



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 30, 2012

Keith S. Franz, Esquire
Azrael, Franz, Schwab and Lipowitz
101 Chesapeake Avenue, 5th Floor
Towson, Maryland 21286

RE: Petition for Special Hearing
Case No.: 2013-0039-SPH
Property: 1401 Regester Avenue

Dear Mr. Franz:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Jean Berner, 6637 Loch Hill Road, Loch Hill, MD 21239
James F. Cosgrove, 6640 Loch Hill Road, Loch Hill, MD 21239
Edward T. Smith, 6610 Raven Hill Road, Loch Hill, MD 21239
Peggy Squitieri, 1215 Overbrook Road, Baltimore, MD 21239
Barbara F. Bachur, 1209 Overbrook Road, Idlewylde, MD 21239

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
1401 Regester Avenue; SW corner of Regester		
Avenue and Loch Hill Road	*	OF ADMINSTRATIVE
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Paul Dziwanowski	*	HEARINGS FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	2013-039-SPH

* * * * *

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

SEP 05 2012

.....

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 5th day of September, 2012, a copy of the foregoing Entry of Appearance was mailed to Keith S. Franz, Esquire, 101 Chesapeake Avenue, 5th Floor, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING *
(1401 Regester Avenue)
9th Election District *
4th Councilmanic District *
Paul M. Dziwanowski *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0039-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by Keith S. Franz, Esquire, on behalf of the legal owner, Paul M. Dziwanowski. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-conforming use of the property as an auto service garage, which (according to the Petition) has been its use dating back to and beyond approximately 1955. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Paul M. Dziwanowski, legal owner, Donald E. Hicks, with Hicks Engineering Associates, Inc., and Jean Berner. Keith S. Franz, Esquire with Azrael, Franz, Schwab and Lipowitz, appeared as counsel and represented the Petitioner. Appearing as interested citizens were James F. Cosgrove, Edward T. Smith, Peggy Squitieri, and Barbara F. Bachur.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on September 21, 2012, indicating that the Maryland Department of the

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Date 11-30-12

By OW

Environment (MDE) would have any records regarding any on-going groundwater contamination case(s) for this site. But it is unclear, at least from this comment, whether any such cases exist.

NON-CONFORMING USES

Under the B.C.Z.R., a non-conforming use is a "legal use that does not conform to a use regulation for the zone in which it is located." B.C.Z.R. § 101.1. Under Maryland law, a non-conforming use (which is a vested right entitled to constitutional protection) is "protected against re-zoning by non-conforming use status if the property owner demonstrates that substantially all of the property was being used in a permissible means before a zoning change was enacted." Maryland Reclamation Associates, Inc. v. Harford County, 414 Md. 1, 63 (2010).

In this case, the property in question was zoned B.L. (Business, Light) since at least 1955. In the B.L. zone, a gasoline service station is permitted by special exception only, and the property in this case was the subject of a Court of Appeals decision in 1957, which affirmed the grant of special exception relief for a "gasoline (filling) service station." Erdman v. Baltimore County, 212 Md. 288, 290-91 (1957).

Thus, in 1957 this property was lawfully operating as a "filling station," pursuant to B.C.Z.R. (1955) §§ 230.13 and 405. Under the 1955 regulations, automotive "repairs" were permitted in connection with filling stations, provided the repairs (with minor exceptions) were completed inside of a building. B.C.Z.R. (1955) § 405.3. Perhaps the most accurate way of characterizing the historical use of this property is to say that the filling station was the principal use, while repairs to customers' licensed cars would be deemed accessory to that principal use. Zoning Commissioner's Policy Manual (ZCPM), § 405.4, p. 4-16.

At some point in the past, gasoline stopped being sold at the subject property. Indeed, though the site has a freestanding enterprise sign with a "Getty" logo, that same sign also indicates

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Date 11-30-12

By SW

that gasoline was available for \$1.91 a gallon, which obviously indicates that gasoline has not been sold at the location for many years. See, Citizens' Exhibit 1. In addition, there is a derelict and rusted gasoline pump and pump island at the site, and those too have not been used for many years. But discontinuing the sale of gasoline would not operate to abandon or forfeit the special exception granted in 1957, which remained affixed to the property and is a property interest which "runs with the land" to subsequent owners. Reid v. Zoning Board, 670 A.2d. 1271 (Conn. 1996).

As such, the subject property has since 1957 operated pursuant to a special exception as a gasoline service station, and that status continued until 1996, at which time the property was zoned C.B. (which is a performance based community business zone under B.C.Z.R. § 229). Significantly, neither a gasoline filling station nor automotive service garage or repair facility is permitted (by right or by special exception) in the C.B. zone. Accordingly, the business operation¹ at 1401 Regester Avenue became, at the time the property was zoned C.B., a lawful non-conforming use. The Petitioner would therefore be entitled to continue its current operations, which involves solely the service of automobiles.

The special exception granted for this property in or about 1957 is rescinded by operation of law, given that a "property cannot operate where the use is both a non-conforming use and a special exception use." Purich v. Draper Props., 395 Md. 694 (2006). Non-conforming uses are disfavored under Maryland law, and (unlike with a special exception) can be lost due to abandonment or discontinuance of the use in question. McLay v. Maryland Assembly, 269 Md. 465 (1973). In addition, the Baltimore County Council enacted legislation in 2006 which

¹ This terminology ("business operation") is generic, deliberately so. It is unclear whether the sale of gasoline had ceased before the 1996 rezoning, and whether the use was therefore a "filling station" or "service garage." In any event, the court of appeals noted in the 1957 special exception case involving this property that to "be economically sound the station should cater to a minimum of one hundred automobiles a day." 212 Md. at 293. Certainly, the servicing of vehicles at this site (by only the Petitioner, who has no employees) is a less obnoxious and lower volume use than a filling station would be.

ORDER RECEIVED FOR FILING

Date 11-30-12

3

By SW

when a business stores damaged or disabled motor vehicles. See, B.C.Z.R. § 405A.

In the end, I agree with Petitioner's counsel that the petition in this case is akin to a declaratory judgment proceeding, whereby the Petitioner merely seeks confirmation of its legal status, and it is therefore not appropriate to impose "conditions" on such a declaration. Antwerpen v. Balto. Co., 163 Md. App. 194, 209 (2005) ("request for special hearing is, in legal effect, a request for a declaratory judgment"). But the Petitioner should not take much solace from this fact, given that (as outlined above), the existing conditions on site are undoubtedly in violation of the Baltimore County Code (B.C.C.) and zoning regulations, and an adjudication to that effect could result in the forfeiture of the Petitioner's non-conforming use status.

It is the County's Department of Permits, Approvals, and Inspections (PAI) [not the OAH] that investigates and prosecutes zoning violations. I would strongly encourage Petitioner to meet with community representatives and decide upon a concrete timetable for correcting the noted deficiencies. An amicable resolution in that fashion is far preferable to a code enforcement proceeding, which for Petitioner could be expensive and have far-reaching consequences.

THEREFORE, IT IS ORDERED, this 30th day of November, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-conforming use of the property as an auto service garage, be and is hereby GRANTED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-30-12

5

By aw



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1401 Regester Ave., Baltimore, MD 21239 which is presently zoned CB

Deed References: Liber 12659; Folio 457; 10 Digit Tax Account # 2300002272

Property Owner(s) Printed Name(s) Mr. Paul Dziwanowski

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. x a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.
2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. _____ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Mr. Keith S. Franz

Name- Type or Print

Signature

101 Chesapeake Ave., 5th Floor, Towson, MD

Mailing Address

City

State

21286

(410) 821-6800

kfranz@azrael Franz.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Mr. Paul Dziwanowski

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1401 Regester Ave. Baltimore MD

Mailing Address

City

State

21239

(410) 337-0404

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0039-SPH

Filing Date 8/22/12

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

H HICKS ENGINEERING COMPANY, INC.

ZONING DESCRIPTION FOR
NO. 1401 REGESTER AVENUE
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the west right of way line of Loch Hill Road, fifty (50) feet wide right of way, at the southwest quadrant of the intersection formed with Regester Avenue, fifty (50) feet wide right of way, and being Lot No. 1, as shown on the plat of subdivision entitled "Loch Hill Plaza, Addition To And Resubdivision Of All Of Lot 95 And Lot 96 And Part of Lot 97 And Lot 98, 'Plat Of Loch Hill', Plat C.H.K. 13, Folio 74 And 75" as recorded among the Baltimore County Land Records in Plat Book S.M. 70, Folio 40.

CONTAINING 0.3151 acres or 13,725.76 square feet of land, more or less.

ALSO known as No. 1401 Regester Avenue and located in the 9th Election District, 4th Councilmanic District.



Item #0039

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

No. **87766**

Date: **8/22/12**

PAID RECEIPT

BUSINESS DATE TIME
 8/22/2012 8:22:00 AM 08/31

REF: 0502 WORKIN 7/11/12

RECEIPT # 792750 8/22/2012

REF: 5 528 ZONING VERIFICATION

CR NO: 087766

Recpt tot 1,385.00

1,385.00 0.00 0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$385.00

Total: **\$385.00**

Rec From:

For:

zoning hearing - case #2013-0039-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0039-SPH
Petitioner: Mr. Paul Dziwanowski
Address or Location: 1401 Regester Ave., Baltimore, MD 21239

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. Paul Dziwanowski
Address: 1401 Regester Ave.
Baltimore, MD 21239

Telephone Number: 410-337-0401 (business)
410-821-6800 (attorney office)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 11, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0039-SPH

1401 Regester Avenue
S/w corner of Regester Avenue and Loch Hill Road
9th Election District – 5th Councilmanic District
Legal Owners: Paul Dziwanowski

Special Hearing for a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.

Hearing: Friday, October 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Keith Franz, 101 Chesapeake Avenue, 5th Floor, Towson 21286
Paul Dziwanowski, 1401 Regester Avenue, Baltimore 21239

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 29, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 27, 2012 Issue - Jeffersonian

Please forward billing to:
Paul Dziwanowski
1401 Regester Avenue
Baltimore, MD 21239

410-337-0404

NOTICE OF ZONING HEARING

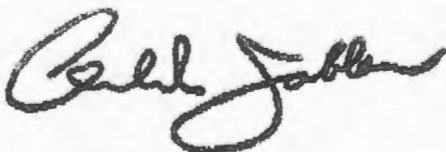
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1401 Regester Avenue
S/w corner of Regester Avenue and Loch Hill Road
9th Election District – 5th Councilmanic District
Legal Owners: Paul Dziwanowski

Special Hearing for a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.

Hearing: Friday, October 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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Case: #2013-0039-SPH

1401 Regester Avenue

S/W corner of Regester Avenue and Loch Hill Road

9th Election District - 5th Councilmanic District

Legal Owner(s): Paul Dziwanowski

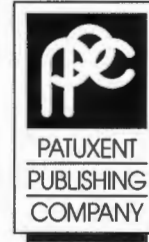
Special Hearing: for a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.

Hearing: Monday, November 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 10/798 October 30 885252



501 N. Calvert Street, Baltimore, MD 21278

November 1, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 30, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2012

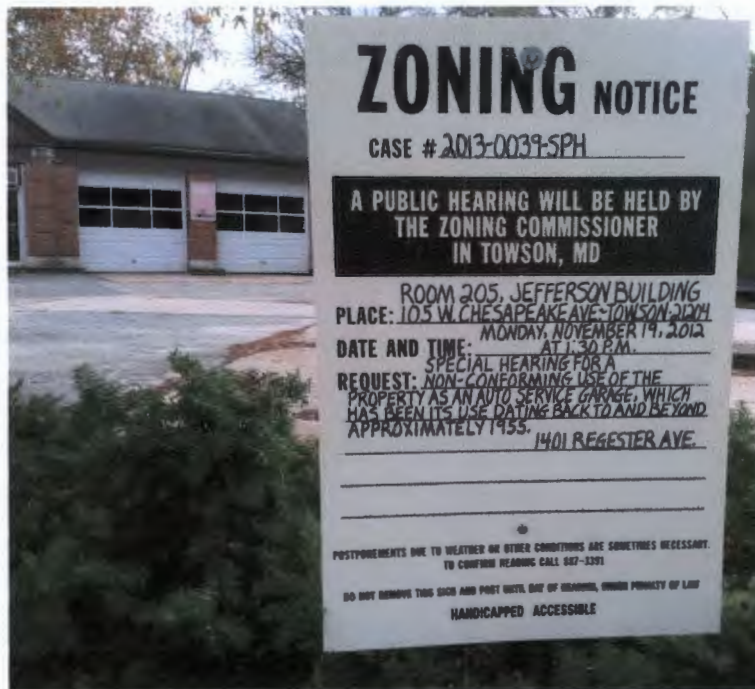
Case Number: 2013-0039-SPH

Petitioner / Developer: KEITH FRANZ, ESQ.~PAUL DZIWANOWSKI

Date of Hearing (Closing): NOVEMBER 19, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1401 REGESTER AVENUE

The sign(s) were posted on: OCTOBER 27, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 25, 2012

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0039-SPH

1401 Regester Avenue

S/w corner of Regester Avenue and Loch Hill Road

9th Election District – 5th Councilmanic District

Legal Owners: Paul Dziwanowski

Special Hearing for a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.

Hearing: Monday, November 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
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Arnold Jablon
Director

AJ:kl

C: Keith Franz, 101 Chesapeake Avenue, 5th Floor, Towson 21286
Paul Dziwanowski, 1401 Regester Avenue, Baltimore 21239

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 30, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 30, 2012 Issue - Jeffersonian

Please forward billing to:
Paul Dziwanowski
1401 Regester Avenue
Baltimore, MD 21239

410-337-0404

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0039-SPH

1401 Regester Avenue
S/w corner of Regester Avenue and Loch Hill Road
9th Election District – 5th Councilmanic District
Legal Owners: Paul Dziwanowski

Special Hearing for a non-conforming use of the property as an auto service garage, which has been its use dating back to and beyond approximately 1955.

Hearing: Monday, November 19, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

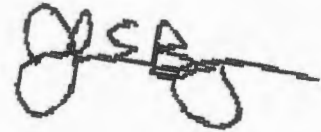
MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: John E. Beverungen, Administrative Law Judge
Office of Administrative Hearings

DATE: October 19, 2012

SUBJECT: Case No. 2013-0039-SPH (Scheduled for October 19, 2012)



As you are aware, the above-referenced case was scheduled before the undersigned on October 19, 2012 at 1:30 PM in Room 205 of the Jefferson Building. Upon review of the case file, a request for postponement was found from Keith S. Franz, Esq., counsel for Petitioner. Deb Wiley contacted Mr. Franz to verify that this was still his intention, and he advised he was out of town through the end of the week. Therefore, the postponement request was granted. By copy of an e-mail to Kristen Lewis, the case is to be rescheduled; however, the file was held in the event anyone appeared for the hearing -- which no one was in attendance.

