

IN RE: PETITION FOR SPECIAL HEARING *

N side Philadelphia Road, 120 feet E

c/l Summit Avenue *

(7404 Philadelphia Road) *

14th Election District

7th Council District *

Randy James Miller *

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-404-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the captioned property, Randy James Miller. The Petitioner requests a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the use of a facility for automotive spray painting inside an existing building and to amend previously granted Special Exception No. 82-101-X. The subject property and requested relief are more particularly described on the site plan which was submitted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Fred M. Lauer, Esquire, representing the Petitioner, Randy Miller d/b/a Majestic Automotive Repair, Edwin Mejia and Alex Mejia, Peter Grillas, and Harnek Singh. There were no Protestants or other interested persons present.

Within the Petition, relief is sought to remove the restriction contained in a previous Order. The property in accordance with the site plan (Exhibit 1) is designated as a Service Garage (now Garage, Service). The term Garage, Service is defined within Section 101 of the Baltimore County Zoning Regulations as: "A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale."

5-24-07
PB

Testimony and evidence offered revealed the subject property under consideration is a rectangularly shaped parcel containing an existing automotive service area, storage area, office and associated parking. The site is 16,186 square feet or 0.37 acres in size zoned BL-AS. The existing service building (47' x 80' deep) is 5,293 +/- square feet in size. A total of 28 parking spaces, 22 spaces outside and 6 spaces in side are provided. The proposed spay paint booth will be within the existing building containing the automotive service business. The spray booth will be installed per E.P.A. guidelines and specifications. The subject property has been in family ownership since 1972 and operated until 1982 primarily as a transmission repair shop. In 1982, the son (Randy J. Miller) took over the service garage operations and business.

Testimony further revealed that Peter Grillas with Brooklyn Progressive Paint Group will install the paint booth and obtain all State of Maryland permits. As shown on the site plan, no parking is allowed in front of the building. Access to the shop and spray paint booth is through the front of the building. The drive isle is sufficient in this regard to move cars through the shop and in and out of the paint booth. The addition of the spray booth will not have any adverse impact on nearby residents. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies in this regard.

Essentially, in order for a Special Exception use to be approved, the property owner must show that the use can be carried on without detrimental impact to the health, safety and general welfare of the locale. In the instant case, such is the case as the Miller family has been operating at the location since 1958 and as a "service garage" since 1982 without adverse impact or compliant. In my judgment, the use of the subject property for automotive spray painting inside the existing building with appropriate State and County environmental approvals, falls within the general "service garage" characterization. I find that the use is substantially similar in character and impact to uses ordinarily permitted by special exception in the BL-AS zone. In sum, based on the totality of

RECEIVED FOR FILE
5-24-07
P3

testimony and evidence offered, I am persuaded that the Petition for Special Hearing should be granted.

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

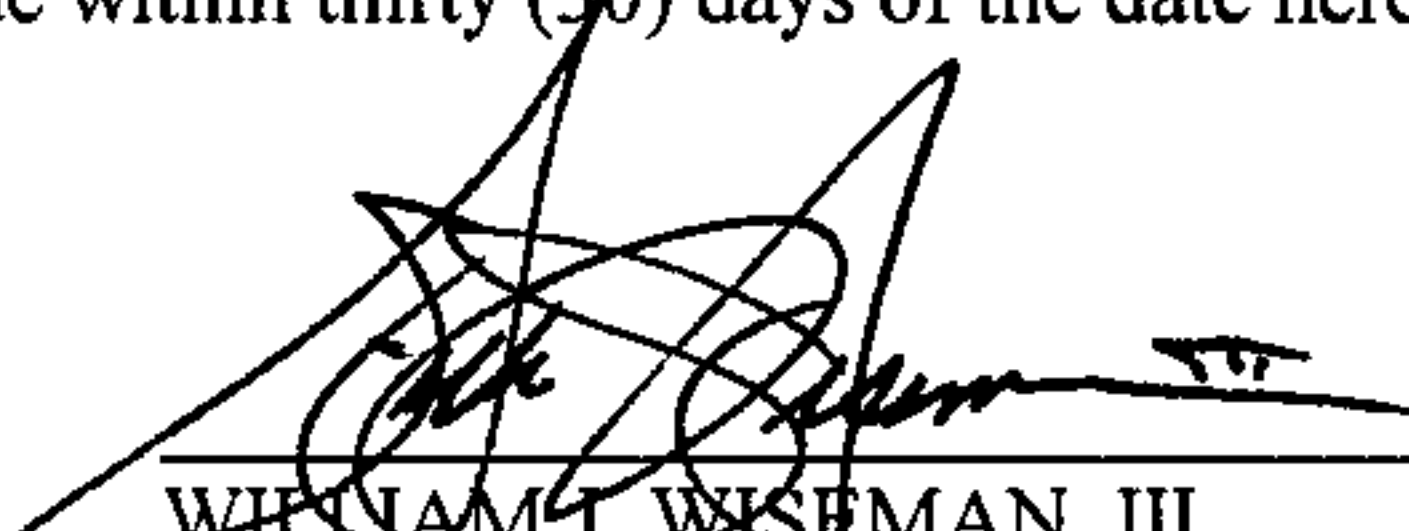
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 24th day of May, 2007, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking approval to use a facility for automotive spray painting inside an existing building and to amend the previously granted Special Exception in Case No. 82-101-X, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following:

- 1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, the Petitioner is 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.

IT IS FURTHER ORDERED that but for the amendments set forth above allowing body and fender repair and painting, all other terms and conditions of the Order issued November 2, 1981 limiting the hours of operation between 8:00 AM to 5:00 PM Monday through Saturday, and the storage of disabled vehicles in compliance with B.C.Z.R. Section 405.A shall remain in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date hereof.

WJW:pz


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 24, 2007

Fred M. Lauer, Esquire
120 East Baltimore Street, Suite 1808
Baltimore MD 21202

RE: Petition For Special Hearing
(7404 Philadelphia Road)
Randy James Miller, *Legal Owner*
Case No. 07-404-SPH

Dear Counsel:

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

A handwritten signature in black ink, appearing to read 'W. J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

c: Randy James Miller, 603 46th Street, Baltimore MD 21224
Edwin Mejia, 518 Gloucester Court, Middle River MD 21220
Alex Mejia, 1811 Wilhelm Avenue, Rosedale MD 21237
Peter Grillas, 330 East Patapsco, Baltimore MD 21266
Harnek Singh, 7400 Pulaski Hwy., Rosedale MD 21237



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7404 Philadelphia Road
which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Use of facility for automotive spray painting
inside existing building and to amend previously
granted Special Exception - 82-101-X

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Fred M. Lauer

Name - Type or Print

Fred M Lauer

Signature

Fred M Lauer Attorney at Law

Company

120 E. Baltimore St. Suite 1808

Address

Telephone No.

