

**IN RE: PETITIONS FOR SPECIAL  
HEARING, SPECIAL EXCEPTION  
AND VARIANCE**

E side of Loch Raven Blvd., 1080 feet  
SW of the c/l of Taylor Avenue  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(6809 Loch Raven Blvd.)

**Arthur F. Gnau & Sons, Inc.**  
*Legal Owner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\*  
\* Case No. 2010-0162-SPHXA

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Emma H. Gnau on behalf of the legal owner of the subject property, Arthur F. Gnau & Sons, Inc. The relief requested is as follows:

The Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve:

- A modification of the service garage special exception and accompanying site plan approved in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith; and
- The removal and/or modification of the conditions imposed in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this Petition.

The Special Exception is requested to use the subject property as follows:

- To permit continued use of a service garage on the subject property in the commercial zone pursuant to Section 230.3 of the B.C.Z.R.

The Variance relief is also requested as follows:

- From Section 409.8.A.1 of the B.C.Z.R. to permit 0 feet of landscaped buffer in lieu of the required 10 feet; and

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Date 3.3.10

By ps

- From Section 409.4.A of the B.C.Z.R. to permit an existing two-way driveway width of 10 feet in lieu of the 20 feet required; and
- From Section 409.8.A.6 of the B.C.Z.R. to permit existing parking spaces without otherwise required striping.

The subject property and the requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing, Special Exception, and Variance requests were Emma H. Gnau, owner and President of Petitioner Arthur F. Gnau & Sons, Inc., and her grandson, Darl M. Gnau, Jr. Howard L. Alderman, Jr., Esquire represented Petitioner at the hearing. Also appearing in support of the requested relief was Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the property line surveyor who prepared and sealed the site plan. Appearing as interested citizens were nearby neighbors Helen Williams of 6809 Collinsdale Road and Sandra Jones of 6719 Collinsdale Road. Ms. Williams and Ms. Jones are also members of the Old Hillendale Community Association. There were no Protestants or other interested citizens in attendance.

Testimony and evidence proceeded by way of a proffer of Mr. Doak's testimony by Mr. Alderman. Mr. Alderman indicated that Mr. Doak has been offered and accepted as an expert in land use, zoning (including the B.C.Z.R.), and development matters numerous times before this Commission, the Board of Appeals, and the Circuit Court, and Mr. Doak was accepted as such in this case. By way of background, Mr. Alderman indicated that the subject property is irregularly shaped, as shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, and consists of approximately 36,849 square feet or 0.846 acre, more or less. The property is predominantly zoned B.L.-C.C.C., with a small area also zoned D.R.5.5 (owing to the residential development to the east). The property is located on the east side of

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Loch Raven Boulevard, just north of its convergence with Goucher Boulevard, in the Hillendale area of Baltimore County. As shown on the site plan, the property is improved with a two-story stone and wood frame building, and a long macadam panhandle driveway leads from Loch Raven Boulevard to the main area of the property that includes more macadam paving and parking areas, as well as the aforementioned building.

The subject property has been in the Gnau family for many years. It had previously been used as a service garage by Arthur F. Gnau (Emma Gnau's late husband) for his business since approximately 1950 and was the subject of a zoning case in 1972. In Case No. 72-176-X, the service garage use was requested along with related variances for the property that was at that time zoned B.L. The relief was granted by this Commission, and was later granted by the Board of Appeals after being remanded by the Circuit Court. The Board of Appeals Opinion dated February 6, 1975 was marked and accepted into evidence as Petitioner's Exhibit 3. At that time, the property contained 32,140 square feet, but due to changes in lot lines over the years, the property now contains 36,849 square feet. The special exception area included the original building area shown and labeled on the site plan, but did not include a subsequent addition built in the 1980's that is shown as a cross-hatched area on the site plan.

The reason for the instant zoning relief is mainly to legitimize existing conditions as they have changed slightly over time, as well as to bring the property up to current zoning standards where necessary. In particular, the special hearing is to modify the previously granted special exception use and to remove and/or modify certain of the conditions imposed in that case, including the condition that limited the special exception use to seven commercial vehicles that were owned by Mr. Gnau. The special exception seeks to expand the use of the service garage to include the addition to the original building, and to permit the use to go beyond Mr. Gnau's

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By PJ



service garage use so as to include other potential users of the property for that purpose. The variance requests are to permit existing conditions to remain as they are today.

Mr. Alderman indicated that, as previously stated, the subject property has been used as a service garage for almost 60 years. It was used by Mr. Gnau's business, Arthur F. Gnau and Sons, Inc., to repair and store his trucks that were used for wholesale drug deliveries to retail drug outlets. Approximately four years ago, Mr. Gnau passed away and Mrs. Gnau has leased the property to various businesses over the years as a service garage. At this juncture, Mrs. Gnau desires to continue to lease the property as a service garage, but is in need of the aforementioned zoning relief to do so.

In support of the requested relief, Mr. Alderman indicated that the nature of the relief previously granted in 1975 and which has been in use since that time would essentially remain unchanged. There would be no expansion or additional construction, nor would the previously approved use be more intense than what has existed over the years. Photographs of the subject property and adjacent areas were marked and accepted into evidence as Petitioner's Exhibits 4A through 4S. Mr. Alderman also proffered Mr. Doak's expert testimony that the proposed service garage use would meet the special exception criteria set forth in Section 502.1 of the B.C.Z.R.

As to the requested variances, Mr. Doak's proffered testimony indicated that the existing 0 foot landscape buffer in lieu of the required 10 feet is located along the western property line as it abuts another commercial property along Loch Raven Boulevard that is home to a Laundromat. It was explained that the existing buffer more than adequately screens the subject property from the Laundromat, with large, mature evergreen trees separating the properties, making an additional 10 foot buffer superfluous and unnecessary. This was visually confirmed in the photographs that were accepted into evidence as Petitioner's Exhibits 4A and 4C. The

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remaining photographs show the existing macadam paving and building, and the configuration and location of the building relative to nearby properties. The variance for the 10 foot two-way driveway width in lieu of the required 20 feet is shown in the photograph that was accepted into evidence as Petitioner's Exhibit 4I. This drive aisle connects two separate parking pad areas, as shown on the site plan. Mr. Doak's proffered testimony indicated that, although a 20 foot width is required, the unusual configuration of the property and the manner in which the property slopes compels the need and desire for variance relief. His expert testimony, and also the anecdotal evidence of Ms. Gnau and her grandson, Darl Gnau, indicates that the existing drive aisle width has been more than sufficient for the service garage use. According to Mr. Doak, widening the drive aisle would also unnecessarily increase the impervious surface area. As to the striping of parking spaces, Mr. Doak's testimony indicates that striping would give the property more of a commercial appearance, which Petitioner seeks to avoid, and the lack of striping has not created any difficulties in the past.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Bureau of Development Plans Review ("DPR") dated December 10, 2009 which indicates that Petitioner should clarify whether there is a use-in-common agreement with the Jake, Jilly and Jane Properties, LLC property for access. If there is not, then the access to Loch Raven Blvd. is too narrow and the driveway median will have to be removed with the area paved over.<sup>1</sup> DPR takes no issue to granting the requested variances; however, they believe the two-way driveway aisle between parking spaces 5 and 6 must be widened to 16 feet. Comments were received from the

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<sup>1</sup> I note that Loch Raven Boulevard is a State road (MD 542) and the State Highway Administration ("SHA") reviewed the site plan and performed a field inspection as part of its Zoning Advisory Committee review. Their comment, which is contained in the case file, revealed that the entrance onto Loch Raven Boulevard is consistent with current SHA guidelines and, therefore SHA has no objection to approval for the subject property.

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By pm

Office of Planning dated January 11, 2010 which indicates that they have major concerns about this service garage that is only 10 feet away from a residential property line and only 50 feet away from a residential structure. The garage was originally built as a residential garage to the neighboring residential estate at 6801 Loch Raven Blvd. In 1972, Case No. 72-176-X approved a service garage at this location. Petitioner should prove that the special exception was utilized and thus vested. The site of the garage, which is behind a gas station off a major arterial, could possibly present several nuisance problems for the nearby adjacent homes. Headlights, noise and debris from a service garage would have a negative impact to the adjacent residential community. The residential homes have no buffer or screening from the proposed service garage, while the property boundary to the Laundromat just east of the property has a large vegetative buffer and is located more than 40 feet away. For those reasons, the Office of Planning does not oppose the Petitioner's variance requests for a 0 foot landscaped buffer provided they adhere to certain conditions including no expansion of the existing paving, landscaping along the southern property line, restricted operating hours and no towing service. Additionally, the Planning Office does not approve of the Petitioner's request for additional zoning relief by variance, special hearing or special exception. The commercially zoned property is ill fitting and sited behind several commercial properties along Loch Raven Blvd. The garage is more suited for its intended original use as a residential garage than as a commercial garage. Since the garage cannot conform to commercial zoning standards and is located within 50 feet of a residential property, no additional zoning relief should be granted.