This matter is now being returned to you for rescheduling and processing. Thanks.

JEB:dlw

c: File

M E M O R A N D U M

DATE: January 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0039-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on December 31, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Debra Wiley - ZAC Comments - Distribution Mtg. of 8/27

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/30/2012 8:06 AM
Subject: ZAC Comments - Distribution Mtg. of 8/27

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0004-SPHA - 1236 E. Riverside Rd.
No hearing date in database as of today

2013-0032-A - 349 Bigley Ave.
Admin. Var. - Closing Date: 9/10

2013-0033-A - 3937 Chaffey Rd.
Admin. Var. - Closing Date: 9/10

2013-0034-A - 714 Murdock Rd.
Admin. Var. - Closing Date: 9/10

2013-0035-A - 2033 E. Joppa Rd.
No hearing date in database as of today

2013-0036-A - 5803 Pine Hill Dr.
Admin. Var. - Closing Date: 9/17

2013-0037-SPHXA - 10845 Philadelphia Rd.
No hearing date in database as of today

2013-0038-X - 5012 Mt. Carmel Rd.
No hearing date in database as of today

2013-0039-SPH - 1401 Regester Ave.
No hearing date in database as of today

2013-0040-A - 3310 Blenheim Rd.
Admin. Var. - Closing Date: 9/17

2013-0041-A - 1919 Wills Rd.
No hearing date in database as of today

2013-0042-A - 3112 Rices Lane
Admin. Var. - Closing Date: 9/17

Subject: ZAC Comments - Distribution Mtg. of 8/27
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 8/30/2012 8:06 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Curtis Murray (cjmurray@baltimorecountymd.gov)	Delivered	8/30/2012 8:06 AM	
To: David Lykens (dlykens@baltimorecountymd.gov)	Delivered	8/30/2012 8:06 AM	
To: Dennis Kennedy (DKennedy@baltimorecountymd.gov)	Pending		
To: Don Muddiman (dmuddiman@baltimorecountymd.gov)	Pending		
To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)	Delivered	8/30/2012 8:06 AM	
To: Lynn Lanham (mlanham@baltimorecountymd.gov)	Delivered	8/30/2012 8:06 AM	



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 11, 2012

Mr. Paul Dziwanowski
1401 Regester Avenue
Baltimore MD 21239

RE: Case Number: 2013-0039 SPH, Address: 1401 Regester Avenue, 21239

Dear Mr. Dziwanowski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 22, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Mr. Keith Franz, Esq., 101 Chesapeake Avenue, 5th Floor, Towson MD 21286

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-28-12

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

RE: Baltimore County
Item No 2013-0039-SPH
Special Hearing
Mr. Paul Dziwanowski
1401 Regester Avenue.

Dear Ms. Lewis:

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. 2013-0039-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, which appears to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 7, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2012
Item Nos. 2013-0004, 0032, 0033, 0034, 0035, 0036, 0038, 0039, 0040, 0041
0042 and 0044.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08102012-NO COMMENTS.doc

Debra Wiley - Re: 1401 Regester Ave. - 2013-0039-SPH

From: Debra Wiley
To: kfranz@azrael Franz.com
Date: 10/15/2012 8:38 PM
Subject: Re: 1401 Regester Ave. - 2013-0039-SPH
CC: Lewis, Kristen; cdavis@azrael Franz.com

Mr. Franz,

By copy of this e-mail to Kristen Lewis, I am requesting that she reschedule this case once the file is returned to her. However, please be advised that Judge Beverungen will need to hold onto the file in the event anyone appears for the hearing on October 19th.

Thanks for your prompt response.

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

>>> "Keith Franz" <kfranz@azrael Franz.com> 10/15/12 4:04 PM >>>

Debra,

Yes, I am in Los Angeles through this week. My assistant Kate tried to get to someone to confirm our request while I have been away. I greatly appreciate your help in adjusting the calendar to accommodate me. I do not have my calendar with me but if you would be so kind as to contact my secretary Casey at 410.821.6800 so she can get to my schedule she can set a date that will work for everyone. Many thanks,
 Keith

Sent from my iPad

On Oct 15, 2012, at 9:34 AM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

> Good Morning,

>

> In reviewing the case file for the above-referenced, I came across a fax that was sent from your office to Kristen Lewis on October 2, 2012 requesting that this matter be rescheduled until October 24th.

>

> Can you please verify that is still your intention as it appears that fax was missed by the scheduler and is still on our hearing docket for October 19th.

>

> Thanks in advance.

>

> P.S. A voice mail was left for you with the same information as above earlier this A.M.

>

>

> Debbie Wiley

- > Legal Administrative Secretary
- > Office of Administrative Hearings
- > 105 West Chesapeake Avenue, Suite 103
- > Towson, Md. 21204
- > 410-887-3868
- > 410-887-3468 (fax)
- > dwiley@baltimorecountymd.gov
- >
- >



AZRAEL FRANZ SCHWAB LIPOWITZ
ATTORNEYS AT LAW
101 EAST CHESAPEAKE AVE, 5TH FLOOR
TOWSON, MARYLAND 21286

410.821.6800 800.558.6801
410.821.1265 FAX
WWW.AZRAELFRANZ.COM
KFRANZ@AZRAELFRANZ.COM

October 2, 2012

Circuit Court for Baltimore County
Attn: Ms. Kristen Lewis
VIA FACSIMILE 410-887-3048

Re: Case No. 2013-0039-SPH

Dear Ms. Lewis:

In speaking with June Fisher, she advised me to send you a letter requesting the hearing date of October 19th in the above matter be rescheduled, as I will be out of town until October 24th. If possible, we would like it to be rescheduled for on or after October 25th, preferably on a Thursday or Friday. Please call my assistant, Denise Naylor, to confirm a new date.

Thank you for your kind assistance in this matter.

Very truly yours,

Keith S. Franz

F:\USERS\Law Clerk\KMM Work for ISP\Register Tire\Keith Letter to Reschedule Hearing.doc

10/15 In reviewing file, the attached was found.
Spoke to Kristen. She wasn't aware of request.
Perhaps fax was rec'd + simply placed in file
in lieu of giving to Kristen.

D. Wiley called + emailed Mr. Franz on 10/15

D. Wiley
X3868

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



10-19 1:30 pm
RECEIVED

SEP 21 2012

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 21, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0039-SPH
Address 1401 Regester Avenue
(Dziwanowski Property)

Zoning Advisory Committee Meeting of August 27, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. You may also refer to the State – MDE regarding any on-going groundwater contamination case(s) for this site.

Reviewer: *Dan Esser; Groundwater Management*

11-19 10Am

CASE NO. 2013- 0039-SPH

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>9-21</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-28</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 3317-X)

NEWSPAPER ADVERTISEMENT Date: 10-30 The Jeff.

SIGN POSTING Date: 10-27 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

10-19 1:30 PM

CASE NO. 2013- 0039-SPH

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>9-21</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-28</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-27</u>	<u>The Jeffersonian</u>
SIGN POSTING	<u>Missing</u> Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 09 Account Number - 2300002272

Owner Information

Owner Name: DZIWANOWSKI PAUL M **Use:** COMMERCIAL
Mailing Address: 965 SHORELAND DR **Principal Residence:** NO
GLEN BURNIE MD 21060-6605 **Deed Reference:** 1) /12659/ 00457
2)

Location & Structure Information

Premises Address: 1401 REGESTER AVE
0-0000
Legal Description: .3151 AC
1401 REGESTER AVE SS
LOCH HILL PLAZA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0080	0004	0106		0000			1	2		0070/ 0040

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	1296	13,112 SF	06

Stories: **Basement:** **Type:** **Exterior:**
SERVICE GARAGE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land:	262,200	262,200		
Improvements:	62,500	60,700		
Total:	324,700	322,900	322,900	322,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
BLOME CATHERINE H	02/11/1998	\$115,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/12659/ 00457	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

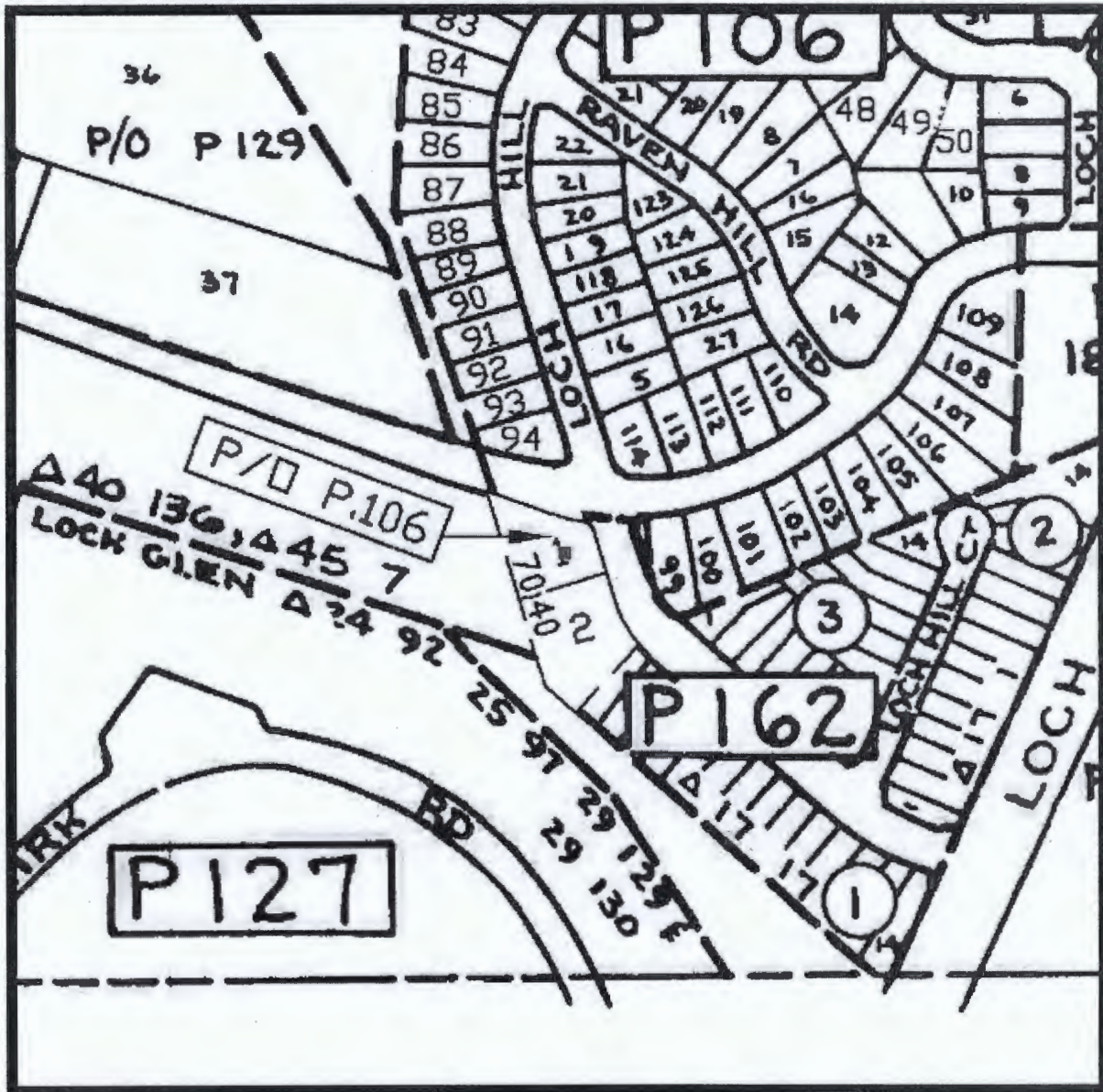
Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 09 Account Number - 2300002272



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

4/28/12

Debbie, John

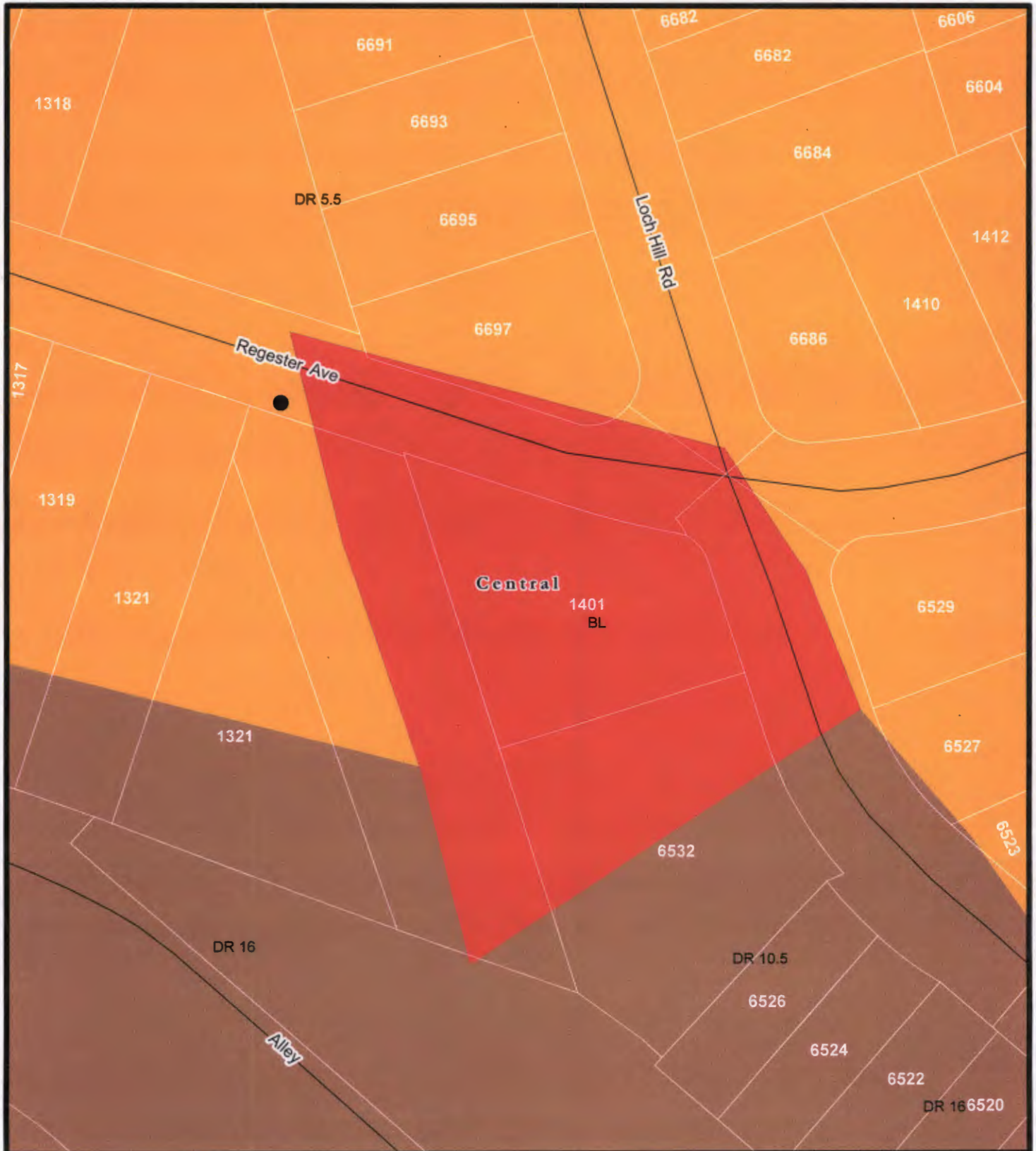
BL
Zoning changed from ~~CB~~ to
CB Oct. 8, 1996. See
log of issues. 4-005.
Copy of GIS map for 1996
Shows BL. GIS layers
for zoning only show every
4 years. So no 1997
Lynn

