IN RE: **PETITION FOR SPECIAL EXCEPTION** W/S York Road, 148' S of the c/l Stevenson Lane **(7208 York Road)** 9th Election District 5th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 06-295-X
Enfield Realty, Inc., Owners; BMD Tanning, LLC, Contract Lessees Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Enfield Realty, Inc., and the Contract Lessees, BMD Tanning, LLC, through their attorney, C. William Clark, Esquire. The Petitioners request a special exception to use the subject property for a personal services establishment (tanning salon) community building, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the amended site plan submitted at the hearing, which was accepted into evidence and marked as Petitioner's Exhibit 1B.

Appearing at the requisite public hearing in support of the request were Joseph F. Cox, agent for Enfield Realty, Inc., property owners, Rick Maffezzoli of BMD Tanning, LLC, Contract Lessees, and Todd Layton of The Tan Company. Also appearing were Rick Richardson of Richardson Engineering, LLC, the consultants who prepared the site plan, and C. William Clark, Esquire, attorney for the Petitioners. Don Gerding of the Rodgers Forge Community Association attended the hearing, but did not oppose the Petition for reasons discussed below.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located with frontage on the west side of York Road, just south of that road's intersection with Stevenson Lane in Rodgers Forge. The property contains a gross area of 13,417 sq.ft., zoned B.L.-A.S., and is improved with a one-story building, which was previously occupied by a High's store and is currently vacant. BMD Tanning, LLC (hereinafter referred to as BMD)

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Date 1/2/06
By

has contracted to lease the building and proposes operating a tanning salon with 10 – 14 beds of varying styles and levels of intensity, all of which are UL approved. Testimony indicated that BMD expects some associated retail sales of lotions, protective devices and similar items, all of which are safe products. In addition, the Petitioners will have a laundry machine and dryer on the premises for laundering towels and other cloth products. Given the zoning of the property, a special exception is necessary in order to proceed.

On behalf of the Petitioners, Mr. Clark proffered that the County has traditionally treated these establishments as uses falling under the category of "community buildings" which are uses permitted by special exception in the B.L. zone. Previous decisions of the Zoning Commissioner's Office confirm that (see Case No. 06-213-SPHX and 05-333-X). Mr. Clark noted that the use of the subject property as proposed is consistent with other uses in the vicinity. To the north of the subject site is a Crown gasoline station, which operates 24 hours a day, 7 days a week (see Petitioner's Exhibit 4), and to the south, is a small shopping center, which consists of two buildings. One building is occupied by a Royal Farms store, which also operates 24 hours a day, 7 days a week. The other building contains a dry cleaning business, a Rita's Italian Ice, and a small Chinese restaurant and carryout. The proposed tanning salon would operate 7 days a week, from 7:00 AM to 11:00 PM. Mr. Clark indicated that the peak hours for customers would be late in the morning and in the evening, after normal work hours for most businesses. In addition, clients for the salon would ordinarily be in the building for less than one-half hour, due to the customary practices in the industry. Thus, there will be no impact on traffic or parking. In this regard, the plan shows that 12 parking spaces would be designated for the salon, two of which will be for employee parking.

Further testimony indicated that minor improvements would be made to the existing building to accommodate the proposed use. However, Mr. Clark noted that he has reviewed the proposal with the adjacent Rodgers Forge Community Association and they are not opposed to the request. Moreover, a handwritten letter containing certain agreements between the Petitioner and the Association was offered into evidence as Community Exhibit 1, and forms the basis for the

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Date 1/29/06
By

conditions imposed on the use as set forth below. In this regard, testimony was received regarding an existing freestanding sign. The Office of Planning had requested that the existing sign be removed and replaced with a smaller, ground-mounted or monument style sign. The Petitioners believed that the existing sign was necessary to assist customers trying to locate this new business near the busy intersection of York and Stevenson Roads and the Association concurred. Thus, I will not require removal of the existing sign.

After due consideration of all of the testimony and evidence presented in this case, I am persuaded to grant the requested relief. The proffered testimony of Mr. Richardson, who qualifies as an expert in zoning and land development, was persuasive to a finding that the proposed use meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and will not adversely impact the surrounding locale. I further find that the proposed use is consistent with and will complement the other businesses in the vicinity, and that sufficient parking exists to support the use. Finally, I find that the existing sign is appropriate for this site and need not be replaced.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 27th day of January 2006, that the Petition for Special Exception to use the subject property for a personal services establishment (tanning salon) community building, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building/use permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Operating hours for the Tanning Salon shall be limited to 7 days a week, from 7:00 AM to 11:00 PM.

3) There shall be no tattooing, body piercing, or acupuncture performed on the premises.

ORDER RECEIVED FOR FILING
Date 1/27/06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 27, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL EXCEPTION**
W/S York Road, 148' S of the c/l Stevenson Lane
(7208 York Road)
9th Election District – 5th Council District
Enfield Realty, Inc., Owners; BMD Tanning, LLC, Contract Lessees - Petitioners
Case No. 06-295-X

Dear Mr. Clark:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Rick Maffezzoli, c/o Golds Gym, 400 N. Center Street, Westminster, Md. 21157
Mr. Todd Layton, 11 Champion Drive, Fenton, Md. 63026
Mr. Joseph F. Cox, 647 Charles Street Avenue, Towson, Md. 21204
Mr. Donald Gerding, 335 Old Trail Road, Baltimore, Md. 21212
Ms. Lauren Taylor, Patuxent Publishing, 409 Washington Avenue, Towson, Md. 21204
Office of Planning; People's Counsel; Case File

5th Councilmanic District
9th Election District

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7208 York Road

which is presently zoned BL

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a personal service establishment (tanning salon) ~~in~~ as a community building pursuant to Section 230.13 of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

BMD Tanning, LLC t/a The Tan Company
BY:
Name - Type or Print Rick Maffezzoli, Mgr. Member
Signature
400 N. Center Street 410-848-5007
Address Telephone No.
Westminster, MD 21157
City State Zip Code

Legal Owner(s):

Enfield Realty, Inc.
BY:
Name - Type or Print
Signature - AGENT
JOSEPH F. COX
Name - Type or Print
Signature
3611 Roland Ave.
Address Telephone No.
Baltimore, MD 21211
City State Zip Code

Attorney For Petitioner:

C. William Clark, Esq.
Name - Type or Print
Signature
Nolan, Plumhoff & Williams, Chtd.
Company
502 Washington Ave. 410-823-7800
Address Telephone No.
Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Richardson Engineering , Inc.
Name
110 Old Padonia Road, Suite LC 410-560-1502
Address Telephone No.
Cockeysville, MD 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING —
UNAVAILABLE FOR HEARING —
Reviewed By ATD **Date** 12/07/05

Case No. CG-295-X

UNDER REVIEW FOR FILING
Date 12/2/06
By
Rev 09/15/98

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
7208 YORK ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the west side of York Road, a right- of-way (66) feet in width, approximately 148 feet to the center line intersection of York Road and Stevenson Lane, a right-of-way (70) feet in width, thence running and binding on the west side of the York Road right-of-way (1) South 12 degrees 17 minutes 00 seconds West 117.00 feet, thence leaving York Road, (2) North 78 degrees 08 minutes 00 seconds West 142.53 feet to the east side right-of-way of Old Trail, a right-of-way (60) feet in width, thence running and binding on the east side of the Old Trail right-of-way, (3) North 12 degrees 17 minutes 00 seconds East 71.27 feet, thence leaving Old Trail, (4) South 84 degrees 07 minutes 00 seconds West 150.00 feet to the point of beginning.

Containing a net area of 0.3079 acres or 13,416 square feet of land, more or less.

12/7/05

PC 295 X

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-295-X
7208 York Road
West side of York Road, 148 feet south of centerline of Stevenson Road
9th Election District - 5th Councilmanic District
Legal Owner(s): Enfield Realty, Inc.
Contract Purchaser: BMD Tanning, LLC (Rich Maffezzoli), t/a The Tan Company

Special Exception: to allow a personal service establishment (tanning salon) as a community building.

Hearing: Thursday, January 19, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT1/625 Jan.3 79729

CERTIFICATE OF PUBLICATION

1/6/, 2006

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 1/3/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

06-295-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1564

DATE 12 07 05 ACCOUNT R001 000 616

AMOUNT $ 350.00

RECEIVED FROM: NOLAN PLUCHINSKI WILLIAMS
7205 MOUNT RD

FOR: C. PPC EXCEPTION

5727

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
12/01/2005
[illegible]
DISTRICT [illegible]
[illegible]
[illegible] 01544
Amt Tot $350.00
$350.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-295-X

Petitioner/Developer: BMD TANNING, LLC

Date of Hearing/Closing: 1/19/06

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

ATTN: KRISTEN MATTHEWS

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 7208 YORK RD

The sign(s) were posted on 1/3/06
(Month, Day, Year)

Sincerely,

Robert Black 1/4/06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

7208 York Rd

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 19, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-295-X
7208 York Road
West side of York Road, 148 feet south of centerline of Stevenson Road
9th Election District, 5th Councilmanic District
Legal Owner: Enfield Realty, Inc.
Contract Purchaser: BMD Tanning, LLC (Rick Maffezzoli), t/a The Tan Company

Special Exception to allow a personal service establishment (tanning salon) as a community building.