After considering the testimony and evidence presented, I am persuaded to grant the requested relief. Regarding the special hearing and special exceptions, this property has existed as a service garage for almost 60 years. According to the Planning Office, the building was

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By PJ



originally constructed as a garage building for the original residential estate that existed prior to the extensive commercial and residential development that has occurred in the surrounding area; however, during the ensuing years, the property has been used commercially as a service garage. Although the concerns related to its proximity to a residential area are legitimate and warranted, there has been no evidence presented that the continued use as a service garage would have any additional detrimental impacts beyond those that have existed since the special exception was originally granted in 1975. I also believe that since this use has evolved over time and with the death of Mr. Gnau, that the original condition restricting the use of a service garage to his business vehicles only should be lifted in order to include other potential users of the property in the same manner. There were no Protestants present that opposed the requested relief and I am persuaded by the expert testimony adduced at the hearing that this continued use would not have detrimental impacts on the relevant 502.1 criteria.

Regarding the variances, I am likewise persuaded to grant this relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The property's history suggests that it has been used as a service garage for almost 60 years and the building and the existing paving and landscaping have been relatively unchanged in its appearance. The unusual shape of the property and its downward slope suggest alterations would be very difficult. The photographs show that the property appears to be well kept. They also show that the property is fairly isolated unto itself, not visible from Loch Raven Boulevard and also only visible on a limited basis from the neighboring residential properties to the east due to its elevation above those properties. Hence, I conclude that the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty if the variance requests were to be denied. Moreover, in my view, the variances can be

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granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. That is not to say I am unconcerned about potential impacts to the adjacent residential properties -- a concern raised by Ms. Williams and Ms. Jones -- so as part of this Order, I will require Petitioner to provide additional landscape evergreen screening along the eastern property line.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special exception, special hearing, and variance should be granted.

THEREFORE, IT IS ORDERED this 3rd day of March, 2010 by the Deputy Zoning Commissioner that Petitioner's requests for Special Hearing in accordance with Section 500.7 of the B.C.Z.R. to approve:

- A modification of the service garage special exception and accompanying site plan approved in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith; and
- The removal and/or modification of the conditions imposed in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this Petition,

be and are hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's request for Special Exception for the continued use of a service garage on the subject property in the commercial zone pursuant to Section 230.3 of the B.C.Z.R. be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED that Petitioner's requests for Variance as follows:

- From Section 409.8.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 feet of landscaped buffer in lieu of the required 10 feet; and
- From Section 409.4.A of the B.C.Z.R. to permit an existing two-way driveway width of 10 feet in lieu of the 20 feet required; and

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- From Section 409.8.A.6 of the B.C.Z.R. to permit existing parking spaces without otherwise required striping,

be and are hereby **GRANTED**.

The following are conditions precedent to the relief granted herein:

1. Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. The condition in prior Case No. 72-176-X restricting the service garage use to the seven commercial vehicles owned by Petitioner shall be removed; however, the use of the subject property as a service garage generally shall be limited to the number of vehicles that can lawfully be parked at the location (14 parking spaces) as denoted on the site plan accepted into evidence as Petitioner's Exhibit 1, and parking shall be limited to those parking spaces shown.
3. Petitioner shall provide landscape screening along the eastern property line, as redlined on the site plan, with evergreen style trees and/or shrubs, in order to shield the adjacent residential properties from view.
4. Motor vehicles shall not be kept on the subject property for remuneration, hire, or sale.
5. The use of the property as a service garage shall not include the painting of vehicles or body work, and there shall be no hazardous materials used or noxious fumes emanating from the subject property.
6. The use of the property as a service garage shall not include the towing of vehicles for hire or remuneration, except towing may be permitted for transportation of vehicles to the subject property for the purpose of repairs.
7. Business hours as a service garage may not exceed Monday through Friday from 7:00 AM to 7:00 PM and Saturdays from 8:00 AM to 5:00 PM.
8. The owners and/or lessees of the subject property shall make the property and the building available for reasonable inspections by County officials during normal business hours to ensure compliance with the above conditions and any applicable laws and regulations.

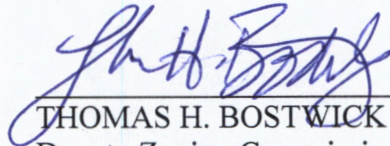
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Date 3.3.10

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By ps

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



THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

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Date 3.3.10

By pz 10





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 6809 Loch Raven Boulevard

which is presently zoned BL-CCC

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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  
(This box to be completed by planner)

See Attached

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

### Attorney For Petitioner:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue, Suite 800 410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

### Legal Owner(s):

Arthur F. Gnau & Sons, Inc.

Name - Type or Print

By:

Signature

Name - Type or Print

Signature

6713 Loch Raven Blvd.

410-823-6932

Address

Telephone No.

Baltimore

MD

21239

City

State

Zip Code

### Representative to be Contacted:

Bruce E. Doak/Gerhold, Cross & Etzel

Name

320 E. Towsontown Blvd, Ste 100 410-823-4470

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 11/30/09

Case No. 2010-0162-SP4XA

ORDER RECEIVED FOR FILING

Date 3.3.10

By [Signature]

**Attachment 1**

**PETITION FOR SPECIAL HEARING**

**CASE No:** \_\_\_\_\_

**Address:** 6809 Loch Raven Boulevard

**Legal Owner:** Arthur F. Gnau & Sons, Inc.

**Present Zoning:** BL-CCC

**REQUESTED RELIEF:**

*why the zoning commissioner should approve:* (i) a modification of the service garage special exception and accompanying site plan approved in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith; (ii) the removal and/or modification of certain of the conditions imposed in Case No. 72-176-X consistent with the companion Petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this Petition; and (iii) such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

**FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:**

Howard L. Alderman, Jr., Esquire  
Levin & Gann, P.A.  
8<sup>th</sup> Floor, Nottingham Centre  
502 Washington Avenue  
Towson, Maryland 21204

(410) 321-0600  
Fax: (410) 296-2801  
halderman@LevinGann.com





# Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property

located at 6809 Loch Raven Boulevard

which is presently zoned BL-CCC

Deed Reference: 11732 / 561 Tax Account # 2200027175

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

SEE ATTACHED

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Ste 800

410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2010-0126-XA

2010-0162-SPHXA

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date

3.3.10

By

ps

## Legal Owner(s):

Arthur F. Gnau & Sons, Inc.

Name - Type or Print

By:

Signature

Name - Type or Print

Signature

6713 Loch Raven Boulevard

410-823-6932

Address

Telephone No.

Baltimore

MD

21239

City

State

Zip Code

## Representative to be Contacted:

Bruce E. Doak/Gerhold, Cross & Etzel

Name

320 E. Towsontown Blvd, Ste 100 410-823-4470

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

11/30/09



**Attachment 1**

**PETITION FOR SPECIAL EXCEPTION**

**CASE No:** \_\_\_\_\_

**Address:** 6809 Loch Raven Boulevard

**Legal Owner:** Arthur F. Gnau & Sons, Inc.

**Present Zoning:** BL-CCC

**REQUESTED RELIEF:**

Approval of a *Special Exception*: 1) to permit continued use of a Service Garage on the subject property in the commercial zone pursuant to BCZR Section 230.3; and ii) to approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

**FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:**

---

Howard L. Alderman, Jr., Esquire  
Levin & Gann, P.A.  
8<sup>th</sup> Floor, Nottingham Centre  
502 Washington Avenue  
Towson, Maryland 21204

(410) 321-0600  
Fax: (410) 296-2801  
halderman@LevinGann.com

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~~2010-0126-XA~~

2010-0162-SP4XA



# Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property  
located at 6809 Loch Raven Boulevard  
which is presently zoned BL-CCC

Deed Reference: 11732 / 561 Tax Account # 2200027175

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

SEE ATTACHED

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Ste 800

410-321-0600

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

## Legal Owner(s):

Arthur F. Gnau & Sons, Inc.

Name - Type or Print

By:

Signature

Name - Type or Print

Signature

6713 Loch Raven Boulevard

410-823-6932

Address

Baltimore

MD

Telephone No.

21239

City

State

Zip Code

## Representative to be Contacted:

Bruce E. Doak/Gerhold, Cross & Etzel

Name

320 E. Towsontown Blvd., Ste 100

410-833-4470

Address

Towson

MD

Telephone No.

