

M E M O R A N D U M

DATE: May 24, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0183-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 2016. 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

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

(12 Music Fair Road) *

3rd Election District

2nd Council District *

12 Music Fair Road, LLC

Legal Owner *

Diamond Automotive Services Inc.,

Contract Purchaser *

Petitioners

* * * * *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0183-SPHX

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of 12 Music Fair Road, LLC, legal owner and Diamond Automotive Services, Inc., contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) For confirmation that the proposed automobile detailing use (Diamond Detail) constitutes either a service garage, a car wash, an automobile assembly, a storage or warehousing of vehicles, a parking lot or garage, an office or a combination of the aforementioned uses; (2) For confirmation that the site lies in an IM District and, as such, both a "parking lot or garage" and "car wash" are permitted by right or, in the alternative, that a waiver of the requirement that this retail or service use be located in a planned industrial park as provided in B.C.Z.R. Section 253.1 C be granted; (3) A waiver of the requirements for stacking and parking spaces as well as location, setback and general design standards as provided in B.C.Z.R. Sections 419.3 and 419.4, if the use is deemed a car wash; (4) A determination of the required number of parking spaces to be provided under B.C.Z.R. Section 409.6.A, if the use is deemed to be storage or warehousing of vehicles, a parking lot or garage, a car wash or an automobile assembly use; (5) A modified parking plan; and (6) A determination that existing

ORDER RECEIVED FOR FILING

Date 4/21/16

By Den

setbacks are legally permissible under State law. A Petition for Special Exception seeks approval of a service garage or car wash in the ML IM zone.

Appearing at the public hearing in support of the requests was Charles Heinle, who will own and operate the facility. Jason Vettori, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR), and conditions will be included in the order below to address the concerns raised by those agencies.

Special Hearing

The petition for special hearing essentially seeks a determination of the proper use category for the proposed facility. Diamond Detail provides washing and waxing of vehicles, but also performs services such as paintless dent removal, scratch removal, carpet dying and flood restoration. Pet. Exhibit No. 2. In these circumstances I believe the business is properly characterized as a "service garage," which is a facility where (among other things) vehicles are "repaired or kept for remuneration." B.C.Z.R. §101.1. The other aspects of the petition for special hearing need not be addressed, given that the use is not a car wash or parking lot/garage and a modified parking plan is not required. The setback referenced in request No. 6 has existed since the commercial building was constructed in the 1960s. The plan shows a "27.7' building offset" at the northeast corner of the structure, while the Regulations require a 30 ft. setback. Given this is a long-existing site condition, special hearing request No. 6 will be granted.

Having determined the use to be a service garage, the parking requirements are set forth at B.C.Z.R. §405.4.A.3.d., by way of §409.6.A.2. The regulations require one space per employee

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4/21/16

By

Sen

on the largest shift and three spaces per service bay. Mr. Heinle testified the facility will have 12 service bays and 20 employees on the largest shift, which would require 56 spaces total. The site plan shows 57 spaces (Pet. Ex. No. 1, note 29) will be provided, which complies with the Regulations.

Petition for Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

No evidence was presented which would show the inherent adverse impacts of the service garage use would be more pronounced here than at any other ML IM zoned site. Mr. Heinle explained he has contracts with and provides service for several automobile dealers in the immediate vicinity of the subject property. As such, Petitioners satisfy the requirement in B.C.Z.R. §253.2.B.3 that the garage provide service to the surrounding uses in the industrial area. In addition, conditions will be included--as requested by the DOP--which will help to mitigate any potential adverse effects upon the surrounding area.

THEREFORE, IT IS ORDERED this 21st day of April 2016, by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) For confirmation that the proposed automobile detailing use (Diamond Detail) constitutes a service garage; and (2) A determination that existing setbacks are legally permissible under State and county law, be and is hereby

ORDER RECEIVED FOR FILING

Date 4/21/16
By Sen

GRANTED.

IT IS FURTHER ORDERED that the remaining requests set forth in the petition for special hearing be and hereby are DISMISSED AS MOOT.

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a service garage in the ML IM zone, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.
3. No body or fender work, or painting of vehicles, shall be performed on the subject property.
4. There shall be no abandoned, inoperable, damaged and/or disabled vehicles on the premises for longer than thirty (30) days.

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/sln

ORDER RECEIVED FOR FILING

Date 4/21/16
By Sen



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 12 Music Fair Road

which is presently zoned ML IM

Deed References: 27532/00241

10 Digit Tax Account # 0326065150

Property Owner(s) Printed Name(s) 12 Music Fair Road, LLC

(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. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

2. ☒ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- Please See attached.

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:

Diamond Automotive Services, Inc.

Name- Type or Print

Signature

10606 Beaver Dam Road Cockeysville MD

Mailing Address City State

21030 , 443-281-8850 , chuck@diamonddetail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 , (410) 821-0070 , jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

12 Music Fair Road, LLC

Name #1 - Type or Print

Name #2 - Type or Print

By: Randy Moss

Signature #1

Signature #2

12 Music Fair Rd Owings Mills MD

Mailing Address City State

21117 , 410-363-0400 , randy@collectorscorral.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 , (410) 821-0070 , jvettori@sgs-law.com

Zip Code Telephone # Email Address

Date 4/2/16

Do Not Schedule Dates:

By DLN

CASE NUMBER 2016-0183-SPHX

Filing Date 2/11/16

0215
000

REV. 10/4/11
Reviewer
SS
SS-law.com
State
MD
C
com





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

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Please see attached.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- Please See attached.

3. ☐ a **Variance** from Section(s)

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(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)

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Contract Purchaser/Lessee:

Diamond Automotive Services, Inc.

Name- Type or Print

Signature

10606 Beaver Dam Road Cockeysville MD

Mailing Address City State

21030 443-281-8850 chuck@diamonddetail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

12 Music Fair Road, LLC

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature # 2

12 Music Fair Rd

Owings Mills MD

Mailing Address

City

State

21117 410-363-0400

randy@collectorscorral.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204 (410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Date

4/21/16

Do Not Schedule Dates:

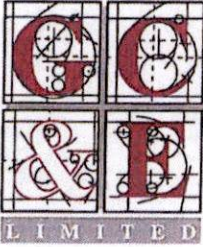
By

Reviewer

J5

REV. 10/4/11

CASE NUMBER 2016-0183-SPHX Filing Date 2/11/16



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

October 15, 2015

Zoning Description #12 Music Fair Road

Beginning at a point on the northeast side of Music Fair Road, 70 feet wide, at the distance of 875 feet, more or less, southeasterly from the center of Painters Mill Road, being Lot 3 in the subdivision "Section One, Owings Mills Industrial Park" as recorded in the Land Records of Baltimore County in Platbook W.J.R. No. 27 folio 90, containing 1.038 acres of land, more or less. Located in the 3rd Election District and 2nd Councilmanic District.



License expires/renews 2/26/17

2016-0183-SPHX



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4027087

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 15, 2016

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: # 2016-0183-SPHX

12 Music Fair Road
NE/S Music Fair Road, 875 ft. SE of centerline of Painters Mill Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) 12 Music Fair Road, LLC
Contract Purchaser(s): Diamond Automotive Services, Inc.

Special Hearing 1. For confirmation that the proposed automobile detailing use (Diamond Detail) constitutes either a service garage, a car wash, an automobile assembly, a storage or warehousing of vehicles, a parking lot or garage, an office or a combination of the aforementioned uses; and 2. For confirmation that the site lies in an IM District and, as such, both a "parking lot or garage" and "car wash" are permitted by right or, in the alternative, that a waiver of the requirement that this retail or service use be located in a planning industrial park as provided in BCZR section 253.1 C be granted; 3. A waiver of the requirements for stacking and parking spaces as well as location, setback and general design standards as provided in BCZR sections 419.3 & 419.4, if the use is deemed a car wash; and 4. A determination of the required number of parking spaces to be provided under BCZR section 409.6.A, if the use is deemed to be storage or warehousing of vehicles, a parking lot or garage, a car wash or an automobile assembly use; and 5. A modified parking plan; and 6. A determination that existing setbacks are legally permissible under State Law; and 7. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. **SPECIAL EXCEPTION for 1.** A service garage or car wash as provided in BCZR sections 253.2.B.3 (as opposed to 253.1.C.29) & 253.2.B.2 (as opposed to 253.1.C.7); for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Hearing: Monday, April 4, 2016 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 3/25 March 15

4027087

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/14/2016

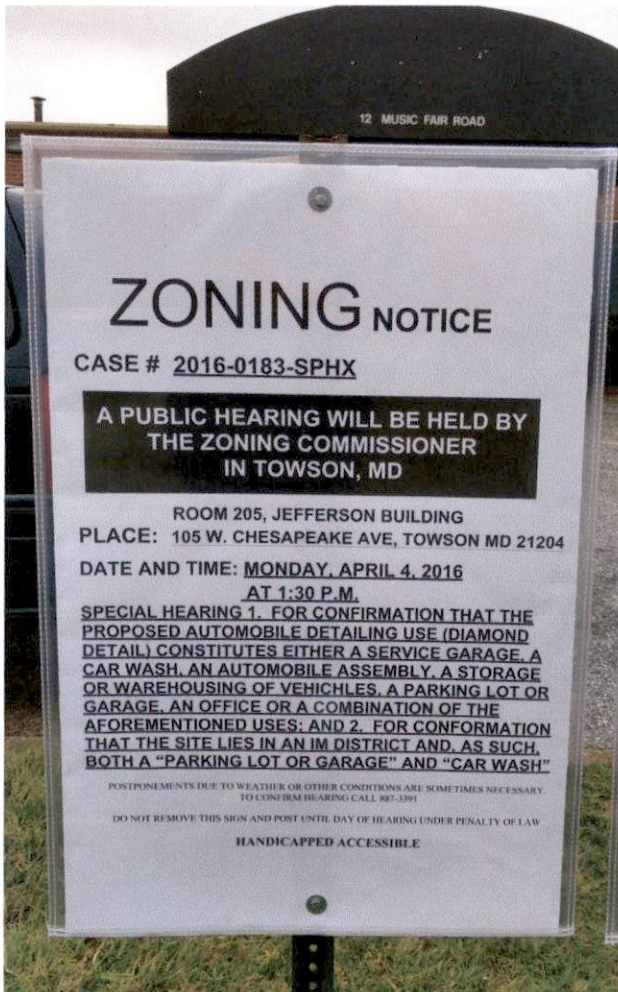
Case Number: 2016-0183-SPHX

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ DIAMOND AUTOMOTIVE SERVICES ~ 12 MUSIC FAIR ROAD, LLC

Date of Hearing (Closing): APRIL 4, 2016

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:
12 MUSIC FAIR ROAD

The sign(s) were posted on: **MARCH 12, 2016**



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)