Baltimore County 1996 Comprehensive Zoning Map Issues

October 8, 1996

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Planning Board Recommendations	County Council Decisions	Comments
4-005	Staff Issue	Southwest side of Loch Hill Road, south of Regester Ave., west of Loch Raven Blvd.					
			DR 10.5 0.800	DR 5.5 3.500	DR 5.5 3.500	DR 5.5 3.500	See Towson Community Plan. Overlay adopted.
			DR 16 2.700	CB or	CB 0.650	CB 1.300	
			BL 1.300	BLR 1.300	BL 0.650	Total 4.800	
			Total 4.800	Total 4.800	Total 4.800		
4-006	Staff Issue	Southeast corner of Joppa and Oakleigh Roads (1801 & 1803 Joppa Road, 8651 Oakleigh Road).					
			BL 0.960	CB or	BLR 0.960	BLR 0.960	See Issue 4-027.
			Total 0.960	BLR 0.960	Total 0.960	Total 0.960	
				Total 0.960			
4-007	Staff Issue	Northwest corner of Pot Spring Road and Ridgely Road (1810 Pot Spring Road).					
			BL AS 2.900	BLR or	BL 2.900	BL 2.900	
			Total 2.900	BL 2.900	Total 2.900	Total 2.900	
				Total 2.900			
4-008	Staff Issue	North and south side Taylor Ave., east of Bonair Road, west of Beverly Ave.					
			BL AS 9.600	BLR or	CB 1.850	CB 2.190	Overlay adopted.
			Total 9.600	BL 9.600	BL 7.750	BL 7.410	
				Total 9.600	Total 9.600	Total 9.600	

1996



Map prepared by:
Baltimore County Office of Planning
The Jefferson Building
105 W. Chesapeake Avenue, Ste 10
Towson, MD 21204

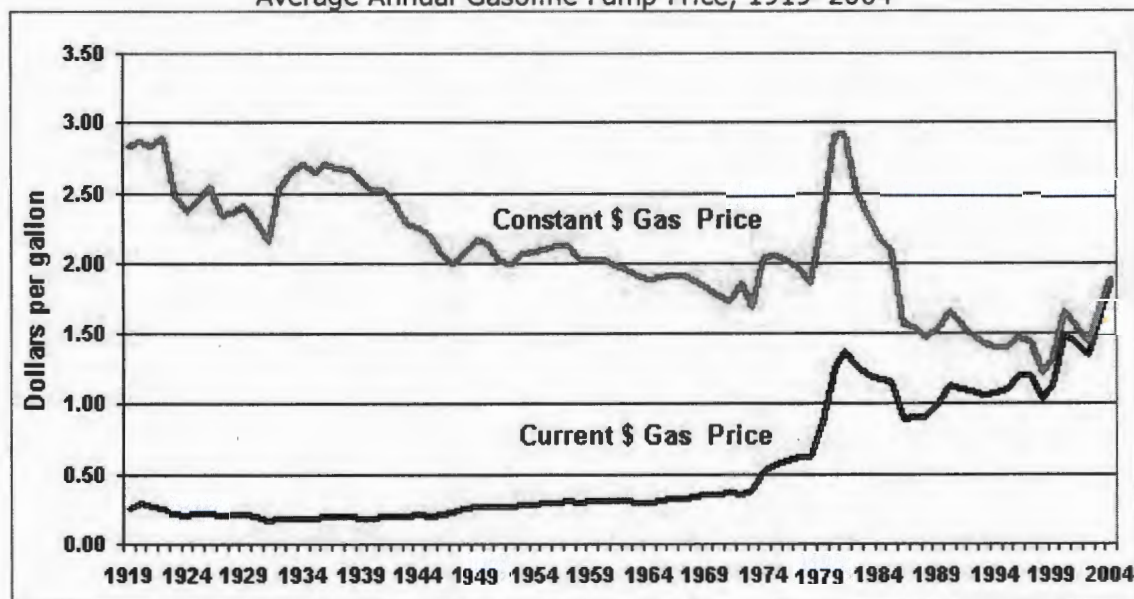


0 30 60 120
Feet

**U.S. Department of Energy - Energy Efficiency and Renewable Energy
Vehicle Technologies Program****Fact #364: March 21, 2005
Historical Gas Prices, 1919–2004**

On average, the price of gasoline was higher in 2004 than it has ever been before; however, when adjusted for inflation (constant dollars), gasoline cost more in 1981 than it does today.

Average Annual Gasoline Pump Price, 1919–2004



Source: Energy Information Administration

Supporting Information

Average Annual Gasoline Pump Price, 1919–2004

Year	Retail Gasoline Price (current dollars/gallon)	Retail Gasoline Price (constant 2005 dollars/gallon)
1919	0.25	2.84
1920	0.30	2.87
1921	0.26	2.83
1922	0.25	2.90
1923	0.22	2.48
1924	0.21	2.36
1925	0.22	2.44
1926	0.23	2.54
1927	0.21	2.34
1928	0.21	2.35
1929	0.21	2.41
1930	0.20	2.30
1931	0.17	2.15
1932	0.18	2.53
1933	0.18	2.65

John Beverungen - Re: question

From: Lynn Lanham
To: Beverungen, John
Date: 11/28/12 4:37 PM
Subject: Re: question

John,

The best way to check zoning history is through GIS if you have it. You can also look through old CZMP issue maps and logs of issue on the web: <http://www.baltimorecountymd.gov/Agencies/planning/zoning/czmparchives.html>. That takes a bit more work but is doable.

For 1401 Regester Ave, on GIS the zoning is/was as follows:

2012 CB

2008 CB

2004 CB

2000 CB

1996 BL

Hope that helps.

Lynn

Lynn Lanham
Chief, Development Review
mlanham@baltimorecountymd.gov
410-887-3480
410-887-5862 Fax
Baltimore County Department of Planning
105 W. Chesapeake Ave.
Suite 101
Towson, MD 21204

>>> John Beverungen 11/28/2012 1:08 PM >>>

Lynn,

can you help me with a question...property at 1401 Regester Ave. 21239 was zoned BL for many years, but was recently rezoned to C.B.....can you tell me the year that was done? Is there a database that I could access where I could find information like this, since this arises with some frequency in the zoning hearings. Thanks, John.

From: John Beverungen
To: Carl Richards
Date: 11/28/2012 10:19 AM
Subject: zoning questions
2013-0039 SPH

Carl,

I appreciate the assistance you give me when questions arise, but I don't want to wear out my welcome. If there is a more appropriate person to whom I should direct these questions, just let me know. At present, I need assistance with 2 things.

1. property at 1401 Regester Ave. 21239 was zoned BL since at least 1955, but was recently rezoned to C.B. Can you tell me when it was rezoned?

2. property at 1600 Frederick Rd, 21228. File says that in 1979 a "verification letter" was provided as to the non-conforming status of the property. Can I get a copy of that?

Thanks again, John.

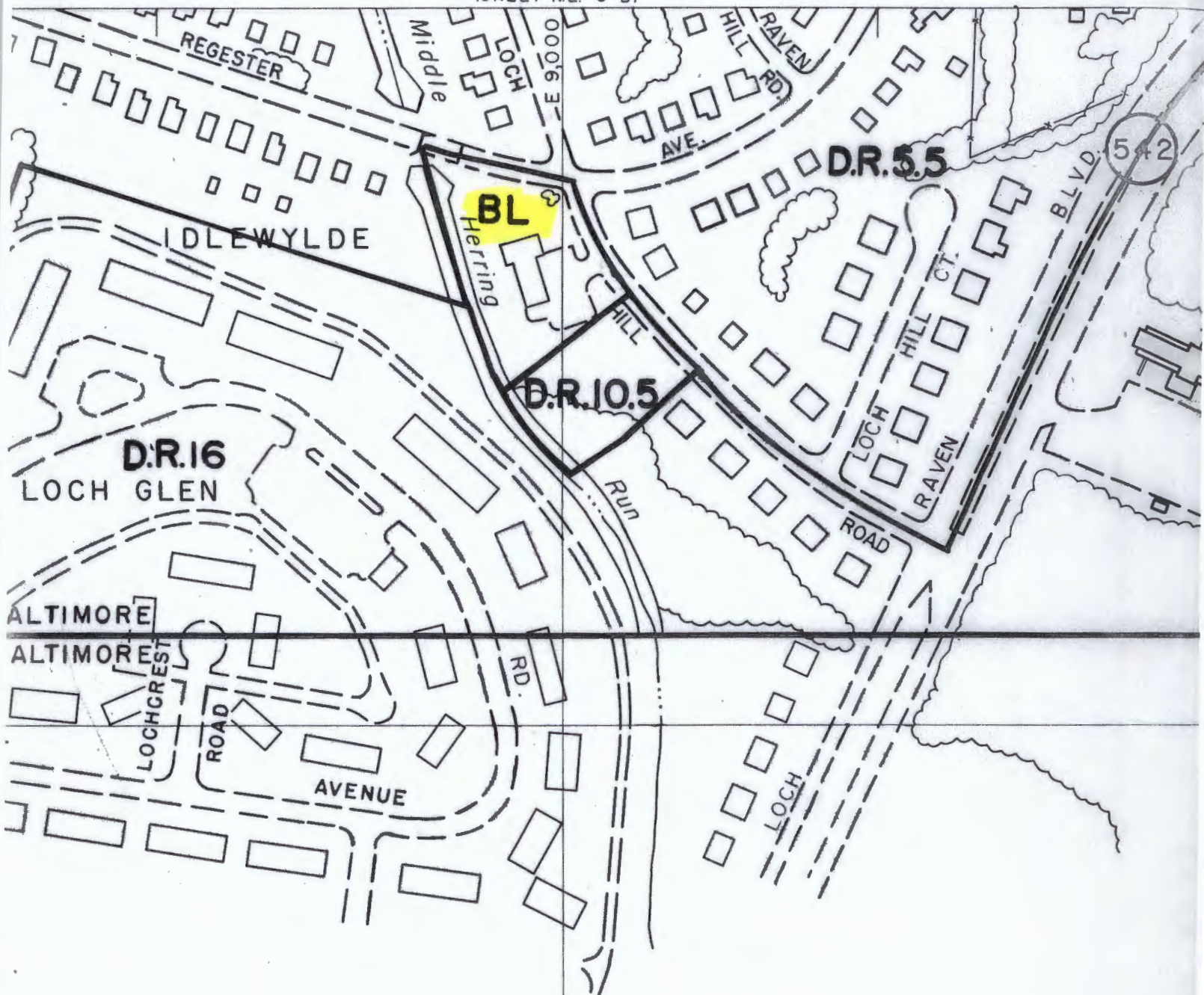
q+h

08031

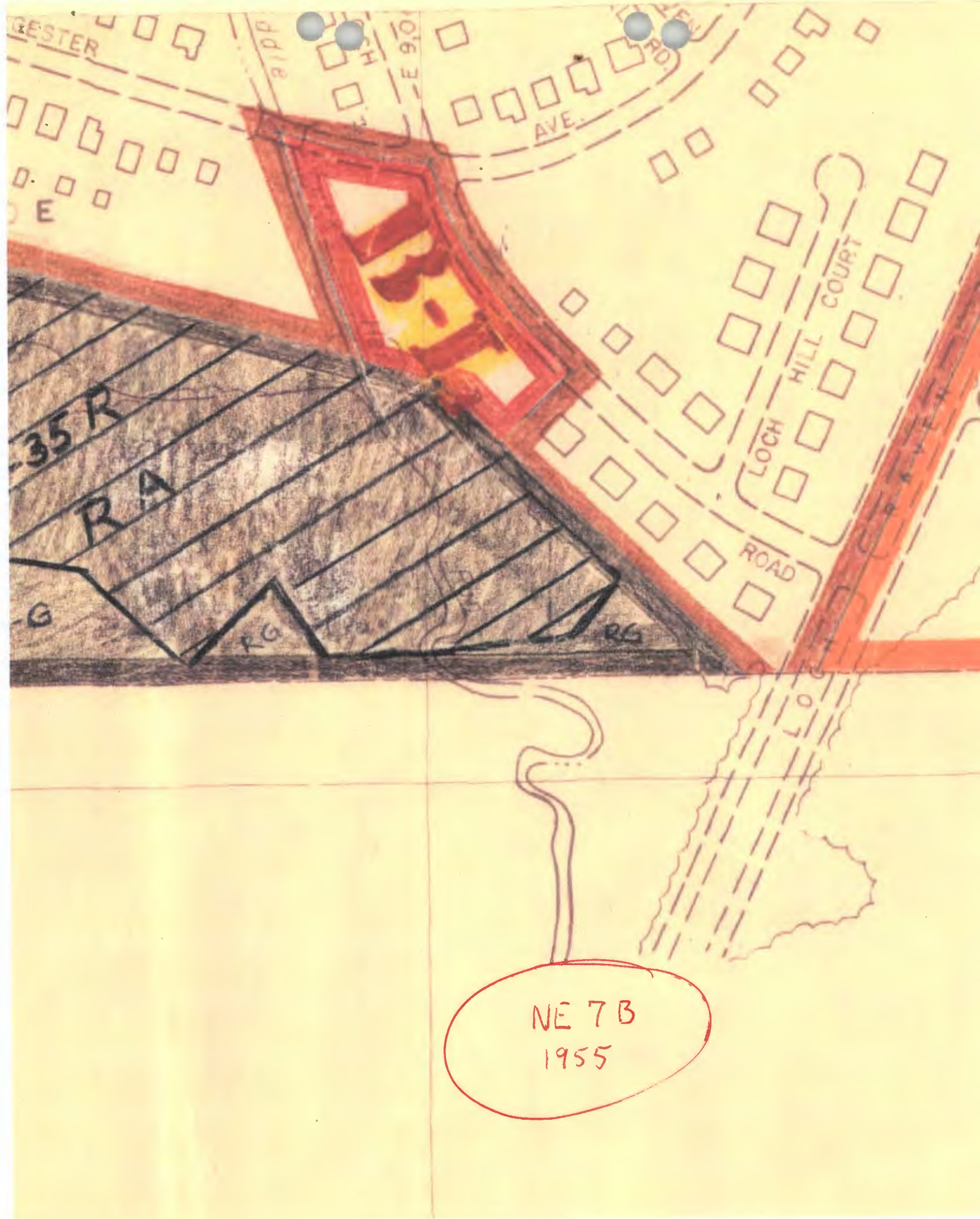
NE 7 B

John

1996 — Now



NE 7 B
1992



1 2 3 4 5 6 7 8 9 10 11 12

09-02-1707.12

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

RECEIVED

EXPIRES IN

George Elson Real (Eastern Operations) Inc.