Baltimore

MD

21202

City

State

Zip Code

410-547-8356

Legal Owner(s):

Randy James Miller

Name - Type or Print

Randy James Miller

Signature

Name - Type or Print

Signature

603 46th Street

443-722-4894

Address

Telephone No.

Baltimore

MD

21224

City

State

Zip Code

Representative to be Contacted:

Fred M Lauer

Name

120 E Baltimore Street Suite 1808

Address

Telephone No.

Baltimore

MD

21202

City

State

Zip Code

410 547-8356

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-404-SPH

Reviewed By BH Date 3/12/07

REV 9/15/98

FOUR RECEIVED FOR FILE

524-07

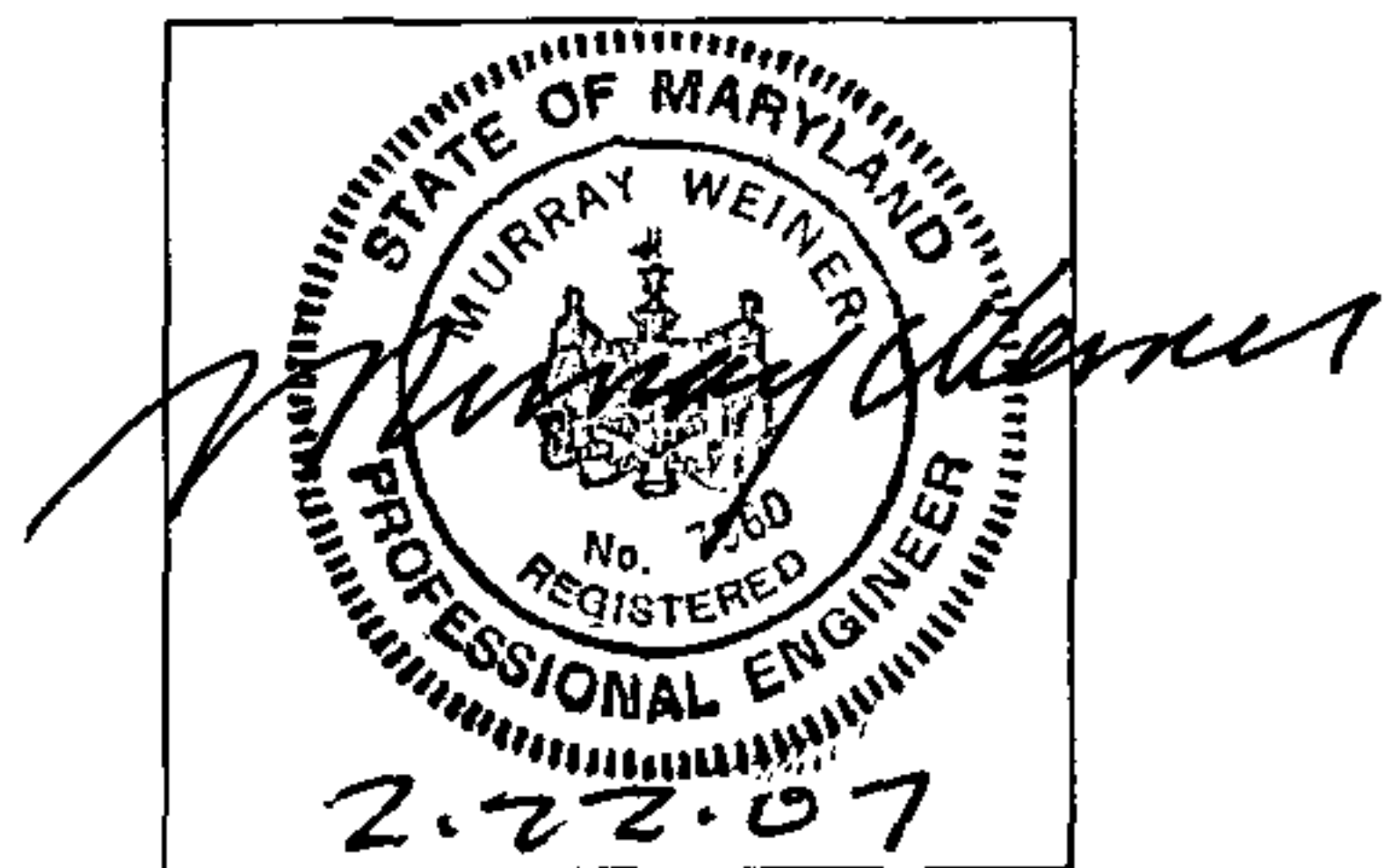
pm

DESCRIPTION FOR A SPECIAL EXCEPTION HEARING FOR 7404
PHILIDELPHIA RD. 14th DISTRICT, ROSEDALE, MD 21233

Beginning for the same at the end of the South 19 degrees 21 minuets east 808.09 foot line of the land described in the deed from peter Fehler and Wife to J. Frank Puryer as recorded among the land records of Baltimore county in Liber W.P.C. No. 448, folio 499, and running thence along Philadelphia Road South 53 degrees 11 minutes West 104.08 feet thence leaving the outline and running North 19 degrees 21 minutes West 206.47 feet thence North 70 degrees 39 minutes East 100 feet to intersect the outline first above referred to, thence along said outline South 19 degrees 21 minutes East 175 feet to place of beginning. Known as lots numbers 1, 2, 3 and 4 on the Philadelphia Road at "Summit Farms", the improvements thereon being known as 7404-06 Philadelphia Road.

Containing 0.37 acres of land, more or less.

2/22/2007



Land Surveyor, Architect
Or engineers seal

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24938

DATE 3/12/07 ACCOUNT ROD-0066150

AMOUNT \$ 325.00

RECEIVED FROM: Fred Laver

FOR: Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 404

PAID RECEIPT

BUSINESS ACTION TIME DATE

3/13/2007 3/12/2007 12:07:43 1

REB WSDI WALKIN JERIC JWR

>>RECEIPT # 32284 3/12/2007 OFLM

Dept 5 528 JOURNAL VERIFICATION

CR NO. 024938

Receipt Tot 6323.00

6323.00 CR 6.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-404-A

Petitioner/Developer: _____

RANDY JAMES MILLER

Date of Hearing/Closing: 5/7/07

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

Attention:

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 _____

7404 PHILADELPHIA RD.

The sign(s) were posted on _____

4/21/07

(Month, Day, Year)

Sincerely,

Richard E. Hoffman 4/21/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 07-404-A

TOWSON
TRUCK 410-591-6648

ZONING NOTICE

CASE # 07-404-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

DATE AND TIME: Mon. May 7, 2007 at 11:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE THE
USE OF THE FACILITY FOR AUTOMOTIVE SERVICE
IN AN EXISTING BUILDING AND TO AMEND PREVIOUSLY
ADOPTED SPECIAL ZONING MAP 200-1.

