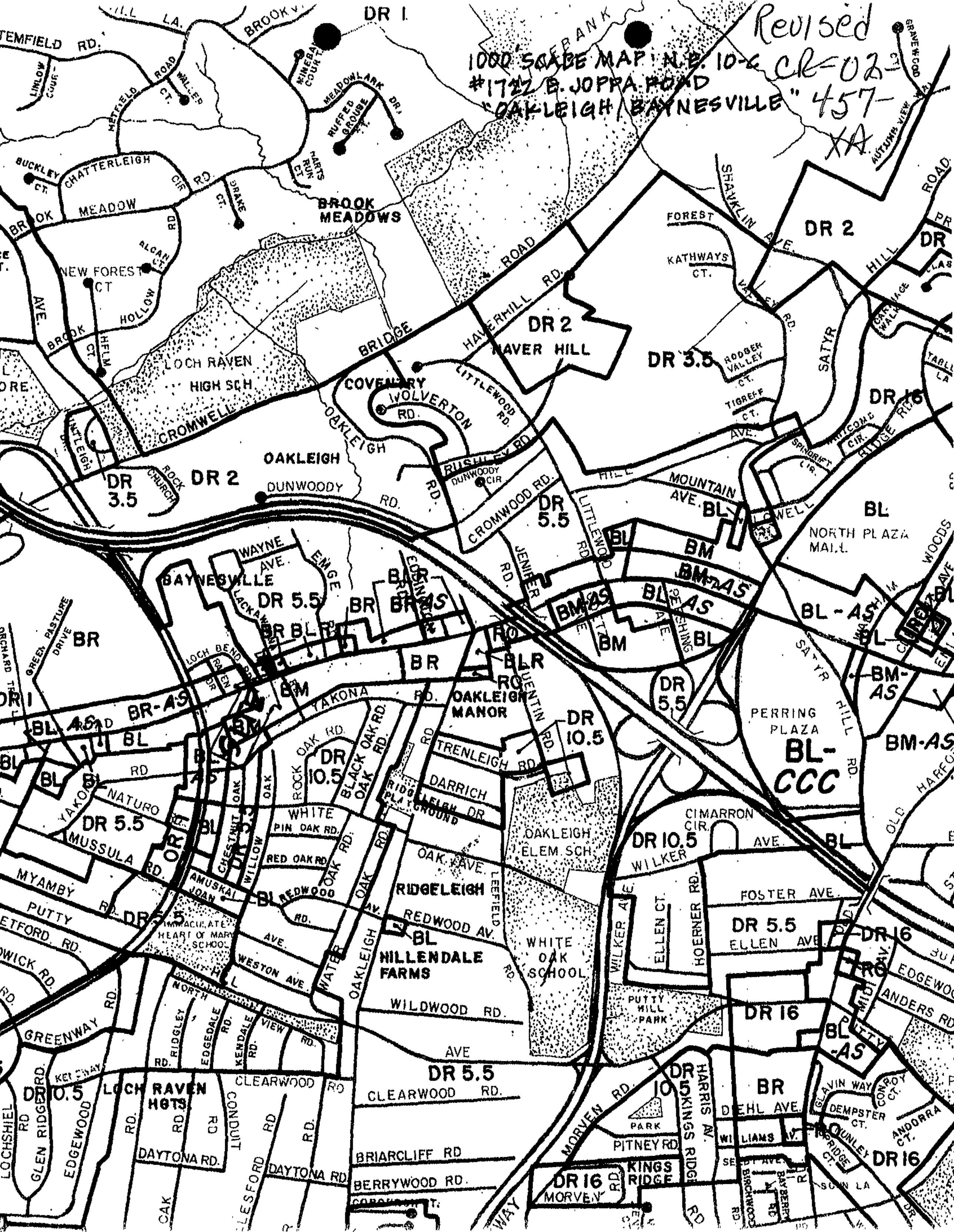
1000' SCALE ZONING MAP
SHEET 3-C
1722 E. JOPPA ROAD

RECLASSIFICATION PETITION

See Revised

Revised
CR-02-
457-
XA

1000' SCALE MAP N.E. 10-6
#1722 B. JOPPA ROAD
"OAKLEIGH / BAYNESVILLE"



CASE #: CR-02-457-XA

EXHIBITS

9/26/02

PETITIONER

✓ 1. Documented site plan. 8 pieces

Verified 2-13-03

CASE #: CR-02-457-XA

2-13-2003
Macris

EXHIBITS

PETITIONERS

1A. SITE PLAN (DOCUMENTED) SHT 1
1B. SITE PLAN (DOCUMENTED) SHT 2
2. DEPUTY ZONING ~~FHUD~~ OPINION CASE NO. 99-473-SPH
3. RAISING PERMIT APPLICATION
4. BUILDING PERMIT APPLICATION
5. RESOLUTION BY COUNCILMAN WAYNE SKINNER
6. 2000 COMPREHENSIVE ZONING MAP PROCESS APPLICATION 3 SHTS.
7. OFFICE OF PLANNINGS RECOMMENDATION IN CASE R-02-457
8. OFFICE OF PLANNING STUDY ON ISSUE 4-009
9. OFFICIAL ~~2000~~ 1996 CZMP 200' SCALE
10. OFFICIAL 2000 CZMP 200' SCALE
11. ENTERPRISE PORTFOLIO
12. CV for Vincent J. Moskunas
13. CV for Joseph Calbaggero
14. CV for Mitchell J. Kellman
15A-I. PHOTOS (9)
16. RULE 8, CONSOLIDATED VERSION FOR DONNA SPICER
17. BOYCE V. SEMBLY, 25 MD. App. 43, 334 A.2d 137

PEOPLES COUNSEL

1. CZMP 2000 PROCESS
2. CZMP 2000 LOG OF ISSUES w/PRELIMINARY STAFF
3. CZMP 2000 FINAL LOG OF ISSEUS
4. LEGISLATION BILL NO. 86-94
5. LEGISLATION BILL NO. 180-95
6. BOARD OF APPEALS R-98-366
7. BOARD OF APPEALS R-97-469

IN RE: PETITION FOR SPECIAL HEARING NWC East Joppa Road and Lackawanna Avenue 9th Election District 4th Councilmanic District (1722 East Joppa Road) Sarandos & Eva Macris Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 99-473-SPH

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing filed by the legal owners of the subject property, Sarandos & Eva Macris. The Petitioners are requesting a special hearing for property they own at 1722 East Joppa Road. The property is zoned B.R. and D.R.5.5. The special hearing request is to amend the previously approved site plan in Case No. 97-101-A. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were: Sarandos Macris, property owner; Vincent Moskunas, professional engineer; and, William Monk, zoning consultant. Appearing as interested citizens in the matter were many residents of the surrounding community, all of whom signed in on the Citizen Sign-In Sheet. In addition, Ms. Donna Spicer, the representative of the Towson-Loch Raven Community Council also attended the hearing.

Testimony and evidence indicated that the property which is the subject of this special hearing relief consists of 0.31 acres, more or less, and is located at the northwest side of the intersection of Joppa Road and Lackawanna Road in the Parkville area of Baltimore County. The subject property is currently improved with a small carry out restaurant. The Petitioners wish to tear down the restaurant and construct a service garage in its place. That matter

Date
By

PET #2 2/13/03

previously came before Zoning Commissioner Lawrence E. Schmidt and was approved by Commissioner Schmidt pursuant to his Order issued in Case No. 97-101-A dated the 23rd day of October, 1996. The Petitioners realized that the design of the previously approved building was too narrow to accommodate larger vehicles, which were to be serviced at this facility. Therefore, they found it necessary to widen the service garage building by a few feet, thereby necessitating the special hearing request to amend the previously approved site plan. There is no change in use proposed by the Petitioners. The only difference between the current site plan and that which was previously approved, is that the building is somewhat wider and somewhat shorter.

As stated previously, several citizens from the surrounding community appeared at the hearing. The citizens are very much concerned over the traffic that currently utilizes Lackawanna Road. The current residents have problems with the Precision Tune service garage located on the opposite side of Lackawanna Road from this property. The residents indicated that the operator of the Precision Tune allows customers to park on the residential street and also allows deliveries of vehicles on Lackawanna Road. This will not occur with the Petitioners' property in that the Petitioners executed an agreement with the Towson-Loch Raven Community Council containing 22 restrictions which regulate the operation of the proposed service garage. Commissioner Schmidt previously incorporated those 22 restrictions into his Order dated the 23rd day of October, 1996, and I shall reincorporate those restrictions in my decision herein.

After considering the testimony and evidence offered by the Petitioners and the concerns raised by the citizens of the surrounding community, I find that the Petitioners' request for special hearing to amend the previously approved site plan in Case No. 97-101-A should be granted.

The changes and modifications proposed to be made by the Petitioners are very minor in nature. They do not affect the intended use of the property which is to operate a service garage thereon. Therefore, I have no problem approving the special hearing request and shall re-impose all conditions and restrictions which were previously imposed by Commissioner Schmidt in Case No. 97-101-A.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of July, 1999 that the Petitioners' Special Hearing request to approve an amendment to the previously approved site plan in Case No. 97-101-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.

2) All conditions and restrictions previously imposed by Commissioner Schmidt in his Order dated the 23rd day of October, 1996, be and are hereby incorporated herein and re-imposed upon the Petitioners. These restrictions shall specifically include the 22 restrictions that were agreed upon by the Petitioners and the Towson-Loch Raven Community Council dated October 8, 1996, which were appended to Commissioner Schmidt's decision.

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.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Date 7/16/99

TMK:raj

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 9/18/

OEA: 1/6 6

HISTORIC DISTRICT/BLDG. ☐ YES ☐ NO ☐ DO NOT KNOW

PERMIT #: B462646
RECEIPT #: 0439397
CONTROL #: PA
XREF #:

FEE: 12.15
PAID: 21
PAID BY: APR
INSPECTOR:

PROPERTY ADDRESS 1722 E Joppa Rd
SUITE/SPACE/FLOOR
SUBDIV: N/Joppa St. Tract
TAX ACCOUNT #: 09-23-005530
DISTRICT/PRECINCT 09 / 15

OWNER'S INFORMATION (LAST,FIRST)
NAME: MACRIS SARANDOS and EVA
ADDR: 109 Tregarone Rd

DOES THIS BLDG. HAVE SPRINKLERS YES — NO —

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: MACRIS SARANDOS
COMPANY:
STREET 109 TREGARONE RD
CITY,ST,ZIP TOWSON MD 21093
PHONE #: 410-665-9683 252-5548 MHIC LICENSE #:
APPLICANT SIGNATURE: Macris Sarandos DRC#
PLANS: CONST 2 PLOT 0 PLAT 0 DATA 0 EL 2 PL 1
TENANT
CONTR: TBD
ENGNR:
SELLR:

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE ✓

TYPE OF IMPROVEMENT
1.___ NEW BLDG CONST
2.___ ADDITION
3.___ ALTERATION
4.___ REPAIR
5.✓ WRECKING
6.___ MOVING
7.___ OTHER

DESCRIBE PROPOSED WORK: Raze residence, 25'x50' = 1250 sf, Raze apt bldg 18'x30 = 540 sf. To be torn down. Debris to be hauled to approved sanitary land fill in accordance w/ applicable county, state reg. Sewer to be capped. Water to be capped. 90 days.

TYPE OF USE

RESIDENTIAL
01.✓ ONE FAMILY
02.___ TWO FAMILY
03.___ THREE AND FOUR FAMILY
04.___ FIVE OR MORE FAMILY (ENTER NO UNITS)_____
05.___ SWIMMING POOL
06.___ GARAGE
07.___ OTHER

NON-RESIDENTIAL
08.___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09.___ CHURCH, OTHER RELIGIOUS BUILDING
10.___ FENCE (LENGTH ____ HEIGHT ____)
11.___ INDUSTRIAL, STORAGE BUILDING
12.___ PARKING GARAGE
13.___ SERVICE STATION, REPAIR GARAGE
14.___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15.___ OFFICE, BANK, PROFESSIONAL
16.___ PUBLIC UTILITY
17.___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18.___ SIGN
19.___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE
20.___ SWIMMING POOL
SPECIFY TYPE
21.___ TANK, TOWER
22.___ TRANSIENT HOTEL, MOTEL (NO. UNITS_____)
23.___ OTHER

TYPE FOUNDATION
1.__ SLAB
2.__ BLOCK
3.__ CONCRETE

BASEMENT
1.__ FULL
2.__ PARTIAL
3.__ NONE

TYPE OF CONSTRUCTION
1.___ MASONRY
2.___ WOOD FRAME
3.___ STRUCTURE STEEL
4.___ REINF. CONCRETE

TYPE OF HEATING FUEL
1.___ GAS 3.___ ELECTRICITY
2.___ OIL 4.___ COAL

TYPE OF WATER SUPPLY
1.___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED
2.___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

TYPE OF SEWAGE DISPOSAL
1.___ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2.___ PRIVATE SYSTEM
___ SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1.___ 2.___
ESTIMATED COST: $4000.00 OF MATERIALS AND LABOR
PROPOSED USE: VACANT
EXISTING USE: Landing strip, plot, house, apt

OWNERSHIP
1.✓ PRIVATELY OWNED 2.___ PUBLICLY OWNED 3.___ SALE 4.___ RENTAL

RESIDENTIAL CATEGORY: 1.___ DETACHED 2.___ SEMI-DET. 3.___ GROUP 4.___ TOWNHSE 5.___ MIDRISE 6.___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1.__Y 2.__N BATHROOMS CLASS 24
POWDER ROOMS KITCHENS LIBER 74 FOLIO 01

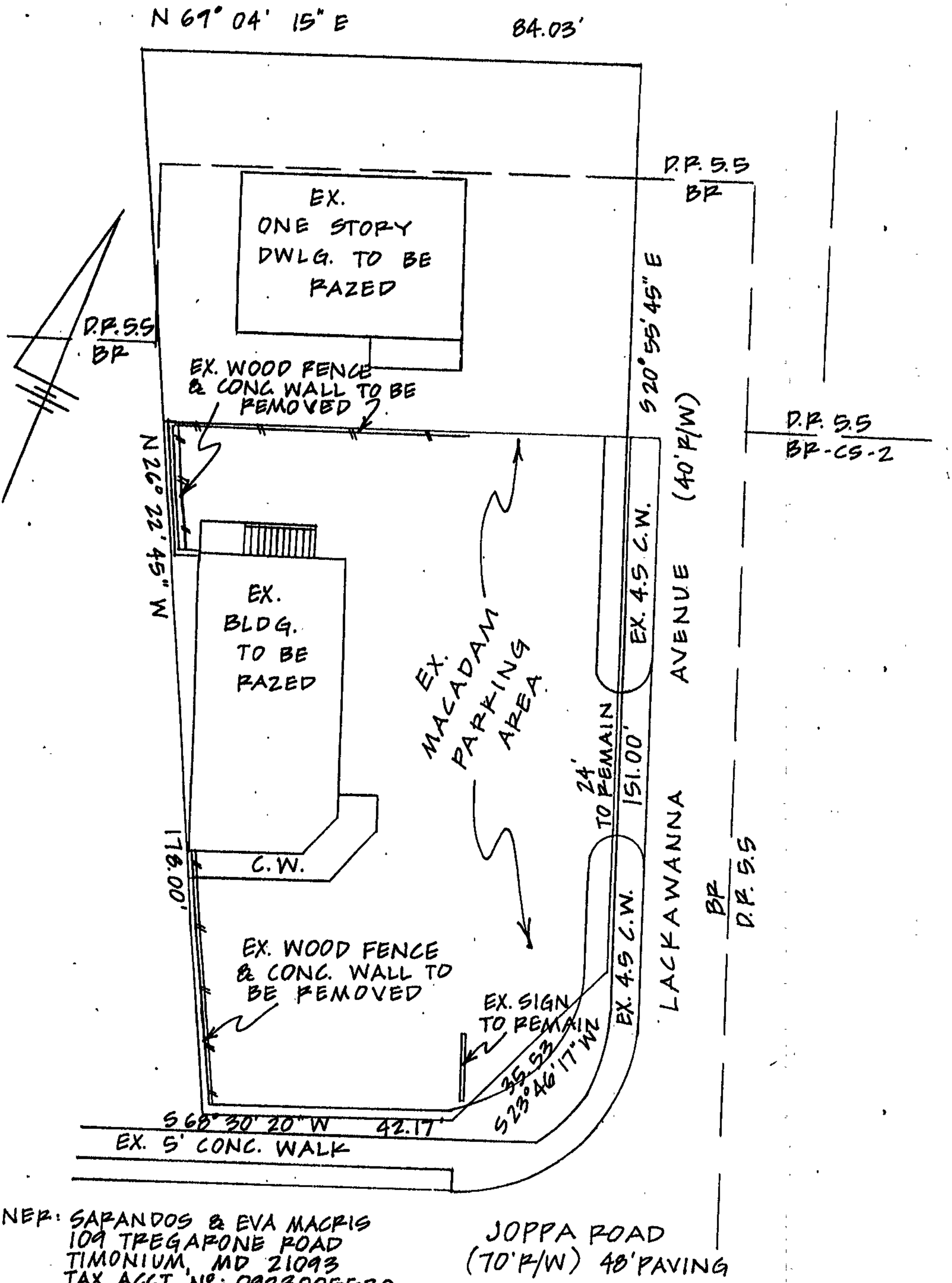
BUILDING SIZE
FLOOR
WIDTH
DEPTH
HEIGHT
STORIES
LOT #'S
CORNER LOT
1.__ Y 2.__ N

LOT SIZE AND SETBACKS
SIZE 59X
FRONT STREET
SIDE STREET
FRONT SETBK
SIDE SETBK
SIDE STR SETBK
REAR SETBK
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING		
PUB SERV		
ENVRMNT	OK to RG SFD	9-18-0
Alar [illegible]	OK TO ISSUE	9-18-0
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PET #3 2/13/03



NER: SARANDOS & EVA MACRIS
109 TREGARONE ROAD
TIMONIUM, MD 21093
TAX ACCT. Nº: 0923005530
DEED REF.: 5467-164

PLAN FOR RAZING PERMIT
#1722 EAST JOPPA ROAD
LOT 2
"JACOB M. HOLLOPETER TRACT"
ELECTION DISTRICT Nº9
BALTIMORE CO, MD
SEPTEMBER 5, 2001
SCALE: 1"=20' 5493

e Rite Surveying, Inc.
0 E. Joppa Road
ell Building, Room 101
vson, MD 21286
0)828-9060

DRC UPDATE

PDM NO:
PROJECT: SARANDOS MACRIS
ACREAGE: 0.31
DRC No: D9166G
LOCATION: 1722 E JOPPA RD
ELEC. DIST: 9
PLAN TYPE: LTD EXEMPT
ACTION DAT: 09/30/1996
COUNC. DIST: 4
DRC ACTION: A.7.

Refinement Review by DPW: No
Refinement Review by SWM: No
Refinement Review by RP: No
Refinement Review by OP: No
Refinement Review by ZON: No
Refinement Review by SHA: No
Refinement Review by DEPRM: No
Refinement Review by DPR: No

COMMENTS:

Find Record | Print Form | Delete Record | Save Record

TIME: 10:10:32 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1018M
DATE: 12/18/2001 APPROVALS DETAIL SCREEN LAST UPDATE 10/17/2001
PSN 08:14:03

PERMIT #: B462647

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	10/02/2001	01	SLW
FIRE	10/02/2001	01	BLDG PLANS REVIEW
SEDI CTL	09/27/2001	12	SC-X3226 KS GRADING PERMIT///SC PLANS
ZONING	10/17/2001	01	JCM
PUB SERV	10/17/2001	01	JCM
ENVRMNT PERMITS	10/03/2001	01	EIR-10-03-01 MSK

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT

CLEAR - MENU

IN RE: PETITION FOR SPECIAL HEARING NWC East Joppa Road and Lackawanna Avenue 9th Election District 4th Councilmanic District (1722 East Joppa Road) Sarandos & Eva Macris Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 99-473-SPH

* * * * * * * * * *

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Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 9/5/01
OEA: JT

B 472647

PERMIT #: B 472647
RECEIPT #: A 472837
CONTROL #: C-
TREE #:

FEE: 315+5+24
PAID: 344=
PAID BY: mal
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS

BUILDING CODE 1 or 2 FAM. CODE
BOCA CODE

PROPERTY ADDRESS 1722 E Toppa Rd
SUITE/SPACE/FLOOR
SUBDIV: Hilltopeter Tract
TAX ACCOUNT #: 09-23-005530
HISTORIC DISTRICT/BLDG. ☐ YES ☑ NO ☐ DO NOT KNOW
DISTRICT/PRECINCT 9 / 13

OWNER'S INFORMATION (LAST, FIRST)
NAME: MACRIS SARANDOS A + EVA
ADDR: 109 Tregarone Rd 21093

DOES THIS BLDG. HAVE SPRINKLERS YES X NO —

APPLICANT INFORMATION
NAME: MACRIS SARANDOS
COMPANY: NOM
STREET 109 Tregarone Rd
CITY,ST,ZIP Timonium MD 21093
PHONE #: 410 665-9683 MHIC LICENSE #:
APPLICANT SIGNATURE: Sarandos a Macris DRC#
PLANS: CONST 2 PLOT 11 PLAT 0 DATA 3 EL 1 PL 1
TENANT Toppa Port Auto Repair
CONTR: TBD
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: Construct five bay service garage.
91'8" X 36'4" X 31' = 6566 SF

TYPE OF USE

(OK To Waive Data Sheets SLW)

RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY (ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. ✓ SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF FOUNDATION: 1. SLAB 2. BLOCK 3. CONCRETE
BASEMENT: 1. FULL 2. PARTIAL 3. NONE

TYPE OF CONSTRUCTION: 1. ✓ MASONRY 2. WOOD FRAME 3. STRUCTURE STEEL 4. REINF. CONCRETE

TYPE OF HEATING FUEL: 1. GAS 2. OIL 3. ELECTRICITY 4. COAL

TYPE OF WATER SUPPLY: 1. ✓ PUBLIC SYSTEM ✓ EXISTS PROPOSED; 2. PRIVATE SYSTEM EXISTS PROPOSED

TYPE OF SEWAGE DISPOSAL: 1. ✓ PUBLIC SEWER ✓ EXISTS PROPOSED; 2. PRIVATE SYSTEM; SEPTIC EXISTS PROPOSED; PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2.
ESTIMATED COST OF MATERIALS AND LABOR: $200,000
PROPOSED USE: Auto Service Repair Garage
EXISTING USE: Vacant (Previously Auto Repair)

OWNERSHIP: 1. ✓ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE 6. HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 84
POWDER ROOMS KITCHENS LIBER 14 FOLIO 01

BUILDING SIZE
FLOOR 6566
WIDTH 91'8"
DEPTH 36'4"
HEIGHT 31
STORIES 1 + Bm
LOT #'S 2
CORNER LOT 1. Y 2. N

LOT SIZE AND SETBACKS
SIZE 133125 SF
FRONT STREET
SIDE STREET
FRONT SETBK 40'
SIDE SETBK 24'
SIDE STR SETBK
REAR SETBK 60'
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN	OK To File Plans SLW	9-18-01
FIRE		
SEDI CTL		
ZONING	BK OK TO FILE	9/18/01
PUB SERV		
ENVRMNT	OK to file SBS	9-18-01
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

All DRC info on site plans #18

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 9/5/01
OEA: JT

B 462647

PERMIT #: B 438397
RECEIPT #: A-
CONTROL #:
XREF #:

FEE: 315+5+24
PAID: 344=
PAID BY: MAC
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND I WILL REQUEST ALL REQUIRED INSPECTIONS

BUILDING CODE: 1 or 2 FAM. CODE / BOCA CODE

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

PROPERTY ADDRESS 1722 E Joppa Rd
SUITE/SPACE/FLOOR
SUBDIV: Hilltopeter Tract
TAX ACCOUNT #: 09-23-005530
OWNER'S INFORMATION (LAST,FIRST)
NAME: MACRIS SARANDOS A + EVA
ADDR: 109 Tregarone Rd 21093

☐ YES ☑ NO HISTORIC DISTRICT/BLDG.
☐ DO NOT KNOW
DISTRICT/PRECINCT 9 / 19

DOES THIS BLDG. HAVE SPRINKLERS YES X NO —

APPLICANT INFORMATION
NAME: MACRIS SARANDOS
COMPANY: NOW
STREET 109 Tregarone Rd
CITY,ST,ZIP Timonium MD 21093
PHONE #: 410 665-9683 MHIC LICENSE #:
APPLICANT SIGNATURE: Sarandos Macris DRC#
PLANS: CONST 3 PLOT 11 PLAT 0 DATA 3 EL. 1 PL 1
TENANT Joppa Road Auto Repair
CONTR: TBD
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: Construct five bay service garage, 91'8" X 36'4" X 31' = 6566 SF

(ok To waive Data sheets SLW)

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ✓ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT SPECIFY TYPE ___
20. ___ SWIMMING POOL ___ SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER ___

TYPE OF FOUNDATION: 1. SLAB 2. BLOCK 3. ✓ CONCRETE
BASEMENT: 1. ✓ FULL 2. ___ PARTIAL 3. ___ NONE

TYPE OF CONSTRUCTION
1. ✓ MASONRY
2. ___ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ___ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF SEWAGE DISPOSAL
1. ✓ PUBLIC SEWER ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
___ SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

TYPE OF WATER SUPPLY
1. ✓ PUBLIC SYSTEM ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $200,000
PROPOSED USE: Auto Service Repair Garage
EXISTING USE: Vacant (Previously Zoned B)

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: ___ #1BED: ___ #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS: ___
1 FAMILY BEDROOMS ___
GARBAGE DISPOSAL 1. ___ Y 2. ___ N BATHROOMS ___ CLASS 84
POWDER ROOMS ___ KITCHENS ___ LIBER 14 FOLIO 01

BUILDING SIZE
FLOOR 6566
WIDTH 91'8"
DEPTH 36'4"
HEIGHT 31
STORIES 1 & 2A
LOT #'S 2
CORNER LOT 1. ___ Y 2. ___ N

LOT SIZE AND SETBACKS
SIZE 33125 SF
FRONT STREET ___
SIDE STREET ___
FRONT SETBK 40'
SIDE SETBK 24'
SIDE STR SETBK ___
REAR SETBK 60'
ZONING ___

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN	OK To File Plans SLW	9-18-01
FIRE		
SEDI CTL		
ZONING	BR OK TO FILE	9/18/01
PUB SERV		
ENVRMNT	OK to file SBD	9-18-01
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

All DRC info on site plans #18

APPLICATION FOR BUILDING PERMIT

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

PERMIT ★★★★B462647 CONTROL # 0 PLOT 09 PREC 15

LOCATION: 1722 E JOPPA RD
SUBDIVISION: HILLOPETER TRACT
TAX ASSESSMENT #: 0723005530

DIRECTOR

BUILDINGS ENGINEER

OWNERS INFORMATION
NAME: MACRIS, SARANDOS A. AND EVA
ADDR: 109 TREGARONE RD., 21093

APPLICANT INFORMATION
NAME: MACRIS SARANDOS
COMPANY:
ADDR1: 109 TREGARONE RD
ADDR2: TIMONIOUM, MD 21093
PHONE #: 410-665-9683 LICENSE #:

NOTES
JT/VLC

DRC#
PLANS: CONST 2 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT: JOPPA ROAD AUTO REPAIR
CONTR: TBD
ENGNR:
SELLR:
WORK: CONSTRUCT FIVE BAY SERVICE GARAGE.
91'8"X36'4"X31'=6566SF
OK TO WAIVE DATA SHEETS PER SLW.

PROPOSED USE: AUTO SERVICE REPAIR SHOP
EXISTING USE: VACANT (REFER TO B462646)

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 200,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: SERVICE STATION, REPAIR GARAGE
FOUNDATION: CONCRETE BASEMENT: FULL
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: MASONRY FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PET #4 2/13/03

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PERMIT #: B462647

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

DIMENSIONS: INSTALL ELEVATOR

GARBAGE DISP: FLOOR: 6566 SIZE: 0059.94 X 0000.00

POWDER ROOMS: WIDTH: 91'8 FRONT STREET:

BATHROOMS: DEPTH: 36'4" SIDE STREET:

KITCHENS: HEIGHT: 31' FRONT SETB: 40

STORIES: 1&BA SIDE SETB: 20

LOT NUS: 2 SIDE STR SETB:

CORNER LOT: REAR SETB: 60

DIRECTOR

BUILDINGS ENGINEER

ZONING INFORMATION

DISTRICT: BLOCK:

PETITION: SECTION:

DATE: LIBER: 001

MAP: FOLIO: 001

CLASS: 24

ASSESSMENTS

LAND: 0106600.00

IMPROVEMENTS: 0135100.00

TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 09/19/2001 INSPECTOR INITIALS: 09C

FEE: $344.00 PAID: $344.00 RECEIPT #: A438397

PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER DATE

ADDRESS

AGENT ____

OWNER ____

SIGNATURE OF APPLICANT PHONE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 13
Resolution No. 63-02

Mr. Wayne M. Skinner, Councilman

By the County Council, June 17, 2002

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Sarandos and Eva Macris for the property located at 1722 East Joppa Road MD 702 and situated in the Fourth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 6, 2002, has certified that early action on the Petition for Zoning Reclassification filed by Sarandos and Eva Macris, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Sarandos and Eva Macris is manifestly required in the public interest, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

r06302.bil

PET #5

2/13/03

2000 COMPREHENSIVE ZONING MAP PROCESS APPLICATION

This form and the required materials must be presented in person

Baltimore County Office of Planning
401 Bosley Avenue, Suite 406
Towson Maryland 21204
410-887-3480
www.co.ba.md.us

OFFICE USE ONLY

Issue No. 4-009
Council District 4th
Planner L. Hay

Received on 10 / 19 / 99
Fee (non-refundable) _____
Receipt No. _____

APPLICANT INFORMATION

Staff Issue
1. Name

2. Organization (if applicable)

3. Mailing Address

4. City, State, Zip Code

5. Home Phone

5a. Business Phone

6. Attorney or Representative

Firm Name (if applicable)

Address

City, State, Zip Code

Business Phone

PROPERTY INFORMATION

See attached
7. Property Owner's Name

23.75 acres
9. Total Acreage of Property

See attached
11. Property Tax Number (12 Digits)

Property Tax Number

Property Tax Number

See attached
8. Property Street Address
S. side Joppa Rd between Pleasant Plains Rd. and Oakleigh Rd., N. side Joppa between Cachaway Ave. & Oakleigh
10. Distance to nearest street/intersection (give name)

See attached.
12. Tax Map Number / Parcel Number

Tax Map Number / Parcel Number

Tax Map Number / Parcel Number

RECLASSIFICATION INFORMATION

23.75 acres
13. Acreage of land requested for rezoning

BR-AS, BR-
15. Existing zoning (acres per zone)

Commercial
17. Existing use of parcel

19. Zoning history (issue/case no., year, type)

3C
14. 1000' scale zoning map no.

NE 9B, 9CNE, NE 10C
200' scale zoning map no.

BLR, BL 23.75 acres
16. Requested zoning (acres per zone)

Commercial
18. Proposed use of parcel

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

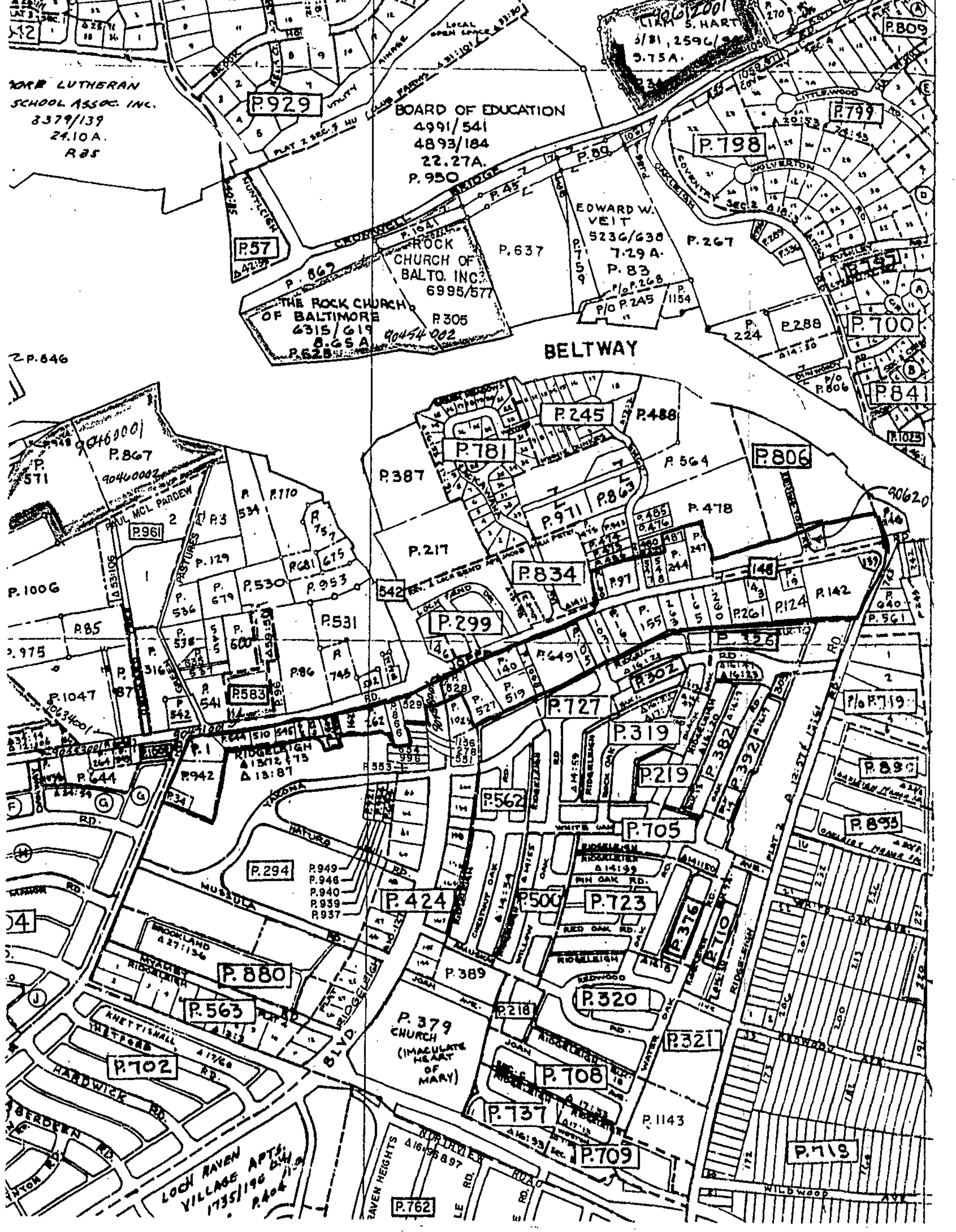
(SIGNATURE) _____ Date _____

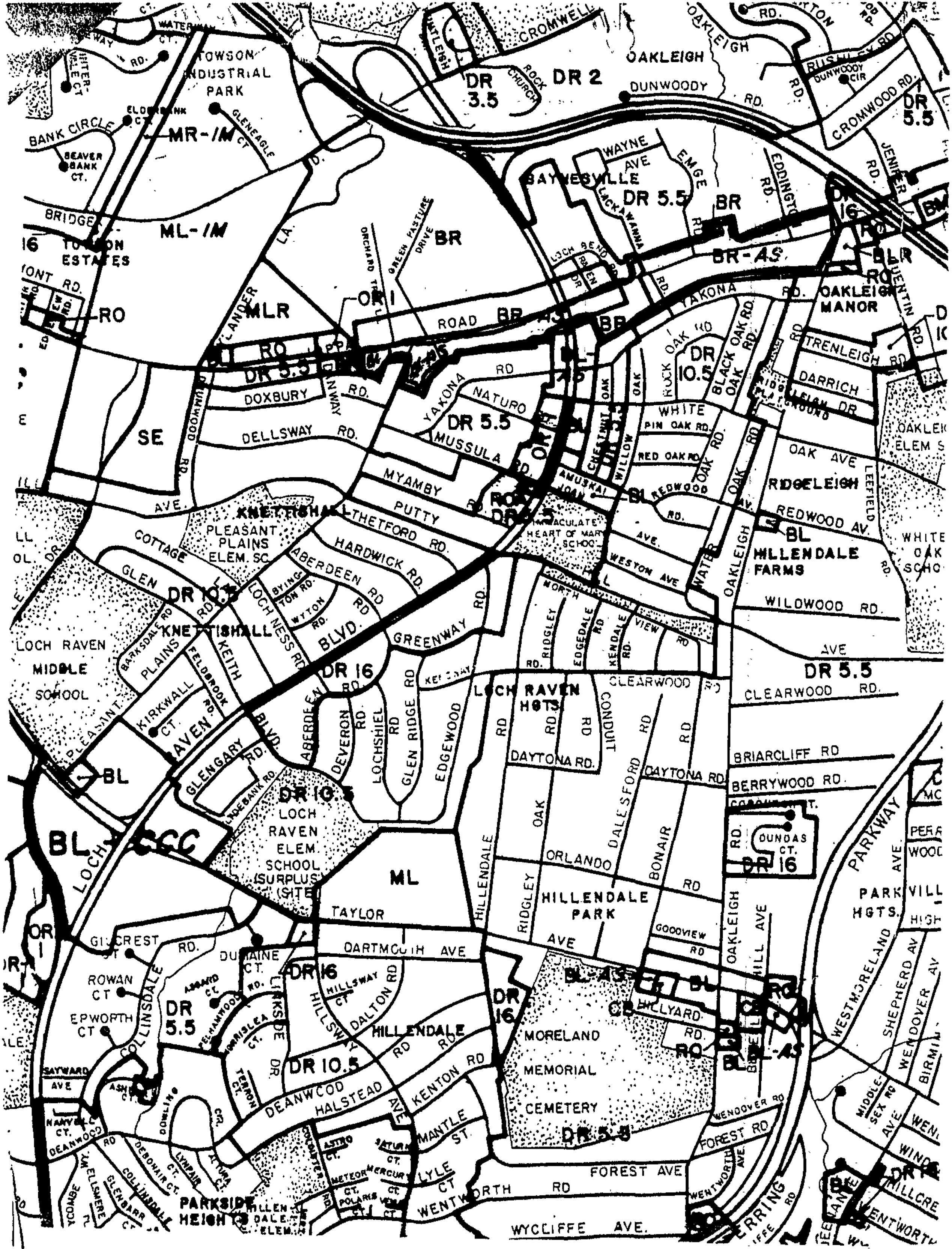
OWNER ACKNOWLEDGEMENT: Are you the owner of the property? No____ Yes____ If you are the owner, review and sign below.

1. I hereby grant permission to Baltimore County for any required inspections of my property in regard to this subject-zoning request.
2. I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and /or transfer taxes may result for which the property owner would be responsible. Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all county, state, and federal requirements in effect at that time must be satisfied.
3. I hereby acknowledge that the County Council may apply any zoning classification on the subject property upon adoption of the comprehensive zoning maps.