ADDRESS

4014 and Graye Ave., Philadelphia, Pa. 19143

BUILDING LOCATION

Loth Hill and Regester Avenue

OWNER'S NAME

NAME

ADDRESS

CITY

STATE

ZIP

PHONE NO.

CITY

TENANT

BUILDING CONTRACTOR

City Signs Inc., Baltimore, Md.

ENGINEER OR ARCHITECT

Cruckshank James Leblon, 1616 Maryland Avenue, Baltimore, Md.

IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS

TRANSFER OF DESCRIPTION

149.15' S/R Register S/E Cor Lot 4113

DATE ISSUED

BUILDING PERMIT NO.	44140	DATE	9	29
CONTROL NO.	51 C-1450-72			

A. TYPE OF IMPROVEMENT

- 1 ☐ NEW BUILDING CONSTRUCTION
2 ☐ ADDITION
3 ☐ ALTERATION
4 ☐ REPAIR
5 ☐ WRECKING (ENTER NO. UNITS DEDUCTED _____)
6 ☐ MOVING
7 ☐ OTHER **Sign**

DESCRIBE PROPOSED WORK (INCLUDING PLUMBING)

RESIDENTIAL

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

TYPE FOUNDATION	SLAB
	BLOCK
	CONCRETE
BASEMENT	FULL
	PARTIAL
	NONE

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY
1. NO. OF FAMILIES
2. NO. OF UNITS
3. NO. OF HOUSES
4. NO. OF APARTMENTS
5. NO. OF STORES
6. NO. OF OFFICES

24. PROPOSED USE(S)
EXISTING USE(S)

25. PROPOSED USE(S)
EXISTING USE(S)

26. PROPOSED USE(S)
EXISTING USE(S)

27. PROPOSED USE(S)
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42. PROPOSED USE(S)
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50. PROPOSED USE(S)
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51. PROPOSED USE(S)
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52. PROPOSED USE(S)
EXISTING USE(S)

53. PROPOSED USE(S)
EXISTING USE(S)

54. PROPOSED USE(S)
EXISTING USE(S)

55. PROPOSED USE(S)
EXISTING USE(S)

C. TYPE OF USE

NON-RESIDENTIAL

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

B. OWNERSHIP

- 1 ☒ PRIVATELY OWNED 2 ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR

\$ 1500.00

D. TYPE OF CONSTRUCTION

- 1 ☐ MASONRY 3 ☐ STRUCTURE STEEL
2 ☐ WOOD FRAME 4 ☐ HEAVY CONCRETE
TYPE OF HEATING FUEL
1 ☐ GAS 3 ☐ ELECTRICITY
2 ☐ OIL 4 ☐ COAL

TYPE OF SEWAGE DISPOSAL

- 1 ☒ PUBLIC SEWER
2 ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED
SEPTIC ☐ EXISTS ☐ PROPOSED
PRIVY ☐ EXISTS ☐ PROPOSED

TYPE OF WATER SUPPLY

- 1 ☒ PUBLIC SYSTEM ☐ EXISTS ☐ PROPOSED
2 ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED
IS THERE CENTRAL AIR CONDITIONING
1 ☐ YES 2 ☐ NO
IS THERE AN INCINERATOR
1 ☐ NO 2 ☐ YES - WITH AIR POLLUTION CONTROL
3 ☐ YES - WITHOUT AIR POLLUTION CONTROL
NO. OF ELEVATORS TO BE INSTALLED _____
NUMBER OF OFF STREET PARKING SPACES
ENCLOSED _____ OUTDOORS _____

E. RESIDENTIAL ONLY

SINGLE FAMILY UNITS

1. TOTAL NO. OF BEDROOMS _____
MULTI FAMILY UNITS
HOW MANY APARTMENTS HAVE
2. EFFICIENCY (NO SEPARATE BEDROOMS) _____
3. ONE BEDROOM _____
4. TWO BEDROOMS _____
5. THREE BEDROOMS OR MORE _____
6. TOTAL NO. OF BEDROOMS _____
7. TOTAL NO. OF APARTMENTS _____

F. DIMENSIONS - CUBIC FEET

UNBARGE DISPOSAL	1.5	2.5	PURVIEW ROOMS	BATHROOMS	KITCHENS
BUILDING SIZE FLOOR AREA	140.15	125.05	LARGEST OVERALL DIMENSIONS INCLUDING BASEMENT	WIDTH	DEPTH
LOT SIZE	140.15	125.05	CENTER LINE SETBACKS (FROM STREET CENTER)	FRONT STREET	SIDE STREET
PROPERTY LINE SETBACKS	140.15	125.05	SIDE STREET	REAR	
IN LINE WITH EXISTING BLDGS	YES	NO	CORNER LOT	YES	NO
LOT NUMBERS	13	14			
ZONING INFORMATION	ZONE DISTRICT	ZONING MAP NO.	PETITION NO.	95-10-17	
ASSESSMENT LAND	SUBDIVISION NAME	H			
IMPROVEMENTS	11250.00	BLOCK	140.15	125.05	FOLIO
TOTAL	11250.00	BUILDINGS	13	14	

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

COMPANY	George Elson Real Company	12-27-72
ADDRESS	4014 and Graye Ave., Philadelphia, Pa. 19143	
SIGNATURE OF AGENT	George Elson Real	215 86-4-1750
PERMIT FEE	112.50	RECEIPT NO.
PRELIMINARY INSPECTION	12-27-72	DATE
ZONING	12-27-72	
PLANNING	12-27-72	
BUREAU OF PUBLIC SERVICES	12-27-72	
HEALTH DEPARTMENT	12-27-72	
CONSTRUCTION PLANS REVIEW	12-27-72	
BOARD CHIEF	12-27-72	

BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204

09-08-170431

RECEIVED

OWNER	Blane (George) Hall (Modern Operations) Inc.		
ADDRESS	14th & Gray Avenue, Philadelphia, Pa. 19143		
BUILDING LOCATION	Lock Hill and Regester Avenue	PERMIT NO.	44141
IDENTIFICATION	NAME	ADDRESS	CITY
TENANT			
BUILDING CONTRACTOR	Service Station Maintenance Co., Baltimore, Md.		
ENGINEER OR ARCHITECT	Credgett Associates, 2814 Maryland Avenue, Baltimore, Md.		
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS			
TRANSFER DESCRIPTION	149.25' S/S Register S/S/4th Lock Hill Rd.		

A. TYPE OF IMPROVEMENT

1. ☐ NEW BUILDING CONSTRUCTION
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING (ENTER NO. UNITS DEDUCTED)
6. ☐ MOVING
7. ☒ OTHER **Street area lights.**

DESCRIBE PROPOSED WORK (INCLUDING PLUMBING)

Street two area lights and two island lights, total four.

Refer to 14140

RESIDENTIAL

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

C. TYPE OF USE

NON-RESIDENTIAL

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

- TYPE FOUNDATION
- ☐ SLAB
 - ☐ BLOCK
 - ☐ CONCRETE
 - ☐ BASEMENT
 - ☐ FULL
 - ☐ PARTIAL
 - ☐ NONE

CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

DETACHED	SEMI-DETACHED	CONDO	TOWN HOUSE	AND RISE	IN RISE	RENT	SALE
1	2	3	4	5	6	7	8

24. PROPOSED USE(S)

EXISTING USE(S)

B. OWNERSHIP

1. ☐ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIAL & LABOR \$ **1000.00**

D. TYPE OF CONSTRUCTION

1. ☐ MASONRY
 2. ☐ WOOD FRAME
 3. ☐ STRUCTURE STEEL
 4. ☐ REINF. CONCRETE
- TYPE OF HEATING FUEL**
1. ☐ GAS
 2. ☐ OIL
 3. ☐ ELECTRICITY
 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER
 2. ☐ PRIVATE SYSTEM
- ☐ EXISTS ☐ PROPOSED
- SEPTIC ☐ EXISTS ☐ PROPOSED
- PRIVY ☐ EXISTS ☐ PROPOSED

TYPE OF WATER SUPPLY

1. ☒ PUBLIC SYSTEM ☐ EXISTS ☐ PROPOSED
 2. ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED
- IS THERE CENTRAL AIR CONDITIONING**
1. ☐ YES 2. ☒ NO

IS THERE AN INCINERATOR

1. ☐ NO 2. ☐ YES - WITH AIR POLLUTION CONTROL
 3. ☐ YES - WITHOUT AIR POLLUTION CONTROL
- NO. OF ELEVATORS TO BE INSTALLED _____
- NUMBER OF OFF STREET PARKING SPACES _____
- ENCLOSED _____ OUTDOORS _____

E. RESIDENTIAL ONLY

SINGLE FAMILY UNITS

1. TOTAL NO. OF BEDROOMS _____
2. EFFICIENCY (NO SEPARATE BEDROOMS) _____
3. ONE BEDROOM _____
4. TWO BEDROOMS _____
5. THREE BEDROOMS OR MORE _____
6. TOTAL NO. OF BEDROOMS _____
7. TOTAL NO. OF APARTMENTS _____

MULTI FAMILY UNITS

HOW MANY APARTMENTS HAVE

F. DIMENSIONS - CUBIC FEET

GARBAGE DISPOSAL	YES	NO	POWDER ROOMS	BATHROOMS	KITCHENS
BUILDING SIZE - LARGEST OVERALL DIMENSIONS INCLUDING BASEMENT					
FLOOR AREA	WIDTH	DEPTH	HEIGHT	STORIES	
LOT SIZE	CENTER LINE SETBACKS (FROM STREET CENTER)		FRONT STREET		
PROPERTY LINE SETBACKS	FRONT	SIDE	SIDE STREET	REAR	
IN LINE WITH EXISTING BLDGS	YES	NO	CORNER LOT	YES	NO
ZONING INFORMATION			ZONING MAP NO.		
ASSESSMENT LAND			SUBDIVISION NAME		
\$ 6,250.00			H Lock Hill		
IMPROVEMENTS			BLOCK SECTION LIBER FOLIO		
11,250.00			13 14-75		
TOTAL			BUILDINGS		
\$ 17,500.00			One Station		

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

COMPANY	Gilley Oil Company	DATE	12-27-72
ADDRESS	14th & Gray Ave., Philadelphia, Pa. 19143	CITY	PHILADELPHIA
SIGNATURE OF APPLICANT	G. E. Hall	AGENT OWNER	215 64-7-2750
PERMIT FEE	\$25.00	RECEIPT NO.	6-71487
DATE	12-27-72		
AGENCY	APPROVAL SIGNATURE		
PRELIMINARY INSPECTION	James B. Byrnes		
ZONING	1/15/73		
PLANNING			
BUREAU OF PUBLIC SERVICES			
HEALTH DEPARTMENT			
CONSTRUCTION PLANS REVIEW			
BAND CHIEF			

PLANNING AND ZONING

To: Administrative Law Judge
From: Loch Hill Community Association
Re: 1401 Regester Avenue
Case No. 2013-0039-SPH

The Board of Directors of the Loch Hill Community Association (LHCA) would like to express its comments/concerns regarding 1401 Regester Avenue. This property has been controversial since before the station was built in the 1950's. The Maryland Court of Appeals decision in the case of ERDMAN v. BOARD OF ZONING APPEALS OF BALTIMORE COUNTY (212 Md. 290 – decided 2/13/57) affirmed the Zoning Board's grant of a special exception for a "gasoline service (filling) station". An extract of this case is attached hereto as exhibit "A". Since the exception was for a gasoline/filling station, did it expire when the station stopped selling gas many years ago? LHCA's records show its involvement as far back as a 1983 zoning violation hearing and various attempts to work with owners/lessees of the property ever since. Attached is a copy of a draft letter to Paul Dziwanowski (Paul) dated October 15, 2001 (copy attached as exhibit "B") outlining terms for an agreement between LHCA and Paul in return for LHCA's support for a zoning change from a service station to an auto repair garage. While Paul undertook some of the items, others remain unfilled as of today. Through the years, various members of LHCA's Board have met with Paul to voice concerns with the condition of the property; LHCA has gone so far as to install and maintain the landscaping on the property in an attempt to improve its appearance.

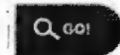
LHCA is interested in working with Paul and the County to effect the requested zoning change provided that the property is upgraded to an acceptable standard and safeguards are put in place to ensure continued compliance in the future. As of this time, the specific items to be addressed are:

- 1) Sign – remove the Getty/price per gallon sign and sign pole. If a new sign is to be installed, LHCA shall be given the right to approve same. If the sign pole is to be used in conjunction with a new sign, it shall be sanded/scraped and painted in an acceptable color and be properly maintained going forward;
- 2) Gas Pump – the existing gas pump is to be removed and the concrete be repaired in a proper, workmanlike manner (preferably – remove the island and repave the affected area);
- 3) Lamp Post – to be removed and parking surface to be repaired in a proper workmanlike manner;
- 4) Car Storage – remove all derelict vehicles; install proper fencing for a vehicle storage area per Baltimore County Zoning Regulations; said fencing to also be installed on the right side of the building to screen the trash/storage area;
- 5) Improve the overall appearance of the property (building, landscaping, parking lot, etc) to an acceptable standard and maintain it in the future;
- 6) Conduct the business in accordance with the best practices for an auto service garage and in accordance with all local, state and federal requirements. If the property and/or business is sold or leased, the transaction would be subject to the terms of the decision in this case.