21286

City

State

Zip Code

Case No. 2010-0126-XA

2010-0162-SPHXA

REV 8/20/07

## Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing

Reviewed by W

Date 11/30/07

ORDER RECEIVED FOR FILING

Date 3.3.10

By B3



**Attachment 1**

**PETITION FOR VARIANCE**

**CASE No:** \_\_\_\_\_

**Address:** 6809 Loch Raven Boulevard

**Legal Owner:** Arthur F. Gnau & Sons, Inc.

**Present Zoning:** BL-CCC

**REQUESTED RELIEF:**

A variance from the following sections of the *Baltimore County Zoning Regulations* for **existing conditions**:

i) Section 409.8.A.1 to permit 0 feet of landscaped buffer in lieu of the required 10 feet; ii) ~~Sections 232.2 & 1B01.2.C.1.c, and the CMDP to permit an existing side yard setback of 2 feet in lieu of the required 20 feet,~~ iii) Section 409.4.A. to permit an existing, two-way driveway width of 10 feet in lieu of the 20 feet required; and iv) Section 409.8.A.6 to permit existing parking spaces without otherwise required striping; and v) to approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

**JUSTIFICATION:**

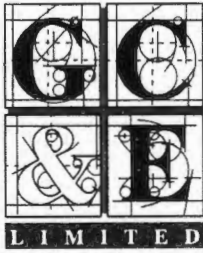
1. Irregular shape of property;
2. Topography of property;
3. All conditions are existing;
4. Relief pertains to building erected more than 50 years ago; and
5. For such further reasons that will be presented at the hearing on this Petition.

**FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:**

Howard L. Alderman, Jr., Esquire  
Levin & Gann, P.A.  
8<sup>th</sup> Floor, Nottingham Centre  
502 Washington Avenue  
Towson, Maryland 21204

(410) 321-0600  
Fax: (410) 296-2801  
halderman@LevinGann.com

2010-0126-XA



## Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286  
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 6, 2009

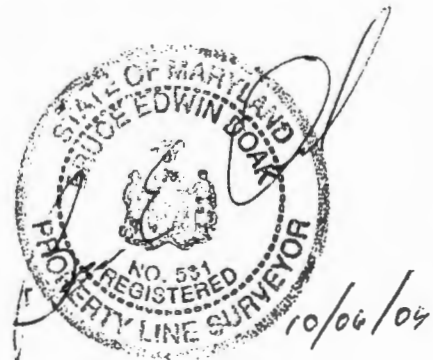
### Zoning Description 6809 Loch Raven Boulevard

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the southeast right of way line of Loch Raven Boulevard, 1080 feet, more or less, from the centerline of Taylor Avenue, thence leaving Loch Raven Boulevard and running, (1) South 57 degrees 30 minutes 00 seconds East 164.22 feet, (2) North 35 degrees 21 minutes 13 seconds East 225.92 feet, (3) South 58 degrees 36 minutes 00 seconds East 117.08 feet, (4) South 23 degrees 02 minutes 30 seconds West 231.03 feet, (5) North 57 degrees 30 minutes 00 seconds West 109.26 feet, (6) South 32 degrees 30 minutes 00 seconds West 20.00 feet, (7) North 57 degrees 30 minutes 00 seconds West 58.00 feet, (8) North 57 degrees 30 minutes 00 seconds West 126.00 feet and (9) North 77 degrees 41 minutes 21 seconds West 41.68 feet to a point on the southeast right of way line of Loch Raven Boulevard, thence binding on the southeast right of way line of Loch Raven Boulevard (10) Northeasterly by a line curving to the right with a radius of 2501.48 feet for an arc distance of 34.44 feet to the point of beginning.

Containing 36,849 sq. ft. or 0.85 acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



2010-0162 SP4XA

**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: 2010-0162-SPHXA  
~~2010-0126 XA~~

Petitioner: EMMA H. GNAU

Address or Location: 6809 LOCH RAVEN BOULEVARD

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: EMMA H. GNAU

Address: 6713 LOCH RAVEN BOULEVARD

BALTIMORE MD 21229

Telephone Number: 410-823-6932



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. 0767

Date: 11/30/09

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|---------|------|------|-----|---------|--------|
|      |      |      |          | Source/ | Rev/ |      |     |         |        |
| 001  | 806  | 000  | 000      | 6150    |      |      |     |         | 75.00  |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |

Total: 75.00

Rec From: Arthur Jones & Sons 2092

For: 0809 Local Police 3rd  
71209  
71209  
71209

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. \_\_\_\_\_

Date: 1/10/9

| Fund | Dept | Unit | Sub Unit | Rev            | Sub             | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-----------------|------|-----|---------|--------|
|      |      |      |          | Source/<br>Obj | Rev/<br>Sub Obj |      |     |         |        |
| 2001 | 200  | 2000 |          | 2150           |                 |      |     |         | 705.00 |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         | 2072   |
|      |      |      |          |                |                 |      |     |         | 705.00 |

Total: 705.00

Rec From: Althaus, Gordon + Son, Inc.

For: 2001 - 2000 - 2150 1072

**DISTRIBUTION**

WHITE - CASHIER   PINK - AGENCY   YELLOW - CUSTOMER   GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
VALIDATION**

#### 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: # 2010-0162-SPHXA**

6809 Loch Raven Boulevard

E/side of Loch Raven Boulevard, 1080 +/- feet s/west of the centerline of Taylor Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Arthur F. Gnau & Sons, Inc.

**Special Hearing:** for a modification of the service garage special exception and accompanying site plan approved in case 72-176-X consistent with the companion petition for Special Exception submitted herewith; the removal and/or modification of the conditions imposed in case no. 72-176-X consistent with companion petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this petition; and such relief as the nature of this case as presented at the time of hearing on this Petition may require within the spirit and intent of the BCZR and prior approvals for the subject property.

**Variance:** to permit 0 feet of landscaped buffer in lieu of the required 10 feet; to permit an existing, two way driveway width of 10 feet in lieu of the required 20 feet required; and to permit existing parking spaces otherwise required striping; and to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may require; within the spirit and intent. **Special Exception:** to permit continued uses of a service garage on the subject property in the commercial zone; to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may require; within the spirit and intent.

**Hearing:** Friday, January 29, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.

1/14/1 January 14

226484

## CERTIFICATE OF PUBLICATION

1/14/, 2010

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 1/14/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING



# THE DAILY RECORD

Baltimore, December 29, 2009

CASE #2010-0162-SPHXA -  
Notice of Zoning Hearing

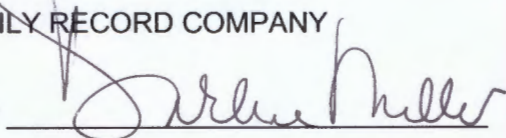
Inv:# 30435638

We hereby certify that the annexed advertisement of CASE #2010-0162-SPHXA - Notice of Zoning Hearing was published in THE DAILY RECORD, a daily newspaper published in the City and County of Baltimore on 12/29/2009.

First insertion December 29, 2009

THE DAILY RECORD COMPANY

Per



## 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: 2010-0162-SPHXA**

6809 Loch Raven Boulevard

E/side of Loch Raven Boulevard, 1080 +/- feet s/west of the centerline of Taylor Avenue

9th Election District - 5th Councilmanic District

Legal Owners: Arthur F. Gnau & Sons, Inc.

**Special Hearing** for a modification of the service garage special exception and accompanying site plan approved in case 72-176-X consistent with the companion petition for Special Exception submitted herewith; the removal and/or modification of the conditions imposed in case no. 72-176-X consistent with companion petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this petition; and such relief as the nature of this case as presented at the time of hearing on this Petition may require within the spirit and intent of the BCZR and prior approvals for the subject property. **Variance** to permit 0 feet of landscaped buffer in lieu of the required 10 feet; to permit an existing, two way driveway width of 10 feet in lieu of the required 20 feet required; and to permit existing parking spaces otherwise required striping; and to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent. **Special Exception** to permit continued use of a service garage on the subject property in the commercial zone; to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent.

Hearing: Friday, January 29, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

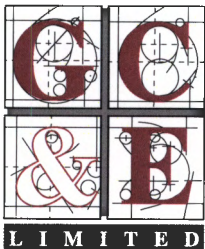
WILLIAM J. WISEMAN III,

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.

d29



# Gerhold, Cross & Etzel, Ltd.

*Registered Professional Land Surveyors • Established 1906*

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286  
Phone: (410) 823-4470 • Fax: (410) 823-4473 • [www.gcelimited.com](http://www.gcelimited.com)

## CERTIFICATE OF POSTING

RE: CASE#2010-0162-SPHXA

OWNER/DEVELOPER/PETITIONER:

Arthur F. Gnau & Sons, Inc.