Owner's Name (Please Print) _____ Signature _____ Date _____

PET #6 2/13/03


BOARD OF EDUCATION
4991/541
4893/184
22.27A.
P.950
P.929
P.809
P.799
P.798
P.89
P.45
P.57
P.637
P.267
P.288
P.700
P.841
P.806
P.245
P.781
P.387
P.564
P.863
P.971
P.478
P.217
P.834
P.299
P.326
P.302
P.727
P.319
P.219
P.705
P.562
P.294
P.424
P.500
P.723
P.880
P.563
P.702
P.389
P.379
CHURCH
(IMMACULATE HEART OF MARY)
P.320
P.321
P.708
P.737
P.709
P.719
P.762
P.1143
P.867
P.571
P.961
P.1006
P.85
P.975
P.1047
P.644
P.942
P.583
P.531
P.142
P.124
P.261
P.155
P.649
P.140
P.519
P.527
P.1024
P.1154
P.224
P.376
P.710
P.890
P.895
P.1025
P.846
P.862
P.305
P.628
P.949
P.946
P.940
P.939
P.937
BELTWAY
BRIDGE
CROMWELL
HUNTLEIGH
COVENTRY
WOLVERTON
LITTLEWOOD
RIDGELEIGH
HUSSULA
HARDWICK
ABERDEEN
NORTHERN
WILDWOOD
OAK AVE.
PIN OAK RD.
RED OAK RD.
WATER OAK
JOAN AVE.
LOCH RAVEN
VILLAGE APTS.
1735/196
P.404
RAVEN HEIGHTS
LOCAL OPEN SPACE
UTILITY
PLAT 2 SEC. 3 HU
PLAT 2 SEC. 2 HU
PAUL MCL PARDEW
LIKM S. HARTI
5.75A.
EDWARD W. VEIT
5236/638
7.29A.
P.83
THE ROCK CHURCH OF BALTIMORE
6315/619
8.65A.
ROCK CHURCH OF BALTO. INC.
6995/577
90454002
90460001
90460002
90620


TOWSON INDUSTRIAL PARK
OAKLEIGH
DUNWOODY RD.
CROMWELL
DR 3.5
DR 2
DR 5.5
BANK CIRCLE
MR-IM
BEAVER BANK CT.
GLENEAGLE CT
BAYVESWILLE
WAYNE AVE
EMGE
EDDINGTON RD
JENNIFER RD
BR
BR-AS
ML-IM
TOWSON ESTATES
BRIDGEVIEW
GREEN PASTURE DRIVE
ORCHARD TRL
RO
MLR
OR 1
ROAD
YAKONA RD
OAKLEIGH MANOR
TRENLEIGH RD
DARRICH
DR 10.5
BLACK OAK RD
WHITE PIN OAK RD
RED OAK RD
DOXBURY RD
DELLSWAY RD
NATURO
MUSSULA RD
SE
MYAMBY RD
PUTTY RD
KNETTISHALL
PLEASANT PLAINS ELEM. SC.
THETFORD RD
HARDWICK RD
ABERDEEN RD
COTTAGE
GLEN
LOCH NESS RD
BLVD.
GREENWAY
REDWOOD AV
RIDGELEIGH
HILLENDALE FARMS
WESTON AVE
WILWOOD RD
LOCH RAVEN MIDDLE SCHOOL
KEITH
KIRKWALL CT.
AVEN
GLENGARY RD
DEVERON RD
LOCHSHIEL RD
GLEN RIDGE RD
EDGEWOOD
LOCH RAVEN HGTS
CLEARWOOD RD
DAYTONA RD
BRIARCLIFF RD
BERRYWOOD RD
BL
CCC
LOCH RAVEN ELEM. SCHOOL (SURPLUS SITE)
ML
TAYLOR
HILLENDALE PARK
ORLANDO RD
DUNDAS CT.
DR 16
PARKWAY
PARKVILLE HGTS.
GILCREST RD
DUMAINE CT.
DARTMOUTH AVE
ROWAN CT
EPWORTH CT
COLLINSDALE
HILLSWAY
DALTON RD
HILLENDALE
MORELAND MEMORIAL CEMETERY
BELLYARD RD
WESTMORELAND
SHEPHERD AV
WENDOVER AV
DEANWOOD
HALSTEAD AVE
KENTON RD
MANTLE ST
LYLE CT
FOREST AVE
FOREST RD
WENTWORTH RD
WYCLIFFE AVE.
PARKSIDE HEIGHTS

Post-it® Fax Note 7671 Date 10/30 # of pages ▶ 2
To LAND LACHOWICZ From Lynn Landers
Co./Dept. Reviewed to BL Co. PD
Phone # Phone # 887-3480
Fax # 821-0147 Fax #

CASE NO:
R-02-457
Out-of-Cycle Documented Zoning Reclassification Petition

PETITIONER:
Sarandos and Eva Macris (legal owner)

REQUESTED ACTION:
Reclassification to BL (Business Local)
Special Exception to permit a service garage (rental car facility) pursuant to Section 230.12 of the Baltimore County Zoning Regulations.

EXISTING ZONING:
BLR (Business Local Restricted)

LOCATION:
1722 East Joppa Road, on the corner of Joppa Road and Lackawanna Avenue

AREA OF SITE:
0.31 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR 5.5	Residential
South:	BM	Public Road
East:	BR	Commercial
West:	BLR	Retail

SITE DESCRIPTION:
The .31 acre parcel of land subject to reclassification is a corner lot located along Joppa Rd (commercial corridor). The area consist of mixed commercial and residential uses, with retail and service uses along Joppa Rd and single family dwellings (to the rear) along Lackawanna Ave

WATER AND SEWERAGE:
The site is served by public water and sewer and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:
The site has direct access to Joppa Road, which is designated as a principal arterial on the 1992 Federal Highway Functional Classification Map for the Baltimore UrbanizedArea.

ZONING HISTORY:
The subject property was rezoned from BR to BLR during the 2000 Comprehensive Zoning Map Process (Issue # 4-009).

PET #7 2/13/03

MASTER PLAN/COMMUNITY PLAN:

The proposed Land Use Map (map 39) in *Master Plan 2010*, adopted by the County Council on February 22, 2000, indicates the proposed land use for the subject site is designated commercial. The site is located within a community conservation area.

PROPOSED vs. EXISTING ZONING:

Regulations for BLR and BL zones may be found in Sections 229 and 230 respectively, in the Baltimore County Zoning Regulations (BCZR)

The BLR zone permits various retail and service uses, some of which may be of a larger scale such as a supermarket, up to 80,000 sq. ft.

The BL zone permits development of a wide range of commercial and non-commercial uses in addition to those permitted in the residential zone immediately adjoining the property.

BACKGROUND

This property was raised as an issue as part of the 2000 Comprehensive Zoning Map Process (issue #4-009). The owner of the property sought and received a special exception for a service garage prior to the adoption of the 2000 comprehensive zoning maps. The Council did not know this information at the time that the maps were adopted. Therefore, based on the information provided and the analysis conducted, the Office of Planning recommended that the zoning be changed to the BM classification.

DOCUMENTED SITE PLAN:

1. Provide a pedestrian ramp in the sidewalk at the corner of Lackawanna Avenue and Joppa Road.
2. Provide a lighting plan with the Final Landscape Plan. The existing exterior building mounted lights, which are in disrepair, should be replaced with cut-off type fixtures. Any exterior pole mounted lights should be cut-off type fixtures that are not angled above the horizontal.
3. Designate an area for vacuuming and washing cars.
4. The plan should designate the method for delivery and pickup of vehicles via delivery truck that avoids the use of Lackawanna Avenue and backing out onto Joppa Road.

Special Exception

The Office of Planning supports the petitioner's requests subject to the listings above.

600 Corporate Park Drive
St. Louis, MO 63105-4211
314-512-5000

For more information contact:
Christy Conrad, Enterprise Rent-A-Car
314.512.2706, cconrad@erac.com

Brian Westrich, Fleishman-Hillard
314.982.9109, westricb@fleishman.com

Enterprise Rent-A-Car is Ranked Highest in Customer Satisfaction Among Airport Renters by J.D. Power and Associates

Value and service put Enterprise on top with both leisure and business air travelers

ST. LOUIS, June 11, 2002 – Enterprise Rent-A-Car is ranked highest in customer satisfaction among both leisure and business renters at or near airports, according to a nationwide study released today by J.D. Power and Associates.

It is the fourth consecutive year that Enterprise, the largest rental car company in North America, received the top award in the J.D. Power and Associates Domestic Rental Car Customer Satisfaction Study.

According to the 2002 study, Enterprise ranks highest among leisure and business customers in three key categories: rates/value, customer pick-up and vehicle return. The study, which draws from the evaluations of more than 3,400 air travelers, is an independent, nationally representative study measuring customer satisfaction among U.S. rental car customers who rent at or near airports.

Receiving an award four times is especially noteworthy because Enterprise has only been included in the survey for four years. Enterprise's airport business is growing, with the company now serving the top 100 airports in the continental United States. It has opened 16 on-airport sites to date this year and will open an additional six by the end of July for a total of 22 this year.

The key to the company's success in the airport segment is its unique brand of customer service and value, Enterprise Chairman and Chief Executive Officer Andy Taylor said. Enterprise's airport rates are up to 20 percent lower than its competitors' rates on average.

- more -

"We reach out with a style of customer service that is geared to leisure travelers and value-minded business travelers. We customize the rental experience to each renter – with special attention and excellent prices, just like we've always offered at our 4,800 non-airport locations," Taylor said. "At the airport, that may mean helping with luggage, giving directions, or showing a customer where to find the trunk release."

The J.D. Power and Associates award shows that this approach to customer service is embraced by both leisure travelers, many of who travel infrequently and appreciate personalized service and lower rental rates, and value-minded business travelers, Taylor said.

"We find that our prices and the personalized service provided by our employees are especially attractive to people from small- to mid-sized businesses, as well as leisure travelers," he said. "We are very loyal to our customers, and this study shows they are loyal to us, and that is thrilling."

Founded in 1957, Enterprise Rent-A-Car is headquartered in St. Louis and has more than 5,000 offices located throughout the United States, Canada, United Kingdom, Ireland and Germany. To book a reservation or learn more about Enterprise, log on to its Web site at www.enterprise.com.

For more information about the J.D. Power and Associates awards, visit www.jdpower.com.

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Enterprise Rent-A-Car

Enterprise Rent-A-Car is the largest rental car company in North America, and has 5,000 offices in the U.S., Canada, the United Kingdom and Germany. Enterprise operates more than 600,000 vehicles worldwide and has annual revenues of more than $6 billion. Enterprise is currently number 22 on the *Forbes* "500 Largest Private Companies in America" list.

Enterprise was founded in St. Louis in 1957 by Jack Taylor, a decorated World War II naval aviator, and has maintained its headquarters in St. Louis ever since. Originally named Executive Leasing, the company began as a small, seven-car auto leasing business in the basement of a Cadillac dealership. But even back in the early years, long before an official mission statement was composed, Jack Taylor's management style was clear: provide customers with exceptional service, employees with well-deserved respect and ample career opportunities, and market growth and profitability will follow. Throughout the next four decades that philosophy has continued to guide Enterprise and its nearly 50,000 employees.

Unlike other rental car companies, Enterprise's primary focus is the local rental car market, specializing in car rentals to consumers who need a replacement car as the result of an accident, mechanical repair or theft, or who require a vehicle for a special occasion such as a short business or leisure trip. Just over three years ago, Enterprise also began expanding its operations to include the airport market, and now serves 99 of the top 100 airports in the United States.

In recent years, Enterprise has been recognized several times for its innovative business practices, commitment to customer service and dedication to its employees. *CIO* magazine recognized Enterprise as "one of the 100 companies most likely to succeed in the next millennium," and the same publication named Enterprise one of 100 companies achieving excellence in customer service through innovative uses of technology. *Fortune* magazine called Enterprise one of the "100 Best Companies to Work For," and *The Black Collegian* magazine ranked the company the largest recruiter of recent college graduates among the country's top 100 employers.

Enterprise remains a privately held business, and the Taylor Family, who own the company, has never lost sight of the qualities that have made Enterprise a success – superior customer service and respect and opportunities for employees. It's the way it was when Jack Taylor founded the company 45 years ago, and it's the way it always will be.

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FOR IMMEDIATE RELEASE

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Enterprise Rent-A-Car donates $25 million to Washington University to endow scholarships for African-American and financially disadvantaged students

Contribution is largest for undergraduate scholarships in university's history

ST. LOUIS, Oct. 18, 2001 – African-American and financially disadvantaged students nationwide will have the opportunity to apply for scholarships at one of the country's premier universities thanks to a $25 million donation Enterprise-Rent-A-Car Company has pledged to Washington University in St. Louis.

This gift, which will endow a permanent fund, is the largest ever made for undergraduate scholarships in the university's history and will establish the Enterprise Rent-A-Car Endowed Scholarship Fund. Scholarship recipients will be known as Enterprise Rent-A-Car Scholars.

The announcement was made today by Washington University Chancellor Mark S. Wrighton, Enterprise Rent-A-Car President and Chief Executive Officer Andrew C. Taylor, and Enterprise Rent-A-Car Foundation President Jo Ann Taylor Kindle.

"The Enterprise Rent-A-Car gift is the largest the university has ever received for undergraduate scholarship support, and it guarantees that a minimum of 30 to 40 deserving students will be able to attend Washington University as undergraduates each year," Wrighton said. "The gift will provide scholarships that will continue in perpetuity."

-more-

Add One – ERAC Donation

Each year, one half of the Enterprise Fund's earnings will be directed to African-American students who will be selected based on criteria established by Washington University's John B. Ervin Scholars Program, which administers scholarships to exceptional African-American students on the basis of academic merit, leadership skills, and commitment to community service. The John B. Ervin Scholars Program is named in memory of Washington University's first African-American dean.

The other half of the Fund's earnings will support students who require financial assistance. Additionally, approximately 10 percent of the scholarships awarded will be reserved for high school graduates and community college transfers from the St. Louis region.

Andrew Taylor said he, his sister, Jo Ann Kindle, and their father, Jack C. Taylor, chairman of Enterprise and a long-time friend of Washington University, initiated the gift to support a "world-class university located in Enterprise's hometown of St. Louis." The Taylor family strongly believes that the strength and overall excellent reputation of Washington University serves as a magnet to attract talented individuals to the St. Louis region. Both Jack and Andy Taylor serve on the Washington University board of trustees, and Jack attended Washington University prior to serving in the United States Navy in World War II.

"Washington University is one of the top-ranked institutions in the country, and Enterprise wants to help it develop the best and brightest minds from all segments of our society," said Andrew Taylor. "We hope this gift will encourage many students to pursue their undergraduate education here, and that our gift will inspire others to support scholarships."

The Enterprise gift supports the Campaign for Washington University, a major fund-raising effort currently underway. One of the objectives of the Campaign is to raise $175 million in new scholarships and fellowships for students.

Accepting the Enterprise gift, Chancellor Wrighton said, "The Taylors are great citizens of our community in so many ways. Their company's gift to the university demonstrates Enterprise Rent-A-Car's commitment to expanding opportunities for deserving young scholars from throughout our society to attend Washington University."

-more-

Add Two – ERAC Donation

Washington University in St. Louis is a medium-sized, independent university, and is regarded among the world's leaders in teaching and research. Twenty-one Nobel laureates have been associated with the institution. Approximately 12,000 undergraduate, graduate and professional students are enrolled, representing all 50 states and more than 100 countries.

The university's undergraduate programs are among the most sought after in the nation, with nearly 21,000 applications received for the 1,280 openings in the fall 2001 freshman class.

Founded in 1957, Enterprise Rent-A-Car has nearly 4,800 offices located throughout the United States, Canada, United Kingdom, Germany and Ireland. Enterprise is the largest rental car company in North America and was named by *CIO* magazine as one of the "100 Companies Most Likely To Succeed in the Next Millennium." *Fortune* magazine lauded Enterprise as one of the "100 Best Companies To Work For" in 1999. For the past three years, *Black Collegian* magazine has ranked Enterprise as the largest recruiter of college graduates among the country's Top 100 Employers.

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Enterprise is No. 1 for Class of 2002

Special to the American

NEW ORLEANS — Enterprise Rent-A-Car is No. 1 among the Top 100 Employers for the Class of 2002, according to *The Black Collegian* magazine.

The listing ranks the survey respondents according to projected number of hires from college recruiting for the Class of 2002.

The ten highest ranked employers of the survey, in the order they finished with projected hires, are: Enterprise Rent-A-Car-6,000; Lockheed Martin-3,812; U.S. Air Force-2,181; Wells Fargo Financial-1,850; Deloitte & Touche-1,806; U.S. Marine Corps-1,563; Ford Motor Company-1,400; KPMG LLP-1,400; Anderson-554; and Hewitt Associates-542.

In October, Enterprise Chairman and CEO Andrew C. Taylor announced a $25 million donation to Washington University to create scholarships for African American and financially disadvantaged students.

This gift, which will endow a permanent fund, is the largest ever made for undergraduate scholarships in the university's history and will establish the Enterprise Rent-A-Car Endowed Scholarship Fund. Scholarship recipients will be known as Enterprise Rent-A-Car Scholars.

Some of the top majors in demand with projected combined opportunities (in parenthesis) for bachelor's and master's degree recipients are business administration (5,353); accounting (2,970); liberal arts (2,607); marketing (2,601); computer science (1,708); education (1,700); finance/banking (1,290); electrical/electronic engineering (1,173); information technology/MIS (805); and mechanical engineering (570).

Several of the leading employers by major are: accounting- KPMG LLP, Deloitte & Touche, and the U.S. Air Force; business administration- Enterprise Rent-A-Car, Wells Fargo Financial and the Sherwin-Williams Company; computer science- Lockheed Martin, the U.S. Air Force, and Hewitt Associates; education- Newark Public Schools, Chesapeake Public Schools, and the Caddo Parish School Board; electrical/electronic engineering- Lockheed Martin, the U.S. Air Force and Advanced Micro Devices; information technology/MIS- Deloitte & Touche, Andersen and the U.S. Air Force; liberal arts- Enterprise Rent-A-Car, Bank One Corporation, and Wells Fargo Financial; marketing- Enterprise Rent-A-Car, The May Department Stores Company, and 7-Eleven, Inc.; and mechanical engineering- Lockheed Martin, the U.S. Air Force and International Paper.

EDITORIAL

ST. LOUIS AMERICAN • AUG. 30 - SEPT. 5, 2001

Enterprise Committed to Diverse Workforce

"When you look at the country and the changing face of the population, it becomes clear that having a diverse workforce and supplier network is not just a good idea, but an essential one."
-- Andrew C. Taylor,
CEO of Enterprise Rent-A-Car

Diversity in the workplace has long been a desired goal of many organizations, be they corporate or non-profit, private or public organizations. Often, however, the desire to hire people of different races, cultures and ethnic backgrounds out weighs the actual efforts necessary to attract and keep these talented employees.

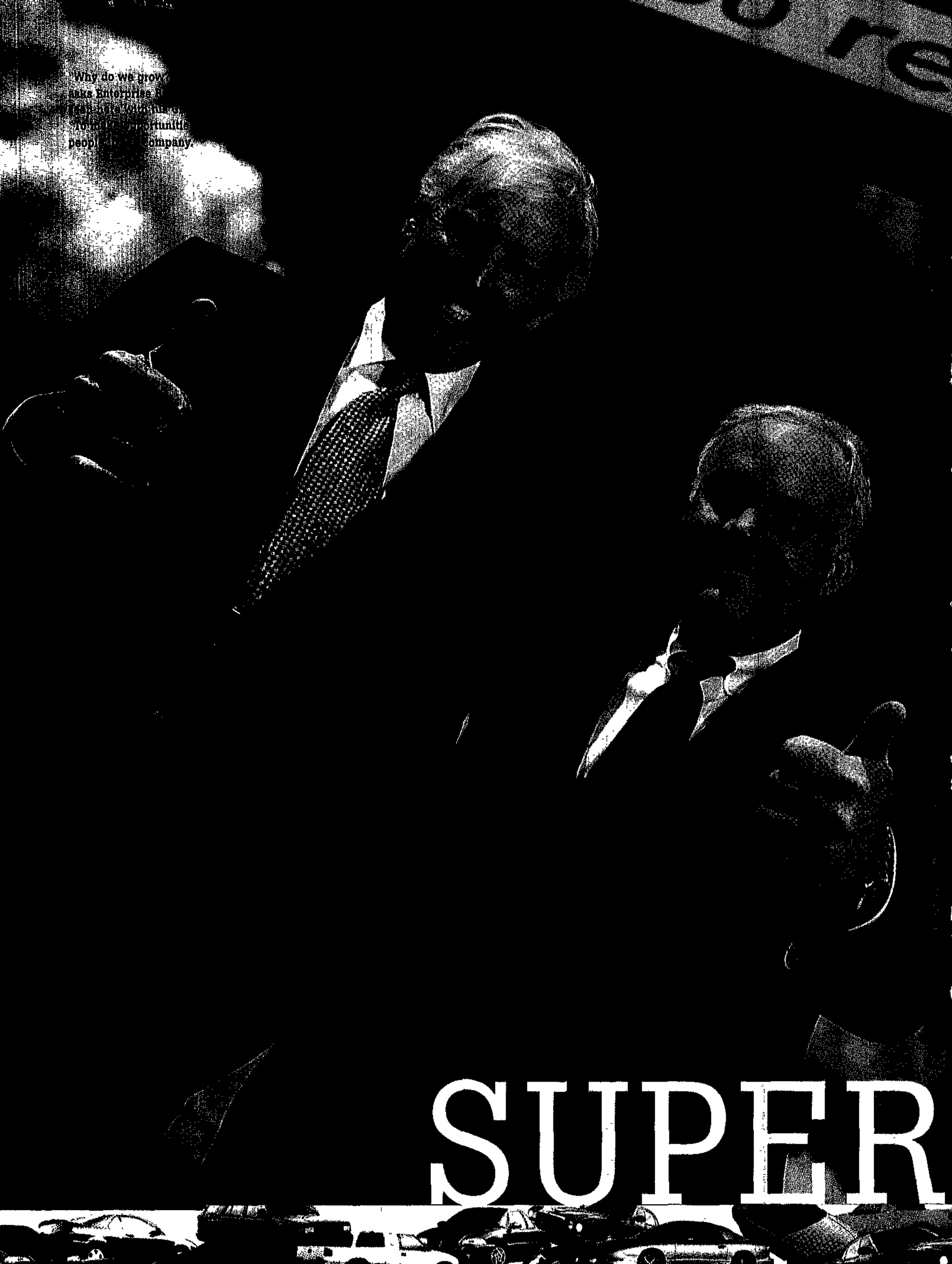
Guest Columnist
James H. Buford

Too often, we hear employers say, "I can't find qualified minority applicants." My response to this is "Where did you look?" According to "The State of Black America," published by the National Urban League, 35 percent of black men earned college degrees in 1997. In addition, at every educational level, black women outnumbered black men in earning college degrees by a large margin. The most popular degrees earned included business management, social services, education, psychology and health sciences. So, in this day and age, to say that qualified minority candidates can't be found is no longer acceptable.

Fortunately, some employers understand that in order to have a diverse workforce, it takes more than just lip service and a couple of ads in a magazine. It takes commitment and dedication throughout the entire process: recruitment, hiring, training and retention. One such employer who is showing that commitment is Enterprise Rent-A-Car Co. The St. Louis based company has 48,000 employees in the United States. Of that number, 20 percent are African American and 30 percent are members of minority groups. For 15 years, Enterprise and the Urban League have worked together on many issues, such as education, race relations and employment. On a personal level, Enterprise Chief Executive Officer Andrew C. Taylor and myself have developed a mutual respect for each other, which grew out of our individual goals and objectives. Mine is to enfranchise African-American people, and his is to have a diverse workforce and a company that is involved in improving our community. In addition, Enterprise recently gave a $2 million grant to the National Urban League to produce a best-practices study and manual on diversity in the workplace. The grant, which is for four years, will draw on Enterprise's experiences, as well as on interviews with successful African-American executives from other companies. When complete, the manual will offer corporate America a guide on how to build a diverse workforce within their respective agencies.

The study and manual are important because throughout the history of this country, corporate America, like it or not, has financed programs and services that have benefited our people: the United Negro College Fund, most Historically Black Colleges, the Civil Rights Movement and the Urban League movement. Because of his long-time commitment to these and other issues, and to this city, I am proud to know and work with Andy Taylor. More importantly, I'm proud to call him a friend. If other corporate leaders would follow Mr. Taylor's example, this city and country would be a much better place.

James H. Buford is president and CEO of the Urban League of Metro St. Louis


Why do we grow
Saks Enterprise
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MAGAZINE

FALL 1997 $5.95

Jack & Andrew Taylor
Enterprise Rent-a-Car

THE 1997 NATIONAL & REGIONAL WINNERS

HOW ENTREPRENEURS ARE:

- Using the Internet

ENTREPRENEUR OF THE YEAR INSTITUTE

ENTERPRISE SUPERSTARS

like to be treated with respect. At Enterprise Rent-a-Car, people get to do all three. In a real way, Enterprise is not just one company but a partnership of more than 3,400 companies, called branch offices, all working toward a common goal. Jack and his son, Andrew, have grown the nation's most successful rental car business, in large measure, by transforming individual employees into entrepreneurs. In recognition of their innovative accomplishments, Jack and Andrew Taylor have been named the winners of the 1997 Ernst & Young Entrepreneur Of The Year award.

Even though the company's financial statistics, growth curve, and profitability are all quite impressive, it is the Taylors' dedication to the entrepreneurial ethic that most distinguishes Enterprise. Andrew has turned Jack's belief in freedom, hard work, and responsibility into a job description for the company's managers. As a result, Enterprise provides its employees with the opportunity and the thrill of being individual entrepreneurs, even though they work for what is now a very large company.

This success story rests on thousands of smaller individual successes, each one possible for one very simple reason: The builders of Enterprise Rent-a-Car treat others the way they would like to be treated. This simple but timeless ethic is an embedded part of the standard operating procedure at Enterprise. You might even say it's part of the company's genetic code.

JACK BUILDS NICHE MARKET

Andrew Taylor vividly remembers the day in 1957 when his dad started the company that would become Enterprise Rent-a-Car. Following a day at work, Jack Taylor told his family that he would be starting a new business for his boss. Taking on the new opportunity meant he would be losing half his pay, at least in the beginning. "Your mother's not going to fix meals that are quite as nice," Andrew Taylor remembers his father saying. "And I want you to take better care of your clothes."

Starting the new venture meant other changes in the Taylor household, as well. "I grew up saying, 'I can't do that. I can't go to the movies and to the Steak and Shake afterwards tonight, because I did that last weekend,'" Andrew Taylor recalls. While modest, the sacrifices made an indelible impression on young Andrew, imparting a lesson in risk and reward motivation he would later pass on to legions of Enterprise employees. People willingly make sacrifices and work hard, Andrew learned, if they have a chance to enjoy the fruits of their labors.

Jack Taylor moved from a comfortable office on the sales floor of his boss's Cadillac dealership to a walled-off section of the body shop to launch his new business. In the early years, he recalls letting the phone ring a few extra times, just to make it seem like he was busy. The son of a stockbroker, Jack was an "absolutely utterly terrible" student in school and dropped out of college after two semesters. At the age of 22 he joined the Navy, flew combat missions over Okinawa and Iwo Jima, and shot down two planes over Formosa. He jokes that World War II "saved me from any further educational opportunities," but he plainly grew up fast during the war.

"I was a very callow youth. I had no direction," he says. "I had no ambitions. But in the Navy I learned I was pretty competent. I came out with more direction, though I didn't know what to do."

Jack returned to St. Louis, started a truck delivery service, and in 1948 was selling cars at a Cadillac dealership. Within nine years he was earning $24,000 a year, good money at the time. But he realized that the most he might do in the business was own a dealership. That's when he took the cut in pay to start the leasing business for the dealership owner, Arthur Lindburg, who required $25,000 in exchange for one-fourth of the business.

The company was founded as Executive Leasing, but Jack eventually renamed it Enterprise, after his Navy aircraft carrier. At the time, leasing was a rare practice in the automobile business. Jack added a new twist to leasing by renting cars to clients whose vehicles were in the shop for repairs or maintenance. Eventually, the rentals surpassed the leasing business. Many members of Jack's top management team joined him in those first few years and have been Enterprise employees for 30 years or more. They all refer to Jack by his first name.

"Jack is a person who delegates authority and allows you to do the job yourself," says Wayne Kaufmann, a retired vice president who joined the company in 1963. "He didn't do a lot of looking over people's shoulders. He allowed people there in the early days to develop and grow with the business."

Jack, however, doesn't think of himself as a hands-off manager. "One of the reasons that people who start businesses have a hard time letting them grow is they want to control everything," he observes. "But with Enterprise, by starting with people who were inexperienced, I taught them how to do business. Indeed, Jack saw himself as a sort of entrepreneurial tutor. I would take a much less qualified employee over someone who's not loyal [but] qualified." Jack saw the company's expansion in those years not as a goal in itself but as a way of retaining the talented car jockey or counter agent who wanted to test his or her entrepreneurial skills. "We didn't move to a new city unless there was someone who wanted to go," he recalls. "We never transferred anyone."

ANDREW IN THE DRIVER'S SEAT

Category: Master
Names: Jack and Andrew Taylor
Business: Enterprise Rent-a-Car
Employees: 32,000
Founded: 1957

ENTERPRISE STARS

At Enterprise Rent-a-Car, success runs in the family

by Richard Sine

The Enterprise Rent-a-Car headquarters are only a short walk from the building where Jack Taylor first set up shop 40 years ago in Clayton, a prosperous St. Louis suburb. The modern tinted windows of the Enterprise headquarters are set off by a red brick exterior that matches the town's brick homes, churches, and shopping plazas. Everything else—the cornices of the roof, the marble in the entryway, even the leafy trees and the pleasant pond surrounding the complex—is colored in the company's deep, soothing, signature green. The building's twin, a sign of the company's success, is currently under construction on an adjacent lot.

Like McDonald's Golden Arches, the familiar look of the Enterprise buildings testifies to the ubiquity of the nation's most successful rental car company. It is a success built on a basic understanding of human nature. People like to build things; people like to be their own bosses; and people

Richard Sine is a reporter for the Philadelphia Inquirer.

That idea, that employees are really entrepreneurs-in-waiting and should be treated like family, provided the solid human-relations foundation that Andrew Taylor inherited when he assumed the helm at Enterprise in 1980. Despite his status, Andrew, now Enterprise Rent-a-Car's CEO, conducts the company's affairs out of an office that is about 15 feet square, no larger than those of his middle managers. He drives to work in a Buick Park Avenue, a model that can be rented at any Enterprise branch.

"I'm not cheap, but I am frugal," admits Andrew Taylor. "It comes down to investing in the future of the company," he says. His salary also reflects the company's egalitarian ethic. At just $35,000 a year, Taylor receives the same base salary paid to all of Enterprise's top employees, including branch managers. The modest base pay is coupled with an aggressive profit-sharing, incentive reward system that places no limits on the amount of bonus pay employees can earn. Top sales managers, for example, often enjoy incomes that approach those of the company's senior vice presidents or even the CEO.

Many employers might not think of branch employees of a rental car agency as anything more than clerical employees. But treating them like entrepreneurs and rewarding them when they do well has helped Enterprise's business burgeon through oil crises, recessions, and industry shakeouts. While the other rental car companies were busy competing with each other in traditional venues such as airports, for example, the Taylors quietly built a company that is virtually immune to the business cycle by focusing on what customers really need and want.

The company's signature service is to pick up clients at their home, office, body shop, or dealership, free of charge, and take them to their rental car. The company has built a network of offices within 15 minutes of 90 percent of American households. And their rental rates are generally lower than those of their competitors, in part because branches do not have to pay the high rents or keep the long hours demanded by the airports.

While Enterprise's amazing growth was taking off, the rest of the rental industry was suffering from a shakeout. The Big Three auto manufacturers—which had bought rental car businesses in the 1980s as a way of profitably shedding their excess inventory—sold the businesses when the retail automobile market improved. Other rental companies found their fleet costs skyrocketing as the automakers revised leasing arrangements. But tough competition at airports, a key source of business for all the big rental firms except Enterprise, made it impossible to raise rates. Meanwhile, airline travel lagged behind projections.

In late 1996 and early 1997, most of the major rental car companies changed hands. "The changing of the guard ushers in two wily financial chieftains, H. Wayne Huizenga, the founder of Blockbuster Video, and Henry Silverman, head of HFS Inc., the world's largest franchiser of hotels and real estate offices, who promise to bring a new aggressiveness to the business," the *New York Times* reported in January. "Huizenga's Republic Industries owns Alamo Rent-a-Car and is in the process of buying National Car Rental; HFS owns Avis Rent-a-Car."

Industry analysts saw the shakeout as long overdue. Neil Abrams, a Rochester, N.Y.-based consultant to the car-rental industry, sees the beginning of new synergies. "This industry at long last has developed a high profile," he said. "There's energy and excitement in it."

That newfound energy may well mean more competition for Enterprise, predicts Jon LeSage, the editor of *Auto Rental News,* a trade publication based in San Diego. But any national competitor in the replacement niche would have to come up against Enterprise's vast network of local branches. And as a private, family-owned company, Andrew Taylor observes, Enterprise does not need to show shareholders a quarterly profit. "I think we can take a little longer view than our competition," he suggests.

That longer view allows Andrew Taylor to see opportunities that others might miss. More recently the company has emphasized what Andrew Taylor calls the "virtual car." The virtual car serves a specific purpose: for example, if a family needs a minivan for a weekend trip. Taylor also wants to attract city dwellers who need a car from time to time but don't necessarily want the expense of maintaining it or paying for a garage. The replacement rental business is ingenious in its simplicity: Airplane travel is still something of a luxury; driving to work, driving your kids to school, is a necessity.

"In a recession, you see a clampdown on business travel, and families go on fewer vacations," says industry-watcher LeSage. "But accidents and breakdowns are not going to go up and down with the economy. The population of vehicles is pretty steady in a recession, and breakdowns may even increase as maintenance or new ownership is delayed. You're always going to need replacement rentals."

Sure enough, demand keeps increasing. In St. Louis, for example, the Taylors' hometown and Enterprise headquarters, the population has remained stable over the last few decades

Like McDonald's Golden Arches, the familiar look of the Enterprise buildings testifies to the ubiquity of the nation's most successful rental car company.

even as the road system doubled and the number of cars on the road increased dramatically. Enterprise has also seen demand rise with the advent of a second wage earner in families.

By rising to this challenge, Enterprise has posted 25 percent annual growth rates for over a decade. Over the last five years the company has been opening an average of one new office per business day, totaling more than 3,400 locations today. Between 1994 and 1996, as the rest of the industry seemed to tread water, revenue skyrocketed from $2 billion to $3.1 billion. Even Hertz CEO Frank Olson commented on the success, telling one reporter that he "missed a big opportunity" by letting Enterprise dominate the business.

THE ENTREPRENEURIAL SPIRIT

"The Taylors have done an incredible job of filling a void that was abandoned by the other majors [auto rental companies] in the late '70s and the early '80s, which is the replacement business," observes industry consultant Abrams. "They took what I considered to be a Mom-and-Pop concept and broadened it in scope, depth, capability, and sophistication."

The consensus within the industry is that no one was paying attention as Enterprise quietly gained on its competitors. Hertz, for example, still has the most worldwide locations but now lags behind in domestic operations and revenue. Likewise, Avis now has to try even harder. Even so, the Taylors do not gloat over their triumph. Instead, they ask: If you work hard, hire good people, and give them the right opportunities, how can you possibly fail?

When asked about the key to Enterprise's business success, veteran company executives rarely cite the strategic decision to enter the replacement market. Instead, they talk about the Taylors' philosophies and business practices, initiated by father Jack and later refined and perfected by Andrew.

The Jack Taylor method of hiring and training, for example, has been preserved to this day through the management-trainee program developed by Andrew. Enterprise, the single largest college-graduate recruiter in the nation, hired 5,000 employees last year. And the company does most of its hiring at the trainee level, then promotes almost entirely from within the firm.

The trainees work 12-hour days washing cars and delivering them to repair shops, as well as learning the basics of management. They earn between $22,000 and $30,000 a year. Lisa Page was promoted to branch manager in suburban Philadelphia in her first year on the job. Page had languished briefly as a counter clerk at an airport rental car company that hadn't recognized her talents. "The opportunities here are based on individual performance," she notes. "They don't put any time frames on it. They made me aware from the day of the interview of the opportunities available."

Page now spends her days networking with local mechanics, insurance agents, and car dealerships to generate referral business. To this day, the company's core business comes from providing replacement vehicles to drivers whose cars are in the shop for repairs. If your car has been hit, has broken down, or is in the shop for routine maintenance, the shop owner will likely recommend Enterprise, or an Enterprise car and agent will arrive on the scene. Typically, insurance companies or auto warranty policies pick up part of the tab.

Creating and nurturing the relationships that bring in new business is the province of the individual Enterprise branch managers. Around the country, Enterprise managers make weekly deliveries of pizza and doughnuts to these sources as a referral-generating technique. During a hot day this summer, Page even rented out an ice-cream truck to deliver treats to her referral sources. When there is an overflow of customers, Page still puts in time cleaning cars. Likewise, Enterprise vice presidents and even the CEO himself have dropped everything in order to clean cars when they visit a local branch with a surfeit of waiting customers.

Though the company insists on college graduates for its trainee program, an emphasis is also placed on finding flexible, motivated, well-rounded individuals (see sidebar). As a reporter for the *New York Times* put it: "[Andrew] Taylor's company tends to hire men and women who are a lot like him, friendly, clean-cut, and active at college in fraternities or sororities or team sports."

After hiring a workforce with a competitive spirit, Enterprise stokes it by practicing open-book management. For example, the company releases monthly financial data on profits and customer service to each branch in each region. Regional managers frequently wager dinners or parties based on who can per-

Enterprise is not just one company but a partnership of more than 3,400 companies, called branch offices, all working toward a common goal.

form the best in a given month. In this way, Enterprise breeds what Andrew Taylor calls a "confederation of entrepreneurs." The branch managers enjoy a good income and a lot of decision-making power at an early age. Page, for example, at 28, is one of the oldest branch managers in her region.

During the 1960s and 1970s, when Jack was still running the business, Enterprise was opening new offices about once a year, recalls Kaufmann, the retired vice president. Although Andrew is careful to credit his father for creating the foundation for his later success, the company's real growth came after Andrew, who started in the business washing cars during his summer school vacations, became president in 1980. Armed with a business education from the University of Denver and three years of experience working for RLM Leasing, a Ford Motor Co. affiliate in San Francisco, Andrew succeeded in systematizing his father's business ethics into a set of practices that constitutes the Enterprise way of doing business.

"Andy helped speed up the expansion, which helped us take advantage of opportunities," Kaufmann says. "I think a lot of it was his personality. If you're the son coming in behind the father, you feel you have to prove yourself. Maybe he pushed a little harder than Jack would have."

Part of the reason for the tremendously successful collaboration between these two men is that they seem to understand each other so well: Jack is what industry-watcher Jon LeSage calls "the classic post-World War II entrepreneur," a self-made man tempered by war and made frugal by the Depression. His baby boomer son shares his business philosophy but brings along the technical skills of his business degree and the burden of proving himself worthy of his father's job. Like his father, Andrew is charming and congenial.

Andrew's sister JoAnn Kindle, the manager of the philanthropic Enterprise Rent-a-Car Foundation, recalls that Andrew was "a serious child" and a poor student like his father. Only when he went to college and found his true calling in business did he blossom, receiving high grades, playing sports, and becoming social chair of his fraternity at the University of Denver. The social upheavals of the 1960s mostly passed the hard-working Andrew by, and in a few years he was ready for his father's business.

When Andrew became president in 1980, Enterprise had offices in four states. There were signs that Jack had become uncomfortable with rapid expansion. "When Dad was CEO, the company was small enough that he could know everybody in the company," recalls Kindle. "The hardest thing for Dad to accept was when the company got so big he didn't know everybody. He liked dealing with people on a one-to-one basis."