LHCA reserves the right to amend this list based on the results of the zoning hearing.

If you need to contact LHCA, please call Board member James F X Cosgrove, 410-321-8183 or email cosg1@comcast.net

(http://www.findacase.com/...)
f (http://www.facebook.com/share.php?u=http%3A%2F%2Fwww.findacase.com%2F)
(http://www.reddit.com/submit?url=http%3A%2F%2Fwww.findacase.com%2F&title=FindACase)
Home (http://www.findacase.com/), About Us (http://www.findacase.com/about.aspx), FAQs (http://www.findacase.com/faq.aspx), Advanced Search (http://www.findacase.com/research/advanced-search.aspx)



Not what you're looking for? Try an advanced search. (/research/advanced-search.aspx)

Erdman v. Board of Zoning Appeals of Baltimore County

COURT OF APPEALS OF MARYLAND

Buy for \$7.95

Official citation and/or docket number and footnotes (if any) for this case available with purchase.

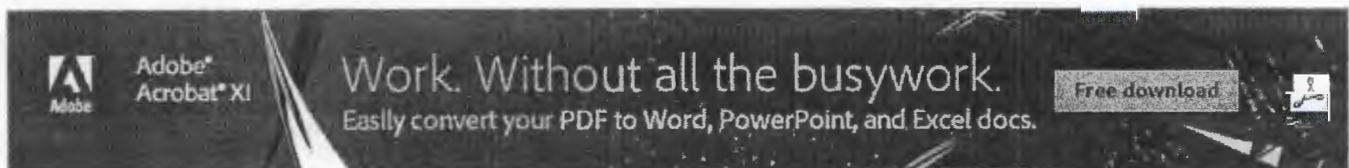
Decided: February 13, 1957.

**ERDMAN
v.
BOARD OF ZONING APPEALS OF BALTIMORE COUNTY**

Appeal from the Circuit Court for Baltimore County; Day, J.

Collins, Henderson and Prescott, JJ. Collins, J., delivered the opinion of the Court.

Ex. "A"



Collins

[212 Md Page 290]

This is an appeal from an order affirming the decision of the Board of Zoning Appeals of Baltimore County, (the Board), appellee.

Howard J. Schepf, Josephine Schepf, and George O. Blome filed before the Zoning Commissioner of Baltimore County, (the Commissioner), an application for a special permit for a gasoline service station on the major portion of four lots located on the southwest corner of Regester Avenue and Loch Hill Road in Baltimore County. These lots front 58.62 feet on Loch Hill Road and 160.07 feet on Regester Avenue. They were zoned commercial and constituted the only commercial area in an otherwise residential district. The Commissioner denied the special permit. An appeal was noted to the Board on July 30, 1955. The Board found that the granting of the special permit would not be detrimental to the health, safety, morals, and the general welfare of the community and reversed the order of the Commissioner. It granted the special exception

[212 Md Page 291]

"subject, however to the approval of a plan for the development of said property by the Baltimore County Planning Board and the Department of Public Works of Baltimore County". On the petition of the appellants a writ of certiorari was granted to the Circuit Court for Baltimore County. The trial judge, after reviewing the testimony taken before the

Board and further testimony in open court, found that the granting of the special exception was supported by substantial evidence and was not arbitrary, discriminatory or illegal, and by order affirmed the action of the Board. From that order the appellants appeal here.

Under the zoning regulations and restrictions for Baltimore County, effective January 2, 1945, Section VII, it is provided that except as expressly provided in subsequent sections any building or land in a commercial zone may be used for any use except certain designated uses, among which is included "Gasoline Service (Filling) Station". Section XIII states that the inherent character of certain uses required that they not be carried on in districts or areas to which they do not conform, nor should such uses have the tendency to impair the health, safety, and morals of the public, and such uses may be permitted only upon a special permit. Sub-section E provides that in a commercial zone a special permit shall be required for a gasoline service station. See also Chapter 915, Acts of 1947, Laws of Maryland, Code of Public Local Laws of Baltimore County, Title 23, Section 367. It is also provided in Section XIII that before any special permit will be granted the use will not "(a) Be detrimental to the safety, health, morals and general welfare of the community involved. (b) Tend to create congestion in roads, streets and alleys in the area involved. (c) Create a hazard from fire, panic or other dangers. (d) Tend to overcrowd land and cause undue concentration of population. (e) Interfere improperly with adequate provisions for schools, parks, water sewerage, transportation and other public requirements, conveniences and improvements. (f) Interfere with adequate light and air."

Appearing in opposition to the granting of the special exception before the Board were residents of the development, some of whom testified that they would not have purchased

[212 Md Page 292]

their homes if they had known there would be a filling station at that corner and that, in their opinion, the filling station would create an additional traffic hazard. They also opposed the construction of the filling station because they said it would create glare into the windows of their homes, noise, smell, dust and an increased fire hazard, and would depreciate the value of their property. They had moved to the neighborhood to get away from the noise, dirt, fumes and congestion of the city. Every morning children got on the buses at Loch Hill Road which at that time had a limited amount of traffic, and the filling station would increase the traffic on Loch Hill Road. Testimony was also taken in open court where Miss Gertrude Erdman, one of the protestants who apparently lived on a corner opposite the subject property, stated that she observed the number of school children and school buses at the intersection in the area of her home and that the buses loaded right at the intersection. When asked whether she was familiar with the fact that for years school buses had been stopping at another filling station in the Towson area, she replied that she did not know definitely whether such was the case or not. She thought the traffic hazard would be increased by the erection of the filling station.

Mr. George O. Blome testified before the Board that surrounding the four lots zoned commercial was a fully developed residential area. A shopping center was originally planned for those four lots. Each contract of sale of residential property included the restriction that those four lots of the development had been reserved for commercial purposes. Commercial zoning had been applied to the subject property for more than twelve years. The owners now desire to build on those four lots a filling station and five stores. No mention was made of the filling station at the time the residential lots were sold.

Mr. Bernard Willemain, testifying before the Board for the appellee, stated that he was a consulting planner, held a master's degree from the Massachusetts Institute of Technology, and had worked for five and one-half years as principal planner for Baltimore County. He had made a survey of the subject property and in his opinion it was a typical small neighborhood community site. The neighborhood was fully

[212 Md Page 293]

developed except for the subject property and two or three lots which he assumed would be residential. The topography was ideal. The location in his opinion was a typical site for a neighborhood filling station. He thought the site perfectly satisfactory and almost a standardized type of location. The established building line would be zero feet from the property line from either one of the streets. The proposed layout of the Texas Company moved the position of the building at the farthest point away from both roads backing its building against the sides of the stores. He thought it would be better to use part of the lots for a filling station rather than for the construction of the authorized commercial use. From a traffic standpoint the filling station would be better than a commercial building located on the property line.



Mr. John E. Kane, real estate agent for the Texas Company, testified that his company had entered into agreements with the appellees to build a filling station on the four lots, subject to the granting of the special exception. If the application is approved the company intends to build a cinder block building, "2 or 3 bay, 22' X 48' X 14' and covered with porcelain enamel, tile floors and so forth", with three underground gasoline tanks. The station would be strictly a neighborhood one opposite a highway location. There were no other filling stations in the immediate vicinity, the nearest one being 1.7 miles by road. To be economically sound the station should cater to a minimum of one hundred automobiles a day. The terrain was level and in his opinion the construction of the station would not operate to produce traffic on the non-arterial highway. Lights would be arranged to shade and throw the light on its own property. A service station erected on modern lines next to homes does not increase the fire insurance premiums on the homes. Sewerage was an engineering matter. It could not do fender work or any repair work which would make excessive noise.

Mr. Walter N. Ewell, a graduate of Johns Hopkins University and a former assistant professor of its school of engineering, and at that time in private practice as a consulting engineer, testified before the Board that he made an inspection

[212 Md Page 294]

of the neighborhood and the station would be seen at a distance of 1,250 feet on Regester Avenue heading east and traveling on Regester Avenue headed west the site would be seen for approximately 875 feet on Loch Hill Road. Traveling on Loch Hill Road the station would be visible at a distance of 750 feet. This more than complied with the sight distances proposed by the American Association of State Highway Officials. The maximum speed posted was thirty miles per hour. He made a traffic count at peak hours and in his opinion, if the site were developed commercially and a building erected to the property line on the corner, travelers were likely to park on that corner unless restricted. There would be less tendency for congestion of traffic at that corner with a filling station than with a commercial development. If a building were erected with a ten foot set back it would cause greater obstruction at sight distance than the station with the proposed 65 foot set back. With respect to the school buses discharging passengers at that corner, he thought there would be a greater concentration of traffic into a commercial development than into a filling station.

Of course, it has been stated many times by this Court that the Courts will not substitute their judgment for that of the Board, the legislative body, if the question decided was fairly debatable. It is not the function or right of the Courts to zone or rezone but only to determine whether the legislative body has properly applied the governing law to the facts. If there is room for reasonable debate as to whether the facts justify the action of the Board, such action must be upheld. It is only where there is no room for a reasonable debate or the record is barren of supporting facts that the Courts can declare the legislative action of the Board arbitrary, capricious, discriminatory or an unequal application of the law. If there are substantial facts to justify the action of the Board the Courts must affirm that action. The review by the Courts is very narrow in scope and even though the Courts may not feel the decision of the Board was the best that could be rendered under the circumstances, nevertheless the Courts will not set aside the Board's view of the matter if there is substantial evidence to justify its findings and its action is not arbitrary,

[212 Md Page 295]

capricious or discriminatory. *Wakefield v. Kraft*, 202 Md. 136, 141, 142, 96 A.2d 27, and cases there cited.

It was said in *Temminck v. Board of Zoning Appeals of Baltimore County*, 205 Md. 489, 495, 109 A.2d 85: "Generally, therefore, there is no inherent objection to the creation of small districts within a residential zone for the operation of such establishments as grocery stores, drug stores, barber shops, and even gasoline stations, for the accommodation and convenience of the residents of the residential zone." It was said in *Benner v. Tribbitt*, 190 Md. 6, 19, 57 A.2d 346: "A filling station need not be a universal blessing or a 'public necessity'. It is a lawful private business, not the exercise of a franchise. It is sufficient if it will not adversely affect the general welfare, safety, health, morals or comfort."

The granting of the petition here does not require a zoning reclassification. As to special permits, it was said in *Oursler v. Board of Zoning Appeals*, 204 Md. 397, 401, 402, 104 A.2d 568: "The statutory authorization to the County Commissioners to empower the Zoning Commissioner to issue special permits for restaurants and other commercial uses in residential zones, where they are in harmony with the general purposes and intent of the Zoning Regulations, is a valid delegation of legislative power. *Montgomery County v. Merlands Club*, 202 Md. 279, 96 A.2d 261. It is the function of the Zoning Commissioner, and the Board of Zoning Appeals on appeal, to determine whether or not any proposed use for which a special permit is sought would be in harmony with the general purposes and intent of the Zoning Regulations, and whether it could be conducted without being detrimental to the welfare of the neighborhood. Accordingly, in Baltimore County, where restaurants are prima facie permissible in residential zones, an applicant for a permit to conduct a restaurant in a residential zone is not required

to show that denial of a permit would result in 'practical difficulty, or unnecessary or unreasonable hardship,' as in the case of a variance, but must show only that the exception would be in harmony with the zoning plan and would not be detrimental to the welfare of the neighborhood. A special permit issued by the Zoning Commissioner will not be rescinded by the Court if the

[212 Md Page 296]

use is permitted by the Zoning Regulations, and the Commissioner did not act unlawfully or arbitrarily."

There appears here ample evidence from which the Board could find that the special permit would not offend any of the above quoted requirements for a special permit for a filling station. We cannot say from the evidence offered that its action was arbitrary, capricious, discriminatory or illegal. The order must therefore be affirmed.

Order affirmed, with costs.

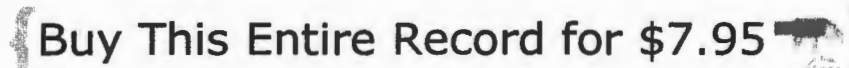
Disposition

AdChoices 

Order affirmed, with costs.

19570213

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Loch Hill Community Association

P. O. Box 66233

Baltimore, MD 21239

October 15, 2001

DRAFT

Paul Dziwanowski

Regester Tire & Auto

1401 Regester Ave.

Baltimore, MD 21239

Dear Paul:

I am writing to review the conversation on October 15, 2001 between you, (Owner of Regester Tire & Auto) myself (President of the Loch Hill Community Association) and Jon Riggle (Board Member of the Loch Hill Community Association). As owner of Regester Tire & Auto you have agreed to the following on the dates shown:

- Paint the exterior of the building brown and tan by November 30, 2001
- Paint the yellow guardrail silver by November 30, 2001
- Repair and paint the light on the corner of Regester Ave. and Loch Hill RD by May 30, 2002
- Replace all light bulbs and window panes
- Paint the entire structure
- Repair and paint the Getty sign on Loch Hill RD by May 30, 2001.
- Remove the Getty signage and replace with the name of the establishment, Regester Tire & Auto.
- Remove the current gas price sign and replace with a special sign, signage that can be changed.
- Remove the brown van and ford pinto from the premises.
- Sign a letter ensuring that the following items will be completed in the 6 months following the zoning change.
- Removal of the 2 existing gas pumps
- Removal of the light fixture above the existing pumps

Ex. 'B'

- Repair the parking lot

After the above items are completed, by the date referenced, and approved by the Board of Directors of the Loch Hill Community Association, the Loch Hill Community Association will agree to back Mr. Paul Dziwanowski, owner of Regester Tire & Auto in his quest to change the zoning of his property from a service station to an auto repair garage.

Sincerely,

LOCH HILL COMMUNITY ASSOCIATION

William F. Bruns, III

President

{ A. Gordon Boone, attorney
Walter B. Swinski - 103 W. Chicago Ave. - lawyer

Petition for Special
Permit
Withdrawn

1/24/54
Charles L. Fitzpatrick

Calvert Ross Buzel - attorney - protestants.