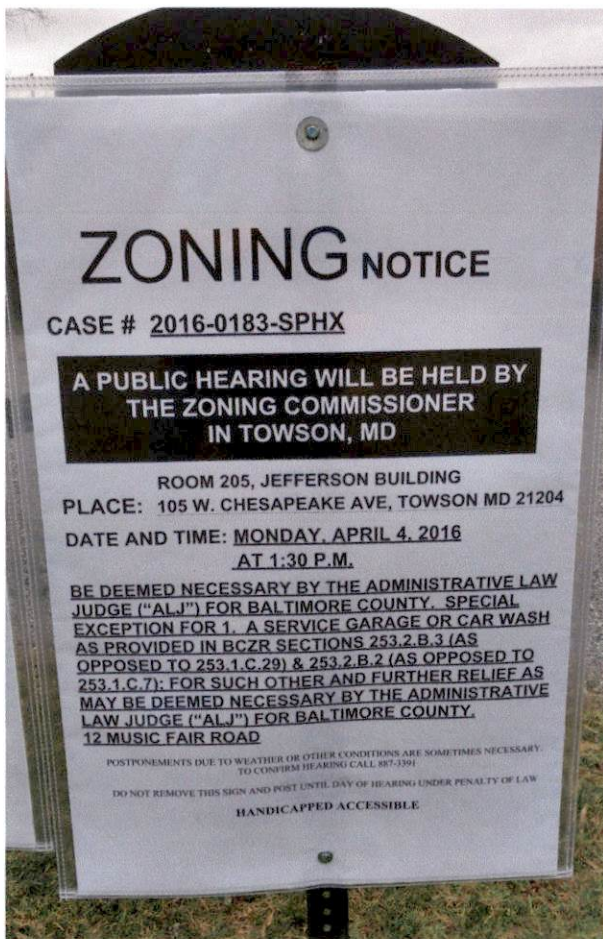
410 - 666 - 5366
(Telephone Number of Sign Poster)



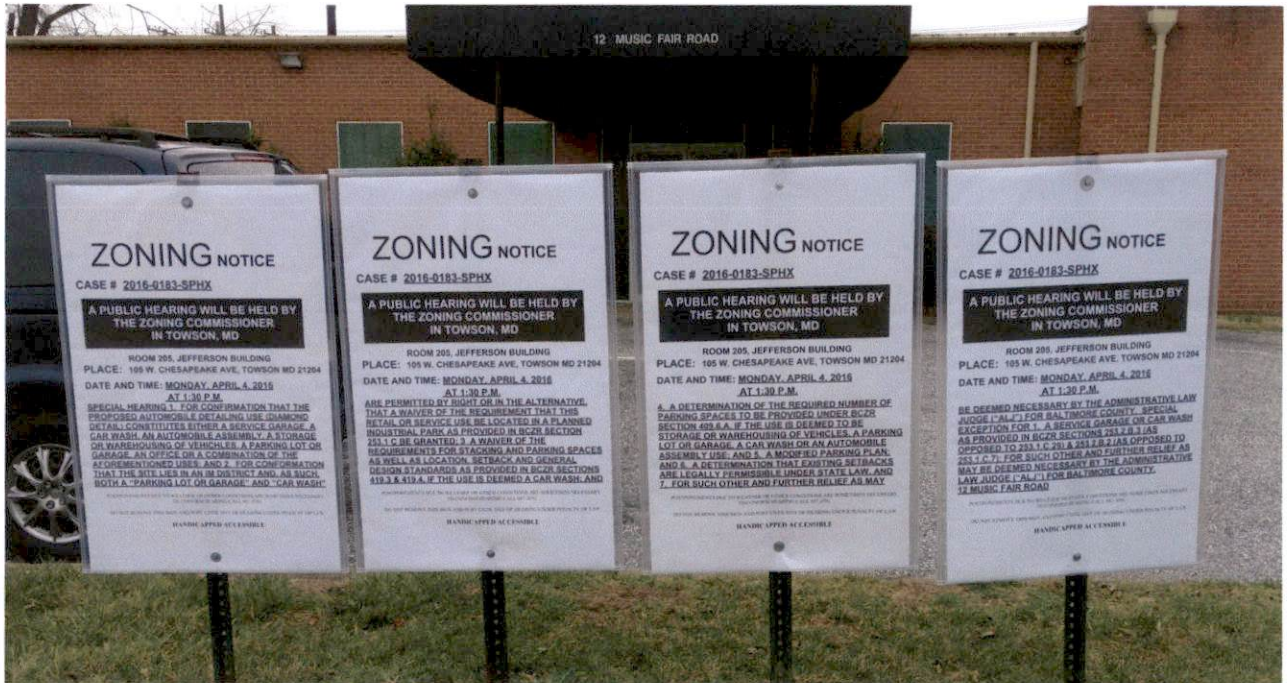
12 MUSIC FAIR RD. ~SIGN (B)



12 MUSIC FAIR RD. ~ SIGN (C)



12 MUSIC FAIR RD. ~ SIGN (D)



12 Music Fair Rd.



KEVIN KAMENETZ
County Executive
February 22, 2016

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

NOTICE OF ZONING HEARING

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CASE NUMBER: 2016-0183-SPHX

12 Music Fair Road
NE/s Music Fair Road, 875 ft. SE of centerline of Painters Mill Road
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Hearing: Monday, April 4, 2016 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: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Diamond Automotive Services, 10606 Beaver Dam Road, Cockeysville 21030
12 Music Fair Road, LLC, 12 Music Fair Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 15, 2016**
(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.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 15, 2016 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

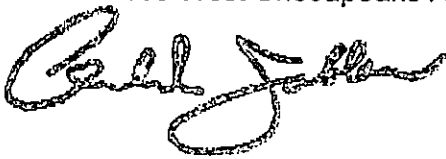
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Hearing: Monday, April 4, 2106 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION
12 Music Fair Road; NE/S of Music Fair Road,* OF ADMINISTRATIVE
875' SE of c/line of Painters Mill Road
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): 12 Music Fair Road LLC
Contract Purchaser(s): Diamond Automotive * BALTIMORE COUNTY
Services, Inc
Petitioner(s) * 2016-183-SPHX

* * * * *

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
FEB 18 2016

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 18th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2016-0183-SPHX
Petitioner: 12 Music Fair Road, LLC
Address or Location: 12 Music Fair Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori, Esquire
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

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

No. **135702**

Date: **2/11/16**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/11/2016 2/11/2016 10:17:04
 REC 1503 WALKIN CNET CASH
 >>> RECEIPT # 668790 2/10/2016 CASH
 Desc: S 009 ZONING VERIFICATION
 NO. 135702

Receipt Tot \$1,000.00
 \$1,000.00 CASH \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
0011	806	0000		6150					\$ 1000.00

Total: **\$1000.00**

Rec From: **2 MILE FARM RD LLC**

For: **2016-0153-SPHX**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 30, 2016

12 Music Fair Road LLC
Randy Moss
12 Music Fair Road
Owings Mills MD 21117

RE: Case Number: 2016-0183 SPHX, Address: 12 Music Fair Road

Dear Mr. Moss:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 11, 2016. 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." in a cursive style.

~ W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Diamond Automotive Services, Inc., 10606 Beaver Dam Road, Cockeysville MD 21030
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/17/16

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

RE: Baltimore County
Item No. 2016-0183-SPHX
Special Hearing Special Exception
12 Music Fair Road LLC.
12 Music Fair Road.

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. 2016-0183-SPHX.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 14, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-183

INFORMATION:

Property Address: 12 Music Fair Road
Petitioner: 12 Music Fair Road, LLC
Zoning: ML, IM
Requested Action: Special Hearing, Special Exception

RECEIVED
MAR 15 2016
OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a request for confirmation of the principal use of the subject property, confirmation of the subject property zoning classification, approval of a waiver to the parking and stacking standards found in BCZR § 409 and § 419, setbacks and also the petition for special exception to use the property for a principal use service garage or car wash.

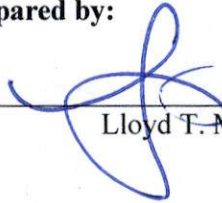
The Department has no objection to the ultimate determinations of the Administrative Law Judge as to principal use, waivers and standards in this case conditioned upon the following:

- The Department recommends that if the determined principal use of the property is any of the uses cited in the petition other than “service garage” or “automobile assembly”, the conditions prohibiting body and fender work and painting of vehicles and the prohibition on the storage of abandoned, inoperable and/or disabled vehicles for longer than 30 days as established in zoning case no. 2009-0207-SPHX be confirmed and continued.
- The Department recommends all signage comply with the Baltimore County Zoning Regulations, § 450 and sign copy be specific to the principal use of the property as determined and not a “laundry list” of all uses, both principal and ancillary.
- The Department recommends that as a condition of approval to be included the Order, the petitioner be required to provide a sidewalk along the Music Fair Road right-of-way to ensure pedestrian safety.
- In the event the principal use of the property is determined to be a “car wash” vehicle stacking should be delineated and shown on the site plan.
- Lighting shall be of a directional type to ensure excessive glare does not spill into the surrounding properties.