FOR MORE INFORMATION OR TO REQUEST A HANDICAPPED ACCESSIBLE

TO REQUEST A HANDICAPPED ACCESSIBLE

7404 PHILADELPHIA RD.
POSTED 4/21/07
***Richard E. Hoffman* 4/21/07**



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 27, 2007
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 07-404-A

7404 Philadelphia Road

N/side of Philadelphia Road, 120 feet east centerline of Summit Avenue

14th Election District – 7th Councilmanic District

Legal Owners: Randy James Miller

Special Hearing to approve the use of the facility for automotive spray painting inside existing building and to amend previously granted Special Exception #82-101-X.

Hearing: Monday, May 7, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Fred Lauer, 120 E. Baltimore Street, Ste. 1808, Baltimore 21202
Randy James Miller, 603 46th Street, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 21, 2007.**
- (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.

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: #07-404-A
7404 Philadelphia Road, 120 feet east centerline of N/side of Philadelphia Road, 120 feet east centerline of Summit Avenue
14th Election District - 7th Councilmanic District
Legal Owner(s): Randy James Miller
Special Hearing: to approve the use of the facility for automotive spray painting inside existing building and to amend previously granted Special Exception #82-101-X.
Hearing: Monday, May 7, 2007 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/239 April 19 132408

CERTIFICATE OF PUBLICATION

4/19/2007

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 4/19/2007.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 19, 2007 Issue - Jeffersonian

Please forward billing to:

Fred Lauer
120 E. Baltimore Street, Ste. 1808
Baltimore, MD 21202

410-547-8356

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: 07-404-A

7404 Philadelphia Road

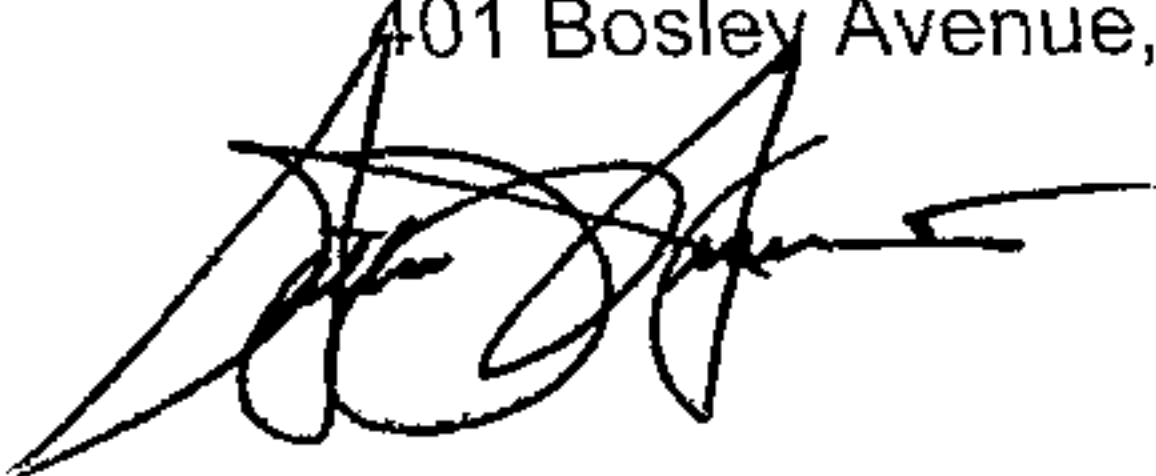
N/side of Philadelphia Road, 120 feet east centerline of Summit Avenue

14th Election District – 7th Councilmanic District

Legal Owners: Randy James Miller

Special Hearing to approve the use of the facility for automotive spray painting inside existing building and to amend previously granted Special Exception #82-101-X.

Hearing: Monday, May 7, 2007 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 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/neighbor 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: 07-404-SPH
Petitioner: Randy Miller
Address or Location: 7404 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Fred Lauer
Address: 120 E Baltimore Street
Suite 1808
Baltimore MD 21202
Telephone Number: 410 547-8356

CERTIFICATE OF POSTING

RE: Case No.: 07-404-A

Petitioner/Developer: _____

RANDY JAMES MILLER

Date of Hearing/Closing: 5/7/07

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

Attention:

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 _____

7404 PHILADELPHIA RD.

The sign(s) were posted on _____

4/21/07

(Month, Day, Year)

Sincerely,

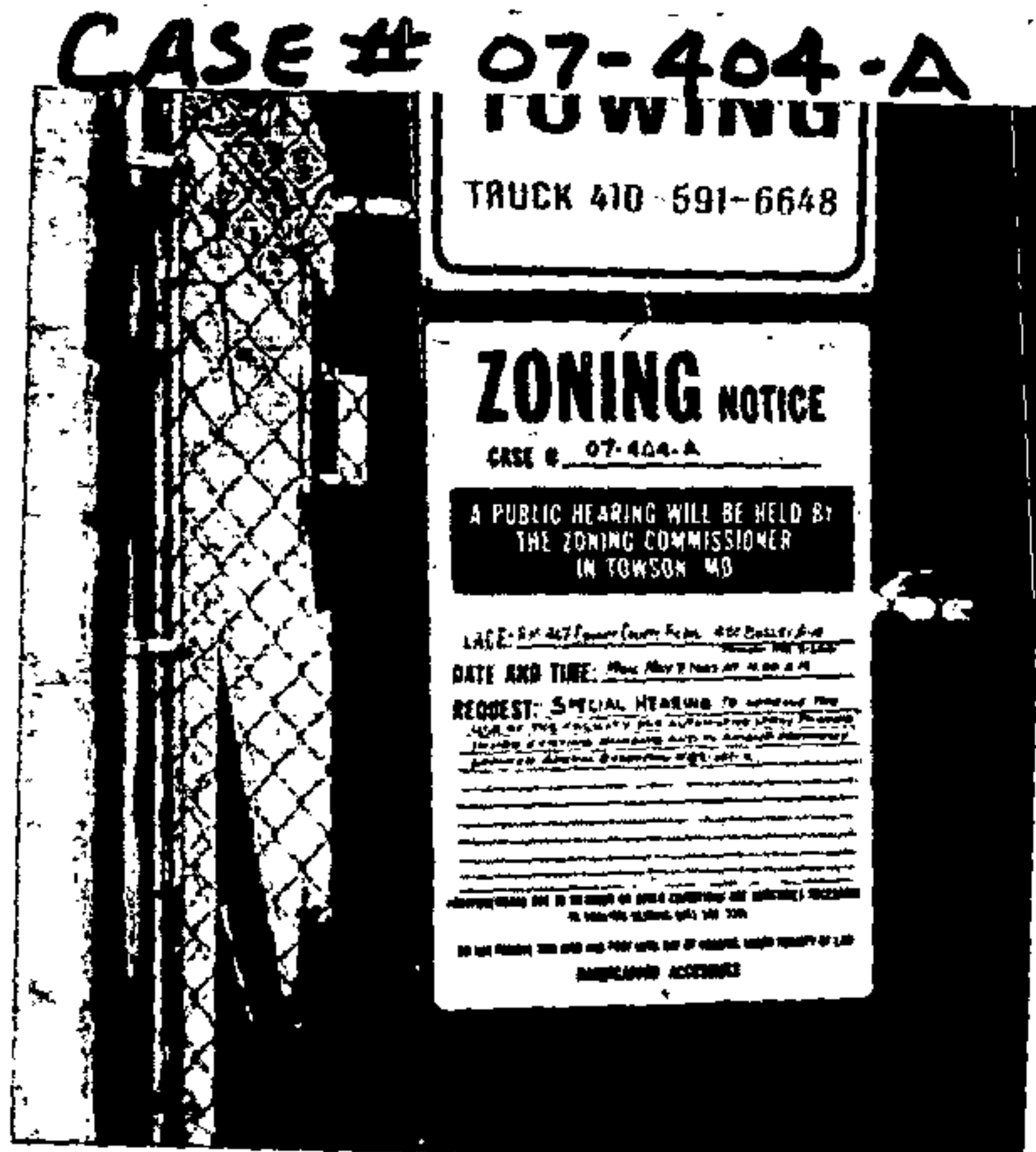
Richard E. Hoffman 4/21/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