Jack doesn't quibble with his daughter. "I want everyone to like me," he concedes. If Jack is the dashing and painstakingly organized entrepreneur, company longtimers see Andrew as even more of a professional, methodical, and attentive executive. "Jack is more of a 'ready, aim, fire' kind of decision-maker. He wants to know what's the risk," says Andrew, who calls his father by his first name to avoid setting himself apart from other employees. "I'm more analytical. I want to get more facts. I want to know how the organization feels about it."

Though they have had their disagreements, father and son appreciate each other's roles in the company. "I could never have done what he did, which is start from scratch," Andrew says of his father. "But sometimes when we go out to lunch, he looks at me and says: There's no way, if you hadn't come along, that Enterprise would have grown the way it did."

"I give a heck of a lot of credit to my father," Andrew Taylor says. "As the business became bigger, he stayed the course with us and constantly reinvested in the business. Today, our goal is not necessarily to make the most money, but to have a really fine company, the best possible. That's what really turns us all on, not creating the most wealth for the Taylors. If we had wanted that, we would have sold this business in the '80s, leveraged the heck out of it, or we would sell it today."

EMOTIONAL RESCUE

Suddenly Is Back in Business

Amid the slump, smart companies are boosting profits by cultivating loyalty among workers and customers alike

BY WENDY COLE

LOYALTY WAS SUPPOSED TO BE DEAD. DURING the labor shortages of the late 1990s, ambitious workers found that the best way to get ahead was to jump from job to job. Then when the economy cooled, long before Sept. 11, the first response of many managers was to shed lots of employees. Little wonder that the average 32-year-old today has worked for nine companies. And she has probably bought nine brands of shampoo from a dozen drugstores, supermarkets and websites. For many customers, loyalty to a product or retailer seems quaint in an era when buying decisions are made at the click of a mouse.

Yet against all odds, the pursuit of loyalty—among corporate executives, employees and customers—is making a comeback. In industries as varied as car rentals, plastics and truck manufacturing, smart companies are finding ways to inculcate worker loyalty and cut the high cost of recruiting and training new hires. Those companies are also finding it more important to please existing customers at a time when new ones are harder to find. "The revival of patriotism and rediscovery of community can be the foundation for rekindling commitment to the workplace," adds David Stum, president of Aon Consulting's Loyalty In-

America's biggest car renter keeps its branch offices small and nimble

Left your driver's license on the kitchen table? No problem. An Enterprise employee will drive you home to retrieve it

MARK KATZMAN FOR TIME (2)

TIME

Suddenly LOYALTY Is Back in Business

Amid the slump, smart companies are boosting profits by cultivating loyalty among workers and customers alike

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stitute. "Workers like to be part of organizations they can be proud of."

Before Sept. 11 the U.S. work force was extraordinarily footloose. In February an Aon survey of 1,800 workers nationwide found that just 65% intended to stay with their organizations for "the next several" years—a five-year low—and only 45% would remain if offered a similar job with slightly higher pay. But a follow-up poll conducted in October showed that 54% would say no to an offer of a similar job with better pay. Especially since Sept. 11, "there are so many distractions in the world," says Chris Yetman, human resources director at Advanced Elastimer Systems, a plastics manufacturer based in Akron, Ohio. "The more uncertainty you can remove about where employees stand, the more they can focus on their work."

Advanced Elastimer reduced its annual worker-turnover rate from 14% in 1999 to 7% today, in part by instituting career-development discussions with all employees each year, plus separate annual performance appraisals and frank conversations about how compensation decisions are made. The company expects its reduced turnover to save $2 million a year in expenses for worker recruitment, relocation and training. Advanced Elastimer pays at least $50,000 to replace a typical employee.

Similar savings are available to most firms. Frederick Reichheld, a management consultant with Bain & Co. who studies worker commitment, has found that a 5% increase in employee retention can yield profit increases of 25% or more. "The more chaotic the environment, the greater the need for loyalty," says Reichheld. "When frontline workers have to act quickly and make decisions on their own initiative, they must be able to trust one another to behave in the best interests of the team." Some companies assume that in hard times, their workers will be grateful to have a job and be unlikely to jump ship. But, Stum says, "employee commitment is critical to pulling out of an economic downturn."

Consider Enterprise Rent-A-Car. It has set up each of its 4,800 branch offices worldwide as a separate entrepreneurial business in which employees are encouraged to find new ways to boost customer referrals and retention. If a customer forgets her driver's license at home, an agent will drive her back to pick it up. If the license has expired, he'll take her to obtain a new one. "We do whatever is needed," says George Judy, who oversees seven Enterprise branches around Madison, Wis. Enterprise revenue grew 13% in its past fiscal year, which ended in July. Its main rivals grew at about half that rate.

Truck manufacturer Navistar (now International Truck and Engine) turned around abysmal employee morale and dismal earnings a few years ago, in large part by introducing more regular contact between headquarters' executives and plant workers. Each month members of the top brass visit all eight of their plants, giving frontline workers the chance to offer suggestions and air grievances. The overall improved communications cushioned the blow of plant layoffs over the past year because workers and their unions have been kept informed about the state of the business and the basis for the cutbacks. "Good employees understand when cuts are being made for the right reasons," said Maril MacDonald, who is based in Chicago and is a business strategist for major corporations, including International Truck.

Building loyalty doesn't mean that a company is committed to retaining people for life or that workers are compelled to stay. Loyalty today describes the quality of a working relationship rather than just its duration. And that relationship has not necessarily been enhanced at firms that in the 1990s created on-site gyms or Take Your Dog to Work Fridays—or even at those that showered workers with stock options. "This kind of corporate candy may taste good, but it has no long-term nutritional effect on the workplace," says Stum. Bain & Co.'s Reichheld, author of *Loyalty Rules! How Today's Leaders Build Lasting Relationships*, adds that, especially since Sept. 11, "people are thinking about building relationships and working with people they care about." And there is evidence that consumers are thinking along similar lines, particularly in their relationships with local merchants.

Here are some of the strategies that successful companies are using to cultivate and maintain loyalty among executives, employees and customers:

KEEP IT SMALL. Employees are most dedicated and motivated when they work in teams of 10 or fewer, say loyalty experts. Enterprise, the largest U.S. car-rental agency, with an annual revenue of $6 billion, has branch managers oversee no more than eight agents. "As branches get busier and bigger, we split them up," says senior vice president Sandy Rogers. The result has been "higher growth and profitability."

WATCH THE FRONT LINE. In a sales or service business, that's the best way to enhance the bottom line. Consider the typical cellphone company, which each year loses nearly 40% of its customers, a figure that U.S. Cellular president John Rooney calls "a personal affront." He says he's less interested in luring new customers with rock-bottom, gimmicky calling plans than in making sure existing customers are happy with the plans they have selected. U.S. Cellular requires new sales and customer-service reps to undergo six weeks of training that emphasizes behavior rather than gadgetry. "We tell frontline people their objective is not to sell a product but rather to make customers smile," says Rooney. In a contracting economy, savvy companies realize that sales growth is more likely to come from holding on to current customers than from making new conquests. In the 18 months Rooney has been on the job, the company has trimmed its monthly customer-turnover rate from 2% to 1.7%—for an annual saving of $40 million in marketing costs.

FACE UP TO BAD NEWS. Just as International Truck keeps its unions informed about its finances in good times and bad, Cisco Systems has held firmly, amid the tech recession, to its policy of revealing all product bugs on a public Web page as soon as a problem is reported. In contrast, companies such as Microsoft have been criticized for keeping glitches a secret. Cisco's bug database and online message board help programmers and customers avoid massive problems and share fixes. Says Reichheld, who has studied Cisco's approach: "Loyalty is impossible without trust. And trust is impossible without accurate, reliable information."

OFFER JUST DESERTS. The Vanguard Group mutual fund company rewards employee loyalty and effort through an incentive program that accounts for as much as 30% of an employee's compensation. Even with a jittery stock market, employees stand to do well because results are determined as much by the company's progress toward its business goals as by the performance of its stock. "It's not strictly tied to the euphoria of the bull market or the despair of the bear market," explains chairman John Brennan. Employees seem to like the arrangement: turnover each year is less than 10%, about half that of competing money-management firms.

HANG TOGETHER IN HARD TIMES. J&R Music and Computer World in New York City would seem to have every reason to head for the hills. The 300,000-sq.-ft. retailing giant is just a block from ground

zero, and was coated with soot and concrete dust from the attack. It remained closed for six weeks after the attack, but all 800 employees continued to receive full pay. Rachelle Friedman, co-chair of the 30-year-old family business, says, "Our employees are our biggest asset. They're like family." Though J&R cut prices and introduced free shipping, declining sales forced the firm to eliminate 48 positions in October—its first layoffs in 30 years.

Many J&R customers say they still recall the store's refusal to price gouge after John Lennon's murder in 1980—just weeks after the release of his last album, *Double Fantasy*. J&R had 3,000 copies and could have sold them for double the original price but didn't. "This time a lot of customers told us they waited to buy new music and DVDs until we reopened," says Friedman. She thinks business will return even amid the economic slump: "When things are bad, people find comfort in listening to music and watching movies." And they find comfort doing business with people they respect. ■

Forbes the top 500 LARGEST PRIVATE COMPANIES

Not for Public Consumption

America's slumping economy and stock market forced some of these giants to hold on to their private status.

The revolving door between public and private companies slowed to a crawl over the last year. Thomson Financial/Securities Data reports that during the latest 12 months only 11 private companies with revenues over $600 million had public offerings, down from a count of 23 during the same period one year earlier. Among the firms that put public offering plans on hold: ad agency Bcom3 Group, the parent of Leo Burnett Worldwide; Aramark, a food services firm; and Amerigroup, a managed health care provider for low-income individuals.

In the last year six big public firms went private. Among them: hard-disk maker Seagate Technology, most of whose assets were sold to a group of private investors, and bedsheet weaver Springs Industries, taken private by the Close family.

To make the Forbes Private 500, a company has to be U.S.-based and show sales of at least $604 million—8% more than last year's cutoff. We consider it private if either it has too few holders of common shares to be required to file financial reports with the Securities & Exchange Commission (like Bozzuto) or it limits shareholders to members of a select group, *such as current employees* (like Publix Super Markets).

A fifth of these private outfits file reports with the SEC and many of the rest release some or all of their financials. For the very private companies we constructed estimates from regulatory filings and interviews with competitors and Wall Street analysts covering the sector. Revenue figures are for the latest fiscal year.

We excluded revenues of publicly held subsidiaries—for instance, Cox Enterprises' Cox Communications—and excise taxes. By "operating income" we mean earnings before depreciation, interest and taxes. Net income includes discontinued operations but not extraordinary items or cumulative adjustments from an accounting change.

The list excludes companies that get more than 50% of revenues from real estate, nonprofits that don't pay income taxes, mutuals, cooperatives, auto dealers and firms with fewer than 100 employees.

As the story on Levi Strauss *(11/26 issue p.156)* illustrates, privately held firms face no less pressure to stay competitive and profitable simply because their shares aren't publicly traded. For more information on this year's Private 500 see forbes.com/private500. F

PROJECT SUPERVISOR: VIVIAN WOO; EDITOR: SHLOMO Z. REIFMAN; RESEARCHERS: VINCENT APICELLA, FEI MEI CHAN, ANDREW T. GILLIES, BRETT D. HELGREN, MEGAN E. MULLIGAN, TRICIA MCGINNIS, JOHN J. RAY, MANON WAGNER AND JODY YEN; PROGRAMMER: CARL SUBICK

500 Largest Private Companies

RANKINGS

RANK '01	RANK '00	COMPANY/business	REVENUES 2000 ($MIL)	REVENUES CHANGE (%)	PROFITS OPERATING ($MIL)	PROFITS NET ($MIL)	EMPLOYEES
1	1	**CARGILL**/intl marketer & processor of agricultural & industrial commodities	49,408	2.9	1,730e	358	90,000
2	2	**KOCH INDUSTRIES**/oil, chemicals, minerals, energy, environmental technology, ranching	40,700e	13.1	1,550e	750e	11,500
3	3	**PRICEWATERHOUSECOOPERS**/accounting, auditing, tax & consulting services	23,100e[3]	7.4	3,626e	—	160,000
4	4	**MARS**/makes candy, ice cream, meals & pet food; processes rice; electronics	15,500e	1.3	2,300e	1,350e	30,000
5	7	**PUBLIX SUPER MARKETS**/647 supermarkets in Florida, Georgia, South Carolina & Alabama	14,575	11.5	1,050	530	126,000
6	5	**BECHTEL**/engineering, project development; construction & management	14,300	-5.3	800e	300e	40,000
7	8	**DELOITTE TOUCHE TOHMATSU**/accounting, auditing, tax & consulting services	12,200e[3]	8.9	2,685e	2,075e	92,000
8	6	**KPMG INTERNATIONAL**/accounting, auditing & tax services	11,800e[3]	-17.0	2,360e	1,650e	92,800
9	13	**FIDELITY INVESTMENTS**/mutual funds, discount brokerage, pension management	11,096	25.4	4,880e	2,187	33,186
10	10	**ERNST & YOUNG**/accounting, auditing, tax services & financial services	10,000[2,3]	4.7	2,000e	1,400e	80,000
11	11	**MEIJER**/general merchandise & grocery stores in the Midwest	10,000e	5.3	600e	200e	80,000
12	14	**ANDERSEN**/assurance, consulting, accounting & legal advisory services	9,340[3]	11.2	2,240e	1,585e	85,000
13	15	**HE BUTT GROCERY**/H-E-B & H-E-B Pantry Food Stores; food-processing plants; photo processing	8,965[2]	10.2	618e	188e	60,000
14	18	**C&S WHOLESALE GROCERS**/wholesales food to supermarkets, retail stores & military bases	8,500	19.7	255e	51e	7,000
15	16	**HUNTSMAN**/produces chemicals, polymers	8,500[1]	6.3	850e	—	15,000
16	17	**ARAMARK**[4]/food & support svcs; uniforms; child care & educational svcs	7,745e	6.7	648e	153e	185,000
17	25	**PREMCOR**/refines & markets petroleum prods	7,312	61.8	215	76	2,100
18	19	**JM FAMILY ENTERPRISES**/independent distributor of Toyotas; insurance, financial svcs	7,100	7.6	820e	315e	3,400
19	20	**MARMON GROUP**/diverse group of manufacturing & service companies	6,786	3.9	875e	301	40,000
20	21	**ALLIANT EXCHANGE**[6]/distributes food to restaurants, hotels, hospitals & other facilities	6,600	1.5	174	66e	12,000
21	■	**SEAGATE TECHNOLOGY**/manufactures disk drives & storage solutions	6,387[1]	NA	759	212	48,720
22	22	**ENTERPRISE RENT-A-CAR**/auto rental, fleet services, car sales	6,300	12.5	1,512e	384e	50,000
23	23	**SCIENCE APPLICATIONS INTL**/technology research & devel, systems integration, & telecomm	5,896	6.6	589	2,059	41,500
24	28	**GRAYBAR ELECTRIC**/wholesales & distributes electrical & communications equip	5,214	21.3	221	66	10,500
25	27	**MENARD**/home improvement centers	4,850e	7.8	340e	146e	7,600
26	24	**LEVI STRAUSS and CO**/Levi's, Dockers & Slates jeans & other casual apparel	4,645	-9.6	630	223	17,300
27	33	**SC JOHNSON & SON**/household, personal care, home storage & insect-control prods	4,500[2]	7.1	675e	—	9,500
28	34	**PETER KIEWIT SONS'**/heavy construction, mining	4,463	11.2	227	179	11,146
29	30	**GIANT EAGLE**/supermarkets in Pennsylvania, Ohio & West Virginia; food wholesaling	4,435	5.1	220e	65e	25,600
30	31	**ADVANCE PUBLICATIONS**/newspapers, magazines, Condé Nast	4,400e	4.8	880e	265e	23,250
31	32	**HALLMARK CARDS**/greeting cards & related products; TV programs; art materials	4,233e[5]	0.8	525e	157e	24,500
32	9	**CONTIGROUP COS**/integrated poultry & pork production; cattle feeding, feed & flour milling	4,000	NA	—	—	14,500
33	36	**INTERTECH GROUP**/manufactures polymers & composites	4,000e	3.9	—	—	18,500
34	40	**COX ENTERPRISES**/newspapers, television, auto auctions, broadband, radio	3,925e[5]	12.1	1,211e	399e	52,700
35	37	**HY-VEE**/Hy-Vee Food supermarkets, Drug Town drugstores	3,900[2]	2.6	117e	59e	46,000
36	35	**MILLIKEN & CO**/textiles & chemical products	3,900e	-2.5	460e	—	20,000

■Not on last year's list. e: Forbes estimate. NA: Not available or not applicable. [1]Pro forma figure. [2]Company provided estimate. [3]Worldwide figures. [4]Announced plans to go public. [5]Excludes public subsidiaries. [6]Agreed to be acquired by U.S. Foodservice.

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600 Corporate Park Drive
St. Louis, MO 63105-4211
314-512-5000

Enterprise Rent-A-Car Fact Sheet

Established: 1957

World Headquarters: St. Louis, Missouri

Executives:
Andrew C. Taylor, Chairman and CEO
Donald L. Ross, President and COO
Pam Nicholson, Senior Vice President of North American Operations
Mike Robertson, Vice President of International Operations
William Snyder, Senior Vice President and CFO
M.W. (Sandy) Rogers, Senior Vice President of Corporate Strategy

Background:
* Largest rental car company in North America
* Exceptionally low rates
* 5,000 offices located conveniently where people live and work
* Outstanding service that includes picking up customers at no extra cost
* Offices within 15 miles of 90 percent of the U.S. population

Primary Activities:
Specializes in renting vehicles to customers who:
1) need a car because of an accident, mechanical repair or theft
2) want to take a short business or leisure trip, or have a different car for a special occasion

Operations:
* 4,700 offices in the United States
* More than 400 offices in Canada, United Kingdom, Germany and Ireland
* 50,000 employees worldwide

Fiscal 2001 Revenue: $6.3 billion (worldwide)
Fiscal 2000 Revenue: $5.6 billion (worldwide)
Fiscal 1999 Revenue: $4.7 billion (worldwide)
Fiscal 1998 Revenue: $4.2 billion (worldwide)
Fiscal 1997 Revenue: $3.7 billion (worldwide)

Rental Car Vehicles In Service:
2001: 525,000 automobiles
2000: 493,000 automobiles
1999: 427,000 automobiles
1990: 89,000 automobiles
1980: 6,000 automobiles
1970: 500 automobiles
1963: Started rental operation with a fleet 17 cars
1957: Leasing operation opened as Executive Leasing

2000 & 1999 Awards:
Named by *CIO* magazine as one of "100 Companies Most Likely to Succeed in the Next Millennium" and received the "2002 *CIO* Magazine Enterprise Value Award."

Named by *Fortune* as one of the "100 Best Companies To Work For"

Ranked highest in customer satisfaction by J.D. Power and Associates for rental car companies operating at or near the airport

Largest College Recruiter in the U.S. as reported by *Black Collegian* magazine

Vincent J. Moskunas
4709 Blue Ridge Avenue
Baltimore, MD 21206
(410) 488-9767

Date of Birth: April 21, 1937

Education:

1961-1967 McCoy College (Johns Hopkins Night School) Engineering Courses'
1958-1960 McCoy College: Engineering Concentration

Armed Forces

1960-1962 Recalled Naval Reserves (Cuban Crisis)
1956-1958 U. S. Navy (Reserves BT 2nd. Class)

Experience:

2000-present Site Rite Surveying, Inc., President
1987-2000 M&H Development Engineers, Inc., President
1975-1987 Hudkins & Associates, Inc. (1985-1987 President)
1970-1975 Whiteford, Flak & Mask
1962-1970 Meyerhoff Building Company
1958-1960 Meyerhoff Building Company

Training:

*Qualified for Erosion and Sediment Control Program pursuant to Natural Resources Article 8-1105.1 No. 266 1981; Stormwater Management Course and Design
*42 years experience in development layout and design from development phase to construction phase (includes but not limited to road, utilities, sediment control, stormwater management and subdivision computations; boundary and zoning experience, qualified as an expert witness in zoning cases and witness for Board of Appeals.

PET #12
2/13/03

JOSEPH J. CALOGGERO, P.E., P.T.O.E.

Senior Associate

Joe Caloggero is a professional traffic engineer who brings over 14 years of both technical and academic experience to The Traffic Group, Inc. His responsibilities with the firm include, but are not limited to, proposal preparation, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning, as well as attending hearings for various projects and meetings with the community.

Previously, Mr. Caloggero served as a traffic engineer for Parsons Brinckerhoff Quade & Douglas, Inc. and the Maryland State Highway Administration. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning. He has also participated in engineering training programs and researched transportation related topics. Prior to joining The Traffic Group, Inc. some of the projects in which Mr. Caloggero served as a traffic engineer are: Southern New Jersey Light Rail Transit System project, Hudson-Bergen Light Rail Transit System project in New Jersey, Newark-Elizabeth Rail Link in New Jersey, and Newark Arena (New Jersey Nets) District Redevelopment Plan. Additionally, while working with the Maryland State Highway Administration, Mr. Caloggero has worked on Neighborhood Conservation Programs in the Maryland towns of Hancock, Clear Spring, and Lonaconing.

Job History

2000 - Present
Senior Associate - The Traffic Group, Inc.

1998 – 2000
Traffic Engineer
Parsons, Brinckerhoff, Quade & Douglas, Inc.

1993 - 1998
Traffic Engineer
Maryland State Highway Administration

Educational Background

- *Bachelors of Science in Civil Engineering*
  West Virginia University

Affiliations

- Certified Professional Traffic Operations Engineer (P.T.O.E.)
- Registered Professional Engineer (P.E.) - Maryland, New Jersey, Virginia, and West Virginia
- Institute of Transportation Engineers (I.T.E.)
- The Maryland Association of Engineers
- County Engineers' Association of Maryland (CEAM)

Publications

- Co-author, "*Positive Guidance in Maryland—Guidelines and Case Studies*," Maryland State Highway Administration Document, July 1997.
- Co-author, "*Highway Agency Tort Liability and Risk Management Relative to Pedestrian Facilities*," Proceedings of Conference on Risk Management and Tort Liability, Pennsylvania State University, April 1993.

Places where Mr. Caloggero has testified as an expert witness

Baltimore County – Zoning Commissioner
Carroll County – Board of Zoning Appeals
City of Brunswick – Mayor and Council
City of Frederick – Planning Commission, Board of Appeals
City of Hagerstown – Planning Commission, Mayor & City Council
City of Rockville – Board of Appeals
Frederick County – Planning Commission, Board of Appeals
Montgomery County – Hearing Examiner

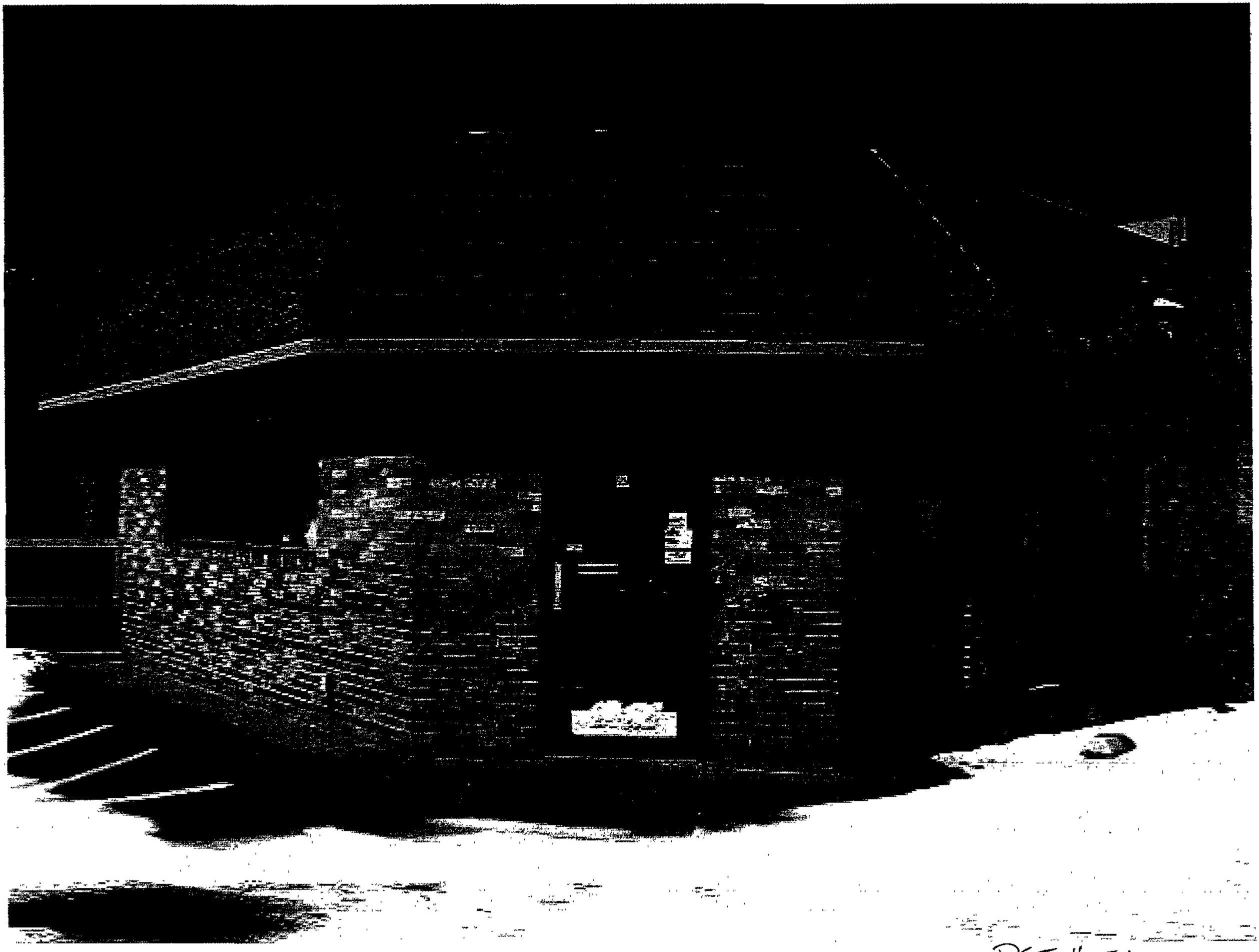
Representative List of Mr. Caloggero's Projects:

Aggregate Industries – Prince George's County, MD
Brunswick Crossing – City of Brunswick, MD
Costco Wholesale Store – City of Frederick, MD
Dar Cars Toyota – Frederick County, MD
Daugherty Property – City of Brunswick, MD
Davis Branch Center/Commons – Frederick County, MD
Festival @ Green Valley Shopping Center – Frederick County, MD
Frederick Co. Traffic Engineering Service Contracts-Various Regions
Friendship Technology Park – Washington County, MD
Links at Antietam – Washington County, MD
Navy Marine Corp. Memorial Stadium – Anne Arundel Co., MD
Sportivo – Charleston, SC
University of MD-Saratoga St. Parking Garage – Balto. City, MD
Waverley View – City of Frederick, MD
Wedgewood III – Frederick County, MD

MARYLAND STATE HIGHWAY ADMINISTRATION-ENGINEERING SERVICES, DISTRICT 6
High Accident Sections and Intersection Studies, Traffic Safety Studies, Traffic Signal Warrant Studies

NEIGHBORHOOD CONSERVATION/STREETSCAPE PROJECTS
MD - Harford Co., Allegany Co., Baltimore City, Baltimore Co.

PET #13
2/13/03

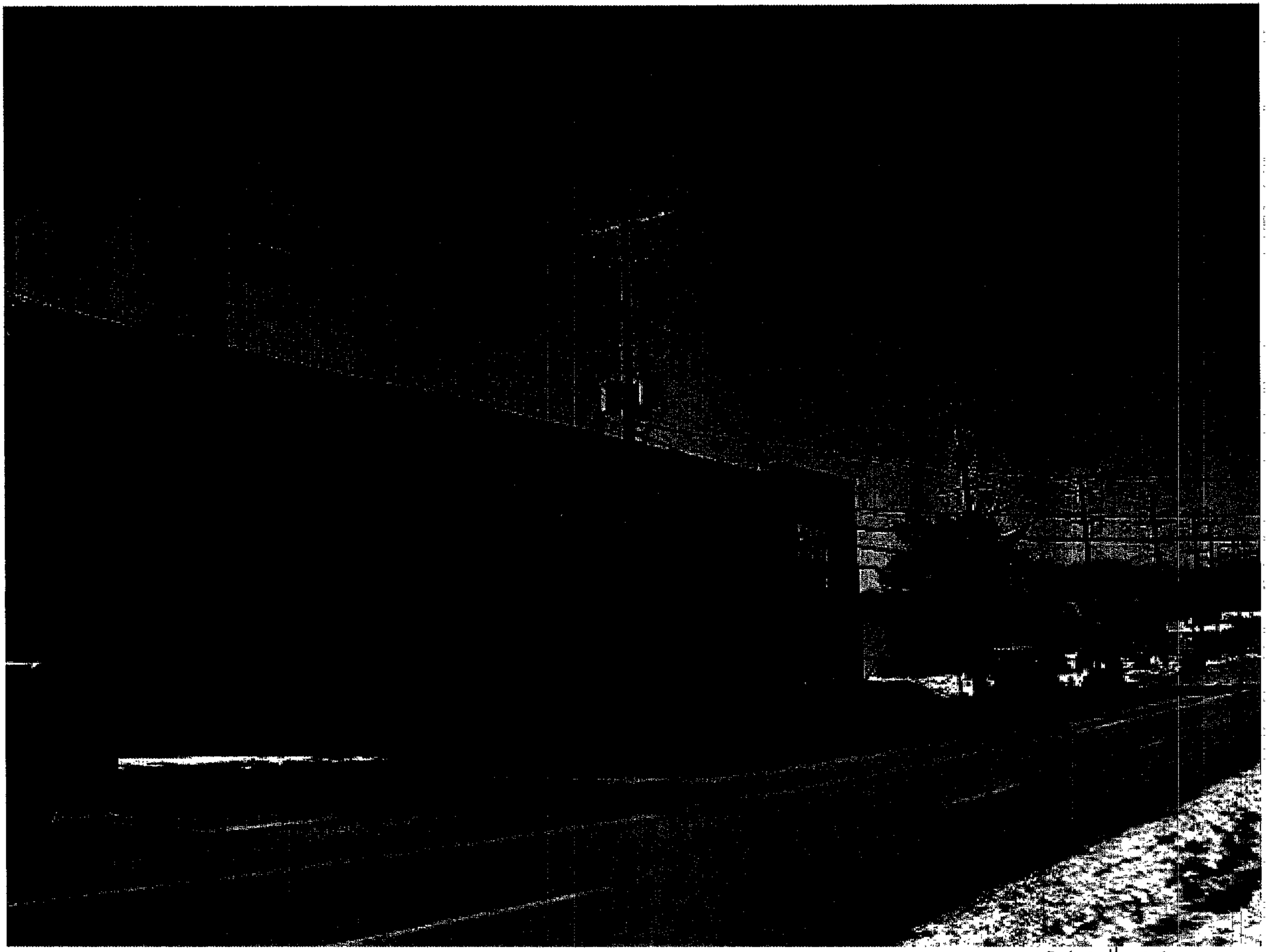


PET #15A

PET #15B

PET #15C

PET #15D



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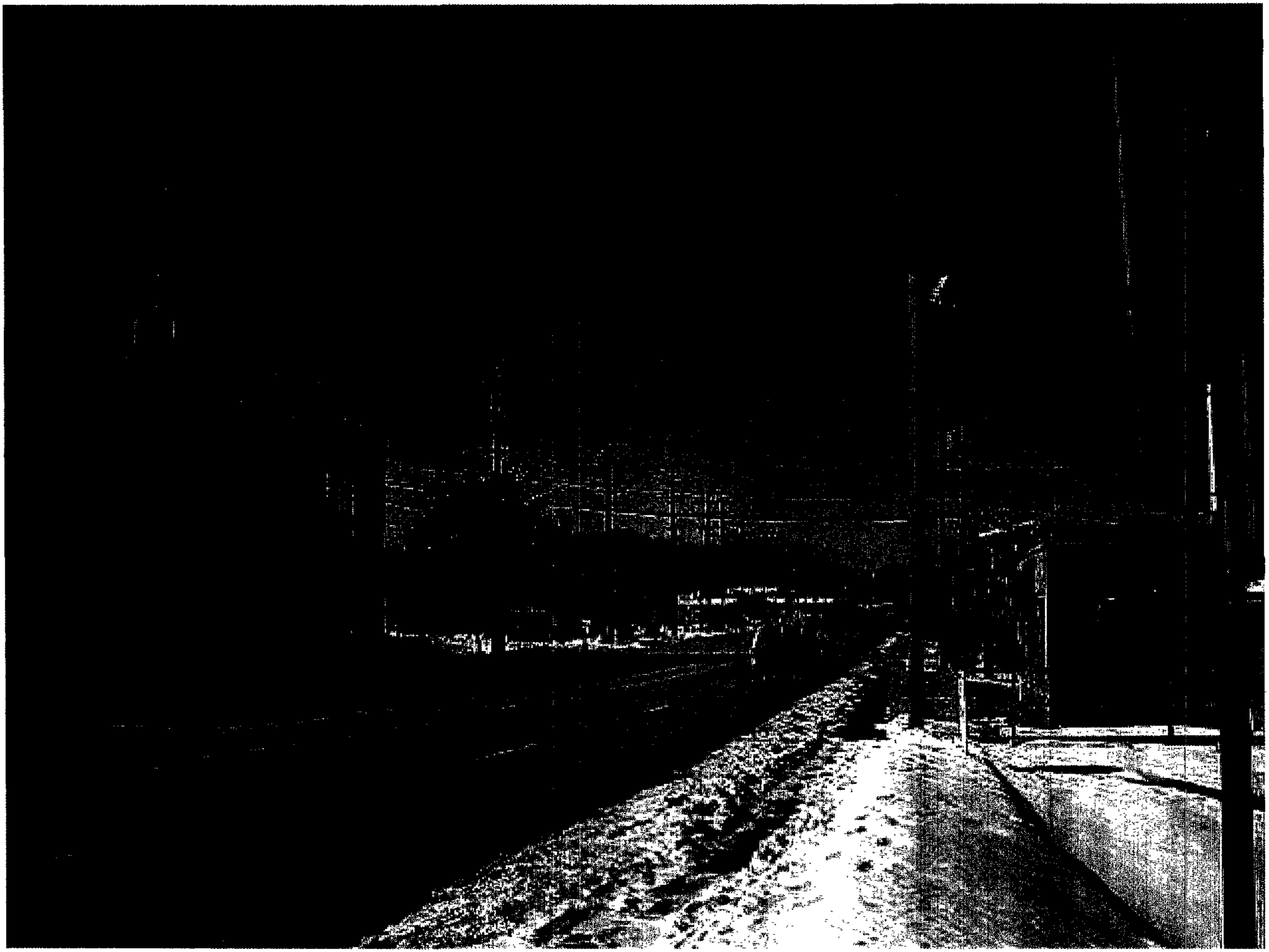

PET #15F

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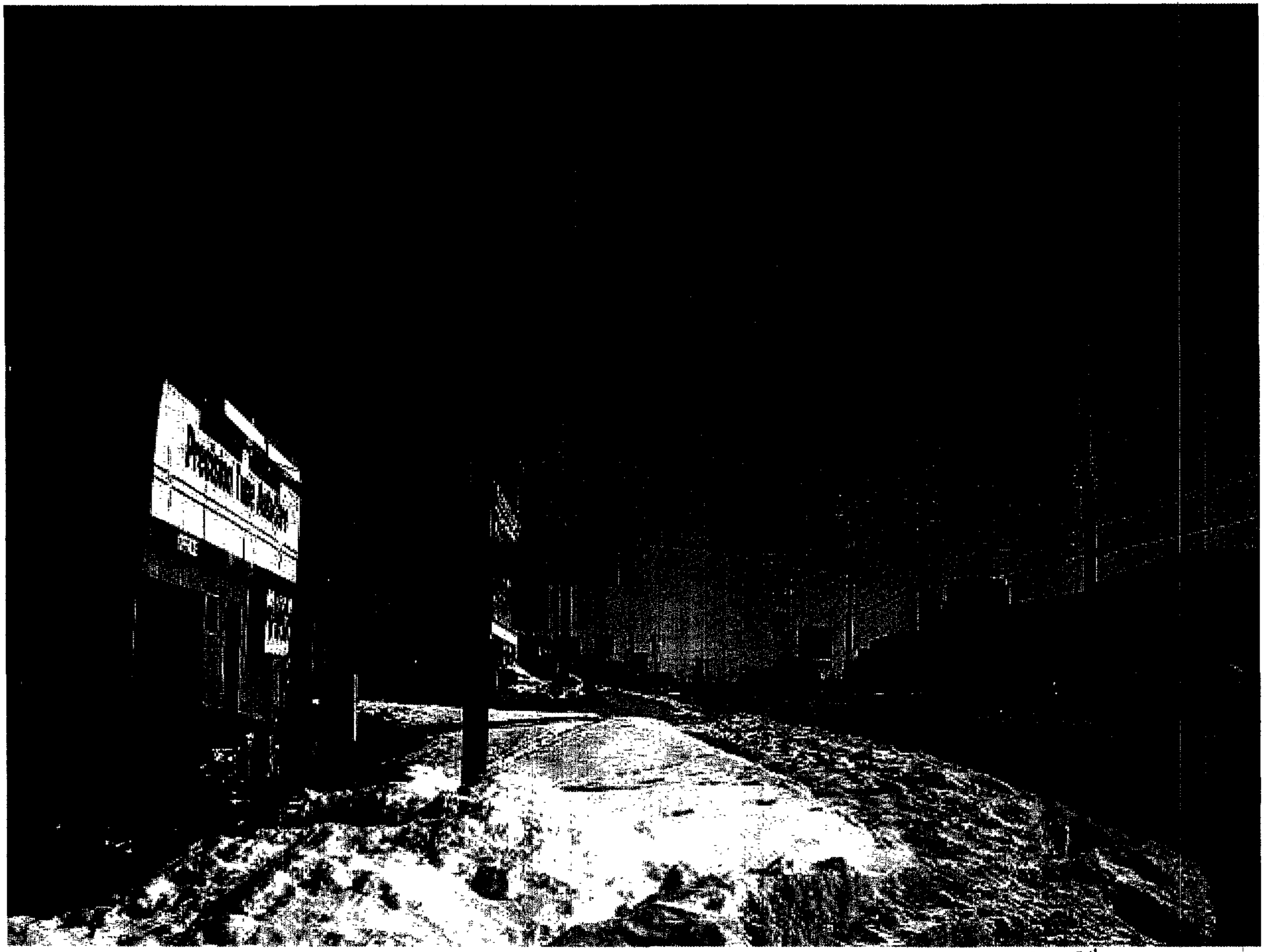

PET #15H

PET #151

LRCC

Loch Raven Community Council, Inc.
P.O. Box 42115
Loch Raven, Maryland 21284-2115

Resolved: That at the June 10, 2002 meeting of the Loch Raven Community Council (LRCC) it was decided by the LRCC that responsibility for representing the position of the LRCC on issues and concerns will be the President, Vice President or Executive Director.

In the absence of the President, Vice President or Executive Director or to better represent a LRCC position, the President or Vice President shall appoint, in writing, a representative as an alternate to speak on a particular issue.

Affidavit: By affirmative vote on June 10, 2002 for the term of one year to hold the position, as President is Dan Luber and Vice President is Karen Fitze

Affidavit: By affirmative vote on June 10, 2002 for the term of one year to hold the position of Executive Director is Donna Spicer.

Attest: The above statement is true.