Date: March 14, 2016
Subject: ZAC #16-183
Page 2

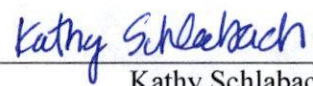
For further information concerning the matters stated herein, please contact Troy Leftwich at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Jason Vettori, Esquire
Dennis Kennedy, DPW
Troy Leftwich, Planner
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-4

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 19 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0183-SPHX
Address 12 Music Fair Road
(12 Music Fair Road, LLC Property)

Zoning Advisory Committee Meeting of February 22, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 02-19-2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2016
Item No. 2016-0183

DATE: February 18, 2016

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

Landscape and Lighting Plans conforming with County Standards are required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0183- 02222016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 14, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-183

INFORMATION:

Property Address: 12 Music Fair Road
Petitioner: 12 Music Fair Road, LLC
Zoning: ML, IM
Requested Action: Special Hearing, Special Exception

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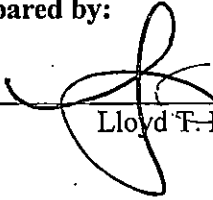
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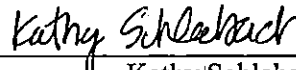
For further information concerning the matters stated herein, please contact Troy Leftwich at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Jason Vettori, Esquire
Dennis Kennedy, DPW
Troy Leftwich, Planner
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Office of the Administrative Hearings
People's Counsel for Baltimore County

Use Chart Breakdown

Use	By Right or S.E.	BCZR Section	Relief Needed
Service garage	By Right	253.1.C.29	IM/AS combination waiver
Service garage	S.E.	253.2.B.3	502.1 only (b/c in IM)
Car Wash	By Right	253.1.C.7	Planned Industrial Park waiver
Car Wash	S.E.	253.2.B.2	502.1 + 419
Automobile Assembly	By Right	253.1.A.2	N/A
Storage or Warehousing of Vehicles	By Right	253.1.B.16	(any product - Zoning Review feels this is for inventory only)
Parking Lot/Garage	By Right	253.1.C.18	N/A
Office	By Right	253.1.A.34	N/A

CAR WASH

An area of land and/or a structure with machine or hand-operated facilities used for the cleaning, washing, polishing or waxing of motor vehicles as a principal or accessory use.
[Bill Nos. 108-1964; 172-1993]

CAR WASH, FULL-SERVICE

A car wash providing automated exterior washing or waxing services, or which provides cleaning, washing, waxing, drying or interior cleaning by hand. For the purpose of these regulations, a facility which provides complete interior and exterior detail cleaning that takes more than approximately two hours per car shall not be considered a full-service car wash.
[Bill No. 172-1993]

CAR WASH, ROLL-OVER

A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing.
[Bill No. 172-1993]

CAR WASH, SELF-SERVICE

A car wash where equipment or facilities are provided for the self-service cleaning and washing of motor vehicles.
[Bill No. 172-1993]

Baltimore County, MD
Tuesday, March 29, 2016

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.6. Required number of parking spaces.

- A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. If the required number of off-street parking spaces is not set forth for a particular type of use, the Director of Permits, Approvals and Inspections shall determine the basis of the number of spaces to be provided. If the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

[Bill Nos. 124-1993; 136-1996; 144-1997; 122-2010; 37-2015]

1. Residential and lodging uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Boarding- or rooming house	1 per tenant bed plus 2 if owner resides on property. [Bill No. 124-1993]
Dormitory	1 per 4 beds.
Elderly housing facilities	For housing for the elderly, Class A, at least 1 usable off-street parking space shall be provided for each 2 dwelling units in a town center or for each 1 1/2 dwelling units elsewhere. For housing for the elderly, Class B, at least 1 usable off-street parking space shall be provided for each dwelling unit. However, if the development is supported substantially or in part by any type of rent subsidy, the developer may petition for a hearing before the Zoning Commissioner for a decrease in the number of spaces to be provided. For continuing care facilities, at least 1 usable off-street parking space shall be provided for each dwelling unit and at least 1 usable off-street parking space shall be provided for each 2 assisted living beds and for each 3 convalescent or nursing beds. For assisted living facilities, at least 1 usable off-street parking space shall be provided for each 3 beds. [Bill No. 188-1993] In R.A.E.1 and R.A.E.2 Zones and in all business and industrial zones, all parking requirements of the underlying zone must be met for any commercial or office use which is contained within the elderly housing facility.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	For housing for the elderly, at least 0.75 usable off-street parking spaces shall be provided for each dwelling unit in the C.T. District of Owings Mills for a state-designated transit-oriented development. [Bill No. 16-2015]
	In the case of any type of elderly housing facility, the Zoning Commissioner may allow the provision of fewer parking spaces, after a public hearing at which evidence has been given regarding use of rent vouchers certificates or other subsidies or the availability of developer-sponsored van service or other ride-sharing for the prospective residents of the housing, and after the Director of Planning has furnished information regarding the availability and accessibility to the elderly of public mass transportation to the site. In no case, however, may the facility provide less than 1 parking space for each 3 dwelling units.
	For assisted-living facilities, at least 1 usable off-street parking space shall be provided for each 4 beds in the C.T. District of Owings Mills for a state-designated transit-oriented development. [Bill No. 16-2015]
Fraternity or sorority house Group house (or townhouse), apartment building, garden apartment building and other apartment buildings (i.e., multiple- family rental or condominium dwellings)	1 per 2 beds. In a C.T. District or R.A.E.2 Zone:
	1 per apartment with no separate bedroom, 1.25 per apartment with 1 or 2 separate bedrooms, 1.5 per apartment with 3 or more separate bedrooms; except that in the C.T. District of Towson 1 per apartment with no separate bedroom, or 1 bedroom or 2 bedrooms, if located in an apartment building with a pedestrian entrance located within 300 feet of an entrance to a structured parking facility open to the public. [Bill No. 67-2015]
	Elsewhere: 1.25 per apartment with no separate bedroom, 1.5 per apartment with 1 or 2 separate bedrooms, and 2 per apartment with 3 or more separate bedrooms.
Hotel, motel	1 per guest room or suite; no spaces required for ancillary uses.
Mobile home	2 per unit.
One-family detached or semi-detached house, one-family group house (or townhouse), patio house, side-and-back attached house, two-family house	2 per dwelling unit.
Tourist home	1 per guest room.

Type of Use**Minimum Number of Required Off-Street Parking Spaces**

[Bill No. 124-1993]

No parking spaces are required for residential buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District.

2. Commercial and service uses.

Type of Use**Minimum Number of Required Off-Street Parking Spaces**

Automotive service station

See Section 405.

Bank

3.3 per 1,000 square feet of gross floor area.

Beauty shop or barbershop

5 per 1,000 square feet of gross floor area.

Car wash

See Section 419.

Carry-out restaurant

5 per 1,000 square feet of gross floor area.

[Bill No. 110-1993]

Fast-food and standard restaurants: general rule

16 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except that no parking spaces are required for restaurants in the C.T. District of Towson, the C.T. District of Owings Mills for a state-designated transit-oriented development, or for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a restaurant.

[Bill Nos. 110-1993; 3-2003; 16-2015]

Standard restaurants in revitalization districts

In the Arbutus, Catonsville and Pikesville revitalization districts, 5 spaces per 1,000 square feet are required for a standard restaurant. However, a minimum investment of \$100,000 in interior and/or exterior improvements is required. The improvements shall be made within 6 months of the filing of the parking plan and verified by the Director of Permits, Approvals and Inspections.

[Bill Nos. 3-2003; 122-2010]

Fast food, drive-through only

14 per 1,000 square feet of gross restaurant floor area, plus spaces for outdoor seating area in accordance with the requirement for fast food and standard restaurants. A minimum of 10 spaces is required.

[Bill No. 110-1993]

Furniture or carpet store

2.5 per 1,000 square feet of gross floor area.

Health-care and surgery center

4 per 1,000 square feet of gross floor area.

[Bill No. 37-2015]

Medical office or clinic

4.5 per 1,000 square feet of gross floor area. In the C.T. District of Owings Mills, 3.3 per 1,000 square feet of gross floor area for a state-designated transit-oriented development.

[Bill No. 16-2015]

Neighborhood car rental agency

3 per 1,000 square feet of gross floor area (excluding any enclosed vehicular preparation area) plus 1 for each rental vehicle

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Nightclub, tavern, striptease business, catering hall or drive-in restaurant	[Bill No. 122-2005] 20 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except no spaces required for nightclubs or taverns in the C.T. District of Towson or for buildings contributing to the historic character of an area, if such buildings have been designated on The National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a nightclub, tavern or striptease business.
Office — general	[Bill Nos. 137-1990; 110-1993] In the C.T. District of Towson: 3.3 per 1,000 square feet of gross ground floor area and 2 per 1,000 square feet of gross floor area of upper floors. Elsewhere: 3.3 per 1,000 square feet of gross floor area. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space.
Passenger rail station	As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Personal service establishment, except beauty shop and barbershop	3.3 per 1,000 square feet of gross floor area.
Residential art salon	See Section 402C.4.
Retail — general	3 per 1,000 square feet of gross floor area in the C.T. District of Towson; 5 per 1,000 square feet of gross floor area elsewhere. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space. In the Pikesville Commercial Revitalization District, 3 per 1,000 square feet of gross floor area are required for retail use. However, a minimum investment of \$2,000,000 in interior or exterior improvements is required. The improvements shall be made within six months of the filing of the parking plan and verified by the Director of Permits, Approvals and Inspections.
Shopping center (less than 100,000 square feet of gross leasable area)	[Bill No. 49-2015] The required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.
Shopping center (100,000 square feet or more of gross leasable area)	In the C.T. District of Towson: the required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	Elsewhere: 5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses. [Bill No. 57-2009]
Transit center or transit facility	As determined by the Baltimore County Zoning Commissioner upon the recommendations of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Transit storage or repair yard	1 per employee on the largest shift. [Bill No. 91-1990]
3. Industrial uses.	
Type of Use	Minimum Number of Required Off-Street Parking Spaces
Manufacturing wholesale or warehouse	1 per employee on the largest shift.
Research institute or laboratory	2.5 per 1,000 square feet of gross floor area.
Trucking facility, Class I	5 plus 1 per 2 employees in the largest shift.
Trucking facility, Class II	1 per 2 employees in the largest shift or 1 per 3,000 square feet of total area devoted to parking of truck tractors, truck trailers or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10.
4. Recreational and institutional uses.	
Type of Use	Minimum Number of Required Off-Street Parking Spaces
Athletic club or health spa	10 per 1,000 square feet of gross floor area, excluding any area devoted to tennis/racquetball courts or other similar courts in which case there shall be 3 per court, except that 3 parking spaces per 1,000 square feet of gross floor area are required for athletic clubs or health spas in the C.T. District of Towson or C.T. District of Owings Mills for a state-designated transit-oriented development. [Bill Nos. 136-1996; 11-2008; 16-2015]
Bowling alley	4 per lane.
Church, house of worship or religious assembly	1 per 4 seats in the principal place of worship. [Bill No. 144-1997]
Funeral home or mortuary	10 per 1,000 square feet of floor space available for use by the public, plus 1 per 2 employees, plus 1 per each vehicle used in connection with the business; unless located in the R.C. 6 Zone where a total of only 7 per 1,000 square feet of floor space available for use by the public is required. [Bill Nos. 136-1996; 11-2008]
Golf driving range or miniature golf	1.5 per tee. [Bill No. 136-1996]
Golf course	8 per hole.
Group child-care center or nursery school	1 per employee on the largest shift, but in no case less than 2.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Hospital	1.5 per bed, except for separate standing hospital-related facilities, in which case the minimum requirement shall be the number of spaces otherwise required for such facilities.
Marina, boatyard or yacht club	1 per 2 slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water; half of the spaces required for slips may be counted towards the parking required for any other use on the premises of a yacht club. Notwithstanding any other provision of these regulations, if located within the Chesapeake Bay Critical Area and subject to the approval of the Directors of Environmental Protection and Sustainability, Fire and Public Works, a durable and dustless parking surface and striped spaces need not be provided. [Bill Nos. 149-1992; 136-1996; 122-2010]
Nursing home	1 per 3 beds.
Pool hall or arcade	4 per 1,000 square feet of gross floor area. [Bill No. 136-1996]
Schools:	
Elementary or middle school	1 per employee, plus visitor spaces as determined by the Zoning Commissioner.
High school	1 per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner.
College, university, business, trade or technical school	1 per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner.
Skating rink	5 per 1,000 square feet of gross floor area.
Swimming pool:	
Community	1 per 7 persons permitted in the pool at one time by the Department of Health.
Commercial	1 per 4 persons permitted in the pool at one time by the Department of Health.
Tennis, handball, or racquetball courts and other similar courts	3 per court.
Theater, auditorium, arena or stadium	1 per 4 seats. [Bill No. 136-1996]