7404 PHILADELPHIA RD.
POSTED 4/21/07
***Richard E. Hoffman* 4/21/07**



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 2, 2007

Fred M. Lauer, Attorney At Law
120 E. Baltimore Street, Suite 1808
Baltimore, MD 21202

Dear Mr. Lauer:

RE: Case Number: 07-404-SPH, 7404 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 2007.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Randy James Miller 603 46th Street Baltimore 21224

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 404

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

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony Brown, Lt. Governor



John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 15, 2007

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

RE: Baltimore County
Item No. 7-404-SPH
7404 PHILADELPHIA RD
MD-7
MILLER PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-404A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 22, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-404

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

RECEIVED

MAR 30 2007

ZOOLOGIE - ÖKOLOGIE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 19, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2007
Item Nos. 07-389, 390, 391, 392, 393,
394, 399, 400, 401, 402, 403, 404, 405
and 408

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-03262007.doc

RE: PETITION FOR SPECIAL HEARING
7404 Philadelphia Road; N/S Philadelphia
Road, 120' E c/line Summit Avenue
14th Election & 7th Councilmanic Districts
Legal Owner(s): Randy James Miller
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-404-SPH

* * * * *

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 all 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 23rd day of March, 2007, a copy of the foregoing Entry of Appearance was mailed to, Fred Lauer, Esquire, 120 E. Baltimore Street, Suite 1808, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAR 23 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TITLE NOT EXAMINEDDEED

THIS DEED, made this 1st day of December, 2000, by and between RANDY JAMES MILLER, party of the first part (hereinafter sometimes referred to as the "Grantor"), and RANDY JAMES MILLER and CATHERINE L. MILLER, his wife, parties of the second part (hereinafter sometimes referred to as the "Grantees").

WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00), love and affection, the said Randy James Miller does hereby grant and convey unto the said Randy James Miller and Catherine L. Miller, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her personal representatives and assigns, in fee simple, all those lots of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING for the same at the end of the South 19 degrees 21 minutes East 808.09 foot line of the land described in the deed from Peter Fehler and wife to J. Frank Puryer as recorded among the Land Records of Baltimore County in Liber W.P.C. No. 448, folio 499, and running thence along Philadelphia Road South 53 degrees 11 minutes West 104.08 feet thence leaving the outline and running North 19 degrees 21 minutes West 206.47 feet thence North 70 degrees 39 minutes East 100 feet to intersect the outline first above referred to, thence along said outline South 19 degrees 21 minutes East 175 feet to place of beginning. Known as Lots numbers 1, 2, 3 and 4 on the Philadelphia Road at "Summit Farms", the improvements thereon being known as 7404-06 Philadelphia Road.

BEING the same lots of ground which by a Deed dated August 11, 2000 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 14707, folio 414 were granted and conveyed by Randy James Miller and Preston Glenn Miller, Personal Representatives of the Estate of Randolph J. Miller a/k/a Jacob Miller, to Randy James Miller, the Grantor herein, in fee simple.

TOGETHER WITH the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises above described and mentioned and hereby intended to be conveyed unto and to the proper use and benefit of the said

Randy James Miller and Catherine L. Miller, as tenants by the entireties, their assigns, and unto the survivor of them, his or her personal representatives and assigns, in fee simple, forever.

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor.

WITNESS:

Tracy L. Kerlin

Randy James Miller (SEAL)
RANDY JAMES MILLER

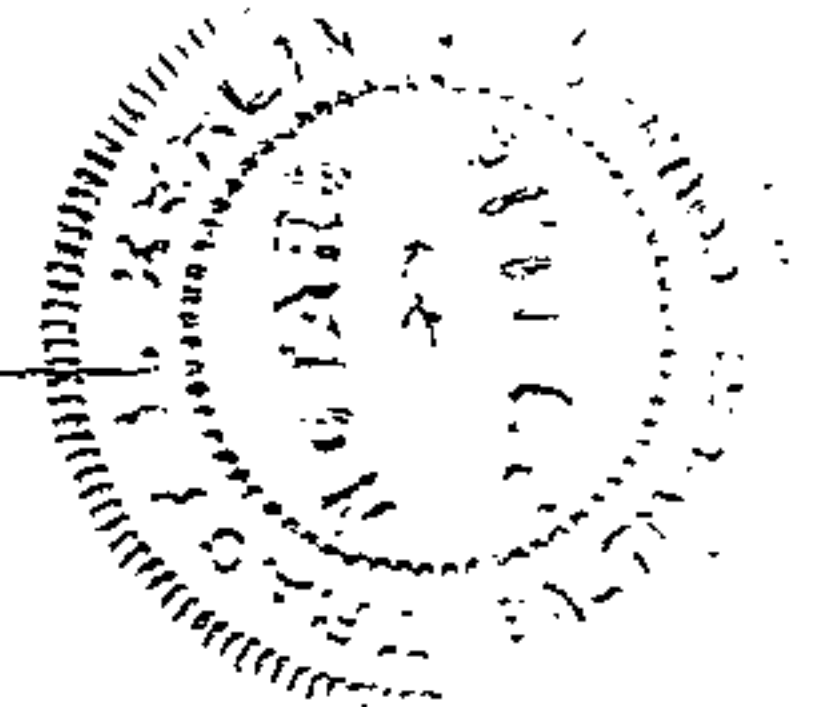
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 1st day of December, 2000, before me, the subscriber, a Notary Public of the State in and County aforesaid, personally appeared Randy James Miller, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act and that he executed the foregoing Deed for the purposes therein contained, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Tracy L. Kerlin
Notary Public

