

MEMORANDUM

DATE: January 10, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0109-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on January 9, 2018. 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
EXCEPTION AND VARIANCE
(6612 Baltimore National Pike)
1st Election District
1st Council District
Shirlen Company Ltd. Partnership
Legal Owner
National Motors, Inc.
Lessee
Petitioners**

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BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0109-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6612 Baltimore National Pike. The Petitions were filed on behalf of Shirlen Company Ltd. Partnership, legal owner and National Motors, Inc., lessee ("Petitioners"). The Special Exception petition seeks to use the property for a used motor vehicle outdoor sales area. The Petition for Variance seeks to allow an existing side yard setback of 27 ft. in lieu of the required 30 ft., and to allow 20 parking spaces in lieu of the required 92 spaces. A site plan was marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the petitions were Jordan Levine, Gary Levine and professional engineer Rick Richardson. John B. Gontrum, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests.

The subject property is approximately 1.6 acres in size and is zoned B.R. The property is situated along U.S. Route 40 in the Catonsville area, a very busy commercial corridor. Most

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Date 12/8/17

By Sen

recently a furniture store was operated at the premises. Petitioners propose to utilize the existing improvements for a used car sales facility.

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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. Mr. Richardson testified via proffer Petitioners satisfied the requirements set forth at B.C.Z.R. §502.1, and no evidence was offered to rebut that conclusion. As such, and in light of the presumption provided under Maryland law, the petition for special exception will be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

1. It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
2. If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is irregularly shaped and is therefore unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty since they would be unable to utilize the existing building constructed in 1965. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant

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Date 12/8/17
By Sen

relief without injury to the public health, safety, and general welfare. Several conditions designed to minimize the detrimental impacts upon the surrounding community will be included in the order below.

Concerning the variance for off-street parking, Mr. Gontrum noted the Regulations do not specify the number of spaces required for a used car dealership. The Office of Zoning Review determined 92 spaces were required, based on the square footage of the sales, office and car prep areas shown on the plan. While that may be a legitimate requirement for a normal retail establishment, I believe it is far in excess of what is required for a used car lot, which will see much less foot traffic than most commercial or retail uses.

The plan shows 57 spaces will be provided. *See* Ex. 1, note 20. Mr. Richardson allocated 20 spaces for employees and customers (counsel noted the business would have no more than 12 employees) and 37 spaces would be used for vehicle inventory displayed for sale. I believe this arrangement is more than adequate for the use proposed.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 8th day of **December, 2017**, that the Petition for Special Exception to use the property for a used motor vehicle outdoor sales area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to allow a side yard setback of 27 ft. in lieu of the required 30 ft., and to allow 20 parking spaces in lieu of the required 92 spaces, 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.

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Date 12/8/17

By Sen

2. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.
3. No motor vehicles shall be parked or displayed for sale on the grass island/strip adjacent to Baltimore National Pike.
4. No storage of damaged or disabled vehicles shall be permitted.
5. No exterior mechanical work or repairs of vehicles shall be performed on site.
6. If vehicles are washed or detailed outside of the "car prep area" shown on the plan, such activities shall be permitted only at the rear of the site adjacent to the employee parking area.

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 12/8/17
By sln



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 6612 Baltimore National Pike

which is presently zoned B.R.

Deed References: Liber 4340, Folio 336

10 Digit Tax Account # 0 1 1 2 2 0 1 9 0 4

Property Owner(s) Printed Name(s) Shirlen Company Limited Partnership

(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

2. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
Used motor vehicle outdoor sales area

3. X a Variance from Section(s) 238.2 *to allow a side yard of 27'5" in lieu of required 30' and per section 409.6.A.2 to allow 20' parking spaces*
IN LIEU OF THE REQUIRED 92 SPACES
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) *EXISTING BUILDING OF MANY YEARS WOULD NEED TO BE TORN DOWN CREATING PRACTICAL DIFFICULTY OF SIDE YARD AND PARKING, AND OTHER REASONS 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:

NATIONAL MOTORS, INC.

Name - Type or Print

Signature

4129 E. Joppa Road Baltimore MD

Mailing Address City State

21236 / 915-355-3274 /

Zip Code Telephone # Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Avenue, Ste. 300, Towson, MD

Mailing Address City State

21204 / 410-832-2055 / jgontrum@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Shirlen Company by: Shirlen Management Inc.,
Limited Partnership General Partner

Name #1 - Type or Print

~~NAME #2 - TYPE OR PRINT~~

Signature #1 Jordan Levine, ~~Signature #2~~ President

8725 Loch Raven Blvd, #201, Towson, MD

Mailing Address City State

21286 / 410-645-1865 / jordan@myerssolomon.co

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0109-XA Filing Date 10/16/17

448965

Do Not Schedule Dates:

Reviewer *gh*

REV. 10/4/11

Date 12/8/17

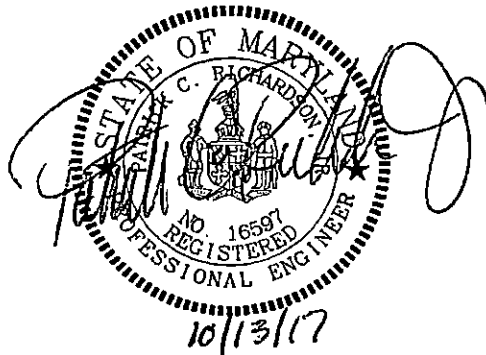
Rv den

ORDER RECEIVED FOR FILING

**ZONING DESCRIPTION FOR
NATIONAL MOTORS
6612 BALTIMORE NATIONAL PIKE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side right-of-way of Baltimore National Pike (150' width) at a distance of 975' east of the centerline of Nuwood Drive which is (70 feet) wide, thence leaving the said north side right-of-way of Baltimore National Pike the following courses and distances; (1) North 15 degrees 32 minutes 50 seconds East 367.73 feet, (2) North 59 degrees 32 minutes 15 seconds West 192.98 feet, (3) South 15 degrees 38 minutes 13 seconds West 365.21 feet to a point on the north side right-of-way of Baltimore National Pike, thence binding on said right-of-way, (4) by a curve to the left with a radius of 7,564.44 feet and an arc length of 194.20, said curve also having a chord bearing and length of South 58 degrees 51 minutes 45 seconds East 194.19 feet to the point of beginning.

Containing a net area of 68,537 square feet, or 1.57 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019.

2018-0109-XA



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 5295907

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON, MD 21204

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

Nov 16, 2017

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: # 2018-0109-XA
6612 Baltimore National Pike
N/s Baltimore National Pike, east 975 ft. to the centerline of Nuwood Drive
1st Election District - 1st Councilmanic District
Legal Owner(s) Shirlen Company Limited Partnership, Shirlen Management Inc.
Contract Purchaser/Lessee: National Motors, Inc.

Special Exception: to use property for a used motor vehicle outdoor sales area. Variance to allow a side yard setback of 27 ft. in lieu of the required 30 ft.; and to allow 20 parking spaces in lieu of the required 92 spaces

Hearing: Wednesday, December 6, 2017 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.

11/079 November 16 5295907

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2018-0109-XA

RE: Case No.: _____

Petitioner/Developer: _____

**Shirlen Company Limited Partnership, Shirlen Management Inc.
National Motors, Inc.**

December 6, 2017

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

6612 Baltimore National Pike

November 16, 2017

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



November 16, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

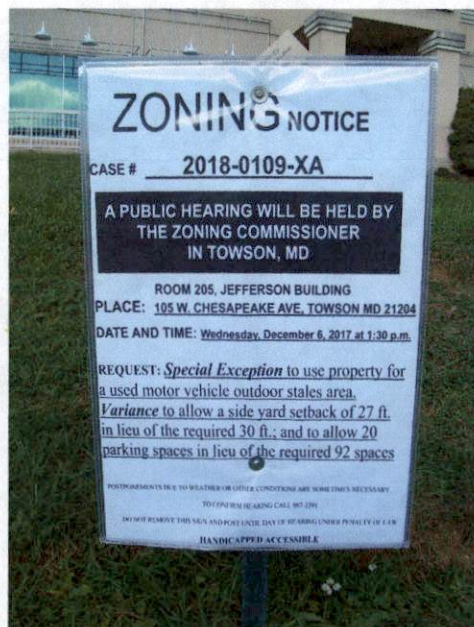
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

October 26, 2017

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0109-XA

6612 Baltimore National Pike

N/s Baltimore National Pike, east 975 ft. to the centerline of Nuwood Drive

1st Election District - 1st Councilmanic District

Legal Owners: Shirlen Company Limited Partnership, Shirlen Management Inc.