B. Adjustments to general requirements.

1. Transit adjustment.
[Bill No. 45-2011]
 - a. The required number of off-street parking spaces for any office or industrial use may be reduced by 5% if a pedestrian entrance to the building is located within 1,000 feet walking distance of a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better. The number of spaces may be reduced by an additional 10% if the office or industrial use is located in a Commercial Revitalization District, subject to the approval of the Director of Permits, Approvals and Inspections

pursuant to the procedure specified in Section 409.13 of the Baltimore County Zoning Regulations.

[Bill No. 36-2013]

- b. The required number of off-street parking spaces for any plan of development with a minimum of 750,000 square feet of gross leasable area in a C.T. District may be reduced by 25% if served by a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better.
 - c. The required number of off-street parking spaces for any transit-oriented plan of development may be reduced up to 40% if served by a Mass Transit Administration Metro Rail station.
 - d. The transit adjustment shall not apply to general offices in the C.T. District of Towson.
 2. Ridesharing adjustment. The required number of off-street parking spaces for any office or industrial use with 100 or more employees may be reduced by 10% for participation in a continuous, personalized ridesharing assistance program. The ridesharing adjustment shall not apply to general offices in the C.T. District of Towson.
 - a. Conditions for approval. To qualify for a 10% reduction, the owner or lesser shall meet the following requirements:
 - (1) Actively participate in the regional ridesharing program, as administered by the State of Maryland or Baltimore County.
 - (2) Assign an on-site ridesharing coordinator to periodically interact with the regional ride-sharing program and promote the program internally to employees.
 - (3) Establish an in-house carpool promotion and matching program and provide such maps, displays and materials as are necessary to inform employees of its availability.
 - (4) Reserve a minimum of 10% of all parking spaces for carpools or vanpools and have those spaces so designated by appropriate signage.
 - (5) Demonstrate to the satisfaction of the Zoning Commissioner that, in the event of future noncompliance, it will be feasible to either construct or lease the additional required parking spaces.
 - (6) Certify annually to the Zoning Commissioner that these criteria are being met.
 - b. Penalties for noncompliance. If the criteria for the reduction in the required number of off-street parking spaces are no longer being met, the owner or lessee shall be required to construct or lease additional parking spaces equal in number to the reduction granted. Failure to construct or lease the required additional parking spaces is a violation of these Zoning Regulations.
 3. Shared parking adjustment. Two or more uses shall be permitted to share their off-street parking spaces in a common parking facility if the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment. To assure that no conflict or encroachment occur, shared parking spaces for such uses shall be provided according to the following table. The shared parking adjustment shall not apply to uses in the C.T. District of Towson, except for theater uses and office or industrial uses.

[Bill No. 5-1989]

	Weekday		Weekend		
	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Nighttime (Midnight to 6:00 a.m.)
Church, house of worship or place of religious assembly*					
Hotel or motel	75%	100%	75%	100%	75%
Office or industrial	100%	10%	10%	5%	5%
Restaurant	50%	100%	100%	100%	10%
Retail	60%	90%	100%	70%	5%
Shopping center with 100,000 square feet or more of GLA	60%	90%	100%	70%	5%
Theater, commercial recreation, nightclub or tavern	40%	100%	80%	100%	10%
Other uses	100%	100%	100%	100%	100%

* The Director of Permits, Approvals and Inspections shall determine the percentage of parking spaces required for each of the five time periods on a case-by-case basis, depending on the existing and planned weekday and weekend activities.

[Bill Nos. 144-1997; 122-2010]

a. Method of calculation.

Step I — For each of the five time periods, multiply the minimum number of parking spaces required for each use (including any transit or ride-sharing adjustments) by the corresponding percentage in the table.

Step II — Add the results of each column. The required number of parking spaces shall equal the highest column total.

b. Conditions for approval.

- (1) Reserved or otherwise restricted spaces shall not be shared.
- (2) The land uses served by the shared parking facility shall be in single ownership or permitted for multiple ownership by the Director of Permits, Approvals and Inspections upon satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility.

[Bill Nos. 144-1997; 122-2010]

ARTICLE 4: Special Regulations

SECTION 419: Car Wash

[Bill No. 172-1993^[1]]

[1] *Editor's Note: This bill also repealed former Section 419.*

§ 419.1 Types permitted; location.

Roll-over, full-service and self-service car washes are permitted by special exception in the following districts: C.R. (provided no part of the lot is in R.C.5), C.C.C., A.S. or I.M. (provided no part of the site is in M.R.). Car washes are also permitted as a use in combination with a service station subject to the provisions of Section 405.

§ 419.2 Site plan requirements.

[Bill Nos. 122-2010; 55-2011]

A site plan shall be submitted showing the location of the car wash and zone classification of adjacent properties, the location of ingress and egress, the manufacturer's rated hourly production capacity of the equipment to be installed, if available, or other evidence of the capacity of the equipment, the proposed stacking spaces as required by Section 419.3 below, the proposed landscape and buffer treatment, and such other information as may be required by the reviewing agencies. All site plans are subject to review by the Directors of the Department of Public Works, Department of Planning and Department of Permits, Approvals and Inspections, who shall provide written comments to the approval authority.

§ 419.3 Stacking and parking spaces.

All internal paved areas of a car wash site used for stacking, parking and driveway purposes shall comply with Section 409.1 and shall be laid out to allow automobile circulation in a manner that precludes vehicles from waiting on the street or blocking the right-of-way before gaining entrance.

- A. All stacking spaces for car washes shall be single-file at the entrance of the tunnel. The space for the car being washed shall not be counted as a stacking space. A minimum of the following stacking spaces shall be provided:
 - 1. Nine per roll-over car wash tunnel.
 - 2. Nineteen per full-service car wash tunnel.
 - 3. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional.
- B. All parking spaces shall be located to avoid conflict with on-site circulation patterns. The following minimum number of parking spaces shall be provided:
 - 1. To dry vehicles, two for each tunnel of a roll-over or a self-service car wash and six for each tunnel of a full-service car wash.
 - 2. One per vacuum cleaner unit, except in the case of a full-service or a self-service car wash, a stacking space may be used to serve as a parking space for the vacuum cleaner unit.
 - 3. Two additional spaces at a roll-over car wash.
 - 4. Four additional spaces at a full-service car wash.

§ 419.4 Location, setback and general design standards.

Notwithstanding the provisions of the zone in which the car wash is located, all facilities are subject to the following

requirements:

A. Locational standards.

1. Roll-over and full-service car wash buildings shall be set back at least 50 feet from the lot line of any residentially zoned property. Except for the landscape buffers, no part of a self-service car wash shall be within 100 feet of a residentially zoned property.
2. The tunnel exit of car wash facilities shall be set back at least 50 feet from the nearest exit drive.

B. General design.

1. No tunnel entrance or exit of a car wash operation shall face an adjacent residentially zoned property not including those across a street.
2. The rear and sides of buildings facing residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan and shall be subject to review by the Director of the Department of Planning, who shall provide written comments to the approval authority.
[Bill No. 55-2011]
3. Except for the required access drives, a landscaped transition area shall be provided along the perimeter of all car wash operations. Such area shall have a minimum width of 10 feet where the car wash fronts a public right-of-way and six feet in all side and rear yards abutting nonresidentially zoned land. Car wash operations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer that measures no less than 15 feet from that property line.
4. The landscape transition area shall be planted and screened in accordance with the Landscape Manual requirements for automotive uses.
5. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site, the Zoning Commissioner may require changes in building or site plan design or hours of operation for car washes for which a special exception is required.

§ 419.5 Exemptions from regulations.

The regulations contained in this Section 419 entitled "Car Wash" shall not apply to car washes legally existing prior to the effective date of Bill No. 172-1993. Bill No. 172-1993 does not affect the validity of any order granting a special exception or any plan approved by Baltimore County for a car wash which occurred prior to the effective date of this bill. Any such special exception or plan shall be subject to the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception or plan.

Baltimore County, MD
Tuesday, March 29, 2016

ARTICLE 4. Special Regulations

SECTION 405. Fuel Service Stations

[Bill No. 172-1993^[1]]

[1] *Editor's Note: This bill also repealed former Section 405, which was part of BCZR 1955, as amended by Resolution, November 21, 1956, and Bill Nos. 40-1967; 69-1968.*

§ 405.1. Statement of legislative findings and policy.

- A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.
- B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.
- C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.
- D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

§ 405.2. Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:
 - 1. In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;

2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or
 3. In a planned drive-in cluster.
- B. Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.
1. Within the urban-rural demarcation line (URDL), in C.C.C., A.S., I.M. or MD 43 Districts, provided no part of the lot is in an M.R. Zone.
[Bill No. 78-2002]
 2. Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. Zones, subject to Section 259.3.B.2.

§ 405.3. Condition for disapproving special exception.

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

§ 405.4. Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.
 - c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
 - d. Other setbacks shall be as required by these regulations.

3. Access, internal circulation and vehicle reservoir capacity.

- a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning.

[Bill No. 55-2011]

- b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.