My commission expires: 12/07/02



THIS IS TO CERTIFY that the within instrument was prepared by the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Freddie J. Traub
Freddie J. Traub

Return to: Friedman & Friedman, LLP
409 Washington Avenue, Suite 900
Towson, Maryland 21204

0014871 287

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☒ Deed ☐ Mortgage ☐ Other ☐ Other			
2	Conveyance Type Check Box	☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale [1] Arms-Length [2] Arms-Length [3] Length Sale [9]			
3	Tax Exemptions (If Applicable)	Recordation State Transfer } Transfer from husband to husband and wife			
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
5	Fees	Amount of Fees		Doc. 1 Doc. 2	
6	Description of Property	District Property Tax ID No. (1) Grantor Liber/Folio		Map Parcel No. Var. LOG	
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)	
10	Contact/Mail Information	Instrument Submitted By or Contact Person		☒ Return to Contact Person	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information		Assessment Use Only - Do Not Write Below This Line	

Circuit Court Clerk Recording Validation

IF FD SURE \$ 5.00
RECORDING FEE 20.00
TOTAL 25.00
Res # 8A04 Rcpt # 88426
Site SM Blk # 1766
Dec 18, 2008 02:17 PMTRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY MARYLAND
Date 12-18-2008 Sec 33-139

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JMSA OF 62-14726 SM 14871 p. 0287 Printed 12/12/2006 Image available as of 03/09/2005.

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

#404

20
20-101-X

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

Legal Owner(s):

(Type or Print Name)

Randolph Miller

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

Gerard V. Caldwell

(Type or Print Name)

7404 Philadelphia Road

Address

Signature

Baltimore, Maryland 21237

City and State

101 Belair Road

Name and telephone number of legal owner, contract purchaser or representative to be contacted

Address

Baltimore, Maryland 21236

City and State

Name

Attorney's Telephone No.: 668 - 7742

Telephone No.

ORDER RECEIVED FOR FILING

DATE November 2, 1981

BY

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of August, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of October, 1981, at 10:00 o'clock A.M.

[Signature]

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

PETITIONER'S

EXHIBIT NO.

2

20
82-101-X

PETITION FOR SPECIAL EXCEPTION

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(Type or Print Name)

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(Type or Print Name)

Signature

Signature

Address

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City and State

Signature

Attorney for Petitioner:

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Baltimore, Maryland 21237

City and State

701 Belair Road

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[Signature]

Zoning Commissioner of Baltimore County.

10/13/81
10:00
Tuesday

#404

ORDER RECEIVED FOR FILING

DATE November 2, 1981

BY

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of November, 1981, that the herein Petition for Special Exception for a service garage in both the existing improvement contained thereon and the proposed addition, in accordance with the site plan prepared by Frank S. Lee, dated October 12, 1981, and marked Petitioner's Exhibit 1, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The location of the proposed addition shall provide the same side yard on the west side as the existing improvement and shall be indicated on the site plan.
2. Compliance with the comments submitted by the Maryland Department of Transportation, dated August 24, 1981, the Department of Permits and Licenses, dated August 19, 1981, and the Department of Health, dated August 20, 1981.
3. Approval shall be obtained in writing from the Department of Health regarding the present use of the underground gasoline storage tanks as a temporary storage facility for transmission oil. The conditions of approval shall be denoted on the site plan.
4. Any and all service work to be performed shall be limited to the repair of motor vehicle transmissions and other minor repairs, i.e., engine tune-ups, brake relining, and oil changes, but shall exclude body and fender repair, painting, and glass replacement.
5. The hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m., Monday through Saturday.
6. Damaged or disabled motor vehicles shall be stored in compliance with Section 405A of the Baltimore County Zoning Regulations.
7. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

ORDER RECEIVED FOR FILING

DATE November 2, 1981

BY John P. Lawry
ADMINISTRATIVE ASSISTANT


Zoning Commissioner of
Baltimore County

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Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE November 2, 1981