Contract Purchaser/Lessee: National Motors, Inc.

Special Exception to use property for a used motor vehicle outdoor sales area. Variance to allow a side yard setback of 27 ft. in lieu of the required 30 ft.; and to allow 20 parking spaces in lieu of the required 92 spaces.

Hearing: Wednesday, December 6, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
National Motors, Inc., 4129 E. Joppa Rd., Baltimore 21236
Jordan Levin, Shirlen Management Inc., 8725 Loch Raven Blvd., #201, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., NOVEMBER 16, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 16, 2017 Issue - Jeffersonian

Please forward billing to:

John Gontrum
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2055

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0109-XA

6612 Baltimore National Pike

N/s Baltimore National Pike, east 975 ft. to the centerline of Nuwood Drive

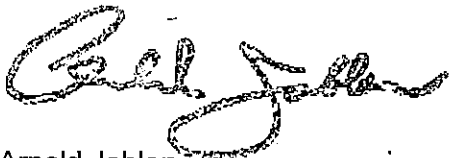
1st Election District - 1st Councilmanic District

Legal Owners: Shirlen Company Limited Partnership, Shirlen Management Inc.

Contract Purchaser/Lessee: National Motors, Inc.

Special Exception to use property for a used motor vehicle outdoor sales area. Variance to allow a side yard setback of 27 ft. in lieu of the required 30 ft.; and to allow 20 parking spaces in lieu of the required 92 spaces.

Hearing: Wednesday, December 6, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
6612 Baltimore National Pike; N/S Baltimore * OF ADMINISTRATIVE
National Pike, E 975' to Nuwood Drive *
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Shirlen Co. Ltd Partnership * BALTIMORE COUNTY
by Shirelen Management Inc, Jordan Levine *
Contract Purchaser(s): National Motors Inc *
Petitioner(s) * 2018-109-XA

* * * * *

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.

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

RECEIVED

OCT 24 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017 0109-XA
Property Address: 6612 BALTIMORE NATION
Property Description: _____
Legal Owners (Petitioners): SHIRLEY COMPANY
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN GONTRUM
Company/Firm (if applicable): WHITEFORD TAYLOR & PRESTON
Address: ONE WEST PENNSYLVANIA AVE
TOWSON, MD 21204
Telephone Number: 410-832-2055

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

NO 157279

Date: 10/16/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		615				100.00

Total: 100.00

Rec From: White Ford, Taylor & Preston

For: 2017-0109-XA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME CSM
 10/16/2017 10/16/2017 14:49:48 1
 REG WSD1 WALSH LJP
 >>RECEIPT # 756406 10/16/2017 OFLN
 Dept 5 520 ZCHNG VERIFICATION
 CR NO. 157279
 Recpt Tot \$1,000.00
 \$1,000.00 CR \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 30, 2017

Shirlen Company
Jordan Levine
8725 Loch Raven Boulevard
Towson MD 21286

RE: Case Number: 2018-0109 XA, Address: 6612 Baltimore National Pike

Dear Mr. Levine:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 16, 2017. 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
National Motors Inc., 4129 E Joppa Road, Baltimore MD 21236
John B Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 10/26/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/23/17. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

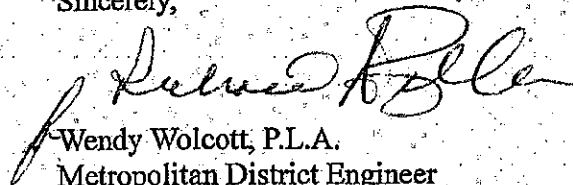
Special Exception, Case Number 2018-0109-XA
Variance

Special Exception Variance

Shirley Company, P.A. Partnership
6612 Baltimore National Pike
US40

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Date: 10/26/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/23/17. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Exception
Variance

, Case Number

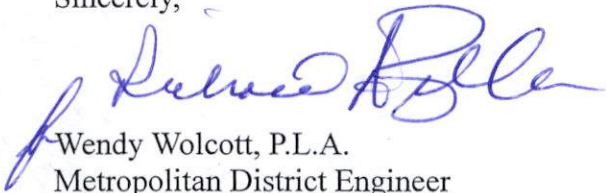
2018-8109-XA

Special Exception Variance

Shirley Company Ltd. Partnership
6612 Baltimore National Pike
US40

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

12-6

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-109



INFORMATION:

Property Address: 6612 Baltimore National Pike
Petitioner: Shirlen Company
Zoning: BR
Requested Action: Special Exception, Variances

The Department of Planning has reviewed the petition for special exception to use the property for a used motor vehicle outdoor sales area and the petition for variance to allow a side yard setback of 27 feet and 20 parking spaces in lieu of the required 30 feet and 92 spaces respectively.

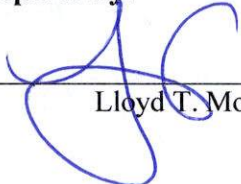
A site visit was conducted on 10/30/2017.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- No motor vehicles shall be parked or displayed on the grassed areas of the site.
- There shall be no storage of damaged or disabled motor vehicles on the site.
- There shall be no interior or exterior mechanical work performed on motor vehicles.
- There shall be no exterior preparation of motor vehicles.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
John B. Gontrum, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-6-17

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: October 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0109-XA
Address 6612 Baltimore National Pike
(Shirlen Company, Ltd. Partnership
Property)

Zoning Advisory Committee Meeting of **October 30, 2017**.

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

Reviewer: Steve Ford Date: 10-30-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For October 30, 2017
Item No. 2018-0109-XA

DATE: November 1, 2017

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

If Special Exception and Zoning relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plans is also required.

* * * * *

VKD: efc
cc: file

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 11/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-109

INFORMATION:

Property Address: 6612 Baltimore National Pike
Petitioner: Shirlen Company
Zoning: BR
Requested Action: Special Exception, Variances

The Department of Planning has reviewed the petition for special exception to use the property for a used motor vehicle outdoor sales area and the petition for variance to allow a side yard setback of 27 feet and 20 parking spaces in lieu of the required 30 feet and 92 spaces respectively.

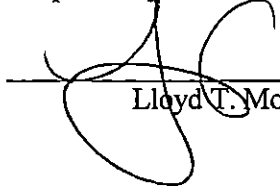
A site visit was conducted on 10/30/2017.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- No motor vehicles shall be parked or displayed on the grassed areas of the site.
- There shall be no storage of damaged or disabled motor vehicles on the site.
- There shall be no interior or exterior mechanical work performed on motor vehicles.
- There shall be no exterior preparation of motor vehicles.

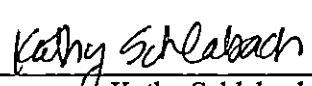
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
John B. Gontrum, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: October 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0109-XA
Address 6612 Baltimore National Pike
(Shirlen Company, Ltd. Partnership
Property)

Zoning Advisory Committee Meeting of **October 30, 2017**.