Hearing: Thursday, January 19, 2006 @ 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

C: C. William Clark, Esq., Nolan, Plumhoff & Williams, Chtd., 502 Washington Ave., Towson, MD 21204
Enfield Realty, Inc., 3611 Roland Avenue, Baltimore, MD 21211
BMD Tanning, LLC, t/a The Tan Company, 400 N. Center St., Westminster, MD 21157

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 4, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 3, 2006 Issue - Jeffersonian

Please forward billing to: C. William Clark, Esq. (410-823-7800)
Nolan, Plumhoff & Williams, Chtd.
502 Washington Ave., Ste. 700
Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 06-295-X
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-295-X

Petitioner: BMD Tanning, LLC t/a The Tan Company

Address or Location: 7208 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark, Esquire

Address: Nolan, Plumhoff & Williams, Chtd.
502 Washington Ave., Ste. 700 Towson, MD 21204

Telephone Number: (410) 823-7800

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Development Processing
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T Smith, Jr, County Executive
Timothy M Kotroco, Director

January 16, 2006

C. William Clark, Esquire
Nolan, Plumhoff & Williams Chtd.
502 Washington Avenue
Towson, Maryland 21204

Dear Mr. Clark:

RE: Case Number: 06-295-X, 7208 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 7, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Enfield Realty, Inc. Joseph Cox 3611 Roland Avenue Baltimore 21211
BMD Tanning, LLC. Rick Maffexxoi 400 N. Charles Street Westminster 21157
Richardson Engineering 110 Old Padonia Road Ste. LC Cockeysville 21030

Printed on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 12-16-05

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

RE: Baltimore County
Item No. 295 JRA

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: December 21, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For *December* 19, 2005
Item Nos. 267, 286, 295, 296, 298, 299, 301, 302, 303, 304, and 305

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-12212005.doc

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304 and 305

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 12, 2006

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

SUBJECT: 7208 York Road
INFORMATION:

Item Number: 6-295

Petitioner: Enfield Realty, Inc.

Zoning: BL-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the use of the subject property as a personal service establishment (tanning salon). Similar intensity of uses currently operates on neighboring parcels with the same underlying zoning.

However, the aforementioned recommendation is subject to the following conditions being met:

1. Petitioner shall remove the existing freestanding illuminated sign (former High Dairy Store) from the northeast corner of the property.
2. Commercial signage shall be limited to a ground mounted or monument style sign, which is oriented between the two existing curb cuts fronting York Road.
3. Sanitary conditions, particularly to the rear of the existing building, shall be in compliance with current County Code. Neighboring property owners have noted a history of trash and debris build up toward the rear of the property.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DRAFT\6-295.doc

RE:	PETITION FOR SPECIAL EXCEPTION 7208 York Road; W/S York Road, 148' S c/line of Stevenson Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Enfield Realty, Inc Contract Purchaser(s): BMD Tanning, LLC by Rick Maffezzoli Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-295-X

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

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 20th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed Richardson Engineering, Inc, 110 Old Padonia Road, Suite LC, Cockeysville, MD 21030 and C. William C. William Clark, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204, Esquire, 502 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
DEC 20 2005
Per.....

PLEASE PRINT CLEARLY

CASE NAME BMD Zoning, LLC
CASE NUMBER 6-295-X
DATE 1-19-07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Donald Gerdyng	335 Old Trail Rd	Baltimore Md 21212	
↳ Please send copy of Facts + Findings to me -		Rodgers Forge Community -	Extend Hyain Chair -
Lauren Taylor	409 Washington Ave	Towson MD 21204	ltaylor@paturent.com

PLEASE PRINT CLEARLY

CASE NAME 06-295 X
CASE NUMBER BMD Tanning, LLC
DATE 1/19/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
RICK MATTEZZOLI	400 N CENTER ST	WESTMINSTER, MD 21157	RICKGADSOM@VERIZON.NET
Todd Layton	11 Champion Dr	Fenton, MO 63026	tlayton@thetanco.com
JOSEPH F. COX	647 CHARLES ST. AVE	TOWSON, MD. 21204	JOSEPHCOX@COMCAST.NET
C. WILLIAM CLARK	502 WASHINGTON AVE	TOWSON MD 21204	

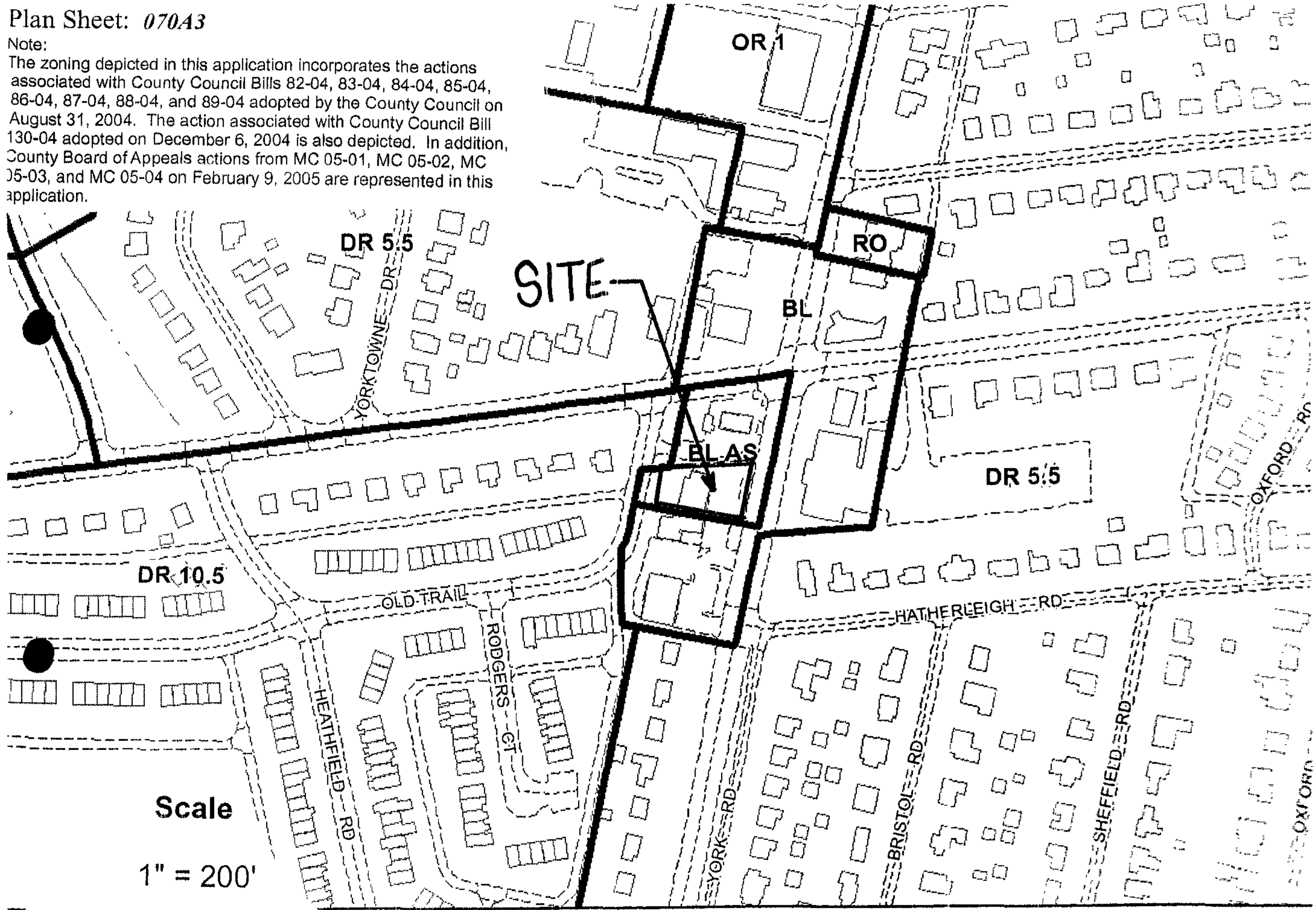
Case No.: 06-295 X

Exhibit Sheet

	Petitioner/Developer	Protestant Community
No. 1	1A - Site Plan Accompanying Petition 1B - red lined Site Plan	Agreement
No. 2	PHOTO'S OF OTHER FRANCHISE LOCATIONS	
No. 3	RECOMMENDED EQUIPMENT FOR CUSTOMER USE	
No. 4	PHOTO'S OF SITE	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Plan Sheet: *070A3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.