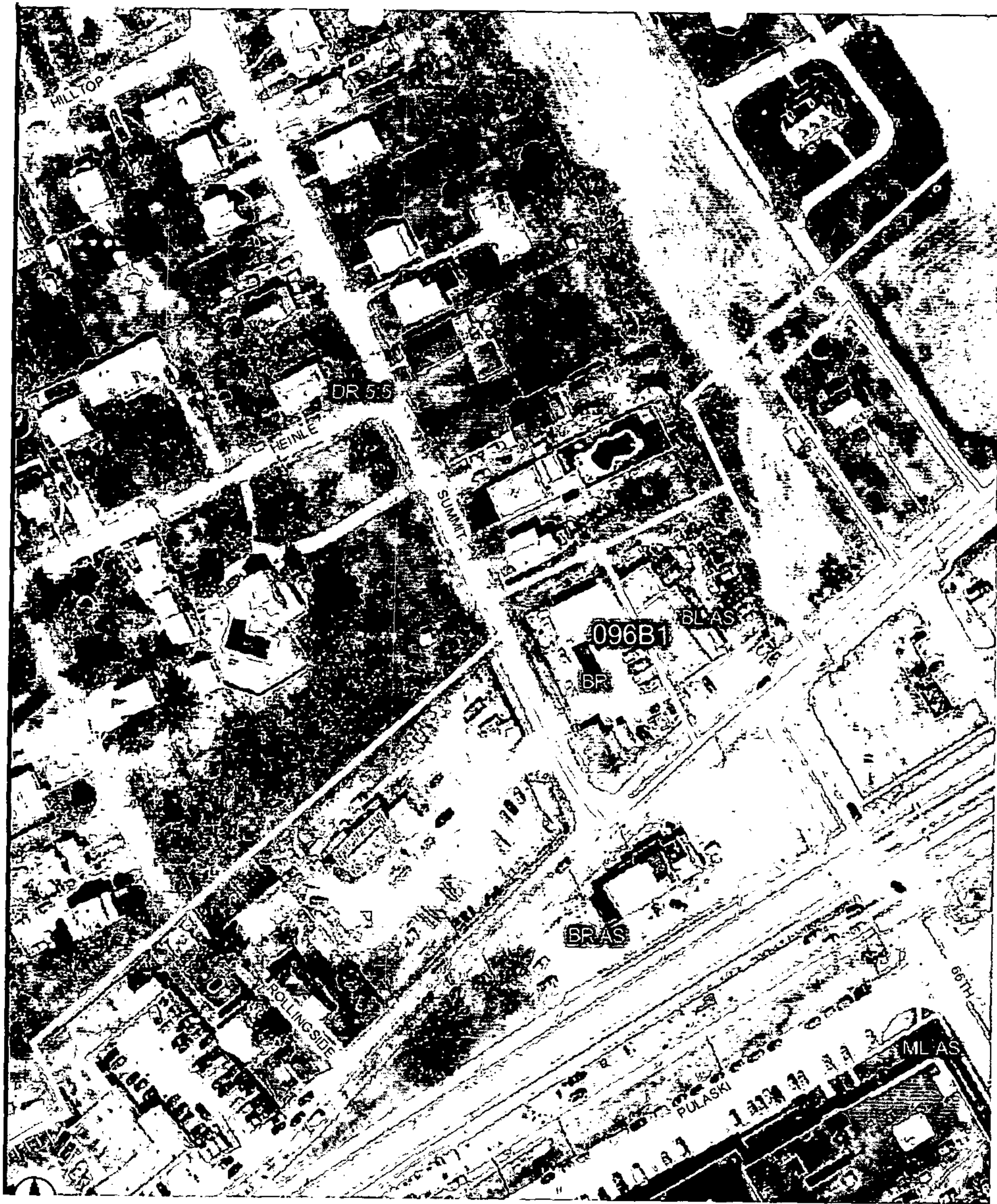
BY Frank S. Lee
ADMINISTRATIVE ASSISTANT

#2404

DATE \$ 7/07

E-MAIL

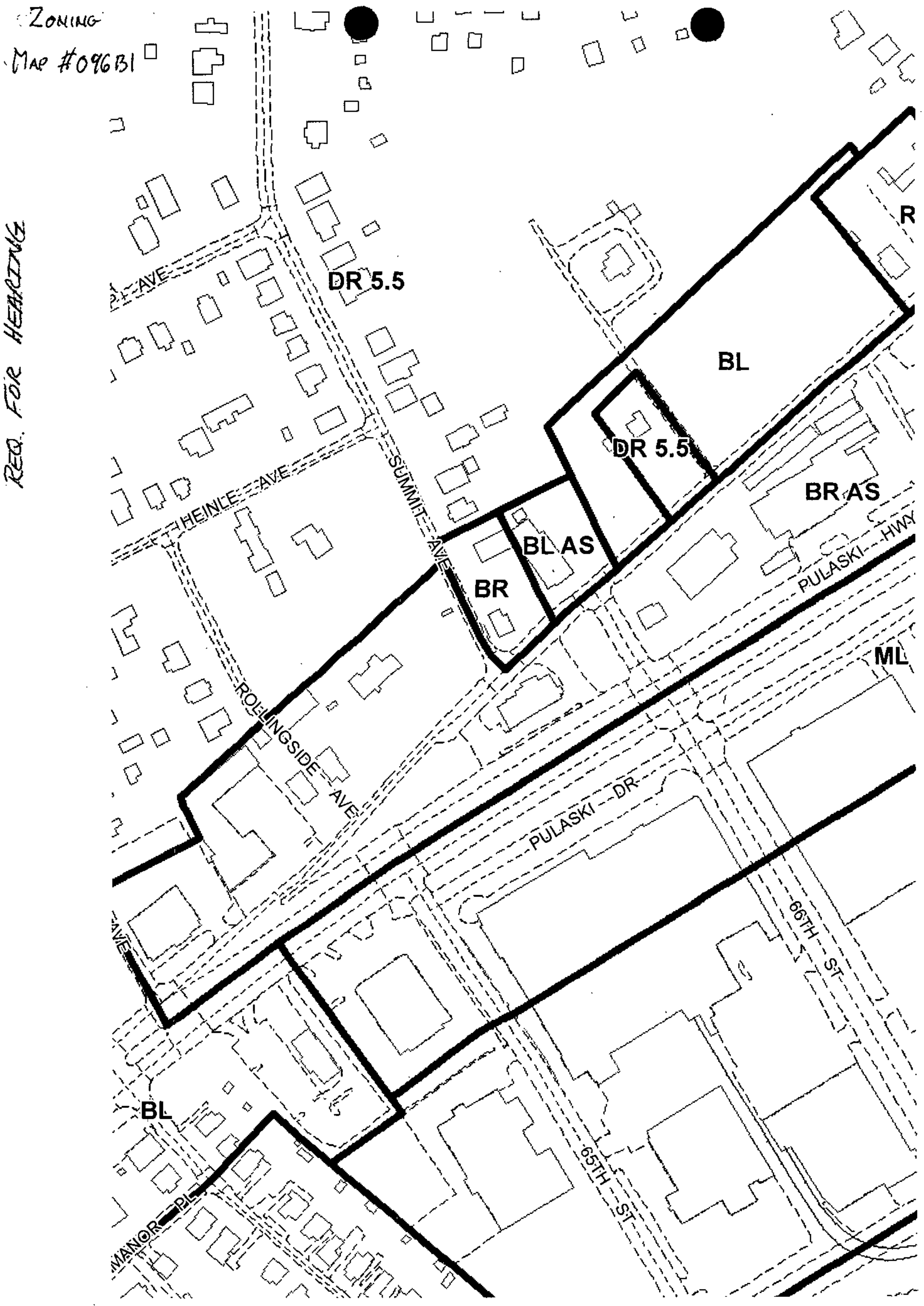
[illegible]



#404

ZONING
Map #09631

REQ. FOR HEARING



Case No.: 07-404 SPH

7404 PHILADELPHIA RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Petition ORDER 82-101-X	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

AREA OF PROPOSED SPRAY
BOOTH INSTALLED PER E.P.A
GUIDELINES AND SPECIFICATIONS

EXISTING ZONING LINE
DR 5.5 ZONE
BR ZONE

EXISTING BUILDING
(CAPITOL FLOOR PREPARATION)

EQUIPMENT STORAGE YARD

BR
ZONING

RESIDENCE DR

100' S10°-39'W
SAN. SEWER EASMENT.