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

Reviewer: Steve Ford Date: 10-30-2017

Case No.: 2018-0109-XA

Exhibit Sheet

12/10/18

12/8/17
sen

Petitioner/Developer

Protestants

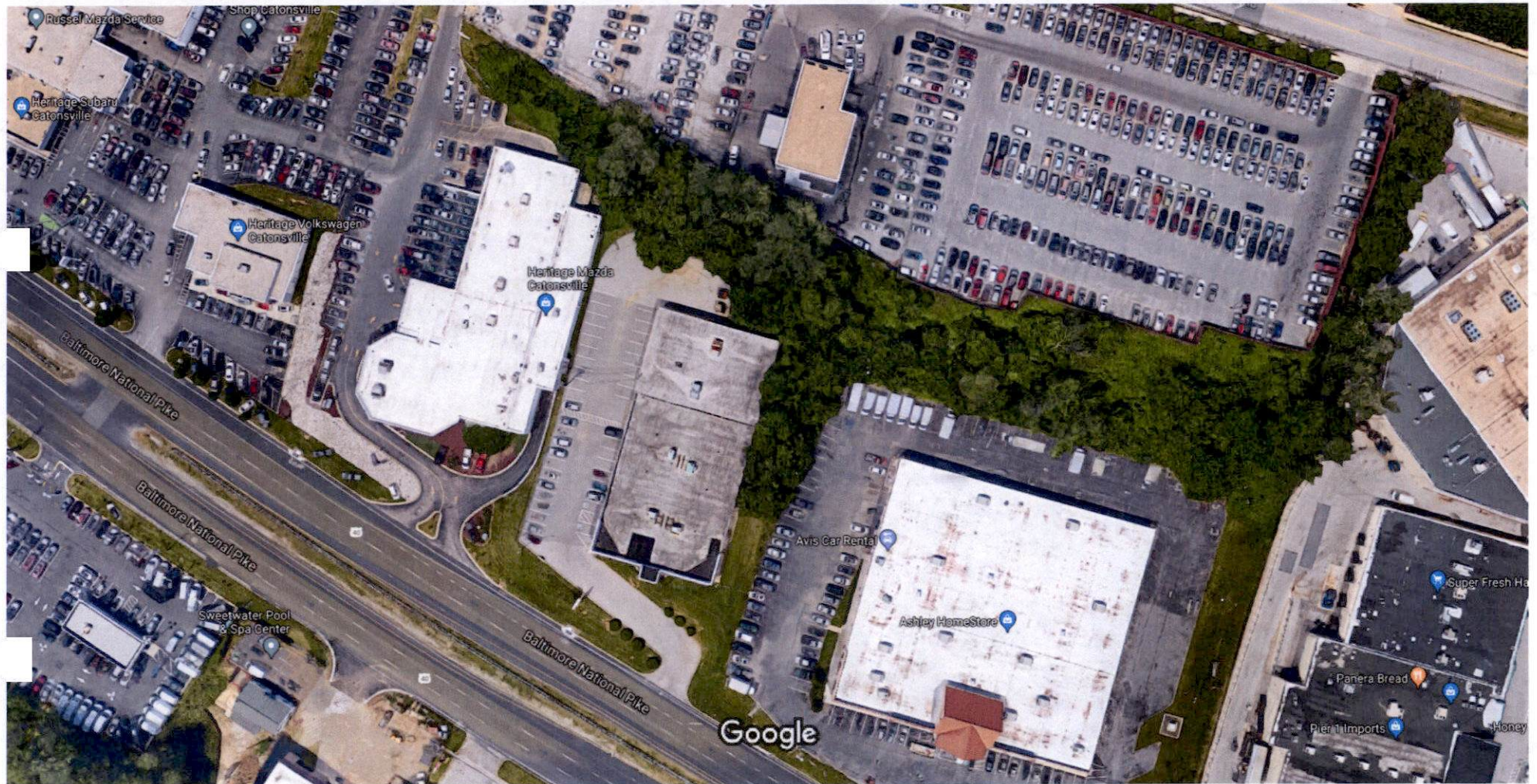
No. 1	site plan	
No. 2	2A-2G-photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Baltimore County - My Neighborhood

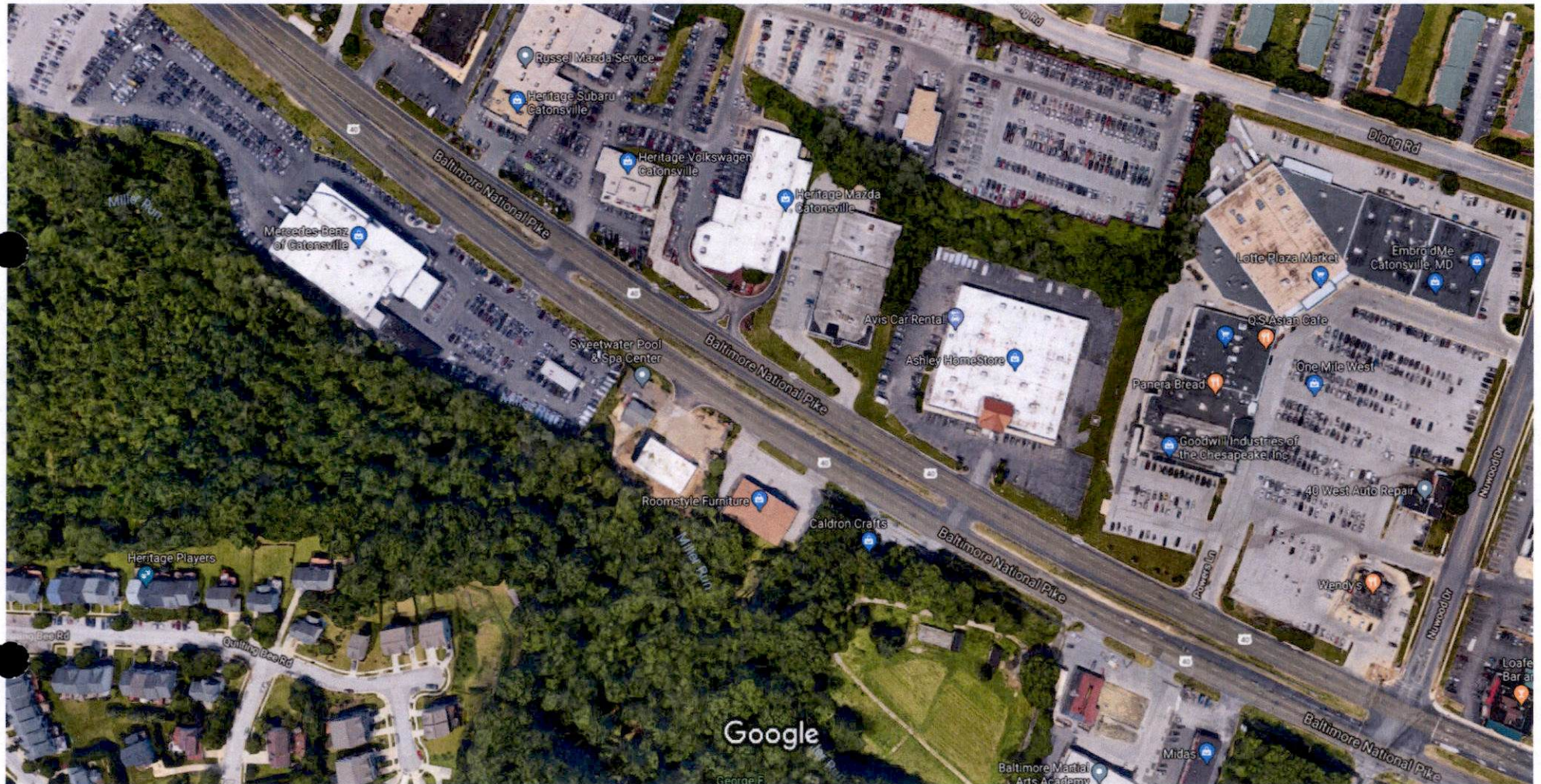


Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 ft





Imagery ©2017 Google, Map data ©2017 Google 100 ft



Google Maps Baltimore National Pike



Image capture: Nov 2016 © 2017 Google

Catonsville, Maryland

 Google, Inc.

Street View - Nov 2016





Baltimore National Pike

Looking West on Baltimore National Pike



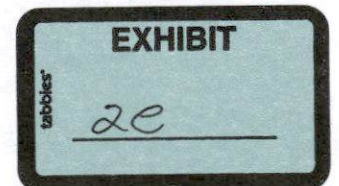
Image capture: Nov 2016 © 2017 Google

Catonsville, Maryland



Google, Inc.