Mary Poehlman
Secretary

Dan Luber
President

PET #16
2/13/03

William W. BOYCE et al.
v.
Bertha SEMBLY et al.

No. 153.

Court of Special Appeals of Maryland.

March 7, 1975.

County council of Baltimore County adopted comprehensive zoning map which classified for residential use a 5.84-acre tract which adjoined a railroad right-of-way and which had been utilized for past 60 years as a building materials and lumber supply yard. Owner of the property and contract purchaser petitioned zoning commissioner for a reclassification of the property for business use. The commissioner granted the requested reclassification. An appeal was taken to the board of appeals. The action of the commissioner was reversed in part and affirmed in part, protestants appealed. The Circuit Court for Baltimore County, Lester L. Barrett, C. J., entered an order reversing that portion of the board's order which had reclassified a portion of the tract to business zone. Applicants appealed. The Court of Special Appeals, Davidson, J., held that the county council did not commit basic and actual mistake or error in adopting comprehensive zoning map.

Affirmed.

Lowe, J., filed a concurring opinion.

[1] ZONING AND PLANNING ⚷604
414k604
Applicable test for determining scope of judicial review in a zoning case alleging error in a comprehensive rezoning by county council is whether such action is arbitrary and discriminatory or fairly debatable; under this test strong evidence of error is required to make issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of zoning board in granting a reclassification is arbitrary and capricious.

[1] ZONING AND PLANNING ⚷609
414k609
Applicable test for determining scope of judicial review in a zoning case alleging error in a comprehensive rezoning by county council is whether such action is arbitrary and discriminatory or fairly debatable; under this test strong evidence of error is required to make issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of zoning board in granting a reclassification is arbitrary and capricious.

[2] ZONING AND PLANNING ⚷672
414k672
Until presumed validity of comprehensive zoning map has been overcome, evidence supporting its correctness is immaterial.

[3] ZONING AND PLANNING ⚷652.1
414k652.1
Formerly 414k652
In order to grant requested reclassification, zoning board needed strong and substantial probative evidence that there was a mistake or error in comprehensive zoning.

[4] ZONING AND PLANNING ⚷672
414k672
Presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the county council at time of comprehensive rezoning were invalid.

[5] ZONING AND PLANNING ⚷647.1
414k647.1
Formerly 414k647
Error in comprehensive zoning can be established by showing that at time of such zoning the county council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the council's action was premised initially on a misapprehension.

[6] ZONING AND PLANNING ⚷647.1
414k647.1
Formerly 414k647
Error or mistake in comprehensive zoning may be established by showing that events occurring subsequent to such zoning have proven that county council's initial premises were incorrect.

[7] ZONING AND PLANNING ⚷672
414k672
It is presumed, as part of presumption of validity

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accorded comprehensive zoning, that at time of adoption of map county council had before it and did, in fact, consider all of the relevant facts and circumstances then existing.

[8] ZONING AND PLANNING ⚷647.1
414k647.1
Formerly 414k647
In order to establish error in comprehensive zoning based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at time of the comprehensive zoning but also which, if any, of those facts were not actually considered by county council; this evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at time of comprehensive zoning, by adducing testimony on part of those preparing the plan that then existing facts were not taken into account, or by producing evidence that the county council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at time of the comprehensive zoning.

[9] ZONING AND PLANNING ⚷602
414k602
Unless there is probative evidence to show that there were then existing facts which county council, in fact, failed to take into account, or subsequently occurring events which the council could not have taken into account, presumption of validity accorded to comprehensive zoning is not overcome and question of error is not fairly debatable.

[9] ZONING AND PLANNING ⚷672
414k672
Unless there is probative evidence to show that there were then existing facts which county council, in fact, failed to take into account, or subsequently occurring events which the council could not have taken into account, presumption of validity accorded to comprehensive zoning is not overcome and question of error is not fairly debatable.

[10] ZONING AND PLANNING ⚷675
414k675
When subsequent events demonstrate that any significant assumption made by county council at time of comprehensive rezoning was invalid, the presumption of validity accorded to the comprehensive rezoning is overcome.

[11] ZONING AND PLANNING ⚷644.1
414k644.1
Formerly 414k644
In reviewing evidence before zoning board, opinion or conclusion of an expert or a lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts.

[12] ZONING AND PLANNING ⚷652.1
414k652.1
Formerly 414k652
An opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so.

[13] ZONING AND PLANNING ⚷163
414k163
At time of comprehensive rezoning, county council is required to take into account only existing facts and those projects or trends which are reasonably probable of fruition in the foreseeable future.

[14] ZONING AND PLANNING ⚷71.1
414k71.1
Formerly 414k71
County council of Baltimore County did not commit basic and actual mistake or error when it adopted comprehensive zoning map which classified for residential use a 5.84-acre tract which adjoined a railroad right-of-way and which had been utilized for past 60 years as a building materials and lumber supply yard.

****139 *44** Ernest C. Trimble, Baltimore, with whom were Whiteford, Taylor, Preston, Trimble & Johnston, Baltimore, on the brief, for appellants.

Anne Kay Kramer, Stevenson, for appellees.

Argued before THOMPSON, DAVIDSON and LOWE, JJ.

DAVIDSON, Judge.

This case presents the narrow question of whether the County Council of Baltimore County (Council) committed basic and actual 'mistake' or 'error' as those interchangeable terms are used in zoning law, when on 24 March 1971 it adopted a comprehensive zoning map on which the subject property, consisting of 5.84 acres, was classified as D.R.-5.5

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(Density Residential, 5.5 dwelling units per acre).

Most of the facts are not in dispute. The subject property, located in a community known as Lutherville, lies in an area bounded by Seminary Avenue on the north, the Harrisburg Expressway on the west, and the Baltimore Beltway on the *45 south. (See location map attached hereto.) It is roughly triangular in shape and fronts on the west side of Railroad Avenue approximately 480 feet south of its intersection with Seminary Avenue.

On the west side of Railroad Avenue, approximately 250 feet north of the subject property, there is a relatively small parcel of land, located at the corner of the southwest quardrant of the intersection of Railroad Avenue and Seminary Avenue, which was reclassified to the B.L. zone (Business, Local) by a local map amendment adopted subsequent to 1955, on which a Citgo service station has long been and still is in operation. In the northwest quadrant of the intersection there is also a comparatively small parcel of land zoned B.L. upon a portion of which a refinishing shop, called The Wood Butcher, was developed around 1960. A furniture store known as Leers, containing about 15,000 square feet, is presently under construction on the remaining portion of that B.L. zoned land. At the corner of the southeast quadrant of the intersection there exists still another relatively small parcel of land which was classified in the B.L. zone in 1955, upon a portion of which a small grocery store has been located for many years. Subsequent to 1955 a relatively small parcel of land adjoining this B.L. zoned tract on the south was reclassified from the then R.-10 zone (Residence, one or two family, lot area 10,000 square feet) to the B.L. zone. An office building has been developed on this B.L. zoned tract. Adjoining this B.L. zoned parcel on its south is a **140 tract of land zoned D.R.-3.5 (Density Residential, 3.5 dwelling units per acre), a portion of which confronts the northern portion of the subject property.[FN1]

FN1. The record is devoid of any evidence showing the development, if any, existing on this parcel.

Moving south along the east side of Railroad Avenue and confronting the southern portion of the subject property there is a parcel of land which, subsequent to 1955, was reclassified by a local map amendment from the then R.- 10 zone to the D.R.-16 zone (Density Residential, 16 dwelling units per acre). An apartment complex, known as the Cardiff of Charles Apartments, consisting of 160 units, has *46 been developed on a portion of that tract. Lying between this D.R.-16 parcel and the Beltway, on the east side of the railroad right-of-way, there is a relatively large tract of land which, subsequent to 1955, was reclassified by a local map amendment from the then R.-10 zone to the B.R. zone (Business, Roadside). 'Warehouse office storage'-type buildings have been developed on this parcel. The record further shows that the Lutherville Supply & Equipment Company, which sells heavy machinery, earth-movers and cranes, is also located on the land east of the subject property and across the railroad track. It is unclear, however, whether this business enterprise is located on the D.R.-16 zoned land or the B.R. zoned land.

The subject property, which is fairly level, has a low elevation lying approximately 15 to 20 feet below the roadbed of the Northern Central Railway, which adjoins Railroad Avenue on the east. It is bisected by the Roland Run Stream which traverses the subject property from north to south. That portion of the subject property lying to the west of Roland Run Stream is further bisected by a tributary of the Roland Run Stream which passes through that portion of the subject property from west to east. Parallel to Roland Run and its tributaries there are 10-foot-wide easements of utilities and sewers.

For 60 years a building materials and lumber supply yard, located on the southeastern sector of the subject property, has been in operation. This nonconforming use is still being carried on, with annual sales in 1971 of $1.5 million. At present, there are five frame buildings located on the southeastern portion of the subject property, all of which are 50 to 60 years old and in a 'bad state of repair.' Their utility for operation as a modern- day lumberyard is substantially impaired because none of them is designed to accommodate forklift trucks, necessitating the piling of lumber by hand. At one time a residence and a shed had been located on the southwestern portion of the subject property, but those buildings have been razed. Currently, that portion of the tract has no development upon it.

At present, access to the subject property is limited to *47 Railroad Avenue, which runs along a small portion of the northeastern sector of the subject

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property and then deadends. That street has a 20-foot right-of-way and a paved width of 15 feet. The Northern Central Railway right-of-way which adjoins Railroad Avenue on the east, as well as a portion of the southeastern sector of the subject property, contains one railroad track over which two to four freight trains travel daily. School Lane appears to provide access to the northwestern section of the subject property. The 20-foot-wide pavement of that road ends, however, 60 feet from the northern boundary of the subject property.

The subject property was classified in the R.-6 zone (Residence, one or two family, lot area 6,000 square feet), which was the then equivalent of the D.R.-5.5 zone, by the comprehensive zoning map which preceded that of 1971. On 10 September 1970 the Zoning Commissioner (Commissioner) of Baltimore County granted an application requesting reclassification of the subject property to the B.R. zone. An appeal was taken to the Board of Appeals **141 (Board). While that appeal was pending, the Council was considering the adoption of a new comprehensive zoning map. The Log of Issues and Recommendations to the Council, Relative to the Central Sector, used at the public hearing preceding adoption of the 1971 comprehensive zoning map, indicates that the existing zoning of the subject property was R.-6; that the Planning Board recommended that the subject property be designated D.R.-5.5; that the property owner was requesting a B.R. zoning classification in a local map amendment case then pending; and that a proposed Council resolution recommended D.R.-16 zoning for the subject tract. On 24 March 1971 the Council adopted a comprehensive zoning map on which the subject property was classified in the D.R.-5.5 zone.

Within three weeks of the adoption of the comprehensive zoning map[FN2] the owner of the property and the contract *48 purchaser of the tract (hereinafter called applicants) petitioned the Commissioner for a reclassification of the subject property to the B.R. zone, alleging that there was error in the comprehensive zoning map with respect to the subject property. After a hearing the Commissioner concluded that the comprehensive zoning map was in error in classifying the subject property in the D.R.-5.5 zone. On 8 February 1972 he granted the requested reclassification to the B.R. zone. An appeal was taken to the Board and, on 6 September 1972, the action of the Commissioner was reversed in part and affirmed in part by the Board which believed that the applicants had 'met the burden of proof in showing error in original zoning on that portion of the petitioned tract southeastwardly of the stream, but not on that portion northwestwardly of the stream.' Accordingly, the Board granted reclassification of the 2.3 acres of the subject property, which lie on the southeast side of the center line of Roland Run to the B.R. zone, and retained the remaining 3.54 acres of the subject property, which lie on the northwest side of the center line of Roland Run, in the D.R.-5.5 zone.

FN2. The date upon which the zoning application was filed does not appear in the record. Provisions of Baltimore County Code (1972 Cum.Supp.) s 22-22(c) and (d) support an inference that the application was filed prior to 16 April 1971.

The protestants, neighboring property owners, filed an appeal in the Circuit Court for Baltimore County from that portion of the order which reclassified the southeastern portion of the tract to the B.R. zone. On 29 January 1974 Judge Lester Barrett found that '(t)he testimony of the Protestants in this case supported the correctness of the County Council's comprehensive zoning of March 1971' and that 'the testimony produced by the Petitioner-Appellee is not sufficient to overcome the presumption of correctness which attaches with the adoption of the comprehensive zoning map by the County Council.' An order was entered reversing that portion of the Board's order which had reclassified the 2.3 +- acres lying on the southeastern portion of the subject property to the B.R. zone. It is from this order that the applicants appeal.

The applicants initially contend that the trial court applied an improper standard in determining whether the action of the Board should be reversed. They point out that *49 while the trial court found the evidence adduced by the protestants supported the correctness of the 1971 comprehensive zoning and that the evidence adduced by the applicants was insufficient to overcome the presumption of correctness which attaches to a comprehensive rezoning, it did not determine whether the action of the Board was arbitrary and discriminatory or 'fairly debatable.' The applicants conclude that under these circumstances the trial court impermissibly weighed the evidence and substituted its judgment for that of the Board. We do not agree.

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[1] The applicable test for determining the scope of judicial review in a zoning case alleging error in a comprehensive rezoning **142 has recently been restated in Trainer v. Lipchin, 269 Md. 667, 672-73, 309 A.2d 471, 474 (1973), in which the Court of Appeals, quoting from Stratakis v. Beauchamp, 268 Md. 643, 652-53, 304 A.2d 244, 249 (1973), said:

". . . Where a legislative body, or a board of county officials, pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable. We shall follow that test in considering this appeal.

"While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning. To sustain a piecemeal change in circumstances such as those present here, strong evidence of mistake in the original zoning or comprehensive rezoning or evidence of substantial change in the character of the neighborhood must be produced. Since, as we have also said, this burden is onerous, the task confronting appellants (appellees), whose application followed the comprehensive rezoning by merely four months, is manifestly a difficult one." (Emphasis in original.) (Citations omitted.)

*50 Under this test 'strong evidence' of error is required to make the issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of the Board in granting a reclassification is arbitrary and capricious.

[2] Here, the trial court's finding that the 'testimony produced by the Petitioner-Appellee is not sufficient to overcome the presumption of correctness which attaches with the adoption of a comprehensive zoning map by the County Council' is, in essence, a determination that there was not evidence of mistake in the comprehensive zoning strong and substantial enough to make that issue fairly debatable and that, consequently, the action of the Board in granting the reclassification was arbitrary and capricious. The trial court's further finding that the evidence adduced by the protestants supported the correctness of the 1971 comprehensive zoning, while correct, was not required for a resolution of the issue in this case. Until the presumed validity of the comprehensive zoning map has been overcome, evidence supporting its correctness is immaterial. Thus, while the trial court made a gratuitous finding, he applied the appropriate standard for judicial review. He neither weighed the evidence nor substituted his judgment for that of the Board.

Secondly the applicants contend that the Council erred in placing the subject property in the D.R.-5.5 zone because, at the time of the adoption of the 1971 comprehensive zoning map, it failed to take certain facts into account.

[3][4][5][6] In this case, in order to grant the requested reclassification, the Board needed strong and substantial probative evidence that there was 'mistake' or 'error' in the comprehensive zoning of 1971. In order to assess the evidence before the Board, it is necessary to understand the inherent nature of the terms 'mistake' or 'error' as they are used in zoning law. A perusal of cases, particularly those in which a finding of error was upheld, indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or *51 premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension. Bonnie View Club v. Glass, 242 Md. 46, **143 52-53, 217 A.2d 647, 651 (1966); Jobar Corp. v. Rodgers Forge Community Ass'n, 236 Md. 106, 112, 116-18, 121-22, 202 A.2d 612, 615, 617-18, 620-21 (1964); Overton v. County Commissioners, 225 Md. 212, 216-17, 170 A.2d 172, 174-76 (1961); see Rohde v. County Board of Appeals, 234 Md. 259, 267-68, 199 A.2d 216, 218-19 (1964). Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect. As the Court of Appeals said in Rockville v. Stone, 271 Md. 655, 662, 319 A.2d 536, 541 (1974):

'On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient

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to authorize a rezoning.'
See Rohde, supra, at 234 Md. 267-68, 199 A.2d 220-21; England v. Rockville, 230 Md. 43, 45-47, 185 A.2d 378, 379-80 (1962); Pressman v. Baltimore, 222 Md. 330, 338-39, 160 A.2d 379, 383 (1960); White v. County Board of Appeals, 219 Md. 136, 144, 148 A.2d 420, 423-24 (1959); cf. Dill v. Jobar Corp., 242 Md. 16, 20-21, 24, 217 A.2d 564, 267-68 (1966); Marcus v. Montgomery County Council, 235 Md. 535, 540-41, 201 A.2d 777, 780 (1964); Offutt v. Board of Zoning Appeals, 204 Md. 551, 558, 105 A.2d 219, 221-22 (1954); Wakefield v. Kraft, 202 Md. 136, 144-45, 149, 96 A.2d 27, 30 (1953); Hoffman v. City of Baltimore, 197 Md. 294, 307, 79 A.2d 367, 373-74 (1951).

[7][8][9][10] It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the ***52** adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning. Bonnie View Club, supra, at 242 Md. 48-49, 52, 217 A.2d 649, 651 (mineshaft and subsurface rock formation); by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account, Overton, supra, at 225 Md. 216-17, 170 A.2d 174-75 (topography); or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which if, itself, recognized as existing at the time of the comprehensive zoning, Jobar Corp., supra, at 236 Md. 116-17, 202 A.2d 617-18 (need for apartments). See Rohde, supra, at 234 Md. 267-68, 199 A.2d 221.

Because facts occurring subsequent to a comprehensive zoning were not in existence at the time, and, therefore could not have been considered, there is no necessity to present evidence that such facts were not take into account by the Council at the time of the comprehensive zoning. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'[FN3]

FN3. In applying the change-mistake rule to test the validity of comprehensive rezoning, the Court of Appeals has long recognized the inherent difficulty in attempting to distinguish between 'error' and 'change' and has frequently found it unimportant to differentiate between the two. See, e. g., Rohde, supra, at 234 Md. 267, 199 A.2d 221; Pressman, supra, at 222 Md. 339, 160 A.2d 383; White, supra, at 219 Md. 144, 148 A.2d 423-24. The fact of the matter is that 'error' and 'change' are opposite sides of the same coin. On the one hand there can be a change in conditions so pervasive as to constitute a change in the character of the neighborhood which demonstrates that the Council's initial assumptions as to the character of the neighborhood were incorrect. In such cases it has been held that evidence of change in the character of the neighborhood is substantial enough to overcome the presumption of validity ordinarily accorded to a comprehensive rezoning. See, e. g., Rockville v. Stone, supra, at 271 Md. 661-62, 319 A.2d 540; Himmelheber v. Charnock, 258 Md. 636, 641-42, 267 A.2d 179, 182 (1970); Wier v. Witney Land Co., 257 Md. 600, 614-15, 263 A.2d 833, 840-41 (1970). On the other hand there can be less significant changes, such as the construction of sewers or roads, which may also indicate that certain other initial assumptions of the Council were incorrect. In such cases it has been held that evidence of change is sufficiently strong to establish error in the comprehensive rezoning so that the presumption of validity generally accorded is overcome. See, e. g., Rockville v. Stone, supra, at 271 Md. 662, 319 A.2d 541; Rohde, supra, at 234 Md. 267-68, 199 A.2d 221; White, supra, at 219 Md. 144, 148 A.2d 422-23. In either event, because the evidence of change demonstrates that the initial premises of the Council were invalid, the presumption of validity accorded to comprehensive rezoning vanishes. Thus, whether the evidence of change is viewed as establishing 'change in the character of the neighborhood' or 'error in comprehensive rezoning' the result is the same. When subsequent events demonstrate that any significant assumption made by the Council at the time of the comprehensive rezoning was invalid, the presumption of validity accorded to the comprehensive rezoning is overcome.

****144 *53** [11][12] Moreover, in reviewing the evidence before the Board, it must also be noted that

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the opinion or conclusion of an expert or lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts. Surkovich v. Doub, 258 Md. 263, 272, 265 A.2d 447, 451 (1970); Anderson v. Sawyer, 23 Md.App. 612, 617, 329 A.2d 716, 720. The Court of Appeals and this Court have stated that an opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so. Stratakis, supra, at 268 Md. 655, 304 A.2d 250; Coppolino v. County Board of Appeals of Baltimore County, 23 Md.App. 358, 371-72, 328 A.2d 55, 62 (1974). Viewed in the light of the principles applicable to 'error' or 'mistake' the testimony presented here does not pass muster.

The applicants contend that at the time of the comprehensive rezoning of 1971 the Council erred in placing the subject property in the D.R.-5.5 zone because they failed to take into account the fact that the subject property was ***54** then unsuitable for residential development.[FN4] A witness qualified in the fields of real estate and real estate appraisal and the contract purchaser of the subject property testified that it was 'unsuitable' for residential development because of its physical characteristics and its proximity to the railroad tracks. They stated that much of the land in the western sector of the subject property lay in the flood plain, and was not usable for any purpose; that in order to provide access to the western portion of the tract it would be necessary to bridge Roland Run Stream at great expense; and that, in any event, the maximum permitted density of 35 units could not be achieved either by single-family residential development or apartment development because the eastern portion of the subject property, adjoining the railroad right-of-way, was undesirable for residential development while the western portion contained insufficient usable land for the construction of 35 units. They concluded that residential development on the subject property would be economically unfeasible and that the only reasonable use which could be made of it consisted of commercial use on the eastern portion of the tract with off-street parking located on the western portion. They acknowledged that the subject property presently contains a profitable nonconforming use and that a single-family residence had been located on ****145** the western portion of the tract. They further conceded that the subject property was adjoined on the west and north by land upon which single-family development had taken place; that single-family development presently existed along the right-of-way of the railroad on land adjoining or lying in close proximity to the subject property; and that single-family residential development had recently occurred on land adjoining the railroad right-of-way in other communities located near Lutherville. There were no facts presented to show how much of the land contained in the total tract was unusable; how many units physically could ***55** be located on the tract; or how much it would cost to bridge Roland Run in order to provide access to the western portion of the subject property. Moreover, there was no explanation as to why it would be impossible to provide access for residential development via School Lane; or why it was any more undesirable here to locate residential units next to the right-of-way of the Northern Central Railroad than it had been to locate residential units next to the railroad within the same and neighboring communities.

FN4. The applicants do not contend that the assignment of a residential classification, D.R.-5.5, to the subject property constituted impermissible confiscation.

This evidence was insufficient to make the question of 'error' or 'mistake' fairly debatable for two reasons. First, because the conclusion that the subject property was unsuitable for residential development was not supported by adequate reasons or facts, it was entitled to little if any probative value. It was not sufficiently strong and substantial to overcome the presumption of validity of the comprehensive zoning. Secondly, there was no evidence to show that at the time of the comprehensive zoning the Council was unaware of the readily visible physical characteristics and location of the subject property and failed, in fact, to take them into account. Indeed, the existence of easements for public sanitary sewers supports an inference that the Council was, in fact, aware of the physical characteristics of the subject property. Thus, there was no evidence to show that the initial premises of the Council with respect to the subject property were incorrect and that consequently the classification assigned at the time of the comprehensive rezoning was improper.

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The applicants next contend that at the time of the comprehensive zoning of 1971 the Council erred in failing to take into account various physical changes which had occurred in the area between the adoption of the 1955 comprehensive zoning map and the 1971 comprehensive zoning map. These changes included the development of a large furniture store on land in the northwest quadrant of the intersection of Railroad Avenue and Seminary Avenue on land zoned as commercial by the 1955 comprehensive zoning map and the development of extensive commercial and apartment uses on land, in close proximity to the *56 subject property, which had been reclassified from single-family residential zones to commercial and apartment zones after the adoption of the 1955 comprehensive zoning map. The zoning map shows that none of the changes in zoning classification or development have occurred in the area bounded by the Harrisburg Expressway on the west, Seminary Avenue on the north, Railroad Avenue on the east, and the Beltway on the south. Thus, the immediate neighborhood within which the subject property lies has been left essentially unchanged and contains no land classified in the commercial zone other than that at the intersection of Railroad Avenue and Seminary Road, which has been so classified since 1955. Moreover, the zoning map shows that all of the commercial uses existing in a much broader area are located at road intersections. There is not an iota of evidence in the record to indicate that at the time of the comprehensive zoning of the subject property the Council was unaware of either the zoning reclassifications or development which had taken place between 1955 and 1971. Indeed, the presumption that the Council was aware of these occurrences is buttressed by the fact that it was reasonable for the Council, cognizant that commercial **146 uses had already been extended at various road intersections in the area, to conclude that the intrusion of additional commercial zoning into the area at a location other than a road intersection, was contrary to the public interest. Consequently, there is insufficient evidence to make fairly debatable the question of whether the Council erred in failing to consider the effect of the zoning and development which had taken place between 1955 and 1971.

[13] The applicants additionally contend that the Council erred in failing to take into account the projected widening of the Harrisburg Expressway and the Beltway interchange as well as the extension of Charles Street. The only evidence presented as to the impact of these roads on the subject property was that of the applicants' expert, qualified as an expert in real estate and real estate appraisal. He testified that the Beltway interchange requires a 'lot of bridgework' and 'will go way up in the air,' so that it might be seen from *57 the subject property in the wintertime when the trees are barren of leaves. He conceded, however, that at the time of the comprehensive zoning map, the Council anticipated the widening of the Harrisburg Expressway and the Beltway interchange. Moreover, he acknowledged that even at the time of the Council hearing no plan for an extension of Charles Street had been finalized, making uncertain when, if at all, such an extension might take place. The evidence with regard to widening of the Harrisburg Expressway and the Beltway interchange is insufficient to establish either error or mistake because it supports, rather than rebuts, the presumption that at the time of the comprehensive zoning the Council was aware of the fact that those roads were to be widened. The evidence with respect to the proposed extension of Charles Street is insufficient because it is too speculative in nature to have properly been considered. At the time of comprehensive rezoning, the Council is required to take into account only existing facts and those projects or trends which are reasonably probable of fruition in the foreseeable future. Hunter v. County Commissioners, 252 Md. 305, 310, 250 A.2d 81, 84 (1969); see Chapman v. Montgomery County, 259 Md. 641, 649-50, 271 A.2d 156, 160-61 (1970); Jobar Corp., supra, at 236 Md. 112, 202 A.2d 615; Rohde, supra, at 234 Md. 264, 199 A.2d 218-19; Trustees of McDonogh Educational Fund and Institute v. Baltimore County, 221 Md. 550, 570-71, 158 A.2d 637, 648 (1960).

The applicants also contend that the Council erred because it failed to take into account the B.R. zoning classification of the subject property, which they assert existed at the time of the comprehensive rezoning, and further failed to take into account the fact that the property owner was seeking a commercial classification for his property. They maintain that at the time of the comprehensive rezoning the Council considered only the possibility of reclassifying the subject property from the R.-6 zone to the D.R.-16 zone. In support of this position they rely on the Log of Issues and Recommendations to the Baltimore County Council, Relative to the Central Sector, used at the public

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hearing preceding adoption of the 1971 comprehensive zoning map. *58 This log indicates that the then existing zoning of the subject property was R.-6; that the Planning Board recommended that the subject property be designated D.R.-5.5, the new equivalent of R.-6; that the property owner was requesting a B.R. zoning classification in a local map amendment case then pending; and that a proposed Council resolution recommended D.R.-16 zoning for the subject tract. This evidence, rather than overcoming the presumption that the Council was aware of all of the relevant existing facts at the time of the comprehensive rezoning, supports it.

The record clearly shows that at the time of the comprehensive zoning the subject property had been reclassified to the B.R. zone by the Zoning Commissioner but that that action by the Commissioner was then pending on appeal. Because an appeal was pending, the reclassification granted by the Zoning Commissioner was **147 deprived of the force and effect of law.[FN5] Consequently, the existing classification of the subject property was properly reflected in the log as R.-6. Moreover, the log patently indicates that a request for reclassification to the B.R. zone was then pending, thus putting the Council on notice of the property owner's desire to have the subject property placed in that classification. Under these circumstances there can be no doubt that the Council was aware of the facts as they then existed, and in particular, of the classification sought by the property owner. Accordingly, its decision to place the subject property in the D.R.-5.5 zone was not premised on a misapprehension.

FN5. Baltimore County Zoning Regulations (Interim ed. 1971) s 500.3a provides:
'Any such reclassification when granted by the Zoning Commissioner shall in the absence of an appeal, have the force and effect of law.'

Finally, the applicants contend that the Council erred in failing to take into account the fact that their property had been utilized for the past 60 years as a building materials and lumber supply yard; that this nonconforming use had always been compatible with the adjoining residential uses; that this nonconforming use could be continued even if the *59 requested reclassification were denied; and that the requested reclassification was sought only for the purpose of permitting the owner to update and improve his present facilities and to protect his right to continue that business in the event that the building should be destroyed by fire.[FN6]

FN6. Baltimore County Zoning Regulations (Interim ed. 1971) s 104 provides, in pertinent part:
'. . . in case any nonconforming business of manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) per cent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate.'
Baltimore County Zoning Regulations (Interim ed. 1971) s 253.1A (29) classifies a lumberyard as a permissible use in a manufacturing zone, thus presumably designating such use as a manufacturing one.

This contention is without merit for several reasons. There is no evidence to indicate that the Council was unaware of this nonconforming use which had been in existence for 60 years. Moreover, nonconforming uses are by definition inherently incompatible with permitted uses in a zone.[FN7] Indeed, it is public policy in Baltimore County to drive such nonconforming uses out of permanent existence by preventing the expansion of such uses or their restoration if substantial damages are incurred.[FN8] Finally, in response to the applicants' argument that they were seeking B.R. zoning solely as 'insurance' to guarantee the right to rebuild the present use in the event of casualty, it need only be noted, as the applicants conceded, that once the reclassification was granted, nothing could prevent the development of any of the uses permitted in the B.R. zone on the subject property.[FN9] Consequently, the evidence again was insufficient to make the question of error fairly debatable.

FN7. See Baltimore County Zoning Regulations (Interim ed. 1971) s 101, which defines a nonconforming use as:
'A legal use of a building or of land that antedates the adoption of these regulations and does not conform to the use regulations for the zone in which it is located.'

FN8. See note 6, supra.

FN9. These uses include, among others, the following: restaurants, office buildings, bakeries, department stores, food stores, laundromats, automobile sales rooms, bowling alleys, night clubs, warehouses, laboratories, kennels, farm implement stores, and stone or monument works.

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Baltimore County Zoning Regulations (Interim ed. 1971) s 236.

*60 [14] When all is said and done, this record is totally devoid of any evidence to show that at the time of the comprehensive zoning of the subject property the Council failed to take into account any facts or circumstances then existing relevant to the subject property and its environs so that its initial assumptions and premises in determining the appropriate classification for the subject property were erroneous. Nor was there any evidence of any events occurring subsequent to the time of the comprehensive rezoning, which would show that the Council's assumptions and premises at the time of the comprehensive rezoning **148 had been proved invalid by the passage of time. Under all of the circumstances in this case the presumption of validity accorded to the comprehensive rezoning was not overcome and the question of 'error' or 'mistake' in the comprehensive zoning of the subject property was not 'fairly debatable.' The trial court was correct in reversing that portion of the Board's order which granted reclassification to the B.R. zone of the 2.3 acres of the subject property which lie on the southeastern side of the center line of Roland Run Stream. Accordingly, the order of the trial court will be affirmed.

Order affirmed. Costs to be paid by appellants.

<View image 1 on westlaw.com or print it using STP, NOW or FAX.>

**149 LOWE, Judge (concurring).

I agree with the result in this case, and with the reasoning, but I feel that we are making more and more complicated, a rule which should and could be kept simple.

A presumption of correctness and validity attaches to the assignment of a zoning classification to any parcel of land, whether by the adoption of a comprehensive zoning map, or though perhaps with less force, by an individual map amendment.

When a board or other governmental body exercising the zoning function is called upon to decide whether to change a zoning classification, it must determine either whether there was a mistake in the existing zoning, or whether the character of the neighborhood has changed to such an extent that reclassification should be granted.

Judicial review of the action of a board exercising zoning authority is confined within narrow limits. If the evidence before the board is so strong, or conversely so weak, that it does not raise a fairly debatable issue, the board's action must conform to that evidence. If it does not conform, the action is arbitrary, capricious, discriminatory, or illegal, and the court will declare it so. But if the evidence on an issue falls within the broad range that makes the issue fairly debatable, then it is the function of the legislative body, not of a court, to make a finding on that issue.

The dual and not always separable issue has been called the 'change-mistake rule'. In Muhly v. County Council, 218 Md. 543, at 545-46, 147 A.2d 735 at 736 (1959), the Court of Appeals referred to the rule when it said:

> 'The chancellor dismissed the bill, on the ground that the question was fairly debatable, and stated that there was evidence before the Council to support a finding that there was either a mistake in the original zoning or that the character of the neighborhood had changed to such an extent that reclassification should be granted.'

*63 The Court said further, at 547, 147 A.2d at 737:

> 'But zoning can never be completely permanent, and reclassification which finds support in a genuine change in conditions, or clear evidence of mistake, should not be stricken down, even if the reviewing court would have reached a different conclusion.'

In White v. Board of Appeals, 219 Md. 136, at 144, 148 A.2d 420 at 423 (1959), the Court quoted from Muhly, supra, and went on to say:

> 'As must appear from the resume of the facts, the case is at least fairly debatable on all issues. The Zoning Commissioner found a change of conditions and a mistake in the original zoning. The County Board of Appeals seems to have based its action on changed conditions, and the Circuit Court certainly did. Actually, there can be said to be aspects of both original error and change. * * * We think it is not important which view is taken for under either, or a combination of the two, the presumption as to the correctness of the 1955 zoning vanishes.'

Appellants in Pressman v. Baltimore, 222 Md. 330,

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160 A.2d 379 (1960), who protested below against three ordinances rezoning certain tracts of land, contended on appeal, inter alia, 'that all three ordinances are invalid because there has been no showing of error in the original zoning plan or of such change in conditions as would warrant a departure from it'. I note that neither the appellants there nor the Court considered it necessary to consider mistake and change as separate concepts. The Court said, at 339, 160 A.2d at 383:

'However desirable commercial strip zoning along arterial highways may have appeared in 1931, there is ample evidence in this case to support the view that it has not stood the test of time and experience. **150 Whether this should be regarded as an error in original zoning or the result of changed conditions may be a matter of a choice of words or of *64 approach. In either event, a contention that the action of the legislative body in rezoning these properties is devoid of support, simply cannot be sustained.'

When their rezoning application was denied by the Mayor and Council of Rockville, there being no statutory appeal procedure, appellants in England v. Rockville, 230 Md. 43, 185 A.2d 378 (1962), alleged that the denial was arbitrary and confiscatory. The court below denied relief, but the Court of Appeals reversed. It said, at 46-47, 185 A.2d at 380:

'There was clear evidence of original mistake or change of condition, in addition to the evidence of practical inability to improve the lots for residential use, and that the granting of the application would conform the use to the recommended future use of the whole area, as set out in the proposed comprehensive plan. * * * There was not sufficient evidence to the contrary to make the issue fairly debatable.'

In Overton v. County Commissioners, 225 Md. 212, 170 A.2d 172 (1961), a zoning reclassification was opposed by protesting neighbors. The rezoning was granted by the governing body, affirmed by the Circuit Court, and affirmed by the Court of Appeals. One of the contentions on appeal was the combined allegation

'that there was no substantial evidence of a basic mistake in the original zoning or of a substantial change in the character of the neighborhood to warrant the reclassification'.

The planning staff had recommended the rezoning on the ground that there was a mistake in the original classification. The governing board found that there had been a mistake. The lower court and the Court of Appeals said the issue was fairly debatable. The Court of Appeals, quoting from West Ridge, Inc. v. McNamara, 222 Md. 448, 160 A.2d 907 (1960), and referring to its decisions there cited, said, in part, 225 Md. at 218-19, 170 A.2d at 176:

*65 'These cases recognize the familiar rules that in the case of piecemeal rezoning, there must be a showing of either an error in original comprehensive zoning or such a change in conditions as to warrant rezoning, that if either of these is shown, or if there are facts from which the legislative body could reasonably have made such a finding (i. e., that the matter is at least fairly debatable), the courts may not interfere with the legislative action * * *.'

The Court in Overton confined its decision to the question of whether a mistake was made in the original classification, and said that there was ample evidence before the legislative body from which it could find mistake in the original comprehensive zoning.

In Rohde v. County Board, 234 Md. 259, 199 A.2d 216 (1964), the Court of Appeals affirmed a circuit court order affirming the County Board of Appeals in granting an application for rezoning. The Court said, at 267-68, 199 A.2d at 220: 'To warrant piecemeal rezoning, there must be a showing of error in the comprehensive rezoning when made or a subsequent change of conditions, or both. It is sometimes difficult to say whether some evidence shows original error or a change in conditions, and it may not be necessary to resolve the question. Pressman v. City of Baltimore, 222 Md. 330, 160 A.2d 379. That, we think, is the situation here. The applicant produced considerable expert testimony to show that either as a result of lack of anticipation of trends of development in 1955 or as a result of changes in trend which have occurred since then, whether anticipated or not, the existing zoning was in error at the time of the hearing.'

After commenting that a comprehensive zoning map was entitled to a presumption of correctness, and the burden was on the applicants for reclassification to show an **151 error in the map or a change of conditions in the neighborhood, the *66 Court of Appeals held in Jobar Corp. v. Rodgers Forge, 236 Md. 106, 202 A.2d 612 (1964), that a Board's decision was not in accordance with law when it

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declined to permit evidence of project which were reasonably probable of fruition in the foreseeable future. It said in effect that the Board was wrong when it felt that it was limited to a consideration of evidence of the situation existent at the time of the hearing, and no potential, even though imminent, future changes in that situation or future needs of the public could be considered. On the original appeal to the circuit court, that court had remanded the case to the Board for further hearing. Upon further hearing, the Board found both original error and change, and granted the rezoning. When that order was appealed, the circuit court reversed. The Court of Appeals reversed the lower court, and held that the evidence before the Board at the second hearing made both original error and change fairly debatable issues, and that the Board's grant of the rezoning should not be disturbed by the courts.

In the very recent zoning case of Rockville v. Stone, 271 Md. 655, 319 A.2d 536 (1974), the Court of Appeals observed that, 'despite the intriguing factual and procedural posture present here, there is really very little new under the sun in this State as far as zoning cases are concerned'. One element of the factual posture was that the rezoning involved was a down zoning, applied for by the City of Rockville Planning Commission, granted by the City over the opposition of the landowners, reversed by the circuit court, and reinstated by the Court of Appeals. The down zoning nullified a piecemeal rezoning which the City had previously granted. The Court of Appeals concluded that the evidence before the legislative body made each of the issues of change and of mistake fairly debatable. It commented that the original mistake was an assumption which proved, with the passage of time, to be erroneous.

It seems to me that the failure of an expected change to take place could be characterized, with equal effect, as a change, negative in nature, or as a mistake in making the assumption in the first place. But an assumption may be ***67** sound at the time it is made, even though subsequent events do not bear it out.

The dilemma is one of words, not principles. This is why I urge simplicity, not proliferating complexity, in expressing the legal requirement for a zoning change. I think we should make it clear that whether we say 'mistake' or 'error' in the original zoning, we mean exactly the same thing. I think we should make it clear that whether we say 'change in the character of the neighborhood', or 'change in conditions', or 'change in circumstances', we mean exactly the same thing. A change in 'conditions' or a 'change in circumstances' which affects the 'character of the neighborhood' obviously indicates a 'change in the character of the neighborhood', and any attempt to give different meanings to these phrases is a distinction without a difference. A change of 'conditions' or of 'circumstances' which does not affect the character of the neighborhood is irrelevant in any event.