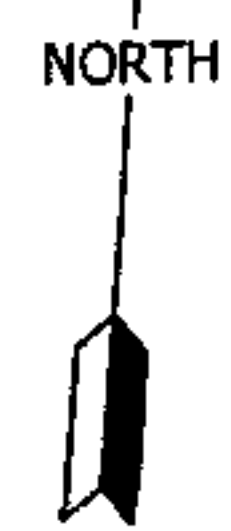
7 EXIST. PARKING SPACES

EXIST. CONCRETE AND PAVED AREA

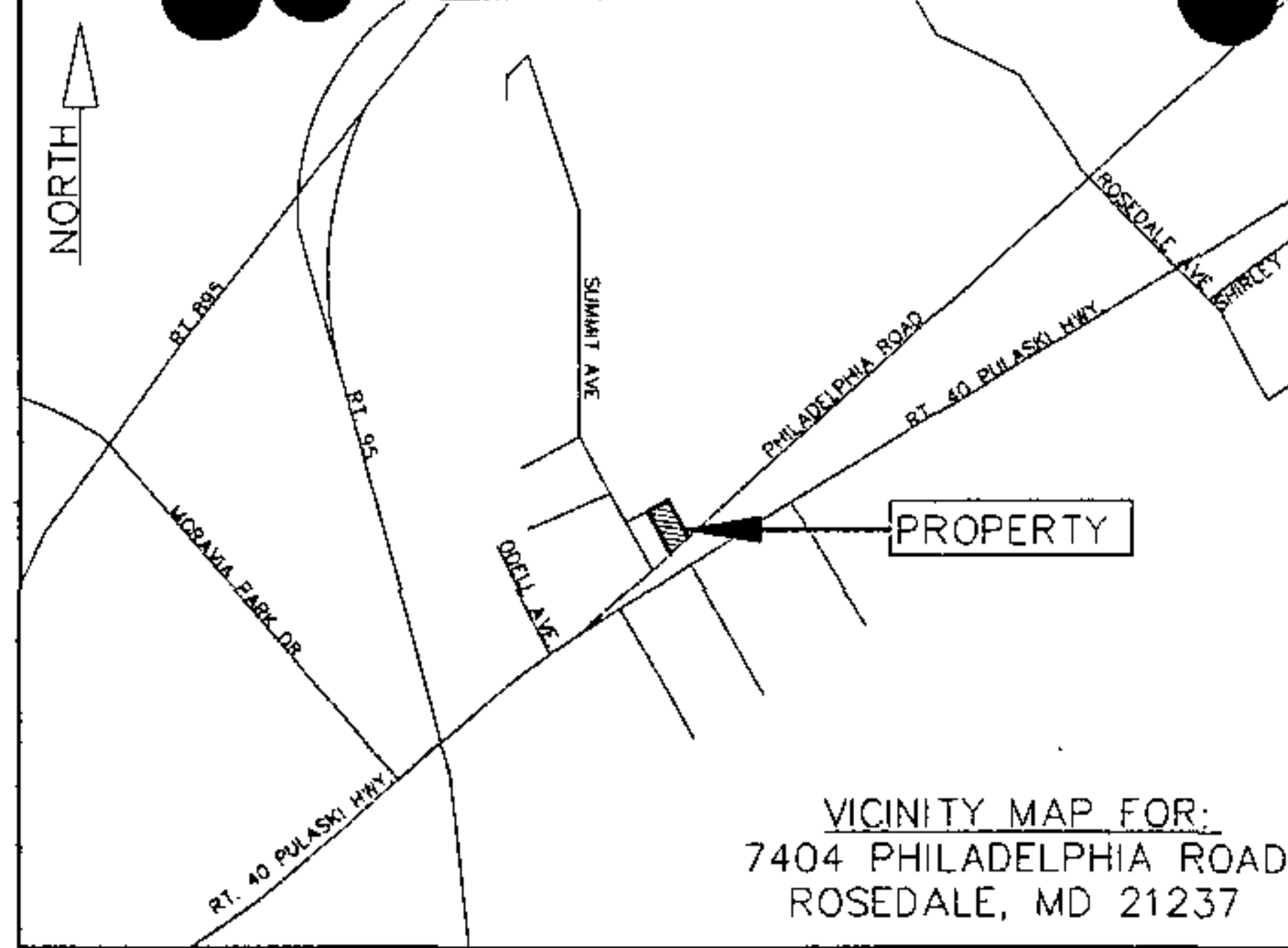
BL AS
ZONING

PHILADELPHIA ROAD.

66TH ST.



RESIDENCE DR 5.5



MAJESTIC AUTOMOTIVE REPAIR LLC.
7404 PHILADELPHIA RD.
LOTS 1-2-3-4
"SUMMIT FARMS"
PLAT BOOK 7-48
14TH DISTRICT BALTIMORE COUNTY MARYLAND

SCALE 1" = 30'

PROPERTY OWNER: MILLER, RANDY JAMES
MILLER, CATHERINE L.

MAILING ADDRESS: 9612 NORTHWIND RD.
BALTIMORE, MD 21234

PREMIS ADDRESS: 7404 PHILADELPHIA RD.
ROSEDALE, MD 21237
ACCT# 1416055560

EXISTING ZONING: BL AS
PROPOSED ZONING: SAME

LOT SERVICED BY PUBLIC WATER AND SEWAGE

EXISTING USE: AUTOMOTIVE SERVICE STATION
PROPOSED USE: SAME

LAND AREA: 16,186 SQUARE FEET / 0.37 AC.
BUILDING SPACE: 5,293± SQUARE FEET
EX. PARKING: 28 SPACES (6 INSIDE) (22 OUTSIDE)