A list of 49 protestants - names and addresses
were presented by petitioners who withdrew

DEC 8 1954

307-S

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF

Howard J. Schopf, et al

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MAP
#9
"S"
1/15/55

For a Special Permit

To The Zoning Commissioner of Baltimore County

Howard J. Schopf, Josephine Schopf, Capt. V. Borne

Legal Owner

Contract
Purchaser

hereby petition for a Special Permit, Under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 577 of the of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements and or be erected thereon) hereinafter described for

GASOLINE SERVICE STATION

All that parcel of land in the Ninth District of Baltimore County, on the southwest corner of Regester Avenue and Loch Hill Road; thence westerly and binding on the south side of Regester Avenue 158 feet; thence south 17 degrees 36 minutes east 124 feet; thence north 72 degrees 24 minutes east 125 feet to the west side of Loch Hill Road; thence northerly and binding on the west side of Loch Hill Road 28.62 feet to place of beginning.

Contract Purchaser

Address

Josephine Schopf
Howard J. Schopf

Legal Owners

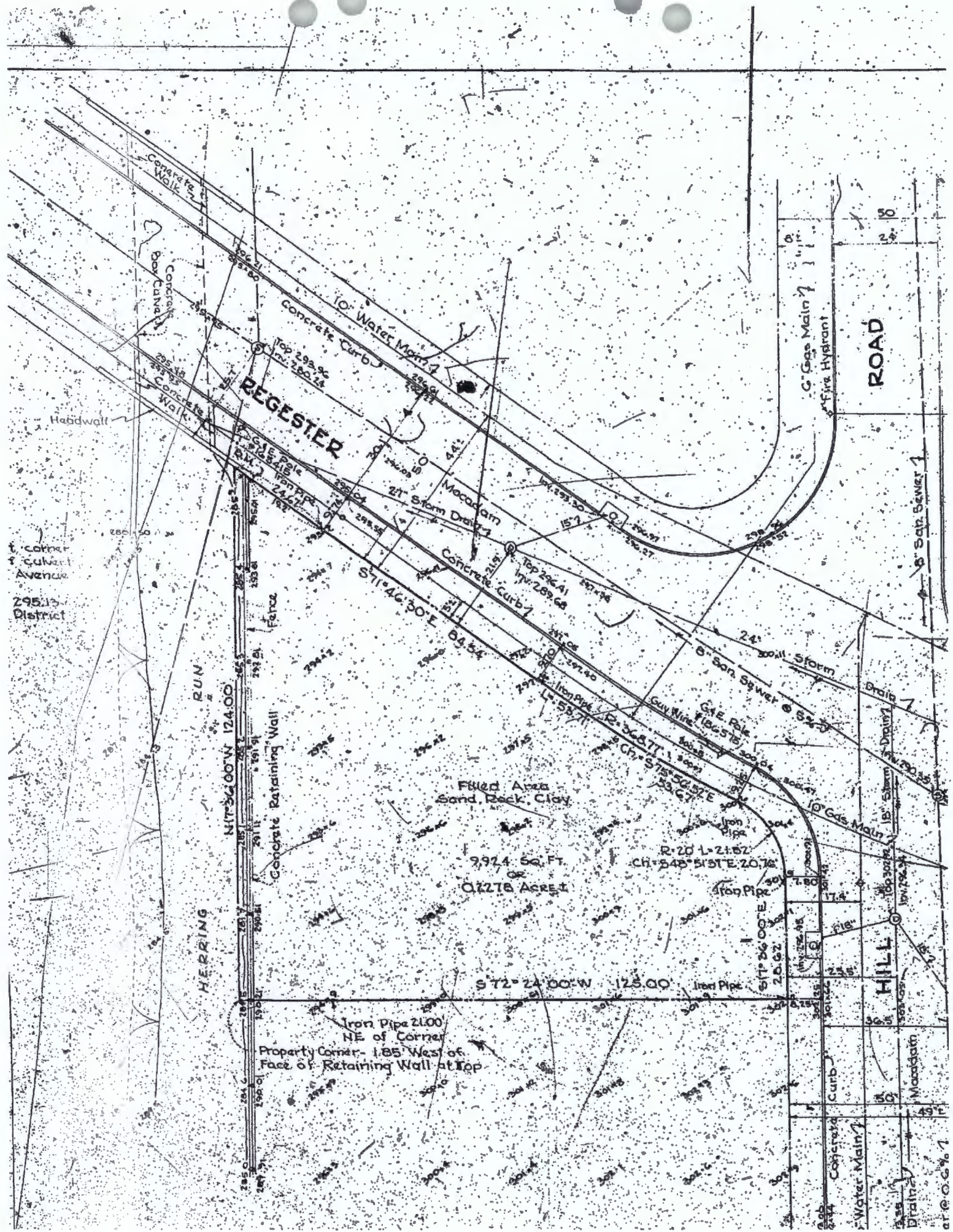
1817 MUNSEY BLVD
Address

1817 Munsey Blvd
Baltimore, Md.

Jan. 24, 1955; Petition withdrawn
by counsel for petitioners

Charles L. Fitzpatrick
Deputy Zoning Commissioner
of Baltimore County

J. Borne
1/24/55
10:00 AM



REGISTER

ROAD

HERRING RUN

HILL

corner
of
Avenue
295.15
District

Iron Pipe 21.00
NE of Corner
Property Corner- 1.85 West of
Face of Retaining Wall at Top

Filled Area
Sand, Rock, Clay

292.4 50. FT.
0.278 ACRE ±

S 72° 24' 00" W 125.00'

6" Gas Main
Fire Hydrant

8" San. Sewer

Water Main

Macadam

at 0.6%

granted 5x in 1957.

Westlaw

129 A.2d 124
212 Md. 288, 129 A.2d 124
(Cite as: 212 Md. 288, 129 A.2d 124)

Page 1

C

Court of Appeals of Maryland.
Gertrude ERDMAN et al.
v.
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY.

No. 96.
Feb. 13, 1957.

Proceeding to review order of Board of Zoning Appeals granting special permit for a gasoline service station. The Circuit Court, Baltimore County, Steward O. Day, J., affirmed the order and protestant appealed. The Court of Appeals, Collins, J., held that granting of the special permit was in harmony with the zoning plan, would not be detrimental to the welfare of the neighborhood and that the action of the Zoning Board of Appeals in granting the permit was not arbitrary, capricious, discriminatory or illegal.

Order affirmed.

West Headnotes

[1] Zoning and Planning 414 1642

414 Zoning and Planning
414X Judicial Review or Relief
414X(C) Scope of Review
414X(C)1 In General
414k1637 Wisdom, Judgment, or Opinion
414k1642 k. Decisions of boards or officers in general. Most Cited Cases
(Formerly 414k618, 268k621.52)

Courts will not substitute their judgment for that of the Board of Zoning Appeals if the question decided was fairly debatable.

[2] Zoning and Planning 414 1635

414 Zoning and Planning
414X Judicial Review or Relief
414X(C) Scope of Review
414X(C)1 In General
414k1635 k. Illegality. Most Cited Cases
(Formerly 414k612, 268k621.52)

The function or right of the court is only to determine whether the Board of Zoning Appeals has properly applied the governing law to the facts.

[3] Zoning and Planning 414 1631

414 Zoning and Planning
414X Judicial Review or Relief
414X(C) Scope of Review
414X(C)1 In General
414k1627 Arbitrary, Capricious, or Unreasonable Action
414k1631 k. Decisions of boards or officers in general. Most Cited Cases
(Formerly 414k703, 268k621.54)

Zoning and Planning 414 1698

414 Zoning and Planning
414X Judicial Review or Relief
414X(C) Scope of Review
414X(C)4 Questions of Fact
414k1698 k. Substantial evidence in general. Most Cited Cases
(Formerly 414k703, 268k621.54)

The court will not set aside a decision of the Board of Zoning Appeals if there is substantial evidence to justify its findings and the decision is not

arbitrary, capricious or discriminatory.

[4] Automobiles 48A



395

48A Automobiles

48AVIII Garage Keepers, Repairmen, Auto Liverymen, and Filling Stations

48Ak395 k. Filling stations. Most Cited Cases

Zoning and Planning 414



1365

414 Zoning and Planning

414VIII Permits, Certificates, and Approvals

414VIII(A) In General

414k1363 Automobile-Related Uses

414k1365 k. Sales and service. Most

Cited Cases

(Formerly 414k414.1, 414k414)

Where proposed gasoline service station would be located on lots which constituted only commercial area in residential zone which had no nearby station and station would cause less traffic congestion than commercial building, station would not be detrimental to neighborhood and action of board in granting permit was not arbitrary, capricious, discriminatory or illegal. Acts 1947, c. 915, § 72c.

*290 **124 Howard C. Bregel and Calvert R. Bregel, Baltimore, for appellants.

W. Albert Menchine, Towson, for appellee.

Before COLLINS, HENDERSON, and PRESCOTT, JJ.

COLLINS, Judge.

This is an appeal from an order affirming the decision of the Board of Zoning Appeals of Baltimore County (the Board), appellee.

Howard J. Schepf, Josephine Schepf, and George O. Blome filed before the Zoning Commissioner of Baltimore County (the Commissioner) an application for a special permit for a gasoline service station on the major portion of four lots located on the southwest corner of Regester Avenue and Loch Hill Road

in Baltimore County. These lots front 58.62 feet on Loch Hill Road and 160.07 feet on Regester Avenue. They were zoned commercial and constituted the only commercial area in an otherwise residential district. The Commissioner denied the special permit. An appeal was noted to the Board on July 30, **125 1955. The Board found that the granting of the special permit would not be detrimental to the health, safety, morals, and the general welfare of the community and reversed the order of the Commissioner. It granted the special exception*291 'subject, however to the approval of a plan for the development of said property by the Baltimore County Planning Board and the Department of Public Works of Baltimore County'. On the petition of the appellants a writ of certiorari was granted to the Circuit Court for Baltimore County. The trial judge, after reviewing the testimony taken before the Board and further testimony in open court, found that the granting of the special exception was supported by substantial evidence and was not arbitrary, discriminatory or illegal, and by order affirmed the action of the Board. From that order the appellants appeal here.

Under the zoning regulations and restrictions for Baltimore County, effective January 2, 1945, Section VII, it is provided that except as expressly provided in subsequent sections any building or land in a commercial zone may be used for any use except certain designated uses, among which is included 'Gasoline Service (Filling) Station'. Section XIII states that the inherent character of certain uses required that they not be carried on in districts or areas to which they do not conform, nor should such uses have the tendency to impair the health, safety, and morals of the public, and such uses may be permitted only upon a special permit. Sub-section E provides that in a commercial zone a special permit shall be required for a gasoline service station. See also Chapter 915, Section 72C, Acts of 1947, Laws of Maryland, Code of Public Local Laws of Baltimore County, Title 23, Section 367. It is also provided in Section XIII that before any special permit will be granted the use will not (a) Be detrimental to the safety, health, morals and general welfare of the community involved. (b) Tend to create congestion in roads, streets and alleys in the area involved. (c) Create a hazard from fire, panic or other dangers. (d) Tend to overcrowd land and cause undue concentration of population. (e) Interfere improperly with adequate provisions for schools, parks, water sewerage, transportation and other public requirements, conven-

iences and improvements. (f) Interfere with adequate light and air.'

Appearing in opposition to the granting of the special exception before the Board were residents of the development, some of whom testified that they would not have purchased *292 their homes if they had known there would be a filling station at that corner and that, in their opinion, the filling station would create an additional traffic hazard. They also opposed the construction of the filling station because they said it would create glare into the windows of their homes, noise, smell, dust and an increased fire hazard, and would depreciate the value of their property. They had moved to the neighborhood to get away from the noise, dirt, fumes and congestion of the city. Every morning children got on the buses at Loch Hill Road which at that time had a limited amount of traffic, and the filling station would increase the traffic on Loch Hill Road. Testimony was also taken in open court where Miss Gertrude Erdman, one of the protestants who apparently lived on a corner opposite the subject property, stated that she observed the number of school children and school buses at the intersection in the area of her home and that the buses loaded right at the intersection. When asked whether she was familiar with the fact that for years school buses had been stopping at another filling station in the Towson area, she replied that she did not know definitely whether such was the case or not. She thought the traffic hazard would be increased by the erection of the filling station.

Mr. George O. Blome testified before the Board that surrounding the four lots zoned commercial was a fully developed residential area. A shopping center was originally planned for those four lots. Each contract **126 of sale of residential property included the restriction that those four lots of the development had been reserved for commercial purposes. Commercial zoning had been applied to the subject property for more than twelve years. The owners now desire to build on those four lots a filling station and five stores. No mention was made of the filling station at the time the residential lots were sold.

Mr. Bernard Willemain, testifying before the Board for the appellee, stated that he was a consulting planner, held a master's degree from the Massachusetts Institute of Technology, and had worked for five and one-half years as principal planner for Bal-

timore County. He had made a survey of the subject property and in his opinion it was a typical small neighborhood community site. The neighborhood was fully *293 developed except for the subject property and two or three lots which he assumed would be residential. The topography was ideal. The location in his opinion was a typical site for a neighborhood filling station. He thought the site perfectly satisfactory and almost a standardized type of location. The established building line would be zero feet from the property line from either one of the streets. The proposed layout of the Texas Company moved the position of the building at the farthest point away from both roads backing its building against the sides of the stores. He thought it would be better to use part of the lots for a filling station rather than for the construction of the authorized commercial use. From a traffic standpoint the filling station would be better than a commercial building located on the property line.

Mr. John E. Kane, real estate agent for the Texas Company, testified that his company had entered into agreements with the appellees to build a filling station on the four lots, subject to the granting of the special exception. If the application is approved the company intends to build a cinder block building, '2 or 3 bay, 22' x 48' x 14' and covered with porcelain enamel, tile floors and so forth', with three underground gasoline tanks. The station would be strictly a neighborhood one opposite a highway location. There were no other filling stations in the immediate vicinity, the nearest one being 1.7 miles by road. To be economically sound the station should cater to a minimum of one hundred automobiles a day. The terrain was level and in his opinion the construction of the station would not operate to produce traffic on the non-arterial highway. Lights would be arranged to shade and throw the light on its own property. A service station erected on modern lines next to homes does not increase the fire insurance premiums on the homes. Sewerage was an engineering matter. It could not do fender work or any repair work which would make excessive noise.

Mr. Walter N. Ewell, a graduate of Johns Hopkins University and a former assistant professor of its school of engineering, and at that time in private practice as a consulting engineer, testified before the Board that he made an inspection*294 of the neighborhood and the station would be seen at a dis-

tance of 1,250 feet on Regester Avenue heading east and traveling on Regester Avenue headed west the site would be seen for approximately 875 feet on Loch Hill Road. Traveling on Loch Hill Road the station would be visible at a distance of 750 feet. This more than complied with the sight distances proposed by the American Association of State Highway Officials. The maximum speed posted was thirty miles per hour. He made a traffic count at peak hours and in his opinion, if the site were developed commercially and a building erected to the property line on the corner, travelers were likely to park on that corner unless restricted. There would be less tendency for congestion of traffic at that corner with a filling station than with a commercial development. If a building were erected with a ten foot set back it would cause greater obstruction at sight distance than the station with the proposed 65 foot set back. With respect to the school buses discharging **127 passengers at that corner, he thought there would be a greater concentration of traffic into a commercial development than into a filling station.