I see no significance in attempting to put on a different basis, a failure to consider facts in existence at the time of zoning, or a failure to foresee a future which was foreseeable at the time of zoning, or a failure to foresee a future which was not foreseeable at the time of zoning.

The cases I have cited, and from which I have quoted, are not intended to show that I disagree with the law which governs the outcome of the case now before us. The cases are cited to show that in no case has there been a significant distinction among 'mistake', 'error', or 'change'. In no case has there been a significant distinction based on whether known facts were overlooked, foreseeable facts were not foreseen, or unforeseeable changes later occurred. Rarely has the Court even treated mistake and change as separate concepts.

****152** I believe that the majority opinion in this case unnecessarily takes the long way around. I prefer the short way around, expressed by Chief Judge Brune for the Court in Rohde v. County Board, supra, when he said:

> 'The applicant produced considerable expert testimony to show that either as a result of lack of ***68** anticipation of trends of development in 1955 or as a result of changes in trend which have occurred since then, whether anticipated or not, the existing zoning was in error at the time of the hearing.'

The test that the courts should apply in any review of legislative action on a rezoning request is this: Did the applicant produce evidence sufficient to overcome the presumption of correctness of the existing zoning, and to make fairly debatable the issue of whether the existing zoning was in error at the time of the hearing.

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COMPREHENSIVE ZONING MAP PROCESS

EVERY FOUR YEARS, AS REQUIRED BY THE BALTIMORE COUNTY CODE, THE COUNTY COUNCIL REVIEWS AND REVISES THE COUNTY'S COMPREHENSIVE ZONING MAPS

FILING PERIODS

August 2, 1999 through January 18, 2000

Baltimore County law provides that, during the OPEN FILING PERIOD [August 2, to November 1], any person, association, corporation, County agency or other entity may, upon payment of the specified fee, file a petition for zoning reclassification on any property in the County. Certain information must be filed with the petition, all of which becomes a matter of public record identified by an Issue Number. From November 1 through November 30 additional Issues can be raised, but only by the members of the Baltimore County Planning Board. From December 1, 1999 through January 18, 2000, Issues may be raised only by the members of the County Council.

LOG OF ISSUES – PRELIMINARY RECOMMENDATIONS

January 18 through March 31, 2000

Each of the Issues raised during the filing periods is analyzed by County staff. Summary data about each Issue, along with the *preliminary* staff recommendations, are published in the "Log of Issues." The Log and accompanying maps comprise a report by the County Planning Board for the purpose of public hearings in April. Also during this period, notice is mailed to the owners of those properties which are listed in the log but which were not filed by the owner or the owner's agent.

PLANNING BOARD PUBLIC HEARINGS

April 3 through April 28, 2000

The Baltimore County Planning Board schedules a public hearing in each Councilmanic District during the month of April. Testimony is limited to those Issues within the district for which the hearing is held.

PLANNING BOARD REVIEW AND RECOMMENDATIONS

May 1 through June 30, 2000

In a series of work sessions, open to the public, the Planning Board reviews and discusses the various Issues. A recommendation on each Issue must be formally adopted by the Planning Board before June 30.

PC #1

2/13/03

TRANSMITTAL PERIOD

July, 2000

The Planning Board's recommendations on each Issue must be transmitted to the County Council within 20 days after the Board's vote. A revised edition of the Log of Issues is published to serve as the basis for the Council's public hearings in September.

COUNTY COUNCIL REVIEW

August, 2000

The County Council has sole authority to determine the final zoning on each property. The Council may accept, reject, or modify the recommendations of the Planning Board. These options include retaining the existing zoning or applying to a property any zone or combination of zones.

COUNTY COUNCIL PUBLIC HEARINGS

September, 2000

The County Council schedules a public hearing in each Councilmanic District during the month of September. Testimony is limited to those Issues within the district for which the hearing is held.

COUNTY COUNCIL DECISIONS

October, 2000

The County Council vote on each Issue must occur before October 16, 2000. As adopted by legislative action of the County Council, the revised Comprehensive Zoning Map takes effect 45 days after being signed into law by the County Executive.

FINAL LOG AND MAPS

November, 2000

After the Council's vote, the Office of Planning prepares the final official amended Zoning maps and publishes the final edition of the Log of Issues containing all of the decisions of the County Council.

* * * * * * * * * *

For additional information, please contact the Baltimore County Office of Planning, County Courts Building, Room 406, Towson, Maryland 21204

410-887-3480
website:www.co.ba.md.us.

Baltimore County
2000 Comprehensive Zoning Map Process

Task	Aug-99	Sep-99	Oct-99	Nov-99	Dec-99	Jan-00	Feb-00	Mar-00	Apr-00	May-00	Jun-00	Jul-00	Aug-00	Sep-00	Oct-00	Nov-00
Open Filing Period (8/2/99-11/1/99)				Log 1 11/22												
Planning Board Filing Period (11/1/99-11/30/99)					Log 2 12/20											
County Council Filing Period (12/1/99-1/18/00)							Log 3 2/1									
Planning Board Public Hearings (4/1/00-4/30/00)								Log 4 3/6								
Planning Board Review And Recommendations (5/1/00-6/30/00)												Log 5 7/17				
Transmittal Period (7/1/00-7/31/00)																
County Council Public Hearings (9/1/00-9/30/00)																
County Council Adoption of Maps (Before 10/16/00)																Log 6 11/20

Baltimore County
2000 Comprehensive Zoning Map Process

Task	Aug-99	Sep-99	Oct-99	Nov-99	Dec-99	Jan-00	Feb-00	Mar-00	Apr-00	May-00	Jun-00	Jul-00	Aug-00	Sep-00	Oct-00	Nov-00
Open Filing Period (8/2/99-11/1/99)				Log 1 11/22												
Planning Board Filing Period (11/1/99-11/30/99)					Log 2 12/20											
County Council Filing Period (12/1/99-1/18/00)							Log 3 2/1									
Planning Board Public Hearings (4/1/00-4/30/00)								Log 4 3/6								
Planning Board Review And Recommendations (5/1/00-6/30/00)												Log 5 7/17				
Transmittal Period (7/1/00-7/31/00)																
County Council Public Hearings (9/1/00-9/30/00)																
County Council Adoption of Maps (Before 10/16/00)																Log 6 11/20

Planning Board

2000

COMPREHENSIVE ZONING MAPS

Baltimore County, Maryland

Log of Issues

Public Hearings

With

Preliminary Staff Recommendations

March, 2000

PC #2
2/13/03

000 CZMP Map Issues: District 4

Councilmanic District
Secondary Roads
Major Roads
Map Issues

4-023
4-030
4-024
4-041
4-056
4-065
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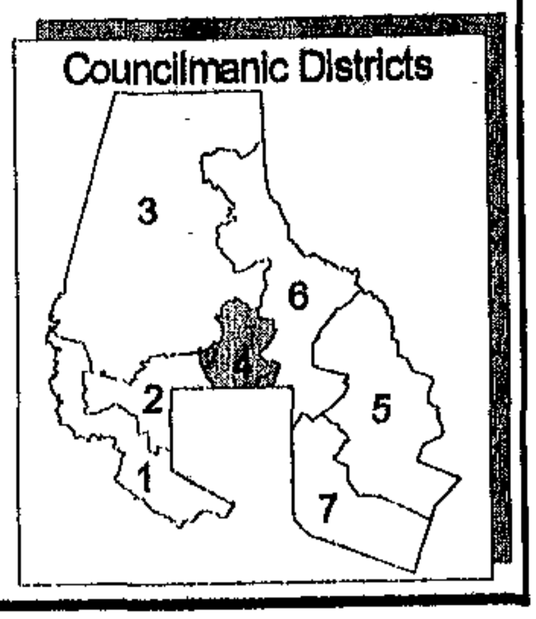
Prepared by: Baltimore County Office of Planning
OIT/GIS Services Unit, January, 2000

Sources: Roads and Councilmanic Districts-Baltimore Metropolitan Council 1999 1:24000
CZMP Issues-Baltimore County Office of Planning, Digitized from 1996 Tax Maps 1:7200

Note:
This map is for display purposes only. Land use decisions involving zoning designations should be verified with the zoning office. Issues as of January 18, 2000



Baltimore County 2000 Comprehensive Zoning Map Issues

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Preliminary Staff Reccomendations	Comments
4-001	Staff	1776 E Joppa Rd, north side Joppa Rd west of Oakleigh Rd	DR 16 0.8 Total 0.8	DR 5.5 0.8 Total 0.8	DR 5.5 0.8 Total 0.8	See Issue 4-009
4-002	Staff	1903 Taylor Ave, south side Taylor Ave west of Perring Pkwy	BL AS 0.5 Total 0.5	BLR 0.5 Total 0.5	BLR 0.5 Total 0.5	
4-003	Staff	East side of Loch Raven Blvd, north side of Taylor Ave	BL CCC 5.4 Total 5.4	BLR DR 10.5 OR 2 5.4 Total 5.4	BLR or 5.4 OR 2 Total 5.4	Zones under consideration See Issues 4-005, 4-064
4-004	Staff	6811 Loch Raven Blvd, south of Taylor Ave, east of Loch Raven Blvd.	BL 0.8 Total 0.8	BLR 0.8 Total 0.8	BLR 0.8 Total 0.8	
4-005	Staff	1400 Taylor Ave, north side of Taylor Ave west of Hillendale Rd	ML 17.2 Total 17.2	SE 17.2 Total 17.2	ML or 17.2 SE Total 17.2	See Issues 4-003, 4-064
4-006	Staff	South side Taylor Ave west of Hillsway Ave	DR 16 1.4 Total 1.4	DR 5.5 1.4 Total 1.4	DR 5.5 1.4 Total 1.4	
4-007	Donald S. Diffenderffer	1517 York Rd, east side of York Rd north of Thornhill Rd	DR 5.5 0.1 Total 0.1	RO 0.1 Total 0.1	RO 0.1 Total 0.1	Subject to Covenants/Dev. Agreements
4-008	Staff	8425 Oakleigh Rd; south side of Redwood Ave, east side of Oakleigh Rd	BL 0.9 Total 0.9	CB 0.9 Total 0.9	CB 0.9 Total 0.9	
4-009	Staff	South side of Joppa Rd between Pleasant Plains Rd and Oakleigh Rd; North side of Joppa Rd between Lackawanna Ave and Oakleigh Rd	BR AS 23.8 Total 23.8	BL or 23.8 BLR Total 23.8	BLR 23.8 BL BL AS BM	See Issue 4-001

BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP

Final Log of Issues

Adopted October 10, 2000

PC #3
2/13/03

2000 CZMP Map Issues: District 4

Councilmanic District
Secondary Roads
Major Roads
Map Issues

3
6
4
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4-023
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Prepared by: Baltimore County Office of Planning
OIT/GIS Services Unit, January, 2000

Sources: Roads and Councilmanic Districts-Baltimore Metropolitan Council 1999 1:24000
CZMP Issues-Baltimore County Office of Planning, Digitized from 1996 Tax Maps 1:7200

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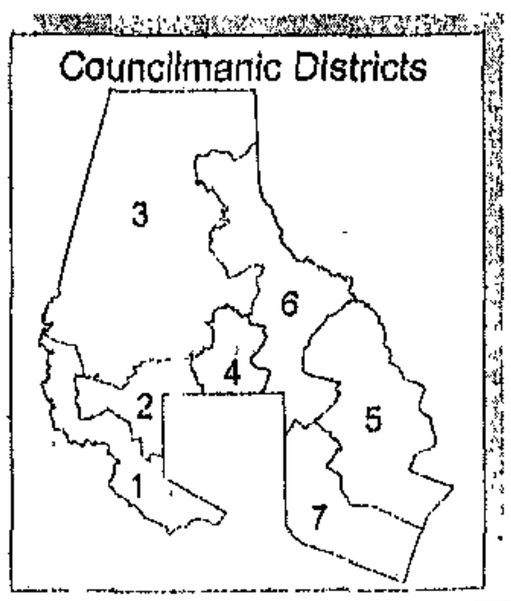

Baltimore County 2000 Comprehensive Zoning Map Issues

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Planning Board Recommendations	County Council Decisions	Comments
4-009	Staff	South side of Joppa Rd between Pleasant Plains Rd and Oakleigh Rd; North side of Joppa Rd between Lackawanna Ave and Oakleigh Rd	BR AS 26.3 Total 26.3	BL or 26.3 BLR Total 26.3	BR 3.0 BLR 5.1 BL 5.9 BL AS 1.8 BM 10.5 Total 26.3	BR 3.0 BLR 5.1 BL 5.9 BL AS 1.8 BM 10.5 Total 26.3	See Issue 4-001 Overlay Adopted
4-010	Staff	East and west side of York Rd between Washington Ave and Bosley Ave	BR AS 9.0 Total 9.0	BM CT 9.0 Total 9.0	BM CT 9.0 Total 9.0	BR AS 9.0 Total 9.0	See Issues 4-012, 4-029, 4-071
4-011	William Pugh	1002 Dulaney Valley Rd at Locustvale Rd	DR 3.5 0.3 Total 0.3	ROA or 0.3 RO Total 0.3	ROA 0.3 Total 0.3	ROA 0.3 Total 0.3	See Issues 4-037, 4-038 Covenant Agreement
4-012	Staff	811-865 Bosley Ave, east of York Rd	DR 16 1.5 Total 1.5	DR 10.5 1.5 Total 1.5	DR 10.5 1.5 Total 1.5	DR 10.5 1.5 Total 1.5	See Issue 4-010
4-013	Staff	Northside Aigburth Rd, east side of York Rd	DR 16 6.0 Total 6.0	DR 10.5 6.0 Total 6.0	DR 10.5 6.0 Total 6.0	DR 16 6.0 Total 6.0	See Issue 4-022
4-014	Staff	West side of York Rd between Highview St and Rose St	BR 1.0 Total 1.0	BLR 1.0 Total 1.0	BR 1.0 Total 1.0	BR 1.0 Total 1.0	Covenant Agreement
4-015	Herbert R. Stevenson	4 Cinder Rd. west of Sweet Briar Ln	DR 5.5 0.2 Total 0.2	BR 0.2 Total 0.2	DR 5.5 0.2 Total 0.2	DR 5.5 0.2 Total 0.2	See Issues 4-025, 4-026, 4-027

P.C. #7

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 12

BILL NO. 86-94

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, JUNE 6, 1994

A BILL

ENTITLED

AN ACT concerning

Performance Based Business Zones: Community Business Zone and Business Local Restricted Zone

FOR the purpose of creating two performance based business zones which would accommodate the basic daily shopping and service needs of area residents; defining terms; updating the list of zone classifications; stating legislative findings and policy; providing for a procedure for petitioning for a new Community Business or Business Local Restricted Zone; setting performance standards; authorizing certain uses in the zones by right; providing bulk and area regulations and signage standards; establishing landscape standards; and generally relating to uses in Performance Based Business Zones.

BY adding

Section 101, the definition of "Convenience Store"

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments

Sections 100.1.A.2, 1A06.2.2 and 230.4

Baltimore County Zoning Regulations, as amended

PC #4 2/13/03

- -

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Sections 229 through 229.6

Baltimore County Zoning Regulations, as amended

BY amending

Section III and Section IX.C

Baltimore County Landscape Manual as adopted by the County Council on October 1, 1990 by Resolution 56-90 and as amended by Resolutions 66-90 and 10-93.

WHEREAS, the Baltimore County Council has received a final report dated June 18, 1992 from the Planning Board concerning the subject legislation and held a public hearing thereon on December 1, 1992, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101, the definition of "Convenience Store" be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions.

CONVENIENCE STORE: A RETAIL ESTABLISHMENT WHICH PRIMARILY SELLS REFRIGERATED PRODUCTS, HOUSEHOLD ITEMS, CARRY-OUT FOOD PRODUCTS OR PREPACKAGED FROZEN, CHILLED, OR SEALED FOODS AND MEALS, THAT MAY BE HEATED BY THE CUSTOMER AT THE PREMISES, BUT ARE GENERALLY EATEN OFF-SITE. A CONVENIENCE STORE DOES NOT EXCEED A GROSS FLOOR AREA OF 5,000 SQUARE FEET AND IS USUALLY OPEN FOR AT LEAST 12 HOURS IN A 24 HOUR PERIOD.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 100.1.A.2, 1A06.2.2 and 230.4 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and reenacted to read as follows:

Section 100 - Zones and Districts: Boundaries.

100.1 - Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones.

2. Zones are classified as follows:

R.C.2	(Resource Conservation-agriculture)
R.C.3	(Resource Conservation-deferral of planning and development
R.C.4	(Resource Conservation-watershed protection)
R.C.5	(Resource Conservation-rural residential)
R.C.20	(Resource Conservation-critical area)
R.C.50	(Resource Conservation-critical area agricultural)
R.C.C.	(Resource Conservation-commercial)
D.R.1	(Density Residential, 1.0 dwelling unit per acre)
D.R.2	(Density Residential, 2.0 dwelling units per acre)
D.R.3.5	(Density Residential, 3.5 dwelling units per acre)
D.R.5.5	(Density Residential, 5.5 dwelling units per acre)
D.R.10.5	(Density Residential, 10.5 dwelling units per acre)
D.R.16	(Density Residential, 16.0 density units per acre)
R.A.E.1	(Residential, 40.0 density units per acre)
R.A.E.2	(Residential, 80.0 density units per acre)
R-O	(Residential-Office, 5.5 dwelling units per acre)
R-O-A	(Residential-Office, Class A Office)
O-1	(Office Building)
O-2	(Office Park)
O.T.	(Office and Technology)
S-E	(Service Employment)
B.M.M.	(Business Maritime Marina)
B.M.B.	(Business Maritime Boatyard)

1.	C.B.	(COMMUNITY BUSINESS)
2.	B.L.R.	(BUSINESS LOCAL RESTRICTED)
3.	B.L.	(Business, Local)
4.	B.M.	(Business, Major)
5.	B.R.	(Business, Roadside)
6.	M.R.	(Manufacturing, Restricted)
7.	M.L.R.	(Manufacturing, Light, Restricted)
8.	M.L.	(Manufacturing, Light)
9.	M.H.	(Manufacturing, Heavy)

10. Section 1A06 - R.C.C. (Commercial) Zones

11. 1A06.2 - Use Regulations

12. A. Uses permitted as of right.

13. 2. Commercial and service uses:

14. CONVENIENCE STORES

15. B.L. Zone - Business Local

16. Section 230 - Use Regulations

17. The following uses only are permitted (see Section 230.12):

18. 230.4

19. Fast food, drive-through only restaurant, carry-out

20. restaurant, fast food restaurant, and standard restaurant, tea room,

21. CONVENIENCE STORE, and dairy bar, except drive-in restaurant.

22. SECTION 3. AND BE IT FURTHER ENACTED, that Sections 229 through

23. 229.6 be and they are hereby added to the Baltimore County Zoning

24. Regulations, as amended, to read as follows:

25. PERFORMANCE BASED BUSINESS ZONES: COMMUNITY BUSINESS ZONE AND

26. BUSINESS LOCAL RESTRICTED ZONE

27. SECTION 229 - GENERAL LEGISLATIVE STATEMENT OF FINDINGS

28. A. THE EXISTING COMMERCIAL DISTRICTS FOR USE WITHIN THE URBAN

29. RURAL DEMARCATION LINE (~~G.N.S.~~ A.S., C.C.C. AND, C.T.~~,~~ AND

30. ~~G.S.A.~~) AND THE UNDERLYING BUSINESS ZONES (B.L., B.M., AND B.R.)

1. ALLOW FOR A WIDE RANGE OF USES WHICH IN DESIGN, SCALE, INTENSITY, USE
2. OR TRAFFIC GENERATION CAN BE DISRUPTIVE TO COMMUNITIES.
3. B. THE MASTER PLAN CALLS FOR A NEIGHBORHOOD BUSINESS ZONE THAT
4. COULD PROMOTE THE DEVELOPMENT OF ATTRACTIVE, CONVENIENT COMMERCIAL
5. CENTERS DESIGNED TO MEET THE DAILY SHOPPING NEEDS OF COMMUNITY
6. RESIDENTS.
7. C. THE MASTER PLAN ALSO CITES A NEED TO UPGRADE THE APPEARANCE
8. OF THE COUNTY'S MAJOR COMMERCIAL CORRIDORS THROUGH NEW REGULATORY
9. STANDARDS TO BE APPLIED AS OLDER PARTS OF THE COUNTY ARE REDEVELOPED.
10. SECTION 229.1 - STATEMENTS OF LEGISLATIVE POLICY
11. A. COMMUNITY BUSINESS ZONE
12. THE PRIMARY PURPOSE OF THE COMMUNITY BUSINESS ZONE (C.B.) IS TO
13. PROVIDE FOR THE DAILY SHOPPING AND SERVICE NEEDS OF NEARBY RESIDENTS
14. THROUGH SMALL BUSINESSES WHICH DO NOT GENERATE LARGE AMOUNTS OF TRAFFIC
15. AT ANY ONE TIME. THE ZONE SHALL ACCOMMODATE VEHICULAR PARKING NEEDS,
16. BUT ALSO BE PEDESTRIAN ORIENTED. WHERE APPROPRIATE, PARKING SHOULD BE
17. LOCATED TO THE SIDE AND TO THE REAR. IN DESIGN, THE C.B. ZONE SHOULD
18. REFLECT ELEMENTS OF THE ARCHITECTURAL STYLE OF NEIGHBORING RESIDENTIAL
19. BUILDINGS, SO THAT THE COMMERCIAL DEVELOPMENT BECOMES AN INTEGRAL,
20. HARMONIOUS COMPONENT OF THE NEIGHBORHOOD.
21. B. BUSINESS LOCAL RESTRICTED ZONE
22. THE PRIMARY PURPOSE OF THE BUSINESS LOCAL RESTRICTED ZONE
23. (B.L.R.) IS TO PROVIDE FOR A RANGE OF RETAIL AND SERVICE USES, SOME OF
24. WHICH MAY BE OF A LARGER SCALE, SUCH AS SUPERMARKETS. THE B.L.R. ZONE
25. ALSO REQUIRES PERFORMANCE STANDARDS WHICH PROTECT ADJACENT COMMUNITIES
26. FROM EXCESSIVE VEHICULAR CONGESTION, USE INTENSITY, AND NOISE.

C. IT IS NOT THE INTENT THAT THE C.B. AND THE B.L.R. ZONES BE USED TO REPLACE THE B.L., B.M. OR B.R. ZONES ON DEVELOPED SITES. RATHER, THE ZONES ARE INTENDED AS ADDITIONAL CLASSIFICATIONS WHICH MAY BE APPROPRIATE FOR LOCATIONS THAT ARE NO LONGER DESIRABLE FOR RESIDENTIAL OR OTHER NONCOMMERCIAL PURPOSES BUT WHERE APPLICATION OF THE OTHER BUSINESS ZONES MAY PROVE DETRIMENTAL TO NEARBY RESIDENTIAL PROPERTIES.

SECTION 229.2 - PROCEDURE FOR PETITIONING FOR A NEW COMMUNITY BUSINESS OR BUSINESS LOCAL RESTRICTED ZONE.

ANY PETITION SUBMITTED BY A PARTY OTHER THAN THE DIRECTOR OF PLANNING AND ZONING, THE PLANNING BOARD OR THE COUNTY COUNCIL PURSUANT TO SECTION 26-123 OF THE BALTIMORE COUNTY CODE, SHALL BE ACCOMPANIED BY DOCUMENTATION AS DESCRIBED IN SECTION 2-356(k) OF THE BALTIMORE COUNTY CODE AND BY ARCHITECTURAL RENDERINGS AND ~~EVALUATIONS~~ <u>ELEVATIONS</u>. AFTER APPROVAL, THE SUBMITTAL MAY ONLY BE CHANGED SUBJECT TO TITLE 26, ARTICLE V, THE DEVELOPMENT REGULATIONS.

SECTION 229.3 - PERFORMANCE STANDARDS

THESE REGULATIONS ARE INTENDED TO ENSURE THE COMPATIBILITY OF C.B. AND B.L.R. ZONES WITH SURROUNDING RESIDENTIAL NEIGHBORHOODS IN CONFORMANCE WITH THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (C.M.D.P.) GUIDELINES. A CONCEPT PLAN, PURSUANT TO THE DEVELOPMENT REGULATIONS, SECTION 26-202 OF THE BALTIMORE COUNTY CODE, OR THE BUILDING PERMIT APPLICATION IF NO SUCH PLAN IS REQUIRED SHALL INCLUDE INFORMATION DEMONSTRATING THAT THE PROPOSED DEVELOPMENT MEETS THE FOLLOWING PERFORMANCE STANDARDS. THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING SHALL SUBMIT WRITTEN FINDINGS AS TO WHETHER THE PROPOSED DEVELOPMENT WILL MEET THE STANDARDS.

1. 6 7. THE DEVELOPMENT OF PROPERTY IN A C.B. OR
2. B.L.R. ZONE SHALL, TO THE GREATEST EXTENT PRACTICABLE, CONSERVE AND
3. INTEGRATE EXISTING ARCHITECTURALLY OR HISTORICALLY SIGNIFICANT
4. BUILDINGS OR STRUCTURES, INCLUDING THEIR SETTINGS, AS IDENTIFIED IN THE
5. MARYLAND HISTORICAL TRUST INVENTORY. ANY BUILDING OR STRUCTURE
6. OFFICIALLY INCLUDED ON THE PRELIMINARY OR FINAL LIST OF THE LANDMARKS
7. PRESERVATION COMMISSION, OR LOCATED WITHIN A COUNTY HISTORIC DISTRICT,
8. IS ALSO SUBJECT TO ARTICLE X TITLE 26 OF THE BALTIMORE COUNTY CODE,
9. 1988. THE DIRECTOR OF PLANNING AND ZONING SHALL DETERMINE WHETHER A
10. HISTORICALLY OR AN ARCHITECTURALLY SIGNIFICANT BUILDING HAS BEEN
11. SUCCESSFULLY INTEGRATED INTO THE PROPOSED SITE PLAN.
12. 7 8. WHENEVER POSSIBLE, NEIGHBORHOOD ACCESS VIA
13. PEDESTRIAN WALKWAYS AND BIKEPATHS SHOULD BE PROVIDED.
14. 8 9. ALL PROPOSED PROJECTS OR SITE DEVELOPMENTS
15. SHOULD BE IN ACCORD WITH THE GENERAL INTENT OF THE APPROVED COMMUNITY
16. PLAN FOR THE AREA.
17. 9 10. ALL SIGNAGE WITHIN A COMMERCIAL DEVELOPMENT
18. SHALL BE COMPATIBLE IN DESIGN, COLOR, MATERIALS AND LOCATION.
19. 10 11. USES MAY BE LOCATED IN SEPARATE FREESTANDING
20. BUILDINGS, PROVIDED THE STYLE AND BUILDING MATERIALS USED CREATE A
21. UNIFORM ARCHITECTURAL THEME.
22. B. PUBLIC SPACES
23. COMMERCIAL DEVELOPMENTS GREATER THAN TWO ACRES SHALL PROVIDE
24. PUBLIC SPACES THAT INCLUDE SUCH FEATURES AS SHADE TREES, LAWNS AND,
25. WHERE APPROPRIATE, BENCHES AND TABLES. THE PUBLIC SPACE SHALL: HAVE A
26. TOTAL AREA OF NO LESS THAN 500 SQUARE FEET, WHICH MAY BE BROKEN DOWN

A. SITE DESIGN

1. ACCESS ONTO ROADWAYS SHALL BE LIMITED TO NO MORE THAN TWO LOCATIONS. COMMERCIAL DEVELOPMENTS WHICH FRONT ON MORE THAN ONE STREET MAY HAVE ONLY ONE ROADWAY ACCESS FROM EACH STREET FRONTAGE. A DRIVEWAY USED SOLELY FOR THE PURPOSE OF TRUCKS AND OTHER SERVICING VEHICLES SHALL NOT BE COUNTED TOWARDS THE TOTAL. ADDITIONAL ACCESS MUST BE APPROVED BY THE BUREAU OF TRAFFIC ENGINEERING.

2. IN A C.B. ZONE, BANKS MAY HAVE NO MORE THAN TWO DRIVE-THROUGH LANES.

2 3. ALL PERMITTED USES, ACCESSORY ACTIVITIES, AND STORAGE SHALL BE CONFINED WITHIN COMPLETELY ENCLOSED BUILDINGS WITH THE EXCEPTION OF OFF-STREET PARKING SPACES, OFF-STREET LOADING BERTHS, DUMPSTERS, THE OUTDOOR DISPLAY OF MERCHANDISE, AND OUTDOOR TABLES AT RESTAURANTS.

3 4. SERVICE AND LOADING AREAS SHALL NOT BE VISIBLE FROM PUBLIC STREETS AND ADJACENT RESIDENTIAL PROPERTIES. ALL SERVICE AREAS SHALL BE SCREENED FROM THE VIEW OF ANY PEDESTRIAN OR VEHICULAR PATH.

4 5. WITHIN 50 FEET OF A RESIDENTIAL ZONE OR USE, LIGHTING OF PARKING AREAS SHALL BE ON STANDARDS WHICH HAVE A MAXIMUM HEIGHT OF 20 FEET.

5 6. REAR AND SIDES OF BUILDINGS WHICH ABUT RESIDENTIAL PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT RESEMBLE THE FRONT OF THE BUILDING IN COLOR AND TEXTURE. ALL ROOF TOP EQUIPMENT SHALL BE SCREENED SO THAT IT IS NOT VISIBLE FROM THE GROUND FLOOR WINDOW LEVEL OF ADJOINING RESIDENTIAL PROPERTIES.

INTO 250 SQUARE FEET AREAS; BE CONVENIENTLY LOCATED; AND LINKED TO EXISTING AND FUTURE PEDESTRIAN PATHWAYS.

SECTION 229.4 - USES

THE LETTER "P" IN THE FOLLOWING TABLE INDICATES A LAND USE PERMITTED BY RIGHT IN THE RESPECTIVE ZONE, THE LETTERS 'SE' INDICATE A LAND USE IS PERMITTED BY SPECIAL EXCEPTION IN THE RESPECTIVE ZONE, AND THE LETTERS "NP" INDICATE THAT A LAND USE IS NOT PERMITTED IN THE ZONE.

	C.B.	B.L.R.
BARBER SHOPS, BEAUTY SHOPS, TRAVEL AGENCIES AND OTHER PERSONAL SERVICE ESTABLISHMENTS;	P	P
BANKS;	P	P
WITH DRIVE-THROUGH	NP SE	P
CONVENIENCE STORES;	P	P
DRUG STORES;	P	P
DRY CLEANERS, LAUNDROMATS AND ESTABLISHMENTS WHICH REPAIR CLOTHING OR SHOES;	P	P
ESTABLISHMENTS WHICH RENT OR REPAIR SMALL APPLIANCES, VIDEO RENTALS;	P	P
DUPLICATING SERVICE ESTABLISHMENTS;	P	P
GROCERY STORES (EXCEPT CONVENIENCE STORES AND SUPERMARKETS), BAKERIES, FLORISTS, HARDWARE STORES, CARD STORES, GIFT SHOPS AND OTHER RETAIL ESTABLISHMENTS;	P	P
~~SUPERMARKETS UP TO 80,000 SQUARE FEET~~	~~NP~~	~~P~~
RESTAURANTS:		
STANDARD;	P	P
TAVERNS;	NP	P
CARRY-OUT;	P	P
FAST-FOOD.	NP	P
RESIDENTIAL USES:		
~~HOUSING FACILITIES FOR THE ELDERLY~~	~~P~~	~~P~~
ELDERLY HOUSING FACILITIES; OTHER RESIDEN-		

TIAL USES PERMITTED ABOVE THE FIRST FLOOR OF A COMMERCIAL DEVELOPMENT ONLY. RESIDENTIAL USES SHALL BE LIMITED BY THE HEIGHT, BULK AND FAR REQUIREMENTS OF THE PERFORMANCE BASED BUSINESS ZONES.		
CLASS A AND CLASS B GROUP CHILD CARE CENTERS	P	P
NURSING HOMES	P	P
COMMERCIAL AND NONCOMMERCIAL RECREATIONAL USES:		
HEALTH AND ATHLETIC CLUBS;	NP	P
MARTIAL ARTS AND DANCE STUDIOS.	NP	P
OFFICES AND MEDICAL OFFICES, EXCEPT THAT IN A COMMUNITY BUSINESS ZONE, NO MORE THAN 25 PERCENT OF THE COMMERCIAL DEVELOPMENT'S GROSS FLOOR AREA MAY BE OCCUPIED BY MEDICAL OFFICE USES.	P	P
<u>CUSTOMARY ACCESSORY USES INCLUDING SIGNS, PARKING SPACES AND STRUCTURES</u>	P	P

SECTION 229.5 - BULK AND AREA REGULATIONS FOR COMMUNITY BUSINESS ZONES AND BUSINESS LOCAL RESTRICTED ZONES

PERMITTED USES SHALL BE SUBJECT TO THE FOLLOWING BULK AND AREA REGULATIONS, EXCEPT THAT THE REQUIRED SETBACK, HEIGHT AND FLOOR AREA RESTRICTIONS DO NOT APPLY TO BUILDINGS THAT EXISTED LEGALLY OR WHICH WERE APPROVED BY THE COUNTY BEFORE THE DATE OF PASSAGE OF BILL NO. <u>86-94</u>.

A. BUILDING SIZE

1. NO SINGLE RETAIL, RESTAURANT OR SERVICE ESTABLISHMENT IN THE C.B. ZONE SHALL HAVE A GROSS FLOOR AREA EXCEEDING 5,000 SQUARE FEET, EXCEPT THAT ONE RETAIL USE MAY HAVE A GROSS FLOOR AREA OF UP TO 10,000 SQUARE FEET.

2. NO SINGLE RETAIL, RESTAURANT OR SERVICE ESTABLISHMENT IN THE B.L.R. ZONE SHALL EXCEED A GROSS FLOOR AREA OF 80,000 SQUARE FEET.

2. IN A B.L.R. ZONE, ANY RETAIL, RESTAURANT OR SERVICE ESTABLISHMENT MAY HAVE A GROSS FLOOR AREA UP TO 80,000 SQUARE FEET.

3. THE MAXIMUM FLOOR AREA RATIO IN THE C.B. ZONE AND THE B.L.R. ZONE SHALL NOT EXCEED .33.

4. THE MAXIMUM HEIGHT OF NEW BUILDINGS OR ADDITIONS SHALL BE RESTRICTED TO TWO STORIES AND SHALL NOT EXCEED 35 FEET.

B. THE FRONT BUILDING SETBACK SHALL BE NO LESS THAN 25 FEET FROM THE ULTIMATE STREET RIGHT-OF-WAY LINE, OR THE AVERAGE OF THE FRONT SETBACKS OF THE ADJACENT BUILDINGS WITHIN 100 FEET OF EITHER SIDE OF THE PROPOSED BUILDING, WHICHEVER IS LESS.

C. THE REAR AND SIDE YARD BUILDING SETBACK SHALL BE NO LESS THAN 20 FEET FROM THE PROPERTY LINE OF A RESIDENTIALLY ZONED PROPERTY AND NO LESS THAN 10 FEET FROM THE PROPERTY LINE OF A NON-RESIDENTIALLY ZONED PROPERTY EXCEPT AS PROVIDED BELOW:

1. NO SIDE YARD BUILDING SETBACKS ARE REQUIRED FOR COMMERCIAL USES ON ADJACENT LOTS WITH SHARED DRIVEWAYS OR WITH PARKING ACCESSIBLE FROM EITHER LOT.

2. SUBJECT TO THE PROVISIONS OF PARAGRAPH A ABOVE, BUILDING SETBACKS WILL BE REDUCED 25% FOR PROPOSED ADDITIONS IF THE STRUCTURES EXISTED PRIOR TO THE PASSAGE OF BILL NO. 86-94 PROVIDED THE ADDITION IS IN KEEPING WITH THE INTENT OF THIS LEGISLATION BASED UPON THE WRITTEN RECOMMENDATIONS OF THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING.

3. IF A RESIDENTIAL ZONE LINE IS IN A PUBLIC RIGHT-OF-WAY, THE SETBACK SHALL BE NOT LESS THAN 10 FEET FROM THE ULTIMATE STREET RIGHT-OF-WAY.

D. SERVICE AND LOADING AREAS, PARKING LOT AREAS AND INTERIOR DRIVES SHALL BE A MINIMUM OF 20 FEET FROM THE ULTIMATE STREET RIGHT-OF-WAY, A MINIMUM OF 20 FEET FROM RESIDENTIALLY ZONED PROPERTIES AND A MINIMUM OF 8 FEET FROM PROPERTIES NOT PREDOMINANTLY ZONED FOR RESIDENTIAL USES, EXCEPT THAT THE DRIVE-THROUGH LANE OF A BANK IN A C.B. ZONE SHALL BE AT LEAST 25 FEET FROM RESIDENTIALLY ZONED PROPERTY.

E. THE REQUIRED SETBACKS, EXCEPT FOR REQUIRED ACCESS DRIVES AND WALKWAYS, SHALL BE LANDSCAPED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR PERFORMANCE BASED BUSINESS ZONES.

SECTION 229.6 - SIGNAGE STANDARDS FOR COMMUNITY BUSINESS AND BUSINESS LOCAL RESTRICTED ZONES

IN ADDITION TO THE SIGNS PERMITTED UNDER SUBSECTION 413.1, SIGNAGE IS SUBJECT TO THE FOLLOWING STANDARDS:

A. ONE FREESTANDING GROUND MOUNTED IDENTIFICATION SIGN PER SHOPPING CENTER FRONTAGE SHALL BE PERMITTED.

1. IN THE C.B. ZONE, SUCH SIGN SHALL NOT EXCEED A TOTAL SURFACE AREA OF ONE SQUARE FOOT PER EIGHT FEET OF LOT FRONTAGE OR 40 SQUARE FEET PER SIDE OF THE SIGN, WHICHEVER IS GREATER. IN THE B.L.R. ZONE, THE SIGN SHALL NOT EXCEED A SURFACE AREA OF 75 SQUARE FEET PER SIDE OF THE SIGN. IN EITHER ZONE, NO FREESTANDING IDENTIFICATION SIGN MAY EXCEED A HEIGHT OF 12 FEET.

~~2. IN A C.B. ZONE, THE IDENTIFICATION SIGN MAY DISPLAY ONLY THE NAME OF THE SHOPPING CENTER AND IN A B.L.R. ZONE, THE IDENTITY OF NO MORE THAN THREE INDIVIDUAL TENANTS OCCUPYING THE PROPERTY.~~

2. IN A C.B. OR B.L.R. ZONE, IN COPY AT LEAST EIGHT INCHES HIGH, THE IDENTIFICATION SIGN MAY DISPLAY UP TO FIVE LINES IN ADDITION TO THE STREET ADDRESS.

3. THE SIGN MUST BE SET BACK AT LEAST EIGHT FEET FROM THE STREET RIGHT-OF-WAY.

4. IN NO CASE SHALL ADDITIONAL FREESTANDING SIGNS FOR INDIVIDUAL BUSINESS ESTABLISHMENTS BE PERMITTED, EVEN WHERE THE ESTABLISHMENT IS LOCATED IN A SEPARATE FREESTANDING BUILDING, EXCEPT THAT IN THE CASE OF A FAST FOOD RESTAURANT, NO MORE THAN TWO FREESTANDING ORDER BOARDS, EACH OF WHICH SHALL NOT EXCEED 50 SQUARE FEET, ARE PERMITTED.