PRIOR ZONING HEARINGS: CASE #82-101 X

ELECTION DISTRICT: 14TH
COUNCILMANIC DIST: 7TH

200' SCALE GRID MAP 096B1

CBCA NO
FLOODPLAIN? NO
HISTORIC NO

KEY

ZONING LINE

FIRE HYDRANT

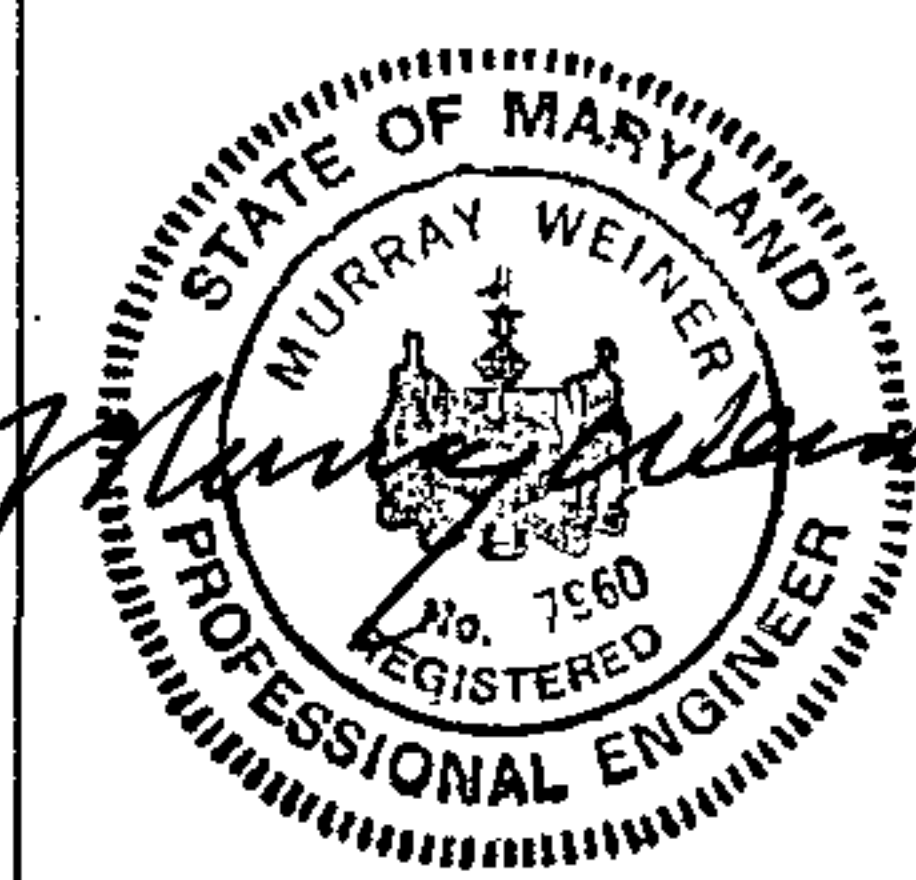
6' CHAIN LINK FENCE

PETITIONER'S

EXHIBIT NO. 1

I, BEING LICENSED WITHIN THE STATE OF MARYLAND,
HEREBY CERTIFY THAT THE CHANGE SHOWN ON THE
PLAT RE-PRODUCED BY G.A.F DRAFTING AND DESIGN
FOR THE ADDITION OF A SPRAY BOOTH TO THE
PROPERTY IS THE ONLY CHANGE FROM THE ORIGINAL
SEALED PLAN USED IN THE PREVIOUS HEARING.

G.A.F
DRAFTING AND DESIGN



12.27.06

12/15/2006

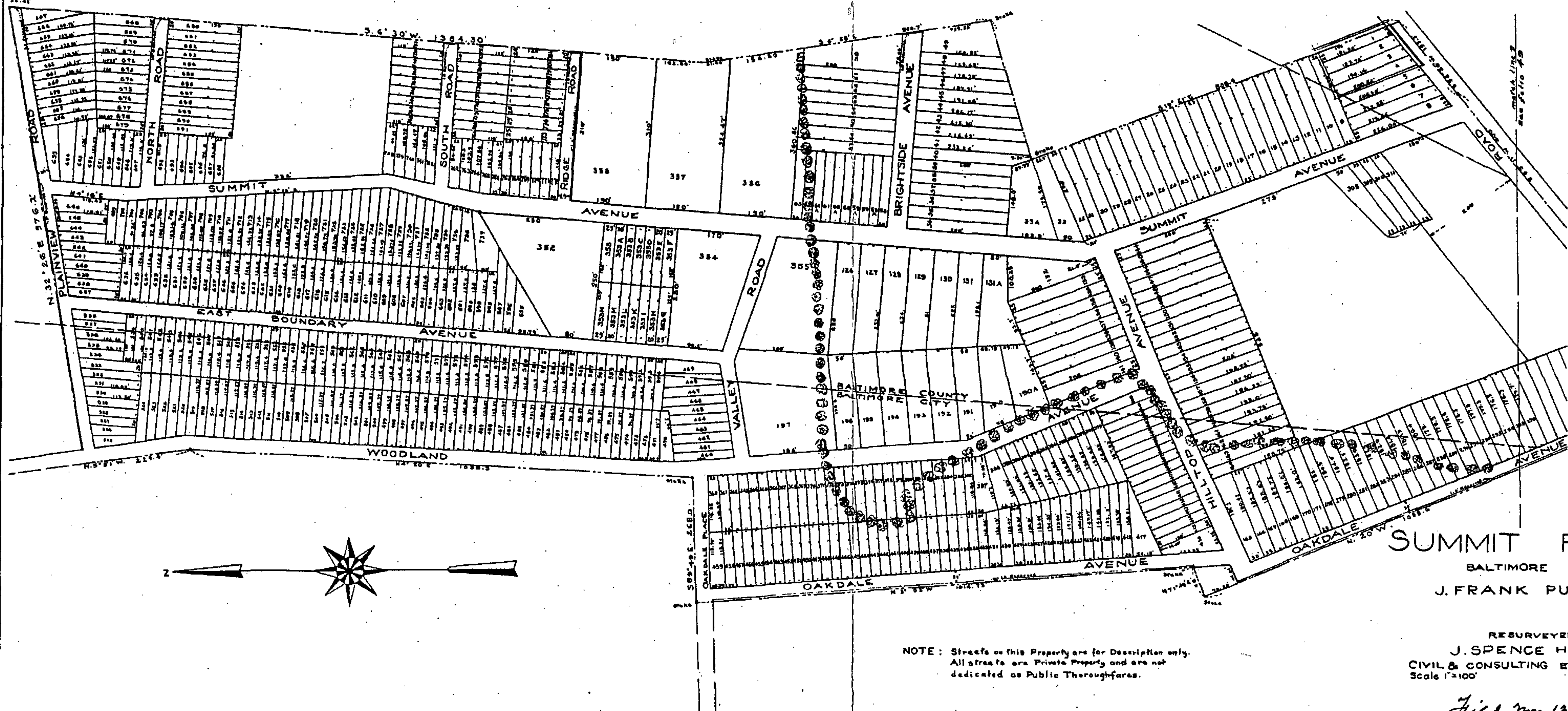
G.A.F

SEAL

Don M. Cole

BALTO., MD.

Scale 50 feet per inch.



SUMMIT FARMS
BALTIMORE MD
J. FRANK PURZER

NOTE: Streets on this Property are for Description only.
All streets are Private Property and are not
dedicated as Public Thoroughfares.

RESURVEYED BY
J. SPENCE HOWARD
CIVIL & CONSULTING ENGR BALTO. MD
Scale 1"=100' July, 1920

Filed Nov 13/24
Wm P Cole

Transcribed from original, July 1884

W.P.C.T. Part 1-46

#404