DATE OF HEARING: January 29, 2010

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

ATTENTION: 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

(see page 2 for full size photo)

### LOCATION:

6809 Loch Raven Boulevard

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD  
SUITE 100  
320EAST TOWSONTOWN BLVD  
TOWSON, MARYLAND 21286  
410-823-4470 PHONE  
410-823-4473 FAX

POSTED ON: January 6, 2010

# ZONING NOTICE

**CASE # :2010-0162-SPHXA**

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

**PLACE:** Room 106, County Office Building,  
111 W. Chesapeake Avenue, Towson, MD

**TIME :** 9:00 am Friday, January 29, 2010

Special Hearing: for a modification of the service garage special exception and accompanying site plan approved in case 72-176-X consistent with the companion petition for Special Exception submitted herewith; the removal and/or modification of the conditions imposed in case No. 72-176-X consistent with companion petition for Special Exception submitted herewith and the testimony and evidence presented at the time of the hearing on this petition; and such relief as the nature of this case as presented at the time of hearing on this Petition may require within the spirit and intent of the BCZR and prior approvals for the subject property. Variance to permit 0 feet of landscaped buffer in lieu of the required 10 feet; to permit an existing, two way driveway width of 10 feet in lieu of the required 20 feet; and to permit existing parking spaces otherwise required striping; and to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may require; within the spirit and intent. Special Exception to permit continued use of a service garage on the subject property in the commercial zone; to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may require; within the spirit and intent.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY TO CONFIRM HEARING.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW  
**HEARINGS ARE HANDICAPPED ACCESSIBLE**







## 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  
December 23, 2009

### 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: 2010-0162-SPHXA**

6809 Loch Raven Boulevard

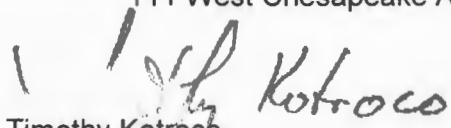
E/side of Loch Raven Boulevard, 1080 +/- feet s/west of the centerline of Taylor Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Arthur F. Gnau & Sons, Inc.

Special Hearing for a modification of the service garage special exception and accompanying site plan approved in case 72-176-X consistent with the companion petition for Special Exception submitted herewith; the removal and/or modification of the conditions imposed in case no. 72-176-X consistent with companion petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this petition; and such relief as the nature of this case as presented at the time of hearing on this Petition may require within the spirit and intent of the BCZR and prior approvals for the subject property. Variance to permit 0 feet of landscaped buffer in lieu of the required 10 feet; to permit an existing, two way driveway width of 10 feet in lieu of the required 20 feet required; and to permit existing parking spaces otherwise required striping; and to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent. Special Exception to permit continued use of a service garage on the subject property in the commercial zone; to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent.

Hearing: Friday, January 29, 2010 at 9:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

  
Timothy Kotroco  
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204  
Emma Gnau, 6713 Loch Raven Blvd., Baltimore 21239  
Bruce Doak, 320 E. Towsontown Blvd., Sete. 100, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 14, 2010.**

(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**

(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY  
Thursday, January 14, 2010 Issue - Jeffersonian

Please forward billing to:

Emma Gnau  
6713 Loch Raven Boulevard  
Baltimore, MD 21234

410-823-6432

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## 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: 2010-0162-SPHXA**

6809 Loch Raven Boulevard

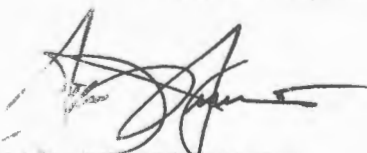
E/side of Loch Raven Boulevard, 1080 +/- feet s/west of the centerline of Taylor Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Arthur F. Gnau & Sons, Inc.

Special Hearing for a modification of the service garage special exception and accompanying site plan approved in case 72-176-X consistent with the companion petition for Special Exception submitted herewith; the removal and/or modification of the conditions imposed in case no. 72-176-X consistent with companion petition for Special Exception submitted herewith and the testimony and evidence presented at the time of hearing on this petition; and such relief as the nature of this case as presented at the time of hearing on this Petition may require within the spirit and intent of the BCZR and prior approvals for the subject property. Variance to permit 0 feet of landscaped buffer in lieu of the required 10 feet; to permit an existing, two way driveway width of 10 feet in lieu of the required 20 feet required; and to permit existing parking spaces otherwise required striping; and to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent. Special Exception to permit continued use of a service garage on the subject property in the commercial zone; to approve such additional relief as the nature of this case as presented at the time of the hearing on this petition may required; within the spirit and intent.

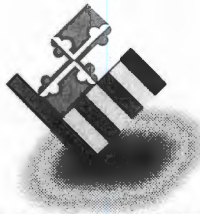
Hearing: Friday, January 29, 2010 at 9:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204



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.





**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*

January 21, 2010

Howard L. Alderman, Jr.  
Levin & Gann, PA  
502 Washington Ave. Ste. 800  
Towson, MD 21204

Dear: Howard L. Alderman, Jr.

RE: Case Number 2010-0162-SPHXA, 6809 Loch Raven Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 30, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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:lnw

Enclosures

c: People's Counsel  
Bruce E. Doak; 320 E. Towsontown Blvd. Ste. 100; Towson, MD 21286  
Arthur F. Gnau & Sons, Inc; 6713 Loch Raven Blvd., Baltimore, MD 21239

TB 1/29  
9am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** January 11, 2010

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

RECEIVED

**SUBJECT:** 6809 Loch Raven Boulevard

JAN 14 2010

### INFORMATION:

ZONING COMMISSIONER

**Item Number:** 10-162

**Petitioner:** Arthur F. Gnau

**Property Size:** 36,849 sq.ft

**Zoning:** BL CCC, DR 5.5

**Requested Action:** Special Hearing,

**Hearing Date:**

The petitioner is seeking multiples variances, special exceptions and special hearing requests.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has some major concerns about this service garage that is only 10 feet away from a residential property and only 50 feet away from a residential structure. The garage was originally built as a residential garage to the neighboring residential estate at 6801 Loch Raven Boulevard. In 1972, case # 72-176x approved a service garage at this location. The applicant should prove that the Special Exception was utilized and thus vested. The site of the garage, which is behind a gas station off a major arterial, could possibly present several nuisance problems for the nearby adjacent homes.

Headlights, noise and debris from a service garage would have a negative impact to the adjacent residential community. The residential homes have no buffer or screening from the proposed service garage, while the property boundary to the Laundromat just east of the property has a large vegetative buffer and is located more than 40 feet away.

For those reasons, the Office of Planning does not oppose the petitioner's variance requests for a 0 foot landscaped buffer provided they adhere to the following conditions:

1. There shall be no expansion of the existing paving.
2. There shall be landscaping from the southern building corner to the southern property line.
3. The hours of operation for the garage should be restricted from 8 am-6 pm.
4. The garage should not function as a towing service.

Additionally, the Office of Planning also does **not** approve of the petitioner's request for additional zoning relief by variance, special hearing or special exception. The commercially zoned property is ill

fitting and sited behind several commercial properties along Loch Raven Boulevard. The garage is more suited for its intended original use as a residential garage then as a commercial garage. Since the garage cannot conform to commercial zoning standards and is located within 50 feet of a residential property, no additional zoning relief should be granted.

Prepared By: \_\_\_\_\_

*Curtis P. Murray*

Section Chief: \_\_\_\_\_

*John J. Linn*

AFK/LL:DZ



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** December 10, 2009

**FROM:** <sup>DMK</sup>  
Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 21, 2009  
Item No.: 2010-162

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The petitioner should clarify whether there is a use-in-common agreement with the Jake, Jilly and Jane Properties, LLC property for access. If there isn't then the access to Loch Raven Boulevard is too narrow and the driveway median will have to be removed with the area paved over.

We take no except to granting the requested variances; however, the two-way driveway between parking spaces 5 and 6 must also be widened to 16 feet.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0162-12212009.doc

TB  
1-29-10

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**JAN 22 2010**

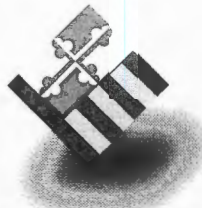
**TO:** Timothy M. Kotroco **ZONING COMMISSIONER**  
**FROM:** Dave Lykens, DEPRM - Development Coordination  
**DATE:** January 22, 2010  
**SUBJECT:** Zoning Item # 10-162-SPHXA  
Address 6809 Loch Raven Boulevard  
(Arthur F. Gnau & Sons, Inc. Property)

Zoning Advisory Committee Meeting of December 6, 2009.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWJ

Date: 1/22/2010



**BALTIMORE COUNTY**  
**M A R Y L A N D**

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6<sup>th</sup> 2009

Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File





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

State Highway  
Administration

Beverley K. Swain-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Dec. 11, 2009

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

RE: Baltimore County  
Item No. 2010-0162SPHXA  
MD 542 (LOCH RAVEN BLVD)  
ARTHUR F. GNAU & SONS  
6809 LOCH RAVEN BLVD.  
SPECIAL HANDLING  
VARIANCE  
SPECIAL EXCEPTION

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 12/7/09. A field inspection and internal review reveals that an entrance onto MD 542 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for GNAU PROPERTY, Case Number 2010-0162-SPHXA.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at ([m Bailey@sha.state.md.us](mailto:m Bailey@sha.state.md.us)). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA  
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2253 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0800 • [www.sha.maryland.gov](http://www.sha.maryland.gov)

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
SPECIAL EXCEPTION & VARIANCE \* ZONING COMMISSIONER  
6809 Loch Raven Blvd; E/S Loch Raven \*  
Blvd, 1080' SW c/line of Taylor Avenue \*  
9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Arthur F. Gnau & Sons, Inc \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 10-162-SPHXA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

DEC 08 2009

.....]