- c. In addition to the fuel service space, at least one stacking space shall be provided:

- (1) For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each MPD;
- (2) For each MPD in cases where there is no bypass lane or where a convenience store is located on the same lot; or
- (3) For each pump, if the pump dispenses a single fuel type.



- d. Parking spaces on the site of any fuel service station shall be provided as follows:

- (1) One space per employee on the largest shift.
- ~~(2)~~ Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).
- (3) Three spaces per service bay, not counting service spaces in the bays.
- ~~(4)~~ One space per self-service air or vacuum cleaner unit.
- ~~(5)~~ One space per automatic teller machine.

B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

C. Appearance.

1. General design.

- a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.
- b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.
- c. Except for the temporary outdoor sale of items permitted under Section 230.1.A.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.
- d.

If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.

- e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:
 - (1) Changes in building or site plan design;
 - (2) Restrictions on hours of operations; or
 - (3) Other requirements deemed necessary for compliance with this section.
2. Signs. Signs are permitted, subject to Section 450.
[Bill No. 89-1997]
3. Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.
- D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:
 1. Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.
 - a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b. All service and repairs shall take place within completely enclosed buildings.
 - c. The combined area for sales, display and customer waiting room may not exceed 500 square feet.
 - d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.
 2. Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.
 3. Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.
 4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.
 5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.1.A.9.
 6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.

7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.
- E. Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below:

Type of Use	Integral Planned Development	Individual Site
(SE = Special Exception and P = Permitted by Right)		
1. Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.	SE	SE
2. Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	P	SE
3. Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	SE
4. Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e.	SE	SE
5. Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided.	SE	SE
6. Trailer rental, for trailers not exceeding 3/4 ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided.	SE	SE
7. Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1 1/2 tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided.	SE	SE
8. Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided.	SE	SE
9. Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	Not Permitted
10. Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.	SE	SE

§ 405.5. Plan approvals.

- A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning, Public Works and Permits, Approvals and Inspections or, in the case of a special exception, the Zoning Commissioner.
- [Bill No. 122-2010]

- B. For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

§ 405.6. Fuel service stations existing prior to effective date of Bill No. 172-1993.

- A. Expansion, reconstruction or addition of uses.
1. Any fuel service station which legally existed by right or by special exception on the effective date of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill No. 172-1993; and
 - a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits, Approvals and Inspections; and
[Bill No. 122-2010]
 - b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and
 - c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits, Approvals and Inspections, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and
[Bill No. 122-2010]
 - d. In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Permits, Approvals and Inspections.
[Bill No. 122-2010]
 2. After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.
 3. Any of the "uses in combination with" fuel service stations listed in Section 405.4.E may be added to any such station, provided that a special exception is granted and the provisions of Section 405.4 are met.
 4. Any structure or expansion of the use that is shown on a plan approved prior to the effective date of Bill No. 172-1993 shall be considered as being in compliance with Section 405.4.A.2.a.
- B. Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

§ 405.7. Abandoned fuel service stations.

- A. Finding. The County Council recognizes that at times the public need for fuel service stations at particular locations ceases, and those stations become abandoned. An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Section 405.7.B. The County Council further recognizes that an abandoned fuel service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.
- B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall

notify the Director of Permits, Approvals and Inspections within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.

[Bill No. 122-2010]

- C. Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.
- D. The premises (including landscaping) of any fuel service station which is not in continuous operation or which is abandoned shall be continuously maintained in the same manner as is required under these regulations for operating fuel service stations.
- E. Proceedings to require removal.
 - 1. Whenever it shall be determined by the Director of Permits, Approvals and Inspections that a fuel service station has not been in continuous operation and that the premises have not been continuously maintained, the Director shall issue a notice to the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies enumerated in the notice.
[Bill No. 122-2010]
 - 2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the Director of Permits, Approvals and Inspections shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require removal.
[Bill No. 122-2010]
 - 3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and § 33-7-103 of the Baltimore County Code.
[Bill No. 137-2004]

§ 405.8. Conversions of abandoned stations.

One of the purposes of this subsection is to promote the conversion of vacated fuel service stations to other uses; therefore, if a fuel service station has been abandoned as such, but is converted to another use, no fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.

§ 5-114. Setback line restrictions

West's Annotated Code of Maryland Courts and Judicial Proceedings Effective: October 1, 2013 (Approx. 3 pages)

West's Annotated Code of Maryland

Courts and Judicial Proceedings

Title 5. Limitations, Prohibited Actions, and Immunities (Refs & Annos)

Subtitle 1. Limitations (Refs & Annos)

Effective: October 1, 2013

MD Code, Courts and Judicial Proceedings, § 5-114

§ 5-114. Setback line restrictions

Currentness

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) "Building permit" or "permit" includes a site plan and other documentation submitted in support of an application for a building permit and providing the basis for the issuance of the building permit.

(3) "Governmental entity" includes:

(i) The State;

(ii) A local government; and

(iii) An officer, office, department, agency, board, commission, or other unit of State or local government.

(4) "Highway" means any way or thoroughfare, whether or not the way or thoroughfare has been dedicated to the public or a dedication has been accepted.

(5) "Local government" means:

(i) A charter county as defined in § 1-101 of the Local Government Article;

(ii) A code county as defined in § 1-101 of the Local Government Article;

(iii) A board of county commissioners;

(iv) Baltimore City;

(v) A municipality as defined in § 1-101 of the Local Government Article;

(vi) A special taxing district; or

(vii) Any other political subdivision.

(6)(i) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(ii) "Person" does not include a governmental entity.

(7) "Property line" means the line marking the boundary between 2 separate lots or parcels of property.

(8) "Setback line" means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend.

(9) "Setback line restriction" means a setback line established by:

(i) A law, ordinance, or regulation, including a building or zoning law, ordinance, or regulation; or

(ii) An instrument, however denominated.

Failure of building or structure to comply with setback line

(b)(1) A person may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a **setback line restriction** more than 3 years after the date on which the violation first occurred.

(2) A governmental entity may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a **setback line restriction** more than 3 years after the date on which the violation first occurred if the building or structure was constructed or reconstructed:

(i) In compliance with an otherwise valid building permit, except that the building permit wrongfully permitted the building or structure to violate a **setback line restriction**; or

(ii) Under a valid building permit, and the building or structure failed to comply with a **setback line restriction** accurately reflected in the permit.

(3) For purposes of paragraph (2)(i) of this subsection and notwithstanding any other provision of State or local law to the contrary, a building permit that was otherwise validly issued, except that the permit wrongfully permitted the building or structure to violate a **setback line restriction**, shall be considered a valid building permit.

(4) For purposes of paragraph (2) of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

Forfeiture or reversion of title

(c) Notwithstanding any provision to the contrary in a deed or other written instrument, a failure to comply with a **setback line restriction** may not cause a forfeiture or reversion of title.

Laches or other defenses

(d) This section may not be construed to abrogate or affect the defense of laches or any other defense that a person may have to an action or proceeding for a violation of a **setback line restriction**.

Credits

Added by Acts 1989, c. 729. Amended by Acts 1991, c. 576; Acts 1992, c. 383; Acts 2013, c. 136, § 1, eff. Oct. 1, 2013.

Editors' Notes

RESEARCH REFERENCES

Encyclopedias

Maryland Law Encyclopedia Limitations of Actions § 24, Action to Enforce **Setback Line Restrictions**.

MD Code, Courts and Judicial Proceedings, § 5-114, MD CTS & JUD PRO § 5-114
Current through June 1, 2015 legislation of the 2015 Regular Session of the General Assembly

End of Document

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Lot # 1

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Lot # 2

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Pt. Bk./Folio # 027090

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Lot # 4

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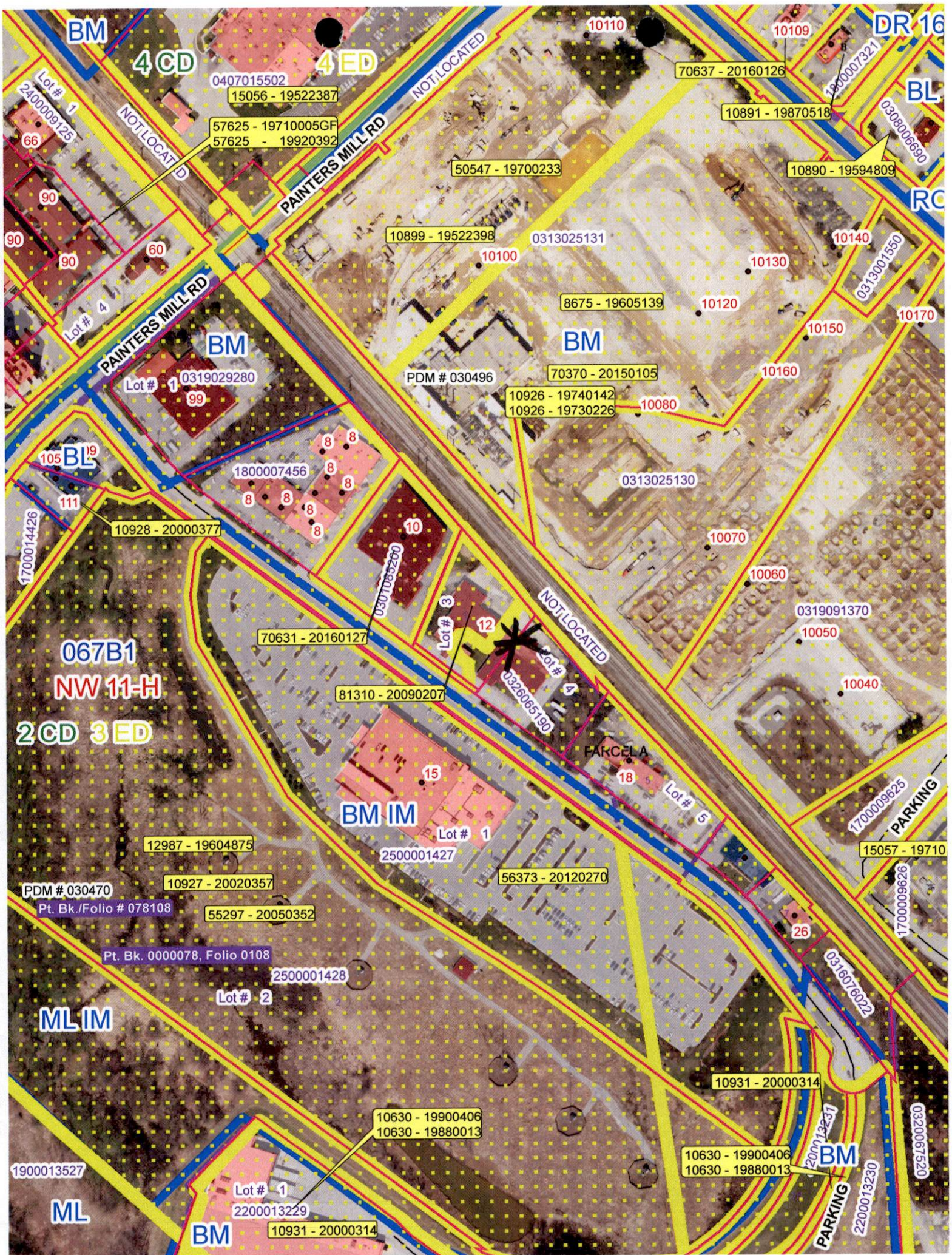
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Lot # 6