06-295-X

Baltimore County

To Hearing Office

Reference Case #6-295-X January 19, 2006

Rodgers Forge Community, Inc., a Community of 1770 homes requests the following consideration in the matter of Case #6-295-X a special exception for use as a tanning salon at 7208 York Rd - Towson (York Rd + Stevenson Lane SW corner area) ie

(A) to change the description of the bldg from "Community building" - which it has never been - to "a general retail use style bldg" suitable as a beauty shop (Sec 230.9) if possible &

(B) exclude the following specific uses ie ① body piercing ② tatooing ③ acupuncture

(C) hours of operation be 9AM thru to 11PM - 7 days per week M-SAT.

(D) petitioner to establish on site employee parking for all employees - with no business parking in the residential neighborhood of Old Trail, Stevenson Lane and Rodgers Court with a sign posted &

(E) petitioner furnish proper number of patron/customer parking spaces on site with NO patron/customer parking on the residential streets of Old Trail, Stevenson Lane and Rodgers Court - these streets already impacted with residents vehicles

(F) proper maintenance of the entire site including the back rear of the site with regards to be clean and free of rubbish, debris, trash and with proper landscaping in keeping with the abutting community.

Upon the acceptance and approval of these conditions and their inclusion in the Zoning Finding and Order, Rodgers Forge Community Inc will welcome the petitioner as a responsible business service neighbor to our community's eastern border.

*Presented by: Donald Gerding: RFC Board Member, Chair External & Govt Affairs

seconded: Lawrence Swoboda President RFC Inc

Approved by vote Board of Governors January 19, 2006, [signature] - Rec Sec

Community Exhibit 1

losing of the Atlan-
ion is not expected
the other 918 Com-
loyees in Baltimore
most of whom work
Marsh where the
regional office is
Gordon said.
egional office pro-
y-to-day service to
customers in Bal-
ity and 14 counties,
Baltimore County.
06 it is expected
h the continued
nd deployment of
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employees in Bal-
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ESS IN BRIEF
ge A6

STAFF PHOTO BY NI

Steve Barbieri, 21, of Gaithersburg works on an engine in the auto shop at the Community College of Baltimore-Catonsville campus. Starting next fall, CCBC will offer an associates degree specifically for automotive collision repair.

Collision mechanics make good mon

New college-level program in Dundalk will offer additional trai

BY LAUREN TAYLOR
CATONSVILLE

Cars dented in parking lot fender benders and high-speed accidents alike usually end up in the hands of auto collision-repair technicians to be returned to their former glory.

But as many technicians retire — and fewer new technicians enter the field — the industry could face an employee crunch.

Starting this fall, the Community College of Baltimore County will offer Maryland's only college-level automotive collision-repair program. It will use the facilities of the Sollers Point Technical High School in Dundalk, one of three high schools in Maryland that already offer a high-school level collision-repair program.

The new college-level program is designed to provide additional training for mechanics in the automotive industry, as well as offer a route for high school students already studying collision repair to continue their training.

Currently, high school students can get about half the training required to pass tests given by the national ASE certification program for collision-repair mechanics.

Graduates of the coll auto collision repair pro expect good job prospe starting salaries in the to $40,000 range, said K Oliver, assistant state su dent for Career Technol Adult Learning.

See INDUSTRY DEMAND GR
Page A6

Tanning salon to open in Towson

New shop set to occupy vacant High's store on York Road

BY LAUREN TAYLOR

Just in time for proms, weddings and the bathing suit season, The Tan Co. plans to open its first Maryland location April 1 on York Road in Towson.

At a Jan. 19 hearing, Zoning Commissioner William Wiseman granted a special exception to allow a personal service establishment (tanning salon) as a community building within an area zoned for local business.

The Tan Co., based southwest of St. Louis, has 60 locations in 10 states, mostly in the Midwest. The Towson location is its first on the East Coast, according to its Web site.

The salon will use the existing 2,000-square-foot building, formerly occupied by a High's convenience store that closed three years ago. The half-acre site, at 7208 York Road, has 12 parking spaces for customers and employees.

The location is south of the Crown gas station at the intersection of York Road and Stevenson Lane and just north of two other buildings owned by Enfield Realty. One contains a Royal Farms store and the other a dry cleaner, Chinese carryout and Rita's Italian ice.

The salon is also adjacent to the Rodgers Forge community, which supported the new business at the zoning hearing. The Tan Co. worked with community leaders before the hearing and agreed to close off a pathway from Old Trail, a nearby street, to the building by installing a fence.

Community leaders also asked that the zoning commissioner prohibit body piercing, tattooing and acupuncture at the site. They also wanted enough on-site parking so that customers won't park on residential streets.

The community is glad to see a "proper use" for the building, said Don Gerding, a Rodgers Forge board member who represented the community at the hearing.

"It'll be a much-less intense use traffic-wise. It won't be so harried," Gerding said. When it was a convenience store, "people would whip in and whip out," he

See TAN CO. TARGETING WOMEN
Page A6

Plan for
draws cr

BY VIRGINIA TERHUNE
DUNDALK

About 100 eastern County residents arriv with questions about sa property values and routes for their first pu ing with AES Corp., wh to build a liquefied na terminal at Sparrows Po

The Jan. 19 meetin Community College of County-Dundalk was th many that will take plac gets ready to apply t regulators to build a $40 terminal that will accept shiploads of chilled na from other countries.

Imported natural gas used in increasing quar

District 12A
Susan Sumann, Republican, 42nd District
William Frank, Republican, 42nd District
John Trueschler, Republican, 42nd District

ABSTAINED
Eric Bromwell, Democrat, 8th District.

Bromwell said he abstained from the vote because the company he works for, Comcast, is nearing the 10,000 employee threshold that would trigger the bill. Bromwell said the company could have 10,000 employees in Maryland by the end of April due to an acquisition and he believed a vote on the bill would be a conflict of interest. Bromwell abstained from the vote on the bill a year ago for the same reason.

find tr[redacted] employees in the auto collisi[redacted]pair business.

"Most of the technicians we get today we have to grow ourselves," Denny said. "It's hard to get technicians. We have to furnish better benefits packages and take care of the techs we have."

Auto collision repair is losing

automotive technolo[redacted]program is linked to Ford, GM[redacted] Toyota car companies. Students accepted into the program spend two months in the classroom, then two months at a company dealership in Maryland.

The car companies supply CCBC with specialty tools and relations, employability skills, safe work practices and entrepreneurship.

"A lot of it is artistic," Wolfe said. "It takes time to learn the touch and feel."

E-mail Lauren Taylor at ltaylor@patuxent.com.

Tan Co. targeting women

Continued from Page A1

added.

The area has good demographics for tanning — the target market is women ages 18 to 44 — and a highly visible location, said manager Rick Maffezzoli.

The maximum time a customer can tan is 20 minutes, but tanning time can be as short as eight minutes. And there never will be a time when all of the tanning beds are in use, according to the tanning company.

"People want to run in and out," he said.

Peak times are after work, but the location also expects a late-morning or lunchtime rush from office workers in the area and students from nearby Towson University and Goucher College.

The tanning salon will be open 7 a.m. to 11 p.m. seven days a week, although hours could decrease during slow periods. The period from March to June is the busiest time of the year for tanning companies, said Todd Layton, director of franchising for The Tan Co.

The tanning salon expects to have at least 10 beds, although it's considering having as many as 14.

E-mail Lauren Taylor at ltaylor@patuxent.com.

"We're going to see the tankers right in front of our faces."

Dunbar Brooks,
Turners Station community leader

the Chesapeake Bay. If a ship were attacked and a vapor cloud ignited, the cloud would rise and the heat would travel no more than a mile, officials said, citing a government study.

The storage tanks at the terminal will also be double-walled, with concrete, and surrounded by berms. If a leak should occur, systems would contain the spill on site, they said.

Officials also said they would coordinate emergency-response plans with Mittal and other companies at Sparrows Point.

•**Pipeline** — The new 85-mile pipeline most likely would run from the terminal on the western shore of Sparrows Point north to the Beltway, follow the Beltway north to Interstate 95, then go northeast almost to Harford County before heading north into Pennsylvania to connect to regional pipelines.

As plans develop, the route will be broken into sections. Property owners will be notified, and they will have a chance to meet with surveyors. The project will have the right to take property, but every effort will be made to stick to current utility, highway and railroad corridors, officials said.