*Peter Max Zimmerman*  
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
\_\_\_\_\_  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*  
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CASE NAME GNAU Property  
CASE NUMBER 2010-0162-SPHXA  
DATE 29 January 2010  
LET 6809 Loch Raven Blvd

6809 Loch Raven Blvd

[illegible]



CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE Jun 29, 2010

[illegible]

Case No.: 2010-0162-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

|              |                                                                              |  |
|--------------|------------------------------------------------------------------------------|--|
| No. 1        | Site Plan                                                                    |  |
| No. 2        | Aerial Photograph                                                            |  |
| No. 3        | 1972 case                                                                    |  |
| No. 4<br>A-5 | photographs                                                                  |  |
| No. 5        | site plan to accompany<br>photographs                                        |  |
| No. 6        | historic photos of area<br>prior to development (shows the garage in 1950's) |  |
| No. 7        |                                                                              |  |
| No. 8        |                                                                              |  |
| No. 9        |                                                                              |  |
| No. 10       |                                                                              |  |
| No. 11       |                                                                              |  |
| No. 12       |                                                                              |  |





75 37.5 0 75 Feet

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PETITIONER'S  
EXHIBIT  
2



RE: PETITION FOR SPECIAL EXCEPTION

BEFORE

for a Garage, Service, and  
VARIANCE from Section 232.3  
of the Baltimore County  
Zoning Regulations  
E/S of Loch Raven Blvd. 1264  
S. of Taylor Avenue  
9th District  
Arthur F. Gnau, et al.  
Petitioners

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 72-176-X

OPINION

This case comes before the Board of Appeals from an Order of the Circuit Court for Baltimore County, dated November 7, 1973, signed by The Honorable H. Kemp MacDaniel.

The case involves a petition for a special exception for a Service Garage and a variance from Section 232.3 for a rear yard setback from the required twenty (20) feet to nine (9) feet. The property is located on the east side of Loch Raven Boulevard, 1064 feet south of Taylor Avenue, in the Ninth Election District of Baltimore County. The property in question is zoned B.L. and is located to the rear (east) of a restaurant known as Hanson House; same lies somewhat lower than said restaurant and is improved by a large attractive stone structure that is and has been used as a service garage for the Petitioner's trucks. These vehicles are used in his business known as Arthur F. Gnau and Sons; said enterprise being exclusively for wholesale drug deliveries to retail drug outlets.

The Petitioner produced testimony that the proposed use of the subject property has, in fact, been taking place since approximately 1950, and that they merely wish to continue their operation as it has existed. The Petitioner further testified that there is to be no additional construction and that the building will remain as it presently exists. The testimony satisfies this Board that the special exception requirements of Section 502.1 have been met, and that this continued use would not adversely affect the public health and general welfare. However, another problem develops in that the building is constructed at one point within nine feet of the easternmost boundary line of the subject property. The Petitioner indicated that a building permit was applied for and approval of the County was acquired prior to the construction of this portion of the above

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3



described existing building. Pursuant to this permit, the Petitioner did, in fact, erect the building which, as previously mentioned, is an attractive stone and frame structure. The testimony further indicated that compliance with the required twenty foot setback would require the demolition of this building, and the cost would be prohibitive. The Board concludes that same would amount to an unreasonable hardship and/or practical difficulty being placed upon the Petitioner if adherence to the setback regulations is required.

The Protestants in this case comprised some of the neighboring property owners to the south of the Petitioner's dwelling; said dwelling is located on the lot immediately to the south of the property which is the subject of these proceedings. These Protestants objected to the petition and cited for the most part an agreement existing between them and the Petitioner, who was the developer of the project known as Loch Knoll Manor (being that property on the east side of Loch Raven Boulevard, comprising thirteen lots and bounded on the north by the subject property). This Agreement is recorded among the Land Records of Baltimore County in Liber 3695 at page 521, (Protestants' Exhibit A in these proceedings). Same has been the subject matter of other collateral litigation. The Protestants maintain that in the past the Petitioner has and is now seeking to further violate the provisions of this Agreement, and that he is prohibited, by the terms of said Agreement, from some of the matters petitioned for in the instant case. This may well be, however, the matter of upholding or altering the existing recorded Agreement falls within the jurisdiction of another forum, and is not properly within the purview of this Board.

Consequently, the Board feels that the requirements of Section 502.1 have been met and that the denial of the requested variance would present the Petitioner with unreasonable hardship and/or practical difficulty. Therefore, the variance petitioned for shall be granted, and the special exception requested will also be granted subject to certain restrictions and conditions.



ORDER

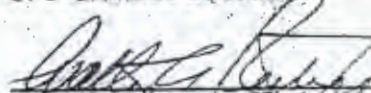
For the reasons set forth in the foregoing Opinion, it is this 6th day of February, 1975, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby GRANTED; and it is

FURTHER ORDERED that the special exception for a Service Garage petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the use of the subject property as a service garage shall be limited to not more than seven (7) commercial vehicles owned by the Petitioner, and said use shall be limited to the existing structure.
2. That the subject property shall be screened by an eight (8) foot high screen fencing as outlined by this Board in Red on Petitioner's Exhibit #2 (see plat attached).
3. That motor vehicles shall not be kept on the subject property for remuneration, hire or sale.
4. Any parking incidental to the operation of the subject property as a service garage shall be limited to those parking spaces shown on Petitioner's Exhibit #2 within the screen fencing.
5. That the Petitioner shall enter into a written agreement with the Zoning Commissioner stipulating the above conditions and/or restrictions, which shall be recorded among the Land Records of Baltimore County, as provided in Section 502.2 of the Baltimore County Zoning Regulations.

Any appeal from this decision must be in accordance with Chapter 1100, Subtitle B, of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Walter A. Reller, Jr., Chairman

  
W. Giles Parker

  
Robert L. Gillard





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PETITIONER'S  
EXHIBIT  
4A-S

















