[1][2][3] Of course, it has been stated many times by this Court that the Courts will not substitute their judgment for that of the Board, the legislative body, if the question decided was fairly debatable. It is not the function or right of the Courts to zone or rezone but only to determine whether the legislative body has properly applied the governing law to the facts. If there is room for reasonable debate as to whether the facts justify the action of the Board, such action must be upheld. It is only where there is no room for a reasonable debate or the record is barren of supporting facts that the Courts can declare the legislative action of the Board arbitrary, capricious, discriminatory or an unequal application of the law. If there are substantial facts to justify the action of the Board the Courts must affirm that action. The review by the Courts is very narrow in scope and even though the Courts may not feel the decision of the Board was the best that could be rendered under the circumstances, nevertheless the Courts will not set aside the Board's view of the matter if there is substantial evidence to justify its findings and its action is not arbitrary, *295 capricious or discriminatory. Wakefield v. Kraft, 202 Md. 136, 141, 142, 96 A.2d 27, and cases there cited.

It was said in Temmink v. Board of Zoning Appeals of Baltimore County, 205 Md. 489, 495, 109

A.2d 85, 88: 'Generally, therefore, there is no inherent objection to the creation of small districts within a residential zone for the operation of such establishments as grocery stores, drug stores, barber shops, and even gasoline stations, for the accommodation and convenience of the residents of the residential zone.' It was said in Benner v. Tribbitt, 190 Md. 6, 19, 57 A.2d 346, 353: 'A filling station need not be a universal blessing or a 'public necessity.' It is a lawful private business, not the exercise of a franchise. It is sufficient if it will not adversely affect the general welfare, safety, health, morals or comfort.'

[4] The granting of the petition here does not require a zoning reclassification. As to special permits, it was said in Oursler v. Board of Zoning Appeals, 204 Md. 397, 401, 402, 104 A.2d 568, 570: 'The statutory authorization to the County Commissioners to empower the Zoning Commissioner to issue special permits for restaurants and other commercial uses in residential zones, where they are in harmony with the general purposes and intent of the Zoning Regulations, is a valid delegation of legislative power. Montgomery County v. Merlands Club, 202 Md. 279, 96 A.2d 261. It is the function of the Zoning Commissioner, and the Board of Zoning Appeals on appeal, to determine whether or not any proposed use for which a special permit is sought would be in harmony with the general purposes and intent of the Zoning Regulations, and whether it could be conducted without being detrimental to the welfare of the neighborhood. Accordingly, in Baltimore County, where restaurants are *prima facie* permissible in residential zones, an applicant for a permit to conduct a restaurant in a residential zone is not required to show that denial of a permit would result in 'practical difficulty, or unnecessary or unreasonable hardship,' as in the case of a variance, but must show only that the exception would be in harmony with the zoning plan and would not be detrimental to the welfare of the neighborhood. A special permit issued by the Zoning Commissioner will not be rescinded by the Court if the *296 use is permitted by the Zoning Regulations, and the Commissioner did not act unlawfully or arbitrarily.'

There appears here ample evidence from which the Board could find that the special permit would not offend any of the above quoted requirements for a special permit for a filling station. We cannot say from the evidence offered that its action was **128

*129 A.2d 124
212 Md. 288, 129 A.2d 124
(Cite as: 212 Md. 288, 129 A.2d 124)

Page 5

arbitrary, capricious, discriminatory or illegal. The order must therefore be affirmed.

Order affirmed, with costs.

Md. 1957
Erdman v. Board of Zoning Appeals of Baltimore
County
212 Md. 288, 129 A.2d 124

END OF DOCUMENT

Loch Hill

2013-0039-SPH

11/19/2012

JIM COSGROVE	6640 Loch Hill Rd	Loch Hill, MD 21239	cosgi@comcast.net
Ed Smith	6610 Raven Hill Rd	Loch Hill, MD 21239	edsmith11@yahoo.com
Peggy Smith	1215 Overbrook Rd	Baltimore MD 21239	pashannon@verizon.net
BARBARA BACKUS	1209 Overbrook Rd	IDLEWYLD, MD 21239	bbackus@gmail.com
PAUL DAWANOWSKI	1401 Route Ave	Balto Md 21239	
DONALD LITCKS	200 E. VOPPA RD	LITCKS LITCKS	
Jean Berner	5000 1105	TANSON, MD 21784	thickb@hickory.com
	6637 Loch Hill Rd	Loch Hill MD 21239	
PETITIONERS			

1401 Regester Avenue



Publication Date: August 22, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



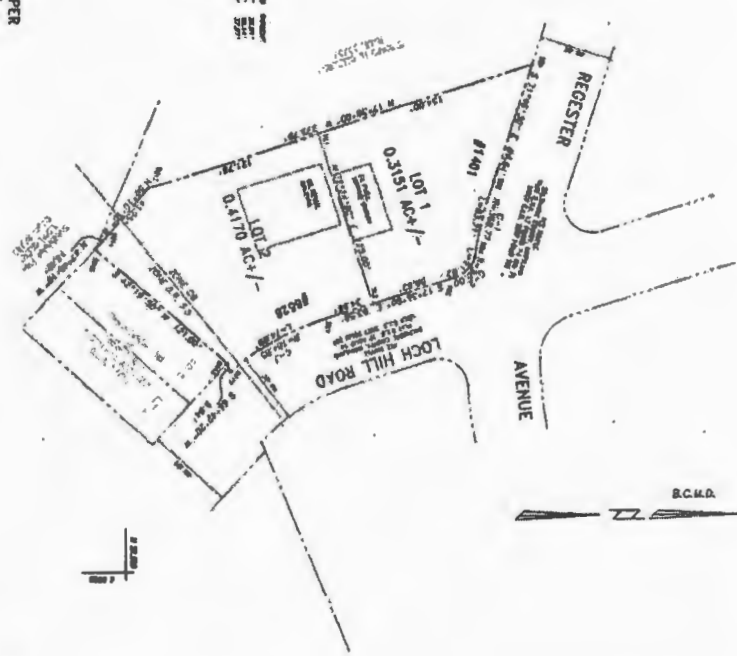
0 50 100
 Feet

1 inch = 50 feet

Item #0639



VICINITY MAP
SCALE 1" = 200'



LOCH HILL PLAZA

ADDITION TO AND RESUBDIVISION OF ALL OF LOT 95
AND LOT 96 AND PART OF LOT 97 AND LOT 98
PLAT OF LOCH HILL, PLAT CHX. 15 FOLD 74 & 75.

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 9
DATE: NOVEMBER 6, 1987
SCALE: 1" = 50 FEET

OWNER BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT NO. 9 DATE: NOVEMBER 6, 1987	DEVELOPER GEORGE WILLIAM STEVENS, JR. AND ASSOCIATES, INC. ONE EIGHTH FLOOR 1000 PENNSYLVANIA AVENUE BALTIMORE, MARYLAND 21201	ENGINEER JOHN J. STEVENS, JR. P.E. 1000 PENNSYLVANIA AVENUE BALTIMORE, MARYLAND 21201	PLAT LOCH HILL PLAZA ADDITION TO AND RESUBDIVISION OF ALL OF LOT 95 AND LOT 96 AND PART OF LOT 97 AND LOT 98 PLAT OF LOCH HILL, PLAT CHX. 15 FOLD 74 & 75.
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Item #5039



OWNER'S
VEHICLE
USED FOR TRANSIT TO/FROM
WORK



ALL
EXPIRED
NOT A 65

HISTORIC TAG

LOCK HILL VIEW





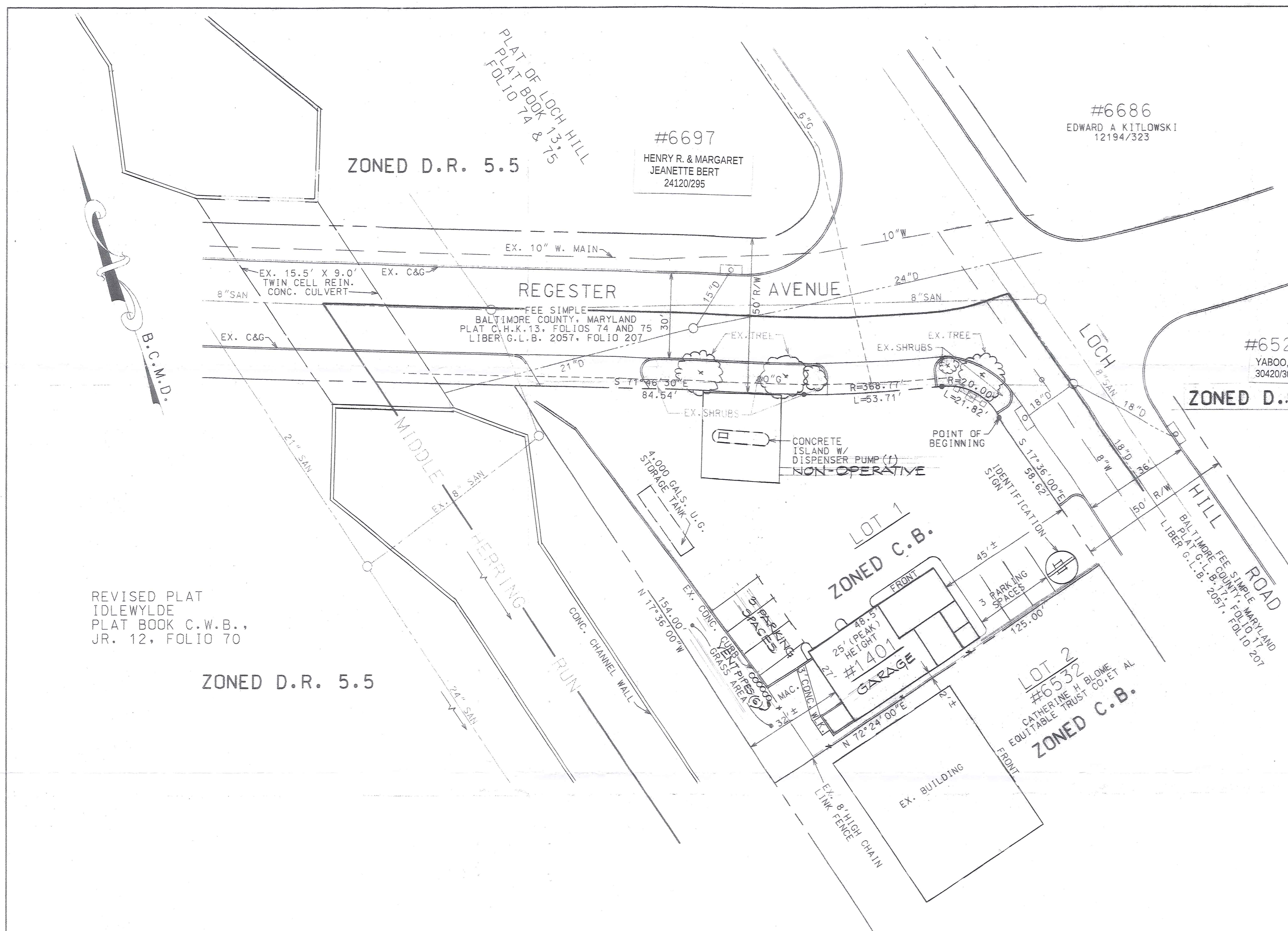












SITE DATA

- EXISTING ZONING: C.B. PREVIOUS ZONING: BL Map 08031
- PRESENT USE: TIRES AND FULL SERVICE GARAGE
- PROPERTY DATA:
NO. 1401 REGESTER AVENUE
BALTIMORE, MD 21239
PARCEL NO. 106 - TAX MAP 80 - GRID 4
LIBER 12659, FOLIO 457
ACCOUNT NO. 2300002272
OWNER:
PAUL M. DZIWANOWSKI, SR.
NO. 965 SHORELAND DRIVE
GLEN BURNIE, MD 21060-6605
TENANT - REGESTER TIRE & AUTO SERVICE, INC.