CASE NAME 12 MUSIC FAIR RD.
CASE NUMBER 2016-0183-SPHX
DATE APRIL 4, 2016

[illegible]

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>2/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>2/19</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/14</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>2/17</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>no Obj</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/15/16

SIGN POSTING Date: 3/12/16 by C'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0326065150			
Owner Information					
Owner Name:	12 MUSIC FAIR ROAD LLC		Use:	INDUSTRIAL NO	
Mailing Address:	12 MUSIC FAIR RD OWINGS MILLS MD 21117-3603		Principal Residence:	NO	
			Deed Reference:	/27532/ 00241	
Location & Structure Information					
Premises Address:		12 MUSIC FAIR RD 0-0000		Legal Description:	1.00 AC 12 MUSIC FAIR RD OWINGS MILLS INDUST PK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0067	0004	0160		0000	1 A 3 2016 0027/0090
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
	26184			1.0000 AC	07
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		STORAGE WAREHOUSE			
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	450,000	450,000			
Improvements	965,800	980,700			
Total:	1,415,800	1,430,700	1,415,800	1,420,767	
Preferential Land:	0			0	
Transfer Information					
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Type: NON-ARMS LENGTH OTHER		Deed1: /27532/ 00241		Deed2:	
Seller: ZUCKERMAN, MAX		Date: 12/30/1983		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06646/ 00006		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.: 2016-0183 - SPHX

Exhibit Sheet

Petitioner/Developer

DO
5-24-16

Protestant

4-21-16
Dln

No. 1	Plan	
No. 2	Diamond Detail brochure	
No. 3	My Neighborhood Map aerial photo	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ARE YOUR DETAIL EMPLOYEES
CONFUSED OR UNORGANIZED?

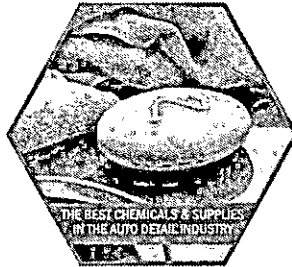
DOES YOUR DETAIL SHOP
LOOK LIKE THIS?

POOR CSI SCORES
AFFECTING YOUR PROFIT?

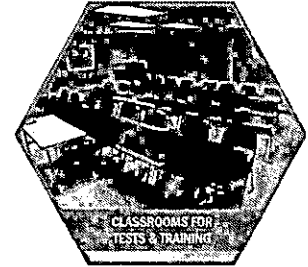
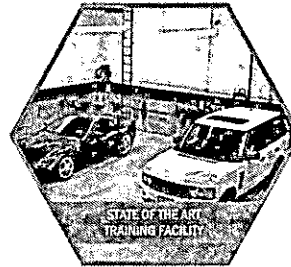
SERVICES :: WHAT IS THE VALUE?



- Cost of Labor
- Cost of Hiring
- New Employee Screening
- Cost & Hassle of Scheduling
- Cost of Chemicals
- Cost of Supplies, i.e. Towels, Pads
- Cost of Equipment Repairs, i.e. Polishers, Extractors, Compressors



- Uniforms
- Unemployment Insurance
- Workers Compensation Insurance
- Liability Insurance
- Garage Keepers Insurance
- Medical Insurance
- Positive Income for Your Dealership Through Service Details



- State Unemployment Tax
- Vacation Time
- Inventory Maintenance, i.e. After Hours Lot Wash
- CSI Money
- Federal Unemployment Tax
- Hold Higher Gross on Vehicles

WE SPECIALIZE IN THE FOLLOWING SERVICES

- | | | |
|----------------------|--------------------------------------|---|
| ★ Hand Washing | ★ Waxing | ★ Wheel Polishing |
| ★ Pressure Washing | ★ Paint Sealant | ★ Paint Touch-Up |
| ★ Interior Detailing | ★ Scratch Removal | ★ Tint Removal |
| ★ Exterior Detailing | ★ Paintless Dent Removal | ★ Ozone Odor Removal |
| ★ Polishing | ★ Leather Conditioning | ★ Carpet Dying |
| ★ Clay Bar | ★ Leather & Fabric Repair | ★ Flood Restoration on Flood Damaged Vehicles |
| ★ Buffing | ★ Fabric Protection | ★ Acid Rain Removal |
| ★ Compounding | ★ Carpet Extraction & Steam Cleaning | |

OUR PROUD CLIENTS

**ACURA**

• Frankel Acura

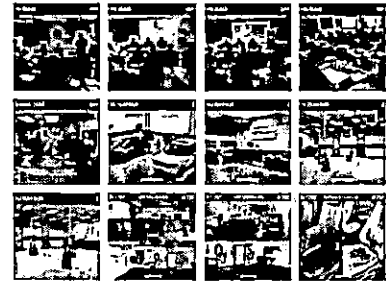
PROFESSIONAL AUTO DETAILING

The specialists at Diamond Dealer Services are experts in high-quality vehicle detailing. We understand that you value your investment and we will treat your vehicles with as much care as you do. Referral business is our company's main growth. We stand behind our work and know that you will too.

Our commitment to customer satisfaction and meticulous approach will keep your vehicle looking like new.

[Read More](#)**WE SPECIALIZE IN**

- Hand Washing
- Interior Detailing
- Polishing
- Buffing
- Waxing
- Scratch Removal
- Leather Conditioning
- Fabric Protection
- Paint Touch-Up
- Ozone Odor Removal
- Flood Restoration on Flood Damaged Vehicles
- Acid Rain Removal
- Pressure Washing
- Exterior Detailing
- Clay Bar
- Compounding
- Paint Sealant
- Paintless Dent Removal
- Leather & Fabric Repair
- Wheel Polishing
- Tint Removal
- Carpet Dying
- Carpet Extraction & Steam Cleaning

LATEST PHOTOS



PROFESSIONAL AUTO DETAILING

HOME ABOUT US SERVICES GALLERY CLIENTS EMPLOYMENT CONTACT US Q

WELCOME TO



NEED HELP IN THE DETAIL DEPARTMENT?

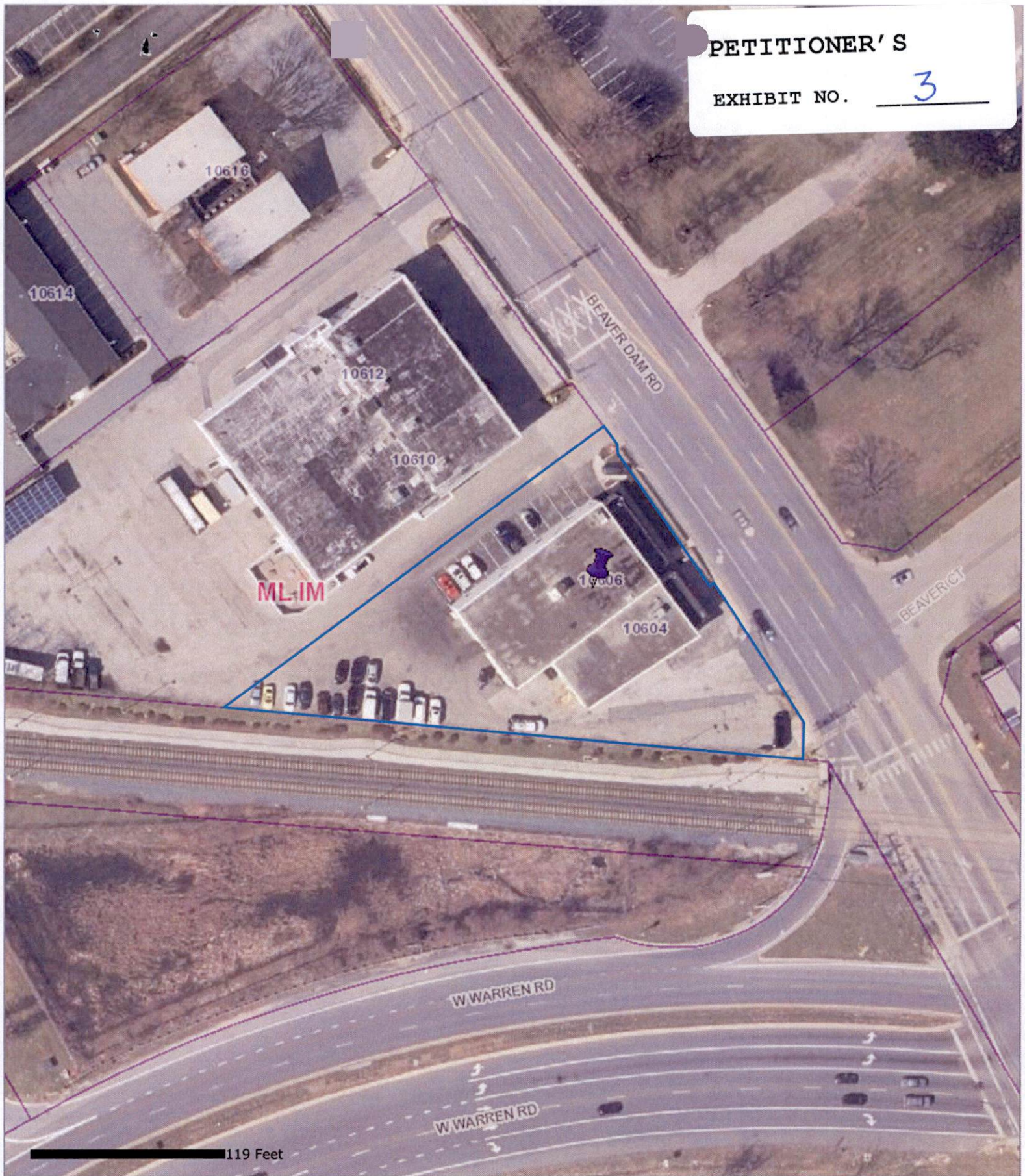
- ★ Used Cars not being detailed correctly and fast enough?
- ★ New Cars not being cleaned and PDI in a timely manner?
- ★ Inventory not being maintained & washed regularly?
- ★ Having trouble staffing and getting employees to show up?