B. IN A C.B. ZONE, ONE WALL MOUNTED BUSINESS SIGN PER ESTABLISHMENT IS PERMITTED WITH A SURFACE AREA OF NO MORE THAN 15 PERCENT OF THE WALL ON WHICH IT IS MOUNTED, OR 50 SQUARE FEET, WHICHEVER IS GREATER~~, BUT THE SIGN SHALL NOT~~. IN NO CASE SHALL SUCH SIGN EXCEED 100 SQUARE FEET. IN A B.L.R. ZONE, NO MORE THAN TWO SIGNS ARE PERMITTED, WITH A TOTAL SQUARE FOOTAGE NOT EXCEEDING TWO TIMES THE LENGTH OF THE WALL ON WHICH THEY ARE MOUNTED AND NEITHER SIGN SHALL EXCEED AN AREA OF 150 SQUARE FEET.

C. NO SIGN MAY EXTEND ABOVE THE EAVES LINE OF A SLANTED ROOF OR THE PARAPET OF A FLAT ROOF BUILDING.

D. ILLUMINATED SIGNS ARE PERMITTED EXCEPT THAT:

1. THEY MAY ONLY BE ILLUMINATED DURING THE HOURS WHEN THE USE TO WHICH THE SIGN IS ACCESSORY IS OPEN: AND

2. NO ILLUMINATED WALL SIGN SHALL BE PERMITTED ON THE REAR BUILDING FACADE WHERE THE REAR YARD FACES A RESIDENTIAL ZONE OR A RESIDENTIALLY USED PROPERTY.

E. NO WALL MOUNTED IDENTIFICATION SIGN LOCATED ON THE REAR OF A BUILDING FACING A RESIDENTIAL ZONE OR A PROPERTY USED PRIMARILY FOR RESIDENTIAL USE SHALL EXCEED A TOTAL AREA OF 20 SQUARE FEET.

SECTION 4. AND BE IT FURTHER ENACTED, that Sections III and IX.C of the Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90 and as amended by Resolutions 66-90 and 10-93, be and they are hereby amended to read as follows:

Section III. Definitions

PERFORMANCE BASED BUSINESS ZONES - THE COMMUNITY BUSINESS ZONE AND THE BUSINESS LOCAL RESTRICTED ZONE, AS REGULATED IN SECTIONS 229 THROUGH 229.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

Section IX. Landscape Standards

C. Commercial (INCLUDING PERFORMANCE BASED BUSINESS ZONES), Office (including RO Zones), Industrial, High-Rise Residential (including RAE 1 and 2) and Public Developments

3. ADDITIONAL REQUIREMENTS FOR PERFORMANCE BASED BUSINESS ZONES

IN ADDITION TO THE LANDSCAPE REQUIREMENTS FOR COMMERCIAL ZONES, DEVELOPMENT IN ONE OF THE PERFORMANCE BASED BUSINESS ZONES SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:

A. ALL FRONT YARD SETBACKS SHALL INCLUDE MINOR AND MAJOR DECIDUOUS TREES IN ASSOCIATION WITH BERMS, HEDGES OR LOW WALLS AS A DOMINANT DESIGN FEATURE.

B. <u>DRIVE-THROUGH BANKS,</u> CONVENIENCE STORES AND FAST FOOD RESTAURANTS, AS WELL AS DUMPSTER, SERVICE AND LOADING AREAS THAT ARE LOCATED ADJACENT TO RESIDENTIALLY USED OR ZONED PROPERTIES SHALL PROVIDE A BUFFER IN THE FORM OF A BERM, OR A WOODEN BOARD-ON-BOARD FENCE, OR A SOLID BRICK WALL OR A WALL BUILT OF ARCHITECTURAL BLOCK, IN COMBINATION WITH LANDSCAPING ON BOTH SIDES OF THE WALL. ALL WALLS OR

1. FENCES SHALL BE LOCATED AT LEAST TEN FEET FROM THE PROPERTY LINE OF THE
2. COMMERCIAL USE.

3. SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall take
4. effect forty-five days after its enactment.

B08694/BILLS94

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1995, LEGISLATIVE DAY NO. 19

BILL NO. 180-95

MR. KEVIN KAMENETZ, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 2, 1995

A BILL
ENTITLED

AN ACT concerning

Performance Based Business Zones

FOR the purpose of requiring a certain filing to accompany a petition for a performance based business zone during the cycle zoning process, amending the floor area requirement for certain uses in such zones, delineating the uses permitted ~~and prohibited~~ in such zones, and generally relating to performance based business zones.

BY repealing and re-enacting, with amendments,

Sections 229.1, 229.2, 229.3A.2, 3 and 7 and 229.5A.1, C.2, D and F
Baltimore County Zoning Regulations, as amended

BY repealing

Section 229.4
Baltimore County Zoning Regulations, as amended

BY adding

Sections 229.4 and 229.5
Baltimore County Zoning Regulations, as amended

BY renumbering

Section 229.6 to be 229.7
Baltimore County Zoning Regulations, as amended

PC #5
2/13/03

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 229.1, 229.2, 229.3A.2, 3 and 7 and 229.5A.1, C.2, D and F of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 229.1--STATEMENTS OF LEGISLATIVE POLICY

A. Community Business Zone.

1. The primary purpose of the community business zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.

2. THE C.B. ZONE IS NOT INTENDED TO BE USED TO REPLACE THE B.L.R., B.L., ~~B.R.,~~ B.M. OR B.R. ZONES ON DEVELOPED SITES. RATHER, THE ZONE IS INTENDED AS AN ADDITIONAL CLASSIFICATION WHICH MAY BE APPROPRIATE FOR LOCATIONS THAT ARE NO LONGER DESIRABLE FOR OTHER NONCOMMERCIAL PURPOSES BUT WHERE APPLICATION OF THE OTHER BUSINESS ZONES MAY PROVE DETRIMENTAL TO NEARBY RESIDENTIAL PROPERTIES.

B. Business Local Restricted Zone.

The primary purpose of the business local restricted zone (B.L.R.) is to provide for a range of retail and service uses, some of which may be of a larger scale, such as supermarkets. The

B.L.R. zone also requires performance standards which protect adjacent communities from excessive vehicular congestion, use intensity, and noise.

C. [It is not the intent that the C.B. and the B.L.R. zones be used to replace the B.L., B.M., or B.R. zones on developed sites. Rather, the zones are intended as additional classifications which may be appropriate for locations that are no longer desirable for residential or other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties.] IT IS INTENDED THAT NO USE IN EITHER THE C.B. OR THE B.L.R. ZONE CREATE A NUISANCE DUE TO NOISE, TRAFFIC OR HOURS OF OPERATION AND THAT NO USE BE PERMITTED WHICH WOULD LIKELY CAUSE DISRUPTION OF THE PEACE AND QUIET ENJOYMENT OF PROPERTY IN NEIGHBORING COMMUNITIES.

THE ZONING REGULATIONS ARE INCLUSIVE IN THAT ONLY THOSE USES WHICH ARE LISTED ARE PERMITTED EITHER BY RIGHT OR BY SPECIAL EXCEPTION. USES NOT LISTED ARE NOT PERMITTED AS CONTRARY TO THE PURPOSES OF THE PERFORMANCE BASED BUSINESS ZONES, PARTICULARLY AFTER-HOURS CLUBS, BAIL BONDSMAN, AS DEFINED BY STATE LAW, NIGHTCLUBS, PAWNSHOPS, STRIPTEASE BUSINESSES AND TAVERNS.

Section 229.2--PROCEDURE FOR PETITIONING FOR A [NEW] COMMUNITY BUSINESS OR BUSINESS LOCAL RESTRICTED ZONE

[Any petition submitted by a party other than the director of planning and zoning, the planning board or the county council pursuant to Section 26-123 of the Baltimore County Code,] IF A PETITION FOR A [NEW] COMMUNITY BUSINESS OR BUSINESS LOCAL RESTRICTED

ZONE IS SUBMITTED PURSUANT TO SECTION 2-356 OF THE BALTIMORE COUNTY CODE, THE PETITION shall be accompanied by documentation as described in Section 2-356~~(k)~~ (L) [of the Baltimore County Code] and by architectural renderings and elevations. After approval, the ~~submittal~~ DEVELOPMENT PLAN may only be changed subject to Title 26, Article V, the development regulations.

Section 229.3--PERFORMANCE STANDARDS

These regulations are intended to ensure the compatibility of C.B. and B.L.R. zones with surrounding residential neighborhoods in conformance with the Comprehensive Manual of Development Policies (CMDP) guidelines. A concept plan, pursuant to the development regulations, Section 26-202 of the Baltimore County Code, or the building permit application if no such plan is required shall include information demonstrating that the proposed development meets the following performance standards. The director of the office of planning [and zoning] shall submit written ~~findings~~ RECOMMENDATIONS TO THE HEARING OFFICER IF A HEARING IS REQUIRED, OR TO THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT IF A HEARING IS NOT REQUIRED, as to whether the proposed development will meet the standards.

A. Site Design.

[2. In a C.B. zone, banks may have no more than two drive-through lanes.]

[3.] 2. All permitted uses, accessory activities, and storage shall be confined within completely enclosed buildings with the exception of ACCESSORY off-street parking spaces, off-street loading berths, dumpsters, the outdoor display of merchandise, and outdoor tables at restaurants.

7. The development of property in a C.B. or B.L.R. Zone shall, to the greatest

extent practicable, conserve and integrate existing architecturally or historically significant buildings or structures, including their settings, as identified in the Maryland Historical Trust Inventory. Any building or structure officially included on the preliminary or final list of the landmarks preservation commission, or located within a county historic district, is also subject to Article X, Title 26 of the Baltimore County Code, 1988. The director of planning [and zoning] shall determine whether a historically or an architecturally significant building has been successfully integrated into the proposed site plan.

Section [229.5] 229.6--BULK AND AREA REGULATIONS FOR COMMUNITY BUSINESS ZONES AND BUSINESS LOCAL RESTRICTED ZONES

Permitted uses shall be subject to the following bulk and area regulations, except that the required setback, height and floor area restrictions do not apply to buildings that existed legally or which were approved by the county before the date of passage of Bill No. [86-94] 180-95.

A. Building Size

~~1. No single retail, restaurant or service establishment in the C.B. zone shall have a gross floor area exceeding 5,000 square feet, except that one retail use may have a gross floor area of up to 10,000 square feet. NO MORE THAN 25% OF A COMMERCIAL DEVELOPMENT'S GROSS FLOOR AREA MAY BE OCCUPIED BY MEDICAL OFFICE USES.~~

1. IN ANY DEVELOPMENT PLAN PROPOSED IN A CB ZONE, ONLY ONE RETAIL, RESTAURANT OR SERVICE USE MAY HAVE A GROSS FLOOR AREA NOT TO EXCEED 10,000 SQUARE FEET. ALL OTHER SUCH USES IN THE PROPOSED PLAN SHALL HAVE A GROSS FLOOR AREA NOT TO EXCEED 5000 SQUARE FEET. NO MORE THAN 25% OF A COMMERCIAL OR OFFICE BUILDING'S GROSS FLOOR AREA MAY BE OCCUPIED BY MEDICAL OFFICE USE.

C. The rear and side yard building setback shall be no less than 20 feet from the property line of a residentially zoned property and no less than 10 feet from the property line of a non-residentially zoned property except as provided below:

2. Subject to the provisions of paragraph A above, building setbacks will be reduced 25% for proposed additions if the structures existed prior to the passage of Bill No. [86-94] 180-95 provided the addition is in keeping with the intent of this legislation based upon the written recommendations of the director of the office of planning [and zoning].

D. Service and loading areas, parking lot areas and interior drives shall be a minimum of 20 feet from the ultimate street right-of-way, a minimum of 20 feet from residentially zoned properties and a minimum of 8 feet from properties not predominantly zoned for residential uses, except that the drive-through lane of a bank [in a C.B. zone] shall be at least 25 feet from residentially zoned property.

F. RESIDENTIAL USES <u>IN COMMERCIAL BUILDINGS</u> SHALL BE LIMITED BY THE HEIGHT, BULK AND FLOOR AREA REQUIREMENTS OF THE PERFORMANCE BASED BUSINESS ZONES. <u>IF THE BUILDING IS LIMITED TO RESIDENTIAL USE, THE HEIGHT, BULK AND FLOOR AREA REQUIREMENTS SHALL BE THOSE PERMITTED AND AS LIMITED IN THE RESIDENTIAL ZONE ADJOINING OR NEAREST THE PERFORMANCE BASED BUSINESS ZONE.</u>

SECTION 2. AND BE IT FURTHER ENACTED that Section 229.4 of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed.

SECTION 3. AND BE IT FURTHER ENACTED that Sections 229.4 and 229.5 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 229.4--USES IN THE C.B. ZONE

A. USES PERMITTED BY RIGHT:

1. COMMERCIAL USES:

ARTS AND CRAFTS STUDIOS

BARBER SHOPS, BEAUTY SHOPS AND SIMILAR PERSONAL SERVICE ESTABLISHMENTS

BANKS, WITH NO DRIVE-THROUGH LANE

DRY CLEANER, LAUNDROMAT AND ESTABLISHMENTS WHICH REPAIR CLOTHING OR SHOES

OFFICES AND MEDICAL OFFICES (EXCEPT BAIL BONDSMAN AS DEFINED BY STATE LAW)

REPAIR OR RENTAL OF SMALL APPLIANCES

RESTAURANTS, CARRY OUT OR STANDARD ONLY

RETAIL ~~ESTABLISHMENTS SELLING SUCH ITEMS AS~~ USES, INCLUDING BUT NOT LIMITED TO THE SALE OF GIFTS, JEWELRY, HARDWARE, DRUGS, GROCERIES, BAKED GOODS, SPORTING EQUIPMENT, ANTIQUES

TRAVEL AGENT AND SIMILAR PERSONAL SERVICE ESTABLISHMENTS

VIDEO RENTAL OR SALES

2. RESIDENTIAL AND INSTITUTIONAL USES:

ELDERLY HOUSING FACILITIES

~~RESIDENCES ABOVE THE FIRST FLOOR OF A COMMERCIAL DEVELOPMENT~~
RESIDENCES, INCLUDING RESIDENCES IN A COMMERCIAL BUILDING ONLY ABOVE THE FIRST FLOOR

NURSING HOMES

CLASS A AND CLASS B CHILD CARE FACILITIES

3. ACCESSORY USES:

CUSTOMARY ACCESSORY USES ASSOCIATED WITH THE USES PERMITTED IN PARAGRAPHS 1 AND 2, INCLUDING SIGNS, PARKING SPACES AND STRUCTURES

B. USES PERMITTED BY SPECIAL EXCEPTION:

BANKS WITH NO MORE THAN TWO DRIVE-THROUGH LANES

~~C. PROHIBITED USES:~~

~~AFTER-HOURS CLUB~~

~~BAIL BONDSMAN, AS DEFINED IN MARYLAND RULE 4-217~~

~~FAST FOOD RESTAURANT~~

~~FORTUNE TELLING ESTABLISHMENT~~

~~NIGHTCLUB~~

~~PAWNSHOP~~

~~STRIPTEASE BUSINESS~~

~~TAVERN~~

SECTION 229.5--USES IN THE B.L.R. ZONE

A. USES PERMITTED BY RIGHT:

USES PERMITTED BY RIGHT IN THE C.B. ZONE

BANK WITH DRIVE-THROUGH LANES

HEALTH AND ATHLETIC CLUBS

MARTIAL ARTS AND DANCE STUDIOS

RESTAURANT, FAST FOOD

TAVERN

B. USES PERMITTED BY SPECIAL EXCEPTION:

ARCADES

BASEBALL BATTING RANGE

BOWLING ALLEY

MINIATURE GOLF

WIRELESS TRANSMITTING OR RECEIVING STRUCTURES 200 FEET OR LESS IN HEIGHT ABOVE GRADE LEVEL

~~C. PROHIBITED USES:~~

~~AFTER-HOURS CLUB~~

~~BAIL BONDSMAN, AS DEFINED IN MARYLAND RULE 4-217~~

~~FORTUNE-TELLING ESTABLISHMENT~~

~~NIGHTCLUB~~

~~PAWNSHOP~~

~~STRIPTEASE BUSINESS~~

SECTION 4. AND BE IT FURTHER ENACTED, that Section 229.6 of the Baltimore County Zoning Regulations, as amended, be and it is hereby renumbered to be Section 229.7.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

B18095

IN THE MATTER OF THE APPLICATION OF EICHELMAN BROTHERS, INC. MERRITT PROPERTIES, LLC FOR A ZONING RECLASSIFICATION FROM M.L.R.-I.M. to M.L.-I.M. ON PROPERTY LOCATED ON THE NORTH WEST SIDE WASHINGTON BOULEVARD, OPPOSITE LANSDOWNE ROAD (3406 WASHINGTON BOULEVARD) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-98-366

* * * * * * * * * *

O P I N I O N

This case comes to the Baltimore County Board of Appeals based on a Petition for Reclassification, Cycle III, 1998, and was heard by the Board at public hearing on March 16, 1999. Counsel for the Petitioner was Robert A. Hoffman, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, appeared in defense of the zoning maps approved by the County Council. The case was publicly deliberated by the Board members on April 6, 1999.

Opening statements were initially made by Mr. Hoffman and Mr. Zimmerman. Mr. Hoffman outlined his client's position concerning the mistake in zoning made by the County Council which he would attempt to prove during the hearing, and of his awareness of the burden placed upon the Petitioner to have the rezoning petition granted. Mr. Zimmerman stated that he would offer no live witnesses, but would rely on the legal principles involved, and let the Board hear the facts and apply those to statutory law and case law, and render a decision.

Mr. Zimmerman initially offered three (3) exhibits that would be discussed during the hearing:

PC #6
2/13/03

> People's Counsel Exhibit 1 - ADC road map of the general area; People's Counsel Exhibit 2 - 1996 aerial map - (1"-200' scale); and People's Counsel Exhibit 3 -1996 Comprehensive Zoning Map adopted by the County Council on October 8, 1996, and in specific the general Lansdowne area.

Mr. Hoffman offered four (4) witnesses to support the Petitioner's contention that the County Council had made an error relative to the property when the 1996 Comprehensive Zoning Maps were adopted.

Mr. Gary Swatco, Development Contract Manager for the Merritt Corporation, testified. The Merritt Corporation is the Contract Purchaser of the subject site, and during the course of his testimony, Mr. Swatco referenced Petitioner's Exhibits No. 1, No. 2, and No. 3; these were:

> Petitioner's Exhibit 1 - an Amended Plat to Accompany Petition; Petitioner's Exhibit 2 - the 200' scale Zoning Map; and Petitioner's Exhibit No. 3 - the 200' scale Aerial Map of the area.

Mr. Swatco described the property as being on the west side of Washington Boulevard just north of the Baltimore Beltway and to the east of I-95. He expressed a desire on the part of the Petitioner relative to 51.92 acres which Petitioner was desirous of having changed from M.L.R.-I.M. to an M.L.-I.M. designation. Mr. Swatco reviewed Petitioner's Exhibit 2 - a color-coded map identifying the immediate area and citing the number and variety of businesses which currently existed in the area of the Beltway Business Center (Brinks, Coca-Cola, a paper distributor, a storage area, etc.). Particular emphasis was placed during his testimony concerning the

development of the Beltway Business Center which was approved in several phases and the history of Commerce Drive, the I-95 overpass and the roadway that was to connect to Lansdowne Boulevard, and of the extensive community involvement which took place in 1996, when the community expressed its desire that it did not want Lansdowne Boulevard extended because of the proximity of several schools in the area. Particular emphasis was placed on Commerce Drive which would create the industrial feeder in which case the Lansdowne Boulevard extension would be eliminated.

On cross-examination, Mr. Swatco acknowledged no present limitations on development relative to the current zoning and that the land could be developed and utilized with a number of permitted uses. Mr. Swatco acknowledged ownership of the Beltway Business Center consisting of 500,000 sq. ft., in which 90 acres was owned. He indicated that the Merritt Corporation had always been interested in the subject property as far back as 10 years ago, but apparently the family ownership of the subject property was substantial in number and the Merritt Corporation could not reach any clear agreement with the owners as to any purchase. He opined that the site had always been used as a junkyard pre-dating the 1945 zoning and that the contract entered into between the Merritt Corporation and the Eichelmans was not contingent on the rezoning.

Ms. Theresa Lowery also testified in support of the rezoning. She indicated that she was a community leader and was very active in three community associations in the immediate area of the site.

Ms. Lowery is well-known to the Board, having testified on such matters relative to zoning in the past; however, she did not submit to the Board the necessary Rule 8 papers in which specific authority was granted to her by any association to speak in support of the rezoning petition. To that end, her testimony was accepted only as an interested individual in the process. She opined that she was quite familiar with the area and that it had always been used as a junkyard and that the heavy truck traffic in the area was always of concern to the community. She indicated that the local community organizations did support the rezoning in 1976. Some of those associations sent representatives to the County Council requesting down-zoning in an attempt to keep trucks out of the school corridor lying to the east of the property; i.e., Lansdowne Middle School and High School. The solution was to create a feeder road diverting traffic from Washington Boulevard to the I-95 overpass. She also described the area surrounding Bloomfield Park as a pocket of residential homes, and as far as she was concerned, she was in favor of the zoning citing that "anything would be better than the presently existing junkyard." She also described her activities with then-Councilman, Jack Murphy concerning the down-zoning in 1976 and also the fact that Mr. Murphy, who now serves on the Planning Board, was in favor of the reclassification petition. She opined that, while present zoning offered varied opportunities, rezoning would also present additional job possibilities.

Mr. Jeffrey Long, with the Baltimore County Office of Planning, also spoke in favor of the reclassification petition. He has appeared before this Board on many occasions and is the Section Chief of Planning, with particular responsibility in Cycle III rezoning. He also opined concerning the 1976 zoning which was put in place to protect the schools along Lansdowne Boulevard. He cited the current high unemployment in the area, and that the reclassification would give greater flexibility to revitalize the area, in addition to creating jobs which were sorely needed in this portion of Baltimore County. He testified that in his opinion the change was not a substantial one and reclassification would increase the uses that would be available to the purchaser assisting in revitalization efforts without producing any significant detrimental effects. He indicated that the Office of Planning was recommending the plan and also discussed the Master Plan project involving Vero Road (by way of Commerce Drive). He indicated that, if the property had been placed as an issue in 1996, his department would not have opposed the reclassification. However, it was overlooked as it had been in years past due to insufficient departmental staffing, and he acknowledged that the Planning staff had accountability to the County Council for making such a recommendation but failed to do so. He opined that the extension of Lansdowne Boulevard had really been "off the books" for at least 10 years and that the Commerce Drive facility was listed in the Master Plan for 1990. In his opinion, the County

Council had clearly made an error in the rezoning of other properties in the area but not considering the subject property for the requested rezoning, and further that the requested M.L.-I.M. zoning is consistent with general zoning in the immediate area. Mr. Long described the contemplated buffer on the property and the transportation at the site, but also acknowledged that the Petitioner could reapply in the upcoming regular map process for the currently requested reclassification. Also discussed was the floor area requirement, of importance in the various zones.

Mr. David Martin, a director of planning for G.W. Stephens, Inc., and acknowledged as an expert in land planning, also testified in support of the reclassification and indicated that he had evaluated the site and understood the reclassification process. He proceeded to go through the list of factors which are required for reclassification in the Baltimore County Code (BCC) Section 2-356(j)(2). He cited the 1990 census which indicated the the area as having roughly 785 residents, with the current residency around 811. The stable transportation both present and proposed, the adequacy of public water and sewerage, solid waste, school facilities, recreational facilities, park facilities, and the compatibility with what were the present uses in the general area. He also cited the number of jobs that would be created by the reclassification, and during the course of the testimony referred a number of times to Petitioner's Exhibit 2 (in color) citing present M.L.-I.M. zones in dark purple, commercial retail in

red, and the residential areas in yellow. He opined that he believed the reclassification would be consistent with the Master Plan, but acknowledged that the capital programs of Baltimore County did not include any current funding for the extension of Commerce Drive.

On cross-examination, reference was made to People's Counsel Exhibit 4 concerning projects on Vero Road to be extended from the City Line to US1 Alt. (Washington Boulevard) and the Master Plan comments on page 98. Considerable testimony also ensued relative to various floor area ratios, and the differences in same under the M.L.R. and M.L. designations, and the fact that very few multi-story buildings currently existed in the general area of the subject site being requested to be reclassified.

Mickey A. Cornelius also testified relative to the traffic flow. His credentials were accepted by both parties relative to Petitioner's Exhibit 7 as to his expertise concerning traffic and transportation flow. He described the general traffic patterns around the site and also that most of the traffic signals in the area were either "A" or "B", with the one at Sulphur Spring Road and Benson Avenue being a "C", all of which are acceptable. He described the traffic flow from Washington Boulevard to Commerce Drive and also the Caton Industrial Park traffic that utilizes Washington Boulevard to get to the Baltimore Beltway, and if the site were developed as "M.L.", acceptable traffic limits would be present. He also stated that the Vero Road extension was included

in the capital budget through 1993. During the period from 1993 to 1996, it was eliminated with the developer to pay for Vero Road going either way. On cross-examination, he acknowledged that Vero Road was not critical to development of the property - direct access being present to Washington Boulevard, and that the extension of Vero Road or Commerce Drive was immaterial. The testimony of Mr. Cornelius concluded Petitioners case-in-chief. Closing statements were made by both Mr. Hoffman and Mr. Zimmerman.

This Board is well-aware of extensive case law in which the Courts of Maryland have stated that comprehensive zoning has a presumption of validity, but such presumption can be overcome. However, in such cases, there must be probative evidence to show that the assumption or premises relied upon by the Council at the time of the comprehensive zoning were invalid. Error can be shown by showing that at the time of the comprehensive zoning, the County Council failed to take into account then existing facts or projects or trends that were reasonably foreseeable of fruition in the future (People's Counsel for Baltimore County vs. Beachwood I Limited Partnership 107 Md. 627 (1995). The Maryland Courts have demonstrated a reluctance to substitute their judgment in legislative matters, and in the case of comprehensive zoning or rezoning, a strong presumption of correctness is present and those who attack it bear a heavy burden in overcoming this presumption (Bonnyview Country Club vs. Glass 242 Md. 46). Additionally, in the exercise of political power, the vital legislative body

adopting the zoning ordinance is a proper function of the power granted to it by statute; and such ordinances to be attacked must be affirmatively and clearly shown to be arbitrary, capricious, discriminatory, or illegal so that review of such question by the court is narrow in scope (Walker vs. the Board of County Commissioners of Talbott County, 208 Md. 72). Similarly in Norbeck Village Joint Venture vs. Montgomery County, 254 Md. 59, the Court held that for a property owner to escape the binding impact of comprehensive zoning, he must show that the plan lacked the necessary relationship to the general public interest and welfare, and that it was presumed or that the effect of the plan is to deprive him of any reasonable use of the property.

It is the conclusion of this Board that the Petitioners have not met their burden of proof required to establish error or mistake on the part of the County Council under Section 2-356 in assigning the subject the zoning classifications of M.L.-I.M., M.L.R-I.M., and D.R. 5.5. It is significant that the property was reclassified in 1976; and that five (5) Comprehensive Zoning Map Processes have come and gone without anyone requesting a change in the present zoning including the owners, local community organizations, the Planning staff, or the interested Contract Purchaser, who even admitted in testimony that negotiations have been on-going with the owners for the last 10 years. The only mistake, if any, is the road configuration that initially caused the down-zoning in 1976 fearing an extension of Lansdowne

Boulevard. At the present time, that has been abandoned, and the Commerce Drive and Vero Road proposals are still not definitive. During the past 20 years, no one has believed the present zoning to be inappropriate; and the present zoning does not deny the Petitioner any reasonable use of his property, and simultaneously maintains adequate safeguards against overdevelopment of the property from the community's standpoint.

The Board is unable to determine any serious nature of the "purported" mistake or error that fatally affects the County Council's Comprehensive Zoning Maps adopted in 1976. We find quite significant that neither the County Council nor the Petitioner had any question that the present zoning classification was appropriate at the time of the comprehensive rezoning in 1996 and years prior; and that the Petitioner was apparently satisfied with that zoning classification during the period from 1976 through 1996 since it made no effort to have it reconsidered at the time of the general review of zoning.

The fact that the property is no longer being used as a junkyard and "anything would be better" than that does not justify reclassification by the Board outside of the Comprehensive Zoning Map Process, nor does the fact that reclassification would provide the contract purchaser greater flexibility in development of the property warrant reclassification at this time. Further, while the Board recognizes the positive employment factors in reclassification that might provide additional jobs in the area,

that factor alone does not constitute the "mistake" element so essential in determining the appropriateness of a reclassification.

The procedure of the Comprehensive Zoning Map review in Baltimore County is unique because of the short period between reviews. The current scheme permits the County Council to meet newly perceived trends every fourth year. The process is a total one and coordinates the Capital Budget, the Master Plan, water and sewer plans, the State Highway Commissions' annual construction projects and all other considerations necessary for the integration of a comprehensive general zoning plan rather than a piece-meal review of individual tracts (Coppolino vs. County Board of Appeals of Baltimore County, 23 Md. App. 358 (1974).

While the Board recognizes that many of the findings of fact as required under BCC 2-356(j)(2) have been satisfied, nevertheless, from the Boards' independent review of the testimony and evidence in this case, we cannot determine or find any error in the County Council's adoption of the comprehensive zoning in 1996 as it affected the property here involved. While the issue of the road realignment does present a "fairly debatable" topic for consideration, an examination of the entire record leads the Board to the conclusion that the County Council did not err or make a mistake in the 1996 Comprehensive Map Process and that the Petition for Reclassification should appropriately be denied, recognizing that the Petitioner will have ample opportunity within the next map process to apply for reclassification rather than the piece-meal or

spot -zoning process which is being attempted in this particular case.

O R D E R

IT IS THEREFORE this 3rd day of May, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from M.L.R.-I.M. to M.L.-I.M. be and is hereby **DENIED.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Larry S. Wescott

Thomas P. Melvin

6/26/00

RECEIVED
JUN 29
FILED

RE: PETITION OF DANIEL W. HUBERS, MARVIN E. SMITH GERALDINE SMITH AND WILLIAM W. SMITH	*	IN THE
	*	CIRCUIT COURT
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	FOR
	*	BALTIMORE COUNTY
OF DANIEL W. HUBERS FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NE/S CARROLL ISLAND ROAD, 194' W OF THE C/L BOWLEY'S QUARTERS ROAD, 435' NE OF C/L CARROLL ISLAND ROAD 15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT	*	Case No. 03-C-98-004123
	*	
CASE NO. R-97-469(CYCLE 1, 1998) BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	

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

MEMORANDUM DECISION

In this zoning matter, the property owners, Daniel W. Hubers and the Smiths, (hereinafter referred to collectively as ("Hubers") appeal the decision of the Board of Appeals denying their Petition for reclassification of their 9.64 acres of land. The property had been down-zoned statutorily by the County Council at the conclusion of its 1996 quadrennial review of the County's zoning maps, and Hubers was dissatisfied with that action.

Hubers bases his right to a reversal of the Board's decision on two contentions. The first is a constitutional argument that

he was denied due process by the County's legislative scheme of councilmanic deference to make the ultimate decision on map revisions without prior notice. The second is a challenge to the sufficiency of the evidence to support the Board's denial of the requested reclassification.

I.

Hubers was not denied due process when the County Council enacted Bill Number 133-96 down-zoning the subject property without prior notice to Hubers of its intention to reject the recommendations of the Planning Board.

At the outset, this Court flatly rejects the claim of People's Counsel that Hubers failed to present the denial of due process argument to the Board of Appeals. (Mem.p.18). On the first page of its opinion, the Board noted that one of the Petitioners' two grounds for relief was that: "There exist procedural errors which have denied the Petitioners <u>due process of law</u>." Thus, the Board was aware that a due process argument was being made and its rejection of that argument is implicit on pages 9 and 10 of the opinion wherein the Board concluded that the County Council "...is not required to file its own application under Section 26-123(e) with its own requested zoning."

Hubers acknowledges that *Swarthmore Co. v. Kaestner*, 258 Md. 517 (1970), would appear to dispose of his argument that he should have received notice and the right to be heard (presumably before the County Council) if the Council intended to reject the

recommendation of the Planning Board. Speaking for the Court in that case, Judge Barnes wrote:

> ...In short, the County Council need not follow the recommendations of the planning board and need not have any further or additional hearing in regard to the changes or amendments the County Council may see fit to make. We have held that the County Council is not required to follow the recommendations of the Planning Board. *Miller v. Abrahams*, 239 Md. 263, 272...(1965). We have also indicated that a substantial change may be validly made in a proposed comprehensive zoning map after the public hearing has been held on the originally proposed comprehensive zoning map and no additional notice or hearing was required by statutory language quite similar to that used in Sec. 22-21 of the Baltimore County Charter [Code]. *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 56...(1959). Indeed, in *Ark Readi-Mix v. Smith*, 251 Md. 1, 3 (1968), we sustained a change made by the County Council in that case on a proposed comprehensive zoning map requested on the same day the ordiance was passed, where there had been no prior discussion, proposal or a request for the change made at the hearing on the proposed comprehensive zoning map and, of course, no notice or prior hearing in regard to the requested change.

258 Md. at 532

Hubers contends, however, that the *Kaestner* decision was rendered moot when the Baltimore County Code was revised in 1996. §26-124(a), the successor to §22-21 of the 1968 Code, ends with "but subject to the provisions of Sec.26-123(e)", thereby imposing upon the County Council, without saying so, a duty to

provide for another hearing whenever one of its members is inclined to disagree with a map classification or reclassification recommended by the Planning Board. Such a requirement would make it virtually impossible for the Council to ever complete the adoption of a new map. Moreover, this interpretation of the revised statute requires one to conclude that the Council intended to place a restriction on the practice of councilmanic deference without even providing the procedural framework for a new hearing.

People's Counsel traced the legislative history of §§26-124(a) and 26-233(e) in its Hearing Supplement. It would serve no purpose to repeat that detailed analysis here. Therefore, this Court will simply adopt the analysis and conclusions in the Supplement as a further ground for rejecting Hubers denial of due process contention.

II.

The Board did not err in rejecting Hubers argument that the County Council's final zoning classifications were "totally inappropriate".

Here Hubers argues that the classifications assigned to the property by the County Council are "totally inappropriate" in light of the criteria for reclassification <u>by the Board</u> found in §2-356(j) of the County Code. Indeed, he contends that the testimony and evidence produced by the Petitioners was so overwhelming, and so uncontroverted by the evidence produced by

People's Counsel, that the question before the Board was not even fairly debatable.

In a detailed and carefully constructed opinion, the Board first summarized the characteristics of the subject property for zoning purposes as follows:

> This Board, having heard testimony and reviewing the evidence, concludes that the finally-determined zoning assigned by the County Council was not inconsistent or inappropriate for the site. The subject property itself is in a triangle formed by Carroll Island Road and Bowleys Quarters Road and Eastern Avenue. It is presently undeveloped and heavily wooded. A large portion of the property is in the Chesapeake Bay Critical Area region and is a designated Limited Development Area, relatively flat. Undoubtedly, it is one of the largest undeveloped land areas in this section of Baltimore County and is the 'gateway' to the Bowleys Quarters Peninsula, with both commercial and residential properties nearby. The Carroll Island Shopping Center is directly across Carroll Island Road.
>
> (Op.p.11)

Then, after reviewing the Court of Appeals decisions establishing the "heavy burden" a property owner must meet in order to "escape the binding impact of comprehensive zoning" expressed the basis for its decision in the following paragraph:

> The Board concludes that there was no evidence presented at the hearing which would allow its members to properly grant this rezoning. Within its appropriate governmental sphere, the Baltimore County Council is the legislature for the citizens of Baltimore

> County and is the ultimate repository of all legislative power possessed by the County. When it undertakes once every four years its comprehensive zoning function, it speaks for the voice of the people. As with all legislative bodies, it may sometimed [sic] make policy decisions that are, in the eyes of some observers, wrong. For the ordinary rightness or wrongness of their decisions, however, legislators are answerable only to their electorates at the next election. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded the comprehensive zoning is not overcome, the question of error is not "fairly debatable" (Boyce v. Sembly, 25 Md. App.52.)
>
> (Op.p.19)

People's Counsel points out at page 21 of his Memorandum that when the Board of Appeals reviews a legislative judgment, such as this one by the Council, the Board's scope of review is limited - similar to the role of a circuit court judge, when reviewing a decision of an administrative agency. Indeed, whereas a number of cases from Baltimore County resulted in the Court of Appeals reversing commercial rezonings by the Board, he could find no case reversing the Board when it had upheld a comprehensive zoning decision.

It may well be that the witnesses produced by Hubers had better zoning credentials than those of the opposition and gave sound reasons for their opinions. The point is, however, that

the issue facing Councilman Gardina - whether it was appropriate to down-zone this property - unquestionably was fairly debatable. Therefore, he did not have to agree with the Planning Board and was legally entitled to have his colleagues join with him in adopting a map that reflected his considered judgment as to which zoning classifications for this property were best suited for all the citizens of his district.

For the reasons stated, the decision of the Board of Appeals is AFFIRMED.

Date: June 26, 2000 Robert E. Cahill, Jr.
Judge

Copies sent to:

Edward C. Covahey, Jr., Esq.
Anthony J. DiPaula

Peter Max Zimmerman, Esq.
Carole S. DeMilio

Board of Appeals

FILE COPY

IN THE MATTER OF THE APPLICATION OF DANIEL W. RUBERS, MARVIN E. SMITH, WILLIAM W. SMITH, GERALDINE SMITH AND WILLIAM W. SMITH AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF GILBERT K. SMITH, WILLIAM W. SMITH AS TRUSTEE f/b/o/ LOIS A. LEACH FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NE/S CARROLL ISLAND RD, 194' W OF C/L OF BOWLEYS QUARTERS RD; ALSO NW/S OF BOWLEYS QUARTERS RD, 435' NE OF C/L CARROLL ISLAND ROAD 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-97-469 (Cycle I, 1997)

* * * * * * * * * *

O P I N I O N

This case comes to the Board of Appeals based upon a request by the Petitioners to reclassify their property located at Carroll Island Road and Bowleys Quarters Road from the current classification of D.R. 3.5 and C.B. to B.R. and B.R.-A.S. The Petitioner was represented by Edward C. Covahey, Esquire. Peter M. Zimmerman, People's Counsel for Baltimore County, participated in these proceedings. The hearing itself encompassed three days of public hearing, and was concluded by a public deliberation which was held by the Board on Tuesday, February 17, 1998.

The basis of the Petitioners' request for a reclassification of the zoning of the subject property is two-fold:

1) There exist procedural errors which have denied the Petitioners due process of law; and

2) An error was committed based upon the zoning changes themselves.