"The goal is not to go into anybody's backyard," Samson said.

•**Dredging** — Crabbers and fisherman were concerned that the tankers — two to three a week — would interfere with fishing, crabbing and boating in Bear Creek.

"It might change the path of boats during construction or when a ship is coming in, but it wouldn't stop them," Samson said.

•**Dredge disposal** — Mud scraped from the bottom of the Patapsco River to create a turning basin for the tankers will not go to Hart-Miller Island, which is slated for closing. AES, therefore, may have to recycle the dredge material on site at Sparrows Point because there is no other site immediately available.

"This a huge $50 million to $60 million issue for us," Samson said. "It would cost about $30 a yard to recycle at Sparrows Point, while it would cost about $2 a yard at Hart-Miller."

AES officials also said preliminary borings indicate that the sediment west of Sparrows Point is not highly polluted. Several citizens disputed the claim, citing evidence of PCBs and other chemicals. AES officials said they would welcome additional data.

•**Property values** — Dolly McCoy, a resident of Edgemere and a real estate agent, asked what impact the terminal would have on local property values. Home values have risen along the waterfront as owners rebuilt after tropical storm Isabel.

She also said east-side residents had worried about potential disasters at the steel mill for decades and now face another threat.

"Another fear is coming in, and people are going to be afraid of it," she said.

Samson said the Cove Point liquefied natural gas terminal in Calvert County does not seem to have depressed property values. He also said the industry and AES in particular have a good track record.

"It's not that things haven't happened or can't happen, but this industry has a tremendous record of safety and so does this company," he said.

E-mail Virginia Terhune at vterhune@patuxent.com.

BUSINESS IN BRIEF

Continued from Page A1

existing homes along Holly Beach Road and lowering the number along Holly Neck Road.

The developer also addressed concerns about connectivity between the existing and proposed communities by adding a pedestrian path that links the two developments.

Despite the decrease in the number of houses proposed, the developer still needs to have nearly 96 acres within the Chesapeake Bay Critical Areas boundary regulating development along the shoreline changed from a "rural conservation" to an "intensely developed" designation.

The Planning Board approved the designation change in July but members will need to vote again due to the changes in the number of houses.

— Lauren Taylor

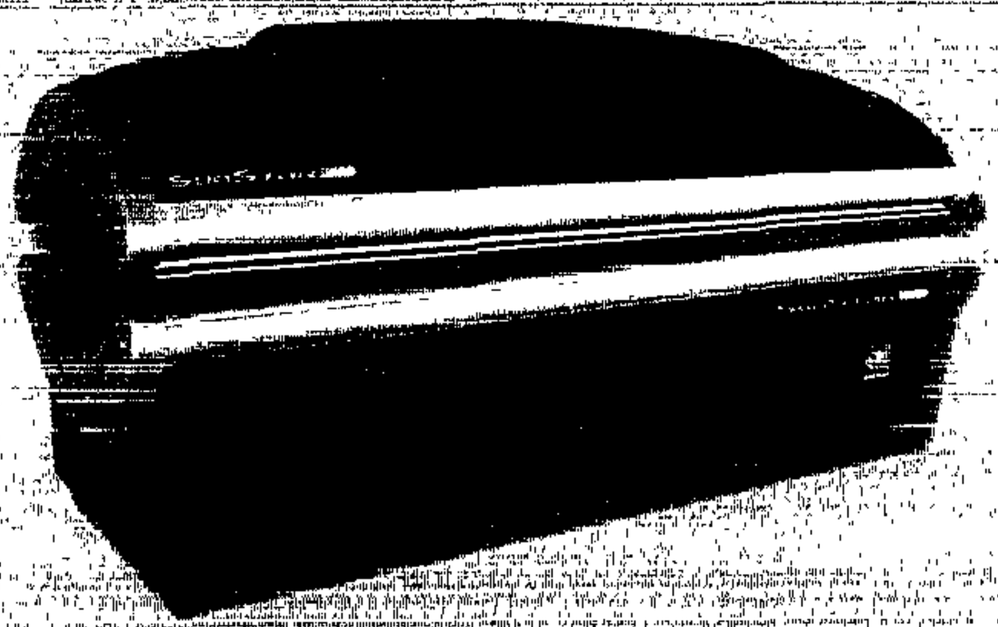
Et cetera

►KLNB Retail has launched an interactive Web site, www.klnbretail.com, to provide specific information, such as demographics and leasing availabilities, on shopping centers and other retail properties. Site visitors can access a full-color brochure, site plan and aerial photographs and get contact information.

Staff

RECOMMENED EQUIPMENT

SUNSTAR
LEVEL 1



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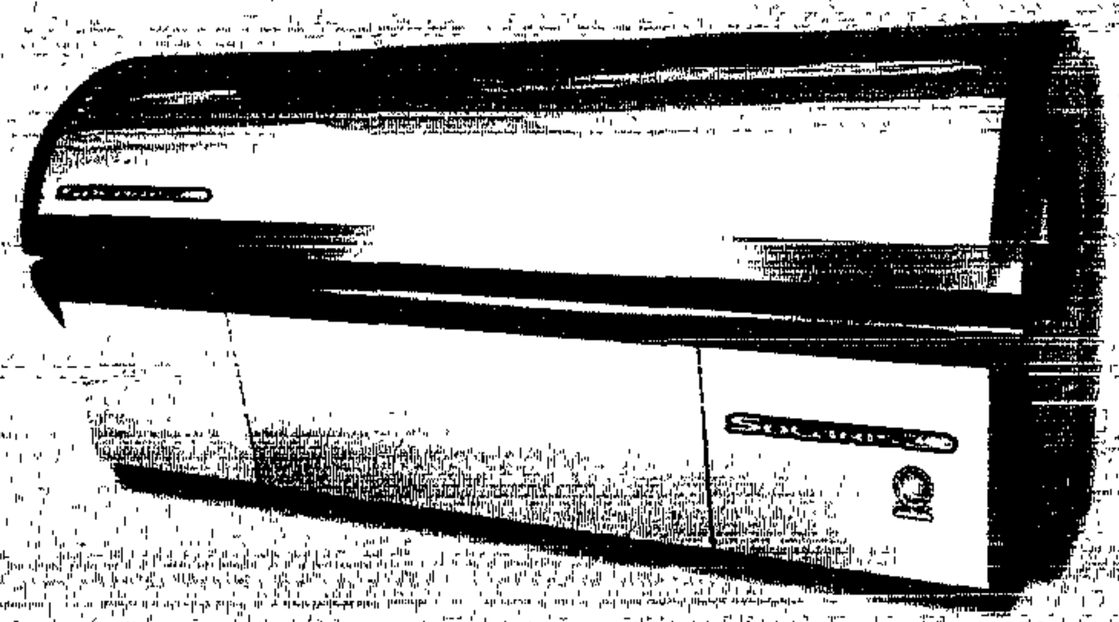
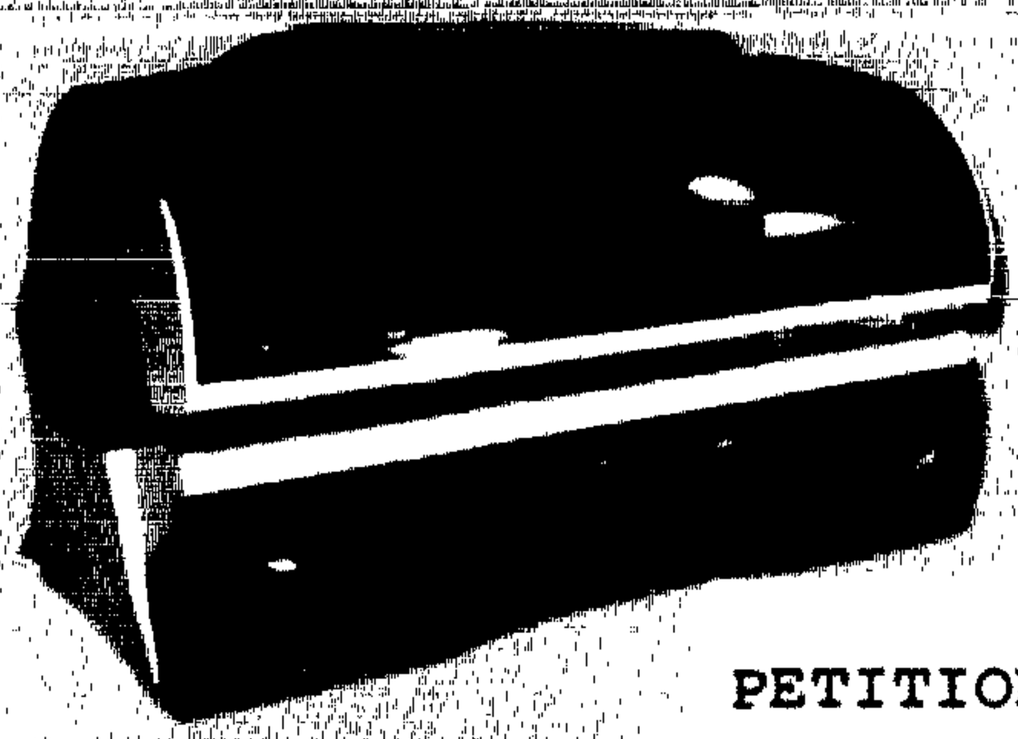
LEVEL 2