Street View - Nov 2016





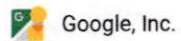
Baltimore National Pike

Looking East on Baltimore National Pike from Entrance



Image capture: Nov 2016 © 2017 Google

Catonsville, Maryland

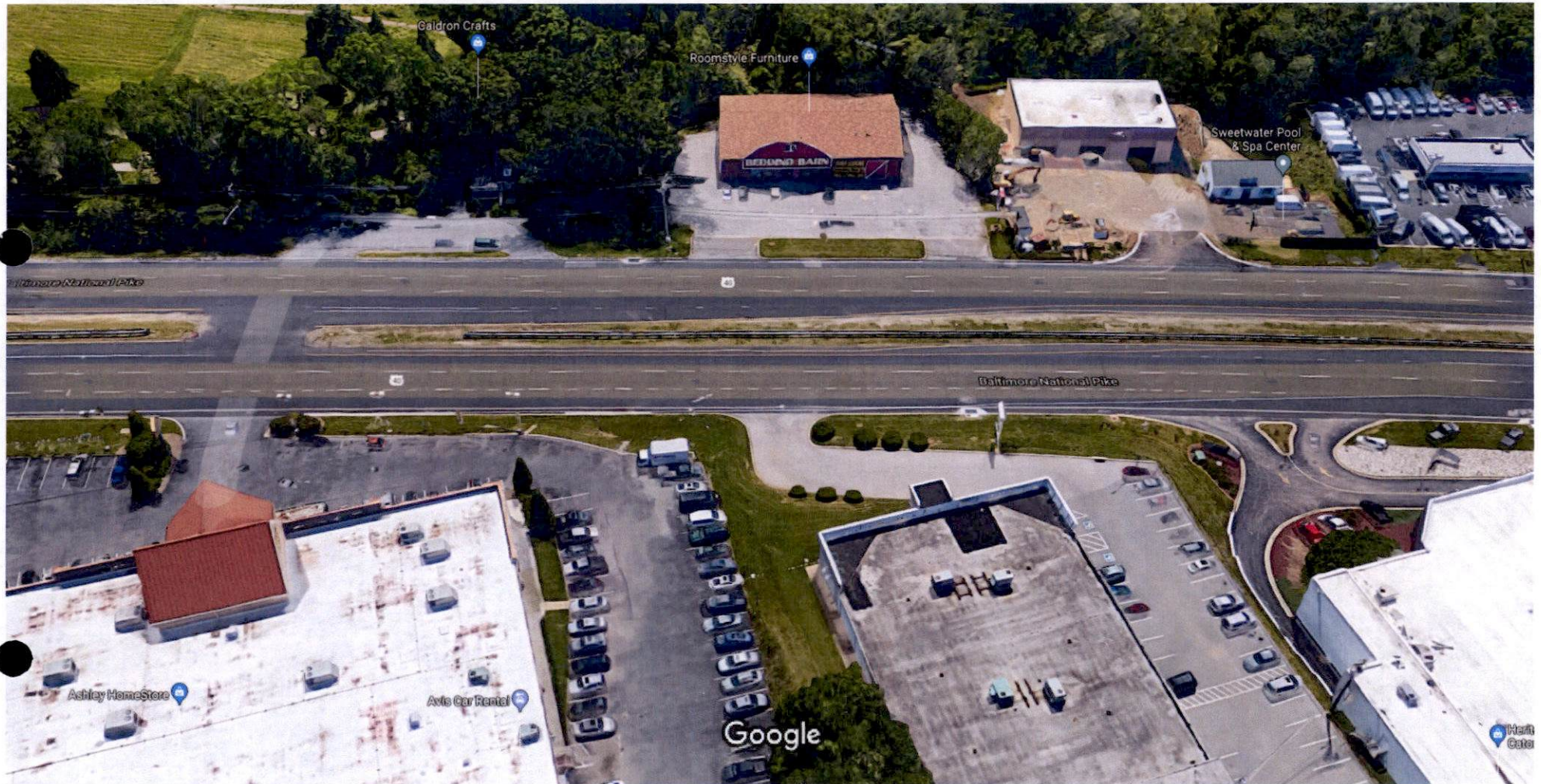


Street View - Nov 2016





Across Baltimore National Pike from Entrance



Imagery ©2017 Google, Map data ©2017 Google 20 ft



PAI # 010072
DR 16
Pt. Bk./Folio # 032118
DLONG RD

R-1965-0014-A

1987-0484-SPHA
1996-0518-SPH
2001-0482-SPH
102202211

0102202210

2012-0311-A
2010-0336-A
2001-0277-A

2200021359

R-1950-1629

2012-0003-SPHX

6616

2002-0235-SPH
0102202220

0115370230
Pt. Bk. 0000001, Folio 0619

6616

1 CD

094B3 BR

1 ED SW 1-H

1949-1543-X
2018-0109-XA

12201904

094C3

6610

BALTIMORE NATIONAL PIKE

0112201430

1953-2525-X
2004-0407-SPHXA
R-1958-4546
1974-0105-A

Pt. Bk./Folio # MP44044
PAI # 010580

6619

0114650310 PAI # 010580
1985-0243-APAI # 010580
2014-0155-SPH
R-1951-2052

R-1941-0176
R-1956-3953
1966-0189-X

19850920

1959-4627-X

R-1955-3537

0108301450

6611

DR 1

R-1967-0118

R-1967-0118

R-1965-0014-A

1987-0484-SPHA
1996-0518-SPH
2001-0482-SPH

102202211

2012-0003-SPHX

0102202210

6616

2012-0311-A
2010-0336-A
2001-0277-A

2200021359

R-1950-1629

2002-0235-SPH

0102202220

0115370230

Pt. Bk. 0000001, Folio 0619

6616

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1 CD 1 ED

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6612

SW 1-H

094C3

6610

0112201430

2004-0407-SPHXA
R-1958-4546
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BALTIMORE NATIONAL PIKE

BALTIMORE NATIONAL PIKE

PAI # 010580

PAI # 010580
PAI # 010580

0114650310

R-1951-2052
1985-0243-A
2014-0155-SPH

R-1941-0176
R-1956-3953
1966-0189-X

19850920

6613

1959-4627-X

R-1955-3537

0108301450

2018-0101 DRY

THIS DEED MAY NOT BE RECORDED

LIBER 441 PAGE 108

RECORDED

Per: *Handwritten signature*
Authorized Signature

RM. 64-343

THIS DEED and AGREEMENT, Made this 23 day of *March*,
in the year Nineteen Hundred and Sixty-five, between LEONARD LEVINE and SHIRLEY
E. LEVINE, his wife, Co-Partners trading as Shirlen Company, Grantors, parties
of the first part; CHARLES T. ALBERT and DECATUR H. MILLER, Trustees for the
First National Bank of Maryland, parties of the second part; and BALTIMORE
COUNTY, MARYLAND, a municipal corporation, party of the third part.

WHEREAS, the party of the third part desires to construct and maintain
sewers, drains, water pipes, and other municipal utilities and services, in
and across the land hereinafter described, and the parties of the first part
are willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One
Dollar (\$1.00), the receipt whereof is hereby acknowledged, the said parties
of the first part hereby grant and convey unto Baltimore County, Maryland, a
municipal corporation, its successors and assigns, the right to lay, construct
and maintain sewers, drains, water pipes and other municipal utilities and
services in and through the land of the parties of the first part, situate in
Baltimore County, State of Maryland, said sewers, drains, water pipes and
other municipal utilities and services to be laid in the right-of-way which
is described as follows:

Situate in the First Election District of Baltimore County.

BEING a right-of-way, 15 feet wide, across the property of the Grantors,
as shown shaded and indicated, "15' Utility Easement" on the Baltimore County
Bureau of Land Acquisition Drawing No. RM 64-343, which is attached hereto
and made a part hereof.

FOR TITLE, see Deed dated August 6, 1964, and recorded among the Land
Records of Baltimore County in Liber R.R.G. No. 4340, folio 143, from Wheeler
Holding, Inc. to Leonard Levine and Shirley E. Levine, his wife, Co-Partners
trading as Shirlen Company.

FOR TITLE OF TRUSTEES, see Deed of Trust dated August 6, 1964, and re-
corded among the Land Records of Baltimore County in Liber R.R.G. No. 4340,
folio 145, from Leonard Levine and Shirley E. Levine, his wife, individually
and as Co-Partners trading as Shirlen Company, to Charles T. Albert and
Decatur H. Miller, Trustees.

AND the parties of the first part do hereby agree that Baltimore County,
Maryland, its successors and assigns, shall have the right and privilege of

2018-0109-X1A

entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said right-of-way by any of the parties hereto, their heirs and assigns.

The said parties of the second part join in this conveyance solely for the purpose of consenting to and subordinating their Deed of Trust or Liens to the heretofore described right-of-way and for that purpose only, fully retaining their Deed of Trust or Liens on the property described in said Deed of Trust.

AS WITNESS the due execution hereof by the aforementioned parties of the first and second parts.

TEST:

Charles T. Albert

Leonard Levine (SEAL)
Leonard Levine

Shirley E. Levine

Shirley E. Levine (SEAL)
Shirley E. Levine
Co-Partners trading as Shirlen Company

Charles T. Albert

Charles T. Albert (SEAL)
Charles T. Albert, Trustee

Declarator H. Miller

Declarator H. Miller (SEAL)
Declarator H. Miller, Trustee

STATE OF MARYLAND, BALTIMORE County, to wit:

I HEREBY CERTIFY that on this 23rd day of March, in the year Nineteen Hundred and Sixty-five, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared LEONARD LEVINE and SHIRLEY E. LEVINE, his wife, Co-Partners trading as Shirlen Company, parties to the within Deed and Agreement, and they acknowledged the same to be their act.