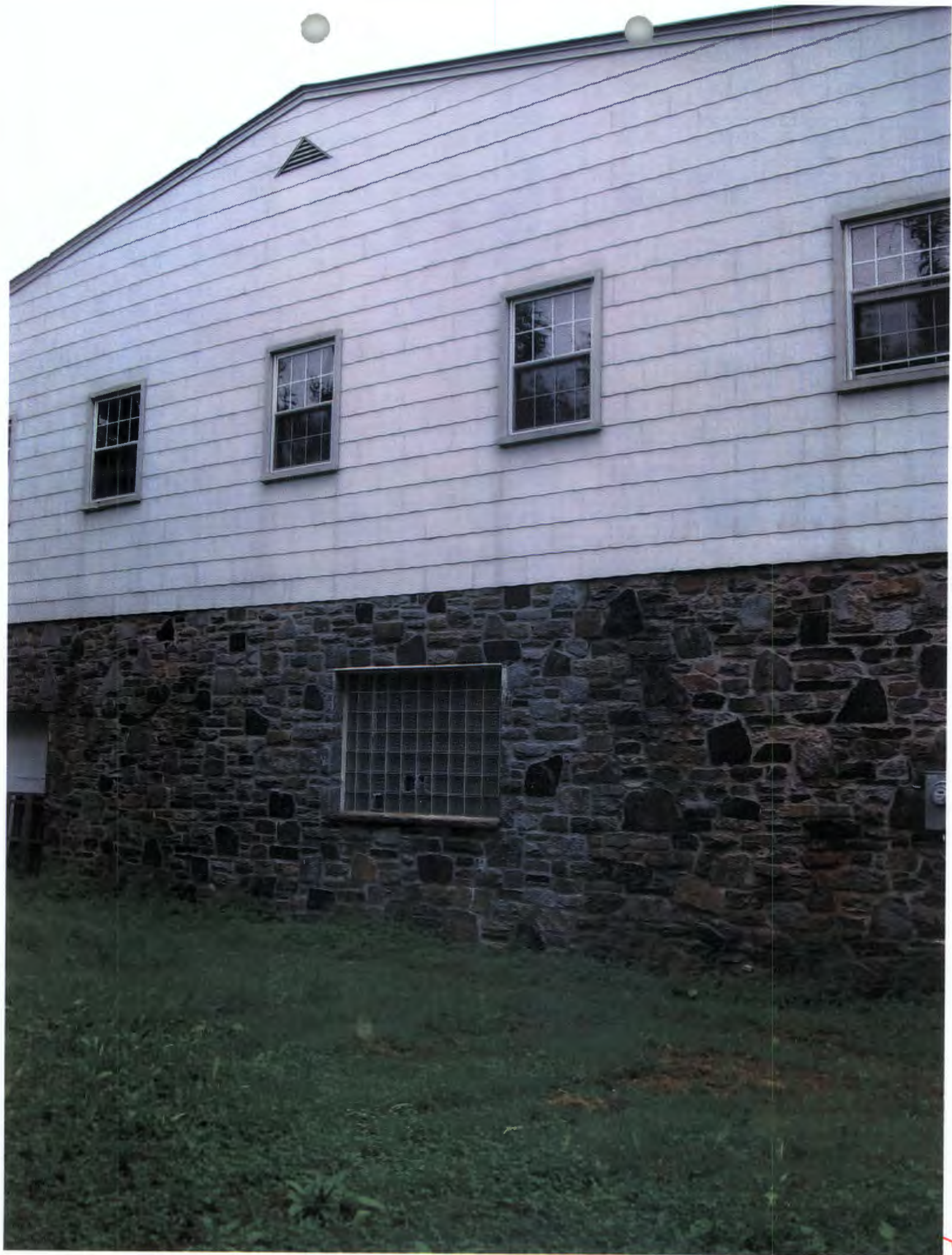












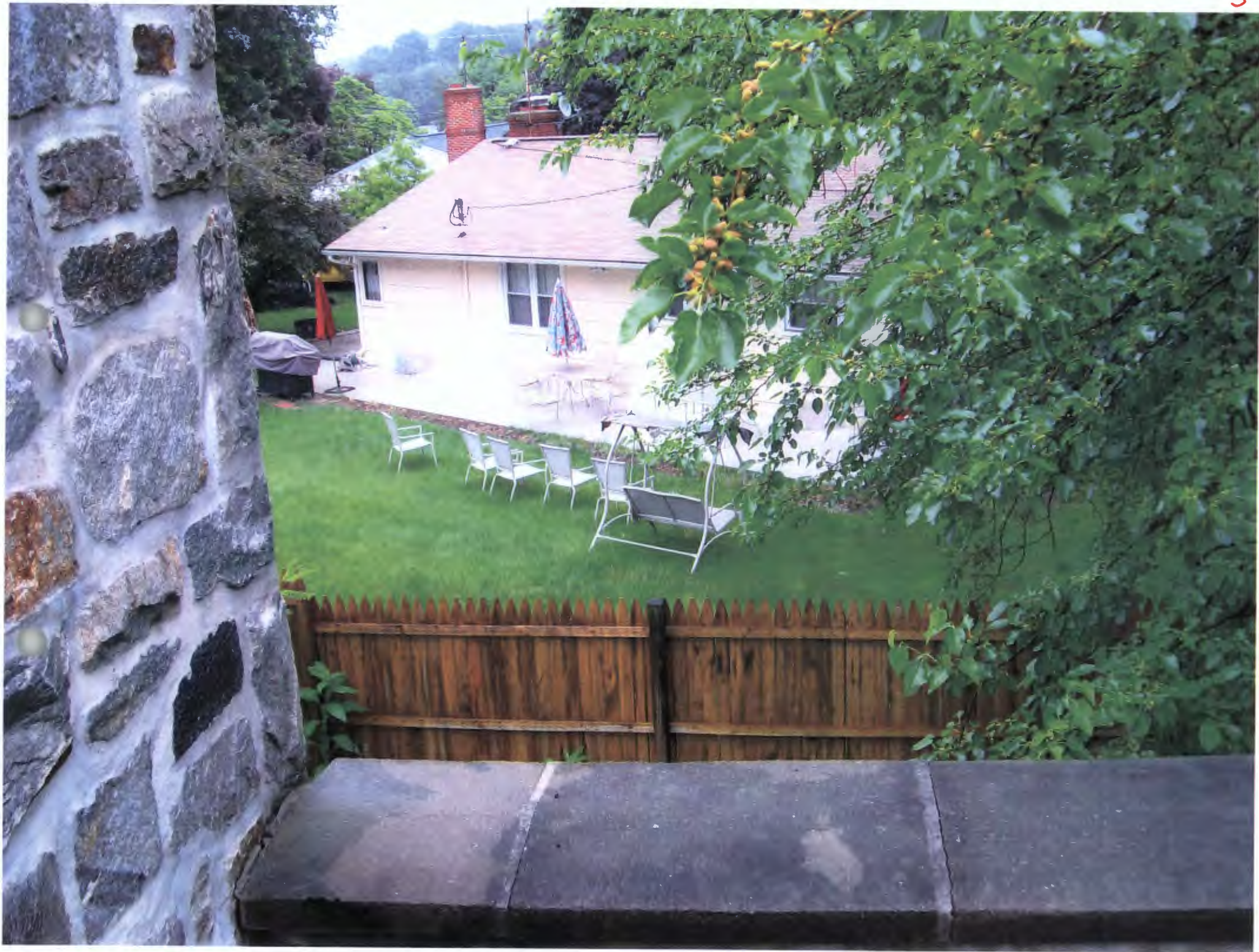
















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 PETITIONER'S  
 EXHIBIT  
6





OR 1

2010-0162-SPHXA





MARYLAND COORDINATE SYSTEM  
NAD83(1987)

ZONING MAP

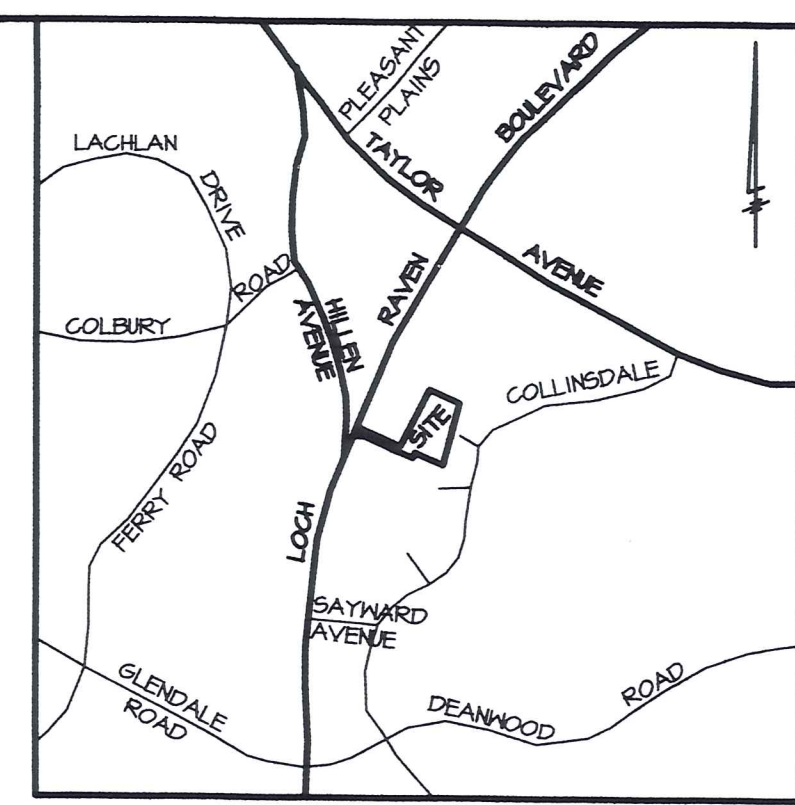
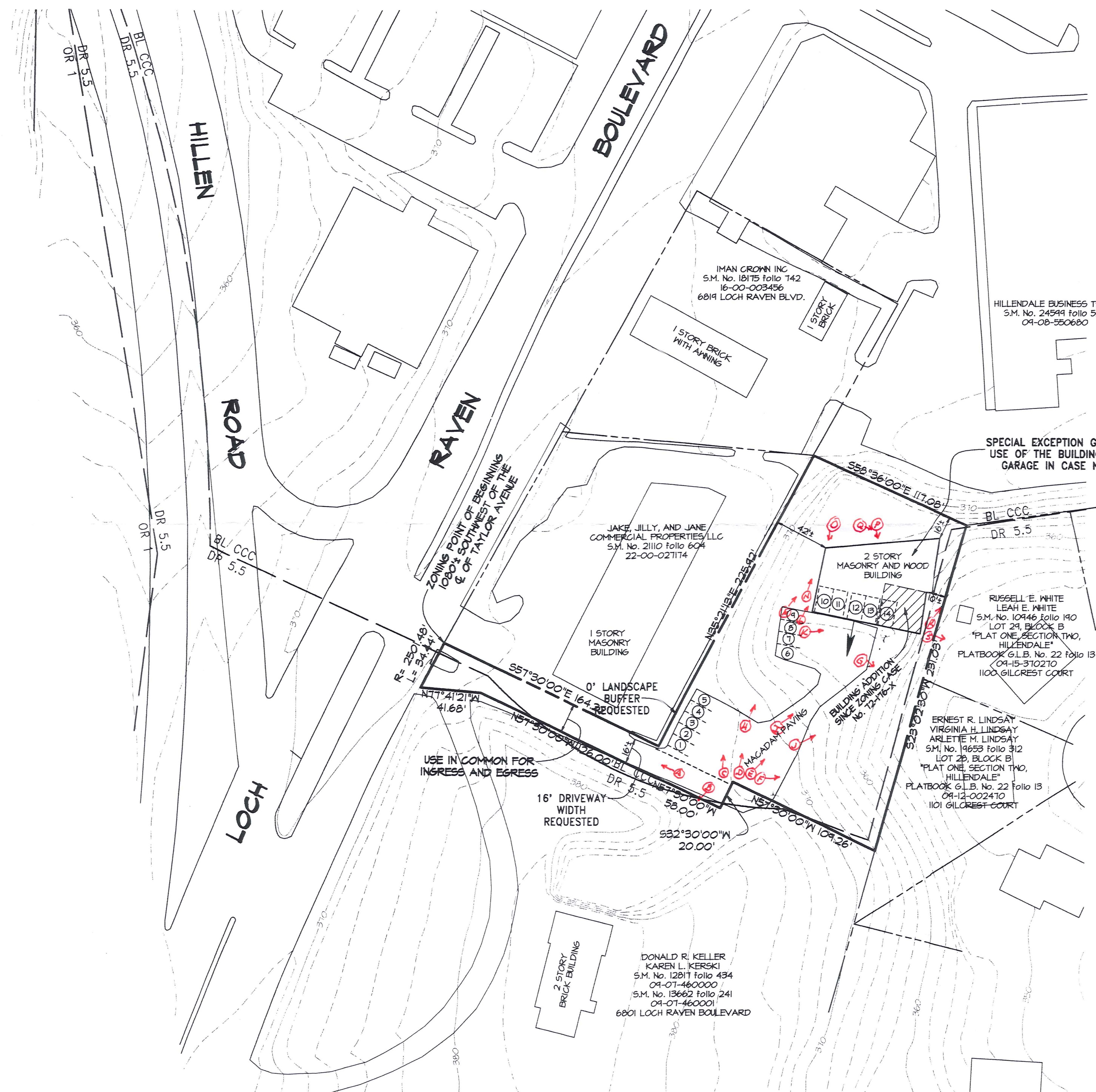
GIS TILE: 070B3