SOLARFORCE
LEVEL 3



SOLARFORCE V
LEVEL 3 STAND-UP

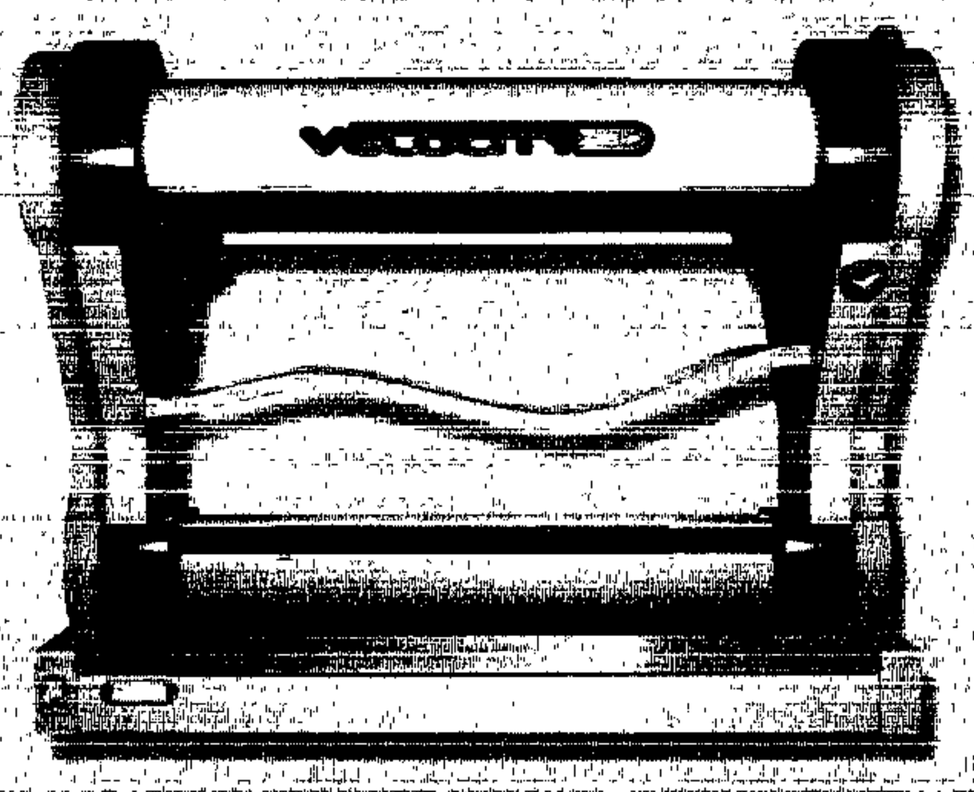
PETITIONER'S

EXHIBIT NO. 3

RECOMMENED EQUIPMENT

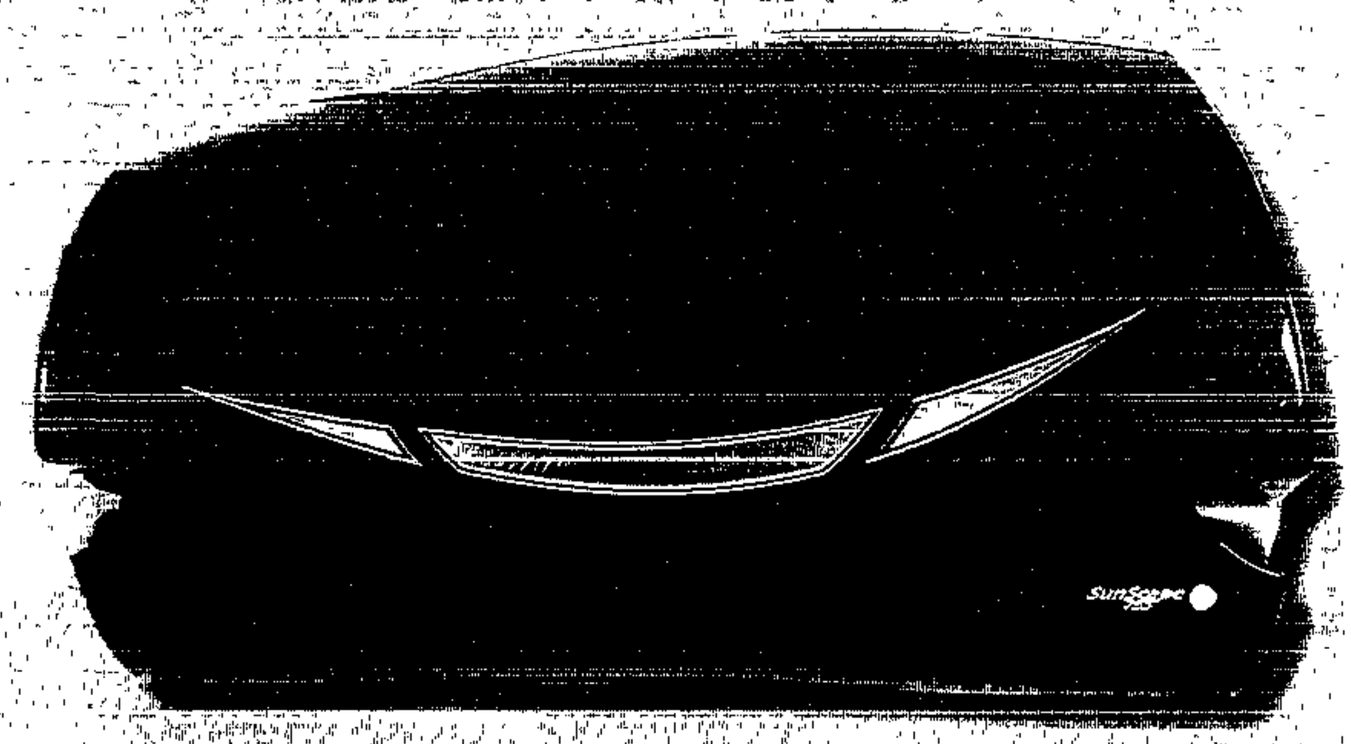
VELOCITY

LEVEL 4



SUNSCAPE

LEVEL 5