AS WITNESS my Hand and Notarial Seal.

Notary Public
Notary Public

STATE OF MARYLAND, BALTIMORE City, to wit:

I HEREBY CERTIFY that on this 19th day of March, in the year Nineteen Hundred and Sixty-five, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared CHARLES T. ALBERT, Trustee for the First National Bank of Maryland, party to the within Deed and Agreement, and he acknowledged the same to be his act as said Trustee.

AS WITNESS my Hand and Notarial Seal.

Harriet B. Harms
Notary Public

STATE OF MARYLAND, BALTIMORE City, to wit:

I HEREBY CERTIFY that on this 19th day of March, in the year Nineteen Hundred and Sixty-five, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared DEANOR W. MILLER, Trustee for the First National Bank of Maryland, party to the within Deed and Agreement, and he acknowledged the same to be his act as said Trustee.

AS WITNESS my Hand and Notarial Seal.

Harriet B. Harms
Notary Public

Approved as to legal form and sufficiency

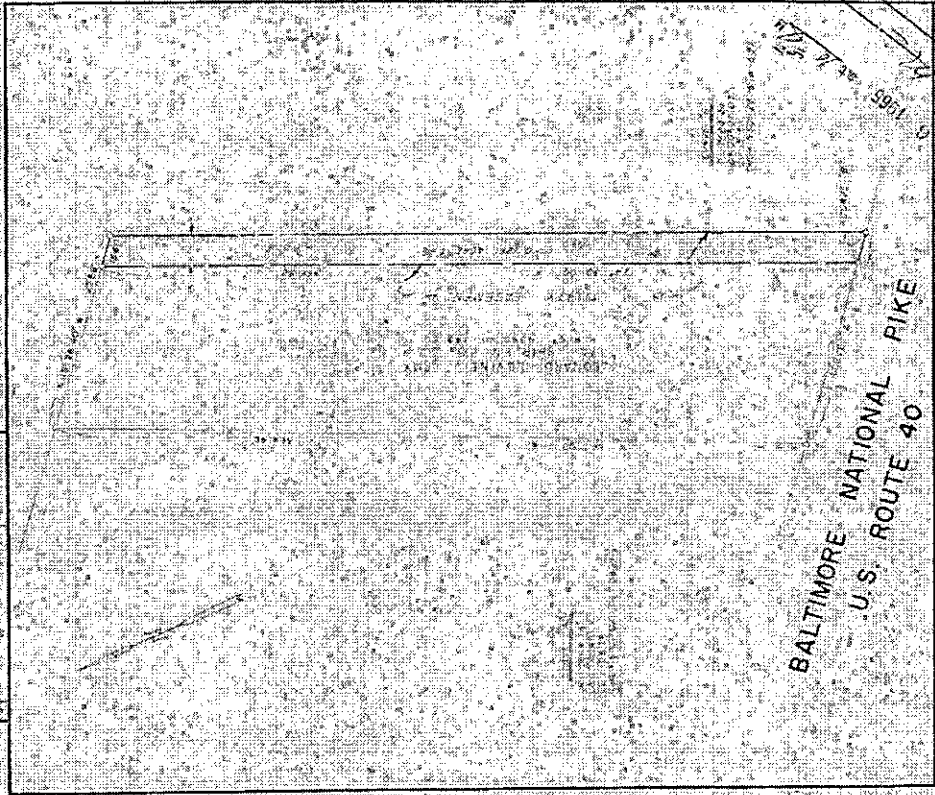
this 2nd day of April, 1965:

W. Frederick Fisher
Assistant County Solicitor

CHAS-1 (1)
Index: 2-3-65

NOTES:
 1. ALL RIGHTS RESERVED BY THE U.S. GOVERNMENT
 2. ANY LETTERING DENOTES PROPOSED CHANGES TO PROPERTY
 3. ALL DATA FOUND BY PLANNERS, UNLESS OTHERWISE NOTED

NO.	ACQUISITION	REMARKS
1	ACQUISITION	
2	ACQUISITION	
3	ACQUISITION	
4	ACQUISITION	
5	ACQUISITION	



BALTIMORE NATIONAL PIKE
 U.S. ROUTE 40

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION													
PLAN TO ACCOMPANY RIGHT-OF-WAY AGREEMENT	DATE: JULY 1967												
BUREAU OF LAND ACQUISITION													
APPROVED: <i>[Signature]</i> DATE: 7-9-1967													
DIVISION OF CHARTING													
APPROVED: <i>[Signature]</i> DATE: 7-9-1967													
CONSTRUCTION PLAN NO.													
SCALE: 1" = 100'													
LEGEND:													
<table border="1"> <tr> <td>ACQUISITION</td> <td>ACQUISITION</td> <td>ACQUISITION</td> </tr> <tr> <td>ACQUISITION</td> <td>ACQUISITION</td> <td>ACQUISITION</td> </tr> <tr> <td>ACQUISITION</td> <td>ACQUISITION</td> <td>ACQUISITION</td> </tr> <tr> <td>ACQUISITION</td> <td>ACQUISITION</td> <td>ACQUISITION</td> </tr> </table>		ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION	ACQUISITION
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ACQUISITION	ACQUISITION	ACQUISITION											



This Deed, made this 18th day of September, in the year one thousand nine hundred and sixty-four, by and between JOHN C. BEZOLD, SR. and HELEN VIRGINIA BEZOLD, his wife, URSULA M. BEZOLD, unmarried, and GERTRUDE M. BEZOLD, unmarried, all of the State of Maryland, parties of the first part, Grantors, and LEONARD LEVINE and SHIRLEY E. LEVINE, his wife, Co-partners trading as "Shirien Company", parties of the second part, Grantees.

Whereas: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto said Grantees, Co-partners as aforesaid, as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, all that ----- lot(s) of ground situate in the First Election District of Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the northeast right of way line of the Baltimore National Pike, at the end of the third or south 26 degrees 09 minutes 46 seconds west 364.35 foot line of that tract of land which by Deed dated August 6, 1964 and recorded among the Land Records of Baltimore County in Liber R.M.B. No. 4360, folio 139, etc., was conveyed by John C. Bezold, Sr. et al. to Leonard Levine et al., thence leaving said side of Baltimore National Pike and running reversely with and binding on said third line, to the end thereof, north 26 degrees 09 minutes 46 seconds east 364.35 feet and to intersect the fourth or north 49 degrees 28 minutes 40 seconds west 320.98 foot line of that tract of land which by Deed dated July 28, 1959 and recorded among said Land Records in Liber M.J.R. No. 3570, folio 3, etc., was conveyed by John C. Bezold et al. to Title Services, Inc., thence running with and binding on part of said fourth line, north 49 degrees 28 minutes 40 seconds west 34.29 feet, thence leaving said fourth line and running for a line of division, north 24 degrees 39 minutes 00 seconds west 367.05 feet to the said northeast right of way line of Baltimore National Pike, thence binding on said side of said Pike, southeasterly, by a line curving to the east with a radius of 7564.44 feet, for a distance of 23.32 feet (the chord of said arc being south 49 degrees 02 minutes 21 seconds east 23.32 feet) to the place of beginning. Containing 0.233 of an acre of land, more or less.

BEING a portion of the lot of ground which by Deed dated July 25, 1956 and recorded among the Land Records of Baltimore County in Liber C.L.B. No. 2978, folio 324, was granted and conveyed by Title Services, Inc. to John Henry Bezold and Agnes Elizabeth Bezold, his wife, for and during the term of their joint natural lives and the natural life of the survivor of them, with remainder upon the death of the survivor, to John C. Bezold, Ursula M. Bezold and Gertrude M. Bezold, as tenants in common. The said Agnes Elizabeth Bezold departed this life on or about January 26, 1957 and the said John Henry Bezold departed this life on or about July 4, 1959.

SUBJECT to the easement area as laid out adjacent to the northeast of the northeast right of way line of the Baltimore National Pike, as set forth in Deed from John Henry Bezold and wife to the State of Maryland, to the use of the State Roads Commission of Maryland dated July 21, 1937 and recorded as aforesaid in Liber C.W.D.R. No. 1008, folio 35, as shown on State Roads Commission of Maryland Plans Nos. 2331 and 2332.

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said

Grantees, Co-partners as aforesaid, as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple.