SCALE: 1" = 200'

2010-0162-SPHXA



DEED MERIDIAN



VICINITY MAP  
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 11732/563.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 070B3.
3. CENSUS TRACT 441401 REGIONAL PLANNING DISTRICT 315
- WATERSHED BACK RIVER SUBSEVERSHED 50
- SCHOOL DISTRICT: PLEASANT PLAINS ELEMENTARY SCHOOL; LOCH RAVEN ACADEMY MIDDLE SCHOOL; PARKVILLE HIGH SCHOOL.
- A.D.C. MAP # GRID 27 610
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.

SITE DATA

LOT SIZE  
GROSS AREA 36,844 SQ. FT.

SITE USE  
EXISTING 5 BAY SERVICE GARAGE

SETBACKS

SIDE YARD 0' (SECTION 232.2)  
SIDE YARD ABUTTING RESIDENTIALLY ZONED LOT 10' (SECTION 232.2)  
REAR YARD 0' (SECTION 232.3)  
FRONT YARD 10' (SECTION 232.1)

FLOOR AREA RATIO

ALLOWED IN BL-CCC ZONE IS 4.0  
TOTAL SITE AREA 36,844 SQ. FT.  
TOTAL FLOOR AREA 1,340 SQ. FT.  
FAR = 0.32

AMENITY OPEN SPACE

MINIMUM RATIO REQUIRED PER SECTION 232A.4 0.2  
OPEN SPACE RATIO PROVIDED 2.1

PARKING CALCULATIONS

SERVICE GARAGE  
PARKING SPACES REQUIRED PER SECTION 401.6.A.2 IS 3.3 PER 1,000 SQ. FT.  
3 X 3.3 = 10  
PARKING SPACES PROVIDED = 14

VARIANCES REQUESTED

- (I) SECTION 401.6.A.1 TO PERMIT 0 FEET OF LANDSCAPED BUFFER IN LIEU OF THE REQUIRED 10 FEET;
- (II) SECTION 401.6.A.4 TO PERMIT AN EXISTING TWO-WAY DRIVEWAY WIDTH OF 16 FEET IN LIEU OF THE 20 FEET REQUIRED;
- (III) SECTION 401.6.A.6 TO PERMIT EXISTING PARKING SPACES WITHOUT OTHERWISE REQUIRED STRIPING;
- (IV) TO APPROVE SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE BCZR.

SPECIAL EXCEPTIONS REQUESTED

- (I) TO EXPAND THE AREA, EXTENT AND USE OF A SERVICE GARAGE PREVIOUSLY APPROVED ON THE SUBJECT PROPERTY (CASE #12-161-X) IN THE COMMERCIAL ZONE PURSUANT TO BCZR SECTIONS 230.3 & 101;
- (II) TO APPROVE SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE BCZR AND PRIOR APPROVALS FOR THE SUBJECT PROPERTY.

SPECIAL HEARING REQUESTED

- (I) A MODIFICATION OF THE SERVICE GARAGE SPECIAL EXCEPTION AND ACCOMPANYING SITE PLAN APPROVED IN CASE #12-176-X CONSISTENT WITH THE COMPANION PETITION FOR SPECIAL EXCEPTION SUBMITTED HERewith;
- (II) THE REMOVAL AND/OR MODIFICATION OF CERTAIN OF THE CONDITIONS IMPOSED IN CASE #12-176-X CONSISTENT WITH THE COMPANION PETITION FOR SPECIAL EXCEPTION SUBMITTED HERewith AND THE TESTIMONY AND EVIDENCE PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION;
- (III) SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE BCZR AND PRIOR APPROVALS FOR THE SUBJECT PROPERTY.

OWNER/DEVELOPER  
EMMA H. GNAU  
6715 LOCH RAVEN BLVD.  
BALTIMORE, MD. 21239  
410-823-6932

Plan to Accompany Photographs

PLAN TO ACCOMPANY A  
PETITION FOR A SPECIAL HEARING,  
SPECIAL EXCEPTIONS AND VARIANCES

GNAU PROPERTY

6809 LOCH RAVEN BLVD.  
Deed Ref: S.M. No. 11732 folio 561  
Tax Account No.: 22-00-027175  
Zoned BL-CCC, DR 5.5; GIS Tile 070B3  
Tax Map 70; Grid 22; Parcel 276  
9th ELECTION DISTRICT  
5th COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: NOVEMBER 13, 2009