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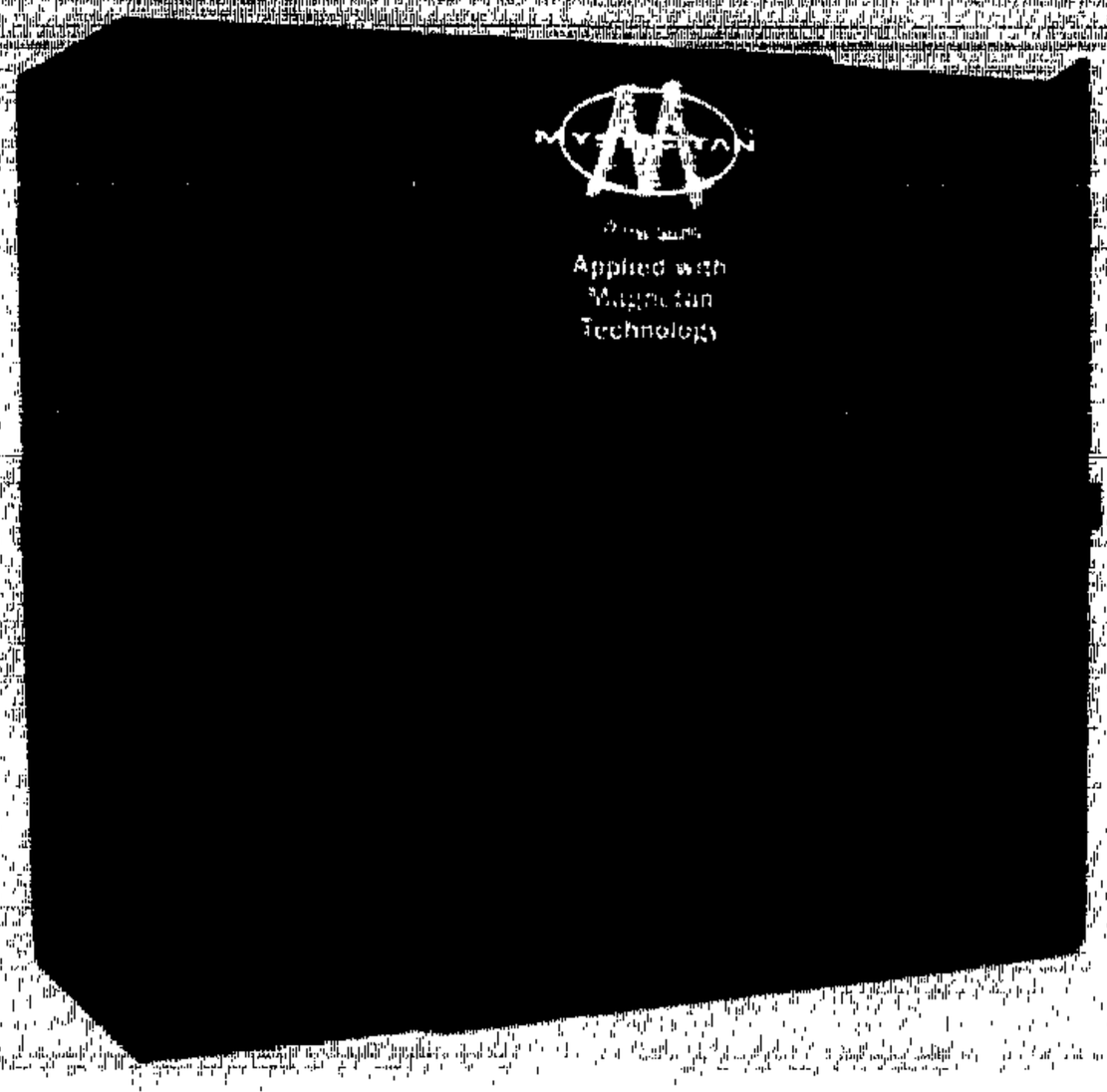
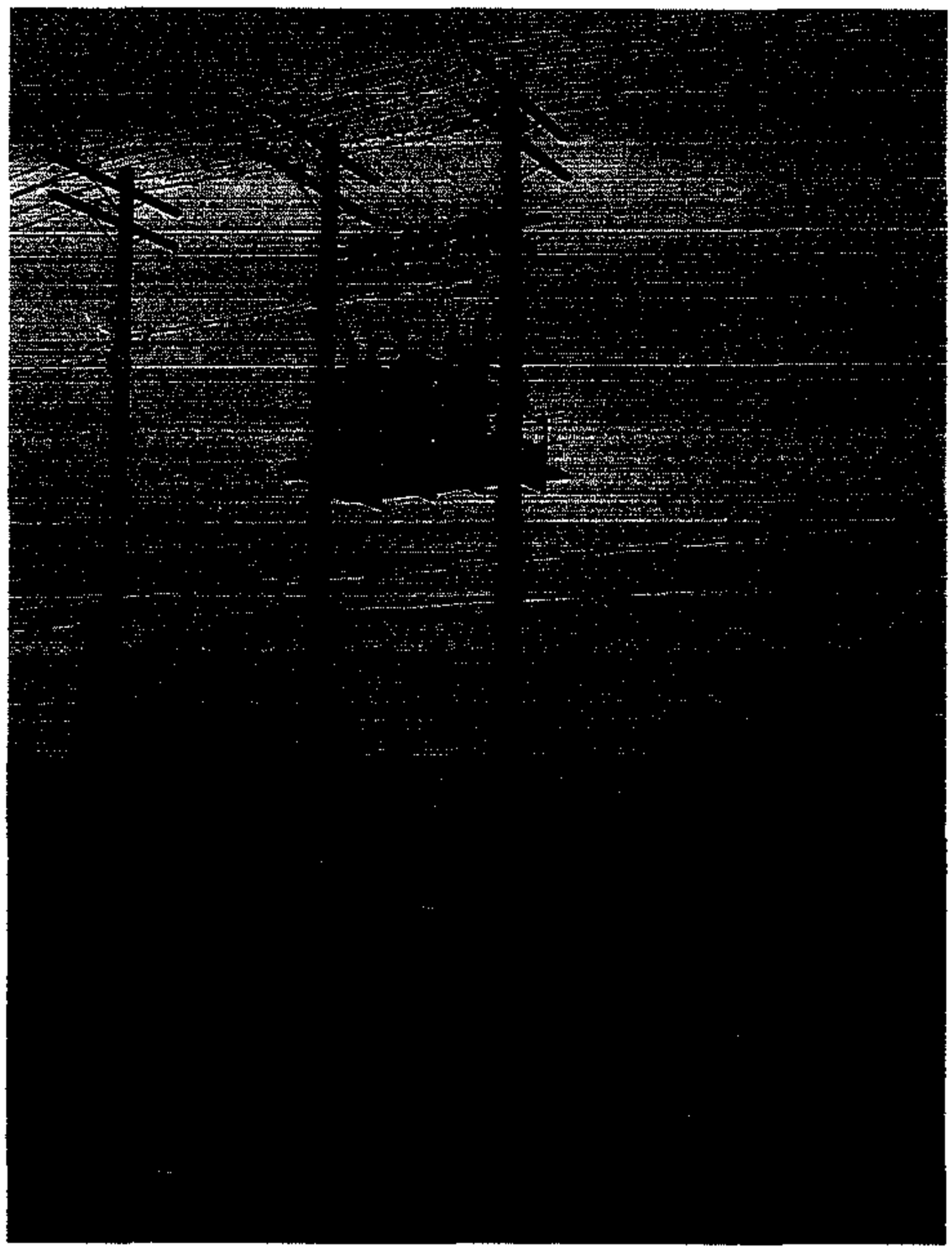
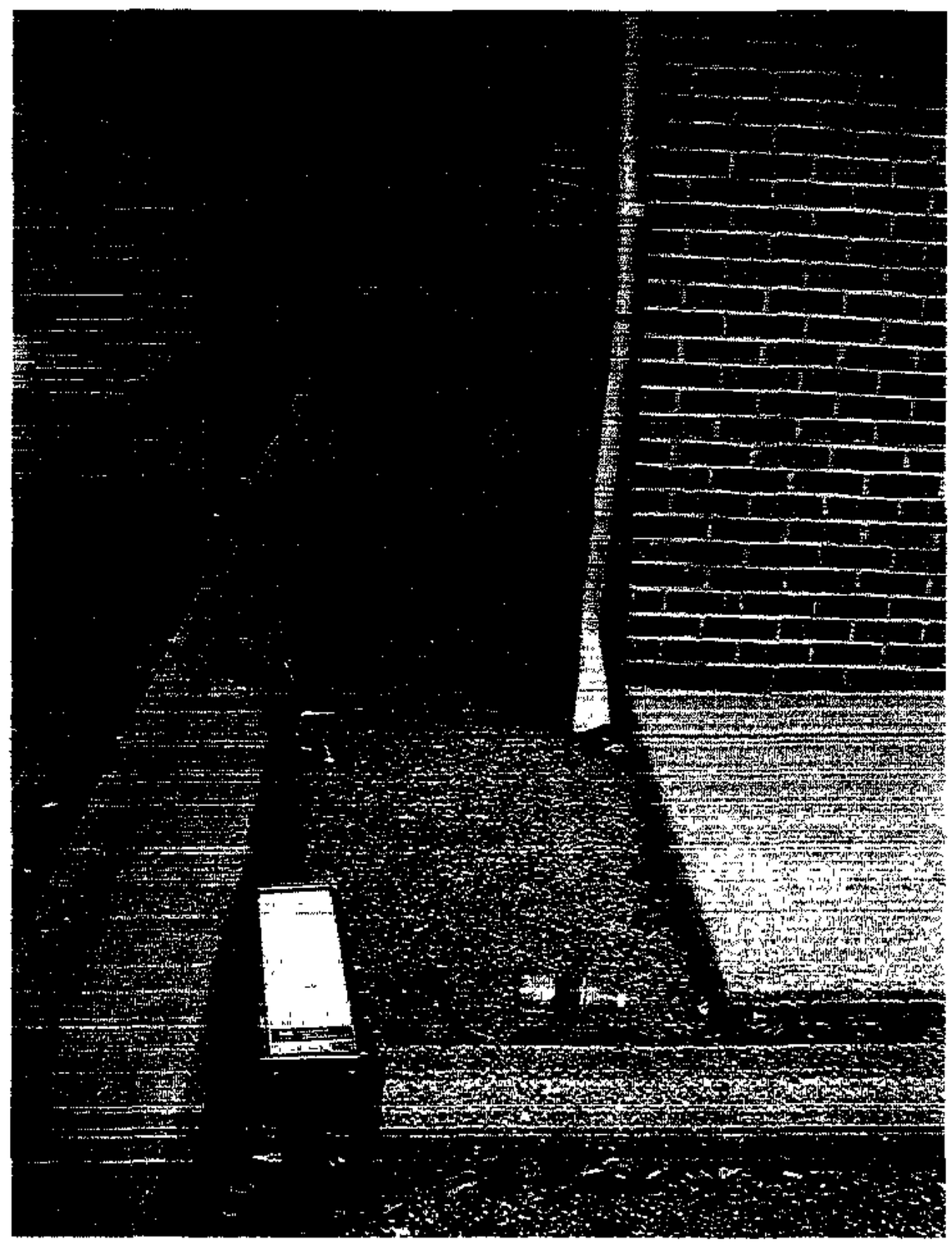
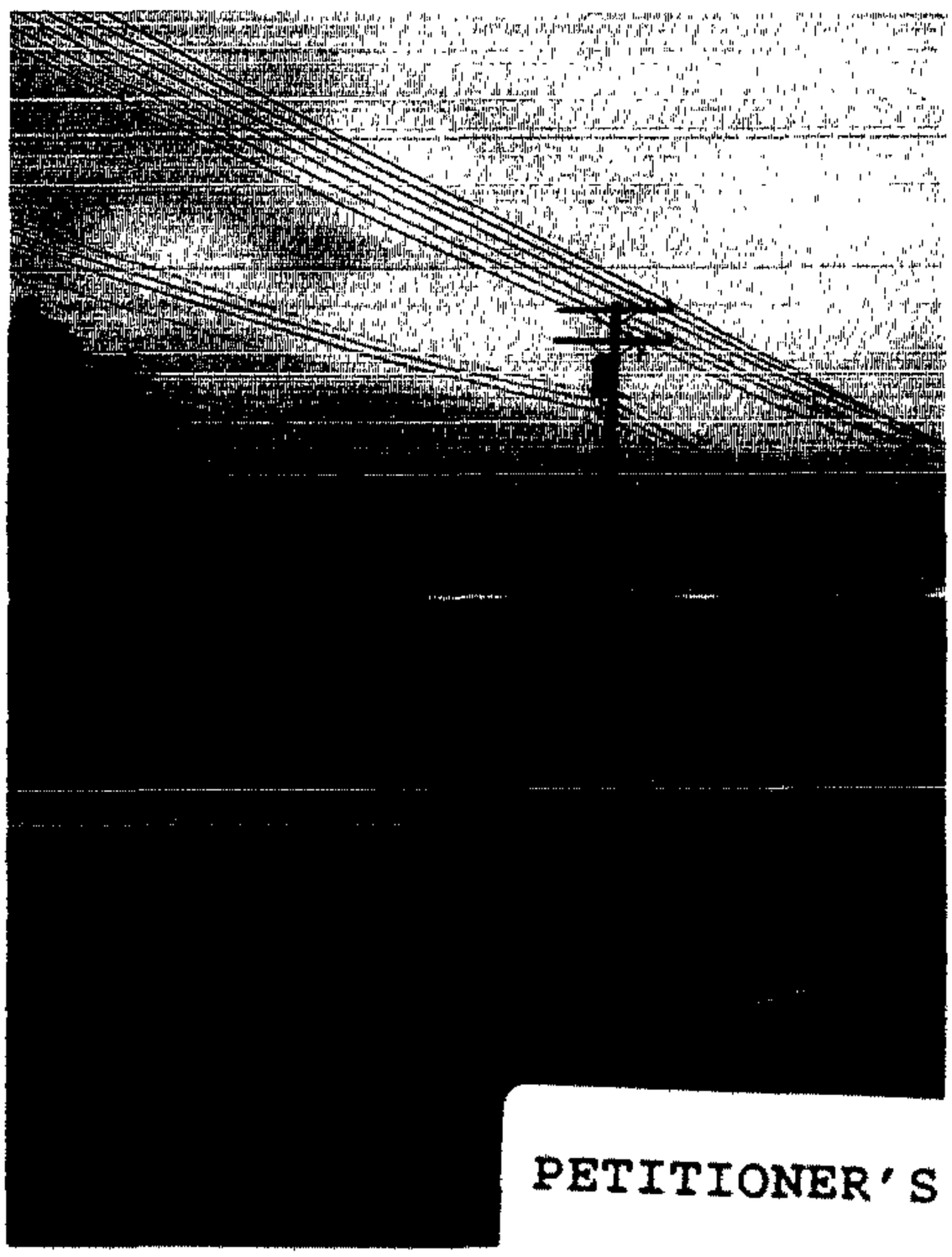