PAID — Baltimore County, Md. — Office of Finance

9-21-64 9:24:9 • 52407 PPJ- 3525
9-21-64 9:24:9 • 52407 PPJ- 3525

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS:

Sharon Perry Kelly
Sharon Perry Kelly

John C. Bezold Sr. [Seal]
John C. Bezold, Sr.

Helen Virginia Bezold [Seal]
Helen Virginia Bezold

Ursula M. Bezold [Seal]
Ursula M. Bezold

Certrude M. Bezold [Seal]
Certrude M. Bezold

State of Maryland, BALTIMORE COUNTY

TO WIT:

I HEREBY CERTIFY, that on this 18th day of September, 1964, before me, a Notary Public of the State aforesaid, personally appeared, JOHN C. BEZOLD, SR; and HELEN VIRGINIA BEZOLD, his wife, and URSULA M. BEZOLD, unmarried, and CERTRUDE M. BEZOLD, unmarried, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.



Sharon Perry Kelly
Sharon Perry Kelly, Notary Public
My commission expires: 5/3/65

Recorded for record SEP 22 1964 at 10:15 AM
Robert R. Gill, Clerk
THE TITLE GUARANTEE COMPANY
Int No. 135778 9-25-64

T-2-C
THE TITLE GUARANTEE COMPANY
(Individual Form)

LIBER 4340 PAGE 139

App. H. 49399

8-1-49 49399 o 50345 PPJ- 64.5
8-1-49 49399 o 50345 PPJ- 64.5

This Deed, Made this 01 day of August, in the year one thousand nine hundred and 64 - 64 - 64, by and between JOHN C. BEZOLD, SR. and HELEN VIRGINIA BEZOLD, his wife, URSULA M. BEZOLD, Unmarried, and GERTRUDE M. BEZOLD, Unmarried, all of the State of Maryland, parties of the first part, Grantors; and LEONARD LEVINE and SHIRLEY E. LEVINE, his wife, Co-partners, trading as "Shirlen Company" parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said parties of the second part, Co-partners, trading as "Shirlen Company" as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, all that

lot(s) of ground

situate in Baltimore County
in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the northeast right of way line of the Baltimore National Pike at the end of the third or South 26 degrees 09 minutes 46 seconds West 364.46 feet line of that tract of land which by deed dated April 30, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.C. No. 4294, folio 500, etc., was conveyed by John C. Bezold, Sr., et al, to Leonard Levine and wife, thence leaving said side of Baltimore National Pike and running reversely with and binding on said third line to the end thereof North 26 degrees 09 minutes 46 seconds East 364.46 feet and to intersect the fourth or North 49 degrees 28 minutes 40 seconds West 320.98 foot line of that tract of land which by deed dated July 28, 1959 and recorded among the Land Records of Baltimore County in Liber M.L.K. No. 3570, folio 3, etc., was conveyed by John C. Bezold, et al, to Title Service, Inc. thence running with and binding on part of said fourth line North 49 degrees 28 minutes 40 seconds West 65.83 feet; thence leaving said fourth line and running for a line of division south 26 degrees 09 minutes 46 seconds West 364.35 feet to the said Northeast right of way line of Baltimore National Pike, thence binding on said side of said Pike southeasterly by a line curving to the East with a radius of 7564.44 feet for a distance of 65.85 feet (the chord of said arc being South 49 degrees 22 minutes 37 seconds East 65.85 feet) to the place of beginning. Containing .533 acres of land, more or less, in accordance with a survey description dated July 30, 1964 prepared by Charles D. Grace, Professional Engineer and Land Surveyor.

BEING a portion of the lot of ground which by Deed dated July 25, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2978, folio 324, was granted and conveyed by Title Service, Inc. to John Henry Bezold and Agnes Elizabeth Bezold, his wife, for and during the term of their joint natural lives and the natural life of the survivor of them, with remainder upon the death of the survivors to John C. Bezold, Ursula M. Bezold and Gertrude M. Bezold, as tenants in common. The said Agnes Elizabeth Bezold departed this life on or about the 26th day of January 1957 and the said John Henry Bezold departed this life on or about the 4th day of July, 1959.

SUBJECT to the easement area as laid out adjacent to the northeast of the northeast right of way line of the Baltimore National Pike as set forth in a Deed from John Henry Bezold and wife to the State of Maryland, to the use of the State Roads Commission of Maryland, dated July 21, 1937 and recorded as aforesaid in Liber C.R.B., Jr. No. 1008, folio 33, as shown on State Roads Commission of Maryland Plans Nos. 2331 and 2332.



2018-0109-XA

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same, belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said parties of the second part, Co-partners, trading as "Shirlen Company" as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, forever.



And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

John C. Bezold, Sr. (SEAL)
John C. Bezold, Sr.

WITNESS:

Sharron Perry Dolby
SHARRON PERRY DOLBY

Helena Virginia Bezold [Seal]
Helena Virginia Bezold

Ursula M. Bezold (SEAL)
Ursula M. Bezold

Sharron Perry Dolby

Gertrude M. Bezold [Seal]
Gertrude M. Bezold

State of Maryland. BALTIMORE CITY County, TO WIT:

I HEREBY CERTIFY, that on this 6th day of August, 19 64, before me, a Notary Public of the State aforesaid, personally appeared John C. Bezold, Sr. and Helena Virginia Bezold and Ursula M. Bezold, and Gertrude M. Bezold, the within named Grantors,

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.



Sharron Perry Dolby
SHARRON PERRY DOLBY Notary Public
My commission expires: May 3rd, 1965.

Rec'd for record AUG 7 1964 at 12:40
Per Robert R G111, Clerk
Mail to THE TITLE GUARANTEE COMPANY
Receipt No. 47 2761 7.50

7-3-0
THE TITLE GUARANTEE COMPANY
(Corporation Form)

App. H- 49199

RECORDED 340 PAGE 1143

This Deed, Made this 6th day of August, in the year one thousand nine hundred and sixty-four, by and between WHEELER HOLDING, INC.,

a body corporate of the State of Maryland, party of the first part, Grantor, and LEONARD LEVINE and SHIRLEY E. LEVINE, his wife, Co-partners, trading as "Shirley Company", parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the said parties of the second part, Co-partners, trading as "Shirley Company" as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, all that

lot(s) of ground situate in Baltimore County

in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at an iron pipe heretofore planted on the northeast right of way line of the Baltimore National Pike at the end of the first line of that tract of land which by deed dated April 10, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3511, folio 411, etc. was conveyed by John Henry Bezold, et al to The Fox Realty Corporation, thence leaving said side of Baltimore National Pike and running with and binding on the second or north 24 degrees 30 minutes east 535.25 foot line of said conveyance and passing over an iron pipe heretofore planted at the end of said second line and running with and binding on the fourth or north 24 degrees 30 minutes east 31 foot line of that tract of land which by deed dated July 28, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3571, folio 195, etc. was conveyed by John C. Bezold et al to Title Services, Inc., in all north 24 degrees 30 minutes 00 seconds east 366.25 feet, thence running with and binding on the fifth or north 49 degrees 28 minutes 40 seconds west 69.26 foot line of the said secondly described conveyance and running with and binding on part of the fourth or north 24 degrees 30 minutes 40 seconds west 320.98 foot line of that tract of land which by deed dated July 28, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3570, folio 3, etc. was conveyed by John C. Bezold, et al, to Title Service, Inc. in all north 49 degrees 28 minutes 40 seconds west 97.56 feet, thence for a line of Division south 26 degrees 09 minutes 46 seconds west 285.46 feet to the said northeast right of way line of said Pike, thence binding on said side of said Pike southeasterly by a line curving to the east with a radius of 756.44 for a distance of 108.28 feet (the chord of said arc being south 50 degrees 02 minutes 11 seconds East 108.26 feet) to the place of beginning. Containing 0.834 acres of land, more or less.

BEING the same property which is described in a Deed from Leonard Levine and wife to the within named Grantor, dated of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County prior hereto.

SUBJECT to the easement area as laid out adjacent to the northeast of the northeast right of way line of the Baltimore National Pike as set forth in a Deed from John Henry Bezold and wife to the State of Maryland, to the use of the State Roads Commission of Maryland, dated July 21, 1937 and recorded as aforesaid in Liber C.W.B., Jr. No. 1008, folio 35, and as shown on State Roads Commission of Maryland Plats Nos. 2231 and 2332.

2018-0109-XA

LIBER 4340 PAGE 144

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said parties of the second part, Co-partners, trading as "Shirlen Company" as tenants in partnership, as said tenancy is created and defined by the Maryland Uniform Partnership Act, their assigns, in fee simple, forever.