GERHOLD, CROSS & ETZEL, LTD.  
REGISTERED PROFESSIONAL LAND SURVEYORS

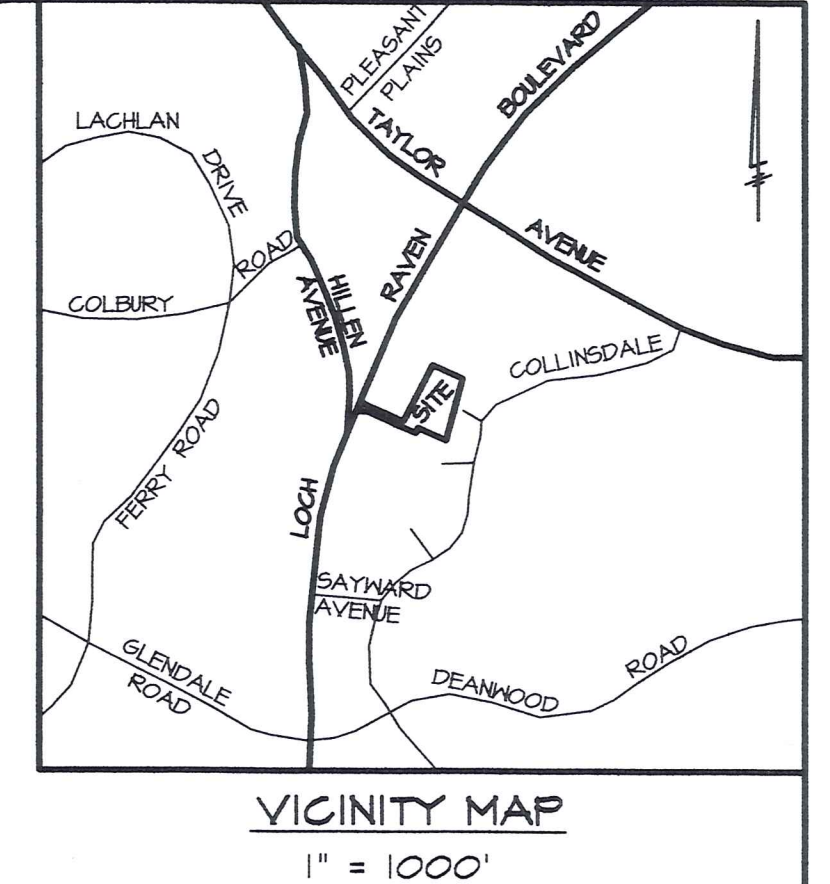
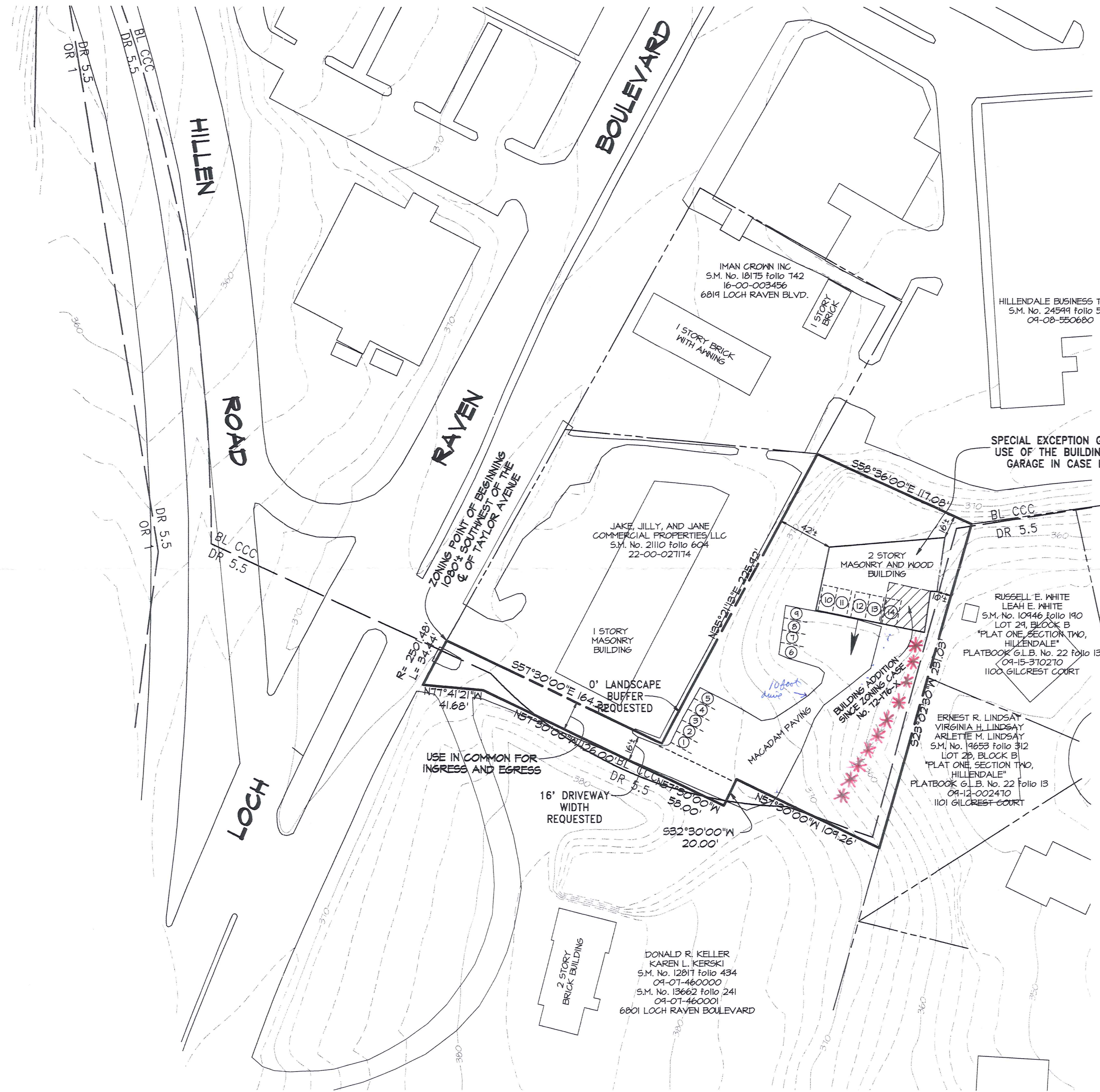
Suite 100  
320 East Towson Town Boulevard  
Towson, Maryland 21286  
(410) 823-4470

PETITIONER'S  
EXHIBIT  
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DEED MERIDIAN



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 11732/563.
  2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 070B3.
  3. CENSUS TRACT 441401 REGIONAL PLANNING DISTRICT 315 WATERSHED BACK RIVER SUBWATERSHED 50 SCHOOL DISTRICT PLEASANT PLAINS ELEMENTARY SCHOOL; LOCH RAVEN ACADEMY MIDDLE SCHOOL; PARKVILLE HIGH SCHOOL.
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  8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
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**SITE DATA**

**LOT SIZE**  
GROSS AREA 36,844 SQ. FT.

**SITE USE**  
EXISTING 5 BAY SERVICE GARAGE

**SETBACKS**

SIDE YARD 0' (SECTION 232.2)  
SIDE YARD ABUTTING 10' (SECTION 232.2)  
REAR YARD 0' (SECTION 232.3)  
FRONT YARD 10' (SECTION 232.1)

**FLOOR AREA RATIO**

ALLOWED IN BL-CCG ZONE IS 4.0  
TOTAL SITE AREA 36,844 SQ. FT.  
TOTAL FLOOR AREA 1,340 SQ. FT.  
FAR = 0.20

**AMENITY OPEN SPACE**

MINIMUM RATIO REQUIRED PER SECTION 232A.4 0.2  
OPEN SPACE RATIO PROVIDED 2.1

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3 X 3.3 = 10  
PARKING SPACES PROVIDED = 14

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- (ii) SECTION 401.4.A TO PERMIT AN EXISTING TWO-WAY DRIVEWAY WIDTH OF 16 FEET IN LIEU OF THE 20 FEET REQUIRED;
- (iii) SECTION 401.8.A.6 TO PERMIT EXISTING PARKING SPACES WITHOUT OTHERWISE REQUIRED STRIPING;
- (iv) TO APPROVE SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE BCZR.

**SPECIAL EXCEPTIONS REQUESTED**

- (i) TO EXPAND THE AREA, EXTENT AND USE OF A SERVICE GARAGE PREVIOUSLY APPROVED ON THE SUBJECT PROPERTY (CASE #12-116-X) IN THE COMMERCIAL ZONE PURSUANT TO BCZR SECTIONS 230.3 & 101;
- (ii) TO APPROVE SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE AS PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION MAY REQUIRE, WITHIN THE SPIRIT AND INTENT OF THE BCZR AND PRIOR APPROVALS FOR THE SUBJECT PROPERTY.

**SPECIAL HEARING REQUESTED**

- (i) A MODIFICATION OF THE SERVICE GARAGE SPECIAL EXCEPTION AND ACCOMPANYING SITE PLAN APPROVED IN CASE #12-116-X CONSISTENT WITH THE COMPANION PETITION FOR SPECIAL EXCEPTION SUBMITTED HERENTH;
- (ii) THE REMOVAL AND/OR MODIFICATION OF CERTAIN OF THE CONDITIONS IMPOSED IN CASE #12-116-X CONSISTENT WITH THE COMPANION PETITION FOR SPECIAL EXCEPTION SUBMITTED HERENTH AND THE TESTIMONY AND EVIDENCE PRESENTED AT THE TIME OF THE HEARING ON THIS PETITION;
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**OWNER/DEVELOPER**  
EMMA H. GNAU  
6713 LOCH RAVEN BLVD.  
BALTIMORE, MD. 21234  
410-823-6432

**PLAN TO ACCOMPANY A  
PETITION FOR A SPECIAL HEARING,  
SPECIAL EXCEPTIONS AND VARIANCES**

**GNAU PROPERTY**

6809 LOCH RAVEN BLVD.  
Deed Ref: S.M. No. 11732 folio 561  
Tax Account No.: 22-00-027175  
Zoned BL-CCC, DR 5.5; GIS Tile 070B3  
Tax Map 70; Grid 22; Parcel 276  
9th ELECTION DISTRICT  
5th COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: NOVEMBER 13, 2009

**GERHOLD, CROSS & ETZEL, LTD.**  
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100  
320 East Towsontown Boulevard  
Towson, Maryland 21286  
(410) 823-4470

PETITIONER'S  
EXHIBIT  
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