The provisions by which zoning regulations and zoning maps begin are with the Planning Board, which is authorized by Section 26-123 of the Baltimore County Code (BCC), which body is to

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recommend to the County Council for adoption those proposals which show the boundaries of proposed districts, divisions or zones into which the County is divided pursuant to the Title. Under (d), provisions are made for the Planning Board every four years, after a complete review of the zoning maps then in effect, to make recommendations to the County Council as to a new or comprehensively revised version of such map in accordance with the provisions of Section 26-123(b) through (c). The maps produced must identify as a separate issue each area or parcel of land recommended or considered by the Planning Board for a change in zoning. Section (e) provides for a specific time table relative to raising issues during the Comprehensive Zoning Map Process:

1. Public and Planning Director beginning August 1st - October 31st;

2. Planning Board and Planning Director beginning November 1st - November 30th; and

3. County Council beginning December 1st - January 15th.

During Period 2 only members of the Planning Board and Planning Director may raise issues; and during Period 3 only members of the County Council may raise issues. No new issue may be raised by anyone after January 15th. The term "issue" or "issues" refers to a tract or parcel of land proposed for a change in zone or district classification. If the request for zoning change was not initiated by the owner or the owner's agent, the Office of Planning and Zoning is mandated by Section (f) to provide written notice by regular mail to all property owners whose property is being considered for a possible change for a zoning classification. That

notice must state that the property is being considered for a possible change of zoning classification and additional information can be secured from the Office of Planning and Zoning. The notice must be mailed to the owner of the property at the address shown in the tax assessment records of the County at least thirty days (30) prior to the Planning Board's final vote on the recommended map or maps to be submitted to the County Council. However, failure to send the notice or failure to receive does not invalidate or otherwise affect any change or changes in the zoning of the property.

The Petitioners contend that there was no public notice concerning the fact that the County Council was going to consider any zoning change as to the Petitioners' property other than a "B.L." (Business, Local) rezoning contemplated by the Office of Planning. This was not the first recommended change in the property's zoning since the professional planning staff had earlier recommended B.L. and D.R. 2 zoning in their original 1995 recommendation.

Factually, in the summer of 1995, the professional planning staff had identified the subject site along with 118 other parcels totalling 128.9 acres in the Fifth Councilmanic District as properties they recommended being down-zoned from existing classifications of B.R.-A.S. and B.R. to B.L. (Business Local) and D.R. 2. In 1996, the Office of Planning and Zoning filed their comprehensive zoning map application (Petitioner's Exhibit No. 6 and People's Counsel's Exhibit No. 3) which was received on October

25, 1995 and included the property in question, which set forth the Office of Planning & Zoning's request as to changes being sought by the professional planning staff. That request was assigned as Issue No. 5-069; it does not reference that any portion of the 128.9 acres involving Issue 5-069 be rezoned to C.B., nor was any acreage supplied for the zones requested. This was the only application filed relative to the Petitioners' property.

No evidence was submitted or testimony offered during the hearing that any additional application was filed by the County Council during the period prescribed under BCC Section 26-123(e). The "Log of Issues" (Petitioner's Exhibit No. 8) that was available for public inspection also did not identify any of the properties being proposed for reclassification to C.B.; based upon the testimony at the hearing, it is evident that the professional planning staff was looking for the Petitioners' entire tract to be classified as B.L. (Business Local). But it is also evident from the testimony produced at the hearing that the Petitioners were aware that their property was under consideration for rezoning, albeit it is also quite evident that they were under the very strong impression that the reclassification was to be B.L. to which they had no strenuous objections.

On April 11, 1996, the Planning Board, as provided under BCC Section 26-123(c), held a public hearing on the issues and the recommendations of the Planning Board at which time several protestants appeared and raised objections concerning the downzoning of the subject property and other properties

specifically identified under Issue 5-069 (Petitioners' Exhibit No. 14).

On May 21, 1996, the professional planning staff recommended to the Planning Board for the first time that the subject property be classified C.B. as to 4.6 acres and D.R. 3.5 as to the remainder. This was the first time this zoning had been suggested and was never disseminated to the public (People's Counsel's Exhibit No. 6 and Petitioners' Exhibit No. 8). The Planning Board decided against the rezoning and recommended to the County Council that the Petitioners' tract should be left alone, retaining the B.R. zoning. The Planning Board's final recommendations were available to the general public in the public libraries and all County Council offices.

Ultimately, the County Council enacted Bill 133-96 which reflected a C.B. and D.R. 3.5 zoning classification for the subject property. In addition, other areas within Issue 5-069 were down-zoned throughout the entire Fifth Councilmanic District, as well as those in proximity on the Back River Neck Peninsula.

Again, it is evident from the testimony and evidence produced at the hearing that the Petitioners were aware of the Issue and some possible change in zoning of the subject property. Additionally, it is obvious from the testimony and evidence that the Petitioners had every reason to assume that the Planning Board's recommendation of a B.R. zoning classification would be followed by the Baltimore County Council. Petitioners' Exhibit 7 entitled "Baltimore County Comprehensive Map Issues," under date of

October 8, 1996, reflects the subject site as being downzoned to C.B. as to 4.60 acres on the Carroll Island frontage and D.R. 3.5 to the 5.04 acres in the rear of the property.

Admittedly, the testimony and evidence tend to indicate that this was the first time that the zoning maps reflected a downzoning to C.B. and D.R. 3.5. Were the Petitioners entitled to receive any notice that the County Council was going to deviate from the suggested course of action suggested by the Planning Board? Counsel for the Petitioners argued very strongly that notice is an essential element whenever rezoning of property is being considered. The Baltimore County Code does provide notice; and Petitioners were aware that a change in the present zoning was possible. In the realm of zoning, however, there are no guarantees that the recommendations of the professional planning staff or the Planning Board shall be binding on the part of the County Council. The provisions of Baltimore County Code Section 26-34 appear to the Board to be quite clear and conclusive:

> "Whenever the Planning Board shall have made a recommendation to the County Executive or to the County Council, such recommendation shall be advisory only." [Emphasis added.]

Throughout the pertinent sections of the BCC, the Planning Board recommendations are deemed to be "advisory" only, with the final authority vested in the County Council. Even with the extensive notices required and public hearings provided, and with subsequent placement of the Planning Board's final recommendations available in public places, Section 26-123(d) states that "the Planning

Board, after completely reviewing the zoning map then in effect, shall recommend to the County Council a new or comprehensively revised version of such map in accordance with the provisions set forth above." (emphasis added)

The Petitioners allege that with no public notice of the fact that the County Council was going to consider reclassifying the Petitioners' property to C.B., and that since the issue had not been raised by the Director of Planning or the Planning Board, the County Council was required to identify the same as an issue before January 15, 1996 as required by Section 26-123(e).

There is no doubt or question raised from the testimony received at the hearing but that the local councilman was familiar with the general area, having visited the site on at least two separate occasions, along with all of the affected rezoning sites up for consideration in his district. Efforts were being made by local community groups and citizens to have him reconsider the decision of the Planning Board, since it was obvious from the testimony of the local residents testifying that the B.R. zoning was considered to be too intense for the area; and would be detrimental to the quality of life in the immediate area. It was also evident that the councilman was considering the efforts relative to community conservation undertaken by the County to stabilize the general area of the subject site. Undoubtedly, the intensity of future potential development at the gateway to the Back River Neck Peninsula was of genuine concern to him. The former area planner, Jack Dillon, acknowledged during the hearing

that, on one of his visits to the area with the councilman, he had suggested a B.L. zoning for the frontage and D.R. 2 for the rear, believing that lower density was consistent with the critical area designations; and while he had not thought of the new C.B. zoning classification, he wished that he had done so because its use, limits, and controls made it so appropriate here.

In reaching his final decision to classify the subject site as C.B. and D.R. 3.5, the councilman was not acting in an arbitrary, capricious, discriminatory or illegal manner. Admittedly, the present provisions of the Baltimore County Code do provide authority that appears to be inconsistent with the general public notices and procedures that safeguard an individual's property rights. However, and nevertheless, the Baltimore County Code also grants that final authority to the County Council and imposes much trust and confidence in the Council to provide the appropriate zoning consistent with both the specific area and the overall councilmanic district's general health, safety and welfare.

As Petitioner expresses in his Brief, this Board takes note of the legislative practice of "Councilmanic Courtesy" in such zoning matters. Each member of the Council recognizes their responsibility in determining the appropriateness of the zoning which each member ultimately assigns, and that consideration is given only after long and thoughtful deliberation on the part of that Council person in assessing the zone appropriate, factoring into the decision what is best for the immediate area and the entire councilmanic district.

As stated in Swarthmore Company v. Kestner, 258 Md. 517 (1970), the Court of Appeals held that:

> [I]n short, the County Council need not follow the recommendations of the Planning Board and need not have any further or additional hearings in regard to the changes or amendments the County Council may see fit to make. We have held that the County Council is not required to follow the recommendations of the Planning Board. Miller v. Abrams, 239 Md. 263, 272 (1965). We have also indicated that a substantial change may be validly made in a proposed comprehensive zoning map after the public hearing has been held on the originally proposed comprehensive zoning map and no additional notice or hearing was required by statutory language quite similar to that used in Section 22-21 of the Baltimore County (Code). Hewitt v. County Commissioners of Baltimore County, 220 Md. 48, 56 (1959)

While counsel for the Petitioners argues that the current statute (BCC 26-124[a]) does limit the Council's right to consider a change in zoning, referencing Section 26-123(e), additionally quoted in the briefs submitted to the Board by People's Counsel in the case of Ark Readi Mix v. Smith, 251 Md. 1,3 (1968), the Courts sustained a change made by the County Council in that case on a proposed comprehensive zoning map requested on the same day that the ordinance was passed, where there had been no prior discussion, proposal or request for the change made at the hearing on the proposed comprehensive zoning map and, of course, no notice or prior hearing in regard to the requested change.

It is the conclusion of the Board that the County Council was not limited to the recommendations of the Planning Board, and is

not required to file its own application under Section 26-123(e) with its own requested zoning. Section 26-34, BCC, is quite clear concerning the fact that recommendations of the Planning Board are advisory only as to both the County Executive and the County Council; with Section 26-124(a), BCC, providing that "after the expiration of such period of notice and following the public hearing or hearings, the council may by ordinance adopt such regulations or maps, subject, however, to such changes or amendments therein as the County Council may deem appropriate, but subject to the provisions of Section 26-123(e)." Under Section 24-124(b), "no change or amendment may be made in a zoning map to an area or parcel of land which was not considered by the Planning Board for a change in zoning prior to its submission of the map to the County Council."

There is no question but that the subject site was designated as one that was being considered by the Planning Board for a zoning change and therefore the "issue" referencing a tract or parcel of land proposed for a change in zone or district classification was the subject of Planning Board consideration; and it was not necessary for the County Council to raise any new issue.

Secondly, the Petitioners argue that the final classifications assigned were totally inappropriate as related to the provisions of the BCC Section 2-356(j), Findings prior to reclassification:

> Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That, except as limited by the terms of subsection (j)(3) of this section, there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error.

(2) That the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including but not limited to all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program.

This Board, having heard testimony and reviewing the evidence, concludes that the finally-determined zoning assigned by the County Council was not inconsistent or inappropriate for the site. The subject property itself is in a triangle formed by Carroll Island Road and Bowleys Quarters Road and Eastern Avenue. It is presently undeveloped and heavily wooded. A large portion of the property is in the Chesapeake Bay Critical Area region and is a designated Limited Development Area, relatively flat. Undoubtedly, it is one of the largest undeveloped land areas in this section of Baltimore County and is the "gateway" to the Bowleys Quarters Peninsula, with both commercial and residential properties nearby. The Carroll

Island Shopping Center is directly across Carroll Island Road.

Testimony received at the hearing was varied as to the appropriateness of the C.B. and D.R. 3.5 Council zoning. Jack Dillon, the former County area planner, and Gary Kerns testified that the present Master Plan, valid for the years 1989-2000 and approved by the County Council, reflects the property as being intended for mixed commercial uses. Public water and sewerage is available adjacent to the area and could service both C.B. and B.R. zoning. The immediate area services 13 persons per acre compared to 4.1 to one acre of ground in the rest of Baltimore County. While commercial uses are prevalent in the area, there are also residential uses to the north and east with the Williams motor home park across Eastern Avenue. As one progresses down the Bowleys Quarters Peninsula, there are principally residential homes and waterfront use properties. For the most part, these are single-family homes with some relatively new townhouses and apartments having been constructed. The lower portion of Bowleys Quarters Road is considerably less dense and served by private water and sewer towards the lower end. There is also a new "Fairwinds" development with 90 homes underway on 30 acres to the southwest across Frog Mortar Creek.

It was Mr. Norman Gerber's opinion that the County Council had erred in granting the C.B. zoning classification when one considers the totality of demographics, the characteristics of surrounding property, and the zoning and location of the site. This was countered by Mr. Jack Dillon, Mr. Gary Kerns, the County planner in

charge of the comprehensive map process, and also Mr. Jeffrey Long, the County planner for the area.

Substantial testimony was received at the hearing concerning the issue of "change" and "mistake." Mr. Norman Gerber, an expert planner, opined that the C.B. zoning as applied was not appropriate due to the limited sidewalk accessibility; the general demographics of the area; the heavily travelled Carroll Island and Bowleys Quarters Road; and the proximity of the Carroll Island Shopping Center, along with the heavily zoned M.L. and commercial properties nearby to the subject site. Mr. Gerber cited the official Master Plan for the County for years 1989-2000, reflecting that the land was designated for mixed commercial usages.

Mr. Joseph Larsen (Spellman, Larsen, and Associates, Inc.) testified as to the availability of public water and public sewerage immediately adjacent that had sufficient capacity to serve any facilities relating to a B.R. (Business, Roadside) zoning.

Countering this testimony was that of Mr. Jeffrey Long, a County planner; Mr. Jack Dillon, the former Eastern area planner until March 1996; Mr. Gary Kerns, County planner in charge of the comprehensive map process; Ms. Karen Brown, current County planner for the area; and four interested citizens residing in the area. Mr. Long related that the assigned C.B. zone met the required legislative uses and performance standards. He also stated his support for the rear area assigned a D.R. 3.5 zoning, stating that the D.R. 3.5 zoning density was within the specified parameters of the Limited Development Area; and provides for a substantial

variety of uses by right and special exception, along with a maximum of 23-24 homes on approximately 7 acres. He related as to the other residential properties nearby to the subject site. He also opined as to the correctness of the finally determined zoning on the part of the County Council from the perspective of the planning staff of Baltimore County.

The Board also heard from Ms. Karen Brown as to the community conservation efforts undertaken by the County in its efforts to rehabilitate the Bowleys Quarters /Essex area; and from Mr. Dillon as to the intense efforts made during the 1996 rezoning process; and as to the existing commercial and residential zoning and why downzoning would substantially improve the quality of life in an area of deterioration that was already the subject of intense County rehabilitation efforts. Mr. Dillon expressed his conclusion that the C.B. zoning was a satisfactory one considering the heavy traffic on primary roadways and that, while no present sidewalks existed, these would come with future development.

Testimony was also received from four area residents, three of whom were presently involved or had been past officers of the Bowleys Quarters Improvement Association. All these individuals expressed familiarity with the differences involved in C.B. and B.R. zoning designations; and expressed their observations that a B.R. classification was both too intense and detrimental to a quality of life that presently existed in the Bowleys Quarters area.

There is no doubt but that when the County Council passed Bill

86-94 in 1994 there existed a desire on the Council's part to create a less intense commercial use other than the three which currently existed at that time (B.L., B.M., and B.R.). The reasoning, from a legislative perspective, was that a new zone was needed to assist those areas of the County where community conservation efforts were underway to rehabilitate the older, more established neighborhoods. The Bill states the legislative purposes for the Community Business zone in BCZR 229.1A:

> 1. The primary purpose of the community business zone (C.B.) is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The zone shall accommodate vehicular parking needs, but also be pedestrian oriented. Where appropriate, parking should be located to the side and to the rear. In design, the C.B. zone should reflect elements of the architectural style of neighboring residential buildings, so that the commercial development becomes an integral, harmonious component of the neighborhood.

Council Bill 180-95 passed by the Council on October 2, 1995 and which repealed and re-enacted BCZR Section 229.1 et seq. amended the statement of legislative policy by designating the initial statement as subsection A.1, and adding subsection A.1 which states:

> 2. The C.B. zone is not intended to be used to replace the B.L.R., B.L., B.M. or B.R. zones on developed sites. Rather, the zone is intended as an additional classification which may be appropriate for locations that are no longer desirable for other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties.

The Bill established performance standards, appearance requirements, pedestrian access and orientation, and encouraged

screening as to service areas. Ideally, the newly established zone would be locally commercial in nature, encouraging pedestrian traffic, utilizing local retail and service functions in the zone as compared to much broader commercial uses available in the B.R. zone.

The bulk and area regulations in the BCZR, Section 229.5, severely limit the type of service functions in the zone, as well as signage and landscape requirements found in other areas of the County zoning regulations. In reading Bill 180-95, it is obvious that the intent of the new legislation was to encourage localized businesses catering to such an area as opposed to broader, wider County-luring vendors, such as large discount operations, all-purpose hardware chains, and similar ventures in favor of more localized, smaller operations, again catering to the general needs of the immediate community.

As was succinctly stated in the Petitioners' Brief, comprehensive zoning has a presumption of validity, and such presumptions can be overcome. However, there must be probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive zoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts or projects or trends that were reasonably foreseeable of fruition in the future, so that the Council action was presumed, initially, on a misapprehension (People's Counsel for Baltimore County v. Beechwood I Ltd. Partnership, 107 Md. App. 627

[1995]).

Maryland courts have demonstrated a reluctance to substitute their judgement in legislative matters; and, in the case of comprehensive zoning or rezoning, a strong presumption of correctness is present, and those who attack it bear a heavy burden in overcoming this presumption (Bonnie View Country Club v. Glass, 242 Md. 46). Additionally, the exercise of the police power by the legislative body adopting the zoning ordinance is a proper function of the power granted to it by statute; and such ordinances to be attacked must be affirmatively and clearly shown to be arbitrary, capricious, discriminatory, arbitrary or illegal so that review of such question by the Court is narrow in scope (Walker v. Board of County Commissioners of Talbott County, 208 Md. 72).

Similarly, in Norbeck Village Joint Venture v. Montgomery County (254 Md. 59), the Court held that for a property owner to escape the binding impact of comprehensive zoning he must show that the plan lacked the necessary relationship to the general public interest and welfare; and that it was presumed or that the effect of the plan is to deprive him of any reasonable use of the property.

It is the conclusion of this Board that the Petitioners have not met their burden of proof required to establish error or mistake on the part of the County Council under Section 2-356 in assigning the subject property a zoning classification of C.B. and D.R. 3.5. There is clear and sufficient evidence to establish that the local councilman was familiar with the site. He had visited it

on two prior occasions, in addition to visiting all of the subject sites which were to be considered for rezoning in the Fifth Councilmanic District.

The subject site is within the confines of community conservation efforts of the County, and resides in an area of the County in need of special attention that caters to less intense commercial development. Concurrently the testimony and evidence produced at the hearing is also convincing that the D.R. 3.5 rear zoning is also applicable in reducing commercial intensity. While all of the zoned D.R. 3.5 property may not be conducive to residential development, a sufficient portion thereof is developable to provide an area of potential residential development that will accommodate the requirements of the C.B. zone, and suit Limited Development Area guidelines.

Additionally, the Baltimore County Code, Section 2-356(j)(3)(b) establishes definitive standards for rezoning of properties in the Chesapeake Bay Critical Area region. As stated in subsection (j)(3)(b):

> No reclassification may be granted unless the Board has made written findings that the proposed reclassification will; (1) minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding land; (2) preserve fish, wildlife, and plant habitat; and (3) be consistent with established land use policies for development in the Chesapeake Bay critical area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. [Emphasis

added.]

The Board concludes that there was no evidence presented at the hearing which would allow its members to properly grant this rezoning. Within its appropriate governmental sphere, the Baltimore County Council is the legislature for the citizens of Baltimore County and is the ultimate repository of all legislative power possessed by the County. When it undertakes once every four years its comprehensive zoning function, it speaks for the voice of the people. As with all legislative bodies, it may sometimed make policy decisions that are, in the eyes of some observers, wrong. For the ordinary rightness or wrongness of their decisions, however, legislators are answerable only to their electorates at the next election. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded the comprehensive zoning is not overcome, the question of error is not "fairly debatable" (Boyce v. Sembly, 25 Md.App. 52.

For the reasons so stated, this Board will deny the Petitioners' request for rezoning.

O R D E R

IT IS THEREFORE, this 8th day of April, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from the current classification of D.R. 3.5 and C.B. to B.R. and B.R.-A.S be

and is hereby DENIED

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

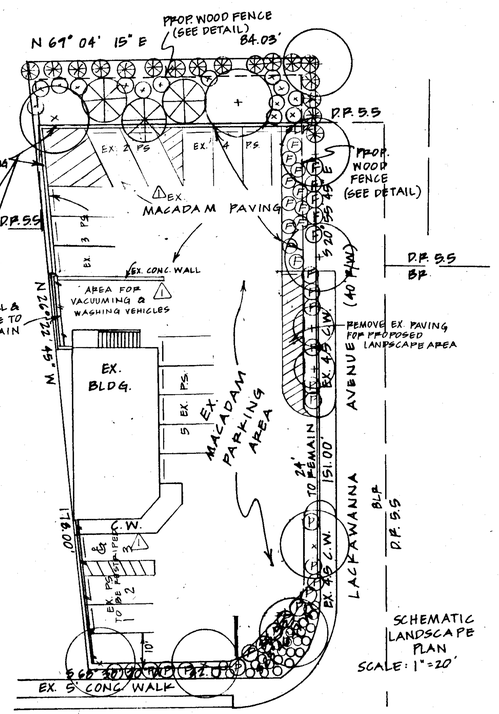
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Kristine K. Howanski, Chairman

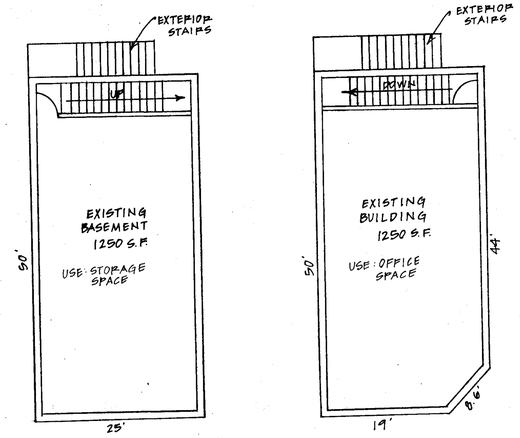
Margaret Worrall

Charles L. Marks

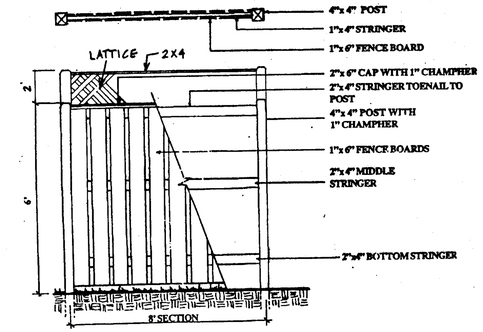
Pet 1b



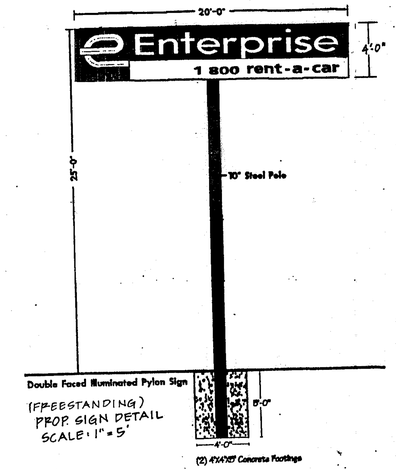
SCHEMATIC LANDSCAPE PLAN
SCALE: 1" = 20'



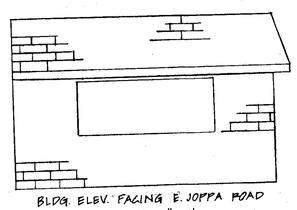
EXISTING BUILDING DIMENSIONS
SCALE: 1" = 10'



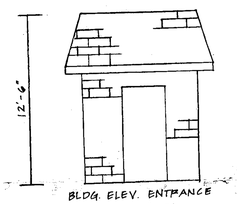
WOOD FENCE/ELEVATION PLAN
(NO SCALE)



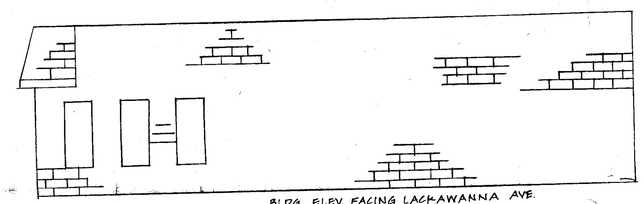
(FREESTANDING)
PROP. SIGN DETAIL
SCALE: 1" = 5'



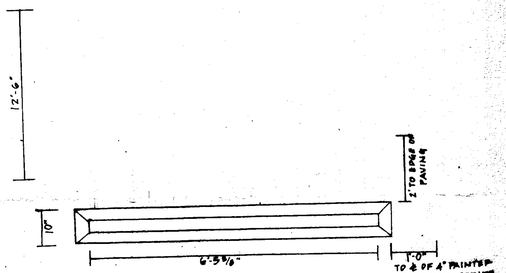
BLDG. ELEV. FACING E. JOPPA ROAD
SCALE: 1" = 5'
(ONE STORY BRICK BLDG.)



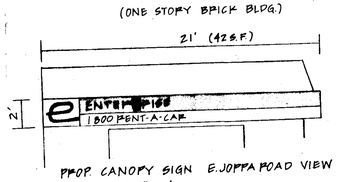
BLDG. ELEV. ENTRANCE
SCALE: 1" = 5'
(ONE STORY BRICK BLDG.)



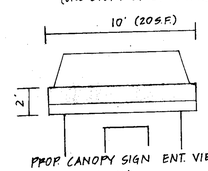
BLDG. ELEV. FACING LACKAWANNA AVE.
SCALE: 1" = 5'
(ONE STORY BRICK BLDG.)



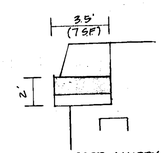
STANDARD PRECAST CONCRETE BUMPER DETAIL (N.T.S.)



PROP. CANOPY SIGN E. JOPPA ROAD VIEW
SCALE: 1" = 5'
(SINGLE FACED/ILLUMINATED)



PROP. CANOPY SIGN ENT. VIEW
SCALE: 1" = 5'



PROP. CANOPY SIGN
LACKAWANNA AVE. VIEW
SCALE: 1" = 5'

PLANT LIST

Quantity	Description
9	ULMUS PARVIFOLIA 'ALLEE' - ELM 2" CALIPER
2	PRUNUS YEDOENSIS - YOSHINO CHERRY 1 1/2" CALIPER
3	PINUS STROBUS - WHITE PINE 7' - 8'
17	CUPRESSOCYPARIS LEYLANDI - LEYLAND CYPRESS #3
14	VIBURNUM RHYTIDOPHYLLOIDES - WILLOWOOD #5
20	PRUNUS LAUROCERASUS 'OTTO LUYKEN' #5
17	FORSYTHIA 'LYNWOOD GOLD' #3
25	PENNISETUM ALOPECUROIDES - FOUNTAINE GRASS 1 GAL.

ZONING HISTORY

76-174-ASPH SPECIAL HEARING TO PERMIT AUTOMOBILE ACCESSORY PARKING FOR A RESTAURANT USE ON THE REAR PORTION OF THE SITE. DENIED
VARIANCE TO PERMIT 26 PARKING SPACES IN LIEU OF THE REQUIRED 28 SPACES. DENIED
VARIANCE TO PERMIT REAR YARD SETBACK OF 0' IN LIEU OF THE REQUIRED 30' AND A SIDEYARD OF 20' IN LIEU OF THE REQUIRED 25'. DENIED

80-150ASPH VARIANCE TO PERMIT REAR YARD SETBACK OF 0' IN LIEU OF THE REQUIRED 30'. GRANTED (TO BE ABANDONED)
VARIANCE TO ALLOW 13 PARKING SPACES IN LIEU OF THE REQUIRED 25 SPACES. DENIED
ALLOW AN ACCESS DRIVE THROUGH D.R. 5.5 ZONED PROPERTY DENIED

83-50A VARIANCE TO PERMIT 10 SPACES IN LIEU OF THE REQUIRED 25 SPACES OR TO PERMIT 16 PARKING SPACES IN LIEU OF THE REQUIRED 25 SPACES. 16 SPACES GRANTED (TO BE ABANDONED)
TO ALLOW 6 OF THE REQUIRED SPACES TO BE 650' FROM THE BUILDING IN LIEU OF THE REQUIRED 500'. GRANTED (TO BE ABANDONED)
ALLOW TO ADD 4 TABLES AND 16 CHAIRS IN THE CARRY-OUT RESTAURANT. GRANTED (TO BE ABANDONED)

97-101-A VARIANCE TO ALLOW SIDEYARD SETBACKS OF 0' AND 7' IN LIEU OF THE REQUIRED 30'. GRANTED (TO REMAIN)

99-473-SPH SPECIAL HEARING REQUESTED TO APPROVE AN AMENDMENT TO PREVIOUSLY APPROVED SITE PLAN IN CASE NO. 97-101-A BUILDING SIZE CHANGED- WIDER AND SHORTER. GRANTED (TO BE ABANDONED)

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SUITE 101
TOWSON, MD 21286
(410)828-9060

DOCUMENTED PLAN TO
ACCOMPANY PETITIONS FOR RECLASSIFICATION,
SPECIAL EXCEPTION AND VARIANCE
#1722 EAST JOPPA ROAD
LOT NO. 2
"HOLLOPETER TRACT" 14/1
ELECTION DISTRICT NO. 9
COUNCILMANIC DISTRICT NO. 4
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'
JULY 29,2002 REV. 8/7/02
SHEET 2 OF 2 REV. 10/22/02
1 PLAN REVISED FEBRUARY 6, 2003

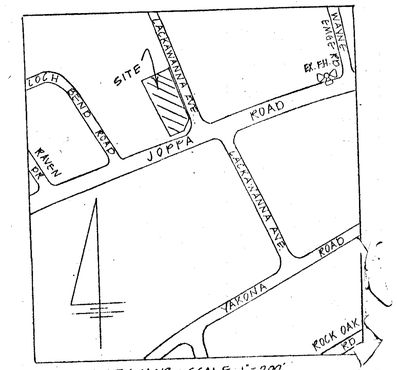
RECLASSIFICATION PETITION TO CHANGE EXISTING B.L.R. ZONING TO PROPOSED B.L. ZONING

SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE (RENTAL CAR FACILITY) PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS

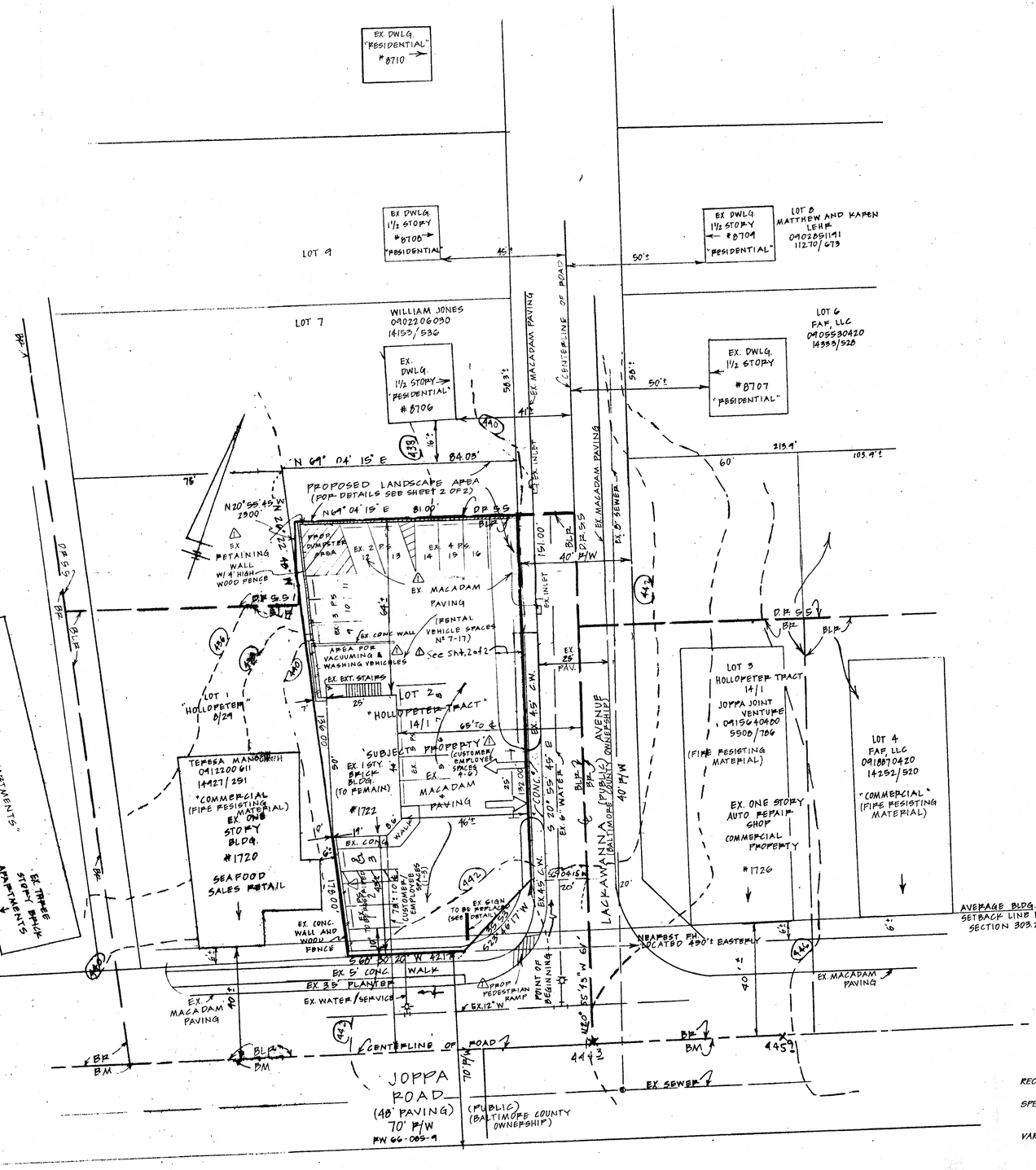
VARIANCE PETITION FROM B.C.Z.R. SECTION 450.A.5.b, TO PERMIT A FREESTANDING ENTERPRISE SIGN OF 80 SQUARE FEET IN LIEU OF THE REQUIRED 75 SQUARE FEET.

PET #1B
2/10/03

Pet # 1a



VICINITY MAP : SCALE 1" = 200'



OWNER: SARANDOS AND EVA MACRIS
109 TREGARONE ROAD
TIMONIUM, MARYLAND 21093
TAX MAP: 70 GRID: 12 PARCEL: 834
TAX ACCT. NO. 0923005530
DEED REF.: 5467/164

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SUITE 101
TOWSON, MD 21286
(410)828-9060

GENERAL NOTES

1. TOTAL SITE AREA: 0.31 AC.+/- OR 13,504 S.F.+/-
2. EXISTING ZONING: B.L.R. AREA: 0.275 AC.+/-
3. PROPOSES ZONING: B.L. AREA: 0.275 AC.+/-
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. NOT LOCATED IN THE 100 YEAR FLOODPLAIN AREA
6. LOCATED IN A TRAFFIC MORATORIUM AREA: AREA "F"
7. EXISTING USE FOR B.L.R. CARRYOUT RESTAURANT TO BE CONVERTED TO AN ENTERPRISE RENT-A-CAR FACILITY
8. PROPOSED USE FOR PROPOSED B.L.: ENTERPRISE RENT-A-CAR FACILITY
9. OFF-STREET PARKING REQUIRED: 1250 S.F. FOR EXISTING BUILDING
   △ SPACES REQUIRED: 3.3 PER 1,000 S.F. = 5 SPACES
   SPACES PROPOSED: 16 SPACES (INCLUDING 1 HANDICAP SPACE)
   CUSTOMER/EMPLOYEE SPACES: 6 OF 16 (DESIGNATED SPACES 1 THROUGH 6)
   STORAGE SPACES FOR RENTAL VEHICLES: 11 OF 16 (DESIGNATED SPACES 7 THROUGH 16)
10. △ PARKING SPACE DIMENSIONS:
   REGULAR SPACE: 8.5' X 18'
   HANDICAP SPACE: 12' X 18'
11. NUMBER OF EMPLOYEES: MAXIMUM NUMBER ON SITE AT ONE TIME: 5 EMPLOYEES
   MAXIMUM NUMBER OF EMPLOYEES OVERALL: 10 EMPLOYEES
12. EXISTING FREESTANDING SIGN ON PROPERTY TO BE REPLACED WITH PROPOSED SIGN (SEE DETAIL SHEET 2 OF 2)
   PROPOSED CANOPY SIGN DETAIL (SEE SHEET 2 OF 2)
13. ZONING HISTORY: HISTORY DETAIL (SEE SHEET 2 OF 2)
14. EXTERIOR BRICK BUILDING TO REMAIN
15. FLOOR AREA RATIO: 1250 S.F./13,504 S.F. = 0.092 < 2.0
16. NO EMPLOYEE OR CUSTOMER PARKING ON LACKAWANNA AVENUE
17. ALL EXTERIOR LIGHTING WILL BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTIES
18. OFFICE HOURS: MONDAY THROUGH FRIDAY: 7 A.M. - 7 P.M.
   SATURDAY: 8 A.M. - 6 P.M.
   SUNDAY: 8 A.M. - 6 P.M.
19. AFFIX DUMPSTER TO A CONCRETE PAD AND PROVIDE A BOARD ON BOARD FENCE TO SCREEN THE DUMPSTER TO BE LOCATED ON THE NORTH SIDE OF THE SITE.
20. OWNER IS RESPONSIBLE FOR THE CARE AND MAINTENANCE OF LANDSCAPING
21. THE OWNER SHALL SUBMIT FOR REVIEW AND APPROVAL A LANDSCAPE PLAN TO THE COUNTY'S LANDSCAPE ARCHITECT. THE DETAILS OF THIS PLAN SHALL BE AGREED BY THE OWNER AND THE COUNTY'S ARCHITECT
22. UNTAGGED VEHICLES WILL NOT BE STORED ON THE SITE OR ON THE PUBLIC STREET NEARBY
23. NO VEHICLES SHALL BE SOLD FROM THIS LOCATION
24. CUSTOMER CARS ARE NOT TO BE TEST DRIVEN THROUGHOUT THE NEIGHBORHOOD
25. THERE SHALL BE NO UNDERGROUND TANKS OR SALE OF FUEL ON THE SITE
26. THERE IS NO CHANGE IN THE LEVELS OF EMANATIONS.
27. PAVING SURFACE MUST BE DURABLE AND DUSTLESS AND BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS, PER B.C.Z.R. SECTION 409.8.A.2.
28. ALL PARKING SPACES MUST BE STRIPED, PER B.C.Z.R. SECTION 409.8.A.6
29. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING, PER B.C.Z.R. SECTION 409.8.A.3
30. THERE WILL BE NO STORAGE ON SITE OF DAMAGED OR DISABLED VEHICLES PER BCZR, SECTION 405.4.
31. △ ALL USES PERMITTED BY RIGHT IN THE B.L.R. ZONE SHALL STILL PERTAIN TO SITE.