PETITIONER'S

EXHIBIT NO.

3



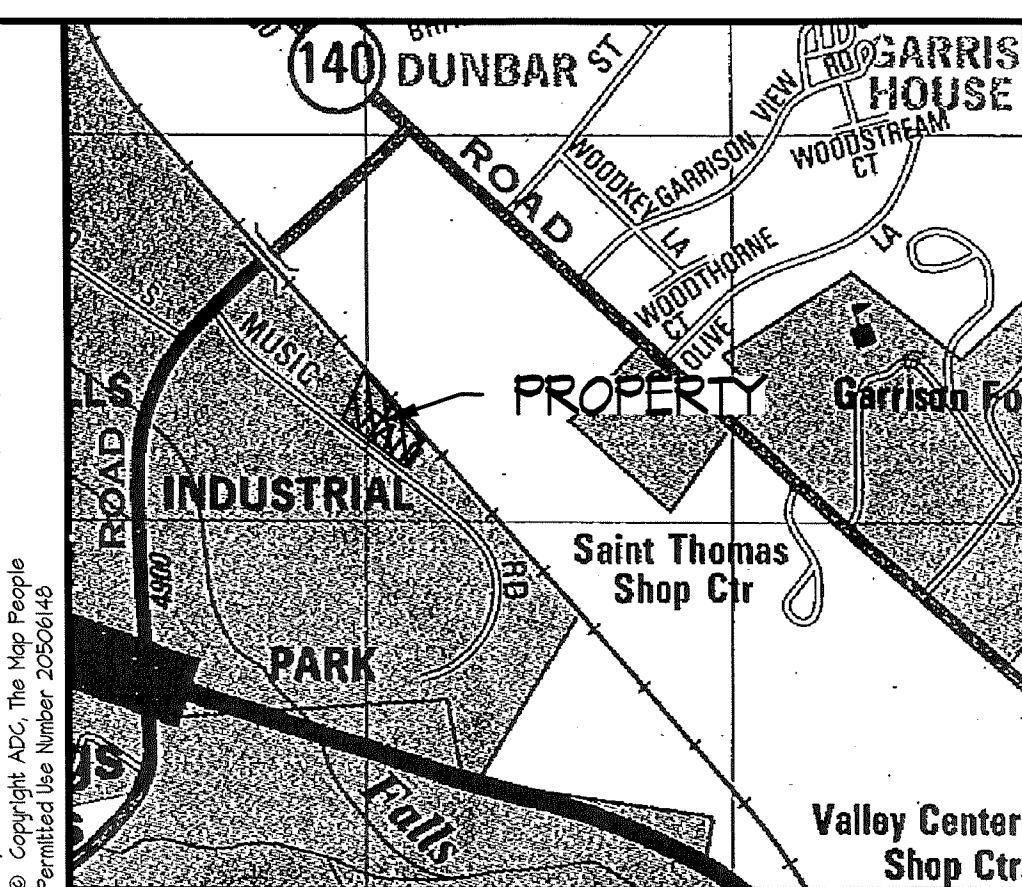
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/29/2016



GENERAL NOTES:

1. SITE ADDRESS: 12 MUSIC FAIR ROAD
OWN65 MILLS MD 21117-3603
2. OWNER: 12 MUSIC FAIR REAL ESTATE LLP
OWNER ADDRESS: 12 MUSIC FAIR RD
OWN65 MILLS MD 21117-3603
3. SITE AREA: 1.99 ACRES
4. BUILDING AREA: 0.6 ACRES
5. UTILITIES: PUBLIC WATER AND SEWER
6. TAX MAP: 0067, GRID: 0004, PARCEL: 0160
7. SUBDIVISION: 0000, SECTION: 1, BLOCK: A, LOT: 3 AND 4
8. TAX ACCOUNT #: 0326065150 AND 0326065190
9. ZONING: ML IM
10. DEED: 12/552/ 00241
11. PLAT: 00271 0090
12. PREVIOUS COMMERCIAL PERMITS MAY NOT BE LOCATED. AN ADDITION WAS BUILT IN 1966 WHICH PROVIDED 21 SPACES.*
13. THE SITE DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA MAP 2400100222D
14. REQUIRED SETBACKS:
FRONT: 25' FROM PROPERTY LINE, 50' FROM CENTERLINE OF ROAD
SIDE AND REAR YARDS: 30'
15. MAXIMUM BUILDING HEIGHT: 30' EXISTING BUILDING HEIGHT: 16'
16. MAXIMUM FLOOR AREA RATIO: 2.0 EXISTING FLOOR AREA RATIO: 0.3
17. ELECTION DISTRICT: 3
18. COUNCILMANIC DISTRICT: 2
19. CENSUS TRACT: 405102
20. WATERSHED: 69YNYS FALLS
21. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
22. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
23. PROPERTY IS APPROXIMATELY 875' S FROM THE INTERSECTION OF PAINTERS MILL ROAD AND MUSIC FAIR ROAD
24. THERE ARE NO EXISTING SIGNS ON SITE AND ALL FUTURE SIGNS WILL BE IN ACCORDANCE WITH SECTION 450 OF BCZR.
25. THE PROPERTY IS NOT LOCATED WITHIN A FAILED BASIC SERVICES MAP AREA
26. PROPOSED USE OF AUTO SERVICE/STORAGE AND OFFICES
27. REQUIRED PARKING: TED BY ALJ
28. EXISTING PARKING: 15 SPACES (0 HANDICAP ACCESSIBLE)
29. PROPOSED PARKING: 51 SPACES (3 HANDICAP ACCESSIBLE)
30. ANY FUTURE USE TO ILLUMINATE AN OFF STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

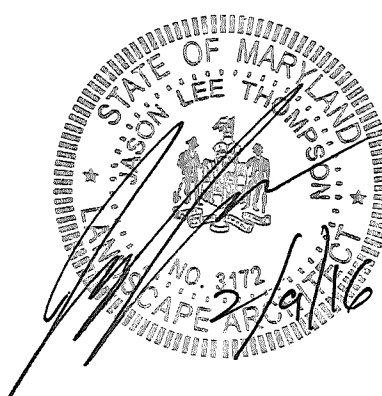
2016-0183-SPHX

PLAN TO ACCOMPANY ZONING PETITION
12 MUSIC FAIR ROAD

DIAMOND DETAIL

PROPERTY OF
Chuck Heine
 3rd ELECTION DISTRICT, COUNCIL DISTRICT 2
 BALTIMORE COUNTY, MD

REVISIONS

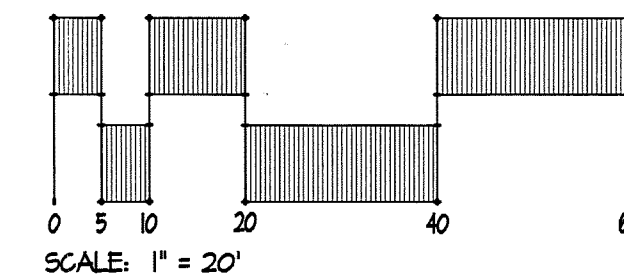
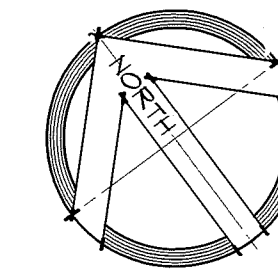