And the said Grantor covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

In Testimony Whereof, the said Grantor has caused its corporate seal to be hereto affixed, and its Vice-President to set his hand hereto.

WITNESS:

J. LLOYD WILKINSON

WHEELER HOLDING, INC.

BY J. W. Leyko
JAMES W. LEYKO Vice-President



State of Maryland,

BALTIMORE CITY

TO WIT:

I HEREBY CERTIFY, that on this 6th day of AUGUST, 1964, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JAMES W. LEYKO, who acknowledged himself to be the Vice-President of the Grantor Corporation, and that he, as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as Vice-President.

WITNESS my hand and Notarial Seal.



J. Lloyd Wilkinson
Notary Public

My commission expires: May 3rd, 1965.
TRANSFER TAX NOT REQUIRED record AUG 7 1964 at 12:42 PM
8-7-64 Per Robert N. Gill, Clerk
Norman W. Wood
Director of Finance
THE TITLE GUARANTEE COMPANY
Received No. 138770
Authorized Signature

THE TITLE GUARANTEE COMPANY
(Individual Form)

11884340 REC 141

App. H- 49399

This Deed, Made this 6th day of August, in the year one thousand nine hundred and sixty-four, by and between LEONARD LEVINE and SHIRLEY E. LEVINE, his wife, of the State of Maryland, parties of the first part, Grantors, and WHEELER HOLDING, INC., a body corporate of the State of Maryland, party of the second part, Grantee,

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantee, its successors and assigns, in fee simple, all that-

lot(s) of ground
situate in - Baltimore County -
in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at an iron pipe heretofore planted on the northeast right of way line of the Baltimore National Pike at the end of the first line of that tract of land which by deed dated April 10, 1959 and recorded among the Land Records of Baltimore County in Liber R.J.R. No. 3511, folio 411, etc. was conveyed by John Henry Bezold, et al. to The Tax Realty Corporation, thence leaving said side of Baltimore National Pike and running with and binding on the second or north 24 degrees 30 minutes east 335.25 foot line of said conveyance and passing over an iron pipe heretofore planted at the end of said second line and running with and binding on the fourth or north 24 degrees 30 minutes east 31 foot line of that tract of land which by deed dated July 28, 1959 and recorded among the Land Records of Baltimore County in Liber R.J.R. No. 3571, folio 191, etc. was conveyed by John C. Bezold et al. to Title Service, Inc., in all north 24 degrees 30 minutes 00 seconds east 366.25 feet, thence running with and binding on the fifth or north 49 degrees 28 minutes 40 seconds west 69.26 foot line of the said secondly described conveyance and running with and binding on part of the fourth or north 49 degrees 28 minutes 40 seconds west 326.98 foot line of that tract of land which by deed dated July 28, 1959 and recorded among the Land Records of Baltimore County in Liber R.J.R. No. 3570, folio 7, etc. was conveyed by John C. Bezold, et al. to Title Service, Inc. in all north 49 degrees 28 minutes 40 seconds west 97.50 feet, thence for a line of division south 26 degrees 02 minutes 46 seconds west 364.46 feet to the said northeast right of way line of said Pike, thence binding on said side of said Pike southeasterly by a line curving to the east with a radius of 7564.4 for a distance of 108.28 feet (the chord of said arc being south 50 degrees 02 minutes 11 seconds east 108.26 feet) to the place of beginning, containing 0.834 acres of land, more or less.

BEING the same property which is described in a Deed, dated April 30, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.C. No. 4294, folio 500 from John C. Bezold, Sr., et al. to the within named Grantee.

SUBJECT to the easement area as laid out adjacent to the northeast of the northeast right of way line of the Baltimore National Pike as set forth in a Deed from John Henry Bezold and wife to the State of Maryland to the use of the State Roads Commission of Maryland, dated July 21, 1937 and recorded as aforesaid in Liber C.W.B., Jr. No. 1008, folio 35, and as shown on State Roads Commission of Maryland Plans Nos. 2331 and 2332.

2018-0109-XA

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Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said Grantee, its successors and assigns, in fee simple, forever.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS:

Fredrick A. Hermann
FREDERICK A. HERMANN

Leonard Levine
Leonard Levine

[Seal]

Fredrick A. Hermann
FREDERICK A. HERMANN

Shirley E. Levine
Shirley E. Levine

[Seal]

State of Maryland

BALTIMORE CITY

TO WIT:

I HEREBY CERTIFY, that on this 6th day of August, 1964, before me, a Notary Public of the State aforesaid, personally appeared Leonard Levine and Shirley E. Levine, his wife, the within named Grantors, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

J. Lloyd Williams
Notary Public



TRANSFER TAX is \$1.00 (Commission expires May 3rd, 1965).

For record AUG 7 1964. n 12-412W

Director: Robert R. Gill, Clerk

THE TITLE GUARANTEE COMPANY

Attention: Recording No. 4-122767-2 5.50

CASE NAME _____
CASE NUMBER 2018-0109-XA
DATE 12-6-2017

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

11/1

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

10/30

DEPS
(if not received, date e-mail sent _____)

no comment

FIRE DEPARTMENT

11/13

PLANNING
(if not received, date e-mail sent _____)no objection
w/conds.

10/26

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/16/17

SIGN POSTING

Date:

11/16/17

by SSG BICK

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

DELAWARE*
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
MICHIGAN
NEW YORK
PENNSYLVANIA
VIRGINIA

WWW.WTPLAW.COM
(800) 987-8705

July 27, 2018

Via Hand Delivery

W. Carl Richards, Jr.
Zoning Supervisor
Department of Permits, Approvals & Inspections
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: 6612 Baltimore National Pike
Zoning Case No. 2018-0109 XA**

Dear Mr. Richards:

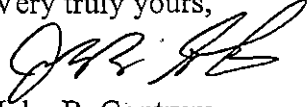
In Zoning Case No. 2018-0109 XA a zoning special exception was granted for the property known as 6612 Baltimore National Pike for a used car lot. A variance also was granted for the parking for such use. The application was based on the usage by a tenant for the building. Unfortunately, that lease never was completed, and the used car use is no longer feasible.

Accordingly, the owners of the property wish to declare the special exception use abandoned and void the relief granted under Section 502.1. Section 502.3 calls for the automatic voiding of special exceptions if not utilized within two years from the date of the final order granting same.

The special exception in this case will not be used within two years and indeed a new use, permitted by right under the existing zoning has been found, and the owners would like to proceed with the new permitted use.

Please enter this letter into the file on this matter declaring the special exception as void at the request of the property owner.