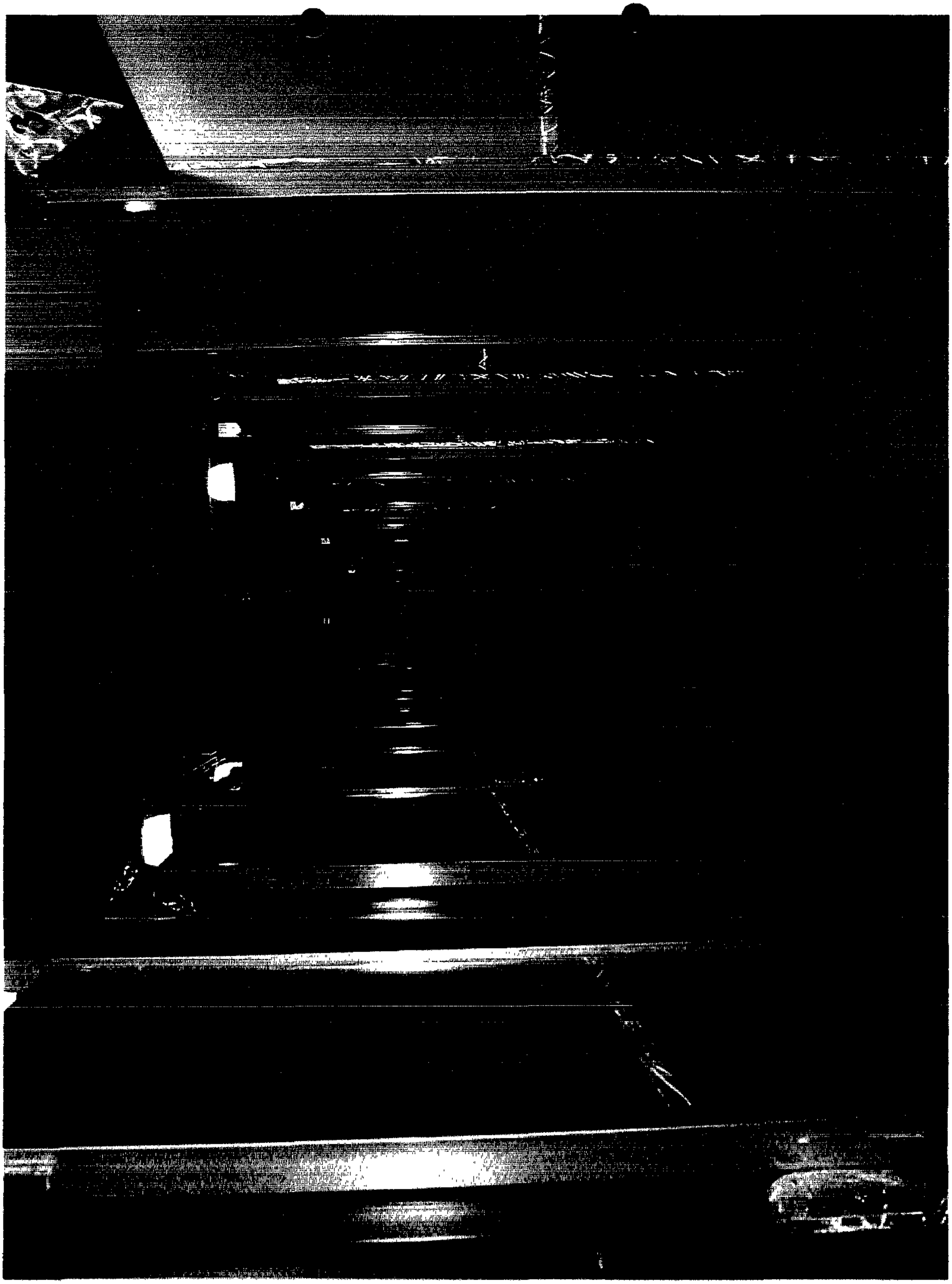
PETITIONER'S

EXHIBIT NO. 4

PETITIONER'S

EXHIBIT NO. 2A

THE TAN CO.
BE BRONZE.
BE YOU.
BEAUTIFUL.
THE TAN COMPANY
www.TheTanCo.com
YOUR MYSTIC TAN HEADQUARTERS
TANNING
Your Tan is Just Seconds Away!