AREA = 0.3151 ACRES, MORE OR LESS,
OR 13,725.76 SQUARE FEET

SUBDIVISION:
LOCH HILL PLAZA
ADDITION TO AND RESUBDIVISION OF
ALL OF LOT 95 AND LOT 96 AND PART
OF LOT 97 AND LOT 98, 'PLAT OF LOCH
HILL', PLAT C.H.K. 13, FOLIO 74 & 75

PLAT BOOK S.M. NO. 70, FOLIO 40

ELECTION DISTRICT NO. 9
COUNCILMANIC DISTRICT 5

4. PARKING:
PARKING SPACES REQUIRED -
3.3 SPACES PER 1,000 SQUARE FEET
OF GROSS FLOOR AREA (INCLUDING BAYS)
GROSS FLOOR AREA = 1310 SQ. FT.
SPACES REQUIRED = 5 SPACES

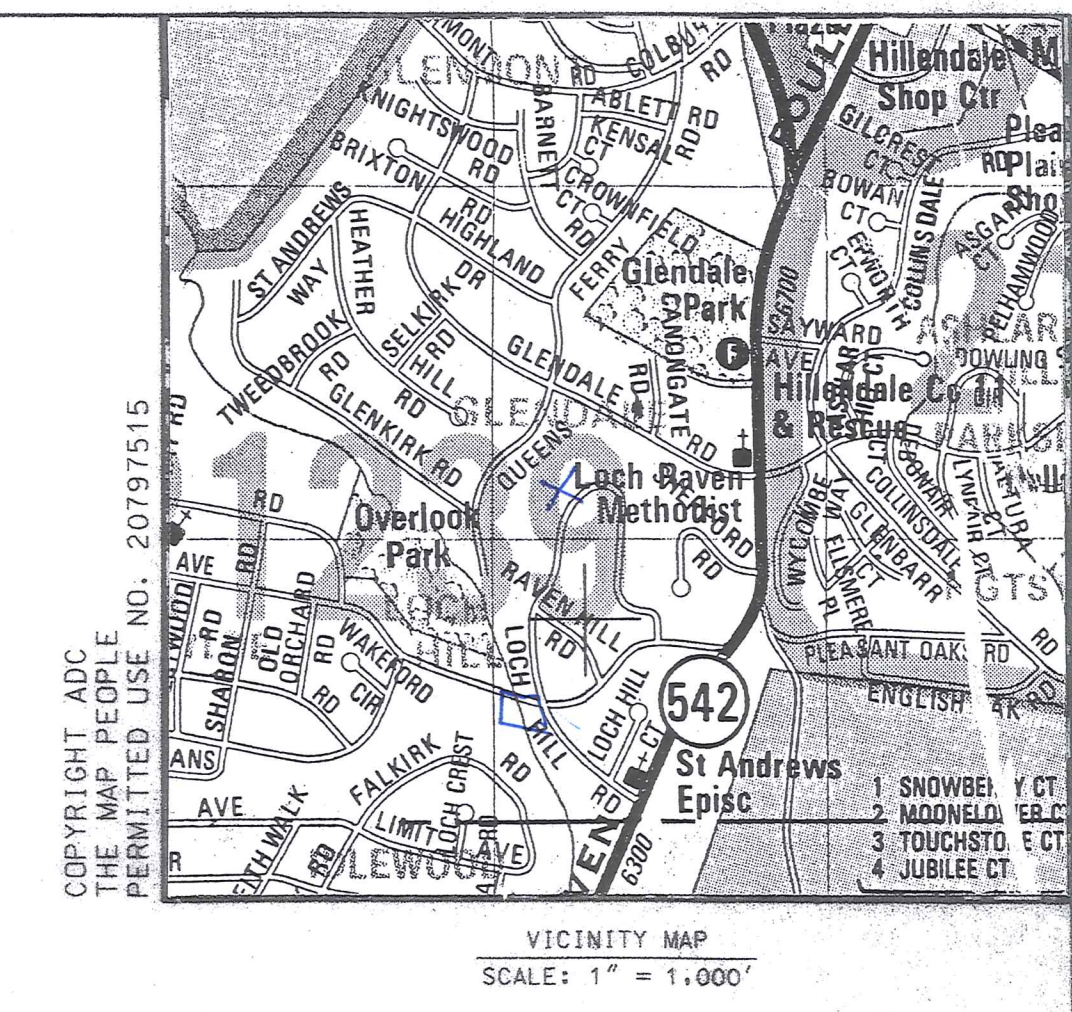
PARKING SPACES PROVIDED = 6 SPACES

5. BASIC SERVICES AVAILABILITY -
A. TRAFFIC:
1) THIS SITE IS NOT WITHIN A TRAFFIC
DEFICIENT AREA.
2) THE GOVERNING LEVEL OF SERVICE
FOR THIS AREA IS A-C.
3) AN ADEQUATE PUBLIC ROAD IS
AVAILABLE TO THIS SITE.

B. WATER & SEWER:
1) PUBLIC WATER IS AVAIL. TO THIS
SITE.
2) PUBLIC SEWER IS AVAILABLE TO THIS
SITE.
3) THIS SITE IS WITHIN THE BALTIMORE
COUNTY METROPOLITAN DISTRICT.
4) WATER AND SEWER SERVICE DESIG-
NATION - W-1 & S-1.

6. THIS PROPERTY IS NOT IN THE CHESAPEAKE
BAY CRITICAL AREA.

7. THE LOT SHOWN HEREON IS IN FLOOD ZONE
"X", PER F.E.M.A. FLOOD INSURANCE RATE
MAP PANEL #2400100405F.



#2013-0039-SPH R3

OWNER: PAUL M. DZIWANOWSKI, SR. NO. 965 SHORELAND DRIVE GLEN BURNIE, MD. 21060-6605 TELEPHONE: 410-760-8453 (H)	
H Hicks Engineering Associates, Inc. ENGINEERS, SURVEYORS & PLANNERS 200 EAST JOPPA ROAD - SUITE LL 105 TOWSON, MARYLAND 21286-3160 (410) 494-0001 FAX: (410) 821-8890	
PROJECT TITLE: NO. 1401 REGESTER AVENUE BALTIMORE, MD. 21239 TELEPHONE: 410-337-0404 (VV)	
DRAWING TITLE: PLAT TO ACCOMPANY PETITION FOR: SPECIAL HEARING TO APPROVE A NONCONFORMING USE.	
JOB NO.: 23004/20121	DRAWING NO.:
DRAWN BY: MEH	ZONING PLAT
CHECKED BY: DEH	
DATE: AUGUST 17, 2012	
SCALE: 1"=20'	
SHEETS PER SET: 1 OF 1	

Pet. #1

GENERAL NOTES

THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.

THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS.

THE PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED BY PETITION FOR SPECIAL PERMIT FOR A GASOLINE SERVICE STATION AFFIRMED BY COURT OF APPEALS OF MARYLAND, NO.96 OCTOBER TERM 1996, DRC NUMBER 071471.

THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.

THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.

THIS SITE IS LOCATED IN THE HERRING RUN WEST SUBSEWERSHED #51 WATERSHED #22.

TOTAL AREA OF LOTS = 0.7321 Ac.

TOTAL AREA OF PLAT = 0.7321 Ac.

THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

DEED REFERENCE: E.H.K., Jr 5867/702 & E.H.K., Jr. 5867/705.

TAX ACCOUNT NO. 09-02-470431, 09-02-470430 & 09-02-470432.

EXISTING ZONING CB & D.R. 5.5

COORDINATES

NO.	NORTH	EAST
BD1	27777.77	8850.21
BD2	27751.33	8930.51
BD4	27738.30	8982.57
BD6	27724.65	8998.20
BD7	27635.45	9026.49
BD10	27570.53	9062.79
BD13	27514.90	8933.60
BD14	27488.48	8965.28
BD15	27478.77	8975.94
BD16	27568.22	9057.42
DL1	27630.98	8896.78
DL2	27668.78	9015.92

NO.	DELTA	RADIUS	LENGTH	BEARING	CHORD	TANGENT
C-1	08°20'44"	368.77'	53.71'	S 75°56'52" E	53.67'	26.91'
C-2	62°31'14"	20.00'	21.82'	S 48°51'37" E	20.76'	12.14'
C-3	23°12'46"	184.85'	74.89'	S 29°12'23" E	74.38'	37.97'

LOT 1 ESTABLISHED BY SPECIAL ZONING PERMIT LINE - CASE NR 331T-6 AND RECORDED LEASE.

LOT 2 ESTABLISHED BY PETITION FOR RECLASSIFICATION AND VARIANCE REQUEST CASE NR 78-65-RA AND RECORDED LEASE.

OWNERS

CATHRINE H. BLOME

TRUSTEES:

NATIONS BANK N.A.
MD 4-325-08-31
P.O. BOX 995
BALTIMORE, MARYLAND 21203
(410) 547-4494

AND

MICHAEL A. SCHEPF
15913 IRISH AVENUE
MONKTON, MARYLAND 21111

DEVELOPER

JAMES SCHEPF
1202 BOYCE AVENUE
BALTIMORE, MARYLAND
21204

NOTE:

HIGHWAYS AND HIGHWAY WIDTHS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST BUFFER AREAS IN FEE OR EASEMENT, GREENWAY AREAS IN FEE OR EASEMENT, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED AS PRIVATE, ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND, AT NO COST. UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, THE RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES.

NOTE:

COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TOWNSHIP STATIONS:

REVALUED
X-4423 N 27792.30 E 9238.82
X-4424 N 27732.99 E 8994.23
see: LOCH HILL ADDITION PLATS
G.L.B. 17/1 & G.L.B. 17/17

NOTE:

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BOTS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

OWNERS CERTIFICATE:

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

Nations Bank N.A. & C. Blume, Trustees
Adelene N. Blume & George O. Blume
CATHRINE H. BLOME
By: *Michael A. Schepf* 11/7/97
MICHAEL A. SCHEPF
TRUSTEE: NATIONS BANK N.A.
DATE 11-7-97

SURVEYORS CERTIFICATE:

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAD OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

Ruben P. Henry 11/6/97
REG. NO. 10856
DATE 11/6/97

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE DRC DECISION 071471, DATED SEPT. 23, 1997 AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORD PLAT PURSUANT TO SAID DRC DECISION.

APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Michael A. Schepf 12-5-97
DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

APPROVED BY THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT PURSUANT TO SECTION 29-215(C), BALTIMORE COUNTY CODE

Daniel Flowers 1-7-98
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT



LOCH HILL PLAZA

ADDITION TO AND RESUBDIVISION OF ALL OF LOT 95
AND LOT 96 AND PART OF LOT 97 AND LOT 98
"PLAT OF LOCH HILL", PLAT C.H.K. 13 FOLIO 74 & 75.

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30 FEET

ELECTION DISTRICT NO. 9
DATE: NOVEMBER 6, 1997

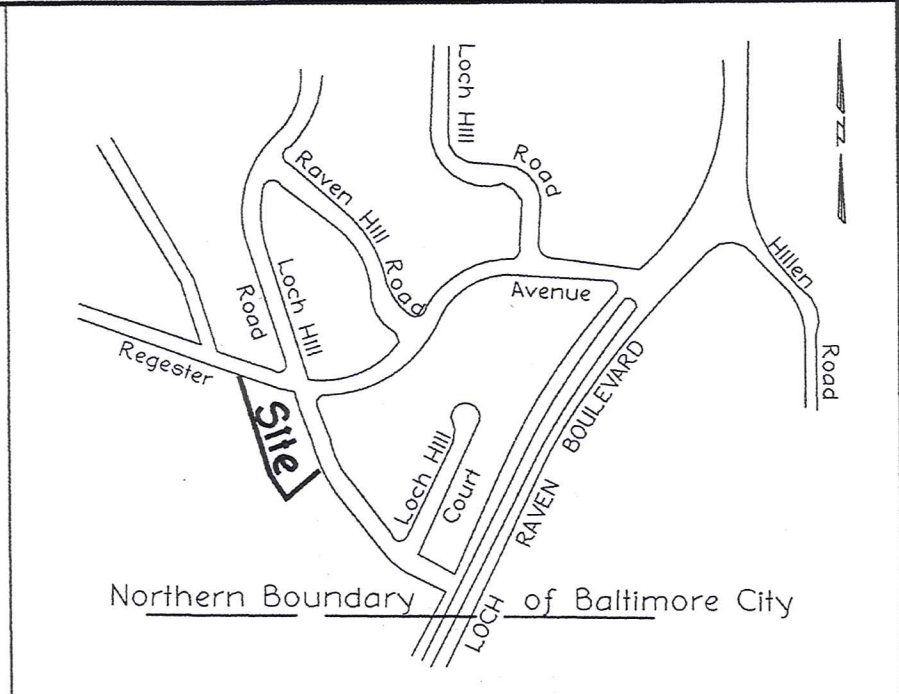
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS

608 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204

P.W.A. COMPLETED
FINAL PLAT CHECKED:
RECREATION & PARKS
ENGINEERING
HOUSE NOS.
DEVELOPMENT MANAGEMENT

12-5-97
12-5-97
12-5-97
12-5-97

COMPUTED BY: W.E. CHECKED BY: W.E. & D.M.
DRAWN BY: W.E. W.D. NO. 8553



VICINITY MAP
SCALE: 1" = 500'

* THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THAT FIRST OR 0.7321 ACRE PARCEL OF LAND DESCRIBED IN THE DEED DATED MARCH 27, 1978 AND CONFIRMATORY DEED DATED MARCH 24, 1978, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER E.H.K., JR 5867 FOLIOS 702 AND 705 RESPECTIVELY AND CREATE TWO LOTS.

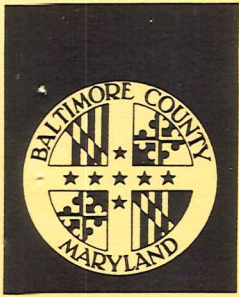
S.M. 70-40
Filed for record
S.M. 70 FOLIO 40
Date JAN 12 1998

Test:
Stephen P. Henry
Clerk

PLAT RECORDING
TOTAL \$15.00
RECEIVED \$15.00
SH. CH. \$10.00
Jan 12 1998 10:02 AM

Prot. #2

DP 3
1/79



County Executive
Dennis F. Rasmussen

Perm

Pet. #3

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL EL
WORK WHICH MUST BE DONE BY AN ELECTRICIAN
LICENSED IN BALTIMORE COUNTY.

BING

PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

TAX ACCOUNT NUMBER	109102-47643480
BUILDING ADDRESS	1401 REEFSTEAD AVE, BALTIMORE, MD 21229
OWNER'S NAME	CATHERINE H. BLOME - EQUITABLE BANK NA ETAL
MAILING ADDRESS OF OWNER	6 UPLAND RD, BALTIMORE, MD 21210
IDENTIFICATION	NAME ADDRESS CITY STATE ZIP PHONE NO LICENSE
BUILDING CONTRACTOR	CLARK OIL CO. P.O. BOX 300 PHOTUVITY, MD 21131 666-2780 1254

TYPE OF IMPROVEMENT

DESCRIBE PROPOSED WORK

☐

1 AND 2 FAM CODE

☒ SOCA CODE

ESTIMATED COST OF MATERIAL & LABOR

\$ 1500.00

NO OTHER FREE STANDING SIGN
INSTALL GETTY TRADE MARK SIGN

REMOVE EXISTING PHILLIPS 66 SIGN

NEW SIGN TO BE INSTALLED ON EXISTING
POLE. IF illuminated or near of
property. Refer to E 71687 for electrical
license tag must be affixed to sign
ppt const plan att

COMPLETION DATE

COMMENTS

INSPECTOR

TYPE OF SEWAGE DISPOSAL

☒ PUBLIC SEWER

☐ PRIVATE SYSTEM

TYPE OF WATER SUPPLY

☒ PUBLIC SYSTEM

☐ PRIVATE SYSTEM

BUILDING SIZE FLOOR AREA

LARGEST OVERALL DIMENSIONS INCLUDING BASEMENT

LOT SIZE

PROPERTY LINE SETBACKS

IN LINE WITH EXISTING BLDGS

SUBDIVISION NAME

H

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

SIGNATURE OF APPLICANT

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND

PERMIT FEE

AGENCY

ZONING

PROCESSING SUPERVISOR

DATE

White-Permit Green-Inspector, Canary-Assessments

IMPROVED--

CLASS

THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS

Case No.: 2013 - 0039 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

DW 1-8-13
DW 11-30-12

No. 1	Site Plan	Color Photos
No. 2	Color Photos	Loch Hill Plaza Plat
No. 3	Sign Permit	Color Photos (#6) in plastic sheets
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Pet. #2

