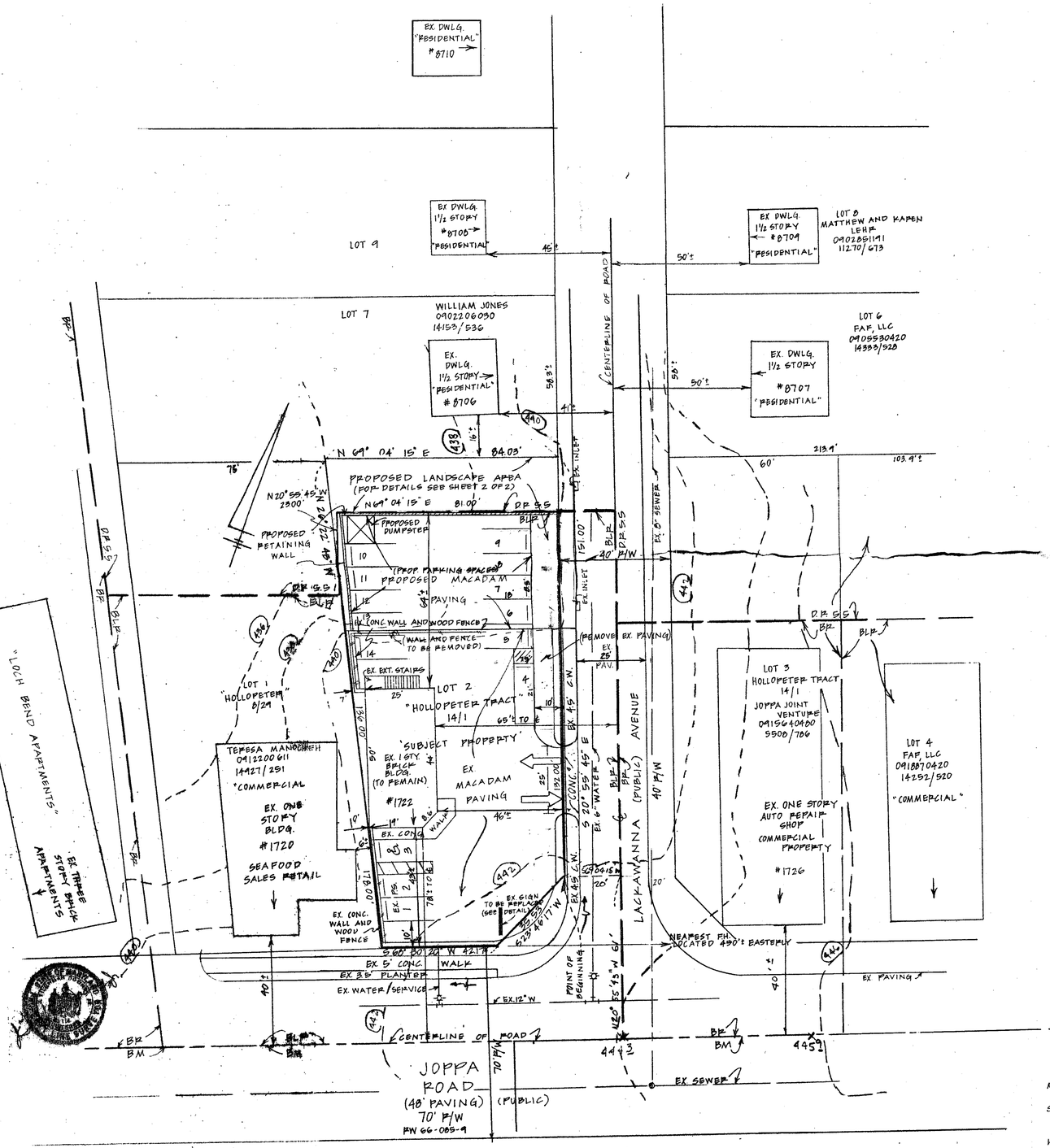
DOCUMENTED PLAN TO
ACCOMPANY PETITIONS FOR RECLASSIFICATION,
SPECIAL EXCEPTION AND VARIANCE
#1722 EAST JOPPA ROAD
LOT NO. 2
"HOLLOPETER TRACT" 14/1
ELECTION DISTRICT NO. 9
COUNCILMANIC DISTRICT NO. 4
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'
JULY 29, 2002
SHEET 1 OF 2
REVISED 8/7/02
REVISED 10/22/02
△ PLAN REVISED FEBRUARY 6, 2003

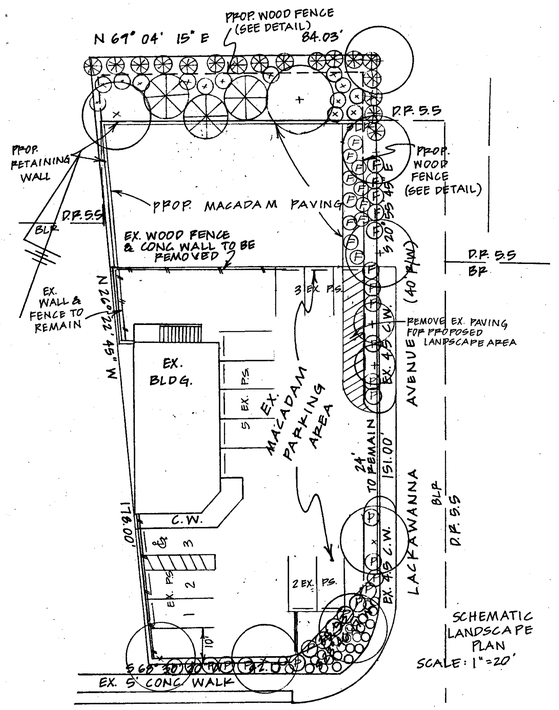
RECLASSIFICATION PETITION TO CHANGE EXISTING B.L.R. ZONING TO PROPOSED B.L. ZONING

SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE (RENTAL CAR FACILITY) PURSUANT TO SECTION 230.12 OF THE BALTIMORE COUNTY ZONING REGULATIONS

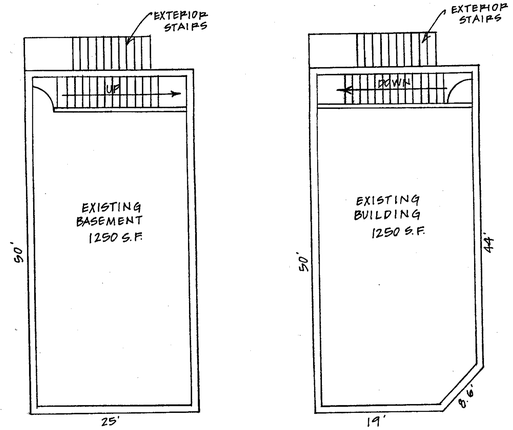
VARIANCE PETITION FROM B.C.Z.R. SECTION 450.4.5.b. TO PERMIT A FREESTANDING ENTERPRISE SIGN OF 80 SQUARE FEET IN LIEU OF THE REQUIRED 75 SQUARE FEET.

PET #1A
2/12/03

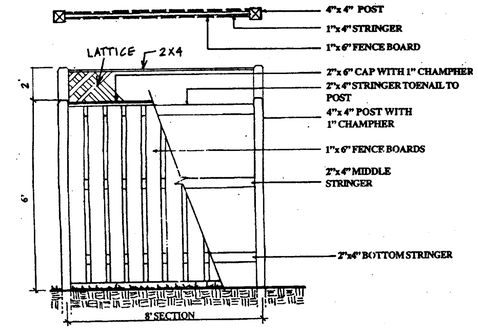

EX. DWLG. "RESIDENTIAL" #8710
EX DWLG. 1½ STORY #8708 "RESIDENTIAL"
LOT 9
EX DWLG. 1½ STORY #8709 "RESIDENTIAL"
LOT 8 MATTHEW AND KAREN LEHR 0902051191 11270/673
LOT 7
WILLIAM JONES 0902206030 14153/536
LOT 6 FAF, LLC 0905530420 14333/520
EX. DWLG. 1½ STORY #8706 "RESIDENTIAL"
EX. DWLG. 1½ STORY #8707 "RESIDENTIAL"
CENTERLINE OF ROAD
N 69° 04' 15" E 84.03'
PROPOSED LANDSCAPE AREA (FOR DETAILS SEE SHEET 2 OF 2)
N 69° 04' 15" E 81.00'
N 20° 55' 45" W 230.0'
PROPOSED DUMPSTER
PROPOSED RETAINING WALL
(PROP. PARKING SPACES)
PROPOSED MACADAM PAVING
EX. CONC. WALL AND WOOD FENCE
(WALL AND FENCE TO BE REMOVED)
EX. EXT. STAIRS
LOT 1 "HOLLOPETER" 8/29
LOT 2 "HOLLOPETER TRACT" 14/1
"SUBJECT PROPERTY"
EX. 1 STY. BRICK BLDG. (TO REMAIN)
EX MACADAM PAVING
TERESA MANOUKEH 0912200611 14427/291 "COMMERCIAL"
EX. ONE STORY BLDG. #1720 SEAFOOD SALES RETAIL
"HOLLOPETER BEND APARTMENTS"
EX. THREE STORY BRICK APARTMENTS
EX. SIGN TO BE REPLACED (SEE DETAIL)
EX. CONC. WALL AND WOOD FENCE
S 60° 30' 20" W 42.17'
EX. 5' CONC. WALK
EX. 3.5' PLANTER
EX. WATER SERVICE
EX. 12" W
POINT OF BEGINNING
CENTERLINE OF ROAD
JOPPA ROAD (48' PAVING) (PUBLIC) 70' R/W
PW 66-085-9
EX. SEWER
(REMOVE EX. PAVING)
EX. 25' PAV.
LACKAWANNA AVENUE (PUBLIC) 40' R/W
EX. 45' C.W.
EX. 8" SEWER
EX. 6" WATER
EX. 15" C.P.
EX. 15" INLET
EX. 15" C.P.
EX. 15" C.P.
EX. 15" C.P.



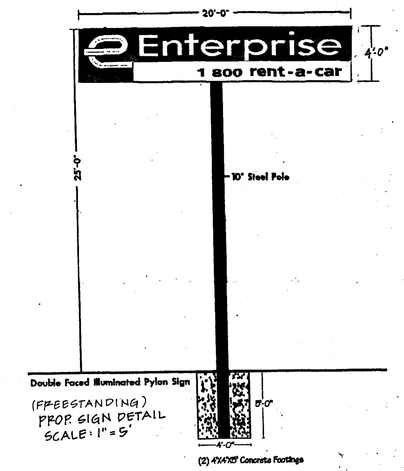
SCHEMATIC LANDSCAPE PLAN
SCALE: 1"=20'



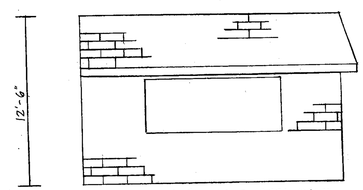
EXISTING BUILDING DIMENSIONS
SCALE: 1" = 10'



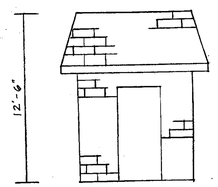
WOOD FENCE/ELEVATION PLAN
(NO SCALE)



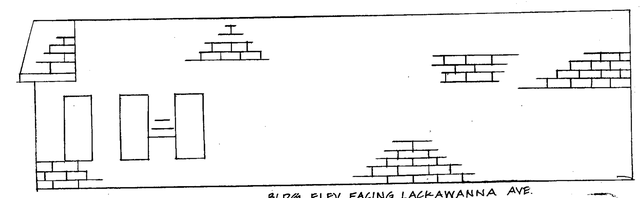
(FREESTANDING)
PROP. SIGN DETAIL
SCALE: 1"=5'



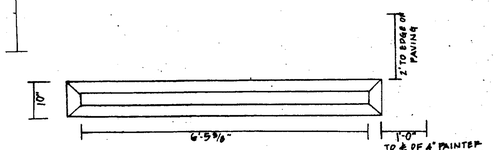
BLDG. ELEV. FACING E. JOPPA ROAD
SCALE: 1"=5'
(ONE STORY BRICK BLDG.)



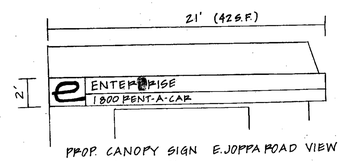
BLDG. ELEV. ENTRANCE
SCALE: 1"= 5'
(ONE STORY BRICK BLDG.)



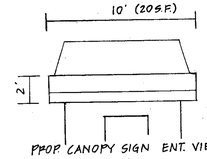
BLDG. ELEV. FACING LACKAWANNA AVE.
SCALE: 1"=5'
(ONE STORY BRICK BLDG.)



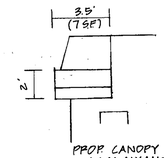
STANDARD PRECAST CONCRETE BUMPER DETAIL (N.T.S.)



PROP. CANOPY SIGN E. JOPPA ROAD VIEW
SCALE: 1" = 5'
(SINGLE FACED/ILLUMINATED)



PROP. CANOPY SIGN ENT. VIEW
SCALE: 1" = 5'



PROP. CANOPY SIGN
LACKAWANNA AVE. VIEW
SCALE: 1" = 5'

PLANT LIST

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ELECTION DISTRICT NO. 9
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SCALE: 1" = 20'
JULY 29,2002 REV. 8/7/02
SHEET 2 OF 2

RECLASSIFICATION PETITION TO CHANGE EXISTING B.L.R. ZONING TO PROPOSED B.L. ZONING

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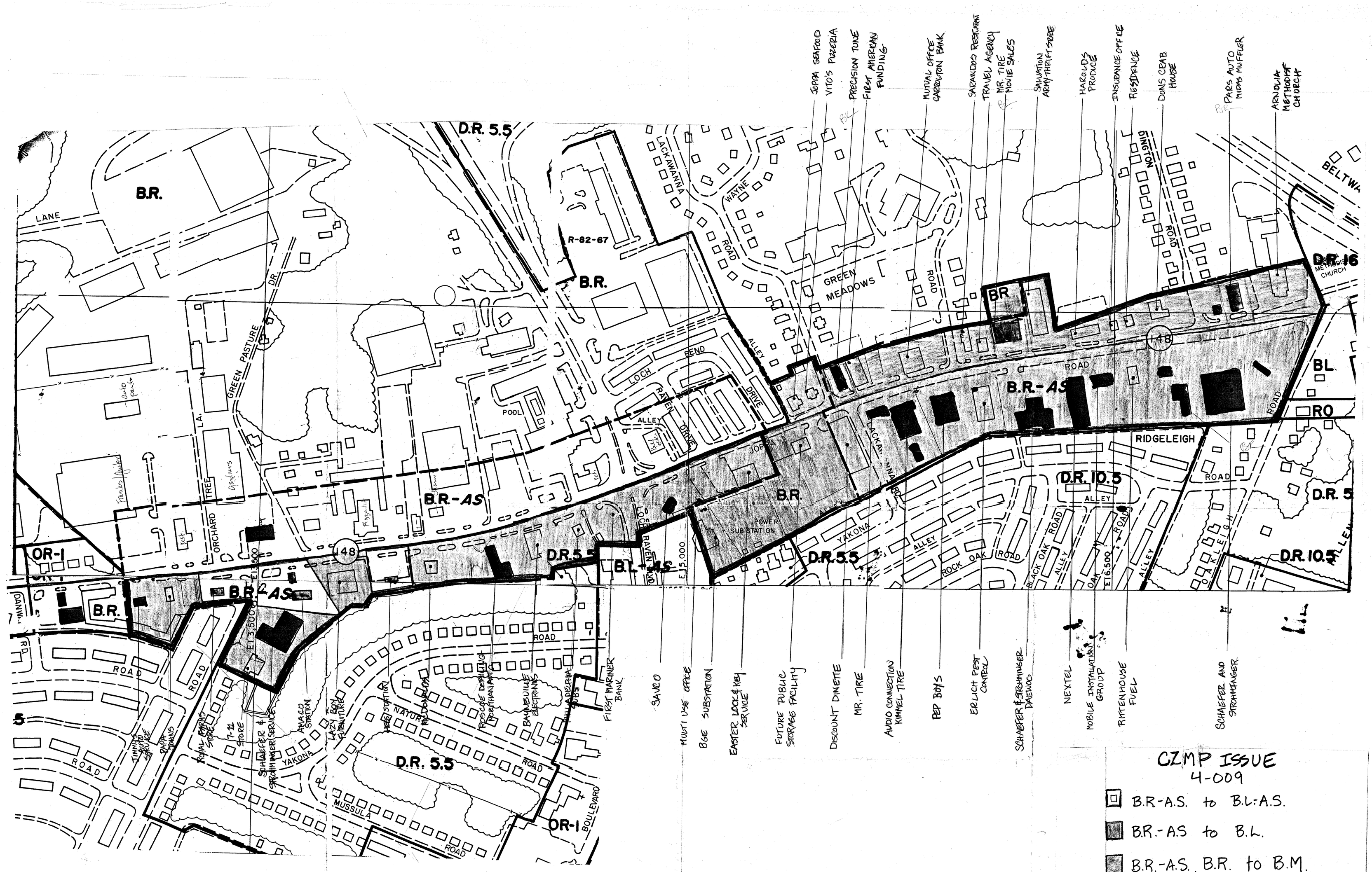
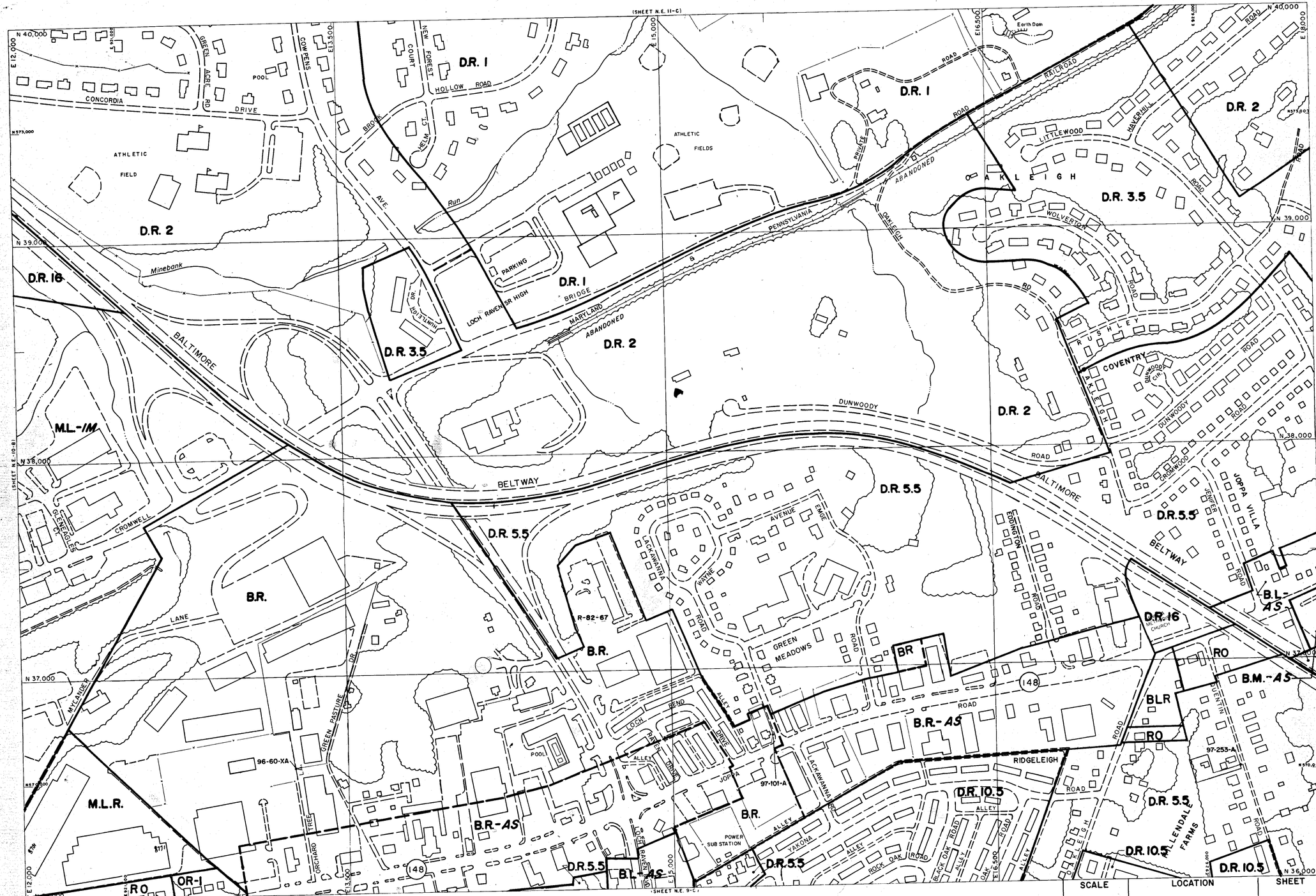


CZMP ISSUE
4-009

- B.R.-A.S. to B.L.-A.S.
- B.R.-A.S to B.L.
- B.R.-A.S., B.R. to B.M.
- B.R.-A.S., B.R. to B.L.R.
- * Nonconforming Use

4-009

PET #8
2/14/90



N - NW N - NE
R - SW R - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	OAKLEIGH BAYNESVILLE	N.E. 10-C
DATE OF PHOTOGRAPHY JANUARY 1986		

DRAWING NUMBER

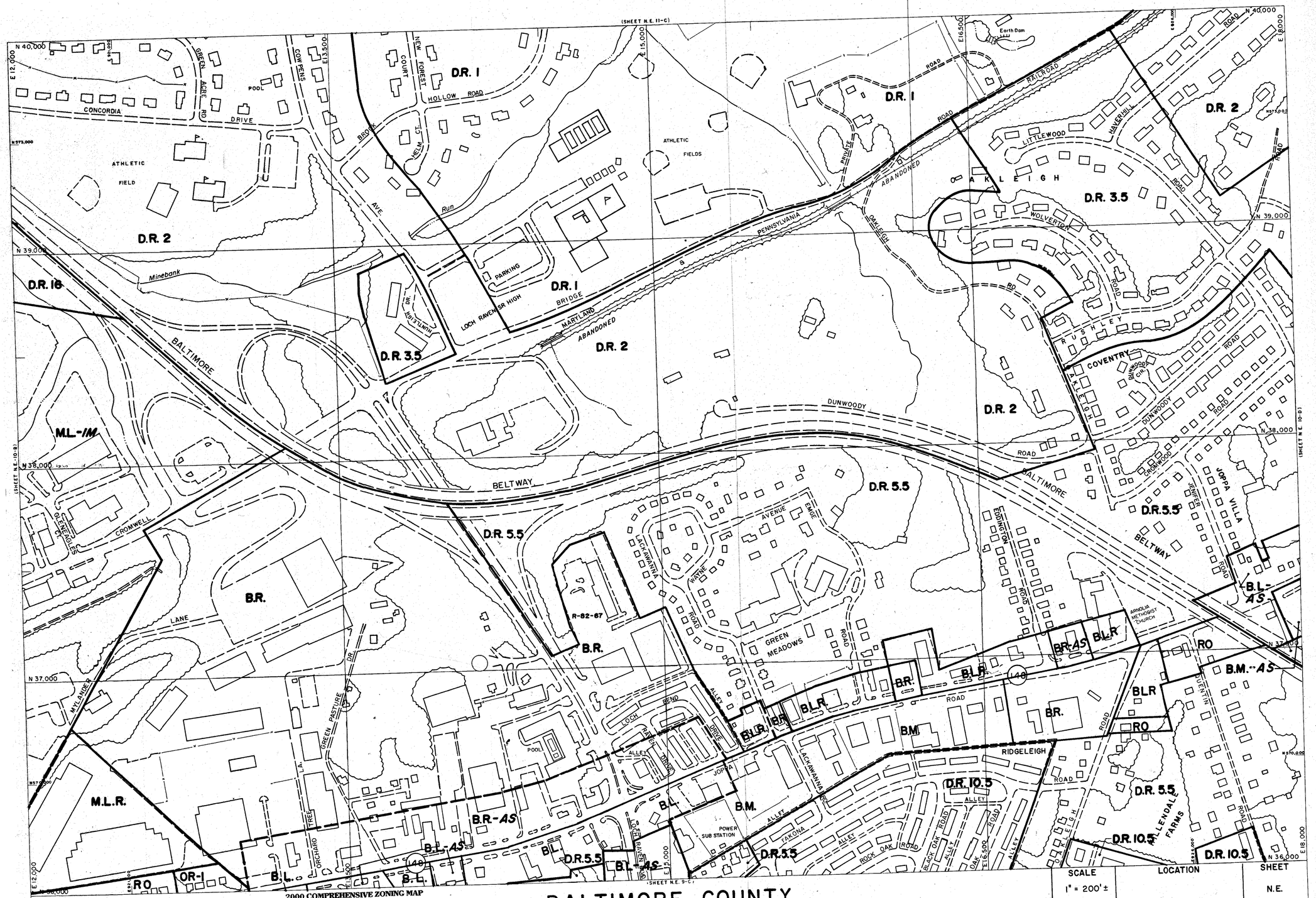
DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER
NE 10-C

PLAN HOLD CORPORATION - IRVINE, CALIFORNIA

PET #9
2/13/03



N - NW N - NE
R - SW R - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	OAKLEIGH BAYNESVILLE	N.E. 10-C
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 10 C

PET #10
2/13/03

LOT 9

LOT 8
MATTHEW AND KAREN LEHR
0902851191
11270/673

LOT 7
WILLIAM JONES
0902206030
14153/536

EX. DWLG.
1½ STORY
"RESIDENTIAL"
#8706

LOT 6
FAF, LLC
0905530420
14333/528

EX. DWLG.
1½ STORY
#8707
"RESIDENTIAL"

N 69° 04' 15" E 84.03'

75'

N 26° 22' 48" W

58.3'±

58'±

213.9'

60'

103.9'±

EX. INLET

D.R. 5.5
BLR

151.00'

40' P/W

D.R. 5.5
BLR

D.R. 5.5
BLR

D.R. 5.5
BR

BLR

25' PAV.

LOT 1
"HOLLOPETER"
8/29

LOT 2
"HOLLOPETER TRACT"
14/1
'SUBJECT PROPERTY'

LOT 3
HOLLOPETER TRACT
14/1
JOPPA JOINT VENTURE
0915640480
5508/786

EX. ONE STORY AUTO REPAIR SHOP
COMMERCIAL PROPERTY
#1726

LOT 4
FAF, LLC
0918870420
14252/520
"COMMERCIAL"

TERESA MANOCHEH
0912200611
14927/251
"COMMERCIAL"

EX. ONE STORY BLDG.
#1720
SEAFOOD SALES RETAIL

EX. THREE STORY BRICK APARTMENTS

178.00'

C.W.

EX. 4.5' C.W.

CONC.

S 20° 55' 45" E

LACKAWANNA AVENUE (PUBLIC)

40' P/W

S 69° 04' 15" W
20'

EX. 4.5' C.W.

35.53'
S 23° 46' 17" W

S 66° 30' 20" W 42.17'

EX. 5' CONC. WALK

EX. 3.5' PLANTER

EX. WATER/SERVICE

EX. 12" W

POINT OF BEGINNING

S 55° 45" W 61'

N 20°

40'±

40'±

BLR
BM

CENTERLINE OF ROAD

BR
BM

4443

4452

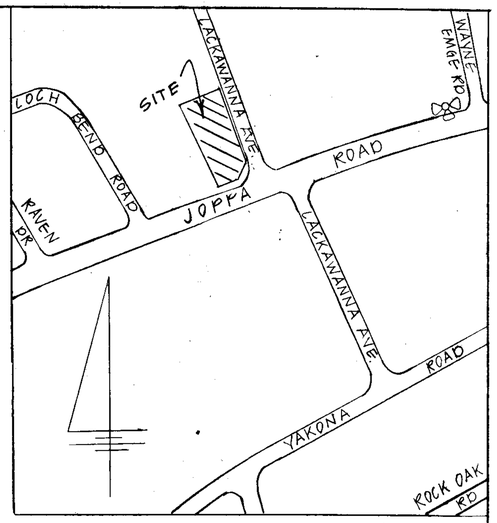
EX SEWER

JOPPA ROAD
(48' PAVING) (PUBLIC)
70' P/W
PW 66-005-9

70' P/W

STATE OF MARYLAND
A. RICHMAN DOWNEY
No. 11
PROFESSIONAL
LINE SURVEYOR

PREPARED OF PLAN:
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060



VICINITY MAP : SCALE : 1" = 200'

GENERAL NOTES

1. TOTAL SITE AREA: 0.31 Ac.± OR 13,506 S.F.±
2. EXISTING ZONING: AREA B.L.R. = 0.27 Ac.±
   AREA D.R. 5.5 = 0.04 Ac.±
3. PROPOSED ZONING: AREA B.M. = 0.27 Ac.± OR B.R.
   AREA D.R. 5.5 = 0.04 Ac.±
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. NOT LOCATED IN 100 YEAR FLOODPLAIN AREA.
6. NOT LOCATED IN A MORATORIUM AREA.

See revised Documented Plan

UNDOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION
"OPEN" PLAN
#1722 E. JOPPA ROAD
LOT Nº 2
ELECTION DISTRICT Nº 9 C4
BALTIMORE CO, MD
SCALE: 1" = 20'
FEBRUARY 25, 2002

TAX MAP: 70 GRID: 12 PARCEL: 834
OWNER: SARANDOS & EVA MACRIS
109 TREGARONE ROAD
TIMONIUM, MD 21093
ACCT. Nº: 0923005530
DEED REF: 5467-164

#5493

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 12, 2002 Issue - Jeffersonian

Please forward billing to:
Robert A Hoffman Esquire
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6262

NOTICE OF ZONING RECLASSIFICATION HEARING
OUT OF CYCLE

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Lawrence S. Wescott
GDZ

Lawrence S. Wescott
Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.

Reports by Officers and Committees

Other business

3. Status report on legislative actions by the County Council

Adjournment of the Board meeting

****

* This Tentative Agenda, published May 29, 2002, is subject to review and modifications at the meeting. Copies of the agenda and of the enclosures, if any, are being sent to the following libraries: Arbutus, Catonsville, Cockeysville, Essex, Hereford, Loch Raven, North Point, Parkville, Perry Hall, Pikesville, Randallstown, Reisterstown, Rosedale, Towson, White Marsh, and Woodlawn.

** For each agenda item marked with a double asterisk, there is a separate sign up sheet, posted in the hallway outside the meeting room, on which citizens may register to address the Planning Board (for themselves or as representatives of organizations or clients). The Chairman will announce the point(s) during the Board's deliberations (generally, after the presentation by the county staff and/or the applicant), at which this testimony will be received. The specific rules of procedure for the testimony are also posted in the hallway.

If, because of a disability, you need a reasonable accommodation such as service or aid to participate in this event, please call the Office of Planning at 410-887-3495 or via TTY, at 1-800-735-2258 or 711, at least two working days before the event.

AFK:TD:td

Introduction

Under the provisions of Section 2-356(e) of the Baltimore County Code, the Director of Planning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show indications of the inter-relation of petitions with respect to planning considerations.

2. Recommendations on the petitions.

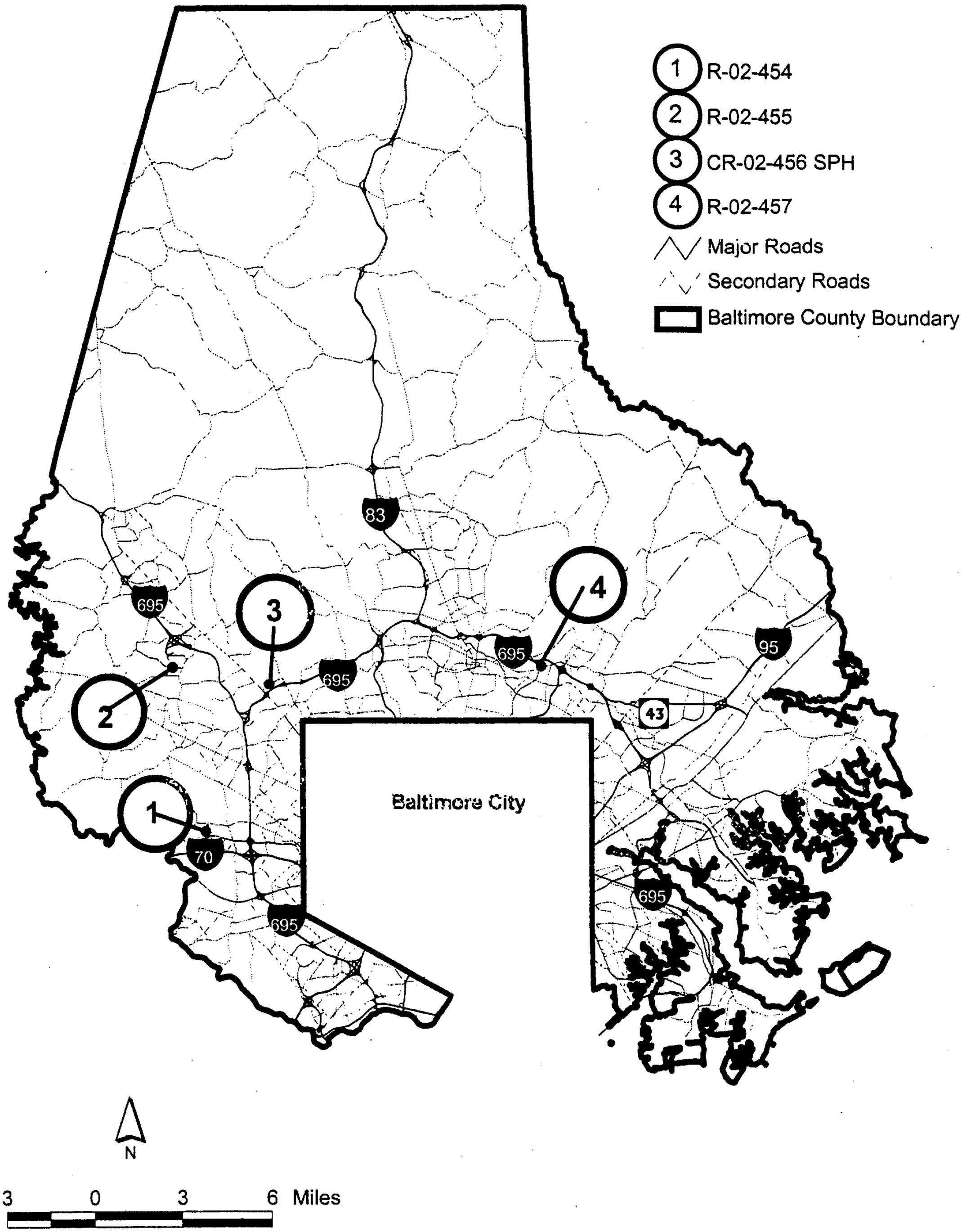
3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.

4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The four petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning's analysis and recommendations. The process of formulating these recommendations included staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan, and a review of the 2000 Comprehensive Zoning Map Process. Comments also were requested from other County agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering and Transportation Planning.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the Baltimore County Code. During the first cycle following the Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 10, 2000] was established in error."

Location of Properties Under Petition
Cycle 3 - April 2002 ----- October 2002



w8/wrkgrps/opz/jen/av-projects2002/lynn/properties.apr

MASTER PLAN/COMMUNITY PLAN:

The proposed Land Use Map (map 39) in *Master Plan 2010*, adopted by the County Council on February 22, 2000, indicates the proposed land use for the subject site is designated commercial. The site is located within a community conservation area.

PROPOSED vs. EXISTING ZONING:

Regulations for B.L.R and B.R. zones may be found in Sections 229 and 236 respectively, in the Baltimore County Zoning Regulations (BCZR)

The BLR zone permits various retail and service uses, some of which may be of a larger scale such as a supermarket, up to 80,000 sq. ft

The BR zone permits development of a wide range of commercial and non-commercial uses in addition some quasi-industrial uses.

OFFICE OF PLANNING RECOMMENDATION:

This property was raised as an issue as part of the 2000 Comprehensive Zoning Map Process (issue #4-009). The owner of the property sought and received a special exception for a service garage prior to the adoption of the 2000 comprehensive zoning maps. The Council did not know this information at the time that the maps were adopted. Therefore, based on the information provided and the analysis conducted, the Office of Planning recommends the zoning be changed to the BM classification.

Baltimore County
Office of Planning
May, 2002

N

1:4800

100 0 100 200 Feet

Case Number R-02-457
Sarandos
1722 East Joppa Road

Site

Digital Orthophotography
Eyemap R1 Baltimore County, MD
Color Type: Natural Color
Map Scale: 1:2,400 (1"= 200')
Ground Resolution: 1.00 US Survey Ft (0.30 meters)
Projection: MD State Plane
Datum: NAD 1983
Source Photography: Spring 1998 (partial County), 2000

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Herndon, Virginia

w8/wrkgrps/opz/jen/av_projects2002/lynn/properties.apr

MITCHELL J. KELLMAN
3907 Esgarth Way
Owings Mills, Maryland 21117
(H) 410-998-9118 (W) 410-296-3333

Education and Associations: High School Diploma, 1978, Milford Mill Sr. High School, Baltimore, Maryland. Bachelors Degree, Geography and Environmental Planning, Concentration in Urban Planning, 1983, Towson State University, Towson, Maryland. Masters Degree, Geography and Environmental Planning, Concentration in Urban Planning, Proficiency Certificate in Urban Planning, 1987, Towson State University. Member of Gama Theta Epsilon (International Geographic Honor Society), 1985-1987. Member of American Planning Association, Present.

Work Experience:

August 2000 to Present

Daft-McCune-Walker, Inc.
Zoning Specialist
Responsibilities: Testify at Zoning and Development Hearings within Baltimore County and other jurisdictions. Process Final Development Plans and Record Plats. Represent Company at Development Review Committee Meetings. Advise clients and staff on Zoning and Development Regulations. Manage projects that are Zoning Variance, Special Hearing, Special Exception, and Zoning Reclassification Requests.

January 1988 to August 2000

Baltimore County Office of Permits and Development Management – Development Control (formerly Baltimore County Zoning Office), Towson, Maryland.
Planner II (January 1989 to Present)
Planning and Zoning Associate III (January 1988 to January 1989)
Responsibilities: Review, approve and sign on behalf of the Director Final Development Plans and Record Plats, in accordance with Baltimore County Zoning and Subdivision Regulations and County Review Group standards and comments. Approve County Review Group plans per Zoning Office compliance. Act as Zoning Office representative for Development Review Committee (DRC). Supervise Planning Associate II's and III's on special projects. Review petitions and site plans filed for zoning hearing approvals. Develop guidelines and checklists for approval procedures within Zoning Office. Operate computer terminal for final permit processing and approval. Meet with professionals and public on development projects to be approved by the County. Meet with other Baltimore County agencies on various projects. Act as Office representative at Economic Development meetings for special projects. Negotiate timelines with developers and engineers for select projects and act as "team leader" and project manager by supervising review staff to assure compliance and deadlines are met. Act as office coordinator on building permit intake for all work within tidal and non-tidal floodplains. Coordinate with the State on possible floodplain violations. Advise the public and other County agencies on State floodplain regulations and building codes. Revise the Zoning Commissioner's Policy Manual (ZCPM).

January 1987 to January 1988

Baltimore County Office of Planning and Zoning
Planning and Zoning Associate II
Responsibilities: Assist the public with current zoning regulations and permit processing and approval. Review miscellaneous commercial site plans and permits for approval. Research previous zoning hearing cases for relating, pending permit applications. Approve new dwelling permits and minor residential permits for final approval.

January 1984 to May 1986

State Highway Administration, Baltimore, Maryland
Planning Technician
Responsibilities: Data input and cost analysis for the Consolidated Transportation Program (CTP) and Interstate Cost Estimate (ICE). Review computer printouts for construction, planning and engineering costs for the aforementioned projects. Light drafting and engineering. Attend meetings with supervisor and computer programmer on ways to improve existing programs and implement new ones.

Additional Education and Training:

Community Relations Seminar – 10 hours, State Highway Administration, May, 1985
Project Management Seminar – 7 hours, Baltimore County permits and Licenses, April, 1994
Floodplain Management – 14 hours, FEMA, September, 1994
Forest Buffer Seminar – 2 hours, Daft-McCune-Walker, Inc., December, 2001

PET #14
2/13/03