The Tea Company
WORLD
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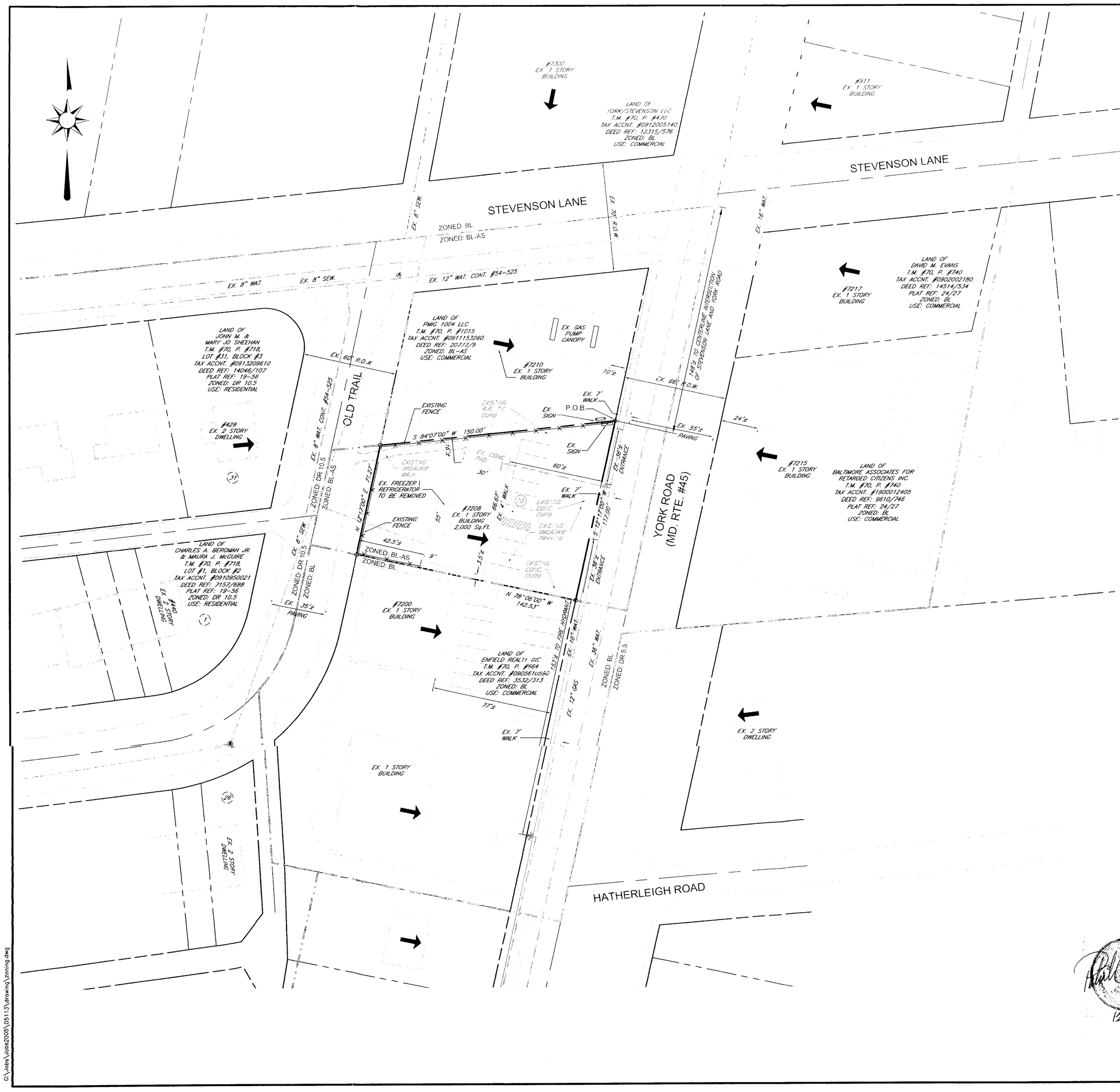

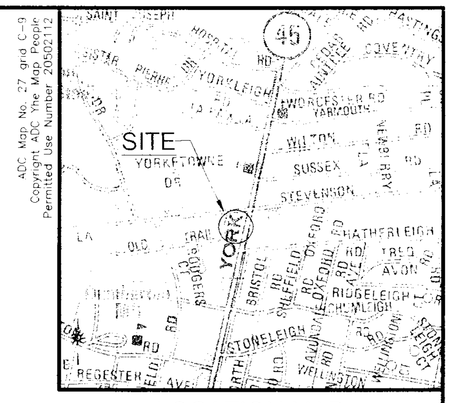

LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: ENFIELD REALTY INC.
   #3611 ROLAND AVENUE
   BALTIMORE, MARYLAND 21211-2408
2. SITE AREA:
   GROSS: 19,065 Sq.Ft. or 0.438 Ac.±
   NET: 13,417 Sq.Ft. or 0.308 Ac.±
3. AREA OF SPECIAL EXCEPTION: 13,417 Sq.Ft. or 0.308 Ac.±
4. EXISTING BUILDINGS: 2,000 Sq.Ft.
5. PROPOSED BUILDING: NO CHANGE PROPOSED
6. UTILITIES
   WATER: PUBLIC SEWER: PUBLIC
7. NO 100 YEAR FLOODPLAINS ON SITE.
8. PARKING TABULATION:

TENANT	FLOOR AREA	REQUIREMENT	SPACES REQUIRED RETAIL:
TANNING SALON	2,000 SF	5/ 1000 SF	10

9. PARKING PROVIDED: 10 SPACES.
10. SETBACKS: PROVIDED
    FRONT 60'
    SIDE 3.5'
    REAR 42.5'
11. DEED REF: 18801/324
12. TAX ACCOUNT #0911153261
13. COUNCILMANIC DISTRICT 5th
14. REGIONAL PLANNING DISTRICT 315B
15. CENSUS TRACT 4906.02
16. WATERSHED: JONES FALLS
17. ZONING: BL-AS
    (PER 1"=200' ZONING MAP 070A3)
18. TAX MAP #70 PARCEL #850
19. SPECIAL EXCEPTION PER SECTION 230.13 TO PERMIT A COMMUNITY BUILDING (TANNING SALON) IN A BL ZONE.
20. FLOOR AREA RATIO:
    MAX PERMITTED: 3.0
    F.A.R. PROVIDED: 2,000 ÷ 19,065 = 0.11
21. NO PREVIOUS ZONING CASE ON FILE
22. NO PERMITS ON FILE IN COUNTY RECORDS.
23. THE EXISTING SIGN IS A 15 FOOT HIGH DOUBLE-FACED LUMINATE SIGN WITH A DISPLAY AREA TOTAL OF 21 Sq.Ft. (EACH SIDE)
24. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
25. USES:
    EXISTING: VACANT RETAIL SPACE
    PROPOSED: TANNING SALON

BL / BL-AS — DENOTES ZONING LINE

DENOTES THE FRONT FACE OF THE STRUCTURE

12/7/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
FOR

THE TAN COMPANY
7208 YORK ROAD

9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 30'
	DATE: 12-07-05	JOB NO.: 05113	SHEET NO.: 1 OF 1

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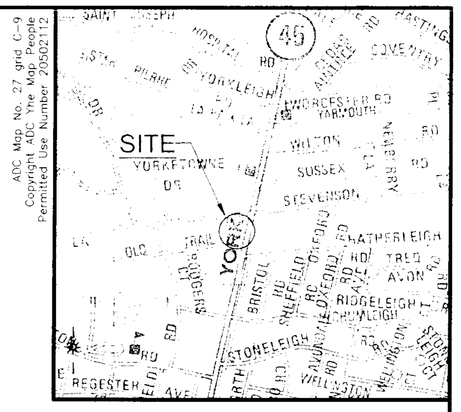
PETITIONER'S ~~PROTESTANT'S~~ EXHIBIT NO. 1A



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    PROPOSED: TANNING SALON

BL / BL-AS — DENOTES ZONING LINE

DENOTES THE FRONT FACE OF THE STRUCTURE

STATE OF MARYLAND PAUL CRAIG RICHARDSON No. 19818 PROFESSIONAL ENGINEER

12/7/05

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
FOR

THE TAN COMPANY
7208 YORK ROAD

9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 30'
	DATE: 12-07-05	JOB NO.: 05113	SHEET NO.: 1 OF 1

PETITIONER'S EXHIBIT NO. 1B

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