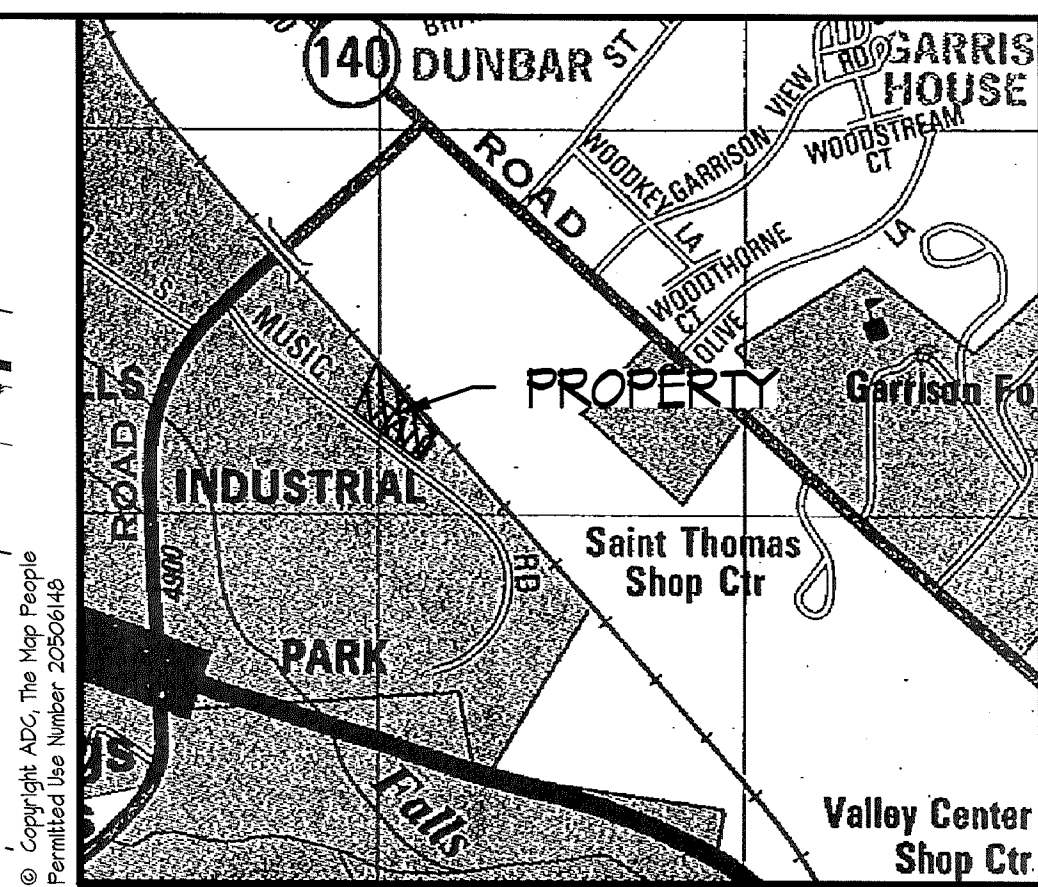
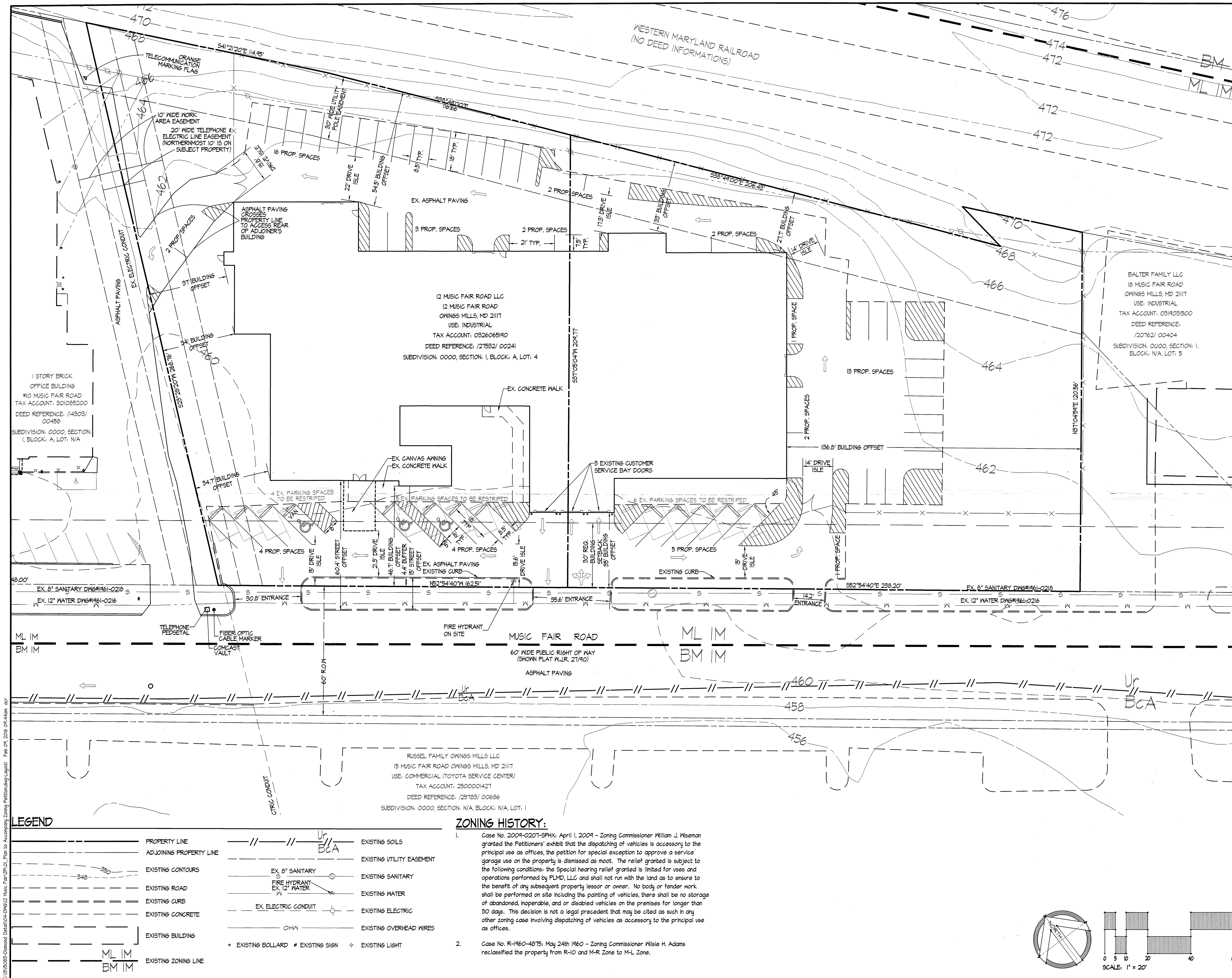
SITE RESOURCES

incorporated
Comprehensive Land Planning & Site Design Services

14315 Jarrettsville Pike • Phoenix, Maryland 21131
(410) 683-3388 • fax (410) 683-3389

DRAWN BY: ACR	CONTRACT NO.:
DESIGNED BY: ACR	SCALE: 1:20
CHECKED BY: JLT, KPR	SRI PROJECT NO: 15083
DATE: FEBRUARY 9, 2016	SHEET ZPI.01





- VICINITY MAP** 1"=1000'
- GENERAL NOTES:**
1. SITE ADDRESS: 12 MUSIC FAIR RD ONINGS MILLS MD 21117-3603
 2. OWNER: 12 MUSIC FAIR REAL ESTATE LLP 12 MUSIC FAIR RD ONINGS MILLS MD 21117-3603
 3. SITE AREA: 1.91 ACRES
 4. BUILDING AREA: 0.6 ACRES
 5. UTILITIES: PUBLIC WATER AND SEWER
 6. TAX MAP: 006T, GRID: 0004, PARCEL: 0160
 7. SUBDIVISION: 0000, SECTION: 1, BLOCK: A, LOT: 3 AND 4
 8. TAX ACCOUNT #: 926065150 AND 0326065190
 9. ZONING: ML IM
 10. DEED: /27532/ 00241
 11. PLAT: 0021/ 00410
 12. PREVIOUS COMMERCIAL PERMITS COULD NOT BE LOCATED. AN ADDITION WAS BUILT IN 1966 WHICH PROVIDED 21 SPACES. THE SITE DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA MAP 240100220D
 13. REQUIRED SETBACKS: FRONT: 25' FROM PROPERTY LINE, 50' FROM CENTERLINE OF ROAD SIDE AND REAR YARDS: 30'
 14. MAXIMUM BUILDING HEIGHT: 30' EXISTING BUILDING HEIGHT: 16'
 15. MAXIMUM FLOOR AREA RATIO: 2.0 EXISTING FLOOR AREA RATIO: 0.3
 16. ELECTION DISTRICT: 3
 17. COUNCILMANIC DISTRICT: 2
 18. CENSUS TRACT: 408102
 19. WATERSHED: Gwynns Falls
 20. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
 21. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
 22. PROPERTY IS APPROXIMATELY 875' FROM THE INTERSECTION OF PAINTERS MILL ROAD AND MUSIC FAIR ROAD
 23. THERE ARE NO EXISTING SIGNS ON SITE AND ALL FUTURE SIGNS WILL BE IN ACCORDANCE WITH SECTION 450 OF BCZR
 24. THE PROPERTY IS NOT LOCATED WITHIN A FAILED BASIC SERVICES MAP AREA
 25. PROPOSED USE OF AUTO SERVICE/STORAGE AND OFFICES
 26. REQUIRED PARKING: TBD BY ALL
 27. EXISTING PARKING: 15 SPACES (0 HANDICAP ACCESSIBLE)
 28. PROPOSED PARKING: 51 SPACES (3 HANDICAP ACCESSIBLE)
 29. ANY FIXTURE USED TO ILLUMINATE AN OFF STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
 - 30.

2016-0183-SPMX

PLAN TO ACCOMPANY ZONING PETITION
12 MUSIC FAIR ROAD

DIAMOND DETAIL
PROPERTY OF
Chuck Heine
3rd ELECTION DISTRICT, COUNCIL DISTRICT 2
BALTIMORE COUNTY, MD

REVISIONS

DATE	DESCRIPTION

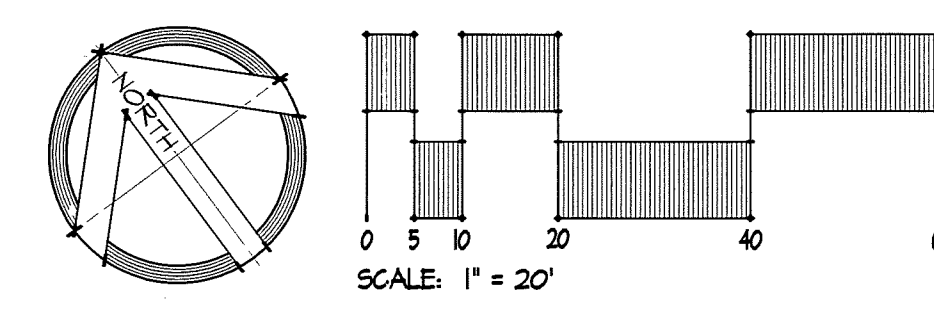


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CHECKED BY: JLT, KPR	SRI PROJECT NO: 15083
DATE: FEBRUARY 9, 2016	SHEET ZP1.01

- LEGEND**
- | | |
|-------------------------|---------------------------|
| PROPERTY LINE | EXISTING SOILS |
| ADJOINING PROPERTY LINE | EXISTING UTILITY EASEMENT |
| EXISTING CONTOURS | EXISTING SANITARY |
| EXISTING ROAD | EXISTING WATER |
| EXISTING CURB | EXISTING ELECTRIC |
| EXISTING CONCRETE | EXISTING OVERHEAD WIRES |
| EXISTING BUILDING | EXISTING BOLLARD |
| EXISTING ZONING LINE | EXISTING SIGN |
| | EXISTING LIGHT |
- EXISTING BOLLARD ■ EXISTING SIGN ✦ EXISTING LIGHT

- ZONING HISTORY:**
1. Case No. 2004-0201-SPMX: April 1, 2004 - Zoning Commissioner William J. Miesman granted the Petitioners' exhibit that the dispatching of vehicles is accessory to the principal use as offices, the petition for special exception to approve a service garage use on the property is dismissed as moot. The relief granted is subject to the following conditions: the Special hearing relief granted is limited for uses and operations performed by PLMD, LLC and shall not run with the land as to ensure to the benefit of any subsequent property lessor or owner. No body or tender work shall be performed on site including the painting of vehicles, there shall be no storage of abandoned, inoperable, and or disabled vehicles on the premises for longer than 30 days. This decision is not a legal precedent that may be cited as such in any other zoning case involving dispatching of vehicles as accessory to the principal use as offices.
 2. Case No. R-1960-4875: May 24th 1960 - Zoning Commissioner Milvie H. Adams reclassified the property from R-10 and M-R Zone to M-L Zone.



PETITIONER'S
EXHIBIT NO. 1