Very truly yours,



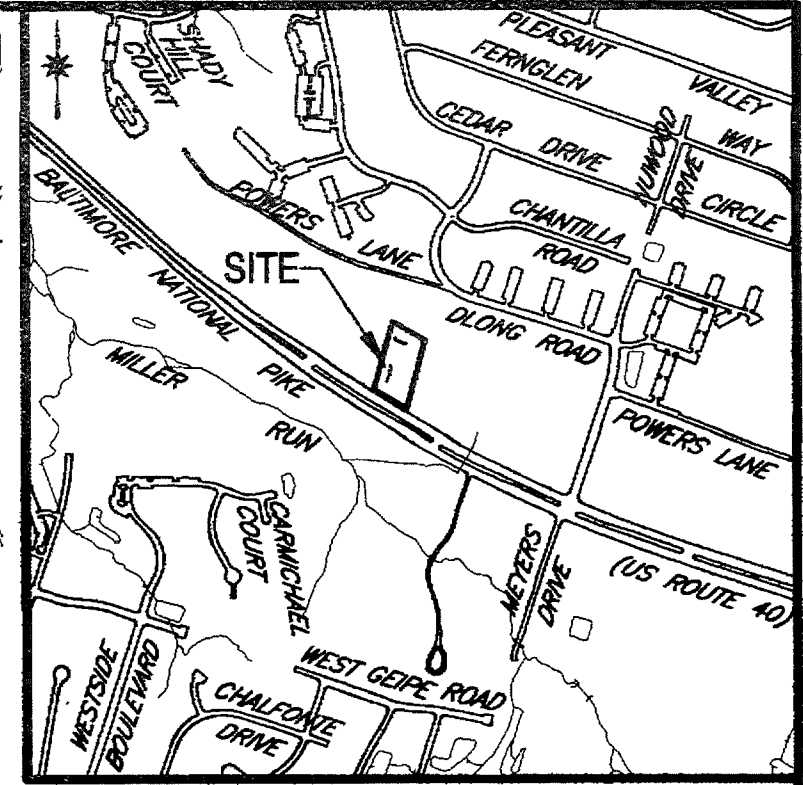
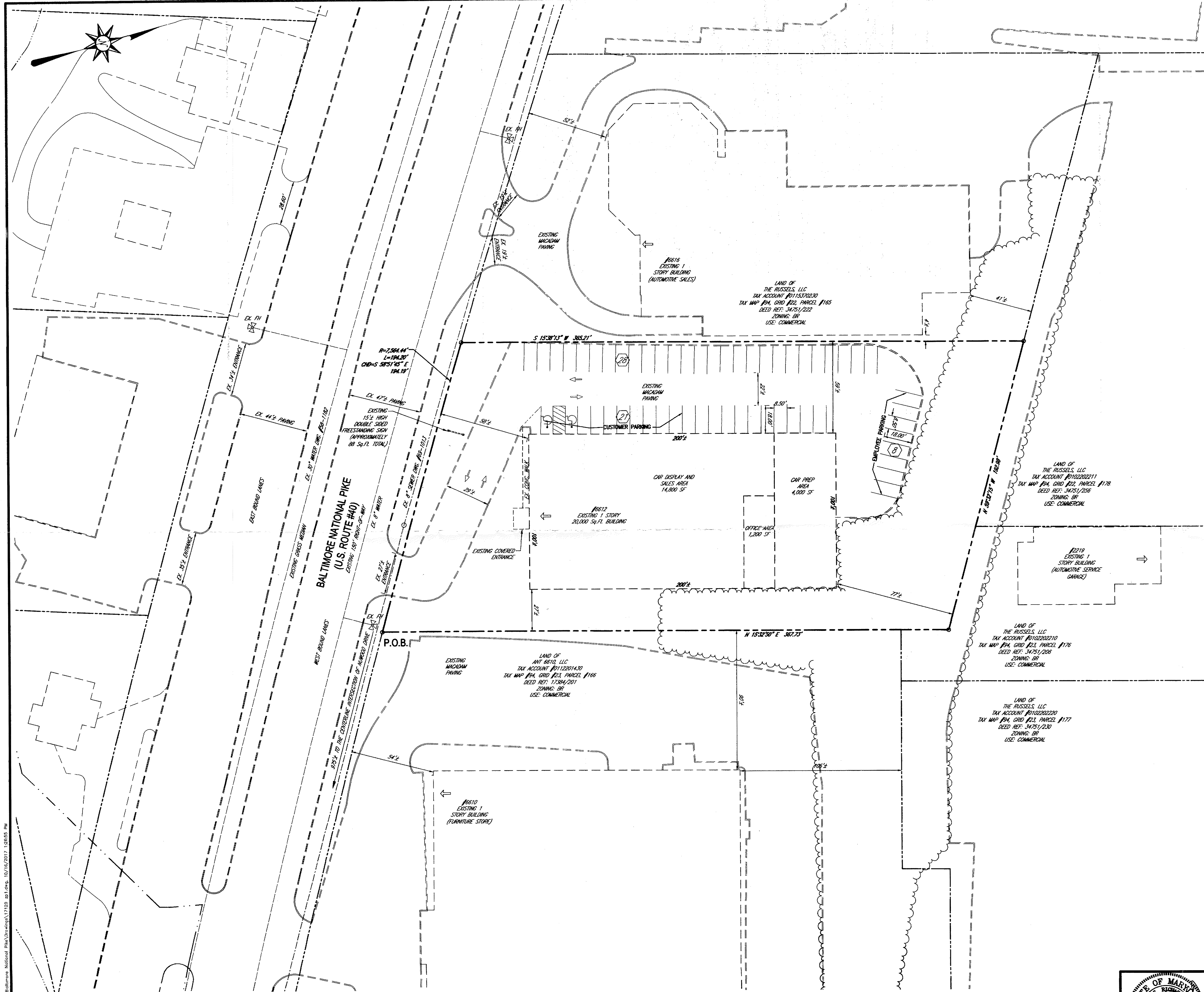
John B. Gontrum

JBG:jg

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 01 Account Number - 0112201904							
Owner Information										
Owner Name:		LEVINE LEONARD LEVINE SHIRLEY E				Use: Principal Residence:		COMMERCIAL NO		
Mailing Address:		P.O. BOX 1176 BROOKLANDVILLE MD 21022-1176				Deed Reference:		/04340/ 00336		
Location & Structure Information										
Premises Address:		6612 BALTO NATL PIKE 0-0000				Legal Description:		NES BALTO NATL PIKE 1.6 AC 3960 W ROLLING RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0094	0022	0224		0000				2018		
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1965		20000				1.6000 AC		18		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE								
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2015		07/01/2017		07/01/2018		
Land:		457,600		457,600						
Improvements		976,000		976,000						
Total:		1,433,600		1,433,600		1,433,600				
Preferential Land:		0								
Transfer Information										
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017			07/01/2018			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00			0.00			
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
LEONARD & SHIRLEY E. LEVINE
P.O. BOX 1176
BROOKLANDVILLE, MD. 21022
- CONTRACT PURCHASER:
- SITE AREA:
GROSS: 74,363 Sq.Ft. or 1.71 Ac.±
NET: 68,537 Sq.Ft. or 1.57 Ac.±
- EXISTING BUILDING AREA: 20,000 Sq.Ft.
- UTILITIES
PUBLIC WATER.
PUBLIC SEPTIC.
- DEED REF: 4340/336
- TAX ACCOUNT: #0112201904
- EXISTING ZONING: BR
(PER 200 SCALE GIS TILE # 094B3 & 094C3)
- TAX MAP #94, GRID #22, PARCEL #224
- PREVIOUS PERMITS:
B191232; REMODEL EXISTING STOREFRONT & REPLACE
ROOF, ISSUED SEPT. 4TH, 1994.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.
- NO FLOODPLAINS EXISTS ON SITE.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS
THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
- TYPE DEFICIENT (Y/N) NOTE
WATER N
SEWER N
TRANSPORTATION N LEVEL D
- PREVIOUS ZONING CASE:
1949-1543-X; SPECIAL PERMIT FOR USE AS A CABIN
CAMP OR TOURIST MOTEL, GRANTED 05-25-1950.
1953-2525-X; SPECIAL PERMIT FOR USE AS TWO
ADVERTISING STRUCTURES, GRANTED 04-24-1953.
- FLOOR AREA RATIO (FAR)
MAX. PERMITTED: 2.0
PROVIDED: 20,000/74,363 = 0.27
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE
BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR BR ZONE
- TYPE REQUIRED PROVIDED
FRONT 50' 58'±
SIDE 30' 25'±
REAR 30' 77'±
- USE
EXISTING: FURNITURE STORE
PROPOSED: USED CAR SALES
- PARKING
REQUIRED: 14,800 SQ.FT. @ 5/1000 SQ.FT. SALES
AREA = 74 SPACES
5,200 SQ.FT. @ 3.3/1000 SQ.FT. OFFICE/CAR PREP
AREA = 18 SPACES
TOTAL REQUIRED = 92 SPACES
PROVIDED: 20 SPACES (2 H.C., 18 STANDARD) FOR
EMPLOYEES AND CUSTOMERS
PLUS 37 SPACES FOR OUTDOOR INVENTORY AND
DISPLAY

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

NATIONAL MOTORS
6612 BALTIMORE NATIONAL PIKE
(U.S. ROUTE #40)
BALTIMORE, MARYLAND 21228

BALTIMORE COUNTY
1ST ELECTION DISTRICT

MARYLAND
1ST COUNCILMANIC DISTRICT

PETITIONER'S

EXHIBIT NO. 1

REVISION:

CND

DATE: 10-03-17

CHECKED BY:

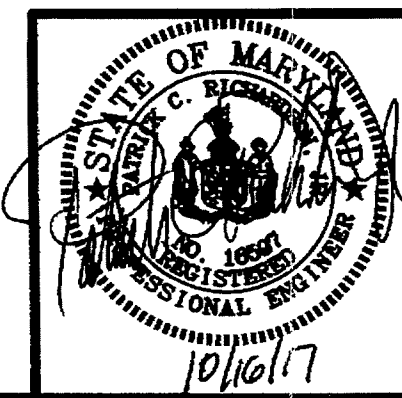
PCR

JOB NO.: 17120

SCALE:

1" = 20'

SHEET NO.: 1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019